

September 22, 2021

The Honorable Gary Peters
Chairman, Senate Committee on Homeland
Security and Governmental Affairs
340 Dirksen Senate Office Building
Washington, DC 20510

The Honorable Rob Portman
Ranking Member, Senate Committee on
Homeland Security and Governmental
Affairs
340 Dirksen Senate Office Building
Washington, DC 20510

Dear Chairman Peters and Ranking Member Portman:

The undersigned organizations from the Make It Safe Coalition Steering Committee write to seek the committee's expeditious action for confirmation of the three nominees for the Merit Systems Protection Board (MSPB). Due to lack of membership, the Board has been unable to issue decisions on whistleblower or other merit systems disputes. The resulting backlog has now exceeded 3,500 cases. The destructive impact on the merit system is unprecedented and the Board, in its own words, "faces its most dire crisis since it was established by the Civil Reform Act of 1978."¹

Concerns are inherent for any nominee, and the advice and consent process requires scrutiny and policy commitments. However, each of these MSPB nominees has a track record of responsible, effective public service from diverse public and private perspectives. Chair nominee Cathy Harris is a lifelong advocate for employee rights. Vice Chair nominee Raymond Limon is a career professional in human resources management. Nominee Tristan Leavitt has an intimate knowledge of the Board's problems due to his duties as Executive Director and General Counsel when there have been no Members. He also has unique expertise in whistleblower law as a key staffer on this issue both in the Senate and House.

These nominees are supported by organizations from across the political spectrum that work, not only to advance the rights of whistleblowers, but to ensure that current law is being implemented and enforced as envisioned. Accountability to the taxpayers is an issue where there always will be a bi-partisan consensus. Restoring a functional Merit Systems Protection board is the foundation for enforcement of legal rights necessary to sustain that commitment. As such, we strongly urge the Senate Homeland Security and Governmental Affairs Committee to confirm these three nominees expeditiously and restore quorum at the MSPB.

Sincerely,

Government Accountability Project

Project On Government Oversight (POGO)

Public Employees for Environmental Responsibility

ACORN 8

Transparency International (U.S.)

¹ U.S. Merit Systems Protection Board, "Congressional Budget Justification FY 2022," 1, May 2021, https://www.mspb.gov/about/budget/FY_2022_Congressional_Budget_Justification.pdf.

Whistleblowers of America