

October 18, 2011

Senator Joe Lieberman
106 Hart Senate Office Building
Washington, DC 20510

Senator Susan Collins
413 Dirksen Senate Office Building
Washington, DC 20510

Dear Chairman Lieberman and Ranking Member Collins:

We, the undersigned groups representing the dozens of organizations in the Make It Safe Coalition, write to urge you and the members of the Senate Homeland Security and Governmental Affairs Committee to pass the Whistleblower Protection Enhancement Act of 2011 (WPEA), S. 743, when it is considered in tomorrow's committee meeting. Federal workers are best positioned to disclose wrongdoing in order to protect taxpayer dollars and the public trust. But the law to protect federal whistleblowers is broken—the WPEA will go a long way toward fixing that system.

The existing whistleblower law is supposed to encourage federal workers to come forward when they witness waste, fraud and abuse, but court decisions over the years and a flawed administrative process have eroded the law. Thus, the law now undermines instead of encourages good government practices.

Additionally, the federal whistleblower law is outmoded and has not kept pace with the standards in 11 laws passed since 2002 to protect private-sector whistleblowers. Today, it is well known in government that workers who use legal channels to expose waste, fraud or abuse are frequently silenced, fired or demoted, perhaps for political reasons, and then have less than a one percent chance of fighting these actions and winning. So, although federal workers have risked their careers to protect the public and save taxpayer dollars, current law has failed to provide real protection from retaliation.

With your support as cosponsors, Senator Daniel Akaka (D-HI) re-introduced the Whistleblower Protection Enhancement Act this year along with Chuck Grassley (R-IA), Carl Levin (D-MMI), Tom Carper (D-DE), Patrick Leahy (D-VT), Tom Harkin (D-IA), Mark Pryor (D-AR), Mary Landrieu (D-LA), Claire McCaskill (D-MO), Jon Tester (D-MT), Mark Begich (D-AK), Ben Cardin (D-MD), and Chris Coons (D-DE).

The WPEA will provide meaningful reform of government whistleblower law by ensuring legitimate disclosures of wrongdoing will be protected, reducing unauthorized leaks, increasing accountability to taxpayers, and saving billions of taxpayer dollars by helping expose fraud, waste and abuse. The WPEA will also restore and expand free speech rights, specifically covering national security and intelligence community workers, federal scientists and

Transportation Security Administration officers; strengthening failed procedures; closing loopholes; and, for the first time, providing limited access to a jury trial.

The WPEA is long overdue. After several hearings and months of negotiations, versions of the WPEA passed the Senate and the House unanimously last year, but in the end, failed to become law. Passage of the Whistleblower Protection Enhancement Act of 2011 now is an opportunity for you to prove your commitment to tackling waste and increasing accountability to American taxpayers. Federal workers serving our country deserve these protections and enforceable remedies when they disclose wrongdoing.

We thank you, Senator Akaka, and the other cosponsors for advancing this critical reform legislation. We urge all members of the committee to vote with you and send the bill to the full Senate without further delay.

Sincerely,

American Civil Liberties Union
American Federation of Government Employees
Government Accountability Project (GAP)
National Taxpayers Union
National Treasury Employees Union
Project On Government Oversight (POGO)
The Liberty Coalition
Union of Concerned Scientists

cc: Senators Daniel Akaka, Chuck Grassley, Carl Levin, Tom Carper, Patrick Leahy, Tom Harkin, Mark Pryor, Mary Landrieu, Claire McCaskill, Jon Tester, Mark Begich, Ben Cardin, Chris Coons, and Members of the Senate Homeland Security and Governmental Affairs Committee