

114TH CONGRESS
2D SESSION

S. 795

IN THE HOUSE OF REPRESENTATIVES

JUNE 28, 2016

Referred to the Committee on Oversight and Government Reform, and in addition to the Committee on Armed Services, 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

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,*

1 **SECTION 1. ENHANCEMENT OF WHISTLEBLOWER PROTEC-**
 2 **TION FOR CONTRACTOR AND GRANTEE EM-**
 3 **PLOYEES.**

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
 26 41, United States Code, is amended by striking

1 the item relating to section 4712 and inserting
 2 the following new item:

“4712. Enhancement of contractor protection from reprisal for disclosure of certain 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;

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.

Attest: JULIE E. ADAMS,
Secretary.