

119TH CONGRESS
1ST SESSION

H. R. 492

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

IN THE HOUSE OF REPRESENTATIVES

JANUARY 16, 2025

Mr. CONNOLLY (for himself, Mr. FITZPATRICK, Mr. MFUME, and Mr. BACON)
introduced the following bill; which was referred to the Committee on
Oversight and Government Reform

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-

cepted service a total number of employees that is more than one percent of the total number of employees at such agency as of the first day of such term, or five employees, whichever is greater.

(4) EMPLOYEE CONSENT REQUIRED.—Notwithstanding 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.

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

(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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