

President Signs OSC Reauthorization Act into Law; Measure Clarifies that Federal Agencies May Not Withhold Information from OSC

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CONTACT: Jill Gerber, (202) 804-7065; jgerber@osc.gov

WASHINGTON, D.C./Dec. 12, 2017 – President Donald Trump today signed into law legislation reauthorizing the U.S. Office of Special Counsel (OSC). The legislation, included in the National Defense Authorization Act for Fiscal Year 2018, reauthorizes OSC through 2023. Importantly, the [bill](#) (in Section 1097) clarifies that when complying with OSC’s information requests, federal agencies may not withhold information and documents from OSC by asserting common law privileges such as attorney-client privilege.

Several agencies have invoked attorney-client privilege to withhold information and documents vital to OSC’s whistleblower retaliation investigations. The issue was the subject of a congressional [hearing](#) in March. Both the House and Senate committee reports on the new legislation make clear that Congress always intended for OSC to have full access to conduct its investigations. The reauthorization measure re-asserts OSC’s ability to obtain needed information and documents.

The reauthorization measure also promotes greater efficiency and accountability within OSC, improves protections against retaliatory investigations and other forms of reprisal for whistleblowing, and requires managers across the federal government to respond appropriately to disclosures of waste, fraud, and abuse. It comes after the enactment of the [Dr. Chris Kirkpatrick Whistleblower Protection Act of 2017](#), which enhanced disciplinary penalties for supervisors who engage in whistleblower retaliation, among other key improvements.

“Congress and the President continue to give the U.S. Office of Special Counsel strong support to fulfill our mission of helping federal government whistleblowers expose waste, fraud, abuse or other inappropriate conduct,” Special Counsel Henry J. Kerner said. “We welcome the vote of confidence to carry out our work for the American people.”

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 and Reemployment Rights Act. OSC’s primary mission is to safeguard the merit system by protecting federal employees and applicants from prohibited personnel practices, especially whistleblower retaliation, and to serve as a safe channel for allegations of wrongdoing. For more information, please visit our website at www.osc.gov.