

have caused the lung disease. Since that time, cases of popcorn lung have been identified in microwave popcorn workers in several States: Missouri, Iowa, Ohio, New Jersey, and Illinois. In all, NIOSH conducted six investigations at 10 microwave popcorn facilities, finding respiratory impairment among workers at a majority of the plants.

The science on this chemical's danger is clear. Beyond the NIOSH investigations, the Centers for Disease Control and Prevention called for health care providers to report additional suspected cases of respiratory disease in workers exposed to food-flavoring chemicals.

That was 5 years ago. This past April, the CDC again recommended that employers implement safety measures to minimize worker exposures to flavoring chemicals such as diacetyl.

When I asked Secretary of Labor, Elaine Chao, during an appropriations budget hearing why OSHA was dragging its feet on issuing an "emergency temporary standard," she responded, "This is a difficult evaluation because of the relative lack of specific scientific information concerning the health effects of diacetyl and other butter flavoring chemicals." Indeed, we should not be too surprised by the fact that, even after all these years, OSHA has failed to issue a standard to protect workers from exposure to diacetyl, preferring to rely instead on voluntary efforts.

The science is there. Scientists have called diacetyl's effect on workers' lungs "astonishingly grotesque." They likened it to "inhaling acid." Workers who are exposed to diacetyl today cannot afford to wait. This legislation would require engineering controls, respiratory protection, exposure monitoring, medical surveillance, and worker training. It would also apply to popcorn manufacturing and packaging as well as to the food flavorings industry.

Let me just tell you what the industry has done. ConAgra Foods and Pop Weaver, two major producers of microwave popcorn, have already announced that they will no longer use diacetyl to flavor their microwave popcorn because they understand it. They see the science and know that we have to act.

□ 1045

We have a responsibility in this body to both consumers and to workers. Yesterday, however, Kraft Foods announced a new toasted butter flavor which contains diacetyl; in fact, Kraft Company flavorist, Susan Parker, told reporters, "To some customers diacetyl is not an issue; to others, it is. We're moving forward to formulating solutions to meet customer need." But what Kraft fails to realize and fails to mention is that diacetyl is an issue for all workers. This much we know, and that is why we need this legislation.

I urge my colleagues to support this rule.

Mr. LINCOLN DIAZ-BALART of Florida. Mr. Speaker, I will be asking

for a "no" vote on the previous question so that we can amend this rule and allow the House to consider a change to the rules of the House to restore accountability and enforceability to the earmark rule.

Under the current rule, so long as the chairman or sponsor of a bill, joint resolution, conference report or manager's amendment includes either a list of earmarks contained in the bill or report or a statement that there are no earmarks, no point of order lies against the bill. This is the same as the rule in the last Congress. However, under the rule, as it functioned under the Republican majority in the 109th Congress, even if the point of order was not available on the bill, it was always available on the rule as a question of consideration. But because the Democratic Rules Committee specifically exempts earmarks from the waiver of all points of order, they deprive Members of the ability to raise the question of earmarks on the rule.

This amendment will restore the accountability and enforceability of the earmark rule to where it was at the end of the 109th Congress to provide Members with an opportunity to bring the question of earmarks before the House for a vote.

Last year, the distinguished new Speaker said that if she would become Speaker, she would require all earmarks to be publicly disclosed and would "put it in writing." However, the new majority is falling quite short of the promise. Certainly this week, this is the second rule we are considering this week, and the second time the majority has disregarded earmark transparency. That's 0 for 2 this week, not a good week for transparency. Certainly it could be said it's a good week for hidden earmarks.

Mr. Speaker, I ask unanimous consent to insert the text of the amendment and extraneous materials immediately prior to the vote on the previous question.

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

There was no objection.

Mr. LINCOLN DIAZ-BALART of Florida. Mr. Speaker, I yield back the balance of my time.

Ms. SUTTON. Mr. Speaker, let me begin with a point of clarification; the earmark rule was not waived. And to the question about whether this bill today is premature, I would argue that it's not premature for the 500 workers in Ohio and those across this country who are now suffering from this irreversible disease.

I have heard the workers' stories from the Ohio popcorn plants. I have heard the story of a worker who worked 12-hour shifts in the popcorn factory outside of Marion, Ohio. His job was to mix the flavors, measuring and dumping butter-flavored powders and pastes into the vats of soybean oil. Now, Mr. Speaker, he is so crippled from breathing the vapors in the plant

that he hardly has the strength to hold his granddaughter. He is racked with spasms that leave him dizzy and incapacitated.

In 2001, after an outbreak of diseases at the popcorn factory in Missouri, his employer guaranteed him that his plant was safe. Mr. Speaker, OSHA's failure to protect our workers by ignoring the reports, studies and warning signs has endangered the health of families. That is why we must act today. Our workers should never have to choose between their health and feeding their families. I urge a "yes" vote on the previous question and on the rule.

The material previously referred to by Mr. LINCOLN DIAZ-BALART of Florida is as follows:

AMENDMENT TO H. RES. 678 OFFERED BY MR. DIAZ-BALART OF FLORIDA

At the end of the resolution, add the following:

SEC. 3. That immediately upon the adoption of this resolution the House shall, without intervention of any point of order, consider the resolution (H. Res. 479) to amend the Rules of the House of Representatives to provide for enforcement of clause 9 of rule XXI of the Rules of the House of Representatives. The resolution shall be considered as read. The previous question shall be considered as ordered on the resolution to final adoption without intervening motion or demand for division of the question except: (1) one hour of debate equally divided and controlled by the chairman and ranking minority member of the Committee on Rules; and (2) one motion to recommit.

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

The SPEAKER pro tempore. The question is on ordering the previous question.

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.J. RES. 52, CONTINUING APPROPRIATIONS, FISCAL YEAR 2008

Ms. SLAUGHTER. Mr. Speaker, by direction of the Committee on Rules, I call up House Resolution 677 and ask for its immediate consideration.

The Clerk read the resolution, as follows:

H. RES. 677

Resolved, That upon the adoption of this resolution it shall be in order to consider in the House the joint resolution (H.J. Res. 52) making continuing appropriations for the fiscal year 2008, and for other purposes. All points of order against the joint resolution and against its consideration are waived except those arising under clause 9 or 10 of rule XXI. The joint resolution shall be considered

as read. The previous question shall be considered as ordered on the joint resolution to final passage without intervening motion except: (1) one hour of debate equally divided and controlled by the chairman and ranking minority member of the Committee on Appropriations; and (2) one motion to recommit.

SEC. 2. During consideration of House Joint Resolution 52 pursuant to this resolution, notwithstanding the operation of the previous question, the Chair may postpone further consideration of the joint resolution to such time as may be designated by the Speaker.

SEC. 3. House Resolution 659 is laid upon the table.

The SPEAKER pro tempore. The gentlewoman from New York is recognized for 1 hour.

Ms. SLAUGHTER. Mr. Speaker, for the purpose of debate only, I yield the customary 30 minutes to the gentleman from Washington (Mr. HASTINGS). All time yielded during consideration of the rule is for debate only.

I yield myself such time as I may consume and ask unanimous consent that all Members be given 5 legislative days in which to revise and extend their remarks on House Resolution 677.

The SPEAKER pro tempore. Is there objection to the request of the gentlewoman from New York?

There was no objection.

Ms. SLAUGHTER. Mr. Speaker, H. Res. 677 provides for consideration of H.J. Res. 52, making continuing appropriations for the fiscal year 2008, and for other purposes.

The rule provides 1 hour of general debate controlled by the Committee on Appropriations. The rule waives all points of order against the joint resolution and against its consideration except for clause 9 or 10 of rule XXI.

The rule also provides that the joint resolution shall be considered as read. The rule provides one motion to recommit with or without instructions.

Mr. Speaker, every Congress has a constitutional responsibility to be good stewards of the money sent to us by the American people. And I am proud to say that we here in the House of Representatives have fulfilled our fiscal responsibility to the American people by passing all of our appropriations bills on time.

We, in the new majority, have been absolute in our promise to construct and pass spending bills with broad bipartisan support, and I am proud to say that we have delivered on those promises.

Of the 12 fiscal year 2008 appropriations bills that passed the House this year, we have garnered an average of 50 Republican votes. In a spirit of working together, we have successfully pushed ahead our bold and new agenda and passed legislation that prioritize veterans, health care, education and energy independence.

Mr. Speaker, H. Res 677 provides for consideration of H.J. Res. 52, as I said before, for continuing appropriations for the year 2008.

Mr. Speaker, with that, I will reserve the balance of my time.

Mr. HASTINGS of Washington. Mr. Speaker, I want to thank the gentlelady and chairman of the Rules Committee for yielding me the customary 30 minutes, and I yield myself such time as I may consume.

Mr. Speaker, in just 5 days, fiscal year 2007 will come to an end and a new fiscal year will begin. I am disappointed that this rule and the underlying continuing resolution are on the floor today. Not one, let me repeat that, not one spending bill has been sent to the President for his signature this year.

Congress has a responsibility to fund the priorities of the government, and here we are, just days before the start of a new fiscal year, and not one of the 12 spending bills that must be signed into law have been signed.

So, Mr. Speaker, I will support the underlying continuing resolution because I recognize the government must continue to be funded. It is my strong hope, however, that within the next 6 weeks, 12 separate conference reports will come before the House of Representatives.

I do not believe that omnibus bills are the best vehicles for spending billions and billions of taxpayer dollars, and I truly hope that that will not be what we end with on November 16.

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

Ms. SLAUGHTER. I have no requests for time.

Mr. HASTINGS of Washington. Mr. Speaker, I yield myself the balance of the time.

Mr. Speaker, this is a disappointing day for the American people. Here we are, nearly 9 months into this Congress controlled by the Democrat majority, and still the majority has failed to live up to their promises by denying every American taxpayer accountability when it comes to transparency of earmarks.

Just yesterday, a challenge was made to an earmark slipped into a bill 299 pages long that had not been disclosed. The Democrat majority certified the bill was "earmark free," but then denied all accountability and scrutiny of this earmark.

It is vital that the House act today to allow the House to debate openly and honestly the validity and accuracy of earmarks contained in all bills, such as the SCHIP bill yesterday, and not just on appropriation bills. Therefore, Mr. Speaker, I will be asking Members to oppose the previous question so that they may amend the rule to allow for immediate consideration of House Resolution 479, the Earmark Accountability bill.

By defeating the previous question, the House will be able to consider the continuing resolution today, but will also be able to address earmark enforceability in order to restore the credibility of this House.

By considering and approving House Resolution 479, we will send a strong message to the American taxpayers

that this House will no longer turn its head the other way when it comes to transparency of earmarks.

So, Mr. Speaker, I ask unanimous consent to have the text of the amendment and extraneous material inserted into the RECORD prior to the vote on the previous question.

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

There was no objection.

Mr. HASTINGS of Washington. With that, I urge my colleagues to oppose the previous question, and I yield back the balance of my time.

Ms. SLAUGHTER. Mr. Speaker, I feel obliged to say simply for the record that there are no earmarks in this bill and that everybody knows it.

The material previously referred to by Mr. HASTINGS of Washington is as follows:

AMENDMENT TO H. RES. 677 OFFERED BY MR. HASTINGS OF WASHINGTON

At the end of the resolution, add the following:

SEC. 4. That immediately upon the adoption of this resolution the House shall, without intervention of any point of order, consider the resolution (H. Res. 479) to amend the Rules of the House of Representatives to provide for enforcement of clause 9 of rule XXI of the Rules of the House of Representatives. The resolution shall be considered as read. The previous question shall be considered as ordered on the resolution to final adoption without intervening motion or demand for division of the question except: (1) one hour of debate equally divided and controlled by the chairman and ranking minority member of the Committee on Rules; and (2) one motion to recommit.

THE VOTE ON THE PREVIOUS QUESTION: WHAT IT REALLY MEANS

(The information contained herein was provided by Democratic Minority on multiple occasions throughout the 109th Congress.)

This vote, the vote on whether to order the previous question on a special rule, is not merely a procedural vote. A vote against ordering the previous question is a vote against the Democratic majority agenda and a vote to allow the opposition, at least for the moment, to offer an alternative plan. It is a vote about what the House should be debating.

Mr. Clarence Cannon's Precedents of the House of Representatives, (VI, 308-311) describes the vote on the previous question on the rule as "a motion to direct or control the consideration of the subject before the House being made by the Member in charge." To defeat the previous question is to give the opposition a chance to decide the subject before the House. Cannon cites the Speaker's ruling of January 13, 1920, to the effect that "the refusal of the House to sustain the demand for the previous question passes the control of the resolution to the opposition" in order to offer an amendment. On March 15, 1909, a member of the majority party offered a rule resolution. The House defeated the previous question and a member of the opposition rose to a parliamentary inquiry, asking who was entitled to recognition. Speaker Joseph G. Cannon (R-Illinois) said: "The previous question having been refused, the gentleman from New York, Mr. Fitzgerald, who had asked the gentleman to yield to him for an amendment, is entitled to the first recognition."

Because the vote today may look bad for the Democratic majority they will say “the vote on the previous question is simply a vote on whether to proceed to an immediate vote on adopting the resolution . . . [and] has no substantive legislative or policy implications whatsoever.” But that is not what they have always said. Listen to the definition of the previous question used in the Floor Procedures Manual published by the Rules Committee in the 109th Congress, (page 56). Here’s how the Rules Committee described the rule using information from Congressional Quarterly’s “American Congressional Dictionary”: “If the previous question is defeated, control of debate shifts to the leading opposition member (usually the minority Floor Manager) who then manages an hour of debate and may offer a germane amendment to the pending business.”

Deschler’s Procedure in the U.S. House of Representatives, the subchapter titled “Amending Special Rules” states: “a refusal to order the previous question on such a rule [a special rule reported from the Committee on Rules] opens the resolution to amendment and further debate.” (Chapter 21, section 21.2) Section 21.3 continues: Upon rejection of the motion for the previous question on a resolution reported from the Committee on Rules, control shifts to the Member leading the opposition to the previous question, who may offer a proper amendment or motion and who controls the time for debate thereon.”

Clearly, the vote on the previous question on a rule does have substantive policy implications. It is one of the only available tools for those who oppose the Democratic majority’s agenda and allows those with alternative views the opportunity to offer an alternative plan.

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

The SPEAKER pro tempore. The question is on ordering the previous question.

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

Mr. HASTINGS of Washington. Mr. Speaker, on that I demand the yeas and nays.

The yeas and nays were ordered.

Pursuant to clause 8 and clause 9 of rule XX, this 15-minute vote on ordering the previous question on House Resolution 677 will be followed by 5-minute votes on adoption of House Resolution 677, if ordered; ordering the previous question on House Resolution 678, by the yeas and nays; and adoption of House Resolution 678, if ordered.

The vote was taken by electronic device, and there were—yeas 220, nays 192, not voting 20, as follows:

[Roll No. 908]

YEAS—220

Ackerman	Bishop (NY)	Castor
Allen	Blumenauer	Chandler
Altmire	Boren	Clarke
Andrews	Boswell	Clay
Arcuri	Boucher	Cleaver
Baca	Boyd (KS)	Clyburn
Baird	Brady (PA)	Cohen
Baldwin	Brale (IA)	Conyers
Bean	Butterfield	Cooper
Becerra	Capps	Costa
Berkley	Capuano	Costello
Berman	Cardoza	Courtney
Berry	Carnahan	Cramer
Bishop (GA)	Carney	Crowley

Cuellar	Kilpatrick
Cummings	Kind
Davis (AL)	Klein (FL)
Davis (CA)	Lampson
Davis (IL)	Langevin
Davis, Lincoln	Lantos
DeFazio	Larsen (WA)
DeGette	Larson (CT)
Delahunt	Lee
DeLauro	Levin
Dicks	Lewis (GA)
Dingell	Lipinski
Doggett	Lofgren, Zoe
Donnelly	Lowey
Doyle	Lynch
Edwards	Mahoney (FL)
Ellison	Maloney (NY)
Ellsworth	Markey
Emanuel	Marshall
Eshoo	Matheson
Etheridge	Matsui
Farr	McCarthy (NY)
Fattah	McCollum (MN)
Filner	McDermott
Frank (MA)	McGovern
Giffords	McIntyre
Gillibrand	McNerney
Gonzalez	McNulty
Gordon	Meek (FL)
Green, Al	Melancon
Green, Gene	Michaud
Grijalva	Miller (NC)
Gutierrez	Miller, George
Hall (NY)	Mitchell
Hare	Mollohan
Harman	Moore (KS)
Hastings (FL)	Moore (WI)
Herseth Sandlin	Moran (VA)
Higgins	Moran (CT)
Hill	Murphy, Patrick
Hinchey	Murtha
Hirono	Nadler
Hodes	Napolitano
Holden	Neal (MA)
Holt	Oberstar
Honda	Obey
Hooley	Olver
Hoyer	Ortiz
Inslee	Pallone
Israel	Pascrell
Jackson (IL)	Pastor
Jackson-Lee	Payne
(TX)	Perlmutter
Jefferson	Peterson (MN)
Johnson (GA)	Pomeroy
Jones (OH)	Price (NC)
Kagen	Rahall
Kanjorski	Rangel
Kaptur	Reyes
Kennedy	Richardson
Kildee	Rodriguez

NAYS—192

Aderholt	Carter
Akin	Castle
Alexander	Chabot
Bachmann	Coble
Bachus	Cole (OK)
Baker	Conaway
Barrett (SC)	Culberson
Barrow	Davis (KY)
Bartlett (MD)	Davis, David
Barton (TX)	Davis, Tom
Biggart	Deal (GA)
Bilbray	Dent
Bilirakis	Diaz-Balart, L.
Bishop (UT)	Diaz-Balart, M.
Blackburn	Doolittle
Blunt	Drake
Boehner	Dreier
Bonner	Duncan
Bono	Ehlers
Boozman	Emerson
Boustany	English (PA)
Brady (TX)	Everett
Brown (GA)	Fallin
Brown (SC)	Feeney
Brown-Waite,	Ferguson
Ginny	Flake
Buchanan	Forbes
Burgess	Fortenberry
Burton (IN)	Fossella
Buyer	Fox
Calvert	Franks (AZ)
Capps	Frelinghuysen
Costa	Gallely
Campbell (CA)	Cannon
Cantor	Garrett (NJ)
Capito	Gerlach
	Gilchrest

Ross	Linder
Rothman	LoBiondo
Roybal-Allard	Lucas
Ruppersberger	Lungren, Daniel
Rush	E.
Ryan (OH)	Mack
Salazar	Manzullo
Sanchez, Linda	Marchant
T.	McCarthy (CA)
Sanchez, Loretta	McCaul (TX)
Sarbanes	McCotter
Schakowsky	McCrery
Schiff	McHenry
Schwartz	McHugh
Scott (GA)	McKeon
Scott (VA)	McMorris
Serrano	Rodgers
Sestak	Mica
Shea-Porter	Miller (FL)
Sherman	Miller (MI)
Shuler	Miller, Gary
Sires	Moran (KS)
Skelton	Murphy, Tim
Slaughter	Myrick
Smith (WA)	Neugebauer
Snyder	Nunes
Solis	Paul
Space	Pearce
Spratt	Pence
Stark	
Stupak	Abercrombie
Sutton	Boyd (FL)
Tanner	Brown, Corrine
Tauscher	Carson
Taylor	Crenshaw
Thompson (CA)	Cubin
Thompson (MS)	Davis, Jo Ann
Tierney	
Towns	
Udall (CO)	
Udall (NM)	
Van Hollen	
Velázquez	
Visclosky	
Walz (MN)	
Wasserman	
Schultz	
Waters	
Watson	
Watt	
Waxman	
Weiner	
Welch (VT)	
Wexler	
Wilson (OH)	
Woolsey	
Wu	
Wynn	
Yarmuth	

Peterson (PA)	Shadegg
Petri	Shays
Pickering	Shimkus
Pitts	Shuster
Platts	Simpson
Poe	Smith (NE)
Porter	Smith (NJ)
Price (GA)	Stearns
Pryce (OH)	Sullivan
Radanovich	Tancredo
Ramstad	Terry
Regula	Thornberry
Rehberg	Tiahrt
Reichert	Tiberi
Renzi	Turner
Reynolds	Upton
Rogers (AL)	Walberg
Rogers (KY)	Walden (OR)
Rogers (MI)	Walsh (NY)
Rohrabacher	Wamp
Ros-Lehtinen	Weldon (FL)
Roskam	Weller
Royce	Westmoreland
Ryan (WI)	Wicker
Sali	Wilson (NM)
Saxton	Wilson (SC)
Schmidt	Wolf
Sensenbrenner	Young (AK)
Sessions	Young (FL)

NOT VOTING—20

Engel	Meeks (NY)
Heger	Musgrave
Hinojosa	Putnam
Hunter	Smith (TX)
Jindal	Souder
Johnson, E. B.	Whitfield
Loeb sack	

□ 1123

Ms. GINNY BROWN-WAITE of Florida and Messrs. LEWIS of Kentucky, BOOZMAN and TIM MURPHY of Pennsylvania changed their vote from “yea” to “nay.”

Mr. HILL changed his vote from “nay” to “yea.”

So the previous question was ordered. The result of the vote was announced as above recorded.

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

The resolution was agreed to. A motion to reconsider was laid on the table.

PROVIDING FOR CONSIDERATION OF H.R. 2693, POPCORN WORKERS LUNG DISEASE PREVENTION ACT

The SPEAKER pro tempore. The unfinished business is the vote on ordering the previous question on House Resolution 678, on which the yeas and nays were ordered.

The Clerk read the title of the resolution.

The SPEAKER pro tempore. The question is on ordering the previous question.

This will be a 5-minute vote. The vote was taken by electronic device, and there were—yeas 221, nays 193, not voting 18, as follows:

[Roll No. 909]

YEAS—221

Abercrombie	Berkley	Brady (PA)
Ackerman	Berman	Brale (IA)
Allen	Berry	Butterfield
Altmire	Bishop (GA)	Capps
Andrews	Bishop (NY)	Capuano
Arcuri	Blumenauer	Cardoza
Baca	Boren	Carnahan
Baird	Boswell	Carney
Baldwin	Boucher	Castor
Bean	Boyd (FL)	Chandler
Becerra	Boyd (KS)	Clarke