

115TH CONGRESS
2D SESSION

H. R. 4924

IN THE SENATE OF THE UNITED STATES

FEBRUARY 7, 2018

Received; read twice and referred to the Committee on Homeland Security and
Governmental Affairs

AN ACT

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, whenever in this Act an amendment is
 7 expressed in terms of an amendment to or repeal of a sec-
 8 tion or other provision, the reference shall be considered
 9 to be made to that section or other provision of the Con-
 10 gressional Accountability Act of 1995 (2 U.S.C. 1301 et
 11 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 Helsinki and China Commissions.
- Sec. 304. Training and education programs of other employing offices.
- Sec. 305. 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, the procedure for consideration
14 of an alleged violation of part A of title II 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
5 respect to the alleged violation involved, as provided
6 in 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 the
18 grievance procedures of the Architect of the Capitol or the
19 Capitol Police for resolution of the employee’s grievance
20 for a specific period of time.

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

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

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

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

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

23 “(3) The factual contentions have evidentiary
24 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) OTHER CONFORMING AMENDMENTS.—Title IV is
16 amended—

17 (1) by striking section 404 (2 U.S.C. 1404);
18 and

19 (2) by redesignating section 403 (2 U.S.C.
20 1403) as section 404.

21 (d) CLERICAL AMENDMENTS.—The table of contents
22 is amended—

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

1 (2) by redesignating the item relating to section
2 403 as relating to section 404.

3 **SEC. 102. REFORM OF PROCESS FOR INITIATION OF PROCE-**
4 **DURES.**

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

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

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

14 “(b) INITIAL PROCESSING OF CLAIM.—

15 “(1) INTAKE AND RECORDING; NOTIFICATION
16 TO EMPLOYING OFFICE.—Upon the filing of a claim
17 by a covered employee under subsection (a), the Of-
18 fice shall take such steps as may be necessary for
19 the initial intake and recording of the claim, includ-
20 ing providing the employee with all relevant informa-
21 tion with respect to the rights of the employee under
22 this title, and shall notify the head of the employing
23 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 system through which a covered
10 employee may initiate a proceeding under this title,
11 and which will keep an electronic record of the date
12 and time at which the proceeding is initiated and
13 will track all subsequent actions or proceedings oc-
14 curring with respect to the proceeding under this
15 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 title;

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(b), 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 finding
6 under subparagraph (B) of paragraph (2), the Gen-
7 eral Counsel shall also transmit to the covered em-
8 ployee a written notice that the employee has the
9 right to file a civil action with respect to the claim
10 under section 408.

11 “(4) TRANSMISSION TO EXECUTIVE DIREC-
12 TOR.—If the General Counsel transmits a finding
13 under subparagraph (A) or subparagraph (C) of
14 paragraph (2), the General Counsel shall also trans-
15 mit the report to the Executive Director.

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

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

1 dent Commissioner to the Congress) or a Sen-
2 ator, the General Counsel shall transmit the re-
3 port to—

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

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

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

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

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

20 “(d) RECOMMENDATION OF MEDIATION.—At any
21 time during the investigation of a claim under this section,
22 the General Counsel may make a recommendation that the
23 covered employee and the employing office pursue medi-
24 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 subsection, and transmit the report on
4 the results of the investigation, not later than 90 days
5 after the claim is filed under section 402, except that the
6 General Counsel may (upon notice to the parties to the
7 investigation) use an additional period of not to exceed
8 30 days 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” 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(c), 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. 1404(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. 1404(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. 1404(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 any
14 amounts to the account of the individual in the
15 Thrift Savings Fund) such amounts as may be
16 necessary to reimburse the account for the pay-
17 ment of an award or settlement described in
18 paragraph (1) if the individual has not reim-
19 bursed the account as required under para-
20 graph (1) prior to the expiration of the 90-day
21 period which begins on the date a payment is
22 made from the account for such an award or
23 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 TREAS-
18 URY.—If, at the time an individual is first no longer
19 receiving compensation as a Member or a Senator,
20 the amounts withheld under this subsection have not
21 been sufficient to reimburse the account described in
22 subsection (a) for an award or settlement described
23 in paragraph (1), the payroll administrator—

24 “(A) shall notify the Director of the Office
25 of Personnel Management, who shall take such

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

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

18 “(5) COORDINATION BETWEEN OPM AND
19 TREASURY.—The Director of the Office of Personnel
20 Management and the Secretary of the Treasury shall
21 carry out paragraph (4) in a manner that ensures
22 the coordination of the withholding and transferring
23 of amounts under such paragraph, in accordance
24 with regulations promulgated by the Director and
25 the Secretary.

1 “(6) PAYROLL ADMINISTRATOR DEFINED.—In
2 this section, the term ‘payroll administrator’
3 means—

4 “(A) in the case of an individual who is a
5 Member of the House of Representatives, the
6 Chief Administrative Officer of the House of
7 Representatives, or an employee of the Office of
8 the Chief Administrative Officer who is des-
9 ignated by the Chief Administrative Officer to
10 carry out this subsection; or

11 “(B) in the case of an individual who is a
12 Senator, the Secretary of the Senate, or an em-
13 ployee of the Office of the Secretary of the Sen-
14 ate who is designated by the Secretary to carry
15 out this subsection.

16 “(7) RIGHT TO INTERVENE.—An individual
17 who is subject to the reimbursement requirement of
18 this subsection shall have the right to intervene in
19 any mediation, hearing, or civil action under this
20 title to the extent necessary to protect the interests
21 of the individual in the determination of whether an
22 award or settlement described in paragraph (1)
23 should be made, and the amount of any such award
24 or settlement, except that nothing in this paragraph
25 may be construed to require the covered employee

1 who filed the claim to be deposed by counsel for the
 2 individual in a deposition which is separate from any
 3 other deposition taken from the employee in connec-
 4 tion with the hearing or civil action.”.

5 (b) CONFORMING AMENDMENT RELATING TO
 6 THRIFT SAVINGS FUND.—Section 8437(e) of title 5,
 7 United States Code, is amended by striking “or an obliga-
 8 tion” and inserting the following: “an obligation of the Ex-
 9 ecutive Director to make a transfer under section
 10 415(d)(3) of the Congressional Accountability Act of
 11 1995, or an obligation”.

12 (c) EFFECTIVE DATE.—The amendments made by
 13 subsection (a) shall apply with respect to payments made
 14 on or after the date of the enactment of this Act.

15 **SEC. 112. AUTOMATIC REFERRAL TO CONGRESSIONAL ETH-**
 16 **ICS COMMITTEES OF DISPOSITION OF CER-**
 17 **TAIN CLAIMS ALLEGING VIOLATIONS OF**
 18 **CONGRESSIONAL ACCOUNTABILITY ACT OF**
 19 **1995 INVOLVING MEMBERS OF CONGRESS**
 20 **AND SENIOR STAFF.**

21 Section 416(e) (2 U.S.C. 1416(d)) is amended to
 22 read as follows:

23 “(e) AUTOMATIC REFERRALS TO CONGRESSIONAL
 24 ETHICS COMMITTEES OF DISPOSITIONS OF CLAIMS IN-
 25 VOLVING MEMBERS OF CONGRESS AND SENIOR STAFF.—

1 “(1) REFERRAL.—Upon the final disposition
2 under this title (as described in paragraph (4)) of a
3 claim alleging a violation described in section
4 415(d)(1)(B) which consists of an act committed
5 personally by a Member of the House of Representa-
6 tives (including a Delegate or Resident Commis-
7 sioner to the Congress) or a Senator, or by a senior
8 staff of an employing office of the House of Rep-
9 resentatives or Senate, the Executive Director shall
10 refer the claim to—

11 “(A) the Committee on Ethics of the
12 House of Representatives, in the case of a
13 Member or senior staff of the House (including
14 a Delegate or Resident Commissioner to the
15 Congress); or

16 “(B) the Select Committee on Ethics of
17 the Senate, in the case of a Senator or senior
18 staff of the Senate.

19 “(2) ACCESS TO RECORDS AND INFORMA-
20 TION.—If the Executive Director refers a claim to a
21 Committee under paragraph (1), the Executive Di-
22 rector shall provide the Committee with access to the
23 records of any investigations, hearings, or decisions
24 of the hearing officers and the Board under this

1 title, and any information relating to an award or
2 settlement paid, in response to such claim.

3 “(3) PROTECTION OF PERSONALLY IDENTIFI-
4 ABLE INFORMATION.—If a Committee to which a
5 claim is referred under paragraph (1) issues a report
6 with respect to the claim, the Committee shall en-
7 sure that the report does not directly disclose the
8 identity or position of the individual who filed the
9 claim.

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

13 “(A) An order or agreement to pay an
14 award or settlement, including an agreement
15 reached pursuant to mediation under section
16 404.

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

19 “(C) A final decision of the Board under
20 section 406(e).

21 “(D) A final decision in a civil action
22 under section 408.

23 “(5) SENIOR STAFF DEFINED.—In this sub-
24 section, the term ‘senior staff’ means any individual
25 who, at the time a violation occurred, was required

1 to file a report under title I of the Ethics in Govern-
2 ment Act of 1978 (5 U.S.C. App. 101 et seq.).”.

3 **SEC. 113. AVAILABILITY OF REMOTE WORK ASSIGNMENT**
4 **OR PAID LEAVE OF ABSENCE DURING PEND-**
5 **ENCY OF PROCEDURES.**

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

8 **“SEC. 417. AVAILABILITY OF REMOTE WORK ASSIGNMENT**
9 **OR PAID LEAVE OF ABSENCE DURING PEND-**
10 **ENCY OF PROCEDURES.**

11 “(a) OPTIONS FOR EMPLOYEES.—

12 “(1) REMOTE WORK ASSIGNMENT.—At the re-
13 quest of a covered employee who files a claim alleg-
14 ing a violation of part A of title II by the covered
15 employee’s employing office, during the pendency of
16 any of the procedures available under this title for
17 consideration of the claim, the employing office may
18 permit the covered employee to carry out the em-
19 ployee’s responsibilities from a remote location in-
20 stead of from the location of the employing office.

21 “(2) EXCEPTION FOR WORK ASSIGNMENTS RE-
22 QUIRED TO BE CARRIED OUT ONSITE.—If, in the de-
23 termination of the covered employee’s employing of-
24 fice, a covered employee who makes a request under
25 this subsection cannot carry out the employee’s re-

1 sponsibilities from a remote location, the employing
 2 office may grant paid leave of absence to a covered
 3 employee during the pendency of the procedures
 4 available under this title for the covered employee.

5 “(3) ENSURING NO RETALIATION.—An employ-
 6 ing office may not grant a covered employee’s re-
 7 quest under this subsection in a manner which
 8 would constitute reprisal or retaliation under section
 9 207.

10 “(b) EXCEPTION FOR ARRANGEMENTS SUBJECT TO
 11 COLLECTIVE BARGAINING AGREEMENTS.—Subsection (a)
 12 does not apply to the extent that it is inconsistent with
 13 the terms and conditions of any collective bargaining
 14 agreement which is in effect with respect to an employing
 15 office.”.

16 (b) CLERICAL AMENDMENT.—The table of contents
 17 is amended by adding at the end of the items relating to
 18 tile IV the following new item:

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

19 **SEC. 114. MODIFICATION OF RULES ON CONFIDENTIALITY**
 20 **OF PROCEEDINGS.**

21 (a) CLAIMS AND INVESTIGATIONS.—Section 416(a)
 22 (2 U.S.C. 1416(a)) is amended to read as follows:

23 “(a) CLAIMS AND INVESTIGATIONS.—The filing of a
 24 claim under section 402 and any investigation of a claim

1 under section 403 shall be confidential. Nothing in this
 2 subsection may be construed to prohibit a covered em-
 3 ployee or an employing office from disclosing any informa-
 4 tion related to the claim (including information related to
 5 the defense of the claim) in the course of any proceeding
 6 under this title.”.

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

11 **SEC. 115. REIMBURSEMENT BY OTHER EMPLOYING OF-**
 12 **FICES OF LEGISLATIVE BRANCH OF PAY-**
 13 **MENTS OF CERTAIN AWARDS AND SETTLE-**
 14 **MENTS.**

15 (a) REQUIRING REIMBURSEMENT.—Section 415 (2
 16 U.S.C. 1415), as amended by section 111, is further
 17 amended by adding at the end the following new sub-
 18 section:

19 “(e) REIMBURSEMENT BY EMPLOYING OFFICES.—
 20 “(1) NOTIFICATION OF PAYMENTS MADE FROM
 21 ACCOUNT.—As soon as practicable after the Execu-
 22 tive Director is made aware that a payment of an
 23 award or settlement under this chapter has been
 24 made from the account described in subsection (a)
 25 in connection with a claim alleging a violation of sec-

1 tion 201(a) by an employing office (other than an
2 employing office of the House of Representatives or
3 an employing office of the Senate), the Executive
4 Director shall notify the head of the employing office
5 that the payment has been made, and shall include
6 in the notification a statement of the amount of the
7 payment.

8 “(2) REIMBURSEMENT BY OFFICE.—Not later
9 than 180 days after receiving a notification from the
10 Executive Director under paragraph (1), the head of
11 the employing office involved shall transfer to the ac-
12 count described in subsection (a), out of any funds
13 available for operating expenses of the office, a pay-
14 ment equal to the amount specified in the notifica-
15 tion.

16 “(3) TIMETABLE AND PROCEDURES FOR REIM-
17 BURSEMENT.—The head of an employing office shall
18 transfer a payment under paragraph (2) in accord-
19 ance with such timetable and procedures as may be
20 established under regulations promulgated by the
21 Office.”.

22 (b) EFFECTIVE DATE.—The amendment made by
23 subsection (a) shall apply with respect to payments made
24 under section 415 of the Congressional Accountability Act
25 of 1995 on or after the date of the enactment of this Act.

1 **TITLE II—IMPROVING OPER-**
2 **ATIONS OF OFFICE OF COM-**
3 **PLIANCE**

4 **SEC. 201. REPORTS ON CLAIMS, AWARDS, AND SETTLE-**
5 **MENTS.**

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

8 (1) REQUIRING SUBMISSION AND PUBLICATION
9 OF REPORTS.—Section 301 (2 U.S.C. 1381) is
10 amended by adding at the end the following new
11 subsection:

12 “(1) SEMIANNUAL REPORTS ON CLAIMS, AWARDS,
13 AND SETTLEMENTS.—

14 “(1) IN GENERAL.—Not later than 45 days
15 after the first 6-month period of each calendar year,
16 and not later than 45 days after the next 6-month
17 period of each calendar year, the Office shall submit
18 to Congress and publish on the Office’s public
19 website a report listing each award or settlement
20 which was paid during the previous year from the
21 account described in section 415(a) as the result of
22 a claim alleging a violation of part A of title II, in-
23 cluding the employing office involved, the amount of
24 the award or settlement, the provision of part A of
25 title II which was the subject of the claim, and (in

1 the case of an award or settlement resulting from a
2 violation described in section 415(d)(1)(B) which
3 was committed personally by a Member or former
4 Member of Congress), whether the Member or
5 former Member is in compliance with the require-
6 ment of section 415(d) to reimburse the account for
7 the amount of the award or settlement.

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

16 (2) EFFECTIVE DATE.—The amendment made
17 by paragraph (1) shall apply with respect to 2018
18 and each succeeding year.

19 (b) REPORT ON AMOUNTS PREVIOUSLY PAID.—

20 (1) IN GENERAL.—Not later than 30 days after
21 the date of the enactment of this Act, the Office of
22 Compliance shall submit to Congress and make
23 available to the public on the Office’s public website
24 a report on all payments made with public funds
25 prior to the date of the enactment of this Act for

1 awards and settlements in connection with violations
2 of section 201(a)(1) of the Congressional Account-
3 ability Act of 1995, and shall include in the report
4 the following information:

5 (A) The amount paid for each such award
6 or settlement.

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

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

21 **SEC. 202. WORKPLACE CLIMATE SURVEYS OF EMPLOYING**
22 **OFFICES.**

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

1 **“SEC. 307. WORKPLACE CLIMATE SURVEYS OF EMPLOYING**
2 **OFFICES.**

3 “(a) REQUIREMENT TO CONDUCT SURVEYS.—Not
4 later than 1 year after the date of the enactment of this
5 section, and every 2 years thereafter, the Office shall con-
6 duct a survey of employing offices under this Act regard-
7 ing the workplace environment of such offices.

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

12 “(c) METHODOLOGY.—

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

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

22 “(d) USE OF RESULTS OF SURVEYS.—The Office
23 shall furnish the information obtained from the surveys
24 conducted under this section to the Committee on House
25 Administration of the House of Representatives and the

1 Committee on Homeland Security and Governmental Af-
2 fairs of the Senate.

3 “(e) CONSULTATION WITH COMMITTEES.—The Of-
4 fice shall carry out this section, including establishment
5 of methodologies and procedures under subsection (c), in
6 consultation with the Committee on House Administration
7 of the House of Representatives and the Committee on
8 Homeland Security and Governmental Affairs of the Sen-
9 ate.

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

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

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

16 **SEC. 203. RECORD RETENTION.**

17 Section 301 (2 U.S.C. 1381), as amended by section
18 201(a), is further amended by adding at the end the fol-
19 lowing new subsection:

20 “(m) RECORD RETENTION.—The Office shall estab-
21 lish and maintain a program for the permanent retention
22 of its records, including the records of investigations, me-
23 diations, hearings, and other proceedings conducted under
24 title IV.”.

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

2 (a) STUDY.—The Comptroller General of the United
3 States shall conduct a study of the management practices
4 of the Office of Compliance.

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

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

14 (a) AUDIT.—The Comptroller General of the United
15 States shall conduct an audit of the cybersecurity systems
16 and practices of the Office of Compliance.

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

TITLE III—MISCELLANEOUS REFORMS

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

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

(1) by redesignating subsection (d) as subsection (e); and

(2) by inserting after subsection (c) the following new subsection:

“(d) APPLICATION TO UNPAID STAFF.—

“(1) IN GENERAL.—Subsections (a) and (b) shall apply with respect to any staff of an employing office who carry out official duties of the employing office but who are not paid by the employing office for carrying out such duties, including an intern (including an applicant for an internship and a former intern), an individual detailed to an employing office, and an individual participating in a fellowship program, in the same manner and to the same extent as such subsections apply with respect to an employee.

“(2) RULE OF CONSTRUCTION.—Nothing in paragraph (1) may be construed to extend liability

1 for a violation of subsection (a) to an employing of-
2 fice on the basis of an action taken by any person
3 who is not under the supervision or control of the
4 employing office.

5 “(3) INTERN DEFINED.—The term ‘intern’
6 means an individual who performs service for an em-
7 ploying office which is uncompensated by the United
8 States to earn credit awarded by an educational in-
9 stitution or to learn a trade or occupation, and in-
10 cludes any individual participating in a page pro-
11 gram operated by any House of Congress.”.

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

18 **SEC. 302. COVERAGE OF EMPLOYEES OF LIBRARY OF CON-**
19 **GRESS.**

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

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

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

3 “(e) COVERAGE OF LIBRARY OF CONGRESS.—For
4 purposes of this section—

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

7 “(2) the employees of the Library of Congress
8 shall be considered covered employees.”.

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

12 (1) by redesignating subsections (d) and (e) as
13 subsections (e) and (f); and

14 (2) by inserting after subsection (c) the fol-
15 lowing new subsection:

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

17 In the case of an employee of the Library of Congress,
18 the employee may use the alternative grievance procedures
19 of the Library of Congress instead of the procedures under
20 this title for consideration and resolution of an alleged vio-
21 lation of part A of title II, except that if the employee
22 files a claim as provided in section 402 with respect to
23 the alleged violation, the employee may not use any of
24 such alternative grievance procedures for consideration
25 and resolution of the alleged violation.”.

1 (c) OTHER CONFORMING AMENDMENTS.—

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

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

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

19 (B) in subsection (b), by striking the last
20 sentence.

21 (3) AMERICANS WITH DISABILITIES ACT OF
22 1990.—Section 510 of the Americans with Disabil-
23 ities Act of 1990 (42 U.S.C. 12209) is amended—

24 (A) by amending the matter preceding
25 paragraph (1) to read as follows: “The Govern-

1 ment Accountability Office and the Government
2 Publishing Office shall be covered as follows:”;
3 and

4 (B) in paragraph (4), by striking “means
5 the following” and all that follows and inserting
6 the following: “means the following: the Govern-
7 ment Accountability Office and the Government
8 Publishing Office.”.

9 (d) EFFECTIVE DATE.—

10 (1) IN GENERAL.—The amendments made by
11 subsection (a) shall apply with respect to claims al-
12 leging violations of part A of title II of the Congres-
13 sional Accountability Act of 1995 which are first
14 made on or after the date of the enactment of this
15 Act.

16 (2) TREATMENT OF PENDING CLAIMS UNDER
17 EXISTING PROCEDURES.—If, as of the date of the
18 enactment of this Act, an employee of the Library
19 of Congress has or could have filed a charge or com-
20 plaint pursuant to procedures of the Library of Con-
21 gress which were available to the employee prior to
22 such date for the resolution of a claim alleging a vio-
23 lation of a provision of law made applicable to the
24 Library under section 201(a) of the Congressional
25 Accountability Act of 1995 (including procedures ap-

1 plicable pursuant to a collective bargaining agree-
 2 ment), the employee may complete, or initiate and
 3 complete, all such procedures, and such procedures
 4 shall remain in effect with respect to, and provide
 5 the exclusive procedures for, that charge or com-
 6 plaint until the completion of all such procedures.

7 **SEC. 303. CLARIFICATION OF COVERAGE OF EMPLOYEES**
 8 **OF HELSINKI AND CHINA COMMISSIONS.**

9 (a) CLARIFICATION OF COVERAGE.—Section 101 (2
 10 U.S.C. 1301) is amended—

11 (1) by striking “Except as otherwise” and in-
 12 serting “(a) IN GENERAL.—Except as otherwise”;
 13 and

14 (2) by adding at the end the following new sub-
 15 section:

16 “(b) CLARIFICATION OF COVERAGE OF EMPLOYEES
 17 OF CERTAIN COMMISSIONS.—

18 “(1) COVERAGE.—With respect to the China
 19 Review Commission, the Congressional-Executive
 20 China Commission, and the Helsinki Commission—

21 “(A) any individual who is an employee of
 22 such Commission shall be considered a covered
 23 employee for purposes of this Act; and

24 “(B) the Commission shall be considered
 25 an employing office for purposes of this Act.

1 “(2) AUTHORITY TO PROVIDE LEGAL ASSIST-
2 ANCE AND REPRESENTATION.—Subject to paragraph
3 (3), legal assistance and representation under this
4 Act, including assistance and representation with re-
5 spect to the proposal or acceptance of the disposition
6 of a claim under this Act, shall be provided to the
7 China Review Commission, the Congressional-Execu-
8 tive China Commission, and the Helsinki Commis-
9 sion—

10 “(A) by the House Employment Counsel of
11 the House of Representatives, in the case of as-
12 sistance and representation in connection with a
13 claim filed under title IV (including all subse-
14 quent proceedings under such title in connec-
15 tion with the claim) at a time when the chair
16 of the Commission is a Member of the House;
17 or

18 “(B) by the Senate Chief Counsel for Em-
19 ployment of the Senate, in the case of assist-
20 ance and representation in connection with a
21 claim filed under title IV (including all subse-
22 quent proceedings under such title in connec-
23 tion with the claim) at a time when the chair
24 of the Commission is a Senator.

25 “(3) DEFINITIONS.—In this subsection—

1 “(A) the term ‘China Review Commission’
2 means the United States-China Economic and
3 Security Review Commission established under
4 section 1238 of the Floyd D. Spence National
5 Defense Authorization Act of 2001 (Public Law
6 106–398; 22 U.S.C. 7002);

7 “(B) the term ‘Congressional-Executive
8 China Commission’ means the Congressional-
9 Executive Commission on the People’s Republic
10 of China established under title III of the U.S.–
11 China Relations Act of 2000 (Public Law 106–
12 286; 22 U.S.C. 6911 et seq.); and

13 “(C) the term ‘Helsinki Commission’
14 means the Commission on Security and Co-
15 operation in Europe established under the Act
16 entitled ‘An Act to establish a Commission on
17 Security and Cooperation in Europe’ (Public
18 Law 94–304; 22 U.S.C. 3001 et seq.).”.

19 (b) COVERAGE OF STENNIS CENTER.—

20 (1) TREATMENT OF EMPLOYEES AS COVERED
21 EMPLOYEES.—Section 101(3) (2 U.S.C. 1301(3)) is
22 amended—

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

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

3 (C) by adding at the end the following new
4 subparagraph:

5 “(J) the John C. Stennis Center for Public
6 Service Training and Development.”.

7 (2) TREATMENT OF CENTER AS EMPLOYING OF-
8 FICE.—Section 101(9)(D) (2 U.S.C. 1301(9)(D)) is
9 amended by striking “and the Office of Technology
10 Assessment” and inserting the following: “the Office
11 of Technology Assessment, and the John C. Stennis
12 Center for Public Service Training and Develop-
13 ment”.

14 (c) EFFECTIVE DATE.—The amendments made by
15 this section shall take effect as if included in the enact-
16 ment of the Congressional Accountability Act of 1995.

17 **SEC. 304. TRAINING AND EDUCATION PROGRAMS OF**
18 **OTHER EMPLOYING OFFICES.**

19 (a) REQUIRING OFFICES TO DEVELOP AND IMPLE-
20 MENT PROGRAMS.—Title V (2 U.S.C. 1431 et seq.) is
21 amended—

22 (1) by redesignating section 509 as section 510;
23 and

24 (2) by inserting after section 508 the following
25 new section:

1 **“SEC. 509. TRAINING AND EDUCATION PROGRAMS OF EM-**
2 **PLYING OFFICES.**

3 “(a) **REQUIRING OFFICES TO DEVELOP AND IMPLE-**
4 **MENT PROGRAMS.**—Each employing office shall develop
5 and implement a program to train and educate covered
6 employees of the office in the rights and protections pro-
7 vided under this Act, including the procedures available
8 under title IV to consider alleged violations of this Act.

9 “(b) **REPORT TO COMMITTEES.**—

10 “(1) **IN GENERAL.**—Not later than 45 days
11 after the beginning of each Congress (beginning with
12 the One Hundred Sixteenth Congress), each employ-
13 ing office shall submit a report to the Committee on
14 House Administration of the House of Representa-
15 tives and the Committee on Rules and Administra-
16 tion of the Senate on the implementation of the pro-
17 gram required under subsection (a).

18 “(2) **SPECIAL RULE FOR FIRST REPORT.**—Not
19 later than 180 days after the date of the enactment
20 of the Congressional Accountability Act of 1995 Re-
21 form Act, each employing office shall submit the re-
22 port described in paragraph (1) to the Committees
23 described in such paragraph.

24 “(c) **EXCEPTION FOR OFFICES OF CONGRESS.**—This
25 section does not apply to an employing office of the House
26 of Representatives or an employing office of the Senate.”.

1 (b) CLERICAL AMENDMENT.—The table of contents
2 is amended—

3 (1) by redesignating the item relating to section
4 509 as relating to section 510; and

5 (2) by inserting after the item relating to sec-
6 tion 508 the following new item:

“Sec. 509. Training and education programs of employing offices.”.

7 **SEC. 305. RENAMING OFFICE OF COMPLIANCE AS OFFICE**
8 **OF CONGRESSIONAL WORKPLACE RIGHTS.**

9 (a) RENAMING.—Section 301 of the Congressional
10 Accountability Act of 1995 (2 U.S.C. 1381 et seq.) is
11 amended—

12 (1) in the heading, by striking “**OFFICE OF**
13 **COMPLIANCE**” and inserting “**OFFICE OF CON-**
14 **GRESSIONAL WORKPLACE RIGHTS**”; and

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

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

21 (1) In section 101(1) (2 U.S.C. 1301(1)), by
22 striking “Office of Compliance” and inserting “Of-
23 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(c)(4) (2 U.S.C.
 13 1384(c)(4)), by striking “Office of Compliance” and
 14 inserting “Office of Congressional Workplace
 15 Rights”.

16 (13) In section 304(c)(5) (2 U.S.C.
 17 1384(c)(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 head-
 23 ing 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, this
12 Act and the amendments made by this Act shall take ef-
13 fect upon the expiration of the 180-day period which be-
14 gins on the date of the enactment of this Act.

15 (b) NO EFFECT ON PENDING PROCEEDINGS.—Noth-
16 ing in this Act or the amendments made by this Act may
17 be construed to affect any proceeding under title IV of
18 the Congressional Accountability Act of 1995 which is
19 pending as of the date of the enactment of this Act.

Passed the House of Representatives February 6,
2018.

Attest:

KAREN L. HAAS,

Clerk.