

**Opening Statement of Chairman Ron Johnson:
“Nomination Hearing To Consider Michael J. Missal To Be Inspector General,
Department Of Veterans Affairs And Carolyn N. Lerner To Be Special Counsel, U.S.
Office Of Special Counsel”**

Tuesday, January 12, 2016

As submitted for the record:

Good morning and welcome.

We have convened this hearing to consider the nomination of Michael J. Missal to be Inspector General of the Department of Veterans Affairs (VA) and the renomination of Carolyn N. Lerner to serve a second five-year term as United States Special Counsel.

The nominees before the committee this morning have the important tasks of rooting out waste, fraud and abuse within the federal government, and of fostering an environment where whistleblowers can come forward and expose wrongdoing.

I am particularly pleased that we are considering a permanent nominee for the VA Office of Inspector General. The VA Office of Inspector General has been without a permanent leader for more than two years. For more than a year, I have called on President Obama to appoint a permanent Inspector General to serve as an independent and transparent watchdog at the Department of Veterans Affairs.

I strongly believe that the lack of permanent leadership at the VA Office of Inspector General has led to a lack of accountability that has compromised veteran care and significantly decreased the public’s trust and confidence in the VA’s chief watchdog. One of those scandals touched close to home for me. As this committee has been investigating, the VA Office of Inspector General conducted an incomplete and nonpublic review of opioid prescribing practices at the Tomah VA facility in my home state of Wisconsin. After the office finished and administratively closed its investigation, a 35-year-old veteran, Jason Simcakoski, died of mixed drug toxicity. In the aftermath, and facing criticism for its actions, the VA Office of Inspector General resorted to despicable attacks against VA whistleblowers in the form of a “white paper” this past summer.

In addition, the VA OIG still has not fully complied with this committee’s subpoena for documents relating to its Tomah review. Moving forward, it is vital that this committee receive the full cooperation of the VA OIG so we can fully understand the failures that led to the tragedies in Tomah and to enact the necessary reforms to enhance whistleblower protections and prevent future tragedies.

Today the committee will also consider the renomination of Carolyn Lerner to serve as United States Special Counsel. Along with its other duties, the Office of Special Counsel (OSC) is the neutral investigator of whistleblower claims brought by federal employees. It serves an

important role in rooting out waste, fraud and abuse in the federal government and serves as an outlet for federal whistleblowers to expose wrongdoing.

It is fitting that Ms. Lerner's nomination is before us at the same time as Mr. Missal's. As Ms. Lerner testified before this committee a few months ago, cases of whistleblower retaliation against VA employees make up 35 percent of the caseload of the Office of Special Counsel. Her office received more retaliation complaints from VA employees in 2014 than from Department of Defense (DoD) employees, even though the DoD has twice as many civilian employees as the VA. Under Ms. Lerner's leadership, the OSC has procured favorable outcomes for hundreds of federal whistleblowers.

I am grateful to both of the nominees today for their willingness to serve in these important roles, and I hope to have a frank discussion about their vision to enhance the independence and transparency of the VA OIG and to protect federal whistleblowers. I look forward to your testimony.