discovering true savings through the discount cards in less than a month. Seniors can choose with confidence because each card program will be monitored by the Department of Health and Human Services and can expect savings from 10 to 25 percent on drug costs.

Seniors who want more information on the drug discount cards can log into www.medicare.gov or call 1–800–MEDICARE.

In conclusion, God bless our troops and we will never forget September 11.

SUPPORT H.R. 3722

(Mr. ROHRABACHER asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. ROHRABACHER. Mr. Speaker, today we will vote on H.R. 3722, and we have heard a lot of bogus arguments that are based on just total misrepresentations of this bill. I would hope the people go to the basics of this.

We cannot be the HMO of the world and expect to take care of our own people. And if Congress does not act, if H.R. 3722 is not passed, illegal immigrants will have priority in America's emergency rooms because the Federal Government will be picking up the tab for illegals, but not for U.S. citizens. That is a travesty.

Furthermore, we all know we have limited dollars here to take care of our seniors and our children. Those limited dollars should not be squandered on illegal immigrants.

People have come here illegally and thumbed their noses at our law. Why are we spending billions of dollars to take care of their health care while we cannot provide any medicine to our seniors? This is a travesty.

H.R. 3722 will help correct the situation, at least get us back to going in the right direction rather than allocating more and more resources to the care of illegal immigrants. Vote for H.R. 3722.

□ 1030

PROVIDING FOR CONSIDERATION OF H.R. 2728, OCCUPATIONAL SAFETY AND HEALTH SMALL BUSINESS DAY IN COURT ACT OF 2004, H.R. 2729, OCCUPATIONAL SAFETY AND HEALTH REVIEW COMMISSION EFFICIENCY ACT OF 2004, H.R. 2730, OCCUPATIONAL SAFETY AND HEALTH INDEPENDENT REVIEW OF OSHA CITATIONS ACT OF 2004, H.R. 2731, OCCUPATIONAL SAFETY AND HEALTH SMALL EMPLOYER ACCESS TO JUSTICE ACT OF 2004, AND H.R. 2432, PAPERWORK AND REGULATORY IMPROVEMENTS ACT OF 2004

Mr. SESSIONS. Mr. Speaker, by direction of the Committee on Rules, I call up House Resolution 645 and ask for its immediate consideration.

The Clerk read the resolution, as follows:

H. RES. 645

Resolved, That upon the adoption of this resolution it shall be in order to consider in the House the bill (H.R. 2728) to amend the Occupational Safety and Health Act of 1970 to provide for adjudicative flexibility with regard to an employer filing of a notice of contest following the issuance of a citation by the Occupational Safety and Health Administration. The bill shall be considered as read for amendment. The amendment recommended by the Committee on Education and the Workforce now printed in the bill shall be considered as adopted. The previous question shall be considered as ordered on the bill, as amended, to final passage without intervening motion except: (1) one hour of debate on the bill, as amended, equally divided and controlled by the chairman and ranking minority member of the Committee on Education and the Workforce; and (2) one motion to recommit with or without instructions.

SEC. 2. Upon the adoption of this resolution it shall be in order to consider in the House the bill (H.R. 2729) to amend the Occupational Safety and Health Act of 1970 to provide for greater efficiency at the Occupational Safety and Health Review Commission. The bill shall be considered as read for amendment. The amendment in the nature of a substitute recommended by the Committee on Education and the Workforce now printed in the bill, modified by the amendment printed in part A of the report of the Committee on Rules accompanying this resolution, shall be considered as adopted. The previous question shall be considered as ordered on the bill, as amended, to final passage without intervening motion except: (1) one hour of debate on the bill, as amended, equally divided and controlled by the chairman and ranking minority member of the Committee on Education and the Workforce; and (2) one motion to recommit with or without instructions.

SEC. 3. Upon the adoption of this resolution it shall be in order to consider in the House the bill (H.R. 2730) to amend the Occupational Safety and Health Act of 1970 to provide for an independent review of citations issued by the Occupational Safety and Health Administration. The bill shall be considered as read for amendment. The amendment recommended by the Committee on Education and the Workforce now printed in the bill, modified by the amendment printed in part B of the report of the Committee on Rules accompanying this resolution, shall be considered as adopted. The previous question shall be considered as ordered on the bill, as amended, to final passage without intervening motion except: (1) one hour of debate on the bill, as amended, equally divided and controlled by the chairman and ranking minority member of the Committee on Education and the Workforce; and (2) one motion to recommit with or without instructions.

SEC. 4. Upon the adoption of this resolution it shall be in order to consider in the House the bill (H.R. 2731) to amend the Occupational Safety and Health Act of 1970 to provide for the award of attorney's fees and costs to very small employers when they prevail in litigation prompted by the issuance of citations by the Occupational Safety and Health Administration. The bill shall be considered as read for amendment. The amendment in the nature of a substitute recommended by the Committee on Education and the Workforce now printed in the bill, modified by the amendment printed in part C of the report of the Committee on Rules accompanying this resolution, shall be considered as adopted. The previous question shall be considered as ordered on the bill, as amended, to final passage without intervening motion except: (1) one hour of debate on the bill, as amended, equally divided and controlled by the chairman and ranking minority member of the Committee on Education and the Workforce; and (2) one motion to recommit with or without instructions.

SEC. 5. At any time after the adoption of this resolution the Speaker may, pursuant to clause 2(b) of rule XVIII, declare the House resolved into the Committee of the Whole House on the state of the Union for consideration of the bill (H.R. 2432) to amend the Paperwork Reduction Act and titles 5 and 31, United States Code, to reform Federal paperwork and regulatory processes. The first reading of the bill shall be dispensed with. Points of order against consideration of the bill for failure to comply with clause 4(a) of rule XIII are waived. General debate shall be confined to the bill and shall not exceed one hour equally divided and controlled by the chairman and ranking minority member of the Committee on Government Reform. After general debate the bill shall be considered for amendment under the five-minute rule. It shall be in order to consider as an original bill for the purpose of amendment under the five-minute rule the amendment in the nature of a substitute recommended by the Committee on Government Reform now printed in the bill. The committee amendment in the nature of a substitute shall be consider as read. No amendment to the committee amendment in the nature of a substitute shall be in order except those printed in part D of the report of the Committee on Rules accompanying this resolution. Each such amendment may be offered only in the order printed in the report, may be offered only by a Member designated in the report, shall be considered as read, shall be debatable for the time specified in the report equally divided and controlled by the proponent and an opponent, shall not be subject to amendment, and shall not be subject to a demand for division of the question in the House or in the Committee of the Whole. All points of order against such amendments are waived. At the conclusion of consideration of the bill for amendment the Committee shall rise and report the bill to the House with such amendments as may have been adopted. Any Member may demand a separate vote in the House on any amendment adopted in the Committee of the Whole to the bill or to the committee amendment in the nature of a substitute. The previous question shall be considered as ordered on the bill and amendments thereto to final passage without intervening motion except one motion to recommit with or without instructions.

SEC. 6. (a) In the engrossment of H.R. 2728, the Clerk shall—

(1) await the disposition of all the bills contemplated in sections 2–5;

(2) add the respective texts of all the bills contemplated in sections 2–5, as passed by the House, as new matter at the end of H.R. 2728;

(3) conform the title of H.R. 2728 to reflect the addition to the engrossment of the text of all the bills contemplated in sections 2–5 that have passed the House;

(4) assign appropriate designations to provisions within the engrossment; and

(5) conform provisions for short titles within the engrossment.

(b) Upon the addition to the engrossment of H.R. 2728 of the text of the bills contemplated in sections 2–5 that have passed the House, such bills shall be laid on the table.

(c) If H.R. 2728 is disposed of without reaching the stage on engrossment as contemplated in subsection (a), the bill that

first passes the House as contemplated in section 2–5 shall be treated in the manner specified for H.R. 2728 in subsections (a) and (b), and only the other bills contemplated in sections 2–5 that have passed the House shall be laid on the table.

The SPEAKER pro tempore (Mr. BASS). The gentleman from Texas (Mr. SESSIONS) is recognized for 1 hour.

Mr. SESSIONS. Mr. Speaker, for the purpose of debate only, I yield the customary 30 minutes to my friend, the gentleman from Florida (Mr. HASTINGS), pending which I yield myself such time as I may consume. During consideration of this resolution, all time yielded is for the purpose of debate only.

Mr. Speaker, the resolution before us is a rule for consideration of a package of bills, H.R. 2728, H.R. 2729, H.R. 2730, H.R. 2731 and H.R. 2432, which are all being brought to the floor today by the House Republican leadership, that will help to cut the cost of burdensome regulations for American small businesses and help create new jobs in America.

H. Res. 645 provides for the separate consideration of each of these five measures. Each bill covered under this rule will have its own debate time and the opportunity to be voted on by this body.

Finally, the rule also provides, at the close of consideration of these measures, the Clerk of the House will be directed to combine the text of each of these bills that passes the House under this rule as one engrossed bill and send it to the other body.

Mr. Speaker, we are here today to consider a rule for a number of common-sense bills that will eliminate unnecessary paperwork and bring some much-needed flexibility to the regulatory process for American small business. This legislation will also improve worker safety by making it easier for employers to work voluntarily and proactively with OSHA to ensure safe and secure workplaces.

While this may seem like a complicated rule, its effect is quite simple: It will help to cut down on wasteful costs that many small businesses face as a result of burdensome, one-size-fits-all government regulations.

The bills brought up for consideration under this rule will allow small businesses to focus more of their time and energy on competing in the marketplace, providing their customers with better goods and services and creating new jobs all across America, rather than spending their time filling out forms or arguing with some distant, nameless, faceless bureaucrat.

One of the Republican Party's top priorities is to create an environment that empowers small businesses and their employees to succeed, which has been proved by the House's agenda over the last few weeks. Last week, the House took up and overwhelmingly passed legislation to allow low- and middle-income Americans to keep more of what they earn by permanently extending the 10 percent tax bracket created by President Bush's 2001 tax relief plan.

The House also took up the opportunity to pass legislation that improves upon and strengthens Flexible Spending Accounts, addresses the skyrocketing cost of medical liability insurance and allows small businesses to join together to provide their employees with health insurance through Association Health Plans.

This week, the House will be considering yet another tax relief bill on behalf of working families and will expand and make permanent the child tax credit. And we will also be considering these five bills to make it easier for our Nation's small businesses to create jobs that will help sustain our economy's growth.

H.R. 2728, the Occupational Safety and Health Small Business Day in Court Act, amends the Occupational Safety and Health Act of 1970 to provide flexibility to employers filling out responses to OSHA citations. Currently, the law sets a strict and arbitrary deadline of 15 days for businesses to respond to an OSHA citation, despite the fact that since the 1980s, a Federal rule of procedure has granted employers relief in cases where an employer filed a late notice of contest because of ''mistake, inadvertence, surprise or excusable neglect.'' H.R. 2728 would simply codify this common-sense practice in law and give OSHA some direction in handling cases where a business misses its 15-day window.

H.R. 2729, the Occupational Safety and Health Review Commission Efficiency Act, would create greater efficiency at the Occupational Safety and Health Review Commission by adding two additional members to this board so that it may complete its work in a more timely fashion on behalf of employers and employees all across the United States.

Under current law, the membership of the Commission is set at three appointed members. Two members are required to constitute a quorum, and the Commission can only take action on an affirmative vote of two members, regardless of whether these seats are vacant or filled.

For over two-thirds of its existence, the Commission has been paralyzed by frequent vacancies that have resulted in several critical and well-documented inefficiencies, rendering the entire regulatory scheme devised by Congress for resolving OSHA disputes unworkable.

By creating two new seats on the Commission, Congress can protect against the chance that an extended vacancy on the Commission will prevent this body from resolving disputes in a timely fashion.

H.R. 2730, the Occupational Safety and Health Independent Review of OSHA Citations Act, will provide for the fair and independent review of citations issued by OSHA. Legislative history and practice have made it clear that while OSHA is responsible for rule-making, enforcement and adjudication of issues pertinent to workplace safety, the Occupational Safety and Health Review Commission is intended to provide an independent review of OSHA's functions and act as a check on any prosecutorial excess.

This bill would simply restore responsible checks and balances to the current system by making it clear that the Commission's legal interpretations are given the proper judicial deference.

H.R. 2731, the Occupational Safety and Health Small Employer Access to Justice Act, provides for the payment of attorney's fees and costs to very small employers when they prevail in legislation prompted by the issuance of citations by OSHA.

The reason for this legislation is simple: The government should not be able to intimidate small businesses into blindly following their mandates simply because the business thinks it cannot afford to fight in a case where it might otherwise prevail.

This bill will put American small businesses on a more level playing field with large and powerful government bureaucracies and give them the courage to speak up for themselves when they are right by removing the financial penalties that currently exist for defending themselves.

Finally, H.R. 2432, the Paperwork and Regulatory Improvement Act, reduces Federal regulatory paperwork and red tape by requiring OMB to devote more effort to identifying ways to simplify Federal laws. This bill would also make permanent GAO's authorization to analyze major rules proposed by Federal agencies and require OMB to integrate its regulatory accounting reports with its annual budget report, so that lawmakers can compare the on-budget and off-budget costs associated with each agency requiring paperwork by the public.

□ 1045

Like all the other bills being considered on this rule today, it would help create jobs and allow America's business men and women to spend less of their own time on resources, on complicated regulatory and taxes paperwork that hurts the economy, instead of running their own businesses.

Mr. Speaker, I am proud of this legislation that Congress has passed and will continue to pass to promote the Republican competitiveness agenda. I think it is important that we come to the floor today with a full discussion on legislation that will give Americans more time to spend running their businesses or with their families or however they choose to spend it.

I think it is important to remember that every single time that we pass one-size-fits-all legislation giving a great deal of authority to the Washington-based bureaucracies, our small businesses bear the brunt of this inefficiency.

OMB recently report to Congress that the annual cost of major Federal regulations issued between 1992 and

2002 are estimated to cost between $38 billion and $44 billion. This means that Americans spend about $1.50 in compliance cost for every one dollar in tax cost devoted to regulation. Moreover, it means that every dollar of direct budget expenditure devoted to regulatory activity, the private sector spends $45 dollars in compliance. This overregulation of businesses puts us at a competitive disadvantage with the rest of the world and places an unnecessary limit on our economy.

Finally, Mr. Speaker, the code of Federal regulations extends 19 feet, and from 1991 to 2000 the number of pages in the CFR increased by 28.1 percent. I am glad Congress is looking at ways to pare back this overwhelming bureaucracy, and I urge all of my colleagues to support this rule for these five bills to keep American businesses competitive in the global marketplace and to keep American jobs here at home. I urge all of my colleagues to support this rule and the underlying bill.

Mr. Speaker, I reserve the balance of my time.

Mr. HASTINGS of Florida. Mr. Speaker, I yield myself such time as I may consume, and I thank the gentleman from Texas (Mr. SESSIONS) for yielding me time.

Mr. Speaker, just as a very brief response to my colleague from Texas, I find it strange that he would use the term that the regulatory measures that are set in place to protect American workers puts us at some competitive disadvantage; and I would just wonder, are we at a competitive disadvantage with countries that have children as young as 9 and 10, 11 years old working? Are we at a competitive disadvantage with countries that have no concern for their workers who die in substantial numbers in plants and mines? That is what separates us from the rest of the world. We are better than that.

Mr. Speaker, I rise today in strong opposition to this closed rule and all five of the underlying pieces of legislation that it encompasses. For those who did not hear me the first time, I said five pieces of legislation under one rule.

This is sort of the blue light special or the supersized rule, Mr. Speaker, five for the price of one. When we look at the number of amendments made in order under this rule, they total five as well and only one is from a Democrat. Republicans have taken their sheer wrong-headedness to a whole new level with this rule. My outrage and the outrage of all in the minority is as much about process as it is about policy. Pure partisan politics never produces sound public policy, and election year politics and messaging have no place in the people's House. Yet that is all the majority seems interested in.

The political score Republicans are seeking to settle with their barrage of anti-working class legislation is not going to be fulfilled by stifling debate and blocking Democrats out of the process. Republicans are calling this the ''OSHA Fairness Package.'' Fair for whom? The only victims I see here are not only the Democratic Party; it is the American worker that it is unfair to.

For the last 3 weeks, Republicans have come to the floor to pass what they call middle-class tax relief. They said they were the party of the middle class and they stand for working-class values. They said they care about the well-being of America's working families. How disingenuous they are, Mr. Speaker.

Four of the five underlying pieces of legislation represent a buffet of rollbacks in our laws governing working conditions. To quote the United Auto Workers on just one of the four bills: ''This legislation would give unprecedented and unwarranted authority to the Occupational Safety and Health Review Council to take away workers workplace health and safety.''

Mr. Speaker, do we have an overwhelming epidemic in this country of unfair workplace lawsuits that I do not know about? The judicial process for violations in workplace health and safety standards has been in place in this country of ours for nearly 30 years. It is fair and most importantly it protects the rights of workers. Yet two of the four underlying bills affecting OSHA standards are coming as a direct result of recent court rulings that Republicans and their corporate friends do not agree with. The other two are aimed at stacking the OSHA commission with anti-worker commissioners and creating a system where only those who can afford legal representation will be permitted to file a complaint with the workplace safety and health board. A direct attack on American juris prudence is one of the measures that would allow that, if OSHA brings a complaint, OSHA must pay if it loses. I think that is also the American taxpayer.

Apparently, Republicans' new policy is when the courts rule against you, legislate against the courts. When one of the senior Democrats of the Committee on Education and the Workforce, my good friend, the gentleman from Michigan (Mr. KILDEE), came before this body, and he has served here for 30 years and is known throughout the country as a champion of working-class Americans, he came to the Committee on Rules yesterday on behalf of the gentleman from California (Mr. GEORGE MILLER), the ranking member, and Republicans denied him the opportunity to offer a substitute to legislate what came out of his committee.

The majority protects their chairman's amendment, but they fail to extend the same courtesy and respect to the ranking member. Had the majority made the Miller substitute in order or the Kildee substitute in order, the House could have done something today that would have actually benefited working-class Americans. We could have had a real debate about the minimum wage, and we could have taken a vote and found out where Members really stand on the issue on whether workers in this country ought to get incrementally over a period of time $7 an hour instead of the current $5.15 cents an hour.

It is kind of hard to make ends meet with gasoline being $2 a gallon and a person is being paid $5.15, while we here in the House have raised our wages six times since people that work at the minimum wage have had an increase. Perhaps the majority is blocking what it knows it cannot defeat; or better yet, perhaps the majority is just protecting its Members from taking a vote that will show their true colors. Shame on them and shame on this body if it allows this assault on American workers to continue.

Some may suggest that it is just class warfare. Mr. Speaker, I simply point out that Democrats do not rule in this town, and we certainly did not start the fight. But if the majority thinks that we are going to sit idly by and allow this barrage of attacks on America's working class, then they have another thought coming to them. We are just not quite ready to give up on our country yet and certainly not ready to give up on our workers and the least among us who are working-class Americans, many of whom, 33 million or 44 million uninsured people in this country, are working Americans and here we are taking measures that are likely to impact all of them.

I urge my colleagues to oppose this closed rule. And this is the 25th of our rules with only one being open, and I ask my colleagues to reject the underlying piece of legislation.

Mr. Speaker, I reserve the balance of my time.

Mr. SESSIONS. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I appreciate the gentleman talking about the true colors that the Republican Party presents not only today but every single day that we are on this floor of the House of Representatives, because our special interest is our taxpayers and the working men and women of this country who keep it going and will continue to work for the special interests of the Republican Party to ensure that America has not only a sound economy but opportunities to where people can live the American dream.

Mr. Speaker, I yield 4 minutes to the gentleman from Ohio (Mr. BOEHNER), the gentleman that leads our party in this effort, the gentleman who is the chairman of the Committee on Education and the Workforce.

Mr. BOEHNER. Mr. Speaker, I thank the gentleman for yielding me time.

Mr. Speaker, I thank my colleagues for the opportunity today to have this debate on how to bring some more equitable regulations over at OSHA. Small employers are the engine of job creation in America and for employers of 100 or less, they create about 70 percent of the new jobs that we see in our

country each and every day. Yet these same employers are the ones that are dealing with the ever-rapidly rising cost of health insurance premiums for their employees, the cost of government regulations. They see competition not only from their neighbors down the street but competition from far beyond our seas. And if we want this engine of economic growth to continue to create jobs in America, we as Members of Congress ought to be looking at laws and regulations that affect their ability to compete both at home and abroad.

I want to congratulate my colleague from Georgia (Mr. NORWOOD), the chairman of the Subcommittee on Workforce Protections. He and the members of his subcommittee did a marvelous job in looking at OSHA.

Now, we have made great strides at OSHA over the last 5 or 6 years in terms of OSHA, a government agency, charged with protecting worker health and safety, working in a more cooperative way with employers all across the country. And what has happened? We have seen workplace injuries and accidents decrease. And this voluntary cooperation that we have under way, we believe can be enhanced by the four underlying bills that we bring to the floor today, whether it is giving the review commission a little more flexibility in looking at some regulations; whether it is expanding the review commission so they can speed up the adjudication of disputes between employers and OSHA; or whether it is to say to OSHA, before you bring a lawsuit against a small employer, you ought to consider the impact on it and what it does to the small employer, because if you bring this suit against a small employer and you lose, you ought to pay the legal costs for the employer.

A lot of small employers do not want to take on the Federal Government, do not want to take on the U.S. Treasury or OSHA even if they think they are right because of the giant expense involved. Most of these businesses do not have the kind of capital that big businesses have; and as a result, they are reluctant to really adjudicate what they think is a legitimate claim. And we believe that if OSHA would have to pay those fees if they lose, it would bring more balance to this relationship between OSHA and the employers and maintain the cooperative spirit that we have seen grow over the last 5 or 6 years.

So the four bills that we have before us I think will enhance worker safety, will enhance competitiveness for small companies. We ought to have a debate today, and I think the rule outlines a very fair process for the consideration of these four bills; and I would urge my colleagues not only to support the rule today but to support the four underlying bills that we are bringing to the floor under it.

Mr. HASTINGS of Florida. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, before I yield to my friend, I will just respond to the chairman that if this is such a great worker-protection measure, why is it that no group that is a proponent of worker protection favors this measure? I just find that passing strange. I yield to the chairman to answer me if there is any worker group that I do not know about.

Mr. BOEHNER. Mr. Speaker, will the gentleman yield?

Mr. HASTINGS of Florida. I yield to the gentleman from Ohio.

Mr. BOEHNER. Mr. Speaker, I think the gentleman realizes that here in Washington we do two things every day: We do public policy which represents the work we are bringing to the floor today; and, unfortunately, we also do politics.

□ 1100

This being a presidential election year, much less a congressional election year, means there is an awful lot of politics being played by some of the opponents of political opponents that we might have; but I think if my colleagues were to look at the four underlying bills, my colleagues will see today that we will have broad bipartisan support for all four of these bills. Why? Because they are merely money sense.

Mr. HASTINGS of Florida. Mr. Speaker, reclaiming my time, the gentleman did not answer my question. Is there a group of proponents of workers' rights that support these measures? Is the answer yes or no?

Mr. BOEHNER. Mr. Speaker, if the gentleman will continue to yield, the bigger proponent of protecting workers' rights are employers, because American employers understand that the single greatest asset they have are the men and women who work for them each and every day.

Mr. HASTINGS of Florida. Mr. Speaker, I think I know the answer. The answer is ''no,'' and I thank the gentleman.

Mr. Speaker, I yield 7 minutes to the gentleman from New York (Mr. OWENS), who does know something about this measure as the ranking member of the Subcommittee on Workforce Protections, my good friend.

(Mr. OWENS asked and was given permission to revise and extend his remarks.)

Mr. OWENS. Mr. Speaker, I am here to protest, first of all, the package, the packaging process, the rules process. Lumping five bills together, four of them dealing with OSHA matters, there is an effort to trivialize, to minimize and to make invisible this particular, very serious action being taken against working families and organized labor.

Working families need the protection of the government in the workplace. They are vulnerable and they are often victimized. The overwhelming number of business people in America are fair-minded, the small business people as well as corporations, but there is a percentage, which is far too large, that is greedy, selfish and always seeking to get more profits by exploiting workers.

The highest cost of most of these businesses is the labor costs. To drive down the labor costs they will do almost anything. It is not enlightened self-interest, because they are really making profits, but they want more and more.

This package that is being presented on OSHA I call the ''more injuries and more deaths package'' because the end product of chipping away at OSHA provisions is to create a situation where more workers out there are left vulnerable to injuries and to death.

This majority party started its offensive against the working class or working families with a very brutal and obvious attack. The first big action of this majority party when the administration was changed in the White House was to repeal the ergonomics standards that it had taken 10 years to put in place. Ergonomics standards in OSHA dealt with injuries suffered by large numbers of workers in a new environment, a high-tech environment, with different kinds of injuries being generated, but they wiped that out overnight. That was an obvious, brutal, in-your-face attack on working families and organized labor.

Since then, they have sought to chip away, in every way possible, in a long history from 1995, when the change in the majority took place, a steady history of trying to pass bills to cripple OSHA; and they have become less and less strident as time goes on. We have beat back a number of them, but they have come back in other forms, and what we have in this package is the elephant which has been knocked to his knees.

The repeal of the ergonomics standards knocked OSHA to its knees. That elephant is now being fed spoonfuls of poison. These are spoonfuls of poison. They seem common-sensical, they seem trivial, but it is just one way to poison the animal. It will die just the same.

OSHA is made weaker and weaker. The budget has gotten smaller. The number of inspectors, which always was inadequate has been cut. We never intended to cover inspections adequately, but we did do a better job before this present majority took over.

So the cornerstone of the majority Republican Party policy is being enumerated here in terms of workers—we really want them to be more vulnerable; we really want them to have lower costs. We are not going to talk about minimum wage. We are not going to deal with these things which benefit workers. We are going to continue to encourage outsourcing so that more and more jobs are going overseas, and employers can threaten the workers with outsourcing if they act up.

We are going to continue to foster policies which make corporations more and more profitable despite this recession ending, which shows that profits

are going up. Corporations, while there is unemployment, remain the same. Wages are not going up. We are making a clear statement, we want more of the same and we are going to reduce the labor force even further to peasants and serfs who are unable to take care of themselves in the workplace.

The greatest increase in jobs inside this economy, inside America, is going to take place and is taking place in the construction industry; and what they are doing is having large companies subcontract to smaller companies, and the smaller companies become the protectorate of the set of bills that we have here. They have less than 100 employees. They can then proceed to get away with the kinds of violations that we would never allow a larger company because it has different responsibilities.

So this effort, in the name of small businesses, is also an effort which goes after the most vulnerable workers. Construction, the dirtiest work, the most dangerous work, has taken place with immigrant workers and with people who are at the very lowest levels, unable to get any kind of job anywhere else. The number of deaths and injuries that have taken place in the last few years has increased dramatically in this area while the overall number might have gone down a little.

This area is an area where we have had a series of articles appearing in the New York Times which highlight the fact that the OSHA regulations, at present, are minimal. They do not deal with the serious situation that the workplace has in terms of safety and even in terms of death.

We had a hearing just last Wednesday, and I am going to later on read some testimony from those people, but I want to conclude by saying we have a Democratic package for working families in this Nation which includes ending the current tax incentives for shipping jobs overseas, enacting a robust highway bill that would create over 1.8 million good-paying jobs, providing a tax credit for small businesses so small businesses can lower their health care costs, extending Federal unemployment benefits for 2.5 million out-of-work Americans, raising the minimum wage, ensuring that individuals develop the skills that the employers need by increasing job training.

That, in contrast, to a package which is seeking to drive down the working conditions and place the workers in a more vulnerable position so that profits for unscrupulous small businesses can be greatly increased. This package does that. We ought to pay a lot of attention to it and not rush it through this process today.

Mr. SESSIONS. Mr. Speaker, I yield 5 minutes to the gentleman from Virginia Beach, Virginia (Mr. SCHROCK).

Mr. SCHROCK. Mr. Speaker, I rise in support of the rule for H.R. 2432, the Paperwork and Regulatory Improvements Act.

Last June, with bipartisan cooperation, the gentleman from California (Mr. OSE) introduced this good government bill that improved the existing processes governing paperwork and regulations. The bill makes incremental improvements instead of changing the role of Congress in its oversight of agency rules.

The overall burden of Federal paperwork and regulatory requirements is staggering and is a real drain on job growth, productivity and American competitiveness. In fact, Federal paperwork and regulatory burdens have increased in each of the last 8 years.

H.R. 2432 includes legislative changes to ensure reduction in tax paperwork burdens on small business, assist Congress in its review of agency regulatory proposals and improve public and congressional understanding of the true costs and benefits of regulations.

Since 1942, the Office of Management and Budget has had statutory responsibility to review and approve each new, revised or continuing paperwork imposition on the public. Currently, the IRS accounts for over 80 percent of all the federally imposed paperwork burden on the public. H.R. 2432 requires OMB to conduct a systematic review and then submit a report on specific actions the rest can take to reduce tax paperwork on small business.

To assist Congress in its review of agency regulatory reforms, H.R. 2432 permanently establishes a regulatory analysis function in the General Accounting Office. In 2000, Congress authorized a 3-year pilot test for this regulatory analysis function, but it was never funded. This was partly because GAO intended to use contractors instead of in-house expert staff during the test period. H.R. 2432 would require GAO's having in-house expertise comparable to OMB's expertise.

With GAO's help, Congress will be better equipped to review final agency rules under the Congressional Review Act and to submit timely and knowledgeable comments on proposed rules during the public comment period.

Current law requires OMB to submit an annual regulatory accounting statement and associated report on impacts, such as on small business, with the President's fiscal budget. To date, all six of OMB's final regulatory accounting reports have been incomplete, and none have been submitted in final form with the fiscal budget. As a consequence, their utility in the decision-making process has been hindered.

To improve OMB's regulatory accounting reports, this bill requires OMB to seek agency input annually, as it does for its information collection budget and the fiscal budget. The bill also requires OMB to conduct a study of regulatory budgeting to determine if agencies can better manage regulatory burdens on the public.

This bill has been endorsed by many organizations such as the U.S. Chamber of Commerce, the National Association of Manufacturers, National Federation of Independent Business, National Small Business Association and the Small Business Survival Committee.

The Congressional Budget Office provided a preliminary estimate of the budgetary impact of this bill, saying the bill would cost about $10 million a year and would not affect direct spending or revenues. CBO's estimate includes $8 million for GAO and $2 million for OMB.

The current budget for OMB's Office of Information and Regulatory Affairs is $7 million. OIRA has multiple functions besides paperwork and regulatory reviews, such as government-wide statistical policy and information policy.

As a consequence, the gentleman from California (Mr. OSE) and I will be introducing a substitute today authorizing $5 million for GAO's permanent regulatory analysis function. This amount is based on the proportionate share of OIRA's budget for its paperwork and regulatory reviews.

I support the rule with 1 hour of general debate, equally divided, and which makes in order the only two amendments submitted to the Committee on Rules, one from the gentleman from California (Mr. WAXMAN) and the gentleman from Massachusetts (Mr. TIERNEY) and one submitted by the gentleman from California (Mr. OSE). I urge my colleagues to support the rule.

H.R. 2432 should result in needed paperwork and regulatory relief, especially for small businesses, and help Congress fulfill its constitutional role as a coequal branch of government.

Mr. HASTINGS of Florida. Mr. Speaker, at this time I have no further speakers that have come to the floor, and I reserve the balance of my time.

Mr. SESSIONS. Mr. Speaker, I yield such time as he may consume to the gentleman from Georgia (Mr. NORWOOD).

Mr. NORWOOD. Mr. Speaker, I thank my friend from Texas for the time, and frankly, I am quite pleased to have the opportunity today, Mr. Speaker, to address four very important measures that I have had the honor, along with the gentleman from Ohio (Chairman BOEHNER), to sponsor.

Before addressing the mechanics of each of these important bills, and I will as they are considered, I would like to provide a little useful background.

If performance outcomes are what truly counts in government programs, performance outcomes, how well is that government program doing, my colleagues should know that the relevant indicators suggest that OSHA, under President Bush, is performing better than at any time in the agency's history.

Now, if we can spend just a little time looking at the facts, and I hate to confuse anybody with facts, but looking at the facts, we should look at the GAO report.

□ 1115

It is saying very clearly that the voluntary compliance strategies are showing very good results. In fact, they are

saying this may actually be working because the performance outcomes are better than they have ever been in the history of OSHA.

I have a couple of graphs, so you do not have to believe me, and they are put out by the Department of Labor statistics. It is indicating that workplace injuries as of 2002 and workplace fatalities as of 2002 are the lowest; they are the lowest they have ever been in the history of OSHA. Injury and illness rates and a number of workplace fatalities are down and are declining. And I believe, I firmly believe that one of the major reasons for this performance improvement is a new and improved vision for OSHA.

I know people do not like to change laws once they are passed, but they do need to be measured against performance outcomes, and sometimes you need to change laws when you know you are on the wrong track. OSHA has a vision that rejects the blunt confrontation and embraces the idea of cooperation between employers and government, between business and government. Let us come together to work together to make this a safer and a healthier workplace.

The simple truth is we can achieve much better results working together than working against each other, and that seems to be what GAO is saying. It seems to be what the numbers are saying. Or as we say where I come from, you are likely to attract more bees with honey.

Now, this does not mean, in our opinion, that you should let the fox guard the hen house. Far from it. It simply means that we will have a better balance to our regulatory approach at OSHA if it includes two useful components: one, a more effective targeting of enforcement resources to where they are most needed. That is just common sense. And, two, strong encouragement for employers to cooperate toward the performance improvements.

Why would they not? If they feel they can work with this government and try to improve the health and the safety of their workplace, why in the world would they not? Obviously, they are. The GAO studies keep pointing to the fact that that is working. Targeting focuses on a few bad actors in the business community, while cooperation focuses on the vast majority of employers who very much want a healthier and a safer workplace.

I would suggest this: performance improvements at OSHA simply did not come about by accident. In fact, by 1993, OSHA was strongly heading in the other direction of not using the carrot but using the hammer. Almost one of the worst OSHA bills that could ever have become law, in my opinion, occurred in 1994 with the Ford-Kennedy bill. Thank God that did not pass. It would not have improved workplace safety. And the GAO recently reported that one reason might be the exciting results reported by those employers who have already cooperated with OSHA. They are working together. What they are really trying to do is get where they can trust each other, where the employer feels he can call the government and ask for help and not be fearful that he will be tricked and drug into court.

What was most exciting about GAO's findings is that the word is getting out among the business community that safety pays. What relevance does all this have to the bills that we are going to consider today? The answer is a great deal of relevance, because each of these measures is directly tied to the general idea of a working formula to promote cooperation and trust.

I would like to explain that. I would suggest in the course of our debate over the next few hours that we will repeatedly hear several themes. These themes are: justice, flexibility, efficiency, elimination of waste, and a government that plays fairly and within the rules. Each of these words accurately describes one or more of the purposes of the four measures we will consider today.

I will describe the mechanics of these measures and relate how each fits into this larger picture of positive performance results for OSHA as each is considered.

I would like to urge each of our Members to support this rule and allow this very important discussion to begin. Obviously, I urge each of my colleagues to vote for the underlying bills.

I hear over and over again the term ''working families.'' That is used most frequently, I think, by the minority. And what they generally mean by working families is the 8 percent of our population that are in unions. Well, I like the words working families too. And when it comes to having protection from the government, the other 92 percent of the working families deserve that just as well. The baker with three employees, the florist with two, the local filling station guy who has two employees, they deserve protection equally as do the 8 percent that are in the unions.

So I would say to my colleagues that it is as simple as this: if you have no small businesses in your district, then you ought to vote ''no'' on this rule. But if you do have small businesses in your district, you better give this some consideration, because this is fairness for the little guy who happens not to be in a union, who has no way on Earth to stand up to the Labor Department or the finances of the Federal Government.

Mr. HASTINGS of Florida. Mr. Speaker, I yield myself such time as I may consume. I have great respect and admiration for my friend, the chairman of the Subcommittee on Workforce Protections, and I speak often about working families. I am mindful that many of those working families are members of labor organizations, and I am supportive of them.

The statistic the gentleman quoted was somewhere in the neighborhood of 6 to 8 percent. But that leaves us a whole lot of other people who are working at the minimum wage who are also working families who may be injured, who may be killed in these workplaces. And I rather suspect, as one who has the third largest number of small businesses among the 435 of us in the House of Representatives, that I am certainly interested in those businesses flourishing and continuing to provide for the workers.

I can assure my colleague that one thing we could be doing here that would help everybody would be to incentivize those small businesses with the necessary funds for tax protection that would allow them to be able to provide insurance for their workers, and I cite several of them that I visited recently that say that is particularly important. It is also particularly important to them that the regulatory measures be reduced, and there is some currency in our being able to do that. But at the expense of people who are likely to be injured, and at the expense of people who are likely to be killed on their jobs, I simply do not believe that any business wishes to be in a position of not having the necessary regulation to protect their workers.

We do not do a very good job here in Congress, and I suggest we might want to look at the atmosphere that some of these people work in and the kinds of injuries they receive right here on Capitol Hill; the kind of long hours the people that transcribe our words here on the House floor work; the people that protect us in law enforcement and the helter-skelter schedules they are confronted with. There are a lot of workers that do not have fair protection. And for us to cut back on opportunities to protect them, in my view, is unwarranted, unsound, bad policy, and bad politics.

Mr. Speaker, I yield back the balance of my time.

Mr. SESSIONS. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, we began this debate today by talking about doing the things the Republican Party has as an idea and a vision, about making businesses more efficient and effective and working closer on the things that will encourage not only us to be more productive but to employ more people. The gentleman from Florida earlier asked a very simple question: Who would possibly support this bill? Who are they? Well, I provided the gentleman a list of some 38.

Mr. HASTINGS of Florida. Mr. Speaker, will the gentleman yield?

Mr. SESSIONS. I yield to the gentleman from Florida.

Mr. HASTINGS of Florida. I did not say who; I said which of the worker proponent organizations supported the bill. And I thank the gentleman for providing me this list of outstanding organizations that support this measure. But name me the work proponent organizations that support this measure, and I do not think any are on the gentleman's list.

Mr. SESSIONS. Mr. Speaker, I thank the gentleman for his clarification and accept that.

I would like to run through very quickly the organizations that do support this commonsense OSHA reform, and I am just going to run through a few:

The National Center For Assisted Living, National Council on Chain Restaurants, National Federation of Independent Businesses, United States Chamber, National Restaurant Association, National Retail Federation, National Soft Drink Association.

And, Mr. Speaker, I will submit this list at this point for the RECORD.

COMMITTEE ON EDUCATION AND THE WORKFORCE, HOUSE OF REPRESENTATIVES,

May 18, 2004.

ORGANIZATIONS SUPPORTING COMMON SENSE OSHA REFORMS

DEAR COLLEAGUE: The House today will consider four common sense OSHA reform measures (H.R. 2728, H.R. 2729, H.R. 2730, and H.R. 2731) to ensure OSHA enforcement efforts are fair for small businesses that make good faith efforts to comply with all health and safety laws. These reforms will improve worker safety by making it easier for employers to work voluntarily and proactively with OSHA to ensure safe and secure workplaces. Following are a list of organizations supporting these reforms:

Air Conditioning Contractors of America
American Bakers Association
American Hotel & Lodging Association
American Farm Bureau Federation
American Furniture Manufacturers
Associated Builders & Contractors
Associated General Contractors of America
American Health Care Association
American Trucking Associations
Food Marketing Institute
Independent Electrical Contractors
International Foodservice Distributors Association
IPC—The Association Connecting Electronics Industries
Management Advisers, LLC
Mason Contractors Association
National Association of Home Builders
National Association of Manufacturers
National Beer Wholesalers Association
National Center for Assisted Living
National Council of Aagricultural Employers
National Council of Chain Restaurants
National Electrical Contractors Association
National Federation of Independent Business
National Funeral Directors Association
National Oilseed Processors Association
National Ready Mixed Concrete Association
National Restaurant Association
National Retail Federation
National Roofing Contractors Association
National Small Business Association
National Soft Drink Association
Printing Industries of America Inc.
Retail Industry Leaders Association
Society of American Florists
Society for Human Resource Management
The American Coke and Coal Chemicals Institute
The Brick Industry Association
U.S. Chamber of Commerce

Developing better cooperation between OSHA and employers will improve workplace safety, enhance business competitiveness, and foster more job creation to spur the economy. We encourage you to help improve workplace safety and enhance small business competitiveness by voting YES on these important OSHA reform measures. For more information, please contact the Education & the Workforce Committee at x5–4527.

Sincerely,

JOHN BOEHNER (R–OH),
Chairman, Education & the Workforce Committee.

CHARLIE NORWOOD (R–GA),
Chairman, Workforce Protections Subcommittee.

Mr. Speaker, I would say to my colleagues who are listening to this debate, who want to do the right thing for small businesses, that it is always interesting to me that as we enter debates on the floor of the House of Representatives, and one of the biggest debates we have had has been about manufacturing, yet almost every single time as the Republican Party stands up for those organizations that are engaged in manufacturing, about jobs in this country, we vote for those bills and our colleagues on the other side vote against them. Yet all we hear about is loss of jobs.

I would like to say that today this vote is about small business and the ability for small business to compete effectively, efficiently, and to give them more fair footing. I support this rule and I support this underlying legislation.

Mr. Speaker, I yield back the balance of my time, and I move the previous question on the resolution.

The previous question was ordered.

The SPEAKER pro tempore. The question is on the resolution.

The question was taken; and the Speaker pro tempore announced that the ayes appeared to have it.

Mr. HASTINGS of Florida. Mr. Speaker, I object to the vote on the ground that a quorum is not present and make the point of order that a quorum is not present.

The SPEAKER pro tempore. Evidently a quorum is not present.

The Sergeant at Arms will notify absent Members.

The vote was taken by electronic device, and there were—yeas 219, nays 195, not voting 19, as follows:

[Roll No. 180]

YEAS—219

Aderholt
Akin
Bachus
Baker
Ballenger
Barrett (SC)
Bartlett (MD)
Barton (TX)
Bass
Beauprez
Bereuter
Biggert
Bilirakis
Bishop (UT)
Blackburn
Blunt
Boehlert
Boehner
Bonilla
Bonner
Bono
Boozman
Bradley (NH)
Brady (TX)
Brown (SC)
Brown-Waite, Ginny
Burgess
Burns
Burr
Burton (IN)
Buyer
Calvert
Camp
Cannon
Cantor
Capito
Carter
Castle
Chabot
Chocola
Coble
Cole
Collins
Cox
Crane
Crenshaw
Cubin
Culberson
Cunningham
Davis, Jo Ann
Davis, Tom
Deal (GA)
DeLay
Diaz-Balart, L.
Diaz-Balart, M.
Doolittle
Dreier
Duncan
Ehlers
Emerson
English
Everett
Feeney
Ferguson
Flake
Foley
Fossella
Franks (AZ)
Frelinghuysen
Gallegly
Garrett (NJ)
Gerlach
Gibbons
Gilchrest
Gillmor
Gingrey
Goode
Goodlatte
Goss
Granger
Graves
Green (WI)
Greenwood
Gutknecht
Hall
Harris
Hart
Hastings (WA)
Hayes
Hayworth
Hefley
Hensarling
Herger
Hobson
Hoekstra
Hostettler
Houghton
Hulshof
Hunter
Hyde
Isakson
Issa
Jenkins
Johnson (CT)
Johnson (IL)
Johnson, Sam
Jones (NC)
Keller
Kelly
Kennedy (MN)
King (IA)
King (NY)
Kingston
Kirk
Kline
Knollenberg
Kolbe
LaHood
Latham
LaTourette
Lewis (CA)
Lewis (KY)
Linder
LoBiondo
Lucas (OK)
Manzullo
McCotter
McCrery
McHugh
McInnis
McKeon
Mica
Miller (FL)
Miller (MI)
Miller, Gary
Moran (KS)
Murphy
Musgrave
Myrick
Nethercutt
Neugebauer
Ney
Northup
Norwood
Nunes
Nussle
Osborne
Ose
Otter
Oxley
Paul
Pearce
Pence
Peterson (PA)
Petri
Pickering
Pitts
Platts
Pombo
Porter
Portman
Pryce (OH)
Putnam
Quinn
Radanovich
Ramstad
Regula
Rehberg
Renzi
Reynolds
Rogers (AL)
Rogers (KY)
Rogers (MI)
Rohrabacher
Ros-Lehtinen
Royce
Ryan (WI)
Ryun (KS)
Saxton
Schrock
Sensenbrenner
Sessions
Shadegg
Shaw
Sherwood
Shimkus
Shuster
Simmons
Simpson
Smith (MI)
Smith (NJ)
Smith (TX)
Souder
Stearns
Sullivan
Sweeney
Tancredo
Taylor (NC)
Terry
Thomas
Thornberry
Tiahrt
Tiberi
Toomey
Turner (OH)
Upton
Vitter
Walden (OR)
Walsh
Wamp
Weldon (FL)
Weldon (PA)
Weller
Whitfield
Wicker
Wilson (NM)
Wilson (SC)
Wolf
Young (FL)

NAYS—195

Abercrombie
Ackerman
Alexander
Allen
Baca
Baird
Baldwin
Ballance
Becerra
Bell
Berkley
Berry
Bishop (GA)
Bishop (NY)
Blumenauer
Boswell
Boyd
Brady (PA)
Brown (OH)
Capps
Capuano
Cardin
Cardoza
Carson (IN)
Carson (OK)
Case
Chandler
Clay
Clyburn
Conyers
Cooper
Costello
Cramer
Crowley
Cummings
Davis (AL)
Davis (CA)
Davis (FL)
Davis (IL)
Davis (TN)
DeFazio
DeGette
Delahunt
DeLauro
Dicks
Dingell
Doggett
Dooley (CA)
Doyle
Edwards
Emanuel
Engel
Eshoo
Etheridge
Evans
Farr
Fattah
Filner
Ford
Frank (MA)
Frost
Gephardt
Gonzalez
Gordon
Green (TX)
Grijalva
Gutierrez
Harman
Hastings (FL)
Hill
Hinchey
Hinojosa
Hoeffel
Holden
Holt
Honda
Hooley (OR)
Hoyer
Inslee
Israel
Jackson (IL)
Jackson-Lee (TX)
Jefferson
John
Johnson, E. B.
Jones (OH)
Kanjorski
Kaptur
Kennedy (RI)
Kildee
Kilpatrick
Kind
Kleczka
Kucinich
Lampson
Langevin
Lantos
Larsen (WA)
Larson (CT)
Lee
Levin
Lipinski
Lofgren
Lucas (KY)
Lynch
Majette
Maloney
Markey
Marshall
Matheson
Matsui
McCarthy (MO)
McCarthy (NY)
McCollum
McDermott
McGovern
McIntyre
McNulty
Meehan
Meek (FL)
Meeks (NY)
Menendez
Michaud
Millender-McDonald
Miller (NC)
Miller, George
Mollohan
Moore
Moran (VA)
Murtha
Nadler
Napolitano
Neal (MA)
Obey
Olver
Ortiz
Owens
Pallone
Pascrell
Pastor
Payne
Pelosi
Peterson (MN)
Pomeroy
Price (NC)
Rahall
Reyes
Rodriguez

Ross
Rothman
Roybal-Allard
Ruppersberger
Rush
Ryan (OH)
Sabo
Sánchez, Linda T.
Sanchez, Loretta
Sanders
Sandlin
Schakowsky
Schiff
Scott (GA)
Scott (VA)
Serrano
Sherman
Skelton
Slaughter
Smith (WA)
Snyder
Solis
Spratt
Stark
Stenholm
Strickland
Stupak
Tanner
Tauscher
Taylor (MS)
Thompson (CA)
Thompson (MS)
Tierney
Turner (TX)
Udall (CO)
Udall (NM)
Van Hollen
Velázquez
Visclosky
Waters
Watson
Watt
Waxman
Weiner
Woolsey
Wu
Wynn

NOT VOTING—19

Andrews
Berman
Boucher
Brown, Corrine
DeMint
Deutsch
Dunn
Forbes
Istook
Leach
Lewis (GA)
Lowey
Oberstar
Rangel
Shays
Tauzin
Towns
Wexler
Young (AK)

□ 1154

Mr. CAPUANO, Mrs. TAUSCHER, Mr. ROTHMAN, Mrs. JONES of Ohio, Ms. DEGETTE, and Mr. MORAN of Virginia changed their vote from ''yea'' to ''nay.''

Mr. PETERSON of Pennsylvania changed his vote from ''nay'' to ''yea.''

So the resolution was agreed to.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

MOTION TO INSTRUCT CONFEREES ON H.R. 2660, DEPARTMENTS OF LABOR, HEALTH AND HUMAN SERVICES, AND EDUCATION, AND RELATED AGENCIES APPROPRIATIONS ACT, 2004

Mr. GEORGE MILLER of California. Mr. Speaker, I offer a motion.

The SPEAKER pro tempore (Mr. BASS). The Clerk will report the motion.

The Clerk read as follows:

Mr. George Miller of California moves that the managers on the part of the House at the conference on the disagreeing votes of the two Houses on the Senate amendment to the bill H.R. 2660 be instructed to insist on reporting an amendment to prohibit the Department of Labor from using funds under the Act to implement any portion of a regulation that would make any employee ineligible for overtime pay who would otherwise qualify for overtime pay under regulations under section 13 of the Fair Labor Standards Act in effect September 3, 2003, except that nothing in the amendment shall affect the increased salary requirements provided in such regulations as specified in section 541 of title 29 of the Code of Federal Regulations, as promulgated on April 23, 2004.

MOTION TO TABLE OFFERED BY MR. DELAY

Mr. DELAY. Mr. Speaker, I offer a preferential motion.

The SPEAKER pro tempore. The Clerk will report the motion.

The Clerk read as follows:

Mr. DELAY moves that the motion to instruct be laid on the table.

PARLIAMENTARY INQUIRY

Mr. GEORGE MILLER of California. Mr. Speaker, I have a parliamentary inquiry.

The SPEAKER pro tempore. The gentleman will state it.

Mr. GEORGE MILLER of California. If a motion to table this motion on overtime pay prevails, will it have the effect of denying the Members any debate on this issue?

The SPEAKER pro tempore. As the Chair indicated in the same circumstances on May 12, 2004, if the motion to table were adopted, the motion of the gentleman from California would not be before the House.

Mr. GEORGE MILLER of California. Further parliamentary inquiry, Mr. Speaker.

The SPEAKER pro tempore. The gentleman will state it.

Mr. GEORGE MILLER of California. Then to be clear, let me understand that this means that we will not have the hour of debate on the Department of Labor's efforts to deny millions of workers currently eligible for overtime from receiving overtime in the future?

The SPEAKER pro tempore. The motion of the gentleman from California will not be before the House.

The question is on the motion offered by the gentleman from Texas (Mr. DELAY).

The question was taken; and the Speaker pro tempore announced that the ayes appeared to have it.

RECORDED VOTE

Mr. GEORGE MILLER of California. Mr. Speaker, I demand a recorded vote.

A recorded vote was ordered.

The SPEAKER pro tempore. Pursuant to clause 8 of rule XX, this 15-minute vote on tabling the motion to instruct will be followed by a 5-minute vote on suspending the rules and passing H.R. 3722.

The vote was taken by electronic device, and there were—ayes 216, noes 199, not voting 18, as follows:

[Roll No. 181]

AYES—216

Aderholt
Akin
Bachus
Baker
Ballenger
Barrett (SC)
Bartlett (MD)
Barton (TX)
Bass
Beauprez
Bereuter
Biggert
Bilirakis
Bishop (UT)
Blackburn
Blunt
Boehlert
Boehner
Bonilla
Bonner
Bono
Boozman
Bradley (NH)
Brady (TX)
Brown (SC)
Brown-Waite, Ginny
Burgess
Burns
Burr
Burton (IN)
Buyer
Calvert
Camp
Cannon
Cantor
Capito
Carter
Castle
Chabot
Chocola
Coble
Cole
Collins
Cox
Crane
Crenshaw
Cubin
Culberson
Cunningham
Davis, Jo Ann
Davis, Tom
Deal (GA)
DeLay
Diaz-Balart, L.
Diaz-Balart, M.
Doolittle
Dreier
Duncan
Dunn
Ehlers
Emerson
English
Everett
Feeney
Ferguson
Flake
Foley
Fossella
Frelinghuysen
Gallegly
Garrett (NJ)
Gerlach
Gibbons
Gilchrest
Gillmor
Gingrey
Goode
Goodlatte
Goss
Granger
Graves
Green (WI)
Greenwood
Gutknecht
Hall
Harris
Hart
Hastings (WA)
Hayes
Hayworth
Hefley
Hensarling
Herger
Hobson
Hoekstra
Hostettler
Houghton
Hulshof
Hunter
Hyde
Isakson
Issa
Jenkins
Johnson (CT)
Johnson, Sam
Jones (NC)
Keller
Kelly
Kennedy (MN)
King (IA)
King (NY)
Kingston
Kirk
Kline
Knollenberg
Kolbe
LaHood
Latham
LaTourette
Lewis (CA)
Lewis (KY)
Linder
LoBiondo
Lucas (OK)
Manzullo
McCotter
McCrery
McHugh
McInnis
McKeon
Mica
Miller (FL)
Miller (MI)
Miller, Gary
Moran (KS)
Murphy
Musgrave
Myrick
Nethercutt
Neugebauer
Ney
Northup
Norwood
Nunes
Nussle
Osborne
Ose
Otter
Oxley
Paul
Pearce
Pence
Petri
Pickering
Pitts
Platts
Pombo
Porter
Portman
Pryce (OH)
Putnam
Quinn
Radanovich
Ramstad
Regula
Rehberg
Renzi
Reynolds
Rogers (AL)
Rogers (KY)
Rogers (MI)
Rohrabacher
Ros-Lehtinen
Royce
Ryan (WI)
Ryun (KS)
Saxton
Schrock
Sensenbrenner
Sessions
Shadegg
Shaw
Sherwood
Shimkus
Shuster
Simmons
Simpson
Smith (NJ)
Smith (TX)
Souder
Stearns
Sullivan
Sweeney
Tancredo
Taylor (NC)
Terry
Thomas
Thornberry
Tiahrt
Tiberi
Toomey
Turner (OH)
Upton
Vitter
Walden (OR)
Walsh
Wamp
Weldon (FL)
Weldon (PA)
Weller
Whitfield
Wicker
Wilson (NM)
Wilson (SC)
Wolf
Young (FL)

NOES—199

Abercrombie
Ackerman
Alexander
Allen
Baca
Baird
Baldwin
Ballance
Becerra
Bell
Berkley
Berry
Bishop (GA)
Bishop (NY)
Blumenauer
Boswell
Boucher
Boyd
Brady (PA)
Brown (OH)
Capps
Capuano
Cardin
Cardoza
Carson (IN)
Carson (OK)
Case
Chandler
Clay
Clyburn
Conyers
Cooper
Costello
Cramer
Crowley
Cummings
Davis (AL)
Davis (CA)
Davis (FL)
Davis (IL)
Davis (TN)
DeFazio
DeGette
Delahunt
DeLauro
Dicks
Dingell
Doggett
Dooley (CA)
Doyle
Edwards
Emanuel
Engel
Eshoo
Etheridge
Evans
Farr
Fattah
Filner
Ford
Frank (MA)
Frost
Gephardt
Gonzalez
Gordon
Green (TX)
Grijalva
Gutierrez
Harman
Hastings (FL)
Hill
Hinchey
Hinojosa
Hoeffel
Holden
Holt
Honda
Hooley (OR)
Hoyer
Inslee
Israel
Jackson (IL)
Jackson-Lee (TX)
Jefferson
John
Johnson (IL)
Johnson, E. B.
Jones (OH)
Kanjorski
Kaptur
Kennedy (RI)
Kildee
Kilpatrick
Kind
Kleczka
Kucinich
Lampson
Langevin
Lantos
Larsen (WA)
Larson (CT)
Lee
Levin
Lewis (GA)
Lipinski
Lofgren
Lowey
Lucas (KY)
Lynch
Majette
Maloney
Markey
Marshall
Matheson
Matsui
McCarthy (MO)
McCarthy (NY)
McCollum
McDermott
McGovern
McIntyre
McNulty
Meehan
Meek (FL)
Meeks (NY)
Menendez
Michaud
Millender-McDonald
Miller (NC)
Miller, George
Mollohan
Moore
Moran (VA)
Murtha
Nadler
Napolitano
Neal (MA)
Obey
Olver
Ortiz
Owens
Pallone
Pascrell
Pastor
Payne
Pelosi
Peterson (MN)
Pomeroy
Price (NC)
Rahall
Reyes
Rodriguez
Ross
Rothman
Roybal-Allard
Ruppersberger
Rush
Ryan (OH)
Sabo
Sánchez, Linda T.
Sanchez, Loretta
Sanders
Sandlin
Schakowsky
Schiff
Scott (GA)
Scott (VA)
Serrano
Sherman
Skelton
Slaughter
Smith (WA)
Snyder
Solis
Spratt
Stark
Stenholm
Strickland
Stupak
Tanner
Tauscher
Taylor (MS)
Thompson (CA)