

Floor Statement

"H.R. 985, Whistleblower Protection Act of 2007"

Mr. ELIJAH E. CUMMINGS:

Mr. Speaker,

I rise today in support of the "Whistleblower Protection Enhancement Act of 2007," H.R. 985, which I have cosponsored, because we need the input of federal employees to adequately perform our oversight function-and they need us to protect them.

To say the least, this Administration has not prioritized openness in government-and I was not surprised to learn that the President is opposed to the Whistleblower Protection Enhancement Act.

I am similarly not surprised to learn that the President, and many of his colleagues here in Congress, have threatened that by affording our federal employees whistleblower protections, we are also threatening national security.

This Administration has consistently used security threats to strike fear into the public consciousness.

But let me be clear: Claims that the legislation we are considering here today would threaten national security are baseless.

If anything, the opposite is true.

As a member of the House Armed Services Committee, I know how vitally important it is for federal officials to be able to share their knowledge and their firsthand experience with Congress.

We now know that, going into the Iraq war, federal officials at the CIA and the State Department were aware that the pre-war intelligence about Iraq purporting to show that the nation had weapons of mass destruction was wrong.

Thousands of American and Iraqi lives and billions of American taxpayer dollars could have been saved if these individuals had been able to share their knowledge with a Congress willing to listen to them and protect them from retribution.

But lacking whistleblower protections, they were afraid to do so.

Recognizing the critical need for federal employees to communicate openly with the legislative branch, Congress in **1912** enacted the *Lloyd-LaFollette Act*.

The act, which has never been repealed, affords all federal employees, including employees at national security agencies, the right to contact Members of Congress.

The statute states as follows:

The right of employees, individually or collectively, to petition Congress or a Member of Congress, or to furnish information to either House of Congress, or to a committee or Member thereof, may not be interfered with or denied.

The statute's language was intentionally drafted to be broad, because Congress recognized in 1912, as we recognize now, the compelling need for federal employees to exercise their rights to free speech.

But the law clearly does not go far enough.

Consider the case of FBI Special Agent Bassem Youssef.

According to a Washington Post article from July 18, 2006, an internal investigation conducted by the U.S. Justice Department concluded that Youssef, the FBI's highest-ranking Arabic speaker, was blocked from a counterterrorism assignment in 2002 after he and U.S. Rep. Frank R. Wolf (R-Va.) met with FBI Director Robert S. Mueller III to discuss Youssef's complaints with regards to the way the war on terror was being conducted.

Mueller had approved a transfer for Youssef just days before the meeting, but it never occurred and Youssef was never informed of Mueller's decision, according to the report.

Investigators also said the FBI "has provided no rationale" for its failure to promote Youssef, although one former senior FBI manager said Mueller was "appalled" that Youssef had complained to a Congressman about his treatment.

Because of this retaliation, we lost four years of expertise for the war on terror from a highly-qualified Arab-American agent. Once the FBI's top Arabic translator, Youssef is now simply processing documents.

Under current law, Youssef cannot pursue legal action in retaliation for the FBI's efforts to silence him.

The "Whistleblower Protection Enhancement Act of 2007" would rectify that situation.

Congress has a mandate to oversee the functions of the Executive Branch to ensure that government runs as effectively and efficiently as possible.

But we cannot fulfill this mandate if we cannot get reliable information-and we cannot get that information if people must put their careers and their livelihoods at risk to tell us what they know.

For this reason, I strongly urge my colleagues to vote for the "Whistleblower Protection Enhancement Act of 2007," H.R. 985.

Thank you and I yield back.

ELIJAH E. CUMMINGS

Member of Congress