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:

TITLE VII—WHISTLEBLOWERS

SEC. 701. WHISTLEBLOWER COMPLAINTS.

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

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

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

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

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

(5) the Inspector General of the Intelligence
Community, in accordance with the process estab-
lished under section 103H(k)(5) of the National Sec-

urity Act of 1947 (50 U.S.C. 3033(k)(5)).

(b) COVERED COMPLAINT DEFINED.—In this sec-

tion, the term “covered complaint” means a complaint or

information concerning programs and activities authorized

by the Foreign Intelligence Surveillance Act of 1978 (50

U.S.C. 1801 et seq.) that an employee or contractor rea-

sonably believes is evidence of—

(1) a 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. 702. PROHIBITION ON INTERFERENCE WITH REPORT-

ING OF WASTE, FRAUD, ABUSE, OR CRIMINAL

BEHAVIOR.

(a) IN GENERAL.—Notwithstanding any other provi-

sion of law, an officer or employee of an element of the

intelligence community shall be subject to administrative

sanctions, up to and including termination, for taking re-

taliatory action against an employee of or contractor to

an element of the intelligence community who seeks to dis-

close or discloses covered information to—

(1) the Permanent Select Committee on Intel-

ligence of the House of Representatives;
(2) the Select Committee on Intelligence of the Senate;
(3) the Committee on the Judiciary of the House of Representatives;
(4) the Committee on the Judiciary of the Senate; or
(5) the Office of the Inspector General of the Intelligence Community.

(b) COVERED INFORMATION DEFINED.—In this section, the term “covered information” means any information (including classified or sensitive information) that an employee or contractor reasonably believes is evidence of—
(1) a 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. 703. INTELLIGENCE COMMUNITY DEFINED.

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