

Susan W. Brooks, Indiana
Chairwoman
Theodore E. Deutch, Florida
Ranking Member



ONE HUNDRED FIFTEENTH CONGRESS

U.S. House of Representatives

COMMITTEE ON ETHICS

December 1, 2017

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Susan Tsui Grundmann, Executive Director
Office of Compliance
John Adams Building
110 2nd Street, SE, Room LA 200
Washington, DC 20540-1999

Dear Ms. Grundmann:

Sexual harassment and employment discrimination violate a guiding principle for Members of the House of Representatives set forth in the Code of Official Conduct: “A Member, Delegate, Resident Commissioner, officer, or employee of the House shall behave at all times in a manner that shall reflect creditably on the House.”

As you know, sexual harassment and employment discrimination are prohibited in the House of Representatives, both by statute and by the Code of Official Conduct (House Rules).¹ The Congressional Accountability Act (CAA) prohibits harassment and discrimination based on race, color, national origin, sex, religion, age, or disability.² The law also prohibits actions that have a “disparate impact” on an employee on the basis of race, color, national origin, sex, or religion, despite appearing neutral in practice.³

In addition to federal law, House Rules have long prohibited discriminatory conduct in employment. House Rules state that “[a] Member . . . may not discharge and may not refuse to hire an individual, or otherwise discriminate against an individual with respect to compensation, terms, conditions, or privileges of employment, because of the race, color, religion, sex (including marital or parental status), disability, age, or national origin of such individual . . . ”⁴

¹ The Congressional Accountability Act is codified at 2 U.S.C. §§ 1311 *et seq.*; the Code of Official Conduct is codified as House Rule 23.

² Office of Compliance, “Harassment and Discrimination Prohibited,” *available at* <https://www.compliance.gov/act/under-caa/harassment-and-discrimination-prohibited>; *see generally* 2 U.S.C. §§ 1311 *et seq.*

³ *Id.*

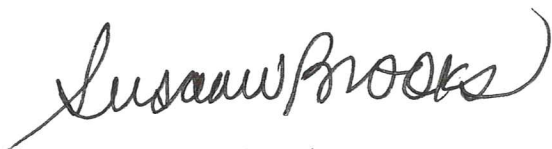
⁴ House Rule 23, clause 9.

The House Rules authorize the Committee to investigate any alleged violation by a Member, Delegate, Resident Commissioner, officer, or employee of the House “of the Code of Official Conduct or of a law, rule, regulation, or other standard of conduct applicable to the conduct of such Member, Delegate, Resident Commissioner, officer, or employee in the performance of the duties or the discharge of the responsibilities of such individual.”⁵ The CAA recognizes this jurisdiction and authority by stating that the House and Senate Ethics Committees “retain full power, in accordance with the authority provided to them by the Senate and the House, with respect to the discipline of Members, officers, and employees for violating rules of the Senate and the House on nondiscrimination in employment.”⁶ The CAA also expressly provides that the Office of Compliance may provide the House and Senate Ethics Committees with access to records of its hearings and decisions.⁷

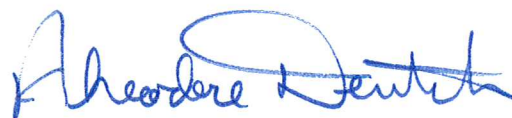
In order to effectuate its constitutional and statutory authority with respect to House Rules, we request that you promptly provide the Committee with all records in the possession of the Office of Compliance related to any claims of sexual harassment, discrimination, retaliation, or any other employment practice prohibited by the CAA involving alleged conduct by any current Member, Delegate, Resident Commissioner, officer, or employee of the House of Representatives.

Thank you for your cooperation. If you have any questions regarding this matter, please contact the Committee’s Staff Director and Chief Counsel, Tom Rust, at extension 5–7103.

Sincerely,



Susan W. Brooks
Chairwoman



Theodore E. Deutch
Ranking Member

⁵ House Rule XI, clause 3(a)(2).

⁶ Congressional Accountability Act § 1433.

⁷ 2 U.S.C. § 1416(e).