



# WHISTLEBLOWER INFORMATION

*for*

## USDA CONTRACTORS, SUBCONTRACTORS, GRANTEES, SUBGRANTEES, and PERSONAL SERVICES CONTRACTORS

Employees of USDA contractors, subcontractors, grantees, and subgrantees and personal services contractors perform an important service by reporting what they reasonably believe to be evidence of wrongdoing.

Whistleblowers perform an important service to USDA and the public when they come forward with what they reasonably believe to be evidence of wrongdoing. They should never be subject to reprisal for doing so. Federal law protects federal employees against reprisal for whistleblowing. In addition, under 41 U.S.C. § 4712, it is illegal for an employee of a Federal contractor, subcontractor, grantee, subgrantee or for a personal services contractor to be discharged, demoted, or otherwise discriminated against for making a protected whistleblower disclosure. Also, under Presidential Policy Directive (PPD-19), an action affecting access to classified information cannot be taken in reprisal for protected whistleblowing.

The USDA Office of the Inspector General (USDA OIG) has jurisdiction to investigate allegations of reprisal for whistleblowing by employees of USDA contractors, subcontractors, grantees, subgrantees, and personal services contractors. Information on how to report suspected reprisal to the OIG is available at: <https://www.usda.gov/oig/wpc>.

### What is a whistleblower?

A whistleblower is an employee of a Federal contractor, subcontractor, grantee, or subgrantee or a personal services contractor who discloses information that the individual reasonably believes is evidence of:

- Gross mismanagement of a Federal contract or grant;
- A gross waste of Federal funds;
- An abuse of authority relating to a Federal contract or grant;
- A substantial and specific danger to public health or safety; or
- A violation of law, rule, or regulation related to a Federal contract (including the competition for or negotiation of a contract) or grant.
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### To whom must the disclosure be made to be protected?

To be protected under 41 U.S.C. § 4712, a disclosure regarding a USDA contract, subcontract, grant, subgrant or personal services contract must be made to one of the following:

- A Member of Congress, or a representative of a committee of Congress;
- The OIG;
- The Government Accountability Office (GAO);
- A Federal employee responsible for contract or grant oversight or management at USDA;
- An otherwise authorized official at USDA or other law enforcement agency;

- A court or grand jury; or
- A management official or other employee of the contractor, subcontractor, grantee, or subgrantee who has the responsibility to investigate, discover, or address misconduct.

(Disclosures involving classified information should be made in accordance with otherwise applicable laws, and individuals should consult with the OIG to ensure that such disclosures are made appropriately). See information under PPD-19 for instructions on such.

## **What can I do if I believe retaliation has occurred?**

Employees of contractors, subcontractors, grantees, subgrantees or personal services contractors may file a complaint under 41 U.S.C. § 4712 with the OIG, which will investigate the matter unless the OIG determines that the complaint is frivolous, fails to allege a violation of the prohibition against whistleblower reprisal, or has been addressed in another proceeding. If the OIG finds that retaliation has occurred, it can recommend that the Department order the contractor, subcontractor, grantee, or subgrantee to take remedial action, such as reinstatement or back pay.

Also, if you are an employee of USDA or of a USDA contractor, subcontractor, grantee, subgrantee, or if you are a personal services contractor and you suspect that a personnel action or an action affecting access to classified information has been taken against you in reprisal for making a disclosure of wrongdoing, you may report it to the OIG.

Nothing in a non-disclosure agreement should be interpreted as limiting your ability to provide information to the OIG.

For further information about whistleblower rights and protections, please see the Whistleblower Ombudsman page on the OIG's website at: <https://www.usda.gov/oig/wpc>.

Note: If you wish to make a whistleblower disclosure or report reprisal for doing so outside USDA you may contact the U.S. Office of Special Counsel website <https://osc.gov>.

### **How can I report wrongdoing to USDA OIG?**

If you know about fraud, waste, abuse, misconduct, or reprisal relating to a USDA employee, program, contract, or grant you may report it to the OIG through the OIG Hotline:

Phone: (800) 424-9121

Fax: (202) 690-2474

Online: <https://www.usda.gov/oig/hotline.htm>

Mailing Address: USDA OIG Hotline

P.O. Box 23399

Washington, D.C. 20026