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(Original Signature of Member)

119TH CONGRESS  
2D SESSION

**H. R.** \_\_\_\_\_

To ensure the accessibility of reproductive healthcare for Federal employees,  
and for other purposes.

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IN THE HOUSE OF REPRESENTATIVES

Mr. WALKINSHAW introduced the following bill; which was referred to the  
Committee on \_\_\_\_\_

\_\_\_\_\_  
**A BILL**

To ensure the accessibility of reproductive healthcare for  
Federal employees, 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 “Federal Workforce Re-  
5 productive Rights Protection Act”.

1 **SEC. 2. RESTRICTIONS ON AGENCY RELOCATION TO**  
2 **STATES WITH RESTRICTIVE REPRODUCTIVE**  
3 **RIGHTS LAWS.**

4 (a) IN GENERAL.—No headquarters or significant  
5 portion of an Executive agency may be moved to a location  
6 in a State or territory of the United States on the list  
7 published by the Comptroller General of the United States  
8 under subsection (b).

9 (b) RESTRICTIVE LOCATION LIST.—Not later than  
10 one week after the date of the enactment of this Act, the  
11 Comptroller General of the United States shall—

12 (1) develop and publish a list of States and ter-  
13 ritories of the United States in which a law of such  
14 State or territory restricting or prohibiting abortion  
15 care that is in effect—

16 (A) is or was enacted on or after June 24,  
17 2022; or

18 (B) was enacted prior to such date and be-  
19 came effective or enforceable on or after such  
20 date; and

21 (2) update such list not less frequently than  
22 quarterly.

23 **SEC. 3. LIMIT ON USE OF FUNDS IN DESIGNATED STATES.**

24 (a) IN GENERAL.—Except by express reference to  
25 this provision, none of the funds made available to an Ex-  
26 ecutive agency may be used to—

1           (1) move the headquarters or a significant por-  
2           tion of an Executive agency to a location in a State  
3           or territory of the United States on the list pub-  
4           lished by the Comptroller General of the United  
5           States under section 2(b); or

6           (2) lease, purchase, or construct any facility in  
7           such a State or territory for use by an Executive  
8           agency.

9           (b) EXCEPTIONS.—Subsection (a) shall not apply  
10          with respect to the use of funds by an Executive agency  
11          to—

12           (1) maintain or repair a facility in a State or  
13           territory of the United States on the list published  
14           by the Comptroller General of the United States  
15           under section 2(b); or

16           (2) enter into or renew a lease for a facility in  
17           a State or territory of the United States on the list  
18           published by the Comptroller General of the United  
19           States under section 2(b) if—

20           (A) as of the date of the enactment of this  
21           Act and as of the date on which such Executive  
22           agency enters into or renews such a lease, such  
23           Executive agency leases or operates such facil-  
24           ity; or

1 (B) such facility is only for the provision  
2 of in-person services by such Executive agency  
3 to the public.

4 **SEC. 4. LIMITS ON ASSIGNMENT TO RESTRICTIVE STATES.**

5 (a) OPT OUT.—A Federal employee may, for the pur-  
6 poses described in subsection (c), decline any detail, trans-  
7 fer, assignment, or other temporary or permanent change  
8 to the official duty station of the Federal employee that  
9 will result in a new official duty station of the Federal  
10 employee that is located in a State or territory of the  
11 United States on the list published by the Comptroller  
12 General of the United States under section 2(b).

13 (b) PROMOTIONS AND APPOINTMENTS.—No appoint-  
14 ment or promotion of a Federal employee or applicant for  
15 employment to a position in an Executive agency may re-  
16 quire, as a condition of the appointment or promotion,  
17 that such Federal employee or applicant for employment  
18 be located in or move to a State or territory of the United  
19 States on the list published by the Comptroller General  
20 of the United States under section 2(b), unless such re-  
21 quirement must be waived for any applicable purpose de-  
22 scribed in subsection (c).

23 (c) PURPOSES DESCRIBED.—The purposes described  
24 in this subsection are, with respect to a Federal employee  
25 or applicant for employment, medical, reproductive, family

1 planning, or personal health considerations of such Fed-  
2 eral employee, applicant for employment, or an eligible de-  
3 pendent of such Federal employee or applicant for employ-  
4 ment.

5 **SEC. 5. TRAVEL COSTS FOR REPRODUCTIVE HEALTH CARE**  
6 **ACCESS.**

7 (a) IN GENERAL.—The head of an Executive agency  
8 shall, in accordance with the regulations issued by the Di-  
9 rector of the Office of Personnel Management under sub-  
10 section (b), authorize travel and transportation allowances  
11 for Federal employees of such Executive agency and eligi-  
12 ble dependents of such Federal employees for the costs  
13 of traveling outside of the State or territory of the United  
14 States in which such Federal employee is a resident to  
15 obtain a lawful reproductive health care service that is not  
16 accessible to such Federal employee or eligible dependent  
17 in such State or territory.

18 (b) REGULATIONS.—Not later than 90 days after the  
19 date of the enactment of this Act, the Director of the Of-  
20 fice of Personnel Management shall issues regulations pro-  
21 viding for travel and transportation allowances described  
22 in subsection (a) in the same manner, to the extent prac-  
23 ticable, as travel and transportation allowances provided  
24 to members of the Armed Forces (as defined under section  
25 101(a) of title 10, United States Code) with respect to

1 travel for non-covered reproductive health care services  
2 under the Joint Travel Regulations for the Uniformed  
3 Services, as in effect on March 1, 2023, except that—

4 (1) such travel and transportation allowances  
5 shall be granted by an Executive agency to a Fed-  
6 eral employee of such Executive agency without con-  
7 sideration of the needs or requirements of such Ex-  
8 ecutive agency;

9 (2) the Federal employee shall not be required  
10 to disclose to any person other than an individual  
11 designated in accordance with subsection (c) the spe-  
12 cific nature of the reproductive health care services  
13 with respect to which the Federal employee is seek-  
14 ing such travel and transportation allowances; and

15 (3) each individual designated under subsection  
16 (c) may disclose information provided by Federal  
17 employees for the purpose obtaining such travel and  
18 transportation allowances only to the extent nec-  
19 essary for the conduct of the official duties of such  
20 individual or as otherwise required by law.

21 (c) AGENCY DESIGNEE.—The head of each Executive  
22 agency shall designate one or more human resources per-  
23 sonnel of the Executive agency to assess and approve re-  
24 quests for travel and transportation allowances described  
25 in subsection (a).

1 **SEC. 6. ADMINISTRATIVE LEAVE FOR ABORTION-RELATED**  
2 **TRAVEL.**

3 (a) **IN GENERAL.**—A Federal employee is entitled to  
4 leave without loss of or reduction in pay, leave to which  
5 otherwise entitled, credit for time or service, or perform-  
6 ance or efficiency rating, for the time necessary to permit  
7 such Federal employee or an eligible dependent of such  
8 Federal employee to obtain abortion services when such  
9 Federal employee or eligible dependent must travel outside  
10 of the State or territory of the United States in which  
11 such Federal employee is a resident or in which the pri-  
12 mary duty station of such Federal employee is located be-  
13 cause such abortion services are not available to such Fed-  
14 eral employee or eligible dependent in such State or terri-  
15 tory.

16 (b) **MAXIMUM LEAVE.**—A Federal employee may use  
17 not more than 21 days of leave under this section.

18 **SEC. 7. PROTECTION OF PRIVACY IN INVESTIGATING AND**  
19 **ADJUDICATING SECURITY CLEARANCES.**

20 (a) **SECURITY CLEARANCES.**—Section 801 of the Na-  
21 tional Security Act of 1947 (50 U.S.C. 3161) is amended  
22 by adding at the end the following new subsection:

23 “(c) The procedures under subsection (a) and the ad-  
24 judicative guidelines under section 3002(d) of the Intel-  
25 ligence Reform and Terrorism Prevention Act of 2004 (50  
26 U.S.C. 3343(d)) shall ensure that, with respect to deter-

1 mining whether an individual may access classified infor-  
2 mation, the following information is not requested, inves-  
3 tigated, or considered:

4           “(1) Whether the individual used abortion serv-  
5 ices.

6           “(2) Whether the individual traveled to obtain  
7 abortion services.

8           “(3) Whether the individual provided material  
9 support to a spouse, partner, dependent, or other in-  
10 dividual for purposes of obtaining abortion care.”.

11 (b) PERSONNEL ACTIONS.—

12           (1) IN GENERAL.—Except as provided by para-  
13 graph (1), no Executive agency may, for the pur-  
14 poses of any personnel action, request, investigate,  
15 or consider—

16                   (A) whether an individual used abortion  
17 services;

18                   (B) whether an individual traveled to ob-  
19 tain abortion services; or

20                   (C) whether an individual provided mate-  
21 rial support to a spouse, partner, dependent, or  
22 other individual for purposes of obtaining abor-  
23 tion care.

24           (2) INVESTIGATION OF MISUSE PERMITTED.—

25           Notwithstanding paragraph (1), an Executive agency

1        may request, investigate, and consider the informa-  
2        tion described in subparagraphs (A), (B), and (C) of  
3        such paragraph for the purposes of a personnel ac-  
4        tion based on the use of an allowance under section  
5        5 or leave under section 6 for a purpose other than  
6        the purposes for which such allowance or leave, as  
7        applicable, is authorized, except that such Executive  
8        agency may request, investigate, and consider such  
9        information only to the extent necessary to deter-  
10       mine the existence and extent of such misuse.

11       (c) GUIDELINES.—Not later than 90 days after the  
12       date of the enactment of this Act—

13            (1) the President shall revise the adjudicative  
14            guidelines under section 3002(d) of the Intelligence  
15            Reform and Terrorism Prevention Act of 2004 (50  
16            U.S.C. 3343(d)) pursuant to subsection (c) of 801  
17            of the National Security Act of 1947 (50 U.S.C.  
18            3161), as added by subsection (a) of this section;  
19            and

20            (2) the Director of the Office of Personnel  
21            Management shall issue guidance implementing sub-  
22            section (b) of this section.

23        **SEC. 8. RETALIATION PROHIBITED.**

24        No Executive agency may take or fail to take, or  
25        threaten to take or fail to take, an adverse personnel ac-

1 tion with respect to any Federal employee or applicant for  
2 employment because—

3 (1) a Federal employee declines a detail, trans-  
4 fer, assignment, or other temporary or permanent  
5 change to the official duty station of the Federal  
6 employee under section 2(a);

7 (2) of the waiver of a requirement for an ap-  
8 pointment or promotion under section 2(b);

9 (3) a Federal employee requests or receives a  
10 travel or transportation allowance under section 5;  
11 or

12 (4) a Federal employee uses leave to which the  
13 Federal employee is entitled under section 6.

14 **SEC. 9. EFFECT DATE.**

15 This Act shall take effect on the date that is 60 days  
16 after the date of the enactment of this Act.

17 **SEC. 10. SEVERABILITY.**

18 If any provision of this Act or amendment made by  
19 this Act, or the application of a provision of this Act or  
20 amendment made by this Act to any person or cir-  
21 cumstances, is held to be unconstitutional, the remainder  
22 of this Act, and application of the provision or amendment  
23 to any other person or circumstance, shall not be affected  
24 thereby.

1 **SEC. 11. DEFINITIONS.**

2 In this Act:

3 (1) **APPLICANT FOR EMPLOYMENT.**—The term  
4 “applicant for employment” means an individual ap-  
5 plying for a position in which such individual will be  
6 a Federal employee.

7 (2) **DEPENDENT.**—The term “dependent”, with  
8 respect to a Federal employee or applicant for em-  
9 ployment, has the meaning given such term in sec-  
10 tion 8901 of title 5, United States Code, except that  
11 such term includes an individual who is—

12 (A) an adopted or recognized natural child  
13 of such Federal employee or applicant for em-  
14 ployment; or

15 (B) a stepchild or foster child of such Fed-  
16 eral employee or applicant for employment if  
17 such individual lives with such Federal em-  
18 ployee or applicant for employment in a regular  
19 parent-child relationship.

20 (3) **ELIGIBLE DEPENDENT.**—The term “eligible  
21 dependent”, with respect to a Federal employee or  
22 applicant for employment, means an unmarried de-  
23 pendent of such Federal employee or applicant for  
24 employment who is—

25 (A) under 26 years of age; or

1 (B) incapable of self-support because of a  
2 mental or physical disability that existed before  
3 such unmarried dependent was 26 years of age.

4 (4) EXECUTIVE AGENCY.—The term “Executive  
5 agency” has the meaning given such term in section  
6 105 of title 5, United States Code.

7 (5) FEDERAL EMPLOYEE.—The term “Federal  
8 employee” means a civilian employee of an Executive  
9 agency, other than an employee who is—

10 (A) a political appointee; or

11 (B) a member of the Senior Executive  
12 Service.

13 (6) LAWFUL REPRODUCTIVE HEALTH CARE  
14 SERVICES.—The term “lawful reproductive health  
15 care service” means a reproductive health care serv-  
16 ice, including abortion, that is accessible and not  
17 prohibited by law in the State or territory of the  
18 United States in which such reproductive health care  
19 service is provided.

20 (7) PERSONNEL ACTION.—The term “personnel  
21 action” has the meaning given such term in section  
22 2302(a) of title 5, United States Code.

23 (8) POLITICAL APPOINTEE.—The term “polit-  
24 ical appointee” means an individual serving in an  
25 appointment to a political position.

1           (9) **POLITICAL POSITION.**—The term “political  
2 position” means—

3           (A) a position described under sections  
4 5312 through 5316 of title 5, United States  
5 Code (relating to the Executive Schedule), other  
6 than a position at the Board of Governors of  
7 the Federal Reserve System; or

8           (B) a position in the executive branch of  
9 the Government of a confidential or policy-de-  
10 termining character under schedule C of sub-  
11 part C of part 213 of title 5, Code of Federal  
12 Regulations.

13          (10) **SIGNIFICANT PORTION.**—The term “sig-  
14 nificant portion”, with respect to an Executive agen-  
15 cy, means—

16          (A) not less than 5 percent of the employ-  
17 ees of such Executive Agency; or

18          (B) components or elements of such Exec-  
19 utive agency, or any part or parts thereof, that,  
20 in the aggregate, implicate not less than 10 per-  
21 cent of the annual discretionary budget of such  
22 Executive agency.