

116TH CONGRESS  
2D SESSION

# H. R. 8855

To prohibit Federal employees from making allegations or appeals with respect to an adverse action to more than one entity, and for other purposes.

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## IN THE HOUSE OF REPRESENTATIVES

DECEMBER 3, 2020

Mr. KEVIN HERN of Oklahoma (for himself, Mr. BUDD, Mr. TIFFANY, Mr. RESCHENTHALER, Mr. WEBER of Texas, Mr. GAETZ, Mr. JOYCE of Pennsylvania, Mr. PERRY, Mr. BANKS, Mr. STEUBE, Mr. BAIRD, Mr. FLORES, Mr. BIGGS, Mr. KELLER, Mr. AUSTIN SCOTT of Georgia, and Mrs. LESKO) introduced the following bill; which was referred to the Committee on Oversight and Reform

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## A BILL

To prohibit Federal employees from making allegations or appeals with respect to an adverse action to more than one entity, 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 “Help End Redundant  
5 Claims Unnecessarily Leaving Employers Suffering Act”  
6 or the “HERCULES Act”.

1 **SEC. 2. LIMIT FEDERAL EMPLOYEES ADVERSE ACTION AP-**  
2 **PEAL AVENUES.**

3 (a) **IN GENERAL.**—Notwithstanding any other provi-  
4 sion of law, an employee who alleges or appeals, as the  
5 case may be, a covered matter to a reviewing entity that  
6 has authority to consider such allegation or appeal may  
7 not subsequently or simultaneously allege or appeal such  
8 covered matter to any other reviewing entity.

9 (b) **RULES OF CONSTRUCTION.**—Subsection (a) shall  
10 not be construed as—

11 (1) restricting to whom an employee may ap-  
12 peal for review of a decision of a reviewing entity  
13 with respect to a covered matter; and

14 (2) affecting or otherwise modifying the rights  
15 of employees—

16 (A) under any collective bargaining agree-  
17 ments; or

18 (B) to seek judicial review of any matter.

19 (c) **DEFINITIONS.**—In this section:

20 (1) **COVERED MATTER.**—The term “covered  
21 matter” means—

22 (A) any action or final decision that an  
23 employee can appeal to the Merit Systems Pro-  
24 tection Board;

25 (B) any action or final decision that in-  
26 volves a complaint of discrimination of the type

1 prohibited by any law administered by the  
2 Equal Employment Opportunity Commission  
3 and for which the employee can seek review by  
4 such Commission;

5 (C) any matter with respect to which the  
6 procedures under section 7121(a) of title 5,  
7 United States Code, apply;

8 (D) prohibited personnel practices under  
9 section 2302 of such title; or

10 (E) unfair labor practices under section  
11 7116 of such title.

12 (2) EMPLOYEE.—The term “employee” has the  
13 meaning given such term in section 2105 of title 5,  
14 United States Code.

15 (3) REVIEWING ENTITY.—The term “reviewing  
16 entity” means—

17 (A) the Merit System Protection Board;

18 (B) the Equal Employment Opportunity  
19 Commission;

20 (C) the Office of Special Counsel; or

21 (D) the Federal Labor Relations Author-  
22 ity.

23 (d) APPLICABILITY.—Subsection (a) shall apply only  
24 with respect to—

1           (1) covered matters for which the initial allega-  
2           tion or appeal to a reviewing entity occurs after the  
3           date of the enactment of this Act; and

4           (2) contracts entered into after the date of the  
5           enactment this Act.

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