



GOVERNMENT ACCOUNTABILITY PROJECT

1612 K Street, NW, Suite #1100

Washington, DC 20006

(202) 457-0034 | info@whistleblower.org

March 7, 2017

Chairman Jason Chaffetz  
Ranking Member Elijah Cummings  
U.S. House of Representatives  
Committee on Oversight and Government Reform  
Washington, DC 20515

Dear Chairman Chaffetz and Ranking Member Cummings:

We write to express the Government Accountability Project's (GAP) concern over the threat to whistleblower rights from H.R. 1364, the Official Time Reform Act. The legislation's purpose is to prevent retirement credits for work by union stewards on collective bargaining agreement disputes or political advocacy. While GAP cannot comment responsibly on those purposes, we immediately recognized the legislation as a serious threat to enforcement of the Whistleblower Protection Act, and therefore to government accountability against abuses of power that betray the public trust. We base this concern on working with over 8,000 whistleblowers since 1977, as well as advocacy to enact and monitoring implementation for all four generation of free speech rights protected by 5 USC 2302(b)(8).

We do not believe the legislation's authors intended to threaten those who challenge bureaucratic abuses of power. However, WPA rights inherently will be restricted under any baseline which bans credits for issues covered by collective bargaining agreements. That is because violations of the WPA or other prohibited personnel practices are institutionalized as violations of every labor-management agreement in the civil service.

The Achilles heel of the WPA's promise always has been enforcement, and that is why we are especially concerned. Union stewards are essential foot soldiers on the front lines to act on whistleblowing members' anti-retaliation rights. To illustrate, early intervention by Food Inspectors Union stewards has nipped retaliation in the bud, without further increasing backlogs at the U.S. Office of Special Counsel (OSC) and the Merit Systems Protection Board. (MSPB) Countless Americans have been shielded from food poisoning that would have occurred if whistleblowing meat and poultry inspectors had not spoken out, and far fewer would if acting alone without solidarity from their stewards.

It is not realistic to expect that either the Special Counsel or the Board can do more. The Board has become dysfunctional to the point of paralysis, and the severely-backlogged OSC only can have an anecdotal impact. Taking the foot soldiers off the line will leave many whistleblowers defenseless.

The last election was a mandate to drain bureaucratic swamps and increase accountability to the taxpayers. This is the wrong time to weaken whistleblower protection. Thank you for considering our views.

Respectfully submitted,

---

Legal Director

---

Director, Food Integrity Program  
Government Accountability Project