To ensure whistleblowers who are Government employees or contractors receive adequate protection.

INA THE SENATE OF THE UNITED STATES

Mr. PAUL introduced the following bill; which was read twice and referred to the Committee on __________________

A BILL

To ensure whistleblowers who are Government employees or contractors receive adequate protection.

Be it enacted by the Senate and House of Representa-

tives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the “Whistleblower Protec-
tion Act of 2019”.

SEC. 2. DEFINITIONS.

In this Act—

(1) the term “Federal contractor” means a con-
tractor or subcontractor (at any tier) of the United
States Government; and
(2) the term “personnel action”—

(A) has the meaning given that term in section 2302 of title 5, United States Code; and

(B) includes other disciplinary or corrective action and performance evaluations by an employer.

SEC. 3. WHISTLEBLOWER PROTECTIONS FOR CONTRACTORS.

(a) PROHIBITED PERSONNEL PRACTICES.—An employee of a Federal contractor who has authority to take, direct others to take, recommend, or approve any personnel action, shall not, with respect to such authority—

(1) take or fail to take, or threaten to take or fail to take, a personnel action with respect to any employee of the Federal contractor or applicant for employment by the Federal contractor because of—

(A) any disclosure of information by the employee of the Federal contractor or applicant for employment by the Federal contractor which the employee of the Federal contractor or applicant for employment by the Federal contractor reasonably believes evidences—

(i) any violation of any law, rule, or regulation; or
(ii) gross mismanagement, a gross waste of funds, an abuse of authority, or a substantial and specific danger to public health or safety, if such disclosure is not specifically prohibited by law and if such information is not specifically required by Executive order to be kept secret in the interest of national defense or the conduct of foreign affairs; or

(B) any disclosure to the Special Counsel, or to the Inspector General of an agency or another employee designated by the head of the agency to receive such disclosures, of information which the employee of the Federal contractor or applicant for employment by the Federal contractor reasonably believes evidences—

(i) any violation (other than a violation of this section) of any law, rule, or regulation; or

(ii) gross mismanagement, a gross waste of funds, an abuse of authority, or a substantial and specific danger to public health or safety; or

(2) take or fail to take, or threaten to take or fail to take, any personnel action against any em-
ployee of the Federal contractor or applicant for employment by the Federal contractor for employment because of—

(A) the exercise of any appeal, complaint, or grievance right granted by any law, rule, or regulation—

(i) with regard to remedying a violation of paragraph (1); or

(ii) other than with regard to remedying a violation of paragraph (1);

(B) testifying for or otherwise lawfully assisting any individual in the exercise of any right referred to in subparagraph (A)(i) or (ii);

(C) cooperating with or disclosing information to the Inspector General (or any other component responsible for internal investigation or review) of an agency, or the Special Counsel, in accordance with applicable provisions of law; or

(D) refusing to obey an order that would require the individual to violate a law, rule, or regulation.

(b) AGENCY ACTION.—A Federal agency may not pressure a Federal contractor to take, fail to take, or threaten to take or fail to take any personnel action relat-
ing to an employee of the Federal contractor based on a
disclosure or action described in paragraph (1) or (2) of
subsection (a).

(c) RETROACTIVE EFFECT.—This section shall apply
to a personnel action taken or failed to be taken, or threat-
ened to be taken or failed to be taken before, on, or after
the date of enactment of this Act.

SEC. 4. NO TERMINATION OR PROSECUTION OF WHISTLE-
BLOWERS.

Congress reaffirms that no Federal employee or em-
ployee of a Federal contractor should be terminated or
prosecuted for making protected disclosures or any other
disclosures as a whistleblower.

SEC. 5. ENSURING SIXTH AMENDMENT PROTECTIONS.

Congress reaffirms that, in the case of criminal pros-
cecutions and impeachments arising from the disclosures
of whistleblowers, the accused has the right to confront
his or her accuser in such proceedings and that right is
not superseded by the whistleblower protections.