

116TH CONGRESS
2D SESSION

H. R. 8687

To nullify the Executive Order entitled “Executive Order on Creating Schedule F In The Excepted Service”, and for other purposes.

IN THE HOUSE OF REPRESENTATIVES

OCTOBER 27, 2020

Mr. CONNOLLY (for himself, Mrs. CAROLYN B. MALONEY of New York, and Mr. HOYER) introduced the following bill; which was referred to the Committee on Oversight and Reform

A BILL

To nullify the Executive Order entitled “Executive Order on Creating Schedule F In 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. NULLIFICATION OF EXECUTIVE ORDER REGARDING**
2 **SCHEDULE F AND LIMITATIONS ON CONVER-**
3 **SIONS OF COMPETITIVE SERVICE POSITIONS**
4 **TO EXCEPTED SERVICE POSITIONS.**

5 (a) RESCISSION.—

6 (1) IN GENERAL.—The provisions of the Execu-
7 tive Order entitled “Executive Order on Creating
8 Schedule F In The Excepted Service”, issued on Oc-
9 tober 21, 2020, are rescinded and shall have no
10 force or effect.

11 (2) EFFECTIVE DATE.—This subsection shall
12 take effect as if enacted on October 21, 2020.

13 (b) LIMITATION ON FUNDS.—No Federal funds may
14 be used to implement, administer, or otherwise carry out
15 the Executive Order described in subsection (a)(1), or any
16 successor Executive Order or regulation.

17 (c) CONVERSIONS.—

18 (1) PROHIBITION.—Notwithstanding any other
19 law, rule, or regulation, and except as provided in
20 paragraph (2)—

21 (A) a position in the competitive service
22 may not be converted to a position in the ex-
23 cepted service; and

24 (B) an individual serving in an appoint-
25 ment in the competitive service may not be con-

1 verted to an appointment in the excepted serv-
2 ice.

3 (2) CONVERSIONS REVERSED.—Notwith-
4 standing paragraph (1)—

5 (A) any position in the competitive service
6 that was converted to a position in the excepted
7 service under the Executive Order described in
8 subsection (a)(1) during the period beginning
9 on October 21, 2020, and ending on the date
10 of enactment of this Act shall be converted to
11 a position in the competitive service; and

12 (B) any individual serving in an appoint-
13 ment in the competitive service who was con-
14 verted to an appointment in the excepted serv-
15 ice under such Executive Order during such pe-
16 riod shall be converted to an appointment in the
17 competitive service.

18 (3) COMPETITIVE STATUS.—An individual non-
19 competitively appointed to a position under schedule
20 F (established under the Executive Order described
21 in subsection (a)(1)) may not acquire competitive
22 status under any conversion carried out under this
23 subsection.

24 (d) REINSTATEMENT.—Any individual occupying a
25 position that was converted from the competitive service

1 to the excepted service under the Executive Order de-
2 scribed in subsection (a)(1), and any individual whose ap-
3 pointment was converted from the competitive service to
4 the excepted service under such Executive Order, who was
5 involuntary removed from the civil service during the pe-
6 riod beginning on October 21, 2020, and ending on the
7 date of enactment of this Act shall be appointed by rein-
8 statement with backpay in accordance with section 5596
9 of title 5, United States Code.

10 (e) DEFINITIONS.—In this section, the terms “civil
11 service”, “competitive service”, and “excepted service”
12 have the meaning given those terms in sections 2101(1),
13 2102, and 2103, respectively, of title 5, United States
14 Code.

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