To provide protections for employees of, former employees of, and applicants for employment with Federal agencies, contractors, and grantees whose right to petition or furnish information to Congress is interfered with or denied.

IN THE SENATE OF THE UNITED STATES

Mrs. Feinstein (for herself, Mr. Blumenthal, Ms. Klobuchar, Mr. Wyden, Mr. Van Hollen, Mr. Carper, Ms. Hirono, Mr. Durbin, Mr. Whitehouse, Ms. Baldwin, Mr. Markey, Mr. Warner, Mr. Ossoff, and Mr. Bennet) introduced the following bill; which was read twice and referred to the Committee on

A BILL

To provide protections for employees of, former employees of, and applicants for employment with Federal agencies, contractors, and grantees whose right to petition or furnish information to Congress is interfered with or denied.

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 “Congressional Whistle-
5 blower Protection Act of 2021”.
Section 7211 of title 5, United States Code, is amended—

(1) by striking “The right of employees” and inserting the following:

“(a) IN GENERAL.—The right of covered individuals”; and

(2) by adding at the end the following:

“(b) REMEDIES.—

“(1) ADMINISTRATIVE REMEDIES.—

“(A) IN GENERAL.—A covered individual with respect to a Federal agency (other than a covered individual described in subparagraph (B), (C), or (D)) who is aggrieved by a violation of subsection (a) may seek corrective action under sections 1214 and 1221 in the same manner as an individual who is aggrieved by a prohibited personnel practice described in section 2302(b)(8).

“(B) FBI EMPLOYEES.—A covered individual with respect to the Federal Bureau of Investigation who is aggrieved by a violation of subsection (a) may seek corrective action under section 2303.

“(C) INTELLIGENCE COMMUNITY EMPLOYEES.—A covered individual with respect to a
covered intelligence community element (as defined in section 1104(a) of the National Security Act of 1947 (50 U.S.C. 3234(a))) who is aggrieved by a violation of subsection (a) may seek corrective action under section 1104 of the National Security Act of 1947 (50 U.S.C. 3234) or subsection (b)(7) or (j) of section 3001 of that Act (50 U.S.C. 3341).

“(D) CONTRACTOR EMPLOYEES.—A covered individual with respect to a Federal agency who is an employee of, former employee of, or applicant for employment with, a contractor, subcontractor, grantee, subgrantee, or personal services contractor (as those terms are used in section 2409 of title 10 and section 4712 of title 41) of the agency and who is aggrieved by a violation of subsection (a) of this section may seek corrective action under section 2409 of title 10 or section 4712 of title 41.

“(E) BURDEN OF PROOF.—The burdens of proof under subsection (e) of section 1221 shall apply to an allegation of a violation of subsection (a) of this section made under subparagraph (A), (B), (C), or (D) of this paragraph in the same manner as those burdens of proof
apply to an allegation of a prohibited personnel
practice under such section 1221.

“(F) CLASS OF INDIVIDUALS ENTITLED TO
SEEK CORRECTIVE ACTION.—The right to seek
corrective action under subparagraph (A), (B),
(C), or (D) shall apply to a covered individual
who is an employee of, former employee of, or
applicant for employment with, a Federal agen-
cy described in the applicable subparagraph or
a contractor, subcontractor, grantee, subgrant-
ee, or personal services contractor (as those
terms are used in section 2409 of title 10 and
section 4712 of title 41) of such a Federal
agency, notwithstanding the fact that a provi-
sion of law referenced in the applicable sub-
paragraph does not authorize one or more of
those types of covered individuals to seek cor-
rective action.

“(2) PRIVATE RIGHT OF ACTION.—

“(A) IN GENERAL.—If a final decision pro-
viding relief for a violation of subsection (a) al-
leged under subparagraph (A), (B), (C), or (D)
of paragraph (1) of this subsection is not issued
within 210 days of the date on which the cov-
ered individual seeks corrective action under the
applicable subparagraph and there is no showing that the delay is due to the bad faith of the covered individual, the covered individual may bring an action at law or equity for de novo review in the appropriate district court of the United States, which shall have jurisdiction over the action without regard to the amount in controversy, for lost wages and benefits, reinstatement, costs and attorney fees, compensatory damages, equitable or injunctive relief, or any other relief that the court considers appropriate.

“(B) JURY TRIAL.—An action brought under subparagraph (A) shall, upon the request of the covered individual, be tried by the court with a jury.

“(C) BURDEN OF PROOF.—The burdens of proof under subsection (e) of section 1221 shall apply to an allegation of a violation of subsection (a) of this section in an action brought under this paragraph in the same manner as those burdens of proof apply to an allegation of a prohibited personnel practice under such section 1221.

“(c) DEFINITIONS.—For purposes of this section—
“(1) the term ‘covered individual’, with respect
to a Federal agency, means an employee of, former
employee of, or applicant for employment with—

“(A) the agency; or

“(B) a contractor, subcontractor, grantee,
subgrantee, or personal services contractor (as
those terms are used in section 2409 of title 10
and section 4712 of title 41) of the agency; and

“(2) the term ‘Federal agency’ means an agen-
cy, office, or other establishment in the executive,
legislative, or judicial branch of the Federal Govern-
ment.”.