

117TH CONGRESS
2D SESSION

H. R. 2988

AN ACT

To amend title 5, United States Code, to modify and enhance protections for Federal Government whistleblowers, 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 “Whistleblower Protec-
3 tion Improvement Act of 2021”.

4 **SEC. 2. ADDITIONAL WHISTLEBLOWER PROTECTIONS.**

5 (a) INVESTIGATIONS AS PERSONNEL ACTIONS.—

6 (1) IN GENERAL.—Section 2302(a)(2)(A) of
7 title 5, United States Code, is amended—

8 (A) in clause (xi), by striking “and” at the
9 end;

10 (B) by redesignating clause (xii) as clause
11 (xiv); and

12 (C) by inserting after the clause (xi) the
13 following:

14 “(xii) for purposes of subsection (b)(8)—

15 “(I) the commencement, expansion, or
16 extension of an investigation, but not in-
17 cluding any investigation that is ministerial
18 or nondiscretionary (including a ministerial
19 or nondiscretionary investigation described
20 in section 1213) or any investigation that
21 is conducted by an Inspector General of an
22 entity of the Government of an employee
23 not employed by the office of that Inspec-
24 tor General; and

25 “(II) a referral to an Inspector Gen-
26 eral of an entity of the Government, except

1 for a referral that is ministerial or nondis-
2 cretionary;”.

3 (2) APPLICATION.—The amendment made by
4 paragraph (1) shall apply to any investigation
5 opened, or referral made, as described under clause
6 (xii) of section 2302(a)(2)(A) of title 5, United
7 States Code, as added by such paragraph, on or
8 after the date of enactment of this Act.

9 (3) SECURITY CLEARANCES.—Section
10 2302(a)(2)(A) of title 5, United States Code, as
11 amended by paragraph (1), is further amended by
12 inserting after clause (xii) the following:

13 “(xiii) a suspension, revocation, de-
14 nial, or other determination relating to a
15 security clearance or any other access de-
16 termination made by an agency; and”.

17 (b) RIGHT TO PETITION CONGRESS.—

18 (1) IN GENERAL.—Section 2302(b)(9) of title
19 5, United States Code, is amended—

20 (A) in subparagraph (C), by striking “or”
21 at the end;

22 (B) in subparagraph (D), by adding “or”
23 after the semicolon at the end; and

24 (C) by adding at the end the following:

1 “(E) the exercise of any right protected
2 under section 7211;”.

3 (2) APPLICATION.—The amendment made by
4 paragraph (1) shall apply to the exercise of any
5 right described in section 2302(b)(9)(E) of title 5,
6 United States Code, as added by paragraph (1), oc-
7 curring on or after the date of enactment of this
8 Act.

9 (c) PROHIBITION ON DISCLOSURE OF WHISTLE-
10 BLOWER IDENTITY.—

11 (1) IN GENERAL.—Section 2302 of title 5,
12 United States Code, is amended by adding at the
13 end the following:

14 “(g)(1) No employee of an agency may willfully com-
15 municate or transmit to any individual who is not an offi-
16 cer or employee of the Government the identity of, or per-
17 sonally identifiable information about, any other employee
18 because that other employee has made, or is suspected to
19 have made, a disclosure protected by subsection (b)(8),
20 unless—

21 “(A) the other employee provides express writ-
22 ten consent prior to the communication or trans-
23 mission of their identity or personally identifiable in-
24 formation;

1 “(B) the communication or transmission is
2 made in accordance with the provisions of section
3 552a;

4 “(C) the communication or transmission is
5 made to a lawyer for the sole purpose of providing
6 legal advice to an employee accused of whistleblower
7 retaliation; or

8 “(D) the communication or transmission is re-
9 quired or permitted by any other provision of law.

10 “(2) In this subsection, the term ‘officer or employee
11 of the Government’ means—

12 “(A) the President;

13 “(B) a Member of Congress;

14 “(C) a member of the uniformed services;

15 “(D) an employee as that term is defined in
16 section 2105, including an employee of the United
17 States Postal Service, the Postal Regulatory Com-
18 mission, or the Department of Veterans Affairs (in-
19 cluding any employee appointed pursuant to chapter
20 73 or 74 of title 38); and

21 “(E) any other officer or employee in any
22 branch of the Government of the United States.”.

23 (2) APPLICATION.—The amendment made by
24 paragraph (1) shall apply to any transmission or
25 communication described in subsection (g) of section

1 2302 of title 5, United States Code, as added by
2 paragraph (1), made on or after the date of enact-
3 ment of this Act.

4 (d) RIGHT TO PETITION CONGRESS.—

5 (1) IN GENERAL.—Section 7211 of title 5,
6 United States Code, is amended to read as follows:

7 **“§ 7211. Employees’ right to petition or furnish infor-**
8 **mation or respond to Congress**

9 “(a) IN GENERAL.—Each officer or employee of the
10 Federal Government, individually or collectively, has a
11 right to—

12 “(1) petition Congress or a Member of Con-
13 gress;

14 “(2) furnish information, documents, or testi-
15 mony to either House of Congress, any Member of
16 Congress, or any committee or subcommittee of the
17 Congress; or

18 “(3) respond to any request for information,
19 documents, or testimony from either House of Con-
20 gress or any Committee or subcommittee of Con-
21 gress.

22 “(b) PROHIBITED ACTIONS.—No officer or employee
23 of the Federal Government may interfere with or deny the
24 right set forth in subsection (a), including by—

1 “(1) prohibiting or preventing, or attempting or
2 threatening to prohibit or prevent, any other officer
3 or employee of the Federal Government from engag-
4 ing in activity protected in subsection (a); or

5 “(2) removing, suspending from duty without
6 pay, demoting, reducing in rank, seniority, status,
7 pay, or performance or efficiency rating, denying
8 promotion to, relocating, reassigning, transferring,
9 disciplining, or discriminating in regard to any em-
10 ployment right, entitlement, or benefit, or any term
11 or condition of employment of, any other officer or
12 employee of the Federal Government or attempting
13 or threatening to commit any of the foregoing ac-
14 tions protected in subsection (a).

15 “(c) APPLICATION.—This section shall not be con-
16 strued to authorize disclosure of any information that is—

17 “(1) specifically prohibited from disclosure by
18 any other provision of Federal law; or

19 “(2) specifically required by Executive order to
20 be kept secret in the interest of national defense or
21 the conduct of foreign affairs, unless disclosure is
22 otherwise authorized by law.

23 “(d) DEFINITION OF OFFICER OR EMPLOYEE OF
24 THE FEDERAL GOVERNMENT.—For purposes of this sec-

1 tion, the term ‘officer or employee of the Federal Govern-
2 ment’ includes—

3 “(1) the President;

4 “(2) a Member of Congress;

5 “(3) a member of the uniformed services;

6 “(4) an employee (as that term is defined in
7 section 2105);

8 “(5) an employee of the United States Postal
9 Service or the Postal Regulatory Commission; and

10 “(6) an employee appointed under chapter 73
11 or 74 of title 38.”.

12 (2) CLERICAL AMENDMENT.—The table of sec-
13 tions for subchapter II of chapter 72 of title 5,
14 United States Code, is amended by striking the item
15 related to section 7211 and inserting the following:

“7211. Employees’ right to petition or furnish information or respond to Con-
gress.”.

16 **SEC. 3. ENHANCEMENT OF WHISTLEBLOWER PROTEC-**
17 **TIONS.**

18 (a) DISCLOSURES RELATING TO OFFICERS OR EM-
19 PLOYEES OF AN OFFICE OF INSPECTOR GENERAL.—Sec-
20 tion 1213(c) of title 5, United States Code, is amended
21 by adding at the end the following:

22 “(3) If the information transmitted under this sub-
23 section disclosed a violation of law, rule, or regulation, or
24 gross waste, gross mismanagement, abuse of authority, or

1 a substantial and specific danger to public health or safe-
2 ty, by any officer or employee of an Office of Inspector
3 General, the Special Counsel may refer the matter to the
4 Council of the Inspectors General on Integrity and Effi-
5 ciency, which shall comply with the standards and proce-
6 dures applicable to investigations and reports under sub-
7 section (c).”.

8 (b) RETALIATORY REFERRALS TO INSPECTORS GEN-
9 ERAL.—Section 1214(d) of title 5, United States Code,
10 is amended by adding at the end the following:

11 “(3) In any case in which the Special Counsel deter-
12 mines that a referral to an Inspector General of an entity
13 of the Federal Government was in retaliation for a disclo-
14 sure or protected activity described in section 2302(b)(8)
15 or in retaliation for exercising a right described in section
16 2302(b)(9)(A)(i), the Special Counsel shall transmit that
17 finding in writing to the Inspector General within seven
18 days of making the finding. The Inspector General shall
19 consider that finding and make a determination on wheth-
20 er to initiate an investigation or continue an investigation
21 based on the referral that the Special Counsel found to
22 be retaliatory.”.

23 (c) ENSURING TIMELY RELIEF.—

24 (1) INDIVIDUAL RIGHT OF ACTION.—Section
25 1221 of title 5, United States Code, is amended by

1 striking “section 2302(b)(8) or section
2 2302(b)(9)(A)(i), (B), (C), or (D),” each place it ap-
3 pears and inserting “section 2302(b)(8), section
4 2302(b)(9)(A)(i), (B), (C), (D), or (E), section
5 2302(b)(13), or section 2302(g),”.

6 (2) STAYS.—Section 1221(c)(2) of title 5,
7 United States Code, is amended to read as follows:

8 “(2) Any stay requested under paragraph (1) shall
9 be granted within 10 calendar days (excluding Saturdays,
10 Sundays, and legal holidays) after the date the request
11 is made, if the Board determines—

12 “(A) that there is a substantial likelihood that
13 protected activity was a contributing factor to the
14 personnel action involved; or

15 “(B) the Board otherwise determines that such
16 a stay would be appropriate.”.

17 (3) APPEAL OF STAY.—Section 1221(c) of title
18 5, United States Code, is amended by adding at the
19 end the following:

20 “(4) If any stay requested under paragraph (1)
21 is denied, the employee, former employee, or appli-
22 cant may, within 7 days after receiving notice of the
23 denial, file an appeal for expedited review by the
24 Board. The agency shall have 7 days thereafter to
25 respond. The Board shall provide a decision not

1 later than 21 days after receiving the appeal. During
2 the period of appeal, both parties may supplement
3 the record with information unavailable to them at
4 the time the stay was first requested.”.

5 (4) ACCESS TO DISTRICT COURT; JURY
6 TRIALS.—

7 (A) IN GENERAL.—Section 1221(i) of title
8 5, United States Code, is amended—

9 (i) by striking “(i) Subsections” and
10 inserting “(i)(1) Subsections”; and

11 (ii) by adding at the end the fol-
12 lowing:

13 “(2)(A) If, in the case of an employee, former em-
14 ployee, or applicant for employment who seeks corrective
15 action from the Merit Systems Protection Board based on
16 an alleged prohibited personnel practice described in sec-
17 tion 2302(b)(8), section 2302(b)(9)(A)(i), (B), (C), (D),
18 or (E), section 2302(b)(13), or section 2302(g), no final
19 order or decision is issued by the Board within 180 days
20 after the date on which a request for such corrective action
21 has been duly submitted to the Board, such employee,
22 former employee, or applicant may, after providing written
23 notice to the Special Counsel and the Board and only with-
24 in 20 days after providing such notice, bring an action
25 for review de novo before the appropriate United States

1 district court, and such action shall, at the request of ei-
2 ther party to such action, be tried before a jury. Upon
3 filing of an action with the appropriate United States dis-
4 trict court, any proceedings before the Board shall cease
5 and the employee, former employee, or applicant for em-
6 ployment waives any right to refile with the Board.

7 “(B) If the Board certifies (in writing) to the parties
8 of a case that the complexity of such case requires a longer
9 period of review, subparagraph (A) shall be applied by
10 substituting ‘240 days’ for ‘180 days’.

11 “(C) In any such action brought before a United
12 States district court under subparagraph (A), the court—

13 “(i) shall apply the standards set forth in sub-
14 section (e); and

15 “(ii) may award any relief which the court con-
16 siders appropriate, including any relief described in
17 subsection (g).”.

18 (B) APPLICATION.—

19 (i) The amendments made by sub-
20 paragraph (A) shall apply to any corrective
21 action duly submitted to the Merit Systems
22 Protection Board, during the five-year pe-
23 riod preceding the date of enactment of
24 this Act, by an employee, former employee,
25 or applicant for employment based on an

1 alleged prohibited personnel practice de-
2 scribed in section 2302(b)(8),
3 2302(b)(9)(A)(i), (B), (C), or (D), or
4 2302(b)(13) of title 5, United States Code,
5 with respect to which no final order or de-
6 cision has been issued by the Board.

7 (ii) In the case of an individual de-
8 scribed in clause (i) whose duly submitted
9 claim to the Board was made not later
10 than 180 days before the date of enact-
11 ment of this Act, such individual may only
12 bring an action before a United States dis-
13 trict court as described in section
14 1221(i)(2) of title 5, United States Code,
15 (as added by subparagraph (A) if that in-
16 dividual—

17 (I) provides written notice to the
18 Office of Special Counsel and the
19 Merit Systems Protection Board not
20 later than 90 days after the date of
21 enactment of this Act; and

22 (II) brings such action not later
23 than 20 days after providing such no-
24 tice.

1 (C) GAO REPORT.—Not later than 4 years
2 after the date of enactment of this Act, the
3 Comptroller General shall—

4 (i) conduct a study on actions brought
5 before Federal court pursuant to para-
6 graph (2) of section 1221(i) of title 5,
7 United States Code (as added by subpara-
8 graph (A) of this paragraph) that, at the
9 minimum, examines the timeliness of Merit
10 Systems Protection Board whistleblower
11 complaint rulings, the rates of individuals
12 opting for a district court trial under such
13 paragraph, and recommendations for the
14 Board to make improvements to its whis-
15 tleblower claim review process; and

16 (ii) submit a report on such study to
17 Congress and publish such report on the
18 Government Accountability Office’s public
19 website.

20 (d) RECIPIENTS OF WHISTLEBLOWER DISCLO-
21 SURES.—Section 2302(b)(8)(B) of title 5, United States
22 Code, is amended by striking “or to the Inspector General
23 of an agency or another employee designated by the head
24 of the agency to receive such disclosures” and inserting
25 “the Inspector General of an agency, a supervisor in the

1 employee's direct chain of command up to and including
2 the head of the employing agency, or to an employee des-
3 ignated by any of the aforementioned individuals for the
4 purpose of receiving such disclosures”.

5 (e) ATTORNEY FEES.—

6 (1) IN GENERAL.—Section 7703(a) of title 5,
7 United States Code, is amended by adding at the
8 end the following:

9 “(3) If an employee, former employee, or appli-
10 cant for employment is the prevailing party under a
11 proceeding brought under this section, the employee,
12 former employee, or applicant for employment shall
13 be entitled to attorney fees for all representation
14 carried out pursuant to this section. In such an ac-
15 tion for attorney fees, the agency responsible for
16 taking the personnel action shall be the respondent
17 and shall be responsible for paying the fees.”.

18 (2) APPLICATION.—In addition to any pro-
19 ceeding brought by an employee, former employee,
20 or applicant for employment on or after the date of
21 enactment of this Act to a Federal court under sec-
22 tion 7703 of title 5, United States Code, the amend-
23 ment made by paragraph (1) shall apply to any pro-
24 ceeding brought by an employee, former employee,
25 or applicant for employment under such section be-

1 fore the date of enactment of this Act with respect
2 to which the applicable Federal court has not issued
3 a final decision.

4 (f) EXTENDING WHISTLEBLOWER PROTECTION ACT
5 TO CERTAIN EMPLOYEES.—

6 (1) IN GENERAL.—Section 2302(a)(2)(A) of
7 title 5, United States Code, is amended in the mat-
8 ter following clause (xiv)—

9 (A) by inserting “subsection (b)(9)(A)(i),
10 (B), (C), (D), or (E), subsection (b)(13), or
11 subsection (g),” after “subsection (b)(8),”; and

12 (B) by inserting after “title 31” the fol-
13 lowing: “, a commissioned officer or applicant
14 for employment in the Public Health Service,
15 and an officer or applicant for employment in
16 the commissioned officer corps of the National
17 Oceanic and Atmospheric Administration.”.

18 (2) CONFORMING AMENDMENTS.—Section 261
19 of the National Oceanic and Atmospheric Adminis-
20 tration Commissioned Officer Corps Act of 2002 (33
21 U.S.C. 3071) is amended—

22 (A) in subsection (a)—

23 (i) by striking paragraph (8); and

1 (ii) by redesignating paragraphs (9)
2 through (26) as paragraphs (8) through
3 (25), respectively; and

4 (B) in subsection (b), by striking the sec-
5 ond sentence.

6 (3) APPLICATION.—

7 (A) IN GENERAL.—With respect to an offi-
8 cer or applicant for employment in the commis-
9 sioned officer corps of the National Oceanic and
10 Atmospheric Administration, the amendments
11 made by paragraphs (1) and (2) shall apply to
12 any personnel action taken against such officer
13 or applicant on or after the date of enactment
14 of the National Oceanic and Atmospheric Ad-
15 ministration Commissioned Officer Corps
16 Amendments Act of 2020 (Public Law 116–
17 259) for making any disclosure protected under
18 section 2302(8) of title 5, United States Code.

19 (B) EXCEPTION.—Subparagraph (A) shall
20 not apply to any personnel action with respect
21 to which a complaint has been filed pursuant to
22 section 1034 of title 10, United States Code,
23 and a final decision has been rendered regard-
24 ing such complaint.

25 (g) RELIEF.—

1 (1) IN GENERAL.—Section 7701(b)(2)(A) of
2 title 5, United States Code, is amended by striking
3 “upon the making of the decision” and inserting
4 “upon making of the decision, necessary to make the
5 employee whole as if there had been no prohibited
6 personnel practice, including training, seniority and
7 promotions consistent with the employee’s prior
8 record”.

9 (2) APPLICATION.—In addition to any appeal
10 made on or after the date of enactment of this Act
11 to the Merit Systems Protection Board under section
12 7701 of title 5, United States Code, the amendment
13 made by paragraph (1) shall apply to any appeal
14 made under such section before the date of enact-
15 ment of this Act with respect to which the Board
16 has not issued a final decision.

17 (h) IG SEMIANNUAL REPORTS.—Section 5(a)(20) of
18 the Inspector General Act of 1978 (5 U.S.C. App.) is
19 amended—

20 (1) in subparagraph (A), by striking “and” at
21 the end;

22 (2) in subparagraph (B), by striking the semi-
23 colon at the end and inserting “; and”; and

24 (3) by adding at the end the following:

1 “(C) the number of instances in which the
2 Office did not make a determination regarding
3 whether there were reasonable grounds to be-
4 lieve that a prohibited personnel practice had
5 occurred, existed, or was to be taken within 240
6 days after receiving a whistleblower retaliation
7 complaint;”.

8 **SEC. 4. CLASSIFYING CERTAIN FURLOUGHS AS ADVERSE**
9 **PERSONNEL ACTIONS.**

10 (a) IN GENERAL.—Section 7512 of title 5, United
11 States Code, is amended—

12 (1) in paragraph (4), by striking “and” at the
13 end; and

14 (2) by striking paragraph (5) and inserting the
15 following:

16 “(5) a furlough of more than 14 days but less
17 than 30 days; and

18 “(6) a furlough of 13 days or less that is not
19 due to a lapse in appropriations;”.

20 (b) APPLICATION.—The amendment made by sub-
21 section (a) shall apply to any furlough covered by such
22 section 7512(5) or (6) (as amended by such subsection)
23 occurring on or after the date of enactment of this Act.

1 **SEC. 5. CODIFICATION OF PROTECTIONS FOR DISCLO-**
2 **SURES OF CENSORSHIP RELATED TO RE-**
3 **SEARCH, ANALYSIS, OR TECHNICAL INFOR-**
4 **MATION.**

5 (a) IN GENERAL.—Section 2302 of title 5, United
6 States Code, as amended by section 2(c)(1), is further
7 amended by adding at the end the following:

8 “(h)(1) In this subsection—

9 “(A) the term ‘applicant’ means an applicant
10 for a covered position;

11 “(B) the term ‘censorship related to research,
12 analysis, or technical information’ means any effort
13 to distort, misrepresent, or suppress research, anal-
14 ysis, or technical information; and

15 “(C) the term ‘employee’ means an employee in
16 a covered position in an agency.

17 “(2)(A) Any disclosure of information by an employee
18 or applicant for employment that the employee or appli-
19 cant reasonably believes is evidence of censorship related
20 to research, analysis, or technical information—

21 “(i) shall come within the protections of sub-
22 section (b)(8)(A) if—

23 “(I) the employee or applicant reasonably
24 believes that the censorship related to research,
25 analysis, or technical information is or will
26 cause—

1 “(aa) any violation of law, rule, or
2 regulation; or

3 “(bb) gross mismanagement, a gross
4 waste of funds, an abuse of authority, or
5 a substantial and specific danger to public
6 health or safety; and

7 “(II) such disclosure is not specifically pro-
8 hibited by law or such information is not spe-
9 cifically required by Executive order to be kept
10 classified in the interest of national defense or
11 the conduct of foreign affairs; and

12 “(ii) shall come within the protections of sub-
13 section (b)(8)(B) if—

14 “(I) the employee or applicant reasonably
15 believes that the censorship related to research,
16 analysis, or technical information is or will
17 cause—

18 “(aa) any violation of law, rule, or
19 regulation; or

20 “(bb) gross mismanagement, a gross
21 waste of funds, an abuse of authority, or
22 a substantial and specific danger to public
23 health or safety; and

24 “(II) the disclosure is made to the Special
25 Counsel, or to the Inspector General of an

1 agency or another person designated by the
2 head of the agency to receive such disclosures,
3 consistent with the protection of sources and
4 methods.

5 “(3) A disclosure shall not be excluded from para-
6 graph (2) for any reason described under subsection (f)(1)
7 or (2).

8 “(4) Nothing in this subsection shall be construed to
9 imply any limitation on the protections of employees and
10 applicants afforded by any other provision of law, includ-
11 ing protections with respect to any disclosure of informa-
12 tion believed to be evidence of censorship related to re-
13 search, analysis, or technical information.”.

14 (b) REPEAL.—

15 (1) IN GENERAL.—Section 110 of the Whistle-
16 blower Protection Enhancement Act of 2012 (Public
17 Law 112–199) is hereby repealed.

18 (2) RULE OF CONSTRUCTION.—Nothing in this
19 section shall be construed to limit or otherwise affect
20 any action under such section 110 commenced be-
21 fore the date of enactment of this Act or any protec-
22 tions afforded by such section with respect to such
23 action.

1 **SEC. 6. TITLE 5 TECHNICAL AND CONFORMING AMEND-**
2 **MENTS.**

3 Title 5, United States Code, is amended—

4 (1) in section 1212(h), by striking “or (9)”
5 each place it appears and inserting “, (b)(9),
6 (b)(13), or (g)”;

7 (2) in section 1214—

8 (A) in subsections (a) and (b), by striking
9 “section 2302(b)(8) or section 2302(b)(9)(A)(i),
10 (B), (C), or (D)” each place it appears and in-
11 serting “section 2302(b)(8), section
12 2302(b)(9)(A)(i), (B), (C), (D), or (E), section
13 2302(b)(13), or section 2302(g)”;

14 (B) in subsection (i), by striking “section
15 2302(b)(8) or subparagraph (A)(i), (B), (C), or
16 (D) of section 2302(b)(9)” and inserting “sec-
17 tion 2302(b)(8), subparagraph (A)(i), (B), (C),
18 (D), or (E) of section 2302(b)(9), section
19 2302(b)(13), or section 2302(g)”;

20 (3) in section 1215(a)(3)(B), by striking “sec-
21 tion 2302(b)(8), or 2302(b)(9)(A)(i), (B), (C), or
22 (D)” each place it appears and inserting “section
23 2302(b)(8), section 2302(b)(9)(A)(i), (B), (C), (D),
24 or (E), section 2302(b)(13), or section 2302(g)”;

25 (4) in section 2302—

26 (A) in subsection (a)—

1 (i) in paragraph (1), by inserting “or
2 (g)” after “subsection (b)”; and

3 (ii) in paragraph (2)(C)(i), by striking
4 “subsection (b)(8) or section
5 2302(b)(9)(A)(i), (B), (C), or (D)” and in-
6 serting “section 2302(b)(8), section
7 2302(b)(9)(A)(i), (B), (C), (D), or (E),
8 section 2302(b)(13), or section 2302(g)”;
9 and

10 (B) in subsection (c)(1)(B), by striking
11 “paragraph (8) or subparagraph (A)(i), (B),
12 (C), or (D) of paragraph (9) of subsection (b)”
13 and inserting “paragraph (8), subparagraph
14 (A)(i), (B), (C), or (D) of paragraph (9), or
15 paragraph (13) of subsection (b) or subsection
16 (g)”;

17 (5) in section 7515(a)(2), by striking “para-
18 graph (8), (9), or (14) of section 2302(b)” and in-
19 serting “paragraph (8), (9), (13), or (14) of section
20 2302(b) or section 2302(g)”;

21 (6) in section 7701(c)(2)(B), by inserting “or
22 section 2302(g)” after “section 2302(b)”; and

23 (7) in section 7703(b)(1)(B), by striking “sec-
24 tion 2302(b)(8), or 2302(b)(9)(A)(i), (B), (C), or
25 (D)” and inserting “section 2302(b)(8), section

1 2302(b)(9)(A)(i), (B), (C), (D), or (E), section
2 2302(b)(13), or section 2302(g)''.

3 **SEC. 7. INSPECTOR GENERAL WHISTLEBLOWER INFORMA-**
4 **TION COLLECTION SYSTEMS.**

5 (a) IN GENERAL.—Not later than 90 days after the
6 date of enactment of this Act, the Inspector General of
7 each Federal agency and each designated Federal entity
8 (as those terms are defined in sections 12(5) and 8G, re-
9 spectively, of the Inspector General Act of 1978) shall es-
10 tablish and thereafter maintain a mechanism for the in-
11 spector general to receive anonymous whistleblower infor-
12 mation (including fraud, waste, and abuse).

13 (b) REQUIREMENTS.—

14 (1) ANONYMITY.—Any whistleblower mecha-
15 nism established under subsection (a) by an inspec-
16 tor general shall maintain total anonymity for any
17 individual who submits information through such
18 mechanism.

19 (2) ACCEPTABLE SYSTEMS.—In order to main-
20 tain anonymity, any such mechanism may not in-
21 clude the use of any computer or telephone systems
22 in collecting such information, but may include the
23 use of the United States mail, physical receptacles
24 for receiving information, or any other system that
25 can assure anonymity.

1 (3) RULE OF CONSTRUCTION.—Nothing in this
2 section shall be construed to limit or otherwise pro-
3 hibit an inspector general from using computer or
4 telephone systems when carrying out any other pro-
5 gram, project, or activity not authorized by this sec-
6 tion.

Passed the House of Representatives September 15,
2022.

Attest:

Clerk.

117TH CONGRESS
2^D SESSION

H. R. 2988

AN ACT

To amend title 5, United States Code, to modify and enhance protections for Federal Government whistleblowers, and for other purposes.