

119TH CONGRESS
1ST SESSION

H. R. 5724

To amend chapter 77 of title 5, United States Code, to ensure timely rulings by the Merit Systems Protection Board on appeals by Federal employees and applicants for employment.

IN THE HOUSE OF REPRESENTATIVES

OCTOBER 8, 2025

Mr. WALKINSHAW (for himself, Mr. LYNCH, Ms. NORTON, Mrs. CHERFILUS-McCORMICK, Mr. VINDMAN, Mr. SUBRAMANYAM, Ms. McCLELLAN, Ms. ELFRETH, Mr. THANEDAR, Mr. HOYER, Mr. JOHNSON of Georgia, Mr. LANDSMAN, Ms. STANSBURY, Mr. KENNEDY of New York, Ms. WASSERMAN SCHULTZ, Ms. STEVENS, and Ms. TITUS) introduced the following bill; which was referred to the Committee on Oversight and Government Reform, and in addition to the Committee on the Judiciary, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned

A BILL

To amend chapter 77 of title 5, United States Code, to ensure timely rulings by the Merit Systems Protection Board on appeals by Federal employees and applicants for employment.

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. SHORT TITLE.**

2 This Act may be cited as the “Fair Access to Swift
3 and Timely Justice Act” or the “FAST Justice Act”.

4 **SEC. 2. TIMELINESS OF MSPB APPEALS.**

5 (a) IN GENERAL.—Section 7701 of title 5, United
6 States Code, is amended—

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

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

11 “(k) UNTIMELY ACTION BY MSPB.—

12 “(1) IN GENERAL.—On and after the date that
13 is 120 days after the date on which an employee or
14 applicant for employment files an appeal under this
15 section, other than an appeal of a case that is sub-
16 ject to section 7702, if the Merit Systems Protection
17 Board has not taken an action with respect to the
18 appeal that is subject to judicial review, the em-
19 ployee or applicant shall be entitled to file a civil ac-
20 tion with respect to the personnel action that is the
21 subject of the appeal.

22 “(2) FILING.—

23 “(A) IN GENERAL.—An employee or appli-
24 cant may bring a civil action under paragraph
25 (1) in a district court of the United States
26 for—

1 “(i) any judicial district in which a
2 personnel action that is a subject of the
3 civil action is alleged to have occurred; or

4 “(ii) the judicial district in which the
5 employee or applicant would have been em-
6 ployed, but for a personnel action that is
7 a subject of the civil action.

8 “(B) WHERE PRINCIPAL OFFICE IS LO-
9 CATED.—If the respondent for a civil action
10 under paragraph (1) is not subject to personal
11 jurisdiction in any judicial district described in
12 subparagraph (A), the civil action may be
13 brought in a district court of the United States
14 for the judicial district in which the principal
15 office of the respondent is located.

16 “(3) STANDARDS FOR JUDICIAL REVIEW.—In a
17 civil action under paragraph (1), the court—

18 “(A) shall apply the standard of review
19 under section 7703(c) only with respect to an
20 order or decision of the Merit Systems Protec-
21 tion Board; and

22 “(B) in making any other determination,
23 shall apply the same standard of review that
24 would have applied to the review of the per-

1 sonnel action at issue by the Merit Systems
2 Protection Board.

3 “(4) APPEAL OF DISTRICT COURT DETERMINA-
4 TION.—An appeal from an order or decision of the
5 district court in a civil action under paragraph (1)
6 shall, in accordance with section 1291 of title 28, be
7 filed with the court of appeals of the United States
8 for the judicial district in which the district court is
9 located.

10 “(5) STAY.—If an employee or applicant for
11 employment brings a civil action in accordance with
12 paragraph (1) with respect to a personnel action, the
13 Merit Systems Protection Board—

14 “(A) shall stay the appeal relating to the
15 personnel action upon the filing of the civil ac-
16 tion; and

17 “(B) if the civil action is dismissed for lack
18 of jurisdiction, shall resume processing the ap-
19 peal.”.

20 (b) RULE OF CONSTRUCTION.—Nothing in the
21 amendments made by subsection (a) shall be construed to
22 limit the ability of an employee or applicant for employ-
23 ment to obtain judicial review of an order or decision of

1 the Merit Systems Protection Board in accordance with
2 section 7703 of title 5, United States Code.

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