

**U.S. NATIONAL SCIENCE FOUNDATION**
Office of Inspector General

**Whistleblower Retaliation/Reprisal FAQs**

**Which laws protect whistleblowers?**

There are three federal laws that protect whistleblowers:

* The Whistleblower Protection Act (WPA) of 1989 provides protections for federal employees.
* The Whistleblower Protection Enhancement Act (WPEA) of 2012 strengthened WPA protections.
* The National Defense Authorization Act (NDAA) of 2013 expanded WPA and WPEA to contractors, subcontractors, grantees, subgrantees, and their employees (CSGSE).

**Who qualifies for whistleblower protections?**

Any federal employee or employee of a contractor, subcontractor, grantee, or subgrantee who makes a “protected disclosure” may not be discharged, demoted or otherwise discriminated against.

**What is a Protected Disclosure?**

A protected disclosure has two components:

* **First**, the employee must have a reasonable belief that the information being disclosed is evidence of:
* Gross mismanagement (for CSGSEs this must be related to a federal contract or grant);
* Gross waste of federal funds;
* Abuse of authority (for CSGSEs this must be related to a federal contract or grant);
* Substantial and specific danger to public health or safety;
* Violation of law, rule, or regulation (for CSGSEs this must be related to a federal contract or grant); or,
* **Second**, the disclosure must have been made to a proper party, including:
* A member of Congress, or a representative of a committee of Congress;
* The Office of the Inspector General;
* The Government Accountability Office;
* A federal employee at the relevant agency responsible for contract/grant oversight or management;
* A management official or other employee of the contractor/grantee who has the responsibility to investigate or address misconduct;
* An authorized official of the Department of Justice or other law enforcement agency; or
* A court or a grand jury.

**What does whistleblower retaliation look like?**

Courts have interpreted retaliation to mean any actions that may dissuade a reasonable employee from making a “protected disclosure.” Such actions may include:

* Discharge
* Demotion
* Other discrimination against the employee.

**How does NSF OIG respond to whistleblower retaliation complaints?**

First, we determine whether we have jurisdiction. If we have jurisdiction, we:

* Conduct investigative work. We have 180 days to complete our investigation but may request an additional 180 days from the complainant if needed.
* Summarize our findings in a Report of Investigation.
* Send our Report of Investigation to NSF for its review and ultimate decision.

**Where can I report whistleblower retaliation?**

If you believe you have been subject to retaliation for protected whistleblowing you may contact either of the following offices:

* U.S. National Science Foundation Office of Inspector General

Online: [NSF OIG Whistleblower Retaliation Form](https://oig.nsf.gov/form/whistleblower-complaint-form)
Phone: (800) 428-2189
Mail: 2415 Eisenhower Avenue, Alexandria, Virginia 22314

* The U.S. Office of Special Counsel

Online: [Office of Special Counsel Compliant Form](https://osc.gov/Pages/File-Complaint-Portal.aspx)
Phone: (800) 572-2249
Mail: 1730 M Street, N.W., Suite 218, Washington, DC 20036-4505

**Where can I go for more information about whistleblower retaliation?**

We have more information on our [whistleblower retaliation](https://oig.nsf.gov/resources-outreach/whistleblower-information) webpage. The U.S. Office of Special Counsel also has more information about whistleblowing on its [website](https://osc.gov/Services/Pages/PPP.aspx#tabGroup18).