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110TH CONGRESS, 1st Session | HOUSE OF REPRESENTATIVES | REPORT 110–349

PROVIDING FOR CONSIDERATION OF THE BILL (H.R. 2693) TO DIRECT THE OCCUPATIONAL SAFETY AND HEALTH ADMINISTRATION TO ISSUE A STANDARD REGULATING WORKER EXPOSURE TO DIACETYL

SEPTEMBER 25, 2007.—Referred to the House Calendar and ordered to be printed

Ms. SUTTON, from the Committee on Rules, submitted the following

REPORT

[To accompany H. Res. 678]

The Committee on Rules, having had under consideration House Resolution 678, by a record vote of 7–3, with one member voting present, report the same to the House with the recommendation that the resolution be adopted.

SUMMARY OF PROVISIONS OF THE RESOLUTION

The resolution provides for consideration of H.R. 2693, the Popcorn Workers Lung Disease Prevention Act, under a structured rule. The rule provides one hour of general debate equally divided and controlled by the chairman and ranking minority member of the Committee on Education and Labor. The rule waives all points of order against consideration of the bill except clauses 9 and 10 of rule XXI. The rule provides that the amendment in the nature of a substitute recommended by the Committee on Education and Labor now printed in the bill shall be considered as an original bill for the purpose of amendment and shall be considered as read. All points of order against the committee amendment in the nature of a substitute are waived except clause 10 of rule XXI.

The rule makes in order only those amendments printed in this report. The amendments made in order may be offered only in the order printed in this report, may be offered only by a Member designated in this report, shall be considered as read, shall be debatable for the time specified in this 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 a division of the question in the House or in the Committee of the Whole. All points of order against the amendments except for clauses 9 and 10 of rule XXI are waived. The rule provides one motion to recommit with or without instructions. The rule provides that, notwithstanding the operation of the previous question, the Chair may

postpone further consideration of the bill to a time designated by the Speaker.

EXPLANATION OF WAIVERS

The rule waives all points of order against consideration of the bill (except for clauses 9 and 10 of rule XXI) and against the committee amendment in the nature of a substitute (except for clause 10 of rule XXI). The waiver of all points of order against the amendment in the nature of a substitute includes a waiver of clause 7 of rule XVI, relating to germaneness.

COMMITTEE VOTES

The results of each record vote on an amendment or motion to report, together with the names of those voting for and against, are printed below:

Rules Committee record vote No. 315

Date: September 25, 2007.
Measure: H.R. 2693.
Motion by: Mr. Hastings (WA).
Summary of motion: To grant an open rule.
Results: Defeated 3–8.
Vote by Members: Hastings (FL)—Nay; Matsui—Nay; Cardoza—Nay; Welch—Nay; Castor—Nay; Arcuri—Nay; Sutton—Nay; Dreier—Yea; Diaz-Balart—Yea; Hastings (WA)—Yea; Slaughter—Nay.

Rules Committee record vote No. 316

Date: September 25, 2007.
Measure: H.R. 2693.
Motion by: Mr. Dreier.
Summary of motion: To add clause 9 of rule XXI to the exception of waivers against the committee amendment in the nature of a substitute.
Results: Defeated 3–8.
Vote by Members: Hastings (FL)—Nay; Matsui—Nay; Cardoza—Nay; Welch—Nay; Castor—Nay; Arcuri—Nay; Sutton—Nay; Dreier—Yea; Diaz-Balart—Yea; Hastings (WA)—Yea; Slaughter—Nay.

Rules Committee record vote No. 317

Date: September 25, 2007.
Measure: H.R. 2693.
Motion by: Hastings (FL).
Summary of motion: To report the rule.
Results: Adopted 7–3, with one member voting present.
Vote by Members: Hastings (FL)—Yea; Matsui—Yea; Cardoza—Pres; Welch—Yea; Castor—Yea; Arcuri—Yea; Sutton—Yea; Dreier—Nay; Diaz-Balart—Nay; Hastings (WA)—Nay; Slaughter—Yea.

SUMMARY OF AMENDMENTS MADE IN ORDER UNDER THE RULE

Miller, George (CA) Manager's Amendment. The amendment clarifies that a standard will only be needed if diacetyl is still in

use. Second, it clarifies that Section 4, calling for a NIOSH study, applies to potential substitutes for diacetyl. (10 minutes)

Wilson, Joe (SC). The amendment requires the Occupational Safety and Health Administration to wait until the National Institute for Occupational Safety and Health (NIOSH) concludes there is sufficient data to support a recommended exposure limit and establishes such recommended exposure limit before issuing a final standard. (10 minutes)

TEXT OF AMENDMENTS MADE IN ORDER UNDER THE RULE

1. AN AMENDMENT TO BE OFFERED BY REPRESENTATIVE GEORGE MILLER OF CALIFORNIA, OR HIS DESIGNEE, DEBATABLE FOR 10 MINUTES

Page 6, line 21, insert ", if at such time, diacetyl is still being processed or utilized in facilities subject to such Act" after "diacetyl".

Page 7, line 5, strike "of" and insert "for".

Page 7, line 7, strike "used in the production" and all that follows through "NIOSH" and insert "that may be used as substitutes for diacetyl and".

Page 7, strike lines 13 through 18 and insert the following:

(b) CONSTRUCTION.—Nothing in this section shall be construed as affecting the timing of the rulemaking outlined in section 2.

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2. AN AMENDMENT TO BE OFFERED BY REPRESENTATIVE WILSON OF SOUTH CAROLINA, OR HIS DESIGNEE, DEBATABLE FOR 10 MINUTES

Page 6, line 18, strike "the date of enactment of this Act," and insert "the National Institute for Occupational Safety and Health concludes there is sufficient data to support a recommended exposure limit and establishes such recommended exposure limit,".

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