

**“VA’S HR OFFICE: DID LEADERS IGNORE
AND PERPETRATE SEXUAL HARASSMENT?”**

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BEFORE THE
COMMITTEE ON VETERANS’ AFFAIRS
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SECOND SESSION

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“VA’S HR OFFICE: DID LEADERS IGNORE AND PERPETRATE SEXUAL HARASSMENT?”

WEDNESDAY, FEBRUARY 14, 2024

COMMITTEE ON VETERANS’ AFFAIRS,
U.S. HOUSE OF REPRESENTATIVES,
Washington, D.C.

The committee met, pursuant to notice, at 10:38 a.m., in room 360, Cannon House Office Building, Hon. Mike Bost (chairman of the committee) presiding.

Present: Representatives Bost, Bergman, Rosendale, Miller-Meeks, Murphy, Franklin, Van Orden, Luttrell, Ciscomani, Crane, Self, Kiggans, Takano, Brownley, Levin, Pappas, Mrvan, Cherfilus-McCormick, Deluzio, McGarvey, Ramirez, Landsman, and Budzinski.

OPENING STATEMENT OF MIKE BOST, CHAIRMAN

The CHAIRMAN. Good morning. The committee will come to order.

Last month, I presented the committee’s initial investigation into allegations of sexual harassment and misconduct within the VA Office of Resolution, Management, Diversity, and Inclusion (ORMDI), the office that has been charged with creating a VA free of harassment in all forms. Since last month’s hearing, my staff has received further evidence as well as testimony from the brave whistleblowers which have exposed this office for what it is, a broken organization that has been poisoned with the toxic culture of bad leaders.

Over the last few weeks, majority and minority staff conducted over 10 hours of transcript interviews with whistleblowers. The whistleblowers are not testifying here today in order to protect their identities and because many of them still fear retaliation by VA leaders. This fear is so real that the reason why we just went into executive session was so that the members of this committee could hear a recording submitted by one of our brave whistleblowers. We did this in executive session for the first time in at least 17 years to protect the identity as they are fearful for their career. However, I am going to share some of the other whistleblowers’ words today so that American people can hear their stories.

Now please look at the quotes on the screen.

“I have been in this field for years and to see this happen to an organization that should be protecting people from it, they do not adhere to the law. It is a sexual promiscuous environment. Things are allowed that are not even allowed at other organizations, but it is allowed here.”

As you can see, this is an organization that has completely lost trust of over 300,000 VA employees they are supposed to protect.

Two weeks ago, VA sent the committee the result of their Internal Office of Accountability and Whistleblower Protection (OAWP) investigation. I will start by saying that I appreciate VA sharing this report and additional documents with the committee. I am also pleased that Mr. Gipe from the VA OAWP office is here today to speak about the report.

The findings of the report are damning, disturbing, and frankly despicable. The report confirms much of what the whistleblowers shared with us, that VA ORMDI office is full of misconduct to the highest degree. This is unacceptable, but honestly not surprising given what the committee has continued to uncover. For months, these whistleblowers have told the committee how their leaders have failed them.

I quote, "I sent in a complaint against Mr. Archie Davis to the Secretary. I felt that if I did not go to the very top that Harvey and Archie being in the position of power being—I felt like it was not going to go anywhere. I felt like my voice was not going to be heard."

I ask you to read what the whistleblower told the committee and try to put yourself in their shoes. The whistleblower reached out to the Secretary himself because they felt like their voice was not being heard.

This tragic story gets worse. The Secretary is going to tell us in a few minutes that he does not recall the email, but acknowledges that he forwarded it to VA lawyers, also somehow remembered to send it to the U.S. Postal Service, who reviewed allegations of harassment on ORMDI. It strains reasonableness that he remembered to send the email to one entity outside of the organization, but failed to remember the contents of the email, which included many of the graphic text messages members of this committee have already seen. He is going to say that he does not recall seeing the letter I sent him on September 29.

This whistleblower filed the complaint. That was not enough. Had a chairman's letter written on their behalf. That was not enough. Contacted the Secretary himself. That was not enough.

Mr. Secretary, the buck stops with you, right? I hope in your testimony you will explain why a chairman's letter and the whistleblower's contact to you directly was not enough to get your attention.

Throughout the investigation, the whistleblowers have also told me about hostile and toxic work environments they experienced at VA's ORMDI office. I quote, "Archie would always tell me a person never wants to get on his bad side because once you get on his bad side, you will feel the wrath."

Members, imagine how powerless it must feel to be treated like that and then be ignored when you speak up. Some of you know exactly how this feels.

The whistleblowers have told us about the harassment they experienced and their fear of retaliation. One whistleblower commented, how, and I quote, "Archie would always try to persuade me with money. Archie even asked me one time, what is wrong with you? I am trying to offer to buy you this, that, and the other.

I am trying to offer to fly you to D.C. and you just keep saying no. Any other woman would have taken me up on it. What is wrong with you? I would state to him, there is nothing wrong with me.”

How broken and dysfunctional does an organization need to be to allow a senior supervisor to continue this behavior?

The internal VA investigation report confirmed most of the major allegations against senior VA ORMDI leaders that I personally had informed Secretary McDonough about in my letter in September. These include employees engaging in inappropriate personal relationships with subordinate employees, engaging in inappropriate conduct of a sexual nature, failing to initiate an investigation into sexual harassment allegations, failing to take prompt and appropriate action when notified of allegations that a chief of staff was harassing and potentially threatening employees. Frankly, I would be stunned if anyone who had seen the evidence and listened to these whistleblowers thought differently, but apparently they did.

We all remember the text messages that were provided to this committee and how disgusting and graphic they were. Later you see how VAHR’s top brass, Ms. Gina Grasso, dismissed them.

The OAWP report also made several recommendations on how VA should address this misconduct. The jury is still out on whether this administration and the VA will follow these recommendations with action.

I want the witnesses to listen carefully when I say this. I will be paying close attention to what VA does with these recommendations and even more closely to how long it takes this administration to act.

Now, unfortunately, I think we all see how a broken civil service system deters good employees from reporting misconduct and delays justice for those who committed it. If the average American did half of these inappropriate actions outlined in this report, they would face severe consequences at 99 percent of businesses around this country.

I also doubt that, unlike the accused, few Americans would be allowed to continue to collect high six-figure, taxpayer-funded salaries while their case was reviewed by an endless appeals system. Even fewer would then be allowed to retire with a hefty pension, but they will.

It is troubling that VA did not start the investigation of the most serious sexual harassment allegations until 45 days after I personally informed the Secretary. It is inexcusable for the Department to delay addressing the broken and toxic situation within ORMDI any longer.

On September 29, I informed Secretary McDonough about the allegations against Mr. Harvey Johnson, Mr. Archie Davis, and Mr. Gary Richardson. Former VA HR Assistant Secretary Gina Grasso refused to testify today, announced her—who refused to testify today, announced her resignation November 14. This was the day after I called the Secretary and the VA suddenly decided it was a good idea to look into this and reassign the accused.

Ms. Grasso oversaw Mr. Johnson and the ORMDI office for over 2 years. Four days after her resignation was official, VA wrote to me that Ms. Grasso had known about these allegations since Octo-

ber 2. Once Ms. Grasso was out the door, VA was happy to tell us when she knew about the allegations, no subpoena required.

In their report, OAWP quoted her explanation as to why it took so long for her to do anything. I quote, "There were so many complaints at once, and it took time to figure out who was the griever, and it is several things on my plate—on the plate. I do not think I have any other great explanation, honestly."

Simply having other things to do is not an acceptable reason for delaying acting on this issue. To me, it is just lazy.

Additionally, Ms. Grasso made the following comment about the harassing text messages sent by Mr. Davis in her testimony to OAWP. I quote, "The employee was feeling harassed, but she was continuing to text him. That is kind of weird, but it does not mean it is okay. I am not saying that at all."

Clearly, Ms. Grasso did not take the referenced whistleblower's concerns seriously.

Since the whistleblowers are not here to respond for themselves, here is what one of the whistleblowers told committee staff about how they dealt with Mr. Davis' harassment. I quote, "The answer was, you know, I handled Archie differently than I would anyone else with a hard no. You know, anyone else I would not care how they took it, how they felt. That was my soft no to let him down easy in my mind."

The question was, "Okay."

Then the answer, "In my mind?"

Question, "Sorry, I was just going to say you wanted to use a soft no because, again, you were afraid of what would happen if you were more forceful, right?"

The answer, "Absolutely."

The whistleblower was afraid and felt trapped.

When further explaining what it was like being subject to workplace harassment, one whistleblower made the following comment, and I quote, "I was fearful to cross him, fearful of retaliation at this point. Okay. He is the chief of staff. He is in a position of power. Who is going to believe me?"

The whistleblower's words say it all. The whistleblower was afraid and felt trapped. Yet Ms. Grasso and every senior leader was aware of these allegations, did nothing. They turned their backs. They failed to act. I repeat my previous comments that as the father of daughters, this blatant dereliction of duty makes me sick.

Further, VA has so far failed to fully comply with the subpoenas this committee provided—committee approved by a vote of 22 to 1. Until VA stops defying congressional authority, we will not know exactly which senior leaders knew about these allegations, when they knew it, and why they failed to act.

I want you all to read this quote from one of the whistleblowers. "Human Resources and Administration (HR&A) took a blind eye. They turned their head because of these relationships that they had with each other. Things were allowed to be done that should not have been done. They all knew each other, either in the military the Army, the Pentagon, Gina Grasso, Mr. Mayo, and Harvey Johnson all worked together in the Pentagon. They had this friend-

ship, this alliance. Even if you complained, they were not going to do anything.”

This is the environment that drove this whistleblower to this committee for help. This is the environment that our veterans are being served by. The very office that is supposed to stop sexual harassment was full of sexual harassment.

I want you to read one final quote from one of the whistleblowers. “I never thought that all these years, even in the military, I have seen a lot, I have never been in this situation myself. It is always things happening to other people. I never thought I would be in the hot seat.”

Every level of the VA failed these whistleblowers. As long as I am chairman, this committee will not fail them. Let me say that again. We will not fail them.

I am disappointed that Ms. Grasso and Mr. Johnson have failed to testify today and provide their side of the story. I am disappointed that the VA yet again submitted their judgment over mine and did not send all the witnesses I invited to appear today. This administration can ignore these whistleblowers, partially ignore our subpoenas, send people here to testify who just got on the job less than 4 weeks ago, and try to hide and protect those who knew what happened. We will find the truth no matter how long it takes. We are going to continue to demand answers from the Department, pursue this investigation as far as it goes.

Now I appreciate the documents VA provided to the committee, but I fear there are too many questions that will remain unanswered after today’s hearing. One of the documents that was provided to us did, however, expose some serious allegations that will be addressed.

On the screen you will see an email from Ms. Grasso to Secretary McDonough on October 29 stating she was sorry for not meeting the appropriate standards and thanking him for allowing her to have a gracious departure from VA. I hope the Secretary can explain what she meant by that and why she was thanking him for her gracious departure.

Emails over the next few days show that the Secretary is working to provide a soft landing for Ms. Grasso. He even offered to be very disciplined in “how I talk about this and how other senior leaders talk about your service at VA.” I hope the Secretary has a good explanation of why Ms. Grasso announced her resignation the day after I called him about these accusations, but I imagine he will be very disciplined.

This type of behavior by senior leaders is a sharp contrast to the Secretary’s annual statement to VA’s workforce where he has encouraged employees to come forward if they see or hear about harassment. Review this one from last year where the Secretary stated that when sexual harassment is ignored, it can encourage such conduct to continue. This seems very appropriate for the situation he now appears to find himself in.

Secretary McDonough is going to tell this committee that he has no independent recollection of these sexual harassment allegations until I raised them with him on November 13. If that is true, it is a sorry excuse. Why did he not take action to protect these brave whistleblowers sooner?

If he really does not remember learning about these allegations, then there is someone on his staff who does. If they do, why are they still on the staff? Why does it appear that he was more interested in Ms. Grasso's future than the safety of the employees?

Why did he and other VA officials only move the accused senior leader to different position pending an investigation, and did not do that until the day after I made the allegations public? Why does the Secretary and the VA say they do not tolerate sexual harassment when the evidence we have says the opposite?

Put it simply, Secretary McDonough owes this committee answers to the following basic questions. One, what did he know? Two, when did he know it? Why on Earth did he or anyone on senior leadership team not act sooner?

It is good that the Secretary McDonough is here to answer these and other serious questions about his conduct. However, if the goal is to be transparent and build trust with this committee, we should not have received his testimony late last night, filed with the lawyer with phrases like "no independent recollection."

The questions I have are not political in nature. Now, let me say that again. The questions I have are not political in nature. This does not have to do with politics. They are questions about one's judgment, morals, and their duty to do what is right even when no one is looking. That is what I mean and that is what it means to be a leader. Nothing more, nothing less. That is the level of trust that veterans expect from us.

I also have questions about when other senior leaders at VA knew about these allegations and why the entire chain of command did nothing to stop them. If the Secretary does not remember reading these allegations, I hope someone does. This is an important question outside of this Secretary's testimony because well after he is gone, after I am gone, after every one of you are gone, we must ensure that our legacy is that no one who tolerates sexual harassment or sexually harasses should be serving our veterans, period.

I was planning on holding a business meeting after this hearing to consider a subpoena resolution. The resolution would require senior VA leaders, including the committee's ORMDI investigation, to appear for transcript interviews with the committee. In November and December, I wrote the Secretary to request these interviews. After stonewalling for a while, VA asked that I wait until their initial investigation was complete. I did, and I agreed because VA committed to two important things. First, to send me the results of the investigation, which we have got; and second, after I review the report, I could decide if I wanted to move forward with interviews.

As I said before, serious questions still remain about when senior leaders knew about these allegations and what they did about them. I repeated my request for transcribed interviews for a third time. I appreciate the Secretary, through one of the lawyers, informed me yesterday afternoon that he would make VA officials available for interview with the committee. It is disappointing that it took multiple letters and months of waiting. Nevertheless, this is a positive step.

However, Mr. Secretary, your staff has not specifically agreed to any of the interviews or individuals I have requested by name as

of yet. Until you do so, I will still remain kind of skeptical here. The Department does not get to pick and choose when they comply to Congress' oversight, full stop.

With that, I recognize Ranking Member Takano for his opening comments.

OPENING STATEMENT OF MARK TAKANO, RANKING MEMBER

Mr. TAKANO. Well, thank you, Mr. Chairman. Welcome, Mr. Secretary. I am pleased that you joined us today to offer insight into how this investigation was handled at the highest level of VA and where VA will go from here under your leadership. Accountability starts and ends with you, and I look forward to working with you to ensure that VA is a welcoming, harassment-free environment for employees and veterans alike.

It is unfortunate that my majority colleagues continue intentionally to mislead the public on the allegations and findings of this investigation. The inherent tension of sensitive and personal circumstances such as these is that people tend to look at the situation from their own perspective, from their own corner, and can only see what is in their view. The Office of Accountability and Whistleblower Protection has a responsibility to look at the full scope of evidence and to provide objectivity to claims to identify the facts. OAWP fulfilled that duty. My staff independently came to similar conclusions as OAWP based on the hundreds of thousands of pages of evidence reviewed, and I am going to walk through those findings.

The evidence supports that there were two VA supervisors who engaged in inappropriate conduct with subordinate employees. I will repeat that again. The evidence supports that there were two VA supervisors who engaged in inappropriate conduct with supported employees.

The evidence supports that four VA supervisors failed to take prompt and appropriate action to address claims of misconduct. OAWP recommended discipline and additional training for those supervisors. This type of misconduct can never be tolerated in an organization, and VA must do everything they can to restore employee confidence and morale at ORMDI.

Now, while OAWP substantiated some very serious allegations brought forth in this investigation, it was unable to corroborate a number of serious claims about the overall climate at ORMDI. The evidence does not support that there is a culture of ORMDI leadership purposefully ignoring claims of harassment. The evidence does not support that supervisors retaliated against employees for turning down sexual advances. The evidence does not support that ORMDI's senior leaders engaged in waste, mismanagement, or perjury. Finally, the evidence does not support the existence of, to use the majority's phrase, a systemic sexual cesspool at ORMDI.

The conspiracy that the majority has pushed is not reflective of reality. It is not reflective of the facts. Facts do matter. Nothing is more important than the truth. My colleagues across the aisle are either being intentionally reckless and cavalier with the truth or willfully blind as they continue to push their narrative of widespread misconduct at ORMDI.

The speech and debate clause may insulate my colleagues from the accountability for the lies and half-truths that they continue to spread about this investigation. The lives and reputations that they have ruined should weigh heavily on their consciences.

This investigation uncovered troubling allegations of nepotism, tampering with congressionally mandated reports, and actions by some employees who may not be contributing to the mission of ORMDI. I am requesting the Department investigate these claims more fully.

Mr. Chairman, I am asking that you commit to working with me, to request documents that will further the committee's investigations into these claims. We will proceed to examine allegations of nepotism, tampering with congressionally mandated reports, and actions by some employees who may not be contributing to the mission of ORMDI, as what I hear the chairman agreeing to also investigate.

I hope that the chairman will also pivot this committee back to its core responsibilities of conducting oversight and legislating when the issues warrant policy changes. Intertwined in this investigation of misconduct is a structural issue that we and Congress created for VA that has caused some lower level employees to be concerned that VA is not complying with the law. The situation is more nuanced than that.

When we passed the Cleland-Dole Act, a part of the consolidated appropriations bill in late 2022, we included a provision that was in direct conflict with the Elijah Cummings Act, which was signed into law 2 years prior. We need to work with VA to address this error so that ORMDI can be aligned in a manner that is most effective to fulfill its mission.

There are other steps this committee should take to ensure that, A, misconduct is prevented at VA; and B, in the unfortunate circumstances when misconduct does occur, that employees and supervisors know and trust the process to report that misconduct and seek redress. Congressman Pappas' H.R. 6531, the Training VA Employees Act, would enable just that. Though this bill faced almost unanimous Republican opposition when offered as an amendment at last year's full committee markup, it has the co-sponsorship of every Democrat on this committee. I urge my colleagues across the aisle to join us in making this important bill law.

Last month, this committee issued a subpoena for the first time in nearly 8 years. The committee compelled the production of documents despite the fact that VA was already producing documents. The committee has received over a terabyte of information from VA. Yet I was confused to see a press release from the chairman last week stating that VA has not complied with the subpoena. I do not in any way agree with that assertion. It is my belief that VA has acted in good faith and has provided information at a reasonable pace.

This committee is not a courtroom. We are not judges nor are we juries. Oversight in this committee is not a trial. Oversight is the examination of facts and policies. It is the consideration of what is working and what is not working. In the case of this committee, it is the assessment of what is working for veterans.

That is the framing I will employ today as I listen to the testimony and consider the evidence before us. I invite all of my colleagues to do the same.

Mr. Chairman, I yield back.

The CHAIRMAN. I thank the ranking member for yielding back.

In regards to the ranking member's statement that I am misleading the public, let me read from the report itself. When you said no evidence of widespread sexual harassment, the OAWP's report, the actual quote is, "The mountain of evidence and testimony revealed an office replete with misconduct, including misconduct by organized leaders, which spawned an environment which inappropriate conduct was rampant." That is the report and exactly as the report is written.

Also, when questioning whether we have received, even in the testimony that the Secretary is going to give, he will say that not all of the things that we required in the subpoena have yet been delivered.

With that, we do, and I want to thank the Secretary for being here today. On our first panel, we have the Secretary, Hon. Denis McDonough, Secretary of the Veterans Affairs. Mr. Secretary, will the witness please stand and raise his right hand?

[Witness sworn.]

The CHAIRMAN. Thank you, Mr. Secretary. Let the record reflect the witness answered in the affirmative.

Mr. Secretary, you are recognized for 5 minutes for your opening statement. Thank you.

STATEMENT OF DENIS MCDONOUGH

Mr. MCDONOUGH. Good morning, Mr. Chairman, Ranking Member, distinguished members of the committee. Thank you so much for the invitation to be here today. I am going to jump over several paragraphs to just get to the meat of the issue here because we obviously have some issues.

I understand, Mr. Chairman, and, as you know, I am sympathetic to the view expressed by you and others that the VA took too long to respond to your September 29, 2023, letter about allegations of misconduct at ORMDI. You invited me here this morning to discuss the Department's response to that letter, and I welcome the opportunity to do so.

VA's success as a team depends on how we treat each other. That means every person at VA, every person entering a VA facility must feel safe. It means that every VA employee must have a workplace free of harassment and discrimination. I take this issue very seriously. I want to be crystal clear, VA does not tolerate sexual harassment. My unwavering commitment is to ensure that every employee works in a safe, welcoming, and harassment-free environment.

Recently, ORMDI fell short of that. I assure veterans and this committee that we have treated these allegations of wrongdoing with seriousness. The 125-page OAWP report demonstrates that we moved aggressively to investigate. VA will take appropriate disciplinary action in response to this investigation, as Assistant Secretary Law will describe more fully in reaction to these learnings from ORMDI, VA is strengthening its policies, procedures, per-

sonnel training, and structure to improve its handling of sexual harassment allegations and help eliminate sexual harassment in the future.

Mr. Chairman, you will recall on November 13, we spoke by phone. You raised with me your concerns about allegations of misconduct at ORMDI. In that telephone call, you also mentioned that you had sent a letter to me on September 29 about allegations of sexual harassment and misconduct at ORMDI and expressed dismay that VA had not yet responded to that letter.

As I told you during that conversation, I had no knowledge of having received it. It remains true today. I have no independent recollection of reading the letter or being aware of ORMDI allegations before our telephone conversation. Consequently, the following timeline of events is based on the research my staff has conducted and not on my personal knowledge.

As is standard procedure with most congressional letters, your September 29 letter was received by the Office of congressional Legislative Affairs and forwarded to the VA Executive Secretary. There, it was assigned to the relevant VA organization responsible for the subject of the letter, in this case, HR&A, because, as you have stated, the allegations of sexual harassment in the ORMDI group itself fall squarely within HR&A's purview.

After receiving your letter, HR&A personnel began drafting a response focusing on addressing the eight questions in your letter, including what government policies and regulations govern VA supervisor-subordinate relationships or prohibit use of personal communications devices for official business, how many claims of sexual harassment within ORMDI had been brought, and how many Administrative Investigation Boards (AIB)s or fact-findings had been conducted involving ORMDI leadership. Unfortunately, HR&A did not take any significant action beyond compiling information to draft a response.

Weeks later, your September 29 letter was placed in background materials that are made available in my daily briefing book, which includes a tab for letters from Congress. However, because of the large volume of materials that I have provided every day, including numerous letters from Congress, Federal partners, state officials, Veterans Service Organizations (VSO)s, unions, and the like, I often do not get a chance to review all those background materials. I have no recollection of having received or reviewed a September 29 letter until you raised it with me on our November 13 phone call. It also appears that on October 17, I received emails from an employee raising allegations of sexual harassment at ORMDI. I forwarded these allegations to our acting general counsel since it involved a pending Equal Employment Opportunity (EEO) action and copied two EEO-related addresses at the U.S. Postal Service. That is to say, the incoming copied those two addresses, I did not copy.

A few days later, the acting general counsel confirmed to me that his attorneys were working with HR&A to address the allegations. Although the documentary record shows that I forward this employee's email to legal counsel, I have no independent recollection of evidence. After the October 17, 2023, emails, there seemed to be considerable activity within ORMDI and HR&A regarding the allegation.

A series of discussions and meetings are detailed in pages 54 through 58 of the OAWP report. According to the report, during this time, HR&A and ORMDI leadership began discussing detailing Davis out or convening an AIB to investigate the allegations. Former Assistant Secretary Grosso noted in her OAWP testimony that it was difficult to find an appropriate official to conduct the AIB investigation. The detailing of employees and establishment of the AIB did not occur until November 13, 2023.

I am disappointed that HR&A did not move with more alacrity in detailing out the alleged bad actors and launching an investigation of the alleged misconduct. I also regret that I do not recall seeing your September 29 letter. However, must be said that I took to heart concerns you expressed in our November 13 call.

We have moved with dispatch to address these concerns and to respond to the committee investigation and since that call. I am firmly committed to ensuring that department processes congressional letters more efficiently, effectively going forward.

Now, the committee also appears to be interested in the sequence of events leading to former Assistant Secretary Grasso's resignation. During September, I would come to the decision that we needed a change in leadership at HR&A. Operations, Security, and Preparedness (OSP) had begun planning for Ms. Grasso's departure. At that time, I was unaware of the allegations involving ORMDI.

At the end of the planning process, I had a conversation with Ms. Grosso and later exchanged emails with her on October 29 and 30 about scheduling her departure and how I would characterize it. As noted, I was not aware of the September 29 letter or any ORMDI allegations until you, Mr. Chairman, brought them personally to my attention in November.

Although I had decided a change of leadership was needed, I would like to emphasize that Ms. Grosso had a distinguished career of public service. She served honorably for 32 years in the United States Air Force, from which she retired as lieutenant general and as the first female personnel chief in Air Force history. During her career, she also served as the chair of the Army and Air Force Exchange Services Board of Directors and chair of the Commissary Agency's board. Command positions include first Department of Defense (DOD) tri-service base at Joint Base Maguire-Dix-Lakehurst. I appreciate her service.

With that, I yield to your question.

[THE PREPARED STATEMENT OF DENIS McDONOUGH APPEARS IN THE APPENDIX]

The CHAIRMAN. Thank you for your testimony, and we will proceed to questions. I will recognize myself before the ranking member, knowing and understanding for as much time as I may consume, but I will give you equal time, and then we will go to 5 minutes after that for the members.

Mr. Secretary, so when did you first become aware of the sexual harassment allegations there that we are discussing today?

Mr. McDONOUGH. As I just testified in our phone call.

The CHAIRMAN. Say that again. I am sorry.

Mr. McDONOUGH. As I just testified in our phone call.

The CHAIRMAN. Okay. Who puts your briefings binder together?

Mr. McDONOUGH. My front office staff.

The CHAIRMAN. I sent you the allegations in that letter on September 29. When that letter was put into your briefing book, you were very specific with many dates in your testimony, but not this one. Do you know what date that letter was put in?

Mr. McDONOUGH. I do not know specifically. It is 17 or 18 October.

The CHAIRMAN. Okay. You also said in your testimony that the reasons you do not remember my letter is that you often do not review all the background material in your briefing book. A chairman's letter, is that considered background material?

Mr. McDONOUGH. No, it is important, it is an important document.

The CHAIRMAN. Does your staff understand that?

Mr. McDONOUGH. Well, yes. We have, you know, we have updated our processes now to ensure that they do.

The CHAIRMAN. How much of your briefing book do you typically read? You know, I mean, I am sure it is huge, but.

Mr. McDONOUGH. I typically read the whole thing, but I do not read the letters tab every day. I have just ignored it.

The CHAIRMAN. If one of your subordinates receives allegation of sexual harassment and did not act on them and then told you they did not—they do not have an independent recollection of seeing them, how would you consider that excuse?

Mr. McDONOUGH. You know, it is a hypothetical. I am not sure I really follow it.

The CHAIRMAN. Well, I am concerned because our job of oversight, you see the frustration we are feeling. We send a letter. I mean, you and I send a lot of letters back and forth. We really do. But for not having a staff say, okay, this is dead serious. You know, it is one thing if we are talking about—this is the issue that has been given testimony after testimony after testimony on how we would not do this. Yet your staff did not say, Mr. Secretary, this letter from the chairman is—and that is just me commenting. You do not have to comment on that.

Mr. McDONOUGH. Well, look, Mr. Chairman, it is my responsibility to have seen the letter when it was presented, and I regret that, obviously. You and I talk all the time by phone, by text.

The CHAIRMAN. Sure, we do.

Mr. McDONOUGH. We do exchange letters. I take that very seriously.

The CHAIRMAN. When did the whistleblower contact you with the evidence of sexual harassment?

Mr. McDONOUGH. I received a text on either October 17 or 18. I forget the date.

The CHAIRMAN. Okay. It was text?

Mr. McDONOUGH. I am sorry, an email.

The CHAIRMAN. Email, Okay. Did you look at the evidence right then?

Mr. McDONOUGH. I did not look at the attachment, no. It would be fairly standard for me to not click on an attachment of a document I was not expecting inasmuch as that is how malware travels.

The CHAIRMAN. All the graphic stuff that we saw here that, like I said, that we became so disgusted with, that was in there, but you did not open it?

Mr. McDONOUGH. It was an attachment. I have subsequently read a set of documents, I assume to this day, but I do not know, that that is what was attached to that email. You characterize it to me on the phone.

The CHAIRMAN. On what date did your office respond to the whistleblower and what did they tell them?

Mr. McDONOUGH. I do not have an answer on the response to the whistle—I do not—first of all, this was an employee. To this day, I do not know who the whistleblower is, and I am not seeking to find out. What I heard from this employee, I do not—I cannot record to you today precisely what was communicated back to that employee.

The CHAIRMAN. Okay. From what we have in our possession, on November 2, one of the staff emailed and said they would follow up on this particular email.

Mr. McDONOUGH. Oh, email to the employee?

The CHAIRMAN. To the employee, yes. Then, obviously, the answer for my next question would be, you do not know because I was going to ask, do you remember if anyone followed up and you would not know?

Mr. McDONOUGH. I was assured that our team was working the issue.

The CHAIRMAN. Okay. According to the whistleblower, there was no follow up. My suggestion, because my next question was, why did not your office follow up, my suggestion would be that you find out why and make sure that—this is so serious and you know that, and that is why this continues to be the question.

In your written testimony, you wrote that you copied the Postal Service. Your verbal testimony contradicted it. Can you clarify that for me? Which way did it go? I mean, you forwarded it, but.

Mr. McDONOUGH. The letter—email came to me.

The CHAIRMAN. Okay.

Mr. McDONOUGH. I was among several people on the To line. I do not know several, among people on the To line, including the Postal Service inspectors who oversee ORMDI EEO complaints. It was an EEO complaint. It appeared to me to have—you know, it appears to that—in that email to be sent to the appropriate organization that oversees EEO complaints for ORMDI. Nevertheless, the documentary evidence suggests I forwarded it on, as I said, to acting general counsel and then received assurance that it was being done.

The CHAIRMAN. This is a tough question, but I am going to ask you. Are you responsible for the failure?

Mr. McDONOUGH. Look, I am responsible for everything that happens at VA. I have said that to you in this room many times, but that is the case.

The CHAIRMAN. I agree, the buck stops with you. I said that in my statement, and like it does with my—and if something happens to my staff. We still need to know who truly failed downline from you. Are you holding that person responsible?

Mr. McDONOUGH. Look, the person to be held responsible on whether I saw your letter is me. That is on me. You know, we are updating our procedures to ensure that we get everything in a

timely way, and I will do better on that. The person who failed here is me.

The CHAIRMAN. I do thank you for being here today, and we are going to continue with the questions.

I will yield back. Ranking Member, you are recognized.

Mr. TAKANO. Thank you, Mr. Chairman.

Mr. Secretary, the evidence detailed in the OAWP report supports that four individuals within VA, within ORMDI, were engaged in misconduct or failed to act appropriately, and they must be held accountable. Kind of following the chairman's question about who below you needs to be held accountable, I think this gets at this in a more thorough, exact way. My question to you, Mr. Secretary, is when will discipline be carried out for those individuals found to have committed wrongdoing in this investigation?

Mr. McDONOUGH. I want to be really careful here because I cannot get involved in disciplinary action or the timing. I can just tell you that we take it deadly seriously.

Mr. TAKANO. At your level, Mr. Secretary, you are at the top. My question is you have to maintain a level of independence from ORMDI.

Mr. McDONOUGH. Well, I have to avoid any appearance that I am trying to provide command influence on that.

Mr. TAKANO. Why is that?

Mr. McDONOUGH. You know, the rules of how the Civil Service and works protects the due process rights of the employees.

Mr. TAKANO. We are talking several layers below you. I do not know five, six levels of management below you or however many lines that are below you. There is an appeals process when these sorts of accusations happen and they must make their way up to you. When you say you have to maintain a sense of impartiality, is that what is the principle?

Mr. McDONOUGH. I think it is partially that, although, you know, the structure of the decision-making is only part of the issue. The other issue is I do not want to create an impression that I am commanding a particular outcome.

Mr. TAKANO. I see. I see. You truly do want OAWP to have a certain integrity to its processes when it investigates serious allegations?

Mr. McDONOUGH. You know, one of the points in my prepared remarks that I, for purposes of time, skipped over is I think the OAWP is a more effective organization now than it has been. Its investigations are handled much, much more quickly. Its disciplinary recommendations are acted on in the overwhelming majority of instances. All of that is a function of its professionalism and a function of our—and, by the way, its relationship with you all on this committee, and a function of our not letting it become what some thought it had appeared to become, which is a political organization. I am going to make sure that I maintain that posture.

Mr. TAKANO. Well, I will say that OAWP, the Office of Whistleblower Protection at one time did seem to the committee had a reputation for being a place that one would not want to go to to lodge a complaint because they were fearful that that office was being used to actually do the opposite. They were not confident that that

office would, one, protect them or, two, investigate thoroughly or fairly. I can say for—would you agree?

Mr. McDONOUGH. That was surely a perception when I arrived, yes.

Mr. TAKANO. Would we both agree, and I think all of us would agree here, that for a department of 450,000 employees that whistleblowers are an important part of—

Mr. McDONOUGH. Vital. Absolutely vital.

Mr. TAKANO. To have an Office of Whistleblower Protection is also—with integrity is also very important.

Mr. McDONOUGH. Absolutely vital.

Mr. TAKANO. I would agree with you that the OAWP has come a long distance and has provided a very important service in this case.

Mr. Secretary, ORMDI is in desperate need of new leadership that will instill confidence, trust, and discipline among its employees. Have you begun the search and selection process for a permanent deputy assistant secretary for ORMDI?

Mr. McDONOUGH. We just recently filled the assistant secretary job with a very experienced VA professional. I will let you make your own judgments, but I have unending confidence in her capability. She will testify before you forthwith. We are allowing the assistant secretary to get up and running and then to begin the search for the new ORMDI head.

Mr. TAKANO. Do you have any thoughts as to what went into the process of selecting the current assistant secretary and the leadership qualities you sought in this person and that you would seek in others who would fill the remaining positions that remain to be filled?

Mr. McDONOUGH. My sense is you all experience this, and in several minutes, but I am looking for somebody who is candid, somebody who is transparent, somebody who is tough. Cassie Law is all those things and she has great experience in VA from the field to the headquarters.

Mr. TAKANO. Well, thank you, Mr. Secretary.

I yield back.

The CHAIRMAN. Thank you, Ranking Member.

Dr. Miller-Meeks, you are recognized for 5 minutes.

Ms. MILLER-MEEKS. Thank you, Mr. Chair. I want to thank the committee for having this hearing. I want to thank Secretary McDonough for being here.

Secretary McDonough, let me just say that I do not consider this to be a partisan or political process. I am of the age where I experienced sexual harassment as a clerk in the military, as a nurse in the military, as a physician. I went to medical school when there were less than 20 percent of women in medical school classes.

Mr. McDONOUGH. We are lucky you did.

Ms. MILLER-MEEKS. Even to this day, when I interview people for jobs in my office, I do not ask their age, their marital status, whether or not they have children because of all of the training I have received. The lines are so tenuous on what is acceptable and what is unacceptable. Do you know the role and the mission of ORMDI?

Mr. McDONOUGH. I do.

Ms. MILLER-MEEKS. Can you tell me what it is?

Mr. McDONOUGH. It is to protect the agency employees and veterans from all forms of harassment.

Ms. MILLER-MEEKS. Correct. Does the VA have a zero tolerance policy for harassment?

Mr. McDONOUGH. It does.

Ms. MILLER-MEEKS. Let me specifically read to you at VA.gov.ORMDI.SexualHarassment. "Another form of harassment prohibited by harassment prevention policy for Federal agencies conduct of a sexual nature, includes physical conduct, visual behavior seen leering, ogling, gestures, expressions, objects, images, videos, intentional body exposure, behavior heard or read, catcalls, whistles, hey, baby, jokes, teasing, flirtations, name calling, pressure for sex, sex favors, emails, text messages, graphics, notes, Internet content.

Of what you have seen here today, have they fallen under that category?

Mr. McDONOUGH. Certainly activity outlined in the OAWP report does not—falls within that category, one. Two, you know, as was in my submitted testimony, but I left it out for purposes of time, I think that some of this behavior suggests a real culture issue in ORMDI.

Ms. MILLER-MEEKS. Yes. Culture starts at the top.

Mr. McDONOUGH. Right.

Ms. MILLER-MEEKS. You have a top that is rotten and that is very explicit in the emails, in the text messages, in the whistleblower testimony. Do you believe in the pledge that you took, the white ribbon pledge?

Mr. McDONOUGH. I do.

Ms. MILLER-MEEKS [continuing]. to combat sexual harassment at—then can you please explain to me how, once you are aware of this from Ms. Grosso, "Thanks, Gina. I appreciate your quick response. How about you choose the last day that works best for you and let us work on an announcement for you next week," where she says to you, "I am very sorry I did not perform up to the appropriate standard."

What the hell standard was she applying to? A Chief Executive Officer (CEO) of a company would have to be resigned for having consensual relations with an employee of either sex. I find it that this is an office that is to prevent and address sexual harassment, to train individuals in sexual harassment. How is the rest of the organization supposed to respond when those that are in that office cannot even bother to address an employee's concerns? That employee comes to us, a Committee on Veterans' Affairs, to complain about their organization, and the response is, we will make sure that we have the right message that goes across, so we do not damn your reputation and make sure you have a soft fall?

You know, the American people are so upset and angry that no one in the Federal Government is held accountable. I am held accountable every single 2 years. Every 2 years, I am held accountable. My name is on the ballot.

You are hiring a person to take over this position who is a long-term VA employee. I will tell you I could care less if they are a long-term VA employee. What I want is someone who can recognize

that there may be sexual harassment and does a proper investigation. If Ms. Grosso did not know how to do a proper investigation, as per her emails, then she darn sure has counsel available to her to do that.

I find the conduct of this office deplorable. It is not heartening. It is not encouraging to all of the employees who work in the VA system, who work their tails off to help our veterans of which I am a fellow veteran. This should be taken seriously. It should not be thought of as political, and the VA should address this matter immediately. All of those people apologize, not be given jobs. Elsewhere, there should be appropriate discipline.

As I said, if I were in the private sector, as my job as a physician or a nurse, I would not be allowed to conduct myself in this manner. There would be repercussions, and there would be consequences.

With that, I yield.

Mr. McDONOUGH. Dr. Miller-Meeks, I very much appreciate the comments and the question. I just want to underscore that my decision to relieve Assistant Secretary Grosso presaged, predated my understanding about what was happening in ORMDI. In my career, I have relieved many leaders. I have never thought it was useful to embarrass those leaders, let alone somebody who served the country, like you, as honorably as Gina Grosso did. I just wanted to respond directly to your questions.

The CHAIRMAN. Representative Brownley, you are recognized for 5 minutes.

Ms. BROWNLEY. Thank you, Mr. Chairman. Nice to see you, Mr. Secretary. Thanks for being here.

Mr. McDONOUGH. Thank you.

Ms. BROWNLEY. Mr. Secretary, as your testimony made very, very clear, but I feel like we cannot say it enough that every VA employee deserves to work in a harassment-free environment.

Mr. McDONOUGH. Amen.

Ms. BROWNLEY. I certainly agree with OAWP's findings and recommendations for discipline, and I hope VA will act expeditiously to carry out the recommended discipline.

Mr. Chairman, I have a few things that I wanted to get off of my chest. At our last meeting, I voted with you on your proposal to subpoena more documents. Now I know of OAWP's findings and conclusions that seem to be quite the contrary from what was stated in that meeting, and I feel somewhat misled.

It seems to me that as the majority has carried out the investigation, I think they have tried to perhaps paint a picture and paint themselves as a party for women. Carefully crafted remarks may sound like they support women, but I need to point out that their voting records and actions paint a different story. Let me just explain.

Earlier this Congress, the majority let the authority for the Women's Veterans Task Force I have long championed quietly expire. The task force served a critical role in making sure members were hearing directly from women veterans about the specific challenges they face. Women veterans deserve regular member level engagement so we can improve the care and services they receive

at the VA, and I will continue to advocate for the reauthorization of the task force.

It seems to me that you and your colleagues have been somewhat on a crusade to restrict the reproductive healthcare for our Nation's women's veterans. Since January 2023, Mr. Chairman, you have sent six letters to the VA demanding sensitive information about the abortion care veterans have received through the VA, invading their privacy and scrutinizing the decisions they make with their healthcare providers.

I also want to state that six of the eight Republicans on this committee who were serving in Congress in 2022 voted against the last legislative package that reauthorized the Violence Against Women Act. I know this bill is outside the committee's jurisdiction, but I must point out this bill because the Violence Against Women Act mandates the protections for survivors of domestic violence and for individuals who have experienced sexual assault and harassment in the workplace, exactly the topic we are discussing today.

I hope we are not here for cynical reasons or political reasons to try and portray that the majority on this committee is for women and the minority is not. If this investigation is about protecting women, what about all of the other women who were wrongly accused of engaging in inappropriate sexual relations with an ORMDI senior leader?

The majority has publicized and named names and publicized these allegations, which seem to be wholly unsubstantiated based on the report, and I think we need to make the record clear. I know now that on the January 11 meeting, your staff had evidence in hand to refute these allegations. OAWP conducted interviews with all six of the women who were alleged victims of sexual harassment, and each and every one of them denied having any sexual or inappropriate relationship with their boss. They were also shocked and embarrassed to find out such rumors were being spread around their office.

Members of this committee were forced to vote one way or the other to subpoena additional documents. While failing to present, I believe, the full picture from all of the evidence, it seems you already had.

At that meeting I trusted that the truth was being presented, but I feel like it was not, that I was misled and that we were all misled. As I said, at the January 11 meeting, we always must seek the truth. I just had to get that off my chest.

Now, Mr. Secretary, I wanted to ask you, I know in the OAWP's report, something stood out to me that the OAWP did not specifically substantiate that two of the alleged perpetrators, if you will, committed sexual harassment. They did not say sexual harassment. What they said was they engaged in inappropriate conduct of a sexual nature.

I think, you know, we have been talking about—oh, my time is up. I had a very important question to ask, but I will ask the next panel the same question.

I yield back.

Mr. MURPHY. Thank you, Mr. Chairman

The CHAIRMAN. You are recognized for 5 minutes.

Mr. MURPHY. Thank you, Mr. Chairman. I just cannot believe that people are trying to turn this into a political discussion. This has nothing to do with politics. I promise you, I would be in the same exact manner if it were on the Republican side or in the majority. This is about women. This is about an individual who was sexually harassed and the VA ignored it. This has nothing to do with politics.

I take great umbrage at the insinuation that this is a witch hunt because of the administration that is in power right now. That is not why we are here.

Mr. Secretary, thank you for coming. Do you believe Chairman Bost has been fair to you in this investigation?

Mr. McDONOUGH. I think that committee's always been fair.

Mr. MURPHY. All right. Do you believe this is a political motivated witch hunt?

Mr. McDONOUGH. I am staying out of the political things.

Mr. MURPHY. No, no, I know. I ask you are a political appointee.

Mr. McDONOUGH. I think you guys are asking very important questions. I have made clear to you time and again that I believe your oversight makes us a more effective organization.

Mr. MURPHY. Do you believe this committee has oversight over the VA?

Mr. McDONOUGH. Even if I did not believe it, you do have oversight.

Mr. MURPHY. We do have constitutional oversight, yes, we do.

Mr. McDONOUGH. Correct. It is outlined in Article I, which they should have made Article III.

Mr. MURPHY. I was not cranky before I start this, but, I mean, this is not a political witch hunt. All right. Let me get back to my questions.

Can you recall any other whistleblower allegations regarding sexual harassment within the VA itself?

Mr. McDONOUGH. I think there is two things that give me a positive answer to the question. One is oftentimes I do not know what the difference between a whistleblower and an employee is.

Mr. MURPHY. Well, let me ask you this then separately. Do you have a recollection, a direct recollection, of any employees ever making sexual harassment complaints at the VA against other employees?

Mr. McDONOUGH. I think I remember Inspector General (IG) reports on such activity. Yes, I think I have some recollection.

Mr. MURPHY. All right. Then I feel it extremely odd then, if it is so minor, that such a horrendous accusation would be made against another employee at the VA, that your staff would not elevate that to a discussion, rather than sticking something in a binder where you say you read all the letters, normally you do all that, but all of a sudden this is not—it has just turned into the ether.

Mr. McDONOUGH. Look, I understand that, and I wish I did not have to say what I have said, but what I have told you is the truth.

Mr. MURPHY. Have you had a discussion with your staff as to why this was not a communication rather than something just stuck in a binder?

Mr. McDONOUGH. We have definitely changed our process to make sure that we handle incoming letters with even greater—

Mr. MURPHY. I mean, even in this specific Department where this is the Department that is supposed to investigate this, that this is not about getting enough, you know, hospital beds at a VA, this, that and the other stuff. This is an absolute serious allegation that goes on that we should be not approved or not disciplined in any part of government or in business for that matter.

Mr. McDONOUGH. It should not be tolerated anywhere. You are absolutely right about that. I think what I tried to spell out in my testimony was that there was moments when it seemed it was getting traction. Then——

Mr. MURPHY. Well, let me ask this. What do you say to the whistleblower's comment that this type of activity is commonplace at the VA?

Mr. McDONOUGH. I say to all of our employees that my commitment to you is that you work in a safe environment.

Mr. MURPHY. You know, I believe you. I absolutely believe you and I believe you have that personal opinion. Unless that opinion is put in action——

Mr. McDONOUGH. Understand.

Mr. MURPHY. Let me ask you, with Ms. Grasso, did you ask for her resignation or did she offer it?

Mr. McDONOUGH. I told the assistant secretary that I would lost confidence in her.

Mr. MURPHY. Did you have a personal conversation with her regarding this or you had somebody else?

Mr. McDONOUGH. Regarding?

Mr. MURPHY. Ms. Grasso and her employment?

Mr. McDONOUGH. Yes, I had a personal conversation.

Mr. MURPHY. Did you personally, point blank, ask her to resign?

Mr. McDONOUGH. I did.

Mr. MURPHY. I would have. I mean, my goodness. When we have talked about a soft landing, what is a soft landing?

Mr. McDONOUGH. I do not know that I used the word soft landing. I am not sure. As I said——

Mr. MURPHY. I thought that was in an email.

Mr. McDONOUGH. I do not know that I used that language, you know, so.

Mr. MURPHY. Anyway, you know, I get it. If somebody is getting service, I get this. I am not trying to come down—I am coming down on the action, not the person.

Mr. McDONOUGH. Yes.

Mr. MURPHY. If she has done service to the VA, yes, but you know what? We all are captains of all our ships. When we do something this egregious, when we turn the blind eye, there needs to be discipline, not just basically pushing away the problem. That is what has happened here. I hope that particular behavior of not making it vacate, poof, go, appear, disappear, regardless of which party is in power, does not occur in this government.

Mr. McDONOUGH. I think this is why the OAWP report and our commitment in the context of that report and the commitment that I have reinstated here today to you to ensure that that report informs disciplinary actions is so important.

Mr. MURPHY. I am over my time. Thank you, Mr. Chairman.

The CHAIRMAN. Thank you. Mr. Levin.

Mr. LEVIN. Thank you, Mr. Chairman. Mr. Secretary, good to see you.

Let me begin by saying that we are all deeply troubled to hear about these allegations. As you said, our public servants at VA deserve a safe work environment. I think we are all committed to partnering to conduct the oversight that is needed. My hope is that we remember our responsibility to seek the truth and to do so objectively. Leave politics at the door.

I want to thank our Democratic committee staff. They have worked day and night and through several weekends to index every single piece of the hundreds of thousands of pages of evidence VA has provided in response to the majority's extensive document requests. Thousands of pages of documents were identified as responsive to the subpoena this committee issued in January, and this investigation has shown us that there is important oversight work that this committee needs to undertake related to the ORMDI realignment.

It is clear that we need to work with you, Mr. Secretary, to address the issues related to organizational alignment of ORMDI within the agency. It is important for all my colleagues to understand that there is a conflict in current law. The Elijah Cummings Act of 2020 requires the Equal Employment Opportunity functions to report directly to the Secretary, while the Cleland-Dole bill we passed in late 2022 requires EEO functions to report to the deputy secretary.

Additionally, a single senator was able to push through a problematic provision, it happens quite a bit around here, in the Cleland-Dole law that capped the number of EEO counselors at VA. This has led to other structural issues that prevent VA from fully complying with congressional mandates to realign its EEO functions.

To the extent that you need help with any of this, Mr. Secretary, we are ready to assist. Along these lines, Mr. Secretary, what steps has VA taken or are you taking to realign ORMDI?

Mr. McDONOUGH. Well, I want to just—Assistant Secretary Law will be in a position to talk in more detail about this, but we have looked at and teed up a variety of options to undertake this. We are on the crux of a challenge, meaning there is competing statutory requirements. This would be one of the things that Assistant Secretary Law will be in a position to talk about.

I do want to just say that Assistant Secretary Law, from the moment she started in this job, has been taking corrective action on our procedures, on our processes, on our structure as it relates to ORMDI and EEO, and requiring each of us across the agency to do a standdown on the issues that each of you has raised around sexual harassment in a safe work environment for all employees.

Where we can take action, we are taking aggressive action informed by this horrendous, objectionable set of actions that we are all discussing.

Mr. LEVIN. Fair to say, Mr. Secretary, that in addition to the formal review of realignment processes within ORMDI, you will commit to providing the results of this review to this committee?

Mr. McDONOUGH. Yes, fair to say.

Mr. LEVIN. Mr. Secretary, under the current structure, the Assistant Secretary of Human Resources and Administration, Operations, Security, and Preparedness, quite a title, oversees both EEO complaints and personnel decisions. It seems VA is constrained by the number of assistant secretaries that it has. Do you think it is worth considering a reorganization of assistant secretaries to make sure oversight and responsibility is equitably distributed for HR and investigations?

Mr. McDONOUGH. I think that we should have that conversation with you all, and I think Cassie would be in a position to have a little bit of it now. I guess I also just want to underscore that I do not think that these structural challenges, as important as they are and as important as it is that we resolve them, does not obviate my failing in this instance to make sure that we got going on this much more quickly than we did. That said, we are on top of it now.

Mr. LEVIN. Appreciate it. I hope we use this moment to figure out what we can do better in terms of the structure that VA uses to ensure the best working environment for everybody at the VA. Specifically, when we have a challenge where we have got two existing statutes that are in direct contradiction to one another, I hope we can all agree to work together in a collaborative way to fix it, and hopefully the Senate does not mess it up as they did this past time.

Thank you, Mr. Chairman.

The CHAIRMAN. Thank you, Mr. Levin.

Mr. Franklin, you are recognized for 5 minutes.

Mr. FRANKLIN. Thank you, Mr. Chairman. Mr. Secretary, thank you for your time here with us today.

I know you have a lot of directives that are under your purview, and so you may not be familiar with this one specifically, the VA Directive 5979 is the harassment prevention policy. Within that, it says, "VA Directive 5979 requires immediate and appropriate action to be taken by management when notified of hostile conduct that is or has a potential to become severe or pervasive to the point that it constitutes a legal claim of sexual or nonsexual harassment."

It goes on to say that it requires "VA administration, staff officer, managers, and supervisors to immediately begin to address," it says specifically, "within 5 business days any incident of inappropriate or harassing behavior."

Then it further goes on to say that, "In the cases of alleged sexual harassment, VA managers are required to conduct initial intervention measures to separate the person who brings forth the allegation from the person accused of sexual harassment within 1 business day of a sexual harassment allegation."

I was not around for when a couple of these things got put in the Cummings Act that preceded me in 2020. That particular measure required that the person responsible for EEO report directly to the head of the Federal agency. That was not VA-specific. That is all Federal agencies. I suspect that part of that is because there has been a history of the word not getting to the person at the top who is ultimately responsible. As you say, the buck stops with you.

Then subsequently, in 2022, there was the Cleland-Dole Veterans Benefits and Health Care Improvement Act that we have discussed here. That does create a conflict because it says this EEO person should report to the deputy secretary, Secretary.

I think it has become a red herring here. We are saying because there is conflict, we cannot do anything. Well, in reality, in your agency, the solution to not really knowing how to deal with the conflict is to comply with neither. In fact, you know, within the 125-page report there is a graphic that lists the chain of command. It is kind of hard to read, and I had to kind of map it out for myself. Between you and the person who either is supposed to report to you or to your deputy secretary, there is also the former position held by Ms. Grasso, the assistant secretary for HRA and OSP, which very specifically is not supposed to be in that chain of command for reasons potentially of being tainted. The principal deputy assistant secretary of HRA and OSP, which in this case was held by Mr. Mayo. Then finally you get to the deputy assistant secretary of ORMDI, in this case, in the allegations we are talking about here, Mr. Harvey Johnson.

He was four levels removed from you, according to Cummings, three levels removed from the deputy secretary under the other act. In either case, there is no way that your agency could be complying with your own directive that it is going to be a sexual harassment allegation is going to be dealt with within a day. Do you agree with that assessment or not?

Mr. McDONOUGH. I just tried to say to Mr. Levin that I believe that these issues about reporting on EEO are important structural questions, but I do not believe that they obviate us from responsibility or forgive my leadership failings in not ensuring that that person in question was detailed out more quickly, and I said that in my opening remarks as well. I regret that greatly.

Mr. FRANKLIN. Okay. Thank you, sir. I reclaim my time, but thank you for that.

You know, I did find it interesting in going back through some of the testimony that we have received. When asked about VA's noncompliance with Cleland-Dole in his OAWP interview, Mr. Mayo, who go back to my roster here of who is who, principal deputy assistant secretary for HRA and OSP, was asked about non-compliance, and his response was, this is to the OAWP interview, what is the political risk? It is not like we are the only agency that does not comply with the Equal Employment Opportunity Commission (EEOC).

That is the only time, candidly, in all of this, the word "political" has come up. This is not political from my view, and I really hope my colleagues do not take it that way. It is never been brought up from our side over here. Someone in your chain of command is viewing the situation of sexual harassment through the lens of political risk.

Do you see it that way? Is the Department choosing to not follow Cleland-Dole because they do not see a political risk in failing to do so?

Mr. McDONOUGH. Yes, I cannot speak for Jeff in that regard.

Mr. FRANKLIN. For yourself. I mean, is there——

Mr. McDONOUGH. I am not here—I do not think there is a political job. I am not here for a political undertaking. I just acknowledge to you that these are my leadership failings and I own them.

Mr. FRANKLIN. I would hope so. But in reading your letter from last night that you sent us over, it reads like a dog ate my homework. You have got every excuse under the sun for why——

Mr. McDONOUGH. I did not make any excuse. I accept the responsibility, as I just said again today.

Mr. FRANKLIN. Well, we have a few that went longer,

Mr. CHAIRMAN. Could I have just a few more seconds?

Mr. Secretary, in your statement, you say, “I understand and, as you know, I am sympathetic to the view expressed by you and others that the VA took too long.” Did the VA take too long or not?

Mr. McDONOUGH. Yes.

Mr. FRANKLIN. You probably did not read this. Is this written by your attorneys? That is sure what it reads like.

Mr. McDONOUGH. I wrote it. I wrote it. I said in the testimony, I reiterate again, I regret how long it took. Not only do I regret it, but I accept responsibility for it.

Mr. FRANKLIN. When the letters were sent to you from the chairman, you had no knowledge of receiving the letter. Later, when it was placed in background materials, you were not sure if it was ever there. You do not recall ever reading it. I mean, on and on and on.

Sir, I would submit that you are too insulated from the problem, and we have passed laws as Congress to put the source closer to you so that you are aware of those things. I get that you have 400,000 employees that you are responsible for. We all have over 800,000 bosses every day.

Mr. McDONOUGH. I hear you. I have not made any representations about any of the issues you just raised. I want to make sure that I run a flat organization where employees can get to me.

Mr. FRANKLIN. Yes. Thank you, Mr. Chairman, for indulging extra time. I yield back.

The CHAIRMAN. Representative Deluzio.

Mr. DELUZIO. Thank you, Mr. Chairman. Secretary, good morning.

Mr. McDONOUGH. Yes, sir.

Mr. DELUZIO. Or good afternoon now.

I first want to echo the Ranking Member’s remarks about the seriousness of OAWP’s findings. I think you agree, and like my colleagues, urge you and VA leadership to swiftly carry out discipline for those implicated. However, I am deeply concerned about some of the responsibility I have seen leading up to today, ignoring due process that in any other form that lacks protection of speech and debate laws could likely open up folks to civil liability. The allegations OAWP substantiated are serious ones, and VA is and must be dealing with them at the highest levels, as you are here today, and our oversight there is critical.

OAWP investigated 33 allegations they did not substantiate. Many of those were ones the majority made publicly without sufficient factual evidence to back them up. Baseless allegations of improper relationships can ruin folks’ lives.

Relying on rumors presented by some employees while an investigation is still underway, I do not think is appropriate. Yet, the majority insisted on putting on a public spectacle, degrading some of those folks again, while the investigation was not yet complete.

To be sure, there are serious problems here that the VA must address. The Democratic committee staff reviewed the interviews that OAWP conducted under oath, thousands of pieces of evidence, and came to the same conclusion as OAWP: the allegation that ORMDI is riddled with systemic sexual misconduct just is not backed up by the facts.

I am disappointed to see some colleagues pushing that narrative. Reputations of many faithful VA employees can be tarnished for many without the evidence there to back up the accusations.

With that, Mr. Secretary, I will ask you a pretty basic question. Do you have the authorities you need to swiftly carry out discipline recommended by OAWP in this case?

Mr. McDONOUGH. I do.

Mr. DELUZIO. All right. Thank you. I have concerns about the majority's Restore VA Accountability Act, which I fear can serve as another attempt to gut due process under the guise of wanting more accountability. The latter goal, accountability, is something I think we all share as part of our oversight goal. If the Restore VA Accountability Act had been enacted, would that have changed anything about the authorities that you already have or need?

Mr. McDONOUGH. It is such a hypothetical, so let me answer the question this way, which is my experience in leading the Department for the last 3-plus years is that it is most effective when we can deal with the employees with clear, established rules rather than finding ourselves when we take disciplinary action before administrative bodies or Federal Courts. I worry, and I have had this communication in public and in private with the chairman and with the ranking member and with many other members of the committee, so I feel comfortable stating it here because they are not going to be hearing it for the first time, I would like the ability to make sure that we can manage the Department pursuant to clear rules so that we can hold our employees accountable.

Changes over the last several years complicated our ability to carry out disciplinary action and more often got us before, as I said, administrative bodies or Federal Courts rather than in a position to resolve the issue for our employees or for the veterans.

Mr. DELUZIO. Take it back to the initial query here. Do you have the authorities you need to mete out whatever discipline is recommended by the court?

Mr. McDONOUGH. I believe we do, and we have taken important disciplinary action. You know, one of the members of this committee raised some very serious issues, allegations with me about Montana. We took those deadly seriously and we acted with—based on the authorities we had. You will get a—you have a front row seat to see how we do on this one, and I acknowledge that. I think the jury's out, as the chairman said, I get that. We are not hiding anything here. We are going to get this done.

Mr. DELUZIO. Mr. Chairman, I yield back.

The CHAIRMAN. The gentleman yields back.
Representative Van Orden.

Mr. VAN ORDEN. Thank you, Mr. Chairman. I will be frank, I had no intention of addressing this in this manner. Mr. Secretary, I will be with you in a moment. You know, I am just not going to sit here and listen to members of this committee, particularly the ranking member, these spurious, inflammatory, disingenuous, and blatantly politicized comments that can very easily be construed to be defending the gross misconduct by senior leaders in the VA and have a chilling effect on people who may be sexually harassed as we speak, wholly inappropriate.

To attempt to justify sexual harassment because it was reported by a lower level employee is offensive. I used to be the lower level employee, sir. I started at the bottom cleaning toilets on a tugboat in the Navy. For you to say that, that a lower level employee should not be able to report these things is the reason that Congress' approval rating is just above a root canal, so knock it off, you.

Seems like the lunatics have taken over the asylum. You know, I have tremendous personal respect for you. I do. I know that you have an incredibly difficult job. I got to tell you what, man. Leaders have to protect those we have been given the privilege, just as we as Members of Congress have to protect those that we have been given constitutional authority and oversight, to make sure that our employees, who are—excuse me, our constituents and our fellow veterans are protected from the acts. It is just crystal clear. No one is debating whether or not this stuff took place, and it is horrendous.

I have to say that I believe that this is a systemic issue in the Veterans Affairs Administration, but also, unfortunately, a divided Capitol. You are the second member of the Cabinet who has had some very significant issues with something that could be very readily addressed. They are called commander's critical information requirements.

Just as the Secretary of Defense failed to notify the President that he would be hospitalized for a very reasonable reason and the cancer, and I do wish him well, if you had established procedures like getting a letter from the chairman of the committee that is responsible for writing the paychecks for your people, essentially, that should go the top of your list, I think a lot of this could have been avoided.

I have had the privilege of meeting thousands of men and women throughout my career in the Navy, and I have always made sure that these things that rise to this level of importance, like people being sexual harassed or being discriminated against in any way, I have never tolerated that in my presence. Sir, if you do not tolerate these things in your presence, I would encourage you to elevate these types of issues to an immediate report.

You are the commander, the captain of your ship, and if these things are important to you, which I believe they are, I would hope that you would stress this to your staff. If they are not meeting your standard, then you get rid of them. If you are incapable of meeting your own standard, then maybe you should think about doing something else, and I would hope that that would not be the case. I do have confidence in you. I want every single veteran to

go to the VA to get healthcare, mental healthcare, so that they can thrive as citizens.

I have one question for you and that is in regards to the subpoena you were issued. Has the VA been fully compliant with that subpoena to the best of your knowledge?

Mr. McDONOUGH. Yes. We are being compliant, but we have not yet provided all the documents that have been asked for. That is not a function of us withholding the documents. It is a function of us getting through all the documents.

Mr. VAN ORDEN. Well, give an approximate timeline.

Mr. McDONOUGH. We are providing thousands of documents a week, so we are, you know—and we have been since I made a commitment to the chairman to get him those documents.

I get that you are not going to take the heat off us until we get them to you. I understand.

Mr. VAN ORDEN. Very well. I would encourage you to elevate this to the level commiserate with how seriously we are taking this as a committee. Thank you for your time.

With that, I yield back.

Mr. McDONOUGH. Thank you.

The CHAIRMAN. Representative Cherfilus-McCormick, you are recognized for 5 minutes.

Ms. CHERFILUS-McCORMICK. Thank you, Mr. Chairman.

As I stated at the last business meeting last month, I am incredibly concerned about the committee's maintaining the anonymity of the victim of the unwanted contact from a supervisor. The victim requested anonymity and the victim deserves anonymity.

We have already heard from other employees at VA that they were guessing who was involved based on the press conference and the public letters from the majority. The way this has been handled, like a trial in a court of public opinion, has been very reckless.

Mr. Secretary, what safeguards does the VA have in place to protect individuals who decide to report harassment, sexual or otherwise, and misconduct at the VA?

Mr. McDONOUGH. I think this would be an important question to explore with the Acting Assistant Secretary Gipe, but we both have established procedures on protecting the identity of our employees. Then the law that you all passed to create the Office of Accountability and Whistleblower Protection gives us additional authorities to protect our employees.

Ms. CHERFILUS-McCORMICK. What is being done to reassure employees that their concerns will be taken seriously and that they will be handled fairly and objectively?

Mr. McDONOUGH. One of the reasons I accepted the chairman's invitation to appear today is to underscore to our employees by appearing today how seriously I personally take the allegations. That is one example of our effort to try to communicate directly to our employees, that not only do we badly need their candor and their transparent reaction to what they are experiencing, but we are committed to protecting them when they do speak.

Ms. CHERFILUS-McCORMICK. After this experience, do you have any recommendations that you would support to make sure that these situations or situations that rise to this level are handled?

Mr. McDONOUGH. I think, you know, I do not have a particular response on that as it relates to the protection of the employees. I think it will be important for us to get a sense of where employees are.

I will say that I am concerned about workplace safety. I am concerned also about the fact that ORMDI, in light of the details out, in light of the challenges there, I have been worried that our employees, especially in this moment, where, for example, anti-Semitism and Islamophobia appear to be on the rise, that there may be employees who feel that they are experiencing such things and are not in a position to have an advocate at ORMDI or otherwise to be heard.

I did ask OAWP and one of our deputy chiefs of staff to do a public—to do a hard look at all of our reporting streams to make sure to identify if there is evidence of increased feelings of unsafety or disrespect for our employees. We will periodically do that. If we need to address that through a climate review, a formal climate review, we will.

Ms. CHERFILUS-McCORMICK. Thank you. I yield back.

The CHAIRMAN. Representative Ciscomani, you are recognized for 5 minutes.

Mr. CISCOMANI. Thank you, Chairman Bost, for your leadership on this effort to bring accountability to all tiers of leadership in the administration.

Mr. McDonough, good to see you.

Mr. McDONOUGH. Yes, sir.

Mr. CISCOMANI. Thank you for being here with us today.

You know, as a husband and a father of six children, including three girls, these reports fill me with absolute disgust, I think, and that is a sentiment that can be expressed by the rest of the people in this room as well, to hear about the egregious acts and cultural rot perpetrated by senior staff within the Office of Resolution Management, Diversity, and Inclusion. Of all offices, that in particular is quite shocking. As I have learned more through this process, it is even more disturbing.

I hope, Mr. Secretary, that you will be direct and forthcoming here in your responses to my questions today, not only required, obviously by oath, but also the well-being of those victims, your own team, your own employees in mind as well, and to have a back-and-forth, direct conversation on this.

My question is something where I read here in all the information and the testimony. You know, Ms. Grosso stated in her Office of Accountability and Whistleblower Protection report that she took so long to start an investigation because she wanted to find someone who was the same race and gender as the victim to run the investigation. Now, as a Hispanic male myself, and the father of three young Hispanic daughters, I want to know if it is the VA policy that they would need to wait an indefinite amount of time and, God forbid, possibly continue to endure harassment for an investigator to be available who fits a specific demographic checkbox.

Mr. McDONOUGH. That is not VA policy.

Mr. CISCOMANI. Can you expand on the reason for her to do that, for that to be the reasoning in that? If it is not VA policy, then why

was the assistant secretary that you appointed, why was she doing it?

Mr. McDONOUGH. I do not know. That is a question for her. I have not talked to her about that, and I do not know the answer.

Mr. CISCOMANI. This is not something that you would say has happened at any other time within your supervision of this?

Mr. McDONOUGH. Not that I am aware of, no.

Mr. CISCOMANI. You know, I think you have been up front about this and acknowledging some of the missteps in this whole process. How do you feel about this particular response of hers?

I know that she did it. You cannot answer why she did it. You just told me that. As her supervisor and the one who appointed her, what is your take on that response?

Mr. McDONOUGH. I said in my opening remarks, and I have said several times since, that I think it was a mistake that it took so long for the AIB to be stood up. I think it was a mistake that it took so long for the employees in question to be detailed out of their responsibility.

You know, I think it turns out that a decision I made subsequently, which I think Assistant Secretary Law will be in a position to testify about, which is to take the investigation out of the chain of command of HR&A entirely—

Mr. CISCOMANI. Well, let me reclaim my time here for just a moment.

Mr. McDONOUGH [continuing]. was the right decision.

Mr. CISCOMANI. It was the time, but also the focus on race that really jumped out at me on this one. My colleagues are covering different areas, and I will focus on this one. How often does race play a part in how VA runs investigations? It seemed that this is the reason why it was prolonged, this case.

You think it was a mistake of how long it took. It is not just the fact that it took so long. It is the reason that it took so long, which was a race-focused decision on this, so because of, according to Ms. Grosso, it was more important to focus on race than to helping the victim.

Mr. McDONOUGH. Yes. What we are trying to get to in the investigation is the truth. The most important thing is the truth, which will inform our decisions about accountability.

Again, I just cannot comment about what Assistant Secretary Grosso was thinking at the time.

Mr. CISCOMANI. Well, and my point of asking these questions is not just to—obviously, she is not here, unfortunately, to answer. She abruptly resigned and we know the story there. However, I am trying to get some sense of this is prevalent among the entire organization because one of your highest members in this organization, this is how she acknowledged it was making these decisions, based on race and how to help the victim or not. That is very troubling to me, not only for minority groups, but for everyone that is involved in this.

How is your senior leadership making decisions on whether to help someone or not? When that is based on race, that is everything that we stand against and that is everything that the men and women that served this Nation fought for, to protect for all of us. I find that very troubling.

I want to make sure that this is not happening anywhere else and that there is some serious accountability on this particular issue, on using race to determine if a case gets investigated promptly or not.

Mr. McDONOUGH. Look, I understand. I am not rebutting the notion.

Mr. CISCOMANI. I would like, in my few seconds left here that I am already over, just a commitment from you and an assurance that this is not an institutional issue.

Mr. McDONOUGH. Sure.

Mr. CISCOMANI. That you will do all that you can to make sure that this never happens again.

Mr. McDONOUGH. The purpose of our investigations is the truth. Truth informs our disciplinary action and forms accountability. That is the kind of operation we want to run. That is what I—

Mr. CISCOMANI. Mr. Secretary I think the truth is on paper. We have seen the truth. We have seen the reports on that. I think the truth is evident.

The CHAIRMAN. The gentleman's time is up.

Mr. CISCOMANI. What we need now is a commitment that this will never happen again.

I yield back.

The CHAIRMAN. Representative Ramirez, you are recognized for 5 minutes.

Ms. RAMIREZ. Thank you, Chairman. I want to start by recognizing how deeply traumatizing this hearing has to be for anyone listening who has suffered from the pain of sexual harassment, who knows what it is like to have experienced a misconduct or violence and the revictimization of this particular investigation. I say this over and over, pain should never be used as a political ammunition.

I have to say I am deeply troubled how many of my colleagues across the aisle have gone about this investigation. I believe that the approach my colleagues are following will cause lasting harm on how, as a Nation, we address the very real threat of sexual violence and harassment in the workplace.

Exploiting pain for political points is not going to get us closer to addressing the failures in Federal policy that address the sexual harassment, not in our agencies, not in our halls of Congress, and certainly not even in our offices. Sexual harassment and sexual violence is absolutely unacceptable and it must be addressed with policy solutions. I know this, to do so, the people need to trust that our agencies and us in Congress are working seriously to pursue solutions every day, not theatrics. You see, trust is important, and once it is broken, it is not easily repaired.

Secretary, I want to come back to something you said a couple of minutes ago, and let me ask you this specific question around it. Are there conflicting laws that have made it difficult for the VA and the ORMDI to effectively regain and maintain the trust of VA employees?

Mr. McDONOUGH. I think that there are competing requirements on the EEO chain of command, and we can address those. I want to just hasten one more time to say that none of those obviate our responsibility to ensure that our employees, when they speak, they

are heard; that when they feel that they are being mistreated or they are working in an unsafe work environment, that they do not get support. That is my biggest failing as a leader in this instance, that this employee felt that way. I am bound and determined to make sure that does not happen again.

Ms. RAMIREZ. I want to follow up on that. Tell me a little bit about what you are personally doing to ensure that the trust is restored in not just ORMDI, but the organization who has a mission of serving other VA employees.

Mr. McDONOUGH. Well, I thought the appointment of a leader like Assistant Secretary Law into this position with her experience of fighting aggressively for her fellow career employees at VA was an important indication of that.

Second, I have encouraged our employees to feel that they can reach me. I am gratified to know that when this employee reached me, that, at least in retrospect, that we appear to have gotten that rolling. I think that there is important learnings there, as the chairman pointed out, that we have to make sure that we close the loop back with that employee, whether that employee is a whistleblower or not, which I still hasten to say I do not know the identity of the whistleblower.

Then third, I just want to make sure that I am spending time in the field with our employees so that they recognize that I am a leader who is approachable, including if they have concerns.

Last, I accepted the chairman's invitation to come before the committee today because I thought it was important to communicate to employees that I hold myself responsible for these failure and that they see me so do, and that they recognize that I consider their outreaches to me and their communications to me to be of vital importance. This is another opportunity for me to be able to communicate.

Ms. RAMIREZ. Thank you, Secretary. I agree, it is important that you are here and that employees see that you are here and holding you feel accountable and responsible for the agency. It is such an important matter.

With that, Chairman, I yield back.

The CHAIRMAN. Thank you. The gentlewoman yields back.

I think for the record, we should be very, very clear, the whistleblower and vics that were involved in this, everything that has been done has been done to make sure that we keep their names as low profile as possible at their request. Everything that has been done, that has been brought out has been approved by them specifically, so they know the importance of why it was that this needed to come to this level. That is why we had the executive session. That is why we have done everything we are supposed to do. No one has been misled in any way, shape, or form. I think it is interesting with a lot of the questions that come up, that there is a statement like that because everything has been above board. This is not political. It is strictly so that we can work to make sure that this never happens again.

With that, Mr. Crane, you are recognized.

Mr. TAKANO. Chairman, might I respond?

The CHAIRMAN. Yes. Yes, you can respond. Yes, sir.

Mr. TAKANO. I think the concern on our part has to do with the fact that the names of the accused were also made public in previous hearings. It does not take much detective work to deduce who the other players are in this whole circumstance. You know, confidentiality was compromised at the previous hearing.

I have had concerns all along, my own statements at the business meeting, that we consider the subpoena, not—things were—that we should have waited for the OAWP report. But, you know, that is where our concern is coming from.

The CHAIRMAN. The concern as far as the people accused, they were all invited to come well within our meetings' rules and well within—because the thing is, this is not a low level area of the VA. This was high level. We can sit here and it amazes me, and trust me when I say it is not partisan, but, folks, I do not care whether it is a Democrat, I do not care if it is a Republican. If at the higher level, you have people that are sexually harassing and abusing the power to the level that this investigation found out, this is vitally important to have this hearing today.

I do not see where this is your side of the aisle or our side of the aisle. I do not. I do not at all. I see it as this is and must be dealt with so that a correction can occur in the agency to see this never happen again.

I respectfully say to you that we have handled this with the proper legal moves on everything that we did and trying to make sure that the victims are not overexposed, but the people who are the accused, actually, that it is made public what is going on, so that we can clear cure the problem in the future. I just think that quite often some things that have been said in the questioning are concerning to me.

Sure, I yield.

Ms. BROWNLEY. Thank you for that. I think, you know, where I struggle with all of this is the way in which—

Mr. SELF. Order.

The CHAIRMAN. I did yield. Yes, go ahead.

Ms. BROWNLEY. The way in which these facts have been presented is inconsistent with what the OAWP's report.

The CHAIRMAN. They back it up completely.

Ms. BROWNLEY. It does not match up. Now, there is some—

The CHAIRMAN. They back it up completely.

Ms. BROWNLEY. Wait, wait. There is consistency, but there is a lot of inconsistency to it. I just feel as though we need to have all of the facts on the table. That is where I am struggling.

The CHAIRMAN. We have had all the facts on the table. We have.

Ms. BROWNLEY. Well, you have had the report perhaps for a long time. I have just—

The CHAIRMAN. Your staff got it like we did.

Ms. BROWNLEY. What, months ago? No. Yesterday? Two weeks ago?

The CHAIRMAN. That is when we got the report.

Ms. BROWNLEY. Okay. Okay, regardless of timing here, it is still what is in that report and what has been somewhat presented, it is inconsistent. That is where, you know, I certainly felt misled from the first hearing that we had up until, you know—and then

receiving the report and getting, you know, a fuller picture of what had happened.

The CHAIRMAN. Reclaiming my time. We will be able to talk to others on the next panel. Okay. We have been very consistent in the sharing of information between our staffs and between our members, and no one has been given false information. This has been taken very seriously by both staff, and I think that it has been very consistent on giving the proper information of the information we had at each given time.

With that, Mr. Crane, you are recognized for 5 minutes.

Mr. CRANE. Thank you, Mr. Chairman. Appreciate you showing up today, Mr. Secretary. I also appreciate you taking ownership and accountability for the failures.

You know, I have known you for a little bit. Though you and I do not always see eye to eye on every single thing, you have taken the time to come out to my district, tour around, meet veterans in my district, and also look at the facilities that we are using to give them medical treatment. In no time in knowing you for the brief time that I have do I think if you are the type of man or the type of leader that would take allegations like this and just blow them off. You seem like the type of guy that would take these very serious.

That being said, my big concern here is that your staff did not feel it important enough to make sure that this very serious issue was not just put in a binder that you might or might not read, but was clearly communicated to you and discussed to get your guidance on how you wanted to proceed with it. Now you said here today that you have improved your internal processes to make sure that this does not happen again. Is that correct? Has anybody on your staff been reprimanded for this or are you just taking ownership of it and making sure that the process changes?

Mr. McDONOUGH. Ownership of it, making sure that the process—now we are changing a whole bunch of things, and I am happy to tick through those things, but for not seeing the chairman's letter when it was in my book, that is on me and nobody else. That is on me.

Mr. CRANE. Thank you, sir. Obviously, that seems pretty disrespectful, you know, just the way that this has unfolded seems, I am sure, very disrespectful to the chairman. But also—

Mr. McDONOUGH. That is one of the things that really bothers me about it, and I saw no other way to address it than to just come clean in front of them about it.

Mr. CRANE. Yes, sir. It also seems disrespectful to, I think, those of us on this committee, regardless of what party we are a part of. I would hope there is a little over 20 of us on this committee, sir, that if any one of us took the time and we felt there was an issue important enough to send you or your staff a letter, we would hope that that would not just be put in a binder and that would be brought to you so that you can see it.

Mr. McDONOUGH. You have got my commitment on that.

Mr. CRANE. Thank you, sir. I appreciate it.

With that, I yield back.

The CHAIRMAN. Thank you. The gentleman yields back.

Mr. Landsman, you are recognized for 5 minutes.

Mr. LANDSMAN. Thank you, Mr. Chair. Mr. Secretary, thank you for being here and your honesty and candor, integrity.

The committee has done this investigation, and obviously we have to focus, as I know you are committed to, on what was found through this investigation and do so in a way that ensures that the misconduct that was substantiated is prevented from happening again. Clearly we all agree on that. This may be redundant, and I think you have talked a little bit about some of this, but it is worth walking through again, sort of the steps that you have taken or are going to take in that vein.

The Office of Accountability and Whistleblower Protection mentioned in the report that some senior leaders within Human Resources Administration could have responded more quickly to the employee allegations. Right? The time lag was a few days, I think, but it still hurt affected employees negatively. Timeliness is hugely important.

How are you, just walk us through, how you are engaging with the senior leaders across the VA to ensure that they know exactly what to do when confronted with these situations. If they do not, where do they get the information? Then how are you holding folks accountable? Again, all in the vein of making sure that this does not happen again.

Mr. McDONOUGH. Yes. Thank you very much for the question.

I just want to say again that I really appreciate the steps that our assistant secretary for HR&A, Cassie Law, has taken. From the moment she walked in the door to that job, she announced, and is requiring each of us, including the Office of the Secretary of Veterans Affairs, to conduct a standdown on sexual harassment. That means that we take dedicated time in each component on refreshing our training and our understanding of sexual harassment.

One cannot read the report—well, I will come back to that question. The second thing we are doing, again at the direction of our assistant secretary, is we are reviewing all of the training that we provide on sexual harassment, and we are ensuring that that training, where it is lacking, is updated.

Third, it is quite remarkable to me to have learned, and I think, in retrospect, maybe should have known this, that there are no anti-fraternization policies or requirement—reporting requirements at VA. That is a failing. We will update those fraternization policies.

Four, we are hiring new personnel, as I have just talked about.

Five, we are restructuring, again, consistent as we have talked with Mr. Levin and as Mr. Franklin and Mr. Van Orden have both underscored, we will work with you on the same, on the restructuring.

Ultimately, we will take disciplinary action. I think that disciplinary action is extraordinarily important.

I will just say one last thing. I think that the OAWP report is very helpful. Again, I want to avoid commenting about it too much for fear of undercutting its good work. One cannot read it and not be struck by the fact that we do need to refresh these questions about what is sexual harassment and what, for example, is acceptable behavior about sexting. I think that OAWP has done us a good

service in making sure that those facts are all out there in a way that will force us to confront them.

Mr. LANDSMAN. Thank you. I appreciate your candor and the way in which you laid out those six items from the standdown meetings and work, the reviewing of all training, the anti-fraternization policies, ensuring that you will have them, the new personnel, the restructuring, and obviously the discipline. I mean, very comprehensive, and I think that is going to be very helpful to the committee. Thank you.

I yield back.

Mr. McDONOUGH. Thank you.

The CHAIRMAN. The gentleman yields back.

Mr. Luttrell, you are recognized.

Mr. LUTTRELL. Thank you, Mr. Chairman. Mr. Secretary, good to see you, sir. How are you?

Mr. McDONOUGH. Good.

Mr. LUTTRELL. Pretty valuable note today from your statement, what you said today, I would create a folder in the front of your box that says VA chairman on it.

Mr. McDONOUGH. I understand.

Mr. LUTTRELL. Just saying.

Mr. McDONOUGH. Yes.

Mr. LUTTRELL. The VA is strengthening its policies, procedures, personal training, and structures to approve the handling of sexual harassment allegations and help eliminate sexual harassment in the future. A lot to unpack here.

There are two individuals that are involved in this hearing, and I actually have their performance appraisals, both of which, and these are in leadership positions, both of which are their ratings are exceptional. I mean, they are one out of five, they are both fives. Assigning the specific individual that I think oversees this was Ms. Grosso, correct?

Mr. McDONOUGH. Correct.

Mr. LUTTRELL. If the incoming—Ms. Law is coming in to step up what is not effective and efficient, what does that look like? When I read the VA policy online, and I hate to use the word “bullet-proof,” but I know your leadership style from the past year working with you. I am just curious, how does that work when you have leadership that is, in my opinion, was the direct result of the problem? Is it actually the policy that is not working correctly, or is it our inability to effectively weed out those individuals that are taking advantage of the subordinates?

Mr. McDONOUGH. Yes, I think the policy is the start but not the end. It is, you know, necessary, but insufficient. The execution of the policy and then the accountability to the policy is the lifeblood of a well-performing organization. I think that you are right, the policies are well drafted. I think we have to refresh our—I think the idea behind the standdown that Assistant Secretary Law has directed is to make sure that we refresh those policies and then attach them in real life to real examples, and then we hold people to account for it.

I will say that I just signed off on the performance appraisals for 2023, and I did communicate back to the agency that I find that

the ratings are inflated as a general matter and that we have to——

Mr. LUTTRELL. That is troublesome.

Mr. McDONOUGH. Well, I think that over time, unfortunately, that there is just not a history of being 100 percent candid in the written evaluations.

Mr. LUTTRELL. Do the individuals themselves write their own evaluations and send them up to their superiors for signature?

Mr. McDONOUGH. In this particular instance, I cannot know for sure. I know that that does happen.

Mr. LUTTRELL. It does happen.

Mr. McDONOUGH. Yes. In this particular instance, I do not know for sure.

Mr. LUTTRELL. I caught something you said earlier and I was trying to make heads or tails of it, but did you receive an email from the whistleblower on this complaint and that there was a tab that was not opened?

Mr. McDONOUGH. Correct? I do not know that I received an email from an employee. Whether that employee is the whistleblower, I do not know.

Mr. LUTTRELL. Did it fall in this window?

Mr. McDONOUGH. It did.

Mr. LUTTRELL. Okay.

Mr. McDONOUGH. It did. There is an attachment. Now, this is all refreshed.

Mr. LUTTRELL. Do you remember the day that that hit?

Mr. McDONOUGH. I said earlier, it is the 17th or the 18th. I know this now only because I have seen the document.

Mr. LUTTRELL. October, November timeframe?

Mr. McDONOUGH. Sorry, October 17, 18. Again, now I may be corrected and maybe I did open it, it, however, is my practice to not open attachments from emails.

Mr. LUTTRELL. I understand you got security.

Mr. McDONOUGH. Yes, from somebody that I am not expecting an email from.

Mr. LUTTRELL. You said that you had a loss of confidence in Ms. Grosso.

Mr. McDONOUGH. Correct.

Mr. LUTTRELL. You engaged with her on a specific day. What day did that fall on?

Mr. McDONOUGH. I do not—I can get you the exact date.

Mr. LUTTRELL. I mean, I think what I am trying to get to is, is it in proximity to the whistleblower before or after? If your loss of confidence was in any way in that timeframe, I believe that should have raised a red flag with you. Hey, if the leadership in this particular department, I have a loss of confidence and I am receiving information that is directly correlated to that department, maybe I should dig a little deeper.

Mr. McDONOUGH. Yes, I think that is fair. You know, I have tried to, in preparation for today, to go back, to refresh my memory on the reception of that email, and I just cannot.

I do recall the period around which, in September, I did lose confidence in the assistant secretary, and it was related to a range of

issues. These sets of issues, namely the allegations of ORMDI, did not factor into the decision.

Mr. LUTTRELL. Yes, sir. I think just at that specific level, if things start to unwind, to me, it seems like the depth of which the iceberg floats could be catastrophic, which——

The CHAIRMAN. The gentleman's time has expired.

Mr. LUTTRELL. I am sorry, Mr. Chairman, I yield back.

Mr. McDONOUGH. Thank you.

The CHAIRMAN. Mr. McGarvey.

Mr. MCGARVEY. Thank you, Mr. Chairman. Thank you for being here today, Mr. Secretary.

One of OAWP's findings related to an improper personal relationship between a supervisor and subordinate. I want to be clear, it is an abuse of power when a supervisor engages or attempts to engage romantically with a subordinate employee. There is an inherent power dynamic at play.

Mr. McDONOUGH. I agree with that.

Mr. MCGARVEY. Even if both parties allegedly agree to any type of relationship.

Mr. McDONOUGH. I agree with that.

Mr. MCGARVEY. We need a process in place to guide these situations, to protect the balance of power, and to set clear rules for what is acceptable in the workplace. Just to be clear, we need to root out harassment in all its forms. Having clear and stringent guidelines in place is absolutely critical to that mission.

My understanding is that the VA does not have a policy in place to discourage this behavior, to guide an employee who may engage in a relationship with another employee. The Office of Personnel Management also does not have a policy guiding agencies on this issue.

Mr. Secretary, my question for you is, is the VA considering issuing any policies related to interpersonal relationships between employees, such as an anti-fraternization policy? If so, when can we expect that policy to go into effect?

Mr. McDONOUGH. Yes, this is one of the findings of the OAWP report. I am embarrassed to admit that I did not realize that we did not have anti-fraternization policies. I would have assumed that we did. I consider those basically very important policies. OAWP found that we do not have them and we are developing them. I cannot give you a specific timeline. I am happy to report back to the committee. I do not have a specific timeline that I prepared for today, but I will make sure that I communicate back to the chairman, the ranking member, and to you on that question.

Mr. MCGARVEY. Thank you, Mr. Secretary, and I yield back.

The CHAIRMAN. The gentleman yields back.

Mr. Self, you are recognized for 5 minutes.

Mr. SELF. Thank you, Mr. Chairman.

Mr. Secretary, I want to explore leadership at the highest level. You testified to one of my colleagues across the aisle that this testimony was not for this committee. It is for your employees, I believe that is right. You took the time to let us know four times in three and a half pages of your written testimony that you were not responsible because you did not read the chairman's letter.

I want to start with the soft landing, the gracious exit for the assistant secretary, a former three star general who was making at the time, between pension and your salary there, \$350,000-odd. You have told this committee that the truth is the most important thing here. Why did you not—and I have got a lot to cover here, so a short answer would be helpful, why did you not hold her rather than accepting her resignation? She could have helped us find the truth. Now she is beyond sanction. You allowed her to leave for some soft landing so that she would not help us find the truth.

Mr. McDONOUGH. I think I will say four things. One, I testified earlier that my testimony here is important for the committee and for our employees, one.

Two, I communicated the sequence of events as clearly as I could, as you pointed out, three times in four pages, so that I could make sure that the committee understood what informed my decision-making.

Three, the question about this language, soft landing, maybe I did use that language. I do not see that in the email that I have. I do not know that I ever used that word. It looks like the chairman saying, I did not use that word. Not consistent with what I was trying to communicate before.

I have relieved a lot of senior people in my jobs over the years. It has never been useful to embarrass them, ever. Nobody is confused about why she is not in the job.

Mr. SELF. Okay, then you were the White House Chief of Staff in 2014. Is that correct?

Mr. McDONOUGH. Yes, sir?

Mr. SELF. It is not a matter of party, because both Presidents are of the same party. You were the White House Chief of Staff. Your deputy, Rob Neighbors, published a report on the Veterans Health Administration (VHA) scandal. He said there were significant, chronic system failures in a corrosive culture inside the VHA.

Now, as the White House chief of staff, I am sure that you were very aware of that scandal in 2014. We move forward to 2023, and a lot of us that have served in the military understand the term “loss of confidence.” The loss of confidence also often means that a commanding officer gets relieved. I have no doubt the fact that you are here speaking to your employees through this hearing, that many of them are questioning your ability to leave.

General Shinseki, at the time, a retired Army four star, said this about that scandal then. He was the Secretary of VA in 2014. “That breach of integrity is irresponsible. It is indefensible and unacceptable to me.” He said that he could not defend what happened because it was indefensible, but that he would take responsibility for it, and he would, and he resigned.

What is the difference between you and Secretary Shinseki given these two scandals? Are you saying that this scandal is not as important? It does not rate as highly as the scandal in 2014, because as the White House Chief of Staff, you would have been intimately familiar with a cabinet-level Secretary resigning.

Mr. McDONOUGH. Yes. The differences between me and General Secretary Chief of Staff Shinseki are manifold. His courage, his service to the country, his integrity, are all things that I could only

aspire to. I would never compare myself to Rick Shinseki, who I consider a national hero.

What is the difference between these two instances? I am a sinner. There is no question that I have failed in this instance, and I am learning from that failing, and we are taking concrete steps to address it. That is what I think is the difference.

Mr. SELF. Mr. Chairman, I yield back.

The CHAIRMAN. Thank you. The gentleman yields back.

Just for the record, you never used the term “soft landing.” Where the conversation was is when actually Ms. Grosso, in her email said, gracious departure. You did not use that term. She actually used a different word in that.

With that, Representative Pius, you are recognized—Pappas.

Mr. PAPPAS. You got it. Thank you, Mr. Chairman.

The CHAIRMAN. Pappas.

Mr. PAPPAS. Thanks very much, Mr. Chairman. Mr. Secretary, thank you.

Mr. McDONOUGH. Sure.

Mr. PAPPAS. I appreciate your candor today and your openness in addressing these allegations. Clearly, sexual harassment, no matter where it is or what form it takes, it is completely unacceptable. This is totally true about workplace sexual harassment, which we are facing here.

In a professional environment, every employee should feel secure and safe. If they experience harassment, they should feel confident that there are internal processes available to address their situation, to hold others accountable, and to reestablish a safe and professional workplace.

Last July, at this committee’s markup of the Restore VA Accountability Act, I offered an amendment to the bill which would have required VA to provide additional training to supervisors to foster a healthier work environment at VA. Unfortunately, it was defeated. That training could have helped prevent the kind of inappropriate conduct the committee and OAWP uncovered at ORMDI.

In light of the issues this investigation uncovered, I hope my colleagues will join me in supporting H.R. 6531, the Train VA Employees Act. It is bipartisan legislation. I have introduced it with Representative Van Orden, which strengthened supervisory training on performance management, prohibited personnel practices, and addressing reports of harassment and retaliation, among other things.

Mr. Secretary, you talked a great deal about the standdown, about the refreshing of policies, about refining training, and I think those are all critically important. I do not know if you can shed any light on timelines for any of that or if that is still in the development stage at this point.

Mr. McDONOUGH. You know, I think I could, but I think I would more obfuscate than I would be clear. I think Assistant Secretary Law, who is on the next panel, is in a position to spell out specific timelines. I am sorry, I just do not have them at my fingertips, and I am worried I would give you the wrong answer.

Mr. PAPPAS. Okay. Well, we look forward to more information on that, and I think this is a vital thing that Congress can continue

to look at in partnership with VA. We appreciate your leadership there.

Mr. Secretary, we are potentially facing another cliff here in March and the potential of a government shutdown. This is not new in this building. We have seen this story play out many times before, especially over the last year.

I am wondering if you can tell us what impacts are on VA and organizations like OAWP. What happens when we are facing the threat of a shutdown and we do not have regular appropriations?

Mr. McDONOUGH. Yes. OAWP would stop functioning in the way it does now. There would be no intake or investigations. The assistant secretary and one staffer will remain to monitor veteran safety cases and otherwise, it is roughly 150 Full-Time Equivalent (FTE) would be furloughed.

I think it is worth reaching out to the IG on the same question, because we obviously really rely on the IG to be an aggressive set of eyes and ears for us on accountability and investigation. I think he may have further information to enlighten this.

At HR&A, the functions in HR&A that support VHA, the health administration, would remain because VHA has advanced appropriation. The other functions at HR&A would be furloughed.

Mr. PAPPAS. Thank you for those comments. Since I brought up OAWP, you know that I have been a frequent critic of OAWP.

Mr. McDONOUGH. You were very much in my mind when I was answering the questions about OAWP.

Mr. PAPPAS. That goes back 5 years during my time on the Oversight and Investigations (O&I) Subcommittee. I think your comments are appropriate, that it is a more effective organization and it has matured and come a long way. Clearly, there is more work to do.

I will note that the OAWP investigation began in September, prior to the letter coming over from the committee to your office. I am wondering if you can offer any more comments on the findings of the investigation or if you want to stay away from that. I guess my question would be if you are confident in the findings of their investigation and anything else you want to add about OAWP today versus where it was several years ago.

Mr. McDONOUGH. I am confident that in the investigation, I think it is a good piece of work. I will stop there.

I did note that the referral was made to OAWP in mid-September. I think that is—or mid-October, I believe. I think that is an important fact, but probably insufficient.

Also important, you know, they make some characterizations there about who a senior leader is. They have a jurisdiction on senior leaders, but importantly, that the employee reached out to be, I cannot remember the exact timing here to say that they were concerned about not OAWP, but the AIB that was set, the Accountability Investigative Board, that was set up to look at this case was still within the chain of command at HR&A. Out of that outreach, we made the decision to refer the entire thing to OAWP. I think that was an important decision.

Last, this is an important tool that you gave us. This was in my prepared comments, and I went over them. I discarded them for purposes of time. The OAWP is an important tool that you gave

VA, but that tool has not always been used the way I think you all intended.

I think now, after very good work by our former assistant secretary and now by our acting assistant secretary, it is a more credible organization whose investigations are done in a more timely way and whose disciplinary actions as a result are more promptly imposed.

Mr. PAPPAS. Thank you. I yield back.

The CHAIRMAN. Representative Rosendale.

Mr. ROSENDALE. Thank you very much, Mr. Chairman.

Secretary McDonough, thank you so much for being here today. I have always known you to be transparent, forthright, and, quite frankly, attentive to both your position and this committee. I do appreciate you being in here today.

I do not think anyone can deny that harassment took place at this point. We do need to provide the oversight on the process to make sure that we can eliminate this conduct in the future and identify where the breakdown was and this lack of communications so that it did not get to you earlier so that we could start working on it. I think that is what—

Mr. McDONOUGH. Mr. Luttrell.

Mr. ROSENDALE. Representative Luttrell, yes, that several were getting at. My questions are going to try to identify that breakdown.

Do you know when Deputy Secretary Bradsher first was made aware of the allegations against ORMDI?

Mr. McDONOUGH. I do not.

Mr. ROSENDALE. Is there any way that we can get that information? Are there any documents to support that?

Mr. McDONOUGH. You know, the chairman made some comments at the end of his opening remarks about wanting to talk to other employees. I think we have had back-and-forth on that. We will keep digging on all the document requests and you will make your own conclusions about that. We will make sure that we are—you know, as we work out the arrangements, we will have our people.

Mr. ROSENDALE. The same with Chief of Staff Kimberly Jackson. Again, when was she first made aware of the allegations or information about this?

Mr. McDONOUGH. Fair question.

Mr. ROSENDALE. You do not—

Mr. McDONOUGH. I do not have that, but I will make sure that we get it.

Mr. ROSENDALE. Okay. You testified that, “During September, I had come to the decision that we need a change in leadership at HR&A OSP and had begun planning for Ms. Grosso’s departure.” We had a lot of conversations about the harassment, but then I just heard you speaking with Mr. Luttrell.

What I am trying to do is nail down what specifically led you to make this decision—

Mr. McDONOUGH. Right.

Mr. ROSENDALE [continuing]. because, in your words, the cause to lose your confidence. Then you told Mr. Luttrell that it was not in relationship to these particular charges or allegations.

My question is, what specifically then did lead you to lose confidence?

Mr. McDONOUGH. Yes. If you will remember that in September we were dealing with an issue around critical skills incentives. It is an issue that we have talked at length with the committee about. That was among the issues I was concerned with.

Mr. ROSENDALE. Okay. What did you mean when you said that, Ms. Grosso, over email, "You have my commitment to be very disciplined in how I talk about this and how other senior leaders talk about your service at the VA."

Mr. McDONOUGH. What I mean by that is I felt and still feel that it is never helpful to embarrass a senior leader, a public employee. In this instance, particularly one who had served the country over 30—like so many of you over many decades, honorably. That is what I meant when I said that.

Mr. ROSENDALE. As long as—again, this is the case, and we are not just relocating people because you and I have had that conversation as well, to basically give them another location to possibly potentially perpetuate the same kind of a problem that has already existed. That is never good as well. My understanding—

Mr. McDONOUGH. She was a political appointee, so she, you know, she served at the pleasure.

Mr. ROSENDALE. She emailed you on October 29, 30, regarding her resignation, apologized for not performing up at the standard. What was she referring to in her email, not performing up the standard?

Mr. McDONOUGH. I do not know. I would have to ask her about it. You know, as I said, I communicated I had lost confidence.

Mr. ROSENDALE. Okay. What is the process reviewing a program, this is going to get into the fiscal end of things now, and its effectiveness before you request a budget increase?

Mr. McDONOUGH. One of the things that we have stood up at VA is I was actually struck when I arrived that there is relatively few places to have kind of enterprise-wide looks at programmatically. Each of the independent administrations makes individual determinations, but we stood up something called the IRC, and I am not going to remember what it is called now. It is maybe the Internal Resources Council. This is one of our sub policymaking groups, and we are doing regular reviews of resource outlays that are resource investments.

Those inform deliberation at the next three higher levels. The Integrated Policy Council, which is a, you know, policy level, policy-making level body across VA that then informs any deliberation at the deputy secretary level, which is the VA operations work.

Mr. ROSENDALE. I am out of time, so I am going to cut real quick. Are they the ones developing some kind of matrix so that you can actually measure the effectiveness of either a program or an agency?

Mr. McDONOUGH. Every program has programmatic goals and then key performance indicators, KPIs. You know those are run, in some instances, by the program themselves. Those are, you know, then double-checked by things like the Independent Review Commission (IRC), and then ultimately, by congressional oversight, by the IG, and by other performance standards.

Mr. ROSENDALE. Thank you. Thank you very much.

Mr. Chair, I yield back.

The CHAIRMAN. Thank you. Mr. Secretary, just real quick, I just want to mention in my opening statement, I said your lawyers have a list of individuals we are requesting to interview as part of the committee's investigation. I just want to know, can we get a commitment by next week? We can kind of get an answer on those individuals, on whether we can have access to them.

Mr. McDONOUGH. Yes, I think it is useful to have this conversation in this setting. You know, among—so, just to give you an example, among the things we would like to work out is one of the persons on the list is our general counsel. A transcribed interview of a general counsel is a very rare issue, especially as it relates to the fact that that person provides privileged legal counsel to me and to others.

I do not see any problem on timing. I just want to—I guess I need your assurance that we can set this up and work out the modalities of this consistent with how this—

The CHAIRMAN. Everything we want to do, we want to be legal and above board.

Mr. McDONOUGH. Yes. I also just want to make sure that, you know, it is pursuant to a set of rules that we all agree to.

The CHAIRMAN. Right.

Mr. McDONOUGH. You know, you have got my commitment on that. Let me just restate the commitment that I think you have had since the day of that conversation in November, which is we want to get to the bottom of this and we are cooperating. We will continue cooperating. We take this very seriously.

The CHAIRMAN. I want to thank you for being here today.

Mr. McDONOUGH. Thank you.

The CHAIRMAN. I know this has been a long day.

Mr. McDONOUGH. I got real work to do now.

The CHAIRMAN. Yes. The witness is excused, and the second panel, we are going to call them up, but we do thank you for being here, Mr. Secretary.

Mr. McDONOUGH. I did not mean that. This is real work, I did not mean that.

The CHAIRMAN. I know that. I know that.

Mr. McDONOUGH. I did not mean to be pejorative. Thank you.

The CHAIRMAN. Thank you. You are great. No problem.

All right. If we can call the meeting back to order.

On our second panel, we have Ms. Cassandra Law, the assistant secretary for human resources and administration, operations, security and preparedness. We also have Mr. Bruce Gipe, the acting secretary—assistant secretary for Office of Accountability and Whistleblower Protection. Will the witnesses please rise and stand and raise their right hand?

[Witnesses sworn.]

The CHAIRMAN. Well, thank you for letting the record reflect that the witnesses have now answered in the affirmative.

Ms. Law, you are recognized for 5 minutes to provide your testimony.

STATEMENT OF CASSANDRA LAW

Ms. LAW. Thank you, Chairman Bost, Ranking Member Takano, and distinguished members of the committee. Thank you for the opportunity to testify today and for your long-standing support of veterans and their families.

Testifying with me today is Bruce Gipe, the acting assistant secretary for the Office of Accountability and Whistleblower Protection, the office that led the comprehensive internal investigation into the allegations of wrongdoing at the Office of Resolution, Management, Diversity, and Inclusion—ORMDI.

My father, grandfather, and great-great-grandfather were all veterans. My father was also a physician who served as an academic and clinical leader over his 33 years of service to VA. He instilled in me a reverence for our Nation's veterans and the importance of VA's mission.

Thirty-five years ago, I was fortunate to secure a job working at the best mission in Federal Government, serving veterans, their families, caregivers, and survivors at VA. My first job was helping veterans improve their health and well-being through recreation therapy at VA Palo Alto. I spent years providing direct care to veterans before serving in numerous other roles throughout VA. Today, I am honored to be working as VA's assistant secretary for human resources and administration, operations, security, and preparedness.

Ensuring a harassment-free environment is a personal issue for me. Harassing or discriminatory conduct leads to a waste of human potential, is inconsistent with the core values of VA, and hinders our ability to accomplish our mission. I am squarely focused on these issues, and I will not tolerate sexual harassment or assault on my watch.

On my first day, I sent a memorandum to the acting general counsel directing an immediate review of all harassment prevention training materials. I want to be certain that we are being effective in training our employees on how to identify and eliminate sexual harassment and assault. A task force has been set up to review our current training, which will report back to me in early March.

I directed all VA undersecretaries and assistant secretaries to complete a workplace harassment standdown. Each office was directed to develop a plan of action to be implemented by April 30 to ensure that all employees fully understand and adhere to VA's zero tolerance policy. I also sent an email to all of our more than 400,000 teammates with a clear message: I am here to support each of them and to make certain that VA is a safe, welcoming, discrimination-free, and harassment-free environment.

We are here today because we fell short of this goal at the Office of Resolution, Management, Diversity, and Inclusion. As set forth in the 125-page report that Assistant Secretary Gipe can describe in more detail, VA's internal investigation found multiple instances of sexual harassment and other misconduct within ORMDI. The report also found failures by senior leaders within the human resources organization in addressing allegations of misconduct at ORMDI when they arose.

Consistent with the recommendations in the OAWP report, VA is taking a number of steps to prevent sexual harassment in the future. First, about disciplining the employees involved in misconduct at ORMDI, I have some very recent news. While I cannot go into much detail in a public session, I can share that just yesterday, VA issued a notice of proposed removal to one employee, and I have been informed there are additional disciplinary and recoupment recommendations from OAWP's report that VA will act on by the end of the month and hopefully sooner.

A number of policy and structural changes are also now underway. VA is in the process of creating an anti-fraternization policy addressing romantic or sexual relationships in the workplace. I expect this policy will require the disclosure of any such relationships and prohibit inappropriate supervisor-subordinate relationships.

As highlighted by the OAWP report, the current ORMDI reporting structure is not in accordance with recent laws passed by Congress. However, as the report also noted, these laws impose conflicting obligations on VA. The Department is working hard to determine the best way to modify ORMDI's reporting structure in light of the conflicting statutory mandates. I hope to come back to you in the very near future with our proposed path forward.

VA is also working to fill the position of a permanent deputy assistant secretary of ORMDI. Additionally, I am exploring bringing in a consultant who can further assist me in the important work of restructuring and retraining ORMDI. I am focused on improving training and will bring outside expertise to provide EEO and anti-harassment training to all ORMDI employees in particular.

Last, I am committed to truly changing the culture and eliminating sexual harassment and sexual assault at VA. I will make sure that VA does whatever it needs to do to rebuild VA employees' trust in ORMDI and create a safe, welcoming harassment-free environment for veterans and our incredible workforce.

Chairman Bost, Ranking Member Takano, and members of the committee here today, thank you for allowing VA the opportunity to testify, and I look forward to your questions.

[THE PREPARED STATEMENT OF CASSANDRA LAW APPEARS IN THE APPENDIX]

The CHAIRMAN. Thank you for your testimony. We will move forward with questions, and I will recognize myself for 5 minutes.

Assistant Secretary Law, when were you first told that you were expected to testify in this hearing?

Ms. LAW. I was told about 2 weeks ago.

The CHAIRMAN. Were you appointed to this position specifically for the hearing?

Ms. LAW. No, sir.

The CHAIRMAN. Now that the OAWP has completed their investigation and made recommendations, can you explain to the American people and this committee, step by step, what happens next and how long you think those steps will take?

Ms. LAW. Could I clarify one point, sir? The steps that I am taking with the report?

The CHAIRMAN. That is correct.

Ms. LAW. Yes, sir. Absolutely. As in my oral testimony, I had said the first two actions were to get our general counsel to do a

complete review of our training related to sexual harassment, sexual assault, and what we call bystanders training. They will be back to me in mid-March. I asked not only for a review of the curriculum, but also suggestions on improvements that we need to make.

Second, I referred to the national standdown, so that is enterprise-wide, and asked for reports to come to me, plans of action within 30 days, which I am on about day 19, so mid-next week, to confirm that there are plans in place with milestones. Then to have those actions completed by the end of April of this year, so.

Then the hiring of a deputy assistant secretary for the ORMDI is being finalized right now. I have taken some time to rework the expectations. I wanted to be a little bit more clear before I put that out for recruitment. That will go out very soon. I will be happy to give the committee an update once it is live. Of note, it will be all of governmentwide. This will not be just a VA exploration for candidate. We are opening up governmentwide to try to get the best and brightest.

Thank you, sir.

The CHAIRMAN. On the recommendations of the report, as far as discipline and things like that, what do you see going happening there?

Ms. LAW. Yes, sir. The first action of the proposed removal, which I just referenced, that occurred yesterday. There are processes once that first action is taken, and so that will need to play out. I do not have a specific timeline on the other actions that are outlined in the OAWP report. Again, I would be very happy to come back and update the committee as we have those to implement.

The CHAIRMAN. Who decides the proposing and deciding individuals are for implementing this? Who makes the final recommendation and call?

Ms. LAW. The VA chief of staff will be the final decision.

The CHAIRMAN. How long do you think it will take for VA to decide whether or not to follow whichever recommendations they follow?

Ms. LAW. I do not have that information today, but as soon as I do, I will get it right to you.

The CHAIRMAN. Okay. The next question would be null and void, except for the fact I was just going to say, are you happy with the—you do believe it is going to move fairly quickly or not?

Ms. LAW. Yes, sir, I do. The level of seriousness that this series of events and today's hearing, the OAWP report and the recommendations, are being taken incredibly seriously, and we are moving forward with due diligence and prioritizing.

The CHAIRMAN. We thank you from this committee that you are moving forward and that we are trying to straighten this problem out.

Ms. LAW. Yes, sir.

The CHAIRMAN. With that, I will yield to the ranking member for questions.

Mr. TAKANO. Thank you, Mr. Chairman. Ms. Law, I thank you for stepping into this role during this moment.

Something that struck me about the ORMDI is that the majority of employees involved in this incident were working, teleworking, and they were all geographically dispersed. Some employees had not been face-to-face in person for a very long time, maybe even years. In the case of the employees involved here, they were not in person in the same office, were they?

Ms. LAW. No, sir.

Mr. TAKANO. In a conventional work setting where people are in person in the office, I can imagine a number of ways that misconduct could occur. I do not want to belittle or assert that misconduct cannot happen virtually, but I am interested in hearing more about how this behavior emerges when employees are teleworking full time and how it can be quickly dealt with.

Ms. LAW. Thank you for that question, sir. It is a really important issue, and it is one that I am looking into in the revisions of our policies.

When we look at our workforce today and consider a post-pandemic versus pre-pandemic environment, we have a lot of telework, we have a lot of remote positions. In addition to that, as is in the case with ORMDI, we have geographically differently located offices. There are regional offices that are located in different parts of the country, and then a core office that is located in D.C. Having that really raises for me the importance of clarifying in policy how, you know, we hear of cyberbullying and we hear of different forms of interactions that are not explicitly spelled out in our directives and in our guidance of what you can and cannot do, of what is right and what is wrong. Really taking, I think this highlights that.

Mr. TAKANO. You see you needed to update policies.

Ms. LAW. Yes, sir.

Mr. TAKANO. You know, I just want to move on to Mr. Gipe. Mr. Gipe, my colleagues are very clearly focused on the timeline of when the allegations of wrongdoing were brought to the attention of VA and when those allegations were acted upon. When did OAWP initiate its investigation into these allegations of wrongdoing, and did the chairman's September 29 letter to VA prompt OAWP's investigation?

Mr. GIPE. Thank you for that question, Ranking Member Takano.

We first received our first complaint on September 24, and I believe Chairman Bost's first letter was on September 29, so a few days later. They were close in time, but we received ours a little bit sooner.

Mr. TAKANO. Did the OAWP's investigation begin before or after Chairman Bost's letter arrived?

Mr. GIPE. It began before. When we get a complaint in, usually within 3 to 5 days we have made an initial kind of cut on it to decide if it is within our jurisdiction and if it is going to go for an investigation or if it is a monitored referral.

Mr. TAKANO. I see. What I am trying to clarify is that OAWP was responding——

Mr. GIPE. Yes.

Mr. TAKANO [continuing]. to the complaint, and it was not the chairman's letter that initiated the OAWP investigation.

Mr. GIPE. That is correct.

Mr. TAKANO. Is it customary for OAWP, when it begins an investigation, to inform someone as high as the Secretary that they are investigating?

Mr. GIPE. No. Usually, we will let the manager of the person who is accused of wrongdoing let them know.

Mr. TAKANO. Okay. The immediate supervisor thereabouts. There would have been no reason why the Secretary would have known that this was even occurring?

Mr. GIPE. We would not have informed the Secretary.

Mr. TAKANO. The allegations against Mr. Richardson arose from conduct that occurred in 2021 and 2022. Can you explain what caused the delay in those allegations being investigated and handled?

Mr. GIPE. Yes. I do not believe that an actual complaint was filed until October 10th, in that case, 2023. What had happened was there was some inappropriate behavior, which we found in that situation. Another subordinate manager kind of took steps to deal with that. We also found that subordinate manager did not take enough steps, and we kind of made a finding there. The first time it was actually a filing was October 10th of 2023. There had been another EEO case that was involved with an applicant back then in the 2022-timeframe. That had kind of taken—the action was around that, and I think that the actual inappropriate relationship or inappropriate actions by that person had been stopped by that point. It really was about this EEO suit after that. Then there was a filing on October 10th, which we looked into.

Mr. TAKANO. The delay, just to clarify, the delay in handling the investigation, investigating and handling was due to Mr. Richardson's immediate supervisor not taking action?

Mr. GIPE. Correct. There were steps that should have been taken. There were two things I would say. First of all, one of the supervisors was supposed to do a fact finding, did not do it. Did, however, say no contact. That is why I think that was pretty successful —

Mr. TAKANO. Was that no contact ever documented?

Mr. GIPE [continuing]. I would have to review the record. It might have been verbal, but when there was a contact, they went back and said, no contact.

Mr. TAKANO. Again, this immediate supervisor is an expert in EEOC policies and should have known that a verbal directive to not to have no contact is insufficient.

Mr. GIPE. Correct. Then the second part of that is that person's next level supervisor, who is another person that we made a recommendation against. He actually said, do not take it any further up the line. He said, I am going to handle this kind of the buck stops with me. He did not trust the next level supervisor. He said, in a rather crass way to deal with it so—

Mr. TAKANO. In fact, actually, supervisors above that level, at the level of Ms. Grosso, were not informed about what was going on at this level?

Mr. GIPE. That is what our investigation showed.

Mr. TAKANO. All right, thank you. I yield back.

The CHAIRMAN. Thank you. Representative Ciscomani.

Mr. CISCOMANI. Thank you, Chairman. Ms. Law, thank you for being here and to answer some of our questions to both of you, actually. Thank you for being here. I do want to direct my questions to you, Ms. Law, if you could answer them for me. I think we can all agree that the way that the Agency handled this misconduct was a major misstep. The Secretary before you right now acknowledged that mistakes were made and highlighted a lot of the areas where the VA, himself and his leadership team are addressing the issues that happened there. I understand that you were not there when all this happened. Obviously, you were not responsible for this. I do want to just—if the answer to my questions would be something else, then I was not there when that happened, that would appreciate that, just to try to answer them in the best way possible, because they are going to be more on the general sense of what you saw when you came in. That is basically my first question when I am looking at your testimony today, I want to know your honest take on what the situation was like when you got involved. What you would have done differently, and what specific measures are being taken to not only improve the VA sexual harassment policy, but also ensure this never happens again. It never happening again is something that I just did a question to the Secretary as well, which is the main objective here, to make sure this does not happen again. What did you see when you walked in, and what would you have done differently had you been in that position?

Ms. LAW. Well, I would like to start by saying I am in complete agreement, and that is exactly what I want to. I acknowledge that things were not done well. They were not done timely. As I said in my opening, I am reviewing all of the policies right now to get an understanding of what specifically is included in our policy, what the expectations are for our supervisors, how the chain of command loops back to follow up on actions, as well as employees understanding their rights. I think some of those issues are not clear, so I do not have a complete answer for you now as I move forward and complete this review of the policies. Your questions and the tone of your questions, I believe the intent of your questions are what will drive my actions.

Mr. CISCOMANI. Okay, I will do one quick follow up here. When we talk about the policies and the expectations of the leadership, like you mentioned, in my mind, the policies are one thing. From what I am reading here, people acted at violating policy in some ways. In other ways, there was a policy that now could be added and safeguard some of these actions. At the end of the day, it was the people that decided to violate these policies. We can have all these policies in place, but if the people are not acting right and the expectation is not there for the leadership, then really, it will not make a difference there. When I look at things like what happened here with Mr. Johnson continually awarding Mr. Davis the highest overall job performance rating in every single category, while both were allegedly sexually harassing employees. That is troubling to me when you have people that are applying the policies, that are the perpetrators, allegedly, of what was happening there. We could have all the right policy. If you can dive into your point there of holding the leadership accountable, and making sure

that the team, the employees at every level understand their rights. That at whatever level they are in, they have the opportunity and the right to express if something is being done to them that should not be. Again, policy is one thing, but talk to me about the expectation from the leadership in spite of the policy being there, because obviously, in this case, that did not work.

Ms. LAW. Thank you. I would answer that with three thoughts. I think three things that I saw as missing or lacking and is something that these qualities are very important to me personally. I believe it is what I will bring to HRAOSP, which is that acronym for the very long name for my office that ORMDI falls under, and that is communication. I think communication needs to be more transparent and more frequent and more expected as a part of daily operations. Then the second and third are culture and trust. I think we have seen a degradation of culture and trust throughout that office. It is a large office. There is a lot of important work that they oversee and do. We have shown, without question, that a lot of very poor, bad, and disrespectful conduct has occurred. It is going to take some absolute, intentional rebuilding of trust, and you all will see that as it unfolds as I lean into my tenure in this role. I look forward to continuing to update you on how we are doing.

Mr. CISCOMANI. I appreciate that and I look forward to seeing how this unfolds and how we can solve these issues for them to never happen again. Thank you so much, Mr. Chairman. I yield back.

The CHAIRMAN. Representative Brownley.

Ms. BROWNLEY. Thank you, Mr. Chairman. Thank you, Ms. Law. Thank you for being here. I had mentioned earlier in the hearing, talking about the Women's Veterans Task Force and some of the work that we did there. A lot of the work was the foundation for the Deborah Sampson Bill that was passed that had to do with a lot of different things around women veterans. One importantly was around sexual harassment and determining that there were policies, or lack of policies thereof within the VA with regards to that. I just wanted to make a point that what we are talking about today in this case is really about employee to employee, but we have to keep eyes wide open with veteran-upon-veteran in a VA medical center, perhaps also employee-to-veteran in a particular setting, too. I just want to raise that issue because it became clear through some of the conversations, I have had with women veterans across the country that these types of harassment, veteran-on-veteran or employee-to-veteran, are occurring as well. I just wanted to make that point. I also wanted to ask, I know that I misspoke earlier about the OAWP report just coming out. I understand it is the redacted report that has come out so that everyone who is interested can actually read the report and come to their own conclusions. I know the importance of this hearing is really to move forward and ahead and to address the issues that this report has brought about. I just want to make this point, and I do not want to put you on the spot, but part of the report was around the rumor mill and vicious rumors and people talking about each other and making accusations about women sleeping with their boss, et cetera, et cetera. This committee has named names and made pub-

lic various accusations. I think from my vantage point is the OAWP report disputes some of those allegations in that they interviewed all of these women, and all of these women said, no, that is not what was happening. I just want to know if you agree with me on that or disagree. Again, I do not want to put anybody on the spot, and I do not want to pursue a big argument here on the dais, but I would just like your opinion.

Ms. LAW. Thank you, ma'am. I would like to first begin by backing up one step and thanking you for your leadership and work on the Women's Veterans Task Force. I am familiar with that report, and that collaborative effort brought a lot of good information forward. Thank you very much. That was very meaningful. I am in agreement. I would also like to allow my colleague, Acting Assistant Secretary Gipe, to respond as well.

Ms. BROWNLEY. Thank you.

Mr. GIPE. What I would say is, I think it is unfortunate that there were a lot of things that we looked at that were based solely on rumor and innuendo. There is a part in our report where we talk about the lack of appropriately addressing harassment concerns led to a growth in a hostile and toxic work environment and led to a dysfunctional office with rampant gossiping and innuendo, leading to even more harassment complaints. Obviously, some of the things we found wrongdoing, and we called it out, and we made hard calls on those. Some of them. Did they happen? Did they not happen? All I can tell you is that the evidence was not there for us to find them. There were rumors, there were innuendos. It is unfortunate that that does not lead to a healthy culture and happy workforce. I would hate for anybody who was the subject of one of those rumors to feel like they had been kind of painted with that brush when it was not true. That is not what we found.

Ms. BROWNLEY. You are just saying that you did not have the evidence to back up some of those allegations or accusations?

Mr. GIPE. I will tell you that when we wrote the report, we tried to be very very careful. In some places, we would say we found insufficient evidence to support this finding. In some places, we literally said we found no evidence to support this, because all we would have was the most blatant rumor that was just based on a total speculation, and the reasons were not solid at all. You will find throughout the report, especially in the unsubstantiated parts where we say there was no evidence at all.

Ms. BROWNLEY. Thank you for that. I know I have run out of time. I guess I am not going to be allowed to make my last statement, so I will yield back.

The CHAIRMAN. Okay, you want time to yield? I will yield you the time to make your last statement, to make it.

Ms. BROWNLEY. Well, I was just going to say I know that I have no more time, but I am still interested, and I would like to follow up with you to get some understanding. In the report, you describe some of what we have been calling sexual harassment on the dais, inappropriate conduct of a sexual nature, and I would like to understand the difference at some point in time.

Mr. GIPE. I am happy to address that or to come visit with you.

Ms. BROWNLEY. It is up to you, Mr. Chair.

Mr. GIPE. Okay. In very short, okay, so sexual harassment is a very specific legal concept in Title VII. In the EEO world, our jurisdiction is whistleblower retaliation and senior leader misconduct. We were also reassigned misconduct by non-senior leaders in this situation. We were careful because EEO suits are still going on, and we did not want to make a finding of sexual harassment because, a) it is not what we do, and b), there are legal things going on, legal lawsuits going on. We were careful to couch our findings in our jurisdictional language, which is misconduct. We just note it kind of colloquially, that it was misconduct of a sexual nature. I hope that helps.

The CHAIRMAN. Representative Bergman. General Bergman.

Mr. BERGMAN. Thank you, Mr. Chairman. In looking at both of your bios, I am not going to use any military examples unless you want me to, because it is not fair to use a comparison if you all have not lived it. You are both successful, you have, for lack of a better term, been through the ranks and moved up in positions of responsibility. In the VA, just out of curiosity, does the word command climate ever come up? If I was to say command climate, could you say, well, it is corporate climate, it is institutional climate? I do not want to use a term that anybody wonders what I am talking about. If I say command climate, basically it all starts at the top?

Ms. LAW. Yes, from the top.

Mr. BERGMAN. From the top down. You are responsible at your level and below you to lead. Be the example, all of that, because we use climate surveys in different ways. What is the cultural climate? What is the employee satisfaction climate? All of these kinds of things.

Well, this is about command and leadership and taking responsibility for your actions, but the actions of those under your command. Having said that, I just like a commitment from both of you that if you get yourself in a situation that is just, let us just say, unfamiliar or uncomfortable, that you will not hesitate to ask for help. If you do not have the answer and nobody, that you will proactively seek guidance from above.

Ms. LAW. You absolutely have my commitment, and I feel as though I have been given the ability to do so within the department, within our structure, with the Secretary and the Deputy Secretary, and the Chief of Staff. Yes, absolutely, I will.

Mr. GIPE. You also have my commitment.

Mr. BERGMAN. Good. What we are talking about here is an issue of within a command, if you will, within the structure of the Veterans Administration. In the end, if you all and everybody in the Veterans Administration are not doing the job to the best of your ability, in the end, that is going to trickle down in some way, shape or form to outcomes for the veterans and their families. I am guessing you. Well, there has been a lot of, I am sure, tense words and phrases and interactions used over the last couple of hours.

If anyone under your command is not focused on the better outcomes for the veterans and their families, then you already have a command climate issue, and that has to be dealt with sooner rather than later. In our office, we use a phrase at the end of every meeting, bad news does not get better with time. As soon as you

see something say something, so we can keep a brush fire from becoming a forest fire. That is exactly, we are where we are today because of behavior but actions not taken at a leadership role. We cannot go back and rewrite that script that has happened. I am counting on all of you, just like my colleagues are here to stand up for the right reason and ultimately for the veterans. When it comes to telling your own organization, by the way, your behavior is substandard, and either you get a remedial period or you are gone. With that, I yield back.

The CHAIRMAN. Representative Deluzio.

Mr. DELUZIO. Thank you, Mr. Chairman. Good afternoon. Mr. Gipe, I would like to come back to you and issue around process of investigations and the like. I will start with, please explain how does OAWP ensure due process, fairness, accuracy in investigations you conduct?

Mr. GIPE. It really starts from the first time somebody files with us. One of the first things we do is make sure that we have their consent, like, to what extent we can use their name, so that we make sure we are protecting whistleblowers. Then once we find out we have jurisdiction, we have trained, I mean, if you look back at 2019 at the IG's report, we have put training in place. We have made our investigations consistent with the Council of the Inspectors General on Integrity and Efficiency (CIGIE) standards so that we know that there is no bias in our investigations. We put policies and procedures in place. That is how we do it. Then we have also added a layer of attorneys who review our work and make sure that we are legally consistent.

Mr. DELUZIO. If someone wants to have their confidentiality protected, you can still pursue the investigation, right?

Mr. GIPE. Yes. Except, so almost always the answer is yes. There are situations where if we have to keep, somebody might choose to stay anonymous. There are situations where that might keep us from taking the next steps we need to take. That is all in our, like when somebody goes on and signs that information is all there. We also have a whistleblower navigator to help people in that situation navigate the situation and figure out how we can best help them.

Mr. DELUZIO. Explain to me, please, the process for developing disciplinary recommendations. Then who enforces those recommendations.

Mr. GIPE. Sure. We do our investigation, and at the end of the investigation, we decide in-house the final disciplinary recommendation is my call—the executive director for investigations, the director of investigations, and our chief attorney. We get together and we have a debate about what we think the right level is. VA, I do not believe, has a table of penalties. We look at case law, we look at similar cases within VA. Then we come up with what we think that the best recommendation would be.

Then when that is issued, it goes to, usually the supervisor of the person who we are looking at. They have, under statute, they have 60 days to propose or decide a decision. If action is not taken within 60 days, then we are required to report back to Congress that action has not been taken.

Mr. DELUZIO. Bringing it back to the allegations we have been discussing in today's hearing, right, OAWP did recommend discipline?

Mr. GIPE. We did recommend discipline.

Mr. DELUZIO. You just answered my next question, 60 days for relevant officials to take action there. Otherwise, you would have to come back to us in Congress.

Mr. GIPE. Right. Sixty days is not how long I think it would take. Sixty days is just when we would have to come back to you and tell you if something did not happen.

Mr. DELUZIO. Understood. Thank you. Mr. Chairman, I yield back.

The CHAIRMAN. Mr. Rosendale, you are recognized.

Mr. ROSENDALE. Thank you much, Mr. Chair. Thank the witnesses for being here to address this obviously very bad situation. The Office of Resolution Management Diversity and Inclusion at the VA is responsible for preventing sexual harassment and promoting diversity and inclusion within the VA. It is deeply troubling that the office tasked with preventing sexual harassment is instead facilitating harassment and wasting resources on harmful Diversity, Equity, and Inclusion (DEI) initiatives. We heard Representative Ciscomani talking about quotes from, the investigation would not take place until they could find someone who was aligned both culturally and in their gender to even begin the investigation.

In their Fiscal Year 2024 budget request, the VA requested an increase of 360 full-time equivalent staff for the Office of Resolution Management Diversity and Inclusion. The House passed military construction, veteran affairs, and related agencies, appropriations bill did not grant this increase. Unfortunately, the Senate version did provide this increase in funds. Only in the U.S. Senate would it be seen as a wise idea to increase funding to an office that has a major sexual harassment problem.

I believe the Office of Resolution Management Diversity and Inclusion needs to be abolished. Their few legitimate HR functions can be transferred to another office within the VA. The additional money should go toward programs within the VA that actually help the veterans.

Ms. Law, I understand that you were appointed to your current position just last month and you have basically been thrown right straight into the fire. However, your predecessor left the office in a very bad position and you will need to work diligently in the coming months to begin basic, to turn things around. Given that you failed to do something as basic as submitting your testimony on time, unfortunately, you have not inspired much confidence to this point.

You testified that one of your top priorities is to ensure a safe, welcoming, and harassment-free environment for veterans and employees at the VA. Everybody on this committee agrees with that goal. Do you think complying with EEOC guidance is important to achieve your stated goal?

Ms. LAW. Yes, sir, I do.

Mr. ROSENDALE. In an interview with OAWP, Jeffrey Mayo acknowledged that the ORMDI is not compliant with EEOC guidance, but stated that so are many other Federal agencies. We are

bad, but so is everybody else. I did not appreciate this dismissive attitude of the EEOC's guidance.

Does this comment by Mr. Mayo inspire confidence in your subordinate?

Ms. LAW. Well, I do not know the full context of that discussion or dialog. What I would say and what I would like to add is that the funding that you referred to, the additional staff, I think it was 380 FTE—

Mr. ROSENDALE. FTE.

Ms. LAW [continuing]. full time equivalent, is part of the department's efforts to come into compliance with the Cleland-Dole Act. It has to do with realigning EEO. We have begun the realignment of the program managers. There are about between 380 – 400 that still remain in VA—

Mr. ROSENDALE. Ms. Law, that is fine. Okay, that is fine. 380 extra FTE. If we are not supervising the ones that are currently there, if the ones that are currently there are participating in sexual harassment to this extent, exactly what is 380 individuals, additional individuals there, how is that going to resolve that problem?

Ms. LAW. Well, they are different problems. So, it—

Mr. ROSENDALE. They are different problems.

Ms. LAW. Yes.

Mr. ROSENDALE. Thank you very much. Please, while we are talking about this problem, let us not have the discussion about—I am trying to determine how do we resolve this problem. Okay? How much in taxpayer dollars has the organization paid out due to EEOC sanction fees in the past decade?

Ms. LAW. I do not have that figure with me. I would be happy to—

Mr. ROSENDALE. Do you have in the last five years?

Ms. LAW [continuing]. happy to come back to the committee.

Mr. ROSENDALE. Okay. I would like to see that broken down in the last 10 years. Then I would like to see it broken down on a year-by-year basis over that 10-year period too. We can see what the trend line looks like. If it is getting worse, if it is getting better.

The OAWP report pointed out that Harvey Johnson's handling of the allegations against Archie Davis was particularly egregious. Most notably, Johnson rated Davis exceptional in every category, resulting in the highest possible rating.

As the current procedures are obviously not working, what tangible steps are you taking to better train leaders at the VA to spot misconduct by supervisors?

Ms. LAW. Well, we are taking a couple of actions. I reference the work that I am doing to look at our policies right now because I want to strengthen them. I want the expectations, roles, and responsibilities to be more clear. More specifically to the scenario that you just gave with the performance, you heard the Secretary in his testimony, also note, he has gone back to all of the senior leaders saying, we need to be tighter, we need to be more disciplined, we need to more critically look at our assessment of our employees across the enterprise. I will fold that into this new work as well.

I think it is important. You are right. When you look back and you see the activities and the actions that this report has uncovered and that the whistleblowers brought forward. Yes, there is no excuse for that. I cannot say why an employee would have a five on their performance evaluation.

Mr. ROSENDALE. Thank you, Mr. Chair. I yield back.

The CHAIRMAN. Thank you. I am going to recognize the next member here shortly. Mr. Gipe, for the record, because I think there has been some two different statements made. Based on your finding in the report. Do you believe that ORMDI had a toxic culture?

Mr. GIPE. Yes. I mean, I think if you look, I think there is a quote I can read you, which is, "this failure of ORMDI's senior leadership allowed the growth of a hostile, toxic work environment and led to a dysfunctional office filled with rampant gossiping and innuendo, leading to more harassment complaints."

The CHAIRMAN. Okay. I would put another quote in there, that is also in there. "The mountain of evidence and testimony revealed an office replete with misconduct, including misconduct by organizational leaders, which spawned in an environment where inappropriate conduct was rampant."

That is also in there. As we going with the testimony, I felt like we were getting two different answers on what your findings were, and I just wanted to clear that up for the representative. Yes. Representative Ramirez.

Ms. RAMIREZ. Thank you, Chairman. You know, as we are here in the second panel and thinking through where we are in this moment, we know that as Members of the Committee, we have the responsibility to ensure that the VA holds itself to the highest standards of accountability and transparency and that you have the means to carry out due process.

I have a couple questions here. Ms. Law, we have heard many comments about the responsibilities that senior leaders within ORMDI had in responding to these sexual harassment claims. What responsibility do first and second line managers have in addressing claims of harassment that are brought to them?

Ms. LAW. Thank you. Well, in terms of harassment, there is a duty and obligation to take action to acknowledge the complaint within 2 days and then within—let me just clarify my notes here, within 5 days to begin to address any incident, that includes any incident of inappropriate or harassing behavior. You may have heard that reference to where that could be, separating the parties, establishing a no contact order. That needs to occur within 5 days and then within 30 days to have the investigation be completed. That is 30 days from the receipt of the harassment complaint. That is according to the VA Directive, which is 5979, the Harassment Prevention Program. That is also one of the directives that I am looking at as part of the review of all of the directives and guidance that we have in the department, to make sure that we are as clear as possible, and perhaps go a step further so that there is no question as to what actions are necessary.

Ms. RAMIREZ. Got it. Thank you, Ms. Law. Mr.—I want to make sure I pronounce that correctly, Gipe? Oh, see, I was going to say, Gipe, I am really glad you corrected me. I am a stickler, as the

Chairman knows, for good correction in spelling and pronunciation of names. In this case, you found that there were failures to report of this middle level of management as well. What led you to make the conclusion that they failed?

Mr. GIPE. The one particular situation that we called out was where the person acknowledged that there was a responsibility to start a fact-finding. The person's manager told them and expected that they were starting a fact-finding, but they said that they were not going to start a fact-finding. One reason we called that situation out is because it was intentional. It was not like, oh, I took 5 or 6 days and it should have been three. It was intentional. That is the one we called out.

Ms. RAMIREZ. What were some of the recommendations that you provided to the VA regarding these managers?

Mr. GIPE. We recommended one manager who was very high level be removed. One who had already retired, we recommended clawing back bonuses, yearly performance based awards, and also annotating SF-50, the document you get when you leave, to show that the person had retired while under investigation, and that the investigation substantiated the conduct that was being investigated.

Two suspensions, and then as Assistant Secretary Law, we mentioned, we recommend some very specific changes to the structure of ORMDI, the 5979, which we think leaves holes and in some places left managers not clear exactly what to do.

Ms. RAMIREZ. Thank you. No, that is helpful. You gave me some concrete specifics, which I appreciate. Thank you. Chairman, I yield back.

The CHAIRMAN. Mr. McGarvey.

Mr. MCGARVEY. Thank you, Mr. Chairman. Thank you, Ms. Law. From our staff's review of the materials provided to the Committee, there seems to be some frustration among ORMDI staff around processes like travel authorizations, travel reimbursements, and training opportunities. When mistakes are made in carrying out these processes, or when there is too wide of a latitude for managers to subjectively decide approval, employees, I think, could understandably see a delayed reimbursement or non-approval for training as a form of retaliation. It sounds like the lack of understanding of procedures and the lack of consistent adherence to procedures has really hurt employee morale within ORMDI. How do you plan to work with ORMDI leadership to ensure that employees understand the appropriate procedures for requesting travel, submitting reimbursements, and securing funding for training, so they can identify when non-adherence by supervisors may occur?

Ms. LAW. Thank you for that. I think this is one of those cases to reference the Secretary's testimony where earlier that it begins with the policy, but it does not end with the policy. When you look at travel for Federal civilian employees, the statutory language is very clear. What we are supposed to do, the guidelines, how you approve what is acceptable. While we are still going to look at our policies that govern that, the how to, it is equally important is how it is communicated and how often and how frequent.

Earlier, I was mentioning that, I think that when you talk about culture, and you talk about trust and you talk about changing the

environment, it is my belief, over my career, which is just over 35 years now, all with VA, I have found that the more you engage directly with people and you are genuine and you present the facts as the way they are, and you have repeated continued dialog, it is easier for those regulations, and policy, and statutes to sink in and to make sense. If they do not, you ask questions and you work it out. That is my approach, sir.

Mr. MCGARVEY. The problems still exist. Even with what you just said, does the VA actually have any plans to try and identify the subjective judgments of supervisors or even the appearance of these arbitrary decisions? If the statutes are clear, there is still a problem.

Ms. LAW. Well, again, I am reviewing what we have in our system now for how we communicate what those responsibilities are. I can provide additional updates as we move forward. I would be happy to be very transparent with the committee in what I am trying to do and how I am implementing change.

Mr. MCGARVEY. Thank you.

Ms. LAW. It is an important topic.

Mr. MCGARVEY. Yes. I actually thought it was an easy question, and so—

Ms. LAW. There are also layers of approval, so that plays into that as well.

Mr. MCGARVEY. Like I said, that was not meant to be a trick question at all. We definitely would like an answer. Also, in the course of this investigation, it is come to the Committee's attention that there may be issues with how ORMDI employees are required to file their own EEO Complaints of discrimination. There seems to be opacity and inherent issues with the process of filing with the US Postal Service. We know that the ORMDI employees deserve the same ease of access to the EEO process as their VA peers. Ms. Law, have you all conducted a review of this process, and if not, do you plan to?

Ms. LAW. That is part of my assessment of the environment. Absolutely, we do have an interagency agreement with the US Postal Service that can look at the ORMDI related harassment and EEO Complaints. I would like to look at the interagency agreement itself, to make sure that the statement of work really outlines what we want, and what we need from them, and the level of specificity and clarity, and then also to, of course, support it. As part of the OAWP non-disciplinary recommendations, I am also conducting a review of the last 2 years of all complaints that went over, so that we can do an assessment of what went over and were they properly addressed.

Mr. MCGARVEY. Thank you, Mr. Chairman. I yield back.

The CHAIRMAN. Thank you, Representative Budzinski. You are recognized for 5 minutes.

Ms. BUDZINSKI. Thank you, Mr. Chairman. Thank you, Ms. Law, and thank you, Mr. Gipe, for being here today to discuss these important matters with the Committee. Appreciate your time. Ms. Law, I was glad to hear that you recently initiated guidance instructing leaders across the VA enterprise to conduct stand-downs sexual harassment. Can I ask what guidance will be included in these trainings, and will it include further instruction on how and

when to conduct fact-finding requirements for reporting disclosures made to supervisors and/or how to file complaints internally and externally within the VA?

Ms. LAW. Thank you. The stand-down itself will not necessarily address the specifics of how to, and how to implement directive, and how to follow the guidelines. That will be more in line with my review of the policies and the directives and guidelines to make sure. I think your point is a great one, that there is not full clarity there. We want to make sure that everyone understands how and when and the timing to do so. The second part—I am sorry, the second part of your question?

Ms. BUDZINSKI. I was just asking about reporting requirements for reporting disclosures made to supervisors and/or how to file complaints internally or externally with the VA.

Ms. LAW. Yes. That was the more in the line of handbooks. The first question that you asked about the stand-downs, those action plans are due to me next week, so I will be doing a review. We very intentionally gave some leeway, rather than one standard format of here is a training, and please take it. We did develop a playbook that had a lot of options that people could consider to increase the dialog and communication around this. Thank you.

Ms. BUDZINSKI. Yes. Will you share information regarding these stand-downs of the Committee, as soon as the materials, it sounds like, are being prepared?

Ms. LAW. I would be happy to.

Ms. BUDZINSKI. Okay. That would be great. I have a question for Mr. Gipe. As many Members have spoken today, OAWP seems to have demonstrated serious improvement since its stand up in 2017. How many days is the average investigation within OAWP?

Mr. GIPE. Thank you for that question. It is one I am very happy to answer. 2 years ago, our average investigations were taking about 250 days. For last fiscal year, the average case took 82 days. Which usually, if we have recommendations, those are going to be ones that take longer, and ones that we shut down earlier take shorter. It was an average of 82 days. More importantly, since the beginning of Fiscal Year 2023, in all but one case that we have made a recommendation, there is been some action, some disciplinary action by management in every single case, save one. Our reports are only coming out faster, but they are being implemented, and they are making a real impact directly on Veterans and on Veteran patient care and safety.

Ms. BUDZINSKI. Okay. What steps has OAWP taken to decrease the time complainants wait for a complete investigation, while still maintaining thorough and efficient review standards?

Mr. GIPE. It is been really comprehensive. We have, like I mentioned earlier, we put in place CIGIE standards. We put in policies and procedures. We have done some hiring. We have an attorney division in place, and we have done more active management of case processing. We have also, because of our procedures, we have made sure that we are not duplicating work that happens in another forum.

We are moving cases forward. We are getting rid of those cases that might be at Office of Special Counsel (OSC) or in some other

forum, and we are putting our firepower on the important cases and taking care of them.

Ms. BUDZINSKI. Great, thank you. Thank you, and I yield back, Mr. Chairman.

The CHAIRMAN. Thank you. That concludes our questioning. Does the Ms. Budzinski have any closing remarks for the ranking member? Okay, hearing, none.

First off, I want to thank both the majority and minority staff for the hard work that they have done in this. I want to let you know that I am continued to be concerned about the Biden and VA, giving what we heard today. The investigation is far from over. Under the leadership, this Committee will find the truth, no matter how long it takes.

Senior VA leaders, including the Secretary, we were glad to have him here, have previously told us that they have all the necessary legal authority to quickly and appropriately discipline the employees. This is despite the fact that the Biden Administration is no longer using the streamlined disciplinary authorities granted under the 2017 VA Accountability Act championed by former President Trump. Based on this case, they should probably start.

This is why I will continue to push forward with our efforts to restore the provisions in the VA Accountability Act through my bill, H.R. 42.78. The bill was favorably reported out of the Committee on a party line vote, and I will continue to advocate for the passage of this important bill. Bad people have no business serving our Veterans. Period. I ask unanimous consent that all Members shall have 5 legislative days in which to revise and extend their remarks and include any extraneous material. Hearing no objection, so ordered. This hearing is now adjourned.

[Whereupon, at 2:11 p.m., the committee was adjourned.]

A P P E N D I X

PREPARED STATEMENT OF WITNESSES

Prepared Statement of Denis McDonough

Good morning, Chairman Bost, Ranking Member Takano, and distinguished Members of the committee. Thank you for inviting me to testify today.

Later this morning you will be hearing from Cassandra Law, VA's Assistant Secretary for Human Resources and Administration/Operations, Security, and Preparedness (HRA/OSP), and Bruce Gipe, the Acting Assistant Secretary for the Office of Accountability and Whistleblower Protection (OAWP). Acting Assistant Secretary Gipe will describe for the Committee the results of OAWP's comprehensive internal investigation into the allegations of wrongdoing at the Office of Resolution Management, Diversity, and Inclusion (ORMDI). OAWP's investigation substantiated some of the allegations raised about sexual harassment at ORMDI and made disciplinary and non-disciplinary recommendations.

Assistant Secretary Gipe will walk you through the OAWP's findings and recommendations in detail. Assistant Secretary Law will describe the steps she has initiated to address the problems identified in the OAWP report, problems which in my view suggest a troubled culture at ORMDI. In her first full day in her new position, Assistant Secretary Law ordered a stand-down to address sexual harassment and directed a study of VA's existing anti-harassment training, and she is continuing to focus on combating sexual harassment by developing new policies addressing supervisor-subordinate relationships and working on a plan to modify ORMDI's reporting structure, along with other initiatives.

Throughout my testimony I will be careful to avoid appearing to prejudge the outcomes that may result from the OAWP report. But I think it is important to underscore to the Committee that we have had a goal of strengthening the OAWP – a tool you gave VA in 2017 – and that work has resulted generally in a more effective OAWP and thus a more accountable VA workforce. For example, OAWP's investigations are now being completed in an average of 81 days, and since the beginning of fiscal year 2023 all but one of its disciplinary recommendations have been implemented in some form by VA components, except in cases of retirement or resignation prior to disciplinary action.

Mr. Chairman, I understand, and as you know am sympathetic to, the view expressed by you and others that VA took too long to respond to your September 29, 2023, letter about allegations of misconduct within ORMDI. You invited me here this morning to discuss the Department's response to that letter, and I welcome the opportunity to do so.

Commitment to a Harassment-Free Environment

VA's success as a team depends on how we treat each other. That means every person entering a VA facility must feel safe. And it means that every VA employee must have a workplace free of harassment and discrimination.

I take this issue very seriously and I want to be crystal clear – VA does not tolerate sexual harassment. My unwavering commitment is to ensure that every employee works in a safe, welcoming, and harassment-free environment. Recently ORMDI fell short of that goal.

I assure Veterans and this Committee that we have treated these allegations of wrongdoing at ORMDI with seriousness. The 125-page OAWP report demonstrates that we moved to aggressively investigate them. VA will take appropriate disciplinary action in response to this investigation. And as Assistant Secretary Law will describe more fully, in reaction to these learnings from ORMDI, VA is strengthening its policies, procedures, personnel, training, and structure to improve its handling of sexual harassment allegations and help eliminate sexual harassment in the future.

Response to Chairman Bost's Letter Dated September 29, 2023

Mr. Chairman, as you recall, on November 13, 2023, we spoke by telephone, and you raised with me your concerns about allegations of misconduct at ORMDI. In

that telephone call, you also mentioned that you had sent a letter to me on September 29, about allegations of sexual harassment and misconduct at ORMDI and expressed dismay that VA had not yet responded to that letter. As I told you during that conversation, I had no knowledge of having received your letter. That remains true today – I have no independent recollection of reading the letter or being aware of ORMDI allegations before our telephone conversation. Consequently, the following timeline of events is based on the research of my staff and not my personal knowledge.

As is standard procedure with most Congressional letters, your September 29, 2023 letter was received by the VA Office of Congressional and Legislative Affairs (OCLA) and forwarded to the VA Executive Secretariat. There, it was assigned to the relevant VA organization responsible for the subject of the letter: in this case HR&A/OSP because allegations of sexual harassment and the ORMDI group itself fall squarely within HR&A's purview. After receiving your letter, HR&A personnel began drafting a response, focusing on addressing the eight questions in your letter, including what government policies and regulations govern VA supervisor-subordinate relationships or prohibit use of personal communication devices for official business, how many claims of sexual harassment within ORMDI had been brought, and how many AIBs or fact-findings had been conducted involving ORMDI leadership. Unfortunately, HR&A did not take any significant action beyond compiling information to draft a response to your letter.

Weeks later, your September 29, 2023 letter was placed in background materials that are made available in my daily briefing book which includes a tab for letters, including from Congress. However, because of the large volume of materials that I am provided every day – including numerous letters from Congress, federal partners, state officials, Veteran Service Organizations, unions, and the like – I often do not get the chance to review all of these background materials. I have no recollection of having reviewed the September 29, 2023 letter until you raised it with me in our November 13 phone call.

It also appears that on October 17, 2023, I received emails from an employee raising allegations of sexual harassment at ORMDI. I forwarded these allegations to VA's Acting General Counsel for his attention since it involved a pending EEO action and copied two EEO-related addresses at the U.S. Postal Service (the group that handles investigations of ORMDI). A few days later, the Acting General Counsel confirmed that his attorneys were working with HR&A to address the allegations of sexual harassment within ORMDI. Although the documentary record shows that I forwarded this employee's email to legal counsel, I have no independent recollection of having done so.

After the October 17, 2023 emails, there seemed to be considerable activity within ORMDI and HR&A regarding these allegations of misconduct. The series of discussions and meetings are detailed on pages 54 through 58 of the OAWP report. According to the report, during this time period HR&A and ORMDI leadership began discussing detailing Davis out of ORMDI and convening an AIB to investigate the allegations. Former Assistant Secretary Grosso noted in her testimony that it was difficult to find an appropriate official to conduct the AIB investigation. The detailing of employees and establishment of the AIB did not occur until November 13, 2023.

I am disappointed that HR&A did not move with more alacrity in detailing out the alleged bad actors and launching an investigation of the alleged misconduct at ORMDI. I also regret that I do not recall seeing your September 29, 2023 letter earlier. However, it must be said that I took to heart your concerns in our November 13th call, and we have moved with dispatch to address these concerns and respond to the Committee's investigation since that call. I am firmly committed to ensuring the Department processes congressional letters more efficiently and effectively moving forward.

Resignation of AS Grosso

The Committee appears to be interested in the sequence of events leading to former Assistant Secretary Gina Grosso's resignation. During September I had come to the decision that we needed a change in leadership at HR&A/OSP and had begun planning for Ms. Grosso's departure. At that time I was unaware of any of the allegations involving ORMDI. At the end of the planning process, I had a conversation with Ms. Grosso and later exchanged emails with her on October 29 and 30, 2023, about scheduling her departure and how I would characterize it. As noted above, I was not aware of the September 29, 2023 letter or any ORMDI allegations until the Chairman brought them to my attention in our November 13, 2023 telephone call.

Although I had decided that a change of leadership was needed, I would like to emphasize that Ms. Grosso has had a distinguished career of public service. She served honorably for 32 years in the U.S. Air Force, from which she retired as a Lieutenant General and as the first female personnel chief in Air Force history. During her career she also served as Chair of the Army and Air Force Exchange Service's Board of Directors, and Chair of the Defense Commissary Agency's Board. Her command positions include the first DOD tri-service base at Joint Base McGuire-Dix-Lakehurst, NJ. I appreciate Ms. Grosso's long service to our country.

* * *

I want to conclude by underscoring two points. First, we respect the role of congressional oversight and believe it makes us better. For that reason, VA has been fully transparent and cooperative in responding to the Committee's requests for information. VA has provided the Committee with the full results of OAWP's internal investigation, which includes the OAWP 125-page report as well as the more than 40 sworn witness interview transcripts and more than 150 exhibits cited in the OAWP report. In addition, the Department has produced more than 55,000 documents collected in the OAWP internal investigation. In this past week alone, VA produced an additional 5,700 documents to the Committee. VA has devoted substantial resources, including hundreds of attorney hours, to producing documents in response to the subpoena. And VA is continuing to review potentially responsive documents collected by OAWP and other documents and will continue to produce them to the Committee on a rolling basis.

Second, eliminating sexual harassment is a critical priority for us. As Assistant Secretary Law will explain, she has begun taking important steps to change the culture at HR&A and challenging the rest of VA to rededicate ourselves to a safe workplace. We are committed to learning from the past problems at ORMDI and ensuring a safe, welcoming, and harassment-free environment for all who come to VA. Thank you, and I look forward to your questions.

Prepared Statement of Cassandra Law

Good morning, Chairman Bost, Ranking Member Takano, and distinguished Members of the committee. Thank you for the opportunity to provide testimony and for your longstanding support of Veterans and their families. I am honored to be testifying as VA's Assistant Secretary for Human Resources and Administration/Operations, Security, and Preparedness (HRA/OSP). Also testifying today is Bruce Gipe, the Acting Assistant Secretary for the Office of Accountability and Whistleblower Protection (OAWP), the office that led the comprehensive internal investigation into the allegations of wrongdoing and misconduct at the Office of Resolution Management, Diversity and Inclusion (ORMDI).

I grew up with a keen awareness of and respect for VA. My father was a physician and served as both an academic and clinical leader for Veterans Affairs for over 33 years. He instilled in me the importance of the VA mission; a reverence for our Nation's Veterans; and the significance of leading with intent, inclusion, and integrity – qualities that drive my leadership style to this day. Thirty-five years ago, I was fortunate to secure a job working on the best mission there is in the Federal Government: serving Veterans, their families, caregivers, and survivors through the Department of Veterans Affairs. My first job at VA was providing care to Veterans on the front line to improve their health and well-being through recreation therapy at VA Palo Alto. I was so proud to come into work every day to serve those who served our country, as my father had as I was growing-up, – and to help them get the health care they earned and deserved. I spent years providing direct care to Veterans in a wide variety of clinical settings, before moving on to serve in numerous roles throughout VA.

Ensuring a harassment free environment is a personal issue for me. I have seen the costs to individuals and institutions when employees are subject to improper, abusive conduct in the workplace. It is a waste of human potential, inconsistent with the core values of the VA and hinders our ability to accomplish our mission.

That is why one of my top priorities in my new role as Assistant Secretary is to ensure we are cultivating a safe, welcoming, and harassment-free environment for Veterans and employees at VA. Like all appointees and new members to the senior executive service, and as new VA employees across the country are encouraged to do, the first thing I did upon being sworn in as Assistant Secretary on January 19, 2024 was take the White Ribbon VA pledge to never commit, excuse, or stay silent about sexual harassment, sexual assault, or domestic violence against others. Anything less is unacceptable and does not meet my personal standard.

I immediately followed up on my first full day as Assistant Secretary by directing an immediate review of all harassment prevention training materials. I want to be certain we are being as effective as possible in training our employees on how to identify and eliminate sexual harassment and assault. To that end, I created a task force to review our current training, and it will report back to me in the coming weeks with recommended steps to maximize the effectiveness of VA's training program.

Also on my first full day, I directed all Under Secretaries, Assistant Secretaries, and other senior officials to complete a workplace harassment stand-down. To implement this stand-down, each VA Administration and staff office was directed to develop a plan of action and milestones to ensure that employees at all levels fully understand and adhere to VA's zero-tolerance policy. All stand-downs are required to be completed by April 30, 2024, or within 30 days of completing bargaining requirements. This intentional focused review will reinforce the importance and concepts of the mandatory training VA uses to educate our workforce on the prevention of sexual harassment and sexual assault and bystander training.

On the day I sworn in, I sent a message to the entire team of 400,000+ teammates at VA with a clear message: I am here to support each and every one of you and to make certain that VA is a safe, welcoming, discrimination-free, and harassment-free environment.

ORMDI Allegations

OAWP Investigation

In 2017, Congress established OAWP so VA would have an office of highly specialized employees to investigate allegations of senior leader misconduct and whistleblower retaliation by supervisors. Since then, OAWP has made significant strides in fulfilling Congress's intent and upholding the core values at VA. These improvements include more timely investigations and higher quality investigative reports and disciplinary recommendations. Following these improvements, OAWP's disciplinary recommendations were accepted by management in nearly all cases over the last 2 years. As an indication of its improved reputation and greater trust from employees, OAWP has received more complaints over the last few years compared to the years initially following its creation, while the number of VA-related complaints received by Office of Special Counsel has decreased.

On September 24, 2023, OAWP received allegations against several senior leaders in ORMDI, and immediately initiated an investigation. OAWP was given a deadline by the Chief of Staff for completion of its investigation by January 28, 2024 – an expedited schedule given the number of allegations raised in the matter and the importance we attached to it.

OAWP conducted an independent and exhaustive investigation. During the course of the investigation, OAWP conducted over 40 interviews, and obtained and searched through thousands of electronic messages. The result was a 125-page final report that carefully evaluated each of the allegations and cross-allegations by ORMDI personnel, finding merit in many of the claims of misconduct, finding other allegations not to be substantiated by the evidence, and recommending a number of strong disciplinary and non-disciplinary actions.

OAWP Findings

OAWP's investigation substantiated multiple allegations raised against certain officials in ORMDI. The specific OAWP findings included the following:

- An ORMDI official engaged in a variety of misconduct, including inappropriate conduct of a sexual nature with a subordinate employee; inappropriate personal relationship with a subordinate employee; using inappropriate and unprofessional language in the workplace; failing to investigate or stop sexual harassment brought to his attention; inappropriately blind copying employees and non-employees on emails without a valid reason; and generally contributing to a hostile, toxic, and unprofessional work environment.
- An ORMDI supervisor engaged in inappropriate conduct of a sexual nature.
- An ORMDI supervisor intentionally declined to take action to address sexual harassment allegations against a subordinate employee, and then ignored a direct order to initiate a factfinding into those allegations.

OAWP's investigation also found that senior leaders at ORMDI and HRA/OSP engaged in poor management and failed to take immediate and appropriate action to address the harassment concerns brought to their attention. In particular, OAWP found:

- An ORMDI senior leader engaged in misconduct in failing to take action to stop the sexual harassment he was notified of, and failed to properly supervise an ORMDI official, allowing the harassment to continue.
- An HRA/OSP senior leader failed to ensure a senior leader took prompt and appropriate action when notified of the allegations against an ORMDI official.

It should also be noted that OAWP's investigation did not substantiate many of the allegations raised by complainants, as they were not supported in the witness testimony or documentary evidence.

OAWP Recommendations

OAWP recommended disciplinary action for several employees. Specifically, OAWP recommended that:

- One ORMDI employee be removed from Federal service and have bonuses recouped;
- Bonuses be recouped from a senior ORMDI official who retired during the investigation;
- Two ORMDI supervisors receive no less than a suspension; and
- A senior HRA/OSP official and a senior ORMDI official receive training on management's obligations when responding to sexual harassment complaints.

OAWP also made a number of non-disciplinary recommendations. These included changes to VA's reporting structure for ORMDI, policies for workplace personal relationships, and anti-harassment training.

Corrective Actions

Based on the OAWP findings and recommendations, VA is taking several actions to address the serious problems at ORMDI identified by OAWP and reinvigorate VA's efforts to create a respectful and harassment-free environment.

Disciplinary Actions

VA is carefully considering the OAWP report and expects to make a decision in the coming weeks about what, if any, disciplinary action to propose for the individuals named in the report.

Policy Changes

VA is creating an anti-fraternization policy to address romantic or sexual relationships in the workplace, including between supervisors and subordinates. While the development of the new policy is still in process, I expect it will require disclosure of any such relationships and prohibit inappropriate supervisor-subordinate relationships.

We also are reviewing and modifying Directive and Handbook 5979, *Harassment Prevention Program Procedures*, to further clarify management's obligations when they receive allegations of harassment. The expectation for leaders – as is clearly stated in the Directive and Handbook – is that they act swiftly any time an allegation of harassment is brought forward. In addition to the clear obligation in policy, VA will update the Directive and Handbook to provide further guidance and examples to illustrate this obligation of managers to act swiftly any time an allegation of harassment is brought forward.

Restructuring

The OAWP report highlighted that the current ORMDI reporting structure is not in accordance with recent laws passed by Congress. However, as OAWP also noted, the Elijah E. Cummings Federal Employee Anti-Discrimination Act of 2020 (Cummings Act) and the Joseph Maxwell Cleland and Robert Joseph Dole Memorial Veterans Benefits and Health Care Improvement Act of 2022 (Cleland-Dole Act) impose contradictory requirements on VA. Not mentioned in the report is the fact these requirements further conflict with other existing statutory requirements regarding VA's leadership structure. The Department recognizes that the reporting of ORMDI needs to be restructured, and we are exploring the best way to do that moving forward in light of the conflicting statutory mandates. We are working diligently on arriving at this decision and hope to further engage with the Committee in the near future with our thoughts regarding the best path forward.

Personnel

VA is working to fill the position of a permanent Deputy Assistant Secretary of ORMDI. Additionally, I also am exploring bringing in a consultant who can assist me in the important work of restructuring and retraining of ORMDI.

Training

We plan to bring in outside expertise to provide EEO and anti-harassment training to all ORMDI employees. The training will be interactive and comprehensive. As briefly referenced earlier, at my direction, a task force is reviewing the effectiveness of VA's current anti-harassment training and will report back with recommendations by early March. In addition, ORMDI management will receive additional training on managerial responsibilities whenever harassment is alleged including within the ORMDI organization.

U.S. Postal Service (USPS) Fact-findings

VA contracts with USPS to perform EEO, and discrimination and harassment claims filed by ORMDI employees or others considered to have a conflict of interest. At the suggestion of OAWP, we will review all USPS fact-findings from the past two years to ensure all issues raised have been properly addressed.

Conclusion

I want to close by emphasizing again that this effort is of vital and personal importance for me. I have dedicated my entire career in service to VA, and I am committed to ensuring we are cultivating a safe, welcoming, and harassment-free environment. The stand-down and training materials review that I ordered are just the first step. As discussed above, VA is making changes in policies, reporting structure, personnel, training, and reviewing USPS fact-findings, among other actions. The bottom line is that I will make sure that VA does whatever it needs to do to rebuild VA employees' trust in ORMDI and create a safe, welcoming, and harassment-free environment for Veterans and our incredible workforce at VA.

Chairman Bost, Ranking Member Takano, and Members of the Committee, thank you for allowing VA the opportunity to testify today.

