



September 23, 2019

The Honorable Pat Roberts
Chairman

U.S. Senate Committee on Agriculture, Nutrition, & Forestry
328A Russell Senate Office Building
Washington, DC, 20510

The Honorable Debbie Stabenow
Ranking Member

U.S. Senate Committee on Agriculture, Nutrition, & Forestry
328A Russell Senate Office Building
Washington, DC, 20510

Re: Support “Whistleblower Protection Reform Act of 2019”

Dear Chairman Roberts and Ranking Member Stabenow:

The American Association for Justice (AAJ), formerly the Association of Trial Lawyers of America (ATLA), is writing to express our strong support of the “Whistleblower Protection Reform Act of 2019.” AAJ, with members in the United States, Canada, and abroad, is the world’s largest plaintiff trial bar and works to preserve access to justice. AAJ members, are very familiar with qui tam litigation and represent persons and entities in whistleblower claims and subsequent actions for retaliation.

This much needed legislation addresses the issue of massive delays in the processing of whistleblower claims by SEC (U.S. Securities and Exchange Commission) under Dodd-Frank. In the years since the implementation of the program, substantial delays have prevented the resolution of award claims by deserving whistleblowers who have otherwise complied with the requirements of the program.

AAJ and its members believe it critically important to protect whistleblowers’ identities and provides those whistleblowers with legal protections against retaliation. This bill would not only provide for those protections but would cure the substantial delays in the claims review process that has become the norm. This critical piece of legislation ensures that when a whistleblower provides original information to the SEC or CFTC (U.S. Commodity Futures Trading Commission) that results in a successful enforcement action, that he/she receives a portion of the monetary sanctions within one year of the deadline to apply for the award.

The “Whistleblower Protection Reform Act of 2019” would also help to clarify congressional intent regarding anti-arbitration of whistleblower claims. The 2nd U.S. Circuit Court of Appeals recently held that “Congress’s failure to attach an anti-arbitration provision to the Dodd-Frank

whistleblower provision ... while simultaneously amending similar statutory regimes to include the same, is a strong indication of its intent not to preclude Dodd-Frank whistleblower claims from arbitration.” AAJ maintains that whistleblowers who are entitled to Dodd-Frank’s protections should not be forced into arbitration, when new data suggest that workers and consumers are more likely to be hit by lightning than win in forced arbitration.

For these reasons we strongly support the “Whistleblower Protection Reform Act of 2019” and urge the committee to act quickly to pass this important legislation.

Sincerely,

A handwritten signature in cursive script that reads "Linda Lipsen".

Linda Lipsen
Chief Executive Officer
American Association of Justice