

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>

Ranking Member Elijah E. Cummings
House Committee on Oversight and Government Reform
Statement for the Record in Support of H.R. 702, the Federal Employee Antidiscrimination
Act of 2017
July 11, 2017

I rise today in strong support of H.R. 702, the Federal Employee Antidiscrimination Act of 2017, as amended.

I thank all of the bill's co-sponsors, including Representatives Norton, Sensenbrenner and Jackson-Lee, for working with me on this measure and for their commitment to strengthening federal Equal Employment Opportunity (EEO) programs.

I also thank Tanya Ward Jordan, Paulette Taylor, and all the members of the Coalition 4 Change (C4C) for their years of work on this measure and their perseverance.

H.R. 702 is essentially identical to H.R. 1557, which was considered in the last Congress. That legislation passed the House by a vote of 403 – 0. However, the bill did not pass the Senate before the end of the 114th Congress. I am hopeful that this year, we can finally get this measure over the finish line and to the President's desk for signature.

I authored H.R. 702 to make long-overdue reforms of federal EEO programs to ensure that they are better able to protect the rights of federal employees and applicants for federal employment.

Federal EEO programs exist to uphold the guarantee of equal opportunity that is the right of every citizen in this nation and to ensure that any barriers impeding fairness in personnel decisions are identified and eliminated.

While the vast majority of federal workplaces comply 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 (SSA) that made 12 findings regarding SSA's failure to maintain a model EEOC program,

ensure efficient management 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 alone.

Last year, bi-partisan investigations conducted by the Committee on Oversight and Government Reform of the National Park Service and the U.S. Forest Service found significant deficiencies in both agencies' EEO programs.

At both agencies, employees suffered when their complaints of discrimination were not handled in a fair and timely manner. Employees were also harmed by agencies' failure to safeguard complainants' personal information.

To help end these failings, 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 reports 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 it operates with the sole purpose of ensuring equal opportunity for all employees.

H.R. 702 would also strengthen the accountability mechanisms that are central to the effectiveness of the EEO process.

Further, H.R. 702 would make clear that agencies cannot impose any nondisclosure agreement on federal employees to prohibit employees from disclosing fraud or illegal actions to Congress, the Office of Special Counsel (OSC), or an Inspector General.

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.”

The Federal Employee Antidiscrimination Act would help ensure that federal employees can report discrimination without suffering retaliation – and that such reports will be thoroughly and fairly investigated and adjudicated in a timely manner.

Finally, as I close, I want to address some of the issues that arose during consideration of this measure in the Senate Homeland Security Committee last year.

I want to be crystal clear that I believe that supervisors who engage in discriminatory or retaliatory action must be held accountable.

However, this can be accomplished without curtailing any existing due process rights for federal employees and I will continue to oppose all efforts to roll back any due process right.

I urge all Members to support H.R. 702 – and I hope that in this Congress, we can finally enact this measure into law.

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