

Scott (GA)	Tauscher	Watson
Scott (VA)	Thompson (CA)	Watt
Serrano	Thompson (MS)	Waxman
Sherman	Tierney	Weiner
Simmons	Towns	Wexler
Slaughter	Udall (CO)	Woolsey
Smith (WA)	Udall (NM)	Wu
Snyder	Van Hollen	Wynn
Solis	Velazquez	
Stark	Waters	

NOT VOTING—12

Boswell	Evans	Kirk
Brady (TX)	Gephardt	Pickering
Dreier	Hyde	Sabo
Eshoo	Issa	Walsh

□ 1254

Mr. BALLANCE and Mr. GONZALEZ changed their vote from “yea” to “nay.”

So the conference report 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. PICKERING. Mr. Speaker, on rollcall No. 530 I was unavoidably detained. Had I been present, I would have voted “yes.”

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

Mr. REGULA. Mr. Speaker, I ask unanimous consent to take from the Speaker’s table the bill (H.R. 2660) making appropriations for the Departments of Labor, Health and Human Services, and Education, and related agencies for the fiscal year ending September 30, 2004, and for other purposes, with a Senate amendment thereto, disagree to the Senate amendment, and agree to the conference asked by the Senate.

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

There was no objection.

MOTION TO INSTRUCT OFFERED BY MR. OBEY

Mr. OBEY. Mr. Speaker, I offer a motion to instruct conferees.

The Clerk read as follows:

Mr. OBEY moves that the managers on the part of the House at the conference on the disagreeing votes of the two Houses on the bill, H.R. 2660, be instructed to insist on section 106 of the Senate amendment regarding overtime compensation under the Fair Labor Standards Act.

The SPEAKER pro tempore. Pursuant to clause 7 of rule XXII, the gentleman from Wisconsin (Mr. OBEY) and the gentleman from Ohio (Mr. REGULA) each will control 30 minutes.

The Chair recognizes the gentleman from Wisconsin (Mr. OBEY).

Mr. OBEY. Mr. Speaker, I yield myself 4 minutes.

Mr. Speaker, the House bill does not contain and the Senate Labor HHS bill does contain an important provision which affects millions of American workers. That provision would preclude

the Department of Labor from issuing any regulation that takes away overtime protection from workers who currently qualify for that protection. It would protect rights that workers in this country have had since the enactment of the Fair Labor Standards Act of 1938.

Under the Senate provision, the Department of Labor could proceed with its ongoing rulemaking process and modify the overtime regulations. Example: The department could proceed with making a long-overdue inflation adjustment that guarantees overtime protection for certain low-income workers earning \$22,100 a year.

□ 1300

The Department of Labor says that this will result in an additional 1.3 million workers receiving overtime. I do not know if that estimate is right, but we agree with this provision. We, in fact, think that it would add far fewer number of workers than does the Department of Labor. The only shortcoming we see with it is that it does not go far enough and does not even keep pace with inflation, full adjustment to match inflation would require the department to increase the salary threshold in the rule to at least \$27,560.

The Senate provision also would not stop the department from clarifying the overtime regulations to update them for the 21st century. For example, by eliminating an archaic terms such as “straw boss” or “gang leader” or eliminating job classifications which no longer exist such as “teamster”. Do not tell that to the Teamsters Union, however.

The Senate provision would provide the same protections to newly hired workers as to current workers. It does not grandfather in current workers but ensures the same overtime protections to all workers in a job classification.

Mr. Speaker, there is general agreement that workers are going to lose overtime protection under the administration’s revised regulation. The question is how many will lose that protection? By some estimates as many as 8 million workers who are currently protected will lose that protection. Even if the Department of Labor concedes that a minimum of 644,000 workers currently covered would lose that protection and could be forced to work overtime without being compensated. Whether the number is 644,000 or 8 million, Mr. Speaker, the Bush administration should not put American workers in the position of being forced to work more than 40 hours a week without being paid overtime.

So to reiterate, the Senate provision would simply stop the Department of Labor from issuing a regulation taking away overtime protections from workers who currently have them. The Senate provision is absolutely essential to protect workers’ overtime rights. It is not enough that more than 3 million workers have lost their jobs since this administration has taken office. Now

the administration apparently wants to cut the pay of a number of workers who still have jobs by cutting their overtime protections. That is clearly not right. It is not fair. I do not think that the public would support it, and I would urge a yes vote on the motion to instruct.

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

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

Mr. Speaker, I think the operative word here as stated by the gentleman from Wisconsin (Mr. OBEY) is they “apparently.” Well, they have not finished this procedure. The Department of Labor has received 80,000 comments on the proposed change. What they are trying to do is to bring the rules on overtime into the new century. It has been over 50 years since the present rules were promulgated and the department thinks it is important to take a look in relationship to today’s world, today’s communications, today’s structures of our labor programs that would be realistic.

I think one of the things that I want to put to rest is that this will affect certain groups. I have here a letter from the national president of the Fraternal Order of Police writing on behalf of the members of the Fraternal Order of Police to advise of their opposition to the motion to instruct. What they are saying is let us look, let us take these 80,000 comments and see what makes sense and is fair to everyone concerned. The Secretary of Labor is approaching it from that point of view. What is fair.

Likewise, it has been said that the nurses would come under this because they have do a lot of overtime and, again, the Nursing Executive Watch, a publication that goes to nurses says, “Contrary to popular belief, changes to overtime regulations won’t affect nurses.”

So, again, it is an effort by the Department of Labor to look at regulations that have been in place more than 50 years and say what is fair, what makes sense in 2003 and thereafter.

Now, there is another risk involved in all of this and that is the fact that the administration’s leadership, the executive branch, has said they would recommend a veto.

Well, what would be the result of a veto? We would be living on a continuing resolution without increases voted by this House in support of the Labor, Health and Human Services, Education Bill, increases in the amount of money for many good programs. And let me tell you a few of these:

Special education gets an extra increase of \$1 billion in the Labor H bill. Title I, which is designed to help children from low income homes gets an increase of \$650 million. Reading programs, and we hear more and more evidence that reading is such a vital part of the education of any individual. They use scientific evidence to help

children, and they are funded at over \$1 billion. Impact aid, for those of you who have military bases, is increased by \$50 million for a total of \$1.2 billion. That is just education.

As I said many times, this is the people's bill. Every one of the 280 million Americans in one way or another, their lives are touched by the things we do in this bill. Health programs, many of you have community health centers, a very valuable asset in any community, and we recognize this, and based on the President's recommendation have increased the funding for these in the bill. Centers for Disease Control. The CDC has been much in the news in recent months because of a wide variety of diseases and, again, we increase the funding for the Centers for Disease Control. Substance abuse. We hear all the time about the problem of drugs. And again, we have increased the money for this program and, of course, the National Institutes of Health. This is the premier medical research institution in the world. Not only does it benefit the people in the United States, it has a worldwide impact on the health of people. We have substantial increases for the National Institutes of Health.

I could read off a whole list of agencies that get increases in this bill, Even Start, Reading First, Early Reading First, Literacy, Migrant Education, programs for neglected and delinquent youth, Comprehensive School Reform, Mathematics and science partnerships, after-school centers, education for homeless children, education programs for rural school districts, teacher enhancement programs, charter school grants, credit enhancement for charter schools, the list goes on and on, PELL grants, vocational education state grants, Historically Black Colleges and Universities, TRIO, GEAR UP, Teacher Quality Enhancement Grants, Howard University, education research, and so on.

All of these programs get increases under the bill under discussion, and we are going to put that at risk if we reject the efforts of Secretary Chao and that is what this amendment does. It says, do not pay any attention to the 80,000 comments that have been sent in to your agency to evaluate how it is presently working in comparison to what it would have been 50 years ago. We are saying, no, no, no, stop. And then you run the risk that if the President's advisors prevail and there is a veto, we could be on a continuing resolution even for the balance of this fiscal year. If that were to happen, all of these programs would be funded at levels below what we have put in the bill.

And I think as our Members contemplate making a decision on how to vote on this motion to instruct, that they ought to keep in mind that what they are doing is gambling the future of our children or gambling these increases in some great programs against what we think is a very orderly process, and that is to let the Secretary go

forward, evaluate the 80,000 comments and make a decision on what the rules should be in terms of overtime pay for the next years.

So I say to all of my colleagues, weigh your vote carefully because you are not only voting on a proposal that was brought up in the Senate by way of an amendment, you are voting on the future of a lot of very good programs that are funded under the Labor bill.

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

Mr. OBEY. Mr. Speaker, I yield myself 1 minute.

Mr. Speaker, I cannot believe one thing that I just heard. The distinguished gentleman from Ohio (Mr. REGULA) I believe said that if this were to be included in the conference report, the White House would veto the bill. I really want to see whether this President has the unmitigated gall to veto this bill because of protections that we place in the bill so that workers do not have to work more than 40 hours a week and still not be paid overtime. I want to see whether the President who has presided over the loss of 3 million jobs in this economy has the unmitigated gall to then say to those workers, "Sorry, folks, you've got to work more than 40 hours without collecting overtime.

Now, I believe, given his track record, he would like to do that, but very frankly, I doubt that he has got the moxie to do that in the teeth of the miserable economic performance that he has provided this country on the economic front. It is outrageous to even think that the President would veto this bill over this provision.

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

Mr. REGULA. Mr. Speaker, I yield myself 1 minute.

Just let me say that the Secretary's proposal would allow, this is a proposal that she has the comments on, would allow an opportunity for overtime for over one million workers that are now not covered. And these are the workers that are at the low end of the wage scale. So you have to keep in mind what the administration is proposing to do here, although they have to evaluate the 80,000 comments.

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

Mr. OBEY. Mr. Speaker, I assume that came out of the gentleman's time?

The SPEAKER pro tempore (Mr. SHIMKUS). Is the gentleman from Ohio (Mr. REGULA) yielding to the gentleman from Wisconsin (Mr. OBEY)?

Mr. OBEY. Mr. Speaker, I was not asking that.

The SPEAKER pro tempore. The Chair is trying to decide who is controlling time. Has the gentleman from Ohio (Mr. REGULA) yielded back?

Mr. REGULA. Mr. Speaker, I have time I want to yield to some of my colleagues.

The SPEAKER pro tempore. The gentleman from Ohio (Mr. REGULA) reserves his time.

PARLIAMENTARY INQUIRY

Mr. OBEY. Mr. Speaker, I have parliamentary inquiry. I was just trying to determine whether the gentleman's last remarks came out of his time.

The SPEAKER pro tempore. The gentleman from Ohio (Mr. REGULA) had yielded himself 1 minute.

Mr. OBEY. Mr. Speaker, I yield myself 30 seconds.

I want to make clear this instruction motion does not prevent the Labor Department substituting the change in regulations that allow additional workers to claim overtime, so that is included in our motion. The only thing we stop is, we stop the President from unilaterally taking away overtime from workers who get it now.

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

Mr. REGULA. Mr. Speaker, I yield 6 minutes to the gentleman from Georgia (Mr. NORWOOD).

Mr. NORWOOD. Mr. Speaker, I rise in strong opposition to the motion to instruct conferees which would prevent the Department of Labor from implementing regulations to update complex and outdated, the key word is outdated, wage and hour regulations and provide additional overtime protections to millions of this country's workers.

Numerous hearings have been held in my Subcommittee on Workforce Protections of the Committee on Education and the Workforce in the last several Congresses, and they have demonstrated the need for the current regulations to be updated after 1938 to meet the needs of today's American workforce.

The Department's proposed regulations, Mr. Speaker, will guarantee overtime pay to 1.3 million workers who do not presently get overtime now. Now, remember, 1.3 workers are going to get an increase in the amount of money in their pocket. It has been of interest to me as I watched on national television some of the leaders of the opposition of this say, oh, just a few people are going to get overtime pay. Oh, just a handful. Well, it is not a handful if you are part of that 1.3 million.

□ 1315

This also will ensure that 10.7 million workers who are eligible for overtime continue to get it. A vote to accept the Harkin amendment is a vote against giving overtime to those 1.3 Americans and a vote to truly threaten overtime pay for the 10.7 million working families.

I think it is imperative we take a minute and try to get the record straight as to what the proposed regulations do not do, because Big Labor and their friends in the Democratic Party have been playing fast and loose with the facts. These regulations do not take overtime away from 8 million people. In fact, those 8 million people do not make overtime now. They are made sure that they do not make overtime, but they could make more

money, which is what they are interested in, because they work on their production and their production could yield a lot more money if they could work the hours they choose to work.

These are numbers which have been spread around not by economists but by lobbyists in a Democratic labor think tank. They simply do not add up. Check these numbers. They are plain and simple an untruth, the numbers that have been thrown around.

These regulations would not strip overtime pay from policemen, firefighters, nurses, and other first responders. Listen, these regulations would not strip overtime pay from policemen, firefighters, nurses, and other first responders. Whoever says that is not telling the truth. Workers in these jobs who get overtime pay today will continue to do so, and more of them will get overtime pay under these new rules.

These regulations do not affect a single union member who gets overtime under his or her collective bargaining agreement. These regulations do not affect a single union member. For workers whose rights to overtime pay is in their labor contract, these regulations simply have no effect.

Finally, these regulations are not a take-back by employers. This is not an effort to trim the payroll by denying workers overtime. In fact, the Department of Labor estimates that under the proposed regulations, businesses will pay almost \$900 million more in overtime in next year alone. What employers support a rule that would cause them to pay more in overtime pay? Because, my colleagues, they know that the current system just does not work; and it does not fit the 21st century. It is outdated, it is complex, and it is broken. Employers cannot know who they have to pay overtime, and employees cannot know if they are entitled to overtime, and the Department of Labor cannot effectively and efficiently enforce the law. My colleagues want to keep that?

Who does support a Harkin amendment? Trial lawyers, for one, who have made a killing on gotcha class action litigation, filing lawsuits to try to get overtime pay for corporate executives and rocket scientists; and Big Labor supports the Harkin amendment, not because it has any effect on union members who are already protected under their contracts, but because labor has turned this into a scare tactic and an organizing tool to raise money and to collect more union dues. It is just that simple.

The Harkin amendment would only add to existing confusion, making matters worse for both employees and employers. It would result in fewer hardworking Americans getting overtime. It would result in fewer hardworking Americans getting overtime, and it is nothing more than a big tool of labor and the trial lawyers. That is why the President has vowed to veto the bill if the Harkin amendment, which would

result in fewer workers receiving overtime, is included in this bill.

I urge my colleagues to reject this distortion, this misinformation, these outright untruths that have been spread and, I might add, spread very effectively about these regulations and all of us stand up and vote against this motion to instruct.

Mr. OBEY. Mr. Speaker, I yield myself 1½ minutes.

Mr. Speaker, the gentleman from Georgia always gives a fine speech on the floor. The problem is he just gave a fine speech against a proposition that is not being offered.

The fact is that the motion that we are offering today does, I repeat does, D-O-E-S, does allow the Labor Department regulations that add people to overtime protection. We do accept those updated definitions. What we do not accept is the President unilaterally, without congressional action, knocking off from the overtime protection rolls workers who now have that protection.

The gentleman also says not a single union member will be affected by the Labor Department's suggested rulings. Let me point out two things. First of all, we ought to be worried about all workers, not just union workers; and, secondly, the fact is that right now unions do not have to negotiate this overtime provision in their contracts. Right now they have the protection of the law. If this is removed, then that is just another way that you are going to unbalance the bargaining table against workers by forcing them to have to go back and negotiate something which they have had by right since 1938. I dare the administration to go into any union hall in this country or any working plant in this country and claim to be a friend of workers if they veto this bill over our efforts to stop that kind of unilateral action.

Mr. Speaker, I yield 2 minutes to the gentleman from Massachusetts (Mr. LYNCH).

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

Mr. LYNCH. Mr. Speaker, as a co-chairperson along with the gentlewoman from California (Ms. LINDA T. SÁNCHEZ) and the gentleman from Maine (Mr. MICHAUD) of the newly formed Congressional Labor and Working Families Caucus, I urge my colleagues to vote in favor of this motion to instruct.

Mr. Speaker, the action that we are recommending today is necessary because the Department of Labor is indeed intending to implement new regulations that will place an undue burden on millions of American workers and their families. These proposed regulations would indeed block as many as 8 million American workers from receiving overtime pay, and we are not talking about CEOs of Fortune 500 companies here.

The exact language of these regulations would hurt the very men and

women that are on the front lines of our war against terrorism, our first responders. There is no language in these regulations that would exempt our nurses, our firefighters, or our police officers that dedicate their working lives to protecting the safety of all of us.

Mr. Speaker, under the economic policies of this administration, more than 3.3 million jobs have been lost in this country since 2001; and as a result, unemployment is now at a 10-year high. Millions of additional workers are concerned about their pensions, health benefits, and ability to meet their basic needs such as rent and groceries.

This Congress today must act to protect American workers. If this new regulation is implemented, then millions of American workers will be put in a position where they are forced to work harder for less pay.

Mr. Speaker, I want to thank the gentleman from Wisconsin (Mr. OBEY) for his hard work on this; and I want to point out, the gentleman from Georgia just said that there is no effect on firefighters, on nurses or on police officers by this regulation. That is what this motion to instruct requires. If he truly believes that, then he should support this motion to instruct.

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

I want to read the operative section of the so-called Harkin amendment: "None of the funds provided under this Act shall be used to promulgate or implement any," and I emphasize "any regulation that exempts from the requirements of section 7 of the Fair Labor Standards Act of 1938 any employee who is not otherwise exempted pursuant to regulations under section 13 of such Act that were in effect as of September 3rd, 2003."

Now, with 80,000 comments to evaluate and if this were adopted, this amendment, the result would be that the Secretary would be very reluctant to do anything because it says none of the funds shall be used to promulgate or implement any regulation that exempts and so on. It would simply put a chill on trying to bring overtime regulations into this century.

The result would be that over 1 million people who are presently not getting the benefit of overtime pay would be denied this prospect for the future because the Secretary would look at this language and say, look, under those circumstances, I cannot even get involved because this language is so restrictive, and they are in effect denying the very people that the other side would say they want to help. They are denying them an opportunity to participate in overtime regulations and in effect get the time and a half that they would deserve.

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

Mr. OBEY. Mr. Speaker, I yield myself 30 seconds.

I will simply repeat again, the effect of this motion does not deny the Labor

Department the right to add a single worker to overtime protections that they provide under their adjustments. All it does is to prevent, to prevent workers who now have that overtime protection from losing it. It is just that simple.

I am the author of the motion. I think I know what it says. I think I know what it means.

Mr. Speaker, I yield 1½ minutes to the gentleman from Maine (Mr. MICHAUD).

Mr. MICHAUD. Mr. Speaker, as co-chair of the newly formed Congressional Labor and Working Families Caucus, I urge my colleagues to vote in favor of the motion to instruct conferees.

It is time to stop the all-out assault on workers in Maine and throughout our Nation who rely on overtime to make ends meet. It is time to abandon the proposal to block overtime pay for 8 million workers nationwide, and it is time that this Congress and this President listen to the hardworking American people.

I rise today on behalf of the families across our Nation and in my State of Maine whose overtime pay accounts for 25 percent of their entire income. What message could this be sending them? Mr. Speaker, after working 30 years in a paper mill, I know what message it sends to the working people of this country. It tells them that their work is of less and less value and that this Congress does not care that they are falling further and further behind.

I urge my colleagues to listen to the people who work hard, who built this country, made this country what it is today.

Mr. REGULA. Mr. Speaker, how much time is left for each side?

The SPEAKER pro tempore (Mr. SHIMKUS). The gentleman from Ohio (Mr. REGULA) has 14½ minutes remaining. The gentleman from Wisconsin (Mr. OBEY) has 19½ minutes remaining.

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

Mr. OBEY. Mr. Speaker, I yield 1½ minutes to the gentleman from Iowa (Mr. BOSWELL).

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

Mr. BOSWELL. Mr. Speaker, I rise in support of the motion to instruct conferees on the Labor-HHS-Ed appropriations bill. This motion is urging support for Senator HARKIN's provision, which blocks the administration's effort to gut overtime pay as we know it should be adopted.

These proposed changes will imperil an estimated 8 million workers and make them ineligible for overtime pay. Most Americans have grown accustomed to working a little extra to make a little extra in their paychecks. This helps employers and employees. These workers do not consider overtime pay as frivolous or spare change. It is not a luxury in today's shaky economy.

Many workers who earn overtime receive 25 percent of their annual income from the extra hours on the job. We should not take away a very important component to our workers. This is unfair. It is unwise. We should not penalize workers who are playing by the rules and need overtime pay.

The other body successfully adopted an amendment to prevent the administration from implementing this harmful regulation, and I remain hopeful, I remain hopeful this House will see the merits of overtime pay and agree with the need to block the regulation.

I urge my colleagues to join me, to join us in support of this motion to instruct and keep fairness for all American workers.

Mr. REGULA. Mr. Speaker, I continue to reserve my time.

Mr. OBEY. Mr. Speaker, I yield 1½ minutes to the gentleman from Connecticut (Ms. DELAURO).

□ 1330

Ms. DELAURO. Mr. Speaker, for 70 years, overtime pay has meant time and a half in this country. Without overtime, countless Americans, including police officers, firefighters, nurses, and EMTs would be forced to take a second job to make up for the lost earnings, meaning more time away from their families and higher child care costs.

The administration's rule is designed to give flexibility to companies, not to families, but flexibility to withhold rightfully earned pay from their employees by weakening the 1938 Fair Standards Labor Act, protections that safeguard our workers' rights today and make mandatory overtime a less attractive option for the employer.

This comes at a time when we have more than 9 million Americans out of work, when income is declining, poverty is increasing, and nearly 44 million Americans are without health insurance. Mr. Speaker, this is a matter of values, of our country's long-standing contract with working people that says hard work deserves to be rewarded, especially when that work is above and beyond the call of duty, after normal working hours. That contract must be honored.

I urge our conferees to include the Harkin amendment in the conference report.

Mr. OBEY. Mr. Speaker, I yield 1½ minutes to the gentleman from Texas (Mr. BELL).

Mr. BELL. Mr. Speaker, I have listened closely to the arguments offered on the other side in opposition to this motion to instruct, but I think something that should be pointed out is that just standing up here and saying something does not make it so, or saying this proposal will not affect certain people does not make it the truth.

Let us be very clear about what we are talking about here today. Under the Fair Labor Standards Act, employers are required, they are required to pay employees a premium for overtime

work. They have been required to do so since the 1930s. An exception does exist for three categories: for executive, administrative, and professional positions.

Under this Department of Labor proposal, every proposed change to the duties test, which determines whether someone falls under one of those exception categories, every proposed change to the duties test would make it easier to avoid paying overtime, would make it easier for employers to get around their obligation to pay a premium for overtime work.

And my colleagues can say that certain jobs will not be affected, but look at the list. Look at the list of those who would be affected: mid-level office workers, lower-level supervisors, licensed practical nurses, newspaper reporters, policemen, firefighters, and the list goes on and on.

This is an unfair proposal. It is a lousy proposal. Vote for the motion to instruct.

Mr. OBEY. Mr. Speaker, I yield 1 minute to the gentleman from California (Ms. LINDA T. SANCHEZ).

Ms. LINDA T. SANCHEZ of California. Mr. Speaker, as co-chair of the newly formed Congressional Labor and Working Families Caucus, which now has over 75 Members of this House, I urge my colleagues to vote in favor of this motion to protect overtime pay.

For many hardworking men and women, including cops and firefighters, nurses and first responders, overtime pay is not spare change. It helps families pay the mortgage, feed the kids, pay for college, and save for retirement. In this especially brutal economy, which has been so hard on America's working families, I urge my colleagues to not let the Bush administration shortchange our working families.

Mr. OBEY. Mr. Speaker, how much time do we have?

The SPEAKER pro tempore (Mr. SHIMKUS). Each side has 14½ minutes remaining.

Mr. REGULA. Mr. Speaker, I have one more speaker, and I understand the gentleman has the right to close, so I will reserve the balance of my time.

Mr. OBEY. Mr. Speaker, I yield 1 minute to the gentleman from Ohio (Mr. KUCINICH).

Mr. KUCINICH. Mr. Speaker, this administration now seems intent on picking the pockets of workers. First we saw an attempt to give workers a pay cut by giving them comp time instead of overtime. The real meaning of comp time, of course, is unpaid time off at the employer's discretion.

Now, through administrative action, and without the input of elected representatives, the administration seeks to enact the most significant change to overtime rules since the Fair Standards Labor Act was passed in 1938. The result of these changes is that at least 8 million workers will no longer be eligible for overtime. Among the unlucky 8 million are paramedics, firefighters, air traffic controllers, social workers, and architects.

In 2000, overtime pay accounted for about 25 percent of the income for these workers. Their families will now have much less money to pay the bills, while their employers will have a great incentive to make them work longer hours.

The Obey-Miller motion to instruct will stop the rollback of overtime pay. This motion will protect the wages of America's working people.

Mr. OBEY. Mr. Speaker, I yield 5 minutes to the gentleman from California (Mr. GEORGE MILLER).

(Mr. GEORGE MILLER of California asked and was given permission to revise and extend his remarks.)

Mr. GEORGE MILLER of California. Mr. Speaker, I thank the gentleman for yielding me this time.

Mr. Speaker, I wonder what it is that President Bush does not understand about the difficulty that the American family today is having trying to provide for their needs. Some 9 million people are unemployed in this country, actively looking for work, perhaps dropping out of the job market because they are so discouraged. There are some 3 million new unemployed in the last 2 years, 400,000 last month.

Do they not understand what these families are going through, many of these families with two earners, many of these families single heads of household? Now they want to come along and suggest that for millions of Americans who now get overtime under the law that they would no longer get that. Do they understand what it means to provide for a family, the average working person in this country, how important overtime is to those individuals? It could be up to a quarter of their wages. This is how they qualify for their home mortgage. This is how they qualify for their automobile payment. This is important to their family income on an annual basis.

What is it that so angers the Republicans that they want to constantly attack average working people in this country? As mentioned before, they wanted to provide them comp time. As mentioned before, they will not raise the minimum wage to help them. Now they want to strip them of their overtime. Do they not understand that when somebody calls and says at the end of the day that someone has to work another 2 hours, 3 hours, or 4 hours that that individual has to scramble for child care, that they have to scramble for transportation, they have to find somebody to stay with the children at home? Do they not understand what those costs mean to families? Can they not identify with these families?

Apparently, they cannot because they continue this assault on working families in this country. They continue this assault. Now, administratively, they want to decide that engineers and draftsmen, and engineering technicians without college degrees in the automotive and aerospace industry, because they did not have a 4-year degree but

now have work experience, they will not be eligible for overtime. Health care employees without a 4-year degree, licensed practical nurses, dental hygienists, ultrasound technicians, physical therapists, respiratory therapists, laboratory technicians will no longer be allowed to have overtime. Cooks and chefs, if they got educated in the Army on how to be a cook, on how to be a chef, they will not be eligible for overtime because they got educated in the Army.

What is it this administration does not understand? What is it they do not understand when we have EMT teams, emergency medical technicians, one of whom supervises the other two in an ambulance for that night, that that person is not eligible for overtime but the other two are? How can that be just, how can that be fair if they have to work 50 hours or 60 hours a week? Why is it one of the people in the vehicle gets overtime and the other does not, simply because they may take command of that vehicle for that particular night?

That is the unfairness of these regulations. These regulations, as was said the other day in the newspaper by the big-employer consulting firms across this country, all of these changes are for the benefit of the employer. All of these changes enable the employer to take away overtime pay. It does not take away overtime. Workers still have to work the 50 hours, they still have to work the 60 hours, they still have to work that Saturday, they still have to work that Sunday. They just do not get paid for the extra time, the premium pay for the inconvenience to the worker.

This is incredibly unfair, incredibly insensitive to how families are struggling in this Bush economy to not only hold on to their job, but now they find out if they go and get additional education to improve their skills, they may lose their overtime. If they simply try to improve their worth to their employer, to improve their employability, they find out under these regulations they will not have overtime.

If an employer asks you, what do you think about Joe and they say I think Joe should be fired, and Joe is fired, that employer will say that they gave particular weight to your comments and you are ineligible for overtime.

What the hell is going on here? These are people who go to work every day on behalf of America's economy, on behalf of our society. They come home tired. They want to see their children. They need the overtime pay, and the Bush administration and the Republicans in this Congress are insisting that they take it away from them.

The SPEAKER pro tempore. The gentleman's time has expired. The gentleman will suspend.

Mr. GEORGE MILLER of California.
* * *

The SPEAKER pro tempore. The gentleman will suspend.

Mr. GEORGE MILLER of California.
* * *

The SPEAKER pro tempore. The gentleman will suspend.

Mr. GEORGE MILLER of California.
* * *

The SPEAKER pro tempore. The gentleman will suspend. The gentleman's time has expired.

Mr. GEORGE MILLER of California.
* * *

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore. The time of the gentleman from California has expired. The gentleman will be reminded that he should not use profanity in debate on the floor of the House.

The Chair would advise Members that remarks uttered while not under recognition do not appear in the RECORD.

The Chair now recognizes the gentleman from Ohio.

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

I think we need to clarify some things here. Number one, this proposed regulation will offer a lot of hard-working Americans that have been alluded to here an opportunity to get overtime pay. These are the people making less than \$65,000. They will then be eligible under this proposed regulation.

Now, we understand that these comments have to be evaluated and that the Secretary of Labor will ultimately have to rule on what is fair. And what we are trying to do is to give her this opportunity.

I want to quote from a letter from the Fraternal Order of Police: "The proposed regulations offer an important opportunity to correct the application of the overtime provisions of the FLSA to public safety officers. We are therefore concerned that the retention of this amendment," as proposed by the other side, "during conference committee deliberations will undermine our efforts to successfully protect overtime compensation for more than 1 million public safety officers and hinder the DOL's," Department of Labor's, "ability to issue final regulations."

They would propose, as it is outlined here, to hinder the possibility and protection of overtime compensation for more than 1 million public safety officers.

Now, one of the things that has been tossed around is that nurses would come under this. As a matter of fact, they will not. And the Nurses Association makes it clear that they are not covered, that it will not affect them, as far as their availability of overtime.

It is a matter of being fair. None of us drive, or very few, an automobile that is over 50 years old, yet we are operating under standards promulgated more than 50 years ago. Let us bring these up to date so that more Americans will be eligible to participate in the American Dream.

We cannot discount the fact that there is a possibility of a veto. Because if this were to happen, and if we were

to operate the Labor-HHS programs under a continuing resolution, as I have pointed out earlier, a lot of good programs would no longer get the increases that have been provided in our bill, starting with the \$1 billion extra for IDEA.

Here is a chance to do something good for America. That is why the Secretary of Labor is proposing to take a look. And if you read this proposed restriction carefully, what it says is that none of the funds shall be used. I can see the lawyers in the Labor Department saying, hey, Congress has said none of the funds shall be used, and they put in certain conditions. So the Secretary of Labor, in all probability, would say we cannot take the risk so we will not do anything. The result would be that more than one million Americans would be denied an opportunity to participate in overtime.

I do not think Members here want to do that. I think they want to be fair. And the vote that is fair on this issue is to reject the motion to instruct and, in effect, reject the motion that we instruct the conferees to accept the Harkin amendment. Mr. Speaker, I urge Members to vote against the proposal of the gentleman from Wisconsin (Mr. OBEY).

□ 1345

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

PARLIAMENTARY INQUIRY

Mr. OBEY. Mr. Speaker, parliamentary inquiry.

The SPEAKER pro tempore. The gentleman may state his parliamentary inquiry.

Mr. OBEY. Mr. Speaker, is the transcript that is being taken of today's proceedings in English or is it in some other language?

The SPEAKER pro tempore. The Chair would advise the gentleman that the transcript of the proceedings is in English.

Mr. OBEY. I thank the Chair for that clarification.

Mr. Speaker, I yield myself 30 seconds.

Mr. Speaker, I wanted to make sure that was the case because despite the comments of the gentleman from Ohio (Mr. REGULA), under our proposal that we are offering today, any worker who is added to the overtime protection rules by the new proposed rule is, by our motion, allowed to get that overtime protection. The only effect of our motion is to prevent the Department of Labor from knocking people off the overtime protection rules.

I have said it for the fourth time. I think I said it in English. I think the meaning is clear.

Mr. Speaker, I yield 1 minute to the gentlewoman from Oregon (Ms. HOOLEY).

Ms. HOOLEY of Oregon. Mr. Speaker, I want to be fair, and that is what this motion is all about, being fair to the working men and women of this United States.

I rise in strong opposition to the proposed rollbacks to protect overtime protection for American workers and to encourage my colleagues to support this motion to instruct conferees.

The language in the House-passed bill cheats working men and women of America out of just compensation for an honest day's work. The intent of overtime pay is to protect certain employees by establishing a 40-hour work week. It is an incentive to treat employees with dignity and fairness. I think most Members would agree with me that the vast majority of employers take great pains to protect their employees because they recognize the employees' ability to directly affect a business bottom line, but a few employers do not.

An empty promise for comp time at an undetermined time with no meaningful enforcement is not an incentive to protect workers. It creates hardships for working families in scheduling child care, it means a loss of income, and it is a cut in pay. That is what we have to remember. It is a cut in pay.

Mr. REGULA. Mr. Speaker, I yield 2 minutes to the gentleman from South Carolina (Mr. WILSON).

Mr. WILSON of South Carolina. Mr. Speaker, I rise in opposition to this motion to instruct. The Department of Labor is attempting to modernize overtime pay regulations that are over 50 years old, yet there are many that are distorting their common-sense efforts. The Fair Labor Standards Act of 1938 has not been amended since 1949, and only protects overtime pay for employees earning under \$8,060, below even minimum-wage standards.

The Department of Labor has proposed new regulations that would guarantee overtime pay for anyone making less than \$22,100. This means an additional 1.3 million low-income workers will be guaranteed overtime pay regardless of any other criteria.

Critics have argued that anybody making over \$22,100 would lose their ability to receive overtime pay. That is not correct. The truth is, according to the Department of Labor's new standards, only certain white-collar employees who meet specific tests will qualify for exempt status. All other employees, regardless of their income, would be guaranteed overtime pay.

Mr. Speaker, I urge my colleagues to help give overtime pay security to 1.3 million additional low-income workers and support the new 541 regulations and oppose the motion to instruct.

Mr. OBEY. Mr. Speaker, I yield myself 20 seconds.

Again, that was a nice speech, but it was prepared against a proposition that is not before us. The proposition before us does allow the modernization of the law.

There, I have said it. I have said it five times in a row. It would be nice if someone heard it and paid attention. Otherwise we might as well adjourn because we are talking past each other.

Mr. Speaker, I yield 3 minutes to the gentleman from Maryland (Mr. HOYER).

Mr. HOYER. Mr. Speaker, to reiterate what the gentleman from Wisconsin has just said, the 1.3 million people are protected by the gentleman's motion, and they will be advantaged; but the millions of people who will be disadvantaged by the proposal of the Department of Labor will be protected by the gentleman's motion. That is the issue.

Under the Bush administration and this Republican Congress, our economy has lost more than 3 million jobs, including 2.5 million manufacturing jobs. President Bush has the worst job creation record of any President since Herbert Hoover, and with a new unemployment figure out tomorrow, the Department of Labor reported today that jobless claims rose last week to nearly 400,000 Americans.

The fact is working families have borne the brunt of the Republican Party's failed economic policies. The poverty rating increased last year for the second consecutive year. The ranks of the uninsured swelled by 2.4 million. The median household income plunged for the third straight year under this administration.

While millionaires reaped an average tax cut of \$93,000 from the GOP's tax bill this year, this Republican Congress has failed to extend the child tax credit to families earning less than \$26,000, 6.5 million families, 12 million children and 200,000 military personnel.

Now, as if to add insult to injury, the GOP is pushing new regulations that would strip more than eight million people from their eligibility for overtime pay under the Fair Labor Standards Act on which they rely to support their families, pay college tuition for their kids, pay their mortgage payment and car payment. The Secretary of Labor claims that businesses are lobbying for that change, and listen to this, "not because they are getting any particular benefit but because they just want clarity." Give me a break.

"Firms that represent employers can hardly contain their glee," according to the Washington Post. Hewitt Associates, a human resources consultant, said "Employees previously accustomed to earning, in some cases significant amounts of overtime pay, would suddenly lose that opportunity," under the Department of Labor's proposal. And the law firm that represents clients who will be advantaged by this bill said, "Thankfully, virtually all of these changes should ultimately be beneficial to employers." I am for benefiting employers, but I am not for not benefiting employees.

Mr. Speaker, this Democratic motion instructs conferees to accept the Senate-passed provision to block the Bush administration's proposed rule changes that adversely affect employees while keeping those that do.

Mr. Speaker, we have been advised that profanity was out of order on this floor; doing things that are profane ought to be as well.

Mr. REGULA. Mr. Speaker, I yield 2 minutes to the gentleman from California (Mr. CUNNINGHAM), a member of the subcommittee.

Mr. CUNNINGHAM. Mr. Speaker, it is just wonderful being on the House floor with no partisanship. Is not it wonderful for Democratic leaders to stand up and say how bad the Republicans are doing, no matter what bill we have up here?

We want to throw people out of houses, we want to do this, our economic policies are terrible, it is destroying the country. Well, there is an election coming up, Mr. Speaker, and they are desperate.

In 1993, they had the highest taxes against anybody ever. They cut military COLAS, they cut veterans' COLAS, they cut the gas tax. When they promised tax relief on the middle class, they increased that tax on the middle class. And then in 1994, we limited the tax on Social Security, we restored the veterans' and military COLAS. We cut the gas tax that they had in a general fund. And guess what, we eliminated most of their stuff.

And in 2000 there started to be a recession, and we had tax relief. According to Alan Greenspan that recession slowed, and then we had, guess what? 9/11. The billions of dollars that it took to restore not just New York, the Pentagon and the war on terror, but look at what it did to the stock markets and the economy. So I would curb a little bit of the partisanship from the Democrat leaders. They want this body, the other body, and they want the White House, and they are likely to say just about anything when they get up here, but it is not true, Mr. Speaker.

Mr. REGULA. Mr. Speaker, I yield 3 minutes to the gentleman from Pennsylvania (Mr. WELDON).

Mr. WELDON of Pennsylvania. Mr. Speaker, I have been here 17 years. I was not going to speak on this issue, but as I sat in my office I heard speaker after speaker mention the word "firefighter."

Now, I came to the Congress as a firefighter, and I spent the first part of my career when the other side had control of this body fighting on behalf of firefighters. It was not the other side who delivered a program for grants for fire departments in America, although we had bipartisan support, it was when we controlled the Congress that we passed the Assistance to Firefighter Grant Program, which this year is providing \$750 million for fire departments across the country.

And it was not during the control of the other side, despite the rhetoric that we have heard out of the leadership on that side, and will hear later on, that we do not care about firefighters. It was not the other side when they controlled the Congress that started a grant program to hire more firefighters, but when the defense bill passes next week on the floor of the House, the conference report, there will be a \$7.6 billion program for fire-

fighters. That was done under Republican control of the Congress.

So when my colleagues stand up and say we are hurting firefighters, cut me a break. In my 17 years here, we have worked in a bipartisan way for firefighters, and for them to come to the floor today and say that somehow this is meant to gut them is an absolute lie.

I just got off the phone with the firefighters' union, the firefighters' union. I set up the meeting with Secretary Chao and the firefighters over a month ago, and they are satisfied and they told me I could say this on the floor, they are satisfied with the assurances they have that they will not be impacted by this, and neither will the paramedics and neither will the FOP and the first responder community.

So for the other side to stand up here and use that over and over again galls me because where were they when I was fighting for the firefighters for the years that they controlled this body? What did you do to give us a grant program? What did you do to put more firefighters into the cities? You did nothing. You did nothing. For you to stand up here and say somehow you are protecting the firefighters, you can be as smug as you want as you sit there, but you did nothing to support the firefighters and the emergency responders of this country.

This motion to instruct does not protect them. They are already satisfied. The leadership of the union told me that 10 minutes ago, so I stand up here and tell my colleagues on the Republican side, you can vote against this motion to instruct, and you are not going to hurt any firefighters. You are not going to hurt any paramedics or nurses or police, and their national associations will tell you that. Sure, they are not going to endorse this because the AFL-CIO has come out against it, but the facts are the facts.

So I ask my colleagues on the both sides of the aisle to consider it based on the facts and do not listen to the rhetoric that I heard out of every Member on the other side, or I would not have been here for the last few minutes' rail about how they are concerned about the Nation's firefighters. I urge Members to oppose the motion to instruct.

□ 1400

Mr. OBEY. Mr. Speaker, I yield myself 1 minute.

Despite the hyperventilation we have just heard, the fact is that there will be up to 8 million workers hurt unless this motion is passed.

Mr. WELDON of Pennsylvania. Mr. Speaker, will the gentleman yield?

Mr. OBEY. No, I will not. The gentleman has had his time to blviate. This is my time.

As I was saying, Mr. Speaker, the issue is very simple. Are you going to protect the up to 8 million workers who will be knocked out of protection for overtime if this motion does not pass? That is the only issue before us,

despite all the other claims to the contrary. In a few short moments, we will see who cares about workers and who does not.

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

Mr. REGULA. Mr. Speaker, I yield the balance of my time to the gentleman from Ohio (Mr. BOEHNER), the chairman on the committee of jurisdiction for authorizing legislation of this type.

Mr. BOEHNER. Mr. Speaker, I want to thank my colleague for yielding me this time and remind our Members that there is an awful lot of rhetoric that has been said on the floor today. If you had listened to all of it, you would think that the Labor Department was out to eliminate the overtime pay in America. Nothing could be further from the truth. We all know that the Fair Labor Standards Act that controls who gets overtime and who does not, what all the workplace rules are, has not been updated since I have been born, 1949. We all know that for decades we have had difficulties, employees have had difficulties, employers have had difficulties understanding the regulations in terms of who is entitled to overtime pay and who is not.

When you have all this confusion, guess who decided to come into the middle of this? The trial lawyers, of course; and they are filing class action lawsuits, trying to make some determination about what the law is.

So the Department of Labor has taken the courageous position of going out and issuing, or attempting to issue, regulations about bringing clarity to the situation so that workers will know whether they are entitled to overtime pay and employers will know what the law means, who is covered and who is not.

I think that the regulations that we have, the draft regulations that have been issued, needed a little work. I think most Members would agree. That is why the Department of Labor got 80,000 comments on their proposal. The Department currently is in the process of looking at those 80,000 and trying to determine whether they need to make adjustments.

Under the proposal, those people who today make a little over \$8,000 are guaranteed overtime, regardless of what their position is. Under the proposal, that number would rise to \$22,100. If you make that amount or less, you are guaranteed overtime. That would affect over 1 million American workers who will be guaranteed overtime who may not be guaranteed that they will get it today.

But why do we want to stop this proposal from moving? We do not have to do that. We do not know what the final regulations are going to be, and we do not know when they are going to come. We have got the Congressional Review Act if you disagree with what they finally propose, but I think bringing clarity to this situation is very important.

Let me also say that the effect of the gentleman's motion to accept the Harkin language from the Senate would effectively only do one thing, allow the Department to do one thing, and that would be to raise the threshold from over \$8,000 to \$22,100. Because it also goes on to say in the Senate language that any proposed regulation that would eliminate one person's ability to get overtime means that the proposal cannot go into effect. No job reclassifications. No new titles. It effectively eliminates all the modernization that we are trying to seek in these new regulations. That is unfair to American workers, and it is unfair to employers who are stuck in the dilemma today that we need to resolve.

Mr. Speaker, I would suggest to all of my colleagues today that we ought to allow this procedure to go ahead. Let the Department of Labor look at those 80,000 comments and make decisions about what the draft says and what the final regulations really ought to be. If in fact they issue regulations, we have the Congressional Review Act instituted in this Congress in 1995 to allow us under an expedited procedure in both the House and Senate to look at the regulations; and, if we disagree with them, we can overturn them just like we did with the ergonomics regulations that were issued 1 week after President Bill Clinton left office.

Vote "no" on the motion to instruct.

The SPEAKER pro tempore (Mr. SHIMKUS). The time on the majority side has expired.

Mr. OBEY. Mr. Speaker, I yield the balance of my time to the distinguished gentlewoman from California (Ms. PELOSI), the minority leader.

Ms. PELOSI. Mr. Speaker, I thank the gentleman for yielding me this time; and I thank him for his extraordinary leadership on behalf of working families in America.

This motion to instruct which he is bringing to the floor and supported by the ranking member on the committee of authorization, the gentleman from California (Mr. GEORGE MILLER), is a very, very important piece of legislation to support the position that was taken in a bipartisan way in the other body.

Much has been said earlier about the use of profanity on the floor of the House and that it should not be allowed, and we heard the earlier heated debate over that.

What about obscenities, Mr. Speaker? Are obscenities allowed on the floor of the House? Because what is in this legislation as it would come to the floor without the motion to instruct is an obscenity. It is an insult to America's working families.

We expend a great deal of rhetoric around here about how supportive we are of working families in our country. They are important to us. They do our work. They raise our families. Indeed, we are all a part of it. So when we see an initiative from the administration that undermines the ability of parents

to provide for their families, I call that an obscenity.

The Bush administration proposal would mean a pay cut for 8 million workers in our country. Millions of workers depend on that overtime pay to make ends meet. Indeed, it triggers their ability to get a mortgage or a car loan or send their children to school. In the year 2000, overtime pay accounted for about 25 percent of the income of workers who worked overtime. Millions of workers who receive time and a half for their overtime work today will be required to work longer hours for less money under the Republican proposal. Millions more who have long depended upon overtime work to help make ends meet will face effective pay cuts as opportunities to work overtime are diminished. Even workers still covered by overtime pay could suffer a pay cut because employers would shift overtime assignments to the millions of workers who would no longer be entitled to overtime pay.

The Bush administration proposal would mean longer hours, effectively undermining the 40-hour workweek. The many millions of workers denied overtime protection under the Department of Labor proposal would no longer be paid anything, anything, for their overtime. More work, less pay. If employers no longer have to pay extra for overtime, they will have an incentive to demand longer hours; and workers will have less time to spend with their families.

This ill-advised proposal from the administration comes at a very bad time for our economy. Certainly Democrats and Republicans alike want to modernize the regulations regarding overtime. But we must not use that modernization to undermine pay and working hours for America's families.

But this proposal, as fraught with pain as it is for America's families, comes at a time, in fact, on the day when the new figures were released just today on unemployment claims. They are up nearly 400,000, the place where some economists think that you are at the definition of weakness in our economy in terms of the labor market relationship. This is on top of the 3.3 million jobs that have been lost during the Bush administration, the worst record of job creation of any President. He is in the category of Herbert Hoover.

Every President since Herbert Hoover has created jobs. Some more, some less. Under President Clinton, 22 million new jobs were created. Under President Bush, to date, over 3.3 million jobs have been lost. The figures for first-time people applying for benefits again is in the record-breaking category.

So, in that context, we have a regulation modernization being brought to the floor of this House that is very much needed to be amended; and that is what our distinguished ranking member on the committee is doing, along with the gentleman from California (Mr. GEORGE MILLER).

Median household incomes have already fallen \$1,400 since Bush became President. Now he wants workers to be paid even less. Millions of workers who now receive time and a half for their overtime will be required to work longer hours, more hours for less pay. Millions of Americans depend on overtime pay, but the Bush proposal would deny overtime pay to 8 million workers who now earn such pay. It bears repetition.

In times of elections and even just to measure the popularity of a President, there is a question that is asked by pollsters that says, cares about people like me, yes or no. Today, this House of Representatives has the opportunity to say to the American people that we care about people like them. We care about middle-income working families.

This is not a labor issue. These are people who are not organized. Union people have their pay and working conditions and hours established in contracts. These are about other workers in our country.

Again, other speakers have gone into detail about how if you are just seen as supervising other workers, if that responsibility is yours, then you are not eligible for overtime. So the harder you work, the better you do, the less pay you will make. How can that possibly be fair? I think it is not only unfair, I think it is an obscenity.

Due to the remarks made earlier about profanities not being allowed on the floor, I do not think obscenities should be, either. That is why I commend the very distinguished gentleman from Wisconsin for presenting the motion to instruct for this House to agree in conference to the language of the Senate, to the Harkin amendment, if that is allowed to be said on the floor.

Mrs. CHRISTENSEN. Mr. Speaker, I rise to support this motion to go to conferees and to accept the important Senate provisions which would prevent the administration from once again taking their failed economic policies out on working families. We must block the provision which would deny the overtime that may be the only thing keeping many families going.

But also of great importance to me, and to millions of Americans from our racial and ethnic minority populations are the requests we made as this bill went through the subcommittee.

First, we would ask reconsideration be given to several measures that deal specifically with minority health.

Mr. Speaker, we would ask that in light of the increasing toll of HIV/AIDS on people of color, which cry out for the need for more funding that the Conference reconsider funding the Minority HIV and AIDS Initiative at the full \$610 million requested, and that the language submitted also be included. I am deeply concerned by recent CDC reports regarding the instability in its recompetition process and the strategy to only work with HIV positive populations. I believe that the HIV/AIDS epidemic demands a comprehensive prevention effort that includes primary and secondary approaches.

I would also submit that the escalating disparities in health and death rates for people of

color that they requested for \$66 million for the Office of Minority Health (OMH). OMH is the Department of Health and Human Services' (DHHS) lead office for improving the health status of racial and ethnic minorities; \$225 million for the National Center for Minority Health and Health Disparities to further address minority health and health disparities and to help improve the infrastructure associated with this research; as well as a \$120 million for the Racial and Ethnic Approaches to Community Health (REACH) grants initiative aimed at helping to eliminate disparities in health status experienced by ethnic minority populations in cardiovascular disease, immunizations, breast and cervical cancer screening and management, diabetes, HIV/AIDS and infant mortality also be considered.

Of equal concern and need is the request for full funding \$45 million for the Health Careers Opportunity Program, (2) \$45 million Minority Centers for Excellence, (3) \$55 million for Scholarships for Disadvantaged Students, (4) \$4 million for Faculty Loan Repayment and Faculty Fellowships and (5) \$160 million for the Public Health Improvement of Centers for Disease Control. Diversity in the health professions, including increasing the proportion of under represented U.S. racial and ethnic minorities among health professionals is a requirement to ensure competent service in our diverse Nation, elimination of health disparities and health for all.

Again, to help close the health disparities in our society, we ask you to urge the conferees to support the request of the Congressional Black Caucus. I have attached a copy of my statement made before the Appropriation subcommittee to review the necessary justification. And I urge my colleagues to support this motion to go to conference.

STATEMENT OF HON. DONNA M. CHRISTENSEN
BEFORE HOUSE APPROPRIATIONS COMMITTEE,
SUBCOMMITTEE ON LABOR, HEALTH AND
HEALTH SERVICES AND EDUCATION, MAY 6,
2003

Thank you Mr. Chairman, Ranking member and other members of the committee, I appreciate the opportunity to testify on this important panel again this year.

You already have my written testimony which contains the details of the specific funding and language requests. Although I will be speaking specifically to issues in the African American communities, my remarks are generally applicable to all communities of color and many rural communities as well.

Let me say at the outset Mr. Chairman, that my colleagues and I remain grateful to you and your colleagues for the support you have given us both on the Minority HIV/AIDS Initiative, as well as on our efforts to end the disparities in health care.

When I appeared before you last year, I began my remarks by informing the subcommittee of the fact that this great country of ours ranks at the bottom of all of the industrialized countries of the world with regard to the quality of our health care system, we are not where we should be given our resources in infant mortality, HIV/AIDS, immunization, substance abuse and many of the major diseases. In most cases the reason is because more than one third of our population remains outside of the healthcare mainstream.

Today almost 43 million Americans are uninsured, of which 50 percent are minorities; 18 percent of the total elderly population has no coverage at all; 1 out of 6 Americans do not have health insurance; more than 100,000

people lose their health insurance every day; and an astounding 23 percent of African Americans have no insurance at all.

Our health care system in this country is currently in peril. It is falling short on promise and contributing to the disabling illness and premature death of the people it is supposed to serve. The picture is the worst for African Americans who for almost every illness are impacted most severely and disproportionately—in some cases more than all other minorities combined. Every day in this country there are at least 200 African Americans deaths, which could have been prevented. Today we know that much of it happens because even when we have access to care, the medical evaluations and treatments that are made available to everyone else are denied to us—not only in the private sector but in the public system as well.

What I am here to try to do today is to leave you with one indelible message: that there are gross inequities in healthcare which cause hundreds of preventable deaths in the African American community every day and which tear at families, drain the lifeblood of our communities, and breed an escalating and reverberating cycle of despair which this subcommittee has the power to end today if it has the will to do so.

The choice if it can be considered that, is either to write off human beings—our brothers and sisters—who make up this segment of our population, or to make the requisite investment in fixing an inadequate, discriminating, dysfunctional health care system.

The current strongly held-to "cost-containment" paradigm while it sounds good on the surface, has obviously not worked. We now have double digit increases in premiums in an industry that was to rein in its costs. What it did instead was create a multi-tiered system of care, both within managed care and without. Those at the lowest rungs of the system got sicker, the sicker, ie. more costly, were and still are being dropped, and those who were the sickest were and remain locked out entirely. So not only are health care costs continuing to escalate, the overall health picture in this country is worse than ever.

What we now have is a system, which continues the failed paradigm in which African Americans and other people of color who because they have long been denied access to quality health care, now experience the very worse health status. Not doing what is needed to change this is to threaten the health of not just African Americans and other people of color but every other person in this country, especially at a time when we live under the cloud of possible bioterrorism.

Controlling the cost of health care, which can only be done in the long term, will never be achieved without a major investment in prevention, and leveling the health care playing field for all Americans through fully funding a health care system that provides equal access to quality, comprehensive health care to everyone legally in this country, regardless of color, ethnicity or language.

The funding requests I am outlining today are the bare minimum to ensure that our children have the opportunity for good health, that there are health care professionals who can bridge the race, ethnicity and language gaps to bring wellness within reach of our now sick and dying communities, that states and communities will receive the help to fill the gaps and repair the deficiencies of access and services, and which will enable the affected communities themselves to take ownership of the problems as well as the solutions to their increasing healthcare crisis—a crisis that threatens the health and security of all Americans.

If we have learned nothing in the last 10 years, we should have learned that cost con-

tainment strategies in our unequal system of care can never bring down healthcare costs. We can only insure that quality health care will be within the reach of future generations if we make a major investment in prevention and increasing access to care now.

On March 20, 2002, the Institute of Medicine (IOM) released a landmark report entitled: *Unequal Treatment: Confronting Racial and Ethnic Disparities in Health Care* which was requested by Congressman Jackson. Among other key findings, the report documented that minorities in the United States receive fewer life-prolonging cardiac medications and surgeries, are less likely to receive dialysis and kidney transplants, and are less likely to receive adequate treatment for pain. Its first and most telling finding states that "racial and ethnic disparities in healthcare exist and, because they are associated with worse outcomes in many cases, are unacceptable."

And so I urge the committee to give serious and favorable consideration to our funding requests. Because of time limitations let me focus on just a few areas contained in the request.

\$66 MILLION FOR THE OFFICE OF MINORITY
HEALTH, OS, DHHS

As the Department of Health and Human Services' (DHHS) lead office for improving the health status of racial and ethnic minorities, the Office of Minority Health (OMH) conducts and supports health promotion and disease prevention programs and activities designed to help reduce the high rates of death and disease in communities of color. OMH also serves as one of the focal points for the Department's initiative to eliminate health disparities. By increasing funding to \$20.9 million, this office will be able to expand OMH's elimination of health programs in prevention, research, education and outreach, capacity building, and the development of community infrastructure. The increased funding is also needed to fund the State Partnership Initiative Grant Program; Cultural and Linguistic Best Practices Studies; State Health Data Management; Community Programs to Improve Minority Health Grants; Center for Linguistic and Cultural Competence in Health Care; Eliminating Obstacles to Participating in Government Programs; Technical Assistance to Community Health Program; and Community-Based Organization Partnership Prevention Centers.

\$225 MILLION FOR THE NATIONAL CENTER FOR
MINORITY HEALTH AND HEALTH DISPARITIES
(NCMHD), NIH

Funding is needed to develop and implement programs necessary to further address minority health and health disparities and to help improve the infrastructure associated with this research and outreach. In addition, the loan repayment payment must be expanded to include master degree graduates from schools of public health and public health programs to ensure that efforts to build and disseminate research-based health information are intensified. As required, the Center is currently developing a strategic plan to guide the Center's efforts. To be effective, the plan must include and reflect the direct input of the NIH institutes and centers; consumer advocacy groups; the public; researchers; professional and scientific organizations; behavioral and public health organizations; health care providers; academic institutions; and industry. The resulting plan is needed to serve as a fundamental blueprint for the Center's activities, as well as a vehicle for helping to ensure a coordinated and effective response to minority health and health disparities.

\$120 MILLION FOR THE RACIAL AND ETHNIC APPROACHES TO COMMUNITY HEALTH (REACH), NATIONAL CENTER FOR CHRONIC DISEASE PREVENTION AND HEALTH PROMOTION, CDC

The REACH program is a cornerstone CDC initiative aimed at helping to eliminate disparities in health status experienced by ethnic minority populations in cardiovascular disease, immunizations, breast and cervical cancer screening and management, diabetes, HIV/AIDS and infant mortality. The increase is needed to fund additional Phase I planning grants, Phase II implementation and evaluation grants, expand and enhance technical assistance and training, and apply lessons learned. REACH received 211 applications in its first year, but only had enough funding to make 31 awards, leaving a very large number of meritorious projects unfunded. REACH must have the resources necessary to capitalize on the strengths that national/multi-geographical minority organizations can provide the initiative.

\$300 MILLION FOR THE AGENCY FOR HEALTHCARE RESEARCH AND QUALITY (AHRQ)

At a hearing before the Criminal Justice Subcommittee of the Government Reform Committee on May 21, 2002, AHRQ Acting Director Dr. Carolyn Clancy described the initiatives undertaken by her agency to attack health disparities. One of the most important of these is the EXCEED program, which funds Centers of Excellence to eliminate health disparities in nine cities around the country. These include efforts to address diabetes care for Native Americans, health disparities in cancer among rural African American adults, and premature birth in ethnically diverse communities in Harlem, New York. According to Dr. Clancy, "EXCEED encouraged the formation of new research relationships as well as building on existing partnerships between researchers, professional organizations, and community-based organizations instrumental in helping to influence change in local communities."

The EXCEED program exemplifies the type of initiative recommended by the IOM report, which urged "further research to identify sources of racial and ethnic disparities and assess promising intervention strategies" (Recommendation 8-1). Yet the Administration's 2003 budget would curtail these efforts. In the budget, total AHRQ funding falls from \$300 million in 2002 to \$251 million in 2003. About \$192 million of the AHRQ budget is protected from the cutbacks, meaning that \$49 million must be trimmed from the remaining \$108 million of spending, a 46 percent cut. The EXCEED program and other research grants to study and reduce health disparities fall into this vulnerable \$108 million.

INCREASE OF \$14 MILLION DOLLARS FOR THE U.S. DHHS OFFICE OF CIVIL RIGHTS (OCR) AND A REWORKING OF AUTHORIZATION LANGUAGE TO TIE IT TO DISPARITY WORK U.S. DHHS OFFICE OF CIVIL RIGHTS TO ENFORCE CIVIL RIGHTS LAWS

Enforcement of regulation and statute is a basic component of a comprehensive strategy to address racial and ethnic disparities in healthcare, but it has been relegated to low-priority status. The U.S. DHHS Office of Civil Rights (OCR) is charged with enforcing several relevant Federal statutes and regulations that prohibit discrimination in healthcare (principally Title VI of the 1964 Civil Rights Act), but the agency suffers from insufficient resources to investigate complaints of possible violations, and has long abandoned proactive, investigative strategies.

Despite an increasing number of complaints in recent years, funding for OCR remained constant in actual dollars from fiscal

year 1981 to fiscal year 2003, resulting in a 60 percent decline in funding after adjusting for inflation. The decrease has severely and negatively affected OCR's ability to conduct civil rights enforcement strategies, such as on-site complaint investigations, compliance reviews, and local community outreach and education. Providing a substantial increase in funding for the Office of Civil Rights is necessary for OCR to resume the practice of periodic, proactive investigation, both to collect data on the extent of civil rights violations and provide a deterrent to would-be lawbreakers.

INCREASED FUNDING FOR INITIATIVES FOR HEALTH PROFESSIONS TRAINING

(1) \$40 million for the Health Careers Opportunity Program (\$5.2 million increase);

(2) \$40 million Minority Centers of Excellence (\$7.4 million increase);

(3) \$52 million for Scholarships for Disadvantaged Students (\$5.8 million increase); and

(4) \$3 million for Faculty Loan Repayment and Faculty Fellowships (\$1.67 million increase)

Diversity in the health professions offers numerous benefits, including "increasing the proportion of under represented U.S. racial and ethnic minorities among health professionals". (IOM Report). Such efforts were supported by HHS in the past, but now are threatened with extinction.

The spring 1999 issue of the HHS Office of Minority Health's newsletter Closing the Gaps focused on the theme of "Putting the Right People in the Right Places." The newsletter highlighted the startling under representation of ethnic and minority groups within the health professions and stressed the important role of three programs: (1) the Health Careers Opportunity Program, which trains more than 6,000 high school and undergraduate students each year and is associated with acceptance rates to health professional schools that are 20 percent higher than the national average; (2) the Minority Faculty Fellowships Program, which addresses the problem that "just four percent of faculty at U.S. health profession schools are minorities"; and (3) the Centers of Excellence Program, which works with Historically Black Colleges and Universities and Hispanic Serving Health Professions Schools to "recruit and retain minority faculty and students, carry out research specific to racial and ethnic minorities, provide culturally appropriate clinical education, and develop curricula and information resources that respond to the needs of minorities."

Unfortunately, the very same programs highlighted by HHS in 1999 as successful have disappeared from the President's 2004 budget. In fact, all of these programs received zero funding or are scheduled for elimination.

To insure that no one is denied necessary health care because of race ethnicity or language, they must have the tools to do their job. Bringing equity into our healthcare system demands a funding increase for this office.

\$50 MILLION TERRITORIAL HOSPITALS AND HEALTH DEPARTMENTS

Mr. Chairman, years of Medicaid caps have and continue to create a crisis in the healthcare systems in the offshore territories. To address and resolve this, last year I requested that the sum of \$50 million be made available to the secretary for territorial hospitals and health departments to close some of their critical health care gaps and repair infrastructure deficiencies. I repeat this request again for this year's appropriation.

Because of the Medicaid cap, and a match that is not indexed for average income level,

both which are Congressionally set, we are unable to cover individuals at 100 percent of poverty—for the Virgin Islands it is closer to 30 percent below that income level. Under the cap, spending per recipient is at best one-fifth of the national average.

Our hospitals are struggling, because the cap prevents them from collecting full payments for the services they provide, and they are also unable to collect Disproportionate Share payments, despite the fact that about 60 percent of their inpatients are below the poverty level. About one third of these qualify for Medicaid, which as I indicated before, never fully reimburses them. The rest of their patients have no coverage whatsoever.

Long-term care is limited, and thus unavailable to persons and their families who need it, not because the rooms are not there, but because we do not have enough Medicaid dollars to pay for them, even though the federal funds are matched 2 to 1 by local dollars—far above our requirement. While many states are covering women and their minor children well above 100 percent of poverty, we cannot even come close.

Along with my fellow representatives from Guam American Samoa and Puerto Rico, I have introduced bills to both remove the Medicaid Cap as well as, for the first time, provide for the creation of a Disproportionate Share payment to our hospitals.

Our final request Mr. Chairman once again deals with the Minority HIV/AIDS Initiative. We are here today once again to request funding for the full amount of our request for the MAHI in the amount of \$610 million. While our review of the current programs demonstrates the need for increased funding, in light of our other requests which all have the potential to impact this epidemic to some degree, and the budgetary constraints of our government we are requesting a need-based increase over our 2002 request of \$70 million. We strongly believe that the \$610 million request is absolutely necessary if we are to have any success whatsoever in stemming the tide of this epidemic which continues to ravage our communities.

Once again, the purpose of the special and targeted funding is to provide technical assistance and to increase the capacity of our own communities to administer programs aimed at prevention and treatment, and to bolster or build the infrastructure needed to make all life saving measures accessible.

The Minority HIV/AIDS request is not meant to be the total funding for communities of color but should be utilized in such a way to better enable our communities, that are hard to reach and out of the mainstream, to access the \$8 billion plus that is available for HIV and AIDS.

It is also important to point out that as serious an issue as it is, HIV and AIDS is just one symptom of all that is wrong in our communities, many of which come under the purview of this subcommittee. This funding will not only be successful in the fight against long term HIV & AIDS but also in all other areas, if in the long term the underpinnings of our communities are also strengthened.

There is a critical part of the Minority HIV/AIDS initiative request, which does not involve money. It is one of language.

Mr. Chairman, the intent of the MAHI is to ensure that its funds, which are only a small part of overall HIV/AIDS funding, are used to build capacity within African American and other communities of color which are the ones now being disproportionately impacted. The current of the language initiative has not maintained that focus. We are therefore requesting that the original FY 1999 language be restored or be mirrored, in your 2004 bill, with the following change which I believe meets the concerns of the Department with regard to discrimination, while

empowering our communities which is the only way we can effectively control this and the other diseases which create the disparities.

In summary, I join my colleagues here this morning to call on this esteemed and distinguished subcommittee to make a commitment to eliminate the disparities that have existed for centuries and are increasing today for African Americans, and to finally ensure equality in health care for us and every one in this otherwise great country.

The cost in dollars today will be significant, but the cost in lives and to our economy in the future are risks that we must not take.

There is no question that health disparities are deeply rooted in our medical system and in our culture. Eliminating them is going to take a lot more than one leadership summit or one media campaign. It will take a long-term commitment. It will take a long-term investment.

This subcommittee and the larger committee have the power to eliminate disparities in health care. This is an important part of the stewardship on which we will all be judged.

Dr. Martin Luther King, Jr. once said, "Of all the forms of inequality, injustice in health care is the most shocking and inhumane." We have a moral obligation to end injustice in health care and health disparities among Americans. I urge my colleagues to support this request.

On behalf of the Congressional Black Caucus, and personally, I thank you once again for the opportunity to testify.

PRESS RELEASE

HOUSING AND URBAN DEVELOPMENT SENDS FUNDING TO THE VIRGIN ISLANDS

(WASHINGTON, DC, October 2, 2003).—Delegate to Congress Donna M. Christensen is pleased to announce that the following two agencies have received funding from the U.S. Department of Housing and Urban Development.

University of the Virgin Islands receives F'sted Development Grant

The University of the Virgin Islands will receive \$541,000 in the form of a Historically Black Colleges and Universities grant. This grant will be used to address community development needs on the islands of St. Croix, specifically in Frederiksted. UVI and Our Town Frederiksted will revitalize neighborhoods and address critical community development needs. They will work on infrastructure improvements and community reinvestments to stabilize the town and build the economy of the area.

Housing receives \$1.3 million in HOME Investment Partnership's Program

The Government of the Virgin Islands will receive \$1,340,000 for Fiscal Year 2003 HOME Investment Partnerships Program. This program will include activities such as mortgage buy downs through construction of affordable housing and homebuyers assistance.

U.S. DEPARTMENT OF COMMERCE DELIVERS FUNDING

The Delegate is pleased to announce that the Virgin Islands Department of Planning and Natural Resources will receive \$481,350 in grants from the U.S. Department of Commerce.

The first grant in the amount of \$131,500 will provide financial assistance for National Centers of Central Coastal Ocean Science. The program will assist in the expansion of coral reef monitoring and resources assessments in the VI, through collaborative efforts among individuals from territorial and federal agencies and organizations. An effort will also be made to develop a Marine Park Monitoring Plan.

The second grant in the amount of \$349,850 will be used for Coastal Zone Management Administration Awards program. This program will provide funding for the VI for our Coral Reef Management projects. This will include the implementation of an enforcement action plan, and education and outreach action plan and a water quality monitoring action plan for newly established East End Marine Park and the development of a research and monitoring action plan for the East End Marine Park.

Mr. CUMMINGS. Mr. Speaker, I rise today to lend my wholehearted support to the motion to instruct the conferees, offered by Mr. OBEY and spearheaded by Mr. MILLER of California, on the Labor, Health and Human Services and Education Appropriations bill, which would instruct the conferees to recede to the Senate and accept the Harkin amendment. This amendment prohibits the Department of Labor from issuing regulations that take away overtime protection from employees who are currently entitled to receive it.

Mr. Speaker, the national economy and our working families are struggling. This White House administration has the dubious honor of having the worst job creation record since the Great Depression. Since 2001, over 3 million jobs have been lost. The Nation's jobless rate hovers around 6.4 percent and is substantially higher in communities of color, at over 10 percent.

Additionally, the administration's rounds of tax cuts are projected to cost the Federal treasury \$3.12 trillion over the next decade. We have gone from a \$5.6 trillion surplus to a \$4 trillion deficit. While real wages continue to fall, simultaneously the income gap continues to widen and middle class taxpayers are being asked to sacrifice more each day.

Mr. Speaker, now to add insult to injury, the Bush Labor Department is now proposing regulations that will hit as many as 8 million hard working American families. If these regulations are implemented the Federal Government will reach into the pockets of these hard working Americans and cut the overtime pay they depend on to pay their mortgages, feed and educate their children, care for their sick and elderly parents, and preserve their standard of living. It is estimated that overtime pay accounts for roughly 25 percent of the income of people who work overtime. Hardest hit will be our first-responders and healthcare professionals, amongst others.

Mr. Speaker, it is irresponsible to grant huge tax cuts to the wealthiest 1 percent of U.S. taxpayers while cutting the legs from underneath middle-class working Americans. Is this the message we want to send to those whom we have asked to sacrifice their sons and daughters in Iraq? To those who are sacrificing better schools, safer communities and access to healthcare while the Federal deficit grows exponentially, meaningful programs are cut and the wealthiest 1 percent enjoy an enormous \$84,000 tax cut.

I urge my colleagues to protect middle-class working Americans by supporting this motion to instruct. Many American families are already struggling to make ends meet with one wage earner. Cutting overtime pay will put them in further economic hardship. Let's be fair to our nation's most valuable assets—our working men and women and their families.

Ms. EDDIE BERNICE JOHNSON of Texas. Mr. Speaker, the assault on overtime pay is nothing less than an attempt to pick the pockets of millions of hardworking Americans.

By stripping 8 million workers of their right to be paid for the hours they work, Republicans have issued another callous insult to families struggling to make a living. Since many of those who will be affected are nursing professionals, police, firefighters and other "first responders," it sends another stinging message to the people we turn to and who routinely undertake the most thankless tasks in our times of need.

Mr. Speaker, over 3 million Americans have lost their jobs since President Bush took office, and countless others don't appear in the employment statistics because they have given up hope of finding a job.

Isn't it enough that the Bush administration has presided over the loss of 3 million private-sector jobs. It has failed to raise the minimum wage. It is allowing millions of older workers to lose half their private pension benefits. It has denied unemployment benefits to millions of workers who exhausted their Federal unemployment benefits. It has gutted worker safety protections, and denied working family's tax cuts—including the child tax credit—while showering hundreds of billions in cuts to the wealthiest of Americans.

As an experienced nurse, I want to draw your attention to serious dangers posed by this measure which threatens not only the pay of millions of nurses and other health care workers, but also the safety of patients in our health care facilities.

Healthcare professionals, particularly nurses, are working an increasing amount of mandatory overtime, patient care and contributing to the ranks of the over 500,000 trained nurses who have left their field.

Mr. Speaker, the current nursing workforce is aging. The shortage of registered nurses in my home State of Texas is becoming more critical. Texas will experience a deficit of 10,000 RNs by 2005, 16,000 by 2010 and 50,000 by 2020, according to a July 2002 report from the Health Resources and Services Administration.

I am afraid that this will lead to drive even more nurses away from clinical settings at a time when the Nation is struggling to develop policies that will keep today's nurses at the bedside and attract more students into nursing for the future. It is unrealistic to imagine that nurses will remain in jobs where they have lost the guarantee that they will be paid premium wages, or any wages at all, when they are forced to work overtime hours.

Mr. Speaker, what in the world is it about Americans who are working hard to provide for their families that this administration just can't stand?

I urge my colleagues to vote "yes" on the motion to instruct conferees to accept Senate-passed provisions. We must block the Bush administration regulations that would deny overtime pay to millions of employees.

Ms. WOOLSEY. Mr. Speaker, I rise in support of the Obey motion to instruct conferees on the Labor-HHS Appropriations bill.

The Bush administration continues to have a failing record on supporting our nation's working families. Instead of giving workers a leg up, the administration continues to hold working Americans down. By altering overtime regulations this administration is cutting the pay for as many as 8 million workers. Among those workers are those critical to the safety of our communities: firefighters, police officers and nurses.

In these hard economic times, workers need all the help they can get to support their families and their homes. Instead of working to create jobs, this administration is working to undermine the jobs that already exist. By taking away overtime pay, they would be removing income that many of these already underpaid workers have come to rely on to make ends meet.

That's why I support the Obey motion to instruct because it will prevent the Department of Labor from issuing any regulations that take away overtime protection from workers who already qualify.

Mr. Speaker, we must show our nation's working families that we support them instead of taking away their hard earned dollars. I urge my colleagues to support the Obey motion to instruct.

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

The SPEAKER pro tempore. All time for debate has expired.

Without objection, the previous question is ordered on the motion to instruct.

There was no objection.

The SPEAKER pro tempore. The question is on the motion to instruct offered by the gentleman from Wisconsin (Mr. OBEY).

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

Mr. OBEY. 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.

Pursuant to clause 8 of rule XX, this 15-minute vote on the motion to instruct on H.R. 2660 will be followed by a 5-minute vote, if ordered, on approving the Journal.

The vote was taken by electronic device, and there were—yeas 221, nays 203, not voting 11, as follows:

[Roll No. 531]

YEAS—221

Abercrombie	Bishop (NY)	Carson (OK)
Ackerman	Blumenauer	Case
Alexander	Boehlert	Clay
Allen	Boswell	Clyburn
Andrews	Boucher	Conyers
Baca	Boyd	Cooper
Baird	Brady (PA)	Costello
Baldwin	Brown (OH)	Cramer
Ballance	Brown, Corrine	Crowley
Becerra	Capito	Cummings
Bell	Capps	Davis (AL)
Berkley	Capuano	Davis (CA)
Berman	Cardin	Davis (FL)
Berry	Cardoza	Davis (IL)
Bishop (GA)	Carson (IN)	Davis (TN)

DeFazio	Larsen (WA)	Quinn	Kline	Pence	Shimkus
DeGette	Larson (CT)	Rahall	Knollenberg	Peterson (PA)	Shuster
Delahunt	LaTourrette	Rangel	Kolbe	Petri	Simmons
DeLauro	Leach	Reyes	LaHood	Pickering	Simpson
Deutsch	Lee	Rodriguez	Latham	Pitts	Smith (MI)
Dicks	Levin	Ross	Lewis (CA)	Platts	Smith (TX)
Dingell	Lewis (GA)	Rothman	Lewis (KY)	Pombo	Souder
Doggett	Lipinski	Roybal-Allard	Linder	Porter	Stearns
Doyle	LoBiondo	Ruppersberger	Lucas (OK)	Portman	Stenholm
Edwards	Lofgren	Rush	Manzullo	Pryce (OH)	Sullivan
Emanuel	Lowey	Ryan (OH)	McCrery	Putnam	Tancredo
Engel	Lucas (KY)	Sanchez, Linda	McInnis	Radanovich	Tauzin
Etheridge	Lynch	T.	McKeon	Ramstad	Taylor (NC)
Farr	Majette	Sanchez, Loretta	Mica	Regula	Terry
Fattah	Maloney	Sanders	Miller (FL)	Rehberg	Thomas
Ferguson	Markey	Sandlin	Miller, Gary	Renzi	Thornberry
Filner	Marshall	Schakowsky	Moran (KS)	Reynolds	Tiberi
Ford	Matheson	Schiff	Musgrave	Rogers (AL)	Toomey
Frank (MA)	Matsui	Scott (GA)	Myrick	Rogers (KY)	Turner (OH)
Frost	McCarthy (MO)	Scott (VA)	Nethercutt	Rogers (MI)	Vitter
Gephardt	McCarthy (NY)	Serrano	Neugebauer	Rohrabacher	Walden (OR)
Gonzalez	McCollum	Shays	Ney	Ros-Lehtinen	Wamp
Gordon	McCotter	Sherman	Northup	Royce	Weldon (FL)
Green (TX)	McDermott	Skelton	Norwood	Ryan (WI)	Weldon (PA)
Grijalva	McGovern	Slaughter	Nunes	Ryun (KS)	Weller
Gutierrez	McHugh	Smith (NJ)	Osborne	Schrock	Whitfield
Harman	McIntyre	Smith (WA)	Ose	Sensenbrenner	Wicker
Hastings (FL)	McNulty	Snyder	Otter	Sessions	Wilson (NM)
Hill	Meehan	Solis	Oxley	Shadegg	Wilson (SC)
Hinchee	MEEK (FL)	Spratt	Paul	Shaw	Wolf
Hinojosa	MEEKS (NY)	Stark	Pearce	Sherwood	Young (FL)
Hoeffel	Menendez	Strickland			
Holden	Michaud	Stupak			
Holt	Millender-McDonald	Sweeney			
Honda	Miller (MI)	Tanner			
Hooley (OR)	Miller (NC)	Tauscher			
Hoyer	Miller, George	Taylor (MS)			
Inslie	Mollohan	Thompson (CA)			
Israel	Moore	Thompson (MS)			
Jackson (IL)	Moran (VA)	Tiahrt			
Jackson-Lee (TX)	Murphy	Tierney			
Jefferson	Murtha	Towns			
John	Nadler	Turner (TX)			
Johnson (IL)	Napolitano	Udall (CO)			
Johnson, E. B.	Neal (MA)	Udall (NM)			
Jones (OH)	Nussle	Upton			
Kanjorski	Oberstar	Van Hollen			
Kaptur	Obey	Velazquez			
Kelly	Olver	Visclosky			
Kennedy (RI)	Ortiz	Waters			
Kildee	Owens	Watson			
Kilpatrick	Pallone	Watt			
Kind	Pascrell	Waxman			
King (NY)	Pastor	Weiner			
Klecza	Payne	Wexler			
Kucinich	Pelosi	Woolsey			
Lampson	Peterson (MN)	Wu			
Langevin	Pomeroy	Wynn			
Lantos	Price (NC)	Young (AK)			

NAYS—203

Aderholt	Chocola	Gingrey
Akin	Coble	Goode
Bachus	Cole	Goodlatte
Baker	Collins	Goss
Ballenger	Cox	Granger
Barrett (SC)	Crane	Graves
Bartlett (MD)	Crenshaw	Green (WI)
Barton (TX)	Cubin	Greenwood
Bass	Culberson	Gutknecht
Beauprez	Cunningham	Hall
Bereuter	Davis, Jo Ann	Harris
Biggett	Davis, Tom	Hart
Bilirakis	Deal (GA)	Hastert
Bishop (UT)	DeLay	Hastings (WA)
Blackburn	DeMint	Hayes
Blunt	Diaz-Balart, L.	Hayworth
Boehner	Diaz-Balart, M.	Hefley
Bonilla	Doolittle	Hensarling
Bonner	Duncan	Herger
Bono	Dunn	Hobson
Boozman	Ehlers	Hoekstra
Bradley (NH)	Emerson	Hostettler
Brown (SC)	English	Houghton
Brown-Waite,	Everett	Hulshof
Ginny	Feeney	Hunter
Burgess	Flake	Isakson
Burns	Foley	Istook
Burr	Forbes	Janklow
Burton (IN)	Fossella	Jenkins
Buyer	Franks (AZ)	Johnson (CT)
Calvert	Frelinghuysen	Johnson, Sam
Camp	Gallely	Jones (NC)
Cannon	Garrett (NJ)	Keller
Cantor	Gerlach	Kennedy (MN)
Carter	Gibbons	King (IA)
Castle	Gilchrest	Kingston
Chabot	Gillmor	Kirk

Pence	Shimkus
Peterson (PA)	Shuster
Petri	Simmons
Pickering	Simpson
Pitts	Smith (MI)
Platts	Smith (TX)
Pombo	Souder
Porter	Stearns
Portman	Stenholm
Pryce (OH)	Sullivan
Putnam	Tancredo
Radanovich	Tauzin
Ramstad	Taylor (NC)
Regula	Terry
Rehberg	Thomas
Renzi	Thornberry
Reynolds	Tiberi
Rogers (AL)	Toomey
Rogers (KY)	Turner (OH)
Rogers (MI)	Vitter
Rohrabacher	Walden (OR)
Ros-Lehtinen	Wamp
Royce	Weldon (FL)
Ryan (WI)	Weldon (PA)
Ryun (KS)	Weller
Schrock	Whitfield
Sensenbrenner	Wicker
Sessions	Wilson (NM)
Shadegg	Wilson (SC)
Shaw	Wolf
Sherwood	Young (FL)

NOT VOTING—11

Brady (TX)	Evans	Sabo
Dooley (CA)	Fletcher	Saxton
Dreier	Hyde	Walsh
Eshoo	Issa	

□ 1437

Mr. SOUDER changed his 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.

THE JOURNAL

The SPEAKER pro tempore (Mr. PUTNAM). Pursuant to clause 8 of rule XX, the pending business is the question of the Speaker's approval of the Journal of the last day's proceedings.

Pursuant to clause 1, rule 1, the Journal stands approved.

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

The SPEAKER pro tempore. Without objection, the Chair appoints the following conferees: Messrs. REGULA, ISTOOK, WICKER, Mrs. NORTHUP, Mr. CUNNINGHAM, Ms. GRANGER, Messrs. PETERSON of Pennsylvania, SHERWOOD, WELDON of Florida, SIMPSON, YOUNG of Florida, OBEY, HOYER, Mrs. LOWEY, Ms. DELAURO, Mr. JACKSON of Illinois, Mr. KENNEDY of Rhode Island, and Ms. ROYBAL-ALLARD.

There was no objection.

LEGISLATIVE PROGRAM

(Mr. HOYER asked and was given permission to address the House for 1 minute.)

Mr. HOYER. Mr. Speaker, I rise for the purpose of inquiring of the majority leader the schedule for the coming week.