

116TH CONGRESS
2D SESSION

S. 4438

To amend title 5, United States Code, to protect Federal employees from retaliation for the lawful use of Federal records, and for other purposes.

IN THE SENATE OF THE UNITED STATES

AUGUST 5, 2020

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

A BILL

To amend title 5, United States Code, to protect Federal employees from retaliation for the lawful use of Federal records, 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 “Federal Employee Ac-
5 cess to Information Act”.

6 **SEC. 2. PROTECTIONS AGAINST RETALIATION FOR LAWFUL**
7 **USE OF FEDERAL RECORDS BY FEDERAL EM-**
8 **PLOYEES.**

9 (a) PROTECTION AGAINST RETALIATION.—Section
10 2302(b)(9) of title 5, United States Code, is amended—

1 (1) in subparagraph (C), by striking “or” at
2 the end;

3 (2) in subparagraph (D), by inserting “or”
4 after the semicolon; and

5 (3) by adding at the end the following:

6 “(E) the employee or applicant for employ-
7 ment—

8 “(i) making a request for information
9 pursuant to section 552 (commonly re-
10 ferred to as the ‘Freedom of Information
11 Act’) or subsection (d) of section 552a
12 (commonly referred to as the ‘Privacy Act
13 of 1974’); or

14 “(ii) pursuing any administrative or
15 judicial action with respect to such request,
16 including seeking assistance or to engage
17 in dispute resolution, as described in sec-
18 tion 552.”.

19 (b) CONFORMING AMENDMENTS.—

20 (1) TITLE 5.—Sections 1214, 1215(a)(3)(B),
21 1221, 2302, and 7703 of title 5, United States
22 Code, are amended by striking “or (D)” in each in-
23 stance and inserting “(D), or (E)”.

24 (2) WHISTLEBLOWER PROTECTION ENHANCE-
25 MENT ACT OF 2012.—Section 116(b)(1)(A) of the

1 Whistleblower Protection Enhancement Act of 2012
2 (31 U.S.C. 1116 note) is amended by striking “or
3 (D)” and inserting “(D), or (E)”.

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