

(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).

**(c) Objectives**

In preparing the plan required under subsection (a), the Secretary shall be guided by the following objectives:

(1) Changes in the workforce at a Department of Energy defense nuclear facility—

(A) should be accomplished so as to minimize social and economic impacts;

(B) should be made only after the provision of notice of such changes not later than 120 days before the commencement of such changes to such employees and the communities in which such facilities are located; and

(C) should be accomplished, when possible, through the use of retraining, early retirement, attrition, and other options that minimize layoffs.

(2) Employees whose employment in positions at such facilities is terminated shall, to the extent practicable, receive preference in any hiring of the Department of Energy (consistent with applicable employment seniority plans or practices of the Department of Energy and with section 3152 of the National Defense Authorization Act for Fiscal Years 1990 and 1991 (Public Law 101-189; 103 Stat. 1682)).

(3) Employees shall, to the extent practicable, be retrained for work in environmental restoration and waste management activities at such facilities or other facilities of the Department of Energy.

(4) The Department of Energy should provide relocation assistance to employees who are transferred to other Department of Energy facilities as a result of the plan.

(5) The Department of Energy should assist terminated employees in obtaining appropriate retraining, education, and reemployment assistance (including employment placement assistance).

(6) The Department of Energy should provide local impact assistance to communities that are affected by the restructuring plan and coordinate the provision of such assistance with—

(A) programs carried out by the Secretary of Labor under title I of the Workforce Innovation and Opportunity Act [29 U.S.C. 3111 et seq.];

(B) programs carried out pursuant to the Defense Economic Adjustment, Diversification, Conversion, and Stabilization Act of 1990 (division D of Public Law 101-510; 10 U.S.C. 2391 note); and

(C) programs carried out by the Department of Commerce pursuant to title II of the Public Works and Economic Development Act of 1965 (42 U.S.C. 3141 et seq.).

**(d) Implementation**

The Secretary shall, subject to the availability of appropriations for such purpose, work on an ongoing basis with representatives of the Department of Labor, workforce bargaining units, and States and local communities in carrying out a plan required under subsection (a).

**(e) Submittal to Congress**

(1) The Secretary shall submit to Congress a plan referred to in subsection (a) with respect to

a defense nuclear facility within 90 days after the date on which a notice of changes described in subsection (c)(1)(B) is provided to employees of the facility, or 90 days after the date of the enactment of this Act,<sup>1</sup> whichever is later.

(2) In addition to the plans submitted under paragraph (1), the Secretary shall submit to Congress every six months a report setting forth a description of, and the amount or value of, all local impact assistance provided during the preceding six months under subsection (c)(6).

**(f) Department of Energy defense nuclear facility defined**

In this section, the term “Department of Energy defense nuclear facility” means—

(1) a production facility or utilization facility (as those terms are defined in section 2014 of title 42) that is under the control or jurisdiction of the Secretary and that is operated for national security purposes (including the tritium loading facility at Savannah River, South Carolina, and the 236 H facility at Savannah River, South Carolina), but the term does not include any facility that does not conduct atomic energy defense activities and does not include any facility or activity covered by Executive Order Number 12344, dated February 1, 1982, pertaining to the naval nuclear propulsion program;

(2) a nuclear waste storage or disposal facility that is under the control or jurisdiction of the Secretary;

(3) a testing and assembly facility that is under the control or jurisdiction of the Secretary and that is operated for national security purposes (including the Nevada National Security Site, Nevada, and the Pantex facility, Texas);

(4) an atomic weapons research facility that is under the control or jurisdiction of the Secretary (including Lawrence Livermore, Los Alamos, and Sandia National Laboratories); or

(5) any facility described in paragraphs (1) through (4) that—

(A) is no longer in operation;

(B) was under the control or jurisdiction of the Department of Defense, the Atomic Energy Commission, or the Energy Research and Development Administration; and

(C) was operated for national security purposes.

(Pub. L. 107-314, div. D, title XLVI, §4604, formerly Pub. L. 102-484, div. C, title XXXI, §3161, Oct. 23, 1992, 106 Stat. 2644; Pub. L. 103-337, div. A, title X, §1070(c)(2), Oct. 5, 1994, 108 Stat. 2857; Pub. L. 105-277, div. A, §101(f) [title VIII, §405(d)(7)(A), (f)(6)(A)], Oct. 21, 1998, 112 Stat. 2681-337, 2681-419, 2681-430; Pub. L. 107-107, div. A, title X, §1048(h)(1), Dec. 28, 2001, 115 Stat. 1229; renumbered Pub. L. 107-314, div. D, title XLVI, §4604, and amended Pub. L. 108-136, div. C, title XXXI, §3141(i)(5), Nov. 24, 2003, 117 Stat. 1777; Pub. L. 112-239, div. C, title XXXI, §§3131(q)(1), (bb)(1)(A), (C), 3134(b)(1), Jan. 2, 2013, 126 Stat. 2183, 2185, 2193; Pub. L. 113-66, div. C, title XXXI, §3146(g)(4), Dec. 26, 2013, 127 Stat. 1079; Pub. L. 113-128, title V, §512(d), July 22, 2014, 128 Stat. 1706; Pub. L. 113-291, div. C, title XXXI, §3142(o), Dec. 19, 2014, 128 Stat. 3901.)

<sup>1</sup> See References in Text note below.

## REFERENCES IN TEXT

Section 3152 of the National Defense Authorization Act for Fiscal Years 1990 and 1991, referred to in subsec. (c)(2), is section 3152 of Pub. L. 101-189, div. C, title XXXI, Nov. 29, 1989, 103 Stat. 1682, which is not classified to the Code.

The Workforce Innovation and Opportunity Act, referred to in subsec. (c)(6)(A), is Pub. L. 113-128, July 22, 2014, 128 Stat. 1425. Title I of the Act is classified generally to subchapter I (§3111 et seq.) of chapter 32 of Title 29, Labor. For complete classification of this Act to the Code, see Short Title note set out under section 3101 of Title 29 and Tables.

The Public Works and Economic Development Act of 1965, referred to in subsec. (c)(6)(C), is Pub. L. 89-136, Aug. 26, 1965, 79 Stat. 552, as amended. Title II of the Act is classified generally to subchapter II (§3141 et seq.) of chapter 38 of Title 42, The Public Health and Welfare. For complete classification of this Act to the Code, see Short Title note set out under section 3121 of Title 42 and Tables.

The date of the enactment of this Act, referred to in subsec. (e)(1), meant Oct. 23, 1992, the date of enactment of Pub. L. 102-484, in this section as originally enacted. As renumbered by Pub. L. 108-136, this section is now part of Pub. L. 107-314, which was approved Dec. 2, 2002.

Executive Order Number 12344, referred to in subsec. (f)(1), is set out as a note under section 2511 of this title.

## CODIFICATION

Section was formerly classified to section 7274h of Title 42, The Public Health and Welfare, prior to renumbering by Pub. L. 108-136.

## AMENDMENTS

2014—Subsec. (c)(6)(A). Pub. L. 113-128, which directed amendment of subpar. (A) by substituting “programs carried out by the Secretary of Labor under title I of the Workforce Innovation and Opportunity Act” for “programs carried out by the Secretary of Labor under the Job Training Partnership Act or title I of the Workforce Investment Act of 1998 (29 U.S.C. 2801 et seq.)”, was executed by making the substitution for “programs carried out by the Secretary of Labor under title I of the Workforce Investment Act of 1998 (29 U.S.C. 2801 et seq.)” to reflect the probable intent of Congress and the intervening amendment by Pub. L. 105-277, §101(f) [title VIII, §405(f)(6)(A)]. See 1998 Amendment note below.

Subsec. (f)(3). Pub. L. 113-291 substituted “Nevada, and” for “Nevada and”.

2013—Subsec. (b)(1). Pub. L. 112-239, §3134(b)(1)(A), struck out “and any updates of the plan under subsection (e)” after “plan referred to in subsection (a)”.

Subsec. (c)(6)(A). Pub. L. 113-66, §3146(g)(4)(A), inserted “(29 U.S.C. 2801 et seq.)” after “1998”.

Subsec. (e). Pub. L. 112-239, §3134(b)(1)(B), (D), redesignated subsec. (f) as (e) and struck out former subsec. (e), which required the Secretary to issue plan updates.

Subsec. (f). Pub. L. 112-239, §3134(b)(1)(D), redesignated subsec. (g) as (f). Former subsec. (f) redesignated (e).

Subsec. (f)(1). Pub. L. 113-66, §3146(g)(4)(B), substituted “and the 236 H facility at Savannah River, South Carolina” for “the 236 H facility at Savannah River, South Carolina; and the Mound Laboratory, Ohio”.

Subsec. (f)(2). Pub. L. 112-239, §3134(b)(1)(C), redesignated par. (3) as (2) and struck out former par. (2) which read as follows: “The Secretary shall submit to Congress any updates of the plan under subsection (e) immediately upon completion of any such update.”

Subsec. (f)(3). Pub. L. 112-239, §3134(b)(1)(C)(ii), redesignated par. (3) as (2).

Pub. L. 112-239, §3131(q)(1), added par. (3).

Subsec. (g). Pub. L. 112-239, §3134(b)(1)(D), redesignated subsec. (g) as (f).

Subsec. (g)(3). Pub. L. 112-239, §3131(bb)(1)(A), (C), substituted “Nevada National Security Site” for “Nevada

Test Site” and struck out “; the Pinnellas Plant, Florida;” before “and the Pantex facility”.

2003—Subsec. (a). Pub. L. 108-136, §3141(i)(5)(D)(i), struck out “(hereinafter in this subtitle referred to as the ‘Secretary’)” after “Secretary of Energy”.

Subsec. (g). Pub. L. 108-136, §3141(i)(5)(D)(ii), added subsec. (g).

2001—Subsec. (c)(6)(C). Pub. L. 107-107 substituted “title II of the Public Works and Economic Development Act of 1965 (42 U.S.C. 3141 et seq.)” for “title IX of the Public Works and Economic Development Act of 1965 (42 U.S.C. 3241 et seq.)”.

1998—Subsec. (c)(6)(A). Pub. L. 105-277, §101(f) [title VIII, §405(f)(6)(A)], added subpar. (A) and struck out former subpar. (A) which read as follows: “programs carried out by the Secretary of Labor under the Job Training Partnership Act or title I of the Workforce Investment Act of 1998;”

Pub. L. 105-277, §101(f) [title VIII, §405(d)(7)(A)], added subpar. (A) and struck out former subpar. (A) which read as follows: “programs carried out by the Department of Labor pursuant to the Job Training Partnership Act (29 U.S.C. 1501 et seq.);”

1994—Pub. L. 103-337, §1070(c)(2)(B), substituted “workforce” for “work force” in section catchline.

Subsec. (a). Pub. L. 103-337, §1070(c)(2)(A), substituted “workforce for” for “work force for” in introductory provisions.

Subsec. (c)(1). Pub. L. 103-337, §1070(c)(2)(A), substituted “workforce” for “work force” in introductory provisions.

Subsec. (c)(6)(B). Pub. L. 103-337, §1070(c)(2)(C), substituted “division D” for “Part D”.

Subsec. (d). Pub. L. 103-337, §1070(c)(2)(A), substituted “workforce” for “work force”.

## EFFECTIVE DATE OF 2014 AMENDMENT

Amendment by Pub. L. 113-128 effective on the first day of the first full program year after July 22, 2014 (July 1, 2015), see section 506 of Pub. L. 113-128, set out as an Effective Date note under section 3101 of Title 29, Labor.

## EFFECTIVE DATE OF 1998 AMENDMENT

Amendment by section 101(f) [title VIII, §405(d)(7)(A)] of Pub. L. 105-277 effective Oct. 21, 1998, and amendment by section 101(f) [title VIII, §405(f)(6)(A)] of Pub. L. 105-277 effective July 1, 2000, see section 101(f) [title VIII, §405(g)(1), (2)(B)] of Pub. L. 105-277, set out as a note under section 3502 of Title 5, Government Organization and Employees.

## EFFECTIVE DATE OF 1994 AMENDMENT

Pub. L. 103-337, div. A, title X, §1070(c), Oct. 5, 1994, 108 Stat. 2857, provided that the amendment made by that section is effective as of Oct. 23, 1992, and as if included in the National Defense Authorization Act for Fiscal Year 1993, Pub. L. 102-484, as enacted.

## § 2705. Authority to provide certificate of commendation to Department of Energy and contractor employees for exemplary service in stockpile stewardship and security

### (a) Authority to present certificate of commendation

The Secretary of Energy may present a certificate of commendation to any current or former employee of the Department of Energy, and any current or former employee of a Department contractor, whose service to the Department in matters relating to stockpile stewardship and security assisted the Department in furthering the national security interests of the United States.

### (b) Certificate

The certificate of commendation presented to a current or former employee under subsection