



Date: February 25, 2014

From: Terrance Perry
Chief Grants Management Officer
CDC Procurement and Grants Office

To: Centers for Disease Control and Prevention Grantees

Subject: Pilot Program for Enhancement of Employee Whistleblower Protections

Dear CDC Grantees:

Congress has enacted many whistleblower protection statutes to encourage employees to report fraud, waste, and abuse. You should be aware of the latest whistleblower protection statutes. The statute, 41 U.S.C. 4712, applies to all employees working for contractors, grantees, subcontractors and subgrantees on federal grants and contracts. The National Defense Authorization Act (NDAA) for Fiscal Year (FY) 2013 (Pub. L. 112-239, enacted January 2, 2013) mandates a pilot program entitled, "Pilot Program for Enhancement of Contractor Employee Whistleblower Protections." This program requires all grantees, their subgrantees and subcontractors to:

1. Inform their employees working on any Federal award they are subject to the whistleblower rights and remedies of the pilot program;
2. Inform their employees in writing of employee whistleblower protections under 41 U.S.C. 4712 in the predominant native language of the workforce; and,
3. Contractors and grantees will include such requirements in any agreement made with a subcontractor or subgrantee.

41 U.S.C. 4712 states, "employees of a contractor, subcontractor, grantee [or subgrantee] may not be discharged, demoted, or otherwise discriminated against as reprisal for "whistleblowing." In addition, whistleblower protections cannot be waived by any agreement, policy, form or condition of employment.

Whistleblowing is defined as making a disclosure "that the employee reasonably believes is evidence of any of the following:

- Gross mismanagement of a federal contract or grant;
- A gross waste of federal funds;
- An 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).

To qualify under the statute, the employee's disclosure must be made to:

- A Member of Congress, or a representative of a Congressional committee;
- An Inspector General;
- The Government Accountability Office;
- A federal employee responsible for contract or grant oversight or management at the relevant agency;
- An official from 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 subgrantee who has the responsibility to investigate, discover, or address misconduct.

The requirement to comply with, and inform all employees of, the "Pilot Program for Enhancement of Contractor Employee Whistleblower Protections" is in effect for all grants contracts, subgrants, and subcontracts through January 1, 2017.

In addition to this letter, the CDC Procurement and Grants Office (PGO) plans to notify grantees of the whistleblower protections requirements through the terms and conditions specified in the Notice of Award. PGO will also include language in all new funding opportunity announcements to notify potential applicants of the requirements of 41 U.S.C 4712 and its applicability to federal awards.

Thank you for your assistance in implementing this new program. If you have any questions, please contact the Grants Management Specialist assigned to your award.