

AMENDMENT NO. _____ Calendar No. _____

Purpose: In the nature of a substitute.

IN THE SENATE OF THE UNITED STATES—114th Cong., 2d Sess.

S. 795

To enhance whistleblower protection for contractor and
grantee employees.

Referred to the Committee on _____ and
ordered to be printed

Ordered to lie on the table and to be printed

AMENDMENT IN THE NATURE OF A SUBSTITUTE intended
to be proposed by Mrs. McCASKILL

Viz:

1 Strike all after the enacting clause and insert the fol-
2 lowing:

3 **SECTION 1. ENHANCEMENT OF WHISTLEBLOWER PROTEC-**
4 **TION FOR CONTRACTOR AND GRANTEE EM-**
5 **PLOYEES.**

6 (a) PROTECTION FOR EMPLOYEES OF GRANTEES
7 AND SUBGRANTEES.—

8 (1) DEFENSE GRANTS.—Section 2409(a)(1) of
9 title 10, United States Code, is amended by striking
10 “or subgrantee” and inserting “, subgrantee, or per-
11 sonal services contractor”.

1 (2) CIVILIAN GRANTS.—Section 4712(a)(1) of
2 title 41, United States Code, is amended by striking
3 “or grantee” and inserting “personal services con-
4 tractor, grantee, or subgrantee”.

5 (3) PERMANENT EXTENSION OF PILOT PRO-
6 GRAM FOR ENHANCEMENT OF CONTRACTOR PROTEC-
7 TION FROM REPRISAL FOR DISCLOSURE OF CERTAIN
8 INFORMATION.—

9 (A) IN GENERAL.—Section 4712 of title
10 41, United States Code, is amended—

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

14 (ii) by striking subsection (i).

15 (B) CLERICAL AMENDMENT.—The table of
16 sections at the beginning of chapter 47 of title
17 41, United States Code, is amended by striking
18 the item relating to section 4712 and inserting
19 the following new item:

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

20 (b) PROHIBITION ON REIMBURSEMENT FOR LEGAL
21 FEES ACCRUED IN DEFENSE AGAINST REPRISAL
22 CLAIMS.—

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

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

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

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

11 (2) CIVILIAN CONTRACTS.—

12 (A) IN GENERAL.—Section 4310 of title
13 41, United States Code, is amended—

14 (i) by inserting “, subcontractor, or
15 personal services contractor” after “con-
16 tractor” each place it appears;

17 (ii) by inserting “, subcontract, or
18 personal services contract” after “con-
19 tract” each place it appears; and

20 (iii) in subsection (b)(1), by inserting
21 “or to any other activity described in sec-
22 tion 4712(a)(1) of this title” after “statute
23 or regulation”.

24 (B) CONFORMING AMENDMENT.—Section
25 4304(a)(15) of title 41, United States Code, is

1 amended by inserting “, subcontractor, or per-
2 sonal services contractor” after “contractor”.

3 (c) INCLUSION OF CONTRACT CLAUSE IN CONTRACTS
4 AWARDED BEFORE EFFECTIVE DATE.—At the time of
5 any major modification to a contract that was awarded
6 before the date of the enactment of this Act, the head of
7 the contracting agency shall make best efforts to include
8 in the contract a contract clause providing for the applica-
9 bility of the amendments made by this section and section
10 827 of the National Defense Authorization Act for Fiscal
11 Year 2013 (Public Law 112–239; 126 Stat. 1833).