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OSC Supports Further Improvements to Federal Whistleblower Protections

FOR IMMEDIATE RELEASE

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This [afternoon](#), Eric Bachman, deputy special counsel for litigation and legal affairs, [testified](#) before the House Oversight and Government Reform Subcommittee on Government Operations on the U.S. Office of Special Counsel's (OSC) enforcement efforts since the enactment of the Whistleblower Protection Enhancement Act (WPEA) of 2012. Mr. Bachman testified that the WPEA "has significantly enhanced OSC's ability to protect federal employees from retaliation." He provided examples of federal employees who would have fallen through the cracks before the WPEA passed but that OSC was now able to assist due to strengthened whistleblower protections in the law. Mr. Bachman also outlined several proposals for further improving federal whistleblower protections. OSC, an agency with around 140 employees, has jurisdiction to investigate claims of whistleblower retaliation made by most of the federal government's 2 million civilian employees (the major exceptions are the Federal Bureau of Investigation and the intelligence community).

Among other safeguards, the WPEA:

- Closes legal loopholes and allows OSC to protect federal whistleblowers for all lawful disclosures of waste, fraud, health and safety dangers, and abuse;
- Allows OSC to file amicus curiae [briefs](#) in whistleblower cases before federal [courts](#) to help [shape the law](#);
- Ensures that whistleblower protections [supersede](#) agency non-disclosure agreements;
- Bolsters remedies for whistleblowers who prevail in their retaliation claims; and
- Allows all Transportation Security Administration (TSA) employees to file retaliation claims with OSC.

In the four fiscal years since the WPEA's passage, OSC has obtained 150 percent more corrective actions for federal whistleblowers facing retaliation as it during the four years prior to the law. And OSC has obtained 117 percent more disciplinary actions against federal employees who unlawfully retaliated against whistleblowers.

Mr. Bachman also provided proposals to further strengthen federal whistleblower protections that would:

- Clarify OSC's authority to receive all relevant documents and information from agencies under investigation;
- Fill the gaps in protection for former federal employees and employees who face retaliatory investigations;
- Address recent legal decisions that threaten to hollow out the WPEA for much of the federal workforce; and
- Grant federal employee whistleblowers the ability to litigate their case before federal district court juries to give them parity with private sector whistleblowers.

"In the nearly five years since Congress passed the Whistleblower Protection Enhancement Act of 2012, this law has lived up to its name," said Deputy Special Counsel Eric Bachman. "Without active and ongoing support from Congress on these critical issues, OSC would be far less effective in its efforts to protect whistleblowers and promote better, safer, and more accountable government."

Mr. Bachman also thanked the full Committee and Representative Rod Blum (R-IA) for advancing legislation to reauthorize OSC, [H.R. 69](#), which was among the first bills to pass the House of Representatives during the current Congress.

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.