

Petri Scalise Teague
 Pingree (ME) Schakowsky Terry
 Pitts Schauer Thompson (CA)
 Platts Schiff Thompson (MS)
 Poe (TX) Schmidt Thompson (PA)
 Polis (CO) Schock Thornberry
 Pomeroy Schrader Tiberi
 Posey Schwartz Tierney
 Price (NC) Scott (GA) Titus
 Putnam Scott (VA) Tonko
 Quigley Sensenbrenner Towns
 Rahall Serrano Tsongas
 Rangel Sessions Turner
 Rehberg Sestak Upton
 Reichert Shea-Porter Van Hollen
 Reyes Sherman Velázquez
 Richardson Shimkus
 Rodriguez Shuler Visclosky
 Roe (TN) Shuster Walden
 Rogers (AL) Simpson Walz
 Rogers (KY) Sires Wasserman
 Rohrabacher Skelton Schultz
 Rooney Slaughter Waters
 Ros-Lehtinen Smith (NE) Watt
 Roskam Smith (NJ) Waxman
 Ross Smith (TX) Weiner
 Rothman (NJ) Smith (WA) Welch
 Roybal-Allard Snyder Westmoreland
 Royce Space Whitfield
 Ruppertsberger Speier Wilson (OH)
 Rush Spratt Wilson (SC)
 Ryan (OH) Stark Wittman
 Ryan (WI) Stearns Wolf
 Salazar Stupak Woolsey
 Sánchez, Linda Sullivan Wu
 Sarbanes Sutton Yarmuth
 Taylor Young (AK)

NOT VOTING—22

Akin Inglis Radanovich
 Buyer Kilpatrick (MI) Rogers (MI)
 Carney Linder Shadegg
 Delahunt McCarthy (CA) Tiahrt
 Gohmert McMorris Wamp
 Griffith Rodgers Watson
 Himes Moran (KS) Young (FL)
 Hoekstra Price (GA)

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

THE SPEAKER pro tempore (Mr. JACKSON of Illinois) (during the vote). Two minutes remain in this vote.

□ 1216

So (two-thirds being in the affirmative) the rules were suspended and the resolution was agreed to.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

FRANCIS MARION NATIONAL FOREST LAND CONVEYANCE

The SPEAKER pro tempore. The unfinished business is the vote on the motion to suspend the rules and pass the bill (H.R. 5414) to provide for the conveyance of a small parcel of National Forest System land in the Francis Marion National Forest in South Carolina, and for other purposes, as amended, on which the yeas and nays were ordered.

The Clerk read the title of the bill.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Georgia (Mr. SCOTT) that the House suspend the rules and pass the bill, as amended.

This will be a 5-minute vote.

The vote was taken by electronic device, and there were—yeas 408, nays 0, not voting 24, as follows:

[Roll No. 504]
 YEAS—408
 Aderholt Davis (IL) Jordan (OH)
 Adler (NJ) Davis (KY) Kagen
 Alexander Davis (TN) Kanjorski
 Altmire DeFazio Kaptur
 Andrews DeGette Kennedy
 Arcuri DeLauro Kildee
 Austria Dent Killoy
 Baca Deutch Kind
 Bachmann Diaz-Balart, L. King (IA)
 Bachus Diaz-Balart, M. King (NY)
 Baird Dicks Kingston
 Baldwin Dingell Kirk
 Barrett (SC) Djou Kirkpatrick (AZ)
 Barrow Doggett Kissell
 Bartlett Donnelly (IN) Klein (FL)
 Doyle Doyle Kline (MN)
 Bean Dreier Kosmas
 Becerra Driehaus Kratovil
 Berkley Duncan Kucinich
 Berman Edwards (MD) Lamborn
 Berry Edwards (TX) Lance
 Biggert Ehlers Langevin
 Bilbray Ellsworth Larsen (WA)
 Bilirakis Emerson Larson (CT)
 Bishop (GA) Engel Latham
 Bishop (NY) Eshoo Latta
 Bishop (UT) Etheridge Lee (CA)
 Blackburn Fallin Lee (NY)
 Blumenauer Farr Levin
 Blunt Fattah Lewis (CA)
 Boccieri Filner Lewis (GA)
 Boehner Flake Lipinski
 Bonner Fleming LoBiondo
 Bono Mack Forbes Loeb sack
 Boozman Fortenberry Lofgren, Zoe
 Boren Foster Lowey
 Boswell Foxx Lucas
 Boucher Frank (MA) Luetkemeyer
 Boustany Franks (AZ) Lujan
 Boyd Frelinghuysen Lummis
 Brady (PA) Fudge Lungren, Daniel
 Brady (TX) Gallely E.
 Braley (IA) Garamendi Lynch
 Bright Garrett (NJ) Maffei
 Broun (GA) Gerlach Maloney
 Brown (SC) Giffords Manzullo
 Brown, Corrine Gingrey (GA) Marchant
 Brown-Waite, Gonzalez Markey (CO)
 Ginny Goodlatte Markey (MA)
 Buchanan Gordon (TN) Marshall
 Burgess Granger Matheson
 Burton (IN) Graves (GA) Matsui
 Butterfield Graves (MO) McCarthy (NY)
 Calvert Grayson McCaul
 Camp Green, Al McClintock
 Campbell Green, Gene McCollum
 Cantor Grijalva McCotter
 Cao Guthrie McDermott
 Capito Gutierrez McGovern
 Capps Hall (NY) McHenry
 Capuano Hall (TX) McIntyre
 Cardoza Halvorson McKeon
 Carnahan Hare McMahan
 Carson (IN) Harman McMorris
 Carter Harper Rodgers
 Cassidy Hastings (FL) McNerney
 Castle Hastings (WA) Meek (FL)
 Castor (FL) Heinrich Meeks (NY)
 Chaffetz Heller Melancon
 Chandler Hensarling Mica
 Childers Herger Michaud
 Chu Herseth Sandlin Miller (FL)
 Clarke Higgins Miller (MI)
 Clay Hill Miller, Gary
 Cleaver Hincey Miller, George
 Clyburn Hinojosa Minnick
 Coble Hirono Mitchell
 Coffman (CO) Hodes Mollohan
 Cohen Holden Moore (KS)
 Cole Holt Moore (WI)
 Conaway Honda Moran (VA)
 Connolly (VA) Hoyer Murphy (CT)
 Conyers Hunter Murphy (NY)
 Cooper Inglis Murphy, Patrick
 Costa Inslie Murphy, Tim
 Costello Israel Myrick
 Courtney Issa Nadler (NY)
 Crenshaw Jackson (IL) Napolitano
 Critz Jackson Lee Neal (MA)
 Crowley (TX) Neugebauer
 Cuellar Jenkins Nunes
 Culberson Johnson (GA) Nye
 Cummings Johnson (IL) Oberstar
 Dahlkemper Johnson, E. B. Obey
 Davis (AL) Johnson, Sam Olson
 Davis (CA) Jones Olver

Owens Royce Stearns
 Ruppertsberger Ruppertsberger Stupak
 Rush Ryan (OH) Sullivan
 Pascrell Ryan (WI) Sutton
 Pastor (AZ) Salazar Tanner
 Paul Salazar Taylor
 Paulsen Sánchez, Linda Teague
 Payne T. Terry
 Pence Sanchez, Loretta Thompson (CA)
 Perlmutter Sarbanes Thompson (MS)
 Perriello Scalise Thompson (PA)
 Peters Schakowsky Thornberry
 Peterson Schauer Tiberi
 Petri Schiff Tierney
 Pingree (ME) Schmidt Titus
 Pitts Schock Tonko
 Platts Schrader Towns
 Poe (TX) Schwartz Tsongas
 Polis (CO) Scott (GA) Turner
 Pomeroy Scott (VA) Upton
 Posey Sensenbrenner Van Hollen
 Price (GA) Serrano Velázquez
 Price (NC) Sessions Visclosky
 Putnam Sestak Walden
 Quigley Shea-Porter Walz
 Rahall Sherman Wasserman
 Rangel Shimkus Schultz
 Rehberg Shuler Waters
 Reichert Shuster Watt
 Reyes Simpson Waxman
 Richardson Sires Weiner
 Rodriguez Skelton Welch
 Roe (TN) Slaughter Westmoreland
 Rogers (AL) Smith (NE) Whitfield
 Rogers (KY) Smith (NJ) Wilson (OH)
 Rohrabacher Smith (TX) Wilson (SC)
 Rooney Smith (WA) Wittman
 Ros-Lehtinen Snyder Wolf
 Roskam Space Woolsey
 Ross Speier Wu
 Rothman (NJ) Spratt Yarmuth
 Roybal-Allard Stark Young (AK)

NOT VOTING—24

Ackerman Himes Moran (KS)
 Akin Hoekstra Radanovich
 Buyer Kilpatrick (MI) Rogers (MI)
 Carney LaTourrette Shadegg
 Delahunt Linder Tiahrt
 Ellison Mack Wamp
 Gohmert McCarthy (CA) Watson
 Griffith Miller (NC) Young (FL)

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

THE SPEAKER pro tempore (during the vote). Two minutes remain in this vote.

□ 1223

So (two-thirds being in the affirmative) the rules were suspended and the bill, as amended, was passed.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

PERSONAL EXPLANATION

Mr. AKIN. Mr. Speaker, on July 30, 2010, I was absent from the House and missed rollcall votes 500, 501, 502, 503 and 504.

Had I been present, I would have voted “no” on rollcall 500, “yes” on rollcall 501, “yes” on rollcall 502, “yes” on rollcall 503 and “yes” on rollcall 504.

REMOVAL OF NAME OF MEMBER AS COSPONSOR OF H.R. 5081

Mr. CARTER. Mr. Speaker, I request that my name be removed as a cosponsor on H.R. 5081.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Texas?

There was no objection.

**OFFSHORE OIL AND GAS WORKER
WHISTLEBLOWER PROTECTION
ACT OF 2010**

Mr. GEORGE MILLER of California. Mr. Speaker, pursuant to House Resolution 1574, I call up the bill (H.R. 5851) to provide whistleblower protections to certain workers in the offshore oil and gas industry, and ask for its immediate consideration in the House.

The Clerk read the title of the bill.

The text of the bill is as follows:

H.R. 5851

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "Offshore Oil and Gas Worker Whistleblower Protection Act of 2010".

SEC. 2. WHISTLEBLOWER PROTECTIONS; EMPLOYEE PROTECTION FROM OTHER RETALIATION.

(a) **PROHIBITION AGAINST RETALIATION.—**

(1) **IN GENERAL.**—No employer may discharge or otherwise discriminate against a covered employee because the covered employee, whether at the covered employee's initiative or in the ordinary course of the covered employee's duties—

(A) provided, caused to be provided, or is about to provide or cause to be provided to the employer or to a Federal or State Government official, information relating to any violation of, or any act or omission of the covered employee reasonably believes to be a violation of, any provision of the Outer Continental Shelf Lands Act (43 U.S.C. 1301 et seq.), or any order, rule, regulation, standard, or prohibition under that Act, or exercised any rights provided to employees under that Act;

(B) testified or is about to testify in a proceeding concerning such violation;

(C) assisted or participated or is about to assist or participate in such a proceeding;

(D) testified or is about to testify before Congress on any matter covered by such Act;

(E) objected to, or refused to participate in any activity, policy, practice, or assigned task that the covered employee reasonably believed to be in violation of any provision of such Act, or any order, rule, regulation, standard, or ban under such Act;

(F) reported to the employer or a State or Federal Government official any of the following related to the employer's activities described in section 3(1): an illness, injury, unsafe condition, or information regarding the adequacy of any oil spill response plan required by law; or

(G) refused to perform the covered employee's duties, or exercised top work authority, related to the employer's activities described in section 3(1) if the covered employee had a good faith belief that performing such duties could result in injury to or impairment of the health of the covered employee or other employees, or cause an oil spill to the environment.

(2) **GOOD FAITH BELIEF.**—For purposes of paragraph (1)(E), the circumstances causing the covered employee's good faith belief that performing such duties would pose a health and safety hazard shall be of such a nature that a reasonable person under circumstances confronting the covered employee would conclude there is such a hazard.

(b) **PROCESS.**—

(1) **IN GENERAL.**—A covered employee who believes that he or she has been discharged or otherwise discriminated against (hereafter referred to as the "complainant") by any employer in violation of subsection

(a)(1) may, not later than 180 days after the date on which such alleged violation occurs or the date on which the covered employee knows or should reasonably have known that such alleged violation occurred, file (or have any person file on his or her behalf) a complaint with the Secretary of Labor (referred to in this section as the "Secretary") alleging such discharge or discrimination and identifying employer or employers responsible for such act. Upon receipt of such a complaint, the Secretary shall notify, in writing, the employer or employers named in the complaint of the filing of the complaint, of the allegations contained in the complaint, of the substance of evidence supporting the complaint, and of the opportunities that will be afforded to such person under paragraph (2).

(2) **INVESTIGATION.**—

(A) **IN GENERAL.**—Not later than 90 days after the date of receipt of a complaint filed under paragraph (1) the Secretary shall initiate an investigation and determine whether there is reasonable cause to believe that the complaint has merit and notify, in writing, the complainant and the employer or employers alleged to have committed a violation of subsection (a)(1) of the Secretary's findings. The Secretary shall, during such investigation afford the complainant and the employer or employers named in the complaint an opportunity to submit to the Secretary a written response to the complaint and an opportunity to meet with a representative of the Secretary to present statements from witnesses. The complainant shall be provided with an opportunity to review the information and evidence provided by employer or employers to the Secretary, and to review any response or rebuttal by such the complaint, as part of such investigation.

(B) **REASONABLE CAUSE FOUND; PRELIMINARY ORDER.**—If the Secretary concludes that there is reasonable cause to believe that a violation of subsection (a)(1) has occurred, the Secretary shall accompany the Secretary's findings with a preliminary order providing the relief prescribed by paragraph (3)(B). Not later than 30 days after the date of notification of findings under this paragraph, the employer or employers alleged to have committed the violation or the complainant may file objections to the findings or preliminary order, or both, and request a hearing on the record before an administrative law judge of the Department of Labor. The filing of such objections shall not operate to stay any reinstatement remedy contained in the preliminary order. Any such hearing shall be conducted expeditiously. If a hearing is not requested in such 30-day period, the preliminary order shall be deemed a final order that is not subject to judicial review. The Secretary of Labor is authorized to enforce preliminary reinstatement orders in the United States district court for the district in which the violation was found to occur, or in the United States district court for the District of Columbia.

(C) **DISMISSAL OF COMPLAINT.**—

(i) **STANDARD FOR COMPLAINANT.**—The Secretary shall dismiss a complaint filed under this subsection and shall not conduct an investigation otherwise required under subparagraph (A) unless the complainant makes a prima facie showing that any behavior described in subparagraphs (A) through (F) of subsection (a)(1) was a contributing factor in the adverse action alleged in the complaint.

(ii) **STANDARD FOR EMPLOYER.**—Notwithstanding a finding by the Secretary that the complainant has made the showing required under clause (i), no investigation otherwise required under subparagraph (A) shall be conducted if the employer demonstrates, by clear and convincing evidence, that the em-

ployer would have taken the same adverse action in the absence of that behavior.

(iii) **VIOLATION STANDARD.**—The Secretary may determine that a violation of subsection (a)(1) has occurred only if the complainant demonstrates that any behavior described in subparagraphs (A) through (F) of such subsection was a contributing factor in the adverse action alleged in the complaint.

(iv) **RELIEF STANDARD.**—Relief may not be ordered under subparagraph (A) if the employer demonstrates by clear and convincing evidence that the employer would have taken the same adverse action in the absence of that behavior.

(3) **ORDERS.**—

(A) **IN GENERAL.**—Not later than 90 days after the receipt of a request for a hearing under subsection (b)(2)(B), the administrative law judge shall issue findings of fact and order the relief provided under this paragraph or deny the complaint. At any time before issuance of an order, a proceeding under this subsection may be terminated on the basis of a settlement agreement entered into by the Secretary, the complainant, and the person alleged to have committed the violation. Such a settlement may not be agreed by such parties if it contains conditions which conflict with rights protected under this Act, are contrary to public policy, or include a restriction on a complainant's right to future employment with employers other than the specific employers named in the complaint.

(B) **CONTENT OF ORDER.**—If, in response to a complaint filed under paragraph (1), the administrative law judge determines that a violation of subsection (a)(1) has occurred, the administrative law judge shall order the employer or employers who committed such violation—

(i) to take affirmative action to abate the violation;

(ii) to reinstate the complainant to his or her former position together with compensation (including back pay and prejudgment interest) and restore the terms, conditions, and privileges associated with his or her employment; and

(iii) to provide compensatory and consequential damages, and, as appropriate, exemplary damages to the complainant.

(C) **ATTORNEY FEES.**—If such an order is issued under this paragraph, the Secretary, at the request of the complainant, shall assess against the employer or employers a sum equal to the aggregate amount of all costs and expenses (including attorneys' and expert witness fees) reasonably incurred by the complainant for, or in connection with, the bringing of the complaint upon which the order was issued at the conclusion of any stage of the proceeding.

(D) **BAD FAITH CLAIM.**—If the Secretary finds that a complaint under paragraph (1) is frivolous or has been brought in bad faith, the Secretary may award to the prevailing employer reasonable attorneys' fees, not exceeding \$1,000, to be paid by the complainant.

(E) **ADMINISTRATIVE APPEAL.**—Not later than 30 days after the receipt of findings of fact or an order under subparagraph (B), the employer or employers alleged to have committed the violation or the complainant may file, with objections, an administrative appeal with the Secretary, who may designate such appeal to a review board. In reviewing a decision and order of the administrative law judge, the Secretary shall affirm the decision and order if it is determined that the factual findings set forth therein are supported by substantial evidence and the decision and order are made in accordance with applicable law. The Secretary shall issue a final decision and order affirming, or reversing, in whole or in part, the decision under