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(Original Signature of Member)

119TH CONGRESS  
2D SESSION

# H. R.

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To amend the Congressional Accountability Act of 1995 to require Members of Congress to reimburse the Treasury for amounts paid as settlements and awards under such Act in all cases of employment discrimination acts committed personally by Members, to permit individuals who file claims under such Act to file an amended claim if the preliminary review of the individual's claim by a hearing officer includes the determination that the individual filing the claim is not a covered employee under such Act or has not stated a claim for which relief may be granted under title IV of such Act, and for other purposes.

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## IN THE HOUSE OF REPRESENTATIVES

Ms. SCANLON introduced the following bill; which was referred to the Committee on \_\_\_\_\_

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# A BILL

To amend the Congressional Accountability Act of 1995 to require Members of Congress to reimburse the Treasury for amounts paid as settlements and awards under such Act in all cases of employment discrimination acts committed personally by Members, to permit individuals who file claims under such Act to file an amended claim if the preliminary review of the individual's claim by a hearing officer includes the determination that the individual filing the claim is not a covered employee

under such Act or has not stated a claim for which relief may be granted under title IV of such Act, 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,*

3 **SECTION 1. SHORT TITLE.**

4       This Act may be cited as the “Congressional Ac-  
5 countability Act Enhancement Act”.

6 **SEC. 2. REVISION OF RULES REQUIRING REIMBURSEMENT**  
7                   **FOR AMOUNTS PAID AS SETTLEMENTS AND**  
8                   **AWARDS UNDER CONGRESSIONAL ACCOUNT-**  
9                   **ABILITY ACT OF 1995 IN CASES OF EMPLOY-**  
10                   **MENT DISCRIMINATION.**

11       (a) REQUIRING MEMBERS OF CONGRESS TO REIM-  
12 BURSE TREASURY FOR AMOUNTS PAID AS SETTLEMENTS  
13 AND AWARDS IN ALL CASES OF EMPLOYMENT DISCRIMI-  
14 NATION ACTS BY MEMBERS.—

15           (1) REQUIRING REIMBURSEMENT.—Clause (i)  
16 of section 415(d)(1)(C) of the Congressional Ac-  
17 countability Act of 1995 (2 U.S.C. 1415(d)(1)(C)) is  
18 amended to read as follows:

19                   “(i) a violation of section 201(a) or  
20                   section 206(a); or”.

21           (2) CONFORMING AMENDMENT RELATING TO  
22 NOTIFICATION OF POSSIBILITY OF REIMBURSE-  
23 MENT.—Clause (i) of section 402(b)(2)(B) of the

1 Congressional Accountability Act of 1995 (2 U.S.C.  
2 1402(b)(2)(B)) is amended to read as follows:

3 “(i) a violation of section 201(a) or  
4 section 206(a); or”.

5 (b) REQUIRING OTHER EMPLOYING OFFICES TO RE-  
6 IMBURSE TREASURY FOR AMOUNTS PAID IN CLAIMS IN-  
7 VOLVING RETALIATION FOR FILING EMPLOYMENT DIS-  
8 CRIMINATION CLAIM.—Section 415(e) of such Act (2  
9 U.S.C. 1415(e)) is amended—

10 (1) in paragraph (1), by striking “a violation of  
11 section 201(a) or 206(a)” and inserting “a violation  
12 described in paragraph (4)”; and

13 (2) by adding at the end the following new  
14 paragraph:

15 “(4) VIOLATIONS DESCRIBED.—A violation de-  
16 scribed in this paragraph is—

17 “(A) a violation of section 201(a) or  
18 206(a); or

19 “(B) intimidation, reprisal, or discrimina-  
20 tion that is unlawful under section 207 and is  
21 taken against a covered employee because of a  
22 claim alleging a violation described in subpara-  
23 graph (A).”.

24 (c) EFFECTIVE DATE.—The amendments made by  
25 this section shall apply with respect to claims under the

1 Congressional Accountability Act of 1995 which are made  
2 on or after the date of the enactment of this Act.

3 **SEC. 3. PERMITTING INDIVIDUALS FILING CLAIMS UNDER**  
4 **CONGRESSIONAL ACCOUNTABILITY ACT OF**  
5 **1995 TO FILE AMENDED CLAIMS IF PRELIMI-**  
6 **NARY REVIEW INCLUDES DETERMINATION**  
7 **OF FAILURE TO STATE CLAIM FOR WHICH**  
8 **RELIEF MAY BE GRANTED.**

9 (a) PERMITTING FILING OF AMENDED CLAIMS.—  
10 Section 403(d) of the Congressional Accountability Act of  
11 1995 (2 U.S.C. 1402a(d)) is amended to read as follows:

12 “(d) EFFECT OF DETERMINATION OF FAILURE TO  
13 STATE CLAIM FOR WHICH RELIEF MAY BE GRANTED.—

14 “(1) PERMITTING FILING OF AMENDED  
15 VERSION OF CLAIM.—If the hearing officer’s report  
16 on the preliminary review of a claim under sub-  
17 section (c) includes the determination that the indi-  
18 vidual filing the claim is not a covered employee or  
19 has not stated a claim for which relief may be grant-  
20 ed under this title—

21 “(A) the individual may file an amended  
22 version of the claim under this section; and

23 “(B) the amended claim shall be subject to  
24 a preliminary review under this section in the

1 same manner as the original version of the  
2 claim.

3 “(2) EFFECT OF DETERMINATION.—If the indi-  
4 vidual does not file an amended claim under para-  
5 graph (1)(A) prior to the expiration of the 10-day  
6 period which begins on the date the hearing officer  
7 submits the report on the preliminary review of the  
8 individual’s original version of the claim under sub-  
9 section (c), or if the hearing officer’s report on the  
10 amended version of the claim includes the deter-  
11 mination that the individual filing the claim is not  
12 a covered employee or has not stated a claim for  
13 which relief may be granted under this title—

14 “(A) the individual (including an individual  
15 who is a Library claimant, as defined in section  
16 401(d)(1)) may not obtain a formal hearing  
17 with respect to the claim as provided under sec-  
18 tion 405; and

19 “(B) the hearing officer shall provide the  
20 individual and the Executive Director with a  
21 written notice that the individual may file a  
22 civil action with respect to the claim in accord-  
23 ance with section 408.”.

24 (b) EFFECTIVE DATE.—The amendments made by  
25 this section shall apply with respect to claims under the

1 Congressional Accountability Act of 1995 which are made  
2 on or after the date of the enactment of this Act.

3 **SEC. 4. PERMITTING OFFICE OF EMPLOYEE ADVOCACY TO**  
4 **PROVIDE ASSISTANCE TO COVERED EMPLOY-**  
5 **EES IN CONNECTION WITH CIVIL ACTIONS.**

6 (a) IN GENERAL.—Notwithstanding section 724(c) of  
7 House Resolution 724, One Hundred Fifteenth Congress,  
8 if a covered employee of the House of Representatives  
9 under the Congressional Accountability Act of 1995 files  
10 a civil action with respect to an alleged violation of such  
11 Act, as provided in section 408 of such Act, the Office  
12 of Employee Advocacy may provide assistance to the em-  
13 ployee with respect to investigations or proceedings under  
14 such Act in connection with such alleged violation at any  
15 time, including after the employee files such action.

16 (b) EXERCISE OF RULEMAKING AUTHORITY.—This  
17 section is enacted by Congress—

18 (1) as an exercise of the rulemaking power of  
19 the House of Representatives, and as such it is  
20 deemed a part of the rules of the House of Rep-  
21 resentatives, and it supersedes other rules only to  
22 the extent that it is inconsistent with such rules; and

23 (2) with full recognition of the constitutional  
24 right of the House of Representatives to change the  
25 rules (so far as relating to the procedure of the

1 House) at any time, in the same manner, and to the  
2 same extent as in the case of any other rule of the  
3 House.