

115TH CONGRESS
1ST SESSION

S. 2236

To require covered discrimination and covered harassment 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 discrimination and covered harassment complaints, and for other purposes.

IN THE SENATE OF THE UNITED STATES

DECEMBER 14, 2017

Mrs. GILLIBRAND (for herself, Mr. CRUZ, Mr. BOOKER, Mrs. ERNST, Ms. MURKOWSKI, Ms. BALDWIN, Mrs. SHAHEEN, Mrs. FEINSTEIN, Mr. GARDNER, Mr. PORTMAN, Mr. GRAHAM, Mr. SULLIVAN, Mr. CORNYN, Ms. HARRIS, Ms. HASSAN, Ms. CORTEZ MASTO, Mr. BLUMENTHAL, Ms. HIRONO, Ms. WARREN, and Mrs. MCCASKILL) introduced the following bill; which was read twice and referred to the Committee on Homeland Security and Governmental Affairs

A BILL

To require covered discrimination and covered harassment 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 discrimination and covered harassment 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,*

3 **SECTION 1. SHORT TITLE.**

4 This Act may be cited as the “Congressional Harass-
 5 ment Reform Act”.

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

8 **SEC. 101. DEFINITIONS.**

9 In this title:

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

12 (A) discrimination described in any of sub-
 13 paragraphs (A) through (E) of paragraph (2);

14 (B) discrimination prohibited by section
 15 201, 206, or 210 of the Congressional Account-
 16 ability Act of 1995; or

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

20 (2) COVERED HARASSMENT.—The term “cov-
 21 ered harassment” means harassment that is—

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

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

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

9 (D) discrimination because of genetic in-
10 formation under title II of the Genetic Informa-
11 tion Nondiscrimination Act of 2008 (42 U.S.C.
12 2000ff et seq.); or

13 (E) discrimination on the basis of status
14 concerning service in a uniformed service under
15 section 4311(a) of title 38, United States Code.

16 (3) COVERED OFFICE OF THE HOUSE OF REP-
17 REPRESENTATIVES.—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, including a Delegate or Resident Commis-
6 sioner to Congress;

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

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

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

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

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

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

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

24 (A) a Member of the Senate;

1 (B) an elected or appointed officer of the
2 Senate;

3 (C) an employee of the Senate;

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

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

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

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

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

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

24 (9) HEAD OF A COVERED OFFICE.—The term
25 “head of a covered office”, when used with respect

1 to a covered office of the Senate or a covered office
2 of the House of Representatives, means the Member
3 of Congress, elected or appointed officer of Con-
4 gress, or manager of the covered office having final
5 authority to appoint, hire, discharge, and set the
6 terms, conditions, or privileges of the employment of
7 the employees employed by the covered office.

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

15 (11) MANAGER OF A COVERED OFFICE.—The
16 term “manager of a covered office”, when used with
17 respect to a covered office of the Senate or a covered
18 office of the House of Representatives, means an
19 employee of the covered office empowered to effect
20 a significant change in the employment status of an-
21 other employee of the covered office, such as hiring,
22 firing, failing to promote, reassignment with signifi-
23 cantly different responsibilities, or a decision causing
24 a change in benefits.

1 (12) OFFICE OF CONGRESSIONAL WORKPLACE
2 RIGHTS.—The term “Office of Congressional Work-
3 place Rights” means the Office of Congressional
4 Workplace Rights established under section 301 of
5 the Congressional Accountability Act of 1995 (2
6 U.S.C. 1381), as amended by section 217 (formerly
7 known as the “Office of Compliance”).

8 **SEC. 102. REQUIRED COVERED DISCRIMINATION AND COV-**
9 **ERED HARASSMENT AWARENESS AND PRE-**
10 **VENTION TRAINING FOR MEMBERS, OFFI-**
11 **CERS, EMPLOYEES, INTERNS, FELLOWS, AND**
12 **DETAILEES OF CONGRESS WITHIN 30 DAYS**
13 **OF EMPLOYMENT AND ANNUALLY THERE-**
14 **AFTER.**

15 (a) ESTABLISHMENT OF RULES REQUIRING COV-
16 ERED DISCRIMINATION AND COVERED HARASSMENT
17 AWARENESS AND PREVENTION TRAINING WITHIN 30
18 DAYS OF EMPLOYMENT AND ANNUALLY THEREAFTER.—

19 (1) REQUIREMENTS FOR THE SENATE.—

20 (A) IN GENERAL.—Not later than 120
21 days after the date of enactment of this Act,
22 the Committee on Rules and Administration of
23 the Senate—

24 (i) shall issue rules that require—

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

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

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

17 (II) each individual serving in a
18 covered position in the Senate on the
19 initial training date, to complete such
20 training—

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

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

1 covered position in the Senate;
2 and

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

5 (aa) annually submit to the
6 Committee a certification indi-
7 cating whether each individual
8 serving in a covered position in
9 such covered office has completed
10 such training; and

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

20 (ii) may establish additional require-
21 ments for the training on covered discrimi-
22 nation and covered harassment awareness
23 and prevention that is offered to individ-
24 uals serving in covered positions in the
25 Senate under this section.

1 (B) COORDINATION WITH OTHER RE-
2 QUIREMENTS.—In issuing rules under subpara-
3 graph (A)(i), the Committee on Rules and Ad-
4 ministration of the Senate shall—

5 (i) review the requirements of S. Res.
6 330 (115th Congress), agreed to November
7 9, 2017; and

8 (ii) ensure that the rules issued under
9 subparagraph (A)(i) meet the requirements
10 of this title while preventing or limiting
11 conflicts and duplication of requirements
12 under the regulations or guidance issued
13 under such Senate Resolution.

14 (2) REQUIREMENTS FOR THE HOUSE OF REP-
15 RESENTATIVES.—

16 (A) IN GENERAL.—Not later than 120
17 days after the date of enactment of this Act,
18 the Committee on House Administration of the
19 House of Representatives—

20 (i) shall issue rules that require—

21 (I) each individual elected, ap-
22 pointed, or assigned to a covered posi-
23 tion in the House of Representatives
24 after the initial training date, who
25 was not serving in a covered position

1 in the same covered office of the
2 House of Representatives immediately
3 before being so elected, appointed, or
4 assigned, to complete training de-
5 scribed in subsections (b) and (c)—

6 (aa) not later than 30 days
7 after the date on which the indi-
8 vidual begins serving in the cov-
9 ered position; and

10 (bb) annually thereafter as
11 long as the individual serves in a
12 covered position in the House of
13 Representatives;

14 (II) each individual serving in a
15 covered position in the House of Rep-
16 resentatives on the initial training
17 date, to complete such training—

18 (aa) not later than 30 days
19 after the initial training date;
20 and

21 (bb) annually thereafter as
22 long as the individual serves in a
23 covered position in the House of
24 Representatives; and

1 (III) a designee of each covered
2 office of the House of Representatives
3 to—

4 (aa) annually submit to the
5 Committee a certification indi-
6 cating whether each individual
7 serving in a covered position in
8 such covered office has completed
9 the training; and

10 (bb) submit, by not later
11 than the last day of each Con-
12 gress, to the Chief Administrative
13 Officer of the House of Rep-
14 resentatives a certification indi-
15 cating whether each individual
16 serving in a covered position in
17 such covered office has completed
18 the training requirements under
19 this title during that Congress;
20 and

21 (ii) may establish additional require-
22 ments for the training on covered discrimi-
23 nation and covered harassment awareness
24 and prevention offered to individuals serv-

1 ing in a covered position in the House of
2 Representatives under this section.

3 (B) COORDINATION WITH OTHER RE-
4 QUIREMENTS.—In issuing rules under subpara-
5 graph (A)(i), the Committee on House Adminis-
6 tration of the House of Representatives shall—

7 (i) review the requirements of H. Res.
8 630 (115th Congress), agreed to November
9 29, 2017; and

10 (ii) ensure that the rules issued under
11 subparagraph (A)(i) meet the requirements
12 of this title while preventing or limiting
13 conflicts and duplication of requirements
14 under the regulations issued under such
15 House Resolution.

16 (b) REQUIREMENTS FOR TRAINING.—The training
17 on covered discrimination and covered harassment aware-
18 ness and prevention required under this section shall—

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

21 (2) include—

22 (A) information and practical guidance re-
23 garding any applicable Federal laws concerning
24 the prohibition against and the prevention and
25 correction of covered discrimination and covered

1 harassment and the rights of survivors of cov-
2 ered harassment in employment;

3 (B) practical examples aimed at instruct-
4 ing supervisors in the prevention of covered dis-
5 crimination, covered harassment, and retalia-
6 tion;

7 (C) presentations by individuals with
8 knowledge and expertise in the prevention of
9 covered discrimination, covered harassment, and
10 retaliation;

11 (D) a discussion of the consequences for
12 perpetrators of covered discrimination and cov-
13 ered harassment;

14 (E) information regarding the prohibition
15 under the Congressional Accountability Act of
16 1995 (2 U.S.C. 1301 et seq.) of retaliation
17 against any witness to, or individual who expe-
18 riences, covered discrimination or covered har-
19 assment and who has—

20 (i) opposed the covered discrimination
21 or covered harassment; or

22 (ii) initiated proceedings, made a
23 charge, or testified, assisted, or partici-
24 pated in any manner in a hearing or other

1 proceeding relating to such covered dis-
2 crimination or covered harassment;

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

9 (G) in the case of training provided to in-
10 dividuals who are Members of Congress (includ-
11 ing a Delegate or Resident Commissioner to
12 Congress), elected and appointed officers of
13 Congress, heads of covered offices of Congress,
14 and managers of covered offices of Congress,
15 information regarding the role of such individ-
16 uals in recognizing and responding to harass-
17 ment and harassment complaints; and

18 (H) any additional content required under
19 paragraph (1)(A)(ii), or (2)(A)(ii), of subsection
20 (a) by the Committee on Rules and Administra-
21 tion of the Senate or the Committee on House
22 Administration of the House of Representatives
23 (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 discrimination and covered harass-
14 ment 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 discrimination and covered harassment
19 awareness and prevention, including any mate-
20 rials relating to such training; and

21 (C) periodically provide recordkeeping in-
22 formation to, as applicable—

23 (i) the Committee on House Adminis-
24 tration of the House of Representatives;

1 (ii) the Committee on Rules and Ad-
2 ministration of the Senate;

3 (iii) the Committee on Ethics of the
4 House of Representatives; and

5 (iv) the Select Committee on Ethics of
6 the Senate,

7 regarding the individuals serving in covered positions
8 in the Senate or in covered positions in the House
9 of Representatives, respectively, who have completed
10 the training

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

14 (A) entities having significant expertise in
15 identifying, preventing, and responding to cov-
16 ered harassment; and

17 (B) covered harassment survivors or cov-
18 ered harassment confidential advisors.

19 (d) PUBLICATION OF CERTIFICATIONS FOR EACH
20 CONGRESS.—

21 (1) PUBLICATION OF CERTIFICATION IN THE
22 SENATE.—Not later than 30 days after the first day
23 of each Congress, the Secretary of the Senate shall
24 publish each certification submitted to the Secretary
25 of the Senate, in accordance with the rules issued

1 under subsection (a)(1)(A)(i) and the requirements
2 of subsection (a)(1)(A)(i)(III)(bb), with respect to
3 the previous Congress on the public website of the
4 Secretary of the Senate.

5 (2) PUBLICATION OF CERTIFICATION IN THE
6 HOUSE OF REPRESENTATIVES.—Not later than 30
7 days after the first day of each Congress, the Chief
8 Administrative Officer of the House of Representa-
9 tives shall publish each certification submitted to the
10 Chief Administrative Officer of the House of Rep-
11 resentatives, in accordance with the rules issued
12 under subsection (a)(2)(A)(i) and the requirements
13 of subsection (a)(2)(A)(i)(III)(bb), with respect to
14 the previous Congress on the public website of the
15 Chief Administrative Officer of the House of Rep-
16 resentatives.

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

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

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

1 (A) to determine—

2 (i) the scope of covered discrimination
3 and covered harassment in Congress;

4 (ii) whether covered discrimination
5 and covered harassment prevention and re-
6 form efforts are working to curb the preva-
7 lence of covered discrimination and covered
8 harassment in Congress; and

9 (iii) whether the complaint and re-
10 porting process regarding instances of cov-
11 ered discrimination and covered harass-
12 ment in Congress is sufficient; and

13 (B) that does not request any information,
14 and is not conducted by any method, that would
15 make a respondent or respondent's office identi-
16 fiable; and

17 (2)(A) prepare a report regarding the findings
18 of the survey described in paragraph (1) that does
19 not reveal the methods used by the Office of Con-
20 gressional Workplace Rights to gather responses to
21 the survey; and

22 (B) submit the report only to the Committee on
23 Rules and Administration of the Senate, the Com-
24 mittee on Rules of the House of Representatives, the
25 Select Committee on Ethics of the Senate, and the

1 Committee on Ethics of the House of Representa-
2 tives.

3 **TITLE II—CONGRESSIONAL**
4 **ACCOUNTABILITY ACT OF 1995**

5 **SEC. 201. DEFINITIONS.**

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

8 (1) by redesignating paragraphs (3) and (4)
9 through (12) as paragraphs (5) and (7) through
10 (15), respectively;

11 (2) by inserting after paragraph (2) the fol-
12 lowing:

13 “(3) CONNECTED WORKER.—

14 “(A) COVERED EMPLOYEES.—For pur-
15 poses of paragraph (5), the term ‘connected
16 worker’ means—

17 “(i) an intern or fellow serving in a
18 position in an employing office—

19 “(I) without regard to whether
20 the intern or fellow receives com-
21 pensation; and

22 “(II) if the intern or fellow does
23 receive compensation, without regard
24 to the source of compensation; or

1 “(ii) a detailee serving in a position in
2 an employing office, without regard to
3 whether the service is on a reimbursable
4 basis.

5 “(B) SUBGROUPS OF COVERED EMPLOY-
6 EES.—For purposes of each of paragraphs (8)
7 through (11), the term defined in the para-
8 graph involved, used with respect to covered
9 discrimination or covered harassment, includes
10 a connected worker (as defined in subparagraph
11 (A)) in an office that employs employees re-
12 ferred to in that paragraph.

13 “(4) COVERED DISCRIMINATION.—In this sec-
14 tion, the term ‘covered discrimination’ means—

15 “(A) discrimination described in any of
16 subparagraphs (A) through (E) of paragraph
17 (6);

18 “(B) discrimination prohibited by section
19 210; or

20 “(C) a violation of section 207 that is re-
21 lated to discrimination described in subpara-
22 graph (A) or (B), or a violation of section
23 4311(b) of title 38, United States Code, that is
24 related to discrimination described in paragraph
25 (6)(E).”;

1 (3) in paragraph (5), as redesignated by para-
2 graph (1) of this section, by striking “any employee”
3 and inserting “any employee and, used with respect
4 to covered discrimination or covered harassment, any
5 connected worker”;

6 (4) by inserting after paragraph (5), as redesign-
7 nated by paragraph (1) of this section, the following:

8 “(6) COVERED HARASSMENT.—The term ‘cov-
9 ered harassment’ means harassment that is—

10 “(A) discrimination because of race, color,
11 religion, sex, or national origin under title VII
12 of the Civil Rights Act of 1964 (42 U.S.C.
13 2000e et seq.);

14 “(B) discrimination because of age under
15 the Age Discrimination in Employment Act of
16 1967 (29 U.S.C. 621 et seq.);

17 “(C) discrimination on the basis of dis-
18 ability under title I of the Americans with Dis-
19 abilities Act of 1990 (42 U.S.C. 12111 et seq.)
20 or section 501 of the Rehabilitation Act of 1973
21 (29 U.S.C. 791);

22 “(D) discrimination because of genetic in-
23 formation under title II of the Genetic Informa-
24 tion Nondiscrimination Act of 2008 (42 U.S.C.
25 2000ff et seq.); or

1 “(E) discrimination on the basis of status
2 concerning service in a uniformed service under
3 section 4311(a) of title 38, United States
4 Code.”; and
5 (5) in paragraphs (10) and (11), by striking
6 “paragraph (3)” and inserting “paragraph (5)”.

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

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

11 (1) in subsection (a)—

12 (A)(i) by redesignating paragraphs (1),
13 (2), and (3) as subparagraphs (A), (B), and
14 (C), respectively;

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

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

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

21 (B) by adding at the end the following:

22 “(2) RESPONSIBILITIES.—

23 “(A) IN GENERAL.—If an individual who is
24 the head of an employing office, or the highest
25 ranking employee of the head of the employing

1 office, is aware of, or a reasonable individual in
 2 the position involved would be aware of, covered
 3 discrimination or covered harassment in the of-
 4 fice, the individual shall carry out the responsi-
 5 bility described in subparagraph (B).

6 “(B) RESPONSIBILITIES.—The individual
 7 referred to in subparagraph (A) shall make af-
 8 firmative efforts to address, and prevent the re-
 9 currence of, covered discrimination or covered
 10 harassment in the office.”; and

11 (2) in subsection (b)—

12 (A) in paragraph (1), by striking “sub-
 13 section (a)(1)” and inserting “subsection
 14 (a)(1)(A)”;

15 (B) in paragraph (2), by striking “sub-
 16 section (a)(2)” and inserting “subsection
 17 (a)(1)(B)”;

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

21 **SEC. 203. PUBLIC SERVICES AND ACCOMMODATIONS.**

22 Section 210 of the Congressional Accountability Act
 23 of 1995 (2 U.S.C. 1331) is amended by striking sub-
 24 section (d) and inserting the following:

25 “(d) AVAILABLE PROCEDURES.—

1 “(1) IN GENERAL.—The procedures of title IV
2 shall apply to allegations of violations of this part.

3 “(2) APPLICATION.—For purposes of applying
4 title IV—

5 “(A) to an allegation of a violation of a
6 provision listed in subsection (b), of title II of
7 the Americans with Disabilities Act of 1990 (42
8 U.S.C. 12131 et seq.)—

9 “(i) a reference in title IV to a cov-
10 ered employee shall be considered to be a
11 reference to a qualified individual with a
12 disability, as defined in section 201 of that
13 Act (42 U.S.C. 12131); and

14 “(ii) a reference in title IV to an em-
15 ploying office shall be considered to be a
16 reference to an entity listed in subsection
17 (a) that provides public services, programs,
18 or activities; and

19 “(B) to an allegation of a violation of a
20 provision listed in subsection (b), of title III of
21 the Americans with Disabilities Act of 1990 (42
22 U.S.C. 12181 et seq.)—

23 “(i) a reference in title IV to a cov-
24 ered employee shall be considered to be a
25 reference to an individual with a disability,

1 as defined in section 3 of that Act (42
2 U.S.C. 12102); and

3 “(ii) a reference in title IV to an em-
4 ploying office shall be considered to be a
5 reference to an entity listed in subsection
6 (a) that owns, leases (or leases to), or op-
7 erates a place of public accommodation, as
8 defined in section 301 of that Act (42
9 U.S.C. 12181).”.

10 **SEC. 204. GENERAL PROVISIONS.**

11 Section 225(e) of the Congressional Accountability
12 Act of 1995 (2 U.S.C. 1361(e)) is amended by striking
13 “Only” and inserting “Except in the case of an allegation
14 of covered discrimination or covered harassment, only”.

15 **SEC. 205. NOTICES.**

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

19 **“SEC. 226. NOTICES.**

20 “Every employing office shall post and keep posted
21 (in conspicuous places upon its premises where notices to
22 covered employees are customarily posted) a notice pro-
23 vided by the Office that—

24 “(1) describes the rights, protections, and pro-
25 cedures applicable to covered employees of the em-

1 playing office under this Act, concerning covered dis-
2 crimination and covered harassment; and

3 “(2) includes contact information for the Of-
4 fice.”.

5 **SEC. 206. CONFIDENTIAL ADVISOR.**

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

8 (1) by redesignating subsections (d) through (f)
9 as subsections (e) through (g), respectively, and

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

12 “(d) CONFIDENTIAL ADVISOR.—

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

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

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

19 “(2) DUTIES.—

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

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

1 “(i) informing, on a confidential basis,
2 a covered employee who has experienced a
3 practice that may be covered discrimina-
4 tion or covered harassment about the em-
5 ployee’s rights under this Act;

6 “(ii) consulting, on a confidential
7 basis, with a covered employee who has ex-
8 perienced a practice that may be covered
9 discrimination or covered harassment; and

10 “(iii) assisting, on a confidential basis,
11 a covered employee who seeks consider-
12 ation under title IV of an allegation involv-
13 ing covered discrimination or covered har-
14 assment in understanding the procedures,
15 and the significance of the procedures, de-
16 scribed in that title.”.

17 **SEC. 207. OVERALL PROCEDURE.**

18 (a) VOLUNTARY PROCEEDINGS.—Section 401 of the
19 Congressional Accountability Act of 1995 (2 U.S.C. 1401)
20 is amended—

21 (1) in the first sentence—

22 (A) by striking “part A” and inserting
23 “part A or B”;

24 (B) in paragraph (1), by inserting “, which
25 shall be voluntary in the case of an allegation

1 of covered discrimination or covered harass-
2 ment” before the semicolon; and

3 (C) in paragraph (2), by inserting “, which
4 shall be voluntary in the case of an allegation
5 of covered discrimination or covered harass-
6 ment” before the semicolon; and

7 (2) in the second sentence, by inserting “(or a
8 request for counseling, mediation, or a hearing, con-
9 cerning an allegation of covered discrimination or
10 covered harassment)” after “for counseling under
11 section 402”.

12 (b) NOTIFICATION.—Section 401 of the Congres-
13 sional Accountability Act of 1995, as amended by sub-
14 section (a), is further amended—

15 (1) by striking “Except” and inserting the fol-
16 lowing:

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

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

19 “(b) NOTIFICATION AFTER ALLEGATION OF COV-
20 ERED DISCRIMINATION OR COVERED HARASSMENT.—On
21 receiving a request, under this title, for counseling or an-
22 other proceeding for consideration of alleged covered dis-
23 crimination or covered harassment, the Office shall pro-
24 vide to the employee written notification that describes the

1 rights, protections, and procedures applicable to a covered
2 employee who is raising such an allegation.

3 “(c) NO REQUIREMENT TO PRESENT ALLEGATION
4 FIRST TO EMPLOYING OFFICE.—Notwithstanding any
5 provision of law, regardless of whether a covered employee
6 follows the employing office’s procedures for initially pre-
7 senting an allegation, or information about the allegation,
8 of covered discrimination or covered harassment to the
9 employing office—

10 “(1) the covered employee is privileged to re-
11 quest and obtain, under this title, counseling or an-
12 other proceeding for consideration of alleged covered
13 discrimination or covered harassment; and

14 “(2) the covered employee—

15 “(A) may file a complaint with the Office
16 in accordance with section 405 or file a civil ac-
17 tion with a court in accordance with section
18 408;

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

23 “(C) shall be entitled to protection from
24 intimidation, reprisal, or other discrimination

1 described in section 207 as provided in that sec-
2 tion.”.

3 (c) AVAILABILITY OF REMOTE WORK ASSIGNMENT
4 OR PAID LEAVE DURING PENDENCY OF PROCEDURES.—

5 Section 401 of the Congressional Accountability Act of
6 1995 (2 U.S.C. 1401), as amended by subsection (b), is
7 further amended by adding at the end the following new
8 subsection:

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

11 “(1) REQUIREMENTS FOR EMPLOYING OF-
12 FICES.—

13 “(A) REMOTE WORK ASSIGNMENT.—At the
14 request of a covered employee who alleges cov-
15 ered discrimination or covered harassment by
16 the covered employee’s employing office, during
17 the pendency of any of the procedures available
18 under this title for consideration of the allega-
19 tion, the employing office shall permit the cov-
20 ered employee to carry out the employee’s re-
21 sponsibilities from a remote location instead of
22 from the location of the employing office.

23 “(B) EXCEPTION FOR WORK ASSIGNMENTS
24 REQUIRED TO BE CARRIED OUT ONSITE.—If, in
25 the determination of the covered employee’s em-

1 plying office, a covered employee who makes a
2 request under this paragraph cannot carry out
3 the employee’s responsibilities from a remote lo-
4 cation, the employing office shall grant paid
5 leave to a covered employee during the pend-
6 ency of the procedures available under this title
7 for the covered employee.

8 “(2) EXCLUSION FROM CAP ON NUMBER OF
9 EMPLOYEES OF OFFICE OF MEMBER OR COMMITTEE
10 OF THE HOUSE OF REPRESENTATIVES.—If the office
11 of a Member or committee of the House of Rep-
12 resentatives grants a covered employee of such office
13 paid leave under paragraph (1), during the period in
14 which the employee is on paid leave, the employee
15 shall not be counted among the number of employees
16 of the office—

17 “(A) in the case of the office of a Member
18 of the House, for purposes of section 104(a) of
19 the House of Representatives Administrative
20 Reform Technical Corrections Act (2 U.S.C.
21 5321(a)); or

22 “(B) in the case of the office of a com-
23 mittee of the House, for purposes of any rule
24 or regulation of the House that governs the

1 number of employees the committee may ap-
2 point.

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

9 (d) ELECTRONIC REPORTING SYSTEM.—Section 401
10 of the Congressional Accountability Act of 1995 (2 U.S.C.
11 1401), as amended by subsection (c), is further amended
12 by adding at the end the following new subsection:

13 “(e) USE OF ELECTRONIC REPORTING SYSTEM.—
14 The Office shall establish and operate an electronic report-
15 ing system through which a covered employee may initiate
16 a proceeding under this title, and that will keep an elec-
17 tronic record of the date and time at which the proceeding
18 is initiated.”.

19 **SEC. 208. COUNSELING.**

20 Section 402(a) of the Congressional Accountability
21 Act of 1995 (2 U.S.C. 1402(a)) is amended, in the first
22 sentence—

23 (1) by striking “part A” and inserting “part A
24 or B”; and

1 (2) by inserting “or, in the case of an allegation
2 of covered discrimination or covered harassment,
3 may request voluntary counseling by the Office” be-
4 fore the period.

5 **SEC. 209. MEDIATION.**

6 (a) VOLUNTARY MEDIATION.—Section 403(a) of the
7 Congressional Accountability Act of 1995 (2 U.S.C.
8 1403(a)) is amended—

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

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

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

14 “(2) ALLEGATION OF COVERED DISCRIMINA-
15 TION OR COVERED HARASSMENT.—In the case of an
16 allegation of covered discrimination or covered har-
17 assment—

18 “(A) for a covered employee who requests
19 counseling under section 402, not later than 15
20 days after receipt by the employee of notice of
21 the end of the counseling period under section
22 402, but prior to making an election under sec-
23 tion 404, the covered employee who alleged a
24 violation of a law may file a request for vol-
25 untary mediation with the Office; and

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

7 (b) **REQUIRING PARTIES TO BE SEPARATED DURING**
 8 **MEDIATION AT REQUEST OF EMPLOYEE.**—Section
 9 403(b)(2) of the Congressional Accountability Act of 1995
 10 (2 U.S.C. 1403(b)(2)) is amended by striking “meetings
 11 with the parties” and all that follows and inserting the
 12 following: “meetings with the parties—

13 “(1) held for the purpose of resolving the dis-
 14 pute between the covered employee and the employ-
 15 ing office; and

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

18 “(B) at the request of a covered employee who
 19 alleges covered discrimination or covered harass-
 20 ment, during which the parties shall be separated.”.

21 **SEC. 210. ELECTION OF PROCEEDING.**

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

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

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

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

4 “(b) ALLEGATION OF COVERED DISCRIMINATION OR
5 COVERED HARASSMENT.—In the case of an allegation of
6 covered discrimination or covered harassment—

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

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

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

16 “(2) for a covered employee who does not re-
17 quest such mediation (or counseling), not later than
18 180 days after the date of the alleged violation, the
19 covered employee may either—

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

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

1 **SEC. 211. COMPLAINT AND PROCEEDING.**

2 (a) IN GENERAL.—Section 405(a) of the Congres-
3 sional Accountability Act of 1995 (2 U.S.C. 1405(a)) is
4 amended by striking subsection (a) and inserting the fol-
5 lowing:

6 “(a) COMPLAINT.—

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

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

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

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

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

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

19 “(2) ALLEGATION OF COVERED DISCRIMINA-
20 TION OR COVERED HARASSMENT.—In the case of an
21 allegation of covered discrimination or 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 (b) INVESTIGATORY POWERS.—Section 405 of the
7 Congressional Accountability Act of 1995 (2 U.S.C. 1405)
8 is amended by striking subsection (e) and inserting the
9 following:

10 “(e) INVESTIGATIONS AND DISCOVERY.—

11 “(1) INVESTIGATIONS.—The Office shall have
12 the authority to conduct investigations regarding
13 complaints of covered discrimination or covered har-
14 assment filed under this section, including investiga-
15 tions with respect to practices experienced by former
16 covered employees that may be covered discrimina-
17 tion or covered harassment.

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

22 **SEC. 212. JUDICIAL REVIEW.**

23 Section 407 of the Congressional Accountability Act
24 of 1995 (2 U.S.C. 1407) is amended—

25 (1) in subsection (a)(1)—

1 (A) in subparagraph (A), by striking “part
2 A” and inserting “part A or B”;

3 (B) by striking subparagraph (B); and

4 (C) by redesignating subparagraphs (C)
5 and (D) as subparagraphs (B) and (C), respec-
6 tively; and

7 (2) in subsection (b)—

8 (A) in paragraph (1), by striking “sub-
9 section (a)(1) (A) or (B)” and inserting “sub-
10 section (a)(1)(A)”;

11 (B) in paragraphs (1) and (2), by striking
12 “subsection (a)(1) (C) or (D)” and inserting
13 “subsection (a)(1) (B) or (C)”.

14 **SEC. 213. CIVIL ACTION.**

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

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

21 (2) in the second sentence, by inserting “or a
22 violation that is covered discrimination or covered
23 harassment” before the period.

1 **SEC. 214. SETTLEMENTS.**

2 Section 414 of the Congressional Accountability Act
3 of 1995 (2 U.S.C. 1414) is amended—

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

6 “(a) IN GENERAL.—Any”;

7 (2) in the first sentence, by striking “210,”;

8 (3) by inserting after the first sentence the fol-
9 lowing: “Such a settlement that relates, in part or
10 in whole, to an allegation of covered discrimination
11 or covered harassment by a Member of Congress (as
12 defined in section 415(f)) shall be publicly disclosed
13 by the Office, unless the covered employee bringing
14 the allegation objects or the Member obtains a non-
15 disclosure determination under subsection (b).”; and

16 (4) by adding to the end the following:

17 “(b) EXCEPTION.—In the case of a settlement that
18 relates, in part or in whole, to an allegation of covered
19 discrimination or covered harassment by a Member of
20 Congress (as defined in section 415(f)), in a situation in
21 which the covered employee involved does not object to
22 public disclosure of the settlement, the Member may re-
23 quest a nondisclosure determination. If the appropriate
24 committee finds by a preponderance of the evidence, based
25 on any record from a proceeding under this title that may
26 have existed on the date of the settlement, and using a

1 rebuttable presumption in favor of requiring disclosure,
2 that the Member has not engaged in the alleged covered
3 discrimination or covered harassment, the committee shall
4 issue a nondisclosure determination. The committee shall
5 issue the determination and the committee’s rationale for
6 the determination in writing.

7 “(c) DEFINITIONS.—In this section:

8 “(1) APPROPRIATE COMMITTEE.—The term
9 ‘appropriate committee’ has the meaning given the
10 term in section 415(f).

11 “(2) NONDISCLOSURE DETERMINATION.—The
12 term ‘nondisclosure determination’ means a deter-
13 mination from the appropriate committee that the
14 settlement shall not be publicly disclosed under sub-
15 section (a).”.

16 **SEC. 215. PERSONAL LIABILITY OF MEMBERS OF CON-**
17 **GRESS.**

18 Section 415 of the Congressional Accountability Act
19 of 1995 (2 U.S.C. 1415) is amended—

20 (1) in subsection (a), by inserting after the first
21 sentence the following: “Under no circumstances
22 may an employing office use funds from the Mem-
23 bers’ Representational Allowance under section 101
24 of the House of Representatives Administrative Re-
25 form Technical Corrections Act (2 U.S.C. 5341), the

1 Senators' Official Personnel and Office Expense Ac-
2 count, or any appropriated funds other than funds
3 appropriated under this subsection, for the payment
4 of awards and settlements under this Act.”;

5 (2) in subsection (c), by striking “section
6 201(a)(3)” and inserting “section 201(a)(1)(C)”;
7 and

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

9 “(d) COMMITTEE APPROVALS.—Before a payment is
10 made from the account described in subsection (a) for a
11 settlement for covered discrimination or covered harass-
12 ment in an employing office described in subparagraph (A)
13 or (B) of section 101(12), the chair and ranking member
14 of the appropriate committee shall approve the payment.

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

17 “(1) REIMBURSEMENT.—If a payment is made
18 from the account described in subsection (a) for an
19 award or settlement that relates, in part or in whole,
20 to an allegation of covered discrimination or covered
21 harassment by a Member of Congress, the Member
22 of Congress who is alleged to have committed the
23 discrimination or harassment shall, except as pro-
24 vided in subparagraph (2), reimburse the account
25 for the amount of the award or settlement.

1 “(2) EXCEPTION.—In the case of a settlement
2 that relates, in part or in whole, to an allegation of
3 covered discrimination or covered harassment by a
4 Member of Congress, the Member may request a
5 nonreimbursement determination. If the appropriate
6 committee finds by a preponderance of the evidence,
7 based on any record from a proceeding under this
8 title that may have existed on the date of the pay-
9 ment, and using a rebuttable presumption in favor
10 of requiring reimbursement, that the Member of
11 Congress has not engaged in the alleged covered dis-
12 crimination or covered harassment, the committee
13 shall issue a nonreimbursement determination. The
14 committee shall issue the determination and the
15 committee’s rationale for the determination in writ-
16 ing. Unless the settlement is not publicly disclosed
17 under section 414, such determination and rationale
18 shall be publicly disclosed by the Office.

19 “(3) CONSTRUCTION.—Nothing in this section
20 shall be construed to require a Member of Congress
21 to reimburse the account under paragraph (1), with
22 respect to an allegation of covered discrimination, or
23 covered harassment, that is wholly committed by an
24 employee of the employing office involved.

25 “(f) DEFINITIONS.—In this section—

1 “(1) the term ‘appropriate committee’ means—

2 “(A) if the personal office of a Member of,
3 or a Committee of, the House of Representa-
4 tives, or a joint committee chaired by such a
5 Member, seeks a payment under subsection (d),
6 or a Member of the House of Representatives
7 seeks a determination under subsection (e), the
8 Committee on Ethics of the House of Rep-
9 resentatives; and

10 “(B) if the personal office of a Senator, or
11 a Committee of the Senate, or a joint com-
12 mittee chaired by a Senator, seeks a payment
13 under subsection (d), or a Senator seeks a de-
14 termination under subsection (e), the Senate
15 Select Committee on Ethics;

16 “(2) the term ‘covered discrimination or covered
17 harassment by a Member of Congress’ means—

18 “(A) covered discrimination that was com-
19 mitted personally by a Member of Congress;

20 “(B) quid pro quo covered harassment that
21 was committed personally by a Member of Con-
22 gress; and

23 “(C) hostile environment covered harass-
24 ment if a Member of Congress personally com-
25 mitted—

1 “(i) severe conduct that created a hos-
2 tile environment; or

3 “(ii) at least one act that was part of
4 pervasive conduct that created a hostile en-
5 vironment; and

6 “(3) the term ‘nonreimbursement determina-
7 tion’ means a determination from the appropriate
8 committee that the Member shall not be responsible
9 for reimbursement under subsection (a).”.

10 **SEC. 216. CONFIDENTIALITY.**

11 Section 416 of the Congressional Accountability Act
12 of 1995 (2 U.S.C. 1416) is amended—

13 (1) in subsection (f)—

14 (A) by striking “or in favor of the charging
15 party under section 210,”; and

16 (B) by striking “or charging party”; and

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

18 “(g) CLARIFICATION.—Nothing in this Act shall be
19 construed to prohibit any covered employee from dis-
20 closing information that forms the basis of the covered em-
21 ployee’s allegation of covered discrimination or covered
22 harassment, if the information contained in the allegation
23 was not obtained in a confidential proceeding.”.

1 **SEC. 217. OFFICE OF CONGRESSIONAL WORKPLACE**
 2 **RIGHTS.**

3 (a) REFERENCES.—Paragraphs (1), (2), (5)(H),
 4 (12)(D), (13), (14), and (15) of section 101 (as redesignated
 5 nated by section 201 of this Act), sections 210(a)(9),
 6 215(e)(1), 220(e)(2)(G), and 301(a), and paragraphs (4)
 7 and (5) of section 304(c) of the Congressional Account-
 8 ability Act of 1995 (2 U.S.C. 1301, 1331(a)(9),
 9 1341(e)(1), 1351(e)(2)(G), 1381(a), 1384(c)) are amend-
 10 ed by striking “Office of Compliance” and inserting “Of-
 11 fice of Congressional Workplace Rights”.

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

16 **“TITLE III—OFFICE OF CON-**
 17 **GRESSIONAL WORKPLACE**
 18 **RIGHTS**

19 **“SEC. 301. ESTABLISHMENT OF OFFICE OF CONGRES-**
 20 **SIONAL WORKPLACE RIGHTS.”.**

21 **SEC. 218. APPLICATION OF CONGRESSIONAL ACCOUNT-**
 22 **ABILITY ACT OF 1995 TO THE LIBRARY OF**
 23 **CONGRESS.**

24 (a) APPLICATION.—

25 (1) APPLICATION THROUGH DEFINITIONS.—

1 (A) IN GENERAL.—Section 101 of the
2 Congressional Accountability Act of 1995 (2
3 U.S.C. 1301), as redesignated by section 201 of
4 this Act, is amended—

5 (i) in paragraph (5)—

6 (I) in subparagraph (H), by
7 striking “or” at the end;

8 (II) in subparagraph (I), by
9 striking the period and inserting “;
10 or”; and

11 (III) by adding at the end the
12 following:

13 “(J) the Library of Congress, except for
14 section 220.”; and

15 (ii) in paragraph (12)—

16 (I) in subparagraph (C), by strik-
17 ing “or” at the end;

18 (II) in subparagraph (D), by
19 striking the period and inserting “;
20 or”; and

21 (III) by adding at the end the
22 following:

23 “(E) the Library of Congress, except for
24 section 220.”.

1 (B) PUBLIC SERVICES AND ACCOMMODA-
2 TIONS.—Section 210(a) of the Congressional
3 Accountability Act of 1995 (2 U.S.C. 1331(a))
4 is amended—

5 (i) in paragraph (9), by striking
6 “and” at the end;

7 (ii) in paragraph (10), by striking the
8 period and inserting “; and”; and

9 (iii) by adding at the end the fol-
10 lowing:

11 “(11) the Library of Congress.”.

12 (C) LABOR-MANAGEMENT REGULATIONS.—
13 Section 220(a) of the Congressional Account-
14 ability Act of 1995 (2 U.S.C. 1351(a)) is
15 amended—

16 (i) in paragraph (2), in the paragraph
17 heading, by striking “(2) DEFINITION.—”
18 and inserting “(2) APPLICATION.—”; and

19 (ii) by adding at the end the fol-
20 lowing:

21 “(3) DEFINITIONS.—For purposes of this sec-
22 tion, the term ‘covered employee’ does not include an
23 employee of the Library of Congress, and the term
24 ‘employing office’ does not include the Library of
25 Congress.”.

1 (2) CONFORMING AMENDMENTS TO ACT.—The
2 Congressional Accountability Act of 1995 (2 U.S.C.
3 1301 et seq.) is amended—

4 (A) in section 204(a)(2) (2 U.S.C.
5 1314(a)(2)), by striking “and the Library of
6 Congress” each place it appears;

7 (B) in section 205(a)(2) (2 U.S.C.
8 1315(a)(2)), by striking “and the Library of
9 Congress” each place it appears;

10 (C) in section 206(a)(2) (2 U.S.C.
11 1316(a)(2))—

12 (i) in subparagraph (B), by striking
13 “and the Library of Congress”; and

14 (ii) in subparagraph (C), by striking
15 “and the Library of Congress”;

16 (D) in section 215(a)(2) (2 U.S.C.
17 1341(a)(2))—

18 (i) in subparagraph (C), by striking “,
19 the Library of Congress,”; and

20 (ii) in subparagraph (D), by striking
21 “and the Library of Congress”; and

22 (E) in section 415(a) (2 U.S.C. 1415(a))—

23 (i) by striking the comma after “Gen-
24 eral Accounting Office” and inserting
25 “or”; and

1 (ii) by striking “, or the Library of
2 Congress”.

3 (b) ELECTION OF PROCEEDING.—

4 (1) PROCEDURE.—Section 401(a)(3) of the
5 Congressional Accountability Act of 1995 (2 U.S.C.
6 1401(a)(3)), as designated by section 207(b) of this
7 Act, is amended—

8 (A) in the matter preceding subparagraph
9 (A), by striking “either”;

10 (B) in subparagraph (A), by striking “,
11 or” at the end and inserting a semicolon;

12 (C) in subparagraph (B), by striking the
13 period and inserting “; or”; and

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

15 “(C) in the case of a Library claimant (as
16 defined in section 404(d)), a proceeding de-
17 scribed in section 404(b)(3) that relates to the
18 violation at issue.”.

19 (2) ELECTION.—Section 404 of the Congres-
20 sional Accountability Act of 1995 (2 U.S.C. 1404),
21 as amended by section 210 of this Act, is further
22 amended—

23 (A) in subsection (a)—

24 (i) in paragraph (1), by striking “,
25 or” at the end and inserting a semicolon;

1 (ii) in paragraph (2), by striking the
2 period and inserting “; or”; and

3 (iii) by adding at the end the fol-
4 lowing:

5 “(3) in the case of a Library claimant, bring
6 the claim, complaint, or charge that is brought for
7 a proceeding before the corresponding Federal agen-
8 cy, under the corresponding direct provision.”;

9 (B) in subsection (b)—

10 (i) in paragraph (1)—

11 (I) in subparagraph (A), by strik-
12 ing “or” at the end;

13 (II) in subparagraph (B), by
14 striking “and” at the end; and

15 (III) by adding at the end the
16 following:

17 “(C) in the case of a Library claimant,
18 bring the claim, complaint, or charge that is
19 brought for a proceeding before the cor-
20 responding Federal agency, under the cor-
21 responding direct provision; and”;

22 (ii) in paragraph (2)—

23 (I) in subparagraph (A), by strik-
24 ing “or” at the end;

1 (II) in subparagraph (B), by
2 striking the period and inserting “;
3 and”; and

4 (III) by adding at the end the
5 following:

6 “(C) in the case of a Library claimant,
7 bring the claim, complaint, or charge that is
8 brought for a proceeding before the cor-
9 responding Federal agency, under the cor-
10 responding direct provision.”; and

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

12 “(c) ELECTION AFTER PROCEEDINGS INITIALLY
13 BROUGHT UNDER OTHER CIVIL RIGHTS OR LABOR
14 LAW.—A Library claimant who initially brings a claim,
15 complaint, or charge under a direct provision for a pro-
16 ceeding before a Federal agency may, prior to requesting
17 a hearing under the agency’s procedures, elect to—

18 “(1) bring any civil action relating to the claim,
19 complaint, or charge, that is available to the Library
20 claimant;

21 “(2) file a complaint with the Office in accord-
22 ance with section 405; or

23 “(3) file a civil action in accordance with sec-
24 tion 408 in the United States district court for the

1 district in which the employee is employed or for the
2 District of Columbia.

3 “(d) DEFINITIONS.—In this section:

4 “(1) DIRECT ACT.—The term ‘direct Act’
5 means an Act (other than this Act), or provision of
6 the Revised Statutes, that is specified in section
7 201, 202, 203, or 210.

8 “(2) DIRECT PROVISION.—The term ‘direct
9 provision’ means a provision (including a definitional
10 provision) of a direct Act that applies the rights or
11 protections of a direct Act (including rights and pro-
12 tections relating to nonretaliation or noncoercion) to
13 a Library claimant.

14 “(3) LIBRARY CLAIMANT.—The term ‘Library
15 claimant’ means—

16 “(A) with respect to a direct provision
17 (other than a provision described in subpara-
18 graph (B)), an employee of the Library of Con-
19 gress who is covered by that direct provision,
20 and

21 “(B) with respect to a direct provision that
22 applies the rights or protections of title II or
23 III of the Americans with Disabilities Act of
24 1990 (42 U.S.C. 12131 et seq., 12181 et seq.),
25 an individual who is eligible to provide services

1 for or receive services from the Library of Con-
2 gress and who is covered by that provision.”.

3 (c) PROSPECTIVE APPLICABILITY.—This section and
4 the amendments made by this section—

5 (1) shall take effect on the date of enactment
6 of this section; and

7 (2) shall apply to any charge, complaint, or
8 claim, that is made on or after the date of enact-
9 ment of this section, of a violation of—

10 (A) section 201, 202, 203, 207, or 210 of
11 the Congressional Accountability Act of 1995 (2
12 U.S.C. 1311 et seq.); or

13 (B) a direct provision as defined in section
14 404(d) of the Congressional Accountability Act
15 of 1995 (2 U.S.C. 1404(d) (as added by sub-
16 section (b))).

17 **SEC. 219. CONFORMING AMENDMENTS.**

18 The table of contents in section 1(b) the Congres-
19 sional Accountability Act of 1995 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.”.

