any manifestation of approval or disapproval of proceedings is in violation of the rules of the House.

□ 1736

Mr. TERRY and BACHUS changed their vote from ''yea'' to ''nay.''

So the motion was agreed to.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

Stated for:

Mr. BACA. Madam Speaker, I was absent on Wednesday, December 22, 2010. I had legislative business in the district. Had I been present, I would have voted in support of the Motion to Concur in the Senate Amendment to H.R. 847—James Zadroga 9/11 Health and Compensation Act.

Ms. CHU. Madam Speaker, I was absent on December 22, 2010. Had I been present, I would have voted ''yes'' on H.R. 847—James Zadroga 9/11 Health and Compensation Act.

Mr. BRALEY of Iowa. Madam Speaker, I regret missing floor votes on today, December 22, 2010 due to travel. If I was present, I would have voted: ''yea'' on rollcall 664, motion to concur in the Senate Amendment to H.R. 847—James Zadroga 9/11 Health and Compensation Act.

Ms. LEE of California. Madam Speaker, today I missed rollcall vote 664 on H.R. 847. Had I been present I would have voted ''aye.''

Ms. HERSETH SANDLIN. Madam Speaker, I regret that I was unable to participate in one vote on the floor of the House of Representatives today.

The vote was the Motion to Concur in the Senate Amendment to H.R. 847—James Zadroga 9/11 Health and Compensation Act. Had I been present, I would have voted ''yea'' on that question.

Mr. GUTIERREZ. Madam Speaker, I was unavoidably absent for votes in the House Chamber today. I would like the record to show that, had I been present, I would have voted ''yea'' on rollcall vote 664.

Ms. LINDA T. SANCHEZ of California. Madam Speaker, unfortunately, I was unable to be present in the Capitol for votes on today, December 22, 2010. However, had I been present, I would have voted as follows: ''yea'' on H.R. 847—the James Zadroga 9/11 Health and Compensation Act.

Mr. FILNER. Madam Speaker, on rollcall 664, I was away from the Capitol. Had I been present, I would have voted ''yea.''

Mrs. MILLER of Michigan. Madam Speaker, on rollcall No. 664, had I been present, I would have voted ''yes.''

Mr. BECERRA. Madam Speaker, on Wednesday, December 22, 2010, I missed rollcall No. 664. If present, I would have voted ''yea.''

Ms. EDDIE BERNICE JOHNSON of Texas. Madam Speaker, on Wednesday, December 22, 2010, I requested and received a leave of absence for the rest of the week.

Below is how I would have voted on the following vote I missed during this time period.

On rollcall 664, H.R. 847, to amend the Public Health Service Act to extend and improve protections and services to individuals directly impacted by the terrorist attack in New York City on September 11, 2001, I would have voted ''yes.''

Mr. GENE GREEN of Texas. Madam Speaker, I would have voted ''aye'' on the Senate amendment to H.R. 847, the James Zadroga 9/11 Health and Compensation Act.

Stated against:

Mrs. BIGGERT. Madam Speaker, on rollcall No. 664 I was absent. Had I been present, I would have voted ''no.''

Mr. DAVIS of Kentucky. Madam Speaker, on Wednesday, December 22, 2010, I was absent for one vote. Had I been present I would have voted on rollcall No. 664—''no''—Motion to concur in the Senate amendment to H.R. 847, James Zadroga 9/11 Health and Compensation Act.

PERSONAL EXPLANATION

Mr. JOHNSON of Illinois. Madam Speaker, unfortunately I was not able to be in Washington, DC today to vote on the motion to concur in the Senate Amendment to H.R. 847.

Had I been in Washington for this vote, I would have voted ''present.''

WHISTLEBLOWER PROTECTION ENHANCEMENT ACT OF 2010

Mr. VAN HOLLEN. Madam Speaker, I ask unanimous consent to take from the Speaker's table the bill (S. 372) to amend chapter 23 of title 5, United States Code, to clarify the disclosures of information protected from prohibited personnel practices, require a statement in nondisclosure policies, forms, and agreements that such policies, forms, and agreements conform with certain disclosure protections, provide certain authority for the Special Counsel, and for other purposes, and ask for its immediate consideration in the House.

The Clerk read the title of the bill.

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

There was no objection.

The text of the bill is as follows:

S. 372

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 ''Whistleblower Protection Enhancement Act of 2010''.

TITLE I—PROTECTION OF CERTAIN DISCLOSURES OF INFORMATION BY FEDERAL EMPLOYEES

SEC. 101. CLARIFICATION OF DISCLOSURES COVERED.

(a) IN GENERAL.—Section 2302(b)(8) of title 5, United States Code, is amended—

(1) in subparagraph (A)(i)—

(A) by striking ''a violation'' and inserting ''any violation''; and

(B) by adding ''except for an alleged violation that is a minor, inadvertent violation, and occurs during the conscientious carrying out of official duties,'' after ''regulation,''; and

(2) in subparagraph (B)(i)—

(A) by striking ''a violation'' and inserting ''any violation (other than a violation of this section)''; and

(B) by adding ''except for an alleged violation that is a minor, inadvertent violation, and occurs during the conscientious carrying out of official duties,'' after regulation,''.

(b) PROHIBITED PERSONNEL PRACTICES UNDER SECTION 2302(b)(9).—

(1) TECHNICAL AND CONFORMING AMENDMENTS.—Title 5, United States Code, is amended in subsections (a)(3), (b)(4)(A), and (b)(4)(B)(i) of section 1214, in subsections (a), (e)(1), and (i) of section 1221, and in subsection (a)(2)(C)(i) of section 2302, by inserting ''or section 2302(b)(9) (A)(i), (B), (C), or (D)'' after ''section 2302(b)(8)'' or ''(b)(8)'' each place it appears.

(2) OTHER REFERENCES.—(A) Title 5, United States Code, is amended in subsection (b)(4)(B)(i) of section 1214 and in subsection (e)(1) of section 1221, by inserting ''or protected activity'' after ''disclosure'' each place it appears.

(B) Section 2302(b)(9) of title 5, United States Code, is amended—

(i) by striking subparagraph (A)and inserting the following:

''(A) the exercise of any appeal, complaint, or grievance right granted by any law, rule, or regulation—

''(i) with regard to remedying a violation of paragraph (8); or

''(ii) with regard to remedying a violation of any other law, rule, or regulation;''; and

(ii) in subparagraph (B), by inserting ''(i) or (ii)'' after ''subparagraph (A)''.

(C) Section 2302 of title 5, United States Code, is amended by adding at the end the following:

''(f)(1) A disclosure shall not be excluded from subsection (b)(8) because—

''(A) the disclosure was made to a person, including a supervisor, who participated in an activity that the employee or applicant reasonably believed to be covered by subsection (b)(8)(A)(ii);

''(B) the disclosure revealed information that had been previously disclosed;

''(C) of the employee's or applicant's motive for making the disclosure;

''(D) the disclosure was not made in writing;

''(E) the disclosure was made while the employee was off duty; or

''(F) of the amount of time which has passed since the occurrence of the events described in the disclosure.

''(2) If a disclosure is made during the normal course of duties of an employee, the disclosure shall not be excluded from subsection (b)(8) if any employee who has authority to take, direct others to take, recommend, or approve any personnel action with respect to the employee making the disclosure, took, failed to take, or threatened to take or fail to take a personnel action with respect to that employee in reprisal for the disclosure.''.

SEC. 102. DEFINITIONAL AMENDMENTS.

Section 2302(a)(2) of title 5, United States Code, is amended—

(1) in subparagraph (B)(ii), by striking ''and'' at the end;

(2) in subparagraph (C)(iii), by striking the period at the end and inserting ''; and''; and

(3) by adding at the end the following:

''(D) 'disclosure' means a formal or informal communication or transmission, but does not include a communication concerning policy decisions that lawfully exercise discretionary authority unless the employee or applicant providing the disclosure reasonably believes that the disclosure evidences—

''(i) any violation of any law, rule, or regulation, except for an alleged violation that is a minor, inadvertent violation, and occurs during the conscientious carrying out of official duties; or

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