

The Honorable James N. Mattis
Secretary of Defense for the United States
1000 Defense Pentagon
Washington, DC 20301-1000

August 30, 2018

Dear Secretary Mattis:

We are writing to learn more about how you have implemented certain requirements included in the National Defense Authorization Acts for fiscal years 2017 and 2018, regarding training for Defense Department employees investigating claims of whistleblower retaliation. Our organizations sit on the steering committee of the Make It Safe Coalition (MISC), a diverse, nonpartisan network whose members work to protect whistleblowers and advocate for best-practice policy reforms.

MISC advocates in part for the prevention of retaliation against federal whistleblowers. Unfortunately, when federal civil service employees and government contractors bravely expose waste, fraud, and abuse, they are often exposed to retaliation for coming forward. Although there are legal protections in place to protect some of these whistleblowers, retaliation is a widespread and complex issue that requires a trained eye to recognize and understand.

Congress enacted section 546 of the fiscal year 2017 National Defense Authorization Act (NDAA) in part to train employees in the complexity of whistleblower retaliation. Section 546(a) requires the Secretary of Defense to ensure that Defense Department personnel who investigate claims of retaliation are trained in “the nature and consequences of retaliation.” Specifically, this applies to Defense Department employees working in military criminal investigation services and at the Defense Department Office of the Inspector General, and to those military personnel who can be assigned to investigate claims of retaliation.

The NDAA of fiscal year 2018 expanded on this law in section 523(b), requiring that the Secretary specifically train employees on the “guidelines for the consideration of evidence substantiating such allegations....” This is particularly important as the proper consideration of evidence is paramount in getting to the root of a whistleblower’s claim.

We would be appreciative to learn about what steps you have already taken, and what steps you plan to take, to implement this training as required. It is imperative that those investigating whistleblower reprisal be trained in the intricacies of their field given the highly sensitive nature of whistleblower disclosures and the potentially ruinous impact on the lives of individual whistleblowers and their families should investigations be conducted improperly. Careful investigations are important not only for protecting the identity of the whistleblower and ensuring their proper reinstatement after a finding that substantiates retaliation, but also for

ensuring that investigations don't become retaliatory themselves. We look forward to your response.

Sincerely,

Government Accountability Project

Project On Government Oversight

Public Citizen

Taxpayers Protection Alliance