

115TH CONGRESS
2D SESSION

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.

1 *Be it enacted by the Senate and House of Representa-*
 2 *tives of the United States of America in Congress assembled,*

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

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

7 (b) REFERENCES IN ACT.—Except as otherwise ex-
 8 pressly provided, whenever in this Act an amendment is
 9 expressed in terms of an amendment to or repeal of a sec-
 10 tion or other provision, the reference shall be considered
 11 to be made to that section or other provision of the Con-
 12 gressional Accountability Act of 1995 (2 U.S.C. 1301 et
 13 seq.).

14 (c) TABLE OF CONTENTS.—The table of contents of
 15 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.

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. 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. 406. Sexual relationships between House Members and employees and unwelcome sexual advances 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.

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—

15 “(1) the filing of a claim by the covered em-
16 ployee alleging the violation, as provided in section
17 402;

18 “(2) an investigation of the claim, to be con-
19 ducted by the General Counsel as provided in section
20 403; and

21 “(3) a formal hearing as provided in section
22 405, subject to Board review as provided in section
23 406, and judicial review in the United States Court
24 of Appeals for the Federal Circuit as provided in
25 section 407, but only if, pursuant to an investigation

1 conducted by the General Counsel as provided in
2 section 403, the General Counsel finds either—

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

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

12 “(b) RIGHT OF EMPLOYEE TO FILE CIVIL AC-
13 TION.—

14 “(1) CIVIL ACTION.—A covered employee who
15 files a claim as provided in section 402 may, during
16 the period described in paragraph (3), file a civil ac-
17 tion in a District Court of the United States with
18 respect to the alleged violation involved, as provided
19 in section 408.

20 “(2) EFFECT OF FILING CIVIL ACTION.—Not-
21 withstanding paragraph (2) or paragraph (3) of sub-
22 section (a), if the covered employee files such a civil
23 action—

24 “(A) the investigation of the claim by the
25 General Counsel as provided in section 403, or

1 any subsequent formal hearing as provided in
2 section 405, shall terminate upon the filing of
3 the action by the covered employee; and

4 “(B) the procedure for consideration of the
5 alleged violation shall not include any further
6 investigation of the claim by the General Coun-
7 sel as provided in section 403 or any subse-
8 quent formal hearing as provided in section
9 405.

10 “(3) PERIOD FOR FILING CIVIL ACTION.—The
11 period described in this paragraph with respect to a
12 claim is the 30-day period which begins on the date
13 the covered employee files the claim under section
14 402.

15 “(4) SPECIAL RULE FOR EMPLOYEES RECEIV-
16 ING FINDING OF NO REASONABLE CAUSE UNDER IN-
17 VESTIGATION BY GENERAL COUNSEL.—Notwith-
18 standing paragraph (3), if a covered employee re-
19 ceives a written notice from the General Counsel
20 under section 403(c)(3) that the employee has the
21 right to file a civil action with respect to the claim
22 in accordance with section 408, the covered employee
23 may file the civil action not later than 90 days after
24 receiving such written notice.

1 “(c) SPECIAL RULE FOR ARCHITECT OF THE CAP-
2 ITOL AND CAPITOL POLICE.—In the case of an employee
3 of the Office of the Architect of the Capitol or of the Cap-
4 itol Police, the Office, after receiving a claim filed under
5 section 402, may recommend that the employee use the
6 grievance procedures of the Architect of the Capitol or the
7 Capitol Police for resolution of the employee’s grievance
8 for a specific period of time.

9 “(d) RIGHTS OF PARTIES TO RETAIN PRIVATE
10 COUNSEL.—Nothing in this title may be construed to limit
11 the authority of any individual, including a covered em-
12 ployee, the head of an employing office, or an individual
13 who is alleged to have personally committed an act which
14 consists of a violation of part A of title II to retain counsel
15 to protect the interests of the individual at any point dur-
16 ing any of the procedures provided under this title for the
17 consideration of an alleged violation of part A of title II,
18 including as provided under section 415(d)(7) with respect
19 to Members of the House of Representatives and Senators.

20 “(e) STANDARDS FOR COUNSEL PROVIDING REP-
21 RESENTATION.—Any counsel who represents a party in
22 any of the procedures provided under this title shall have
23 an obligation to ensure that, to the best of the counsel’s
24 knowledge, information, and belief, as formed after an in-

1 query which is reasonable under the circumstances, each
2 of the following is correct:

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

7 “(2) The claims, defenses, and other legal con-
8 tentions the counsel advocates are warranted by ex-
9 isting law or by a nonfrivolous argument for extend-
10 ing, modifying, or reversing existing law or for es-
11 tablishing new law.

12 “(3) The factual contentions have evidentiary
13 support or, if specifically so identified, will likely
14 have evidentiary support after a reasonable oppor-
15 tunity for further investigation or discovery.

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

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

22 (1) by striking “section 404” and inserting
23 “section 401”;

1 (2) by striking “who has completed counseling
2 under section 402 and mediation under section
3 403”; and

4 (3) by striking the second sentence.

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

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

9 (2) by redesignating section 403 (2 U.S.C.
10 1403) as section 404.

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

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

15 (2) by redesignating the item relating to section
16 403 as relating to section 404.

17 **SEC. 102. REFORM OF PROCESS FOR INITIATION OF PROCE-**
18 **DURES.**

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

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

22 “(a) INTAKE OF CLAIM BY OFFICE.—To commence
23 a proceeding under this title, a covered employee alleging
24 a violation of law made applicable under part A of title
25 II shall file a claim with the Office. The claim shall be

1 made in writing under oath or affirmation, and shall be
2 in such form as the Office requires.

3 “(b) INITIAL PROCESSING OF CLAIM.—Upon the fil-
4 ing of a claim by a covered employee under subsection (a),
5 the Office shall take such steps as may be necessary for
6 the initial intake and recording of the claim, including pro-
7 viding the employee with all relevant information with re-
8 spect to the rights of the employee under this title, and
9 shall notify the head of the employing office of the claim.

10 “(c) USE OF ELECTRONIC REPORTING AND TRACK-
11 ING SYSTEM.—

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

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

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

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

9 “(1) to contact the Office or any other appro-
10 priate office prior to filing a claim under this section
11 to seek information regarding the employee’s rights
12 under this Act and the procedures available under
13 this title;

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

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

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

“Sec. 402. Initiation of procedures.”.

1 **SEC. 103. INVESTIGATION OF CLAIMS BY GENERAL COUN-**
2 **SEL.**

3 (a) INVESTIGATIONS DESCRIBED.—Title IV (2
4 U.S.C. 1401 et seq.), as amended by section 101(b), is
5 further amended by inserting after section 402 the fol-
6 lowing new section:

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

8 “(a) INVESTIGATION.—Upon the completion of the
9 initial processing of a claim under section 402(b), the Gen-
10 eral Counsel shall conduct an investigation of the claim
11 involved.

12 “(b) SUBPOENAS.—To carry out an investigation
13 under this section, the General Counsel may issue sub-
14 poenas in the same manner, and subject to the same terms
15 and conditions, as a hearing officer may issue subpoenas
16 to carry out discovery with respect to a hearing under sec-
17 tion 405, except that the General Counsel may issue such
18 a subpoena on the General Counsel’s own initiative, with-
19 out regard to whether or not a party requests that the
20 General Counsel issue the subpoena. It is the sense of
21 Congress that the General Counsel should issue subpoenas
22 under this subsection only to the extent that other meth-
23 ods of obtaining information with respect to an investiga-
24 tion are insufficient to enable the General Counsel to con-
25 clude the investigation within the deadline described in
26 subsection (e).

1 “(c) REPORT; FINDINGS.—

2 “(1) REPORT.—Upon concluding an investiga-
3 tion of a claim under this section, the General Coun-
4 sel shall transmit a written report on the results of
5 the investigation to the covered employee and the
6 employing office involved.

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

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

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

18 “(C) A finding that the General Counsel
19 cannot determine whether or not there is rea-
20 sonable cause to believe that the employing of-
21 fice committed a violation of part A of title II,
22 as alleged in the covered employee’s claim.

23 “(3) NOTICE OF RIGHT TO FILE CIVIL AC-
24 TION.—If the General Counsel transmits a finding
25 under subparagraph (B) of paragraph (2), the Gen-

1 eral Counsel shall also transmit to the covered em-
2 ployee a written notice that the employee has the
3 right to file a civil action with respect to the claim
4 under section 408.

5 “(4) TRANSMISSION TO EXECUTIVE DIREC-
6 TOR.—If the General Counsel transmits a finding
7 under subparagraph (A) or subparagraph (C) of
8 paragraph (2), the General Counsel shall also trans-
9 mit the report to the Executive Director.

10 “(5) TRANSMISSION OF REPORT ON INVESTIGA-
11 TION OF CERTAIN CLAIMS TO CONGRESSIONAL ETH-
12 ICS COMMITTEES.—In the case of a report furnished
13 under paragraph (1) on the results of an investiga-
14 tion of a claim alleging a violation of section 201(a)
15 which consists of an act committed personally by a
16 Member of the House of Representatives (including
17 a Delegate or Resident Commissioner to the Con-
18 gress) or a Senator, the General Counsel shall trans-
19 mit the report to—

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

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

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

6 “(e) DEADLINE FOR CONCLUDING INVESTIGATION.—
7 The General Counsel shall conclude the investigation of
8 a claim under this subsection, and transmit the report on
9 the results of the investigation, not later than 90 days
10 after the claim is filed under section 402, except that the
11 General Counsel may (upon notice to the parties to the
12 investigation) use an additional period of not to exceed
13 30 days to conclude the investigation.”.

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

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

19 (2) By amending subsection (a) to read as fol-
20 lows:

21 “(a) REQUIREMENT FOR OFFICE TO CONDUCT
22 HEARINGS.—

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

1 “(A) IN GENERAL.—If the General Coun-
2 sel transmits to the Executive Director a report
3 on the investigation of a claim under section
4 403 which includes a finding described in sub-
5 paragraph (B), the Office shall conduct a hear-
6 ing to consider the claim and render a decision.

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

9 “(i) a finding under section
10 403(c)(2)(A) that there is reasonable cause
11 to believe that an employing office com-
12 mitted a violation of part A of title II, as
13 alleged in a claim filed by a covered em-
14 ployee; or

15 “(ii) a finding under section
16 403(c)(2)(C) that the General Counsel
17 cannot determine whether or not there is
18 reasonable cause to believe that the em-
19 ploying office committed a violation of part
20 A of title II, as alleged in the covered em-
21 ployee’s claim.”.

22 (3) In subsection (c)(1), by striking “com-
23 plaint” and inserting “claim”.

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

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

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

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

14 (d) CLERICAL AMENDMENTS.—The table of contents,
15 as amended by section 101(c), is further amended as fol-
16 lows:

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

“Sec. 403. Investigation of claims.”.

19 (2) By amending the item relating to section
20 405 to read as follows:

“Sec. 405. Hearing.”.

21 (3) By amending the item relating to section
22 414 to read as follows:

“Sec. 414. Settlement.”.

1 **SEC. 104. AVAILABILITY OF MEDIATION DURING INVES-**
2 **TIGATIONS.**

3 (a) **OPTION TO REQUEST MEDIATION.**—Section
4 404(a) (2 U.S.C. 1404(a)), as redesignated by section
5 101(c), is amended to read as follows:

6 “(a) **AVAILABILITY OF MEDIATION DURING INVES-**
7 **TIGATION.**—At any time during the investigation of a cov-
8 ered employee’s claim under section 403, the covered em-
9 ployee and the employing office may jointly file a request
10 for mediation with the Office.”.

11 (b) **PERIOD OF MEDIATION.**—The second sentence of
12 section 404(c) (2 U.S.C. 1404(c)), as redesignated by sec-
13 tion 101(c), is amended to read as follows: “The mediation
14 period may be extended for one additional period of 30
15 days at the joint request of the covered employee and em-
16 ploying office.”.

17 (c) **REQUIRING PARTIES TO BE SEPARATED DURING**
18 **MEDIATION AT REQUEST OF EMPLOYEE.**—Section
19 404(b)(2) (2 U.S.C. 1404(b)(2)), as redesignated by sec-
20 tion 101(c), is amended by striking “meetings with the
21 parties separately or jointly” and inserting “meetings with
22 the parties during which, at the request of the covered
23 employee, the parties shall be separated,”.

1 **Subtitle B—Other Reforms**

2 **SEC. 111. REQUIRING MEMBERS OF CONGRESS TO REIM-**
3 **BURSE TREASURY FOR AMOUNTS PAID AS**
4 **SETTLEMENTS AND AWARDS IN CASES OF**
5 **ACTS COMMITTED PERSONALLY BY MEM-**
6 **BERS.**

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

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

12 “(1) REIMBURSEMENT REQUIRED FOR CERTAIN
13 VIOLATIONS.—

14 “(A) IN GENERAL.—If a payment is made
15 from the account described in subsection (a) for
16 an award or settlement in connection with a
17 claim alleging a violation described in subpara-
18 graph (B) which consists of an act committed
19 personally by an individual who, at the time of
20 committing the act, was a Member of the
21 House of Representatives (including a Delegate
22 or Resident Commissioner to the Congress) or
23 a Senator, the individual shall reimburse the ac-
24 count for the amount of the award or settle-
25 ment.

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

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

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

10 “(2) WITHHOLDING AMOUNTS FROM SALARY.—

11 “(A) ESTABLISHMENT OF TIMETABLE AND
12 PROCEDURES BY COMMITTEES.—For purposes
13 of carrying out subparagraph (B), the applica-
14 ble Committee shall establish a timetable and
15 procedures for the withholding of amounts from
16 the compensation of an individual who is a
17 Member of the House of Representatives or a
18 Senator.

19 “(B) DEADLINE.—The payroll adminis-
20 trator shall withhold from an individual’s com-
21 pensation and transfer to the account described
22 in subsection (a) (after transferring any
23 amounts to the account of the individual in the
24 Thrift Savings Fund) such amounts as may be
25 necessary to reimburse the account for the pay-

1 ment of an award or settlement described in
2 paragraph (1) if the individual has not reim-
3 bursed the account as required under para-
4 graph (1) prior to the expiration of the 90-day
5 period which begins on the date a payment is
6 made from the account for such an award or
7 settlement.

8 “(C) APPLICABLE COMMITTEE DEFINED.—

9 In this paragraph, the ‘applicable Committee’
10 means—

11 “(i) the Committee on House Admin-
12 istration of the House of Representatives,
13 in the case of an individual who, at the
14 time of the withholding, is a Member of
15 the House; or

16 “(ii) the Committee on Rules and Ad-
17 ministration of the Senate, in the case of
18 an individual who, at the time of the with-
19 holding, is a Senator.

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

22 “(A) IN GENERAL.—If, by the expiration
23 of the 180-day period which begins on the date
24 a payment is made from the account described
25 in subsection (a) for an award or settlement de-

1 scribed in paragraph (1), an individual who is
2 a Member of the House of Representatives or a
3 Senator has not reimbursed the account as re-
4 quired under paragraph (1), the Executive Di-
5 rector of the Federal Retirement Thrift Invest-
6 ment Board shall make a transfer, from the ac-
7 count of the individual in the Thrift Savings
8 Fund to the account described in subsection
9 (a), of an amount equal to the award or settle-
10 ment (reduced by any amount the individual
11 has reimbursed, taking into account any
12 amounts withheld under paragraph (2)).

13 “(B) INITIATION OF TRANSFER.—A trans-
14 fer under subparagraph (A) shall be initiated by
15 a written request to the Executive Director
16 from the Secretary of the Treasury in the form
17 and manner required by the Executive Director.

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

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

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

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

1 with regulations promulgated by the Director and
2 the Secretary.

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

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

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

18 “(7) RIGHT TO INTERVENE.—An individual
19 who is subject to the reimbursement requirement of
20 this subsection shall have the right to intervene in
21 any mediation, hearing, or civil action under this
22 title to the extent necessary to protect the interests
23 of the individual in the determination of whether an
24 award or settlement described in paragraph (1)
25 should be made, and the amount of any such award

1 or settlement, except that nothing in this paragraph
2 may be construed to require the covered employee
3 who filed the claim to be deposed by counsel for the
4 individual in a deposition which is separate from any
5 other deposition taken from the employee in connec-
6 tion with the hearing or civil action.”.

7 (b) CONFORMING AMENDMENT RELATING TO
8 THRIFT SAVINGS FUND.—Section 8437(e) of title 5,
9 United States Code, is amended by striking “or an obliga-
10 tion” and inserting the following: “an obligation of the Ex-
11 ecutive Director to make a transfer under section
12 415(d)(3) of the Congressional Accountability Act of
13 1995, or an obligation”.

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

17 **SEC. 112. AUTOMATIC REFERRAL TO CONGRESSIONAL ETH-**
18 **ICS COMMITTEES OF DISPOSITION OF CER-**
19 **TAIN CLAIMS ALLEGING VIOLATIONS OF**
20 **CONGRESSIONAL ACCOUNTABILITY ACT OF**
21 **1995 INVOLVING MEMBERS OF CONGRESS.**

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

1 “(e) AUTOMATIC REFERRALS TO CONGRESSIONAL
2 ETHICS COMMITTEES OF DISPOSITIONS OF CLAIMS IN-
3 VOLVING MEMBERS OF CONGRESS.—

4 “(1) REFERRAL.—Upon the final disposition
5 under this title of a claim alleging a violation de-
6 scribed in section 415(d)(1)(B) which consists of an
7 act committed personally by a Member of the House
8 of Representatives (including a Delegate or Resident
9 Commissioner to the Congress) or a Senator, the
10 Executive Director shall refer the claim to—

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

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

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

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

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

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

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

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

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

19 **SEC. 113. AVAILABILITY OF REMOTE WORK ASSIGNMENT**
20 **OR PAID LEAVE OF ABSENCE DURING PEND-**
21 **ENCY OF PROCEDURES.**

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

1 **“SEC. 417. AVAILABILITY OF REMOTE WORK ASSIGNMENT**
2 **OR PAID LEAVE OF ABSENCE DURING PEND-**
3 **ENCY OF PROCEDURES.**

4 “(a) OPTIONS FOR EMPLOYEES.—

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

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

23 “(3) ENSURING NO RETALIATION.—An employ-
24 ing office may not grant a covered employee’s re-
25 quest under this subsection in a manner which

1 would constitute reprisal or retaliation under section
2 207.

3 “(b) EXCEPTION FOR ARRANGEMENTS SUBJECT TO
4 COLLECTIVE BARGAINING AGREEMENTS.—Subsection (a)
5 does not apply to the extent that it is inconsistent with
6 the terms and conditions of any collective bargaining
7 agreement which is in effect with respect to an employing
8 office.”.

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

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

12 **SEC. 114. MODIFICATION OF RULES ON CONFIDENTIALITY**
13 **OF PROCEEDINGS.**

14 (a) CLAIMS AND INVESTIGATIONS.—Section 416(a)
15 (2 U.S.C. 1416(a)) is amended to read as follows:

16 “(a) CLAIMS AND INVESTIGATIONS.—The filing of a
17 claim under section 402 and any investigation of a claim
18 under section 403 shall be confidential. Nothing in this
19 subsection may be construed to prohibit a covered em-
20 ployee or an employing office from disclosing any informa-
21 tion related to the claim (including information related to
22 the defense of the claim) in the course of any proceeding
23 under this title.”.

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

5 **SEC. 115. REIMBURSEMENT BY OTHER EMPLOYING OF-**
6 **FICES OF LEGISLATIVE BRANCH OF PAY-**
7 **MENTS OF CERTAIN AWARDS AND SETTLE-**
8 **MENTS.**

9 (a) REQUIRING REIMBURSEMENT.—Section 415 (2
10 U.S.C. 1415), as amended by section 111, is further
11 amended by adding at the end the following new sub-
12 section:

13 “(e) REIMBURSEMENT BY EMPLOYING OFFICES.—
14 “(1) NOTIFICATION OF PAYMENTS MADE FROM
15 ACCOUNT.—As soon as practicable after the Execu-
16 tive Director is made aware that a payment of an
17 award or settlement under this chapter has been
18 made from the account described in subsection (a)
19 in connection with a claim alleging a violation of sec-
20 tion 201(a) by an employing office (other than an
21 employing office of the House of Representatives or
22 an employing office of the Senate), the Executive
23 Director shall notify the head of the employing office
24 that the payment has been made, and shall include

1 in the notification a statement of the amount of the
2 payment.

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

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

17 (b) EFFECTIVE DATE.—The amendment made by
18 subsection (a) shall apply with respect to payments made
19 under section 415 of the Congressional Accountability Act
20 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. SEMIANNUAL REPORTS ON CLAIMS, AWARDS, AND**
5 **SETTLEMENTS.**

6 (a) REQUIRING SUBMISSION AND PUBLICATION OF
7 REPORTS.—Section 301(h) (2 U.S.C. 1381(h)) is amend-
8 ed—

9 (1) by striking “and” at the end of paragraph
10 (2);

11 (2) by striking the period at the end of para-
12 graph (3) and inserting “; and”; and

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

15 “(4) in addition to compiling and publishing the
16 statistics described in paragraph (3), not later than
17 45 days after the first 6-month period of each cal-
18 endar year, and not later than 45 days after the
19 next 6-month period of each calendar year, submit
20 to Congress and publish on the Office’s public
21 website a report listing each award or settlement
22 which was paid during the previous year from the
23 account described in section 415(a) as the result of
24 a claim alleging a violation of part A of title II, in-
25 cluding the employing office involved, the amount of

1 the award or settlement, the provision of part A of
2 title II which was the subject of the claim, and (in
3 the case of an award or settlement resulting from a
4 violation described in section 415(d)(1)(B) which
5 was committed personally by a Member or former
6 Member of Congress), whether the Member or
7 former Member has met the requirement of section
8 415(d) to reimburse the account for the amount of
9 the award or settlement, except that such report
10 may not disclose the identity or position of an indi-
11 vidual who filed the claim.”.

12 (b) EFFECTIVE DATE.—The amendment made by
13 subsection (a) shall apply with respect to 2018 and each
14 succeeding year.

15 **SEC. 202. WORKPLACE CLIMATE SURVEYS OF EMPLOYING**
16 **OFFICES.**

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

20 **“SEC. 307. WORKPLACE CLIMATE SURVEYS OF EMPLOYING**
21 **OFFICES.**

22 “(a) REQUIREMENT TO CONDUCT SURVEYS.—Not
23 later than 1 year after the date of the enactment of this
24 section, and every 2 years thereafter, the Office shall con-

1 duct a survey of employing offices under this Act regard-
2 ing the workplace environment of such offices.

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

7 “(c) METHODOLOGY.—

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

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

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

23 “(e) CONSULTATION WITH COMMITTEES.—The Of-
24 fice shall carry out this section, including establishment
25 of methodologies and procedures under subsection (c), in

1 consultation with the Committee on House Administration
2 of the House of Representatives and the Committee on
3 Homeland Security and Governmental Affairs of the Sen-
4 ate.

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

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

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

11 **SEC. 203. RECORD RETENTION.**

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

14 “(l) RECORD RETENTION.—The Office shall establish
15 and maintain a program for the permanent retention of
16 its records, including the records of investigations, medi-
17 ations, hearings, and other proceedings conducted under
18 title IV.”.

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

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

23 (b) REPORT TO CONGRESS.—Not later than 180 days
24 after the date of the enactment of this Act, the Comp-
25 troller General of the United States shall submit to Con-

1 gress a report on the study conducted under subsection
2 (a), and shall include in the report such recommendations
3 as the Comptroller General considers appropriate for im-
4 provements to the management practices of the Office of
5 Compliance.

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

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

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

18 **TITLE III—MISCELLANEOUS**
19 **REFORMS**

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

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

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

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

5 “(d) APPLICATION TO UNPAID STAFF.—

6 “(1) IN GENERAL.—Subsections (a) and (b)
7 shall apply with respect to any staff of an employing
8 office who carry out official duties of the employing
9 office but who are not paid by the employing office
10 for carrying out such duties, including an intern (in-
11 cluding an applicant for an internship and a former
12 intern), an individual detailed to an employing office,
13 and an individual participating in a fellowship pro-
14 gram, in the same manner and to the same extent
15 as such subsections apply with respect to an em-
16 ployee.

17 “(2) RULE OF CONSTRUCTION.—Nothing in
18 paragraph (1) may be construed to extend liability
19 for a violation of subsection (a) to an employing of-
20 fice on the basis of an action taken by any person
21 who is not under the supervision or control of the
22 employing office.

23 “(3) INTERN DEFINED.—The term ‘intern’
24 means an individual who performs service for an em-
25 ploying office which is uncompensated by the United

1 States to earn credit awarded by an educational in-
2 stitution or to learn a trade or occupation, and in-
3 cludes any individual participating in a page pro-
4 gram operated by any House of Congress.”.

5 (b) **TECHNICAL CORRECTION RELATING TO OFFICE**
6 **RESPONSIBLE FOR DISBURSEMENT OF PAY TO HOUSE**
7 **EMPLOYEES.**—Section 101(7) (2 U.S.C. 1301(7)) is
8 amended by striking “disbursed by the Clerk of the House
9 of Representatives” and inserting “disbursed by the Chief
10 Administrative Officer of the House of Representatives”.

11 **SEC. 302. COVERAGE OF EMPLOYEES OF LIBRARY OF CON-**
12 **GRESS.**

13 (a) **COVERAGE FOR PURPOSES OF PROTECTIONS**
14 **AGAINST WORKPLACE DISCRIMINATION.**—Section 201 (2
15 U.S.C. 1311), as amended by section 301(a), is further
16 amended—

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

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

21 “(e) **COVERAGE OF LIBRARY OF CONGRESS.**—For
22 purposes of this section—

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

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

3 (b) CONFORMING AMENDMENT RELATING TO SPE-
4 CIAL RULE FOR AVAILABLE PROCEDURES.—Section
5 401(c) (2 U.S.C. 1401(c)), as amended by section 101(a),
6 is amended—

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

11 (2) by striking “the Office of the Architect of
12 the Capitol or of the Capitol Police” and inserting
13 “the Office of the Architect of the Capitol, the Cap-
14 itol Police, or the Library of Congress”; and

15 (3) by striking “Architect of the Capitol or the
16 Capitol Police” and inserting “Architect of the Cap-
17 itol, the Capitol Police, or the Library of Congress
18 (as the case may be)”.

19 (c) EFFECTIVE DATE.—

20 (1) IN GENERAL.—The amendments made by
21 subsection (a) shall apply with respect to claims al-
22 leging violations of part A of title II of the Congres-
23 sional Accountability Act of 1995 which are first
24 made on or after the date of the enactment of this
25 Act.

1 “(b) CLARIFICATION OF COVERAGE OF EMPLOYEES
2 OF CERTAIN COMMISSIONS.—

3 “(1) COVERAGE.—With respect to the China
4 Review Commission, the Congressional-Executive
5 China Commission, and the Helsinki Commission—

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

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

11 “(2) AUTHORITY TO PROVIDE LEGAL ASSIST-
12 ANCE AND REPRESENTATION.—Subject to paragraph
13 (3), legal assistance and representation under this
14 Act, including assistance and representation with re-
15 spect to the proposal or acceptance of the disposition
16 of a claim under this Act, shall be provided to the
17 China Review Commission, the Congressional-Execu-
18 tive China Commission, and the Helsinki Commis-
19 sion—

20 “(A) by the House Employment Counsel of
21 the House of Representatives, in the case of as-
22 sistance and representation in connection with a
23 claim filed under title IV (including all subse-
24 quent proceedings under such title in connec-
25 tion with the claim) at a time when the chair

1 of the Commission is a Member of the House;
2 or

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

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

11 “(A) the term ‘China Review Commission’
12 means the United States-China Economic and
13 Security Review Commission established under
14 section 1238 of the Floyd D. Spence National
15 Defense Authorization Act of 2001 (Public Law
16 106–398; 22 U.S.C. 7002);

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

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

1 entitled ‘An Act to establish a Commission on
2 Security and Cooperation in Europe’ (Public
3 Law 94–304; 22 U.S.C. 3001 et seq.).”.

4 (b) COVERAGE OF STENNIS CENTER.—

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

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

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

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

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

16 (2) TREATMENT OF CENTER AS EMPLOYING OF-
17 FICE.—Section 101(9)(D) (2 U.S.C. 1301(9)(D)) is
18 amended by striking “and the Office of Technology
19 Assessment” and inserting the following: “the Office
20 of Technology Assessment, and the John C. Stennis
21 Center for Public Service Training and Develop-
22 ment”.

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

1 **SEC. 304. TRAINING AND EDUCATION PROGRAMS OF**
2 **OTHER EMPLOYING OFFICES.**

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

6 (1) by redesignating section 509 as section 510;

7 and

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

10 **“SEC. 509. TRAINING AND EDUCATION PROGRAMS OF EM-**
11 **PLOYING OFFICES.**

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

18 “(b) REPORT TO COMMITTEES.—

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

1 “(2) SPECIAL RULE FOR FIRST REPORT.—Not
2 later than 180 days after the date of the enactment
3 of the Congressional Accountability Act of 1995 Re-
4 form Act, each employing office shall submit the re-
5 port described in paragraph (1) to the Committees
6 described in such paragraph.

7 “(c) EXCEPTION FOR OFFICES OF CONGRESS.—This
8 section does not apply to an employing office of the House
9 of Representatives or an employing office of the Senate.”.

10 (b) CLERICAL AMENDMENT.—The table of contents
11 is amended—

12 (1) by redesignating the item relating to section
13 509 as relating to section 510; and

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

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

16 **SEC. 305. RENAMING OFFICE OF COMPLIANCE AS OFFICE**
17 **OF CONGRESSIONAL WORKPLACE RIGHTS.**

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

21 (1) in the heading, by striking “**OFFICE OF**
22 **COMPLIANCE**” and inserting “**OFFICE OF CON-**
23 **GRESSIONAL WORKPLACE RIGHTS**”; and

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

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

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

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

13 (3) In section 101(3)(H) (2 U.S.C.
14 1301(3)(H)), by striking “Office of Compliance”
15 and inserting “Office of Congressional Workplace
16 Rights”.

17 (4) In section 101(9)(D) (2 U.S.C.
18 1301(9)(D)), by striking “Office of Compliance” and
19 inserting “Office of Congressional Workplace
20 Rights”.

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

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

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

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

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

13 (10) In section 220(e)(2)(G) (2 U.S.C.
14 1351(e)(2)(G)), by striking “Office of Compliance”
15 and inserting “Office of Congressional Workplace
16 Rights”.

17 (11) In the heading of title III, by striking
18 **“OFFICE OF COMPLIANCE”** and inserting
19 **“OFFICE OF CONGRESSIONAL WORK-**
20 **PLACE RIGHTS”**.

21 (12) In section 304(e)(4) (2 U.S.C.
22 1384(e)(4)), by striking “Office of Compliance” and
23 inserting “Office of Congressional Workplace
24 Rights”.

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

5 (c) CLERICAL AMENDMENTS.—The table of contents
6 is amended—

7 (1) by amending the item relating to the head-
8 ing of title III to read as follows:

“TITLE III—OFFICE OF CONGRESSIONAL WORKPLACE RIGHTS”;

9 and

10 (2) by amending the item relating to section
11 301 to read as follows:

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

12 (d) REFERENCES IN OTHER LAWS, RULES, AND
13 REGULATIONS.—Any reference to the Office of Compli-
14 ance in any law, rule, regulation, or other official paper
15 in effect as of the effective date of this Act shall be consid-
16 ered to refer and apply to the Office of Congressional
17 Workplace Rights.

18 **TITLE IV—HOUSE OF**
19 **REPRESENTATIVES REFORMS**

20 **SEC. 401. MANDATORY ANTI-HARASSMENT AND ANTI-DIS-**
21 **CRIMINATION POLICIES FOR HOUSE OF-**
22 **FICES.**

23 (a) REQUIRING OFFICES TO ADOPT POLICY.—Each
24 employing office of the House of Representatives shall

1 adopt an anti-harassment and anti-discrimination policy
2 for the office’s workplace.

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

11 **SEC. 402. OFFICE OF EMPLOYEE ADVOCACY.**

12 (a) ESTABLISHMENT.—There is established in the
13 Office of the Chief Administrative Officer of the House
14 of Representatives the Office of Employee Advocacy (here-
15 after in this section referred to as the “Office”).

16 (b) FUNCTIONS.—

17 (1) LEGAL ASSISTANCE, CONSULTATION, AND
18 REPRESENTATION.—Subject to subsection (c), the
19 Office shall carry out the following functions:

20 (A) Providing legal assistance and con-
21 sultation regarding procedures under the Con-
22 gressional Accountability Act of 1995 and pro-
23 cedures applicable to civil actions arising from
24 claims made under such Act, including—

1 (i) the roles and responsibilities of the
2 Office of Compliance, the Office of the
3 House Employment Counsel, and similar
4 authorities;

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

8 (iii) the authority of the General
9 Counsel of the Office of Compliance to
10 compel cooperation and testimony under
11 an investigation conducted under section
12 403 of such Act and the authority of a
13 hearing officer to compel cooperation and
14 testimony under proceedings held under
15 section 405 of such Act; and

16 (iv) the employee's duties relating to
17 such proceedings, including the responsi-
18 bility to testify.

19 (B) Providing legal assistance and rep-
20 resentation—

21 (i) in personal civil legal matters re-
22 lated to the employee's claim under such
23 Act (other than a civil action filed under
24 section 408 of such Act); and

1 (ii) in any proceedings of the Office of
2 Compliance, the Committee on Ethics of
3 the House of Representatives (including
4 the Office of Congressional Ethics), or any
5 other administrative or judicial body re-
6 lated to the employee's claim.

7 (C) Operating a hotline through which cov-
8 ered employees of the House may contact the
9 Office.

10 (2) AUTHORITY TO PROVIDE ASSISTANCE IN
11 ANY JURISDICTION.—Notwithstanding any law re-
12 garding the licensure of attorneys, an attorney who
13 is employed by the Office and is authorized to pro-
14 vide legal assistance and representation under this
15 section is authorized to provide that assistance and
16 representation in any jurisdiction, subject to such
17 regulations as may be prescribed by the Office.

18 (3) NATURE OF RELATIONSHIP.—The relation-
19 ship between the Office and an employee to whom
20 the Office provides legal assistance and representa-
21 tion under this section shall be the relationship be-
22 tween an attorney and client.

23 (4) PROHIBITING ACCEPTANCE OF AWARD OF
24 ATTORNEY FEES OR OTHER COSTS.—The Office may
25 not accept any award of attorney fees or other litiga-

1 tion expenses and costs under any hearing or civil
2 action brought under the Congressional Account-
3 ability Act of 1995.

4 (c) PROHIBITING PROVISION OF ASSISTANCE UPON
5 FILING OF CIVIL ACTION.—If a covered employee of the
6 House who has filed a claim under section 402 of the Con-
7 gressional Accountability Act of 1995 files a civil action
8 with respect to the claim involved, as provided in section
9 408 of such Act, the Office may not provide assistance
10 under this section to the employee at any time after the
11 employee files such action.

12 (d) DIRECTOR.—

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

17 (2) QUALIFICATIONS; NONPARTISANSHIP OF PO-
18 SITION.—The individual appointed as Director shall
19 be a lawyer who is admitted to practice before the
20 United States District Court for the District of Co-
21 lumbia and who has experience in representing em-
22 ployees in workplace discrimination cases.

23 (3) COMPENSATION.—The Director shall be
24 paid at an annual rate established by the Chief Ad-
25 ministrative Officer.

1 (4) REMOVAL.—The Director may be removed
2 by the Chief Administrative Officer only for cause.

3 (e) OTHER PERSONNEL.—Subject to regulations of
4 the Committee on House Administration and with the ap-
5 proval of the Chief Administrative Officer, the Director
6 may appoint and fix the compensation of such additional
7 personnel as the Director determines to be necessary to
8 carry out the functions of the Office.

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

13 **SEC. 403. FUNCTIONS OF OFFICE OF HOUSE EMPLOYMENT**
14 **COUNSEL.**

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

21 (1) Providing legal assistance and representa-
22 tion to employing offices of the House with respect
23 to allegations, claims, and civil actions under the
24 Congressional Accountability Act of 1995 which are

1 brought by covered employees of the House under
2 such Act.

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

6 (3) Providing training to managers and employ-
7 ees regarding employment law compliance.

8 (b) NO EFFECT ON PENDING PROCEEDINGS.—Noth-
9 ing in this section may be construed to affect any pro-
10 ceeding to which the Office is a party that is pending on
11 the date of the enactment of this Act, including any suit
12 to which the Office is a party that is commenced prior
13 to such date.

14 **SEC. 404. REQUIRING INCLUSION OF CERTIFICATIONS ON**
15 **PAYROLL AUTHORIZATION FORMS OF HOUSE**
16 **OF REPRESENTATIVES OF NO CONNECTION**
17 **BETWEEN PAYROLL ACTIONS AND CLAIMS**
18 **RELATING TO CONGRESSIONAL ACCOUNT-**
19 **ABILITY ACT OF 1995.**

20 (a) REQUIRING INCLUSION OF CERTIFICATION ON
21 FORMS.—The Chief Administrative Officer of the House
22 of Representatives shall incorporate, as part of the Payroll
23 Authorization Form used by an office of the House to reg-
24 ister the appointment of an employee to the office or a

1 salary adjustment or title change with respect to an em-
2 ployee of the office—

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

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

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

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

24 Clause 9 of rule XXIII of the Rules of the House
25 of Representatives is amended by striking “such indi-

1 vidual,” and inserting “such individual, including by com-
2 mitting an act of sexual harassment against such indi-
3 vidual,”.

4 **SEC. 406. SEXUAL RELATIONSHIPS BETWEEN HOUSE MEM-**
5 **BERS AND EMPLOYEES AND UNWELCOME**
6 **SEXUAL ADVANCES AS VIOLATION OF HOUSE**
7 **CODE OF OFFICIAL CONDUCT.**

8 Rule XXIII of the Rules of the House of Representa-
9 tives is amended—

10 (1) by redesignating clause 18 as clause 19;

11 and

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

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

20 “(b) A Member, Delegate, Resident Commissioner,
21 officer, or employee of the House may not engage in un-
22 welcome sexual advances or conduct towards another
23 Member, Delegate, Resident Commissioner, officer, or em-
24 ployee of the House.

1 “(c) In this clause, the term ‘employee’ includes an
2 applicant for employment, a paid or unpaid intern (includ-
3 ing an applicant for an internship), a detailee, and an indi-
4 vidual participating in a fellowship program.”.

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

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

17 **SEC. 409. EXERCISE OF RULEMAKING AUTHORITY.**

18 The provisions of this title are enacted—

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

24 (2) with full recognition of the constitutional
25 right of the House to change such rules at any time,

1 in the same manner, and to the same extent as in
2 the case of any other rule of the House.

3 **TITLE V—EFFECTIVE DATE**

4 **SEC. 501. EFFECTIVE DATE.**

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

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

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