

Union Calendar No. 657

114TH CONGRESS
2^D SESSION

H. R. 5920

[Report No. 114–836, Part I]

To enhance whistleblower protection for contractor and grantee employees.

IN THE HOUSE OF REPRESENTATIVES

JULY 21, 2016

Mr. CUMMINGS (for himself, Mr. CHAFFETZ, Mr. CONYERS, Mr. LYNCH, and Mr. JEFFRIES) introduced the following bill; which was 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

NOVEMBER 29, 2016

Additional sponsor: Ms. DUCKWORTH

NOVEMBER 29, 2016

Reported from the Committee on Oversight and Government Reform

NOVEMBER 29, 2016

The Committee on Armed Services discharged; committed to the Committee of the Whole House on the State of the Union and ordered to be printed

A BILL

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,*

3 **SECTION 1. SHORT TITLE.**

4 This Act may be cited as the “Whistleblower Protec-
5 tions for Contractors Act”.

6 **SEC. 2. ENHANCEMENT OF WHISTLEBLOWER PROTECTION**
7 **FOR CONTRACTOR AND GRANTEE EMPLOY-**
8 **EES.**

9 (a) PROTECTION FOR EMPLOYEES OF GRANTEES
10 AND SUBGRANTEES.—

11 (1) DEFENSE GRANTS.—Section 2409(a)(1) of
12 title 10, United States Code, is amended by insert-
13 ing “or personal services contractor” after “sub-
14 grantee”.

15 (2) CIVILIAN GRANTS.—Section 4712(a)(1) of
16 title 41, United States Code, is amended by striking
17 “or grantee” and inserting “grantee, or subgrantee
18 or personal services contractor”.

19 (3) PERMANENT EXTENSION OF PILOT PRO-
20 GRAM FOR ENHANCEMENT OF CONTRACTOR PROTEC-
21 TION FROM REPRISAL FOR DISCLOSURE OF CERTAIN
22 INFORMATION.—

23 (A) IN GENERAL.—Section 4712 of title
24 41, United States Code, is amended—

- 1 (i) in the section heading by striking
 2 **“Pilot program for enhancement”**
 3 and inserting **“Enhancement”**; and
 4 (ii) by striking subsection (i).

5 (B) CLERICAL AMENDMENT.—The table of
 6 sections at the beginning of chapter 47 of title
 7 41, United States Code, is amended by striking
 8 the item relating to section 4712 and inserting
 9 the following new item:

“4712. Enhancement of contractor protection from reprisal for disclosure of cer-
 tain information.”.

10 (b) PROHIBITION ON REIMBURSEMENT FOR LEGAL
 11 FEES ACCRUED IN DEFENSE AGAINST REPRISAL
 12 CLAIMS.—

13 (1) DEFENSE CONTRACTS.—Section 2324(k) of
 14 title 10, United States Code, is amended—

15 (A) by inserting “or subcontractor, or per-
 16 sonal services contractor” after “contractor”
 17 each place it appears;

18 (B) by inserting “, subcontract, or per-
 19 sonal services contract” after “contract” each
 20 place it appears; and

21 (C) in paragraph (1), by inserting “or to
 22 any other activity described in subparagraphs
 23 (A) through (C) of section 2409(a)(1) of this
 24 title” after “statute or regulation”.

1 (2) CIVILIAN CONTRACTS.—

2 (A) IN GENERAL.—Section 4310 of title
3 41, United States Code, is amended—

4 (i) by inserting “, subcontractor, or
5 personal services contractor” after “con-
6 tractor” each place it appears;

7 (ii) by inserting “, subcontract, or
8 personal services contract” after “con-
9 tract” each place it appears; and

10 (iii) in subsection (b)(1), by inserting
11 “or to any other activity described in sec-
12 tion 4712(a)(1) of this title” after “statute
13 or regulation”.

14 (B) CONFORMING AMENDMENT.—Section
15 4304(a)(15) of title 41, United States Code, is
16 amended by inserting “or subcontractor, or per-
17 sonal service contractor” after “contractor”.

18 (c) INCLUSION OF CONTRACT CLAUSE IN CONTRACTS
19 AWARDED BEFORE EFFECTIVE DATE.—At the time of
20 any major modification to a contract that was awarded
21 before the date of the enactment of this Act, the head of
22 the contracting agency shall make best efforts to include
23 in the contract a contract clause providing for the applica-
24 bility of the amendments made by this section and section

- 1 827 of the National Defense Authorization Act for Fiscal
- 2 Year 2013 (Public Law 112–239; 126 Stat. 1833).

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