

Calendar No. 448

118TH CONGRESS
2D SESSION**S. 1524****[Report No. 118–202]**

To ensure that whistleblowers, including contractors, are protected from retaliation when a Federal employee orders a reprisal, and for other purposes.

IN THE SENATE OF THE UNITED STATES

MAY 10, 2023

Mr. PETERS (for himself and Mr. BRAUN) introduced the following bill; which was read twice and referred to the Committee on Homeland Security and Governmental Affairs

JULY 29, 2024

Reported by Mr. PETERS, with an amendment

[Strike out all after the enacting clause and insert the part printed in italic]

A BILL

To ensure that whistleblowers, including contractors, are protected from retaliation when a Federal employee orders a reprisal, 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,*

3 **SECTION 1. SHORT TITLE.**

4 This Act may be cited as the “Expanding Whistle-
5 blower Protections for Contractors Act of 2023”.

1 **SEC. 2. DEFENSE CONTRACTOR EMPLOYEES: PROTECTION**
 2 **FROM REPRISAL FOR DISCLOSURE OF CER-**
 3 **TAIN INFORMATION.**

4 Section 4701 of title 10, United States Code, is
 5 amended—

6 (1) in subsection (a)—

7 (A) in paragraph (1)—

8 (i) in the matter preceding subpara-
 9 graph (A)—

10 (I) by striking “An employee”
 11 and all that follows through “services
 12 contractor” and inserting “A pro-
 13 tected individual”; and

14 (II) by striking “disclosing” and
 15 all that follows through “evidence of”;
 16 and

17 (ii) by striking subparagraphs (A),
 18 (B), and (C) and inserting the following
 19 subparagraphs:

20 “(A) Objecting or refusing to participate in any
 21 activity, policy, practice, or assigned task that the
 22 protected individual reasonably believes to be in vio-
 23 lation of any law, rule, order, or regulation related
 24 to any contract, subcontract, grant, or subgrant.

25 “(B) Disclosing to a person or body described
 26 in paragraph (2) information that the protected indi-

vidual reasonably believes is evidence of the following:

“(i) Gross mismanagement of any Department of Defense contract or grant, any gross waste of Department funds, any abuse of authority relating to any Department contract, subcontract, grant, or subgrant, or any violation of law, rule, or regulation related to any Department contract or subcontract (including the competition for or negotiation of a contract or subcontract) or grant or subgrant.

“(ii) Gross mismanagement of any National Aeronautics and Space Administration contract or grant, any gross waste of Administration funds, any abuse of authority relating to an Administration contract, subcontract, grant, or subgrant, or any violation of law, rule, or regulation related to any Administration contract or subcontract (including the competition for or negotiation of a contract or subcontract) or grant or subgrant.

“(iii) A substantial and specific danger to public health or safety.”; and

(B) in paragraph (3)—

1 (i) in subparagraph (A), by striking
 2 “an employee” and inserting “a protected
 3 individual”; and

4 (ii) by striking subparagraph (B) and
 5 inserting the following subparagraph:

6 “(B) it shall not be within the authority of an
 7 executive branch official to request that a con-
 8 tractor, subcontractor, grantee, or subgrantee en-
 9 gage in a reprisal prohibited by paragraph (1).”;

10 (2) in subsection (c)—

11 (A) in paragraph (1), by adding at the end
 12 the following subparagraph:

13 “(E) Propose appropriate disciplinary action
 14 against any executive branch official for any request
 15 made of a contractor, subcontractor, grantee, or sub-
 16 grantee that subjected the complainant to a reprisal
 17 prohibited by subsection (a).”; and

18 (B) by striking paragraph (7) and insert-
 19 ing the following paragraph:

20 “(7) CLARIFICATION FOR SCOPE OF WAIVER RE-
 21 STRICTIONS.—(A) The rights, forum, and remedies pro-
 22 vided for in this section may not be waived by any public
 23 or private agreement, policy, form, or condition of employ-
 24 ment, including by any predispute arbitration agreement.

1 “(B) No predispute arbitration agreement shall be
 2 valid or enforceable if it requires arbitration of a dispute
 3 arising under this section.”;

4 (3) in subsection (f)—

5 (A) by striking “an employee” and insert-
 6 ing “a protected individual”; and

7 (B) by striking “the employee” and insert-
 8 ing “the protected individual”;

9 (4) by redesignating subsection (g) as sub-
 10 section (h);

11 (5) by inserting after subsection (f) the fol-
 12 lowing new subsection:

13 “(g) AFFIRMATIVE DEFENSE.—Engaging in any ac-
 14 tivity protected against reprisal under this section shall
 15 be an affirmative defense in any civil or criminal action
 16 that seeks liability for engaging in such activity.”; and

17 (6) in subsection (h), as so redesignated—

18 (A) in paragraph (3), by inserting “, in-
 19 cluding any ‘Federal award’ as defined in sec-
 20 tion 2(a) of the Federal Funding Accountability
 21 and Transparency Act of 2006 (31 U.S.C. 6101
 22 note)” after “agency”;

23 (B) in paragraph (4), by inserting “, in-
 24 cluding any person that is recipient of a ‘Fed-
 25 eral award’ as defined in section 2(a) of the

1 Federal Funding Accountability and Trans-
 2 parency Act of 2006 (31 U.S.C. 6101 note)”
 3 after “agency”; and

4 (C) by adding at the end the following new
 5 paragraph:

6 “(8) The term ‘protected individual’ means—

7 “(A) a contractor, subcontractor, grantee,
 8 or subgrantee of the Department of Defense or
 9 the National Aeronautics and Space Adminis-
 10 tration, including—

11 “(i) the government of each of the
 12 several States, the District of Columbia, an
 13 Indian tribe or authorized tribal organiza-
 14 tion, the Commonwealth of Puerto Rico,
 15 Guam, American Samoa, the Virgin Is-
 16 lands, the Commonwealth of the Northern
 17 Mariana Islands, or any other territory or
 18 possession of the United States;

19 “(ii) the government of any political
 20 subdivision of, agency of, or instrumen-
 21 tality of, a government listed in clause (i);
 22 and

23 “(iii) any entity that is recipient of a
 24 ‘Federal award’ as defined in section 2(a)
 25 of the Federal Funding Accountability and

Transparency Act of 2006 (31 U.S.C.
6101 note);

“(B) an employee, applicant, or former
employee of a contractor, subcontractor, grant-
ee, or subgrantee of the Department of Defense
or the National Aeronautics and Space Admin-
istration, including an employee of—

“(i) the government of each of the
several States, the District of Columbia, an
Indian tribe or authorized tribal organiza-
tion, the Commonwealth of Puerto Rico,
Guam, American Samoa, the Virgin Is-
lands, the Commonwealth of the Northern
Mariana Islands, or any other territory or
possession of the United States; and

“(ii) the government of any political
subdivision of, agency of, or instrumen-
tality of, a government listed in clause (i);
or

“(C) a person performing personal services
for the Department of Defense or the National
Aeronautics and Space Administration pursuant
to a contractual agreement for the performance
of personal services, including a personal serv-
ices contract or personal services agreement,

and who engages in an activity for which any reprisal is prohibited under subsection (a), including a person performing personal services pursuant such a contractual agreement for—

“(i) the government of each of the several States; the District of Columbia; an Indian tribe or authorized tribal organization; the Commonwealth of Puerto Rico; Guam; American Samoa; the Virgin Islands; the Commonwealth of the Northern Mariana Islands; or any other territory or possession of the United States; and

“(ii) the government of any political subdivision of, agency of, or instrumentality of, a government listed in clause (i).”.

SEC. 3. ENHANCEMENT OF NON-DEFENSE CONTRACTOR PROTECTION FROM REPRISAL FOR DISCLOSURE OF CERTAIN INFORMATION.

Section 4712 of title 41, United States Code, is amended—

(1) in subsection (a)—

(A) by striking paragraph (1) and inserting the following paragraph:

1 “(1) IN GENERAL.—A protected individual may
2 not be discharged, demoted, or otherwise discrimi-
3 nated against as a reprisal for the following:

4 “(A) Objecting or refusing to participate in
5 any activity, policy, practice, or assigned task
6 that the protected individual reasonably believes
7 to be in violation of any law, rule, order, or reg-
8 ulation related to any contract, subcontract,
9 grant, or subgrant.

10 “(B) Disclosing to a person or body de-
11 scribed in paragraph (2) information that the
12 protected individual reasonably believes is evi-
13 dence of the following:

14 “(i) Gross mismanagement of any
15 Federal contract or grant, any gross waste
16 of Federal funds, any abuse of authority
17 relating to any Federal contract, sub-
18 contract, grant, or subgrant, or any viola-
19 tion of law, rule, or regulation related to
20 any Federal contract or subcontract (in-
21 cluding the competition for or negotiation
22 of a contract or subcontract) or grant or
23 subgrant.

24 “(ii) A substantial and specific danger
25 to public health or safety.”; and

1 ~~(B)~~ in paragraph ~~(3)~~—

2 (i) in subparagraph (A), by striking
3 “an employee” and inserting “a protected
4 individual”; and

5 (ii) by striking subparagraph (B) and
6 inserting the following subparagraph:

7 “~~(B)~~ it shall not be within the authority of
8 an executive branch official to request that a
9 contractor, subcontractor, grantee, or sub-
10 grantee engage in a reprisal prohibited by para-
11 graph (1).”;

12 ~~(2)~~ in subsection (c)—

13 (A) in paragraph (1), by adding at the end
14 the following new subparagraph:

15 “~~(E)~~ Propose appropriate disciplinary ac-
16 tion against any executive branch official for
17 any request made of a contractor, subcon-
18 tractor, grantee, or subgrantee that subjected
19 the complainant to a reprisal prohibited by sub-
20 section (a).”; and

21 (B) by striking paragraph (7) and insert-
22 ing the following paragraph:

23 “~~(7)~~ RIGHTS, FORUM, AND REMEDIES NOT
24 WAIVABLE.—

1 “(A) IN GENERAL.—The rights, forum,
2 and remedies provided for in this section may
3 not be waived by any public or private agree-
4 ment, policy, form, or condition of employment,
5 including by any predispute arbitration agree-
6 ment.

7 “(B) VALIDITY.—No predispute arbitra-
8 tion agreement shall be valid or enforceable if
9 it requires arbitration of a dispute arising
10 under this section.”;

11 (3) in subsection (c)—

12 (A) by striking “an employee” and insert-
13 ing “a protected individual”; and

14 (B) by striking “the employee” and insert-
15 ing “the protected individual”;

16 (4) in subsection (g)—

17 (A) by redesignating paragraph (2) as
18 paragraph (3);

19 (B) by inserting after paragraph (1) the
20 following new paragraph (2):

21 “(2) The term ‘contract’ includes any ‘Federal
22 award’ as defined in section 2(a) of the Federal
23 Funding Accountability and Transparency Act of
24 2006 (31 U.S.C. 6101 note).”; and

1 (C) by inserting after paragraph (3), as so
2 redesignated, the following new paragraph:

3 “(4) The term ‘protected individual’ means—

4 “(A) a contractor, subcontractor, grantee,
5 or subgrantee of the Federal Government, in-
6 cluding—

7 “(i) the government of each of the
8 several States, the District of Columbia, an
9 Indian tribe or authorized tribal organiza-
10 tion, the Commonwealth of Puerto Rico,
11 Guam, American Samoa, the Virgin Is-
12 lands, the Commonwealth of the Northern
13 Mariana Islands, or any other territory or
14 possession of the United States;

15 “(ii) the government of any political
16 subdivision of, agency of, or instrumen-
17 tality of, a government listed in clause (i);
18 and

19 “(iii) any entity that is recipient of a
20 ‘Federal award’ as defined in section 2(a)
21 of the Federal Funding Accountability and
22 Transparency Act of 2006 (31 U.S.C.
23 6101 note);

24 “(B) an employee, applicant, or former
25 employee of a contractor, subcontractor, grant-

1 ee, or subgrantee of the Federal Government,
2 including an employee of—

3 “(i) the government of each of the
4 several States, the District of Columbia, an
5 Indian tribe or authorized tribal organiza-
6 tion, the Commonwealth of Puerto Rico,
7 Guam, American Samoa, the Virgin Is-
8 lands, the Commonwealth of the Northern
9 Mariana Islands, or any other territory or
10 possession of the United States; and

11 “(ii) the government of any political
12 subdivision of, agency of, or instrumen-
13 tality of, a government listed in clause (i);
14 or

15 “(C) a person performing personal services
16 for the Federal Government pursuant to a con-
17 tractual agreement for the performance of per-
18 sonal services, including a personal services con-
19 tract or personal services agreement, including
20 a person performing personal services pursuant
21 to such a contractual agreement for—

22 “(i) the government of each of the
23 several States, the District of Columbia, an
24 Indian tribe or authorized tribal organiza-
25 tion, the Commonwealth of Puerto Rico,

Guam, American Samoa, the Virgin Islands, the Commonwealth of the Northern Mariana Islands, or any other territory or possession of the United States; and

“(ii) the government of any political subdivision of, agency of, or instrumentality of, a government listed in clause (i).”;

(5) by redesignating subsection (h) as subsection (i); and

(6) by inserting after subsection (g) the following new subsection:

“(h) **AFFIRMATIVE DEFENSE.**—Engaging in any activity protected against reprisal under this section shall be an affirmative defense in any civil or criminal action that seeks liability for engaging in such activity.”.

SECTION 1. SHORT TITLE.

This Act may be cited as the “Expanding Whistleblower Protections for Contractors Act of 2024”.

SEC. 2. DEFENSE CONTRACTOR EMPLOYEES: PROTECTION FROM REPRISAL FOR DISCLOSURE OF CERTAIN INFORMATION.

Section 4701 of title 10, United States Code, is amended—

(1) in subsection (a)—

1 (A) in paragraph (1)—

2 (i) in the matter preceding subpara-
3 graph (A)—

4 (I) by striking “An employee”
5 and all that follows through “services
6 contractor” and inserting “A protected
7 individual”; and

8 (II) by striking “disclosing” and
9 all that follows through “evidence of”;
10 and

11 (ii) by striking subparagraphs (A),
12 (B), and (C) and inserting the following
13 subparagraphs:

14 “(A) Refusing to obey an order that would re-
15 quire the protected individual to violate a law, rule,
16 or regulation related to any contract, subcontract,
17 grant, or subgrant.

18 “(B) Disclosing to a person or body described in
19 paragraph (2) information that the protected indi-
20 vidual reasonably believes is evidence of the following:

21 “(i) Gross mismanagement of any Depart-
22 ment of Defense contract or grant, any gross
23 waste of Department funds, any abuse of author-
24 ity relating to any Department contract, sub-
25 contract, grant, or subgrant, or any violation of

1 *law, rule, or regulation related to any Depart-*
 2 *ment contract or subcontract (including the com-*
 3 *petition for or negotiation of a contract or sub-*
 4 *contract) or grant or subgrant.*

5 “(ii) *Gross mismanagement of any National*
 6 *Aeronautics and Space Administration contract*
 7 *or grant, any gross waste of Administration*
 8 *funds, any abuse of authority relating to an Ad-*
 9 *ministration contract, subcontract, grant, or*
 10 *subgrant, or any violation of law, rule, or regu-*
 11 *lation related to any Administration contract or*
 12 *subcontract (including the competition for or ne-*
 13 *gotiation of a contract or subcontract) or grant*
 14 *or subgrant.*

15 “(iii) *A substantial and specific danger to*
 16 *public health or safety.”; and*

17 *(B) in paragraph (3)—*

18 *(i) in subparagraph (A), by striking*
 19 *“an employee” and inserting “a protected*
 20 *individual”; and*

21 *(ii) by striking subparagraph (B) and*
 22 *inserting the following subparagraph:*

23 “(B) *it shall not be within the authority of an*
 24 *executive branch official to request that a contractor,*

1 subcontractor, grantee, or subgrantee engage in a re-
2 prisal prohibited by paragraph (1).”;

3 (2) in subsection (c)—

4 (A) in paragraph (1), by adding at the end
5 the following subparagraph:

6 “(E) Propose appropriate disciplinary action
7 against any executive branch official for any request
8 made of a contractor, subcontractor, grantee, or sub-
9 grantee that subjected the complainant to a reprisal
10 prohibited by subsection (a).”; and

11 (B) by striking paragraph (7) and inserting
12 the following paragraph:

13 “(7) CLARIFICATION FOR SCOPE OF WAIVER RESTRIC-
14 TIONS.—(A) The rights, forum, and remedies provided for
15 in this section may not be waived by any public or private
16 agreement, policy, form, or condition of employment, in-
17 cluding by any predispute arbitration agreement.

18 “(B) No provision of the predispute arbitration agree-
19 ment shall be valid or enforceable if it requires arbitration
20 of a dispute arising under this section.”;

21 (3) by striking subsection (e) and redesignating
22 subsections (f) and (g) as subsections (e) and (f), re-
23 spectively;

24 (4) in subsection (e), as so redesignated—

1 (A) by striking “an employee” and insert-
2 ing “a protected individual”; and

3 (B) by striking “the employee” and insert-
4 ing “the protected individual”; and

5 (5) in subsection (f), as so redesignated, by add-
6 ing at the end the following new paragraph:

7 “(8) The term ‘protected individual’ means—

8 “(A) a contractor, subcontractor, grantee, or
9 subgrantee of the Department of Defense or the
10 National Aeronautics and Space Administration,
11 including—

12 “(i) the government of each of the sev-
13 eral States, the District of Columbia, an In-
14 dian tribe or authorized tribal organization,
15 the Commonwealth of Puerto Rico, Guam,
16 American Samoa, the Virgin Islands, the
17 Commonwealth of the Northern Mariana Is-
18 lands, or any other territory or possession
19 of the United States;

20 “(ii) the government of any political
21 subdivision of, agency of, or instrumentality
22 of, a government listed in clause (i); and

23 “(iii) an element of the intelligence
24 community (as defined in section 3 of the

1 *National Security Act of 1947 (50 U.S.C.*
2 *3003)) within the Department of Defense;*

3 “(B) *an employee of a contractor, subcon-*
4 *tractor, grantee, or subgrantee of the Department*
5 *of Defense or the National Aeronautics and*
6 *Space Administration, or a former employee of*
7 *such contractor, subcontractor, grantee, or sub-*
8 *grantee whose protected disclosure or engagement*
9 *in any activity protected against reprisal under*
10 *this section occurred prior to termination, in-*
11 *cluding an employee of—*

12 “(i) *the government of each of the sev-*
13 *eral States, the District of Columbia, an In-*
14 *Indian tribe or authorized tribal organization,*
15 *the Commonwealth of Puerto Rico, Guam,*
16 *American Samoa, the Virgin Islands, the*
17 *Commonwealth of the Northern Mariana Is-*
18 *lands, or any other territory or possession*
19 *of the United States;*

20 “(ii) *the government of any political*
21 *subdivision of, agency of, or instrumentality*
22 *of, a government listed in clause (i); and*

23 “(iii) *an element of the intelligence*
24 *community (as defined in section 3 of the*

1 *National Security Act of 1947 (50 U.S.C.*
2 *3003)) within the Department of Defense; or*
3 “(C) *a person performing personal services*
4 *for the Department of Defense or the National*
5 *Aeronautics and Space Administration pursuant*
6 *to a contractual agreement for the performance*
7 *of personal services, including a personal services*
8 *contract or personal services agreement, and who*
9 *engages in an activity for which any reprisal is*
10 *prohibited under subsection (a), including a per-*
11 *son performing personal services pursuant such a*
12 *contractual agreement for—*

13 “(i) *the government of each of the sev-*
14 *eral States, the District of Columbia, an In-*
15 *Indian tribe or authorized tribal organization,*
16 *the Commonwealth of Puerto Rico, Guam,*
17 *American Samoa, the Virgin Islands, the*
18 *Commonwealth of the Northern Mariana Is-*
19 *lands, or any other territory or possession*
20 *of the United States;*

21 “(ii) *the government of any political*
22 *subdivision of, agency of, or instrumentality*
23 *of, a government listed in clause (i); and*

24 “(iii) *an element of the intelligence*
25 *community (as defined in section 3 of the*

1 *National Security Act of 1947 (50 U.S.C.*
 2 *3003)) within the Department of Defense.”.*

3 **SEC. 3. ENHANCEMENT OF NON-DEFENSE CONTRACTOR**
 4 **PROTECTION FROM REPRISAL FOR DISCLO-**
 5 **SURE OF CERTAIN INFORMATION.**

6 *Section 4712 of title 41, United States Code, is amend-*
 7 *ed—*

8 *(1) in subsection (a)—*

9 *(A) by striking paragraph (1) and inserting*
 10 *the following paragraph:*

11 *“(1) IN GENERAL.—A protected individual may*
 12 *not be discharged, demoted, or otherwise discrimi-*
 13 *nated against as a reprisal for the following:*

14 *“(A) Refusing to obey an order that would*
 15 *require the protected individual to violate a law,*
 16 *rule, or regulation related to any contract, sub-*
 17 *contract, grant, or subgrant.*

18 *“(B) Disclosing to a person or body de-*
 19 *scribed in paragraph (2) information that the*
 20 *protected individual reasonably believes is evi-*
 21 *dence of the following:*

22 *“(i) Gross mismanagement of any Fed-*
 23 *eral contract or grant, any gross waste of*
 24 *Federal funds, any abuse of authority relat-*
 25 *ing to any Federal contract, subcontract,*

1 *grant, or subgrant, or any violation of law,*
 2 *rule, or regulation related to any Federal*
 3 *contract or subcontract (including the com-*
 4 *petition for or negotiation of a contract or*
 5 *subcontract) or grant or subgrant.*

6 “(ii) *A substantial and specific danger*
 7 *to public health or safety.”; and*
 8 *(B) in paragraph (3)—*

9 *(i) in subparagraph (A), by striking*
 10 *“an employee” and inserting “a protected*
 11 *individual”;* and

12 *(ii) by striking subparagraph (B) and*
 13 *inserting the following subparagraph:*

14 *“(B) it shall not be within the authority of*
 15 *an executive branch official to request that a*
 16 *contractor, subcontractor, grantee, or subgrantee*
 17 *engage in a reprisal prohibited by paragraph*
 18 *(1).”;*

19 *(2) in subsection (c)—*

20 *(A) in paragraph (1), by adding at the end*
 21 *the following new subparagraph:*

22 *“(E) Propose appropriate disciplinary ac-*
 23 *tion against any executive branch official for*
 24 *any request made of a contractor, subcontractor,*
 25 *grantee, or subgrantee that subjected the com-*

1 *plainant to a reprisal prohibited by subsection*
 2 *(a).”; and*

3 *(B) by striking paragraph (7) and inserting*
 4 *the following paragraph:*

5 *“(7) RIGHTS, FORUM, AND REMEDIES NOT*
 6 *WAIVABLE.—*

7 *“(A) IN GENERAL.—The rights, forum, and*
 8 *remedies provided for in this section may not be*
 9 *waived by any public or private agreement, pol-*
 10 *icy, form, or condition of employment, including*
 11 *by any predispute arbitration agreement.*

12 *“(B) VALIDITY.—No provision of the*
 13 *predispute arbitration agreement shall be valid*
 14 *or enforceable if it requires arbitration of a dis-*
 15 *pute arising under this section.”;*

16 *(3) in subsection (e)—*

17 *(A) by striking “an employee” and insert-*
 18 *ing “a protected individual”; and*

19 *(B) by striking “the employee” and insert-*
 20 *ing “the protected individual”;*

21 *(4) by striking subsection (f) and redesignating*
 22 *subsections (g) and (h) as subsections (f) and (g), re-*
 23 *spectively; and*

1 (5) *in subsection (f), as so redesignated, by in-*
 2 *serting after paragraph (2) the following new para-*
 3 *graph:*

4 “(3) *The term ‘protected individual’ means—*

5 “(A) *a contractor, subcontractor, grantee, or*
 6 *subgrantee of the Federal Government, includ-*
 7 *ing—*

8 “(i) *the government of each of the sev-*
 9 *eral States, the District of Columbia, an In-*
 10 *dian tribe or authorized tribal organization,*
 11 *the Commonwealth of Puerto Rico, Guam,*
 12 *American Samoa, the Virgin Islands, the*
 13 *Commonwealth of the Northern Mariana Is-*
 14 *lands, or any other territory or possession*
 15 *of the United States;*

16 “(ii) *the government of any political*
 17 *subdivision of, agency of, or instrumentality*
 18 *of, a government listed in clause (i); and*

19 “(iii) *an element of the intelligence*
 20 *community (as defined in section 3 of the*
 21 *National Security Act of 1947 (50 U.S.C.*
 22 *3003));*

23 “(B) *an employee of a contractor, subcon-*
 24 *tractor, grantee, or subgrantee of the Federal*
 25 *Government or a former employee of such con-*

1 *tractor, subcontractor, grantee, or subgrantee*
2 *whose protected disclosure or engagement in any*
3 *activity protected against reprisal under this sec-*
4 *tion occurred prior to termination, including an*
5 *employee of—*

6 *“(i) the government of each of the sev-*
7 *eral States, the District of Columbia, an In-*
8 *Indian tribe or authorized tribal organization,*
9 *the Commonwealth of Puerto Rico, Guam,*
10 *American Samoa, the Virgin Islands, the*
11 *Commonwealth of the Northern Mariana Is-*
12 *lands, or any other territory or possession*
13 *of the United States;*

14 *“(ii) the government of any political*
15 *subdivision of, agency of, or instrumentality*
16 *of, a government listed in clause (i); and*

17 *“(iii) an element of the intelligence*
18 *community (as defined in section 3 of the*
19 *National Security Act of 1947 (50 U.S.C.*
20 *3003)); or*

21 *“(C) a person performing personal services*
22 *for the Federal Government pursuant to a con-*
23 *tractual agreement for the performance of per-*
24 *sonal services, including a personal services con-*
25 *tract or personal services agreement, including a*

1 *person performing personal services pursuant to*
2 *such a contractual agreement for—*

3 “(i) *the government of each of the sev-*
4 *eral States, the District of Columbia, an In-*
5 *dian tribe or authorized tribal organization,*
6 *the Commonwealth of Puerto Rico, Guam,*
7 *American Samoa, the Virgin Islands, the*
8 *Commonwealth of the Northern Mariana Is-*
9 *lands, or any other territory or possession*
10 *of the United States;*

11 “(ii) *the government of any political*
12 *subdivision of, agency of, or instrumentality*
13 *of, a government listed in clause (i); and*

14 “(iii) *an element of the intelligence*
15 *community (as defined in section 3 of the*
16 *National Security Act of 1947 (50 U.S.C.*
17 *3003)).”.*

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To ensure that whistleblowers, including contractors, are protected from retaliation when a Federal employee orders a reprisal, and for other purposes.

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Reported with an amendment