

OPENING STATEMENT OF CAROLYN N. LERNER, NOMINEE FOR SPECIAL COUNSEL, OFFICE OF SPECIAL COUNSEL, BEFORE THE SENATE HOMELAND SECURITY AND GOVERNMENTAL AFFAIRS COMMITTEE:

Chairman Akaka, Ranking Member Johnson, and members of the Committee, thank you for the opportunity to appear before you today. It is a privilege to be considered for confirmation by your Committee. I am honored and humbled that the President has nominated me to serve as Special Counsel.

I would like to introduce you to my family, my husband, Dwight Bostwick, and our two children, Ben and Anna. I am grateful to them for their unwavering love and support. A number of my friends and colleagues are in the audience today and I would like to thank them as well.

I also want to acknowledge my family in Michigan who could not be here today, but who has encouraged me throughout my life.

I would not be here but for the two people whose influence led me to choose a career in the law. My mother and my father would have treasured this moment. They were the children of immigrants who came to this country seeking a better life. My grandfather had been jailed in his country for speaking out against the government, and my parents taught me to appreciate the freedoms we enjoy in the United States. They also impressed upon me the importance of standing up for those who cannot protect themselves.

I began my career in Michigan, where I grew up, as a law clerk to Chief United States District Judge Julian Abele Cook, Jr. Judge Cook treats all those who appear before him with kindness, dignity and respect. His approach set the standard I have tried to emulate as I have practiced law in the 20 years since my clerkship.

Since 1991, I have represented both private sector and federal employees primarily in employment-related cases. I've advised employers about best workplace practices and employment issues. As a federal court-appointed, independent monitor, I managed and implemented a reform program for a large government agency. I have also served both as a mediator and professor of mediation.

These experiences have given me a broad perspective on how workplaces function and how best to protect employees from retaliation and discrimination. If confirmed, I would bring this expertise to the Office of Special Counsel.

There are several employees from the Office of Special Counsel who are here, and they deserve our appreciation for their ongoing commitment to the OSC.

The Office of Special Counsel was created to protect federal employees who report abuses in government. Employees need to have the courage to blow the whistle on fraud, waste and abuse -- and we need to provide them with the assurance that if they do, their careers and livelihoods will not be at risk.

Whistle blowers are essential to a well-functioning government. Federal employees have been described as the "foot soldiers" in the war on waste, fraud and abuse. They not only protect public health and safety, they are guardians of taxpayer dollars, a role that has become more important than ever.

Whistleblower disclosures under the False Claims Act have accounted for billions of dollars in recoveries for the U.S. Treasury. A recent private sector study found that employee disclosures detected more fraud than auditors, internal compliance officers, and law enforcement combined.

To effectively protect the federal merit system, the Office of Special Counsel must be a highly functioning agency. I believe that the OSC can best succeed if its own employees are treated fairly and with respect.

It will also take a strong partnership with all of OSC's stakeholders to move the agency forward in a positive way. If confirmed, I am committed to building collaborative and constructive relationships with the Congress, federal employee and agency management groups, and good government advocates. If confirmed, I very much look forward to working with each one of them.

In particular, I look forward to working closely with this Committee as you continue your important efforts to increase the effectiveness and efficiency of government.

Thank you and I would be pleased to answer any questions the Committee may have.