

115TH CONGRESS
2D SESSION

H. R. 5355

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 HOUSE OF REPRESENTATIVES

MARCH 20, 2018

Ms. NORTON (for herself, Mr. CARSON of Indiana, and Mr. WITTMAN) introduced the following bill; which was referred to the Committee on Oversight and Government Reform

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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