

periods that firefighters are often on duty. Employees who are covered by Section 7(k) may work up to 212 hours within a period of 28 consecutive days before triggering the overtime pay requirement.

The Department of Labor's regulations specify that rescue and ambulance service workers, sometimes referred to as emergency medical services personnel, may be eligible for the firefighter exemption if they perform duties that are an integral part of the agency's fire protection activities, but an employee may not perform activities unrelated to fire protection for more than 20 percent of the employee's total hours worked.

Many State and local governments employ EMS personnel who receive training and work schedules and maintain levels of preparedness which is very similar to that of firefighters. In the past, these types of employees fit within the 7(k) overtime exemption.

In recent years, however, some courts have narrowly interpreted the 7(k) exemption and held that emergency medical services personnel do not come within the exemption because the bulk of their time is spent engaged in nonfire protection activities. These lawsuits have resulted in State and local governments being liable for millions of dollars in back pay, attorneys fees and court costs.

So there is a real need to modernize this area of the Fair Labor Standards Act and to clearly specify who can be considered a fire protection employee for purposes of the exemption.

H.R. 1693 clarifies the law by specifying the duties of employees who would be eligible for the limited overtime exemption. The bill would ensure that firefighters who are cross-trained as emergency medical technicians, HAZMAT responders and search and rescue specialists would be covered by the exemption even though they may not spend all of their time performing activities directly related to fire protection.

Finally, the bill would clear up the confusion that employers face in trying to interpret the law. A misinterpretation of the law could needlessly expose local governments to significant financial liability and dramatically increase the cost of providing adequate fire protection services.

H.R. 1693 is a narrow bill, but one that is important in helping State and local governments provide fire protection and emergency medical services in a most effective and efficient way possible. I would urge my colleagues to support this clarification.

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

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

Mr. Speaker, I support this bill. Under the 1985 amendments to the Fair Labor Standards Act, the 7(k) exemption was intended to apply to all firefighters who perform normal firefighting duties. H.R. 1693 provides that

where firefighters are cross-trained and are expected to perform both firefighting and emergency medical services, they will be treated as firefighters for the purpose of overtime. However, where emergency medical technicians are not cross-trained as firefighters, they will remain outside the purview of 7(k) and will be entitled to overtime after 40 hours a week, even if the emergency medical services are placed within the fire department.

This bill is supported by both management and labor. The policy it reflects ensures that unreasonable burdens are not placed upon fire departments in accounting for hours worked.

I commend the sponsor, the gentleman from Maryland (Mr. EHRlich), for his efforts to produce consensus legislation, and the chairman of our committee, the gentleman from Pennsylvania (Mr. GOODLING), for bringing this bill to the floor. Mr. Speaker, I urge a yes vote on H.R. 1693.

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

Mr. BOEHNER. Mr. Speaker, I yield 3 minutes to the gentleman from Maryland (Mr. EHRlich), the sponsor of this legislation.

Mr. EHRlich. Mr. Speaker, I thank my friend, the gentleman from Ohio (Mr. BOEHNER) for yielding me this time.

Mr. Speaker, from its inception, the Fair Labor Standards Act has exempted fire protection employees from the traditional 40-hour workweek. Historically, any emergency responder paid by a fire department was considered to be a fire protection employee. However, recent court interpretations of Federal labor statutes have rendered this definition unclear.

Mr. Speaker, H.R. 1693 seeks to clarify the definition of a fire protection employee. The bill reflects the range of lifesaving activities engaged in by today's fire service, built upon its long tradition of responding to all in need of help. Specifically, today's firefighter, in addition to fire suppression, may also be expected to respond to medical emergencies, hazardous materials events, or even to possible incidents created by weapons of mass destruction.

The issue addressed by H.R. 1693, Mr. Speaker, concerns fire department paramedics trained to fight fires who have prevailed in several civil suits for overtime compensation under the FLSA. The paramedics successfully argued they were not fire protection employees covered by the FLSA exemption since more than 20 percent of their normal shift time was spent engaged in emergency responses rather than firefighting, such as emergency medical calls.

The U.S. Supreme Court has declined to consider these cases, thus exposing city and county governments to compensation liability for unpaid overtime into the millions of dollars. For example, one subdivision I am privileged to represent, Anne Arundel, Maryland,

taxpayers are liable for \$3.5 million under a recent FLSA case.

The potential consequences of these cases are serious and far-reaching and could ultimately result in a dramatic increase in the local costs of fire protection to taxpayers nationwide.

This bipartisan bill is supported by the International Association of Firefighters, the International Association of Fire Chiefs, the National Association of Counties. Labor and Management support this bill as a remedy, as the remedy, for an increasingly serious situation.

Keep in mind, Mr. Speaker, H.R. 1693 only affects those who are trained, prepared and have the legal authority to engage in fire suppression, but also work to save lives in so many other ways. This bill clarifies the law by more precisely defining those duties that should qualify for the firefighter exemption, thereby preserving the intended flexibility afforded to cities and fire departments under the original Fair Labor Standards Act.

On a point of personal privilege, Mr. Speaker, I would like to thank the gentleman from Ohio (Mr. BOEHNER) for managing the bill on the floor, the gentleman from Pennsylvania (Mr. GOODLING), the chairman of the full committee, the gentleman from Pennsylvania (Mr. WELDON), the gentleman from New Jersey (Mr. ANDREWS), the cochairs of the Congressional Fire Caucus.

Mr. CLAY. Mr. Speaker, I have no further requests for time, and I yield back the balance of my time.

Mr. BOEHNER. Mr. Speaker, I have no requests for time, and I yield back the balance of my time.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Ohio (Mr. BOEHNER) that the House suspend the rules and pass the bill, H.R. 1693.

The question was taken; and (two-thirds having voted in favor thereof) the rules were suspended and the bill was passed.

A motion to reconsider was laid on the table.

GENERAL LEAVE

Mr. BOEHNER. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days within which to revise and extend their remarks on H.R. 1693.

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

There was no objection.

SENSE OF CONGRESS THAT SCHOOLS SHOULD USE PHONICS

The SPEAKER pro tempore. The pending business is the question of suspending the rules and agreeing to the concurrent resolution, H. Con. Res. 214, as amended.

The Clerk read the title of the concurrent resolution.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Indiana (Mr. MCINTOSH) that the House suspend the rules and agree to concurrent resolution, H. Con. Res. 214, as amended, on which the yeas and the nays are ordered.

The vote was taken by electronic device, and there were—yeas 224, nays 193, answered “present” 2, not voting 14, as follows:

[Roll No. 564]

YEAS—224

Aderholt	Goodling	Petri
Archer	Goss	Phelps
Army	Graham	Pickering
Baker	Granger	Pitts
Ballenger	Green (TX)	Pombo
Barr	Green (WI)	Porter
Barrett (NE)	Greenwood	Portman
Bartlett	Hansen	Pryce (OH)
Barton	Hastings (WA)	Quinn
Bass	Hayes	Radanovich
Bateman	Hayworth	Rahall
Biggert	Hefley	Regula
Bilbray	Herger	Riley
Bilirakis	Hill (MT)	Rogan
Bliley	Hilleary	Rogers
Blunt	Hinchey	Rohrabacher
Boehner	Hobson	Ros-Lehtinen
Bonilla	Holden	Roukema
Bono	Horn	Royce
Borski	Hostettler	Ryan (WI)
Boswell	Hulshof	Ryun (KS)
Brady (TX)	Hunter	Salmon
Bryant	Hutchinson	Sanford
Burr	Hyde	Saxton
Burton	Isakson	Schaffer
Buyer	Istook	Sensenbrenner
Callahan	Jenkins	Shadegg
Calvert	John	Shaw
Camp	Johnson (CT)	Shays
Campbell	Johnson, Sam	Sherwood
Canady	Jones (NC)	Shimkus
Cannon	Kaptur	Shows
Castle	Kasich	Shuster
Chabot	Kelly	Simpson
Chambliss	King (NY)	Skeen
Chenoweth-Hage	Kingston	Smith (MI)
Coble	Knollenberg	Smith (NJ)
Coburn	Kolbe	Smith (TX)
Collins	Kuykendall	Souder
Combest	LaHood	Spence
Cook	Largent	Stearns
Cooksey	Latham	Stenholm
Costello	LaTourette	Stump
Cox	Lazio	Sununu
Crane	Lewis (CA)	Sweeney
Cubin	Lewis (KY)	Talent
Cunningham	Lipinski	Tancredo
Davis (VA)	Lucas (OK)	Tauzin
Deal	Maloney (CT)	Taylor (MS)
DeLay	Manzullo	Taylor (NC)
DeMint	McCollum	Terry
Diaz-Balart	McCrery	Thomas
Dickey	McHugh	Thornberry
Doolittle	McInnis	Thune
Dreier	McIntosh	Tiahrt
Duncan	McIntyre	Trafficant
Dunn	McKeon	Upton
Ehrlich	Metcalfe	Vitter
Emerson	Mica	Walden
English	Miller (FL)	Walsh
Everett	Miller, Gary	Wamp
Ewing	Mollohan	Watkins
Fletcher	Moran (KS)	Watts (OK)
Foley	Morella	Waxman
Forbes	Myrick	Weldon (FL)
Fossella	Nethercutt	Weldon (PA)
Fowler	Ney	Weller
Gallely	Northup	Whitfield
Ganske	Norwood	Wicker
Gekas	Nussle	Wilson
Gibbons	Ose	Wise
Gilchrest	Packard	Wolf
Gillmor	Pease	Young (AK)
Goode	Peterson (MN)	Young (FL)
Goodlatte	Peterson (PA)	

NAYS—193

Ackerman	Baird	Barcia
Allen	Baldacci	Barrett (WI)
Andrews	Baldwin	Becerra

Bentsen	Hall (TX)	Olver
Berkley	Hastings (FL)	Ortiz
Berman	Hill (IN)	Owens
Berry	Hilliard	Pallone
Blagojevich	Hinojosa	Pascarell
Blumenauer	Hoeffel	Pastor
Boehert	Hoekstra	Paul
Bonior	Holt	Pelosi
Boucher	Hooley	Pickett
Boyd	Hoyer	Pomeroy
Brady (PA)	Inslee	Price (NC)
Brown (FL)	Jackson (IL)	Ramstad
Brown (OH)	Jackson-Lee	Rangel
Capps	(TX)	Reyes
Capuano	Jefferson	Reynolds
Cardin	Johnson, E. B.	Rivers
Carson	Jones (OH)	Rodriguez
Clay	Kennedy	Roemer
Clayton	Kildee	Rothman
Clement	Kilpatrick	Roybal-Allard
Clyburn	Kind (WI)	Rush
Condit	Kleczka	Sabo
Conyers	Klink	Sanchez
Coyne	Kucinich	Sanders
Cramer	LaFalce	Sandlin
Crowley	Lampson	Sawyer
Cummings	Lantos	Schakowsky
Danner	Lee	Scott
Davis (FL)	Levin	Serrano
Davis (IL)	Lewis (GA)	Sherman
DeFazio	LoBiondo	Sisisky
DeGette	Lofgren	Skelton
Delahunt	Lowey	Slaughter
DeLauro	Lucas (KY)	Smith (WA)
Deutsch	Luther	Snyder
Dicks	Maloney (NY)	Spratt
Dingell	Markay	Stabenow
Dixon	Martinez	Stark
Doggett	Mascara	Strickland
Dooley	Matsui	Stupak
Doyle	McCarthy (MO)	Tanner
Edwards	McCarthy (NY)	Tauscher
Engel	McDermott	Thompson (CA)
Eshoo	McGovern	Thompson (MS)
Etheridge	McKinney	Thurman
Evans	McNulty	Tierney
Farr	Meehan	Toomey
Fattah	Meeks (NY)	Towns
Filner	Menendez	Turner
Ford	Millender	Udall (CO)
Frank (MA)	McDonald	Udall (NM)
Franks (NJ)	Miller, George	Velazquez
Frelinghuysen	Minge	Vento
Frost	Mink	Visclosky
Gedjenson	Moakley	Waters
Gephardt	Moore	Watt (NC)
Gilman	Moran (VA)	Weiner
Gonzalez	Murtha	Wexler
Gordon	Nadler	Weygand
Gutierrez	Napolitano	Woolsey
Gutknecht	Neal	Wu
Hall (OH)	Oberstar	Wynn

ANSWERED “PRESENT”—2

Abercrombie Obey

NOT VOTING—14

Bachus	Kanjorski	Oxley
Bereuter	Larson	Payne
Bishop	Leach	Scarborough
Ehlers	Linder	Sessions
Houghton	Meek (FL)	

□ 1219

Messrs. RAMSTAD, DOGGETT, GILMAN, BALDACC, PASTOR and FRELINGHUYSEN changed their vote from “yea” to “nay.”

So (two-thirds not having voted in favor thereof) the motion was rejected.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

REMOVAL OF NAME OF MEMBER AS COSPONSOR OF H.R. 2528

Mr. BECERRA. Mr. Speaker, I ask unanimous consent to have my name removed as a cosponsor of H.R. 2528, the Immigration Reorganization and Reform Act of 1999.

The SPEAKER pro tempore (Mr. BARRETT of Nebraska). Is there objection to the request of the gentleman from California?

There was no objection.

FURTHER CONTINUING APPROPRIATIONS, FISCAL YEAR 2000

Mr. YOUNG of Florida. Mr. Speaker, pursuant to the previous order of the House, I call up the joint resolution (H.J. Res. 75) making further continuing appropriations for the fiscal year 2000, and for other purposes, and ask for its immediate consideration.

The Clerk read the title of the joint resolution.

The text of House Joint Resolution 75 is as follows:

H.J. RES. 75

Resolved by the Senate and House of Representatives of the United States of America in Congress assembled, That Public Law 106–62 is further amended by striking “November 5, 1999” in section 106(c) and inserting in lieu thereof “November 10, 1999”. Public Law 106–46 is amended by striking “November 5, 1999” and inserting in lieu thereof “November 10, 1999”.

The SPEAKER pro tempore (Mr. HANSEN). Pursuant to the order of the House of today, the gentleman from Florida (Mr. YOUNG) and the gentleman from Wisconsin (Mr. OBEY) each will control 30 minutes.

The Chair recognizes the gentleman from Florida (Mr. YOUNG).

GENERAL LEAVE

Mr. YOUNG of Florida. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days in which to revise and extend their remarks on H. J. Res. 75, and that I may include tabular and extraneous material.

The SPEAKER pro tempore (Mr. HANSEN). Is there objection to the request of the gentleman from Florida?

There was no objection.

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

Mr. Speaker, the current continuing resolution, under which the agencies that are funded in the five remaining uncompleted appropriations bills expires tomorrow night. Negotiations on these remaining bills are ongoing. However, I must say that while we are making some progress in our negotiations with the administration, they are going slow but sure. So it appears we will not be able to complete our agreements on these remaining bills for the next several days.

As the CR that we are operating under presently expires at midnight tomorrow night, the joint resolution before the House would extend the provisions of the current CR until November 10. I would have preferred that we would have been able to have completed our work by tomorrow night, but the issues involved require additional time to work out. In light of this situation, I urge all Members to support this extension.