

In the Senate of the United States,

October 8, 1999.

Resolved, That the bill from the House of Representatives (H.R. 858) entitled “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.”, do pass with the following

AMENDMENTS:

Strike out all after the enacting clause and insert:

1 ***SECTION 1. SHORT TITLE.***

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

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

6 *(a) IN GENERAL.—Subchapter II of chapter 17 of title*
7 *11, District of Columbia Code, is amended by adding at*
8 *the end the following new section:*

1 **“§11–1733. Court personnel communications with**
2 **Congress**

3 “(a) *In this section, the term—*

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

7 “(2) ‘District of Columbia court’ means the Su-
8 perior Court of the District of Columbia and the Dis-
9 trict of Columbia Court of Appeals.

10 “(b) *Nonjudicial employees of the District of Columbia*
11 *court shall be treated as employees of the Federal Govern-*
12 *ment solely for purposes of section 7211 of title 5, United*
13 *States Code (relating to employees’ right to petition Con-*
14 *gress).*

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

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

21 “(B) *the employee or former employee files a*
22 *grievance relating to such violation with the Joint*
23 *Committee on Judicial Administration of the District*
24 *of Columbia not later than 270 days after the viola-*
25 *tion occurred;*

26 “(C) *the Joint Committee—*

1 “(i) makes a final decision; or

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

4 “(D) the employee or former employee files such
5 civil action not later than 1 year after the date of the
6 violation.

7 “(2) Relief in an action filed under paragraph (1)
8 may include—

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

11 “(B) rescission of a retaliatory action;

12 “(C) the reinstatement of the employee or former
13 employee to the same position held before the retali-
14 atory action, or to an equivalent position;

15 “(D) the reinstatement of the employee’s or
16 former employee’s full fringe benefits and seniority
17 rights;

18 “(E) compensation for lost wages and benefits;
19 and

20 “(F) the payment by the District of Columbia
21 court of the employee’s or former employee’s reason-
22 able costs and attorney fees, if the employee or former
23 employee is the prevailing party.

24 “(d) The filing of a civil action in accordance with
25 this section shall constitute the employee’s or former em-

1 *ployee’s exclusive remedy under the laws of the United*
 2 *States or the District of Columbia for violation of this sec-*
 3 *tion.*

4 “(e) *The District of Columbia court shall conspicu-*
 5 *ously display notices of an employee’s protections and obli-*
 6 *gations under this section, and shall use other appropriate*
 7 *means to keep all employees informed of such protections*
 8 *and obligations.”.*

9 (b) *TECHNICAL AND CONFORMING AMENDMENT.—The*
 10 *table of sections for subchapter II of chapter 17 of title 11,*
 11 *District of Columbia Code, is amended by adding at the*
 12 *end the following new item:*

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

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

14 *The amendments made by section 2 shall take effect*
 15 *as if included in the enactment of title XI of the Balanced*
 16 *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 provide for personnel protection for District of Columbia court employees.”.

Attest:

Secretary.

106TH CONGRESS
1ST SESSION

H. R. 858

AMENDMENTS