

June 28, 2021

Dear Republican Members of Congress:

On behalf of the undersigned organizations, which advocate for taxpayers and for fiscally responsible policies in Washington, D.C. and around the country, we ask you to consider joining Rep. Nancy Mace (R-SC) in supporting the Whistleblower Protection Improvement Act (WPIA; H.R. 2988¹) or similar legislation that significantly increases and reinforces whistleblower protections under law. Whistleblowers are the cornerstone of government-wide efforts to reduce waste, fraud, abuse, and misuse of taxpayer dollars, but their rights have not kept pace with the growing size and scope of the federal government.

Our organizations have been concerned by the pace and the scale of government spending in recent years. The national debt stands at more than \$28 trillion,² and Congress has allowed the government to commit more than \$4 trillion to COVID response efforts in the past 16 months.³ President Biden has proposed spending an additional \$3.8 trillion on his American Jobs Plan⁴ and American Families Plan.⁵ Never has the federal government spent this much money at this fast of a pace.

Unfortunately, with significant and fast federal spending comes a significantly increased risk for waste, fraud, abuse, and misuse of taxpayer dollars. The Inspector General of the Department of Labor estimates that 10 percent of federal spending on enhanced unemployment insurance (UI) benefits -- \$63 billion of \$630 billion total -- has been misspent.⁶ That figure could rise to \$80 billion before the end of enhanced UI benefits.⁷ Over 10 months in 2020 and 2021, the Department of Justice “publicly announced charges in over 100 fraud-related cases associated with [Paycheck Protection Program] PPP loans, charging at least 170 defendants.”⁸ And the Government Accountability Office (GAO) recently reported that the Department of Health and Human Services “lacked documented policies for reviewing [Provider Relief Fund] payments to prevent fraud” in that \$187 billion program.⁹

¹ Congress.gov. (Introduced May 4, 2021). “H.R.2988 - To amend title 5, United States Code, to modify and enhance protections for Federal Government whistleblowers, and for other purposes.” Retrieved from: <https://www.congress.gov/bill/117th-congress/house-bill/2988> (Accessed June 4, 2021.)

² Treasury Department. (June 4, 2021). “Debt to the Penny.” Retrieved from: <https://fiscaldata.treasury.gov/datasets/debt-to-the-penny/debt-to-the-penny> (Accessed June 4, 2021.)

³ Committee for a Responsible Federal Budget. (June 2021). “COVID Money Tracker.” Retrieved from: <https://www.covidmoneytracker.org/> (Accessed June 4, 2021.)

⁴ The White House. (March 31, 2021). “FACT SHEET: The American Jobs Plan.” Retrieved from: <https://www.whitehouse.gov/briefing-room/statements-releases/2021/03/31/fact-sheet-the-american-jobs-plan/> (Accessed June 4, 2021.)

⁵ The White House. (April 28, 2021). “Fact Sheet: The American Families Plan.” Retrieved from: <https://www.whitehouse.gov/briefing-room/statements-releases/2021/04/28/fact-sheet-the-american-families-plan/> (Accessed June 4, 2021.)

⁶ Ramgopal, Kit; Blankstein, Andrew; and Winter, Tom. “How billions in pandemic aid was swindled by con artists and crime syndicates.” *NBC News*, February 13, 2021. Retrieved from: <https://www.nbcnews.com/news/us-news/how-billions-pandemic-aid-was-swindled-con-artists-crime-syndicates-n1257766> (Accessed June 4, 2021.)

⁷ Pickert, Reade. “U.S. Watchdog Finds \$39 Billion in Jobless Aid Paid Improperly.” *Bloomberg Government*, June 2, 2021. Retrieved from: <https://www.bgov.com/core/news/#!/articles/QU2R31T1UM1K> (Accessed June 4, 2021.)

⁸ Government Accountability Office. (March 2021). “COVID-19: Sustained Federal Action Is Crucial as Pandemic Enters Its Second Year.” GAO-21-387. Retrieved from: <https://www.gao.gov/assets/gao-21-387.pdf#page=329>

⁹ Armour, Stephanie; and Evans, Melanie. “Hospitals Want More Time to Spend Covid-19 Relief Money.” *The Wall Street Journal*, May 21, 2021. Retrieved from: <https://www.wsj.com/articles/hospitals-want-more-time-to-spend-covid-19-relief-money-11621598403> (Accessed June 4, 2021.)

As you know, lawmakers have several tools at their disposal to oversee activity and spending decisions conducted by the sprawling executive branch, from committee work to GAO investigations to the robust federal Inspectors General system.

The undersigned organizations believe that whistleblowers are critical components of lawmakers' oversight work. The Whistleblower Protection Improvement Act includes several best-practice improvements to legal whistleblower protections, including:

- Prohibiting federal employees from retaliating against individuals who blow the whistle on government waste, fraud, and abuse of power;
- Protecting the privacy and confidentiality of whistleblowers so that they avoid unwelcome attention or harassment in the public square; and
- Giving federal whistleblowers access to jury trials if their case is not heard by the Merit Systems Protection Board -- which has lacked a quorum for years -- in a timely manner.

We were glad to see Rep. Mace join this legislation as an original cosponsor, and we hope additional Republicans will join her in the weeks and months ahead. As Rep. Mace put it:

“When Americans alert the nation to waste, fraud, and abuse by the federal government, they take immense personal, professional, and emotional risks. Right now, these brave citizens are vulnerable to vicious campaigns of intimidation and retaliation which put their ability to provide for their families in jeopardy. Whistleblowers help root out corruption and we must ensure they aren't victimized or silenced by those who seek to abuse their power.”¹⁰

Whether through the Whistleblower Protection Improvement Act or some other legislative vehicle, we hope lawmakers can work together in a bipartisan, bicameral manner to improve whistleblower rights in the coming months. These proposals can and do have strong support across the ideological spectrum. We appreciate your consideration of this bill and other whistleblower protections, and should you have any questions we are happy to work with you further.

Sincerely,

National Taxpayers Union
Taxpayers Protection Alliance
Government Accountability Project
R Street Institute
Taxpayers for Common Sense

¹⁰ House Committee on Oversight and Reform. (May 4, 2021). “Maloney Leads Bipartisan Group of Members in Introducing Whistleblower Protection Improvement Act.” Retrieved from: <https://oversight.house.gov/news/press-releases/maloney-leads-bipartisan-group-of-members-in-introducing-whistleblower> (Accessed June 4, 2021.)