

Legislation to Strengthen, Update Whistleblower Protections Passes Senate

Written by Grassley Press
Thursday, 10 May 2012 07:20

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Wednesday, May 9, 2012

WASHINGTON – Senator Chuck Grassley today said that late last night legislation to strengthen and update the Whistleblower Protection Act passed the Senate and is now headed to the House for consideration.

Grassley is one of the primary authors of the bill, known as the Whistleblower Protection Enhancement Act. The bill was introduced on April 6, 2011. The legislation is sponsored by Senator Daniel K. Akaka of Hawaii and is cosponsored by Grassley along with Senators Susan Collins of Maine, Joe Lieberman of Connecticut, Carl Levin of Michigan, Tom Carper of Delaware, Patrick Leahy of Vermont, Tom Harkin of Iowa, Mark Pryor of Arkansas, Mary Landrieu of Louisiana, Claire McCaskill of Missouri, Jon Tester of Montana, Mark Begich of Alaska, Ben Cardin of Maryland, and Chris Coons of Delaware.

“This update to the Whistleblower Protection Act makes big steps forward for all federal government employees. It restores the congressional intent behind the law, but it is especially important in establishing whistleblower protection for employees in the intelligence community for the first time, without endangering national security,” Grassley said. “We’ll continue to fight for additional improvements, like adding timelines for the Attorney General to address FBI whistleblower retaliation cases, that give whistleblowers the security they need to help us uncover the skeletons hidden deep in the closets of the federal bureaucracy.”

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The legislation would:

- clarify that “any” disclosure of gross waste or mismanagement, fraud, abuse, or illegal activity may be protected, but not disagreements over legitimate policy decisions;
- suspend the Federal Circuit Court of Appeals sole jurisdiction over federal employee whistleblower cases for five years;
- extend Whistleblower Protection Act coverage and other non-discrimination and anti-retaliatory laws to all employees of the Transportation Security Administration;
- clarify that whistleblowers may disclose evidence of censorship of scientific or technical information under the same standards that apply to disclosures of other kinds of waste, fraud, and abuse;
- codify the anti-gag provision that has been part of every Transportation-Treasury Appropriations bill since 1988;
- allow jury trials under certain circumstances for a period of five years;
- provide the Merit System Protection Board with authority to consider and grant summary judgment motions in Whistleblower Protection Act cases for a period of 5 years;
- clarify that employees protected by the Whistleblower Protection Act may make protected classified disclosures to Congress using the same process as Intelligence Community employees;
- establish protections for the Intelligence Community modeled on existing whistleblower

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protections for FBI employees;

- establish a process within the executive branch for review if a security clearance is allegedly denied or revoked because of a protected whistleblower disclosure;
- establish Whistleblower Protection Ombudsmen to educate agency personnel about whistleblower rights; and
- provide the Office of Special Counsel with the independent right to file “friend of the court” briefs, or amicus briefs, with federal courts.

A long-time advocate for whistleblowers, in addition to co-authoring the 1989 whistleblower law, Grassley sponsored changes made in 1986 to the President Lincoln-era federal False Claims Act to empower private sector whistleblowers. Since the 1986 amendments were signed into law, the False Claims Act has brought back more than \$30 billion to the federal treasury, and has deterred even more fraudulent activity. In 2009, in coordination with Senator Patrick Leahy, Grassley worked to pass legislation to shore up whistleblower protections in the False Claims Act that had been eroded by the courts after years of litigation by defense and healthcare contractors.

Grassley is also the author of legislation that would give whistleblower protections to employees in the legislative branch similar to protections already provided to employees of the executive branch of the federal government.

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