

116TH CONGRESS  
1ST SESSION

# S. 2798

To ensure whistleblowers who are Government employees or contractors receive adequate protection.

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IN THE SENATE OF THE UNITED STATES

NOVEMBER 6, 2019

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

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## A BILL

To ensure whistleblowers who are Government employees or contractors receive adequate protection.

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 Act of 2019”.

6 **SEC. 2. DEFINITIONS.**

7 In this Act—

8 (1) the term “Federal contractor” means a con-  
9 tractor or subcontractor (at any tier) of the United  
10 States Government; and

1 (2) the term “personnel action”—

2 (A) has the meaning given that term in  
3 section 2302 of title 5, United States Code; and

4 (B) includes other disciplinary or corrective  
5 action and performance evaluations by an em-  
6 ployer.

7 **SEC. 3. WHISTLEBLOWER PROTECTIONS FOR CONTRAC-**  
8 **TORS.**

9 (a) **PROHIBITED PERSONNEL PRACTICES.**—An em-  
10 ployee of a Federal contractor who has authority to take,  
11 direct others to take, recommend, or approve any per-  
12 sonnel action, shall not, with respect to such authority—

13 (1) take or fail to take, or threaten to take or  
14 fail to take, a personnel action with respect to any  
15 employee of the Federal contractor or applicant for  
16 employment by the Federal contractor because of—

17 (A) any disclosure of information by the  
18 employee of the Federal contractor or applicant  
19 for employment by the Federal contractor  
20 which the employee of the Federal contractor or  
21 applicant for employment by the Federal con-  
22 tractor reasonably believes evidences—

23 (i) any violation of any law, rule, or  
24 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 to be kept se-  
8                   cret in the interest of national defense or the  
9                   conduct of foreign affairs; or

10                   (B) any disclosure to the Special Counsel,  
11                   or to the Inspector General of an agency or an-  
12                   other employee designated by the head of the  
13                   agency to receive such disclosures, of informa-  
14                   tion which the employee of the Federal con-  
15                   tractor or applicant for employment by the Fed-  
16                   eral contractor reasonably believes evidences—

17                   (i) any violation (other than a viola-  
18                   tion of this section) 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; or

24                   (2) take or fail to take, or threaten to take or  
25                   fail to take, any personnel action against any em-

1        ployee of the Federal contractor or applicant for em-  
2        ployment by the Federal contractor for employment  
3        because of—

4                (A) the exercise of any appeal, complaint,  
5                or grievance right granted by any law, rule, or  
6                regulation—

7                        (i) with regard to remedying a viola-  
8                        tion of paragraph (1); or

9                        (ii) other than with regard to rem-  
10                        edying a violation of paragraph (1);

11                (B) testifying for or otherwise lawfully as-  
12                sisting any individual in the exercise of any  
13                right referred to in subparagraph (A)(i) or (ii);

14                (C) cooperating with or disclosing informa-  
15                tion to the Inspector General (or any other  
16                component responsible for internal investigation  
17                or review) of an agency, or the Special Counsel,  
18                in accordance with applicable provisions of law;  
19                or

20                (D) refusing to obey an order that would  
21                require the individual to violate a law, rule, or  
22                regulation.

23        (b) AGENCY ACTION.—A Federal agency may not  
24        pressure a Federal contractor to take, fail to take, or  
25        threaten to take or fail to take any personnel action relat-

1 ing to an employee of the Federal contractor based on a  
2 disclosure or action described in paragraph (1) or (2) of  
3 subsection (a).

4 (c) RETROACTIVE EFFECT.—This section shall apply  
5 to a personnel action taken or failed to be taken, or threat-  
6 ened to be taken or failed to be taken before, on, or after  
7 the date of enactment of this Act.

8 **SEC. 4. NO TERMINATION OR PROSECUTION OF WHISTLE-**  
9 **BLOWERS.**

10 Congress reaffirms that no Federal employee or em-  
11 ployee of a Federal contractor should be terminated or  
12 prosecuted for making protected disclosures or any other  
13 disclosures as a whistleblower.

14 **SEC. 5. ENSURING SIXTH AMENDMENT PROTECTIONS.**

15 Congress reaffirms that, in the case of criminal pros-  
16 ecutions and impeachments arising from the disclosures  
17 of whistleblowers, the accused has the right to confront  
18 his or her accuser in such proceedings and that right is  
19 not superseded by the whistleblower protections.

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