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With rampant potential threats to the public interest posed by AI and how companies have repeatedly mishandled deployment, it is extremely important that AI technology is safely developed. Clear channels with proper protection for lawful disclosure makes this possible. The [AI Whistleblower Protection Act](#) introduced by Senator Charles Grassley (R-IA) provides venue for safe reporting that insiders desperately need.

The bill provides coverage for information brought forward regarding an AI security vulnerability or violation or any conduct that the covered individual reasonably believes to constitute an AI security vulnerability or AI violation. All whistleblower retaliation laws include this precedent, where the law does not require a whistleblower to prove a violation, as long as the whistleblower believes in good faith that there could be a violation.

Under the AIWPA, whistleblowers are not required to know the laws or be experts in legal technicalities. These laws are designed for insiders who have a reasonable belief that what is occurring or being developed could result in vulnerabilities or violations of law.

In a U.S. Court of Appeals Case cited by Congress in passing the Sarbanes-Oxley Act, the good faith standard was fully explained. “[A]n employee’s non-frivolous complaint should not have to be guaranteed to withstand the scrutiny of in-house or external review in order to merit... for the obvious reason that such a standard would chill employee initiatives for bringing to light perceived discrepancies in the workings of their agency.” [Passaic Valley Sewerage Commissioners v. U.S. Dept. of Labor](#), 992 F.2d 474 (3rd Cir.1993).

Founder and Chairman of the Board of the National Whistleblower Center Stephen M. Kohn remarked: “This bill is a home run for whistleblowers. It is urgently needed legislation that is absolutely vital to protect the public. The AIWPA will significantly enhance the reliability and integrity of AI developed in America.”

The statute follows and is consistent with traditional whistleblowers laws in broadly prohibiting retaliatory conduct to include everything from a termination, to blacklisting, to harassment. The scope of protected activity is also consistent with modern anti-retaliation laws. It protects internal disclosures (See §3(a)(3)(A) and §3(a)(3)(B)) but also disclosures to any regulatory or law enforcement authority and congress. It also protects whistleblowers who testify or assist in investigations or judicial proceedings.

The law follows the standard procedures set forth in whistleblower law such as the Sarbanes-Oxley, Taxpayer First, and auto safety laws by requiring an initial complaint be filed with the Department of Labor, which has the authority to fully adjudicate the claims and protect the whistleblower. Critically, it permits the whistleblower after 180 days to file a complaint directly

in federal court seeking full relief available from courts and present their case to a jury of peers. This protects whistleblowers from the long delays often experienced in administrative cases and ensures that they can present their case to members of the community and not just a single judge. The statute of limitations for filing a claim is a minimum three years but can be enlarged based on the information that's presented that may have deceived a whistleblower from being aware of their rights. This is a progressive feature in the law and permits whistleblowers ample time to secure new employment prior to engaging in a public legal case against their former employer. An absolutely essential aspect of the law is its strict prohibition against contractual waivers of whistleblowers rights, be they obligations to submit complaints to mandatory arbitrations, or being forced to sign restrictive non-disclosure agreements. Employer use of contracts to circumvent whistleblower laws has a troublesome history, which consistent with all modern whistleblower laws, the AI statute would prevent.

Finally, should a whistleblower be wrongfully terminated, the law provides a fully make-whole remedy, including back pay, benefits, reinstatement, and compensatory damages. If a whistleblower prevails, the company must pay attorney's fees and costs. Although the statute does not have punitive damages, it does have a double back pay provision which serves a similar purpose. Double back pay also protects whistleblowers from having to meet the extremely heavy burden required to demonstrate punitive damages.

This law is a significant step forward in ensuring that employers, senior managers, and appropriate government officials can obtain early warnings of significant harmful impacts that could be caused by wrongfully deployed AI. Most significantly, it is a necessary safeguard against the well-documented risks to national security, including theft by foreign adversaries or the dangerous use of AI technology by terrorists can be reported, investigated, and if necessary, stop. The American public and indeed the worldwide community will be safer when AI is deployed safely without the risk of catastrophic impact.