

Today, as in 2002, it is important that during Public Service Recognition Week we acknowledge those who disclose information without assurances of protection and pledge to do what we can to provide full protection for those trusted public servants.

Congress has a duty to taxpayers to make informed decisions when carrying out its legislative, appropriation, and oversight functions. Such decisions require access to timely and accurate information, and when access is restricted, we are unable to provide oversight and fulfill our constitutional responsibilities. Only through a credible, functioning statute can we protect the rights of Federal workers who wish to communicate with Congress. Guaranteeing freedom from retaliation or abuse when disclosing critical information to Congress is the underpinning of the Whistleblower Protection Act, WPA.

Congress has worked hard, and continues to work, to provide real whistleblower protection to Federal employees. Unfortunately, through a series of decisions contrary to both statutory language and congressional intent, the Federal Circuit Court of Appeals, which has sole appellate review for the WPA, has denied full whistleblower protections to Federal workers and harmed Congress's ability to do its job. In fact, of the 85 retaliation cases decided on the merits since 1994, the Federal circuit has ruled for the whistleblower only once.

To ensure continued whistleblower protection, I introduced S. 1358, the Federal Employee Protection of Disclosures Act, on June 26, 2003, with Senators GRASSLEY, LEVIN, LEAHY, and DURBIN. Since introduction, we have been joined by Senators Dayton, Pryor, and Johnson. Our bill would strengthen protections for Federal employees who report government waste, fraud, abuse, gross mismanagement, and substantial and specific dangers to public health and safety.

Congress has consistently supported the principle that Federal employees should not be subject to prior restraint from disclosing wrongdoing. For example, every year since 1988 Congress has included in every Transportation, Treasury, and General Government Appropriations bill an "anti-gag" provision which prohibits the use of Federal funds to implement nondisclosure policies that are inconsistent with several open government statutes, such as the WPA of 1989 as amended in 1994, the Military Whistleblower Protection Act of 1998, and the Lloyd Lafollette Act of 1912, which prohibits discrimination against government employees who communicate with Congress.

However, more must be done. Since we introduced our bill there have been several more public reports of Federal employees allegedly being fired or threatened with termination or other retaliation for communicating with Congress and disclosing government wrongdoing to the press. These reports include the controversy surrounding the U.S. Park Police and cost esti-

mates for the newly enacted Medicare prescription drug program. In order to aid these and other employees and provide full protection to Federal whistleblowers, S. 1358 would codify the "anti-gag" provision and allow employees to bring cases seeking remedial action for retaliation before the Merit Systems Protection Board, MSPB, an independent, quasi-judicial agency that adjudicates Federal employee appeals.

In addition, our bill, the Federal Employee Protection of Disclosures Act, would overturn certain Federal Circuit decisions which have denied protection to employees who made disclosures in the course of their job duties or reported initially to the wrongdoer or a coworker. S. 1358 would also suspend the Federal Circuit's exclusive jurisdiction over WPA reprisal cases for 5 years, and overturn the wrongly established "irrefragable proof" standard imposed by the Federal circuit for whistleblowers to qualify for protection.

Although much press has been given to recent whistleblower cases, it is important to remember those who have reported allegations of aircraft maintenance violations, water safety regulations, and lapses in our national security. Protecting Federal employees who blow the whistle allows us to protect taxpayers and, in recent notable instances, national security as well. That is why the WPA is often referred to as the Taxpayer Protection Act.

During Public Service Recognition Week, I urge my colleagues to remember public servants who have come forward and honor them by supporting S. 1358 and strengthening protections for whistleblowers.

ADDITIONAL STATEMENTS

THE BLACK SHIPS FESTIVAL

• Mr. CHAFEE. Mr. President, this year marks the 150th anniversary of the signing of the Treaty of Kanagawa, which opened trade between Japan and the United States. Rhode Islanders take great pride in the historic role played by Commodore Matthew C. Perry, USN, who was integral in the formation of the treaty.

In 1853, Japan had been almost completely closed to foreigners for over 200 years, denying trade, refusing shipwrecked sailors, and, most importantly, refusing to serve as a coaling station for the growing numbers of steamships slogging the long haul across the Pacific. Commodore Perry was dispatched to Japan with full diplomatic powers by President Millard Fillmore for the purpose of opening that nation's doors to foreign trade.

On Friday, July 8, 1853, Commodore Perry steamed four huge ships into what is now Tokyo Bay. The hulks breathed thick dark smoke, and were instantly dubbed the "Black Ships" by the shocked citizens of Japan. Their arrival set the city of Edo, inhabited by more than one million people, into commotion. The Japanese had not fought a single war for 256 years, but now they feared an invasion.

But Perry had not come to invade. Instead, he planned to deliver a letter to the Emperor, signed by President Fillmore, proposing "that the United States and Japan should live in friendship and have commercial intercourse with each other." When his peaceful intentions became clear, tension around Edo Bay soon gave way to curiosity as each people sought to learn more about the strange new other.

Commodore Perry gave the presidential letter to local officials shortly after his arrival, explaining that he would return the following spring to receive the Japanese reply. He arrived in Edo Bay slightly ahead of schedule, on February 13, 1854, this time with nine ships anchored near the city of Kanagawa. The cultural exchanges continued. After a stunning parade on land, Perry arranged a 21-gun salute to honor the Emperor, and then flew the Shogun's flag from the masthead of one of his ships. He presented his hosts with an array of gifts, including books, maps of America, whiskey, wine, clocks, rifles, perfumes, a miniature steam engine with railroad, and telegraph equipment—all of which aroused much awe in the growing crowds. The Japanese presented the Commodore and his officers with gifts from the Emperor, including scrolls, porcelain tea sets, silks, jars of soy sauce, umbrellas, swords, and ornate lacquer ware. They even treated the sailors to a Sumo wrestling show. When one Japanese commissioner left an American-hosted banquet, he gave Perry a crushing hug and exclaimed, "Japan and America, all the same heart."

On March 31, after weeks of delicate and complex negotiations, a treaty declaring "peace and friendship between the United States of America and the Empire of Japan" was signed. The treaty of Kanagawa opened the seaports of Shimoda and Hokodate to American ships, and granted shipwrecked sailors protection in Japan. After the signing, the Japanese held a great feast for the Americans, and there was much celebration. As author Rhoda Blumberg writes, "It is remarkable that people in the land of the Shogun could be so gracious and hospitable to unwanted visitors from the Black Ships and that the Americans could overcome their prejudice against a 'different' people and enjoy their company."

Americans and Japanese were gracious, hospitable, and did enjoy each other's company at their first encounter. And that relationship continues today. The Japan-America Society and Black Ships festival of Rhode Island have helped maintain the bonds of friendship between our two nations. This month, representatives from Rhode Island will be participating in a ceremony in Newport, Rhode Island's sister city, Shimoda, Japan, commemorating the 65th anniversary of

that city's Black Ships festival. I am proud to draw the Senate's attention to this historic occasion, and to express on behalf of my colleagues our deep congratulations to Mayor Naoki Ishii, members of the City Council, and the citizens of Shimoda, Japan as they host the celebration of the mutual friendship and shared values between our two nations, common bonds that will last for many years to come.●

TEACHER APPRECIATION DAY

● Mr. BURNS. Mr. President, I honor some of the greatest men and women in the Nation—Montana teachers. In my State we are blessed to have educators making a difference each day in the lives of our young people. This week is Teacher Appreciation Week and Montana educators should hold their heads high. Montana 8th graders have the second highest science scores in the world. Eighty-four percent of Montana public school teachers in core academic fields have full certification and a major in their field, ranking Montana as one of the top States—2nd out of 50—in teacher qualification. Montana is one of the top 11 States in the percentage of high school graduates going on to college.

Yes, our children are truly fortunate. Our highly qualified teachers not only work hard, but they care about each and every student that enters their classroom. I thank you, Montana teachers, for your sense of duty and compassion to our precious future generation.●

(At the request of Mr. DASCHLE, the following statement was ordered to be printed in the RECORD.)

ANDREA SILBERT, CEO OF THE CENTER FOR WOMEN AND ENTERPRISE AND LEADER FOR WOMEN IN BUSINESS

● Mr. KERRY. Mr. President, I would like to take this opportunity to honor Andrea C. Silbert, founder of the Center for Women and Enterprise, CWE, for her dedicated and tireless work on behalf of women in business. On Friday, after 9 years of outstanding service, Andrea stepped down as chief executive officer for CWE. I am pleased to take this moment to reflect on Andrea's achievements and her contribution to the growing community of women entrepreneurs.

Andrea began her career working for Morgan Stanley in New York, but after only a few years, left the financial capital of the world to pursue her interest in community economic development. This led Andrea to spend several years helping the less fortunate in Costa Rica, Colombia and Brazil. While in Latin America, Andrea conducted research on nontraditional exports, taught seminars in financial planning of microloan programs for Women's World Banking, and in Brazil helped disadvantaged young girls with income-generating projects.

In 1994, with this invaluable experience and fresh perspective on economic development issues in the United States, Andrea returned to her hometown of Boston with the hope of starting a nonprofit for women entrepreneurs. Her idea was to create a launching pad for all women, regardless of background, to start a business. She was particularly concerned with helping disadvantaged women break the cycle of poverty and become financial self-sufficient. Her efforts led to the establishment of a community-based resource where aspiring women entrepreneurs learn from those who have the experience and knowledge to help others succeed. On October 23, 1995, with financial backing from the Small Business Administration, the Commonwealth of Massachusetts, the Bank of Boston, and the Ewing Marion Kauffman Foundation, Andrea started CWE.

Under Andrea's leadership and with a budget of \$350,000, three employees, and donated space at Northeastern University, CWE developed into a \$2.6 million nonprofit employing 25 full-time staff with centers in Boston, Worcester, MA, and Providence, RI assisting nearly 2,000 clients a year. Although CWE has quickly become the model for successful women's business centers, the importance of CWE to women entrepreneurs cannot be summed up with numbers.

As more women experience this dream of business ownership, there will continue to be a need for community leaders, like Andrea, who help facilitate the path from poverty to prosperity through entrepreneurship—leaders who can help these women start small businesses, lift themselves up, and give back to their communities.

As a past president of the Association of Women's Business Centers and former member of the National Women's Business Council, Andrea has been an advocate for women in business not only in Massachusetts, but across the country. Her testimony before the Senate Committee on Small Business and Entrepreneurship in February of 1997 helped develop the nationwide network of Women's Business Centers and helped build a record of support for continued and increased funding for women who want to start businesses.

When Andrea started CWE in 1995, there were only 28 centers in the Women's Business Center network. Today, with Andrea's support, assistance and outreach through the Association of Women's Business Centers, there are 88 centers in 47 States, the District of Columbia, American Samoa, and the Virgin Islands. Last year, these centers helped 106,000 clients, but without the devotion and vision of people like Andrea, many of the women entrepreneurs across the country would not have this invaluable resource.

Andrea Silbert has not only been a leader for women in business, but a resounding voice for social change. On behalf of myself and my colleagues on

the Senate Committee on Small Business and Entrepreneurship, I want to express my sincere gratitude and appreciation for Andrea's commitment to women entrepreneurs and for her many years of creating new opportunities for women and their communities. Her work through the Center for Women and Enterprise will be greatly missed, but I am confident that her successor, Donna Good, is well suited to continue Andrea's legacy of accomplishment. I want to wish Andrea success and good luck in whatever the future holds.●

DR. NORA KIZER BELL

● Mr. ALLEN. Mr. President, today I would like to commemorate the life of Dr. Nora Kizer Bell, who passed away on January 24, 2004, after a heroic fight against cancer. Throughout her distinguished life, Dr. Bell was a great champion of the liberal arts and women's education.

Among Dr. Bell's career highlights was her term as President of Wesleyan College. As the first female president of the college, she implemented numerous projects, including a major renovation and construction plan, and a new campus technology plan. She also helped increase enrollment, improve academic quality, and increase the endowment at Wesleyan.

In July 2002, Dr. Bell took office as president of Hollins University in Roanoke. During her tenure, she worked hard to make the school a Tier One university and twice saw Hollins take the top rank in "Quality of Life," according to the Princeton Review.

Dr. Bell, a magna cum laude graduate of Randolph-Macon Women's College, was an articulate advocate of single-gender education. Over the years, she wrote on the issue in several prestigious publications, including: USA Today, the Washington Post and the Christian Science Monitor. For her work, she was the recipient of numerous awards, including the Order of the Palmetto, the highest civilian award presented by the Governor of South Carolina.

Dr. Bell was the loving spouse of Dr. David A. Bell, President of Macon State College, and the devoted mother of three children. She leaves behind a wonderful legacy as a mother, a friend and a leader in women's education.●

ANTHONY FILIPPIS, SR. AND THE MICHIGAN ATHLETES WITH DISABILITIES HALL OF FAME

● Ms. STABENOW. Mr. President, I rise to recognize a remarkable man and his organization—Mr. Tony Filippis, Sr. and the Athletes with Disabilities Hall of Fame.

Winston Churchill once remarked, "We shall draw from the heart of suffering itself the means of inspiration and survival."

And that is exactly what Mr. Filippis did.

When tragedy struck in 1929, Mr. Filippis found inspiration not only for