

## S 585

Dr. Chris Kirkpatrick Whistleblower Protection Act of 2017

**Congress:** 115 (2017–2019, Ended)

**Chamber:** Senate

**Policy Area:** Government Operations and Politics

**Introduced:** Mar 8, 2017

**Current Status:** Became Public Law No: 115-73.

**Latest Action:** Became Public Law No: 115-73. (Oct 26, 2017)

**Law:** 115-73 (Enacted Oct 26, 2017)

**Official Text:** <https://www.congress.gov/bill/115th-congress/senate-bill/585>

### Sponsor

**Name:** Sen. Johnson, Ron [R-WI]

**Party:** Republican • **State:** WI • **Chamber:** Senate

### Cosponsors (1 total)

Cosponsor	Party / State	Role	Date Joined
Sen. Ernst, Joni [R-IA]	R - IA		Mar 8, 2017

### Committee Activity

Committee	Chamber	Activity	Date
Homeland Security and Governmental Affairs Committee	Senate	Reported By	May 4, 2017
Oversight and Government Reform Committee	House	Referred To	May 26, 2017
Veterans' Affairs Committee	House	Discharged from	May 26, 2017
Veterans' Affairs Committee	House	Referred to	May 26, 2017

### Subjects & Policy Tags

#### Policy Area:

Government Operations and Politics

### Related Bills

Bill	Relationship	Last Action
115 HRES 562	Procedurally related	<b>Oct 11, 2017:</b> Motion to reconsider laid on the table Agreed to without objection.
115 HR 3042	Related bill	<b>Jun 23, 2017:</b> Referred to the Subcommittee on Economic Opportunity.

## **Dr. Chris Kirkpatrick Whistleblower Protection Act of 2017**

### TITLE I--EMPLOYEES GENERALLY

(Sec. 102) This bill directs federal agencies (excluding any entity that is an element of the intelligence community) to give priority to an employee transfer request if the Merit Systems Protections Board (MSPB) grants a stay of a personnel action at the request of: (1) the Office of Special Counsel (OSC) if the OSC determines the personnel action was taken, or is to be taken, as a result of a prohibited personnel practice; or (2) the employee if the individual is in probationary status and seeks corrective action.

The Government Accountability Office (GAO) shall report to Congress on retaliation against employees in probationary status.

(Sec. 103) The bill prohibits any employee who has the authority to take, direct others to take, recommend, or approve of any personnel action to access the medical records of another employee or applicant for employment.

(Sec. 104) Agencies employing a supervisor who has committed a prohibited personnel action may propose: (1) a suspension of not less than three days, (2) a reduction in grade or pay, and (3) removal from the position. A supervisor must receive written notice specifying the reasons for the proposed action and the right of the supervisor to review the material which is relied on to support the reasons for the proposed action. A supervisor is entitled to 14 days following the notice to answer and furnish evidence in support of the answer.

(Sec. 105) Agencies must refer information about employee suicides to the OSC indicating whether, prior to the death of the employee, any disclosure of information was made evidencing: (1) a violation of any law, rule, or regulation; (2) gross mismanagement, a gross waste of funds, an abuse of authority, or a substantial danger to public health or safety; or (3) whether any personnel action was taken against the employee as a result.

(Sec. 106) Agencies must provide training on how to respond to complaints alleging a violation of whistle-blower protections to: (1) any employee appointed to a supervisory position in the agency who has not previously served as a supervisor; and (2) on an annual basis, to all employees serving in a supervisory position.

(Sec. 107) Agencies must: (1) provide information regarding whistle-blower protections to new employees during probationary periods, (2) inform employees of the role of the OSC and the MSPB with regard to whistle-blower protection, and (3) make information about such protections available on agency websites.

### TITLE II--DEPARTMENT OF VETERANS AFFAIRS EMPLOYEES

(Sec. 201) The Department of Veterans Affairs (VA) must submit a plan to Congress on efforts to prevent any unauthorized access to the medical records of VA employees.

(Sec. 202) The VA must conduct an outreach program to inform its employees of any mental health services, including telemedicine options.

(Sec. 203) The VA must ensure protocols are in effect to address threats against VA employees providing health care.

(Sec. 204) The GAO shall conduct a study to assess the reporting, staffing, accountability, and chain of command structure of the VA police officers at VA medical centers.

## Actions Timeline

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- **Oct 26, 2017:** Signed by President.
- **Oct 26, 2017:** Became Public Law No: 115-73.
- **Oct 24, 2017:** Presented to President.
- **Oct 12, 2017:** Considered under the provisions of rule H. Res. 562. (consideration: CR H7998-8004)
- **Oct 12, 2017:** Rule provides for consideration of S. 585 with 1 hour of general debate. Bill is closed to amendments. The resolution provides for proceedings during the period from October 16, 2017, through October 20, 2017; and provides for consideration of motions to suspend the rules.
- **Oct 12, 2017:** DEBATE - The House proceeded with one hour of debate on S. 585.
- **Oct 12, 2017:** The previous question was ordered pursuant to the rule.
- **Oct 12, 2017:** Mr. O'Halleran moved to recommit with instructions to the Committee on Oversight and Government Reform. (text: CR H8003)
- **Oct 12, 2017:** DEBATE - The House proceeded with 10 minutes of debate on the O'Halleran motion to recommit with instructions. The instructions contained in the motion seek to require the bill to be reported back to the House forthwith with an amendment to add a new section at the end of title I related to Disclosure of Violations Relating to Air Transportation.
- **Oct 12, 2017:** The previous question on the motion to recommit with instructions was ordered without objection.
- **Oct 12, 2017:** POSTPONED PROCEEDINGS - At the conclusion of debate on the O'Halleran motion to recommit, the Chair put the question on the motion, and by voice vote, announced that the noes had prevailed. Mr. O'Halleran demanded the yeas and nays and the Chair postponed further proceedings on the motion to recommit until a time to be announced.
- **Oct 12, 2017:** Considered as unfinished business. (consideration: CR H8010-8012)
- **Oct 12, 2017:** On motion to recommit with instructions Failed by the Yeas and Nays: 190 - 232 (Roll no. 567).
- **Oct 12, 2017:** Passed/agreed to in House: On passage Passed by recorded vote: 420 - 0 (Roll no. 568).(text: CR H7989)
- **Oct 12, 2017:** On passage Passed by recorded vote: 420 - 0 (Roll no. 568). (text: CR H7989)
- **Oct 12, 2017:** Motion to reconsider laid on the table Agreed to without objection.
- **Oct 11, 2017:** Rule H. Res. 562 passed House.
- **Oct 10, 2017:** Rules Committee Resolution H. Res. 562 Reported to House. Rule provides for consideration of S. 585 with 1 hour of general debate. Bill is closed to amendments. The resolution provides for proceedings during the period from October 16, 2017, through October 20, 2017; and provides for consideration of motions to suspend the rules.
- **May 26, 2017:** Received in the House.
- **May 26, 2017:** Referred to the Committee on Oversight and Government Reform, and in addition to the Committee on Veterans' Affairs, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.
- **May 26, 2017:** Referred to the Subcommittee on Oversight and Investigations.
- **May 26, 2017:** Subcommittee on Oversight and Investigations Discharged.
- **May 26, 2017:** Referred to the Subcommittee on Economic Opportunity.
- **May 25, 2017:** Passed/agreed to in Senate: Passed Senate with amendments by Unanimous Consent.(consideration: CR S3190; text as passed Senate: CR S3192-3194)
- **May 25, 2017:** Passed Senate with amendments by Unanimous Consent. (consideration: CR S3190; text as passed Senate: CR S3192-3194)
- **May 25, 2017:** Message on Senate action sent to the House.
- **May 4, 2017:** Committee on Homeland Security and Governmental Affairs. Reported by Senator Johnson with amendments. With written report No. 115-44.
- **May 4, 2017:** Placed on Senate Legislative Calendar under General Orders. Calendar No. 57.
- **Mar 15, 2017:** Committee on Homeland Security and Governmental Affairs. Ordered to be reported with amendments favorably.
- **Mar 8, 2017:** Introduced in Senate
- **Mar 8, 2017:** Read twice and referred to the Committee on Homeland Security and Governmental Affairs.