

**Congress of the United States**  
**Washington, DC 20515**

January 17, 2013

The President  
The White House  
Washington, DC 20500

Dear Mr. President:

Individuals within our government are in the best position to protect taxpayers' hard-earned money and ensure the integrity of their employing agencies and departments. You agreed with this sentiment when on November 27, 2012, you signed into law the Whistleblower Protection Enhancement Act (WPEA).<sup>1</sup> As you know, this legislation closed judicially-created loopholes that adversely affected government employees who expose waste, fraud and abuse in the federal bureaucracy.

During the debate over this legislation, serious consideration was given to extending whistleblower protections to the country's millions of non-defense federal contractor employees.<sup>2</sup> While these protections were not part of the WPEA, they were included in the 2013 National Defense Authorization Act (NDAA).<sup>3</sup> Sections 827 and 828 of the NDAA enhanced and strengthened current protections for defense contractor employees, and creates a four-year pilot program for non-defense contractors and grantees respectively.

However, we are concerned your statement that accompanied the signing of the NDAA into law may be perceived as undermining Congressional intent and discouraging individuals from helping to protect taxpayer dollars. With respect to Sections 827 and 828 you stated, "...I will interpret those sections consistent with my authority to direct the heads of executive departments to supervise, control, and correct employees' communications with the Congress in cases where such communications would be unlawful or would reveal information that is properly privileged or otherwise confidential."<sup>4</sup> This statement seems to ignore that sections 827 and 828 of the law contain clear exceptions for those employees working in the intelligence community.

Furthermore, your statement could be perceived as potentially eroding protections for federal workers and discouraging them from helping expose improper behavior. A Project on Government Oversight spokeswoman was quoted in the Washington Post saying, "It may not

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<sup>1</sup> P.L. 112-199

<sup>2</sup> 10 U.S.C. § 2409

<sup>3</sup> P.L. 112-239

<sup>4</sup> President Barack Obama, Signing Statement on H.R. 4310, the FY13 National Defense Authorization Act, January 2, 2013

have been his intent, but with this signing statement, the president appears to be thumbing his nose at Congress, whistleblowers, and taxpayers.”<sup>5</sup>

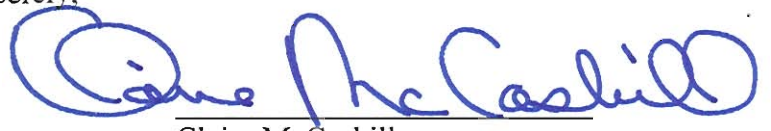
The Legislative Branch has the Constitutionally-mandated authority and responsibility to oversee the Executive Branch, and federal employees and government contractors have the right and obligation to bring information to Congress in a lawful manner. We encourage you to enforce the law as written. In doing so, your administration will show its dedication to transparency and accountability at all levels of the federal government.

Thank you for your attention to this matter.

Sincerely,



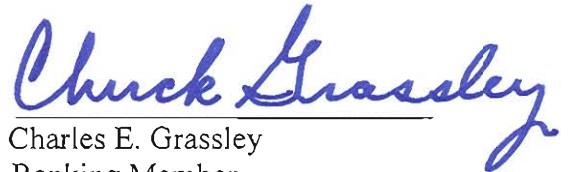
Darrell E. Issa  
Chairman  
Committee on Oversight  
and Government Reform  
United States House of Representatives



Claire McCaskill  
Chairman  
Subcommittee on Contracting  
Committee on Homeland Security  
and Governmental Affairs  
United States Senate



Elijah E. Cummings  
Ranking Member  
Committee on Oversight  
and Government Reform  
United States House of Representatives



Charles E. Grassley  
Ranking Member  
Judiciary Committee  
United States Senate

cc: The Honorable Patrick Leahy, Chairman  
Committee on the Judiciary  
United States Senate

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<sup>5</sup> Angela Canterbury, Project on Government Oversight, as quoted in the Washington Post, “Obama statement concerns whistleblower advocates, but will it have much impact?” Joe Davidson, January 7, 2013.