

1           it transfers data to ensure compliance with the  
2           applicable requirements of this subsection.

3           (2) GUIDANCE.—Not later than 1 year after  
4           the date of enactment of this Act, the Commission  
5           shall issue guidance for covered entities regarding  
6           compliance with this subsection.

7           (d) IN GENERAL.—The Commission shall have au-  
8           thority under section 553 of title 5, United States Code,  
9           to promulgate regulations necessary to carry out the provi-  
10          sions of this section.

11   **SEC. 204. WHISTLEBLOWER PROTECTIONS.**

12          (a) IN GENERAL.—A covered entity shall not, directly  
13          or indirectly, discharge, demote, suspend, threaten, har-  
14          ass, or in any other manner discriminate against a covered  
15          individual of the covered entity because—

16               (1) the covered individual, or anyone perceived  
17               as assisting the covered individual, takes (or the cov-  
18               ered entity suspects that the covered individual has  
19               taken or will take) a lawful action in providing to  
20               the Federal Government or the attorney general of  
21               a State information relating to any act or omission  
22               that the covered individual reasonably believes to be  
23               a violation of this Act or any regulation promulgated  
24               under this Act;

1           (2) the covered individual provides information  
2           that the covered individual reasonably believes evi-  
3           dences such a violation to—

4                   (A) a person with supervisory authority  
5                   over the covered individual at the covered enti-  
6                   ty; or

7                   (B) another individual working for the cov-  
8                   ered entity who the covered individual reason-  
9                   ably believes has the authority to investigate,  
10                  discover, or terminate the violation or to take  
11                  any other action to address the violation;

12           (3) the covered individual testifies (or the cov-  
13           ered entity expects that the covered individual will  
14           testify) in an investigation or judicial or administra-  
15           tive proceeding concerning such a violation; or

16           (4) the covered individual assists or participates  
17           (or the covered entity expects that the covered indi-  
18           vidual will assist or participate) in such an investiga-  
19           tion or judicial or administrative proceeding, or the  
20           covered individual takes any other action to assist in  
21           carrying out the purposes of this Act.

22           (b) ENFORCEMENT.—An individual who alleges dis-  
23           charge or other discrimination in violation of subsection  
24           (a) may bring an action governed by the rules, procedures,  
25           statute of limitations, and legal burdens of proof in section

1 42121(b) of title 49, United States Code. If the individual  
2 has not received a decision within 180 days and there is  
3 no showing that such delay is due to the bad faith of the  
4 claimant, the individual may bring an action for a jury  
5 trial, governed by the burden of proof in section 42121(b)  
6 of title 49, United States Code, in the appropriate district  
7 court of the United States for the following relief:

8 (1) Temporary relief while the case is pending.

9 (2) Reinstatement with the same seniority sta-  
10 tus that the individual would have had, but for the  
11 discharge or discrimination.

12 (3) Three times the amount of back pay other-  
13 wise owed to the individual, with interest.

14 (4) Consequential and compensatory damages,  
15 and compensation for litigation costs, expert witness  
16 fees, and reasonable attorneys' fees.

17 (c) WAIVER OF RIGHTS AND REMEDIES.—The rights  
18 and remedies provided for in this section shall not be  
19 waived by any policy form or condition of employment, in-  
20 cluding by a predispute arbitration agreement.

21 (d) PREDISPUTE ARBITRATION AGREEMENTS.—No  
22 predispute arbitration agreement shall be valid or enforce-  
23 able if the agreement requires arbitration of a dispute  
24 arising under this section.

1 (e) COVERED INDIVIDUAL DEFINED.—In this sec-  
2 tion, the term “covered individual” means an applicant,  
3 current or former employee, contractor, subcontractor,  
4 grantee, or agent of an employer.

5 **SEC. 205. DIGITAL CONTENT FORGERIES.**

6 (a) REPORTS.—Not later than 1 year after the date  
7 of enactment of this Act, and annually thereafter, the Di-  
8 rector of the National Institute of Standards and Tech-  
9 nology shall publish a report regarding digital content for-  
10 geries.

11 (b) REQUIREMENTS.—Each report under subsection  
12 (a) shall include the following:

13 (1) A definition of digital content forgeries  
14 along with accompanying explanatory materials. The  
15 definition developed pursuant to this section shall  
16 not supersede any other provision of law or be con-  
17 strued to limit the authority of any executive agency  
18 related to digital content forgeries.

19 (2) A description of the common sources in the  
20 United States of digital content forgeries and com-  
21 mercial sources of digital content forgery tech-  
22 nologies.

23 (3) An assessment of the uses, applications, and  
24 harms of digital content forgeries.