

**AMENDMENT TO RULES COMMITTEE PRINT 115-**

**23**

**OFFERED BY MR. SMITH OF WASHINGTON**

At the end of subtitle B of title XXXI, add the following new section:

1 **SEC. 3124. STRENGTHENING WHISTLEBLOWER PROTEC-**  
2 **TIONS.**

3 (a) FINDINGS.—Congress finds the following:

4 (1) The Department of Energy and its contrac-  
5 tors rely to a significant extent on workers to bring  
6 attention to important nuclear safety concerns.

7 (2) The Department of Energy, including the  
8 National Nuclear Security Administration, have a  
9 strong interest in preventing whistleblower retalia-  
10 tion and in ensuring the work environment is condu-  
11 cive to employees raising concerns.

12 (3) Retaliation against whistleblowers can lead  
13 to a chilled work environment in which employees do  
14 not feel free to raise important safety concerns.

15 (4) The Comptroller General of the United  
16 States found in a 2016 report titled “Whistleblower  
17 Protections Need Strengthening” that the Depart-  
18 ment of Energy had infrequently used its enforce-

1       ment authority to hold contractors accountable for  
2       unlawful retaliation, issuing only two violation no-  
3       tices in the past 20 years.

4           (5) The Comptroller General also found that  
5       the Department had taken limited or no action to  
6       hold contractors accountable for creating a chilled  
7       work environment.

8       (b) SENSE OF CONGRESS.—It is the sense of Con-  
9       gress that—

10           (1) raising nuclear safety concerns is important  
11       for avoiding potentially catastrophic incidents or  
12       harm to workers and the public;

13           (2) the Department of Energy should protect  
14       whistleblowers and take action against contractors  
15       and subcontractors that retaliate against whistle-  
16       blowers; and

17           (3) such action sends a strong signal to prevent  
18       or limit retaliation against whistleblowers.

19       (c) AUTHORITY.—

20           (1) CIVIL PENALTIES.—The Secretary of En-  
21       ergy, including acting through the Administrator for  
22       Nuclear Security as appropriate, shall impose civil  
23       penalties under section 234 a. of the Atomic Energy  
24       Act of 1954 (42 U.S.C. 2282(a)), as the Secretary  
25       or the Administrator determine appropriate, on con-

1 tractors, subcontractors, and suppliers for violations  
2 of the rules, regulations, or orders of the Depart-  
3 ment of Energy relating to nuclear safety and radi-  
4 ation protection.

5 (2) CHILLED WORK ENVIRONMENT.—Not later  
6 than 120 days after the date of the enactment of  
7 this Act, the Secretary shall clearly define what con-  
8 stitutes evidence of a chilled work environment.

9 (d) NOTIFICATION.—The Secretary of Energy shall  
10 include with the budget of the President submitted to Con-  
11 gress under section 1105(a) of title 31, United States  
12 Code, for fiscal year 2018 and each fiscal year thereafter  
13 an annual notification on whether any penalties were im-  
14 posed pursuant to subsection (c)(1), including a descrip-  
15 tion of such penalties and the entities against which the  
16 penalties were imposed.

