

116TH CONGRESS
2D SESSION

H. R. 7864

To reauthorize the authority of the Merit Systems Protection Board, and
for other purposes.

IN THE HOUSE OF REPRESENTATIVES

JULY 30, 2020

Mr. CONNOLLY (for himself and Mrs. CAROLYN B. MALONEY of New York)
introduced the following bill; which was referred to the Committee on
Oversight and Reform

A BILL

To reauthorize the authority of the Merit Systems Protection
Board, 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 “Merit Systems Protec-
5 tion Board Empowerment Act of 2020”.

6 **SEC. 2. REAUTHORIZATION OF MERIT SYSTEMS PROTEC-**
7 **TION BOARD.**

8 Section 8(a)(1) of the Whistleblower Protection Act
9 of 1989 (5 U.S.C. 5509 note) is amended by striking

1 “2003, 2004, 2005, 2006, and 2007” and inserting
2 “2021, 2022, 2023, 2024, and 2025”.

3 **SEC. 3. AUTHORIZATION OF FEDERAL EMPLOYEE SURVEYS**
4 **FOR MERIT SYSTEMS STUDIES.**

5 Section 1204(e)(3) of title 5, United States Code, is
6 amended by—

7 (1) striking “(3) In carrying” and inserting
8 “(3)(A) In carrying”; and

9 (2) adding at the end the following:

10 “(B) The Office of Personnel Management and other
11 agencies shall—

12 “(i) provide assistance to the Board to facilitate
13 the conduct by the Board of surveys of employees;
14 and

15 “(ii) upon request, unless otherwise prohibited
16 by law, provide to the Board records and informa-
17 tion concerning applicants for Federal employ-
18 ment.”.

19 **SEC. 4. WHISTLEBLOWER TRAINING FOR MSPB ADMINIS-**
20 **TRATIVE JUDGES.**

21 Section 7701(b)(1) of title 5, United States Code, is
22 amended to read as follows:

23 “(1)(A) The Board may hear any case appealed
24 to it or may refer the case to an administrative law
25 judge appointed under section 3105 or other em-

1 ployee of the Board designated by the Board to hear
2 such cases, except that any case involving—

3 “(i) a removal from the service shall be
4 heard by the Board, an employee experienced in
5 hearing appeals, or an administrative law judge;
6 and

7 “(ii) an alleged prohibited personnel prac-
8 tice in violation of section 2302(b)(8), section
9 2302(b)(9)(A)(i), (B), (C), or (D), or section
10 2302(b)(13) shall be heard by the Board or an
11 administrative law judge or other employee of
12 the Board designated by the Board to hear
13 such cases who has successfully completed
14 training regarding protections afforded by the
15 Whistleblower Protection Act of 1989.

16 “(B) The Board, administrative law judge, or
17 other employee (as the case may be) shall make a
18 decision after receipt of the written representations
19 of the parties to the appeal and after opportunity for
20 a hearing under subsection (a)(1) of this section. A
21 copy of the decision shall be furnished to each party
22 to the appeal and to the Office of Personnel Man-
23 agement.”.

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