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STATEMENT OF
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BEFORE THE
SUBCOMMITTEE ON OVERSIGHT AND INVESTIGATIONS
HOUSE COMMITTEE ON VETERANS' AFFAIRS
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Good morning Chair Kiggans, Ranking Member Mrvan, esteemed members of the subcommittee, and fellow panelists.

Thank you for holding this important hearing on protecting the brave civil servants that come forward to blow the whistle at the U.S. Department of Veterans Affairs (VA). The U.S. Office of Special Counsel (OSC) is strongly committed to supporting veterans and to helping the VA create a positive culture of whistleblowing for its employees. Ensuring that whistleblowers are empowered to speak up about potential misconduct without fear of reprisal enables the VA to best protect the health and safety of our veterans.

Indeed, as we all know, whistleblowers are an indispensable resource for oversight entities like the VA's Office of Accountability and Whistleblower Protection (OAWP), OSC, Congress, and other organizations seeking to promote good government and accountability. The statutes governing OSC's work allow us to support whistleblowers in three main ways. First, OSC provides a safe channel for making disclosures of wrongdoing. Second, OSC protects federal employees from prohibited personnel practices, including retaliation for whistleblowing. Third, OSC provides training and stands as a partner with other federal agencies and Congress in upholding the merit system.

One noteworthy aspect of OSC's role as a safe channel for disclosures is the high degree of whistleblower involvement throughout the process. OSC relies on information provided by the whistleblower to determine whether an agency should investigate the alleged wrongdoing. Once we receive the whistleblower's disclosure, we make every effort to respond quickly to those concerns. In fact, our Disclosure Unit decides whether an investigation is required within 45 days in virtually every case. If the allegations warrant further inquiry, the Special Counsel will refer the case to the head of the agency, who must investigate and provide a report to our office. OSC then gives the whistleblower an opportunity to review and provide comments on the report. After taking the whistleblower's input into account, the Special Counsel determines if the report is reasonable and statutorily sufficient. Finally, OSC provides that determination, the report itself, and the whistleblower's comments to the President and to Congress.

OSC also provides an avenue for employees to file a complaint if they believe they have suffered a prohibited personnel practice, including whistleblower retaliation. OSC's process for

handling these cases differs significantly from our disclosure work in that, on the prohibited personnel practice side, our staff conduct the required investigations themselves. OSC has enforcement authority to pursue corrective and disciplinary action in these matters when appropriate. And our office has a highly effective alternative dispute resolution program, which also facilitates meaningful, often creative, relief for employees who file with us. As a chief in OSC's Investigation and Prosecution Division, I am especially pleased to note that in each of the last two fiscal years, staff working on prohibited personnel practice matters obtained record numbers of favorable actions, including individual and systemic relief, as well as disciplinary action. This combination of enforcement authorities and successful resolutions sends a strong message that OSC will conduct independent, objective inquiries in an effort to bolster whistleblower protections and the merit system as a whole.

While it is imperative that OSC maintain its independence in its investigative work, there are many opportunities for cooperation with other departments and agencies. Indeed, a key element of OSC's approach to assisting whistleblowers is our robust outreach and training program, whereby we train federal managers and employees on all facets of OSC's mission. In FY23, OSC conducted the highest number of trainings in the agency's history, increasing our visibility among those who may need our assistance. In addition, OSC has regular meetings with representatives from OAWP, the VA's Office of General Counsel, and the VHA Office of the Medical Inspector. During these meetings, we discuss individual cases that merit high-level intervention, as well as general issues that impact our work across the board. Developing a good working relationship with the VA through open lines of communication has been critical in working towards our shared goal of promoting better government through transparency and accountability.

We remain steadfast in our commitment to helping the VA and this committee provide the best possible service to veterans by ensuring that any reported wrongdoing receives appropriate consideration. VA employees are among the greatest patriots in federal service, as they have devoted their professional lives to serving veterans, and, of course, many are veterans themselves. It is imperative that they feel supported in doing their jobs without fear of reprisal. I am here on behalf of OSC to describe how our work contributes to that important goal.

Thank you again for holding this hearing. I look forward to answering any questions you may have.