



2021 ANNUAL REPORT

OFFICE OF THE
WHISTLEBLOWER OMBUDS

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The 2021 Annual Report for the Office of the Whistleblower Ombuds was prepared by Shanna Devine, Director; Rebecca Jones, Deputy Director; John Whitty, Deputy Director of Operations; and Heriberto Arambula, Outreach and Engagement Fellow.

EXECUTIVE SUMMARY

In 2021 the Office of the Whistleblower Ombuds made substantial progress toward its strategic plan for the 117th Congress. Operating at increased staffing capacity and through strategic partnerships, the Office significantly expanded its visibility and reach as well as body of educational resources. During its second year in operation during the pandemic, the Office directly engaged with 224 House Member offices and committees—including district offices and those on Capitol Hill.

The Office provides four core services (Trainings, Case Consultations, Intake Process Development, and Technical Legislative Expertise) in furtherance of its role to advise Member offices and committees on best practices for working with public and private sector whistleblowers.

In furtherance of the Office's strategic goal to provide valuable trainings for every House office, its curriculum kept pace with policy reforms and stakeholder feedback. The Office provided guidance around new House requirements for working with whistleblowers, developed multiple learning modalities ranging from video shorts to fact sheets, and revamped its training manual. In coordination with the Congressional Staff Academy, the Office developed a Whistleblower Learning Path with a series of on-demand trainings. Further, it restructured its website to maximize accessibility and to make it more user-friendly. Nearly all the Office's resources are publicly accessible through its website.

To achieve its goals of increased visibility as well as transparency around its general operations, the Office embarked on a multipronged outreach and engagement approach throughout the House. It held regular stakeholder meetings and updates, sent monthly eDear Colleagues and tailored email outreach, mailed physical copies of its materials to district offices and all Capitol Hill offices, and participated in congressionally oriented events and newsletters with strategic partners. The Office also conducted routine engagement with civil society and the executive branch offices of inspectors general, in support of an evolving dialogue between the House and broader whistleblower stakeholder community.

To inform its performance evaluations and priorities, the Office established regular opportunities for House feedback throughout the year. Respondents to its year-end survey indicated a high level of satisfaction with the Office's services. They placed the greatest value on trainings, tailored case consultations, and customized guidance around intake procedures. In the words of one respondent when asked what they found most helpful, *"Can-do attitude when approached with new ideas; true kindness and ability to 'meet people where they are' when explaining protocols and advising."*

The Office disbursed a total of \$541,814.74 during the calendar year and reprogrammed \$435,000 of its Fiscal Year 2021 funds to assist the Government Contributions shortfall.

**IN 2021,
THE OFFICE
PROVIDED:**

49

**FOUNDATIONAL
TRAININGS**

139

**CASE
CONSULTATIONS**

76

**INTAKE PROCESS
DEVELOPMENT
CONSULTATIONS**

3

**TECHNICAL
LEGISLATIVE
EXPERTISE
CONSULTS**

INTRODUCTION

The House of Representatives' constitutionally mandated oversight work often relies on vital disclosures from government workers and employees within the private sector. Furthermore, whistleblowers commonly contact their Member of Congress or the committees of jurisdiction for support. The House has taken an important step to reinforce its work with whistleblowers by codifying the independent, nonpartisan Office of the Whistleblower Ombuds (the Office).¹

“
The trainings
provided to staff
proved quite
a help. Since
whistleblower
laws and
procedures
are pretty
complicated,
it was great to
have experts help
us understand
how we can
provide support
to the folks
who call in with
whistleblower
problems.”

In January 2021, the Office released its inaugural strategic plan—an impact-based framework for achieving its mission and vision.² The Office developed the following strategy narrative for how it intended to pursue its strategic goals:

We will expand our value and visibility throughout the House community by using strategic internal and external outreach, leveraging new opportunities and relationships for engagement, and offering expanded services.

We will provide valuable training for every House office and support every House office in its development of a best practice intake process by maintaining current and robust educational materials and model resources. All the while, we recognize that improving visibility and outreach are essential steps to achieving this goal.

We will provide transparency around our office's operations while upholding confidentiality, by regularly communicating programmatic updates, performance metrics, and vision, while engaging stakeholders to ensure responsible public disclosure of the office's operations and resources.



We will measure our success through comprehensive tracking tools and by seeking regular input from the House community and external stakeholders, while acknowledging the inherent difficulties of measuring value.

We will accomplish these actions, while prioritizing nonpartisanship and acknowledging the office's structural limitations. Further, to address any capacity issues, we will maximally use tools, resources, personnel, and relationships beyond our existing capacity to accomplish our strategic plan.

This process will yield House-wide understanding of the value of safely working with whistleblowers to conduct its oversight responsibilities, resulting in the institutionalization of effective, safe and consistent practices for working with whistleblowers through the House.

The Office's 2021 Annual Report, reflecting its strategic actions and related performance metrics, chronicles how the Office made significant progress toward accomplishing its year one strategic goals:

1. Visibility of the Office and its role/value throughout the House community.
2. Providing valuable training for every House office, including District Offices and Committees.
3. Transparency around the Office's operations while prioritizing confidentiality.

The Office would like to acknowledge the Committee on House Administration's continuous bipartisan support, as well as active bipartisan engagement by its other committees of jurisdiction, which has played an essential role in the Office's ability to effectively service the House.

“

In addition to the helpful briefing they provided at the beginning of the Congress, the team was really helpful when specific issues arose throughout the year, often on short-notice and with really practical guidance.”

AUTHORIZING LANGUAGE

In accordance with House Standing Rules, subject to the policy direction and oversight of the Committee on House Administration, and in consultation with any other committee (at the request of the chair or ranking minority member of such other committee), the Office shall:³

1. Promulgate best practices for whistleblower intake for offices of the House.
2. Provide training for offices of the House on whistleblower intake, including establishing an effective reporting system for whistleblowers, maintaining whistleblower confidentiality, advising staff of relevant laws and policies, and protecting information provided by whistleblowers.

MISSION & VISION STATEMENTS

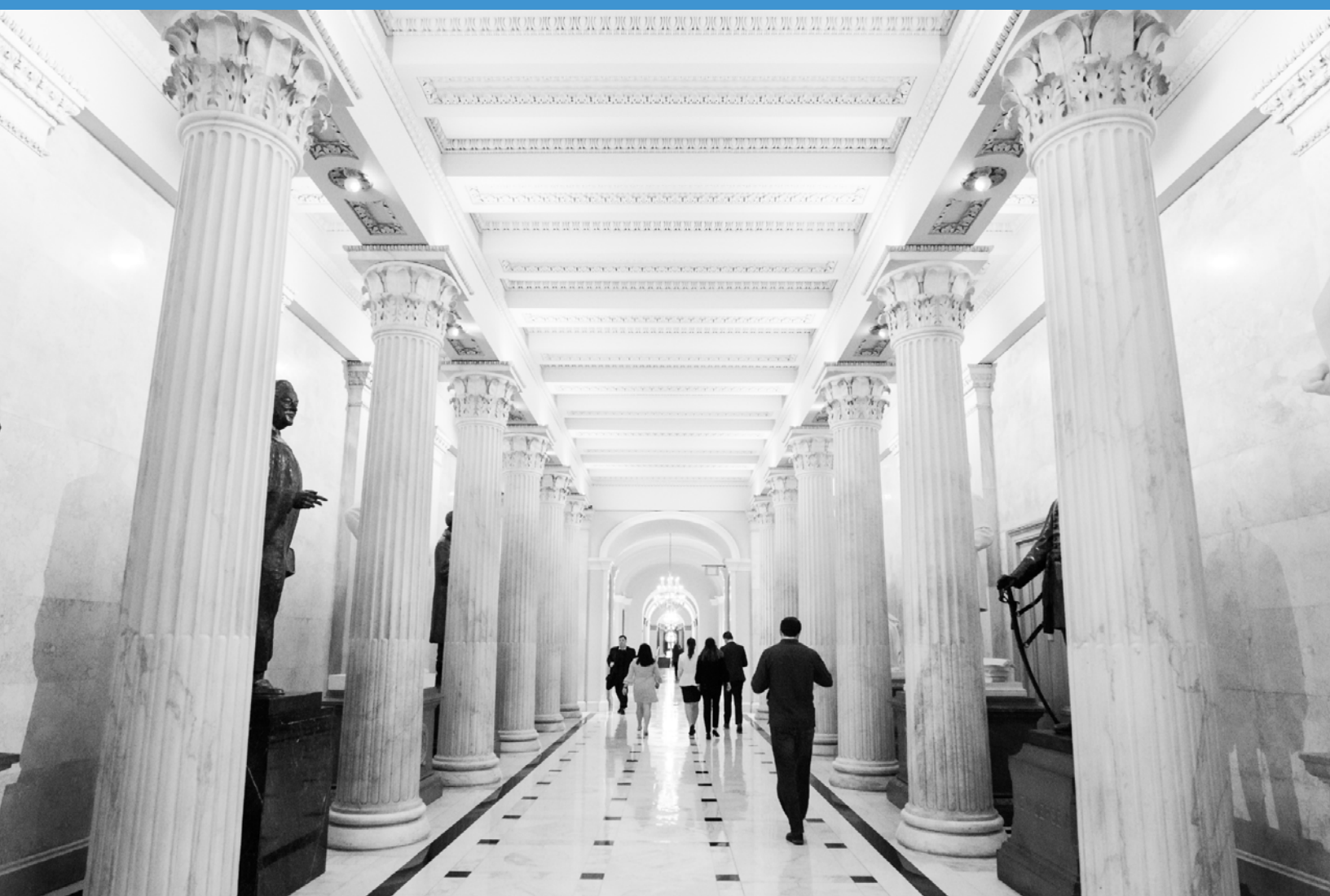
The Office's mission and vision statements reflect bipartisan input from staff leadership of its committees of jurisdiction as well as external stakeholders.

MISSION

To support the House community in an independent and nonpartisan capacity by providing education, training, and guidance for effectively working with whistleblowers, in order to assist the House in protecting its sources while conducting its oversight function.

VISION

To be a valued, nonpartisan resource for every House office, by institutionalizing safe, effective, and consistent practices for working with whistleblowers.



ORGANIZATIONAL STRUCTURE

STAFF

Pursuant to the Committee on House Administration Resolution 116-22, the maximum number of staff for the Office is three full-time employees, including the Director, as provided for in House Resolution 6, Section 104(e), 116th Congress.

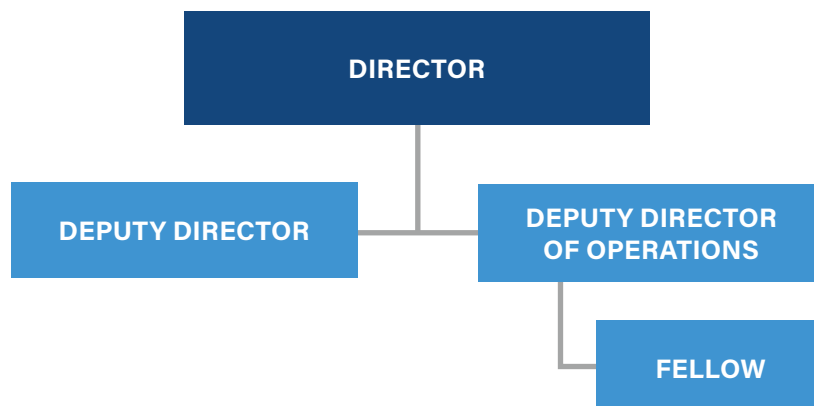
The Office is authorized to employ fellows on a temporary basis as part of an established mid-career education program and in accordance with all relevant federal law and rules and regulations of the House of Representatives.

In fall 2021, the Office completed its first year at its full staffing level. In March 2021, a short-term Fellow joined the Office through the TechCongress Congressional Digital Service Fellowship. In May, a long-term Fellow joined the Office through the Chief Administrative Officer (CAO) Wounded Warrior Fellowship Program. The addition of the CAO Fellow has enriched the Office's perspective and increased its overall impact.



Left to Right:
Heriberto Arambula,
Outreach and
Engagement Fellow,
Rebecca Jones,
Deputy Director,
Shanna Devine,
Director, and
John Whitty,
Deputy Director
of Operations.

ORGANIZATIONAL CHART



SERVICES AND METRICS



The team is exemplary and their level and quality of communications should be the gold standard for all government offices who intake whistleblower concerns.”

The Office provides four core services to Member offices and committees: Trainings, Case Consultations, Intake Process Development, and Technical Legislative Expertise. Additional information about each service and related metrics are provided below.

TRAININGS

The Office offers a live, foundational training on the best practices for working with whistleblowers, available through the Congressional Staff Academy. The training covers how to manage relationships with whistleblowers, develop a case management process, protect whistleblower information, and an introduction to the legal landscape. In 2021, the Office expanded its training program to include a Whistleblower Learning Path. The Office also offers private trainings or presentations.

- The Office provided 49 foundational trainings with 341 staff from 135 House offices.

CASE CONSULTATIONS

Whistleblowers often reach out to congressional offices for assistance with an allegation of wrongdoing or for help with retaliation. The Office provides confidential and tailored guidance to House staff on how to proceed with individual whistleblower inquiries.

- The Office provided 139 case consultations to House offices.

INTAKE PROCESS DEVELOPMENT

The Office provides guidance for developing or refreshing an office's whistleblower intake protocols—including best practices for intake, prioritization, referral, and follow-up, as well as protecting the whistleblower's information.

- The Office provided 76 intake process development consultations to House offices.

TECHNICAL LEGISLATIVE EXPERTISE

As part of the Office's directive to advise House staff on whistleblower laws and policies, it provides technical guidance on whistleblower legislation—including bipartisan best practice standards and other germane information for drafting whistleblower legislation. Note that the Office does not take a position on legislation.

- The Office provided three technical legislative expertise consults.

WEBSITE AND RESOURCES

The Office restructured its website to maximize accessibility and to make it easier for users to navigate its growing menu of resources. The Office received consistent positive feedback from the House community and external stakeholders on the user-friendly nature of the website and its materials. Nearly all the Office's resources are publicly accessible through its website unless otherwise designated.

WEBSITE OVERVIEW

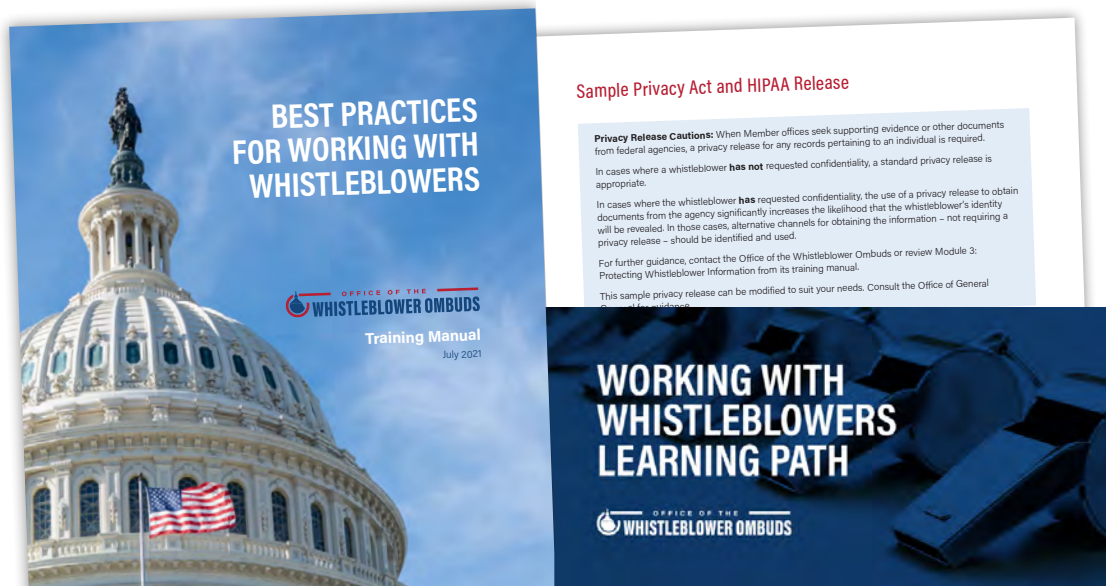
The Office, with the assistance of House Web Services, restructured its website to increase compliance with section 508 accessibility standards for individuals with disabilities. It also reformatted the website to increase overall functionality for House staff as well as external stakeholders and whistleblowers. For instance, it updated the homepage rotator to spotlight the Office's latest materials, and it streamlined its Resources pages by audience. The Congressional Audience page provides the Office's services and related resources. The Whistleblower Audience page provides a menu of governmental and nongovernmental resources, as well as "survival tips" and best practices for engaging Congress. The Office worked closely with House Creative Services to enhance its branding throughout its website and resources.

Between mid-April when the Office began tracking website analytics and December 31, 2021, it had approximately 3,700 users with an average engagement time of 1 minute and 22 seconds. It had 1,800 downloads and the two most popular downloads were its Intake Case Management Workflow Infographic and its Intake Checklist.

“

I found the comprehensive list of resources provided to me, the quick response time, and the ability to talk through situations over the phone with a staff member to be the most helpful.”





The training laid a good foundation and the individual responsiveness when I had an issue was extremely helpful.”

RESOURCES OVERVIEW

In furtherance of the Office’s strategic goal to provide valuable trainings for every House office, its growing body of resources reflected policy reforms and stakeholder feedback. It published its training manual on HouseNet with new templates, such as a Privacy Act Waiver and Written Consent Form to facilitate with maintaining confidentiality. The Office collaborated with the Congressional Staff Academy to develop a Working with Whistleblower Learning Path—a compilation of on-demand webinars, such as *Whistleblower Retaliation Deep Dive* featuring guest experts, and video shorts such as *Safely Vetting a Whistleblower Disclosure*. It released quarterly guidance documents, such as *Maintaining Confidentiality*, and monthly sector-specific fact sheets that spanned rights for government and private sector whistleblowers. In the spring, the Office launched its Whistleblower Legislation tracker to identify responsive bills and developed a menu of bipartisan best practice standards. It requested and published four Congressional Research Service reports, including surveys of federal and state laws.

These education and training resources are useful as stand-alone tools, but they had increased value as part of the Office’s tailored follow up guidance for House offices that reached out for a consultation on a specific matter. These consults were, in effect, a case-specific training on the relevant laws and policies, and on the whistleblower intake process.

OUTREACH & ENGAGEMENT

As the Office embarked on its second year during the pandemic, it engaged in a multipronged outreach and engagement approach to achieve its 2021 strategic goals of increased visibility and use of its services as well as transparency around its general operations. The Office held regular stakeholder meetings and updates, sent monthly eDear Colleagues and tailored email outreach, and participated in congressionally oriented events and newsletters with strategic partners.

HOUSE STAKEHOLDERS

Through its services and other exchanges, the Office directly engaged with approximately 515 House staff from 224 Member offices and committees. The Office sent 16 administrative eDear Colleagues, and it conducted two mailings to District Offices and all Capitol Hill offices of its training manual and Intake Case Management Workflow Infographic. The Director individually contacted each Member office's Chief of Staff, as well as Staff Association leadership. The Office sent semi-annual updates and tailored resources to its committee majority and minority contacts. Further, it held quarterly bipartisan advisory meetings with its primary committees of jurisdiction, and it provided monthly updates to key House stakeholders in both parties. It conducted targeted emails to varying staff positions to promote its services, such as background for District Offices and Constituent Managers on the distinctions between traditional casework and whistleblower cases. The Office routinely engaged House support offices, such as the Office of Cybersecurity and the Office of General Counsel, and it conducted outreach with legislative branch offices of inspectors general (OIGs).

Throughout the year the Office had the privilege to partner with House offices in events, such as an introductory briefing with the Office of Diversity and Inclusion, and the Committee on House Administration's GOP-wide briefing, "Working with Whistleblowers and How the Office of the Whistleblower Ombuds Can Help," to a professional development event held by The Women's Congressional Staff Association. Moreover, the Office was highlighted in numerous communications by other House entities, ranging from an eDear Colleague from the Legislative Branch Appropriations Subcommittee bipartisan leadership in support of the Office's services, to newsletters including the Customer Advocate Connection and The Scuttlebutt, to the Modernization Staff Association's 117th Congress Staff Assistance/Legislative Correspondent Best Practices Guide. As a means to reach staff during onboarding, the Congressional Staff Academy continued to include information about the Office in its New Employee Orientation course.

“

I was not really sure how to address a constituent service question we received but the office was very quick to offer resources and advice for how to deal with the case.”

EXTERNAL STAKEHOLDERS

The Office maintained routine engagement with civil society and the executive branch OIGs. It continued to hold quarterly meetings with whistleblower stakeholder organizations, which helped to keep it apprised of emerging retaliatory tactics and other trends. The Office participated in quarterly meetings held by the Council of the Inspectors General on Integrity and Efficiency's Whistleblower Protection Coordinators (WPC) Workgroup, and it met individually with all 35 WPCs to learn about each OIGs unique processes for working with whistleblowers and to inform related guidance for House offices.

“

I found the reliable information presented with experts most helpful and having tool/resources to refer to if need be!”

The Office participated in eight events held by external stakeholders, from panels and a keynote in recognition of National Whistleblower Appreciation Day, to participation in the First Branch Intern Project's Internapalooza and the Project On Government Oversight's Congressional Training Program “Working with Whistleblowers on Oversight and Investigations” with approximately 100 staff attendees. The Office received over 20 features, through newsletters such as First Branch Forecast and Paper Trail highlighting its resources, to testimony before the Select Committee on the Modernization of Congress in recognition of the Office's nonpartisan role in supporting the House's oversight function.



HOUSE COMMUNITY FEEDBACK

House feedback is critical for the Office's performance evaluation and direction. It provides a barometer as to whether the Office is fulfilling its mandate as well as making progress toward its vision of institutionalizing safe, effective, and consistent practices for working with whistleblowers. To that end, it solicited routine feedback in addition to its year-end survey of all staff with whom it engaged.

In the spring, the Office partnered in a bipartisan capacity with the Committee on House Administration to conduct a "visibility survey" among a sample of House staff, which revealed that the majority of respondents were aware of the Office and identified its training as its "most interesting and potentially helpful" service. Through training evaluations and polls, the Office received a 97% rating for instructor knowledge and communication, whereas trainees identified a desire for more scenarios—which shaped the Office's greater emphasis on active learning and storytelling. The Office also received periodic unprompted feedback, such as from a Member of Congress who reached out personally to express appreciation for helping them to establish their whistleblower intake process and provide guidance around several cases. A summary of responses from the Office's year-end survey are provided below.

“

I feel much more confident in working with whistleblowers since the creation of the Office of Whistleblower Ombuds. Before your office, there were no manuals or on-call guidance to help congressional staff”

YEAR-END SURVEY OVERVIEW—KEY TAKEAWAYS

In December, the Office contacted 474 active staff with its year-end survey, and it received responses from 54 individuals—or approximately 11% of staff contacted. 58% of respondents indicated that they work in a DC-based office and 42% work in a district office. Respondents ranged from chiefs of staff, district directors, staff directors, and general counsel, to professional staff members, legislative directors, legislative assistants, and caseworkers, among other positions. The survey gathered key quantitative metrics on satisfaction with the Office's performance and helped the Office understand how its services are being used. Additionally, the survey aimed to capture qualitative feedback about the House community's perception of the Office's value and any strengths or areas for improvement, as well as other metrics such as respondents' self-evaluation of confidence and/or expertise gained from engaging the Office's services. Respondents had the option to remain anonymous.

Quantitative Feedback Highlights

Overall level of satisfaction after interacting with the Office (Very Satisfied—Very Unsatisfied):

- **81%** "Very Satisfied"
- **5%** "Satisfied"

Service(s) used:

- **74%** Training
- **57%** Case Consultation
- **17%** Intake Process Development

Since interacting with the Office:

- **89%** have more **confidence** working with whistleblowers
- **59%** have a greater appreciation for the **value** of working with whistleblowers
- **58%** have more confidence in **protecting** whistleblower information
- **37%** indicated that their office has **strengthened** its intake processes

Qualitative Feedback Highlights

The Office included open-ended survey questions to solicit qualitative feedback. Respondents' common answers and select quotes are summarized below.

Question: What Is Most Helpful?

The Office strives to identify and build upon its strengths. Respondents expressed appreciation for tailored case-specific guidance provided by the Office; the usefulness of readily available resources to share with constituents; customized reviews of intake procedures; the training programs; and the expertise and availability of staff to answer questions.

Respondent feedback: *"In addition to the helpful briefing they provided at the beginning of the Congress, the team was really helpful when specific issues arose throughout the year, often on short-notice and with really practical guidance."*

Question: Areas for Improvement?

The Office strives to be a resource for all House staff and is grateful for feedback on areas to strengthen its work. Most respondents expressed that they were highly satisfied and did not offer suggested improvements. Those who did expressed interest in additional resources that provide examples for staff to reference in their interactions with whistleblowers; the Office continuing to share new guidance; and a required House training on working with whistleblowers.

Respondent feedback: *"Continue to share new information so we are all on the same page. This will allow us to better serve our constituents!"*

Question: Additional Training Recommendations?

The Office strives to create trainings covering a wide spectrum of subjects and lengths to appeal to the widest House audience possible. Respondents expressed interest in additional trainings on developing office policies; a deeper dive into private sector protections; additional guidance on follow up actions; additional practical instruction on managing relationships with whistleblowers; and additional context for the importance of whistleblowing through historical examples of partnerships with Congress.

Respondent feedback: *"[T]rainings on history of important whistleblowers...This context will help put [the Office's] lessons into context and also strengthen the mandate [of the House] to work with whistleblowers (i.e., we can make a stronger case to our bosses about this important facet of oversight)."*

Question: Feedback on the Training Manual?

The Office strives to ensure that its training manual is a valuable resource for all House staff through routine updates. Respondents indicated that the sample forms and other documents in the manual's appendices have been particularly useful. Respondents would like more scenario-type examples and another requested guidance on state whistleblowing (which was added to the manual for 2022).

Respondent Feedback: (When asked what in the manual was most helpful)
"The easy reference guides and overall usability of the guide as a whole."



FINANCIAL DATA

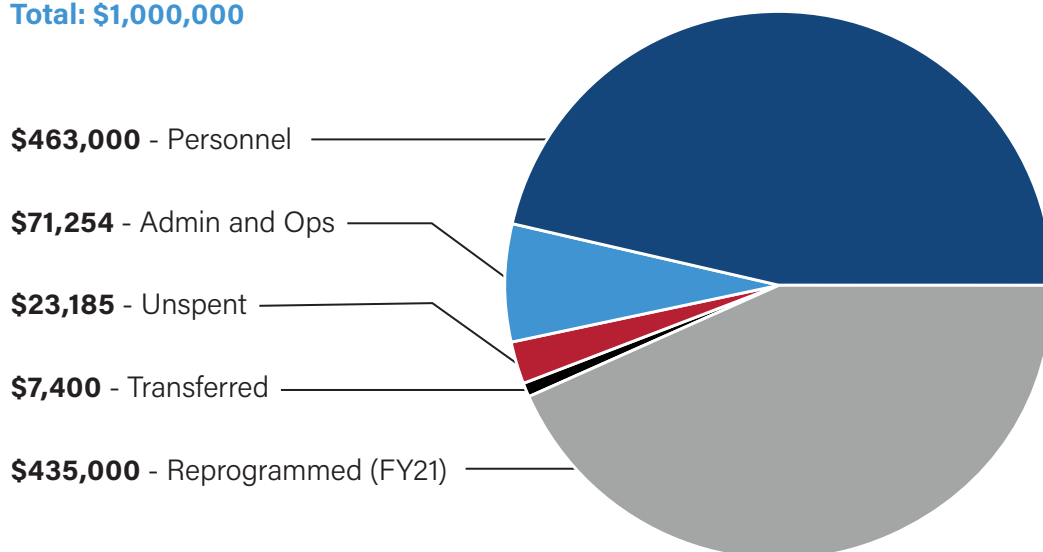
Pursuant to 116 P.L. 260, the Office was appropriated \$1,000,000 for salaries and expenses in FY2021.⁴ The Office then operated under two Continuing Resolutions⁵ from October 1 through December 31, 2021, with appropriations held at a constant annualized level of \$1,000,000. The Legislative Branch Appropriations Bill for FY2022, 117 H.R. 4346, includes an appropriation of \$1,250,000 for the Office, an increase of \$250,000.⁶

CALENDAR YEAR 2021 SPENDING

In calendar year 2021, the Office disbursed \$541,814.74, or approximately 54 percent of its funding. That included \$463,161.00 for personnel and \$71,253.74 for administration and operations. A small amount was transferred to the Chief Administrative Officer to fund a supplementary performance award for the Office's Wounded Warrior Fellow.

The Office contributed \$435,000 for reprogramming, or approximately 44 percent of its appropriated funds, to assist with the Government Contributions shortfall, and left about two percent of its funding unspent. The following chart illustrates the Office's fiscal posture:

Office of the Whistleblower Ombuds
Financial Summary—Calendar Year 2021
Total: \$1,000,000



In 2021, the Office began its efforts to provide the House with printed resources and to develop a rich library of on-demand trainings, and the increased disbursements (over 2020) reflect the ramping up of those efforts. The Office also purchased equipment in 2021 to outfit the inaugural incumbent of the Outreach and Engagement Fellow position.

The relatively large reprogramming sum was in part due to the Office's focus on outreach, engagement, and developing valuable resources. Most of these efforts were conducted virtually with the resources being largely digital thus keeping expenditures low. Also, opportunities for in-person engagement with House offices and travel to district offices were limited due to the COVID-19 pandemic, and this limitation contributed to the lower-than-expected disbursements.

SALARY ADMINISTRATION

Pursuant to House Resolution 693, 116th Congress, the Office's pay shall be fixed by the Director with the approval of the Committee on House Administration. Employees are subject to pay and compensation policies pursuant to the House Employees Personnel Classification Act (2 U.S.C. § 291 *et seq*). The rate of compensation for each employee shall be commensurate with the employees' position and description as deemed by the Committee. Fellows shall receive their usual compensation from their sponsoring employer.

MONTHLY REPORTING

The Office submits a monthly financial report to the Committee on House Administration detailing the Office's salaries and expenses.

“

The advice was specific for the whistleblower situation our office encountered versus a one size fits all approach. Appreciated that [the staff] listened and asked lots of questions, and provided quick follow up via email.”



PREVIEW OF 2022

The Office's strategic goals for 2022, in addition to a continuation of its 2021 goals, include:

- House-wide understanding of the value in safely working with whistleblowers to conduct its oversight responsibilities
- Every House office has a best practice intake process using model resources

The Office will also publish a unique tool on its website to assist House staff in identifying a menu of committees of jurisdiction for a particular whistleblowing matter. This tool is being developed with the support of House Web Services and is anticipated for release in quarter one of 2022.

The Office is in the process of deploying a CAO-approved Correspondence Management System to assist with the coordination, scheduling, and tracking of its outreach and engagement efforts. The Office's strategic goals are tied tightly to its visibility and House community awareness of its resources, and this new tool will facilitate more effective outreach and tracking.



ENDNOTES

- 1 H. Res. 8, Sec. 2 (b).
- 2 Office of the Whistleblower Ombuds, 117th Congress Strategic Plan, available at https://whistleblower.house.gov/sites/whistleblower.house.gov/files/117th_congress_strategic_plan.pdf.
- 3 H. Res. 8, Sec. 2 (b).
- 4 Consolidated Appropriations Act, 2021, P.L. 116-260.
- 5 Extending Government Funding and Delivering Emergency Assistance Act, P.L. 117-43 and Further Extending Government Funding Act, P.L. 117-70.
- 6 Legislative Branch Appropriations Act, 2022, 117, H.R. 4346.



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