

**Congress of the United States**  
**House of Representatives**

COMMITTEE ON OVERSIGHT AND GOVERNMENT REFORM

2157 RAYBURN HOUSE OFFICE BUILDING

WASHINGTON, DC 20515-6143

MAJORITY (202) 225-5074  
MINORITY (202) 225-5051  
<http://oversight.house.gov>

**Opening Statement**  
**Rep. Elijah E. Cummings, Ranking Member**

**Hearing on "EPA Mismanagement II"**  
**July 29, 2015**

Mr. Chairman, thank you for holding this very important hearing today.

First, I want to welcome the whistleblowers who are testifying on our first panel. They have some very troubling allegations. In short, they assert that an EPA official in Region 5 sexually harassed an intern and several other women, that managers in that region tried to cover up this activity, and that they were retaliated against after they tried to expose this wrongdoing.

The three whistleblowers here today are the former heads of the Offices of Human Resources and Civil Rights in Region 5, as well as the Equal Employment Opportunity Manager there.

I want to thank each of them. I know how hard it is to come forward, testify before Congress, and put yourselves out there. Our Committee respects whistleblowers, and we will do everything in our power to ensure that all valid claims are thoroughly investigated and remedied.

Let me also welcome Ms. Kellen. She represents the employees' union, and their core goal is to protect the rights and interests of all hard-working and dedicated employees across the federal government.

Finally, I welcome Administrator McCarthy. Although the activities at issue today happened before she became the EPA Administrator, we are happy she is here, and we thank her for her service.

Sexual harassment is intolerable and has no place in the federal workplace.

That statement may seem obvious, but it is still worth saying. In this case, there seems to be agreement that on March 2, 2011, a little more than four years ago, an intern reported that an environmental scientist in Region 5 had sexually harassed her in that office.

Based on the limited information we have, it appears that managers acted quickly in response to this incident. The Branch Chief notified his supervisor, sought guidance from Human Resource officials, and informed them about a prior incident about seven years earlier.

In turn, the Human Resource officials provided guidance, gave him a draft letter of reprimand, and urged him to move quickly. They met with the individual, who admitted that he had "crossed the line," they issued a notice of proposed removal, and he left the agency in June of that year.

Unfortunately, that was not the end of the story. Our witnesses here today also allege that officials in Region 5 retaliated against them for investigating this matter.

Allegations of whistleblower retaliation are very serious, and they deserve to be fully investigated—and substantiated if they are true—but that has not happened yet.

Essentially, so far we have only one side of the story. Our Committee has not interviewed many of the people involved in this case, we have not requested relevant documents from the agency, and the Inspector General has not investigated these allegations.

Mr. Chairman, in order to respect the rights of all federal employees, I recommend that this Committee either initiate an investigation of these retaliation allegations or that we ask the Inspector General to do so. These whistleblowers deserve their claims to be taken seriously.

Finally, I believe Congress needs to enhance the laws against discrimination and abuse rather than watering them down.

For example, right now, current law does not prohibit sexual harassment or discrimination against unpaid interns or others who are not paid directly by an agency. It appears that some of the victims in this case may have fallen into this category.

In order to close this loophole, yesterday I introduced H.R. 3231, the Federal Intern Protection Act. This is legislation our entire Committee can support, and I hope all of my colleagues will join me in cosponsoring this bill.

In addition, the House of Representatives recently took up my bill, H.R. 1557, the Federal Employees Antidiscrimination Act, which I introduced earlier this year. The House passed this legislation by a resounding, bipartisan, and unanimous vote of 403 to 0. I hope we can work together to press the Senate to act quickly on that bill.

What we should not do, however, is strip away existing federal civil service protections, as some of my colleagues have proposed. That is going in the wrong direction, and I suspect many of our witnesses today will strongly agree with me on that.

Thank you again, Mr. Chairman, for calling this important hearing. I look forward to the testimony of our witnesses.

---

Contact: Jennifer Werner, Communications Director, (202) 226-5181.