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.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,
SECTION 1. SHORT TITLE.

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

TITLE I—TRAINING AND CLIMATE SURVEY

SEC. 101. DEFINITIONS.

In this title:

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

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

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

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

(2) COVERED HARASSMENT.—The term “covered harassment” means—

(A) harassment that is—

(i) discrimination because of race, color, religion, sex, or national origin under title VII of the Civil Rights Act of 1964 (42 U.S.C. 2000e et seq.);
(ii) discrimination because of age under the Age Discrimination in Employment Act of 1967 (29 U.S.C. 621 et seq.);

(iii) discrimination on the basis of disability under title I of the Americans with Disabilities Act of 1990 (42 U.S.C. 12111 et seq.) or section 501 of the Rehabilitation Act of 1973 (29 U.S.C. 791);

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

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

(3) COVERED OFFICE OF THE HOUSE OF REPRESENTATIVES.—The term “covered office of the House of Representatives” means an office, including a joint commission or joint committee, employing employees of the House of Representatives.

(4) COVERED OFFICE OF THE SENATE.—The term “covered office of the Senate” means an office, including a joint commission or joint committee, employing employees of the Senate.
(5) COVERED POSITION IN THE HOUSE OF REPRESENTATIVES.—The term “covered position in the House of Representatives” means a position as—

(A) a Member of the House of Representatives;

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

(C) an employee of the House of Representatives;

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

(i) without regard to whether the intern or fellow receives compensation; and

(ii) in the case of an intern or fellow that does receive compensation, without regard to the source of the compensation; or

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

(6) COVERED POSITION IN THE SENATE.—The term “covered position in the Senate” means a position as—

(A) a Member of the Senate;

(B) an elected or appointed officer of the Senate;
(C) an employee of the Senate;

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

(i) without regard to whether the intern or fellow receives compensation; and

(ii) in the case of an intern or fellow that does receive compensation, without regard to the source of the compensation; or

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

(7) Employee of the House of Representatives.—The term “employee of the House of Representatives” means an employee whose pay is disbursed by the Chief Administrative Officer of the House of Representatives, without regard to the term of the appointment.

(8) Employee of the Senate.—The term “employee of the Senate” means an employee whose pay is disbursed by the Secretary of the Senate, without regard to the term of the appointment.

(9) Executive Order 11478.—The term “Executive Order 11478” means Executive Order 11478 (42 U.S.C. 2000e note; relating to equal employment opportunity in the Federal Government), as
amended and superseded by Executive Order 13672
and the other Executive orders issued before January 20, 2017.

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

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

(12) MANAGER OF A COVERED OFFICE.—The
term “manager of a covered office”, when used with
respect to a covered office of the Senate or a covered
office of the House of Representatives, means an
employee of the covered office empowered to effect
a significant change in the employment status of an-
other employee of the covered office, such as hiring, firing, failing to promote, reassignment with significantly different responsibilities, or a decision causing a change in benefits.


SEC. 102. REQUIRED 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.

(a) Establishment of Rules Requiring Covered Harassment and Covered Discrimination Awareness and Prevention Training for Members, Officers, Employees, Interns, Fellows, and Detailee of Congress Within 30 Days of Employment and Annually Thereafter.—

(1) Requirements for the Senate.—

(A) In general.—Not later than 120 days after the date of enactment of this Act,
the Committee on Rules and Administration of
the Senate—

(i) shall issue rules that require—

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

(aa) not later than 30 days

after the date on which the indi-
vidual begins serving in the cov-
ered position; and

(bb) annually thereafter as

long as the individual serves in a
covered position in the Senate;

(II) each individual serving in a
covered position in the Senate on the
initial training date, to complete such
training—
(aa) not later than 30 days after the initial training date; and

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

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

(aa) annually submit to the Committee a certification indicating whether each individual serving in a covered position in such covered office has completed such training; and

(bb) submit, by not later than the last day of each Congress, to the Secretary of the Senate a certification indicating whether each individual serving in a covered position in such covered office has completed the training requirements under this title during that Congress; and
(ii) may establish additional requirements for the training on covered harassment and covered discrimination awareness and prevention that is offered to individuals serving in covered positions in the Senate under this section.

(B) COORDINATION WITH OTHER REQUIREMENTS.—In issuing rules under subparagraph (A)(i), the Committee on Rules and Administration of the Senate shall—

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

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

(2) REQUIREMENTS FOR THE HOUSE OF REPRESENTATIVES.—Not later than 120 days after the date of enactment of this Act, the Committee on House Administration of the House of Representatives—

(A) shall issue rules that require—
(i) each individual elected, appointed, or assigned to a covered position in the House of Representatives after the initial training date, who was not serving in a covered position in the same covered office of the House of Representatives immediately before being so elected, appointed, or assigned, to complete training described in subsections (b) and (c)—

(I) not later than 30 days after the date on which the individual begins serving in the covered position; and

(II) annually thereafter as long as the individual serves in a covered position in the House of Representatives;

(ii) each individual serving in a covered position in the House of Representatives on the initial training date, to complete such training—

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

(II) annually thereafter as long as the individual serves in a covered position in the House of Representatives.
position in the House of Representa-
tives; and

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

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

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

(B) may establish additional requirements
for the training on covered harassment and cov-
ered discrimination awareness and prevention
offered to individuals serving in a covered posi-
tion in the House of Representatives under this
section.
(b) Requirements for Training.—The training on covered harassment and discrimination awareness and prevention required under this section shall—

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

(2) include—

(A) information and practical guidance regarding any applicable Federal laws concerning the prohibition against and the prevention and correction of covered harassment and covered discrimination and the rights of survivors of covered harassment in employment;

(B) practical examples aimed at instructing supervisors in the prevention of covered harassment and covered discrimination, and retaliation;

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

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

(E) information regarding the prohibition under the Congressional Accountability Act of
against retaliation against witnesses to, or individuals who experience, covered harassment or discrimination and who report the harassment or discrimination;

(F) information regarding how an individual in a covered position in the Senate or a covered position in the House of Representatives reports covered harassment or discrimination to the Office of Congressional Workplace Rights;

(G) in the case of training provided to individuals who are Members of Congress, elected and appointed officers of Congress, heads of covered offices of Congress, and managers of covered offices of Congress, information regarding the role of such individuals in recognizing and responding to harassment and harassment complaints; and

(H) any additional content required under paragraph (1)(A)(ii) or (2)(B) of subsection (a) by the Committee on Rules and Administration of the Senate or the Committee on House Administration of the House of Representatives (as applicable); and
(3) require that an individual demonstrate mas-
tery of the subject matter through an assessment in
order to complete the training.

(c) Provision of Training.—

(1) In general.—The Office of Congressional
Workplace Rights shall—

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

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

(C) periodically provide recordkeeping in-
formation to the Committee on Rules and Ad-
ministration of the Senate and the Committee
on House Administration of the House of Rep-
resentatives, as applicable, regarding the indi-
individuals serving in covered positions in the Senate or in covered positions in the House of Representatives, respectively, who have completed the training.

(2) Consultation.—The Office of Congressional Workplace Rights shall, in implementing the training described in paragraph (1), consult with—

(A) entities having significant expertise in identifying, preventing, and responding to covered harassment; and

(B) covered harassment survivors or covered harassment confidential advisors.

(d) Publication of Certifications for Each Congress.—

(1) Publication of certification in the Senate.—Not later than 30 days after the first day of each Congress, the Secretary of the Senate shall publish each certification submitted to the Secretary of the Senate, in accordance with the rules issued under subsection (a)(1)(A)(i) and the requirements of subsection (a)(1)(A)(i)(III)(bb), with respect to the previous Congress on the public website of the Secretary of the Senate.

(2) Publication of certification in the House of Representatives.—Not later than 30
days after the first day of each Congress, the Chief
Administrative Officer of the House of Representa-
tives shall publish each certification submitted to the
Chief Administrative Officer of the House of Rep-
representatives, in accordance with the rules issued
under subsection (a)(2)(A) and the requirements of
subsection (a)(2)(A)(iii)(II), with respect to the pre-
vious Congress on the public website of the Chief
Administrative Officer of the House of Representa-
tives.

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

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

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

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

(B) whether covered harassment and cov-
ered discrimination prevention and reform ef-
forts are working to curb the prevalence of covered harassment in Congress; and

(C) whether the complaint and reporting process regarding instances of covered harassment and covered discrimination in Congress is sufficient; and

(2) prepare and submit only to the Committee on Rules and Administration of the Senate and the Committee on Rules of the House of Representatives a report regarding the findings of the survey described in paragraph (1).

TITLE II—CONGRESSIONAL ACCOUNTABILITY ACT OF 1995

SEC. 201. DEFINITIONS.

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

(1) by redesignating paragraphs (4) through (10), and paragraphs (11) and (12), as paragraphs (5) through (11), and paragraphs (13) and (14), respectively;

(2) by inserting after paragraph (3) the following:

“(4) COVERED HARASSMENT.—The term ‘covered harassment’ means harassment that is—
“(A) discrimination because of race, color, religion, sex, or national origin under title VII of the Civil Rights Act of 1964 (42 U.S.C. 2000e et seq.);

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

“(C) discrimination on the basis of disability under title I of the Americans with Disabilities Act of 1990 (42 U.S.C. 12111 et seq.) or section 501 of the Rehabilitation Act of 1973 (29 U.S.C. 791);

“(D) discrimination because of genetic information under title II of the Genetic Information Nondiscrimination Act of 2008 (42 U.S.C. 2000ff et seq.); or

“(E) discrimination because of sexual orientation, or gender identity, within the meaning of Executive Order 11478.”; and

(3) by inserting after paragraph (11), as redesignated in paragraph (1) of this section, the following:

“(12) Executive Order 11478.—The term ‘Executive Order 11478’ means Executive Order 11478 (42 U.S.C. 2000e note; relating to equal em-
ployment opportunity in the Federal Government),
as amended and superseded by Executive Order
13672 and the other Executive orders issued before
January 20, 2017.”.

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

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

(1) in subsection (a)—

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

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

(iii) by adding at the end the following:
“(4) sexual orientation, or gender identity,
within the meaning of Executive Order 11478.”;

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

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

(iii) by striking “All personnel” and insert-
ing the following:
“(1) IN GENERAL.—All personnel”; and

(C) by adding at the end the following:

“(2) RESPONSIBILITIES.—

“(A) IN GENERAL.—If an individual who is the head of an employing office, or the highest ranking employee of the head of the employing office, is aware of, or a reasonable individual in the position involved would be aware of, covered harassment in the office, the individual shall carry out the responsibility described in subparagraph (B).

“(B) RESPONSIBILITIES.—The individual referred to in subparagraph (A) shall make affirmative efforts to address, and prevent the recurrence of, covered harassment in the office.”;

and

(2) in subsection (b)—

(A) in paragraph (1), by striking “subsection (a)(1)” and inserting “subsection (a)(1)(A)”;

(B) in paragraph (2), by striking “subsection (a)(2)” and inserting “subsection (a)(1)(B)”; and
(C) in paragraph (3), by striking “subsection (a)(3)” and inserting “subsection (a)(1)(C)”.

SEC. 203. COVERAGE OF INTERNS, FELLOWS, AND DETAILEES.

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

(1) by redesignating subsection (d) as subsection (e); and

(2) by inserting after subsection (c) the following:

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

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

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

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

“(2) a detailee serving in a position in an employing office without regard to whether the service is on a reimbursable basis.”.
SEC. 204. NOTICES.

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

“SEC. 226. NOTICES.

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

“(1) describes the rights, protections, and procedures applicable to covered employees of the employing office under this Act, concerning covered harassment and covered discrimination; and

“(2) includes contact information for the Office.

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

“(1) discrimination described in any of subparagraphs (A) through (E) of section 101(4);

“(2) discrimination prohibited by section 210; or

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

SEC. 205. CONFIDENTIAL ADVISOR.

Section 302 of the Congressional Accountability Act of 1995 (2 U.S.C. 1382) is amended—
(1) by redesignating subsections (d) through (f) as subsections (e) through (g), respectively; and

(2) by inserting after subsection (c) the following:

“(d) CONFIDENTIAL ADVISOR.—

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

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

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

“(2) DUTIES.—

“(A) VOLUNTARY SERVICES.—The Confidential Advisor shall offer to provide the services described in subparagraph (B), which a covered employee may accept or decline.

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

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

“(ii) consulting, on a confidential basis, with a covered employee who has ex-
experienced a practice that may be covered harassment; and

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

SEC. 206. OVERALL PROCEDURE.

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

(1) in the first sentence—

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

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

(2) in the second sentence, by inserting “(or a request for counseling, mediation, or a hearing, concerning an allegation of covered harassment)” after “for counseling under section 402”.
SEC. 207. NOTIFICATION.

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

(1) by striking “Except” and inserting the following:

“(a) OVERALL PROCEDURE.—Except”;

(2) by adding at the end the following:

“(b) NOTIFICATION AFTER ALLEGATION OF COVERED HARASSMENT.—On receiving a request, under this title, for counseling or another proceeding for consideration of alleged covered harassment, the Office shall provide to the employee written notification that describes the rights, protections, and procedures applicable to a covered employee who is raising such an allegation.

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

“(1) the covered employee is privileged to request and obtain, under this title, counseling or another proceeding for consideration of alleged covered harassment; and

“(2) the covered employee—
“(A) may file a complaint with the Office in accordance with section 405 or file a civil action with a court in accordance with section 408;

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

“(C) shall be entitled to protection from intimidation, reprisal, or other discrimination described in section 207 as provided in that section.”.

SEC. 208. AVAILABILITY OF REMOTE WORK ASSIGNMENT OR PAID LEAVE DURING PENDENCY OF PROCEDURES.

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

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

“(1) REQUIREMENTS FOR EMPLOYING OFFICES.—

“(A) REMOTE WORK ASSIGNMENT.—At the request of a covered employee who alleges cov-
ered harassment by the covered employee’s employing office, during the pendency of any of the procedures available under this title for consideration of the allegation, the employing office shall permit the covered employee to carry out the employee’s responsibilities from a remote location instead of from the location of the employing office.

“(B) Exception for work assignments required to be carried out onsite.—If, in the determination of the covered employee’s employing office, a covered employee who makes a request under this paragraph cannot carry out the employee’s responsibilities from a remote location, the employing office shall grant paid leave to a covered employee during the pendency of the procedures available under this title for the covered employee.

“(2) Exclusion from cap on number of employees of office of member or committee of the house of representatives.—If the office of a Member or committee of the House of Representatives grants a covered employee of such office paid leave under paragraph (1), during the period in which the employee is on paid leave, the employee
shall not be counted among the number of employees
of the office—

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

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

“(3) Exception for Arrangements Subject
to Collective Bargaining Agreements.—Para-
graph (1) does not apply to the extent that it is in-
consistent with the terms and conditions of any col-
lective bargaining agreement that is in effect with
respect to an employing office.”.

SEC. 209. ELECTRONIC REPORTING SYSTEM.

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

“(e) Use of Electronic Reporting System.—
The Office shall establish and operate an electronic report-
ing system through which a covered employee may initiate
a proceeding under this title, and that will keep an ele-
tronic record of the date and time at which the proceeding
is initiated.”.

SEC. 210. COUNSELING.

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

SEC. 211. MEDIATION.

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

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

“(1) IN GENERAL.—Except as provided in para-

graph (2), not later”; and

(2) by adding at the end the following:

“(2) ALLEGATION OF COVERED HARASS-

MENT.—In the case of an allegation of covered har-

assment—

“(A) for a covered employee who requests
counseling under section 402, not later than 15
days after receipt by the employee of notice of
the end of the counseling period under section 402, but prior to making an election under section 404, the covered employee who alleged a violation of a law may file a request for voluntary mediation with the Office; and

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

(b) Requiring Parties To Be Separated During Mediation at Request of Employee.—Section 403(b)(2) of the Congressional Accountability Act of 1995 (2 U.S.C. 1403(b)(2)) is amended by striking “meetings with the parties” and all that follows and inserting the following: “meetings with the parties—

“(1) held for the purpose of resolving the dispute between the covered employee and the employing office; and

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

“(B) at the request of a covered employee who alleges covered harassment, during which the parties shall be separated.”.
SEC. 212. ELECTION OF PROCEEDING.

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

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

“(1) IN GENERAL.—Except as provided in subsection (b), not later”; and

(2) by adding at the end the following:

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

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

“(A) file a complaint as described in subsection (a)(1); or

“(B) file a civil action as described in subsection (a)(2); and

“(2) for a covered employee who does not request such mediation (or counseling), not later than 180 days after the date of the alleged violation, the covered employee may either—

“(A) file a complaint as described in subsection (a)(1); or
“(B) file a civil action as described in subsection (a)(2).”.

SEC. 213. COMPLAINT AND PROCEEDING.

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

“(a) COMPLAINT.—

“(1) IN GENERAL.—Except as provided in paragraph (2)—

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

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

“(i)(I) involved in the violation; or

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

“(ii) about which mediation was conducted.

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

“(A) a covered employee may file a complaint with the Office as described in section 404(b); and
“(B) the respondent to the complaint shall be the employing office—

“(i) involved in the violation; or

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

SEC. 214. INVESTIGATORY POWERS.

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

“(e) INVESTIGATIONS AND DISCOVERY.—

“(1) INVESTIGATIONS.—The Office shall have the authority to conduct investigations regarding complaints of covered harassment filed under this section, including investigations with respect to practices experienced by former covered employees that may be covered harassment.

“(2) DISCOVERY.—Reasonable prehearing discovery may be permitted at the discretion of the hearing officer regarding a complaint filed under this section.”.

SEC. 215. CIVIL ACTION.

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

(1) in the first sentence, by striking “who has completed counseling under section 402 and medi-
ation under section 403’’ and inserting ‘‘who meets
the applicable requirements of section 404’’; and

(2) in the second sentence, by inserting ‘‘or a
violation that is covered harassment’’ before the pe-
period.

SEC. 216. PERSONAL LIABILITY OF MEMBERS OF CON-
GRESS FOR PAYMENT OF SETTLEMENTS AND
AWARDS.

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

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

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

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

“(A) quid pro quo covered harassment that
was committed personally by a Member of Con-
gress; or
“(B) hostile environment covered harassment that a Member of Congress committed by personally creating a hostile environment.”.

SEC. 217. CONFIDENTIALITY.

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

“(g) WAIVER.—A covered employee who requests, under this title, counseling or another proceeding for consideration of alleged covered harassment may waive the employee’s right to confidentiality under this section during counseling or at any time after the last proceeding sought by the employee under this title has concluded (including after settlement or a voluntary termination of that proceeding).”.

SEC. 218. OFFICE OF CONGRESSIONAL WORKPLACE RIGHTS.

(a) REFERENCES.—Paragraphs (1), (2), (3)(H), (10)(D), (11), (13), and (14) of section 101 (as redesignated by section 201 of this Act), sections 210(a)(9), 215(e)(1), 220(e)(2)(G), and 301(a), and paragraphs (4) and (5) of section 304(c) of the Congressional Accountability Act of 1995 (2 U.S.C. 1301, 1331(a)(9), 1341(e)(1), 1351(e)(2)(G), 1381(a), 1384(c)) are amend-
ed by striking “Office of Compliance” and inserting “Of-

(b) HEADINGS.—Title III of the Congressional Ac-

countability Act of 1995 (2 U.S.C. 1381 et seq.) is amend-

ed by striking the headings for title III and section 301

and inserting the following:

“TITLE III—OFFICE OF CON-

GRESSIONAL WORKPLACE

RIGHTS

“SEC. 301. ESTABLISHMENT OF OFFICE OF CONGRE-

SIONAL WORKPLACE RIGHTS.”.

SEC. 219. CONFORMING AMENDMENTS.

(a) IN GENERAL.—Section 415(c) of the Congres-

sional Accountability Act of 1995 (2 U.S.C. 1415(c)) is

amended by striking “section 201(a)(3)” and inserting

“section 201(a)(1)(C)”.

(b) TABLE OF CONTENTS.—The table of contents in

section 1(b) the Congressional Accountability Act of 1995

is amended—

(1) by striking the item relating to the part

heading for part A of title II and inserting the fol-

lowing:

“PART A—EMPLOYMENT DISCRIMINATION, FAMILY AND MEDICAL LEAVE,

AND OTHER PROTECTIONS AND BENEFITS”;
(2) in the items relating to part E of title II, by adding at the end the following:

"Sec. 226. Notices."

and

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

"TITLE III—OFFICE OF CONGRESSIONAL WORKPLACE RIGHTS

"Sec. 301. Establishment of Office of Congressional Workplace Rights."."