

Congress of the United States
House of Representatives

COMMITTEE ON OVERSIGHT AND GOVERNMENT REFORM

2157 RAYBURN HOUSE OFFICE BUILDING

WASHINGTON, DC 20515-6143

MAJORITY (202) 225-5074
MINORITY (202) 225-5051

<http://oversight.house.gov>

October 22, 2018

The Honorable Sonny Perdue
Secretary
U.S. Department of Agriculture
1400 Independence Avenue SW
Washington, D.C. 20250-1111

Ms. Vicki Christiansen
Chief
U.S. Forest Service
1400 Independence Avenue SW
Washington, D.C. 20250-1111

Dear Mr. Secretary and Chief Christiansen:

On December 1, 2016, the Committee convened a hearing to examine misconduct, sexual harassment, and lack of accountability at the Department of Agriculture (USDA) and the Forest Service (USFS).¹ The Committee heard testimony about gender discrimination, a hostile work environment for female employees, instances of physical and sexual assault, and retaliation against employees who reported misconduct.²

The Committee is aware the USFS has taken some steps to address this problem, such as adopting an amended anti-harassment policy in September 2016, prior to the 2016 Committee hearing.³ On July 3, 2017, the USFS also began requiring misconduct investigations for all allegations of sexual harassment.⁴ Over the past year, the USFS launched a Harassment Reporting Center (HRC)⁵ and implemented an initiative to facilitate “Listen and Learn” sessions and anti-harassment training.⁶

¹ *Examining Sexual Harassment and Gender Discrimination at the U.S. Department of Agriculture: Hearing Before the H. Comm. on Oversight and Gov't Reform*, 114th Cong. (2016).

² *Id.*

³ *Id.* (Statement of Lenise Lago, Deputy Chief of Business Operations, Forest Service).

⁴ Forest Serv., U.S. Dep't of Agric., Formal Misconduct Investigations Required for Reports of Sexual Harassment (July 3, 2017).

⁵ Press Release, Forest Serv., Dept. of Agric., Excel as a High-Performing Agency: Harassment Reporting Center Now Available (Nov. 9, 2017), available at <https://www.fs.fed.us/inside-fs/harassment-reporting-center-now-available>.

⁶ Forest Serv., Dep't of Agric., Stand-Up for Each Other Plan (July 20, 2018); FOREST SERV. DEP'T OF AGRIC., *Leadership Corner: Stand Up for Each Other: What's Next?* (June 22, 2018, 2:45 PM), <https://www.fs.fed.us/blogs/stand-each-other-whats-next>.

Despite these actions, alarming reports of misconduct and retaliation at the USFS persist. One such report included interviews with thirty-four current and former USFS female employees who alleged discrimination, bullying, harassment, and sexual assault.⁷ Additionally, employees reportedly continue to face retaliation,⁸ and some women expressed doubt the HRC will adequately address reports of harassment.⁹

To ensure the USFS is undertaking appropriate steps to fully address harassment, gender discrimination, and retaliation at the agency, please provide the following documents and information:

1. The number of employees disciplined or terminated for violating the USFS's Anti-Harassment Policy or for sexual misconduct from December 2, 2016, to the present, including:
 - a. The offense or violation for which the employee was disciplined;
 - b. The penalty that each employee incurred; and
 - c. The date on which the penalty was imposed.
2. The number of reports made to the HRC from November 6, 2017, to the present, including the type of harassment, disposition, and status for each report.
3. The number of management inquiries and misconduct investigations conducted in relation to allegations of sexual harassment or sexual misconduct from December 2, 2016, to the present, including the following for each investigation:
 - a. The nature of the complaint;
 - b. The date on which the agency received the complaint;
 - c. The date on which the agency initiated the management inquiry or misconduct investigation;
 - d. The date on which the agency closed the management inquiry or misconduct investigation;
 - e. The Region and National Forest or Grassland in which the management inquiry or misconduct investigation took place; and

⁷ Elizabeth Flock and Joshua Barajas, *They Reported Sexual Harassment. Then the Retaliation Began*, PBS, Mar. 1, 2018, <https://www.pbs.org/newshour/nation/they-reported-sexual-harassment-then-the-retaliation-began>.

⁸ Kathryn Joyce, *The Forest Service is Silencing Women*, OUTSIDE ONLINE, Aug. 29, 2018, <https://www.outsideonline.com/2334781/forest-service-silencing-women-harassment-discrimination>.

⁹ DATELINE NBC, *Under Fire*, Sept. 1, 2018, available at <https://www.nbcnews.com/dateline/video/under-fire-1311215683836?v=raila&>.

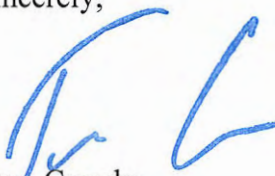
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- f. The disposition of the underlying complaint, including whether the management inquiry or misconduct investigation substantiated the reported allegations that were the subject of the complaint.
4. All personnel actions associated with employees who filed complaints or reported sexual harassment or misconduct from January 1, 2016, to the present.
5. All findings, reports, summaries, guidance, or recommendations produced in relation to any and all "Listen and Learn" sessions, including those produced or analyzed by outside parties or contractors.
6. All communications referring or relating to the USFS's Anti-Harassment Policy, sent or received by the following parties from December 2, 2016, to the present:
 - a. Tony Tooke;
 - b. Vicki Christiansen;
 - c. Dan Jiron;
 - d. Lenise Lago; and
 - e. Regional Foresters or Acting Regional Foresters for all Forest Service Regions.

Please provide the requested information as soon as possible, but no later than 5:00 p.m. on November 5, 2018. An attachment to this letter provides additional instructions for responding to the Committee's request.

Please contact Christen Harsha of the Majority staff at (202) 225-5074 with any questions about this request. Thank you for your attention to this matter.

Sincerely,



Trey Gowdy

Enclosure

cc: The Honorable Elijah E. Cummings

Responding to Committee Document Requests

1. In complying with this request, you are required to produce all responsive documents that are in your possession, custody, or control, whether held by you or your past or present agents, employees, and representatives acting on your behalf. You should also produce documents that you have a legal right to obtain, that you have a right to copy or to which you have access, as well as documents that you have placed in the temporary possession, custody, or control of any third party. Requested records, documents, data or information should not be destroyed, modified, removed, transferred or otherwise made inaccessible to the Committee.
2. In the event that any entity, organization or individual denoted in this request has been, or is also known by any other name than that herein denoted, the request shall be read also to include that alternative identification.
3. The Committee's preference is to receive documents in electronic form (i.e., CD, memory stick, or thumb drive) in lieu of paper productions.
4. Documents produced in electronic format should also be organized, identified, and indexed electronically.
5. Electronic document productions should be prepared according to the following standards:
 - (a) The production should consist of single page Tagged Image File ("TIF"), files accompanied by a Concordance-format load file, an Opticon reference file, and a file defining the fields and character lengths of the load file.
 - (b) Document numbers in the load file should match document Bates numbers and TIF file names.
 - (c) If the production is completed through a series of multiple partial productions, field names and file order in all load files should match.
 - (d) All electronic documents produced to the Committee should include the following fields of metadata specific to each document:

BEGDOC, ENDDOC, TEXT, BEGATTACH, ENDATTACH,
PAGECOUNT, CUSTODIAN, RECORDTYPE, DATE, TIME, SENTDATE,
SENTTIME, BEGINDATE, BEGINTIME, ENDDATE, ENDTIME, AUTHOR, FROM,
CC, TO, BCC, SUBJECT, TITLE, FILENAME, FILEEXT, FILESIZE,
DATECREATED, TIMECREATED, DATELASTMOD, TIMELASTMOD,
INTMSGID, INTMSGHEADER, NATIVELINK, INTFILPATH, EXCEPTION,
BEGATTACH.
6. Documents produced to the Committee should include an index describing the contents of the production. To the extent more than one CD, hard drive, memory stick, thumb drive, box or folder is produced, each CD, hard drive, memory stick, thumb drive, box or folder should contain an index describing its contents.

7. Documents produced in response to this request shall be produced together with copies of file labels, dividers or identifying markers with which they were associated when the request was served.
8. When you produce documents, you should identify the paragraph in the Committee's schedule to which the documents respond.
9. It shall not be a basis for refusal to produce documents that any other person or entity also possesses non-identical or identical copies of the same documents.
10. If any of the requested information is only reasonably available in machine-readable form (such as on a computer server, hard drive, or computer backup tape), you should consult with the Committee staff to determine the appropriate format in which to produce the information.
11. If compliance with the request cannot be made in full by the specified return date, compliance shall be made to the extent possible by that date. An explanation of why full compliance is not possible shall be provided along with any partial production.
12. In the event that a document is withheld on the basis of privilege, provide a privilege log containing the following information concerning any such document: (a) the privilege asserted; (b) the type of document; (c) the general subject matter; (d) the date, author and addressee; and (e) the relationship of the author and addressee to each other.
13. If any document responsive to this request was, but no longer is, in your possession, custody, or control, identify the document (stating its date, author, subject and recipients) and explain the circumstances under which the document ceased to be in your possession, custody, or control.
14. If a date or other descriptive detail set forth in this request referring to a document is inaccurate, but the actual date or other descriptive detail is known to you or is otherwise apparent from the context of the request, you are required to produce all documents which would be responsive as if the date or other descriptive detail were correct.
15. Unless otherwise specified, the time period covered by this request is from January 1, 2009 to the present.
16. This request is continuing in nature and applies to any newly-discovered information. Any record, document, compilation of data or information, not produced because it has not been located or discovered by the return date, shall be produced immediately upon subsequent location or discovery.
17. All documents shall be Bates-stamped sequentially and produced sequentially.
18. Two sets of documents shall be delivered, one set to the Majority Staff and one set to the Minority Staff. When documents are produced to the Committee, production sets shall be delivered to the Majority Staff in Room 2157 of the Rayburn House Office Building and the Minority Staff in Room 2471 of the Rayburn House Office Building.

19. Upon completion of the document production, you should submit a written certification, signed by you or your counsel, stating that: (1) a diligent search has been completed of all documents in your possession, custody, or control which reasonably could contain responsive documents; and (2) all documents located during the search that are responsive have been produced to the Committee.

Definitions

1. The term “document” means any written, recorded, or graphic matter of any nature whatsoever, regardless of how recorded, and whether original or copy, including, but not limited to, the following: memoranda, reports, expense reports, books, manuals, instructions, financial reports, working papers, records, notes, letters, notices, confirmations, telegrams, receipts, appraisals, pamphlets, magazines, newspapers, prospectuses, inter-office and intra-office communications, electronic mail (e-mail), contracts, cables, notations of any type of conversation, telephone call, meeting or other communication, bulletins, printed matter, computer printouts, teletypes, invoices, transcripts, diaries, analyses, returns, summaries, minutes, bills, accounts, estimates, projections, comparisons, messages, correspondence, press releases, circulars, financial statements, reviews, opinions, offers, studies and investigations, questionnaires and surveys, and work sheets (and all drafts, preliminary versions, alterations, modifications, revisions, changes, and amendments of any of the foregoing, as well as any attachments or appendices thereto), and graphic or oral records or representations of any kind (including without limitation, photographs, charts, graphs, microfiche, microfilm, videotape, recordings and motion pictures), and electronic, mechanical, and electric records or representations of any kind (including, without limitation, tapes, cassettes, disks, and recordings) and other written, printed, typed, or other graphic or recorded matter of any kind or nature, however produced or reproduced, and whether preserved in writing, film, tape, disk, videotape or otherwise. A document bearing any notation not a part of the original text is to be considered a separate document. A draft or non-identical copy is a separate document within the meaning of this term.
2. The term “communication” means each manner or means of disclosure or exchange of information, regardless of means utilized, whether oral, electronic, by document or otherwise, and whether in a meeting, by telephone, facsimile, email (desktop or mobile device), text message, instant message, MMS or SMS message, regular mail, telexes, releases, or otherwise.
3. The terms “and” and “or” shall be construed broadly and either conjunctively or disjunctively to bring within the scope of this request any information which might otherwise be construed to be outside its scope. The singular includes plural number, and vice versa. The masculine includes the feminine and neuter genders.
4. The terms “person” or “persons” mean natural persons, firms, partnerships, associations, corporations, subsidiaries, divisions, departments, joint ventures, proprietorships, syndicates, or other legal, business or government entities, and all subsidiaries, affiliates, divisions, departments, branches, or other units thereof.

5. The term “identify,” when used in a question about individuals, means to provide the following information: (a) the individual's complete name and title; and (b) the individual's business address and phone number.
6. The term “referring or relating,” with respect to any given subject, means anything that constitutes, contains, embodies, reflects, identifies, states, refers to, deals with or is pertinent to that subject in any manner whatsoever.
7. The term “employee” means agent, borrowed employee, casual employee, consultant, contractor, de facto employee, independent contractor, joint adventurer, loaned employee, part-time employee, permanent employee, provisional employee, subcontractor, or any other type of service provider.

**COMMITTEE ON OVERSIGHT AND GOVERNMENT REFORM
U.S. HOUSE OF REPRESENTATIVES
115TH CONGRESS**

NOTICE OF APPEARANCE OF COUNSEL

Counsel submitting: _____

Bar number: _____ **State/District of admission:** _____

Attorney for: _____

Address: _____

Telephone: (_____) _____ - _____

Pursuant to Rule 16 of the Committee Rules, notice is hereby given of the entry of the undersigned as counsel for _____ in (select one):

All matters before the Committee

The following matters (describe the scope of representation):

All further notice and copies of papers and other material relevant to this action should be directed to and served upon:

Attorney's name: _____

Attorney's email address: _____

Firm name (where applicable): _____

Complete Mailing Address: _____

I agree to notify the Committee within 1 business day of any change in representation.

Signature of Attorney

Date