

person participating in the mediation of the confidentiality requirement and of the sanctions applicable to any person who violates the confidentiality requirement.

(c) Hearings and deliberations

Except as provided in subsections (d), (e), and (f), 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. The Executive Director shall notify each person participating in a proceeding or deliberation to which this subsection applies of the requirements of this subsection and of the sanctions applicable to any person who violates the requirements of this subsection.

(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; Pub. L. 114–6, § 2(c), Mar. 20, 2015, 129 Stat. 81.)

AMENDMENTS

2015—Subsec. (b). Pub. L. 114–6, § 2(c)(1), inserted before period at end “, and the Executive Director shall notify each person participating in the mediation of the confidentiality requirement and of the sanctions applicable to any person who violates the confidentiality requirement”.

Subsec. (c). Pub. L. 114–6, § 2(c)(2), inserted at end “The Executive Director shall notify each person participating in a proceeding or deliberation to which this subsection applies of the requirements of this subsection and of the sanctions applicable to any person who violates the requirements of this subsection.”

CHANGE OF NAME

Committee on Standards of Official Conduct of House of Representatives changed to Committee on Ethics of House of Representatives by House Resolution No. 5, One Hundred Twelfth Congress, Jan. 5, 2011.

EFFECTIVE DATE OF 2015 AMENDMENT

Amendment by Pub. L. 114–6 applicable with respect to mediations and other proceedings first initiated after Mar. 20, 2015, see section 2(d) of Pub. L. 114–6, set out as a note under section 1403 of this title.

SUBCHAPTER V—MISCELLANEOUS PROVISIONS

§ 1431. Exercise of rulemaking powers

The provisions of sections 1302(b)(3) and 1384(c) of this title are enacted—

(1) as an exercise of the rulemaking power of the House of Representatives and the Senate, respectively, and as such they shall be considered as part of the rules of such House, respectively, and such rules shall supersede other rules only to the extent that they are inconsistent therewith; and

(2) with full recognition of the constitutional right of either House to change such rules (so far as relating to such House) at any time, in the same manner, and to the same extent as in the case of any other rule of each House.

(Pub. L. 104–1, title V, § 501, Jan. 23, 1995, 109 Stat. 39.)

§ 1432. Political affiliation and place of residence

(a) In general

It shall not be a violation of any provision of section 1311 of this title to consider the—

- (1) party affiliation;
- (2) domicile; or
- (3) political compatibility with the employing office;

of an employee referred to in subsection (b) with respect to employment decisions.

(b) “Employee” defined

For purposes of subsection (a), the term “employee” means—

- (1) an employee on the staff of the leadership of the House of Representatives or the leadership of the Senate;
- (2) an employee on the staff of a committee or subcommittee of—
 - (A) the House of Representatives;
 - (B) the Senate; or
 - (C) a joint committee of the Congress;

(3) an employee on the staff of a Member of the House of Representatives or on the staff of a Senator;

(4) an officer of the House of Representatives or the Senate or a congressional employee who is elected by the House of Representatives or Senate or is appointed by a Member of the House of Representatives or by a Senator (in addition an employee described in paragraph (1), (2), or (3)); or

(5) an applicant for a position that is to be occupied by an individual described in any of paragraphs (1) through (4).

(Pub. L. 104–1, title V, § 502, Jan. 23, 1995, 109 Stat. 39.)

§ 1433. Nondiscrimination rules of House and Senate

The Select Committee on Ethics of the Senate and the Committee on Standards of Official Con-