

103<sup>D</sup> CONGRESS  
1<sup>ST</sup> SESSION

# H. R. 853

To amend title 5, United States Code, to provide that career positions in the Senior Executive Service may not be filled, during the period between the date of a presidential election and the next Inauguration Day thereafter, by any current or recently separated political appointee, and for other purposes.

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## IN THE HOUSE OF REPRESENTATIVES

FEBRUARY 4, 1993

Mr. MORAN (for himself and Mr. McCLOSKEY) introduced the following bill; which was referred to the Committee on Post Office and Civil Service

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## A BILL

To amend title 5, United States Code, to provide that career positions in the Senior Executive Service may not be filled, during the period between the date of a presidential election and the next Inauguration Day thereafter, by any current or recently separated 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. RESTRICTIONS.**

4 (a) APPOINTMENTS.—Section 3393 of title 5, United  
5 States Code, is amended by adding at the end the follow-  
6 ing:

1 “(h) An individual may not, during the period begin-  
2 ning on the date of a presidential election and ending on  
3 the next Inauguration Day thereafter, be appointed to a  
4 career reserved position if, within the 1-month period im-  
5 mediately preceding the date of the proposed appointment,  
6 such individual served for any length of time as a political  
7 appointee.”.

8 (b) TRANSFERS AND REASSIGNMENTS.—Section  
9 3395 of title 5, United States Code, is amended by adding  
10 at the end the following:

11 “(f)(1) A career appointee may not, during the period  
12 beginning on the date of a presidential election and ending  
13 on the next Inauguration Day thereafter, be involuntarily  
14 transferred or involuntarily reassigned.

15 “(2) An individual may not, during any period de-  
16 scribed in paragraph (1), be transferred or reassigned to  
17 a career reserved position from any position which such  
18 individual held as a political appointee.”.

19 **SEC. 2. DEFINITIONS.**

20 Section 3391 of title 5, United States Code, is  
21 amended to read as follows:

22 **“§ 3391. Definitions**

23 “For the purpose of this subchapter—

24 “(1) the terms ‘agency’, ‘Senior Executive Serv-  
25 ice position’, ‘senior executive’, ‘career appointee’,

1 'limited term appointee', 'limited emergency ap-  
2 pointee', 'noncareer appointee', and 'general posi-  
3 tion' have the meanings set forth in section 3132(a);

4 "(2) the term 'political appointee' means an  
5 employee within the Executive branch who holds—

6 "(A) a position, appointment to which is  
7 made by and with the advice and consent of the  
8 Senate;

9 "(B) a civil service position that has been  
10 excepted from the competitive service on the  
11 basis of its confidential, policy-determining, pol-  
12 icy-making, or policy-advocating character; or

13 "(C) any Senior Executive Service position  
14 that is not a career reserved position;

15 "(3) the term 'presidential election' means an  
16 election of presidential and vice-presidential electors;  
17 and

18 "(4) the term 'Inauguration Day' has the  
19 meaning set forth in section 6103(c).".

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