

# Union Calendar No. 251

117<sup>TH</sup> CONGRESS  
2<sup>D</sup> SESSION

# H. R. 2988

**[Report No. 117-334]**

To amend title 5, United States Code, to modify and enhance protections for Federal Government whistleblowers, and for other purposes.

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## IN THE HOUSE OF REPRESENTATIVES

MAY 4, 2021

Mrs. CAROLYN B. MALONEY of New York (for herself, Mr. CONNOLLY, Ms. SPEIER, Ms. MACE, Ms. JOHNSON of Texas, and Miss RICE of New York) introduced the following bill; which was referred to the Committee on Oversight and Reform

MAY 17, 2022

Additional sponsors: Mr. MFUME, Mr. LYNCH, Mr. CASE, Ms. NORTON, Mr. COOPER, Mr. KRISHNAMOORTHY, Mr. KHANNA, Ms. PORTER, Ms. WASSERMAN SCHULTZ, Mr. WELCH, Mr. QUIGLEY, Ms. TLAIB, Ms. OCASIO-CORTEZ, Mr. SARBANES, Mr. RASKIN, Ms. KELLY of Illinois, Mrs. LAWRENCE, Mr. DESAULNIER, Ms. PRESSLEY, Mr. JOHNSON of Georgia, Mr. DANNY K. DAVIS of Illinois, Ms. BUSH, Mr. GOMEZ, and Ms. MENG

MAY 17, 2022

Reported with an amendment, committed to the Committee of the Whole House on the State of the Union, and ordered to be printed

[Strike out all after the enacting clause and insert the part printed in italic]

[For text of introduced bill, see copy of bill as introduced on May 4, 2021]

# **A BILL**

To amend title 5, United States Code, to modify and enhance protections for Federal Government whistleblowers, 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. SHORT TITLE.**

4        *This Act may be cited as the “Whistleblower Protection*  
5 *Improvement Act of 2021”.*

6 **SEC. 2. ADDITIONAL WHISTLEBLOWER PROTECTIONS.**

7        *(a) INVESTIGATIONS AS PERSONNEL ACTIONS.—*

8            *(1) IN GENERAL.—Section 2302(a)(2)(A) of title*  
9 *5, United States Code, is amended—*

10            *(A) in clause (xi), by striking “and” at the*  
11 *end;*

12            *(B) by redesignating clause (xii) as clause*  
13 *(xiii); and*

14            *(C) by inserting after the clause (xi) the fol-*  
15 *lowing:*

16            *“(xii) for purposes of subsection (b)(8)—*

17            *“(I) the commencement, expansion, or*  
18 *extension of an investigation, but not in-*  
19 *cluding any investigation that is ministe-*  
20 *rial or nondiscretionary (including a min-*  
21 *isterial or nondiscretionary investigation*  
22 *described in section 1213) or any investiga-*  
23 *tion that is conducted by an Inspector Gen-*  
24 *eral of an entity of the Government of an*

1           *employee not employed by the office of that*  
2           *Inspector General; and*

3                     *“(II) a referral to an Inspector General*  
4                     *of an entity of the Government, except for*  
5                     *a referral that is ministerial or nondis-*  
6                     *cretionary; and”.*

7           (2) *APPLICATION.—The amendment made by*  
8           *paragraph (1) shall apply to any investigation*  
9           *opened, or referral made, as described under clause*  
10           *(xii) of section 2302(a)(2)(A) of title 5, United States*  
11           *Code, as added by such paragraph, on or after the*  
12           *date of enactment of this Act.*

13           (b) *RIGHT TO PETITION CONGRESS.—*

14                     (1) *IN GENERAL.—Section 2302(b)(9) of title 5,*  
15           *United States Code, is amended—*

16                             (A) *in subparagraph (C), by striking “or”*  
17                             *at the end;*

18                             (B) *in subparagraph (D), by adding “or”*  
19                             *after the semicolon at the end; and*

20                             (C) *by adding at the end the following:*

21                                     *“(E) the exercise of any right protected*  
22                                     *under section 7211;”.*

23           (2) *APPLICATION.—The amendment made by*  
24           *paragraph (1) shall apply to the exercise of any right*  
25           *described in section 2302(b)(9)(E) of title 5, United*

1       *States Code, as added by paragraph (1), occurring on*  
2       *or after the date of enactment of this Act.*

3       (c) *PROHIBITION ON DISCLOSURE OF WHISTLE-*  
4 *BLOWER IDENTITY.—*

5           (1) *IN GENERAL.—Section 2302 of title 5,*  
6       *United States Code, is amended by adding at the end*  
7       *the following:*

8       “(g)(1) *No employee of an agency may willfully com-*  
9       *municate or transmit to any individual who is not an offi-*  
10       *cer or employee of the Government the identity of, or per-*  
11       *sonally identifiable information about, any other employee*  
12       *because that other employee has made, or is suspected to*  
13       *have made, a disclosure protected by subsection (b)(8), un-*  
14       *less—*

15           “(A) *the other employee provides express written*  
16       *consent prior to the communication or transmission*  
17       *of their identity or personally identifiable informa-*  
18       *tion;*

19           “(B) *the communication or transmission is made*  
20       *in accordance with the provisions of section 552a;*

21           “(C) *the communication or transmission is made*  
22       *to a lawyer for the sole purpose of providing legal ad-*  
23       *vice to an employee accused of whistleblower retali-*  
24       *ation; or*

1           “(D) *the communication or transmission is re-*  
2           *quired or permitted by any other provision of law.*”

3           “(2) *In this subsection, the term ‘officer or employee*  
4           *of the Government’ means—*

5           “(A) *the President;*

6           “(B) *a Member of Congress;*

7           “(C) *a member of the uniformed services;*

8           “(D) *an employee as that term is defined in sec-*  
9           *tion 2105, including an employee of the United States*  
10           *Postal Service, the Postal Regulatory Commission, or*  
11           *the Department of Veterans Affairs (including any*  
12           *employee appointed pursuant to chapter 73 or 74 of*  
13           *title 38); and*

14           “(E) *any other officer or employee in any branch*  
15           *of the Government of the United States.”.*

16           (2) *APPLICATION.—The amendment made by*  
17           *paragraph (1) shall apply to any transmission or*  
18           *communication described in subsection (g) of section*  
19           *2302 of title 5, United States Code, as added by para-*  
20           *graph (1), made on or after the date of enactment of*  
21           *this Act.*

22           (d) *RIGHT TO PETITION CONGRESS.—*

23           (1) *IN GENERAL.—Section 7211 of title 5,*  
24           *United States Code, is amended to read as follows:*

1 **“§ 7211. Employees’ right to petition or furnish infor-**  
2 **mation or respond to Congress**

3 “(a) *IN GENERAL.*—Each officer or employee of the  
4 *Federal Government, individually or collectively, has a*  
5 *right to—*

6 “(1) *petition Congress or a Member of Congress;*

7 “(2) *furnish information, documents, or testi-*  
8 *mony to either House of Congress, any Member of*  
9 *Congress, or any committee or subcommittee of the*  
10 *Congress; or*

11 “(3) *respond to any request for information, doc-*  
12 *uments, or testimony from either House of Congress*  
13 *or any Committee or subcommittee of Congress.*

14 “(b) *PROHIBITED ACTIONS.*—No officer or employee of  
15 *the Federal Government may interfere with or deny the*  
16 *right set forth in subsection (a), including by—*

17 “(1) *prohibiting or preventing, or attempting or*  
18 *threatening to prohibit or prevent, any other officer*  
19 *or employee of the Federal Government from engaging*  
20 *in activity protected in subsection (a); or*

21 “(2) *removing, suspending from duty without*  
22 *pay, demoting, reducing in rank, seniority, status,*  
23 *pay, or performance or efficiency rating, denying pro-*  
24 *motion to, relocating, reassigning, transferring, dis-*  
25 *ciplining, or discriminating in regard to any employ-*  
26 *ment right, entitlement, or benefit, or any term or*

1       *condition of employment of, any other officer or em-*  
2       *ployee of the Federal Government or attempting or*  
3       *threatening to commit any of the foregoing actions*  
4       *protected in subsection (a).*

5       “(c) *APPLICATION.—This section shall not be construed*  
6       *to authorize disclosure of any information that is—*

7               “(1) *specifically prohibited from disclosure by*  
8               *any other provision of Federal law; or*

9               “(2) *specifically required by Executive order to*  
10              *be kept secret in the interest of national defense or the*  
11              *conduct of foreign affairs, unless disclosure is other-*  
12              *wise authorized by law.*

13       “(d) *DEFINITION OF OFFICER OR EMPLOYEE OF THE*  
14       *FEDERAL GOVERNMENT.—For purposes of this section, the*  
15       *term ‘officer or employee of the Federal Government’ in-*  
16       *cludes—*

17               “(1) *the President;*

18               “(2) *a Member of Congress;*

19               “(3) *a member of the uniformed services;*

20               “(4) *an employee (as that term is defined in sec-*  
21              *tion 2105);*

22               “(5) *an employee of the United States Postal*  
23              *Service or the Postal Regulatory Commission; and*

24               “(6) *an employee appointed under chapter 73 or*  
25              *74 of title 38.”.*



1           (2) *CLERICAL AMENDMENT.*—*The table of sec-*  
2           *tions for subchapter II of chapter 72 of title 5, United*  
3           *States Code, is amended by striking the item related*  
4           *to section 7211 and inserting the following:*

          “7211. *Employees’ right to petition or furnish information or respond to Con-*  
          *gress.*”.

5 **SEC. 3. ENHANCEMENT OF WHISTLEBLOWER PROTEC-**  
6                                   **TIONS.**

7           (a) *DISCLOSURES RELATING TO OFFICERS OR EM-*  
8           *PLOYEES OF AN OFFICE OF INSPECTOR GENERAL.*—*Section*  
9           *1213(c) of title 5, United States Code, is amended by add-*  
10          *ing at the end the following:*

11          “(3) *If the information transmitted under this sub-*  
12          *section disclosed a violation of law, rule, or regulation, or*  
13          *gross waste, gross mismanagement, abuse of authority, or*  
14          *a substantial and specific danger to public health or safety,*  
15          *by any officer or employee of an Office of Inspector General,*  
16          *the Special Counsel may refer the matter to the Council*  
17          *of the Inspectors General on Integrity and Efficiency, which*  
18          *shall comply with the standards and procedures applicable*  
19          *to investigations and reports under subsection (c).*”.

20          (b) *RETALIATORY REFERRALS TO INSPECTORS GEN-*  
21          *ERAL.*—*Section 1214(d) of title 5, United States Code, is*  
22          *amended by adding at the end the following:*

23          “(3) *In any case in which the Special Counsel deter-*  
24          *mines that a referral to an Inspector General of an entity*

1 *of the Federal Government was in retaliation for a disclo-*  
2 *sure or protected activity described in section 2302(b)(8)*  
3 *or in retaliation for exercising a right described in section*  
4 *2302(b)(9)(A)(i), the Special Counsel shall transmit that*  
5 *finding in writing to the Inspector General within seven*  
6 *days of making the finding. The Inspector General shall*  
7 *consider that finding and make a determination on whether*  
8 *to initiate an investigation or continue an investigation*  
9 *based on the referral that the Special Counsel found to be*  
10 *retaliatory.”.*

11 *(c) ENSURING TIMELY RELIEF.—*

12 *(1) INDIVIDUAL RIGHT OF ACTION.—Section*  
13 *1221 of title 5, United States Code, is amended by*  
14 *striking “section 2302(b)(8) or section*  
15 *2302(b)(9)(A)(i), (B), (C), or (D),” each place it ap-*  
16 *pears and inserting “section 2302(b)(8), section*  
17 *2302(b)(9)(A)(i), (B), (C), (D), or (E), section*  
18 *2302(b)(13), or section 2302(g),”.*

19 *(2) STAYS.—Section 1221(c)(2) of title 5, United*  
20 *States Code, is amended to read as follows:*

21 *“(2) Any stay requested under paragraph (1) shall be*  
22 *granted within 10 calendar days (excluding Saturdays,*  
23 *Sundays, and legal holidays) after the date the request is*  
24 *made, if the Board determines—*

1           “(A) that there is a substantial likelihood that  
2           protected activity was a contributing factor to the  
3           personnel action involved; or

4           “(B) the Board otherwise determines that such a  
5           stay would be appropriate.”.

6           (3) *APPEAL OF STAY*.—Section 1221(c) of title 5,  
7           United States Code, is amended by adding at the end  
8           the following:

9           “(4) If any stay requested under paragraph (1)  
10          is denied, the employee, former employee, or applicant  
11          may, within 7 days after receiving notice of the de-  
12          nial, file an appeal for expedited review by the Board.  
13          The agency shall have 7 days thereafter to respond.  
14          The Board shall provide a decision not later than 21  
15          days after receiving the appeal. During the period of  
16          appeal, both parties may supplement the record with  
17          information unavailable to them at the time the stay  
18          was first requested.”.

19          (4) *ACCESS TO DISTRICT COURT; JURY TRIALS*.—

20                 (A) *IN GENERAL*.—Section 1221(i) of title  
21                 5, United States Code, is amended—

22                         (i) by striking “(i) Subsections” and  
23                         inserting “(i)(1) Subsections”; and

24                         (ii) by adding at the end the following:

1       “(2)(A) *If, in the case of an employee, former em-*  
2 *ployee, or applicant for employment who seeks corrective*  
3 *action from the Merit Systems Protection Board based on*  
4 *an alleged prohibited personnel practice described in section*  
5 *2302(b)(8), section 2302(b)(9)(A)(i), (B), (C), (D), or (E),*  
6 *section 2302(b)(13), or section 2302(g), no final order or*  
7 *decision is issued by the Board within 180 days after the*  
8 *date on which a request for such corrective action has been*  
9 *duly submitted to the Board, such employee, former em-*  
10 *ployee, or applicant may, after providing written notice to*  
11 *the Special Counsel and the Board and only within 20 days*  
12 *after providing such notice, bring an action for review de*  
13 *novo before the appropriate United States district court,*  
14 *and such action shall, at the request of either party to such*  
15 *action, be tried before a jury. Upon filing of an action with*  
16 *the appropriate United States district court, any pro-*  
17 *ceedings before the Board shall cease and the employee,*  
18 *former employee, or applicant for employment waives any*  
19 *right to refile with the Board.*

20       “(B) *If the Board certifies (in writing) to the parties*  
21 *of a case that the complexity of such case requires a longer*  
22 *period of review, subparagraph (A) shall be applied by sub-*  
23 *stituting ‘240 days’ for ‘180 days’.*

24       “(C) *In any such action brought before a United States*  
25 *district court under subparagraph (A), the court—*

1           “(i) shall apply the standards set forth in sub-  
2           section (e); and

3           “(ii) may award any relief which the court con-  
4           siders appropriate, including any relief described in  
5           subsection (g).”.

6           (B) APPLICATION.—

7           (i) The amendments made by subpara-  
8           graph (A) shall apply to any corrective ac-  
9           tion duly submitted to the Merit Systems  
10          Protection Board, during the five-year pe-  
11          riod preceding the date of enactment of this  
12          Act, by an employee, former employee, or  
13          applicant for employment based on an al-  
14          leged prohibited personnel practice described  
15          in section 2302(b)(8), 2302(b)(9)(A)(i), (B),  
16          (C), or (D), or 2302(b)(13) of title 5, United  
17          States Code, with respect to which no final  
18          order or decision has been issued by the  
19          Board.

20          (ii) In the case of an individual de-  
21          scribed in clause (i) whose duly submitted  
22          claim to the Board was made not later than  
23          180 days before the date of enactment of this  
24          Act, such individual may only bring an ac-  
25          tion before a United States district court as

1                   *described in section 1221(i)(2) of title 5,*  
2                   *United States Code, (as added by subpara-*  
3                   *graph (A) if that individual—*

4                   *(I) provides written notice to the*  
5                   *Office of Special Counsel and the Merit*  
6                   *Systems Protection Board not later*  
7                   *than 90 days after the date of enact-*  
8                   *ment of this Act; and*

9                   *(II) brings such action not later*  
10                  *than 20 days after providing such no-*  
11                  *tice.*

12           *(d) RECIPIENTS OF WHISTLEBLOWER DISCLO-*  
13           *SURES.—Section 2302(b)(8)(B) of title 5, United States*  
14           *Code, is amended by striking “or to the Inspector General*  
15           *of an agency or another employee designated by the head*  
16           *of the agency to receive such disclosures” and inserting “the*  
17           *Inspector General of an agency, a supervisor in the employ-*  
18           *ee’s direct chain of command up to and including the head*  
19           *of the employing agency, or to an employee designated by*  
20           *any of the aforementioned individuals for the purpose of*  
21           *receiving such disclosures”.*

22           *(e) ATTORNEY FEES.—*

23                   *(1) IN GENERAL.—Section 7703(a) of title 5,*  
24                   *United States Code, is amended by adding at the end*  
25                   *the following:*

1           “(3) *If an employee, former employee, or appli-*  
2           *cant for employment is the prevailing party under a*  
3           *proceeding brought under this section, the employee,*  
4           *former employee, or applicant for employment shall*  
5           *be entitled to attorney fees for all representation car-*  
6           *ried out pursuant to this section. In such an action*  
7           *for attorney fees, the agency responsible for taking the*  
8           *personnel action shall be the respondent and shall be*  
9           *responsible for paying the fees.”.*

10           (2) *APPLICATION.—In addition to any pro-*  
11           *ceeding brought by an employee, former employee, or*  
12           *applicant for employment on or after the date of en-*  
13           *actment of this Act to a Federal court under section*  
14           *7703 of title 5, United States Code, the amendment*  
15           *made by paragraph (1) shall apply to any proceeding*  
16           *brought by an employee, former employee, or appli-*  
17           *cant for employment under such section before the*  
18           *date of enactment of this Act with respect to which*  
19           *the applicable Federal court has not issued a final de-*  
20           *cision.*

21           (f) *EXTENDING WHISTLEBLOWER PROTECTION ACT TO*  
22           *CERTAIN EMPLOYEES.—*

23           (1) *IN GENERAL.—Section 2302(a)(2)(A) of title*  
24           *5, United States Code, is amended in the matter fol-*  
25           *lowing clause (xiii)—*

1           (A) by inserting “subsection (b)(9)(A)(i),  
2           (B), (C), (D), or (E), subsection (b)(13), or sub-  
3           section (g),” after “subsection (b)(8),”; and

4           (B) by inserting after “title 31” the fol-  
5           lowing: “, a commissioned officer or applicant  
6           for employment in the Public Health Service, an  
7           officer or applicant for employment in the com-  
8           missioned officer corps of the National Oceanic  
9           and Atmospheric Administration, and a non-  
10          career appointee in the Senior Executive Serv-  
11          ice”.

12          (2) *CONFORMING AMENDMENTS.*—Section 261 of  
13          the National Oceanic and Atmospheric Administra-  
14          tion Commissioned Officer Corps Act of 2002 (33  
15          U.S.C. 3071) is amended—

16               (A) in subsection (a)—

17                       (i) by striking paragraph (8); and

18                       (ii) by redesignating paragraphs (9)  
19                       through (26) as paragraphs (8) through  
20                       (25), respectively; and

21               (B) in subsection (b), by striking the second  
22          sentence.

23          (3) *APPLICATION.*—

24               (A) *IN GENERAL.*—With respect to an offi-  
25          cer or applicant for employment in the commis-



1           *sioned officer corps of the National Oceanic and*  
2           *Atmospheric Administration, the amendments*  
3           *made by paragraphs (1) and (2) shall apply to*  
4           *any personnel action taken against such officer*  
5           *or applicant on or after the date of enactment of*  
6           *the National Oceanic and Atmospheric Adminis-*  
7           *tration Commissioned Officer Corps Amend-*  
8           *ments Act of 2020 (Public Law 116–259) for*  
9           *making any disclosure protected under section*  
10          *2302(8) of title 5, United States Code.*

11           *(B) EXCEPTION.—Subparagraph (A) shall*  
12          *not apply to any personnel action with respect*  
13          *to which a complaint has been filed pursuant to*  
14          *section 1034 of title 10, United States Code, and*  
15          *a final decision has been rendered regarding such*  
16          *complaint.*

17          *(g) RELIEF.—*

18           *(1) IN GENERAL.—Section 7701(b)(2)(A) of title*  
19          *5, United States Code, is amended by striking “upon*  
20          *the making of the decision” and inserting “upon*  
21          *making of the decision, necessary to make the em-*  
22          *ployee whole as if there had been no prohibited per-*  
23          *sonnel practice, including training, seniority and*  
24          *promotions consistent with the employee’s prior*  
25          *record”.*

1           (2) *APPLICATION.*—*In addition to any appeal*  
2           *made on or after the date of enactment of this Act to*  
3           *the Merit Systems Protection Board under section*  
4           *7701 of title 5, United States Code, the amendment*  
5           *made by paragraph (1) shall apply to any appeal*  
6           *made under such section before the date of enactment*  
7           *of this Act with respect to which the Board has not*  
8           *issued a final decision.*

9   **SEC. 4. CLASSIFYING CERTAIN FURLOUGHS AS ADVERSE**  
10                                   **PERSONNEL ACTIONS.**

11           (a) *IN GENERAL.*—*Section 7512 of title 5, United*  
12           *States Code, is amended—*

13                           (1) *in paragraph (4), by striking “and” at the*  
14                           *end; and*

15                           (2) *by striking paragraph (5) and inserting the*  
16                           *following:*

17                                   “(5) *a furlough of more than 14 days but less*  
18                                   *than 30 days; and*

19                                   “(6) *a furlough of 13 days or less that is not due*  
20                                   *to a lapse in appropriations;”.*

21           (b) *APPLICATION.*—*The amendment made by sub-*  
22           *section (a) shall apply to any furlough covered by such sec-*  
23           *tion 7512(5) or (6) (as amended by such subsection) occur-*  
24           *ring on or after the date of enactment of this Act.*

1 **SEC. 5. CODIFICATION OF PROTECTIONS FOR DISCLO-**  
2 **SURES OF CENSORSHIP RELATED TO RE-**  
3 **SEARCH, ANALYSIS, OR TECHNICAL INFORMA-**  
4 **TION.**

5 (a) *IN GENERAL.*—Section 2302 of title 5, United  
6 States Code, as amended by section 2(c)(1), is further  
7 amended by adding at the end the following:

8 “(h)(1) *In this subsection—*

9 “(A) *the term ‘applicant’ means an applicant*  
10 *for a covered position;*

11 “(B) *the term ‘censorship related to research,*  
12 *analysis, or technical information’ means any effort*  
13 *to distort, misrepresent, or suppress research, anal-*  
14 *ysis, or technical information; and*

15 “(C) *the term ‘employee’ means an employee in*  
16 *a covered position in an agency.*

17 “(2)(A) *Any disclosure of information by an employee*  
18 *or applicant for employment that the employee or applicant*  
19 *reasonably believes is evidence of censorship related to re-*  
20 *search, analysis, or technical information—*

21 “(i) *shall come within the protections of sub-*  
22 *section (b)(8)(A) if—*

23 “(I) *the employee or applicant reasonably*  
24 *believes that the censorship related to research,*  
25 *analysis, or technical information is or will*  
26 *cause—*

1           “(aa) any violation of law, rule, or  
2           regulation; or

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

7           “(II) such disclosure is not specifically pro-  
8           hibited by law or such information is not specifi-  
9           cally required by Executive order to be kept clas-  
10          sified in the interest of national defense or the  
11          conduct of foreign affairs; and

12          “(ii) shall come within the protections of sub-  
13          section (b)(8)(B) if—

14               “(I) the employee or applicant reasonably  
15               believes that the censorship related to research,  
16               analysis, or technical information is or will  
17               cause—

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

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

24                       “(II) the disclosure is made to the Special  
25                       Counsel, or to the Inspector General of an agency

1           or another person designated by the head of the  
2           agency to receive such disclosures, consistent  
3           with the protection of sources and methods.

4           “(3) A disclosure shall not be excluded from paragraph  
5 (2) for any reason described under subsection (f)(1) or (2).

6           “(4) Nothing in this subsection shall be construed to  
7 imply any limitation on the protections of employees and  
8 applicants afforded by any other provision of law, includ-  
9 ing protections with respect to any disclosure of informa-  
10 tion believed to be evidence of censorship related to research,  
11 analysis, or technical information.”.

12           (b) *REPEAL.*—

13           (1) *IN GENERAL.*—Section 110 of the Whistle-  
14 blower Protection Enhancement Act of 2012 (Public  
15 Law 112–199) is hereby repealed.

16           (2) *RULE OF CONSTRUCTION.*—Nothing in this  
17 section shall be construed to limit or otherwise affect  
18 any action under such section 110 commenced before  
19 the date of enactment of this Act or any protections  
20 afforded by such section with respect to such action.

21 **SEC. 6. TITLE 5 TECHNICAL AND CONFORMING AMEND-**  
22 **MENTS.**

23           Title 5, United States Code, is amended—

1           (1) in section 1212(h), by striking “or (9)” each  
2           place it appears and inserting “, (b)(9), (b)(13), or  
3           (g)”;

4           (2) in section 1214—

5           (A) in subsections (a) and (b), by striking  
6           “section 2302(b)(8) or section 2302(b)(9)(A)(i),  
7           (B), (C), or (D)” each place it appears and in-  
8           serting “section 2302(b)(8), section  
9           2302(b)(9)(A)(i), (B), (C), (D), or (E), section  
10           2302(b)(13), or section 2302(g)”;

11           (B) in subsection (i), by striking “section  
12           2302(b)(8) or subparagraph (A)(i), (B), (C), or  
13           (D) of section 2302(b)(9)” and inserting “section  
14           2302(b)(8), subparagraph (A)(i), (B), (C), (D),  
15           or (E) of section 2302(b)(9), section 2302(b)(13),  
16           or section 2302(g)”;

17           (3) in section 1215(a)(3)(B), by striking “section  
18           2302(b)(8), or 2302(b)(9)(A)(i), (B), (C), or (D)” each  
19           place it appears and inserting “section 2302(b)(8),  
20           section 2302(b)(9)(A)(i), (B), (C), (D), or (E), section  
21           2302(b)(13), or section 2302(g)”;

22           (4) in section 2302—

23           (A) in subsection (a)—

24           (i) in paragraph (1), by inserting “or  
25           (g)” after “subsection (b)”;

1                   (ii) in paragraph (2)(C)(i), by striking  
2                   “subsection (b)(8) or section  
3                   2302(b)(9)(A)(i), (B), (C), or (D)” and in-  
4                   serting “section 2302(b)(8), section  
5                   2302(b)(9)(A)(i), (B), (C), (D), or (E), sec-  
6                   tion 2302(b)(13), or section 2302(g)”; and  
7                   (B) in subsection (c)(1)(B), by striking  
8                   “paragraph (8) or subparagraph (A)(i), (B), (C),  
9                   or (D) of paragraph (9) of subsection (b)” and  
10                  inserting “paragraph (8), subparagraph (A)(i),  
11                  (B), (C), or (D) of paragraph (9), or paragraph  
12                  (13) of subsection (b) or subsection (g)”;  
13                  (5) in section 7515(a)(2), by striking “para-  
14                  graph (8), (9), or (14) of section 2302(b)” and insert-  
15                  ing “paragraph (8), (9), (13), or (14) of section  
16                  2302(b) or section 2302(g)”;  
17                  (6) in section 7701(c)(2)(B), by inserting “or  
18                  section 2302(g)” after “section 2302(b)”; and  
19                  (7) in section 7703(b)(1)(B), by striking “section  
20                  2302(b)(8), or 2302(b)(9)(A)(i), (B), (C), or (D)” and  
21                  inserting “section 2302(b)(8), section  
22                  2302(b)(9)(A)(i), (B), (C), (D), or (E), section  
23                  2302(b)(13), or section 2302(g)”.

Union Calendar No. 251

117<sup>TH</sup> CONGRESS  
2<sup>D</sup> SESSION

**H. R. 2988**

[Report No. 117-334]

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## **A BILL**

To amend title 5, United States Code, to modify and enhance protections for Federal Government whistleblowers, and for other purposes.

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MAY 17, 2022

Reported with an amendment, committed to the Committee of the Whole House on the State of the Union, and ordered to be printed