

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 136 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 (ANEEJ)

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 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  
Network for Responsible Public Policy  
NETWORK Lobby for Catholic Social Justice  
No Business With Genocide  
NY Environmental Watch  
Open Contracting Partnership  
Open The Government

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  
WESPAC Foundation, Inc.  
Whistleblowers of America  
Wisconsin Faith Voices for Justice  
Wisner Baum  
Woodhull Freedom Foundation  
The Workers Circle  
X-Lab