

August 08, 2018

Senator Tammy Duckworth
United States Senate
524 Hart Senate Office Building
Washington, DC 20510

Dear Senator Duckworth:

The undersigned organizations represent the Steering Committee of the Make It Safe Coalition (MISC), a nonpartisan support coalition for whistleblowers and whistleblower advocates. We are writing to applaud your introduction of the Department of Energy and Nuclear Regulatory Commission Whistleblower Protection Act of 2018 (S.2968), and to thank you for your leadership concerning whistleblower protections for employees of these agencies.

As you know, the Energy Reorganization Act of 2005 doesn't include the Department of Energy (DoE) and Nuclear Regulatory Commission (NRC) in its definition of "person" in Section 629, interfering with the ability of whistleblowers to prevail in complaints against the agencies. This omission was likely a technical oversight, but could profoundly limit enforcement of the Act's whistleblower protections. Your legislation would fix that loophole.

Both the Department of Energy and the Nuclear Regulatory Commission play an essential role in ensuring the safety of America's sources of energy. Limiting their employees' right to blow the whistle could have catastrophic effects on not only the employees who work in often hazardous conditions, but on everyone residing in the United States.

Two case studies highlighted by the Government Accountability Project exemplify the importance of whistleblower disclosures in these agencies:

- Engineer [Walt Tamosaitis](#) blew the whistle on technical flaws at the nuclear waste treatment plant at the Department of Energy, successfully halting operations. Had Mr. Tamosaitis not disclosed the problems, America could have seen a nuclear disaster comparable to that in Fukushima, Japan.
- Engineer and Risk Analyst [Larry Criscione](#) blew the whistle after the Nuclear Regulatory Commission failed to act when he disclosed that nearly a quarter of America's nuclear power plants couldn't withstand flooding, risking plant meltdown on a massive scale should any of the surrounding dams break.

These are just two cases of many where whistleblowers' bravery prevented unspeakable tragedy. We rely on whistleblowers to reveal these issues but rely first on Congress and federal agencies to implement laws and regulations that protect safe disclosures. Thank you for acting quickly to close this loophole that could prevent whistleblowers at the DoE and NRC from coming forward with potentially catastrophic problems.

Sincerely,

Government Accountability Project

Project On Government Oversight

Public Citizen

Taxpayers Protection Alliance