

September 14, 2015

The Honorable Mitch McConnell
Majority Leader
United States Senate
Washington, DC 20510

The Honorable Johnny Isakson
Chairman
Senate Veterans' Affairs Committee
Washington, DC 20510

The Honorable Harry Reid
Democratic Leader
United States Senate
Washington, DC 20510

The Honorable Richard Blumenthal
Ranking Member
Senate Veterans' Affairs Committee
Washington, DC 20510

Dear Majority Leader McConnell, Democratic Leader Reid, Chairman Isakson and Ranking Member Blumenthal,

The undersigned organizations and whistleblowers support the inclusion of robust whistleblower protections for U.S. Department of Veterans Affairs (VA) employees in the VA Accountability Act of 2015 (H.R. 1994). We urge you to adopt Section 4 of H.R. 1994 in Senate legislation.

The cultural shift that is required inside the VA must be accompanied by statutory mandates that protect whistleblowers and witnesses inside the agency. Section 4 of H.R. 1994 is a major breakthrough in the struggle for VA whistleblowers to gain credible rights when defending the integrity of the agency mission and disclosing quality of care concerns. Further, it would provide a system to hold employees accountable for their actions when they retaliate against those exposing waste, fraud, or abuse.

More specifically, this legislation could make a real difference, as it -- 1) imposes a legal requirement for each level within the chain of command to act on whistleblowing disclosures in a timely, transparent manner; 2) closes the loophole for VA's primary vehicle to retaliate against agency professionals – retaliatory investigations disguised as peer reviews; 3) imposes stepped up personal accountability through requiring heightened penalties after findings that merit system has been violated; 4) strengthens accountability by forcing merit system violators to repay their bonuses; 5) challenges camouflaged retaliation by reinforcing protection against agency efforts to purge whistleblowers from contractor ranks; and 6) fosters prevention by integrating Office of Special Counsel and OIG Whistleblower Ombudsman into stepped-up training that spotlights the Whistleblower Protection Enhancement Act's new “anti-gag” provisions.

We greatly appreciate your consideration of these much-needed whistleblower protections for VA employees. We also ask that you consider the adequacy of due process protection for those accused of retaliation. Those provisions can be a two-edged sword, because a cynical, but common tactic is to accuse whistleblowers themselves of engaging in retaliation as a pretext for

their removal. We have analogous concerns for weakening due process rights generally in the legislation. Those rights are not mere red tape to protect bureaucrats. Along with whistleblowing, due process rights exist to protect the merit system as the essential foundation for non-partisan, professional public service.

For additional information pertaining to this letter, please contact the Government Accountability Project's Legislative Director, Shanna Devine, at (202) 457-0034 ext. 132 or shannad@whistleblower.org.

Sincerely,

ACORN 8

American Civil Liberties Union

Bogdan Dzakovic (Aviation Security Whistleblower)

Center for Science and Democracy at the Union of Concerned Scientists

Collaborative Alliances of America

Council for a Livable World

Drum Majors for Truth

Federal Ethics Center

Federally Employed Women – Legal Education Fund

Golden Badge

Government Accountability Project

Gun Owners of America

International Association of Whistleblowers

Judicial Engineering Documented and Impeded

Law Office of Elaine Mittleman

Liberty Coalition

National Forum on Judicial Accountability

National Judicial Conduct and Disability Law Project, Inc

National Whistleblowers Center

OAK (Organizations Associating for the Kind of Change America Really Needs)

OpenTheGovernment.org

Peace Action

Plea for Justice Program

Power Over Poverty Under Laws of America Restored

Project On Government Oversight

Public Citizen

Public Employees for Environmental Responsibility

Robert MacLean (Federal Air Marshal Whistleblower)

Sunlight Foundation

State Community Councils

Taxpayers for Common Sense
Taxpayers Protection Alliance
The Center for Arms Control and Non-Proliferation
The Coalition for Change, Inc
Thomas Day (Coast Guard Whistleblower)
Veterans for Common Sense
Whistleblower Support Fund