

November 28, 2012

## **An Open Letter to the Senate in Support of More Protections for Taxpayer Dollars**

Dear Senator:

We the undersigned organizations write with our strong support for Amendment 2942 to the National Defense Authorization Act for Fiscal Year 2013 (NDAA), introduced by Senator Claire McCaskill (D-MO). Based on the Non-Federal Employee Whistleblower Protection Act of 2011 (S. 241, H.R. 6406), this amendment would bridge the wide gaps in current coverage and comprehensively apply best-practice whistleblower protections to all federal fund recipient employees.

Whistleblowers are taxpayers' best defense against waste, fraud, and abuse. Encouraging contractor whistleblowers to come forward is a critical way to rein in wasteful spending, particularly given the billions of taxpayer dollars spent on contracts and grants every year. There is a substantial public interest in providing a safe avenue for all employees of entities that receive federal funds to make disclosures without fear of retaliation or reprisal. But the existing patchwork of laws contains gaping accountability loopholes, protecting only some contractors and federal-fund recipient employees who blow the whistle, and only under very limited circumstances.

Modeled after the excellent whistleblower protections in the American Recovery and Reinvestment Act, which had a relatively low incidence of fraud, this amendment would go a long way to protect taxpayer dollars. Specifically, this amendment would prohibit reprisals for disclosures to appropriate federal entities related to the implementation or use of federal funds regarding gross mismanagement, gross waste, substantial and specific danger to public health and safety, abuse of authority, or a violation of a law, rule, or regulation. It would protect the most common disclosures made by employees seeking to fix a problem—those made to a supervisor or internal compliance program. Inspectors General would investigate claims, and when reprisal is confirmed, the whistleblower would have effective remedies.

In April, the Senate Homeland Security and Governmental Affairs Committee (HSGAC) approved S.241, sponsored by Senator McCaskill and cosponsored by Jim Webb (D-VA) and Jon Tester (D-MT). In September, Representatives Jackie Speier (D-CA) and Todd Platts (R-PA) introduced the bipartisan House companion bill (H.R. 6406).

We applauded SASC for approving a similar provision in the NDAA to strengthen whistleblower protections for employees of DoD fund recipients (Sec. 844 of S. 3254). But notably, many employees who support our national security would not be covered by those provisions, including the private security contractors who guard our embassies. We urge you to support Amendment 2942 to enhance protections for *all* employees of federal contractors and grantees.

Amendment 2942 would ensure strong protections for those on the front lines against waste, fraud, abuse of taxpayer dollars, and threats to public health and safety. We urge you to ensure that this extremely effective policy for greater accountability is included in the final version of the NDAA that reaches the President's desk for signature.

Sincerely,

Fund for Constitutional Government  
Government Accountability Project (GAP)  
Liberty Coalition  
National Taxpayers Union  
OMB Watch  
OpenTheGovernment.org  
Project On Government Oversight (POGO)  
Public Citizen  
Taxpayers for Common Sense  
Taxpayers Protection Alliance