

ANN KIRKPATRICK
1ST DISTRICT, ARIZONA

VETERANS' AFFAIRS COMMITTEE
SUBCOMMITTEES

RANKING MEMBER, OVERSIGHT AND INVESTIGATIONS
ECONOMIC OPPORTUNITY

TRANSPORTATION AND INFRASTRUCTURE
COMMITTEE
SUBCOMMITTEES

HIGHWAYS AND TRANSIT
WATER RESOURCES AND ENVIRONMENT
RAILROADS, PIPELINES, AND HAZARDOUS MATERIALS

Congress of the United States
House of Representatives
Washington, DC 20515-0301

330 CANNON HOUSE OFFICE BUILDING
WASHINGTON, DC 20515
(202) 225-3361

405 NORTH BEAVER STREET #6
FLAGSTAFF, AZ 86001

211 NORTH FLORENCE STREET #1
CASA GRANDE, AZ 85122

11555 WEST CIVIC CENTER DRIVE #104A
MARANA, AZ 85653

550 NORTH 9TH PLACE
SHOW LOW, AZ 85901

1400 EAST ASH
GLOBE, AZ 85501

June 17, 2014

The Honorable Sloan Gibson
Acting Secretary of Veterans Affairs
Department of Veterans Affairs
801 Vermont Avenue, NW
Washington, DC 20420

Dear Acting Secretary Gibson:

I have heard from many VA employees who would like to come forward to report wrongdoing and violations of VA policies and regulations. These employees sincerely wish to see VA make much-needed reforms and address the culture of the VA, a culture that has turned away from the veterans it is intended to serve. One of the saddest things I have learned is that while many VA employees want to do the right thing and help fix what is wrong, they are fearful of retaliation, and are afraid that speaking out will cost them their career. On June 16, *The New York Times* published the story "V.A. Punished Critics on Staff, Doctors Assert" available at <http://www.nytimes.com/2014/06/16/us/va-punished-critics-on-staff-doctors-assert.html?hpw&rref=us&r=0>. This story details the same retaliation tactics VA whistleblowers have reported to my office. This must stop immediately.

During the June 9 House Veterans' Affairs Committee hearing, Mr. Philip Matkovsky, Assistant Deputy Under Secretary for Health for Administrative Operations, said that the VA would not tolerate reprisals against whistleblowers. I called for a nationwide audit so that employees with information about wrongdoing and inappropriate scheduling practices would come forward.

I know that you agree with me that until this culture of retaliation and reprisal is changed we will never get to the bottom of the problems facing VA and we will never be able to fully take the steps needed to see real reform. In light of this spirit, I am asking that you take immediate and positive steps to address the very real fears and concerns of VA's employees and begin returning the VA's culture to a culture that is focused first and foremost on serving our veterans. Specifically, I am asking that you take this opportunity, today, to remind all VA employees of their rights and protections under the law when it comes to communicating with Congress and bringing to light things they feel are wrong.

Please remind all VA employees that they have a legal right to communicate with Congress, and explain to VA employees that it is against the law to deny or interfere with VA employees' rights to furnish information to Congress. Specifically, 5 U.S.C. § 7211, provides that:

The right of employees, individually or collectively, to petition Congress or a Member of Congress, or to furnish information to either House of Congress, or to a committee or Member thereof, may not be interfered with or denied.

I also request that you remind all VA officials that it is a violation of Federal law to retaliate against whistleblowers under 5 U.S.C. 2302(b)(8):

Any employee who has authority to take, direct others to take, recommend, or approve any personnel action, shall not, with respect to such authority . . . take or fail to take, or threaten to take or fail to take, a personnel action with respect to any employee or applicant for employment because of-

A) any disclosure of information by an employee or applicant which the employee or applicant reasonably believes evidences –

(i) any violation of any law, rule, or regulation, or

(ii) gross mismanagement, a gross waste of funds, an abuse of authority, or a substantial and specific danger to public health or safety . . .

(B) any disclosure to the Special Counsel, or to the Inspector General of an agency or another employee designated by the head of the agency to receive such disclosures, of information which the employee or applicant reasonably believes evidences-

(i) any violation (other than a violation of this section) of any law, rule, or regulation [.]

In addition, it is against Federal law to interfere with a Congressional inquiry under 18 U.S.C. § 1505:

Whoever corruptly, or by threats or force, or by any threatening letter or communication influences, obstructs, or impedes or endeavors to influence, obstruct, or impede the due and proper administration of the law under which any pending proceeding is being had before any department or agency of the United States, or the due and proper exercise of the power of inquiry under which any inquiry or investigation is being had by either House, or any committee of either House or any joint committee of the Congress [.]

The work of reform will not be finished in a day, but notifying all VA employees of their rights to be active participants in the reform effort is something we can do today. I know that you agree with me that VA must be focused on the needs of veterans, and that VA employees should work together to live up to this goal, from the health care professional at the bedside to the hospital director to Central Office in Washington. The VA must end the culture of fear and retaliation against employees who wish to come forward when policies, regulations and laws are being broken so that all VA employees are able to perform this vital mission.

In addition to requesting that you notify all VA employees of their rights, I also wanted to thank you for the steps you have taken to help our veterans in need of care. I have heard very positive reports from my staff on the VA's responsiveness to veterans' needs during the American Legion's Crisis Command Center in Phoenix, Arizona from June 10-13. I know that working together we will fix the problems facing the VA and begin building the VA that our veterans deserve.

Sincerely,

A handwritten signature in blue ink, appearing to read 'Ann Kirkpatrick', written in a cursive style.

Ann Kirkpatrick

Ranking Member, Subcommittee on Oversight and
Investigations, House Committee on Veterans' Affairs