



Whistleblower Best Practices for Working with Congress

The right for public employees to communicate with Congress 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 whistleblowers, advocates, attorneys, and congressional staff.

- Before you proceed, are you prepared to risk retaliation to report the alleged misconduct?
- Incorporate “Whistleblower Survival Tips” (available [HERE](#)) 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 best congressional committee(s) or Member office(s) to communicate your disclosure, based on jurisdiction, history or interest in the topic, track record working with whistleblowers, and a direct connection such as your District Office
- Develop ground rules for your working relationship with each congressional office, including confidentiality requests 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 that Congress can request
- Do the work of congressional staff whenever possible, such as researching and demystifying documents and ghostwriting questions or communications
- Manage expectations, since congressional offices have far more work than bandwidth and they may not be able to respond quickly or pursue all the matters brought to their attention

The Office of the Whistleblower Ombuds is an independent, nonpartisan support office that advises the House on best practices for working with whistleblowers. It treats all inquiries confidentially.

Disclaimer: This document is for general informational purposes only. Contents are not legal advice.