

115TH CONGRESS
1ST SESSION

H. R. 1132

To amend title 5, United States Code, to provide for a 2-year prohibition on employment in a career civil service position for any former political appointee, and for other purposes.

IN THE HOUSE OF REPRESENTATIVES

FEBRUARY 16, 2017

Mr. BUCK (for himself, Mr. TED LIEU of California, and Mr. POLIS) introduced the following bill; which was referred to the Committee on Oversight and Government Reform

A BILL

To amend title 5, United States Code, to provide for a 2-year prohibition on employment in a career civil service position for any former 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. SHORT TITLE.**

4 This Act may be cited as the “Political Appointee
5 Burrowing Prevention Act”.

1 **SEC. 2. TEMPORARY PROHIBITION ON EMPLOYMENT OF**
2 **POLITICAL APPOINTEES IN CAREER CIVIL**
3 **SERVICE POSITIONS.**

4 (a) IN GENERAL.—Subchapter I of chapter 31 of title
5 5, United States Code, is amended by adding at the end
6 the following:

7 **“§ 3115. Employment of former political appointees;**
8 **restrictions**

9 “(a) A political appointee employed in a political posi-
10 tion in the civil service may not be appointed to a career
11 position in the civil service during the period of 2 years
12 immediately following the date the individual separates
13 from such political position.

14 “(b) Subsection (a) shall not apply to a political ap-
15 pointee who has not personally and substantially partici-
16 pated in any particular matter while employed in a polit-
17 ical position.

18 “(c) In this section—

19 “(1) the term ‘political appointee’ has the
20 meaning given the term in section 3101(a);

21 “(2) the term ‘political position’ means—

22 “(A) a position which has been excepted
23 from the competitive service by reason of its
24 confidential, policy-determining, policy-making,
25 or policy-advocating character;

1 “(B) a position described under sections
2 5312 through 5316 of title 5, United States
3 Code (relating to the Executive Schedule); or

4 “(C) a position in the Senior Executive
5 Service as a limited term appointee, limited
6 emergency appointee, or noncareer appointee
7 (as those terms are defined in paragraphs (5),
8 (6), and (7), respectively, of section 3132(a));

9 “(3) the term ‘career position’ means—

10 “(A) a position in the competitive service;

11 or

12 “(B) a position in the Senior Executive
13 Service as a career appointee (as that term is
14 defined in section 3132(a)(4));

15 “(4) the term ‘participated’ means an action
16 taken as an officer or employee through decision, ap-
17 proval, disapproval, recommendation, the rendering
18 of advice, investigation, or other such action; and

19 “(5) the term ‘particular matter’ includes any
20 investigation, application, request for a ruling or de-
21 termination, rulemaking, contract, controversy,
22 claim, charge, accusation, arrest, or judicial or other
23 proceeding.”.

24 (b) CLERICAL AMENDMENT.—The table of sections
25 of chapter 31 of title 5, United States Code, is amended

1 by adding after the item relating to section 3114 the fol-
2 lowing:

“3115. Employment of former political appointees; restrictions.”.

3 (c) APPLICATION.—The amendment made by sub-
4 section (a) shall apply to any individual who separates
5 from a political position (as that term is defined in section
6 3115 of title 5, United States Code, as added by such sub-
7 section) after the date of enactment of this Act.

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