

S 1229

Federal Employee Protection of Disclosure Act

Congress: 108 (2003–2005, Ended)

Chamber: Senate

Policy Area: Government Operations and Politics

Introduced: Jun 10, 2003

Current Status: Committee on Governmental Affairs referred to Subcommittee on Financial Management, the Budget, and

Latest Action: Committee on Governmental Affairs referred to Subcommittee on Financial Management, the Budget, and International Security. (Jun 20, 2003)

Official Text: <https://www.congress.gov/bill/108th-congress/senate-bill/1229>

Sponsor

Name: Sen. Akaka, Daniel K. [D-HI]

Party: Democratic • **State:** HI • **Chamber:** Senate

Cosponsors (4 total)

Cosponsor	Party / State	Role	Date Joined
Sen. Dayton, Mark [D-MN]	D · MN		Jun 10, 2003
Sen. Durbin, Richard J. [D-IL]	D · IL		Jun 10, 2003
Sen. Leahy, Patrick J. [D-VT]	D · VT		Jun 10, 2003
Sen. Levin, Carl [D-MI]	D · MI		Jun 10, 2003

Committee Activity

Committee	Chamber	Activity	Date
Homeland Security and Governmental Affairs Committee	Senate	Referred to	Jun 20, 2003

Subjects & Policy Tags

Policy Area:

Government Operations and Politics

Related Bills

No related bills are listed.

Federal Employee Protection of Disclosures Act - Includes as a protected disclosure by a Federal employee any lawful disclosure an employee or applicant reasonably believes is credible evidence of waste, fraud, abuse, or gross mismanagement, without restriction as to time, place, form, motive, context, or prior disclosure.

Allows a presumption relating to the performance of a duty by an employee to be rebutted by substantial evidence.

Requires each non-disclosure policy, form, or agreement to contain a statement that the restrictions are consistent with and do not supersede specified employee obligations, rights, or liabilities.

Authorizes the Merit Systems Protection Board or any reviewing court, in any appeal relating to a suspension or other action relating to a security clearance, to determine whether there was a violation of prohibited personnel practices. Prohibits the Board from ordering the President to restore the clearance, but authorizes the Board to issue declaratory and other appropriate relief. Authorizes the Board to impose disciplinary action, a civil penalty, or a combination against employees found to have committed a prohibited personnel practice. Requires each agency to establish a process for providing confidential advice to employees on making lawful disclosures to Congress of information required to be kept secret in the interests of national defense or the conduct of foreign affairs. Permits representation by attorneys for the Office of the Special Counsel in civil actions brought in connection with such disclosures of information or provisions relating to political activities.

Authorizes the Office of Personnel Management to obtain judicial review of Board decisions.

Amends the Homeland Security Act of 2002 to provide that, for purposes of provisions regarding the protection of voluntarily shared critical infrastructure information, a permissible use of independently obtained critical infrastructure information includes any lawful disclosure an employee or applicant reasonably believes is credible evidence of waste, fraud, abuse, or gross mismanagement, without restriction as to time, place, form, motive, context, or prior disclosure.

Actions Timeline

- **Jun 20, 2003:** Committee on Governmental Affairs referred to Subcommittee on Financial Management, the Budget, and International Security.
- **Jun 10, 2003:** Introduced in Senate
- **Jun 10, 2003:** Sponsor introductory remarks on measure. (CR S7636)
- **Jun 10, 2003:** Read twice and referred to the Committee on Governmental Affairs. (text of measure as introduced: CR S7637-7638)