

113TH CONGRESS  
1ST SESSION

# H. R. 3278

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.

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## IN THE HOUSE OF REPRESENTATIVES

OCTOBER 8, 2013

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

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## 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) An employee or applicant for employment ap-  
2 pealing an action arising from a determination of ineligi-  
3 bility for a sensitive position may not be denied Board re-  
4 view of the merits of such determination if—

5               “(A) the position is not one that requires a se-  
6 curity clearance or access to classified information;  
7 and

8               “(B) such action is otherwise appealable.

9       “(2) For purposes of this subsection, the term ‘sen-  
10 sitive position’ means any position so designated pursuant  
11 to Executive Order 10450 (5 U.S.C. 7311 note) or, if su-  
12 perseded, a successor Executive order.”.

13 **SEC. 2. EFFECTIVE DATE.**

14       The amendments made by this Act shall apply to all  
15 appeals, without exception, that are pending on, or com-  
16 menced on or after, the date of the enactment of this Act.

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