

COVID-19 Whistleblower Protection Act

Section-by-Section Summary

Sec. 1. Short Title

- The Act may be cited as the “COVID-19 Whistleblower Protection Act.”

Sec. 2. Definitions

- This section defines the following terms:
 - Abuse of authority;
 - The CARES Act;
 - Coronavirus pandemic-related program, project, or activity;
 - Covered funds;
 - Employee (excludes Federal employees and members of the uniformed services);
 - Non-Federal employer;
 - Protected individual;
 - Reprisal; and
 - State or local government.

Sec. 3. Protecting Whistleblowers

- Prohibits reprisal—including discharge, demotion, blacklisting, and other prejudicial or discriminatory actions taken against a worker—for all disclosures evidencing a reasonable belief of gross mismanagement or waste of COVID-19 relief funds; dangers to public health or safety; abuse of authority related to the distribution or use of COVID-19 relief funds; or other misconduct that violates a statute, rule, or regulation with respect to any coronavirus-related program, project, or activity funded by Congress to address the COVID-19 pandemic.
- Prohibits reprisal against a worker for refusing to obey an order that would require the worker to violate a statute, rule, or regulation with respect to any coronavirus-related program, project, or activity funded by Congress to address the COVID-19 pandemic.
- Protects disclosures made to the Pandemic Response Accountability Committee; an inspector general, including the Special Inspector General for Pandemic Relief; the Congressional Oversight Commission; the Comptroller General of the United States; a Member of Congress or a congressional committee; a state or federal agency; and others.
- Prohibits the disclosure of the whistleblower’s identity except as required by law or unless the whistleblower gives explicit written consent. If the disclosure of the whistleblower’s identity is required by law, the bill requires that the whistleblower receive timely advance notice.

- Provides administrative remedies through the U.S. Department of Labor, which currently enforces the 23 primary whistleblower laws protecting corporate and in some cases government workers.
 - If administrative relief is not timely provided whistleblowers will have access to jury trials in federal court.
- Employees whose rights are violated can seek to be made whole and assert an affirmative defense against civil and criminal liability.
- Consistent with the Whistleblower Protection Act, the whistleblowing rights may not be nullified by any nondisclosure form, policy, condition of employment, or arbitration agreement, including through settlement.
- Does not pre-empt or preclude relief under State whistleblower laws.
- Requires the Special Inspector General for Pandemic Relief, the Pandemic Relief Accountability Committee, and the Congressional Oversight Commission to establish a public website where workers can submit complaints.
- Provides an additional \$20 million in funding for the Department of Labor to carry out the Act.