

Statement of Ranking Member Thomas R. Carper
“Blowing the Whistle on Retaliation: Accounts of Current and Former Federal Agency Whistleblowers”
June 11, 2015

As prepared for delivery:

Thank you, Mr. Chairman, for your efforts to highlight the retaliation that too many federal employees have faced over the years, and even today, when they’ve blown the whistle on waste, fraud, and abuse within their agencies.

I often talk about how invaluable the work of Inspectors General and Government Accountability Office (GAO) are to this committee as we work to get better results for less money and reduce the federal deficit. I am reminded today that many times it is actually federal employees and contractors within the government that first draw attention to issues or wrongdoing in their agencies. They are just as vital a part of our team as we work together to make government work better.

Without people who are willing to stand up and say something when they see something that is wrong, it would be much harder to root out waste, fraud, and abuse. And in order to encourage people to stand up, we need to ensure that they will not be punished for doing so.

I have been a long-time proponent of strengthening agency oversight by hearing from and protecting federal whistleblowers. A few years ago, a whistleblower from the Dover Air Force Base contacted my Dover office with information about mismanagement at the base mortuary. My office was able to help draw attention to both these issues and the retaliation the whistleblower was facing.

In the end, the Office of Special Counsel investigation led to disciplinary action against several people in leadership positions at the Base and to the reinstatement of this whistleblower and others there. I was struck by the courage of these brave whistleblowers who risked so much to right a wrong.

This committee as a whole also has a strong history of working with individual whistleblowers to root out waste, fraud and abuse. For example, last Congress, testimony from whistleblowers was critical to a hearing and investigation, led by former Senators Tom Coburn and Carl Levin, into an Administrative Law Judge office in West Virginia, which is responsible for reviewing thousands of applications for the Social Security disability program.

The hearing was powerful and proved critical to improving accountability and oversight in the disability program. These whistleblowers performed an important role in both the investigation and the hearing. Without them, there would have been no investigation and no hearing, and the fraud our committee shined a light on may never have been uncovered.

These are just two recent examples of the critical role that whistleblowers can play. I was pleased to learn in preparing for this hearing that the Office of Special Counsel has made significant progress in the past few years under the leadership of Special Counsel Carolyn Lerner in protecting them. In fact, I’ve been told that favorable outcomes for whistleblowers that come to

the OSC have increased by 600 percent since 2007. That's an impressive statistic. But Congress and the Administration have much work to do to better ensure that individuals feel free to speak out without fear of retaliation.

Before we go any further, though, I would be remiss if I didn't also note, as the Chairman already has, that the whistleblowers here today have retaliation claims that have not yet been substantiated, and cases that are still pending. Having said that, on the one hand I'm glad that we have the opportunity to hear from them, but to be honest, I do have some concerns about publicly discussing cases that involve ongoing investigations and litigation.

Congress has established paths for whistleblowers to obtain independent, objective reviews of their complaints. They can do this through the Office of Special Counsel, the Merit System Protection Board, the Offices of Inspectors General, and the federal courts. I hope that today's hearing is not seen as interfering with, or pre-judging, the reviews related to our witnesses' claims that are underway today.

I should also note that there are some perspectives on the issues our witnesses raise that we will not hear today, perspectives that would help us to better understand these issues. I hope that as we continue our oversight on this subject, we will have the opportunity to hear from the agencies involved, including the Office of Special Counsel.

That said, I nonetheless hope that we can learn some valuable lessons today about the experiences some whistleblowers face, what we can do to better support them, and how we can improve both the climate and the process for whistleblowers in the future.

Again, I appreciate the Chairman's commitment to protecting whistleblowers. I am especially pleased to have joined him as a member of the newly-created Senate Whistleblower Caucus. I look forward to continuing to work with him on these and other important issues.

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