

112TH CONGRESS  
1ST SESSION

# S. 586

To amend the Congressional Accountability Act of 1995 to apply whistleblower protections available to certain executive branch employees to legislative branch employees, and for other purposes.

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## IN THE SENATE OF THE UNITED STATES

MARCH 15, 2011

Mr. GRASSLEY (for himself and Mrs. MCCASKILL) introduced the following bill; which was read twice and referred to the Committee on Homeland Security and Governmental Affairs

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## A BILL

To amend the Congressional Accountability Act of 1995 to apply whistleblower protections available to certain executive branch employees to legislative branch employees, and for other purposes.

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. APPLICATION OF WHISTLEBLOWER PROTEC-**  
4 **TION RULES TO LEGISLATIVE BRANCH EM-**  
5 **PLOYEES.**

6 (a) **SHORT TITLE.**—This Act may be cited as the  
7 “Congressional Whistleblower Protection Act of 2011”.

1 (b) IN GENERAL.—Part A of title II of the Congres-  
 2 sional Accountability Act of 1995 (2 U.S.C. 1311 et seq.)  
 3 is amended—

4 (1) in the heading, by striking “**FAIR LABOR**  
 5 **STANDARDS,**” and all that follows and inserting  
 6 “**AND OTHER PROTECTIONS AND BENEFITS**”;

7 (2) by redesignating section 207 as section 208;  
 8 and

9 (3) by inserting after section 206 the following:  
 10 “**SEC. 207. RIGHTS AND PROTECTIONS UNDER WHISTLE-**  
 11 **BLOWER PROTECTION RULES.**”

12 “(a) RIGHTS AND PROTECTIONS DESCRIBED.—

13 “(1) IN GENERAL.—No employing office may  
 14 take or fail to take, or threaten to take or fail to  
 15 take, a personnel action (within the meaning of  
 16 chapter 23 of title 5, United States Code) with re-  
 17 spect to any covered employee or applicant for em-  
 18 ployment because of—

19 “(A) any disclosure of information by a  
 20 covered employee or applicant which the em-  
 21 ployee or applicant reasonably believes evi-  
 22 dences—

23 “(i) a violation of any law, rule, or  
 24 regulation; or

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

5           if such disclosure is not specifically prohibited  
6           by law and if such information is not specifi-  
7           cally required by Executive order or the rules of  
8           the Senate or the House of Representatives to  
9           be kept secret in the interest of national de-  
10          fense or the conduct of foreign affairs; or

11          “(B) any disclosure to the General Coun-  
12          sel, or to the Inspector General of a legislative  
13          or executive agency or another employee des-  
14          ignated by the head of the legislative or execu-  
15          tive agency to receive such disclosures, of infor-  
16          mation which the employee or applicant reason-  
17          ably believes evidences—

18                 “(i) a violation of any law, rule, or  
19                 regulation; or

20                 “(ii) gross mismanagement, a gross  
21                 waste of funds, an abuse of authority, or  
22                 a substantial and specific danger to public  
23                 health or safety.

24          “(2) DEFINITIONS.—For purposes of this sec-  
25          tion and for purposes of applying the procedures es-

1        established under title IV for the consideration of al-  
2        leged violations of this section—

3                “(A) the term ‘covered employee’ includes  
4                an employee of the Government Accountability  
5                Office or Library of Congress; and

6                “(B) the term ‘employing office’ includes  
7                the Government Accountability Office and the  
8                Library of Congress.

9        “(b) REMEDY.—The remedy for a violation of sub-  
10       section (a) shall be such remedy as would be appropriate  
11       if awarded under chapter 12 of title 5, United States  
12       Code, with respect to a prohibited personnel practice de-  
13       scribed in section 2302(b)(8) of such title.

14       “(c) REGULATIONS TO IMPLEMENT SECTION.—

15                “(1) IN GENERAL.—The Board shall, pursuant  
16                to section 304, issue regulations to implement this  
17                section.

18                “(2) AGENCY REGULATIONS.—The regulations  
19                issued under paragraph (1) shall be the same as the  
20                substantive regulations promulgated by the Merit  
21                Systems Protection Board to implement chapters 12  
22                and 23 of title 5, United States Code, except to the  
23                extent that the Board of Directors of the Office of  
24                Compliance may determine, for good cause shown  
25                and stated together with the regulation, that a modi-

1       fication of such regulations would be more effective  
 2       for the implementation of the rights and protections  
 3       under this section.”.

4       (c) TECHNICAL AND CONFORMING AMENDMENTS.—

5           (1) TABLE OF CONTENTS.—The table of con-  
 6       tents for part A of title II of the Congressional Ac-  
 7       countability Act of 1995 is amended—

8           (A) in the item relating to part A, by strik-  
 9       ing “FAIR LABOR STANDARDS,” and all that  
 10      follows and inserting “AND OTHER PROTEC-  
 11      TIONS AND BENEFITS”;

12          (B) by redesignating the item relating to  
 13      section 207 as relating to section 208; and

14          (C) by inserting after the item relating to  
 15      section 206 the following:

“Sec. 207. Rights and protections under whistleblower protection rules.”.

16          (2) APPLICATION OF LAWS.—Section 102(a) of  
 17      the Congressional Accountability Act of 1995 (2  
 18      U.S.C. 1302(a)) is amended by adding at the end  
 19      the following:

20          “(12) Section 2302(b)(8) of title 5, United  
 21      States Code.”.

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