

Congress of the United States

House of Representatives

COMMITTEE ON OVERSIGHT AND GOVERNMENT REFORM

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Opening Statement Ranking Member Elijah E. Cummings

Hearing on "Examining Sexual Harassment and Gender Discrimination at the U.S. Department of Agriculture" December 1, 2016

Back in September, when our Committee convened to hear testimony from whistleblowers in the National Park Service, I began by expressing the simple principles that have guided my work on civil rights in the federal workplace over the past two decades.

I will re-state them today: No employee should ever feel afraid to come to work. And no employee should ever fear retaliation if she steps forward to report conduct that makes her feel afraid.

I thank Lesa Donnelly and Denice Rice for their willingness to come forward today. Ms. Donnelly, who worked for the Forest Service from 1978 until her retirement in 2002, now assists others who have experienced sexual harassment and retaliation. Thank you for the important work that you do.

Ms. Rice is a Fire Prevention Technician who has worked for the Forest Service for more than a decade. I know that it has been very difficult for you to come forward today to speak about your experiences, and I deeply appreciate your courage.

For more than 40 years, the Forest Service has repeatedly faced litigation alleging discrimination against female employees. A lawsuit filed in the early 1970s and another lawsuit filed in the mid-1990s each resulted in long-term consent decrees.

Despite the changes required by those consent decrees, we continue to receive disturbing allegations of discrimination and retaliation 40 years after the first lawsuit.

It is long past time for the Forest Service to finally break its toxic cycle of sue, settle, and backslide.

While many steps must be taken to ensure that all Forest Service employees work in an environment free from discrimination and harassment, one critical step must be ensuring that the process of handling EEO complaints is effective and efficient at both the agency and the departmental levels.

Today, we are joined by the Department of Agriculture's Assistant Secretary for Civil Rights, Dr. Joe Leonard. I have known Dr. Leonard for many years, I appreciate his commitment to protecting civil rights, and I thank him for being here today.

As Dr. Leonard knows, I was deeply troubled by a letter that the Office of Special Counsel sent to President Obama in May 2015. This letter was unprecedented, and it was extremely disturbing. It warned President Obama that USDA's civil rights program "has been seriously mismanaged, thereby compromising the civil rights of USDA employees."

It stated that the civil rights office "has an unusually high number of complaints filed against its own leadership." It stated that corrective actions did not "provide sufficient redress for affected individuals." And it recommended that USDA review these cases again "to assess how affected individuals could be made whole."

To follow-up on this troubling letter, I sent a request of my own to USDA—a year ago—seeking information about its management of EEO complaints and its plans for making these employees whole.

Unfortunately, I have been extremely frustrated and disappointed by the response I received from Department officials. They provided some information—that is true—but they did not treat my request with the seriousness I believe it deserved.

This is an extremely important issue to me. And this unprecedented letter to the President of the United States should have spurred the Department to make an overwhelming effort to fully cooperate with my requests and try to get this right. Unfortunately, that is not what happened.

For these reasons, I was pleased that Chairman Chaffetz joined me this month in a new request to USDA from this Committee for data on EEO complaints filed against senior USDA managers, as well as for internal and external reports assessing USDA's handling of EEO complaints.

This is not a Republican issue or a Democratic issue, and it does not matter to me who is in the White House. Without an effective EEO process, we cannot ensure that the civil rights of federal employees are protected.

I will continue to do all that I can to hold every official responsible for the EEO process accountable for investigating and resolving allegations of discrimination in a timely, efficient, and fair manner.

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