

115TH CONGRESS  
2D SESSION

# S. 2401

To amend the Congressional Accountability Act of 1995 to reform the procedures provided under such Act for the initiation, investigation, and resolution of claims alleging that employing offices of the legislative branch have violated the rights and protections provided to their employees under such Act, including protections against sexual harassment, and for other purposes.

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IN THE SENATE OF THE UNITED STATES

FEBRUARY 7, 2018

Mr. GRASSLEY introduced the following bill; which was read twice and referred to the Committee on Homeland Security and Governmental Affairs

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## A BILL

To amend the Congressional Accountability Act of 1995 to reform the procedures provided under such Act for the initiation, investigation, and resolution of claims alleging that employing offices of the legislative branch have violated the rights and protections provided to their employees under such Act, including protections against sexual harassment, 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,*

1 **SECTION 1. SHORT TITLE; REFERENCES IN ACT; TABLE OF**  
 2 **CONTENTS.**

3 (a) **SHORT TITLE.**—This Act may be cited as the  
 4 “Congressional Accountability Act of 1995 Reform Act”.

5 (b) **REFERENCES IN ACT.**—Except as otherwise ex-  
 6 pressly provided in this Act, wherever in this Act an  
 7 amendment or repeal is expressed in terms of an amend-  
 8 ment to or repeal of a section or other provision, the ref-  
 9 erence shall be considered to be made to that section or  
 10 other provision of the Congressional Accountability Act of  
 11 1995 (2 U.S.C. 1301 et seq.).

12 (c) **TABLE OF CONTENTS.**—The table of contents of  
 13 this Act is as follows:

Sec. 1. Short title; references in Act; table of contents.

**TITLE I—REFORM OF DISPUTE RESOLUTION PROCEDURES**

**Subtitle A—Reform of Procedures for Initiation, Investigation, and Resolution  
of Claims**

Sec. 101. Description of procedures available for consideration of alleged viola-  
tions.

Sec. 102. Reform of process for initiation of procedures.

Sec. 103. Investigation of claims by General Counsel.

Sec. 104. Availability of mediation during investigations.

**Subtitle B—Other Reforms**

Sec. 111. Requiring Members of Congress to reimburse Treasury for amounts  
paid as settlements and awards in cases of acts committed per-  
sonally by Members.

Sec. 112. Automatic referral to congressional ethics committees of disposition  
of certain claims alleging violations of Congressional Account-  
ability Act of 1995 involving Members of Congress and senior  
staff.

Sec. 113. Availability of remote work assignment or paid leave of absence dur-  
ing pendency of procedures.

Sec. 114. Modification of rules on confidentiality of proceedings.

Sec. 115. Reimbursement by other employing offices of legislative branch of  
payments of certain awards and settlements.

## TITLE II—IMPROVING OPERATIONS OF OFFICE OF COMPLIANCE

- Sec. 201. Reports on claims, awards, and settlements.  
 Sec. 202. Workplace climate surveys of employing offices.  
 Sec. 203. Record retention.  
 Sec. 204. GAO study of management practices.  
 Sec. 205. GAO audit of cybersecurity.

## TITLE III—MISCELLANEOUS REFORMS

- Sec. 301. Extension to unpaid staff of rights and protections against employment discrimination.  
 Sec. 302. Coverage of employees of Library of Congress.  
 Sec. 303. Clarification of coverage of employees of Stennis Center and Helsinki and China Commissions.  
 Sec. 304. Training and education programs of other employing offices.  
 Sec. 305. Application of Genetic Information Nondiscrimination Act of 2008.  
 Sec. 306. Generally applicable remedies and limitations.  
 Sec. 307. Renaming Office of Compliance as Office of Congressional Workplace Rights.

## TITLE IV—EFFECTIVE DATE

- Sec. 401. Effective date.

1     **TITLE I—REFORM OF DISPUTE**  
 2     **RESOLUTION PROCEDURES**  
 3     **Subtitle A—Reform of Procedures**  
 4     **for Initiation, Investigation, and**  
 5     **Resolution of Claims**

6     **SEC. 101. DESCRIPTION OF PROCEDURES AVAILABLE FOR**  
 7     **CONSIDERATION OF ALLEGED VIOLATIONS.**

8     (a) PROCEDURES DESCRIBED.—Section 401 (2  
 9 U.S.C. 1401) is amended to read as follows:

10    **“SEC. 401. PROCEDURE FOR CONSIDERATION OF ALLEGED**  
 11    **VIOLATIONS.**

12    “(a) FILING AND INVESTIGATION OF CLAIMS.—Ex-  
 13 cept as otherwise provided in this Act, the procedure for  
 14 consideration of an alleged violation of part A of title II  
 15 consists of—

1           “(1) the filing of a claim by the covered em-  
2           ployee alleging the violation, as provided in section  
3           402;

4           “(2) an investigation of the claim, to be con-  
5           ducted by the General Counsel as provided in section  
6           403; and

7           “(3) a formal hearing as provided in section  
8           405, subject to Board review as provided in section  
9           406, and judicial review in the United States Court  
10          of Appeals for the Federal Circuit as provided in  
11          section 407, but only if, pursuant to an investigation  
12          conducted by the General Counsel as provided in  
13          section 403, the General Counsel finds either—

14                 “(A) that there is reasonable cause to be-  
15                 lieve that the employing office involved com-  
16                 mitted a violation of part A of title II as alleged  
17                 in the covered employee’s claim; or

18                 “(B) that the General Counsel cannot de-  
19                 termine whether or not there is reasonable  
20                 cause to believe that the employing office com-  
21                 mitted a violation of part A of title II as alleged  
22                 in the covered employee’s claim.

23          “(b) RIGHT OF EMPLOYEE TO FILE CIVIL AC-  
24          TION.—

1           “(1) CIVIL ACTION.—A covered employee who  
2 files a claim as provided in section 402 may, during  
3 the period described in paragraph (3), file a civil ac-  
4 tion in a district court of the United States with re-  
5 spect to the alleged violation involved, as provided in  
6 section 408.

7           “(2) EFFECT OF FILING CIVIL ACTION.—Not-  
8 withstanding paragraph (2) or paragraph (3) of sub-  
9 section (a), if the covered employee files such a civil  
10 action—

11                   “(A) the investigation of the claim by the  
12 General Counsel as provided in section 403, or  
13 any subsequent formal hearing as provided in  
14 section 405, shall terminate upon the filing of  
15 the action by the covered employee; and

16                   “(B) the procedure for consideration of the  
17 alleged violation shall not include any further  
18 investigation of the claim by the General Coun-  
19 sel as provided in section 403 or any subse-  
20 quent formal hearing as provided in section  
21 405.

22           “(3) PERIOD FOR FILING CIVIL ACTION.—The  
23 period described in this paragraph with respect to a  
24 claim is the 45-day period which begins on the date

1 the covered employee files the claim under section  
2 402.

3 “(4) SPECIAL RULE FOR EMPLOYEES RECEIV-  
4 ING FINDING OF NO REASONABLE CAUSE UNDER IN-  
5 VESTIGATION BY GENERAL COUNSEL.—Notwith-  
6 standing paragraph (3), if a covered employee re-  
7 ceives a written notice from the General Counsel  
8 under section 403(c)(3) that the employee has the  
9 right to file a civil action with respect to the claim  
10 in accordance with section 408, the covered employee  
11 may file the civil action not later than 90 days after  
12 receiving such written notice.

13 “(c) SPECIAL RULE FOR ARCHITECT OF THE CAP-  
14 ITOL AND CAPITOL POLICE.—In the case of an employee  
15 of the Office of the Architect of the Capitol or of the Cap-  
16 itol Police, the Office, after receiving a claim filed under  
17 section 402, may recommend that the employee use, for  
18 a specific period of time, the grievance procedures of the  
19 Architect of the Capitol or the Capitol Police for resolution  
20 of the employee’s grievance.

21 “(d) RIGHTS OF PARTIES TO RETAIN PRIVATE  
22 COUNSEL.—Nothing in this title may be construed to limit  
23 the authority of any particular individual, including a cov-  
24 ered employee, the head of an employing office, or an indi-  
25 vidual who is alleged to have personally committed an act

1 which consists of a violation of part A of title II, to retain  
2 counsel to protect the interests of the particular individual  
3 at any point during any of the procedures provided under  
4 this Act for the consideration of an alleged violation of  
5 part A of title II, including as provided under section  
6 415(d)(7) with respect to Members of the House of Rep-  
7 resentatives and Senators.

8 “(e) STANDARDS FOR COUNSEL PROVIDING REP-  
9 RESENTATION.—Any counsel who represents a party in  
10 any of the procedures provided under this Act shall have  
11 an obligation to ensure that, to the best of the counsel’s  
12 knowledge, information, and belief, as formed after an in-  
13 quiry which is reasonable under the circumstances, each  
14 of the following is correct:

15 “(1) No pleading, written motion, or other  
16 paper is presented for any improper purpose, such  
17 as to harass, cause unnecessary delay, or needlessly  
18 increase the cost of resolution of the matter.

19 “(2) The claims, defenses, and other legal con-  
20 tentions the counsel advocates are warranted by ex-  
21 isting law or by a nonfrivolous argument for extend-  
22 ing, modifying, or reversing existing law or for es-  
23 tablishing new law.

24 “(3) The factual contentions have evidentiary  
25 support or, if specifically so identified, will likely

1 have evidentiary support after a reasonable oppor-  
2 tunity for further investigation or discovery.

3 “(4) The denials of factual contentions are war-  
4 ranted on the evidence or, if specifically so identi-  
5 fied, are reasonably based on belief or a lack of in-  
6 formation.”.

7 (b) CONFORMING AMENDMENT RELATING TO CIVIL  
8 ACTION.—Section 408 (2 U.S.C. 1408) is amended—

9 (1) by striking “section 404” and inserting  
10 “section 401”;

11 (2) by striking “who has completed counseling  
12 under section 402 and mediation under section  
13 403”; and

14 (3) by striking the second sentence.

15 (c) CONFORMING AMENDMENT RELATED TO SET-  
16 TLEMENTS.—Section 414 (2 U.S.C. 1414) is amended by  
17 striking “or 401” and inserting “401, or 403(c)(3)”.

18 (d) OTHER CONFORMING AMENDMENTS.—Title IV is  
19 amended—

20 (1) by striking section 404 (2 U.S.C. 1404);  
21 and

22 (2) by redesignating section 403 (2 U.S.C.  
23 1403) as section 404.

24 (e) CLERICAL AMENDMENTS.—The table of contents  
25 is amended—

1 (1) by striking the item relating to section 404;

2 and

3 (2) by redesignating the item relating to section

4 403 as relating to section 404.

5 **SEC. 102. REFORM OF PROCESS FOR INITIATION OF PROCE-**  
6 **DURES.**

7 (a) INITIATION OF PROCEDURES.—Section 402 (2  
8 U.S.C. 1402) is amended to read as follows:

9 **“SEC. 402. INITIATION OF PROCEDURES.**

10 “(a) INTAKE OF CLAIM BY OFFICE.—To commence  
11 a proceeding under this title, a covered employee alleging  
12 a violation of law made applicable under part A of title  
13 II shall file a claim with the Office. The claim shall be  
14 made in writing under oath or affirmation, and shall be  
15 in such form as the Office requires.

16 “(b) INITIAL PROCESSING OF CLAIM.—

17 “(1) INTAKE AND RECORDING; NOTIFICATION  
18 TO EMPLOYING OFFICE.—Upon the filing of a claim  
19 by a covered employee under subsection (a), the Of-  
20 fice shall take such steps as may be necessary for  
21 the initial intake and recording of the claim, includ-  
22 ing providing the employee with all relevant informa-  
23 tion with respect to the rights of the employee under  
24 this Act, and shall notify the head of the employing  
25 office of the claim.

1           “(2) SPECIAL NOTIFICATION REQUIREMENTS  
2 FOR CLAIMS BASED ON ACTS COMMITTED PERSON-  
3 ALLY BY MEMBERS OF CONGRESS.—

4           “(A) IN GENERAL.—In the case of a claim  
5 alleging a violation described in subparagraph  
6 (B) which consists of an act committed person-  
7 ally by an individual who, at the time of com-  
8 mitting the act, was a Member of the House of  
9 Representatives (including a Delegate or Resi-  
10 dent Commissioner to the Congress) or a Sen-  
11 ator, upon the filing of the claim under sub-  
12 section (a), the Office shall notify such indi-  
13 vidual of the claim, the possibility that the indi-  
14 vidual may be required to reimburse the ac-  
15 count described in section 415(a) for the  
16 amount of any award or settlement in connec-  
17 tion with the claim, and the right of the indi-  
18 vidual under section 415(d)(7) to intervene in  
19 any mediation, hearing, or civil action under  
20 this title with respect to the claim.

21           “(B) VIOLATIONS DESCRIBED.—A viola-  
22 tion described in this subparagraph is—

23                   “(i) a violation of section 201(a); or

24                   “(ii) a violation of section 207 which  
25 consists of intimidating, taking reprisal

1                   against, or otherwise discriminating  
2                   against any covered employee because the  
3                   covered employee has opposed any practice  
4                   made unlawful by section 201(a).

5           “(c) USE OF ELECTRONIC REPORTING AND TRACK-  
6   ING SYSTEM.—

7                   “(1) ESTABLISHMENT AND OPERATION OF SYS-  
8   TEM.—The Office shall establish and operate an  
9   electronic reporting and tracking system through  
10   which a covered employee may initiate a proceeding  
11   under this title, and which will keep an electronic  
12   record of the date and time at which the proceeding  
13   is initiated and will track all subsequent actions or  
14   proceedings occurring with respect to the proceeding  
15   under this title.

16                   “(2) ACCESSIBILITY TO ALL PARTIES.—The  
17   system shall be accessible to all parties to such ac-  
18   tions or proceedings, but only until the completion of  
19   such actions or proceedings.

20                   “(3) ASSESSMENT OF EFFECTIVENESS OF PRO-  
21   CEDURES.—The Office shall use the information  
22   contained in the system to make regular assessments  
23   of the effectiveness of the procedures under this title  
24   in providing for the timely resolution of claims, and  
25   shall submit semi-annual reports on such assess-

1       ments each year to the Committee on House Admin-  
2       istration of the House of Representatives and the  
3       Committee on Rules and Administration of the Sen-  
4       ate.

5       “(d) DEADLINE.—A covered employee may not file  
6 a claim under this section with respect to an allegation  
7 of a violation of law after the expiration of the 180-day  
8 period which begins on the date of the alleged violation.

9       “(e) NO EFFECT ON ABILITY OF COVERED EM-  
10 PLOYEE TO SEEK INFORMATION FROM OFFICE OR PUR-  
11 SUE RELIEF.—Nothing in this section may be construed  
12 to limit the ability of a covered employee—

13               “(1) to contact the Office or any other appro-  
14       priate office prior to filing a claim under this section  
15       to seek information regarding the employee’s rights  
16       under this Act and the procedures available under  
17       this Act;

18               “(2) in the case of a covered employee of an  
19       employing office of the House of Representatives or  
20       Senate, to refer information regarding an alleged  
21       violation of part A of title II to the Committee on  
22       Ethics of the House of Representatives or the Select  
23       Committee on Ethics of the Senate (as the case may  
24       be); or

1           “(3) to file a civil action in accordance with sec-  
2           tion 401(b).”.

3           (b) CLERICAL AMENDMENT.—The table of contents  
4 is amended by amending the item relating to section 402  
5 to read as follows:

“Sec. 402. Initiation of procedures.”.

6 **SEC. 103. INVESTIGATION OF CLAIMS BY GENERAL COUN-**  
7 **SEL.**

8           (a) INVESTIGATIONS DESCRIBED.—Title IV (2  
9 U.S.C. 1401 et seq.), as amended by section 101(d), is  
10 further amended by inserting after section 402 the fol-  
11 lowing new section:

12 **“SEC. 403. INVESTIGATION OF CLAIMS.**

13           “(a) INVESTIGATION.—Upon the completion of the  
14 initial processing of a claim under section 402(b), the Gen-  
15 eral Counsel shall conduct an investigation of the claim  
16 involved.

17           “(b) SUBPOENAS.—To carry out an investigation  
18 under this section, the General Counsel may issue sub-  
19 poenas in the same manner, and subject to the same terms  
20 and conditions, as a hearing officer may issue subpoenas  
21 to carry out discovery with respect to a hearing under sec-  
22 tion 405, except that the General Counsel may issue such  
23 a subpoena on the General Counsel’s own initiative, with-  
24 out regard to whether or not a party requests that the  
25 General Counsel issue the subpoena. It is the sense of

1 Congress that the General Counsel should issue subpoenas  
2 under this subsection only to the extent that other meth-  
3 ods of obtaining information with respect to an investiga-  
4 tion are insufficient to enable the General Counsel to con-  
5 clude the investigation within the deadline described in  
6 subsection (e).

7 “(c) REPORT; FINDINGS.—

8 “(1) REPORT.—Upon concluding an investiga-  
9 tion of a claim under this section, the General Coun-  
10 sel shall transmit a written report on the results of  
11 the investigation to the covered employee and the  
12 employing office involved.

13 “(2) INCLUSION OF FINDINGS.—The General  
14 Counsel shall include in the report transmitted  
15 under paragraph (1) one of the following findings:

16 “(A) A finding that there is reasonable  
17 cause to believe that the employing office com-  
18 mitted a violation of part A of title II, as al-  
19 leged in the covered employee’s claim.

20 “(B) A finding that there is no reasonable  
21 cause to believe that the employing office com-  
22 mitted a violation of part A of title II, as al-  
23 leged in the covered employee’s claim.

24 “(C) A finding that the General Counsel  
25 cannot determine whether or not there is rea-

1           sonable cause to believe that the employing of-  
2           fice committed a violation of part A of title II,  
3           as alleged in the covered employee's claim.

4           “(3) NOTICE OF RIGHT TO FILE CIVIL AC-  
5           TION.—If the General Counsel transmits a report  
6           with a finding under subparagraph (B) of paragraph  
7           (2), the General Counsel shall also transmit to the  
8           covered employee a written notice that the employee  
9           has the right to file a civil action with respect to the  
10          claim under section 408.

11          “(4) TRANSMISSION TO EXECUTIVE DIREC-  
12          TOR.—If the General Counsel transmits a report  
13          with a finding under subparagraph (A) or subpara-  
14          graph (C) of paragraph (2), the General Counsel  
15          shall also transmit the report to the Executive Di-  
16          rector.

17          “(5) TRANSMISSION OF REPORT ON INVESTIGA-  
18          TION OF CERTAIN CLAIMS TO CONGRESSIONAL ETH-  
19          ICS COMMITTEES.—

20                 “(A) IN GENERAL.—In the case of a report  
21                 transmitted by the General Counsel under para-  
22                 graph (1) on the results of an investigation of  
23                 a claim alleging a violation described in sub-  
24                 paragraph (B) which consists of an act com-  
25                 mitted personally by a Member of the House of

1           Representatives (including a Delegate or Resi-  
2           dent Commissioner to the Congress) or a Sen-  
3           ator, the General Counsel shall transmit the re-  
4           port to—

5                   “(i) the Committee on Ethics of the  
6                   House of Representatives, in the case of a  
7                   Member of the House (including a Dele-  
8                   gate or Resident Commissioner to the Con-  
9                   gress); or

10                   “(ii) the Select Committee on Ethics  
11                   of the Senate, in the case of a Senator.

12                   “(B) VIOLATIONS DESCRIBED.—A viola-  
13                   tion described in this subparagraph is—

14                           “(i) a violation of section 201(a); or

15                           “(ii) a violation of section 207 which  
16                   consists of intimidating, taking reprisal  
17                   against, or otherwise discriminating  
18                   against any covered employee because the  
19                   covered employee has opposed any practice  
20                   made unlawful by section 201(a).

21                   “(d) RECOMMENDATION OF MEDIATION.—At any  
22                   time during the investigation of a claim under this section,  
23                   the General Counsel may make a recommendation that the  
24                   covered employee and the employing office pursue medi-  
25                   ation under section 404 with respect to the claim.

1       “(e) DEADLINE FOR CONCLUDING INVESTIGATION.—  
 2 The General Counsel shall conclude the investigation of  
 3 a claim under this section, and transmit the report on the  
 4 results of the investigation, not later than 90 days after  
 5 the claim is filed under section 402, except that the Gen-  
 6 eral Counsel may (upon notice to the parties to the inves-  
 7 tigation) use an additional period of not to exceed 30 days  
 8 to conclude the investigation.”.

9       (b) CONFORMING AMENDMENTS RELATING TO  
 10 HEARINGS CONDUCTED BY OFFICE OF COMPLIANCE.—  
 11 Section 405 (2 U.S.C. 1405) is amended as follows:

12           (1) In the heading, by striking “**COMPLAINT**  
 13       **AND**”.

14           (2) By amending subsection (a) to read as fol-  
 15       lows:

16       “(a) REQUIREMENT FOR OFFICE TO CONDUCT  
 17 HEARINGS.—

18           “(1) HEARING REQUIRED UPON CERTAIN FIND-  
 19       INGS BY GENERAL COUNSEL.—

20           “(A) IN GENERAL.—If the General Coun-  
 21       sel transmits to the Executive Director a report  
 22       on the investigation of a claim under section  
 23       403 which includes a finding described in sub-  
 24       paragraph (B), the Office shall conduct a hear-  
 25       ing to consider the claim and render a decision.

1           “(B) FINDINGS DESCRIBED.—A finding  
2 described in this subparagraph is—

3           “(i) a finding under section  
4 403(c)(2)(A) that there is reasonable cause  
5 to believe that an employing office com-  
6 mitted a violation of part A of title II, as  
7 alleged in a claim filed by a covered em-  
8 ployee; or

9           “(ii) a finding under section  
10 403(c)(2)(C) that the General Counsel  
11 cannot determine whether or not there is  
12 reasonable cause to believe that the em-  
13 ploying office committed a violation of part  
14 A of title II, as alleged in the covered em-  
15 ployee’s claim.”.

16           (3) In subsection (c)(1), by striking “com-  
17 plaint” each place it appears and inserting “claim”.

18           (4) In subsection (d) in the matter preceding  
19 paragraph (1), by striking “complaint” and inserting  
20 “claim”.

21           (5) In subsection (d)(2), by striking “no later  
22 than 60 days after filing of the complaint” and in-  
23 serting “no later than 60 days after the Executive  
24 Director receives the General Counsel’s report on the  
25 investigation of the claim”.

1           (6) In subsection (g), by striking “complaint”  
2           and inserting “claim”.

3           (c) OTHER CONFORMING AMENDMENT.—The head-  
4           ing of section 414 (2 U.S.C. 1414) is amended by striking  
5           “**OF COMPLAINTS**”.

6           (d) CLERICAL AMENDMENTS.—The table of contents,  
7           as amended by section 101(d), is further amended as fol-  
8           lows:

9           (1) By inserting after the item relating to sec-  
10          tion 402 the following new item:

“Sec. 403. Investigation of claims.”.

11          (2) By amending the item relating to section  
12          405 to read as follows:

“Sec. 405. Hearing.”.

13          (3) By amending the item relating to section  
14          414 to read as follows:

“Sec. 414. Settlement.”.

15   **SEC. 104. AVAILABILITY OF MEDIATION DURING INVES-**  
16                                   **TIGATIONS.**

17          (a) OPTION TO REQUEST MEDIATION.—Section  
18          404(a) (2 U.S.C. 1403(a)), as redesignated by section  
19          101(c), is amended to read as follows:

20          “(a) AVAILABILITY OF MEDIATION DURING INVES-  
21          TIGATION.—At any time during the investigation of a cov-  
22          ered employee’s claim under section 403, the covered em-

1 ployee and the employing office may jointly file a request  
2 for mediation with the Office.”.

3 (b) PERIOD OF MEDIATION.—The second sentence of  
4 section 404(c) (2 U.S.C. 1403(c)), as redesignated by sec-  
5 tion 101(c), is amended to read as follows: “The mediation  
6 period may be extended for one additional period of 30  
7 days at the joint request of the covered employee and em-  
8 ploying office.”.

9 (c) REQUIRING PARTIES TO BE SEPARATED DURING  
10 MEDIATION AT REQUEST OF EMPLOYEE.—Section  
11 404(b)(2) (2 U.S.C. 1403(b)(2)), as redesignated by sec-  
12 tion 101(c), is amended by striking “meetings with the  
13 parties separately or jointly” and inserting “meetings with  
14 the parties during which, at the request of the covered  
15 employee, the parties shall be separated,”.

## 16 **Subtitle B—Other Reforms**

17 **SEC. 111. REQUIRING MEMBERS OF CONGRESS TO REIM-**  
18 **BURSE TREASURY FOR AMOUNTS PAID AS**  
19 **SETTLEMENTS AND AWARDS IN CASES OF**  
20 **ACTS COMMITTED PERSONALLY BY MEM-**  
21 **BERS.**

22 (a) MANDATING REIMBURSEMENT OF AMOUNTS  
23 PAID.—Section 415 (2 U.S.C. 1415) is amended by add-  
24 ing at the end the following new subsection:

1       “(d) REIMBURSEMENT BY MEMBERS OF CONGRESS  
2 OF AMOUNTS PAID AS SETTLEMENTS AND AWARDS.—

3               “(1) REIMBURSEMENT REQUIRED FOR CERTAIN  
4 VIOLATIONS.—

5               “(A) IN GENERAL.—If a payment is made  
6 from the account described in subsection (a) for  
7 an award or settlement in connection with a  
8 claim alleging a violation described in subpara-  
9 graph (B) which consists of an act committed  
10 personally by an individual who, at the time of  
11 committing the act, was a Member of the  
12 House of Representatives (including a Delegate  
13 or Resident Commissioner to the Congress) or  
14 a Senator, the individual shall reimburse the ac-  
15 count for the amount of the award or settle-  
16 ment.

17               “(B) VIOLATIONS DESCRIBED.—A viola-  
18 tion described in this subparagraph is—

19                       “(i) a violation of section 201(a); or

20                       “(ii) a violation of section 207 which  
21 consists of intimidating, taking reprisal  
22 against, or otherwise discriminating  
23 against any covered employee because the  
24 covered employee has opposed any practice  
25 made unlawful by section 201(a).

1           “(2) WITHHOLDING AMOUNTS FROM SALARY.—

2                   “(A) ESTABLISHMENT OF TIMETABLE AND  
3 PROCEDURES BY COMMITTEES.—For purposes  
4 of carrying out subparagraph (B), the applica-  
5 ble Committee shall establish a timetable and  
6 procedures for the withholding of amounts from  
7 the compensation of an individual who is a  
8 Member of the House of Representatives or a  
9 Senator.

10                   “(B) DEADLINE.—The payroll adminis-  
11 trator shall withhold from an individual’s com-  
12 pensation and transfer to the account described  
13 in subsection (a) (after transferring to the ac-  
14 count of the individual in the Thrift Savings  
15 Fund any amount that the individual had re-  
16 quested to be so transferred) such amounts as  
17 may be necessary to reimburse the account de-  
18 scribed in subsection (a) for the payment of an  
19 award or settlement described in paragraph (1)  
20 if the individual has not reimbursed the account  
21 as required under paragraph (1) prior to the  
22 expiration of the 90-day period which begins on  
23 the date a payment is made from the account  
24 for such an award or settlement.

1           “(C) APPLICABLE COMMITTEE DEFINED.—

2           In this paragraph, the ‘applicable Committee’  
3           means—

4                   “(i) the Committee on House Admin-  
5                   istration of the House of Representatives,  
6                   in the case of an individual who, at the  
7                   time of the withholding, is a Member of  
8                   the House; or

9                   “(ii) the Committee on Rules and Ad-  
10                  ministration of the Senate, in the case of  
11                  an individual who, at the time of the with-  
12                  holding, is a Senator.

13           “(3) USE OF AMOUNTS IN THRIFT SAVINGS  
14           FUND AS SOURCE OF REIMBURSEMENT.—

15                   “(A) IN GENERAL.—If, by the expiration  
16                   of the 180-day period which begins on the date  
17                   a payment is made from the account described  
18                   in subsection (a) for an award or settlement de-  
19                   scribed in paragraph (1), an individual who is  
20                   a Member of the House of Representatives or a  
21                   Senator has not reimbursed the account as re-  
22                   quired under paragraph (1), the Executive Di-  
23                   rector of the Federal Retirement Thrift Invest-  
24                   ment Board shall make a transfer, from the ac-  
25                   count of the individual in the Thrift Savings

1 Fund to the account described in subsection  
2 (a), of an amount equal to the award or settle-  
3 ment (reduced by any amount the individual  
4 has reimbursed, taking into account any  
5 amounts withheld under paragraph (2)).

6 “(B) INITIATION OF TRANSFER.—Notwith-  
7 standing section 8435 of title 5, United States  
8 Code, the Executive Director shall make the  
9 transfer under subparagraph (A) upon receipt  
10 of a written request to the Executive Director  
11 from the Secretary of the Treasury, in the form  
12 and manner required by the Executive Director,  
13 without the consent of the individual or the in-  
14 dividual’s spouse or former spouse (as the case  
15 may be).

16 “(4) NOTIFICATION TO OFFICE OF PERSONNEL  
17 MANAGEMENT AND SECRETARY OF THE TREASURY;  
18 GARNISHMENT.—If, at the time an individual is first  
19 no longer receiving compensation as a Member or a  
20 Senator, the amounts withheld under this subsection  
21 have not been sufficient to reimburse the account  
22 described in subsection (a) for an award or settle-  
23 ment described in paragraph (1), the payroll admin-  
24 istrator—

1           “(A) shall notify the Director of the Office  
2 of Personnel Management, who shall take such  
3 actions as the Director considers appropriate to  
4 withhold from any annuity payable to the indi-  
5 vidual under chapter 83 or chapter 84 of title  
6 5, United States Code, and transfer to the ac-  
7 count described in subsection (a), such amounts  
8 as may be necessary to reimburse the account  
9 for the payment; and

10           “(B) shall notify the Secretary of the  
11 Treasury, who (if necessary), notwithstanding  
12 section 207 of the Social Security Act (42  
13 U.S.C. 407), shall take such actions as the Sec-  
14 retary of the Treasury considers appropriate to  
15 withhold from any payment to the individual  
16 under title II of the Social Security Act (42  
17 U.S.C. 401 et seq.) and transfer to the account  
18 described in subsection (a), such amounts as  
19 may be necessary to reimburse the account for  
20 the payment.

21           “(5) COORDINATION BETWEEN OPM AND  
22 TREASURY.—The Director of the Office of Personnel  
23 Management and the Secretary of the Treasury shall  
24 carry out paragraph (4) in a manner that ensures  
25 the coordination of the withholding and transferring

1 of amounts under such paragraph, in accordance  
2 with regulations promulgated by the Director and  
3 the Secretary.

4 “(6) DEFINITIONS.—In this section:

5 “(A) COMMITTED PERSONALLY.—The  
6 term ‘committed personally’, used with respect  
7 to an act and an individual, does not include a  
8 practice committed by a second individual and  
9 attributed to the first individual or that individ-  
10 ual’s employing office.

11 “(B) PAYROLL ADMINISTRATOR.—The  
12 term ‘payroll administrator’ means—

13 “(i) in the case of an individual who  
14 is a Member of the House of Representa-  
15 tives, the Chief Administrative Officer of  
16 the House of Representatives, or an em-  
17 ployee of the Office of the Chief Adminis-  
18 trative Officer who is designated by the  
19 Chief Administrative Officer to carry out  
20 this subsection; or

21 “(ii) in the case of an individual who  
22 is a Senator, the Secretary of the Senate,  
23 or an employee of the Office of the Sec-  
24 retary of the Senate who is designated by  
25 the Secretary to carry out this subsection.

1           “(7) RIGHT TO INTERVENE.—An individual  
2           who is subject to the reimbursement requirement of  
3           this subsection shall have the right to intervene in  
4           any mediation, hearing, or civil action under this  
5           title to the extent necessary to protect the interests  
6           of the individual in the determination of whether an  
7           award or settlement described in paragraph (1)  
8           should be made, and the amount of any such award  
9           or settlement, except that nothing in this paragraph  
10          may be construed to require the covered employee  
11          who filed the claim to be deposed by counsel for the  
12          individual in a deposition which is separate from any  
13          other deposition taken from the employee in connec-  
14          tion with the hearing or civil action.”.

15          (b) CONFORMING AMENDMENT RELATING TO  
16 THRIFT SAVINGS FUND.—Section 8437(e) of title 5,  
17 United States Code, is amended by striking “or an obliga-  
18 tion” and inserting the following: “an obligation of the Ex-  
19 ecutive Director to make a transfer under section  
20 415(d)(3) of the Congressional Accountability Act of  
21 1995, or an obligation”.

22          (c) EFFECTIVE DATE.—The amendments made by  
23 subsections (a) and (b) shall apply with respect to pay-  
24 ments made on or after the date of the enactment of this  
25 Act.

1 **SEC. 112. AUTOMATIC REFERRAL TO CONGRESSIONAL ETH-**  
2 **ICS COMMITTEES OF DISPOSITION OF CER-**  
3 **TAIN CLAIMS ALLEGING VIOLATIONS OF**  
4 **CONGRESSIONAL ACCOUNTABILITY ACT OF**  
5 **1995 INVOLVING MEMBERS OF CONGRESS**  
6 **AND SENIOR STAFF.**

7 Section 416(e) (2 U.S.C. 1416(e)) is amended to read  
8 as follows:

9 “(e) AUTOMATIC REFERRALS TO CONGRESSIONAL  
10 ETHICS COMMITTEES OF DISPOSITIONS OF CLAIMS IN-  
11 VOLVING MEMBERS OF CONGRESS AND SENIOR STAFF.—

12 “(1) REFERRAL.—Upon the final disposition  
13 under this title (as described in paragraph (4)) of a  
14 claim alleging a violation described in section  
15 415(d)(1)(B) which consists of an act committed  
16 personally by a Member of the House of Representa-  
17 tives (including a Delegate or Resident Commis-  
18 sioner to the Congress) or a Senator, or by a senior  
19 staffer of an employing office of the House of Rep-  
20 resentatives or Senate, the Executive Director shall  
21 refer the claim to—

22 “(A) the Committee on Ethics of the  
23 House of Representatives, in the case of a  
24 Member or senior staffer of the House (includ-  
25 ing a Delegate or Resident Commissioner to the  
26 Congress); or

1           “(B) the Select Committee on Ethics of  
2           the Senate, in the case of a Senator or senior  
3           staffer of the Senate.

4           “(2) ACCESS TO RECORDS AND INFORMA-  
5           TION.—If the Executive Director refers a claim to a  
6           Committee under paragraph (1), the Executive Di-  
7           rector shall provide the Committee with access to the  
8           records of any investigations, hearings, findings, or  
9           decisions of the hearing officers, the Board, or the  
10          General Counsel, under this title, and any informa-  
11          tion relating to an award or settlement paid, in re-  
12          sponse to such claim.

13          “(3) PROTECTION OF PERSONALLY IDENTIFI-  
14          ABLE INFORMATION.—If a Committee to which a  
15          claim is referred under paragraph (1) issues a report  
16          with respect to the claim, the Committee shall en-  
17          sure that the report does not directly disclose the  
18          identity or position of the individual who filed the  
19          claim.

20          “(4) FINAL DISPOSITION DESCRIBED.—In this  
21          subsection, the ‘final disposition’ of a claim means  
22          any of the following:

23                  “(A) An order or agreement to pay an  
24                  award or settlement, including an agreement

1 reached pursuant to mediation under section  
2 404.

3 “(B) A final decision of a hearing officer  
4 under section 405(g).

5 “(C) A final decision of the Board under  
6 section 406(e).

7 “(D) A final decision in a civil action  
8 under section 408.

9 “(5) SENIOR STAFFER DEFINED.—In this sub-  
10 section, the term ‘senior staffer’ means any indi-  
11 vidual who, at the time a violation occurred, was re-  
12 quired to file a report under title I of the Ethics in  
13 Government Act of 1978 (5 U.S.C. App.).”

14 **SEC. 113. AVAILABILITY OF REMOTE WORK ASSIGNMENT**  
15 **OR PAID LEAVE OF ABSENCE DURING PEND-**  
16 **ENCY OF PROCEDURES.**

17 (a) IN GENERAL.—Title IV (2 U.S.C. 1401 et seq.)  
18 is amended by adding at the end the following new section:

19 **“SEC. 417. AVAILABILITY OF REMOTE WORK ASSIGNMENT**  
20 **OR PAID LEAVE OF ABSENCE DURING PEND-**  
21 **ENCY OF PROCEDURES.**

22 “(a) OPTIONS FOR EMPLOYEES.—

23 “(1) REMOTE WORK ASSIGNMENT.—At the re-  
24 quest of a covered employee who files a claim alleg-  
25 ing a violation of part A of title II by the covered

1 employee’s employing office, during the pendency of  
2 any of the procedures available under this title for  
3 consideration of the claim, the employing office may  
4 permit the covered employee to carry out the em-  
5 ployee’s responsibilities from a remote location in-  
6 stead of from a location of the employing office.

7 “(2) EXCEPTION FOR WORK ASSIGNMENTS RE-  
8 QUIRED TO BE CARRIED OUT ONSITE.—If, in the de-  
9 termination of the covered employee’s employing of-  
10 fice, a covered employee who makes a request under  
11 this subsection cannot carry out the employee’s re-  
12 sponsibilities from a remote location, the employing  
13 office may grant paid leave of absence to a covered  
14 employee during the pendency of the procedures  
15 available under this title for the covered employee.

16 “(3) ENSURING NO RETALIATION.—An employ-  
17 ing office may not respond to a covered employee’s  
18 request under this subsection in a manner which  
19 would constitute a violation of section 207.

20 “(b) EXCEPTION FOR ARRANGEMENTS SUBJECT TO  
21 COLLECTIVE BARGAINING AGREEMENTS.—Subsection (a)  
22 does not apply to the extent that it is inconsistent with  
23 the terms and conditions of any collective bargaining  
24 agreement which is in effect with respect to an employing  
25 office.”.

1 (b) CLERICAL AMENDMENT.—The table of contents  
2 is amended by adding at the end of the items relating to  
3 title IV the following new item:

“Sec. 417. Availability of remote work assignment or paid leave of absence during pendency of procedures.”.

4 **SEC. 114. MODIFICATION OF RULES ON CONFIDENTIALITY**  
5 **OF PROCEEDINGS.**

6 (a) CLAIMS AND INVESTIGATIONS.—Section 416(a)  
7 (2 U.S.C. 1416(a)) is amended to read as follows:

8 “(a) CLAIMS AND INVESTIGATIONS.—Information re-  
9 lating to the filing of a claim under section 402 and the  
10 investigation of a claim under section 403 shall be con-  
11 fidential. Nothing in this subsection may be construed to  
12 prohibit a covered employee or an employing office from  
13 disclosing any information related to the claim (including  
14 information related to the defense of the claim) in the  
15 course of any proceeding under this title.”.

16 (b) MEDIATION.—Section 416(b) (2 U.S.C. 1416(b))  
17 is amended by striking “All mediation” and inserting “All  
18 information discussed or disclosed in the course of any me-  
19 diation”.

1 **SEC. 115. REIMBURSEMENT BY OTHER EMPLOYING OF-**  
2 **FICES OF LEGISLATIVE BRANCH OF PAY-**  
3 **MENTS OF CERTAIN AWARDS AND SETTLE-**  
4 **MENTS.**

5 (a) **REQUIRING REIMBURSEMENT.**—Section 415 (2  
6 U.S.C. 1415), as amended by section 111, is further  
7 amended by adding at the end the following new sub-  
8 section:

9 “(e) **REIMBURSEMENT BY EMPLOYING OFFICES.**—

10 “(1) **NOTIFICATION OF PAYMENTS MADE FROM**  
11 **ACCOUNT.**—As soon as practicable after the Execu-  
12 tive Director is made aware that a payment of an  
13 award or settlement under this Act has been made  
14 from the account described in subsection (a) in con-  
15 nection with a claim alleging a violation described in  
16 section 402(b)(2)(B) by an employing office (other  
17 than an employing office of the House of Represent-  
18 atives or an employing office of the Senate), the Ex-  
19 ecutive Director shall notify the head of the employ-  
20 ing office associated with the claim that the payment  
21 has been made, and shall include in the notification  
22 a statement of the amount of the payment.

23 “(2) **REIMBURSEMENT BY OFFICE.**—Not later  
24 than 180 days after receiving a notification from the  
25 Executive Director under paragraph (1), the head of  
26 the employing office involved shall transfer to the ac-

1 count described in subsection (a), out of any funds  
2 available for operating expenses of the office, a pay-  
3 ment equal to the amount specified in the notifica-  
4 tion.

5 “(3) TIMETABLE AND PROCEDURES FOR REIM-  
6 BURSEMENT.—The head of an employing office shall  
7 transfer a payment under paragraph (2) in accord-  
8 ance with such timetable and procedures as may be  
9 established under regulations promulgated by the  
10 Office.”.

11 (b) EFFECTIVE DATE.—The amendment made by  
12 subsection (a) shall apply with respect to payments made  
13 under section 415 of the Congressional Accountability Act  
14 of 1995 (2 U.S.C. 1415) on or after the date of the enact-  
15 ment of this Act.

16 **TITLE II—IMPROVING OPER-**  
17 **ATIONS OF OFFICE OF COM-**  
18 **PLIANCE**

19 **SEC. 201. REPORTS ON CLAIMS, AWARDS, AND SETTLE-**  
20 **MENTS.**

21 (a) SEMIANNUAL REPORTS ON CLAIMS, AWARDS,  
22 AND SETTLEMENTS.—

23 (1) REQUIRING SUBMISSION AND PUBLICATION  
24 OF REPORTS.—Section 301 (2 U.S.C. 1381) is  
25 amended—

1 (A) in subsection (h)(3), by striking “com-  
2 plaint” each place it appears and inserting  
3 “claim”; and

4 (B) by adding at the end the following new  
5 subsection:

6 “(1) SEMIANNUAL REPORTS ON CLAIMS, AWARDS,  
7 AND SETTLEMENTS.—

8 “(1) IN GENERAL.—Not later than 45 days  
9 after the first 6-month period of each calendar year,  
10 and not later than 45 days after the next 6-month  
11 period of each calendar year, the Office shall submit  
12 to Congress and publish on the Office’s public  
13 website a report listing each award or settlement  
14 which was paid during the previous two 6-month pe-  
15 riods from the account described in section 415(a)  
16 as the result of a claim alleging a violation of part  
17 A of title II, including the employing office involved,  
18 the amount of the award or settlement, the provision  
19 of part A of title II which was the subject of the  
20 claim, and (in the case of an award or settlement re-  
21 sulting from a violation described in section  
22 415(d)(1)(B) which was committed personally by a  
23 Member or former Member of Congress), whether  
24 the Member or former Member is in compliance with

1 the requirement of section 415(d) to reimburse the  
2 account for the amount of the award or settlement.

3 “(2) PROTECTION OF IDENTITY OF INDIVID-  
4 UALS RECEIVING AWARDS AND SETTLEMENTS.—In  
5 preparing and submitting the reports required under  
6 paragraph (1), the Office shall ensure that the iden-  
7 tity or position of any individual who received an  
8 award or settlement, or who made an allegation of  
9 a violation against an employing office, is not dis-  
10 closed.”.

11 (2) EFFECTIVE DATE.—The amendment made  
12 by paragraph (1) shall apply with respect to 2018  
13 and each succeeding year.

14 (b) REPORT ON AMOUNTS PREVIOUSLY PAID.—

15 (1) IN GENERAL.—Not later than 30 days after  
16 the date of the enactment of this Act, the Office of  
17 Compliance shall submit to Congress and make  
18 available to the public on the Office’s public website  
19 a report on all payments made with public funds  
20 prior to the date of the enactment of this Act for  
21 awards and settlements in connection with violations  
22 of section 201(a) of the Congressional Accountability  
23 Act of 1995 (2 U.S.C. 1311(a)), and shall include  
24 in the report the following information:

1 (A) The amount paid for each such award  
2 or settlement.

3 (B) The source of the public funds used  
4 for the award or settlement, without regard to  
5 whether the funds were paid from the account  
6 described in section 415(a) of such Act (2  
7 U.S.C. 1415(a)), an account of the House of  
8 Representatives or Senate, or any other account  
9 of the Federal Government.

10 (2) RULE OF CONSTRUCTION REGARDING IDEN-  
11 TIFICATION OF HOUSE AND SENATE ACCOUNTS.—  
12 Nothing in paragraph (1)(B) may be construed to  
13 require or permit the Office of Compliance to report  
14 the account of any specific office of the House of  
15 Representatives or Senate as the source of funds  
16 used for an award or settlement.

17 **SEC. 202. WORKPLACE CLIMATE SURVEYS OF EMPLOYING**  
18 **OFFICES.**

19 (a) REQUIRING SURVEYS.—Title III (2 U.S.C. 1381  
20 et seq.) is amended by adding at the end the following  
21 new section:

22 **“SEC. 307. WORKPLACE CLIMATE SURVEYS OF EMPLOYING**  
23 **OFFICES.**

24 “(a) REQUIREMENT TO CONDUCT SURVEYS.—Not  
25 later than 1 year after the date of the enactment of this

1 section, and every 2 years thereafter, the Office shall con-  
2 duct a survey of employing offices under this Act regard-  
3 ing the workplace environment of such offices.

4 “(b) SPECIAL INCLUSION OF INFORMATION ON SEX-  
5 UAL HARASSMENT.—In each survey conducted under this  
6 section, the Office shall survey respondents on attitudes  
7 regarding sexual harassment.

8 “(c) METHODOLOGY.—

9 “(1) IN GENERAL.—The Office shall conduct  
10 each survey under this section in accordance with  
11 methodologies established by the Office.

12 “(2) CONFIDENTIALITY.—Under the meth-  
13 odologies established under paragraph (1), all re-  
14 sponses to all portions of the survey shall be anony-  
15 mous and confidential, and each respondent shall be  
16 told throughout the survey that all responses shall  
17 be anonymous and confidential.

18 “(d) USE OF RESULTS OF SURVEYS.—The Office  
19 shall furnish the information obtained from the surveys  
20 conducted under this section to the Committee on House  
21 Administration of the House of Representatives and the  
22 Committee on Homeland Security and Governmental Af-  
23 fairs of the Senate.

24 “(e) CONSULTATION WITH COMMITTEES.—The Of-  
25 fice shall carry out this section, including establishment

1 of methodologies and procedures under subsection (c), in  
2 consultation with the Committee on House Administration  
3 of the House of Representatives and the Committee on  
4 Homeland Security and Governmental Affairs of the Sen-  
5 ate.

6 “(f) INCLUSION OF LIBRARY OF CONGRESS.—For  
7 purposes of this section, the Library of Congress shall be  
8 considered an employing office.”.

9 (b) CLERICAL AMENDMENT.—The table of contents  
10 is amended by adding at the end of the items relating to  
11 title III the following new item:

“Sec. 307. Workplace climate surveys of employing offices.”.

12 **SEC. 203. RECORD RETENTION.**

13 Section 301 (2 U.S.C. 1381), as amended by section  
14 201(a), is further amended by adding at the end the fol-  
15 lowing new subsection:

16 “(m) RECORD RETENTION.—The Office shall estab-  
17 lish and maintain a program for the permanent retention  
18 of its records, including the records of investigations, me-  
19 diations, hearings, and other proceedings conducted under  
20 this Act.”.

21 **SEC. 204. GAO STUDY OF MANAGEMENT PRACTICES.**

22 (a) STUDY.—The Comptroller General of the United  
23 States shall conduct a study of the management practices  
24 of the Office of Compliance.

1 (b) REPORT TO CONGRESS.—Not later than 180 days  
2 after the date of the enactment of this Act, the Comp-  
3 troller General of the United States shall submit to Con-  
4 gress a report on the study conducted under subsection  
5 (a), and shall include in the report such recommendations  
6 as the Comptroller General considers appropriate for im-  
7 provements to the management practices of the Office of  
8 Compliance.

9 **SEC. 205. GAO AUDIT OF CYBERSECURITY.**

10 (a) AUDIT.—The Comptroller General of the United  
11 States shall conduct an audit of the cybersecurity systems  
12 and practices of the Office of Compliance.

13 (b) REPORT TO CONGRESS.—Not later than 180 days  
14 after the date of the enactment of this Act, the Comp-  
15 troller General of the United States shall submit to Con-  
16 gress a report on the audit conducted under subsection  
17 (a), and shall include in the report such recommendations  
18 as the Comptroller General considers appropriate for im-  
19 provements to the cybersecurity systems and practices of  
20 the Office of Compliance.

1           **TITLE III—MISCELLANEOUS**  
2                           **REFORMS**

3   **SEC. 301. EXTENSION TO UNPAID STAFF OF RIGHTS AND**  
4                           **PROTECTIONS AGAINST EMPLOYMENT DIS-**  
5                           **CRIMINATION.**

6           (a) EXTENSION.—Section 201 (2 U.S.C. 1311) is  
7 amended—

8                   (1) by redesignating subsection (d) as sub-  
9 section (e); and

10                   (2) by inserting after subsection (c) the fol-  
11 lowing new subsection:

12           “(d) APPLICATION TO UNPAID STAFF.—

13                   “(1) IN GENERAL.—Subsections (a) and (b),  
14 and section 207, shall apply with respect to any staff  
15 of an employing office who carry out official duties  
16 of the employing office but who are not paid by the  
17 employing office for carrying out such duties, includ-  
18 ing an intern, an individual detailed to an employing  
19 office, or an individual participating in a fellowship  
20 program (including an applicant for an internship, a  
21 detail position, or a fellowship and a former intern,  
22 detailee, or fellow) in the same manner and to the  
23 same extent as such subsections and section apply  
24 with respect to a covered employee.

1           “(2) **RULE OF CONSTRUCTION.**—Nothing in  
 2 paragraph (1) may be construed to extend liability  
 3 for a violation of subsection (a) or section 207 to an  
 4 employing office on the basis of an action taken by  
 5 any person who is not under the supervision or con-  
 6 trol of the employing office.

7           “(3) **INTERN DEFINED.**—The term ‘intern’  
 8 means an individual who performs service, for an  
 9 employing office, which is uncompensated by the  
 10 United States to earn credit awarded by an edu-  
 11 cational institution or to learn a trade or occupation,  
 12 and includes any individual participating in a page  
 13 program operated by any House of Congress.”.

14           **(b) TECHNICAL CORRECTION RELATING TO OFFICE**  
 15 **RESPONSIBLE FOR DISBURSEMENT OF PAY TO HOUSE**  
 16 **EMPLOYEES.**—Section 101(7) (2 U.S.C. 1301(7)) is  
 17 amended by striking “disbursed by the Clerk of the House  
 18 of Representatives” and inserting “disbursed by the Chief  
 19 Administrative Officer of the House of Representatives”.

20 **SEC. 302. COVERAGE OF EMPLOYEES OF LIBRARY OF CON-**  
 21 **GRESS.**

22           **(a) COVERAGE FOR PURPOSES OF PROTECTIONS**  
 23 **AGAINST WORKPLACE DISCRIMINATION.**—Section 201 (2  
 24 U.S.C. 1311), as amended by section 301(a), is further  
 25 amended—

1           (1) by redesignating subsection (e) as sub-  
2           section (f); and

3           (2) by inserting after subsection (d) the fol-  
4           lowing new subsection:

5           “(e) COVERAGE OF LIBRARY OF CONGRESS.—For  
6           purposes of this section—

7           “(1) the Library of Congress shall be consid-  
8           ered an employing office; and

9           “(2) the employees of the Library of Congress  
10          shall be considered covered employees.”.

11          (b) AVAILABILITY OF ALTERNATIVE GRIEVANCE  
12          PROCEDURES.—Section 401 (2 U.S.C. 1401), as amended  
13          by section 101(a), is amended—

14          (1) by redesignating subsections (d) and (e) as  
15          subsections (e) and (f); and

16          (2) by inserting after subsection (c) the fol-  
17          lowing new subsection:

18          “(d) SPECIAL RULE FOR LIBRARY OF CONGRESS.—

19          In the case of an employee of the Library of Congress,

20          the employee may use the alternative grievance procedures

21          of the Library of Congress instead of the procedures under

22          this title for consideration and resolution of an alleged vio-

23          lation of part A of title II, except that if the employee

24          files a claim as provided in section 402 with respect to

25          the alleged violation, the employee may not use any of

1 such alternative grievance procedures for consideration  
2 and resolution of the alleged violation.”.

3 (c) OTHER CONFORMING AMENDMENTS.—

4 (1) CIVIL RIGHTS ACT OF 1964.—Section 717(a)  
5 of the Civil Rights Act of 1964 (42 U.S.C. 2000e–  
6 16(a)) is amended by striking “Smithsonian Institu-  
7 tion” and all that follows through “Library of Con-  
8 gress” and inserting the following: “Smithsonian In-  
9 stitution, and in the Government Publishing Office  
10 and the Government Accountability Office”.

11 (2) AGE DISCRIMINATION IN EMPLOYMENT ACT  
12 OF 1967.—Section 15 of the Age Discrimination in  
13 Employment Act of 1967 (29 U.S.C. 633a) is  
14 amended—

15 (A) in subsection (a), by striking “Smith-  
16 sonian Institution” and all that follows through  
17 “Library of Congress” and inserting the fol-  
18 lowing: “Smithsonian Institution, and in the  
19 Government Publishing Office and the Govern-  
20 ment Accountability Office”; and

21 (B) in subsection (b), by striking the last  
22 sentence.

23 (3) AMERICANS WITH DISABILITIES ACT OF  
24 1990.—Section 510 of the Americans with Disabil-  
25 ities Act of 1990 (42 U.S.C. 12209) is amended—

1 (A) by amending the matter preceding  
2 paragraph (1) to read as follows: “The Govern-  
3 ment Accountability Office and the Government  
4 Publishing Office shall be covered as follows.”;  
5 and

6 (B) in paragraph (4), by striking “section”  
7 and all that follows and inserting the following:  
8 “section, instrumentalities of the Congress in-  
9 clude the following: the Government Account-  
10 ability Office and the Government Publishing  
11 Office.”.

12 (d) EFFECTIVE DATE.—

13 (1) IN GENERAL.—The amendments made by  
14 subsections (a) and (b) shall apply with respect to  
15 claims alleging violations of part A of title II of the  
16 Congressional Accountability Act of 1995 (2 U.S.C.  
17 1311 et seq.) which are first made on or after the  
18 date of the enactment of this Act.

19 (2) TREATMENT OF PENDING CLAIMS UNDER  
20 EXISTING PROCEDURES.—If, as of the date of the  
21 enactment of this Act, an employee of the Library  
22 of Congress has or could have filed a charge or com-  
23 plaint pursuant to procedures of the Library of Con-  
24 gress which were available to the employee prior to  
25 such date for the resolution of a claim alleging a vio-

1 lation described in section 402(b)(2)(B) of the Con-  
 2 gressional Accountability Act of 1995 (including pro-  
 3 cedures applicable pursuant to a collective bar-  
 4 gaining agreement), the employee may complete, or  
 5 initiate and complete, all such procedures, and such  
 6 procedures shall remain in effect with respect to,  
 7 and provide the exclusive procedures for, that charge  
 8 or complaint until the completion of all such proce-  
 9 dures.

10 **SEC. 303. CLARIFICATION OF COVERAGE OF EMPLOYEES**  
 11 **OF STENNIS CENTER AND HELSINKI AND**  
 12 **CHINA COMMISSIONS.**

13 (a) COVERAGE OF STENNIS CENTER, CHINA REVIEW  
 14 COMMISSION, CONGRESSIONAL-EXECUTIVE CHINA COM-  
 15 MISSION, AND HELSINKI COMMISSION.—

16 (1) TREATMENT OF EMPLOYEES AS COVERED  
 17 EMPLOYEES.—Section 101(3) (2 U.S.C. 1301(3)) is  
 18 amended—

19 (A) by striking “or” at the end of subpara-  
 20 graph (H);

21 (B) by striking the period at the end of  
 22 subparagraph (I) and inserting “; or”; and

23 (C) by adding at the end the following new  
 24 subparagraph:

1           “(J) the John C. Stennis Center for Public  
2           Service Training and Development;

3           “(K) the China Review Commission;

4           “(L) the Congressional-Executive China  
5           Commission; and

6           “(M) the Helsinki Commission.”.

7           (2) TREATMENT OF CENTER AND COMMISSIONS  
8           AS EMPLOYING OFFICE.—Section 101(9)(D) (2  
9           U.S.C. 1301(9)(D)) is amended by striking “and the  
10          Office of Technology Assessment” and inserting the  
11          following: “the Office of Technology Assessment, the  
12          John C. Stennis Center for Public Service Training  
13          and Development, the China Review Commission,  
14          the Congressional-Executive China Commission, and  
15          the Helsinki Commission.”.

16          (3) DEFINITIONS OF COMMISSIONS.—Section  
17          101 (2 U.S.C. 1301) is amended by adding at the  
18          end the following:

19                 “(13) CHINA REVIEW COMMISSION.—The term  
20                 ‘China Review Commission’ means the United  
21                 States-China Economic and Security Review Com-  
22                 mission established under section 1238 of the Floyd  
23                 D. Spence National Defense Authorization Act for  
24                 Fiscal Year 2001 (22 U.S.C. 7002), as enacted into  
25                 law by section 1 of Public Law 106–398.

1           “(14) CONGRESSIONAL-EXECUTIVE CHINA COM-  
 2           MISSION.—The term ‘Congressional-Executive China  
 3           Commission’ means the Congressional-Executive  
 4           Commission on the People’s Republic of China es-  
 5           tablished under title III of the U.S.–China Relations  
 6           Act of 2000 (Public Law 106–286; 22 U.S.C. 6911  
 7           et seq.).

8           “(15) HELSINKI COMMISSION.—The term ‘Hel-  
 9           sinki Commission’ means the Commission on Secu-  
 10          rity and Cooperation in Europe established under  
 11          the Act entitled ‘An Act to establish a Commission  
 12          on Security and Cooperation in Europe’, approved  
 13          June 3, 1976 (Public Law 94–304; 22 U.S.C. 3001  
 14          et seq.).”.

15          (b) LEGAL ASSISTANCE AND REPRESENTATION.—

16               (1) IN GENERAL.—Title V (2 U.S.C. 1431 et  
 17               seq.) is amended—

18                       (A) by redesignating section 509 as section  
 19                       511; and

20                       (B) by inserting after section 508 the fol-  
 21                       lowing:

22          **“SEC. 509. LEGAL ASSISTANCE AND REPRESENTATION.**

23               “Legal assistance and representation under this Act,  
 24               including assistance and representation with respect to the  
 25               proposal or acceptance of the disposition of a claim under

1 this Act, shall be provided to the China Review Commis-  
2 sion, the Congressional-Executive China Commission, and  
3 the Helsinki Commission—

4           “(1) by the House Employment Counsel of the  
5 House of Representatives, in the case of assistance  
6 and representation in connection with a claim filed  
7 under title IV (including all subsequent proceedings  
8 under such title in connection with the claim) at a  
9 time when the chair of the Commission is a Member  
10 of the House; or

11           “(2) by the Senate Chief Counsel for Employ-  
12 ment of the Senate, in the case of assistance and  
13 representation in connection with a claim filed under  
14 title IV (including all subsequent proceedings under  
15 such title in connection with the claim) at a time  
16 when the chair of the Commission is a Senator.”.

17           (2) CLERICAL AMENDMENTS.—The table of  
18 contents is amended—

19                   (A) by redesignating the item relating to  
20 section 509 as relating to section 511; and

21                   (B) by inserting after the item relating to  
22 section 508 the following new item:

“Sec. 509. Legal assistance and representation.”.

23           (c) CONFORMING AMENDMENTS.—Section 101 (2  
24 U.S.C. 1301) is amended, in paragraphs (7) and (8), by  
25 striking “through (I)” and inserting “through (M)”.

1 (d) EFFECTIVE DATE.—The amendments made by  
2 this section shall take effect as if included in the enact-  
3 ment of the Congressional Accountability Act of 1995.

4 **SEC. 304. TRAINING AND EDUCATION PROGRAMS OF**  
5 **OTHER EMPLOYING OFFICES.**

6 (a) REQUIRING OFFICES TO DEVELOP AND IMPLE-  
7 MENT PROGRAMS.—Title V (2 U.S.C. 1431 et seq.) is  
8 amended by inserting after section 509, as added by sec-  
9 tion 303(b), the following new section:

10 **“SEC. 510. TRAINING AND EDUCATION PROGRAMS OF EM-**  
11 **PLOYING OFFICES.**

12 “(a) REQUIRING OFFICES TO DEVELOP AND IMPLE-  
13 MENT PROGRAMS.—Each employing office shall develop  
14 and implement a program to train and educate covered  
15 employees of the office in the rights and protections pro-  
16 vided under this Act, including the procedures available  
17 under this Act to consider alleged violations of this Act.

18 “(b) REPORT TO COMMITTEES.—

19 “(1) IN GENERAL.—Not later than 45 days  
20 after the beginning of each Congress (beginning with  
21 the One Hundred Sixteenth Congress), each employ-  
22 ing office shall submit a report to the Committee on  
23 House Administration of the House of Representa-  
24 tives and the Committee on Rules and Administra-



1 consistent with section 207(c) of that Act (42 U.S.C.  
2 2000ff-6(c)).”.

3 **SEC. 306. GENERALLY APPLICABLE REMEDIES AND LIMITA-**  
4 **TIONS.**

5 Section 225 (2 U.S.C. 1361) is amended—

6 (1) by striking subsection (e); and

7 (2) by redesignating subsection (f) as sub-  
8 section (e).

9 **SEC. 307. RENAMING OFFICE OF COMPLIANCE AS OFFICE**  
10 **OF CONGRESSIONAL WORKPLACE RIGHTS.**

11 (a) RENAMING.—Section 301 (2 U.S.C. 1381) is  
12 amended—

13 (1) in the title heading, by striking “**OFFICE**  
14 **OF COMPLIANCE**” and inserting “**OFFICE OF**  
15 **CONGRESSIONAL WORKPLACE RIGHTS**”; and

16 (2) in subsection (a), by striking “Office of  
17 Compliance” and inserting “Office of Congressional  
18 Workplace Rights”.

19 (b) CONFORMING AMENDMENTS TO CONGRESSIONAL  
20 ACCOUNTABILITY ACT OF 1995.—The Congressional Ac-  
21 countability Act of 1995 is amended as follows:

22 (1) In section 101(1) (2 U.S.C. 1301(1)), by  
23 striking “Office of Compliance” and inserting “Of-  
24 fice of Congressional Workplace Rights”.

1           (2) In section 101(2) (2 U.S.C. 1301(2)), by  
2 striking “Office of Compliance” and inserting “Of-  
3 fice of Congressional Workplace Rights”.

4           (3) In section 101(3)(H) (2 U.S.C.  
5 1301(3)(H)), by striking “Office of Compliance”  
6 and inserting “Office of Congressional Workplace  
7 Rights”.

8           (4) In section 101(9)(D) (2 U.S.C.  
9 1301(9)(D)), by striking “Office of Compliance” and  
10 inserting “Office of Congressional Workplace  
11 Rights”.

12           (5) In section 101(10) (2 U.S.C. 1301(10)), by  
13 striking “Office of Compliance” and inserting “Of-  
14 fice of Congressional Workplace Rights”.

15           (6) In section 101(11) (2 U.S.C. 1301(11)), by  
16 striking “Office of Compliance” and inserting “Of-  
17 fice of Congressional Workplace Rights”.

18           (7) In section 101(12) (2 U.S.C. 1301(12)), by  
19 striking “Office of Compliance” and inserting “Of-  
20 fice of Congressional Workplace Rights”.

21           (8) In section 210(a)(9) (2 U.S.C. 1331(a)(9)),  
22 by striking “Office of Compliance” and inserting  
23 “Office of Congressional Workplace Rights”.

1           (9) In section 215(e)(1) (2 U.S.C. 1341(e)(1)),  
2           by striking “Office of Compliance” and inserting  
3           “Office of Congressional Workplace Rights”.

4           (10) In section 220(e)(2)(G) (2 U.S.C.  
5           1351(e)(2)(G)), by striking “Office of Compliance”  
6           and inserting “Office of Congressional Workplace  
7           Rights”.

8           (11) In the heading of title III, by striking  
9           “**OFFICE OF COMPLIANCE**” and inserting  
10           “**OFFICE OF CONGRESSIONAL WORK-**  
11           **PLACE RIGHTS**”.

12           (12) In section 304(e)(4) (2 U.S.C.  
13           1384(e)(4)), by striking “Office of Compliance” and  
14           inserting “Office of Congressional Workplace  
15           Rights”.

16           (13) In section 304(e)(5) (2 U.S.C.  
17           1384(e)(5)), by striking “Office of Compliance” and  
18           inserting “Office of Congressional Workplace  
19           Rights”.

20           (c) CLERICAL AMENDMENTS.—The table of contents  
21 is amended—

22           (1) by amending the item relating to the title  
23           heading of title III to read as follows:

“TITLE III—OFFICE OF CONGRESSIONAL WORKPLACE RIGHTS”;

24           and

1           (2) by amending the item relating to section  
2           301 to read as follows:

“Sec. 301. Office of Congressional Workplace Rights.”.

3           (d) REFERENCES IN OTHER LAWS, RULES, AND  
4 REGULATIONS.—Any reference to the Office of Compli-  
5 ance in any law, rule, regulation, or other official paper  
6 in effect as of the effective date of this Act shall be consid-  
7 ered to refer and apply to the Office of Congressional  
8 Workplace Rights.

## 9           **TITLE IV—EFFECTIVE DATE**

### 10          **SEC. 401. EFFECTIVE DATE.**

11          (a) IN GENERAL.—Except as otherwise provided in  
12 this Act, this Act and the amendments made by this Act  
13 shall take effect upon the expiration of the 180-day period  
14 which begins on the date of the enactment of this Act.

15          (b) NO EFFECT ON PENDING PROCEEDINGS.—

16               (1) IN GENERAL.—Nothing in this Act or the  
17 amendments made by this Act may be construed to  
18 affect any proceeding under title IV of the Congres-  
19 sional Accountability Act of 1995 which is pending  
20 as of the date of the enactment of this Act.

21               (2) TREATMENT OF PENDING CLAIMS UNDER  
22 EXISTING PROCEDURES.—If, as of the date of the  
23 enactment of this Act, a covered employee (as de-  
24 fined in section 101 of the Congressional Account-  
25 ability Act of 1995 (2 U.S.C. 1301) on the day be-

1       fore the date of enactment of this Act) has filed a  
2       charge or complaint pursuant to procedures which  
3       were available to the employee prior to such date for  
4       the resolution of a claim alleging a violation de-  
5       scribed in section 402(b)(2)(B) of the Congressional  
6       Accountability Act of 1995 (including procedures ap-  
7       plicable pursuant to a collective bargaining agree-  
8       ment), the covered employee may complete all such  
9       procedures, and such procedures shall remain in ef-  
10      fect with respect to, and provide the exclusive proce-  
11      dures for, that charge or complaint until the comple-  
12      tion of all such procedures.

○