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ONE HUNDRED NINTH CONGRESS

# Congress of the United States

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### Opening Statement of Rep. Henry A. Waxman Markup of H.R. 1317, The Federal Employee Protection of Disclosures Act September 29, 2005

The bill we are considering today — the Federal Employee Protection Act — is extraordinarily timely. It should be a crucial part of the federal response to Hurricane Katrina.

As literally billions of federal dollars flood into Louisiana and Mississippi, the potential for waste, fraud, and abuse is enormous. We've seen gross abuses of federal contracts in Iraq and in the frenzy of spending on homeland security. And these abuses will be repeated again in Louisiana and Mississippi unless we start to insist upon accountability.

A key component of accountability is whistleblower protection. Federal employees are on the inside. They see when taxpayer dollars are wasted. They are often the first to see the signals of corrupt or incompetent management. Yet without adequate protections, they cannot step forward to blow the whistle.

The bill we are considering includes provisions that will strengthen the protections for federal whistleblowers. And I commend the Chairman and Mr. Platts for their initiative in drafting and moving the legislation. But it also contains significant loopholes. There are amendments that will be proposed today to address these loopholes, and I hope they will be adopted.

One lesson of the last five years is that we need to extend whistleblower protections to employees of federal contractors. This is especially important now that billions of dollars will be spent rebuilding Louisiana and Mississippi. Federal contractors are going to be doing most of this work, and we need to encourage their employees to report wasteful spending. I will have an amendment to address this issue.

Equally important, we need to expand whistleblower protection to employees of the FBI, the CIA, and other agencies involved in national security. When the intelligence is wrong, the consequences for our nation can be immense. But unless federal employees have protections, they will be afraid to report national security abuses to their superiors or to members of Congress. And that makes our nation less secure. Rep. Maloney will have an amendment to address this crucial national security issue, and I hope it will be adopted.

In 1994, Congress strengthened the Whistleblower Protection Act. However, court decisions interpreting the whistleblower law have weakened those protections over the last ten years. Rep. Van Hollen has an amendment that will help address these issues.

Particularly now, with heightened concerns about national security and government waste, fraud, and abuse, we need an environment that encourages employees to speak up about abuses. Federal employees must be able to sound the alarm about wrongdoing without fear of retaliation. Whistleblowers are often the only way government misdeed can come to light.

That is why this bill is being considered — and why the amendments that will be offered today are so essential to adopt.