

117TH CONGRESS
1ST SESSION

S. 2553

To amend title 28, United States Code, to protect employees of the Federal judiciary from discrimination, and for other purposes.

IN THE SENATE OF THE UNITED STATES

JULY 29, 2021

Ms. HIRONO (for herself, Mr. WHITEHOUSE, Mrs. MURRAY, and Mr. DURBIN) introduced the following bill; which was read twice and referred to the Committee on the Judiciary

A BILL

To amend title 28, United States Code, to protect employees of the Federal judiciary from discrimination, and for other purposes.

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

3 **SECTION 1. SHORT TITLE.**

4 This Act may be cited as the “Judiciary Account-
5 ability Act of 2021”.

1 **SEC. 2. PROTECTING EMPLOYEES OF THE FEDERAL JUDI-**
2 **CIARY FROM DISCRIMINATION.**

3 (a) IN GENERAL.—Chapter 57 of title 28, United
4 States Code, is amended by adding at the end the fol-
5 lowing:

6 **“§ 964. Protecting employees of the Federal judiciary**
7 **from discrimination**

8 “(a) DISCRIMINATORY PRACTICES PROHIBITED.—All
9 personnel actions (as such term is defined in section
10 2302(a)(2) of title 5) affecting covered employees (as such
11 term is defined in section 10 of the Judiciary Account-
12 ability Act of 2021) shall be made free from any discrimi-
13 nation based on—

14 “(1) race, color, religion, sex (including sexual
15 orientation or gender identity), or national origin,
16 within the meaning of section 703 of the Civil
17 Rights Act of 1964 (42 U.S.C. 2000e–2);

18 “(2) age, within the meaning of section 15 of
19 the Age Discrimination in Employment Act of 1967
20 (29 U.S.C. 633a); or

21 “(3) disability, within the meaning of section
22 501 of the Rehabilitation Act of 1973 (29 U.S.C.
23 791) and sections 102 through 104 of the Americans
24 with Disabilities Act of 1990 (42 U.S.C. 12112–
25 12114).

26 “(b) REMEDY.—

1 “(1) CIVIL RIGHTS.—The remedy for a viola-
2 tion of subsection (a)(1) shall be—

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

7 “(B) such compensatory damages as would
8 be appropriate if awarded under section 1977
9 of the Revised Statutes (42 U.S.C. 1981), or as
10 would be appropriate if awarded under sections
11 1977A(a)(1), 1977A(b)(2), and, irrespective of
12 the size of the employing office,
13 1977A(b)(3)(D) of the Revised Statutes (42
14 U.S.C. 1981a(a)(1), 1981a(b)(2), and
15 1981a(b)(3)(D)).

16 “(2) AGE DISCRIMINATION.—The remedy for a
17 violation of subsection (a)(2) shall be—

18 “(A) such remedy as would be appropriate
19 if awarded under section 15(c) of the Age Dis-
20 crimination in Employment Act of 1967 (29
21 U.S.C. 633a(c)); and

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

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

4 “(3) DISABILITIES DISCRIMINATION.—The rem-
5 edy for a violation of subsection (a)(3) shall be—

6 “(A) such remedy as would be appropriate
7 if awarded under section 505(a)(1) of the Reha-
8 bilitation Act of 1973 (29 U.S.C. 794a(a)(1))
9 or section 107(a) of the Americans with Dis-
10 abilities Act of 1990 (42 U.S.C. 12117(a)); and

11 “(B) such compensatory damages as would
12 be appropriate if awarded under sections
13 1977A(a)(2), 1977A(a)(3), 1977A(b)(2), and,
14 irrespective of the size of the employing office,
15 1977A(b)(3)(D) of the Revised Statutes (42
16 U.S.C. 1981a(a)(2), 1981a(a)(3), 1981a(b)(2),
17 and 1981a(b)(3)(D)).

18 “(c) REPORT.—On an annual basis, the judicial
19 council of each circuit shall submit to Congress a report
20 that includes, for the previous year, hiring statistics for
21 the circuit, each court of the United States for the circuit,
22 each Federal Public Defender Organization described in
23 section 3006A(g)(2)(A) of title 18 that is associated with
24 the circuit, and each office or agency referred to in section

1 10(2)(A) of the Judiciary Accountability Act of 2021 that
2 is associated with the circuit.”.

3 (b) CLERICAL AMENDMENT.—The table of sections
4 for chapter 57 of title 28, United States Code, is amended
5 by adding at the end the following:

“964. Protecting employees of the Federal judiciary from discrimination.”.

6 **SEC. 3. PROTECTING WHISTLEBLOWERS IN THE FEDERAL**
7 **JUDICIARY FROM RETALIATION.**

8 (a) IN GENERAL.—Chapter 57 of title 28, United
9 States Code, as amended by this Act, is further amended
10 by adding at the end the following:

11 **“§ 965. Protecting whistleblowers from retaliation**

12 “(a) IN GENERAL.—No justice, judge, covered em-
13 ployee, or contractor or subcontractor of an office or agen-
14 cy in the judicial branch of the Federal Government may
15 discharge, demote, threaten, suspend, harass, or in any
16 other manner discriminate against a covered employee (as
17 such term is defined in section 10 of the Judiciary Ac-
18 countability Act of 2021) in the terms and conditions of
19 employment because of any lawful act done by the covered
20 employee or perceived to have been done by the covered
21 employee or any person perceived to be associated with
22 or assisting the covered employee to provide information,
23 cause information to be provided, or otherwise assist in
24 an investigation regarding any possible violation of Fed-
25 eral law, rule, or regulation or misconduct by a justice,

1 judge, contractor or subcontractor with an office or agency
 2 of the judicial branch of the Federal Government, or cov-
 3 ered employee.

4 “(b) REMEDY.—A court may order such legal or eq-
 5 uitable relief as may be necessary to eliminate the direct
 6 and indirect effects of a violation of subsection (a).

7 “(c) BURDEN OF PROOF.—Proceedings to determine
 8 a violation shall be governed by the legal burdens of proof
 9 specified in section 1221(e) of title 5.

10 “(d) VENUE.—Notwithstanding section 1391, an ac-
 11 tion under this section may be filed in any United States
 12 district court.”.

13 (b) CLERICAL AMENDMENT.—The table of sections
 14 for chapter 57 of title 28, United States Code, as amended
 15 by this Act, is further amended by adding at the end the
 16 following:

“965. Protecting whistleblowers from retaliation.”.

17 **SEC. 4. ESTABLISHMENT OF THE COMMISSION ON JUDI-**
 18 **CIAL INTEGRITY.**

19 (a) COMMISSION.—There is established in the judicial
 20 branch of the Federal Government the Commission on Ju-
 21 dicial Integrity.

22 (b) MEMBERSHIP.—The membership of the Commis-
 23 sion consists of the following 16 members:

24 (1) PRESIDENTIAL APPOINTMENT.—The fol-
 25 lowing 3 members appointed by the President:

1 (A) A Chair selected from a list of not
2 more than 3 candidates recommended by the
3 concurrence of the Council of the Inspectors
4 General on Integrity and Efficiency.

5 (B) A Vice Chair selected from a list of
6 not more than 3 candidates recommended by
7 the Equal Employment Opportunity Commis-
8 sion.

9 (C) A Vice Chair selected from a list of not
10 more than 3 candidates recommended by the
11 United States Commission on Civil Rights.

12 (2) EXPERT REPRESENTATION.—The following
13 7 members selected by a recorded vote (which shall
14 be made available on uscourts.gov, or any successor
15 thereto, along with the transcript of the proceedings
16 and any additional statements by individual mem-
17 bers of the Judicial Conference) of the Judicial Con-
18 ference of the United States after consultation with
19 the majority and minority leaders of the Senate, the
20 Speaker and minority leader of the House of Rep-
21 resentatives, the Council of the Inspectors General
22 on Integrity and Efficiency, the Equal Employment
23 Opportunity Commission, and the United States
24 Commission on Civil Rights:

1 (A) 2 members with substantial experience
2 in alternative dispute resolution regarding
3 workplace misconduct.

4 (B) 2 members with substantial experience
5 in enforcing and investigating civil rights laws
6 against workplace discrimination, including 1
7 member with experience representing employ-
8 ees.

9 (C) 1 member with substantial experience
10 working in the office of an inspector general of
11 an agency.

12 (D) 1 member with substantial experience
13 on a State judicial conduct commission or
14 equivalent State body.

15 (E) 1 member with experience providing li-
16 censed counseling and other support for victims
17 of harassment, sexual assault, discrimination,
18 or retaliation.

19 (3) JUDICIAL REPRESENTATION.—2 Federal
20 judges selected by the members appointed under
21 paragraphs (1) and (2) from a list of 6 judges rec-
22 ommended by a recorded vote of the Judicial Con-
23 ference, who—

24 (A) do not serve in the same judicial dis-
25 trict or circuit; and

1 (B) have not been found to have engaged
2 in judicial misconduct, including workplace mis-
3 conduct.

4 (4) EMPLOYEE REPRESENTATION.—The fol-
5 lowing 4 members selected by the Chair and Vice
6 Chairs:

7 (A) 2 current employees of the judicial
8 branch of the Federal Government who—

9 (i) do not serve in the same court, cir-
10 cuit, agency, or office;

11 (ii) have been employed by the judicial
12 branch of the Federal Government for at
13 least 5 years; and

14 (iii) do not serve in senior executive
15 positions.

16 (B) 2 members who have completed a judi-
17 cial clerkship within the 4 years immediately
18 preceding such selection.

19 (c) BASIS FOR SELECTION.—

20 (1) IN GENERAL.—The members shall be se-
21 lected solely on the basis of integrity and dem-
22 onstrated ability in their respective fields. Members
23 shall have training or experience in the application
24 of the rights, protections, procedures, and remedies,

1 or their equivalents under State or Federal law,
2 made applicable under this Act.

3 (2) LIMITATIONS.—Except as provided in para-
4 graphs (3) and (4)(A) of subsection (b), no member
5 may be—

6 (A) a current officer or employee of the ju-
7 dicial branch of the Federal Government;

8 (B) a former director or deputy director of
9 the Administrative Office of United States
10 Courts; and

11 (C) a current officer or employee of the
12 legislative or executive branches.

13 (d) TERMS OF OFFICE.—

14 (1) IN GENERAL.—The members shall serve for
15 4 years terms, except that the first members shall
16 be staggered so that—

17 (A) the Chair and 1 Vice Chair, as des-
18 ignated by the President, serve terms of 5
19 years;

20 (B) 3 members appointed under subsection
21 (b)(2), as designated by the Judicial Con-
22 ference, serve terms of 5 years;

23 (C) 1 member appointed under subsection
24 (b)(3), as designated by the Chair and Vice
25 Chairs, serves a term of 5 years;

1 (D) 1 member appointed under subsection
2 (b)(4), as designated by the Chair and Vice
3 Chairs, serves a term of 5 years; and

4 (E) all other members initially appointed
5 serve terms of 4 years.

6 (2) SERVICE UNTIL SUCCESSOR APPOINTED.—A
7 member whose term has expired may continue to
8 serve until the date on which a successor has taken
9 office.

10 (e) REMOVAL.—A member may be removed from of-
11 fice by a majority vote, made on the record in an open
12 meeting, of the Judicial Conference of the United States,
13 with each vote recorded and accompanied by a statement
14 explaining the reason for said vote, subject to the fol-
15 lowing:

16 (1) The removal of a member may only be initi-
17 ated in the event of permanent incapacity, ineffi-
18 ciency, neglect of duty, or malfeasance.

19 (2) The Judicial Conference shall communicate
20 the reasons for any such removal to both Houses of
21 Congress and the Commission within 14 days of said
22 removal.

23 (f) DUTIES.—The Commission shall oversee a work-
24 place misconduct prevention program that is consistent
25 with prevailing best practices and that includes—

1 (1) a comprehensive workplace misconduct pol-
2 icy;

3 (2) a nationwide confidential reporting system
4 that is readily accessible to current and former em-
5 ployees of the judicial branch of the Federal Govern-
6 ment, law schools, and other potential complainants,
7 including those who may interact with judges and
8 senior executives in professional settings outside the
9 judicial branch of the Federal Government;

10 (3) a comprehensive training program on work-
11 place behavior and bystander intervention;

12 (4) metrics for workplace misconduct response
13 and prevention in supervisory employees' perform-
14 ance reviews;

15 (5) a system for independently investigating re-
16 ports of workplace misconduct that ensures such in-
17 vestigations are comprehensive, timely, effective, and
18 trusted;

19 (6) standards for the imposition of prompt, con-
20 sistent, and proportionate disciplinary and corrective
21 action if workplace misconduct is determined to have
22 concluded;

23 (7) making publicly available, not less fre-
24 quently than annually, anonymized reports of aggre-

1 gate formal and informal complaints of workplace
2 misconduct received and responsive actions taken;

3 (8) making publicly available annual reports of
4 the number of individuals who were interviewed for
5 full-time positions, including judicial clerkships, with
6 a court of the United States, an office or agency de-
7 scribed in chapter 15 or part III of title 28, United
8 States Code, or a defender organization described in
9 section 3006A(g) of title 18, United States Code,
10 and who were hired for such positions, which shall
11 be disaggregated by judicial circuit and judicial
12 branch agency, by sex (including by sexual orienta-
13 tion and gender identity), by disability, and by the
14 ethnic and the racial categories in the most recent
15 decennial census (or similar categories), with year-
16 to-year trends of the most recent 10 years for which
17 data are available, to the extent practicable;

18 (9) making publicly available biennial workplace
19 climate assessments that include surveys of current
20 and former employees and interviews and focus
21 groups of randomly selected current and former em-
22 ployees;

23 (10) conducting annual audits of the efficacy of
24 the workplace misconduct prevention program; and

1 (11) ensuring that the elements of the work-
2 place misconduct prevention program are easy to un-
3 derstand, easy to access and use, and are regularly
4 communicated to all employees.

5 (g) ADDITIONAL DUTIES.—The Commission shall
6 also—

7 (1) select and advise the Special Counsel for
8 Equal Employment Opportunity appointed under
9 section 6;

10 (2) select and supervise the Judicial Integrity
11 Officer appointed under section 5;

12 (3) supervise the Office of Employee Advocacy
13 established under section 7 and select the Chief
14 Counsel for Employee Advocacy under section 7;

15 (4) maintain policies, practices, procedures, and
16 codes of conduct that—

17 (A) preserve the integrity of the Commis-
18 sion and the offices and programs established
19 under this Act;

20 (B) maintain the confidence of covered em-
21 ployees in the Commission and the offices and
22 programs established under this Act; and

23 (C) guarantee procedural rights to individ-
24 uals during investigations and dispute resolu-
25 tion proceedings under this Act;

1 (5) no less than every 4 years, recommend to
2 the Judicial Conference, after notice and opportunity
3 for comment, revisions to the Judicial Conduct and
4 Disability Rules, the Code of Conduct for Judiciary
5 Employees, the Code of Conduct for Federal Public
6 Defender Employees, and the Code of Conduct for
7 United States Judges;

8 (6) ensure that the Judicial Conference, Con-
9 gress, and the public are kept informed of—

10 (A) the work of the Commission;

11 (B) the workplace climate and culture in
12 the judicial branch of the Federal Government,
13 including the incidence of workplace mis-
14 conduct; and

15 (C) the efficacy of the workplace mis-
16 conduct prevention program overseen by the
17 Commission;

18 (7) establish general policies and promulgate
19 such rules and regulations for the Commission as
20 are necessary to carry out the purposes of this Act;

21 (8) appoint and fix the salary and duties of the
22 Staff Director, who shall serve at the discretion of
23 the Commission and who shall be compensated at an
24 annual rate not to exceed 92 percent of the annual

1 rate of pay in effect for the Director of the Adminis-
2 trative Office of United States Courts;

3 (9) retain private attorneys (who, when serving
4 as officers or employees of the United States, shall
5 be considered special government employees as de-
6 fined in section 202(a) of title 18, United States
7 Code) to provide legal advice to the Commission in
8 the conduct of its work, or to appear for or rep-
9 resent the Commission in any case in which the
10 Commission is authorized by law to represent itself;
11 and

12 (10) in its discretion, pay reasonable attorney's
13 fees to private attorneys employed by the Commis-
14 sion out of amounts appropriated to the Commis-
15 sion.

16 (h) DIRECTOR AND STAFF.—

17 (1) DIRECTOR.—The Staff Director shall super-
18 vise the activities of persons employed by the Com-
19 mission and perform other duties assigned to the
20 Staff Director by the Commission.

21 (2) STAFF.—

22 (A) IN GENERAL.—The Staff Director
23 shall, subject to the approval of the Commis-
24 sion, appoint such officers and employees as are

1 necessary in the execution of the functions of
2 the Commission.

3 (B) APPLICATION OF TITLE 5.—The offi-
4 cers and employees of the Commission shall be
5 exempt from the provisions of part III of title
6 5, United States Code, except the following:
7 chapters 45 (Incentive Awards), 63 (Leave), 81
8 (Compensation for Work Injuries), 83 (Retire-
9 ment), 85 (Unemployment Compensation), 87
10 (Life Insurance), and 89 (Health Insurance),
11 and subchapter VI of chapter 55 (Payment for
12 accumulated and accrued leave).

13 (C) PAY.—The annual rates of pay of the
14 officers and employees of the Commission, other
15 than the Staff Director, shall be fixed at rates
16 not to exceed the annual rate of basic pay for
17 positions at level IV of the Executive Schedule
18 under section 5315 of title 5, United States
19 Code.

20 (i) COMPENSATION.—

21 (1) IN GENERAL.—The Chair and Vice Chairs
22 of the Commission shall hold full-time positions and
23 shall be compensated during their terms of office at
24 the annual rate at which judges of the United States
25 courts of appeals are compensated.

1 (2) PER DIEM.—

2 (A) RATE OF COMPENSATION FOR EACH
3 DAY.—Each other member of the Commission
4 shall be compensated, for each day (including
5 travel time) during which such member is en-
6 gaged in the performance of the duties of the
7 Commission, at the daily equivalent of the an-
8 nual rate of pay payable to judges of the United
9 States courts of appeals.

10 (B) AUTHORITY TO PRORATE.—The rate
11 of pay of a member may be prorated based on
12 the portion of the day during which the member
13 is engaged in the performance of Commission
14 duties.

15 (3) TRAVEL EXPENSES.—Each member of the
16 Commission shall receive travel expenses, including
17 per diem in lieu of subsistence, at rates authorized
18 for employees of agencies under subchapter I of
19 chapter 57 of title 5, United States Code, for each
20 day the member is engaged in the performance of
21 duties away from the home or regular place of busi-
22 ness of the member.

23 (j) GAO AUDIT.—Not later than 180 days after the
24 date of enactment of this Act, and annually thereafter,
25 the Comptroller General of the United States shall con-

1 duct a study of the management, governance structure,
2 and independence of the Commission.

3 **SEC. 5. OFFICE OF JUDICIAL INTEGRITY.**

4 (a) ESTABLISHMENT.—There is established in the ju-
5 dicial branch of the Federal Government the Office of Ju-
6 dicial Integrity (in this section referred to as the “OJI”).

7 (b) APPOINTMENT, TERM, AND REMOVAL OF JUDI-
8 CIAL INTEGRITY OFFICER.—

9 (1) APPOINTMENT.—The head of the OJI shall
10 be the Judicial Integrity Officer, who shall be ap-
11 pointed by the Commission, after consultation with
12 the Judicial Conference of the United States.

13 (2) QUALIFICATIONS.—The Judicial Integrity
14 Officer shall, by demonstrated ability, background,
15 training, or experience, be especially qualified to
16 carry out the functions of the position.

17 (3) TERM.—The Judicial Integrity Officer shall
18 serve for a term of 4 years, and may be reappointed
19 by the Commission, after public notice and oppor-
20 tunity to comment and consultation with the Judi-
21 cial Conference of the United States, for an addi-
22 tional term.

23 (4) REMOVAL.—The Judicial Integrity Officer
24 may be removed from office by a majority vote of

1 the Judicial Conference of the United States, subject
2 to the following:

3 (A) The removal of the Judicial Integrity
4 Officer may only be initiated in the event of
5 permanent incapacity, inefficiency, neglect of
6 duty, or malfeasance.

7 (B) The Judicial Conference shall commu-
8 nicate the reasons for any such removal to both
9 Houses of Congress and the Commission not
10 later than 14 days after removal.

11 (c) STAFFING.—

12 (1) IN GENERAL.—The Judicial Integrity Offi-
13 cer shall, after consultation with the Commission,
14 develop a staffing plan which shall include, at a min-
15 imum—

16 (A) 6 deputies;

17 (B) a Director of Workplace Relations
18 for—

19 (i) each judicial circuit;

20 (ii) the Court of International Trade;

21 (iii) the Court of Federal Claims;

22 (iv) each Federal Public Defender Or-
23 ganization described in section
24 3006A(g)(2)(A) of title 18, United States
25 Code; and

1 (v) each judicial branch agency not
2 described in clauses (i) through (iv);

3 (C) at least 2 employee dispute resolution
4 coordinators for—

5 (i) each judicial district;

6 (ii) each judicial circuit;

7 (iii) the Court of International Trade;

8 and

9 (iv) the Court of Federal Claims; and

10 (D) a sufficient number of employee dis-
11 pute resolution coordinators for every other ju-
12 dicial branch agency.

13 (2) PUBLICATION OF QUALIFICATIONS.—The
14 Commission shall develop and, after public notice
15 and opportunity for comment, post the qualifications
16 for the positions described in this subsection.

17 (d) DUTIES.—With respect to the judicial branch of
18 the Federal Government, the OJI shall, consistent with
19 prevailing best practices, perform the following:

20 (1) Administer the following elements of the
21 workplace misconduct prevention program under sec-
22 tion 4(f):

23 (A) The comprehensive workplace mis-
24 conduct policy.

1 (B) The nationwide, confidential reporting
2 system.

3 (C) In consultation with the Federal Judi-
4 cial Center, the comprehensive training pro-
5 gram on workplace behavior and bystander
6 intervention.

7 (D) The development of metrics for work-
8 place misconduct response and prevention in su-
9 pervisory employees' performance reviews.

10 (E) The development and maintenance of
11 an employee dispute resolution program.

12 (F) Regular public reporting of
13 anonymized workplace misconduct complaints
14 received and responsive action taken.

15 (G) Regular public reporting of the num-
16 ber of individuals who were interviewed for judi-
17 cial clerkship positions and who were hired for
18 such positions, disaggregated by circuit, by sex
19 (including by sexual orientation and gender
20 identity), by disability, and by the ethnic and
21 the racial categories in the most recent decen-
22 nial census (or similar categories).

23 (2) Provide offices and agencies employing cov-
24 ered employees with confidential advice and coun-

1 seling regarding compliance with this Act (and the
2 amendments made by this Act).

3 (3) Tracking complaints and investigations of
4 workplace misconduct, as well as remedies for such
5 workplace misconduct.

6 (4) Compile anonymized statistics on—

7 (A) the use of the confidential reporting
8 system described in section 4(f)(2), including
9 the number and type of contacts made with the
10 OJI;

11 (B) the reason for such contacts;

12 (C) the number of covered employees who
13 initiated proceedings with the OJI under this
14 section and the result of such proceedings; and

15 (D) the number of covered employees who
16 filed a claim, the basis for the claim, and the
17 action taken on the claim.

18 (e) POWERS.—In carrying out the duties of the OJI,
19 the Judicial Integrity Officer shall have the power to—

20 (1) make investigations and reports;

21 (2) obtain information or assistance from any
22 Federal, State, or local governmental agency, or
23 other entity, or unit thereof, including all informa-
24 tion kept in the course of business by the Judicial
25 Conference of the United States, the judicial council

1 of any circuit, the Administrative Office of the
2 United States Courts, the Federal Judicial Center,
3 the United States Sentencing Commission, and a de-
4 fender organization described in section 3006A(g) of
5 title 18, United States Code;

6 (3) employ such officers and employees as the
7 Judicial Integrity Officer determines appropriate,
8 subject to the provisions of title 5, United States
9 Code, governing appointments in the competitive
10 service, and the provisions of chapter 51 and sub-
11 chapter III of chapter 53 of such title relating to
12 classification and General Schedule pay rates;

13 (4) obtain services as authorized by section
14 3109 of title 5, United States Code, at daily rates
15 not to exceed the equivalent rate for a position at
16 level IV of the Executive Schedule under section
17 5315 of such title; and

18 (5) to the extent and in such amounts as may
19 be provided in advance by appropriations Acts—

20 (A) enter into contracts and other arrange-
21 ments for audits, studies, analyses, and other
22 services with public agencies and with private
23 persons; and

24 (B) make such payments as may be nec-
25 essary to carry out the duties of the OJI.

1 (f) REPORTS.—

2 (1) WHEN TO BE MADE.—The Judicial Integ-
3 rity Officer shall—

4 (A) make an annual report to the Commis-
5 sion, the Judicial Conference, the judicial coun-
6 cil for each circuit, and to Congress relating to
7 the activities of the OJI; and

8 (B) make prompt reports to the Commis-
9 sion, the Judicial Conference, the judicial coun-
10 cil of a circuit, or Congress on matters that
11 may require action by the Judicial Conference,
12 the judicial council of the circuit, or Congress,
13 respectively.

14 (2) SENSITIVE MATTER.—If a report contains
15 sensitive matter, the Judicial Integrity Officer may
16 so indicate and the Commission, Judicial Con-
17 ference, judicial council of a circuit, or Congress
18 may receive that report in closed session.

19 **SEC. 6. SPECIAL COUNSEL FOR EQUAL EMPLOYMENT OP-**
20 **PORTUNITY.**

21 (a) ESTABLISHMENT.—There is established in the ju-
22 dicial branch of the Federal Government the Office of Spe-
23 cial Counsel for Equal Employment Opportunity (in this
24 section referred to as the “Office”).

25 (b) APPOINTMENT AND TERM.—

1 (1) APPOINTMENT.—The head of the Office
2 shall be the Special Counsel for Equal Employment
3 Opportunity (in this section referred to as the “Spe-
4 cial Counsel”), who shall be appointed by the Com-
5 mission, after consultation with the Judicial Con-
6 ference of the United States and the Council of the
7 Inspectors General on Integrity and Efficiency.

8 (2) TERM.—The Special Counsel shall serve for
9 a single term of 5 years.

10 (c) QUALIFICATIONS.—The Special Counsel shall, by
11 demonstrated ability, background, training, or experience,
12 be especially qualified to carry out the functions of the
13 position, and shall not be a current or former officer or
14 employee of the judicial branch of the Federal Govern-
15 ment.

16 (d) REMOVAL.—The Special Counsel may be removed
17 from office by a majority vote of the Judicial Conference
18 of the United States, with each vote recorded and accom-
19 panied by a statement explaining the reason for said vote,
20 subject to the following:

21 (1) The removal of the Special Counsel may
22 only be initiated in the event of permanent inca-
23 pacity, inefficiency, neglect of duty, or malfeasance.

24 (2) The Judicial Conference shall communicate
25 the reasons for any such removal to both Houses of

1 Congress and the Commission within 14 days of said
2 removal.

3 (e) DUTIES.—With respect to the judicial branch of
4 the Federal Government, the Office shall—

5 (1) conduct investigations of alleged workplace
6 misconduct in the judicial branch of the Federal
7 Government and any policies or procedures promul-
8 gated under this Act that may require oversight or
9 other action within the judicial branch of the Fed-
10 eral Government or by Congress;

11 (2) conduct and supervise audits and investiga-
12 tions regarding workplace misconduct and com-
13 plaints;

14 (3) assist in the conduct of investigations pur-
15 suant to section 353 of title 28, United States Code;

16 (4) conduct annual audits in accordance with
17 section 4(f)(10); and

18 (5) conduct biennial workplace climate assess-
19 ments in accordance with section 4(f)(9) and sub-
20 section (f) of this section.

21 (f) WORKPLACE CULTURE ASSESSMENT OF EMPLOY-
22 ING OFFICES.—

23 (1) REQUIREMENT TO CONDUCT ASSESS-
24 MENT.—Not later than 90 days after the appoint-
25 ment of the first Special Counsel under this section,

1 and every year thereafter, the Special Counsel shall
2 conduct an assessment of the workplace culture of
3 agencies and offices employing covered employees.
4 Such assessment shall be consistent with prevailing
5 best practices and shall include the following:

6 (A) Indicators of positive and negative
7 trends for maintaining a safe, respectful, di-
8 verse, and inclusive workplace.

9 (B) The specific types of workplace mis-
10 conduct that have occurred, and the incidence
11 of such misconduct.

12 (C) The effectiveness of the policies of the
13 judicial branch of the Federal Government de-
14 signed to prevent and remedy workplace mis-
15 conduct.

16 (D) The effectiveness of the processes of
17 the judicial branch of the Federal Government
18 for complaints on and investigations into work-
19 place misconduct.

20 (E) Any other issues relating to workplace
21 misconduct as the Commission considers appro-
22 priate.

23 (F) A secure, confidential, and anonymous
24 survey of current and former employees who
25 have departed after the last such assessment.

1 (G) Focus groups and confidential indi-
2 vidual interviews of randomly selected current
3 and former employees.

4 (H) The first such assessment shall in-
5 clude a survey of current covered employees and
6 former covered employees who were employed
7 as a covered employee during the 10-year pe-
8 riod ending on the date of enactment of this
9 Act.

10 (2) CONSULTATION WITH COMMITTEES.—The
11 Special Counsel shall carry out this subsection in
12 consultation with the Committee on the Judiciary of
13 the House of Representatives, the Committee on
14 Oversight and Reform of the House of Representa-
15 tives, and the Committee on the Judiciary of the
16 Senate.

17 (3) PUBLIC REPORT.—An anonymized report
18 on the results of each assessment under this sub-
19 section shall be made publicly available not later
20 than 30 days after the completion of the assessment.

21 (g) REPORT TO CONGRESS.—Upon the completion of
22 any audit by the Special Counsel, the Special Counsel shall
23 submit to Congress a report containing the results of the
24 audit.

25 (h) POWERS.—

1 (1) POWERS.—In carrying out the duties of the
2 Office, the Special Counsel shall have the power to—

3 (A) make investigations, audits, and re-
4 ports;

5 (B) obtain assistance from any agency of
6 the judicial branch of the Federal Government,
7 including the Judicial Conference of the United
8 States, the judicial council of each circuit, the
9 Administrative Office of the United States
10 Courts, the Federal Judicial Center, the United
11 States Sentencing Commission, and a defender
12 organization described in section 3006A(g) of
13 title 18, United States Code;

14 (C) require, by subpoena or otherwise, the
15 attendance and testimony of such witnesses,
16 and the production of such books, records, cor-
17 respondence, memoranda, papers, and docu-
18 ments, which subpoena, in the case of contu-
19 macy or refusal to obey, shall be enforceable by
20 civil action;

21 (D) administer to or take from any person
22 an oath, affirmation, or affidavit;

23 (E) employ such officers and employees as
24 the Special Counsel determines appropriate,
25 subject to the provisions of title 5, United

1 States Code, governing appointments in the
2 competitive service, and the provisions of chap-
3 ter 51 and subchapter III of chapter 53 of such
4 title relating to classification and General
5 Schedule pay rates;

6 (F) obtain services as authorized by sec-
7 tion 3109 of title 5, United States Code, at
8 daily rates not to exceed the equivalent rate for
9 a position at level IV of the Executive Schedule
10 under section 5315 of such title; and

11 (G) to the extent and in such amounts as
12 may be provided in advance by appropriations
13 Acts—

14 (i) enter into contracts and other ar-
15 rangements for audits, studies, analyses,
16 and other services with public agencies and
17 with private persons; and

18 (ii) make such payments as may be
19 necessary to carry out the duties of the Of-
20 fice.

21 (2) LIMITATION.—The Special Counsel shall
22 not have the authority to investigate or review any
23 matter that is directly related to the merits of a de-
24 cision or procedural ruling by any judge, justice, or
25 court.

1 (i) REPORTS.—

2 (1) WHEN TO BE MADE.—The Special Counsel
3 shall—

4 (A) make an annual report to the Commis-
5 sion, the Judicial Conference, the judicial coun-
6 cil of each circuit, and Congress relating to the
7 activities of the Office; and

8 (B) make prompt reports to the Commis-
9 sion, the Judicial Conference, the judicial coun-
10 cil of a circuit, Congress, and the Department
11 of Justice on matters that may require action
12 by the Commission, the Judicial Conference,
13 the judicial council of the circuit, Congress, or
14 the Department of Justice.

15 (2) SENSITIVE MATTER.—If a report contains
16 sensitive matter, the Special Counsel may so indicate
17 and the Commission, the Judicial Conference, the
18 judicial council of a circuit, and to Congress may re-
19 ceive that report in closed session.

20 **SEC. 7. OFFICE OF EMPLOYEE ADVOCACY.**

21 (a) ESTABLISHMENT.—There is established in the ju-
22 dicial branch of the Federal Government the Office of Em-
23 ployee Advocacy (in this section referred to as the
24 “OEA”).

25 (b) DIRECTOR OF EMPLOYEE ADVOCACY.—

1 (1) APPOINTMENT.—The head of the OEA
2 shall be the Director of Employee Advocacy, who
3 shall be appointed by the Commission, after con-
4 sultation with the Judicial Conference of the United
5 States, the Equal Employment Opportunity Com-
6 mission, and the United States Commission on Civil
7 Rights.

8 (2) TERM.—The Director shall serve for a sin-
9 gle term of 5 years.

10 (3) QUALIFICATIONS.—The Director shall, by
11 demonstrated ability, background, training, or expe-
12 rience, be especially qualified to carry out the func-
13 tions of the position.

14 (c) FUNCTIONS.—

15 (1) LEGAL ASSISTANCE, CONSULTATION, AND
16 REPRESENTATION.—Subject to paragraph (5), the
17 OEA shall carry out the following functions:

18 (A) Receive complaints from any covered
19 employee in the judiciary branch of the Federal
20 Government of workplace misconduct.

21 (B) Provide confidential support and infor-
22 mation, including referrals to medical and men-
23 tal health care.

24 (C) Provide legal assistance and consulta-
25 tion to covered employees described in subpara-

1 graph (A) under this Act and chapter 16 of
2 title 28, United States Code, regarding the pro-
3 cedures under this Act and such chapter 16 and
4 the procedures applicable to civil actions arising
5 under this Act and such chapter 16, includ-
6 ing—

7 (i) the roles and responsibilities of the
8 Commission, the Office of Judicial Integ-
9 rity, the Special Counsel for Equal Em-
10 ployment Opportunity, the judicial councils
11 of the circuits, the Directors of Workplace
12 Relations, the employee dispute resolution
13 coordinators described in section
14 5(c)(1)(C), and similar authorities;

15 (ii) any proceedings conducted under
16 this Act and chapter 16 of title 28, United
17 States Code;

18 (iii) the authority of the Special Coun-
19 sel for Equal Employment Opportunity to
20 compel cooperation and testimony under
21 investigations and proceedings conducted
22 under this Act; and

23 (iv) the employee's rights and duties
24 relating to such proceedings.

1 (D) Provide legal assistance and represen-
2 tation—

3 (i) in personal civil legal matters re-
4 lated to the initiation of or participation in
5 proceedings under this Act by a covered
6 employee in the judiciary branch of the
7 Federal Government; and

8 (ii) in any proceedings under chapter
9 16 of title 28, United States Code, or this
10 Act, or before any other administrative or
11 judicial body related to the alleged viola-
12 tions of such chapter 16 or this Act which
13 are the subject of the proceedings initiated
14 by the covered employee, or the pro-
15 ceedings in which the covered employee
16 participates.

17 (E) Operate a hotline through which cov-
18 ered employees in the judiciary branch of the
19 Federal Government may contact the OEA.

20 (2) AUTHORITY TO PROVIDE ASSISTANCE IN
21 ANY JURISDICTION.—Notwithstanding any law re-
22 garding the licensure of attorneys, an attorney who
23 is employed by the OEA and is authorized to provide
24 legal assistance and representation under this sec-
25 tion is authorized to provide that assistance and rep-

1 representation in any jurisdiction, subject to such regu-
 2 lations as may be prescribed by the OEA.

3 (3) NATURE OF RELATIONSHIP.—The relation-
 4 ship between the OEA and an employee to whom the
 5 OEA provides legal assistance, consultation, and
 6 representation under this section shall be the rela-
 7 tionship between an attorney and client.

8 (4) PROHIBITING ACCEPTANCE OF AWARD OF
 9 ATTORNEY FEES OR OTHER COSTS.—The OEA may
 10 not accept any award of attorney fees or other litiga-
 11 tion expenses or costs under any hearing or civil ac-
 12 tion brought under this Act.

13 (5) PROHIBITING ASSISTANCE IN OTHER MAT-
 14 TERS OR PROCEEDINGS.—The OEA may not provide
 15 any legal assistance, consultation, or representation
 16 with respect to any matter or proceeding which does
 17 not arise under this Act or chapter 16 of title 28,
 18 United States Code.

19 **SEC. 8. ACCOUNTABILITY FOR JUDICIAL MISCONDUCT.**

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

23 (1) by striking subsection (a) and inserting the
 24 following:

1 “(a) IN GENERAL.—Each judicial council and the
2 Judicial Conference shall prescribe rules for the conduct
3 of proceedings under this chapter, including the processing
4 of petitions for review that—

5 “(1) ensure the independence, integrity, impar-
6 tiality, and competence of proceedings under this
7 chapter;

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

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

13 “(4) effectuate sections 453 and the provisions
14 of the Judiciary Accountability Act of 2021.”;

15 (2) in subsection (b)—

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

18 (B) in paragraph (3)—

19 (i) by inserting “(with the right to be
20 accompanied by counsel)” after “appear”;
21 and

22 (ii) by striking the period at the end
23 and inserting “; and”; and

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

1 “(4) providing that workplace misconduct (as
2 defined in the Judiciary Accountability Act of 2021)
3 constitutes a violation of this chapter, including con-
4 duct prohibited under sections 964 and 965 of this
5 title.”;

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

7 (A) by striking “notice and an oppor-
8 tunity” and inserting “notice, and an oppor-
9 tunity”; and

10 (B) by striking the period at the end and
11 inserting “, and written explanation in the Fed-
12 eral Register.”; and

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

14 “(d) TRANSMISSION TO CONGRESS.—Not later than
15 180 days before the date on which a rule prescribed under
16 this section is to become effective, the Chief Justice of the
17 United States, or, if applicable, the presiding officer of
18 the judicial council, shall transmit to the Congress a copy
19 of the proposed rule. The rule shall take effect unless oth-
20 erwise provided by law.”.

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

23 (1) in subsection (b), by adding at the end the
24 following: “For purposes of this chapter, a complaint
25 identified under this subsection shall be treated in

1 the same manner as a complaint filed under sub-
2 section (a).”;

3 (2) by redesignating subsection (d) as sub-
4 section (f); and

5 (3) by inserting after subsection (c) the fol-
6 lowing:

7 “(d) IDENTIFYING COMPLAINT BY JUDICIAL CON-
8 FERENCE.—In the interests of the effective and expedi-
9 tious administration of the business of the courts and on
10 the basis of information available to the Judicial Con-
11 ference, the Judicial Conference may, by written order
12 stating reasons therefor, identify a complaint for purposes
13 of this chapter and thereby dispense with filing of a writ-
14 ten complaint. Upon identifying a complaint under this
15 paragraph, the Judicial Conference shall refer the com-
16 plaint in accordance with the transmittal procedures de-
17 scribed in subsection (c).

18 “(e) SPECIAL RULE FOR EMPLOYEES FILING COM-
19 PLAINTS.—

20 “(1) IN GENERAL.—A complaint described in
21 subsection (a) made by a current or former covered
22 employee (as such term is defined in the Judiciary
23 Accountability Act of 2021) may be filed with the
24 Judicial Conference.

1 “(2) TRANSMITTAL BY JUDICIAL CON-
2 FERENCE.—Upon receipt of a complaint filed under
3 this subsection, the Judicial Conference shall trans-
4 mit the complaint in accordance with subsection
5 (c).”.

6 (c) EXPANDED DEFINITION OF JUDGE.—Subsection
7 (f)(1) of section 351 of title 28, United States Code, as
8 so redesignated by subsection (b) of this section, is amend-
9 ed by striking “a circuit judge” and all that follows and
10 inserting “a judge described in chapter 17 of this title or
11 an individual who was such a judge during the conduct
12 described in the complaint.”.

13 (d) EFFECT OF RESIGNATION OR RETIREMENT OF
14 JUDGE.—Chapter 16 of title 28, United States Code, is
15 amended—

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

18 “(e) EFFECT OF VACANCY OF OFFICE.—The resigna-
19 tion, retirement from office under chapter 17, or death
20 of a judge who is the subject of a complaint under section
21 351 shall not be grounds for—

22 “(1) the dismissal of the complaint under sub-
23 section (b)(1); or

24 “(2) the conclusion that the complaint is no
25 longer necessary under subsection (b)(2).”; and

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

3 “(d) EFFECT OF VACANCY OF OFFICE.—The special
4 committee shall complete its investigation and file a report
5 under subsection (c) without regard for the resignation,
6 retirement from office under chapter 17, or death of the
7 judge whose conduct is the subject of the complaint.”.

8 (e) EXPANDING AUTHORITY OF JUDICIAL COUN-
9 CIL.—Section 354(a)(2)(A) of title 28, United States
10 Code, is amended—

11 (1) in clause (i)—

12 (A) by inserting “or subject to the comple-
13 tion of any corrective measures recommended
14 by the judicial council” after “on a temporary
15 basis for a time certain”; and

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

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

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

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

23 “(iv) in the case of a complaint based
24 on workplace misconduct, ordering such
25 action as the judicial council determines

1 appropriate to protect employees from the
2 workplace misconduct.”.

3 (f) FAIR AND IMPARTIAL INVESTIGATIONS AND DE-
4 TERMINATIONS BY SPECIAL COMMITTEE AND JUDICIAL
5 COUNCIL.—Chapter 16 of title 28, United States Code,
6 is amended—

7 (1) in section 353(a), by striking paragraph (1)
8 and inserting the following:

9 “(1) appoint to a special committee to inves-
10 tigate the facts and allegations contained in the
11 complaint—

12 “(A) himself or herself; and

13 “(B) selected at random—

14 “(i) equal numbers of circuit judges
15 and district judges from other circuits; and

16 “(ii) members of the Commission on
17 Judicial Integrity;”; and

18 (2) in section 354, by adding at the end the fol-
19 lowing:

20 “(c) DISQUALIFICATION AND ADDITIONAL MEM-
21 BERS.—For purposes of this section, the judicial council
22 of a circuit—

23 “(1) shall not include any member of the spe-
24 cial committee described in section 353; and

1 “(2) shall include at least 1 randomly selected
2 member of the Commission on Judicial Integrity.”.

3 (g) JUDICIAL CONFERENCE TO REPORT VIOLATIONS
4 TO CONGRESS.—Section 355 of title 28, United States
5 Code, is amended by adding at the end the following:

6 “(c) VIOLATIONS REPORTED TO CONGRESS.—If the
7 Judicial Conference concurs in the determination of the
8 judicial council, or makes its own determination, that tak-
9 ing an action as described in paragraph (1)(C) and (2)
10 of section 354(a) is appropriate, the Judicial Conference
11 shall submit the determination and the record of the pro-
12 ceedings to Congress.”.

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

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

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

19 “(c) REPORTS.—

20 “(1) REPORT TO JUDICIAL CONFERENCE.—

21 “(A) NOTICE OF COMPLAINTS FILED.—

22 Not later than 30 days after a complaint is
23 filed by an employee or former employee or
24 identified under section 351, the clerk of a

1 court of appeals shall notify the Judicial Con-
2 ference of such complaint.

3 “(B) REPORT OF SPECIAL COMMITTEE.—
4 Each special committee appointed under section
5 353 shall submit the report filed with the judi-
6 cial council of the circuit under subsection (c)
7 of that section to the Judicial Conference.

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.—On a biannual basis,
19 the Judicial Conference shall submit to Con-
20 gress a report, signed by every member of the
21 Executive Committee, that includes, with re-
22 spect to complaints under this chapter for each
23 judicial circuit during the previous 180-day pe-
24 riod, 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 “(iv) Recommendations for policies,
10 practices, and procedures related to such
11 complaints.

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

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

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

24 (1) by striking “Upon the request” and insert-
25 ing the following:

1 “(a) IN GENERAL.—Upon the request”; and

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

3 “(b) REIMBURSEMENT.—Upon the request of a com-
4 plainant, the judicial council of a circuit may, if the com-
5 plaint was not finally dismissed under section
6 354(a)(1)(B), recommend that the Director of the Admin-
7 istrative Office of the United States Courts award reim-
8 bursement, from funds appropriated to the Federal judici-
9 ary, for those reasonable expenses, including attorneys’
10 fees, incurred by that complainant during the investigation
11 which would not have been incurred but for the require-
12 ments of this chapter.”.

13 **SEC. 9. RULE OF CONSTRUCTION.**

14 Nothing in this Act or the amendments made by this
15 Act may be construed—

16 (1) to abolish, diminish, or infringe upon any
17 right or remedy provided by the Constitution of the
18 United States or any other law;

19 (2) to relieve any person or Government agency
20 from liability under the Constitution of the United
21 States or any other law; or

22 (3) to relieve any Government agency or official
23 of their responsibility to assure nondiscrimination in
24 employment.

1 **SEC. 10. DEFINITIONS.**

2 In this Act:

3 (1) **COMMISSION.**—The term “Commission”
4 means the Federal Government Commission on Ju-
5 dicial Integrity established under section 4(a).

6 (2) **COVERED EMPLOYEE.**—The term “covered
7 employee” means—

8 (A) any full-time or part-time employee
9 (including an officer, a former employee, and an
10 applicant for prospective employment) of a
11 court of the United States, an office or agency
12 described in chapter 15 or part III of title 28,
13 United States Code, or a defender organization
14 described in section 3006A(g) of title 18,
15 United States Code; and

16 (B) any individual who carries or carried
17 out an official duty of a court of the United
18 States, an office or agency described in chapter
19 15 or part III of title 28, United States Code,
20 or a defender organization described in section
21 3006A(g) of title 18, United States Code, but
22 who is not paid by such court for carrying out
23 such duties, including an intern.

24 (3) **DISABILITY.**—The term “disability” means
25 a disability, within the meaning of section 501 of the
26 Rehabilitation Act of 1973 (29 U.S.C. 791) and sec-

1 tions 102 through 104 of the Americans with Dis-
2 abilities Act of 1990 (42 U.S.C. 12112–12114).

3 (4) WORKPLACE MISCONDUCT.—The term
4 “workplace misconduct” means misconduct impact-
5 ing the workplace and employment, including dis-
6 crimination, harassment, retaliation, sexual assault,
7 bullying, and conduct prohibited under sections 964
8 and 965 of title 28, United States Code.

9 **SEC. 11. AUTHORIZATION OF APPROPRIATIONS.**

10 There are authorized to be appropriated such funds
11 as are necessary to carry out this Act and the amendments
12 made by this Act.

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