

# WHISTLEBLOWER BEST PRACTICES

## FOR WORKING WITH CONGRESS

*The Office of the Whistleblower Ombuds is an independent, nonpartisan support office that advises the House on best practices for working with whistleblowers from the public and private sectors. It treats all inquiries confidentially. The Office cannot accept disclosures from whistleblowers.*

Whistleblower disclosures play a vital role in congressional oversight. The right for public employees to communicate with Congress in their private capacity is established in the First Amendment of the U.S. Constitution. Further, various laws prohibit retaliation against public and private sector whistleblowers for providing information to Congress. However, whistleblowers still take serious risks when contacting Congress. The following best practices incorporate lessons learned from congressional staff, whistleblowers, and experts.

When communicating with Congress, keep in mind that offices have far more work than bandwidth, and they may not be able to respond quickly or pursue all matters brought to their attention. Congressional offices are not required to work with whistleblowers, and Members of Congress have broad discretion to determine the scope of the assistance they provide to constituents. **The following guidelines provide best practices for communications with Congress:**

- Have you weighed the risk of retaliation against the importance of blowing the whistle on this issue?
- Incorporate **Whistleblower Survival Tips** to help protect yourself during your whistleblowing process.
- Consult an experienced whistleblower attorney and consider partnering with whistleblower support organizations to help you safely and effectively work with Congress.
- Identify the relevant congressional committee(s) or Member office(s) to contact. This may be based on jurisdiction, relevant history, their stated interest in the topic, a positive track record with whistleblowers, and/or your congressional delegation.
- Develop ground rules for your working relationship with each congressional office, including your desired level of confidentiality and any limitations around the use of your evidence.
- Limit your first meeting to a succinct summary with a timeline of key events and focus on the public consequences of your disclosures.
- Be clear in your congressional “asks” – whether it is investigating the underlying misconduct and/or helping to shield you from retaliation.
- Gather as much evidence as you legally and responsibly can, but do not provide documents in your initial outreach to Congress. To limit liability, summarize the underlying disclosure without providing documents barred from release, and make a list or “roadmap” of documents Congress can request.
- Reinforce the work of congressional staff whenever possible, such as researching and demystifying documents and ghostwriting questions or communications. This may help advance your partnership.
- Review the Office of the Whistleblower Ombuds’ **Resources for Whistleblowers** webpage for additional guiding resources to support your work with

