

114TH CONGRESS
2D SESSION

S. 2723

To amend the Congressional Accountability Act of 1995 to apply whistleblower protections available to certain executive branch employees to legislative branch employees, and for other purposes.

IN THE SENATE OF THE UNITED STATES

MARCH 17, 2016

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

A BILL

To amend the Congressional Accountability Act of 1995 to apply whistleblower protections available to certain executive branch employees to legislative branch employees, 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. APPLICATION OF WHISTLEBLOWER PROTEC-**
4 **TION RULES TO LEGISLATIVE BRANCH EM-**
5 **PLOYEES.**

6 (a) SHORT TITLE.—This Act may be cited as the
7 “Congressional Whistleblower Protection Act of 2016”.

1 (b) WHISTLEBLOWER AMENDMENTS.—Part A of
 2 title II of the Congressional Accountability Act of 1995
 3 (2 U.S.C. 1311 et seq.) is amended—

4 (1) in the part heading, by striking “**FAIR**
 5 **LABOR STANDARDS,**” and all that follows and in-
 6 serting “**AND OTHER PROTECTIONS AND BENE-**
 7 **FITS**”;

8 (2) by redesignating section 207 as section 208;
 9 and

10 (3) by inserting after section 206 the following:

11 “**SEC. 207. RIGHTS AND PROTECTIONS UNDER WHISTLE-**
 12 **BLOWER PROTECTION RULES.**

13 “(a) RIGHTS AND PROTECTIONS DESCRIBED.—

14 “(1) IN GENERAL.—No employing office may
 15 take or fail to take, or threaten to take or fail to
 16 take, a personnel action (within the meaning of
 17 chapter 23 of title 5, United States Code) with re-
 18 spect to any covered employee or applicant for em-
 19 ployment because of—

20 “(A) any disclosure of information by a
 21 covered employee or applicant which the em-
 22 ployee or applicant reasonably believes evi-
 23 dences—

24 “(i) a violation of any law, rule, or
 25 regulation; or

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

5 if such disclosure is not specifically prohibited
 6 by law and if such information is not specifi-
 7 cally required by Executive order or the rules of
 8 the Senate or the House of Representatives to
 9 be kept secret in the interest of national de-
 10 fense or the conduct of foreign affairs; or

11 “(B) any disclosure to the General Coun-
 12 sel, or to the Inspector General of a legislative
 13 or executive agency or another employee des-
 14 ignated by the head of the legislative or execu-
 15 tive agency to receive such disclosures, of infor-
 16 mation which the employee or applicant reason-
 17 ably believes evidences—

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

20 “(ii) 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.

24 “(2) DEFINITIONS.—For purposes of this sec-
 25 tion and for purposes of applying the procedures es-

1 tablished under title IV for the consideration of al-
2 leged violations of this section—

3 “(A) the term ‘covered employee’ includes
4 an employee of the Government Accountability
5 Office or Library of Congress; and

6 “(B) the term ‘employing office’ includes
7 the Government Accountability Office and the
8 Library of Congress.

9 “(b) REMEDY.—The remedy for a violation of sub-
10 section (a) shall be such remedy as would be appropriate
11 if awarded under chapter 12 of title 5, United States
12 Code, with respect to a prohibited personnel practice de-
13 scribed in section 2302(b)(8) of such title.

14 “(c) REGULATIONS TO IMPLEMENT SECTION.—

15 “(1) IN GENERAL.—The Board shall, pursuant
16 to section 304, issue regulations to implement this
17 section.

18 “(2) AGENCY REGULATIONS.—The regulations
19 issued under paragraph (1) shall be the same as the
20 substantive regulations promulgated by the Merit
21 Systems Protection Board to implement chapters 12
22 and 23 of title 5, United States Code, except to the
23 extent that the Board of Directors of the Office of
24 Compliance may determine, for good cause shown
25 and stated together with the regulation, that a modi-

1 fication of such regulations would be more effective
 2 for the implementation of the rights and protections
 3 under this section.”.

4 (c) TECHNICAL AND CONFORMING AMENDMENTS.—

5 (1) TABLE OF CONTENTS.—The table of con-
 6 tents for part A of title II of the Congressional Ac-
 7 countability Act of 1995 is amended—

8 (A) by striking the item relating to part A
 9 and inserting the following:

“PART A—EMPLOYMENT DISCRIMINATION, FAMILY AND MEDICAL LEAVE,
 AND OTHER PROTECTIONS AND BENEFITS”;

10 and

11 (B) by striking the item relating to section
 12 207 and inserting the following:

“Sec. 207. Rights and protections under whistleblower protection rules.
 “Sec. 208. Prohibition of intimidation or reprisal.”.

13 (2) APPLICATION OF LAWS.—Section 102(a) of
 14 the Congressional Accountability Act of 1995 (2
 15 U.S.C. 1302(a)) is amended by adding at the end
 16 the following:

17 “(12) Section 2302(b)(8) of title 5, United
 18 States Code.”.

19 (3) OTHER CONFORMING AMENDMENTS.—Sec-
 20 tion 62(e)(2) of the Internal Revenue Code of 1986
 21 is amended—

22 (A) by striking “or 207” and inserting
 23 “207, or 208”; and

- 1 (B) by striking “or 1317” and inserting
- 2 “1317, or 1318”.

○