

rector first petitions the Board for a reconsideration of its decision, and such petition is denied. In addition to the named respondent, the Board and all other parties to the proceedings before the Board shall have the right to appear in the proceeding before the court of appeals. The granting of the petition for judicial review shall be at the discretion of the court of appeals.

(Added Pub. L. 95-454, title II, §205, Oct. 13, 1978, 92 Stat. 1143; amended Pub. L. 97-164, title I, §144, Apr. 2, 1982, 96 Stat. 45; Pub. L. 101-12, §10, Apr. 10, 1989, 103 Stat. 35; Pub. L. 105-311, §10(a), Oct. 30, 1998, 112 Stat. 2954; Pub. L. 112-199, title I, §108, Nov. 27, 2012, 126 Stat. 1469; Pub. L. 113-170, §2, Sept. 26, 2014, 128 Stat. 1894; Pub. L. 115-195, §2(a), (b), July 7, 2018, 132 Stat. 1510.)

Editorial Notes

AMENDMENTS

2018—Subsec. (b)(1)(B). Pub. L. 115-195, §2(a), substituted “A petition” for “During the 5-year period beginning on the effective date of the Whistleblower Protection Enhancement Act of 2012, a petition”.

Subsec. (d)(2). Pub. L. 115-195, §2(b), substituted “This paragraph” for “During the 5-year period beginning on the effective date of the Whistleblower Protection Enhancement Act of 2012, this paragraph”.

2014—Subsecs. (b)(1)(B), (d)(2). Pub. L. 113-170 substituted “5-year” for “2-year”.

2012—Subsec. (b)(1). Pub. L. 112-199, §108(a), added par. (1) and struck out former par. (1) which read as follows: “Except as provided in paragraph (2) of this subsection, a petition to review a final order or final decision of the Board shall be filed in the United States Court of Appeals for the Federal Circuit. Notwithstanding any other provision of law, any petition for review must be filed within 60 days after the date the petitioner received notice of the final order or decision of the Board.”

Subsec. (d). Pub. L. 112-199, §108(b), amended subsec. (d) generally. Prior to amendment, subsec. (d) read as follows: “The Director of the Office of Personnel Management may obtain review of any final order or decision of the Board by filing, within 60 days after the date the Director received notice of the final order or decision of the Board, a petition for judicial review in the United States Court of Appeals for the Federal Circuit if the Director determines, in his discretion, that the Board erred in interpreting a civil service law, rule, or regulation affecting personnel management and that the Board’s decision will have a substantial impact on a civil service law, rule, regulation, or policy directive. If the Director did not intervene in a matter before the Board, the Director may not petition for review of a Board decision under this section unless the Director first petitions the Board for a reconsideration of its decision, and such petition is denied. In addition to the named respondent, the Board and all other parties to the proceedings before the Board shall have the right to appear in the proceeding before the Court of Appeals. The granting of the petition for judicial review shall be at the discretion of the Court of Appeals.”

1998—Subsec. (b)(1). Pub. L. 105-311, §10(a)(1), substituted “within 60 days” for “within 30 days”.

Subsec. (d). Pub. L. 105-311, §10(a)(2), in first sentence, inserted “, within 60 days after the date the Director received notice of the final order or decision of the Board,” after “filing”.

1989—Subsec. (a)(2). Pub. L. 101-12 amended par. (2) generally. Prior to amendment, par. (2) read as follows: “The Board shall be the named respondent in any proceeding brought pursuant to this subsection, unless the employee or applicant for employment seeks review of a final order or decision issued by the Board under section 7701. In review of a final order or decision issued under section 7701, the agency responsible for taking

the action appealed to the Board shall be the named respondent.”

1982—Subsec. (b)(1). Pub. L. 97-164, §144(1), substituted “United States Court of Appeals for the Federal Circuit” for “Court of Claims or a United States court of appeals as provided in chapters 91 and 158, respectively, of title 28”.

Subsec. (c). Pub. L. 97-164, §144(2), substituted “Court of Appeals for the Federal Circuit” for “Court of Claims or a United States court of appeals”.

Subsec. (d). Pub. L. 97-164, §144(3), substituted “United States Court of Appeals for the Federal Circuit” for “United States Court of Appeals for the District of Columbia”.

Statutory Notes and Related Subsidiaries

EFFECTIVE DATE OF 2018 AMENDMENT

Pub. L. 115-195, §2(c), July 7, 2018, 132 Stat. 1510, provided that: “The amendments made by this section [amending this section] shall take effect as if enacted on November 26, 2017.”

EFFECTIVE DATE OF 2012 AMENDMENT

Amendment by Pub. L. 112-199 effective 30 days after Nov. 27, 2012, see section 202 of Pub. L. 112-199, set out as a note under section 1204 of this title.

EFFECTIVE DATE OF 1998 AMENDMENT

Pub. L. 105-311, §10(b), Oct. 30, 1998, 112 Stat. 2954, provided that: “The amendments made by this section [amending this section] shall take effect on the date of enactment of this Act [Oct. 30, 1998], and apply to any suit, action, or other administrative or judicial proceeding pending on such date or commenced on or after such date.”

EFFECTIVE DATE OF 1989 AMENDMENT

Amendment by Pub. L. 101-12 effective 90 days following Apr. 10, 1989, see section 11 of Pub. L. 101-12, set out as a note under section 1201 of this title.

EFFECTIVE DATE OF 1982 AMENDMENT

Amendment by Pub. L. 97-164 effective Oct. 1, 1982, see section 402 of Pub. L. 97-164, set out as a note under section 171 of Title 28, Judiciary and Judicial Procedure.

EFFECTIVE DATE

Section effective 90 days after Oct. 13, 1978, see section 907 of Pub. L. 95-454, set out as an Effective Date of 1978 Amendment note under section 1101 of this title.

SAVINGS PROVISION

For effect of Pub. L. 101-12 on orders, rules, and regulations issued before effective date of Pub. L. 101-12, administrative proceedings pending at time provisions of Pub. L. 101-12 take effect, and suits and other proceedings as in effect immediately before effective date of Pub. L. 101-12, see section 7 of Pub. L. 101-12 set out as a note under section 1201 of this title.

CHAPTER 79—SERVICES TO EMPLOYEES

Sec.	
7901.	Health service programs.
7902.	Safety programs.
7903.	Protective clothing and equipment.
7904.	Employee assistance programs relating to drug abuse and alcohol abuse.
7905.	Programs to encourage commuting by means other than single-occupancy motor vehicles.
7906.	Services of post-combat case coordinators.

Editorial Notes

AMENDMENTS

2011—Pub. L. 112-81, div. A, title XI, §1106(b), Dec. 31, 2011, 125 Stat. 1614, added item 7906.