

Section-by-Section: The ME TOO CONGRESS Act

Section 1: Short Title; References in Act; Table of Contents

- The Member and Employee Training and Oversight On Congress Act, or ME TOO Congress Act.
- References in bill amend the Congressional Accountability Act

TITLE I – REFORM OF PROCEDURES FOR INVESTIGATION AND RESOLUTION OF COMPLAINTS

Sec. 101. Waiving Counseling and Mediation as Prerequisite for Filing of Complaint or Civil Action

- Makes counseling and mediation optional.
- If counseling and mediation is waived, sets deadline for filing a complaint to 180 days after the alleged violation.
- Permits complaint to be made anonymously, which would allow access to Victims' Counsel.

Sec. 102. Separation of Investigative and Adjudicative Roles in Hearings

- Removes investigative authority from the hearing authority and gives it to OOC.
- Lists types of investigations that are authorized.
- Removes subpoena authority from the hearing authority and gives it to OOC.

Sec. 103. Victims' Counsel

- Sets up optional Victims' Counsel program for complainants.
- The OOC Board will designate appropriately qualified individuals and set up training requirements.
- Authorizes a Victims' Counsel to provide legal advice and representation to complainants in matters related to the alleged violation.

Sec. 104. Prohibiting Imposition of Nondisclosure Agreements

- Prohibits nondisclosure agreements as a condition of initiating a complaint.
- Nondisclosure agreements for the contents of mediation or as a part of a negotiated settlement are still allowed.

Sec. 105. Availability of Remote Work Assignment or Paid Leave of Absence During Pendency of Procedures

- Requires an employing office to allow a complainant to work remotely if requested. If work cannot be done remotely, employing office has option to give employee a paid leave of absence.

- Does not count employees on paid leave of absence against the total number of allowed employees in a House office.
- Exempts organizations with previously agreed upon collective bargaining agreements such as the Capitol Police or Architect of the Capitol.

Sec. 106. Electronic Reporting System

- Requires OOC to create a platform to allow employees to initiate the reporting process online.

Sec. 107. Deadline for Completion of Hearings

- Requires all hearings to be completed by the earlier of 90 days after the conclusion of the hearing, or 180 days after the filing of a complaint.

Sec. 108. Clarification of Authority of Parties to Reach Agreements Without Approval of Congressional Committees

- Gives counsel representing the employing office the authority to negotiate the final settlement amount without the approval of any committee of Congress.
- Allows committees to set a range of appropriate settlement amounts for various types of violations.

Sec. 109. Modifications of Rules on Confidentiality of Proceedings

- Allows complainant to waive confidentiality in counseling.
- Modifies mediation confidentiality requirement to specifically relate to information discussed or disclosed during mediation.

TITLE II – IMPROVING TRAINING AND TRANSPARENCY

Sec. 201. Requirements for Programs of Sexual Harassment Prevention and Response Training in Employment

- Requires annual sexual harassment training for members and staff and certification upon completion of the training, just like with Ethics training.
- Describes elements of training according to best practices.
- Requires additional specific instruction to be given to members and senior staff on how they should respond to incidents of sexual harassment.
- Requires OOC to consult with Workplaces Respond to Domestic and Sexual Violence: A National Resource Center, the nonprofit non-government entity described under the Violence Against Women Act in developing and implementing an updated training to be used 6 months after enactment.

Sec. 202. Personal Liability of Members of Congress for Payment of Settlements and Awards

- If a Member of Congress settles a claim as the harasser, the Member will be required to repay the Treasury for amount of the award or settlement.

Sec. 203. Reports on Complaints and Payment

- In cases where settlements are made, requires the name of the employing office and the amount of the award or settlement to be published on OOC's public website.
- Publication will be annual, not later than 60 days after the end of the calendar year, and apply to 2017 and each succeeding year.

Sec. 204. Employment Discrimination Climate Surveys of Members and Employees of Congress

- Requires OOC to conduct a climate survey 180 days after enactment, and every 2 years thereafter.
- Lays out requirements for the climate survey, including the prevalence of violations, the type of violations, the existence of a hostile work environment in Congress, and whether Congressional staff are able to access their rights under the Congressional Accountability Act.
- Sets forth specific requirements for how the survey should be conducted, including length, mobile access, and requiring OOC to consult with offices in the executive branch who have conducted similar surveys.
- Requires responses to remain anonymous and confidential.

TITLE III – MISCELLANEOUS REFORMS

Sec. 301. Extension to unpaid staff of rights and protections against employment discrimination

- Includes interns, fellows, detailees, and pages under the protections of the Congressional Accountability Act.

Sec. 302. Application of whistleblower protection rules

- Gives Congressional employees similar whistleblower protections as employees in the Executive Branch.

Sec. 303. Renaming Office of Compliance as Office of Congressional Workplace Rights

- Renames Office of Compliance as Office of Congressional Workplace Rights

TITLE IV – EFFECTIVE DATE

Sec. 401. Effective Date

- 180 days after enactment.