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ONE HUNDRED FIFTEENTH CONGRESS

U.S. House of Representatives

COMMITTEE ON ETHICS

November 19, 2018

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The Honorable Paul D. Ryan
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The Honorable Mitch McConnell
Majority Leader
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The Honorable Nancy Pelosi
Minority Leader
U.S. House of Representatives
H-204, U.S. Capitol
Washington, DC 20515

The Honorable Charles E. Schumer
Minority Leader
U.S. Senate
S-221, U.S. Capitol
Washington, DC 20510

Dear Colleagues:

The Committee on Ethics takes allegations of sexual harassment and discrimination and other violations of workplace rights extremely seriously. 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.

On February 6, 2018, the House passed H.R. 4924, the Congressional Accountability Act of 1994 Reform Act, with overwhelming bipartisan support. As we indicated at the time, the bill includes important 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. It also includes provisions to make Members personally liable for their own conduct. The House bill was transmitted to the Senate on February 7, 2018.

In particular, the House bill would require the Office of Compliance (OOC), to be renamed the Office of Workplace Rights, to refer certain matters to the congressional ethics committees. The proposal would also expressly mandate that when OOC refers a matter to a congressional ethics committee, it must also provide access to the records of any investigations, hearings, or decisions of the hearing officers and its Board, including any information relating to a settlement or award relating to a claim. In light of our recent experience seeking information from OOC, we

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believe these changes are necessary to clarify interactions between the ethics committees and OOC.

We believe it is clear that under the existing CAA, the House and Senate ethics committees retain jurisdiction over sexual harassment and discrimination and other violations of workplace rights – and we have acted to investigate such allegations in a number of matters. However, it is our view that it would be in the best interests of the Congress and public accountability to clarify when and how OOC must provide information to the ethics committees about allegations of misconduct.

There is also 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 passed by the House 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. Moreover, because the ethics committees have jurisdiction over current Members of Congress, this approach ensures that personal liability is established – even if a Member later resigns or leaves Congress while an ethics investigation is ongoing, but before it is completed.

On May 24, 2018, the Senate passed S. 2952, its version of legislation to reform the Congressional Accountability Act of 1994 Reform Act. The Senate's version was transmitted to the House on May 29, 2018. No further action has been taken on either version of the Congressional Accountability Act of 1994 Reform Act.

Members and employees alike should be able to work free from sexual harassment or discrimination of any kind. The American public must also have confidence that we in Congress not only view these issues with the seriousness they demand – but that we are taking action. Reforms to the Congressional Accountability Act of 1994 are sorely needed to protect the integrity of and public confidence in Congress, to ensure that the legislative branch remains a place where men and women want to serve, and to improve public accountability on these vital issues.

The reforms we have advocated have overwhelming bipartisan support in the House. As the ten Members of the Committee on Ethics – the only evenly divided committee in the House – we can assure you that not only do they have bipartisan support, but that there is a bipartisan consensus that the reforms are urgently needed. Therefore, we believe that it is imperative that

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Congress act quickly to pass legislation to reform the Congressional Accountability Act that includes the critical provisions of the House legislation.

Thank you for your attention to this matter.

Sincerely,



Susan W. Brooks
Chairwoman



Kenny Marchant



Leonard Lance



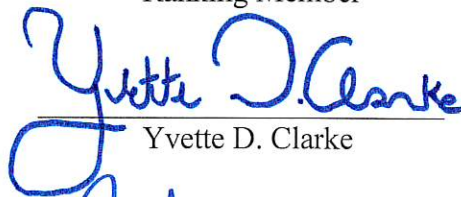
Mimi Walters



John Ratcliffe



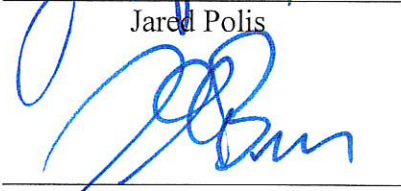
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