

LAW, JUSTICE, AND ETHICS (LJE)

Resolution LJE-22-04

PROTECTION FOR WHISTLEBLOWERS

WHEREAS, the National Black Caucus of State Legislators (NBCSL) strives for equality of social and economic rights of all persons through pursuing enactment of federal, state, and local laws securing civil rights;

WHEREAS, whistleblowers are an integral component in identifying government corruption and fraud within agencies in which they are employed;

WHEREAS, the Whistleblower Protection Act (WPA) of 1989 was enacted to protect government employees who report illegal activity from employer retaliation;

WHEREAS, the Whistleblower Protection Enhancement Act (WPEA) of 2012 amended the WPA to provide greater protections for whistleblowers, and the WPEA did this by implementing and enforcing nondisclosure agreements that are consistent with whistleblower protections;

WHEREAS, the benefit of whistleblower actions extends to other aspects of society beyond government organizations, for example, through its impact on agriculture and hospital practices to protect public health and welfare;

WHEREAS, the current federal and state whistleblower laws are not adequate in their level of protection of whistleblowers inasmuch as whistleblower complaint case resolutions are often not in favor of the whistleblower;

WHEREAS, Congress has amended the WPEA to strengthen whistleblower protections to mandating routine oversight to ensure that complainants are protected and any form of retaliation; and

WHEREAS, Congress must re-examine the current protections and address the insufficiencies identified in published research on whistleblower complaints and resulting hostile environments.

THEREFORE, BE IT RESOLVED, that the National Black Caucus of State Legislators (NBCSL) reaffirms its support for more protection of whistleblowers at the federal, state, and local government levels, the need for more independent oversight to prevent retaliatory behaviors in organizations, and the development of procedures to promote disclosure of misconduct against whistleblowers; and

BE IT FINALLY RESOLVED, that a copy of this resolution be transmitted to the President of the United States, the Vice President of the United States, members of the United States House of Representatives and the United States Senate, and other federal and state government officials and agencies as appropriate.

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SPONSOR: Senator Brenda Gilmore (TN)

Committee of Jurisdiction: Law, Justice, and Ethics (LJE) Policy Committee

Ratified in Plenary Session: December 2, 2021

Ratification certified by: Representative Billy Mitchell (GA), NBCSL President