



May 24, 2018

Dear Senator:

On behalf of the more than 170,000 bipartisan members and supporters, over 1,000 branches, and 800 college and university partners, of the American Association of University Women (AAUW), I write to commend Senators on both sides of the aisle for tackling the pervasive issue of harassment, including sexual harassment, in the legislative workforce. The Senate Congressional Accountability Act of 1995 Reform Act, as introduced this week, is an important first step in supporting workers in your offices, however AAUW has concerns about a few provisions.

AAUW advocates for equitable climates free of harassment and has urged Congress to take action on improving the process by which workplace discrimination, including sexual harassment, is addressed in the legislative workforce.¹ When workplaces contain discrimination and harassment employees suffer, and without protections in place those who come forward jeopardize their safety, jobs, financial security, and careers. This is true in the legislative workforce where four in 10 of the women who responded to a *CQ Roll Call* survey of congressional staff said they think sexual harassment is a problem on Capitol Hill, while one in six said they themselves had been victimized.² We also know that too often, including in Congress, perpetrators have escaped accountability for their actions.

AAUW appreciates the effort of those in Congress to address this issue and put in place the necessary reforms and processes by which workplace discrimination, including sexual harassment, is addressed. Unfortunately, the Senate Congressional Accountability Act of 1995 Reform Act, as introduced this week, falls short of some of the key principles for which AAUW has previously advocated.³ We are also concerned that the timeline for consideration of the bill does not leave adequate time for all stakeholders to fully vet the provisions.

Based on the information we have, we are concerned about the following elements of the bill:

- **Limiting the role of the “confidential advisor.”** Staffers need access to legal counsel, as provided in the House-passed bill. The Senate bill, as introduced, undermines this reform.
- **Authorizing the Ethics Committees to undermine the reimbursement obligation.** The Senate CAA Reform bill appears to provide an opportunity for a Member who has settled a claim to avoid personal accountability and to be absolved from reimbursing taxpayers.
- **Limiting Members of Congress’ reimbursement obligation.** Taxpayers should not have to subsidize any monies paid by a Member for settlements or awards of claims against them.
- **Codifying the “severe or pervasive” standard and including “unwelcome harassment.”** The Senate CAA Reform bill unnecessarily codifies a more restrictive standard regarding sexual harassment and uses it to limit the scope of Members of Congress’ reimbursement requirements. Language codifying this standard should be removed from the Senate CAA Reform bill. In addition, the phrase “unwelcome harassment” should be eliminated; harassment is never welcome.
- **Requiring claimants to opt out of mediation.** Mandatory mediation forces claimants into a process and practice that is primarily protective of the institution rather than of the claimant. It should not be a part of the Senate CAA Reform bill.

- **Hiding past offenses from public view.** The lack of transparency required in the Office of Congressional Workplace Rights' report identifying payments made with public funds in connection with discrimination claims is troubling. Any required report should identify the office involved or perpetrating Members of Congress.

Again, thank you for stepping up to tackle the pervasive issue of harassment, including sexual harassment, in the legislative workforce. The Senate Congressional Accountability Act of 1995 Reform Act, as introduced this week, is an important first step and we hope you will consider AAUW's recommendations. We urge the Senate and House of Representatives to work together to pass a bill that ensures the legislative workforce is an equitable environment free from harassment and discrimination.

Cosponsorship and votes associated with this legislation may be scored in the AAUW Action Fund *Congressional Voting Record for the 115th Congress*. Please contact Anne Hedgepeth, director of federal policy, at 202/785-7724, if you have any questions.

Sincerely,



Deborah J. Vagins
Senior Vice President, Public Policy and Research

¹ AAUW. (June 2017). 2017–19 AAUW Public Policy Priorities. www.aauw.org/resource/principles-and-priorities.

² Bacon, Erin. (February 2, 2018). "Predatory Behavior: The Dark Side of Capitol Hill." *CQ Roll Call*. www.rollcall.com/news/predatory-behavior-capitol-hill-sexual-harassment

³ Coalition Letter to Senators on Reforms to the Congressional Accountability Act of 1995. (March 19, 2018). www.aauw.org/files/2018/03/Senate-CAA-reform-bill_Coalition-letter-3.19.18-nsa.pdf