

103^D CONGRESS
2^D SESSION

H. R. 4680

To amend title 5, United States Code, to provide sanctions and remedies for violations of the right of executive branch employees to provide information to the Congress and its committees, and to amend the Inspector General Act of 1978 to provide protections for executive branch employees who provide information to an Inspector General.

IN THE HOUSE OF REPRESENTATIVES

JUNE 29, 1994

Mr. SPRATT (for himself and Mr. CONYERS) introduced the following bill; which was referred jointly to the Committees on Post Office and Civil Service and Government Operations

A BILL

To amend title 5, United States Code, to provide sanctions and remedies for violations of the right of executive branch employees to provide information to the Congress and its committees, and to amend the Inspector General Act of 1978 to provide protections for executive branch employees who provide information to an Inspector General.

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 Enhancement Act of 1994”.

1 **SEC. 2. SANCTIONS AND REMEDIES.**

2 (a) PROHIBITED PERSONNEL PRACTICE.—

3 (1) IN GENERAL.—Section 2302(b)(8) of title
4 5, United States Code, is amended—

5 (A) in subparagraph (A) by striking “or”
6 after the semicolon;

7 (B) in subparagraph (B) by inserting “or”
8 after the semicolon; and

9 (C) by adding at the end the following:

10 “(C) any disclosure of information to ei-
11 ther House of Congress, or to a committee or
12 Member thereof, by an employee which the em-
13 ployee reasonably believes evidences—

14 “(i) a violation of any law, rule, or
15 regulation, or

16 “(ii) gross mismanagement, a gross
17 waste of funds, an abuse of authority, or
18 a substantial and specific danger to public
19 health or safety;”.

20 (2) APPLICABILITY.—Section 2302 of title 5,
21 United States Code, is amended by adding at the
22 end the following:

23 “(e) For purposes of subsection (b)(8)(C)—

24 “(1) the definition of ‘covered position’ under
25 subsection (a)(2)(B) shall be considered to be any
26 position in the executive branch; and

1 “(2) the definition of ‘agency’ under subsection
2 (a)(2)(C) shall be considered to include a Govern-
3 ment corporation.”.

4 (b) COORDINATION PROVISION.—Section 7211 of
5 title 5, United States Code, is amended by adding at the
6 end the following: “Any such interference or denial may
7 constitute a prohibited personnel practice described in sec-
8 tion 2302(b)(8)(C).”.

9 **SEC. 3. WHISTLEBLOWER PROTECTIONS FOR EMPLOYEES**

10 **PROVIDING INFORMATION TO INSPECTORS**

11 **GENERAL.**

12 (a) UNAUTHORIZED DISCLOSURE OF WHISTLE-
13 BLOWER’S IDENTITY NOT PERMITTED.—

14 (1) IN GENERAL.—Section 7(b) of the Inspector
15 General Act of 1978 (5 U.S.C. App.) is amended by
16 striking “employee, unless” through the period and
17 inserting “employee, except in accordance with a re-
18 quest of the Attorney General for the purpose of a
19 criminal investigation.”.

20 (2) REMEDY.—Section 7(b) of that Act, as
21 amended by paragraph (1), is further amended—

22 (A) by striking “(b)” and inserting
23 “(b)(1)”; and

24 (B) by adding at the end the following:

1 “(2)(A) As used in this paragraph, the term ‘Special
2 Counsel’ means the Special Counsel under subchapter II
3 of chapter 12 of title 5, United States Code.

4 “(B) The Special Counsel may—

5 “(i) investigate any alleged violation of para-
6 graph (1); and

7 “(ii) if the Special Counsel determines that
8 there is reason to believe that such a violation has
9 occurred, seek disciplinary action under section 1215
10 of title 5, United States Code, in the same manner
11 as if it were a matter referred to in subsection
12 (a)(1)(B) of such section.”.

13 (b) NOTIFICATION REQUIREMENT.—Section 7 of the
14 Inspector General Act of 1978 (5 U.S.C. App.) is amended
15 by adding at the end the following:

16 “(d) The Inspector General shall ensure, at the time
17 of receiving any complaint or information from an em-
18 ployee, that such employee is fully aware of any rights or
19 remedies afforded such employee under—

20 “(1) subsections (b) and (c);

21 “(2) title 5, United States Code, with respect to
22 a prohibited personnel practice described in para-
23 graph (8) or (11) of section 2302(b) of such title
24 (including the investigative duties of the Office of
25 Special Counsel);

1 “(3) sections 3729 through 3731 of title 31,
2 United States Code (popularly known as the ‘False
3 Claims Act’); and

4 “(4) any other authority by virtue of the com-
5 plaint made or information disclosed by such em-
6 ployee.

7 “(e)(1) If an Inspector General has information that
8 might be evidence of an action or an intent to take an
9 action described in paragraph (2) against an employee
10 who provided information to an Inspector General, the In-
11 specter General shall within a reasonable time disclose
12 that information to the employee.

13 “(2) The action referred to paragraph (1) is any ac-
14 tion that is in violation of subsection (c) or a prohibited
15 personnel practice described in paragraph (8) or (11) of
16 section 2303 of title 5, United States Code.”.

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