

AMENDMENT
OFFERED BY MS. DAVIDS OF KANSAS

At the appropriate place, insert the following:

1 **SEC. ____ . LIHEAP APPOINTMENT.**

2 (a) IN GENERAL.—Each covered former employee is
3 entitled, in accordance with this section, to an appoint-
4 ment to a position in the LIHEAP Division that is the
5 same or similar to the former position of such covered
6 former employee.

7 (b) NOTICE AND SELECTION.—

8 (1) NOTICE.—Not later than 30 day after the
9 date of the enactment of this section, the Secretary
10 shall notify each covered former employee of the
11 rights of covered former employees under this sec-
12 tion and the method by which such covered former
13 employee may inform the Secretary of the accept-
14 ance or rejection of such an appointment in accord-
15 ance with paragraph (2).

16 (2) SELECTION.—

17 (A) IN GENERAL.—A covered former em-
18 ployee entitled to an appointment under this
19 subsection shall inform the Secretary of the ac-
20 ceptance or rejection of such appointment by

1 such covered former employee not later than 90
2 days after the date on which such covered
3 former employee receives the notice required by
4 paragraph (1).

5 (B) FORFEITURE.—A covered former em-
6 ployee entitled to an appointment under this
7 subsection that does not inform the Secretary
8 in accordance with subparagraph (A) shall
9 cease to be entitled to such an appointment.

10 (c) AGENCY COMPLIANCE.—If a covered former em-
11 ployee accepts an appointment under this section and in-
12 forms the Secretary of such acceptance in accordance with
13 subsection (b)(2), the Secretary shall make such appoint-
14 ment not later than 30 days after the date on which such
15 covered former employee informs the Secretary.

16 (d) LIMITS DISREGARDED.—

17 (1) COMPETITIVE SERVICE.—An appointment
18 under this section to a position in the competitive
19 service shall be made without regard to the provi-
20 sions of subchapter I of chapter 33 of title 5, United
21 States Code.

22 (2) SENIOR EXECUTIVE SERVICE.—An appoint-
23 ment to a position in the senior executive service
24 under this section shall be made without regard to
25 any limit on the number of senior executive service

1 positions in the Department of Health and Human
2 Services.

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

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

11 (g) DEFINITIONS.—In this section:

12 (1) COMPETITIVE SERVICE.—The term “com-
13 petitive service” has the meaning given such term in
14 section 2102 of title 5, United States Code.

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

18 (A) an involuntary separation from Gov-
19 ernment service, other than an involuntary sep-
20 aration for retirement under section 3382 of
21 title 5, United States Code; or

22 (B) a voluntary separation from Govern-
23 ment service for compensation or other incen-
24 tives offered by the Federal Government.

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

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

7 (A) was voluntarily or involuntarily sepa-
8 rated from service in the Department of Health
9 and Human Services as part of a mass termi-
10 nation by such Department during the period
11 beginning on January 20, 2025, and ending on
12 the date of the enactment of this Act; and

13 (B) immediately prior to such separation
14 held a position in the LIHEAP Division in the
15 competitive service, excepted service, or Senior
16 Executive Service, other than under a tem-
17 porary appointment.

18 (5) FORMER POSITION.—The term “former po-
19 sition” means the position in the LIHEAP Division
20 held by the covered former employee immediately be-
21 fore becoming a covered former employee.

22 (6) LIHEAP DIVISION.—The term “LIHEAP
23 Division” means the Division of Energy Assistance
24 of the Office of Community Services of the Adminis-

1 tration for Children and Families of the Department
2 of Health and Human Services.

3 (7) MASS TERMINATION.—The term “mass ter-
4 mination” means not less than 10 covered separa-
5 tions from service in the LIHEAP Division during
6 a 30-day period pursuant to the same or related ac-
7 tions, directives, orders, or activities by the Federal
8 Government.

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

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

