

September 28, 2023

The Honorable Chuck Schumer
Senate Majority Leader
United States Senate
322 Hart Senate Office Building
Washington, DC 20510

The Honorable Mitch McConnell
Senate Minority Leader
United States Senate
317 Russell Senate Office Building
Washington, DC 20510

The Honorable Kevin McCarthy
Speaker of the House
United States House of Representatives
2468 Rayburn House Office Building
Washington, DC 20515

The Honorable Hakeem Jeffries
House Minority Leader
United States House of Representatives
2433 Rayburn House Office Building
Washington, DC 20515

Dear Majority Leader Schumer, Minority Leader McConnell, Speaker McCarthy, and Minority Leader Jeffries,

The undersigned 131 organizations committed to good government principles across political affiliations are united by our desire for accountability for taxpayer-funded government activities. We support credible free speech rights for whistleblowers who expose fraud, waste of funds or abuse of authority in federal spending. Whistleblowers serve as the public's eyes and ears. However, the erosion of whistleblower rights amid the surge in government spending is deeply concerning, and we call on Congress to take urgent action.

Congress has approved over four trillion dollars in new federal spending since 2020, which marks an unprecedented surge in taxpayer funds to government contractors. Remarkably, the number of contractor employees paid through federal funds often surpasses the total number of civil service workers by two to three times. In fiscal year 2021 alone, contractor spending reached \$637 billion out of \$1.6 trillion in discretionary spending.

In 2009, as part of an \$800 billion stimulus package, Congress passed robust whistleblower protections to prevent fraud in the American Recovery and Reinvestment Act (ARRA), which Inspectors General credited with minimizing fraud and corruption in ARRA spending. This time, however, Congress approved over four trillion dollars of new spending without updating the pioneer whistleblower rights that have eroded to the point of being false advertising.

Earlier this year, Senators Peters and Braun introduced a strong, bi-partisan law that would restore and strengthen whistleblower protections for government contractors (S.1524 - Expanding Whistleblower Protections for Contractors Act of 2023). Unfortunately, since July a group of large contractors who have been prosecuted in the past for fraud, have waged a relentless campaign against legal rights for whistleblowers, effectively stripping away essential taxpayer safeguards against fraud by getting Senators who previously supported the bill to back out.

The vital shortcomings in the current government contractor whistleblower law that need repair include:

- 1) **International Misconduct:** The law fails to protect whistleblowers from retaliation for reporting misconduct occurring internationally.
- 2) **Refusal to Violate the Law:** Unlike civil service employees, government contractor workers lack protection against retaliation for refusing to violate the law.
- 3) **Limited Jury Trials:** The law no longer guarantees jury trials for due process enforcement of anti-retaliation rights in certain states.
- 4) **Blocklisting:** Whistleblowers remain unprotected against blocklisting (privately exchanging a list naming people to be barred from employment, or otherwise acting to block someone's employment opportunities).
- 5) **Unprotected Reprisals:** The law does not shield whistleblowers from the increasingly frequent tactics of unconventional reprisals such as retaliatory civil SLAPP suits or criminal prosecutions, which have a severe chilling effect.
- 6) **Protection for Honest Contractors:** The law does not protect honest contractors that report government bullying or competitor misconduct.
- 7) **Government Accountability for Retaliation:** The law does not provide for government disciplinary accountability for those who retaliate against whistleblowers.
- 8) **Exclusion of Intelligence Community Contractors:** The law excludes intelligence community contractors from protection.

Congress must not permit the deterioration of protection for those defending the public interest by blowing the whistle on fraud, waste and abuse of government funds. We implore members from both parties to translate their commitment to protecting taxpayers' interests into tangible action by bolstering whistleblower rights. By addressing these existing loopholes, Congress can provide whistleblowers with effective safeguards and ensure that those who protect the public can also defend themselves.

We stand together to reinforce accountability and uphold the values of transparency and integrity within government spending by strengthening whistleblower rights.

Sincerely,

Academics Stand Against Poverty

Accountability Lab

ACORN8

Affiliation of Christian Engineers

Africa Network for Environment and Economic Justice (ANE EJ)

Alabama Black Women's Roundtable

Alliance for Human Research Protection

Alliance to Counter Crime Online (ACCO)
Al Otro Lado
All About the Ballots
American Immigration Lawyers Association
American Oversight
American Society of Journalists and Authors (ASJA)
American-Arab Anti-Discrimination Committee (ADC)
Americans for Immigrant Justice
Animals Are Sentient Beings, Inc.
Anti-Corruption Trust of Southern Africa
Arab American Institute (AAI)
ARTICLE 19
Asian Americans Advancing Justice-Atlanta
Bend the Arc: Jewish Action
Capital Area Immigrants' Rights Coalition
Cause Communications
Center for Ethnic Research
Center for Gender & Refugee Studies
Center for Justice & Democracy
Center for Media and Democracy
Center for Science in the Public Interest
Centre for Law and Democracy
Citizens for Responsibility and Ethics in Washington (CREW)
Clean Elections Texas
Climate Science Legal Defense Fund
The Coalition For Change, Inc. (C4C)
Constitutional Alliance
Consumer Action
Crude Accountability
Defending Rights & Dissent
Demand Progress
Digital Democracy Project
EarthRights International
The Ecotopian Society
End Citizens United//Let America Vote Action Fund
Equality Labs
Essential Information
Faiths for Safe Water
Freedom for Eurasia
Freedom Network USA
Freedom of the Press Foundation
Friends of Angola

Good Jobs First
Government Accountability Project
Government Information Watch
Greenpeace USA
Hanford Challenge
Harrington Investments, Inc.
Indivisible Santa Fe
Integrity Initiatives International
Interfaith Center on Corporate Responsibility
International Association of Whistleblowers
Jacobs Institute of Women's Health
Jobs to Move America
Justice in Motion
Kentucky Environmental Foundation
Kentucky Equal Justice Center
Kosovo Law Institute
Lawyers for Equal Access to Advocacy & Dignity (LEAAD)
Ligue Camerounaise des droits humains
Maison des Organisations de la Société Civile (MOSC) Anjouan
Medical Device Problems
Minnesota Freedom Fund
Mississippi Workers' Center for Human Rights
Muslim American Law Enforcement Association (MALEA)
National Center for Health Research
National Center for Law and Economic Justice
National Council for Occupational Safety and Health
National Employment Law Project
National Federation of Federal Employees
National Freedom of Information Coalition
National Immigration Law Center
The National Medical Malpractice Advocacy Association
National Organization for Women
National Priorities Project at the Institute for Policy Studies
National Security Counselors
National Taxpayers Union
National Whistleblower Center
Network for Responsible Public Policy
NETWORK Lobby for Catholic Social Justice
No Business With Genocide
NY Environmental Watch
Open Contracting Partnership
Open The Government

Oregonizers
OTAC
Our Bodies Ourselves
Oxfam America
Peace Action
People For the American Way
Prisoners Legal Advocacy Network
Privacy Times
Professional Managers Association
Project On Government Oversight
Protect Democracy
Public Citizen
Public Employees for Environmental Responsibility
Public Justice Center
Public-Private Integrity
ReachScale
Reseau Nigerien des Defenseurs des Droits Humains (RNDDH)
Rivers Edge Pain Relief
Rock the Vote
Shriver Center on Poverty Law
SMART Elections
Society of Professional Journalists
Stand Up America
Sugar Law Center for Economic & Social Justice
Taxpayers for Common Sense
Taxpayers Protection Alliance
The Information Trust
Transparency International Taiwan
Transparency International US
Truckers Justice Center
Union of Concerned Scientists
Vote Common Good
Washington Office on Latin America
WESPAC Foundation, Inc.
Whistleblowers of America
Wisconsin Faith Voices for Justice
Wisner Baum
Woodhull Freedom Foundation
The Workers Circle
X-Lab