

managers effectively implement the laws' protections and benefits on behalf of the workforce.

Protect Employees and Applicants Who Are or Have Been in Bankruptcy (11 U.S.C. § 525)

Section 525(a) of title 11 of the U.S. Code provides that "a governmental unit" may not deny employment to, terminate the employment of, or discriminate with respect to employment against, a person because that person is or has been a debtor under the bankruptcy statutes. This provision currently does not apply to the legislative branch. Reiterating the recommendations made in the 1996, 1998, 2000 and 2006 Section 102(b) reports, the Board advises that the rights and protections against discrimination on this basis should be applied to employing offices within the legislative branch.

Prohibit Discharge of Employees Who Are or Have Been Subject to Garnishment (15 U.S.C. § 1674(A))

Section 1674(a) of title 15 of the U.S. Code prohibits discharge of any employee because his or her earnings "have been subject to garnishment for any one indebtedness." This section is limited to private employers, so it currently has no application to the legislative branch. For the reasons set forth in the 1996, 1998, 2000 and 2006 Section 102(b) Reports, the Board recommends that the rights and protections against discrimination on this basis should be applied to employing offices within the legislative branch.

Provide Whistleblower Protections to the Legislative Branch

Civil service law provides broad protection to whistleblowers in the executive branch to safeguard workers against reprisal for reporting violations of laws, rules, or regulations, gross mismanagement, gross waste of funds, abuse of authority, or a substantial and specific danger to public health or safety. In the private sector, whistleblowers also are often protected by provisions of specific federal laws. However, these provisions do not apply to the legislative branch. The OCWR has received a number of inquiries from congressional employees concerned about the lack of whistleblower protections. The absence of specific statutory protection such as that provided under 5 U.S.C. § 2302(b)(8) chills the disclosure of such information. Granting whistleblower protection could significantly improve the rights and protections afforded to legislative branch employees in an area fundamental to the institutional integrity of the legislative branch by uncovering waste and fraud and safeguarding the budget.

The Board has recommended in its previous Section 102(b) reports and continues to recommend that Congress provide whistleblower reprisal protections to legislative branch employees comparable to that provided to executive branch employees under 5 U.S.C. § 2302(b)(8), and 5 U.S.C. § 1221. Additionally, as discussed below, the Board recommends that the Office also be granted investigatory and prosecutorial authority over whistleblower reprisal complaints, by incorporating into the CAA the authority granted to the Office of Special Counsel, which investigates and prosecutes claims of whistleblower reprisal in the executive branch.

Provide Subpoena Authority to Obtain Information Needed for Safety & Health Investigations and Require Records To Be Kept of Workplace Injuries and Illnesses

The CAA applies the broad protections of section 5 of the Occupational Safety and Health Act (OSHA) to the congressional workplace. The OCWR enforces the OSHA in the legislative branch much in the same way the Secretary of Labor enforces the

OSHA in the private sector. Under the CAA, the OCWR is required to conduct safety and health inspections of covered employing offices at least once each Congress and in response to any request, and to provide employing offices with technical assistance to comply with the OSHA's requirements. But Congress and its agencies are still exempt from critical OSHA requirements imposed upon American businesses. Under the CAA, employing offices in the legislative branch are not subject to investigative subpoenas to aid in inspections as are private sector employers under the OSHA. Similarly, Congress exempted itself from the OSHA's recordkeeping requirements pertaining to workplace injuries and illnesses that apply to the private sector. The Board recommends that legislative branch employing offices be subject to the investigatory subpoena provisions contained in OSHA § 8(b) and that legislative branch employing offices be required to keep records of workplace injuries and illnesses under OSHA § 8(c), 29 U.S.C. § 657(c).

Adopt Recordkeeping Requirements Under Federal Workplace Rights Laws

The Board, in several Section 102(b) reports, has recommended and continues to recommend that Congress adopt all recordkeeping requirements under Federal workplace rights laws, including title VII. Although some employing offices in the legislative branch keep personnel records, there are no legal requirements under the CAA to do so.

ENDNOTES

1. The Board has long advocated for legislation granting the OCWR General Counsel the authority to investigate and prosecute complaints of discrimination, harassment and reprisal in order to assist victims and to improve the adjudicatory process under the CAA. As discussed in this Report, the Reform Act establishes new procedures that are also clearly intended to further these policy goals. Under these circumstances, the Board believes that the best course of action is to evaluate the efficacy of the new Reform Act procedures once they have been implemented before revisiting the issue of whether the OCWR General Counsel should be granted such investigatory and prosecutorial authority. Accordingly, this recommendation is not discussed further below.

2. Pub. L. 110-181, Div. A, Title V § 585(a)(2), (3)(A)-(D) and Pub. L. 111-84, Div. A, Title V § 565(a)(1)(B) and (4).

3. U.S.C. § 1302(3); House Committee on Armed Services, H. Rpt. 110-146 (May 11, 2007), H. Rpt. 111-166 (June 18, 2009)

4. *Obergfell v. Hodges*, 135 S. Ct. 2584 (2015).

EXECUTIVE COMMUNICATIONS,
ETC.

Under clause 2 of rule XIV, executive communications were taken from the Speaker's table and referred as follows:

223. A letter from the Acting Architect, Architect of the Capitol, transmitting the semiannual report of disbursements for the operations of the Architect of the Capitol for the period of July 1, 2018, through December 31, 2018, pursuant to 2 U.S.C. 1868a(a); Public Law 113-76, div. I, title I, Sec. 1301(a); (128 Stat. 428) (H. Doc. No. 116-14); to the Committee on House Administration and ordered to be printed.

224. A letter from the Executive Director, Office of Congressional Workplace Rights, transmitting biennial report on recommendations for improvements to the Congressional Accountability Act, pursuant to section 102(b) of the Congressional Accountability Act of 1995 received February 25, 2019, pursuant to 2 U.S.C. 1302; jointly to the Committees on House Administration and Education and Labor.

REPORTS OF COMMITTEES ON
PUBLIC BILLS AND RESOLUTIONS

Under clause 2 of rule XIII, reports of committees were delivered to the Clerk for printing and reference to the proper calendar, as follows:

Mrs. TORRES of California: Committee on Rules. House Resolution 144. Resolution providing for consideration of the joint resolution (H.J. Res. 46) relating to a national emergency declared by the President on February 15, 2019 (Rept. 116-13). Referred to the House Calendar.

Mr. RASKIN: Committee on Rules. House Resolution 145. Resolution providing for consideration of the bill (H.R. 8) to require a background check for every firearm sale, and providing for consideration of the bill (H.R. 1112) to amend chapter 44 of title 18, United States Code, to strengthen the background check procedures to be followed before a Federal firearms licensee may transfer a firearm to a person who is not such a licensee (Rept. 116-14). Referred to the House Calendar.

PUBLIC BILLS AND RESOLUTIONS

Under clause 2 of rule XII, public bills and resolutions of the following titles were introduced and severally referred, as follows:

By Mrs. CAROLYN B. MALONEY of New York (for herself, Mr. NADLER, Mr. KING of New York, Mr. ROSE of New York, Mr. MORELLE, Ms. SCANLON, Mr. FITZPATRICK, Miss RICE of New York, Mr. BRENDAN F. BOYLE of Pennsylvania, Mr. ENGEL, Mr. ESPAILLAT, Mr. HIGGINS of New York, Mr. SERRANO, Ms. CLARKE of New York, Ms. WILSON of Florida, Ms. DELAURO, Mr. PAYNE, Mr. ZELDIN, Mrs. DINGELL, Ms. DELBENE, Ms. JUDY CHU of California, Mr. RUPPERSBERGER, Ms. KELLY of Illinois, Mr. CUMMINGS, Mr. GARAMENDI, Miss GONZÁLEZ-COLÓN of Puerto Rico, Mr. KATCO, Mr. AGUILAR, Mr. HIMES, Mr. MCGOVERN, Ms. NORTON, Ms. ESHOO, Mr. MEEKS, Mr. CISNEROS, Mrs. WATSON COLEMAN, Mr. COLLINS of New York, Mrs. LURIA, Ms. BLUNT ROCH-ESTER, Mr. PASCRELL, Mrs. DEMINGS, Ms. JACKSON LEE, Mr. SEAN PATRICK MALONEY of New York, Mr. SUOZZI, Mr. GRIJALVA, Mr. SIREN, Ms. MENG, Ms. VELÁZQUEZ, Mr. TONKO, Mr. DELGADO, Ms. OCASIO-CORTEZ, Mrs. LOWEY, Mr. PALLONE, Ms. STEFANIK, Mr. BRINDISI, Mr. COURTNEY, Mr. MICHAEL F. DOYLE of Pennsylvania, Mr. JEFFRIES, Mr. COOK, Ms. SHERRILL, Ms. ROYBAL-ALLARD, Mr. SMITH of New Jersey, Mr. LOWENTHAL, Ms. WILD, Mr. NORCROSS, Mr. GOTTHEIMER, Mr. KIM, Ms. SCHAKOWSKY, Mr. CLAY, Mrs. HAYES, Mr. TAKANO, Mr. LARSON of Connecticut, Mr. CARBAJAL, Mr. YOUNG, Mr. MALINOWSKI, Mr. VAN DREW, Mr. REED, Ms. MATSUI, Mr. AUSTIN SCOTT of Georgia, Mrs. NAPOLITANO, Mr. KHANNA, Mr. LYNCH, Mrs. KIRKPATRICK, Mr. COSTA, Ms. DEAN, Mr. NEGUSE, Mr. BROWN of Maryland, Mr. HASTINGS, Mr. BEYER, Ms. SPANBERGER, Ms. SHALALA, Mr. COLE, Mr. HURD of Texas, and Mr. MCHENRY):

H.R. 1327. A bill to extend authorization for the September 11th Victim Compensation Fund of 2001 through fiscal year 2090, and for other purposes; to the Committee on the Judiciary.