

113TH CONGRESS
1ST SESSION

S. 1809

To amend chapter 77 of title 5, United States Code, to clarify certain due process rights of Federal employees serving in sensitive positions, and for other purposes.

IN THE SENATE OF THE UNITED STATES

DECEMBER 12 (legislative day, DECEMBER 11), 2013

Mr. TESTER (for himself, Mr. GRASSLEY, and Mrs. McCASKILL) introduced the following bill; which was read twice and referred to the Committee on Homeland Security and Governmental Affairs

A BILL

To amend chapter 77 of title 5, United States Code, to clarify certain due process rights of Federal employees serving in sensitive positions, 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. AMENDMENTS.**

4 Section 7701 of title 5, United States Code, is
5 amended—

6 (1) by redesignating subsection (k) as sub-
7 section (l); and

8 (2) by inserting after subsection (j) the fol-
9 lowing:

1 “(k)(1) The Board has authority to review on the
2 merits an appeal by an employee or applicant for employ-
3 ment of an action arising from a determination that the
4 employee or applicant for employment is ineligible for a
5 sensitive position if—

6 “(A) the sensitive position does not require a
7 security clearance or access to classified information;
8 and

9 “(B) such action is otherwise appealable.

10 “(2) In this subsection, the term ‘sensitive position’
11 means a position designated as a sensitive position under
12 Executive Order 10450 (5 U.S.C. 7311 note), or any suc-
13 cessor thereto.”.

14 **SEC. 2. EFFECTIVE DATE.**

15 The amendments made by this Act shall apply to any
16 appeal that is pending on, or commenced on or after, the
17 date of enactment of this Act.

○