

## Remarks of Rep. Lauren Underwood

House Select Committee on the Modernization of Congress  
Member Day

*Tuesday, March 12, 2019*  
*9:30 a.m., H-313*

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Thank you, Mr. Chairman. I am so glad the new Congress is focusing on making reforms to bring this body into the twenty-first century. I'm also glad to have this opportunity to share my priorities formally at Member Day. This is my first Member Day, and I've already worked with many of the people on this select committee on these issues and am looking forward to continuing to do so.

Congress has been a hostile place for women to work for far too long and modernizing Congress will require us to change that. I'm focused on enacting policies that will help expose and prevent workplace misconduct and harassment in the halls of Congress. I believe this focus impacts multiple areas where this committee has stated their commitment to making improvements: it will help improve staff retention, increase staff diversity and recruitment, and will certainly promote a more modern Congress.

My first legislative success as a freshman came on the very first day of the 116<sup>th</sup> Congress, when the newly-Democratic House passed a rules package that included two amendments that I authored. The first amendment prohibited the use of nondisclosure agreements to silence victims of workplace misconduct. The second amendment prohibited romantic relationships between committee staff and Members who serve on that committee.

Now in some ways, it's shocking, honestly, that these practices weren't banned until two months ago. But I'm pleased that Leader Pelosi, Rep. Speier, and others worked with me to fix that.

However, much more work remains to be done, and I am here today to talk about two other amendments I authored to make Congress more transparent and accountable.

The first amendment is about Ethics Committee reform. Now, this is "Sunshine Week" in the U.S. House. And the Ethics Committee is charged with investigating potential official conduct violations by Members of Congress, including harassment and sexual assault.

Right now, as I understand it, an investigation in the Ethics Committee stops when the Member resigns. So a Member who is credibly accused of, say, pressuring a young female aide to conceive a child with him, is not accountable to the public. Taxpayers paid his salary while the alleged misconduct happened, but then they can't see the Ethics report? It's just not right.

My proposal expands the Ethics Committee's investigatory jurisdiction and required reports. It would allow the Ethics Committee to finalize and release a report on its findings if the report is

substantially completed by the time the Member leaves office. It would also require the Ethics Committee to conclude investigations of a Member who retires, resigns, or is expelled within one year of their leaving office. Lastly, it would require the Ethics Committee to make its report public once it is concluded, while ensuring the victims' identities are protected.

I have been told that the Ethics Committee has some questions about the constitutional issues that arise here, and I am looking forward to working with them to address those and ensure these reports can be made public. This issue is too important to be unaddressed any longer and I do think there is an opportunity for this committee to weigh in.

My second proposal is about a "rape shield" provision. It would bring Congress in line with rape shield laws that were passed as part of the Violence Against Women Act (VAWA) in 1994. With VAWA reauthorization on the floor in the next few weeks, this issue is especially timely.

Rape shield laws are intended to prevent offenders from using a victim's past sexual conduct or relationships against them. We know this information is rarely relevant in the context of investigations. It's *really* irrelevant to fact-finding, and is primarily used to target and intimidate the victim.

Rape shield laws currently apply to civil and criminal proceedings, but they don't apply to congressional proceedings, such as investigations, roundtables, and hearings. It's my opinion that we have to close this loophole here in the House and ensure Congress is finally subject to the same standards that it rightly applied to our court system when the VAWA legislation passed almost a quarter-century ago.

So again, there's an important ethics provision and these rape shield laws that I would encourage the committee to take up and look at. Thank you so much for the opportunity to weigh in.

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