



The Law: An Overview

MEDICARE &
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PHARMACEUTICAL
FRAUD

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FRAUD

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FEDERAL
GOVERNMENT
CONTRACTOR
FRAUD

FRAUDULENT
LOANS &
GRANTS

WHISTLEBLOWER
EMPLOYEE
PROTECTION

False Claims Act Whistleblower Protections

In 1986, Congress added anti-retaliation protections to the False Claims Act. These provisions, which did not exist previously, are contained in 31 U.S.C. Sec. 3730(h):

Any employee who is discharged, demoted, suspended, threatened, harassed, or in any other manner discriminated against in the terms and conditions of employment by his or her employer because of lawful acts done by the employee on behalf of his employer or others in furtherance of an action under this section, including investigation for, initiation of, testimony for, or assistance in an action filed or to be filed under this section, shall be entitled to all relief necessary to make the employee whole.

The protection against retaliation extends to whistleblowers whose allegations could legitimately support a False Claims Act case even if the case is never filed. The statute of limitations for Sec. 3730(h) claims is 6 years.

A False Claims Act qui tam case can include whistleblower claims and other legal claims based upon other state and federal laws.

Federal and State Whistleblower Laws: An Overview

There are dozens of federal laws protecting whistleblowers or otherwise designed to protect workers from retaliation or other illegal treatment. There are also many similar state and local laws.

In addition, The United States Constitution, pursuant to the First and Fourteenth Amendments, protects state and local government whistleblower employees from retaliation.

While they do not afford any specific whistleblower protections, these other statutes may assist in the prosecution of those who retaliate against whistleblowers: 18 U.S.C. Sec. 1031 Major Fraud Act of 1989 18 U.S.C. Sec. 1505 Penalties for obstruction of government investigations 45 U.S.C. Sec. 60 Penalties for obstruction of government agency proceedings Additional references on these topics include:

Government Accountability Project, National Office, 1612 K Street, Suite 400, Washington, D.C. 20006,

The Whistleblower's Survival Guide (1997) and "Federal Whistleblower Laws and Related Statutes."

to order call 1-800-469-NERI.

