

to afford them the same whistleblower protections that cover all workers in the city of D.C. and throughout the federal government.

I urge my colleagues to support H.R. 858.

Mr. MORAN of Virginia. Mr. Speaker, I rise in support of the District of Columbia Court Employees Whistleblower Protection Act of 1999 (H.R. 858).

My colleagues, this is important legislation. It deserves strong bi-partisan support.

As my good friends TOM DAVIS and ELEANOR HOLMES NORTON acknowledge this legislation is important to correct an error that has permitted employees of the District's Superior and Appeals Courts to operate without any whistleblower protection.

The error was probably an oversight.

As part of home-rule back in 1971, Congress fused the functions of state and municipal court functions to produce the D.C. Superior Court and the D.C. Court of Appeals.

Both courts are funded by the city, but their judges are nominated for 15-year terms by the President and confirmed by the Senate.

Apparently no one sought or succeeded in extending the District's merit protection laws to court employees.

As a result, court employees have lacked the same whistleblower protections all other district government employees receive.

Unfortunately, it took a series of troubling events to bring this issue back to the attention of Congress.

Last fall, I was contacted by several court-appointed attorneys handling both criminal and child abuse cases who indicated that they were not being paid because the D.C. Superior Court was running out of money.

Some of these billable hours remained unpaid for up to 6 months.

From these initial calls, it became apparent that the Superior Court was facing a severe financial crisis.

Probing further a number of charges were raised about the Court's financial management practices.

These charges range from mismanagement to specific misdeeds.

On September 22, 1998, D.C. Appropriations Chairman Charles Taylor and I asked the General Accounting Office to conduct an audit of the Court's financial and personnel practices.

In response to reports that some court personnel were reluctant to cooperate with GAO's audit for fear of retaliation, I joined Reps. TOM DAVIS and ERNEST ISTOOK on January 26th of this year in a letter sent to Chief Judge Eugene Hamilton asking him to ensure that no court employees were retaliated against for cooperating with GAO auditors.

Judge Hamilton has assured us of his cooperation, but reports on employees' fear of retaliation have continued.

It is for this reason, that we are now compelled to move forward with whistleblower protection legislation.

It is my sincere hope that the Court will receive a clean audit, but it is critical Congress and the residents of the District of Columbia have full confidence that their courts operate with sound financial and personnel practices.

This legislation will help give us the confidence these goals are attainable.

Mr. DAVIS of Virginia. Mr. Speaker, I have no further requests for time, and I yield back the balance of my time.

Ms. NORTON. Mr. Speaker, I yield back the balance of my time.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Virginia (Mr. DAVIS) that the House suspend the rules and pass the bill, H.R. 858.

The question was taken; and (two-thirds having voted in favor thereof) the rules were suspended and the bill was passed.

A motion to reconsider was laid on the table.

GENERAL LEAVE

Mr. DAVIS of Virginia. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days within which to revise and extend their remarks on H.R. 858.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Virginia?

There was no objection.

FEDERAL RESERVE BOARD RETIREMENT PORTABILITY ACT

Mr. MICA. Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 807) to amend title 5, United States Code, to provide portability of service credit for persons who leave employment with the Federal Reserve Board to take positions with other Government agencies, as amended.

The Clerk read as follows:

H.R. 807

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "Federal Reserve Board Retirement Portability Act".

SEC. 2. PORTABILITY OF SERVICE CREDIT.

(a) CREDITABLE SERVICE.—

(1) IN GENERAL.—Section 8411(b) of title 5, United States Code, is amended—

(A) by striking "and" at the end of paragraph (3);

(B) in paragraph (4)—

(i) by striking "of the preceding provisions" and inserting "other paragraph"; and

(ii) by striking the period at the end and inserting "; and"; and

(C) by adding at the end the following:

"(5) a period of service (other than any service under any other paragraph of this subsection, any military service, and any service performed in the employ of a Federal Reserve Bank) that was creditable under the Bank Plan (as defined in subsection (i)), if the employee waives credit for such service under the Bank Plan and makes a payment to the Fund equal to the amount that would have been deducted from pay under section 8422(a) had the employee been subject to this chapter during such period of service (together with interest on such amount computed under paragraphs (2) and (3) of section 8334(e)).

Paragraph (5) shall not apply in the case of any employee as to whom subsection (g) (or, to the extent subchapter III of chapter 83 is involved, section 8332(n)) otherwise applies."

(2) BANK PLAN DEFINED.—Section 8411 of title 5, United States Code, is amended by adding at the end the following:

"(i) For purposes of subsection (b)(5), the term 'Bank Plan' means the benefit structure in which employees of the Board of Governors of the Federal Reserve System ap-

pointed on or after January 1, 1984, participate, which benefit structure is a component of the Retirement Plan for Employees of the Federal Reserve System, established under section 10 of the Federal Reserve Act (and any redesignated or successor version of such benefit structure, if so identified in writing by the Board of Governors of the Federal Reserve System for purposes of this chapter)."

(b) EXCLUSION FROM CHAPTER 84.—

(1) IN GENERAL.—Paragraph (2) of section 8402(b) of title 5, United States Code, is amended by striking the matter before subparagraph (B) and inserting the following:

"(2)(A) any employee or Member who has separated from the service after—

"(i) having been subject to—

"(I) subchapter III of chapter 83 of this title;

"(II) subchapter I of chapter 8 of title I of the Foreign Service Act of 1980; or

"(III) the benefit structure for employees of the Board of Governors of the Federal Reserve System appointed before January 1, 1984, that is a component of the Retirement Plan for Employees of the Federal Reserve System, established under section 10 of the Federal Reserve Act; and

"(ii) having completed—

"(I) at least 5 years of civilian service creditable under subchapter III of chapter 83 of this title;

"(II) at least 5 years of civilian service creditable under subchapter I of chapter 8 of title I of the Foreign Service Act of 1980; or

"(III) at least 5 years of civilian service (other than any service performed in the employ of a Federal Reserve Bank) creditable under the benefit structure for employees of the Board of Governors of the Federal Reserve System appointed before January 1, 1984, that is a component of the Retirement Plan for Employees of the Federal Reserve System, established under section 10 of the Federal Reserve Act,

determined without regard to any deposit or redeposit requirement under either such subchapter or under such benefit structure, or any requirement that the individual become subject to either such subchapter or to such benefit structure after performing the service involved; or"

(2) EXCEPTION.—Subsection (d) of section 8402 of title 5, United States Code, is amended to read as follows:

"(d) Paragraph (2) of subsection (b) shall not apply to an individual who—

"(1) becomes subject to—

"(A) subchapter II of chapter 8 of title I of the Foreign Service Act of 1980 (relating to the Foreign Service Pension System) pursuant to an election; or

"(B) the benefit structure in which employees of the Board of Governors of the Federal Reserve System appointed on or after January 1, 1984, participate, which benefit structure is a component of the Retirement Plan for Employees of the Federal Reserve System, established under section 10 of the Federal Reserve Act (and any redesignated or successor version of such benefit structure, if so identified in writing by the Board of Governors of the Federal Reserve System for purposes of this chapter); and

"(2) subsequently enters a position in which, but for paragraph (2) of subsection (b), such individual would be subject to this chapter."

(c) PROVISIONS RELATING TO CERTAIN FORMER EMPLOYEES.—A former employee of the Board of Governors of the Federal Reserve System who—

(1) has at least 5 years of civilian service (other than any service performed in the employ of a Federal Reserve Bank) creditable under the benefit structure for employees of the Board of Governors of the Federal Reserve System appointed before January 1,