Notice to Employees Working on Federal Grants

Pilot Program for Enhancement of Employee Whistleblower Protection

The National Defense Authorization Act for Fiscal Year 2013 established a pilot program for enhancing employee whistleblower protections. This pilot program (41 USC 4712) applies to all employees working for contractors, grantees, subcontractors, and sub-grantees on Federal grants and contracts. The Program requires all Federal grantees, their sub-grantees, and subcontractors to:

- Inform their employees working on any federal award they are subject to the whistleblower rights and remedies of the pilot program.
- Inform their employees in writing of employee whistleblower protections under 41 USC 4712 in the predominant native language of the workforce.
- Contractors and grantees will include such requirements in any agreement made with a subcontractor or sub-grantee

The statute states that an “employee of a contractor, subcontractor, grantee (or sub-grantee) may not be discharged, demoted, or otherwise discriminated against as a reprisal for “whistleblowing.” Whistleblowing is defined as disclosing information that an individual believes is evidence of any of the following:

- Gross mismanagement of a federal contract or grant;
- Gross waste of federal funds;
- Abuse of authority relating to a federal contract or grant;
- A substantial and specific danger to public health or safety; or
- A violation of law, rule, or regulation related to a federal contract or grant (including the competition for, or negotiation of, a contract or grant).

In order to qualify for whistleblower protection under the pilot program, disclosure must be made to one of the following persons or entities:

- A member of Congress or a representative of a congressional committee;
- An Inspector General that has oversight over contracts awarded for, or on behalf of, the federal agency concerned in the contract or grant;
- The Government Accountability Office;
- A federal employee responsible for contract or grant oversight or management at the relevant agency;
- An authorized official of the Department of Justice or other law enforcement agency;
- A court or grand jury; or
- A management official or other employee of the contractor, subcontractor, grantee, or sub-grantee who has the responsibility to investigate, discover, or address misconduct.

This pilot program is effective for all Federal contracts and grants issued between July 1, 2013 and January 1, 2017. Additional details may be found in the full statute 41 U.S.C. 4712.