

Statement of Congressman Gerald E. Connolly (VA-11)
Committee on Oversight and Government Reform
Business Meeting
Rayburn 2154 1:00PM—February 2, 2017

Mr. Chairman, I appreciate your efforts to work with the Ranking Member to advance legislation that falls under the umbrella of “good government,” which our Committee strives to promote on a bipartisan basis.

H.R. 194, the *Federal Agency Mail Management Act of 2017*, continues this Committee’s mission to enhance and streamline government operations. I am glad to join with Rep. Steve Russell in making technical corrections to Title 44 of the U.S. Code which oversees records management by the Archivist of the United States. The corrections will make it clear that the Administrator of GSA has responsibility for promoting efficiency of mail processing. Clarifications in U.S. Code of this kind help improve government functionality and efficiency. Last Congress, this bill was passed unanimously out of this Committee and I urge my colleagues to do so again, today.

I welcome the Committee’s consideration of **H.R. 657, the *Follow the Rules Act*** extending Congress’ commitment to whistleblowers. The *Follow the Rules Act* upholds this Committee’s obligation to protect whistleblowers that help identify mismanagement at Federal agencies and supporting the oversight work of Congress. The bill’s language was also successfully passed unanimously out of this Committee last Congress.

This bill closes a loophole in The *Whistleblower Protection Act* (P.L. 101-12) created by the ruling in, *Rainey v. Merit Systems Protection Board*, a precedent-setting case, decided on June 7th in the U.S Court of Appeals for the Federal Circuit. The *Whistleblower Protection Act* provides Federal workers with legal safeguards to disclose information that an employee “reasonably believes” evidence gross mismanagement of a contract or grant, gross waste of funds, abuse of authority regarding a contract or grant, or a violation of law or rule regarding a contract or grant.

In *Rainey*, the “right to disobey” provision of the *Whistleblower Protection Act* was determined to only provide protections to Federal workers, “refusing to obey an order that would require the individual to violate a law,” but not to Federal workers who refused to violate rules or regulations. This distinction leaves a wide gap in protections originally intended for federal employees. In effect, this ruling now leaves exposed whistleblowers who refuse to violate the rules and regulations that were promulgated as a result of laws passed by Congress and signed by the President.

This is a gap in coverage that must be addressed by Congress and clarified in statute. The only way to protect whistleblowers from this case is to update the law to ensure that rules and regulations are covered by the “right-to-disobey” provision of the *Whistleblower Protection Act*. I urge my colleagues to continue Congress’ longstanding support of whistleblowers and vote in the affirmative for the *Follow the Rules Act*.