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**STATEMENT OF**  
**Elizabeth McMurray, Chief, Retaliation and Disclosure Unit**  
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**BEFORE THE**  
**SUBCOMMITTEE ON OVERSIGHT AND INVESTIGATIONS**  
**HOUSE COMMITTEE ON VETERANS' AFFAIRS**  
**June 16, 2022**

Good morning Chair Pappas, Ranking Member Mann, esteemed members of the Subcommittee, and fellow panelists.

Thank you for including the U.S. Office of Special Counsel (OSC) in today's legislative hearing. I am honored to be here representing OSC again in front of this Subcommittee to speak with you about the importance of whistleblowers and how OSC works to protect them. Additionally, OSC appreciates the opportunity to discuss the proposed legislation concerning whistleblowers at the Department of Veterans Affairs (VA).

OSC maintains its steadfast support of our veterans and promoting a positive work environment for VA employees. Ensuring that VA whistleblowers are properly supported, and that their voices heard, allows the VA to best protect the health and safety of our veterans. Throughout his tenure, Special Counsel Kerner has prioritized our work with the VA. In fact, the Secretary of the VA was the first department head with whom he met upon taking office. Since then, Special Counsel Kerner has met individually with each VA Secretary during his term, including, most recently, with Secretary McDonough; he has also met with Assistant Secretary Maryanne Donaghy, the current head of the Office of Accountability and Whistleblower Protection (OAWP), as well as with her predecessor, Dr. Tamara Bonzanto, and with VA Inspector General Michael Missal. In each of these meetings, the Special Counsel emphasized the need for VA leaders to send a clear message from the top about the value of whistleblowers to their organization and asked them to affirm their unwavering commitment to prevent and address whistleblower retaliation. They all did so.

To accomplish its mission of supporting whistleblowers, OSC works on several fronts. First, we provide whistleblowers with a safe channel to make disclosures of wrongdoing and ensure that those disclosures are properly addressed. Our statutory disclosure process shines a light on any such wrongdoing at federal agencies and ensures accountability to the American people, with a unique and significant role for the whistleblower throughout.

Second, we provide an avenue for whistleblowers to seek redress for retaliation and other prohibited personnel practices. With these cases, OSC not only has investigative authority, but also enforcement authority, as we can pursue corrective and disciplinary action before the Merit Systems Protection Board. This enforcement authority, coupled with our independence, gives

whistleblowers confidence in our processes and allows us to obtain positive outcomes for our stakeholders.

Finally, OSC has a robust training program whereby we train managers and employees at various agencies on employee rights and the merit system principles.

Through each of these mechanisms, we endeavor to help agencies, like the VA, promote a culture that supports whistleblowers, encourages disclosures of wrongdoing, and prevents retaliation before it begins. With the VA specifically, maintaining a good working relationship, through open lines of communication, has been critical to working towards our shared goal of promoting better government through transparency and accountability. During the Special Counsel's tenure, OSC has provided numerous trainings to the VA and OAWP. In addition, OSC continues to hold monthly meetings with representatives from the VA's Office of General Counsel (OGC), OAWP, and the VA Office of Medical Inspector; and, also, quarterly meetings with senior leaders in OGC. During these meetings, we discuss individual cases that merit high-level attention, as well as general issues that impact our work across the board.

We remain deeply committed to helping the VA, this Committee, and this Subcommittee provide the best service that it can to veterans by ensuring that any reported wrongdoing receives appropriate consideration. To that end, the Special Counsel has ensured that OSC dedicates a front office staff member to work as a liaison between the agency and Congress—facilitating OSC's support for your important work.

We thank you for seeking OSC's input and subject matter expertise on this and previous draft legislation. In particular, we appreciate the opportunity to review the proposed legislation within the broader context of whistleblower protection laws that apply to employees across the federal government, to help ensure that any potential legislative changes will result in maximum protection for VA whistleblowers. And we appreciate the thoughtful consideration this Subcommittee has given to our previous comments. Finally, we look forward to continuing to work with you and your staff on this important issue.

VA employees are among the greatest patriots in federal service, as they have devoted their professional lives to serving veterans, and many are veterans themselves. It is imperative that they feel supported in doing their jobs without fear of reprisal. Although there is work yet to be done, OSC employees work hard every day to bring us closer to making that goal a reality.

Thank you again for including OSC in this important hearing and I look forward to answering any questions this Subcommittee may have.