

Calendar No. 421

115TH CONGRESS
2D SESSION

S. 2872

To amend the Congressional Accountability Act of 1995 to reform the procedures provided under such Act for the initiation, investigation, and resolution of claims alleging that employing offices of the legislative branch have violated the rights and protections provided to their employees under such Act, including protections against sexual harassment and discrimination, and for other purposes.

IN THE SENATE OF THE UNITED STATES

MAY 17, 2018

Mrs. GILLIBRAND (for herself, Mr. MERKLEY, Mrs. MURRAY, Ms. HARRIS, Ms. WARREN, Mr. CRUZ, Ms. BALDWIN, and Ms. CORTEZ MASTO) introduced the following bill; which was read the first time

MAY 21, 2018

Read the second time and placed on the calendar

A BILL

To amend the Congressional Accountability Act of 1995 to reform the procedures provided under such Act for the initiation, investigation, and resolution of claims alleging that employing offices of the legislative branch have violated the rights and protections provided to their employees under such Act, including protections against sexual harassment and discrimination, and for other purposes.

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

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

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

8 (b) REFERENCES IN ACT.—Except as otherwise ex-
 9 pressly provided in this Act, wherever an amendment or
 10 repeal is expressed in terms of an amendment to or repeal
 11 of a section or other provision, the reference shall be con-
 12 sidered to be made to that section or other provision of
 13 the Congressional Accountability Act of 1995 (2 U.S.C.
 14 1301 et seq.).

15 (c) TABLE OF CONTENTS.—The table of contents of
 16 this Act is as follows:

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

TITLE I—REFORM OF DISPUTE RESOLUTION PROCEDURES

Subtitle A—Reform of Procedures for Initiation, Investigation, and Resolution
 of Claims

Sec. 101. Description of procedures available for consideration of alleged viola-
 tions.

Sec. 102. Reform of process for initiation of procedures.

Sec. 103. Investigation of claims by General Counsel.

Sec. 104. Availability of mediation during investigations.

Subtitle B—Other Reforms

Sec. 111. Personal liability of Members of Congress.

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 during pendency of procedures.
- Sec. 114. Modification of rules on confidentiality of proceedings.
- Sec. 115. Reimbursement by other employing offices of legislative branch of payments of certain awards and settlements.

TITLE II—IMPROVING OPERATIONS OF OFFICE OF CONGRESSIONAL WORKPLACE RIGHTS

- Sec. 201. Reports on claims, awards, and settlements.
- Sec. 202. Record retention.
- Sec. 203. Workplace climate surveys of employing offices.
- Sec. 204. Office of Employee Advocacy.
- Sec. 205. GAO study of management practices.
- Sec. 206. GAO audit of cybersecurity.

TITLE III—MISCELLANEOUS REFORMS

- Sec. 301. Definitions.
- Sec. 302. Application of Genetic Information Nondiscrimination Act of 2008.
- Sec. 303. Extension to unpaid staff of rights and protections against employment discrimination.
- Sec. 304. Notices.
- Sec. 305. General provisions.
- Sec. 306. Clarification of coverage of employees of Stennis Center and Helsinki and China Commissions.
- Sec. 307. Training and education programs of other employing offices.
- Sec. 308. Support for out-of-area covered employees.
- Sec. 309. 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, Investigation, and 5 Resolution of Claims

6 SEC. 101. DESCRIPTION OF PROCEDURES AVAILABLE FOR 7 CONSIDERATION OF ALLEGED VIOLATIONS.

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

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

3 “(a) FILING AND INVESTIGATION OF CLAIMS.—Ex-
4 cept as otherwise provided in this Act, the procedure for
5 consideration of an alleged violation of part A of title II
6 consists of—

7 “(1) the filing of a claim by the covered em-
8 ployee alleging the violation, as provided in section
9 402, which may be followed, as described in that
10 section, with pre-investigation mediation under sec-
11 tion 404;

12 “(2) an investigation of the claim, to be con-
13 ducted by the General Counsel as provided in section
14 403, which may be accompanied by mediation during
15 the investigation under section 404; and

16 “(3) a formal hearing as provided in section
17 405, subject to Board review as provided in section
18 406, and judicial review in the United States Court
19 of Appeals for the Federal Circuit as provided in
20 section 407, but only if, pursuant to an investigation
21 conducted by the General Counsel as provided in
22 section 403, the General Counsel finds either—

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

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

6 “(b) RIGHT OF EMPLOYEE TO FILE CIVIL AC-
7 TION.—

8 “(1) CIVIL ACTION.—A covered employee who
9 files a claim as provided in section 402 may, during
10 the period described in paragraph (3), file a civil ac-
11 tion in a district court of the United States with re-
12 spect to the alleged violation involved, as provided in
13 section 408.

14 “(2) EFFECT OF FILING CIVIL ACTION.—Not-
15 withstanding paragraph (2) or paragraph (3) of sub-
16 section (a), if the covered employee files such a civil
17 action—

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

23 “(B) the procedure for consideration of the
24 alleged violation shall not include any further
25 investigation of the claim by the General Coun-

1 sel as provided in section 403 or any subse-
 2 quent formal hearing as provided in section
 3 405.

4 “(3) PERIOD FOR FILING CIVIL ACTION.—The
 5 period described in this paragraph with respect to a
 6 claim is the period that begins on the date on which
 7 the covered employee files the claim under section
 8 402 and ends 90 days after the date the report de-
 9 scribed in section 403(c)(1) is transmitted to the
 10 covered employee.

11 “(c) SPECIAL RULE FOR ARCHITECT OF THE CAP-
 12 ITOL AND CAPITOL POLICE.—In the case of an employee
 13 of the Office of the Architect of the Capitol or of the Cap-
 14 itol Police, the Office, after receiving a claim filed under
 15 section 402, may recommend that the employee use, for
 16 a specific period of time, the grievance procedures of the
 17 Architect of the Capitol or the Capitol Police for resolution
 18 of the employee’s grievance.

19 “(d) ELECTION OF REMEDIES FOR LIBRARY OF CON-
 20 GRESS.—

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

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

“(B) DIRECT PROVISION.—The term ‘direct provision’ means a provision (including a definitional provision) of a direct Act that applies the rights or protections of a direct Act (including rights and protections relating to nonretaliation or noncoercion) to a Library claimant.

“(C) LIBRARY CLAIMANT.—The term ‘Library claimant’ means, with respect to a direct provision, an employee of the Library of Congress who is covered by that direct provision.

“(2) ELECTION AFTER PROCEEDINGS INITIALLY BROUGHT UNDER THIS ACT.—A Library claimant who initially files a claim for an alleged violation as provided in section 402 may, instead of proceeding with the claim in accordance with section 405 or filing a civil action in accordance with section 408, during the period described in subsection (b)(3) but before the Office commences a hearing under section 405, elect to bring the claim for a proceeding before the corresponding Federal agency, under the corresponding direct provision.

“(3) ELECTION AFTER PROCEEDINGS INITIALLY BROUGHT UNDER OTHER CIVIL RIGHTS OR LABOR LAW.—A Library claimant who initially brings a

1 claim, complaint, or charge under a direct provision
2 for a proceeding before a Federal agency may, prior
3 to requesting a hearing under the agency's proce-
4 dures, elect to—

5 “(A) bring any civil action relating to the
6 claim, complaint, or charge, that is available to
7 the Library claimant;

8 “(B) file a claim with the Office under sec-
9 tion 402; or

10 “(C) file a civil action in accordance with
11 section 408 in the United States district court
12 for the district in which the employee is em-
13 ployed or for the District of Columbia.

14 “(4) APPLICATION.—This subsection shall take
15 effect and shall apply as described in section 153(c)
16 of the Legislative Branch Appropriations Act, 2018,
17 except that it shall not apply to a violation of section
18 210(b) or a public services and accommodations di-
19 rect provision (as defined in section 210(h)(1)).

20 “(e) RIGHTS OF INDIVIDUALS TO RETAIN PRIVATE
21 COUNSEL.—Nothing in this Act may be construed to limit
22 the authority of any particular individual, including a cov-
23 ered employee, or the head of an employing office, to re-
24 tain private counsel to protect the interests of the par-
25 ticular individual at any point during any of the proce-

1 dures provided under this Act for the consideration of an
2 alleged violation of part A of title II.

3 “(f) STANDARDS FOR COUNSEL PROVIDING REP-
4 RESENTATION.—Any counsel who represents a party in
5 any of the procedures provided under this Act shall have
6 an obligation to ensure that, to the best of the counsel’s
7 knowledge, information, and belief, as formed after an in-
8 quiry which is reasonable under the circumstances, each
9 of the following is correct:

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

14 “(2) The claims, defenses, and other legal con-
15 tentions the counsel advocates are warranted by ex-
16 isting law or by a nonfrivolous argument for extend-
17 ing, modifying, or reversing existing law or for es-
18 tablishing new law.

19 “(3) The factual contentions have evidentiary
20 support or, if specifically so identified, will likely
21 have evidentiary support after a reasonable oppor-
22 tunity for further investigation or discovery.

23 “(4) The denials of factual contentions are war-
24 ranted on the evidence or, if specifically so identi-

1 fied, are reasonably based on belief or a lack of in-
 2 formation.”.

3 (b) CONFORMING AMENDMENT RELATING TO CIVIL
 4 ACTION.—Section 408(a) (2 U.S.C. 1408(a)) is amend-
 5 ed—

6 (1) by striking “section 404” and inserting
 7 “section 401”;

8 (2) by striking “who has completed counseling
 9 under section 402 and mediation under section 403”
 10 and inserting “who filed a timely claim under sec-
 11 tion 402 and made a timely filing under this section
 12 as described in section 401(b)”;

13 (3) by striking the second sentence.

14 (c) AMENDMENTS RELATING TO LIBRARY CLAIM-
 15 ANTS AND RIGHTS AND PROTECTIONS UNDER THE AMER-
 16 ICANS WITH DISABILITIES ACT OF 1990 RELATING TO
 17 PUBLIC SERVICES AND ACCOMMODATIONS.—Section 210
 18 (2 U.S.C. 1331) is amended—

19 (1) in subsection (d)—

20 (A) in paragraph (2), by striking “section
 21 403” and inserting “section 404”; and

22 (B) in paragraph (3), by striking “section
 23 405” and inserting “section 405 (notwith-
 24 standing any requirement for a report by the
 25 General Counsel)”;

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

3 (3) by inserting after subsection (g) the fol-
4 lowing:

5 “(h) ELECTION OF REMEDIES RELATING TO PUBLIC
6 SERVICES AND ACCOMMODATIONS FOR LIBRARY CLAIM-
7 ANTS.—

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

9 “(A) LIBRARY CLAIMANT.—In this sub-
10 section, the term ‘Library claimant’ means an
11 individual who is eligible to provide services for,
12 or receive services from, the Library of Con-
13 gress and who is covered by a public services
14 and accommodations direct provision.

15 “(B) PUBLIC SERVICES AND ACCOMMODA-
16 TIONS DIRECT PROVISION.—The term ‘public
17 services and accommodations direct provision’
18 means a provision (including a definitional pro-
19 vision or a provision relating to nonretaliation
20 or noncoercion) of the Americans with Disabil-
21 ities Act of 1990 (42 U.S.C. 12101 et seq.)
22 that applies the rights or protections described
23 in subsection (b) to a Library claimant.

24 “(C) TRANSITION PERIOD.—The term
25 ‘transition period’ means the period beginning

1 on the date of enactment of the Legislative
2 Branch Appropriations Act, 2018, and ending
3 on the day before the date of enactment of the
4 Congressional Accountability and Harassment
5 Reform Act.

6 “(2) ELECTION AFTER PROCEEDINGS INITIALLY
7 BROUGHT UNDER THIS ACT.—A Library claimant
8 who initially files a charge for an alleged violation
9 under subsection (d)(1) may, instead of proceeding
10 with the charge and before the General Counsel files
11 a complaint under subsection (d)(3), elect to bring
12 the charge for a proceeding before the Library of
13 Congress under section 510 (other than paragraph
14 (5)) of the Americans with Disabilities Act of 1990
15 (42 U.S.C. 12209), under the corresponding public
16 services and accommodations direct provision.

17 “(3) ELECTION AFTER PROCEEDINGS INITIALLY
18 BROUGHT UNDER THE AMERICANS WITH DISABIL-
19 ITIES ACT OF 1990.—A Library claimant who ini-
20 tially brings a claim, complaint, or charge under sec-
21 tion 510 (other than paragraph (5)) of the Ameri-
22 cans with Disabilities Act of 1990 (42 U.S.C.
23 12209) regarding a violation of a public services and
24 accommodation direct provision may, prior to re-
25 questing a hearing under the procedures of the Li-

1 brary of Congress relating to that provision, elect to
2 file a charge for an alleged violation of that provi-
3 sion under subsection (d)(1).

4 “(4) APPLICATION.—

5 “(A) IN GENERAL.—Subject to subpara-
6 graph (B), this subsection shall take effect and
7 shall apply as described in section 153(c) of the
8 Legislative Branch Appropriations Act, 2018
9 (Public Law 115–141) with respect to a viola-
10 tion of this section or a public services and ac-
11 commodations direct provision.

12 “(B) SPECIAL RULE.—Notwithstanding
13 section 153(c) of the Legislative Branch Appro-
14 priations Act, 2018 (Public Law 115–141)—

15 “(i) a Library claimant who brings a
16 charge, complaint, or claim of a violation
17 of a public services and accommodations
18 direct provision during the transition pe-
19 riod shall—

20 “(I) be subject to the election of
21 proceeding provisions of this sub-
22 section; and

23 “(II) be treated as if the Library
24 claimant initially filed a charge as de-
25 scribed in paragraph (2) or initially

1 brought a claim, complaint, or charge
2 as described in paragraph (3), as the
3 case may be; and

4 “(ii) any applicable filing deadlines,
5 and deadlines based on the filing deadlines,
6 with respect to a Library claimant de-
7 scribed in clause (i) shall be stayed for the
8 duration of the transition period.”.

9 (d) OTHER CONFORMING AMENDMENTS.—Title IV is
10 amended—

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

13 (2) by redesignating section 403 (2 U.S.C.
14 1403) as section 404.

15 (e) CLERICAL AMENDMENTS.—The table of contents
16 is amended—

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

19 (2) by redesignating the item relating to section
20 403 as relating to section 404.

21 **SEC. 102. REFORM OF PROCESS FOR INITIATION OF PROCE-**
22 **DURES.**

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

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

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

8 “(b) INITIAL PROCESSING OF CLAIM.—

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

18 “(2) SPECIAL NOTIFICATION REQUIREMENTS
19 FOR CLAIMS BASED ON ACTS COMMITTED PERSON-
20 ALLY BY MEMBERS OF CONGRESS.—

21 “(A) IN GENERAL.—In the case of a claim
22 alleging a violation described in subparagraph
23 (B) by an individual, upon the filing of the
24 claim under subsection (a), the Office shall no-
25 tify such individual of the claim, and the possi-
26 bility that the individual may be required to re-

1 imburse the account described in section 415(a)
 2 for the amount of any award or settlement in
 3 connection with the claim.

4 “(B) VIOLATIONS DESCRIBED.—A viola-
 5 tion described in this subparagraph is covered
 6 discrimination or covered harassment com-
 7 mitted personally by a Member of Congress, as
 8 defined in section 415(e)(4).

9 “(c) PRE-INVESTIGATION MEDIATION.—

10 “(1) NOTIFICATION OF RIGHT TO OPT OUT OF
 11 PRE-INVESTIGATION MEDIATION.—

12 “(A) COVERED EMPLOYEE.—Upon receipt
 13 of a claim, the Office shall notify the covered
 14 employee about the process for pre-investigation
 15 mediation under section 404, the right to opt
 16 out of the pre-investigation mediation, and the
 17 deadline for opting out of the pre-investigation
 18 mediation.

19 “(B) EMPLOYING OFFICE.—Upon notifica-
 20 tion to the employing office of the claim pursu-
 21 ant to subsection (b), the Office shall notify the
 22 employing office about the process for pre-in-
 23 vestigation mediation under section 404, the
 24 right to opt out of the pre-investigation medi-

1 ation, and the deadline for opting out of the
2 pre-investigation mediation.

3 “(2) DEADLINE TO OPT OUT OF MEDIATION.—

4 The deadline for opting out of the pre-investigation
5 mediation shall be the tenth business day following
6 the filing of the claim that would be the subject of
7 the mediation.

8 “(3) ASSIGNMENT OF MEDIATOR.—Unless ei-

9 ther the covered employee or the employing office
10 opts out of the pre-investigation mediation by the
11 deadline described in paragraph (2), the Office shall
12 promptly assign a mediator to the claim. The medi-
13 ation shall be conducted as provided in subsections
14 (b) through (d) of section 404.

15 “(d) USE OF ELECTRONIC REPORTING AND TRACK-
16 ING SYSTEM.—

17 “(1) ESTABLISHMENT AND OPERATION OF SYS-

18 TEM.—The Office shall establish and operate an
19 electronic reporting and tracking system through
20 which a covered employee may initiate a proceeding
21 under this title, and which will keep an electronic
22 record of the date and time at which the proceeding
23 is initiated and will track all subsequent actions or
24 proceedings occurring with respect to the proceeding
25 under this title.

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

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

15 “(e) DEADLINE.—A covered employee may not file a
16 claim under this section with respect to an allegation of
17 a violation of law after the expiration of the 180-day pe-
18 riod which begins on the date of the alleged violation. The
19 Office shall not accept a claim that does not meet the re-
20 quirements of this subsection.

21 “(f) NO EFFECT ON ABILITY OF COVERED EM-
22 PLOYEE TO SEEK INFORMATION FROM OFFICE OR PUR-
23 SUE RELIEF.—Nothing in this section may be construed
24 to limit the ability of a covered employee—

1 “(1) to contact the Office or any other appro-
 2 priate office prior to filing a claim under this title
 3 to seek information regarding the employee’s rights
 4 under this Act and the procedures available under
 5 this Act;

6 “(2) in the case of a covered employee of an
 7 employing office described in subparagraph (A), (B),
 8 or (C) of section 101(9), to refer information re-
 9 garding an alleged violation of part A of title II to
 10 the Committee on Ethics of the House of Represent-
 11 atives or the Select Committee on Ethics of the Sen-
 12 ate (as the case may be); or

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

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

“Sec. 402. Initiation of procedures.”.

18 **SEC. 103. INVESTIGATION OF CLAIMS BY GENERAL COUN-**
 19 **SEL.**

20 (a) INVESTIGATIONS DESCRIBED.—Title IV (2
 21 U.S.C. 1401 et seq.), as amended by section 101(d), is
 22 further amended by inserting after section 402 the fol-
 23 lowing new section:

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

2 “(a) INVESTIGATION.—Upon the completion of the
3 initial processing of a claim under section 402(b) and (if
4 pre-investigation mediation described in section 402(c) oc-
5 curs) the completion of that pre-investigation mediation
6 without a resolution of the claim, the General Counsel
7 shall conduct an investigation of the claim involved.

8 “(b) SUBPOENAS.—

9 “(1) ISSUANCE.—To carry out an investigation
10 under this section, the General Counsel may issue
11 subpoenas to obtain witness testimony and for the
12 production of correspondence, books, papers, docu-
13 ments, and other records, subject to the following
14 conditions:

15 “(A) INABILITY TO OBTAIN INFORMA-
16 TION.—The General Counsel shall not issue a
17 subpoena to obtain testimony or records under
18 this section unless the General Counsel has
19 been unable to obtain the requested information
20 through reasonable, noncompulsory methods.

21 “(B) SERVICE.—Subpoenas shall be served
22 in the manner provided under rule 45(b) of the
23 Federal Rules of Civil Procedure.

24 “(C) PROTECTED INFORMATION.—The
25 General Counsel may not subpoena—

1 “(i) information in the possession of
 2 the Capitol Police that is security informa-
 3 tion, as defined in section 1009 of the Leg-
 4 islative Branch Appropriations Act, 2005
 5 (2 U.S.C. 1979); or

6 “(ii) any information, data, estimates,
 7 or statistics that the Director of the Con-
 8 gressional Budget Office is required to
 9 keep confidential under section 203(e) of
 10 the Congressional Budget of 1974 (2
 11 U.S.C. 603(e)).

12 “(D) PRIVILEGES.—Nothing in this para-
 13 graph shall constitute a waiver of the privileges
 14 of any Senator or Member of the House of Rep-
 15 resentatives under article I, section 6, clause 1,
 16 of the Constitution of the United States, or a
 17 waiver of any power of either the Senate or the
 18 House of Representatives under the Constitu-
 19 tion (including under article I, section 5, clause
 20 3 of the Constitution) or under the rules of ei-
 21 ther House, relating to a record or other infor-
 22 mation within its jurisdiction or the jurisdiction
 23 of any employing office, if the record or other
 24 information relates to serving a Member of
 25 Congress or an employing office described in

1 subparagraph (A), (B), or (C) of section
2 101(9)—

3 “(i) with respect to policymaking; or

4 “(ii) as an advisor with respect to the
5 exercise of the constitutional or legal pow-
6 ers of the office.

7 “(2) DISPUTE PROCEDURES.—

8 “(A) IN GENERAL.—Disputes concerning a
9 subpoena issued under paragraph (1) may be
10 resolved in accordance with subparagraphs (B)
11 and (C).

12 “(B) SUBMISSION TO BOARD.—If the per-
13 son or entity subpoenaed refuses on the basis of
14 relevance or privilege or other objection, to tes-
15 tify in response to a question or to produce
16 records in response to a request for production
17 of records, then the objection shall be submitted
18 to the Board for review. The Board may modify
19 the requests contained in the subpoena or may
20 authorize the General Counsel to apply, in the
21 name of the Office, to the appropriate district
22 court of the United States for an order requir-
23 ing the person or entity to appear before the
24 General Counsel to give testimony or produce
25 records.

1 “(C) APPLICATION TO DISTRICT COURT.—

2 The application to the court shall be made
3 under seal and made within the judicial district
4 where the person or entity is found, resides, or
5 transacts business. Any failure to obey an order
6 of the district court issued pursuant to this
7 paragraph may be held by such court to be a
8 civil contempt of court.

9 “(D) PROCESS.—Process in an action or
10 contempt proceeding pursuant to this para-
11 graph may be served in any judicial district in
12 which the person or entity refusing or failing to
13 comply, or threatening to refuse or not to com-
14 ply, is found, resides, or transacts business.
15 Subpoenas for witnesses who are required to at-
16 tend such an action or proceeding may run into
17 any other district.

18 “(e) REPORT; FINDINGS.—

19 “(1) REPORT.—Upon concluding an investiga-
20 tion of a claim under this section, the General Coun-
21 sel shall transmit a written report on the results of
22 the investigation to the covered employee and the
23 employing office involved. In the case of a finding
24 under subparagraph (A) or subparagraph (B) of
25 paragraph (2), the General Counsel shall include in

1 the report the legal and factual bases for making
2 such finding.

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

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

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

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

19 “(3) NOTICE OF RIGHT TO FILE CIVIL AC-
20 TION.—If the General Counsel transmits a report
21 with a finding under subparagraph (B) of paragraph
22 (2), the General Counsel shall also transmit to the
23 covered employee a written notice that the employee
24 has the right to file a civil action with respect to the
25 claim under section 408.

1 “(4) TRANSMISSION TO EXECUTIVE DIREC-
 2 TOR.—If the General Counsel transmits a report
 3 with a finding under subparagraph (A) or subpara-
 4 graph (C) of paragraph (2), the General Counsel
 5 shall also transmit the report to the Executive Di-
 6 rector.

7 “(5) TRANSMISSION OF REPORT ON INVESTIGA-
 8 TION OF CERTAIN CLAIMS TO CONGRESSIONAL ETH-
 9 ICS COMMITTEES.—

10 “(A) IN GENERAL.—In the case of a report
 11 transmitted by the General Counsel under para-
 12 graph (1) on the results of an investigation of
 13 a claim alleging a violation described in sub-
 14 paragraph (B) by a Member of Congress, if
 15 such report includes a finding of reasonable
 16 cause under paragraph (2)(A) the General
 17 Counsel shall transmit the report to—

18 “(i) the Committee on Ethics of the
 19 House of Representatives, in the case of a
 20 Member of the House (including a Dele-
 21 gate or Resident Commissioner to the Con-
 22 gress); or

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

1 “(B) VIOLATIONS DESCRIBED.—A viola-
 2 tion described in this subparagraph is covered
 3 discrimination or covered harassment com-
 4 mitted personally by a Member of Congress, as
 5 defined in section 415(e)(4).

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

11 “(e) DEADLINE FOR CONCLUDING INVESTIGATION.—
 12 The General Counsel shall conclude the investigation of
 13 a claim under this section, and transmit the report on the
 14 results of the investigation, not later than 90 days after
 15 the claim is filed under section 402, except that—

16 “(1) the General Counsel may (upon notice to
 17 the parties to the investigation) use an additional
 18 period not to exceed 30 days to conclude the inves-
 19 tigation; and

20 “(2) the 90-day investigation and reporting pe-
 21 riod and the 30-day period of additional time to con-
 22 clude the investigation shall be stayed pending medi-
 23 ation conducted pursuant to section 404, if any.”.

24 (b) CONFORMING AMENDMENTS RELATING TO
 25 HEARINGS COMMENCED BY OFFICE OF CONGRESSIONAL

1 WORKPLACE RIGHTS.—Section 405 (2 U.S.C. 1405) is
 2 amended as follows:

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

5 (2) By amending subsection (a) to read as fol-
 6 lows:

7 “(a) REQUIREMENT FOR HEARINGS TO COMMENCE
 8 IN OFFICE.—

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

11 “(A) IN GENERAL.—If the General Coun-
 12 sel transmits to the Executive Director a report
 13 on the investigation of a claim under section
 14 403 which includes a finding described in sub-
 15 paragraph (B), and if the covered employee
 16 does not withdraw the claim, the Executive Di-
 17 rector shall appoint an independent hearing of-
 18 ficer pursuant to subsection (c) to consider the
 19 claim and render a decision, and a hearing shall
 20 be commenced in the Office.

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

23 “(i) a finding under section
 24 403(c)(2)(A) that there is reasonable cause
 25 to believe that an employing office com-

mitted a violation of part A of title II, as
alleged in a claim filed by a covered em-
ployee; or

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

(3) In subsection (b), by striking “dismiss any
claim” and inserting “dismiss any cause of action
within a claim”.

(4) In subsection (c)(1), by striking “Upon the
filing of a complaint” and inserting “Upon receipt
by the Executive Director of the General Counsel’s
report on the investigation of the claim transmitted
under subsection (a)”.

(5) In subsection (d)—

(A) in the matter preceding paragraph (1),
by striking “complaint” and inserting “claim”;
and

(B) in paragraph (2), by striking “no later
than 60 days after filing of the complaint” and
inserting “no later than 60 days after the Exec-

1 utive Director receives the General Counsel’s
2 report on the investigation of the claim”.

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

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

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

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

“Sec. 403. Investigation of claims.”.

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

“Sec. 405. Hearing.”.

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

“Sec. 414. Settlement.”.

17 **SEC. 104. AVAILABILITY OF MEDIATION DURING INVES-**
18 **TIGATIONS.**

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

22 “(a) AVAILABILITY OF MEDIATION.—

1 “(1) BEFORE INVESTIGATION.—Unless either
 2 the covered employee or the employing office opts
 3 out of pre-investigation mediation by the deadline
 4 described in section 402(c)(2), the Office shall con-
 5 duct such mediation under subsections (b) through
 6 (d).

7 “(2) DURING INVESTIGATION.—At any time
 8 during the investigation of a covered employee’s
 9 claim under section 403, the covered employee and
 10 the employing office may jointly file a request for
 11 mediation with the Office.”.

12 (b) PERIOD OF MEDIATION.—Section 404(c) (2
 13 U.S.C. 1403(c)), as redesignated by section 101(d), is
 14 amended—

15 (1) in the first sentence, by striking “begin-
 16 ning” and inserting “beginning (in the case of pre-
 17 investigation mediation) on the first day after the
 18 deadline described in section 402(c)(2) and begin-
 19 ning (in the case of mediation during the investiga-
 20 tion)”;

21 (2) by striking the second sentence and insert-
 22 ing “The mediation period may be extended for one
 23 additional period of 30 days at the joint request of
 24 the covered employee and employing office.”.

1 (c) REQUIRING PARTIES TO BE SEPARATED DURING
 2 MEDIATION AT REQUEST OF EMPLOYEE.—Section
 3 404(b)(2) (2 U.S.C. 1403(b)(2)), as redesignated by sec-
 4 tion 101(d), is amended by striking “meetings with the
 5 parties separately or jointly” and inserting “meetings with
 6 the parties during which, at the request of the covered
 7 employee, the parties shall be separated,”.

8 **Subtitle B—Other Reforms**

9 **SEC. 111. PERSONAL LIABILITY OF MEMBERS OF CON-** 10 **GRESS.**

11 Section 415 of the Congressional Accountability Act
 12 of 1995 (2 U.S.C. 1415) is amended—

13 (1) in subsection (a), by inserting after the first
 14 sentence the following: “Under no circumstances
 15 may an employing office use funds from the Mem-
 16 bers’ Representational Allowance under section 101
 17 of the House of Representatives Administrative Re-
 18 form Technical Corrections Act (2 U.S.C. 5341), the
 19 Senators’ Official Personnel and Office Expense Ac-
 20 count, or any appropriated funds other than funds
 21 appropriated under this subsection, for the payment
 22 of awards and settlements under this Act.”; and

23 (2) by adding at the end the following:

24 “(d) COMMITTEE APPROVALS.—Before a payment is
 25 made from the account described in subsection (a) for a

1 settlement for covered discrimination or covered harass-
 2 ment in an employing office described in subparagraph (A)
 3 or (B) of section 101(9), the chair and ranking member
 4 of the appropriate committee shall approve the payment.

5 “(e) PERSONAL LIABILITY OF MEMBERS OF CON-
 6 GRESS FOR PAYMENT OF SETTLEMENTS AND AWARDS.—

7 “(1) REIMBURSEMENT.—If a payment is made
 8 from the account described in subsection (a) for an
 9 award or settlement that relates, in part or in whole,
 10 to an allegation of covered discrimination or covered
 11 harassment committed personally by a Member of
 12 Congress, the Member of Congress who is alleged to
 13 have committed the discrimination or harassment
 14 shall, except as provided in subparagraph (2), reim-
 15 burse the account for the amount of the award or
 16 settlement.

17 “(2) EXCEPTION.—In the case of a settlement
 18 that relates, in part or in whole, to an allegation of
 19 covered discrimination or covered harassment com-
 20 mitted personally by a Member of Congress, the
 21 Member may request a nonreimbursement deter-
 22 mination. If the appropriate committee finds by a
 23 preponderance of the evidence, based on any record
 24 from a proceeding under this title that may have ex-
 25 isted on the date of the payment, and using a rebut-

1 table presumption in favor of requiring reimburse-
 2 ment, that the Member of Congress has not engaged
 3 in the alleged violation, the committee shall issue a
 4 nonreimbursement determination. The committee
 5 shall issue the determination and the committee's
 6 rationale for the determination in writing. Unless
 7 the settlement is not publicly disclosed, such deter-
 8 mination and rationale shall be publicly disclosed by
 9 the Office.

10 “(3) CONSTRUCTION.—Nothing in this section
 11 shall be construed to require a Member of Congress
 12 to reimburse the account under paragraph (1), with
 13 respect to an allegation of covered discrimination, or
 14 covered harassment, that is wholly committed by an
 15 employee of the employing office involved.

16 “(4) DEFINITIONS.—In subsection (d) and this
 17 subsection—

18 “(A) the term ‘appropriate committee’
 19 means—

20 “(i) if the personal office of a Member
 21 of, or a Committee of, the House of Rep-
 22 resentatives, or a joint committee chaired
 23 by such a Member, seeks a payment under
 24 subsection (d), or a Member of the House
 25 of Representatives seeks a determination

1 under this subsection, the Committee on
 2 Ethics of the House of Representatives;
 3 and

4 “(ii) if the personal office of a Sen-
 5 ator, or a Committee of the Senate, or a
 6 joint committee chaired by a Senator,
 7 seeks a payment under subsection (d), or
 8 a Senator seeks a determination under this
 9 subsection, the Senate Select Committee
 10 on Ethics;

11 “(B) the term ‘covered discrimination’
 12 means—

13 “(i) discrimination prohibited by sec-
 14 tion 201(a) (including, in accordance with
 15 section 102(c), discrimination prohibited
 16 by title II of the Genetic Information Non-
 17 discrimination Act of 2008 (42 U.S.C.
 18 2000ff et seq.)) or 206(a); and

19 “(ii) a violation of section 207, or a
 20 violation of section 4311(b) of title 38,
 21 United States Code, that is related to dis-
 22 crimination described in clause (i);

23 “(C) the term ‘covered discrimination or
 24 covered harassment committed personally’, used
 25 with respect to a Member of Congress, means—

1 “(i) covered discrimination (other
2 than covered harassment) that was com-
3 mitted personally by a Member of Con-
4 gress;

5 “(ii) quid pro quo covered harassment
6 that was committed personally by a Mem-
7 ber of Congress; and

8 “(iii) hostile environment covered har-
9 assment if a Member of Congress com-
10 mitted personally—

11 “(I) severe conduct that created
12 a hostile environment; or

13 “(II) at least one act that was
14 part of pervasive conduct that created
15 a hostile environment;

16 “(D) the term ‘covered harassment’ means
17 harassment prohibited by section 201(a) (in-
18 cluding, in accordance with section 102(c), har-
19 assment prohibited by title II of the Genetic In-
20 formation Nondiscrimination Act of 2008 (42
21 U.S.C. 2000ff et seq.)) or 206(a); and

22 “(E) the term ‘nonreimbursement deter-
23 mination’ means a determination from the ap-
24 propriate committee that the Member shall not

1 be responsible for reimbursement under sub-
2 section (a).”.

3 **SEC. 112. AUTOMATIC REFERRAL TO CONGRESSIONAL ETH-**
4 **ICS COMMITTEES OF DISPOSITION OF CER-**
5 **TAIN CLAIMS ALLEGING VIOLATIONS OF**
6 **CONGRESSIONAL ACCOUNTABILITY ACT OF**
7 **1995 INVOLVING MEMBERS OF CONGRESS**
8 **AND SENIOR STAFF.**

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

11 “(e) AUTOMATIC REFERRALS TO CONGRESSIONAL
12 ETHICS COMMITTEES OF DISPOSITIONS OF CLAIMS IN-
13 VOLVING MEMBERS OF CONGRESS AND SENIOR STAFF.—

14 “(1) REFERRAL.—Upon the final disposition
15 under this title (as described in paragraph (5)) of a
16 claim alleging covered harassment or covered dis-
17 crimination committed personally by a Member of
18 Congress (as defined in section 415(e)), or covered
19 harassment or covered discrimination (as those
20 terms are defined in section 415(e)(4)) committed
21 personally by a senior staffer of an employing office
22 described in subparagraph (A) or (B) of section
23 101(9), the Executive Director shall refer the claim
24 to—

1 “(A) the Committee on Ethics of the
2 House of Representatives, in the case of a
3 Member or senior staffer of the House (includ-
4 ing a Delegate or Resident Commissioner to the
5 Congress); or

6 “(B) the Select Committee on Ethics of
7 the Senate, in the case of a Senator or senior
8 staffer of the Senate.

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

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

1 “(4) AUTHORITY TO PROTECT IDENTITY OF A
2 CLAIMANT.—

3 “(A) REDACTIONS.—If a Committee issues
4 a report as described in paragraph (3), the
5 Committee may, in accordance with subpara-
6 graph (B), make an appropriate redaction to
7 the information or data included in the report
8 if the Committee and the appropriate decision-
9 makers described in subparagraph (B) deter-
10 mine that including the information or data
11 considered for redaction may lead to the unin-
12 tentional disclosure of the identity or position of
13 a claimant. The report including any such re-
14 daction shall note each redaction and include a
15 statement that the redaction was made solely
16 for the purpose of avoiding such an uninten-
17 tional disclosure of the identity or position of a
18 claimant.

19 “(B) AGREEMENT ON REDACTIONS.—The
20 Committee shall make a redaction under sub-
21 paragraph (A) only if agreement is reached on
22 the precise information or data to be redacted
23 by—

24 “(i) the Chairman and Ranking Mem-
25 ber of the Committee on Ethics of the

House of Representatives, in the case of a report concerning a Member of the House of Representatives (including a Delegate or Resident Commissioner to the Congress) or a senior staffer who is an employee of the House of Representatives; or

“(ii) the Chairman and Vice Chairman of the Select Committee on Ethics of the Senate, in the case of a report concerning a Senator or senior staffer who is an employee of the Senate.

“(C) RETENTION OF UNREDACTED REPORTS.—Each committee described in subparagraph (B) shall retain a copy of the report, without redactions.

“(5) FINAL DISPOSITION DESCRIBED.—In this subsection, the ‘final disposition’ of a claim means the following:

“(A) An agreement to pay a settlement, including an agreement reached pursuant to mediation under section 404.

“(B) An order to pay an award that is final and not subject to appeal.

“(6) SENIOR STAFFER DEFINED.—In this subsection, the term ‘senior staffer’ means any indi-

1 vidual who, at the time a violation occurred, was re-
 2 quired to file a report under title I of the Ethics in
 3 Government Act of 1978 (5 U.S.C. App.).”.

4 **SEC. 113. AVAILABILITY OF REMOTE WORK ASSIGNMENT**
 5 **OR PAID LEAVE OF ABSENCE DURING PEND-**
 6 **ENCY OF PROCEDURES.**

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

9 **“SEC. 417. OPTION TO REQUEST REMOTE WORK ASSIGN-**
 10 **MENT OR PAID LEAVE OF ABSENCE DURING**
 11 **PENDENCY OF PROCEDURES.**

12 “(a) OPTIONS FOR EMPLOYEES.—

13 “(1) REMOTE WORK ASSIGNMENT.—At the re-
 14 quest of a covered employee who files a claim alleg-
 15 ing a violation described in section 402(b)(2)(B) by
 16 the covered employee’s employing office, during the
 17 pendency of any of the procedures available under
 18 this title for consideration of the claim, the employ-
 19 ing office may permit the covered employee to carry
 20 out the employee’s responsibilities from a remote lo-
 21 cation (referred to in this section as ‘permitting a
 22 remote work assignment’) where such relocation
 23 would have the effect of materially reducing inter-
 24 actions between the covered employee and any per-

son alleged to have committed the violation, instead of from a location of the employing office.

“(2) EXCEPTION FOR WORK ASSIGNMENTS REQUIRED TO BE CARRIED OUT ONSITE.—If, in the determination of the covered employee’s employing office, a covered employee who makes a request under this subsection cannot carry out the employee’s responsibilities from a remote location or such relocation would not have the effect described in paragraph (1), the employing office may during the pendency of the procedures described in paragraph (1)—

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

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

“(C) make another workplace adjustment, or permit a remote work assignment, that would have the effect of reducing interactions between the covered employee and any person alleged to have committed the violation described in section 402(b)(2)(B).

“(3) ENSURING NO RETALIATION.—An employing office may not respond to a covered employee’s

1 request under this subsection in a manner which
 2 would constitute a violation of section 207.

3 “(4) NO IMPACT ON VACATION OR PERSONAL
 4 LEAVE.—In granting leave for a paid leave of ab-
 5 sence under this section, an employing office shall
 6 not require the covered employee to substitute, for
 7 that leave, any of the accrued paid vacation or per-
 8 sonal leave of the covered employee.

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

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

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

18 **SEC. 114. MODIFICATION OF RULES ON CONFIDENTIALITY**
 19 **OF PROCEEDINGS.**

20 (a) CLAIMS AND INVESTIGATIONS.—Section 416(a)
 21 (2 U.S.C. 1416(a)) is amended to read as follows:

22 “(a) CLAIMS AND INVESTIGATIONS.—Information re-
 23 lating to the fact that a claim was filed under section 402,
 24 the information in the filing under section 402, and any

1 information resulting from the investigation of a claim
 2 under section 403, shall be confidential. Except as pro-
 3 vided in section 403(c)(5), the report created by the Gen-
 4 eral Counsel pursuant to section 403(c)(1) shall be con-
 5 fidential. Nothing in this Act may be construed to prohibit
 6 a covered employee or an employing office from disclosing
 7 a factual allegation supporting the claim or any defense
 8 to the claim, if the information contained in the allegation
 9 was not obtained in a confidential proceeding.”.

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

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

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

22 “(f) REIMBURSEMENT BY EMPLOYING OFFICES.—
 23 “(1) NOTIFICATION OF PAYMENTS MADE FROM
 24 ACCOUNT.—As soon as practicable after the Execu-
 25 tive Director is made aware that a payment of an

1 award or settlement under this Act has been made
2 from the account described in subsection (a) in con-
3 nection with a claim alleging covered discrimination
4 or covered harassment, as such terms are defined in
5 subsection (e)(4) by an employing office (other than
6 an employing office described in subparagraph (A),
7 (B), or (C) of section 101(9)), the Executive Direc-
8 tor shall notify the head of the employing office as-
9 sociated with the claim that the payment has been
10 made, and shall include in the notification a state-
11 ment of the amount of the payment.

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

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

1 (b) EFFECTIVE DATE.—The amendment made by
 2 subsection (a) shall apply with respect to payments made
 3 under section 415 of the Congressional Accountability Act
 4 of 1995 (2 U.S.C. 1415) on or after the date of the enact-
 5 ment of this Act.

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

10 **SEC. 201. REPORTS ON CLAIMS, AWARDS, AND SETTLE-**
 11 **MENTS.**

12 (a) SEMIANNUAL REPORTS ON CLAIMS, AWARDS,
 13 AND SETTLEMENTS.—

14 (1) REQUIRING SUBMISSION AND PUBLICATION
 15 OF REPORTS.—Section 301 (2 U.S.C. 1381) is
 16 amended—

17 (A) in subsection (h)(3), by striking “com-
 18 plaint” each place it appears and inserting
 19 “claim”; and

20 (B) by adding at the end the following new
 21 subsection:

22 “(1) SEMIANNUAL REPORTS ON CLAIMS, AWARDS,
 23 AND SETTLEMENTS.—

24 “(1) IN GENERAL.—Not later than 45 days
 25 after the first 6-month period of each calendar year,

1 and not later than 45 days after the next 6-month
2 period of each calendar year, the Office shall submit
3 to Congress and publish on the Office’s public
4 website a report listing each award or settlement
5 which was paid during the previous 2 6-month peri-
6 ods from the account described in section 415(a) as
7 the result of a claim alleging a violation of part A
8 of title II, including the employing office involved,
9 the amount of the award or settlement, the provision
10 of part A of title II which was the subject of the
11 claim, and (in the case of an award or settlement re-
12 sulting from covered discrimination or covered har-
13 assment committed personally by a Member of Con-
14 gress, as defined in section 415(e)(4)), whether the
15 Member or former Member is in compliance with the
16 requirement of section 415(e) to reimburse the ac-
17 count for the amount of the award or settlement.

18 “(2) PROTECTION OF IDENTITY OF INDIVID-
19 UALS RECEIVING AWARDS AND SETTLEMENTS.—In
20 preparing and submitting the reports required under
21 paragraph (1), the Office shall ensure that the iden-
22 tity or position of any claimant is not disclosed.

23 “(3) AUTHORITY TO PROTECT THE IDENTITY
24 OF A CLAIMANT.—

“(A) IN GENERAL.—In carrying out paragraph (2), the Executive Director may make an appropriate redaction to the data included in the report described in paragraph (1) if the Executive Director determines that including the data considered for redaction may lead to the identity or position of a claimant unintentionally being disclosed. The report shall note each redaction and include a statement that the redaction was made solely for the purpose of avoiding such an unintentional disclosure of the identity or position of a claimant.

“(B) RECORD-KEEPING.—the Executive Director shall retain a copy of the report described in subparagraph (A), without redactions.

“(4) DEFINITION.—In this subsection, the term ‘claimant’ means an individual who received an award or settlement, or who made an allegation of a violation against an employing office.”.

(2) EFFECTIVE DATE.—The amendments made by paragraph (1) shall apply with respect to 2018 and each succeeding year.

(b) REPORT ON AMOUNTS PREVIOUSLY PAID.—

1 (1) IN GENERAL.—Not later than 30 days after
2 the date of the enactment of this Act, the Office of
3 Congressional Workplace Rights shall submit to
4 Congress and make available to the public on the
5 Office’s public website a report on all payments
6 made with public funds prior to the date of the en-
7 actment of this Act for awards and settlements in
8 connection with violations of section 201(a) of the
9 Congressional Accountability Act of 1995 (2 U.S.C.
10 1311(a)), or related retaliation, as defined in section
11 101 of such Act (2 U.S.C. 1301), and shall include
12 in the report the following information:

13 (A) The amount paid for each such award
14 or settlement.

15 (B) The source of the public funds used
16 for the award or settlement, without regard to
17 whether the funds were paid from the account
18 described in section 415(a) of such Act (2
19 U.S.C. 1415(a)), an account of the House of
20 Representatives or Senate, or any other account
21 of the Federal Government.

22 (2) RULE OF CONSTRUCTION REGARDING IDEN-
23 TIFICATION OF HOUSE AND SENATE ACCOUNTS.—
24 Nothing in paragraph (1)(B) may be construed to
25 require or permit the Office of Congressional Work-

1 place Rights to report the account of any specific of-
2 fice of the House of Representatives or Senate as
3 the source of funds used for an award or settlement.

4 **SEC. 202. RECORD RETENTION.**

5 Section 301 (2 U.S.C. 1381), as amended by section
6 201(a), is further amended by adding at the end the fol-
7 lowing new subsection:

8 “(m) RECORD RETENTION.—The Office shall estab-
9 lish and maintain a program for the permanent retention
10 of its records, including the redacted and unredacted
11 records described in section 301(l)(3) and the records of
12 investigations, mediations, hearings, and other pro-
13 ceedings conducted under this Act.”.

14 **SEC. 203. WORKPLACE CLIMATE SURVEYS OF EMPLOYING**
15 **OFFICES.**

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

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

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

1 in subparagraphs (A), (B), and (C) of section 101(9), re-
2 garding the workplace environment of such office.

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

8 “(c) METHODOLOGY.—

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

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

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

1 “(e) CONSULTATION WITH COMMITTEES.—The Of-
 2 fice shall carry out this section, including establishment
 3 of methodologies and procedures under subsection (c), in
 4 consultation with the Committee on House Administration
 5 of the House of Representatives and the Committee on
 6 Homeland Security and Governmental Affairs, and the
 7 Committee on Rules and Administration, of the Senate.

8 “(f) INCLUSION OF LIBRARY OF CONGRESS.—For
 9 purposes of this section, the Library of Congress shall be
 10 considered an employing office subject to subsection (a).”.

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

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

14 **SEC. 204. OFFICE OF EMPLOYEE ADVOCACY.**

15 (a) ESTABLISHMENT.—There is established in the
 16 Office of the Secretary of the Senate the Office of Em-
 17 ployee Advocacy (hereafter in this section referred to as
 18 the “Office”).

19 (b) COVERED EMPLOYEE OF THE SENATE.—In this
 20 section, the term “covered employee of the Senate”—

21 (1) means a covered employee (as defined in
 22 section 101 of the Congressional Accountability Act
 23 of 1995 (2 U.S.C. 1301)) who is an employee of the
 24 Senate (as defined in such section); and

(2) includes a staff member described in section 201(d)(1) of such Act (2 U.S.C. 1311(d)(1)), as amended by section 303(a), of an employing office of the Senate (including a former staff member described in such section 201(d)(1) who was such a staff member at the time of the alleged violation).

(c) FUNCTIONS.—

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

(A) Providing legal assistance and consultation to covered employees of the Senate regarding the procedures of the Congressional Accountability Act of 1995 (2 U.S.C. 1301 et seq.) and the procedures applicable to civil actions arising under such Act, including—

(i) the roles and responsibilities of the Office of Congressional Workplace Rights, the Office of the Senate Chief Counsel for Employment, and similar authorities;

(ii) any proceedings conducted under such Act;

(iii) the authority of the Office of Congressional Workplace Rights to compel cooperation and testimony under investiga-

1 tions and proceedings conducted under
2 title IV of such Act (2 U.S.C. 1401 et
3 seq.); and

4 (iv) the employee's duties relating to
5 such proceedings, including the responsi-
6 bility to testify.

7 (B) Providing legal assistance and rep-
8 resentation—

9 (i) in personal civil legal matters re-
10 lated to a covered employee of the Senate's
11 initiation of, or participation in, pro-
12 ceedings under title IV of such Act (2
13 U.S.C. 1401 et seq.) (other than a civil ac-
14 tion filed under section 408 of such Act (2
15 U.S.C. 1408)); and

16 (ii) in any proceedings of the Office of
17 Congressional Workplace Rights, the Select
18 Committee on Ethics of the Senate, or any
19 other administrative or judicial body re-
20 lated to the alleged violations of such Act
21 which are the subject of the proceedings
22 initiated by the covered employee of the
23 Senate, or the proceedings in which the
24 covered employee of the Senate partici-

1 pates, under title IV of such Act (2 U.S.C.
2 1401 et seq.).

3 (C) Operating a hotline through which cov-
4 ered employees of the Senate may contact the
5 Office.

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

14 (3) NATURE OF RELATIONSHIP.—The relation-
15 ship between the Office and an employee to whom
16 the Office provides legal assistance, consultation,
17 and representation under this section shall be the re-
18 lationship between an attorney and client.

19 (4) PROHIBITING ACCEPTANCE OF AWARD OF
20 ATTORNEY FEES OR OTHER COSTS.—The Office may
21 not accept any award of attorney fees or other litiga-
22 tion expenses and costs under any hearing or civil
23 action brought under the Congressional Account-
24 ability Act of 1995 (2 U.S.C. 1301 et seq.).

1 (5) PROHIBITING ASSISTANCE IN OTHER MAT-
2 TERS OR PROCEEDINGS.—The Office may not pro-
3 vide any legal assistance, consultation, or represen-
4 tation with respect to any matter or proceeding
5 which does not arise under the Congressional Ac-
6 countability Act of 1995 (2 U.S.C. 1301 et seq.).

7 (d) PROHIBITING PROVISION OF ASSISTANCE UPON
8 FILING OF CIVIL ACTION.—If a covered employee of the
9 Senate files a civil action with respect to an alleged viola-
10 tion of the Congressional Accountability Act of 1995 (2
11 U.S.C. 1301 et seq.), as provided in section 408 of such
12 Act (2 U.S.C. 1408), the Office may not provide assist-
13 ance under this section to the covered employee with re-
14 spect to investigations or proceedings under such Act in
15 connection with such alleged violation at any time after
16 the employee files such action.

17 (e) DIRECTOR.—

18 (1) APPOINTMENT.—The Office shall be headed
19 by a Director who shall be appointed by the Sec-
20 retary of the Senate.

21 (2) QUALIFICATIONS; NONPARTISANSHIP OF PO-
22 SITION.—The individual appointed as Director shall
23 be a lawyer who is admitted to practice before the
24 United States District Court for the District of Co-

1 lumbia and who has experience in representing em-
2 ployees in workplace discrimination cases.

3 (3) COMPENSATION.—The Director shall be
4 paid at an annual rate established by the Secretary
5 of the Senate.

6 (4) REMOVAL.—The Director may be removed
7 by the Secretary of the Senate only for cause.

8 (f) OTHER PERSONNEL.—Subject to regulations of
9 the Committee on Rules and Administration of the Senate
10 and with the approval of the Secretary of the Senate, the
11 Director may appoint and fix the compensation of such
12 additional personnel as the Director determines to be nec-
13 essary to carry out the functions of the Office.

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

18 (h) EXERCISE OF RULEMAKING POWERS.—Congress
19 adopts the provisions of this section—

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

1 (2) with full recognition of the constitutional
2 right of the Senate to change those rules at any
3 time, in any manner, and to the same extent as is
4 the case of any other rule of the Senate.

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

6 (a) STUDY.—The Comptroller General of the United
7 States shall conduct a study of the management practices
8 of the Office of Congressional Workplace Rights.

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

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

18 (a) AUDIT.—The Comptroller General of the United
19 States shall conduct an audit of the cybersecurity systems
20 and practices of the Office of Congressional Workplace
21 Rights.

22 (b) REPORT TO CONGRESS.—Not later than 180 days
23 after the date of the enactment of this Act, the Comp-
24 troller General of the United States shall submit to Con-
25 gress a report on the audit conducted under subsection

1 (a), and shall include in the report such recommendations
 2 as the Comptroller General considers appropriate for im-
 3 provements to the cybersecurity systems and practices of
 4 the Office of Congressional Workplace Rights.

5 **TITLE III—MISCELLANEOUS** 6 **REFORMS**

7 **SEC. 301. DEFINITIONS.**

8 Section 101 (2 U.S.C. 1301) is amended by adding
 9 at the end the following:

10 “(13) COMMITTED PERSONALLY.—The term
 11 ‘committed personally’, used with respect to an act
 12 and an individual, does not include a practice com-
 13 mitted by a second individual and attributed to the
 14 first individual or that individual’s employing office.

15 “(14) MEMBER OF CONGRESS.—The term
 16 ‘Member of Congress’ means a Member of the
 17 House of Representatives (including a Delegate or
 18 Resident Commissioner to the Congress) or a Sen-
 19 ator.

20 “(15) RELATED RETALIATION.—The term ‘re-
 21 lated retaliation’, used with respect to a provision,
 22 means a response that is prohibited under section
 23 207, except that each reference in section 207 to
 24 ‘this Act’ shall be considered to be a reference to
 25 that provision.”.

1 **SEC. 302. APPLICATION OF GENETIC INFORMATION NON-**
 2 **DISCRIMINATION ACT OF 2008.**

3 Section 102 of the Congressional Accountability Act
 4 of 1995 (2 U.S.C. 1302) is amended by adding at the end
 5 the following:

6 “(c) GENETIC INFORMATION NONDISCRIMINATION
 7 ACT OF 2008.—The provisions of this Act that apply to
 8 a violation of section 201(a)(1) shall be considered to
 9 apply to a violation of title II of the Genetic Information
 10 Nondiscrimination Act of 2008 (42 U.S.C. 2000ff et seq.),
 11 consistent with section 207(c) of that Act (42 U.S.C.
 12 2000ff–6(c)).”.

13 **SEC. 303. EXTENSION TO UNPAID STAFF OF RIGHTS AND**
 14 **PROTECTIONS AGAINST EMPLOYMENT DIS-**
 15 **CRIMINATION.**

16 (a) EXTENSION.—Section 201 (2 U.S.C. 1311) is
 17 amended—

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

20 (2) by inserting after subsection (c) the fol-
 21 lowing new subsection:

22 “(d) APPLICATION TO UNPAID STAFF.—

23 “(1) IN GENERAL.—Subsections (a) and (b)
 24 and section 207 regarding related retaliation shall
 25 apply with respect to any staff member of an em-
 26 ploying office who carries out official duties of the

1 employing office but who is not paid by the employ-
2 ing office for carrying out such duties, including an
3 intern, an individual detailed to an employing office,
4 and an individual participating in a fellowship pro-
5 gram (including an applicant for an internship, a de-
6 tail position, or a fellowship and a former intern,
7 detailee, or fellow), in the same manner and to the
8 same extent as such subsections apply with respect
9 to a covered employee.

10 “(2) RULE OF CONSTRUCTION.—Nothing in
11 paragraph (1) may be construed to extend liability
12 for a violation of subsection (a) or section 207 to an
13 employing office on the basis of an action taken by
14 any person who is not under the supervision or con-
15 trol of the employing office.

16 “(3) INTERN DEFINED.—For purposes of this
17 section, the term ‘intern’ means an individual who
18 performs service for an employing office which is un-
19 compensated by the United States, who obtains an
20 educational benefit, such as by earning credit award-
21 ed by an educational institution or learning a trade
22 or occupation, and who is appointed on a temporary
23 basis.”.

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. 304. NOTICES.**

6 Part E of title II of the Congressional Accountability
 7 Act of 1995 (2 U.S.C. 1361) is amended by adding at
 8 the end the following:

9 **“SEC. 226. NOTICES.**

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

14 “(1) describes the rights, protections, and pro-
 15 cedures applicable to covered employees of the em-
 16 ploying office under this Act, concerning violations
 17 described in subsection (b); and

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

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

21 “(1) discrimination prohibited by section 201(a)
 22 (including, in accordance with section 102(c), dis-
 23 crimination prohibited by title II of the Genetic In-
 24 formation Nondiscrimination Act of 2008 (42 U.S.C.
 25 2000ff et seq.)), 206(a), or 210(b); and

1 “(2) a violation of section 207, or a violation of
 2 section 4311(b) of title 38, United States Code, that
 3 is related to discrimination described in paragraph
 4 (1).”.

5 **SEC. 305. GENERAL PROVISIONS.**

6 Section 225 (2 U.S.C. 1361) is amended—

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

8 (2) by redesignating subsection (f) as sub-
 9 section (e).

10 **SEC. 306. CLARIFICATION OF COVERAGE OF EMPLOYEES**
 11 **OF STENNIS CENTER AND HELSINKI AND**
 12 **CHINA COMMISSIONS.**

13 (a) COVERAGE OF STENNIS CENTER, CHINA REVIEW
 14 COMMISSION, CONGRESSIONAL-EXECUTIVE CHINA COM-
 15 MISSION, AND HELSINKI COMMISSION.—

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

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

21 (B) by striking the period at the end of
 22 subparagraph (J) and inserting “; and”; and

23 (C) by adding at the end the following:

24 “(K) the John C. Stennis Center for Pub-
 25 lic Service Training and Development;

1 “(L) the China Review Commission;

2 “(M) the Congressional-Executive China
3 Commission; and

4 “(N) the Helsinki Commission.”.

5 (2) TREATMENT OF CENTER AND COMMISSIONS
6 AS EMPLOYING OFFICE.—Section 101(9)(D) (2
7 U.S.C. 1301(9)(D)) is amended by striking “and the
8 Office of Technology Assessment” and inserting the
9 following: “the John C. Stennis Center for Public
10 Service Training and Development, the China Re-
11 view Commission, the Congressional-Executive China
12 Commission, and the Helsinki Commission.”.

13 (3) DEFINITIONS OF COMMISSIONS.—Section
14 101 (2 U.S.C. 1301), as amended by section 301, is
15 further amended by adding at the end the following:

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

23 “(16) CONGRESSIONAL-EXECUTIVE CHINA COM-
24 MISSION.—The term ‘Congressional-Executive China
25 Commission’ means the Congressional-Executive

1 Commission on the People's Republic of China es-
 2 tablished under title III of the U.S.–China Relations
 3 Act of 2000 (Public Law 106–286; 22 U.S.C. 6911
 4 et seq.).

5 “(17) HELSINKI COMMISSION.—The term ‘Hel-
 6 sinki Commission’ means the Commission on Secu-
 7 rity and Cooperation in Europe established under
 8 the Act entitled ‘An Act to establish a Commission
 9 on Security and Cooperation in Europe’, approved
 10 June 3, 1976 (Public Law 94–304; 22 U.S.C. 3001
 11 et seq.).”.

12 (b) LEGAL ASSISTANCE AND REPRESENTATION.—

13 (1) IN GENERAL.—Title V (2 U.S.C. 1431 et
 14 seq.) is amended—

15 (A) by redesignating section 509 as section
 16 512; and

17 (B) by inserting after section 508 the fol-
 18 lowing:

19 **“SEC. 509. LEGAL ASSISTANCE AND REPRESENTATION.**

20 “Legal assistance and representation under this Act,
 21 including assistance and representation with respect to the
 22 proposal or acceptance of the disposition of a claim under
 23 this Act, shall be provided to the China Review Commis-
 24 sion, the Congressional-Executive China Commission, and
 25 the Helsinki Commission—

1 “(1) by the House Employment Counsel of the
2 House of Representatives, in the case of assistance
3 and representation in connection with a claim filed
4 under title IV (including all subsequent proceedings
5 under such title in connection with the claim) at a
6 time when the chair of the Commission is a Member
7 of the House, and in the case of assistance and rep-
8 resentation in connection with any subsequent claim
9 related to the initial claim where the subsequent
10 claim involves the same parties; or

11 “(2) by the Senate Chief Counsel for Employ-
12 ment of the Senate, in the case of assistance and
13 representation in connection with a claim filed under
14 title IV (including all subsequent proceedings under
15 such title in connection with the claim) at a time
16 when the chair of the Commission is a Senator, and
17 in the case of assistance and representation in con-
18 nection with any subsequent claim related to the ini-
19 tial claim where the subsequent claim involves the
20 same parties.”.

21 (2) CLERICAL AMENDMENTS.—The table of
22 contents is amended—

23 (A) by redesignating the item relating to
24 section 509 as relating to section 512; and

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

“Sec. 509. Legal assistance and representation.”.

3 (c) CONFORMING AMENDMENTS.—Section 101 (2
 4 U.S.C. 1301) is amended, in paragraphs (7) and (8), by
 5 striking “through (I)” and inserting “through (N)”.

6 (d) EFFECTIVE DATE.—The amendments made by
 7 subsections (a) through (c) shall apply with respect to
 8 claims alleging violations of the Congressional Account-
 9 ability Act of 1995 (2 U.S.C. 1301 et seq.) which are first
 10 made on or after the date of the enactment of this Act.

11 **SEC. 307. 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.), as
 15 amended by section 306(b), is further amended by adding
 16 at the end the following:

17 **“SEC. 510. TRAINING AND EDUCATION PROGRAMS OF EM-**
 18 **PLOYING OFFICES.**

19 “(a) REQUIRING OFFICES TO DEVELOP AND IMPLE-
 20 MENT PROGRAMS.—Each employing office shall develop
 21 and implement a program to train and educate covered
 22 employees of the office in the rights and protections pro-
 23 vided under this Act, including the procedures available
 24 under this Act to consider alleged violations of this Act.

25 “(b) REPORT TO COMMITTEES.—

1 “(1) IN GENERAL.—Not later than 45 days
 2 after the beginning of each Congress (beginning with
 3 the One Hundred Sixteenth Congress), each employ-
 4 ing office shall submit a report to the Committee on
 5 House Administration of the House of Representa-
 6 tives and the Committee on Rules and Administra-
 7 tion of the Senate on the implementation of the pro-
 8 gram required under subsection (a).

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

15 “(c) EXCEPTION FOR OFFICES OF CONGRESS.—This
 16 section does not apply to an employing office described
 17 in subparagraph (A), (B), or (C) of section 101(9).”.

18 (b) CLERICAL AMENDMENT.—The table of contents
 19 is amended by inserting after the item relating to section
 20 509, as inserted by section 307(b), the following new item:

“Sec. 510. Training and education programs of employing offices.”.

21 **SEC. 308. SUPPORT FOR OUT-OF-AREA COVERED EMPLOY-**
 22 **EES.**

23 (a) IN GENERAL.—Title V (2 U.S.C. 1431 et seq.),
 24 as amended by section 307(a), is further amended by add-
 25 ing at the end the following:

1 **“SEC. 511. SUPPORT FOR OUT-OF-AREA COVERED EMPLOY-**
2 **EES.**

3 “(a) IN GENERAL.—All covered employees whose lo-
4 cation of employment is outside of the Washington, DC
5 area (referred to in this section as ‘out-of-area covered em-
6 ployees’, shall have equitable access to the resources and
7 services provided by the Office and under this Act as is
8 provided to covered employees who work in the Wash-
9 ington, DC area.

10 “(b) DUTIES OF OFFICE OF CONGRESSIONAL WORK-
11 PLACE RIGHTS.—The Office shall—

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

16 “(2) provide guidance to employing offices re-
17 garding how each office can provide the resources
18 and services provided under this Act to out-of-area
19 covered employees, including information regarding
20 the communication methods described in paragraph
21 (1).

22 “(c) DUTIES OF EMPLOYING OFFICES.—Each em-
23 ploying office shall ensure that any out-of-area covered
24 employees of the employing office are provided the equi-
25 table access required under this section, including infor-
26 mation regarding how to communicate with the Office.”.

1 (b) CLERICAL AMENDMENT.—The table of contents
 2 is amended by inserting after the item relating to section
 3 510, as inserted by section 307(b), the following new item:

“Sec. 511. Support for out-of-area employees.”.

4 **SEC. 309. RENAMING OFFICE OF COMPLIANCE AS OFFICE**
 5 **OF CONGRESSIONAL WORKPLACE RIGHTS.**

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

9 (1) in the heading, by striking “**OFFICE OF**
 10 **COMPLIANCE**” and inserting “**OFFICE OF CON-**
 11 **GRESSIONAL WORKPLACE RIGHTS**”; and

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

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

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

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

24 (3) In section 101(3)(H) (2 U.S.C.
 25 1301(3)(H)), by striking “Office of Compliance”

1 and inserting “Office of Congressional Workplace
2 Rights”.

3 (4) In section 101(9)(D) (2 U.S.C.
4 1301(9)(D)), by striking “Office of Compliance” and
5 inserting “Office of Congressional Workplace
6 Rights”.

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

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

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

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

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

22 (10) In section 220(e)(2)(G) (2 U.S.C.
23 1351(e)(2)(G)), by striking “Office of Compliance”
24 and inserting “Office of Congressional Workplace
25 Rights”.

1 (11) In the heading of title III, by striking
 2 **“OFFICE OF COMPLIANCE”** and inserting
 3 **“OFFICE OF CONGRESSIONAL WORK-**
 4 **PLACE RIGHTS”**.

5 (12) In section 304(c)(4) (2 U.S.C.
 6 1384(c)(4)), by striking “Office of Compliance” and
 7 inserting “Office of Congressional Workplace
 8 Rights”.

9 (13) In section 304(c)(5) (2 U.S.C.
 10 1384(c)(5)), by striking “Office of Compliance” and
 11 inserting “Office of Congressional Workplace
 12 Rights”.

13 (c) CLERICAL AMENDMENTS.—The table of contents
 14 is amended—

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

“TITLE III—OFFICE OF CONGRESSIONAL WORKPLACE RIGHTS”;

17 and

18 (2) by amending the item relating to section
 19 301 to read as follows:

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

20 (d) REFERENCES IN OTHER LAWS, RULES, AND
 21 REGULATIONS.—Any reference to the Office of Compli-
 22 ance in any law, rule, regulation, or other official paper
 23 in effect as of the effective date of this Act shall be consid-

1 ered to refer and apply to the Office of Congressional
2 Workplace Rights.

3 **TITLE IV—EFFECTIVE DATE**

4 **SEC. 401. EFFECTIVE DATE.**

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

9 (b) NO EFFECT ON PENDING PROCEEDINGS.—Noth-
10 ing in this Act or the amendments made by this Act may
11 be construed to affect any proceeding or payment of an
12 award or settlement relating to a claim under title IV of
13 the Congressional Accountability Act of 1995 (2 U.S.C.
14 1401 et seq.) which is pending as of the date of the enact-
15 ment of this Act. If, as of that date, an employee has
16 begun any of the proceedings under that title that were
17 available to the employee prior to that date, the employee
18 may complete, or initiate and complete, all such pro-
19 ceedings, and such proceedings shall remain in effect with
20 respect to, and provide the exclusive proceedings for, the
21 claim involved until the completion of all such proceedings.

Calendar No. 421

115TH CONGRESS
2^D Session
S. 2872

A BILL

To amend the Congressional Accountability Act of 1995 to reform the procedures provided under such Act for the initiation, investigation, and resolution of claims alleging that employing offices of the legislative branch have violated the rights and protections provided to their employees under such Act, including protections against sexual harassment and discrimination, and for other purposes.

MAY 21, 2018

Read the second time and placed on the calendar