



# Senate Energy & Natural Resources Committee holds hearing on Duckworth bills to create energy jobs & protect whistleblowers

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WASHINGTON, D.C. – The U.S. Senate Energy & Natural Resources Subcommittee on Energy today held a hearing and considered two bills introduced by U.S. Senator Tammy Duckworth (D-IL). The bipartisan *Energy Jobs for Our Heroes Act* (S. 3088) would ease the transition back to civilian life for Veterans by connecting them with employers in the solar, wind, nuclear and cyber energy industries and the *Department of Energy and Nuclear Regulatory Commission Whistleblower Act* (S. 2968) would guarantee whistleblower protection rights to DOE and NRC employees, who are currently at risk of retaliation because of recent administrative law rulings that empower DOE and NRC to dismiss any whistleblower claim brought against them.

“Illinois leads the Midwest in clean energy jobs and leads the Nation in nuclear reactors. Both of these bills are vitally important to my state and I’m proud they are both one step closer to becoming law,” said Duckworth. “In addition to the bipartisan support I have for S. 3088, I am pleased that today Under Secretary Menezes expressed that DOE does not oppose S. 2968 and that he will work with my Office on securing whistleblower protections for DOE employees. I will keep working with my colleagues on both sides of the aisle to make sure these bills progress through Congress.”

Duckworth introduced the *Energy Jobs for our Heroes Act* along with U.S. Senators Lindsey Graham (R-SC) and Michael Bennet (D-CO) in June of this year. A week after the bill’s introduction, the U.S. Senate unanimously [passed](#) a bipartisan amendment introduced by Duckworth, Bennet, and U.S. Senator Cory Gardner (R-CO) as part of the Energy and Water, Legislative Branch, Military Construction and Veterans Affairs appropriations bill to lay the groundwork for the creation of the “Energy Ready Vets Program.” The program will allow Veterans to access the training and credentials they

need to work in these fast-growing energy industries. Duckworth also [secured a commitment](#) in March from U.S. Energy Secretary Rick Perry to work with Duckworth on this legislation.

Duckworth [introduced](#) the *Department of Energy and Nuclear Regulatory Commission Whistleblower Act* in May of this year. At today's Subcommittee Hearing, Department of Energy Under Secretary Mark Menezes [stated](#) "We have no opposition to the bill itself," and affirmed his commitment to ensuring the protection of whistleblowers at the Department of Energy.

In 2005, Congress amended the Energy Reorganization Act of 1974 (ERA) to extend whistleblower protection rights to employees of the DOE and NRC. However, administrative law judges have ruled that because the 2005 amendment did not unequivocally express a waiver of sovereign immunity for ERA whistleblower actions, whenever an employee of NRC or DOE brings a whistleblower action under the ERA, either agency may simply have the whistleblower's claim dismissed by asserting sovereign immunity. Duckworth has expressed concerns about how the ERA has been interpreted by administrative law judges and her legislation would amend the ERA to clarify that DOE and NRC employees may bring claims against their respective employers to enforce whistleblower protection rights under that law.