

**AMENDMENT TO H.R. 2048 (THE USA FREEDOM  
ACT)**

**OFFERED BY MS. LOFGREN OF CALIFORNIA**

At the end of title VI, insert the following:

1 **SEC. 606. WHISTLEBLOWER COMPLAINTS.**

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

8 (1) to the Comptroller General of the United  
9 States;

10 (2) to the Permanent Select Committee on In-  
11 telligence of the House of Representatives;

12 (3) to the Select Committee on Intelligence of  
13 the Senate;

14 (4) to the Committee on the Judiciary of the  
15 House of Representatives;

16 (5) to the Committee on the Judiciary of the  
17 Senate; or

1 (6) in accordance with the process established  
2 under section 103H(k)(5) of the National Security  
3 Act of 1947 (50 U.S.C. 3033(k)(5)).

4 (b) INVESTIGATIONS AND REPORTS TO CONGRESS.—  
5 The Comptroller General shall investigate a covered com-  
6 plaint submitted pursuant to subsection (a)(1) and shall  
7 submit to Congress a report containing the results of the  
8 investigation.

9 (c) COVERED COMPLAINT DEFINED.—In this sec-  
10 tion, the term “covered complaint” means a complaint or  
11 information concerning programs and activities authorized  
12 by the Foreign Intelligence Surveillance Act of 1978 (50  
13 U.S.C. 1801 et seq.) that an employee or contractor rea-  
14 sonably believes is evidence of—

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

16 or

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

20 **SEC. 607. PROHIBITION ON INTERFERENCE WITH REPORT-**  
21 **ING OF WASTE, FRAUD, ABUSE, OR CRIMINAL**  
22 **BEHAVIOR.**

23 (a) IN GENERAL.—Notwithstanding any other provi-  
24 sion of law, no officer or employee of an element of the  
25 intelligence community shall take any retaliatory action

1 against an employee of or contractor to an element of the  
2 intelligence community who seeks to disclose or discloses  
3 covered information to—

4 (1) the Comptroller General;

5 (2) the Permanent Select Committee on Intel-  
6 ligence of the House of Representatives;

7 (3) the Select Committee on Intelligence of the  
8 Senate;

9 (4) to the Committee on the Judiciary of the  
10 House of Representatives;

11 (5) to the Committee on the Judiciary of the  
12 Senate; or

13 (6) the Office of the Inspector General of the  
14 Intelligence Community.

15 (b) ADMINISTRATIVE SANCTIONS.—An officer or em-  
16 ployee of an element of the intelligence community who  
17 violates subsection (a) shall be subject to administrative  
18 sanctions, up to and including termination.

19 (c) DEFINITIONS.—In this section:

20 (1) COVERED INFORMATION.—The term “cov-  
21 ered information” means any information (including  
22 classified or sensitive information) that an employee  
23 or contractor reasonably believes is evidence of—

24 (A) a violation of any law, rule, or regula-  
25 tion; or

1 (B) gross mismanagement, a gross waste  
2 of funds, an abuse of authority, or a substantial  
3 and specific danger to public health or safety.  
4 (2) INTELLIGENCE COMMUNITY.—The term  
5 “intelligence community” has the meaning given the  
6 term in section 3 of the National Security Act of  
7 1947 (50 U.S.C. 3003).

