



## **Chairwoman Wasserman Schultz** **Subcommittee on Military Construction, Veterans Affairs, & Related Agencies** **Office of Accountability and Whistleblower Protection's Failures at VA**

**November 14, 2019**

Good morning. Today we welcome the Honorable Michael Missal, the Inspector General of the Department of Veterans Affairs and Dr. Tamara Bonzanto, the Assistant Secretary for Accountability and Whistleblower Protection. We are here today to discuss the Inspector General's October 24, 2019 report entitled, "Failures Implementing Aspects of the VA Accountability and Whistleblower Protection Act of 2017".

The Office of Accountability and Whistleblower Protection was created by Executive Order on April 27, 2017, and Congress statutorily established the office with the enactment of the VA Accountability and Whistleblower Protection Act of 2017 on June 23, 2017. The goal of the office is to improve VA's ability to hold employees accountable, especially senior executives for misconduct, and to enhance protections for whistleblowers. OAWP failed on all accounts.

Merely one year after its establishment, Congress asked the Inspector General's office to look into OAWP. The IG began its review dating back to the creation of the office and running through December 31, 2018. Specifically, the IG report looked into if OAWP was exercising its authority in accordance with the Act, how it conducted investigations, whether employees were being held accountable, whether OAWP was adequately protecting whistleblowers, and whether VA complied with other requirements of the Act.

The IG found significant concern in looking into those 5 questions. 1) OAWP misinterpreted its statutory mandate, resulting in failure to act within its investigative authority, 2) OAWP did not consistently conduct procedurally sound, accurate, and thorough investigations and related activities, 3) VA has struggled in implementing the Act's enhanced authority to hold covered executives accountable, 4) OAWP failed to fully protect whistleblowers from retaliation, and 5) VA did not comply with additional requirements of the Act and other authorities.

The very office that was created to protect whistleblowers was actively retaliating against them. What is deeply concerning is that since the creation of the office, OAWP has allowed corrupt leaders who have not been concerned with the responsibility or with complying with the mission of the office. Quite simply, the first two executive directors, Peter O'Rourke and his successor Kirk Nicholas, betrayed our veterans. I want to hear what steps are being taken to ensure that such an egregious breach of trust never happens again.

The OIG report had 22 recommendations, and the current Assistant Secretary, who inherited the office from her corrupt predecessors, concurred with all of them.

Dr. Bonzanto, you have the extremely difficult job of turning the office around. You are already staffing up with employees capable of meeting the mission of the office and working to fill critical leadership

positions to effectively and honestly run the office. I applaud all of the changes you are making by putting safeguards in place to prevent retaliation, improving communication to whistleblowers, increasing oversight over the investigations, and working towards more comprehensive training to sufficiently meet the requirements of the Act.

The IG report showed OAWP at the time only investigated 547 of the 3,694 submissions they received. That is only **15%** of the whistleblower submissions and completely unacceptable.

Today, we want to hear what you are doing to establish accountability and to protect veterans and whistleblowers.

Mr. Missal, I appreciate the work you have done to uncover the egregious issues within the Office of Accountability and Whistleblower Protection.