

Calendar No. 340

115TH CONGRESS
2D SESSION**H. R. 4043**

IN THE SENATE OF THE UNITED STATES

MARCH 7, 2018

Received; read twice and placed on the calendar

AN ACT

To amend the Inspector General Act of 1978 to reauthorize the whistleblower protection program, 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 “Whistleblower Protec-
5 tion Extension Act of 2017”.

6 **SEC. 2. REAUTHORIZATION.**

7 (a) IN GENERAL.—Section 3(d) of the Inspector Gen-
8 eral Act of 1978 (5 U.S.C. App.) is amended—

9 (1) in paragraph (1)(C)—

1 (A) by redesignating clauses (i) and (ii) as
2 subclauses (I) and (II), respectively, and adjust-
3 ing the margins accordingly;

4 (B) by striking “Ombudsman who shall
5 educate agency employees—” and inserting the
6 following: “Coordinator who shall—

7 “(i) educate agency employees—”;

8 (C) in subclause (I), as so redesignated, by
9 striking “on retaliation” and inserting “against
10 retaliation”;

11 (D) in subclause (II), as so redesignated,
12 by striking the period at the end and inserting
13 the following: “, including—

14 “(aa) the means by which em-
15 ployees may seek review of any allega-
16 tion of reprisal, including the roles of
17 the Office of the Inspector General,
18 the Office of Special Counsel, the
19 Merit Systems Protection Board, and
20 any other relevant entities; and

21 “(bb) general information about
22 the timeliness of such cases, the avail-
23 ability of any alternative dispute
24 mechanisms, and avenues for poten-
25 tial relief;” and

1 (E) by adding at the end the following:

2 “(ii) assist the Inspector General in pro-
3 moting the timely and appropriate handling and
4 consideration of protected disclosures and alle-
5 gations of reprisal, to the extent practicable, by
6 the Inspector General; and

7 “(iii) assist the Inspector General in facili-
8 tating communication and coordination with the
9 Special Counsel, the Council of the Inspectors
10 General on Integrity and Efficiency, the agency,
11 Congress, and any other relevant entity regard-
12 ing the timely and appropriate handling and
13 consideration of protected disclosures, allega-
14 tions of reprisal, and general matters regarding
15 the implementation and administration of whis-
16 tleblower protection laws, rules, and regula-
17 tions.”;

18 (2) in paragraph (2), by striking “Ombuds-
19 man” and inserting “Coordinator”;

20 (3) by redesignating paragraph (3) as para-
21 graph (4); and

22 (4) by inserting after paragraph (2) the fol-
23 lowing:

1 “(3) The Whistleblower Protection Coordinator shall
2 have direct access to the Inspector General as needed to
3 accomplish the requirements of this subsection.”.

4 (b) RESPONSIBILITIES OF CIGIE.—Section 11(c) of
5 the Inspector General Act of 1978 (5 U.S.C. App.) is
6 amended by adding at the end the following:

7 “(5) ADDITIONAL RESPONSIBILITIES RELATING
8 TO WHISTLEBLOWER PROTECTION.—The Council
9 shall—

10 “(A) facilitate the work of the Whistle-
11 blower Protection Coordinators designated
12 under section 3(d)(C); and

13 “(B) in consultation with the Office of
14 Special Counsel and Whistleblower Protection
15 Coordinators from the member offices of the In-
16 spector General, develop best practices for co-
17 ordination and communication in promoting the
18 timely and appropriate handling and consider-
19 ation of protected disclosures, allegations of re-
20 prisal, and general matters regarding the imple-
21 mentation and administration of whistleblower
22 protection laws, in accordance with Federal
23 law.”.

24 (c) REPORTING.—Section 5 of the Inspector General
25 Act of 1978 (5 U.S.C. App.) is amended—

1 (1) in subsection (a), by amending paragraph
2 (20) to read as follows:

3 “(20)(A) a detailed description of any instance
4 of whistleblower retaliation, including information
5 about the official found to have engaged in retaliation;
6 and

7 “(B) what, if any, consequences the establishment
8 actually imposed to hold the official described
9 in subparagraph (A) accountable;”; and

10 (2) in subsection (b)—

11 (A) in paragraph (3)(D), by striking
12 “and” at the end;

13 (B) by redesignating paragraph (4) as
14 paragraph (5); and

15 (C) by inserting after paragraph (3) the
16 following:

17 “(4) whether the establishment entered into a
18 settlement agreement with the official described in
19 subsection (a)(20)(A), which shall be reported regardless
20 of any confidentiality agreement relating to
21 the settlement agreement; and”.

22 (d) REPEAL OF SUNSET.—

23 (1) IN GENERAL.—Subsection (c) of section
24 117 of the Whistleblower Protection Enhancement

1 Act of 2012 (Public Law 112–199; 126 Stat. 1475)
2 is repealed.

3 (2) RETROACTIVE EFFECTIVE DATE.—The
4 amendment made by paragraph (1) shall take effect
5 on November 26, 2017.

Passed the House of Representatives March 6,
2018.

Attest:

KAREN L. HAAS,
Clerk.

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