

July 28, 2022

Chairwoman Carolyn B. Maloney
U.S. House of Representatives
Committee on Oversight and Reform
Washington, D.C. 20515

Dear Chairwoman Maloney:

The undersigned organizations applaud your leadership to protect whistleblowers, those public servants who risk their careers to provide the evidence against fraud, waste and abuse. We appreciate that your staff has worked for three years to perfect the Whistleblower Protection Improvement Act (WPIA), HR 2988, and that the Committee on Oversight and Reform has marked up and prepared the legislation for House action on this critical legislation that would upgrade the rights of federal employees who blow the whistle to match those available for the private sector.

This is landmark legislation, both for freedom of speech and government accountability, and its nuts and bolts reforms mean the free speech rights Congress unanimously has enacted four times since 1978 finally will have the infrastructure to be credible. But time is running out. We fully support your efforts for a timely House vote as soon as possible after Labor Day.

The WPIA would be the fifth generation of pioneering whistleblower rights first passed in 1978. They have been excellent global pacesetters that Congress unanimously has reaffirmed three times since 1978, the last in the Whistleblower Protection Enhancement Act of 2012. The two Achilles heels, however, have been loopholes and lack of credible due process enforcement. Those problems only have become worse since 2012. For example, the administrative Merit Systems Protection Board has a monopoly on enforcement, but its vulnerability to political pressure blocked confirmations and led to an empty Board with a 3,500 case back log. Lacking judicial independence, its Administrative Judges who conduct hearings rule against whistleblowers in over 95% of initial merits decisions.

Your legislation addresses both the loopholes and due process gaps by providing parity for federal civil service employee whistleblower rights with those enacted by Congress 16 times in each of 17 private sector whistleblower law enacted since 2002. To illustrate, it would –

- **Permit jury trials if there is no timely administrative decision.** This would take the politics out of whistleblower justice for federal employees, the nation's only major labor group denied a day in court to challenge violation of their free speech rights despite making the disclosures most significant for voters.
- **Permit lawsuits when retaliatory investigations are opened.** Investigations are a knee-jerk first reaction to find any dirt on whistleblowers that will distract from government fraud, waste and abuse. As long as a probe is open, it has a broad chilling effect even if later dropped. This key provision would establish parity with all other whistleblower laws, even the Military Whistleblower Protection Act.

- **Establish realistic legal burdens to obtain temporary relief.** Temporary relief is almost never available under current law and is essential when cases commonly drag out over five years. By that time, even winning may be too late for those who have lost their homes, gone bankrupt, frequently lost their families and had their professional deputations irrevocably ruined.
- **Close loopholes that erase the law's benefits.** Currently, Public Health Service (PHS) whistleblowers are excluded from the Whistleblower Protection Act and limited to military remedies, as are employees of the National Oceanic and Atmospheric Agency (NOAA). However, these are the professionals from whom we need the truth about public health threats like the pandemic and environmental threats like climate change. Loopholes in remedies mean that whistleblowers still can "lose by winning." The WPIA fills these and similar gaps.

This legislation is a political opportunity supported by 86% of likely voters in a [Marist Poll](#) survey just before the last election, and more than [265 organizations](#) across the issue and political spectrum have already expressed support for its passage. Thank you for your leadership on behalf of federal whistleblowers, so that those who defend the public can defend themselves.

Sincerely,

Academics Stand Against Poverty
 Accountability Lab
 ACORN8
 Affiliation of Christian Engineers
 All About The Ballots
 Alliance to Counter Crime Online
 American Society for Engineering Education
 American-Arab Anti-Discrimination Committee (ADC)
 Bekker Compliance Consulting Partners, LLC
 Blue Wave Postcard Movement
 Broward for Progress
 Center for Auto Safety
 Center for Digital Democracy
 Center for Gender & Refugee Studies
 Center for Justice & Democracy
 Center for Media and Democracy
 Centro de los Derechos del Migrante, Inc.
 Citizens for Responsibility and Ethics in Washington (CREW)
 Clean Elections Texas
 Coalition on Human Needs
 Concerned Citizens for Nuclear Safety
 Consumer Action
 Cook Inletkeeper
 Corruption Kills

Council for a Livable World
Defending Rights & Dissent
Demand Progress
Democratic Messaging Project
Faiths for Safe Water
Farm Action
Fix the Court
Food and Water Watch
Free Speech Coalition
Free Speech For People
Freedom Network USA
Friends of the Earth
Government Accountability Project
Government Information Watch
Hispanic Federation
Indivisible Northampton - Swing Left Western MA
Institute for Policy Studies-Program on Inequality
Integrity Initiatives International
International Association of Whistleblowers
International Fund for Animal Welfare
Issue One
Jacobs Institute of Women's Health
Justice at Work Pennsylvania
Kentucky Equal Justice Center
Kohn, Kohn and Colapinto
LegalWizard Inc
Main Street Alliance
Mississippi Workers' Center for Human Rights
National Center for Health Research
National Coalition Against Censorship
National Council for Occupational Safety and Health
National Employment Law Project
National Federation of Federal Employees
National Immigration Law Center
National Judicial Conduct and Disability Law Project, Inc.
National Taxpayers Union
National Whistleblower Center
No More Guantánamos
Northwest Workers' Justice Project
Ohio Voter Rights Coalition
Open MIC (Open Media and Information Companies Initiative)
Open The Government
Oregonizers

Pride At Work
Project Censored and Media Freedom Foundation
Project Lifeline
Project On Government Oversight (POGO)
Protect Democracy
Public Citizen
Public Employees for Environmental Responsibility
Public Justice Center
Publish What You Pay - US
Pyramid Scheme Alert
R Street Institute
Restore The Fourth
Rural Coalition
Scrutineers.org
Shadow World Investigations
Shriver Center on Poverty Law
Society of Professional Journalists
SocioEnergetics Foundation
Stand Up America
Surveillance Technology Oversight Project
The Digital Democracy Project
The Revolving Door Project
Transformative Justice Coalition
Transparency International U.S.
Twice Vindicated National Security Whistleblower
Twice-fired U.S. Department of Homeland Security Federal Air Marshal
UNISHKA Research Service
UNITED SIKHS
Walking To Fix Our Democracy
Washington Coalition for Open Government
Washington Office on Latin America (WOLA)
Whistleblowers of America
Worksafe
X-Lab