

Braley Introduces Whistleblower Protection Enhancement Act of 2009

Today, Rep. Braley introduced the Whistleblower Protection Enhancement Act of 2009. This legislation will strengthen whistleblower protections for federal employees.

Washington, D.C. - Today, Rep. Bruce Braley (D-Iowa) joined Committee on Oversight and Government Reform Chairman Ed Towns (D-NY), Congressman Chris Van Hollen (D-MD) and Congressman Todd Platts (R-PA) to announce the introduction of the Whistleblower Protection Enhancement Act of 2009. This legislation will strengthen whistleblower protections so federal employees won't be penalized for exposing fraud, waste and abuse.

"Protecting the rights of whistleblowers is not a Democratic issue or a Republican issue. It's an issue that impacts every American citizen. The actions of whistleblowers have led to ethics reforms, more responsible use of taxpayer money, and have even saved lives. The Whistleblower Protection Enhancement Act strengthens protections for government workers who speak out against illegal, wasteful, and dangerous practices so these everyday heroes can be free to stand up for what's right," said Braley.

"As part of the recovery package, the federal government will make an unprecedented investment in our country. We must ensure this money is spent transparently. This legislation will protect federal employees who expose corruption or mismanagement, and in doing so will help protect the taxpayers' funds from waste and misuse," said Van Hollen.

"Whistleblower protection is a critical part of preventing waste, fraud, and abuse in our government. These safeguards need to be enacted immediately, particularly now that billions of stimulus dollars are at stake, so that federal employees and employees of companies with government contracts are not deterred from reporting any mismanagement of taxpayer dollars. As Chairman of the Committee on Oversight and Government Reform, I am pleased to join Rep. Van Hollen and Rep. Platts in support of this measure and I urge its prompt passage," said Chairman Ed Towns (D-NY).

"As the sponsor of legislation to increase whistleblower protections in previous sessions of Congress, I believe it is important that we restore and strengthen the statutory protections given to whistleblowers under federal law. Being a whistleblower takes courage. Reporting waste, fraud and abuse within the federal government should not result in harassment, a damaged career, or the loss of income or employment altogether. It is important for potential whistleblowers to know that, if they come forward, they are truly protected by federal law," said Congressman Todd Platts (R-PA).

Tom Devine, Legal Director of the Government Accountability Project, added, "This is a badly-needed accountability measure that follows through on President Obama's campaign promise for federal whistleblowers: best practice free speech rights enforced by full access to court for all employees paid with government funds. Taxpayers should appreciate persistence and leadership by Representative Van Hollen. The bi-partisan team he assembled successfully inserted this spending safeguard in the House stimulus legislation last month, without opposition. The House should act quickly to reaffirm its mandate and lock in accountability before the stimulus gears up. Otherwise, unprecedented new spending will be an unprecedented opportunity for fraud, waste and abuse."

The Whistleblower Protection Enhancement Act of 2009:

Protects National Security Whistleblowers. Gives whistleblower protections to federal workers who specialize in national security issues. These are federal government employees who have undergone extensive background investigations, obtained security clearances, and handled classified information on a routine basis. Our own government has concluded that they can be trusted to work on the most sensitive law enforcement and intelligence projects. This bill would finally give these courageous individuals the protection they deserve.

Protects Contractor Whistleblowers. Ensures that employees who work for companies with government contracts are protected when they report waste, fraud, and abuse of U.S. taxpayer dollars. Existing legal protections for these employees are deficient, and often they fear that reporting an abuse of taxpayer dollars will cost them their jobs.

Protects Scientific Whistleblowers. Includes a clarification regarding disclosure of actions that threaten the integrity of federal science. Over the last few years, the politicization of science has been rampant. It is important that employees who see such examples know that they are eligible for whistleblower protection, and that our science-based agencies get the clear message that retaliating against these employees is unacceptable.

Protects All Whistleblowers. Responds to court decisions by the U.S. court of appeals for the federal circuit limiting the scope of disclosures protected under current law. The bill clarifies that "any" disclosure regarding waste, fraud, or abuse means "without restriction as to time, place, form, motive, context, or prior disclosure" and includes formal or informal communication. The bill also provides that a whistleblower can rebut the presumption that a federal official performed his or her duties in accordance with the law by providing substantial evidence to the contrary. The federal circuit has required a higher standard, irrefutable proof, to rebut this presumption. Furthermore, the bill allows whistleblowers access to federal district courts if the merit systems protection board (mspb) does not take action on their claims within 180 days.