

SECTION 230 STUDY

Study of Laws, Regulations, and Procedures at The General Accounting Office The Government Printing Office and The Library of Congress

**Prepared by the Board of Directors of the Office of Compliance
Pursuant to Section 230 of the Congressional Accountability Act of 1995**

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updated, or that the timing of a planned modification or update in those regulations and procedures should be accelerated.

Materials Received

Submissions were received from the management of the instrumentalities, unions or other

- (b) the adequacy of administrative processes, including: (i) adequate enforcement mechanisms for monitoring compliance and detecting and correcting violations, and (ii) a fair and independent mechanism for informally resolving or, if necessary, investigating, adjudicating, and appealing disputes;
- (c) the availability and adequacy of judicial processes and relief; and
- (d) the adequacy of any process for issuing substantive regulations specific to an instrumentality, including proposal and adoption by an independent regulatory authority under appropriate statutory criteria.

The study includes brief descriptions of the comments received that are relevant to the evaluations.

Future-Effective Changes Under the CAA

Several provisions of the CAA are to become effective at the instrumentalities one year after this study is transmitted to Congress: (i) GAO and the Library are included under the CAA provisions that apply therel*hts and protections of EPPA, WARN, USERRA, and OSHA;(ii) GAO and the Library are removed from coverage by the Title 5 provisions of the FMLA, which ordinarily apply in the Federal civil service, and are placed under the coverage of the Title 29 FMLA provisions, which ordinarily apply in therprivate sector; and(iii) the remedies and procedures in section 717 of Title VII¹ will apply for claims under public access provisions of the ADA with respect to any of the three instrumentalities. To enable Congress to review these delayed statutory provisions during the year after therstudy is transmitted, the study includes

Senator Lieberman makes clear their expectation that the report would use the CAA to evaluate comprehensiveness and effectiveness: “This study should evaluate not only the extent to which employees are provided the rights and protections of the laws made applicable to Congress in this act. But also whether they are as comprehensive and effective as those provided under this act.”¹

Similar views were expressed by committees of the House and Senate during the 103rd Congress in reports on bills similar to the CAA.² Accordingly, for purposes of this 230(b) study, the Board has interpreted the phrase “comprehensive and effective” to mean comprehensive and effective when compared with the rights, protections, procedures, and relief afforded under the CAA.

In evaluating the comprehensiveness and effectiveness of

inefficient. Furthermore, the remaining exemptions from the authority of both executive branch agencies and the Office of Compliance leave gaps in the rights of employees at the instrumentalities to have their complaints resolved through an administrative process external to, and independent from, the employing agency -- one of the key elements of comprehensiveness and effectiveness that is guaranteed by the CAA.

For example, library employees may pursue a complaint of discrimination through procedures administered by the instrumentality, but if the librarian of Congress denies the complaint, the employees have no right of appeal to the Equal Employment Opportunity Commission or any other administrative authority. In contrast, legislative branch employees covered by the CAA
