

116TH CONGRESS
2D SESSION

H. R. 8151

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

SEPTEMBER 1, 2020

Ms. NORTON introduced the following bill; which was referred to the Committee on House Administration, and in addition to the Committees on the Judiciary, and Education and Labor, 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 2020”.

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 as amended by section 1122(d)(1) of the Fair Chance to
 10 Compete for Jobs Act of 2019 (Public Law 116–92; 133
 11 Stat. 1608), is amended—

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

15 (2) by redesignating section 208 as section
 16 209A; and

17 (3) by inserting after section 207 the following
 18 new sections:

19 **“SEC. 208. RIGHTS AND PROTECTIONS UNDER WHISTLE-**
 20 **BLOWER PROTECTION RULES.**

21 “(a) RIGHTS AND PROTECTIONS DESCRIBED.—

22 “(1) IN GENERAL.—No employing office may
 23 take or fail to take, or threaten to take or fail to
 24 take, a personnel action (within the meaning of
 25 chapter 23 of title 5, United States Code) with re-

1 spect to any covered employee or applicant for em-
2 ployment because of—

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

7 “(i) a violation of any law, rule, or
8 regulation, or

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

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

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

1 “(i) a violation of any law, rule, or
2 regulation, or

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

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

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

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

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

22 “(c) REGULATIONS TO IMPLEMENT SECTION.—

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

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

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

16 “(a) GARNISHMENT.—

17 “(1) RIGHTS AND PROTECTIONS DESCRIBED.—
 18 No employing office may discharge any covered em-
 19 ployee by reason of the fact that the employee’s
 20 earnings have been subjected to garnishment for any
 21 one indebtedness.

22 “(2) REMEDY.—The remedy for a violation of
 23 paragraph (1) shall be such remedy as would be ap-
 24 propriate if awarded under section 304(b) of the

1 Consumer Credit Protection Act (15 U.S.C.
2 1674(b)).

3 “(b) BANKRUPTCY.—

4 “(1) RIGHTS AND PROTECTIONS DESCRIBED.—

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

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

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

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

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

1 “(c) DEFINITIONS.—For purposes of this section and
2 for purposes of applying the procedures established under
3 title IV for the consideration of alleged violations of this
4 section—

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

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

11 “(d) REGULATIONS TO IMPLEMENT SECTION.—

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

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

1 effective for the implementation of the rights and
2 protections under this section.”.

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

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

14 “(2) In this subsection—

15 “(A) the term ‘legislative branch employing of-
16 fice’ means an employing office described in section
17 101(9) of the Congressional Accountability Act of
18 1995, and includes the Government Accountability
19 Office and the Library of Congress; and

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

1 (c) OTHER CONFORMING AMENDMENT.—Section
 2 102(a) of the Congressional Accountability Act of 1995
 3 (2 U.S.C. 1302(a)), as amended by section 1122(d)(1) of
 4 the Fair Chance to Compete for Jobs Act of 2019 (Public
 5 Law 116–92; 133 Stat. 1608), is amended by adding at
 6 the end the following new paragraphs:

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

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

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

13 (d) CLERICAL AMENDMENT.—The table of contents
 14 for part A of title II of the Congressional Accountability
 15 Act of 1995, as amended by section 1122(d)(1) of the Fair
 16 Chance to Compete for Jobs Act of 2019 (Public Law
 17 116–92; 133 Stat. 1608), is amended—

18 (1) in the item relating to part A, by striking
 19 “**FAIR LABOR STANDARDS**,” and all that
 20 follows and inserting “**AND OTHER PROTEC-**
 21 **TIONS AND BENEFITS**”;

22 (2) by redesignating the item relating to section
 23 208 as relating to section 209A; and

24 (3) by inserting after the item relating to sec-
 25 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”.

1 SEC. 4. REQUIRING RETENTION OF RECORDS NECESSARY
2 TO ADMINISTER ANTI-DISCRIMINATION LAWS
3 APPLICABLE TO COVERED EMPLOYEES.

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

8 (1) by redesignating subsection (e) as sub-
9 section (f); and

10 (2) by inserting after subsection (d) the fol-
11 lowing new subsection:

12 “(e) RETENTION OF RECORDS.—

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

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

22 “(B) Section 7(a) of the Age Discrimina-
23 tion in Employment Act of 1967 (29 U.S.C.
24 626(a)).

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

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

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

8 (1) IN GENERAL.—Section 202(a)(1) of such
9 Act (2 U.S.C. 1312(a)(1)) is amended by striking
10 “sections 101 through 105” and inserting “sections
11 101 through 105 and section 106(b)”.

12 (2) EFFECTIVE DATE.—

13 (A) IN GENERAL.—Subject to subpara-
14 graph (B), the amendment made by paragraph
15 (1) shall take effect upon the adoption of regu-
16 lations promulgated by the Board of Directors
17 of the Office of Congressional Workplace Rights
18 to implement the amendment.

19 (B) INTERIM APPLICABILITY.—During the
20 period that begins on the date of the enactment
21 of this Act and ends on the effective date of the
22 regulations referred to in subparagraph (A), the
23 amendment made by paragraph (1) shall be im-
24 plemented by the Board of Directors of the Of-
25 fice of Congressional Workplace Rights or a

1 hearing officer or court under the Congressional
2 Accountability Act of 1995 (as the case may be)
3 by applying (to the extent necessary and appro-
4 priate) the most relevant substantive executive
5 agency regulations promulgated to implement
6 the provision of law that is made applicable to
7 employing offices and covered employees (as
8 such terms are defined in the Congressional Ac-
9 countability Act of 1995) by such amendment.

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

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

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

15 (B) by striking “212(c)” and inserting
16 “211(c), 212(c)”.

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

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

and

(2) by adding at the end the following:

“(2) In this section—

“(A) the term ‘employer’ includes an employing office under section 101(9) of the Congressional Ac-

1 countability Act of 1995, the Government Account-
2 ability Office, the Government Publishing Office,
3 and the Library of Congress; and

4 “(B) the term ‘permanent employee’ includes
5 any covered employee under section 101(3) of the
6 Congressional Accountability Act of 1995 and any
7 employee of the Government Accountability Office,
8 the Government Publishing Office, and the Library
9 of Congress, without regard to whether the employ-
10 ee’s term of service or appointment is permanent.”.

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

○