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It is with great pride that I honor the 75th Anniversary of Lamar Community College.

WHISTLEBLOWER PROTECTION  
ENHANCEMENT ACT (S. 743)

HON. TODD RUSSELL PLATTS

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Friday, September 28, 2012

Mr. PLATTS. Mr. Speaker, I rise today in support of the Whistleblower Protection Enhancement Act, S. 743, and, as a long-time sponsor and cosponsor of similar legislation this session and in past sessions, hope to clarify the intent of the application of the bill's provisions in two important ways.

By way of background, I first introduced a version of this legislation in 2003, H.R. 3281, to respond to a series of decisions by the Merit Systems Protection Board, MSPB, and the Federal Circuit Court. Those decisions undermined Congressional intent with respect to the original Whistleblower Protection Act of 1989.

Specifically, Congress intended that "any" protected disclosure of waste, fraud, and abuse by a federal employee be covered by the law. As interpreted by the MSPB and the Federal Circuit Court, however, loopholes began to develop. Congress strengthened the law in 1994, but decisions by the MSPB and Federal Circuit Court continued to undermine the intent of Congress.

A mark-up of my original legislation was held in 2004. A mark-up of a re-introduced version of the bill, H.R. 1317, was held in 2006. A version introduced by Representative HENRY WAXMAN and myself, H.R. 985, was passed by the House in 2007. At the core, all of these bills—and their Senate versions—restored the Congressional intent of the original Whistleblower Protection Act by plugging the loopholes that had developed.

The bill before us today makes the same attempt at restoring Congressional intent, but—if interpreted incorrectly—I fear the possibility of two more loopholes opening up.

First, agencies must not be allowed to circumvent whistleblower protections through so-called "secrecy" regulations, such as a new category of information (labeled "Sensitive Security Information") created by the Department of Homeland Security. Whistleblower law understandably already exempts from whistleblower protections information which is classified or "specifically prohibited by law" from release. Classified information is information that is kept secret by Executive Order, not a hybrid category of information created by agency regulation like "Sensitive Security Information." Moreover, "prohibited by law" has long been understood to mean statutory law and court interpretations of those statutes, not to agency rules and regulations.

If the Federal Circuit Court broadens the "prohibited by law" exemption to include anything that an agency tries to keep secret under any of their regulations, a new loophole could be opened up that would substantially undermine Congressional intent in passing this bill. It is therefore important to once again make it clear: "Prohibited by law" has long been understood to mean statutory law and court in-

terpretations of those statutes, not to agency rules and regulations. Any exceptions to these rights must be created by Congress, and Congress must act with specificity. That has been the law since 1978, and it continues to be the law.

Second, it must be understood that those whistleblowers who have been waiting for this bill to be enacted are protected by its provisions. As stated by the Senate Committee on Homeland Security and Governmental Affairs in its report accompanying this bill, S. Rpt. 112–155:

The Committee expects and intends that the Act's provisions shall be applied in OSC [Office of Special Counsel], MSPB, and judicial proceedings initiated by or on behalf of a whistleblower and pending on or after that effective date [30 days after the date of enactment of the bill]. Such application is expected and appropriate because the legislation generally corrects erroneous decisions by the MSPB and the courts; removes and compensates for burdens that were wrongfully imposed on individual whistleblowers exercising their rights in the public interest; and improves the rules of administrative and judicial procedure and jurisdiction applicable to the vindication of whistleblowers' rights.

Some in the whistleblower community have been waiting for more than a decade to see Congressional intent with respect to whistleblower law restored. The number who could actually take advantage of the protections in this bill is probably not large, but their cases are significant and justice requires protections for them.

In concluding, I would like to thank the many, many individuals and organizations that have championed this important "good government" issue over the years. There are more than I could possibly mention, but allow me to name just a few: Senator DANIEL AKAKA, who has pushed this issue for years in the Senate; former Representative Connie Morella, who introduced the first House version of the bill before her retirement; former Representatives Tom Davis and current Representative HENRY WAXMAN, who pushed the issue during their service on the Government Reform Committee; my colleagues DARRELL ISSA, ELIJAH CUMMINGS, CHRIS VAN HOLLEN and their staffs; and, finally, the Government Accountability Project (GAP), Project on Government Oversight (POGO), and National Taxpayers Union (NTU). Without all of their efforts, we would not be in a position to finally secure enactment of this important legislation that ensures whistleblowers with the courage to report waste, fraud, and abuse are applauded—not punished.

IN RECOGNITION OF FREDRICK R.  
"FRED" MEYER

HON. MICHAEL C. BURGESS

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Friday, September 28, 2012

Mr. BURGESS. Mr. Speaker, I rise today to honor the life of Fredrick R. "Fred" Meyer. Mr. Meyer was a successful businessman, the Texas GOP chairman for six years, and the chairman of the Republican Party in Dallas for 7 years. Last week he passed away at the age of 84. Mr. Meyer will always be remem-

bered as the man who made the Texas GOP unstoppable.

Mr. Meyer graduated in 1949 from Purdue University with a Bachelor's Degree in Mechanical Engineering and received a Master of Business Administration degree from Harvard University in 1958, graduating from both with high distinction.

While working as senior vice president of the information services company, Tyler Corporation, in Dallas, Mr. Meyer was asked by Republican congressional candidate Alan Steelman to manage his campaign. After surprisingly winning the race against the former mayor of Dallas, Earle Cabell, Mr. Meyer couldn't help but become more involved. Beginning in 1972, he became a state delegate at that and every subsequent Republican convention.

Even though Texas was primarily a Democratic state, Mr. Meyer used his skills in fundraising and managing to convince potential candidates to run for Republican seats. About 10 percent of Dallas County elected officials were Republicans when he was elected as Dallas GOP Chairman in 1979, but towards the end of his last term, almost 80 percent of the county elected officials were Republican.

When he lost the race for Dallas mayor to Annette Strauss in 1987, he served three terms as the state GOP chairman, aiding Texan George H.W. Bush in winning the presidency.

His success for the party lasted for two full decades until the Democrats took Dallas County in 2006. His admirable reputation will not be forgotten. During the last few weeks of his life, Mr. Meyer was fundraising in his hospital room for the Cooper Institute. It seemed that he could never give up his passion.

Mr. Meyer is survived by his wife, Barbara Meyer, his son Brad Meyer, his two daughters, Amy and Cheryl, and his five grandchildren. I would like to extend my sincerest condolences to Fred Meyer's family and friends.

A TRIBUTE TO HONOR JOE WISE

HON. ANNA G. ESHOO

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Friday, September 28, 2012

Ms. ESHOO. Mr. Speaker, I rise today to honor an exceptional young man for his outstanding performance at the 2012 London Paralympics. Joe Wise is a tenacious athlete, a brilliant student and a dedicated son. Despite being diagnosed at age nine with mitochondrial myopathy—a severe muscular disorder affecting his legs, hips, core muscles and lungs, and was told by his doctors that he may not reach his fifteenth birthday—Joe Wise has never given up on his dreams of living an extraordinary life. Joe is an enthusiastic and energetic nineteen year old from Menlo Park, California, who with a passion for swimming was selected to represent the U.S. Paralympics swim team at the 2012 London Paralympics.

Joe's dedication to swimming began the same year he was diagnosed, and although he suffered from allergies and asthma, his mother insisted he swim to improve his health. It wasn't until a fellow swimming mate, Kelly Crowley, introduced him to the Paralympic Games that Joe began to aspire to compete.

In 2004, he competed in the trials for the Athens Paralympics in Minneapolis, but did not make the team. Instead of giving up, Joe tried again at age fifteen and was successful, competing in one event at the 2008 Beijing Paralympics. His goal after Beijing was to make it to London, but this time he wanted to compete in multiple events.

Joe's strength and perseverance was tested once again in February of 2012 when he was preparing for the 2012 London trials. His health forced him to take a medical withdrawal from college and pause from swimming. His "times" got slower, his heart continued to weaken, and he began spending more time on the ventilator. Joe's doctors and coaches refused to give in and vowed to get him to London. By early May, Joe's condition drastically improved and in June he tried out and earned a place on the team.

All of Joe's time, effort and hard work paid off as he competed in five Paralympic events: the 200-meter individual medley; the 100-meter butterfly; the 100- and 400-meter freestyle; and the 100-meter breaststroke. He finished fifth in the finals of the 400-meter freestyle race, with a personal best time of 4:15.66. Joe is extremely proud of his results and says the victory was in being selected for the team. Joe has now returned to Loyola University, Maryland, to pursue a degree in political science, with a minor in communications. He intends to continue swimming and will be preparing for Rio 2016.

Mr. Speaker, I ask that the entire House of Representatives join me in honoring this brave and gentle young man. Joe is determined to reach for gold. He's not only won us over with his smile and spirit, he has also won our hearts with his courage and can-do attitude. Joe is deeply loved and supported by his community of family and friends, and his secret weapon is his mother, Marie Wise. Joe is an inspiration to us all and it is a high privilege to represent him and his family, and pay tribute to him and his extraordinary accomplishments.

#### S. 743, THE WHISTLEBLOWER PROTECTION ENHANCEMENT ACT

**HON. ELIJAH E. CUMMINGS**

OF MARYLAND

IN THE HOUSE OF REPRESENTATIVES

*Friday, September 28, 2012*

Mr. CUMMINGS. Mr. Speaker, I rise in strong support of the Whistleblower Protection Enhancement Act. This bill will significantly expand the protections available to government whistleblowers. Whistleblowers risk their careers to challenge abuses of power and the mismanagement of government resources. Protecting the rights of whistleblowers is critical for rooting out waste and fraud within the government.

I applaud the leadership and commitment of all of the Members of Congress and the advocates who have worked on this legislation. The bill we are considering today was introduced by Senator AKAKA. This bill should be a proud addition to his legacy as he closes out his long and distinguished career in Congress. Congressman TODD PLATTS and Congressman CHRIS VAN HOLLEN also deserve credit for getting us here today. They have both worked to find a bipartisan path forward on this bill. I also want to thank Chairman DARRELL ISSA for

working with me and the other Members to get this bill to the House floor.

Here are just a few of the ways this bill strengthens current law. This bill will protect all lawful disclosures of waste, fraud, and abuse. Court decisions have narrowed the scope of protected disclosures in a way that the Office of Special Counsel says handcuffs it in its efforts to protect whistleblowers. For example, federal employees are currently not protected for blowing the whistle in the course of their job duties. This bill closes that loophole so that federal auditors and safety inspectors will be protected when they blow the whistle.

This bill provides whistleblower protections to Transportation Security Administration employees. Current law leaves TSA employees unprotected. Giving Transportation Security Officers the same protections as other federal employees will encourage the disclosure of issues that may threaten the safety of our airports.

Under this bill, whistleblowers can appeal a decision of the Merit Systems Protection Board to any federal court of appeals. Currently, all appeals go to the Federal Circuit Court of Appeals which has consistently misinterpreted the intent of Congress with regard to the Whistleblower Protection Act.

This bill also protects government scientists for disclosures about agency censorship or other problems with the integrity of the scientific process.

This bill does a lot of good things but I will be honest. The bill that we are considering today is not as strong as I hoped it would be. Even if this bill passes we will still have work to do. We need to provide meaningful rights to whistleblowers in the intelligence community and we need to amend the law to allow whistleblowers the ability to go to court and have their case heard by a jury. I know this bill represents a compromise based on the political realities of today. But the fight is not over. I will continue to fight for the protections that are not in this bill and hope that my colleagues on both sides of the aisle will join me in that fight.

The journey of this legislation has been a long and frustrating one for the advocates of whistleblower protections who have been trying for almost a decade to get a strong bill enacted. We have been so close so many times only to have another roadblock get in the way. Mr. Speaker, I hope that today is different. I hope that this bill will have a clear path to the President's desk and become law. I urge every Member of Congress to stand up for whistleblowers, to stand up for good government, to pass this legislation, and then to join me tomorrow to continue the fight for whistleblower protections.

#### HONORING DEVEREUX'S 100TH ANNIVERSARY

**HON. PATRICK MEEHAN**

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

*Friday, September 28, 2012*

Mr. MEEHAN. Mr. Speaker, I rise today to congratulate the Devereux Foundation on its upcoming 100-year anniversary.

The Devereux Foundation, founded in 1912, was the inspiration of Helena Devereux. During her years of service as a public school

teacher, Helena developed an interest in students who exhibited learning difficulties. Ms. Devereux theorized that students who had previously failed to achieve academically would thrive if given an individualized approach to learning as well as lesson plans that included social skills. She firmly believed that all students have the ability to become "a contributing and valued member of their community".

Moving from the classroom to a rented home, where she could provide intensive instruction, Helena mastered individualized education plans for students with learning differences and emotional handicaps. Her philosophy of "every child is a program" empowered her to work day and night to help children overcome their challenges.

As the success of Helena's methods continued to spread, the reach of the foundation also expanded. In 1938, the Devereux Schools received a non-profit charter establishing the Devereux Foundation. Today the Devereux Foundation has locations in eleven states across the Nation.

The Devereux Foundation students have proven Helena's hypothesis correct. Students performed the National Anthem a cappella at Columbia University, which is a feat for even the most musically gifted singers. Annually 15,000 individuals receive professional and quality services from the Devereux Foundation to overcome their learning and behavioral differences.

Although Helena is no longer with us, the Devereux Foundation's staff continues her legacy. Recently Dr. Megan Russell, Corporate Director of Clinical and Professional Affairs, has been invited to present the research findings of a recently completed Devereux study at the American Academy of Child and Adolescent Psychiatry. This research benefits not only children and adults of the Devereux Foundation but all individuals facing behavioral health challenges. The Devereux Foundation's work has been highlighted in Microsoft Case Studies. The Devereux Foundation uses specialized software to serve students more effectively by collecting data on their behavior to analyze and modify progress and treatment plans.

The innovation of Helena Devereux continues in the Devereux Foundation as they complete one hundred years of exemplary service throughout the Seventh Congressional District of Pennsylvania and beyond. I send them my sincere congratulations and wish them continued success.

#### HONORING THE HEROIC SERVICE AND SACRIFICE OF THE FIRST SPECIAL SERVICE FORCE

**HON. JEFF MILLER**

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

*Friday, September 28, 2012*

Mr. MILLER of Florida. Mr. Speaker, I rise today to recognize the First Special Service Force for their unique service to the allied cause during World War Two. It is with a profound sense of gratitude that I honor the service and sacrifice of these forefathers of modern combined special operations forces. Their uniquely heroic contribution to the allied war effort in Europe played a crucial part in stemming the spread of tyranny and securing for future generations the blessings of freedom.