

this section [enacting this section] shall apply with respect to fiscal year 2010, and each fiscal year thereafter.”

§ 1387. Semiannual report of disbursements

(a) Reports required

Not later than 60 days after the last day of each semiannual period of a fiscal year, the Executive Director of the Office of Compliance¹ shall submit to the Committee on House Administration of the House of Representatives, the Committee on Rules and Administration of the Senate, and the Committees on Appropriations of the House of Representatives and Senate, with respect to that period, a detailed, itemized report of the disbursements for the operations of the Office of Compliance.¹

(b) Contents

(1) In general

The report required by subsection (a) shall include—

(A) the identification of each person who receives a payment from the Office of Compliance,¹ except that in the case of an individual, the identification shall be provided in a manner that does not identify the individual by name;

(B) the quantity and price of any item furnished to the Office of Compliance;¹

(C) a description of any service rendered to the Office of Compliance,¹ together with a statement of the time required for the service, and the name, title, and amount paid to each person who renders the service;

(D) a statement of all amounts appropriated to, or received or expended by, the Office of Compliance¹ and any unexpended balances of such amounts; and

(E) such additional information as may be required by regulation of the Committee on House Administration of the House of Representatives, the Committee on Rules and Administration of the Senate, or the Committees on Appropriations of the House of Representatives or Senate.

(2) Exception for confidential information

The Executive Director of the Office of Compliance¹ may exclude from any report required by subsection (a) any information the disclosure of which would violate confidentiality policies of the Office of Compliance.¹

(c) Effective date

This section shall apply with respect to the semiannual periods of October 1 through March 31 and April 1 through September 30 of each fiscal year, beginning with fiscal year 2014.

(Pub. L. 113–76, div. I, title I, § 1102, Jan. 17, 2014, 128 Stat. 425.)

CODIFICATION

Section was enacted as part of the Legislative Branch Appropriations Act, 2014, and also as part of the Consolidated Appropriations Act, 2014, and not as part of the Congressional Accountability Act of 1995 which comprises this chapter.

CHANGE OF NAME

Office of Compliance changed, as of Dec. 21, 2018, and considered to refer and apply, to the Office of Congress-

¹ See Change of Name note below.

sional Workplace Rights, see section 308(d) of Pub. L. 115–397, set out as an Effective Date of 2018 Amendment note under section 1381 of this title.

§ 1388. Workplace climate surveys of employing offices

(a) Requirement to conduct secure surveys

Not later than 1 year after December 21, 2018, and every 2 years thereafter, the Office shall conduct a secure survey of employing offices under this chapter regarding the workplace environment of such offices. Employee responses to the survey shall be voluntary.

(b) Special inclusion of information on sexual harassment

In each survey conducted under this section, the Office shall survey respondents on attitudes regarding sexual harassment.

(c) Methodology

(1) In general

The Office shall conduct each survey under this section in accordance with methodologies established by the Office.

(2) Confidentiality

Under the methodologies established under paragraph (1), all responses to all portions of the survey shall be anonymous and confidential, and each respondent shall be told throughout the survey that all responses shall be anonymous and confidential.

(3) Survey form

The Office shall limit the use of any information code or information on the survey form that makes a respondent to the survey, or the respondent’s employing office, individually identifiable.

(d) Use of results of surveys

The Office shall furnish the information obtained from the surveys conducted under this section to the Committee on House Administration of the House of Representatives and the Committees on Homeland Security and Governmental Affairs and Rules and Administration of the Senate.

(e) Consultation with committees

The Office shall carry out this section, including establishment of methodologies and procedures under subsection (c), in consultation with the Committee on House Administration of the House of Representatives and the Committees on Homeland Security and Governmental Affairs and Rules and Administration of the Senate.

(Pub. L. 104–1, title III, § 307, as added Pub. L. 115–397, title II, § 202(a), Dec. 21, 2018, 132 Stat. 5317.)

REFERENCES IN TEXT

This chapter, referred to in subsec. (a), was in the original “this Act”, meaning Pub. L. 104–1, Jan. 23, 1995, 109 Stat. 3, which is classified principally to this chapter. For complete classification of this Act to the Code, see Short Title note set out under section 1301 of this title and Tables.

EFFECTIVE DATE

Section effective upon expiration of the 180-day period beginning on Dec. 21, 2018, with provisions for ef-

fect on pending proceedings, see section 401 of Pub. L. 115-397, set out as an Effective Date of 2018 Amendment note under section 1301 of this title.

SUBCHAPTER IV—ADMINISTRATIVE AND JUDICIAL DISPUTE-RESOLUTION PROCEDURES

§ 1401. Procedure for consideration of alleged violations

(a) Filing and review of claims

Except as otherwise provided, the procedure for consideration of an alleged violation of part A of subchapter II consists of—

- (1) the filing of a claim by the covered employee alleging the violation, as provided in section 1402 of this title;
- (2) the preliminary review of the claim, to be conducted by a hearing officer as provided in section 1402a of this title;
- (3) mediation as provided in section 1403 of this title, if requested and agreed to by the parties under that section; and
- (4) a formal hearing as provided in section 1405 of this title, subject to Board review as provided in section 1406 of this title and judicial review in the United States Court of Appeals for the Federal Circuit as provided in section 1407 of this title.

(b) Right of employee to file civil action

(1) Civil action

Only a covered employee who has filed a claim timely as provided in section 1402 of this title and who has not submitted a request for a hearing on the claim pursuant to section 1405(a) of this title may, during the period described in paragraph (3), file a civil action in a District Court of the United States with respect to the violation alleged in the claim, as provided in section 1408 of this title.

(2) Effect of filing civil action

Notwithstanding paragraph (2), (3), or (4) of subsection (a), if the covered employee files such a civil action—

- (A) the preliminary review of the claim by the hearing officer as provided in section 1402a of this title shall terminate upon the filing of the action by the covered employee; and
- (B) the procedure for consideration of the alleged violation shall not include any further review of the claim by the hearing officer as provided in section 1402a of this title.

(3) Period for filing civil action

The period described in this paragraph with respect to a claim is the 70-day period which begins on the date the covered employee files the claim under section 1402 of this title.

(4) Special rule for employees who fail to state a claim for which relief may be granted

Notwithstanding paragraph (3), if a covered employee receives a written notice from the hearing officer under section 1402a(d)(2) of this title that the employee has the right to file a civil action with respect to the claim in accordance with section 1408 of this title, the covered employee may file the civil action not later than 90 days after receiving such written notice.

(c) Special rule for Architect of the Capitol and Capitol Police

In the case of an employee of the Office of the Architect of the Capitol or of the Capitol Police, the Office, after receiving a claim filed under section 1402 of this title, may recommend that the employee use the grievance procedures of the Architect of the Capitol or the Capitol Police for resolution of the employee's grievance for a specific period of time. Any deadline in this chapter relating to a claim for which the employee is using the grievance procedures, that has not already passed by the first day of that specific period, shall be stayed during that specific period.

(d) Election of remedies for Library of Congress

(1) Definitions

In this subsection:

(A) Direct Act

The term “direct Act” means an Act (other than this Act), or provision of the Revised Statutes, that is specified in section 1311, 1312, or 1313 of this title.

(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 chapter

A Library claimant who initially files a claim for an alleged violation as provided in section 1402 of this title may, at any time before the date that is 10 days after a hearing officer submits the report on the preliminary review of the claim under section 1402a(c) of this title, elect to bring the claim for a proceeding before the corresponding Federal agency under the corresponding direct provision, instead of continuing with the procedures applicable to the claim under this subchapter or filing a civil action in accordance with section 1408 of this title.

(3) Election after proceedings initially brought under other civil rights or labor law

A Library claimant who initially brings a claim, complaint, or charge under a direct provision for a proceeding before a Federal agency may, prior to requesting a hearing under the agency's procedures, elect to—

- (A) continue with the agency's procedures and preserve the option (if any) to bring any civil action relating to the claim, complaint, or charge, that is available to the Library claimant; or
- (B) file a claim with the Office under section 1402 of this title and continue with the corresponding procedures of this title available and applicable to a covered employee.