

HR 1317

Federal Employee Protection of Disclosures Act

Congress: 109 (2005–2007, Ended)

Chamber: House

Policy Area: Government Operations and Politics

Introduced: Mar 15, 2005

Current Status: House Committee on Armed Services Granted an extension for further consideration ending not later th

Latest Action: House Committee on Armed Services Granted an extension for further consideration ending not later than Dec. 8, 2006. (Nov 17, 2006)

Official Text: <https://www.congress.gov/bill/109th-congress/house-bill/1317>

Sponsor

Name: Rep. Platts, Todd Russell [R-PA-19]

Party: Republican • **State:** PA • **Chamber:** House

Cosponsors (22 total)

Cosponsor	Party / State	Role	Date Joined
Rep. Baldwin, Tammy [D-WI-2]	D · WI		Mar 15, 2005
Rep. Berman, Howard L. [D-CA-28]	D · CA		Mar 15, 2005
Rep. Blackburn, Marsha [R-TN-7]	R · TN		Mar 15, 2005
Rep. Blumenauer, Earl [D-OR-3]	D · OR		Mar 15, 2005
Rep. Cummings, Elijah E. [D-MD-7]	D · MD		Mar 15, 2005
Rep. DeGette, Diana [D-CO-1]	D · CO		Mar 15, 2005
Rep. LaHood, Ray [R-IL-18]	R · IL		Mar 15, 2005
Rep. Markey, Edward J. [D-MA-7]	D · MA		Mar 15, 2005
Rep. McCollum, Betty [D-MN-4]	D · MN		Mar 15, 2005
Rep. McNulty, Michael R. [D-NY-21]	D · NY		Mar 15, 2005
Rep. Paul, Ron [R-TX-14]	R · TX		Mar 15, 2005
Rep. Schakowsky, Janice D. [D-IL-9]	D · IL		Mar 15, 2005
Rep. Shays, Christopher [R-CT-4]	R · CT		Mar 15, 2005
Rep. Simmons, Rob [R-CT-2]	R · CT		Mar 15, 2005
Rep. Stark, Fortney Pete [D-CA-13]	D · CA		Mar 15, 2005
Rep. Van Hollen, Chris [D-MD-8]	D · MD		Mar 15, 2005
Rep. Woolsey, Lynn C. [D-CA-6]	D · CA		Mar 15, 2005
Rep. Waxman, Henry A. [D-CA-30]	D · CA		Apr 13, 2005
Rep. Price, David E. [D-NC-4]	D · NC		Apr 21, 2005
Rep. Boucher, Rick [D-VA-9]	D · VA		Feb 8, 2006
Rep. Thompson, Bennie G. [D-MS-2]	D · MS		Sep 14, 2006
Rep. Smith, Adam [D-WA-9]	D · WA		Dec 5, 2006

Committee Activity

Committee	Chamber	Activity	Date
Armed Services Committee	House	Referred to	Oct 10, 2006
Homeland Security Committee	House	Referred to	Jul 11, 2006
Oversight and Government Reform Committee	House	Reported By	Jun 29, 2006

Subjects & Policy Tags

Policy Area:

Government Operations and Politics

Related Bills

Bill	Relationship	Last Action
109 HR 3097	Related bill	Jun 28, 2005: Referred to the House Committee on Government Reform.
109 S 494	Related bill	May 25, 2005: Placed on Senate Legislative Calendar under General Orders. Calendar No. 114.

Federal Employee Protection of Disclosures Act - (Sec. 2) Includes as a protected disclosure by a federal employee any lawful disclosure an employee or applicant for employment reasonably believes is credible evidence of waste, abuse, gross mismanagement, or substantial and specific danger to public health or safety without restriction as to time, place, form, motive, context, or prior disclosure.

(Sec. 3) Defines the term "disclosure" to mean a formal or informal communication, but does not include a communication concerning policy decisions that lawfully exercise discretionary authority unless the employee providing the disclosure reasonably believes that the disclosure evidences: (1) any violation of any law, rule, or regulation; or (2) gross mismanagement, a gross waste of funds, an abuse of authority, or a substantial and specific danger to public health or safety.

(Sec. 4) Codifies the legal standard for determining whether a whistleblower has a reasonable belief that a disclosure evidences governmental waste, fraud, or abuse, or a violation of law.

(Sec. 5) Includes under the definition of "personnel action" the implementation or enforcement of any nondisclosure policy, form, or agreement. Prohibits taking the following actions against whistleblowers making protected disclosures: (1) the implementation or enforcement of any nondisclosure policy, form, or agreement; and (2) an investigation (other than routine nondiscretionary agency investigations) of an employee or applicant.

(Sec. 6) Authorizes the President to exclude certain agencies engaged in the conduct of foreign intelligence or counterintelligence activities from whistleblower protections if such exclusion is made prior to any personnel action against the whistleblower.

(Sec. 7) Expands the authority of the Merit Systems Protection Board to impose disciplinary action for prohibited personnel practices.

(Sec. 8) Requires a Government Accountability Office (GAO) study on security clearances revocations taking effect after 1996 with respect to personnel that filed claims in connection with such security clearance revocations.

(Sec. 9) Permits an employee, former employee, or applicant to bring an action against the United States at law or equity for de novo review as an alternative recourse in seeking corrective action with respect to a prohibited personnel practice.

(Sec. 10) Amends the Federal Property and Administrative Services Act of 1949 to modify remedy and enforcement authority under provisions relating to the protection of contractor employees from reprisal for disclosure of certain information, including by permitting such an employee who has been subjected to a reprisal prohibited by such provisions to bring an action at law or equity for de novo review in order to seek compensatory damages and other relief available under those provisions. Makes an identical amendment with respect to federal military law relating to the protection of military contractor employees from reprisal for disclosure of certain information.

(Sec. 11) Makes certain prohibited personnel practices provisions applicable to the Transportation Security Administration (TSA).

Actions Timeline

- **Nov 17, 2006:** Committee on Homeland Security discharged.
- **Nov 17, 2006:** Committee on Homeland Security discharged.
- **Nov 17, 2006:** House Committee on Armed Services Granted an extension for further consideration ending not later than Dec. 8, 2006.
- **Oct 10, 2006:** Referred to the Subcommittee on Readiness.
- **Sep 29, 2006:** House Committee on Armed Services Granted an extension for further consideration ending not later than Nov. 17, 2006.
- **Sep 29, 2006:** House Committee on Homeland Security Granted an extension for further consideration ending not later than Nov. 17, 2006.
- **Sep 11, 2006:** House Committee on Armed Services Granted an extension for further consideration ending not later than Sept. 29, 2006.
- **Sep 11, 2006:** House Committee on Homeland Security Granted an extension for further consideration ending not later than Sept. 29, 2006.
- **Jul 11, 2006:** Referred to the Subcommittee on Management, Integration, and Oversight.
- **Jun 29, 2006:** Reported (Amended) by the Committee on 109-544, Part I.
- **Jun 29, 2006:** Reported (Amended) by the Committee on 109-544, Part I.
- **Jun 29, 2006:** Referred sequentially to the House Committee on Armed Services for a period ending not later than Sept. 11, 2006 for consideration of such provisions of the bill and amendment as fall within the jurisdiction of that committee pursuant to clause 1(c), rule X.
- **Jun 29, 2006:** Referred sequentially to the House Committee on Homeland Security for a period ending not later than Sept. 11, 2006 for consideration of such provisions of the bill and amendment as fall within the jurisdiction of that committee pursuant to clause 1(i), rule X.
- **Sep 29, 2005:** Committee Consideration and Mark-up Session Held.
- **Sep 29, 2005:** Ordered to be Reported (Amended) by the Yeas and Nays: 34 - 1.
- **Mar 15, 2005:** Introduced in House
- **Mar 15, 2005:** Introduced in House
- **Mar 15, 2005:** Referred to the House Committee on Government Reform.