

## Calendar No. 295

106TH CONGRESS  
1ST SESSION**H. R. 858****[Report No. 106-167]**

## IN THE SENATE OF THE UNITED STATES

MARCH 17, 1999

Received; read twice and referred to the Committee on Governmental Affairs

SEPTEMBER 30, 1999

Reported by Mr. THOMPSON, with an amendment and an amendment to the  
title

[Omit the part struck through and insert the part printed in italics]

**AN ACT**

To amend title 11, District of Columbia Code, to extend coverage under the whistleblower protection provisions of the District of Columbia Comprehensive Merit Personnel Act of 1978 to personnel of the courts of the District of Columbia.

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. SHORT TITLE.**

4 This Act may be cited as the “District of Columbia  
5 ~~Court Employees Whistleblower Protection Act of 1999~~”.

1 **SEC. 2. WHISTLEBLOWER PROTECTION FOR PERSONNEL**  
 2 **OF THE COURTS OF THE DISTRICT OF CO-**  
 3 **LUMBIA.**

4 (a) **IN GENERAL.**—Subchapter H of chapter 17 of  
 5 title 11, District of Columbia Code, is amended by adding  
 6 at the end the following new section:

7 **“§ 11–1733. Whistleblower protection for court per-**  
 8 **sonnel**

9 “Notwithstanding any other provision of law, section  
 10 1503 of the District of Columbia Comprehensive Merit  
 11 Personnel Act of 1978 (DC Code, sec. 1–616.3) shall  
 12 apply to court personnel, except that court personnel may  
 13 institute a civil action pursuant to subsection (e) of such  
 14 section in the Superior Court of the District of Columbia  
 15 or the United States District Court for the District of Co-  
 16 lumbia.”.

17 (b) **CLERICAL AMENDMENT.**—The table of sections  
 18 for subchapter H of chapter 17 of title 11, District of Co-  
 19 lumbia Code, is amended by adding at the end the fol-  
 20 lowing new item:

“11–1733. Whistleblower protection for court personnel.”.

21 **SECTION 1. SHORT TITLE.**

22 *This Act may be cited as the “District of Columbia*  
 23 *Court Employees Act of 1999”.*

1 **SEC. 2. COMMUNICATIONS WITH CONGRESS BY DISTRICT**  
2 **OF COLUMBIA COURTS PERSONNEL.**

3 (a) *IN GENERAL.*—Subchapter II of chapter 17 of title  
4 11, District of Columbia Code, is amended by adding at  
5 the end the following new section:

6 **“§11–1733. Court personnel communications with**  
7 **Congress**

8 “(a) *In this section, the term—*

9 “(1) ‘Congress’ means the United States Congress  
10 and includes any member, employee, or agent of Con-  
11 gress; and

12 “(2) ‘District of Columbia court’ means the Su-  
13 perior Court of the District of Columbia and the Dis-  
14 trict of Columbia Court of Appeals.

15 “(b) *Nonjudicial employees of the District of Columbia*  
16 *court shall be treated as employees of the Federal Govern-*  
17 *ment solely for purposes of section 7211 of title 5, United*  
18 *States Code (relating to employees’ right to petition Con-*  
19 *gress).*

20 “(c)(1) *An employee or former employee may file a*  
21 *civil action in the United States District Court for the Dis-*  
22 *trict of Columbia for relief of a violation of subsection (b),*  
23 *if—*

24 “(A) *the employee or former employee reasonably*  
25 *believes that such a violation occurred;*

1           “(B) the employee or former employee files a  
2 grievance relating to such violation with the Joint  
3 Committee on Judicial Administration of the District  
4 of Columbia not later than 270 days after the viola-  
5 tion occurred;

6           “(C) the Joint Committee—

7                 “(i) makes a final decision; or

8                 “(ii) makes no decision within 60 days  
9 after the filing of the grievance; and

10           “(D) the employee or former employee files such  
11 civil action not later than 1 year after the date of the  
12 violation.

13           “(2) Relief in an action filed under paragraph (1)  
14 may include—

15                 “(A) an injunction to restrain continued viola-  
16 tion of this section;

17                 “(B) rescission of a retaliatory action;

18                 “(C) the reinstatement of the employee or former  
19 employee to the same position held before the retali-  
20 atory action, or to an equivalent position;

21                 “(D) the reinstatement of the employee’s or  
22 former employee’s full fringe benefits and seniority  
23 rights;

24                 “(E) compensation for lost wages and benefits;  
25 and

1           “(F) the payment by the District of Columbia  
2           court of the employee’s or former employee’s reason-  
3           able costs and attorney fees, if the employee or former  
4           employee is the prevailing party.

5           “(d) In any civil action filed under subsection (c), the  
6           District of Columbia court may file a motion for an award  
7           of reasonable attorney fees and court costs. The presiding  
8           judge may order such fees and costs to be awarded to the  
9           District of Columbia court, if the judge determines that an  
10          action brought by an employee or former employee under  
11          this section was not well grounded in fact and not war-  
12          ranted by law.

13          “(e) The filing of a civil action in accordance with  
14          this section shall constitute the employee’s or former em-  
15          ployee’s exclusive remedy under the laws of the United  
16          States or the District of Columbia for violation of this sec-  
17          tion.

18          “(f) The District of Columbia court shall conspicuously  
19          display notices of an employee’s protections and obligations  
20          under this section, and shall use other appropriate means  
21          to keep all employees informed of such protections and obli-  
22          gations.”.

23          (b) *TECHNICAL AND CONFORMING AMENDMENT.*—The  
24          table of sections for subchapter II of chapter 17 of title 11,

1 *District of Columbia Code, is amended by adding at the*  
2 *end the following new item:*

*“11–1733. Court personnel communications with Congress.”.*

3 **SEC. 3. EFFECTIVE DATE.**

4       The amendments made by section 2 shall take effect  
5 as if included in the enactment of title XI of the Balanced  
6 Budget Act of 1997.

      Amend the title so as to read: “An Act to amend  
chapter 17 of title 11, District of Columbia Code, to pro-  
vide for personnel protection for District of Columbia  
court employees.”.



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