

February 13, 2015

VIA ELECTRONIC SUBMISSION
Office of Special Counsel

Subject: Comment on Proposed Rule to Expand Who May File Whistleblower Disclosures.
Docket ID: OSC-2015-0001-0001

My name is Stephanie and I am a second year law student. I am an informed citizen with a keen interest in this proposed rule. I support this proposed rule because it is critical to provide safe avenues for employees to report wrongdoing within the Federal government. Contractors are similarly situated to observe or experience the same type of wrongdoing as federal employees are and should, as a matter of fairness and logic, receive a safe channel to report government misconduct.

There has been a gaping hole in protections for contractors who wish to file a whistleblower claim. For example, in July 2014, President Obama signed the Intelligence Authorization Act, which funds the CIA, the NSA, the Office of National Intelligence and the Defense Intelligence Agency. That law increases protections for intelligence agency whistleblowers fearing retaliation, but these protections do not cover contractors.

One area of concern that merits discussion is an article I found during my research on www.whistleblowersblog.org by Mary Jane Wilmoth.¹ Wilmoth warns that “OSC should reconsider whether such a rule is even necessary given that employees of contractors already have stronger whistleblower protections under state and federal law than federal employees. In any event, if the proposed rule is enacted it should be amended to make sure this confusion or

¹ Mary Jane Wilmoth, OSC Proposed Rule for Federal Contractor Employees May Cause Confusion, Whistleblowers Protection Blog, Jan. 23, 2015, *available at* <http://www.whistleblowersblog.org/2015/01/articles/corporate-whistleblowers/osc-proposed-rule-for-federal-contractor-employees-may-cause-confusion/>.

weakening of other rights does not occur.” Wilmoth goes on to note that “[i]t’s concerning that the OSC, which does not have adequate resources to protect Federal employees, would propose to expand to an area that is already covered by the DOJ. In addition, the OSC’s proposed rule does not contemplate informing contractor employees of their rights under the FCA. Nor does the OSC’s propose rule state whether and under what circumstances information disclosed by federal employee contractors might be shared with the DOJ, which since 1986 has had primary jurisdiction over litigating cases under the FCA, or with other federal agencies or inspector generals that investigate fraud, waste and abuse.”

This proposed revision reflects the reality of the federal workforce in this day and age and I think it is prudent to accord contractors the same protections as other federal employees. This rule may promote more professional behavior by those government employees toward contractors. Further, this rule also finds support in Congress’s clear intent to open this avenue to contractors through the National Defense Authorization Act. While I support this proposed rule, it seems worthwhile to consider the arguments put forth by Wilmoth on the Whistleblowers Protection Blog.

Respectfully submitted,

Stephanie S.