

TITLE 2 - THE CONGRESS

CHAPTER 24 - CONGRESSIONAL ACCOUNTABILITY

SUBCHAPTER IV - ADMINISTRATIVE AND JUDICIAL DISPUTE-RESOLUTION PROCEDURES

§ 1416. Confidentiality

(a) Counseling

All counseling shall be strictly confidential, except that the Office and a covered employee may agree to notify the employing office of the allegations.

(b) Mediation

All mediation shall be strictly confidential.

(c) Hearings and deliberations

Except as provided in subsections (d), (e), and (f) of this section, all proceedings and deliberations of hearing officers and the Board, including any related records, shall be confidential. This subsection shall not apply to proceedings under section 1341 of this title, but shall apply to the deliberations of hearing officers and the Board under that section.

(d) Release of records for judicial action

The records of hearing officers and the Board may be made public if required for the purpose of judicial review under section 1407 of this title.

(e) Access by committees of Congress

At the discretion of the Executive Director, the Executive Director may provide to the Committee on Standards of Official Conduct of the House of Representatives and the Select Committee on Ethics of the Senate access to the records of the hearings and decisions of the hearing officers and the Board, including all written and oral testimony in the possession of the Office. The Executive Director shall not provide such access until the Executive Director has consulted with the individual filing the complaint at issue, and until a final decision has been entered under section 1405 (g) or 1406 (e) of this title.

(f) Final decisions

A final decision entered under section 1405 (g) or 1406 (e) of this title shall be made public if it is in favor of the complaining covered employee, or in favor of the charging party under section 1331 of this title, or if the decision reverses a decision of a hearing officer which had been in favor of the covered employee or charging party. The Board may make public any other decision at its discretion.

(Pub. L. 104–1, title IV, § 416, Jan. 23, 1995, 109 Stat. 38.)