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ONE HUNDRED FIFTEENTH CONGRESS

U.S. House of Representatives

COMMITTEE ON ETHICS

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STATEMENT OF THE CHAIRWOMAN AND RANKING MEMBER OF THE COMMITTEE ON ETHICS

Pursuant to Committee Rule 7(g), the Chairwoman and Ranking Member of the Committee on Ethics (Committee) determined to release the below statement:

In this Congress we have worked closely with our colleagues on the Committee on House Administration and other Members on a bipartisan proposal to reform the Congressional Accountability Act (CAA) and strengthen workplace rights and protections for employees in the legislative branch. We explained previously how the bill includes specific features to ensure that the House and Senate ethics committees have the tools and information they need to investigate alleged violations of workplace rights and other misconduct. Recent events highlight in particular the need for the bill's provisions to make Members personally liable for their own conduct.

The Committee on Ethics takes allegations of sexual harassment and discrimination and other violations of workplace rights extremely seriously. In this Congress, among other investigations begun by the Committee, the Committee empaneled four Investigative Subcommittees to investigate allegations regarding Members' conduct.

However, as the Committee previously noted, its investigative jurisdiction includes current Members, officers, and employees. For example, when Representative Blake Farenthold resigned from the House on April 6, 2018, before an ISC investigating allegations against him was scheduled to vote on a Statement of Alleged Violation, the Committee and ISC lost jurisdiction over him. Similarly, on April 27, 2018, Representative Patrick Meehan announced his immediate resignation from the House, at which time the Committee and an ISC investigating allegations against him lost jurisdiction over him. In each of those matters, public funds were used to resolve allegations of misconduct by the Member while they were still serving in the House.

In his official statement announcing his resignation, Representative Patrick Meehan stated he would reimburse the U.S. Treasury approximately $39,000, within 30 days of his resignation, for the severance payment made from his office account. We understand he sent that reimbursement payment to the Treasury. We welcome that action.

Prior to his resignation, Representative Blake Farenthold publicly promised to reimburse the U.S. Treasury for $84,000 in funds paid to settle the lawsuit brought against him for claims of sexual harassment, gender discrimination and retaliation. After Representative Farenthold resigned, the Committee encouraged him in the strongest possible terms to uphold that promise. Last week, he announced that he would not do so.

There is overwhelming bipartisan consensus in the House that Members should be personally accountable for settlements paid with public funds to resolve claims against them alleging sexual harassment. The CAA Reform Act would require Members of Congress to reimburse the Treasury within 90 days if an employee receives an award or settlement for the Member's alleged act of discrimination or retaliation. In addition, the bill would ensure that a Member would still remain personally liable even if he or she leaves Congress. If a former Member fails to follow through, the bill provides for garnishment of retirement annuities to ensure the amount is repaid. Recent matters before the Committee illustrate the need for these provisions.

Under the House bill, a Member would be personally liable for a settlement or award related to their own conduct upon the settlement or award being made. The House bill also provides for mandatory referrals to the congressional ethics committees, but does not condition the imposition of personal liability upon the outcome of any such investigations. Because the ethics committees have jurisdiction over current Members of Congress, this approach ensures that personal liability is established.

It has been more than three months since the House passed the CAA Reform Act. The Senate has now introduced and may soon act on similar legislation intended to reform the CAA. We believe that any proposal to reform the CAA should include provisions to ensure that Members remain personally liable for their own conduct with respect to discrimination and retaliation, and that they remain liable even if they leave Congress.

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