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## Interior Department Whistleblower Faced Retaliation After Angering Tribe on Gas Leases

FOR IMMEDIATE RELEASE

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A U.S. Office of Special Counsel investigation determined that the Interior Department's Bureau of Indian Affairs (BIA) retaliated against an employee who blew the whistle on irregularities in oil and gas leases. The employee's disclosures angered a Native American tribe, and the tribe put pressure on the highest levels of BIA and the Interior Department to reassign the employee from the BIA's office on the tribe's reservation. OSC negotiated a settlement between BIA and the whistleblower that resolves his retaliation claim. OSC is making public a redacted version of its [report](#) on the case because of its broad educational value throughout the federal workplace.

The whistleblower, a GS-7 level Realty Specialist with BIA, requested anonymity. He and a coworker disclosed that terms in oil and gas lease agreements appeared to violate BIA regulations and environmental statutes. They alleged that those agreements between the tribe and gas companies falsely stated that the lease agreements complied with the National Environmental Policy Act (NEPA) without conducting the required environmental studies. The agreements also purported to extend BIA's trust authority over tribal assets beyond BIA's statutory authority. The record showed that agency attorneys agreed with the validity of the whistleblowers' concerns.

In response to the disclosures, the tribe passed a resolution demanding the BIA remove the whistleblower and his coworker from BIA's local office, arguing that they had "blocked transactions" and delayed the granting of gas drilling applications and leases. While supervisors for the whistleblower and his coworker tried to resist the tribe's demands and defuse the situation, the tribe escalated their demands to high levels within BIA and the Interior Department, including meeting with senior advisors to Secretary Ken Salazar. Ultimately, BIA's director, deputy bureau director for field operations, and the Office of the Assistant Secretary for Indian Affairs acceded to the tribe's demand. A supervisor for the whistleblower was unsettled by the decision and wrote an email to those senior officials, stating: "it is also very concerning that removing the employees as the Tribe requests, is implying that the employees have done wrong, while realistically they were only doing their job."

BIA and the whistleblower were not able to find a mutually agreeable reassignment to a different office within BIA, which led to his removal from service in 2013. In late October of this year, OSC negotiated a settlement agreement between BIA and the whistleblower. BIA agreed to restore the whistleblower's federal employment (in another office that was mutually agreeable) and pay a lump sum for back pay and compensatory damages.

"The federal government cannot take action against employees for blowing the whistle, even if the motive to retaliate comes from an outside source," said Special Counsel Carolyn Lerner. "Federal employees need to know that they will be protected for doing the right thing, especially when upholding the public interest in the face of pressure from powerful outside interests."

*Note: OSC edited this press release on February 7, 2017. The name of the tribe was removed.*

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*The U.S. Office of Special Counsel (OSC) is an independent federal investigative and prosecutorial agency. Our basic authorities come from four federal statutes: The Civil Service Reform Act, the Whistleblower Protection Act, the Hatch Act, and the Uniformed Services Employment & Reemployment Rights Act (USERRA). OSC's primary mission is to safeguard the merit system by protecting federal employees and applicants from prohibited personnel practices, especially reprisal for whistleblowing, and to serve as a safe channel for allegations of wrongdoing. For more information, please visit our website at [www.osc.gov](http://www.osc.gov).*