



(Original Signature of Member)

117TH CONGRESS
2D SESSION

H. R. _____

To provide that all Federal employees in the executive branch of Government
are at-will employees, and for other purposes.

IN THE HOUSE OF REPRESENTATIVES

Mr. ROY introduced the following bill; which was referred to the Committee
on _____

A BILL

To provide that all Federal employees in the executive branch
of Government are at-will employees, 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. SHORT TITLE.**

4 This Act may be cited as the “Public Service Reform
5 Act”.

6 **SEC. 2. AT-WILL EMPLOYMENT FOR FEDERAL EXECUTIVE**
7 **BRANCH EMPLOYEES.**

8 (a) AT-WILL EMPLOYMENT.—

1 (1) IN GENERAL.—Notwithstanding any other
2 provision of law, rule, or regulation, and except as
3 provided in paragraph (2), any employee in the execu-
4 tive branch of Government shall be considered at-
5 will, and—

6 (A) may be subject to any adverse per-
7 sonnel action (up to and including removal) for
8 good cause, bad cause, or no cause at all; and

9 (B) may not challenge or otherwise appeal
10 such an action except as provided in subsection
11 (b).

12 (2) LIMITATION.—

13 (A) IN GENERAL.—An employee may not
14 be subject to any adverse personnel action
15 under this Act for any reason prohibited section
16 2302(b) of title 5, United States Code.

17 (B) PROCEDURES.—The President shall
18 establish procedures to enforce compliance with
19 paragraph (1), including providing for discipli-
20 nary measures against any employee who vio-
21 lates such paragraph. Nothing in this subpara-
22 graph shall be construed to grant an employee
23 the right to review or appeal an adverse per-
24 sonnel action outside such procedures.

1 (b) REMOVAL OF CAREER EMPLOYEES.—With re-
2 spect to the removal of a career employee, the following
3 procedures shall apply:

4 (1) Before an agency removes the employee, the
5 agency official authorized to propose such action (in
6 this subsection referred to as the “proposing offi-
7 cial”) shall provide the employee with written notifi-
8 cation of the proposed removal and the reasons
9 therefore. The employee shall have 14 days to pro-
10 vide a written response, except that the agency head
11 or designee shall have sole and exclusive discretion
12 to alter the response period on a case-by-case basis.

13 (2) Under procedures prescribed by the agency
14 head, in the head’s sole and exclusive discretion, an
15 agency official other than the proposing official (in
16 this subsection referred to as the “deciding official”)
17 shall decide whether to remove or retain such career
18 employee. The deciding official shall review the pro-
19 posed removal and employee response under para-
20 graph (1), and may, in their sole and exclusive dis-
21 cretion, conduct a hearing on the matter. After such
22 review or hearing (as the case may be), the deciding
23 official shall determine whether the employee shall
24 be removed.

1 (3) The deciding official's determination under
2 paragraph (2) shall be the agency's final decision
3 unless, within the 7-day period following such deter-
4 mination, the agency head or designee reverses the
5 decision, in which case the agency head's or des-
6 ignee's decision shall be the final agency decision.

7 (4) An agency's final decision under paragraph
8 (3) shall be final and not subject to any appeal or
9 challenge, unless the President overrules the agen-
10 cy's final decision.

11 (c) APPLICATION.—Chapter 43 of title 5, United
12 States Code, shall not apply to any personnel action taken
13 with respect to an employee under this Act.

14 (d) ABOLISHMENT OF MSPB.—On the date of enact-
15 ment of this Act, the Merit Systems Protection Board is
16 hereby abolished. The Chairman of the Board may take
17 such actions as are necessary to dispose of the assets, obli-
18 gations, and liabilities of the Board.

19 (e) TECHNICAL AND CONFORMING AMENDMENTS.—

20 (1) REPEAL.—The following provisions of title
21 5, United States Code, are hereby repealed:

22 (A) Subchapter I of chapter 12.

23 (B) Section 1212(c).

1 (C) Subsections (b)(1), (b)(2)(B) through
2 (D), (b)(3), (b)(4), (c), (g), and (i) of section
3 1214.

4 (D) Sections 1215 and 1221.

5 (E) Section 4303.

6 (F) Chapter 75.

7 (G) Chapter 77.

8 (2) OTHER AMENDMENTS.—Chapter 71 of title
9 5, United States Code, is amended—

10 (A) in section 7103(a)(14), by redesign-
11 ating subparagraphs (B) and (C) as subpara-
12 graphs (C) and (D), respectively, and by insert-
13 ing after subparagraph (A) the following:

14 “(B) relating to adverse personnel actions,
15 as provided by the Public Service Reform Act;”;
16 and

17 (B) in section 7121(c), by amending para-
18 graph (3) to read as follows:

19 “(3) any adverse personnel action under the
20 Public Service Reform Act;”.

21 (f) WHISTLEBLOWER PROTECTIONS.—

22 (1) IN GENERAL.—Within the 14 day period de-
23 scribed in subsection (b)(1), the Office of Special
24 Counsel may make a recommendation to the agency
25 head or deciding official on whether an adverse per-

1 sonnel action taken against an individual was in re-
2 taliation for making a whistleblowing disclosure.

3 (2) APPEAL.—An individual subject to an ad-
4 verse personnel action who claims such action was
5 taken in retaliation described in section 2302(b)(8)
6 or (b)(9) of title 5, United States Code, may appeal
7 such action to the United States court of appeals in
8 the circuit in which the duty station of the individual
9 is located.

10 (3) DECISION.—

11 (A) If such court is finds that the individ-
12 ual's appeal under paragraph (2) is in bad faith
13 or frivolous, the individual's annuity under
14 chapter 83 or 84 of such title shall be reduced
15 by 25 percent.

16 (B) If the individual prevails under an ap-
17 peal under paragraph (2), the individual shall—

18 (i) be placed, as nearly as possible, in
19 the position the individual would have been
20 in had the adverse personnel action not oc-
21 curred; and

22 (ii) be reimbursed for attorney's fees,
23 back pay, and related benefits, medical
24 costs incurred, travel expenses, any other
25 reasonable and foreseeable consequential

1 damages, and compensatory damages (in-
2 cluding interest, reasonable expert witness
3 fees, and costs).

4 (g) EEOC APPEALS.—Notwithstanding any other
5 provision of law, including section 717 of the Civil Rights
6 Act of 1964, an individual who is an employee or applicant
7 to be an employee and who alleges that the individual was
8 subject to an adverse personnel action that is a prohibited
9 personnel action described in section 2302(b)(1) of title
10 5, United States Code, shall seek relief for such action
11 from the Equal Employment Opportunity Commission as
12 if such individual was an employee of an employer (as that
13 term is defined in section 701 of such Act).

14 (h) DEFINITIONS.—In this Act—

15 (1) the term “adverse personnel action” means
16 a removal, a suspension for more than 14 days, a re-
17 duction in grade or a reduction in pay, and a fur-
18 lough of 30 days or less;

19 (2) the term “career employee” means any em-
20 ployee who is not a political employee;

21 (3) the term “employee” has the meaning given
22 that term in section 2105 of title 5, United States
23 Code, and includes—

1 (A) an officer or employee of the United
2 States Postal Service or the Postal Regulatory
3 Commission; and

4 (B) notwithstanding subsection (b) of sec-
5 tion 7425 of title 38, United States Code, any
6 employee described under subsection (a) of such
7 section; and

8 (4) the term “political employee” means any
9 employee who is—

10 (A) appointed by the President;

11 (B) a noncareer appointee (as that term is
12 defined in section 3132(a)(7) of title 5, United
13 States Code) in the Senior Executive Service;

14 (C) occupying a position under schedule C
15 of subpart C of part 213 of title 5, Code of
16 Federal Regulations; or

17 (D) in any other civil service (as that term
18 is defined in section 2101 of title 5, United
19 States Code) position classified as a political
20 position after the date of enactment of this Act
21 under regulations as the Director of the Office
22 of Personnel Management may prescribe.