

A LETTER TO NDAA CONFEREES IN SUPPORT OF MORE PROTECTIONS FOR TAXPAYER DOLLARS

December 14, 2012

Dear Conferees:

We the undersigned organizations write with our strong support for conferees to retain Section 844 of the Senate-passed National Defense Authorization Act (NDAA, S. 3254), which would extend the whistleblower protections in the American Recovery and Reinvestment Act (ARRA) to other federal fund recipients. Section 844 would apply the stimulus and general corporate whistleblower standards to some \$1.9 trillion of annual federal spending for government contracts, grants and Medicare. During painful fiscal cliff choices, the taxpayers cannot afford to abandon or dilute accountability for \$1.9 trillion in annual taxpayer spending.

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 over a trillion 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.

The provision already has a proven track record delivering results for taxpayers. It is analogous to ten corporate whistleblower laws that Congress has included over the last decade covering nearly the entire private sector for at least some form of any company's operations. It expands the two year success of excellent, noncontroversial whistleblower protections in ARRA, which had a relatively low incidence of fraud. The Council of the Inspectors General on Integrity and Efficiency credited whistleblowers with recovery of millions from misconduct they exposed. In 2012 the False Claims Act, which provides protections for contractor employees where fraud is the only issue, recovered nearly five billion in taxpayer dollars. Despite its successful record, unfortunately that law does not protect against retaliation for most whistleblower disclosures.

Specifically, Section 844 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.

Section 844 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 this extremely effective, government accountability policy is in the final version of the NDAA that reaches the President's desk for signature. For more information, please contact Tom Devine with GAP at 240-888-4080 or tomd@whistleblower.org, or Angela Canterbury with POGO at 202-347-1122 or acanterbury@pogo.org.

Sincerely,

American Association of University Professors (AAUP)
American Booksellers Foundation for Free Expression (ABFFE)
American Library Association
Center for Financial Privacy and Human Rights
Citizens for Responsibility and Ethics in Washington (CREW)
Connecticosh
Defending Dissent Foundation
Federal Law Enforcement Officers Association
Fund for Constitutional Government
Government Accountability Project
International Association of Whistleblowers
Institute for Justice & Democracy in Haiti
iSolon.org
Liberty Coalition
National Taxpayers Union
National Whistleblowers Center
Northern California Association of Law Libraries
OMB Watch
OpenTheGovernment.org
Project On Government Oversight
Public Citizen
Public Employees for Environmental Responsibility
Sustainable Energy and Economy Network
Taxpayers for Common Sense
Taxpayers Protection Alliance
The New York Committee for Occupational Safety and Health (NYCOSH)
Tully Center for Free Speech, Syracuse University
Understanding Government
Unitarian Universalist Service Committee
Whistlewatch.org
Worksafe