

HISTORICAL AND REVISION NOTES

<i>Derivation</i>	<i>U.S. Code</i>	<i>Revised Statutes and Statutes at Large</i>
.....	5 U.S.C. 635 (less last 24 words of 6th sentence, and less 7th sentence).	Jan. 16, 1883, ch. 27, § 3 (less last 24 words of 6th sentence, and less 7th sentence), 22 Stat. 404.
.....	[Uncodified].	1949 Reorg. Plan No. 5, § 4, eff. Aug. 19, 1949, 63 Stat. 1069.

In subsection (a), the words “the District of Columbia” are substituted for “Washington”. The words “at least three individuals in the service of the United States” are substituted for a “a suitable number of persons, not less than three, in the official service of the United States”. So much of the first three sentences of former section 635 as related to the offices of the Chief Examiner and the Secretary are omitted because the offices were abolished by 1949 Reorg. Plan No. 5, § 4. So much of the first sentence as imposed a duty on the Chief Examiner, under the Commission’s direction, to act with the examining boards to secure accuracy, uniformity, and justice in all their proceedings is restated in section 1104(a)(1). The fourth sentence of former section 635, authorizing the Commission to employ a stenographer and a messenger, is omitted as obsolete. The remainder is rewritten for clarity. The text of 1949 Reorg. Plan No. 5, § 4, is omitted as executed.

In subsection (b), the words “Chairman, United States Civil Service Commission” are substituted for “chief examiner” on authority of 1949 Reorg. Plan No. 5, § 2(a)(2). The words “at all times” are omitted as surplusage.

Standard changes are made to conform with the definitions applicable and the style of this title as outlined in the preface to the report.

AMENDMENTS

1978—Pub. L. 95-454 substituted “Administrative procedure” for “Boards of examiners” in section catchline, and in text provisions relating to administrative procedure applicable to administration of this chapter for provisions relating to boards of examiners for the United States Civil Service Commission.

EFFECTIVE DATE OF 1978 AMENDMENT

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

**CHAPTER 12—MERIT SYSTEMS PROTECTION BOARD, OFFICE OF SPECIAL COUNSEL, AND EMPLOYEE RIGHT OF ACTION**

**SUBCHAPTER I—MERIT SYSTEMS PROTECTION BOARD**

- Sec.
- 1201. Appointment of members of the Merit Systems Protection Board.
- 1202. Term of office; filling vacancies; removal.
- 1203. Chairman; Vice Chairman.
- 1204. Powers and functions of the Merit Systems Protection Board.
- 1205. Transmittal of information to Congress.
- 1206. Annual report.

**SUBCHAPTER II—OFFICE OF SPECIAL COUNSEL**

- 1211. Establishment.
- 1212. Powers and functions of the Office of Special Counsel.
- 1213. Provisions relating to disclosures of violations of law, mismanagement, and certain other matters.<sup>1</sup>
- 1214. Investigation of prohibited personnel practices; corrective action.

<sup>1</sup> So in original. Does not conform to section catchline.

- 1215. Disciplinary action.
- 1216. Other matters within the jurisdiction of the Office of Special Counsel.
- 1217. Transmittal of information to Congress.
- 1218. Annual report.
- 1219. Public information.

**SUBCHAPTER III—INDIVIDUAL RIGHT OF ACTION IN CERTAIN REPRISAL CASES**

- 1221. Individual right of action in certain reprisal cases.
- 1222. Availability of other remedies.

AMENDMENTS

1989—Pub. L. 101-12, §3(b)(2), (3), Apr. 10, 1989, 103 Stat. 31, substituted “, OFFICE OF SPECIAL COUNSEL, AND EMPLOYEE RIGHT OF ACTION” for “AND SPECIAL COUNSEL” in chapter heading, and amended chapter analysis generally, inserting subchapter I heading, and in item 1204 substituting “Powers and functions of the Merit Systems Protection Board” for “Special Counsel; appointment and removal”, in item 1205 substituting “Transmittal of information to Congress” for “Powers and functions of the Merit Systems Protection Board and Special Counsel”, in item 1206 substituting “Annual report” for “Authority and responsibilities of the Special Counsel”, omitting items 1207 “Hearings and decisions on complaints filed by the Special Counsel”, 1208 “Stays of certain personnel actions”, and 1209 “Information”, and inserting subchapters II and III headings and items 1211 to 1219, 1221, and 1222.

**SUBCHAPTER I—MERIT SYSTEMS PROTECTION BOARD**

AMENDMENTS

1989—Pub. L. 101-12, §3(b)(4), Apr. 10, 1989, 103 Stat. 31, inserted subchapter heading.

**§ 1201. Appointment of members of the Merit Systems Protection Board**

The Merit Systems Protection Board is composed of 3 members appointed by the President, by and with the advice and consent of the Senate, not more than 2 of whom may be adherents of the same political party. The members of the Board shall be individuals who, by demonstrated ability, background, training, or experience are especially qualified to carry out the functions of the Board. No member of the Board may hold another office or position in the Government of the United States, except as otherwise provided by law or at the direction of the President. The Board shall have an official seal which shall be judicially noticed. The Board shall have its principal office in the District of Columbia and may have field offices in other appropriate locations.

(Added Pub. L. 95-454, title II, §202(a), Oct. 13, 1978, 92 Stat. 1121; amended Pub. L. 101-12, §3(a)(1), Apr. 10, 1989, 103 Stat. 16.)

AMENDMENTS

1989—Pub. L. 101-12 substituted “The members” for “The Chairman and members” in second sentence.

EFFECTIVE DATE OF 1989 AMENDMENT

Pub. L. 101-12, §11, Apr. 10, 1989, 103 Stat. 35, provided that: “This Act and the amendments made by this Act [see Short Title of 1989 Amendment note below] shall take effect 90 days following the date of enactment of this Act [Apr. 10, 1989].”

EFFECTIVE DATE

Subchapter effective 90 days after Oct. 13, 1978, see section 907 of Pub. L. 95-454, set out as an Effective