

**United States Senate**  
WASHINGTON, DC 20510

March 11, 2024

**VIA ELECTRONIC TRANSMISSION**

Mr. Stephen Ravas  
Senior Official Performing the Duties of the Inspector General  
AmeriCorps

Dear Mr. Ravas:

Whistleblowers are patriots and the government's most powerful tool in rooting out waste, fraud, abuse, and misconduct. Nevertheless, federal agencies continue to implement nondisclosure policies and similar agreements without the inclusion of the "anti-gag" provision as required by law.<sup>1</sup> This failure has a chilling effect that discourages whistleblowers from reporting allegations of misconduct to Congress, Inspectors General (IG), and the Office of Special Counsel (OSC). The "anti-gag" provision has been included in almost every appropriations bill since 1988 and was codified in the Whistleblower Protection Enhancement Act.<sup>2</sup>

The anti-gag law requires all federal agency nondisclosure policies, forms, or agreements to include the following explicit statement notifying the employee of their rights to report wrongdoing:

These provisions are consistent with and do not supersede, conflict with, or otherwise alter the employee obligations, rights, or liabilities created by existing statute or Executive order relating to (1) classified information, (2) communications to Congress, (3) the reporting to an Inspector General or the Office of Special Counsel of a violation of any law, rule, or regulation, or mismanagement, a gross waste of funds, an abuse of authority, or a substantial and specific danger to public health or safety, or (4) any other whistleblower protection. The definitions, requirements, obligations, rights, sanctions, and liabilities created by controlling Executive orders and statutory provisions are incorporated into this agreement and are controlling.<sup>3</sup>

Appropriation law prohibits the use of government funds to enforce these agreements if they fail to contain the anti-gag provision.<sup>4</sup>

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<sup>1</sup> 5 USC § 2302(b)(13); Pub. L. No. 117-328

<sup>2</sup> *Id.*

<sup>3</sup> 5 USC § 2302(b)(13).

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Even though Congress made it abundantly clear that employees are required to be informed of their rights to make legally protected disclosures, there's a growing trend among federal agencies to use nondisclosure policies and similar agreements without the inclusion of the anti-gag provision in violation of the law.<sup>5</sup> This is unacceptable.

The importance of whistleblowers knowing their rights under the law cannot be stated enough, and federal agencies should encourage their employees to disclose allegations of waste, fraud, and abuse. Federal agencies cannot be allowed to conceal their wrongdoing behind illegal nondisclosure policies and related actions. Accordingly, I request that you review all nondisclosure policies, forms, agreements, and related documents specific to your agency to ensure the anti-gag provision is included as required by law.

Thank you for your prompt review and response. If you have any questions, please contact Brian Randolph on my Committee staff at (202) 224-0642.

Sincerely,



Charles E. Grassley  
Ranking Member  
Committee on the Budget

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<sup>5</sup> See Letter from Senators Grassley and Johnson to Inspector General Horowitz (Apr. 19, 2023) [https://www.grassley.senate.gov/imo/media/doc/grassley\\_johnson\\_to\\_justice\\_deptinspectorgeneralfbiantigagprovision.pdf](https://www.grassley.senate.gov/imo/media/doc/grassley_johnson_to_justice_deptinspectorgeneralfbiantigagprovision.pdf); Letter from Senators Grassley and Johnson to Inspectors General Horowitz and George (Jun 6, 2023) [https://www.grassley.senate.gov/imo/media/doc/grassley\\_johnson\\_to\\_doj\\_oig\\_tigta\\_-\\_whistleblower\\_retaliation.pdf](https://www.grassley.senate.gov/imo/media/doc/grassley_johnson_to_doj_oig_tigta_-_whistleblower_retaliation.pdf); Letter from Senators Grassley and Johnson to Internal Revenue Service Commissioner Werfel (Jun. 6, 2023) [https://www.grassley.senate.gov/imo/media/doc/grassley\\_johnson\\_to\\_irs\\_-\\_protected\\_whistleblower\\_disclosure.pdf](https://www.grassley.senate.gov/imo/media/doc/grassley_johnson_to_irs_-_protected_whistleblower_disclosure.pdf); Letter from Senator Grassley, Senator Johnson, Representative Smith, and Representative Comer to Special Counsel Kerner (Jul. 5, 2023) [https://www.grassley.senate.gov/imo/media/doc/grassley\\_johnson\\_comer\\_jordan\\_smith\\_to\\_osc\\_-\\_whistleblower\\_retaliation.pdf](https://www.grassley.senate.gov/imo/media/doc/grassley_johnson_comer_jordan_smith_to_osc_-_whistleblower_retaliation.pdf); Letter from Senator Grassley to Health and Human Services Secretary Becerra, Administration for Children and Families Acting Assistant Secretary Hild, and Office of Refugee Resettlement Director Marcos (Nov. 21, 2023) [https://www.grassley.senate.gov/imo/media/doc/grassley\\_to\\_hhs\\_acf\\_and\\_orr\\_-\\_whistleblower\\_protections.pdf](https://www.grassley.senate.gov/imo/media/doc/grassley_to_hhs_acf_and_orr_-_whistleblower_protections.pdf); Letter from Senator Grassley to Acting Special Counsel Gorman (Nov. 21, 2023) [https://www.grassley.senate.gov/imo/media/doc/grassley\\_to\\_osc\\_-\\_hhs\\_whistleblower\\_protections.pdf](https://www.grassley.senate.gov/imo/media/doc/grassley_to_osc_-_hhs_whistleblower_protections.pdf); Letter from Senator Grassley to DOJ-OIG Horowitz (Feb. 12, 2024) [https://www.grassley.senate.gov/imo/media/doc/grassley\\_to\\_doj\\_oig\\_-\\_protected\\_whistleblower\\_disclosures.pdf](https://www.grassley.senate.gov/imo/media/doc/grassley_to_doj_oig_-_protected_whistleblower_disclosures.pdf); Letter from Senator Grassley to Bureau of Alcohol, Tobacco, Firearms, and Explosives Director Dettelbach (Feb. 12, 2024) [https://www.grassley.senate.gov/imo/media/doc/grassley\\_to\\_atf\\_-\\_protected\\_whistleblower\\_disclosures.pdf](https://www.grassley.senate.gov/imo/media/doc/grassley_to_atf_-_protected_whistleblower_disclosures.pdf); Letter from Senator Grassley to Inspector General Horowitz (Mar. 8, 2024) [https://www.grassley.senate.gov/imo/media/doc/grassley\\_to\\_doj\\_inspector\\_general\\_-\\_eoir\\_disclosures\\_to\\_congress.pdf](https://www.grassley.senate.gov/imo/media/doc/grassley_to_doj_inspector_general_-_eoir_disclosures_to_congress.pdf); Letter from Senator Grassley to Attorney General Garland (Mar. 8, 2024) [https://www.grassley.senate.gov/imo/media/doc/grassley\\_to\\_doj\\_-\\_eoir\\_disclosures\\_to\\_congress.pdf](https://www.grassley.senate.gov/imo/media/doc/grassley_to_doj_-_eoir_disclosures_to_congress.pdf); Letter from Senator Grassley to Executive Office for Immigration Review Director David Neal (Mar. 8, 2024) [https://www.grassley.senate.gov/imo/media/doc/grassley\\_to\\_executive\\_office\\_for\\_immigration\\_review\\_-\\_eoir\\_disclosures\\_to\\_congress.pdf](https://www.grassley.senate.gov/imo/media/doc/grassley_to_executive_office_for_immigration_review_-_eoir_disclosures_to_congress.pdf).

**United States Senate**  
WASHINGTON, DC 20510

March 11, 2024

**VIA ELECTRONIC TRANSMISSION**

The Honorable Kevin H. Winters  
Inspector General  
Amtrak

Dear Inspector General Winters:

Whistleblowers are patriots and the government's most powerful tool in rooting out waste, fraud, abuse, and misconduct. Nevertheless, federal agencies continue to implement nondisclosure policies and similar agreements without the inclusion of the "anti-gag" provision as required by law.<sup>1</sup> This failure has a chilling effect that discourages whistleblowers from reporting allegations of misconduct to Congress, Inspectors General (IG), and the Office of Special Counsel (OSC). The "anti-gag" provision has been included in almost every appropriations bill since 1988 and was codified in the Whistleblower Protection Enhancement Act.<sup>2</sup>

The anti-gag law requires all federal agency nondisclosure policies, forms, or agreements to include the following explicit statement notifying the employee of their rights to report wrongdoing:

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Appropriation law prohibits the use of government funds to enforce these agreements if they fail to contain the anti-gag provision.<sup>4</sup>

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Even though Congress made it abundantly clear that employees are required to be informed of their rights to make legally protected disclosures, there's a growing trend among federal agencies to use nondisclosure policies and similar agreements without the inclusion of the anti-gag provision in violation of the law.<sup>5</sup> This is unacceptable.

The importance of whistleblowers knowing their rights under the law cannot be stated enough, and federal agencies should encourage their employees to disclose allegations of waste, fraud, and abuse. Federal agencies cannot be allowed to conceal their wrongdoing behind illegal nondisclosure policies and related actions. Accordingly, I request that you review all nondisclosure policies, forms, agreements, and related documents specific to your agency to ensure the anti-gag provision is included as required by law.

Thank you for your prompt review and response. If you have any questions, please contact Brian Randolph on my Committee staff at (202) 224-0642.

Sincerely,



Charles E. Grassley  
Ranking Member  
Committee on the Budget

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WASHINGTON, DC 20510

March 11, 2024

**VIA ELECTRONIC TRANSMISSION**

Mr. Philip Heneghan  
Inspector General  
Appalachian Regional Commission

Dear Inspector General Heneghan:

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Sincerely,



Charles E. Grassley  
Ranking Member  
Committee on the Budget

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March 11, 2024

**VIA ELECTRONIC TRANSMISSION**

Mr. Christopher Failla  
Inspector General  
Architect of the Capitol

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Sincerely,



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Ranking Member  
Committee on the Budget

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<sup>5</sup> See Letter from Senators Grassley and Johnson to Inspector General Horowitz (Apr. 19, 2023) [https://www.grassley.senate.gov/imo/media/doc/grassley\\_johnson\\_to\\_justice\\_deptinspectorgeneralfbiantigagprovision.pdf](https://www.grassley.senate.gov/imo/media/doc/grassley_johnson_to_justice_deptinspectorgeneralfbiantigagprovision.pdf); Letter from Senators Grassley and Johnson to Inspectors General Horowitz and George (Jun 6, 2023) [https://www.grassley.senate.gov/imo/media/doc/grassley\\_johnson\\_to\\_doj\\_oig\\_tigta\\_-\\_whistleblower\\_retaliation.pdf](https://www.grassley.senate.gov/imo/media/doc/grassley_johnson_to_doj_oig_tigta_-_whistleblower_retaliation.pdf); Letter from Senators Grassley and Johnson to Internal Revenue Service Commissioner Werfel (Jun. 6, 2023) [https://www.grassley.senate.gov/imo/media/doc/grassley\\_johnson\\_to\\_irs\\_-\\_protected\\_whistleblower\\_disclosure.pdf](https://www.grassley.senate.gov/imo/media/doc/grassley_johnson_to_irs_-_protected_whistleblower_disclosure.pdf); Letter from Senator Grassley, Senator Johnson, Representative Smith, and Representative Comer to Special Counsel Kerner (Jul. 5, 2023) [https://www.grassley.senate.gov/imo/media/doc/grassley\\_johnson\\_comer\\_jordan\\_smith\\_to\\_osc\\_-\\_whistleblower\\_retaliation.pdf](https://www.grassley.senate.gov/imo/media/doc/grassley_johnson_comer_jordan_smith_to_osc_-_whistleblower_retaliation.pdf); Letter from Senator Grassley to Health and Human Services Secretary Becerra, Administration for Children and Families Acting Assistant Secretary Hild, and Office of Refugee Resettlement Director Marcos (Nov. 21, 2023) [https://www.grassley.senate.gov/imo/media/doc/grassley\\_to\\_hhs\\_acf\\_and\\_orr\\_-\\_whistleblower\\_protections.pdf](https://www.grassley.senate.gov/imo/media/doc/grassley_to_hhs_acf_and_orr_-_whistleblower_protections.pdf); Letter from Senator Grassley to Acting Special Counsel Gorman (Nov. 21, 2023) [https://www.grassley.senate.gov/imo/media/doc/grassley\\_to\\_osc\\_-\\_hhs\\_whistleblower\\_protections.pdf](https://www.grassley.senate.gov/imo/media/doc/grassley_to_osc_-_hhs_whistleblower_protections.pdf); Letter from Senator Grassley to DOJ-OIG Horowitz (Feb. 12, 2024) [https://www.grassley.senate.gov/imo/media/doc/grassley\\_to\\_doj\\_oig\\_-\\_protected\\_whistleblower\\_disclosures.pdf](https://www.grassley.senate.gov/imo/media/doc/grassley_to_doj_oig_-_protected_whistleblower_disclosures.pdf); Letter from Senator Grassley to Bureau of Alcohol, Tobacco, Firearms, and Explosives Director Dettelbach (Feb. 12, 2024) [https://www.grassley.senate.gov/imo/media/doc/grassley\\_to\\_atf\\_-\\_protected\\_whistleblower\\_disclosures.pdf](https://www.grassley.senate.gov/imo/media/doc/grassley_to_atf_-_protected_whistleblower_disclosures.pdf); Letter from Senator Grassley to Inspector General Horowitz (Mar. 8, 2024) [https://www.grassley.senate.gov/imo/media/doc/grassley\\_to\\_doj\\_inspector\\_general\\_-\\_eoir\\_disclosures\\_to\\_congress.pdf](https://www.grassley.senate.gov/imo/media/doc/grassley_to_doj_inspector_general_-_eoir_disclosures_to_congress.pdf); Letter from Senator Grassley to Attorney General Garland (Mar. 8, 2024) [https://www.grassley.senate.gov/imo/media/doc/grassley\\_to\\_doj\\_-\\_eoir\\_disclosures\\_to\\_congress.pdf](https://www.grassley.senate.gov/imo/media/doc/grassley_to_doj_-_eoir_disclosures_to_congress.pdf); Letter from Senator Grassley to Executive Office for Immigration Review Director David Neal (Mar. 8, 2024) [https://www.grassley.senate.gov/imo/media/doc/grassley\\_to\\_executive\\_office\\_for\\_immigration\\_review\\_-\\_eoir\\_disclosures\\_to\\_congress.pdf](https://www.grassley.senate.gov/imo/media/doc/grassley_to_executive_office_for_immigration_review_-_eoir_disclosures_to_congress.pdf).

**United States Senate**  
WASHINGTON, DC 20510

March 11, 2024

**VIA ELECTRONIC TRANSMISSION**

Mr. Mark Bialek  
Inspector General  
Board of Governors of the Federal Reserve System and the CFPB

Dear Inspector General Bialek:

Whistleblowers are patriots and the government's most powerful tool in rooting out waste, fraud, abuse, and misconduct. Nevertheless, federal agencies continue to implement nondisclosure policies and similar agreements without the inclusion of the "anti-gag" provision as required by law.<sup>1</sup> This failure has a chilling effect that discourages whistleblowers from reporting allegations of misconduct to Congress, Inspectors General (IG), and the Office of Special Counsel (OSC). The "anti-gag" provision has been included in almost every appropriations bill since 1988 and was codified in the Whistleblower Protection Enhancement Act.<sup>2</sup>

The anti-gag law requires all federal agency nondisclosure policies, forms, or agreements to include the following explicit statement notifying the employee of their rights to report wrongdoing:

These provisions are consistent with and do not supersede, conflict with, or otherwise alter the employee obligations, rights, or liabilities created by existing statute or Executive order relating to (1) classified information, (2) communications to Congress, (3) the reporting to an Inspector General or the Office of Special Counsel of a violation of any law, rule, or regulation, or mismanagement, a gross waste of funds, an abuse of authority, or a substantial and specific danger to public health or safety, or (4) any other whistleblower protection. The definitions, requirements, obligations, rights, sanctions, and liabilities created by controlling Executive orders and statutory provisions are incorporated into this agreement and are controlling.<sup>3</sup>

Appropriation law prohibits the use of government funds to enforce these agreements if they fail to contain the anti-gag provision.<sup>4</sup>

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<sup>1</sup> 5 USC § 2302(b)(13); Pub. L. No. 117-328

<sup>2</sup> *Id.*

<sup>3</sup> 5 USC § 2302(b)(13).

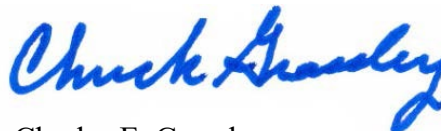
<sup>4</sup> Pub. L. No. 117-328.

Even though Congress made it abundantly clear that employees are required to be informed of their rights to make legally protected disclosures, there's a growing trend among federal agencies to use nondisclosure policies and similar agreements without the inclusion of the anti-gag provision in violation of the law.<sup>5</sup> This is unacceptable.

The importance of whistleblowers knowing their rights under the law cannot be stated enough, and federal agencies should encourage their employees to disclose allegations of waste, fraud, and abuse. Federal agencies cannot be allowed to conceal their wrongdoing behind illegal nondisclosure policies and related actions. Accordingly, I request that you review all nondisclosure policies, forms, agreements, and related documents specific to your agency to ensure the anti-gag provision is included as required by law.

Thank you for your prompt review and response. If you have any questions, please contact Brian Randolph on my Committee staff at (202) 224-0642.

Sincerely,



Charles E. Grassley  
Ranking Member  
Committee on the Budget

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<sup>5</sup> See Letter from Senators Grassley and Johnson to Inspector General Horowitz (Apr. 19, 2023) [https://www.grassley.senate.gov/imo/media/doc/grassley\\_johnson\\_to\\_justice\\_deptinspectorgeneralfbiantigagprovision.pdf](https://www.grassley.senate.gov/imo/media/doc/grassley_johnson_to_justice_deptinspectorgeneralfbiantigagprovision.pdf); Letter from Senators Grassley and Johnson to Inspectors General Horowitz and George (Jun 6, 2023) [https://www.grassley.senate.gov/imo/media/doc/grassley\\_johnson\\_to\\_dojoig\\_tigta\\_-\\_whistleblower\\_retaliation.pdf](https://www.grassley.senate.gov/imo/media/doc/grassley_johnson_to_dojoig_tigta_-_whistleblower_retaliation.pdf); Letter from Senators Grassley and Johnson to Internal Revenue Service Commissioner Werfel (Jun. 6, 2023) [https://www.grassley.senate.gov/imo/media/doc/grassley\\_johnson\\_to\\_irs\\_-\\_protected\\_whistleblower\\_disclosure.pdf](https://www.grassley.senate.gov/imo/media/doc/grassley_johnson_to_irs_-_protected_whistleblower_disclosure.pdf); Letter from Senator Grassley, Senator Johnson, Representative Smith, and Representative Comer to Special Counsel Kerner (Jul. 5, 2023) [https://www.grassley.senate.gov/imo/media/doc/grassley\\_johnson\\_comer\\_jordan\\_smith\\_to\\_osc\\_-\\_whistleblower\\_retaliation.pdf](https://www.grassley.senate.gov/imo/media/doc/grassley_johnson_comer_jordan_smith_to_osc_-_whistleblower_retaliation.pdf); Letter from Senator Grassley to Health and Human Services Secretary Becerra, Administration for Children and Families Acting Assistant Secretary Hild, and Office of Refugee Resettlement Director Marcos (Nov. 21, 2023) [https://www.grassley.senate.gov/imo/media/doc/grassley\\_to\\_hhs\\_acf\\_and\\_orr\\_-\\_whistleblower\\_protections.pdf](https://www.grassley.senate.gov/imo/media/doc/grassley_to_hhs_acf_and_orr_-_whistleblower_protections.pdf); Letter from Senator Grassley to Acting Special Counsel Gorman (Nov. 21, 2023) [https://www.grassley.senate.gov/imo/media/doc/grassley\\_to\\_osc\\_-\\_hhs\\_whistleblower\\_protections.pdf](https://www.grassley.senate.gov/imo/media/doc/grassley_to_osc_-_hhs_whistleblower_protections.pdf); Letter from Senator Grassley to DOJ-OIG Horowitz (Feb. 12, 2024) [https://www.grassley.senate.gov/imo/media/doc/grassley\\_to\\_doj\\_oig\\_-\\_protected\\_whistleblower\\_disclosures.pdf](https://www.grassley.senate.gov/imo/media/doc/grassley_to_doj_oig_-_protected_whistleblower_disclosures.pdf); Letter from Senator Grassley to Bureau of Alcohol, Tobacco, Firearms, and Explosives Director Dettelbach (Feb. 12, 2024) [https://www.grassley.senate.gov/imo/media/doc/grassley\\_to\\_atf\\_-\\_protected\\_whistleblower\\_disclosures.pdf](https://www.grassley.senate.gov/imo/media/doc/grassley_to_atf_-_protected_whistleblower_disclosures.pdf); Letter from Senator Grassley to Inspector General Horowitz (Mar. 8, 2024) [https://www.grassley.senate.gov/imo/media/doc/grassley\\_to\\_doj\\_inspector\\_general\\_-\\_eoir\\_disclosures\\_to\\_congress.pdf](https://www.grassley.senate.gov/imo/media/doc/grassley_to_doj_inspector_general_-_eoir_disclosures_to_congress.pdf); Letter from Senator Grassley to Attorney General Garland (Mar. 8, 2024) [https://www.grassley.senate.gov/imo/media/doc/grassley\\_to\\_doj\\_-\\_eoir\\_disclosures\\_to\\_congress.pdf](https://www.grassley.senate.gov/imo/media/doc/grassley_to_doj_-_eoir_disclosures_to_congress.pdf); Letter from Senator Grassley to Executive Office for Immigration Review Director David Neal (Mar. 8, 2024) [https://www.grassley.senate.gov/imo/media/doc/grassley\\_to\\_executive\\_office\\_for\\_immigration\\_review\\_-\\_eoir\\_disclosures\\_to\\_congress.pdf](https://www.grassley.senate.gov/imo/media/doc/grassley_to_executive_office_for_immigration_review_-_eoir_disclosures_to_congress.pdf).

United States Senate  
WASHINGTON, DC 20510

March 11, 2024

**VIA ELECTRONIC TRANSMISSION**

The Honorable Robin Ashton  
Inspector General  
Central Intelligence Agency

Dear Inspector General Ashton:

Whistleblowers are patriots and the government's most powerful tool in rooting out waste, fraud, abuse, and misconduct. Nevertheless, federal agencies continue to implement nondisclosure policies and similar agreements without the inclusion of the "anti-gag" provision as required by law.<sup>1</sup> This failure has a chilling effect that discourages whistleblowers from reporting allegations of misconduct to Congress, Inspectors General (IG), and the Office of Special Counsel (OSC). The "anti-gag" provision has been included in almost every appropriations bill since 1988 and was codified in the Whistleblower Protection Enhancement Act.<sup>2</sup>

The anti-gag law requires all federal agency nondisclosure policies, forms, or agreements to include the following explicit statement notifying the employee of their rights to report wrongdoing:

These provisions are consistent with and do not supersede, conflict with, or otherwise alter the employee obligations, rights, or liabilities created by existing statute or Executive order relating to (1) classified information, (2) communications to Congress, (3) the reporting to an Inspector General or the Office of Special Counsel of a violation of any law, rule, or regulation, or mismanagement, a gross waste of funds, an abuse of authority, or a substantial and specific danger to public health or safety, or (4) any other whistleblower protection. The definitions, requirements, obligations, rights, sanctions, and liabilities created by controlling Executive orders and statutory provisions are incorporated into this agreement and are controlling.<sup>3</sup>

Appropriation law prohibits the use of government funds to enforce these agreements if they fail to contain the anti-gag provision.<sup>4</sup>

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<sup>1</sup> 5 USC § 2302(b)(13); Pub. L. No. 117-328

<sup>2</sup> *Id.*

<sup>3</sup> 5 USC § 2302(b)(13).

<sup>4</sup> Pub. L. No. 117-328.

Even though Congress made it abundantly clear that employees are required to be informed of their rights to make legally protected disclosures, there's a growing trend among federal agencies to use nondisclosure policies and similar agreements without the inclusion of the anti-gag provision in violation of the law.<sup>5</sup> This is unacceptable.

The importance of whistleblowers knowing their rights under the law cannot be stated enough, and federal agencies should encourage their employees to disclose allegations of waste, fraud, and abuse. Federal agencies cannot be allowed to conceal their wrongdoing behind illegal nondisclosure policies and related actions. Accordingly, I request that you review all nondisclosure policies, forms, agreements, and related documents specific to your agency to ensure the anti-gag provision is included as required by law.

Thank you for your prompt review and response. If you have any questions, please contact Brian Randolph on my Committee staff at (202) 224-0642.

Sincerely,



Charles E. Grassley  
Ranking Member  
Committee on the Budget

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<sup>5</sup> See Letter from Senators Grassley and Johnson to Inspector General Horowitz (Apr. 19, 2023) [https://www.grassley.senate.gov/imo/media/doc/grassley\\_johnson\\_to\\_justice\\_deptinspectorgeneralfbiantigagprovision.pdf](https://www.grassley.senate.gov/imo/media/doc/grassley_johnson_to_justice_deptinspectorgeneralfbiantigagprovision.pdf); Letter from Senators Grassley and Johnson to Inspectors General Horowitz and George (Jun 6, 2023) [https://www.grassley.senate.gov/imo/media/doc/grassley\\_johnson\\_to\\_doj\\_oig\\_tigta\\_-\\_whistleblower\\_retaliation.pdf](https://www.grassley.senate.gov/imo/media/doc/grassley_johnson_to_doj_oig_tigta_-_whistleblower_retaliation.pdf); Letter from Senators Grassley and Johnson to Internal Revenue Service Commissioner Werfel (Jun. 6, 2023) [https://www.grassley.senate.gov/imo/media/doc/grassley\\_johnson\\_to\\_irs\\_-\\_protected\\_whistleblower\\_disclosure.pdf](https://www.grassley.senate.gov/imo/media/doc/grassley_johnson_to_irs_-_protected_whistleblower_disclosure.pdf); Letter from Senator Grassley, Senator Johnson, Representative Smith, and Representative Comer to Special Counsel Kerner (Jul. 5, 2023) [https://www.grassley.senate.gov/imo/media/doc/grassley\\_johnson\\_comer\\_jordan\\_smith\\_to\\_osc\\_-\\_whistleblower\\_retaliation.pdf](https://www.grassley.senate.gov/imo/media/doc/grassley_johnson_comer_jordan_smith_to_osc_-_whistleblower_retaliation.pdf); Letter from Senator Grassley to Health and Human Services Secretary Becerra, Administration for Children and Families Acting Assistant Secretary Hild, and Office of Refugee Resettlement Director Marcos (Nov. 21, 2023) [https://www.grassley.senate.gov/imo/media/doc/grassley\\_to\\_hhs\\_acf\\_and\\_orr\\_-\\_whistleblower\\_protections.pdf](https://www.grassley.senate.gov/imo/media/doc/grassley_to_hhs_acf_and_orr_-_whistleblower_protections.pdf); Letter from Senator Grassley to Acting Special Counsel Gorman (Nov. 21, 2023) [https://www.grassley.senate.gov/imo/media/doc/grassley\\_to\\_osc\\_-\\_hhs\\_whistleblower\\_protections.pdf](https://www.grassley.senate.gov/imo/media/doc/grassley_to_osc_-_hhs_whistleblower_protections.pdf); Letter from Senator Grassley to DOJ-OIG Horowitz (Feb. 12, 2024) [https://www.grassley.senate.gov/imo/media/doc/grassley\\_to\\_doj\\_oig\\_-\\_protected\\_whistleblower\\_disclosures.pdf](https://www.grassley.senate.gov/imo/media/doc/grassley_to_doj_oig_-_protected_whistleblower_disclosures.pdf); Letter from Senator Grassley to Bureau of Alcohol, Tobacco, Firearms, and Explosives Director Dettelbach (Feb. 12, 2024) [https://www.grassley.senate.gov/imo/media/doc/grassley\\_to\\_atf\\_-\\_protected\\_whistleblower\\_disclosures.pdf](https://www.grassley.senate.gov/imo/media/doc/grassley_to_atf_-_protected_whistleblower_disclosures.pdf); Letter from Senator Grassley to Inspector General Horowitz (Mar. 8, 2024) [https://www.grassley.senate.gov/imo/media/doc/grassley\\_to\\_doj\\_inspector\\_general\\_-\\_eoir\\_disclosures\\_to\\_congress.pdf](https://www.grassley.senate.gov/imo/media/doc/grassley_to_doj_inspector_general_-_eoir_disclosures_to_congress.pdf); Letter from Senator Grassley to Attorney General Garland (Mar. 8, 2024) [https://www.grassley.senate.gov/imo/media/doc/grassley\\_to\\_doj\\_-\\_eoir\\_disclosures\\_to\\_congress.pdf](https://www.grassley.senate.gov/imo/media/doc/grassley_to_doj_-_eoir_disclosures_to_congress.pdf); Letter from Senator Grassley to Executive Office for Immigration Review Director David Neal (Mar. 8, 2024) [https://www.grassley.senate.gov/imo/media/doc/grassley\\_to\\_executive\\_office\\_for\\_immigration\\_review\\_-\\_eoir\\_disclosures\\_to\\_congress.pdf](https://www.grassley.senate.gov/imo/media/doc/grassley_to_executive_office_for_immigration_review_-_eoir_disclosures_to_congress.pdf).

**United States Senate**  
WASHINGTON, DC 20510

March 11, 2024

**VIA ELECTRONIC TRANSMISSION**

Dr. Brett Baker  
Acting Inspector General  
Commodity Futures Trading Commission

Dear Acting Inspector General Baker:

Whistleblowers are patriots and the government's most powerful tool in rooting out waste, fraud, abuse, and misconduct. Nevertheless, federal agencies continue to implement nondisclosure policies and similar agreements without the inclusion of the "anti-gag" provision as required by law.<sup>1</sup> This failure has a chilling effect that discourages whistleblowers from reporting allegations of misconduct to Congress, Inspectors General (IG), and the Office of Special Counsel (OSC). The "anti-gag" provision has been included in almost every appropriations bill since 1988 and was codified in the Whistleblower Protection Enhancement Act.<sup>2</sup>

The anti-gag law requires all federal agency nondisclosure policies, forms, or agreements to include the following explicit statement notifying the employee of their rights to report wrongdoing:

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Appropriation law prohibits the use of government funds to enforce these agreements if they fail to contain the anti-gag provision.<sup>4</sup>

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<sup>2</sup> *Id.*

<sup>3</sup> 5 USC § 2302(b)(13).

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Even though Congress made it abundantly clear that employees are required to be informed of their rights to make legally protected disclosures, there's a growing trend among federal agencies to use nondisclosure policies and similar agreements without the inclusion of the anti-gag provision in violation of the law.<sup>5</sup> This is unacceptable.

The importance of whistleblowers knowing their rights under the law cannot be stated enough, and federal agencies should encourage their employees to disclose allegations of waste, fraud, and abuse. Federal agencies cannot be allowed to conceal their wrongdoing behind illegal nondisclosure policies and related actions. Accordingly, I request that you review all nondisclosure policies, forms, agreements, and related documents specific to your agency to ensure the anti-gag provision is included as required by law.

Thank you for your prompt review and response. If you have any questions, please contact Brian Randolph on my Committee staff at (202) 224-0642.

Sincerely,



Charles E. Grassley  
Ranking Member  
Committee on the Budget

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United States Senate  
WASHINGTON, DC 20510

March 11, 2024

**VIA ELECTRONIC TRANSMISSION**

Mr. Christopher W. Dentel  
Inspector General  
Consumer Product Safety Commission

Dear Inspector General Dentel:

Whistleblowers are patriots and the government's most powerful tool in rooting out waste, fraud, abuse, and misconduct. Nevertheless, federal agencies continue to implement nondisclosure policies and similar agreements without the inclusion of the "anti-gag" provision as required by law.<sup>1</sup> This failure has a chilling effect that discourages whistleblowers from reporting allegations of misconduct to Congress, Inspectors General (IG), and the Office of Special Counsel (OSC). The "anti-gag" provision has been included in almost every appropriations bill since 1988 and was codified in the Whistleblower Protection Enhancement Act.<sup>2</sup>

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Even though Congress made it abundantly clear that employees are required to be informed of their rights to make legally protected disclosures, there's a growing trend among federal agencies to use nondisclosure policies and similar agreements without the inclusion of the anti-gag provision in violation of the law.<sup>5</sup> This is unacceptable.

The importance of whistleblowers knowing their rights under the law cannot be stated enough, and federal agencies should encourage their employees to disclose allegations of waste, fraud, and abuse. Federal agencies cannot be allowed to conceal their wrongdoing behind illegal nondisclosure policies and related actions. Accordingly, I request that you review all nondisclosure policies, forms, agreements, and related documents specific to your agency to ensure the anti-gag provision is included as required by law.

Thank you for your prompt review and response. If you have any questions, please contact Brian Randolph on my Committee staff at (202) 224-0642.

Sincerely,



Charles E. Grassley  
Ranking Member  
Committee on the Budget

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<sup>5</sup> See Letter from Senators Grassley and Johnson to Inspector General Horowitz (Apr. 19, 2023) [https://www.grassley.senate.gov/imo/media/doc/grassley\\_johnson\\_to\\_justice\\_deptinspectorgeneralfbiantigagprovision.pdf](https://www.grassley.senate.gov/imo/media/doc/grassley_johnson_to_justice_deptinspectorgeneralfbiantigagprovision.pdf); Letter from Senators Grassley and Johnson to Inspectors General Horowitz and George (Jun 6, 2023) [https://www.grassley.senate.gov/imo/media/doc/grassley\\_johnson\\_to\\_doj\\_oig\\_tigta\\_-\\_whistleblower\\_retaliation.pdf](https://www.grassley.senate.gov/imo/media/doc/grassley_johnson_to_doj_oig_tigta_-_whistleblower_retaliation.pdf); Letter from Senators Grassley and Johnson to Internal Revenue Service Commissioner Werfel (Jun. 6, 2023) [https://www.grassley.senate.gov/imo/media/doc/grassley\\_johnson\\_to\\_irs\\_-\\_protected\\_whistleblower\\_disclosure.pdf](https://www.grassley.senate.gov/imo/media/doc/grassley_johnson_to_irs_-_protected_whistleblower_disclosure.pdf); Letter from Senator Grassley, Senator Johnson, Representative Smith, and Representative Comer to Special Counsel Kerner (Jul. 5, 2023) [https://www.grassley.senate.gov/imo/media/doc/grassley\\_johnson\\_comer\\_jordan\\_smith\\_to\\_osc\\_-\\_whistleblower\\_retaliation.pdf](https://www.grassley.senate.gov/imo/media/doc/grassley_johnson_comer_jordan_smith_to_osc_-_whistleblower_retaliation.pdf); Letter from Senator Grassley to Health and Human Services Secretary Becerra, Administration for Children and Families Acting Assistant Secretary Hild, and Office of Refugee Resettlement Director Marcos (Nov. 21, 2023) [https://www.grassley.senate.gov/imo/media/doc/grassley\\_to\\_hhs\\_acf\\_and\\_orr\\_-\\_whistleblower\\_protections.pdf](https://www.grassley.senate.gov/imo/media/doc/grassley_to_hhs_acf_and_orr_-_whistleblower_protections.pdf); Letter from Senator Grassley to Acting Special Counsel Gorman (Nov. 21, 2023) [https://www.grassley.senate.gov/imo/media/doc/grassley\\_to\\_osc\\_-\\_hhs\\_whistleblower\\_protections.pdf](https://www.grassley.senate.gov/imo/media/doc/grassley_to_osc_-_hhs_whistleblower_protections.pdf); Letter from Senator Grassley to DOJ-OIG Horowitz (Feb. 12, 2024) [https://www.grassley.senate.gov/imo/media/doc/grassley\\_to\\_doj\\_oig\\_-\\_protected\\_whistleblower\\_disclosures.pdf](https://www.grassley.senate.gov/imo/media/doc/grassley_to_doj_oig_-_protected_whistleblower_disclosures.pdf); Letter from Senator Grassley to Bureau of Alcohol, Tobacco, Firearms, and Explosives Director Dettelbach (Feb. 12, 2024) [https://www.grassley.senate.gov/imo/media/doc/grassley\\_to\\_atf\\_-\\_protected\\_whistleblower\\_disclosures.pdf](https://www.grassley.senate.gov/imo/media/doc/grassley_to_atf_-_protected_whistleblower_disclosures.pdf); Letter from Senator Grassley to Inspector General Horowitz (Mar. 8, 2024) [https://www.grassley.senate.gov/imo/media/doc/grassley\\_to\\_doj\\_inspector\\_general\\_-\\_eoir\\_disclosures\\_to\\_congress.pdf](https://www.grassley.senate.gov/imo/media/doc/grassley_to_doj_inspector_general_-_eoir_disclosures_to_congress.pdf); Letter from Senator Grassley to Attorney General Garland (Mar. 8, 2024) [https://www.grassley.senate.gov/imo/media/doc/grassley\\_to\\_doj\\_-\\_eoir\\_disclosures\\_to\\_congress.pdf](https://www.grassley.senate.gov/imo/media/doc/grassley_to_doj_-_eoir_disclosures_to_congress.pdf); Letter from Senator Grassley to Executive Office for Immigration Review Director David Neal (Mar. 8, 2024) [https://www.grassley.senate.gov/imo/media/doc/grassley\\_to\\_executive\\_office\\_for\\_immigration\\_review\\_-\\_eoir\\_disclosures\\_to\\_congress.pdf](https://www.grassley.senate.gov/imo/media/doc/grassley_to_executive_office_for_immigration_review_-_eoir_disclosures_to_congress.pdf).

United States Senate  
WASHINGTON, DC 20510

March 11, 2024

**VIA ELECTRONIC TRANSMISSION**

Ms. Kimberly A. Howell  
Inspector General  
Corporation for Public Broadcasting

Dear Inspector General Howell:

Whistleblowers are patriots and the government's most powerful tool in rooting out waste, fraud, abuse, and misconduct. Nevertheless, federal agencies continue to implement nondisclosure policies and similar agreements without the inclusion of the "anti-gag" provision as required by law.<sup>1</sup> This failure has a chilling effect that discourages whistleblowers from reporting allegations of misconduct to Congress, Inspectors General (IG), and the Office of Special Counsel (OSC). The "anti-gag" provision has been included in almost every appropriations bill since 1988 and was codified in the Whistleblower Protection Enhancement Act.<sup>2</sup>

The anti-gag law requires all federal agency nondisclosure policies, forms, or agreements to include the following explicit statement notifying the employee of their rights to report wrongdoing:

These provisions are consistent with and do not supersede, conflict with, or otherwise alter the employee obligations, rights, or liabilities created by existing statute or Executive order relating to (1) classified information, (2) communications to Congress, (3) the reporting to an Inspector General or the Office of Special Counsel of a violation of any law, rule, or regulation, or mismanagement, a gross waste of funds, an abuse of authority, or a substantial and specific danger to public health or safety, or (4) any other whistleblower protection. The definitions, requirements, obligations, rights, sanctions, and liabilities created by controlling Executive orders and statutory provisions are incorporated into this agreement and are controlling.<sup>3</sup>

Appropriation law prohibits the use of government funds to enforce these agreements if they fail to contain the anti-gag provision.<sup>4</sup>

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<sup>1</sup> 5 USC § 2302(b)(13); Pub. L. No. 117-328

<sup>2</sup> *Id.*

<sup>3</sup> 5 USC § 2302(b)(13).

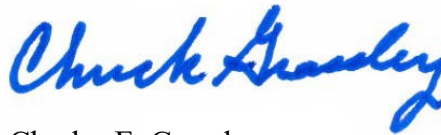
<sup>4</sup> Pub. L. No. 117-328.

Even though Congress made it abundantly clear that employees are required to be informed of their rights to make legally protected disclosures, there's a growing trend among federal agencies to use nondisclosure policies and similar agreements without the inclusion of the anti-gag provision in violation of the law.<sup>5</sup> This is unacceptable.

The importance of whistleblowers knowing their rights under the law cannot be stated enough, and federal agencies should encourage their employees to disclose allegations of waste, fraud, and abuse. Federal agencies cannot be allowed to conceal their wrongdoing behind illegal nondisclosure policies and related actions. Accordingly, I request that you review all nondisclosure policies, forms, agreements, and related documents specific to your agency to ensure the anti-gag provision is included as required by law.

Thank you for your prompt review and response. If you have any questions, please contact Brian Randolph on my Committee staff at (202) 224-0642.

Sincerely,



Charles E. Grassley  
Ranking Member  
Committee on the Budget

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<sup>5</sup> See Letter from Senators Grassley and Johnson to Inspector General Horowitz (Apr. 19, 2023) [https://www.grassley.senate.gov/imo/media/doc/grassley\\_johnson\\_to\\_justice\\_deptinspectorgeneralfbiantigagprovision.pdf](https://www.grassley.senate.gov/imo/media/doc/grassley_johnson_to_justice_deptinspectorgeneralfbiantigagprovision.pdf); Letter from Senators Grassley and Johnson to Inspectors General Horowitz and George (Jun 6, 2023) [https://www.grassley.senate.gov/imo/media/doc/grassley\\_johnson\\_to\\_dojoig\\_tigta\\_-\\_whistleblower\\_retaliation.pdf](https://www.grassley.senate.gov/imo/media/doc/grassley_johnson_to_dojoig_tigta_-_whistleblower_retaliation.pdf); Letter from Senators Grassley and Johnson to Internal Revenue Service Commissioner Werfel (Jun. 6, 2023) [https://www.grassley.senate.gov/imo/media/doc/grassley\\_johnson\\_to\\_irs\\_-\\_protected\\_whistleblower\\_disclosure.pdf](https://www.grassley.senate.gov/imo/media/doc/grassley_johnson_to_irs_-_protected_whistleblower_disclosure.pdf); Letter from Senator Grassley, Senator Johnson, Representative Smith, and Representative Comer to Special Counsel Kerner (Jul. 5, 2023) [https://www.grassley.senate.gov/imo/media/doc/grassley\\_johnson\\_comer\\_jordan\\_smith\\_to\\_osc\\_-\\_whistleblower\\_retaliation.pdf](https://www.grassley.senate.gov/imo/media/doc/grassley_johnson_comer_jordan_smith_to_osc_-_whistleblower_retaliation.pdf); Letter from Senator Grassley to Health and Human Services Secretary Becerra, Administration for Children and Families Acting Assistant Secretary Hild, and Office of Refugee Resettlement Director Marcos (Nov. 21, 2023) [https://www.grassley.senate.gov/imo/media/doc/grassley\\_to\\_hhs\\_acf\\_and\\_orr\\_-\\_whistleblower\\_protections.pdf](https://www.grassley.senate.gov/imo/media/doc/grassley_to_hhs_acf_and_orr_-_whistleblower_protections.pdf); Letter from Senator Grassley to Acting Special Counsel Gorman (Nov. 21, 2023) [https://www.grassley.senate.gov/imo/media/doc/grassley\\_to\\_osc\\_-\\_hhs\\_whistleblower\\_protections.pdf](https://www.grassley.senate.gov/imo/media/doc/grassley_to_osc_-_hhs_whistleblower_protections.pdf); Letter from Senator Grassley to DOJ-OIG Horowitz (Feb. 12, 2024) [https://www.grassley.senate.gov/imo/media/doc/grassley\\_to\\_doj\\_oig\\_-\\_protected\\_whistleblower\\_disclosures.pdf](https://www.grassley.senate.gov/imo/media/doc/grassley_to_doj_oig_-_protected_whistleblower_disclosures.pdf); Letter from Senator Grassley to Bureau of Alcohol, Tobacco, Firearms, and Explosives Director Dettelbach (Feb. 12, 2024) [https://www.grassley.senate.gov/imo/media/doc/grassley\\_to\\_atf\\_-\\_protected\\_whistleblower\\_disclosures.pdf](https://www.grassley.senate.gov/imo/media/doc/grassley_to_atf_-_protected_whistleblower_disclosures.pdf); Letter from Senator Grassley to Inspector General Horowitz (Mar. 8, 2024) [https://www.grassley.senate.gov/imo/media/doc/grassley\\_to\\_doj\\_inspector\\_general\\_-\\_eoir\\_disclosures\\_to\\_congress.pdf](https://www.grassley.senate.gov/imo/media/doc/grassley_to_doj_inspector_general_-_eoir_disclosures_to_congress.pdf); Letter from Senator Grassley to Attorney General Garland (Mar. 8, 2024) [https://www.grassley.senate.gov/imo/media/doc/grassley\\_to\\_doj\\_-\\_eoir\\_disclosures\\_to\\_congress.pdf](https://www.grassley.senate.gov/imo/media/doc/grassley_to_doj_-_eoir_disclosures_to_congress.pdf); Letter from Senator Grassley to Executive Office for Immigration Review Director David Neal (Mar. 8, 2024) [https://www.grassley.senate.gov/imo/media/doc/grassley\\_to\\_executive\\_office\\_for\\_immigration\\_review\\_-\\_eoir\\_disclosures\\_to\\_congress.pdf](https://www.grassley.senate.gov/imo/media/doc/grassley_to_executive_office_for_immigration_review_-_eoir_disclosures_to_congress.pdf).

# United States Senate

WASHINGTON, DC 20510

March 11, 2024

## **VIA ELECTRONIC TRANSMISSION**

Mr. Richard K. Delmar  
Chair  
Council of the Inspectors General on  
Financial Oversight

Dear Chair Delmar:

Whistleblowers are patriots and the government's most powerful tool in rooting out waste, fraud, abuse, and misconduct. Nevertheless, federal agencies continue to implement nondisclosure policies and similar agreements without the inclusion of the "anti-gag" provision as required by law.<sup>1</sup> This failure has a chilling effect that discourages whistleblowers from reporting allegations of misconduct to Congress, Inspectors General (IG), and the Office of Special Counsel (OSC). The "anti-gag" provision has been included in almost every appropriations bill since 1988 and was codified in the Whistleblower Protection Enhancement Act.<sup>2</sup>

The anti-gag law requires all federal agency nondisclosure policies, forms, or agreements to include the following explicit statement notifying the employee of their rights to report wrongdoing:

These provisions are consistent with and do not supersede, conflict with, or otherwise alter the employee obligations, rights, or liabilities created by existing statute or Executive order relating to (1) classified information, (2) communications to Congress, (3) the reporting to an Inspector General or the Office of Special Counsel of a violation of any law, rule, or regulation, or mismanagement, a gross waste of funds, an abuse of authority, or a substantial and specific danger to public health or safety, or (4) any other whistleblower protection. The definitions, requirements, obligations, rights, sanctions, and liabilities created by controlling Executive orders and statutory provisions are incorporated into this agreement and are controlling.<sup>3</sup>

Appropriation law prohibits the use of government funds to enforce these agreements if they fail to contain the anti-gag provision.<sup>4</sup>

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<sup>1</sup> 5 USC § 2302(b)(13); Pub. L. No. 117-328

<sup>2</sup> *Id.*

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Even though Congress made it abundantly clear that employees are required to be informed of their rights to make legally protected disclosures, there's a growing trend among federal agencies to use nondisclosure policies and similar agreements without the inclusion of the anti-gag provision in violation of the law.<sup>5</sup> This is unacceptable.

The importance of whistleblowers knowing their rights under the law cannot be stated enough, and federal agencies should encourage their employees to disclose allegations of waste, fraud, and abuse. Federal agencies cannot be allowed to conceal their wrongdoing behind illegal nondisclosure policies and related actions. Accordingly, I request that you urge the entire Inspector General community to review all nondisclosure policies, forms, agreements, and related documents specific to their agencies to ensure the anti-gag provision is included as required by law.

Thank you for your prompt review and response. If you have any questions, please contact Brian Randolph on my Committee staff at (202) 224-0642.

Sincerely,



Charles E. Grassley  
Ranking Member  
Committee on the Budget

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<sup>5</sup> See Letter from Senators Grassley and Johnson to Inspector General Horowitz (Apr. 19, 2023) [https://www.grassley.senate.gov/imo/media/doc/grassley\\_johnson\\_to\\_justice\\_deptinspectorgeneralfbiantigagprovision.pdf](https://www.grassley.senate.gov/imo/media/doc/grassley_johnson_to_justice_deptinspectorgeneralfbiantigagprovision.pdf); Letter from Senators Grassley and Johnson to Inspectors General Horowitz and George (Jun 6, 2023) [https://www.grassley.senate.gov/imo/media/doc/grassley\\_johnson\\_to\\_dojoig\\_tigta\\_-\\_whistleblower\\_retaliation.pdf](https://www.grassley.senate.gov/imo/media/doc/grassley_johnson_to_dojoig_tigta_-_whistleblower_retaliation.pdf); Letter from Senators Grassley and Johnson to Internal Revenue Service Commissioner Werfel (Jun. 6, 2023) [https://www.grassley.senate.gov/imo/media/doc/grassley\\_johnson\\_to\\_irs\\_-\\_protected\\_whistleblower\\_disclosure.pdf](https://www.grassley.senate.gov/imo/media/doc/grassley_johnson_to_irs_-_protected_whistleblower_disclosure.pdf); Letter from Senator Grassley, Senator Johnson, Representative Smith, and Representative Comer to Special Counsel Kerner (Jul. 5, 2023) [https://www.grassley.senate.gov/imo/media/doc/grassley\\_johnson\\_comer\\_jordan\\_smith\\_to\\_osc\\_-\\_whistleblower\\_retaliation.pdf](https://www.grassley.senate.gov/imo/media/doc/grassley_johnson_comer_jordan_smith_to_osc_-_whistleblower_retaliation.pdf); Letter from Senator Grassley to Health and Human Services Secretary Becerra, Administration for Children and Families Acting Assistant Secretary Hild, and Office of Refugee Resettlement Director Marcos (Nov. 21, 2023) [https://www.grassley.senate.gov/imo/media/doc/grassley\\_to\\_hhs\\_acf\\_and\\_orr\\_-\\_whistleblower\\_protections.pdf](https://www.grassley.senate.gov/imo/media/doc/grassley_to_hhs_acf_and_orr_-_whistleblower_protections.pdf); Letter from Senator Grassley to Acting Special Counsel Gorman (Nov. 21, 2023) [https://www.grassley.senate.gov/imo/media/doc/grassley\\_to\\_osc\\_-\\_hhs\\_whistleblower\\_protections.pdf](https://www.grassley.senate.gov/imo/media/doc/grassley_to_osc_-_hhs_whistleblower_protections.pdf); Letter from Senator Grassley to DOJ-OIG Horowitz (Feb. 12, 2024) [https://www.grassley.senate.gov/imo/media/doc/grassley\\_to\\_doj\\_oig\\_-\\_protected\\_whistleblower\\_disclosures.pdf](https://www.grassley.senate.gov/imo/media/doc/grassley_to_doj_oig_-_protected_whistleblower_disclosures.pdf); Letter from Senator Grassley to Bureau of Alcohol, Tobacco, Firearms, and Explosives Director Dettelbach (Feb. 12, 2024) [https://www.grassley.senate.gov/imo/media/doc/grassley\\_to\\_atf\\_-\\_protected\\_whistleblower\\_disclosures.pdf](https://www.grassley.senate.gov/imo/media/doc/grassley_to_atf_-_protected_whistleblower_disclosures.pdf); Letter from Senator Grassley to Inspector General Horowitz (Mar. 8, 2024) [https://www.grassley.senate.gov/imo/media/doc/grassley\\_to\\_doj\\_inspector\\_general\\_-\\_eoir\\_disclosures\\_to\\_congress.pdf](https://www.grassley.senate.gov/imo/media/doc/grassley_to_doj_inspector_general_-_eoir_disclosures_to_congress.pdf); Letter from Senator Grassley to Attorney General Garland (Mar. 8, 2024) [https://www.grassley.senate.gov/imo/media/doc/grassley\\_to\\_doj\\_-\\_eoir\\_disclosures\\_to\\_congress.pdf](https://www.grassley.senate.gov/imo/media/doc/grassley_to_doj_-_eoir_disclosures_to_congress.pdf); Letter from Senator Grassley to Executive Office for Immigration Review Director David Neal (Mar. 8, 2024) [https://www.grassley.senate.gov/imo/media/doc/grassley\\_to\\_executive\\_office\\_for\\_immigration\\_review\\_-\\_eoir\\_disclosures\\_to\\_congress.pdf](https://www.grassley.senate.gov/imo/media/doc/grassley_to_executive_office_for_immigration_review_-_eoir_disclosures_to_congress.pdf).

**United States Senate**  
WASHINGTON, DC 20510

March 11, 2024

**VIA ELECTRONIC TRANSMISSION**

The Honorable Mark L. Greenblatt  
Chair  
Council of the Inspectors General on  
Integrity and Efficiency

Dear Chair Greenblatt:

Whistleblowers are patriots and the government's most powerful tool in rooting out waste, fraud, abuse, and misconduct. Nevertheless, federal agencies continue to implement nondisclosure policies and similar agreements without the inclusion of the "anti-gag" provision as required by law.<sup>1</sup> This failure has a chilling effect that discourages whistleblowers from reporting allegations of misconduct to Congress, Inspectors General (IG), and the Office of Special Counsel (OSC). The "anti-gag" provision has been included in almost every appropriations bill since 1988 and was codified in the Whistleblower Protection Enhancement Act.<sup>2</sup>

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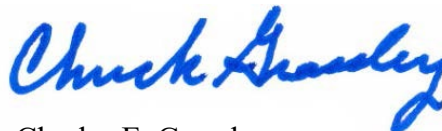
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Thank you for your prompt review and response. If you have any questions, please contact Brian Randolph on my Committee staff at (202) 224-0642.

Sincerely,



Charles E. Grassley  
Ranking Member  
Committee on the Budget

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United States Senate  
WASHINGTON, DC 20510

March 11, 2024

**VIA ELECTRONIC TRANSMISSION**

Mr. Jeremy Kirkland  
Inspector General  
Defense Intelligence Agency

Dear Inspector General Kirkland:

Whistleblowers are patriots and the government's most powerful tool in rooting out waste, fraud, abuse, and misconduct. Nevertheless, federal agencies continue to implement nondisclosure policies and similar agreements without the inclusion of the "anti-gag" provision as required by law.<sup>1</sup> This failure has a chilling effect that discourages whistleblowers from reporting allegations of misconduct to Congress, Inspectors General (IG), and the Office of Special Counsel (OSC). The "anti-gag" provision has been included in almost every appropriations bill since 1988 and was codified in the Whistleblower Protection Enhancement Act.<sup>2</sup>

The anti-gag law requires all federal agency nondisclosure policies, forms, or agreements to include the following explicit statement notifying the employee of their rights to report wrongdoing:

These provisions are consistent with and do not supersede, conflict with, or otherwise alter the employee obligations, rights, or liabilities created by existing statute or Executive order relating to (1) classified information, (2) communications to Congress, (3) the reporting to an Inspector General or the Office of Special Counsel of a violation of any law, rule, or regulation, or mismanagement, a gross waste of funds, an abuse of authority, or a substantial and specific danger to public health or safety, or (4) any other whistleblower protection. The definitions, requirements, obligations, rights, sanctions, and liabilities created by controlling Executive orders and statutory provisions are incorporated into this agreement and are controlling.<sup>3</sup>

Appropriation law prohibits the use of government funds to enforce these agreements if they fail to contain the anti-gag provision.<sup>4</sup>

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<sup>1</sup> 5 USC § 2302(b)(13); Pub. L. No. 117-328

<sup>2</sup> *Id.*

<sup>3</sup> 5 USC § 2302(b)(13).


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Even though Congress made it abundantly clear that employees are required to be informed of their rights to make legally protected disclosures, there's a growing trend among federal agencies to use nondisclosure policies and similar agreements without the inclusion of the anti-gag provision in violation of the law.<sup>5</sup> This is unacceptable.

The importance of whistleblowers knowing their rights under the law cannot be stated enough, and federal agencies should encourage their employees to disclose allegations of waste, fraud, and abuse. Federal agencies cannot be allowed to conceal their wrongdoing behind illegal nondisclosure policies and related actions. Accordingly, I request that you review all nondisclosure policies, forms, agreements, and related documents specific to your agency to ensure the anti-gag provision is included as required by law.

Thank you for your prompt review and response. If you have any questions, please contact Brian Randolph on my Committee staff at (202) 224-0642.

Sincerely,



Charles E. Grassley  
Ranking Member  
Committee on the Budget

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<sup>5</sup> See Letter from Senators Grassley and Johnson to Inspector General Horowitz (Apr. 19, 2023) [https://www.grassley.senate.gov/imo/media/doc/grassley\\_johnson\\_to\\_justice\\_deptinspectorgeneralfbiantigagprovision.pdf](https://www.grassley.senate.gov/imo/media/doc/grassley_johnson_to_justice_deptinspectorgeneralfbiantigagprovision.pdf); Letter from Senators Grassley and Johnson to Inspectors General Horowitz and George (Jun 6, 2023) [https://www.grassley.senate.gov/imo/media/doc/grassley\\_johnson\\_to\\_doj\\_oig\\_tigta\\_-\\_whistleblower\\_retaliation.pdf](https://www.grassley.senate.gov/imo/media/doc/grassley_johnson_to_doj_oig_tigta_-_whistleblower_retaliation.pdf); Letter from Senators Grassley and Johnson to Internal Revenue Service Commissioner Werfel (Jun. 6, 2023) [https://www.grassley.senate.gov/imo/media/doc/grassley\\_johnson\\_to\\_irs\\_-\\_protected\\_whistleblower\\_disclosure.pdf](https://www.grassley.senate.gov/imo/media/doc/grassley_johnson_to_irs_-_protected_whistleblower_disclosure.pdf); Letter from Senator Grassley, Senator Johnson, Representative Smith, and Representative Comer to Special Counsel Kerner (Jul. 5, 2023) [https://www.grassley.senate.gov/imo/media/doc/grassley\\_johnson\\_comer\\_jordan\\_smith\\_to\\_osc\\_-\\_whistleblower\\_retaliation.pdf](https://www.grassley.senate.gov/imo/media/doc/grassley_johnson_comer_jordan_smith_to_osc_-_whistleblower_retaliation.pdf); Letter from Senator Grassley to Health and Human Services Secretary Becerra, Administration for Children and Families Acting Assistant Secretary Hild, and Office of Refugee Resettlement Director Marcos (Nov. 21, 2023) [https://www.grassley.senate.gov/imo/media/doc/grassley\\_to\\_hhs\\_acf\\_and\\_orr\\_-\\_whistleblower\\_protections.pdf](https://www.grassley.senate.gov/imo/media/doc/grassley_to_hhs_acf_and_orr_-_whistleblower_protections.pdf); Letter from Senator Grassley to Acting Special Counsel Gorman (Nov. 21, 2023) [https://www.grassley.senate.gov/imo/media/doc/grassley\\_to\\_osc\\_-\\_hhs\\_whistleblower\\_protections.pdf](https://www.grassley.senate.gov/imo/media/doc/grassley_to_osc_-_hhs_whistleblower_protections.pdf); Letter from Senator Grassley to DOJ-OIG Horowitz (Feb. 12, 2024) [https://www.grassley.senate.gov/imo/media/doc/grassley\\_to\\_doj\\_oig\\_-\\_protected\\_whistleblower\\_disclosures.pdf](https://www.grassley.senate.gov/imo/media/doc/grassley_to_doj_oig_-_protected_whistleblower_disclosures.pdf); Letter from Senator Grassley to Bureau of Alcohol, Tobacco, Firearms, and Explosives Director Dettelbach (Feb. 12, 2024) [https://www.grassley.senate.gov/imo/media/doc/grassley\\_to\\_atf\\_-\\_protected\\_whistleblower\\_disclosures.pdf](https://www.grassley.senate.gov/imo/media/doc/grassley_to_atf_-_protected_whistleblower_disclosures.pdf); Letter from Senator Grassley to Inspector General Horowitz (Mar. 8, 2024) [https://www.grassley.senate.gov/imo/media/doc/grassley\\_to\\_doj\\_inspector\\_general\\_-\\_eoir\\_disclosures\\_to\\_congress.pdf](https://www.grassley.senate.gov/imo/media/doc/grassley_to_doj_inspector_general_-_eoir_disclosures_to_congress.pdf); Letter from Senator Grassley to Attorney General Garland (Mar. 8, 2024) [https://www.grassley.senate.gov/imo/media/doc/grassley\\_to\\_doj\\_-\\_eoir\\_disclosures\\_to\\_congress.pdf](https://www.grassley.senate.gov/imo/media/doc/grassley_to_doj_-_eoir_disclosures_to_congress.pdf); Letter from Senator Grassley to Executive Office for Immigration Review Director David Neal (Mar. 8, 2024) [https://www.grassley.senate.gov/imo/media/doc/grassley\\_to\\_executive\\_office\\_for\\_immigration\\_review\\_-\\_eoir\\_disclosures\\_to\\_congress.pdf](https://www.grassley.senate.gov/imo/media/doc/grassley_to_executive_office_for_immigration_review_-_eoir_disclosures_to_congress.pdf).

United States Senate  
WASHINGTON, DC 20510

March 11, 2024

**VIA ELECTRONIC TRANSMISSION**

Mr. Roderick H. Fillinger  
Inspector General  
Denali Commission

Dear Inspector General Fillinger:

Whistleblowers are patriots and the government's most powerful tool in rooting out waste, fraud, abuse, and misconduct. Nevertheless, federal agencies continue to implement nondisclosure policies and similar agreements without the inclusion of the "anti-gag" provision as required by law.<sup>1</sup> This failure has a chilling effect that discourages whistleblowers from reporting allegations of misconduct to Congress, Inspectors General (IG), and the Office of Special Counsel (OSC). The "anti-gag" provision has been included in almost every appropriations bill since 1988 and was codified in the Whistleblower Protection Enhancement Act.<sup>2</sup>

The anti-gag law requires all federal agency nondisclosure policies, forms, or agreements to include the following explicit statement notifying the employee of their rights to report wrongdoing:

These provisions are consistent with and do not supersede, conflict with, or otherwise alter the employee obligations, rights, or liabilities created by existing statute or Executive order relating to (1) classified information, (2) communications to Congress, (3) the reporting to an Inspector General or the Office of Special Counsel of a violation of any law, rule, or regulation, or mismanagement, a gross waste of funds, an abuse of authority, or a substantial and specific danger to public health or safety, or (4) any other whistleblower protection. The definitions, requirements, obligations, rights, sanctions, and liabilities created by controlling Executive orders and statutory provisions are incorporated into this agreement and are controlling.<sup>3</sup>

Appropriation law prohibits the use of government funds to enforce these agreements if they fail to contain the anti-gag provision.<sup>4</sup>

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<sup>2</sup> *Id.*

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Even though Congress made it abundantly clear that employees are required to be informed of their rights to make legally protected disclosures, there's a growing trend among federal agencies to use nondisclosure policies and similar agreements without the inclusion of the anti-gag provision in violation of the law.<sup>5</sup> This is unacceptable.

The importance of whistleblowers knowing their rights under the law cannot be stated enough, and federal agencies should encourage their employees to disclose allegations of waste, fraud, and abuse. Federal agencies cannot be allowed to conceal their wrongdoing behind illegal nondisclosure policies and related actions. Accordingly, I request that you review all nondisclosure policies, forms, agreements, and related documents specific to your agency to ensure the anti-gag provision is included as required by law.

Thank you for your prompt review and response. If you have any questions, please contact Brian Randolph on my Committee staff at (202) 224-0642.

Sincerely,



Charles E. Grassley  
Ranking Member  
Committee on the Budget

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<sup>5</sup> See Letter from Senators Grassley and Johnson to Inspector General Horowitz (Apr. 19, 2023) [https://www.grassley.senate.gov/imo/media/doc/grassley\\_johnson\\_to\\_justice\\_deptinspectorgeneralfbiantigagprovision.pdf](https://www.grassley.senate.gov/imo/media/doc/grassley_johnson_to_justice_deptinspectorgeneralfbiantigagprovision.pdf); Letter from Senators Grassley and Johnson to Inspectors General Horowitz and George (Jun 6, 2023) [https://www.grassley.senate.gov/imo/media/doc/grassley\\_johnson\\_to\\_dojoig\\_tigta\\_-\\_whistleblower\\_retaliation.pdf](https://www.grassley.senate.gov/imo/media/doc/grassley_johnson_to_dojoig_tigta_-_whistleblower_retaliation.pdf); Letter from Senators Grassley and Johnson to Internal Revenue Service Commissioner Werfel (Jun. 6, 2023) [https://www.grassley.senate.gov/imo/media/doc/grassley\\_johnson\\_to\\_irs\\_-\\_protected\\_whistleblower\\_disclosure.pdf](https://www.grassley.senate.gov/imo/media/doc/grassley_johnson_to_irs_-_protected_whistleblower_disclosure.pdf); Letter from Senator Grassley, Senator Johnson, Representative Smith, and Representative Comer to Special Counsel Kerner (Jul. 5, 2023) [https://www.grassley.senate.gov/imo/media/doc/grassley\\_johnson\\_comer\\_jordan\\_smith\\_to\\_osc\\_-\\_whistleblower\\_retaliation.pdf](https://www.grassley.senate.gov/imo/media/doc/grassley_johnson_comer_jordan_smith_to_osc_-_whistleblower_retaliation.pdf); Letter from Senator Grassley to Health and Human Services Secretary Becerra, Administration for Children and Families Acting Assistant Secretary Hild, and Office of Refugee Resettlement Director Marcos (Nov. 21, 2023) [https://www.grassley.senate.gov/imo/media/doc/grassley\\_to\\_hhs\\_acf\\_and\\_orr\\_-\\_whistleblower\\_protections.pdf](https://www.grassley.senate.gov/imo/media/doc/grassley_to_hhs_acf_and_orr_-_whistleblower_protections.pdf); Letter from Senator Grassley to Acting Special Counsel Gorman (Nov. 21, 2023) [https://www.grassley.senate.gov/imo/media/doc/grassley\\_to\\_osc\\_-\\_hhs\\_whistleblower\\_protections.pdf](https://www.grassley.senate.gov/imo/media/doc/grassley_to_osc_-_hhs_whistleblower_protections.pdf); Letter from Senator Grassley to DOJ-OIG Horowitz (Feb. 12, 2024) [https://www.grassley.senate.gov/imo/media/doc/grassley\\_to\\_doj\\_oig\\_-\\_protected\\_whistleblower\\_disclosures.pdf](https://www.grassley.senate.gov/imo/media/doc/grassley_to_doj_oig_-_protected_whistleblower_disclosures.pdf); Letter from Senator Grassley to Bureau of Alcohol, Tobacco, Firearms, and Explosives Director Dettelbach (Feb. 12, 2024) [https://www.grassley.senate.gov/imo/media/doc/grassley\\_to\\_atf\\_-\\_protected\\_whistleblower\\_disclosures.pdf](https://www.grassley.senate.gov/imo/media/doc/grassley_to_atf_-_protected_whistleblower_disclosures.pdf); Letter from Senator Grassley to Inspector General Horowitz (Mar. 8, 2024) [https://www.grassley.senate.gov/imo/media/doc/grassley\\_to\\_doj\\_inspector\\_general\\_-\\_eoir\\_disclosures\\_to\\_congress.pdf](https://www.grassley.senate.gov/imo/media/doc/grassley_to_doj_inspector_general_-_eoir_disclosures_to_congress.pdf); Letter from Senator Grassley to Attorney General Garland (Mar. 8, 2024) [https://www.grassley.senate.gov/imo/media/doc/grassley\\_to\\_doj\\_-\\_eoir\\_disclosures\\_to\\_congress.pdf](https://www.grassley.senate.gov/imo/media/doc/grassley_to_doj_-_eoir_disclosures_to_congress.pdf); Letter from Senator Grassley to Executive Office for Immigration Review Director David Neal (Mar. 8, 2024) [https://www.grassley.senate.gov/imo/media/doc/grassley\\_to\\_executive\\_office\\_for\\_immigration\\_review\\_-\\_eoir\\_disclosures\\_to\\_congress.pdf](https://www.grassley.senate.gov/imo/media/doc/grassley_to_executive_office_for_immigration_review_-_eoir_disclosures_to_congress.pdf).

United States Senate  
WASHINGTON, DC 20510

March 11, 2024

**VIA ELECTRONIC TRANSMISSION**

The Honorable Phyllis Fong  
Inspector General  
Department of Agriculture

Dear Inspector General Fong:

Whistleblowers are patriots and the government's most powerful tool in rooting out waste, fraud, abuse, and misconduct. Nevertheless, federal agencies continue to implement nondisclosure policies and similar agreements without the inclusion of the "anti-gag" provision as required by law.<sup>1</sup> This failure has a chilling effect that discourages whistleblowers from reporting allegations of misconduct to Congress, Inspectors General (IG), and the Office of Special Counsel (OSC). The "anti-gag" provision has been included in almost every appropriations bill since 1988 and was codified in the Whistleblower Protection Enhancement Act.<sup>2</sup>

The anti-gag law requires all federal agency nondisclosure policies, forms, or agreements to include the following explicit statement notifying the employee of their rights to report wrongdoing:

These provisions are consistent with and do not supersede, conflict with, or otherwise alter the employee obligations, rights, or liabilities created by existing statute or Executive order relating to (1) classified information, (2) communications to Congress, (3) the reporting to an Inspector General or the Office of Special Counsel of a violation of any law, rule, or regulation, or mismanagement, a gross waste of funds, an abuse of authority, or a substantial and specific danger to public health or safety, or (4) any other whistleblower protection. The definitions, requirements, obligations, rights, sanctions, and liabilities created by controlling Executive orders and statutory provisions are incorporated into this agreement and are controlling.<sup>3</sup>

Appropriation law prohibits the use of government funds to enforce these agreements if they fail to contain the anti-gag provision.<sup>4</sup>

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<sup>2</sup> *Id.*

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Even though Congress made it abundantly clear that employees are required to be informed of their rights to make legally protected disclosures, there's a growing trend among federal agencies to use nondisclosure policies and similar agreements without the inclusion of the anti-gag provision in violation of the law.<sup>5</sup> This is unacceptable.

The importance of whistleblowers knowing their rights under the law cannot be stated enough, and federal agencies should encourage their employees to disclose allegations of waste, fraud, and abuse. Federal agencies cannot be allowed to conceal their wrongdoing behind illegal nondisclosure policies and related actions. Accordingly, I request that you review all nondisclosure policies, forms, agreements, and related documents specific to your agency to ensure the anti-gag provision is included as required by law.

Thank you for your prompt review and response. If you have any questions, please contact Brian Randolph on my Committee staff at (202) 224-0642.

Sincerely,



Charles E. Grassley  
Ranking Member  
Committee on the Budget

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United States Senate  
WASHINGTON, DC 20510

March 11, 2024

**VIA ELECTRONIC TRANSMISSION**

Mr. Roderick Anderson  
Acting Inspector General  
Department of Commerce

Dear Acting Inspector General Anderson:

Whistleblowers are patriots and the government's most powerful tool in rooting out waste, fraud, abuse, and misconduct. Nevertheless, federal agencies continue to implement nondisclosure policies and similar agreements without the inclusion of the "anti-gag" provision as required by law.<sup>1</sup> This failure has a chilling effect that discourages whistleblowers from reporting allegations of misconduct to Congress, Inspectors General (IG), and the Office of Special Counsel (OSC). The "anti-gag" provision has been included in almost every appropriations bill since 1988 and was codified in the Whistleblower Protection Enhancement Act.<sup>2</sup>

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Even though Congress made it abundantly clear that employees are required to be informed of their rights to make legally protected disclosures, there's a growing trend among federal agencies to use nondisclosure policies and similar agreements without the inclusion of the anti-gag provision in violation of the law.<sup>5</sup> This is unacceptable.

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Thank you for your prompt review and response. If you have any questions, please contact Brian Randolph on my Committee staff at (202) 224-0642.

Sincerely,



Charles E. Grassley  
Ranking Member  
Committee on the Budget

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United States Senate  
WASHINGTON, DC 20510

March 11, 2024

**VIA ELECTRONIC TRANSMISSION**

The Honorable Robert P. Storch  
Inspector General  
Department of Defense

Dear Inspector General Storch:

Whistleblowers are patriots and the government's most powerful tool in rooting out waste, fraud, abuse, and misconduct. Nevertheless, federal agencies continue to implement nondisclosure policies and similar agreements without the inclusion of the "anti-gag" provision as required by law.<sup>1</sup> This failure has a chilling effect that discourages whistleblowers from reporting allegations of misconduct to Congress, Inspectors General (IG), and the Office of Special Counsel (OSC). The "anti-gag" provision has been included in almost every appropriations bill since 1988 and was codified in the Whistleblower Protection Enhancement Act.<sup>2</sup>

The anti-gag law requires all federal agency nondisclosure policies, forms, or agreements to include the following explicit statement notifying the employee of their rights to report wrongdoing:

These provisions are consistent with and do not supersede, conflict with, or otherwise alter the employee obligations, rights, or liabilities created by existing statute or Executive order relating to (1) classified information, (2) communications to Congress, (3) the reporting to an Inspector General or the Office of Special Counsel of a violation of any law, rule, or regulation, or mismanagement, a gross waste of funds, an abuse of authority, or a substantial and specific danger to public health or safety, or (4) any other whistleblower protection. The definitions, requirements, obligations, rights, sanctions, and liabilities created by controlling Executive orders and statutory provisions are incorporated into this agreement and are controlling.<sup>3</sup>

Appropriation law prohibits the use of government funds to enforce these agreements if they fail to contain the anti-gag provision.<sup>4</sup>

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<sup>1</sup> 5 USC § 2302(b)(13); Pub. L. No. 117-328

<sup>2</sup> *Id.*

<sup>3</sup> 5 USC § 2302(b)(13).

<sup>4</sup> Pub. L. No. 117-328.

Even though Congress made it abundantly clear that employees are required to be informed of their rights to make legally protected disclosures, there's a growing trend among federal agencies to use nondisclosure policies and similar agreements without the inclusion of the anti-gag provision in violation of the law.<sup>5</sup> This is unacceptable.

The importance of whistleblowers knowing their rights under the law cannot be stated enough, and federal agencies should encourage their employees to disclose allegations of waste, fraud, and abuse. Federal agencies cannot be allowed to conceal their wrongdoing behind illegal nondisclosure policies and related actions. Accordingly, I request that you review all nondisclosure policies, forms, agreements, and related documents specific to your agency to ensure the anti-gag provision is included as required by law.

Thank you for your prompt review and response. If you have any questions, please contact Brian Randolph on my Committee staff at (202) 224-0642.

Sincerely,



Charles E. Grassley  
Ranking Member  
Committee on the Budget

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<sup>5</sup> See Letter from Senators Grassley and Johnson to Inspector General Horowitz (Apr. 19, 2023) [https://www.grassley.senate.gov/imo/media/doc/grassley\\_johnson\\_to\\_justice\\_deptinspectorgeneralfbiantigagprovision.pdf](https://www.grassley.senate.gov/imo/media/doc/grassley_johnson_to_justice_deptinspectorgeneralfbiantigagprovision.pdf); Letter from Senators Grassley and Johnson to Inspectors General Horowitz and George (Jun 6, 2023) [https://www.grassley.senate.gov/imo/media/doc/grassley\\_johnson\\_to\\_doj\\_oig\\_tigta\\_-\\_whistleblower\\_retaliation.pdf](https://www.grassley.senate.gov/imo/media/doc/grassley_johnson_to_doj_oig_tigta_-_whistleblower_retaliation.pdf); Letter from Senators Grassley and Johnson to Internal Revenue Service Commissioner Werfel (Jun. 6, 2023) [https://www.grassley.senate.gov/imo/media/doc/grassley\\_johnson\\_to\\_irs\\_-\\_protected\\_whistleblower\\_disclosure.pdf](https://www.grassley.senate.gov/imo/media/doc/grassley_johnson_to_irs_-_protected_whistleblower_disclosure.pdf); Letter from Senator Grassley, Senator Johnson, Representative Smith, and Representative Comer to Special Counsel Kerner (Jul. 5, 2023) [https://www.grassley.senate.gov/imo/media/doc/grassley\\_johnson\\_comer\\_jordan\\_smith\\_to\\_osc\\_-\\_whistleblower\\_retaliation.pdf](https://www.grassley.senate.gov/imo/media/doc/grassley_johnson_comer_jordan_smith_to_osc_-_whistleblower_retaliation.pdf); Letter from Senator Grassley to Health and Human Services Secretary Becerra, Administration for Children and Families Acting Assistant Secretary Hild, and Office of Refugee Resettlement Director Marcos (Nov. 21, 2023) [https://www.grassley.senate.gov/imo/media/doc/grassley\\_to\\_hhs\\_acf\\_and\\_orr\\_-\\_whistleblower\\_protections.pdf](https://www.grassley.senate.gov/imo/media/doc/grassley_to_hhs_acf_and_orr_-_whistleblower_protections.pdf); Letter from Senator Grassley to Acting Special Counsel Gorman (Nov. 21, 2023) [https://www.grassley.senate.gov/imo/media/doc/grassley\\_to\\_osc\\_-\\_hhs\\_whistleblower\\_protections.pdf](https://www.grassley.senate.gov/imo/media/doc/grassley_to_osc_-_hhs_whistleblower_protections.pdf); Letter from Senator Grassley to DOJ-OIG Horowitz (Feb. 12, 2024) [https://www.grassley.senate.gov/imo/media/doc/grassley\\_to\\_doj\\_oig\\_-\\_protected\\_whistleblower\\_disclosures.pdf](https://www.grassley.senate.gov/imo/media/doc/grassley_to_doj_oig_-_protected_whistleblower_disclosures.pdf); Letter from Senator Grassley to Bureau of Alcohol, Tobacco, Firearms, and Explosives Director Dettelbach (Feb. 12, 2024) [https://www.grassley.senate.gov/imo/media/doc/grassley\\_to\\_atf\\_-\\_protected\\_whistleblower\\_disclosures.pdf](https://www.grassley.senate.gov/imo/media/doc/grassley_to_atf_-_protected_whistleblower_disclosures.pdf); Letter from Senator Grassley to Inspector General Horowitz (Mar. 8, 2024) [https://www.grassley.senate.gov/imo/media/doc/grassley\\_to\\_doj\\_inspector\\_general\\_-\\_eoir\\_disclosures\\_to\\_congress.pdf](https://www.grassley.senate.gov/imo/media/doc/grassley_to_doj_inspector_general_-_eoir_disclosures_to_congress.pdf); Letter from Senator Grassley to Attorney General Garland (Mar. 8, 2024) [https://www.grassley.senate.gov/imo/media/doc/grassley\\_to\\_doj\\_-\\_eoir\\_disclosures\\_to\\_congress.pdf](https://www.grassley.senate.gov/imo/media/doc/grassley_to_doj_-_eoir_disclosures_to_congress.pdf); Letter from Senator Grassley to Executive Office for Immigration Review Director David Neal (Mar. 8, 2024) [https://www.grassley.senate.gov/imo/media/doc/grassley\\_to\\_executive\\_office\\_for\\_immigration\\_review\\_-\\_eoir\\_disclosures\\_to\\_congress.pdf](https://www.grassley.senate.gov/imo/media/doc/grassley_to_executive_office_for_immigration_review_-_eoir_disclosures_to_congress.pdf).

United States Senate  
WASHINGTON, DC 20510

March 11, 2024

**VIA ELECTRONIC TRANSMISSION**

The Honorable Sandra D. Bruce  
Inspector General  
Department of Education

Dear Inspector General Bruce:

Whistleblowers are patriots and the government's most powerful tool in rooting out waste, fraud, abuse, and misconduct. Nevertheless, federal agencies continue to implement nondisclosure policies and similar agreements without the inclusion of the "anti-gag" provision as required by law.<sup>1</sup> This failure has a chilling effect that discourages whistleblowers from reporting allegations of misconduct to Congress, Inspectors General (IG), and the Office of Special Counsel (OSC). The "anti-gag" provision has been included in almost every appropriations bill since 1988 and was codified in the Whistleblower Protection Enhancement Act.<sup>2</sup>

The anti-gag law requires all federal agency nondisclosure policies, forms, or agreements to include the following explicit statement notifying the employee of their rights to report wrongdoing:

These provisions are consistent with and do not supersede, conflict with, or otherwise alter the employee obligations, rights, or liabilities created by existing statute or Executive order relating to (1) classified information, (2) communications to Congress, (3) the reporting to an Inspector General or the Office of Special Counsel of a violation of any law, rule, or regulation, or mismanagement, a gross waste of funds, an abuse of authority, or a substantial and specific danger to public health or safety, or (4) any other whistleblower protection. The definitions, requirements, obligations, rights, sanctions, and liabilities created by controlling Executive orders and statutory provisions are incorporated into this agreement and are controlling.<sup>3</sup>

Appropriation law prohibits the use of government funds to enforce these agreements if they fail to contain the anti-gag provision.<sup>4</sup>

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<sup>2</sup> *Id.*

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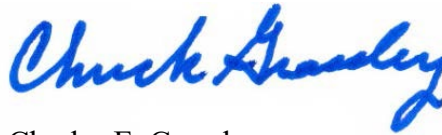
<sup>4</sup> Pub. L. No. 117-328.

Even though Congress made it abundantly clear that employees are required to be informed of their rights to make legally protected disclosures, there's a growing trend among federal agencies to use nondisclosure policies and similar agreements without the inclusion of the anti-gag provision in violation of the law.<sup>5</sup> This is unacceptable.

The importance of whistleblowers knowing their rights under the law cannot be stated enough, and federal agencies should encourage their employees to disclose allegations of waste, fraud, and abuse. Federal agencies cannot be allowed to conceal their wrongdoing behind illegal nondisclosure policies and related actions. Accordingly, I request that you review all nondisclosure policies, forms, agreements, and related documents specific to your agency to ensure the anti-gag provision is included as required by law.

Thank you for your prompt review and response. If you have any questions, please contact Brian Randolph on my Committee staff at (202) 224-0642.

Sincerely,



Charles E. Grassley  
Ranking Member  
Committee on the Budget

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<sup>5</sup> See Letter from Senators Grassley and Johnson to Inspector General Horowitz (Apr. 19, 2023) [https://www.grassley.senate.gov/imo/media/doc/grassley\\_johnson\\_to\\_justice\\_deptinspectorgeneralfbiantigagprovision.pdf](https://www.grassley.senate.gov/imo/media/doc/grassley_johnson_to_justice_deptinspectorgeneralfbiantigagprovision.pdf); Letter from Senators Grassley and Johnson to Inspectors General Horowitz and George (Jun 6, 2023) [https://www.grassley.senate.gov/imo/media/doc/grassley\\_johnson\\_to\\_dojoig\\_tigta\\_-\\_whistleblower\\_retaliation.pdf](https://www.grassley.senate.gov/imo/media/doc/grassley_johnson_to_dojoig_tigta_-_whistleblower_retaliation.pdf); Letter from Senators Grassley and Johnson to Internal Revenue Service Commissioner Werfel (Jun. 6, 2023) [https://www.grassley.senate.gov/imo/media/doc/grassley\\_johnson\\_to\\_irs\\_-\\_protected\\_whistleblower\\_disclosure.pdf](https://www.grassley.senate.gov/imo/media/doc/grassley_johnson_to_irs_-_protected_whistleblower_disclosure.pdf); Letter from Senator Grassley, Senator Johnson, Representative Smith, and Representative Comer to Special Counsel Kerner (Jul. 5, 2023) [https://www.grassley.senate.gov/imo/media/doc/grassley\\_johnson\\_comer\\_jordan\\_smith\\_to\\_osc\\_-\\_whistleblower\\_retaliation.pdf](https://www.grassley.senate.gov/imo/media/doc/grassley_johnson_comer_jordan_smith_to_osc_-_whistleblower_retaliation.pdf); Letter from Senator Grassley to Health and Human Services Secretary Becerra, Administration for Children and Families Acting Assistant Secretary Hild, and Office of Refugee Resettlement Director Marcos (Nov. 21, 2023) [https://www.grassley.senate.gov/imo/media/doc/grassley\\_to\\_hhs\\_acf\\_and\\_orr\\_-\\_whistleblower\\_protections.pdf](https://www.grassley.senate.gov/imo/media/doc/grassley_to_hhs_acf_and_orr_-_whistleblower_protections.pdf); Letter from Senator Grassley to Acting Special Counsel Gorman (Nov. 21, 2023) [https://www.grassley.senate.gov/imo/media/doc/grassley\\_to\\_osc\\_-\\_hhs\\_whistleblower\\_protections.pdf](https://www.grassley.senate.gov/imo/media/doc/grassley_to_osc_-_hhs_whistleblower_protections.pdf); Letter from Senator Grassley to DOJ-OIG Horowitz (Feb. 12, 2024) [https://www.grassley.senate.gov/imo/media/doc/grassley\\_to\\_doj\\_oig\\_-\\_protected\\_whistleblower\\_disclosures.pdf](https://www.grassley.senate.gov/imo/media/doc/grassley_to_doj_oig_-_protected_whistleblower_disclosures.pdf); Letter from Senator Grassley to Bureau of Alcohol, Tobacco, Firearms, and Explosives Director Dettelbach (Feb. 12, 2024) [https://www.grassley.senate.gov/imo/media/doc/grassley\\_to\\_atf\\_-\\_protected\\_whistleblower\\_disclosures.pdf](https://www.grassley.senate.gov/imo/media/doc/grassley_to_atf_-_protected_whistleblower_disclosures.pdf); Letter from Senator Grassley to Inspector General Horowitz (Mar. 8, 2024) [https://www.grassley.senate.gov/imo/media/doc/grassley\\_to\\_doj\\_inspector\\_general\\_-\\_eoir\\_disclosures\\_to\\_congress.pdf](https://www.grassley.senate.gov/imo/media/doc/grassley_to_doj_inspector_general_-_eoir_disclosures_to_congress.pdf); Letter from Senator Grassley to Attorney General Garland (Mar. 8, 2024) [https://www.grassley.senate.gov/imo/media/doc/grassley\\_to\\_doj\\_-\\_eoir\\_disclosures\\_to\\_congress.pdf](https://www.grassley.senate.gov/imo/media/doc/grassley_to_doj_-_eoir_disclosures_to_congress.pdf); Letter from Senator Grassley to Executive Office for Immigration Review Director David Neal (Mar. 8, 2024) [https://www.grassley.senate.gov/imo/media/doc/grassley\\_to\\_executive\\_office\\_for\\_immigration\\_review\\_-\\_eoir\\_disclosures\\_to\\_congress.pdf](https://www.grassley.senate.gov/imo/media/doc/grassley_to_executive_office_for_immigration_review_-_eoir_disclosures_to_congress.pdf).

**United States Senate**  
WASHINGTON, DC 20510

March 11, 2024

**VIA ELECTRONIC TRANSMISSION**

The Honorable Teri L. Donaldson  
Inspector General  
Department of Energy

Dear Inspector General Donaldson:

Whistleblowers are patriots and the government's most powerful tool in rooting out waste, fraud, abuse, and misconduct. Nevertheless, federal agencies continue to implement nondisclosure policies and similar agreements without the inclusion of the "anti-gag" provision as required by law.<sup>1</sup> This failure has a chilling effect that discourages whistleblowers from reporting allegations of misconduct to Congress, Inspectors General (IG), and the Office of Special Counsel (OSC). The "anti-gag" provision has been included in almost every appropriations bill since 1988 and was codified in the Whistleblower Protection Enhancement Act.<sup>2</sup>

The anti-gag law requires all federal agency nondisclosure policies, forms, or agreements to include the following explicit statement notifying the employee of their rights to report wrongdoing:

These provisions are consistent with and do not supersede, conflict with, or otherwise alter the employee obligations, rights, or liabilities created by existing statute or Executive order relating to (1) classified information, (2) communications to Congress, (3) the reporting to an Inspector General or the Office of Special Counsel of a violation of any law, rule, or regulation, or mismanagement, a gross waste of funds, an abuse of authority, or a substantial and specific danger to public health or safety, or (4) any other whistleblower protection. The definitions, requirements, obligations, rights, sanctions, and liabilities created by controlling Executive orders and statutory provisions are incorporated into this agreement and are controlling.<sup>3</sup>

Appropriation law prohibits the use of government funds to enforce these agreements if they fail to contain the anti-gag provision.<sup>4</sup>

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<sup>2</sup> *Id.*

<sup>3</sup> 5 USC § 2302(b)(13).

<sup>4</sup> Pub. L. No. 117-328.

Even though Congress made it abundantly clear that employees are required to be informed of their rights to make legally protected disclosures, there's a growing trend among federal agencies to use nondisclosure policies and similar agreements without the inclusion of the anti-gag provision in violation of the law.<sup>5</sup> This is unacceptable.

The importance of whistleblowers knowing their rights under the law cannot be stated enough, and federal agencies should encourage their employees to disclose allegations of waste, fraud, and abuse. Federal agencies cannot be allowed to conceal their wrongdoing behind illegal nondisclosure policies and related actions. Accordingly, I request that you review all nondisclosure policies, forms, agreements, and related documents specific to your agency to ensure the anti-gag provision is included as required by law.

Thank you for your prompt review and response. If you have any questions, please contact Brian Randolph on my Committee staff at (202) 224-0642.

Sincerely,



Charles E. Grassley  
Ranking Member  
Committee on the Budget

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United States Senate  
WASHINGTON, DC 20510

March 11, 2024

**VIA ELECTRONIC TRANSMISSION**

The Honorable Christi Grimm  
Inspector General  
Department of Health & Human Services

Dear Inspector General Grimm:

Whistleblowers are patriots and the government's most powerful tool in rooting out waste, fraud, abuse, and misconduct. Nevertheless, federal agencies continue to implement nondisclosure policies and similar agreements without the inclusion of the "anti-gag" provision as required by law.<sup>1</sup> This failure has a chilling effect that discourages whistleblowers from reporting allegations of misconduct to Congress, Inspectors General (IG), and the Office of Special Counsel (OSC). The "anti-gag" provision has been included in almost every appropriations bill since 1988 and was codified in the Whistleblower Protection Enhancement Act.<sup>2</sup>

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Thank you for your prompt review and response. If you have any questions, please contact Brian Randolph on my Committee staff at (202) 224-0642.

Sincerely,



Charles E. Grassley  
Ranking Member  
Committee on the Budget

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<sup>5</sup> See Letter from Senators Grassley and Johnson to Inspector General Horowitz (Apr. 19, 2023) [https://www.grassley.senate.gov/imo/media/doc/grassley\\_johnson\\_to\\_justice\\_deptinspectorgeneralfbiantigagprovision.pdf](https://www.grassley.senate.gov/imo/media/doc/grassley_johnson_to_justice_deptinspectorgeneralfbiantigagprovision.pdf); Letter from Senators Grassley and Johnson to Inspectors General Horowitz and George (Jun 6, 2023) [https://www.grassley.senate.gov/imo/media/doc/grassley\\_johnson\\_to\\_doj\\_oig\\_tigta\\_-\\_whistleblower\\_retaliation.pdf](https://www.grassley.senate.gov/imo/media/doc/grassley_johnson_to_doj_oig_tigta_-_whistleblower_retaliation.pdf); Letter from Senators Grassley and Johnson to Internal Revenue Service Commissioner Werfel (Jun. 6, 2023) [https://www.grassley.senate.gov/imo/media/doc/grassley\\_johnson\\_to\\_irs\\_-\\_protected\\_whistleblower\\_disclosure.pdf](https://www.grassley.senate.gov/imo/media/doc/grassley_johnson_to_irs_-_protected_whistleblower_disclosure.pdf); Letter from Senator Grassley, Senator Johnson, Representative Smith, and Representative Comer to Special Counsel Kerner (Jul. 5, 2023) [https://www.grassley.senate.gov/imo/media/doc/grassley\\_johnson\\_comer\\_jordan\\_smith\\_to\\_osc\\_-\\_whistleblower\\_retaliation.pdf](https://www.grassley.senate.gov/imo/media/doc/grassley_johnson_comer_jordan_smith_to_osc_-_whistleblower_retaliation.pdf); Letter from Senator Grassley to Health and Human Services Secretary Becerra, Administration for Children and Families Acting Assistant Secretary Hild, and Office of Refugee Resettlement Director Marcos (Nov. 21, 2023) [https://www.grassley.senate.gov/imo/media/doc/grassley\\_to\\_hhs\\_acf\\_and\\_orr\\_-\\_whistleblower\\_protections.pdf](https://www.grassley.senate.gov/imo/media/doc/grassley_to_hhs_acf_and_orr_-_whistleblower_protections.pdf); Letter from Senator Grassley to Acting Special Counsel Gorman (Nov. 21, 2023) [https://www.grassley.senate.gov/imo/media/doc/grassley\\_to\\_osc\\_-\\_hhs\\_whistleblower\\_protections.pdf](https://www.grassley.senate.gov/imo/media/doc/grassley_to_osc_-_hhs_whistleblower_protections.pdf); Letter from Senator Grassley to DOJ-OIG Horowitz (Feb. 12, 2024) [https://www.grassley.senate.gov/imo/media/doc/grassley\\_to\\_doj\\_oig\\_-\\_protected\\_whistleblower\\_disclosures.pdf](https://www.grassley.senate.gov/imo/media/doc/grassley_to_doj_oig_-_protected_whistleblower_disclosures.pdf); Letter from Senator Grassley to Bureau of Alcohol, Tobacco, Firearms, and Explosives Director Dettelbach (Feb. 12, 2024) [https://www.grassley.senate.gov/imo/media/doc/grassley\\_to\\_atf\\_-\\_protected\\_whistleblower\\_disclosures.pdf](https://www.grassley.senate.gov/imo/media/doc/grassley_to_atf_-_protected_whistleblower_disclosures.pdf); Letter from Senator Grassley to Inspector General Horowitz (Mar. 8, 2024) [https://www.grassley.senate.gov/imo/media/doc/grassley\\_to\\_doj\\_inspector\\_general\\_-\\_eoir\\_disclosures\\_to\\_congress.pdf](https://www.grassley.senate.gov/imo/media/doc/grassley_to_doj_inspector_general_-_eoir_disclosures_to_congress.pdf); Letter from Senator Grassley to Attorney General Garland (Mar. 8, 2024) [https://www.grassley.senate.gov/imo/media/doc/grassley\\_to\\_doj\\_-\\_eoir\\_disclosures\\_to\\_congress.pdf](https://www.grassley.senate.gov/imo/media/doc/grassley_to_doj_-_eoir_disclosures_to_congress.pdf); Letter from Senator Grassley to Executive Office for Immigration Review Director David Neal (Mar. 8, 2024) [https://www.grassley.senate.gov/imo/media/doc/grassley\\_to\\_executive\\_office\\_for\\_immigration\\_review\\_-\\_eoir\\_disclosures\\_to\\_congress.pdf](https://www.grassley.senate.gov/imo/media/doc/grassley_to_executive_office_for_immigration_review_-_eoir_disclosures_to_congress.pdf).

United States Senate  
WASHINGTON, DC 20510

March 11, 2024

**VIA ELECTRONIC TRANSMISSION**

The Honorable Joseph Cuffari  
Inspector General  
Department of Homeland Security

Dear Inspector General Cuffari:

Whistleblowers are patriots and the government's most powerful tool in rooting out waste, fraud, abuse, and misconduct. Nevertheless, federal agencies continue to implement nondisclosure policies and similar agreements without the inclusion of the "anti-gag" provision as required by law.<sup>1</sup> This failure has a chilling effect that discourages whistleblowers from reporting allegations of misconduct to Congress, Inspectors General (IG), and the Office of Special Counsel (OSC). The "anti-gag" provision has been included in almost every appropriations bill since 1988 and was codified in the Whistleblower Protection Enhancement Act.<sup>2</sup>

The anti-gag law requires all federal agency nondisclosure policies, forms, or agreements to include the following explicit statement notifying the employee of their rights to report wrongdoing:

These provisions are consistent with and do not supersede, conflict with, or otherwise alter the employee obligations, rights, or liabilities created by existing statute or Executive order relating to (1) classified information, (2) communications to Congress, (3) the reporting to an Inspector General or the Office of Special Counsel of a violation of any law, rule, or regulation, or mismanagement, a gross waste of funds, an abuse of authority, or a substantial and specific danger to public health or safety, or (4) any other whistleblower protection. The definitions, requirements, obligations, rights, sanctions, and liabilities created by controlling Executive orders and statutory provisions are incorporated into this agreement and are controlling.<sup>3</sup>

Appropriation law prohibits the use of government funds to enforce these agreements if they fail to contain the anti-gag provision.<sup>4</sup>

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<sup>1</sup> 5 USC § 2302(b)(13); Pub. L. No. 117-328

<sup>2</sup> *Id.*

<sup>3</sup> 5 USC § 2302(b)(13).

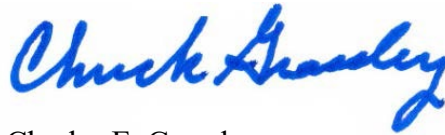
<sup>4</sup> Pub. L. No. 117-328.

Even though Congress made it abundantly clear that employees are required to be informed of their rights to make legally protected disclosures, there's a growing trend among federal agencies to use nondisclosure policies and similar agreements without the inclusion of the anti-gag provision in violation of the law.<sup>5</sup> This is unacceptable.

The importance of whistleblowers knowing their rights under the law cannot be stated enough, and federal agencies should encourage their employees to disclose allegations of waste, fraud, and abuse. Federal agencies cannot be allowed to conceal their wrongdoing behind illegal nondisclosure policies and related actions. Accordingly, I request that you review all nondisclosure policies, forms, agreements, and related documents specific to your agency to ensure the anti-gag provision is included as required by law.

Thank you for your prompt review and response. If you have any questions, please contact Brian Randolph on my Committee staff at (202) 224-0642.

Sincerely,



Charles E. Grassley  
Ranking Member  
Committee on the Budget

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<sup>5</sup> See Letter from Senators Grassley and Johnson to Inspector General Horowitz (Apr. 19, 2023) [https://www.grassley.senate.gov/imo/media/doc/grassley\\_johnson\\_to\\_justice\\_deptinspectorgeneralfbiantigagprovision.pdf](https://www.grassley.senate.gov/imo/media/doc/grassley_johnson_to_justice_deptinspectorgeneralfbiantigagprovision.pdf); Letter from Senators Grassley and Johnson to Inspectors General Horowitz and George (Jun 6, 2023) [https://www.grassley.senate.gov/imo/media/doc/grassley\\_johnson\\_to\\_doj\\_oig\\_tigta\\_-\\_whistleblower\\_retaliation.pdf](https://www.grassley.senate.gov/imo/media/doc/grassley_johnson_to_doj_oig_tigta_-_whistleblower_retaliation.pdf); Letter from Senators Grassley and Johnson to Internal Revenue Service Commissioner Werfel (Jun. 6, 2023) [https://www.grassley.senate.gov/imo/media/doc/grassley\\_johnson\\_to\\_irs\\_-\\_protected\\_whistleblower\\_disclosure.pdf](https://www.grassley.senate.gov/imo/media/doc/grassley_johnson_to_irs_-_protected_whistleblower_disclosure.pdf); Letter from Senator Grassley, Senator Johnson, Representative Smith, and Representative Comer to Special Counsel Kerner (Jul. 5, 2023) [https://www.grassley.senate.gov/imo/media/doc/grassley\\_johnson\\_comer\\_jordan\\_smith\\_to\\_osc\\_-\\_whistleblower\\_retaliation.pdf](https://www.grassley.senate.gov/imo/media/doc/grassley_johnson_comer_jordan_smith_to_osc_-_whistleblower_retaliation.pdf); Letter from Senator Grassley to Health and Human Services Secretary Becerra, Administration for Children and Families Acting Assistant Secretary Hild, and Office of Refugee Resettlement Director Marcos (Nov. 21, 2023) [https://www.grassley.senate.gov/imo/media/doc/grassley\\_to\\_hhs\\_acf\\_and\\_orr\\_-\\_whistleblower\\_protections.pdf](https://www.grassley.senate.gov/imo/media/doc/grassley_to_hhs_acf_and_orr_-_whistleblower_protections.pdf); Letter from Senator Grassley to Acting Special Counsel Gorman (Nov. 21, 2023) [https://www.grassley.senate.gov/imo/media/doc/grassley\\_to\\_osc\\_-\\_hhs\\_whistleblower\\_protections.pdf](https://www.grassley.senate.gov/imo/media/doc/grassley_to_osc_-_hhs_whistleblower_protections.pdf); Letter from Senator Grassley to DOJ-OIG Horowitz (Feb. 12, 2024) [https://www.grassley.senate.gov/imo/media/doc/grassley\\_to\\_doj\\_oig\\_-\\_protected\\_whistleblower\\_disclosures.pdf](https://www.grassley.senate.gov/imo/media/doc/grassley_to_doj_oig_-_protected_whistleblower_disclosures.pdf); Letter from Senator Grassley to Bureau of Alcohol, Tobacco, Firearms, and Explosives Director Dettelbach (Feb. 12, 2024) [https://www.grassley.senate.gov/imo/media/doc/grassley\\_to\\_atf\\_-\\_protected\\_whistleblower\\_disclosures.pdf](https://www.grassley.senate.gov/imo/media/doc/grassley_to_atf_-_protected_whistleblower_disclosures.pdf); Letter from Senator Grassley to Inspector General Horowitz (Mar. 8, 2024) [https://www.grassley.senate.gov/imo/media/doc/grassley\\_to\\_doj\\_inspector\\_general\\_-\\_eoir\\_disclosures\\_to\\_congress.pdf](https://www.grassley.senate.gov/imo/media/doc/grassley_to_doj_inspector_general_-_eoir_disclosures_to_congress.pdf); Letter from Senator Grassley to Attorney General Garland (Mar. 8, 2024) [https://www.grassley.senate.gov/imo/media/doc/grassley\\_to\\_doj\\_-\\_eoir\\_disclosures\\_to\\_congress.pdf](https://www.grassley.senate.gov/imo/media/doc/grassley_to_doj_-_eoir_disclosures_to_congress.pdf); Letter from Senator Grassley to Executive Office for Immigration Review Director David Neal (Mar. 8, 2024) [https://www.grassley.senate.gov/imo/media/doc/grassley\\_to\\_executive\\_office\\_for\\_immigration\\_review\\_-\\_eoir\\_disclosures\\_to\\_congress.pdf](https://www.grassley.senate.gov/imo/media/doc/grassley_to_executive_office_for_immigration_review_-_eoir_disclosures_to_congress.pdf).

**United States Senate**  
WASHINGTON, DC 20510

March 11, 2024

**VIA ELECTRONIC TRANSMISSION**

The Honorable Valeria “Rae” Oliver Davis  
Inspector General  
Department of Housing and Urban Development

Dear Inspector General Davis:

Whistleblowers are patriots and the government’s most powerful tool in rooting out waste, fraud, abuse, and misconduct. Nevertheless, federal agencies continue to implement nondisclosure policies and similar agreements without the inclusion of the “anti-gag” provision as required by law.<sup>1</sup> This failure has a chilling effect that discourages whistleblowers from reporting allegations of misconduct to Congress, Inspectors General (IG), and the Office of Special Counsel (OSC). The “anti-gag” provision has been included in almost every appropriations bill since 1988 and was codified in the Whistleblower Protection Enhancement Act.<sup>2</sup>

The anti-gag law requires all federal agency nondisclosure policies, forms, or agreements to include the following explicit statement notifying the employee of their rights to report wrongdoing:

These provisions are consistent with and do not supersede, conflict with, or otherwise alter the employee obligations, rights, or liabilities created by existing statute or Executive order relating to (1) classified information, (2) communications to Congress, (3) the reporting to an Inspector General or the Office of Special Counsel of a violation of any law, rule, or regulation, or mismanagement, a gross waste of funds, an abuse of authority, or a substantial and specific danger to public health or safety, or (4) any other whistleblower protection. The definitions, requirements, obligations, rights, sanctions, and liabilities created by controlling Executive orders and statutory provisions are incorporated into this agreement and are controlling.<sup>3</sup>

Appropriation law prohibits the use of government funds to enforce these agreements if they fail to contain the anti-gag provision.<sup>4</sup>

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<sup>1</sup> 5 USC § 2302(b)(13); Pub. L. No. 117-328

<sup>2</sup> *Id.*

<sup>3</sup> 5 USC § 2302(b)(13).

<sup>4</sup> Pub. L. No. 117-328.

Even though Congress made it abundantly clear that employees are required to be informed of their rights to make legally protected disclosures, there's a growing trend among federal agencies to use nondisclosure policies and similar agreements without the inclusion of the anti-gag provision in violation of the law.<sup>5</sup> This is unacceptable.

The importance of whistleblowers knowing their rights under the law cannot be stated enough, and federal agencies should encourage their employees to disclose allegations of waste, fraud, and abuse. Federal agencies cannot be allowed to conceal their wrongdoing behind illegal nondisclosure policies and related actions. Accordingly, I request that you review all nondisclosure policies, forms, agreements, and related documents specific to your agency to ensure the anti-gag provision is included as required by law.

Thank you for your prompt review and response. If you have any questions, please contact Brian Randolph on my Committee staff at (202) 224-0642.

Sincerely,



Charles E. Grassley  
Ranking Member  
Committee on the Budget

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<sup>5</sup> See Letter from Senators Grassley and Johnson to Inspector General Horowitz (Apr. 19, 2023) [https://www.grassley.senate.gov/imo/media/doc/grassley\\_johnson\\_to\\_justice\\_deptinspectorgeneralfbiantigagprovision.pdf](https://www.grassley.senate.gov/imo/media/doc/grassley_johnson_to_justice_deptinspectorgeneralfbiantigagprovision.pdf); Letter from Senators Grassley and Johnson to Inspectors General Horowitz and George (Jun 6, 2023) [https://www.grassley.senate.gov/imo/media/doc/grassley\\_johnson\\_to\\_dojoig\\_tigta\\_-\\_whistleblower\\_retaliation.pdf](https://www.grassley.senate.gov/imo/media/doc/grassley_johnson_to_dojoig_tigta_-_whistleblower_retaliation.pdf); Letter from Senators Grassley and Johnson to Internal Revenue Service Commissioner Werfel (Jun. 6, 2023) [https://www.grassley.senate.gov/imo/media/doc/grassley\\_johnson\\_to\\_irs\\_-\\_protected\\_whistleblower\\_disclosure.pdf](https://www.grassley.senate.gov/imo/media/doc/grassley_johnson_to_irs_-_protected_whistleblower_disclosure.pdf); Letter from Senator Grassley, Senator Johnson, Representative Smith, and Representative Comer to Special Counsel Kerner (Jul. 5, 2023) [https://www.grassley.senate.gov/imo/media/doc/grassley\\_johnson\\_comer\\_jordan\\_smith\\_to\\_osc\\_-\\_whistleblower\\_retaliation.pdf](https://www.grassley.senate.gov/imo/media/doc/grassley_johnson_comer_jordan_smith_to_osc_-_whistleblower_retaliation.pdf); Letter from Senator Grassley to Health and Human Services Secretary Becerra, Administration for Children and Families Acting Assistant Secretary Hild, and Office of Refugee Resettlement Director Marcos (Nov. 21, 2023) [https://www.grassley.senate.gov/imo/media/doc/grassley\\_to\\_hhs\\_acf\\_and\\_orr\\_-\\_whistleblower\\_protections.pdf](https://www.grassley.senate.gov/imo/media/doc/grassley_to_hhs_acf_and_orr_-_whistleblower_protections.pdf); Letter from Senator Grassley to Acting Special Counsel Gorman (Nov. 21, 2023) [https://www.grassley.senate.gov/imo/media/doc/grassley\\_to\\_osc\\_-\\_hhs\\_whistleblower\\_protections.pdf](https://www.grassley.senate.gov/imo/media/doc/grassley_to_osc_-_hhs_whistleblower_protections.pdf); Letter from Senator Grassley to DOJ-OIG Horowitz (Feb. 12, 2024) [https://www.grassley.senate.gov/imo/media/doc/grassley\\_to\\_doj\\_oig\\_-\\_protected\\_whistleblower\\_disclosures.pdf](https://www.grassley.senate.gov/imo/media/doc/grassley_to_doj_oig_-_protected_whistleblower_disclosures.pdf); Letter from Senator Grassley to Bureau of Alcohol, Tobacco, Firearms, and Explosives Director Dettelbach (Feb. 12, 2024) [https://www.grassley.senate.gov/imo/media/doc/grassley\\_to\\_atf\\_-\\_protected\\_whistleblower\\_disclosures.pdf](https://www.grassley.senate.gov/imo/media/doc/grassley_to_atf_-_protected_whistleblower_disclosures.pdf); Letter from Senator Grassley to Inspector General Horowitz (Mar. 8, 2024) [https://www.grassley.senate.gov/imo/media/doc/grassley\\_to\\_doj\\_inspector\\_general\\_-\\_eoir\\_disclosures\\_to\\_congress.pdf](https://www.grassley.senate.gov/imo/media/doc/grassley_to_doj_inspector_general_-_eoir_disclosures_to_congress.pdf); Letter from Senator Grassley to Attorney General Garland (Mar. 8, 2024) [https://www.grassley.senate.gov/imo/media/doc/grassley\\_to\\_doj\\_-\\_eoir\\_disclosures\\_to\\_congress.pdf](https://www.grassley.senate.gov/imo/media/doc/grassley_to_doj_-_eoir_disclosures_to_congress.pdf); Letter from Senator Grassley to Executive Office for Immigration Review Director David Neal (Mar. 8, 2024) [https://www.grassley.senate.gov/imo/media/doc/grassley\\_to\\_executive\\_office\\_for\\_immigration\\_review\\_-\\_eoir\\_disclosures\\_to\\_congress.pdf](https://www.grassley.senate.gov/imo/media/doc/grassley_to_executive_office_for_immigration_review_-_eoir_disclosures_to_congress.pdf).

**United States Senate**  
WASHINGTON, DC 20510

March 11, 2024

**VIA ELECTRONIC TRANSMISSION**

The Honorable Michael E. Horowitz  
Inspector General  
Department of Justice

Dear Inspector General Horowitz:

Whistleblowers are the government's most powerful tool in rooting out waste, fraud, abuse, and misconduct. Nevertheless, federal agencies continue to implement nondisclosure policies and similar agreements without the inclusion of the "anti-gag" provision as required by law.<sup>1</sup> This failure has a chilling effect that discourages whistleblowers from reporting allegations of misconduct to Congress, Inspectors General (IG), and the Office of Special Counsel (OSC). The "anti-gag" provision has been included in almost every appropriations bill since 1988 and was codified in the Whistleblower Protection Enhancement Act.<sup>2</sup>

The anti-gag law requires all federal agency nondisclosure policies, forms, or agreements to include the following explicit statement notifying the employee of their rights to report wrongdoing:

These provisions are consistent with and do not supersede, conflict with, or otherwise alter the employee obligations, rights, or liabilities created by existing statute or Executive order relating to (1) classified information, (2) communications to Congress, (3) the reporting to an Inspector General or the Office of Special Counsel of a violation of any law, rule, or regulation, or mismanagement, a gross waste of funds, an abuse of authority, or a substantial and specific danger to public health or safety, or (4) any other whistleblower protection. The definitions, requirements, obligations, rights, sanctions, and liabilities created by controlling Executive orders and statutory provisions are incorporated into this agreement and are controlling.<sup>3</sup>

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<sup>1</sup> 5 USC § 2302(b)(13); Pub. L. No. 117-328

<sup>2</sup> *Id.*

<sup>3</sup> 5 USC § 2302(b)(13).

Appropriation law prohibits the use of government funds to enforce these agreements if they fail to contain the anti-gag provision.<sup>4</sup>

Even though Congress made it abundantly clear that federal employees are required to be informed of their rights to make legally protected disclosures, the Justice Department has continued to use nondisclosure policies and agreements without the inclusion of the anti-gag provision in violation of the law. For example, on April 19, 2023, I wrote you concerning the FBI's failure to include the anti-gag provision in an FBI Inspection Division Notification Form purportedly prohibiting the subject of an internal investigation to discuss the matter outside of the Justice Department.<sup>5</sup> On February 12, 2024, I wrote you concerning a memo sent by the ATF to its employees threatening that certain disclosures of unclassified information "may lead to disciplinary action, including suspension or removal from federal service" and "may lead to criminal charges."<sup>6</sup> As I noted in that letter, the ATF memo was transmitted to employees only two days after I made public internal ATF records from legally protected whistleblower disclosures on October 18, 2023. The ATF memo failed to include the anti-gag provision informing ATF employees of their rights to make authorized disclosures. These actions raise concerns that the Biden Justice Department could have failed to include the anti-gag provision in other nondisclosure policies and agreements in contravention of the law.

The importance of whistleblowers knowing their rights under the law cannot be stated enough, and federal agencies should encourage their employees to disclose allegations of waste, fraud, and abuse. Federal agencies cannot be allowed to conceal their wrongdoing behind illegal non-disclosure policies and related actions. Accordingly, I request a review of all Justice Department nondisclosure policy, forms, agreements, and related documents to ensure the anti-gag provision is included as required by law.

Thank you for your prompt review and responses. If you have any questions, please contact Brian Randolph on my Committee staff at (202) 224-0642.

Sincerely,



Charles E. Grassley  
Ranking Member  
Committee on the Budget

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<sup>4</sup> Pub. L. No. 117-328.

<sup>5</sup> Letter from Senators Grassley and Johnson to DOJ-OIG Horowitz (Apr. 19, 2023) [https://www.grassley.senate.gov/imo/media/doc/grassley\\_johnson\\_to\\_justice\\_deptinspectorgeneralfbiantigagprovisi-on.pdf](https://www.grassley.senate.gov/imo/media/doc/grassley_johnson_to_justice_deptinspectorgeneralfbiantigagprovisi-on.pdf).

<sup>6</sup> Letter from Senator Grassley to DOJ-OIG Horowitz (Feb. 12, 2024) [https://www.grassley.senate.gov/imo/media/doc/grassley\\_to\\_doj\\_oig\\_-\\_protected\\_whistleblower\\_disclosures.pdf](https://www.grassley.senate.gov/imo/media/doc/grassley_to_doj_oig_-_protected_whistleblower_disclosures.pdf).

United States Senate  
WASHINGTON, DC 20510

March 11, 2024

**VIA ELECTRONIC TRANSMISSION**

The Honorable Larry D. Turner  
Inspector General  
Department of Labor

Dear Inspector General Turner:

Whistleblowers are patriots and the government's most powerful tool in rooting out waste, fraud, abuse, and misconduct. Nevertheless, federal agencies continue to implement nondisclosure policies and similar agreements without the inclusion of the "anti-gag" provision as required by law.<sup>1</sup> This failure has a chilling effect that discourages whistleblowers from reporting allegations of misconduct to Congress, Inspectors General (IG), and the Office of Special Counsel (OSC). The "anti-gag" provision has been included in almost every appropriations bill since 1988 and was codified in the Whistleblower Protection Enhancement Act.<sup>2</sup>

The anti-gag law requires all federal agency nondisclosure policies, forms, or agreements to include the following explicit statement notifying the employee of their rights to report wrongdoing:

These provisions are consistent with and do not supersede, conflict with, or otherwise alter the employee obligations, rights, or liabilities created by existing statute or Executive order relating to (1) classified information, (2) communications to Congress, (3) the reporting to an Inspector General or the Office of Special Counsel of a violation of any law, rule, or regulation, or mismanagement, a gross waste of funds, an abuse of authority, or a substantial and specific danger to public health or safety, or (4) any other whistleblower protection. The definitions, requirements, obligations, rights, sanctions, and liabilities created by controlling Executive orders and statutory provisions are incorporated into this agreement and are controlling.<sup>3</sup>

Appropriation law prohibits the use of government funds to enforce these agreements if they fail to contain the anti-gag provision.<sup>4</sup>

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<sup>2</sup> *Id.*

<sup>3</sup> 5 USC § 2302(b)(13).

<sup>4</sup> Pub. L. No. 117-328.

Even though Congress made it abundantly clear that employees are required to be informed of their rights to make legally protected disclosures, there's a growing trend among federal agencies to use nondisclosure policies and similar agreements without the inclusion of the anti-gag provision in violation of the law.<sup>5</sup> This is unacceptable.

The importance of whistleblowers knowing their rights under the law cannot be stated enough, and federal agencies should encourage their employees to disclose allegations of waste, fraud, and abuse. Federal agencies cannot be allowed to conceal their wrongdoing behind illegal nondisclosure policies and related actions. Accordingly, I request that you review all nondisclosure policies, forms, agreements, and related documents specific to your agency to ensure the anti-gag provision is included as required by law.

Thank you for your prompt review and response. If you have any questions, please contact Brian Randolph on my Committee staff at (202) 224-0642.

Sincerely,



Charles E. Grassley  
Ranking Member  
Committee on the Budget

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<sup>5</sup> See Letter from Senators Grassley and Johnson to Inspector General Horowitz (Apr. 19, 2023) [https://www.grassley.senate.gov/imo/media/doc/grassley\\_johnson\\_to\\_justice\\_deptinspectorgeneralfbiantigagprovision.pdf](https://www.grassley.senate.gov/imo/media/doc/grassley_johnson_to_justice_deptinspectorgeneralfbiantigagprovision.pdf); Letter from Senators Grassley and Johnson to Inspectors General Horowitz and George (Jun 6, 2023) [https://www.grassley.senate.gov/imo/media/doc/grassley\\_johnson\\_to\\_doj\\_oig\\_tigta\\_-\\_whistleblower\\_retaliation.pdf](https://www.grassley.senate.gov/imo/media/doc/grassley_johnson_to_doj_oig_tigta_-_whistleblower_retaliation.pdf); Letter from Senators Grassley and Johnson to Internal Revenue Service Commissioner Werfel (Jun. 6, 2023) [https://www.grassley.senate.gov/imo/media/doc/grassley\\_johnson\\_to\\_irs\\_-\\_protected\\_whistleblower\\_disclosure.pdf](https://www.grassley.senate.gov/imo/media/doc/grassley_johnson_to_irs_-_protected_whistleblower_disclosure.pdf); Letter from Senator Grassley, Senator Johnson, Representative Smith, and Representative Comer to Special Counsel Kerner (Jul. 5, 2023) [https://www.grassley.senate.gov/imo/media/doc/grassley\\_johnson\\_comer\\_jordan\\_smith\\_to\\_osc\\_-\\_whistleblower\\_retaliation.pdf](https://www.grassley.senate.gov/imo/media/doc/grassley_johnson_comer_jordan_smith_to_osc_-_whistleblower_retaliation.pdf); Letter from Senator Grassley to Health and Human Services Secretary Becerra, Administration for Children and Families Acting Assistant Secretary Hild, and Office of Refugee Resettlement Director Marcos (Nov. 21, 2023) [https://www.grassley.senate.gov/imo/media/doc/grassley\\_to\\_hhs\\_acf\\_and\\_orr\\_-\\_whistleblower\\_protections.pdf](https://www.grassley.senate.gov/imo/media/doc/grassley_to_hhs_acf_and_orr_-_whistleblower_protections.pdf); Letter from Senator Grassley to Acting Special Counsel Gorman (Nov. 21, 2023) [https://www.grassley.senate.gov/imo/media/doc/grassley\\_to\\_osc\\_-\\_hhs\\_whistleblower\\_protections.pdf](https://www.grassley.senate.gov/imo/media/doc/grassley_to_osc_-_hhs_whistleblower_protections.pdf); Letter from Senator Grassley to DOJ-OIG Horowitz (Feb. 12, 2024) [https://www.grassley.senate.gov/imo/media/doc/grassley\\_to\\_doj\\_oig\\_-\\_protected\\_whistleblower\\_disclosures.pdf](https://www.grassley.senate.gov/imo/media/doc/grassley_to_doj_oig_-_protected_whistleblower_disclosures.pdf); Letter from Senator Grassley to Bureau of Alcohol, Tobacco, Firearms, and Explosives Director Dettelbach (Feb. 12, 2024) [https://www.grassley.senate.gov/imo/media/doc/grassley\\_to\\_atf\\_-\\_protected\\_whistleblower\\_disclosures.pdf](https://www.grassley.senate.gov/imo/media/doc/grassley_to_atf_-_protected_whistleblower_disclosures.pdf); Letter from Senator Grassley to Inspector General Horowitz (Mar. 8, 2024) [https://www.grassley.senate.gov/imo/media/doc/grassley\\_to\\_doj\\_inspector\\_general\\_-\\_eoir\\_disclosures\\_to\\_congress.pdf](https://www.grassley.senate.gov/imo/media/doc/grassley_to_doj_inspector_general_-_eoir_disclosures_to_congress.pdf); Letter from Senator Grassley to Attorney General Garland (Mar. 8, 2024) [https://www.grassley.senate.gov/imo/media/doc/grassley\\_to\\_doj\\_-\\_eoir\\_disclosures\\_to\\_congress.pdf](https://www.grassley.senate.gov/imo/media/doc/grassley_to_doj_-_eoir_disclosures_to_congress.pdf); Letter from Senator Grassley to Executive Office for Immigration Review Director David Neal (Mar. 8, 2024) [https://www.grassley.senate.gov/imo/media/doc/grassley\\_to\\_executive\\_office\\_for\\_immigration\\_review\\_-\\_eoir\\_disclosures\\_to\\_congress.pdf](https://www.grassley.senate.gov/imo/media/doc/grassley_to_executive_office_for_immigration_review_-_eoir_disclosures_to_congress.pdf).

**United States Senate**  
WASHINGTON, DC 20510

March 11, 2024

**VIA ELECTRONIC TRANSMISSION**

Ms. Diana Shaw  
Acting Inspector General  
Department of State

Dear Acting Inspector General Shaw:

Whistleblowers are patriots and the government's most powerful tool in rooting out waste, fraud, abuse, and misconduct. Nevertheless, federal agencies continue to implement nondisclosure policies and similar agreements without the inclusion of the "anti-gag" provision as required by law.<sup>1</sup> This failure has a chilling effect that discourages whistleblowers from reporting allegations of misconduct to Congress, Inspectors General (IG), and the Office of Special Counsel (OSC). The "anti-gag" provision has been included in almost every appropriations bill since 1988 and was codified in the Whistleblower Protection Enhancement Act.<sup>2</sup>

The anti-gag law requires all federal agency nondisclosure policies, forms, or agreements to include the following explicit statement notifying the employee of their rights to report wrongdoing:

These provisions are consistent with and do not supersede, conflict with, or otherwise alter the employee obligations, rights, or liabilities created by existing statute or Executive order relating to (1) classified information, (2) communications to Congress, (3) the reporting to an Inspector General or the Office of Special Counsel of a violation of any law, rule, or regulation, or mismanagement, a gross waste of funds, an abuse of authority, or a substantial and specific danger to public health or safety, or (4) any other whistleblower protection. The definitions, requirements, obligations, rights, sanctions, and liabilities created by controlling Executive orders and statutory provisions are incorporated into this agreement and are controlling.<sup>3</sup>

Appropriation law prohibits the use of government funds to enforce these agreements if they fail to contain the anti-gag provision.<sup>4</sup>

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<sup>1</sup> 5 USC § 2302(b)(13); Pub. L. No. 117-328

<sup>2</sup> *Id.*

<sup>3</sup> 5 USC § 2302(b)(13).

<sup>4</sup> Pub. L. No. 117-328.

Even though Congress made it abundantly clear that employees are required to be informed of their rights to make legally protected disclosures, there's a growing trend among federal agencies to use nondisclosure policies and similar agreements without the inclusion of the anti-gag provision in violation of the law.<sup>5</sup> This is unacceptable.

The importance of whistleblowers knowing their rights under the law cannot be stated enough, and federal agencies should encourage their employees to disclose allegations of waste, fraud, and abuse. Federal agencies cannot be allowed to conceal their wrongdoing behind illegal nondisclosure policies and related actions. Accordingly, I request that you review all nondisclosure policies, forms, agreements, and related documents specific to your agency to ensure the anti-gag provision is included as required by law.

Thank you for your prompt review and response. If you have any questions, please contact Brian Randolph on my Committee staff at (202) 224-0642.

Sincerely,



Charles E. Grassley  
Ranking Member  
Committee on the Budget

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<sup>5</sup> See Letter from Senators Grassley and Johnson to Inspector General Horowitz (Apr. 19, 2023) [https://www.grassley.senate.gov/imo/media/doc/grassley\\_johnson\\_to\\_justice\\_deptinspectorgeneralfbiantigagprovision.pdf](https://www.grassley.senate.gov/imo/media/doc/grassley_johnson_to_justice_deptinspectorgeneralfbiantigagprovision.pdf); Letter from Senators Grassley and Johnson to Inspectors General Horowitz and George (Jun 6, 2023) [https://www.grassley.senate.gov/imo/media/doc/grassley\\_johnson\\_to\\_doj\\_oig\\_tigta\\_-\\_whistleblower\\_retaliation.pdf](https://www.grassley.senate.gov/imo/media/doc/grassley_johnson_to_doj_oig_tigta_-_whistleblower_retaliation.pdf); Letter from Senators Grassley and Johnson to Internal Revenue Service Commissioner Werfel (Jun. 6, 2023) [https://www.grassley.senate.gov/imo/media/doc/grassley\\_johnson\\_to\\_irs\\_-\\_protected\\_whistleblower\\_disclosure.pdf](https://www.grassley.senate.gov/imo/media/doc/grassley_johnson_to_irs_-_protected_whistleblower_disclosure.pdf); Letter from Senator Grassley, Senator Johnson, Representative Smith, and Representative Comer to Special Counsel Kerner (Jul. 5, 2023) [https://www.grassley.senate.gov/imo/media/doc/grassley\\_johnson\\_comer\\_jordan\\_smith\\_to\\_osc\\_-\\_whistleblower\\_retaliation.pdf](https://www.grassley.senate.gov/imo/media/doc/grassley_johnson_comer_jordan_smith_to_osc_-_whistleblower_retaliation.pdf); Letter from Senator Grassley to Health and Human Services Secretary Becerra, Administration for Children and Families Acting Assistant Secretary Hild, and Office of Refugee Resettlement Director Marcos (Nov. 21, 2023) [https://www.grassley.senate.gov/imo/media/doc/grassley\\_to\\_hhs\\_acf\\_and\\_orr\\_-\\_whistleblower\\_protections.pdf](https://www.grassley.senate.gov/imo/media/doc/grassley_to_hhs_acf_and_orr_-_whistleblower_protections.pdf); Letter from Senator Grassley to Acting Special Counsel Gorman (Nov. 21, 2023) [https://www.grassley.senate.gov/imo/media/doc/grassley\\_to\\_osc\\_-\\_hhs\\_whistleblower\\_protections.pdf](https://www.grassley.senate.gov/imo/media/doc/grassley_to_osc_-_hhs_whistleblower_protections.pdf); Letter from Senator Grassley to DOJ-OIG Horowitz (Feb. 12, 2024) [https://www.grassley.senate.gov/imo/media/doc/grassley\\_to\\_doj\\_oig\\_-\\_protected\\_whistleblower\\_disclosures.pdf](https://www.grassley.senate.gov/imo/media/doc/grassley_to_doj_oig_-_protected_whistleblower_disclosures.pdf); Letter from Senator Grassley to Bureau of Alcohol, Tobacco, Firearms, and Explosives Director Dettelbach (Feb. 12, 2024) [https://www.grassley.senate.gov/imo/media/doc/grassley\\_to\\_atf\\_-\\_protected\\_whistleblower\\_disclosures.pdf](https://www.grassley.senate.gov/imo/media/doc/grassley_to_atf_-_protected_whistleblower_disclosures.pdf); Letter from Senator Grassley to Inspector General Horowitz (Mar. 8, 2024) [https://www.grassley.senate.gov/imo/media/doc/grassley\\_to\\_doj\\_inspector\\_general\\_-\\_eoir\\_disclosures\\_to\\_congress.pdf](https://www.grassley.senate.gov/imo/media/doc/grassley_to_doj_inspector_general_-_eoir_disclosures_to_congress.pdf); Letter from Senator Grassley to Attorney General Garland (Mar. 8, 2024) [https://www.grassley.senate.gov/imo/media/doc/grassley\\_to\\_doj\\_-\\_eoir\\_disclosures\\_to\\_congress.pdf](https://www.grassley.senate.gov/imo/media/doc/grassley_to_doj_-_eoir_disclosures_to_congress.pdf); Letter from Senator Grassley to Executive Office for Immigration Review Director David Neal (Mar. 8, 2024) [https://www.grassley.senate.gov/imo/media/doc/grassley\\_to\\_executive\\_office\\_for\\_immigration\\_review\\_-\\_eoir\\_disclosures\\_to\\_congress.pdf](https://www.grassley.senate.gov/imo/media/doc/grassley_to_executive_office_for_immigration_review_-_eoir_disclosures_to_congress.pdf).

United States Senate  
WASHINGTON, DC 20510

March 11, 2024

**VIA ELECTRONIC TRANSMISSION**

The Honorable Mark Lee Greenblatt  
Inspector General  
Department of the Interior

Dear Inspector General Greenblatt:

Whistleblowers are patriots and the government's most powerful tool in rooting out waste, fraud, abuse, and misconduct. Nevertheless, federal agencies continue to implement nondisclosure policies and similar agreements without the inclusion of the "anti-gag" provision as required by law.<sup>1</sup> This failure has a chilling effect that discourages whistleblowers from reporting allegations of misconduct to Congress, Inspectors General (IG), and the Office of Special Counsel (OSC). The "anti-gag" provision has been included in almost every appropriations bill since 1988 and was codified in the Whistleblower Protection Enhancement Act.<sup>2</sup>

The anti-gag law requires all federal agency nondisclosure policies, forms, or agreements to include the following explicit statement notifying the employee of their rights to report wrongdoing:

These provisions are consistent with and do not supersede, conflict with, or otherwise alter the employee obligations, rights, or liabilities created by existing statute or Executive order relating to (1) classified information, (2) communications to Congress, (3) the reporting to an Inspector General or the Office of Special Counsel of a violation of any law, rule, or regulation, or mismanagement, a gross waste of funds, an abuse of authority, or a substantial and specific danger to public health or safety, or (4) any other whistleblower protection. The definitions, requirements, obligations, rights, sanctions, and liabilities created by controlling Executive orders and statutory provisions are incorporated into this agreement and are controlling.<sup>3</sup>

Appropriation law prohibits the use of government funds to enforce these agreements if they fail to contain the anti-gag provision.<sup>4</sup>

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<sup>1</sup> 5 USC § 2302(b)(13); Pub. L. No. 117-328

<sup>2</sup> *Id.*

<sup>3</sup> 5 USC § 2302(b)(13).

<sup>4</sup> Pub. L. No. 117-328.

Even though Congress made it abundantly clear that employees are required to be informed of their rights to make legally protected disclosures, there's a growing trend among federal agencies to use nondisclosure policies and similar agreements without the inclusion of the anti-gag provision in violation of the law.<sup>5</sup> This is unacceptable.

The importance of whistleblowers knowing their rights under the law cannot be stated enough, and federal agencies should encourage their employees to disclose allegations of waste, fraud, and abuse. Federal agencies cannot be allowed to conceal their wrongdoing behind illegal nondisclosure policies and related actions. Accordingly, I request that you review all nondisclosure policies, forms, agreements, and related documents specific to your agency to ensure the anti-gag provision is included as required by law.

Thank you for your prompt review and response. If you have any questions, please contact Brian Randolph on my Committee staff at (202) 224-0642.

Sincerely,



Charles E. Grassley  
Ranking Member  
Committee on the Budget

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<sup>5</sup> See Letter from Senators Grassley and Johnson to Inspector General Horowitz (Apr. 19, 2023) [https://www.grassley.senate.gov/imo/media/doc/grassley\\_johnson\\_to\\_justice\\_deptinspectorgeneralfbiantigagprovision.pdf](https://www.grassley.senate.gov/imo/media/doc/grassley_johnson_to_justice_deptinspectorgeneralfbiantigagprovision.pdf); Letter from Senators Grassley and Johnson to Inspectors General Horowitz and George (Jun 6, 2023) [https://www.grassley.senate.gov/imo/media/doc/grassley\\_johnson\\_to\\_dojoigtigta\\_-\\_whistleblower\\_retaliation.pdf](https://www.grassley.senate.gov/imo/media/doc/grassley_johnson_to_dojoigtigta_-_whistleblower_retaliation.pdf); Letter from Senators Grassley and Johnson to Internal Revenue Service Commissioner Werfel (Jun. 6, 2023) [https://www.grassley.senate.gov/imo/media/doc/grassley\\_johnson\\_to\\_irs\\_-\\_protected\\_whistleblower\\_disclosure.pdf](https://www.grassley.senate.gov/imo/media/doc/grassley_johnson_to_irs_-_protected_whistleblower_disclosure.pdf); Letter from Senator Grassley, Senator Johnson, Representative Smith, and Representative Comer to Special Counsel Kerner (Jul. 5, 2023) [https://www.grassley.senate.gov/imo/media/doc/grassley\\_johnson\\_comer\\_jordan\\_smith\\_to\\_osc\\_-\\_whistleblower\\_retaliation.pdf](https://www.grassley.senate.gov/imo/media/doc/grassley_johnson_comer_jordan_smith_to_osc_-_whistleblower_retaliation.pdf); Letter from Senator Grassley to Health and Human Services Secretary Becerra, Administration for Children and Families Acting Assistant Secretary Hild, and Office of Refugee Resettlement Director Marcos (Nov. 21, 2023) [https://www.grassley.senate.gov/imo/media/doc/grassley\\_to\\_hhs\\_acf\\_and\\_orr\\_-\\_whistleblower\\_protections.pdf](https://www.grassley.senate.gov/imo/media/doc/grassley_to_hhs_acf_and_orr_-_whistleblower_protections.pdf); Letter from Senator Grassley to Acting Special Counsel Gorman (Nov. 21, 2023) [https://www.grassley.senate.gov/imo/media/doc/grassley\\_to\\_osc\\_-\\_hhs\\_whistleblower\\_protections.pdf](https://www.grassley.senate.gov/imo/media/doc/grassley_to_osc_-_hhs_whistleblower_protections.pdf); Letter from Senator Grassley to DOJ-OIG Horowitz (Feb. 12, 2024) [https://www.grassley.senate.gov/imo/media/doc/grassley\\_to\\_doj\\_oig\\_-\\_protected\\_whistleblower\\_disclosures.pdf](https://www.grassley.senate.gov/imo/media/doc/grassley_to_doj_oig_-_protected_whistleblower_disclosures.pdf); Letter from Senator Grassley to Bureau of Alcohol, Tobacco, Firearms, and Explosives Director Dettelbach (Feb. 12, 2024) [https://www.grassley.senate.gov/imo/media/doc/grassley\\_to\\_atf\\_-\\_protected\\_whistleblower\\_disclosures.pdf](https://www.grassley.senate.gov/imo/media/doc/grassley_to_atf_-_protected_whistleblower_disclosures.pdf); Letter from Senator Grassley to Inspector General Horowitz (Mar. 8, 2024) [https://www.grassley.senate.gov/imo/media/doc/grassley\\_to\\_doj\\_inspector\\_general\\_-\\_eoir\\_disclosures\\_to\\_congress.pdf](https://www.grassley.senate.gov/imo/media/doc/grassley_to_doj_inspector_general_-_eoir_disclosures_to_congress.pdf); Letter from Senator Grassley to Attorney General Garland (Mar. 8, 2024) [https://www.grassley.senate.gov/imo/media/doc/grassley\\_to\\_doj\\_-\\_eoir\\_disclosures\\_to\\_congress.pdf](https://www.grassley.senate.gov/imo/media/doc/grassley_to_doj_-_eoir_disclosures_to_congress.pdf); Letter from Senator Grassley to Executive Office for Immigration Review Director David Neal (Mar. 8, 2024) [https://www.grassley.senate.gov/imo/media/doc/grassley\\_to\\_executive\\_office\\_for\\_immigration\\_review\\_-\\_eoir\\_disclosures\\_to\\_congress.pdf](https://www.grassley.senate.gov/imo/media/doc/grassley_to_executive_office_for_immigration_review_-_eoir_disclosures_to_congress.pdf).

United States Senate  
WASHINGTON, DC 20510

March 11, 2024

**VIA ELECTRONIC TRANSMISSION**

Mr. Richard Delmar  
Acting Inspector General  
Department of the Treasury

Dear Acting Inspector General:

Whistleblowers are patriots and the government's most powerful tool in rooting out waste, fraud, abuse, and misconduct. Nevertheless, federal agencies continue to implement nondisclosure policies and similar agreements without the inclusion of the "anti-gag" provision as required by law.<sup>1</sup> This failure has a chilling effect that discourages whistleblowers from reporting allegations of misconduct to Congress, Inspectors General (IG), and the Office of Special Counsel (OSC). The "anti-gag" provision has been included in almost every appropriations bill since 1988 and was codified in the Whistleblower Protection Enhancement Act.<sup>2</sup>

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Even though Congress made it abundantly clear that employees are required to be informed of their rights to make legally protected disclosures, there's a growing trend among federal agencies to use nondisclosure policies and similar agreements without the inclusion of the anti-gag provision in violation of the law.<sup>5</sup> This is unacceptable.

The importance of whistleblowers knowing their rights under the law cannot be stated enough, and federal agencies should encourage their employees to disclose allegations of waste, fraud, and abuse. Federal agencies cannot be allowed to conceal their wrongdoing behind illegal nondisclosure policies and related actions. Accordingly, I request that you review all nondisclosure policies, forms, agreements, and related documents specific to your agency to ensure the anti-gag provision is included as required by law.

Thank you for your prompt review and response. If you have any questions, please contact Brian Randolph on my Committee staff at (202) 224-0642.

Sincerely,



Charles E. Grassley  
Ranking Member  
Committee on the Budget

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United States Senate  
WASHINGTON, DC 20510

March 11, 2024

**VIA ELECTRONIC TRANSMISSION**

The Honorable Eric J. Soskin  
Inspector General  
Department of Transportation

Dear Inspector General Soskin:

Whistleblowers are patriots and the government's most powerful tool in rooting out waste, fraud, abuse, and misconduct. Nevertheless, federal agencies continue to implement nondisclosure policies and similar agreements without the inclusion of the "anti-gag" provision as required by law.<sup>1</sup> This failure has a chilling effect that discourages whistleblowers from reporting allegations of misconduct to Congress, Inspectors General (IG), and the Office of Special Counsel (OSC). The "anti-gag" provision has been included in almost every appropriations bill since 1988 and was codified in the Whistleblower Protection Enhancement Act.<sup>2</sup>

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Even though Congress made it abundantly clear that employees are required to be informed of their rights to make legally protected disclosures, there's a growing trend among federal agencies to use nondisclosure policies and similar agreements without the inclusion of the anti-gag provision in violation of the law.<sup>5</sup> This is unacceptable.

The importance of whistleblowers knowing their rights under the law cannot be stated enough, and federal agencies should encourage their employees to disclose allegations of waste, fraud, and abuse. Federal agencies cannot be allowed to conceal their wrongdoing behind illegal nondisclosure policies and related actions. Accordingly, I request that you review all nondisclosure policies, forms, agreements, and related documents specific to your agency to ensure the anti-gag provision is included as required by law.

Thank you for your prompt review and response. If you have any questions, please contact Brian Randolph on my Committee staff at (202) 224-0642.

Sincerely,



Charles E. Grassley  
Ranking Member  
Committee on the Budget

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<sup>5</sup> See Letter from Senators Grassley and Johnson to Inspector General Horowitz (Apr. 19, 2023) [https://www.grassley.senate.gov/imo/media/doc/grassley\\_johnson\\_to\\_justice\\_deptinspectorgeneralfbiantigagprovision.pdf](https://www.grassley.senate.gov/imo/media/doc/grassley_johnson_to_justice_deptinspectorgeneralfbiantigagprovision.pdf); Letter from Senators Grassley and Johnson to Inspectors General Horowitz and George (Jun 6, 2023) [https://www.grassley.senate.gov/imo/media/doc/grassley\\_johnson\\_to\\_doj\\_oig\\_tigta\\_-\\_whistleblower\\_retaliation.pdf](https://www.grassley.senate.gov/imo/media/doc/grassley_johnson_to_doj_oig_tigta_-_whistleblower_retaliation.pdf); Letter from Senators Grassley and Johnson to Internal Revenue Service Commissioner Werfel (Jun. 6, 2023) [https://www.grassley.senate.gov/imo/media/doc/grassley\\_johnson\\_to\\_irs\\_-\\_protected\\_whistleblower\\_disclosure.pdf](https://www.grassley.senate.gov/imo/media/doc/grassley_johnson_to_irs_-_protected_whistleblower_disclosure.pdf); Letter from Senator Grassley, Senator Johnson, Representative Smith, and Representative Comer to Special Counsel Kerner (Jul. 5, 2023) [https://www.grassley.senate.gov/imo/media/doc/grassley\\_johnson\\_comer\\_jordan\\_smith\\_to\\_osc\\_-\\_whistleblower\\_retaliation.pdf](https://www.grassley.senate.gov/imo/media/doc/grassley_johnson_comer_jordan_smith_to_osc_-_whistleblower_retaliation.pdf); Letter from Senator Grassley to Health and Human Services Secretary Becerra, Administration for Children and Families Acting Assistant Secretary Hild, and Office of Refugee Resettlement Director Marcos (Nov. 21, 2023) [https://www.grassley.senate.gov/imo/media/doc/grassley\\_to\\_hhs\\_acf\\_and\\_orr\\_-\\_whistleblower\\_protections.pdf](https://www.grassley.senate.gov/imo/media/doc/grassley_to_hhs_acf_and_orr_-_whistleblower_protections.pdf); Letter from Senator Grassley to Acting Special Counsel Gorman (Nov. 21, 2023) [https://www.grassley.senate.gov/imo/media/doc/grassley\\_to\\_osc\\_-\\_hhs\\_whistleblower\\_protections.pdf](https://www.grassley.senate.gov/imo/media/doc/grassley_to_osc_-_hhs_whistleblower_protections.pdf); Letter from Senator Grassley to DOJ-OIG Horowitz (Feb. 12, 2024) [https://www.grassley.senate.gov/imo/media/doc/grassley\\_to\\_doj\\_oig\\_-\\_protected\\_whistleblower\\_disclosures.pdf](https://www.grassley.senate.gov/imo/media/doc/grassley_to_doj_oig_-_protected_whistleblower_disclosures.pdf); Letter from Senator Grassley to Bureau of Alcohol, Tobacco, Firearms, and Explosives Director Dettelbach (Feb. 12, 2024) [https://www.grassley.senate.gov/imo/media/doc/grassley\\_to\\_atf\\_-\\_protected\\_whistleblower\\_disclosures.pdf](https://www.grassley.senate.gov/imo/media/doc/grassley_to_atf_-_protected_whistleblower_disclosures.pdf); Letter from Senator Grassley to Inspector General Horowitz (Mar. 8, 2024) [https://www.grassley.senate.gov/imo/media/doc/grassley\\_to\\_doj\\_inspector\\_general\\_-\\_eoir\\_disclosures\\_to\\_congress.pdf](https://www.grassley.senate.gov/imo/media/doc/grassley_to_doj_inspector_general_-_eoir_disclosures_to_congress.pdf); Letter from Senator Grassley to Attorney General Garland (Mar. 8, 2024) [https://www.grassley.senate.gov/imo/media/doc/grassley\\_to\\_doj\\_-\\_eoir\\_disclosures\\_to\\_congress.pdf](https://www.grassley.senate.gov/imo/media/doc/grassley_to_doj_-_eoir_disclosures_to_congress.pdf); Letter from Senator Grassley to Executive Office for Immigration Review Director David Neal (Mar. 8, 2024) [https://www.grassley.senate.gov/imo/media/doc/grassley\\_to\\_executive\\_office\\_for\\_immigration\\_review\\_-\\_eoir\\_disclosures\\_to\\_congress.pdf](https://www.grassley.senate.gov/imo/media/doc/grassley_to_executive_office_for_immigration_review_-_eoir_disclosures_to_congress.pdf).

United States Senate  
WASHINGTON, DC 20510

March 11, 2024

**VIA ELECTRONIC TRANSMISSION**

The Honorable Michael J. Missal  
Inspector General  
Department of Veterans Affairs

Dear Inspector General Missal:

Whistleblowers are patriots and the government's most powerful tool in rooting out waste, fraud, abuse, and misconduct. Nevertheless, federal agencies continue to implement nondisclosure policies and similar agreements without the inclusion of the "anti-gag" provision as required by law.<sup>1</sup> This failure has a chilling effect that discourages whistleblowers from reporting allegations of misconduct to Congress, Inspectors General (IG), and the Office of Special Counsel (OSC). The "anti-gag" provision has been included in almost every appropriations bill since 1988 and was codified in the Whistleblower Protection Enhancement Act.<sup>2</sup>

The anti-gag law requires all federal agency nondisclosure policies, forms, or agreements to include the following explicit statement notifying the employee of their rights to report wrongdoing:

These provisions are consistent with and do not supersede, conflict with, or otherwise alter the employee obligations, rights, or liabilities created by existing statute or Executive order relating to (1) classified information, (2) communications to Congress, (3) the reporting to an Inspector General or the Office of Special Counsel of a violation of any law, rule, or regulation, or mismanagement, a gross waste of funds, an abuse of authority, or a substantial and specific danger to public health or safety, or (4) any other whistleblower protection. The definitions, requirements, obligations, rights, sanctions, and liabilities created by controlling Executive orders and statutory provisions are incorporated into this agreement and are controlling.<sup>3</sup>

Appropriation law prohibits the use of government funds to enforce these agreements if they fail to contain the anti-gag provision.<sup>4</sup>

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<sup>1</sup> 5 USC § 2302(b)(13); Pub. L. No. 117-328

<sup>2</sup> *Id.*

<sup>3</sup> 5 USC § 2302(b)(13).

<sup>4</sup> Pub. L. No. 117-328.

Even though Congress made it abundantly clear that employees are required to be informed of their rights to make legally protected disclosures, there's a growing trend among federal agencies to use nondisclosure policies and similar agreements without the inclusion of the anti-gag provision in violation of the law.<sup>5</sup> This is unacceptable.

The importance of whistleblowers knowing their rights under the law cannot be stated enough, and federal agencies should encourage their employees to disclose allegations of waste, fraud, and abuse. Federal agencies cannot be allowed to conceal their wrongdoing behind illegal nondisclosure policies and related actions. Accordingly, I request that you review all nondisclosure policies, forms, agreements, and related documents specific to your agency to ensure the anti-gag provision is included as required by law.

Thank you for your prompt review and response. If you have any questions, please contact Brian Randolph on my Committee staff at (202) 224-0642.

Sincerely,



Charles E. Grassley  
Ranking Member  
Committee on the Budget

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<sup>5</sup> See Letter from Senators Grassley and Johnson to Inspector General Horowitz (Apr. 19, 2023) [https://www.grassley.senate.gov/imo/media/doc/grassley\\_johnson\\_to\\_justice\\_deptinspectorgeneralfbiantigagprovision.pdf](https://www.grassley.senate.gov/imo/media/doc/grassley_johnson_to_justice_deptinspectorgeneralfbiantigagprovision.pdf); Letter from Senators Grassley and Johnson to Inspectors General Horowitz and George (Jun 6, 2023) [https://www.grassley.senate.gov/imo/media/doc/grassley\\_johnson\\_to\\_dojoigtigta\\_-\\_whistleblower\\_retaliation.pdf](https://www.grassley.senate.gov/imo/media/doc/grassley_johnson_to_dojoigtigta_-_whistleblower_retaliation.pdf); Letter from Senators Grassley and Johnson to Internal Revenue Service Commissioner Werfel (Jun. 6, 2023) [https://www.grassley.senate.gov/imo/media/doc/grassley\\_johnson\\_to\\_irs\\_-\\_protected\\_whistleblower\\_disclosure.pdf](https://www.grassley.senate.gov/imo/media/doc/grassley_johnson_to_irs_-_protected_whistleblower_disclosure.pdf); Letter from Senator Grassley, Senator Johnson, Representative Smith, and Representative Comer to Special Counsel Kerner (Jul. 5, 2023) [https://www.grassley.senate.gov/imo/media/doc/grassley\\_johnson\\_comer\\_jordan\\_smith\\_to\\_osc\\_-\\_whistleblower\\_retaliation.pdf](https://www.grassley.senate.gov/imo/media/doc/grassley_johnson_comer_jordan_smith_to_osc_-_whistleblower_retaliation.pdf); Letter from Senator Grassley to Health and Human Services Secretary Becerra, Administration for Children and Families Acting Assistant Secretary Hild, and Office of Refugee Resettlement Director Marcos (Nov. 21, 2023) [https://www.grassley.senate.gov/imo/media/doc/grassley\\_to\\_hhs\\_acf\\_and\\_orr\\_-\\_whistleblower\\_protections.pdf](https://www.grassley.senate.gov/imo/media/doc/grassley_to_hhs_acf_and_orr_-_whistleblower_protections.pdf); Letter from Senator Grassley to Acting Special Counsel Gorman (Nov. 21, 2023) [https://www.grassley.senate.gov/imo/media/doc/grassley\\_to\\_osc\\_-\\_hhs\\_whistleblower\\_protections.pdf](https://www.grassley.senate.gov/imo/media/doc/grassley_to_osc_-_hhs_whistleblower_protections.pdf); Letter from Senator Grassley to DOJ-OIG Horowitz (Feb. 12, 2024) [https://www.grassley.senate.gov/imo/media/doc/grassley\\_to\\_doj\\_oig\\_-\\_protected\\_whistleblower\\_disclosures.pdf](https://www.grassley.senate.gov/imo/media/doc/grassley_to_doj_oig_-_protected_whistleblower_disclosures.pdf); Letter from Senator Grassley to Bureau of Alcohol, Tobacco, Firearms, and Explosives Director Dettelbach (Feb. 12, 2024) [https://www.grassley.senate.gov/imo/media/doc/grassley\\_to\\_atf\\_-\\_protected\\_whistleblower\\_disclosures.pdf](https://www.grassley.senate.gov/imo/media/doc/grassley_to_atf_-_protected_whistleblower_disclosures.pdf); Letter from Senator Grassley to Inspector General Horowitz (Mar. 8, 2024) [https://www.grassley.senate.gov/imo/media/doc/grassley\\_to\\_doj\\_inspector\\_general\\_-\\_eoir\\_disclosures\\_to\\_congress.pdf](https://www.grassley.senate.gov/imo/media/doc/grassley_to_doj_inspector_general_-_eoir_disclosures_to_congress.pdf); Letter from Senator Grassley to Attorney General Garland (Mar. 8, 2024) [https://www.grassley.senate.gov/imo/media/doc/grassley\\_to\\_doj\\_-\\_eoir\\_disclosures\\_to\\_congress.pdf](https://www.grassley.senate.gov/imo/media/doc/grassley_to_doj_-_eoir_disclosures_to_congress.pdf); Letter from Senator Grassley to Executive Office for Immigration Review Director David Neal (Mar. 8, 2024) [https://www.grassley.senate.gov/imo/media/doc/grassley\\_to\\_executive\\_office\\_for\\_immigration\\_review\\_-\\_eoir\\_disclosures\\_to\\_congress.pdf](https://www.grassley.senate.gov/imo/media/doc/grassley_to_executive_office_for_immigration_review_-_eoir_disclosures_to_congress.pdf).

United States Senate  
WASHINGTON, DC 20510

March 11, 2024

**VIA ELECTRONIC TRANSMISSION**

Ms. Brianna Schletz  
Inspector General  
Election Assistance Commission

Dear Inspector General Schletz:

Whistleblowers are patriots and the government's most powerful tool in rooting out waste, fraud, abuse, and misconduct. Nevertheless, federal agencies continue to implement nondisclosure policies and similar agreements without the inclusion of the "anti-gag" provision as required by law.<sup>1</sup> This failure has a chilling effect that discourages whistleblowers from reporting allegations of misconduct to Congress, Inspectors General (IG), and the Office of Special Counsel (OSC). The "anti-gag" provision has been included in almost every appropriations bill since 1988 and was codified in the Whistleblower Protection Enhancement Act.<sup>2</sup>

The anti-gag law requires all federal agency nondisclosure policies, forms, or agreements to include the following explicit statement notifying the employee of their rights to report wrongdoing:

These provisions are consistent with and do not supersede, conflict with, or otherwise alter the employee obligations, rights, or liabilities created by existing statute or Executive order relating to (1) classified information, (2) communications to Congress, (3) the reporting to an Inspector General or the Office of Special Counsel of a violation of any law, rule, or regulation, or mismanagement, a gross waste of funds, an abuse of authority, or a substantial and specific danger to public health or safety, or (4) any other whistleblower protection. The definitions, requirements, obligations, rights, sanctions, and liabilities created by controlling Executive orders and statutory provisions are incorporated into this agreement and are controlling.<sup>3</sup>

Appropriation law prohibits the use of government funds to enforce these agreements if they fail to contain the anti-gag provision.<sup>4</sup>

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<sup>1</sup> 5 USC § 2302(b)(13); Pub. L. No. 117-328

<sup>2</sup> *Id.*

<sup>3</sup> 5 USC § 2302(b)(13).

<sup>4</sup> Pub. L. No. 117-328.

Even though Congress made it abundantly clear that employees are required to be informed of their rights to make legally protected disclosures, there's a growing trend among federal agencies to use nondisclosure policies and similar agreements without the inclusion of the anti-gag provision in violation of the law.<sup>5</sup> This is unacceptable.

The importance of whistleblowers knowing their rights under the law cannot be stated enough, and federal agencies should encourage their employees to disclose allegations of waste, fraud, and abuse. Federal agencies cannot be allowed to conceal their wrongdoing behind illegal nondisclosure policies and related actions. Accordingly, I request that you review all nondisclosure policies, forms, agreements, and related documents specific to your agency to ensure the anti-gag provision is included as required by law.

Thank you for your prompt review and response. If you have any questions, please contact Brian Randolph on my Committee staff at (202) 224-0642.

Sincerely,



Charles E. Grassley  
Ranking Member  
Committee on the Budget

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<sup>5</sup> See Letter from Senators Grassley and Johnson to Inspector General Horowitz (Apr. 19, 2023) [https://www.grassley.senate.gov/imo/media/doc/grassley\\_johnson\\_to\\_justice\\_deptinspectorgeneralfbiantigagprovision.pdf](https://www.grassley.senate.gov/imo/media/doc/grassley_johnson_to_justice_deptinspectorgeneralfbiantigagprovision.pdf); Letter from Senators Grassley and Johnson to Inspectors General Horowitz and George (Jun 6, 2023) [https://www.grassley.senate.gov/imo/media/doc/grassley\\_johnson\\_to\\_dojoigtigta\\_-\\_whistleblower\\_retaliation.pdf](https://www.grassley.senate.gov/imo/media/doc/grassley_johnson_to_dojoigtigta_-_whistleblower_retaliation.pdf); Letter from Senators Grassley and Johnson to Internal Revenue Service Commissioner Werfel (Jun. 6, 2023) [https://www.grassley.senate.gov/imo/media/doc/grassley\\_johnson\\_to\\_irs\\_-\\_protected\\_whistleblower\\_disclosure.pdf](https://www.grassley.senate.gov/imo/media/doc/grassley_johnson_to_irs_-_protected_whistleblower_disclosure.pdf); Letter from Senator Grassley, Senator Johnson, Representative Smith, and Representative Comer to Special Counsel Kerner (Jul. 5, 2023) [https://www.grassley.senate.gov/imo/media/doc/grassley\\_johnson\\_comer\\_jordan\\_smith\\_to\\_osc\\_-\\_whistleblower\\_retaliation.pdf](https://www.grassley.senate.gov/imo/media/doc/grassley_johnson_comer_jordan_smith_to_osc_-_whistleblower_retaliation.pdf); Letter from Senator Grassley to Health and Human Services Secretary Becerra, Administration for Children and Families Acting Assistant Secretary Hild, and Office of Refugee Resettlement Director Marcos (Nov. 21, 2023) [https://www.grassley.senate.gov/imo/media/doc/grassley\\_to\\_hhs\\_acf\\_and\\_orr\\_-\\_whistleblower\\_protections.pdf](https://www.grassley.senate.gov/imo/media/doc/grassley_to_hhs_acf_and_orr_-_whistleblower_protections.pdf); Letter from Senator Grassley to Acting Special Counsel Gorman (Nov. 21, 2023) [https://www.grassley.senate.gov/imo/media/doc/grassley\\_to\\_osc\\_-\\_hhs\\_whistleblower\\_protections.pdf](https://www.grassley.senate.gov/imo/media/doc/grassley_to_osc_-_hhs_whistleblower_protections.pdf); Letter from Senator Grassley to DOJ-OIG Horowitz (Feb. 12, 2024) [https://www.grassley.senate.gov/imo/media/doc/grassley\\_to\\_doj\\_oig\\_-\\_protected\\_whistleblower\\_disclosures.pdf](https://www.grassley.senate.gov/imo/media/doc/grassley_to_doj_oig_-_protected_whistleblower_disclosures.pdf); Letter from Senator Grassley to Bureau of Alcohol, Tobacco, Firearms, and Explosives Director Dettelbach (Feb. 12, 2024) [https://www.grassley.senate.gov/imo/media/doc/grassley\\_to\\_atf\\_-\\_protected\\_whistleblower\\_disclosures.pdf](https://www.grassley.senate.gov/imo/media/doc/grassley_to_atf_-_protected_whistleblower_disclosures.pdf); Letter from Senator Grassley to Inspector General Horowitz (Mar. 8, 2024) [https://www.grassley.senate.gov/imo/media/doc/grassley\\_to\\_doj\\_inspector\\_general\\_-\\_eoir\\_disclosures\\_to\\_congress.pdf](https://www.grassley.senate.gov/imo/media/doc/grassley_to_doj_inspector_general_-_eoir_disclosures_to_congress.pdf); Letter from Senator Grassley to Attorney General Garland (Mar. 8, 2024) [https://www.grassley.senate.gov/imo/media/doc/grassley\\_to\\_doj\\_-\\_eoir\\_disclosures\\_to\\_congress.pdf](https://www.grassley.senate.gov/imo/media/doc/grassley_to_doj_-_eoir_disclosures_to_congress.pdf); Letter from Senator Grassley to Executive Office for Immigration Review Director David Neal (Mar. 8, 2024) [https://www.grassley.senate.gov/imo/media/doc/grassley\\_to\\_executive\\_office\\_for\\_immigration\\_review\\_-\\_eoir\\_disclosures\\_to\\_congress.pdf](https://www.grassley.senate.gov/imo/media/doc/grassley_to_executive_office_for_immigration_review_-_eoir_disclosures_to_congress.pdf).

United States Senate  
WASHINGTON, DC 20510

March 11, 2024

**VIA ELECTRONIC TRANSMISSION**

The Honorable Sean W. O'Donnell  
Inspector General  
Environmental Protection Agency

Dear Inspector General O'Donnell:

Whistleblowers are patriots and the government's most powerful tool in rooting out waste, fraud, abuse, and misconduct. Nevertheless, federal agencies continue to implement nondisclosure policies and similar agreements without the inclusion of the "anti-gag" provision as required by law.<sup>1</sup> This failure has a chilling effect that discourages whistleblowers from reporting allegations of misconduct to Congress, Inspectors General (IG), and the Office of Special Counsel (OSC). The "anti-gag" provision has been included in almost every appropriations bill since 1988 and was codified in the Whistleblower Protection Enhancement Act.<sup>2</sup>

The anti-gag law requires all federal agency nondisclosure policies, forms, or agreements to include the following explicit statement notifying the employee of their rights to report wrongdoing:

These provisions are consistent with and do not supersede, conflict with, or otherwise alter the employee obligations, rights, or liabilities created by existing statute or Executive order relating to (1) classified information, (2) communications to Congress, (3) the reporting to an Inspector General or the Office of Special Counsel of a violation of any law, rule, or regulation, or mismanagement, a gross waste of funds, an abuse of authority, or a substantial and specific danger to public health or safety, or (4) any other whistleblower protection. The definitions, requirements, obligations, rights, sanctions, and liabilities created by controlling Executive orders and statutory provisions are incorporated into this agreement and are controlling.<sup>3</sup>

Appropriation law prohibits the use of government funds to enforce these agreements if they fail to contain the anti-gag provision.<sup>4</sup>

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<sup>1</sup> 5 USC § 2302(b)(13); Pub. L. No. 117-328

<sup>2</sup> *Id.*

<sup>3</sup> 5 USC § 2302(b)(13).

<sup>4</sup> Pub. L. No. 117-328.

Even though Congress made it abundantly clear that employees are required to be informed of their rights to make legally protected disclosures, there's a growing trend among federal agencies to use nondisclosure policies and similar agreements without the inclusion of the anti-gag provision in violation of the law.<sup>5</sup> This is unacceptable.

The importance of whistleblowers knowing their rights under the law cannot be stated enough, and federal agencies should encourage their employees to disclose allegations of waste, fraud, and abuse. Federal agencies cannot be allowed to conceal their wrongdoing behind illegal nondisclosure policies and related actions. Accordingly, I request that you review all nondisclosure policies, forms, agreements, and related documents specific to your agency to ensure the anti-gag provision is included as required by law.

Thank you for your prompt review and response. If you have any questions, please contact Brian Randolph on my Committee staff at (202) 224-0642.

Sincerely,



Charles E. Grassley  
Ranking Member  
Committee on the Budget

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<sup>5</sup> See Letter from Senators Grassley and Johnson to Inspector General Horowitz (Apr. 19, 2023) [https://www.grassley.senate.gov/imo/media/doc/grassley\\_johnson\\_to\\_justice\\_deptinspectorgeneralfbiantigagprovision.pdf](https://www.grassley.senate.gov/imo/media/doc/grassley_johnson_to_justice_deptinspectorgeneralfbiantigagprovision.pdf); Letter from Senators Grassley and Johnson to Inspectors General Horowitz and George (Jun 6, 2023) [https://www.grassley.senate.gov/imo/media/doc/grassley\\_johnson\\_to\\_dojoigtigta\\_-\\_whistleblower\\_retaliation.pdf](https://www.grassley.senate.gov/imo/media/doc/grassley_johnson_to_dojoigtigta_-_whistleblower_retaliation.pdf); Letter from Senators Grassley and Johnson to Internal Revenue Service Commissioner Werfel (Jun. 6, 2023) [https://www.grassley.senate.gov/imo/media/doc/grassley\\_johnson\\_to\\_irs\\_-\\_protected\\_whistleblower\\_disclosure.pdf](https://www.grassley.senate.gov/imo/media/doc/grassley_johnson_to_irs_-_protected_whistleblower_disclosure.pdf); Letter from Senator Grassley, Senator Johnson, Representative Smith, and Representative Comer to Special Counsel Kerner (Jul. 5, 2023) [https://www.grassley.senate.gov/imo/media/doc/grassley\\_johnson\\_comer\\_jordan\\_smith\\_to\\_osc\\_-\\_whistleblower\\_retaliation.pdf](https://www.grassley.senate.gov/imo/media/doc/grassley_johnson_comer_jordan_smith_to_osc_-_whistleblower_retaliation.pdf); Letter from Senator Grassley to Health and Human Services Secretary Becerra, Administration for Children and Families Acting Assistant Secretary Hild, and Office of Refugee Resettlement Director Marcos (Nov. 21, 2023) [https://www.grassley.senate.gov/imo/media/doc/grassley\\_to\\_hhs\\_acf\\_and\\_orr\\_-\\_whistleblower\\_protections.pdf](https://www.grassley.senate.gov/imo/media/doc/grassley_to_hhs_acf_and_orr_-_whistleblower_protections.pdf); Letter from Senator Grassley to Acting Special Counsel Gorman (Nov. 21, 2023) [https://www.grassley.senate.gov/imo/media/doc/grassley\\_to\\_osc\\_-\\_hhs\\_whistleblower\\_protections.pdf](https://www.grassley.senate.gov/imo/media/doc/grassley_to_osc_-_hhs_whistleblower_protections.pdf); Letter from Senator Grassley to DOJ-OIG Horowitz (Feb. 12, 2024) [https://www.grassley.senate.gov/imo/media/doc/grassley\\_to\\_doj\\_oig\\_-\\_protected\\_whistleblower\\_disclosures.pdf](https://www.grassley.senate.gov/imo/media/doc/grassley_to_doj_oig_-_protected_whistleblower_disclosures.pdf); Letter from Senator Grassley to Bureau of Alcohol, Tobacco, Firearms, and Explosives Director Dettelbach (Feb. 12, 2024) [https://www.grassley.senate.gov/imo/media/doc/grassley\\_to\\_atf\\_-\\_protected\\_whistleblower\\_disclosures.pdf](https://www.grassley.senate.gov/imo/media/doc/grassley_to_atf_-_protected_whistleblower_disclosures.pdf); Letter from Senator Grassley to Inspector General Horowitz (Mar. 8, 2024) [https://www.grassley.senate.gov/imo/media/doc/grassley\\_to\\_doj\\_inspector\\_general\\_-\\_eoir\\_disclosures\\_to\\_congress.pdf](https://www.grassley.senate.gov/imo/media/doc/grassley_to_doj_inspector_general_-_eoir_disclosures_to_congress.pdf); Letter from Senator Grassley to Attorney General Garland (Mar. 8, 2024) [https://www.grassley.senate.gov/imo/media/doc/grassley\\_to\\_doj\\_-\\_eoir\\_disclosures\\_to\\_congress.pdf](https://www.grassley.senate.gov/imo/media/doc/grassley_to_doj_-_eoir_disclosures_to_congress.pdf); Letter from Senator Grassley to Executive Office for Immigration Review Director David Neal (Mar. 8, 2024) [https://www.grassley.senate.gov/imo/media/doc/grassley\\_to\\_executive\\_office\\_for\\_immigration\\_review\\_-\\_eoir\\_disclosures\\_to\\_congress.pdf](https://www.grassley.senate.gov/imo/media/doc/grassley_to_executive_office_for_immigration_review_-_eoir_disclosures_to_congress.pdf).

United States Senate  
WASHINGTON, DC 20510

March 11, 2024

**VIA ELECTRONIC TRANSMISSION**

The Honorable Joyce T. Willoughby  
Inspector General  
Equal Employment Opportunity Commission

Dear Inspector General Willoughby:

Whistleblowers are patriots and the government's most powerful tool in rooting out waste, fraud, abuse, and misconduct. Nevertheless, federal agencies continue to implement nondisclosure policies and similar agreements without the inclusion of the "anti-gag" provision as required by law.<sup>1</sup> This failure has a chilling effect that discourages whistleblowers from reporting allegations of misconduct to Congress, Inspectors General (IG), and the Office of Special Counsel (OSC). The "anti-gag" provision has been included in almost every appropriations bill since 1988 and was codified in the Whistleblower Protection Enhancement Act.<sup>2</sup>

The anti-gag law requires all federal agency nondisclosure policies, forms, or agreements to include the following explicit statement notifying the employee of their rights to report wrongdoing:

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Appropriation law prohibits the use of government funds to enforce these agreements if they fail to contain the anti-gag provision.<sup>4</sup>

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<sup>1</sup> 5 USC § 2302(b)(13); Pub. L. No. 117-328

<sup>2</sup> *Id.*

<sup>3</sup> 5 USC § 2302(b)(13).

<sup>4</sup> Pub. L. No. 117-328.

Even though Congress made it abundantly clear that employees are required to be informed of their rights to make legally protected disclosures, there's a growing trend among federal agencies to use nondisclosure policies and similar agreements without the inclusion of the anti-gag provision in violation of the law.<sup>5</sup> This is unacceptable.

The importance of whistleblowers knowing their rights under the law cannot be stated enough, and federal agencies should encourage their employees to disclose allegations of waste, fraud, and abuse. Federal agencies cannot be allowed to conceal their wrongdoing behind illegal nondisclosure policies and related actions. Accordingly, I request that you review all nondisclosure policies, forms, agreements, and related documents specific to your agency to ensure the anti-gag provision is included as required by law.

Thank you for your prompt review and response. If you have any questions, please contact Brian Randolph on my Committee staff at (202) 224-0642.

Sincerely,



Charles E. Grassley  
Ranking Member  
Committee on the Budget

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<sup>5</sup> See Letter from Senators Grassley and Johnson to Inspector General Horowitz (Apr. 19, 2023) [https://www.grassley.senate.gov/imo/media/doc/grassley\\_johnson\\_to\\_justice\\_deptinspectorgeneralfbiantigagprovision.pdf](https://www.grassley.senate.gov/imo/media/doc/grassley_johnson_to_justice_deptinspectorgeneralfbiantigagprovision.pdf); Letter from Senators Grassley and Johnson to Inspectors General Horowitz and George (Jun 6, 2023) [https://www.grassley.senate.gov/imo/media/doc/grassley\\_johnson\\_to\\_dojoigtigta\\_-\\_whistleblower\\_retaliation.pdf](https://www.grassley.senate.gov/imo/media/doc/grassley_johnson_to_dojoigtigta_-_whistleblower_retaliation.pdf); Letter from Senators Grassley and Johnson to Internal Revenue Service Commissioner Werfel (Jun. 6, 2023) [https://www.grassley.senate.gov/imo/media/doc/grassley\\_johnson\\_to\\_irs\\_-\\_protected\\_whistleblower\\_disclosure.pdf](https://www.grassley.senate.gov/imo/media/doc/grassley_johnson_to_irs_-_protected_whistleblower_disclosure.pdf); Letter from Senator Grassley, Senator Johnson, Representative Smith, and Representative Comer to Special Counsel Kerner (Jul. 5, 2023) [https://www.grassley.senate.gov/imo/media/doc/grassley\\_johnson\\_comer\\_jordan\\_smith\\_to\\_osc\\_-\\_whistleblower\\_retaliation.pdf](https://www.grassley.senate.gov/imo/media/doc/grassley_johnson_comer_jordan_smith_to_osc_-_whistleblower_retaliation.pdf); Letter from Senator Grassley to Health and Human Services Secretary Becerra, Administration for Children and Families Acting Assistant Secretary Hild, and Office of Refugee Resettlement Director Marcos (Nov. 21, 2023) [https://www.grassley.senate.gov/imo/media/doc/grassley\\_to\\_hhs\\_acf\\_and\\_orr\\_-\\_whistleblower\\_protections.pdf](https://www.grassley.senate.gov/imo/media/doc/grassley_to_hhs_acf_and_orr_-_whistleblower_protections.pdf); Letter from Senator Grassley to Acting Special Counsel Gorman (Nov. 21, 2023) [https://www.grassley.senate.gov/imo/media/doc/grassley\\_to\\_osc\\_-\\_hhs\\_whistleblower\\_protections.pdf](https://www.grassley.senate.gov/imo/media/doc/grassley_to_osc_-_hhs_whistleblower_protections.pdf); Letter from Senator Grassley to DOJ-OIG Horowitz (Feb. 12, 2024) [https://www.grassley.senate.gov/imo/media/doc/grassley\\_to\\_doj\\_oig\\_-\\_protected\\_whistleblower\\_disclosures.pdf](https://www.grassley.senate.gov/imo/media/doc/grassley_to_doj_oig_-_protected_whistleblower_disclosures.pdf); Letter from Senator Grassley to Bureau of Alcohol, Tobacco, Firearms, and Explosives Director Dettelbach (Feb. 12, 2024) [https://www.grassley.senate.gov/imo/media/doc/grassley\\_to\\_atf\\_-\\_protected\\_whistleblower\\_disclosures.pdf](https://www.grassley.senate.gov/imo/media/doc/grassley_to_atf_-_protected_whistleblower_disclosures.pdf); Letter from Senator Grassley to Inspector General Horowitz (Mar. 8, 2024) [https://www.grassley.senate.gov/imo/media/doc/grassley\\_to\\_doj\\_inspector\\_general\\_-\\_eoir\\_disclosures\\_to\\_congress.pdf](https://www.grassley.senate.gov/imo/media/doc/grassley_to_doj_inspector_general_-_eoir_disclosures_to_congress.pdf); Letter from Senator Grassley to Attorney General Garland (Mar. 8, 2024) [https://www.grassley.senate.gov/imo/media/doc/grassley\\_to\\_doj\\_-\\_eoir\\_disclosures\\_to\\_congress.pdf](https://www.grassley.senate.gov/imo/media/doc/grassley_to_doj_-_eoir_disclosures_to_congress.pdf); Letter from Senator Grassley to Executive Office for Immigration Review Director David Neal (Mar. 8, 2024) [https://www.grassley.senate.gov/imo/media/doc/grassley\\_to\\_executive\\_office\\_for\\_immigration\\_review\\_-\\_eoir\\_disclosures\\_to\\_congress.pdf](https://www.grassley.senate.gov/imo/media/doc/grassley_to_executive_office_for_immigration_review_-_eoir_disclosures_to_congress.pdf).

**United States Senate**  
WASHINGTON, DC 20510

March 11, 2024

**VIA ELECTRONIC TRANSMISSION**

The Honorable Parisa Salehi  
Inspector General  
Export-Import Bank of the United States

Dear Inspector General Salehi:

Whistleblowers are patriots and the government's most powerful tool in rooting out waste, fraud, abuse, and misconduct. Nevertheless, federal agencies continue to implement nondisclosure policies and similar agreements without the inclusion of the "anti-gag" provision as required by law.<sup>1</sup> This failure has a chilling effect that discourages whistleblowers from reporting allegations of misconduct to Congress, Inspectors General (IG), and the Office of Special Counsel (OSC). The "anti-gag" provision has been included in almost every appropriations bill since 1988 and was codified in the Whistleblower Protection Enhancement Act.<sup>2</sup>

The anti-gag law requires all federal agency nondisclosure policies, forms, or agreements to include the following explicit statement notifying the employee of their rights to report wrongdoing:

These provisions are consistent with and do not supersede, conflict with, or otherwise alter the employee obligations, rights, or liabilities created by existing statute or Executive order relating to (1) classified information, (2) communications to Congress, (3) the reporting to an Inspector General or the Office of Special Counsel of a violation of any law, rule, or regulation, or mismanagement, a gross waste of funds, an abuse of authority, or a substantial and specific danger to public health or safety, or (4) any other whistleblower protection. The definitions, requirements, obligations, rights, sanctions, and liabilities created by controlling Executive orders and statutory provisions are incorporated into this agreement and are controlling.<sup>3</sup>

Appropriation law prohibits the use of government funds to enforce these agreements if they fail to contain the anti-gag provision.<sup>4</sup>

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<sup>1</sup> 5 USC § 2302(b)(13); Pub. L. No. 117-328

<sup>2</sup> *Id.*

<sup>3</sup> 5 USC § 2302(b)(13).

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Even though Congress made it abundantly clear that employees are required to be informed of their rights to make legally protected disclosures, there's a growing trend among federal agencies to use nondisclosure policies and similar agreements without the inclusion of the anti-gag provision in violation of the law.<sup>5</sup> This is unacceptable.

The importance of whistleblowers knowing their rights under the law cannot be stated enough, and federal agencies should encourage their employees to disclose allegations of waste, fraud, and abuse. Federal agencies cannot be allowed to conceal their wrongdoing behind illegal nondisclosure policies and related actions. Accordingly, I request that you review all nondisclosure policies, forms, agreements, and related documents specific to your agency to ensure the anti-gag provision is included as required by law.

Thank you for your prompt review and response. If you have any questions, please contact Brian Randolph on my Committee staff at (202) 224-0642.

Sincerely,



Charles E. Grassley  
Ranking Member  
Committee on the Budget

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<sup>5</sup> See Letter from Senators Grassley and Johnson to Inspector General Horowitz (Apr. 19, 2023) [https://www.grassley.senate.gov/imo/media/doc/grassley\\_johnson\\_to\\_justice\\_deptinspectorgeneralfbiantigagprovision.pdf](https://www.grassley.senate.gov/imo/media/doc/grassley_johnson_to_justice_deptinspectorgeneralfbiantigagprovision.pdf); Letter from Senators Grassley and Johnson to Inspectors General Horowitz and George (Jun 6, 2023) [https://www.grassley.senate.gov/imo/media/doc/grassley\\_johnson\\_to\\_dojoigtigta\\_-\\_whistleblower\\_retaliation.pdf](https://www.grassley.senate.gov/imo/media/doc/grassley_johnson_to_dojoigtigta_-_whistleblower_retaliation.pdf); Letter from Senators Grassley and Johnson to Internal Revenue Service Commissioner Werfel (Jun. 6, 2023) [https://www.grassley.senate.gov/imo/media/doc/grassley\\_johnson\\_to\\_irs\\_-\\_protected\\_whistleblower\\_disclosure.pdf](https://www.grassley.senate.gov/imo/media/doc/grassley_johnson_to_irs_-_protected_whistleblower_disclosure.pdf); Letter from Senator Grassley, Senator Johnson, Representative Smith, and Representative Comer to Special Counsel Kerner (Jul. 5, 2023) [https://www.grassley.senate.gov/imo/media/doc/grassley\\_johnson\\_comer\\_jordan\\_smith\\_to\\_osc\\_-\\_whistleblower\\_retaliation.pdf](https://www.grassley.senate.gov/imo/media/doc/grassley_johnson_comer_jordan_smith_to_osc_-_whistleblower_retaliation.pdf); Letter from Senator Grassley to Health and Human Services Secretary Becerra, Administration for Children and Families Acting Assistant Secretary Hild, and Office of Refugee Resettlement Director Marcos (Nov. 21, 2023) [https://www.grassley.senate.gov/imo/media/doc/grassley\\_to\\_hhs\\_acf\\_and\\_orr\\_-\\_whistleblower\\_protections.pdf](https://www.grassley.senate.gov/imo/media/doc/grassley_to_hhs_acf_and_orr_-_whistleblower_protections.pdf); Letter from Senator Grassley to Acting Special Counsel Gorman (Nov. 21, 2023) [https://www.grassley.senate.gov/imo/media/doc/grassley\\_to\\_osc\\_-\\_hhs\\_whistleblower\\_protections.pdf](https://www.grassley.senate.gov/imo/media/doc/grassley_to_osc_-_hhs_whistleblower_protections.pdf); Letter from Senator Grassley to DOJ-OIG Horowitz (Feb. 12, 2024) [https://www.grassley.senate.gov/imo/media/doc/grassley\\_to\\_doj\\_oig\\_-\\_protected\\_whistleblower\\_disclosures.pdf](https://www.grassley.senate.gov/imo/media/doc/grassley_to_doj_oig_-_protected_whistleblower_disclosures.pdf); Letter from Senator Grassley to Bureau of Alcohol, Tobacco, Firearms, and Explosives Director Dettelbach (Feb. 12, 2024) [https://www.grassley.senate.gov/imo/media/doc/grassley\\_to\\_atf\\_-\\_protected\\_whistleblower\\_disclosures.pdf](https://www.grassley.senate.gov/imo/media/doc/grassley_to_atf_-_protected_whistleblower_disclosures.pdf); Letter from Senator Grassley to Inspector General Horowitz (Mar. 8, 2024) [https://www.grassley.senate.gov/imo/media/doc/grassley\\_to\\_doj\\_inspector\\_general\\_-\\_eoir\\_disclosures\\_to\\_congress.pdf](https://www.grassley.senate.gov/imo/media/doc/grassley_to_doj_inspector_general_-_eoir_disclosures_to_congress.pdf); Letter from Senator Grassley to Attorney General Garland (Mar. 8, 2024) [https://www.grassley.senate.gov/imo/media/doc/grassley\\_to\\_doj\\_-\\_eoir\\_disclosures\\_to\\_congress.pdf](https://www.grassley.senate.gov/imo/media/doc/grassley_to_doj_-_eoir_disclosures_to_congress.pdf); Letter from Senator Grassley to Executive Office for Immigration Review Director David Neal (Mar. 8, 2024) [https://www.grassley.senate.gov/imo/media/doc/grassley\\_to\\_executive\\_office\\_for\\_immigration\\_review\\_-\\_eoir\\_disclosures\\_to\\_congress.pdf](https://www.grassley.senate.gov/imo/media/doc/grassley_to_executive_office_for_immigration_review_-_eoir_disclosures_to_congress.pdf).

United States Senate  
WASHINGTON, DC 20510

March 11, 2024

**VIA ELECTRONIC TRANSMISSION**

Ms. Wendy Laguarda  
Inspector General  
Farm Credit Administration

Dear Inspector General Laguarda:

Whistleblowers are patriots and the government's most powerful tool in rooting out waste, fraud, abuse, and misconduct. Nevertheless, federal agencies continue to implement nondisclosure policies and similar agreements without the inclusion of the "anti-gag" provision as required by law.<sup>1</sup> This failure has a chilling effect that discourages whistleblowers from reporting allegations of misconduct to Congress, Inspectors General (IG), and the Office of Special Counsel (OSC). The "anti-gag" provision has been included in almost every appropriations bill since 1988 and was codified in the Whistleblower Protection Enhancement Act.<sup>2</sup>

The anti-gag law requires all federal agency nondisclosure policies, forms, or agreements to include the following explicit statement notifying the employee of their rights to report wrongdoing:

These provisions are consistent with and do not supersede, conflict with, or otherwise alter the employee obligations, rights, or liabilities created by existing statute or Executive order relating to (1) classified information, (2) communications to Congress, (3) the reporting to an Inspector General or the Office of Special Counsel of a violation of any law, rule, or regulation, or mismanagement, a gross waste of funds, an abuse of authority, or a substantial and specific danger to public health or safety, or (4) any other whistleblower protection. The definitions, requirements, obligations, rights, sanctions, and liabilities created by controlling Executive orders and statutory provisions are incorporated into this agreement and are controlling.<sup>3</sup>

Appropriation law prohibits the use of government funds to enforce these agreements if they fail to contain the anti-gag provision.<sup>4</sup>

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<sup>1</sup> 5 USC § 2302(b)(13); Pub. L. No. 117-328

<sup>2</sup> *Id.*

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Even though Congress made it abundantly clear that employees are required to be informed of their rights to make legally protected disclosures, there's a growing trend among federal agencies to use nondisclosure policies and similar agreements without the inclusion of the anti-gag provision in violation of the law.<sup>5</sup> This is unacceptable.

The importance of whistleblowers knowing their rights under the law cannot be stated enough, and federal agencies should encourage their employees to disclose allegations of waste, fraud, and abuse. Federal agencies cannot be allowed to conceal their wrongdoing behind illegal nondisclosure policies and related actions. Accordingly, I request that you review all nondisclosure policies, forms, agreements, and related documents specific to your agency to ensure the anti-gag provision is included as required by law.

Thank you for your prompt review and response. If you have any questions, please contact Brian Randolph on my Committee staff at (202) 224-0642.

Sincerely,



Charles E. Grassley  
Ranking Member  
Committee on the Budget

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<sup>5</sup> See Letter from Senators Grassley and Johnson to Inspector General Horowitz (Apr. 19, 2023) [https://www.grassley.senate.gov/imo/media/doc/grassley\\_johnson\\_to\\_justice\\_deptinspectorgeneralfbiantigagprovision.pdf](https://www.grassley.senate.gov/imo/media/doc/grassley_johnson_to_justice_deptinspectorgeneralfbiantigagprovision.pdf); Letter from Senators Grassley and Johnson to Inspectors General Horowitz and George (Jun 6, 2023) [https://www.grassley.senate.gov/imo/media/doc/grassley\\_johnson\\_to\\_dojoigtigta\\_-\\_whistleblower\\_retaliation.pdf](https://www.grassley.senate.gov/imo/media/doc/grassley_johnson_to_dojoigtigta_-_whistleblower_retaliation.pdf); Letter from Senators Grassley and Johnson to Internal Revenue Service Commissioner Werfel (Jun. 6, 2023) [https://www.grassley.senate.gov/imo/media/doc/grassley\\_johnson\\_to\\_irs\\_-\\_protected\\_whistleblower\\_disclosure.pdf](https://www.grassley.senate.gov/imo/media/doc/grassley_johnson_to_irs_-_protected_whistleblower_disclosure.pdf); Letter from Senator Grassley, Senator Johnson, Representative Smith, and Representative Comer to Special Counsel Kerner (Jul. 5, 2023) [https://www.grassley.senate.gov/imo/media/doc/grassley\\_johnson\\_comer\\_jordan\\_smith\\_to\\_osc\\_-\\_whistleblower\\_retaliation.pdf](https://www.grassley.senate.gov/imo/media/doc/grassley_johnson_comer_jordan_smith_to_osc_-_whistleblower_retaliation.pdf); Letter from Senator Grassley to Health and Human Services Secretary Becerra, Administration for Children and Families Acting Assistant Secretary Hild, and Office of Refugee Resettlement Director Marcos (Nov. 21, 2023) [https://www.grassley.senate.gov/imo/media/doc/grassley\\_to\\_hhs\\_acf\\_and\\_orr\\_-\\_whistleblower\\_protections.pdf](https://www.grassley.senate.gov/imo/media/doc/grassley_to_hhs_acf_and_orr_-_whistleblower_protections.pdf); Letter from Senator Grassley to Acting Special Counsel Gorman (Nov. 21, 2023) [https://www.grassley.senate.gov/imo/media/doc/grassley\\_to\\_osc\\_-\\_hhs\\_whistleblower\\_protections.pdf](https://www.grassley.senate.gov/imo/media/doc/grassley_to_osc_-_hhs_whistleblower_protections.pdf); Letter from Senator Grassley to DOJ-OIG Horowitz (Feb. 12, 2024) [https://www.grassley.senate.gov/imo/media/doc/grassley\\_to\\_doj\\_oig\\_-\\_protected\\_whistleblower\\_disclosures.pdf](https://www.grassley.senate.gov/imo/media/doc/grassley_to_doj_oig_-_protected_whistleblower_disclosures.pdf); Letter from Senator Grassley to Bureau of Alcohol, Tobacco, Firearms, and Explosives Director Dettelbach (Feb. 12, 2024) [https://www.grassley.senate.gov/imo/media/doc/grassley\\_to\\_atf\\_-\\_protected\\_whistleblower\\_disclosures.pdf](https://www.grassley.senate.gov/imo/media/doc/grassley_to_atf_-_protected_whistleblower_disclosures.pdf); Letter from Senator Grassley to Inspector General Horowitz (Mar. 8, 2024) [https://www.grassley.senate.gov/imo/media/doc/grassley\\_to\\_doj\\_inspector\\_general\\_-\\_eoir\\_disclosures\\_to\\_congress.pdf](https://www.grassley.senate.gov/imo/media/doc/grassley_to_doj_inspector_general_-_eoir_disclosures_to_congress.pdf); Letter from Senator Grassley to Attorney General Garland (Mar. 8, 2024) [https://www.grassley.senate.gov/imo/media/doc/grassley\\_to\\_doj\\_-\\_eoir\\_disclosures\\_to\\_congress.pdf](https://www.grassley.senate.gov/imo/media/doc/grassley_to_doj_-_eoir_disclosures_to_congress.pdf); Letter from Senator Grassley to Executive Office for Immigration Review Director David Neal (Mar. 8, 2024) [https://www.grassley.senate.gov/imo/media/doc/grassley\\_to\\_executive\\_office\\_for\\_immigration\\_review\\_-\\_eoir\\_disclosures\\_to\\_congress.pdf](https://www.grassley.senate.gov/imo/media/doc/grassley_to_executive_office_for_immigration_review_-_eoir_disclosures_to_congress.pdf).

United States Senate  
WASHINGTON, DC 20510

March 11, 2024

**VIA ELECTRONIC TRANSMISSION**

Ms. Sharon Diskin  
Acting Inspector General  
Federal Communications Commission

Dear Acting Inspector General Diskin:

Whistleblowers are patriots and the government's most powerful tool in rooting out waste, fraud, abuse, and misconduct. Nevertheless, federal agencies continue to implement nondisclosure policies and similar agreements without the inclusion of the "anti-gag" provision as required by law.<sup>1</sup> This failure has a chilling effect that discourages whistleblowers from reporting allegations of misconduct to Congress, Inspectors General (IG), and the Office of Special Counsel (OSC). The "anti-gag" provision has been included in almost every appropriations bill since 1988 and was codified in the Whistleblower Protection Enhancement Act.<sup>2</sup>

The anti-gag law requires all federal agency nondisclosure policies, forms, or agreements to include the following explicit statement notifying the employee of their rights to report wrongdoing:

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Appropriation law prohibits the use of government funds to enforce these agreements if they fail to contain the anti-gag provision.<sup>4</sup>

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Even though Congress made it abundantly clear that employees are required to be informed of their rights to make legally protected disclosures, there's a growing trend among federal agencies to use nondisclosure policies and similar agreements without the inclusion of the anti-gag provision in violation of the law.<sup>5</sup> This is unacceptable.

The importance of whistleblowers knowing their rights under the law cannot be stated enough, and federal agencies should encourage their employees to disclose allegations of waste, fraud, and abuse. Federal agencies cannot be allowed to conceal their wrongdoing behind illegal nondisclosure policies and related actions. Accordingly, I request that you review all nondisclosure policies, forms, agreements, and related documents specific to your agency to ensure the anti-gag provision is included as required by law.

Thank you for your prompt review and response. If you have any questions, please contact Brian Randolph on my Committee staff at (202) 224-0642.

Sincerely,



Charles E. Grassley  
Ranking Member  
Committee on the Budget

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United States Senate  
WASHINGTON, DC 20510

March 11, 2024

**VIA ELECTRONIC TRANSMISSION**

The Honorable Jennifer L. Fain  
Inspector General  
Federal Deposit Insurance Corporation

Dear Inspector General Fain:

Whistleblowers are patriots and the government's most powerful tool in rooting out waste, fraud, abuse, and misconduct. Nevertheless, federal agencies continue to implement nondisclosure policies and similar agreements without the inclusion of the "anti-gag" provision as required by law.<sup>1</sup> This failure has a chilling effect that discourages whistleblowers from reporting allegations of misconduct to Congress, Inspectors General (IG), and the Office of Special Counsel (OSC). The "anti-gag" provision has been included in almost every appropriations bill since 1988 and was codified in the Whistleblower Protection Enhancement Act.<sup>2</sup>

The anti-gag law requires all federal agency nondisclosure policies, forms, or agreements to include the following explicit statement notifying the employee of their rights to report wrongdoing:

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Appropriation law prohibits the use of government funds to enforce these agreements if they fail to contain the anti-gag provision.<sup>4</sup>

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<sup>1</sup> 5 USC § 2302(b)(13); Pub. L. No. 117-328

<sup>2</sup> *Id.*

<sup>3</sup> 5 USC § 2302(b)(13).

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Even though Congress made it abundantly clear that employees are required to be informed of their rights to make legally protected disclosures, there's a growing trend among federal agencies to use nondisclosure policies and similar agreements without the inclusion of the anti-gag provision in violation of the law.<sup>5</sup> This is unacceptable.

The importance of whistleblowers knowing their rights under the law cannot be stated enough, and federal agencies should encourage their employees to disclose allegations of waste, fraud, and abuse. Federal agencies cannot be allowed to conceal their wrongdoing behind illegal nondisclosure policies and related actions. Accordingly, I request that you review all nondisclosure policies, forms, agreements, and related documents specific to your agency to ensure the anti-gag provision is included as required by law.

Thank you for your prompt review and response. If you have any questions, please contact Brian Randolph on my Committee staff at (202) 224-0642.

Sincerely,



Charles E. Grassley  
Ranking Member  
Committee on the Budget

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<sup>5</sup> See Letter from Senators Grassley and Johnson to Inspector General Horowitz (Apr. 19, 2023) [https://www.grassley.senate.gov/imo/media/doc/grassley\\_johnson\\_to\\_justice\\_deptinspectorgeneralfbiantigagprovision.pdf](https://www.grassley.senate.gov/imo/media/doc/grassley_johnson_to_justice_deptinspectorgeneralfbiantigagprovision.pdf); Letter from Senators Grassley and Johnson to Inspectors General Horowitz and George (Jun 6, 2023) [https://www.grassley.senate.gov/imo/media/doc/grassley\\_johnson\\_to\\_dojoigtigta\\_-\\_whistleblower\\_retaliation.pdf](https://www.grassley.senate.gov/imo/media/doc/grassley_johnson_to_dojoigtigta_-_whistleblower_retaliation.pdf); Letter from Senators Grassley and Johnson to Internal Revenue Service Commissioner Werfel (Jun. 6, 2023) [https://www.grassley.senate.gov/imo/media/doc/grassley\\_johnson\\_to\\_irs\\_-\\_protected\\_whistleblower\\_disclosure.pdf](https://www.grassley.senate.gov/imo/media/doc/grassley_johnson_to_irs_-_protected_whistleblower_disclosure.pdf); Letter from Senator Grassley, Senator Johnson, Representative Smith, and Representative Comer to Special Counsel Kerner (Jul. 5, 2023) [https://www.grassley.senate.gov/imo/media/doc/grassley\\_johnson\\_comer\\_jordan\\_smith\\_to\\_osc\\_-\\_whistleblower\\_retaliation.pdf](https://www.grassley.senate.gov/imo/media/doc/grassley_johnson_comer_jordan_smith_to_osc_-_whistleblower_retaliation.pdf); Letter from Senator Grassley to Health and Human Services Secretary Becerra, Administration for Children and Families Acting Assistant Secretary Hild, and Office of Refugee Resettlement Director Marcos (Nov. 21, 2023) [https://www.grassley.senate.gov/imo/media/doc/grassley\\_to\\_hhs\\_acf\\_and\\_orr\\_-\\_whistleblower\\_protections.pdf](https://www.grassley.senate.gov/imo/media/doc/grassley_to_hhs_acf_and_orr_-_whistleblower_protections.pdf); Letter from Senator Grassley to Acting Special Counsel Gorman (Nov. 21, 2023) [https://www.grassley.senate.gov/imo/media/doc/grassley\\_to\\_osc\\_-\\_hhs\\_whistleblower\\_protections.pdf](https://www.grassley.senate.gov/imo/media/doc/grassley_to_osc_-_hhs_whistleblower_protections.pdf); Letter from Senator Grassley to DOJ-OIG Horowitz (Feb. 12, 2024) [https://www.grassley.senate.gov/imo/media/doc/grassley\\_to\\_doj\\_oig\\_-\\_protected\\_whistleblower\\_disclosures.pdf](https://www.grassley.senate.gov/imo/media/doc/grassley_to_doj_oig_-_protected_whistleblower_disclosures.pdf); Letter from Senator Grassley to Bureau of Alcohol, Tobacco, Firearms, and Explosives Director Dettelbach (Feb. 12, 2024) [https://www.grassley.senate.gov/imo/media/doc/grassley\\_to\\_atf\\_-\\_protected\\_whistleblower\\_disclosures.pdf](https://www.grassley.senate.gov/imo/media/doc/grassley_to_atf_-_protected_whistleblower_disclosures.pdf); Letter from Senator Grassley to Inspector General Horowitz (Mar. 8, 2024) [https://www.grassley.senate.gov/imo/media/doc/grassley\\_to\\_doj\\_inspector\\_general\\_-\\_eoir\\_disclosures\\_to\\_congress.pdf](https://www.grassley.senate.gov/imo/media/doc/grassley_to_doj_inspector_general_-_eoir_disclosures_to_congress.pdf); Letter from Senator Grassley to Attorney General Garland (Mar. 8, 2024) [https://www.grassley.senate.gov/imo/media/doc/grassley\\_to\\_doj\\_-\\_eoir\\_disclosures\\_to\\_congress.pdf](https://www.grassley.senate.gov/imo/media/doc/grassley_to_doj_-_eoir_disclosures_to_congress.pdf); Letter from Senator Grassley to Executive Office for Immigration Review Director David Neal (Mar. 8, 2024) [https://www.grassley.senate.gov/imo/media/doc/grassley\\_to\\_executive\\_office\\_for\\_immigration\\_review\\_-\\_eoir\\_disclosures\\_to\\_congress.pdf](https://www.grassley.senate.gov/imo/media/doc/grassley_to_executive_office_for_immigration_review_-_eoir_disclosures_to_congress.pdf).

United States Senate  
WASHINGTON, DC 20510

March 11, 2024

**VIA ELECTRONIC TRANSMISSION**

Mr. Christopher Skinner  
Inspector General  
Federal Election Commission

Dear Inspector General Skinner:

Whistleblowers are patriots and the government's most powerful tool in rooting out waste, fraud, abuse, and misconduct. Nevertheless, federal agencies continue to implement nondisclosure policies and similar agreements without the inclusion of the "anti-gag" provision as required by law.<sup>1</sup> This failure has a chilling effect that discourages whistleblowers from reporting allegations of misconduct to Congress, Inspectors General (IG), and the Office of Special Counsel (OSC). The "anti-gag" provision has been included in almost every appropriations bill since 1988 and was codified in the Whistleblower Protection Enhancement Act.<sup>2</sup>

The anti-gag law requires all federal agency nondisclosure policies, forms, or agreements to include the following explicit statement notifying the employee of their rights to report wrongdoing:

These provisions are consistent with and do not supersede, conflict with, or otherwise alter the employee obligations, rights, or liabilities created by existing statute or Executive order relating to (1) classified information, (2) communications to Congress, (3) the reporting to an Inspector General or the Office of Special Counsel of a violation of any law, rule, or regulation, or mismanagement, a gross waste of funds, an abuse of authority, or a substantial and specific danger to public health or safety, or (4) any other whistleblower protection. The definitions, requirements, obligations, rights, sanctions, and liabilities created by controlling Executive orders and statutory provisions are incorporated into this agreement and are controlling.<sup>3</sup>

Appropriation law prohibits the use of government funds to enforce these agreements if they fail to contain the anti-gag provision.<sup>4</sup>

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<sup>1</sup> 5 USC § 2302(b)(13); Pub. L. No. 117-328

<sup>2</sup> *Id.*

<sup>3</sup> 5 USC § 2302(b)(13).

<sup>4</sup> Pub. L. No. 117-328.

Even though Congress made it abundantly clear that employees are required to be informed of their rights to make legally protected disclosures, there's a growing trend among federal agencies to use nondisclosure policies and similar agreements without the inclusion of the anti-gag provision in violation of the law.<sup>5</sup> This is unacceptable.

The importance of whistleblowers knowing their rights under the law cannot be stated enough, and federal agencies should encourage their employees to disclose allegations of waste, fraud, and abuse. Federal agencies cannot be allowed to conceal their wrongdoing behind illegal nondisclosure policies and related actions. Accordingly, I request that you review all nondisclosure policies, forms, agreements, and related documents specific to your agency to ensure the anti-gag provision is included as required by law.

Thank you for your prompt review and response. If you have any questions, please contact Brian Randolph on my Committee staff at (202) 224-0642.

Sincerely,



Charles E. Grassley  
Ranking Member  
Committee on the Budget

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<sup>5</sup> See Letter from Senators Grassley and Johnson to Inspector General Horowitz (Apr. 19, 2023) [https://www.grassley.senate.gov/imo/media/doc/grassley\\_johnson\\_to\\_justice\\_deptinspectorgeneralfbiantigagprovision.pdf](https://www.grassley.senate.gov/imo/media/doc/grassley_johnson_to_justice_deptinspectorgeneralfbiantigagprovision.pdf); Letter from Senators Grassley and Johnson to Inspectors General Horowitz and George (Jun 6, 2023) [https://www.grassley.senate.gov/imo/media/doc/grassley\\_johnson\\_to\\_dojoigtigta\\_-\\_whistleblower\\_retaliation.pdf](https://www.grassley.senate.gov/imo/media/doc/grassley_johnson_to_dojoigtigta_-_whistleblower_retaliation.pdf); Letter from Senators Grassley and Johnson to Internal Revenue Service Commissioner Werfel (Jun. 6, 2023) [https://www.grassley.senate.gov/imo/media/doc/grassley\\_johnson\\_to\\_irs\\_-\\_protected\\_whistleblower\\_disclosure.pdf](https://www.grassley.senate.gov/imo/media/doc/grassley_johnson_to_irs_-_protected_whistleblower_disclosure.pdf); Letter from Senator Grassley, Senator Johnson, Representative Smith, and Representative Comer to Special Counsel Kerner (Jul. 5, 2023) [https://www.grassley.senate.gov/imo/media/doc/grassley\\_johnson\\_comer\\_jordan\\_smith\\_to\\_osc\\_-\\_whistleblower\\_retaliation.pdf](https://www.grassley.senate.gov/imo/media/doc/grassley_johnson_comer_jordan_smith_to_osc_-_whistleblower_retaliation.pdf); Letter from Senator Grassley to Health and Human Services Secretary Becerra, Administration for Children and Families Acting Assistant Secretary Hild, and Office of Refugee Resettlement Director Marcos (Nov. 21, 2023) [https://www.grassley.senate.gov/imo/media/doc/grassley\\_to\\_hhs\\_acf\\_and\\_orr\\_-\\_whistleblower\\_protections.pdf](https://www.grassley.senate.gov/imo/media/doc/grassley_to_hhs_acf_and_orr_-_whistleblower_protections.pdf); Letter from Senator Grassley to Acting Special Counsel Gorman (Nov. 21, 2023) [https://www.grassley.senate.gov/imo/media/doc/grassley\\_to\\_osc\\_-\\_hhs\\_whistleblower\\_protections.pdf](https://www.grassley.senate.gov/imo/media/doc/grassley_to_osc_-_hhs_whistleblower_protections.pdf); Letter from Senator Grassley to DOJ-OIG Horowitz (Feb. 12, 2024) [https://www.grassley.senate.gov/imo/media/doc/grassley\\_to\\_doj\\_oig\\_-\\_protected\\_whistleblower\\_disclosures.pdf](https://www.grassley.senate.gov/imo/media/doc/grassley_to_doj_oig_-_protected_whistleblower_disclosures.pdf); Letter from Senator Grassley to Bureau of Alcohol, Tobacco, Firearms, and Explosives Director Dettelbach (Feb. 12, 2024) [https://www.grassley.senate.gov/imo/media/doc/grassley\\_to\\_atf\\_-\\_protected\\_whistleblower\\_disclosures.pdf](https://www.grassley.senate.gov/imo/media/doc/grassley_to_atf_-_protected_whistleblower_disclosures.pdf); Letter from Senator Grassley to Inspector General Horowitz (Mar. 8, 2024) [https://www.grassley.senate.gov/imo/media/doc/grassley\\_to\\_doj\\_inspector\\_general\\_-\\_eoir\\_disclosures\\_to\\_congress.pdf](https://www.grassley.senate.gov/imo/media/doc/grassley_to_doj_inspector_general_-_eoir_disclosures_to_congress.pdf); Letter from Senator Grassley to Attorney General Garland (Mar. 8, 2024) [https://www.grassley.senate.gov/imo/media/doc/grassley\\_to\\_doj\\_-\\_eoir\\_disclosures\\_to\\_congress.pdf](https://www.grassley.senate.gov/imo/media/doc/grassley_to_doj_-_eoir_disclosures_to_congress.pdf); Letter from Senator Grassley to Executive Office for Immigration Review Director David Neal (Mar. 8, 2024) [https://www.grassley.senate.gov/imo/media/doc/grassley\\_to\\_executive\\_office\\_for\\_immigration\\_review\\_-\\_eoir\\_disclosures\\_to\\_congress.pdf](https://www.grassley.senate.gov/imo/media/doc/grassley_to_executive_office_for_immigration_review_-_eoir_disclosures_to_congress.pdf).

United States Senate  
WASHINGTON, DC 20510

March 11, 2024

**VIA ELECTRONIC TRANSMISSION**

The Honorable Brian M. Tomney  
Inspector General  
Federal Housing Finance Agency

Dear Inspector General Tomney:

Whistleblowers are patriots and the government's most powerful tool in rooting out waste, fraud, abuse, and misconduct. Nevertheless, federal agencies continue to implement nondisclosure policies and similar agreements without the inclusion of the "anti-gag" provision as required by law.<sup>1</sup> This failure has a chilling effect that discourages whistleblowers from reporting allegations of misconduct to Congress, Inspectors General (IG), and the Office of Special Counsel (OSC). The "anti-gag" provision has been included in almost every appropriations bill since 1988 and was codified in the Whistleblower Protection Enhancement Act.<sup>2</sup>

The anti-gag law requires all federal agency nondisclosure policies, forms, or agreements to include the following explicit statement notifying the employee of their rights to report wrongdoing:

These provisions are consistent with and do not supersede, conflict with, or otherwise alter the employee obligations, rights, or liabilities created by existing statute or Executive order relating to (1) classified information, (2) communications to Congress, (3) the reporting to an Inspector General or the Office of Special Counsel of a violation of any law, rule, or regulation, or mismanagement, a gross waste of funds, an abuse of authority, or a substantial and specific danger to public health or safety, or (4) any other whistleblower protection. The definitions, requirements, obligations, rights, sanctions, and liabilities created by controlling Executive orders and statutory provisions are incorporated into this agreement and are controlling.<sup>3</sup>

Appropriation law prohibits the use of government funds to enforce these agreements if they fail to contain the anti-gag provision.<sup>4</sup>

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<sup>1</sup> 5 USC § 2302(b)(13); Pub. L. No. 117-328

<sup>2</sup> *Id.*

<sup>3</sup> 5 USC § 2302(b)(13).

<sup>4</sup> Pub. L. No. 117-328.

Even though Congress made it abundantly clear that employees are required to be informed of their rights to make legally protected disclosures, there's a growing trend among federal agencies to use nondisclosure policies and similar agreements without the inclusion of the anti-gag provision in violation of the law.<sup>5</sup> This is unacceptable.

The importance of whistleblowers knowing their rights under the law cannot be stated enough, and federal agencies should encourage their employees to disclose allegations of waste, fraud, and abuse. Federal agencies cannot be allowed to conceal their wrongdoing behind illegal nondisclosure policies and related actions. Accordingly, I request that you review all nondisclosure policies, forms, agreements, and related documents specific to your agency to ensure the anti-gag provision is included as required by law.

Thank you for your prompt review and response. If you have any questions, please contact Brian Randolph on my Committee staff at (202) 224-0642.

Sincerely,



Charles E. Grassley  
Ranking Member  
Committee on the Budget

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<sup>5</sup> See Letter from Senators Grassley and Johnson to Inspector General Horowitz (Apr. 19, 2023) [https://www.grassley.senate.gov/imo/media/doc/grassley\\_johnson\\_to\\_justice\\_deptinspectorgeneralfbiantigagprovision.pdf](https://www.grassley.senate.gov/imo/media/doc/grassley_johnson_to_justice_deptinspectorgeneralfbiantigagprovision.pdf); Letter from Senators Grassley and Johnson to Inspectors General Horowitz and George (Jun 6, 2023) [https://www.grassley.senate.gov/imo/media/doc/grassley\\_johnson\\_to\\_dojoigtigta\\_-\\_whistleblower\\_retaliation.pdf](https://www.grassley.senate.gov/imo/media/doc/grassley_johnson_to_dojoigtigta_-_whistleblower_retaliation.pdf); Letter from Senators Grassley and Johnson to Internal Revenue Service Commissioner Werfel (Jun. 6, 2023) [https://www.grassley.senate.gov/imo/media/doc/grassley\\_johnson\\_to\\_irs\\_-\\_protected\\_whistleblower\\_disclosure.pdf](https://www.grassley.senate.gov/imo/media/doc/grassley_johnson_to_irs_-_protected_whistleblower_disclosure.pdf); Letter from Senator Grassley, Senator Johnson, Representative Smith, and Representative Comer to Special Counsel Kerner (Jul. 5, 2023) [https://www.grassley.senate.gov/imo/media/doc/grassley\\_johnson\\_comer\\_jordan\\_smith\\_to\\_osc\\_-\\_whistleblower\\_retaliation.pdf](https://www.grassley.senate.gov/imo/media/doc/grassley_johnson_comer_jordan_smith_to_osc_-_whistleblower_retaliation.pdf); Letter from Senator Grassley to Health and Human Services Secretary Becerra, Administration for Children and Families Acting Assistant Secretary Hild, and Office of Refugee Resettlement Director Marcos (Nov. 21, 2023) [https://www.grassley.senate.gov/imo/media/doc/grassley\\_to\\_hhs\\_acf\\_and\\_orr\\_-\\_whistleblower\\_protections.pdf](https://www.grassley.senate.gov/imo/media/doc/grassley_to_hhs_acf_and_orr_-_whistleblower_protections.pdf); Letter from Senator Grassley to Acting Special Counsel Gorman (Nov. 21, 2023) [https://www.grassley.senate.gov/imo/media/doc/grassley\\_to\\_osc\\_-\\_hhs\\_whistleblower\\_protections.pdf](https://www.grassley.senate.gov/imo/media/doc/grassley_to_osc_-_hhs_whistleblower_protections.pdf); Letter from Senator Grassley to DOJ-OIG Horowitz (Feb. 12, 2024) [https://www.grassley.senate.gov/imo/media/doc/grassley\\_to\\_doj\\_oig\\_-\\_protected\\_whistleblower\\_disclosures.pdf](https://www.grassley.senate.gov/imo/media/doc/grassley_to_doj_oig_-_protected_whistleblower_disclosures.pdf); Letter from Senator Grassley to Bureau of Alcohol, Tobacco, Firearms, and Explosives Director Dettelbach (Feb. 12, 2024) [https://www.grassley.senate.gov/imo/media/doc/grassley\\_to\\_atf\\_-\\_protected\\_whistleblower\\_disclosures.pdf](https://www.grassley.senate.gov/imo/media/doc/grassley_to_atf_-_protected_whistleblower_disclosures.pdf); Letter from Senator Grassley to Inspector General Horowitz (Mar. 8, 2024) [https://www.grassley.senate.gov/imo/media/doc/grassley\\_to\\_doj\\_inspector\\_general\\_-\\_eoir\\_disclosures\\_to\\_congress.pdf](https://www.grassley.senate.gov/imo/media/doc/grassley_to_doj_inspector_general_-_eoir_disclosures_to_congress.pdf); Letter from Senator Grassley to Attorney General Garland (Mar. 8, 2024) [https://www.grassley.senate.gov/imo/media/doc/grassley\\_to\\_doj\\_-\\_eoir\\_disclosures\\_to\\_congress.pdf](https://www.grassley.senate.gov/imo/media/doc/grassley_to_doj_-_eoir_disclosures_to_congress.pdf); Letter from Senator Grassley to Executive Office for Immigration Review Director David Neal (Mar. 8, 2024) [https://www.grassley.senate.gov/imo/media/doc/grassley\\_to\\_executive\\_office\\_for\\_immigration\\_review\\_-\\_eoir\\_disclosures\\_to\\_congress.pdf](https://www.grassley.senate.gov/imo/media/doc/grassley_to_executive_office_for_immigration_review_-_eoir_disclosures_to_congress.pdf).

United States Senate  
WASHINGTON, DC 20510

March 11, 2024

**VIA ELECTRONIC TRANSMISSION**

Ms. Dana Rooney  
Inspector General  
Federal Labor Relations Authority

Dear Inspector General Rooney:

Whistleblowers are patriots and the government's most powerful tool in rooting out waste, fraud, abuse, and misconduct. Nevertheless, federal agencies continue to implement nondisclosure policies and similar agreements without the inclusion of the "anti-gag" provision as required by law.<sup>1</sup> This failure has a chilling effect that discourages whistleblowers from reporting allegations of misconduct to Congress, Inspectors General (IG), and the Office of Special Counsel (OSC). The "anti-gag" provision has been included in almost every appropriations bill since 1988 and was codified in the Whistleblower Protection Enhancement Act.<sup>2</sup>

The anti-gag law requires all federal agency nondisclosure policies, forms, or agreements to include the following explicit statement notifying the employee of their rights to report wrongdoing:

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Appropriation law prohibits the use of government funds to enforce these agreements if they fail to contain the anti-gag provision.<sup>4</sup>

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<sup>2</sup> *Id.*

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Even though Congress made it abundantly clear that employees are required to be informed of their rights to make legally protected disclosures, there's a growing trend among federal agencies to use nondisclosure policies and similar agreements without the inclusion of the anti-gag provision in violation of the law.<sup>5</sup> This is unacceptable.

The importance of whistleblowers knowing their rights under the law cannot be stated enough, and federal agencies should encourage their employees to disclose allegations of waste, fraud, and abuse. Federal agencies cannot be allowed to conceal their wrongdoing behind illegal nondisclosure policies and related actions. Accordingly, I request that you review all nondisclosure policies, forms, agreements, and related documents specific to your agency to ensure the anti-gag provision is included as required by law.

Thank you for your prompt review and response. If you have any questions, please contact Brian Randolph on my Committee staff at (202) 224-0642.

Sincerely,



Charles E. Grassley  
Ranking Member  
Committee on the Budget

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<sup>5</sup> See Letter from Senators Grassley and Johnson to Inspector General Horowitz (Apr. 19, 2023) [https://www.grassley.senate.gov/imo/media/doc/grassley\\_johnson\\_to\\_justice\\_deptinspectorgeneralfbiantigagprovision.pdf](https://www.grassley.senate.gov/imo/media/doc/grassley_johnson_to_justice_deptinspectorgeneralfbiantigagprovision.pdf); Letter from Senators Grassley and Johnson to Inspectors General Horowitz and George (Jun 6, 2023) [https://www.grassley.senate.gov/imo/media/doc/grassley\\_johnson\\_to\\_dojoigtigta\\_-\\_whistleblower\\_retaliation.pdf](https://www.grassley.senate.gov/imo/media/doc/grassley_johnson_to_dojoigtigta_-_whistleblower_retaliation.pdf); Letter from Senators Grassley and Johnson to Internal Revenue Service Commissioner Werfel (Jun. 6, 2023) [https://www.grassley.senate.gov/imo/media/doc/grassley\\_johnson\\_to\\_irs\\_-\\_protected\\_whistleblower\\_disclosure.pdf](https://www.grassley.senate.gov/imo/media/doc/grassley_johnson_to_irs_-_protected_whistleblower_disclosure.pdf); Letter from Senator Grassley, Senator Johnson, Representative Smith, and Representative Comer to Special Counsel Kerner (Jul. 5, 2023) [https://www.grassley.senate.gov/imo/media/doc/grassley\\_johnson\\_comer\\_jordan\\_smith\\_to\\_osc\\_-\\_whistleblower\\_retaliation.pdf](https://www.grassley.senate.gov/imo/media/doc/grassley_johnson_comer_jordan_smith_to_osc_-_whistleblower_retaliation.pdf); Letter from Senator Grassley to Health and Human Services Secretary Becerra, Administration for Children and Families Acting Assistant Secretary Hild, and Office of Refugee Resettlement Director Marcos (Nov. 21, 2023) [https://www.grassley.senate.gov/imo/media/doc/grassley\\_to\\_hhs\\_acf\\_and\\_orr\\_-\\_whistleblower\\_protections.pdf](https://www.grassley.senate.gov/imo/media/doc/grassley_to_hhs_acf_and_orr_-_whistleblower_protections.pdf); Letter from Senator Grassley to Acting Special Counsel Gorman (Nov. 21, 2023) [https://www.grassley.senate.gov/imo/media/doc/grassley\\_to\\_osc\\_-\\_hhs\\_whistleblower\\_protections.pdf](https://www.grassley.senate.gov/imo/media/doc/grassley_to_osc_-_hhs_whistleblower_protections.pdf); Letter from Senator Grassley to DOJ-OIG Horowitz (Feb. 12, 2024) [https://www.grassley.senate.gov/imo/media/doc/grassley\\_to\\_doj\\_oig\\_-\\_protected\\_whistleblower\\_disclosures.pdf](https://www.grassley.senate.gov/imo/media/doc/grassley_to_doj_oig_-_protected_whistleblower_disclosures.pdf); Letter from Senator Grassley to Bureau of Alcohol, Tobacco, Firearms, and Explosives Director Dettelbach (Feb. 12, 2024) [https://www.grassley.senate.gov/imo/media/doc/grassley\\_to\\_atf\\_-\\_protected\\_whistleblower\\_disclosures.pdf](https://www.grassley.senate.gov/imo/media/doc/grassley_to_atf_-_protected_whistleblower_disclosures.pdf); Letter from Senator Grassley to Inspector General Horowitz (Mar. 8, 2024) [https://www.grassley.senate.gov/imo/media/doc/grassley\\_to\\_doj\\_inspector\\_general\\_-\\_eoir\\_disclosures\\_to\\_congress.pdf](https://www.grassley.senate.gov/imo/media/doc/grassley_to_doj_inspector_general_-_eoir_disclosures_to_congress.pdf); Letter from Senator Grassley to Attorney General Garland (Mar. 8, 2024) [https://www.grassley.senate.gov/imo/media/doc/grassley\\_to\\_doj\\_-\\_eoir\\_disclosures\\_to\\_congress.pdf](https://www.grassley.senate.gov/imo/media/doc/grassley_to_doj_-_eoir_disclosures_to_congress.pdf); Letter from Senator Grassley to Executive Office for Immigration Review Director David Neal (Mar. 8, 2024) [https://www.grassley.senate.gov/imo/media/doc/grassley\\_to\\_executive\\_office\\_for\\_immigration\\_review\\_-\\_eoir\\_disclosures\\_to\\_congress.pdf](https://www.grassley.senate.gov/imo/media/doc/grassley_to_executive_office_for_immigration_review_-_eoir_disclosures_to_congress.pdf).

United States Senate  
WASHINGTON, DC 20510

March 11, 2024

**VIA ELECTRONIC TRANSMISSION**

Mr. Jonathan A. Hatfield  
Inspector General  
Federal Maritime Commission

Dear Inspector General Hatfield:

Whistleblowers are patriots and the government's most powerful tool in rooting out waste, fraud, abuse, and misconduct. Nevertheless, federal agencies continue to implement nondisclosure policies and similar agreements without the inclusion of the "anti-gag" provision as required by law.<sup>1</sup> This failure has a chilling effect that discourages whistleblowers from reporting allegations of misconduct to Congress, Inspectors General (IG), and the Office of Special Counsel (OSC). The "anti-gag" provision has been included in almost every appropriations bill since 1988 and was codified in the Whistleblower Protection Enhancement Act.<sup>2</sup>

The anti-gag law requires all federal agency nondisclosure policies, forms, or agreements to include the following explicit statement notifying the employee of their rights to report wrongdoing:

These provisions are consistent with and do not supersede, conflict with, or otherwise alter the employee obligations, rights, or liabilities created by existing statute or Executive order relating to (1) classified information, (2) communications to Congress, (3) the reporting to an Inspector General or the Office of Special Counsel of a violation of any law, rule, or regulation, or mismanagement, a gross waste of funds, an abuse of authority, or a substantial and specific danger to public health or safety, or (4) any other whistleblower protection. The definitions, requirements, obligations, rights, sanctions, and liabilities created by controlling Executive orders and statutory provisions are incorporated into this agreement and are controlling.<sup>3</sup>

Appropriation law prohibits the use of government funds to enforce these agreements if they fail to contain the anti-gag provision.<sup>4</sup>

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<sup>1</sup> 5 USC § 2302(b)(13); Pub. L. No. 117-328

<sup>2</sup> *Id.*

<sup>3</sup> 5 USC § 2302(b)(13).

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Even though Congress made it abundantly clear that employees are required to be informed of their rights to make legally protected disclosures, there's a growing trend among federal agencies to use nondisclosure policies and similar agreements without the inclusion of the anti-gag provision in violation of the law.<sup>5</sup> This is unacceptable.

The importance of whistleblowers knowing their rights under the law cannot be stated enough, and federal agencies should encourage their employees to disclose allegations of waste, fraud, and abuse. Federal agencies cannot be allowed to conceal their wrongdoing behind illegal nondisclosure policies and related actions. Accordingly, I request that you review all nondisclosure policies, forms, agreements, and related documents specific to your agency to ensure the anti-gag provision is included as required by law.

Thank you for your prompt review and response. If you have any questions, please contact Brian Randolph on my Committee staff at (202) 224-0642.

Sincerely,



Charles E. Grassley  
Ranking Member  
Committee on the Budget

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<sup>5</sup> See Letter from Senators Grassley and Johnson to Inspector General Horowitz (Apr. 19, 2023) [https://www.grassley.senate.gov/imo/media/doc/grassley\\_johnson\\_to\\_justice\\_deptinspectorgeneralfbiantigagprovision.pdf](https://www.grassley.senate.gov/imo/media/doc/grassley_johnson_to_justice_deptinspectorgeneralfbiantigagprovision.pdf); Letter from Senators Grassley and Johnson to Inspectors General Horowitz and George (Jun 6, 2023) [https://www.grassley.senate.gov/imo/media/doc/grassley\\_johnson\\_to\\_doj\\_oig\\_tigta\\_-\\_whistleblower\\_retaliation.pdf](https://www.grassley.senate.gov/imo/media/doc/grassley_johnson_to_doj_oig_tigta_-_whistleblower_retaliation.pdf); Letter from Senators Grassley and Johnson to Internal Revenue Service Commissioner Werfel (Jun. 6, 2023) [https://www.grassley.senate.gov/imo/media/doc/grassley\\_johnson\\_to\\_irs\\_-\\_protected\\_whistleblower\\_disclosure.pdf](https://www.grassley.senate.gov/imo/media/doc/grassley_johnson_to_irs_-_protected_whistleblower_disclosure.pdf); Letter from Senator Grassley, Senator Johnson, Representative Smith, and Representative Comer to Special Counsel Kerner (Jul. 5, 2023) [https://www.grassley.senate.gov/imo/media/doc/grassley\\_johnson\\_comer\\_jordan\\_smith\\_to\\_osc\\_-\\_whistleblower\\_retaliation.pdf](https://www.grassley.senate.gov/imo/media/doc/grassley_johnson_comer_jordan_smith_to_osc_-_whistleblower_retaliation.pdf); Letter from Senator Grassley to Health and Human Services Secretary Becerra, Administration for Children and Families Acting Assistant Secretary Hild, and Office of Refugee Resettlement Director Marcos (Nov. 21, 2023) [https://www.grassley.senate.gov/imo/media/doc/grassley\\_to\\_hhs\\_acf\\_and\\_orr\\_-\\_whistleblower\\_protections.pdf](https://www.grassley.senate.gov/imo/media/doc/grassley_to_hhs_acf_and_orr_-_whistleblower_protections.pdf); Letter from Senator Grassley to Acting Special Counsel Gorman (Nov. 21, 2023) [https://www.grassley.senate.gov/imo/media/doc/grassley\\_to\\_osc\\_-\\_hhs\\_whistleblower\\_protections.pdf](https://www.grassley.senate.gov/imo/media/doc/grassley_to_osc_-_hhs_whistleblower_protections.pdf); Letter from Senator Grassley to DOJ-OIG Horowitz (Feb. 12, 2024) [https://www.grassley.senate.gov/imo/media/doc/grassley\\_to\\_doj\\_oig\\_-\\_protected\\_whistleblower\\_disclosures.pdf](https://www.grassley.senate.gov/imo/media/doc/grassley_to_doj_oig_-_protected_whistleblower_disclosures.pdf); Letter from Senator Grassley to Bureau of Alcohol, Tobacco, Firearms, and Explosives Director Dettelbach (Feb. 12, 2024) [https://www.grassley.senate.gov/imo/media/doc/grassley\\_to\\_atf\\_-\\_protected\\_whistleblower\\_disclosures.pdf](https://www.grassley.senate.gov/imo/media/doc/grassley_to_atf_-_protected_whistleblower_disclosures.pdf); Letter from Senator Grassley to Inspector General Horowitz (Mar. 8, 2024) [https://www.grassley.senate.gov/imo/media/doc/grassley\\_to\\_doj\\_inspector\\_general\\_-\\_eoir\\_disclosures\\_to\\_congress.pdf](https://www.grassley.senate.gov/imo/media/doc/grassley_to_doj_inspector_general_-_eoir_disclosures_to_congress.pdf); Letter from Senator Grassley to Attorney General Garland (Mar. 8, 2024) [https://www.grassley.senate.gov/imo/media/doc/grassley\\_to\\_doj\\_-\\_eoir\\_disclosures\\_to\\_congress.pdf](https://www.grassley.senate.gov/imo/media/doc/grassley_to_doj_-_eoir_disclosures_to_congress.pdf); Letter from Senator Grassley to Executive Office for Immigration Review Director David Neal (Mar. 8, 2024) [https://www.grassley.senate.gov/imo/media/doc/grassley\\_to\\_executive\\_office\\_for\\_immigration\\_review\\_-\\_eoir\\_disclosures\\_to\\_congress.pdf](https://www.grassley.senate.gov/imo/media/doc/grassley_to_executive_office_for_immigration_review_-_eoir_disclosures_to_congress.pdf).

United States Senate  
WASHINGTON, DC 20510

March 11, 2024

**VIA ELECTRONIC TRANSMISSION**

Mr. Andrew Katsaros  
Inspector General  
Federal Trade Commission

Dear Inspector General Katsaros:

Whistleblowers are patriots and the government's most powerful tool in rooting out waste, fraud, abuse, and misconduct. Nevertheless, federal agencies continue to implement nondisclosure policies and similar agreements without the inclusion of the "anti-gag" provision as required by law.<sup>1</sup> This failure has a chilling effect that discourages whistleblowers from reporting allegations of misconduct to Congress, Inspectors General (IG), and the Office of Special Counsel (OSC). The "anti-gag" provision has been included in almost every appropriations bill since 1988 and was codified in the Whistleblower Protection Enhancement Act.<sup>2</sup>

The anti-gag law requires all federal agency nondisclosure policies, forms, or agreements to include the following explicit statement notifying the employee of their rights to report wrongdoing:

These provisions are consistent with and do not supersede, conflict with, or otherwise alter the employee obligations, rights, or liabilities created by existing statute or Executive order relating to (1) classified information, (2) communications to Congress, (3) the reporting to an Inspector General or the Office of Special Counsel of a violation of any law, rule, or regulation, or mismanagement, a gross waste of funds, an abuse of authority, or a substantial and specific danger to public health or safety, or (4) any other whistleblower protection. The definitions, requirements, obligations, rights, sanctions, and liabilities created by controlling Executive orders and statutory provisions are incorporated into this agreement and are controlling.<sup>3</sup>

Appropriation law prohibits the use of government funds to enforce these agreements if they fail to contain the anti-gag provision.<sup>4</sup>

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<sup>1</sup> 5 USC § 2302(b)(13); Pub. L. No. 117-328

<sup>2</sup> *Id.*

<sup>3</sup> 5 USC § 2302(b)(13).

<sup>4</sup> Pub. L. No. 117-328.

Even though Congress made it abundantly clear that employees are required to be informed of their rights to make legally protected disclosures, there's a growing trend among federal agencies to use nondisclosure policies and similar agreements without the inclusion of the anti-gag provision in violation of the law.<sup>5</sup> This is unacceptable.

The importance of whistleblowers knowing their rights under the law cannot be stated enough, and federal agencies should encourage their employees to disclose allegations of waste, fraud, and abuse. Federal agencies cannot be allowed to conceal their wrongdoing behind illegal nondisclosure policies and related actions. Accordingly, I request that you review all nondisclosure policies, forms, agreements, and related documents specific to your agency to ensure the anti-gag provision is included as required by law.

Thank you for your prompt review and response. If you have any questions, please contact Brian Randolph on my Committee staff at (202) 224-0642.

Sincerely,



Charles E. Grassley  
Ranking Member  
Committee on the Budget

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<sup>5</sup> See Letter from Senators Grassley and Johnson to Inspector General Horowitz (Apr. 19, 2023) [https://www.grassley.senate.gov/imo/media/doc/grassley\\_johnson\\_to\\_justice\\_deptinspectorgeneralfbiantigagprovision.pdf](https://www.grassley.senate.gov/imo/media/doc/grassley_johnson_to_justice_deptinspectorgeneralfbiantigagprovision.pdf); Letter from Senators Grassley and Johnson to Inspectors General Horowitz and George (Jun 6, 2023) [https://www.grassley.senate.gov/imo/media/doc/grassley\\_johnson\\_to\\_dojoigtigta\\_-\\_whistleblower\\_retaliation.pdf](https://www.grassley.senate.gov/imo/media/doc/grassley_johnson_to_dojoigtigta_-_whistleblower_retaliation.pdf); Letter from Senators Grassley and Johnson to Internal Revenue Service Commissioner Werfel (Jun. 6, 2023) [https://www.grassley.senate.gov/imo/media/doc/grassley\\_johnson\\_to\\_irs\\_-\\_protected\\_whistleblower\\_disclosure.pdf](https://www.grassley.senate.gov/imo/media/doc/grassley_johnson_to_irs_-_protected_whistleblower_disclosure.pdf); Letter from Senator Grassley, Senator Johnson, Representative Smith, and Representative Comer to Special Counsel Kerner (Jul. 5, 2023) [https://www.grassley.senate.gov/imo/media/doc/grassley\\_johnson\\_comer\\_jordan\\_smith\\_to\\_osc\\_-\\_whistleblower\\_retaliation.pdf](https://www.grassley.senate.gov/imo/media/doc/grassley_johnson_comer_jordan_smith_to_osc_-_whistleblower_retaliation.pdf); Letter from Senator Grassley to Health and Human Services Secretary Becerra, Administration for Children and Families Acting Assistant Secretary Hild, and Office of Refugee Resettlement Director Marcos (Nov. 21, 2023) [https://www.grassley.senate.gov/imo/media/doc/grassley\\_to\\_hhs\\_acf\\_and\\_orr\\_-\\_whistleblower\\_protections.pdf](https://www.grassley.senate.gov/imo/media/doc/grassley_to_hhs_acf_and_orr_-_whistleblower_protections.pdf); Letter from Senator Grassley to Acting Special Counsel Gorman (Nov. 21, 2023) [https://www.grassley.senate.gov/imo/media/doc/grassley\\_to\\_osc\\_-\\_hhs\\_whistleblower\\_protections.pdf](https://www.grassley.senate.gov/imo/media/doc/grassley_to_osc_-_hhs_whistleblower_protections.pdf); Letter from Senator Grassley to DOJ-OIG Horowitz (Feb. 12, 2024) [https://www.grassley.senate.gov/imo/media/doc/grassley\\_to\\_doj\\_oig\\_-\\_protected\\_whistleblower\\_disclosures.pdf](https://www.grassley.senate.gov/imo/media/doc/grassley_to_doj_oig_-_protected_whistleblower_disclosures.pdf); Letter from Senator Grassley to Bureau of Alcohol, Tobacco, Firearms, and Explosives Director Dettelbach (Feb. 12, 2024) [https://www.grassley.senate.gov/imo/media/doc/grassley\\_to\\_atf\\_-\\_protected\\_whistleblower\\_disclosures.pdf](https://www.grassley.senate.gov/imo/media/doc/grassley_to_atf_-_protected_whistleblower_disclosures.pdf); Letter from Senator Grassley to Inspector General Horowitz (Mar. 8, 2024) [https://www.grassley.senate.gov/imo/media/doc/grassley\\_to\\_doj\\_inspector\\_general\\_-\\_eoir\\_disclosures\\_to\\_congress.pdf](https://www.grassley.senate.gov/imo/media/doc/grassley_to_doj_inspector_general_-_eoir_disclosures_to_congress.pdf); Letter from Senator Grassley to Attorney General Garland (Mar. 8, 2024) [https://www.grassley.senate.gov/imo/media/doc/grassley\\_to\\_doj\\_-\\_eoir\\_disclosures\\_to\\_congress.pdf](https://www.grassley.senate.gov/imo/media/doc/grassley_to_doj_-_eoir_disclosures_to_congress.pdf); Letter from Senator Grassley to Executive Office for Immigration Review Director David Neal (Mar. 8, 2024) [https://www.grassley.senate.gov/imo/media/doc/grassley\\_to\\_executive\\_office\\_for\\_immigration\\_review\\_-\\_eoir\\_disclosures\\_to\\_congress.pdf](https://www.grassley.senate.gov/imo/media/doc/grassley_to_executive_office_for_immigration_review_-_eoir_disclosures_to_congress.pdf).

United States Senate  
WASHINGTON, DC 20510

March 11, 2024

**VIA ELECTRONIC TRANSMISSION**

Mr. Robert C. Erikson  
Deputy Inspector General  
General Services Administration

Dear Mr. Erikson:

Whistleblowers are patriots and the government's most powerful tool in rooting out waste, fraud, abuse, and misconduct. Nevertheless, federal agencies continue to implement nondisclosure policies and similar agreements without the inclusion of the "anti-gag" provision as required by law.<sup>1</sup> This failure has a chilling effect that discourages whistleblowers from reporting allegations of misconduct to Congress, Inspectors General (IG), and the Office of Special Counsel (OSC). The "anti-gag" provision has been included in almost every appropriations bill since 1988 and was codified in the Whistleblower Protection Enhancement Act.<sup>2</sup>

The anti-gag law requires all federal agency nondisclosure policies, forms, or agreements to include the following explicit statement notifying the employee of their rights to report wrongdoing:

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Appropriation law prohibits the use of government funds to enforce these agreements if they fail to contain the anti-gag provision.<sup>4</sup>

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Even though Congress made it abundantly clear that employees are required to be informed of their rights to make legally protected disclosures, there's a growing trend among federal agencies to use nondisclosure policies and similar agreements without the inclusion of the anti-gag provision in violation of the law.<sup>5</sup> This is unacceptable.

The importance of whistleblowers knowing their rights under the law cannot be stated enough, and federal agencies should encourage their employees to disclose allegations of waste, fraud, and abuse. Federal agencies cannot be allowed to conceal their wrongdoing behind illegal nondisclosure policies and related actions. Accordingly, I request that you review all nondisclosure policies, forms, agreements, and related documents specific to your agency to ensure the anti-gag provision is included as required by law.

Thank you for your prompt review and response. If you have any questions, please contact Brian Randolph on my Committee staff at (202) 224-0642.

Sincerely,



Charles E. Grassley  
Ranking Member  
Committee on the Budget

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**United States Senate**  
WASHINGTON, DC 20510

March 11, 2024

**VIA ELECTRONIC TRANSMISSION**

Ms. Linda Nancy Birnbaum  
Inspector General  
Government Accountability Office

Dear Inspector General Birnbaum:

Whistleblowers are patriots and the government's most powerful tool in rooting out waste, fraud, abuse, and misconduct. Nevertheless, federal agencies continue to implement nondisclosure policies and similar agreements without the inclusion of the "anti-gag" provision as required by law.<sup>1</sup> This failure has a chilling effect that discourages whistleblowers from reporting allegations of misconduct to Congress, Inspectors General (IG), and the Office of Special Counsel (OSC). The "anti-gag" provision has been included in almost every appropriations bill since 1988 and was codified in the Whistleblower Protection Enhancement Act.<sup>2</sup>

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Thank you for your prompt review and response. If you have any questions, please contact Brian Randolph on my Committee staff at (202) 224-0642.

Sincerely,



Charles E. Grassley  
Ranking Member  
Committee on the Budget

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United States Senate  
WASHINGTON, DC 20510

March 11, 2024

**VIA ELECTRONIC TRANSMISSION**

Mr. Nathan J. Deahl  
Inspector General  
Government Publishing Office

Dear Inspector General Deahl:

Whistleblowers are patriots and the government's most powerful tool in rooting out waste, fraud, abuse, and misconduct. Nevertheless, federal agencies continue to implement nondisclosure policies and similar agreements without the inclusion of the "anti-gag" provision as required by law.<sup>1</sup> This failure has a chilling effect that discourages whistleblowers from reporting allegations of misconduct to Congress, Inspectors General (IG), and the Office of Special Counsel (OSC). The "anti-gag" provision has been included in almost every appropriations bill since 1988 and was codified in the Whistleblower Protection Enhancement Act.<sup>2</sup>

The anti-gag law requires all federal agency nondisclosure policies, forms, or agreements to include the following explicit statement notifying the employee of their rights to report wrongdoing:

These provisions are consistent with and do not supersede, conflict with, or otherwise alter the employee obligations, rights, or liabilities created by existing statute or Executive order relating to (1) classified information, (2) communications to Congress, (3) the reporting to an Inspector General or the Office of Special Counsel of a violation of any law, rule, or regulation, or mismanagement, a gross waste of funds, an abuse of authority, or a substantial and specific danger to public health or safety, or (4) any other whistleblower protection. The definitions, requirements, obligations, rights, sanctions, and liabilities created by controlling Executive orders and statutory provisions are incorporated into this agreement and are controlling.<sup>3</sup>

Appropriation law prohibits the use of government funds to enforce these agreements if they fail to contain the anti-gag provision.<sup>4</sup>

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<sup>1</sup> 5 USC § 2302(b)(13); Pub. L. No. 117-328

<sup>2</sup> *Id.*

<sup>3</sup> 5 USC § 2302(b)(13).

<sup>4</sup> Pub. L. No. 117-328.

Even though Congress made it abundantly clear that employees are required to be informed of their rights to make legally protected disclosures, there's a growing trend among federal agencies to use nondisclosure policies and similar agreements without the inclusion of the anti-gag provision in violation of the law.<sup>5</sup> This is unacceptable.

The importance of whistleblowers knowing their rights under the law cannot be stated enough, and federal agencies should encourage their employees to disclose allegations of waste, fraud, and abuse. Federal agencies cannot be allowed to conceal their wrongdoing behind illegal nondisclosure policies and related actions. Accordingly, I request that you review all nondisclosure policies, forms, agreements, and related documents specific to your agency to ensure the anti-gag provision is included as required by law.

Thank you for your prompt review and response. If you have any questions, please contact Brian Randolph on my Committee staff at (202) 224-0642.

Sincerely,



Charles E. Grassley  
Ranking Member  
Committee on the Budget

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<sup>5</sup> See Letter from Senators Grassley and Johnson to Inspector General Horowitz (Apr. 19, 2023) [https://www.grassley.senate.gov/imo/media/doc/grassley\\_johnson\\_to\\_justice\\_deptinspectorgeneralfbiantigagprovision.pdf](https://www.grassley.senate.gov/imo/media/doc/grassley_johnson_to_justice_deptinspectorgeneralfbiantigagprovision.pdf); Letter from Senators Grassley and Johnson to Inspectors General Horowitz and George (Jun 6, 2023) [https://www.grassley.senate.gov/imo/media/doc/grassley\\_johnson\\_to\\_dojoigtigta\\_-\\_whistleblower\\_retaliation.pdf](https://www.grassley.senate.gov/imo/media/doc/grassley_johnson_to_dojoigtigta_-_whistleblower_retaliation.pdf); Letter from Senators Grassley and Johnson to Internal Revenue Service Commissioner Werfel (Jun. 6, 2023) [https://www.grassley.senate.gov/imo/media/doc/grassley\\_johnson\\_to\\_irs\\_-\\_protected\\_whistleblower\\_disclosure.pdf](https://www.grassley.senate.gov/imo/media/doc/grassley_johnson_to_irs_-_protected_whistleblower_disclosure.pdf); Letter from Senator Grassley, Senator Johnson, Representative Smith, and Representative Comer to Special Counsel Kerner (Jul. 5, 2023) [https://www.grassley.senate.gov/imo/media/doc/grassley\\_johnson\\_comer\\_jordan\\_smith\\_to\\_osc\\_-\\_whistleblower\\_retaliation.pdf](https://www.grassley.senate.gov/imo/media/doc/grassley_johnson_comer_jordan_smith_to_osc_-_whistleblower_retaliation.pdf); Letter from Senator Grassley to Health and Human Services Secretary Becerra, Administration for Children and Families Acting Assistant Secretary Hild, and Office of Refugee Resettlement Director Marcos (Nov. 21, 2023) [https://www.grassley.senate.gov/imo/media/doc/grassley\\_to\\_hhs\\_acf\\_and\\_orr\\_-\\_whistleblower\\_protections.pdf](https://www.grassley.senate.gov/imo/media/doc/grassley_to_hhs_acf_and_orr_-_whistleblower_protections.pdf); Letter from Senator Grassley to Acting Special Counsel Gorman (Nov. 21, 2023) [https://www.grassley.senate.gov/imo/media/doc/grassley\\_to\\_osc\\_-\\_hhs\\_whistleblower\\_protections.pdf](https://www.grassley.senate.gov/imo/media/doc/grassley_to_osc_-_hhs_whistleblower_protections.pdf); Letter from Senator Grassley to DOJ-OIG Horowitz (Feb. 12, 2024) [https://www.grassley.senate.gov/imo/media/doc/grassley\\_to\\_doj\\_oig\\_-\\_protected\\_whistleblower\\_disclosures.pdf](https://www.grassley.senate.gov/imo/media/doc/grassley_to_doj_oig_-_protected_whistleblower_disclosures.pdf); Letter from Senator Grassley to Bureau of Alcohol, Tobacco, Firearms, and Explosives Director Dettelbach (Feb. 12, 2024) [https://www.grassley.senate.gov/imo/media/doc/grassley\\_to\\_atf\\_-\\_protected\\_whistleblower\\_disclosures.pdf](https://www.grassley.senate.gov/imo/media/doc/grassley_to_atf_-_protected_whistleblower_disclosures.pdf); Letter from Senator Grassley to Inspector General Horowitz (Mar. 8, 2024) [https://www.grassley.senate.gov/imo/media/doc/grassley\\_to\\_doj\\_inspector\\_general\\_-\\_eoir\\_disclosures\\_to\\_congress.pdf](https://www.grassley.senate.gov/imo/media/doc/grassley_to_doj_inspector_general_-_eoir_disclosures_to_congress.pdf); Letter from Senator Grassley to Attorney General Garland (Mar. 8, 2024) [https://www.grassley.senate.gov/imo/media/doc/grassley\\_to\\_doj\\_-\\_eoir\\_disclosures\\_to\\_congress.pdf](https://www.grassley.senate.gov/imo/media/doc/grassley_to_doj_-_eoir_disclosures_to_congress.pdf); Letter from Senator Grassley to Executive Office for Immigration Review Director David Neal (Mar. 8, 2024) [https://www.grassley.senate.gov/imo/media/doc/grassley\\_to\\_executive\\_office\\_for\\_immigration\\_review\\_-\\_eoir\\_disclosures\\_to\\_congress.pdf](https://www.grassley.senate.gov/imo/media/doc/grassley_to_executive_office_for_immigration_review_-_eoir_disclosures_to_congress.pdf).

United States Senate  
WASHINGTON, DC 20510

March 11, 2024

**VIA ELECTRONIC TRANSMISSION**

Ms. Rekha “Rashmi” Bartlett  
Inspector General  
International Trade Commission

Dear Inspector General Bartlett:

Whistleblowers are patriots and the government’s most powerful tool in rooting out waste, fraud, abuse, and misconduct. Nevertheless, federal agencies continue to implement nondisclosure policies and similar agreements without the inclusion of the “anti-gag” provision as required by law.<sup>1</sup> This failure has a chilling effect that discourages whistleblowers from reporting allegations of misconduct to Congress, Inspectors General (IG), and the Office of Special Counsel (OSC). The “anti-gag” provision has been included in almost every appropriations bill since 1988 and was codified in the Whistleblower Protection Enhancement Act.<sup>2</sup>

The anti-gag law requires all federal agency nondisclosure policies, forms, or agreements to include the following explicit statement notifying the employee of their rights to report wrongdoing:

These provisions are consistent with and do not supersede, conflict with, or otherwise alter the employee obligations, rights, or liabilities created by existing statute or Executive order relating to (1) classified information, (2) communications to Congress, (3) the reporting to an Inspector General or the Office of Special Counsel of a violation of any law, rule, or regulation, or mismanagement, a gross waste of funds, an abuse of authority, or a substantial and specific danger to public health or safety, or (4) any other whistleblower protection. The definitions, requirements, obligations, rights, sanctions, and liabilities created by controlling Executive orders and statutory provisions are incorporated into this agreement and are controlling.<sup>3</sup>

Appropriation law prohibits the use of government funds to enforce these agreements if they fail to contain the anti-gag provision.<sup>4</sup>

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<sup>2</sup> *Id.*

<sup>3</sup> 5 USC § 2302(b)(13).

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Even though Congress made it abundantly clear that employees are required to be informed of their rights to make legally protected disclosures, there's a growing trend among federal agencies to use nondisclosure policies and similar agreements without the inclusion of the anti-gag provision in violation of the law.<sup>5</sup> This is unacceptable.

The importance of whistleblowers knowing their rights under the law cannot be stated enough, and federal agencies should encourage their employees to disclose allegations of waste, fraud, and abuse. Federal agencies cannot be allowed to conceal their wrongdoing behind illegal nondisclosure policies and related actions. Accordingly, I request that you review all nondisclosure policies, forms, agreements, and related documents specific to your agency to ensure the anti-gag provision is included as required by law.

Thank you for your prompt review and response. If you have any questions, please contact Brian Randolph on my Committee staff at (202) 224-0642.

Sincerely,



Charles E. Grassley  
Ranking Member  
Committee on the Budget

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<sup>5</sup> See Letter from Senators Grassley and Johnson to Inspector General Horowitz (Apr. 19, 2023) [https://www.grassley.senate.gov/imo/media/doc/grassley\\_johnson\\_to\\_justice\\_deptinspectorgeneralfbiantigagprovision.pdf](https://www.grassley.senate.gov/imo/media/doc/grassley_johnson_to_justice_deptinspectorgeneralfbiantigagprovision.pdf); Letter from Senators Grassley and Johnson to Inspectors General Horowitz and George (Jun 6, 2023) [https://www.grassley.senate.gov/imo/media/doc/grassley\\_johnson\\_to\\_dojoigtigta\\_-\\_whistleblower\\_retaliation.pdf](https://www.grassley.senate.gov/imo/media/doc/grassley_johnson_to_dojoigtigta_-_whistleblower_retaliation.pdf); Letter from Senators Grassley and Johnson to Internal Revenue Service Commissioner Werfel (Jun. 6, 2023) [https://www.grassley.senate.gov/imo/media/doc/grassley\\_johnson\\_to\\_irs\\_-\\_protected\\_whistleblower\\_disclosure.pdf](https://www.grassley.senate.gov/imo/media/doc/grassley_johnson_to_irs_-_protected_whistleblower_disclosure.pdf); Letter from Senator Grassley, Senator Johnson, Representative Smith, and Representative Comer to Special Counsel Kerner (Jul. 5, 2023) [https://www.grassley.senate.gov/imo/media/doc/grassley\\_johnson\\_comer\\_jordan\\_smith\\_to\\_osc\\_-\\_whistleblower\\_retaliation.pdf](https://www.grassley.senate.gov/imo/media/doc/grassley_johnson_comer_jordan_smith_to_osc_-_whistleblower_retaliation.pdf); Letter from Senator Grassley to Health and Human Services Secretary Becerra, Administration for Children and Families Acting Assistant Secretary Hild, and Office of Refugee Resettlement Director Marcos (Nov. 21, 2023) [https://www.grassley.senate.gov/imo/media/doc/grassley\\_to\\_hhs\\_acf\\_and\\_orr\\_-\\_whistleblower\\_protections.pdf](https://www.grassley.senate.gov/imo/media/doc/grassley_to_hhs_acf_and_orr_-_whistleblower_protections.pdf); Letter from Senator Grassley to Acting Special Counsel Gorman (Nov. 21, 2023) [https://www.grassley.senate.gov/imo/media/doc/grassley\\_to\\_osc\\_-\\_hhs\\_whistleblower\\_protections.pdf](https://www.grassley.senate.gov/imo/media/doc/grassley_to_osc_-_hhs_whistleblower_protections.pdf); Letter from Senator Grassley to DOJ-OIG Horowitz (Feb. 12, 2024) [https://www.grassley.senate.gov/imo/media/doc/grassley\\_to\\_doj\\_oig\\_-\\_protected\\_whistleblower\\_disclosures.pdf](https://www.grassley.senate.gov/imo/media/doc/grassley_to_doj_oig_-_protected_whistleblower_disclosures.pdf); Letter from Senator Grassley to Bureau of Alcohol, Tobacco, Firearms, and Explosives Director Dettelbach (Feb. 12, 2024) [https://www.grassley.senate.gov/imo/media/doc/grassley\\_to\\_atf\\_-\\_protected\\_whistleblower\\_disclosures.pdf](https://www.grassley.senate.gov/imo/media/doc/grassley_to_atf_-_protected_whistleblower_disclosures.pdf); Letter from Senator Grassley to Inspector General Horowitz (Mar. 8, 2024) [https://www.grassley.senate.gov/imo/media/doc/grassley\\_to\\_doj\\_inspector\\_general\\_-\\_eoir\\_disclosures\\_to\\_congress.pdf](https://www.grassley.senate.gov/imo/media/doc/grassley_to_doj_inspector_general_-_eoir_disclosures_to_congress.pdf); Letter from Senator Grassley to Attorney General Garland (Mar. 8, 2024) [https://www.grassley.senate.gov/imo/media/doc/grassley\\_to\\_doj\\_-\\_eoir\\_disclosures\\_to\\_congress.pdf](https://www.grassley.senate.gov/imo/media/doc/grassley_to_doj_-_eoir_disclosures_to_congress.pdf); Letter from Senator Grassley to Executive Office for Immigration Review Director David Neal (Mar. 8, 2024) [https://www.grassley.senate.gov/imo/media/doc/grassley\\_to\\_executive\\_office\\_for\\_immigration\\_review\\_-\\_eoir\\_disclosures\\_to\\_congress.pdf](https://www.grassley.senate.gov/imo/media/doc/grassley_to_executive_office_for_immigration_review_-_eoir_disclosures_to_congress.pdf).

United States Senate  
WASHINGTON, DC 20510

March 11, 2024

**VIA ELECTRONIC TRANSMISSION**

Mr. Thomas Yatsco  
Inspector General  
Legal Services Corporation

Dear Inspector General Yatsco:

Whistleblowers are patriots and the government's most powerful tool in rooting out waste, fraud, abuse, and misconduct. Nevertheless, federal agencies continue to implement nondisclosure policies and similar agreements without the inclusion of the "anti-gag" provision as required by law.<sup>1</sup> This failure has a chilling effect that discourages whistleblowers from reporting allegations of misconduct to Congress, Inspectors General (IG), and the Office of Special Counsel (OSC). The "anti-gag" provision has been included in almost every appropriations bill since 1988 and was codified in the Whistleblower Protection Enhancement Act.<sup>2</sup>

The anti-gag law requires all federal agency nondisclosure policies, forms, or agreements to include the following explicit statement notifying the employee of their rights to report wrongdoing:

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<sup>2</sup> *Id.*

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Even though Congress made it abundantly clear that employees are required to be informed of their rights to make legally protected disclosures, there's a growing trend among federal agencies to use nondisclosure policies and similar agreements without the inclusion of the anti-gag provision in violation of the law.<sup>5</sup> This is unacceptable.

The importance of whistleblowers knowing their rights under the law cannot be stated enough, and federal agencies should encourage their employees to disclose allegations of waste, fraud, and abuse. Federal agencies cannot be allowed to conceal their wrongdoing behind illegal nondisclosure policies and related actions. Accordingly, I request that you review all nondisclosure policies, forms, agreements, and related documents specific to your agency to ensure the anti-gag provision is included as required by law.

Thank you for your prompt review and response. If you have any questions, please contact Brian Randolph on my Committee staff at (202) 224-0642.

Sincerely,



Charles E. Grassley  
Ranking Member  
Committee on the Budget

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<sup>5</sup> See Letter from Senators Grassley and Johnson to Inspector General Horowitz (Apr. 19, 2023) [https://www.grassley.senate.gov/imo/media/doc/grassley\\_johnson\\_to\\_justice\\_deptinspectorgeneralfbiantigagprovision.pdf](https://www.grassley.senate.gov/imo/media/doc/grassley_johnson_to_justice_deptinspectorgeneralfbiantigagprovision.pdf); Letter from Senators Grassley and Johnson to Inspectors General Horowitz and George (Jun 6, 2023) [https://www.grassley.senate.gov/imo/media/doc/grassley\\_johnson\\_to\\_dojoigtigta\\_-\\_whistleblower\\_retaliation.pdf](https://www.grassley.senate.gov/imo/media/doc/grassley_johnson_to_dojoigtigta_-_whistleblower_retaliation.pdf); Letter from Senators Grassley and Johnson to Internal Revenue Service Commissioner Werfel (Jun. 6, 2023) [https://www.grassley.senate.gov/imo/media/doc/grassley\\_johnson\\_to\\_irs\\_-\\_protected\\_whistleblower\\_disclosure.pdf](https://www.grassley.senate.gov/imo/media/doc/grassley_johnson_to_irs_-_protected_whistleblower_disclosure.pdf); Letter from Senator Grassley, Senator Johnson, Representative Smith, and Representative Comer to Special Counsel Kerner (Jul. 5, 2023) [https://www.grassley.senate.gov/imo/media/doc/grassley\\_johnson\\_comer\\_jordan\\_smith\\_to\\_osc\\_-\\_whistleblower\\_retaliation.pdf](https://www.grassley.senate.gov/imo/media/doc/grassley_johnson_comer_jordan_smith_to_osc_-_whistleblower_retaliation.pdf); Letter from Senator Grassley to Health and Human Services Secretary Becerra, Administration for Children and Families Acting Assistant Secretary Hild, and Office of Refugee Resettlement Director Marcos (Nov. 21, 2023) [https://www.grassley.senate.gov/imo/media/doc/grassley\\_to\\_hhs\\_acf\\_and\\_orr\\_-\\_whistleblower\\_protections.pdf](https://www.grassley.senate.gov/imo/media/doc/grassley_to_hhs_acf_and_orr_-_whistleblower_protections.pdf); Letter from Senator Grassley to Acting Special Counsel Gorman (Nov. 21, 2023) [https://www.grassley.senate.gov/imo/media/doc/grassley\\_to\\_osc\\_-\\_hhs\\_whistleblower\\_protections.pdf](https://www.grassley.senate.gov/imo/media/doc/grassley_to_osc_-_hhs_whistleblower_protections.pdf); Letter from Senator Grassley to DOJ-OIG Horowitz (Feb. 12, 2024) [https://www.grassley.senate.gov/imo/media/doc/grassley\\_to\\_doj\\_oig\\_-\\_protected\\_whistleblower\\_disclosures.pdf](https://www.grassley.senate.gov/imo/media/doc/grassley_to_doj_oig_-_protected_whistleblower_disclosures.pdf); Letter from Senator Grassley to Bureau of Alcohol, Tobacco, Firearms, and Explosives Director Dettelbach (Feb. 12, 2024) [https://www.grassley.senate.gov/imo/media/doc/grassley\\_to\\_atf\\_-\\_protected\\_whistleblower\\_disclosures.pdf](https://www.grassley.senate.gov/imo/media/doc/grassley_to_atf_-_protected_whistleblower_disclosures.pdf); Letter from Senator Grassley to Inspector General Horowitz (Mar. 8, 2024) [https://www.grassley.senate.gov/imo/media/doc/grassley\\_to\\_doj\\_inspector\\_general\\_-\\_eoir\\_disclosures\\_to\\_congress.pdf](https://www.grassley.senate.gov/imo/media/doc/grassley_to_doj_inspector_general_-_eoir_disclosures_to_congress.pdf); Letter from Senator Grassley to Attorney General Garland (Mar. 8, 2024) [https://www.grassley.senate.gov/imo/media/doc/grassley\\_to\\_doj\\_-\\_eoir\\_disclosures\\_to\\_congress.pdf](https://www.grassley.senate.gov/imo/media/doc/grassley_to_doj_-_eoir_disclosures_to_congress.pdf); Letter from Senator Grassley to Executive Office for Immigration Review Director David Neal (Mar. 8, 2024) [https://www.grassley.senate.gov/imo/media/doc/grassley\\_to\\_executive\\_office\\_for\\_immigration\\_review\\_-\\_eoir\\_disclosures\\_to\\_congress.pdf](https://www.grassley.senate.gov/imo/media/doc/grassley_to_executive_office_for_immigration_review_-_eoir_disclosures_to_congress.pdf).

United States Senate  
WASHINGTON, DC 20510

March 11, 2024

**VIA ELECTRONIC TRANSMISSION**

Dr. Glenda Arrington  
Inspector General  
Library of Congress

Dear Inspector General Arrington:

Whistleblowers are patriots and the government's most powerful tool in rooting out waste, fraud, abuse, and misconduct. Nevertheless, federal agencies continue to implement nondisclosure policies and similar agreements without the inclusion of the "anti-gag" provision as required by law.<sup>1</sup> This failure has a chilling effect that discourages whistleblowers from reporting allegations of misconduct to Congress, Inspectors General (IG), and the Office of Special Counsel (OSC). The "anti-gag" provision has been included in almost every appropriations bill since 1988 and was codified in the Whistleblower Protection Enhancement Act.<sup>2</sup>

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Thank you for your prompt review and response. If you have any questions, please contact Brian Randolph on my Committee staff at (202) 224-0642.

Sincerely,



Charles E. Grassley  
Ranking Member  
Committee on the Budget

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<sup>5</sup> See Letter from Senators Grassley and Johnson to Inspector General Horowitz (Apr. 19, 2023) [https://www.grassley.senate.gov/imo/media/doc/grassley\\_johnson\\_to\\_justice\\_deptinspectorgeneralfbiantigagprovision.pdf](https://www.grassley.senate.gov/imo/media/doc/grassley_johnson_to_justice_deptinspectorgeneralfbiantigagprovision.pdf); Letter from Senators Grassley and Johnson to Inspectors General Horowitz and George (Jun 6, 2023) [https://www.grassley.senate.gov/imo/media/doc/grassley\\_johnson\\_to\\_dojoigtigta\\_-\\_whistleblower\\_retaliation.pdf](https://www.grassley.senate.gov/imo/media/doc/grassley_johnson_to_dojoigtigta_-_whistleblower_retaliation.pdf); Letter from Senators Grassley and Johnson to Internal Revenue Service Commissioner Werfel (Jun. 6, 2023) [https://www.grassley.senate.gov/imo/media/doc/grassley\\_johnson\\_to\\_irs\\_-\\_protected\\_whistleblower\\_disclosure.pdf](https://www.grassley.senate.gov/imo/media/doc/grassley_johnson_to_irs_-_protected_whistleblower_disclosure.pdf); Letter from Senator Grassley, Senator Johnson, Representative Smith, and Representative Comer to Special Counsel Kerner (Jul. 5, 2023) [https://www.grassley.senate.gov/imo/media/doc/grassley\\_johnson\\_comer\\_jordan\\_smith\\_to\\_osc\\_-\\_whistleblower\\_retaliation.pdf](https://www.grassley.senate.gov/imo/media/doc/grassley_johnson_comer_jordan_smith_to_osc_-_whistleblower_retaliation.pdf); Letter from Senator Grassley to Health and Human Services Secretary Becerra, Administration for Children and Families Acting Assistant Secretary Hild, and Office of Refugee Resettlement Director Marcos (Nov. 21, 2023) [https://www.grassley.senate.gov/imo/media/doc/grassley\\_to\\_hhs\\_acf\\_and\\_orr\\_-\\_whistleblower\\_protections.pdf](https://www.grassley.senate.gov/imo/media/doc/grassley_to_hhs_acf_and_orr_-_whistleblower_protections.pdf); Letter from Senator Grassley to Acting Special Counsel Gorman (Nov. 21, 2023) [https://www.grassley.senate.gov/imo/media/doc/grassley\\_to\\_osc\\_-\\_hhs\\_whistleblower\\_protections.pdf](https://www.grassley.senate.gov/imo/media/doc/grassley_to_osc_-_hhs_whistleblower_protections.pdf); Letter from Senator Grassley to DOJ-OIG Horowitz (Feb. 12, 2024) [https://www.grassley.senate.gov/imo/media/doc/grassley\\_to\\_doj\\_oig\\_-\\_protected\\_whistleblower\\_disclosures.pdf](https://www.grassley.senate.gov/imo/media/doc/grassley_to_doj_oig_-_protected_whistleblower_disclosures.pdf); Letter from Senator Grassley to Bureau of Alcohol, Tobacco, Firearms, and Explosives Director Dettelbach (Feb. 12, 2024) [https://www.grassley.senate.gov/imo/media/doc/grassley\\_to\\_atf\\_-\\_protected\\_whistleblower\\_disclosures.pdf](https://www.grassley.senate.gov/imo/media/doc/grassley_to_atf_-_protected_whistleblower_disclosures.pdf); Letter from Senator Grassley to Inspector General Horowitz (Mar. 8, 2024) [https://www.grassley.senate.gov/imo/media/doc/grassley\\_to\\_doj\\_inspector\\_general\\_-\\_eoir\\_disclosures\\_to\\_congress.pdf](https://www.grassley.senate.gov/imo/media/doc/grassley_to_doj_inspector_general_-_eoir_disclosures_to_congress.pdf); Letter from Senator Grassley to Attorney General Garland (Mar. 8, 2024) [https://www.grassley.senate.gov/imo/media/doc/grassley\\_to\\_doj\\_-\\_eoir\\_disclosures\\_to\\_congress.pdf](https://www.grassley.senate.gov/imo/media/doc/grassley_to_doj_-_eoir_disclosures_to_congress.pdf); Letter from Senator Grassley to Executive Office for Immigration Review Director David Neal (Mar. 8, 2024) [https://www.grassley.senate.gov/imo/media/doc/grassley\\_to\\_executive\\_office\\_for\\_immigration\\_review\\_-\\_eoir\\_disclosures\\_to\\_congress.pdf](https://www.grassley.senate.gov/imo/media/doc/grassley_to_executive_office_for_immigration_review_-_eoir_disclosures_to_congress.pdf).

United States Senate  
WASHINGTON, DC 20510

March 11, 2024

**VIA ELECTRONIC TRANSMISSION**

Mr. George A. Scott  
Acting Inspector General  
National Aeronautics and Space Administration

Dear Acting Inspector General Scott:

Whistleblowers are patriots and the government's most powerful tool in rooting out waste, fraud, abuse, and misconduct. Nevertheless, federal agencies continue to implement nondisclosure policies and similar agreements without the inclusion of the "anti-gag" provision as required by law.<sup>1</sup> This failure has a chilling effect that discourages whistleblowers from reporting allegations of misconduct to Congress, Inspectors General (IG), and the Office of Special Counsel (OSC). The "anti-gag" provision has been included in almost every appropriations bill since 1988 and was codified in the Whistleblower Protection Enhancement Act.<sup>2</sup>

The anti-gag law requires all federal agency nondisclosure policies, forms, or agreements to include the following explicit statement notifying the employee of their rights to report wrongdoing:

These provisions are consistent with and do not supersede, conflict with, or otherwise alter the employee obligations, rights, or liabilities created by existing statute or Executive order relating to (1) classified information, (2) communications to Congress, (3) the reporting to an Inspector General or the Office of Special Counsel of a violation of any law, rule, or regulation, or mismanagement, a gross waste of funds, an abuse of authority, or a substantial and specific danger to public health or safety, or (4) any other whistleblower protection. The definitions, requirements, obligations, rights, sanctions, and liabilities created by controlling Executive orders and statutory provisions are incorporated into this agreement and are controlling.<sup>3</sup>

Appropriation law prohibits the use of government funds to enforce these agreements if they fail to contain the anti-gag provision.<sup>4</sup>

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<sup>1</sup> 5 USC § 2302(b)(13); Pub. L. No. 117-328

<sup>2</sup> *Id.*

<sup>3</sup> 5 USC § 2302(b)(13).

<sup>4</sup> Pub. L. No. 117-328.

Even though Congress made it abundantly clear that employees are required to be informed of their rights to make legally protected disclosures, there's a growing trend among federal agencies to use nondisclosure policies and similar agreements without the inclusion of the anti-gag provision in violation of the law.<sup>5</sup> This is unacceptable.

The importance of whistleblowers knowing their rights under the law cannot be stated enough, and federal agencies should encourage their employees to disclose allegations of waste, fraud, and abuse. Federal agencies cannot be allowed to conceal their wrongdoing behind illegal nondisclosure policies and related actions. Accordingly, I request that you review all nondisclosure policies, forms, agreements, and related documents specific to your agency to ensure the anti-gag provision is included as required by law.

Thank you for your prompt review and response. If you have any questions, please contact Brian Randolph on my Committee staff at (202) 224-0642.

Sincerely,



Charles E. Grassley  
Ranking Member  
Committee on the Budget

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<sup>5</sup> See Letter from Senators Grassley and Johnson to Inspector General Horowitz (Apr. 19, 2023) [https://www.grassley.senate.gov/imo/media/doc/grassley\\_johnson\\_to\\_justice\\_deptinspectorgeneralfbiantigagprovision.pdf](https://www.grassley.senate.gov/imo/media/doc/grassley_johnson_to_justice_deptinspectorgeneralfbiantigagprovision.pdf); Letter from Senators Grassley and Johnson to Inspectors General Horowitz and George (Jun 6, 2023) [https://www.grassley.senate.gov/imo/media/doc/grassley\\_johnson\\_to\\_dojoig\\_tigta\\_-\\_whistleblower\\_retaliation.pdf](https://www.grassley.senate.gov/imo/media/doc/grassley_johnson_to_dojoig_tigta_-_whistleblower_retaliation.pdf); Letter from Senators Grassley and Johnson to Internal Revenue Service Commissioner Werfel (Jun. 6, 2023) [https://www.grassley.senate.gov/imo/media/doc/grassley\\_johnson\\_to\\_irs\\_-\\_protected\\_whistleblower\\_disclosure.pdf](https://www.grassley.senate.gov/imo/media/doc/grassley_johnson_to_irs_-_protected_whistleblower_disclosure.pdf); Letter from Senator Grassley, Senator Johnson, Representative Smith, and Representative Comer to Special Counsel Kerner (Jul. 5, 2023) [https://www.grassley.senate.gov/imo/media/doc/grassley\\_johnson\\_comer\\_jordan\\_smith\\_to\\_osc\\_-\\_whistleblower\\_retaliation.pdf](https://www.grassley.senate.gov/imo/media/doc/grassley_johnson_comer_jordan_smith_to_osc_-_whistleblower_retaliation.pdf); Letter from Senator Grassley to Health and Human Services Secretary Becerra, Administration for Children and Families Acting Assistant Secretary Hild, and Office of Refugee Resettlement Director Marcos (Nov. 21, 2023) [https://www.grassley.senate.gov/imo/media/doc/grassley\\_to\\_hhs\\_acf\\_and\\_orr\\_-\\_whistleblower\\_protections.pdf](https://www.grassley.senate.gov/imo/media/doc/grassley_to_hhs_acf_and_orr_-_whistleblower_protections.pdf); Letter from Senator Grassley to Acting Special Counsel Gorman (Nov. 21, 2023) [https://www.grassley.senate.gov/imo/media/doc/grassley\\_to\\_osc\\_-\\_hhs\\_whistleblower\\_protections.pdf](https://www.grassley.senate.gov/imo/media/doc/grassley_to_osc_-_hhs_whistleblower_protections.pdf); Letter from Senator Grassley to DOJ-OIG Horowitz (Feb. 12, 2024) [https://www.grassley.senate.gov/imo/media/doc/grassley\\_to\\_doj\\_oig\\_-\\_protected\\_whistleblower\\_disclosures.pdf](https://www.grassley.senate.gov/imo/media/doc/grassley_to_doj_oig_-_protected_whistleblower_disclosures.pdf); Letter from Senator Grassley to Bureau of Alcohol, Tobacco, Firearms, and Explosives Director Dettelbach (Feb. 12, 2024) [https://www.grassley.senate.gov/imo/media/doc/grassley\\_to\\_atf\\_-\\_protected\\_whistleblower\\_disclosures.pdf](https://www.grassley.senate.gov/imo/media/doc/grassley_to_atf_-_protected_whistleblower_disclosures.pdf); Letter from Senator Grassley to Inspector General Horowitz (Mar. 8, 2024) [https://www.grassley.senate.gov/imo/media/doc/grassley\\_to\\_doj\\_inspector\\_general\\_-\\_eoir\\_disclosures\\_to\\_congress.pdf](https://www.grassley.senate.gov/imo/media/doc/grassley_to_doj_inspector_general_-_eoir_disclosures_to_congress.pdf); Letter from Senator Grassley to Attorney General Garland (Mar. 8, 2024) [https://www.grassley.senate.gov/imo/media/doc/grassley\\_to\\_doj\\_-\\_eoir\\_disclosures\\_to\\_congress.pdf](https://www.grassley.senate.gov/imo/media/doc/grassley_to_doj_-_eoir_disclosures_to_congress.pdf); Letter from Senator Grassley to Executive Office for Immigration Review Director David Neal (Mar. 8, 2024) [https://www.grassley.senate.gov/imo/media/doc/grassley\\_to\\_executive\\_office\\_for\\_immigration\\_review\\_-\\_eoir\\_disclosures\\_to\\_congress.pdf](https://www.grassley.senate.gov/imo/media/doc/grassley_to_executive_office_for_immigration_review_-_eoir_disclosures_to_congress.pdf).

United States Senate  
WASHINGTON, DC 20510

March 11, 2024

**VIA ELECTRONIC TRANSMISSION**

Dr. Brett M. Baker  
Inspector General  
National Archives and Records Administration

Dear Inspector General Baker:

Whistleblowers are patriots and the government's most powerful tool in rooting out waste, fraud, abuse, and misconduct. Nevertheless, federal agencies continue to implement nondisclosure policies and similar agreements without the inclusion of the "anti-gag" provision as required by law.<sup>1</sup> This failure has a chilling effect that discourages whistleblowers from reporting allegations of misconduct to Congress, Inspectors General (IG), and the Office of Special Counsel (OSC). The "anti-gag" provision has been included in almost every appropriations bill since 1988 and was codified in the Whistleblower Protection Enhancement Act.<sup>2</sup>

The anti-gag law requires all federal agency nondisclosure policies, forms, or agreements to include the following explicit statement notifying the employee of their rights to report wrongdoing:

These provisions are consistent with and do not supersede, conflict with, or otherwise alter the employee obligations, rights, or liabilities created by existing statute or Executive order relating to (1) classified information, (2) communications to Congress, (3) the reporting to an Inspector General or the Office of Special Counsel of a violation of any law, rule, or regulation, or mismanagement, a gross waste of funds, an abuse of authority, or a substantial and specific danger to public health or safety, or (4) any other whistleblower protection. The definitions, requirements, obligations, rights, sanctions, and liabilities created by controlling Executive orders and statutory provisions are incorporated into this agreement and are controlling.<sup>3</sup>

Appropriation law prohibits the use of government funds to enforce these agreements if they fail to contain the anti-gag provision.<sup>4</sup>

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<sup>1</sup> 5 USC § 2302(b)(13); Pub. L. No. 117-328

<sup>2</sup> *Id.*

<sup>3</sup> 5 USC § 2302(b)(13).

<sup>4</sup> Pub. L. No. 117-328.

Even though Congress made it abundantly clear that employees are required to be informed of their rights to make legally protected disclosures, there's a growing trend among federal agencies to use nondisclosure policies and similar agreements without the inclusion of the anti-gag provision in violation of the law.<sup>5</sup> This is unacceptable.

The importance of whistleblowers knowing their rights under the law cannot be stated enough, and federal agencies should encourage their employees to disclose allegations of waste, fraud, and abuse. Federal agencies cannot be allowed to conceal their wrongdoing behind illegal nondisclosure policies and related actions. Accordingly, I request that you review all nondisclosure policies, forms, agreements, and related documents specific to your agency to ensure the anti-gag provision is included as required by law.

Thank you for your prompt review and response. If you have any questions, please contact Brian Randolph on my Committee staff at (202) 224-0642.

Sincerely,



Charles E. Grassley  
Ranking Member  
Committee on the Budget

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<sup>5</sup> See Letter from Senators Grassley and Johnson to Inspector General Horowitz (Apr. 19, 2023) [https://www.grassley.senate.gov/imo/media/doc/grassley\\_johnson\\_to\\_justice\\_deptinspectorgeneralfbiantigagprovision.pdf](https://www.grassley.senate.gov/imo/media/doc/grassley_johnson_to_justice_deptinspectorgeneralfbiantigagprovision.pdf); Letter from Senators Grassley and Johnson to Inspectors General Horowitz and George (Jun 6, 2023) [https://www.grassley.senate.gov/imo/media/doc/grassley\\_johnson\\_to\\_dojoigtigta\\_-\\_whistleblower\\_retaliation.pdf](https://www.grassley.senate.gov/imo/media/doc/grassley_johnson_to_dojoigtigta_-_whistleblower_retaliation.pdf); Letter from Senators Grassley and Johnson to Internal Revenue Service Commissioner Werfel (Jun. 6, 2023) [https://www.grassley.senate.gov/imo/media/doc/grassley\\_johnson\\_to\\_irs\\_-\\_protected\\_whistleblower\\_disclosure.pdf](https://www.grassley.senate.gov/imo/media/doc/grassley_johnson_to_irs_-_protected_whistleblower_disclosure.pdf); Letter from Senator Grassley, Senator Johnson, Representative Smith, and Representative Comer to Special Counsel Kerner (Jul. 5, 2023) [https://www.grassley.senate.gov/imo/media/doc/grassley\\_johnson\\_comer\\_jordan\\_smith\\_to\\_osc\\_-\\_whistleblower\\_retaliation.pdf](https://www.grassley.senate.gov/imo/media/doc/grassley_johnson_comer_jordan_smith_to_osc_-_whistleblower_retaliation.pdf); Letter from Senator Grassley to Health and Human Services Secretary Becerra, Administration for Children and Families Acting Assistant Secretary Hild, and Office of Refugee Resettlement Director Marcos (Nov. 21, 2023) [https://www.grassley.senate.gov/imo/media/doc/grassley\\_to\\_hhs\\_acf\\_and\\_orr\\_-\\_whistleblower\\_protections.pdf](https://www.grassley.senate.gov/imo/media/doc/grassley_to_hhs_acf_and_orr_-_whistleblower_protections.pdf); Letter from Senator Grassley to Acting Special Counsel Gorman (Nov. 21, 2023) [https://www.grassley.senate.gov/imo/media/doc/grassley\\_to\\_osc\\_-\\_hhs\\_whistleblower\\_protections.pdf](https://www.grassley.senate.gov/imo/media/doc/grassley_to_osc_-_hhs_whistleblower_protections.pdf); Letter from Senator Grassley to DOJ-OIG Horowitz (Feb. 12, 2024) [https://www.grassley.senate.gov/imo/media/doc/grassley\\_to\\_doj\\_oig\\_-\\_protected\\_whistleblower\\_disclosures.pdf](https://www.grassley.senate.gov/imo/media/doc/grassley_to_doj_oig_-_protected_whistleblower_disclosures.pdf); Letter from Senator Grassley to Bureau of Alcohol, Tobacco, Firearms, and Explosives Director Dettelbach (Feb. 12, 2024) [https://www.grassley.senate.gov/imo/media/doc/grassley\\_to\\_atf\\_-\\_protected\\_whistleblower\\_disclosures.pdf](https://www.grassley.senate.gov/imo/media/doc/grassley_to_atf_-_protected_whistleblower_disclosures.pdf); Letter from Senator Grassley to Inspector General Horowitz (Mar. 8, 2024) [https://www.grassley.senate.gov/imo/media/doc/grassley\\_to\\_doj\\_inspector\\_general\\_-\\_eoir\\_disclosures\\_to\\_congress.pdf](https://www.grassley.senate.gov/imo/media/doc/grassley_to_doj_inspector_general_-_eoir_disclosures_to_congress.pdf); Letter from Senator Grassley to Attorney General Garland (Mar. 8, 2024) [https://www.grassley.senate.gov/imo/media/doc/grassley\\_to\\_doj\\_-\\_eoir\\_disclosures\\_to\\_congress.pdf](https://www.grassley.senate.gov/imo/media/doc/grassley_to_doj_-_eoir_disclosures_to_congress.pdf); Letter from Senator Grassley to Executive Office for Immigration Review Director David Neal (Mar. 8, 2024) [https://www.grassley.senate.gov/imo/media/doc/grassley\\_to\\_executive\\_office\\_for\\_immigration\\_review\\_-\\_eoir\\_disclosures\\_to\\_congress.pdf](https://www.grassley.senate.gov/imo/media/doc/grassley_to_executive_office_for_immigration_review_-_eoir_disclosures_to_congress.pdf).

**United States Senate**  
WASHINGTON, DC 20510

March 11, 2024

**VIA ELECTRONIC TRANSMISSION**

Mr. James Hagen  
Inspector General  
National Credit Union Administration

Dear Inspector General Hagen:

Whistleblowers are patriots and the government's most powerful tool in rooting out waste, fraud, abuse, and misconduct. Nevertheless, federal agencies continue to implement nondisclosure policies and similar agreements without the inclusion of the "anti-gag" provision as required by law.<sup>1</sup> This failure has a chilling effect that discourages whistleblowers from reporting allegations of misconduct to Congress, Inspectors General (IG), and the Office of Special Counsel (OSC). The "anti-gag" provision has been included in almost every appropriations bill since 1988 and was codified in the Whistleblower Protection Enhancement Act.<sup>2</sup>

The anti-gag law requires all federal agency nondisclosure policies, forms, or agreements to include the following explicit statement notifying the employee of their rights to report wrongdoing:

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Appropriation law prohibits the use of government funds to enforce these agreements if they fail to contain the anti-gag provision.<sup>4</sup>

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<sup>1</sup> 5 USC § 2302(b)(13); Pub. L. No. 117-328

<sup>2</sup> *Id.*

<sup>3</sup> 5 USC § 2302(b)(13).

<sup>4</sup> Pub. L. No. 117-328.

Even though Congress made it abundantly clear that employees are required to be informed of their rights to make legally protected disclosures, there's a growing trend among federal agencies to use nondisclosure policies and similar agreements without the inclusion of the anti-gag provision in violation of the law.<sup>5</sup> This is unacceptable.

The importance of whistleblowers knowing their rights under the law cannot be stated enough, and federal agencies should encourage their employees to disclose allegations of waste, fraud, and abuse. Federal agencies cannot be allowed to conceal their wrongdoing behind illegal nondisclosure policies and related actions. Accordingly, I request that you review all nondisclosure policies, forms, agreements, and related documents specific to your agency to ensure the anti-gag provision is included as required by law.

Thank you for your prompt review and response. If you have any questions, please contact Brian Randolph on my Committee staff at (202) 224-0642.

Sincerely,



Charles E. Grassley  
Ranking Member  
Committee on the Budget

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<sup>5</sup> See Letter from Senators Grassley and Johnson to Inspector General Horowitz (Apr. 19, 2023) [https://www.grassley.senate.gov/imo/media/doc/grassley\\_johnson\\_to\\_justice\\_deptinspectorgeneralfbiantigagprovision.pdf](https://www.grassley.senate.gov/imo/media/doc/grassley_johnson_to_justice_deptinspectorgeneralfbiantigagprovision.pdf); Letter from Senators Grassley and Johnson to Inspectors General Horowitz and George (Jun 6, 2023) [https://www.grassley.senate.gov/imo/media/doc/grassley\\_johnson\\_to\\_dojoigtigta\\_-\\_whistleblower\\_retaliation.pdf](https://www.grassley.senate.gov/imo/media/doc/grassley_johnson_to_dojoigtigta_-_whistleblower_retaliation.pdf); Letter from Senators Grassley and Johnson to Internal Revenue Service Commissioner Werfel (Jun. 6, 2023) [https://www.grassley.senate.gov/imo/media/doc/grassley\\_johnson\\_to\\_irs\\_-\\_protected\\_whistleblower\\_disclosure.pdf](https://www.grassley.senate.gov/imo/media/doc/grassley_johnson_to_irs_-_protected_whistleblower_disclosure.pdf); Letter from Senator Grassley, Senator Johnson, Representative Smith, and Representative Comer to Special Counsel Kerner (Jul. 5, 2023) [https://www.grassley.senate.gov/imo/media/doc/grassley\\_johnson\\_comer\\_jordan\\_smith\\_to\\_osc\\_-\\_whistleblower\\_retaliation.pdf](https://www.grassley.senate.gov/imo/media/doc/grassley_johnson_comer_jordan_smith_to_osc_-_whistleblower_retaliation.pdf); Letter from Senator Grassley to Health and Human Services Secretary Becerra, Administration for Children and Families Acting Assistant Secretary Hild, and Office of Refugee Resettlement Director Marcos (Nov. 21, 2023) [https://www.grassley.senate.gov/imo/media/doc/grassley\\_to\\_hhs\\_acf\\_and\\_orr\\_-\\_whistleblower\\_protections.pdf](https://www.grassley.senate.gov/imo/media/doc/grassley_to_hhs_acf_and_orr_-_whistleblower_protections.pdf); Letter from Senator Grassley to Acting Special Counsel Gorman (Nov. 21, 2023) [https://www.grassley.senate.gov/imo/media/doc/grassley\\_to\\_osc\\_-\\_hhs\\_whistleblower\\_protections.pdf](https://www.grassley.senate.gov/imo/media/doc/grassley_to_osc_-_hhs_whistleblower_protections.pdf); Letter from Senator Grassley to DOJ-OIG Horowitz (Feb. 12, 2024) [https://www.grassley.senate.gov/imo/media/doc/grassley\\_to\\_doj\\_oig\\_-\\_protected\\_whistleblower\\_disclosures.pdf](https://www.grassley.senate.gov/imo/media/doc/grassley_to_doj_oig_-_protected_whistleblower_disclosures.pdf); Letter from Senator Grassley to Bureau of Alcohol, Tobacco, Firearms, and Explosives Director Dettelbach (Feb. 12, 2024) [https://www.grassley.senate.gov/imo/media/doc/grassley\\_to\\_atf\\_-\\_protected\\_whistleblower\\_disclosures.pdf](https://www.grassley.senate.gov/imo/media/doc/grassley_to_atf_-_protected_whistleblower_disclosures.pdf); Letter from Senator Grassley to Inspector General Horowitz (Mar. 8, 2024) [https://www.grassley.senate.gov/imo/media/doc/grassley\\_to\\_doj\\_inspector\\_general\\_-\\_eoir\\_disclosures\\_to\\_congress.pdf](https://www.grassley.senate.gov/imo/media/doc/grassley_to_doj_inspector_general_-_eoir_disclosures_to_congress.pdf); Letter from Senator Grassley to Attorney General Garland (Mar. 8, 2024) [https://www.grassley.senate.gov/imo/media/doc/grassley\\_to\\_doj\\_-\\_eoir\\_disclosures\\_to\\_congress.pdf](https://www.grassley.senate.gov/imo/media/doc/grassley_to_doj_-_eoir_disclosures_to_congress.pdf); Letter from Senator Grassley to Executive Office for Immigration Review Director David Neal (Mar. 8, 2024) [https://www.grassley.senate.gov/imo/media/doc/grassley\\_to\\_executive\\_office\\_for\\_immigration\\_review\\_-\\_eoir\\_disclosures\\_to\\_congress.pdf](https://www.grassley.senate.gov/imo/media/doc/grassley_to_executive_office_for_immigration_review_-_eoir_disclosures_to_congress.pdf).

**United States Senate**  
WASHINGTON, DC 20510

March 11, 2024

**VIA ELECTRONIC TRANSMISSION**

Mr. Ronald Stith  
Inspector General  
National Endowment for the Arts

Dear Inspector General Stith:

Whistleblowers are patriots and the government's most powerful tool in rooting out waste, fraud, abuse, and misconduct. Nevertheless, federal agencies continue to implement nondisclosure policies and similar agreements without the inclusion of the "anti-gag" provision as required by law.<sup>1</sup> This failure has a chilling effect that discourages whistleblowers from reporting allegations of misconduct to Congress, Inspectors General (IG), and the Office of Special Counsel (OSC). The "anti-gag" provision has been included in almost every appropriations bill since 1988 and was codified in the Whistleblower Protection Enhancement Act.<sup>2</sup>

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Even though Congress made it abundantly clear that employees are required to be informed of their rights to make legally protected disclosures, there's a growing trend among federal agencies to use nondisclosure policies and similar agreements without the inclusion of the anti-gag provision in violation of the law.<sup>5</sup> This is unacceptable.

The importance of whistleblowers knowing their rights under the law cannot be stated enough, and federal agencies should encourage their employees to disclose allegations of waste, fraud, and abuse. Federal agencies cannot be allowed to conceal their wrongdoing behind illegal nondisclosure policies and related actions. Accordingly, I request that you review all nondisclosure policies, forms, agreements, and related documents specific to your agency to ensure the anti-gag provision is included as required by law.

Thank you for your prompt review and response. If you have any questions, please contact Brian Randolph on my Committee staff at (202) 224-0642.

Sincerely,



Charles E. Grassley  
Ranking Member  
Committee on the Budget

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<sup>5</sup> See Letter from Senators Grassley and Johnson to Inspector General Horowitz (Apr. 19, 2023) [https://www.grassley.senate.gov/imo/media/doc/grassley\\_johnson\\_to\\_justice\\_deptinspectorgeneralantigagprovision.pdf](https://www.grassley.senate.gov/imo/media/doc/grassley_johnson_to_justice_deptinspectorgeneralantigagprovision.pdf); Letter from Senators Grassley and Johnson to Inspectors General Horowitz and George (Jun 6, 2023) [https://www.grassley.senate.gov/imo/media/doc/grassley\\_johnson\\_to\\_dojoigtiga\\_-\\_whistleblower\\_retaliation.pdf](https://www.grassley.senate.gov/imo/media/doc/grassley_johnson_to_dojoigtiga_-_whistleblower_retaliation.pdf); Letter from Senators Grassley and Johnson to Internal Revenue Service Commissioner Werfel (Jun. 6, 2023) [https://www.grassley.senate.gov/imo/media/doc/grassley\\_johnson\\_to\\_irs\\_-\\_protected\\_whistleblower\\_disclosure.pdf](https://www.grassley.senate.gov/imo/media/doc/grassley_johnson_to_irs_-_protected_whistleblower_disclosure.pdf); Letter from Senator Grassley, Senator Johnson, Representative Smith, and Representative Comer to Special Counsel Kerner (Jul. 5, 2023) [https://www.grassley.senate.gov/imo/media/doc/grassley\\_johnson\\_comer\\_jordan\\_smith\\_to\\_osc\\_-\\_whistleblower\\_retaliation.pdf](https://www.grassley.senate.gov/imo/media/doc/grassley_johnson_comer_jordan_smith_to_osc_-_whistleblower_retaliation.pdf); Letter from Senator Grassley to Health and Human Services Secretary Becerra, Administration for Children and Families Acting Assistant Secretary Hild, and Office of Refugee Resettlement Director Marcos (Nov. 21, 2023) [https://www.grassley.senate.gov/imo/media/doc/grassley\\_to\\_hhs\\_acf\\_and\\_orr\\_-\\_whistleblower\\_protections.pdf](https://www.grassley.senate.gov/imo/media/doc/grassley_to_hhs_acf_and_orr_-_whistleblower_protections.pdf); Letter from Senator Grassley to Acting Special Counsel Gorman (Nov. 21, 2023) [https://www.grassley.senate.gov/imo/media/doc/grassley\\_to\\_osc\\_-\\_hhs\\_whistleblower\\_protections.pdf](https://www.grassley.senate.gov/imo/media/doc/grassley_to_osc_-_hhs_whistleblower_protections.pdf); Letter from Senator Grassley to DOJ-OIG Horowitz (Feb. 12, 2024) [https://www.grassley.senate.gov/imo/media/doc/grassley\\_to\\_doj\\_oig\\_-\\_protected\\_whistleblower\\_disclosures.pdf](https://www.grassley.senate.gov/imo/media/doc/grassley_to_doj_oig_-_protected_whistleblower_disclosures.pdf); Letter from Senator Grassley to Bureau of Alcohol, Tobacco, Firearms, and Explosives Director Dettelbach (Feb. 12, 2024) [https://www.grassley.senate.gov/imo/media/doc/grassley\\_to\\_atf\\_-\\_protected\\_whistleblower\\_disclosures.pdf](https://www.grassley.senate.gov/imo/media/doc/grassley_to_atf_-_protected_whistleblower_disclosures.pdf); Letter from Senator Grassley to Inspector General Horowitz (Mar. 8, 2024) [https://www.grassley.senate.gov/imo/media/doc/grassley\\_to\\_doj\\_inspector\\_general\\_-\\_eoir\\_disclosures\\_to\\_congress.pdf](https://www.grassley.senate.gov/imo/media/doc/grassley_to_doj_inspector_general_-_eoir_disclosures_to_congress.pdf); Letter from Senator Grassley to Attorney General Garland (Mar. 8, 2024) [https://www.grassley.senate.gov/imo/media/doc/grassley\\_to\\_doj\\_-\\_eoir\\_disclosures\\_to\\_congress.pdf](https://www.grassley.senate.gov/imo/media/doc/grassley_to_doj_-_eoir_disclosures_to_congress.pdf); Letter from Senator Grassley to Executive Office for Immigration Review Director David Neal (Mar. 8, 2024) [https://www.grassley.senate.gov/imo/media/doc/grassley\\_to\\_executive\\_office\\_for\\_immigration\\_review\\_-\\_eoir\\_disclosures\\_to\\_congress.pdf](https://www.grassley.senate.gov/imo/media/doc/grassley_to_executive_office_for_immigration_review_-_eoir_disclosures_to_congress.pdf).

United States Senate  
WASHINGTON, DC 20510

March 11, 2024

**VIA ELECTRONIC TRANSMISSION**

Ms. Laura Davis  
Inspector General  
National Endowment for the Humanities

Dear Inspector General Davis:

Whistleblowers are patriots and the government's most powerful tool in rooting out waste, fraud, abuse, and misconduct. Nevertheless, federal agencies continue to implement nondisclosure policies and similar agreements without the inclusion of the "anti-gag" provision as required by law.<sup>1</sup> This failure has a chilling effect that discourages whistleblowers from reporting allegations of misconduct to Congress, Inspectors General (IG), and the Office of Special Counsel (OSC). The "anti-gag" provision has been included in almost every appropriations bill since 1988 and was codified in the Whistleblower Protection Enhancement Act.<sup>2</sup>

The anti-gag law requires all federal agency nondisclosure policies, forms, or agreements to include the following explicit statement notifying the employee of their rights to report wrongdoing:

These provisions are consistent with and do not supersede, conflict with, or otherwise alter the employee obligations, rights, or liabilities created by existing statute or Executive order relating to (1) classified information, (2) communications to Congress, (3) the reporting to an Inspector General or the Office of Special Counsel of a violation of any law, rule, or regulation, or mismanagement, a gross waste of funds, an abuse of authority, or a substantial and specific danger to public health or safety, or (4) any other whistleblower protection. The definitions, requirements, obligations, rights, sanctions, and liabilities created by controlling Executive orders and statutory provisions are incorporated into this agreement and are controlling.<sup>3</sup>

Appropriation law prohibits the use of government funds to enforce these agreements if they fail to contain the anti-gag provision.<sup>4</sup>

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<sup>1</sup> 5 USC § 2302(b)(13); Pub. L. No. 117-328

<sup>2</sup> *Id.*

<sup>3</sup> 5 USC § 2302(b)(13).

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Even though Congress made it abundantly clear that employees are required to be informed of their rights to make legally protected disclosures, there's a growing trend among federal agencies to use nondisclosure policies and similar agreements without the inclusion of the anti-gag provision in violation of the law.<sup>5</sup> This is unacceptable.

The importance of whistleblowers knowing their rights under the law cannot be stated enough, and federal agencies should encourage their employees to disclose allegations of waste, fraud, and abuse. Federal agencies cannot be allowed to conceal their wrongdoing behind illegal nondisclosure policies and related actions. Accordingly, I request that you review all nondisclosure policies, forms, agreements, and related documents specific to your agency to ensure the anti-gag provision is included as required by law.

Thank you for your prompt review and response. If you have any questions, please contact Brian Randolph on my Committee staff at (202) 224-0642.

Sincerely,



Charles E. Grassley  
Ranking Member  
Committee on the Budget

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<sup>5</sup> See Letter from Senators Grassley and Johnson to Inspector General Horowitz (Apr. 19, 2023) [https://www.grassley.senate.gov/imo/media/doc/grassley\\_johnson\\_to\\_justice\\_deptinspectorgeneralfbiantigagprovision.pdf](https://www.grassley.senate.gov/imo/media/doc/grassley_johnson_to_justice_deptinspectorgeneralfbiantigagprovision.pdf); Letter from Senators Grassley and Johnson to Inspectors General Horowitz and George (Jun 6, 2023) [https://www.grassley.senate.gov/imo/media/doc/grassley\\_johnson\\_to\\_dojoigtigta\\_-\\_whistleblower\\_retaliation.pdf](https://www.grassley.senate.gov/imo/media/doc/grassley_johnson_to_dojoigtigta_-_whistleblower_retaliation.pdf); Letter from Senators Grassley and Johnson to Internal Revenue Service Commissioner Werfel (Jun. 6, 2023) [https://www.grassley.senate.gov/imo/media/doc/grassley\\_johnson\\_to\\_irs\\_-\\_protected\\_whistleblower\\_disclosure.pdf](https://www.grassley.senate.gov/imo/media/doc/grassley_johnson_to_irs_-_protected_whistleblower_disclosure.pdf); Letter from Senator Grassley, Senator Johnson, Representative Smith, and Representative Comer to Special Counsel Kerner (Jul. 5, 2023) [https://www.grassley.senate.gov/imo/media/doc/grassley\\_johnson\\_comer\\_jordan\\_smith\\_to\\_osc\\_-\\_whistleblower\\_retaliation.pdf](https://www.grassley.senate.gov/imo/media/doc/grassley_johnson_comer_jordan_smith_to_osc_-_whistleblower_retaliation.pdf); Letter from Senator Grassley to Health and Human Services Secretary Becerra, Administration for Children and Families Acting Assistant Secretary Hild, and Office of Refugee Resettlement Director Marcos (Nov. 21, 2023) [https://www.grassley.senate.gov/imo/media/doc/grassley\\_to\\_hhs\\_acf\\_and\\_orr\\_-\\_whistleblower\\_protections.pdf](https://www.grassley.senate.gov/imo/media/doc/grassley_to_hhs_acf_and_orr_-_whistleblower_protections.pdf); Letter from Senator Grassley to Acting Special Counsel Gorman (Nov. 21, 2023) [https://www.grassley.senate.gov/imo/media/doc/grassley\\_to\\_osc\\_-\\_hhs\\_whistleblower\\_protections.pdf](https://www.grassley.senate.gov/imo/media/doc/grassley_to_osc_-_hhs_whistleblower_protections.pdf); Letter from Senator Grassley to DOJ-OIG Horowitz (Feb. 12, 2024) [https://www.grassley.senate.gov/imo/media/doc/grassley\\_to\\_doj\\_oig\\_-\\_protected\\_whistleblower\\_disclosures.pdf](https://www.grassley.senate.gov/imo/media/doc/grassley_to_doj_oig_-_protected_whistleblower_disclosures.pdf); Letter from Senator Grassley to Bureau of Alcohol, Tobacco, Firearms, and Explosives Director Dettelbach (Feb. 12, 2024) [https://www.grassley.senate.gov/imo/media/doc/grassley\\_to\\_atf\\_-\\_protected\\_whistleblower\\_disclosures.pdf](https://www.grassley.senate.gov/imo/media/doc/grassley_to_atf_-_protected_whistleblower_disclosures.pdf); Letter from Senator Grassley to Inspector General Horowitz (Mar. 8, 2024) [https://www.grassley.senate.gov/imo/media/doc/grassley\\_to\\_doj\\_inspector\\_general\\_-\\_eoir\\_disclosures\\_to\\_congress.pdf](https://www.grassley.senate.gov/imo/media/doc/grassley_to_doj_inspector_general_-_eoir_disclosures_to_congress.pdf); Letter from Senator Grassley to Attorney General Garland (Mar. 8, 2024) [https://www.grassley.senate.gov/imo/media/doc/grassley\\_to\\_doj\\_-\\_eoir\\_disclosures\\_to\\_congress.pdf](https://www.grassley.senate.gov/imo/media/doc/grassley_to_doj_-_eoir_disclosures_to_congress.pdf); Letter from Senator Grassley to Executive Office for Immigration Review Director David Neal (Mar. 8, 2024) [https://www.grassley.senate.gov/imo/media/doc/grassley\\_to\\_executive\\_office\\_for\\_immigration\\_review\\_-\\_eoir\\_disclosures\\_to\\_congress.pdf](https://www.grassley.senate.gov/imo/media/doc/grassley_to_executive_office_for_immigration_review_-_eoir_disclosures_to_congress.pdf).

United States Senate  
WASHINGTON, DC 20510

March 11, 2024

**VIA ELECTRONIC TRANSMISSION**

Mr. Cardell Richardson  
Inspector General  
National Geospatial-Intelligence Agency

Dear Inspector General Richardson:

Whistleblowers are patriots and the government's most powerful tool in rooting out waste, fraud, abuse, and misconduct. Nevertheless, federal agencies continue to implement nondisclosure policies and similar agreements without the inclusion of the "anti-gag" provision as required by law.<sup>1</sup> This failure has a chilling effect that discourages whistleblowers from reporting allegations of misconduct to Congress, Inspectors General (IG), and the Office of Special Counsel (OSC). The "anti-gag" provision has been included in almost every appropriations bill since 1988 and was codified in the Whistleblower Protection Enhancement Act.<sup>2</sup>

The anti-gag law requires all federal agency nondisclosure policies, forms, or agreements to include the following explicit statement notifying the employee of their rights to report wrongdoing:

These provisions are consistent with and do not supersede, conflict with, or otherwise alter the employee obligations, rights, or liabilities created by existing statute or Executive order relating to (1) classified information, (2) communications to Congress, (3) the reporting to an Inspector General or the Office of Special Counsel of a violation of any law, rule, or regulation, or mismanagement, a gross waste of funds, an abuse of authority, or a substantial and specific danger to public health or safety, or (4) any other whistleblower protection. The definitions, requirements, obligations, rights, sanctions, and liabilities created by controlling Executive orders and statutory provisions are incorporated into this agreement and are controlling.<sup>3</sup>

Appropriation law prohibits the use of government funds to enforce these agreements if they fail to contain the anti-gag provision.<sup>4</sup>

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<sup>1</sup> 5 USC § 2302(b)(13); Pub. L. No. 117-328

<sup>2</sup> *Id.*

<sup>3</sup> 5 USC § 2302(b)(13).

<sup>4</sup> Pub. L. No. 117-328.

Even though Congress made it abundantly clear that employees are required to be informed of their rights to make legally protected disclosures, there's a growing trend among federal agencies to use nondisclosure policies and similar agreements without the inclusion of the anti-gag provision in violation of the law.<sup>5</sup> This is unacceptable.

The importance of whistleblowers knowing their rights under the law cannot be stated enough, and federal agencies should encourage their employees to disclose allegations of waste, fraud, and abuse. Federal agencies cannot be allowed to conceal their wrongdoing behind illegal nondisclosure policies and related actions. Accordingly, I request that you review all nondisclosure policies, forms, agreements, and related documents specific to your agency to ensure the anti-gag provision is included as required by law.

Thank you for your prompt review and response. If you have any questions, please contact Brian Randolph on my Committee staff at (202) 224-0642.

Sincerely,



Charles E. Grassley  
Ranking Member  
Committee on the Budget

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<sup>5</sup> See Letter from Senators Grassley and Johnson to Inspector General Horowitz (Apr. 19, 2023) [https://www.grassley.senate.gov/imo/media/doc/grassley\\_johnson\\_to\\_justice\\_deptinspectorgeneralfbiantigagprovision.pdf](https://www.grassley.senate.gov/imo/media/doc/grassley_johnson_to_justice_deptinspectorgeneralfbiantigagprovision.pdf); Letter from Senators Grassley and Johnson to Inspectors General Horowitz and George (Jun 6, 2023) [https://www.grassley.senate.gov/imo/media/doc/grassley\\_johnson\\_to\\_dojoigtigta\\_-\\_whistleblower\\_retaliation.pdf](https://www.grassley.senate.gov/imo/media/doc/grassley_johnson_to_dojoigtigta_-_whistleblower_retaliation.pdf); Letter from Senators Grassley and Johnson to Internal Revenue Service Commissioner Werfel (Jun. 6, 2023) [https://www.grassley.senate.gov/imo/media/doc/grassley\\_johnson\\_to\\_irs\\_-\\_protected\\_whistleblower\\_disclosure.pdf](https://www.grassley.senate.gov/imo/media/doc/grassley_johnson_to_irs_-_protected_whistleblower_disclosure.pdf); Letter from Senator Grassley, Senator Johnson, Representative Smith, and Representative Comer to Special Counsel Kerner (Jul. 5, 2023) [https://www.grassley.senate.gov/imo/media/doc/grassley\\_johnson\\_comer\\_jordan\\_smith\\_to\\_osc\\_-\\_whistleblower\\_retaliation.pdf](https://www.grassley.senate.gov/imo/media/doc/grassley_johnson_comer_jordan_smith_to_osc_-_whistleblower_retaliation.pdf); Letter from Senator Grassley to Health and Human Services Secretary Becerra, Administration for Children and Families Acting Assistant Secretary Hild, and Office of Refugee Resettlement Director Marcos (Nov. 21, 2023) [https://www.grassley.senate.gov/imo/media/doc/grassley\\_to\\_hhs\\_acf\\_and\\_orr\\_-\\_whistleblower\\_protections.pdf](https://www.grassley.senate.gov/imo/media/doc/grassley_to_hhs_acf_and_orr_-_whistleblower_protections.pdf); Letter from Senator Grassley to Acting Special Counsel Gorman (Nov. 21, 2023) [https://www.grassley.senate.gov/imo/media/doc/grassley\\_to\\_osc\\_-\\_hhs\\_whistleblower\\_protections.pdf](https://www.grassley.senate.gov/imo/media/doc/grassley_to_osc_-_hhs_whistleblower_protections.pdf); Letter from Senator Grassley to DOJ-OIG Horowitz (Feb. 12, 2024) [https://www.grassley.senate.gov/imo/media/doc/grassley\\_to\\_doj\\_oig\\_-\\_protected\\_whistleblower\\_disclosures.pdf](https://www.grassley.senate.gov/imo/media/doc/grassley_to_doj_oig_-_protected_whistleblower_disclosures.pdf); Letter from Senator Grassley to Bureau of Alcohol, Tobacco, Firearms, and Explosives Director Dettelbach (Feb. 12, 2024) [https://www.grassley.senate.gov/imo/media/doc/grassley\\_to\\_atf\\_-\\_protected\\_whistleblower\\_disclosures.pdf](https://www.grassley.senate.gov/imo/media/doc/grassley_to_atf_-_protected_whistleblower_disclosures.pdf); Letter from Senator Grassley to Inspector General Horowitz (Mar. 8, 2024) [https://www.grassley.senate.gov/imo/media/doc/grassley\\_to\\_doj\\_inspector\\_general\\_-\\_eoir\\_disclosures\\_to\\_congress.pdf](https://www.grassley.senate.gov/imo/media/doc/grassley_to_doj_inspector_general_-_eoir_disclosures_to_congress.pdf); Letter from Senator Grassley to Attorney General Garland (Mar. 8, 2024) [https://www.grassley.senate.gov/imo/media/doc/grassley\\_to\\_doj\\_-\\_eoir\\_disclosures\\_to\\_congress.pdf](https://www.grassley.senate.gov/imo/media/doc/grassley_to_doj_-_eoir_disclosures_to_congress.pdf); Letter from Senator Grassley to Executive Office for Immigration Review Director David Neal (Mar. 8, 2024) [https://www.grassley.senate.gov/imo/media/doc/grassley\\_to\\_executive\\_office\\_for\\_immigration\\_review\\_-\\_eoir\\_disclosures\\_to\\_congress.pdf](https://www.grassley.senate.gov/imo/media/doc/grassley_to_executive_office_for_immigration_review_-_eoir_disclosures_to_congress.pdf).

United States Senate  
WASHINGTON, DC 20510

March 11, 2024

**VIA ELECTRONIC TRANSMISSION**

Mr. David P. Berry  
Inspector General  
National Labor Relations Board

Dear Inspector General Berry:

Whistleblowers are patriots and the government's most powerful tool in rooting out waste, fraud, abuse, and misconduct. Nevertheless, federal agencies continue to implement nondisclosure policies and similar agreements without the inclusion of the "anti-gag" provision as required by law.<sup>1</sup> This failure has a chilling effect that discourages whistleblowers from reporting allegations of misconduct to Congress, Inspectors General (IG), and the Office of Special Counsel (OSC). The "anti-gag" provision has been included in almost every appropriations bill since 1988 and was codified in the Whistleblower Protection Enhancement Act.<sup>2</sup>

The anti-gag law requires all federal agency nondisclosure policies, forms, or agreements to include the following explicit statement notifying the employee of their rights to report wrongdoing:

These provisions are consistent with and do not supersede, conflict with, or otherwise alter the employee obligations, rights, or liabilities created by existing statute or Executive order relating to (1) classified information, (2) communications to Congress, (3) the reporting to an Inspector General or the Office of Special Counsel of a violation of any law, rule, or regulation, or mismanagement, a gross waste of funds, an abuse of authority, or a substantial and specific danger to public health or safety, or (4) any other whistleblower protection. The definitions, requirements, obligations, rights, sanctions, and liabilities created by controlling Executive orders and statutory provisions are incorporated into this agreement and are controlling.<sup>3</sup>

Appropriation law prohibits the use of government funds to enforce these agreements if they fail to contain the anti-gag provision.<sup>4</sup>

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<sup>1</sup> 5 USC § 2302(b)(13); Pub. L. No. 117-328

<sup>2</sup> *Id.*

<sup>3</sup> 5 USC § 2302(b)(13).

<sup>4</sup> Pub. L. No. 117-328.

Even though Congress made it abundantly clear that employees are required to be informed of their rights to make legally protected disclosures, there's a growing trend among federal agencies to use nondisclosure policies and similar agreements without the inclusion of the anti-gag provision in violation of the law.<sup>5</sup> This is unacceptable.

The importance of whistleblowers knowing their rights under the law cannot be stated enough, and federal agencies should encourage their employees to disclose allegations of waste, fraud, and abuse. Federal agencies cannot be allowed to conceal their wrongdoing behind illegal nondisclosure policies and related actions. Accordingly, I request that you review all nondisclosure policies, forms, agreements, and related documents specific to your agency to ensure the anti-gag provision is included as required by law.

Thank you for your prompt review and response. If you have any questions, please contact Brian Randolph on my Committee staff at (202) 224-0642.

Sincerely,



Charles E. Grassley  
Ranking Member  
Committee on the Budget

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<sup>5</sup> See Letter from Senators Grassley and Johnson to Inspector General Horowitz (Apr. 19, 2023) [https://www.grassley.senate.gov/imo/media/doc/grassley\\_johnson\\_to\\_justice\\_deptinspectorgeneralfbiantigagprovision.pdf](https://www.grassley.senate.gov/imo/media/doc/grassley_johnson_to_justice_deptinspectorgeneralfbiantigagprovision.pdf); Letter from Senators Grassley and Johnson to Inspectors General Horowitz and George (Jun 6, 2023) [https://www.grassley.senate.gov/imo/media/doc/grassley\\_johnson\\_to\\_dojoigtigta\\_-\\_whistleblower\\_retaliation.pdf](https://www.grassley.senate.gov/imo/media/doc/grassley_johnson_to_dojoigtigta_-_whistleblower_retaliation.pdf); Letter from Senators Grassley and Johnson to Internal Revenue Service Commissioner Werfel (Jun. 6, 2023) [https://www.grassley.senate.gov/imo/media/doc/grassley\\_johnson\\_to\\_irs\\_-\\_protected\\_whistleblower\\_disclosure.pdf](https://www.grassley.senate.gov/imo/media/doc/grassley_johnson_to_irs_-_protected_whistleblower_disclosure.pdf); Letter from Senator Grassley, Senator Johnson, Representative Smith, and Representative Comer to Special Counsel Kerner (Jul. 5, 2023) [https://www.grassley.senate.gov/imo/media/doc/grassley\\_johnson\\_comer\\_jordan\\_smith\\_to\\_osc\\_-\\_whistleblower\\_retaliation.pdf](https://www.grassley.senate.gov/imo/media/doc/grassley_johnson_comer_jordan_smith_to_osc_-_whistleblower_retaliation.pdf); Letter from Senator Grassley to Health and Human Services Secretary Becerra, Administration for Children and Families Acting Assistant Secretary Hild, and Office of Refugee Resettlement Director Marcos (Nov. 21, 2023) [https://www.grassley.senate.gov/imo/media/doc/grassley\\_to\\_hhs\\_acf\\_and\\_orr\\_-\\_whistleblower\\_protections.pdf](https://www.grassley.senate.gov/imo/media/doc/grassley_to_hhs_acf_and_orr_-_whistleblower_protections.pdf); Letter from Senator Grassley to Acting Special Counsel Gorman (Nov. 21, 2023) [https://www.grassley.senate.gov/imo/media/doc/grassley\\_to\\_osc\\_-\\_hhs\\_whistleblower\\_protections.pdf](https://www.grassley.senate.gov/imo/media/doc/grassley_to_osc_-_hhs_whistleblower_protections.pdf); Letter from Senator Grassley to DOJ-OIG Horowitz (Feb. 12, 2024) [https://www.grassley.senate.gov/imo/media/doc/grassley\\_to\\_doj\\_oig\\_-\\_protected\\_whistleblower\\_disclosures.pdf](https://www.grassley.senate.gov/imo/media/doc/grassley_to_doj_oig_-_protected_whistleblower_disclosures.pdf); Letter from Senator Grassley to Bureau of Alcohol, Tobacco, Firearms, and Explosives Director Dettelbach (Feb. 12, 2024) [https://www.grassley.senate.gov/imo/media/doc/grassley\\_to\\_atf\\_-\\_protected\\_whistleblower\\_disclosures.pdf](https://www.grassley.senate.gov/imo/media/doc/grassley_to_atf_-_protected_whistleblower_disclosures.pdf); Letter from Senator Grassley to Inspector General Horowitz (Mar. 8, 2024) [https://www.grassley.senate.gov/imo/media/doc/grassley\\_to\\_doj\\_inspector\\_general\\_-\\_eoir\\_disclosures\\_to\\_congress.pdf](https://www.grassley.senate.gov/imo/media/doc/grassley_to_doj_inspector_general_-_eoir_disclosures_to_congress.pdf); Letter from Senator Grassley to Attorney General Garland (Mar. 8, 2024) [https://www.grassley.senate.gov/imo/media/doc/grassley\\_to\\_doj\\_-\\_eoir\\_disclosures\\_to\\_congress.pdf](https://www.grassley.senate.gov/imo/media/doc/grassley_to_doj_-_eoir_disclosures_to_congress.pdf); Letter from Senator Grassley to Executive Office for Immigration Review Director David Neal (Mar. 8, 2024) [https://www.grassley.senate.gov/imo/media/doc/grassley\\_to\\_executive\\_office\\_for\\_immigration\\_review\\_-\\_eoir\\_disclosures\\_to\\_congress.pdf](https://www.grassley.senate.gov/imo/media/doc/grassley_to_executive_office_for_immigration_review_-_eoir_disclosures_to_congress.pdf).

United States Senate  
WASHINGTON, DC 20510

March 11, 2024

**VIA ELECTRONIC TRANSMISSION**

The Honorable Terrence Edwards  
Inspector General  
National Reconnaissance Office

Dear Inspector General Edwards:

Whistleblowers are patriots and the government's most powerful tool in rooting out waste, fraud, abuse, and misconduct. Nevertheless, federal agencies continue to implement nondisclosure policies and similar agreements without the inclusion of the "anti-gag" provision as required by law.<sup>1</sup> This failure has a chilling effect that discourages whistleblowers from reporting allegations of misconduct to Congress, Inspectors General (IG), and the Office of Special Counsel (OSC). The "anti-gag" provision has been included in almost every appropriations bill since 1988 and was codified in the Whistleblower Protection Enhancement Act.<sup>2</sup>

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<sup>2</sup> *Id.*

<sup>3</sup> 5 USC § 2302(b)(13).

<sup>4</sup> Pub. L. No. 117-328.

Even though Congress made it abundantly clear that employees are required to be informed of their rights to make legally protected disclosures, there's a growing trend among federal agencies to use nondisclosure policies and similar agreements without the inclusion of the anti-gag provision in violation of the law.<sup>5</sup> This is unacceptable.

The importance of whistleblowers knowing their rights under the law cannot be stated enough, and federal agencies should encourage their employees to disclose allegations of waste, fraud, and abuse. Federal agencies cannot be allowed to conceal their wrongdoing behind illegal nondisclosure policies and related actions. Accordingly, I request that you review all nondisclosure policies, forms, agreements, and related documents specific to your agency to ensure the anti-gag provision is included as required by law.

Thank you for your prompt review and response. If you have any questions, please contact Brian Randolph on my Committee staff at (202) 224-0642.

Sincerely,



Charles E. Grassley  
Ranking Member  
Committee on the Budget

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<sup>5</sup> See Letter from Senators Grassley and Johnson to Inspector General Horowitz (Apr. 19, 2023) [https://www.grassley.senate.gov/imo/media/doc/grassley\\_johnson\\_to\\_justice\\_deptinspectorgeneralfbiantigagprovision.pdf](https://www.grassley.senate.gov/imo/media/doc/grassley_johnson_to_justice_deptinspectorgeneralfbiantigagprovision.pdf); Letter from Senators Grassley and Johnson to Inspectors General Horowitz and George (Jun 6, 2023) [https://www.grassley.senate.gov/imo/media/doc/grassley\\_johnson\\_to\\_dojoigtigta\\_-\\_whistleblower\\_retaliation.pdf](https://www.grassley.senate.gov/imo/media/doc/grassley_johnson_to_dojoigtigta_-_whistleblower_retaliation.pdf); Letter from Senators Grassley and Johnson to Internal Revenue Service Commissioner Werfel (Jun. 6, 2023) [https://www.grassley.senate.gov/imo/media/doc/grassley\\_johnson\\_to\\_irs\\_-\\_protected\\_whistleblower\\_disclosure.pdf](https://www.grassley.senate.gov/imo/media/doc/grassley_johnson_to_irs_-_protected_whistleblower_disclosure.pdf); Letter from Senator Grassley, Senator Johnson, Representative Smith, and Representative Comer to Special Counsel Kerner (Jul. 5, 2023) [https://www.grassley.senate.gov/imo/media/doc/grassley\\_johnson\\_comer\\_jordan\\_smith\\_to\\_osc\\_-\\_whistleblower\\_retaliation.pdf](https://www.grassley.senate.gov/imo/media/doc/grassley_johnson_comer_jordan_smith_to_osc_-_whistleblower_retaliation.pdf); Letter from Senator Grassley to Health and Human Services Secretary Becerra, Administration for Children and Families Acting Assistant Secretary Hild, and Office of Refugee Resettlement Director Marcos (Nov. 21, 2023) [https://www.grassley.senate.gov/imo/media/doc/grassley\\_to\\_hhs\\_acf\\_and\\_orr\\_-\\_whistleblower\\_protections.pdf](https://www.grassley.senate.gov/imo/media/doc/grassley_to_hhs_acf_and_orr_-_whistleblower_protections.pdf); Letter from Senator Grassley to Acting Special Counsel Gorman (Nov. 21, 2023) [https://www.grassley.senate.gov/imo/media/doc/grassley\\_to\\_osc\\_-\\_hhs\\_whistleblower\\_protections.pdf](https://www.grassley.senate.gov/imo/media/doc/grassley_to_osc_-_hhs_whistleblower_protections.pdf); Letter from Senator Grassley to DOJ-OIG Horowitz (Feb. 12, 2024) [https://www.grassley.senate.gov/imo/media/doc/grassley\\_to\\_doj\\_oig\\_-\\_protected\\_whistleblower\\_disclosures.pdf](https://www.grassley.senate.gov/imo/media/doc/grassley_to_doj_oig_-_protected_whistleblower_disclosures.pdf); Letter from Senator Grassley to Bureau of Alcohol, Tobacco, Firearms, and Explosives Director Dettelbach (Feb. 12, 2024) [https://www.grassley.senate.gov/imo/media/doc/grassley\\_to\\_atf\\_-\\_protected\\_whistleblower\\_disclosures.pdf](https://www.grassley.senate.gov/imo/media/doc/grassley_to_atf_-_protected_whistleblower_disclosures.pdf); Letter from Senator Grassley to Inspector General Horowitz (Mar. 8, 2024) [https://www.grassley.senate.gov/imo/media/doc/grassley\\_to\\_doj\\_inspector\\_general\\_-\\_eoir\\_disclosures\\_to\\_congress.pdf](https://www.grassley.senate.gov/imo/media/doc/grassley_to_doj_inspector_general_-_eoir_disclosures_to_congress.pdf); Letter from Senator Grassley to Attorney General Garland (Mar. 8, 2024) [https://www.grassley.senate.gov/imo/media/doc/grassley\\_to\\_doj\\_-\\_eoir\\_disclosures\\_to\\_congress.pdf](https://www.grassley.senate.gov/imo/media/doc/grassley_to_doj_-_eoir_disclosures_to_congress.pdf); Letter from Senator Grassley to Executive Office for Immigration Review Director David Neal (Mar. 8, 2024) [https://www.grassley.senate.gov/imo/media/doc/grassley\\_to\\_executive\\_office\\_for\\_immigration\\_review\\_-\\_eoir\\_disclosures\\_to\\_congress.pdf](https://www.grassley.senate.gov/imo/media/doc/grassley_to_executive_office_for_immigration_review_-_eoir_disclosures_to_congress.pdf).

United States Senate  
WASHINGTON, DC 20510

March 11, 2024

**VIA ELECTRONIC TRANSMISSION**

Ms. Allison Lerner  
Inspector General  
National Science Foundation

Dear Inspector General Lerner:

Whistleblowers are patriots and the government's most powerful tool in rooting out waste, fraud, abuse, and misconduct. Nevertheless, federal agencies continue to implement nondisclosure policies and similar agreements without the inclusion of the "anti-gag" provision as required by law.<sup>1</sup> This failure has a chilling effect that discourages whistleblowers from reporting allegations of misconduct to Congress, Inspectors General (IG), and the Office of Special Counsel (OSC). The "anti-gag" provision has been included in almost every appropriations bill since 1988 and was codified in the Whistleblower Protection Enhancement Act.<sup>2</sup>

The anti-gag law requires all federal agency nondisclosure policies, forms, or agreements to include the following explicit statement notifying the employee of their rights to report wrongdoing:

These provisions are consistent with and do not supersede, conflict with, or otherwise alter the employee obligations, rights, or liabilities created by existing statute or Executive order relating to (1) classified information, (2) communications to Congress, (3) the reporting to an Inspector General or the Office of Special Counsel of a violation of any law, rule, or regulation, or mismanagement, a gross waste of funds, an abuse of authority, or a substantial and specific danger to public health or safety, or (4) any other whistleblower protection. The definitions, requirements, obligations, rights, sanctions, and liabilities created by controlling Executive orders and statutory provisions are incorporated into this agreement and are controlling.<sup>3</sup>

Appropriation law prohibits the use of government funds to enforce these agreements if they fail to contain the anti-gag provision.<sup>4</sup>

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<sup>1</sup> 5 USC § 2302(b)(13); Pub. L. No. 117-328

<sup>2</sup> *Id.*

<sup>3</sup> 5 USC § 2302(b)(13).

<sup>4</sup> Pub. L. No. 117-328.

Even though Congress made it abundantly clear that employees are required to be informed of their rights to make legally protected disclosures, there's a growing trend among federal agencies to use nondisclosure policies and similar agreements without the inclusion of the anti-gag provision in violation of the law.<sup>5</sup> This is unacceptable.

The importance of whistleblowers knowing their rights under the law cannot be stated enough, and federal agencies should encourage their employees to disclose allegations of waste, fraud, and abuse. Federal agencies cannot be allowed to conceal their wrongdoing behind illegal nondisclosure policies and related actions. Accordingly, I request that you review all nondisclosure policies, forms, agreements, and related documents specific to your agency to ensure the anti-gag provision is included as required by law.

Thank you for your prompt review and response. If you have any questions, please contact Brian Randolph on my Committee staff at (202) 224-0642.

Sincerely,



Charles E. Grassley  
Ranking Member  
Committee on the Budget

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<sup>5</sup> See Letter from Senators Grassley and Johnson to Inspector General Horowitz (Apr. 19, 2023) [https://www.grassley.senate.gov/imo/media/doc/grassley\\_johnson\\_to\\_justice\\_deptinspectorgeneralfbiantigagprovision.pdf](https://www.grassley.senate.gov/imo/media/doc/grassley_johnson_to_justice_deptinspectorgeneralfbiantigagprovision.pdf); Letter from Senators Grassley and Johnson to Inspectors General Horowitz and George (Jun 6, 2023) [https://www.grassley.senate.gov/imo/media/doc/grassley\\_johnson\\_to\\_dojoigtigta\\_-\\_whistleblower\\_retaliation.pdf](https://www.grassley.senate.gov/imo/media/doc/grassley_johnson_to_dojoigtigta_-_whistleblower_retaliation.pdf); Letter from Senators Grassley and Johnson to Internal Revenue Service Commissioner Werfel (Jun. 6, 2023) [https://www.grassley.senate.gov/imo/media/doc/grassley\\_johnson\\_to\\_irs\\_-\\_protected\\_whistleblower\\_disclosure.pdf](https://www.grassley.senate.gov/imo/media/doc/grassley_johnson_to_irs_-_protected_whistleblower_disclosure.pdf); Letter from Senator Grassley, Senator Johnson, Representative Smith, and Representative Comer to Special Counsel Kerner (Jul. 5, 2023) [https://www.grassley.senate.gov/imo/media/doc/grassley\\_johnson\\_comer\\_jordan\\_smith\\_to\\_osc\\_-\\_whistleblower\\_retaliation.pdf](https://www.grassley.senate.gov/imo/media/doc/grassley_johnson_comer_jordan_smith_to_osc_-_whistleblower_retaliation.pdf); Letter from Senator Grassley to Health and Human Services Secretary Becerra, Administration for Children and Families Acting Assistant Secretary Hild, and Office of Refugee Resettlement Director Marcos (Nov. 21, 2023) [https://www.grassley.senate.gov/imo/media/doc/grassley\\_to\\_hhs\\_acf\\_and\\_orr\\_-\\_whistleblower\\_protections.pdf](https://www.grassley.senate.gov/imo/media/doc/grassley_to_hhs_acf_and_orr_-_whistleblower_protections.pdf); Letter from Senator Grassley to Acting Special Counsel Gorman (Nov. 21, 2023) [https://www.grassley.senate.gov/imo/media/doc/grassley\\_to\\_osc\\_-\\_hhs\\_whistleblower\\_protections.pdf](https://www.grassley.senate.gov/imo/media/doc/grassley_to_osc_-_hhs_whistleblower_protections.pdf); Letter from Senator Grassley to DOJ-OIG Horowitz (Feb. 12, 2024) [https://www.grassley.senate.gov/imo/media/doc/grassley\\_to\\_doj\\_oig\\_-\\_protected\\_whistleblower\\_disclosures.pdf](https://www.grassley.senate.gov/imo/media/doc/grassley_to_doj_oig_-_protected_whistleblower_disclosures.pdf); Letter from Senator Grassley to Bureau of Alcohol, Tobacco, Firearms, and Explosives Director Dettelbach (Feb. 12, 2024) [https://www.grassley.senate.gov/imo/media/doc/grassley\\_to\\_atf\\_-\\_protected\\_whistleblower\\_disclosures.pdf](https://www.grassley.senate.gov/imo/media/doc/grassley_to_atf_-_protected_whistleblower_disclosures.pdf); Letter from Senator Grassley to Inspector General Horowitz (Mar. 8, 2024) [https://www.grassley.senate.gov/imo/media/doc/grassley\\_to\\_doj\\_inspector\\_general\\_-\\_eoir\\_disclosures\\_to\\_congress.pdf](https://www.grassley.senate.gov/imo/media/doc/grassley_to_doj_inspector_general_-_eoir_disclosures_to_congress.pdf); Letter from Senator Grassley to Attorney General Garland (Mar. 8, 2024) [https://www.grassley.senate.gov/imo/media/doc/grassley\\_to\\_doj\\_-\\_eoir\\_disclosures\\_to\\_congress.pdf](https://www.grassley.senate.gov/imo/media/doc/grassley_to_doj_-_eoir_disclosures_to_congress.pdf); Letter from Senator Grassley to Executive Office for Immigration Review Director David Neal (Mar. 8, 2024) [https://www.grassley.senate.gov/imo/media/doc/grassley\\_to\\_executive\\_office\\_for\\_immigration\\_review\\_-\\_eoir\\_disclosures\\_to\\_congress.pdf](https://www.grassley.senate.gov/imo/media/doc/grassley_to_executive_office_for_immigration_review_-_eoir_disclosures_to_congress.pdf).

United States Senate  
WASHINGTON, DC 20510

March 11, 2024

**VIA ELECTRONIC TRANSMISSION**

Mr. Kevin Gerrity  
Deputy Inspector General  
National Security Agency

Dear Mr. Gerrity:

Whistleblowers are patriots and the government's most powerful tool in rooting out waste, fraud, abuse, and misconduct. Nevertheless, federal agencies continue to implement nondisclosure policies and similar agreements without the inclusion of the "anti-gag" provision as required by law.<sup>1</sup> This failure has a chilling effect that discourages whistleblowers from reporting allegations of misconduct to Congress, Inspectors General (IG), and the Office of Special Counsel (OSC). The "anti-gag" provision has been included in almost every appropriations bill since 1988 and was codified in the Whistleblower Protection Enhancement Act.<sup>2</sup>

The anti-gag law requires all federal agency nondisclosure policies, forms, or agreements to include the following explicit statement notifying the employee of their rights to report wrongdoing:

These provisions are consistent with and do not supersede, conflict with, or otherwise alter the employee obligations, rights, or liabilities created by existing statute or Executive order relating to (1) classified information, (2) communications to Congress, (3) the reporting to an Inspector General or the Office of Special Counsel of a violation of any law, rule, or regulation, or mismanagement, a gross waste of funds, an abuse of authority, or a substantial and specific danger to public health or safety, or (4) any other whistleblower protection. The definitions, requirements, obligations, rights, sanctions, and liabilities created by controlling Executive orders and statutory provisions are incorporated into this agreement and are controlling.<sup>3</sup>

Appropriation law prohibits the use of government funds to enforce these agreements if they fail to contain the anti-gag provision.<sup>4</sup>

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<sup>1</sup> 5 USC § 2302(b)(13); Pub. L. No. 117-328

<sup>2</sup> *Id.*

<sup>3</sup> 5 USC § 2302(b)(13).

<sup>4</sup> Pub. L. No. 117-328.

Even though Congress made it abundantly clear that employees are required to be informed of their rights to make legally protected disclosures, there's a growing trend among federal agencies to use nondisclosure policies and similar agreements without the inclusion of the anti-gag provision in violation of the law.<sup>5</sup> This is unacceptable.

The importance of whistleblowers knowing their rights under the law cannot be stated enough, and federal agencies should encourage their employees to disclose allegations of waste, fraud, and abuse. Federal agencies cannot be allowed to conceal their wrongdoing behind illegal nondisclosure policies and related actions. Accordingly, I request that you review all nondisclosure policies, forms, agreements, and related documents specific to your agency to ensure the anti-gag provision is included as required by law.

Thank you for your prompt review and response. If you have any questions, please contact Brian Randolph on my Committee staff at (202) 224-0642.

Sincerely,



Charles E. Grassley  
Ranking Member  
Committee on the Budget

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<sup>5</sup> See Letter from Senators Grassley and Johnson to Inspector General Horowitz (Apr. 19, 2023) [https://www.grassley.senate.gov/imo/media/doc/grassley\\_johnson\\_to\\_justice\\_deptinspectorgeneralfbiantigagprovision.pdf](https://www.grassley.senate.gov/imo/media/doc/grassley_johnson_to_justice_deptinspectorgeneralfbiantigagprovision.pdf); Letter from Senators Grassley and Johnson to Inspectors General Horowitz and George (Jun 6, 2023) [https://www.grassley.senate.gov/imo/media/doc/grassley\\_johnson\\_to\\_dojoigtigta\\_-\\_whistleblower\\_retaliation.pdf](https://www.grassley.senate.gov/imo/media/doc/grassley_johnson_to_dojoigtigta_-_whistleblower_retaliation.pdf); Letter from Senators Grassley and Johnson to Internal Revenue Service Commissioner Werfel (Jun. 6, 2023) [https://www.grassley.senate.gov/imo/media/doc/grassley\\_johnson\\_to\\_irs\\_-\\_protected\\_whistleblower\\_disclosure.pdf](https://www.grassley.senate.gov/imo/media/doc/grassley_johnson_to_irs_-_protected_whistleblower_disclosure.pdf); Letter from Senator Grassley, Senator Johnson, Representative Smith, and Representative Comer to Special Counsel Kerner (Jul. 5, 2023) [https://www.grassley.senate.gov/imo/media/doc/grassley\\_johnson\\_comer\\_jordan\\_smith\\_to\\_osc\\_-\\_whistleblower\\_retaliation.pdf](https://www.grassley.senate.gov/imo/media/doc/grassley_johnson_comer_jordan_smith_to_osc_-_whistleblower_retaliation.pdf); Letter from Senator Grassley to Health and Human Services Secretary Becerra, Administration for Children and Families Acting Assistant Secretary Hild, and Office of Refugee Resettlement Director Marcos (Nov. 21, 2023) [https://www.grassley.senate.gov/imo/media/doc/grassley\\_to\\_hhs\\_acf\\_and\\_orr\\_-\\_whistleblower\\_protections.pdf](https://www.grassley.senate.gov/imo/media/doc/grassley_to_hhs_acf_and_orr_-_whistleblower_protections.pdf); Letter from Senator Grassley to Acting Special Counsel Gorman (Nov. 21, 2023) [https://www.grassley.senate.gov/imo/media/doc/grassley\\_to\\_osc\\_-\\_hhs\\_whistleblower\\_protections.pdf](https://www.grassley.senate.gov/imo/media/doc/grassley_to_osc_-_hhs_whistleblower_protections.pdf); Letter from Senator Grassley to DOJ-OIG Horowitz (Feb. 12, 2024) [https://www.grassley.senate.gov/imo/media/doc/grassley\\_to\\_doj\\_oig\\_-\\_protected\\_whistleblower\\_disclosures.pdf](https://www.grassley.senate.gov/imo/media/doc/grassley_to_doj_oig_-_protected_whistleblower_disclosures.pdf); Letter from Senator Grassley to Bureau of Alcohol, Tobacco, Firearms, and Explosives Director Dettelbach (Feb. 12, 2024) [https://www.grassley.senate.gov/imo/media/doc/grassley\\_to\\_atf\\_-\\_protected\\_whistleblower\\_disclosures.pdf](https://www.grassley.senate.gov/imo/media/doc/grassley_to_atf_-_protected_whistleblower_disclosures.pdf); Letter from Senator Grassley to Inspector General Horowitz (Mar. 8, 2024) [https://www.grassley.senate.gov/imo/media/doc/grassley\\_to\\_doj\\_inspector\\_general\\_-\\_eoir\\_disclosures\\_to\\_congress.pdf](https://www.grassley.senate.gov/imo/media/doc/grassley_to_doj_inspector_general_-_eoir_disclosures_to_congress.pdf); Letter from Senator Grassley to Attorney General Garland (Mar. 8, 2024) [https://www.grassley.senate.gov/imo/media/doc/grassley\\_to\\_doj\\_-\\_eoir\\_disclosures\\_to\\_congress.pdf](https://www.grassley.senate.gov/imo/media/doc/grassley_to_doj_-_eoir_disclosures_to_congress.pdf); Letter from Senator Grassley to Executive Office for Immigration Review Director David Neal (Mar. 8, 2024) [https://www.grassley.senate.gov/imo/media/doc/grassley\\_to\\_executive\\_office\\_for\\_immigration\\_review\\_-\\_eoir\\_disclosures\\_to\\_congress.pdf](https://www.grassley.senate.gov/imo/media/doc/grassley_to_executive_office_for_immigration_review_-_eoir_disclosures_to_congress.pdf).

United States Senate  
WASHINGTON, DC 20510

March 11, 2024

**VIA ELECTRONIC TRANSMISSION**

The Honorable Robert Feitel  
Inspector General  
Nuclear Regulatory Commission

Dear Inspector General Feitel:

Whistleblowers are patriots and the government's most powerful tool in rooting out waste, fraud, abuse, and misconduct. Nevertheless, federal agencies continue to implement nondisclosure policies and similar agreements without the inclusion of the "anti-gag" provision as required by law.<sup>1</sup> This failure has a chilling effect that discourages whistleblowers from reporting allegations of misconduct to Congress, Inspectors General (IG), and the Office of Special Counsel (OSC). The "anti-gag" provision has been included in almost every appropriations bill since 1988 and was codified in the Whistleblower Protection Enhancement Act.<sup>2</sup>

The anti-gag law requires all federal agency nondisclosure policies, forms, or agreements to include the following explicit statement notifying the employee of their rights to report wrongdoing:

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Appropriation law prohibits the use of government funds to enforce these agreements if they fail to contain the anti-gag provision.<sup>4</sup>

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<sup>1</sup> 5 USC § 2302(b)(13); Pub. L. No. 117-328

<sup>2</sup> *Id.*

<sup>3</sup> 5 USC § 2302(b)(13).

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Even though Congress made it abundantly clear that employees are required to be informed of their rights to make legally protected disclosures, there's a growing trend among federal agencies to use nondisclosure policies and similar agreements without the inclusion of the anti-gag provision in violation of the law.<sup>5</sup> This is unacceptable.

The importance of whistleblowers knowing their rights under the law cannot be stated enough, and federal agencies should encourage their employees to disclose allegations of waste, fraud, and abuse. Federal agencies cannot be allowed to conceal their wrongdoing behind illegal nondisclosure policies and related actions. Accordingly, I request that you review all nondisclosure policies, forms, agreements, and related documents specific to your agency to ensure the anti-gag provision is included as required by law.

Thank you for your prompt review and response. If you have any questions, please contact Brian Randolph on my Committee staff at (202) 224-0642.

Sincerely,



Charles E. Grassley  
Ranking Member  
Committee on the Budget

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<sup>5</sup> See Letter from Senators Grassley and Johnson to Inspector General Horowitz (Apr. 19, 2023) [https://www.grassley.senate.gov/imo/media/doc/grassley\\_johnson\\_to\\_justice\\_deptinspectorgeneralfbiantigagprovision.pdf](https://www.grassley.senate.gov/imo/media/doc/grassley_johnson_to_justice_deptinspectorgeneralfbiantigagprovision.pdf); Letter from Senators Grassley and Johnson to Inspectors General Horowitz and George (Jun 6, 2023) [https://www.grassley.senate.gov/imo/media/doc/grassley\\_johnson\\_to\\_dojoigtigta\\_-\\_whistleblower\\_retaliation.pdf](https://www.grassley.senate.gov/imo/media/doc/grassley_johnson_to_dojoigtigta_-_whistleblower_retaliation.pdf); Letter from Senators Grassley and Johnson to Internal Revenue Service Commissioner Werfel (Jun. 6, 2023) [https://www.grassley.senate.gov/imo/media/doc/grassley\\_johnson\\_to\\_irs\\_-\\_protected\\_whistleblower\\_disclosure.pdf](https://www.grassley.senate.gov/imo/media/doc/grassley_johnson_to_irs_-_protected_whistleblower_disclosure.pdf); Letter from Senator Grassley, Senator Johnson, Representative Smith, and Representative Comer to Special Counsel Kerner (Jul. 5, 2023) [https://www.grassley.senate.gov/imo/media/doc/grassley\\_johnson\\_comer\\_jordan\\_smith\\_to\\_osc\\_-\\_whistleblower\\_retaliation.pdf](https://www.grassley.senate.gov/imo/media/doc/grassley_johnson_comer_jordan_smith_to_osc_-_whistleblower_retaliation.pdf); Letter from Senator Grassley to Health and Human Services Secretary Becerra, Administration for Children and Families Acting Assistant Secretary Hild, and Office of Refugee Resettlement Director Marcos (Nov. 21, 2023) [https://www.grassley.senate.gov/imo/media/doc/grassley\\_to\\_hhs\\_acf\\_and\\_orr\\_-\\_whistleblower\\_protections.pdf](https://www.grassley.senate.gov/imo/media/doc/grassley_to_hhs_acf_and_orr_-_whistleblower_protections.pdf); Letter from Senator Grassley to Acting Special Counsel Gorman (Nov. 21, 2023) [https://www.grassley.senate.gov/imo/media/doc/grassley\\_to\\_osc\\_-\\_hhs\\_whistleblower\\_protections.pdf](https://www.grassley.senate.gov/imo/media/doc/grassley_to_osc_-_hhs_whistleblower_protections.pdf); Letter from Senator Grassley to DOJ-OIG Horowitz (Feb. 12, 2024) [https://www.grassley.senate.gov/imo/media/doc/grassley\\_to\\_doj\\_oig\\_-\\_protected\\_whistleblower\\_disclosures.pdf](https://www.grassley.senate.gov/imo/media/doc/grassley_to_doj_oig_-_protected_whistleblower_disclosures.pdf); Letter from Senator Grassley to Bureau of Alcohol, Tobacco, Firearms, and Explosives Director Dettelbach (Feb. 12, 2024) [https://www.grassley.senate.gov/imo/media/doc/grassley\\_to\\_atf\\_-\\_protected\\_whistleblower\\_disclosures.pdf](https://www.grassley.senate.gov/imo/media/doc/grassley_to_atf_-_protected_whistleblower_disclosures.pdf); Letter from Senator Grassley to Inspector General Horowitz (Mar. 8, 2024) [https://www.grassley.senate.gov/imo/media/doc/grassley\\_to\\_doj\\_inspector\\_general\\_-\\_eoir\\_disclosures\\_to\\_congress.pdf](https://www.grassley.senate.gov/imo/media/doc/grassley_to_doj_inspector_general_-_eoir_disclosures_to_congress.pdf); Letter from Senator Grassley to Attorney General Garland (Mar. 8, 2024) [https://www.grassley.senate.gov/imo/media/doc/grassley\\_to\\_doj\\_-\\_eoir\\_disclosures\\_to\\_congress.pdf](https://www.grassley.senate.gov/imo/media/doc/grassley_to_doj_-_eoir_disclosures_to_congress.pdf); Letter from Senator Grassley to Executive Office for Immigration Review Director David Neal (Mar. 8, 2024) [https://www.grassley.senate.gov/imo/media/doc/grassley\\_to\\_executive\\_office\\_for\\_immigration\\_review\\_-\\_eoir\\_disclosures\\_to\\_congress.pdf](https://www.grassley.senate.gov/imo/media/doc/grassley_to_executive_office_for_immigration_review_-_eoir_disclosures_to_congress.pdf).

United States Senate  
WASHINGTON, DC 20510

March 11, 2024

**VIA ELECTRONIC TRANSMISSION**

The Honorable Krista Boyd  
Inspector General  
Office of Personnel Management

Dear Inspector General Boyd:

Whistleblowers are patriots and the government's most powerful tool in rooting out waste, fraud, abuse, and misconduct. Nevertheless, federal agencies continue to implement nondisclosure policies and similar agreements without the inclusion of the "anti-gag" provision as required by law.<sup>1</sup> This failure has a chilling effect that discourages whistleblowers from reporting allegations of misconduct to Congress, Inspectors General (IG), and the Office of Special Counsel (OSC). The "anti-gag" provision has been included in almost every appropriations bill since 1988 and was codified in the Whistleblower Protection Enhancement Act.<sup>2</sup>

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Appropriation law prohibits the use of government funds to enforce these agreements if they fail to contain the anti-gag provision.<sup>4</sup>

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<sup>1</sup> 5 USC § 2302(b)(13); Pub. L. No. 117-328

<sup>2</sup> *Id.*

<sup>3</sup> 5 USC § 2302(b)(13).

<sup>4</sup> Pub. L. No. 117-328.

Even though Congress made it abundantly clear that employees are required to be informed of their rights to make legally protected disclosures, there's a growing trend among federal agencies to use nondisclosure policies and similar agreements without the inclusion of the anti-gag provision in violation of the law.<sup>5</sup> This is unacceptable.

The importance of whistleblowers knowing their rights under the law cannot be stated enough, and federal agencies should encourage their employees to disclose allegations of waste, fraud, and abuse. Federal agencies cannot be allowed to conceal their wrongdoing behind illegal nondisclosure policies and related actions. Accordingly, I request that you review all nondisclosure policies, forms, agreements, and related documents specific to your agency to ensure the anti-gag provision is included as required by law.

Thank you for your prompt review and response. If you have any questions, please contact Brian Randolph on my Committee staff at (202) 224-0642.

Sincerely,



Charles E. Grassley  
Ranking Member  
Committee on the Budget

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<sup>5</sup> See Letter from Senators Grassley and Johnson to Inspector General Horowitz (Apr. 19, 2023) [https://www.grassley.senate.gov/imo/media/doc/grassley\\_johnson\\_to\\_justice\\_deptinspectorgeneralfbiantigagprovision.pdf](https://www.grassley.senate.gov/imo/media/doc/grassley_johnson_to_justice_deptinspectorgeneralfbiantigagprovision.pdf); Letter from Senators Grassley and Johnson to Inspectors General Horowitz and George (Jun 6, 2023) [https://www.grassley.senate.gov/imo/media/doc/grassley\\_johnson\\_to\\_dojoigtigta\\_-\\_whistleblower\\_retaliation.pdf](https://www.grassley.senate.gov/imo/media/doc/grassley_johnson_to_dojoigtigta_-_whistleblower_retaliation.pdf); Letter from Senators Grassley and Johnson to Internal Revenue Service Commissioner Werfel (Jun. 6, 2023) [https://www.grassley.senate.gov/imo/media/doc/grassley\\_johnson\\_to\\_irs\\_-\\_protected\\_whistleblower\\_disclosure.pdf](https://www.grassley.senate.gov/imo/media/doc/grassley_johnson_to_irs_-_protected_whistleblower_disclosure.pdf); Letter from Senator Grassley, Senator Johnson, Representative Smith, and Representative Comer to Special Counsel Kerner (Jul. 5, 2023) [https://www.grassley.senate.gov/imo/media/doc/grassley\\_johnson\\_comer\\_jordan\\_smith\\_to\\_osc\\_-\\_whistleblower\\_retaliation.pdf](https://www.grassley.senate.gov/imo/media/doc/grassley_johnson_comer_jordan_smith_to_osc_-_whistleblower_retaliation.pdf); Letter from Senator Grassley to Health and Human Services Secretary Becerra, Administration for Children and Families Acting Assistant Secretary Hild, and Office of Refugee Resettlement Director Marcos (Nov. 21, 2023) [https://www.grassley.senate.gov/imo/media/doc/grassley\\_to\\_hhs\\_acf\\_and\\_orr\\_-\\_whistleblower\\_protections.pdf](https://www.grassley.senate.gov/imo/media/doc/grassley_to_hhs_acf_and_orr_-_whistleblower_protections.pdf); Letter from Senator Grassley to Acting Special Counsel Gorman (Nov. 21, 2023) [https://www.grassley.senate.gov/imo/media/doc/grassley\\_to\\_osc\\_-\\_hhs\\_whistleblower\\_protections.pdf](https://www.grassley.senate.gov/imo/media/doc/grassley_to_osc_-_hhs_whistleblower_protections.pdf); Letter from Senator Grassley to DOJ-OIG Horowitz (Feb. 12, 2024) [https://www.grassley.senate.gov/imo/media/doc/grassley\\_to\\_doj\\_oig\\_-\\_protected\\_whistleblower\\_disclosures.pdf](https://www.grassley.senate.gov/imo/media/doc/grassley_to_doj_oig_-_protected_whistleblower_disclosures.pdf); Letter from Senator Grassley to Bureau of Alcohol, Tobacco, Firearms, and Explosives Director Dettelbach (Feb. 12, 2024) [https://www.grassley.senate.gov/imo/media/doc/grassley\\_to\\_atf\\_-\\_protected\\_whistleblower\\_disclosures.pdf](https://www.grassley.senate.gov/imo/media/doc/grassley_to_atf_-_protected_whistleblower_disclosures.pdf); Letter from Senator Grassley to Inspector General Horowitz (Mar. 8, 2024) [https://www.grassley.senate.gov/imo/media/doc/grassley\\_to\\_doj\\_inspector\\_general\\_-\\_eoir\\_disclosures\\_to\\_congress.pdf](https://www.grassley.senate.gov/imo/media/doc/grassley_to_doj_inspector_general_-_eoir_disclosures_to_congress.pdf); Letter from Senator Grassley to Attorney General Garland (Mar. 8, 2024) [https://www.grassley.senate.gov/imo/media/doc/grassley\\_to\\_doj\\_-\\_eoir\\_disclosures\\_to\\_congress.pdf](https://www.grassley.senate.gov/imo/media/doc/grassley_to_doj_-_eoir_disclosures_to_congress.pdf); Letter from Senator Grassley to Executive Office for Immigration Review Director David Neal (Mar. 8, 2024) [https://www.grassley.senate.gov/imo/media/doc/grassley\\_to\\_executive\\_office\\_for\\_immigration\\_review\\_-\\_eoir\\_disclosures\\_to\\_congress.pdf](https://www.grassley.senate.gov/imo/media/doc/grassley_to_executive_office_for_immigration_review_-_eoir_disclosures_to_congress.pdf).

United States Senate  
WASHINGTON, DC 20510

March 11, 2024

**VIA ELECTRONIC TRANSMISSION**

The Honorable Thomas A. Monheim  
Inspector General  
Office of the Director of National Intelligence

Dear Inspector General Monheim:

Whistleblowers are patriots and the government's most powerful tool in rooting out waste, fraud, abuse, and misconduct. Nevertheless, federal agencies continue to implement nondisclosure policies and similar agreements without the inclusion of the "anti-gag" provision as required by law.<sup>1</sup> This failure has a chilling effect that discourages whistleblowers from reporting allegations of misconduct to Congress, Inspectors General (IG), and the Office of Special Counsel (OSC). The "anti-gag" provision has been included in almost every appropriations bill since 1988 and was codified in the Whistleblower Protection Enhancement Act.<sup>2</sup>

The anti-gag law requires all federal agency nondisclosure policies, forms, or agreements to include the following explicit statement notifying the employee of their rights to report wrongdoing:

These provisions are consistent with and do not supersede, conflict with, or otherwise alter the employee obligations, rights, or liabilities created by existing statute or Executive order relating to (1) classified information, (2) communications to Congress, (3) the reporting to an Inspector General or the Office of Special Counsel of a violation of any law, rule, or regulation, or mismanagement, a gross waste of funds, an abuse of authority, or a substantial and specific danger to public health or safety, or (4) any other whistleblower protection. The definitions, requirements, obligations, rights, sanctions, and liabilities created by controlling Executive orders and statutory provisions are incorporated into this agreement and are controlling.<sup>3</sup>

Appropriation law prohibits the use of government funds to enforce these agreements if they fail to contain the anti-gag provision.<sup>4</sup>

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<sup>1</sup> 5 USC § 2302(b)(13); Pub. L. No. 117-328

<sup>2</sup> *Id.*

<sup>3</sup> 5 USC § 2302(b)(13).

<sup>4</sup> Pub. L. No. 117-328.

Even though Congress made it abundantly clear that employees are required to be informed of their rights to make legally protected disclosures, there's a growing trend among federal agencies to use nondisclosure policies and similar agreements without the inclusion of the anti-gag provision in violation of the law.<sup>5</sup> This is unacceptable.

The importance of whistleblowers knowing their rights under the law cannot be stated enough, and federal agencies should encourage their employees to disclose allegations of waste, fraud, and abuse. Federal agencies cannot be allowed to conceal their wrongdoing behind illegal nondisclosure policies and related actions. Accordingly, I request that you review all nondisclosure policies, forms, agreements, and related documents specific to your agency to ensure the anti-gag provision is included as required by law.

Thank you for your prompt review and response. If you have any questions, please contact Brian Randolph on my Committee staff at (202) 224-0642.

Sincerely,



Charles E. Grassley  
Ranking Member  
Committee on the Budget

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<sup>5</sup> See Letter from Senators Grassley and Johnson to Inspector General Horowitz (Apr. 19, 2023) [https://www.grassley.senate.gov/imo/media/doc/grassley\\_johnson\\_to\\_justice\\_deptinspectorgeneralfbiantigagprovision.pdf](https://www.grassley.senate.gov/imo/media/doc/grassley_johnson_to_justice_deptinspectorgeneralfbiantigagprovision.pdf); Letter from Senators Grassley and Johnson to Inspectors General Horowitz and George (Jun 6, 2023) [https://www.grassley.senate.gov/imo/media/doc/grassley\\_johnson\\_to\\_dojoigtigta\\_-\\_whistleblower\\_retaliation.pdf](https://www.grassley.senate.gov/imo/media/doc/grassley_johnson_to_dojoigtigta_-_whistleblower_retaliation.pdf); Letter from Senators Grassley and Johnson to Internal Revenue Service Commissioner Werfel (Jun. 6, 2023) [https://www.grassley.senate.gov/imo/media/doc/grassley\\_johnson\\_to\\_irs\\_-\\_protected\\_whistleblower\\_disclosure.pdf](https://www.grassley.senate.gov/imo/media/doc/grassley_johnson_to_irs_-_protected_whistleblower_disclosure.pdf); Letter from Senator Grassley, Senator Johnson, Representative Smith, and Representative Comer to Special Counsel Kerner (Jul. 5, 2023) [https://www.grassley.senate.gov/imo/media/doc/grassley\\_johnson\\_comer\\_jordan\\_smith\\_to\\_osc\\_-\\_whistleblower\\_retaliation.pdf](https://www.grassley.senate.gov/imo/media/doc/grassley_johnson_comer_jordan_smith_to_osc_-_whistleblower_retaliation.pdf); Letter from Senator Grassley to Health and Human Services Secretary Becerra, Administration for Children and Families Acting Assistant Secretary Hild, and Office of Refugee Resettlement Director Marcos (Nov. 21, 2023) [https://www.grassley.senate.gov/imo/media/doc/grassley\\_to\\_hhs\\_acf\\_and\\_orr\\_-\\_whistleblower\\_protections.pdf](https://www.grassley.senate.gov/imo/media/doc/grassley_to_hhs_acf_and_orr_-_whistleblower_protections.pdf); Letter from Senator Grassley to Acting Special Counsel Gorman (Nov. 21, 2023) [https://www.grassley.senate.gov/imo/media/doc/grassley\\_to\\_osc\\_-\\_hhs\\_whistleblower\\_protections.pdf](https://www.grassley.senate.gov/imo/media/doc/grassley_to_osc_-_hhs_whistleblower_protections.pdf); Letter from Senator Grassley to DOJ-OIG Horowitz (Feb. 12, 2024) [https://www.grassley.senate.gov/imo/media/doc/grassley\\_to\\_doj\\_oig\\_-\\_protected\\_whistleblower\\_disclosures.pdf](https://www.grassley.senate.gov/imo/media/doc/grassley_to_doj_oig_-_protected_whistleblower_disclosures.pdf); Letter from Senator Grassley to Bureau of Alcohol, Tobacco, Firearms, and Explosives Director Dettelbach (Feb. 12, 2024) [https://www.grassley.senate.gov/imo/media/doc/grassley\\_to\\_atf\\_-\\_protected\\_whistleblower\\_disclosures.pdf](https://www.grassley.senate.gov/imo/media/doc/grassley_to_atf_-_protected_whistleblower_disclosures.pdf); Letter from Senator Grassley to Inspector General Horowitz (Mar. 8, 2024) [https://www.grassley.senate.gov/imo/media/doc/grassley\\_to\\_doj\\_inspector\\_general\\_-\\_eoir\\_disclosures\\_to\\_congress.pdf](https://www.grassley.senate.gov/imo/media/doc/grassley_to_doj_inspector_general_-_eoir_disclosures_to_congress.pdf); Letter from Senator Grassley to Attorney General Garland (Mar. 8, 2024) [https://www.grassley.senate.gov/imo/media/doc/grassley\\_to\\_doj\\_-\\_eoir\\_disclosures\\_to\\_congress.pdf](https://www.grassley.senate.gov/imo/media/doc/grassley_to_doj_-_eoir_disclosures_to_congress.pdf); Letter from Senator Grassley to Executive Office for Immigration Review Director David Neal (Mar. 8, 2024) [https://www.grassley.senate.gov/imo/media/doc/grassley\\_to\\_executive\\_office\\_for\\_immigration\\_review\\_-\\_eoir\\_disclosures\\_to\\_congress.pdf](https://www.grassley.senate.gov/imo/media/doc/grassley_to_executive_office_for_immigration_review_-_eoir_disclosures_to_congress.pdf).

United States Senate  
WASHINGTON, DC 20510

March 11, 2024

**VIA ELECTRONIC TRANSMISSION**

Mr. Joaquin E. Ferrao  
Inspector General  
Peace Corps

Dear Inspector General Ferrao:

Whistleblowers are patriots and the government's most powerful tool in rooting out waste, fraud, abuse, and misconduct. Nevertheless, federal agencies continue to implement nondisclosure policies and similar agreements without the inclusion of the "anti-gag" provision as required by law.<sup>1</sup> This failure has a chilling effect that discourages whistleblowers from reporting allegations of misconduct to Congress, Inspectors General (IG), and the Office of Special Counsel (OSC). The "anti-gag" provision has been included in almost every appropriations bill since 1988 and was codified in the Whistleblower Protection Enhancement Act.<sup>2</sup>

The anti-gag law requires all federal agency nondisclosure policies, forms, or agreements to include the following explicit statement notifying the employee of their rights to report wrongdoing:

These provisions are consistent with and do not supersede, conflict with, or otherwise alter the employee obligations, rights, or liabilities created by existing statute or Executive order relating to (1) classified information, (2) communications to Congress, (3) the reporting to an Inspector General or the Office of Special Counsel of a violation of any law, rule, or regulation, or mismanagement, a gross waste of funds, an abuse of authority, or a substantial and specific danger to public health or safety, or (4) any other whistleblower protection. The definitions, requirements, obligations, rights, sanctions, and liabilities created by controlling Executive orders and statutory provisions are incorporated into this agreement and are controlling.<sup>3</sup>

Appropriation law prohibits the use of government funds to enforce these agreements if they fail to contain the anti-gag provision.<sup>4</sup>

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<sup>1</sup> 5 USC § 2302(b)(13); Pub. L. No. 117-328

<sup>2</sup> *Id.*

<sup>3</sup> 5 USC § 2302(b)(13).

<sup>4</sup> Pub. L. No. 117-328.

Even though Congress made it abundantly clear that employees are required to be informed of their rights to make legally protected disclosures, there's a growing trend among federal agencies to use nondisclosure policies and similar agreements without the inclusion of the anti-gag provision in violation of the law.<sup>5</sup> This is unacceptable.

The importance of whistleblowers knowing their rights under the law cannot be stated enough, and federal agencies should encourage their employees to disclose allegations of waste, fraud, and abuse. Federal agencies cannot be allowed to conceal their wrongdoing behind illegal nondisclosure policies and related actions. Accordingly, I request that you review all nondisclosure policies, forms, agreements, and related documents specific to your agency to ensure the anti-gag provision is included as required by law.

Thank you for your prompt review and response. If you have any questions, please contact Brian Randolph on my Committee staff at (202) 224-0642.

Sincerely,



Charles E. Grassley  
Ranking Member  
Committee on the Budget

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<sup>5</sup> See Letter from Senators Grassley and Johnson to Inspector General Horowitz (Apr. 19, 2023) [https://www.grassley.senate.gov/imo/media/doc/grassley\\_johnson\\_to\\_justice\\_deptinspectorgeneralfbiantigagprovision.pdf](https://www.grassley.senate.gov/imo/media/doc/grassley_johnson_to_justice_deptinspectorgeneralfbiantigagprovision.pdf); Letter from Senators Grassley and Johnson to Inspectors General Horowitz and George (Jun 6, 2023) [https://www.grassley.senate.gov/imo/media/doc/grassley\\_johnson\\_to\\_dojoigtigta\\_-\\_whistleblower\\_retaliation.pdf](https://www.grassley.senate.gov/imo/media/doc/grassley_johnson_to_dojoigtigta_-_whistleblower_retaliation.pdf); Letter from Senators Grassley and Johnson to Internal Revenue Service Commissioner Werfel (Jun. 6, 2023) [https://www.grassley.senate.gov/imo/media/doc/grassley\\_johnson\\_to\\_irs\\_-\\_protected\\_whistleblower\\_disclosure.pdf](https://www.grassley.senate.gov/imo/media/doc/grassley_johnson_to_irs_-_protected_whistleblower_disclosure.pdf); Letter from Senator Grassley, Senator Johnson, Representative Smith, and Representative Comer to Special Counsel Kerner (Jul. 5, 2023) [https://www.grassley.senate.gov/imo/media/doc/grassley\\_johnson\\_comer\\_jordan\\_smith\\_to\\_osc\\_-\\_whistleblower\\_retaliation.pdf](https://www.grassley.senate.gov/imo/media/doc/grassley_johnson_comer_jordan_smith_to_osc_-_whistleblower_retaliation.pdf); Letter from Senator Grassley to Health and Human Services Secretary Becerra, Administration for Children and Families Acting Assistant Secretary Hild, and Office of Refugee Resettlement Director Marcos (Nov. 21, 2023) [https://www.grassley.senate.gov/imo/media/doc/grassley\\_to\\_hhs\\_acf\\_and\\_orr\\_-\\_whistleblower\\_protections.pdf](https://www.grassley.senate.gov/imo/media/doc/grassley_to_hhs_acf_and_orr_-_whistleblower_protections.pdf); Letter from Senator Grassley to Acting Special Counsel Gorman (Nov. 21, 2023) [https://www.grassley.senate.gov/imo/media/doc/grassley\\_to\\_osc\\_-\\_hhs\\_whistleblower\\_protections.pdf](https://www.grassley.senate.gov/imo/media/doc/grassley_to_osc_-_hhs_whistleblower_protections.pdf); Letter from Senator Grassley to DOJ-OIG Horowitz (Feb. 12, 2024) [https://www.grassley.senate.gov/imo/media/doc/grassley\\_to\\_doj\\_oig\\_-\\_protected\\_whistleblower\\_disclosures.pdf](https://www.grassley.senate.gov/imo/media/doc/grassley_to_doj_oig_-_protected_whistleblower_disclosures.pdf); Letter from Senator Grassley to Bureau of Alcohol, Tobacco, Firearms, and Explosives Director Dettelbach (Feb. 12, 2024) [https://www.grassley.senate.gov/imo/media/doc/grassley\\_to\\_atf\\_-\\_protected\\_whistleblower\\_disclosures.pdf](https://www.grassley.senate.gov/imo/media/doc/grassley_to_atf_-_protected_whistleblower_disclosures.pdf); Letter from Senator Grassley to Inspector General Horowitz (Mar. 8, 2024) [https://www.grassley.senate.gov/imo/media/doc/grassley\\_to\\_doj\\_inspector\\_general\\_-\\_eoir\\_disclosures\\_to\\_congress.pdf](https://www.grassley.senate.gov/imo/media/doc/grassley_to_doj_inspector_general_-_eoir_disclosures_to_congress.pdf); Letter from Senator Grassley to Attorney General Garland (Mar. 8, 2024) [https://www.grassley.senate.gov/imo/media/doc/grassley\\_to\\_doj\\_-\\_eoir\\_disclosures\\_to\\_congress.pdf](https://www.grassley.senate.gov/imo/media/doc/grassley_to_doj_-_eoir_disclosures_to_congress.pdf); Letter from Senator Grassley to Executive Office for Immigration Review Director David Neal (Mar. 8, 2024) [https://www.grassley.senate.gov/imo/media/doc/grassley\\_to\\_executive\\_office\\_for\\_immigration\\_review\\_-\\_eoir\\_disclosures\\_to\\_congress.pdf](https://www.grassley.senate.gov/imo/media/doc/grassley_to_executive_office_for_immigration_review_-_eoir_disclosures_to_congress.pdf).

United States Senate  
WASHINGTON, DC 20510

March 11, 2024

**VIA ELECTRONIC TRANSMISSION**

Mr. Nicholas J. Novak  
Inspector General  
Pension Benefit Guaranty Corporation

Dear Inspector General Novak:

Whistleblowers are patriots and the government's most powerful tool in rooting out waste, fraud, abuse, and misconduct. Nevertheless, federal agencies continue to implement nondisclosure policies and similar agreements without the inclusion of the "anti-gag" provision as required by law.<sup>1</sup> This failure has a chilling effect that discourages whistleblowers from reporting allegations of misconduct to Congress, Inspectors General (IG), and the Office of Special Counsel (OSC). The "anti-gag" provision has been included in almost every appropriations bill since 1988 and was codified in the Whistleblower Protection Enhancement Act.<sup>2</sup>

The anti-gag law requires all federal agency nondisclosure policies, forms, or agreements to include the following explicit statement notifying the employee of their rights to report wrongdoing:

These provisions are consistent with and do not supersede, conflict with, or otherwise alter the employee obligations, rights, or liabilities created by existing statute or Executive order relating to (1) classified information, (2) communications to Congress, (3) the reporting to an Inspector General or the Office of Special Counsel of a violation of any law, rule, or regulation, or mismanagement, a gross waste of funds, an abuse of authority, or a substantial and specific danger to public health or safety, or (4) any other whistleblower protection. The definitions, requirements, obligations, rights, sanctions, and liabilities created by controlling Executive orders and statutory provisions are incorporated into this agreement and are controlling.<sup>3</sup>

Appropriation law prohibits the use of government funds to enforce these agreements if they fail to contain the anti-gag provision.<sup>4</sup>

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Even though Congress made it abundantly clear that employees are required to be informed of their rights to make legally protected disclosures, there's a growing trend among federal agencies to use nondisclosure policies and similar agreements without the inclusion of the anti-gag provision in violation of the law.<sup>5</sup> This is unacceptable.

The importance of whistleblowers knowing their rights under the law cannot be stated enough, and federal agencies should encourage their employees to disclose allegations of waste, fraud, and abuse. Federal agencies cannot be allowed to conceal their wrongdoing behind illegal nondisclosure policies and related actions. Accordingly, I request that you review all nondisclosure policies, forms, agreements, and related documents specific to your agency to ensure the anti-gag provision is included as required by law.

Thank you for your prompt review and response. If you have any questions, please contact Brian Randolph on my Committee staff at (202) 224-0642.

Sincerely,



Charles E. Grassley  
Ranking Member  
Committee on the Budget

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<sup>5</sup> See Letter from Senators Grassley and Johnson to Inspector General Horowitz (Apr. 19, 2023) [https://www.grassley.senate.gov/imo/media/doc/grassley\\_johnson\\_to\\_justice\\_deptinspectorgeneralfbiantigagprovision.pdf](https://www.grassley.senate.gov/imo/media/doc/grassley_johnson_to_justice_deptinspectorgeneralfbiantigagprovision.pdf); Letter from Senators Grassley and Johnson to Inspectors General Horowitz and George (Jun 6, 2023) [https://www.grassley.senate.gov/imo/media/doc/grassley\\_johnson\\_to\\_dojoigtigta\\_-\\_whistleblower\\_retaliation.pdf](https://www.grassley.senate.gov/imo/media/doc/grassley_johnson_to_dojoigtigta_-_whistleblower_retaliation.pdf); Letter from Senators Grassley and Johnson to Internal Revenue Service Commissioner Werfel (Jun. 6, 2023) [https://www.grassley.senate.gov/imo/media/doc/grassley\\_johnson\\_to\\_irs\\_-\\_protected\\_whistleblower\\_disclosure.pdf](https://www.grassley.senate.gov/imo/media/doc/grassley_johnson_to_irs_-_protected_whistleblower_disclosure.pdf); Letter from Senator Grassley, Senator Johnson, Representative Smith, and Representative Comer to Special Counsel Kerner (Jul. 5, 2023) [https://www.grassley.senate.gov/imo/media/doc/grassley\\_johnson\\_comer\\_jordan\\_smith\\_to\\_osc\\_-\\_whistleblower\\_retaliation.pdf](https://www.grassley.senate.gov/imo/media/doc/grassley_johnson_comer_jordan_smith_to_osc_-_whistleblower_retaliation.pdf); Letter from Senator Grassley to Health and Human Services Secretary Becerra, Administration for Children and Families Acting Assistant Secretary Hild, and Office of Refugee Resettlement Director Marcos (Nov. 21, 2023) [https://www.grassley.senate.gov/imo/media/doc/grassley\\_to\\_hhs\\_acf\\_and\\_orr\\_-\\_whistleblower\\_protections.pdf](https://www.grassley.senate.gov/imo/media/doc/grassley_to_hhs_acf_and_orr_-_whistleblower_protections.pdf); Letter from Senator Grassley to Acting Special Counsel Gorman (Nov. 21, 2023) [https://www.grassley.senate.gov/imo/media/doc/grassley\\_to\\_osc\\_-\\_hhs\\_whistleblower\\_protections.pdf](https://www.grassley.senate.gov/imo/media/doc/grassley_to_osc_-_hhs_whistleblower_protections.pdf); Letter from Senator Grassley to DOJ-OIG Horowitz (Feb. 12, 2024) [https://www.grassley.senate.gov/imo/media/doc/grassley\\_to\\_doj\\_oig\\_-\\_protected\\_whistleblower\\_disclosures.pdf](https://www.grassley.senate.gov/imo/media/doc/grassley_to_doj_oig_-_protected_whistleblower_disclosures.pdf); Letter from Senator Grassley to Bureau of Alcohol, Tobacco, Firearms, and Explosives Director Dettelbach (Feb. 12, 2024) [https://www.grassley.senate.gov/imo/media/doc/grassley\\_to\\_atf\\_-\\_protected\\_whistleblower\\_disclosures.pdf](https://www.grassley.senate.gov/imo/media/doc/grassley_to_atf_-_protected_whistleblower_disclosures.pdf); Letter from Senator Grassley to Inspector General Horowitz (Mar. 8, 2024) [https://www.grassley.senate.gov/imo/media/doc/grassley\\_to\\_doj\\_inspector\\_general\\_-\\_eoir\\_disclosures\\_to\\_congress.pdf](https://www.grassley.senate.gov/imo/media/doc/grassley_to_doj_inspector_general_-_eoir_disclosures_to_congress.pdf); Letter from Senator Grassley to Attorney General Garland (Mar. 8, 2024) [https://www.grassley.senate.gov/imo/media/doc/grassley\\_to\\_doj\\_-\\_eoir\\_disclosures\\_to\\_congress.pdf](https://www.grassley.senate.gov/imo/media/doc/grassley_to_doj_-_eoir_disclosures_to_congress.pdf); Letter from Senator Grassley to Executive Office for Immigration Review Director David Neal (Mar. 8, 2024) [https://www.grassley.senate.gov/imo/media/doc/grassley\\_to\\_executive\\_office\\_for\\_immigration\\_review\\_-\\_eoir\\_disclosures\\_to\\_congress.pdf](https://www.grassley.senate.gov/imo/media/doc/grassley_to_executive_office_for_immigration_review_-_eoir_disclosures_to_congress.pdf).

**United States Senate**  
WASHINGTON, DC 20510

March 11, 2024

**VIA ELECTRONIC TRANSMISSION**

The Honorable Martin J. Dickman  
Inspector General  
Railroad Retirement Board

Dear Inspector General Dickman:

Whistleblowers are patriots and the government's most powerful tool in rooting out waste, fraud, abuse, and misconduct. Nevertheless, federal agencies continue to implement nondisclosure policies and similar agreements without the inclusion of the "anti-gag" provision as required by law.<sup>1</sup> This failure has a chilling effect that discourages whistleblowers from reporting allegations of misconduct to Congress, Inspectors General (IG), and the Office of Special Counsel (OSC). The "anti-gag" provision has been included in almost every appropriations bill since 1988 and was codified in the Whistleblower Protection Enhancement Act.<sup>2</sup>

The anti-gag law requires all federal agency nondisclosure policies, forms, or agreements to include the following explicit statement notifying the employee of their rights to report wrongdoing:

These provisions are consistent with and do not supersede, conflict with, or otherwise alter the employee obligations, rights, or liabilities created by existing statute or Executive order relating to (1) classified information, (2) communications to Congress, (3) the reporting to an Inspector General or the Office of Special Counsel of a violation of any law, rule, or regulation, or mismanagement, a gross waste of funds, an abuse of authority, or a substantial and specific danger to public health or safety, or (4) any other whistleblower protection. The definitions, requirements, obligations, rights, sanctions, and liabilities created by controlling Executive orders and statutory provisions are incorporated into this agreement and are controlling.<sup>3</sup>

Appropriation law prohibits the use of government funds to enforce these agreements if they fail to contain the anti-gag provision.<sup>4</sup>

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<sup>1</sup> 5 USC § 2302(b)(13); Pub. L. No. 117-328

<sup>2</sup> *Id.*

<sup>3</sup> 5 USC § 2302(b)(13).

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Even though Congress made it abundantly clear that employees are required to be informed of their rights to make legally protected disclosures, there's a growing trend among federal agencies to use nondisclosure policies and similar agreements without the inclusion of the anti-gag provision in violation of the law.<sup>5</sup> This is unacceptable.

The importance of whistleblowers knowing their rights under the law cannot be stated enough, and federal agencies should encourage their employees to disclose allegations of waste, fraud, and abuse. Federal agencies cannot be allowed to conceal their wrongdoing behind illegal nondisclosure policies and related actions. Accordingly, I request that you review all nondisclosure policies, forms, agreements, and related documents specific to your agency to ensure the anti-gag provision is included as required by law.

Thank you for your prompt review and response. If you have any questions, please contact Brian Randolph on my Committee staff at (202) 224-0642.

Sincerely,



Charles E. Grassley  
Ranking Member  
Committee on the Budget

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<sup>5</sup> See Letter from Senators Grassley and Johnson to Inspector General Horowitz (Apr. 19, 2023) [https://www.grassley.senate.gov/imo/media/doc/grassley\\_johnson\\_to\\_justice\\_deptinspectorgeneralfbiantigagprovision.pdf](https://www.grassley.senate.gov/imo/media/doc/grassley_johnson_to_justice_deptinspectorgeneralfbiantigagprovision.pdf); Letter from Senators Grassley and Johnson to Inspectors General Horowitz and George (Jun 6, 2023) [https://www.grassley.senate.gov/imo/media/doc/grassley\\_johnson\\_to\\_dojoigtiga\\_-\\_whistleblower\\_retaliation.pdf](https://www.grassley.senate.gov/imo/media/doc/grassley_johnson_to_dojoigtiga_-_whistleblower_retaliation.pdf); Letter from Senators Grassley and Johnson to Internal Revenue Service Commissioner Werfel (Jun. 6, 2023) [https://www.grassley.senate.gov/imo/media/doc/grassley\\_johnson\\_to\\_irs\\_-\\_protected\\_whistleblower\\_disclosure.pdf](https://www.grassley.senate.gov/imo/media/doc/grassley_johnson_to_irs_-_protected_whistleblower_disclosure.pdf); Letter from Senator Grassley, Senator Johnson, Representative Smith, and Representative Comer to Special Counsel Kerner (Jul. 5, 2023) [https://www.grassley.senate.gov/imo/media/doc/grassley\\_johnson\\_comer\\_jordan\\_smith\\_to\\_osc\\_-\\_whistleblower\\_retaliation.pdf](https://www.grassley.senate.gov/imo/media/doc/grassley_johnson_comer_jordan_smith_to_osc_-_whistleblower_retaliation.pdf); Letter from Senator Grassley to Health and Human Services Secretary Becerra, Administration for Children and Families Acting Assistant Secretary Hild, and Office of Refugee Resettlement Director Marcos (Nov. 21, 2023) [https://www.grassley.senate.gov/imo/media/doc/grassley\\_to\\_hhs\\_acf\\_and\\_orr\\_-\\_whistleblower\\_protections.pdf](https://www.grassley.senate.gov/imo/media/doc/grassley_to_hhs_acf_and_orr_-_whistleblower_protections.pdf); Letter from Senator Grassley to Acting Special Counsel Gorman (Nov. 21, 2023) [https://www.grassley.senate.gov/imo/media/doc/grassley\\_to\\_osc\\_-\\_hhs\\_whistleblower\\_protections.pdf](https://www.grassley.senate.gov/imo/media/doc/grassley_to_osc_-_hhs_whistleblower_protections.pdf); Letter from Senator Grassley to DOJ-OIG Horowitz (Feb. 12, 2024) [https://www.grassley.senate.gov/imo/media/doc/grassley\\_to\\_doj\\_oig\\_-\\_protected\\_whistleblower\\_disclosures.pdf](https://www.grassley.senate.gov/imo/media/doc/grassley_to_doj_oig_-_protected_whistleblower_disclosures.pdf); Letter from Senator Grassley to Bureau of Alcohol, Tobacco, Firearms, and Explosives Director Dettelbach (Feb. 12, 2024) [https://www.grassley.senate.gov/imo/media/doc/grassley\\_to\\_atf\\_-\\_protected\\_whistleblower\\_disclosures.pdf](https://www.grassley.senate.gov/imo/media/doc/grassley_to_atf_-_protected_whistleblower_disclosures.pdf); Letter from Senator Grassley to Inspector General Horowitz (Mar. 8, 2024) [https://www.grassley.senate.gov/imo/media/doc/grassley\\_to\\_doj\\_inspector\\_general\\_-\\_eoir\\_disclosures\\_to\\_congress.pdf](https://www.grassley.senate.gov/imo/media/doc/grassley_to_doj_inspector_general_-_eoir_disclosures_to_congress.pdf); Letter from Senator Grassley to Attorney General Garland (Mar. 8, 2024) [https://www.grassley.senate.gov/imo/media/doc/grassley\\_to\\_doj\\_-\\_eoir\\_disclosures\\_to\\_congress.pdf](https://www.grassley.senate.gov/imo/media/doc/grassley_to_doj_-_eoir_disclosures_to_congress.pdf); Letter from Senator Grassley to Executive Office for Immigration Review Director David Neal (Mar. 8, 2024) [https://www.grassley.senate.gov/imo/media/doc/grassley\\_to\\_executive\\_office\\_for\\_immigration\\_review\\_-\\_eoir\\_disclosures\\_to\\_congress.pdf](https://www.grassley.senate.gov/imo/media/doc/grassley_to_executive_office_for_immigration_review_-_eoir_disclosures_to_congress.pdf).

United States Senate  
WASHINGTON, DC 20510

March 11, 2024

**VIA ELECTRONIC TRANSMISSION**

Ms. Deborah J. Jeffrey  
Inspector General  
Securities and Exchange Commission

Dear Inspector General Jeffrey:

Whistleblowers are patriots and the government's most powerful tool in rooting out waste, fraud, abuse, and misconduct. Nevertheless, federal agencies continue to implement nondisclosure policies and similar agreements without the inclusion of the "anti-gag" provision as required by law.<sup>1</sup> This failure has a chilling effect that discourages whistleblowers from reporting allegations of misconduct to Congress, Inspectors General (IG), and the Office of Special Counsel (OSC). The "anti-gag" provision has been included in almost every appropriations bill since 1988 and was codified in the Whistleblower Protection Enhancement Act.<sup>2</sup>

The anti-gag law requires all federal agency nondisclosure policies, forms, or agreements to include the following explicit statement notifying the employee of their rights to report wrongdoing:

These provisions are consistent with and do not supersede, conflict with, or otherwise alter the employee obligations, rights, or liabilities created by existing statute or Executive order relating to (1) classified information, (2) communications to Congress, (3) the reporting to an Inspector General or the Office of Special Counsel of a violation of any law, rule, or regulation, or mismanagement, a gross waste of funds, an abuse of authority, or a substantial and specific danger to public health or safety, or (4) any other whistleblower protection. The definitions, requirements, obligations, rights, sanctions, and liabilities created by controlling Executive orders and statutory provisions are incorporated into this agreement and are controlling.<sup>3</sup>

Appropriation law prohibits the use of government funds to enforce these agreements if they fail to contain the anti-gag provision.<sup>4</sup>

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<sup>1</sup> 5 USC § 2302(b)(13); Pub. L. No. 117-328

<sup>2</sup> *Id.*

<sup>3</sup> 5 USC § 2302(b)(13).

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Even though Congress made it abundantly clear that employees are required to be informed of their rights to make legally protected disclosures, there's a growing trend among federal agencies to use nondisclosure policies and similar agreements without the inclusion of the anti-gag provision in violation of the law.<sup>5</sup> This is unacceptable.

The importance of whistleblowers knowing their rights under the law cannot be stated enough, and federal agencies should encourage their employees to disclose allegations of waste, fraud, and abuse. Federal agencies cannot be allowed to conceal their wrongdoing behind illegal nondisclosure policies and related actions. Accordingly, I request that you review all nondisclosure policies, forms, agreements, and related documents specific to your agency to ensure the anti-gag provision is included as required by law.

Thank you for your prompt review and response. If you have any questions, please contact Brian Randolph on my Committee staff at (202) 224-0642.

Sincerely,



Charles E. Grassley  
Ranking Member  
Committee on the Budget

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<sup>5</sup> See Letter from Senators Grassley and Johnson to Inspector General Horowitz (Apr. 19, 2023) [https://www.grassley.senate.gov/imo/media/doc/grassley\\_johnson\\_to\\_justice\\_deptinspectorgeneralfbiantigagprovision.pdf](https://www.grassley.senate.gov/imo/media/doc/grassley_johnson_to_justice_deptinspectorgeneralfbiantigagprovision.pdf); Letter from Senators Grassley and Johnson to Inspectors General Horowitz and George (Jun 6, 2023) [https://www.grassley.senate.gov/imo/media/doc/grassley\\_johnson\\_to\\_doj\\_oig\\_tigta\\_-\\_whistleblower\\_retaliation.pdf](https://www.grassley.senate.gov/imo/media/doc/grassley_johnson_to_doj_oig_tigta_-_whistleblower_retaliation.pdf); Letter from Senators Grassley and Johnson to Internal Revenue Service Commissioner Werfel (Jun. 6, 2023) [https://www.grassley.senate.gov/imo/media/doc/grassley\\_johnson\\_to\\_irs\\_-\\_protected\\_whistleblower\\_disclosure.pdf](https://www.grassley.senate.gov/imo/media/doc/grassley_johnson_to_irs_-_protected_whistleblower_disclosure.pdf); Letter from Senator Grassley, Senator Johnson, Representative Smith, and Representative Comer to Special Counsel Kerner (Jul. 5, 2023) [https://www.grassley.senate.gov/imo/media/doc/grassley\\_johnson\\_comer\\_jordan\\_smith\\_to\\_osc\\_-\\_whistleblower\\_retaliation.pdf](https://www.grassley.senate.gov/imo/media/doc/grassley_johnson_comer_jordan_smith_to_osc_-_whistleblower_retaliation.pdf); Letter from Senator Grassley to Health and Human Services Secretary Becerra, Administration for Children and Families Acting Assistant Secretary Hild, and Office of Refugee Resettlement Director Marcos (Nov. 21, 2023) [https://www.grassley.senate.gov/imo/media/doc/grassley\\_to\\_hhs\\_acf\\_and\\_orr\\_-\\_whistleblower\\_protections.pdf](https://www.grassley.senate.gov/imo/media/doc/grassley_to_hhs_acf_and_orr_-_whistleblower_protections.pdf); Letter from Senator Grassley to Acting Special Counsel Gorman (Nov. 21, 2023) [https://www.grassley.senate.gov/imo/media/doc/grassley\\_to\\_osc\\_-\\_hhs\\_whistleblower\\_protections.pdf](https://www.grassley.senate.gov/imo/media/doc/grassley_to_osc_-_hhs_whistleblower_protections.pdf); Letter from Senator Grassley to DOJ-OIG Horowitz (Feb. 12, 2024) [https://www.grassley.senate.gov/imo/media/doc/grassley\\_to\\_doj\\_oig\\_-\\_protected\\_whistleblower\\_disclosures.pdf](https://www.grassley.senate.gov/imo/media/doc/grassley_to_doj_oig_-_protected_whistleblower_disclosures.pdf); Letter from Senator Grassley to Bureau of Alcohol, Tobacco, Firearms, and Explosives Director Dettelbach (Feb. 12, 2024) [https://www.grassley.senate.gov/imo/media/doc/grassley\\_to\\_atf\\_-\\_protected\\_whistleblower\\_disclosures.pdf](https://www.grassley.senate.gov/imo/media/doc/grassley_to_atf_-_protected_whistleblower_disclosures.pdf); Letter from Senator Grassley to Inspector General Horowitz (Mar. 8, 2024) [https://www.grassley.senate.gov/imo/media/doc/grassley\\_to\\_doj\\_inspector\\_general\\_-\\_eoir\\_disclosures\\_to\\_congress.pdf](https://www.grassley.senate.gov/imo/media/doc/grassley_to_doj_inspector_general_-_eoir_disclosures_to_congress.pdf); Letter from Senator Grassley to Attorney General Garland (Mar. 8, 2024) [https://www.grassley.senate.gov/imo/media/doc/grassley\\_to\\_doj\\_-\\_eoir\\_disclosures\\_to\\_congress.pdf](https://www.grassley.senate.gov/imo/media/doc/grassley_to_doj_-_eoir_disclosures_to_congress.pdf); Letter from Senator Grassley to Executive Office for Immigration Review Director David Neal (Mar. 8, 2024) [https://www.grassley.senate.gov/imo/media/doc/grassley\\_to\\_executive\\_office\\_for\\_immigration\\_review\\_-\\_eoir\\_disclosures\\_to\\_congress.pdf](https://www.grassley.senate.gov/imo/media/doc/grassley_to_executive_office_for_immigration_review_-_eoir_disclosures_to_congress.pdf).

**United States Senate**  
WASHINGTON, DC 20510

March 11, 2024

**VIA ELECTRONIC TRANSMISSION**

The Honorable Hannibal Ware  
Inspector General  
Small Business Administration

Dear Inspector General Ware:

Whistleblowers are patriots and the government's most powerful tool in rooting out waste, fraud, abuse, and misconduct. Nevertheless, federal agencies continue to implement nondisclosure policies and similar agreements without the inclusion of the "anti-gag" provision as required by law.<sup>1</sup> This failure has a chilling effect that discourages whistleblowers from reporting allegations of misconduct to Congress, Inspectors General (IG), and the Office of Special Counsel (OSC). The "anti-gag" provision has been included in almost every appropriations bill since 1988 and was codified in the Whistleblower Protection Enhancement Act.<sup>2</sup>

The anti-gag law requires all federal agency nondisclosure policies, forms, or agreements to include the following explicit statement notifying the employee of their rights to report wrongdoing:

These provisions are consistent with and do not supersede, conflict with, or otherwise alter the employee obligations, rights, or liabilities created by existing statute or Executive order relating to (1) classified information, (2) communications to Congress, (3) the reporting to an Inspector General or the Office of Special Counsel of a violation of any law, rule, or regulation, or mismanagement, a gross waste of funds, an abuse of authority, or a substantial and specific danger to public health or safety, or (4) any other whistleblower protection. The definitions, requirements, obligations, rights, sanctions, and liabilities created by controlling Executive orders and statutory provisions are incorporated into this agreement and are controlling.<sup>3</sup>

Appropriation law prohibits the use of government funds to enforce these agreements if they fail to contain the anti-gag provision.<sup>4</sup>

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<sup>1</sup> 5 USC § 2302(b)(13); Pub. L. No. 117-328

<sup>2</sup> *Id.*

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Even though Congress made it abundantly clear that employees are required to be informed of their rights to make legally protected disclosures, there's a growing trend among federal agencies to use nondisclosure policies and similar agreements without the inclusion of the anti-gag provision in violation of the law.<sup>5</sup> This is unacceptable.

The importance of whistleblowers knowing their rights under the law cannot be stated enough, and federal agencies should encourage their employees to disclose allegations of waste, fraud, and abuse. Federal agencies cannot be allowed to conceal their wrongdoing behind illegal nondisclosure policies and related actions. Accordingly, I request that you review all nondisclosure policies, forms, agreements, and related documents specific to your agency to ensure the anti-gag provision is included as required by law.

Thank you for your prompt review and response. If you have any questions, please contact Brian Randolph on my Committee staff at (202) 224-0642.

Sincerely,



Charles E. Grassley  
Ranking Member  
Committee on the Budget

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<sup>5</sup> See Letter from Senators Grassley and Johnson to Inspector General Horowitz (Apr. 19, 2023) [https://www.grassley.senate.gov/imo/media/doc/grassley\\_johnson\\_to\\_justice\\_deptinspectorgeneralfbiantigagprovision.pdf](https://www.grassley.senate.gov/imo/media/doc/grassley_johnson_to_justice_deptinspectorgeneralfbiantigagprovision.pdf); Letter from Senators Grassley and Johnson to Inspectors General Horowitz and George (Jun 6, 2023) [https://www.grassley.senate.gov/imo/media/doc/grassley\\_johnson\\_to\\_dojoigtiga\\_-\\_whistleblower\\_retaliation.pdf](https://www.grassley.senate.gov/imo/media/doc/grassley_johnson_to_dojoigtiga_-_whistleblower_retaliation.pdf); Letter from Senators Grassley and Johnson to Internal Revenue Service Commissioner Werfel (Jun. 6, 2023) [https://www.grassley.senate.gov/imo/media/doc/grassley\\_johnson\\_to\\_irs\\_-\\_protected\\_whistleblower\\_disclosure.pdf](https://www.grassley.senate.gov/imo/media/doc/grassley_johnson_to_irs_-_protected_whistleblower_disclosure.pdf); Letter from Senator Grassley, Senator Johnson, Representative Smith, and Representative Comer to Special Counsel Kerner (Jul. 5, 2023) [https://www.grassley.senate.gov/imo/media/doc/grassley\\_johnson\\_comer\\_jordan\\_smith\\_to\\_osc\\_-\\_whistleblower\\_retaliation.pdf](https://www.grassley.senate.gov/imo/media/doc/grassley_johnson_comer_jordan_smith_to_osc_-_whistleblower_retaliation.pdf); Letter from Senator Grassley to Health and Human Services Secretary Becerra, Administration for Children and Families Acting Assistant Secretary Hild, and Office of Refugee Resettlement Director Marcos (Nov. 21, 2023) [https://www.grassley.senate.gov/imo/media/doc/grassley\\_to\\_hhs\\_acf\\_and\\_orr\\_-\\_whistleblower\\_protections.pdf](https://www.grassley.senate.gov/imo/media/doc/grassley_to_hhs_acf_and_orr_-_whistleblower_protections.pdf); Letter from Senator Grassley to Acting Special Counsel Gorman (Nov. 21, 2023) [https://www.grassley.senate.gov/imo/media/doc/grassley\\_to\\_osc\\_-\\_hhs\\_whistleblower\\_protections.pdf](https://www.grassley.senate.gov/imo/media/doc/grassley_to_osc_-_hhs_whistleblower_protections.pdf); Letter from Senator Grassley to DOJ-OIG Horowitz (Feb. 12, 2024) [https://www.grassley.senate.gov/imo/media/doc/grassley\\_to\\_doj\\_oig\\_-\\_protected\\_whistleblower\\_disclosures.pdf](https://www.grassley.senate.gov/imo/media/doc/grassley_to_doj_oig_-_protected_whistleblower_disclosures.pdf); Letter from Senator Grassley to Bureau of Alcohol, Tobacco, Firearms, and Explosives Director Dettelbach (Feb. 12, 2024) [https://www.grassley.senate.gov/imo/media/doc/grassley\\_to\\_atf\\_-\\_protected\\_whistleblower\\_disclosures.pdf](https://www.grassley.senate.gov/imo/media/doc/grassley_to_atf_-_protected_whistleblower_disclosures.pdf); Letter from Senator Grassley to Inspector General Horowitz (Mar. 8, 2024) [https://www.grassley.senate.gov/imo/media/doc/grassley\\_to\\_doj\\_inspector\\_general\\_-\\_eoir\\_disclosures\\_to\\_congress.pdf](https://www.grassley.senate.gov/imo/media/doc/grassley_to_doj_inspector_general_-_eoir_disclosures_to_congress.pdf); Letter from Senator Grassley to Attorney General Garland (Mar. 8, 2024) [https://www.grassley.senate.gov/imo/media/doc/grassley\\_to\\_doj\\_-\\_eoir\\_disclosures\\_to\\_congress.pdf](https://www.grassley.senate.gov/imo/media/doc/grassley_to_doj_-_eoir_disclosures_to_congress.pdf); Letter from Senator Grassley to Executive Office for Immigration Review Director David Neal (Mar. 8, 2024) [https://www.grassley.senate.gov/imo/media/doc/grassley\\_to\\_executive\\_office\\_for\\_immigration\\_review\\_-\\_eoir\\_disclosures\\_to\\_congress.pdf](https://www.grassley.senate.gov/imo/media/doc/grassley_to_executive_office_for_immigration_review_-_eoir_disclosures_to_congress.pdf).

United States Senate  
WASHINGTON, DC 20510

March 11, 2024

**VIA ELECTRONIC TRANSMISSION**

Ms. Joan Mockridge  
Acting Inspector General  
Smithsonian Institution

Dear Acting Inspector General Mockridge:

Whistleblowers are patriots and the government's most powerful tool in rooting out waste, fraud, abuse, and misconduct. Nevertheless, federal agencies continue to implement nondisclosure policies and similar agreements without the inclusion of the "anti-gag" provision as required by law.<sup>1</sup> This failure has a chilling effect that discourages whistleblowers from reporting allegations of misconduct to Congress, Inspectors General (IG), and the Office of Special Counsel (OSC). The "anti-gag" provision has been included in almost every appropriations bill since 1988 and was codified in the Whistleblower Protection Enhancement Act.<sup>2</sup>

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Even though Congress made it abundantly clear that employees are required to be informed of their rights to make legally protected disclosures, there's a growing trend among federal agencies to use nondisclosure policies and similar agreements without the inclusion of the anti-gag provision in violation of the law.<sup>5</sup> This is unacceptable.

The importance of whistleblowers knowing their rights under the law cannot be stated enough, and federal agencies should encourage their employees to disclose allegations of waste, fraud, and abuse. Federal agencies cannot be allowed to conceal their wrongdoing behind illegal nondisclosure policies and related actions. Accordingly, I request that you review all nondisclosure policies, forms, agreements, and related documents specific to your agency to ensure the anti-gag provision is included as required by law.

Thank you for your prompt review and response. If you have any questions, please contact Brian Randolph on my Committee staff at (202) 224-0642.

Sincerely,



Charles E. Grassley  
Ranking Member  
Committee on the Budget

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<sup>5</sup> See Letter from Senators Grassley and Johnson to Inspector General Horowitz (Apr. 19, 2023) [https://www.grassley.senate.gov/imo/media/doc/grassley\\_johnson\\_to\\_justice\\_deptinspectorgeneralfbiantigagprovision.pdf](https://www.grassley.senate.gov/imo/media/doc/grassley_johnson_to_justice_deptinspectorgeneralfbiantigagprovision.pdf); Letter from Senators Grassley and Johnson to Inspectors General Horowitz and George (Jun 6, 2023) [https://www.grassley.senate.gov/imo/media/doc/grassley\\_johnson\\_to\\_dojoig\\_tigta\\_-\\_whistleblower\\_retaliation.pdf](https://www.grassley.senate.gov/imo/media/doc/grassley_johnson_to_dojoig_tigta_-_whistleblower_retaliation.pdf); Letter from Senators Grassley and Johnson to Internal Revenue Service Commissioner Werfel (Jun. 6, 2023) [https://www.grassley.senate.gov/imo/media/doc/grassley\\_johnson\\_to\\_irs\\_-\\_protected\\_whistleblower\\_disclosure.pdf](https://www.grassley.senate.gov/imo/media/doc/grassley_johnson_to_irs_-_protected_whistleblower_disclosure.pdf); Letter from Senator Grassley, Senator Johnson, Representative Smith, and Representative Comer to Special Counsel Kerner (Jul. 5, 2023) [https://www.grassley.senate.gov/imo/media/doc/grassley\\_johnson\\_comer\\_jordan\\_smith\\_to\\_osc\\_-\\_whistleblower\\_retaliation.pdf](https://www.grassley.senate.gov/imo/media/doc/grassley_johnson_comer_jordan_smith_to_osc_-_whistleblower_retaliation.pdf); Letter from Senator Grassley to Health and Human Services Secretary Becerra, Administration for Children and Families Acting Assistant Secretary Hild, and Office of Refugee Resettlement Director Marcos (Nov. 21, 2023) [https://www.grassley.senate.gov/imo/media/doc/grassley\\_to\\_hhs\\_acf\\_and\\_orr\\_-\\_whistleblower\\_protections.pdf](https://www.grassley.senate.gov/imo/media/doc/grassley_to_hhs_acf_and_orr_-_whistleblower_protections.pdf); Letter from Senator Grassley to Acting Special Counsel Gorman (Nov. 21, 2023) [https://www.grassley.senate.gov/imo/media/doc/grassley\\_to\\_osc\\_-\\_hhs\\_whistleblower\\_protections.pdf](https://www.grassley.senate.gov/imo/media/doc/grassley_to_osc_-_hhs_whistleblower_protections.pdf); Letter from Senator Grassley to DOJ-OIG Horowitz (Feb. 12, 2024) [https://www.grassley.senate.gov/imo/media/doc/grassley\\_to\\_doj\\_oig\\_-\\_protected\\_whistleblower\\_disclosures.pdf](https://www.grassley.senate.gov/imo/media/doc/grassley_to_doj_oig_-_protected_whistleblower_disclosures.pdf); Letter from Senator Grassley to Bureau of Alcohol, Tobacco, Firearms, and Explosives Director Dettelbach (Feb. 12, 2024) [https://www.grassley.senate.gov/imo/media/doc/grassley\\_to\\_atf\\_-\\_protected\\_whistleblower\\_disclosures.pdf](https://www.grassley.senate.gov/imo/media/doc/grassley_to_atf_-_protected_whistleblower_disclosures.pdf); Letter from Senator Grassley to Inspector General Horowitz (Mar. 8, 2024) [https://www.grassley.senate.gov/imo/media/doc/grassley\\_to\\_doj\\_inspector\\_general\\_-\\_eoir\\_disclosures\\_to\\_congress.pdf](https://www.grassley.senate.gov/imo/media/doc/grassley_to_doj_inspector_general_-_eoir_disclosures_to_congress.pdf); Letter from Senator Grassley to Attorney General Garland (Mar. 8, 2024) [https://www.grassley.senate.gov/imo/media/doc/grassley\\_to\\_doj\\_-\\_eoir\\_disclosures\\_to\\_congress.pdf](https://www.grassley.senate.gov/imo/media/doc/grassley_to_doj_-_eoir_disclosures_to_congress.pdf); Letter from Senator Grassley to Executive Office for Immigration Review Director David Neal (Mar. 8, 2024) [https://www.grassley.senate.gov/imo/media/doc/grassley\\_to\\_executive\\_office\\_for\\_immigration\\_review\\_-\\_eoir\\_disclosures\\_to\\_congress.pdf](https://www.grassley.senate.gov/imo/media/doc/grassley_to_executive_office_for_immigration_review_-_eoir_disclosures_to_congress.pdf).

United States Senate  
WASHINGTON, DC 20510

March 11, 2024

**VIA ELECTRONIC TRANSMISSION**

The Honorable Gail S. Ennis  
Inspector General  
Social Security Administration

Dear Inspector General Ennis:

Whistleblowers are patriots and the government's most powerful tool in rooting out waste, fraud, abuse, and misconduct. Nevertheless, federal agencies continue to implement nondisclosure policies and similar agreements without the inclusion of the "anti-gag" provision as required by law.<sup>1</sup> This failure has a chilling effect that discourages whistleblowers from reporting allegations of misconduct to Congress, Inspectors General (IG), and the Office of Special Counsel (OSC). The "anti-gag" provision has been included in almost every appropriations bill since 1988 and was codified in the Whistleblower Protection Enhancement Act.<sup>2</sup>

The anti-gag law requires all federal agency nondisclosure policies, forms, or agreements to include the following explicit statement notifying the employee of their rights to report wrongdoing:

These provisions are consistent with and do not supersede, conflict with, or otherwise alter the employee obligations, rights, or liabilities created by existing statute or Executive order relating to (1) classified information, (2) communications to Congress, (3) the reporting to an Inspector General or the Office of Special Counsel of a violation of any law, rule, or regulation, or mismanagement, a gross waste of funds, an abuse of authority, or a substantial and specific danger to public health or safety, or (4) any other whistleblower protection. The definitions, requirements, obligations, rights, sanctions, and liabilities created by controlling Executive orders and statutory provisions are incorporated into this agreement and are controlling.<sup>3</sup>

Appropriation law prohibits the use of government funds to enforce these agreements if they fail to contain the anti-gag provision.<sup>4</sup>

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<sup>1</sup> 5 USC § 2302(b)(13); Pub. L. No. 117-328

<sup>2</sup> *Id.*

<sup>3</sup> 5 USC § 2302(b)(13).

<sup>4</sup> Pub. L. No. 117-328.

Even though Congress made it abundantly clear that employees are required to be informed of their rights to make legally protected disclosures, there's a growing trend among federal agencies to use nondisclosure policies and similar agreements without the inclusion of the anti-gag provision in violation of the law.<sup>5</sup> This is unacceptable.

The importance of whistleblowers knowing their rights under the law cannot be stated enough, and federal agencies should encourage their employees to disclose allegations of waste, fraud, and abuse. Federal agencies cannot be allowed to conceal their wrongdoing behind illegal nondisclosure policies and related actions. Accordingly, I request that you review all nondisclosure policies, forms, agreements, and related documents specific to your agency to ensure the anti-gag provision is included as required by law.

Thank you for your prompt review and response. If you have any questions, please contact Brian Randolph on my Committee staff at (202) 224-0642.

Sincerely,



Charles E. Grassley  
Ranking Member  
Committee on the Budget

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<sup>5</sup> See Letter from Senators Grassley and Johnson to Inspector General Horowitz (Apr. 19, 2023) [https://www.grassley.senate.gov/imo/media/doc/grassley\\_johnson\\_to\\_justice\\_deptinspectorgeneralfbiantigagprovision.pdf](https://www.grassley.senate.gov/imo/media/doc/grassley_johnson_to_justice_deptinspectorgeneralfbiantigagprovision.pdf); Letter from Senators Grassley and Johnson to Inspectors General Horowitz and George (Jun 6, 2023) [https://www.grassley.senate.gov/imo/media/doc/grassley\\_johnson\\_to\\_dojoigtiga\\_-\\_whistleblower\\_retaliation.pdf](https://www.grassley.senate.gov/imo/media/doc/grassley_johnson_to_dojoigtiga_-_whistleblower_retaliation.pdf); Letter from Senators Grassley and Johnson to Internal Revenue Service Commissioner Werfel (Jun. 6, 2023) [https://www.grassley.senate.gov/imo/media/doc/grassley\\_johnson\\_to\\_irs\\_-\\_protected\\_whistleblower\\_disclosure.pdf](https://www.grassley.senate.gov/imo/media/doc/grassley_johnson_to_irs_-_protected_whistleblower_disclosure.pdf); Letter from Senator Grassley, Senator Johnson, Representative Smith, and Representative Comer to Special Counsel Kerner (Jul. 5, 2023) [https://www.grassley.senate.gov/imo/media/doc/grassley\\_johnson\\_comer\\_jordan\\_smith\\_to\\_osc\\_-\\_whistleblower\\_retaliation.pdf](https://www.grassley.senate.gov/imo/media/doc/grassley_johnson_comer_jordan_smith_to_osc_-_whistleblower_retaliation.pdf); Letter from Senator Grassley to Health and Human Services Secretary Becerra, Administration for Children and Families Acting Assistant Secretary Hild, and Office of Refugee Resettlement Director Marcos (Nov. 21, 2023) [https://www.grassley.senate.gov/imo/media/doc/grassley\\_to\\_hhs\\_acf\\_and\\_orr\\_-\\_whistleblower\\_protections.pdf](https://www.grassley.senate.gov/imo/media/doc/grassley_to_hhs_acf_and_orr_-_whistleblower_protections.pdf); Letter from Senator Grassley to Acting Special Counsel Gorman (Nov. 21, 2023) [https://www.grassley.senate.gov/imo/media/doc/grassley\\_to\\_osc\\_-\\_hhs\\_whistleblower\\_protections.pdf](https://www.grassley.senate.gov/imo/media/doc/grassley_to_osc_-_hhs_whistleblower_protections.pdf); Letter from Senator Grassley to DOJ-OIG Horowitz (Feb. 12, 2024) [https://www.grassley.senate.gov/imo/media/doc/grassley\\_to\\_doj\\_oig\\_-\\_protected\\_whistleblower\\_disclosures.pdf](https://www.grassley.senate.gov/imo/media/doc/grassley_to_doj_oig_-_protected_whistleblower_disclosures.pdf); Letter from Senator Grassley to Bureau of Alcohol, Tobacco, Firearms, and Explosives Director Dettelbach (Feb. 12, 2024) [https://www.grassley.senate.gov/imo/media/doc/grassley\\_to\\_atf\\_-\\_protected\\_whistleblower\\_disclosures.pdf](https://www.grassley.senate.gov/imo/media/doc/grassley_to_atf_-_protected_whistleblower_disclosures.pdf); Letter from Senator Grassley to Inspector General Horowitz (Mar. 8, 2024) [https://www.grassley.senate.gov/imo/media/doc/grassley\\_to\\_doj\\_inspector\\_general\\_-\\_eoir\\_disclosures\\_to\\_congress.pdf](https://www.grassley.senate.gov/imo/media/doc/grassley_to_doj_inspector_general_-_eoir_disclosures_to_congress.pdf); Letter from Senator Grassley to Attorney General Garland (Mar. 8, 2024) [https://www.grassley.senate.gov/imo/media/doc/grassley\\_to\\_doj\\_-\\_eoir\\_disclosures\\_to\\_congress.pdf](https://www.grassley.senate.gov/imo/media/doc/grassley_to_doj_-_eoir_disclosures_to_congress.pdf); Letter from Senator Grassley to Executive Office for Immigration Review Director David Neal (Mar. 8, 2024) [https://www.grassley.senate.gov/imo/media/doc/grassley\\_to\\_executive\\_office\\_for\\_immigration\\_review\\_-\\_eoir\\_disclosures\\_to\\_congress.pdf](https://www.grassley.senate.gov/imo/media/doc/grassley_to_executive_office_for_immigration_review_-_eoir_disclosures_to_congress.pdf).

United States Senate  
WASHINGTON, DC 20510

March 11, 2024

**VIA ELECTRONIC TRANSMISSION**

The Honorable Ben R. Wagner  
Inspector General  
Tennessee Valley Authority

Dear Inspector General Wagner:

Whistleblowers are patriots and the government's most powerful tool in rooting out waste, fraud, abuse, and misconduct. Nevertheless, federal agencies continue to implement nondisclosure policies and similar agreements without the inclusion of the "anti-gag" provision as required by law.<sup>1</sup> This failure has a chilling effect that discourages whistleblowers from reporting allegations of misconduct to Congress, Inspectors General (IG), and the Office of Special Counsel (OSC). The "anti-gag" provision has been included in almost every appropriations bill since 1988 and was codified in the Whistleblower Protection Enhancement Act.<sup>2</sup>

The anti-gag law requires all federal agency nondisclosure policies, forms, or agreements to include the following explicit statement notifying the employee of their rights to report wrongdoing:

These provisions are consistent with and do not supersede, conflict with, or otherwise alter the employee obligations, rights, or liabilities created by existing statute or Executive order relating to (1) classified information, (2) communications to Congress, (3) the reporting to an Inspector General or the Office of Special Counsel of a violation of any law, rule, or regulation, or mismanagement, a gross waste of funds, an abuse of authority, or a substantial and specific danger to public health or safety, or (4) any other whistleblower protection. The definitions, requirements, obligations, rights, sanctions, and liabilities created by controlling Executive orders and statutory provisions are incorporated into this agreement and are controlling.<sup>3</sup>

Appropriation law prohibits the use of government funds to enforce these agreements if they fail to contain the anti-gag provision.<sup>4</sup>

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<sup>1</sup> 5 USC § 2302(b)(13); Pub. L. No. 117-328

<sup>2</sup> *Id.*

<sup>3</sup> 5 USC § 2302(b)(13).

<sup>4</sup> Pub. L. No. 117-328.

Even though Congress made it abundantly clear that employees are required to be informed of their rights to make legally protected disclosures, there's a growing trend among federal agencies to use nondisclosure policies and similar agreements without the inclusion of the anti-gag provision in violation of the law.<sup>5</sup> This is unacceptable.

The importance of whistleblowers knowing their rights under the law cannot be stated enough, and federal agencies should encourage their employees to disclose allegations of waste, fraud, and abuse. Federal agencies cannot be allowed to conceal their wrongdoing behind illegal nondisclosure policies and related actions. Accordingly, I request that you review all nondisclosure policies, forms, agreements, and related documents specific to your agency to ensure the anti-gag provision is included as required by law.

Thank you for your prompt review and response. If you have any questions, please contact Brian Randolph on my Committee staff at (202) 224-0642.

Sincerely,



Charles E. Grassley  
Ranking Member  
Committee on the Budget

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<sup>5</sup> See Letter from Senators Grassley and Johnson to Inspector General Horowitz (Apr. 19, 2023) [https://www.grassley.senate.gov/imo/media/doc/grassley\\_johnson\\_to\\_justice\\_deptinspectorgeneralfbiantigagprovision.pdf](https://www.grassley.senate.gov/imo/media/doc/grassley_johnson_to_justice_deptinspectorgeneralfbiantigagprovision.pdf); Letter from Senators Grassley and Johnson to Inspectors General Horowitz and George (Jun 6, 2023) [https://www.grassley.senate.gov/imo/media/doc/grassley\\_johnson\\_to\\_doj\\_oig\\_tigta\\_-\\_whistleblower\\_retaliation.pdf](https://www.grassley.senate.gov/imo/media/doc/grassley_johnson_to_doj_oig_tigta_-_whistleblower_retaliation.pdf); Letter from Senators Grassley and Johnson to Internal Revenue Service Commissioner Werfel (Jun. 6, 2023) [https://www.grassley.senate.gov/imo/media/doc/grassley\\_johnson\\_to\\_irs\\_-\\_protected\\_whistleblower\\_disclosure.pdf](https://www.grassley.senate.gov/imo/media/doc/grassley_johnson_to_irs_-_protected_whistleblower_disclosure.pdf); Letter from Senator Grassley, Senator Johnson, Representative Smith, and Representative Comer to Special Counsel Kerner (Jul. 5, 2023) [https://www.grassley.senate.gov/imo/media/doc/grassley\\_johnson\\_comer\\_jordan\\_smith\\_to\\_osc\\_-\\_whistleblower\\_retaliation.pdf](https://www.grassley.senate.gov/imo/media/doc/grassley_johnson_comer_jordan_smith_to_osc_-_whistleblower_retaliation.pdf); Letter from Senator Grassley to Health and Human Services Secretary Becerra, Administration for Children and Families Acting Assistant Secretary Hild, and Office of Refugee Resettlement Director Marcos (Nov. 21, 2023) [https://www.grassley.senate.gov/imo/media/doc/grassley\\_to\\_hhs\\_acf\\_and\\_orr\\_-\\_whistleblower\\_protections.pdf](https://www.grassley.senate.gov/imo/media/doc/grassley_to_hhs_acf_and_orr_-_whistleblower_protections.pdf); Letter from Senator Grassley to Acting Special Counsel Gorman (Nov. 21, 2023) [https://www.grassley.senate.gov/imo/media/doc/grassley\\_to\\_osc\\_-\\_hhs\\_whistleblower\\_protections.pdf](https://www.grassley.senate.gov/imo/media/doc/grassley_to_osc_-_hhs_whistleblower_protections.pdf); Letter from Senator Grassley to DOJ-OIG Horowitz (Feb. 12, 2024) [https://www.grassley.senate.gov/imo/media/doc/grassley\\_to\\_doj\\_oig\\_-\\_protected\\_whistleblower\\_disclosures.pdf](https://www.grassley.senate.gov/imo/media/doc/grassley_to_doj_oig_-_protected_whistleblower_disclosures.pdf); Letter from Senator Grassley to Bureau of Alcohol, Tobacco, Firearms, and Explosives Director Dettelbach (Feb. 12, 2024) [https://www.grassley.senate.gov/imo/media/doc/grassley\\_to\\_atf\\_-\\_protected\\_whistleblower\\_disclosures.pdf](https://www.grassley.senate.gov/imo/media/doc/grassley_to_atf_-_protected_whistleblower_disclosures.pdf); Letter from Senator Grassley to Inspector General Horowitz (Mar. 8, 2024) [https://www.grassley.senate.gov/imo/media/doc/grassley\\_to\\_doj\\_inspector\\_general\\_-\\_eoir\\_disclosures\\_to\\_congress.pdf](https://www.grassley.senate.gov/imo/media/doc/grassley_to_doj_inspector_general_-_eoir_disclosures_to_congress.pdf); Letter from Senator Grassley to Attorney General Garland (Mar. 8, 2024) [https://www.grassley.senate.gov/imo/media/doc/grassley\\_to\\_doj\\_-\\_eoir\\_disclosures\\_to\\_congress.pdf](https://www.grassley.senate.gov/imo/media/doc/grassley_to_doj_-_eoir_disclosures_to_congress.pdf); Letter from Senator Grassley to Executive Office for Immigration Review Director David Neal (Mar. 8, 2024) [https://www.grassley.senate.gov/imo/media/doc/grassley\\_to\\_executive\\_office\\_for\\_immigration\\_review\\_-\\_eoir\\_disclosures\\_to\\_congress.pdf](https://www.grassley.senate.gov/imo/media/doc/grassley_to_executive_office_for_immigration_review_-_eoir_disclosures_to_congress.pdf).

United States Senate  
WASHINGTON, DC 20510

March 11, 2024

**VIA ELECTRONIC TRANSMISSION**

Ms. Heather M. Hill  
Acting Inspector General  
Treasury Inspector General for Tax Administration

Dear Acting Inspector General Hill:

Whistleblowers are patriots and the government's most powerful tool in rooting out waste, fraud, abuse, and misconduct. Nevertheless, federal agencies continue to implement nondisclosure policies and similar agreements without the inclusion of the "anti-gag" provision as required by law.<sup>1</sup> This failure has a chilling effect that discourages whistleblowers from reporting allegations of misconduct to Congress, Inspectors General (IG), and the Office of Special Counsel (OSC). The "anti-gag" provision has been included in almost every appropriations bill since 1988 and was codified in the Whistleblower Protection Enhancement Act.<sup>2</sup>

The anti-gag law requires all federal agency nondisclosure policies, forms, or agreements to include the following explicit statement notifying the employee of their rights to report wrongdoing:

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Appropriation law prohibits the use of government funds to enforce these agreements if they fail to contain the anti-gag provision.<sup>4</sup>

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<sup>2</sup> *Id.*

<sup>3</sup> 5 USC § 2302(b)(13).

<sup>4</sup> Pub. L. No. 117-328.

Even though Congress made it abundantly clear that employees are required to be informed of their rights to make legally protected disclosures, there's a growing trend among federal agencies to use nondisclosure policies and similar agreements without the inclusion of the anti-gag provision in violation of the law.<sup>5</sup> This is unacceptable.

The importance of whistleblowers knowing their rights under the law cannot be stated enough, and federal agencies should encourage their employees to disclose allegations of waste, fraud, and abuse. Federal agencies cannot be allowed to conceal their wrongdoing behind illegal nondisclosure policies and related actions. Accordingly, I request that you review all nondisclosure policies, forms, agreements, and related documents specific to your agency to ensure the anti-gag provision is included as required by law.

Thank you for your prompt review and response. If you have any questions, please contact Brian Randolph on my Committee staff at (202) 224-0642.

Sincerely,



Charles E. Grassley  
Ranking Member  
Committee on the Budget

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<sup>5</sup> See Letter from Senators Grassley and Johnson to Inspector General Horowitz (Apr. 19, 2023) [https://www.grassley.senate.gov/imo/media/doc/grassley\\_johnson\\_to\\_justice\\_deptinspectorgeneralfbiantigagprovision.pdf](https://www.grassley.senate.gov/imo/media/doc/grassley_johnson_to_justice_deptinspectorgeneralfbiantigagprovision.pdf); Letter from Senators Grassley and Johnson to Inspectors General Horowitz and George (Jun 6, 2023) [https://www.grassley.senate.gov/imo/media/doc/grassley\\_johnson\\_to\\_dojoigtigta\\_-\\_whistleblower\\_retaliation.pdf](https://www.grassley.senate.gov/imo/media/doc/grassley_johnson_to_dojoigtigta_-_whistleblower_retaliation.pdf); Letter from Senators Grassley and Johnson to Internal Revenue Service Commissioner Werfel (Jun. 6, 2023) [https://www.grassley.senate.gov/imo/media/doc/grassley\\_johnson\\_to\\_irs\\_-\\_protected\\_whistleblower\\_disclosure.pdf](https://www.grassley.senate.gov/imo/media/doc/grassley_johnson_to_irs_-_protected_whistleblower_disclosure.pdf); Letter from Senator Grassley, Senator Johnson, Representative Smith, and Representative Comer to Special Counsel Kerner (Jul. 5, 2023) [https://www.grassley.senate.gov/imo/media/doc/grassley\\_johnson\\_comer\\_jordan\\_smith\\_to\\_osc\\_-\\_whistleblower\\_retaliation.pdf](https://www.grassley.senate.gov/imo/media/doc/grassley_johnson_comer_jordan_smith_to_osc_-_whistleblower_retaliation.pdf); Letter from Senator Grassley to Health and Human Services Secretary Becerra, Administration for Children and Families Acting Assistant Secretary Hild, and Office of Refugee Resettlement Director Marcos (Nov. 21, 2023) [https://www.grassley.senate.gov/imo/media/doc/grassley\\_to\\_hhs\\_acf\\_and\\_orr\\_-\\_whistleblower\\_protections.pdf](https://www.grassley.senate.gov/imo/media/doc/grassley_to_hhs_acf_and_orr_-_whistleblower_protections.pdf); Letter from Senator Grassley to Acting Special Counsel Gorman (Nov. 21, 2023) [https://www.grassley.senate.gov/imo/media/doc/grassley\\_to\\_osc\\_-\\_hhs\\_whistleblower\\_protections.pdf](https://www.grassley.senate.gov/imo/media/doc/grassley_to_osc_-_hhs_whistleblower_protections.pdf); Letter from Senator Grassley to DOJ-OIG Horowitz (Feb. 12, 2024) [https://www.grassley.senate.gov/imo/media/doc/grassley\\_to\\_doj\\_oig\\_-\\_protected\\_whistleblower\\_disclosures.pdf](https://www.grassley.senate.gov/imo/media/doc/grassley_to_doj_oig_-_protected_whistleblower_disclosures.pdf); Letter from Senator Grassley to Bureau of Alcohol, Tobacco, Firearms, and Explosives Director Dettelbach (Feb. 12, 2024) [https://www.grassley.senate.gov/imo/media/doc/grassley\\_to\\_atf\\_-\\_protected\\_whistleblower\\_disclosures.pdf](https://www.grassley.senate.gov/imo/media/doc/grassley_to_atf_-_protected_whistleblower_disclosures.pdf); Letter from Senator Grassley to Inspector General Horowitz (Mar. 8, 2024) [https://www.grassley.senate.gov/imo/media/doc/grassley\\_to\\_doj\\_inspector\\_general\\_-\\_eoir\\_disclosures\\_to\\_congress.pdf](https://www.grassley.senate.gov/imo/media/doc/grassley_to_doj_inspector_general_-_eoir_disclosures_to_congress.pdf); Letter from Senator Grassley to Attorney General Garland (Mar. 8, 2024) [https://www.grassley.senate.gov/imo/media/doc/grassley\\_to\\_doj\\_-\\_eoir\\_disclosures\\_to\\_congress.pdf](https://www.grassley.senate.gov/imo/media/doc/grassley_to_doj_-_eoir_disclosures_to_congress.pdf); Letter from Senator Grassley to Executive Office for Immigration Review Director David Neal (Mar. 8, 2024) [https://www.grassley.senate.gov/imo/media/doc/grassley\\_to\\_executive\\_office\\_for\\_immigration\\_review\\_-\\_eoir\\_disclosures\\_to\\_congress.pdf](https://www.grassley.senate.gov/imo/media/doc/grassley_to_executive_office_for_immigration_review_-_eoir_disclosures_to_congress.pdf).

United States Senate  
WASHINGTON, DC 20510

March 11, 2024

**VIA ELECTRONIC TRANSMISSION**

Ms. Stefania Pozzi Porter  
Inspector General  
U.S. AbilityOne Commission

Dear Inspector General Porter:

Whistleblowers are patriots and the government's most powerful tool in rooting out waste, fraud, abuse, and misconduct. Nevertheless, federal agencies continue to implement nondisclosure policies and similar agreements without the inclusion of the "anti-gag" provision as required by law.<sup>1</sup> This failure has a chilling effect that discourages whistleblowers from reporting allegations of misconduct to Congress, Inspectors General (IG), and the Office of Special Counsel (OSC). The "anti-gag" provision has been included in almost every appropriations bill since 1988 and was codified in the Whistleblower Protection Enhancement Act.<sup>2</sup>

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Thank you for your prompt review and response. If you have any questions, please contact Brian Randolph on my Committee staff at (202) 224-0642.

Sincerely,



Charles E. Grassley  
Ranking Member  
Committee on the Budget

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<sup>5</sup> See Letter from Senators Grassley and Johnson to Inspector General Horowitz (Apr. 19, 2023) [https://www.grassley.senate.gov/imo/media/doc/grassley\\_johnson\\_to\\_justice\\_deptinspectorgeneralfbiantigagprovision.pdf](https://www.grassley.senate.gov/imo/media/doc/grassley_johnson_to_justice_deptinspectorgeneralfbiantigagprovision.pdf); Letter from Senators Grassley and Johnson to Inspectors General Horowitz and George (Jun 6, 2023) [https://www.grassley.senate.gov/imo/media/doc/grassley\\_johnson\\_to\\_dojoigtiga\\_-\\_whistleblower\\_retaliation.pdf](https://www.grassley.senate.gov/imo/media/doc/grassley_johnson_to_dojoigtiga_-_whistleblower_retaliation.pdf); Letter from Senators Grassley and Johnson to Internal Revenue Service Commissioner Werfel (Jun. 6, 2023) [https://www.grassley.senate.gov/imo/media/doc/grassley\\_johnson\\_to\\_irs\\_-\\_protected\\_whistleblower\\_disclosure.pdf](https://www.grassley.senate.gov/imo/media/doc/grassley_johnson_to_irs_-_protected_whistleblower_disclosure.pdf); Letter from Senator Grassley, Senator Johnson, Representative Smith, and Representative Comer to Special Counsel Kerner (Jul. 5, 2023) [https://www.grassley.senate.gov/imo/media/doc/grassley\\_johnson\\_comer\\_jordan\\_smith\\_to\\_osc\\_-\\_whistleblower\\_retaliation.pdf](https://www.grassley.senate.gov/imo/media/doc/grassley_johnson_comer_jordan_smith_to_osc_-_whistleblower_retaliation.pdf); Letter from Senator Grassley to Health and Human Services Secretary Becerra, Administration for Children and Families Acting Assistant Secretary Hild, and Office of Refugee Resettlement Director Marcos (Nov. 21, 2023) [https://www.grassley.senate.gov/imo/media/doc/grassley\\_to\\_hhs\\_acf\\_and\\_orr\\_-\\_whistleblower\\_protections.pdf](https://www.grassley.senate.gov/imo/media/doc/grassley_to_hhs_acf_and_orr_-_whistleblower_protections.pdf); Letter from Senator Grassley to Acting Special Counsel Gorman (Nov. 21, 2023) [https://www.grassley.senate.gov/imo/media/doc/grassley\\_to\\_osc\\_-\\_hhs\\_whistleblower\\_protections.pdf](https://www.grassley.senate.gov/imo/media/doc/grassley_to_osc_-_hhs_whistleblower_protections.pdf); Letter from Senator Grassley to DOJ-OIG Horowitz (Feb. 12, 2024) [https://www.grassley.senate.gov/imo/media/doc/grassley\\_to\\_doj\\_oig\\_-\\_protected\\_whistleblower\\_disclosures.pdf](https://www.grassley.senate.gov/imo/media/doc/grassley_to_doj_oig_-_protected_whistleblower_disclosures.pdf); Letter from Senator Grassley to Bureau of Alcohol, Tobacco, Firearms, and Explosives Director Dettelbach (Feb. 12, 2024) [https://www.grassley.senate.gov/imo/media/doc/grassley\\_to\\_atf\\_-\\_protected\\_whistleblower\\_disclosures.pdf](https://www.grassley.senate.gov/imo/media/doc/grassley_to_atf_-_protected_whistleblower_disclosures.pdf); Letter from Senator Grassley to Inspector General Horowitz (Mar. 8, 2024) [https://www.grassley.senate.gov/imo/media/doc/grassley\\_to\\_doj\\_inspector\\_general\\_-\\_eoir\\_disclosures\\_to\\_congress.pdf](https://www.grassley.senate.gov/imo/media/doc/grassley_to_doj_inspector_general_-_eoir_disclosures_to_congress.pdf); Letter from Senator Grassley to Attorney General Garland (Mar. 8, 2024) [https://www.grassley.senate.gov/imo/media/doc/grassley\\_to\\_doj\\_-\\_eoir\\_disclosures\\_to\\_congress.pdf](https://www.grassley.senate.gov/imo/media/doc/grassley_to_doj_-_eoir_disclosures_to_congress.pdf); Letter from Senator Grassley to Executive Office for Immigration Review Director David Neal (Mar. 8, 2024) [https://www.grassley.senate.gov/imo/media/doc/grassley\\_to\\_executive\\_office\\_for\\_immigration\\_review\\_-\\_eoir\\_disclosures\\_to\\_congress.pdf](https://www.grassley.senate.gov/imo/media/doc/grassley_to_executive_office_for_immigration_review_-_eoir_disclosures_to_congress.pdf).

United States Senate  
WASHINGTON, DC 20510

March 11, 2024

**VIA ELECTRONIC TRANSMISSION**

The Honorable Paul K. Martin  
Inspector General  
U.S. Agency for International Development

Dear Inspector General Martin:

Whistleblowers are patriots and the government's most powerful tool in rooting out waste, fraud, abuse, and misconduct. Nevertheless, federal agencies continue to implement nondisclosure policies and similar agreements without the inclusion of the "anti-gag" provision as required by law.<sup>1</sup> This failure has a chilling effect that discourages whistleblowers from reporting allegations of misconduct to Congress, Inspectors General (IG), and the Office of Special Counsel (OSC). The "anti-gag" provision has been included in almost every appropriations bill since 1988 and was codified in the Whistleblower Protection Enhancement Act.<sup>2</sup>

The anti-gag law requires all federal agency nondisclosure policies, forms, or agreements to include the following explicit statement notifying the employee of their rights to report wrongdoing:

These provisions are consistent with and do not supersede, conflict with, or otherwise alter the employee obligations, rights, or liabilities created by existing statute or Executive order relating to (1) classified information, (2) communications to Congress, (3) the reporting to an Inspector General or the Office of Special Counsel of a violation of any law, rule, or regulation, or mismanagement, a gross waste of funds, an abuse of authority, or a substantial and specific danger to public health or safety, or (4) any other whistleblower protection. The definitions, requirements, obligations, rights, sanctions, and liabilities created by controlling Executive orders and statutory provisions are incorporated into this agreement and are controlling.<sup>3</sup>

Appropriation law prohibits the use of government funds to enforce these agreements if they fail to contain the anti-gag provision.<sup>4</sup>

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<sup>1</sup> 5 USC § 2302(b)(13); Pub. L. No. 117-328

<sup>2</sup> *Id.*

<sup>3</sup> 5 USC § 2302(b)(13).

<sup>4</sup> Pub. L. No. 117-328.

Even though Congress made it abundantly clear that employees are required to be informed of their rights to make legally protected disclosures, there's a growing trend among federal agencies to use nondisclosure policies and similar agreements without the inclusion of the anti-gag provision in violation of the law.<sup>5</sup> This is unacceptable.

The importance of whistleblowers knowing their rights under the law cannot be stated enough, and federal agencies should encourage their employees to disclose allegations of waste, fraud, and abuse. Federal agencies cannot be allowed to conceal their wrongdoing behind illegal nondisclosure policies and related actions. Accordingly, I request that you review all nondisclosure policies, forms, agreements, and related documents specific to your agency to ensure the anti-gag provision is included as required by law.

Thank you for your prompt review and response. If you have any questions, please contact Brian Randolph on my Committee staff at (202) 224-0642.

Sincerely,



Charles E. Grassley  
Ranking Member  
Committee on the Budget

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<sup>5</sup> See Letter from Senators Grassley and Johnson to Inspector General Horowitz (Apr. 19, 2023) [https://www.grassley.senate.gov/imo/media/doc/grassley\\_johnson\\_to\\_justice\\_deptinspectorgeneralfbiantigagprovision.pdf](https://www.grassley.senate.gov/imo/media/doc/grassley_johnson_to_justice_deptinspectorgeneralfbiantigagprovision.pdf); Letter from Senators Grassley and Johnson to Inspectors General Horowitz and George (Jun 6, 2023) [https://www.grassley.senate.gov/imo/media/doc/grassley\\_johnson\\_to\\_dojoigtiga\\_-\\_whistleblower\\_retaliation.pdf](https://www.grassley.senate.gov/imo/media/doc/grassley_johnson_to_dojoigtiga_-_whistleblower_retaliation.pdf); Letter from Senators Grassley and Johnson to Internal Revenue Service Commissioner Werfel (Jun. 6, 2023) [https://www.grassley.senate.gov/imo/media/doc/grassley\\_johnson\\_to\\_irs\\_-\\_protected\\_whistleblower\\_disclosure.pdf](https://www.grassley.senate.gov/imo/media/doc/grassley_johnson_to_irs_-_protected_whistleblower_disclosure.pdf); Letter from Senator Grassley, Senator Johnson, Representative Smith, and Representative Comer to Special Counsel Kerner (Jul. 5, 2023) [https://www.grassley.senate.gov/imo/media/doc/grassley\\_johnson\\_comer\\_jordan\\_smith\\_to\\_osc\\_-\\_whistleblower\\_retaliation.pdf](https://www.grassley.senate.gov/imo/media/doc/grassley_johnson_comer_jordan_smith_to_osc_-_whistleblower_retaliation.pdf); Letter from Senator Grassley to Health and Human Services Secretary Becerra, Administration for Children and Families Acting Assistant Secretary Hild, and Office of Refugee Resettlement Director Marcos (Nov. 21, 2023) [https://www.grassley.senate.gov/imo/media/doc/grassley\\_to\\_hhs\\_acf\\_and\\_orr\\_-\\_whistleblower\\_protections.pdf](https://www.grassley.senate.gov/imo/media/doc/grassley_to_hhs_acf_and_orr_-_whistleblower_protections.pdf); Letter from Senator Grassley to Acting Special Counsel Gorman (Nov. 21, 2023) [https://www.grassley.senate.gov/imo/media/doc/grassley\\_to\\_osc\\_-\\_hhs\\_whistleblower\\_protections.pdf](https://www.grassley.senate.gov/imo/media/doc/grassley_to_osc_-_hhs_whistleblower_protections.pdf); Letter from Senator Grassley to DOJ-OIG Horowitz (Feb. 12, 2024) [https://www.grassley.senate.gov/imo/media/doc/grassley\\_to\\_doj\\_oig\\_-\\_protected\\_whistleblower\\_disclosures.pdf](https://www.grassley.senate.gov/imo/media/doc/grassley_to_doj_oig_-_protected_whistleblower_disclosures.pdf); Letter from Senator Grassley to Bureau of Alcohol, Tobacco, Firearms, and Explosives Director Dettelbach (Feb. 12, 2024) [https://www.grassley.senate.gov/imo/media/doc/grassley\\_to\\_atf\\_-\\_protected\\_whistleblower\\_disclosures.pdf](https://www.grassley.senate.gov/imo/media/doc/grassley_to_atf_-_protected_whistleblower_disclosures.pdf); Letter from Senator Grassley to Inspector General Horowitz (Mar. 8, 2024) [https://www.grassley.senate.gov/imo/media/doc/grassley\\_to\\_doj\\_inspector\\_general\\_-\\_eoir\\_disclosures\\_to\\_congress.pdf](https://www.grassley.senate.gov/imo/media/doc/grassley_to_doj_inspector_general_-_eoir_disclosures_to_congress.pdf); Letter from Senator Grassley to Attorney General Garland (Mar. 8, 2024) [https://www.grassley.senate.gov/imo/media/doc/grassley\\_to\\_doj\\_-\\_eoir\\_disclosures\\_to\\_congress.pdf](https://www.grassley.senate.gov/imo/media/doc/grassley_to_doj_-_eoir_disclosures_to_congress.pdf); Letter from Senator Grassley to Executive Office for Immigration Review Director David Neal (Mar. 8, 2024) [https://www.grassley.senate.gov/imo/media/doc/grassley\\_to\\_executive\\_office\\_for\\_immigration\\_review\\_-\\_eoir\\_disclosures\\_to\\_congress.pdf](https://www.grassley.senate.gov/imo/media/doc/grassley_to_executive_office_for_immigration_review_-_eoir_disclosures_to_congress.pdf).

United States Senate  
WASHINGTON, DC 20510

March 11, 2024

**VIA ELECTRONIC TRANSMISSION**

Mr. David T. Harper  
Inspector General  
U.S. Capitol Police

Dear Inspector General Harper:

Whistleblowers are patriots and the government's most powerful tool in rooting out waste, fraud, abuse, and misconduct. Nevertheless, federal agencies continue to implement nondisclosure policies and similar agreements without the inclusion of the "anti-gag" provision as required by law.<sup>1</sup> This failure has a chilling effect that discourages whistleblowers from reporting allegations of misconduct to Congress, Inspectors General (IG), and the Office of Special Counsel (OSC). The "anti-gag" provision has been included in almost every appropriations bill since 1988 and was codified in the Whistleblower Protection Enhancement Act.<sup>2</sup>

The anti-gag law requires all federal agency nondisclosure policies, forms, or agreements to include the following explicit statement notifying the employee of their rights to report wrongdoing:

These provisions are consistent with and do not supersede, conflict with, or otherwise alter the employee obligations, rights, or liabilities created by existing statute or Executive order relating to (1) classified information, (2) communications to Congress, (3) the reporting to an Inspector General or the Office of Special Counsel of a violation of any law, rule, or regulation, or mismanagement, a gross waste of funds, an abuse of authority, or a substantial and specific danger to public health or safety, or (4) any other whistleblower protection. The definitions, requirements, obligations, rights, sanctions, and liabilities created by controlling Executive orders and statutory provisions are incorporated into this agreement and are controlling.<sup>3</sup>

Appropriation law prohibits the use of government funds to enforce these agreements if they fail to contain the anti-gag provision.<sup>4</sup>

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<sup>1</sup> 5 USC § 2302(b)(13); Pub. L. No. 117-328

<sup>2</sup> *Id.*

<sup>3</sup> 5 USC § 2302(b)(13).

<sup>4</sup> Pub. L. No. 117-328.

Even though Congress made it abundantly clear that employees are required to be informed of their rights to make legally protected disclosures, there's a growing trend among federal agencies to use nondisclosure policies and similar agreements without the inclusion of the anti-gag provision in violation of the law.<sup>5</sup> This is unacceptable.

The importance of whistleblowers knowing their rights under the law cannot be stated enough, and federal agencies should encourage their employees to disclose allegations of waste, fraud, and abuse. Federal agencies cannot be allowed to conceal their wrongdoing behind illegal nondisclosure policies and related actions. Accordingly, I request that you review all nondisclosure policies, forms, agreements, and related documents specific to your agency to ensure the anti-gag provision is included as required by law.

Thank you for your prompt review and response. If you have any questions, please contact Brian Randolph on my Committee staff at (202) 224-0642.

Sincerely,



Charles E. Grassley  
Ranking Member  
Committee on the Budget

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<sup>5</sup> See Letter from Senators Grassley and Johnson to Inspector General Horowitz (Apr. 19, 2023) [https://www.grassley.senate.gov/imo/media/doc/grassley\\_johnson\\_to\\_justice\\_deptinspectorgeneralfbiantigagprovision.pdf](https://www.grassley.senate.gov/imo/media/doc/grassley_johnson_to_justice_deptinspectorgeneralfbiantigagprovision.pdf); Letter from Senators Grassley and Johnson to Inspectors General Horowitz and George (Jun 6, 2023) [https://www.grassley.senate.gov/imo/media/doc/grassley\\_johnson\\_to\\_doj\\_oig\\_tigta\\_-\\_whistleblower\\_retaliation.pdf](https://www.grassley.senate.gov/imo/media/doc/grassley_johnson_to_doj_oig_tigta_-_whistleblower_retaliation.pdf); Letter from Senators Grassley and Johnson to Internal Revenue Service Commissioner Werfel (Jun. 6, 2023) [https://www.grassley.senate.gov/imo/media/doc/grassley\\_johnson\\_to\\_irs\\_-\\_protected\\_whistleblower\\_disclosure.pdf](https://www.grassley.senate.gov/imo/media/doc/grassley_johnson_to_irs_-_protected_whistleblower_disclosure.pdf); Letter from Senator Grassley, Senator Johnson, Representative Smith, and Representative Comer to Special Counsel Kerner (Jul. 5, 2023) [https://www.grassley.senate.gov/imo/media/doc/grassley\\_johnson\\_comer\\_jordan\\_smith\\_to\\_osc\\_-\\_whistleblower\\_retaliation.pdf](https://www.grassley.senate.gov/imo/media/doc/grassley_johnson_comer_jordan_smith_to_osc_-_whistleblower_retaliation.pdf); Letter from Senator Grassley to Health and Human Services Secretary Becerra, Administration for Children and Families Acting Assistant Secretary Hild, and Office of Refugee Resettlement Director Marcos (Nov. 21, 2023) [https://www.grassley.senate.gov/imo/media/doc/grassley\\_to\\_hhs\\_acf\\_and\\_orr\\_-\\_whistleblower\\_protections.pdf](https://www.grassley.senate.gov/imo/media/doc/grassley_to_hhs_acf_and_orr_-_whistleblower_protections.pdf); Letter from Senator Grassley to Acting Special Counsel Gorman (Nov. 21, 2023) [https://www.grassley.senate.gov/imo/media/doc/grassley\\_to\\_osc\\_-\\_hhs\\_whistleblower\\_protections.pdf](https://www.grassley.senate.gov/imo/media/doc/grassley_to_osc_-_hhs_whistleblower_protections.pdf); Letter from Senator Grassley to DOJ-OIG Horowitz (Feb. 12, 2024) [https://www.grassley.senate.gov/imo/media/doc/grassley\\_to\\_doj\\_oig\\_-\\_protected\\_whistleblower\\_disclosures.pdf](https://www.grassley.senate.gov/imo/media/doc/grassley_to_doj_oig_-_protected_whistleblower_disclosures.pdf); Letter from Senator Grassley to Bureau of Alcohol, Tobacco, Firearms, and Explosives Director Dettelbach (Feb. 12, 2024) [https://www.grassley.senate.gov/imo/media/doc/grassley\\_to\\_atf\\_-\\_protected\\_whistleblower\\_disclosures.pdf](https://www.grassley.senate.gov/imo/media/doc/grassley_to_atf_-_protected_whistleblower_disclosures.pdf); Letter from Senator Grassley to Inspector General Horowitz (Mar. 8, 2024) [https://www.grassley.senate.gov/imo/media/doc/grassley\\_to\\_doj\\_inspector\\_general\\_-\\_eoir\\_disclosures\\_to\\_congress.pdf](https://www.grassley.senate.gov/imo/media/doc/grassley_to_doj_inspector_general_-_eoir_disclosures_to_congress.pdf); Letter from Senator Grassley to Attorney General Garland (Mar. 8, 2024) [https://www.grassley.senate.gov/imo/media/doc/grassley\\_to\\_doj\\_-\\_eoir\\_disclosures\\_to\\_congress.pdf](https://www.grassley.senate.gov/imo/media/doc/grassley_to_doj_-_eoir_disclosures_to_congress.pdf); Letter from Senator Grassley to Executive Office for Immigration Review Director David Neal (Mar. 8, 2024) [https://www.grassley.senate.gov/imo/media/doc/grassley\\_to\\_executive\\_office\\_for\\_immigration\\_review\\_-\\_eoir\\_disclosures\\_to\\_congress.pdf](https://www.grassley.senate.gov/imo/media/doc/grassley_to_executive_office_for_immigration_review_-_eoir_disclosures_to_congress.pdf).

United States Senate  
WASHINGTON, DC 20510

March 11, 2024

**VIA ELECTRONIC TRANSMISSION**

Mr. Anthony Zakel  
Inspector General  
U.S. International Development Finance Corporation

Dear Inspector General Zakel:

Whistleblowers are patriots and the government's most powerful tool in rooting out waste, fraud, abuse, and misconduct. Nevertheless, federal agencies continue to implement nondisclosure policies and similar agreements without the inclusion of the "anti-gag" provision as required by law.<sup>1</sup> This failure has a chilling effect that discourages whistleblowers from reporting allegations of misconduct to Congress, Inspectors General (IG), and the Office of Special Counsel (OSC). The "anti-gag" provision has been included in almost every appropriations bill since 1988 and was codified in the Whistleblower Protection Enhancement Act.<sup>2</sup>

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Appropriation law prohibits the use of government funds to enforce these agreements if they fail to contain the anti-gag provision.<sup>4</sup>

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Even though Congress made it abundantly clear that employees are required to be informed of their rights to make legally protected disclosures, there's a growing trend among federal agencies to use nondisclosure policies and similar agreements without the inclusion of the anti-gag provision in violation of the law.<sup>5</sup> This is unacceptable.

The importance of whistleblowers knowing their rights under the law cannot be stated enough, and federal agencies should encourage their employees to disclose allegations of waste, fraud, and abuse. Federal agencies cannot be allowed to conceal their wrongdoing behind illegal nondisclosure policies and related actions. Accordingly, I request that you review all nondisclosure policies, forms, agreements, and related documents specific to your agency to ensure the anti-gag provision is included as required by law.

Thank you for your prompt review and response. If you have any questions, please contact Brian Randolph on my Committee staff at (202) 224-0642.

Sincerely,



Charles E. Grassley  
Ranking Member  
Committee on the Budget

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United States Senate  
WASHINGTON, DC 20510

March 11, 2024

**VIA ELECTRONIC TRANSMISSION**

Ms. Tammy Hull  
Inspector General  
U.S. Postal Service

Dear Inspector General Hull:

Whistleblowers are patriots and the government's most powerful tool in rooting out waste, fraud, abuse, and misconduct. Nevertheless, federal agencies continue to implement nondisclosure policies and similar agreements without the inclusion of the "anti-gag" provision as required by law.<sup>1</sup> This failure has a chilling effect that discourages whistleblowers from reporting allegations of misconduct to Congress, Inspectors General (IG), and the Office of Special Counsel (OSC). The "anti-gag" provision has been included in almost every appropriations bill since 1988 and was codified in the Whistleblower Protection Enhancement Act.<sup>2</sup>

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Thank you for your prompt review and response. If you have any questions, please contact Brian Randolph on my Committee staff at (202) 224-0642.

Sincerely,



Charles E. Grassley  
Ranking Member  
Committee on the Budget

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<sup>5</sup> See Letter from Senators Grassley and Johnson to Inspector General Horowitz (Apr. 19, 2023) [https://www.grassley.senate.gov/imo/media/doc/grassley\\_johnson\\_to\\_justice\\_deptinspectorgeneralfbiantigagprovision.pdf](https://www.grassley.senate.gov/imo/media/doc/grassley_johnson_to_justice_deptinspectorgeneralfbiantigagprovision.pdf); Letter from Senators Grassley and Johnson to Inspectors General Horowitz and George (Jun 6, 2023) [https://www.grassley.senate.gov/imo/media/doc/grassley\\_johnson\\_to\\_dojoigtiga\\_-\\_whistleblower\\_retaliation.pdf](https://www.grassley.senate.gov/imo/media/doc/grassley_johnson_to_dojoigtiga_-_whistleblower_retaliation.pdf); Letter from Senators Grassley and Johnson to Internal Revenue Service Commissioner Werfel (Jun. 6, 2023) [https://www.grassley.senate.gov/imo/media/doc/grassley\\_johnson\\_to\\_irs\\_-\\_protected\\_whistleblower\\_disclosure.pdf](https://www.grassley.senate.gov/imo/media/doc/grassley_johnson_to_irs_-_protected_whistleblower_disclosure.pdf); Letter from Senator Grassley, Senator Johnson, Representative Smith, and Representative Comer to Special Counsel Kerner (Jul. 5, 2023) [https://www.grassley.senate.gov/imo/media/doc/grassley\\_johnson\\_comer\\_jordan\\_smith\\_to\\_osc\\_-\\_whistleblower\\_retaliation.pdf](https://www.grassley.senate.gov/imo/media/doc/grassley_johnson_comer_jordan_smith_to_osc_-_whistleblower_retaliation.pdf); Letter from Senator Grassley to Health and Human Services Secretary Becerra, Administration for Children and Families Acting Assistant Secretary Hild, and Office of Refugee Resettlement Director Marcos (Nov. 21, 2023) [https://www.grassley.senate.gov/imo/media/doc/grassley\\_to\\_hhs\\_acf\\_and\\_orr\\_-\\_whistleblower\\_protections.pdf](https://www.grassley.senate.gov/imo/media/doc/grassley_to_hhs_acf_and_orr_-_whistleblower_protections.pdf); Letter from Senator Grassley to Acting Special Counsel Gorman (Nov. 21, 2023) [https://www.grassley.senate.gov/imo/media/doc/grassley\\_to\\_osc\\_-\\_hhs\\_whistleblower\\_protections.pdf](https://www.grassley.senate.gov/imo/media/doc/grassley_to_osc_-_hhs_whistleblower_protections.pdf); Letter from Senator Grassley to DOJ-OIG Horowitz (Feb. 12, 2024) [https://www.grassley.senate.gov/imo/media/doc/grassley\\_to\\_doj\\_oig\\_-\\_protected\\_whistleblower\\_disclosures.pdf](https://www.grassley.senate.gov/imo/media/doc/grassley_to_doj_oig_-_protected_whistleblower_disclosures.pdf); Letter from Senator Grassley to Bureau of Alcohol, Tobacco, Firearms, and Explosives Director Dettelbach (Feb. 12, 2024) [https://www.grassley.senate.gov/imo/media/doc/grassley\\_to\\_atf\\_-\\_protected\\_whistleblower\\_disclosures.pdf](https://www.grassley.senate.gov/imo/media/doc/grassley_to_atf_-_protected_whistleblower_disclosures.pdf); Letter from Senator Grassley to Inspector General Horowitz (Mar. 8, 2024) [https://www.grassley.senate.gov/imo/media/doc/grassley\\_to\\_doj\\_inspector\\_general\\_-\\_eoir\\_disclosures\\_to\\_congress.pdf](https://www.grassley.senate.gov/imo/media/doc/grassley_to_doj_inspector_general_-_eoir_disclosures_to_congress.pdf); Letter from Senator Grassley to Attorney General Garland (Mar. 8, 2024) [https://www.grassley.senate.gov/imo/media/doc/grassley\\_to\\_doj\\_-\\_eoir\\_disclosures\\_to\\_congress.pdf](https://www.grassley.senate.gov/imo/media/doc/grassley_to_doj_-_eoir_disclosures_to_congress.pdf); Letter from Senator Grassley to Executive Office for Immigration Review Director David Neal (Mar. 8, 2024) [https://www.grassley.senate.gov/imo/media/doc/grassley\\_to\\_executive\\_office\\_for\\_immigration\\_review\\_-\\_eoir\\_disclosures\\_to\\_congress.pdf](https://www.grassley.senate.gov/imo/media/doc/grassley_to_executive_office_for_immigration_review_-_eoir_disclosures_to_congress.pdf).

**United States Senate**  
WASHINGTON, DC 20510

March 12, 2024

**VIA ELECTRONIC TRANSMISSION**

Mr. John F. Sopko  
Special Inspector General  
Special Inspector General for Afghanistan Reconstruction

Dear Special Inspector General Sopko:

Whistleblowers are patriots and the government's most powerful tool in rooting out waste, fraud, abuse, and misconduct. Nevertheless, federal agencies continue to implement nondisclosure policies and similar agreements without the inclusion of the "anti-gag" provision as required by law.<sup>1</sup> This failure has a chilling effect that discourages whistleblowers from reporting allegations of misconduct to Congress, Inspectors General (IG), and the Office of Special Counsel (OSC). The "anti-gag" provision has been included in almost every appropriations bill since 1988 and was codified in the Whistleblower Protection Enhancement Act.<sup>2</sup>

The anti-gag law requires all federal agency nondisclosure policies, forms, or agreements to include the following explicit statement notifying the employee of their rights to report wrongdoing:

These provisions are consistent with and do not supersede, conflict with, or otherwise alter the employee obligations, rights, or liabilities created by existing statute or Executive order relating to (1) classified information, (2) communications to Congress, (3) the reporting to an Inspector General or the Office of Special Counsel of a violation of any law, rule, or regulation, or mismanagement, a gross waste of funds, an abuse of authority, or a substantial and specific danger to public health or safety, or (4) any other whistleblower protection. The definitions, requirements, obligations, rights, sanctions, and liabilities created by controlling Executive orders and statutory provisions are incorporated into this agreement and are controlling.<sup>3</sup>

Appropriation law prohibits the use of government funds to enforce these agreements if they fail to contain the anti-gag provision.<sup>4</sup>

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<sup>1</sup> 5 USC § 2302(b)(13); Pub. L. No. 117-328

<sup>2</sup> *Id.*

<sup>3</sup> 5 USC § 2302(b)(13).

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Even though Congress made it abundantly clear that employees are required to be informed of their rights to make legally protected disclosures, there's a growing trend among federal agencies to use nondisclosure policies and similar agreements without the inclusion of the anti-gag provision in violation of the law.<sup>5</sup> This is unacceptable.

The importance of whistleblowers knowing their rights under the law cannot be stated enough, and federal agencies should encourage their employees to disclose allegations of waste, fraud, and abuse. Federal agencies cannot be allowed to conceal their wrongdoing behind illegal nondisclosure policies and related actions. Accordingly, I request that you review all nondisclosure policies, forms, agreements, and related documents specific to your agency to ensure the anti-gag provision is included as required by law.

Thank you for your prompt review and response. If you have any questions, please contact Brian Randolph on my Committee staff at (202) 224-0642.

Sincerely,



Charles E. Grassley  
Ranking Member  
Committee on the Budget

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<sup>5</sup> See Letter from Senators Grassley and Johnson to Inspector General Horowitz (Apr. 19, 2023) [https://www.grassley.senate.gov/imo/media/doc/grassley\\_johnson\\_to\\_justice\\_deptinspectorgeneralfbiantigagprovision.pdf](https://www.grassley.senate.gov/imo/media/doc/grassley_johnson_to_justice_deptinspectorgeneralfbiantigagprovision.pdf); Letter from Senators Grassley and Johnson to Inspectors General Horowitz and George (Jun 6, 2023) [https://www.grassley.senate.gov/imo/media/doc/grassley\\_johnson\\_to\\_doj\\_oig\\_tigta\\_-\\_whistleblower\\_retaliation.pdf](https://www.grassley.senate.gov/imo/media/doc/grassley_johnson_to_doj_oig_tigta_-_whistleblower_retaliation.pdf); Letter from Senators Grassley and Johnson to Internal Revenue Service Commissioner Werfel (Jun. 6, 2023) [https://www.grassley.senate.gov/imo/media/doc/grassley\\_johnson\\_to\\_irs\\_-\\_protected\\_whistleblower\\_disclosure.pdf](https://www.grassley.senate.gov/imo/media/doc/grassley_johnson_to_irs_-_protected_whistleblower_disclosure.pdf); Letter from Senator Grassley, Senator Johnson, Representative Smith, and Representative Comer to Special Counsel Kerner (Jul. 5, 2023) [https://www.grassley.senate.gov/imo/media/doc/grassley\\_johnson\\_comer\\_jordan\\_smith\\_to\\_osc\\_-\\_whistleblower\\_retaliation.pdf](https://www.grassley.senate.gov/imo/media/doc/grassley_johnson_comer_jordan_smith_to_osc_-_whistleblower_retaliation.pdf); Letter from Senator Grassley to Health and Human Services Secretary Becerra, Administration for Children and Families Acting Assistant Secretary Hild, and Office of Refugee Resettlement Director Marcos (Nov. 21, 2023) [https://www.grassley.senate.gov/imo/media/doc/grassley\\_to\\_hhs\\_acf\\_and\\_orr\\_-\\_whistleblower\\_protections.pdf](https://www.grassley.senate.gov/imo/media/doc/grassley_to_hhs_acf_and_orr_-_whistleblower_protections.pdf); Letter from Senator Grassley to Acting Special Counsel Gorman (Nov. 21, 2023) [https://www.grassley.senate.gov/imo/media/doc/grassley\\_to\\_osc\\_-\\_hhs\\_whistleblower\\_protections.pdf](https://www.grassley.senate.gov/imo/media/doc/grassley_to_osc_-_hhs_whistleblower_protections.pdf); Letter from Senator Grassley to DOJ-OIG Horowitz (Feb. 12, 2024) [https://www.grassley.senate.gov/imo/media/doc/grassley\\_to\\_doj\\_oig\\_-\\_protected\\_whistleblower\\_disclosures.pdf](https://www.grassley.senate.gov/imo/media/doc/grassley_to_doj_oig_-_protected_whistleblower_disclosures.pdf); Letter from Senator Grassley to Bureau of Alcohol, Tobacco, Firearms, and Explosives Director Dettelbach (Feb. 12, 2024) [https://www.grassley.senate.gov/imo/media/doc/grassley\\_to\\_atf\\_-\\_protected\\_whistleblower\\_disclosures.pdf](https://www.grassley.senate.gov/imo/media/doc/grassley_to_atf_-_protected_whistleblower_disclosures.pdf); Letter from Senator Grassley to Inspector General Horowitz (Mar. 8, 2024) [https://www.grassley.senate.gov/imo/media/doc/grassley\\_to\\_doj\\_inspector\\_general\\_-\\_eoir\\_disclosures\\_to\\_congress.pdf](https://www.grassley.senate.gov/imo/media/doc/grassley_to_doj_inspector_general_-_eoir_disclosures_to_congress.pdf); Letter from Senator Grassley to Attorney General Garland (Mar. 8, 2024) [https://www.grassley.senate.gov/imo/media/doc/grassley\\_to\\_doj\\_-\\_eoir\\_disclosures\\_to\\_congress.pdf](https://www.grassley.senate.gov/imo/media/doc/grassley_to_doj_-_eoir_disclosures_to_congress.pdf); Letter from Senator Grassley to Executive Office for Immigration Review Director David Neal (Mar. 8, 2024) [https://www.grassley.senate.gov/imo/media/doc/grassley\\_to\\_executive\\_office\\_for\\_immigration\\_review\\_-\\_eoir\\_disclosures\\_to\\_congress.pdf](https://www.grassley.senate.gov/imo/media/doc/grassley_to_executive_office_for_immigration_review_-_eoir_disclosures_to_congress.pdf).

# United States Senate

WASHINGTON, DC 20510

March 12, 2024

## **VIA ELECTRONIC TRANSMISSION**

Honorable Brian D. Miller  
Special Inspector General  
Special Inspector General for Pandemic Recovery

Dear Special Inspector General Miller:

Whistleblowers are patriots and the government's most powerful tool in rooting out waste, fraud, abuse, and misconduct. Nevertheless, federal agencies continue to implement nondisclosure policies and similar agreements without the inclusion of the "anti-gag" provision as required by law.<sup>1</sup> This failure has a chilling effect that discourages whistleblowers from reporting allegations of misconduct to Congress, Inspectors General (IG), and the Office of Special Counsel (OSC). The "anti-gag" provision has been included in almost every appropriations bill since 1988 and was codified in the Whistleblower Protection Enhancement Act.<sup>2</sup>

The anti-gag law requires all federal agency nondisclosure policies, forms, or agreements to include the following explicit statement notifying the employee of their rights to report wrongdoing:

These provisions are consistent with and do not supersede, conflict with, or otherwise alter the employee obligations, rights, or liabilities created by existing statute or Executive order relating to (1) classified information, (2) communications to Congress, (3) the reporting to an Inspector General or the Office of Special Counsel of a violation of any law, rule, or regulation, or mismanagement, a gross waste of funds, an abuse of authority, or a substantial and specific danger to public health or safety, or (4) any other whistleblower protection. The definitions, requirements, obligations, rights, sanctions, and liabilities created by controlling Executive orders and statutory provisions are incorporated into this agreement and are controlling.<sup>3</sup>

Appropriation law prohibits the use of government funds to enforce these agreements if they fail to contain the anti-gag provision.<sup>4</sup>

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<sup>1</sup> 5 USC § 2302(b)(13); Pub. L. No. 117-328

<sup>2</sup> *Id.*

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Even though Congress made it abundantly clear that employees are required to be informed of their rights to make legally protected disclosures, there's a growing trend among federal agencies to use nondisclosure policies and similar agreements without the inclusion of the anti-gag provision in violation of the law.<sup>5</sup> This is unacceptable.

The importance of whistleblowers knowing their rights under the law cannot be stated enough, and federal agencies should encourage their employees to disclose allegations of waste, fraud, and abuse. Federal agencies cannot be allowed to conceal their wrongdoing behind illegal nondisclosure policies and related actions. Accordingly, I request that you review all nondisclosure policies, forms, agreements, and related documents specific to your agency to ensure the anti-gag provision is included as required by law.

Thank you for your prompt review and response. If you have any questions, please contact Brian Randolph on my Committee staff at (202) 224-0642.

Sincerely,



Charles E. Grassley  
Ranking Member  
Committee on the Budget

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<sup>5</sup> See Letter from Senators Grassley and Johnson to Inspector General Horowitz (Apr. 19, 2023) [https://www.grassley.senate.gov/imo/media/doc/grassley\\_johnson\\_to\\_justice\\_deptinspectorgeneralfbiantigagprovision.pdf](https://www.grassley.senate.gov/imo/media/doc/grassley_johnson_to_justice_deptinspectorgeneralfbiantigagprovision.pdf); Letter from Senators Grassley and Johnson to Inspectors General Horowitz and George (Jun 6, 2023) [https://www.grassley.senate.gov/imo/media/doc/grassley\\_johnson\\_to\\_doj\\_oig\\_tigta\\_-\\_whistleblower\\_retaliation.pdf](https://www.grassley.senate.gov/imo/media/doc/grassley_johnson_to_doj_oig_tigta_-_whistleblower_retaliation.pdf); Letter from Senators Grassley and Johnson to Internal Revenue Service Commissioner Werfel (Jun. 6, 2023) [https://www.grassley.senate.gov/imo/media/doc/grassley\\_johnson\\_to\\_irs\\_-\\_protected\\_whistleblower\\_disclosure.pdf](https://www.grassley.senate.gov/imo/media/doc/grassley_johnson_to_irs_-_protected_whistleblower_disclosure.pdf); Letter from Senator Grassley, Senator Johnson, Representative Smith, and Representative Comer to Special Counsel Kerner (Jul. 5, 2023) [https://www.grassley.senate.gov/imo/media/doc/grassley\\_johnson\\_comer\\_jordan\\_smith\\_to\\_osc\\_-\\_whistleblower\\_retaliation.pdf](https://www.grassley.senate.gov/imo/media/doc/grassley_johnson_comer_jordan_smith_to_osc_-_whistleblower_retaliation.pdf); Letter from Senator Grassley to Health and Human Services Secretary Becerra, Administration for Children and Families Acting Assistant Secretary Hild, and Office of Refugee Resettlement Director Marcos (Nov. 21, 2023) [https://www.grassley.senate.gov/imo/media/doc/grassley\\_to\\_hhs\\_acf\\_and\\_orr\\_-\\_whistleblower\\_protections.pdf](https://www.grassley.senate.gov/imo/media/doc/grassley_to_hhs_acf_and_orr_-_whistleblower_protections.pdf); Letter from Senator Grassley to Acting Special Counsel Gorman (Nov. 21, 2023) [https://www.grassley.senate.gov/imo/media/doc/grassley\\_to\\_osc\\_-\\_hhs\\_whistleblower\\_protections.pdf](https://www.grassley.senate.gov/imo/media/doc/grassley_to_osc_-_hhs_whistleblower_protections.pdf); Letter from Senator Grassley to DOJ-OIG Horowitz (Feb. 12, 2024) [https://www.grassley.senate.gov/imo/media/doc/grassley\\_to\\_doj\\_oig\\_-\\_protected\\_whistleblower\\_disclosures.pdf](https://www.grassley.senate.gov/imo/media/doc/grassley_to_doj_oig_-_protected_whistleblower_disclosures.pdf); Letter from Senator Grassley to Bureau of Alcohol, Tobacco, Firearms, and Explosives Director Dettelbach (Feb. 12, 2024) [https://www.grassley.senate.gov/imo/media/doc/grassley\\_to\\_atf\\_-\\_protected\\_whistleblower\\_disclosures.pdf](https://www.grassley.senate.gov/imo/media/doc/grassley_to_atf_-_protected_whistleblower_disclosures.pdf); Letter from Senator Grassley to Inspector General Horowitz (Mar. 8, 2024) [https://www.grassley.senate.gov/imo/media/doc/grassley\\_to\\_doj\\_inspector\\_general\\_-\\_eoir\\_disclosures\\_to\\_congress.pdf](https://www.grassley.senate.gov/imo/media/doc/grassley_to_doj_inspector_general_-_eoir_disclosures_to_congress.pdf); Letter from Senator Grassley to Attorney General Garland (Mar. 8, 2024) [https://www.grassley.senate.gov/imo/media/doc/grassley\\_to\\_doj\\_-\\_eoir\\_disclosures\\_to\\_congress.pdf](https://www.grassley.senate.gov/imo/media/doc/grassley_to_doj_-_eoir_disclosures_to_congress.pdf); Letter from Senator Grassley to Executive Office for Immigration Review Director David Neal (Mar. 8, 2024) [https://www.grassley.senate.gov/imo/media/doc/grassley\\_to\\_executive\\_office\\_for\\_immigration\\_review\\_-\\_eoir\\_disclosures\\_to\\_congress.pdf](https://www.grassley.senate.gov/imo/media/doc/grassley_to_executive_office_for_immigration_review_-_eoir_disclosures_to_congress.pdf).

# United States Senate

WASHINGTON, DC 20510

March 12, 2024

## **VIA ELECTRONIC TRANSMISSION**

Ms. Melissa Bruce

Principal Deputy Special Inspector General Performing  
the Duties of the Special Inspector General

Special Inspector General for the Troubled Asset Relief Program

Dear Ms. Bruce:

Whistleblowers are patriots and the government's most powerful tool in rooting out waste, fraud, abuse, and misconduct. Nevertheless, federal agencies continue to implement nondisclosure policies and similar agreements without the inclusion of the "anti-gag" provision as required by law.<sup>1</sup> This failure has a chilling effect that discourages whistleblowers from reporting allegations of misconduct to Congress, Inspectors General (IG), and the Office of Special Counsel (OSC). The "anti-gag" provision has been included in almost every appropriations bill since 1988 and was codified in the Whistleblower Protection Enhancement Act.<sup>2</sup>

The anti-gag law requires all federal agency nondisclosure policies, forms, or agreements to include the following explicit statement notifying the employee of their rights to report wrongdoing:

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Appropriation law prohibits the use of government funds to enforce these agreements if they fail to contain the anti-gag provision.<sup>4</sup>

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Even though Congress made it abundantly clear that employees are required to be informed of their rights to make legally protected disclosures, there's a growing trend among federal agencies to use nondisclosure policies and similar agreements without the inclusion of the anti-gag provision in violation of the law.<sup>5</sup> This is unacceptable.

The importance of whistleblowers knowing their rights under the law cannot be stated enough, and federal agencies should encourage their employees to disclose allegations of waste, fraud, and abuse. Federal agencies cannot be allowed to conceal their wrongdoing behind illegal nondisclosure policies and related actions. Accordingly, I request that you review all nondisclosure policies, forms, agreements, and related documents specific to your agency to ensure the anti-gag provision is included as required by law.

Thank you for your prompt review and response. If you have any questions, please contact Brian Randolph on my Committee staff at (202) 224-0642.

Sincerely,



Charles E. Grassley  
Ranking Member  
Committee on the Budget

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