

face of danger, their courage in the face of death, and their unequivocal commitment to preserving the ideals of liberty and democracy. I want to convey no doubt that their decision to become a member of the most well-trained, professional military in the world places them in my highest esteem. With gravity and sincerity, I thank them and I honor them. They have given me, my wife, and most importantly, my children, and yours as well, the priceless gift of freedom.

#### FEDERAL EMPLOYEE PROTECTION OF DISCLOSURES ACT

Mr. LEAHY. Mr. President, I am proud to be an original cosponsor of the Federal Employees Protection of Disclosures Act, a bill to ensure that Federal employees can report fraud, waste, and abuse within their employer Federal agencies without fear of retaliation. I cosponsored this much needed reform in the last Congress and commend the junior Senator from Hawaii for reintroducing it today. Congress must encourage Federal employees with reasonable beliefs about governmental misconduct to report such fraud or abuse, but it must also protect those who blow the whistle rather than leave them vulnerable to reprisals.

Unfortunately, whistleblower protections under current law have been weakened by the Federal circuit, the court that now possesses exclusive appellate jurisdiction over such claims. The Federal circuit has issued a number of rulings that erode whistleblower rights in direct contradiction to the plain language of the law and the congressional intent of established whistleblower protections. The potential chilling effect of these decisions threatens to undermine the fundamental purpose underlying whistleblower laws. The Federal Employees Protection of Disclosures Act will address this problem by expanding judicial review of such cases to all Federal circuit courts of competent jurisdiction. Jurisdiction will then include the place where the whistleblower lives or where the Government misconduct occurred.

The bill also updates the current law. For example, it clarifies that whistleblower disclosures can come in many forms—such as oral or written, or formal or informal disclosures. It also broadens current law to reflect that reporting occurs in many different areas, such as over policy matters or individual misconduct. The law expands the current list of prohibited personnel actions against a whistleblower in two ways: One, the opening of an investigation of the employee, and two, the revocation of a security clearance. The bill also ensures that appropriate disciplinary actions are taken against managers who negative actions toward employees were motivated in any way by the employee's whistleblowing. More practical reforms are also included, such as making the collecting

of attorney's fees available to whistleblowers who prevail in court. In addition, under the bill, consequential damages may be suffered by the employee if they are the result of a prohibited personnel practice.

Whistleblower information is one tool in helping the Government and private sector find ways to prevent future terrorist attacks as well. Though certain safeguards remain for intelligence-related or policy-making functions, the Federal Employees Protection of Disclosures Act maintains existing whistleblower rights for independently obtained critical infrastructure information without fear of criminal prosecution. These protections are needed to encourage individuals to submit information to the Government about cyberattacks or other threats that might affect the Nation's critical infrastructures.

Whistleblowers have proven to be important catalysts for much needed Government change over the years. From corporate fraud to governmental misconduct to media integrity, the importance of whistleblowers in galvanizing positive change cannot be questioned. I urge my fellow Senators to support this important bill.

#### IN MEMORY OF FORMER CONGRESSMAN TOM GETTYS

Mr. HOLLINGS. Mr. President, tomorrow I will be attending the funeral of a former colleague from the South Carolina congressional delegation, Tom Gettys, and I rise to recognize this legend from Rock Hill.

I have known Congressman Gettys for many years. He came to Washington 2 years before I did, having already been an officer in the Navy, a school principal, a postmaster, and so he came in with a reputation of a person's person. It did not matter who you were in the world, he was your buddy; and since he was in a position to help people as a Member of Congress, he would and he did.

He stayed just 10 years, but he made an impression for the next 30. I never heard a single bad thing said about him, and I don't know very many politicians I can say that about. He has been out of office since 1974, but everybody in my State still always refers to him as Congressman because he was just one great guy who cared about people. This Senator will miss this gentleman, always the statesman, always the one with a good story.

Tomorrow, I will extend the Senate's sympathy to his wife Mary, and his daughters Julia and Sara. And to share just how much Tom meant to his community, I ask unanimous consent that this article from the Herald in Rock Hill be printed in the RECORD.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

[From the Rock Hill (SC) Herald, June 9, 2003]

#### FORMER CONGRESSMAN LEAVES LEGACY OF DEDICATION

(By Andrew Dys)

He voted to create Medicaid and was proud the rest of his life—but he was just as proud to know the doormen and elevator operators in the U.S. Capitol by first name. Tom Gettys, a working-class man from Rock Hill's Hampton Street who went on to become a Congressman from South Carolina's 5th District from 1964 to 1974, died Sunday at Westminster Towers in Rock Hill. Gettys was 90.

Gettys' legacy of grace, dedication and constituent service is one that current 5th District Congressman John Spratt, D-York, has tried to emulate during his own 20 years in Congress. Gettys' record is not in the laws he passed, but the people he helped.

"His life exemplified what living in a democracy is all about," Spratt said Sunday night. "Everybody in this district not only respected Tom Gettys, but they loved him as well. Tom had a natural, easygoing affinity for people and the problems they had to live through. Tom Gettys will be missed by all of us."

Gettys was born on June 19, 1912, and was educated at the public schools in Rock Hill and later at Clemson and Erskine College. He was principal at the now-defunct Central Elementary School in Rock Hill from 1933 to 1941.

Gettys volunteered for the Navy in World War II after the bombing of Pearl Harbor, and Spratt remembers Gettys was fond of saying "Admiral Nimitz and I did all right over there in the Pacific."

5th District Congressman Dick Richards called on Gettys to run his staff in Washington for seven years. A political future hatched in Washington, but Gettys did more than politick the back hallways of Capitol Hill—he studied law at night and passed the bar exam, and even was Rock Hill's postmaster upon his return from Washington from 1951 to 1954.

Before Gettys won his spot in Congress in 1964 against a crowded four-man field, he was a lion of Rock Hill civic life, serving as president of Rotary, the Chamber of Commerce, the YMCA and even as chairman of the Rock Hill School Board. After his return, he became a part of the civic fabric of Rock Hill.

The city honored Gettys by naming the old federal courthouse on East Main Street in his honor in 1997, a building now called the Tom S. Gettys Center.

Gettys had a stroke several years ago and months ago moved from his longtime Myrtle Drive home into Westminster Towers. He maintained contact with old friends, however, and regularly attended bi-weekly meetings of the Rock Hill Rotary Club when his health would allow.

John Hardin, former Rock Hill mayor and lifelong friend, said Gettys and he were part of a weekly golfing outing with A.W. Huckle, publisher of The Evening Herald, and banker George Dunlap.

"I had known him since childhood," Hardin said, "but we became intimate friends after World War II."

Gettys, a Navy officer, was assigned to Iowa but requested overseas service and jumped at duty in the Pacific.

Hardin, who ran First Federal Savings and Loan, saw Gettys frequently when he traveled to Washington to lobby as president of the Savings and Loan League.

"The thing he liked best was trying to help people," Hardin said. "He was great at what they call constituent service. He was more interested in helping people than in passing legislation."