

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.

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## 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

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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) 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.

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