



EXECUTIVE OFFICE OF THE PRESIDENT
OFFICE OF MANAGEMENT AND BUDGET
WASHINGTON, D.C. 20503

November 14, 2022
(House Rules)

STATEMENT OF ADMINISTRATION POLICY

S. 4524 – Speak Out Act

(Sen. Gillibrand, D-NY and 14 cosponsors)

The Administration strongly supports House passage of S. 4524, the Speak Out Act, as passed by the Senate. This bipartisan legislation would prohibit the enforcement of nondisclosure agreements (NDAs) and nondisparagement clauses between employers and employees and independent contractors, and between goods and services providers and consumers, that were in place before a sexual assault or harassment dispute. S. 4524 would enable survivors to speak out about workplace sexual assault and harassment.

Over the past several decades, employers have broadened the use of NDAs and nondisparagement clauses, which can silence survivors, while shielding and allowing perpetrators to continue abusive behavior. Over one-third of the U.S. workforce is bound by NDAs, even as one-in-three women report having faced sexual harassment in the workplace, and members of marginalized and underserved communities, including people of color, low-wage workers and LGBTQI+ individuals, are disproportionately impacted by workplace sexual harassment.

Workers should not be silenced in the face of workplace sexual harassment and assault, or face retaliation for coming forward to report such abuse. Transparency is the best way to hold employers and perpetrators accountable. Prohibiting the use of predispute NDAs and nondisparagement clauses will increase access to justice and make the workplace safer for everyone.

The Administration looks forward to continuing to work with the Congress to advance broader legislation that addresses the range of issues implicated in NDAs and nondisparagement clauses, including those related to discrimination on the basis of race, unfair labor practices, and other violations.

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