

105TH CONGRESS
1ST SESSION

H. R. 1874

To amend title 5, United States Code, to provide that an individual serving in a position in the competitive or excepted service, under an indefinite or temporary appointment, who performs at least 2 years of service in such a position within a 5-year period, and who passes a suitable noncompetitive examination, shall be granted competitive status for purposes of transfer or reassignment.

IN THE HOUSE OF REPRESENTATIVES

JUNE 12, 1997

Mr. KANJORSKI (for himself, Mr. BONIOR, Mr. MCGOVERN, Mr. JACKSON of Illinois, and Mr. TIERNEY) introduced the following bill; which was referred to the Committee on Government Reform and Oversight

A BILL

To amend title 5, United States Code, to provide that an individual serving in a position in the competitive or excepted service, under an indefinite or temporary appointment, who performs at least 2 years of service in such a position within a 5-year period, and who passes a suitable noncompetitive examination, shall be granted competitive status for purposes of transfer or reassignment.

1 *Be it enacted by the Senate and House of Representa-*
2 *tives of the United States of America in Congress assembled,*

1 **SECTION 1. COMPETITIVE STATUS.**

2 Section 3304 of title 5, United States Code, is
3 amended by redesignating subsection (e) as subsection (f)
4 and by inserting after subsection (d) the following:

5 “(e)(1) Notwithstanding a contrary provision of this
6 title or of the rules and regulations prescribed under this
7 title for the administration of the competitive service, for
8 purposes of appointment to a position in the competitive
9 service, an individual serving in a position in the competi-
10 tive or excepted service, under an indefinite or temporary
11 appointment, acquires a competitive status if such individ-
12 ual—

13 “(A) has completed, without break in service of
14 more than 2 years, a total of at least 2 years of
15 service within the last 5 years (taking into account
16 only service performed in any such position or posi-
17 tions, under an indefinite or temporary appoint-
18 ment); and

19 “(B) passes a suitable noncompetitive examina-
20 tion.

21 “(2) Nothing in this subsection shall—

22 “(A) affect an individual’s right to have such
23 individual’s appointment converted to a career ap-
24 pointment, without condition, in accordance with
25 section 3304a(a), if otherwise eligible therefor; or

1 “(B) otherwise prevent the application of any
 2 other provision of this subchapter with respect to
 3 such individual.”.

4 **SEC. 2. EFFECTIVE DATE; CREDITABILITY OF PRIOR SERV-**
 5 **ICE.**

6 (a) **EFFECTIVE DATE.**—This Act and the amend-
 7 ments made by this Act shall take effect as of the date
 8 of the enactment of this Act.

9 (b) **CREDITABILITY OF PRIOR SERVICE.**—(1) For the
 10 purpose of the amendments made by this Act, service per-
 11 formed before the effective date of this Act may be taken
 12 into account if, or to the extent that, such service was
 13 performed within the 5-year period ending on such effec-
 14 tive date.

15 (2) In the case of an individual who satisfies the serv-
 16 ice requirement under section 3304(e) of title 5, United
 17 States Code (as amended by this Act) based solely on serv-
 18 ice which is creditable by virtue of paragraph (1), competi-
 19 tive status under such section 3304(e) (based solely on
 20 such service) shall be retained for the greater of—

21 (A) the period of time allowable under such sec-
 22 tion 3304(e); or

23 (B) the 1-year period beginning on the effective
 24 date of this Act.

○