

114TH CONGRESS  
1ST SESSION

# S. 794

To extend whistleblower protections for defense contractor employees to employees of contractors of the elements of the intelligence community.

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IN THE SENATE OF THE UNITED STATES

MARCH 18, 2015

Mrs. MCCASKILL introduced the following bill; which was read twice and referred to the Select Committee on Intelligence

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## A BILL

To extend whistleblower protections for defense contractor employees to employees of contractors of the elements of the intelligence community.

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

3 **SECTION 1. EXTENSION OF WHISTLEBLOWER PROTEC-**  
4 **TIONS FOR DEFENSE CONTRACTOR EMPLOY-**  
5 **EES TO EMPLOYEES OF CONTRACTORS OF**  
6 **THE ELEMENTS OF THE INTELLIGENCE COM-**  
7 **MUNITY.**

8 (a) CONTRACTORS OF DoD AND RELATED AGEN-  
9 CIES.—Subsection (e) of section 2409 of title 10, United  
10 States Code, is amended to read as follows:

1       “(e) DISCLOSURES WITH RESPECT TO ELEMENTS  
2 OF INTELLIGENCE COMMUNITY AND INTELLIGENCE-RE-  
3 LATED ACTIVITIES.—(1) Any disclosure under this section  
4 by an employee of a contractor, subcontractor, or grantee  
5 of an element of the intelligence community (as defined  
6 in section 3(4) of the National Security Act of 1947 (50  
7 U.S.C. 3003(4))) with respect to an element of the intel-  
8 ligence community or an activity of an element of the in-  
9 telligence community shall comply with applicable provi-  
10 sions of section 17(d)(5) of the Central Intelligence Agen-  
11 cy Act of 1949 (50 U.S.C. 3517(d)(5)) and section 8H  
12 of the Inspector General Act of 1978 (5 U.S.C. App.).

13       “(2) Any disclosure described in paragraph (1) of in-  
14 formation required by Executive order to be kept classified  
15 in the interests of national defense or the conduct of for-  
16 eign affairs that is made to a court shall be treated by  
17 the court in a manner consistent with the interests of the  
18 national security of the United States, including through  
19 the use of summaries or ex parte submissions if the ele-  
20 ment of the intelligence community awarding the contract  
21 or grant concerned advises the court that the national se-  
22 curity interests of the United States warrant the use of  
23 such summaries or submissions.”.

1 (b) PILOT PROGRAM ON OTHER CONTRACTOR EM-  
2 PLOYEES.—Subsection (f) of section 4712 of title 41,  
3 United States Code, is amended to read as follows:

4 “(f) DISCLOSURES WITH RESPECT TO ELEMENTS OF  
5 INTELLIGENCE COMMUNITY AND INTELLIGENCE-RE-  
6 LATED ACTIVITIES.—

7 “(1) MANNER OF DISCLOSURES.—Any disclo-  
8 sure under this section by an employee of a con-  
9 tractor, subcontractor, or grantee of an element of  
10 the intelligence community (as defined in section  
11 3(4) of the National Security Act of 1947 (50  
12 U.S.C. 3003(4))) with respect to an element of the  
13 intelligence community or an activity of an element  
14 of the intelligence community shall comply with ap-  
15 plicable provisions of section 17(d)(5) of the Central  
16 Intelligence Agency Act of 1949 (50 U.S.C.  
17 3517(d)(5)) and section 8H of the Inspector General  
18 Act of 1978 (5 U.S.C. App.).

19 “(2) TREATMENT BY COURTS.—Any disclosure  
20 described in paragraph (1) of information required  
21 by Executive order to be kept classified in the inter-  
22 ests of national defense or the conduct of foreign af-  
23 fairs that is made to a court shall be treated by the  
24 court in a manner consistent with the interests of  
25 the national security of the United States, including

1 through the use of summaries or ex parte submis-  
2 sions if the element of the intelligence community  
3 awarding the contract or grant concerned advises  
4 the court that the national security interests of the  
5 United States warrant the use of such summaries or  
6 submissions.”.

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