

AMENDMENT TO SENATE AMENDMENT TO H.R. 1

OFFERED BY MS. DAVIDS OF KANSAS

At the appropriate place, insert the following:

SEC. __. LIHEAP APPOINTMENT.

(a) IN GENERAL.—Each covered former employee is entitled, in accordance with this section, to an appointment to a position in the LIHEAP Division that is the same or similar to the former position of such covered former employee.

(b) NOTICE AND SELECTION.—

(1) NOTICE.—Not later than 30 day after the date of the enactment of this section, the Secretary shall notify each covered former employee of the rights of covered former employees under this section and the method by which such covered former employee may inform the Secretary of the acceptance or rejection of such an appointment in accordance with paragraph (2).

(2) SELECTION.—

(A) IN GENERAL.—A covered former employee entitled to an appointment under this subsection shall inform the Secretary of the acceptance or rejection of such appointment by such covered former employee not later than 90 days after the date on which such covered former employee receives the notice required by paragraph (1).

(B) FORFEITURE.—A covered former employee entitled to an appointment under this subsection that does not inform the Secretary in accordance with subparagraph (A) shall cease to be entitled to such an appointment.

(c) AGENCY COMPLIANCE.—If a covered former employee accepts an appointment under this section and informs the Secretary of such acceptance in accordance with subsection (b)(2), the Secretary shall make such appointment not later than 30 days after

the date on which such covered former employee informs the Secretary.

(d) LIMITS DISREGARDED.—

(1) COMPETITIVE SERVICE.—An appointment under this section to a position in the competitive service shall be made without regard to the provisions of subchapter I of chapter 33 of title 5, United States Code.

(2) SENIOR EXECUTIVE SERVICE.—An appointment to a position in the senior executive service under this section shall be made without regard to any limit on the number of senior executive service positions in the Department of Health and Human Services.

(e) SEPARATION TREATMENT.—Each covered former employee is deemed to have been involuntarily separated without cause from the former position of such covered former employee.

(f) FUTURE REDUCTIONS IN FORCE.—Notwithstanding any provision of title 5, United States Code, no employee may be involuntarily separated from a position in the LIHEAP division by reason of a reduction in force.

(g) DEFINITIONS.—In this section:

(1) COMPETITIVE SERVICE.—The term “competitive service” has the meaning given such term in section 2102 of title 5, United States Code.

(2) COVERED SEPARATION.—The term “covered separation” means a separation from Government service that is—

(A) an involuntary separation from Government service, other than an involuntary separation for retirement under section 3382 of title 5, United States Code; or

(B) a voluntary separation from Government service for compensation or other incentives offered by the Federal Government.

(3) EXCEPTED SERVICE.—The term “excepted service” has the meaning given such term in section 2103 of title 5, United States Code.

(4) COVERED FORMER EMPLOYEE.—The term “covered former employee” means an individual who—

(A) was voluntarily or involuntarily separated from service in the Department of Health and Human Services as part of a mass termination by such Department during the period beginning on January 20, 2025, and ending on the date of the enactment of this Act; and

(B) immediately prior to such separation held a position in the LIHEAP Division in the competitive service, excepted service, or Senior Executive Service, other than under a temporary appointment.

(5) FORMER POSITION.—The term “former position” means the position in the LIHEAP Division held by the covered former employee immediately before becoming a covered former employee.

(6) LIHEAP DIVISION.—The term “LIHEAP Division” means the Division of Energy Assistance of the Office of Community Services of the Administration for Children and Families of the Department of Health and Human Services.

(7) MASS TERMINATION.—The term “mass termination” means not less than 10 covered separations from service in the LIHEAP Division during a 30-day period pursuant to the same or related actions, directives, orders, or activities by the Federal Government.

(8) SECRETARY.—The term “Secretary” means the Secretary of Health and Human Services.

(9) SENIOR EXECUTIVE SERVICE.—The term “Senior Executive Service” has the meaning given such term in section 2101a of title 5, United States Code.