

expect employers to follow those laws. This is true for factories and family-run businesses, and it is true for offshore oil rigs.

We never want to see a workplace where laws are not followed and worker safety and health is put at risk. But if that happens, workers must be able to report those risks without fear of being discriminated against or losing their job. This is where whistleblower protections come.

The Occupational Safety and Health Administration enforces 18 separate Federal whistleblower statutes for workers who report violations of worker safety, airline, commercial motor carrier, consumer product, environmental, health care reform, nuclear energy, pipeline, public transportation agency, railroad and securities laws.

Yet somehow, in this maze of whistleblower protections, it seems that workers on offshore oil rigs may not be fully protected. When we asked the agencies responsible for overseeing rigs on the Outer Continental Shelf, they told us they did not know which statute might apply. This is unacceptable.

I fully support the effort to ensure workers on offshore oil rigs have access to whistleblower protections. But I have concerns and questions about how H.R. 5851 approaches this goal, and I have serious objections to the manner in which this legislation was brought floor.

There has been no hearing, no markup, no committee report. There has, quite simply, been no legislative process, and it's no way to treat the oil rig workers we are supposed to be protecting.

I yield back the balance of my time.

Mr. GEORGE MILLER of California. Mr. Speaker and Members of the House, I hope that all of our colleagues on both sides of the aisle will support this Whistleblower Protection Act.

I hope that they understand that many, many thousands, millions of American workers work in work sites where every day they pose an inherent danger to those workers. The question of whether or not those workers will be safe or not very often is decided by the employer, who decides how they will structure the work site, what the work rules will be, and how the work and the process will proceed.

But very often those employers sometimes shortchange safety. They choose to pick production over the safety of their workers. They choose to pick cost cutting over safety of their workers.

They choose to pick hurrying up the job over the safety of their workers. They choose to pick getting certain parts of the job done and get them off-site over the safety of their workers.

In today's economy, and in every economy, for many of these workers, it's a terrible choice to think about if I raise my hand on behalf of safety, will I lose my job? If I raise a question about the process that we are about to engage in here and how dangerous it is, will I lose my job?

I represent a district where people work in these industries, in the chemical industry and the refining industry. You know what? We lose workers in those jobs all too often, and all too often we find out the mistakes that were made and we wonder. And even those workers, who are covered by whistleblower protection, know the trade-off.

Because, don't forget, all whistleblower protection does is give you a right to try to proceed to get your job back. Many times that's delayed and workers go months and months without pay because they had the courage to invoke their rights.

This Whistleblower Protection Act is consistent with the other Federal protections for workers throughout this country, but these workers today on the Outer Continental Shelf have no protection at all with respect to their personal safety, and we are simply filling that gap and making sure that they will have that right.

Now, many companies—and I have talked to the CEOs of some of these companies—say, you know, we give you the right at any time to pull the switch, to shut down the job, to stop it, if you think it's unsafe. One company gives out a card. You get a card and you put the card down. It's sort of like in the World Cup—you get a time-out.

Do you know what the supervisors tell the employees that card is? A get-fired card. Play that card, get fired. So the company says play this card any time you want, but the supervisors make it clear what the pressure is.

That's why we need this whistleblower protection for the workers on the Outer Continental Shelf. I have to believe, given the concerns that are documented in the hearings of this Congress, that had these workers had that kind of protection, there would have been a far greater chance that they would have said, wait a minute, because they had concerns about the procedure as they started to withdraw from this drill site. They had concerns about the condition of the rig. They had concerns about the overriding of safety alarms. Yet we saw the explosion and the tragedy and the loss of life of these workers.

Let's do something in their memory that will protect their colleagues on the Outer Continental Shelf. Let's pass this bill with large bipartisan support.

In the name of these workers, these workers who fell into a gap in the protection laws of this Nation, let's fill that gap. Let's provide them the protection, and let's make their death not be in vain with respect to their co-workers.

I ask for support of this legislation.

I yield back the balance of my time. The SPEAKER pro tempore (Mr. JACKSON of Illinois). All time for debate has expired.

Pursuant to House Resolution 1574, the previous question is ordered on the bill, as amended.

The question is on the engrossment and third reading of the bill.

The bill was ordered to be engrossed and read a third time, and was read the third time.

The SPEAKER pro tempore. Pursuant to clause 1(c) of rule XIX, further consideration of H.R. 5851 is postponed.

□ 1310

#### GENERAL LEAVE

Mr. RAHALL. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days to revise and extend their remarks and include extraneous material on H.R. 3534.

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

There was no objection.

#### POINT OF ORDER

Mr. HASTINGS of Washington. Mr. Speaker, I raise a point of order.

The SPEAKER pro tempore. The gentleman will state his point of order.

Mr. HASTINGS of Washington. Mr. Speaker, I raise a point of order against consideration of H.R. 3534 because it does not comply with clause 9(a) of rule XXI, because the committee report to accompany the measure does not contain a statement that this bill contains no congressional earmarks, limited tax benefits, or limited tariff benefits.

I would point the Speaker to page 125 of the accompanying report. The report contains a statement that H.R. 3435 does not contain any congressional earmarks, limited tax benefits, or limited tariff benefits. That is not the proposition that we are considering today. Today we are considering H.R. 3534, the Consolidated Land, Energy, and Aquatic Resources Act of 2009. However, the proposition identified in the committee report is H.R. 3435, a bill making supplemental appropriations for fiscal year 2009 for the Consumer Assistance to Recycle and Save program. As it happens, that measure was signed into law on August 7, 2009, and is Public Law 111-47. So it cannot be the proposition that we are considering today.

Clause 9(a) of rule XXI prohibits the consideration of "a bill or joint resolution reported by a committee unless the report includes a statement that the proposition contains no congressional earmarks, limited tax benefits, or limited tariff benefits." The rule specifies "the" proposition, not "a" proposition. Thus the statement in the committee report fails to meet the test because it describes a proposition rather than the one which is the subject of the report.

Normally, clause 9(d) would preclude the Chair from even entertaining this point of order. However, it also specifies "the" proposition and not "a" proposition and thus is inapplicable in this case.

I would also note that the rule providing for consideration of H.R. 3534 specifically exempts clause 9 of rule