

111TH CONGRESS
2^D SESSION

H. R. 5698

To amend the Oil Pollution Act of 1990 and the Outer Continental Shelf Lands Act to protect employees from retaliation for notifying government officials of violations of those Acts, and for other purposes.

IN THE HOUSE OF REPRESENTATIVES

JULY 1, 2010

Mr. MELANCON introduced the following bill; which was referred to the Committee on Transportation and Infrastructure, and in addition to the Committee on Natural Resources, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned

A BILL

To amend the Oil Pollution Act of 1990 and the Outer Continental Shelf Lands Act to protect employees from retaliation for notifying government officials of violations of those Acts, and for other purposes.

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. PROTECTION OF EMPLOYEES FROM RETALIA-**
4 **TION BY THEIR EMPLOYER FOR COOPER-**
5 **ATING IN INVESTIGATIONS.**

6 (a) OIL POLLUTION ACT OF 1990.—

1 (1) PROHIBITION.—Title VI of the Oil Pollution
2 Act of 1990 (33 U.S.C. 2751 et seq.) is amended by
3 inserting after section 6002 the following new sec-
4 tion:

5 **“SEC. 6003. RETALIATION PROHIBITED.**

6 “(a) PROHIBITION.—No person or employer may dis-
7 charge any employee or otherwise discriminate against any
8 employee with respect to the employee’s compensation,
9 terms, conditions, or other privileges of employment be-
10 cause the employee (or any person acting pursuant to a
11 request of the employee)—

12 “(1) notified the appropriate Federal official, a
13 Federal or State law enforcement or regulatory
14 agency, or the employee’s employer of an alleged vio-
15 lation of this Act, including notification of such an
16 alleged violation through communications related to
17 carrying out the employee’s job duties;

18 “(2) refused to participate in any conduct that
19 the employee reasonably believes is in noncompliance
20 with a requirement of this Act if the employee has
21 identified the alleged noncompliance to the employer;

22 “(3) testified before or otherwise provided infor-
23 mation relevant for Congress or for any Federal or
24 State proceeding regarding any provision (or pro-
25 posed provision) of this Act;

1 “(4) commenced, caused to be commenced, or is
2 about to commence or cause to be commenced a pro-
3 ceeding under this Act;

4 “(5) testified or is about to testify in any such
5 proceeding; or

6 “(6) assisted or participated or is about to as-
7 sist or participate in any manner in such a pro-
8 ceeding or in any other manner in such a proceeding
9 or in any other action to carry out the purposes of
10 this Act.

11 “(b) ENFORCEMENT ACTION.—Any employee covered
12 by this section who alleges discrimination by an employer
13 in violation of subsection (a) may bring an action governed
14 by the rules and procedures, legal burdens of proof, and
15 remedies applicable under subsections (d) through (h) of
16 section 20109 of title 49, United States Code. A party
17 may seek district court review as set forth in subsection
18 (d)(3) of such section not later than 90 days after receiv-
19 ing a written final determination by the Secretary of
20 Labor.

21 “(c) APPLICATION WITH RESPECT AMENDMENTS.—
22 In this section, any reference to this Act includes the pro-
23 visions of law enacted by the amendment made by this
24 Act.”.

1 (2) CLERICAL AMENDMENT.—The table of con-
2 tents in section 2 of such Act is amended by striking
3 the item relating to section 6003 and inserting the
4 following:

“6003. Retaliation prohibited.”.

5 (b) OUTER CONTINENTAL SHELF LANDS ACT.—The
6 Outer Continental Shelf Lands Act (43 U.S.C. 1331 et
7 seq.) is amended by adding at the end the following new
8 section:

9 **“SEC. 32. RETALIATION PROHIBITED.**

10 “(a) PROHIBITION.—No person or employer may dis-
11 charge any employee or otherwise discriminate against any
12 employee with respect to the employee’s compensation,
13 terms, conditions, or other privileges of employment be-
14 cause the employee (or any person acting pursuant to a
15 request of the employee)—

16 “(1) notified the appropriate Federal official, a
17 Federal or State law enforcement or regulatory
18 agency, or the employee’s employer of an alleged vio-
19 lation of this Act, including notification of such an
20 alleged violation through communications related to
21 carrying out the employee’s job duties;

22 “(2) refused to participate in any conduct that
23 the employee reasonably believes is in noncompliance
24 with a requirement of this Act if the employee has
25 identified the alleged noncompliance to the employer;

1 “(3) testified before or otherwise provided infor-
2 mation relevant for Congress or for any Federal or
3 State proceeding regarding any provision (or pro-
4 posed provision) of this Act;

5 “(4) commenced, caused to be commenced, or is
6 about to commence or cause to be commenced a pro-
7 ceeding under this Act;

8 “(5) testified or is about to testify in any such
9 proceeding; or

10 “(6) assisted or participated or is about to as-
11 sist or participate in any manner in such a pro-
12 ceeding or in any other manner in such a proceeding
13 or in any other action to carry out the purposes of
14 this Act.

15 “(b) ENFORCEMENT ACTION.—Any employee covered
16 by this section who alleges discrimination by an employer
17 in violation of subsection (a) may bring an action governed
18 by the rules and procedures, legal burdens of proof, and
19 remedies applicable under subsections (d) through (h) of
20 section 20109 of title 49, United States Code. A party
21 may seek district court review as set forth in subsection
22 (d)(3) of such section not later than 90 days after receiv-
23 ing a written final determination by the Secretary of
24 Labor.”.

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