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Opening Statement Rep. Elijah E. Cummings, Ranking Member

Hearing on "Department of Energy's Bonneville Power Administration: Discriminating Against Veterans and Retaliating Against Whistleblowers"

August 1, 2013

Thank you, Mr. Chairman. Today, we will be discussing a preliminary Management Alert issued by the Inspector General of the Department of Energy on July 16 relating to the Bonneville Power Administration (BPA).

For those not familiar with BPA, it is a unit of the Department of Energy based in Portland, Oregon that is self-funded and receives no appropriation. It has approximately 3,100 employees, with no political appointees, and it supplies electricity from hydro and other types of power plants to western states, including California, Idaho, Nevada, Oregon, Utah, Washington, Wyoming, and parts of Montana.

The IG's Alert covers two major allegations. First, it finds that BPA "engaged in prohibited personnel practices" from November 2010 to June 2012. Specifically, the Alert states that BPA's actions "resulted in the inappropriate exclusion of veterans and other applicants from consideration for selection."

The second major allegation is that BPA "initiated questionable adverse personnel actions" against employees who raised concerns about hiring problems with the IG and others. The IG Alert says this: "While we are not in a position at this point to conclude that the actions taken thus far are retaliatory in nature, we are deeply concerned."

I am also very concerned. We are fighting a war that has lasted more than a dozen years. American soldiers are arriving home every day, and they face common worries. How will I support myself when I take off these fatigues? How will I support my family when I hang up these boots?

For their service and sacrifice, words of thanks from a grateful nation are not nearly enough. We need to continue moving service members from our armed forces to our work forces as seamlessly as possible.

In addition, our Committee in particular takes very seriously its role in protecting whistleblowers. I do not want to get ahead of the evidence or the IG's investigation, and I understand that there have not been any findings of retaliation, but we have to treat these allegations carefully, responsibly, and thoroughly.

If allegations of discrimination against veterans or retaliation against whistleblowers prove true, those responsible must be held accountable for their actions.

Despite these troubling allegations, I am encouraged with the proactive nature of the IG's investigation and the very swift response of the Department of Energy.

The IG made two preliminary recommendations in the Alert while they continue the investigation. First, they recommended that all ongoing disciplinary actions against BPA staff be suspended until the IG completes its work and issues its final results. Second, they recommended that any employees facing removal or suspension be temporarily restored to their positions.

In response, the Department not only implemented these recommendations, but took a number of additional steps to aggressively address these issues. The Deputy Secretary named a new Acting Administrator of BPA, instructed the new Administrator to immediately direct all employees to fully cooperate with the IG, initiated an immediate review of BPA management, and suspended all adverse personnel actions pending further review.

Let me read the IG's very positive assessment of the Department's actions to date:

[T]he Department expressed its concurrence with the facts presented, the conclusions reached and the recommendations provided in this Management Alert. Notably, the Department initiated immediate corrective actions which were fully responsive to our findings and recommendations.

Finally, I understand the limitations of today's hearing. The IG's conclusions are preliminary, the IG has made it clear that the investigation is ongoing, and we will look forward to a final report when the investigation concludes. Also, because we do not have final conclusions, we understand that today's witnesses may not be able to discuss some issues due to Privacy Act and other constraints.

With that, I thank the witnesses for their participation in today's hearing, and I look forward to their testimony.

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