

**AMENDMENT TO THE AMENDMENT IN THE
NATURE OF A SUBSTITUTE TO H.R. 3361
OFFERED BY MR. HOLT OF NEW JERSEY**

After title VI, insert the following new title:

1 **TITLE VII—WHISTLEBLOWERS**

2 **SEC. 701. WHISTLEBLOWER COMPLAINTS.**

3 (a) AUTHORIZATION TO REPORT COMPLAINTS OR IN-
4 FORMATION.—An employee of or contractor to an element
5 of the intelligence community that has knowledge of the
6 programs and activities authorized by the Foreign Intel-
7 ligence Surveillance Act of 1978 (50 U.S.C. 1801 et seq.)
8 may submit a covered complaint to—

9 (1) the Permanent Select Committee on Intel-
10 ligence of the House of Representatives;

11 (2) the Select Committee on Intelligence of the
12 Senate;

13 (3) the Committee on the Judiciary of the
14 House of Representatives;

15 (4) the Committee on the Judiciary of the Sen-
16 ate; or

17 (5) the Inspector General of the Intelligence
18 Community, in accordance with the process estab-

1 lished under section 103H(k)(5) of the National Se-
2 curity Act of 1947 (50 U.S.C. 3033(k)(5)).

3 (b) COVERED COMPLAINT DEFINED.—In this sec-
4 tion, the term “covered complaint” means a complaint or
5 information concerning programs and activities authorized
6 by the Foreign Intelligence Surveillance Act of 1978 (50
7 U.S.C. 1801 et seq.) that an employee or contractor rea-
8 sonably believes is evidence of—

9 (1) a violation of any law, rule, or regulation;

10 or

11 (2) gross mismanagement, a gross waste of
12 funds, an abuse of authority, or a substantial and
13 specific danger to public health or safety.

14 **SEC. 702. PROHIBITION ON INTERFERENCE WITH REPORT-**
15 **ING OF WASTE, FRAUD, ABUSE, OR CRIMINAL**
16 **BEHAVIOR.**

17 (a) IN GENERAL.—Notwithstanding any other provi-
18 sion of law, an officer or employee of an element of the
19 intelligence community shall be subject to administrative
20 sanctions, up to and including termination, for taking re-
21 taliatory action against an employee of or contractor to
22 an element of the intelligence community who seeks to dis-
23 close or discloses covered information to—

24 (1) the Permanent Select Committee on Intel-
25 ligence of the House of Representatives;

1 (2) the Select Committee on Intelligence of the
2 Senate;

3 (3) the Committee on the Judiciary of the
4 House of Representatives;

5 (4) the Committee on the Judiciary of the Sen-
6 ate; or

7 (5) the Office of the Inspector General of the
8 Intelligence Community.

9 (b) COVERED INFORMATION DEFINED.—In this sec-
10 tion, the term “covered information” means any informa-
11 tion (including classified or sensitive information) that an
12 employee or contractor reasonably believes is evidence of—

13 (1) a violation of any law, rule, or regulation;
14 or

15 (2) gross mismanagement, a gross waste of
16 funds, an abuse of authority, or a substantial and
17 specific danger to public health or safety.

18 **SEC. 703. INTELLIGENCE COMMUNITY DEFINED.**

19 In this title, the term “intelligence community” has
20 the meaning given the term in section 3 of the National
21 Security Act of 1947 (50 U.S.C. 3003).

