



Council of the
INSPECTORS GENERAL
on INTEGRITY and EFFICIENCY

March 5, 2020

The Honorable Charles E. Schumer
Democratic Leader
United States Senate

Dear Senator Schumer:

We are writing in response to your letter dated February 10, 2020, to federal Offices of the Inspector General (OIGs) regarding the critical role that whistleblowers play in promoting good government. Your letter requests that OIGs take specific actions at their respective agencies to ensure that employees are properly notified of their whistleblower rights, and that OIGs take action to thoroughly investigate reprisal allegations. We wanted to take this opportunity on behalf of the Council of the Inspectors General on Integrity and Efficiency (CIGIE), whose membership includes the 74 statutory federal Inspectors General, to provide you with information on the IG community's collective efforts to empower and protect whistleblowers.

As Chair and Vice Chair of CIGIE, we share your support of whistleblowers and the important service they perform by coming forward with allegations of waste, fraud, abuse, or misconduct. For over 40 years, since enactment of the Inspector General Act in 1978, information provided by whistleblowers has played a central role in the ability of Inspectors General to conduct non-partisan, independent oversight of federal programs and operations. Accordingly, one of CIGIE's highest priorities has been to educate federal employees about the importance of whistleblowing, and to ensure that those who blow the whistle are protected from even the threat of retaliation. Although OIGs do not have the authority under the Inspector General Act to direct agencies to certify compliance with whistleblower laws, through our outreach, education, and investigative efforts, the OIGs' play an integral role in protecting whistleblowers from retaliation.

As part of this effort, CIGIE launched in 2013 its first-ever working group to address whistleblower issues. The working group meets quarterly, and is often joined by congressional and nongovernment stakeholders and the Office of Special Counsel (OSC) to discuss approaches to education, outreach, and enforcement of whistleblower laws. In conducting these trainings and meetings, CIGIE is actively complying with the letter and spirit of the "Whistleblower Protection Coordination Act," which Congress passed in 2018, and requires CIGIE to work with OSC and the Whistleblower Protection

Coordinators in each OIG office to develop best practices for handling protected disclosures and enforcing whistleblower protection laws.

We have worked closely with OSC, which is also a member of CIGIE, on several additional efforts to support whistleblowing and whistleblowers. For example, in July 2019, as part of CIGIE's enhancement to Oversight.gov, CIGIE worked with the OSC to launch a new whistleblower protection web page, www.Oversight.gov/Whistleblowers. As you know, the legal landscape for potential whistleblowers can be confusing, and the options available to individuals who want to blow the whistle, or who believe they have been retaliated against, depend on their specific place of employment. Recognizing this, the Oversight.gov/Whistleblowers page provides an interactive form to assist potential whistleblowers in determining where to make a protected disclosure or file a retaliation claim – to an OIG, the OSC, or some other entity. The site provides informational resources for individuals in various sectors, including government employees, government contractors and grantees, those in the military, and private-sector individuals.

Also, in July 2019, in connection with National Whistleblower Appreciation Day, CIGIE issued a report, "Whistleblowing Works: How Inspectors General Respond to and Protect Whistleblowers," which illustrates the important contributions of whistleblowers to OIG efforts to root out waste, fraud, and abuse, and to improve government programs. CIGIE believes that these education and outreach efforts will help to ensure that whistleblowers are empowered to make lawful disclosures, and that disclosures will continue to contribute to OIG efforts to cut waste and improve government programs.

In addition to these efforts, CIGIE has established training programs that align with our role of informing and supporting whistleblowers. CIGIE recently conducted two training sessions for OIG personnel that focused on best practices for investigating whistleblower retaliation allegations, and OSC has played an important role in supporting these efforts.

The IG community has also played an active role in ensuring that Congress is fully informed, as required by law, of whistleblower disclosures, and that IG determinations under disclosure laws such as the Intelligence Community Whistleblower Protection Act are not second guessed, so that whistleblowers continue to have confidence in the lawful channels established by Congress to report reasonable concerns of misconduct. Inspectors General play a central role in receiving evidence of criminal or administrative wrongdoing because Congress has recognized that we are particularly well-suited to receive whistleblower disclosures. We have the independence, capability, and expertise to credibly assess the information and take appropriate steps to correct any identified misconduct. Most importantly, because we are housed within the agency we oversee, it is always lawful for an employee to bring information to an IG. And, under every applicable anti-

retaliation law, employees are specifically protected for disclosing information to the Inspector General. CIGIE raised these specific whistleblower protection principles in an October 2019 letter to the DOJ Office of Legal Counsel (OLC) in response to an OLC opinion that the IG community believed affected our important role in ensuring that whistleblowers have confidence in the lawful channels established by Congress to disclose sensitive information.

These are just some of the many ways that our community has worked to protect and empower whistleblowers who shine a light on government misconduct. As Chair and Vice Chair of CIGIE, we will continue to work with the IG community to assist whistleblowers in coming forward to report waste, fraud, abuse, and misconduct, and to ensure that those who do are never threatened with retaliation for doing so. We appreciate your continued support of whistleblowers and for bringing these important matters to my attention. If you have further questions, please feel free to contact us, or CIGIE Executive Director Alan Boehm at 202-292-2603.

Sincerely,



Michael E. Horowitz
Chair



Allison Lerner
Vice Chair