

115TH CONGRESS
2D SESSION

S. 3749

AN ACT

To amend the Congressional Accountability Act of 1995 to reform the procedures provided under such Act for the initiation, review, 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 or
 9 repeal is expressed in terms of an amendment to or repeal
 10 of a section or other provision, the reference shall be con-
 11 sidered to be made to that section or other provision of
 12 the Congressional Accountability Act of 1995 (2 U.S.C.
 13 1301 et 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, Preliminary Review, 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. Preliminary review of claims by hearing officer.

Sec. 104. Availability of mediation during process.

Subtitle B—Other Reforms

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

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

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

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

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

TITLE II—IMPROVING OPERATIONS OF OFFICE OF
CONGRESSIONAL WORKPLACE RIGHTS

Sec. 201. Reports on awards and settlements.
 Sec. 202. Workplace climate surveys of employing offices.
 Sec. 203. Record retention.
 Sec. 204. Confidential advisors.
 Sec. 205. GAO study of management practices.
 Sec. 206. GAO audit of cybersecurity.

TITLE III—MISCELLANEOUS REFORMS

Sec. 301. Application of Genetic Information Nondiscrimination Act of 2008.
 Sec. 302. Extension to unpaid staff of rights and protections against employment discrimination.
 Sec. 303. Clarification of treatment of Library of Congress visitors.
 Sec. 304. Notices.
 Sec. 305. Clarification of coverage of employees of Helsinki and China Commissions.
 Sec. 306. Training and education programs of other employing offices.
 Sec. 307. Support for out-of-area covered employees.
 Sec. 308. Renaming Office of Compliance as Office of Congressional Workplace Rights.

TITLE IV—EFFECTIVE DATE

Sec. 401. Effective date.

1 **TITLE I—REFORM OF DISPUTE**
 2 **RESOLUTION PROCEDURES**
 3 **Subtitle A—Reform of Procedures**
 4 **for Initiation, Preliminary Re-**
 5 **view, and 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:

1 **“SEC. 401. PROCEDURE FOR CONSIDERATION OF ALLEGED**
2 **VIOLATIONS.**

3 “(a) **FILING AND REVIEW OF CLAIMS.**—Except as
4 otherwise provided, the procedure for consideration of an
5 alleged violation of part A of title II consists of—

6 “(1) the filing of a claim by the covered em-
7 ployee alleging the violation, as provided in section
8 402;

9 “(2) the preliminary review of the claim, to be
10 conducted by a hearing officer as provided in section
11 403;

12 “(3) mediation as provided in section 404, if re-
13 quested and agreed to by the parties under that sec-
14 tion; and

15 “(4) a formal hearing as provided in section
16 405, subject to Board review as provided in section
17 406 and judicial review in the United States Court
18 of Appeals for the Federal Circuit as provided in
19 section 407.

20 “(b) **RIGHT OF EMPLOYEE TO FILE CIVIL ACTION.**—

21 “(1) **CIVIL ACTION.**—Only a covered employee
22 who has filed a claim timely as provided in section
23 402 and who has not submitted a request for a hear-
24 ing on the claim pursuant to section 405(a) may,
25 during the period described in paragraph (3), file a
26 civil action in a District Court of the United States

1 with respect to the violation alleged in the claim, as
2 provided in section 408.

3 “(2) EFFECT OF FILING CIVIL ACTION.—Not-
4 withstanding paragraph (2), (3), or (4) of subsection
5 (a), if the covered employee files such a civil ac-
6 tion—

7 “(A) the preliminary review of the claim by
8 the hearing officer as provided in section 403
9 shall terminate upon the filing of the action by
10 the covered employee; and

11 “(B) the procedure for consideration of the
12 alleged violation shall not include any further
13 review of the claim by the hearing officer as
14 provided in section 403.

15 “(3) PERIOD FOR FILING CIVIL ACTION.—The
16 period described in this paragraph with respect to a
17 claim is the 70-day period which begins on the date
18 the covered employee files the claim under section
19 402.

20 “(4) SPECIAL RULE FOR EMPLOYEES WHO FAIL
21 TO STATE A CLAIM FOR WHICH RELIEF MAY BE
22 GRANTED.—Notwithstanding paragraph (3), if a
23 covered employee receives a written notice from the
24 hearing officer under section 403(d)(2) that the em-
25 ployee has the right to file a civil action with respect

1 to the claim in accordance with section 408, the cov-
 2 ered employee may file the civil action not later than
 3 90 days after receiving such written notice.

4 “(c) SPECIAL RULE FOR ARCHITECT OF THE CAP-
 5 ITOL AND CAPITOL POLICE.—In the case of an employee
 6 of the Office of the Architect of the Capitol or of the Cap-
 7 itol Police, the Office, after receiving a claim filed under
 8 section 402, may recommend that the employee use the
 9 grievance procedures of the Architect of the Capitol or the
 10 Capitol Police for resolution of the employee’s grievance
 11 for a specific period of time. Any deadline in this Act relat-
 12 ing to a claim for which the employee is using the griev-
 13 ance procedures, that has not already passed by the first
 14 day of that specific period, shall be stayed during that spe-
 15 cific period.

16 “(d) ELECTION OF REMEDIES FOR LIBRARY OF CON-
 17 GRESS.—

18 “(1) DEFINITIONS.—In this subsection:

19 “(A) DIRECT ACT.—The term ‘direct Act’
 20 means an Act (other than this Act), or provi-
 21 sion of the Revised Statutes, that is specified in
 22 section 201, 202, or 203.

23 “(B) DIRECT PROVISION.—The term ‘di-
 24 rect provision’ means a provision (including a
 25 definitional provision) of a direct Act that ap-

1 plies the rights or protections of a direct Act
2 (including rights and protections relating to
3 nonretaliation or noncoercion) to a Library
4 claimant.

5 “(C) LIBRARY CLAIMANT.—The term ‘Li-
6 brary claimant’ means, with respect to a direct
7 provision, an employee of the Library of Con-
8 gress who is covered by that direct provision.

9 “(2) ELECTION AFTER PROCEEDINGS INITIALLY
10 BROUGHT UNDER THIS ACT.—A Library claimant
11 who initially files a claim for an alleged violation as
12 provided in section 402 may, at any time before the
13 date that is 10 days after a hearing officer submits
14 the report on the preliminary review of the claim
15 under section 403(c), elect to bring the claim for a
16 proceeding before the corresponding Federal agency
17 under the corresponding direct provision, instead of
18 continuing with the procedures applicable to the
19 claim under this title or filing a civil action in ac-
20 cordance with section 408.

21 “(3) ELECTION AFTER PROCEEDINGS INITIALLY
22 BROUGHT UNDER OTHER CIVIL RIGHTS OR LABOR
23 LAW.—A Library claimant who initially brings a
24 claim, complaint, or charge under a direct provision
25 for a proceeding before a Federal agency may, prior

1 to requesting a hearing under the agency’s proce-
2 dures, elect to—

3 “(A) continue with the agency’s procedures
4 and preserve the option (if any) to bring any
5 civil action relating to the claim, complaint, or
6 charge, that is available to the Library claim-
7 ant; or

8 “(B) file a claim with the Office under sec-
9 tion 402 and continue with the corresponding
10 procedures of this title available and applicable
11 to a covered employee.

12 “(4) TIMING.—A Library claimant who meets
13 the initial deadline under section 402(d) for filing a
14 claim under this title, or any initial deadline for
15 bringing a claim, complaint, or charge under the ap-
16 plicable direct provision, and then elects to change
17 to alternative procedures as described in paragraph
18 (2) or (3)(B), shall be considered to meet any initial
19 deadline for the alternative procedures.

20 “(5) APPLICATION.—This subsection shall take
21 effect and shall apply as described in section 153(c)
22 of the Legislative Branch Appropriations Act, 2018
23 (Public Law 115–141) (except to the extent such
24 section applies to any violation of section 210 or a
25 provision of an Act specified in section 210).

1 “(e) RIGHTS OF PARTIES TO RETAIN PRIVATE
2 COUNSEL.—Nothing in this Act may be construed to limit
3 the authority of any individual (including a covered em-
4 ployee, the head of an employing office, or an individual
5 who is alleged to have committed personally an act which
6 consists of a violation of part A of title II) to retain coun-
7 sel to protect the interests of the individual at any point
8 during any of the procedures provided under this title for
9 the consideration of an alleged violation of part A of title
10 II, including as provided under section 415(d)(8) with re-
11 spect to individuals subject to a reimbursement require-
12 ment of section 415(d).

13 “(f) STANDARDS FOR ASSERTIONS MADE BY PAR-
14 TIES.—Any party in any of the procedures provided under
15 this title, as well as any counsel or other person rep-
16 resenting a party in any of such procedures, shall have
17 an obligation to ensure that, to the best of the party’s
18 knowledge, information, and belief, as formed after an in-
19 quiry which is reasonable under the circumstances, each
20 of the following is correct:

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

1 “(2) The claims, defenses, and other legal con-
2 tentions the party advocates are warranted by exist-
3 ing law or by a nonfrivolous argument for extending,
4 modifying, or reversing existing law or for estab-
5 lishing new law.

6 “(3) The factual contentions have evidentiary
7 support or, if specifically so identified, will likely
8 have evidentiary support after a reasonable oppor-
9 tunity for further review or discovery.

10 “(4) The denials of factual contentions are war-
11 ranted on the evidence or, if specifically so identi-
12 fied, are reasonably based on belief or a lack of in-
13 formation.

14 “(g) PROCEDURE.—Nothing in this Act shall be con-
15 strued to supersede or limit section 225(d)(2).”.

16 (b) CONFORMING AMENDMENT RELATING TO CIVIL
17 ACTION.—Section 408(a) (2 U.S.C. 1408(a)) is amend-
18 ed—

19 (1) by striking “section 404” and inserting
20 “section 401”;

21 (2) by striking “who has completed counseling
22 under section 402 and mediation under section
23 403”; and

24 (3) by striking the second sentence.

1 (c) OTHER CONFORMING AMENDMENTS TO TITLE
2 IV.—Title IV is amended—

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

5 (2) by redesignating section 403 (2 U.S.C.
6 1403) as section 404.

7 (d) MISCELLANEOUS CONFORMING AMENDMENT.—
8 Section 225 (2 U.S.C. 1361) is amended—

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

10 (2) by redesignating subsection (f) as sub-
11 section (e).

12 (e) CLERICAL AMENDMENTS.—The table of contents
13 is amended—

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

16 (2) by redesignating the item relating to section
17 403 as relating to section 404.

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

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

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

23 **“(a) CLAIM.—**

24 **“(1) FILING OF CLAIM.—To commence a pro-**
25 **ceeding under this title, a covered employee alleging**

1 a violation of law made applicable under part A of
2 title II shall file a claim with the Office. The Office
3 shall not accept a claim which is filed after the dead-
4 line applicable under subsection (d).

5 “(2) CONTENTS OF CLAIM.—The claim filed
6 under this section shall be made in writing under
7 oath or affirmation, shall describe the facts that
8 form the basis of the claim and the violation that is
9 being alleged, shall identify the employing office al-
10 leged to have committed the violation or in which the
11 violation is alleged to have occurred, and shall be in
12 such form as the Office requires.

13 “(3) NO EFFECT ON ABILITY OF COVERED EM-
14 PLOYEE TO SEEK INFORMATION FROM OFFICE OR
15 PURSUE RELIEF.—Nothing in paragraph (2), or sub-
16 section (b) or (c), may be construed to limit the abil-
17 ity of a covered employee—

18 “(A) to contact the Office or any other ap-
19 propriate office prior to filing a claim under
20 this section to seek information regarding the
21 employee’s rights under this Act and the proce-
22 dures available under this Act;

23 “(B) in the case of a covered employee of
24 an employing office of the House of Representa-
25 tives or Senate, to refer information regarding

1 an alleged violation of part A of title II to the
2 Committee on Ethics of the House of Rep-
3 resentatives or the Select Committee on Ethics
4 of the Senate (as the case may be); or

5 “(C) to file a civil action in accordance
6 with section 401(b).

7 “(b) INITIAL PROCESSING OF CLAIM.—

8 “(1) INTAKE AND RECORDING; NOTIFICATION
9 TO EMPLOYING OFFICE.—Upon the filing of a claim
10 by a covered employee under subsection (a), the Of-
11 fice shall take such steps as may be necessary for
12 the initial intake and recording of the claim, includ-
13 ing providing each party with all relevant informa-
14 tion with respect to the rights of the party under
15 this Act, and shall transmit immediately a copy of
16 the claim to the head of the employing office and the
17 designated representative of that office.

18 “(2) SPECIAL NOTIFICATION REQUIREMENTS
19 FOR CLAIMS BASED ON ACTS BY MEMBERS OF CON-
20 GRESS.—

21 “(A) IN GENERAL.—In the case of a claim
22 alleging a violation described in subparagraph
23 (B) which consists of a violation described in
24 section 415(d)(1)(A) by an individual, upon the
25 filing of the claim under subsection (a), the Of-

1 fice shall notify immediately such individual of
 2 the claim, the possibility that the individual
 3 may be required to reimburse the account de-
 4 scribed in section 415(a) for the reimbursable
 5 portion of any award or settlement in connec-
 6 tion with the claim, and the right of the indi-
 7 vidual under section 415(d)(8) to intervene in
 8 any mediation, hearing, or civil action under
 9 this title with respect to the claim.

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

12 “(i) harassment that is unlawful
 13 under section 201(a) or 206(a); or

14 “(ii) intimidation, reprisal, or dis-
 15 crimination that is unlawful under section
 16 207 and is taken against a covered em-
 17 ployee because of a claim alleging a viola-
 18 tion described in clause (i).

19 “(c) USE OF SECURE ELECTRONIC REPORTING AND
 20 TRACKING SYSTEM.—

21 “(1) ESTABLISHMENT AND OPERATION OF SE-
 22 CURE SYSTEM.—The Office shall establish and oper-
 23 ate a secure electronic reporting system through
 24 which a covered employee may initiate a proceeding
 25 under this title, and which will keep an electronic

1 record of the date and time at which the proceeding
2 is initiated and will track all subsequent actions or
3 proceedings occurring with respect to the proceeding
4 under this title.

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

9 “(3) ASSESSMENT OF EFFECTIVENESS OF PRO-
10 CEDURES.—The Office shall use the information
11 contained in the system to make regular assessments
12 of the effectiveness of the procedures under this title
13 in providing for the timely resolution of claims, and
14 shall submit semi-annual reports on such assess-
15 ments each year to the Committee on House Admin-
16 istration of the House of Representatives and the
17 Committee on Rules and Administration of the Sen-
18 ate.

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

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. PRELIMINARY REVIEW OF CLAIMS BY HEARING**
2 **OFFICER.**

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

7 **“SEC. 403. PRELIMINARY REVIEW OF CLAIMS.**

8 “(a) PRELIMINARY REVIEW BY HEARING OFFI-
9 CER.—

10 “(1) APPOINTMENT.—Not later than 7 days
11 after transmission to the employing office of a claim
12 pursuant to section 402(b), the Executive Director
13 shall appoint a hearing officer to conduct a prelimi-
14 nary review of the claim.

15 “(2) PROCESS FOR APPOINTMENT.—The Exec-
16 utive Director shall appoint a hearing officer under
17 this subsection in the same manner and in accord-
18 ance with the same requirements and procedures ap-
19 plicable to the appointment of a hearing officer
20 under section 405(c).

21 “(b) ASSESSMENTS REQUIRED.—In conducting a
22 preliminary review of a claim under this section, the hear-
23 ing officer shall assess each of the following:

24 “(1) Whether the claimant is a covered em-
25 ployee authorized to obtain relief relating to the
26 claim under this title.

1 “(2) Whether the office which is the subject of
2 the claim is an employing office under this Act.

3 “(3) Whether the individual filing the claim has
4 met the applicable deadlines for filing the claim
5 under this title.

6 “(4) The identification of factual and legal
7 issues involved with respect to the claim.

8 “(5) The specific relief sought by the individual.

9 “(6) Whether, on the basis of the assessments
10 made under paragraphs (1) through (5), the indi-
11 vidual filing the claim is a covered employee who has
12 stated a claim for which, if the allegations contained
13 in the claim are true, relief may be granted under
14 this title.

15 “(7) The potential for the settlement of the
16 claim without a formal hearing as provided under
17 section 405 or a civil action as provided under sec-
18 tion 408.

19 “(c) REPORT ON REVIEW.—

20 “(1) REPORT.—Not later than 30 days after a
21 claim is filed under section 402, the hearing officer
22 shall submit to the individual filing the claim and
23 the office which is the subject of the claim a report
24 on the preliminary review conducted under this sec-
25 tion, and shall include in the report the hearing offi-

1 cer's determination as to whether the individual is a
2 covered employee who has stated a claim for which
3 relief may be granted under this title (as described
4 in paragraph (6) of subsection (b)). The submission
5 of the report shall conclude the preliminary review.

6 “(2) EXTENSION OF DEADLINE.—The hearing
7 officer may (upon notice to the individual filing the
8 claim and the employing office which is the subject
9 of the claim) use an additional period of not to ex-
10 ceed 30 days to conclude the preliminary review.

11 “(d) EFFECT OF DETERMINATION OF FAILURE TO
12 STATE CLAIM FOR WHICH RELIEF MAY BE GRANTED.—
13 If the hearing officer's report on the preliminary review
14 of a claim under subsection (c) includes the determination
15 that the individual filing the claim is not a covered em-
16 ployee or has not stated a claim for which relief may be
17 granted under this title—

18 “(1) the individual (including an individual who
19 is a Library claimant, as defined in section
20 401(d)(1)) may not obtain a formal hearing with re-
21 spect to the claim as provided under section 405;
22 and

23 “(2) the hearing officer shall provide the indi-
24 vidual and the Executive Director with a written no-

1 tice that the individual may file a civil action with
2 respect to the claim in accordance with section 408.

3 “(e) TRANSMISSION OF REPORT ON PRELIMINARY
4 REVIEW OF CERTAIN CLAIMS TO CONGRESSIONAL ETH-
5 ICS COMMITTEES.—In the case of a hearing officer’s re-
6 port under subsection (c) on the preliminary review of a
7 claim alleging a violation described in section
8 415(d)(1)(A), the hearing officer shall transmit the report
9 to—

10 “(1) the Committee on Ethics of the House of
11 Representatives, in the case of such an act by a
12 Member of the House of Representatives (including
13 a Delegate or Resident Commissioner to the Con-
14 gress); or

15 “(2) the Select Committee on Ethics of the
16 Senate, in the case of such an act by a Senator.”.

17 (b) DEADLINE FOR REQUESTING HEARING AFTER
18 PRELIMINARY REVIEW.—Section 405(a) (2 U.S.C.
19 1405(a)) is amended to read as follows:

20 “(a) REQUIREMENT FOR HEARINGS TO COMMENCE
21 IN OFFICE.—

22 “(1) HEARING REQUIRED UPON REQUEST.—If,
23 not later than 10 days after a hearing officer sub-
24 mits the report on the preliminary review of a claim
25 under section 403(c), a covered employee submits a

1 request to the Executive Director for a hearing
2 under this section, the Executive Director shall ap-
3 point an independent hearing officer pursuant to
4 subsection (c) to consider the claim and render a de-
5 cision, and a hearing shall be commenced in the Of-
6 fice.

7 “(2) EXCEPTIONS.—Paragraph (1) does not
8 apply with respect to the claim if—

9 “(A) the hearing officer’s report on the
10 preliminary review of the claim under section
11 403(c) includes the determination that the indi-
12 vidual filing the claim is not a covered employee
13 who has stated a claim for which relief may be
14 granted under this title (as described in section
15 403(d)); or

16 “(B) the covered employee files a civil ac-
17 tion as provided in section 408 with respect to
18 the claim.”.

19 (c) PROHIBITING HEARING OFFICER CONDUCTING
20 PRELIMINARY REVIEW FROM CONDUCTING HEARING.—
21 Section 405(c) (2 U.S.C. 1405(c)) is amended by adding
22 at the end the following new paragraph:

23 “(3) PROHIBITING HEARING OFFICER CON-
24 DUCTING PRELIMINARY REVIEW FROM CONDUCTING
25 HEARING.—The Executive Director may not appoint

1 a hearing officer to conduct a hearing under this
2 section with respect to a claim if the hearing officer
3 conducted the preliminary review with respect to the
4 claim under section 403.”.

5 (d) DEADLINE FOR COMMENCEMENT OF HEARING;
6 PERMITTING ADDITIONAL TIME.—Section 405(d) (2
7 U.S.C. 1405(d)) is amended by striking paragraph (2) and
8 inserting the following:

9 “(2) commenced no later than 90 days after the
10 Executive Director receives the covered employee’s
11 request for the hearing under subsection (a), except
12 that, upon mutual agreement of the parties or for
13 good cause, the Office shall extend the time for com-
14 mencing a hearing for not more than an additional
15 30 days; and”.

16 (e) OTHER CONFORMING AMENDMENTS RELATING
17 TO HEARINGS CONDUCTED BY OFFICE OF CONGRES-
18 SIONAL WORKPLACE RIGHTS.—Section 405 (2 U.S.C.
19 1405) is amended as follows:

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

22 (2) In subsection (c)(1), by striking “com-
23 plaint” and inserting “request for a hearing under
24 subsection (a)”.

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

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

6 (f) OTHER CONFORMING AMENDMENT.—The head-
7 ing of section 414 (2 U.S.C. 1414) is amended by striking
8 “**OF COMPLAINTS**”.

9 (g) CLERICAL AMENDMENTS.—The table of contents,
10 as amended by section 101(e), is further amended as fol-
11 lows:

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

“Sec. 403. Preliminary review of claims.”.

14 (2) By amending the item relating to section
15 405 to read as follows:

“Sec. 405. Hearing.”.

16 (3) By amending the item relating to section
17 414 to read as follows:

“Sec. 414. Settlement.”.

18 **SEC. 104. AVAILABILITY OF MEDIATION DURING PROCESS.**

19 (a) AVAILABILITY OF MEDIATION.—Section 404(a)
20 (2 U.S.C. 1403(a)), as redesignated by section 101(e), is
21 amended to read as follows:

22 “(a) AVAILABILITY OF MEDIATION.—

23 “(1) NOTIFICATION REGARDING MEDIATION.—

1 “(A) COVERED EMPLOYEE.—Upon receipt
2 of a claim under section 402, the Office shall
3 notify the covered employee who filed the claim
4 about the process for mediation under this sec-
5 tion and the deadlines applicable to such medi-
6 ation.

7 “(B) EMPLOYING OFFICE.—Upon trans-
8 mission to the employing office of the claim
9 pursuant to section 402(b), the Office shall no-
10 tify the employing office about the process for
11 mediation under this section and the deadlines
12 applicable to such mediation.

13 “(2) INITIATION.—

14 “(A) IN GENERAL.—During the period de-
15 scribed in subparagraph (B), either the covered
16 employee who filed a claim under section 402 or
17 the employing office named in the claim may
18 file a request for mediation with the Office,
19 which shall promptly notify the other party. If
20 the other party agrees to the request, the Office
21 shall promptly assign a mediator to the claim,
22 and conduct mediation under this section.

23 “(B) TIMING.—A covered employee or an
24 employing office may file a request for medi-
25 ation under subparagraph (A) during the period

1 beginning on the date that the covered em-
2 ployee or employing office, respectively, receives
3 a notification under paragraph (1) regarding a
4 claim under section 402 and ending on the date
5 on which a hearing officer issues a written deci-
6 sion relating to the claim under section 405(g)
7 or the covered employee files a civil action with
8 respect to the claim in accordance with section
9 408, as applicable.

10 “(3) FAILURE TO REQUEST OR ACCEPT MEDI-
11 ATION TO HAVE NO EFFECT ON TREATMENT OF
12 CLAIM.—The failure of a party to request mediation
13 under this section with respect to a claim, or the
14 failure of a party to agree to a request for mediation
15 under this section, may not be taken into consider-
16 ation under any procedure under this title with re-
17 spect to the claim, including a preliminary review
18 under section 403, a formal hearing under section
19 405, or a civil action under section 408.”

20 (b) REQUIRING PARTIES TO BE SEPARATED DURING
21 MEDIATION AT REQUEST OF EMPLOYEE.—Section
22 404(b)(2) (2 U.S.C. 1403(b)(2)), as redesignated by sec-
23 tion 101(c), is amended by striking “meetings with the
24 parties separately or jointly” and inserting “meetings with

1 the parties during which, at the request of any of the par-
 2 ties, the parties shall be separated.”.

3 (c) PERIOD OF MEDIATION.—Section 404(c) (2
 4 U.S.C. 1403(c)), as redesignated by section 101(c), is
 5 amended by striking the first 2 sentences and inserting
 6 the following: “The mediation period shall be 30 days, be-
 7 ginning on the first day after the second party agrees to
 8 the request for the mediation. The mediation period may
 9 be extended for one additional period of 30 days at the
 10 joint request of the covered employee and employing office.
 11 Any deadline in this Act relating to a claim for which me-
 12 diation has been agreed to in this section, that has not
 13 already passed by the first day of the mediation period,
 14 shall be stayed during the mediation period.”.

15 **Subtitle B—Other Reforms**

16 **SEC. 111. REQUIRING MEMBERS OF CONGRESS TO REIM-**
 17 **BURSE TREASURY FOR AMOUNTS PAID AS**
 18 **SETTLEMENTS AND AWARDS IN CASES OF**
 19 **ACTS BY MEMBERS.**

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

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

1 “(1) REIMBURSEMENT REQUIRED FOR CERTAIN
2 VIOLATIONS.—

3 “(A) IN GENERAL.—Subject to subpara-
4 graphs (B) and (D), if a payment is made from
5 the account described in subsection (a) for an
6 award or settlement in connection with a claim
7 alleging a violation described in subparagraph
8 (C) committed personally by an individual who,
9 at the time of committing the violation, was a
10 Member of the House of Representatives (in-
11 cluding a Delegate or Resident Commissioner to
12 the Congress) or a Senator, the individual shall
13 reimburse the account for the amount of the
14 award or settlement for the claim involved.

15 “(B) CONDITIONS.—In the case of an
16 award made pursuant to a decision of a hearing
17 officer under section 405, or a court in a civil
18 action, subparagraph (A) shall apply only if the
19 hearing officer or court makes a separate find-
20 ing that a violation described in subparagraph
21 (C) occurred which was committed personally
22 by an individual who, at the time of committing
23 the violation, was a Member of the House of
24 Representatives (including a Delegate or Resi-
25 dent Commissioner to the Congress) or a Sen-

1 ator, and such individual shall reimburse the
2 account for the amount of compensatory dam-
3 ages included in the award as would be avail-
4 able if awarded under section 1977A(b)(3) of
5 the Revised Statutes (42 U.S.C. 1981a(b)(3))
6 irrespective of the size of the employing office.
7 In the case of a settlement for a claim described
8 in section 416(d)(3), subparagraph (A) shall
9 apply only if the conditions specified in section
10 416(d)(3) for requesting reimbursement are
11 met.

12 “(C) VIOLATIONS DESCRIBED.—A violation
13 described in this subparagraph is—

14 “(i) harassment that is unlawful
15 under section 201(a) or 206(a); or

16 “(ii) intimidation, reprisal, or dis-
17 crimination that is unlawful under section
18 207 and is taken against a covered em-
19 ployee because of a claim alleging a viola-
20 tion described in clause (i).

21 “(D) MULTIPLE CLAIMS.—If an award or
22 settlement is made for multiple claims, some of
23 which do not require reimbursement under this
24 subsection, the individual described in subpara-
25 graph (A) shall only be required to reimburse

1 for the amount (referred to in this Act as the
2 ‘reimbursable portion’) that is—

3 “(i) described in subparagraph (A),
4 subject to subparagraph (B); and

5 “(ii) included in the portion of the
6 award or settlement attributable to a claim
7 requiring reimbursement.

8 “(2) WITHHOLDING AMOUNTS FROM COM-
9 PENSATION.—

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

18 “(B) DEADLINE.—The payroll adminis-
19 trator shall withhold from an individual’s com-
20 pensation and transfer to the account described
21 in subsection (a) (after making any deposit re-
22 quired under section 8432(f) of title 5, United
23 States Code) such amounts as may be necessary
24 to reimburse the account described in sub-
25 section (a) for the reimbursable portion of the

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

7 “(C) APPLICABLE COMMITTEE DEFINED.—

8 In this paragraph, the term ‘applicable Com-
9 mittee’ means—

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

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

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

21 “(A) IN GENERAL.—If, by the expiration
22 of the 180-day period that begins on the date
23 a payment is made from the account described
24 in subsection (a) for an award or settlement de-
25 scribed in paragraph (1), an individual who is

1 subject to a reimbursement requirement of this
2 subsection has not reimbursed the account for
3 the entire reimbursable portion as required
4 under paragraph (1), withholding and transfers
5 of amounts shall continue under paragraph (2)
6 if the individual remains employed in the same
7 position, and the Executive Director of the Fed-
8 eral Retirement Thrift Investment Board shall
9 make a transfer described in subparagraph (B).

10 “(B) TRANSFERS.—The transfer by such
11 Executive Director is a transfer, from the ac-
12 count of the individual in the Thrift Savings
13 Fund to the account described in subsection
14 (a), of an amount equal to the amount of that
15 reimbursable portion of the award or settle-
16 ment, reduced by—

17 “(i) any amount the individual has re-
18 imbursed, taking into account any amounts
19 withheld under paragraph (2); and

20 “(ii) if the individual remains em-
21 ployed in the same position, any amount
22 that the individual is scheduled to reim-
23 burse, taking into account any amounts to
24 be withheld under the individual’s time-
25 table under paragraph (2).

1 “(C) INITIATION OF TRANSFER.—Notwith-
2 standing section 8435 of title 5, United States
3 Code, the Executive Director described in sub-
4 paragraph (A) shall make the transfer under
5 subparagraph (A) upon receipt of a written re-
6 quest to the Executive Director from the Sec-
7 retary of the Treasury, in the form and manner
8 required by the Executive Director.

9 “(D) COORDINATION BETWEEN PAYROLL
10 ADMINISTRATOR AND THE EXECUTIVE DIREC-
11 TOR.—The payroll administrator and the Exec-
12 utive Director described in subparagraph (A)
13 shall carry out this paragraph in a manner that
14 ensures the coordination of the withholding and
15 transferring of amounts under this paragraph,
16 in accordance with regulations promulgated by
17 the Board under section 303 and such Execu-
18 tive Director.

19 “(4) ADMINISTRATIVE WAGE GARNISHMENT OR
20 OTHER COLLECTION OF WAGES FROM A SUBSE-
21 QUENT POSITION.—

22 “(A) INDIVIDUAL SUBJECT TO GARNISH-
23 MENT OR OTHER COLLECTION.—Subparagraph
24 (B) shall apply to an individual who is subject
25 to a reimbursement requirement of this sub-

1 section if, at any time after the expiration of
2 the 270-day period that begins on the date a
3 payment is made from the account described in
4 subsection (a) for an award or settlement de-
5 scribed in paragraph (1), the individual—

6 “(i) has not reimbursed the account
7 for the entire reimbursable portion as re-
8 quired under paragraph (1), through
9 withholdings or transfers under para-
10 graphs (2) and (3);

11 “(ii) is not serving in a position as a
12 Member of the House of Representatives
13 or a Senator; and

14 “(iii) is employed in a subsequent
15 non-Federal position.

16 “(B) GARNISHMENT OR OTHER COLLEC-
17 TION OF WAGES.—On the expiration of that
18 270-day period, the amount of the reimbursable
19 portion of an award or settlement described in
20 paragraph (1) (reduced by any amount the indi-
21 vidual has reimbursed, taking into account any
22 amounts withheld or transferred under para-
23 graph (2) or (3)) shall be treated as a claim of
24 the United States and transferred to the Sec-
25 retary of the Treasury for collection. Upon that

1 transfer, the Secretary of the Treasury shall
2 collect the claim, in accordance with section
3 3711 of title 31, United States Code, including
4 by administrative wage garnishment of the
5 wages of the individual described in subpara-
6 graph (A) from the position described in sub-
7 paragraph (A)(iii). The Secretary of the Treas-
8 ury shall transfer the collected amount to the
9 account described in subsection (a).

10 “(5) NOTIFICATION TO OFFICE OF PERSONNEL
11 MANAGEMENT AND SECRETARY OF THE TREAS-
12 URY.—

13 “(A) INDIVIDUAL SUBJECT TO ANNUITY
14 OR SOCIAL SECURITY WITHHOLDING.—Sub-
15 paragraph (B) shall apply to an individual sub-
16 ject to a reimbursement requirement of this
17 subsection if, at any time after the expiration of
18 the 270-day period described in paragraph
19 (4)(A), the individual—

20 “(i) has not served in a position as a
21 Member of the House of Representatives
22 or a Senator during the preceding 90 days;
23 and

24 “(ii) is not employed in a subsequent
25 non-Federal position.

1 “(B) ANNUITY OR SOCIAL SECURITY WITH-
2 HOLDING.—If, at any time after the 270-day
3 period described in paragraph (4)(A), the indi-
4 vidual described in subparagraph (A) has not
5 reimbursed the account described in subsection
6 (a) for the entire reimbursable portion of the
7 award or settlement described in paragraph (1)
8 (as determined by the Secretary of the Treas-
9 ury), through withholdings, transfers, or collec-
10 tions under paragraphs (2) through (4), the
11 Secretary of the Treasury (after consultation
12 with the payroll administrator)—

13 “(i) shall notify the Director of the
14 Office of Personnel Management, who shall
15 take such actions as the Director considers
16 appropriate to withhold from any annuity
17 payable to the individual under chapter 83
18 or chapter 84 of title 5, United States
19 Code, and transfer to the account de-
20 scribed in subsection (a), such amounts as
21 may be necessary to reimburse the account
22 for the remainder of the reimbursable por-
23 tion of an award or settlement described in
24 paragraph (1); and

1 “(ii) shall (if necessary), notwith-
2 standing section 207 of the Social Security
3 Act (42 U.S.C. 407), take such actions as
4 the Secretary of the Treasury considers
5 appropriate to withhold from any payment
6 to the individual under title II of the Social
7 Security Act (42 U.S.C. 401 et seq.) and
8 transfer to the account described in sub-
9 section (a), such amounts as may be nec-
10 essary to reimburse the account for the re-
11 mainder of the reimbursable portion of an
12 award or settlement described in para-
13 graph (1).

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

22 “(7) CERTIFICATION.—Once the Executive Di-
23 rector determines that an individual who is subject
24 to a reimbursement requirement of this subsection
25 has reimbursed the account described in subsection

1 (a) for the entire reimbursable portion, the Execu-
2 tive Director shall prepare a certification that the in-
3 dividual has completed that reimbursement, and sub-
4 mit the certification to—

5 “(A) the Committees on House Adminis-
6 tration and Ethics of the House of Representa-
7 tives, in the case of an individual who, at the
8 time of committing the act involved, was a
9 Member of the House of Representatives (in-
10 cluding a Delegate or Resident Commissioner to
11 the Congress); and

12 “(B) the Select Committee on Ethics of
13 the Senate, in the case of an individual who, at
14 the time of committing the act involved, was a
15 Senator.

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

1 the claim to be deposed by counsel for the individual
2 in a deposition that is separate from any other depo-
3 sition taken from the employee in connection with
4 the hearing or civil action.

5 “(9) DEFINITIONS.—In this subsection:

6 “(A) NON-FEDERAL POSITION.—The term
7 ‘non-Federal position’ means a position other
8 than the position of an employee, as defined in
9 section 2105(a) of title 5, United States Code.

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

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

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

1 (b) CONFORMING AMENDMENT.—Section 8437(e)(3)
 2 of title 5, United States Code, is amended by inserting
 3 “an obligation of the Executive Director to make a trans-
 4 fer under section 415(d)(3) of the Congressional Account-
 5 ability Act of 1995 (2 U.S.C. 1415(d)(3)),” before “or an
 6 obligation”.

7 (c) EFFECTIVE DATE.—The amendments made by
 8 subsections (a) and (b) shall apply with respect to claims
 9 made on or after the date of the enactment of this Act.

10 **SEC. 112. AUTOMATIC REFERRAL TO CONGRESSIONAL ETH-**
 11 **ICS COMMITTEES OF DISPOSITION OF CER-**
 12 **TAIN CLAIMS ALLEGING VIOLATIONS OF**
 13 **CONGRESSIONAL ACCOUNTABILITY ACT OF**
 14 **1995 INVOLVING MEMBERS OF CONGRESS**
 15 **AND SENIOR STAFF.**

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

18 “(e) AUTOMATIC REFERRAL TO CONGRESSIONAL
 19 ETHICS COMMITTEE OF DISPOSITIONS OF CLAIMS IN-
 20 VOLVING MEMBERS OF CONGRESS AND SENIOR STAFF.—

21 “(1) REFERRAL.—Upon the final disposition
 22 under this title (as described in paragraph (6)) of a
 23 claim alleging a violation described in section
 24 415(d)(1)(C) committed personally by a Member of
 25 the House of Representatives (including a Delegate

1 or Resident Commissioner to the Congress) or a
2 Senator, or by a senior staff of the House of Rep-
3 resentatives or Senate, the Executive Director shall
4 refer the claim to—

5 “(A) the Committee on Ethics of the
6 House of Representatives, in the case of a
7 Member or senior staff of the House; or

8 “(B) the Select Committee on Ethics of
9 the Senate, in the case of a Senator or senior
10 staff of the Senate.

11 “(2) ACCESS TO RECORDS AND INFORMA-
12 TION.—If the Executive Director refers a claim to a
13 Committee under paragraph (1), the Executive Di-
14 rector shall provide the Committee with access to the
15 records of any preliminary reviews, hearings, or deci-
16 sions of the hearing officers and the Board under
17 this Act, and any information relating to an award
18 or settlement paid, in response to such claim.

19 “(3) REVIEW BY SENATE ETHICS COMMITTEE
20 OF SETTLEMENTS OF CERTAIN CLAIMS.—After the
21 receipt of a settlement agreement for a claim that
22 includes an allegation of a violation described in sec-
23 tion 415(d)(1)(C) committed personally by a Sen-
24 ator, the Select Committee on Ethics of the Senate
25 shall—

1 “(A) not later than 90 days after that re-
2 ceipt, review the settlement agreement;

3 “(B) determine whether an investigation of
4 the claim is warranted; and

5 “(C) if the Select Committee determines,
6 after the investigation, that the claim that re-
7 sulted in the settlement involved an actual vio-
8 lation described in section 415(d)(1)(C) com-
9 mitted personally by the Senator, then the Se-
10 lect Committee shall notify the Executive Direc-
11 tor to request the reimbursement described in
12 section 415(d) and include the settlement in the
13 report required by section 301(l).

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

21 “(5) COMMITTEE AUTHORITY TO PROTECT
22 IDENTITY OF A CLAIMANT.—

23 “(A) AUTHORITY.—If a Committee to
24 which a claim is referred under paragraph (1)
25 issues a report as described in paragraph (4)

1 concerning a Member of the House of Rep-
2 resentatives (including a Delegate or Resident
3 Commissioner to the Congress) or a Senator, or
4 a senior staff of the House of Representatives
5 or Senate, the Committee may make an appro-
6 priate redaction to the information or data in-
7 cluded in the report if the Chairman and Vice
8 Chairman of the Committee reach agreement—

9 “(i) that including the information or
10 data considered for redaction may lead to
11 the unintentional disclosure of the identity
12 or position of a claimant; and

13 “(ii) on the precise information or
14 data to be redacted.

15 “(B) NOTATION AND STATEMENT.—The
16 report including any such redaction shall note
17 each redaction and include a statement that the
18 redaction was made solely for the purpose of
19 avoiding such an unintentional disclosure of the
20 identity or position of a claimant.

21 “(C) RETENTION OF REPORTS.—The Com-
22 mittee making a redaction in accordance with
23 this paragraph shall retain a copy of the report,
24 without a redaction.

1 “(6) FINAL DISPOSITION DESCRIBED.—In this
2 subsection, the ‘final disposition’ of a claim means
3 any of the following:

4 “(A) An order or agreement to pay an
5 award or settlement, including an agreement
6 reached pursuant to mediation under section
7 404.

8 “(B) A final decision of a hearing officer
9 under section 405(g) that is no longer subject
10 to review by the Board under section 406.

11 “(C) A final decision of the Board under
12 section 406(e) that is no longer subject to ap-
13 peal to the United States Court of Appeals for
14 the Federal Circuit under section 407.

15 “(D) A final decision in a civil action
16 under section 408 that is no longer subject to
17 appeal.

18 “(7) SENIOR STAFF DEFINED.—In this sub-
19 section, the term ‘senior staff’ means any individual
20 who, at the time a violation occurred, was required
21 to file a report under title I of the Ethics in Govern-
22 ment Act of 1978 (5 U.S.C. App. 101 et seq.).”.

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

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

6 **“SEC. 417. OPTION TO REQUEST REMOTE WORK ASSIGN-**
7 **MENT OR PAID LEAVE OF ABSENCE DURING**
8 **PENDENCY OF PROCEDURES.**

9 “(a) OPTIONS FOR EMPLOYEES.—

10 “(1) REMOTE WORK ASSIGNMENT.—At the re-
11 quest of a covered employee who files a claim alleg-
12 ing a violation of part A of title II by the covered
13 employee’s employing office, during the pendency of
14 any of the procedures available under this title for
15 consideration of the claim, the employing office may
16 permit the covered employee to carry out the em-
17 ployee’s responsibilities from a remote location (re-
18 ferred to in this section as ‘permitting a remote
19 work assignment’) where such relocation would have
20 the effect of materially reducing interactions be-
21 tween the covered employee and any person alleged
22 to have committed the violation, instead of from a
23 location of the employing office.

24 “(2) EXCEPTION FOR WORK ASSIGNMENTS RE-
25 QUIRED TO BE CARRIED OUT ONSITE.—If, in the de-
26 termination of the covered employee’s employing of-

1 fice, a covered employee who makes a request under
2 this subsection cannot carry out the employee’s re-
3 sponsibilities from a remote location or such reloca-
4 tion would not have the effect described in para-
5 graph (1), the employing office may during the
6 pendency of the procedures described in paragraph
7 (1)—

8 “(A) grant a paid leave of absence to the
9 covered employee;

10 “(B) permit a remote work assignment
11 and grant a paid leave of absence to the covered
12 employee; or

13 “(C) make another workplace adjustment,
14 or permit a remote work assignment, that
15 would have the effect of reducing interactions
16 between the covered employee and any person
17 alleged to have committed the violation de-
18 scribed in paragraph (1).

19 “(3) ENSURING NO RETALIATION.—An employ-
20 ing office may not grant a covered employee’s re-
21 quest under this subsection in a manner which
22 would constitute a violation of section 207.

23 “(4) NO IMPACT ON VACATION OR PERSONAL
24 LEAVE.—In granting leave for a paid leave of ab-
25 sence under this section, an employing office shall

1 not require the covered employee to substitute, for
2 that leave, any of the accrued paid vacation or per-
3 sonal leave of the covered employee.

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

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

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

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

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

19 (b) CLAIMS.—Section 416 (2 U.S.C. 1416), as
20 amended by section 112 and subsection (a) of this section,
21 is further amended—

22 (1) by striking subsection (a);

23 (2) by redesignating subsections (b) through (f)
24 as subsections (a) through (e), respectively;

1 (3) in subsection (b), as redesignated by para-
2 graph (2) of this subsection, by striking “subsections
3 (d), (e), and (f)” and inserting “subsections (c), (d),
4 and (e)”; and

5 (4) by adding at the end the following:

6 “(f) CLAIMS.—Nothing in this section may be con-
7 strued to prohibit a covered employee from disclosing the
8 factual allegations underlying the covered employee’s
9 claim, or to prohibit an employing office from disclosing
10 the factual allegations underlying the employing office’s
11 defense to the claim, in the course of any proceeding under
12 this title.”.

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

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

21 “(e) REIMBURSEMENT BY EMPLOYING OFFICES.—

22 “(1) NOTIFICATION OF PAYMENTS MADE FROM
23 ACCOUNT.—As soon as practicable after the Execu-
24 tive Director is made aware that a payment of an
25 award or settlement under this Act has been made

1 from the account described in subsection (a) in con-
2 nection with a claim alleging a violation of section
3 201(a) or 206(a) by an employing office (other than
4 an employing office of the House of Representatives
5 or an employing office of the Senate), the Executive
6 Director shall notify the head of the employing office
7 that the payment has been made, and shall include
8 in the notification a statement of the amount of the
9 payment.

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

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

24 (b) EFFECTIVE DATE.—The amendment made by
25 subsection (a) shall apply with respect to payments made

1 under section 415 of the Congressional Accountability Act
 2 of 1995 (2 U.S.C. 1415) for claims filed on or after the
 3 date of the enactment of this Act.

4 **TITLE II—IMPROVING OPER-**
 5 **ATIONS OF OFFICE OF CON-**
 6 **GRESSIONAL WORKPLACE**
 7 **RIGHTS**

8 **SEC. 201. REPORTS ON AWARDS AND SETTLEMENTS.**

9 (a) ANNUAL REPORTS ON AWARDS AND SETTLE-
 10 MENTS.—

11 (1) REQUIRING SUBMISSION AND PUBLICATION
 12 OF REPORTS.—Section 301 (2 U.S.C. 1381) is
 13 amended—

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

17 (B) by adding at the end the following new
 18 subsection:

19 “(1) ANNUAL REPORTS ON AWARDS AND SETTLE-
 20 MENTS.—

21 “(1) IN GENERAL.—Subject to the rules issued
 22 by the applicable committee pursuant to paragraph
 23 (2):

24 “(A) REQUIREMENT.—The Office shall
 25 prepare and submit to Congress, and publish on

1 the public website of the Office, an annual re-
2 port regarding payments from the account de-
3 scribed in section 415(a) that were the result of
4 claims alleging a violation of part A of title II
5 (referred to in this subsection as ‘covered pay-
6 ments’).

7 “(B) REPORTING.—The reporting required
8 under this paragraph shall—

9 “(i) for a covered payment, or the re-
10 imburseable portion of a covered payment,
11 described in paragraph (2), conform to the
12 requirements of the rules issued by the ap-
13 plicable committee under such paragraph;
14 and

15 “(ii) for a covered payment, or the
16 portion of a covered payment, not de-
17 scribed in paragraph (2)—

18 “(I) include the amount of the
19 covered payment or portion of the cov-
20 ered payment and information on the
21 employing office involved; and

22 “(II) identify each provision of
23 part A of title II that was the subject
24 of a claim resulting in the covered

1 payment or portion of the covered
2 payment.

3 “(C) REPORTING PERIODS AND DATES.—

4 The reporting required under this paragraph—

5 “(i) for 2019, shall be submitted by
6 the 60th day after the date on which the
7 committees described in paragraph (2)
8 issue the rules described in paragraph (2)
9 and shall reflect covered payments made in
10 calendar year 2019; and

11 “(ii) for 2020 and each subsequent
12 calendar year, shall be submitted by Janu-
13 ary 31 of that year and shall reflect cov-
14 ered payments made in the previous cal-
15 endar year.

16 “(2) RULES REGARDING REPORTING OF COV-
17 ERED PAYMENTS FOR EMPLOYING OFFICES OF THE
18 HOUSE AND EMPLOYING OFFICES OF THE SEN-
19 ATE.—

20 “(A) IN GENERAL.—Not later than 180
21 days after the date of the enactment of this
22 subsection, the Committee on House Adminis-
23 tration of the House of Representatives and the
24 Committee on Rules and Administration of the
25 Senate shall each issue rules establishing the

1 content, format, and other requirements for the
2 reporting required under paragraph (1)(B)(i)
3 with respect to—

4 “(i) any covered payment made for
5 claims involving an employing office de-
6 scribed in any of subparagraphs (A)
7 through (C) of section 101(a)(9) of the
8 House of Representatives or of the Senate,
9 respectively; and

10 “(ii) the reimbursable portion of any
11 such covered payment for which there is a
12 finding requiring reimbursement under
13 section 415(d)(1)(B) from a Member of
14 the House of Representatives (including a
15 Delegate or Resident Commissioner to the
16 Congress) or a Senator, respectively.

17 “(B) APPLICABILITY.—The rules issued
18 under subparagraph (A)—

19 “(i) by the Committee on House Ad-
20 ministration of the House of Representa-
21 tives shall apply to covered payments made
22 for claims involving employing offices de-
23 scribed in subparagraph (A)(i) of the
24 House; and

1 “(ii) by the Committee on Rules and
2 Administration of the Senate shall apply to
3 covered payments made for claims involv-
4 ing employing offices described in subpara-
5 graph (A)(i) of the Senate.

6 “(3) PROTECTION OF IDENTITY OF INDIVID-
7 UALS RECEIVING AWARDS AND SETTLEMENTS.—In
8 preparing, submitting, and publishing the reports re-
9 quired under paragraph (1), the Office shall ensure
10 that the identity or position of any claimant is not
11 disclosed.

12 “(4) AUTHORITY TO PROTECT THE IDENTITY
13 OF A CLAIMANT.—

14 “(A) IN GENERAL.—In carrying out para-
15 graph (3), the Executive Director, in consulta-
16 tion with the Board, may make an appropriate
17 redaction to the data included in the report de-
18 scribed in paragraph (1) if the Executive Direc-
19 tor, in consultation with the Board, determines
20 that including the data considered for redaction
21 may lead to the identity or position of a claim-
22 ant unintentionally being disclosed. The report
23 shall note each redaction and include a state-
24 ment that the redaction was made solely for the

1 purpose of avoiding such an unintentional dis-
2 closure of the identity or position of a claimant.

3 “(B) RECORDKEEPING.—The Executive
4 Director shall retain a copy of the report de-
5 scribed in paragraph (1), without redactions.

6 “(5) DEFINITION.—In this subsection, the term
7 ‘claimant’ means an individual who received an
8 award or settlement, or who made an allegation of
9 a violation against an employing office, under part
10 A of title II.”.

11 (2) EFFECTIVE DATE.—The amendment made
12 by paragraph (1)(B) shall take effect on January 1,
13 2019.

14 (b) REPORT ON AMOUNTS PREVIOUSLY PAID.—

15 (1) IN GENERAL.—Not later than 30 days after
16 the date of the enactment of this Act, the Office of
17 Congressional Workplace Rights shall submit to
18 Congress and make available to the public on the
19 Office’s public website a report on all payments
20 made with public funds (to include funds paid from
21 the account described in section 415(a) of the Con-
22 gressional Accountability Act of 1995 (2 U.S.C.
23 1415(a)), an account of the House of Representa-
24 tives or Senate, or any other account of the Federal
25 Government) prior to the date of the enactment of

1 this Act for awards and settlements in connection
2 with violations of section 201(a) of the Congres-
3 sional Accountability Act of 1995 (2 U.S.C.
4 1311(a)), or section 207 of such Act (2 U.S.C.
5 1317), and shall include in the report the following
6 information:

7 (A) The amount paid for each such award
8 or settlement.

9 (B) The source of the public funds used
10 for the award or settlement.

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

18 (c) RULEMAKING POWERS.—Section 501 (2 U.S.C.
19 1431) is amended in the matter preceding paragraph (1)
20 by inserting “, section 301(l),” before “and 304(c)”.

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

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

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

3 “(a) REQUIREMENT TO CONDUCT SECURE SUR-
4 VEYS.—Not later than 1 year after the date of the enact-
5 ment of this section, and every 2 years thereafter, the Of-
6 fice shall conduct a secure survey of employing offices
7 under this Act regarding the workplace environment of
8 such offices. Employee responses to the survey shall be
9 voluntary.

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

14 “(c) METHODOLOGY.—

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

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

24 “(3) SURVEY FORM.—The Office shall limit the
25 use of any information code or information on the
26 survey form that makes a respondent to the survey,

1 or the respondent’s employing office, individually
2 identifiable.

3 “(d) USE OF RESULTS OF SURVEYS.—The Office
4 shall furnish the information obtained from the surveys
5 conducted under this section to the Committee on House
6 Administration of the House of Representatives and the
7 Committees on Homeland Security and Governmental Af-
8 fairs and Rules and Administration of the Senate.

9 “(e) CONSULTATION WITH COMMITTEES.—The Of-
10 fice shall carry out this section, including establishment
11 of methodologies and procedures under subsection (c), in
12 consultation with the Committee on House Administration
13 of the House of Representatives and the Committees on
14 Homeland Security and Governmental Affairs and Rules
15 and Administration of the Senate.”.

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

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

19 **SEC. 203. RECORD RETENTION.**

20 Section 301 (2 U.S.C. 1381), as amended by section
21 201(a), is further amended by adding at the end the fol-
22 lowing new subsection:

23 “(m) RECORD RETENTION.—The Office shall estab-
24 lish and maintain a program for the permanent retention
25 of its records, including the records of preliminary reviews,

1 mediations, hearings, and other proceedings conducted
2 under title IV.”.

3 **SEC. 204. CONFIDENTIAL ADVISORS.**

4 Section 302 (2 U.S.C. 1382) is amended—

5 (1) by redesignating subsections (d) through (f)
6 as subsections (e) through (g), respectively; and

7 (2) by inserting after subsection (c) the fol-
8 lowing:

9 “(d) CONFIDENTIAL ADVISORS.—

10 “(1) IN GENERAL.—The Executive Director
11 shall—

12 “(A) appoint, and fix the compensation of,
13 and may remove, 1 or more confidential advi-
14 sors to carry out the duties described in this
15 subsection; or

16 “(B) designate 1 or more employees of the
17 Office to serve as a confidential advisor.

18 “(2) DUTIES.—

19 “(A) VOLUNTARY SERVICES.—A confiden-
20 tial advisor appointed or designated under para-
21 graph (1) shall offer to provide to covered em-
22 ployees described in paragraph (4) the services
23 described in subparagraph (B), which a covered
24 employee may accept or decline.

1 “(B) SERVICES.—The services referred to
2 in subparagraph (A) are—

3 “(i) informing, on a privileged and
4 confidential basis, a covered employee who
5 has been subject to a practice that may be
6 a violation of part A of title II about the
7 employee’s rights under this Act;

8 “(ii) consulting, on a privileged and
9 confidential basis, with a covered employee
10 who has been subject to a practice that
11 may be a violation of part A of title II re-
12 garding—

13 “(I) the roles, responsibilities,
14 and authority of the Office; and

15 “(II) the relative merits of secur-
16 ing private counsel, designating a non-
17 attorney representative, or proceeding
18 without representation for proceedings
19 before the Office;

20 “(iii) advising and consulting with, on
21 a privileged and confidential basis, a cov-
22 ered employee who has been subject to a
23 practice that may be a violation of part A
24 of title II regarding any claims the covered
25 employee may have under title IV, the fac-

1 tual allegations that support each such
2 claim, and the relative merits of the proce-
3 dural options available to the employee for
4 each such claim;

5 “(iv) assisting, on a privileged and
6 confidential basis, a covered employee who
7 seeks consideration under title IV of an al-
8 legation of a violation of part A of title II
9 in understanding the procedures, and the
10 significance of the procedures, described in
11 title IV, including—

12 “(I) assisting or consulting with
13 the covered employee regarding the
14 drafting of a claim to be filed under
15 section 402(a); and

16 “(II) consulting with the covered
17 employee regarding the procedural op-
18 tions available to the covered em-
19 ployee after a claim is filed, and the
20 relative merits of each option; and

21 “(v) informing, on a privileged and
22 confidential basis, a covered employee who
23 has been subject to a practice that may be
24 a violation of part A of title II about the
25 option of pursuing, in appropriate cir-

1 cumstances, a complaint with the Com-
2 mittee on Ethics of the House of Rep-
3 resentatives or the Select Committee on
4 Ethics of the Senate.

5 “(C) CONTINUITY OF SERVICE.—Once a
6 covered employee has accepted and received any
7 services offered under this section from a con-
8 fidential advisor appointed or designated under
9 paragraph (1), any other services requested
10 under this subsection by the covered employee
11 shall be provided, to the extent practicable, by
12 the same confidential advisor.

13 “(3) QUALIFICATIONS.—A confidential advisor
14 appointed or designated under paragraph (1) shall
15 be a lawyer who—

16 “(A) is admitted to practice before, and is
17 in good standing with, the bar of a State of the
18 United States, the District of Columbia, or a
19 territory of the United States; and

20 “(B) has experience representing clients in
21 cases involving the workplace laws incorporated
22 by part A of title II.

23 “(4) INDIVIDUALS COVERED.—The services de-
24 scribed in paragraph (2) are available to any covered
25 employee (which, for purposes of this subsection,

1 shall include any staff member described in section
2 201(d) and any former covered employee (including
3 any such former staff member)), except that—

4 “(A) a former covered employee may only
5 request such services if the practice that may
6 be a violation of part A of title II occurred dur-
7 ing the employment or service of the employee;
8 and

9 “(B) a covered employee described in this
10 paragraph may only request such services be-
11 fore the expiration of the 180-day period de-
12 scribed in section 402(d).

13 “(5) RESTRICTIONS.—A confidential advisor
14 appointed or designated under paragraph (1)—

15 “(A) shall not act as the designated rep-
16 resentative for any covered employee in connec-
17 tion with the covered employee’s participation
18 in any proceeding, including any proceeding
19 under this Act, any judicial proceeding, or any
20 proceeding before any committee of Congress;

21 “(B) shall not offer or provide services de-
22 scribed in paragraph (2)(B) to a covered em-
23 ployee if the covered employee has designated
24 an attorney representative in connection with
25 the covered employee’s participation in any pro-

1 ceeding under this Act, except that a confiden-
2 tial advisor may provide general assistance and
3 information to such attorney representative re-
4 garding this Act and the role of the Office as
5 the confidential advisor determines appropriate;
6 and

7 “(C) shall not serve as a mediator in any
8 mediation conducted pursuant to section 404.”.

9 **SEC. 205. GAO STUDY OF MANAGEMENT PRACTICES.**

10 (a) **STUDY.**—The Comptroller General of the United
11 States shall conduct a study of the management practices
12 of the Office of Congressional Workplace Rights.

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

21 **SEC. 206. GAO AUDIT OF CYBERSECURITY.**

22 (a) **AUDIT.**—The Comptroller General of the United
23 States shall conduct an audit of the cybersecurity systems
24 and practices of the Office of Congressional Workplace
25 Rights.

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

9 **TITLE III—MISCELLANEOUS**
10 **REFORMS**

11 **SEC. 301. APPLICATION OF GENETIC INFORMATION NON-**
12 **DISCRIMINATION ACT OF 2008.**

13 Section 102 (2 U.S.C. 1302) is amended by adding
14 at the end the following:

15 “(c) GENETIC INFORMATION NONDISCRIMINATION
16 ACT OF 2008.—

17 “(1) IN GENERAL.—The provisions of this Act
18 that apply to a violation of section 201(a)(1) shall
19 be considered to apply to a violation of title II of the
20 Genetic Information Nondiscrimination Act of 2008
21 (42 U.S.C. 2000ff et seq.), consistent with section
22 207(c) of that Act (42 U.S.C. 2000ff–6(c)).

23 “(2) CONSTRUCTION.—

24 “(A) NO LIMITATION ON OTHER LAWS.—
25 Nothing in this section limits the provisions of

1 this Act that apply to a violation of a law de-
2 scribed in subparagraph (B).

3 “(B) OTHER LAWS.—A law described in
4 this subparagraph is a law (even if not listed in
5 subsection (a) or this subsection) that explicitly
6 applies one or more provisions of this Act to a
7 violation.”.

8 **SEC. 302. EXTENSION TO UNPAID STAFF OF RIGHTS AND**
9 **PROTECTIONS AGAINST EMPLOYMENT DIS-**
10 **CRIMINATION.**

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

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

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

17 “(d) APPLICATION TO UNPAID STAFF.—

18 “(1) IN GENERAL.—Subsections (a) and (b)
19 shall apply with respect to—

20 “(A) any staff member of an employing of-
21 fice who carries out official duties of the em-
22 ploying office but who is not paid by the em-
23 ploying office for carrying out such duties (re-
24 ferred to in this subsection as an ‘unpaid staff
25 member’), including an intern, an individual de-

1 tailed to an employing office, and an individual
2 participating in a fellowship program, in the
3 same manner and to the same extent as such
4 subsections apply with respect to a covered em-
5 ployee; and

6 “(B) a former unpaid staff member, if the
7 act that may be a violation of subsection (a) oc-
8 curred during the service of the former unpaid
9 staffer for the employing office.

10 “(2) RULE OF CONSTRUCTION.—Nothing in
11 paragraph (1) may be construed to extend liability
12 for a violation of subsection (a) to an employing of-
13 fice on the basis of an action taken by any person
14 who is not under the supervision or control of the
15 employing office.

16 “(3) INTERN DEFINED.—For purposes of this
17 subsection, the term ‘intern’ means an individual
18 who performs service for an employing office which
19 is uncompensated by the United States to earn cred-
20 it awarded by an educational institution or to learn
21 a trade or occupation, and includes any individual
22 participating in a page program operated by any
23 House of Congress.”.

24 (b) TECHNICAL CORRECTION RELATING TO OFFICE
25 RESPONSIBLE FOR DISBURSEMENT OF PAY TO HOUSE

1 EMPLOYEES.—Section 101(7) (2 U.S.C. 1301(7)) is
 2 amended by striking “disbursed by the Clerk of the House
 3 of Representatives” and inserting “disbursed by the Chief
 4 Administrative Officer of the House of Representatives”.

5 **SEC. 303. CLARIFICATION OF TREATMENT OF LIBRARY OF**
 6 **CONGRESS VISITORS.**

7 (a) CLARIFICATION.—Section 210 (2 U.S.C. 1331) is
 8 amended—

9 (1) by redesignating subsection (h) as sub-
 10 section (i); and

11 (2) by inserting after subsection (g) the fol-
 12 lowing:

13 “(h) ELECTION OF REMEDIES RELATING TO RIGHTS
 14 TO PUBLIC SERVICES AND ACCOMMODATIONS FOR LI-
 15 BRARY VISITORS.—

16 “(1) DEFINITION OF LIBRARY VISITOR.—In
 17 this subsection, the term ‘Library visitor’ means an
 18 individual who is eligible to bring a claim for a viola-
 19 tion under title II or III of the Americans with Dis-
 20 abilities Act of 1990 (other than a violation for
 21 which the exclusive remedy is under section 201)
 22 against the Library of Congress.

23 “(2) ELECTION OF REMEDIES.—

24 “(A) IN GENERAL.—A Library visitor who
 25 alleges a violation of subsection (b) by the Li-

1 brary of Congress may, subject to subparagraph
2 (B)—

3 “(i) file a charge against the Library
4 of Congress under subsection (d); or

5 “(ii) use the remedies and procedures
6 set forth in section 717 of the Civil Rights
7 Act of 1964 (42 U.S.C. 2000e–16), as pro-
8 vided under section 510 (other than para-
9 graph (5)) of the Americans with Disabil-
10 ities Act of 1990 (42 U.S.C. 12209).

11 “(B) TIMING.—A Library visitor that has
12 initiated proceedings under clause (i) or (ii) of
13 subparagraph (A) may elect to change and ini-
14 tiate a proceeding under the other clause—

15 “(i) in the case of a Library visitor
16 who first filed a charge pursuant to sub-
17 paragraph (A)(i), before the General Coun-
18 sel files a complaint under subsection
19 (d)(3); or

20 “(ii) in the case of a Library visitor
21 who first initiated a proceeding under sub-
22 paragraph (A)(ii), before the Library vis-
23 itor requests a hearing under the proce-
24 dures of the Library of Congress described
25 in such subparagraph.”.

1 (b) CONFORMING AMENDMENT.—Section 210(d)(2)
2 (2 U.S.C. 1331(d)(2)) is amended by striking “section
3 403” and inserting “section 404”.

4 (c) EFFECTIVE DATE AND APPLICABILITY.—The
5 amendments made by subsection (a) shall take effect as
6 if such amendments were included in the enactment of sec-
7 tion 153 of the Legislative Branch Appropriations Act,
8 2018 (Public Law 115-141), and shall apply as specified
9 in section 153(c) of such Act.

10 **SEC. 304. NOTICES.**

11 (a) REQUIRING EMPLOYING OFFICES TO POST NO-
12 TICES.—Part E of title II (2 U.S.C. 1361) is amended
13 by adding at the end the following:

14 **“SEC. 226. NOTICES.**

15 “(a) IN GENERAL.—Every employing office shall post
16 and keep posted (in conspicuous places upon its premises
17 where notices to covered employees are customarily post-
18 ed) a notice provided by the Office that—

19 “(1) describes the rights, protections, and pro-
20 cedures applicable to covered employees of the em-
21 ploying office under this Act, concerning violations
22 described in subsection (b); and

23 “(2) includes contact information for the Office.

24 “(b) VIOLATIONS.—A violation described in this sub-
25 section is—

1 “(1) discrimination prohibited by section 201(a)
 2 (including, in accordance with section 102(c), dis-
 3 crimination prohibited by title II of the Genetic In-
 4 formation Nondiscrimination Act of 2008 (42 U.S.C.
 5 2000ff et seq.)) or 206(a); and

6 “(2) a violation of section 207 that is related to
 7 discrimination described in paragraph (1).”.

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

“Sec. 226. Notices.”.

11 **SEC. 305. CLARIFICATION OF COVERAGE OF EMPLOYEES**
 12 **OF HELSINKI AND CHINA COMMISSIONS.**

13 (a) CLARIFICATION OF COVERAGE.—Section 101 (2
 14 U.S.C. 1301), as amended by section 302(b), is further
 15 amended—

16 (1) by striking “Except as otherwise” and in-
 17 serting “(a) IN GENERAL.—Except as otherwise”;
 18 and

19 (2) by adding at the end the following new sub-
 20 section:

21 “(b) CLARIFICATION OF COVERAGE OF EMPLOYEES
 22 OF CERTAIN COMMISSIONS.—

23 “(1) COVERAGE.—With respect to the China
 24 Review Commission, the Congressional-Executive
 25 China Commission, and the Helsinki Commission—

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

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

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

15 “(A) by the Office of House Employment
16 Counsel of the House of Representatives, in the
17 case of assistance and representation in connec-
18 tion with a claim filed under title IV (including
19 all subsequent proceedings under such title in
20 connection with the claim) at a time when the
21 chair of the Commission is a Member of the
22 House, and in the case of assistance and rep-
23 resentation in connection with any subsequent
24 claim under title IV related to the initial claim

1 where the subsequent claim involves the same
2 parties; or

3 “(B) by the Office of Senate Chief Counsel
4 for Employment of the Senate, in the case of
5 assistance and representation in connection
6 with a claim filed under title IV (including all
7 subsequent proceedings under such title in con-
8 nection with the claim) at a time when the
9 chair of the Commission is a Senator, and in
10 the case of assistance and representation in
11 connection with any subsequent claim under
12 title IV related to the initial claim where the
13 subsequent claim involves the same parties.

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

15 “(A) the term ‘China Review Commission’
16 means the United States-China Economic and
17 Security Review Commission established under
18 section 1238 of the Floyd D. Spence National
19 Defense Authorization Act for Fiscal Year 2001
20 (22 U.S.C. 7002), as enacted into law by sec-
21 tion 1 of Public Law 106–398;

22 “(B) the term ‘Congressional-Executive
23 China Commission’ means the Congressional-
24 Executive Commission on the People’s Republic
25 of China established under title III of the U.S.—

1 China Relations Act of 2000 (Public Law 106–
2 286; 22 U.S.C. 6911 et seq.); and

3 “(C) the term ‘Helsinki Commission’
4 means the Commission on Security and Co-
5 operation in Europe established under the Act
6 entitled ‘An Act to establish a Commission on
7 Security and Cooperation in Europe’, approved
8 June 3, 1976 (Public Law 94–304; 22 U.S.C.
9 3001 et seq.).”.

10 (b) COVERAGE OF STENNIS CENTER.—

11 (1) TREATMENT OF EMPLOYEES AS COVERED
12 EMPLOYEES.—Section 101(a)(3) (2 U.S.C.
13 1301(a)(3)) is amended—

14 (A) by striking “or” at the end of subpara-
15 graph (I);

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

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

20 “(K) the John C. Stennis Center for Pub-
21 lic Service Training and Development.”.

22 (2) TREATMENT OF CENTER AS EMPLOYING OF-
23 FICE.—Section 101(a)(9)(D) (2 U.S.C.
24 1301(a)(9)(D)) is amended by striking “and the Of-
25 fice of Technology Assessment” and inserting the

1 following: “the Office of Technology Assessment,
2 and the John C. Stennis Center for Public Service
3 Training and Development”.

4 (c) CONFORMING AMENDMENTS.—Paragraphs (7)
5 and (8) of section 101(a) (2 U.S.C. 1301(a)) are each
6 amended by striking “subparagraphs (C) through (I)” and
7 inserting “subparagraphs (C) through (K)”.

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

11 **SEC. 306. TRAINING AND EDUCATION PROGRAMS OF**
12 **OTHER EMPLOYING OFFICES.**

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

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

17 and

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

20 **“SEC. 509. TRAINING AND EDUCATION PROGRAMS OF EM-**
21 **PLOYING OFFICES.**

22 “(a) REQUIRING OFFICES TO DEVELOP AND IMPLE-
23 MENT PROGRAMS.—Each employing office shall develop
24 and implement a program to train and educate covered
25 employees of the office in the rights and protections pro-

1 vided under this Act, including the procedures available
2 under title IV to consider alleged violations of this Act.

3 “(b) REPORT TO COMMITTEES.—

4 “(1) IN GENERAL.—Not later than 45 days
5 after the beginning of each Congress (beginning with
6 the One Hundred Seventeenth Congress), each em-
7 ploying office shall submit a report to the Committee
8 on House Administration of the House of Represent-
9 atives and the Committee on Rules and Administra-
10 tion of the Senate on the implementation of the pro-
11 gram required under subsection (a).

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

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

21 (b) CLERICAL AMENDMENT.—The table of contents
22 is amended—

23 (1) by redesignating the item relating to section
24 509 as relating to section 510; and

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

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

3 **SEC. 307. SUPPORT FOR OUT-OF-AREA COVERED EMPLOY-**
4 **EES.**

5 (a) IN GENERAL.—Title V (2 U.S.C. 1431 et seq.),
6 as amended by section 306(a), is further amended—

7 (1) by redesignating section 510 as section 511;

8 and

9 (2) by inserting after section 509, as inserted
10 by section 306(a), the following:

11 **“SEC. 510. SUPPORT FOR OUT-OF-AREA COVERED EMPLOY-**
12 **EES.**

13 “(a) IN GENERAL.—All covered employees whose lo-
14 cation of employment is outside of the Washington, DC
15 area (referred to in this section as ‘out-of-area covered em-
16 ployees’) shall have equitable access to the resources and
17 services provided by the Office and under this Act as is
18 provided to covered employees who work in the Wash-
19 ington, DC area.

20 “(b) OFFICE OF CONGRESSIONAL WORKPLACE
21 RIGHTS.—The Office shall—

22 “(1) establish a method by which out-of-area
23 covered employees may communicate securely with
24 the Office, which shall include an option for real-
25 time audiovisual communication; and

1 “(2) provide guidance to employing offices re-
 2 garding how each office can facilitate equitable ac-
 3 cess to the resources and services provided under
 4 this Act for its out-of-area covered employees, in-
 5 cluding information regarding the communication
 6 methods described in paragraph (1).

7 “(c) EMPLOYING OFFICES.—It is the sense of Con-
 8 gress that each employing office with out-of-area covered
 9 employees should use its best efforts to facilitate equitable
 10 access to the resources and services provided under this
 11 Act for those employees.”.

12 (b) CLERICAL AMENDMENT.—The table of contents,
 13 as amended by section 306(b), is amended—

14 (1) by redesignating the item relating to section
 15 510 as relating to section 511; and

16 (2) by inserting after the item relating to sec-
 17 tion 509, as inserted by section 306(b), the following
 18 new item:

“Sec. 510. Support for out-of-area covered employees.”.

19 **SEC. 308. RENAMING OFFICE OF COMPLIANCE AS OFFICE**
 20 **OF CONGRESSIONAL WORKPLACE RIGHTS.**

21 (a) RENAMING.—Section 301 (2 U.S.C. 1381) is
 22 amended—

23 (1) in the section heading, by striking “**OFFICE**
 24 **OF COMPLIANCE**” and inserting “**OFFICE OF**
 25 **CONGRESSIONAL 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, as amended by section 305(a),
7 is further amended as follows:

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

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

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

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

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

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

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

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

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

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

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

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

1 inserting “Office of Congressional Workplace
2 Rights”.

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

7 (c) CLERICAL AMENDMENTS.—The table of contents
8 is amended—

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

“TITLE III—OFFICE OF CONGRESSIONAL WORKPLACE RIGHTS”;
AND

11 (2) by amending the item relating to section
12 301 to read as follows:

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

13 (d) EFFECTIVE DATE; REFERENCES IN OTHER
14 LAWS, RULES, AND REGULATIONS.—The amendments
15 made by this section shall take effect on the date of the
16 enactment of this Act. Any reference to the Office of Com-
17 pliance in any law, rule, regulation, or other official paper
18 in effect as of such date shall be considered to refer and
19 apply to the Office of Congressional Workplace Rights.

20 **TITLE IV—EFFECTIVE DATE**

21 **SEC. 401. EFFECTIVE DATE.**

22 (a) IN GENERAL.—Except as otherwise provided in
23 this Act, this Act and the amendments made by this Act

1 shall take effect upon the expiration of the 180-day period
2 which begins on the date of the enactment of this Act.

3 (b) NO EFFECT ON PENDING PROCEEDINGS.—Noth-
4 ing in this Act or the amendments made by this Act may
5 be construed to affect any proceeding or payment of an
6 award or settlement relating to a claim under title IV of
7 the Congressional Accountability Act of 1995 (2 U.S.C.
8 1401 et seq.) which is pending as of the date after that
9 180-day period. If, as of that date, an employee has begun
10 any of the proceedings under that title that were available
11 to the employee prior to that date, the employee may com-
12 plete, or initiate and complete, all such proceedings, and
13 such proceedings shall remain in effect with respect to,
14 and provide the exclusive proceedings for, the claim in-
15 volved until the completion of all such proceedings.

Passed the Senate December 13, 2018.

Attest:

Secretary.

115TH CONGRESS
2^D SESSION

S. 3749

AN ACT

To amend the Congressional Accountability Act of 1995 to reform the procedures provided under such Act for the initiation, review, 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.