

115TH CONGRESS
2D SESSION

H. RES. 724

Requiring each employing office of the House of Representatives to adopt an anti-harassment and anti-discrimination policy for the office's workplace, establishing the Office of Employee Advocacy to provide legal assistance and consultation to employees of the House regarding procedures and proceedings under the Congressional Accountability Act of 1995, and for other purposes.

IN THE HOUSE OF REPRESENTATIVES

FEBRUARY 5, 2018

Mr. HARPER (for himself, Mr. BRADY of Pennsylvania, Mr. RODNEY DAVIS of Illinois, Ms. LOFGREN, Mrs. COMSTOCK, Mr. RASKIN, Mr. WALKER, Mr. SMITH of Nebraska, Mr. LOUDERMILK, Mr. BYRNE, Ms. SPEIER, Mr. DEUTCH, and Mrs. BROOKS of Indiana) submitted the following resolution; which was referred to the Committee on House Administration, and in addition to the Committee on Ethics, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned

RESOLUTION

Requiring each employing office of the House of Representatives to adopt an anti-harassment and anti-discrimination policy for the office's workplace, establishing the Office of Employee Advocacy to provide legal assistance and consultation to employees of the House regarding procedures and proceedings under the Congressional Accountability Act of 1995, and for other purposes.

1 *Resolved,*

1 **SECTION 1. MANDATORY ANTI-HARASSMENT AND ANTI-DIS-**
2 **CRIMINATION POLICIES FOR HOUSE OF-**
3 **FICES.**

4 (a) **REQUIRING OFFICES TO ADOPT POLICY.**—Each
5 employing office of the House of Representatives under
6 the Congressional Accountability Act of 1995 shall adopt
7 an anti-harassment and anti-discrimination policy for the
8 office’s workplace.

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

17 **SEC. 2. OFFICE OF EMPLOYEE ADVOCACY.**

18 (a) **ESTABLISHMENT.**—There is established in the
19 Office of the Chief Administrative Officer of the House
20 of Representatives the Office of Employee Advocacy (here-
21 after in this section referred to as the “Office”).

22 (b) **FUNCTIONS.**—

23 (1) **LEGAL ASSISTANCE, CONSULTATION, AND**
24 **REPRESENTATION.**—Subject to subsection (c), the
25 Office shall carry out the following functions:

1 (A) Providing legal assistance and con-
2 sultation to covered employees of the House
3 under the Congressional Accountability Act of
4 1995 regarding the procedures of such Act and
5 the procedures applicable to civil actions arising
6 under such Act, including—

7 (i) the roles and responsibilities of the
8 Office of Compliance, the Office of the
9 House Employment Counsel, and similar
10 authorities;

11 (ii) any proceedings conducted under
12 such Act;

13 (iii) the authority of the Office of
14 Compliance to compel cooperation and tes-
15 timony under investigations and pro-
16 ceedings conducted under title IV of such
17 Act; and

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

21 (B) Providing legal assistance and rep-
22 resentation—

23 (i) in personal civil legal matters re-
24 lated to a covered employee's initiation of
25 or participation in proceedings under title

1 IV of such Act (other than a civil action
2 filed under section 408 of such Act); and

3 (ii) in any proceedings of the Office of
4 Compliance, the Committee on Ethics of
5 the House of Representatives (including
6 the Office of Congressional Ethics), or any
7 other administrative or judicial body re-
8 lated to the alleged violations of such Act
9 which are the subject of the proceedings
10 initiated by the covered employee, or the
11 proceedings in which the covered employee
12 participates, under title IV of such Act.

13 (C) Operating a hotline through which cov-
14 ered employees of the House under such Act
15 may contact the Office.

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

24 (3) NATURE OF RELATIONSHIP.—The relation-
25 ship between the Office and an employee to whom

1 the Office provides legal assistance, consultation,
2 and representation under this section shall be the re-
3 lationship between an attorney and client.

4 (4) PROHIBITING ACCEPTANCE OF AWARD OF
5 ATTORNEY FEES OR OTHER COSTS.—The Office may
6 not accept any award of attorney fees or other litiga-
7 tion expenses and costs under any hearing or civil
8 action brought under the Congressional Account-
9 ability Act of 1995.

10 (5) PROHIBITING ASSISTANCE IN OTHER MAT-
11 TERS OR PROCEEDINGS.—The Office may not pro-
12 vide any legal assistance, consultation, or represen-
13 tation with respect to any matter or proceeding
14 which does not arise under the Congressional Ac-
15 countability Act of 1995.

16 (c) PROHIBITING PROVISION OF ASSISTANCE UPON
17 FILING OF CIVIL ACTION.—If a covered employee of the
18 House files a civil action with respect to an alleged viola-
19 tion of the Congressional Accountability Act of 1995, as
20 provided in section 408 of such Act, the Office may not
21 provide assistance under this section to the employee with
22 respect to investigations or proceedings under such Act
23 in connection with such alleged violation at any time after
24 the employee files such action.

25 (d) DIRECTOR.—

1 (1) APPOINTMENT.—The Office shall be headed
2 by a Director who shall be appointed by the Chief
3 Administrative Officer of the House of Representa-
4 tives.

5 (2) QUALIFICATIONS; NONPARTISANSHIP OF PO-
6 SITION.—The individual appointed as Director shall
7 be a lawyer who is admitted to practice before the
8 United States District Court for the District of Co-
9 lumbia and who has experience in representing em-
10 ployees in workplace discrimination cases.

11 (3) COMPENSATION.—The Director shall be
12 paid at an annual rate established by the Chief Ad-
13 ministrative Officer.

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

16 (e) OTHER PERSONNEL.—Subject to regulations of
17 the Committee on House Administration and with the ap-
18 proval of the Chief Administrative Officer, the Director
19 may appoint and fix the compensation of such additional
20 personnel as the Director determines to be necessary to
21 carry out the functions of the Office.

22 (f) NONPARTISANSHIP OF POSITIONS.—The Director
23 and the other personnel of the Office shall be appointed
24 without regard to political affiliation and solely on the
25 basis of fitness to perform the duties of the position.

1 **SEC. 3. FUNCTIONS OF OFFICE OF HOUSE EMPLOYMENT**
2 **COUNSEL.**

3 (a) **FUNCTIONS DESCRIBED.**—The Office of the
4 House Employment Counsel established under the Office
5 of the Clerk of the House of Representatives shall carry
6 out all of the functions which the Office carried out as
7 of the date of the enactment of this Act, including the
8 following:

9 (1) Providing legal assistance and representa-
10 tion to employing offices of the House with respect
11 to proceedings under the Congressional Account-
12 ability Act of 1995 which are brought by covered
13 employees of the House under such Act.

14 (2) Providing employing offices of the House
15 with confidential advice and counseling regarding
16 compliance with employment laws.

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

19 (b) **NO EFFECT ON PENDING PROCEEDINGS.**—Noth-
20 ing in this section may be construed to affect any pro-
21 ceeding to which the Office is a party that is pending on
22 the date of the enactment of this Act, including any suit
23 to which the Office is a party that is commenced prior
24 to such date.

1 **SEC. 4. REQUIRING INCLUSION OF CERTIFICATIONS ON**
2 **PAYROLL AUTHORIZATION FORMS OF HOUSE**
3 **OF REPRESENTATIVES OF NO CONNECTION**
4 **BETWEEN PAYROLL ACTIONS AND AWARDS**
5 **AND SETTLEMENTS UNDER CONGRESSIONAL**
6 **ACCOUNTABILITY ACT OF 1995.**

7 (a) REQUIRING INCLUSION OF CERTIFICATION ON
8 FORMS.—The Chief Administrative Officer of the House
9 of Representatives shall incorporate, as part of the Payroll
10 Authorization Form used by an office of the House to reg-
11 ister the appointment of an employee to the office or a
12 salary adjustment or title change with respect to an em-
13 ployee of the office—

14 (1) a certification to be made by the author-
15 izing official of the office that the appointment, sal-
16 ary adjustment, or title change is not made to pay
17 a settlement or award in connection with conduct
18 prohibited under the Congressional Accountability
19 Act of 1995; and

20 (2) in the case of an office of a Member of the
21 House, a certification by the Member that any
22 amounts in the Members' Representational Allow-
23 ance for the office which may be used to carry out
24 the appointment, salary adjustment, or title change
25 are not being used to pay a settlement or award in
26 connection with conduct prohibited under such Act.

1 (b) REQUIRING CERTIFICATION AS CONDITION OF
 2 PROCESSING PAYROLL ACTION.—The Chief Administra-
 3 tive Officer may not process any Payroll Authorization
 4 Form with respect to an office of the House if the Form
 5 does not include the certifications required with respect
 6 to that office under subsection (a).

7 **SEC. 5. SEXUAL HARASSMENT AS VIOLATION OF HOUSE**
 8 **CODE OF OFFICIAL CONDUCT.**

9 Clause 9 of rule XXIII of the Rules of the House
 10 of Representatives is amended by striking “such indi-
 11 vidual,” and inserting “such individual, including by com-
 12 mitting an act of sexual harassment against such indi-
 13 vidual.”.

14 **SEC. 6. SEXUAL RELATIONSHIPS BETWEEN HOUSE MEM-**
 15 **BERS AND EMPLOYEES AND UNWELCOME**
 16 **SEXUAL ADVANCES AS VIOLATION OF HOUSE**
 17 **CODE OF OFFICIAL CONDUCT.**

18 Rule XXIII of the Rules of the House of Representa-
 19 tives is amended—

20 (1) by redesignating clause 18 as clause 19;
 21 and

22 (2) by inserting after clause 17 the following
 23 new clause:

24 “18.(a) A Member, Delegate, or Resident Commis-
 25 sioner may not engage in a sexual relationship with any

1 employee of the House who works under the supervision
2 of the Member, Delegate, or Resident Commissioner. This
3 paragraph does not apply with respect to any relationship
4 between two people who are married to each other.

5 “(b) A Member, Delegate, Resident Commissioner,
6 officer, or employee of the House may not engage in un-
7 welcome sexual advances or conduct towards another
8 Member, Delegate, Resident Commissioner, officer, or em-
9 ployee of the House.

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

14 **SEC. 7. EFFECT OF INITIATION OF PROCEEDINGS UNDER**
15 **CONGRESSIONAL ACCOUNTABILITY ACT OF**
16 **1995 ON AUTHORITY OF OFFICE OF CONGRES-**
17 **SIONAL ETHICS TO CONSIDER ALLEGATIONS.**

18 The Office of Congressional Ethics may not initiate
19 or continue any investigation of an allegation of a violation
20 of law made applicable to employing offices of the House
21 of Representatives under part A of title II of the Congres-
22 sional Accountability Act of 1995, or make any rec-
23 ommendations regarding such an allegation, if a covered

- 1 employee initiates proceedings with respect to the alleged
- 2 violation under title IV of such Act.

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