

February 2, 2018

Hon. Gregg Harper
Chairman
Committee on House Administration
1310 Longworth House Office Building
Washington, DC 20510

Hon. Robert Brady
Ranking Member
Committee on House Administration
1310 Longworth House Office Building
Washington, DC 20510

Dear Chairman Harper and Ranking Member Brady:

We write to express our appreciation for the Committee's bipartisan efforts to combat and prevent sexual harassment and other forms of workplace discrimination in Congress and to improve the current reporting and dispute resolution process. H.R. 4822, the Congressional Accountability Act of 1995 Reform Act (CAA Reform Act) is an important step in the right direction and will go a long way toward ensuring a safer and fairer legislative workforce.

We were pleased to see that many of the recommendations outlined in the January 17, 2018, coalition letter (attached for reference) were included in the CAA Reform Act. For example, the bill improves the reporting and dispute resolution process, expands coverage and protections, ensures greater accountability, increases transparency, and requires comprehensive prevention practices.

Before the Committee marks up this bill on Monday, February 5, 2018, we urge you to strengthen the bill in these key areas:

- Title I (Timeline)-Expand the statutory deadline for filing a civil action; within 30 days of filing a claim is far too short.
- Sec. 102 (Deadline for filing a claim)-The 180-day deadline for filing a claim under the CAA should begin to toll "on the date of the alleged violation or the date the claimant knew or should have known of the alleged violation" instead of "the date of the alleged violation."
- Sec. 102-104 (Adequate resources for the General Counsel)-Congress must provide the Office of Compliance General Counsel with adequate resources to carry out its new responsibilities.
- Sec. 114 (Provision on confidentiality)-Amend the language to more clearly convey that a covered employee or employing office (including the individual who has been accused) can disclose information related to the claim (e.g., stating that a claim has been filed, denying the allegation), but cannot discuss the findings or activities of the investigation or proceedings (e.g., hearing). Additionally, it would be helpful to state the range of penalties that may be imposed for violating confidentiality.
- Sec. 201 (Semiannual reporting)-Semiannual reporting should be changed to annual (yearly) reporting. Annual reporting strikes a careful balance between the need for transparency regarding harassment and discrimination claims and resolutions, and safeguarding complainant privacy/confidentiality, which may be more easily breached if reporting occurs more frequently. In addition to reporting settlements and award amounts by office, the number of harassment and discrimination claims asserted (regardless of whether they resulted in settlement) should also be reported and made publicly available. Taxpayers and constituents will have a clearer understanding of the workplace culture and practices in each office if this information is made publicly available, because not every claim of discrimination will result in a settlement or award.
- Office of Congressional Ethics and whistleblower protections-Extend whistleblower protections that are available to executive branch employees to legislative branch employees. In addition,

ensure that the Office of Congressional Ethics continues to perform its function as an independent check on the House and Senate ethics committees for all claims.

Thank you for working on a bipartisan basis to craft solutions to combat harassment and discrimination in the legislative workforce. We look forward to continuing to work with you on this critical issue. If you have any questions, please don't hesitate to contact Vania Leveille at the American Civil Liberties Union (vleveille@aclu.org), Joi Chaney at Equal Pay Today (jchaney@tidescenter.org), June Zeitlin at The Leadership Conference on Civil and Human Rights (zeitlin@civilrights.org), Maya Raghu at the National Women's Law Center (mraghu@nwlc.org), and Remington Gregg (rgregg@citizen.org) at Public Citizen.

Sincerely,

ACLU

Equal Pay Today

The Leadership Conference on Civil and Human Rights

National Women's Law Center

Public Citizen