



U.S. OFFICE OF SPECIAL COUNSEL

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February 14, 2018

Project on Government Oversight
c/o Ms. Danielle Brian, Executive Director
1100 G Street, NW, Suite 500
Washington, DC 20005
Via email: danielle@pogo.org

Re: OSC File No. MA-17-5090

Dear Ms. Brian:

This letter responds to the complaint the Project on Government Oversight (POGO) submitted to the U.S. Office of Special Counsel (OSC), asking that our office investigate the U.S. Department of Energy's (DOE) use of a poster featuring the slogan "Every Leak Makes Us Weak." As described below, OSC has taken steps to address both this specific issue and the broader, underlying concerns about communications that chill lawful whistleblowing.

As an initial matter, DOE has confirmed that the poster has been removed from all of its facilities and will not be used in the future. OSC also addressed the potential harm to whistleblowers more comprehensively by updating two previously-issued memoranda — one on agency policies involving the monitoring of employees' communications and disclosures, and another on non-disclosure policies, forms, or agreements. This guidance, which was issued to all federal agencies within OSC's jurisdiction, seeks to ensure that policies and practices on monitoring employee email and other communications do not interfere with or chill lawful disclosures. Moreover, it urges agencies to ensure that their non-disclosure policies, forms, and agreements conform to statutory requirements on protected whistleblowing.

We believe these steps effectively address the important issues raised in POGO's letter. Thus, we plan to conclude our investigation of this matter. We will delay our final decision for 13 calendar days in order to provide you the opportunity to submit written comments about our findings. If you would like to send comments, you may mail them to me at the above-listed address, fax them to [REDACTED] or email them to [REDACTED]. If we do not receive any comments by the end of the 13-day period, we will close our file in this case.

Sincerely,

A handwritten signature in cursive script that reads "Emilee Collier".

Emilee Collier
Attorney
Investigation and Prosecution Division