

# U.S. Sen. Baldwin: Bipartisan group of senators calls on agencies to support employees who shine light on fraud, waste & abuse

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Contact: [press@baldwin.senate.gov](mailto:press@baldwin.senate.gov), [\(202\) 224 - 6225](tel:(202)224-6225)

WASHINGTON, D.C. - U.S. Senator Tammy Baldwin joined a bipartisan group of Senators, led by Senator Chuck Grassley, in expressing the need to protect and encourage whistleblowers who shine light on fraud, waste and mismanagement in government. In a letter to 18 federal agencies, 11 members of the Whistleblower Protection Caucus are calling on government leaders to promote a culture that welcomes whistleblower disclosures and condemns attacks on whistleblower rights.

“All Americans are better off when whistleblowers step forward and report misconduct without fear of retaliation. Consistent with your statutory responsibilities, we ask that you remind employees at your agency about their ability to make protected disclosures in accordance with whistleblower protection laws. We also ask that you remind all incoming employees and managers that retaliation against whistleblowers will not be tolerated,” **the senators said in the letter.**

Dating back to the nation’s earliest days, whistleblowers have played a valuable role in identifying flaws in government. However, they often face reprisal from within their own ranks for calling attention to waste, fraud and mismanagement. In the letter today, the senators reference policies protecting employees who disclose problems in government, either through their chain of command or to Congress. The senators also call on agency leaders to remind employees of procedures for

making protected disclosures as well as protections in place to prevent and respond to retaliation.

Joining Grassley and Baldwin on the letter are Senators Claire McCaskill (D-MO), Thom Tillis (R-NC), Ron Wyden (D-OR), Joni Ernst (R-IA), Ed Markey (D-MA), John Boozman (R-AR), Ron Johnson (R-WI), Gary Peters (D-MI) and Tom Carper (D-DE).

The cosigners are all members of the Senate Whistleblower Protection Caucus. The caucus raises awareness of the need for adequate protections against retaliation for private sector and government employees who call attention to wrongdoing. The caucus' mission is to foster bipartisan discussion on legislative issues affecting the treatment of whistleblowers and serve as a clearinghouse for current information on whistleblower developments as well as best practices for responding to whistleblower disclosures and claims of retaliation.

The letters were sent to the following agencies:

U.S. Department of Agriculture

U.S. Department of Commerce

U.S. Department of Education

U.S. Department of Energy

U.S. Environmental Protection Agency

U.S. Department of Health and Human Services

U.S. Department of Housing and Urban Development

U.S. Department of the Interior

U.S. Department of Justice

U.S. Department of Labor

U.S. Small Business Administration

U.S. Department of State

U.S. Department of the Treasury

U.S. Department of Veterans Affairs

Office of the United States Trade Representative

U.S. Office of Management and Budget

U.S. Department of Homeland Security

Full text of the letter below:

March 09, 2017

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Dear [Agency Leader]:

Whistleblowers play a vital role in helping the government identify and resolve issues of waste, fraud, and abuse, and they are crucial for Congress in the exercise of its constitutionally mandated oversight responsibilities. Since the beginning days of our nation, our Founding Fathers recognized that whistleblowers are essential to ensuring that government is functioning properly and efficiently. As early as July 30, 1778, “in demonstration of their full support for whistleblowers,” the Continental Congress unanimously approved legislation recognizing “the duty of all persons in the service of the United States” to inform “Congress or other proper authorit[ies]” of wrongdoing.<sup>[1]</sup> Today, we continue to recognize this important responsibility. President George H. W. Bush, in his October 17, 1990 Executive Order 12731, stated plainly that federal employees “*shall* disclose waste, fraud, abuse, and corruption to appropriate authorities.”<sup>[2]</sup>

As members of the Senate Whistleblower Protection Caucus, we enthusiastically echo these historical precedents in our support for individuals who shine a light on waste, fraud, and abuse. We believe that it is in your agency’s best interest, and the taxpayers’ best interest, to do the same, and to openly recognize and wholeheartedly support the duty and value of whistleblowers. Whistleblowers are assets, and they can help us enhance government efficiency and transparency and save taxpayers billions of dollars.

To encourage these individuals to bring problems to the surface so that they may

be addressed, Congress enacted and has since strengthened federal laws that protect them from reprisal for lawful, good faith disclosures of potential wrongdoing. It is a prohibited personnel practice to retaliate against an employee for “*any disclosure of information . . . which the employee or applicant reasonably believes evidences (i) any violation of any law, rule, or regulation, or (ii) gross mismanagement, a gross waste of funds, an abuse of authority, or a substantial and specific danger to public health or safety.*”<sup>[3]</sup> Protections from reprisal also extend to employees of contractors, subcontractors, grantees, and subgrantees.<sup>[4]</sup> These statutes protect whistleblowers who report wrongdoing internally to a supervisor—as a significant majority do—so that their management has an opportunity to address it. They also protect whistleblowers who choose to report outside of their chain of command due to real fears of reprisal by their management. In either case, these brave men and women perform an invaluable public service.

That service is equally valuable and necessary when whistleblowers disclose waste, fraud, and abuse to Congress. Congress relies on these individuals working within agencies to provide the information necessary “to give effect to the checks and balances that are essential to the separation of powers.”<sup>[5]</sup> Accordingly, title 5, Section 7211 provides that the right of federal employees to furnish information to committees of Congress may not be interfered with or denied.<sup>[6]</sup> Officials or employees who do interfere with that right are not entitled to compensation.<sup>[7]</sup>

Despite these protections, whistleblowers still often face intimidation, retaliation, and prohibited personnel practices. Therefore it is essential that agency leadership, from the top down, promotes an open culture for employees to make disclosures and takes swift action against any employee who violates a whistleblower’s rights.

All Americans are better off when whistleblowers step forward and report misconduct without fear of retaliation. Consistent with your statutory responsibilities, we ask that you remind employees at your agency about their ability to make protected disclosures in accordance with whistleblower protection laws.<sup>[8]</sup> We also ask that you remind all incoming employees and managers that retaliation against whistleblowers will not be tolerated.

Over the past several years the members of the Senate Whistleblower Protection Caucus have endeavored to increase protections for whistleblowers and bring awareness to issues of retaliation. We will continue this work in the current Congress and will continue oversight of the executive branch’s implementation and

enforcement of whistleblower protections. We appreciate your assistance and look forward to working with you.

Sincerely,

Senator Claire McCaskill  
Senator Ron Wyden  
Senator Tammy Baldwin  
Senator Tom Carper  
Senator Ed Markey  
Senator Gary Peters

Senator Chuck E. Grassley  
Senator Thom Tillis  
Senator Joni K. Ernst  
Senator John Boozman  
Senator Ron Johnson

An online version of this release is available [here](#).