

104<sup>TH</sup> CONGRESS  
1<sup>ST</sup> SESSION

# H. R. 294

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.

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## IN THE HOUSE OF REPRESENTATIVES

JANUARY 4, 1995

Mr. KANJORSKI introduced the following bill; which was referred to the Committee on Government Reform and Oversight

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## 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.

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