

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.

#### Editorial Notes

##### 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.

#### Statutory Notes and Related Subsidiaries

##### 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.
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.

#### Editorial Notes

##### 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

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

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

#### Editorial Notes

##### 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.)

#### Editorial Notes

##### AMENDMENTS

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

#### Statutory Notes and Related Subsidiaries

##### 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 Date of 1978 Amendment note under section 1101 of this title.

##### SHORT TITLE OF 1989 AMENDMENT

Pub. L. 101-12, §1, Apr. 10, 1989, 103 Stat. 16, provided that: “This Act [enacting subchapters II and III of this chapter and section 3352 of this title, amending this section and sections 1202 to 1206, 1209, 1211, 2302, 2303, 3393, 7502, 7512, 7521, 7542, 7701, and 7703 of this title and section 4139 of Title 22, Foreign Relations and Intercourse, repealing sections 1207 and 1208 of this title, and enacting provisions set out as notes under this section and sections 1211 and 5509 of this title] may be cited as the ‘Whistleblower Protection Act of 1989’.”