

The Honorable Hampton Dellinger
Special Counsel
U.S. Office of Special Counsel
1730 M Street NW, Suite 218
Washington, D.C. 20036

Re: Proposed transparency and accountability policies at OSC

Dear Director Dellinger,

We, the undersigned organizations and individuals who work on and support good governance, strongly support the Office of Special Counsel's (OSC) [proposal](#) to establish robust new policies for increasing transparency and holding senior government officials accountable. The Office does indispensable, often unsung work protecting federal employees from internal misconduct, including retaliation for whistleblowing, that strengthens our government of the people every day. We believe that, if adopted, these transparency policies will improve the agency's ability to deliver on its mission and honor the intent of Congress.

Making public OSC's policies, practices, and procedures when it comes to working with whistleblowers and seeking agency accountability for misconduct is the kind of good governance that we hope other agencies will pursue. [We commend the Special Counsel's proposal to, with a whistleblower's consent, notify the public when OSC has found a substantial likelihood that the whistleblower's disclosure reveals agency misconduct or mismanagement and the responsible agency has failed to submit a timely report of investigation to OSC. Publicizing OSC's findings will provide important credibility to whistleblowers, pressure agencies to take their own investigations more seriously, and expedite corrective action, Congressional oversight, or policy reforms.](#) Better informing the press, public, and Congress about OSC's ongoing work would be a meaningful contribution to rebuilding public trust and confidence in our government of the people.

Providing more transparency when agencies have failed to carry out their duty to investigate allegations of governmental wrongdoing will drive the accountability for official misconduct necessary to keeping that trust. Similarly, requiring that an agency's report to be signed by the agency head or, in the alternative, that an agency affirm that the report represents the findings of the agency head will increase accountability to the very top.

Publicly posting a summary of allegations in matters where OSC issued a report concluding that a prohibited personnel practice (PPP) has occurred if an agency has not taken timely corrective action, after the person who made the allegation consents, would also contribute to these goals of transparency and accountability, by further supporting whistleblowers, and pressuring agencies to take corrective action.

Increased disclosures of this information, ideally as open government data on OSC's website, would help increase congressional scrutiny and public pressure when the government's own watchdog suspects that officials are engaging in misconduct without penalty.

Political appointees and senior management officials would no longer be able to hide in the shadows if investigations of misconduct or mismanagement are stalled or undermined by their agencies' administrative system.

The policy would also increase accountability for OSC itself, by empowering Congress, the press, and the public to monitor whether that office is aggressively defending the nation against the destructive effects of official misconduct on the rule of law. Serial violations of the Hatch Act or other laws that don't result in sanction must never again be allowed to further undermine public faith and confidence in the ability of our government to hold senior officials accountable.

We urge OSC to adopt this policy and promulgate it as part of a new 2024-2026 open government plan on a refreshed OSC open government page, as part of the renewed U.S. government-wide initiative to improve government transparency and accountability. We also urge you to consider whether similar transparency enhancements should apply to investigations of prohibited personnel practices under 5 U.S.C. 1214. Such provisions may be particularly warranted for investigations the Special Counsel initiates under 1214(a)(5) and which may identify a pattern of prohibited practices. We believe your open and collaborative approach to co-creating better transparency and accountability could serve as a model for other agencies to engage and co-create better policies in the years ahead.

We thank the agency for its commitment to supporting whistleblowers and the essential role they play in exposing fraud, waste, abuse of power, and other corruption, and ensuring that Congress, media, and the people can hold our government more accountable.

Finally, this group roundly rejects any efforts to harass, retaliate against, or inappropriately remove you, OSC staff members, whistleblowers, and any government employees—particularly those working to root out corruption. Indeed, such tampering would be corruption itself.

With gratitude,

ACORN 8
American Oversight
Center for Common Ground
Citizens for Responsibility and Ethics in Washington (CREW)
Clean Elections Texas
Equality California

Government Accountability Project
Oregonizers
People Power United
Project On Government Oversight
Protect Democracy
Public Citizen
Secure Elections Network
Transparency International U.S.
Union of Concerned Scientists
Whistleblower Summit & Film Festival
Whistleblowers of America
The Workers Circle

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