WHISTLEBLOWERS AND OFFICES OF INSPECTORS GENERAL

OFFICE OF THE WHISTLEBLOWER OMBUDS
COACHING THE HOUSE ON BEST PRACTICES

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OVERVIEW

Offices of inspectors general (OIGs) are independent watchdogs charged with investigating and reporting waste, fraud, and abuse related to the entity they oversee. Most executive agencies have a corresponding OIG and there are several in the legislative branch. Whistleblowers are often key partners for OIGs in identifying misconduct. Some whistleblowers must begin the process of challenging retaliation by filing a complaint with the relevant OIG. Each OIG's protocol for working with whistleblowers varies.

INSPECTOR GENERAL ACT OF 1978

The Inspector General Act of 1978 (IG Act), as amended, lays out the structure and requirements for most federal OIGs. OIGs that do not fall within the IG Act may follow some of its provisions through their own policies or authorizing statutes.

Mandate and Structure

OIGs investigate, report findings, and recommend corrective action. Agencies are responsible for deciding whether to implement those recommendations. Under the IG Act, Congress charges OIGs with three general roles:

- Overseeing agency work through audits and investigations
- Promoting economy, efficiency, and effectiveness in programs and operations while preventing and detecting fraud and abuse
- Keeping the head of the agency and Congress fully informed about problems and deficiencies uncovered

OIGS AND WHISTLEBLOWERS

Given the OIGs' mandate, whistleblowers can be critical partners in their oversight work. For example, whistleblower disclosures can trigger OIG investigations into issues like corruption or gross waste within an agency, as well as audits and investigations into fraud or misconduct related to the agency's contracts or grants. Whistleblowers are commonly employees of the relevant federal agency, or they work for the agency's contractors, subcontractors, grantees, subgrantees, or personal services contractors.

Depending on the circumstances, OIGs may investigate a whistleblower disclosure, a whistleblower retaliation complaint, or both.

Disclosures Alleging Misconduct

The IG Act permits OIGs to receive and investigate disclosures from agency employees "concerning the possible existence of an activity constituting a violation of law, rules, or regulations, or mismanagement, gross waste of funds, abuse of authority or a substantial and specific danger to the public health and safety." OIGs typically receive whistleblower disclosures through an intake form on the OIG's website, a hotline that whistleblowers can call directly, or an email address.

The IG Act, and many other **federal whistleblower laws**, protect qualifying disclosures made to the relevant OIG. Note that, outside of specific circumstances discussed below, OIGs are not required to investigate every misconduct disclosure, and sources may not receive updates or a final report.

Note on the Office of Special Counsel:
In addition to reporting misconduct to the OIG, most executive branch employees can report wrongdoing with the **Office of Special Counsel** (OSC), an independent federal agency that, among other roles, enforces the **Whistleblower Protection Act**. When OSC determines that an investigation into the whistleblower disclosure is warranted, OSC refers the allegations to the agency, while requiring that the agency produce a report of its investigation for OSC. Investigations referred in this manner may be handled by the agency's OIG.

Legal Disclaimer: This document is for general informational purposes only. Its contents are not legal advice.

Whistleblower Confidentiality

OIGs and OSC are bound by different confidentiality requirements; OIGs generally have more discretion to reveal a whistleblower's identity without their consent.

The IG Act requires that OIGs keep whistleblowers' identities confidential unless the OIG "determines such disclosure is unavoidable during the course of the investigation." By contrast, OSC may not disclose the identity without the whistleblower's consent "unless the Special Counsel determines that the disclosure of the individual's identity is necessary because of an imminent danger to public health or safety or imminent violation of any criminal law."

Whistleblower Retaliation Complaints

In addition to investigating whistleblower disclosures of waste, fraud, abuse, and other misconduct, OIGs may also have a role in investigating whistleblower retaliation complaints. Some federal laws, such as those that protect **federal contractors and grantees**, **intelligence community employees**, and **uniformed military service members**, require that whistleblowers file retaliation complaints with the relevant OIG to enforce their rights.

Some OIGs also accept whistleblower retaliation complaints from other civil service employees. Depending on the circumstances, the OIG may redirect these whistleblowers to OSC for an investigation. OSC and OIGs may coordinate their work when a whistleblower files overlapping complaints.

Whistleblower Protection Coordinators

OIGs of "establishment" agencies, as defined in the IG Act, are required to designate a Whistleblower Protection Coordinator within the office. Coordinators assist the inspector general by facilitating whistleblower-related communications and coordination with stakeholders like OSC and Congress. Coordinators also help to ensure that the OIG is handling whistleblower matters in a timely and appropriate manner, and they work to educate agency employees about their whistleblower rights.

Given their expertise in agency-specific whistleblowing, Coordinators also offer consultations for individuals who want to better understand the OIG's processes for receiving and investigating whistleblower disclosures or complaints, or who want to better understand their own whistleblower rights. Many coordinators offer these consultations in a confidential capacity, though they cannot provide whistleblowers with legal advice. Depending on the nature of the inquiry, coordinators may also be an appropriate point of contact for congressional offices.

Misconduct Involving an OIG

Allegations of wrongdoing by an inspector general or certain high ranking OIG staff may be submitted to the Integrity Committee of the Council of the Inspectors General on Integrity and Efficiency (CIGIE). The Committee reviews complaints within its jurisdiction and may refer them for investigation. OSC may be another appropriate outlet for related disclosures.

OIGS OUTSIDE OF THE IG ACT

Not all federal OIGs were established under the IG Act. As such, they may have different requirements and policies for how they work with whistleblowers. These OIGs include:

- Architect of the Capitol
- Central Intelligence Agency
- Government Publishing Office
- Inspector General of the House of Representatives
- Library of Congress
- Inspector General of the Intelligence Community
- U.S. Capitol Police
- U.S. Government Accountability Office

ADDITIONAL RESOURCES

Oversight.gov: **Where to Report Fraud, Waste, Abuse, or Retaliation**

Council of the Inspectors General on Integrity and Efficiency: **IGNet.gov**