

Whistleblower Protection Enhancement Act (WPEA)



The **Whistleblower Protection Enhancement Act (WPEA)** provides millions of federal workers with the rights they need to report government corruption and wrongdoing safely. The law reflects an unequivocal bipartisan consensus, having received the vote of every member in the 112th Congress, passing both the Senate and House of Representatives by unanimous consent shortly before adjournment. The WPEA [can be viewed here](#).

For over a decade, GAP and an expanding coalition of all ideologies fought to get this legislation passed. Please find information about this important law below, or read about the WPEA's [Top 20 Benefits](#), [Unresolved Issues](#), and [Technical "Update" Amendments](#).

The History of the WPEA

The WPEA makes federal whistleblower rights stronger than at any time in history, lapping those created by the Whistleblower Protection Act of 1989 (WPA). This update is long overdue, as WPA protections were very weak.

The WPA was a landmark good government law with the mandate to protect federal employees who report waste, fraud and abuse. Over the past two decades, the WPA has fallen victim to hostile judicial activism. Unfortunately, with every month that passed before enactment of the WPEA, the status of federal government whistleblowers continued to erode due to a lack of viable rights.

On average each month, more than 15 whistleblowers would lose initial decisions from administrative hearings at the Merit Systems Protection Board (MSPB), while fewer than one would prevail. Through June of 2012, whistleblowers' track record at the single available court was 3-224 since 1994 the last time the WPA was "strengthened." A [recent MSPB survey](#) found that federal whistleblowers were nine times more likely to be fired in 2010 compared to 1992.

Formerly under the WPA, federal employees *were not eligible for whistleblower protections* if they:

- were not the first person who discloses given misconduct
- made a disclosure to a co-worker
- made a disclosure to a supervisor
- disclosed the consequences of a policy decision, or
- blew the whistle while carrying out job duties

The WPEA had ample support, having passed by Unanimous Consent in both chambers *in each of the four congressional sessions prior to 2011-12*. However, each time that it was on the brink of passage, the reform has been sabotaged by a congressional loophole that allows one or more Senators to place a "secret hold" on legislation.

Before recent enactment, the closest the bill was to becoming a reality was on the final day of the last session of Congress, the 111th (2009-10). But, after passing each chamber by Unanimous Consent, at least one Senator put a 'secret hold' on the bill anonymously, literally in the final hours of session. In the beginning of the 112th Congress, GAP teamed up with NPR's *On the Media* to identify the culprit(s). [Learn more about the Secret Hold Campaign here](#).

For over ten years, GAP and an expanding coalition of 400 organizations and companies, of all ideologies, campaigned to restore credible whistleblower rights for federal government employees and contractors. GAP has provided expert testimony, and proposed and coached whistleblower witnesses, to help build a record for the WPEA. On November 27, 2012, the WPEA was finally signed into law.

What the WPEA Does

A strong federal whistleblower statute is paramount to close existing loopholes and improve the status quo.

The WPEA overhauls the WPA, closes administrative loopholes, ends the Federal Circuit Court's monopoly on appeals, and does not roll back any rights.

As with any significant reform that must survive a political gauntlet, this law certainly does not have every reform we have sought, but does have critically important upgrades to the broken system for federal whistleblowing.

Overall, the WPEA is remarkably intact for a reform that survived a 12 year political gauntlet, including negotiations to lift additional holds by congressional offices. The WPEA replaces current legal land mines with reliable rights.

Intensive dialogue between the Make It Safe Coalition, which GAP coordinates, the Obama administration, and both Chambers of Congress paved the way for passage of the Whistleblower Protection Enhancement Act in the 112th Congress.

Learn More

[Top 20 Benefits](#)

[Unresolved Issues](#)

[Technical "Update" Amendments](#).

To learn how the WPEA affects you, contact GAP Legislative Campaign Coordinator Shanna Devine at shannad@whistleblower.org, 202.457.0034, ext. 132.

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