

**THEMATIC COMPILATION OF RELEVANT INFORMATION  
SUBMITTED BY UNITED STATES OF AMERICA**

**ARTICLE 8, PARAGRAPH 4 UNCAC  
REPORTING ON ACTS OF CORRUPTION**

**UNITED STATES OF AMERICA (EIGHTH MEETING)**

Reporting:

The United States has a system of laws and regulations governing the protection of public officials and private citizens who, in good faith, report acts of corruption and misconduct. The Whistleblower Protection Act (WPA) provides statutory protections for federal employees who engage in “whistleblowing,” that is, making a disclosure evidencing illegal or improper government activities. The protections of the WPA apply to most federal executive branch employees and become applicable when a “personnel action” is taken “because of” a “protected disclosure” made by a “covered employee.”

All executive branch employees, including those in federal law enforcement agencies, are required to report wrongdoing. The Department of Justice *U.S. Attorney’s Manual* outlines requirements that Department employees report to their United States Attorney or Assistant Attorney General, or other appropriate supervisor, any evidence or non-frivolous allegation of misconduct that may be in violation of any law, rule, regulation, order, or applicable professional standard. The supervisor shall evaluate whether the misconduct at issue is serious, and if so shall report the evidence or non-frivolous allegation to the Office of the Inspector General (OIG) or to the Office of Professional Responsibility (OPR). Similarly, the FBI requires its employees to report to proper authority any known or suspected failures to adhere to the law by themselves or others.

The U.S. Office of Special Counsel (OSC), a federal executive branch agency, has a Disclosure Unit (DU) that serves as a safe conduit for the receipt and evaluation of whistleblower disclosures from federal employees, former employees and applicants for federal employment. The Special Counsel may order an agency head to investigate and report on the disclosure; and after any such investigation, the Special Counsel must send the agency's report, with the whistleblower's comments, to the President and to Congressional oversight committees.

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*o the reporting by a public official of an act of corruption through mechanisms established in accordance with the provisions of the Convention.*

Most agencies allow any individual, including public officials, to report fraud, waste, or abuse via an online complaint form, email, toll-free phone numbers, mail, or fax. A list of agency IG website links and contacts is located at <http://www.ignet.gov/igs/homepage1.html>. Examples of specific agency reporting mechanisms include: the Department of Commerce (<http://www.oig.doc.gov/Pages/Hotline.aspx>), the Department of Agriculture (<http://energy.gov/ig/services>).

Inspectors General semi-annually submit reports to the Congress that describe the work of the OIG within the reporting period. These reports may include summaries of complaints received by the IGs and the status of the resulting investigations. In addition, Inspectors General frequently file public reports on the results of investigations conducted as the result of a report made by a public official.

In addition to agency-specific reporting mechanisms, there are initiative-specific reporting mechanisms. For instance, the American Recovery and Reinvestment Act of 2009 (Recovery Act) responded to the economic crisis by providing \$787 billion in tax benefits, entitlement programs, and funding for Federal contracts, grants and loans. On [www.recovery.gov](http://www.recovery.gov), individuals, including public officials, can track how and where Recovery Act funds are spent and report suspected fraud, waste, or abuse related to Recovery funding.

The U.S. Office of Special Counsel may order an agency head to investigate and report on a whistleblower disclosure. After any such investigation, the Special Counsel must send the agency's report, with the whistleblower's comments, to the President and Congressional oversight committees. For copies of those reports visit <http://www.osc.gov/FY%202012%20A.html>

## **UNITED STATES (THIRD MEETING)**

### Reporting Acts of Corruption (Para 4):

o See above under “Inspector General Hotlines.” Visit the Council of Inspectors General on Integrity and Efficiency website ([www.ignet.gov](http://www.ignet.gov)) for more information about Inspectors General, including a link to the Inspector General Act of 1978, information about the role and responsibilities of Inspectors General, and links to agency Inspectors General websites.

o The U.S. Office of Special Counsel serves as a safe conduit for the receipt and evaluation of whistleblower disclosures from federal employees, former employees, and applicants for federal employment (<http://www.osc.gov/wbdiscOverview.htm>).

o See, also, the above sections on “Recovery Accountability and Transparency Board,” “Financial Fraud Enforcement Task Force,” and “Inspector General Hotlines.”

o In the legislative branch, allegations of misconduct or illegal activity may be reported to the Senate Select Committee on Ethics (<http://ethics.senate.gov/public/>) and the House Committee on Ethics (<http://www.osc.gov/wbdiscOverview.htm>), pursuant to their respective committee rules of procedure.