

**MARKUP ON H. RES. 630: IMPLEMENTING
MANDATORY ANTI-HARASSMENT, ANTI-
DISCRIMINATION TRAINING GUIDELINES**

HEARING
BEFORE THE
**COMMITTEE ON HOUSE
ADMINISTRATION**
HOUSE OF REPRESENTATIVES
ONE HUNDRED FIFTEENTH CONGRESS
FIRST SESSION

DECEMBER 19, 2017

Printed for the use of the Committee on House Administration



Available on the Internet:
<http://www.gpoaccess.gov/congress/house/administration/index.html>

U.S. GOVERNMENT PUBLISHING OFFICE

32-363

WASHINGTON : 2018

COMMITTEE ON HOUSE ADMINISTRATION

GREGG HARPER, Mississippi, *Chairman*

RODNEY DAVIS, Illinois, *Vice Chairman*

BARBARA COMSTOCK, Virginia

MARK WALKER, North Carolina

ADRIAN SMITH, Nebraska

BARRY LOUDERMILK, Georgia

ROBERT A. BRADY, Pennsylvania,
Ranking Member

ZOE LOFGREN, California

JAMIE RASKIN, Maryland

MARKUP ON H. RES. 630: IMPLEMENTING MANDATORY ANTI-HARASSMENT, ANTI-DIS- CRIMINATION TRAINING GUIDELINES

TUESDAY, DECEMBER 19, 2017

HOUSE OF REPRESENTATIVES,
COMMITTEE ON HOUSE ADMINISTRATION,
Washington, DC.

The Committee met, pursuant to call, at 12:28 p.m., in Room 1310, Longworth House Office Building, Hon. Gregg Harper [Chairman of the Committee] presiding.

Present: Representatives Harper, Davis, Comstock, Walker, Smith, Loudermilk, Brady, and Raskin.

Staff Present: Sean Moran, Staff Director; Kim Betz, Deputy Staff Director/Policy and Oversight; Katie Patru, Deputy Staff Director/Outreach and Communications; Cole Felder, Deputy General Counsel; Dan Jarrell, Legislative Clerk; Erin McCracken, Communications Director; Jamie Fleet, Minority Staff Director; Khalil Abboud, Minority Deputy Staff Director; Eddie Flaherty, Minority Chief Clerk; and Meredith Connor, Minority Professional Staff.

The CHAIRMAN. I call to order the Committee on House Administration for today's Committee markup. A quorum is present, so we may proceed.

The meeting record will remain open for 5 legislative days so Members may submit any materials they wish to be included therein.

We are here today to formally approve a House resolution issuing regulations requiring Members, officers, and employees, including interns, fellows, and detailees, of the House of Representatives to complete a training program on workforce rights and responsibilities, including anti-discrimination and anti-harassment training, during each congressional session.

This resolution will also serve to issue regulations requiring each House employing office post a statement of rights and protections provided to House employees under the Congressional Accountability Act of 1995.

Let me first say thanks to Speaker Paul Ryan for his attention and commitment to this issue. I would also like to thank Representative Barbara Comstock, who is a member of this committee, and Representative Speier for their work on this resolution and this issue.

Finally, I want to thank the Ranking Member, Mr. Brady, for his commitment to work on this issue in a bipartisan—in a strongly bipartisan way.

I also would like to thank Bradley Byrne for his work in serving as an ex officio member on this committee and also Susan Brooks, Chairman of Ethics. All of us, working together, are prepared to move forward with this.

And as I have said throughout this Committee's comprehensive review, there is simply no place for sexual harassment in our society and especially in Congress. One case of sexual harassment is one case too many.

I believe, as Members of Congress, we must hold ourselves to a higher standard, a standard that demonstrates that we are worthy of the trust placed in us by our constituents and the American people. No one should ever fear physical or psychological harm in any workplace, and we must ensure that the appropriate standards and rules apply to the congressional workplace to promote a safe and productive environment.

There is really no place like the House of Representatives. It is a special place, and we want it to be such for anyone who works here. And the first step to ensuring a safe congressional workplace is requiring mandatory training and education for all Members, officers, employees, including interns, fellows, and detailees, of the House of Representatives, as well as the posting of rights and protections. H. Res. 630, these regulations that we are approving today, will accomplish that goal.

I would now like to recognize the Ranking Member, Mr. Brady, for the purpose of providing an opening statement if he wishes.

Mr. BRADY. Thank you, Mr. Chairman.

Mr. Chairman, I am pleased to support the regulations before the committee. As I have said before, training is an important step, but it is just a first step. There is more to do. I know our staff is working hard on bipartisan legislation to change the Congressional Accountability Act.

Of course, none of these discussions would be possible if it wasn't for the leadership of my colleague from California, Jackie Speier, who has been talking about these changes for years.

And this truly has been a bipartisan effort. I know we are working with Representative Byrne from Alabama in developing the legislation, and I thank him as well.

I hope we can consider the bipartisan proposal in early 2018 so that we can continue to make progress on changing the resolution process and the culture of our congressional workplace.

Mr. Chairman, thank you again, and I yield back the balance of my time.

The CHAIRMAN. Thank you, Mr. Brady.

The gentleman yields back.

Any other Member wish to be recognized for the purposes of an opening statement?

I now recognize the gentleman from Maryland.

Mr. RASKIN. Mr. Chairman, thank you very much, and, Mr. Brady, thank you, also, for your leadership and for giving me this opportunity to speak as we adopt regulations to require annual anti-sexual-harassment and -discrimination training in Congress for both Members and staff.

As the representatives of the people, we have a unique obligation to lead by establishing a culture of zero tolerance for this egregious

form of discrimination. Although the Speech or Debate Clause provides Members with broad immunity for legislative acts under the Constitution, it can never be interpreted as a license to harass or discriminate against our employees. We are not above the law, and it is important for Members and employees alike to understand our individual rights and responsibilities for the promotion of a healthy workplace environment.

I am pleased that the regulations include the advice of outside experts, who have highlighted the importance of in-person, customized training, with specific workplace examples, to better foster a culture that rejects sexual harassment and discrimination.

Though I can understand that certain district offices may have difficulty obtaining in-person training for their employees in a timely fashion, necessitating a limited exemption for employees whose duty station is not in D.C., it is my hope that the vast majority of Members will adhere to the spirit of these new requirements and seek out in-person, interactive training for all employees, regardless of whether they work for us in Washington or in our district offices.

This is an important start, but mandating annual sexual harassment training is not sufficient. We must continue to examine and reform the dispute resolution processes and ensure that we build a system that promotes accountability, supports victims, and does not exacerbate existing power disparities among Members, supervisors, and staff.

I am eager to continue working with my colleagues on the Committee, as well as Representative Speier, whose ME TOO Congress Act has offered a perfect starting point for crafting more important comprehensive reform legislation. I am confident that we can continue to work together in a continuing bipartisan way.

Mr. Chairman, I thank you for your leadership and hope that we will indeed create model rules for the best workplaces in America. Thank you.

The CHAIRMAN. The gentleman yields back.

The Chair will now recognize the gentlelady from Virginia, Mrs. Comstock, for the purpose of an opening statement.

Mrs. COMSTOCK. Thank you, Mr. Chairman.

I just wanted to thank you for the swiftness with which the Committee has worked on these guidelines, and the staff and all the work they have put into this. And having the climate survey included here also I think is important, because it is something we have talked about in a lot of the hearings that will help us assess the best way to do our training going forward.

So I think it is important that we understand that this process will be adaptive and will be able to incorporate all kinds of good ideas that we get going forward. But I appreciate that we are putting this in place quickly now. And thank you.

The CHAIRMAN. The gentlelady yields back.

I now call up and lay before the committee the resolution issuing regulations pursuant to H. Res. 630.

Without objection, the first reading of the resolution is dispensed with, and the resolution is considered read and open for amendment at any point.

[The resolution follows:]

H. Res. 630***In the House of Representatives, U. S.,****November 29, 2017.**Resolved,***SECTION 1. MANDATORY COMPLETION OF PROGRAM OF TRAIN-
ING IN WORKPLACE RIGHTS AND RESPONSIBIL-
ITIES.**

(a) **REQUIRING TRAINING FOR ALL MEMBERS, OFFI-
CERS, AND EMPLOYEES.—**

(1) **REQUIREMENT.**—Not later than 30 days after the date of the enactment of this resolution, the Committee on House Administration shall issue regulations to provide that, during each session of each Congress, each Member (including each Delegate or Resident Commissioner to the Congress), officer, and employee of the House of Representatives shall complete a program of training in the workplace rights and responsibilities applicable to offices and employees of the House under part A of title II of the Congressional Accountability Act of 1995 (2 U.S.C. 1301 et seq.), including anti-discrimination and anti-harassment training.

(2) INCLUSION OF INTERNS, FELLOWS, AND DETAILEES.—For purposes of this resolution, an individual serving in an office of the House of Representatives as an intern (including an unpaid intern), a participant in a fellowship program, or a detailee from another office of the Federal government shall be considered an employee of the House.

(b) DEADLINE.—

(1) IN GENERAL.—Under the regulations issued by the Committee on House Administration under subsection (a), an individual shall complete the program of training required under subsection (a) and file a certificate of completion of such training not later than—

(A) in the case of an individual who is serving as a Member, officer, or employee of the House as of the first day of a session of Congress, not later than 90 days after the session begins; or

(B) in the case of any other individual, not later than 90 days after the individual first becomes a Member, officer, or employee of the House during the session.

(2) SPECIAL RULE FOR ONE HUNDRED FIFTEENTH CONGRESS.—In the case of the One Hundred Fifteenth Congress, an individual shall complete the program re-

quired under subsection (a) not later than 180 days after the second session of the Congress begins.

(c) **ADDITIONAL MECHANISMS.**—The Committee on House Administration shall consider additional mechanisms to ensure compliance with the training requirement under subsection (a).

**SEC. 2. STATEMENT OF RIGHTS AND PROTECTIONS PROVIDED
TO HOUSE EMPLOYEES UNDER CONGRESSIONAL
ACCOUNTABILITY ACT OF 1995.**

The Committee on House Administration shall issue regulations to provide that each employing office of the House of Representatives shall post in a prominent location in the office (including, in the case of the office of a Member of the House or a Delegate or Resident Commissioner to the Congress, a prominent location in each office in the Member's congressional district) a statement of the rights and protections provided to employees of the House of Representatives under the Congressional Accountability Act of 1995, including the procedures available to employees of the House under such Act for responding to and adjudicating allegations of violations of such rights and protections.

Attest:

Clerk.

Resolved, the Committee on House Administration, pursuant to House Resolution 630, adopts the following as regulations:

Section 1—Training

(A) Type of Training

For purposes of compliance with the “training” requirement of House Resolution 630 of the 115th Congress, “training” must have the following characteristics:

- a. All training must be at least one hour in length and focus on creating a more civil workplace and cover the prevention of harassment, discrimination, retaliation, and how to recognize situations of harassment;
- b. All training must occur in person with a qualified entity listed in subsection (b);
 - i. Definition of “in person”
 - ii. For purposes of this resolution, “in person” means a training where the individual being trained is physically present in the same room as the entity conducting the training.
 - iii. Special Rule for District Office Employees
 - iv. For employees whose duty station is not in Washington, D.C., an interactive webinar or videoconference may constitute in-person training where an in-person training is not offered and available for registration within a reasonable commuting distance.
 - v. The Chairman and Ranking Member of the Committee on House Administration may jointly waive the paragraph (c). Any individual whose training receives a waiver shall be listed in the report produced by the Committee in section 3.
- c. All training must include:
 - i. information regarding the rights of employees
 - ii. options for reporting complaints, including those of a bystander;
 - iii. overview of the dispute resolution process;
 - iv. interactive methods of instruction;
 - v. customized information for the Congressional workplace;
 - vi. a focus on behavior and not labels;
 - vii. examples of subtle and severe situations;
 - viii. a question and answer component, including the ability to ask questions anonymously;
 - ix. a discussion of risk factors for harassment as discussed in the Equal Opportunity Employment Commission’s “Select

- Task Force on the Study of Harassment in the Workplace” June 2016 report as appropriate;
- x. instructions for Members, and managers in the prevention of and response to harassment, discrimination and retaliation; and
- xi. evaluation of training by participants at the conclusion.
- d. All training should include the elements described in the Equal Opportunity Employment Commission’s “Select Task Force on the Study of Harassment in the Workplace” as appropriate.
- (B) Provider of Training to qualify for purposes of House Res. 630
 - a. The Committee shall designate the official provider of training for purposes of compliance with subsection (a).
 - b. The Committee may designate for purposes of paragraph (a) the following entities:
 - i. the Office of House Employment Counsel;
 - ii. the Office of Compliance;
 - iii. the Office of House Employment Counsel and the Office of Compliance jointly; and,
 - iv. Any other entity as designated of the Committee on House Administration.

Section 2 – Certificates

For purposes of compliance with House Resolution 630, individuals shall log a digital or physical certificate with the Committee on House Administration. The Committee may further specify the methods by which a certificate may be logged.

Section 3 – Transparency

The Chairman of the Committee on House Administration shall submit to the House for inclusion in the Congressional record on December 31st of each year (excepting 2017) a report on compliance with the training required under House Resolution 630. The report shall detail any Member or staff who fails to comply with the training requirement under House Resolution 630.

Section 4 – Prominent Place

For purposes of compliance with House Resolution 630, the phrase “prominent place” shall have the same meaning as the posting requirements for Fair Labor Standards Act, Family Medical Leave Act, Occupational Safety and Health Act posters as issued by the Department of Labor.

Section 5 – Climate Survey

"Absent any other intervening provision of public law requiring the development and completion of a climate survey in which the House of Representatives' participation is required within 180 days of the adoption of these regulations, the Chief Administrative Officer, in consultation with the Office of House Employment Counsel, the Office of Compliance, and a group of Members evenly appointed by the

Chairman and Ranking Member of the Committee on House Administration, shall procure and administer a survey of Members of Congress and congressional staff regarding employment discrimination, including a survey of the following:

- (A) The prevalence of violations of part A of Title II of the Congressional Accountability Act of 1995.
- (B) The existence of a hostile work environment in the Congressional workplace.
- (C) Attitudes and perceptions regarding sexual harassment in the Congressional workplace.
- (D) The effectiveness of the Office of Compliance and general awareness of the rights and protections provided to congressional staff and the ability of staff to exercise those rights provided by the Congressional Accountability Act of 1995.

Section 6 – Evaluation

The Committee shall annually review the effectiveness of the training program based upon the feedback of the training participants and consultation with leading experts. The Committee may promulgate additional regulations.

The CHAIRMAN. Is there any debate?

Are there any Members who want to offer an amendment to the resolution?

If not, I move the Committee to adopt the resolution. The question is on the motion.

All those in favor, signify by saying aye.

Opposed, say nay.

In the opinion of the Chair, the ayes have it, and the motion is agreed to.

Without objection, the motion to reconsider is laid upon the table.

For all the matters considered here today, I would ask unanimous consent that the staff be authorized to make technical and conforming changes if necessary.

Without objection, so ordered.

Without objection, the markup is adjourned.

[Whereupon, at 12:36 p.m., the Committee was adjourned.]

