



Senate whistleblower bill doesn't go far enough, critics say

A new whistleblower bill, the Whistleblower Enhancement Act of 2009, passed the Senate in late July to decidedly mixed reviews.

"This significantly strengthens protections of whistleblowers," said Sen. Claire McCaskill (D-Mo.) of the Senate bill. But the praise is far from universal.

The bill, [S. 372](#), provides the opportunity for some federal employees to access jury trials for their retaliation complaints. When a federal employee "blows the whistle" on government corruption or malpractice, the employee runs the risk of being fired, harassed, or discriminated against in the workplace. Under current law, employee complaints of retaliation go before a Merit Systems Protection Board, not to federal court. These cases often take years to resolve, if they are resolved at all.

Among the critics of the employee protections in the bill's Senate version is the National Whistleblowers Center. On the Center's [website](#), executive director Steve Kohn writes: "S. 372 contains a provision that says if the Merit Systems Protection Board can complete the adjudication of your case in 270 days you have no right to go to court. This will open the door for the MSPB to create procedures that force the adjudication of claims within the Congressionally mandated time-period, and effectively block access to federal court."

Kohn also notes that the Center supports the House version of the bill, [H.R. 1507](#), which has been introduced on the floor.

Additional provisions in the Senate bill include the right for Transportation Security Administration employees to seek whistleblower protection rights. Intelligence workers, however, would not be entitled to a trial like other federal workers. FBI, CIA and other intel employees would take their grievances to a committee appointed by the President.

Danielle Brian, the executive director for the Project on Government Oversight, told [ABC News](#) that the current form of the bill doesn't offer enough protection. "We want everyone to have jury trials so that national security whistleblowers can get their job back when they win," she said.

The Senate bill tweaks the current system by allowing for a possible trial for many government employees. The 270-day deadline promises solid resolution for their complaints. Thousands of intelligence workers remain unaffected by the changes; government watch groups continue to rally for more stringent employee protections.

The new whistleblower bills are steps in the right direction, but aren't quite there yet, say its critics. Tom Devine, the legislative director for the Government Accountability Project told [The Washington Times](#), "In reality, it just changes the drapes and the window dressing. All the hearings would still be conducted by the agencies."