

117TH CONGRESS
2D SESSION

H. R. 8743

To amend the Congressional Accountability Act of 1995 to provide enhanced enforcement authority for occupational safety and health protections applicable to the legislative branch, to provide whistleblower protections and other antidiscrimination protections for employees of the legislative branch, and for other purposes.

IN THE HOUSE OF REPRESENTATIVES

AUGUST 23, 2022

Ms. NORTON introduced the following bill; which was referred to the Committee on House Administration, and in addition to the Committees on Education and Labor, and the Judiciary, 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

A BILL

To amend the Congressional Accountability Act of 1995 to provide enhanced enforcement authority for occupational safety and health protections applicable to the legislative branch, to provide whistleblower protections and other antidiscrimination protections for employees of the legislative branch, and for other purposes.

1 *Be it enacted by the Senate and House of Representa-*
2 *tives of the United States of America in Congress assembled,*

1 **SECTION 1. SHORT TITLE.**

2 This Act may be cited as the “Congress Leads by
3 Example Act of 2022”.

4 **SEC. 2. ENHANCED ENFORCEMENT OF PROTECTIONS OF**
5 **OCCUPATIONAL SAFETY AND HEALTH ACT**
6 **APPLICABLE TO LEGISLATIVE BRANCH.**

7 (a) SUBPOENA AUTHORITY FOR OFFICE OF CON-
8 GRESSIONAL WORKPLACE RIGHTS.—Section 215(c)(1) of
9 the Congressional Accountability Act of 1995 (2 U.S.C.
10 1341(c)(1)) is amended—

11 (1) by striking “subsections (a),” and inserting
12 “subsections (a), (b),”; and

13 (2) by striking “657(a),” and inserting
14 “657(a), (b),”.

15 (b) RECORDKEEPING REQUIREMENTS FOR EMPLOY-
16 ING OFFICES.—Section 215(c) of such Act (2 U.S.C.
17 1341(c)) is amended—

18 (1) by redesignating paragraphs (3) through
19 (6) as paragraphs (4) through (7);

20 (2) in paragraph (6), as so redesignated, by
21 striking “paragraph (3) or (4)” and inserting “para-
22 graph (4) or (5)”; and

23 (3) by inserting after paragraph (2) the fol-
24 lowing new paragraph:

25 “(3) RECORDKEEPING REQUIREMENTS.—Each
26 employing office shall be subject to the requirements

1 of subsection (c) of section 8 of the Occupational
2 Safety and Health Act of 1970 (29 U.S.C. 657(c))
3 that are applicable to employers under such section,
4 and the General Counsel shall exercise the authori-
5 ties granted to the Secretary of Labor under such
6 subsection.”.

7 (c) PROHIBITING RETALIATION.—Section 208(a) of
8 such Act (2 U.S.C. 1317(a)) is amended—

9 (1) by striking “It shall be” and inserting “(1)
10 It shall be”; and

11 (2) by adding at the end the following new
12 paragraph:

13 “(2) It shall be a violation of this subsection for an
14 employing office to discharge or in any manner discrimi-
15 nate against any covered employee because such employee
16 has requested the General Counsel to take any action au-
17 thorized under section 215 (relating to occupational safety
18 and health protections), or has instituted or caused to be
19 instituted, or has testified or is about to testify in, any
20 proceeding that arises from the application of section 215
21 to the employing office, or because of the exercise by such
22 employee on behalf of himself or others of any right pro-
23 vided under section 215.”.

24 (d) EFFECTIVE DATE.—

1 (1) IN GENERAL.—Subject to paragraph (2),
2 the amendments made by this section shall take ef-
3 fect upon the adoption of regulations promulgated
4 by the Board of Directors of the Office of Congres-
5 sional Workplace Rights to implement the amend-
6 ments in accordance with section 304 of the Con-
7 gressional Accountability Act of 1995 (2 U.S.C.
8 1384).

9 (2) INTERIM APPLICABILITY.—During the pe-
10 riod that begins on the date of the enactment of this
11 Act and ends on the effective date of the regulations
12 referred to in paragraph (1), the amendments made
13 by this section shall be implemented by the Board
14 of Directors of the Office of Congressional Work-
15 place Rights, the General Counsel of the Office of
16 Congressional Workplace Rights, or a hearing officer
17 or court under the Congressional Accountability Act
18 of 1995 (as the case may be) by applying (to the ex-
19 tent necessary and appropriate) the most relevant
20 substantive executive agency regulations promul-
21 gated to implement the provisions of law that are
22 made applicable to employing offices and covered
23 employees (as such terms are defined in the Con-
24 gressional Accountability Act of 1995) by such
25 amendments.

1 **SEC. 3. APPLICATION TO LEGISLATIVE BRANCH EMPLOY-**
2 **EES OF WHISTLEBLOWER PROTECTION**
3 **RULES AND RESTRICTIONS ON DISCHARGE**
4 **BY REASON OF GARNISHMENT AND DIS-**
5 **CRIMINATORY TREATMENT BY REASON OF**
6 **BANKRUPTCY.**

7 (a) IN GENERAL.—Part A of title II of the Congres-
8 sional Accountability Act of 1995 (2 U.S.C. 1311 et seq.)
9 is amended—

10 (1) in the heading, by striking “**FAIR LABOR**
11 **STANDARDS,**” and all that follows and inserting
12 “**AND OTHER PROTECTIONS AND BENEFITS**”;

13 (2) by redesignating section 208 as section
14 209A; and

15 (3) by inserting after section 207 the following
16 new sections:

17 **“SEC. 208. RIGHTS AND PROTECTIONS UNDER WHISTLE-**
18 **BLOWER PROTECTION RULES.**

19 “(a) RIGHTS AND PROTECTIONS DESCRIBED.—

20 “(1) IN GENERAL.—No employing office may
21 take or fail to take, or threaten to take or fail to
22 take, a personnel action (within the meaning of
23 chapter 23 of title 5, United States Code) with re-
24 spect to any covered employee or applicant for em-
25 ployment because of—

1 “(A) any disclosure of information by a
2 covered employee or applicant which the em-
3 ployee or applicant reasonably believes evi-
4 dences—

5 “(i) a violation of any law, rule, or
6 regulation, or

7 “(ii) gross mismanagement, a gross
8 waste of funds, an abuse of authority, or
9 a substantial and specific danger to public
10 health or safety,

11 if such disclosure is not specifically prohibited
12 by law and if such information is not specifi-
13 cally required by Executive order or the rules of
14 the House of Representatives or Senate to be
15 kept secret in the interest of national defense or
16 the conduct of foreign affairs; or

17 “(B) any disclosure to the General Coun-
18 sel, or to the Inspector General of an executive
19 agency or office of the legislative branch or an-
20 other employee designated by the head of the
21 agency or office to receive such disclosures, of
22 information which the employee or applicant
23 reasonably believes evidences—

24 “(i) a violation of any law, rule, or
25 regulation, or

1 “(ii) gross mismanagement, a gross
2 waste of funds, an abuse of authority, or
3 a substantial and specific danger to public
4 health or safety.

5 “(2) DEFINITIONS.—For purposes of this sec-
6 tion and for purposes of applying the procedures es-
7 tablished under title IV for the consideration of al-
8 leged violations of this section—

9 “(A) the term ‘covered employee’ includes
10 an employee of the Government Accountability
11 Office or Library of Congress; and

12 “(B) the term ‘employing office’ includes
13 the Government Accountability Office and the
14 Library of Congress.

15 “(b) REMEDY.—The remedy for a violation of sub-
16 section (a) shall be such remedy as would be appropriate
17 if awarded under chapter 12 of title 5, United States
18 Code, with respect to a prohibited personnel practice de-
19 scribed in section 2302(b)(8) of such title.

20 “(c) REGULATIONS TO IMPLEMENT SECTION.—

21 “(1) IN GENERAL.—The Board shall, pursuant
22 to section 304, issue regulations to implement this
23 section.

24 “(2) AGENCY REGULATIONS.—The regulations
25 issued under paragraph (1) shall be the same as the

1 substantive regulations promulgated by the Merit
2 Systems Protection Board to implement chapters 12
3 and 23 of title 5, United States Code, except to the
4 extent that the Board of Directors of the Office of
5 Congressional Workplace Rights may determine, for
6 good cause shown and stated together with the regu-
7 lation, that a modification of such regulations would
8 be more effective for the implementation of the
9 rights and protections under this section.

10 **“SEC. 209. RESTRICTION ON DISCHARGE FROM EMPLOY-**
11 **MENT BY REASON OF GARNISHMENT OR DIS-**
12 **CRIMINATORY TREATMENT BY REASON OF**
13 **BANKRUPTCY.**

14 “(a) GARNISHMENT.—

15 “(1) RIGHTS AND PROTECTIONS DESCRIBED.—

16 No employing office may discharge any covered em-
17 ployee by reason of the fact that the employee’s
18 earnings have been subjected to garnishment for any
19 one indebtedness.

20 “(2) REMEDY.—The remedy for a violation of
21 paragraph (1) shall be such remedy as would be ap-
22 propriate if awarded under section 304(b) of the
23 Consumer Credit Protection Act (15 U.S.C.
24 1674(b)).

25 “(b) BANKRUPTCY.—

1 “(1) RIGHTS AND PROTECTIONS DESCRIBED.—

2 No employing office may deny employment to, termi-
3 nate the employment of, or discriminate with respect
4 to employment against, a covered employee who is or
5 has been a debtor under title 11, United States
6 Code, or a bankrupt or a debtor under the Bank-
7 ruptcy Act, or another covered employee with whom
8 such bankrupt or debtor has been associated, solely
9 because such bankrupt or debtor—

10 “(A) is or has been a debtor under such
11 title or a debtor or bankrupt under such Act;

12 “(B) has been insolvent before the com-
13 mencement of a case under such title or during
14 the case but before the grant or denial of a dis-
15 charge; or

16 “(C) has not paid a debt that is discharge-
17 able in a case under such title or that was dis-
18 charged under such Act.

19 “(2) REMEDY.—The remedy for a violation of
20 paragraph (1) would be such remedy as would be
21 appropriate if awarded with respect to a violation of
22 section 525(a) or (b) of title 11, United States Code.

23 “(c) DEFINITIONS.—For purposes of this section and
24 for purposes of applying the procedures established under

1 title IV for the consideration of alleged violations of this
2 section—

3 “(1) the term ‘covered employee’ includes an
4 employee of the Government Accountability Office or
5 the Library of Congress; and

6 “(2) the term ‘employing office’ includes the
7 Government Accountability Office and the Library of
8 Congress.

9 “(d) REGULATIONS TO IMPLEMENT SECTION.—

10 “(1) IN GENERAL.—The Board shall, pursuant
11 to section 304, issue regulations to implement this
12 section.

13 “(2) AGENCY REGULATIONS.—The regulations
14 issued under paragraph (1) shall be the same as the
15 substantive regulations promulgated to implement
16 section 304 of the Consumer Credit Protection Act
17 (15 U.S.C. 1674) and the substantive regulations
18 promulgated to implement section 525 of title 11,
19 United States Code, except to the extent that the
20 Board of Directors of the Office of Congressional
21 Workplace Rights may determine, for good cause
22 shown and stated together with the regulation, that
23 a modification of any such regulation would be more
24 effective for the implementation of the rights and
25 protections under this section.”.

1 (b) CONFORMING AMENDMENT TO BANKRUPTCY
2 CODE.—Section 525 of title 11, United States Code, is
3 amended by adding at the end the following new sub-
4 section:

5 “(d)(1) In the case of an alleged violation of sub-
6 section (a) or (b) by a governmental unit which is a legis-
7 lative branch employing office with respect to an employee
8 of such office who is a legislative branch covered employee,
9 the procedures for consideration of the alleged violation
10 shall consist of the procedures applicable under title IV
11 of the Congressional Accountability Act of 1995.

12 “(2) In this subsection—

13 “(A) the term ‘legislative branch employing of-
14 fice’ means an employing office described in section
15 101(9) of the Congressional Accountability Act of
16 1995, and includes the Government Accountability
17 Office and the Library of Congress; and

18 “(B) the term ‘legislative branch covered em-
19 ployee’ means a covered employee described in sec-
20 tion 101(3) of the Congressional Accountability Act
21 of 1995, and includes an employee of the Govern-
22 ment Accountability Office or the Library of Con-
23 gress.”.

24 (c) CONFORMING AMENDMENT TO LIST OF LAWS
25 MADE APPLICABLE.—Section 102(a) of the Congressional

1 Accountability Act of 1995 (2 U.S.C. 1302(a)) is amended
 2 by adding at the end the following new paragraphs:

3 “(13) Section 2302(b)(8) of title 5, United
 4 States Code.

5 “(14) Section 304 of the Consumer Credit Pro-
 6 tection Act (15 U.S.C. 1674).

7 “(15) Section 525 of title 11, United States
 8 Code.”.

9 (d) OTHER CONFORMING AMENDMENTS.—The Con-
 10 gressional Accountability Act of 1995 is amended by strik-
 11 ing “section 207” and inserting “section 209A” each place
 12 it occurs in the following:

13 (1) Section 226(b)(2) (2 U.S.C. 1362(b)(2)).

14 (2) Section 402(b)(2)(B)(ii) (2 U.S.C.
 15 1402(b)(2)(B)(ii)).

16 (3) Section 415(d)(1)(C) (2 U.S.C.
 17 1415(d)(1)(C)).

18 (4) Section 417(a)(3) (2 U.S.C. 1417(a)(3).

19 (e) CLERICAL AMENDMENT.—The table of contents
 20 for part A of title II of the Congressional Accountability
 21 Act of 1995 is amended—

22 (1) in the item relating to part A, by striking
 23 “**FAIR LABOR STANDARDS,**” and all that
 24 follows and inserting “**AND OTHER PROTEC-**
 25 **TIONS AND BENEFITS**”;

1 (2) by redesignating the item relating to section
2 208 as relating to section 209A; and

3 (3) by inserting after the item relating to sec-
4 tion 207 the following:

“Sec. 208. Rights and protections under whistleblower protection rules.

“Sec. 209. Restriction on discharge from employment by reason of garnishment
or discriminatory treatment by reason of bankruptcy.”.

5 **SEC. 4. REQUIRING RETENTION OF RECORDS NECESSARY**
6 **TO ADMINISTER ANTI-DISCRIMINATION LAWS**
7 **APPLICABLE TO COVERED EMPLOYEES.**

8 (a) TITLE VII OF THE CIVIL RIGHTS ACT; AGE DIS-
9 CRIMINATION IN EMPLOYMENT ACT; AMERICANS WITH
10 DISABILITIES ACT.—Section 201 of the Congressional Ac-
11 countability Act of 1995 (2 U.S.C. 1311) is amended—

12 (1) by redesignating subsection (e) as sub-
13 section (f); and

14 (2) by inserting after subsection (d) the fol-
15 lowing new subsection:

16 “(e) RETENTION OF RECORDS.—

17 “(1) REQUIRING EMPLOYING OFFICES TO RE-
18 TAIN RECORDS NECESSARY TO ADMINISTER RIGHTS
19 AND PROTECTIONS.—To the extent that the fol-
20 lowing provisions of law require the keeping of
21 records necessary or appropriate for the administra-
22 tion of this section, such provisions of law shall
23 apply to employing offices:

1 “(A) Section 709(c) of the Civil Rights Act
2 of 1964 (42 U.S.C. 2000e–8(c)).

3 “(B) Section 7(a) of the Age Discrimina-
4 tion in Employment Act of 1967 (29 U.S.C.
5 626(a)).

6 “(C) Section 107(a) of the Americans with
7 Disabilities Act of 1990 (42 U.S.C. 12117(a)).

8 “(2) EFFECTIVE DATE.—This subsection shall
9 apply with respect to records generated on or after
10 the expiration of the 60-day period that begins on
11 the date of the enactment of this subsection.”.

12 (b) FAMILY AND MEDICAL LEAVE ACT OF 1993.—

13 (1) IN GENERAL.—Section 202(a)(1) of such
14 Act (2 U.S.C. 1312(a)(1)) is amended by striking
15 “sections 101 through 105” and inserting “sections
16 101 through 105 and section 106(b)”.

17 (2) EFFECTIVE DATE.—

18 (A) IN GENERAL.—Subject to subpara-
19 graph (B), the amendment made by paragraph
20 (1) shall take effect upon the adoption of regu-
21 lations promulgated by the Board of Directors
22 of the Office of Congressional Workplace Rights
23 to implement the amendment.

24 (B) INTERIM APPLICABILITY.—During the
25 period that begins on the date of the enactment

1 of this Act and ends on the effective date of the
2 regulations referred to in subparagraph (A), the
3 amendment made by paragraph (1) shall be im-
4 plemented by the Board of Directors of the Of-
5 fice of Congressional Workplace Rights or a
6 hearing officer or court under the Congressional
7 Accountability Act of 1995 (as the case may be)
8 by applying (to the extent necessary and appro-
9 priate) the most relevant substantive executive
10 agency regulations promulgated to implement
11 the provision of law that is made applicable to
12 employing offices and covered employees (as
13 such terms are defined in the Congressional Ac-
14 countability Act of 1995) by such amendment.

15 (c) FAIR LABOR STANDARDS ACT OF 1938.—

16 (1) IN GENERAL.—Section 203(a)(1) of such
17 Act (2 U.S.C. 1313(a)(1)) is amended—

18 (A) by striking “and section 12(c)” and in-
19 serting “section 11(c), and section 12(c)”; and

20 (B) by striking “212(c)” and inserting
21 “211(c), 212(c)”.

22 (2) EFFECTIVE DATE.—

23 (A) IN GENERAL.—Subject to subpara-
24 graph (B), the amendment made by paragraph
25 (1) shall take effect upon the adoption of regu-

lations promulgated by the Board of Directors of the Office of Congressional Workplace Rights to implement the amendment.

(B) INTERIM APPLICABILITY.—During the period that begins on the date of the enactment of this Act and ends on the effective date of the regulations referred to in subparagraph (A), the amendment made by paragraph (1) shall be implemented by the Board of Directors of the Office of Congressional Workplace Rights or a hearing officer or court under the Congressional Accountability Act of 1995 (as the case may be) by applying (to the extent necessary and appropriate) the most relevant substantive executive agency regulations promulgated to implement the provision of law that is made applicable to employing offices and covered employees (as such terms are defined in the Congressional Accountability Act of 1995) by such amendment.

**SEC. 5. COVERAGE OF LEGISLATIVE BRANCH EMPLOYEES
UNDER RULES PROTECTING JURORS' EM-
PLOYMENT.**

(a) IN GENERAL.—Section 1875(a) of title 28, United States Code, is amended—

1 (1) by striking “(a)” and inserting “(a)(1)”;
2 and

3 (2) by adding at the end the following:

4 “(2) In this section—

5 “(A) the term ‘employer’ includes an employing
6 office under section 101(9) of the Congressional Ac-
7 countability Act of 1995, the Government Account-
8 ability Office, the Government Publishing Office,
9 and the Library of Congress; and

10 “(B) the term ‘permanent employee’ includes
11 any covered employee under section 101(3) of the
12 Congressional Accountability Act of 1995 and any
13 employee of the Government Accountability Office,
14 the Government Publishing Office, and the Library
15 of Congress, without regard to whether the employ-
16 ee’s term of service or appointment is permanent.”.

17 (b) EFFECTIVE DATE.—The amendments made by
18 subsection (a) apply with respect to individuals summoned
19 for juror service or serving on juries on or after the date
20 of the enactment of this Act.

1 **SEC. 6. PROVIDING BOARD OF OFFICE OF CONGRESSIONAL**
2 **WORKPLACE RIGHTS WITH AUTHORITY TO**
3 **SEEK TEMPORARY RELIEF IN CASES OF UN-**
4 **FAIR LABOR PRACTICES.**

5 (a) **AUTHORITY.**—Section 220(c)(1) of the Congres-
6 sional Accountability Act of 1995 (2 U.S.C. 1351(c)(1))
7 is amended by striking “and 7122” and inserting “7122,
8 and 7123(d)”.

9 (b) **EFFECTIVE DATE.**—The amendment made by
10 subsection (a) shall apply with respect to petitions or other
11 submissions described in section 220(c) of such Act which
12 are submitted on or after the date of the enactment of
13 this Act.

14 **SEC. 7. MAKING HEARINGS AND DELIBERATIONS IN CASES**
15 **RELATING TO PUBLIC SERVICES AND ACCOM-**
16 **MODATIONS UNDER AMERICANS WITH DIS-**
17 **ABILITIES ACT AND CASES RELATING TO**
18 **LABOR-MANAGEMENT RELATIONS OPEN TO**
19 **PUBLIC.**

20 (a) **IN GENERAL.**—Section 416(b) of the Congres-
21 sional Accountability Act of 1995 (2 U.S.C. 1416(b)) is
22 amended by amending the second sentence to read as fol-
23 lows: “This subsection shall not apply to proceedings
24 under section 210, section 215, or section 220, but shall
25 apply to the deliberations of hearing officers and the
26 Board under each such section.”.

1 (b) EFFECTIVE DATE.—The amendment made by
 2 subsection (a) shall apply with respect to hearings and de-
 3 liberations occurring on or after the date of the enactment
 4 of this Act.

5 **SEC. 8. MANDATORY MEDIATION OF CLAIMS AT REQUEST**
 6 **OF COVERED EMPLOYEE.**

7 (a) MANDATORY MEDIATION.—Section 403(a)(2) of
 8 the Congressional Accountability Act of 1995 (2 U.S.C.
 9 1403(a)(2)) is amended—

10 (1) in subparagraph (A), by striking the second
 11 sentence; and

12 (2) by adding at the end the following new sub-
 13 paragraph:

14 “(C) CONDUCT OF MEDIATION.—The Of-
 15 fice shall promptly assign a mediator to the
 16 claim, and conduct mediation under this sec-
 17 tion, if—

18 “(i) the employing office files a re-
 19 quest for mediation and the covered em-
 20 ployee agrees to the request; or

21 “(ii) the covered employee files a re-
 22 quest for mediation.”.

23 (b) CONFORMING AMENDMENT RELATING TO COM-
 24 MENCEMENT OF MEDIATION PERIOD.—Section 403(c) of
 25 such Act (2 U.S.C. 1403(c)) is amended by striking “be-

1 ginning on the first day after the second party agrees to
2 the request for the mediation” and inserting the following:
3 “beginning on the first day after the covered employee
4 files the request for the mediation or, if the employing of-
5 fice files the request for the mediation, beginning on the
6 first day after the covered employee agrees to the re-
7 quest”.

8 (c) EFFECTIVE DATE.—The amendments made by
9 this section shall apply with respect to claims filed under
10 title IV of the Congressional Accountability Act of 1995
11 on or after the date of the enactment of this Act.

○