

Calendar No. 286

115TH CONGRESS
1ST SESSION

S. 1869

[Report No. 115–196]

To reauthorize and rename the position of Whistleblower Ombudsman to be the Whistleblower Protection Coordinator.

IN THE SENATE OF THE UNITED STATES

SEPTEMBER 27, 2017

Mr. GRASSLEY (for himself, Mr. JOHNSON, Mr. WYDEN, Mrs. MCCASKILL, and Ms. HASSAN) introduced the following bill; which was read twice and referred to the Committee on Homeland Security and Governmental Affairs

DECEMBER 14, 2017

Reported by Mr. JOHNSON, with an amendment

[Omit the part struck through and insert the part printed in *italic*]

A BILL

To reauthorize and rename the position of Whistleblower Ombudsman to be the Whistleblower Protection Coordinator.

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. SHORT TITLE.**

4 This Act may be cited as the “Whistleblower Protec-
5 tion Coordination Act”.

1 **SEC. 2. REAUTHORIZATION.**

2 (a) IN GENERAL.—Section 3(d) of the Inspector Gen-
3 eral Act of 1978 (5 U.S.C. App.) is amended—

4 (1) in paragraph (1)(C)—

5 (A) by redesignating clauses (i) and (ii) as
6 subclauses (I) and (II), respectively, and adjust-
7 ing the margins accordingly;

8 (B) by striking “Ombudsman who shall
9 educate agency employees—” and inserting the
10 following: “Coordinator who shall—

11 “(i) educate agency employees—”;

12 (C) in subclause (I), as so redesignated, by
13 striking “on retaliation” and inserting “against
14 retaliation”;

15 (D) in subclause (II), as so redesignated,
16 by striking the period at the end and inserting
17 the following: “, including—

18 “(aa) the means by which em-
19 ployees may seek review of any allega-
20 tion of reprisal, including the roles of
21 the Office of the Inspector General,
22 the Office of Special Counsel, the
23 Merit Systems Protection Board, and
24 any other relevant entities; and

25 “(bb) general information about
26 the timeliness of such cases, the avail-

1 ability of any alternative dispute
2 mechanisms, and avenues for poten-
3 tial relief.”; and

4 (E) by adding at the end the following:

5 “(ii) assist the Inspector General in pro-
6 moting the timely and appropriate handling and
7 consideration of protected disclosures and alle-
8 gations of reprisal, to the extent practicable, by
9 the Inspector General; and

10 “(iii) assist the Inspector General in facili-
11 tating communication and coordination with the
12 Special Counsel, the Council of the Inspectors
13 General on Integrity and Efficiency, the ~~agency~~
14 *establishment*, Congress, and any other relevant
15 entity regarding the timely and appropriate
16 handling and consideration of protected disclo-
17 sures, allegations of reprisal, and general mat-
18 ters regarding the implementation and adminis-
19 tration of whistleblower protection laws, rules,
20 and regulations.”;

21 (2) in paragraph (2), by striking “Ombuds-
22 man” and inserting “Coordinator”;

23 (3) by redesignating paragraph (3) as para-
24 graph (4); and

1 (4) by inserting after paragraph (2) the fol-
2 lowing:

3 “(3) The Whistleblower Protection Coordinator
4 shall have direct access to the Inspector General as
5 needed to accomplish the requirements of this sub-
6 section.”.

7 (b) RESPONSIBILITIES OF CIGIE.—Section 11(c) of
8 the Inspector General Act of 1978 (5 U.S.C. App.) is
9 amended by adding at the end the following:

10 “(5) ADDITIONAL RESPONSIBILITIES RELATING
11 TO WHISTLEBLOWER PROTECTION.—The Council
12 shall—

13 “(A) facilitate the work of the Whistle-
14 blower Protection Coordinators designated
15 under section 3(d)(C); and

16 “(B) in consultation with the Office of
17 Special Counsel and Whistleblower Protection
18 Coordinators from the member offices of the In-
19 specter General, develop best practices for co-
20 ordination and communication in promoting the
21 timely and appropriate handling and consider-
22 ation of protected disclosures, allegations of re-
23 prisal, and general matters regarding the imple-
24 mentation and administration of whistleblower

1 protection laws, in accordance with Federal
2 law.”.

3 (c) REPORTING.—Section 5 of the Inspector General
4 Act of 1978 (5 U.S.C. App.) is amended—

5 (1) in subsection (a), by amending paragraph
6 (20) to read as follows:

7 “(20)(A) a detailed description of any instance
8 of whistleblower retaliation, including information
9 about the official found to have engaged in retalia-
10 tion; and

11 “(B) what, if any, consequences the establish-
12 ment actually imposed to hold the official described
13 in subparagraph (A) accountable;”; and

14 (2) in subsection (b)—

15 (A) in paragraph (3)(D), by striking
16 “and” at the end;

17 (B) by redesignating paragraph (4) as
18 paragraph (5); and

19 (C) by inserting after paragraph (3) the
20 following:

21 “(4) whether the establishment entered into a
22 settlement agreement with the official described in
23 subsection (a)(20)(A), which shall be reported re-
24 gardless of any confidentiality agreement relating to
25 the settlement agreement; and”.

1 (d) REPEAL OF SUNSET.—Subsection (c) of section
2 117 of the Whistleblower Protection Enhancement Act of
3 2012 (Public Law 112–199; 126 Stat. 1475) is repealed.

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