

110TH CONGRESS  
2D SESSION

# H. R. 6822

To require appeals of personnel actions involving the officers and employees of the Government Accountability Office to be considered by the Office of Special Counsel and the Merit Systems Protection Board in the same manner as appeals of prohibited personnel practices involving employees of Executive agencies under title 5, United States Code, and for other purposes.

---

## IN THE HOUSE OF REPRESENTATIVES

AUGUST 1, 2008

Ms. NORTON introduced the following bill; which was referred to the Committee on Oversight and Government Reform

---

## A BILL

To require appeals of personnel actions involving the officers and employees of the Government Accountability Office to be considered by the Office of Special Counsel and the Merit Systems Protection Board in the same manner as appeals of prohibited personnel practices involving employees of Executive agencies under title 5, United States Code, and for other purposes.

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

1 **SECTION 1. SHORT TITLE.**

2 This Act may be cited as the “Legislative Branch  
3 Personnel Appeals Procedural Consolidation Act of 2008”.

4 **SEC. 2. USE OF OFFICE OF SPECIAL COUNSEL AND MERIT**  
5 **SYSTEMS PROTECTION BOARD FOR APPEALS**  
6 **OF PERSONNEL ACTIONS INVOLVING GOV-**  
7 **ERNMENT ACCOUNTABILITY OFFICE.**

8 (a) IN GENERAL.—Subchapter IV of chapter 7 of  
9 title 31, United States Code, is amended by adding at the  
10 end the following new section:

11 **“§ 756. Transfer of Authority to Office of Special**  
12 **Counsel and Merit Systems Protection**  
13 **Board**

14 “(a) IN GENERAL.—Notwithstanding any provision  
15 of this subchapter to the contrary, in the case of any per-  
16 sonnel action taken with respect to an officer or employee  
17 of the Government Accountability Office or an officer or  
18 employee of a participating Federal office—

19 “(1) the Government Accountability Office Per-  
20 sonnel Appeals Board shall not have any authority  
21 to consider an appeal of the action;

22 “(2) the Office of Special Counsel under chap-  
23 ter 12 of title 5, United States Code, shall have the  
24 authority to investigate the personnel action and  
25 seek corrective and disciplinary action described in  
26 such chapter with respect to the personnel action, in

1 the same manner and subject to the same terms and  
2 conditions as if the officer or employee involved were  
3 an employee of an Executive Agency under such title  
4 and the personnel action were a prohibited personnel  
5 practice under such title;

6 “(3) the officer or employee may seek corrective  
7 and disciplinary action with respect to the personnel  
8 action from the Office of Special Counsel and the  
9 Merit Systems Protection Board under chapter 12 of  
10 title 5, United States Code, in the same manner and  
11 subject to the same terms and conditions as if the  
12 officer or employee involved were an employee of an  
13 Executive Agency under such title and the personnel  
14 action were a prohibited personnel practice under  
15 such title;

16 “(4) the procedures applicable to the appeal  
17 shall be the procedures provided under chapter 12 of  
18 title 5, United States Code, for the consideration of  
19 alleged prohibited personnel actions under such title;  
20 and

21 “(5) the remedies available with respect to the  
22 personnel action shall be the remedies available  
23 under chapter 12 of title 5, United States Code, to  
24 an employee of an Executive agency under such title.

1       “(b) CONTINUING APPLICATION OF SUBSTANTIVE  
2 RIGHTS AND PROTECTIONS.—Nothing in subsection (a)  
3 may be construed—

4           “(1) to affect the personnel management sys-  
5 tem maintained by the Comptroller General under  
6 subchapter III, the rights and protections described  
7 in section 732(b) or otherwise provided under the  
8 system to officers and employees of the Government  
9 Accountability Office, or the authority of the Comp-  
10 troller General to prescribe regulations to carry out  
11 the system, except to the extent that the system or  
12 the regulations are inconsistent with subsection (a);  
13 or

14           “(2) to affect the rights and protections pro-  
15 vided with respect to personnel actions taken with  
16 respect to officers and employees of the Government  
17 Accountability Office or officers and employees of a  
18 participating Federal office under any law, rule, or  
19 regulation.

20       “(c) PARTICIPATING FEDERAL OFFICE DE-  
21 SCRIBED.—In this section, a ‘participating Federal office’  
22 means an office of the Federal government whose employ-  
23 ees have the ability (pursuant to an agreement between  
24 such office and the Government Accountability Office) to

1 have appeals of personnel actions considered by the Gov-  
2 ernment Accountability Office Personnel Appeals Board.”.

3 (b) NO EFFECT ON CURRENT APPEALS.—If an offi-  
4 cer or employee of the Government Accountability Office  
5 or a participating Federal office (as defined in section  
6 756(e) of title 31, United States Code) has initiated an  
7 appeal with respect to a personnel action with the General  
8 Counsel of the Government Accountability Office prior to  
9 the date of the enactment of this Act—

10 (1) section 756 of title 31, United States Code  
11 (as added by paragraph (1)) shall not apply with re-  
12 spect to the appeal of the personnel action; and

13 (2) the appeal of the personnel action shall be  
14 considered by the Government Accountability Office  
15 Personnel Appeals Board in accordance with sub-  
16 chapter IV of chapter 7 of such title (without regard  
17 to section 756 of such title).

○