



Homeland Security

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Date: 2024.04.30
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SUBJECT: Department of Homeland Security-United States Coast Guard
Class FAR Class Deviation Number 14-01, Revision 1, Deviation from Federal
Acquisition Regulation Subpart 3.9, Whistleblower Protections for Contractor
Employees

Purpose: Effective immediately, this Revision 1 revises and supersedes Class Deviation 14-01. This revision conforms Class Deviation 14-01 with the updates made to Federal Acquisition Regulation (FAR) Subpart 3.9 Whistleblower Protections for Contractor Employees by the Final Rule on FAR Case 2017-005 *Whistleblower Protection for Contractor Employees*. Contracting officers shall use the clause at 52.203-17 Contractor Employee Whistleblower Rights (April 2024) (DHS-USCG DEVIATION 14-01, Revision 1), in lieu of the clause at 52.203-17 Contractor Employee Whistleblower Rights and Requirement to Inform Employees of Whistleblower Rights (Sept 2013) (DHS-USCG DEVIATION 14-01).

Background: The [Final Rule on FAR Case 2017-005 Whistleblower Protection for Contractor Employees, which](#) was published on October 5, 2023 with effective date November 6, 2023, makes permanent the protection for disclosure of certain information. The proposed FAR rule *Whistleblower Protection for Contractor Employees* prescribed the clause in acquisitions above the simplified acquisition threshold (SAT). The final FAR rule changed the prescription of clause 52.203-17 to apply to all solicitations and contracts, including those at or below the SAT. FAR Subpart 3.9 Whistleblower Protections for Contractor Employees does not implement [10 U.S.C. 4701](#), which is applicable only to DoD, NASA, and the United States Coast Guard. These agencies are covered by a different contractor whistleblower protection program under [10 U.S.C. 4701](#)¹, Contractor employees: protection from reprisal for disclosure of certain information. There are no other differences between the two whistleblower protection programs, and the deviation makes no change to FAR 3.907, 3.908, or 3.909.

Requirement: DHS-USCG Class Deviation Number 14-01 is revised to change the prescription of clause 52.203-17 Contractor Employee Whistleblower Rights (April 2024) (DHS-USCG DEVIATION 14-01, Revision 1), to apply to all new solicitations and contracts, including those at or below the SAT. Effective immediately, contracting officers shall use the clause at 52.203-17 Contractor Employee Whistleblower Rights (April 2024) (DHS-USCG DEVIATION 14-01, Revision 1), in lieu of the clause at 52.203-17 Contractor Employee Whistleblower Rights and

¹ 10 U.S.C. 2409 was renumbered §4701

Requirement to Inform Employees of Whistleblower Rights (Sept 2013) (DHS-USCG DEVIATION 14-01).

USCG shall incorporate the attached deviation to FAR clause 52.203-17 into its contract writing systems for inclusion in **all new USCG solicitations and contracts**². Contracting officers and contract specialists shall also include FAR 52.252-6, Authorized Deviations in Clauses in all solicitations and contracts.

Applicability: This class deviation applies to all new solicitations and contracts³ (see definition of contract at FAR 2.101).

Expiration Date: This DHS-USCG Class Deviation Number 14-01, Revision 1 will remain in effect until the final HSAR rule to implement [10 U.S.C. 4701](#) for the USCG is effective.

Attachments:

- Subpart 3.9 - Whistleblower Protections for Contractor Employees (DHS-USCG Deviation 14-01, Revision 1)
- 52.203-17 Contractor Employee Whistleblower Rights (April 2024) (DHS-USCG DEVIATION 14-01, Revision 1)

Additional Information: Questions or comments about this alert may be directed to Linda Stivaletti-Petty in the DHS OCPO at Linda.Stivaletti@hq.dhs.gov or Acquisition.Policy@hq.dhs.gov.

² Exception: This program does not apply to any element of the intelligence community, as defined in section 3(4) of the National Security Act of 1947 (50 U.S.C. 3003(4)).

³ See footnote 2.