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**U.S. House of Representatives**

COMMITTEE ON VETERANS' AFFAIRS

ONE HUNDRED EIGHTEENTH CONGRESS

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December 13, 2023

The Honorable Denis R. McDonough  
 Secretary  
 U.S. Department of Veterans Affairs  
 810 Vermont Avenue, NW  
 Washington, DC 20420

Dear Secretary McDonough:

As you know, starting on September 29, 2023, I have sent you four letters regarding our investigation into troubling improper relationship and sexual harassment allegations within the U.S. Department of Veterans Affairs (VA) Office of Resolution Management, Diversity, and Inclusion (ORMDI). Despite the seriousness of the allegations, it took you exactly two months to respond.

When you finally did respond, the information you provided, although appreciated, was generic, undetailed, and almost all information had already been received from concerned VA employees who do not trust VA's investigative process. Notably, the information provided included minimal requested written communications related to the allegations of sexual harassment and improper interpersonal relationships within ORMDI. Further, VA failed to provide a single substantive document related to any investigations into accusations against [REDACTED] a Senior Executive Service employee. In short, the information VA has provided to date is insufficient and does not satisfy the Committee's need for relevant details to further its thorough investigation into the disturbing allegations.

As I indicated in my November 30, 2023, letter, the Committee needs detailed information from ORMDI employees directly implicated in the sexual harassment allegations and information from VA employees with leadership and oversight responsibilities above ORMDI. This information is vital for the Committee to conduct a thorough investigation into the matter and consider whether VA requires structural changes or additional accountability authorities to ensure sexual harassment does not continue within ORMDI and VA. As you know, recently, VA's Office of Resolution Management combined with VA's Office of Diversity and Inclusion; the Committee needs to investigate whether this combination has distracted VA leadership from preventing

sexual harassment, even within its own ranks.<sup>1</sup> Based on the investigation, the Committee will consider legislation which would fix any structural failures within ORMDI.

Additionally, prior oversight indicates that VA often takes excessive time to investigate serious allegations due to a lack of appropriate authority and, in some cases, VA's decision to stop using its VA Accountability Act authorities, found in 38 U.S.C. § 713 and § 714. Waiting months for VA to summarize findings of its own investigations into the alleged misconduct, which VA admits it only knows about due to my initial September 29th letter, is unacceptable. Committee oversight shows that implicated individuals, especially senior leaders, often receive minimal discipline for serious and substantiated actions; in other cases, those accused of misconduct often retire with no repercussions. The Committee is currently considering various legislative proposals designed to improve accountability of leadership within VA. The Committee must thoroughly investigate this situation to determine whether VA holds its leaders accountable even with extensive Congressional pressure.

The Supreme Court has recognized that as a coordinate branch of government, Congress has the power to "secure needed information" to legislate.<sup>2</sup> Further, the Supreme Court has emphasized Congress's investigative power is broad and its power of inquiry is as penetrating and far-reaching as its power to appropriate.<sup>3</sup> The Committee need not and will not wait for VA's investigations to conclude before receiving crucial information to evaluate potential legislation. Your arguments that Committee interviews will disrupt internal VA investigations lack merit and are unsupported by any statutory basis or judicial opinion. Further, VA's internal investigations should not and will not prevent the Committee from fully pursuing its own investigation. Failure to vigorously investigate this situation would be a serious dereliction of the Committee's oversight duty on behalf of the men and women we serve.

In your December 6, 2023, letter, you acknowledged the Committee's legitimate oversight role, recognized the importance of providing the Committee with necessary information, and further stated VA is "committed to doing better in the future" regarding responding to the Committee in a timely manner. You can take steps to demonstrate that those were not empty promises by promptly directing your Department to comply with the Committee's transcribed interview requests. If VA fails to schedule transcribed interviews, the Committee will pursue the use of compulsory process.

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<sup>1</sup> VA's ORMDI, and previously ORM, office is in charge of VA's Equal Employment Opportunity (EEO) mission, which includes addressing allegations of discrimination, including sexual harassment.

<sup>2</sup> *McGrain v. Daugherty*, 273 U.S. 135, 161 (1927).

<sup>3</sup> *Watkins v. United States*, 354 U.S. 178, 187 (1957); *Eastland v. United States Servicemen's Fund*, 421 U.S. 491, 504, n. 15.

Accordingly, we again request the following individuals be made available for a transcribed interview:

1.

[REDACTED]

2.

[REDACTED]

3.

[REDACTED]

4.

[REDACTED]

5.

[REDACTED]

Please contact Thomas Finnigan III, Investigative Counsel for the majority staff at [thomas.finnigan@mail.house.gov](mailto:thomas.finnigan@mail.house.gov) as soon as possible and **no later than Friday, December 15, 2023**, to schedule the interviews. If VA is unable to schedule an interview, because an individual listed above is no longer employed by the Department, please provide the individual's contact information so we may schedule the interview directly.

Sincerely,



**MIKE BOST**  
Chairman

Cc: The Honorable Mark Takano, Ranking Member