



## NATIONAL GEOSPATIAL-INTELLIGENCE AGENCY

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### ENHANCEMENTS TO DOD CONTRACTOR WHISTLEBLOWER PROTECTIONS

Amendments to Title 10, United States Code, Section 2409, "Contractor employees: protection from reprisal for disclosure of certain information," signed by President Obama on January 2, 2013 as part of the National Defense Authorization Act for Fiscal Year 2013, took effect July 1, 2013.

#### What Do These Enhancements Mean?

- The amendment extends whistleblower protections to employees of DOD subcontractors, no longer just to employees of prime contractors
- Employees are protected from reprisal actions requested by executive branch officials
- The entities to which employees can disclose information and be protected is expanded to include disclosures made to:
  - Courts
  - Grand juries
  - Company management officials or other employees of the company who have the responsibility to investigate, discover, or address misconduct
- The type of information protected has also expanded to include disclosures of:
  - Abuse of authority in the management of a DOD contract or grant
  - Violations of rules and regulations related to a DOD contract
  - Initiation of or participation in any judicial or administrative proceeding related to waste, fraud or abuse on a Department of Defense contract or grant
- The amendment adopts the burdens of proof found in the Whistleblower Protection Act
- The rights and remedies within this law cannot be waived by any agreement, policy, or condition of employment, to include non-disclosure agreements
- Companies are required to notify their employees of these rights in writing in the predominant native language of their workforce
- Employees have three years from the date of the alleged reprisal action to file a reprisal complaint:
  - Complaints should be filed at the NGA Hotline -- [IG@nga.ic.gov](mailto:IG@nga.ic.gov) or call 800-380-7729
- The amendments take effect beginning with all contracts awarded on or after July 1, all task orders entered on or after July 1, regardless of when the contract was awarded, and all contracts awarded before July 1, that are modified to include a contract clause applying the amendments.