

of cooperative research and development is one of the major reasons American agriculture has been so productive.

Agricultural producers of the Texas South Plains contribute substantially to the agricultural economy of Texas and the nation. The success is supported by a strong foundation of knowledge and technology generated by the research and technology transfer of scientists, specialists and agents in cooperation with USDA-ARS, Texas Tech University and agribusinesses and commodity organization collaborators. This cooperative effort to address the many complex issues facing the South Plains agricultural industry will no doubt continue to benefit producers and enhance the region's agriculture-based economy for the next 100 years.

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#### PERSONAL EXPLANATION

### HON. K. MICHAEL CONAWAY

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

*Wednesday, September 16, 2009*

Mr. CONAWAY. Madam Speaker, on rollcall No. 700 H. Res. 317—Recognizing the region from Manhattan, Kansas, to Columbia, Missouri, as the Kansas City Animal Health Corridor, and for other purposes.

Had I been present, I would have voted "nay."

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#### WHISTLEBLOWER PROTECTION

### HON. CHRISTOPHER H. SMITH

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

*Wednesday, September 16, 2009*

Mr. SMITH of New Jersey. Madam Speaker, today I am re-introducing legislation that would close a loophole in the Department of Defense's whistleblowers' protection statute (10 U.S.C. Sec. 2409) and expand this safeguard to include the men and women of the DOD contracting business who report abuses to their superiors.

Under current law, an individual is only protected—and therefore eligible for remedies—if he or she reports workplace security concerns to "a Member of Congress or an authorized official of an agency or the Department of Justice." While I understand the importance of encouraging individuals to take their concerns to certain authorities, I believe it is imperative that we include in this authority an employee's superiors.

It seems only natural, that once someone recognizes a problem within their work environment, they report it to their superiors. This is part of a normal progression of attempting to resolve issues and challenging tasks on the job. Few people initially contact their Congressman or the Department of Justice when they first observe an irregularity on the job.

It is also important to note that many former military members migrate to the security contracting industry. Many of these men and women have years of previous service to our nation, have grown to respect their chain of command and understand the benefit it can provide in the workplace. When they have come to the conclusion that additional steps must be taken or when they have identified a significant problem in the work environment,

these professionals are trained and encouraged to report their concerns to their superiors to enable them to assess the situation and foster a solution.

Similarly, many in the federal security contracting industry come from a law enforcement background with a comparable command structure and respect for their superiors.

The current loophole was brought to my attention by a New Jersey resident who worked for a private security firm that guards military installations in my district and throughout the country. This individual witnessed and documented a number of events that raised serious concerns regarding the contractor's ability to ensure the safety and security of the base and the surrounding community.

At my request, the DOD IG performed an audit of the contract (Report No. D-2009-045) and verified many of the claims that this individual brought to my attention. The report found that the Navy was not able to provide documentation showing all contractor security guards had completed a basic background check—raising questions as to whether or not the required security checks were performed or completed for all security personnel guarding the munitions depot. There was also a problem with training, and an inability to determine whether or not the training was adequate. There was nothing in the files to find out whether a guard has had the training that is required by Federal law and Federal regulations.

The individual who brought this loophole to my attention reported to his employer what he believed—and what the IG report verified—were unfulfilled contract requirements that resulted in questions regarding the firm's ability to provide adequate security. After his boss dismissed his concerns, he then scheduled a meeting with the base security personnel to discuss the matter. Before this meeting could occur, the individual was fired by the firm and barred from the base. At that time, he brought these concerns to me. However, since the law requires that a potential whistleblower be a current employee at the time he/she discloses pertinent information to a federal official, it was too late for him to be eligible for protections and/or remedies.

Specifically, my legislation would expand the universe of those to whom an individual can properly report concerns to include the individual's chain of command, before and after any retribution, so that the individual will be protected and have the right to be reinstated if an investigation shows that the individual was punished for bringing the matter to the attention of proper authorities.

The legislation I re-introduced today will ensure that those who identify problems within firms subcontracted by DOD are still afforded standard whistleblower protections even if they notify their employer about possible violations before they notify an agent of the federal government. The legislation does not require employees to notify their employer first and it does not preclude them from contacting federal officials, it simply protects employees who point out potential violations to their employer, the federal government or both. If an employee is dismissed prior to his/her notifying the government, but after notifying their employer, they will receive the necessary protections as well.

Base security is not an issue to be taken lightly—anywhere and including in my state of

New Jersey. As we all recall, the New Jersey U.S. Attorney's office arrested five men who were planning to attack another New Jersey installation, Fort Dix. After a thorough and aggressive law enforcement effort this attempted terror attack was thwarted and the men were found guilty on charges of conspiracy to harm U.S. military personnel. Still, the vulnerabilities at our military bases exposed by this incident cannot be minimized or dismissed.

As we are all aware, in recent years the Department of Defense has looked increasingly to private security contractors to guard and police our military installations across the country. The men and women filling these positions deserve to be protected when they report violations and concerns to their superiors and especially if they are subsequently punished in an attempt by their employer to downplay or even cover up a violation. It is imperative that we amend the law to ensure that these employees are eligible for the same remedies as other whistleblowers.

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#### PERSONAL EXPLANATION

### HON. K. MICHAEL CONAWAY

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

*Wednesday, September 16, 2009*

Mr. CONAWAY. Madam Speaker, on rollcall No. 701—H.R. 22—United States Postal Service Financial Relief Act.

Had I been present, I would have voted "yea."

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#### PERSONAL EXPLANATION

### HON. JOHN B. LARSON

OF CONNECTICUT

IN THE HOUSE OF REPRESENTATIVES

*Wednesday, September 16, 2009*

Mr. LARSON of Connecticut. Madam Speaker, on September 15, 2009 I missed rollcall vote 701. Had I been present, I would have voted "yea."

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#### U.N. REPORT ON ISRAEL'S SELF-DEFENSE ACTION IN GAZA HIGHLY FLAWED

### HON. DAN BURTON

OF INDIANA

IN THE HOUSE OF REPRESENTATIVES

*Wednesday, September 16, 2009*

Mr. BURTON of Indiana. Madam Speaker, I rise tonight to urge the Obama Administration to categorically and completely reject the Goldstone report recently issued by the despot-controlled United Nations Human Rights Council that accused Israel of "war crimes, as well as possibly crimes against humanity" during Israel's defensive operations in Gaza this past winter.

The United Nations has a long and well documented history of anti-U.S., anti-Israel, and anti-freedom activism, and the Goldstone report rubber-stamps the U.N. Human Rights Councils predetermined conclusion that Israel committed war crimes and possibly crimes against humanity. From the beginning, the Council instructed the Goldstone Commission