

103<sup>D</sup> CONGRESS  
1<sup>ST</sup> SESSION

# S. 623

To amend title 5, United States Code, to clarify the application of the Whistleblower Protection Act of 1989 to certain personnel matters of the Department of Veterans Affairs.

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## IN THE SENATE OF THE UNITED STATES

MARCH 19 (legislative day, MARCH 3), 1993

Mr. CONRAD (for himself and Mr. AKAKA) introduced the following bill; which was read twice and referred to the Committee on Governmental Affairs

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## A BILL

To amend title 5, United States Code, to clarify the application of the Whistleblower Protection Act of 1989 to certain personnel matters of the Department of Veterans Affairs.

1       *Be it enacted by the Senate and House of Representa-*  
2       *tives of the United States of America in Congress assembled,*

3       **SECTION 1. CLARIFICATION OF APPLICATION OF ACT.**

4       (a) OFFICE OF SPECIAL COUNSEL.—(1) Subchapter  
5       II of chapter 12 of title 5, United States Code, is amended  
6       by inserting after section 1216 the following new section:

1 **“§ 1216a. Jurisdiction over certain Department of**  
 2 **Veterans Affairs personnel matters**

3 “The provisions of this subchapter shall apply with  
 4 respect to health-care professionals who are employed by  
 5 the Veterans Health Administration and appointed under  
 6 section 7306, 7401(1), 7405, or 7406 of title 38, former  
 7 health-care professionals who were so employed and ap-  
 8 pointed, and applicants for positions of such employment  
 9 and appointment.”.

10 (2) The table of sections at the beginning of chapter  
 11 12 of such title is amended by inserting after the item  
 12 relating to section 1216 the following new item:

“1216a. Jurisdiction over certain Department of Veterans Affairs personnel  
 matters.”.

13 (b) INDIVIDUAL RIGHT OF ACTION.—(1) Subchapter  
 14 III of chapter 12 of title 5, United States Code, is amend-  
 15 ed—

16 (A) by redesignating section 1222 as section  
 17 1223; and

18 (B) by inserting after section 1221 the follow-  
 19 ing new section 1222:

20 **“§ 1222. Jurisdiction over certain Department of Vet-**  
 21 **erans Affairs personnel matters**

22 “The provisions of this subchapter shall apply with  
 23 respect to health-care professionals who are employed by  
 24 the Veterans Health Administration and appointed under

1 section 7306, 7401(1), 7405, or 7406 of title 38, former  
 2 health-care professionals who were so employed and ap-  
 3 pointed, and applicants for positions of such employment  
 4 and appointment.”.

5 (2) The table of sections at the beginning of chapter  
 6 12 of such title is amended by striking out the item relat-  
 7 ing to section 1222 and inserting in lieu thereof the follow-  
 8 ing new items:

“1222. Jurisdiction over certain Department of Veterans Affairs personnel mat-  
 ters.

“1223. Availability of other remedies.”.

9 (c) PROHIBITED PERSONNEL PRACTICES.—Section  
 10 2302 of title 5, United States Code, is amended by adding  
 11 at the end the following new subsection:

12 “(e) Paragraphs (8) and (9) of subsection (b) shall  
 13 apply with respect to health-care professionals who are  
 14 employed by the Veterans Health Administration and ap-  
 15 pointed under section 7306, 7401(1), 7405, or 7406 of  
 16 title 38, former health-care professionals who were so em-  
 17 ployed and appointed, and applicants for positions of such  
 18 employment and appointment.”.

19 (d) PREFERENCE IN TRANSFERS.—Section 3352 of  
 20 title 5, United States Code, is amended by adding at the  
 21 end the following new subsection:

22 “(g) The provisions of this section shall apply with  
 23 respect to health-care professionals employed by the Veter-

1 ans Health Administration and appointed under section  
2 7306, 7401(1), 7405, or 7406 of title 38.”.

3 (e) APPELLATE PROCEDURES.—Section 7701(b)(2)  
4 of title 5, United States Code, is amended by adding at  
5 the end the following new subparagraph:

6 “(D) The provisions of this paragraph shall apply  
7 with respect to health-care professionals who are employed  
8 by the Veterans Health Administration and appointed  
9 under section 7306, 7401(1), 7405, or 7406 of title 38,  
10 and applicants for positions of such employment and ap-  
11 pointment.”.

12 (f) EFFECTIVE DATE.—The amendments made by  
13 subsections (a) through (e) shall take effect as if included  
14 in the provisions of Department of Veterans Affairs  
15 Health Care Personnel Act of 1991 (Public Law 102–40;  
16 105 Stat. 187) to which such amendments relate.

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