



May 2, 2024

TO: Karen Morris  
General Counsel

FROM: John Seger  
Assistant Inspector General for Audits, Evaluations, and Inspections

SUBJECT: PBGC's Inclusion of Anti-Gag Provision in Required Agreements  
(Project EV-24-182)

In response to a request from Senator Grassley, the Office of the Inspector General is initiating an engagement on PBGC's inclusion of the "anti-gag" provision which requires all federal agency nondisclosure policies, forms, or agreements to include the explicit statement notifying the employee of their rights to report wrongdoing.<sup>1,2</sup> Please see the enclosure for more specific details on the engagement and for topics we plan to discuss at the entrance conference. We will begin work on this engagement immediately, so we would appreciate you notifying the appropriate staff.

The next step will be to conduct an entrance conference which we will coordinate with the Corporate Controls and Reviews Department. At the entrance conference, we request PBGC provide any feedback on the planned engagement.

Thank you in advance for your time and consideration.

cc: Patricia Kelly, Acting Director, PBGC  
Lisa Carter, Director, CCRD  
Latreece Wade, Risk Management Officer

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<sup>1</sup> [https://www.grassley.senate.gov/imo/media/doc/grassley\\_to\\_oigs\\_-\\_anti-gag\\_provision.pdf](https://www.grassley.senate.gov/imo/media/doc/grassley_to_oigs_-_anti-gag_provision.pdf), page 121.

<sup>2</sup> 5 USC § 2302(b)(13); Pub. L. No. 117-328 and Pub. L. No. 117-328.

### Overview of Anti-Gag Provision Use

Subject: PBGC's Inclusion of Anti-Gag Provision in Required Agreements

Source for the Work: Request from Senator Grassley

Issue(s) Under Review/Objective(s)/Key Question(s):

1. Has PBGC included the required anti-gag provision in all federal agency nondisclosure policies, forms, or agreements?

Entrance Conference Discussion Topics:

1. Requirement for PBGC to include the anti-gag provision in agreements, and what type of agreements.

Documentation Requested for the Entrance Conference:

1. Policies and guidance for all PBGC nondisclosure policies, forms, or agreements related to the anti-gag provision.
2. Templates used for any agreements which should contain an anti-gag provision.
3. For each type of agreement that contains the provision, provide the most recent executed agreement.

Points of Contact Requested:

1. Office of General Counsel
2. Any other POCs as identified

Estimated Report Issuance: August 2024

OIG Contacts:

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