

Office of Compliance: Background Information

Establishment and Organization

The Office of Compliance (OOC) was established by the Congressional Accountability Act of 1995 (CAA), which was the first bill enacted in the 104th Congress. It was introduced on January 4, 1995, and passed the Senate with amendments by a vote of 98-1 on January 11 (S. 2). The House passed the bill on January 17 with a vote of 390-0. It was signed into law on January 23, 1995 (P.L. 104-1).

The OOC is led by an executive director, who is appointed by a five-member Board of Directors. The members of the Board of Directors are appointed jointly by the Speaker of the House of Representatives, the majority leader of the Senate, and the minority leaders in both chambers. By law, the OOC also has Deputy Executive Directors for the Senate and for the House, and a General Counsel.

Administering the CAA

The OOC administers the CAA, which applies certain labor, civil rights, and workplace laws (or selected provisions of these laws) to the legislative branch, including:

- The Age Discrimination in Employment Act of 1967 (P.L. 90-202, 29 U.S.C. 621 et seq.);
- The Americans with Disabilities Act of 1990 (P.L. 101-336, 42 U.S.C. 12101 et seq.);
- Title VII of the Civil Rights Act of 1964 (P.L. 88-352, 42 U.S.C. 2000e et seq.);
- The Employee Polygraph Protection Act of 1988 (P.L. 100-347, 29 U.S.C. 2001 et seq.);
- The Fair Labor Standards Act of 1938 (52 Stat. 1060, 29 U.S.C. 201 et seq.);
- The Family and Medical Leave Act of 1993 (P.L. 103-3, 29 U.S.C. 2611 et seq.);
- Chapter 71 (relating to federal service labor-management relations) of Title 5 of the U.S. Code;
- The Occupational Safety and Health Act of 1970 (P.L. 91-596, 29 U.S.C. 651 et seq.);
- The Rehabilitation Act of 1973 (P.L. 93-112, 29 U.S.C. 701 et seq.);
- Chapter 43 (relating to veterans' employment and reemployment) of Title 38 of the U.S. Code;
- The Worker Adjustment and Retraining Notification Act (P.L. 100-379, 29 U.S.C. 2101 et seq.); and,

- The Veterans Employment Opportunities Act of 1998 (P.L. 105-339; 2 U.S.C. 1316a).

Varying Coverage Across the Legislative Branch

The CAA applies to employees of the House of Representatives, the Senate, the Capitol Police, the Congressional Budget Office, the Office of the Architect of the Capitol, the Office of the Attending Physician, the Office of Congressional Accessibility Services, and the OOC. The CAA covers congressional employees working in district or state offices as well as those in Washington, DC.

Certain entities may be exempt from specific provisions. Under the act, for example, some employing offices, including Member and committee offices, retain discretion over certain workplace policies, such as work schedules and vacation. These employing offices may also consider factors such as “(1) party affiliation; (2) domicile; or (3) political compatibility with the employing office” in employment decisions (2 U.S.C. §1432).

Certain provisions may apply to the Government Accountability Office (GAO) and the Library of Congress, although these agencies may also be covered by these employment-related laws directly, through other laws, or through internal procedures (CAA §230).

Beyond the OOC

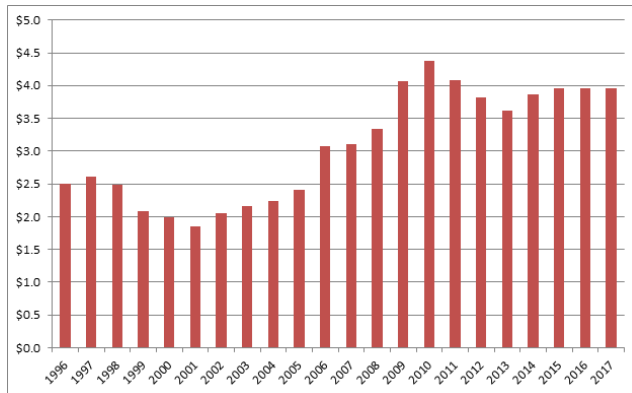
In addition to the CAA, employment policies in the House, Senate, and other legislative branch agencies and offices may be influenced by additional standards or requirements established by other laws or through internal processes.

Similarly, these covered entities may have internal offices that also provide resources and information to employing offices. In particular, the Office of House Employment Counsel and the Senate Chief Counsel for Employment also provide assistance and training to the House and Senate, respectively, regarding employment laws and procedures.

Funding of the OOC

Funding for the OOC is provided in the annual legislative branch appropriations acts. **Figure 1** provides information on the budget authority of the OOC since its establishment. The FY2017 funding level of \$3.96 million supports approximately 22 “full-time equivalent” employees (FTEs).

Figure I. OOC Budget Authority, FY1996-FY2017
in millions



Source: CRS examination of current and prior appropriations acts and supporting materials.

Notes: Includes supplementals, rescissions, and the FY2013 sequester. In nominal dollars, not adjusted for inflation.

Rulemaking

The OOC board is directed to issue regulations for the implementation of the CAA provisions. The act requires “3 separate bodies of regulations” that apply separately to:

- “(i) the Senate and employees of the Senate;
- (ii) the House of Representatives and employees of the House of Representatives; and
- (iii) all other covered employees and employing offices” (2 U.S.C. §1384).

Prior to adoption, the board prepares a general notice of proposed rulemaking, similar to notices required under Section 553(b) of Title 5 of the *U.S. Code*. Instead of publication in the *Federal Register*, however, the notice is transmitted to the Speaker of the House and President pro tempore of the Senate for publication in the *Congressional Record*. A 30-day period for comments follows publication.

The OOC webpage, <https://compliance.gov/>, contains links to proposed rules and rulemaking comments.

Dispute Resolution Process

The “procedure for consideration of alleged violations,” including the accompanying time periods, are established within the CAA (2 U.S.C. §1401 *et seq.*) and include the following sequence of steps:

1. 2 U.S.C. Section 1402 establishes the 30-day period for counseling, which can be reduced. The request shall be made no later than 180 days after the alleged violation.
2. 2 U.S.C. Section 1403 establishes the mediation process and its 30-day period, which may be extended.
3. 2 U.S.C. Section 1404 allows the covered employee to either file a complaint with the OOC or file a civil action, no less than

30 days and no more than 90 days after mediation concludes.

4. Additional sections address appeals and judicial review.

Awareness of the OOC Among Legislative Branch Employees: An Ongoing Issue

Employee awareness of the OOC and its role and responsibilities has been of periodic interest to Congress.

In 2004, GAO issued a report on the management and effectiveness of the OOC, as required in both the FY2003 House and conference reports on the legislative branch appropriations bill (H.Rept. 107-576 and H.Rept. 108-10). Among the GAO’s recommendations are improvements to education and information distribution efforts and assessing awareness among legislative branch employees and employers concerning OOC programs and activities (GAO-04-400).

In 2008, the OOC conducted a survey of legislative branch employees to evaluate their understanding of employment rights under the CAA.

The ability of the OOC to send certain notifications or information regarding the CAA to employees electronically, rather than through the mail to their residences, was addressed in a FY2008 report (H.Rept. 110-198) and the FY2015 appropriations act (P.L. 113-235).

OOC Recommendations and Reports to Congress

Pursuant to Section 102(b) of the CAA, the OOC Board of Directors issues a biennial report to Congress with recommendations to improve the implementation of the CAA. Since the initial report in 1996, these recommendations have encompassed a variety of themes, including the application of additional laws to the legislative branch, the adoption by Congress of pending regulations, additional authorities for the OOC, and ways to train and more broadly inform the covered community regarding its rights and responsibilities. The report for the 115th Congress contains four recommendations, including approving pending regulations related to the Family and Medical Leave Act, Titles II and III of the Americans with Disabilities Act, and the Uniformed Services Employment and Reemployment Rights Act; requiring anti-discrimination training; extending whistleblower protection to the legislative branch; and applying the Wounded Warriors Federal Leave Act of 2015 to the legislative branch.

The OOC also produces biennial reports related to legislative branch compliance with standards established under the Occupational Safety and Health Act (CAA §215(e)) and the Americans with Disabilities Act (CAA §210(f)).

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