

115TH CONGRESS  
2D SESSION

**S.** \_\_\_\_\_

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.

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IN THE SENATE OF THE UNITED STATES

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\_\_\_\_\_ introduced the following bill; which was read twice  
and referred to the Committee on \_\_\_\_\_

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## **A BILL**

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,*

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

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

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

12 (c) **TABLE OF CONTENTS.**—The table of contents of  
 13 this Act is as follows:

Sec. 1. Short title; references in Act; table of contents.

**TITLE I—REFORM OF DISPUTE RESOLUTION PROCEDURES**

**Subtitle A—Reform of Procedures for Initiation, 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 imbursement, 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.