

115TH CONGRESS
1ST SESSION

S. 2159

To require covered harassment and covered discrimination awareness and prevention training for Members, officers, employees, interns, fellows, and detailees of Congress within 30 days of employment and annually thereafter, to require a biennial climate survey of Congress, to amend the enforcement process under the Office of Congressional Workplace Rights for covered harassment and covered discrimination complaints, and for other purposes.

IN THE SENATE OF THE UNITED STATES

NOVEMBER 16, 2017

Mrs. GILLIBRAND (for herself, Ms. CORTEZ MASTO, Ms. HARRIS, and Ms. HIRONO) introduced the following bill; which was read twice and referred to the Committee on Homeland Security and Governmental Affairs

A BILL

To require covered harassment and covered discrimination awareness and prevention training for Members, officers, employees, interns, fellows, and detailees of Congress within 30 days of employment and annually thereafter, to require a biennial climate survey of Congress, to amend the enforcement process under the Office of Congressional Workplace Rights for covered harassment and covered discrimination complaints, 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,*

1 **SECTION 1. SHORT TITLE.**

2 This Act may be cited as the “Member and Employee
3 Training and Oversight On Congress Act” or the “ME
4 TOO Congress Act”.

5 **TITLE I—TRAINING AND**
6 **CLIMATE SURVEY**

7 **SEC. 101. DEFINITIONS.**

8 In this title:

9 (1) **COVERED DISCRIMINATION.**—The term
10 “covered discrimination” means—

11 (A) discrimination described in any of
12 clauses (i) through (v) of paragraph (2)(A);

13 (B) discrimination prohibited by section
14 201 or 210 of the Congressional Accountability
15 Act of 1995; or

16 (C) a violation of section 207 of such Act
17 that is related to discrimination described in
18 subparagraph (A) or (B).

19 (2) **COVERED HARASSMENT.**—The term “cov-
20 ered harassment” means—

21 (A) harassment that is—

22 (i) discrimination because of race,
23 color, religion, sex, or national origin under
24 title VII of the Civil Rights Act of 1964
25 (42 U.S.C. 2000e et seq.);

1 (ii) discrimination because of age
2 under the Age Discrimination in Employ-
3 ment Act of 1967 (29 U.S.C. 621 et seq.);

4 (iii) discrimination on the basis of dis-
5 ability under title I of the Americans with
6 Disabilities Act of 1990 (42 U.S.C. 12111
7 et seq.) or section 501 of the Rehabilita-
8 tion Act of 1973 (29 U.S.C. 791);

9 (iv) discrimination because of genetic
10 information under title II of the Genetic
11 Information Nondiscrimination Act of
12 2008 (42 U.S.C. 2000ff et seq.); or

13 (v) discrimination because of sexual
14 orientation or gender identity, within the
15 meaning of Executive Order 11478.

16 (3) COVERED OFFICE OF THE HOUSE OF REP-
17 RESENTATIVES.—The term “covered office of the
18 House of Representatives” means an office, includ-
19 ing a joint commission or joint committee, employing
20 employees of the House of Representatives.

21 (4) COVERED OFFICE OF THE SENATE.—The
22 term “covered office of the Senate” means an office,
23 including a joint commission or joint committee, em-
24 ploying employees of the Senate.

1 (5) COVERED POSITION IN THE HOUSE OF REP-
2 REPRESENTATIVES.—The term “covered position in the
3 House of Representatives” means a position as—

4 (A) a Member of the House of Representa-
5 tives;

6 (B) an elected or appointed officer of the
7 House of Representatives;

8 (C) an employee of the House of Rep-
9 resentatives;

10 (D) an intern or fellow in a covered office
11 of the House of Representatives—

12 (i) without regard to whether the in-
13 tern or fellow receives compensation; and

14 (ii) in the case of an intern or fellow
15 that does receive compensation, without re-
16 gard to the source of the compensation; or

17 (E) a detailee in a covered office of the
18 House of Representatives, without regard to
19 whether the service is on a reimbursable basis.

20 (6) COVERED POSITION IN THE SENATE.—The
21 term “covered position in the Senate” means a posi-
22 tion as—

23 (A) a Member of the Senate;

24 (B) an elected or appointed officer of the
25 Senate;

1 (C) an employee of the Senate;

2 (D) an intern or fellow in a covered office
3 of the Senate—

4 (i) without regard to whether the in-
5 tern or fellow receives compensation; and

6 (ii) in the case of an intern or fellow
7 that does receive compensation, without re-
8 gard to the source of the compensation; or

9 (E) a detailee in a covered office of the
10 Senate, without regard to whether the service is
11 on a reimbursable basis.

12 (7) EMPLOYEE OF THE HOUSE OF REPRESENT-
13 ATIVES.—The term “employee of the House of Rep-
14 resentatives” means an employee whose pay is dis-
15 bursed by the Chief Administrative Officer of the
16 House of Representatives, without regard to the
17 term of the appointment.

18 (8) EMPLOYEE OF THE SENATE.—The term
19 “employee of the Senate” means an employee whose
20 pay is disbursed by the Secretary of the Senate,
21 without regard to the term of the appointment.

22 (9) EXECUTIVE ORDER 11478.—The term “Ex-
23 ecutive Order 11478” means Executive Order 11478
24 (42 U.S.C. 2000e note; relating to equal employ-
25 ment opportunity in the Federal Government), as

1 amended and superseded by Executive Order 13672
2 and the other Executive orders issued before Janu-
3 ary 20, 2017.

4 (10) HEAD OF A COVERED OFFICE.—The term
5 “head of a covered office”, when used with respect
6 to a covered office of the Senate or a covered office
7 of the House of Representatives, means the Member
8 of Congress, elected or appointed officer of Con-
9 gress, or manager of the covered office having final
10 authority to appoint, hire, discharge, and set the
11 terms, conditions, or privileges of the employment of
12 the employees employed by the covered office.

13 (11) INITIAL TRAINING DATE.—The term “ini-
14 tial training date” means, with respect to an indi-
15 vidual in a covered position in the House or an indi-
16 vidual in a covered position in the Senate, the first
17 date on which the applicable training required for
18 such individual under section 102(b) is offered under
19 section 102(c).

20 (12) MANAGER OF A COVERED OFFICE.—The
21 term “manager of a covered office”, when used with
22 respect to a covered office of the Senate or a covered
23 office of the House of Representatives, means an
24 employee of the covered office empowered to effect
25 a significant change in the employment status of an-

1 other employee of the covered office, such as hiring,
 2 firing, failing to promote, reassignment with signifi-
 3 cantly different responsibilities, or a decision causing
 4 a change in benefits.

5 (13) OFFICE OF CONGRESSIONAL WORKPLACE
 6 RIGHTS.—The term “Office of Congressional Work-
 7 place Rights” means the Office of Congressional
 8 Workplace Rights established under section 301 of
 9 the Congressional Accountability Act of 1995 (2
 10 U.S.C. 1381), as amended by section 218 (formerly
 11 known as the “Office of Compliance”).

12 **SEC. 102. REQUIRED COVERED HARASSMENT AND COV-**
 13 **ERED DISCRIMINATION AWARENESS AND**
 14 **PREVENTION TRAINING FOR MEMBERS, OFFI-**
 15 **CERS, EMPLOYEES, INTERNS, FELLOWS, AND**
 16 **DETAILEES OF CONGRESS WITHIN 30 DAYS**
 17 **OF EMPLOYMENT AND ANNUALLY THERE-**
 18 **AFTER.**

19 (a) ESTABLISHMENT OF RULES REQUIRING COV-
 20 ERED HARASSMENT AND COVERED DISCRIMINATION
 21 AWARENESS AND PREVENTION TRAINING WITHIN 30
 22 DAYS OF EMPLOYMENT AND ANNUALLY THEREAFTER.—

23 (1) REQUIREMENTS FOR THE SENATE.—

24 (A) IN GENERAL.—Not later than 120
 25 days after the date of enactment of this Act,

1 the Committee on Rules and Administration of
2 the Senate—

3 (i) shall issue rules that require—

4 (I) each individual elected, ap-
5 pointed, or assigned to a covered posi-
6 tion in the Senate after the initial
7 training date, who was not serving in
8 a covered position in the same covered
9 office of the Senate immediately be-
10 fore being so elected, appointed, or as-
11 signed, to complete training described
12 in subsections (b) and (c)—

13 (aa) not later than 30 days
14 after the date on which the indi-
15 vidual begins serving in the cov-
16 ered position; and

17 (bb) annually thereafter as
18 long as the individual serves in a
19 covered position in the Senate;

20 (II) each individual serving in a
21 covered position in the Senate on the
22 initial training date, to complete such
23 training—

1 (aa) not later than 30 days
2 after the initial training date;
3 and

4 (bb) annually thereafter as
5 long as the individual serves in a
6 covered position in the Senate;
7 and

8 (III) a designee of each covered
9 office of the Senate to—

10 (aa) annually submit to the
11 Committee a certification indi-
12 cating whether each individual
13 serving in a covered position in
14 such covered office has completed
15 such training; and

16 (bb) submit, by not later
17 than the last day of each Con-
18 gress, to the Secretary of the
19 Senate a certification indicating
20 whether each individual serving
21 in a covered position in such cov-
22 ered office has completed the
23 training requirements under this
24 title during that Congress; and

1 (ii) may establish additional require-
2 ments for the training on covered harass-
3 ment and covered discrimination awareness
4 and prevention that is offered to individ-
5 uals serving in covered positions in the
6 Senate under this section.

7 (B) COORDINATION WITH OTHER RE-
8 QUIREMENTS.—In issuing rules under subpara-
9 graph (A)(i), the Committee on Rules and Ad-
10 ministration of the Senate shall—

11 (i) review the requirements of S. Res.
12 330 (115th Congress), agreed to November
13 9, 2017; and

14 (ii) ensure that the rules issued under
15 subparagraph (A)(i) meet the requirements
16 of this title while preventing or limiting
17 conflicts and duplication of requirements
18 under the rules issued under such Senate
19 Resolution.

20 (2) REQUIREMENTS FOR THE HOUSE OF REP-
21 REPRESENTATIVES.—Not later than 120 days after the
22 date of enactment of this Act, the Committee on
23 House Administration of the House of Representa-
24 tives—

25 (A) shall issue rules that require—

1 (i) each individual elected, appointed,
2 or assigned to a covered position in the
3 House of Representatives after the initial
4 training date, who was not serving in a
5 covered position in the same covered office
6 of the House of Representatives imme-
7 diately before being so elected, appointed,
8 or assigned, to complete training described
9 in subsections (b) and (c)—

10 (I) not later than 30 days after
11 the date on which the individual be-
12 gins serving in the covered position;
13 and

14 (II) annually thereafter as long
15 as the individual serves in a covered
16 position in the House of Representa-
17 tives;

18 (ii) each individual serving in a cov-
19 ered position in the House of Representa-
20 tives on the initial training date, to com-
21 plete such training—

22 (I) not later than 30 days after
23 the initial training date; and

24 (II) annually thereafter as long
25 as the individual serves in a covered

1 position in the House of Representa-
2 tives; and

3 (iii) a designee of each covered office
4 of the House of Representatives to—

5 (I) annually submit to the Com-
6 mittee a certification indicating
7 whether each individual serving in a
8 covered position in such covered office
9 has completed the training; and

10 (II) submit, by not later than the
11 last day of each Congress, to the
12 Chief Administrative Officer of the
13 House of Representatives a certifi-
14 cation indicating whether each indi-
15 vidual serving in a covered position in
16 such covered office has completed the
17 training requirements under this title
18 during that Congress; and

19 (B) may establish additional requirements
20 for the training on covered harassment and cov-
21 ered discrimination awareness and prevention
22 offered to individuals serving in a covered posi-
23 tion in the House of Representatives under this
24 section.

1 (b) REQUIREMENTS FOR TRAINING.—The training
2 on covered harassment and discrimination awareness and
3 prevention required under this section shall—

4 (1) be provided by the Office of Congressional
5 Workplace Rights;

6 (2) include—

7 (A) information and practical guidance re-
8 garding any applicable Federal laws concerning
9 the prohibition against and the prevention and
10 correction of covered harassment and covered
11 discrimination and the rights of survivors of
12 covered harassment in employment;

13 (B) practical examples aimed at instruct-
14 ing supervisors in the prevention of covered
15 harassment and covered discrimination, and re-
16 taliation;

17 (C) presentations by individuals with
18 knowledge and expertise in the prevention of
19 covered harassment and covered discrimination
20 and retaliation;

21 (D) a discussion of the consequences for
22 perpetrators of covered harassment and covered
23 discrimination;

24 (E) information regarding the prohibition
25 under the Congressional Accountability Act of

1 1995 (2 U.S.C. 1301 et seq.) against retaliation
2 against witnesses to, or individuals who experi-
3 ence, covered harassment or discrimination and
4 who report the harassment or discrimination;

5 (F) information regarding how an indi-
6 vidual in a covered position in the Senate or a
7 covered position in the House of Representa-
8 tives reports covered harassment or discrimina-
9 tion to the Office of Congressional Workplace
10 Rights;

11 (G) in the case of training provided to in-
12 dividuals who are Members of Congress, elected
13 and appointed officers of Congress, heads of
14 covered offices of Congress, and managers of
15 covered offices of Congress, information regard-
16 ing the role of such individuals in recognizing
17 and responding to harassment and harassment
18 complaints; and

19 (H) any additional content required under
20 paragraph (1)(A)(ii) or (2)(B) of subsection (a)
21 by the Committee on Rules and Administration
22 of the Senate or the Committee on House Ad-
23 ministration of the House of Representatives
24 (as applicable); and

1 (3) require that an individual demonstrate mas-
2 tery of the subject matter through an assessment in
3 order to complete the training.

4 (c) PROVISION OF TRAINING.—

5 (1) IN GENERAL.—The Office of Congressional
6 Workplace Rights shall—

7 (A) by not later than 60 days after the
8 date on which the Committee on Rules and Ad-
9 ministration of the Senate and the Committee
10 on House Administration of the House of Rep-
11 resentatives issue rules under paragraph (1) or
12 (2) of subsection (a), develop and offer training
13 on covered harassment and covered discrimina-
14 tion awareness and prevention that meets the
15 requirements of subsection (b), subject to para-
16 graph (2);

17 (B) periodically update the training on cov-
18 ered harassment and covered discrimination
19 awareness and prevention, including any mate-
20 rials relating to such training; and

21 (C) periodically provide recordkeeping in-
22 formation to the Committee on Rules and Ad-
23 ministration of the Senate and the Committee
24 on House Administration of the House of Rep-
25 resentatives, as applicable, regarding the indi-

1 viduals serving in covered positions in the Sen-
2 ate or in covered positions in the House of Rep-
3 resentatives, respectively, who have completed
4 the training.

5 (2) CONSULTATION.—The Office of Congres-
6 sional Workplace Rights shall, in implementing the
7 training described in paragraph (1), consult with—

8 (A) entities having significant expertise in
9 identifying, preventing, and responding to cov-
10 ered harassment; and

11 (B) covered harassment survivors or cov-
12 ered harassment confidential advisors.

13 (d) PUBLICATION OF CERTIFICATIONS FOR EACH
14 CONGRESS.—

15 (1) PUBLICATION OF CERTIFICATION IN THE
16 SENATE.—Not later than 30 days after the first day
17 of each Congress, the Secretary of the Senate shall
18 publish each certification submitted to the Secretary
19 of the Senate, in accordance with the rules issued
20 under subsection (a)(1)(A)(i) and the requirements
21 of subsection (a)(1)(A)(i)(III)(bb), with respect to
22 the previous Congress on the public website of the
23 Secretary of the Senate.

24 (2) PUBLICATION OF CERTIFICATION IN THE
25 HOUSE OF REPRESENTATIVES.—Not later than 30

1 days after the first day of each Congress, the Chief
 2 Administrative Officer of the House of Representa-
 3 tives shall publish each certification submitted to the
 4 Chief Administrative Officer of the House of Rep-
 5 resentatives, in accordance with the rules issued
 6 under subsection (a)(2)(A) and the requirements of
 7 subsection (a)(2)(A)(iii)(II), with respect to the pre-
 8 vious Congress on the public website of the Chief
 9 Administrative Officer of the House of Representa-
 10 tives.

11 **SEC. 103. WORKPLACE CLIMATE SURVEY OF CONGRESS RE-**
 12 **LATING TO COVERED HARASSMENT AND**
 13 **COVERED DISCRIMINATION.**

14 Not later than 120 days after the date of enactment
 15 of this Act, and every 2 years thereafter, the Office of
 16 Congressional Workplace Rights shall—

17 (1) carry out an anonymous survey of individ-
 18 uals serving in covered positions in the Senate or in
 19 covered positions in the House of Representatives to
 20 determine—

21 (A) the scope of covered harassment and
 22 covered discrimination in Congress;

23 (B) whether covered harassment and cov-
 24 ered discrimination prevention and reform ef-

1 forts are working to curb the prevalence of cov-
2 ered harassment in Congress; and

3 (C) whether the complaint and reporting
4 process regarding instances of covered harass-
5 ment and covered discrimination in Congress is
6 sufficient; and

7 (2) prepare and submit only to the Committee
8 on Rules and Administration of the Senate and the
9 Committee on Rules of the House of Representatives
10 a report regarding the findings of the survey de-
11 scribed in paragraph (1).

12 **TITLE II—CONGRESSIONAL**
13 **ACCOUNTABILITY ACT OF 1995**

14 **SEC. 201. DEFINITIONS.**

15 Section 101 of the Congressional Accountability Act
16 of 1995 (2 U.S.C. 1301) is amended—

17 (1) by redesignating paragraphs (4) through
18 (10), and paragraphs (11) and (12), as paragraphs
19 (5) through (11), and paragraphs (13) and (14), re-
20 spectively;

21 (2) by inserting after paragraph (3) the fol-
22 lowing:

23 “(4) COVERED HARASSMENT.—The term ‘cov-
24 ered harassment’ means harassment that is—

1 “(A) discrimination because of race, color,
2 religion, sex, or national origin under title VII
3 of the Civil Rights Act of 1964 (42 U.S.C.
4 2000e et seq.);

5 “(B) discrimination because of age under
6 the Age Discrimination in Employment Act of
7 1967 (29 U.S.C. 621 et seq.);

8 “(C) discrimination on the basis of dis-
9 ability under title I of the Americans with Dis-
10 abilities Act of 1990 (42 U.S.C. 12111 et seq.)
11 or section 501 of the Rehabilitation Act of 1973
12 (29 U.S.C. 791);

13 “(D) discrimination because of genetic in-
14 formation under title II of the Genetic Informa-
15 tion Nondiscrimination Act of 2008 (42 U.S.C.
16 2000ff et seq.); or

17 “(E) discrimination because of sexual ori-
18 entation, or gender identity, within the meaning
19 of Executive Order 11478.”; and

20 (3) by inserting after paragraph (11), as redese-
21 gnated in paragraph (1) of this section, the fol-
22 lowing:

23 “(12) EXECUTIVE ORDER 11478.—The term
24 ‘Executive Order 11478’ means Executive Order
25 11478 (42 U.S.C. 2000e note; relating to equal em-

1 ployment opportunity in the Federal Government),
2 as amended and superseded by Executive Order
3 13672 and the other Executive orders issued before
4 January 20, 2017.”.

5 **SEC. 202. RIGHTS AND PROTECTIONS; RESPONSIBILITIES**
6 **OF HEAD OF EMPLOYING OFFICE.**

7 Section 201 of the Congressional Accountability Act
8 of 1995 (2 U.S.C. 1311) is amended—

9 (1) in subsection (a)—

10 (A)(i) in paragraph (2), by striking “or”
11 at the end;

12 (ii) in paragraph (3), by striking the pe-
13 riod at the end and inserting “; or”; and

14 (iii) by adding at the end the following:

15 “(4) sexual orientation, or gender identity,
16 within the meaning of Executive Order 11478.”;

17 (B)(i) by redesignating paragraphs (1),
18 (2), (3), and (4), as added by section 201(2),
19 as subparagraphs (A), (B), (C), and (D), re-
20 spectively;

21 (ii) by aligning the margins of such sub-
22 paragraphs with the margins of subparagraph
23 (A) of subsection (b)(1); and

24 (iii) by striking “All personnel” and insert-
25 ing the following:

1 “(1) IN GENERAL.—All personnel”; and

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

3 “(2) RESPONSIBILITIES.—

4 “(A) IN GENERAL.—If an individual who is
5 the head of an employing office, or the highest
6 ranking employee of the head of the employing
7 office, is aware of, or a reasonable individual in
8 the position involved would be aware of, covered
9 harassment in the office, the individual shall
10 carry out the responsibility described in sub-
11 paragraph (B).

12 “(B) RESPONSIBILITIES.—The individual
13 referred to in subparagraph (A) shall make af-
14 firmative efforts to address, and prevent the re-
15 currence of, covered harassment in the office.”;
16 and

17 (2) in subsection (b)—

18 (A) in paragraph (1), by striking “sub-
19 section (a)(1)” and inserting “subsection
20 (a)(1)(A)”;

21 (B) in paragraph (2), by striking “sub-
22 section (a)(2)” and inserting “subsection
23 (a)(1)(B)”;

1 (C) in paragraph (3), by striking “sub-
2 section (a)(3)” and inserting “subsection
3 (a)(1)(C)”.

4 **SEC. 203. COVERAGE OF INTERNS, FELLOWS, AND**
5 **DETAILEES.**

6 Section 201 of the Congressional Accountability Act
7 of 1995 (2 U.S.C. 1311) is amended—

8 (1) by redesignating subsection (d) as sub-
9 section (e); and

10 (2) by inserting after subsection (c) the fol-
11 lowing:

12 “(d) In this section, the term ‘covered employee’,
13 used with respect to covered harassment, includes—

14 “(1) an intern or fellow serving in a position in
15 an employing office—

16 “(A) without regard to whether the intern
17 or fellow receives compensation; and

18 “(B) if the intern or fellow does receive
19 compensation, without regard to the source of
20 compensation; and

21 “(2) a detailee serving in a position in an em-
22 ploying office without regard to whether the service
23 is on a reimbursable basis.”.

1 **SEC. 204. NOTICES.**

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

5 **“SEC. 226. NOTICES.**

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

10 “(1) describes the rights, protections, and pro-
11 cedures applicable to covered employees of the em-
12 ploying office under this Act, concerning covered
13 harassment and covered discrimination; and

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

15 “(b) DEFINITION.—In this section, the term ‘covered
16 discrimination’ means—

17 “(1) discrimination described in any of subpara-
18 graphs (A) through (E) of section 101(4);

19 “(2) discrimination prohibited by section 210;
20 or

21 “(3) a violation of section 207 that is related to
22 discrimination described in paragraph (1) or (2).”.

23 **SEC. 205. CONFIDENTIAL ADVISOR.**

24 Section 302 of the Congressional Accountability Act
25 of 1995 (2 U.S.C. 1382) is amended—

1 (1) by redesignating subsections (d) through (f)
2 as subsections (e) through (g), respectively; and

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

5 “(d) CONFIDENTIAL ADVISOR.—

6 “(1) IN GENERAL.—The Executive Director
7 shall—

8 “(A) appoint, and fix the compensation of,
9 and may remove, a Confidential Advisor; or

10 “(B) designate an employee of the Office
11 to serve as a Confidential Advisor.

12 “(2) DUTIES.—

13 “(A) VOLUNTARY SERVICES.—The Con-
14 fidential Advisor shall offer to provide the serv-
15 ices described in subparagraph (B), which a
16 covered employee may accept or decline.

17 “(B) SERVICES.—The services referred to
18 in subparagraph (A) are—

19 “(i) informing a covered employee who
20 has experienced a practice that may be
21 covered harassment about the employee’s
22 rights under this Act;

23 “(ii) consulting, on a confidential
24 basis, with a covered employee who has ex-

1 perienced a practice that may be covered
2 harassment; and

3 “(iii) assisting a covered employee
4 who seeks consideration under title IV of
5 an allegation involving covered harassment
6 in understanding the procedures, and the
7 significance of the procedures, described in
8 that title.”.

9 **SEC. 206. OVERALL PROCEDURE.**

10 Section 401 of the Congressional Accountability Act
11 of 1995 (2 U.S.C. 1401) is amended—

12 (1) in the first sentence—

13 (A) in paragraph (1), by inserting “, which
14 shall be voluntary in the case of an allegation
15 of covered harassment” before the semicolon;
16 and

17 (B) in paragraph (2), by inserting “, which
18 shall be voluntary in the case of an allegation
19 of covered harassment” before the semicolon;
20 and

21 (2) in the second sentence, by inserting “(or a
22 request for counseling, mediation, or a hearing, con-
23 cerning an allegation of covered harassment)” after
24 “for counseling under section 402”.

1 **SEC. 207. NOTIFICATION.**

2 Section 401 of the Congressional Accountability Act
3 of 1995, as amended by section 206, is further amended—

4 (1) by striking “Except” and inserting the fol-
5 lowing:

6 “(a) OVERALL PROCEDURE.—Except”; and

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

8 “(b) NOTIFICATION AFTER ALLEGATION OF COV-
9 ERED HARASSMENT.—On receiving a request, under this
10 title, for counseling or another proceeding for consider-
11 ation of alleged covered harassment, the Office shall pro-
12 vide to the employee written notification that describes the
13 rights, protections, and procedures applicable to a covered
14 employee who is raising such an allegation.

15 “(c) NO REQUIREMENT TO PRESENT ALLEGATION
16 FIRST TO EMPLOYING OFFICE.—Notwithstanding any
17 provision of law, regardless of whether a covered employee
18 follows the employing office’s procedures for initially pre-
19 senting an allegation, or information about the allegation,
20 of covered harassment to the employing office—

21 “(1) the covered employee is privileged to re-
22 quest and obtain, under this title, counseling or an-
23 other proceeding for consideration of alleged covered
24 harassment; and

25 “(2) the covered employee—

1 “(A) may file a complaint with the Office
2 in accordance with section 405 or file a civil ac-
3 tion with a court in accordance with section
4 408;

5 “(B) may proceed without prejudice under
6 the corresponding procedures specified in title
7 IV including obtaining any available remedy;
8 and

9 “(C) shall be entitled to protection from
10 intimidation, reprisal, or other discrimination
11 described in section 207 as provided in that sec-
12 tion.”.

13 **SEC. 208. AVAILABILITY OF REMOTE WORK ASSIGNMENT**
14 **OR PAID LEAVE DURING PENDENCY OF PRO-**
15 **CEDURES.**

16 Section 401 of the Congressional Accountability Act
17 of 1995 (2 U.S.C. 1401), as amended by section 207, is
18 further amended by adding at the end the following new
19 subsection:

20 “(d) AVAILABILITY OF REMOTE WORK ASSIGNMENT
21 OR PAID LEAVE DURING PENDENCY OF PROCEDURES.—

22 “(1) REQUIREMENTS FOR EMPLOYING OF-
23 FICES.—

24 “(A) REMOTE WORK ASSIGNMENT.—At the
25 request of a covered employee who alleges cov-

1 ered harassment by the covered employee’s em-
2 ploying office, during the pendency of any of
3 the procedures available under this title for con-
4 sideration of the allegation, the employing office
5 shall permit the covered employee to carry out
6 the employee’s responsibilities from a remote lo-
7 cation instead of from the location of the em-
8 ploying office.

9 “(B) EXCEPTION FOR WORK ASSIGNMENTS
10 REQUIRED TO BE CARRIED OUT ONSITE.—If, in
11 the determination of the covered employee’s em-
12 ploying office, a covered employee who makes a
13 request under this paragraph cannot carry out
14 the employee’s responsibilities from a remote lo-
15 cation, the employing office shall grant paid
16 leave to a covered employee during the pend-
17 ency of the procedures available under this title
18 for the covered employee.

19 “(2) EXCLUSION FROM CAP ON NUMBER OF
20 EMPLOYEES OF OFFICE OF MEMBER OR COMMITTEE
21 OF THE HOUSE OF REPRESENTATIVES.—If the office
22 of a Member or committee of the House of Rep-
23 resentatives grants a covered employee of such office
24 paid leave under paragraph (1), during the period in
25 which the employee is on paid leave, the employee

1 shall not be counted among the number of employees
2 of the office—

3 “(A) in the case of the office of a Member
4 of the House, for purposes of section 104(a) of
5 the House of Representatives Administrative
6 Reform Technical Corrections Act (2 U.S.C.
7 5321(a)); or

8 “(B) in the case of the office of a com-
9 mittee of the House, for purposes of any rule
10 or regulation of the House that governs the
11 number of employees the committee may ap-
12 point.

13 “(3) EXCEPTION FOR ARRANGEMENTS SUBJECT
14 TO COLLECTIVE BARGAINING AGREEMENTS.—Para-
15 graph (1) does not apply to the extent that it is in-
16 consistent with the terms and conditions of any col-
17 lective bargaining agreement that is in effect with
18 respect to an employing office.”.

19 **SEC. 209. ELECTRONIC REPORTING SYSTEM.**

20 Section 401 of the Congressional Accountability Act
21 of 1995 (2 U.S.C. 1401), as amended by section 208, is
22 further amended by adding at the end the following new
23 subsection:

24 “(e) USE OF ELECTRONIC REPORTING SYSTEM.—
25 The Office shall establish and operate an electronic report-

1 ing system through which a covered employee may initiate
 2 a proceeding under this title, and that will keep an elec-
 3 tronic record of the date and time at which the proceeding
 4 is initiated.”.

5 **SEC. 210. COUNSELING.**

6 Section 402(a) of the Congressional Accountability
 7 Act of 1995 (2 U.S.C. 1402(a)) is amended, in the first
 8 sentence, by inserting “or, in the case of an allegation of
 9 covered harassment, may request voluntary counseling by
 10 the Office” before the period.

11 **SEC. 211. MEDIATION.**

12 (a) VOLUNTARY MEDIATION.—Section 403(a) of the
 13 Congressional Accountability Act of 1995 (2 U.S.C.
 14 1403(a)) is amended—

15 (1) by striking “Not later” and inserting the
 16 following:

17 “(1) IN GENERAL.—Except as provided in para-
 18 graph (2), not later”; and

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

20 “(2) ALLEGATION OF COVERED HARASS-
 21 MENT.—In the case of an allegation of covered har-
 22 assment—

23 “(A) for a covered employee who requests
 24 counseling under section 402, not later than 15
 25 days after receipt by the employee of notice of

1 the end of the counseling period under section
2 402, but prior to making an election under sec-
3 tion 404, the covered employee who alleged a
4 violation of a law may file a request for vol-
5 untary mediation with the Office; and

6 “(B) for a covered employee who does not
7 request such counseling, not later than 180
8 days after the date of the alleged violation, but
9 prior to making an election under section 404,
10 the covered employee may file a request for vol-
11 untary mediation with the Office.”.

12 (b) REQUIRING PARTIES TO BE SEPARATED DURING
13 MEDIATION AT REQUEST OF EMPLOYEE.—Section
14 403(b)(2) of the Congressional Accountability Act of 1995
15 (2 U.S.C. 1403(b)(2)) is amended by striking “meetings
16 with the parties” and all that follows and inserting the
17 following: “meetings with the parties—

18 “(1) held for the purpose of resolving the dis-
19 pute between the covered employee and the employ-
20 ing office; and

21 “(2)(A) except as provided in subparagraph
22 (B), conducted separately or jointly; or

23 “(B) at the request of a covered employee who
24 alleges covered harassment, during which the parties
25 shall be separated.”.

1 **SEC. 212. ELECTION OF PROCEEDING.**

2 Section 404 of the Congressional Accountability Act
3 of 1995 (2 U.S.C. 1404) is amended—

4 (1) by striking “Not later” and inserting the
5 following:

6 “(1) IN GENERAL.—Except as provided in sub-
7 section (b), not later”; and

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

9 “(b) ALLEGATION OF COVERED HARASSMENT.—In
10 the case of an allegation of covered harassment—

11 “(1) for a covered employee who requests medi-
12 ation under section 403 (or does not, but requests
13 counseling under section 402), not later than 90
14 days after the end of the period of mediation (or
15 counseling), the covered employee may either—

16 “(A) file a complaint as described in sub-
17 section (a)(1); or

18 “(B) file a civil action as described in sub-
19 section (a)(2); and

20 “(2) for a covered employee who does not re-
21 quest such mediation (or counseling), not later than
22 180 days after the date of the alleged violation, the
23 covered employee may either—

24 “(A) file a complaint as described in sub-
25 section (a)(1); or

1 “(B) file a civil action as described in sub-
2 section (a)(2).”.

3 **SEC. 213. COMPLAINT AND PROCEEDING.**

4 Section 405(a) of the Congressional Accountability
5 Act of 1995 (2 U.S.C. 1405(a)) is amended by striking
6 subsection (a) and inserting the following:

7 “(a) COMPLAINT.—

8 “(1) IN GENERAL.—Except as provided in para-
9 graph (2)—

10 “(A) a covered employee may, upon the
11 completion of mediation under section 403, file
12 a complaint with the Office; and

13 “(B) the respondent to the complaint shall
14 be the employing office—

15 “(i)(I) involved in the violation; or

16 “(II) in which the violation is alleged
17 to have occurred; and

18 “(ii) about which mediation was con-
19 ducted.

20 “(2) ALLEGATION OF COVERED HARASS-
21 MENT.—In the case of an allegation of covered har-
22 assment—

23 “(A) a covered employee may file a com-
24 plaint with the Office as described in section
25 404(b); and

1 “(B) the respondent to the complaint shall
2 be the employing office—

3 “(i) involved in the violation; or

4 “(ii) in which the violation is alleged
5 to have occurred.”.

6 **SEC. 214. INVESTIGATORY POWERS.**

7 Section 405 of the Congressional Accountability Act
8 of 1995 (2 U.S.C. 1405) is amended by striking sub-
9 section (e) and inserting the following:

10 “(e) INVESTIGATIONS AND DISCOVERY.—

11 “(1) INVESTIGATIONS.—The Office shall have
12 the authority to conduct investigations regarding
13 complaints of covered harassment filed under this
14 section, including investigations with respect to prac-
15 tices experienced by former covered employees that
16 may be covered harassment.

17 “(2) DISCOVERY.—Reasonable prehearing dis-
18 covery may be permitted at the discretion of the
19 hearing officer regarding a complaint filed under
20 this section.”.

21 **SEC. 215. CIVIL ACTION.**

22 Section 408(a) of the Congressional Accountability
23 Act of 1995 (2 U.S.C. 1408(a)) is amended—

24 (1) in the first sentence, by striking “who has
25 completed counseling under section 402 and medi-

1 ation under section 403” and inserting “who meets
2 the applicable requirements of section 404”; and

3 (2) in the second sentence, by inserting “or a
4 violation that is covered harassment” before the pe-
5 riod.

6 **SEC. 216. PERSONAL LIABILITY OF MEMBERS OF CON-**
7 **GRESS FOR PAYMENT OF SETTLEMENTS AND**
8 **AWARDS.**

9 Section 415 of the Congressional Accountability Act
10 of 1995 (2 U.S.C. 1415) is amended by adding at the end
11 the following:

12 “(d) **PERSONAL LIABILITY OF MEMBERS OF CON-**
13 **GRESS FOR PAYMENT OF SETTLEMENTS AND AWARDS.—**

14 “(1) **IN GENERAL.—**If a payment is made from
15 the account described in subsection (a) for an award
16 or settlement resulting from harassment described in
17 paragraph (2), the Member of Congress who com-
18 mitted the harassment shall reimburse the account
19 for the amount of the award or settlement.

20 “(2) **HARASSMENT.—**The harassment referred
21 to in paragraph (1) is—

22 “(A) quid pro quo covered harassment that
23 was committed personally by a Member of Con-
24 gress; or

1 “(B) hostile environment covered harass-
2 ment that a Member of Congress committed by
3 personally creating a hostile environment.”.

4 **SEC. 217. CONFIDENTIALITY.**

5 Section 416 of the Congressional Accountability Act
6 of 1995 (2 U.S.C. 1416) is amended by adding at the end
7 the following:

8 “(g) WAIVER.—A covered employee who requests,
9 under this title, counseling or another proceeding for con-
10 sideration of alleged covered harassment may waive the
11 employee’s right to confidentiality under this section dur-
12 ing counseling or at any time after the last proceeding
13 sought by the employee under this title has concluded (in-
14 cluding after settlement or a voluntary termination of that
15 proceeding).”.

16 **SEC. 218. OFFICE OF CONGRESSIONAL WORKPLACE**
17 **RIGHTS.**

18 (a) REFERENCES.—Paragraphs (1), (2), (3)(H),
19 (10)(D), (11), (13), and (14) of section 101 (as redesign-
20 nated by section 201 of this Act), sections 210(a)(9),
21 215(e)(1), 220(e)(2)(G), and 301(a), and paragraphs (4)
22 and (5) of section 304(c) of the Congressional Account-
23 ability Act of 1995 (2 U.S.C. 1301, 1331(a)(9),
24 1341(e)(1), 1351(e)(2)(G), 1381(a), 1384(c)) are amend-

1 ed by striking “Office of Compliance” and inserting “Of-
2 fice of Congressional Workplace Rights”.

3 (b) HEADINGS.—Title III of the Congressional Ac-
4 countability Act of 1995 (2 U.S.C. 1381 et seq.) is amend-
5 ed by striking the headings for title III and section 301
6 and inserting the following:

7 **“TITLE III—OFFICE OF CON-**
8 **GRESSIONAL WORKPLACE**
9 **RIGHTS**

10 **“SEC. 301. ESTABLISHMENT OF OFFICE OF CONGRES-**
11 **SIONAL WORKPLACE RIGHTS.”.**

12 **SEC. 219. CONFORMING AMENDMENTS.**

13 (a) IN GENERAL.—Section 415(c) of the Congres-
14 sional Accountability Act of 1995 (2 U.S.C. 1415(c)) is
15 amended by striking “section 201(a)(3)” and inserting
16 “section 201(a)(1)(C)”.

17 (b) TABLE OF CONTENTS.—The table of contents in
18 section 1(b) the Congressional Accountability Act of 1995
19 is amended—

20 (1) by striking the item relating to the part
21 heading for part A of title II and inserting the fol-
22 lowing:

“PART A—EMPLOYMENT DISCRIMINATION, FAMILY AND MEDICAL LEAVE,
AND OTHER PROTECTIONS AND BENEFITS”;

1 (2) in the items relating to part E of title II,
2 by adding at the end the following:

“Sec. 226. Notices.”;

3 and

4 (3) by striking the items relating to the title
5 heading for title III, and section 301, and inserting
6 the following:

“TITLE III—OFFICE OF CONGRESSIONAL WORKPLACE RIGHTS

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

