

108TH CONGRESS  
1ST SESSION

# S. 1376

To include the Department of Energy and the Nuclear Regulatory Commission as employers for the purposes of whistleblower protection.

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IN THE SENATE OF THE UNITED STATES

JULY 8, 2003

Mr. REID (for himself and Mr. ENSIGN) introduced the following bill; which was read twice and referred to the Committee on Energy and Natural Resources

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## A BILL

To include the Department of Energy and the Nuclear Regulatory Commission as employers for the purposes of whistleblower protection.

1 *Be it enacted by the Senate and House of Representa-*  
2 *tives of the United States of America in Congress assembled,*

3 **SECTION 1. WHISTLEBLOWER PROTECTION FOR EMPLOY-**  
4 **EES OF THE DEPARTMENT OF ENERGY AND**  
5 **THE NUCLEAR REGULATORY COMMISSION.**

6 (a) DEFINITION OF EMPLOYER.—Section 211(a)(2)  
7 of the Energy Reorganization Act of 1974 (42 U.S.C.  
8 5851(a)(2)) is amended—

1           (1) in subparagraph (C), by striking “and” at  
2 the end;

3           (2) in subparagraph (D), by striking “that is  
4 indemnified” and all that follows through “12344.”  
5 and inserting “or the Commission; and”; and

6           (3) by adding at the end the following:

7                   “(E) the Department of Energy and the  
8 Commission.”.

9           (b) DE NOVO JUDICIAL DETERMINATION.—Section  
10 211(b) of the Energy Reorganization Act of 1974 (42  
11 U.S.C. 5851(b)) is amended by adding at the end the fol-  
12 lowing:

13                   “(4) DE NOVO JUDICIAL DETERMINATION.—If  
14 the Secretary does not issue a final decision within  
15 180 days after the filing of a complaint under para-  
16 graph (1) and the Secretary does not show that the  
17 delay is caused by the bad faith of the claimant, the  
18 claimant may bring a civil action in United States  
19 district court for a determination of the claim by the  
20 court de novo.”.

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