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House of Representatives

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H.R. 1557, Federal Employee Antidiscrimination Act of 2015

Statement of Ranking Member Cummings

March 25, 2015

Thank you, Mr. Chairman.

And I thank your staff for working so closely with mine as we developed this legislation.

I also thank Congresswoman Eleanor Holmes Norton for co-sponsoring this bill. Her expertise in equal employment law and her experience administering Equal Employment Opportunity programs are unmatched in the Congress.

Finally, I want to thank Tanya Ward Jordan, Paulette Taylor, and all the members of the Coalition 4 Change – C4C – for their work on this legislation and for their dedication to ending discrimination in federal employment. I thank them also for their work helping federal employees understand their rights and navigate the EEO process.

C4C has written a letter supporting H.R. 1557. The Make it Safe Coalition has also written a letter in support of this measure. I ask unanimous consent that both letters be entered into the record.

Federal EEO programs are critical to ensuring that federal workplaces are free from discrimination, and that any barriers impeding fairness in personnel decisions are identified and eliminated.

These programs are essential to ensuring that our federal workplaces uphold the guarantee of equal opportunity that is the right of every citizen in this nation.

And if discrimination occurs, these programs must be able to investigate and adjudicate employee complaints impartially and in a timely manner. In fiscal year 2012, federal employees and job applicants filed nearly 16,000 complaints alleging they had been the victims of discrimination.

While the vast majority of federal workplaces are in compliance with current EEO requirements, some federal agencies still have not met the standards of a model EEO program set forth by the Equal Employment Opportunity Commission (EEOC).

For example, in 2014, the EEOC issued a report on the Social Security Administration that made 12 findings regarding Social Security's failure to maintain a model EEOC program, ensure efficient management of the various stages of the complaint process, provide uniform training to ensure equal opportunities, and implement effective and efficient anti-harassment policies and procedures. The EEOC made more than 60 recommendations for reform of that one program.

My bill would require that EEO programs operate independently of an agency's human resources or general counsel offices – and that the head of the program report directly to the head of an agency.

This would ensure that effective implementation of the EEO program is prioritized at the highest level of an agency – and that the program is operated with the sole purpose of ensuring equal opportunity for all employees.

H.R. 1557 would also strengthen the accountability mechanisms that are central to the effectiveness of the EEO process.

This legislation would expand the notifications that agencies are required to provide when discrimination is found to have occurred, and it would require agencies to track and report whether such findings have resulted in any disciplinary action.

Finally, the Act would prohibit the use of non-disclosure agreements that restrict an employee from disclosing to Congress, the Office of Special Counsel, or an Inspector General any information that relates to any violation of any law, rule, or regulation, or instance of waste, fraud or abuse.

According to the 2014 Federal Employee Viewpoint Survey, only 60 percent of federal employees agreed that they could, quote, “disclose a suspected violation of any law, rule or regulation without fear of reprisal.”

Employees need to have confidence that they can report an act of discrimination without suffering retaliation – and they need to know that such reports will be thoroughly, fairly, and timely investigated and adjudicated.

The Federal Employee Antidiscrimination Act will strengthen existing requirements to ensure that federal EEO programs meet these standards and that agency management of the EEO process follows the best practices available.

I thank you again for working with me on this legislation. I urge all Members to support it – and I hope we can quickly move it to the floor.

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