

**STATEMENT OF
THE HONORABLE DR. TAMARA BONZANTO
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OFFICE OF ACCOUNTABILITY & WHISTLEBLOWER PROTECTION
DEPARTMENT OF VETERANS AFFAIRS
BEFORE THE
SUBCOMMITTEE ON OVERSIGHT AND INVESTIGATIONS
HOUSE COMMITTEE ON VETERANS' AFFAIRS**

July 23, 2019

Chairman Pappas, Ranking Member Bergman, and members of the Subcommittee, thank you for the opportunity to testify today regarding whistleblower protection at the Department of Veterans Affairs (VA).

Background

VA's Office of Accountability and Whistleblower Protection (OAWP) was established by the President of the United States on April 27, 2017, under Executive Order 13793. OAWP was statutorily established by the VA Accountability and Whistleblower Protection Act of 2017, Public Law 115-41, and its functions are codified under section 323 of title 38 of the United States Code (U.S.C.). OAWP is committed to ensuring accountability within VA and protecting whistleblowers from retaliation. I was confirmed as OAWP's first Assistant Secretary in January 2019.

Protecting Whistleblowers

The Secretary and I recognize the need for improvements to whistleblower protection within the Department. OAWP:

- (1) directly investigates all whistleblower retaliation allegations made by VA employees and applicants for employment against VA supervisors. This mitigates the possibility that whistleblowers may face retaliation for making a lawful disclosure;
- (2) has engaged with other Federal agencies, including the Office of Special Counsel (OSC), the Department of Defense, the Department of Justice, the Department of Labor, and the Department of Homeland Security, to obtain best practices to develop training to protect whistleblowers; and
- (3) has developed a process to regularly update whistleblowers who make a disclosure to OAWP about the status of the investigation into their allegations.

The Secretary and I understand the sense of urgency to improve operations and my team is actively working to implement the following to better protect whistleblowers by:

- (1) providing standardized training for all OAWP investigators. This ensures that all OAWP investigators understand the law and can apply it in their matters in a consistent manner;

- (2) issuing written VA policy on how OAWP investigates whistleblower disclosures that it receives;
- (3) working with VA's Office of Inspector General (OIG) and OSC to finalize training for all VA employees as required under 38 U.S.C. § 733, which addresses, among other things, methods for making a whistleblower disclosure, prohibitions against taking an action against an employee for making a lawful disclosure, and penalties for whistleblower retaliation; and
- (4) refining the investigative processes to ensure that investigations are done in a timely manner.

Complying with the Law

In addition to continuously improving whistleblower protection at VA, OAWP is actively working on complying with the other requirements of 38 U.S.C. § 323, including:

- (1) standing up a team to record, track, review, and confirm VA's implementation of recommendations from audits and investigations conducted by the Government Accountability Office, OIG, VA's Office of the Medical Inspector, and OSC;
- (2) developing written policies to implement the above statutory requirement; and
- (3) ensuring that VA is compliant with the reporting requirement in 38 U.S.C. § 323(f)(2), specifically, that it report to Congress when VA "does not take or initiate" disciplinary action that I have recommended.

Engagement with Whistleblowers

The Secretary and I value all VA employees and whistleblowers and their commitment to improving care and services for Veterans. The Secretary and I want VA to be a place where employees are encouraged to raise concerns about our operations and can trust that management will take allegations of wrongdoing seriously and that they will not face retaliation for raising those concerns. Since my appointment, we have met with several internal and external stakeholders, including Veterans Service Organizations and non-profits, such as the Whistleblowers of America. We value the input received during these engagements and look forward to continuing to discuss ways to improve whistleblower protection.

Conclusion

Mr. Chairman, Ranking Member Bergman, I look forward to working with this Committee and continuing to engage with our internal and external stakeholders to identify opportunities to enhance VA's ability to protect whistleblowers. This concludes my testimony. I look forward to answering your questions.