§ 1831j. Depository institution employee protection remedy

(a) In general.

(1) Employees of depository institutions. No insured depository institution may discharge or otherwise discriminate against any employee with respect to compensation, terms, conditions, or privileges of employment because the employee (or any person acting pursuant to the request of the employee) provided information to any Federal banking agency or to the Attorney General regarding--

(A) a possible violation of any law or regulation; or

(B) gross mismanagement, a gross waste of funds, an abuse of authority, or a substantial and specific danger to public health or safety;

by the depository institution or any director, officer, or employee of the institution.

(2) Employees of banking agencies. No Federal banking agency, Federal home loan bank, Federal reserve bank, or any person who is performing, directly or indirectly, any function or service on behalf of the Corporation may discharge or otherwise discriminate against any employee with respect to compensation, terms, conditions, or privileges of employment because the employee (or any person acting pursuant to the request of the employee) provided information to any such agency or bank or to the Attorney General regarding any possible violation of any law or regulation, gross mismanagement, a gross waste of funds, an abuse of authority, or a substantial and specific danger to public health or safety by--

(A) any depository institution or any such bank or agency; 

(B) any director, officer, or employee of any depository institution or any such bank; 

(C) any officer or employee of the agency which employs such employee; or 

(D) the person, or any officer or employee of the person, who employs such employee.

(b) Enforcement. Any employee or former employee who believes he has been discharged or discriminated against in violation of subsection (a) may file a civil action in the appropriate United States district court before the close of the 2-year period beginning on the date of such discharge or discrimination. The complainant shall also file a copy of the complaint initiating such action with the appropriate Federal banking agency.

(c) Remedies. If the district court determines that a violation of subsection (a) has occurred, it may order the depository institution, Federal home loan bank, Federal Reserve bank, or Federal banking agency which committed the violation--

(1) to reinstate the employee to his former position; 

(2) to pay compensatory damages; or 

(3) take other appropriate actions to remedy any past discrimination.

(d) Limitation. The protections of this section shall not apply to any employee who--

(1) deliberately causes or participates in the alleged violation of law or regulation; or 

(2) knowingly or recklessly provides substantially false information to such an agency or the Attorney General.
(e) "Federal banking agency" defined. For purposes of subsections (a) and (c), the term "Federal banking agency" means the Corporation, the Board of Governors of the Federal Reserve System, the Federal Housing Finance Agency and the Comptroller of the Currency.

(f) Burdens of proof. The legal burdens of proof that prevail under subchapter III of chapter 12 of title 5, United States Code \[5 USCS §§ 1221\] et seq., shall govern adjudication of protected activities under this section.

History
