

A report to congressional requesters.

Contact: Yvonne Jones at JonesY@gao.gov

What GAO Found

Tips and disclosures from the public, including workers, are an important source of information for agencies that enforce the law or issue regulations. However, workers who wish to notify agencies of potential wrongdoing risk reprisals from their employers and may have concerns about what their organizations' non-disclosure and employment agreements allow.

Differences in mission and statutory authority mean that federal agencies use a variety of mechanisms to protect disclosers and encourage them to report wrongdoing. These range from providing confidentiality to those who come forward with information to incentivizing disclosures through award programs. In addition, some agencies have warned that organizations' overly broad non-disclosure agreements are unenforceable if they contain language that restricts employees' ability to report concerns about wrongdoing to the government.

Mechanisms Selected Federal Agencies Report Using to Protect Disclosers

Agency	Pays Awards for Disclosures	Investigates Retaliation	Provides Relief for Retaliation	Provides Confidentiality
Internal Revenue Service	Yes	N/A	N/A	Yes
Securities and Exchange Commission	Yes	Yes	N/A	Yes
Occupational Safety and Health Administration (OSHA)	N/A	Yes	Yes	Yes
Federal Trade Commission (FTC)	N/A	N/A	N/A	Yes

Source: GAO Analysis of Agency Statutes and Annual Reports. | GAO-26-107650

Notes: For OSHA, confidentiality is only offered to certain non-complainant witnesses. FTC officials told us that, depending on circumstances, some instances of retaliation may violate the laws they enforce. Use of "N/A" indicates that the agency did not report using the mechanism.

Agency officials noted that accepting disclosures from the public may lead to challenges. For example, serving as a witness may risk revealing the discloser's identity, and agencies generally consult with disclosers about these risks.

Disclosures also lead to benefits, for both the government and disclosers. Enforcement work by the Federal Trade Commission (FTC), the Securities and Exchange Commission (SEC), and Internal Revenue Service (IRS), using information from the public, has resulted in billions of dollars in collections returned to the U.S. Treasury since 2019. The Occupational Safety and Health Administration's (OSHA) findings in retaliation cases have also led to employee reinstatement, as well as awards of backpay, attorney fees, and compensatory damages.

Why GAO Did This Study

Private sector employment practices can have adverse impacts on employees' willingness to report potentially illegal activity to federal authorities. However, federal law offers protections for disclosures and some agencies provide monetary incentives for information that leads to recovered funds that can help to encourage disclosures.

GAO was asked to review issues related to the potential effects of non-disclosure agreements on disclosures to FTC and other federal agencies. This report describes (1) employment practices that provide incentives or disincentives to employees who disclose potential wrongdoing, (2) mechanisms used to enforce private sector whistleblower protections, and (3) challenges selected federal agencies say they face in receiving tips and disclosures as well as the benefits of enforcing whistleblower protections.

GAO selected agencies using judgmental criteria to ensure representation across agency programs: 1) providing retaliation protection in the employment context, 2) acting against NDAs that prevent disclosure to the federal government, or 3) providing monetary rewards to individuals who disclose wrongdoing.

GAO analyzed documents and collected testimonial information from four agencies and six organizations with direct experience of issues relating to making and receiving disclosures. We used this to describe incentives and disincentives to disclosures, protections for disclosers, enforcement mechanisms used to protect disclosers, as well as challenges and benefits experienced by these agencies.