114th CONGRESS 2d Session

S. 795

AN ACT

To enhance whistleblower protection for contractor and grantee employees.

1 Be it enacted by the Senate and House of Representa-

2 tives of the United States of America in Congress assembled,

 TION FOR CONTRACTOR AND GRANTEE EM. PLOYEES. (a) PROTECTION FOR EMPLOYEES OF GRANTEES AND SUBGRANTEES.— (1) DEFENSE GRANTS.—Section 2409(a)(1) of title 10, United States Code, is amended by insert- ing "or personal services contractor" after "sub- grantee". (2) CIVILIAN GRANTS.—Section 4712(a)(1) of title 41, United States Code, is amended by striking "or grantee" and inserting "grantee, or subgrantee or personal services contractor". (3) PERMANENT EXTENSION OF PILOT PRO- GRAM FOR ENHANCEMENT OF CONTRACTOR PROTEC- TION FROM REPRISAL FOR DISCLOSURE OF CERTAIN INFORMATION.— (A) IN GENERAL.—Section 4712 of title 41, United States Code, is amended— (i) in the section heading by striking "Pilot program for enhancement"; and (B) CLERICAL AMENDMENT.—The table of sections at the beginning of chapter 47 of title 41, United States Code, is amended by striking 	1	2 SECTION 1. ENHANCEMENT OF WHISTLEBLOWER PROTEC-
4 (a) PROTECTION FOR EMPLOYEES OF GRANTEES 5 AND SUBGRANTEES.— 6 (1) DEFENSE GRANTS.—Section 2409(a)(1) of 7 title 10, United States Code, is amended by insert- 8 ing "or personal services contractor" after "sub- 9 grantee". 10 (2) CIVILIAN GRANTS.—Section 4712(a)(1) of 11 title 41, United States Code, is amended by striking 12 "or grantee" and inserting "grantee, or subgrantee 13 or personal services contractor". 14 (3) PERMANENT EXTENSION OF PILOT PRO- 15 GRAM FOR ENHANCEMENT OF CONTRACTOR PROTEC- 16 TION FROM REPRISAL FOR DISCLOSURE OF CERTAIN 17 INFORMATION.— 18 (A) IN GENERAL.—Section 4712 of title 19 41, United States Code, is amended— 20 (i) in the section heading by striking 21 "Pilot program for enhancement" 22 and inserting "Enhancement"; and 23 (ii) by striking subsection (i). 24 (B) CLERICAL AMENDMENT.—The table of 25 sections at the beginning of chapter 47 of title	2	TION FOR CONTRACTOR AND GRANTEE EM-
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	24	(B) CLERICAL AMENDMENT.—The table of
26 41, United States Code, is amended by striking	25	sections at the beginning of chapter 47 of title
	26	41, United States Code, is amended by striking

	5
1	the item relating to section 4712 and inserting
2	the following new item:
	"4712. Enhancement of contractor protection from reprisal for disclosure of cer- tain information.".
3	(b) Prohibition on Reimbursement for Legal
4	FEES ACCRUED IN DEFENSE AGAINST REPRISAL
5	CLAIMS.—
6	(1) Defense contracts.—Section 2324(k) of
7	title 10, United States Code, is amended—
8	(A) by inserting "or subcontractor, or per-
9	sonal services contractor" after "contractor"
10	each place it appears;
11	(B) by inserting ", subcontract, or per-
12	sonal services contract" after "contract" each
13	place it appears; and
14	(C) in paragraph (1), by inserting "or to
15	any other activity described in subparagraphs
16	(A) through (C) of section $2409(a)(1)$ of this
17	title" after "statute or regulation".
18	(2) Civilian contracts.—
19	(A) IN GENERAL.—Section 4310 of title
20	41, United States Code, is amended—
21	(i) by inserting ", subcontractor, or
22	personal services contractor" after "con-
23	tractor" each place it appears;

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1	(ii) by inserting ", subcontract, or
2	personal services contract" after "con-
3	tract" each place it appears; and
4	(iii) in subsection $(b)(1)$, by inserting
5	"or to any other activity described in sec-
6	tion $4712(a)(1)$ of this title" after "statute
7	or regulation".
8	(B) Conforming Amendment.—Section
9	4304(a)(15) of title 41, United States Code, is
10	amended by inserting "or subcontractor, or per-
11	sonal service contractor" after "contractor".
12	(c) Inclusion of Contract Clause in Contracts
13	AWARDED BEFORE EFFECTIVE DATE.—At the time of
14	any major modification to a contract that was awarded
15	before the date of the enactment of this Act, the head of
16	the contracting agency shall make best efforts to include
17	in the contract a contract clause providing for the applica-
18	bility of the amendments made by this section and section
19	827 of the National Defense Authorization Act for Fiscal
20	Year 2013 (Public Law 112–239; 126 Stat. 1833).
	Passed the Senate June 23, 2016.

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Attest:

Secretary.

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