

107TH CONGRESS
2^D SESSION

H. R. 3806

To amend title 5, United States Code, to protect those who defend the United States by exercising their duty as patriots to warn against the existence of threats to weaknesses created by institutional failures that should be identified and corrected in a timely manner, and for other purposes.

IN THE HOUSE OF REPRESENTATIVES

FEBRUARY 27, 2002

Mr. ISRAEL (for himself, Mr. GILMAN, Mr. MARKEY, and Mrs. MORELLA) introduced the following bill; which was referred to the Committee on the Judiciary, and in addition to the Committee on Government Reform, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned

A BILL

To amend title 5, United States Code, to protect those who defend the United States by exercising their duty as patriots to warn against the existence of threats to weaknesses created by institutional failures that should be identified and corrected in a timely manner, and for other purposes.

1 *Be it enacted by the Senate and House of Representa-*
2 *tives of the United States of America in Congress assembled,*

1 **SECTION 1. SHORT TITLE.**

2 This Act may be cited as the “Paul Revere Freedom
3 to Warn Act”.

4 **SEC. 2. FINDINGS.**

5 Congress finds that—

6 (1) terrorist attacks are a fundamental threat
7 to America’s freedom;

8 (2) the Nation’s capacity to be vigilant requires
9 Congress and law enforcement agencies to be aware
10 of vulnerability to terrorism from the existence of
11 threats to weaknesses created by institutional fail-
12 ures that should be identified and corrected in a
13 timely manner;

14 (3) the President has called on all Americans,
15 as their patriotic duty, to bear witness against ongo-
16 ing threats to our way of life;

17 (4) whistleblowers have risked retaliation and
18 been harassed for making significant contributions
19 to prevent avoidable tragedies by exercising First
20 Amendment rights to warn against threats to Amer-
21 ica’s public safety infrastructure for national de-
22 fense, civil defense, law enforcement, transportation,
23 communications, energy, and food;

24 (5) whistleblowers often face severe harassment
25 and retaliation for exercising their duty to warn, and

1 such retaliation for responsibly exercising freedom of
2 speech itself is a threat to America's way of life;

3 (6) since 1912 Federal law has banned retali-
4 tion for communicating with Congress because the
5 free flow of information is a prerequisite for effective
6 exercise of constitutional checks and balances, and
7 the prohibition has been extended to protect wit-
8 nesses testifying to law enforcement agencies;

9 (7) there are no remedies to enforce these
10 rights for victims of their violation; and

11 (8) Paul Revere, who risked his life to warn
12 that America's communities were being invaded, was
13 America's first whistleblower and personifies the way
14 in which whistleblowers can make a difference in our
15 Nation's survival.

16 **SEC. 3. PURPOSE.**

17 The purpose of this Act is to protect people in either
18 the public or private sector who defend the United States
19 by exercising their duty as patriots to warn against the
20 existence of threats to weaknesses created by institutional
21 failures that should be identified and corrected in a timely
22 manner.

1 **SEC. 4. REMEDIES FOR RETALIATION AGAINST WHISTLE-**
2 **BLOWERS.**

3 Section 7211 of title 5, United States Code, is
4 amended—

5 (1) by inserting “(a)” before “The right”; and

6 (2) by adding at the end the following:

7 “(b)(1) Any person aggrieved by a violation of sub-
8 section (a) of this section or subsections (b) or (c) of sec-
9 tion 1512 if title 18 may bring a civil action (and is enti-
10 tled to a jury trial) in the appropriate United States Dis-
11 trict Court within three years from the date of such viola-
12 tion, against any person, organization, or employer re-
13 sponsible for the violation, for lost wages and benefits, re-
14 instatement, costs and attorney fees, compensatory or pu-
15 nitive damages, and equitable, injunctive, or any other re-
16 lief that the court considers appropriate.

17 (2) A District Court shall retain jurisdiction over any
18 claim filed under this subsection unless all parties volun-
19 tarily elect after the complaint is filed that the proceeding
20 be resolved through mediation and, if necessary, that a
21 decision by an arbitrator selected by mutual consent, with
22 approval by the District Court, be binding. The District
23 Court shall retain jurisdiction as necessary to comply with
24 an arbitrator’s decision.

1 “(c) The same legal burdens of proof in proceedings
2 under subsection (b) shall apply as under sections 1214
3 and 1221 of this title.”.

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