H. R. 4822

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.

IN THE HOUSE OF REPRESENTATIVES

JANUARY 18, 2018

Mr. Harper (for himself, Mr. Brady of Pennsylvania, Mr. Rodney Davis of Illinois, Ms. Lofgren, Mrs. Comstock, Mr. Raskin, Mr. Walker, Mr. Smith of Nebraska, Mr. Loudermilk, Mr. Byrne, Ms. Speier, Mr. Deutch, and Mrs. Brooks of Indiana) introduced the following bill; which was referred to the Committee on House Administration, and in addition to the Committees on Ethics, Oversight and Government Reform, and Ways and Means, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

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.
Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

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

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

(b) REFERENCES IN ACT.—Except as otherwise expressly provided, whenever in this Act an amendment is expressed in terms of an amendment to or repeal of a section or other provision, the reference shall be considered to be made to that section or other provision of the Congressional Accountability Act of 1995 (2 U.S.C. 1301 et seq.).

(c) TABLE OF CONTENTS.—The table of contents of 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 violations.

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 personally by Members.

Sec. 112. Automatic referral to congressional ethics committees of disposition of certain claims alleging violations of Congressional Accountability Act of 1995 involving Members of Congress.

Sec. 113. Availability of remote work assignment or paid leave of absence during 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. Semiannual 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—HOUSE OF REPRESENTATIVES REFORMS

Sec. 401. Mandatory anti-harassment and anti-discrimination policies for House offices.
Sec. 402. Office of Employee Advocacy.
Sec. 403. Functions of Office of House Employment Counsel.
Sec. 404. Requiring inclusion of certifications on payroll authorization forms of House of Representatives of no connection between payroll actions and claims relating to Congressional Accountability Act of 1995.
Sec. 405. Sexual harassment as violation of House Code of Official Conduct.
Sec. 407. Effect of filing of claim under Congressional Accountability Act of 1995 on authority of Office of Congressional Ethics to consider claims.
Sec. 409. Exercise of rulemaking authority.

TITLE V—EFFECTIVE DATE

Sec. 501. Effective date.
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 VIOLATIONS.

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

"SEC. 401. PROCEDURE FOR CONSIDERATION OF ALLEGED VIOLATIONS.

"(a) FILING AND INVESTIGATION OF CLAIMS.—Except as otherwise provided, the procedure for consideration of an alleged violation of part A of title II consists of—

"(1) the filing of a claim by the covered employee alleging the violation, as provided in section 402;

"(2) an investigation of the claim, to be conducted by the General Counsel as provided in section 403; and

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

“(A) that there is reasonable cause to believe that the employing office involved committed a violation of part A of title II as alleged in the covered employee’s claim; or

“(B) that the General Counsel cannot determine whether or not there is reasonable cause to believe that the employing office committed a violation of part A of title II as alleged in the covered employee’s claim.

“(b) Right of Employee To File Civil Action.—

“(1) Civil action.—A covered employee who files a claim as provided in section 402 may, during the period described in paragraph (3), file a civil action in a District Court of the United States with respect to the alleged violation involved, as provided in section 408.

“(2) Effect of filing civil action.—Notwithstanding paragraph (2) or paragraph (3) of subsection (a), if the covered employee files such a civil action—

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

“(B) the procedure for consideration of the alleged violation shall not include any further investigation of the claim by the General Counsel as provided in section 403 or any subsequent formal hearing as provided in section 405.

“(3) Period for filing civil action.—The period described in this paragraph with respect to a claim is the 30-day period which begins on the date the covered employee files the claim under section 402.

“(4) Special rule for employees receiving finding of no reasonable cause under investigation by General Counsel.—Notwithstanding paragraph (3), if a covered employee receives a written notice from the General Counsel under section 403(c)(3) that the employee has the right to file a civil action with respect to the claim in accordance with section 408, the covered employee may file the civil action not later than 90 days after receiving such written notice.
“(c) Special Rule for Architect of the Capitol and Capitol Police.—In the case of an employee of the Office of the Architect of the Capitol or of the Capitol Police, the Office, after receiving a claim filed under section 402, may recommend that the employee use the grievance procedures of the Architect of the Capitol or the Capitol Police for resolution of the employee’s grievance for a specific period of time.

“(d) Rights of Parties To Retain Private Counsel.—Nothing in this title may be construed to limit the authority of any individual, including a covered employee, the head of an employing office, or an individual who is alleged to have personally committed an act which consists of a violation of part A of title II to retain counsel to protect the interests of the individual at any point during any of the procedures provided under this title for the consideration of an alleged violation of part A of title II, including as provided under section 415(d)(7) with respect to Members of the House of Representatives and Senators.

“(e) Standards for Counsel Providing Representation.—Any counsel who represents a party in any of the procedures provided under this title shall have an obligation to ensure that, to the best of the counsel’s knowledge, information, and belief, as formed after an in-
quiry which is reasonable under the circumstances, each of the following is correct:

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

“(2) The claims, defenses, and other legal contentions the counsel advocates are warranted by existing law or by a nonfrivolous argument for extending, modifying, or reversing existing law or for establishing new law.

“(3) The factual contentions have evidentiary support or, if specifically so identified, will likely have evidentiary support after a reasonable opportunity for further investigation or discovery.

“(4) The denials of factual contentions are warranted on the evidence or, if specifically so identified, are reasonably based on belief or a lack of information.”.

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

(1) by striking “section 404” and inserting “section 401”;
(2) by striking “who has completed counseling under section 402 and mediation under section 403”; and

(3) by striking the second sentence.

(c) OTHER CONFORMING AMENDMENTS.—Title IV is amended—

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

and

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

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

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

and

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

SEC. 102. REFORM OF PROCESS FOR INITIATION OF PROCEDURES.

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

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

“(b) Initial Processing of Claim.—Upon the filing of a claim by a covered employee under subsection (a), the Office shall take such steps as may be necessary for the initial intake and recording of the claim, including providing the employee with all relevant information with respect to the rights of the employee under this title, and shall notify the head of the employing office of the claim.

“(c) Use of Electronic Reporting and Tracking System.—

“(1) Establishment and operation of system.—The Office shall establish and operate an electronic reporting system through which a covered employee may initiate a proceeding under this title, and which will keep an electronic record of the date and time at which the proceeding is initiated and will track all subsequent actions or proceedings occurring with respect to the proceeding under this title.

“(2) Accessibility to all parties.—The system shall be accessible to all parties to such actions or proceedings, but only until the completion of such actions or proceedings.
“(d) **DEADLINE.**—A covered employee may not file a claim under this section with respect to an allegation of a violation of law after the expiration of the 180-day period which begins on the date of the alleged violation.

“(e) **NO EFFECT ON ABILITY OF COVERED EMPLOYEE TO SEEK INFORMATION FROM OFFICE OR PURSUE RELIEF.**—Nothing in this section may be construed to limit the ability of a covered employee—

“(1) to contact the Office or any other appropriate office prior to filing a claim under this section to seek information regarding the employee’s rights under this Act and the procedures available under this title;

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

“(3) to file a civil action in accordance with section 401(b).”.

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

“Sec. 402. Initiation of procedures.”.
SEC. 103. INVESTIGATION OF CLAIMS BY GENERAL COUNSEL.

(a) Investigations Described.—Title IV (2 U.S.C. 1401 et seq.), as amended by section 101(b), is further amended by inserting after section 402 the following new section:

“SEC. 403. INVESTIGATION OF CLAIMS.

“(a) Investigation.—Upon the completion of the initial processing of a claim under section 402(b), the General Counsel shall conduct an investigation of the claim involved.

“(b) Subpoenas.—To carry out an investigation under this section, the General Counsel may issue subpoenas in the same manner, and subject to the same terms and conditions, as a hearing officer may issue subpoenas to carry out discovery with respect to a hearing under section 405, except that the General Counsel may issue such a subpoena on the General Counsel’s own initiative, without regard to whether or not a party requests that the General Counsel issue the subpoena. It is the sense of Congress that the General Counsel should issue subpoenas under this subsection only to the extent that other methods of obtaining information with respect to an investigation are insufficient to enable the General Counsel to conclude the investigation within the deadline described in subsection (e).
“(c) REPORT; FINDINGS.—

“(1) REPORT.—Upon concluding an investigation of a claim under this section, the General Counsel shall transmit a written report on the results of the investigation to the covered employee and the employing office involved.

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

“(A) A finding that there is reasonable cause to believe that the employing office committed a violation of part A of title II, as alleged in the covered employee’s claim.

“(B) A finding that there is no reasonable cause to believe that the employing office committed a violation of part A of title II, as alleged in the covered employee’s claim.

“(C) A finding that the General Counsel cannot determine whether or not there is reasonable cause to believe that the employing office committed a violation of part A of title II, as alleged in the covered employee’s claim.

“(3) NOTICE OF RIGHT TO FILE CIVIL ACTION.—If the General Counsel transmits a finding under subparagraph (B) of paragraph (2), the Gen-
eral Counsel shall also transmit to the covered em-
ployee a written notice that the employee has the
right to file a civil action with respect to the claim
under section 408.

“(4) Transmission to Executive Director.—If the General Counsel transmits a finding
under subparagraph (A) or subparagraph (C) of
paragraph (2), the General Counsel shall also trans-
mit the report to the Executive Director.

“(5) Transmission of Report on Investigation of Certain Claims to Congressional Ethics Committees.—In the case of a report furnished
under paragraph (1) on the results of an investiga-
tion of a claim alleging a violation of section 201(a)
which consists of an act committed personally by a
Member of the House of Representatives (including
a Delegate or Resident Commissioner to the Con-
gress) or a Senator, the General Counsel shall trans-
mit the report to—

“(A) the Committee on Ethics of the
House of Representatives, in the case of a
Member of the House (including a Delegate or
Resident Commissioner to the Congress); or

“(B) the Select Committee on Ethics of
the Senate, in the case of a Senator.
“(d) **Recommendation of Mediation.**—At any time during the investigation of a claim under this section, the General Counsel may make a recommendation that the covered employee and the employing office pursue mediation under section 404 with respect to the claim.

“(e) **Deadline for Concluding Investigation.**—The General Counsel shall conclude the investigation of a claim under this subsection, and transmit the report on the results of the investigation, not later than 90 days after the claim is filed under section 402, except that the General Counsel may (upon notice to the parties to the investigation) use an additional period of not to exceed 30 days to conclude the investigation.”.

(b) **Conforming Amendments Relating to Hearings Conducted by Office of Compliance.**—Section 405 (2 U.S.C. 1405) is amended as follows:

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

(2) By amending subsection (a) to read as follows:

“(a) **Requirement for Office To Conduct Hearings.**—

“(1) **Hearing required upon certain findings by General Counsel.**—
“(A) IN GENERAL.—If the General Counsel transmits to the Executive Director a report on the investigation of a claim under section 403 which includes a finding described in subparagraph (B), the Office shall conduct a hearing to consider the claim and render a decision.

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

“(i) a finding under section 403(c)(2)(A) that there is reasonable cause to believe that an employing office committed a violation of part A of title II, as alleged in a claim filed by a covered employee; or

“(ii) a finding under section 403(c)(2)(C) that the General Counsel cannot determine whether or not there is reasonable cause to believe that the employing office committed a violation of part A of title II, as alleged in the covered employee’s claim.”.

(3) In subsection (c)(1), by striking “complaint” and inserting “claim”.

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

(5) In subsection (d)(2), by striking “no later than 60 days after filing of the complaint” and inserting “no later than 60 days after the Executive Director receives the General Counsel’s report on the investigation of the claim”.

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

(c) Other Conforming Amendment.—The heading of section 414 (2 U.S.C. 1414) is amended by striking “OF COMPLAINTS”.

(d) Clerical Amendments.—The table of contents, as amended by section 101(c), is further amended as follows:

(1) By inserting after the item relating to section 402 the following new item:

“Sec. 403. Investigation of claims.”.

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

“Sec. 405. Hearing.”.

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

“Sec. 414. Settlement.”.
SEC. 104. AVAILABILITY OF MEDIATION DURING INVESTIGATIONS.

(a) Option To Request Mediation.—Section 404(a) (2 U.S.C. 1404(a)), as redesignated by section 101(c), is amended to read as follows:

“(a) Availability of Mediation During Investigation.—At any time during the investigation of a covered employee’s claim under section 403, the covered employee and the employing office may jointly file a request for mediation with the Office.”.

(b) Period of Mediation.—The second sentence of section 404(c) (2 U.S.C. 1404(c)), as redesignated by section 101(c), is amended to read as follows: “The mediation period may be extended for one additional period of 30 days at the joint request of the covered employee and employing office.”.

(c) Requiring Parties To Be Separated During Mediation at Request of Employee.—Section 404(b)(2) (2 U.S.C. 1404(b)(2)), as redesignated by section 101(c), is amended by striking “meetings with the parties separately or jointly” and inserting “meetings with the parties during which, at the request of the covered employee, the parties shall be separated,”.
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 PERSONALLY BY MEMBERS.

(a) Mandating Reimbursement of Amounts Paid.—Section 415 (2 U.S.C. 1415) is amended by adding at the end the following new subsection:

“(d) Reimbursement by Members of Congress of Amounts Paid as Settlements and Awards.—

“(1) Reimbursement required for certain violations.—

“(A) In general.—If a payment is made from the account described in subsection (a) for an award or settlement in connection with a claim alleging a violation described in subparagraph (B) which consists of an act committed personally by an individual who, at the time of committing the act, was a Member of the House of Representatives (including a Delegate or Resident Commissioner to the Congress) or a Senator, the individual shall reimburse the account for the amount of the award or settlement.
“(B) Violations described.—A violation described in this subparagraph is—

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

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

“(2) Withholding amounts from salary.—

“(A) Establishment of timetable and procedures by committees.—For purposes of carrying out subparagraph (B), the applicable Committee shall establish a timetable and procedures for the withholding of amounts from the compensation of an individual who is a Member of the House of Representatives or a Senator.

“(B) Deadline.—The payroll administrator shall withhold from an individual’s compensation and transfer to the account described in subsection (a) (after transferring any amounts to the account of the individual in the Thrift Savings Fund) such amounts as may be necessary to reimburse the account for the pay-
ment of an award or settlement described in paragraph (1) if the individual has not reimbursed the account as required under paragraph (1) prior to the expiration of the 90-day period which begins on the date a payment is made from the account for such an award or settlement.

“(C) APPLICABLE COMMITTEE DEFINED.—

In this paragraph, the ‘applicable Committee’ means—

“(i) the Committee on House Administration of the House of Representatives, in the case of an individual who, at the time of the withholding, is a Member of the House; or

“(ii) the Committee on Rules and Administration of the Senate, in the case of an individual who, at the time of the withholding, is a Senator.

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

“(A) IN GENERAL.—If, by the expiration of the 180-day period which begins on the date a payment is made from the account described in subsection (a) for an award or settlement de-
scribed in paragraph (1), an individual who is a Member of the House of Representatives or a Senator has not reimbursed the account as required under paragraph (1), the Executive Director of the Federal Retirement Thrift Investment Board shall make a transfer, from the account of the individual in the Thrift Savings Fund to the account described in subsection (a), of an amount equal to the award or settlement (reduced by any amount the individual has reimbursed, taking into account any amounts withheld under paragraph (2)).

“(B) INITIATION OF TRANSFER.—A transfer under subparagraph (A) shall be initiated by a written request to the Executive Director from the Secretary of the Treasury in the form and manner required by the Executive Director.

“(4) NOTIFICATION TO OFFICE OF PERSONNEL MANAGEMENT AND SECRETARY OF THE TREASURY.—If, at the time an individual is first no longer receiving compensation as a Member or a Senator, the amounts withheld under this subsection have not been sufficient to reimburse the account described in subsection (a) for an award or settlement described in paragraph (1), the payroll administrator—
“(A) shall notify the Director of the Office of Personnel Management, who shall take such actions as the Director considers appropriate to withhold from any annuity payable to the individual under chapter 83 or chapter 84 of title 5, United States Code, and transfer to the account described in subsection (a), such amounts as may be necessary to reimburse the account for the payment; and

“(B) shall notify the Secretary of the Treasury, who (if necessary), notwithstanding section 207 of the Social Security Act (42 U.S.C. 407), shall take such actions as the Secretary of the Treasury considers appropriate to withhold from any payment to the individual under title II of the Social Security Act and transfer to the account described in subsection (a), such amounts as may be necessary to reimburse the account for the payment.

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

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

“(A) in the case of an individual who is a Member of the House of Representatives, the Chief Administrative Officer of the House of Representatives, or an employee of the Office of the Chief Administrative Officer who is designated by the Chief Administrative Officer to carry out this subsection; or

“(B) in the case of an individual who is a Senator, the Secretary of the Senate, or an employee of the Office of the Secretary of the Senate who is designated by the Secretary to carry out this subsection.

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

(b) Conforming Amendment Relating to Thrift Savings Fund.—Section 8437(e) of title 5, United States Code, is amended by striking “or an obligation” and inserting the following: “an obligation of the Executive Director to make a transfer under section 415(d)(3) of the Congressional Accountability Act of 1995, or an obligation”.

(e) Effective Date.—The amendments made by subsection (a) shall apply with respect to payments made on or after the date of the enactment of this Act.

SEC. 112. AUTOMATIC REFERRAL TO CONGRESSIONAL ETHICS COMMITTEES OF DISPOSITION OF CERTAIN CLAIMS ALLEGING VIOLATIONS OF CONGRESSIONAL ACCOUNTABILITY ACT OF 1995 INVOLVING MEMBERS OF CONGRESS.

Section 416(e) (2 U.S.C. 1416(d)) is amended to read as follows:
“(e) Automatic Referrals to Congressional Ethics Committees of Dispositions of Claims Involving Members of Congress.—

“(1) Referral.—Upon the final disposition under this title of a claim alleging a violation described in section 415(d)(1)(B) which consists of an act committed personally by a Member of the House of Representatives (including a Delegate or Resident Commissioner to the Congress) or a Senator, the Executive Director shall refer the claim to—

“(A) the Committee on Ethics of the House of Representatives, in the case of a Member of the House (including a Delegate or Resident Commissioner to the Congress); or

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

“(2) Access to Records and Information.—If the Executive Director refers a claim to a Committee under paragraph (1), the Executive Director shall provide the Committee with access to the records of any investigations, hearings, or decisions of the hearing officers and the Board under this title, and any information relating to an award or settlement paid, in response to such claim.
“(3) Protection of personally identifiable information.—If a Committee to which a claim is referred under paragraph (1) issues a report with respect to the claim, the Committee shall ensure that the report does not directly disclose the identity or position of the individual who filed the claim.

“(4) Final disposition described.—In this subsection, the ‘final disposition’ of a claim means any of the following:

“(A) An order or agreement to pay an award or settlement.

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

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

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

SEC. 113. AVAILABILITY OF REMOTE WORK ASSIGNMENT OR PAID LEAVE OF ABSENCE DURING PENDENCY OF PROCEDURES.

(a) In general.—Title IV (2 U.S.C. 1401 et seq.) is amended by adding at the end the following new section:
“SEC. 417. AVAILABILITY OF REMOTE WORK ASSIGNMENT
OR PAID LEAVE OF ABSENCE DURING PENDENCY OF PROCEDURES.

“(a) Options for Employees.—

“(1) Remote Work Assignment.—At the request of a covered employee who files a claim alleging a violation of part A of title II by the covered employee’s employing office, during the pendency of any of the procedures available under this title for consideration of the claim, the employing office may permit the covered employee to carry out the employee’s responsibilities from a remote location instead of from the location of the employing office.

“(2) Exception for Work Assignments Required to Be Carried Out Onsite.—If, in the determination of the covered employee’s employing office, a covered employee who makes a request under this subsection cannot carry out the employee’s responsibilities from a remote location, the employing office may grant paid leave of absence to a covered employee during the pendency of the procedures available under this title for the covered employee.

“(3) Ensuring No Retaliation.—An employing office may not grant a covered employee’s request under this subsection in a manner which
would constitute reprisal or retaliation under section 207.

“(b) Exception for Arrangements Subject to Collective Bargaining Agreements.—Subsection (a) does not apply to the extent that it is inconsistent with the terms and conditions of any collective bargaining agreement which is in effect with respect to an employing office.”

(b) Clerical Amendment.—The table of contents is amended by adding at the end of the items relating to title IV the following new item:

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


(a) Claims and Investigations.—Section 416(a) (2 U.S.C. 1416(a)) is amended to read as follows:

“(a) Claims and Investigations.—The filing of a claim under section 402 and any investigation of a claim under section 403 shall be confidential. Nothing in this subsection may be construed to prohibit a covered employee or an employing office from disclosing any information related to the claim (including information related to the defense of the claim) in the course of any proceeding under this title.”.
(b) Mediation.—Section 416(b) (2 U.S.C. 1416(b)) is amended by striking “All mediation” and inserting “All information discussed or disclosed in the course of any mediation”.

SEC. 115. REIMBURSEMENT BY OTHER EMPLOYING OFFICES OF LEGISLATIVE BRANCH OF PAYMENTS OF CERTAIN AWARDS AND SETTLEMENTS.

(a) Requiring Reimbursement.—Section 415 (2 U.S.C. 1415), as amended by section 111, is further amended by adding at the end the following new subsection:

“(e) Reimbursement by Employing Offices.—

“(1) Notification of payments made from account.—As soon as practicable after the Executive Director is made aware that a payment of an award or settlement under this chapter has been made from the account described in subsection (a) in connection with a claim alleging a violation of section 201(a) by an employing office (other than an employing office of the House of Representatives or an employing office of the Senate), the Executive Director shall notify the head of the employing office that the payment has been made, and shall include
in the notification a statement of the amount of the payment.

“(2) Reimbursement by Office.—Not later than 180 days after receiving a notification from the Executive Director under paragraph (1), the head of the employing office involved shall transfer to the account described in subsection (a), out of any funds available for operating expenses of the office, a payment equal to the amount specified in the notification.

“(3) Timetable and Procedures for Reimbursement.—The head of an employing office shall transfer a payment under paragraph (2) in accordance with such timetable and procedures as may be established under regulations promulgated by the Office.”.

(b) Effective Date.—The amendment made by subsection (a) shall apply with respect to payments made under section 415 of the Congressional Accountability Act of 1995 on or after the date of the enactment of this Act.
TITLE II—IMPROVING OPERATIONS OF OFFICE OF COMPLIANCE

SEC. 201. SEMIANNUAL REPORTS ON CLAIMS, AWARDS, AND SETTLEMENTS.

(a) Requiring Submission and Publication of Reports.—Section 301(h) (2 U.S.C. 1381(h)) is amended—

(1) by striking “and” at the end of paragraph (2);

(2) by striking the period at the end of paragraph (3) and inserting “; and”; and

(3) by adding at the end the following new paragraph:

“(4) in addition to compiling and publishing the statistics described in paragraph (3), not later than 45 days after the first 6-month period of each calendar year, and not later than 45 days after the next 6-month period of each calendar year, submit to Congress and publish on the Office’s public website a report listing each award or settlement which was paid during the previous year from the account described in section 415(a) as the result of a claim alleging a violation of part A of title II, including the employing office involved, the amount of
the award or settlement, the provision of part A of title II which was the subject of the claim, and (in the case of an award or settlement resulting from a violation described in section 415(d)(1)(B) which was committed personally by a Member or former Member of Congress), whether the Member or former Member has met the requirement of section 415(d) to reimburse the account for the amount of the award or settlement, except that such report may not disclose the identity or position of an individual who filed the claim.”.

(b) Effective Date.—The amendment made by subsection (a) shall apply with respect to 2018 and each succeeding year.

SEC. 202. WORKPLACE CLIMATE SURVEYS OF EMPLOYING OFFICES.

(a) Requiring Surveys.—Title III (2 U.S.C. 1381 et seq.) is amended by adding at the end the following new section:

“SEC. 307. WORKPLACE CLIMATE SURVEYS OF EMPLOYING OFFICES.

“(a) Requirement To Conduct Surveys.—Not later than 1 year after the date of the enactment of this section, and every 2 years thereafter, the Office shall con-
duct a survey of employing offices under this Act regarding the workplace environment of such offices.

“(b) SPECIAL INCLUSION OF INFORMATION ON SEXUAL HARASSMENT.—In each survey conducted under this section, the Office shall survey respondents on attitudes regarding sexual harassment.

“(c) METHODOLOGY.—

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

“(2) CONFIDENTIALITY.—Under the methodologies established under paragraph (1), all responses to all portions of the survey shall be anonymous and confidential, and each respondent shall be told throughout the survey that all responses shall be anonymous and confidential.

“(d) USE OF RESULTS OF SURVEYS.—The Office shall furnish the information obtained from the surveys conducted under this section to the Committee on House Administration of the House of Representatives and the Committee on Homeland Security and Governmental Affairs of the Senate.

“(e) CONSULTATION WITH COMMITTEES.—The Office shall carry out this section, including establishment of methodologies and procedures under subsection (c), in
consultation with the Committee on House Administration of the House of Representatives and the Committee on Homeland Security and Governmental Affairs of the Senate.

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

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

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

SEC. 203. RECORD RETENTION.

Section 301 (2 U.S.C. 1381) is amended by adding at the end the following new subsection:

“(l) RECORD RETENTION.—The Office shall establish and maintain a program for the permanent retention of its records, including the records of investigations, mediations, hearings, and other proceedings conducted under title IV.”.

SEC. 204. GAO STUDY OF MANAGEMENT PRACTICES.

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

(b) REPORT TO CONGRESS.—Not later than 180 days after the date of the enactment of this Act, the Comptroller General of the United States shall submit to Con-
gress a report on the study conducted under subsection (a), and shall include in the report such recommendations as the Comptroller General considers appropriate for improvements to the management practices of the Office of Compliance.

SEC. 205. GAO AUDIT OF CYBERSECURITY.

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

(b) REPORT TO CONGRESS.—Not later than 180 days after the date of the enactment of this Act, the Comptroller General of the United States shall submit to Congress a report on the audit conducted under subsection (a), and shall include in the report such recommendations as the Comptroller General considers appropriate for improvements to the cybersecurity systems and practices of the Office of Compliance.

TITLE III—MISCELLANEOUS REFORMS

SEC. 301. EXTENSION TO UNPAID STAFF OF RIGHTS AND PROTECTIONS AGAINST EMPLOYMENT DISCRIMINATION.

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

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

(b) Technical Correction Relating to Office Responsible for Disbursement of Pay to House Employees.—Section 101(7) (2 U.S.C. 1301(7)) is amended by striking “disbursed by the Clerk of the House of Representatives” and inserting “disbursed by the Chief Administrative Officer of the House of Representatives”.

SEC. 302. COVERAGE OF EMPLOYEES OF LIBRARY OF CONGRESS.

(a) Coverage for Purposes of Protections Against Workplace Discrimination.—Section 201 (2 U.S.C. 1311), as amended by section 301(a), is further amended—

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

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

“(e) Coverage of Library of Congress.—For purposes of this section—

“(1) the Library of Congress shall be considered an employing office; and
“(2) the employees of the Library of Congress shall be considered covered employees.”.

(b) CONFORMING AMENDMENT RELATING TO SPECIAL RULE FOR AVAILABLE PROCEDURES.—Section 401(c) (2 U.S.C. 1401(c)), as amended by section 101(a), is amended—

(1) in the heading, by striking “ARCHITECT OF THE CAPITOL AND CAPITOL POLICE” and inserting “ARCHITECT OF THE CAPITOL, CAPITOL POLICE, AND LIBRARY OF CONGRESS”; and

(2) by striking “the Office of the Architect of the Capitol or of the Capitol Police” and inserting “the Office of the Architect of the Capitol, the Capitol Police, or the Library of Congress”; and

(3) by striking “Architect of the Capitol or the Capitol Police” and inserting “Architect of the Capitol, the Capitol Police, or the Library of Congress (as the case may be)”.

(c) EFFECTIVE DATE.—

(1) IN GENERAL.—The amendments made by subsection (a) shall apply with respect to claims alleging violations of part A of title II of the Congressional Accountability Act of 1995 which are first made on or after the date of the enactment of this Act.
(2) Treatment of pending claims under existing procedures.—If, as of the date of the enactment of this Act, an employee of the Library of Congress has or could have filed a charge or complaint pursuant to procedures of the Library of Congress which were available to the employee prior to such date for the resolution of a claim alleging a violation of a provision of law made applicable to the Library under section 201(a) (including procedures applicable pursuant to a collective bargaining agreement), the employee may complete, or initiate and complete, all such procedures, and such procedures shall remain in effect with respect to, and provide the exclusive procedures for, that charge or complaint until the completion of all such procedures.

SEC. 303. CLARIFICATION OF COVERAGE OF EMPLOYEES OF HELSINKI AND CHINA COMMISSIONS.

(a) Clarification of coverage.—Section 101 (2 U.S.C. 1301) is amended—

(1) by striking “Except as otherwise” and inserting “(a) In general.—Except as otherwise”; and

(2) by adding at the end the following new sub-section:
“(b) Clarification of Coverage of Employees of Certain Commissions.—

“(1) Coverage.—With respect to the China Review Commission, the Congressional-Executive China Commission, and the Helsinki Commission—

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

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

“(2) Authority to Provide Legal Assistance and Representation.—Subject to paragraph (3), legal assistance and representation under this Act, including assistance and representation with respect to the proposal or acceptance of the disposition of a claim under this Act, shall be provided to the China Review Commission, the Congressional-Executive China Commission, and the Helsinki Commission—

“(A) by the House Employment Counsel of the House of Representatives, in the case of assistance and representation in connection with a claim filed under title IV (including all subsequent proceedings under such title in connection with the claim) at a time when the chair
of the Commission is a Member of the House;

or

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

“(3) DEFINITIONS.—In this subsection—

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

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

“(C) the term ‘Helsinki Commission’
means the Commission on Security and Co-
operation in Europe established under the Act

(b) COVERAGE OF STENNIS CENTER.—

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

(A) by striking “or” at the end of subparagraph (H);

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

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

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

(2) TREATMENT OF CENTER AS EMPLOYING OFFICE.—Section 101(9)(D) (2 U.S.C. 1301(9)(D)) is amended by striking “and the Office of Technology Assessment” and inserting the following: “the Office of Technology Assessment, and the John C. Stennis Center for Public Service Training and Development”.

(e) EFFECTIVE DATE.—The amendments made by this section shall take effect as if included in the enactment of the Congressional Accountability Act of 1995.
SEC. 304. TRAINING AND EDUCATION PROGRAMS OF OTHER EMPLOYING OFFICES.

(a) Requiring Offices To Develop And Implement Programs.—Title V (2 U.S.C. 1431 et seq.) is amended—

(1) by redesignating section 509 as section 510;

and

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

"SEC. 509. TRAINING AND EDUCATION PROGRAMS OF EMPLOYING OFFICES.

"(a) Requiring Offices To Develop And Implement Programs.—Each employing office shall develop and implement a program to train and educate covered employees of the office in the rights and protections provided under this Act, including the procedures available under title IV to consider alleged violations of this Act.

"(b) Report To Committees.—

"(1) In General.—Not later than 45 days after the beginning of each Congress (beginning with the One Hundred Sixteenth Congress), each employing office shall submit a report to the Committee on House Administration of the House of Representatives and the Committee on Rules and Administration of the Senate on the implementation of the program required under subsection (a)."
“(2) Special rule for first report.—Not later than 180 days after the date of the enactment of the Congressional Accountability Act of 1995 Reform Act, each employing office shall submit the report described in paragraph (1) to the Committees described in such paragraph.

“(c) Exception for Offices of Congress.—This section does not apply to an employing office of the House of Representatives or an employing office of the Senate.”.

(b) Clerical Amendment.—The table of contents is amended—

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

(2) by inserting after the item relating to section 508 the following new item:

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

SEC. 305. RENAMING OFFICE OF COMPLIANCE AS OFFICE OF CONGRESSIONAL WORKPLACE RIGHTS.

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

(1) in the heading, by striking “OFFICE OF COMPLIANCE” and inserting “OFFICE OF CONGRESSIONAL WORKPLACE RIGHTS”; and
(2) in subsection (a), by striking “Office of Compliance” and inserting “Office of Congressional Workplace Rights”.

(b) CONFORMING AMENDMENTS TO CONGRESSIONAL ACCOUNTABILITY ACT OF 1995.—The Congressional Accountability Act of 1995 is amended as follows:

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

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


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


(11) In the heading of title III, by striking “OFFICE OF COMPLIANCE” and inserting “OFFICE OF CONGRESSIONAL WORKPLACE RIGHTS”.

(12) In section 304(c)(4) (2 U.S.C. 1384(c)(4)), by striking “Office of Compliance” and inserting “Office of Congressional Workplace Rights”.
(13) In section 304(c)(5) (2 U.S.C. 1384(c)(5)), by striking “Office of Compliance” and inserting “Office of Congressional Workplace Rights”.

(c) Clerical Amendments.—The table of contents is amended—

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

“TITLE III—OFFICE OF CONGRESSIONAL WORKPLACE RIGHTS”;

and

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

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

(d) References in Other Laws, Rules, and Regulations.—Any reference to the Office of Compliance in any law, rule, regulation, or other official paper in effect as of the effective date of this Act shall be considered to refer and apply to the Office of Congressional Workplace Rights.

TITLE IV—HOUSE OF REPRESENTATIVES REFORMS

SEC. 401. MANDATORY ANTI-HARASSMENT AND ANTI-DISCRIMINATION POLICIES FOR HOUSE OFFICES.

(a) Requiring Offices To Adopt Policy.—Each employing office of the House of Representatives shall
adopt an anti-harassment and anti-discrimination policy for the office’s workplace.

(b) Regulations.—Not later than June 1, 2018, the Committee on House Administration shall promulgate regulations to carry out this section, and shall ensure that such regulations are consistent with the requirements of the Congressional Accountability Act of 1995, the Code of Official Conduct under rule XXIII of the Rules of the House of Representatives, and other relevant laws, rules, and regulations.

SEC. 402. OFFICE OF EMPLOYEE ADVOCACY.

(a) Establishment.—There is established in the Office of the Chief Administrative Officer of the House of Representatives the Office of Employee Advocacy (hereafter in this section referred to as the “Office”).

(b) Functions.—

(1) Legal Assistance, Consultation, and Representation.—Subject to subsection (c), the Office shall carry out the following functions:

(A) Providing legal assistance and consultation regarding procedures under the Congressional Accountability Act of 1995 and procedures applicable to civil actions arising from claims made under such Act, including—
(i) the roles and responsibilities of the Office of Compliance, the Office of the House Employment Counsel, and similar authorities;

(ii) any proceedings conducted under such Act or pursuant to a civil action which the employee may observe;

(iii) the authority of the General Counsel of the Office of Compliance to compel cooperation and testimony under an investigation conducted under section 403 of such Act and the authority of a hearing officer to compel cooperation and testimony under proceedings held under section 405 of such Act; and

(iv) the employee’s duties relating to such proceedings, including the responsibility to testify.

(B) Providing legal assistance and representation—

(i) in personal civil legal matters related to the employee’s claim under such Act (other than a civil action filed under section 408 of such Act); and
(ii) in any proceedings of the Office of Compliance, the Committee on Ethics of the House of Representatives (including the Office of Congressional Ethics), or any other administrative or judicial body related to the employee’s claim.

(C) Operating a hotline through which covered employees of the House may contact the Office.

(2) Authority to provide assistance in any jurisdiction.—Notwithstanding any law regarding the licensure of attorneys, an attorney who is employed by the Office and is authorized to provide legal assistance and representation under this section is authorized to provide that assistance and representation in any jurisdiction, subject to such regulations as may be prescribed by the Office.

(3) Nature of relationship.—The relationship between the Office and an employee to whom the Office provides legal assistance and representation under this section shall be the relationship between an attorney and client.

(4) Prohibiting acceptance of award of attorney fees or other costs.—The Office may not accept any award of attorney fees or other litiga-
tion expenses and costs under any hearing or civil
action brought under the Congressional Account-

(c) Prohibiting Provision of Assistance Upon
Filing of Civil Action.—If a covered employee of the
House who has filed a claim under section 402 of the Con-
gressional Accountability Act of 1995 files a civil action
with respect to the claim involved, as provided in section
408 of such Act, the Office may not provide assistance
under this section to the employee at any time after the
employee files such action.

(d) Director.—

(1) Appointment.—The Office shall be headed
by a Director who shall be appointed by the Chief
Administrative Officer of the House of Representa-
tives.

(2) Qualifications; Nonpartisanship of Position.—The individual appointed as Director shall
be a lawyer who is admitted to practice before the
United States District Court for the District of Co-
lumbia and who has experience in representing em-
ployees in workplace discrimination cases.

(3) Compensation.—The Director shall be
paid at an annual rate established by the Chief Ad-
ministrative Officer.
(4) REMOVAL.—The Director may be removed by the Chief Administrative Officer only for cause.

c (e) OTHER PERSONNEL.—Subject to regulations of the Committee on House Administration and with the approval of the Chief Administrative Officer, the Director may appoint and fix the compensation of such additional personnel as the Director determines to be necessary to carry out the functions of the Office.

(f) NONPARTISANSHIP OF POSITIONS.—The Director and the other personnel of the Office shall be appointed without regard to political affiliation and solely on the basis of fitness to perform the duties of the position.

SEC. 403. FUNCTIONS OF OFFICE OF HOUSE EMPLOYMENT COUNSEL.

(a) FUNCTIONS DESCRIBED.—The Office of the House Employment Counsel established under the Office of the Clerk of the House of Representatives shall carry out all of the functions which the Office carried out as of the date of the enactment of this Act, including the following:

(1) Providing legal assistance and representation to employing offices of the House with respect to allegations, claims, and civil actions under the Congressional Accountability Act of 1995 which are
brought by covered employees of the House under such Act.

(2) Providing employing offices of the House with confidential advice and counseling regarding compliance with employment laws.

(3) Providing training to managers and employees regarding employment law compliance.

(b) No Effect on Pending Proceedings.—Nothing in this section may be construed to affect any proceeding to which the Office is a party that is pending on the date of the enactment of this Act, including any suit to which the Office is a party that is commenced prior to such date.

SEC. 404. REQUIRING INCLUSION OF CERTIFICATIONS ON PAYROLL AUTHORIZATION FORMS OF HOUSE OF REPRESENTATIVES OF NO CONNECTION BETWEEN PAYROLL ACTIONS AND CLAIMS RELATING TO CONGRESSIONAL ACCOUNTABILITY ACT OF 1995.

(a) Requiring Inclusion of Certification on Forms.—The Chief Administrative Officer of the House of Representatives shall incorporate, as part of the Payroll Authorization Form used by an office of the House to register the appointment of an employee to the office or a
salary adjustment or title change with respect to an em-
ployee of the office—

(1) a certification to be made by the author-
izing official of the office that the appointment, sal-
ary adjustment, or title change is not made to pay
a settlement or award in connection with conduct
prohibited under the Congressional Accountability
Act of 1995; and

(2) in the case of an office of a Member of the
House, a certification by the Member that any
amounts in the Members’ Representational Allow-
ance for the office which may be used to carry out
the appointment, salary adjustment, or title change
are not being used to pay a settlement or award in
connection with conduct prohibited under such Act.

(b) REQUIRING CERTIFICATION AS CONDITION OF
PROCESSING PAYROLL ACTION.—The Chief Administra-
tive Officer may not process any Payroll Authorization
Form with respect to an office of the House if the Form
does not include the certifications required with respect
to that office under subsection (a).

SEC. 405. SEXUAL HARASSMENT AS VIOLATION OF HOUSE
CODE OF OFFICIAL CONDUCT.

Clause 9 of rule XXIII of the Rules of the House
of Representatives is amended by striking “such indi-
individual,” and inserting “such individual, including by committing an act of sexual harassment against such individual,”.

SEC. 406. SEXUAL RELATIONSHIPS BETWEEN HOUSE MEMBERS AND EMPLOYEES AND UNWELCOME SEXUAL ADVANCES AS VIOLATION OF HOUSE CODE OF OFFICIAL CONDUCT.

Rule XXIII of the Rules of the House of Representatives is amended—

(1) by redesignating clause 18 as clause 19;

and

(2) by inserting after clause 17 the following new clause:

“18. (a) A Member, Delegate, or Resident Commissioner may not engage in a sexual relationship with any employee of the House who works under the supervision of the Member, Delegate, or Resident Commissioner. This paragraph does not apply with respect to any relationship between two people who are married to each other.

“(b) A Member, Delegate, Resident Commissioner, officer, or employee of the House may not engage in unwelcome sexual advances or conduct towards another Member, Delegate, Resident Commissioner, officer, or employee of the House.”
“(c) In this clause, the term ‘employee’ includes an
applicant for employment, a paid or unpaid intern (including
an applicant for an internship), a detailee, and an indi-
vidual participating in a fellowship program.”.

SEC. 407. EFFECT OF FILING OF CLAIM UNDER CONGRES-
SIONAL ACCOUNTABILITY ACT OF 1995 ON
AUTHORITY OF OFFICE OF CONGRESSIONAL
ETHICS TO CONSIDER CLAIMS.

The Office of Congressional Ethics may not initiate
or continue any investigation of a claim alleging a violation
of law made applicable to employing offices of the House
of Representatives under part A of title II of the Congres-
sional Accountability Act of 1995, or make any rec-
ommendations regarding the disposition of such a claim,
if a covered employee files a claim with respect to the al-
leged violation under title IV of such Act.

SEC. 409. EXERCISE OF RULEMAKING AUTHORITY.

The provisions of this title are enacted—

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

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

**TITLE V—EFFECTIVE DATE**

**SEC. 501. EFFECTIVE DATE.**

(a) **IN GENERAL.**—Except as otherwise provided, this
Act and the amendments made by this Act shall take ef-
fect upon the expiration of the 180-day period which be-
gins on the date of the enactment of this Act.

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