

119TH CONGRESS
1ST SESSION

S. 874

To ensure that whistleblowers, including contractors, are protected from retaliation when a Federal employee orders a reprisal, and for other purposes.

IN THE SENATE OF THE UNITED STATES

MARCH 5, 2025

Mr. PETERS introduced the following bill; which was read twice and referred to the Committee on Homeland Security and Governmental Affairs

A BILL

To ensure that whistleblowers, including contractors, are protected from retaliation when a Federal employee orders a reprisal, 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 “Expanding Whistle-
5 blower Protections for Contractors Act of 2025”.

6 **SEC. 2. DEFENSE CONTRACTOR EMPLOYEES: PROTECTION**
7 **FROM REPRISAL FOR DISCLOSURE OF CER-**
8 **TAIN INFORMATION.**

9 Section 4701 of title 10, United States Code, is
10 amended—

1 (1) in subsection (a)—

2 (A) in paragraph (1)—

3 (i) in the matter preceding subpara-
4 graph (A)—

5 (I) by striking “An employee”
6 and all that follows through “services
7 contractor” and inserting “A pro-
8 tected individual”; and

9 (II) by striking “disclosing” and
10 all that follows through “evidence of”;
11 and

12 (ii) by striking subparagraphs (A),
13 (B), and (C) and inserting the following
14 subparagraphs:

15 “(A) Refusing to obey an order that would re-
16 quire the protected individual to violate a law, rule,
17 or regulation related to any contract, subcontract,
18 grant, or subgrant.

19 “(B) Disclosing to a person or body described
20 in paragraph (2) information that the protected indi-
21 vidual reasonably believes is evidence of the fol-
22 lowing:

23 “(i) Gross mismanagement of any Depart-
24 ment of Defense contract or grant, any gross
25 waste of Department funds, any abuse of au-

thority relating to any Department contract, subcontract, grant, or subgrant, or any violation of law, rule, or regulation related to any Department contract or subcontract (including the competition for or negotiation of a contract or subcontract) or grant or subgrant.

“(ii) Gross mismanagement of any National Aeronautics and Space Administration contract or grant, any gross waste of Administration funds, any abuse of authority relating to an Administration contract, subcontract, grant, or subgrant, or any violation of law, rule, or regulation related to any Administration contract or subcontract (including the competition for or negotiation of a contract or subcontract) or grant or subgrant.

“(iii) A substantial and specific danger to public health or safety.”; and

(B) in paragraph (3)—

(i) in subparagraph (A), by striking “an employee” and inserting “a protected individual”; and

(ii) by striking subparagraph (B) and inserting the following subparagraph:

1 “(B) it shall not be within the authority of an
 2 executive branch official to request that a con-
 3 tractor, subcontractor, grantee, or subgrantee en-
 4 gage in a reprisal prohibited by paragraph (1).”;

5 (2) in subsection (c)—

6 (A) in paragraph (1), by adding at the end
 7 the following subparagraph:

8 “(E) Propose appropriate disciplinary action
 9 against any executive branch official for any request
 10 made of a contractor, subcontractor, grantee, or sub-
 11 grantee that subjected the complainant to a reprisal
 12 prohibited by subsection (a).”; and

13 (B) by striking paragraph (7) and insert-
 14 ing the following paragraph:

15 “(7) CLARIFICATION FOR SCOPE OF WAIVER RE-
 16 STRICTIONS.—(A) The rights, forum, and remedies pro-
 17 vided for in this section may not be waived by any public
 18 or private agreement, policy, form, or condition of employ-
 19 ment, including by any predispute arbitration agreement.

20 “(B) No provision of the predispute arbitration
 21 agreement shall be valid or enforceable if it requires arbi-
 22 tration of a dispute arising under this section.”;

23 (3) by striking subsection (e) and redesignating
 24 subsections (f) and (g) as subsections (e) and (f), re-
 25 spectively;

1 (4) in subsection (e), as so redesignated—

2 (A) by striking “an employee” and insert-
3 ing “a protected individual”; and

4 (B) by striking “the employee” and insert-
5 ing “the protected individual”; and

6 (5) in subsection (f), as so redesignated, by
7 adding at the end the following new paragraph:

8 “(8) The term ‘protected individual’ means—

9 “(A) a contractor, subcontractor, grantee,
10 or subgrantee of the Department of Defense or
11 the National Aeronautics and Space Adminis-
12 tration, including—

13 “(i) the government of each of the
14 several States, the District of Columbia, an
15 Indian tribe or authorized tribal organiza-
16 tion, the Commonwealth of Puerto Rico,
17 Guam, American Samoa, the Virgin Is-
18 lands, the Commonwealth of the Northern
19 Mariana Islands, or any other territory or
20 possession of the United States;

21 “(ii) the government of any political
22 subdivision of, agency of, or instrumen-
23 tality of, a government listed in clause (i);
24 and

1 “(iii) an element of the intelligence
2 community (as defined in section 3 of the
3 National Security Act of 1947 (50 U.S.C.
4 3003)) within the Department of Defense;

5 “(B) an employee of a contractor, subcon-
6 tractor, grantee, or subgrantee of the Depart-
7 ment of Defense or the National Aeronautics
8 and Space Administration, or a former em-
9 ployee of such contractor, subcontractor, grant-
10 ee, or subgrantee whose protected disclosure or
11 engagement in any activity protected against
12 reprisal under this section occurred prior to ter-
13 mination, including an employee of—

14 “(i) the government of each of the
15 several States, the District of Columbia, an
16 Indian tribe or authorized tribal organiza-
17 tion, the Commonwealth of Puerto Rico,
18 Guam, American Samoa, the Virgin Is-
19 lands, the Commonwealth of the Northern
20 Mariana Islands, or any other territory or
21 possession of the United States;

22 “(ii) the government of any political
23 subdivision of, agency of, or instrumen-
24 tality of, a government listed in clause (i);
25 and

1 “(iii) an element of the intelligence
2 community (as defined in section 3 of the
3 National Security Act of 1947 (50 U.S.C.
4 3003)) within the Department of Defense;
5 or

6 “(C) a person performing personal services
7 for the Department of Defense or the National
8 Aeronautics and Space Administration pursuant
9 to a contractual agreement for the performance
10 of personal services, including a personal serv-
11 ices contract or personal services agreement,
12 and who engages in an activity for which any
13 reprisal is prohibited under subsection (a), in-
14 cluding a person performing personal services
15 pursuant such a contractual agreement for—

16 “(i) the government of each of the
17 several States, the District of Columbia, an
18 Indian tribe or authorized tribal organiza-
19 tion, the Commonwealth of Puerto Rico,
20 Guam, American Samoa, the Virgin Is-
21 lands, the Commonwealth of the Northern
22 Mariana Islands, or any other territory or
23 possession of the United States;

24 “(ii) the government of any political
25 subdivision of, agency of, or instrumen-

1 tality of, a government listed in clause (i);
 2 and
 3 “(iii) an element of the intelligence
 4 community (as defined in section 3 of the
 5 National Security Act of 1947 (50 U.S.C.
 6 3003)) within the Department of De-
 7 fense.”.

8 **SEC. 3. ENHANCEMENT OF NON-DEFENSE CONTRACTOR**
 9 **PROTECTION FROM REPRISAL FOR DISCLO-**
 10 **SURE OF CERTAIN INFORMATION.**

11 Section 4712 of title 41, United States Code, is
 12 amended—

13 (1) in subsection (a)—

14 (A) by striking paragraph (1) and insert-
 15 ing the following paragraph:

16 “(1) IN GENERAL.—A protected individual may
 17 not be discharged, demoted, or otherwise discrimi-
 18 nated against as a reprisal for the following:

19 “(A) Refusing to obey an order that would
 20 require the protected individual to violate a law,
 21 rule, or regulation related to any contract, sub-
 22 contract, grant, or subgrant.

23 “(B) Disclosing to a person or body de-
 24 scribed in paragraph (2) information that the

protected individual reasonably believes is evidence of the following:

“(i) Gross mismanagement of any Federal contract or grant, any gross waste of Federal funds, any abuse of authority relating to any Federal contract, subcontract, grant, or subgrant, or any violation of law, rule, or regulation related to any Federal contract or subcontract (including the competition for or negotiation of a contract or subcontract) or grant or subgrant.

“(ii) A substantial and specific danger to public health or safety.”; and

(B) in paragraph (3)—

(i) in subparagraph (A), by striking “an employee” and inserting “a protected individual”; and

(ii) by striking subparagraph (B) and inserting the following subparagraph:

“(B) it shall not be within the authority of an executive branch official to request that a contractor, subcontractor, grantee, or subgrantee engage in a reprisal prohibited by paragraph (1).”;

1 (2) in subsection (c)—

2 (A) in paragraph (1), by adding at the end
3 the following new subparagraph:

4 “(E) Propose appropriate disciplinary ac-
5 tion against any executive branch official for
6 any request made of a contractor, subcon-
7 tractor, grantee, or subgrantee that subjected
8 the complainant to a reprisal prohibited by sub-
9 section (a).”; and

10 (B) by striking paragraph (7) and insert-
11 ing the following paragraph:

12 “(7) RIGHTS, FORUM, AND REMEDIES NOT
13 WAIVABLE.—

14 “(A) IN GENERAL.—The rights, forum,
15 and remedies provided for in this section may
16 not be waived by any public or private agree-
17 ment, policy, form, or condition of employment,
18 including by any predispute arbitration agree-
19 ment.

20 “(B) VALIDITY.—No provision of the
21 predispute arbitration agreement shall be valid
22 or enforceable if it requires arbitration of a dis-
23 pute arising under this section.”;

24 (3) in subsection (e)—

1 (A) by striking “an employee” and insert-
2 ing “a protected individual”; and

3 (B) by striking “the employee” and insert-
4 ing “the protected individual”;

5 (4) by striking subsection (f) and redesignating
6 subsections (g) and (h) as subsections (f) and (g),
7 respectively; and

8 (5) in subsection (f), as so redesignated, by in-
9 serting after paragraph (2) the following new para-
10 graph:

11 “(3) The term ‘protected individual’ means—

12 “(A) a contractor, subcontractor, grantee,
13 or subgrantee of the Federal Government, in-
14 cluding—

15 “(i) the government of each of the
16 several States, the District of Columbia, an
17 Indian tribe or authorized tribal organiza-
18 tion, the Commonwealth of Puerto Rico,
19 Guam, American Samoa, the Virgin Is-
20 lands, the Commonwealth of the Northern
21 Mariana Islands, or any other territory or
22 possession of the United States;

23 “(ii) the government of any political
24 subdivision of, agency of, or instrumen-

1 tality of, a government listed in clause (i);
2 and

3 “(iii) an element of the intelligence
4 community (as defined in section 3 of the
5 National Security Act of 1947 (50 U.S.C.
6 3003));

7 “(B) an employee of a contractor, subcon-
8 tractor, grantee, or subgrantee of the Federal
9 Government or a former employee of such con-
10 tractor, subcontractor, grantee, or subgrantee
11 whose protected disclosure or engagement in
12 any activity protected against reprisal under
13 this section occurred prior to termination, in-
14 cluding an employee of—

15 “(i) the government of each of the
16 several States, the District of Columbia, an
17 Indian tribe or authorized tribal organiza-
18 tion, the Commonwealth of Puerto Rico,
19 Guam, American Samoa, the Virgin Is-
20 lands, the Commonwealth of the Northern
21 Mariana Islands, or any other territory or
22 possession of the United States;

23 “(ii) the government of any political
24 subdivision of, agency of, or instrumen-

1 tality of, a government listed in clause (i);
2 and

3 “(iii) an element of the intelligence
4 community (as defined in section 3 of the
5 National Security Act of 1947 (50 U.S.C.
6 3003)); or

7 “(C) a person performing personal services
8 for the Federal Government pursuant to a con-
9 tractual agreement for the performance of per-
10 sonal services, including a personal services con-
11 tract or personal services agreement, including
12 a person performing personal services pursuant
13 to such a contractual agreement for—

14 “(i) the government of each of the
15 several States, the District of Columbia, an
16 Indian tribe or authorized tribal organiza-
17 tion, the Commonwealth of Puerto Rico,
18 Guam, American Samoa, the Virgin Is-
19 lands, the Commonwealth of the Northern
20 Mariana Islands, or any other territory or
21 possession of the United States;

22 “(ii) the government of any political
23 subdivision of, agency of, or instrumen-
24 tality of, a government listed in clause (i);
25 and

1 “(iii) an element of the intelligence
2 community (as defined in section 3 of the
3 National Security Act of 1947 (50 U.S.C.
4 3003)).”.

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