

-CITE-

3 USC Sec. 454

01/07/2011

-EXPCITE-

TITLE 3 - THE PRESIDENT

CHAPTER 5 - EXTENSION OF CERTAIN RIGHTS AND PROTECTIONS TO

PRESIDENTIAL OFFICES

SUBCHAPTER III - ADMINISTRATIVE AND JUDICIAL DISPUTE RESOLUTION

PROCEDURES

-HEAD-

Sec. 454. Appropriate agencies

-STATUTE-

(a) In General. - Except as provided in subsection (b), the appropriate agency under this section with respect to an alleged violation of part A of subchapter II shall be the Board. The complaint in an action involving such an alleged violation shall be processed under the procedures specified by the President, or the designee of the President, in such regulations as the President or designee may issue.

(b) Exceptions. -

(1) Discrimination. - For purposes of any action arising under section 411 (or any action alleging intimidation, reprisal, or discrimination under section 417 relating to any practice made unlawful under section 411), the appropriate agency shall be the Equal Employment Opportunity Commission, and the complaint in any such action shall be processed under the same administrative

procedures as any such complaint filed by any employee in the executive branch of the Federal Government (other than a covered employee).

(2) Mixed cases. - In the case of any covered employee (within the meaning of section 411) who has been affected by an action which an employee of an executive agency may appeal to the Board and who alleges that a basis for the action was discrimination prohibited by section 411 (or any action alleging intimidation, reprisal, or discrimination under section 417 relating to any practice made unlawful under section 411), the initial appropriate agency shall be the Board, and such matter shall thereafter be processed in accordance with section 7702(a)-(d) (disregarding paragraph (2) of such subsection (a)) and (f) of title 5.

(3) Judicial review. - Notwithstanding any other provision of law (including any provision of law referenced in paragraph (1) or (2)), judicial review of any administrative decision under this subsection shall be by appeal to the United States Court of Appeals for the Federal Circuit under section 1296 of title 28.

-SOURCE-

(Added Pub. L. 104-331, Sec. 2(a), Oct. 26, 1996, 110 Stat. 4067.)

-MISC1-

#### EFFECTIVE DATE

Section effective Oct. 1, 1997, except that subsec. (a) of this section effective Oct. 26, 1996, see section 471 of this title.