

119TH CONGRESS
1ST SESSION

H. R. 697

To establish Schedule Policy/Career (commonly referred to as “Schedule F”) in the excepted service, and for other purposes.

IN THE HOUSE OF REPRESENTATIVES

JANUARY 23, 2025

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

A BILL

To establish Schedule Policy/Career (commonly referred to as “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 “Enabling Necessary
5 Discipline with the Defense of Executives’ Endeavors to
6 Properly Staff Their Agencies with Trustworthy Employ-
7 ees Act” or the “End the Deep State Act”.

8 **SEC. 2. SENSE OF CONGRESS.**

9 It is the sense of Congress that—

1 (1) accountability is essential for all Federal
2 employees;

3 (2) any power these Federal employees have is
4 delegated by the President, and they must be ac-
5 countable to the President, who is the only member
6 of the executive branch, other than the Vice Presi-
7 dent, elected and directly accountable to the Amer-
8 ican people; and

9 (3) the President and his appointees must be
10 able to rely on men and women in the Federal serv-
11 ice employed in positions of a confidential, policy-de-
12 termining, policy-making, or policy-advocating char-
13 acter.

14 **SEC. 3. DEFINITION.**

15 In this Act, the phrase “normally subject to change
16 as a result of a Presidential transition” refers to positions
17 whose occupants are, as a matter of practice, expected to
18 resign upon a Presidential transition and includes all posi-
19 tions whose appointment requires the assent of the White
20 House Office of Presidential Personnel.

21 **SEC. 4. EXCEPTED SERVICE.**

22 Appointments of individuals to positions of a con-
23 fidential, policy-determining, policy-making, or policy-ad-
24 vocating character that are not normally subject to change
25 as a result of a Presidential transition shall be made under

1 Schedule Policy/Career of the excepted service, as estab-
2 lished by section 5 of this Act.

3 **SEC. 5. SCHEDULE POLICY/CAREER OF THE EXCEPTED**
4 **SERVICE.**

5 (a) IN GENERAL.—The Office of Personnel Manage-
6 ment (in this Act referred to as “OPM”) shall list posi-
7 tions that it excepts from the competitive service in Sched-
8 ules A, B, C, D, E, and Policy/Career, as follows:

9 (1) SCHEDULE A.—Positions other than those
10 of a confidential or policy-determining character for
11 which it is not practicable to examine shall be listed
12 in Schedule A.

13 (2) SCHEDULE B.—Positions other than those
14 of a confidential or policy-determining character for
15 which it is not practicable to hold a competitive ex-
16 amination shall be listed in Schedule B. Appoint-
17 ments to these positions shall be subject to such
18 noncompetitive examination as may be prescribed by
19 OPM.

20 (3) SCHEDULE C.—Positions of a confidential
21 or policy-determining character normally subject to
22 change as a result of a Presidential transition shall
23 be listed in Schedule C.

24 (4) SCHEDULE D.—Positions other than those
25 of a confidential or policy-determining character for

1 which the competitive service requirements make im-
2 practicable the adequate recruitment of sufficient
3 numbers of students attending qualifying edu-
4 cational institutions or individuals who have recently
5 completed qualifying educational programs. These
6 positions, which are temporarily placed in the ex-
7 cepted service to enable more effective recruitment
8 from all segments of society by using means of re-
9 cruiting and assessing candidates that diverge from
10 the rules generally applicable to the competitive serv-
11 ice, shall be listed in Schedule D.

12 (5) SCHEDULE E.—Position of administrative
13 law judge appointed under section 3105 of title 5,
14 United States Code. Conditions of good administra-
15 tion warrant that the position of administrative law
16 judge be placed in the excepted service and that ap-
17 pointment to this position not be subject to the re-
18 quirements of part 302 of title 5, Code of Federal
19 Regulations, including examination and rating re-
20 quirements, though each agency shall follow the
21 principle of veteran preference as far as administra-
22 tively feasible.

23 (6) SCHEDULE POLICY/CAREER.—Career posi-
24 tions of a confidential, policy-determining, policy-
25 making, or policy-advocating character not normally

1 subject to change as a result of a Presidential tran-
2 sition shall be listed in Schedule Policy/Career. In
3 appointing an individual to a position in Schedule
4 Policy/Career, each agency shall follow the principle
5 of veteran preference as far as administratively fea-
6 sible.

7 (b) EXCEPTION.—Except as required by statute, the
8 Civil Service Rules and Regulations shall not apply to re-
9 movals from positions listed in Schedules A, C, D, E, or
10 Policy/Career, or from positions excepted from the com-
11 petitive service by statute. The Civil Service Rules and
12 Regulations shall apply to removals from positions listed
13 in Schedule B of persons who have competitive status.

14 (c) OPM.—The Director of the Office of Personnel
15 Management (in this Act referred to as the “Director”)
16 shall, not later than January 19, 2029—

17 (1) adopt such regulations as the Director de-
18 termines may be necessary to implement this Act in-
19 cluding, as appropriate, providing for the application
20 of Civil Service Rule 6.3(a) (as amended on the date
21 of the enactment of this Act) to Schedule Policy/Ca-
22 reer positions and amendments to or rescissions of
23 regulations that are inconsistent with, or that would
24 impede the implementation of, this Act, giving par-
25 ticular attention to subpart D of part 212, subparts

1 A and C of part 213, and section 302.101 of title
2 5, Code of Federal Regulations; and

3 (2) provide guidance on conducting a swift, or-
4 derly transition from existing appointment processes
5 to the Schedule Policy/Career process established by
6 this Act.

7 **SEC. 6. AGENCY ACTIONS.**

8 (a) IN GENERAL.—Each head of an executive agency
9 (as that term is defined in section 105 of title 5, United
10 States Code, but excluding the Government Accountability
11 Office) shall conduct, by April 20, 2025, a preliminary re-
12 view of agency positions covered by subchapter II of chap-
13 ter 75 of such title 5, and shall conduct a complete review
14 of such positions by August 18, 2025. Thereafter, each
15 agency head shall conduct a review of agency positions
16 covered by such subchapter II on at least an annual basis.
17 Following such reviews each agency head shall—

18 (1) for positions not excepted from the competi-
19 tive service by statute, petition the Director to rec-
20 ommend that the President place in Schedule Policy/
21 Career any such competitive service, Schedule A,
22 Schedule B, or Schedule D positions within the
23 agency that the agency head determines to be of a
24 confidential, policy-determining, policy-making, or
25 policy-advocating character and that are not nor-

1 mally subject to change as a result of a Presidential
2 transition. Any such petition shall include a written
3 explanation documenting the basis for the agency
4 head's determination that such position should be
5 placed in Schedule Policy/Career; and

6 (2) for positions excepted from the competitive
7 service by statute, determine which such positions
8 are of a confidential, policy-determining, policy-mak-
9 ing, or policy-advocating character and are not nor-
10 mally subject to change as a result of a Presidential
11 transition.

12 (b) PUBLICATION.—The determination under sub-
13 section (a)(2) shall be published by the applicable agency
14 head in the Federal Register. Such positions shall be con-
15 sidered Schedule Policy/Career positions for the purposes
16 of agency actions under sections 6(e) and 7 of this Act.

17 (c) APPLICATION.—The requirements of subsection
18 (a) shall apply to currently existing positions and newly
19 created positions.

20 (d) REQUIREMENTS.—When conducting the review
21 required by subsection (a), each agency head should give
22 particular consideration to the appropriateness of either
23 petitioning the Director to place in Schedule Policy/Career
24 or including in the determination published in the Federal

1 Register, as applicable, positions whose duties include the
2 following:

3 (1) Substantive participation in the advocacy
4 for or development or formulation of policy, espe-
5 cially—

6 (A) substantive participation in the devel-
7 opment or drafting of regulations and guidance;
8 or

9 (B) substantive policy-related work in an
10 agency or agency component that primarily fo-
11 cuses on policy.

12 (2) The supervision of attorneys.

13 (3) Substantial discretion to determine the
14 manner in which the agency exercises functions com-
15 mitted to the agency by law.

16 (4) Viewing, circulating, or otherwise working
17 with proposed regulations, guidance, Executive or-
18 ders, or other non-public policy proposals or delib-
19 erations generally covered by deliberative process
20 privilege and either—

21 (A) directly reporting to or regularly work-
22 ing with an individual appointed by either the
23 President or an agency head who is paid at a
24 rate not less than that earned by employees at
25 Grade 13 of the General Schedule; or

1 (B) working in the agency or agency com-
2 ponent executive secretariat (or equivalent).

3 (5) Conducting, on the agency's behalf, collec-
4 tive bargaining negotiations under chapter 71 of title
5 5, United States Code.

6 (6) Directly or indirectly supervising employees
7 in Schedule Policy/Career positions.

8 (7) Duties that the Director otherwise indicates
9 may be appropriate for inclusion in Schedule Policy/
10 Career.

11 (e) RECOMMENDATION.—The Director shall prompt-
12 ly recommend to the President which positions should be
13 placed in Schedule Policy/Career.

14 (f) COLLECTIVE BARGAINING.—Each agency head
15 shall, as necessary and appropriate, expeditiously petition
16 the Federal Labor Relations Authority to determine
17 whether any Schedule Policy/Career position must be ex-
18 cluded from a collective bargaining unit under section
19 7112(b) of title 5, United States Code, paying particular
20 attention to the question of whether incumbents in such
21 positions are required or authorized to formulate, deter-
22 mine, or influence the policies of the agency.

23 **SEC. 7. PROHIBITED PERSONNEL PRACTICES PROHIBITED.**

24 (a) IN GENERAL.—Agencies shall establish rules to
25 prohibit the personnel practices prohibited by section

1 2302(b) of title 5, United States Code, with respect to
2 any employee or applicant for employment in Schedule
3 Policy/Career of the excepted service.

4 (b) REQUIREMENTS.—Employees in or applicants for
5 Schedule Policy/Career positions are not required to per-
6 sonally or politically support the current President or the
7 policies of the current administration. They are required
8 to faithfully implement administration policies to the best
9 of their ability, consistent with their constitutional oath
10 and the vesting of executive authority solely in the Presi-
11 dent. Failure to do so is grounds for dismissal.

12 **SEC. 8. CONFORMING REGULATORY CHANGES.**

13 The Director shall promptly amend the Civil Service
14 Regulations to rescind all changes made by the final rule
15 of April 9, 2024, “Upholding Civil Service Protections and
16 Merit System Principles,” 89 Fed. Reg. 24982, that im-
17 pede the purposes of or would otherwise affect the imple-
18 mentation of Executive Order 13957. Until such rescis-
19 sions are effectuated (including the resolution of any judi-
20 cial review), subpart F of part 302, section 210.102(b)(3),
21 and section 210.102(b)(4) of title 5, Code of Federal Reg-
22 ulations, shall be held inoperative and without effect.

23 **SEC. 9. ADDITIONAL POSITIONS FOR CONSIDERATION.**

24 Not later than 30 days after the date of the enact-
25 ment of this Act, the Director shall, after consultation

1 with the Executive Office of the President, issue guidance
2 about additional categories of positions that executive de-
3 partments and agencies should consider recommending for
4 Schedule Policy/Career.

5 **SEC. 10. REVOCATION.**

6 Executive Order 14003 of January 22, 2021 (Pro-
7 tecting the Federal Workforce), shall have no force or ef-
8 fect, and any rules, regulations, guidance, or other agency
9 policies effectuated under Executive Order 14003 shall not
10 be enforced. The heads of each executive department and
11 agency shall review and identify existing agency actions
12 relating to or arising under section 3(e)(v) and 3(f) of Ex-
13 ecutive Order 14003 (relating to suspending, revising, or
14 rescinding revisions to discipline and unacceptable per-
15 formance policies) and, as soon as practicable, suspend,
16 revise, or rescind such actions identified in the review.

17 **SEC. 11. GENERAL PROVISIONS.**

18 (a) SEVERABILITY.—If any provision of this Act, or
19 the application of any provision to any person or cir-
20 cumstances, is held to be invalid, the remainder of this
21 Act and the application of any of its other provisions to
22 any other persons or circumstances shall not be affected
23 thereby.

1 (b) APPLICATION.—Nothing in this Act shall be con-
2 strued to limit or narrow the positions that are or may
3 be listed in Schedule C.

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