

Please Support Private Sector Whistleblower Rights

August 3, 2010

To: Members of Congress

Re: Please co-sponsor H.R. 4047, legislation to modernize and streamline whistleblower protections for the private sector

Dear Representative,

The undersigned 153 organizations urge you to support and consider co-sponsoring H.R. 4047, the Private Sector Whistleblower Protection Streamlining Act. For the first time, this legislation would establish an effective, uniform, and coherent system of legal protections for all private sector and other non-federal employees who are retaliated against for disclosing threats to public safety or violations of Federal laws on issues ranging from consumer protection standards, to homeland and energy security, to food and drug safety.

Many of you, on both sides of the aisle, have already voted during this Congress and in prior Congresses to enhance whistleblower protections associated with specific circumstances. For example, in August 2007 President Bush signed into law enhanced whistleblower protections for ground transportation employees in the rail, bus, trucking, and public transit industries. In January 2008, strengthened rights for defense contractors became law. In August 2008, Consumer Product Safety Commission employees were granted rights, and in February 2009 President Obama signed into law unprecedented whistleblower protections for contractors in the stimulus law.

The good news is that there are now over 40 such laws protecting various acts of corporate whistleblowing concerning violations of Federal law. The bad news is that each of these laws has its own unique procedural rules and requirements, and this causes significant confusion for whistleblowers and employers alike.

Moreover, significant and arbitrary gaps in protection remain. To illustrate, an employee at a meat packing plant has whistleblower rights when challenging the release of fecally-contaminated water flowing into a river. But that same employee has no rights when disclosing the shipment of fecally-contaminated meat and poultry to a supermarket's butcher case. An employee of a pharmaceutical company has protection for disclosing false statements in financial reports to shareholders. But there is no protection for challenging false statements to the government or the public about potentially lethal drug safety hazards.

H.R. 4047 would offer strong, uniform whistleblower protection for reporting violations of such critical areas of Federal law as -- health and health care; environmental

protection; food and drug safety; transportation safety; building and construction-related requirements, including safety requirements and structural and engineering standards; energy, homeland, and community security, including facility safety; and financial transactions or reporting requirements, including banking, insurance, and securities laws.

At the same time, the bill ensures that protection does not become a shelter for poorly performing employees. Piecemeal statutes over the years have reflected accumulating lessons learned about a proper balance of interests. H.R. 4047 incorporates them all and would provide an approach that is finally uniform, with one rule for all.

This legislation would promote legislative efficiency, as well as coherence. Every time a new provision is passed, new committees or staff must master the provisions for an issue on which they frequently have no prior subject matter expertise. This unnecessary duplication helps explain why no two whistleblower laws are identical, even though in many instances different statutes cover disparate operations of the same company.

H.R. 4047 is a good housekeeping, good government measure more than 30 years overdue which merits bipartisan support. In streamlining and strengthening whistleblower protections, H.R. 4047 reflects a broad public mandate. Immediately after the November 2006 election, a Democracy Corps poll survey asked likely voters what they expected most from the new Congress. Seventy-nine percent said they would be more likely to support a Congress that enacted whistleblower protection legislation. This was the second highest total, trailing only a similar mandate from eighty-one percent of voters that Congress ensure our tax dollars are spent on the programs for which they were intended.¹

The legislation also institutionalizes the best single resource to fight corporate fraud that threatens shareholders as well as the public. A recent Price Waterhouse study found that whistleblowers are responsible for catching more internal corporate fraud than institutional compliance officers, auditors and law enforcement agencies combined.

We urge continued bi-partisan leadership and commitment for freedom of speech to defend consumers, taxpayers, and citizens whether the bureaucracy that betrays the public trust is corporate or government. This legislation is a solid foundation toward achieving that goal for the vast majority of America's institutions. We hope you will consider co-sponsoring this reform. If you would like more information, please contact Tom Devine at the Government Accountability Project, 202-457-0034, ext. 124.

With appreciation,

¹ Democracy Corps survey conducted by Greenburg, Quinlan, Rosner Research of 1014 likely voters, February 14-19, 2007.

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