

PROVIDING FOR CONSIDERATION OF H.R. 1873, SMALL BUSINESS FAIRNESS IN CONTRACTING ACT

Mr. CARDOZA. Mr. Speaker, by direction of the Committee on Rules, I call up House Resolution 383 and ask for its immediate consideration.

The Clerk read the resolution, as follows:

H. RES. 383

Resolved, That at any time after the adoption of this resolution the Speaker may, pursuant to clause 2(b) of rule XVIII, declare the House resolved into the Committee of the Whole House on the state of the Union for consideration of the bill (H.R. 1873) to reauthorize the programs and activities of the Small Business Administration relating to procurement, and for other purposes. The first reading of the bill shall be dispensed with. All points of order against consideration of the bill are waived except those arising under clause 9 or 10 of rule XXI. General debate shall be confined to the bill and shall not exceed one hour equally divided and controlled by the chairman and ranking minority member of the Committee on Small Business. After general debate the bill shall be considered for amendment under the five-minute rule. It shall be in order to consider as an original bill for the purpose of amendment under the five-minute rule the amendment in the nature of a substitute recommended by the Committee on Oversight and Government Reform now printed in the bill. The committee amendment in the nature of a substitute shall be considered as read. All points of order against the committee amendment in the nature of a substitute are waived except those arising under clause 9 or 10 of rule XXI. Notwithstanding clause 11 of rule XVIII, no amendment to the committee amendment in the nature of a substitute shall be in order except those printed in the report of the Committee on Rules accompanying this resolution. Each such amendment may be offered only in the order printed in the report, may be offered only by a Member designated in the report, shall be considered as read, shall be debatable for the time specified in the report equally divided and controlled by the proponent and an opponent, shall not be subject to amendment, and shall not be subject to a demand for division of the question in the House or in the Committee of the Whole. All points of order against such amendments are waived except those arising under clause 9 or 10 of rule XXI. At the conclusion of consideration of the bill for amendment the Committee shall rise and report the bill to the House with such amendments as may have been adopted. Any Member may demand a separate vote in the House on any amendment adopted in the Committee of the Whole to the bill or to the committee amendment in the nature of a substitute. The previous question shall be considered as ordered on the bill and amendments thereto to final passage without intervening motion except one motion to recommit with or without instructions.

SEC. 2. During consideration in the House of H.R. 1873 pursuant to this resolution, notwithstanding the operation of the previous question, the Chair may postpone further consideration of the bill to such time as may be designated by the Speaker.

The SPEAKER pro tempore. The gentleman from California (Mr. CARDOZA) is recognized for 1 hour.

Mr. CARDOZA. Mr. Speaker, for the purpose of debate only, I yield the customary 30 minutes to the gentleman from Florida (Mr. LINCOLN DIAZ-

BALART). All time yielded during consideration of the rule is for debate only.

GENERAL LEAVE

Mr. CARDOZA. Mr. Speaker, I ask unanimous consent that Members may have 5 legislative days within which to revise and extend their remarks on H. Res. 383.

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

There was no objection.

Mr. CARDOZA. Mr. Speaker, I yield myself such times as I may consume.

Mr. Speaker, House Resolution 383 provides for consideration of H.R. 1873, the Small Business Fairness in Contracting Act, under a structured rule. The rule provides 1 hour of general debate equally divided and controlled by the chairman and ranking member of the Committee on Small Business. The rule makes in order the substitute reported by the Committee on Oversight and Government Reform as original text for the purpose of amendment. The substitute shall be considered as read.

The rule waives all points of order against consideration of the bill except for clauses 9 and 10 of rule XXI. The rule makes in order eight amendments that were submitted for consideration that are printed in the Rules Committee report on this accompanying resolution.

Finally, the rule provides one motion to recommit with or without instructions.

Mr. Speaker, the Small Business Fairness in Contracting Act, H.R. 1873, amends key sections of the Small Business Act to assist small businesses in participation in Federal procurement.

The predecessors to the Small Business Administration can be traced back to World War II and efforts by President Roosevelt and President Truman. In fact, during World War II, it was found to be in our national interest to ensure a strong and diverse industrial base.

Through a series of laws and procurement requirements, Congress established a benchmark to give small business every opportunity to compete fairly for the awarding of Federal contracts. Despite this clear mandate in existence for more than 50 years, small businesses, however, have not received their fair share of Federal Government contracts.

For example, in 2006, the Federal Government spent over \$417 billion on goods and services in 8.3 million separate contract actions. Small businesses won approximately \$80 billion in contracts, approximately 21.5 percent of these contracts. This was the sixth straight year that the government has failed to meet its 23 percent small business contracting goal. This cost entrepreneurs an estimated \$4.5 billion in lost contracting opportunities last year alone.

Small businesses suffered this massive loss, despite their importance to

our national economy. Small businesses are the engine of our economy. In fact, they are responsible for creating three out of every four jobs in the United States. We cannot afford our budding entrepreneurs to be shut out of what would be an open market and be denied the opportunity to succeed. Not when their existence is so vital to our national economy.

We should not be shutting them out. Instead, we should be opening doors and shepherding their growth to ensure continued prosperity.

There are many reasons for the failure to break the stranglehold on Federal contracting process. In response, H.R. 1873 takes several necessary steps to address some key causes. H.R. 1873 seeks to break down the barriers for countless entrepreneurs and small businesses that are on the road to opportunity.

First, the bill bans contract bundling. Past practice has been to combine two or more smaller contracts into a single, larger package. While this bundling may be administratively convenient, it reduces competition and opportunity for small businesses.

Bundling squeezes small businesses out of the contract competition, benefiting larger, full-scale businesses in the process; and when there is less competition, there is also higher cost on the taxpayer.

To add insult to injury, Federal agencies are skewing the data with respect to small businesses. To give the impression that 23 percent of small business contracting goals are being met, agencies are using contracts awarded to larger companies and including them towards their small business contracting goals. H.R. 1873 seeks to reverse these trends and make it easier for small businesses to compete in the Federal marketplace.

Second, the bill makes an appeals process more accessible. Under current law, small businesses are only allowed to protest the award of a contract if they are directly harmed by it, but they are unlikely to do so given the costs involved in the process. Under the bill, small businesses and trade associations acting on their behalf that are adversely affected, directly or indirectly, by a proposed procurement can now request that the SBA appeal the procurement on their behalf.

H.R. 1873 increases the procurement goals for small businesses. It increases the government-wide goal for the number of contracts awarded to small businesses from 23 to 25 percent, a goal which has not been raised in over 10 years. It also increases from 5 percent to 8 percent the government-wide contracting goals for both disadvantaged and women-owned small businesses.

The bill raises the threshold for small business contract set-asides to the simplified acquisition threshold. It also requires that an independent audit of the Central Contracting Registry be conducted on a biannual basis to ensure that large firms are not misrepresenting themselves as small businesses.

Mr. Speaker, the opportunity for open competition for Federal contracts is immensely important to small businesses. This bill has strong bipartisan support. It passed the Small Business Committee by a voice vote, and it was sequentially referred to the Committee on Oversight and Government Reform where it also passed by a voice vote.

I would like to thank both committees for their hard and thoughtful work in bringing this legislation to the floor today. In particular, I extend my thanks to Chairwoman VELÁZQUEZ, the subcommittee chairman, Mr. BRALEY, and Chairman WAXMAN.

Mr. Speaker, we all recognize the importance of small businesses to our economy, and we must act on this bill without further delay.

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

Mr. LINCOLN DIAZ-BALART of Florida. Mr. Speaker, I would like to thank my friend from California (Mr. CARDOZA) for the time, and I yield myself such time as I may consume.

Small business is the engine that drives our economic strength. The almost 26 million small businesses in the United States employ over half of all private sector workers and pay approximately 45 percent of total U.S. private payroll. Over the last decade, small businesses have generated 60 to 80 percent of new jobs each year.

Congress, for many decades, has acknowledged the important role small businesses play in the Federal procurement process. That is evidenced in the Small Business Act of 1953 which states: "It is the declared policy of the Congress that the government should aid, counsel, assist and protect the interests of small business concerns in order to preserve free competitive enterprise and to ensure that a fair proportion of the total purchases and contracts or subcontracts for property and services for the government be placed with small business enterprises."

In 2006, the Federal Government spent over \$417 billion on goods and services in 8.3 million separate contracts. Small businesses won a little over 21 percent of those contracts.

H.R. 1873, the Small Business Fairness in Contracting Act, seeks to assist small businesses' participation in the Federal procurement process.

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Among its provisions, it expands and clarifies the definition of contract bundling to try to ensure that small businesses can fairly compete for Federal contracts. Contract bundling combines two or more contracts into a single larger package. Bundling can put small businesses at a disadvantage in the procurement process because the bid price usually goes beyond what small businesses can afford.

This legislation, the underlying legislation, sets a target of 25 percent for the overall number of Federal contracts awarded to small businesses and a target of 8 percent for contracts

awarded to minority- and women-owned businesses. The bill also provides a mechanism for the SBA to work with Congress when it believes that the Federal contract was improperly bundled.

Mr. Speaker, yesterday the majority on the Rules Committee reported out yet another restrictive rule, going back once again on the promise for a more open and fair legislative process. What makes this rule most unfortunate is that it does not include even one Republican amendment. So I think the question is begged, how can the majority claim to be fostering an open legislative process when it totally shuts out the minority?

During testimony at the Rules Committee, Small Business Ranking Member CHABOT explained that the Government Oversight Committee subsequently made several major changes to the bill that would harm small businesses. He proposed several amendments to strike the harmful provisions and restore those in the original bill that came out of the Small Business Committee. Now these amendments were even supported by the Small Business Committee chairwoman, Ms. VELÁZQUEZ, but the majority in the Rules Committee ignored both Committee Chairwoman VELÁZQUEZ and Ranking Member CHABOT and did not make the amendments in order. That was totally uncalled for, and Mr. Speaker, this rule should be defeated.

Mr. Speaker, I reserve.

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

I would just like to respond to the gentleman and my good friend from Florida who serves with me on the Rules Committee. I would like to remind him that while it is true that no Republican amendments by themselves were in order, there certainly was made in order Ranking Member Mr. CHABOT's suggested return of amendments the way it was in the Small Business Committee. He paired with Congresswoman BEAN of Illinois, with Congressman SHULER of North Carolina and with Mr. SESTAK of Pennsylvania in coauthoring three amendments that were, in fact, made in order.

So to say that no Republican suggestions were made in order was simply not totally accurate. In fact, Mr. Speaker, three Democratic amendments and four Republican amendments were not made in order, but a significant number of them are going to be considered today.

We believe that this is, in fact, a very good use of the time of the Members of this House. The Committee on Government Reform is the watchdog committee for this House. They had some issues that they wanted to clarify in the legislation, and I think that the Rules Committee felt that their suggestions had merit in at least two cases.

I also want to make the point, Mr. Speaker, that this legislation is supported by the NFIB, the National Fed-

eration of Independent Business; the Women's Chamber of Commerce; the Hispanic Chamber of Commerce; the Women Impacting Public Policy; the National Small Business Association; and the Associated General Contractors of America.

Mr. Speaker, I have one additional speaker who requests some time who is not yet here, and so I reserve my time.

Mr. LINCOLN DIAZ-BALART of Florida. Mr. Speaker, it is quite interesting to see that now it is important for the minority to pair with members from the majority party in order to be considered, that pairing with someone from the other side makes the denial of amendments to all Republican amendments apparently fair.

Mr. Speaker, I yield 6 minutes to the distinguished gentleman from Georgia (Mr. PRICE).

Mr. PRICE of Georgia. Mr. Speaker, I thank the gentleman for yielding, and I appreciate him for providing leadership on this issue.

I would suggest, Mr. Speaker, that small business is indeed important and vital, but what is before us is not H.R. 1873, the Small Business Fairness in Contracting Act. What is before us is how this House will deal with that bill when it comes to the floor. What is before us is the rule that will allow or not allow open and active debate on this bill.

Now, the new majority has promised us an open and fair process. They promised the American people an open and fair process. But once again, this new majority has put forward a closed and restrictive rule which will not allow an up-or-down vote on many amendments, including one that I offered that would have applied pay-as-you-go spending principles to this legislation.

As my good friend from Florida mentioned, there are eight amendments that have been allowed, all of them, Mr. Speaker, with primary authors being from the majority party. Is that open? Is that fair?

Last term, Speaker PELOSI said, "Because the debate has been limited and Americans' voices silenced by this restrictive rule, I urge my colleagues to vote against the rule." Well, I agree, Mr. Speaker. What changed?

Last term, Mr. Speaker, Majority Leader STENY HOYER said, "Mr. Speaker, once again this House majority is resorting to heavy-handed tactics that are designed to do one thing only, to achieve a preordained result by shutting down a full and fair debate in this House." I agree, Mr. Speaker. What changed?

Last term, Mr. Speaker, the current Chair of the Rules Committee, Ms. SLAUGHTER, said, "If we want to foster democracy in this body, we should take the time and thoughtfulness to debate all major legislation under open rule, not just appropriations bills . . . An open process should be the norm and not the exception." Well, I agree, Mr. Speaker. What changed?

In fact, what has changed is that less than 3 percent of the bills that have been brought to this floor under this majority under a rule have been under an open rule, less than 3 percent. What changed, Mr. Speaker?

Last term, a member of the Rules Committee, Mr. MCGOVERN, said, "I would say to my colleagues on the other side of the aisle, if you want to show some bipartisanship, if you want to promote a process that has some integrity, this should be an open rule. All Members should have an opportunity to come here and offer amendments to this bill to improve the quality of deliberations on this House floor. They should be able to come and offer amendments to clean this place up." And I agree, Mr. Speaker. So what changed? What changed?

Mr. Speaker, last term, current Democrat Caucus Chair, Mr. EMANUEL said, "Let us have an up-or-down vote. Do not be scared. Do not hide behind some little rule. Come on out here. Put it out on the table, and let us have a vote. So do not hide behind the rule. If this is what you want to do, let us have an up-or-down vote." I agree, Mr. Speaker. What changed?

H.R. 1873, the bill today that we will talk about, seeks to increase the opportunity for small businesses to earn Federal contracts by addressing current barriers that face small businesses, and this is important. That is extremely important, but we should do so in a fiscally responsible way.

My amendment would have allowed or would have applied the principles of pay-as-you-go to any new spending authorized by this legislation by requiring that any new spending have a specific offset, be paid for, common sense. It is what we all have to do at home. It is what all of our constituents have to do at home.

Mr. Speaker, this majority, when it was running to take the majority last year, said, "Our new direction is committed to pay-as-you-go budgeting, no more deficit spending. We are committed to auditing the books and subjecting every facet of Federal spending to tough budget discipline and accountability, forcing the Congress to choose a new direction and the right priorities for all Americans." Mr. Speaker, what happened? What happened?

Last month, Majority Leader STENY HOYER was quoted and said, "We want to get the budget deficit under control. We have said fiscal responsibility was necessary, but we are not going to be hoisted on the torrent of fiscal responsibility." Mr. Speaker, heaven forbid that we should be hoisted on the torrent of fiscal responsibility.

Well, Mr. Speaker, rules are not rules if you only follow them when you want to, and the Democrats, the majority party, promised to use PAYGO rules for everything. Instead, they are picking and choosing when to do so. At home, we call that breaking a rule and breaking a promise.

So I urge the new majority to rededicate itself to its campaign promises, its

promises of pay-as-you-go spending and of an open and fair process. Fiscal responsibility and an open process should not be something that you just talk about solely before elections. We should be good stewards of the hard-earned money that Americans send to Washington in the form of their taxes all the time, not just during political campaigns.

So I urge my colleagues to oppose this closed and restrictive rule.

Mr. CARDOZA. Mr. Speaker, I yield myself as much time as I may consume.

Mr. Speaker, in the last Congress, in both sessions, the Rules Committee reported a grand total of three open rules that were not appropriation rules. Two of them were open rules with a preprinting requirement. In this session, the new majority, we have already done seven open rules, six with preprinting requirements. And that is just in over 4 months.

Say what you want, we have already had a fairer and far more open process than happened in just the last 2 years of the prior majority's rule, when their party ran this place.

Mr. Speaker, Mr. PRICE from Georgia indicated that he has proposed a rule to get our fiscal house in order, an amendment that would do that. Yet, he has offered that same amendment several times in other pieces of legislation. Every time when it was allowed and came to the floor, his amendment failed.

Further, I would like to just mention the fact that the current majority has, in fact, instigated PAYGO rules in the House of Representatives, and so we have made that the law of the House. We, in fact, are bringing fiscal responsibility to this House on a daily basis, something that the prior party in charge was not able to do over 14 years while they were in charge. In fact, the deficit went up at an astounding rate while they were in control of this institution, and it has been the Democrats who have come back to power and are instigating PAYGO rules and fiscal responsibility in the House of Congress.

Mr. PRICE of Georgia. Mr. Speaker, will the gentleman yield?

Mr. CARDOZA. I yield to the gentleman from Georgia for a question.

Mr. PRICE of Georgia. Mr. Speaker, I appreciate the gentleman yielding, and I appreciate you also stating that time and time again this majority party has defeated PAYGO, an amendment that would have provided responsible fiscal spending on the part of the Federal Government, that I have offered.

What it does, does it not, bring clarity to the issue—

Mr. CARDOZA. Mr. Speaker, I reclaim my time. The point of my claim was the gentleman's amendment had failed because we have already instituted the PAYGO rules in our rules of the House of Representatives, and we do that on a daily basis.

When the gentleman's party was in power for a number of years, we saw

the largest deficit increases in the history of our country, more foreign debt that they piled on to our Nation, and in fact, we are reversing the course that they set out in their prior control of Congress.

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

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Mr. LINCOLN DIAZ-BALART of Florida. Mr. Speaker, I yield myself such time as I may consume.

I thank my friend, my colleague from California, for having admitted on the record that the new majority has seen fit during this Congress to pass one open rule, and that was on the Advanced Fuels Infrastructure Research and Development Act, and I think that's important to be noted.

Now, rules where there are requirements with having to print amendments before the debate begins are not open rules, even though our friends on the majority side have tried to redefine definitions, redraft definitions. But the reality of the matter is that there has been an admission on the floor that there has been one open rule with regard to a noncontroversial bill, and that's the fact.

Now, why is that important? Because they were the party that campaigned on opening the process. So that's why it's a relevant fact that there has been one open rule.

Mr. Speaker, I yield 4 minutes to my distinguished friend, a great leader from Texas (Mr. SESSIONS).

Mr. SESSIONS. I want to thank the gentleman from Florida, a member of the Rules Committee, who I look up to and is a great mentor. I thank the gentleman for yielding the time.

Mr. Speaker, I, too, rise in strong opposition to this rule, which completely shuts out the minority from offering any amendments to improve this legislation.

Last night, the Rules Committee met to consider the 14 amendments offered by Members to improve this legislation; and the Democratic majority voted along party lines to prevent any amendments offered by a Republican from being considered.

I wish I could say that I was surprised by this outcome, but this is nothing new. This new Democratic majority decided to break its campaign trail promises to open up legislative process for all Members. Instead, they have chosen, once again, to play party politics and to help the Rules Committee to solidify its position and reputation as the graveyard of good ideas in the House of Representatives.

I offered one of the Republican amendments that will not be considered by the House today because of the partisanship in the Rules Committee. My amendment would have struck section 303, which mandates the automatic annual recertification of successful small businesses, whether this recertification is necessary or not.

Section 303 will create an administrative nightmare for small businesses

who wish to contract with the Federal Government. Mandating this annual recertification creates a disincentive for businesses to contract with the government, because filing this unnecessary paperwork takes time, takes money and takes manpower, proving that the actions we take here in Congress actually do have real-world consequences.

The Small Business Administration already has the discretion to determine how frequently small businesses must recertify, and the SBA studied and rejected this annual recertification because it would create, as they call it, an unnecessary burden for small business.

The SBA has already passed a recertification rule that goes into effect in June of this year. This rule will protect small business contracts without the added costs and headaches associated with the Democratic majority's heavy-handed proposal. Congress should have allowed the SBA rule to take effect before mandating this new, unnecessary statutory paperwork.

The failure of the Democratic majority to include my amendment proves that this bill is more about politics than it is about policy. Yesterday, person after person from both parties talked about how great it would be for us to help the great engine of this economy, small business. Yet we find out, when it really comes down to it, they want to put rules and regulations on small businesses, whether they are needed or not.

Mr. Speaker, I ask to insert in the RECORD the Statement of Administration Policy for the bill which specifically states that the bill would impose additional detailed reporting requirements on agencies and prime contractors that would increase costs without clear benefits.

STATEMENT OF ADMINISTRATION POLICY, H.R. 1873—SMALL BUSINESS FAIRNESS IN CONTRACTING ACT

(REPRESENTATIVE BRALEY (D), IA AND 29 COSPONSORS)

The Administration supports efforts to increase opportunities for small businesses to compete for Federal government acquisitions. The Administration, however, opposes H.R. 1873, because it would impose broad, burdensome statutory restrictions on Federal agencies' ability to conduct acquisitions and establish unrealistic small business procurement goals. Although the Administration appreciates the efforts of the House Oversight and Government Reform Committee to address some of the Administration's concerns, its reported bill contains many of the same objectionable provisions as the introduced bill and the bill as reported by the House Small Business Committee.

Among its objectionable provisions, H.R. 1873 would impose costly and time-consuming requirements on thousands of agency acquisitions through an overly-expansive definition of "contract bundling" that would include construction contracts, new procurements not previously performed by or considered suitable for small businesses, and task and delivery orders under existing contracts even when bundling justifications were already performed under such contract. These requirements would be in addition to

existing rules that already require review of all agency procurements for small business opportunities.

Additionally, the bill would establish unrealistic government-wide and individual agency small business procurement goals that could undermine the small business procurement goal process. Moreover, both the increase in goals and the restrictions on allowing a small business to be counted for only one preferred small business contracting category raise constitutional questions by establishing new race- and gender-based Government preferences without presenting a strong basis in evidence that these preferences meet constitutional standards.

The bill also would overturn a recently issued small business regulation that guards against the abuse of small business preferences while allowing an affected small business a reasonable period of time to take advantage of such preferences during performance of a Federal procurement contract. Finally, the bill would impose additional detailed reporting requirements on agencies and prime contractors that would increase costs without clear benefits.

The Administration would strongly oppose amendments to require the Office of Management and Budget intervention in individual agency acquisition decisions, thereby removing the discretion and flexibility that agencies must have to accomplish their missions by contracting for needed supplies and services. The Administration also would strongly oppose any amendments that require individual agency goals to be no lower than government-wide statutory small business goals, or that apply small business goals to overseas acquisitions.

The Administration looks forward to working with Congress to increase opportunities for small businesses without unnecessarily disrupting agency operations and imposing burdensome requirements on agencies and contractors.

I ask for all my colleagues to oppose this partisan rule, this restrictive rule that will do very little to help small businesses.

Mr. CARDOZA. Mr. Speaker, I would just like to respond to my good friend from Texas and state the committee considered his amendment, proposed amendment, and rejected it for a large reason, because we feel that it is important to make companies certify that they are, in fact, small businesses, that there have been mistakes made in the past, that companies have gotten beyond the threshold and have won contracts that they may not be authorized to do.

Just because the Small Business Administration periodically will go and check that, we don't believe that that is enough of a cause to require that other small businesses be shut out of the process because companies that grow beyond the requirements are allowed special treatment.

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

Mr. LINCOLN DIAZ-BALART of Florida. I would like to thank Mr. CARDOZA, my good friend, and all those who have spoken during this debate.

Mr. Speaker, I would like to reiterate my call for the defeat of this restrictive rule. It is an unfair rule, it is unnecessarily restrictive, and it closes down debate. For that reason, I urge the defeat of this rule.

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

Mr. CARDOZA. Mr. Speaker, in my close, I just want to assure the Members of Congress that we are, in fact, running the most open process in this Congress, that, in fact, we have provided seven open rules.

Now those rules may have a pre-printing requirement, as Mr. DIAZ-BALART mentioned, the gentleman from Florida. In fact, though, requiring a pre-printing requirement allows every Member who desires to put forward an idea to come and have their ideas presented to the House. That is much more than what happened in the prior Congress, when they were in charge. We are keeping our commitment to running an open process.

As I mentioned, this legislation is very worthy of this rule and of passage. As I mentioned, small businesses have not received their fair share of Federal Government contracts, despite their importance to our economy. The bill before us today, H.R. 1873, addresses some of the key causes.

By making a few targeted reforms to the procurement process, we can help thousands of small businesses and give a much-needed jolt to our national economy. We must continue to shepherd our small businesses to give them every opportunity to succeed for today and for tomorrows yet to come. This bill will move us in that direction, and a small business will be that much closer to making their dreams of prosperity a reality.

I urge a "yes" vote on the rule and on the previous question.

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

The previous question was ordered.

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

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

Mr. LINCOLN DIAZ-BALART of Florida. Mr. Speaker, on that I demand the yeas and nays.

The yeas and nays were ordered.

The SPEAKER pro tempore. Pursuant to clause 8 of rule XX, further proceedings on this question will be postponed.

PROVIDING FOR CONSIDERATION OF H.R. 1684, DEPARTMENT OF HOMELAND SECURITY AUTHORIZATION ACT FOR FISCAL YEAR 2008

Ms. MATSUI. Mr. Speaker, by direction of the Committee on Rules, I call up House Resolution 382 and ask for its immediate consideration.

The Clerk read the resolution, as follows:

H. RES. 382

Resolved, That at any time after the adoption of this resolution the Speaker may, pursuant to clause 2(b) of rule XVIII, declare the House resolved into the Committee of the Whole House on the state of the Union for