

## **Whistleblower Protection Improvement Act of 2021- Section by Section**

### Section 1. Short title

The short title is the “Whistleblower Protection Improvement Act of 2021.”

### Section 2. Additional Whistleblower Protections

Subsection (a) prohibits retaliatory investigations against any covered employee who engages in whistleblowing activity protected by 5 U.S.C. § 2302(b)(8).

Subsection (b) prohibits retaliation against any covered employee for sharing information with Congress, as protected by 5 U.S.C. § 7211.

Subsection (c) limits public disclosure of the identity of an employee who engages in whistleblowing activity protected by 5 U.S.C. § 2302(b)(8).

Subsection (d) amends the Lloyd-La Follette Act (5 U.S.C. § 7211) to make clear that no officer or employee of the federal government—including the President or Vice President—may interfere with or retaliate against a federal employee for sharing information with Congress.

### Section 3. Enhancement of Whistleblower Protections

Subsection (a) enables the Office of Special Counsel to refer disclosures of misconduct by an officer or employee of an Office of Inspector General to the Committee of Inspectors General for Integrity and Efficiency.

Subsection (b) allows an employee to bring an individual right of action to challenge an Executive Branch nondisclosure agreement that limits the employee’s ability to share information with Congress, report violations of law to an Inspector General, or engage in any other protected whistleblowing activity. This subsection also provides for timely consideration and appeals of employees’ requests for a stay of a personnel action. The subsection empowers an employee to file an action directly with the appropriate United States district court if the Merit Systems Protection Board fails to issue a final order or decision within 180 days (240 days for complex cases) of receiving the employee’s request for corrective action.

Subsection (c) prohibits retaliation against an employee for disclosing to a supervisor any violations of law, gross mismanagement or waste, abuse of authority, or a substantial and specific danger to public health or safety.

Subsection (d) clarifies that an employee is entitled to recover attorney fees if the employee prevails in judicial review of a decision by the Merit System Protection Board;

Subsection (e) extends protections under the Whistleblower Protection Act to all noncareer appointees in the Senior Executive Service, to officers or applicants of the Public Health Service, and to the commissioned officer corps of the National Oceanic and Atmospheric Administration.

Subsection (f) clarifies that when an employee is the prevailing party in an appeal to the Merit Systems Protection Board, the employee shall be granted relief necessary to make the employee whole, including training, seniority, and promotions consistent with the employee’s record.

*Section 4. Classifying Certain Furloughs as Adverse Personnel Actions.*

Section 4 specifies that furloughs of 13 days or less caused by a lapse in appropriations are not covered by the procedures in 5 U.S.C. §§ 7513-15.

*Section 5. Codification of Protections for Disclosure of Censorship Related to Research, Analysis, or Technical Information.*

Section 5 codifies Section 110 of the Whistleblower Protection Enforcement Act of 2012.

*Section 6. Technical and Conforming Edits*

Section 6 makes technical and conforming edits throughout Title 5.