



July 10, 2024

The Honorable Charles E. Grassley
Ranking Member
United States Senate Committee on the Budget
624 Dirksen Senate Office Building
Washington, DC 20510

Dear Ranking Member Grassley,

I am writing to follow-up to your March 11, 2024, letter asking that my office initiate a review of the U.S. Department of Housing and Urban Development (HUD) to determine whether the nondisclosure policies, forms, agreements, and related documents specific to HUD include the anti-gag provision required by law.

In response to your request, my office has initiated an evaluation to assess HUD's incorporation of the required anti-gag provision specified in the Whistleblower Protection Enhancement Act of 2012 (WPEA) and successive appropriations acts.¹ The evaluation will determine:

- 1) Whether HUD's nondisclosure policies, forms, and agreements include the anti-gag provision specified in the WPEA;
- 2) HUD's process to ensure that the anti-gag provision required under the WPEA is included; and
- 3) Whether HUD posts the anti-gag provision on its agency website as required by the WPEA.

Whistleblowers play a critical role in exposing fraud, waste, and abuse, and my office shares your commitment to ensuring whistleblowers are educated on their rights and remedies. In addition to our evaluation of HUD's incorporation of anti-gag provisions, we continue working with HUD to ensure whistleblowers across HUD's expansive network of program participants receive appropriate protections and education under the law.

In May 2023, I issued a Management Alert urging HUD to take immediate steps to better protect contractor employees who disclose wrongdoing. We identified that thousands of HUD contracts do not include the statutory protections against whistleblower retaliation codified at

¹ 5 U.S.C. § 2302(b)(13); e.g., Section 743 of Pub. L. No. 118-47 (March 23, 2024).



41 U.S.C. § 4712.² Those statutory protections include the right to report fraud, waste, and abuse to Congress and OIG, as well as a requirement that contractors educate their employees on their rights and remedies against retaliation.

We urged HUD to act quickly to address these critical gaps in whistleblower protections, but at the time of this letter all the recommendations from that management alert remain open. We continue working with HUD leadership to identify actions that can be completed to address our recommendations and better protect whistleblowers.

My team and I are always available to discuss our oversight work or provide additional information. If you or your staff have other questions about this matter, please do not hesitate to contact Chris Fontanesi, Senior Counsel to the Inspector General, at cfontanesi@hudoig.gov.

Sincerely,

Rae Oliver Davis
Inspector General

² OIG Management Alert: “HUD Should Take Additional Steps to Protect Contractor Employees Who Disclose Wrongdoing”, issued May 31, 2023; available at: <https://www.hudoig.gov/reports-publications/management-alert/management-alert-hud-should-take-additional-steps-protect>