IN THE HOUSE OF REPRESENTATIVES

JUNE 28, 2016

Referred to the Committee on Oversight and Government Reform, and in addition to the Committee on Armed Services, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned

AN ACT

To enhance whistleblower protection for contractor and grantee employees.

1 Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,
SECTION 1. ENHANCEMENT OF WHISTLEBLOWER PROTECTION FOR CONTRACTOR AND GRANTEE EMPLOYEES.

(a) Protection for Employees of Grantees and Subgrantees.—

(1) Defense Grants.—Section 2409(a)(1) of title 10, United States Code, is amended by inserting “or personal services contractor” after “subgrantee”.

(2) Civilian Grants.—Section 4712(a)(1) of title 41, United States Code, is amended by striking “or grantee” and inserting “grantee, or subgrantee or personal services contractor”.

(3) Permanent Extension of Pilot Program for Enhancement of Contractor Protection from Reprisal for Disclosure of Certain Information.—

(A) In General.—Section 4712 of title 41, United States Code, is amended—

(i) in the section heading by striking “Pilot program for enhancement” and inserting “Enhancement”; and

(ii) by striking subsection (i).

(B) Clerical Amendment.—The table of sections at the beginning of chapter 47 of title 41, United States Code, is amended by striking...
the item relating to section 4712 and inserting
the following new item:

“4712. Enhancement of contractor protection from reprisal for disclosure of cer-
tain information.”.

(b) PROHIBITION ON REIMBURSEMENT FOR LEGAL
FEES ACCRUED IN DEFENSE AGAINST REPRISEL
CLAIMS.—

(1) DEFENSE CONTRACTS.—Section 2324(k) of
title 10, United States Code, is amended—

(A) by inserting “or subcontractor, or per-
sonal services contractor” after “contractor”
each place it appears;

(B) by inserting “, subcontract, or per-
sonal services contract” after “contract” each
place it appears; and

(C) in paragraph (1), by inserting “or to
any other activity described in subparagraphs
(A) through (C) of section 2409(a)(1) of this
title” after “statute or regulation”.

(2) CIVILIAN CONTRACTS.—

(A) IN GENERAL.—Section 4310 of title
41, United States Code, is amended—

(i) by inserting “, subcontractor, or
personal services contractor” after “con-
tractor” each place it appears;
(ii) by inserting “, subcontract, or personal services contract” after “contract” each place it appears; and

(iii) in subsection (b)(1), by inserting “or to any other activity described in section 4712(a)(1) of this title” after “statute or regulation”.

(B) CONFORMING AMENDMENT.—Section 4304(a)(15) of title 41, United States Code, is amended by inserting “or subcontractor, or personal service contractor” after “contractor”.

(c) INCLUSION OF CONTRACT CLAUSE IN CONTRACTS AWARDED BEFORE EFFECTIVE DATE.—At the time of any major modification to a contract that was awarded before the date of the enactment of this Act, the head of the contracting agency shall make best efforts to include in the contract a contract clause providing for the applicability of the amendments made by this section and section 827 of the National Defense Authorization Act for Fiscal Year 2013 (Public Law 112–239; 126 Stat. 1833).

Passed the Senate June 23, 2016.

Attest: JULIE E. ADAMS,
Secretary.