



THE SECRETARY OF TRANSPORTATION
WASHINGTON, DC 20590

January 22, 2020

Policy Statement on Whistleblowing

The U.S. Department of Transportation (DOT) is committed to protecting current and former Federal employees and applicants for employment from interference and retaliation when making protected disclosures, or “whistleblowing,” which includes disclosing information related to a violation of law, rule, or regulation; gross mismanagement; gross waste of funds; abuse of authority; or a substantial and specific danger to public health or safety. The Whistleblower Protection Act of 1989, the expanded protections provided by the Whistleblower Protection Enhancement Act of 2012 (WPEA), and the Dr. Chris Kirkpatrick Whistleblower Protection Act of 2017, protect individuals who report Federal agency misconduct from retaliation.

These provisions strengthen protections for Federal employees who disclose evidence of waste, fraud, or abuse, and modify rules on the use of nondisclosure policies or agreements by government agencies. They also clarify that these agreements do not override employee rights and obligations created by existing statute or Executive Order relating to classified information; communications with Congress; reporting violations and/or misconduct to an Inspector General; or any other whistleblower protection. In addition, Presidential Policy Directive 19 extends whistleblower protections to Federal employees eligible for access to classified data and the Kirkpatrick Act of 2017 makes it unlawful to access a Federal employee’s or an applicant’s medical records for certain unauthorized purposes.

The DOT will initiate appropriate actions against responsible persons who take, threaten to take, or fail to take a personnel action with respect to any employee, former employee, or applicant for employment because of any protected disclosure of information. In 2002, the Notification and Federal Employee Antidiscrimination and Retaliation Act was enacted to make all Federal agencies accountable for violations of antidiscrimination and whistleblower protection laws and the Kirkpatrick Act of 2017 enhances disciplinary penalties for supervisors who engage in whistleblowing retaliation.

The DOT will not tolerate whistleblower retaliation. Legitimate disclosure of information by employees is an invaluable resource for the oversight of Government operations. I expect that employees are able to report these matters confidentially to the Department’s Office of Inspector General (OIG), the U.S. Office of Special Counsel, or appropriate management officials. In accordance with the WPEA, a Whistleblower Protection Ombudsman has been designated in OIG to educate Agency personnel about whistleblower rights.

I am committed to maintaining DOT’s role as a Federal agency that respects the rights of current and former Federal employees and applicants for employment to raise legitimate concerns without fear of retaliation. I ask you to join me in implementing and communicating this important policy.

A handwritten signature in black ink, reading 'Elaine L. Chao', is positioned below the text.

Elaine L. Chao