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:

SEC. 3124. STRENGTHENING WHISTLEBLOWER PROTECTIONS.

(a) FINDINGS.—Congress finds the following:

(1) The Department of Energy and its contractors rely to a significant extent on workers to bring attention to important nuclear safety concerns.

(2) The Department of Energy, including the National Nuclear Security Administration, have a strong interest in preventing whistleblower retaliation and in ensuring the work environment is conducive to employees raising concerns.

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

(4) The Comptroller General of the United States found in a 2016 report titled “Whistleblower Protections Need Strengthening” that the Department of Energy had infrequently used its enforce-
ment authority to hold contractors accountable for unlawful retaliation, issuing only two violation notices in the past 20 years.

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

(b) Sense of Congress.—It is the sense of Congress that—

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

(2) the Department of Energy should protect whistleblowers and take action against contractors and subcontractors that retaliate against whistleblowers; and

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

(c) Authority.—

(1) Civil Penalties.—The Secretary of Energy, including acting through the Administrator for Nuclear Security as appropriate, shall impose civil penalties under section 234 a. of the Atomic Energy Act of 1954 (42 U.S.C. 2282(a)), as the Secretary or the Administrator determine appropriate, on con-
tractors, subcontractors, and suppliers for violations
of the rules, regulations, or orders of the Depart- 
ment of Energy relating to nuclear safety and radi-
ation protection.

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

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