

118TH CONGRESS
2D SESSION

S. 5168

To make certain antidiscrimination laws applicable to the judicial branch
of the Federal Government, and for other purposes.

IN THE SENATE OF THE UNITED STATES

SEPTEMBER 25, 2024

Ms. HIRONO (for herself and Ms. MURKOWSKI) introduced the following bill;
which was read twice and referred to the Committee on the Judiciary

A BILL

To make certain antidiscrimination laws applicable to the
judicial branch of the Federal Government, 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; TABLE OF CONTENTS.**

4 (a) SHORT TITLE.—This Act may be cited as the
5 “Judiciary Accountability Act of 2024”.

6 (b) TABLE OF CONTENTS.—The table of contents for
7 this Act is as follows:

Sec. 1. Short title; table of contents.

TITLE I—GENERAL

Sec. 101. Definitions.

Sec. 102. Application of laws.

TITLE II—EXTENSION OF RIGHTS AND PROTECTIONS

Subtitle A—Employment Discrimination, Employment and Reemployment of Veterans, Intimidation, and Reprisal

- Sec. 201. Rights and protections under title VII of the Civil Rights Act of 1964, the Age Discrimination in Employment Act of 1967, the Rehabilitation Act of 1973, title I of the Americans with Disabilities Act of 1990, and title II of the Genetic Information Nondiscrimination Act of 2008.
- Sec. 202. Rights and protections relating to veterans' employment and reemployment.
- Sec. 203. Prohibition of intimidation or reprisal.
- Sec. 204. Remedies and limitations.

Subtitle B—Reporting and Notices

- Sec. 211. Annual reports.
- Sec. 212. Notices.

TITLE III—OFFICE OF JUDICIAL INTEGRITY

- Sec. 301. Establishment of the Office of Judicial Integrity.
- Sec. 302. Officers, staff, and other personnel.
- Sec. 303. Procedural rules.
- Sec. 304. Substantive regulations.
- Sec. 305. Expenses.

TITLE IV—ADMINISTRATIVE AND JUDICIAL DISPUTE-RESOLUTION PROCEDURES

- Sec. 401. Procedure for consideration of alleged violations.
- Sec. 402. Initiation of proceedings.
- Sec. 403. Preliminary review of claims.
- Sec. 404. Mediation.
- Sec. 405. Hearing.
- Sec. 406. Appeal to the Board.
- Sec. 407. Judicial review of board decisions and enforcement.
- Sec. 408. Civil action.
- Sec. 409. Judicial review of regulations.
- Sec. 410. Other judicial review prohibited.
- Sec. 411. Effect of failure to issue regulations.
- Sec. 412. Expedited review of certain appeals.
- Sec. 413. Sovereign immunity and judicial independence.
- Sec. 414. Settlement.
- Sec. 415. Payments.
- Sec. 416. Confidentiality and referrals.

TITLE V—MISCELLANEOUS PROVISIONS

- Sec. 501. Improvements to judicial conduct and disability complaints process.
- Sec. 502. District of Columbia courts.
- Sec. 503. United States Tax Court.
- Sec. 504. Court of Appeals for Veterans Claims.
- Sec. 505. District Court of Guam.
- Sec. 506. District Court for the Northern Mariana Islands.
- Sec. 507. District Court of the Virgin Islands.

Sec. 508. Transition provisions.

Sec. 509. Severability.

1 **TITLE I—GENERAL**

2 **SEC. 101. DEFINITIONS.**

3 Except as otherwise specifically provided in this Act,
4 as used in this Act:

5 (1) **BOARD.**—The term “Board” means the
6 Board of Directors of the Office of Judicial Integ-
7 rity.

8 (2) **CHAIR.**—The term “Chair” means the
9 Chair of the Board of Directors of the Office of Ju-
10 dicial Integrity.

11 (3) **COVERED EMPLOYEE.**—The term “covered
12 employee” means any employee of an employing
13 unit.

14 (4) **EMPLOYEE.**—The term “employee” includes
15 an officer, an applicant for employment, and a
16 former employee.

17 (5) **EMPLOYING UNIT.**—

18 (A) **IN GENERAL.**—The term “employing
19 unit” means—

20 (i)(I) a court of appeals of the United
21 States, for individuals employed directly by
22 the court, including covered individuals;

1 (II) a district court of the United
2 States, for individuals employed directly by
3 the court, including covered individuals;

4 (III) a bankruptcy court, for individ-
5 uals employed directly by the court, includ-
6 ing covered individuals;

7 (IV) the United States Court of Fed-
8 eral Claims, for individuals employed di-
9 rectly by the court, including covered indi-
10 viduals; and

11 (V) the United States Court of Inter-
12 national Trade, for individuals employed
13 directly by the court, including covered in-
14 dividuals;

15 (ii) a judicial council of a court of ap-
16 peals, for individuals employed directly by
17 the council, including covered individuals;

18 (iii) the office of a judge of a court
19 described in clause (i), for individuals ap-
20 pointed by the judge;

21 (iv) the office of a United States mag-
22 istrate judge, for individuals appointed by
23 the judge;

24 (v) the office of a bankruptcy judge,
25 for individuals appointed by the judge;

1 (vi) the office of a person who is a cir-
2 cuit executive, clerk, librarian, crier, or
3 staff attorney of a court of appeals, for in-
4 dividuals appointed by that person;

5 (vii) the office of the senior technical
6 assistant of the Court of Appeals for the
7 Federal Circuit, for individuals appointed
8 by the senior technical assistant;

9 (viii) the office of the clerk of a dis-
10 trict court of the United States, a bank-
11 ruptcy court, or the United States Court of
12 Federal Claims, for individuals appointed
13 by the clerk;

14 (ix) the office of a district court exec-
15 utive, for individuals appointed by the ex-
16 ecutive;

17 (x) the Judicial Conference of the
18 United States, the Administrative Office of
19 the United States Courts, the Federal Ju-
20 dicial Center, and the United States Sen-
21 tencing Commission; and

22 (xi) a Federal Public Defender Orga-
23 nization described in section
24 3006A(g)(2)(A) of title 18, United States
25 Code.

1 (B) COVERED INDIVIDUAL.—In subpara-
2 graph (A), the term “covered individual” in-
3 cludes a circuit executive, a clerk of court, a
4 court reporter, a probation officer, a pretrial
5 services officer, a librarian, a crier, a mes-
6 senger, a bailiff, a staff attorney, a
7 preargument attorney, a bankruptcy adminis-
8 trator, and (with respect to the United States
9 Court of Appeals for the Federal Circuit) the
10 senior technical assistant of that court.

11 (6) GENERAL COUNSEL.—The term “General
12 Counsel” means the General Counsel of the Office of
13 Judicial Integrity.

14 (7) JUDGE.—The term “judge” has the mean-
15 ing given the term in section 351 of title 28, United
16 States Code.

17 (8) JUDICIAL BRANCH AGENCY.—The term “ju-
18 dicial branch agency”—

19 (A) means an entity established in the ju-
20 dicial branch of the Federal Government that is
21 not an employing unit described in clauses (i)
22 through (ix), or clause (xi), of paragraph
23 (5)(A); and

24 (B) includes the Judicial Conference of the
25 United States, the Administrative Office of the

1 United States Courts, the Federal Judicial Cen-
2 ter, and the United States Sentencing Commis-
3 sion.

4 (9) JUDICIAL COUNCIL.—The term “judicial
5 council” means a judicial council of a circuit de-
6 scribed in section 332 of title 28, United States
7 Code.

8 (10) OEA.—The term “OEA” means the Office
9 of Employee Advocacy.

10 (11) OFFICE.—The term “Office” means the
11 Office of Judicial Integrity.

12 (12) OTHER ABUSIVE CONDUCT.—The term
13 “other abusive conduct”—

14 (A) means a pattern of demonstrably egre-
15 gious and hostile conduct not covered by sub-
16 title A of title II that—

17 (i) unreasonably interferes with a cov-
18 ered employee’s work;

19 (ii) creates an abusive working envi-
20 ronment; and

21 (iii) is threatening, oppressive, or in-
22 timidating; and

23 (B) does not include communications and
24 actions that are reasonably related to—

- 1 (i) performance management, includ-
2 ing instruction, corrective criticism, and
3 evaluation;
- 4 (ii) performance improvement plans;
- 5 (iii) duty assignments and changes to
6 duty assignments;
- 7 (iv) office organization; or
- 8 (v) progressive discipline.

9 (13) WORKPLACE MISCONDUCT.—The term
10 “workplace misconduct”—

11 (A) means misconduct against a covered
12 employee that impacts or is related to the cov-
13 ered employee’s workplace or employment; and

14 (B) includes conduct prohibited under sub-
15 title A of title II, other abusive conduct, and
16 other misconduct the Board defines by rule-
17 making pursuant to section 304.

18 **SEC. 102. APPLICATION OF LAWS.**

19 The following laws shall apply, as prescribed by this
20 Act and notwithstanding any other provision of Federal
21 law, to the judicial branch of the Federal Government:

22 (1) Title VII of the Civil Rights Act of 1964
23 (42 U.S.C. 2000e et seq.).

24 (2) The Americans with Disabilities Act of
25 1990 (42 U.S.C. 12101 et seq.).

1 (3) The Age Discrimination in Employment Act
2 of 1967 (29 U.S.C. 621 et seq.).

3 (4) The Rehabilitation Act of 1973 (29 U.S.C.
4 701 et seq.).

5 (5) Title II of the Genetic Information Non-
6 discrimination Act of 2008 (42 U.S.C. 2000ff et
7 seq.).

8 (6) Chapter 43 (relating to veterans' employ-
9 ment and reemployment) of title 38, United States
10 Code.

1 **TITLE II—EXTENSION OF**
2 **RIGHTS AND PROTECTIONS**
3 **Subtitle A—Employment Discrimi-**
4 **nation, Employment and Reem-**
5 **ployment of Veterans, Intimida-**
6 **tion, and Reprisal**

7 **SEC. 201. RIGHTS AND PROTECTIONS UNDER TITLE VII OF**
8 **THE CIVIL RIGHTS ACT OF 1964, THE AGE DIS-**
9 **CRIMINATION IN EMPLOYMENT ACT OF 1967,**
10 **THE REHABILITATION ACT OF 1973, TITLE I**
11 **OF THE AMERICANS WITH DISABILITIES ACT**
12 **OF 1990, AND TITLE II OF THE GENETIC IN-**
13 **FORMATION NONDISCRIMINATION ACT OF**
14 **2008.**

15 (a) **DISCRIMINATORY PRACTICES PROHIBITED.**—All
16 personnel actions affecting covered employees shall be
17 made free from any discrimination or an unlawful practice
18 based on—

19 (1) race, color, religion, sex, or national origin,
20 within the meaning of section 703 of the Civil
21 Rights Act of 1964 (42 U.S.C. 2000e–2);

22 (2) age, within the meaning of section 15 of the
23 Age Discrimination in Employment Act of 1967 (29
24 U.S.C. 633a);

1 (3) disability, within the meaning of section 501
2 of the Rehabilitation Act of 1973 (29 U.S.C. 791)
3 and sections 102 through 104 of the Americans with
4 Disabilities Act of 1990 (42 U.S.C. 12112–12114);
5 or

6 (4) genetic information, within the meaning of
7 section 202 of the Genetic Information Non-
8 discrimination Act of 2008 (42 U.S.C. 2000ff–1).

9 (b) REMEDY.—

10 (1) CIVIL RIGHTS.—The remedy for a violation
11 of subsection (a)(1) shall be—

12 (A) such remedy as would be appropriate
13 if awarded under section 706(g) of the Civil
14 Rights Act of 1964 (42 U.S.C. 2000e–5(g));
15 and

16 (B) such compensatory damages as would
17 be appropriate if awarded under section 1977
18 of the Revised Statutes (42 U.S.C. 1981), or as
19 would be appropriate if awarded under sections
20 1977A(a)(1), 1977A(b)(2), and irrespective of
21 the size of the employing unit, 1977A(b)(3)(D)
22 of the Revised Statutes (42 U.S.C. 1981a(a)(1),
23 1981a(b)(2), and 1981a(b)(3)(D)).

24 (2) AGE DISCRIMINATION.—The remedy for a
25 violation of subsection (a)(2) shall be—

1 (A) such remedy as would be appropriate
2 if awarded under section 15(c) of the Age Dis-
3 crimination in Employment Act of 1967 (29
4 U.S.C. 633a(c)); and

5 (B) such liquidated damages as would be
6 appropriate if awarded under section 7(b) of
7 such Act (29 U.S.C. 626(b)).

8 In addition, the waiver provisions of section 7(f) of
9 such Act (29 U.S.C. 626(f)) shall apply to covered
10 employees.

11 (3) DISABILITIES DISCRIMINATION.—The rem-
12 edy for a violation of subsection (a)(3) shall be—

13 (A) such remedy as would be appropriate
14 if awarded under section 505(a)(1) of the Reha-
15 bilitation Act of 1973 (29 U.S.C. 794a(a)(1))
16 or section 107(a) of the Americans with Dis-
17 abilities Act of 1990 (42 U.S.C. 12117(a)); and

18 (B) such compensatory damages as would
19 be appropriate if awarded under sections
20 1977A(a)(2), 1977A(a)(3), 1977A(b)(2), and,
21 irrespective of the size of the employing unit,
22 1977A(b)(3)(D) of the Revised Statutes (42
23 U.S.C. 1981a(a)(2), 1981a(a)(3), 1981a(b)(2),
24 and 1981a(b)(3)(D)).

1 (4) GENETIC INFORMATION.—The remedy for a
2 violation of subsection (a)(4) shall be the remedy
3 specified in section 207(g) of the Genetic Informa-
4 tion Nondiscrimination Act of 2008 (42 U.S.C.
5 2000ff–6(g)).

6 (c) CONFORMING AMENDMENTS.—

7 (1) GENETIC INFORMATION NONDISCRIMINA-
8 TION ACT OF 2008.—

9 (A) DEFINITIONS.—Section 201(2) of the
10 Genetic Information Nondiscrimination Act of
11 2008 (42 U.S.C. 2000ff(2)) is amended—

12 (i) in subparagraph (A)—

13 (I) by striking “or” at the end of
14 clause (iv);

15 (II) by striking the period at the
16 end of clause (v) and inserting “; or”;
17 and

18 (III) by adding after clause (v)
19 the following:

20 “(vi) a covered employee (including an
21 applicant and a former employee), as de-
22 fined in section 101 of the Judiciary Ac-
23 countability Act of 2024.”; and

24 (ii) in subparagraph (B)—

1 (I) by striking “or” at the end of
2 clause (iv);

3 (II) by striking the period at the
4 end of clause (v) and inserting “; or”;
5 and

6 (III) by adding after clause (v)
7 the following:

8 “(vi) an employing unit, as defined in
9 section 101 of the Judiciary Accountability
10 Act of 2024.”.

11 (B) REMEDIES AND ENFORCEMENT.—Sec-
12 tion 207 of such Act (42 U.S.C. 2000ff-6) is
13 amended—

14 (i) by redesignating subsection (g) as
15 subsection (h); and

16 (ii) by inserting after subsection (f)
17 the following:

18 “(g) EMPLOYEES COVERED BY JUDICIARY ACCOUNT-
19 ABILITY ACT OF 2024.—

20 “(1) IN GENERAL.—The powers, remedies, and
21 procedures provided in the Judiciary Accountability
22 Act of 2024 to the Board (as defined in section 101
23 of that Act), or any person, alleging a violation of
24 section 201(a)(1) of that Act shall be the powers,
25 remedies, and procedures this title provides to that

1 Board, or any person, respectively, alleging an un-
2 lawful employment practice in violation of this title
3 against an employee described in section
4 201(2)(A)(vi), except as provided in paragraphs (2)
5 and (3).

6 “(2) COSTS AND FEES.—The powers, remedies,
7 and procedures provided in subsections (b) and (c)
8 of section 722 of the Revised Statutes (42 U.S.C.
9 1988) shall be powers, remedies, and procedures this
10 title provides to that Board, or any person, respec-
11 tively, alleging such a practice.

12 “(3) DAMAGES.—The powers, remedies, and
13 procedures provided in section 1977A of the Revised
14 Statutes (42 U.S.C. 1981a), including, irrespective
15 of the size of the employing unit, in subsection
16 (b)(3)(D) of such section 1977A, shall be powers,
17 remedies, and procedures this title provides to that
18 Board, or any person, respectively, alleging such a
19 practice (not an employment practice specifically ex-
20 cluded from coverage under section 1977A(a)(1) of
21 the Revised Statutes (42 U.S.C. 1981a(a)(1))).

22 “(4) OTHER APPLICABLE PROVISIONS.—With
23 respect to a claim alleging a practice described in
24 paragraph (1), titles III and IV of the Judiciary Ac-
25 countability Act of 2024 shall apply in the same

1 manner as such titles apply with respect to a claim
2 alleging a violation of section 201(a)(1) of such
3 Act.”.

4 (d) APPLICATION TO UNPAID STAFF.—

5 (1) IN GENERAL.—Subsections (a) and (b) shall
6 apply with respect to—

7 (A) any staff member of an employing unit
8 who carries out official duties of the employing
9 unit but who is not paid by the employing unit
10 for carrying out such duties (referred to in this
11 subsection as an “unpaid staff member”), in-
12 cluding an intern, an individual detailed to an
13 employing unit from elsewhere, and an indi-
14 vidual participating in a fellowship program or
15 clerkship, in the same manner and to the same
16 extent as such subsections apply with respect to
17 a covered employee; and

18 (B) a former unpaid staff member, if the
19 act that may be a violation of subsection (a) oc-
20 curred during the service of the former unpaid
21 staff member in the employing unit.

22 (2) RULE OF CONSTRUCTION.—Nothing in
23 paragraph (1) may be construed to extend liability
24 for a violation of subsection (a) to an employing unit
25 on the basis of an action taken by any person who

1 is not under the supervision or control of the em-
2 ploying unit.

3 (3) INTERN DEFINED.—For purposes of this
4 subsection, the term “intern” means an individual
5 who performs service for an employing unit which is
6 uncompensated by the United States to earn credit
7 awarded by an educational institution or to learn a
8 trade or occupation.

9 (e) EFFECTIVE DATE.—This section shall take effect
10 1 year after the date of enactment of this Act.

11 **SEC. 202. RIGHTS AND PROTECTIONS RELATING TO VET-**
12 **ERANS’ EMPLOYMENT AND REEMPLOYMENT.**

13 (a) EMPLOYMENT AND REEMPLOYMENT RIGHTS OF
14 MEMBERS OF THE UNIFORMED SERVICES.—

15 (1) IN GENERAL.—It shall be unlawful for an
16 employing unit to—

17 (A) discriminate within the meaning of
18 subsections (a) and (b) of section 4311 of title
19 38, United States Code, against an eligible em-
20 ployee;

21 (B) deny to an eligible employee reemploy-
22 ment rights within the meaning of sections
23 4312 and 4313 of title 38, United States Code;
24 or

1 (C) deny to an eligible employee benefits
2 within the meaning of sections 4316, 4317, and
3 4318 of title 38, United States Code.

4 (2) ELIGIBLE EMPLOYEE.—For purposes of
5 this section, the term “eligible employee” means a
6 covered employee performing service in the uni-
7 formed services, within the meaning of section
8 4303(13) of title 38, United States Code, whose
9 service has not been terminated upon occurrence of
10 any of the events enumerated in section 4304 of title
11 38, United States Code.

12 (b) REMEDY.—The remedy for a violation of sub-
13 section (a) shall be such remedy as would be appropriate
14 if awarded under section 4323(d) of title 38, United
15 States Code.

16 (c) REGULATIONS TO IMPLEMENT SECTION.—

17 (1) IN GENERAL.—The Board shall, pursuant
18 to section 304, issue regulations to implement this
19 section.

20 (2) AGENCY REGULATIONS.—The regulations
21 issued under paragraph (1) shall be the same as
22 substantive regulations promulgated by the Sec-
23 retary of Labor to implement the statutory provi-
24 sions referred to in subsection (a) except to the ex-
25 tent that the Board may determine, for good cause

1 shown and stated together with the regulation, that
2 a modification of such regulations would be more ef-
3 fective for the implementation of the rights and pro-
4 tections under this section.

5 (d) EFFECTIVE DATE.—Subsections (a) and (b) shall
6 be effective 1 year after the date of enactment of this Act.

7 **SEC. 203. PROHIBITION OF INTIMIDATION OR REPRISAL.**

8 (a) IN GENERAL.—It shall be unlawful for an em-
9 ploying unit to intimidate, take reprisal against, or other-
10 wise discriminate against, any covered employee—

11 (1) because the covered employee has opposed
12 any practice made unlawful by this Act; or

13 (2) because the covered employee has—

14 (A) initiated proceedings;

15 (B) made a charge, complaint, or claim; or

16 (C) testified, assisted, or participated in
17 any manner in a hearing or other proceeding,

18 under this Act or under chapter 16 of title 28,

19 United States Code.

20 (b) REMEDY.—The remedy available for a violation
21 of subsection (a) shall be such legal or equitable remedy
22 as may be appropriate to redress a violation of subsection
23 (a).

24 (c) BURDEN OF PROOF.—In any proceeding involving
25 an alleged violation of this section, the burden of proof

1 shall be determined in accordance with section 1221(e) of
2 title 5, United States Code, in addition to any other appli-
3 cable provision.

4 (d) VENUE.—Notwithstanding section 408(b), in ad-
5 dition to the venue specified by section 1391 of title 28,
6 United States Code, venue for a civil action for a claim
7 arising under this section shall lie in the United States
8 District Court for the District of Columbia and in any ju-
9 dicial district located within 100 miles of any border of
10 the judicial district in which the covered employee is, ap-
11 plies to be, or was, employed by an employing unit.

12 (e) EFFECTIVE DATE.—Subsections (a) through (d)
13 shall be effective 1 year after the date of enactment of
14 this Act.

15 **SEC. 204. REMEDIES AND LIMITATIONS.**

16 (a) ATTORNEY'S FEES.—If a covered employee, with
17 respect to any claim under this Act, is a prevailing party
18 in any proceeding under section 405, 406, 407, or 408,
19 the Merits Hearing Officer, Board, or court, as the case
20 may be, may award attorney's fees, expert fees, and any
21 other costs as would be appropriate if awarded under sec-
22 tion 706(k) of the Civil Rights Act of 1964 (42 U.S.C.
23 2000e-5(k)).

24 (b) INTEREST.—In any proceeding under section
25 405, 406, 407, or 408, the same interest to compensate

1 for delay in payment shall be made available as would be
2 appropriate if awarded under section 717(d) of the Civil
3 Rights Act of 1964 (42 U.S.C. 2000e-16(d)).

4 (c) CIVIL PENALTIES AND PUNITIVE DAMAGES.—No
5 civil penalty or punitive damages may be awarded with
6 respect to any claim under this Act.

7 (d) EXCLUSIVE PROCEDURE.—

8 (1) IN GENERAL.—Except as provided in para-
9 graph (2), no person may commence an administra-
10 tive or judicial proceeding to seek a remedy for a
11 violation of the rights and protections afforded by
12 this Act except as provided in this Act or the rules
13 and regulations promulgated under this Act.

14 (2) VETERANS.—A covered employee alleging a
15 violation of section 202 may also utilize any provi-
16 sions of chapter 43 of title 38, United States Code,
17 that are applicable to that employee.

18 (e) CONSTRUCTION.—

19 (1) DEFINITIONS AND EXEMPTIONS.—Except if
20 inconsistent with definitions and exemptions pro-
21 vided in this Act, the definitions and exemptions in
22 the laws made applicable to covered employees by
23 this Act shall apply to claims by covered employees,
24 and defense to claims by covered employees, under
25 this Act.

1 (2) SIZE LIMITATIONS.—Notwithstanding para-
2 graph (1), provisions in the laws made applicable to
3 covered employees under this Act determining cov-
4 erage based on size, whether expressed in terms of
5 number of employees, amount of business trans-
6 acted, or another measure, shall not apply in deter-
7 mining coverage under this Act.

8 (3) EXECUTIVE BRANCH ENFORCEMENT.—This
9 Act shall not be construed to authorize enforcement
10 of this Act by the executive branch.

11 **Subtitle B—Reporting and Notices**

12 **SEC. 211. ANNUAL REPORTS.**

13 (a) ANNUAL REPORTS ON AWARDS AND SETTLE-
14 MENTS.—

15 (1) IN GENERAL.—

16 (A) REQUIREMENT.—The Office shall pre-
17 pare and submit to the Committee on the Judi-
18 ciary of the Senate and the Committee on the
19 Judiciary of the House of Representatives, and
20 publish on the public website of the Office, an
21 annual report regarding payments from the ac-
22 count described in section 415(a) that were the
23 result of claims alleging a violation of subtitle
24 A (referred to in this subsection as “covered
25 payments”).

1 (B) REPORTING.—The reporting required
2 under this paragraph shall—

3 (i) include the amount of such a cov-
4 ered payment and information on the em-
5 ploying unit involved; and

6 (ii) identify each provision of subtitle
7 A that was the subject of a claim resulting
8 in the covered payment.

9 (C) REPORTING PERIODS AND DATES.—
10 The report required under this paragraph shall
11 be submitted by January 31 of each year and
12 shall reflect covered payments made in the pre-
13 vious calendar year.

14 (2) PROTECTION OF IDENTITY OF INDIVIDUALS
15 RECEIVING AWARDS AND SETTLEMENTS.—In pre-
16 paring, submitting, and publishing the reports re-
17 quired under paragraph (1), the Office shall ensure
18 that the identity or position of any claimant is not
19 disclosed.

20 (3) AUTHORITY TO PROTECT THE IDENTITY OF
21 A CLAIMANT.—

22 (A) IN GENERAL.—In carrying out para-
23 graph (2), the Judicial Integrity Officer, in con-
24 sultation with the Board, may make an appro-
25 priate redaction to the data included in the re-

1 port described in paragraph (1) if the Judicial
2 Integrity Officer, in consultation with the
3 Board, determines that including the data con-
4 sidered for redaction may lead to the identity or
5 position of a claimant unintentionally being dis-
6 closed. The report shall note each redaction and
7 include a statement that the redaction was
8 made solely for the purpose of avoiding such an
9 unintentional disclosure of the identity or posi-
10 tion of a claimant.

11 (B) RECORDKEEPING.—The Judicial In-
12 tegrity Officer shall retain a copy of the report
13 described in paragraph (1), without redactions.

14 (4) DEFINITION.—In this subsection, the term
15 “claimant” means an individual who received an
16 award or settlement, related to a violation of subtitle
17 A, or who made an allegation of a violation of sub-
18 title A against an employing unit.

19 (b) ANNUAL REPORTS OF STATISTICAL MATTER.—
20 On an annual basis, the Office shall submit to the Com-
21 mittee on the Judiciary of the Senate and the Committee
22 on the Judiciary of the House of Representatives a report
23 that includes, for the previous year, data collected pursu-
24 ant to section 301(h)(5) for each employing unit, to the
25 extent the data reasonably can be anonymized, as well as

1 analyses of trends comparing such data for the previous
2 year to such data for years before the previous year.

3 **SEC. 212. NOTICES.**

4 (a) IN GENERAL.—Every employing unit shall post
5 and keep posted (in a conspicuous place upon its premises
6 where notices to covered employees are customarily post-
7 ed) a notice provided by the Office that—

8 (1) describes the rights, protections, and proce-
9 dures applicable to covered employees of the employ-
10 ing unit under this Act, concerning violations de-
11 scribed in subsection (b); and

12 (2) includes contact information for the Office.

13 (b) VIOLATIONS.—A violation described in this sub-
14 section is—

15 (1) discrimination or an unlawful practice pro-
16 hibited by section 201(a) or 202(a); and

17 (2) a violation of section 203 that is related to
18 discrimination or an unlawful practice described in
19 paragraph (1).

1 **TITLE III—OFFICE OF JUDICIAL**
2 **INTEGRITY**

3 **SEC. 301. ESTABLISHMENT OF THE OFFICE OF JUDICIAL IN-**
4 **TEGRITY.**

5 (a) ESTABLISHMENT.—There is established, as an
6 independent office within the judicial branch of the Fed-
7 eral Government, the Office of Judicial Integrity.

8 (b) BOARD OF DIRECTORS.—The Office shall have
9 a Board of Directors. The Board shall consist of 5 individ-
10 uals appointed by the Chief Justice of the United States
11 from a list of names submitted by the Judicial Conference
12 of the United States. Appointments of the first 5 members
13 of the Board shall be completed not later than 90 days
14 after the date of enactment of this Act.

15 (c) CHAIR.—The Chair shall be appointed from mem-
16 bers of the Board by the Chief Justice of the United
17 States.

18 (d) BOARD OF DIRECTORS QUALIFICATIONS.—

19 (1) SPECIFIC QUALIFICATIONS.—Selection and
20 appointment of members of the Board shall be solely
21 on the basis of fitness to perform the duties of the
22 office. The Board shall include some members who,
23 collectively have training or experience in—

24 (A) enforcing or investigating 1 or more
25 laws specified in section 102, including at least

1 1 member with experience representing employ-
2 ees who allege a violation of such a law;

3 (B) judicial ethics; and

4 (C) providing licensed counseling and other
5 support services for victims of harassment, sex-
6 ual assault, discrimination, or retaliation.

7 (2) DISQUALIFICATIONS FOR APPOINTMENTS.—

8 (A) INCOMPATIBLE REPRESENTATION.—

9 No individual who currently represents a party
10 (including the United States) in any suit alleg-
11 ing discrimination, harassment, sexual assault,
12 or retaliation against an officer or employee of
13 the judicial branch shall be eligible for appoint-
14 ment to, or service on, the Board.

15 (B) INCOMPATIBLE OFFICE.—No member
16 of the Board—

17 (i) may hold or may have held the po-
18 sition of justice of the Supreme Court of
19 the United States, judge of a district court
20 of the United States, judge of a court of
21 appeals of the United States, judge of the
22 United States Court of Federal Claims,
23 United States magistrate judge, bank-
24 ruptcy judge, or director or deputy director

1 of the Administrative Office of the United
2 States Courts; or

3 (ii) may hold the position of officer or
4 employee of a court, judicial branch agen-
5 cy, or any other office or instrumentality of
6 the judicial branch of the Federal Govern-
7 ment (other than the Office) or have held
8 such a position within 4 years before the
9 date of appointment as a member of the
10 Board.

11 (3) VACANCIES.—A vacancy on the Board shall
12 be filled in the manner in which the original appoint-
13 ment was made.

14 (e) TERM OF OFFICE.—

15 (1) IN GENERAL.—Except as provided in para-
16 graphs (2) and (3), membership on the Board shall
17 be for 5 years. A member of the Board may be re-
18 appointed, but no individual may serve as a member
19 for more than 2 terms.

20 (2) FIRST APPOINTMENTS.—Of the members
21 first appointed to the Board—

22 (A) 1 shall have a term of office of 3
23 years;

24 (B) 2 shall have a term of office of 4
25 years; and

1 (C) 2 shall have a term of office of 5
2 years, 1 of whom shall be the Chair,
3 as designated at the time of appointment by the
4 Chief Justice of the United States.

5 (3) APPOINTMENTS TO PARTIAL TERMS.—A
6 member appointed to fill a vacancy for an unexpired
7 term shall be appointed for the remainder of the
8 term. Notwithstanding paragraph (1), a member ap-
9 pointed to fill a vacancy with less than 2 years re-
10 maining in the term may be appointed to 2 further
11 full terms.

12 (4) SERVICE UNTIL SUCCESSOR APPOINTED.—A
13 member whose term has expired may continue to
14 serve until the date on which a successor has taken
15 office.

16 (f) REMOVAL.—

17 (1) AUTHORITY.—Any member of the Board
18 may be removed from office by the Chief Justice of
19 the United States, but only for—

20 (A) disability that substantially prevents
21 the member from carrying out the duties of the
22 member;

23 (B) incompetence;

24 (C) neglect of duty;

1 (D) malfeasance, including a felony or con-
2 duct involving moral turpitude; or

3 (E) holding an office or employment or en-
4 gaging in an activity that disqualifies the indi-
5 vidual from service as a member of the Board
6 under subsection (d)(2).

7 (2) STATEMENT OF REASONS FOR REMOVAL.—

8 In removing a member of the Board, the Chief Jus-
9 tice of the United States shall state in writing to the
10 member of the Board being removed, the Judicial
11 Conference of the United States, and the Committee
12 on the Judiciary of the Senate and the Committee
13 on the Judiciary of the House of Representatives the
14 specific reasons for the removal.

15 (g) COMPENSATION.—

16 (1) PER DIEM.—Each member of the Board
17 shall be compensated at a rate equal to the daily
18 equivalent of the annual rate of basic pay prescribed
19 for level IV of the Executive Schedule under section
20 5315 of title 5, United States Code, for each day
21 (including travel time) during which such member is
22 engaged in the performance of the duties of the
23 Board. The rate of pay of a member may be pro-
24 rated based on the portion of the day during which

1 the member is engaged in the performance of Board
2 duties.

3 (2) TRAVEL EXPENSES.—Each member of the
4 Board shall receive travel expenses, including per
5 diem in lieu of subsistence, at rates authorized for
6 employees of agencies under subchapter I of chapter
7 57 of title 5, United States Code, for each day the
8 member is engaged in the performance of duties
9 away from the home or regular place of business of
10 the member.

11 (h) WORKPLACE MISCONDUCT PREVENTION PRO-
12 GRAM.—The Board shall oversee and the Office shall exe-
13 cute a workplace misconduct prevention program that is
14 consistent with prevailing best practices, by—

15 (1) ensuring that every covered employee in the
16 judicial branch of the Federal Government is covered
17 by a comprehensive workplace misconduct policy and
18 proposing revisions to workplace misconduct related
19 portions of the rules and codes described in sub-
20 section (i)(4) and the creation and revision of addi-
21 tional workplace misconduct policies under sub-
22 section (i)(4);

23 (2) creating a nationwide confidential reporting
24 system, relating to workplace misconduct, that is
25 readily accessible to prospective, current, and former

1 employees of the judicial branch of the Federal Gov-
2 ernment;

3 (3) providing for a comprehensive training pro-
4 gram on workplace misconduct and bystander inter-
5 vention, which may be conducted in coordination
6 with the Federal Judicial Center;

7 (4) proposing standards for the imposition of
8 prompt, consistent, and proportionate disciplinary
9 and corrective action when workplace misconduct is
10 determined to have occurred in an employing unit;

11 (5) providing for the voluntary collection of in-
12 formation from all applicants for employment with
13 each employing unit of data outlined in Statistical
14 Policy Directive No. 15, issued by the Office of
15 Management and Budget on October 30, 1997, or a
16 successor standard, pursuant to section 717 of the
17 Civil Rights Act of 1964 (42 U.S.C. 2000e-16),
18 which information shall be maintained anonymously
19 and separate from the records of an applicant's ap-
20 plication for employment and may not be considered
21 in evaluating the applicant for employment;

22 (6) collaborating with each judicial council and
23 judicial branch agency to compile the annual reports
24 described in section 211(b);

1 (7) conducting and making publicly available
2 the results of biennial workplace climate assessments
3 that include surveys of current and former covered
4 employees and anonymous digests of interviews of
5 and focus groups conducted with randomly selected
6 covered employees;

7 (8) conducting annual audits of the efficacy of
8 the workplace misconduct prevention program; and

9 (9) ensuring that the elements of the workplace
10 misconduct prevention program are easy to under-
11 stand, are easy to access and use, and are regularly
12 communicated to all covered employees.

13 (i) **ADDITIONAL BOARD DUTIES.**—The Board shall
14 also—

15 (1) supervise the Judicial Integrity Officer ap-
16 pointed under section 302(a);

17 (2) provide a list of qualified candidates for the
18 position of Director of the OEA to the Chief Justice
19 of the United States in accordance with section
20 501(b);

21 (3) maintain policies, practices, procedures, and
22 codes of conduct that—

23 (A) preserve the integrity of the Board and
24 the offices and programs established under this
25 Act;

1 (B) maintain the confidence of covered em-
2 ployees in the Board and the offices and pro-
3 grams established under this Act; and

4 (C) guarantee procedural rights to individ-
5 uals during investigations and dispute resolu-
6 tion proceedings under this Act;

7 (4) not less often than every 4 years, rec-
8 ommend to the Judicial Conference of the United
9 States, after notice and opportunity for comment,
10 revisions to workplace misconduct related portions of
11 the Rules for Judicial-Conduct and Judicial-Dis-
12 ability Proceedings, the Code of Conduct for Judicial
13 Employees, the Code of Conduct for Federal Public
14 Defender Employees, the Code of Conduct for
15 United States Judges, and the creation and revision
16 of such additional (in addition to such rules and
17 codes) workplace misconduct policies as may be nec-
18 essary to fulfill its obligations under subsection
19 (h)(1);

20 (5) ensure that the Judicial Conference, Con-
21 gress, and the public are kept informed of—

22 (A) the work of the Board;

23 (B) the workplace climate and culture in
24 the judicial branch of the Federal Government,

1 including the incidence of workplace mis-
2 conduct; and

3 (C) the efficacy of the workplace mis-
4 conduct prevention program overseen by the
5 Board; and

6 (6) establish general policies and promulgate
7 such rules and regulations for the Board as are nec-
8 essary to carry out the objectives of this Act, con-
9 sistent with the requirements of sections 303 and
10 304.

11 (j) JUDICIARY OVERSIGHT.—The Board and Office
12 shall be subject to oversight (except with respect to the
13 disposition of individual cases) by the Judicial Conference
14 of the United States.

15 (k) CONGRESSIONAL OVERSIGHT.—The Board and
16 Office shall be subject to oversight (except with respect
17 to the disposition of individual cases) by the Committee
18 on the Judiciary of the Senate and the Committee on the
19 Judiciary of the House of Representatives.

20 (l) GAO AUDIT.—Not later than 1 year after the date
21 of enactment of this Act, and triennially thereafter, the
22 Comptroller General of the United States shall conduct
23 a study of the management, governance structure, and
24 independence of the Board and Office.

1 (m) OPENING OF OFFICE.—The Office shall be open
2 for business, including the filing of claims under section
3 402, not later than 1 year after the date of enactment
4 of this Act.

5 (n) FINANCIAL DISCLOSURE REPORTS.—Members of
6 the Board and officers and employees of the Office shall
7 file the financial disclosure reports required under sub-
8 chapter I of chapter 131 of title 5, United States Code,
9 with the Judicial Conference of the United States.

10 (o) RECORD RETENTION.—The Office shall establish
11 and maintain a program for the permanent retention of
12 its records, including the records of preliminary reviews,
13 mediations, hearings, and other proceedings conducted
14 under title IV.

15 **SEC. 302. OFFICERS, STAFF, AND OTHER PERSONNEL.**

16 (a) JUDICIAL INTEGRITY OFFICER.—

17 (1) APPOINTMENT AND REMOVAL.—

18 (A) IN GENERAL.—The Chair, subject to
19 approval of the Board, shall appoint and may
20 remove the Judicial Integrity Officer. Selection
21 and appointment of the Judicial Integrity Offi-
22 cer shall be solely on the basis of fitness to per-
23 form the duties of the office. The first Judicial
24 Integrity Officer shall be appointed no later

1 than 90 days after the initial appointment of
2 the Board of Directors.

3 (B) QUALIFICATIONS.—

4 (i) IN GENERAL.—The Judicial Integ-
5 rity Officer shall, by demonstrated ability,
6 background, training, or experience, be es-
7 pecially qualified to carry out the functions
8 of the position.

9 (ii) ATTORNEY.—The Judicial Integ-
10 rity Officer shall be an attorney admitted
11 to practice and in good standing with the
12 highest court of a State of the United
13 States, the District of Columbia, or a terri-
14 tory of the United States.

15 (C) DISQUALIFICATIONS.—The disquali-
16 fications in section 301(d)(2) shall apply to the
17 appointment of the Judicial Integrity Officer,
18 except that representations undertaken on be-
19 half of the Office or OEA shall not be disquali-
20 fying.

21 (2) COMPENSATION.—The Chair may fix the
22 compensation of the Judicial Integrity Officer. The
23 rate of pay for the Judicial Integrity Officer may
24 not exceed the annual rate of basic pay prescribed

1 for level IV of the Executive Schedule under section
2 5315 of title 5, United States Code.

3 (3) TERM.—The term of office of the Judicial
4 Integrity Officer shall be a single term of 5 years,
5 except that the first Judicial Integrity Officer shall
6 have a single term of 7 years.

7 (4) DUTIES.—The Judicial Integrity Officer
8 shall serve as the chief operating officer of the Of-
9 fice. Except as otherwise specified in this Act, the
10 Judicial Integrity Officer shall carry out all of the
11 responsibilities of the Office under this Act.

12 (b) DEPUTY JUDICIAL INTEGRITY OFFICERS.—

13 (1) IN GENERAL.—The Chair, subject to the
14 approval of the Board, shall appoint and may re-
15 move 2 Deputy Judicial Integrity Officers. Selection
16 and appointment of a Deputy Judicial Integrity Of-
17 ficer shall be without regard to political affiliation
18 and solely on the basis of fitness to perform the du-
19 ties of the office. The disqualifications in section
20 301(d)(2) shall apply to the appointment of a Dep-
21 uty Judicial Integrity Officer, except that represen-
22 tations undertaken as described in section
23 301(d)(2)(A) on behalf of the Office or OEA shall
24 not be disqualifying.

1 (2) TERM.—A Deputy Judicial Integrity Officer
2 shall have not more than 2 terms of 5 years, except
3 that the first Deputy Judicial Integrity Officers shall
4 have a single term of 6 years.

5 (3) COMPENSATION.—The Chair may fix the
6 compensation of the Deputy Judicial Integrity Offi-
7 cers. The rate of pay for a Deputy Judicial Integrity
8 Officer may not exceed 96 percent of the annual
9 rate of basic pay prescribed for level IV of the Exec-
10 utive Schedule under section 5315 of title 5, United
11 States Code.

12 (4) DUTIES.—The Deputy Judicial Integrity
13 Officer shall assume such duties and responsibilities
14 as may be delegated by the Judicial Integrity Offi-
15 cer.

16 (c) GENERAL COUNSEL.—

17 (1) IN GENERAL.—The Chair, subject to the
18 approval of the Board, shall appoint and may re-
19 move the General Counsel. Selection and appoint-
20 ment of the General Counsel shall be solely on the
21 basis of fitness to perform the duties of the office.
22 The disqualifications in section 301(d)(2) shall apply
23 to the appointment of the General Counsel except
24 that representations undertaken as described in sec-

1 tion 301(d)(2)(A) on behalf of the Office or OEA
2 shall not be disqualifying.

3 (2) COMPENSATION.—The Chair may fix the
4 compensation of the General Counsel. The rate of
5 pay for the General Counsel may not exceed the an-
6 nual rate of basic pay prescribed for level V of the
7 Executive Schedule under section 5316 of title 5,
8 United States Code.

9 (3) DUTIES.—The General Counsel shall—

10 (A) exercise the authorities and perform
11 the duties of the General Counsel as specified
12 in this Act; and

13 (B) otherwise assist the Board and the Ju-
14 dicial Integrity Officer in carrying out their du-
15 ties and powers, including representing the Of-
16 fice in any judicial proceeding under this Act.

17 (4) ATTORNEYS IN THE OFFICE OF THE GEN-
18 ERAL COUNSEL.—The General Counsel shall ap-
19 point, and fix the compensation of, and may remove,
20 such additional attorneys as may be necessary to en-
21 able the General Counsel to perform the General
22 Counsel's duties.

23 (5) TERM.—The General Counsel shall have not
24 more than 2 terms of 5 years.

25 (d) CONFIDENTIAL ADVISORS.—

1 (1) IN GENERAL.—The Judicial Integrity Offi-
2 cer shall—

3 (A) appoint, and fix the compensation of,
4 and may remove, 1 or more confidential advi-
5 sors to carry out the duties described in this
6 subsection; or

7 (B) designate 1 or more employees of the
8 Office to serve as a confidential advisor.

9 (2) DUTIES.—

10 (A) VOLUNTARY SERVICES.—A confiden-
11 tial advisor appointed or designated under para-
12 graph (1) shall offer to provide to covered em-
13 ployees described in paragraph (4) the services
14 described in subparagraph (B), which a covered
15 employee may accept or decline.

16 (B) SERVICES.—The services referred to in
17 subparagraph (A) are—

18 (i) informing, on a privileged and con-
19 fidential basis, a covered employee who has
20 been subject to a practice that may be a
21 violation of subtitle A of title II about the
22 employee’s rights under this Act;

23 (ii) consulting, on a privileged and
24 confidential basis, with a covered employee
25 who has been subject to a practice that

1 may be a violation of subtitle A of title II
2 regarding—

3 (I) the roles, responsibilities, and
4 authority of the Office; and

5 (II) the relative merits of secur-
6 ing private counsel, designating a non-
7 attorney representative, or proceeding
8 without representation for proceedings
9 before the Office;

10 (iii) advising and consulting with, on
11 a privileged and confidential basis, a cov-
12 ered employee who has been subject to a
13 practice that may be a violation of subtitle
14 A of title II regarding any claims the cov-
15 ered employee may have under title IV, the
16 factual allegations that support each such
17 claim, and the relative merits of the proce-
18 dural options available to the employee for
19 each such claim;

20 (iv) assisting, on a privileged and con-
21 fidential basis, a covered employee who
22 seeks consideration under title IV of an al-
23 legation of a violation of subtitle A of title
24 II in understanding the procedures, and

1 the significance of the procedures, de-
2 scribed in title IV, including—

3 (I) assisting or consulting with
4 the covered employee regarding the
5 drafting of a claim to be filed under
6 section 402(a); and

7 (II) consulting with the covered
8 employee regarding the procedural op-
9 tions available to the covered em-
10 ployee after a claim is filed, and the
11 relative merits of each option; and

12 (v) informing, on a privileged and
13 confidential basis, a covered employee who
14 has been subject to a practice that may be
15 a violation of subtitle A of title II about
16 the option of pursuing, in appropriate cir-
17 cumstances, a complaint with the relevant
18 judicial council.

19 (C) CONTINUITY OF SERVICE.—Once a
20 covered employee has accepted and received any
21 services offered under this section from a con-
22 fidential advisor appointed or designated under
23 paragraph (1), any other services requested
24 under this subsection by the covered employee

1 shall be provided, to the extent practicable, by
2 the same confidential advisor.

3 (3) QUALIFICATIONS.—A confidential advisor
4 appointed or designated under paragraph (1) shall
5 be an attorney who—

6 (A) is admitted to practice before, and is
7 in good standing with, the bar of the highest
8 court of a State of the United States, the Dis-
9 trict of Columbia, or a territory of the United
10 States; and

11 (B) has experience representing clients in
12 cases involving the workplace laws incorporated
13 by subtitle A of title II.

14 (4) INDIVIDUALS COVERED.—The services de-
15 scribed in paragraph (2) are available to any covered
16 employee (which, for purposes of this subsection,
17 shall include any staff member described in section
18 201(d) and any former covered employee (including
19 any such former staff member)), except that—

20 (A) a former covered employee may only
21 request such services if the practice that may
22 be a violation of subtitle A of title II occurred
23 during the employment or service of the em-
24 ployee; and

1 (B) a covered employee described in this
2 paragraph may only request such services be-
3 fore the expiration of the 180-day period de-
4 scribed in section 402(d).

5 (5) RESTRICTIONS.—A confidential advisor ap-
6 pointed or designated under paragraph (1)—

7 (A) shall not act as the designated rep-
8 resentative for any covered employee in connec-
9 tion with the covered employee’s participation
10 in any proceeding, including any proceeding
11 under this Act, any judicial proceeding, or any
12 proceeding before a judicial council;

13 (B) shall not offer or provide services de-
14 scribed in paragraph (2)(B) to a covered em-
15 ployee if the covered employee has designated
16 an attorney representative in connection with
17 the covered employee’s participation in any pro-
18 ceeding under this Act, except that a confiden-
19 tial advisor may provide general assistance and
20 information to such attorney representative re-
21 garding this Act and the role of the Office as
22 the confidential advisor determines appropriate;
23 and

24 (C) shall not serve as a mediator in any
25 mediation conducted pursuant to section 404.

1 (e) DIRECTORS OF WORKPLACE RELATIONS.—

2 (1) IN GENERAL.—The Judicial Integrity Offi-
3 cer shall appoint and supervise a director of work-
4 place relations for each judicial circuit.

5 (2) WORKPLACE MISCONDUCT PREVENTION
6 PROGRAM.—Each director of workplace relations
7 shall, subject to the supervision of the Judicial In-
8 tegrity Officer, oversee the workplace misconduct
9 prevention program for—

10 (A) except as provided in subparagraph

11 (B), all employing units and covered employees
12 that are located within the geographic confines
13 of the relevant judicial circuit, unless served by
14 another such workplace misconduct program;
15 and

16 (B) in the case of the Director of Work-
17 place Relations for the Federal Circuit, all em-
18 ploying units and covered employees of the
19 United States Court of Appeals for the Federal
20 Circuit, the United States Court of Appeals for
21 Veterans Claims, or a court (other than an un-
22 specified district court) described in section
23 1295 of title 28, United States Code.

24 (3) SPECIFIC COURT ASSIGNMENTS.—

1 (A) COURT OF INTERNATIONAL TRADE.—
2 The Director of Workplace Relations for the
3 Second Circuit shall also serve as the Director
4 of Workplace Relations for the Court of Inter-
5 national Trade.

6 (B) OTHER JUDICIAL BRANCH AGEN-
7 CIES.—The Director of Workplace Relations for
8 the Federal Circuit shall also serve as the Di-
9 rector of Workplace Relations for the Court of
10 Federal Claims, the Administrative Office of
11 the United States Courts, the Federal Judicial
12 Center, and the United States Sentencing Com-
13 mission.

14 (C) OTHER POSITIONS IN JUDICIAL
15 BRANCH.—Nothing in this subsection shall pro-
16 hibit a director of workplace relations from con-
17 currently holding another position in the judi-
18 cial branch of the Federal Government if the
19 other position is not incompatible with the du-
20 ties and responsibilities of being a director of
21 workplace relations, as determined by the Judi-
22 cial Integrity Officer.

23 (f) EMPLOYEE DISPUTE RESOLUTION COORDINA-
24 TORS.—

1 (1) **CIRCUITS AND DISTRICTS.**—Subject to the
2 supervision of the Judicial Integrity Officer, each di-
3 rector of workplace relations appointed under sub-
4 section (e) shall appoint not fewer than the following
5 number of employee dispute resolution coordinators:

6 (A) One for each judicial circuit.

7 (B) Three for each judicial district, drawn
8 from at least 2 different employing units.

9 (C) One for the United States Court of
10 International Trade.

11 (D) One for the United States Court of
12 Federal Claims.

13 (2) **OTHER EMPLOYING UNITS.**—Subject to the
14 supervision of the Judicial Integrity Officer, the Di-
15 rector of Workplace Relations for the Federal Cir-
16 cuit shall appoint a sufficient number of employee
17 dispute resolution coordinators for the Administra-
18 tive Office of the United States Courts, the Federal
19 Judicial Center, and the United States Sentencing
20 Commission.

21 (3) **WORKPLACE MISCONDUCT PREVENTION**
22 **PROGRAM.**—Except as provided in subparagraphs
23 (A), (C), and (D) of paragraph (1), and paragraph
24 (2), the employee dispute resolution coordinators for
25 each judicial district shall assist the relevant director

1 of workplace relations with implementing the work-
2 place misconduct prevention program in all employ-
3 ing units located within the judicial district.

4 (4) OTHER POSITIONS IN JUDICIAL BRANCH.—

5 Nothing in this subsection shall prohibit an em-
6 ployee dispute resolution coordinator from concu-
7 rrently holding another position in the judicial branch
8 of the Federal Government if the other position is
9 not incompatible with the duties and responsibilities
10 of being an employee dispute resolution coordinator,
11 as determined by the director of workplace relations.

12 (g) OTHER STAFF.—The Judicial Integrity Officer
13 shall appoint, and fix the compensation of, and may re-
14 move, such other additional staff, including Preliminary
15 and Merits Hearing Officers, but not including attorneys
16 and staff employed in the offices of the General Counsel
17 and not including the General Counsel, as may be nec-
18 essary to enable the Office to perform its duties.

19 (h) CONSULTANTS.—In carrying out the functions of
20 the Office, the Judicial Integrity Officer may procure the
21 temporary (not to exceed 1 year) or intermittent services
22 of consultants.

23 **SEC. 303. PROCEDURAL RULES.**

24 (a) IN GENERAL.—The Judicial Integrity Officer
25 shall, subject to the approval of the Board, adopt rules

1 governing the procedures of the Office, including the pro-
2 cedures for Preliminary and Merits Hearing Officers,
3 which shall be furnished to the Director of the Administra-
4 tive Office of the United States Courts for publication in
5 the Federal Register. The rules may be amended in the
6 same manner.

7 (b) PROCEDURE.—The Judicial Integrity Officer
8 shall adopt rules referred to in subsection (a) in accord-
9 ance with the principles and procedures set forth in sec-
10 tion 553 of title 5, United States Code. The Judicial In-
11 tegrity Officer shall publish a general notice of proposed
12 rulemaking under section 553(b) of title 5, United States
13 Code. Before adopting rules, the Judicial Integrity Officer
14 shall provide a comment period of at least 30 days after
15 publication of a general notice of proposed rulemaking.
16 Upon adopting rules, the Judicial Integrity Officer shall
17 transmit notice of such action together with a copy of such
18 rules to the Director of the Administrative Office of the
19 United States Courts for publication in the Federal Reg-
20 ister. Rules shall be considered issued by the Judicial In-
21 tegrity Officer as of the date on which they are published
22 in the Federal Register.

23 **SEC. 304. SUBSTANTIVE REGULATIONS.**

24 (a) REGULATIONS.—

1 (1) IN GENERAL.—The procedures applicable to
2 the regulations of the Board issued for the imple-
3 mentation of this Act, which shall include regula-
4 tions the Board is required to issue under title II,
5 are as prescribed in this section.

6 (2) RULEMAKING PROCEDURE.—Such regula-
7 tions of the Board shall be adopted and issued in ac-
8 cordance with subsection (b).

9 (b) ADOPTION BY THE BOARD.—The Board shall
10 adopt the regulations referred to in subsection (a)(1) in
11 accordance with the principles and procedures set forth
12 in section 553 of title 5, United States Code, and as pro-
13 vided in the following provisions of this subsection:

14 (1) PROPOSAL.—The Board shall publish a
15 general notice of proposed rulemaking under section
16 553(b) of title 5, United States Code.

17 (2) COMMENT.—Before adopting regulations,
18 the Board shall provide a comment period of at least
19 30 days after publication of a general notice of pro-
20 posed rulemaking.

21 (3) ADOPTION.—After considering comments,
22 the Board shall adopt regulations and shall transmit
23 notice of such action together with a copy of such
24 regulations to the Director of the Administrative Of-

1 fice of the United States Courts for publication in
2 the Federal Register.

3 (c) ISSUANCE AND EFFECTIVE DATE.—

4 (1) DATE OF ISSUANCE.—The date of issuance
5 of regulations shall be the date on which they are
6 published in the Federal Register under subsection
7 (b)(3).

8 (2) EFFECTIVE DATE.—Regulations shall be-
9 come effective not less than 60 days after the regu-
10 lations are issued, except that the Board may pro-
11 vide for an earlier effective date for good cause
12 found (within the meaning of section 553(d)(3) of
13 title 5, United States Code) and published with the
14 regulation.

15 (d) AMENDMENT OF REGULATIONS.—Regulations
16 may be amended (including repealed) in the same manner
17 as is described in this section for the adoption and
18 issuance of regulations, except that the Board may, in its
19 discretion, dispense with publication of a general notice
20 of proposed rulemaking of minor, technical, or urgent
21 amendments that satisfy the criteria for dispensing with
22 publication of such notice pursuant to section 553(b)(B)
23 of title 5, United States Code.

1 (e) RIGHT TO PETITION FOR RULEMAKING.—Any in-
2 terested party may petition to the Board for the issuance,
3 amendment, or repeal of a regulation.

4 (f) CONSULTATION.—The Judicial Integrity Officer,
5 the Deputy Judicial Integrity Officers, and the Board—

6 (1) shall consult, with regard to the develop-
7 ment of regulations, with—

8 (A) the Chair of the Administrative Con-
9 ference of the United States;

10 (B) the Director of the Administrative Of-
11 fice of United States Courts; and

12 (C) the Director of the Office of Personnel
13 Management; and

14 (2) may consult with any other persons with
15 whom consultation, in the opinion of the Board, the
16 Judicial Integrity Officer, or either of the Deputy
17 Judicial Integrity Officers, may be helpful.

18 **SEC. 305. EXPENSES.**

19 (a) AUTHORIZATION OF APPROPRIATIONS.—For the
20 fiscal year that includes the date of enactment of this Act,
21 and for each fiscal year thereafter, there are authorized
22 to be appropriated for the expenses of the Office such
23 sums as may be necessary to carry out the functions of
24 the Office. Until sums are first appropriated pursuant to
25 the preceding sentence, but for a period not exceeding 12

1 months following the date of enactment of this Act, the
2 expenses of the Office shall be paid from the funds appro-
3 priated to the courts of appeals of the United States and
4 the district courts of the United States for other judicial
5 services and salaries and expenses.

6 (b) FINANCIAL AND ADMINISTRATIVE SERVICES.—
7 The Judicial Integrity Officer may place orders and enter
8 into agreements for goods and services with the head of
9 any agency, or major organizational unit within an agency,
10 in the judicial, legislative, or executive branch of the
11 United States in the same manner and to the same extent
12 as agencies are authorized under sections 1535 and 1536
13 of title 31, United States Code, to place orders and enter
14 into agreements.

15 (c) WITNESS FEES AND ALLOWANCES.—Except for
16 covered employees, witnesses before a Merits Hearing Of-
17 ficer or the Board in any proceeding under this Act other
18 than rulemaking shall be paid the same fee and mileage
19 allowances as are paid subpoenaed witnesses in the courts
20 of the United States. Covered employees who are sum-
21 moned, or are assigned by their employer, to testify in
22 their official capacity or to produce official records in any
23 proceeding under this Act shall be entitled to travel ex-
24 penses under subchapter I and section 5751 of chapter
25 57 of title 5, United States Code.

1 **TITLE IV—ADMINISTRATIVE AND**
2 **JUDICIAL DISPUTE-RESOLU-**
3 **TION PROCEDURES**

4 **SEC. 401. PROCEDURE FOR CONSIDERATION OF ALLEGED**
5 **VIOLATIONS.**

6 (a) FILING AND REVIEW OF CLAIMS.—Except as oth-
7 erwise provided, the procedure for consideration of an al-
8 leged violation of subtitle A of title II consists of—

9 (1) the filing of a claim by the covered em-
10 ployee alleging the violation, as provided in section
11 402;

12 (2) the preliminary review of the claim, to be
13 conducted by a Preliminary Hearing Officer as pro-
14 vided in section 403;

15 (3) mediation as provided in section 404, if re-
16 quested and agreed to by the parties under that sec-
17 tion; and

18 (4) a hearing as provided in section 405, sub-
19 ject to Board review as provided in section 406 and
20 judicial review in the United States Court of Appeals
21 for the Federal Circuit (or another circuit under sec-
22 tion 407(a)(3)) as provided in section 407.

23 (b) RIGHT OF EMPLOYEE TO FILE CIVIL ACTION.—

24 (1) CIVIL ACTION.—Only a covered employee
25 who has timely filed a claim as provided in section

1 402 and who has not submitted a request for a hear-
2 ing on the claim pursuant to section 405(a) may,
3 during the period described in paragraph (3), file a
4 civil action in a district court of the United States
5 with respect to the violation alleged in the claim, as
6 provided in section 408.

7 (2) EFFECT OF FILING CIVIL ACTION.—Not-
8 withstanding paragraph (2), (3), or (4) of subsection
9 (a), if the covered employee files such a civil ac-
10 tion—

11 (A) the preliminary review of the claim by
12 the Preliminary Hearing Officer as provided in
13 section 403 shall terminate upon the filing of
14 the action by the covered employee; and

15 (B) the procedure for consideration of the
16 alleged violation shall not include any further
17 review of the claim by the Preliminary Hearing
18 Officer as provided in section 403.

19 (3) PERIOD FOR FILING CIVIL ACTION.—The
20 period described in this paragraph with respect to a
21 claim is the 70-day period which begins on the date
22 the covered employee files the claim under section
23 402.

24 (4) SPECIAL RULE FOR EMPLOYEES WHO FAIL
25 TO STATE A CLAIM FOR WHICH RELIEF MAY BE

1 GRANTED.—Notwithstanding paragraph (3), if a
2 covered employee receives a written notice the Pre-
3 liminary Hearing Officer under section 403(d)(2)
4 that the employee has the right to file a civil action
5 with respect to the claim in accordance with section
6 408, the covered employee may file the civil action
7 not later than 90 days after receiving such written
8 notice.

9 (c) RIGHTS OF PARTIES TO RETAIN PRIVATE COUN-
10 SEL.—Nothing in this Act may be construed to limit the
11 authority of any individual (including a covered employee,
12 the head of an employing unit, or an individual who is
13 alleged to have committed personally an act which con-
14 stitutes a violation of subtitle A of title II) to retain coun-
15 sel to protect the interests of the individual at any point
16 during any of the procedures provided under this title for
17 the consideration of an alleged violation of subtitle A of
18 title II.

19 (d) STANDARDS FOR ASSERTIONS MADE BY PAR-
20 TIES.—Any party in any of the procedures provided under
21 this title, as well as any counsel or other person rep-
22 resenting a party in any such procedures, shall have an
23 obligation to ensure that, to the best of the party's knowl-
24 edge, information, and belief, as formed after an inquiry

1 which is reasonable under the circumstances, each of the
2 following is correct:

3 (1) No pleading, written motion, or other paper
4 is presented for any improper purpose, such as to
5 harass, cause unnecessary delay, or needlessly in-
6 crease the cost of resolution of the matter.

7 (2) The claims, defenses, and other legal con-
8 tentions the party advocates are warranted by exist-
9 ing law or by a nonfrivolous argument for extending,
10 modifying, or reversing existing law or for estab-
11 lishing new law.

12 (3) The factual contentions have evidentiary
13 support or, if specifically so identified, will likely
14 have evidentiary support after a reasonable oppor-
15 tunity for further review or discovery.

16 (4) The denials of factual contentions are war-
17 ranted on the evidence or, if specifically so identi-
18 fied, are reasonably based on belief or a lack of in-
19 formation.

20 (e) PROCEDURE.—Nothing in this Act shall be con-
21 strued to supersede or limit section 204(d)(2).

22 **SEC. 402. INITIATION OF PROCEEDINGS.**

23 (a) CLAIM.—

24 (1) FILING OF CLAIM.—To commence a pro-
25 ceeding under this title, a covered employee alleging

1 a violation of law made applicable under subtitle A
2 of title II shall file a claim with the Office. The Of-
3 fice shall not accept a claim which is filed after the
4 deadline applicable under subsection (d).

5 (2) CONTENTS OF CLAIM.—The claim filed
6 under this section shall be made in writing under
7 oath or affirmation, shall describe the facts that
8 form the basis of the claim and the violation that is
9 being alleged, shall identify the employing unit al-
10 leged to have committed the violation or in which the
11 violation is alleged to have occurred, and shall be in
12 such form as the Office requires.

13 (3) NO EFFECT ON ABILITY OF COVERED EM-
14 PLOYEE TO SEEK INFORMATION FROM OFFICE OR
15 PURSUE RELIEF.—Nothing in paragraph (2), or sub-
16 section (b) or (c), may be construed to limit the abil-
17 ity of a covered employee—

18 (A) to contact the Office or any other ap-
19 propriate office prior to filing a claim under
20 this section to seek information regarding the
21 employee's rights under this Act and the proce-
22 dures available under this Act;

23 (B) in the case of a covered employee al-
24 leging misconduct by a judge, to make a com-

1 plaint under chapter 16 of title 28, United
2 States Code; or

3 (C) to file a civil action in accordance with
4 section 401(b).

5 (b) INITIAL PROCESSING OF CLAIM.—

6 (1) INTAKE AND RECORDING; NOTIFICATION TO
7 EMPLOYING UNIT.—Upon the filing of a claim by a
8 covered employee under subsection (a), the Office
9 shall take such steps as may be necessary for the
10 initial intake and recording of the claim, including
11 providing each party with all relevant information
12 respect to the rights of the party under this Act, and
13 shall transmit immediately a copy of the claim to the
14 head of the employing unit and the designated rep-
15 resentative of that unit.

16 (2) SPECIAL NOTIFICATION REQUIREMENTS
17 FOR CLAIMS BASED ON ACTS BY JUDGES.—

18 (A) IN GENERAL.—In the case of a claim
19 alleging a violation described in subparagraph
20 (B) which consists of a violation described in
21 section 415(d)(1)(A) by an individual, upon the
22 filing of the claim under subsection (a), the Of-
23 fice shall notify immediately such individual of
24 the claim, the possibility that the individual
25 may be required to reimburse the account de-

1 scribed in section 415(a) for the reimbursable
2 portion of any award or settlement in connec-
3 tion with the claim, and the right of the indi-
4 vidual under section 415(d)(2) to intervene in
5 any mediation, hearing, or civil action under
6 this title with respect to the claim.

7 (B) VIOLATIONS DESCRIBED.—A violation
8 described in this subparagraph is—

9 (i) harassment that is unlawful under
10 section 201(a) or 202(a); or

11 (ii) intimidation, reprisal, or discrimi-
12 nation that is unlawful under section 203
13 and is taken against a covered employee
14 because of a claim alleging a violation de-
15 scribed in clause (i).

16 (c) USE OF SECURE ELECTRONIC REPORTING AND
17 TRACKING SYSTEM.—

18 (1) ESTABLISHMENT AND OPERATION OF SE-
19 CURE SYSTEM.—The Office shall establish and oper-
20 ate a secure electronic reporting system through
21 which a covered employee may initiate a proceeding
22 under this title, and which will keep an electronic
23 record of the date and time at which the proceeding
24 is initiated and will track all subsequent actions or

1 proceedings occurring with respect to the proceeding
2 under this title.

3 (2) ACCESSIBILITY TO ALL PARTIES.—The sys-
4 tem shall be accessible to all parties to such actions
5 or proceedings, but only until the completion of such
6 actions or proceedings.

7 (3) ASSESSMENT OF EFFECTIVENESS OF PRO-
8 CEDURES.—The Office shall use the information
9 contained in the system to make regular assessments
10 of the effectiveness of the procedures under this title
11 in providing for the timely resolution of claims, and
12 shall submit annual reports on such assessments
13 each year to the Committee on the Judiciary of the
14 Senate and the Committee on the Judiciary of the
15 House of Representatives.

16 (d) DEADLINE.—A covered employee may not file a
17 claim under this section with respect to an allegation of
18 a violation of law after the expiration of the 180-day pe-
19 riod which begins on the date of the alleged violation.

20 **SEC. 403. PRELIMINARY REVIEW OF CLAIMS.**

21 (a) PRELIMINARY REVIEW BY PRELIMINARY HEAR-
22 ING OFFICER.—

23 (1) APPOINTMENT.—Not later than 7 days
24 after transmission to the employing unit of a claim
25 pursuant to section 402(b), the Judicial Integrity

1 Officer shall appoint a Preliminary Hearing Officer
2 to conduct a preliminary review of the claim.

3 (2) PROCESS FOR APPOINTMENT.—The Judicial
4 Integrity Officer shall appoint a Preliminary Hear-
5 ing Officer under this subsection in the same man-
6 ner and in accordance with the same requirements
7 and procedures applicable to the appointment of a
8 Merits Hearing Officer under section 405(c).

9 (b) ASSESSMENTS REQUIRED.—In conducting a pre-
10 liminary review of a claim under this section, the Prelimi-
11 nary Hearing Officer shall assess each of the following:

12 (1) Whether the claimant is a covered employee
13 authorized to obtain relief relating to the claim
14 under this title.

15 (2) Whether the entity which is the subject of
16 the claim is an employing unit under this Act.

17 (3) Whether the individual filing the claim has
18 met the applicable deadlines for filing the claim
19 under this title.

20 (4) The identification of factual and legal issues
21 involved with respect to the claim.

22 (5) The specific relief sought by the individual.

23 (6) Whether, on the basis of the assessments
24 made under paragraphs (1) through (5), the indi-
25 vidual filing the claim is a covered employee who has

1 stated a claim for which, if the allegations contained
2 in the claim are true, relief may be granted under
3 this title.

4 (7) The potential for the settlement of the claim
5 without a hearing as provided under section 405 or
6 a civil action as provided under section 408.

7 (c) REPORT ON REVIEW.—

8 (1) REPORT.—Not later than 30 days after a
9 claim is filed under section 402, the Preliminary
10 Hearing Officer shall submit to the individual filing
11 the claim and the unit which is the subject of the
12 claim a report on the preliminary review conducted
13 under this section, and shall include in the report
14 the hearing officer's determination as to whether the
15 individual is a covered employee who has stated a
16 claim for which relief may be granted under this
17 title (as described in paragraph (6) of subsection
18 (b)). The submission of the report shall conclude the
19 preliminary review.

20 (2) EXTENSION OF DEADLINE.—The Prelimi-
21 nary Hearing Officer may (upon notice to the indi-
22 vidual filing the claim and the employing unit which
23 is the subject of the claim) use an additional period
24 of not to exceed 30 days to conclude the preliminary
25 review.

1 (d) EFFECT OF DETERMINATION OF FAILURE TO
2 STATE CLAIM FOR WHICH RELIEF MAY BE GRANTED.—

3 If the Preliminary Hearing Officer's report on the prelimi-
4 nary review of a claim under subsection (c) includes the
5 determination that the individual filing the claim is not
6 a covered employee or has not stated a claim for which
7 relief may be granted under this title—

8 (1) the individual may not obtain a hearing
9 with respect to the claim as provided under section
10 405; and

11 (2) the Preliminary Hearing Officer shall pro-
12 vide the individual and the Judicial Integrity Officer
13 with a written notice that the individual may file a
14 civil action with respect to the claim in accordance
15 with sections 401(b) and 408.

16 **SEC. 404. MEDIATION.**

17 (a) AVAILABILITY OF MEDIATION.—

18 (1) NOTIFICATION REGARDING MEDIATION.—

19 (A) COVERED EMPLOYEE.—Upon receipt
20 of a claim under section 402, the Office shall
21 notify the covered employee who filed the claim
22 about the process for mediation under this sec-
23 tion and the deadlines applicable to such medi-
24 ation.

1 (B) EMPLOYING UNIT.—Upon trans-
2 mission to the employing unit of the claim pur-
3 suant to section 402(b), the Office shall notify
4 the employing unit about the process for medi-
5 ation under this section and the deadlines appli-
6 cable to such mediation.

7 (2) INITIATION.—

8 (A) IN GENERAL.—During the period de-
9 scribed in subparagraph (B), either the covered
10 employee who filed a claim under section 402 or
11 the employing unit named in the claim may file
12 a request for mediation with the Office, which
13 shall promptly notify the other party. If the
14 other party agrees to the request, the Office
15 shall promptly assign a mediator to the claim,
16 and conduct mediation under this section.

17 (B) TIMING.—A covered employee or an
18 employing unit may file a request for mediation
19 under subparagraph (A) during the period be-
20 ginning on the date that the covered employee
21 or employing unit, respectively, receives a notifi-
22 cation under paragraph (1) regarding a claim
23 under section 402 and ending on the date on
24 which a Merits Hearing Officer issues a written
25 decision relating to the claim under section

1 405(g) or the covered employee files a civil ac-
2 tion with respect to the claim in accordance
3 with sections 401(b) and 408, as applicable.

4 (3) FAILURE TO REQUEST OR ACCEPT MEDI-
5 ATION TO HAVE NO EFFECT ON TREATMENT OF
6 CLAIM.—The failure of a party to request mediation
7 under this section with respect to a claim, or the
8 failure of a party to agree to a request for mediation
9 under this section, may not be taken into consider-
10 ation under any procedure under this title with re-
11 spect to the claim, including a preliminary review
12 under section 403, a hearing under section 405, or
13 a civil action under section 408.

14 (b) PROCESS.—Mediation under this section—

15 (1) may include the Office, the covered em-
16 ployee, the employing unit, and 1 or more individ-
17 uals appointed by the Judicial Integrity Officer from
18 the master list developed and maintained under sub-
19 section (e); and

20 (2) shall involve meetings with the parties dur-
21 ing which, at the request of any of the parties, the
22 parties shall be separate, for the purpose of resolv-
23 ing the dispute between the covered employee and
24 the employing unit.

1 (c) MEDIATION PERIOD.—The mediation period shall
2 be 30 days, beginning on the first day after the second
3 party agrees to the request for mediation. The mediation
4 period may be extended for 1 additional period of 30 days
5 at the joint request of the covered employee and the em-
6 ploying unit. Any deadline in this Act relating to a claim
7 for which mediation has been agreed to in this section,
8 that has not already passed by the first day of the medi-
9 ation period, shall be stayed during the mediation period.
10 The Office shall notify in writing the covered employee and
11 the employing unit when the mediation period has ended.

12 (d) INDEPENDENCE OF MEDIATION PROCESS.—No
13 individual who is appointed by the Judicial Integrity Offi-
14 cer to mediate may conduct or aid in a hearing conducted
15 under section 405 with respect to the same matter or shall
16 be subject to subpoena or any other compulsory process
17 with respect to the same matter.

18 (e) MASTER LIST OF MEDIATORS.—

19 (1) DEVELOPMENT AND MAINTENANCE OF MAS-
20 TER LIST.—The Judicial Integrity Officer shall de-
21 velop and maintain a master list of individuals who
22 are experienced in adjudicating, arbitrating, or medi-
23 ating the kinds of personnel and other matters for
24 which mediation may be held under this section.
25 Such list may include, but not be limited to, mem-

1 bers of the bar of a State of the United States, the
2 District of Columbia, or a territory of the United
3 States.

4 (2) CONSIDERATION OF CANDIDATES.—In de-
5 veloping the master list under this subsection, the
6 Judicial Integrity Officer shall consider candidates
7 recommended by the Federal Mediation and Concil-
8 iation Service or the Administrative Conference of
9 the United States.

10 **SEC. 405. HEARING.**

11 (a) REQUIREMENT FOR HEARINGS TO COMMENCE IN
12 OFFICE.—

13 (1) HEARING REQUIRED UPON REQUEST.—If,
14 not later than 10 days after a Preliminary Hearing
15 Officer submits the report on the preliminary review
16 of a claim under section 403(c), a covered employee
17 submits a request to the Judicial Integrity Officer
18 for a hearing under this section, the Judicial Integ-
19 rity Officer shall appoint an independent Merits
20 Hearing Officer pursuant to subsection (c) to con-
21 sider the claim and render a decision, and a hearing
22 shall be commenced in the Office.

23 (2) EXCEPTIONS.—Paragraph (1) does not
24 apply with respect to the claim if—

1 (A) the Preliminary Hearing Officer's re-
2 port on the preliminary review of the claim
3 under section 403(c) includes the determination
4 that the individual filing the claim is not a cov-
5 ered employee who has stated a claim for which
6 relief may be granted under this title (as de-
7 scribed in section 403(d)); or

8 (B) the covered employee files a civil action
9 as provided in sections 401(b) and 408 with re-
10 spect to the claim.

11 (b) DISMISSAL.—A Merits Hearing Officer may dis-
12 miss any claim that the Merits Hearing Officer finds to
13 be frivolous or that fails to state a claim upon which relief
14 may be granted.

15 (c) MERITS HEARING OFFICER.—

16 (1) APPOINTMENT.—Upon the filing of a re-
17 quest for a hearing under subsection (a), the Judi-
18 cial Integrity Officer shall appoint an independent
19 Merits Hearing Officer. The Merits Hearing Officer
20 may not be a member of the Board, covered em-
21 ployee, justice, judge, or head of an employing unit.
22 The Judicial Integrity Officer shall select Merits
23 Hearing Officers on a rotational or random basis
24 from the lists developed under paragraph (2). Noth-
25 ing in this section shall prevent the appointment of

1 Merits Hearing Officers as full-time employees of
2 the Office or the selection of Merits Hearing Officers
3 on the basis of specialized expertise needed for par-
4 ticular matters.

5 (2) LISTS.—The Judicial Integrity Officer shall
6 develop master lists, composed of—

7 (A) members of the bar of a State of the
8 United States, the District of Columbia, or a
9 territory of the United States who are experi-
10 enced in adjudicating or arbitrating the kinds
11 of personnel and other matters for which hear-
12 ings may be held under this Act; and

13 (B) individuals expert in technical matters
14 relating to accessibility and usability by persons
15 with disabilities.

16 In developing lists, the Judicial Integrity Officer
17 shall consider candidates recommended by the Fed-
18 eral Mediation and Conciliation Service or the Ad-
19 ministrative Conference of the United States.

20 (3) PROHIBITING PRELIMINARY HEARING OFFI-
21 CER FROM CONDUCTING HEARING.—The Judicial
22 Integrity Officer may not appoint a Merits Hearing
23 Officer to conduct a hearing under this section with
24 respect to a claim if the hearing officer conducted

1 the preliminary review with respect to the claim
2 under section 403.

3 (d) HEARING.—Unless a claim is dismissed before a
4 hearing, a hearing shall be—

5 (1) conducted in closed session on the record by
6 the Merits Hearing Officer;

7 (2) commenced no later than 90 days after the
8 Judicial Integrity Officer receives the covered em-
9 ployee’s request for the hearing under subsection
10 (a), except that, upon mutual agreement of the par-
11 ties or for good cause, the Office shall extend the
12 time for commencing a hearing for not more than an
13 additional 30 days; and

14 (3) conducted, except as specifically provided in
15 this Act and to the greatest extent practicable, in ac-
16 cordance with the principles and procedures set
17 forth in sections 554 through 557 of title 5, United
18 States Code.

19 (e) DISCOVERY.—Reasonable prehearing discovery
20 may be permitted at the discretion of the Merits Hearing
21 Officer.

22 (f) SUBPOENAS.—

23 (1) IN GENERAL.—At the request of a party, a
24 Merits Hearing Officer may issue subpoenas for the
25 attendance of witnesses and for the production of

1 correspondence, books, papers, documents, and other
2 records. The attendance of witnesses and the pro-
3 duction of records may be required from any place
4 within the United States. Subpoenas shall be served
5 in the manner provided under rule 45(b) of the Fed-
6 eral Rules of Civil Procedure.

7 (2) OBJECTIONS.—If a person refuses, on the
8 basis of relevance, privilege, or other objection, to
9 testify in response to a question or to produce
10 records in connection with a proceeding before a
11 Merits Hearing Officer, the hearing officer shall rule
12 on the objection. At the request of the witness or
13 any party, the Merits Hearing Officer shall (or on
14 the hearing officer’s own initiative, the hearing offi-
15 cer may) refer the ruling to the Board for review.

16 (3) ENFORCEMENT.—

17 (A) IN GENERAL.—If a person fails to
18 comply with a subpoena, the Board may au-
19 thorize the General Counsel to apply, in the
20 name of the Office, to an appropriate district
21 court of the United States for an order requir-
22 ing that person to appear before the Merits
23 Hearing Officer to give testimony or produce
24 records. The application may be made within
25 the judicial district where the hearing is con-

1 ducted or where that person is found, resides,
2 or transacts business. Any failure to obey a
3 lawful order of the district court issued pursu-
4 ant to this section may be held by such court
5 to be a civil contempt thereof.

6 (B) SERVICE OF PROCESS.—Process in an
7 action or contempt proceeding pursuant to sub-
8 paragraph (A) may be served in any judicial
9 district in which the person refusing or failing
10 to comply, or threatening to refuse or not to
11 comply, resides, transacts business, or may be
12 found, and subpoenas for witnesses who are re-
13 quired to attend such proceedings may run into
14 any other district.

15 (g) DECISION.—The Merits Hearing Officer shall
16 issue a written decision as expeditiously as possible, but
17 in no case more than 90 days after the conclusion of the
18 hearing. The written decision shall be transmitted by the
19 Office to the parties. The decision shall state the issues
20 raised in the claim, describe the evidence in the record,
21 contain findings of fact and conclusions of law, contain
22 a determination of whether a violation has occurred, and
23 order such remedies as are appropriate pursuant to title
24 II. The decision shall be entered in the records of the Of-
25 fice. If a decision is not appealed under section 406 to

1 the Board, the decision shall be considered the final deci-
2 sion of the Office.

3 (h) PRECEDENTS.—A Merits Hearing Officer who
4 conducts a hearing under this section shall be guided by
5 judicial decisions under the laws made applicable by sec-
6 tion 102 and by Board decisions under this Act.

7 **SEC. 406. APPEAL TO THE BOARD.**

8 (a) IN GENERAL.—Any party aggrieved by the deci-
9 sion of a Merits Hearing Officer under section 405(g) may
10 file a petition for review by the Board not later than 30
11 days after entry of the decision in the records of the Of-
12 fice.

13 (b) PARTIES' OPPORTUNITY TO SUBMIT ARGU-
14 MENT.—The parties to the hearing upon which the deci-
15 sion of the Merits Hearing Officer was made shall have
16 a reasonable opportunity to be heard, through written sub-
17 mission and, in the discretion of the board, through oral
18 argument.

19 (c) STANDARD OF REVIEW.—The Board shall set
20 aside a decision of a Merits Hearing Officer if the Board
21 determines that the decision was—

22 (1) arbitrary, capricious, an abuse of discretion,
23 or otherwise not consistent with law;

24 (2) not made consistent with required proce-
25 dures; or

1 (3) unsupported by substantial evidence.

2 (d) RECORD.—In making determinations under sub-
3 section (c), the Board shall review the whole record, or
4 those parts of it cited by a party, and due account shall
5 be taken of the rule of prejudicial error.

6 (e) DECISION.—The Board shall issue a written deci-
7 sion setting forth the reasons for its decision. The decision
8 may affirm, reverse, or remand to the Merits Hearing Of-
9 ficer for further proceedings. A decision that does not re-
10 quire further proceedings before a Merits Hearing Officer
11 shall be entered in the records of the Office as a final
12 decision.

13 **SEC. 407. JUDICIAL REVIEW OF BOARD DECISIONS AND EN-**
14 **FORCEMENT.**

15 (a) JURISDICTION.—

16 (1) JUDICIAL REVIEW.—Except as provided in
17 paragraph (3), the United States Court of Appeals
18 for the Federal Circuit shall have jurisdiction over
19 any proceeding commenced by a petition of a party
20 aggrieved by a final decision of the Board under sec-
21 tion 406(e) in cases arising under subtitle A of title
22 II. Except as provided in paragraph (3), the court
23 of appeals shall have exclusive jurisdiction to set
24 aside, suspend (in whole or in part), determine the

1 validity of, or otherwise review the decision of the
2 Board.

3 (2) ENFORCEMENT.—Except as provided in
4 paragraph (3), the United States Court of Appeals
5 for the Federal Circuit shall have jurisdiction over
6 any petition of the General Counsel, filed in the
7 name of the Office and at the direction of the
8 Board, to enforce a final decision under section
9 405(g) or 406(e) with respect to a violation of sub-
10 title A of title II.

11 (3) CASES INVOLVING THE UNITED STATES
12 COURT OF APPEALS FOR THE FEDERAL CIRCUIT.—
13 In the case of a proceeding in which the relevant
14 employing unit is the United States Court of Ap-
15 peals for the Federal Circuit, or the office of a
16 judge, circuit executive, clerk, librarian, crier, staff
17 attorney, or senior technical assistant thereof, the
18 powers of judicial review and enforcement provided
19 under paragraphs (1) and (2) shall be exercised by
20 the United States Court of Appeals for the District
21 of Columbia Circuit.

22 (b) PROCEDURES.—

23 (1) RESPONDENTS.—

24 (A) JUDICIAL REVIEW.—In any proceeding
25 commenced by a petition filed under subsection

1 (a)(1), the Office shall be named respondent
2 and any party before the Board may be named
3 respondent by filing a notice of election with
4 the court within 30 days after service of the pe-
5 tition.

6 (B) ENFORCEMENT.—In any proceeding
7 commenced by a petition filed under subsection
8 (a)(2), the party under section 405 or 406 that
9 the General Counsel determines has failed to
10 comply with a final decision under section
11 405(g) or 406(e) shall be named respondent.

12 (2) INTERVENTION.—Any party that partici-
13 pated in the proceedings before the Board under sec-
14 tion 406 and that was not made respondent under
15 paragraph (1) may intervene as of right.

16 (c) LAW APPLICABLE.—Chapter 158 of title 28,
17 United States Code, shall apply to judicial review under
18 paragraph (1) of subsection (a), except that—

19 (1) with respect to section 2344 of such title,
20 service of a petition in any proceeding in which the
21 Office is a respondent shall be on the General Coun-
22 sel rather than on the Attorney General;

23 (2) the provisions of section 2348 of such title,
24 on the authority of the Attorney General, shall not
25 apply;

1 (3) the petition for review shall be filed not
2 later than 90 days after the entry in the Office of
3 a final decision under section 406(e); and

4 (4) the Office shall be an “agency” as that
5 term is used in chapter 158 of such title.

6 (d) STANDARD OF REVIEW.—To the extent necessary
7 for decision in a proceeding commenced under subsection
8 (a)(1) and when presented, the court shall decide all rel-
9 evant questions of law and interpret constitutional and
10 statutory provisions. The court shall set aside a final deci-
11 sion of the Board if it is determined that the decision
12 was—

13 (1) arbitrary, capricious, an abuse of discretion,
14 or otherwise not consistent with law;

15 (2) not made consistent with required proce-
16 dures; or

17 (3) unsupported by substantial evidence.

18 (e) RECORD.—In making determinations under sub-
19 section (d), the court shall review the whole record, or
20 those parts of it cited by a party, and due account shall
21 be taken of the rule of prejudicial error.

22 **SEC. 408. CIVIL ACTION.**

23 (a) JURISDICTION.—The district courts of the United
24 States shall have jurisdiction over any civil action com-

1 menced under section 401(b) and this section by a covered
2 employee.

3 (b) VENUE.—Except for a civil action described in
4 section 203(d), in addition to the venue specified by sec-
5 tion 1391 of title 28, United States Code, venue shall lie
6 in the United States District Court for the District of Co-
7 lumbia.

8 (c) PARTIES.—The defendant shall be the employing
9 unit alleged to have committed the violation, or in which
10 the violation is alleged to have occurred.

11 (d) JURY TRIAL.—Any party may demand a jury
12 trial where a jury trial would be available in an action
13 against a private defendant under the relevant law made
14 applicable by this Act. In any case in which a violation
15 of section 201 is alleged, the court shall not inform the
16 jury of the maximum amount of compensatory damages
17 available under paragraphs (1), (3), or (4) of section
18 201(b).

19 **SEC. 409. JUDICIAL REVIEW OF REGULATIONS.**

20 In any proceeding brought under section 401(b), 407,
21 or 408 in which the application of a regulation issued
22 under this Act is at issue, the court may review the valid-
23 ity of the regulation in accordance with the provisions of
24 subparagraphs (A) through (D) of section 706(2) of title
25 5, United States Code. If the court determines that the

1 regulation is invalid, the court shall apply, to the extent
2 necessary and appropriate, the most relevant substantive
3 executive agency regulation promulgated to implement the
4 statutory provisions with respect to which the invalid regu-
5 lation was issued. Except as provided in this section, the
6 validity of regulations issued under this Act is not subject
7 to judicial review.

8 **SEC. 410. OTHER JUDICIAL REVIEW PROHIBITED.**

9 Except as expressly authorized by sections 401(b),
10 407, 408, and 409, the compliance or noncompliance with
11 the provisions of this Act and any action taken pursuant
12 to this Act shall not be subject to judicial review.

13 **SEC. 411. EFFECT OF FAILURE TO ISSUE REGULATIONS.**

14 In any proceeding under section 405, 406, 407, or
15 408, if the Board has not issued a regulation on a matter
16 for which this Act requires a regulation to be issued, the
17 Preliminary Hearing Officer, Merits Hearing Officer,
18 Board, or court, as the case may be, shall apply, to the
19 extent necessary and appropriate, the most relevant sub-
20 stantive executive agency regulation promulgated to imple-
21 ment the statutory provision at issue in the proceeding.

22 **SEC. 412. EXPEDITED REVIEW OF CERTAIN APPEALS.**

23 (a) IN GENERAL.—An appeal may be taken directly
24 to the Supreme Court of the United States from any inter-

1 locutory or final judgment, decree, or order of a court
2 upon the constitutionality of any provision of this Act.

3 (b) JURISDICTION.—The Supreme Court shall, if it
4 has not previously ruled on the question, accept jurisdic-
5 tion over the appeal referred to in subsection (a), advance
6 the appeal on the docket, and expedite the appeal to the
7 greatest extent possible.

8 **SEC. 413. SOVEREIGN IMMUNITY AND JUDICIAL INDEPEND-**
9 **ENCE.**

10 The authorization to bring judicial proceedings under
11 sections 401(b), 405(f)(3), 407, and 408 shall not con-
12 stitute a waiver of sovereign immunity for any other pur-
13 pose, or of the protection of judicial independence afforded
14 under section 1 of article III of the Constitution of the
15 United States.

16 **SEC. 414. SETTLEMENT.**

17 Any settlement entered into by the parties to the
18 process described in section 401 shall be in writing and
19 not become effective unless it is approved by the Judicial
20 Integrity Officer.

21 **SEC. 415. PAYMENTS.**

22 (a) AWARDS AND SETTLEMENTS.—Except as pro-
23 vided in subsection (c), only funds which are appropriated
24 to an account of the Office in the Treasury of the United
25 States for the payment of awards and settlements may

1 be used for the payment of awards and settlements under
2 this Act. There are authorized to be appropriated for such
3 account such sums as may be necessary to pay such
4 awards and settlements.

5 (b) COMPLIANCE.—Except as provided in subsection
6 (c), there are authorized to be appropriated such sums as
7 may be necessary for administrative, personnel, and simi-
8 lar expenses of employing units which are needed to com-
9 ply with this Act.

10 (c) ACCOMMODATION REQUIREMENTS.—Funds to
11 correct violations of section 201(a)(3) may be paid only
12 from funds appropriated to the employing unit or entity
13 responsible for correcting such violations. There are au-
14 thorized to be appropriated such sums as may be nec-
15 essary for such funds.

16 (d) MANDATING REIMBURSEMENT BY JUDGES OF
17 AMOUNTS PAID AS SETTLEMENTS AND AWARDS.—

18 (1) REIMBURSEMENT REQUIRED FOR CERTAIN
19 VIOLATIONS.—

20 (A) IN GENERAL.—Subject to subpara-
21 graphs (B) and (D), if a payment is made from
22 the account described in subsection (a) for an
23 award or settlement in connection with a claim
24 alleging a violation described in subparagraph
25 (C) committed personally by an individual who,

1 at the time of committing the violation, was a
2 judge, the individual shall reimburse the ac-
3 count for the amount of the award or settle-
4 ment for the claim involved.

5 (B) CONDITIONS.—In the case of an award
6 made pursuant to a decision of a Merits Hear-
7 ing Officer under section 405, or a court in a
8 civil action, subparagraph (A) shall apply only
9 if the hearing officer or court makes a separate
10 finding that a violation described in subpara-
11 graph (C) occurred which was committed per-
12 sonally by an individual who, at the time of
13 committing the violation, was a judge, and such
14 individual shall reimburse the account for the
15 amount of compensatory damages included in
16 the award as would be available if awarded
17 under section 1977A(b)(3) of the Revised Stat-
18 utes (42 U.S.C. 1981a(b)(3)) irrespective of the
19 size of the employing unit. In the case of a set-
20 tlement for a claim described in section
21 416(d)(3), subparagraph (A) shall apply only if
22 the conditions specified in section 416(d)(3) for
23 requesting reimbursement are met.

24 (C) VIOLATIONS DESCRIBED.—A violation
25 described in this subparagraph is—

1 (i) harassment that is unlawful under
2 section 201(a) or 202(a); or

3 (ii) intimidation, reprisal, or discrimi-
4 nation that is unlawful under section 203
5 and is taken against a covered employee
6 because of a claim alleging a violation de-
7 scribed in clause (i).

8 (D) MULTIPLE CLAIMS.—If an award or
9 settlement is made for multiple claims, some of
10 which do not require reimbursement under this
11 subsection, the individual described in subpara-
12 graph (A) shall only be required to reimburse
13 for the amount (referred to in this Act as the
14 “reimbursable portion”) that is—

15 (i) described in subparagraph (A),
16 subject to subparagraph (B); and

17 (ii) included in the portion of the
18 award or settlement attributable to a claim
19 requiring reimbursement.

20 (2) RIGHT TO INTERVENE.—An individual who
21 is subject to a reimbursement requirement of this
22 subsection shall have the unconditional right to in-
23 tervene in any mediation, hearing, or civil action
24 under this title to protect the interests of the indi-
25 vidual in the determination of whether an award or

1 settlement described in paragraph (1) should be
2 made, and the amount of any such award or settle-
3 ment, except that nothing in this paragraph may be
4 construed to require the covered employee who filed
5 the claim to be deposed by counsel for the individual
6 in a deposition that is separate from any other depo-
7 sition taken from the employee in connection with
8 the hearing or civil action.

9 **SEC. 416. CONFIDENTIALITY AND REFERRALS.**

10 (a) **MEDIATION.**—All information discussed or dis-
11 closed in the course of any mediation shall be strictly con-
12 fidential, and the Judicial Integrity Officer shall notify
13 each person participating in the mediation of the confiden-
14 tiality requirement and of the sanctions applicable to any
15 person who violates the confidentiality requirement.

16 (b) **HEARINGS AND DELIBERATIONS.**—Except as
17 provided in subsections (c), (d), (e), and (f), all pro-
18 ceedings and deliberations of Preliminary Hearing Offi-
19 cers, Merit Hearing Officers, and the Board, including any
20 related records, shall be confidential. The Judicial Integ-
21 rity Officer shall notify each person participating in a pro-
22 ceeding or deliberation to which this subsection applies of
23 the requirements of this subsection and of the sanctions
24 applicable to any person who violates the requirements of
25 this subsection.

1 (c) RELEASE OF RECORDS FOR JUDICIAL ACTION.—

2 The records of Preliminary Hearing Officers, Merits
3 Hearing Officers, and the Board may be made public if
4 required for the purpose of judicial review under section
5 407.

6 (d) REFERRAL TO JUDICIAL COUNCILS.—

7 (1) REFERRAL.—Upon the final disposition
8 under this title (as described in paragraph (5)) of a
9 claim alleging a violation described in section
10 415(d)(1)(C) committed personally by a judge, the
11 Judicial Integrity Officer shall refer the claim to the
12 judicial council of the relevant circuit. Dispositions
13 referred under this subsection shall be treated by ju-
14 dicial councils as complaints under chapter 16 of
15 title 28, United States Code, except that these com-
16 plaints shall bypass review by the chief judge and be
17 certified directly to a special committee appointed by
18 the chief judge under section 353 of that title. No
19 judge may participate in the special committee or
20 the judicial council's action on a referral under this
21 paragraph concerning that judge's own conduct, and
22 the chief judge may, in the interest of justice, refer
23 resolution of a referral under this subsection to an-
24 other circuit's judicial council. For referrals under
25 this subsection regarding conduct by the chief judge,

1 the circuit judge in regular active service next senior
2 in date of commission shall act as chief judge for
3 purposes of this subsection.

4 (2) ACCESS TO RECORDS AND INFORMATION.—

5 If the Judicial Integrity Officer refers a claim to a
6 judicial council under this subsection, the Judicial
7 Integrity Officer shall provide the council with ac-
8 cess to the records of any preliminary reviews, hear-
9 ings, or decisions of Preliminary Hearing Officers,
10 Merits Hearing Officers, and the Board under this
11 Act, and any information relating to an award or
12 settlement paid, in response to such a claim.

13 (3) REVIEW BY JUDICIAL COUNCILS OF SET-

14 TLEMENTS OF CERTAIN CLAIMS.—After the receipt
15 of a settlement agreement for a claim that includes
16 an allegation of a violation described in section
17 415(d)(1)(C) committed personally by a judge, the
18 judicial council receiving the referral shall, as part
19 of the procedure set out in paragraph (1), determine
20 whether the settlement involved an actual violation
21 described in section 415(d)(1)(C) committed person-
22 ally by the judge. If the judicial council so deter-
23 mines, it shall notify the Judicial Integrity Officer to
24 request the reimbursement described in section

1 415(d) and include the settlement in the report re-
2 quired by section 211(a).

3 (4) PROTECTION OF PERSONALLY IDENTIFI-
4 ABLE INFORMATION.—If the judicial council to
5 which a claim is referred under paragraph (1), or
6 the Judicial Conference upon subsequent referral,
7 issues a public order or report with respect to the
8 claim, the judicial council or Judicial Conference
9 shall ensure that the order or report does not di-
10 rectly disclose the identity or position of the indi-
11 vidual who filed the claim.

12 (5) FINAL DISPOSITION DESCRIBED.—In this
13 subsection, the “final disposition” of a claim means
14 any of the following;

15 (A) An order or agreement to pay an
16 award or settlement, including an agreement
17 reached pursuant to mediation under section
18 404.

19 (B) A final decision of a Merits Hearing
20 Officer under section 405(g) that is no longer
21 subject to review by the Board under section
22 406.

23 (C) A final decision of the Board under
24 section 406(e) that is no longer subject to ap-

1 peal to the United States Court of Appeals for
2 the Federal Circuit under section 407.

3 (D) A final decision in a civil action under
4 section 408 that is no longer subject to appeal.

5 (6) COURT OF FEDERAL CLAIMS, COURT OF
6 INTERNATIONAL TRADE, AND COURT OF APPEALS
7 FOR THE FEDERAL CIRCUIT.—Section 363 of title
8 28, United States Code, shall apply to a referral in-
9 volving the United States Court of Federal Claims,
10 the United States Court of International Trade, and
11 the United States United States Court of Appeals
12 for the Federal Circuit.

13 (e) ACCESS BY JUDICIAL COUNCILS, JUDICIAL CON-
14 FERENCE, AND CONGRESS.—

15 (1) IN GENERAL.—The Judicial Integrity Offi-
16 cer shall provide judicial councils, the Judicial Con-
17 ference of the United States, and Congress access to
18 the records of the hearings and decisions of Prelimi-
19 nary Hearing Officers, Merits Hearing Officers, and
20 the Board, including all written and oral testimony
21 in the possession of the Office, when such material
22 is requested as part of the review of a complaint
23 under chapter 16 of title 28, United States Code, or
24 in the exercise of the power of impeachment by Con-
25 gress under the Constitution of the United States.

1 The Judicial Integrity Officer shall not provide such
2 access until the Judicial Integrity Officer has con-
3 sulted with the individual filing the claim at issue,
4 and until a final disposition has been reached as de-
5 fined in subsection (d)(5).

6 (2) APPLICABILITY.—Section 363 of title 28,
7 United States Code, shall apply to claims described
8 in paragraph (1) involving judges of the United
9 States Court of Federal Claims, the United States
10 Court of International Trade, and the United States
11 Court of Appeals for the Federal Circuit.

12 (f) FINAL DECISIONS.—A final decision entered
13 under section 405(g) or 406(e) shall be made public if it
14 is in favor of the complaining covered employee or if the
15 decision reverses a decision of a Merits Hearing Officer
16 which had been in favor of the covered employee. The
17 Board may make public any other decision at its discre-
18 tion.

19 (g) CLAIMS.—Nothing in this section may be con-
20 strued to prohibit a covered employee from disclosing the
21 factual allegations underlying the covered employee's
22 claim, or to prohibit an employing unit from disclosing the
23 factual allegations underlying the employing unit's defense
24 to the claim.

1 **TITLE V—MISCELLANEOUS**
2 **PROVISIONS**

3 **SEC. 501. IMPROVEMENTS TO JUDICIAL CONDUCT AND DIS-**
4 **ABILITY COMPLAINTS PROCESS.**

5 (a) ESTABLISHING DISCRIMINATION AND RETALIA-
6 TION AS JUDICIAL MISCONDUCT.—Section 358 of title 28,
7 United States Code, is amended—

8 (1) by striking subsection (a) and inserting the
9 following:

10 “(a) IN GENERAL.—Each judicial council and the
11 Judicial Conference shall prescribe rules for the conduct
12 of proceedings under this chapter, including the processing
13 of petitions for review that—

14 “(1) ensure the independence, integrity, impar-
15 tiality, and competence of proceedings under this
16 chapter;

17 “(2) ensure the greatest possible public con-
18 fidence in proceedings under this chapter and main-
19 tain public confidence in the Federal judiciary;

20 “(3) reflect that the judicial office is a position
21 of public trust; and

22 “(4) effectuate section 453 of this title and the
23 requirements of the Judiciary Accountability Act of
24 2024.”;

25 (2) in subsection (b)—

1 (A) in paragraph (2), by striking “and” at
2 the end;

3 (B) in paragraph (3)—

4 (i) by inserting “(with the right to be
5 accompanied by counsel)” after “appear”;
6 and

7 (ii) by striking the period at the end
8 and inserting “; and”; and

9 (C) by adding the following at the end:

10 “(4) workplace misconduct, as defined in sec-
11 tion 101 of the Judiciary Accountability Act of
12 2024, constitutes a violation of this chapter.”;

13 (3) in subsection (c), in the first sentence—

14 (A) by striking “notice and an oppor-
15 tunity” and inserting “notice, an opportunity”;
16 and

17 (B) by inserting “, and written explanation
18 in the Federal Register” before the period at
19 the end; and

20 (4) by adding at the end the following:

21 “(d) TRANSMISSION TO CONGRESS.—Not later than
22 180 days before the effective date of a rule prescribed
23 under this section, the Chief Justice of the United States,
24 or, if applicable, the chief judge of the relevant judicial
25 council, shall transmit to Congress a copy of the proposed

1 rule. The rule shall take effect unless otherwise provided
2 by law.”.

3 (b) FILING AND IDENTIFYING COMPLAINTS.—Sec-
4 tion 351 of title 28, United States Code, is amended—

5 (1) in subsection (b), by adding at the end the
6 following: “For purposes of this chapter, a complaint
7 identified under this subsection shall be treated in
8 the same manner as a complaint filed under sub-
9 section (a).”;

10 (2) by redesignating subsection (d) as sub-
11 section (f); and

12 (3) by inserting after subsection (c) the fol-
13 lowing:

14 “(d) IDENTIFYING COMPLAINT BY JUDICIAL CON-
15 FERENCE.—In the interests of the effective and expedi-
16 tious administration of the business of the courts and on
17 the basis of information available to the Judicial Con-
18 ference of the United States, the Judicial Conference may,
19 by written order stating reasons therefor, identify a com-
20 plaint for purposes of this chapter and thereby dispense
21 with filing of a written complaint. Upon identifying a com-
22 plaint under this paragraph, the Judicial Conference shall
23 refer the complaint in accordance with the transmittal pro-
24 cedures described in subsection (c).

1 “(e) SPECIAL RULE FOR EMPLOYEES FILING COM-
2 PLAINTS.—

3 “(1) IN GENERAL.—A complaint described in
4 subsection (a) made by a current or former covered
5 employee, as defined in the Judiciary Accountability
6 Act of 2024, may be filed with the Judicial Con-
7 ference of the United States.

8 “(2) TRANSMITTAL BY JUDICIAL CON-
9 FERENCE.—Upon receipt of a complaint filed under
10 this subsection, the Judicial Conference of the
11 United States shall transmit the complaint in ac-
12 cordance with subsection (c).”.

13 “(c) JUDICIAL CONFERENCE TO REPORT VIOLATIONS
14 TO CONGRESS.—Section 355 of title 28, United States
15 Code, is amended by adding at the end the following:

16 “(c) VIOLATIONS REPORTED TO CONGRESS.—If the
17 Judicial Conference concurs in the determination of the
18 judicial council, or makes its own determination, that tak-
19 ing an action as described in paragraphs (1)(C) and (2)
20 of section 354(a) is appropriate, the Judicial Conference
21 shall submit to Congress the determination and the record
22 of the proceedings.”.

23 “(d) EXPANDED DEFINITION OF JUDGE.—Subsection
24 (f)(1) of section 351 of title 28, United States Code, as
25 redesignated by subsection (b) of this section, is amended

1 by striking “or magistrate judge” and inserting “mag-
2 istrate judge, or an individual who was such a judge at
3 the time of the conduct described in a complaint”.

4 (e) EFFECT OF RESIGNATION OR RETIREMENT OF
5 JUDGE.—Chapter 16 of title 28, United States Code, is
6 amended—

7 (1) in section 352, by adding at the end the fol-
8 lowing:

9 “(e) EFFECT OF VACANCY OF OFFICE.—The resigna-
10 tion, retirement from office under chapter 17, or death
11 of a judge who is the subject of a complaint under section
12 351 shall not be grounds for—

13 “(1) dismissing the complaint under subsection
14 (b)(1); or

15 “(2) concluding that action on the complaint is
16 no longer necessary under subsection (b)(2).”; and

17 (2) in section 353, by adding at the end the fol-
18 lowing:

19 “(d) EFFECT OF VACANCY OF OFFICE.—The special
20 committee shall complete its investigation and file a report
21 under subsection (c) without regard to the resignation, re-
22 tirement from office under chapter 17, or death of the
23 judge whose conduct is the subject of the complaint.”.

1 (f) EXPANDING AUTHORITY OF JUDICIAL COUN-
2 CIL.—Section 354(a)(2)(A) of title 28, United States
3 Code, is amended—

4 (1) in clause (i)—

5 (A) by inserting “or subject to the comple-
6 tion of any corrective measures recommended
7 by the judicial council” after “certain”; and

8 (B) by inserting “, or that any current
9 cases assigned to the judge be reassigned” be-
10 fore the semicolon at the end;

11 (2) in clause (ii), by striking “and” at the end;

12 (3) in clause (iii), by striking the period at the
13 end and inserting “; and”; and

14 (4) by adding at the end the following:

15 “(iv) in the case of a complaint based
16 on workplace misconduct, ordering such
17 action as the judicial council determines
18 appropriate to protect employees from the
19 workplace misconduct.”.

20 (g) EXPENSES FOR COMPLAINANTS AND THIRD PAR-
21 TIES.—Section 361 of title 28, United States Code, is
22 amended—

23 (1) by striking “Upon” and inserting the fol-
24 lowing:

25 “(a) FOR JUDGES.—Upon”; and

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

2 “(b) FOR COMPLAINANTS.—Upon the request of a
3 complainant under this chapter, the judicial council of a
4 circuit may, if the complaint was not finally dismissed
5 under section 354(a)(1)(B), recommend that the Director
6 of the Administrative Office of the United States Courts
7 award reimbursement, from funds appropriated to the
8 Federal judiciary, for those reasonable expenses, including
9 attorneys’ fees, incurred by that complainant during the
10 investigation which would not have been incurred but for
11 filing a complaint under this chapter.”.

12 (h) DISCLOSURE OF INFORMATION.—Section 360 of
13 title 28, United States Code, is amended—

14 (1) in subsection (a), in the matter preceding
15 paragraph (1), by inserting “and subsections (c) and
16 (d) of this section” after “section 355”; and

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

18 “(c) REPORTS.—

19 “(1) REPORT TO JUDICIAL CONFERENCE.—

20 “(A) NOTICE OF COMPLAINTS FILED.—

21 Not later than 30 days after a complaint is
22 filed by a current or former covered employee,
23 as defined in the Judiciary Accountability Act
24 of 2024, under section 351, the clerk of a court

1 of appeals shall notify the Judicial Conference
2 of such complaint.

3 “(B) REPORT OF SPECIAL COMMITTEE.—
4 Each special committee appointed under section
5 353 shall submit to the Judicial Conference a
6 copy of a report of the special committee under
7 subsection (c) of that section.

8 “(C) REDACTION OF PERSONALLY IDENTI-
9 FYING INFORMATION.—To the extent prac-
10 ticable, a notification and report under this
11 paragraph shall not include any personally iden-
12 tifying information except for the identity of the
13 judge whose conduct is the subject of the com-
14 plaint. The identity of the judge may be re-
15 dacted only with the consent of the complain-
16 ant.

17 “(2) REPORT TO CONGRESS.—

18 “(A) IN GENERAL.—The Judicial Con-
19 ference of the United States shall submit to
20 Congress an annual report, signed by every
21 member of the Executive Committee, that in-
22 cludes, with respect to complaints under this
23 chapter for each judicial circuit during the pre-
24 vious 365-day period, the following information:

1 “(i) The number, type, and disposi-
2 tion of such complaints.

3 “(ii) A description of actions taken
4 under paragraph (1)(C) and (2) of section
5 354(a).

6 “(iii) A description of voluntary reme-
7 dial or corrective actions taken by judges
8 subject to such complaints.

9 “(B) REDACTION OF PERSONALLY IDENTI-
10 FYING INFORMATION.—Reports submitted
11 under this paragraph may not contain the per-
12 sonally identifying information of a complainant
13 or judge.

14 “(d) DISCLOSURE BY COMPLAINANT PERMITTED.—
15 Nothing in this chapter shall be construed to prevent a
16 complainant or victim of judicial misconduct from dis-
17 closing any information related to the complaint.”.

18 **SEC. 502. DISTRICT OF COLUMBIA COURTS.**

19 (a) APPLICATION TO DISTRICT OF COLUMBIA
20 COURTS.—Subject to subsections (b), (c), and (d) of this
21 section, the laws made applicable to the judicial branch
22 of the Federal Government under section 102 of this Act
23 shall also be applicable to the courts of the District of Co-
24 lumbia.

1 (b) COUNCIL OF THE DISTRICT OF COLUMBIA AU-
2 THORITY.—Notwithstanding section 602(a)(4) of the Dis-
3 trict of Columbia Self-Government and Governmental Re-
4 organization Act (sec. 1–206.02(a)(4), D.C. Official
5 Code), and subject to subsection (e) of this section, the
6 Council of the District of Columbia may enact any act nec-
7 essary to implement subsection (a) of this section with re-
8 spect to the courts of the District of Columbia, including
9 by providing for the reporting and investigation of and
10 remedies for violations of the laws made applicable by sub-
11 section (a).

12 (c) NO EFFECT ON JUDICIAL TENURE.—Nothing in
13 this section shall authorize any amendment to chapter 15
14 of title 11 of the District of Columbia Official Code (relat-
15 ing to the appointment, removal, and retirement of judges
16 of the District of Columbia courts) or any provision that
17 would displace that chapter as the exclusive means by
18 which a judge of the District of Columbia courts may be
19 removed from office.

20 (d) EFFECTIVE DATE.—Subsection (a) shall take ef-
21 fect upon the enactment of legislation by the Council of
22 the District of Columbia under the authority granted to
23 it by subsection (b).

1 **SEC. 503. UNITED STATES TAX COURT.**

2 (a) LAWS MADE APPLICABLE.—The laws made ap-
3 plicable to the judicial branch of the Federal Government
4 under section 102 of this Act shall be applicable to the
5 United States Tax Court:

6 (b) DEFINITIONS.—For purposes of this Act:

7 (1) COVERED EMPLOYEE.—Employees of the
8 employing units described in subparagraph (B) shall
9 be treated as covered employees (as defined in sec-
10 tion 101).

11 (2) EMPLOYING UNIT.—The following shall be
12 treated as employing units (as so defined):

13 (A) The United States Tax Court.

14 (B) A judge or special trial judge of the
15 United States Tax Court.

16 (C) A retired judge of the United States
17 Tax Court performing duties pursuant to sec-
18 tion 7447(c) of the Internal Revenue Code of
19 1986.

20 (D) A retired special trial judge of the
21 United States Tax Court performing duties
22 pursuant to section 7447A(c) of the Internal
23 Revenue Code of 1986.

24 (E) The clerk of the United States Tax
25 Court.

1 (c) SPECIAL PROVISION RELATED TO JUDICIAL
2 COUNCILS AND THE JUDICIAL CONFERENCE.—In car-
3 rying out the provisions of this Act, the United States Tax
4 Court shall have the powers granted to a judicial council
5 under this Act.

6 (d) REGULATIONS.—The United States Tax Court
7 shall revise the rules prescribed pursuant to section
8 7466(a) of the Internal Revenue Code of 1986 to give ef-
9 fect to the amendments to chapter 16 of title 28, United
10 States Code, made by section 501 of this Act.

11 **SEC. 504. COURT OF APPEALS FOR VETERANS CLAIMS.**

12 (a) APPLICATION TO THE COURT OF APPEALS FOR
13 VETERANS CLAIMS.—

14 (1) IN GENERAL.—The laws made applicable to
15 the judicial branch of the Federal Government under
16 section 102 of this Act shall be applicable to the
17 Court of Appeals for Veterans Claims.

18 (2) DEFINITIONS.—For purposes of this Act:

19 (A) COVERED EMPLOYEE.—The term
20 “covered employee” includes employees of the
21 Court of Appeals for Veterans Claims and the
22 employing units defined in subparagraph (B).

23 (B) EMPLOYING UNIT.—The term “em-
24 ploying unit” includes—

1 (i) the Court of Appeals for Veterans
2 Claims;

3 (ii) a judge of the Court of Appeals
4 for Veterans Claims and retired judge of
5 the Court of Appeals of Veterans Claims
6 performing duties pursuant to section
7 7257 of title 38, United States Code; and

8 (iii) the Clerk of the Court of Appeals
9 of Veterans Claims.

10 (3) COVERED EMPLOYEE.—Covered employees
11 defined in subsection (2)(A) shall enjoy all rights
12 and remedies provided under subtitle A of title II.

13 (b) SPECIAL PROVISION RELATED TO JUDICIAL
14 COUNCILS AND THE JUDICIAL CONFERENCE.—The Court
15 of Appeals for Veterans Claims shall exercise the powers
16 provided to a judicial council under this Act, pursuant to
17 section 7253(g) of title 38, United States Code.

18 (c) REGULATIONS.—The Court of Appeals for Vet-
19 erans Claims shall revise the rules prescribed pursuant to
20 section 7253(g) of title 38, United States Code, to give
21 effect to the amendments to chapter 16 of title 28, United
22 States Code, enacted by section 501 of this Act.

23 **SEC. 505. DISTRICT COURT OF GUAM.**

24 (a) APPLICATION OF JUDICIAL CONDUCT AND DIS-
25 ABILITY RULES.—

1 (1) IN GENERAL.—Section 351(d)(1) of title
2 28, United States Code, is amended by inserting “,
3 including a judge and magistrate judge of the Dis-
4 trict Court of Guam” before the period at the end.

5 (2) JUDICIAL COUNCIL AND OTHER OFFICES.—

6 (A) NINTH CIRCUIT.—With respect to a
7 judge of the District Court of Guam, the clerk
8 and chief judge of the United States Court of
9 Appeals for the Ninth Circuit shall have the
10 powers granted to a clerk and chief judge, and
11 the Judicial Council of the Ninth Circuit shall
12 have the powers granted to a judicial council,
13 under chapter 16 of title 28, United States
14 Code.

15 (B) REVIEW.—

16 (i) IN GENERAL.—The provisions of
17 sections 354(b) through 360 of title 28,
18 United States Code, shall apply to the ex-
19 ercise by the judicial council of the Ninth
20 Circuit of the powers of a judicial council
21 under subparagraph (A).

22 (ii) DETERMINATION.—

23 (I) IN GENERAL.—The deter-
24 mination pursuant to section 354(b)
25 or 355 of title 28, United States

1 Code, shall be made based on the
2 grounds for removal of a judge from
3 office under section 24(a) of the Or-
4 ganic Act of Guam (48 U.S.C.
5 1424b(a)).

6 (II) CERTIFICATION AND TRANS-
7 MITTAL.—Certification and trans-
8 mittal by the Judicial Conference of
9 the United States of any complaint
10 shall be made to the President for
11 consideration under section 24(a) of
12 the Organic Act of Guam (48 U.S.C.
13 1424b(a)).

14 (b) APPLICATION OF JUDICIARY ACCOUNTABILITY
15 ACT.—

16 (1) IN GENERAL.—The laws made applicable to
17 the judicial branch of the Federal Government under
18 section 102 of this Act shall be applicable to the
19 District Court of Guam.

20 (2) DEFINITIONS.—For purposes of this Act:

21 (A) COVERED EMPLOYEE.—The term
22 “covered employee” includes employees of the
23 District Court of Guam.

1 (B) EMPLOYING UNIT.—The District
2 Court of Guam is a district court of the United
3 States under section 101(5)(A)(i)(II).

4 **SEC. 506. DISTRICT COURT FOR THE NORTHERN MARIANA**
5 **ISLANDS.**

6 (a) APPLICATION OF JUDICIAL CONDUCT AND DIS-
7 ABILITY RULES.—

8 (1) IN GENERAL.—Section 351(d)(1) of title
9 28, United States Code, as amended by section 505
10 of this Act, is amended by inserting “, a judge and
11 magistrate judge of the District Court for the
12 Northern Mariana Islands” before the period at the
13 end.

14 (2) JUDICIAL COUNCIL AND OTHER OFFICES.—

15 (A) NINTH CIRCUIT.—With respect to a
16 judge of the District Court for the Northern
17 Mariana Islands, the clerk and chief judge of
18 the United States Court of Appeals for the
19 Ninth Circuit shall have the powers granted to
20 a clerk and chief judge, and the Judicial Coun-
21 cil of the Ninth Circuit shall have the powers
22 granted to a judicial council, under chapter 16
23 of title 28, United States Code.

24 (B) REVIEW.—

1 (i) IN GENERAL.—The provisions of
2 sections 354(b) through 360 of title 28,
3 United States Code, shall apply to the ex-
4 ercise by the Judicial Council of the Ninth
5 Circuit of the powers of a judicial council
6 under subparagraph (A).

7 (ii) DETERMINATION.—

8 (I) IN GENERAL.—The deter-
9 mination pursuant to section 354(b)
10 or 355 of title 28, United States
11 Code, shall be made based on the
12 grounds for removal of a judge from
13 office under subsection (b) of the first
14 section of Public Law 95–157 (48
15 U.S.C. 1821(b)).

16 (II) CERTIFICATION AND TRANS-
17 MITTAL.—Certification and trans-
18 mittal by the Judicial Conference of
19 the United States of any complaint
20 shall be made to the President for
21 consideration under subsection (b) of
22 the first section of Public Law 95–
23 157 (48 U.S.C. 1821(b)).

24 (b) APPLICATION OF JUDICIARY ACCOUNTABILITY
25 ACT.—

1 (1) IN GENERAL.—The laws made applicable to
2 the judicial branch of the Federal Government under
3 section 102 of this Act shall be applicable to the
4 District Court for the Northern Mariana Islands.

5 (2) DEFINITIONS.—For purposes of this Act:

6 (A) COVERED EMPLOYEE.—The term
7 “covered employee” includes employees of the
8 District Court for the Northern Mariana Is-
9 lands.

10 (B) EMPLOYING UNIT.—The District
11 Court for the Northern Mariana Islands is a
12 district court of the United States under para-
13 graph (5)(A)(i)(II) of section 101.

14 **SEC. 507. DISTRICT COURT OF THE VIRGIN ISLANDS.**

15 (a) APPLICATION OF JUDICIAL CONDUCT AND DIS-
16 ABILITY RULES.—

17 (1) IN GENERAL.—Section 351(d)(1) of title
18 28, United States Code, as amended by section 506
19 of this Act, is amended by inserting “, and a judge
20 and magistrate judge of the District Court of the
21 Virgin Islands” before the period at the end.

22 (2) JUDICIAL COUNCIL AND OTHER OFFICES.—

23 (A) THIRD CIRCUIT.—With respect to a
24 judge of the District Court of the Virgin Is-
25 lands, the clerk and chief judge of the United

1 States Court of Appeals for the Third Circuit
2 shall have the powers granted to a clerk and
3 chief judge, and the Judicial Council of the
4 Third Circuit shall have the powers granted to
5 a judicial council, under chapter 16 of title 28,
6 United States Code.

7 (B) REVIEW.—

8 (i) IN GENERAL.—The provisions of
9 sections 354(b) through 360 of title 28,
10 United States Code, shall apply to the ex-
11 ercise by the Judicial Council of the Third
12 Circuit of the powers of a judicial council
13 under subparagraph (A).

14 (ii) DETERMINATION.—

15 (I) IN GENERAL.—The deter-
16 mination pursuant to section 354(b)
17 or 355 of title 28, United States
18 Code, shall be made based on the
19 grounds for removal of a judge from
20 office under section 24(a) of the Re-
21 vised Organic Act of the Virgin Is-
22 lands (48 U.S.C. 1614(a)).

23 (II) CERTIFICATION AND TRANS-
24 MITTAL.—Certification and trans-
25 mittal by the Judicial Conference of

1 the United States of any complaint
 2 shall be made to the President for
 3 consideration under section 24(a) of
 4 the Revised Organic Act of the Virgin
 5 Islands (48 U.S.C. 1614(a)).

6 (b) APPLICATION OF JUDICIARY ACCOUNTABILITY
 7 ACT.—

8 (1) IN GENERAL.—The laws made applicable to
 9 the judicial branch of the Federal Government under
 10 section 102 of this Act shall be applicable to the
 11 District Court of the Virgin Islands.

12 (2) DEFINITIONS.—For purposes of this Act:

13 (A) COVERED EMPLOYEE.—The term
 14 “covered employee” includes employees of the
 15 District Court of the Virgin Islands.

16 (B) EMPLOYING UNIT.—The District
 17 Court of the Virgin Islands is a district court
 18 of the United States under paragraph
 19 (5)(A)(i)(II) of section 101.

20 **SEC. 508. TRANSITION PROVISIONS.**

21 (a) CURRENT EMPLOYMENT DISPUTE RESOLUTION
 22 PLANS.—Subject to subsection (b), all Employment Dis-
 23 pute Resolution Plans affecting an employing unit that are
 24 in effect on the date of enactment of this Act shall remain

1 in effect, subject to ordinary modifications, until 1 year
2 after the date of enactment of this Act.

3 (b) CURRENT AND FUTURE CLAIMS AND PRO-
4 CEEDINGS.—

5 (1) CLAIMS ARISING BEFORE ENACTMENT.—If,
6 on the day before the date of enactment of this Act,
7 a covered employee has pursued or could pursue a
8 claim available to the employee under processes out-
9 lined in an Employment Dispute Resolution Plan,
10 the employee may complete, or initiate and complete,
11 those processes, and the Employment Dispute Reso-
12 lution Plan will remain in effect with respect to, and
13 provide the exclusive means for, resolution of that
14 claim until the completion of all such processes.

15 (2) CLAIMS ARISING BETWEEN ENACTMENT
16 AND EFFECTIVE DATE.—If a claim by a covered em-
17 ployee arises under section 201, 202, or 203 on or
18 after the date of enactment of this Act but before
19 the effective date specified in section 201(e), 202(d),
20 or 203(e) respectively, the employee may elect to
21 pursue the claim as if the claim had arisen before
22 that date of enactment, pursuant to paragraph (1),
23 or may wait to pursue the claim after the effective
24 date specified in section 201(e), 202(d), or 203(e),
25 respectively.

1 (c) CURRENT EMPLOYEES.—

2 (1) DIRECTORS OF WORKPLACE RELATIONS.—

3 Directors of Workplace Relations currently serving
4 in that role pursuant to an Employment Dispute
5 Resolution Plan shall continue in that role until the
6 earlier of—

7 (A) the appointment of a Director of
8 Workplace Relations for the relevant circuit by
9 the Judicial Integrity Officer; or

10 (B) 1 year after the enactment of this Act.

11 (2) EMPLOYMENT DISPUTE RESOLUTION COOR-
12 DINATORS.—Employment Dispute Resolution Coor-
13 dinators currently serving in that role pursuant to
14 an Employment Dispute Resolution Plan will con-
15 tinue to serve in that role until the earlier of—

16 (A) the appointment of an Employee Dis-
17 pute Resolution Coordinator for the relevant
18 court by a Director of Workplace Relations ap-
19 pointed under this Act; or

20 (B) 1 year after the enactment of this Act.

21 (3) RULE OF CONSTRUCTION.—Nothing in this
22 subsection shall prevent—

23 (A) a Director of Workplace Relations or
24 Employment Dispute Resolution Coordinator
25 from being appointed, removed, or replaced

1 until the conditions specified in paragraphs (1)
2 or (2) are satisfied;

3 (B) the appointment of an individual cur-
4 rently serving as a Director of Workplace Rela-
5 tions to the role of Director of Workplace Rela-
6 tions under this Act by the Judicial Integrity
7 Officer; or

8 (C) the appointment of an individual cur-
9 rently serving as an Employment Dispute Reso-
10 lution Coordinator to the role of Employee Dis-
11 pute Resolution Coordinator under this Act by
12 the relevant Director of Workplace Relations.

13 (d) EMPLOYMENT DISPUTE RESOLUTION PLAN.—In
14 this section, the term “Employment Dispute Resolution
15 Plan” means an Employment Dispute Resolution Plan es-
16 tablished under the Federal Judiciary Model Employment
17 Dispute Resolution Plan adopted by the Judicial Con-
18 ference of the United States in September 2018, or a suc-
19 cessor plan.

20 **SEC. 509. SEVERABILITY.**

21 If any provision of this Act, an amendment made by
22 this Act, or the application of such provision or amend-
23 ment to any person or circumstance is held to be unconsti-
24 tutional, the remainder of this Act, the amendments made
25 by this Act, and the application of the provisions of such

1 to any person or circumstance shall not be affected there-
2 by.

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