

from Federal employees who may have knowledge of government wrongdoing.

We have all heard of the brave men and women who have come forward at great personal risk to report cases of waste and threats to public safety. Examples include: Mr. Richard Foster, Medicare's chief actuary, who disclosed to Congress that the actual cost of the Medicare reform bill was \$156 billion more than what the Bush administration told us. He was prohibited by his supervisors from alerting Congress to this huge discrepancy prior to the bill's enactment and was threatened with firing if he did so; U.S. Border Patrol Agents Mark Hall and Bob Lindemann, who disclosed security lapses along our northern border, including a lack of staff, equipment, and detention facilities. As a result, their supervisors proposed 90-day suspensions and demotions for 1 year; and Mr. Donald Van Winkle, an air-monitoring technician at the Bluegrass Army Depot in Kentucky, who revealed serious operational failures with monitors used to detect leaks of chemical warfare agents. As a result of this disclosure, Mr. Van Winkle lost his security clearance, thus denying him the ability to continue his job. Unfortunately, current law does not provide any independent review for this type of retaliation.

This spring, the Supreme Court ruled that the first amendment does not protect public sector employees, including Federal workers, from retaliation when disclosing government wrongdoing as a part of their official duties. Instead, the Court held that protection is left to State and Federal whistleblower laws. Unfortunately, Federal whistleblower protections have been watered-down by repeated decisions by the Federal Circuit Court of Appeals which ignore clear congressional intent that disclosures are protected without restriction to time, place, form, motive, or context, including disclosures made during the ordinary course of an employee's job.

As a result of various court decisions, honest employees have been denied protection from retaliatory practices. In fact, only one federal whistleblower has won on the merits of their claim before the Federal Circuit in the past 12 years. This egregious lack of employee protection has a serious chilling effect on good faith whistleblowing. Although President Bush issued a memo in 2001 requiring Federal employees to disclose waste, fraud, and abuse, the decisions of the Supreme Court and the Federal Circuit Court of Appeals have eroded protections for disclosures and placed Federal workers in a no-win situation. Congress must take action now to restore the protections granted by the WPA.

My amendment will: clarify congressional intent that Federal employees are protected for any disclosure of

waste, fraud, or abuse—including those made as part of an employee's job duties; provide an independent determination as to whether the loss or denial of a security clearance is retaliation against a whistleblower; and suspend the Federal Circuit's sole jurisdiction over Federal employee whistleblower cases for 5 years.

Congress has the responsibility to guarantee strong and meaningful protections for Federal whistleblowers. Federal employees must know they will not face retaliation when disclosing information that protects our national security, safeguards the health of our children, or saves taxpayer dollars.

If Congress is serious about eliminating waste, fraud, and abuse, and ensuring that the government for the people and by the people actually is working in the best interests of the people, then we must protect those who wish to disclose illegal or unethical activities. Whistleblowers should not be restrained because they fear retaliation for doing what is right.

Again, I thank my Senate colleagues for supporting this important measure, and I urge our House counterparts to join with us in strengthening whistleblower protections.

ADDITIONAL STATEMENTS

HONORING POLICE CHIEF GARY MARTIN

• Mr. BAYH. Mr. President, today I pay tribute to retired Lake County Sheriff's Department police chief Gary Martin for his decades of dedicated service to the people of northwest Indiana and his extraordinary kindness toward the families of fallen Hoosier police officers. It is with a heavy heart and a deep sense of gratitude that I honor the life of Chief Martin, who was killed on August 22 on Indiana 63 when he was struck by an automobile while participating in a charity bike ride to benefit the families of fellow officers who have died in the line of duty. Gary's dedication to the families of our State kept him involved in public service up until his death, doing his part to comfort and support Hoosiers as they confront the loss of a loved one. I know that he will be greatly missed.

Gary was a good and decent man who dedicated his life to serving others. From his work with the sheriff's department to his involvement in the community, his career and retirement were filled with acts of conscientious service on behalf of friends, family members, and Hoosiers across Indiana. The contributions he made touched countless lives, and he will be sorely missed.

Gary was a 25-year veteran of the Gary Police Department, where he attained the rank of assistant chief. He

was appointed chief of the Lake County Sheriff's Department in 2002. And for the past three decades, Gary taught criminal justice at Indiana University Northwest. He devoted all of his energy to protecting and serving his community and to caring for his colleagues and their families in their time of need. He is survived by his wife Olga and two children, Greg and Jennifer.

Like all of his colleagues in law enforcement, Chief Martin made daily sacrifices to ensure the safety of our streets, our neighborhoods, and our families. In an increasingly dangerous world, we depend on our brave men and women like Gary to protect us from violence and other threats to our communities.

A lifelong Hoosier, he was also involved in numerous other public safety projects, including working to create a pilot program with Gary schools that sought to assure parents that their children would get to school, attend school, and return home safely. Lake County sheriff Rogelio "Roy" Domiguez recalled Martin's leadership and warmth, saying "Gary was a friend and a mentor to everyone in law enforcement and our entire community. He will be greatly missed by the thousands of students, police officers and others who simply call him 'friend'." It is a rare man who can make such an impact on so many people over the course of one life. Hoosiers will miss Gary as a friend, a community leader, and a tireless public servant.

It is my sad duty to enter the name of Gary Martin in the official RECORD of the U.S. Senate for his service to the State of Indiana.●

HONORING INDIANA STATE POLICE LIEUTENANT GARY DUDLEY

• Mr. BAYH. Mr. President, I today pay tribute to Indiana State Police Lieutenant Gary Dudley for his decades of dedicated service to the people of Indiana and his extraordinary kindness toward the families of fallen Hoosier police officers. It is with a heavy heart and a deep sense of gratitude that I honor the life of Lieutenant Dudley, who was killed on August 22 when he was struck by an automobile while participating in a charity bike ride to benefit the families of his fellow officers who have died in the line of duty. Gary's dedication to the families of our State kept him involved in public service up until his death, doing his part to comfort and support Hoosiers as they confront the loss of a loved one. I know he will be greatly missed.

Gary was a good and decent man who dedicated his life to serving others. From his work at the Indiana Law Enforcement Academy to his involvement in the community, his career was filled with acts of conscientious service on behalf of friends, family members, and Hoosiers across Indiana. The contributions he made touched countless lives.