



U.S. OFFICE OF SPECIAL COUNSEL

1730 M Street, N.W., Suite 218

Washington, D.C. 20036-4505

202-804-7000

May 20, 2025

**Office of Special Counsel Policy on Recommending
Monetary Awards for Whistleblowers**

The U.S. Office of Special Counsel (OSC) is an independent federal agency that operates as a secure channel for federal whistleblowers to disclose wrongdoing.¹ OSC receives whistleblower disclosures from federal employees, former federal employees, and applicants for federal employment, and it protects the confidentiality of whistleblowers. OSC evaluates the allegations it receives to determine whether they meet the threshold for referral to the head of the agency involved for review or for an investigation and report.² If OSC refers an allegation for a formal report pursuant to 5 U.S.C. § 1213(c), the whistleblower has a statutory right to review and comment on the agency report. The Special Counsel then determines whether the report includes the information required and the findings of the agency head appear reasonable and transmits OSC's findings, the agency's report, and the whistleblower's comments to the President and to the Congressional oversight committees for the agency involved.

OSC's policy is to recommend that the agencies pay monetary awards to whistleblowers in appropriate cases. Appropriate cases are determined on an individual basis and will primarily involve substantiated disclosures that potentially result in cost savings or cost recovery to the government or to those who receive government services. This would likely include cases where the agency investigation of disclosures identifies fraud or waste or where substantiated disclosures otherwise improve the efficiency of the federal government. There may be other appropriate cases that do not involve cost savings, including disclosures that improve health or safety, that expose criminal behavior, or that potentially result in some notable improvement or correction to policies or practices. OSC instituted this policy to provide an incentive for employees to come forward with disclosures and to encourage agencies to recognize the contributions of those whistleblowers.

Agencies have statutory authority to pay monetary awards to employees, including former employees and members of the Senior Executive Service, whose efforts contribute to the

¹ See 5 U.S.C. § 1213.

² OSC reviews six categories of whistleblower disclosures: violations of a law, rule or regulation; gross mismanagement; a gross waste of funds; an abuse of authority; a substantial and specific danger to public health or safety; and censorship related to scientific research. 5 U.S.C. § 1213(b).

efficiency, economy, or improved operation of the government.³ The head of an agency may authorize an award of up to \$10,000 to an employee, or with approval of the Office of Personnel Management, for an award of \$10,001-\$25,000. Awards over \$25,000 require Presidential approval.⁴ These authorities recognize the value of federal employees disclosing wrongdoing and provide agencies the authority to make awards to those employees where appropriate.

The Special Counsel will consider a variety of factors in determining whether to recommend that the agency provide a cash award to a whistleblower, including:

- 1) the significance of the disclosure in terms of its impact on the public interest;
- 2) the type and significance of tangible financial benefits to the federal government resulting from the disclosure;
- 3) the type and strength of any substantiation of the disclosure;
- 4) the initiative or perseverance or the risk taken by the whistleblower;
- 5) the nature of disclosed information, e.g., whether it was publicly available or previously known to the agency;
- 6) whether the whistleblower is eligible to receive an award; and
- 7) any other factor OSC deems relevant to the purpose of recommending an award.

OSC will not recommend an award if the whistleblower participated in the wrongdoing or knowingly benefited from the wrongdoing or if the whistleblower knowingly made or provided documents containing false, fictitious, or fraudulent statements or representations.

The Special Counsel's recommendation for an award to a whistleblower will be made in writing to the agency head. OSC does not have the legal authority to compel the granting of any award. The agency head makes the final determination of whether to authorize a monetary award. The Special Counsel's award recommendation will be included in correspondence to the President and Congressional oversight committees in cases referred pursuant to 5 U.S.C. § 1213(c).

³ See generally, 5 U.S.C. § 4503, Agency awards; 5 C.F.R. § 534.405, Performance awards; 5 U.S.C. § 4505, Awards to former employees; 5 C.F.R. § 451.104, Awards. Inspectors General have similar authority to grant monetary awards. See 5 U.S.C. § 4512.

⁴ See generally 5 U.S.C. § 4502; 5 C.F.R. § 451.104, 5 U.S.C. § 5307(d); and 5 C.F.R. § 530, Subpart B (2025) (discussing sources of authority for approving monetary awards to federal employees, including required levels of approval based on award amount).