

**Opening Statement**  
**Ranking Member Gerald E. Connolly (VA-11)**  
**Subcommittee on Government Operations**  
**Hearing on “Merit Systems Protection Board, Office of Government Ethics, and Office of**  
**Special Counsel Reauthorization”**  
**Dec. 16, 2015**

Thank you, Mr. Chairman, for holding this hearing on the reauthorization of the Merit Systems Protection Board (MSPB), the Office of Government Ethics (OGE), and the Office of Special Counsel (OSC).

**These three agencies are some of the smallest agencies in the federal government, but their work has a tremendous impact on the integrity of the federal civil service.**

**The authorizations of each of these agencies expired in 2007, and they’ve been sustained by annual appropriations, so Congressional action is long overdue.** It is especially important given the critical work these agencies perform that our Subcommittee consider how changes to their statutory authority could help them better achieve their missions.

I thank the witnesses for joining us here today.

In particular, I want to commend you for the vitally important work that you and your staffs perform to ensure that the federal civil service is:

- merit-based;
- not subject to political influence or activity, or ethical conflicts of interest; and
- free of prohibited personnel practices such as discrimination or whistleblower retaliation.

MSPB’s 200-person staff is charged with adjudicating appeals relating to adverse employment actions such as removals and suspensions over 14 days, veterans’ and whistleblowers’ rights, and federal disability and retirement claims.

MSPB is seeking a five year reauthorization through fiscal year 2020 and is proposing that the Office of Personnel Management and other agencies assist MSPB in conducting employee surveys. I look forward to a discussion of this proposal to increase agency cooperation with MSPB, to better inform its reporting on the civil service.

I also would like to hear about MSPB’s efforts to address recent challenges, including adjudication of 32,000 appeals filed by federal employees who were furloughed in 2013 due to sequestration budget cuts, and implementation of the 2014 Veterans Access, Choice and Accountability Act, which helped address long wait times at VA facilities by allowing veterans to more quickly access care and treatment at non-VA hospitals in certain cases.

The Office of Government Ethics employs 80 individuals who prepare and issue standards of ethical conduct for the federal workforce and oversee agency ethics programs.

OGE seeks a seven year reauthorization, which follows previous Congressional practice to avoid the need to seek reauthorization during the first and last year of a presidential term. OGE also proposes technical changes to its statutory authority to reflect current law and practice.

I would like to better understand the steps that the agency has taken to implement the 2012 Stop Trading on Congressional Knowledge Act (or STOCK Act), and I would also like to hear about the agency's preparations for the Presidential transition.

The Office of Special Counsel's primary mission is to protect federal employees from prohibited personnel practices. OSC serves as the frontline of defense for whistleblowers who disclose government wrongdoing, something that is particularly important to this Committee.

The agency seeks a five-year reauthorization through fiscal year 2020. It is proposing several legislative changes to its statutory authority that would, among other things, enhance its access to federal agency information, increase agency accountability in whistleblower disclosure cases, and modify procedural requirements for certain prohibited personnel practice cases.

**I am pleased that OSC has achieved settlements in numerous cases on behalf of VA employees who were retaliated against because they stepped forward to blow the whistle and disclose problems with patient care at VA facilities.**

OSC was also instrumental in drawing Congressional attention to disclosures by Department of Homeland Security employees regarding the abuse of "administratively uncontrollable overtime." Those disclosures caused DHS to stop the improper use of these payments and resulted in the passage of legislation that established a new pay system for Customs and Border Patrol agents.

**I understand that OSC is dealing with an increasing caseload, and I am interested to hear what Congress can do to help.**

Mr. Chairman, **the fact that these agencies have now gone eight years without being re-authorized is a terrible abdication of Congressional responsibility.** This is precisely the type of unsexy, yet important work on which our Committee ought to be focused if we are to provide effective oversight and begin to restore the public's confidence in our government.