

(A) determine whether or not the complaint is frivolous; and

(B) if the Director determines the complaint is not frivolous, conduct an investigation of the complaint.

(2) The Director shall submit a report on each investigation undertaken under paragraph (1)(B) to—

(A) the individual who submitted the complaint on which the investigation is based;

(B) the contractor concerned, if any; and

(C) the Secretary of Energy.

(k) Remedial action

(1) Whenever the Secretary determines that a covered individual has been discharged, demoted, or otherwise discriminated against as a reprisal for making a protected disclosure under this section, the Secretary shall—

(A) in the case of a Department employee, take appropriate actions to abate the action; or

(B) in the case of a contractor employee, order the contractor concerned to take appropriate actions to abate the action.

(2)(A) If a contractor fails to comply with an order issued under paragraph (1)(B), the Secretary may file an action for enforcement of the order in the appropriate United States district court.

(B) In any action brought under subparagraph (A), the court may grant appropriate relief, including injunctive relief and compensatory and exemplary damages.

(l) Relationship to other laws

The protections provided by this section are independent of, and not subject to any limitations that may be provided in, the Whistleblower Protection Act of 1989 (Public Law 101-12; 103 Stat. 16) or any other law that may provide protection for disclosures of information by employees of the Department of Energy or of a contractor of the Department.

(m) Annual report

(1) Not later than 30 days after the commencement of each fiscal year, the Director shall submit to the Committee on Armed Services of the Senate and the Committee on Armed Services of the House of Representatives a report on the investigations undertaken under subsection (j)(1)(B) during the preceding fiscal year, including a summary of the results of each such investigation.

(2) A report under paragraph (1) may not identify or otherwise provide any information about an individual submitting a complaint under this section without the consent of the individual.

(Pub. L. 107-314, div. D, title XLVI, §4602, formerly Pub. L. 106-65, div. C, title XXXI, §3164, Oct. 5, 1999, 113 Stat. 946; renumbered Pub. L. 107-314, div. D, title XLVI, §4602, and amended Pub. L. 108-136, div. C, title XXXI, §3141(i)(3), Nov. 24, 2003, 117 Stat. 1776; Pub. L. 113-66, div. C, title XXXI, §3146(g)(2), Dec. 26, 2013, 127 Stat. 1079.)

REFERENCES IN TEXT

The Whistleblower Protection Act of 1989, referred to in subsec. (l), is Pub. L. 101-12, Apr. 10, 1989, 103 Stat. 16,

as amended, which enacted subchapters II (§1211 et seq.) and III (§1221 et seq.) of chapter 12 and section 3352 of Title 5, Government Organization and Employees, amended sections 1201 to 1206, 1209, 1211, 2302, 2303, 3393, 7502, 7512, 7521, 7542, 7701, and 7703 of Title 5 and section 4139 of Title 22, Foreign Relations and Intercourse, repealed sections 1207 and 1208 of Title 5, and enacted provisions set out as notes under sections 1201, 1211, and 5509 of Title 5. For complete classification of this Act to the Code, see Short Title of 1989 Amendment note set out under section 1201 of Title 5 and Tables.

CODIFICATION

Section was formerly classified to section 7239 of Title 42, The Public Health and Welfare, prior to renumbering by Pub. L. 108-136.

AMENDMENTS

2013—Subsec. (l). Pub. L. 113-66, §3146(g)(2)(A), substituted “Public Law 101-12; 103 Stat. 16” for “Public Law 101-512”.

Subsec. (n). Pub. L. 113-66, §3146(g)(2)(B), struck out subsec. (n). Text read as follows: “Not later than December 5, 1999, the Secretary shall submit to the Committee on Armed Services of the Senate and the Committee on Armed Services of the House of Representatives a report describing the implementation of the program required by this section.”

2003—Subsec. (n). Pub. L. 108-136, §3141(i)(3)(D), substituted “December 5, 1999,” for “60 days after October 5, 1999.”

§ 2703. Repealed. Pub. L. 113-66, div. C, title XXXI, § 3146(g)(3)(A), Dec. 26, 2013, 127 Stat. 1079

Section, Pub. L. 107-314, div. D, title XLVI, §4603, formerly Pub. L. 106-398, §1 [div. C, title XXXI, §3136], Oct. 30, 2000, 114 Stat. 1654, 1654A-458; renumbered Pub. L. 107-314, div. D, title XLVI, §4603, and amended Pub. L. 108-136, div. C, title XXXI, §3141(i)(4), Nov. 24, 2003, 117 Stat. 1777, related to employee incentives for employees at closure project facilities.

§ 2704. Department of Energy defense nuclear facilities workforce restructuring plan

(a) In general

Upon determination that a change in the workforce at a defense nuclear facility is necessary, the Secretary of Energy shall develop a plan for restructuring the workforce for the defense nuclear facility that takes into account—

(1) the reconfiguration of the defense nuclear facility; and

(2) the plan for the nuclear weapons stockpile that is the most recently prepared plan at the time of the development of the plan referred to in this subsection.

(b) Consultation

(1) In developing a plan referred to in subsection (a), the Secretary shall consult with the Secretary of Labor, appropriate representatives of local and national collective-bargaining units of individuals employed at Department of Energy defense nuclear facilities, appropriate representatives of departments and agencies of State and local governments, appropriate representatives of State and local institutions of higher education, and appropriate representatives of community groups in communities affected by the restructuring plan.

(2) The Secretary shall determine appropriate representatives of the units, governments, institutions, and groups referred to in paragraph (1).