

## EXTENSIONS OF REMARKS

“PAUL REVERE FORUM” AND THE  
PAUL REVERE FREEDOM TO  
WARN ACT

HON. STEVE ISRAEL

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Monday, April 15, 2002

Mr. ISRAEL. Mr. Speaker, on February 27th, 2002, I was honored to be joined by a number of American patriots for a forum on my legislation, the Paul Revere Freedom To Warn Act.

The courage of the whistleblowers who joined me that day was wonderful testimony to the power of the individual and to the responsibility we all have to monitor our national security. Brave men and women have taken great personal risks to protect all of us. Now we must do a better job protecting them.

For years, whistleblowers have been forced to make personal sacrifices in order to do what is right. I would submit that, at the least, whistleblowers deserve to be free from retaliation for simply doing what is right.

The is why I sponsored the Paul Revere Freedom to Warn Act. This legislation would merely give people a remedy. This legislation would merely say that any whistleblower who is retaliated against (in contravention of the Lloyd-LaFollette Act, which is current law), should have the right to seek redress for their harm.

I would like to thank all those who attended the forum on February 27th as well as the event's sponsors, the Government Accountability Project, the Project on Government Oversight, and the National Whistleblower Center. In particular, I would like to thank former New York Police Detective Frank Serpico for detailing his personal account. Mr. Serpico, who courageously exposed police corruption in the 1970's, is a shining example of how one person's courage can change the system and make life better for millions of people.

I was moved by the heroism of these individuals and unsettled by our failure to protect them in the past. This was no less true with Mr. Bogdan Dzakovic, whose efforts to warn the FAA about serious flaws in airport security, were virtually ignored. Matthew Zipoli, Randy Robarge, Ronald E. Timm, and Darlene Catalan, other patriots and whistleblowers, told their stories, and I thank them as well for reminding us that whistleblowers need our protection now more than ever.

Mr. Speaker, I ask that articles dealing with the forum and whistleblower issues from the Christian Science Monitor, the Washington Post and the Bureau of National Affairs' Government Employee Relations Report appear in the RECORD at this time.

[From the Christian Science Monitor, Feb. 28, 2002]

## DEFENDING WHISTLEBLOWERS

The public is well served by the courageous few who put their careers at risk by going public about a dangerous or unethical situation in their area of work.

The latest example of such noble whistleblowing is Enron's Sherron Watkins, who brought to light the accounting fiction of Enron's books.

But she, like many whistleblowers, had difficulties getting the truth out. About 90 percent of whistleblowers experience some reprisal or threat of one.

A public forum is being held on Capitol Hill this week to drum up more protection for public truth-tellers whether they be in aviation, nuclear power plants, border security, or the military.

Many parts of government rely on secrecy for their work but, as Tom Devine of the watchdog Government Accountability Project points out in these post-9/11 days: "Secrecy can be a threat to national security. It can sustain government breakdowns that create vulnerability to terrorism."

The 1989 Whistleblower Protection Act needs to have some loopholes closed, and a bipartisan effort within Congress to do just that is gaining momentum.

Congress should seize the opportunity to make sure citizens who sound the alarm have the rights—and protections—they need in order to help safeguard the greater society.

[From the Washington Post, Feb. 28, 2002]

MORE HELP SOUGHT FOR THOSE WHO BLOW  
WHISTLE

(By Bill Miller)

Joined by government insiders who had gone public with concerns about lapses in security at airports, nuclear facilities and borders, three watchdog groups yesterday called for stronger federal laws to protect whistleblowers from workplace retaliation.

"We can do a lot more to defend national security by listening to the messengers," said Tom Devine, legal director for the Government Accountability Project. "These people are the pros on the front lines, and they've been beating their heads against bureaucratic walls for years and warning that we're not prepared."

But, Devine said, those who come forward run the risk of being harassed, demoted or put out of work because of loopholes in the federal laws meant to protect them.

The 1989 Whistleblower Protection Act was supposed to protect federal employees, who wanted to expose misconduct, waste or abuse. But it has been narrowly interpreted by the U.S. Court of Appeals for the Federal Circuit to exclude employees who first take their allegations to supervisors or co-workers, Devine said. Judges also have demanded that employees present "irrefragable," or indisputable, proof of the credibility of their disclosures, a nearly impossible standard, Devine said.

Devine spoke at an event billed as the "Paul Revere Forum," in honor of the Revolutionary War hero who rode through Massachusetts in 1775 to warn that the British troops were coming. Two other groups—the Project on Government Oversight (POGO) and the National Whistleblower Center—joined the call for tougher legislation.

"Rather than admit their failings, large institutions always seek to destroy the messenger, no matter how high the stakes," said Danielle Brian, POGO's executive director.

The organizations presented first-person accounts from former New York City police

detective Frank Serpico, who exposed police corruption in the 1970s, as well as from five people who have warned that the United States remains vulnerable to terrorist attacks.

They included Randy Robarge, a former nuclear power plant supervisor, who said those facilities remain at risk; former security officer Mathew Zipoli and government consultant Ronald E. Timm, who alleged that security is lax at nuclear weapons research facilities; Darlene Catalan, a former U.S. Customs agent who said railroad tanker cars aren't being adequately checked for explosives at the borders; and Bogdan J. Dzakovic, the leader of a Federal Aviation Administration security team who went public this week with allegations that government officials ignored problems for years.

Dzakovic said he led a security team that was able to get weapons or explosives past airport checkpoints in 1998 but that the FAA failed to follow up.

The Office of Special Counsel, which investigates whistle-blower cases, asked the Transportation Department to review Dzakovic's complaints on Feb. 5; his allegations were first reported on Monday by USA Today. Yesterday, Dzakovic said he continued to work for the new federal Transportation Security Administration. FAA officials have declined to discuss the matter but maintained that security problems have been addressed.

Advocates said that two measures pending in Congress would protect other whistleblowers so they could raise similar concerns without fear of reprisals.

The first is a proposed amendment to the 1989 law, backed by Rep. Constance A. Morella (R-Md.), that would change the standards to make it easier to win cases. The other is a bill that would make it illegal for public or private employers to retaliate against whistle-blowers and would permit them to take their cases before federal juries. Its backers include Rep. Steve Israel (D-N.Y.) and Sen. Charles E. Grassley (R-Iowa).

The timing is urgent, Israel said, adding: "I think it's vital that Americans are fully aware of their level of security at our airports and that people working in the federal government aren't afraid of alerting the public to these conditions."

[From the Government Employee Relations Report, Mar. 5, 2002]

WHISTLEBLOWERS WOULD GET ACCESS TO  
COURTS, RIGHT TO SEEK DAMAGES UNDER  
NEW BILL

Federal whistleblowers would be able to bypass the Merit Systems Protection Board and go directly to U.S. district court, where they could seek compensatory and punitive damage, under legislation introduced in the House Feb. 26 by Rep. Steve Israel (D-N.Y.).

The Paul Revere Freedom to Warn Act (H.R. 3806) also would allow state and local government whistleblowers, as well as private sector whistleblowers, to bring claims in federal court, providing an alternative venue to the current patchwork of laws affecting those whistleblowers.

The bill provides that any person experiencing whistleblower retaliation for communicating with Congress or federal law enforcement agencies may bring a civil action—and is entitled to a jury trial—in the

• This "bullet" symbol identifies statements or insertions which are not spoken by a Member of the Senate on the floor.

Matter set in this typeface indicates words inserted or appended, rather than spoken, by a Member of the House on the floor.

appropriate federal trial court within three years of the date of the violation. Suits against any person, organization, or employer responsible for a violation may seek lost wages and benefits; reinstatement; attorneys' fees and costs; compensatory and punitive damages; and equitable, injunctive, and other appropriate relief.

Remedy for Inconsistent Coverage. One of the purposes of the bill, according to Tom Devine, executive director of the Government Accountability Project, a nonprofit groups based in Washington, D.C., is to put teeth into the congressional right-to-know law, the Lloyd LaFollette Act of 1912. While that bill made whistleblower retaliation illegal, he said, it did not provide for a legal remedy. Various whistleblower statutes provide administrative remedies for federal and nonfederal workers, but the coverage of those laws is inconsistent, Devine said in talking points prepared for a Feb. 27 press event to announce the introduction of the new legislation.

Legislation introduced by Sen. Daniel K. Akaka (D-Hawaii) June 7, 2001, in the Senate and by Rep. Constance A. Morella (R-Md.) July 23, 2001, in the House as S. 995 and H.R. 2588, respectively, would strengthen the Whistleblower Protection Act, which is designed to protect federal whistleblowers (39 GERR 865, 8/7/01). Among other things, the Akaka and Morella bills would clarify what types of information disclosures are protected from prohibited personnel practices such as retaliation.

#### IN TRIBUTE TO AL AGOVINO

#### HON. ELIOT L. ENGEL

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

*Tuesday, April 16, 2002*

Mr. ENGEL. Mr. Speaker, Al Agovino is a man who knows how to give of himself. He started, officially, in the Pacific Theater with Motor Torpedo Squadron 36 and was awarded five Battle Stars.

Back home in the Bronx he has also been generous with his time and ability. At St. Benedict's Church he has been President of the Holy Name Society and Co-ordinator of the Church Ushers and of the Blood Bank. He has been Grand Knight of St. Luke's Council of the Knights of Columbus. He has served on the New York State Autism Advisory Council. He also serves on the Bronx Consumer Council.

He has also served on the Bronx Developmental Disabilities Service Office Parent Association, on the Human Resources Administration Advisory Council, and on the New York State Commission on Quality Care for the Mentally Disabled Advisory Council.

If that wasn't enough he has been a vital advocate for parents and for all people with developmental disabilities and their families. He has served on the Board of the Association for the Help of Retarded Children and in that capacity rarely missed a meeting in over twenty years. His presence has made AHRC a force in its field.

More immediately, I rise today to speak of Mr. Agovino with some sadness, for he is retiring from the Board of Visitors Association after 25 years of constant and devoted service. The Board oversees conditions and the quality of life offered to patients in the State Psychiatric and Developmental Centers. While on the Board, to which he was named by the Gov-

ernor and confirmed by the State Senate, he also served on many committees including Government Relations and Geriatric, and was also President of the New York State Association of Boards of Visitors. His leaving will leave a hole in our hearts and our abilities.

Al and his wife Vera have been married for 55 years. They had six children who in turn gave them six grandchildren. I offer him my sincerest congratulations for all he has done, and it is a lot. I join with the countless others he knows and has helped in wishing the very best in all that he does. He has made the world a better place.

#### MONINA SUNGA RECIPIENT OF 2001 PRESIDENTIAL AWARD FOR EXCELLENCE IN MATHEMATICS AND SCIENCE TEACHING (PAEMST)

#### HON. ROBERT A. UNDERWOOD

OF GUAM

IN THE HOUSE OF REPRESENTATIVES

*Tuesday, April 16, 2002*

Mr. UNDERWOOD. Mr. Speaker, the Presidential Awards for Excellence in Mathematics and Science Teaching Program (PAEMST) is designed to recognize our nation's outstanding teachers. Administered by the National Science Foundation (NSF), recipients of the program's awards serve as role models for peers. They focus interest upon the teaching profession, encourage high quality teachers to remain in the field of education, and generate the enthusiasm required to foster the next generation of teachers.

One of the outstanding individuals to be honored this year is Ms. Monina Sunga, a science teacher from the Vicente S.A. Benavente Middle School in Dededo, Guam. Monina joined fellow-awardees from all over the United States in a visit to our Nation's capital where they were honored for their achievements. During her visit to Washington, DC, she had the opportunity to meet and confer with government and education officials along with other awardees. Having received this honor, she became part of a growing network of exceptional teachers.

Monina has been described as "a teacher who takes a hand, opens a mind and touches a heart." To her students, she is a counselor, supporter and friend. Having been a teacher on Guam for more than twenty-five years, Monina claims to have found the "fountain of youth" within her mind and within her classroom. Convinced that her youthful disposition is derived from her students, she has made it known that she intends to say as a classroom instructor for as long as she is able to do so. To her fellow teachers she imparts the knowledge that the true joy of teaching is achieved when teachers ultimately inspire students to learn.

As a science teacher, Monina found that going beyond the assigned readings is a very efficient method of teaching the subject. She firmly believes that healthy interaction in conjunction with hands-on training for the children are keys to successful learning. She encourages her students to use their natural environment as their laboratories. Her students are acquainted with learning tools derived from the simplest of things and they respond with great enthusiasm to her teaching method.

In addition to the prestige Monina brings to her school and the pride she instills in her students, the rewards of being a PAEMST awardee also includes a grant of \$7,500 which will be employed for the benefit of her school. This goes a long way towards furthering her goals and examples.

It gives me great pleasure to recognize and highlight the contributions of Ms. Monina Sunga and her fellow teachers. Having been a former classroom teacher herself, I am aware of the sacrifices and high standards expected from those in the teaching profession. I would like to take this opportunity to express my appreciation and admiration for the teachers whose constant contributions instill exemplary values and shape the lives of our children, our communities and our future.

#### COMMEMORATING THE TAIWAN RELATIONS ACT

#### HON. MARK STEVEN KIRK

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

*Tuesday, April 16, 2002*

Mr. KIRK. Mr. Speaker, as we mark the 23rd anniversary of the Taiwan Relations Act today, I wish to comment on the special relationship between the United States and Taiwan.

In 1978, President Jimmy Carter switched diplomatic recognition from the Republic of China to the People's Republic of China. To ensure Taiwan would continue to prosper and grow, Congress passed the Taiwan Relations Act in 1979. For the last twenty-three years, the Taiwan Relations Act has worked exceedingly well, providing Taiwan with the necessary security, while reminding the Chinese mainland not to use force against this flourishing democracy. On this 23rd anniversary, it is important to remind everyone that the United States stands behind the spirit of the Taiwan Relations Act.

The United States continues to enjoy a longstanding and healthy relationship with Taiwan. The people of Taiwan have always stood shoulder to shoulder with us, and we should stand by them as well. I rise today in recognition of these continued positive relations between Taiwan and the United States.

#### JEREMY J. WARREN'S HONOR FOR SERVICE ON SEPTEMBER 11, 2001

#### HON. LARRY COMBEST

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

*Tuesday, April 16, 2002*

Mr. COMBEST. Mr. Speaker, I rise today to commend Jeremy J. Warren for his selfless service to citizens of the United States during the September 11 tragedy in New York.

Jeremy and 11 of his classmates at the United States Merchant Marine Academy were called to aid in rescue efforts merely hours after the World Trade Centers collapsed. Jeremy used his extensive rescue training to help search the debris during the critical post-collapse hours in hopes of finding survivors. Jeremy worked at ground zero through the night and was relieved from the operation in the early morning hours of September 12.