

The PRESIDING OFFICER. Without objection, it is so ordered.

The Senator from Kansas.

#### ACCOUNTABILITY AT THE DEPARTMENT OF VETERANS AFFAIRS

Mr. MORAN. Mr. President, I have the honor of serving with the chair on the Senate Committee on Veterans' Affairs, and I want to speak tonight about a set of issues, a circumstance that we have found ourselves in.

As you will recall, several years ago there was a national news story and our Nation was appalled to learn that Department of Veterans Affairs employees from across the country were creating secret waiting lists that stood between veterans and the care they deserved. Veterans died waiting for care because of deceptive practices at the VA. In the wake of that wrongdoing, I called for the resignation of the then-Secretary of the Department of Veterans Affairs. At that time, I didn't think things could get worse at the Department, but I was wrong.

In 2014, during the confirmation hearings for the current VA Secretary, Bob McDonald, he seemed to understand the urgency demanded by the American people and by their Congress to fix the problems at the Department of Veterans Affairs. In his testimony, he promised that "the seriousness of this moment demands action . . . those employees that have violated the trust of the Nation and of veterans must be, and will be, held accountable."

Now, more than 2 years later, with authorities granted by Congress and signed into law by the President, the Secretary seems to have forgotten that promise. Time and time again, the Secretary uses a talking point on accountability, stating "the VA has terminated more than 4,095 employees" since he arrived. The real number of terminations is three. Only three people have been discharged from the VA for their misconduct, and another 12 to 15 are "potential removals or demotions."

What the Secretary hasn't said is that thousands of those terminations were actually employees placed on paid leave, thereby racking up \$23 million to pay the salaries of 2,500 VA employees who weren't actually working. The opportunity for the Secretary and for the VA to hold bad actors accountable has been squandered.

The terrible part of this is that Americans have been misled. The accountability the VA created in the wake of the scandal about the fake waiting lists has generated further disappointment and scandal due to the mismanagement and manipulation. Instead of firing people, Americans are paying bad actors to do nothing or, worse yet, they have been transferred to other facilities to continue bad practices. The morale of the vast majority—a huge number—of hard-working people who work for the VA, many who are veterans themselves, has to be

harmed as they care for veterans every day and suffer in this culture of corruption.

In Kansas, my home State, we face one of the worst examples of a VA employee violating the trust of a veteran. Yet the VA seems to have no sense of urgency in holding this person accountable or committing to fixing the process that enabled this individual to do what he did.

In 2015, we learned from newspaper reports—certainly not from the VA—that a physician assistant at the Leavenworth VA hospital, Mr. Mark Wisner, had been sexually abusing veteran patients. Shortly after that news broke, the Leavenworth county prosecutors charged this individual with multiple counts of sexual assault and abuse against numerous veterans. We learned, as the story unfolded, that he had targeted vulnerable veterans suffering from PTSD. He prescribed opioids that inhibited their thinking, and he used his position to deepen the wounds of war rather than healing them.

I will share a quote from two Army veteran brothers who were patients and felt they had no choice but to continue seeking the care or lose the health care benefits they had earned. One of them said: "The fear of losing what I had earned [in benefits] versus the fear of being sexually assaulted again, I don't know which one was more important." Imagine the desperation of a veteran trying to answer that question.

Again, what is so troubling about this situation is that Mr. Wisner should never have been hired by the VA in the first place. As we add injury to insult for these veteran victims, he was not fired after he admitted the abuse. He was allowed to retire, and his voluntary retirement means he receives certain benefits that he might not otherwise received if he had actually been fired.

According to publicly available documents, Mr. Wisner indicated on his application for licensure that he had been convicted of a crime, and further information indicates the crime and convictions were lewd in nature. Yet he was hired.

It is infuriating—it is worse than infuriating—that a person with a criminal record, convicted of a lewd crime, was still hired to be at the frontlines of veteran patient care. When the VA was asked about his criminal record, they indicated that background checks are contingent upon "the position's risk level" and that physician assistant positions were considered "low risk" and didn't require an exhaustive background check.

In my view, a practitioner in patient care should be held to the highest standards of excellence and should receive an exhaustive background check. How can a position in patient care be considered low risk at the VA?

Fortunately, as I said, I serve with the Presiding Officer on the Committee on Veterans' Affairs, and I had the op-

portunity during one of our committee hearings last September—just a few months ago—to question Secretary McDonald about the background check process and why Mr. Wisner was hired with a known criminal background. The Secretary's response was "there was nothing in his file that suggested that there was a risk." He also suggested that I had different information than he did—than he, the Secretary, did—which is hard to believe because the documentation I was reading from, the circumstances I was describing, came directly from his own Office of Inspector General.

I have also sent the Secretary a letter with more than 20 questions about this situation, hoping I could receive substantive answers to those questions. More than 2 months passed until I received a response last week from the Under Secretary for Health. Actually, I was hoping to learn something from that response about the VA's commitment to fixing their hiring practices, not a canned answer regarding the VA's current process for background checks. Certainly, the 20 questions asked of the Secretary remain unanswered. They remain unanswered regarding why the VA's credentialing process failed to catch Mr. Wisner—a convict. Does the VA not consider lewd crimes or convictions in an applicant's file as a risk to veterans? The responses have been unacceptable. The lack of response has been unacceptable.

Also unacceptable are the circumstances surrounding Mr. Wisner's separation from the VA. Instead of an immediate termination, unbelievably, he was permitted to retire with full benefits. When the VA police received a complaint about Mr. Wisner in May of 2014, they alerted the VA inspector general. Wisner was removed from patient care and placed on paid administrative leave while the IG conducted its investigation. Some days later, in an interview with the VA inspector general's special agent, Wisner admitted he "crossed the professional line" and that he engaged in "unnecessary and inappropriate behavior of a sexual nature." Mr. Wisner made no attempt to hide his actions, stating that he "knew what he was doing to these patients was wrong and that he had no self-control."

Despite confessing to these horrible and illegal actions, Mr. Wisner continued to be an employee of the VA for 37 more days, giving him enough time to beat the VA to the punch and seeking and receiving retirement on June 28, 2014. One would think the moment a VA employee admits to violating or abusing a patient, a client, or a co-worker would be the moment their paycheck would end and they would no longer be employed; that there would be zero tolerance for such egregious conduct.

Grounds for immediate termination clearly existed from Wisner's own confessions. Yet he was able to gather all his personal documents and submit his

retirement paperwork to the VA to guarantee his retirement benefits—benefits, incidentally, that millions of veterans continue to wait for years and decades to receive.

There are so many factors about this situation that are troublesome, upsetting, and disgusting, but most importantly our veterans themselves are distraught. The VA failed to protect them from a sexual predator. They were taken advantage of and they are hurting. One victim took his own life, troubled by what happened to him.

Wisner's termination void of retirement benefits maybe would have brought a small measure of justice to the victims. Despite having more than enough justification and the authority to fire Wisner, the VA chose to do nothing, and that inaction sends a very strong and disappointing message not only to our veterans but to the VA employees who are looking to the VA to have their best interest and the best interest of patients they care for, our veterans, at heart.

Our veterans are expecting the VA to live up to the "I CARE" values created by the Secretary. Secretary McDonald announced the I CARE Program, and I can tell you that veterans in Kansas

would agree that the VA did not demonstrate integrity, commitment, advocacy, respect or excellence in these circumstances.

When given the opportunity in a hearing and in writing, the VA's top executives are unable to put at rest not just my mind but the minds of veterans back home in Kansas. Veterans deserve a heartfelt, thorough examination, a thorough explanation of what went wrong and what is now being done to make certain that it never happens again.

Our local VA folks in our State have done what they can do to reach out to veteran patients. The stories continue to grow. Veterans continue to come forward. However, this is a serious and significant incident. The serious and significant incidents require more than just outreach. They require more than just what can happen in Kansas. They require an engagement by the top leadership officials at the Department of Veterans Affairs.

The VA's refusal to admit fault or commit to remedying this situation gives little confidence to Congress and, more importantly, to veterans who are being asked to trust the Department that failed to protect them. It appears

the Secretary has forgotten his promise made over 2 years ago to uphold the "seriousness of the moment," to hold those responsible for bad behavior accountable. There could be no more serious moment. There could be no more serious moment of recklessness by the VA than the abuse of a veteran by its own employees.

I yield the floor.

---

ADJOURNMENT UNTIL 9:30 A.M.  
TOMORROW

The PRESIDING OFFICER. Under the previous order, the Senate stands adjourned until 9:30 a.m. tomorrow.

Thereupon, the Senate, at 6:45 p.m., adjourned until Thursday, November 17, 2016, at 9:30 a.m.

---

#### NOMINATIONS

Executive nomination received by the Senate:

IN THE ARMY

THE FOLLOWING NAMED OFFICER FOR APPOINTMENT TO THE GRADE INDICATED IN THE RESERVE OF THE ARMY UNDER TITLE 10, U.S.C., SECTION 12203:

*To be colonel*

ANDREW J. WADE