

**AMENDMENT TO THE COMMITTEE PRINT FOR  
H.R. 908  
OFFERED BY MR. BUTTERFIELD**

After section 2, insert the following new section (and redesignate accordingly):

**1 SEC. 3. WHISTLEBLOWER PROTECTION.**

2 Section 550 of the Department of Homeland Security  
3 Appropriations Act, 2007 (Public Law 109–295; 6 U.S.C.  
4 121 note) is amended by adding at the end the following:

5 “(i)(1) No owner or operator of a chemical facility  
6 subject to the regulations issued under subsection (a), for-  
7 profit or not-for-profit corporation, association, or any  
8 contractor, subcontractor, or agent thereof, may discharge  
9 any employee or otherwise discriminate against any em-  
10 ployee with respect to the employee’s compensation, terms,  
11 conditions, or other privileges of employment because the  
12 employee (or any person acting pursuant to a request of  
13 the employee)—

14 “(A) notified the Secretary, the owner or oper-  
15 ator of a chemical facility subject to the regulations  
16 issued under subsection (a), or the employee’s em-  
17 ployer of an alleged violation of this section, includ-  
18 ing notification of such an alleged violation through

1       communications related to carrying out the employ-  
2       ee's job duties;

3               “(B) refused to participate in any conduct that  
4       the employee reasonably believes is in noncompliance  
5       with a requirement of this section, if the employee  
6       has identified the alleged noncompliance to the em-  
7       ployer;

8               “(C) testified, or otherwise provided relevant in-  
9       formation, before Congress or for any Federal or  
10       State proceeding regarding this section;

11               “(D) commenced, caused to be commenced, or  
12       is about to commence or cause to be commenced a  
13       proceeding under this section;

14               “(E) testified or is about to testify in any such  
15       proceeding; or

16               “(F) assisted or participated or is about to as-  
17       sist or participate in any manner in such a pro-  
18       ceeding or in any other action to carry out the pur-  
19       poses of this section.

20       “(2) Any employee who alleges discrimination by an  
21       employer in violation of this subsection may bring an ac-  
22       tion governed by the rules and procedures, legal burdens  
23       of proof, and remedies applicable under subsections (d)  
24       through (h) of section 20109 of title 49, United States  
25       Code, except that—

1           “(A) in the case of a petition for review under  
2           subsection (d)(4) of such section, a party may file  
3           such review not later than 90 days after receiving a  
4           written final determination by the Secretary of  
5           Labor; and

6           “(B) in the application of subsection (f) of such  
7           section to an action brought under this paragraph,  
8           the term ‘railroad carrier’ shall be deemed to mean  
9           the employer alleged to be in violation of this sub-  
10          section.”.

