



U.S. Office of Special Counsel
1730 M Street, N.W., Suite 218
Washington, D.C. 20036-4505

OSC Applauds President Signing Bill to Expand Judicial Accountability in Whistleblower Retaliation Cases

FOR IMMEDIATE RELEASE

CONTACT: Zachary Kurz, (202) 804-7065; zkurz@osc.gov

WASHINGTON, D.C./July 11, 2018 – Special Counsel Henry J. Kerner today released the following statement after President Trump on Monday signed into law the bipartisan All Circuit Review Act (H.R. 2229), which passed both the House and Senate unanimously. The law makes permanent a temporary provision from the Whistleblower Protection Enhancement Act of 2012 allowing individuals to appeal final orders of the Merit Systems Protection Board (MSPB) regarding whistleblower retaliation complaints to any U.S. Court of Appeals. Previously only the Federal Circuit Court of Appeals had jurisdiction to hear these cases. The U.S. Office of Special Counsel (OSC) supported this legislation and appreciates the support of the bill’s sponsor, Rep. Elijah Cummings (D-MD), on this important issue.

Special Counsel Henry J. Kerner: “This law helps ensure whistleblowers who are retaliated against can have their day in court. All circuit review permits whistleblowers to pursue their claims where they reside, rather than burdening them with litigating their disputes in a distant forum. Moreover, it will ensure more robust implementation of whistleblower protection laws. Differing interpretations may result in ‘circuit splits,’ which make it more likely that the U.S. Supreme Court will take up questions that arise regarding how these important laws are applied. This expanded judicial accountability is precisely the outcome Congress intended and will strengthen whistleblower protections.”

The U.S. Office of Special Counsel (OSC) is an independent federal investigative and prosecutorial agency. Our basic authorities come from four federal statutes: The Civil Service Reform Act, the Whistleblower Protection Act, the Hatch Act, and the Uniformed Services Employment & Reemployment Rights Act (USERRA). OSC’s primary mission is to safeguard the merit system by protecting federal employees and applicants from prohibited personnel practices, especially reprisal for whistleblowing, and to serve as a safe channel for allegations of wrongdoing. For more information, please visit our website at www.osc.gov.