

107TH CONGRESS
2D SESSION

S. 3137

To provide remedies for retaliation against whistleblowers making congressional disclosures.

IN THE SENATE OF THE UNITED STATES

OCTOBER 17, 2002

Mr. LEAHY introduced the following bill; which was read twice and referred to the Committee on Governmental Affairs

A BILL

To provide remedies for retaliation against whistleblowers making congressional disclosures.

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 “Congressional Over-
5 sight Protection Act of 2002”.

6 **SEC. 2. PROVIDING REMEDIES FOR RETALIATION AGAINST**
7 **WHISTLEBLOWERS MAKING CONGRESSIONAL**
8 **DISCLOSURES.**

9 Section 7211 of title 5, United States Code, is
10 amended—

1 (1) by inserting “(a)” before “The right”; and

2 (2) by adding at the end the following:

3 “(b) Any employee aggrieved by the discrimination
4 of an employer in violation of subsection (a) may bring
5 an action at law or equity for de novo review in the appro-
6 priate district court of the United States, which shall have
7 jurisdiction over an action under this subsection, without
8 regard to the amount in controversy.

9 “(c) Any employee prevailing in an action under this
10 section shall be entitled to all relief necessary to make the
11 employee whole, including—

12 “(1) reinstatement with the same seniority sta-
13 tus that the employee would have had but for the
14 discrimination;

15 “(2) the amount of back pay lost as a result of
16 the discrimination, with interest;

17 “(3) compensation for any special damages sus-
18 tained as a result of the discrimination, including
19 litigation costs, expert witness fees, and reasonable
20 attorney fees; and

21 “(4) punitive damages, in appropriate cases.

22 “(d) Upon the request of the complainant, any action
23 under this section shall be tried by the court with a jury.

24 “(e) The same legal burdens of proof in proceedings
25 under this section shall apply as apply under sections

1 1214(b)(4)(B) and 1221(c) in the case of any alleged pro-
2 hibited personal practice described in section 2302(b)(8).

3 “(f) For purposes of this section, the term ‘employee’
4 means an individual (as defined by section 2105) and any
5 individual or organization performing services under a
6 contract with the Government (including as an employee
7 of an organization).”.

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