

109TH CONGRESS  
2D SESSION

# S. 3676

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

JULY 17, 2006

Mr. GRASSLEY 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) IN GENERAL.—Part A of title II of the Congres-  
7       sional Accountability Act of 1995 (2 U.S.C. 1311 et seq.)  
8       is amended—

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

4 (2) by redesignating section 207 as section 208;  
 5 and

6 (3) by inserting after section 206 the following:

7 “**SEC. 207. RIGHTS AND PROTECTIONS UNDER WHISTLE-**  
 8 **BLOWER PROTECTION RULES.**

9 “(a) RIGHTS AND PROTECTIONS DESCRIBED.—

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

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

20 “(i) a violation of any law, rule, or  
 21 regulation; or

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

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

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

14 “(i) a violation of any law, rule, or  
15 regulation; or

16 “(ii) gross mismanagement, a gross  
17 waste of funds, an abuse of authority, or  
18 a substantial and specific danger to public  
19 health or safety.

20 “(2) DEFINITIONS.—For purposes of this sec-  
21 tion and for purposes of applying the procedures es-  
22 tablished under title IV for the consideration of al-  
23 leged violations of this section—

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

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

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

12          “(c) REGULATIONS TO IMPLEMENT SECTION.—

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

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

1 for the implementation of the rights and protections  
 2 under this section.”.

3 (b) TECHNICAL AND CONFORMING AMENDMENTS.—

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

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

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

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

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

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

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

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