117TH CONGRESS
1ST SESSION

H. R. 2042

To amend title 5, United States Code, to protect Federal employees from retaliation for the lawful use of Federal records, and for other purposes.

IN THE HOUSE OF REPRESENTATIVES

MARCH 18, 2021

Mrs. CAROLYN B. MALONEY of New York (for herself and Mr. CONNOLLY) introduced the following bill; which was referred to the Committee on Oversight and Reform

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A BILL

To amend title 5, United States Code, to protect Federal employees from retaliation for the lawful use of Federal records, and for other purposes.

1 *Be it enacted by the Senate and House of Representa-*

2 *tives of the United States of America in Congress assembled,*

3 **SECTION 1. SHORT TITLE.**

4   This Act may be cited as the "Federal Employee Ac-

5 cess to Information Act".

SEC. 2. PROTECTIONS AGAINST RETALIATION FOR LAWFUL USE OF FEDERAL RECORDS BY FEDERAL EM-PLOYEES.

(a) PROTECTION AGAINST RETALIATION.—Section 2302(b)(9) of title 5, United States Code, is amended—

(1) in subparagraph (C), by striking ''or'' at the end;

(2) in subparagraph (D), by inserting ''or'' after the semicolon; and

(3) by adding at the end the following:

''(E) the employee or applicant for employment—

''(i) making a request for information pursuant to section 552 (commonly referred to as the 'Freedom of Information Act') or subsection (d) of section 552a (commonly referred to as the 'Privacy Act of 1974'); or

''(ii) pursuing any administrative or judicial action with respect to such request, including seeking assistance or to engage in dispute resolution, as described in section 552.''.

(b) CONFORMING AMENDMENTS.—

(1) TITLE 5.—Sections 1214, 1215(a)(3)(B), 1221, 2302, and 7703 of title 5, United States

1   Code, are amended by striking ''or (D)'' in each in-

2   stance and inserting ''(D), or (E)''.

3   (2) WHISTLEBLOWER PROTECTION ENHANCE-

4   MENT ACT OF 2012.—Section 116(b)(1)(A) of the

5   Whistleblower Protection Enhancement Act of 2012

6   (Public Law 112–199) is amended by striking ''or

7   (D)'' and inserting ''(D), or (E)''.

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