

## 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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