

President Joseph R. Biden
White House
1600 Pennsylvania Avenue NW
Washington, D.C. 20500

April 1, 2021

The Honorable Nancy P. Pelosi
Speaker of the House
U.S. House of Representatives
Washington, DC 20510

The Honorable Charles E. Schumer
Majority Leader
United States Senate
Washington, DC 20510

The Honorable Kevin O. McCarthy
Minority Leader
U.S. House of Representatives
Washington, DC 20510

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

Dear President Biden and Members of Congress,

Government Accountability Project and the undersigned 266 organizations write to support freedom of speech protections for whistleblowers who strengthen our nation's democracy, challenge abuses of power that betray the public trust, and catalyze accountability.

Improvements to whistleblower protections, historically passed by Congress with bipartisan and nearly unanimous support, and supported by 86% of Americans according to a [recent](#) Marist poll, are a crucial first step to ensuring accountability and establishing safeguards in the federal government. Public servants should be able to disclose evidence of wrongdoing without fear of reprisal or futility. Truth shared by whistleblowers fuels oversight mechanisms by shining a light on existing weaknesses, inefficiencies, and injustices. We must protect those who courageously speak out about abuses of public trust that undermine our nation's safety and security and threaten our democracy.

Forty-two years ago, the United States passed the world's first national whistleblower protection law for government employees. Over the following decades, Congress continued to enact laws to protect whistleblowers from other sectors. However, the Whistleblower Protection Act (WPA) and over 50 scattered corporate laws have not provided effective protection to the courageous employees who speak out against abuse of power.

A 13-year legislative effort to restore credible rights led to the unanimous passage of the Whistleblower Protection Enhancement Act (WPEA) of 2012. Yet significant challenges to our merit systems in the years since have exposed loopholes and ongoing weaknesses in this system that demand immediate correction. Otherwise, whistleblowers will continue to be chilled from speaking up and face retaliation when they do. Wrongdoing can continue undeterred and waste, fraud, and abuse will abound.

For example, unlike the 2009 stimulus package after the great recession, nearly \$3 trillion in COVID-19 relief did not add whistleblowing protections to the law, either to challenge misspending or misconduct threatening public health. Despite ambitious legislation to control police abuses of power, our laws do not protect law enforcement officers whose testimony is indispensable for catching violations of law and abuses of power. Although congressional witnesses experienced

dangerous retaliation last year, our laws banning reprisal for congressional communications still have no enforcement provision.

Our laws have not kept pace with modern global standards. As we rebuild international trust in American democracy, essential to earning that trust is to telegraph our commitment to accountability of our government. By strengthening our whistleblower laws to match or exceed those of other democratic nations, we can restore our nation as the world's leader protecting freedom of speech for whistleblowers as an essential vehicle for accountability.

We seek your leadership now to expeditiously implement what Congress intended when it passed the WPEA, and to expand best practice rights where needed most – for the integrity of pandemic relief legislation along with all other public health work; for honest law enforcement officers challenging police abuses of power, and for all congressional witnesses.

Modern global best practices for whistleblower protection are clear. To meet them, America's rights must include four cornerstones:

- Grant employees the right to a jury trial in federal court;
- Give whistleblowers the right to challenge retaliatory investigations;
- Extend temporary relief to whistleblowers whenever they prove a *prima facie* case of retaliation; and
- Extend whistleblower rights beyond protection from workplace retaliation, and like the European Union, give whistleblowers a legal defense against civil or criminal liability.

Whistleblower protection is a foundation for the rule of law. It does not matter whether the issue is economic recovery, vaccine or prescription drug safety, environmental protection, infrastructure spending, election safety, national health insurance, or foreign policy. We need conscientious public servants willing and able to call attention to waste, fraud, and abuse on behalf of the taxpayers.

America needs your leadership to provide safeguards to courageous whistleblowers for accountability and the protection of democracy. We encourage you to begin by reforming the Whistleblower Protection Act and enacting the key provision described above where rights are nonexistent. Whistleblower reforms are necessary to ensure those who defend the public have a fair chance to defend themselves.

Sincerely,

Government Accountability Project
Academics Stand Against Poverty
ACCESS (Arab Community Center for Economic and Social Services)
Accountability Counsel
Accountability Lab
ACORN 8
Advocacy for Principled Action in Government
Advocating Opportunity
Advocatz
Affiliation of Christian Engineers
Alaska Community Action on Toxics
Alliance for Nuclear Responsibility
Alliance for Whistleblowers, Inc.
American Association for Justice

American Civil Liberties Union
American Environmental Health Studies Project, Inc.
American Geophysical Union (AGU)
American Institute of Biological Sciences
American Oversight
American-Arab Anti-Discrimination Committee (ADC)
Animals Are Sentient Beings, Inc.
Arab American Institute (AAI)
Arizonans Concerned About Smoking
Asian Pacific American Labor Alliance, AFL-CIO
Association of Alternative Newsmedia
Association of Health Care Journalists
Atlantic States Legal Foundation, Inc.
Bend the Arc Jewish Action
Better Government Association
Beyond Pesticides
Blue Wave Postcard Movement
Bryan Schwartz Law
California Communities Against Toxics
Californians Aware
Center for a Livable Future
Center for Auto Safety
Center for Digital Democracy
Center for Gender & Refugee Studies
Center for International Policy
Center for Justice & Democracy
Center for Media and Democracy
Center for Progressive Reform
Center for Science in the Public Interest
Center of Concern
Center on Illicit Networks and Transnational Organized Crime
Centro de los Derechos del Migrante, Inc.
CEO Pipe Organs/Golden Ponds Farm
Chesapeake Climate Action Network
Children's Law Center
Circumpolar Conservation Union
Citizen Works
Citizens for Health
Citizens for Responsibility and Ethics in Washington (CREW)
Citizens' Environmental Coalition
Clean Elections Texas
Climate Science Legal Defense Fund
Coalition for Integrity
Coalition to Preserve, Protect and Defend
CODEPINK
Columbia Legal Services
Coming Clean
Common Cause
Community Research
Community Science Institute, Inc.
Concerned Citizens for Nuclear Safety
Concerned Citizens of America

Conservation Northwest
Constantine Cannon LLP
Constitutional Accountability Center
Constitutional Alliance
Consumer Action
Cook Inletkeeper
CorpWatch
Corruption kills
Council for a Livable World
CurbingCorruption
Defending Rights & Dissent
Demand Progress
Democracy 21
Democracy North Carolina
Dialysis Advocates
Digital Democracy Project
Disaster Accountability Project
EarthRights International
Economists for Peace and Security
Environmental Integrity Project
Equal Justice Society
Equal Rights Advocates
Farmworker Association of Florida
Farmworker Justice
Federal Ethics Center
Federal Managers Association
Federally Employed Women (FEW)
Feed the Truth
Fight for the Future
First Amendment Coalition
Fix the Court
Food & Water Watch
Forest Service Employees for Environmental Ethics
FracTracker Alliance
Free Speech Coalition (FSC)
Free Speech For People
Freedom Network USA
Friends of the Earth
Geos Institute
Global Integrity
Global Witness
Glynn Environmental Coalition
Government Information Watch
Grand Canyon Trust
Green Delaware
Greenpeace USA
Haitian Bridge Alliance
Heart of American Northwest
Human Rights Initiative of North Texas
Human Rights Watch
Human, Environmental and Leadership Prevalent Center (HELP Center)
In the Public Interest

Institute for Agriculture and Trade Policy
Institute for Constitutional Advocacy and Protection
International Association of Whistleblowers
International Fund for Animal Welfare
International Refugee Assistance Projects
Issue One
Jacobs Institute of Women's Health
Judicial Accountability Movement
Justice Integrity Project
Katz, Marshall, & Banks LLP
Kentucky Equal Justice Center
Kentucky Resources Council
Kohn, Kohn and Colapinto
Law Enforcement Action Partnership
League of United Latin American Citizens (LULAC)
Legal Aid at Work
LegalWizard Inc
Liberty Shared
Los Alamos Study Group
Main Street Project
Marriage Mission
Mehri & Skalet
Metrowest Worker Center - Casa
Mid-Ohio Valley Climate Action
MoneyOutVA
National Association of Social Workers
National Center for Health Research
National Center for Law and Economic Justice
National Center for Transgender Equality
National Coalition Against Censorship
National Council for Occupational Safety and Health
National Employment Law Project
National Employment Lawyers Association
National Federation of Federal Employees
National Freedom of Information Coalition
National Immigration Law Center
National Judicial Conduct and Disability Law Project, Inc.
National Network for Immigrant & Refugee Rights
National Organization for Women
National Security Counselors
National Whistleblower Center
National Whistleblower Legal Defense and Education Fund
National Workrights Institute
Network for Environmental & Economic Responsibility
Network for Responsible Public Policy
New America's Open Technology Institute
New Mexico Environmental Law Center
New Order National Human Rights Organization
No More Guantanamos
NOMOS Consulting
Northern Illinois Justice for Our Neighbors
Northwest Environmental Advocates

Northwest Environmental Defense Center
Northwest Immigrant Rights Project
Northwest Workers' Justice Project
Nuclear Energy Information Service (NEIS)
Nuclear Watch New Mexico
Ohio Voter Rights Coalition
Open MIC (Open Media & Information Companies Initiative)
Open The Government
Oregon Wild
Organized Crime and Corruption Reporting Project (OCCRP)
Our Maryland
P-INC
Peace Action
Peace and Freedom Party
PEN America
People for the American Way
People's Parity Project
Physicians for Human Rights
Platform for the Protection of African Whistleblowers
Poligon Education Fund
Potter Bolaños LLC
Press Freedom Defense Fund of First Look Institute
PRESS4WORD
Privacy Times
Progress South Carolina
Project Blueprint
Project Censored/Media Freedom Foundation
Project On Government Oversight
Protect All Children's Environment
Protect Democracy
Public Citizen
Public Employees for Environmental Responsibility
PYRAMID SCHEME ALERT
R Street Institute
RepresentUs New Mexico
Restore The Fourth
Revolving Door Project
Rio Grande Foundation
Rock the Vote
RootsAction.org
Rural Coalition
S.T.O.P. - The Surveillance Technology Oversight Project
SalaamUSA
Santa Fe Dreamers Project
Senior Executives Association
Shadow World Investigations
Shriver Center on Poverty Law
SIECUS: Sex Ed for Social Change
Small planet Institute
SMART Elections
Society of Professional Journalists
SocioEnergetics Foundation

Sojourners
Southern Utah Wilderness Alliance
Southwest Research and Information Center
Stand Up America
Structural Remediation Services, Inc. Survivor of Retaliation
Sustainable Energy & Economy Network
Taxpayers for Government Accounting Reform
Teamsters for a Democratic Union
The Ecotopian Society
The Future We Need
The Human Trafficking Legal Center
The Iowa Institute for Public Accountability
The Lamplighter Project
The Law Office of Jan T. Aune
The Mississippi Workers' Center for Human Rights
The Multiracial Activist
The Signals Network
The Workers Circle
Transparency International Ireland
Transparency International U.S. Office
Truckers Justice Center
Tully Center for Free Speech, Syracuse University
Un-PAC
Union of Concerned Scientists
UNISHKA Research Service
UNITED SIKHS
United Tribal Council Aboriginal Corporation ICN (1966) RNTBC
Virginia Times
VoteVets
Washington Coalition for Open Government
Washington Lawyers' Committee for Civil Rights and Urban Affairs
We The Action
WESPAC Foundation, Inc.
Whistleblower Network News
Whistleblower Support Fund
Whistleblowers of America
WhistleblowersUK
Win Without War
Woodhull Freedom Foundation
Woodymatters
Workplace Fairness
Workplace Justice Project at Loyola Law Clinic
Worksafe
World BEYOND War
X-Lab