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United States Senate

SELECT COMMITTEE ON ETHICS

For Immediate Release
December 1, 2017

Contact: Deborah Sue Mayer
(202) 224-2981

STATEMENT OF THE SELECT COMMITTEE ON ETHICS

Washington, DC—U.S. Senate Select Committee on Ethics Chairman Johnny Isakson (R-GA) and Vice Chairman Christopher A. Coons (D-DE) today issued the following statement:

“Today the Committee sent the attached letter seeking information from the Office of Compliance.”

No other public statement will be made except in accordance with Committee Rules.

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United States Senate

SELECT COMMITTEE ON ETHICS

December 1, 2017

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

Dear Ms. Grundmann:

As you know, sexual harassment and employment discrimination are prohibited in the Senate, both by statute and by the Senate's Code of Official Conduct.¹ The Congressional Accountability Act of 1995 (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, Senate Rules have long prohibited discriminatory conduct in employment. Senate Rule 42 states:

No Member, officer, or employee of the Senate shall, with respect to employment by the Senate or any office thereof—

- (a) fail or refuse to hire an individual;
- (b) discharge an individual; or
- (c) otherwise discriminate against an individual with respect to promotion, compensation, or terms, conditions, or privileges of employment on the basis of such individual's race, color, religion, sex, national origin, age, or state of physical handicap.⁴

¹ The Congressional Accountability Act of 1995 is codified as 2 U.S.C. §§ 1301 *et seq.*; the Code of Official Conduct is codified as Senate Rules 34 through 43 of the Standing Rules of the Senate.

² Office of Compliance, "Harassment and Discrimination Prohibited," *available at* <https://www.compliance.gov/act/under-caa/harassment-and-discrimination-prohibited>.

³ *Id.*

⁴ Senate Rule 42.1.

Section 2(a)(1) of Senate Resolution 338 authorizes the Select Committee on Ethics (the Committee) to:

receive complaints and investigate allegations of improper conduct which may reflect upon the Senate, violations of law, violations of the Senate Code of Official Conduct and violations of rules and regulations of the Senate, relating to the conduct of individuals in the performance of their duties as Members of the Senate, or as officers or employees of the Senate”⁵

The CAA recognizes this jurisdiction and the Committee’s authority by stating that the Senate and House 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 Senate and House Ethics Committees with access to records of its hearings and decisions.⁷

In order to effectuate its constitutional and statutory authority with respect to Senate 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, officer, or employee of the Senate.

Thank you for your cooperation. If you have any questions regarding this matter, please contact the Committee’s Staff Director and Chief Counsel, Deborah Sue Mayer at (202) 224-2981.

Sincerely,



Johnny Isakson
Chairman



Christopher A. Coons
Vice Chairman

⁵ S. Res. 338, 88th Cong., 2d. Sess. (1964), as amended by S. Res. 110 (1977).

⁶ 2 U.S.C. § 1433.

⁷ 2 U.S.C. § 1416(e).