

Impediments to Congressional support of Whistleblowers

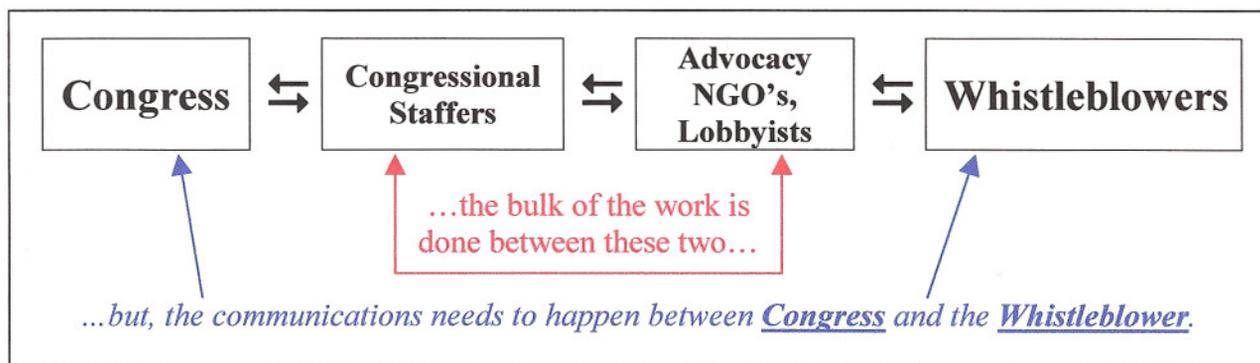
A key role of Congress is to pass laws that remedy the problems encountered by constituents. This requires a diligent process, including:

- First, identify the problem
- Then, identify all parties involved or related to the problem
- Then, craft the language that remedies the problem, with fairness to all parties, while creating no new problems.
- And finally, negotiate the language, reconciling differences of opinion, so as to pass and emplace the new law.

Two problems undermine the effectiveness of Congress in aiding Whistleblowers.

Problem-#1: Distortion in the Congress-Constituent connection.

Ideally, the Whistleblower can communicate their concern directly to their congressional representative, face-to-face. The congressional representative can then meet and confer with the other parties (e.g., key agency officials) and resolve the problem(s), possibly eliminating the need to craft a new law.



What appears to have evolved, though, is Congress is so busy with so many issues, they just do not have the focus to successfully serve individual constituents dealing in 'David v. Goliath' style with huge agencies. Instead, they rely on their staffers. There is typically one person on their staff who is 'on top' of the specific issue. Well, that person also has many other duties to perform. So, they find it exceedingly convenient to rely on Advocacy NGO's and other 'Lobbyists', both for general guidance and opinions, as well as for the information and draft language needed to finish their job.

Thus, we have a veritable outsourcing of duties, away from elected officials and onto unelected, specialized lobbyists. The effect is that, with very rare exceptions, a Whistleblower has no meaningful connection to his/her congressional representative.

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Problem-#2: Agency-funded projects create a Congressional conflict-of-interest.

Part of what tips the balance in favor of the agencies is their substantial funding authorities. An agency such as the FAA, doing retaliatory damage to Whistleblowers, has great power in the funding they control. Reelection is a core concern of all elected officials. A Congressman who can show millions in FAA funding for airport projects stands a far better chance of reelection than one who failed to secure a piece of FAA's 'free money' pie.¹ Thus, a congressional representative may hear a serious problem from a constituent Whistleblower, and may truly want to help, but the constituent assistance is tempered by the reaction from the agency. An FAA response to the Congressman might reasonably be, point-blank:

"...this Whistleblower is a problem employee. He has already been retired and is collecting his pension. So, if you insist on overriding our actions, we will block funding your local airports. What is more important to you?"

Thus, a supportive Congressman who aggressively fights for a single Whistleblower risks alienating the very agency that aids his/her reelection. The necessary result is a dampening of constituent assistance.

¹ In an average year, FAA awards more than \$4 Billion for airport projects. The bulk of these funds are collected as fees and taxes imposed on airline passengers.