

# AN OVERVIEW OF WHISTLEBLOWER PROTECTIONS

KATHLEEN DINOSO AND MATHENA JENCKA

## BACKGROUND

### I. WHISTLEBLOWER INTRODUCTION

The term “whistleblower” refers to an individual who reports information about suspected wrongdoing to an authorized person or entity capable of taking remedial action.<sup>1</sup> Whistleblowing occurs when an individual discloses misconduct through a recognized reporting mechanism such as a government regulator’s tip or complaint process.<sup>2</sup> The receiving authority then evaluates the information and decides whether to open an investigation, potentially resulting in civil, administrative, or criminal enforcement.<sup>3</sup> Whistleblowers perform an important public service by exposing misconduct that may otherwise remain concealed, thereby strengthening accountability and supporting effective enforcement.<sup>4</sup>

### II. EARLY FOUNDATIONS OF WHISTLEBLOWER PROTECTION LAWS

Whistleblower protections date back to the late 1700s.<sup>5</sup> Congress passed the Whistleblower Act of 1778, the first whistleblower protection legislation in the United States, after two naval officers faced retaliation for reporting their commanding officer's mistreatment of prisoners.<sup>6</sup> This resolution provided that “it is the duty of all persons in the service of the United States . . . to give the earliest information to Congress or other proper authority of any misconduct, frauds or misdemeanors committed by any officers or persons in the service of these states.”<sup>7</sup> This Act set an early precedent for the protection and encouragement of reporting misconduct, paving the way for subsequent legislation.

---

<sup>1</sup> *What Is a Whistleblower?*, NAT’L WHISTLEBLOWER CTR., <https://www.whistleblowers.org/what-is-a-whistleblower> (last visited Dec. 23, 2025);

*Whistleblower Q&A*, U.S. MERIT SYS. PROT. BD., <https://www.mspb.gov/appeals/whistleblower.htm> (last visited Dec. 23, 2025).

<sup>2</sup> *Whistleblower Rights and Protections*, U.S. DEP’T JUST. OFF. INSPECTOR GEN., <https://oig.justice.gov/hotline/whistleblower-protection> (last visited Dec. 23, 2025).

<sup>3</sup> *Id.*

<sup>4</sup> *Id.*

<sup>5</sup> Stephen M. Kohn & Michael D. Kohn, *An Overview of Federal and State Whistleblower Protections*, 4 ANTIOCH L.J. 99, 99 (1986). See generally Christopher Klein, *US Whistleblowers First Got Government Protection in 1777*, HISTORY (June 30, 2025), <https://www.history.com/articles/whistleblowers-law-founding-fathers> (discussing how whistleblower protections date back to the late-1700s).

<sup>6</sup> Kohn & Kohn, *supra* note 5; JIMMY BALSER, CONG. RSCH. SERV., R48318, THE WHISTLEBLOWER PROTECTION ACT (WPA): A LEGAL OVERVIEW 1 (2024).

<sup>7</sup> BALSER, *supra* note 6, at n.3.

The False Claims Act of 1863<sup>8</sup> (FCA) was later established due to rampant fraud among contractors who were supplying goods and services to the Union Army during the Civil War.<sup>9</sup> The FCA has been amended over time to allow both private citizens and the federal government to file suit when an actor is defrauding the U.S. government.<sup>10</sup> Under the anti-retaliation provision of the FCA, whistleblowers are protected from employer retaliation and discrimination, including discharge, suspension, or demotion, based on lawful acts done by the whistleblower.<sup>11</sup> When a whistleblower successfully brings a claim on behalf of the government, an action referred to as a “*qui tam*” suit, they may be entitled to a portion of the government’s recovery in the form of a financial reward.<sup>12</sup>

While whistleblower protections have been established for hundreds of years, the statutes are frequently amended through legislative actions, judicial precedent, and regulatory reforms to expand safeguards and reporting mechanisms for protected disclosure.

## GOVERNING WHISTLEBLOWER LAWS

Numerous laws govern whistleblower protections and claims, the most prominent of which are addressed briefly.

### I. MILITARY WHISTLEBLOWER PROTECTION ACT OF 1988

The Military Whistleblower Protection Act of 1988<sup>13</sup> (MWPA) protects service members who disclose misconduct, illegal activity, gross mismanagement, or threats to public health and safety.<sup>14</sup> The Act prohibits retaliation against those who make protected disclosures, communicate lawfully with an inspector general or Congress, or participate in investigations or related proceedings.<sup>15</sup> Protected disclosures must be submitted to authorized recipients and must reasonably evidence wrongdoing.<sup>16</sup> Once a report is submitted, inspector generals must investigate both the alleged retaliation and the underlying misconduct.<sup>17</sup> By expanding legal safeguards for whistleblowers, the MWPA strengthened protections against retaliatory actions and promoted transparency across the military.

---

<sup>8</sup> 31 U.S.C. § 3729.

<sup>9</sup> Steven S. Reed, *Inside the False Claims Act: A General Counsel’s View From Both Sides of the Table*, JAMS (Nov. 6, 2025), <https://www.jamsadr.com/insight/2025/inside-the-false-claims-act-a-general-counsels-view-from-both-sides-of-the-table>.

<sup>10</sup> *Id.*; 31 U.S.C. §§ 3729–33; *The False Claims Act*, U.S. DEP’T JUST. CIV. DIV., <https://www.justice.gov/civil/false-claims-act> (last visited Dec. 23, 2025).

<sup>11</sup> 31 U.S.C. § 3730(h).

<sup>12</sup> *The False Claims Act*, *supra* note 10.

<sup>13</sup> 10 U.S.C. § 1034.

<sup>14</sup> Mike Bothwell, *What Is the Military Whistleblower Protection Act and Who Does It Protect?*, BOTHWELL L. GRP., <https://whistleblowerlaw.com/military-whistleblower-protection-act-protect> (last visited Dec. 30, 2025).

<sup>15</sup> 10 U.S.C. § 1034(b).

<sup>16</sup> Bothwell, *supra* note 14.

<sup>17</sup> 10 U.S.C. § 1034(c)–(d).

## I. WHISTLEBLOWER PROTECTION ACT OF 1989

The Whistleblower Protection Act of 1989<sup>18</sup> protects federal employees from retaliation when they report misconduct or wrongdoing within an agency.<sup>19</sup> In the executive branch, the 1989 Act covers current and former executive branch employees and applicants, but excludes political appointees, employees of the U.S. Postal Service, and uniformed military service members.<sup>20</sup> Protected disclosures under the 1989 Act include “any violation of any law, rule, or regulation,” “gross mismanagement, a gross waste of funds, an abuse of authority, or a substantial and specific danger to public health or safety.”<sup>21</sup> When an employee submits a report, common audiences for the disclosure typically include Congress, the Office of Special Counsel, Offices of Inspectors General, co-workers, managers, and even the media.<sup>22</sup> The ratification of the 1989 Act greatly expanded the protections of federal employees, thus establishing further safeguards for reporting misconduct.

## II. INTELLIGENCE COMMUNITY WHISTLEBLOWER PROTECTION ACT OF 1998

The Intelligence Community Whistleblower Protection Act of 1998 (ICWPA) was enacted to protect whistleblowers within the intelligence community (IC), who were specifically excluded from the Whistleblower Protection Act of 1989.<sup>23</sup> Unlike general whistleblowers, IC whistleblowers face heightened concerns about protecting classified information that may be disclosed when filing a complaint.<sup>24</sup> The ICWPA grants any federal employee or contractor within the IC the right to report an “urgent concern” to the inspector general of the appropriate agency and outlines the processes of filing a complaint.<sup>25</sup> Though the ICWPA includes provisions to protect the whistleblower’s identity, the Act does not provide protection from retaliation.<sup>26</sup> By distinguishing the IC from general whistleblowers, the ICWPA established a formal avenue for IC members to report grave misconduct.

---

<sup>18</sup> Whistleblower Protection Act of 1989, Pub. L. No. 101-12, 103 Stat. 16 (1989) (codified as amended at 5 U.S.C. § 2302(b)(8)-(9)).

<sup>19</sup> *Whistleblower Protection Act*, OFF. OF THE WHISTLEBLOWER OMBUDS, [https://whistleblower.house.gov/sites/evo-subsites/whistleblower-evo.house.gov/files/Whistleblower\\_Protection\\_Act\\_Fact\\_Sheet.pdf](https://whistleblower.house.gov/sites/evo-subsites/whistleblower-evo.house.gov/files/Whistleblower_Protection_Act_Fact_Sheet.pdf) (last visited Dec. 26, 2025).

<sup>20</sup> *Id.*

<sup>21</sup> 5 U.S.C. § 2302(b)(8)-(9).

<sup>22</sup> *Whistleblower Protection Act*, *supra* note 19.

<sup>23</sup> MICHAEL E. DEVINE, CONG. RSCH. SERV., R45345, INTELLIGENCE COMMUNITY WHISTLEBLOWER PROVISIONS: A LEGISLATIVE HISTORY 3 (2024).

<sup>24</sup> *Id.* at 1.

<sup>25</sup> *Id.* at 2.

<sup>26</sup> *Legal Protections for Intelligence Community Whistleblowers: What You Need to Know*, NAT’L WHISTLEBLOWER CTR., <https://www.whistleblowers.org/the-intelligence-community-whistleblower-what-you-need-to-know> (last visited Dec. 30, 2025).

### III. SECURITIES ACT OF 1933

The Securities Act of 1933,<sup>27</sup> or Truth in Securities Act, was enacted following the Great Depression of 1929 as part of a legislative effort to ensure transparency in the securities industry.<sup>28</sup> To achieve its goals, the Securities Act requires companies to disclose key information through registration forms, including financial statements, management details, and descriptions of the company and the securities being sold.<sup>29</sup> While some securities are exempt from registration, public disclosures allow investors to make informed decisions and provide legal remedies if material information is misstated or omitted.<sup>30</sup> By establishing a system of mandatory disclosure and liability for fraudulent representations, the Securities Act created a foundation for later laws that protect whistleblowers and encourage reporting of misconduct.

### IV. SECURITIES EXCHANGE ACT OF 1934

The Securities Exchange Act of 1934<sup>31</sup> regulates transactions of securities in the secondary market, including trades between investors.<sup>32</sup> The 1934 Act aims to protect investors and ensure market transparency by requiring companies to make periodic and event-driven disclosures.<sup>33</sup> It also governs proxy solicitations, tender offers, and the exchanges where securities are traded, certifying that investors receive the necessary information to make informed decisions.<sup>34</sup> The 1934 Act established the Securities and Exchange Commission (SEC) to enforce these requirements by overseeing compliance and pursuing claims against companies that fail to adhere to guidelines.<sup>35</sup> Section 21F of the 1934 Act also formed the SEC Whistleblower Program, offering monetary awards and protection from retaliation for individuals who report violations of federal securities laws.<sup>36</sup>

### V. SARBANES-OXLEY ACT OF 2002

The Sarbanes-Oxley Act of 2002 (Sarbanes) was enacted in response to widespread accounting, financial, and corporate fraud scandals where investors experienced major losses and

---

<sup>27</sup> Securities Act of 1933, ch. 38, 48 Stat. 85 (codified as amended at 15 U.S.C. §§ 77a-aa).

<sup>28</sup> Neal Newman & Lawrence J. Trautman, *Securities Law: Overview and Contemporary Issues*, 16 OHIO ST. BUS. L.J. 149, 157–58 (2021); *What Is the Securities Act of 1933?*, WINSTON & STRAWN, <https://www.winston.com/en/legal-glossary/what-is-securities-act-of-1933> (last visited Dec. 24, 2025).

<sup>29</sup> *What Is the Securities Act of 1933?*, *supra* note 28.

<sup>30</sup> *Id.*

<sup>31</sup> Securities Exchange Act of 1934, ch. 404, 48 Stat. 881 (codified as amended at 15 U.S.C. §§ 78a-rr).

<sup>32</sup> *Securities Exchange Act of 1934*, LEGAL INFO. INST. (Oct. 2024), [https://www.law.cornell.edu/wex/securities\\_exchange\\_act\\_of\\_1934](https://www.law.cornell.edu/wex/securities_exchange_act_of_1934).

<sup>33</sup> *Id.*

<sup>34</sup> *Id.*

<sup>35</sup> *Id.*

<sup>36</sup> *Whistleblower Protections*, U.S. SEC. & EXCH. COMM’N (Apr. 8, 2025), <https://www.sec.gov/enforcement-litigation/whistleblower-program/whistleblower-protections>.

unprecedented bankruptcies, as seen from the collapse of the major energy trading firm, Enron.<sup>37</sup> The bipartisan Congressional intent behind Sarbanes was to protect investors from deceptive practices, improve financial reporting practices, and strengthen corporate governance policies.<sup>38</sup> More specifically, Sarbanes established the Public Company Accounting Oversight Board (PCAOB), which is a non-profit organization that provides oversight to public accounting firms, audits workpapers, and oversees general compliance with the Act.<sup>39</sup> Moreover, Sarbanes established specific requirements, which are not limited to, auditor independence, corporate responsibility regarding financial reporting, and enhanced financial disclosure, ultimately restructuring the existing corporate financial reporting standards.<sup>40</sup>

## VI. DODD-FRANK WALL STREET REFORM AND CONSUMER PROTECTION ACT OF 2010

Congress passed the Dodd-Frank Wall Street Reform and Consumer Protection Act of 2010 (Dodd-Frank) to reform and modernize the laws that allowed for the 2008 financial crisis.<sup>41</sup> Dodd-Frank, which acts as a safeguard from future crises, limits the financial risk that banks can accrue; established the Financial Stability Oversight Council (FSOC) to enhance the coordination of financial regulators, as well as the Consumer Financial Protection Bureau (CFPB) to combat mortgage fraud and financial abuses; and increased regulations for derivatives trading.<sup>42</sup> While many scholars agree that Dodd-Frank reduced risk and provided necessary financial sector reforms, ongoing debates question whether the perceived benefits of the Act outweigh the resulting reduction of economic growth, capital, and credit.<sup>43</sup>

### THE LEGAL PROCESSES OF WHISTLEBLOWER CLAIMS

#### I. ENFORCEMENT BODIES

Whistleblower reports of suspected fraud, misconduct, or wrongdoing prompt involvement from various authorities. In instances where the whistleblower is a federal employee, the primary enforcement bodies include the Office of Special Counsel (OSC),<sup>44</sup> Offices of Inspectors General

---

<sup>37</sup> Michael W. Peregrine & Charles W. Elson, *The Important Legacy of the Sarbanes Oxley Act*, HARV. L. SCH. F. ON CORP. GOVERNANCE (Aug. 30, 2022), <https://corpgov.law.harvard.edu/2022/08/30/the-important-legacy-of-the-sarbanes-oxley-act>.

<sup>38</sup> *Id.*

<sup>39</sup> Brandi Anastasiades & William Fritchie, *The Sarbanes-Oxley Act: A Comprehensive Overview*, AUDITBOARD (Aug. 9, 2024), <https://auditboard.com/blog/sarbanes-oxley-act>.

<sup>40</sup> *Id.*

<sup>41</sup> Keith Goodwin, *Dodd-Frank Wall Street Reform and Consumer Protection Act of 2010*, FED. RSRV. HIST. (July 21, 2010), <https://www.federalreservehistory.org/essays/dodd-frank-act>.

<sup>42</sup> Noah Berman, *What Is the Dodd-Frank Act?*, COUNCIL ON FOREIGN RELS. (May 8, 2023), <https://www.cfr.org/background/what-dodd-frank-act#chapter-title-0-7>.

<sup>43</sup> *Id.*

<sup>44</sup> *Id.*; *Disclosure of Wrongdoing Overview*, U.S. OFF. OF SPECIAL COUNS., <https://osc.gov/Services/Pages/DU.aspx> (last visited Dec. 30, 2025).

(OIG)<sup>45</sup> for each specific agency, and the Merit Systems Protection Board (MSPB).<sup>46</sup> The OSC is tasked with investigating disclosures from former and current federal employees, as well as applicants, within the executive branch.<sup>47</sup> In addition to the OSC, a whistleblower can disclose to the corresponding OIG to trigger an investigation.<sup>48</sup> OIGs are independent supervisors that provide oversight to various executive branch agencies, with some functioning in the legislative branch, and are entrusted to report instances of waste, fraud, and abuse.<sup>49</sup> Moreover, the MSPB is an independent, quasi-judicial agency within the Executive Branch that provides an appeals process for whistleblowers who have experienced retaliation from their employers.<sup>50</sup> Alongside other enforcement bodies, the OSC, OIG, and MSPB collectively establish mechanisms to protect federal employees who blow the whistle.

When the whistleblower is a private sector employee, the applicable enforcement body will depend on the alleged misconduct.<sup>51</sup> In instances involving securities or financial fraud, the complaint will typically be brought before the Securities and Exchange Commission (SEC), Commodity Futures Trading Commission (CFTC), or Department of Justice (DOJ) Corporate Whistleblower Awards Pilot Program, among other agencies.<sup>52</sup> While the SEC and CFTC programs are centered on protecting financial markets through civil enforcement, the former has broad jurisdiction over securities, financial, and investment fraud, whereas the latter enforces violations of the Commodity Exchange Act.<sup>53</sup> The agencies may act concurrently with the DOJ

---

<sup>45</sup> See e.g., *Whistleblower Protection Coordinator*, U.S. DEP'T OF HEALTH & HUM. SERVS. OFF. OF INSPECTOR GEN., <https://oig.hhs.gov/fraud/whistleblower> (last visited Dec. 30, 2025); *Whistleblower Rights and Protections*, U.S. DEP'T OF JUST. OFF. OF THE INSPECTOR GEN., <https://oig.justice.gov/hotline/whistleblower-protection> (last visited Dec. 30, 2025); *Whistleblower Protection*, OFF. OF INSPECTOR GEN. U.S. DEP'T OF HOMELAND SEC., <https://www.oig.dhs.gov/whistleblower-protection> (last visited Dec. 30, 2025).

<sup>46</sup> *Whistleblower Q&A*, U.S. MERIT SYS. PROT. BD., <https://www.mspb.gov/appeals/whistleblower.htm#introduction> (last visited Dec. 30, 2025).

<sup>47</sup> *Disclosure of Wrongdoing Overview*, *supra* note 44.

<sup>48</sup> *Resources for Whistleblowers*, OFF. OF THE WHISTLEBLOWER OMBUDS, <https://whistleblower.house.gov/resources/resources-whistleblowers> (last visited Dec. 30, 2025).

<sup>49</sup> *Id.*

<sup>50</sup> *How the Merit Systems Protection Board (MSPB) Protects Whistleblowers*, THE DEVADOSS L. FIRM, P.L.L.C. (Jan. 3, 2025), <https://www.fedemploymentlaw.com/blog/2025/01/how-the-merit-systems-protection-board-mspb-protects-whistleblowers>.

<sup>51</sup> *Id.*

<sup>52</sup> *Whistleblower Program*, U.S. SEC. & EXCH. COMM'N, <https://www.sec.gov/enforcement-litigation/whistleblower-program> (last accessed Dec. 30, 2025); *The Whistleblower Program*, COMMODITY FUTURES TRADING COMM'N, <https://www.whistleblower.gov> (last visited Dec. 30, 2025); *Criminal Division Corporate Whistleblower Awards Pilot Program*, CRIM. DIV. U.S. DEPT. OF JUST., <https://www.justice.gov/criminal/criminal-division-corporate-whistleblower-awards-pilot-program>.

<sup>53</sup> *Whistleblower Program*, *supra* note 52; *The Whistleblower Program*, *supra* note 52; *SEC and CFTC Whistleblower Programs*, GETNICK L., <https://getnicklaw.com/whistleblowing/sec-cftc> (last visited Dec. 30, 2025).

to pursue criminal actions based on findings from the whistleblower's complaint, and if successful, the whistleblower may be entitled to compensation from the award programs.<sup>54</sup>

Additionally, the Occupational Safety and Health Administration (OSHA) enforces a vast range of federal laws that protect employees who raise concerns about workplace safety and health.<sup>55</sup> Such laws relate to aviation safety, consumer products, environmental issues, financial reform, food safety, health insurance reform, motor vehicle safety, transportation, antitrust, tax, and anti-money laundering laws, ultimately providing a wide range of protection for a private sector employee.<sup>56</sup>

## II. THE REPORTING PROCESS

When a whistleblower decides to file a complaint for suspected fraud, misconduct, or wrongdoing, they must ensure that the report is filed with the appropriate enforcement body and within the statute of limitations.<sup>57</sup> This determination is dependent on the alleged misconduct.<sup>58</sup> While every office or agency is likely to have a varied process for reporting misconduct, generally, the first step is to identify the adverse actions and compile substantive evidence.<sup>59</sup> The whistleblower will then file a complaint through the enforcement bodies' reporting system, which may be done through an online form, mail, fax, telephone, or in person.<sup>60</sup> If the enforcement body finds sufficient evidence, an investigation may be triggered, and further evidence will be requested.<sup>61</sup> Once the enforcement body issues final orders and there is a resolution of appeals, then monetary awards may be distributed to the complainant, depending on the body's authority to provide an award and the gross sum of the sanction.<sup>62</sup> If the complainant is successful, the government will award the whistleblower between 10% and 30% of the recovered amount.<sup>63</sup>

---

<sup>54</sup> See *Criminal Division Corporate Whistleblower Awards Pilot Program*, *supra* note 52.

<sup>55</sup> *OSHA's Whistleblower Protection Program*, U.S. DEP'T OF LAB. OCCUPATIONAL SAFETY & HEALTH ADMIN. 1, 1 (Aug. 2022), <https://www.osha.gov/sites/default/files/publications/OSHA3638.pdf>.

<sup>56</sup> *Id.*

<sup>57</sup> *Whistleblower Protections*, U.S. DEP'T OF LAB., <https://www.dol.gov/general/topics/whistleblower#OSHA> (last visited Dec. 23, 2025).

<sup>58</sup> *Id.*

<sup>59</sup> *What to Expect During a Whistleblower Investigation*, U.S. DEP'T OF LAB., <https://www.whistleblowers.gov/whattoexpect> (last visited Dec. 30, 2025).

<sup>60</sup> *Id.*

<sup>61</sup> *Id.*

<sup>62</sup> *Whistleblower Program*, *supra* note 52.

<sup>63</sup> *Average Whistleblower Settlement*, OBERHEIDEN WHISTLEBLOWER LAWS., <https://federal-lawyer.com/whistleblower-lawyers/average-settlement> (last visited Dec. 30, 2025).

## POLICY GOALS

Whistleblower protection laws aim to promote transparency by facilitating the disclosure of misconduct, fraud, and wrongdoing.<sup>64</sup> Whistleblower programs supply agencies, employers, and companies with the reported information, aiding in the identification and enactment of necessary changes within the organization and exposure of unethical conduct.<sup>65</sup> Moreover, established legal frameworks safeguard employees who blow the whistle, which further deconstructs negative connotations associated with reporting wrongdoing, including preconceived notions that whistleblowers will have minimal protection from reprisal.<sup>66</sup> Similarly, whistleblower protection laws inherently increase awareness of reporting by requiring agencies and organizations to post information regarding employees' rights and protections.<sup>67</sup> Collectively, whistleblower protection laws have not only transformed protections for federal and private sector employees, but have also deterred illegal misconduct, promoted transparency, and encouraged reform in both private and public spheres.

## ENFORCEMENT REALITIES & PRACTICAL CHALLENGES

The enforcement of whistleblower protections may fall short because practical constraints hinder agencies' ability to handle claims. Agencies investigating retaliation claims often face limited resources, high caseloads, and competing enforcement priorities, which can delay investigations and impact relief.<sup>68</sup> Employers also frequently assert legitimate, non-retaliatory reasons for adverse actions, requiring fact-intensive determinations using extensive documentary

---

<sup>64</sup> *Committing to Effective Whistleblower Protection*, OECD 3 (Mar. 16, 2016) [https://www.oecd.org/content/dam/oecd/en/publications/reports/2016/03/committing-to-effective-whistleblower-protection\\_g1g65d0a/9789264252639-en.pdf](https://www.oecd.org/content/dam/oecd/en/publications/reports/2016/03/committing-to-effective-whistleblower-protection_g1g65d0a/9789264252639-en.pdf).

<sup>65</sup> *Id.*

<sup>66</sup> *Id.*

<sup>67</sup> *Id.*

<sup>68</sup> *Why Government Intervention in a Whistleblower Case is the Most Important Factor for Success*, WHISTLEBLOWER L. COLLABORATIVE (July 5, 2019), <https://www.whistleblowerllc.com/why-government-intervention-in-a-whistleblower-case-is-the-most-important-factor-for-success>; Justin Doubleday, *Office of Special Counsel Has 'Growing Staffing Concerns' Amid Record Caseload*, FED. NEWS NETWORK (Jan. 14, 2025), <https://federalnewsnetwork.com/federal-report/2025/01/office-of-special-counsel-has-growing-staffing-concerns-amid-record-caseload>; Jory Heckman, *Federal Employee Whistleblower Complaints to OSC Fall By Nearly Half Over 5 Years*, FED. NEWS NETWORK (Feb. 29, 2024), <https://federalnewsnetwork.com/workforce/2024/02/federal-employee-whistleblower-complaints-fall-by-nearly-half-over-5-years>; *DOJ Announces Priorities and Policy Updates – Including Tariff Compliance Enforcement, Expansion of Whistleblower Program*, COOLEY (June 11, 2025), <https://investigations.cooley.com/2025/06/11/doj-announces-priorities-and-policy-updates-including-tariff-compliance-enforcement-expansion-of-whistleblower-program>.

records.<sup>69</sup> Variations across jurisdictions in the available remedies and statutes of limitations further complicate consistent enforcement and outcomes.<sup>70</sup>

Whistleblowers also face significant challenges in initiating and sustaining claims. The risk of retaliation and fear of career damage discourages prompt reporting and restrains evidence gathering.<sup>71</sup> Many whistleblowers lack the proper resources to access counsel, which affects strategy and forum choice, potentially preventing a claim from beginning.<sup>72</sup> Additionally, lengthy timelines and uncertain remedies reduce leverage and incentivize early and minimal settlements.<sup>73</sup> In all, these realities reveal the gap between existing legal protections and the goals of protecting whistleblowers and preventing misconduct.

---

<sup>69</sup> *What Are the Limitations of the Whistleblower Protection Act in the US?*, LEPPARD L., <https://leppardlaw.com/federal/whistleblower/what-are-the-limitations-of-the-whistleblower-protection-act-in-the-us> (last visited Dec. 29, 2025).

<sup>70</sup> *Gaps and Disparities in Whistleblower Law*, OFF. OF THE WHISTLEBLOWER OMBUDS, [https://whistleblower.house.gov/sites/evo-subsites/whistleblower-evo.house.gov/files/Gaps\\_and\\_Disparities\\_in\\_Whistleblower\\_Law.pdf](https://whistleblower.house.gov/sites/evo-subsites/whistleblower-evo.house.gov/files/Gaps_and_Disparities_in_Whistleblower_Law.pdf) (last visited Dec. 30, 2025).

<sup>71</sup> *Id.*; *Why Retaliation Is Such a Danger for Whistleblowers*, THE DAILY EMERALD (Nov. 26, 2025), <https://dailyemerald.com/175345/promotedposts/why-retaliation-is-such-a-danger-for-whistleblowers>; *The Whistleblower's Dilemma: Do the Risks Outweigh the Benefits?*, KNOWLEDGE AT WHARTON (Nov. 5, 2019), <https://knowledge.wharton.upenn.edu/article/whistleblowers-in-business/>.

<sup>72</sup> *What Are the Limitations of the Whistleblower Protection Act in the US?*, *supra* note 69.

<sup>73</sup> *Why Do So Many False Claims Cases Settle Before Trial?*, GOLDBERG KOHN (Mar. 11, 2019), <https://www.whistleblowersattorneys.com/blog/why-do-so-many-false-claims-cases-settle-before-trial>; *Whistleblower Retaliation Damages: Reaping the Rewards*, ALAN LESCHT & ASSOCS., P.C. (Jan. 13, 2020), <https://www.dcmplemploymentattorney.com/resources/blog/whistleblower-rewards-and-damages>.