

Once again, I wish to commend my colleagues for their excellent work on this landmark legislation. I look forward to a reinvigorated CPSC, equipped with the necessary resources and authority needed to be the consumer's "cop on the beat", keeping Americans safe from dangerous products.

Mr. WHITFIELD. Madam Speaker, I rise today in support of this conference report for the Consumer Product Safety Improvement Act.

To begin, I would like to thank Chairman BOBBY RUSH, the original author of this bill, for his tremendous leadership on this issue. He has been in our thoughts and prayers and we are extremely pleased to see he is back and recovering. I look forward to continuing our important work together.

I also would like to thank full Committee Chairman JOHN DINGELL and Ranking Member JOE BARTON for their collaborative work during this conference. Unfortunately, we have seen in recent history that the minority—on both sides of the aisle—have been shut out of conference negotiations. We are here today under the best of circumstances, and I credit this to their character and hard work.

Madam Speaker, we were all horrified at the number of children's products that were recalled last year. I am glad the Commission worked so hard to get those potentially dangerous products off the store shelves and this bill will make that important job easier and more effective.

When parents purchase toys the last thing they should be worried about are toxic levels of lead, potential chemical side effects from accidentally swallowing a toy, or similar health hazards.

Both chambers acted swiftly to approve legislation—and I might add the House voted unanimously—to better fund and equip the Consumer Product Safety Commission (CPSC) so they can help prevent another "year of the recall."

Today's conference report represents months of work to get a strong but reasoned bill that protects our children, and to send it to the President for his signature into law. Among other provisions, the conference report sets the toughest lead standard for children's products in the world. We require the CPSC to lower allowable lead to only trace amounts, and task them to revise this standard downward if it is technologically possible. We also require mandatory third party testing for children's products to ensure compliance with CPSC regulations and standards.

As I mentioned, the conferees acknowledged that the CPSC has been underfunded and understaffed for years. To alleviate that, we increase the authorization levels significantly in the first year and then by approximately 7 percent for each of the next 4 years. These new resources will allow the Commission to hire additional staff and update their laboratory to help them do their job more effectively. This conference report also increases the penalties for bad actors and enhances the authority of State Attorneys General to seek appropriate injunctive relief, so that dangerous children's products don't make it into the hands of our kids and grandkids.

Finally, I would like to address one of the more controversial provisions relating to a group of chemical plasticizers known as phthalates. Most of us in Congress are not scientists; however, concerns were raised that

some phthalates could potentially be harmful to young children and pregnant mothers.

While I support restricting the use of the certain phthalates that many scientists agree are harmful, I have some concerns about the interim prohibition on other phthalates that are considered to be safe. We obviously do not want to replace one safe plasticizer with a lesser known and potentially more harmful one. However, I am pleased that we asked the CPSC to quickly form an expert panel to review these phthalates and their alternatives to ensure we get it right.

I also would just like to note that the conferees on both sides of this issue worked in good faith to find a true compromise on this section, and I believe they all should be commended for their hard work and open mindedness.

I would also like to briefly mention the issue of Federal preemption. While this is sometimes a contentious issue, I believe that it is important that businesses are given some certainty as to what rules they must follow, and who will be enforcing those rules. A confusing patchwork of State laws ultimately benefits no one.

So, I am glad that this conference report preempts State standards—notably for lead, lead paint and the phthalates I mentioned—and that the authority of the State Attorneys General is appropriately limited to ensure that enforcement is swift, efficient, and consistent across the country. All of the children in America will be protected equally and vigorously.

Madam Speaker, I strongly support this conference report as the compromise product of a good process. In closing, I would again just like to thank all the members of the conference committee on both sides of the Capitol and their staffs, including my own staff, James Robertson, for working tirelessly to produce a law that will maximize our opportunity to protect children from dangerous toys and products.

Mr. VAN HOLLEN. Madam Speaker, I rise in strong support of this conference report and commend the conferees for their decision to prioritize public health in this final legislation.

At the end of last year, as the country was awash in reports of unsafe levels of lead being found in children's toys, I expressed the hope that this Congress' final CPSC Reform bill would embrace the improved recall notice and strengthened enforcement authority in the House-passed bill while going beyond the scope of mandatory product testing, enhance a family's right to know about dangerous and defective products on the market, and provide robust whistleblower protections for those courageous enough to bring serious safety hazards to light.

After months of negotiations, I am gratified that this conference report accomplishes all of these objectives. H.R. 4040 retains the House bill's original focus on ensuring meaningful public notice for product recalls and empowering states' Attorneys General to help enforce Federal law. Additionally, today's conference report requires mandatory pre-market safety testing for lead and other safety standards in toys, cribs and other children's products—without preempting stronger State protocols like those we have in Maryland. It requires the CPSC to create a searchable and user-friendly public database on deaths and serious injuries resulting from consumer products so that par-

ents have access to the information they need to protect themselves and their children. And it provides important whistleblower protections to private sector employees who report violations of CPSC-enforced product safety requirements.

Finally, this legislation takes the long overdue step of banning lead above truly minute amounts from products intended for children under twelve, and it outlaws a number of dangerous chemicals called phthalates from children's toys and child care items.

Madam Speaker, this conference report represents a vitally important bipartisan agreement on behalf of America's families. I urge a "yes" vote.

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

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Michigan (Mr. DINGELL) that the House suspend the rules and agree to the conference report to the bill, H.R. 4040.

The question was taken.

The SPEAKER pro tempore. In the opinion of the Chair, two-thirds being in the affirmative, the ayes have it.

Mr. BARTON of Texas. Madam 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 and the Chair's prior announcement, further proceedings on this motion will be postponed.

REPORT ON RESOLUTION PROVIDING FOR CONSIDERATION OF H.R. 1338, PAYCHECK FAIRNESS ACT

Mr. HASTINGS of Florida, from the Committee on Rules, submitted a privileged report (Rept. No. 110-807) on the resolution (H. Res. 1388) providing for consideration of the bill (H.R. 1338) to amend the Fair Labor Standards Act of 1938 to provide more effective remedies to victims of discrimination in the payment of wages on the basis of sex, and for other purposes, which was referred to the House Calendar and ordered to be printed.

REPORT ON RESOLUTION PROVIDING FOR CONSIDERATION OF CONFERENCE REPORT TO ACCOMPANY H.R. 4137, HIGHER EDUCATION OPPORTUNITY ACT

Mr. HASTINGS of Florida, from the Committee on Rules, submitted a privileged report (Rept. No. 110-808) on the resolution (H. Res. 1389) providing for consideration of the conference report to accompany the bill (H.R. 4137) to amend and extend the Higher Education Act of 1965, and for other purposes, which was referred to the House Calendar and ordered to be printed.

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore. Pursuant to clause 8 of rule XX, proceedings

will resume on motions to suspend the rules previously postponed.

Votes will be taken in the following order:

H.R. 1108, de novo;

Conference report on H.R. 4040, by the yeas and nays.

The first electronic vote will be conducted as a 15-minute vote. The second electronic vote will be conducted as a 5-minute vote.

FAMILY SMOKING PREVENTION AND TOBACCO CONTROL ACT

The SPEAKER pro tempore. The unfinished business is the question on suspending the rules and passing the bill, H.R. 1108, as amended.

The Clerk read the title of the bill.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Michigan (Mr. DINGELL) that the House suspend the rules and pass the bill, H.R. 1108, as amended.

The question was taken.

The SPEAKER pro tempore. In the opinion of the Chair, two-thirds being in the affirmative, the ayes have it.

Mr. BARTON of Texas. Madam Speaker, on that I demand the yeas and nays.

The yeas and nays were ordered.

The vote was taken by electronic device, and there were—yeas 326, nays 102, not voting 6, as follows:

[Roll No. 542]

YEAS—326

| | | |
|----------------|--------------|-----------------|
| Abercrombie | Castor | Everett |
| Ackerman | Cazayoux | Fallin |
| Alexander | Chabot | Farr |
| Allen | Chandler | Fattah |
| Altmire | Childers | Ferguson |
| Andrews | Clarke | Filner |
| Arcuri | Clay | Fortenberry |
| Baird | Cleaver | Fossella |
| Baldwin | Clyburn | Foster |
| Barrow | Cohen | Frank (MA) |
| Bartlett (MD) | Conyers | Frelinghuysen |
| Bean | Cooper | Galleghy |
| Becerra | Costa | Gerlach |
| Berkley | Costello | Giffords |
| Berman | Courtney | Gilchrest |
| Berry | Cramer | Gillibrand |
| Biggert | Crenshaw | Gonzalez |
| Bilbray | Crowley | Gordon |
| Bilirakis | Cuellar | Granger |
| Bishop (GA) | Cummings | Graves |
| Bishop (NY) | Davis (AL) | Green, Al |
| Blumenauer | Davis (CA) | Green, Gene |
| Bonner | Davis (IL) | Grijalva |
| Bono Mack | Davis, Tom | Gutierrez |
| Boozman | DeFazio | Boehner |
| Boren | DeGette | Hall (NY) |
| Boswell | Delahunt | Hall (TX) |
| Boucher | DeLauro | Hare |
| Boyd (FL) | Dent | Harman |
| Boyd (KS) | Dicks | Hastings (FL) |
| Brady (PA) | Dingell | Hastings (WA) |
| Brady (TX) | Doggett | Herseth Sandlin |
| Braley (IA) | Donnelly | Higgins |
| Brown (SC) | Doyle | Hill |
| Brown, Corrine | Drake | Hinchey |
| Buchanan | Dreier | Hinojosa |
| Burton (IN) | Duncan | Hirono |
| Butterfield | Edwards (MD) | Hobson |
| Camp (MI) | Edwards (TX) | Hodes |
| Cantor | Ehlers | Hoekstra |
| Capito | Ellison | Holden |
| Capps | Ellsworth | Holt |
| Capuano | Emanuel | Honda |
| Cardoza | Emerson | Hooley |
| Carnahan | Engel | Hoyer |
| Carney | English (PA) | Inslee |
| Carson | Eshoo | Israel |
| Castle | Etheridge | Jackson (IL) |

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| Jackson-Lee (TX) | Mitchell | Shays |
| Jefferson | Mollohan | Shea-Porter |
| Johnson (GA) | Moore (KS) | Sherman |
| Johnson (IL) | Moore (WI) | Shimkus |
| Johnson, E. B. | Moran (KS) | Shuster |
| Johnson, Sam | Moran (VA) | Simpson |
| Jones (OH) | Murphy (CT) | Sires |
| Kagen | Jones (OH) | Skelton |
| Kanjorski | Murphy, Patrick | Slaughter |
| Kaptur | Murphy, Tim | Smith (NJ) |
| Kennedy | Murtha | Smith (TX) |
| Kildee | Nadler | Smith (WA) |
| Kilpatrick | Napolitano | Snyder |
| Kind | Neal (MA) | Solis |
| King (NY) | Oberstar | Space |
| Kirk | Obey | Speier |
| Klein (FL) | Olver | Spratt |
| Knollenberg | Ortiz | Stark |
| Kucinich | Pallone | Stupak |
| Kuhl (NY) | Pascarell | Sutton |
| LaHood | Pastor | Tanner |
| Lampson | Payne | Tauscher |
| Langevin | Perlmutter | Taylor |
| Larsen (WA) | Peterson (MN) | Terry |
| Larson (CT) | Peterson (PA) | Thompson (CA) |
| LaTourette | Pickering | Thompson (MS) |
| Lee | Platts | Tiahrt |
| Levin | Pomeroy | Tiberi |
| Lewis (GA) | Porter | Tierney |
| Linder | Price (NC) | Towns |
| Lipinski | Pryce (OH) | Tsongas |
| LoBiondo | Putnam | Turner |
| Loeb sack | Rahall | Udall (CO) |
| Lofgren, Zoe | Ramstad | Udall (NM) |
| Lowe y | Regula | Upton |
| Lynch | Rehberg | Van Hollen |
| Mahoney (FL) | Reichert | Velázquez |
| Manzullo | Renzi | Visclosky |
| Mark ey | Reyes | Walden (OR) |
| Marshall | Richardson | Walsh (NY) |
| Matheson | Rodriguez | Walz (MN) |
| Matsui | Rogers (AL) | Wamp |
| McCarthy (CA) | Rogers (MI) | Wasserman |
| McCarthy (NY) | Ros-Lehtinen | Schultz |
| McCaul (TX) | Roskam | Waters |
| McCollum (MN) | Ross | Watson |
| McDermott | Rothman | Watt |
| McGovern | Roybal-Allard | Waxman |
| McHugh | Ruppersberger | Weiner |
| McIntyre | Rush | Welch (VT) |
| McKeon | Ryan (OH) | Weller |
| McMorris | Salazar | Wexler |
| Rodgers | Sánchez, Linda T. | Wilson (NM) |
| McNerney | Sanchez, Loretta | Wilson (OH) |
| McNulty | Sarbanes | Wittman (VA) |
| Meek (FL) | Saxton | Wolf |
| Meeks (NY) | Schakowsky | Woolsey |
| Melancon | Schiff | Wu |
| Michaud | Schwartz | Yarmuth |
| Miller (MI) | Scott (GA) | Young (AK) |
| Miller (NC) | Scott (VA) | Young (FL) |
| Miller, George | Serrano | |
| | Sestak | |

NAYS—102

| | | |
|-----------------|--------------------|---------------|
| Aderholt | Franks (AZ) | Miller (FL) |
| Akin | Garrett (NJ) | Miller, Gary |
| Baca | Gingrey | Musgrave |
| Bachmann | Gohmert | Myrick |
| Bachus | Goode | Neugebauer |
| Barrett (SC) | Goodlatte | Nunes |
| Barton (TX) | Hayes | Paul |
| Bishop (UT) | Heller | Pearce |
| Blackburn | Hensarling | Pence |
| Boehner | Herger | Petri |
| Boustany | Hunter | Pitts |
| Broun (GA) | Inglis (SC) | Poe |
| Burgess | Issa | Price (GA) |
| Buyer | Jones (NC) | Radanovich |
| Calvert | Jordan | Reynolds |
| Campbell (CA) | Keller | Rogers (KY) |
| Cannon | King (IA) | Rohrabacher |
| Carter | Kingston | Royce |
| Coble | Kline (MN) | Ryan (WI) |
| Cole (OK) | Lamborn | Sali |
| Conaway | Latham | Scalise |
| Culberson | Latta | Schmidt |
| Davis (KY) | Lewis (CA) | Sensenbrenner |
| Davis, David | Lewis (KY) | Sessions |
| Davis, Lincoln | Lucas | Shadegg |
| Deal (GA) | Lungren, Daniel E. | Shuler |
| Diaz-Balart, L. | Mack | Smith (NE) |
| Diaz-Balart, M. | Marchant | Souder |
| Doolittle | McCotter | Stearns |
| Feeney | Flake | Sullivan |
| Inslee | McCrery | Tancredo |
| Forbes | McHenry | |
| Foxx | Mica | |

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| Thornberry | Weldon (FL) | Whitfield (KY) |
| Walberg | Westmoreland | Wilson (SC) |

NOT VOTING—6

| | | |
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| Blunt | Cubin | Rangel |
| Brown-Waite, | Hulshof | |
| Ginny | Maloney (NY) | |

Messrs. SULLIVAN, SOUDER, CARTER, WALBERG and ISSA changed their vote from “yea” to “nay.”

Mrs. JONES of Ohio, Mr. TIAHRT and Ms. FALLIN changed their vote from “nay” to “yea.”

□ 1836

So (two-thirds being in the affirmative) the rules were suspended and the bill, as amended, was passed.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

CONFERENCE REPORT ON H.R. 4040, CONSUMER PRODUCT SAFETY IMPROVEMENT ACT OF 2008

The SPEAKER pro tempore (Mr. CUELLAR). The unfinished business is the vote on the motion to suspend the rules and agree to the conference report to the bill, H.R. 4040, on which the yeas and nays were ordered.

The Clerk read the title of the bill.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Michigan (Mr. DINGELL) that the House suspend the rules and agree to the conference report to the bill, H.R. 4040.

This will be a 5-minute vote.

The vote was taken by electronic device, and there were—yeas 424, nays 1, not voting 9, as follows:

[Roll No. 543]

YEAS—424

| | | |
|---------------|----------------|-----------------|
| Abercrombie | Boustany | Cooper |
| Ackerman | Boyd (FL) | Costa |
| Aderholt | Boyda (KS) | Costello |
| Akin | Brady (PA) | Courtney |
| Alexander | Brady (TX) | Cramer |
| Allen | Braley (IA) | Crenshaw |
| Altmire | Brown (SC) | Crowley |
| Andrews | Brown, Corrine | Cuellar |
| Arcuri | Buchanan | Culberson |
| Baca | Burgess | Cummings |
| Bachmann | Burton (IN) | Davis (AL) |
| Bachus | Butterfield | Davis (CA) |
| Baird | Calvert | Davis (IL) |
| Baldwin | Camp (MI) | Davis (KY) |
| Barrett (SC) | Campbell (CA) | Davis, David |
| Barrow | Cannon | Davis, Lincoln |
| Bartlett (MD) | Cantor | Davis, Tom |
| Barton (TX) | Capito | Deal (GA) |
| Bean | Capps | DeFazio |
| Becerra | Capuano | DeGette |
| Berkley | Cardoza | Delahunt |
| Berman | Carnahan | DeLauro |
| Berry | Carney | Dent |
| Biggert | Carson | Diaz-Balart, L. |
| Bilbray | Carter | Diaz-Balart, M. |
| Bilirakis | Castle | Dingell |
| Bishop (GA) | Castor | Doggett |
| Bishop (NY) | Cazayoux | Donnelly |
| Bishop (UT) | Chabot | Doolittle |
| Blackburn | Chandler | Doyle |
| Blumenauer | Childers | Drake |
| Blunt | Clarke | Dreier |
| Boehner | Clay | Duncan |
| Bonner | Cleaver | Edwards (MD) |
| Bono Mack | Clyburn | Edwards (TX) |
| Boozman | Coble | Ehlers |
| Boren | Cohen | Ellison |
| Boswell | Cole (OK) | Ellsworth |
| Boucher | Conaway | Emanuel |