

119TH CONGRESS  
2D SESSION

# S. 4631

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## AN ACT

To ensure that whistleblowers, including contractors, are protected from retaliation when a Federal employee orders a reprisal, 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,*

1 **SECTION 1. SHORT TITLE.**

2 This Act may be cited as the “Expanding Whistle-  
3 blower Protections for Contractors Act of 2026”.

4 **SEC. 2. DEFENSE CONTRACTOR EMPLOYEES: PROTECTION**  
5 **FROM REPRISAL FOR DISCLOSURE OF CER-**  
6 **TAIN INFORMATION.**

7 Section 4701 of title 10, United States Code, is  
8 amended—

9 (1) in subsection (a)—

10 (A) in paragraph (1)—

11 (i) in the matter preceding subpara-  
12 graph (A)—

13 (I) by striking “An employee”  
14 and all that follows through “services  
15 contractor” and inserting “A pro-  
16 tected individual”; and

17 (II) by striking “disclosing” and  
18 all that follows through “evidence of”;  
19 and

20 (ii) by striking subparagraphs (A),  
21 (B), and (C) and inserting the following  
22 subparagraphs:

23 “(A) Refusing to obey an order that would re-  
24 quire the protected individual to violate a law, rule,  
25 or regulation related to any contract, subcontract,  
26 grant, or subgrant.

1 “(B) Disclosing to a person or body described  
2 in paragraph (2) information that the protected indi-  
3 vidual reasonably believes is evidence of the fol-  
4 lowing:

5 “(i) Gross mismanagement of any Depart-  
6 ment of Defense contract or grant, any gross  
7 waste of Department funds, any abuse of au-  
8 thority relating to any Department contract,  
9 subcontract, grant, or subgrant, or any viola-  
10 tion of law, rule, or regulation related to any  
11 Department contract or subcontract (including  
12 the competition for or negotiation of a contract  
13 or subcontract) or grant or subgrant.

14 “(ii) Gross mismanagement of any Na-  
15 tional Aeronautics and Space Administration  
16 contract or grant, any gross waste of Adminis-  
17 tration funds, any abuse of authority relating to  
18 an Administration contract, subcontract, grant,  
19 or subgrant, or any violation of law, rule, or  
20 regulation related to any Administration con-  
21 tract or subcontract (including the competition  
22 for or negotiation of a contract or subcontract)  
23 or grant or subgrant.

24 “(iii) A substantial and specific danger to  
25 public health or safety.”; and

1 (B) in paragraph (3)—

2 (i) in subparagraph (A), by striking  
3 “an employee” and inserting “a protected  
4 individual”; and

5 (ii) by striking subparagraph (B) and  
6 inserting the following subparagraph:

7 “(B) it shall not be within the authority of an  
8 executive branch official to request that a con-  
9 tractor, subcontractor, grantee, or subgrantee en-  
10 gage in a reprisal prohibited by paragraph (1).”;

11 (2) in subsection (c)—

12 (A) in paragraph (1), by adding at the end  
13 the following subparagraph:

14 “(E) Propose appropriate disciplinary action  
15 against any executive branch official for any request  
16 made of a contractor, subcontractor, grantee, or sub-  
17 grantee that subjected the complainant to a reprisal  
18 prohibited by subsection (a).”; and

19 (B) by striking paragraph (8) and insert-  
20 ing the following paragraph:

21 “(8) CLARIFICATION FOR SCOPE OF WAIVER RE-  
22 STRICTIONS.—The rights, forum, and remedies provided  
23 for in this section may not be waived by any public or  
24 private agreement, policy, form, or condition of employ-

1 ment, including by any predispute arbitration agree-  
 2 ment.”;

3 (3) by striking subsection (e) and redesignating  
 4 subsections (f) and (g) as subsections (e) and (f), re-  
 5 spectively;

6 (4) in subsection (e), as so redesignated—

7 (A) by striking “an employee” and insert-  
 8 ing “a protected individual”; and

9 (B) by striking “the employee” and insert-  
 10 ing “the protected individual”; and

11 (5) in subsection (f), as so redesignated, by  
 12 adding at the end the following new paragraph:

13 “(8) The term ‘protected individual’ means—

14 “(A) a contractor, subcontractor, grantee,  
 15 or subgrantee of the Department of Defense or  
 16 the National Aeronautics and Space Adminis-  
 17 tration, including—

18 “(i) the government of each of the  
 19 several States, the District of Columbia, an  
 20 Indian tribe or authorized tribal organiza-  
 21 tion, the Commonwealth of Puerto Rico,  
 22 Guam, American Samoa, the Virgin Is-  
 23 lands, the Commonwealth of the Northern  
 24 Mariana Islands, or any other territory or  
 25 possession of the United States;

1 “(ii) the government of any political  
2 subdivision of, agency of, or instrumen-  
3 tality of, a government listed in clause (i);  
4 and

5 “(iii) an element of the intelligence  
6 community (as defined in section 3 of the  
7 National Security Act of 1947 (50 U.S.C.  
8 3003)) within the Department of Defense;

9 “(B) an employee of a contractor, subcon-  
10 tractor, grantee, or subgrantee of the Depart-  
11 ment of Defense or the National Aeronautics  
12 and Space Administration, or a former em-  
13 ployee of such contractor, subcontractor, grant-  
14 ee, or subgrantee whose protected disclosure or  
15 engagement in any activity protected against  
16 reprisal under this section occurred prior to ter-  
17 mination, including an employee of—

18 “(i) the government of each of the  
19 several States, the District of Columbia, an  
20 Indian tribe or authorized tribal organiza-  
21 tion, the Commonwealth of Puerto Rico,  
22 Guam, American Samoa, the Virgin Is-  
23 lands, the Commonwealth of the Northern  
24 Mariana Islands, or any other territory or  
25 possession of the United States;

1 “(ii) the government of any political  
2 subdivision of, agency of, or instrumen-  
3 tality of, a government listed in clause (i);  
4 and

5 “(iii) an element of the intelligence  
6 community (as defined in section 3 of the  
7 National Security Act of 1947 (50 U.S.C.  
8 3003)) within the Department of Defense;  
9 or

10 “(C) a person performing personal services  
11 for the Department of Defense or the National  
12 Aeronautics and Space Administration pursuant  
13 to a contractual agreement for the performance  
14 of personal services, including a personal serv-  
15 ices contract or personal services agreement,  
16 and who engages in an activity for which any  
17 reprisal is prohibited under subsection (a), in-  
18 cluding a person performing personal services  
19 pursuant such a contractual agreement for—

20 “(i) the government of each of the  
21 several States, the District of Columbia, an  
22 Indian tribe or authorized tribal organiza-  
23 tion, the Commonwealth of Puerto Rico,  
24 Guam, American Samoa, the Virgin Is-  
25 lands, the Commonwealth of the Northern

Mariana Islands, or any other territory or possession of the United States;

“(ii) the government of any political subdivision of, agency of, or instrumentality of, a government listed in clause (i); and

“(iii) an element of the intelligence community (as defined in section 3 of the National Security Act of 1947 (50 U.S.C. 3003)) within the Department of Defense.”.

**SEC. 3. ENHANCEMENT OF NON-DEFENSE CONTRACTOR PROTECTION FROM REPRISAL FOR DISCLOSURE OF CERTAIN INFORMATION.**

Section 4712 of title 41, United States Code, is amended—

(1) in subsection (a)—

(A) by striking paragraph (1) and inserting the following paragraph:

“(1) IN GENERAL.—A protected individual may not be discharged, demoted, or otherwise discriminated against as a reprisal for the following:

“(A) Refusing to obey an order that would require the protected individual to violate a law,

rule, or regulation related to any contract, sub-  
contract, grant, or subgrant.

“(B) Disclosing to a person or body de-  
scribed in paragraph (2) information that the  
protected individual reasonably believes is evi-  
dence of the following:

“(i) Gross mismanagement of any  
Federal contract or grant, any gross waste  
of Federal funds, any abuse of authority  
relating to any Federal contract, sub-  
contract, grant, or subgrant, or any viola-  
tion of law, rule, or regulation related to  
any Federal contract or subcontract (in-  
cluding the competition for or negotiation  
of a contract or subcontract) or grant or  
subgrant.

“(ii) A substantial and specific danger  
to public health or safety.”; and

(B) in paragraph (3)—

(i) in subparagraph (A), by striking  
“an employee” and inserting “a protected  
individual”; and

(ii) by striking subparagraph (B) and  
inserting the following subparagraph:

1 “(B) it shall not be within the authority of  
 2 an executive branch official to request that a  
 3 contractor, subcontractor, grantee, or sub-  
 4 grantee engage in a reprisal prohibited by para-  
 5 graph (1).”;

6 (2) in subsection (c)—

7 (A) in paragraph (1), by adding at the end  
 8 the following new subparagraph:

9 “(E) Propose appropriate disciplinary ac-  
 10 tion against any executive branch official for  
 11 any request made of a contractor, subcon-  
 12 tractor, grantee, or subgrantee that subjected  
 13 the complainant to a reprisal prohibited by sub-  
 14 section (a).”; and

15 (B) by striking paragraph (7) and insert-  
 16 ing the following paragraph:

17 “(7) RIGHTS, FORUM, AND REMEDIES NOT  
 18 WAIVABLE.—The rights, forum, and remedies pro-  
 19 vided for in this section may not be waived by any  
 20 public or private agreement, policy, form, or condi-  
 21 tion of employment, including by any predispute ar-  
 22 bitration agreement.”;

23 (3) in subsection (e)—

24 (A) by striking “an employee” and insert-  
 25 ing “a protected individual”; and

1 (B) by striking “the employee” and insert-  
2 ing “the protected individual”;

3 (4) by striking subsection (f) and redesignating  
4 subsections (g) and (h) as subsections (f) and (g),  
5 respectively; and

6 (5) in subsection (f), as so redesignated, by in-  
7 serting after paragraph (2) the following new para-  
8 graph:

9 “(3) The term ‘protected individual’ means—

10 “(A) a contractor, subcontractor, grantee,  
11 or subgrantee of the Federal Government, in-  
12 cluding—

13 “(i) the government of each of the  
14 several States, the District of Columbia, an  
15 Indian tribe or authorized tribal organiza-  
16 tion, the Commonwealth of Puerto Rico,  
17 Guam, American Samoa, the Virgin Is-  
18 lands, the Commonwealth of the Northern  
19 Mariana Islands, or any other territory or  
20 possession of the United States;

21 “(ii) the government of any political  
22 subdivision of, agency of, or instrumen-  
23 tality of, a government listed in clause (i);  
24 and

1 “(iii) an element of the intelligence  
2 community (as defined in section 3 of the  
3 National Security Act of 1947 (50 U.S.C.  
4 3003));

5 “(B) an employee of a contractor, subcon-  
6 tractor, grantee, or subgrantee of the Federal  
7 Government or a former employee of such con-  
8 tractor, subcontractor, grantee, or subgrantee  
9 whose protected disclosure or engagement in  
10 any activity protected against reprisal under  
11 this section occurred prior to termination, in-  
12 cluding an employee of—

13 “(i) the government of each of the  
14 several States, the District of Columbia, an  
15 Indian tribe or authorized tribal organiza-  
16 tion, the Commonwealth of Puerto Rico,  
17 Guam, American Samoa, the Virgin Is-  
18 lands, the Commonwealth of the Northern  
19 Mariana Islands, or any other territory or  
20 possession of the United States;

21 “(ii) the government of any political  
22 subdivision of, agency of, or instrumen-  
23 tality of, a government listed in clause (i);  
24 and

1           “(iii) an element of the intelligence  
2           community (as defined in section 3 of the  
3           National Security Act of 1947 (50 U.S.C.  
4           3003)); or

5           “(C) a person performing personal services  
6           for the Federal Government pursuant to a con-  
7           tractual agreement for the performance of per-  
8           sonal services, including a personal services con-  
9           tract or personal services agreement, including  
10          a person performing personal services pursuant  
11          to such a contractual agreement for—

12           “(i) the government of each of the  
13           several States, the District of Columbia, an  
14           Indian tribe or authorized tribal organiza-  
15           tion, the Commonwealth of Puerto Rico,  
16           Guam, American Samoa, the Virgin Is-  
17           lands, the Commonwealth of the Northern  
18           Mariana Islands, or any other territory or  
19           possession of the United States;

20           “(ii) the government of any political  
21           subdivision of, agency of, or instrumen-  
22           tality of, a government listed in clause (i);  
23           and

1                   “(iii) an element of the intelligence  
2                   community (as defined in section 3 of the  
3                   National Security Act of 1947 (50 U.S.C.  
4                   3003)).”.

Passed the Senate May 21, 2026.

Attest:

*Secretary.*



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