AMENDMENT IN THE NATURE OF A SUBSTITUTE
TO H.R. 7936
OFFERED BY MRS. CAROLYN B. MALONEY OF
NEW YORK

Strike all after the enacting clause and insert the following:

1 SECTION 1. SHORT TITLE.

2 This Act may be cited as the “Federal Employee Access to Information Act of 2020”.

3 SEC. 2. PROTECTIONS AGAINST RETALIATION FOR LAWFUL

4 USE OF FEDERAL RECORDS BY FEDERAL EMPLOYEES.

5 (a) PROTECTION AGAINST RETALIATION.—Section

6 2302(b)(9) of title 5, United States Code, is amended—

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

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

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

10 “(E) the employee or applicant for employment—

11 “(i) making a request for information

12 pursuant to section 552 (commonly re-
ferred to as the ‘Freedom of Information Act’) or subsection (d) of section 552a (commonly referred to as the ‘Privacy Act of 1974’); or

“(ii) pursuing any administrative or judicial action with respect to such request, including seeking assistance or to engage in dispute resolution, as described in section 552.”

(b) CONFORMING AMENDMENTS.—

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

(2) WHISTLEBLOWER PROTECTION ENHANCEMENT ACT OF 2012.—Section 116(b)(1)(A) of the Whistleblower Protection Enhancement Act of 2012 (Public Law 112–199) is amended by striking “or (D)” and inserting “(D), or (E)”.

False