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No. 160

House of Representatives

The House met at noon and was called to order by the Speaker pro tempore (Mr. SERRANO).

DESIGNATION OF THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore laid before the House the following communication from the Speaker:

WASHINGTON, DC,
October 2, 2008.

I hereby appoint the Honorable JOSÉ E. SERRANO to act as Speaker pro tempore on this day.

NANCY PELOSI,
Speaker of the House of Representatives.

PRAYER

Rev. Dr. Barry C. Black, Chaplain, United States Senate, offered the following prayer:

Almighty God, guide our lawmakers through this day with Your higher wisdom. May faith replace fear, truth arise over falsehood, justice triumph over greed, love prevail over hate, and peace conquer strife.

Guide us, O God of power and strength. We are weak, but You are mighty. Lead us with Your powerful hand.

Strong Deliverer, intervene in these crisis circumstances and give us Your peace. Make the Members of this body part of Your answer for the problems of our time. Show them what You want them to do, and may they leave the results to You. You are Lord and Savior. Amen.

THE JOURNAL

The SPEAKER pro tempore. The Chair has examined the Journal of the last day's proceedings and announces to the House his approval thereof.

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

PLEDGE OF ALLEGIANCE

The SPEAKER pro tempore. Will the gentlewoman from Ohio (Ms. KAPTUR) come forward and lead the House in the Pledge of Allegiance.

Ms. KAPTUR led the Pledge of Allegiance as follows:

I pledge allegiance to the Flag of the United States of America, and to the Republic for which it stands, one nation under God, indivisible, with liberty and justice for all.

COMMUNICATION FROM THE CLERK OF THE HOUSE

The SPEAKER pro tempore laid before the House the following communication from the Clerk of the House of Representatives:

OFFICE OF THE CLERK,
HOUSE OF REPRESENTATIVES,
Washington, DC, September 30, 2008.

Hon. NANCY PELOSI,
*The Speaker, The Capitol,
House of Representatives,
Washington, DC.*

DEAR MADAM SPEAKER: Pursuant to the permission granted in Clause 2(h) of Rule II of the Rules of the U.S. House of Representatives, the Clerk received the following message from the Secretary of the Senate on September 30, 2008, at 2:00 p.m.:

That the Senate passed without amendment H.R. 3511.

That the Senate passed without amendment H.R. 6199.

That the Senate passed without amendment H.R. 6229.

That the Senate passed without amendment H.R. 6338.

That the Senate passed without amendment H.R. 6681.

That the Senate passed without amendment H.R. 6847.

That the Senate passed without amendment H.R. 6874.

That the Senate agreed to without amendment H. Con. Res. 416.

With best wishes, I am
Sincerely,

LORRAINE C. MILLER,
Clerk of the House.

COMMUNICATION FROM THE CLERK OF THE HOUSE

The SPEAKER pro tempore laid before the House the following communication from the Clerk of the House of Representatives:

OFFICE OF THE CLERK,
HOUSE OF REPRESENTATIVES,
Washington, DC, October 1, 2008.

Hon. NANCY PELOSI,
*The Speaker, The Capitol,
House of Representatives,
Washington, DC.*

DEAR MADAM SPEAKER: Pursuant to the permission granted in Clause 2(h) of Rule II of the Rules of the U.S. House of Representatives, the Clerk received the following message from the Secretary of the Senate on October 1, 2008, at 9:34 a.m.:

That the Senate passed without amendment H.R. 1594.

That the Senate passed without amendment H.R. 1714.

That the Senate passed without amendment H.R. 4544.

That the Senate passed without amendment H.R. 6045.

That the Senate passed without amendment H.R. 6073.

That the Senate passed without amendment H.R. 6083.

That the Senate passed without amendment H.R. 6353.

That the Senate passed without amendment H.R. 6524.

That the Senate passed without amendment H.R. 6531.

That the Senate passed without amendment H.R. 7084.

That the Senate concurs in the House amendments S. 431.

That the Senate concurs in the House amendments S. 1492.

That the Senate passed S. 3197.

That the Senate passed S. 3658.

Appointments:

Advisory Committee on Student Financial Assistance.

With best wishes, I am
Sincerely,

LORRAINE C. MILLER,
Clerk of the House.

□ This symbol represents the time of day during the House proceedings, e.g., □ 1407 is 2:07 p.m.

Matter set in this typeface indicates words inserted or appended, rather than spoken, by a Member of the House on the floor.



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COMMUNICATION FROM THE
CLERK OF THE HOUSE

The SPEAKER pro tempore laid before the House the following communication from the Clerk of the House of Representatives:

OFFICE OF THE CLERK,
HOUSE OF REPRESENTATIVES,
Washington, DC, October 2, 2008.

Hon. NANCY PELOSI,
The Speaker, the Capitol, House of Representatives, Washington, DC.

DEAR MADAM SPEAKER: Pursuant to the permission granted in Clause 2(h) of Rule II of the Rules of the U.S. House of Representatives, the Clerk received the following message from the Secretary of the Senate on October 2, 2008, at 9:45 a.m.:

That the Senate passed with amendment H.R. 1424.

That the Senate agreed to the House amendment to the Senate amendment H.R. 2095.

That the Senate passed without amendment H.R. 7081.

That the Senate passed without amendment H.R. 7177.

That the Senate passed without amendment H.R. 7198.

That the Senate passed S. 602.

That the Senate passed S. 1703.

That the Senate passed S. 3013.

That the Senate passed S. 3073.

That the Senate agreed to S. Con. Res. 105.

Appointments:

Commission on the Abolition of the Transatlantic Slave Trade.

With best wishes, I am,

Sincerely,

LORRAINE C. MILLER,
Clerk of the House.

ANNOUNCEMENT BY THE SPEAKER
PRO TEMPORE

The SPEAKER pro tempore. Pursuant to clause 4 of rule I, the following enrolled bills were signed by the Speaker on Monday, September 29, 2008:

H.R. 1157, to amend the Public Health Service Act to authorize the Director of the National Institute of Environmental Health Sciences to make grants for the development and operation of research centers regarding environmental factors that may be related to the etiology of breast cancer;

H.R. 1777, to amend the Improving America's Schools Act of 1994 to make permanent the favorable treatment of need-based educational aid under the antitrust laws;

H.R. 5057, to reauthorize the Debbie Smith DNA Backlog Grant Program, and for other purposes;

H.R. 5571, to extend for 5 years the program relating to waiver of the foreign country residence requirement with respect to international medical graduates, and for other purposes;

H.R. 6460, to amend the Federal Water Pollution Control Act to provide for the remediation of sediment contamination in areas of concern, and for other purposes;

H.R. 6946, to make a technical correction in the NET 911 Improvement Act of 2008;

S. 2162, to improve the treatment and services provided by the Department of

Veterans Affairs to veterans with post-traumatic stress disorder and substance use disorders, and for other purposes;

S. 2840, to establish a liaison with the Federal Bureau of Investigation in United States Citizenship and Immigration Services to expedite naturalization applications filed by members of the Armed Forces and to establish a deadline for processing such applications;

S. 2982, to amend the Runaway and Homeless Youth Act to authorize appropriations, and for other purposes;

S. 3597, to provide that funds allocated for community food projects for fiscal year 2008 shall remain available until September 30, 2009;

and by Speaker pro tempore HOYER on Wednesday, October 1, 2008:

S. 3023, to amend title 38, United States Code, to improve and enhance compensation and pension, housing, labor and education, and insurance benefits for veterans, and for other purposes.

ANNOUNCEMENT BY THE SPEAKER
PRO TEMPORE

The SPEAKER pro tempore. The Chair will entertain up to 10 requests for 1-minute speeches on each side of the aisle.

PRIVATE FIRST CLASS
CHRISTOPHER T. FOX

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

Mr. COHEN. Mr. Speaker, as we are involved in this crisis with the economy, the world goes on. And part of the world is the war in Iraq.

Unfortunately, when I returned home to Memphis, I learned that one of our citizens, Private First Class Christopher T. Fox, United States Army, became the 4,178th casualty in the Iraq war. He was the ninth casualty from my District; a 21-year-old gentleman who went to Hamilton High School, whose stepfather lives in Memphis, Mr. Randall Hancock, and whose guardian is in Knoxville, Tennessee.

Private First Class Fox served this country admirably. He had a great love for the Army. He was due to get out in July, and looking forward to going to UT Knoxville in the fall. He played football at Hamilton High School. He loved his country.

The people of the Ninth District, the people of Shelby County, the people of Tennessee, and all of us in America appreciate his sacrifice and his service and join his family in grieving his loss. Thank you for your good deeds on Earth, Private First Class Fox.

ELKIN CITY SCHOOLS HONORED
FOR NORTH CAROLINA'S HIGHEST GRADUATION RATE

(Ms. FOXX asked and was given permission to address the House for 1

minute and to revise and extend her remarks.)

Ms. FOXX. Mr. Speaker, today I want to highlight some good news from the Fifth District of North Carolina.

Last month, the State of North Carolina recognized Elkin City Schools in Elkin, North Carolina for having the best graduation rate in the entire State.

By graduating nine out of ten seniors this past school year, Elkin City Schools is blazing a trail of high academic standards in Northwest North Carolina.

Elkin's efforts to make sure its students cross the finish line will pay real dividends for the Elkin community in the future. An outstanding high school graduation rate not only has a stabilizing effect on the social fabric of the community, but it also lays a foundation for young adults ready to take their place as community leaders and productive members of society.

Congratulations to Elkin City Schools, its many graduates, their parents, faculty, and staff. You have set the standard for excellence.

□ 1215

RESTORING CONFIDENCE

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

Mr. FARR. Mr. Speaker, I rise to share the anger expressed by my constituents and constituents of many Members of Congress—anger over the financial mess that we are in, anger at Wall Street for the greed that got us there, and anger at the White House for the arrogance in asking Congress to authorize \$700 billion without any conditions.

However, the public should not be angry that the Congress has tried to respond, not to the President's request but to the public's need for checks and balances. We wrote an entirely new bill, the contents of which are on every Member's Web site. It provides relief with checks and balances, oversight for taxpayer safeguards, and addresses obscene salaries and abusive golden parachutes. It is not a perfect bill, but it is a responsible bill.

The best thing that came out of the last 10 days is that the institutions of government became responsible for governing the affairs of this Nation in a bipartisan manner. Now let's hope that this House will follow the leadership of the Senate last night in passing a responsible recovery plan.

In the end, it is the institutions of government that have to regain confidence. Let's hope that this November election will elect leadership that can restore that confidence to the Nation and the world.

DOING NOTHING IS
UNACCEPTABLE

(Mr. WILSON of South Carolina asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. WILSON of South Carolina. Mr. Speaker, the economic recovery bill we have before us does not include every free market idea I believe would improve it. But when the retirement savings of hardworking Americans are threatened, when businesses start to fail, jobs begin to dry up, or jobs of American taxpayers are in danger, it is clear that the price of doing nothing far exceeds the price of what we are considering.

Small businesses and families are the heart of this bill. They did not cook the books or make bad financial decisions. They had faith in the free market and worked hard for their success.

This bill is an imperfect option in a tragic situation, but it protects jobs and taxpayers. It provides transparency and oversight to the actions of the Treasury. It provides free market alternatives to spending tax dollars, like insurance, loans, and an increase in the FDIC cap. And it helps keep taxpayers from paying an even higher price for the misdeeds of Wall Street.

In conclusion, God bless our troops, and we will never forget September the 11th.

BAD BETS MADE BY WALL
STREET

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

Mr. DEFAZIO. The legislation the House will take up tomorrow that was jammed through the Senate last night will do nothing for the weakening fundamentals in the United States. It isn't going to help with declining housing prices, foreclosures, job loss, income disparity, or lack of health care. None of those things will be addressed. It doesn't address the crumbling infrastructure. It is not aimed at the real economy. It is aimed at the fraud, the speculative activity and the bad bets made by Wall Street executives.

Now they purport this is necessary to free up credit, and some are going to say I am voting for the bill because it lifts the FDIC limit. The administration can do that without spending \$700 billion. They are going to say I'm doing it because it changed the mark-to-market rules. Those two things are critical to my banks at home in Oregon, but you can do that without spending \$700 billion with a stroke of the pen.

It leaves out one other critical measure, the certificate's net worth that it would use for the savings and loan. That would take legislation, and that is not in here.

We are going to spend \$700 billion to solve a problem that could perhaps be resolved for no cost to the American taxpayer. If we are going to borrow

money, borrow it to invest in America's Main Street, not Wall Street.

ANNOUNCEMENT BY THE SPEAKER
PRO TEMPORE

The SPEAKER pro tempore. Members should heed the gavel.

DON'T BREAK THE AMERICAN
TAXPAYER

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

Mr. POE. Mr. Speaker, the bill to bail out the elite financial industry in New York that caused this mess failed this House, but our Senate colleagues are sending us a new bill, four times longer than the 100-page bill rejected by us.

The bill to stabilize the financial industry is now packed with squeaky pork. One would ask, what does pork have to do with the financial industry? Well, nothing of course. But the Senate bill with the piglets will help these entities: new tax earmarks for film and TV production; litigants in the Exxon Valdez incident; wooden arrows used by school children.

There are more tax earmarks: auto racing tracks; Indian tribes; wool research; and get this one, Virgin Islands and Puerto Rican rum. I am not making this up. There are more breaks for the railroads and the mining industry. None of these solve our banking and financial crisis. Why are they in this bill?

The House needs to deal with this financial situation to make sure that those responsible are held accountable and that the American taxpayers aren't forced to go broke paying for this financial rescue.

And that's just the way it is.

RIGHT DEAL, NOT FAST DEAL

(Ms. KAPTUR asked and was given permission to address the House for 1 minute.)

Ms. KAPTUR. Mr. Speaker, as the House approaches a vote on the Senate's Wall Street bailout bill, I urge caution to my colleagues. We need regular order, not panic. We want the right deal, not a fast deal. There is a better way to address the credit crunch facing our banks than taxpayers printing money for Wall Street's bad actions. We must use the FDIC as we did in the 1980s to resolve thousands of problem institutions. In those days, we had over \$100 billion worth of resolutions that cost but \$1.8 billion to the insurance fund, not the taxpayer.

We need to have the Securities and Exchange Commission work with our banks on how they account for the real estate on their books not with arbitrary indexes and measures, but rather to true value. That would unlock billions of dollars, \$500 billion in the system today, and would ease interbank lending.

Let's use the right medicine, not a Band-aid through which a hemorrhage will soon break as our deficit explodes even more and the value of the dollar declines further. Let's have the wisdom and courage to do what's right.

AMERICAN JOBS AND ECONOMY
AT RISK

(Mr. CAMPBELL of California asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. CAMPBELL of California. Mr. Speaker, on Monday afternoon after this House rejected and defeated the economic recovery bill, Americans lost over \$1 trillion in the stock market. They lost over \$1 trillion in their savings and in their investment and in their retirement accounts. If we do not act, that will be just the beginning. Why, they would have been better off if we had taken the \$700 billion in that bill and thrown it in the Potomac. But that is not what this bill will do.

This bill takes that \$700 billion and buys assets which have three different backstops to make sure that the taxpayers not only get all of their money back, but could perhaps actually make a profit.

Mr. Speaker, American jobs are at risk, the economy is at risk, their retirements are at risk. We must act. I hope we follow the Senate's lead tomorrow and pass this bill.

ECONOMY STRUGGLING

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

Mr. PERLMUTTER. Mr. Speaker, third-quarter data released yesterday highlighted the decrease in home values in 24 out of 25 metropolitan areas, and jobless claims rose to a 7-year high. Our economy is struggling, and people across America are having trouble selling their homes and buying inventory for their businesses.

While no one likes the situation we are in, we must do what we can to help America and its families. So I support the financial legislation which has been proposed and is coming to us from the Senate.

I encourage the Treasury to work through the Small Business Administration, the Farm Credit Administration, and the Federal Home Loan Bank Board so credit flows to people living in Colorado and across the country. This is one of the most important pieces of economic legislation we have had in decades. And, clearly, the fluctuations in the markets over the past few days and the credit crisis we face must demonstrate we cannot give up on a solution. I believe this is a plan that will help stabilize the market and protects taxpayers, and I support it.

FREE MARKET, NOT SPREE
MARKET

(Mr. KUCINICH asked and was given permission to address the House for 1

minute and to revise and extend his remarks.)

Mr. KUCINICH. If someone sticks up a bank, they get a jail sentence. Wall Street sticks up the Nation, they get a \$700 billion bailout. The free market doesn't mean Wall Street should be free to steal from the American taxpayer. It's a free market, not a spree market.

The American values of fairness, frugality, and faith are being sacrificed to greed. The Senate took a dreadful bill that failed on the House floor and made no substantive changes to help homeowners and to enact substantive regulatory protections for investors, and instead attached tax provisions that have absolutely nothing to do with the underlying financial crisis.

Among the tax credits are tax credits for banks; we're borrowing money from banks to give money to banks, and we take toxic assets in return. The problem is people can't pay for their mortgages and their homes are endangered. You have to remember this: if this bill passes, it doesn't address the underlying crisis. People can't pay for their mortgages. The market may go up temporarily, but people will still be losing their homes, and what will we have accomplished? Wake up, America.

WHY SHOULD TAXPAYERS GET THE LEFTOVERS?

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

Mr. DOGGETT. Mr. Speaker, I commend Warren Buffet on his confidence in American business, but his recent combined investment in Goldman Sachs and General Electric was not a charitable donation. He is not purchasing toxic securities; he is buying preferred stock. Why should American taxpayers get anything less? Why does he buy the preferred, and we buy the leftovers?

I share my neighbors' concerns about the impact of some in Washington hitting the panic button on their retirement, their home, or their business. But when markets are poisoned, you demand the best antidote—Not yield to another of President Bush's take-it-or-leave-it demands.

AUTHORIZING THE SPEAKER TO ENTERTAIN MOTIONS TO SUSPEND THE RULES ON TODAY

Ms. ZOE LOFGREN of California. Mr. Speaker, I ask unanimous consent that the Speaker be authorized to entertain motions to suspend the rules on the legislative day of Thursday, October 2, 2008, relating to the following measures: S. 3197; S. 3641; and H.R. 7221.

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

There was no objection.

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore. Pursuant to clause 8 of rule XX, the Chair will postpone further proceedings today on motions to suspend the rules on which a recorded vote or the yeas and nays are ordered, or on which the vote is objected to under clause 6 of rule XX.

Record votes on postponed questions will be taken later.

NATIONAL GUARD AND RESERVISTS DEBT RELIEF ACT OF 2008

Mr. CONYERS. Mr. Speaker, I move to suspend the rules and pass the Senate bill (S. 3197) to amend title 11, United States Code, to exempt for a limited period, from the application of the means-test presumption of abuse under chapter 7, qualifying members of reserve components of the Armed Forces and members of the National Guard who, after September 11, 2001, are called to active duty or to perform a homeland defense activity for not less than 90 days.

The Clerk read the title of the Senate bill.

The text of the Senate bill is as follows:

S. 3197

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "National Guard and Reservists Debt Relief Act of 2008".

SEC. 2. AMENDMENTS.

Section 707(b)(2)(D) of title 11, United States Code, is amended—

(1) in clauses (i) and (ii)—

(A) by indenting the left margin of such clauses 2 ems to the right, and

(B) by redesignating such clauses as subclauses (I) and (II), respectively,

(2) by striking "testing, if the debtor is a disabled veteran" and inserting the following:

"testing—

"(i) if the debtor is a disabled veteran",

(3) by striking the period at the end and inserting "; or", and

(4) by adding at the end the following:

"(i) with respect to the debtor, while the debtor is—

"(I) on, and during the 540-day period beginning immediately after the debtor is released from, a period of active duty (as defined in section 101(d)(1) of title 10) of not less than 90 days; or

"(II) performing, and during the 540-day period beginning immediately after the debtor is no longer performing, a homeland defense activity (as defined in section 901(1) of title 32) performed for a period of not less than 90 days;

if after September 11, 2001, the debtor while a member of a reserve component of the Armed Forces or a member of the National Guard, was called to such active duty or performed such homeland defense activity."

SEC. 3. GAO STUDY.

(a) COMPTROLLER GENERAL STUDY.—Not later than 2 years after the effective date of this Act, the Comptroller General shall complete and transmit to the Speaker of the House of Representatives and the President

pro tempore of the Senate, a study of the use and the effects of the provisions of law amended (and as amended) by this Act. Such study shall address, at a minimum—

(1) whether and to what degree members of reserve components of the Armed Forces and members of the National Guard avail themselves of the benefits of such provisions,

(2) whether and to what degree such members are debtors in cases under title 11 of the United States Code that are substantially related to service that qualifies such members for the benefits of such provisions,

(3) whether and to what degree such members are debtors in cases under such title that are materially related to such service, and

(4) the effects that the use by such members of section 707(b)(2)(D) of such title, as amended by this Act, has on the bankruptcy system, creditors, and the debt-incurrence practices of such members.

(b) FACTORS.—For purposes of subsection (a)—

(1) a case shall be considered to be substantially related to the service of a member of a reserve component of the Armed Forces or a member of the National Guard that qualifies such member for the benefits of the provisions of law amended (and as amended) by this Act if more than 33 percent of the aggregate amount of the debts in such case is incurred as a direct or indirect result of such service,

(2) a case shall be considered to be materially related to the service of a member of a reserve component of the Armed Forces or a member of the National Guard that qualifies such member for the benefits of such provisions if more than 10 percent of the aggregate amount of the debts in such case is incurred as a direct or indirect result of such service, and

(3) the term "effects" means—

(A) with respect to the bankruptcy system and creditors—

(i) the number of cases under title 11 of the United States Code in which members of reserve components of the Armed Forces and members of the National Guard avail themselves of the benefits of such provisions,

(ii) the aggregate amount of debt in such cases,

(iii) the aggregate amount of debt of such members discharged in cases under chapter 7 of such title,

(iv) the aggregate amount of debt of such members in cases under chapter 7 of such title as of the time such cases are converted to cases under chapter 13 of such title,

(v) the amount of resources expended by the bankruptcy courts and by the bankruptcy trustees, stated separately, in cases under title 11 of the United States Code in which such members avail themselves of the benefits of such provisions, and

(vi) whether and to what extent there is any indicia of abuse or potential abuse of such provisions, and

(B) with respect to debt-incurrence practices—

(i) any increase in the average levels of debt incurred by such members before, during, or after such service,

(ii) any indicia of changes in debt-incurrence practices adopted by such members in anticipation of benefitting from such provisions in any potential case under such title; and

(iii) any indicia of abuse or potential abuse of such provisions reflected in the debt-incurrence of such members.

SEC. 4. EFFECTIVE DATE; APPLICATION OF AMENDMENTS.

(a) EFFECTIVE DATE.—Except as provided in subsection (b), this Act and the amendments made by this Act shall take effect 60 days after the date of enactment of this Act.

(b) APPLICATION OF AMENDMENTS.—The amendments made by this Act shall apply only with respect to cases commenced under title 11 of the United States Code in the 3-year period beginning on the effective date of this Act.

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from Michigan (Mr. CONYERS) and the gentleman from Utah (Mr. CANNON) each will control 20 minutes.

The Chair recognizes the gentleman from Michigan.

GENERAL LEAVE

Mr. CONYERS. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days to revise and extend their remarks and include extraneous material on S. 3197.

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

There was no objection.

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

The consumer bankruptcy overhaul signed into law 3 years ago adds a means test that presumes a debtor is abusing the law if he or she has income that exceeds a modest threshold, and thereby forces the debtor into a multiyear repayment plan.

This bill, S. 3197, excepts qualifying National Guard and Reserve members from that presumption of abuse. We have the gentlewoman from Illinois (Ms. SCHAKOWSKY) to thank for this.

With half a million members of the National Guard and Reserve called to Iraq and Afghanistan since 9/11, many serving multiple tours of duty, the financial toll on their families has been severe.

□ 1230

It's estimated that up to 26 percent of National Guard members deployed experience money problems as a direct result. And so the measure before us makes an exception-to-the-means test presumption of abuse for National Guard and Reserve members who serve 90 days since September 11, 2001, and for a year and a half after they leave service. I'm heartened to know that we now have the opportunity to provide this modest but important relief to these brave men and women in the service.

I also commend Ranking Member LAMAR SMITH of Texas who has helped make this a bipartisan endeavor.

I reserve the balance of my time.

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

I'm happy that the House is able to complete today the Congress' consideration of this bipartisan legislation. As we have stated at every turn, Republicans strongly support the mission and appreciate the sacrifice of our dedicated Reservists and Guardsmen. We continue to agree that Reservists and Guardsmen who are plunged into bankruptcy by the demands of their service should be given a helping hand under the Bankruptcy Code.

Earlier this session, Judiciary Committee Republicans labored long and

hard to achieve a workable compromise that would help these willing warriors. The merger issue for us was simple—that the bill respond to bankruptcies attributable to a Reservist's or Guardsman's service. The Senate has returned a bill to us that preserves the balance that we struck. The Senate has added one amendment, but it is technical in nature and was sought by the Administrative Office of the United States courts.

I urge all Members to support the passage of this legislation, and I look forward to the bill's implementation as law. I also look forward to the results 2 years from now of the GAO study contained in the bill. This study will tell us for sure whether Reservists and Guardsmen are using the relief granted by the bill when it is their service that leads to bankruptcy—not other factors. With this study in hand, when the bill reaches its 3-year sunset, we will know for sure whether it's being abused in cases lacking the necessary link to service. If it is being abused, we will be able to address that abuse at the time that reauthorization is considered.

In light of these considerations, I'm pleased to support passage of the bill.

I would also like to thank others who have worked on this bill, in particular Congressman ROHRBACHER from California. I made, as the chairman of the Subcommittee on Commercial and Administrative Law that has oversight of the Bankruptcy Act, a promise that we would reconsider this bill that was done some years ago. Mr. ROHRBACHER has done an amazing job, given leadership and determination to bring this bill to where it is today and, by doing so, has redeemed my promise and his and that of many other people.

I reserve the balance of my time.

Mr. CONYERS. Mr. Speaker, I am pleased to recognize the Chair of the California delegation, ZOE LOFGREN, for as much time as she needs.

Ms. ZOE LOFGREN of California. Thank you, Mr. Chairman.

Mr. Speaker, I rise in support of this bill. It is obviously important that we make sure that any of our armed servicemembers who have suffered a financial loss because of their service have access to relief through the bankruptcy courts. That's the least we can do to assist these fine men and women.

But I rise also to say that there are other things that are not yet before us in the bankruptcy arena that we, I believe, are gaining some bipartisan support for.

Many of us have expressed concern that lacking in the recovery package that we will be voting on tomorrow is any provision that deals with the primary mortgage, mortgage on a primary residence, that might be one of many tools to deal with the underlying crisis that has created this worldwide economic instability.

I would have preferred that such a measure be in the recovery package, but it is not essential that the measure be part of the package. It is possible to move such a measure separately.

We were here earlier in the week. I complimented my colleague from Utah saying that it was unlikely we would be on the floor together again because he is not returning, but here we are. And I would just like to compliment him for the hard work and discussions that he has put in behind the scenes over the last several weeks to see if disagreements can be resolved and if parties can come together in the interest of the country. I can't say that we have accomplished that yet, but I think that we have an opportunity, and I actually am quite optimistic that we will be successful in that effort that would be very important for our country.

I see the gentleman standing there. I wonder if I could yield to him, if he wishes to make a comment.

Mr. CANNON. I thank the gentlelady.

The American people are enraged by this bailout, or rescue as we're now calling it, and I think justifiably so. And they ought to be enraged that the real cause here—or the real cause of what I think should be the rage is that this has been done in a way that has been mandated, directed, expected that we would respond without much involvement. The rage of the American people reminds me of a bull often goes after the cape rather than goring the torador. And what we need to do here, I think—I hope the American people recognize the opportunity to demand a transparent government.

There was no reason why the administration couldn't have made its three-page proposal available not as a legislative demand but as an outline of what the discussions should have been. There is no reason why we here in Congress have not done an open rule and had a debate on this. We could easily have taken this measure, debated it openly, amended it, adjusted it, and done things that make some sense.

Now the problem as I see the bailout—and the gentlelady and I have talked about this at some length—is that it pumps liquidity into banks and takes paper. That paper we hope is good. We hope it will be more valuable than what we have spent on it.

Ms. ZOE LOFGREN of California. I wonder, I did yield, but we have other speakers. So I wonder if—and we can have this further discussion—but whether on the mortgage, primary residence mortgage issue, you think there is further opportunity to make progress between Republicans and Democrats, conservatives, and non-conservatives?

Mr. CANNON. I thank the gentlelady. We have plenty of time on my side. If the gentlelady would like to yield back temporarily, I would be happy to use my time to talk about that point.

Ms. ZOE LOFGREN of California. I will do so because I don't want to take advantage of the chairman's yielding me unlimited time when there are other speakers.

But I would just say in the discussions that we have had that have been

very honest and very practical—and I think totally bipartisan, I would even say nonpartisan—trying to find common ground in the interest of the American people in this. I have a sense of optimism that we can do something important on the mortgage bankruptcy issue aside from this recovery package that is coming.

Having said that, I will yield back to the chairman of the committee, and perhaps Mr. CANNON will use some of his time to further explore this.

Mr. CANNON. I thank the gentlelady, and if she wishes to remain, perhaps we can have a colloquy at some point.

Let me make a couple of points. We have had a long and intense discussion about what we can do to help solve, not the problem of the banks with their toxic loans which we hope we will buy at a reasonable price in a reverse auction, but what we do on the other side of this problem, which is homeowners who can't afford the loans that they got on property that was often misappraised or appraised fraudulently and therefore left in a box without being able to pay, with mortgages that are resetting at higher interest rates, sometimes with higher balances because of the way the mortgages were arranged.

So how do we help Americans stay in their homes in a reasonable fashion? And we've talked about bankruptcy as one way to do that.

Now in the bill that we did not pass here in the House recently, the Secretary had wide authority. I'm expecting that authority to be continued; and what I would hope is that the Secretary will not just put \$700 billion into paper which may or may not be useful, but also something like \$50 billion or \$100 billion into funds that are intended to help people stay in their homes by creating the opportunity to buy mortgages at a discount, then renegotiate those mortgages with the people who are in those homes or others, and thereby avoid the downward spiral of housing costs.

I don't know that we're going to be able to do much with bankruptcy if this bill that passed the Senate passes the House today, I don't know that we're going to be able to deal with it. But I think that we ought to demand as the House that the Secretary recognize that this is not just a matter of buying paper and saving banks, but it's rather a matter of keeping a downward spiral on housing prices from continuing so that Americans can maintain the value on their homes, can keep their homes, and we can get this economic crisis behind us and perhaps even save some money.

I recognize the gentlelady is standing there. I would be happy to yield to her.

Ms. ZOE LOFGREN of California. Thank you for yielding.

I would just note that in fact in the rescue package there is a provision requiring the Secretary to renegotiate loans and that will actually, I think, be of tremendous value in dealing with

the foreclosure crisis that we face when the government owns the whole mortgage, all of the mortgage. But because securities are being purchased because the credit markets are frozen, we won't necessarily own all of the mortgages in every case. And half of the subprimes have second and third mortgages that will be able to defeat any effort to renegotiate.

So I think that moving a narrowly crafted, for-subprime-only primary residence mortgage measure either later in this Congress or early next might be something that could avoid the \$2.1 trillion in mortgages that are set to reset and certainly are at risk of default in the next 18 months.

I am just stating here today, I think we have an opportunity to accomplish that working across the aisle and working across ideological barriers because really we're all in the same place. We want Americans to be safe and secure in their homes. If they are able to meet their obligations, we should go the extra mile to allow them to do that.

I just want to say once again how much I have appreciated working with you, Congressman CANNON, over these years. And I said this earlier this week, but if you look at your voting record, you've got one of the most conservative voting records in this Congress, and as I mentioned, I do not. But that has never prevented us from working together to find solutions for the American people.

I really think you're a remarkable legislator, someone whom I respect a great deal, and I thank you for your service to our country.

Mr. CANNON. Reclaiming my time, I thank the gentlelady. The nice thing about being clear in your principles is that it's possible to negotiate and come up with compromises that work. It's been a pleasure to work with the gentlelady and also the chairman of the full committee who is also here with us, Mr. CONYERS. It's not possible to be farther apart on the political spectrum than I think Mr. CONYERS and I are, but we have had a very pleasant, and I think profitable, working relationship on many issues where because of his clear principles, and I hope my clear principles, we've been able to reach compromise.

Going back to what the gentlelady was saying, I fervently hope that I will not be part of any further negotiations on bankruptcy. I hope that we solve this problem today or tomorrow, I suppose, and then make the American people more safe by us being out of town and then letting the next year's crop of people come back and deal with the issue.

Let me just reiterate a couple of things the gentlelady has said. \$2.1 trillion of subprime and Alt-A loans are in trouble. If we don't do something about that, those loans, as they fail—to the degree that they fail, and many are likely to fail—are likely to draw down to create a suction that will pull down

the prices of all the other houses in America, creating chaos in our market.

It's imperative that the Secretary recognize his authority under, I think, the current language, and make it clear that he intends to do something not just about the paper because, as the gentlelady has pointed out, we don't own all of the fractions of the interests in these mortgages, and therefore we don't have the ability, by pumping money into paper, to solve the underlying problem. You have to do that in another way. And certainly where you have a second or a third, there is no ability by the Treasury, under the current program, to deal with that suction on prices.

□ 1245

So I am hoping that the Secretary of the Treasury will today make it clear that he intends to use part of this bailout money for which he has I think the discretion. I think it is important that he be clear that he has that discretion, that he intends to use the money that way so we can create a floor not just under the banks but also under the prices of our homes.

With that, I reserve the balance of my time.

Mr. CONYERS. Mr. Speaker, I yield to the author of this bill, JAN SCHAKOWSKY, who is a sterling member of the Energy and Commerce Committee, as much time as she may consume.

Ms. SCHAKOWSKY. I thank the gentleman for yielding to me and for his support on this legislation.

I rise to proudly support S. 3197, the National Guard and Reservists Debt Relief Act. This legislation is the Senate companion to H.R. 4044, legislation that I authored, along with my friend and colleague, Congressman DANA ROHRBACHER, which passed the House unanimously on June 23. S. 3197 was introduced by my very good friend and colleague from Illinois, Senator DICK DURBIN.

Since 9/11, more than 460,000 Reservists and Guardsmen have been called to active duty in Iraq and Afghanistan. These men and women have left their families and their jobs to selflessly serve their country, often with little or no notice to get their finances in order. Many servicemembers are small business owners who have to put their businesses on hold while they serve their country, and some are forced to sacrifice those businesses altogether. And, of course, some may face losing their homes when they return because of their financial distress.

Many servicemembers face unexpected extended tours of 15 months or longer, leaving them with almost no way to prepare financially.

S. 3197 would simply allow National Guard and Reservists to file for bankruptcy without the burden of the means test that assesses their eligibility for bankruptcy protection. H.R. 4044 allows members of the National Guard and Reservists to file for chapter

7 bankruptcy without the added paperwork burden and obstacles of the means test.

This is why: when veterans face the means test, it has a particularly adverse impact on them. That is because the combat pay of soldiers in Iraq or Afghanistan is often higher than their salaries at home, and they have fewer expenses overseas, if any. The problem is when they return home, these individuals return to face lower incomes and higher expenses, and because the means test factors in a person's income and expenses for the 6-month period preceding the bankruptcy filing, a veteran's income is artificially inflated and their expenses seem disproportionately low. As a result, they risk failing the means test and facing chapter 11 or 13.

This bill is narrowly drafted to apply to servicemembers who have served in the Armed Forces for more than 90 days since 9/11 and would grant them an exemption from the test for up to a year and a half after they return home. The legislation also requires a GAO report that will help us quantify the hardships our veterans face when they return home by tracking how many apply for bankruptcy protection.

With unemployment at the highest levels in 7 years and the credit crisis and recession squeezing the budgets of families across the country, we must give these returning heroes any relief we can. Eighteen percent of veterans recently back from tours of duty are unemployed. Twenty-five percent of those who have been able to find work earn less than \$22,000 a year. There are currently 1,500 veterans of the wars in Iraq and Afghanistan who are homeless. And thousands of veterans return from the war with physical and mental injuries which make returning to work difficult or impossible. We should all be outraged at those statistics.

Simply put, the men and women who have risked their lives to protect us deserve protection from us in return. These selfless individuals should not face harsh bankruptcy procedure if they are in financial distress when they return home. When the changes to the bankruptcy law were made in 2005, Congress exempted disabled veterans from the means test. It is time to include the Guard and Reserves as well.

The legislation that we're considering once again today is virtually identical to the one we passed unanimously, with minor, five-word, technical, clarifying corrections added during consideration in the Senate Judiciary Committee; and like H.R. 4044, the bill passed the Senate with unanimous support. I urge its support in the House once again today so we can send it to the President for his signature.

I'd like to thank Chairman CONYERS, again, for working with me to pass this legislation, as well as Subcommittee Chairwoman LINDA SÁNCHEZ for her commitment to this bill. And I want to thank the staff on both sides of the aisle who helped, particularly my legis-

lative director, Daniel Penchina. And, again, I thank my colleague, Congressman ROHRBACHER, who has been a formidable and effective partner in moving this legislation through the House this year.

The SPEAKER pro tempore. The Chair will note that the gentleman from Utah has 11 minutes remaining, and the gentleman from Michigan has 8 minutes remaining.

Mr. CANNON. Mr. Speaker, I noted earlier that the gentleman from California (Mr. ROHRBACHER) had worked diligently on this bill, and I talked about his intelligence and determination and the fact that he has redeemed his promise and mine by bringing this bill to the floor today. I would like to yield as much time to him as he may consume.

Mr. ROHRBACHER. Mr. Speaker, I rise in strong support of S. 3197.

I am pleased that we are finally about to provide this benefit to our veterans, but I am troubled that it has taken us so long to do so. On April 14, 2005, the House considered S. 256, the Bankruptcy Abuse Prevention and Consumer Protection Act of 2005, which was a much-needed and very responsible reform. Then in the minority, my colleague Ms. SCHAKOWSKY introduced a motion to recommit so that the bill would allow a targeted exemption from our stricter means test for those National Guard and Reservists who had been called up after 9/11.

At the time of the floor debate, I was told by the Republican floor manager that the Schakowsky motion was redundant, that there was already such protection for our National Guard and Reservists under the Servicemembers Civil Relief Act. Because of this, I voted against the motion, and it failed on a party-line vote, 200 yeas to 229 nays.

I soon found out, however, that I and other Republican Members had been misinformed, apparently to prevent the then-minority from having any legislative success. When I found out there was no adequate protection for our returning Reservists and Guardsmen, I pledged to work with my colleague, Ms. SCHAKOWSKY, to make it right.

Subsequently, I introduced legislation to amend the bankruptcy law. This measure, of course, isn't costing any—well, maybe it costs a few, but probably not any Federal dollars—new Federal dollars. There is no big spending involved in this. There is no massive appropriation needed. All it is is a consideration for these people who have risked their lives for us and are coming home. But my party couldn't get itself to provide consideration for our homecoming heroes, even though there wasn't a major cost involved. Thus my legislation didn't ever get to the floor.

In the meantime, party control of the House changed, and Ms. SCHAKOWSKY and I have been working diligently to get this legislation to the floor and get it passed into law. The Senate passed

the bill by unanimous consent on Tuesday, and we are now considering this bill under suspension, which means it's pretty well recognized that this has widespread support, and it should have been voted on and accepted a long time ago.

S. 3197, introduced by Senator DURBIN in the Senate, has bettered the bill in several ways. Often, it will take several months for a servicemember to gain an understanding of his or her financial situation after returning home. So this bill expands the time of eligibility to a year and a half after the servicemember has been released from active duty.

And because more information is needed, this bill requires the Comptroller General to study and report to Congress on the number of Reservists in the Armed Forces and National Guard members who will be using this exemption and the number of servicemembers who are substantially or materially involved in bankruptcy cases because of their service.

I encourage my colleagues who voted "no" on the motion to recommit 3 years ago to vote in favor of this legislation today. This bill is not a wedge to reopen the bankruptcy rules. Rather, it is a narrow, targeted change modeled after existing exemptions for disabled veterans who are America's heroes. This is targeted at those American heroes throughout our country who are called up for deployment and are now returning home.

This bill will ensure that America's heroes throughout our country, who have often been called up for deployment, and these deployments have been far longer than they ever initially thought they would ever be called up for, this bill is intended that they will not pay a high personal cost for their absence and their willingness to step forward and defend our country.

As my colleague, Ms. SCHAKOWSKY, put it, these servicemembers have put their lives and livelihood on the line for us, and we owe them a great debt. This is one way that we can show our deep appreciation for the service that these people have given to us, protecting our families and the service they've provided our country.

Now is the time for us to repay that debt in a very bipartisan way, which should have been in play on this floor in this House all along; and when it wasn't 3 years ago, Ms. SCHAKOWSKY and I have finally made up for that bit of partisanship at the expense of our homecoming heroes that happened over 3 years ago.

So, today, I ask my colleagues to join Ms. SCHAKOWSKY and myself. I thank all of those involved who helped us along the way, and I ask my colleagues to support this measure.

Mr. CONYERS. Mr. Speaker, how much time remains?

The SPEAKER pro tempore. The gentleman from Michigan has 8 minutes remaining. The gentleman from Utah has 5½ minutes remaining.

Mr. CONYERS. I yield now 7 minutes to the distinguished gentleman from Ohio, a Member not always heard on the floor, DENNIS KUCINICH.

Will the gentleman yield to me briefly?

Mr. KUCINICH. I certainly will.

Mr. CONYERS. We keep saying that the gentleman from Utah is on the floor for the last time, but the last time always becomes one more time.

I want him specifically remembered for the cooperation and leadership he gave in the committee and on the floor in terms of broadband legislation, the credit card interchange consideration, the very complex issues of immigration, on literally all of the civil liberties issues that have come before us, and Internet gambling. He's given us his attention and helpfulness. We appreciate it so very, very much, CHRIS.

I thank the gentleman for yielding.

Mr. KUCINICH. I thank the gentleman for his generosity with the time, and thank my colleagues on both sides of the aisle for their support of S. 3197, which will help those who served this country save their home and save what they work a lifetime for.

It is very poignant that we could come to this bill at this moment, when we understand the importance of helping those who have served this country save their homes.

□ 1300

Because, actually, it does lead to that larger question because we are all in tune now with the fact that millions of Americans—including those who serve this country—through no fault of their own are finding their homes at risk, millions of Americans. And unfortunately, despite the best efforts of people on both sides of the aisle, the House will have delivered to it a bill from the Senate that does not directly address that question. Because unless this country takes a controlling interest, unless the Secretary of the Treasury would take a controlling interest in these mortgage-backed securities so they can negotiate on behalf of the homeowners to reduce their exposure to losing their home, this bill will be for naught.

Let's keep in mind that a central premise of the American Dream is owning a home. We understand that for our soldiers, and we should do something here. And we also need to understand that all over this country there are people who are watching these debates and wondering, are we going to do something to help them save their home? Because that's what we ought to be doing. And the way that we can do it, Mr. Chairman, is that instead of taking a strategy that assumes that the trickle is going to get down from the top by giving \$700 billion to Wall Street, we instead focus on creating a solution for the homeowners and know that then the money will begin to percolate up to the banks and back to Wall Street instead of assuming the government gives the money to Wall

Street, goes to the banks, and it gets to the people. Not under the bill that the Senate is sending over here.

So, while we want to do everything we can for our soldiers—and we should—we need to understand that looming here is one of the biggest challenges we've seen in American history to the concept of homeownership: Home is core, home is central, home relates to everything that we're all about. But home is in jeopardy here in the United States of America. Millions of mortgages are headed towards default. Millions of Americans are in danger of losing their home. And this Wall Street bailout, unfortunately, does not address it.

Now, Mr. Speaker, I sent a letter over to our Speaker yesterday pointing this out to her, telling her that we need to create a change that will enable the Secretary of the Treasury to focus in on this and to give him the ability to get a controlling interest in these mortgage-backed securities because, as has been pointed out by my colleagues, we don't have that right now. And unless you address that, all this is going to be for naught. You might see the market go up for a day if the House passes the bill, but you know what's going to happen: You're still going to see millions of Americans losing their homes.

Mr. CANNON. Will the gentleman yield?

Mr. KUCINICH. Of course I would yield to my friend.

Mr. CANNON. Thank you.

We're now at a point where we're going to be voting very quickly on this bill. I think you heard the colloquy between the gentelady from California and myself. I'm wondering if the gentleman can be satisfied if the Secretary takes a position publicly that he is going to use some of this bailout money under the discretion that he's given in the bill to do what I suggested earlier, which is, to put money into funds that would buy mortgages and keep people in their homes. Is that the kind of thing that we can do—

Mr. KUCINICH. Taking back my time, the bill has language which might be discretionary, but we in the House understand the difference between something that's discretionary and mandatory. And we also know that the way the bill is structured, unless you have a controlling interest in these mortgage pools, there's no way you can do anything because then you have to talk with 20, 30 other interests in order to be able to come to resolution. That's not going to happen.

So we need to be real about this; and, unfortunately, that isn't always the case in our Congress. And when we get real about it and connect to people's aspirations to save their homes with a real solid legislative structure to deliver on that, then the American people and then our economy can celebrate the wisdom of the Congress. Right now, that jury is still out.

I yield to my friend.

Mr. CANNON. Recognizing the gentleman's limited time, we have I think more time on our side, and I would be happy to yield some to Mr. CONYERS if he would like more.

Would the gentleman yield for a colloquy on this issue?

Mr. KUCINICH. I would.

Mr. Speaker, may I inquire as to how much time I have remaining?

The SPEAKER pro tempore. The gentleman from Ohio has 30 seconds remaining.

Mr. CANNON. Mr. Speaker, I would yield 2 minutes to the gentleman at this point.

The SPEAKER pro tempore. The gentleman from Ohio is recognized for 2½ minutes.

Mr. KUCINICH. I yield to my friend.

Mr. CANNON. The problem we're facing, or course, is the urgency of what's going on. And the gentleman has heard my concern with the failure of the administration to have this aired transparently; but that said, we do have some urgency. If the Secretary is very clear in what he says, can we move forward, as opposed to, say, amending the Senate's bill—which will come over to us—and then sending it back to the Senate for further votes. Personally, I don't think that that is likely to happen; it's your leadership that will control the Rules Committee. But I suspect that we're not going to get the perfect here with the good, that is, a commitment by the Secretary that is clear and open and patent.

Would that serve to resolve the gentleman's concerns?

Mr. KUCINICH. To my good friend from Utah, the clarity of the Secretary will not trump the language of the legislation. And the language of the legislation does not permit him to be able to have an effective role in saving people's homes. It talks about encouraging, it talks about "may do," but it is not mandatory. And he doesn't have the additional power because there is no mechanism in there to give us a controlling interest so that we can actually create a fix.

I yield to the gentelady from California.

Ms. ZOE LOFGREN of California. If I may, I think the Secretary has the authority to acquire all mortgages. We fear that he may not. I frankly think if the Secretary—or his successor, starting in January—were to make that a priority, we would solve more of this problem than if it was just done in the natural course of events. I personally believe we need another remedy that I pledge to try and move separately from this package having to do with the bankruptcy primary residence mortgage issue that we have discussed at tremendous length.

Mr. KUCINICH. Reclaiming my time, and thanking the gentelady and the gentleman, I would say that the legislation doesn't fix the problem; that is the central point. It doesn't empower the Secretary to be able to get controlling interest of the mortgage-backed

securities. And that is the central flaw of the policies that we're pursuing. And millions of Americans who are in danger of losing their homes are not going to be helped.

I want to conclude by thanking Mr. CANNON for his service to the United States Congress.

The SPEAKER pro tempore. The gentleman from Utah has 3½ minutes left. The gentleman from Michigan has 1 minute remaining.

Mr. CANNON. Mr. KUCINICH, if you would like to continue, we don't disagree, and I think by having a further colloquy, I think we actually can come to an understanding.

As I understand your concern, the Secretary does not have the ability—or it would be difficult for him to buy up all the fractionated interests in any given mortgage, and therefore, he is incapable, in his current position—unless he does something remarkable and spends more money than we intend him to spend, he can't provide relief on individual mortgages.

What I'm suggesting the Secretary has the authority to do is to put money into private funds that can then go to the servicing agent of a nonperforming loan, where the person is in an anti-deficiency State, or otherwise can walk away from that loan without recourse to the bank. At that point, the servicing agent has the ability to sell a mortgage, or a package of mortgages. In that event, what I suggest is that if the Secretary will pump some significant resources into the private sector to buy mortgages from servicing agents, and from banks and others, in a market where we are having deterioration of prices, that would tend, dramatically, to solve the problem. It goes a long way toward, I think, the gentleman's concerns.

Ms. ZOE LOFGREN of California. If the gentleman would yield, as we both know, because we were on the same conference call with one of the foremost authorities in the United States on this subject, the expectation is, in the natural course of events, that about 20 percent of the acquisition of securities would result in owning all of the rights in order to do a negotiation.

So when you look at the entire package, it's not what we want, but it's not nothing either. I mean, if you could actually renegotiate 20 percent of the reset, it would have a market impact. What you're suggesting, I think, makes sense. And I think, also, that the bill that's coming back would allow the Secretary to actually do what you have suggested because there is that discretion in the measure.

If we did what you've suggested, if the experts are correct that we will have 20 percent of all ownership to renegotiate as provided for in the bill, we're still going to need an additional tool which we're not going to get in this bill, but to do a narrow carve-out for the subprime markets to be able to—for judicial intervention for those areas that we cannot get the rights for.

I thank the gentleman for yielding.

Mr. CANNON. Reclaiming my time, let me just say the gentelady is absolutely accurate in her portrayal of the problem. Let me just clarify one thing, because a lot of people listening to us today don't understand what a reset is.

You have mortgages that are at a fixed rate which will then pop up to a market rate in the future. It is that pop up that is a problem. If you have a mortgagee who is behind in his payments, he may be able to stay in the mortgage when it goes up, but he may not be able to afford it. If he's behind, he can't refinance. He's stuck in a world where he can't get out of that mortgage, and the market will drive him. And the bank that wants him to renegotiate can't do it because of the fractionated ownership of that mortgage.

Ms. ZOE LOFGREN of California. If the gentleman would yield.

If I may, I'm glad you did that explanation. And for people listening who don't have a subprime, it's going to affect them as well. Because if you have a prime mortgage but every neighbor in your entire neighborhood has had their property values collapse, your property value is also going to collapse. So this is everybody.

Mr. CANNON. Reclaiming my time, I thank the gentelady because she has made exactly the point. What we're trying to do here is avoid the collapsing values of houses.

The SPEAKER pro tempore. The time of the gentleman has expired.

Mr. CONYERS. Mr. Speaker, I yield 15 seconds to the gentleman from Ohio.

Mr. KUCINICH. And that's all I need. When you look at the difference in the debate here, hear these words, "we may save the world" or "we shall save the world"; "we may save people's homes" or "we shall save their homes." I want a bill that says "we shall save their homes." And that's not what the bill is that we're being sent by the Senate.

Mr. CONYERS. Mr. Speaker, I yield the balance of my time to the gentleman from Indianapolis, Indiana, Mr. ANDRE CARSON.

The SPEAKER pro tempore. The gentleman is recognized for 45 seconds.

Mr. CARSON. Mr. Speaker, I come to the floor today in support to H.R. 7221 in honor of my late grandmother, Congresswoman Julia Carson.

My grandmother was a huge proponent of increasing homeless assistance to displaced families. Last year, she introduced the Homeless Emergency and Rapid Transition to Housing Act. She introduced this bill for children and families in need of assistance. This bill sought to implement more effective strategies for preventing homelessness and increasing emergency assistance for families in need.

This bill before us today reflects a compromise between my grandmother's legislation and the Senate legislation. While I wish we could have gone farther in expanding the defini-

tion of homeless, this bill will provide critical assistance to families and children neglected by current law.

I urge support of this bill and commend Congresswoman WATERS, Congresswoman MOORE, Congressman DAVIS, Congresswoman BIGGERT, Congressman CONYERS and their staffs for their hard work on this legislation.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Michigan (Mr. CONYERS) that the House suspend the rules and pass the Senate bill, S. 3197.

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. CANNON. 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 and the Chair's prior announcement, further proceedings on this motion will be postponed.

NATIONAL CRIME VICTIM LAW INSTITUTE REAUTHORIZATION

Mr. CONYERS. Mr. Speaker, I move to suspend the rules and pass the Senate bill (S. 3641) to authorize funding for the National Crime Victim Law Institute to provide support for victims of crime under Crime Victims Legal Assistance Programs as a part of the Victims of Crime Act of 1984.

The Clerk read the title of the Senate bill.

The text of the Senate bill is as follows:

S. 3641

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. REAUTHORIZATION.

Section 103(b) of the Justice for All Act of 2004 (Public Law 108-405; 118 Stat. 2264) is amended in paragraphs (1) through (5) by striking "2006, 2007, 2008, and 2009" each place it appears and inserting "2010, 2011, 2012, and 2013".

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from Michigan (Mr. CONYERS) and the gentleman from Utah (Mr. CANNON) each will control 20 minutes.

The Chair recognizes the gentleman from Michigan.

GENERAL LEAVE

Mr. CONYERS. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days to revise and extend their remarks and include extraneous material.

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

There was no objection.

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

I would like to remind our Members that the measure before us reauthorizes funding for the National Crime Victims Law Institute, which supports critical crime victims' legal assistance programs that help crime victims enforce their legal rights in a number of vital respects.

□ 1315

Many of these programs provide financial assistance directly to crime victims. Others help victims receive proper notification of case developments, and still other assistance may come in the form of providing staff for victims' rights organizations and legal assistance to victims. Some of these victims are elderly, some are poor, and some are people that just can't afford any legal costs at all.

Violent crime victims may be emotionally and physically traumatized and therefore unable to assert their rights effectively, and victims of identity theft may be financially devastated as a result of loss of savings or destroyed credit.

So I am very pleased to bring this measure to the floor, and I urge support for it.

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

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

I rise in support of S. 3641, a bill to authorize funding for the National Crime Victim Law Institute to provide support for victims of crime under Crime Victims Legal Assistance Programs as part of the Victims of Crime Act of 1984.

In 2007, over 1.4 million Americans were victims of violent crime and nearly 10 million were victims of property crime. All too often, many of these victims are not given a voice in criminal proceedings. Many crime victim organizations around the country such as the National Crime Victim Law Institute work tirelessly every day to ensure that the interests and needs of crime victims are represented throughout the trial process.

The National Crime Victim Law Institute, housed at the Lewis and Clark Law School, was founded in 1997 as a resource for crime victims and crime victim lawyers to further the enforcement of crime victims' rights in criminal and civil proceedings.

The institute is a national network of pro bono legal clinics that represent victims of crime in State, Federal, and tribal courts as they assert and seek enforcement of their rights. Since 2004 the institute has successfully launched and provided ongoing assistance to these legal clinics. This network of clinics has provided legal counsel to over 1,000 crime victims in criminal cases, thereby ensuring victims' rights and voices are honored.

The institute ensures the success of the clinics through regular legal research and expert consultation on the clinics' cases and through rigorous training in victim law for each clinic and its partners.

S. 3641 ensures that the valuable work of the institute will continue and that crime victims will be given justice by the courts and made whole again by their offenders.

I urge my colleagues to support this legislation.

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

Mr. CONYERS. Mr. 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. CONYERS) that the House suspend the rules and pass the Senate bill, S. 3641.

The question was taken.

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

Mr. CANNON. 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 and the Chair's prior announcement, further proceedings on this motion will be postponed.

HOMELESS EMERGENCY ASSISTANCE AND RAPID TRANSITION TO HOUSING ACT OF 2008

Ms. MOORE of Wisconsin. Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 7221) to amend the McKinney-Vento Homeless Assistance Act to reauthorize the Act, and for other purposes, as amended.

The Clerk read the title of the bill.

The text of the bill is as follows:

H.R. 7221

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE AND TABLE OF CONTENTS.

(a) SHORT TITLE.—This Act may be cited as the "Homeless Emergency Assistance and Rapid Transition to Housing Act of 2008".

(b) TABLE OF CONTENTS.—The table of contents for this Act is as follows:

Sec. 1. Short title and table of contents.

Sec. 2. Findings and purposes.

Sec. 3. Definition of homelessness.

Sec. 4. United States Interagency Council on Homelessness.

TITLE I—HOUSING ASSISTANCE GENERAL PROVISIONS

Sec. 101. Definitions.

Sec. 102. Community homeless assistance planning boards.

Sec. 103. General provisions.

Sec. 104. Protection of personally identifying information by victim service providers.

Sec. 105. Authorization of appropriations.

TITLE II—EMERGENCY SOLUTIONS GRANTS PROGRAM

Sec. 201. Grant assistance.

Sec. 202. Eligible activities.

Sec. 203. Participation in Homeless Management Information System.

TITLE III—CONTINUUM OF CARE PROGRAM

Sec. 301. Continuum of care.

Sec. 302. Eligible activities.

Sec. 303. High performing communities.

Sec. 304. Program requirements.

Sec. 305. Selection criteria, allocation amounts, and funding.

Sec. 306. Research.

TITLE IV—RURAL HOUSING STABILITY ASSISTANCE PROGRAM

Sec. 401. Rural housing stability assistance.

Sec. 402. GAO study of homelessness and homeless assistance in rural areas.

TITLE V—REPEALS AND CONFORMING AMENDMENTS

Sec. 501. Repeals.

Sec. 502. Conforming amendments.

Sec. 503. Effective date.

Sec. 504. Regulations.

Sec. 505. Amendment to table of contents.

SEC. 2. FINDINGS AND PURPOSES.

(a) FINDINGS.—The Congress finds that—

(1) a lack of affordable housing and limited scale of housing assistance programs are the primary causes of homelessness; and

(2) homelessness affects all types of communities in the United States, including rural, urban, and suburban areas.

(b) PURPOSES.—The purposes of this Act are—

(1) to consolidate the separate homeless assistance programs carried out under title IV of the McKinney-Vento Homeless Assistance Act (consisting of the supportive housing program and related innovative programs, the safe havens program, the section 8 assistance program for single-room occupancy dwellings, and the shelter plus care program) into a single program with specific eligible activities;

(2) to codify in Federal law the continuum of care planning process as a required and integral local function necessary to generate the local strategies for ending homelessness; and

(3) to establish a Federal goal of ensuring that individuals and families who become homeless return to permanent housing within 30 days.

SEC. 3. DEFINITION OF HOMELESSNESS.

(a) IN GENERAL.—Section 103 of the McKinney-Vento Homeless Assistance Act (42 U.S.C. 11302) is amended—

(1) by redesignating subsections (b) and (c) as subsections (c) and (d); and

(2) by striking subsection (a) and inserting the following:

“(a) IN GENERAL.—For purposes of this Act, the terms ‘homeless’, ‘homeless individual’, and ‘homeless person’ means—

“(1) an individual or family who lacks a fixed, regular, and adequate nighttime residence;

“(2) an individual or family with a primary nighttime residence that is a public or private place not designed for or ordinarily used as a regular sleeping accommodation for human beings, including a car, park, abandoned building, bus or train station, airport, or camping ground;

“(3) an individual or family living in a supervised publicly or privately operated shelter designated to provide temporary living arrangements (including hotels and motels paid for by Federal, State, or local government programs for low-income individuals or by charitable organizations, congregate shelters, and transitional housing);

“(4) an individual who resided in a shelter or place not meant for human habitation and who is exiting an institution where he or she temporarily resided;

“(5) an individual or family who—

“(A) will imminently lose their housing, including housing they own, rent, or live in without paying rent, are sharing with others, and rooms in hotels or motels not paid for by Federal, State, or local government programs for low-income individuals or by charitable organizations, as evidenced by—

“(i) a court order resulting from an eviction action that notifies the individual or family that they must leave within 14 days;

“(ii) the individual or family having a primary nighttime residence that is a room in a hotel or motel and where they lack the resources necessary to reside there for more than 14 days; or

“(iii) credible evidence indicating that the owner or renter of the housing will not allow the individual or family to stay for more than 14 days, and any oral statement from an

individual or family seeking homeless assistance that is found to be credible shall be considered credible evidence for purposes of this clause;

“(B) has no subsequent residence identified; and

“(C) lacks the resources or support networks needed to obtain other permanent housing; and

“(6) unaccompanied youth and homeless families with children and youth defined as homeless under other Federal statutes who—

“(A) have experienced a long-term period without living independently in permanent housing;

“(B) have experienced persistent instability as measured by frequent moves over such period; and

“(C) can be expected to continue in such status for an extended period of time because of chronic disabilities, chronic physical health or mental health conditions, substance addiction, histories of domestic violence or childhood abuse, the presence of a child or youth with a disability, or multiple barriers to employment.

“(b) DOMESTIC VIOLENCE AND OTHER DANGEROUS OR LIFE-THREATENING CONDITIONS.—Notwithstanding any other provision of this section, the Secretary shall consider to be homeless any individual or family who is fleeing, or is attempting to flee, domestic violence, dating violence, sexual assault, stalking, or other dangerous or life-threatening conditions in the individual's or family's current housing situation, including where the health and safety of children are jeopardized, and who have no other residence and lack the resources or support networks to obtain other permanent housing.”

(b) REGULATIONS.—Not later than the expiration of the 6-month period beginning upon the date of the enactment of this Act, the Secretary of Housing and Urban Development shall issue regulations that provide sufficient guidance to recipients of funds under title IV of the McKinney-Vento Homeless Assistance Act to allow uniform and consistent implementation of the requirements of section 103 of such Act, as amended by subsection (a) of this section. This subsection shall take effect on the date of the enactment of this Act.

(c) CLARIFICATION OF EFFECT ON OTHER LAWS.—This section and the amendments made by this section to section 103 of the McKinney-Vento Homeless Assistance Act (42 U.S.C. 11302) may not be construed to affect, alter, limit, annul, or supersede any other provision of Federal law providing a definition of “homeless”, “homeless individual”, or “homeless person” for purposes other than such Act, except to the extent that such provision refers to such section 103 or the definition provided in such section 103.

SEC. 4. UNITED STATES INTERAGENCY COUNCIL ON HOMELESSNESS.

(a) IN GENERAL.—Title II of the McKinney-Vento Homeless Assistance Act (42 U.S.C. 11311 et seq.) is amended—

(1) in section 201 (42 U.S.C. 11311), by inserting before the period at the end the following “whose mission shall be to coordinate the Federal response to homelessness and to create a national partnership at every level of government and with the private sector to reduce and end homelessness in the Nation while maximizing the effectiveness of the Federal Government in contributing to the end of homelessness”;

(2) in section 202 (42 U.S.C. 11312)—

(A) in subsection (a)—

(i) by redesignating paragraph (16) as paragraph (22); and

(ii) by inserting after paragraph (15) the following:

“(16) The Commissioner of Social Security, or the designee of the Commissioner.

“(17) The Attorney General of the United States, or the designee of the Attorney General.

“(18) The Director of the Office of Management and Budget, or the designee of the Director.

“(19) The Director of the Office of Faith-Based and Community Initiatives, or the designee of the Director.

“(20) The Director of USA Freedom Corps, or the designee of the Director.”;

(B) in subsection (c), by striking “annually” and inserting “four times each year, and the rotation of the positions of Chairperson and Vice Chairperson required under subsection (b) shall occur at the first meeting of each year”; and

(C) by adding at the end the following:

“(e) ADMINISTRATION.—The Executive Director of the Council shall report to the Chairman of the Council.”;

(3) in section 203(a) (42 U.S.C. 11313(a))—

(A) by redesignating paragraphs (1), (2), (3), (4), (5), (6), and (7) as paragraphs (2), (3), (4), (5), (9), (10), and (11), respectively;

(B) by inserting before paragraph (2), as so redesignated by subparagraph (A), the following:

“(1) not later than 12 months after the date of the enactment of the Homeless Emergency Assistance and Rapid Transition to Housing Act of 2008, develop, make available for public comment, and submit to the President and to Congress a National Strategic Plan to End Homelessness, and shall update such plan annually.”;

(C) in paragraph (5), as redesignated by subparagraph (A), by striking “at least 2, but in no case more than 5” and inserting “not less than 5, but in no case more than 10”;

(D) by inserting after paragraph (5), as so redesignated by subparagraph (A), the following:

“(6) encourage the creation of State Interagency Councils on Homelessness and the formulation of jurisdictional 10-year plans to end homelessness at State, city, and county levels;

“(7) annually obtain from Federal agencies their identification of consumer-oriented entitlement and other resources for which persons experiencing homelessness may be eligible and the agencies' identification of improvements to ensure access; develop mechanisms to ensure access by persons experiencing homelessness to all Federal, State, and local programs for which the persons are eligible, and to verify collaboration among entities within a community that receive Federal funding under programs targeted for persons experiencing homelessness, and other programs for which persons experiencing homelessness are eligible, including mainstream programs identified by the Government Accountability Office in the reports entitled ‘Homelessness: Coordination and Evaluation of Programs Are Essential’, issued February 26, 1999, and ‘Homelessness: Barriers to Using Mainstream Programs’, issued July 6, 2000;

“(8) conduct research and evaluation related to its functions as defined in this section;

“(9) develop joint Federal agency and other initiatives to fulfill the goals of the agency.”;

(E) in paragraph (10), as so redesignated by subparagraph (A), by striking “and” at the end;

(F) in paragraph (11), as so redesignated by subparagraph (A), by striking the period at the end and inserting a semicolon;

(G) by adding at the end the following new paragraphs:

“(12) develop constructive alternatives to criminalizing homelessness and eliminate laws and policies that prohibit sleeping, feeding, sitting, resting, or lying in public

spaces when there are no suitable alternatives, result in the destruction of a homeless person's property without due process, or are selectively enforced against homeless persons; and

“(13) not later than the expiration of the 6-month period beginning upon completion of the study requested in a letter to the Acting Comptroller General from the Chair and ranking member of the House Financial Services Committee and several other members regarding various definitions of homelessness in Federal statutes, convene a meeting of representatives of all Federal agencies and committees of the House of Representatives and the Senate having jurisdiction over any Federal program to assist homeless individuals or families, local and State governments, academic researchers who specialize in homelessness, nonprofit housing and service providers that receive funding under any Federal program to assist homeless individuals or families, organizations advocating on behalf of such nonprofit providers and homeless persons receiving housing or services under any such Federal program, and homeless persons receiving housing or services under any such Federal program, at which meeting such representatives shall discuss all issues relevant to whether the definitions of ‘homeless’ under paragraphs (1) through (4) of section 103(a) of the McKinney-Vento Homeless Assistance Act, as amended by section 3 of the Homeless Emergency Assistance and Rapid Transition to Housing Act of 2008, should be modified by the Congress, including whether there is a compelling need for a uniform definition of homelessness under Federal law, the extent to which the differences in such definitions create barriers for individuals to accessing services and to collaboration between agencies, and the relative availability, and barriers to access by persons defined as homeless, of mainstream programs identified by the Government Accountability Office in the two reports identified in paragraph (7) of this subsection; and shall submit transcripts of such meeting, and any majority and dissenting recommendations from such meetings, to each committee of the House of Representatives and the Senate having jurisdiction over any Federal program to assist homeless individuals or families not later than the expiration of the 60-day period beginning upon conclusion of such meeting.”

(4) in section 203(b)(1) (42 U.S.C. 11313(b))—

(A) by striking “Federal” and inserting “national”;

(B) by striking “; and” and inserting “and pay for expenses of attendance at meetings which are concerned with the functions or activities for which the appropriation is made.”;

(5) in section 205(d) (42 U.S.C. 11315(d)), by striking “property.” and inserting “property, both real and personal, public and private, without fiscal year limitation, for the purpose of aiding or facilitating the work of the Council.”; and

(6) by striking section 208 (42 U.S.C. 11318) and inserting the following:

“SEC. 208. AUTHORIZATION OF APPROPRIATIONS.

“There are authorized to be appropriated to carry out this title \$3,000,000 for fiscal year 2009 and such sums as may be necessary for fiscal years 2010. Any amounts appropriated to carry out this title shall remain available until expended.”

(b) EFFECTIVE DATE.—The amendments made by subsection (a) shall take effect on, and shall apply beginning on, the date of the enactment of this Act.

TITLE I—HOUSING ASSISTANCE GENERAL PROVISIONS

SEC. 101. DEFINITIONS.

Subtitle A of title IV of the McKinney-Vento Homeless Assistance Act (42 U.S.C. 11361 et seq.) is amended—

(1) by striking the subtitle heading and inserting the following:

“Subtitle A—General Provisions”;

(2) by redesignating sections 401 and 402 (42 U.S.C. 11361, 11362) as sections 403 and 406, respectively; and

(3) by inserting before section 403 (as so redesignated by paragraph (2) of this section) the following new section:

“SEC. 401. DEFINITIONS.

“For purposes of this title:

“(1) **AT RISK OF HOMELESSNESS.**—The term ‘at risk of homelessness’ means, with respect to an individual or family, that the individual or family—

“(A) has income below 30 percent of median income for the geographic area;

“(B) has insufficient resources immediately available to attain housing stability; and

“(C)(i) has moved frequently because of economic reasons;

“(ii) is living in the home of another because of economic hardship;

“(iii) has been notified that their right to occupy their current housing or living situation will be terminated;

“(iv) lives in a hotel or motel;

“(v) lives in severely overcrowded housing;

“(vi) is exiting an institution; or

“(vii) otherwise lives in housing that has characteristics associated with instability and an increased risk of homelessness.

Such term includes all families with children and youth defined as homeless under other Federal statutes.

“(2) **CHRONICALLY HOMELESS.**—

“(A) **IN GENERAL.**—The term ‘chronically homeless’ means, with respect to an individual or family, that the individual or family—

“(i) is homeless and lives or resides in a place not meant for human habitation, a safe haven, or in an emergency shelter;

“(ii) has been homeless and living or residing in a place not meant for human habitation, a safe haven, or in an emergency shelter continuously for at least 1 year or on at least four separate occasions in the last 3 years; and

“(iii) has an adult head of household (or a minor head of household if no adult is present in the household) with a diagnosable substance use disorder, serious mental illness, developmental disability (as defined in section 102 of the Developmental Disabilities Assistance and Bill of Rights Act of 2000 (42 U.S.C. 15002)), post traumatic stress disorder, cognitive impairments resulting from a brain injury, or chronic physical illness or disability, including the co-occurrence of two or more of those conditions.

“(B) **RULE OF CONSTRUCTION.**—A person who currently lives or resides in an institutional care facility, including a jail, substance abuse or mental health treatment facility, hospital or other similar facility, and has resided there for fewer than 90 days shall be considered chronically homeless if such person met all of the requirements described in subparagraph (A) prior to entering that facility.

“(3) **COLLABORATIVE APPLICANT.**—The term ‘collaborative applicant’ means an entity that—

“(A) carries out the duties specified in section 402;

“(B) serves as the applicant for project sponsors who jointly submit a single application for a grant under subtitle C in accordance with a collaborative process; and

“(C) if the entity is a legal entity and is awarded such grant, receives such grant directly from the Secretary.

“(4) **COLLABORATIVE APPLICATION.**—The term ‘collaborative application’ means an application for a grant under subtitle C that—

“(A) satisfies section 422; and

“(B) is submitted to the Secretary by a collaborative applicant.

“(5) **CONSOLIDATED PLAN.**—The term ‘Consolidated Plan’ means a comprehensive housing affordability strategy and community development plan required in part 91 of title 24, Code of Federal Regulations.

“(6) **ELIGIBLE ENTITY.**—The term ‘eligible entity’ means, with respect to a subtitle, a public entity, a private entity, or an entity that is a combination of public and private entities, that is eligible to directly receive grant amounts under such subtitle.

“(7) **FAMILIES WITH CHILDREN AND YOUTH DEFINED AS HOMELESS UNDER OTHER FEDERAL STATUTES.**—The term ‘families with children and youth defined as homeless under other Federal statutes’ means any children or youth that are defined as ‘homeless’ under any Federal statute other than this subtitle, but are not defined as homeless under section 103, and shall also include the parent, parents, or guardian of such children or youth under subtitle B of title VII this Act (42 U.S.C. 11431 et seq.).

“(8) **GEOGRAPHIC AREA.**—The term ‘geographic area’ means a State, metropolitan city, urban county, town, village, or other nonentitlement area, or a combination or consortia of such, in the United States, as described in section 106 of the Housing and Community Development Act of 1974 (42 U.S.C. 5306).

“(9) **HOMELESS INDIVIDUAL WITH A DISABILITY.**—

“(A) **IN GENERAL.**—The term ‘homeless individual with a disability’ means an individual who is homeless, as defined in section 103, and has a disability that—

“(i)(I) is expected to be long-continuing or of indefinite duration;

“(II) substantially impedes the individual’s ability to live independently;

“(III) could be improved by the provision of more suitable housing conditions; and

“(IV) is a physical, mental, or emotional impairment, including an impairment caused by alcohol or drug abuse, post traumatic stress disorder, or brain injury;

“(ii) is a developmental disability, as defined in section 102 of the Developmental Disabilities Assistance and Bill of Rights Act of 2000 (42 U.S.C. 15002); or

“(iii) is the disease of acquired immunodeficiency syndrome or any condition arising from the etiologic agency for acquired immunodeficiency syndrome.

“(B) **RULE.**—Nothing in clause (ii) of subparagraph (A) shall be construed to limit eligibility under clause (i) or (ii) of subparagraph (A).

“(10) **LEGAL ENTITY.**—The term ‘legal entity’ means—

“(A) an entity described in section 501(c)(3) of the Internal Revenue Code of 1986 (26 U.S.C. 501(c)(3)) and exempt from tax under section 501(a) of such Code;

“(B) an instrumentality of State or local government; or

“(C) a consortium of instrumentalities of State or local governments that has constituted itself as an entity.

“(11) **METROPOLITAN CITY; URBAN COUNTY; NONENTITLEMENT AREA.**—The terms ‘metropolitan city’, ‘urban county’, and ‘nonentitlement area’ have the meanings given such terms in section 102(a) of the Housing and Community Development Act of 1974 (42 U.S.C. 5302(a)).

“(12) **NEW.**—The term ‘new’ means, with respect to housing, that no assistance has been provided under this title for the housing.

“(13) **OPERATING COSTS.**—The term ‘operating costs’ means expenses incurred by a project sponsor operating transitional housing or permanent housing under this title with respect to—

“(A) the administration, maintenance, repair, and security of such housing;

“(B) utilities, fuel, furnishings, and equipment for such housing; or

“(C) coordination of services as needed to ensure long-term housing stability.

“(14) **OUTPATIENT HEALTH SERVICES.**—The term ‘outpatient health services’ means outpatient health care services, mental health services, and outpatient substance abuse services.

“(15) **PERMANENT HOUSING.**—The term ‘permanent housing’ means community-based housing without a designated length of stay, and includes both permanent supportive housing and permanent housing without supportive services.

“(16) **PERSONALLY IDENTIFYING INFORMATION.**—The term ‘personally identifying information’ means individually identifying information for or about an individual, including information likely to disclose the location of a victim of domestic violence, dating violence, sexual assault, or stalking, including—

“(A) a first and last name;

“(B) a home or other physical address;

“(C) contact information (including a postal, e-mail or Internet protocol address, or telephone or facsimile number);

“(D) a social security number; and

“(E) any other information, including date of birth, racial or ethnic background, or religious affiliation, that, in combination with any other non-personally identifying information, would serve to identify any individual.

“(17) **PRIVATE NONPROFIT ORGANIZATION.**—The term ‘private nonprofit organization’ means an organization—

“(A) no part of the net earnings of which inures to the benefit of any member, founder, contributor, or individual;

“(B) that has a voluntary board;

“(C) that has an accounting system, or has designated a fiscal agent in accordance with requirements established by the Secretary; and

“(D) that practices nondiscrimination in the provision of assistance.

“(18) **PROJECT.**—The term ‘project’ means, with respect to activities carried out under subtitle C, eligible activities described in section 423(a), undertaken pursuant to a specific endeavor, such as serving a particular population or providing a particular resource.

“(19) **PROJECT-BASED.**—The term ‘project-based’ means, with respect to rental assistance, that the assistance is provided pursuant to a contract that—

“(A) is between—

“(i) the recipient or a project sponsor; and

“(ii) an owner of a structure that exists as of the date the contract is entered into; and

“(B) provides that rental assistance payments shall be made to the owner and that the units in the structure shall be occupied by eligible persons for not less than the term of the contract.

“(20) **PROJECT SPONSOR.**—The term ‘project sponsor’ means, with respect to proposed eligible activities, the organization directly responsible for carrying out the proposed eligible activities.

“(21) **RECIPIENT.**—Except as used in subtitle B, the term ‘recipient’ means an eligible entity who—

“(A) submits an application for a grant under section 422 that is approved by the Secretary;

“(B) receives the grant directly from the Secretary to support approved projects described in the application; and

“(C)(i) serves as a project sponsor for the projects; or

“(ii) awards the funds to project sponsors to carry out the projects.

“(22) SECRETARY.—The term ‘Secretary’ means the Secretary of Housing and Urban Development.

“(23) SERIOUS MENTAL ILLNESS.—The term ‘serious mental illness’ means a severe and persistent mental illness or emotional impairment that seriously limits a person’s ability to live independently.

“(24) SOLO APPLICANT.—The term ‘solo applicant’ means an entity that is an eligible entity, directly submits an application for a grant under subtitle C to the Secretary, and, if awarded such grant, receives such grant directly from the Secretary.

“(25) SPONSOR-BASED.—The term ‘sponsor-based’ means, with respect to rental assistance, that the assistance is provided pursuant to a contract that—

“(A) is between—

“(i) the recipient or a project sponsor; and

“(ii) an independent entity that—

“(I) is a private organization; and

“(II) owns or leases dwelling units; and

“(B) provides that rental assistance payments shall be made to the independent entity and that eligible persons shall occupy such assisted units.

“(26) STATE.—Except as used in subtitle B, the term ‘State’ means each of the several States, the District of Columbia, the Commonwealth of Puerto Rico, the United States Virgin Islands, Guam, American Samoa, the Commonwealth of the Northern Mariana Islands, the Trust Territory of the Pacific Islands, and any other territory or possession of the United States.

“(27) SUPPORTIVE SERVICES.—The term ‘supportive services’ means services that address the special needs of people served by a project, including—

“(A) the establishment and operation of a child care services program for families experiencing homelessness;

“(B) the establishment and operation of an employment assistance program, including providing job training;

“(C) the provision of outpatient health services, food, and case management;

“(D) the provision of assistance in obtaining permanent housing, employment counseling, and nutritional counseling;

“(E) the provision of outreach services, advocacy, life skills training, and housing search and counseling services;

“(F) the provision of mental health services, trauma counseling, and victim services;

“(G) the provision of assistance in obtaining other Federal, State, and local assistance available for residents of supportive housing (including mental health benefits, employment counseling, and medical assistance, but not including major medical equipment);

“(H) the provision of legal services for purposes including requesting reconsiderations and appeals of veterans and public benefit claim denials and resolving outstanding warrants that interfere with an individual’s ability to obtain and retain housing;

“(I) the provision of—

“(i) transportation services that facilitate an individual’s ability to obtain and maintain employment; and

“(ii) health care; and

“(J) other supportive services necessary to obtain and maintain housing.

“(28) TENANT-BASED.—The term ‘tenant-based’ means, with respect to rental assistance, assistance that—

“(A) allows an eligible person to select a housing unit in which such person will live using rental assistance provided under subtitle C, except that if necessary to assure that the provision of supportive services to a person participating in a program is feasible, a recipient or project sponsor may require that the person live—

“(i) in a particular structure or unit for not more than the first year of the participation;

“(ii) within a particular geographic area for the full period of the participation, or the period remaining after the period referred to in subparagraph (A); and

“(B) provides that a person may receive such assistance and move to another structure, unit, or geographic area if the person has complied with all other obligations of the program and has moved out of the assisted dwelling unit in order to protect the health or safety of an individual who is or has been the victim of domestic violence, dating violence, sexual assault, or stalking, and who reasonably believed he or she was imminently threatened by harm from further violence if he or she remained in the assisted dwelling unit.

“(29) TRANSITIONAL HOUSING.—The term ‘transitional housing’ means housing the purpose of which is to facilitate the movement of individuals and families experiencing homelessness to permanent housing within 24 months or such longer period as the Secretary determines necessary.

“(30) UNIFIED FUNDING AGENCY.—The term ‘unified funding agency’ means a collaborative applicant that performs the duties described in section 402(g).

“(31) UNDERSERVED POPULATIONS.—The term ‘underserved populations’ includes populations underserved because of geographic location, underserved racial and ethnic populations, populations underserved because of special needs (such as language barriers, disabilities, alienage status, or age), and any other population determined to be underserved by the Secretary, as appropriate.

“(32) VICTIM SERVICE PROVIDER.—The term ‘victim service provider’ means a private nonprofit organization whose primary mission is to provide services to victims of domestic violence, dating violence, sexual assault, or stalking. Such term includes rape crisis centers, battered women’s shelters, domestic violence transitional housing programs, and other programs.

“(33) VICTIM SERVICES.—The term ‘victim services’ means services that assist domestic violence, dating violence, sexual assault, or stalking victims, including services offered by rape crisis centers and domestic violence shelters, and other organizations, with a documented history of effective work concerning domestic violence, dating violence, sexual assault, or stalking.”

SEC. 102. COMMUNITY HOMELESS ASSISTANCE PLANNING BOARDS.

Subtitle A of title IV of the McKinney-Vento Homeless Assistance Act (42 U.S.C. 11361 et seq.) is amended by inserting after section 401 (as added by section 101(3) of this Act) the following new section:

“SEC. 402. COLLABORATIVE APPLICANTS.

“(a) ESTABLISHMENT AND DESIGNATION.—A collaborative applicant shall be established for a geographic area by the relevant parties in that geographic area to—

“(1) submit an application for amounts under this subtitle; and

“(2) perform the duties specified in subsection (f) and, if applicable, subsection (g).

“(b) NO REQUIREMENT TO BE A LEGAL ENTITY.—An entity may be established to serve as a collaborative applicant under this section without being a legal entity.

“(c) REMEDIAL ACTION.—If the Secretary finds that a collaborative applicant for a ge-

ographic area does not meet the requirements of this section, or if there is no collaborative applicant for a geographic area, the Secretary may take remedial action to ensure fair distribution of grant amounts under subtitle C to eligible entities within that area. Such measures may include designating another body as a collaborative applicant, or permitting other eligible entities to apply directly for grants.

“(d) CONSTRUCTION.—Nothing in this section shall be construed to displace conflict of interest or government fair practices laws, or their equivalent, that govern applicants for grant amounts under subtitles B and C.

“(e) APPOINTMENT OF AGENT.—

“(1) IN GENERAL.—Subject to paragraph (2), a collaborative applicant may designate an agent to—

“(A) apply for a grant under section 422(c);

“(B) receive and distribute grant funds awarded under subtitle C; and

“(C) perform other administrative duties.

“(2) RETENTION OF DUTIES.—Any collaborative applicant that designates an agent pursuant to paragraph (1) shall regardless of such designation retain all of its duties and responsibilities under this title.

“(f) DUTIES.—A collaborative applicant shall—

“(1) design a collaborative process for the development of an application under subtitle C, and for evaluating the outcomes of projects for which funds are awarded under subtitle B, in such a manner as to provide information necessary for the Secretary—

“(A) to determine compliance with—

“(i) the program requirements under section 426; and

“(ii) the selection criteria described under section 427; and

“(B) to establish priorities for funding projects in the geographic area involved;

“(2) participate in the Consolidated Plan for the geographic area served by the collaborative applicant; and

“(3) ensure operation of, and consistent participation by, project sponsors in a community-wide homeless management information system (in this subsection referred to as ‘HMIS’) that—

“(A) collects unduplicated counts of individuals and families experiencing homelessness;

“(B) analyzes patterns of use of assistance provided under subtitles B and C for the geographic area involved;

“(C) provides information to project sponsors and applicants for needs analyses and funding priorities; and

“(D) is developed in accordance with standards established by the Secretary, including standards that provide for—

“(i) encryption of data collected for purposes of HMIS;

“(ii) documentation, including keeping an accurate accounting, proper usage, and disclosure, of HMIS data;

“(iii) access to HMIS data by staff, contractors, law enforcement, and academic researchers;

“(iv) rights of persons receiving services under this title;

“(v) criminal and civil penalties for unlawful disclosure of data; and

“(vi) such other standards as may be determined necessary by the Secretary.

“(g) UNIFIED FUNDING.—

“(1) IN GENERAL.—In addition to the duties described in subsection (f), a collaborative applicant shall receive from the Secretary and distribute to other project sponsors in the applicable geographic area funds for projects to be carried out by such other project sponsors, if—

“(A) the collaborative applicant—

“(i) applies to undertake such collection and distribution responsibilities in an application submitted under this subtitle; and

“(ii) is selected to perform such responsibilities by the Secretary; or

“(B) the Secretary designates the collaborative applicant as the unified funding agency in the geographic area, after—

“(i) a finding by the Secretary that the applicant—

“(I) has the capacity to perform such responsibilities; and

“(II) would serve the purposes of this Act as they apply to the geographic area; and

“(ii) the Secretary provides the collaborative applicant with the technical assistance necessary to perform such responsibilities as such assistance is agreed to by the collaborative applicant.

“(2) REQUIRED ACTIONS BY A UNIFIED FUNDING AGENCY.—A collaborative applicant that is either selected or designated as a unified funding agency for a geographic area under paragraph (1) shall—

“(A) require each project sponsor who is funded by a grant received under subtitle C to establish such fiscal control and fund accounting procedures as may be necessary to assure the proper disbursement of, and accounting for, Federal funds awarded to the project sponsor under subtitle C in order to ensure that all financial transactions carried out under subtitle C are conducted, and records maintained, in accordance with generally accepted accounting principles; and

“(B) arrange for an annual survey, audit, or evaluation of the financial records of each project carried out by a project sponsor funded by a grant received under subtitle C.

“(h) CONFLICT OF INTEREST.—No board member of a collaborative applicant may participate in decisions of the collaborative applicant concerning the award of a grant, or provision of other financial benefits, to such member or the organization that such member represents.”.

SEC. 103. GENERAL PROVISIONS.

Subtitle A of the McKinney-Vento Homeless Assistance Act (42 U.S.C. 11361 et seq.) is amended by inserting after section 403 (as so redesignated by section 101(2) of this Act) the following new sections:

“SEC. 404. PREVENTING INVOLUNTARY FAMILY SEPARATION.

“(a) IN GENERAL.—After the expiration of the 2-year period that begins upon the date of the enactment of the Homeless Emergency Assistance and Rapid Transition to Housing Act of 2008, and except as provided in subsection (b), any project sponsor receiving funds under this title to provide emergency shelter, transitional housing, or permanent housing to families with children under age 18 shall not deny admission to any family based on the age of any child under age 18.

“(b) EXCEPTION.—Notwithstanding the requirement under subsection (a), project sponsors of transitional housing receiving funds under this title may target transitional housing resources to families with children of a specific age only if the project sponsor—

“(1) operates a transitional housing program that has a primary purpose of implementing an evidence-based practice that requires that housing units be targeted to families with children in a specific age group; and

“(2) provides such assurances, as the Secretary shall require, that an equivalent appropriate alternative living arrangement for the whole family or household unit has been secured.

“SEC. 405. TECHNICAL ASSISTANCE.

“(a) IN GENERAL.—The Secretary shall make available technical assistance to private nonprofit organizations and other non-

governmental entities, States, metropolitan cities, urban counties, and counties that are not urban counties, to implement effective planning processes for preventing and ending homelessness, to improve their capacity to prepare collaborative applications, to prevent the separation of families in emergency shelter or other housing programs, and to adopt and provide best practices in housing and services for persons experiencing homelessness.

“(b) RESERVATION.—The Secretary shall reserve not more than 1 percent of the funds made available for any fiscal year for carrying out subtitles B and C, to provide technical assistance under subsection (a).”.

SEC. 104. PROTECTION OF PERSONALLY IDENTIFYING INFORMATION BY VICTIM SERVICE PROVIDERS.

Subtitle A of the McKinney-Vento Homeless Assistance Act (42 U.S.C. 11361 et seq.), as amended by the preceding provisions of this title, is further amended by adding at the end the following new section:

“SEC. 407. PROTECTION OF PERSONALLY IDENTIFYING INFORMATION BY VICTIM SERVICE PROVIDERS.

“In the course of awarding grants or implementing programs under this title, the Secretary shall instruct any victim service provider that is a recipient or subgrantee not to disclose for purposes of the Homeless Management Information System any personally identifying information about any client. The Secretary may, after public notice and comment, require or ask such recipients and subgrantees to disclose for purposes of the Homeless Management Information System non-personally identifying information that has been de-identified, encrypted, or otherwise encoded. Nothing in this section shall be construed to supersede any provision of any Federal, State, or local law that provides greater protection than this subsection for victims of domestic violence, dating violence, sexual assault, or stalking.”.

SEC. 105. AUTHORIZATION OF APPROPRIATIONS.

Subtitle A of the McKinney-Vento Homeless Assistance Act (42 U.S.C. 11361 et seq.), as amended by the preceding provisions of this title, is further amended by adding at the end the following new section:

“SEC. 408. AUTHORIZATION OF APPROPRIATIONS.

“There are authorized to be appropriated to carry out this title \$2,200,000,000 for fiscal year 2009 and such sums as may be necessary for fiscal year 2010.”.

TITLE II—EMERGENCY SOLUTIONS GRANTS PROGRAM

SEC. 201. GRANT ASSISTANCE.

Subtitle B of title IV of the McKinney-Vento Homeless Assistance Act (42 U.S.C. 11371 et seq.) is amended—

(1) by striking the subtitle heading and inserting the following:

“Subtitle B—Emergency Solutions Grants Program”;

(2) by striking section 417 (42 U.S.C. 11377);

(3) by redesignating sections 413 through 416 (42 U.S.C. 11373–6) as sections 414 through 417, respectively; and

(4) by striking section 412 (42 U.S.C. 11372) and inserting the following:

“SEC. 412. GRANT ASSISTANCE.

“The Secretary shall make grants to States and local governments (and to private nonprofit organizations providing assistance to persons experiencing homelessness or at risk of homelessness, in the case of grants made with reallocated amounts) for the purpose of carrying out activities described in section 415.

“SEC. 413. AMOUNT AND ALLOCATION OF ASSISTANCE.

“(a) IN GENERAL.—Of the amount made available to carry out this subtitle and sub-

title C for a fiscal year, the Secretary shall allocate nationally 20 percent of such amount for activities described in section 415. The Secretary shall be required to certify that such allocation will not adversely affect the renewal of existing projects under this subtitle and subtitle C for those individuals or families who are homeless.

“(b) ALLOCATION.—An entity that receives a grant under section 412, and serves an area that includes 1 or more geographic areas (or portions of such areas) served by collaborative applicants that submit applications under subtitle C, shall allocate the funds made available through the grant to carry out activities described in section 415, in consultation with the collaborative applicants.”; and

(5) in section 414(b) (42 U.S.C. 11373(b)), as so redesignated by paragraph (3) of this section, by striking “amounts appropriated” and all that follows through “for any” and inserting “amounts appropriated under section 408 and made available to carry out this subtitle for any”.

SEC. 202. ELIGIBLE ACTIVITIES.

The McKinney-Vento Homeless Assistance Act is amended by striking section 415 (42 U.S.C. 11374), as so redesignated by section 201(3) of this Act, and inserting the following new section:

“SEC. 415. ELIGIBLE ACTIVITIES.

“(a) IN GENERAL.—Assistance provided under section 412 may be used for the following activities:

“(1) The renovation, major rehabilitation, or conversion of buildings to be used as emergency shelters.

“(2) The provision of essential services related to emergency shelter or street outreach, including services concerned with employment, health, education, family support services for homeless youth, substance abuse services, victim services, or mental health services, if—

“(A) such essential services have not been provided by the local government during any part of the immediately preceding 12-month period or the Secretary determines that the local government is in a severe financial deficit; or

“(B) the use of assistance under this subtitle would complement the provision of those essential services.

“(3) Maintenance, operation, insurance, provision of utilities, and provision of furnishings related to emergency shelter.

“(4) Provision of rental assistance to provide short-term or medium-term housing to homeless individuals or families or individuals or families at risk of homelessness. Such rental assistance may include tenant-based or project-based rental assistance.

“(5) Housing relocation or stabilization services for homeless individuals or families or individuals or families at risk of homelessness, including housing search, mediation or outreach to property owners, legal services, credit repair, providing security or utility deposits, utility payments, rental assistance for a final month at a location, assistance with moving costs, or other activities that are effective at—

“(A) stabilizing individuals and families in their current housing; or

“(B) quickly moving such individuals and families to other permanent housing.

“(b) MAXIMUM ALLOCATION FOR EMERGENCY SHELTER ACTIVITIES.—A grantee of assistance provided under section 412 for any fiscal year may not use an amount of such assistance for activities described in paragraphs (1) through (3) of subsection (a) that exceeds the greater of—

“(1) 60 percent of the aggregate amount of such assistance provided for the grantee for such fiscal year; or

“(2) the amount expended by such grantee for such activities during fiscal year most recently completed before the effective date under section 503 of the Homeless Emergency Assistance and Rapid Transition to Housing Act of 2008.”.

SEC. 203. PARTICIPATION IN HOMELESS MANAGEMENT INFORMATION SYSTEM.

Section 416 of the McKinney-Vento Homeless Assistance Act (42 U.S.C. 11375), as so redesignated by section 201(3) of this Act, is amended by adding at the end the following new subsection:

“(f) PARTICIPATION IN HMIS.—The Secretary shall ensure that recipients of funds under this subtitle ensure the consistent participation by emergency shelters and homelessness prevention and rehousing programs in any applicable community-wide homeless management information system.”.

TITLE III—CONTINUUM OF CARE PROGRAM

SEC. 301. CONTINUUM OF CARE.

The McKinney-Vento Homeless Assistance Act is amended—

(1) by striking the subtitle heading for subtitle C of title IV (42 U.S.C. 11381 et seq.) and inserting the following:

**“Subtitle C—Continuum of Care Program”;
and**

(2) by striking sections 421 and 422 (42 U.S.C. 11381 and 11382) and inserting the following new sections:

“SEC. 421. PURPOSES.

“The purposes of this subtitle are—

“(1) to promote community-wide commitment to the goal of ending homelessness;

“(2) to provide funding for efforts by non-profit providers and State and local governments to quickly rehouse homeless individuals and families while minimizing the trauma and dislocation caused to individuals, families, and communities by homelessness;

“(3) to promote access to, and effective utilization of, mainstream programs described in section 203(a)(7) and programs funded with State or local resources; and

“(4) to optimize self-sufficiency among individuals and families experiencing homelessness.

“SEC. 422. CONTINUUM OF CARE APPLICATIONS AND GRANTS.

“(a) PROJECTS.—The Secretary shall award grants, on a competitive basis, and using the selection criteria described in section 427, to carry out eligible activities under this subtitle for projects that meet the program requirements under section 426, either by directly awarding funds to project sponsors or by awarding funds to unified funding agencies.

“(b) NOTIFICATION OF FUNDING AVAILABILITY.—The Secretary shall release a notification of funding availability for grants awarded under this subtitle for a fiscal year not later than 3 months after the date of the enactment of the appropriate Act making appropriations for the Department of Housing and Urban Development for such fiscal year.

“(c) APPLICATIONS.—

“(1) SUBMISSION TO THE SECRETARY.—To be eligible to receive a grant under subsection (a), a project sponsor or unified funding agency in a geographic area shall submit an application to the Secretary at such time and in such manner as the Secretary may require, and containing such information as the Secretary determines necessary—

“(A) to determine compliance with the program requirements and selection criteria under this subtitle; and

“(B) to establish priorities for funding projects in the geographic area.

“(2) ANNOUNCEMENT OF AWARDS.—

“(A) IN GENERAL.—Except as provided in subparagraph (B), the Secretary shall an-

nounce, within 5 months after the last date for the submission of applications described in this subsection for a fiscal year, the grants conditionally awarded under subsection (a) for that fiscal year.

“(B) TRANSITION.—For a period of up to 2 years beginning after the effective date under section 503 of the Homeless Emergency Assistance and Rapid Transition to Housing Act of 2008, the Secretary shall announce, within 6 months after the last date for the submission of applications described in this subsection for a fiscal year, the grants conditionally awarded under subsection (a) for that fiscal year.

“(d) OBLIGATION, DISTRIBUTION, AND UTILIZATION OF FUNDS.—

“(1) REQUIREMENTS FOR OBLIGATION.—

“(A) IN GENERAL.—Not later than 9 months after the announcement referred to in subsection (c)(2), each recipient or project sponsor shall meet all requirements for the obligation of those funds, including site control, matching funds, and environmental review requirements, except as provided in subparagraphs (B) and (C).

“(B) ACQUISITION, REHABILITATION, OR CONSTRUCTION.—Not later than 24 months after the announcement referred to in subsection (c)(2), each recipient or project sponsor seeking the obligation of funds for acquisition of housing, rehabilitation of housing, or construction of new housing for a grant announced under subsection (c)(2) shall meet all requirements for the obligation of those funds, including site control, matching funds, and environmental review requirements.

“(C) EXTENSIONS.—At the discretion of the Secretary, and in compelling circumstances, the Secretary may extend the date by which a recipient or project sponsor shall meet the requirements described in subparagraphs (A) and (B) if the Secretary determines that compliance with the requirements was delayed due to factors beyond the reasonable control of the recipient or project sponsor. Such factors may include difficulties in obtaining site control for a proposed project, completing the process of obtaining secure financing for the project, obtaining approvals from State or local governments, or completing the technical submission requirements for the project.

“(2) OBLIGATION.—Not later than 45 days after a recipient or project sponsor meets the requirements described in paragraph (1), the Secretary shall obligate the funds for the grant involved.

“(3) DISTRIBUTION.—A recipient that receives funds through such a grant—

“(A) shall distribute the funds to project sponsors (in advance of expenditures by the project sponsors); and

“(B) shall distribute the appropriate portion of the funds to a project sponsor not later than 45 days after receiving a request for such distribution from the project sponsor.

“(4) EXPENDITURE OF FUNDS.—The Secretary may establish a date by which funds made available through a grant announced under subsection (c)(2) for a homeless assistance project shall be entirely expended by the recipient or project sponsors involved. The date established under this paragraph shall not occur before the expiration of the 24-month period beginning on the date that funds are obligated for activities described under paragraphs (1) or (2) of section 423(a). The Secretary shall recapture the funds not expended by such date. The Secretary shall reallocate the funds for another homeless assistance and prevention project that meets the requirements of this subtitle to be carried out, if possible and appropriate, in the same geographic area as the area served through the original grant.

“(e) RENEWAL FUNDING FOR UNSUCCESSFUL APPLICANTS.—The Secretary may renew funding for a specific project previously funded under this subtitle that the Secretary determines meets the purposes of this subtitle, and was included as part of a total application that met the criteria of subsection (c), even if the application was not selected to receive grant assistance. The Secretary may renew the funding for a period of not more than 1 year, and under such conditions as the Secretary determines to be appropriate.

“(f) CONSIDERATIONS IN DETERMINING RENEWAL FUNDING.—When providing renewal funding for leasing, operating costs, or rental assistance for permanent housing, the Secretary shall make adjustments proportional to increases in the fair market rents in the geographic area.

“(g) MORE THAN ONE APPLICATION FOR A GEOGRAPHIC AREA.—If more than one collaborative applicant applies for funds for a geographic area, the Secretary shall award funds to the collaborative applicant with the highest score based on the selection criteria set forth in section 427.

“(h) APPEALS.—

“(1) IN GENERAL.—The Secretary shall establish a timely appeal procedure for grant amounts awarded or denied under this subtitle pursuant to a collaborative application or solo application for funding.

“(2) PROCESS.—The Secretary shall ensure that the procedure permits appeals submitted by entities carrying out homeless housing and services projects (including emergency shelters and homelessness prevention programs), and all other applicants under this subtitle.

“(i) SOLO APPLICANTS.—A solo applicant may submit an application to the Secretary for a grant under subsection (a) and be awarded such grant on the same basis as such grants are awarded to other applicants based on the criteria described in section 427, but only if the Secretary determines that the solo applicant has attempted to participate in the continuum of care process but was not permitted to participate in a reasonable manner. The Secretary may award such grants directly to such applicants in a manner determined to be appropriate by the Secretary.

“(j) FLEXIBILITY TO SERVE PERSONS DEFINED AS HOMELESS UNDER OTHER FEDERAL LAWS.—

“(1) IN GENERAL.—A collaborative applicant may use not more than 10 percent of funds awarded under this subtitle (continuum of care funding) for any of the types of eligible activities specified in paragraphs (1) through (7) of section 423(a) to serve families with children and youth defined as homeless under other Federal statutes, or homeless families with children and youth defined as homeless under section 103(a)(6), but only if the applicant demonstrates that the use of such funds is of an equal or greater priority or is equally or more cost effective in meeting the overall goals and objectives of the plan submitted under section 427(b)(1)(B), especially with respect to children and unaccompanied youth.

“(2) LIMITATIONS.—The 10 percent limitation under paragraph (1) shall not apply to collaborative applicants in which the rate of homelessness, as calculated in the most recent point in time count, is less than one-tenth of 1 percent of total population.

“(3) TREATMENT OF CERTAIN POPULATIONS.—

“(A) IN GENERAL.—Notwithstanding section 103(a) and subject to subparagraph (B), funds awarded under this subtitle may be used for eligible activities to serve unaccompanied youth and homeless families and children defined as homeless under section 103(a)(6) only pursuant to paragraph (1) of this subsection

and such families and children shall not otherwise be considered as homeless for purposes of this subtitle.

“(B) AT RISK OF HOMELESSNESS.—Subparagraph (A) may not be construed to prevent any unaccompanied youth and homeless families and children defined as homeless under section 103(a)(6) from qualifying for, and being treated for purposes of this subtitle as, at risk of homelessness or from eligibility for any projects, activities, or services carried out using amounts provided under this subtitle for which individuals or families that are at risk of homelessness are eligible.”.

SEC. 302. ELIGIBLE ACTIVITIES.

The McKinney-Vento Homeless Assistance Act is amended by striking section 423 (42 U.S.C. 11383) and inserting the following new section:

“SEC. 423. ELIGIBLE ACTIVITIES.

“(a) IN GENERAL.—Grants awarded under section 422 to qualified applicants shall be used to carry out projects that serve homeless individuals or families that consist of one or more of the following eligible activities:

“(1) Construction of new housing units to provide transitional or permanent housing.

“(2) Acquisition or rehabilitation of a structure to provide transitional or permanent housing, other than emergency shelter, or to provide supportive services.

“(3) Leasing of property, or portions of property, not owned by the recipient or project sponsor involved, for use in providing transitional or permanent housing, or providing supportive services.

“(4) Provision of rental assistance to provide transitional or permanent housing to eligible persons. The rental assistance may include tenant-based, project-based, or sponsor-based rental assistance. Project-based rental assistance, sponsor-based rental assistance, and operating cost assistance contracts carried out by project sponsors receiving grants under this section may, at the discretion of the applicant and the project sponsor, have an initial term of 15 years, with assistance for the first 5 years paid with funds authorized for appropriation under this Act, and assistance for the remainder of the term treated as a renewal of an expiring contract as provided in section 429. Project-based rental assistance may include rental assistance to preserve existing permanent supportive housing for homeless individuals and families.

“(5) Payment of operating costs for housing units assisted under this subtitle or for the preservation of housing that will serve homeless individuals and families and for which another form of assistance is expiring or otherwise no longer available.

“(6) Supportive services for individuals and families who are currently homeless, who have been homeless in the prior 6 months but are currently residing in permanent housing, or who were previously homeless and are currently residing in permanent supportive housing.

“(7) Provision of rehousing services, including housing search, mediation or outreach to property owners, credit repair, providing security or utility deposits, rental assistance for a final month at a location, assistance with moving costs, or other activities that—

“(A) are effective at moving homeless individuals and families immediately into housing; or

“(B) may benefit individuals and families who in the prior 6 months have been homeless, but are currently residing in permanent housing.

“(8) In the case of a collaborative applicant that is a legal entity, performance of the duties described under section 402(f)(3).

“(9) Operation of, participation in, and ensuring consistent participation by project sponsors in, a community-wide homeless management information system.

“(10) In the case of a collaborative applicant that is a legal entity, payment of administrative costs related to meeting the requirements described in paragraphs (1) and (2) of section 402(f), for which the collaborative applicant may use not more than 3 percent of the total funds made available in the geographic area under this subtitle for such costs.

“(11) In the case of a collaborative applicant that is a unified funding agency under section 402(g), payment of administrative costs related to meeting the requirements of that section, for which the unified funding agency may use not more than 3 percent of the total funds made available in the geographic area under this subtitle for such costs, in addition to funds used under paragraph (10).

“(12) Payment of administrative costs to project sponsors, for which each project sponsor may use not more than 10 percent of the total funds made available to that project sponsor through this subtitle for such costs.

“(b) MINIMUM GRANT TERMS.—The Secretary may impose minimum grant terms of up to 5 years for new projects providing permanent housing.

“(c) USE RESTRICTIONS.—

“(1) ACQUISITION, REHABILITATION, AND NEW CONSTRUCTION.—A project that consists of activities described in paragraph (1) or (2) of subsection (a) shall be operated for the purpose specified in the application submitted for the project under section 422 for not less than 15 years.

“(2) OTHER ACTIVITIES.—A project that consists of activities described in any of paragraphs (3) through (12) of subsection (a) shall be operated for the purpose specified in the application submitted for the project under section 422 for the duration of the grant period involved.

“(3) CONVERSION.—If the recipient or project sponsor carrying out a project that provides transitional or permanent housing submits a request to the Secretary to carry out instead a project for the direct benefit of low-income persons, and the Secretary determines that the initial project is no longer needed to provide transitional or permanent housing, the Secretary may approve the project described in the request and authorize the recipient or project sponsor to carry out that project.

“(d) REPAYMENT OF ASSISTANCE AND PREVENTION OF UNDUE BENEFITS.—

“(1) REPAYMENT.—If a recipient or project sponsor receives assistance under section 422 to carry out a project that consists of activities described in paragraph (1) or (2) of subsection (a) and the project ceases to provide transitional or permanent housing—

“(A) earlier than 10 years after operation of the project begins, the Secretary shall require the recipient or project sponsor to repay 100 percent of the assistance; or

“(B) not earlier than 10 years, but earlier than 15 years, after operation of the project begins, the Secretary shall require the recipient or project sponsor to repay 20 percent of the assistance for each of the years in the 15-year period for which the project fails to provide that housing.

“(2) PREVENTION OF UNDUE BENEFITS.—Except as provided in paragraph (3), if any property is used for a project that receives assistance under subsection (a) and consists of activities described in paragraph (1) or (2) of subsection (a), and the sale or other disposition of the property occurs before the expiration of the 15-year period beginning on the date that operation of the project begins,

the recipient or project sponsor who received the assistance shall comply with such terms and conditions as the Secretary may prescribe to prevent the recipient or project sponsor from unduly benefitting from such sale or disposition.

“(3) EXCEPTION.—A recipient or project sponsor shall not be required to make the repayments, and comply with the terms and conditions, required under paragraph (1) or (2) if—

“(A) the sale or disposition of the property used for the project results in the use of the property for the direct benefit of very low-income persons;

“(B) all of the proceeds of the sale or disposition are used to provide transitional or permanent housing meeting the requirements of this subtitle;

“(C) project-based rental assistance or operating cost assistance from any Federal program or an equivalent State or local program is no longer made available and the project is meeting applicable performance standards, provided that the portion of the project that had benefitted from such assistance continues to meet the tenant income and rent restrictions for low-income units under section 42(g) of the Internal Revenue Code of 1986; or

“(D) there are no individuals and families in the geographic area who are homeless, in which case the project may serve individuals and families at risk of homelessness.

“(e) STAFF TRAINING.—The Secretary may allow reasonable costs associated with staff training to be included as part of the activities described in subsection (a).

“(f) ELIGIBILITY FOR PERMANENT HOUSING.—Any project that receives assistance under subsection (a) and that provides project-based or sponsor-based permanent housing for homeless individuals or families with a disability, including projects that meet the requirements of subsection (a) and subsection (d)(2)(A) of section 428 may also serve individuals who had previously met the requirements for such project prior to moving into a different permanent housing project.

“(g) ADMINISTRATION OF RENTAL ASSISTANCE.—Provision of permanent housing rental assistance shall be administered by a State, unit of general local government, or public housing agency.”.

SEC. 303. HIGH PERFORMING COMMUNITIES.

The McKinney-Vento Homeless Assistance Act is amended by striking section 424 (42 U.S.C. 11384) and inserting the following:

“SEC. 424. INCENTIVES FOR HIGH-PERFORMING COMMUNITIES.

“(a) DESIGNATION AS A HIGH-PERFORMING COMMUNITY.—

“(1) IN GENERAL.—The Secretary shall designate, on an annual basis, which collaborative applicants represent high-performing communities.

“(2) CONSIDERATION.—In determining whether to designate a collaborative applicant as a high-performing community under paragraph (1), the Secretary shall establish criteria to ensure that the requirements described under paragraphs (1)(B) and (2)(B) of subsection (d) are measured by comparing homeless individuals and families under similar circumstances, in order to encourage projects in the geographic area to serve homeless individuals and families with more severe barriers to housing stability.

“(3) 2-YEAR PHASE IN.—In each of the first 2 years after the effective date under section 503 of the Homeless Emergency Assistance and Rapid Transition to Housing Act of 2008, the Secretary shall designate not more than ten collaborative applicants as high-performing communities.

“(4) EXCESS OF QUALIFIED APPLICANTS.—If, during the 2-year period described under

paragraph (2), more than ten collaborative applicants could qualify to be designated as high-performing communities, the Secretary shall designate the ten that have, in the discretion of the Secretary, the best performance based on the criteria described under subsection (d).

“(5) TIME LIMIT ON DESIGNATION.—The designation of any collaborative applicant as a high-performing community under this subsection shall be effective only for the year in which such designation is made. The Secretary, on an annual basis, may renew any such designation.

“(b) APPLICATION.—

“(1) IN GENERAL.—A collaborative applicant seeking designation as a high-performing community under subsection (a) shall submit an application to the Secretary at such time, and in such manner as the Secretary may require.

“(2) CONTENT OF APPLICATION.—In any application submitted under paragraph (1), a collaborative applicant shall include in such application—

“(A) a report showing how any money received under this subtitle in the preceding year was expended; and

“(B) information that such applicant can meet the requirements described under subsection (d).

“(3) PUBLICATION OF APPLICATION.—The Secretary shall—

“(A) publish any report or information submitted in an application under this section in the geographic area represented by the collaborative applicant; and

“(B) seek comments from the public as to whether the collaborative applicant seeking designation as a high-performing community meets the requirements described under subsection (d).

“(c) USE OF FUNDS.—Funds awarded under section 422(a) to a project sponsor who is located in a high-performing community may be used—

“(1) for any of the eligible activities described in section 423; or

“(2) for any of the eligible activities described in paragraphs (4) and (5) of section 415(a).

“(d) DEFINITION OF HIGH-PERFORMING COMMUNITY.—For purposes of this section, the term ‘high-performing community’ means a geographic area that demonstrates through reliable data that all five of the following requirements are met for that geographic area:

“(1) TERM OF HOMELESSNESS.—The mean length of episodes of homelessness for that geographic area—

“(A) is less than 20 days; or

“(B) for individuals and families in similar circumstances in the preceding year was at least 10 percent less than in the year before.

“(2) FAMILIES LEAVING HOMELESSNESS.—Of individuals and families—

“(A) who leave homelessness, fewer than 5 percent of such individuals and families become homeless again at any time within the next 2 years; or

“(B) in similar circumstances who leave homelessness, the percentage of such individuals and families who become homeless again within the next 2 years has decreased by at least 20 percent from the preceding year.

“(3) COMMUNITY ACTION.—The communities that compose the geographic area have—

“(A) actively encouraged homeless individuals and families to participate in homeless assistance services available in that geographic area; and

“(B) included each homeless individual or family who sought homeless assistance services in the data system used by that community for determining compliance with this subsection.

“(4) EFFECTIVENESS OF PREVIOUS ACTIVITIES.—If recipients in the geographic area have used funding awarded under section 422(a) for eligible activities described under section 415(a) in previous years based on the authority granted under subsection (c), that such activities were effective at reducing the number of individuals and families who became homeless in that community.

“(5) FLEXIBILITY TO SERVE PERSONS DEFINED AS HOMELESS UNDER OTHER FEDERAL LAWS.—With respect to collaborative applicants exercising the authority under section 422(j) to serve homeless families with children and youth defined as homeless under other Federal statutes, effectiveness in achieving the goals and outcomes identified in subsection 427(b)(1)(F) according to such standards as the Secretary shall promulgate.

“(e) COOPERATION AMONG ENTITIES.—A collaborative applicant designated as a high-performing community under this section shall cooperate with the Secretary in distributing information about successful efforts within the geographic area represented by the collaborative applicant to reduce homelessness.”

SEC. 304. PROGRAM REQUIREMENTS.

Section 426 of the McKinney-Vento Homeless Assistance Act (42 U.S.C. 11386) is amended—

(1) by striking subsections (a), (b), and (c) and inserting the following:

“(a) SITE CONTROL.—The Secretary shall require that each application include reasonable assurances that the applicant will own or have control of a site for the proposed project not later than the expiration of the 12-month period beginning upon notification of an award for grant assistance, unless the application proposes providing supportive housing assistance under section 423(a)(3) or housing that will eventually be owned or controlled by the families and individuals served. An applicant may obtain ownership or control of a suitable site different from the site specified in the application. If any recipient or project sponsor fails to obtain ownership or control of the site within 12 months after notification of an award for grant assistance, the grant shall be recaptured and reallocated under this subtitle.

“(b) REQUIRED AGREEMENTS.—The Secretary may not provide assistance for a proposed project under this subtitle unless the collaborative applicant involved agrees—

“(1) to ensure the operation of the project in accordance with the provisions of this subtitle;

“(2) to monitor and report to the Secretary the progress of the project;

“(3) to ensure, to the maximum extent practicable, that individuals and families experiencing homelessness are involved, through employment, provision of volunteer services, or otherwise, in constructing, rehabilitating, maintaining, and operating facilities for the project and in providing supportive services for the project;

“(4) to require certification from all project sponsors that—

“(A) they will maintain the confidentiality of records pertaining to any individual or family provided family violence prevention or treatment services through the project;

“(B) that the address or location of any family violence shelter project assisted under this subtitle will not be made public, except with written authorization of the person responsible for the operation of such project;

“(C) they will establish policies and practices that are consistent with, and do not restrict the exercise of rights provided by, subtitle B of title VII, and other laws relating to the provision of educational and related services to individuals and families experiencing homelessness;

“(D) in the case of programs that provide housing or services to families, they will designate a staff person to be responsible for ensuring that children being served in the program are enrolled in school and connected to appropriate services in the community, including early childhood programs such as Head Start, part C of the Individuals with Disabilities Education Act, and programs authorized under subtitle B of title VII of this Act(42 U.S.C. 11431 et seq.); and

“(E) they will provide data and reports as required by the Secretary pursuant to the Act;

“(5) if a collaborative applicant is a unified funding agency under section 402(g) and receives funds under subtitle C to carry out the payment of administrative costs described in section 423(a)(11), to establish such fiscal control and fund accounting procedures as may be necessary to assure the proper disbursement of, and accounting for, such funds in order to ensure that all financial transactions carried out with such funds are conducted, and records maintained, in accordance with generally accepted accounting principles;

“(6) to monitor and report to the Secretary the provision of matching funds as required by section 430;

“(7) to take the educational needs of children into account when families are placed in emergency or transitional shelter and will, to the maximum extent practicable, place families with children as close as possible to their school of origin so as not to disrupt such children’s education; and

“(8) to comply with such other terms and conditions as the Secretary may establish to carry out this subtitle in an effective and efficient manner.”

(2) by redesignating subsection (d) as subsection (c);

(3) in the first sentence of subsection (c) (as so redesignated by paragraph (2) of this subsection), by striking “recipient” and inserting “recipient or project sponsor”;

(4) by striking subsection (e);

(5) by redesignating subsections (f), (g), and (h), as subsections (d), (e), and (f), respectively;

(6) in the first sentence of subsection (e) (as so redesignated by paragraph (5) of this section), by striking “recipient” each place it appears and inserting “recipient or project sponsor”;

(7) by striking subsection (i); and

(8) by redesignating subsection (j) as subsection (g).

SEC. 305. SELECTION CRITERIA, ALLOCATION AMOUNTS, AND FUNDING.

The McKinney-Vento Homeless Assistance Act is amended—

(1) by repealing section 429 (42 U.S.C. 11389); and

(2) by redesignating sections 427 and 428 (42 U.S.C. 11387, 11388) as sections 432 and 433, respectively; and

(3) by inserting after section 426 the following new sections:

“SEC. 427. SELECTION CRITERIA.

“(a) IN GENERAL.—The Secretary shall award funds to recipients through a national competition between geographic areas based on criteria established by the Secretary.

“(b) REQUIRED CRITERIA.—

“(1) IN GENERAL.—The criteria established under subsection (a) shall include—

“(A) the previous performance of the recipient regarding homelessness, including performance related to funds provided under section 412 (except that recipients applying from geographic areas where no funds have been awarded under this subtitle, or under subtitles C, D, E, or F of title IV of this Act, as in effect prior to the date of the enactment of the Homeless Emergency Assistance

and Rapid Transition to Housing Act of 2008, shall receive full credit for performance under this subparagraph), measured by criteria that shall be announced by the Secretary, that shall take into account barriers faced by individual homeless people, and that shall include—

“(i) the length of time individuals and families remain homeless;

“(ii) the extent to which individuals and families who leave homelessness experience additional spells of homelessness;

“(iii) the thoroughness of grantees in the geographic area in reaching homeless individuals and families;

“(iv) overall reduction in the number of homeless individuals and families;

“(v) jobs and income growth for homeless individuals and families;

“(vi) success at reducing the number of individuals and families who become homeless;

“(vii) other accomplishments by the recipient related to reducing homelessness; and

“(viii) for collaborative applicants that have exercised the authority under section 422(j) to serve families with children and youth defined as homeless under other Federal statutes, success in achieving the goals and outcomes identified in section 427(b)(1)(F);

“(B) the plan of the recipient, which shall describe—

“(i) how the number of individuals and families who become homeless will be reduced in the community;

“(ii) how the length of time that individuals and families remain homeless will be reduced;

“(iii) how the recipient will collaborate with local education authorities to assist in the identification of individuals and families who become or remain homeless and are informed of their eligibility for services under subtitle B of title VII of this Act (42 U.S.C. 11431 et seq.);

“(iv) the extent to which the recipient will—

“(I) address the needs of all relevant subpopulations;

“(II) incorporate comprehensive strategies for reducing homelessness, including the interventions referred to in section 428(d);

“(III) set quantifiable performance measures;

“(IV) set timelines for completion of specific tasks;

“(V) identify specific funding sources for planned activities; and

“(VI) identify an individual or body responsible for overseeing implementation of specific strategies; and

“(v) whether the recipient proposes to exercise authority to use funds under section 422(j), and if so, how the recipient will achieve the goals and outcomes identified in section 427(b)(1)(F);

“(C) the methodology of the recipient used to determine the priority for funding local projects under section 422(c)(1), including the extent to which the priority-setting process—

“(i) uses periodically collected information and analysis to determine the extent to which each project has resulted in rapid return to permanent housing for those served by the project, taking into account the severity of barriers faced by the people the project serves;

“(ii) considers the full range of opinions from individuals or entities with knowledge of homelessness in the geographic area or an interest in preventing or ending homelessness in the geographic area;

“(iii) is based on objective criteria that have been publicly announced by the recipient; and

“(iv) is open to proposals from entities that have not previously received funds under this subtitle;

“(D) the extent to which the amount of assistance to be provided under this subtitle to the recipient will be supplemented with resources from other public and private sources, including mainstream programs identified by the Government Accountability Office in the two reports described in section 203(a)(7);

“(E) demonstrated coordination by the recipient with the other Federal, State, local, private, and other entities serving individuals and families experiencing homelessness and at risk of homelessness in the planning and operation of projects;

“(F) for collaborative applicants exercising the authority under section 422(j) to serve homeless families with children and youth defined as homeless under other Federal statutes, program goals and outcomes, which shall include—

“(i) preventing homelessness among the subset of such families with children and youth who are at highest risk of becoming homeless, as such term is defined for purposes of this title; or

“(ii) achieving independent living in permanent housing among such families with children and youth, especially those who have a history of doubled-up and other temporary housing situations or are living in a temporary housing situation due to lack of available and appropriate emergency shelter, through the provision of eligible assistance that directly contributes to achieving such results including assistance to address chronic disabilities, chronic physical health or mental health conditions, substance addiction, histories of domestic violence or childhood abuse, or multiple barriers to employment; and

“(G) such other factors as the Secretary determines to be appropriate to carry out this subtitle in an effective and efficient manner.

“(2) ADDITIONAL CRITERIA.—In addition to the criteria required under paragraph (1), the criteria established under paragraph (1) shall also include the need within the geographic area for homeless services, determined as follows and under the following conditions:

“(A) NOTICE.—The Secretary shall inform each collaborative applicant, at a time concurrent with the release of the notice of funding availability for the grants, of the pro rata estimated grant amount under this subtitle for the geographic area represented by the collaborative applicant.

“(B) AMOUNT.—

“(i) FORMULA.—Such estimated grant amounts shall be determined by a formula, which shall be developed by the Secretary, by regulation, not later than the expiration of the 2-year period beginning upon the date of the enactment of the Homeless Emergency Assistance and Rapid Transition to Housing Act of 2008, that is based upon factors that are appropriate to allocate funds to meet the goals and objectives of this subtitle.

“(ii) COMBINATIONS OR CONSORTIA.—For a collaborative applicant that represents a combination or consortium of cities or counties, the estimated need amount shall be the sum of the estimated need amounts for the cities or counties represented by the collaborative applicant.

“(iii) AUTHORITY OF SECRETARY.—Subject to the availability of appropriations, the Secretary shall increase the estimated need amount for a geographic area if necessary to provide 1 year of renewal funding for all expiring contracts entered into under this subtitle for the geographic area.

“(3) HOMELESSNESS COUNTS.—The Secretary shall not require that communities conduct an actual count of homeless people other

than those described in paragraphs (1) through (4) of section 103(a) of this Act (42 U.S.C. 11302(a)).

“(c) ADJUSTMENTS.—The Secretary may adjust the formula described in subsection (b)(2) as necessary—

“(1) to ensure that each collaborative applicant has sufficient funding to renew all qualified projects for at least one year; and

“(2) to ensure that collaborative applicants are not discouraged from replacing renewal projects with new projects that the collaborative applicant determines will better be able to meet the purposes of this Act.

“SEC. 428. ALLOCATION OF AMOUNTS AND INCENTIVES FOR SPECIFIC ELIGIBLE ACTIVITIES.

“(a) MINIMUM ALLOCATION FOR PERMANENT HOUSING FOR HOMELESS INDIVIDUALS AND FAMILIES WITH DISABILITIES.—

“(1) IN GENERAL.—From the amounts made available to carry out this subtitle for a fiscal year, a portion equal to not less than 30 percent of the sums made available to carry out subtitle B and this subtitle, shall be used for permanent housing for homeless individuals with disabilities and homeless families that include such an individual who is an adult or a minor head of household if no adult is present in the household.

“(2) CALCULATION.—In calculating the portion of the amount described in paragraph (1) that is used for activities that are described in paragraph (1), the Secretary shall not count funds made available to renew contracts for existing projects under section 429.

“(3) ADJUSTMENT.—The 30-percent figure in paragraph (1) shall be reduced proportionately based on need under section 427(b)(2) in geographic areas for which subsection (e) applies in regard to subsection (d)(2)(A).

“(4) SUSPENSION.—The requirement established in paragraph (1) shall be suspended for any year in which available funding for grants under this subtitle would not be sufficient to renew for 1-year existing grants that would otherwise be funded under this subtitle.

“(5) TERMINATION.—The requirement established in paragraph (1) shall terminate upon a finding by the Secretary that since the beginning of 2001 at least 150,000 new units of permanent housing for homeless individuals and families with disabilities have been funded under this subtitle.

“(b) SET-ASIDE FOR PERMANENT HOUSING FOR HOMELESS FAMILIES WITH CHILDREN.—From the amounts made available to carry out this subtitle for a fiscal year, a portion equal to not less than 10 percent of the sums made available to carry out subtitle B and this subtitle for that fiscal year shall be used to provide or secure permanent housing for homeless families with children.

“(c) TREATMENT OF AMOUNTS FOR PERMANENT OR TRANSITIONAL HOUSING.—Nothing in this Act may be construed to establish a limit on the amount of funding that an applicant may request under this subtitle for acquisition, construction, or rehabilitation activities for the development of permanent housing or transitional housing.

“(d) INCENTIVES FOR PROVEN STRATEGIES.—

“(1) IN GENERAL.—The Secretary shall provide bonuses or other incentives to geographic areas for using funding under this subtitle for activities that have been proven to be effective at reducing homelessness generally, reducing homelessness for a specific subpopulation, or achieving homeless prevention and independent living goals as set forth in section 427(b)(1)(F).

“(2) RULE OF CONSTRUCTION.—For purposes of this subsection, activities that have been proven to be effective at reducing homelessness generally or reducing homelessness for a specific subpopulation includes—

“(A) permanent supportive housing for chronically homeless individuals and families;

“(B) for homeless families, rapid rehousing services, short-term flexible subsidies to overcome barriers to rehousing, support services concentrating on improving incomes to pay rent, coupled with performance measures emphasizing rapid and permanent rehousing and with leveraging funding from mainstream family service systems such as Temporary Assistance for Needy Families and Child Welfare services; and

“(C) any other activity determined by the Secretary, based on research and after notice and comment to the public, to have been proven effective at reducing homelessness generally, reducing homelessness for a specific subpopulation, or achieving homeless prevention and independent living goals as set forth in section 427(b)(1)(F).

“(3) BALANCE OF INCENTIVES FOR PROVEN STRATEGIES.—To the extent practicable, in providing bonuses or incentives for proven strategies, the Secretary shall seek to maintain a balance among strategies targeting homeless individuals, families, and other subpopulations. The Secretary shall not implement bonuses or incentives that specifically discourage collaborative applicants from exercising their flexibility to serve families with children and youth defined as homeless under other Federal statutes.

“(e) INCENTIVES FOR SUCCESSFUL IMPLEMENTATION OF PROVEN STRATEGIES.—If any geographic area demonstrates that it has fully implemented any of the activities described in subsection (d) for all homeless individuals and families or for all members of subpopulations for whom such activities are targeted, that geographic area shall receive the bonus or incentive provided under subsection (d), but may use such bonus or incentive for any eligible activity under either section 423 or paragraphs (4) and (5) of section 415(a) for homeless people generally or for the relevant subpopulation.

“SEC. 429. RENEWAL FUNDING AND TERMS OF ASSISTANCE FOR PERMANENT HOUSING.

“(a) IN GENERAL.—Of the total amount available in the account or accounts designated for appropriations for use in connection with section 8 of the United States Housing Act of 1937 (42 U.S.C. 1437f), the Secretary shall use such sums as may be necessary for the purpose of renewing expiring contracts for leasing, rental assistance, or operating costs for permanent housing.

“(b) RENEWALS.—The sums made available under subsection (a) shall be available for the renewal of contracts in the case of tenant-based assistance, successive 1-year terms, and in the case of project-based assistance, successive terms of up to 15 years at the discretion of the applicant or project sponsor and subject to the availability of annual appropriations, for rental assistance and housing operation costs associated with permanent housing projects funded under this subtitle, or under subtitle C or F (as in effect on the day before the effective date of the Homeless Emergency Assistance and Rapid Transition to Housing Act of 2008). The Secretary shall determine whether to renew a contract for such a permanent housing project on the basis of certification by the collaborative applicant for the geographic area that—

“(1) there is a demonstrated need for the project; and

“(2) the project complies with program requirements and appropriate standards of housing quality and habitability, as determined by the Secretary.

“(c) CONSTRUCTION.—Nothing in this section shall be construed as prohibiting the Secretary from renewing contracts under

this subtitle in accordance with criteria set forth in a provision of this subtitle other than this section.

“SEC. 430. MATCHING FUNDING.

“(a) IN GENERAL.—A collaborative applicant in a geographic area in which funds are awarded under this subtitle shall specify contributions from any source other than a grant awarded under this subtitle, including renewal funding of projects assisted under subtitles C, D, and F of this title as in effect before the effective date under section 503 of the Homeless Emergency Assistance and Rapid Transition to Housing Act of 2008, that shall be made available in the geographic area in an amount equal to not less than 25 percent of the funds provided to recipients in the geographic area, except that grants for leasing shall not be subject to any match requirement.

“(b) LIMITATIONS ON IN-KIND MATCH.—The cash value of services provided to the residents or clients of a project sponsor by an entity other than the project sponsor may count toward the contributions in subsection (a) only when documented by a memorandum of understanding between the project sponsor and the other entity that such services will be provided.

“(c) COUNTABLE ACTIVITIES.—The contributions required under subsection (a) may consist of—

“(1) funding for any eligible activity described under section 423; and

“(2) subject to subsection (b), in-kind provision of services of any eligible activity described under section 423.

“SEC. 431. APPEAL PROCEDURE.

“(a) IN GENERAL.—With respect to funding under this subtitle, if certification of consistency with the consolidated plan pursuant to section 403 is withheld from an applicant who has submitted an application for that certification, such applicant may appeal such decision to the Secretary.

“(b) PROCEDURE.—The Secretary shall establish a procedure to process the appeals described in subsection (a).

“(c) DETERMINATION.—Not later than 45 days after the date of receipt of an appeal described in subsection (a), the Secretary shall determine if certification was unreasonably withheld. If such certification was unreasonably withheld, the Secretary shall review such application and determine if such applicant shall receive funding under this subtitle.”

SEC. 306. RESEARCH.

There is authorized to be appropriated \$8,000,000, for each of fiscal years 2009 and 2010, for research into the efficacy of interventions for homeless families, to be expended by the Secretary of Housing and Urban Development over the 2 years at three different sites to provide services for homeless families and evaluate the effectiveness of such services.

TITLE IV—RURAL HOUSING STABILITY ASSISTANCE PROGRAM

SEC. 401. RURAL HOUSING STABILITY ASSISTANCE.

Subtitle G of title IV of the McKinney-Vento Homeless Assistance Act (42 U.S.C. 11408 et seq.) is amended—

(1) by striking the subtitle heading and inserting the following:

“Subtitle G—Rural Housing Stability Assistance Program”; and

(2) in section 491—

(A) by striking the section heading and inserting **“RURAL HOUSING STABILITY GRANT PROGRAM.”**;

(B) in subsection (a)—

(i) by striking “rural homelessness grant program” and inserting “rural housing stability grant program”;

(ii) by inserting “in lieu of grants under subtitle C” after “eligible organizations”; and

(iii) by striking paragraphs (1), (2), and (3), and inserting the following:

“(1) rehousing or improving the housing situations of individuals and families who are homeless or in the worst housing situations in the geographic area;

“(2) stabilizing the housing of individuals and families who are in imminent danger of losing housing; and

“(3) improving the ability of the lowest-income residents of the community to afford stable housing.”;

(C) in subsection (b)(1)—

(i) by redesignating subparagraphs (E), (F), and (G) as subparagraphs (I), (J), and (K), respectively; and

(ii) by striking subparagraph (D) and inserting the following:

“(D) construction of new housing units to provide transitional or permanent housing to homeless individuals and families and individuals and families at risk of homelessness;

“(E) acquisition or rehabilitation of a structure to provide supportive services or to provide transitional or permanent housing, other than emergency shelter, to homeless individuals and families and individuals and families at risk of homelessness;

“(F) leasing of property, or portions of property, not owned by the recipient or project sponsor involved, for use in providing transitional or permanent housing to homeless individuals and families and individuals and families at risk of homelessness, or providing supportive services to such homeless and at-risk individuals and families;

“(G) provision of rental assistance to provide transitional or permanent housing to homeless individuals and families and individuals and families at risk of homelessness, such rental assistance may include tenant-based or project-based rental assistance;

“(H) payment of operating costs for housing units assisted under this title.”;

(D) in subsection (b)(2), by striking “appropriated” and inserting “transferred”;

(E) in subsection (c)—

(i) in paragraph (1)(A), by striking “appropriated” and inserting “transferred”; and

(ii) in paragraph (3), by striking “appropriated” and inserting “transferred”;

(F) in subsection (d)—

(i) in paragraph (5), by striking “; and” and inserting a semicolon;

(ii) in paragraph (6)—

(I) by striking “an agreement” and all that follows through “families” and inserting the following: “a description of how individuals and families who are homeless or who have the lowest incomes in the community will be involved by the organization”; and

(II) by striking the period at the end, and inserting a semicolon; and

(iii) by adding at the end the following:

“(7) a description of consultations that took place within the community to ascertain the most important uses for funding under this section, including the involvement of potential beneficiaries of the project; and

“(8) a description of the extent and nature of homelessness and of the worst housing situations in the community.”;

(G) by striking subsections (f) and (g) and inserting the following:

“(f) MATCHING FUNDING.—

“(1) IN GENERAL.—An organization eligible to receive a grant under subsection (a) shall specify matching contributions from any source other than a grant awarded under this subtitle, that shall be made available in the geographic area in an amount equal to not less than 25 percent of the funds provided for the project or activity, except that grants

for leasing shall not be subject to any match requirement.

“(2) LIMITATIONS ON IN-KIND MATCH.—The cash value of services provided to the beneficiaries or clients of an eligible organization by an entity other than the organization may count toward the contributions in paragraph (1) only when documented by a memorandum of understanding between the organization and the other entity that such services will be provided.

“(3) COUNTABLE ACTIVITIES.—The contributions required under paragraph (1) may consist of—

“(A) funding for any eligible activity described under subsection (b); and

“(B) subject to paragraph (2), in-kind provision of services of any eligible activity described under subsection (b).

“(g) SELECTION CRITERIA.—The Secretary shall establish criteria for selecting recipients of grants under subsection (a), including—

“(1) the participation of potential beneficiaries of the project in assessing the need for, and importance of, the project in the community;

“(2) the degree to which the project addresses the most harmful housing situations present in the community;

“(3) the degree of collaboration with others in the community to meet the goals described in subsection (a);

“(4) the performance of the organization in improving housing situations, taking account of the severity of barriers of individuals and families served by the organization;

“(5) for organizations that have previously received funding under this section, the extent of improvement in homelessness and the worst housing situations in the community since such funding began;

“(6) the need for such funds, as determined by the formula established under section 427(b)(2); and

“(7) any other relevant criteria as determined by the Secretary.”;

(H) in subsection (h)—

(i) in paragraph (1)(A)—

(I) by striking “The” and inserting “Not later than 18 months after funding is first made available pursuant to the amendments made by title IV of the Homeless Emergency Assistance and Rapid Transition to Housing Act of 2008, the”;

(II) by striking “providing housing and other assistance to homeless persons” and inserting “meeting the goals described in subsection (a)”;

(ii) in paragraph (1)(B), by striking “address homelessness in rural areas” and inserting “meet the goals described in subsection (a) in rural areas”; and

(iii) in paragraph (2)—

(I) by striking “The” and inserting “Not later than 24 months after funding is first made available pursuant to the amendment made by title IV of the Homeless Emergency Assistance and Rapid Transition to Housing Act of 2008, the”;

(II) by striking “, not later than 18 months after the date on which the Secretary first makes grants under the program,”; and

(III) by striking “prevent and respond to homelessness” and inserting “meet the goals described in subsection (a)”;

(I) in subsection (k)—

(i) in paragraph (1), by striking “rural homelessness grant program” and inserting “rural housing stability grant program”; and

(ii) in paragraph (2)—

(I) in subparagraph (A), by striking “; or” and inserting a semicolon;

(II) in subparagraph (B)(ii), by striking “rural census tract.” and inserting “county where at least 75 percent of the population is rural; or”;

(III) by adding at the end the following:

“(C) any area or community, respectively, located in a State that has population density of less than 30 persons per square mile (as reported in the most recent decennial census), and of which at least 1.25 percent of the total acreage of such State is under Federal jurisdiction, provided that no metropolitan city (as such term is defined in section 102 of the Housing and Community Development Act of 1974) in such State is the sole beneficiary of the grant amounts awarded under this section.”;

(J) in subsection (1)—

(i) by striking the subsection heading and inserting “PROGRAM FUNDING.—”; and

(ii) by striking paragraph (1) and inserting the following:

“(1) IN GENERAL.—The Secretary shall determine the total amount of funding attributable under section 427(b)(2) to meet the needs of any geographic area in the Nation that applies for funding under this section. The Secretary shall transfer any amounts determined under this subsection from the Community Homeless Assistance Program and consolidate such transferred amounts for grants under this section, except that the Secretary shall transfer an amount not less than 5 percent of the amount available under this subtitle for grants under this section.”;

and

(K) by adding at the end the following:

“(m) DIVISION OF FUNDS.—

“(1) AGREEMENT AMONG GEOGRAPHIC AREAS.—If the Secretary receives an application or applications to provide services in a geographic area under this subtitle, and also under subtitle C, the Secretary shall consult with all applicants from the geographic area to determine whether all agree to proceed under either this subtitle or under subtitle C.

“(2) DEFAULT IF NO AGREEMENT.—If no agreement is reached under paragraph (1), the Secretary shall proceed under this subtitle or under subtitle C, depending on which results in the largest total grant funding to the geographic area.”.

SEC. 402. GAO STUDY OF HOMELESSNESS AND HOMELESS ASSISTANCE IN RURAL AREAS.

(a) STUDY AND REPORT.—Not later than the expiration of the 12-month period beginning on the date of the enactment of this Act, the Comptroller General of the United States shall conduct a study to examine homelessness and homeless assistance in rural areas and rural communities and submit a report to the Congress on the findings and conclusion of the study. The report shall contain the following matters:

(1) A general description of homelessness, including the range of living situations among homeless individuals and homeless families, in rural areas and rural communities of the United States, including tribal lands and colonias.

(2) An estimate of the incidence and prevalence of homelessness among individuals and families in rural areas and rural communities of the United States.

(3) An estimate of the number of individuals and families from rural areas and rural communities who migrate annually to non-rural areas and non-rural communities for homeless assistance.

(4) A description of barriers that individuals and families in and from rural areas and rural communities encounter when seeking to access homeless assistance programs, and recommendations for removing such barriers.

(5) A comparison of the rate of homelessness among individuals and families in and from rural areas and rural communities compared to the rate of homelessness among individuals and families in and from non-rural areas and non-rural communities.

(6) A general description of homeless assistance for individuals and families in rural areas and rural communities of the United States.

(7) A description of barriers that homeless assistance providers serving rural areas and rural communities encounter when seeking to access Federal homeless assistance programs, and recommendations for removing such barriers.

(8) An assessment of the type and amount of Federal homeless assistance funds awarded to organizations serving rural areas and rural communities and a determination as to whether such amount is proportional to the distribution of homeless individuals and families in and from rural areas and rural communities compared to homeless individuals and families in non-rural areas and non-rural communities.

(9) An assessment of the current roles of the Department of Housing and Urban Development, the Department of Agriculture, and other Federal departments and agencies in administering homeless assistance programs in rural areas and rural communities and recommendations for distributing Federal responsibilities, including homeless assistance program administration and grantmaking, among the departments and agencies so that service organizations in rural areas and rural communities are most effectively reached and supported.

(b) ACQUISITION OF SUPPORTING INFORMATION.—In carrying out the study under this section, the Comptroller General shall seek to obtain views from the following persons:

(1) The Secretary of Agriculture.

(2) The Secretary of Housing and Urban Development.

(3) The Secretary of Health and Human Services.

(4) The Secretary of Education.

(5) The Secretary of Labor.

(6) The Secretary of Veterans Affairs.

(7) The Executive Director of the United States Interagency Council on Homelessness.

(8) Project sponsors and recipients of homeless assistance grants serving rural areas and rural communities.

(9) Individuals and families in or from rural areas and rural communities who have sought or are seeking Federal homeless assistance services.

(10) National advocacy organizations concerned with homelessness, rural housing, and rural community development.

(c) EFFECTIVE DATE.—This section shall take effect on the date of the enactment of this Act.

TITLE V—REPEALS AND CONFORMING AMENDMENTS

SEC. 501. REPEALS.

Subtitles D, E, and F of title IV of the McKinney-Vento Homeless Assistance Act (42 U.S.C. 11391 et seq., 11401 et seq., and 11403 et seq.) are hereby repealed.

SEC. 502. CONFORMING AMENDMENTS.

(a) CONSOLIDATED PLAN.—Section 403(1) of the McKinney-Vento Homeless Assistance Act (as so redesignated by section 101(2) of this Act), is amended—

(1) by striking “current housing affordability strategy” and inserting “consolidated plan”; and

(2) by inserting before the comma the following: “(referred to in such section as a ‘comprehensive housing affordability strategy’)”.

(b) PERSONS EXPERIENCING HOMELESSNESS.—Section 103 of the McKinney-Vento Homeless Assistance Act (42 U.S.C. 11302), as amended by the preceding provisions of this Act, is further amended by adding at the end the following new subsection:

“(e) PERSONS EXPERIENCING HOMELESSNESS.—Any references in this Act to homeless individuals (including homeless persons)

or homeless groups (including homeless persons) shall be considered to include, and to refer to, individuals experiencing homelessness or groups experiencing homelessness, respectively.”

(c) **RURAL HOUSING STABILITY ASSISTANCE.**—Title IV of the McKinney-Vento Homeless Assistance Act is amended by redesignating subtitle G (42 U.S.C. 11408 et seq.), as amended by the preceding provisions of this Act, as subtitle D.

SEC. 503. EFFECTIVE DATE.

Except as specifically provided otherwise in this Act, this Act and the amendments made by this Act shall take effect on, and shall apply beginning on—

(1) the expiration of the 18-month period beginning on the date of the enactment of this Act, or

(2) the expiration of the 3-month period beginning upon publication by the Secretary of Housing and Urban Development of final regulations pursuant to section 504, whichever occurs first.

SEC. 504. REGULATIONS.

(a) **IN GENERAL.**—Not later than 12 months after the date of the enactment of this Act, the Secretary of Housing and Urban Development shall promulgate regulations governing the operation of the programs that are created or modified by this Act.

(b) **EFFECTIVE DATE.**—This section shall take effect on the date of the enactment of this Act.

SEC. 505. AMENDMENT TO TABLE OF CONTENTS.

The table of contents in section 101(b) of the McKinney-Vento Homeless Assistance Act (42 U.S.C. 11301 note) is amended by striking the item relating to the heading for title IV and all that follows through the item relating to section 492 and inserting the following new items:

“TITLE IV—HOUSING ASSISTANCE

“Subtitle A—General Provisions

- “Sec. 401. Definitions.
- “Sec. 402. Collaborative applicants.
- “Sec. 403. Housing affordability strategy.
- “Sec. 404. Preventing involuntary family separation
- “Sec. 405. Technical assistance.
- “Sec. 406. Discharge coordination policy.
- “Sec. 407. Protection of personally identifying information by victim service providers.
- “Sec. 408. Authorization of appropriations.
- “Subtitle B—Emergency Solutions Grants Program
- “Sec. 411. Definitions.
- “Sec. 412. Grant assistance.
- “Sec. 413. Amount and allocation of assistance.
- “Sec. 414. Allocation and distribution of assistance.
- “Sec. 415. Eligible activities.
- “Sec. 416. Responsibilities of recipients.
- “Sec. 417. Administrative provisions.
- “Sec. 418. Administrative costs.

“Subtitle C—Continuum of Care Program

- “Sec. 421. Purposes.
- “Sec. 422. Continuum of care applications and grants.
- “Sec. 423. Eligible activities.
- “Sec. 424. Incentives for high-performing communities.
- “Sec. 425. Supportive services.
- “Sec. 426. Program requirements.
- “Sec. 427. Selection criteria.
- “Sec. 428. Allocation of amounts and incentives for specific eligible activities.
- “Sec. 429. Renewal funding and terms of assistance for permanent housing.
- “Sec. 430. Matching funding.
- “Sec. 431. Appeal procedure.
- “Sec. 432. Regulations.
- “Sec. 433. Reports to Congress.

“Subtitle D—Rural Housing Stability Assistance Program

- “Sec. 491. Rural housing stability assistance.
- “Sec. 492. Use of FHMA inventory for transitional housing for homeless persons and for turnkey housing.”

The SPEAKER pro tempore. Pursuant to the rule, the gentlewoman from Wisconsin (Ms. MOORE) and the gentlewoman from Illinois (Mrs. BIGGERT) each will control 20 minutes.

The Chair recognizes the gentlewoman from Wisconsin.

GENERAL LEAVE

Ms. MOORE of Wisconsin. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days within which to revise and extend their remarks on this legislation and to insert extraneous material thereon.

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

There was no objection.

Ms. MOORE of Wisconsin. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I would like to start out by giving sincere thanks to everyone who has been involved in this issue. It has really been a struggle arriving at this point because the ability to determine who is exactly homeless has such infinite proportions that it has been very difficult to come to an agreement. However, the substance of this bill, the majority of the players support this on all sides of the debate. That would be on both sides of the aisle and in both Chambers.

But an enormous amount of thanks is due to certain people. I'm especially grateful to our chairman, BARNEY FRANK; Chairwoman WATERS; Representative ANDRE CARSON; Representative GEOFF DAVIS; and, of course, my very good friend and colleague, Representative JUDY BIGGERT; and their staffs, who have done a tremendous deal of work on this bill; and all of the advocates who have worked so patiently with us.

But we wouldn't be here today, Mr. Speaker, if it weren't for the outstanding work of our dear departed colleague, my dear late friend, Representative Julia Carson of Indiana, who worked so hard on this issue for so many years and whose work has brought us to where we are today.

We need to keep in mind the enormous scope of this problem in light of the housing rescue issue that we are dealing with here in this House either tonight or tomorrow. This credit crisis hits the poorest among us. We are expecting no less than 6½ million foreclosures in the next few years, and these families, of course, are at grave risk of becoming homeless. Whether they're doubled up with a family member, sleeping in a shelter, or spending the nights on the street, our cities and towns are due to face a tidal wave of people in need. At the same time, we know that 1.6 million people already

experience homelessness at some point in a given year.

The mobility of kids due to housing insecurity and the education they receive is another huge problem. It is nearly impossible for a child to receive a quality education when they aren't sure where they'll be sleeping at night or even which school they will be attending in the morning. I think about the at-risk status of families and children in my own district, where 80 percent of the kids in our school system are eligible for free or reduced lunch. This bill provides a great deal of support for these families.

First, we expand HUD's definition of homelessness. This bill includes all families who are due to lose their current housing within a 14-day period because they're doubled up or because they've received a notice that they must move. We have doubled the amount of time that HUD currently recognizes these families under that standard from 7 days to 14 days. This bill specifically clarifies that anyone fleeing a domestic violence situation is homeless. We provide double funding for the Emergency Solutions Program, up to 20 percent of all funds, and then require that at least half of that money be spent on so-called homelessness prevention activities, which would be those who are “couch surfing,” that is, they are spending the night from couch to couch; they're doubled up; or otherwise fall outside of HUD's current definition. We also provide localities with additional flexibility to use up to 10 percent of their continuum of care funding to serve doubled-up families. Finally, we have provisions to include children and their families who are defined as homeless under other Federal statutes.

This bill is not perfect, but few pieces of legislation are.

HOUSE OF REPRESENTATIVES,
COMMITTEE ON ENERGY AND COMMERCE,
Washington, DC, October 1, 2008.

Hon. BARNEY FRANK,
Chairman, Committee on Financial Services,
Washington, DC.

DEAR CHAIRMAN FRANK: I write regarding H.R. 840, the “Homeless Emergency Assistance and Rapid Transition to Housing Act of 2007”. The bill includes provisions concerning grants to provide health services to homeless individuals.

The Committee on Energy and Commerce has a jurisdictional interest in such provisions. I support H.R. 840 and do not intend to seek a sequential referral of the bill. My understanding is that you acknowledge the jurisdiction of the Committee, and you agree with me that my decision to forgo a sequential referral does not in any way prejudice the Committee with respect to any of its jurisdictional prerogatives, including the appointment of conferees, on this bill or similar legislation in the future.

I request that you send a letter to me confirming my understanding regarding the bill, and that you include our letters on this matter in the Congressional Record during consideration of the bill on the House floor. I appreciate your cooperation.

Sincerely,

JOHN D. DINGELL,
Chairman.

HOUSE OF REPRESENTATIVES,
COMMITTEE ON FINANCIAL SERVICES,
Washington, DC, October 1, 2008.

Hon. JOHN D. DINGELL,
Chairman, Committee on Energy and Commerce,
House of Representatives, Washington, DC.

DEAR MR. CHAIRMAN: Thank you for your letter concerning H.R. 840, the Homeless Emergency Assistance and Rapid Transition to Housing Act of 2008. This bill was introduced on February 6, 2007, and was referred to the Committee on Financial Services. The bill was ordered reported by the Committee on Financial Services on July 31, 2008.

I am pleased to confirm our agreement on this bill. I recognize that certain provisions in the bill fall within the jurisdiction of the Committee on Energy and Commerce under rule X of the Rules of the House of Representatives. However, I appreciate your willingness to forgo action in order to allow the bill to come to the floor expeditiously. I agree that your decision will not prejudice the Committee on Energy and Commerce with respect to its jurisdictional prerogatives on this or similar legislation.

I will include this exchange of correspondence in the Congressional Record. Thank you again for your cooperation in this important matter.

BARNEY FRANK,
Chairman.

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

Mrs. BIGGERT. Mr. Speaker, as an original cosponsor of this bill, I rise in support of the Homeless Emergency Act and Rapid Transition to Housing Act of 2008, or the HEARTH Act. I would also like to thank Congressman GEOFF DAVIS of Kentucky and, if she were here today, the original House version sponsor, the late Congresswoman Julia Carson for introducing this bill, H.R. 840. In addition, I would like to thank Chairman FRANK, subcommittee Chairwoman WATERS, and Ranking Members BACHUS and CAPITO for working together with Congressman DAVIS and me to give homeless children a fighting chance in this country.

I would also like to thank all of the staff on both sides of the aisle for all of their hard work: Scott Olson, Jonathan Harwitz, Cindy Chetti, Tallman Johnson, Lauren O'Brien, Aaron Spurck, Andre Stevens, Kathleen Taylor, Clinton Jones, Nicole Austin. A tremendous thanks for all they have done.

Mr. Speaker, for inclusion in the CONGRESSIONAL RECORD, I would like to submit additional views authored by Congressman GEOFF DAVIS, Congresswoman CAPITO, and me. These views were filed as part of our committee report to accompany H.R. 840, but they apply to this bill, H.R. 7221, as amended, as well.

ADDITIONAL VIEWS

Mr. Davis of Kentucky, Mrs. Capito, and I acknowledge the significant work that the Chairman, Ranking Member, and other Members and staff have done to address many of the concerns we raised about addressing the needs of homeless unaccompanied youth, children, and their families in H.R. 840, a bill introduced by the late Rep. Julia Carson as well as Rep. Geoff Davis.

There are inconsistencies in the definition of homeless for programs administered by the Department of Housing and Urban Development (HUD) as compared to those administered by the Departments of Education, Justice, and Human Services. In the education section of the McKinney-Vento Homeless Assistance Act, the Individuals with Disabilities Education Act (IDEA), and the Head Start Act, the same homeless definition is used. The Runaway and Homeless Youth Act program uses a similar definition. However, the housing component of the McKinney-Vento Homeless Assistance Act uses a different definition, which excludes a majority of the unaccompanied youth, children, and families recognized as homeless by non-HUD federal homeless programs.

As a result, hundreds of thousands of homeless students, homeless and disabled children, homeless infants, and homeless children running away from domestic violence, unsafe housing, or unstable living conditions are denied HUD homeless housing and services.

Several witnesses, including Dr. Ellen Bassuk, an Associate Professor of Psychiatry at Harvard Medical School, testified before our Committee that many homeless children who are currently excluded from HUD's homeless definition are prone to health and developmental problems. Dr. Bassuk said that there is documented evidence that almost 90 percent of homeless families end up doubled-up, which results in severe overcrowding and dangerous situations. The homeless children in these families are at significant risk of physical and sexual abuse, have seen people shot and killed, or have had their own lives threatened. Highly mobile homeless students suffer academically, are less likely to graduate, are sick more than the average child, and are more likely to have behavior problems.

Homelessness among children is only becoming more pervasive. A study conducted by First Focus and the Brookings Institute determined that almost 2 million children will be affected by the foreclosure crises. Many of these children will become homeless, but, tragically, they will not qualify for HUD homeless housing assistance or services.

H.R. 840, as introduced, would reconcile the definitions of homeless used among HUD and the other federal programs that serve homeless unaccompanied youth, children, and families. In addition, as introduced, the bill would recognize as homeless many individuals and families that are not recognized as homeless by these other federal programs.

For many months, we have worked with Members of the Committee, staff, and government and non-government organizations representing various homeless constituencies to craft a new HUD definition of homeless that would allow homeless unaccompanied youth, children, and their families served by other federal programs to also be recognized by HUD as homeless and therefore qualify for HUD homeless housing and services.

On July 31, 2008, during the Committee's consideration of H.R. 840, Rep. Biggert and Rep. Davis offered an amendment to allow all children and youth considered homeless by four other federal programs to be considered homeless by HUD. They withdrew the amendment because of an agreement with the Chairman that they would: (1) continue to work on language to amend HUD's definition of homeless as the bill moved out of Committee toward full House consideration; and (2) send a joint letter requesting that GAO examine the issue of homeless definition discrepancies and related matters.

Between July 31, 2008 and today, we and our staff have worked with the Chairman and Housing and Community Opportunity Subcommittee Chairwoman Waters, Education and Labor Committee Chairman Mil-

ler and Ranking Member McKeon, and their staff on a letter to GAO and new language to expand HUD's definition of homeless to include more homeless unaccompanied youth, children, and their families.

On September 23, 2008, we joined the above-mentioned Members and sent a letter to GAO. In recent days, we offered language to Senate and House Members and staff negotiating the final language of H.R. 840 and S. 1518 to include homeless children, unaccompanied youth, and their families in HUD's definition of homeless. We are pleased that Senate and House Members have agreed to include the following language as part of HUD's definition of homeless:

Unaccompanied youth and homeless families with children and youth defined as homeless under other Federal statutes who—

(A) have experienced a long term period without living independently in permanent housing,

(B) have experienced persistent instability as measured by frequent moves over such period, and

(C) can be expected to continue in such status for an extended period of time because of chronic disabilities, chronic physical health or mental health conditions, substance addiction, histories of domestic violence or childhood abuse, the presence of a child or youth with a disability, or multiple barriers to employment.

It is our hope that by expanding HUD's definition of homeless in this way, local, homeless service providers will have the flexibility to provide homeless housing and services to unaccompanied youth and children in involuntary and unstable shared living arrangements, such as those living temporarily in motels or hotels or "couch surfing" from house to house. The ultimate goal is to break the cycle of poverty, violence, and homelessness in our country by providing homeless unaccompanied youth and children with the opportunity to qualify for safe and stable housing so that they have a better chance of being healthy, performing better in school, and having a chance for a brighter future.

In addition, I would like to submit a New York Times article from September 16, 2008, entitled "Capitol Strives to Define 'Homeless.'"

[From the New York Times, Sept. 16, 2008]

CAPITOL STRIVES TO DEFINE "HOMELESS"

(By Rachel L. Swarns)

WASHINGTON—With unemployment and foreclosures rising and growing numbers of families struggling to find affordable housing, lawmakers in Congress are debating who should be considered homeless.

For more than 20 years, federal housing law has counted as homeless only people living on the streets or in shelters. But now the House and the Senate are considering an expansion of the definition to include people precariously housed: those doubled up with friends or relatives or living day to day in motels, with money and options running out.

In the House, which is expected to vote on the issue this month, lawmakers are discussing whether to expand the definition to include about a million additional people—a subset within the group of children and their families in desperate need of stable housing—or to add a much smaller group that would include only people fleeing their homes because of domestic violence and those who can prove they will lose their housing within 14 days.

The Senate is considering a still narrower expansion that would include only those forced to move three times in one year or twice in 21 days. Congressional aides say senators are willing to expand the definition

further in consultations with the House that are now under way, but the Senate legislation is not expected to pass before lawmakers recess this month.

The outcome of the discussions will most likely broaden the categories of people eligible for emergency shelter, housing and other services provided by the Department of Housing and Urban Development's \$1.7 billion budget for the homeless, which accounts for most federal spending on homelessness. Bush administration officials support the narrow expansion under consideration in the House.

But none of the bills come with any additional financing. And with too few shelter beds and services available to help the homeless who are already living on the streets, the debate over whether to expand significantly the pool of people eligible for such limited aid has sharply divided advocates for the homeless and upended political alliances.

In the House, Democratic leaders who pride themselves on their commitment to the poor find themselves arguing that there is simply too little money available to accommodate a broad expansion of the definition, and too little time left in the current Congress to accommodate any realistic expectation that new money can be added.

Some House Republicans, meanwhile, accuse the Democrats of turning their backs on hundreds of thousands of struggling families who are forced to move from couch to couch and from house to house to keep a roof over their heads.

Representative Barney Frank, the Massachusetts Democrat who heads the House Financial Services Committee, said, "It's one of the saddest things that we deal with, and it's entirely the result of inadequate funding."

"When there's not enough money to cover 'all of the above', you have to do priorities," Mr. Frank said. "The question is, Which category of people are you going to leave unhelped?"

He and other Democrats blame President Bush and Republicans in Congress, saying they have directed critical resources toward tax cuts and the war in Iraq instead of making programs for the poor a priority.

Still, Mr. Frank has promised to keep negotiating with Republicans to reach agreement on a definition before the bill goes to a vote. And to help ease the strain where strict definition intersects with limited federal money, the bill would also give communities some flexibility in spending those dollars on people who do not meet the definition.

The issue is particularly complicated because HUD's narrow definition of homelessness is not the only one used by the government. The Education Department, for instance, which assists homeless students, counts as homeless those children who live doubled up with other families or in motels.

In the 2006-07 school year, the Education Department categorized 688,174 children as homeless. But only 32 percent of those children lived in shelters or outdoors. The rest failed to meet HUD's criteria for homelessness and so were ineligible to receive emergency shelter or priority on waiting lists for public or subsidized housing.

Several advocacy groups, including the National Coalition for the Homeless, argue that the HUD definition should more closely mirror the Education Department's. Their efforts have been championed by two House Republicans, Representatives Judy Biggert of Illinois and Geoff Davis of Kentucky, who would like those children identified as homeless by the Education Department or other federal agencies to be eligible for HUD's homelessness services.

These advocates note that many families live in communities where shelters are full

or nonexistent. In other places, some say, shelters sometimes bar large families, families with two parents or those with boys older than 10.

"I think we have to take care of our most vulnerable," Ms. Biggert said. "Shouldn't children as well as the others be a priority?"

Barbara Duffield, policy director at the National Association for the Education of Homeless Children and Youth, echoed those concerns. "This is really about our nation acknowledging the extent of the housing crisis and the devastation it wreaks on children, youth and family," she said. "The housing crisis is bigger than the emergency system put in place to address it 20 years ago."

Opponents of a broad expansion of the definition counter that demand for shelter beds already exceeds supply. About 700,000 people live in shelters or on the streets on any given day, housing officials say. But federal dollars finance only 170,000 beds.

Some advocates also fear that communities would shift resources from single, mentally ill or addicted people to doubled-up families who were newly classified as homeless. Such families are typically easier to serve and politically more appealing.

"Nobody thinks that these families are having an easy time of it," said Steve Berg, vice president for programs and policy at the National Alliance to End Homelessness. "But when push comes to shove, when you've got people in apartments and people in shelters and on the streets, the people in the latter group need the help more."

No one knows precisely how many additional families would be helped by the modest expansion proposals under consideration in Congress, particularly since in practice, HUD already allows for a bit more than the current definition: it permits families who are doubled up to be considered homeless if they can show that they will be losing their housing within seven days.

Whatever the number, "we need to deal with the most desperate the best that we can and keep working" toward greater expansion, said Representative Maxine Waters, the California Democrat who heads the House Financial Services Subcommittee on Housing and Community Opportunity. "We don't want to create competition and have people at each other's throats for limited space."

Mr. Speaker, homelessness among children has become more and more pervasive as we face increasing economic challenges. A study conducted by First Focus and the Brookings Institute determined that 2 million children will be unfairly affected by the foreclosure crisis. Many of these children will become homeless. But without this compromise bill, HUD's very narrow definition of "homeless" will prevent many of these children from qualifying for housing assistance or services.

It's hard to believe that anyone would argue the issue of "who is homeless" when it comes to homeless children, but believe it or not, that for the past 15 years has been the crux of the debate on this bill.

As it stands today, HUD's definition includes those individuals on the street or in a shelter, but it excludes hundreds of thousands of children living in involuntary and unstable conditions, shared living arrangements such as those living temporarily in motels or hotels or "couch surfing" from house to house.

Mr. Speaker, there is no question that these children are homeless. When you hear them describe their lives, you can't help but understand why local homeless providers desperately want the flexibility to offer them services. Here's one story from Kentucky:

"I have lived in many homes and shelters. Just this past year, I have lived in 12 different homes. I have lived with classmates, teachers, friends, and strangers. Anyone who would accept me was better than the street . . . I have always dreamed of being free. I want the freedom to know where I am going to sleep, the freedom to know where my belongings are, and the freedom to know that I won't be asked to leave in the morning or the end of the week."

Mr. Speaker, it's because of a story like this that last fall we began working with members of the Financial Services Committee, staff, and government and nongovernment organizations representing various homeless constituencies to craft a new definition that includes homeless unaccompanied youth, children, and their families.

□ 1330

These are families that are already considered homeless by all other Federal programs, but not recognized by HUD as homeless, and therefore do not qualify for aid.

I am pleased to report that the legislation we are considering today contains a compromise definition that will allow many more homeless unaccompanied youth, children, and their families, to access HUD services. There's still some things to work out with this bill, which is why I support a 2-year reauthorization of the program. During that time, we can work towards fixing provisions in this bill that don't seem to line up.

For example, there is a provision that explicitly excludes from HUD's official count of the U.S. homeless population all the homeless children and their families that fall under the bill's new definition. That doesn't make much sense.

In addition, the bill directs HUD to issue new regulations relating to the newly defined homeless children and families. I had hoped that this provision would include a negotiated rule-making process so that all of the stakeholders involved could reach a consensus before a new rule is proposed. However, HUD is not required to do so, and could dismiss one side, the children's side, during the rulemaking process. It is my hope that our committee will continue to review this matter.

Finally, the bill sets funding restrictions on homeless children and families. It sets up a 10 percent cap on the funds that local homeless providers can use to serve these newly included populations. Were a local homeless provider to reach the limit, they would be forced to arbitrarily turn away homeless children and families. Clearly, this is an issue worth revisiting.

Mr. Speaker, despite these flaws, the legislation before us today will allow HUD to far more effectively complement the efforts of educators, service providers, and people like my friend and constituent, Diane Nilan, of Naperville, Illinois, who has worked so hard on this issue, as well as Barbara Duffield and Jeremy Rosen.

Mr. Speaker, this Congress has supported increased housing availability and affordability for many low-income individuals, families facing foreclosure, and disaster victims. I ask Members to continue that trend, and at least allow homeless children to qualify for safe and stable housing by voting for H.R. 7221.

With that, I would reserve the balance of my time.

Ms. MOORE of Wisconsin. Again, I want to thank my colleague for all of her hard work. But in addition to thanking her, I think it's really important to acknowledge Senator JACK REED and Senator ALLARD, who put a great deal of time into this as well.

It's worth mentioning that we have made one change to the introduced bill. Concerns had been raised about the factors in the bill, and whether they would result in adverse changes to certain communities and the funding formula.

We fully accounted for those concerns by using more generic language that reinforces the goals and objectives of the bill.

Mr. Speaker, I would now yield 5 minutes to my colleague, Chair of the Subcommittee on Housing and Community Opportunity, Representative MAXINE WATERS of California.

Ms. WATERS. Mr. Speaker, I rise in support of H.R. 7221, the Homeless Emergency Assistance and Rapid Transition to Housing Act. This is a major piece of legislation that has taken an enormous amount of work to bring to this point. I believe that, if enacted, this bill would substantially improve HUD's McKinney-Vento Homeless Assistance programs, by far the largest component of the Federal response to homelessness, with an annual appropriation in the last fiscal year of \$1.586 billion.

Before getting to the substance of the bill, first I'd like to acknowledge the work of Senators REED and ALLARD, who both worked diligently for many years on S. 1518, the Community Partnership to End Homelessness Act. Senator REED and his staff, in particular, devoted enormous amounts of time to this issue. Due to scheduling factors beyond their control, the Senate was not able to send the bill over to us, but H.R. 7221 certainly reflects all of their work, including the personal commitment of time by the Senators to come over to this side to testify before my Housing and Community Opportunity Subcommittee last October.

I would also like to remember my late colleague, Representative Julia Carson, who introduced H.R. 840, the original HEARTH Act, and worked

tirelessly on the bill until her untimely passing. I believe that she would be proud of the work we have undertaken to bring her bill to this consensus outcome. I am so pleased that her grandson, Representative ANDRÉ CARSON, is an original cosponsor of H.R. 7221.

I would also like to thank Representative GWEN MOORE, who stepped into Representative Carson's shoes and spearheaded the further movement of this bill. I appreciate Representative MOORE's commitment, because addressing homelessness—starting with reauthorizing the HUD's McKinney-Vento programs for the first time in 14 years—was a top priority for my subcommittee. This bill is informed by 2 days of subcommittee hearings in the fall, at which 26 witnesses testified on the HEARTH Act.

Finally, I would like to thank Representative GEOFF DAVIS and Representative JUDY BIGGERT for their tireless and passionate advocacy on behalf of homeless children and their families. Representative DAVIS is the lead Republican cosponsor of H.R. 840, the version of HEARTH that we marked up in the Financial Services Committee on July 31. Representative BIGGERT, formerly the ranking member of my subcommittee, is one of Congress's leading advocates for vulnerable families and their children. I am proud to say that both of them, as well as Ranking Member CAPITO, are also original cosponsors of H.R. 7221.

This is because we, as well as Chairman FRANK, remained committed to continuing our dialogue on the heart-wrenching issue of who qualifies as "homeless" under the HUD McKinney-Vento programs, even after a challenging markup. Thanks to this shared commitment to improving HUD's homeless programs, despite strong disagreement among well-intentioned outside stakeholders, we were able to negotiate a compromise that allows us to move forward.

To be clear, the conversation around the definition is not over. Indeed, the leadership of the Financial Services and Education and Labor Committees, as well as Representatives BIGGERT and DAVIS, just sent a letter to the GAO to obtain the best information available so that we can continue the discussion productively. I look forward to working with them to ensure that our Nation's most vulnerable families and children obtain the housing and social services they need.

Notably, while we were considering H.R. 840, they released important new data on homelessness. First, the number of chronically homeless people living in the Nation's streets and shelters has dropped by about 30 percent in the last 2 years. This impressive reduction of people stuck in the homeless system for literally years at a time is largely the result of targeting a portion of HUD McKinney-Vento resources over the last decade to an effective intervention—permanent supportive housing. Therefore, in reauthorizing these

programs, we wanted to make sure not to lose this focus in HUD's homeless programs.

Unfortunately, HUD also reported a more discouraging statistic—that fully 1.6 million people experienced homelessness over the course of the year studied.

The SPEAKER pro tempore. The time of the gentlewoman has expired.

Ms. MOORE of Wisconsin. I would yield an additional 2 minutes to the gentlelady.

Ms. WATERS. Thank you very much.

Too many of these are families with children. Over time, we have learned that the best way to stop family homelessness is to prevent families from having to enter the homeless system at all, and to move those who do enter it back into permanent housing as quickly as possible. In reauthorization, then, we also wanted to increase resources available to homeless and at-risk families.

H.R. 7221 strikes the right balance between these two goals. In terms of permanent supportive housing, the bill ensures a continued commitment to this intervention, both by setting a floor on the annual investment HUD must make to new permanent supportive housing, and equally importantly, places the renewal funding of rental assistance and operating subsidies to existing permanent supportive housing on firm footing.

With respect to homeless families and children, the bill, first, revolutionizes the approach of HUD's formula ESG grant. Today, this program receives only 10 percent of the annual appropriation, and a mere third of that, about 3 percent of the total appropriation, can be spent on homeless prevention. The "Emergency Solutions Program" created by this bill emphasizes the solution we know works, namely, homelessness prevention. Therefore, a minimum of half of the now 20 percent of the annual appropriation dedicated to the new ESG program must be spent on homelessness prevention; that is, on households that don't fall into the HUD definition of homelessness.

Second, H.R. 7221 expands the definition of homelessness to include doubled-up and other poorly housed families who face the loss of their current housing within the next 2 weeks, as well as clarifying that anyone fleeing or attempting to flee domestic violence or another dangerous condition is to be considered homeless.

Finally, as a result of our discussions after markup, we have also included doubled-up and otherwise poorly housed families who have not lived independently for a period of time, and have undergone a series of moves that harm children, and face significant obstacles—such as disabilities or multiple barriers to employment—to obtaining stable, independent permanent housing.

Third, the newly created flexibility to use up to 10 percent of their funding to serve families

with children and unaccompanied youth defined as homeless under other Federal statutes but not under the HUD definition, acknowledges the incredibly vulnerable status of these families—and our duty to prevent them from a cycle of falling from their current doubled-up or other poorly housed situations into the shelters or onto the streets, or continuing on a merry-go-round of doubled up housing situations that wreak havoc on their children.

This brings between 20 and 30 percent of the annual appropriation, and perhaps more, that will be available to homeless housing and services providers who want to serve families with children who are doubled up or otherwise don't meet the HUD definition of homelessness. Rural areas receive even more flexibility to serve households who don't fall under the expanded HUD definition of homelessness to rural communities, responding to what we heard at the hearings—that homelessness doesn't look the same in rural areas as in big cities. In sum, we have truly maximized the resources available to homeless children and families. And, let's be clear, it's a lot of new resources—a multiple of 10 or more times the 3 percent available under current law.

I would conclude simply by noting that the improvements I just described are coupled with a significant consolidation and streamlining of HUD's administration of the McKinney-Vento programs. In sum, this bill is a major step forward in Federal homeless policy and I urge my colleagues to support it.

Mrs. BIGGERT. Mr. Speaker, I would like to yield 7 minutes to the gentleman from Kentucky, Mr. GEOFF DAVIS, who has worked so hard on this issue.

Mr. DAVIS of Kentucky. Mr. Speaker, we have come a long way since Julia Carson and I introduced the original version of this bill, H.R. 840, nearly 2 years ago. The McKinney-Vento programs haven't been reauthorized in nearly 15 years, and I am glad that the HEARTH Act was able to get this important discussion going again in Congress.

The Financial Services Committee held two hearings on this issue last year, and the testimony that we heard, from the providers especially, had a large impact to give us all a reality check on the different types of homelessness we are facing in this Nation. For example, in my part of the Nation, in the heartland in Kentucky, I'd like to call it homelessness in plain sight. We have very few of the classic HUD definition of homeless but, in reality, the vast majority, overwhelmingly so, are single parents with small children; more often than not, a battered woman with small children.

It's especially poignant for me to be here today, and I have to thank my friend and former office neighbor, the late Congresswoman Julia Carson. I was honored that she asked me to join originally to work on this bill with her. I give special thanks to my congressional classmate, Congresswoman GWEN MOORE, for helping me to keep this issue at the top of the committee's priorities.

I'd also like to recognize the tireless work of all of the homeless advocates

on this bill, members of staff here, so many team members, that worked hard in common cause but, in particular, one person that I have to recognize and thank is Linda Young from Welcome House in northern Kentucky. Linda was the one who originally brought this problem of leaving children and families out of the HUD homeless programs to my attention over 2 years ago. She came up to Washington to testify for us about her hands-on experience with this issue, and truly she has been an inspiration, not only here, but to thousands and thousands of the needy in Kentucky.

As a fiscally conservative Republican, I fully support the Federal investment in the homeless assistance grant programs. A roof over one's head goes a long way, but it's truly the supportive services, combined with housing, that have the biggest impact on changing a person's path in life. These programs lend a helping hand to people who want to build a future and pursue a dream. This type of Federal assistance has a lasting and positive impact, not only on the recipient, but on our communities and, frankly, on the Federal Treasury.

To help children, especially now, in this time, in this formative time, to keep them from becoming part of the system in the long-run, a falling into the despair of a hopeless future, it is critical that we make this investment and we give our care providers on the front lines the opportunity to build relationships that will transform lives.

My primary goal in cosponsoring the HEARTH Act was to increase local flexibility. Homelessness in Kentucky's Fourth District is not the same as it is in California, for example. Local continuums and providers should have the flexibility to tailor their programs and grant funding to meet their unique needs, and not have Washington bureaucrats try to give a one-size-fits-all solution for the definition of homelessness.

This is all about acknowledging that homelessness looks different in different parts of the country. Homelessness has many faces that for the most part go unseen by the public at large. They walk by us every day in the shopping mall and on the street. We see them passing us in the stores and in the parks and, regrettably, even in our churches. We look the other way because we don't have eyes to see. But if we open our eyes, if we ask for that gift, and we see, then we are called to action to make a difference.

I am thrilled to see that we have come to a compromise with the Senate on the definition issue. The compromise includes homeless families and unaccompanied youth identified by other Federal agencies. In HUD's definition, this was a problem.

This is a huge step towards ending homelessness. I thank everybody who has worked on this across the country, those here in the Chamber and on the Hill, those in our communities around

the Nation, and for me, especially, I'd like to take a moment to share, as I stand in this Chamber, as I walk the halls of Congress tonight, and especially, for me, what I consider one of the most significant legislative pieces to affect a generation that is coming up now.

□ 1345

I am humbled to be here. I was one of those children who had to leave in the middle the night. I was one of those children whose mother in desperation married somebody who probably should not have been married; a man who was violent, alcoholic, adulterous, a mean-spirited individual. And I know that feeling to watch as a helpless 6-year-old when your mother is being hit, and to step between those two and to leave the house and to hide in the closet, the secret that the neighborhood knew nothing about. But that reality and that pain for us came to salvation by the grace of God, that there were little islands of opportunity where we could take refuge.

The truth though for so many thousands is that is not there. They have to move to other towns, other school districts and other communities. What this does is provide that island, that helping hand. It helps us with our weaker brother. It helps us care for those who are around us in a way that I believe is responsible, both fiscally and obligation morally.

I commend all who have worked on this, and I say God bless you for your efforts.

Ms. MOORE of Wisconsin. Mr. Speaker, I reserve the balance of my time.

Mrs. BIGGERT. Mr. Speaker, I yield myself such time as I may consume to engage in a colloquy with the chairman of the Housing Subcommittee of the Financial Services Committee.

I would like to thank the chairwoman and express my appreciation for all she has done for this, and to express my appreciation to my other chairman, Mr. GEORGE MILLER, for his outstanding work on behalf of homeless people, and for working with our Financial Services Committee to recognize the educational and housing needs of homeless children and youth. I would also like to thank Representative MCCARTHY and Representative GEOFF DAVIS for their work as well.

As you know, the Education and Labor Committee has jurisdiction for the McKinney-Vento Education For Homeless Children Act, the Runaway and Homeless Youth Act and Head Start. H.R. 7221 will broaden HUD's definition of homelessness to include a subset of children and youth who meet the definition of homelessness used by other Federal statutes. We appreciate the inclusion of these children, and believe it is a step in the right direction. In particular, it covers those children and youth who, either on their own or as part of a family, have experienced a long-term period without living stably or independently in permanent housing.

Madam Chairwoman, as this term "long-term period" is open to interpretation, is it the committee's intention that any regulation that interprets this provision would acknowledge that "long-term period" should be viewed from the perspective of children and recognize their unique developmental needs?

Ms. WATERS. Absolutely. The committee recognizes that the expansion of the definition of homelessness to include these children and families was carried out with the intention of addressing the unique experiences of children and youth who are homeless.

Mrs. BIGGERT. Madam Chairman, it is also our committee's understanding that the legislation before us allows families and youth who meet other Federal programs' definitions of homelessness and have experienced instability as experienced by frequent moves to be considered homeless for HUD's purposes.

Am I correct in understanding that the intent of this provision is to ensure that the full measures of challenges facing homeless families and unaccompanied youth are addressed, including programs related to changes of school and educational progress that can be caused by frequent moves?

Ms. WATERS. Yes, you are absolutely correct.

Mrs. BIGGERT. Madam Chairman, by including language that acknowledges the various definitions of homelessness in other Federal statutes, is it the committee's intention that HUD's homeless assistance programs should consider information provided by these Federal programs in determining eligibility under this section and that HUD-funded homeless providers should be encouraged to engage with homeless providers receiving funds from other Federal agencies to utilize their assessments and counsel in making eligibility requirements?

Ms. WATERS. Yes. Federal programs must work together to meet the needs of families and unaccompanied youth, and that collaboration should include information needed for eligibility decisions.

Mrs. BIGGERT. Madam Chairman, lastly, we want to thank you for expanding the definition of homeless to include youth who are unaccompanied and who are experiencing several barriers simultaneously.

Am I correct in understanding that the many problems experienced by youth because they lack a parent, legal guardian or consistent caregiver should be considered barriers for employment that are described in paragraph 6(c) of the definition?

Ms. WATERS. Yes. We know that there are many obstacles that keep these youth from obtaining stable housing, including barriers to employment and their unaccompanied status, and we expect HUD to take the issues you raised into consideration.

Mrs. BIGGERT. Again, Madam Chairman, thank you for all your work, and

Representative GEOFF DAVIS and Representative MCCARTHY. I look forward to working with you moving forward on this issue.

I reserve the balance of my time.

Ms. MOORE of Wisconsin. Mr. Speaker, I have no further speakers, and I reserve the balance of my time in pursuit of eagerly hearing from other speakers that Mrs. BIGGERT may bring forth.

Mrs. BIGGERT. I have no other speakers, but I would yield myself such time as I may consume to close.

I spoke earlier a little bit about my friend and constituent Diane Nilan of Naperville, Illinois, who has done so much for the homeless. She has worked tirelessly for 20 years to provide a home for homeless children and families across the country, and I think she has seen firsthand the mental, physical and emotional degradation that children and families experience with homelessness.

In her testimony before the Financial Services Committee last October she said, "Homeless service providers in communities of all sizes await the day that HUD provides the opportunity for people in all homeless situations to receive the assistance they need. They long to be free to focus on easing homelessness as it appears in their communities, on the street, doubled up or in motels, instead of having their hands tied with arbitrary rules and restrictions. They desire Federal resources to supplement local efforts to house and assist the growing number of families without a place to call home."

I would also like to thank Carol Simler of DuPage PADS and all the wonderful people in my district who help with homelessness. I know we all have so many stories in all of our districts.

With that, I would urge my colleagues to vote for this bill.

Mr. SHAYS. Mr. Speaker, I support H.R. 7221, the Community Partnership to End Homelessness Act, and urge my colleagues to support the reauthorization of this important legislation.

The Stewart B. McKinney Homeless Assistance Act, now known as the McKinney-Vento Homeless Assistance Act, was first enacted in 1987 as the first major, coordinated Federal response to homelessness. McKinney-Vento homeless assistance programs were last reauthorized in the Housing and Community Development Act of 1992. Since then, Congress has considered numerous proposals to improve the program but not completed a full reauthorization of the legislation.

Passed in response to the rapid and dramatic growth of homelessness in the United States during the 1980s, the McKinney Act emphasized emergency measures, transitional measures, and long-term solutions to combat the homeless crisis.

Despite the impact of the McKinney-Vento Act, homelessness continues to be a pervasive problem in America. It is important Congress support a comprehensive range of programs beyond emergency food, shelter and health care services for the homeless.

We must promote the development of affordable housing, provide supportive services

to those who are homeless or in vulnerable housing situations, acknowledge and study the high rates of homelessness among our Nation's veterans and recognize the critical role our schools play in preventing and ending homelessness among children.

I serve in the seat previously represented by Stewart McKinney. Stewart served as the ranking Republican on the House Banking Subcommittee on Housing, as well as the House Committee on the District of Columbia. It was in this capacity that he became especially concerned about homelessness, particularly in our capital city.

He loved urban areas and like our colleague Bruce Vento, he recognized homelessness is a national problem that requires a national solution.

Stewart's commitment to exposing the depth of the growing problem of homelessness in the 1980s led him to contract pneumonia after sleeping on a grate outside a Federal building with DC area homeless.

Shortly after his death on May 7, 1987, his family, friends and staff gathered to discuss how to continue his philosophy of caring for those who are the least able to care for themselves.

They created the Stewart B. McKinney Foundation, an organization whose mission is to provide funds to care for persons with HIV who are homeless or at risk of homelessness.

Today, Lucie McKinney continues the work Stewart began in his memory, and keeps his spirit alive in this precious foundation.

Stewart was beloved by his colleagues on both sides of the aisle. Reading the tributes that were offered to Stewart on this House floor on the day of his death, I was struck by his colleagues' appreciation for his humanity, warm spirit, bipartisanship, and dedication to doing good.

Mrs. BIGGERT. I yield back the balance of my time.

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

The SPEAKER pro tempore. The question is on the motion offered by the gentlewoman from Wisconsin (Ms. MOORE) that the House suspend the rules and pass the bill, H.R. 7221, 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.

Ms. MOORE of Wisconsin. 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 and the Chair's prior announcement, further proceedings on this motion will be postponed.

MESSAGE FROM THE SENATE

A message from the Senate by Ms. Curtis, one of its clerks, announced that the Senate has passed without amendment bills of the House of the following titles:

H.R. 3480. An act to direct the United States Sentencing Commission to assure appropriate punishment enhancements for those involved in receiving stolen property where that property consists of grave markers of veterans, and for other purposes.

H.R. 6296. An act to extend through 2013 the authority of the Federal Election Commission to impose civil money penalties on the basis of a schedule of penalties established and published by the Commission.

H.R. 7082. An act to amend the Internal Revenue Code of 1986 to permit the Secretary of the Treasury to disclose certain prisoner return information to the Federal Bureau of Prisons, and for other purposes.

RECESS

The SPEAKER pro tempore. Pursuant to clause 12(a) of rule I, the Chair declares the House in recess subject to the call of the Chair.

Accordingly (at 1 o'clock and 55 minutes p.m.), the House stood in recess subject to the call of the Chair.

AFTER RECESS

The recess having expired, the House was called to order by the Speaker pro tempore (Mr. HOLDEN) at 5 o'clock and 5 minutes p.m.

FURTHER MESSAGE FROM THE SENATE

A further message from the Senate by Ms. Curtis, one of its clerks, announced that the Senate has passed with an amendment in which the concurrence of the House is requested, a bill of the House of the following title:

H.R. 6469. An act to amend the Public Health Service Act to authorize increased Federal funding for the Organ Procurement and Transplantation Network.

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:

S. 3641, by the yeas and nays;

H.R. 7221, by the yeas and nays.

The vote on S. 3197 will be taken tomorrow.

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

NATIONAL CRIME VICTIM LAW INSTITUTE REAUTHORIZATION

The SPEAKER pro tempore. The unfinished business is the vote on the motion to suspend the rules and pass the Senate bill, S. 3641, on which the yeas and nays were ordered.

The Clerk read the title of the Senate bill.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Michigan (Mr. CONYERS) that the House suspend the rules and pass the Senate bill, S. 3641.

The vote was taken by electronic device, and there were—yeas 410, nays 2, not voting 21, as follows:

Abercrombie
Ackerman
Aderholt
Akin
Alexander
Allen
Altmire
Andrews
Arcuri
Baca
Bachmann
Bachus
Baird
Baldwin
Barrett (SC)
Barrow
Bartlett (MD)
Barton (TX)
Bean
Becerra
Berkley
Berman
Berry
Biggert
Bilbray
Bilirakis
Bishop (GA)
Bishop (NY)
Bishop (UT)
Blackburn
Blumenauer
Blunt
Boehner
Bonner
Bono Mack
Boozman
Boren
Boswell
Boucher
Boustany
Boyd (FL)
Boyd (KS)
Brady (PA)
Brady (TX)
Bralley (IA)
Broun (GA)
Brown (SC)
Brown, Corrine
Brown-Waite,
Ginny
Buchanan
Burgess
Burton (IN)
Butterfield
Buyer
Calvert
Camp (MI)
Campbell (CA)
Cannon
Cantor
Capito
Capps
Capuano
Cardoza
Carney
Carson
Carter
Castle
Castor
Cazayoux
Chabot
Chandler
Childers
Clarke
Cleaver
Clyburn
Coble
Cohen
Cole (OK)
Conaway
Cooper
Costa
Costello
Courtney
Cramer
Crenshaw
Cuellar
Culberson
Cummings
Davis (AL)
Davis (CA)
Davis (IL)
Davis (KY)
Davis, David
Davis, Lincoln
Davis, Tom

[Roll No. 676]

YEAS—410

Deal (GA)
DeFazio
DeGette
Delahunt
DeLauro
Dent
Diaz-Balart, L.
Diaz-Balart, M.
Dicks
Dingell
Doggett
Donnelly
Doolittle
Doyle
Drake
Dreier
Duncan
Edwards (MD)
Edwards (TX)
Ehlers
Ellison
Ellsworth
Emanuel
Emerson
Engel
English (PA)
Eshoo
Etheridge
Everett
Fallin
Farr
Fattah
Feeney
Filner
Forbes
Fortenberry
Fossella
Poster
Foxy
Frank (MA)
Franks (AZ)
Frelinghuysen
Gallegly
Garrett (NJ)
Gerlach
Giffords
Gillibrand
Gingrey
Gohmert
Gonzalez
Goode
Goodlatte
Gordon
Granger
Green, Al
Green, Gene
Grijalva
Hall (NY)
Hall (TX)
Hare
Harman
Hastings (FL)
Hastings (WA)
Hayes
Heller
Hensarling
Henger
Herse
Herseth Sandlin
Higgins
Hill
Hinchee
Hinojosa
Hirono
Hobson
Hodes
Hoekstra
Holden
Holt
Honda
Hooley
Hoyer
Inglis (SC)
Inslee
Israel
Issa
Jackson (IL)
Jackson-Lee
(TX)
Jefferson
Johnson (GA)
Johnson (IL)
Johnson, E. B.
Johnson, Sam
Jones (NC)
Jordan
Kagen

Kanjorski
Kaptur
Keller
Kennedy
Kildee
Kilpatrick
Kind
King (IA)
King (NY)
Kirk
Klein (FL)
Kline (MN)
Knollenberg
Kucinich
Kuhl (NY)
LaHood
Lamborn
Lampson
Langevin
Larsen (WA)
Larsen (CT)
Latham
LaTourette
Latta
Lee
Levin
Lewis (CA)
Lewis (GA)
Lewis (KY)
Linder
Lipinski
LoBiondo
Loeb
Loeb
Lofgren, Zoe
Lowey
Lucas
Lungren, Daniel
E.
Lynch
Mack
Mahoney (FL)
Manzullo
Marchant
Markey
Marshall
Matheson
Matsui
McCarthy (CA)
McCarthy (NY)
McCaul (TX)
McCollum (MN)
McCotter
McCrery
McDermott
McGovern
McHenry
McHugh
McIntyre
McKeon
McMorris
Rodgers
McNerney
McNulty
Meek (FL)
Meeks (NY)
Melancon
Mica
Michaud
Miller (FL)
Miller (MI)
Miller (NC)
Miller, Gary
Miller, George
Mitchell
Mollohan
Moore (KS)
Moore (WI)
Moran (VA)
Murphy (CT)
Murphy, Tim
Murtha
Musgrave
Myrick
Nadler
Napolitano
Neal (MA)
Neugebauer
Nunes
Oberstar
Obey
Oliver
Ortiz
Pallone
Pascarell
Pastor
Payne

Pearce
Pence
Perlmutter
Peterson (MN)
Peterson (PA)
Petri
Pickering
Pitts
Platts
Poe
Pomeroy
Porter
Price (GA)
Price (NC)
Putnam
Radanovich
Rahall
Ramstad
Rangel
Regula
Rehberg
Reichert
Renzi
Reyes
Reynolds
Richardson
Rodriguez
Rogers (AL)
Rogers (KY)
Rogers (MI)
Rohrabacher
Ros-Lehtinen
Roskam
Ross
Rothman
Roybal-Allard
Royce
Ruppersberger
Rush
Ryan (OH)
Ryan (WI)
Salazar
Sali

Flake
Paul

Carnahan
Clay
Conyers
Crowley
Cubin
Ferguson
Gilchrest
Graves

Sanchez, Linda
T.
Sanchez, Loretta
Sarbanes
Saxton
Scalise
Schakowsky
Schiff
Schwartz
Scott (GA)
Scott (VA)
Sensenbrenner
Serrano
Sessions
Sestak
Shadegg
Shays
Shea-Porter
Sherman
Shimkus
Shuler
Shuster
Simpson
Sires
Skelton
Slaughter
Smith (NE)
Smith (NJ)
Smith (TX)
Smith (WA)
Snyder
Solis
Souder
Speier
Spratt
Stearns
Stupak
Sullivan
Tanner
Tauscher

NAYS—2

NOT VOTING—21

Gutierrez
Hulshof
Hunter
Kingston
Maloney (NY)
Moran (KS)
Murphy, Patrick
Pryce (OH)

Taylor
Terry
Thompson (CA)
Thornberry
Tiahrt
Tiberi
Tierney
Towns
Tsongas
Turner
Udall (NM)
Upton
Van Hollen
Velázquez
Visclosky
Walberg
Walden (OR)
Walsh (NY)
Walz (MN)
Wamp
Waters
Watson
Watt
Waxman
Weiner
Welch (VT)
Weld (FL)
Weller
Westmoreland
Wexler
Whitfield (KY)
Wilson (NM)
Wilson (OH)
Wilson (SC)
Wittman (VA)
Wolf
Woolsey
Wu
Yarmuth
Young (AK)
Young (FL)

□ 1727

Mr. PAYNE changed his vote from "nay" to "yea."

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

The result of the vote was announced as above recorded.

Mr. CANNON. Mr. Speaker, I move to reconsider the vote.

MOTION TO TABLE

Mr. HASTINGS of Florida. Mr. Speaker, I move to table the motion to reconsider.

The SPEAKER pro tempore. The question is on the motion to table.

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

RECORDED VOTE

Mr. HASTINGS of Florida. Mr. Speaker, I demand a recorded vote.

A recorded vote was ordered.

The SPEAKER pro tempore. This will be a 5-minute vote.

The vote was taken by electronic device, and there were—ayes 295, noes 115, not voting 23, as follows:

[Roll No. 677]

AYES—295

Abercrombie Foster
Ackerman Franks (AZ)
Allen Frelinghuysen
Altmire Garrett (NJ)
Andrews Gerlach
Arcuri Giffords
Baca Gillibrand
Baird Gonzalez
Baldwin Goode
Barrett (SC) Goodlatte
Barrow Gordon
Bean Green, Al
Becerra Green, Gene
Berkley Hall (NY)
Berman Hare
Berry Harman
Bishop (GA) Hastings (FL)
Bishop (NY) Hayes
Bishop (UT) Herseht Sandlin
Blumenauer Higgins
Blunt Hill
Bono Mack Hinchey
Boren Hinojosa
Boswell Hirono
Boucher Hodes
Boyd (FL) Hoekstra
Boyd (KS) Holden
Brady (PA) Holt
Braley (IA) Honda
Brown (SC) Hooley
Brown, Corrine Hoyer
Buchanan Inglis (SC)
Burgess Inslee
Butterfield Israel
Camp (MI) Jackson (IL)
Campbell (CA) Jackson-Lee
Capito (TX)
Capps Jefferson
Capuano Johnson (GA)
Cardoza Johnson, E. B.
Carney Jones (NC)
Carson Jordan
Castle Kagen
Castor Kanjorski
Cazayoux Kaptur
Chabot Kennedy
Chandler Kildee
Childers Kilpatrick
Clarke Kind
Cleaver King (IA)
Clyburn Klein (FL)
Coble Kline (MN)
Cohen Kucinich
Conaway LaHood
Conyers Lampson
Cooper Langevin
Costa Larsen (WA)
Costello Larson (CT)
Courtney Latta
Cramer Lee
Cuellar Levin
Cummings Lewis (GA)
Davis (AL) Linder
Davis (CA) Lipinski
Davis (IL) LoBiondo
Davis, Lincoln Loeb sack
Davis, Tom Lofgren, Zoe
DeFazio Lowey
DeGette Lungren, Daniel
DeLahunt E.
DeLauro Lynch
Dent Mack
Dicks Mahoney (FL)
Dingell Manzullo
Doggett Markey
Donnelly Marshall
Doolittle Matheson
Doyle Matsui
Drake McCarthy (CA)
Edwards (MD) McCarthy (NY)
Edwards (TX) McCollum (MN)
Ehlers McDermott
Ellison McGovern
Ellsworth McHugh
Emanuel McIntyre
Emerson McNerney
Engel McNulty
English (PA) Meek (FL)
Eshoo Meeks (NY)
Etheridge Melancon
Fallin Michaud
Farr Miller (FL)
Fattah Miller (NC)
Filner Miller, George
Forbes Mitchell
Fortenberry Moore (KS)

Moore (WI)
Moran (VA)
Murphy (CT)
Murphy, Tim
Murtha
Nadler
Napolitano
Neal (MA)
Nunes
Oberstar
Gordon
Obey
Green, Al
Oliver
Ortiz
Pallone
Pascrell
Pastor
Payne
Pearce
Perlmutter
Peterson (MN)
Petri
PICKERING
Pomeroy
Porter
Price (NC)
Putnam
Rahall
Rahall
Ramstad
Rangel
Reichert
Reyes
Richardson
Rodriguez
Rogers (MI)
Roskam
Ross
Rothman
Roybal-Allard
Ruppersberger
Rush
Ryan (OH)
Salazar
Sánchez, Linda
T.
Sanchez, Loretta
Clay
Crowley
Cubin
Ferguson
Frank (MA)
Gilchrist
Grijalva
Carnahan
Clay
Crowley
Cubin
Ferguson
Frank (MA)
Gilchrist
Grijalva

Weller
Wexler
Wilson (NM)
Wilson (OH)

Wilson (SC)
Wolf
Woolsey
Wu

NOES—115

Aderholt
Akin
Alexander
Bachmann
Bachus
Bartlett (MD)
Barton (TX)
Biggart
Billbray
Bilirakis
Blackburn
Boehner
Bonner
Boozman
Boustany
Brady (TX)
Broun (GA)
Brown-Waite,
Ginny
Burton (IN)
Buyer
Calvert
Cannon
Cantor
Carter
Cole (OK)
Crenshaw
Culberson
Davis (KY)
Davis, David
Deal (GA)
Diaz-Balart, L.
Diaz-Balart, M.
Dreier
Duncan
Everett
Feeney
Flake
Fossella

Yarmuth
Young (FL)

Neugebauer
Paul
Pence
Peterson (PA)
Pitts
Platts
Poe
Price (GA)
Radanovich
Regula
Rehberg
Renzi
Reynolds
Rogers (AL)
Rogers (KY)
Rohrabacher
Ros-Lehtinen
Royce
Ryan (WI)
Sali
Saxton
Scalise
Sensenbrenner
Sessions
Shimkus
Shuster
Smith (NJ)
Stearns
Sullivan
Tancredo
Thornberry
Upton
Walberg
Walsh (NY)
Wamp
Westmoreland
Whitfield (KY)
Wittman (VA)
Young (AK)

NOT VOTING—23

Gutierrez
Hulshof
Hunter
Kingston
Maloney (NY)
Mollohan
Moran (KS)
Murphy, Patrick
Pryce (OH)
Shays
Space
Stark
Thompson (MS)
Udall (CO)
Wasserman
Schultz

□ 1736

So the motion to table was agreed to.
The result of the vote was announced
as above recorded.

PERSONAL EXPLANATION

Mr. MORAN of Kansas. Mr. Speaker, on rollcall nos. 676 and 677, I was inadvertently detained because of flight delays. Had I been present, I would have voted "aye" on rollcall No. 676 and "yea" on rollcall No. 677.

HOMELESS EMERGENCY ASSISTANCE AND RAPID TRANSITION TO HOUSING ACT OF 2008

The SPEAKER pro tempore. The unfinished business is the vote on the motion to suspend the rules and pass the bill, H.R. 7221, as amended, 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 gentlewoman from Wisconsin (Ms. MOORE) that the House suspend the rules and pass the bill, H.R. 7221, as amended.

This will be a 5-minute vote.

The vote was taken by electronic device, and there were—yeas 355, nays 61, not voting 17, as follows:

[Roll No. 678]

YEAS—355

Abercrombie
Ackerman
Aderholt
Alexander
Allen
Altmire
Andrews
Arcuri
Baca
Bachmann
Bachus
Baird
Baldwin
Barrow
Bean
Becerra
Berkley
Berman
Berry
Bishop (GA)
Bishop (NY)
Bishop (UT)
Blumenauer
Blunt
Bono Mack
Boren
Boswell
Boucher
Boyd (FL)
Boyd (KS)
Brady (PA)
Braley (IA)
Brown (SC)
Brown, Corrine
Buchanan
Burgess
Butterfield
Camp (MI)
Campbell (CA)
Capito
Capps
Capuano
Cardoza
Carney
Carson
Castle
Castor
Cazayoux
Chabot
Chandler
Childers
Clarke
Cleaver
Clyburn
Coble
Cohen
Cole (OK)
Conyers
Cooper
Costa
Costello
Courtney
Cramer
Crenshaw
Cuellar
Cummings
Davis (AL)
Davis (CA)
Davis (IL)
Davis, Lincoln
Davis, Tom
DeFazio
DeGette
DeLahunt
DeLauro
Dent
Dicks
Dingell
Doggett
Donnelly
Doolittle
Doyle
Drake
Edwards (MD)
Edwards (TX)
Ehlers
Ellison
Ellsworth
Emanuel
Emerson
Engel
English (PA)
Eshoo
Etheridge
Fallin
Farr
Fattah
Filner
Forbes
Fortenberry

Doyle
Drake
Dreier
Edwards (MD)
Edwards (TX)
Ehlers
Ellison
Ellsworth
Emanuel
Emerson
Engel
English (PA)
Eshoo
Etheridge
Fallin
Farr
Fattah
Feeney
Filner
Forbes
Fortenberry
Fossella
Foster
Frank (MA)
Frelinghuysen
Gallegly
Gerlach
Giffords
Gillibrand
Gonzalez
Gordon
Granger
Graves
Green, Al
Green, Gene
Grijalva
Hall (NY)
Hare
Harman
Hastings (FL)
Hayes
Heller
Herger
Herseht Sandlin
Higgins
Hill
Hinchey
Hinojosa
Hirono
Hobson
Hodes
Hoekstra
Holden
Holt
Honda
Hooley
Hoyer
Inslee
Israel
Issa
Jackson (IL)
Jackson-Lee
Kagan
Kanjorski
Kaptur
Kennedy
Kildee
Kilpatrick
Kind
King (NY)
Kirk
Klein (FL)
Knollenberg
Kucinich
Kuhl (NY)
LaHood
Lampson
Langevin
Larsen (WA)
Larson (CT)
Latham
LaTourette
Latta
Lee
Levin
Lewis (CA)
Lewis (GA)
Lipinski
LoBiondo

Loeb sack
Lofgren, Zoe
Lowey
Lucas
Lungren, Daniel
E.
Lynch
Mahoney (FL)
Maloney (NY)
Manzullo
Markey
Marshall
Matheson
Matsui
McCarthy (CA)
McCarthy (NY)
McCaul (TX)
McCollum (MN)
McCotter
McCrery
McDermott
McGovern
McHugh
McIntyre
McKeon
McMorris
Rodgers
McNulty
Meek (FL)
Meeks (NY)
Melancon
Mica
Michaud
Miller (MI)
Miller (NC)
Miller, Gary
Miller, George
Mitchell
Mollohan
Moore (KS)
Moore (WI)
Moran (KS)
Moran (VA)
Murphy (CT)
Murphy, Tim
Murtha
Myrick
Nadler
Napolitano
Neal (MA)
Oberstar
Obey
Oliver
Ortiz
Pallone
Pascrell
Pastor
Payne
Pearce
Perlmutter
Peterson (MN)
Peterson (PA)
Petri
PICKERING
Pomeroy
Porter
Price (NC)
Putnam
Rahall
Rangel
Regula
Rehberg
Reichert
Renzi
Reyes
Reynolds
Richardson
Rodriguez
Rogers (AL)
Rogers (KY)
Rogers (MI)
Ros-Lehtinen
Ross
Rothman
Roybal-Allard
Ruppersberger
Rush
Ryan (OH)
Ryan (WI)
Salazar
Sánchez, Linda
T.
Sanchez, Loretta

Sarbanes	Solis	Walden (OR)
Saxton	Souder	Walsh (NY)
Schakowsky	Speier	Walz (MN)
Schiff	Spratt	Wamp
Schmidt	Stupak	Waters
Schwartz	Sutton	Watson
Scott (GA)	Tanner	Watt
Scott (VA)	Tauscher	Waxman
Serrano	Taylor	Weiner
Sestak	Terry	Welch (VT)
Shays	Thompson (CA)	Weldon (FL)
Shea-Porter	Thornberry	Weller
Sherman	Tiahrt	Wexler
Shimkus	Tiberi	Whitfield (KY)
Shuler	Tierney	Wilson (NM)
Simpson	Towns	Wilson (OH)
Sires	Tsongas	Wilson (SC)
Skelton	Turner	Wittman (VA)
Slaughter	Udall (NM)	Wolf
Smith (NE)	Upton	Woolsey
Smith (NJ)	Van Hollen	Wu
Smith (TX)	Velázquez	Yarmuth
Smith (WA)	Visclosky	Young (AK)
Snyder	Walberg	Young (FL)

NAYS—61

Akin	Gohmert	Paul
Barrett (SC)	Goode	Pence
Blackburn	Goodlatte	Pitts
Broun (GA)	Hall (TX)	Poe
Burton (IN)	Hastings (WA)	Price (GA)
Buyer	Hensarling	Radanovich
Campbell (CA)	Inglis (SC)	Rohrabacher
Cantor	Johnson, Sam	Roskam
Carter	Jordan	Royce
Conaway	King (IA)	Sali
Culberson	Kline (MN)	Scalise
Davis, David	Lamborn	Sensenbrenner
Deal (GA)	Lewis (KY)	Sessions
Doolittle	Linder	Shadegg
Duncan	Mack	Shuster
Everett	Marchant	Stearns
Flake	McHenry	Sullivan
Foxx	Miller (FL)	Tancredo
Franks (AZ)	Musgrave	Westmoreland
Garrett (NJ)	Neugebauer	Nunes
Gingrey		

NOT VOTING—17

Carnahan	Gutierrez	Space
Clay	Hulshof	Stark
Crowley	Hunter	Thompson (MS)
Cubin	Kingston	Udall (CO)
Ferguson	Murphy, Patrick	Wasserman
Gilchrest	Pryce (OH)	Schultz

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore (during the vote). Two minutes remain in this vote.

□ 1744

Mr. NUNES and Mr. SHUSTER changed their vote from “yea” to “nay.”

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.

PERSONAL EXPLANATION

Mr. GUTIERREZ. Mr. Speaker, I was unavoidably absent from this Chamber today. I would like the RECORD to show that, had I been present, I would have voted “yea” on rollcall votes 676, 677 and 678.

CORRECTING ENROLLMENT OF S. 3001, DUNCAN HUNTER NATIONAL DEFENSE AUTHORIZATION ACT FOR FISCAL YEAR 2009

Mr. SKELTON. Mr. Speaker, I send to the desk a concurrent resolution and ask unanimous consent for its immediate consideration in the House.

The Clerk read the title of the concurrent resolution.

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

There was no objection.

The text of the concurrent resolution is as follows:

H. CON. RES. 442

Resolved by the House of Representatives (the Senate concurring), That in the enrollment of the bill S. 3001, the Secretary of the Senate shall make the following corrections:

(1) In section 201(1), strike “\$11,045,052,000” and insert “\$10,943,840,000”.

(2) In section 202(a), strike “\$11,799,660” and insert “\$11,799,660,000”.

The concurrent resolution was agreed to.

A motion to reconsider was laid on the table.

CAPITOL VISITOR CENTER ACT OF 2008

Mr. BRADY of Pennsylvania. Mr. Speaker, I ask unanimous consent to take from the Speaker’s table the bill (H.R. 5159) to establish the Office of the Capitol Visitor Center within the Office of the Architect of the Capitol, headed by the Chief Executive Officer for Visitor Services, to provide for the effective management and administration of the Capitol Visitor Center, and for other purposes, with a Senate amendment thereto, and concur in the Senate amendment.

The Clerk read the title of the bill.

The Clerk read the Senate amendment, as follows:

Senate amendment:

Strike all after the enacting clause and insert the following:

SECTION 1. SHORT TITLE; TABLE OF CONTENTS.

(a) SHORT TITLE.—This Act may be cited as the “Capitol Visitor Center Act of 2008”.

(b) TABLE OF CONTENTS.—The table of contents for this Act is as follows:

Sec. 1. Short title; table of contents.

TITLE I—CAPITOL VISITOR CENTER

Sec. 101. Designation of facility as Capitol Visitor Center; purposes of facility; treatment of the Capitol Visitor Center.

Sec. 102. Designation and naming within the Capitol Visitor Center.

Sec. 103. Use of the Emancipation Hall of the Capitol Visitor Center.

TITLE II—OFFICE OF THE CAPITOL VISITOR CENTER

Sec. 201. Establishment.

Sec. 202. Appointment and supervision of Chief Executive Officer for Visitor Services.

Sec. 203. General duties of Chief Executive Officer.

Sec. 204. Assistant to the Chief Executive Officer.

Sec. 205. Gift shop.

Sec. 206. Food service operations.

TITLE III—CAPITOL VISITOR CENTER REVOLVING FUND

Sec. 301. Establishment and accounts.

Sec. 302. Deposits in the Fund.

Sec. 303. Use of monies.

Sec. 304. Administration of Fund.

TITLE IV—CAPITOL GUIDE SERVICE AND OFFICE OF CONGRESSIONAL ACCESSIBILITY SERVICES

Subtitle A—Capitol Guide Service

Sec. 401. Transfer of Capitol Guide Service.

Sec. 402. Duties of employees of Capitol Guide Service.

Subtitle B—Office of Congressional Accessibility Services

Sec. 411. Office of Congressional Accessibility Services.

Sec. 412. Transfer from Capitol Guide Service.

Subtitle C—Transfer Date and Technical and Conforming Amendments

Sec. 421. Transfer date.

Sec. 422. Technical and conforming amendments.

TITLE V—MISCELLANEOUS PROVISIONS

Sec. 501. Jurisdictions unaffected.

Sec. 502. Student loan repayment authority.

Sec. 503. Acceptance of volunteer services.

Sec. 504. Coins treated as gifts.

Sec. 505. Flexible work schedule pilot program.

TITLE VI—AUTHORIZATION OF APPROPRIATIONS

Sec. 601. Authorization of appropriations.

TITLE I—CAPITOL VISITOR CENTER

SEC. 101. DESIGNATION OF FACILITY AS CAPITOL VISITOR CENTER; PURPOSES OF FACILITY; TREATMENT OF THE CAPITOL VISITOR CENTER.

(a) DESIGNATION.—The facility authorized for construction under the heading “CAPITOL VISITOR CENTER” under chapter 5 of title II of division B of the Omnibus Consolidated and Emergency Supplemental Appropriations Act, 1999 (Public Law 105-277; 112 Stat. 2681-569) is designated as the Capitol Visitor Center and is a part of the Capitol.

(b) PURPOSES OF THE FACILITY.—The Capitol Visitor Center shall be used—

(1) to provide enhanced security for persons working in or visiting the United States Capitol;

(2) to improve the visitor experience by providing a structure that will afford improved visitor orientation and enhance the educational experience of those who have come to learn about the Congress and the Capitol; and

(3) for other purposes as determined by Congress or the Committee on Rules and Administration of the Senate and the Committee on House Administration of the House of Representatives.

(c) TREATMENT OF THE CAPITOL VISITOR CENTER.—

(1) OVERSIGHT.—The Committee on Rules and Administration of the Senate and the Committee on House Administration of the House of Representatives shall have oversight of the Capitol Visitor Center.

(2) TREATMENT OF EXPANSION SPACE OF THE SENATE AND HOUSE OF REPRESENTATIVES IN THE CAPITOL VISITOR CENTER.—

(A) SENATE.—The expansion space of the Senate described as unassigned space under the heading “CAPITOL VISITOR CENTER” under the heading “ARCHITECT OF THE CAPITOL” under title II of the Act entitled “An Act making appropriations for the Legislative Branch for the fiscal year ending September 30, 2002, and for other purposes”, approved November 12, 2001 (Public Law 107-68; 115 Stat. 588) shall be part of the Senate wing of the Capitol.

(B) HOUSE OF REPRESENTATIVES.—The expansion space of the House of Representatives described as unassigned space under the heading “CAPITOL VISITOR CENTER” under the heading “ARCHITECT OF THE CAPITOL” under title II of the Act entitled “An Act making appropriations for the Legislative Branch for the fiscal year ending September 30, 2002, and for other purposes”, approved November 12, 2001 (Public Law 107-68; 115 Stat. 588) shall be part of the House of Representatives wing of the Capitol.

(d) TREATMENT OF CONGRESSIONAL AUDITORIUM AND RELATED ADJACENT AREAS.—

(1) IN GENERAL.—The Committee on Rules and Administration of the Senate and the Committee on House Administration of the House of Representatives shall jointly prescribe regulations

for the assignment of the space in the Capitol Visitor Center known as the Congressional Auditorium and the related adjacent areas.

(2) RELATED ADJACENT AREAS.—The regulations under paragraph (1) shall include a designation of the areas that are related adjacent areas to the Congressional Auditorium.

(e) VISITOR CENTER SPACE IN THE CAPITOL.—Section 301 of the National Visitor Center Facilities Act of 1968 (2 U.S.C. 2165) is repealed.

(f) EXHIBITS FOR DISPLAYS.—

(1) IN GENERAL.—

(A) LOAN AGREEMENTS.—Subject to subparagraph (B), the Architect of the Capitol may enter into loan agreements to place historical objects for display in the Exhibition Hall of the Capitol Visitor Center.

(B) CONSULTATION AND APPROVAL.—The Architect of the Capitol may exercise the authority under subparagraph (A) with respect to each loan agreement—

(i) after consultation with—

(I) the Senate Commission on Art; and

(II) the House of Representatives Fine Arts Board; and

(ii) subject to the approval of—

(I) the Committee on Rules and Administration of the Senate; and

(II) the Committee on House Administration of the House of Representatives.

(C) EFFECTIVE DATE.—This paragraph shall take effect on December 3, 2008.

(2) EXHIBITION PROHIBITION.—Section 1815 of the Revised Statutes (2 U.S.C. 2134) is amended by inserting “Emancipation Hall of the Capitol Visitor Center,” after “Rotunda.”

(3) EXCEPTIONS TO EXHIBITION PROHIBITION.—Section 1815 of the Revised Statutes (2 U.S.C. 2134) shall not apply to any historical object placed within an exhibit in the Exhibition Hall of the Capitol Visitor Center that—

(A)(i) is directly related to the purpose of the Capitol Visitor Center under subsection (b)(2);

(ii) is the subject of a loan agreement entered into by the Architect of the Capitol before December 2, 2008; and

(iii) has been approved by the Capitol Preservation Commission; or

(B) is the subject of a loan agreement described under paragraph (1)(A).

(4) SUBSTITUTION OF HISTORICAL OBJECT.—A loan agreement described under paragraph (3)(A)(ii) may provide for the removal of an historical object from exhibition for preservation purposes and the substitution of that object with another historical object having a comparable educational purpose.

SEC. 102. DESIGNATION AND NAMING WITHIN THE CAPITOL VISITOR CENTER.

(a) IN GENERAL.—Except as provided under subsection (b), no part of the Capitol Visitor Center may be designated or named without the approval of—

(1) not less than $\frac{3}{4}$ of all members on the Capitol Preservation Commission who are members of the Democratic party; and

(2) not less than $\frac{3}{4}$ of all members on the Capitol Preservation Commission who are members of the Republican party.

(b) EXCEPTION.—Subsection (a) shall not apply to any room or space under the jurisdiction of the Senate or the House of Representatives.

SEC. 103. USE OF THE EMANCIPATION HALL OF THE CAPITOL VISITOR CENTER.

The Emancipation Hall of the Capitol Visitor Center may not be used for any event, except upon the passage of a resolution agreed to by both houses of Congress authorizing the use of the Emancipation Hall for that event.

TITLE II—OFFICE OF THE CAPITOL VISITOR CENTER

SEC. 201. ESTABLISHMENT.

There is established within the Office of the Architect of the Capitol the Office of the Capitol Visitor Center (in this Act referred to as the “Office”), to be headed by the Chief Executive

Officer for Visitor Services (in this Act referred to as the “Chief Executive Officer”).

SEC. 202. APPOINTMENT AND SUPERVISION OF CHIEF EXECUTIVE OFFICER FOR VISITOR SERVICES.

(a) APPOINTMENT.—The Chief Executive Officer shall be appointed by the Architect of the Capitol.

(b) SUPERVISION AND OVERSIGHT.—The Chief Executive Officer shall report directly to the Architect of the Capitol and shall be subject to oversight by the Committee on Rules and Administration of the Senate and the Committee on House Administration of the House of Representatives.

(c) REMOVAL.—Upon removal of the Chief Executive Officer, the Architect of the Capitol shall immediately provide notice of the removal to the Committee on Rules and Administration of the Senate, the Committee on House Administration of the House of Representatives, and the Committees on Appropriations of the House of Representatives and Senate. The notice shall include the reasons for the removal.

(d) COMPENSATION.—The Chief Executive Officer shall be paid at an annual rate of pay equal to the annual rate of pay of the Deputy Architect of the Capitol.

(e) TRANSITION FOR CURRENT CHIEF EXECUTIVE OFFICER FOR VISITOR SERVICES.—

(1) APPOINTMENT.—The individual who serves as the Chief Executive Officer for Visitor Services under section 6701 of the U.S. Troop Readiness, Veterans’ Care, Katrina Recovery, and Iraq Accountability Appropriation Act of 2007 (2 U.S.C. 1806) as of the date of the enactment of this Act shall be the first Chief Executive Officer for Visitor Services appointed by the Architect under this section.

(2) TECHNICAL AND CONFORMING AMENDMENT.—Section 6701 of the U.S. Troop Readiness, Veterans’ Care, Katrina Recovery, and Iraq Accountability Appropriation Act of 2007 (2 U.S.C. 1806) is repealed.

SEC. 203. GENERAL DUTIES OF CHIEF EXECUTIVE OFFICER.

(a) ADMINISTRATION OF FACILITIES, SERVICES, AND ACTIVITIES.—

(1) IN GENERAL.—Except to the extent otherwise provided in this Act, the Chief Executive Officer shall be responsible for—

(A) the operation, management, and budget preparation and execution of the Capitol Visitor Center, including all long term planning and daily operational services and activities provided within the Capitol Visitor Center; and

(B) in accordance with sections 401 and 402, the management of guided tours of the interior of the United States Capitol.

(2) INDEPENDENT BUDGET CONSIDERATION.—

(A) IN GENERAL.—The Architect of the Capitol, upon recommendation of the Chief Executive Officer, shall submit the proposed budget for the Office for a fiscal year in the proposed budget for that year for the Office of the Architect of the Capitol (as submitted by the Architect of the Capitol to the President). The proposed budget for the Office shall be considered independently from the other components of the proposed budget for the Architect of the Capitol.

(B) EXCLUSION OF COSTS OF GENERAL MAINTENANCE AND REPAIR OF VISITOR CENTER.—In preparing the proposed budget for the Office under subparagraph (A), the Chief Executive Officer shall exclude costs attributable to the activities and services described under section 501(b) (relating to continuing jurisdiction of the Architect of the Capitol for the care and superintendence of the Capitol Visitor Center).

(b) PERSONNEL, DISBURSEMENTS, AND CONTRACTS.—In carrying out this Act, the Architect of the Capitol shall have the authority to, upon recommendation of the Chief Executive Officer—

(1) appoint, hire, and fix the compensation of such personnel as may be necessary for operations of the Office, except that no employee may be paid at an annual rate in excess of the maximum rate payable for level 15 of the General Schedule;

(2) disburse funds as may be necessary and available for the needs of the Office (consistent with the requirements of section 303 in the case of amounts in the Capitol Visitor Center Revolving Fund); and

(3) designate an employee of the Office to serve as contracting officer for the Office, subject to subsection (c).

(c) REQUIRING APPROVAL OF CERTAIN CONTRACTS.—The Architect of the Capitol may not enter into a contract for the operations of the Capitol Visitor Center for which the amount involved exceeds \$250,000 without the prior approval of the Committee on Rules and Administration of the Senate and the Committee on House Administration of the House of Representatives.

(d) SEMIANNUAL REPORTS.—The Chief Executive Officer shall submit a report to the Committee on Rules and Administration of the Senate and the Committee on House Administration of the House of Representatives not later than 45 days following the close of each semiannual period ending on March 31 or September 30 of each year on the financial and operational status during the period of each function under the jurisdiction of the Chief Executive Officer. Each such report shall include financial statements and a description or explanation of current operations, the implementation of new policies and procedures, and future plans for each function.

SEC. 204. ASSISTANT TO THE CHIEF EXECUTIVE OFFICER.

(a) IN GENERAL.—The Architect of the Capitol shall—

(1) upon recommendation of the Chief Executive Officer, appoint an assistant who shall perform the responsibilities of the Chief Executive Officer during the absence or disability of the Chief Executive Officer, or during a vacancy in the position of the Chief Executive Officer; and

(2) notwithstanding section 203(b)(1), fix the rate of basic pay for the position of the assistant appointed under subparagraph (A) at a rate not to exceed the highest total rate of pay for the Senior Executive Service under subchapter VIII of chapter 53 of title 5, United States Code, for the locality involved.

(b) TRANSITION FOR CURRENT ASSISTANT CHIEF EXECUTIVE OFFICER.—

(1) APPOINTMENT.—The individual who serves as the assistant under section 1309 of the Legislative Branch Appropriations Act, 2008 (2 U.S.C. 1807) as of the date of the enactment of this Act shall be the first Assistant Chief Executive Officer for Visitor Services appointed by the Architect under this section.

(2) TECHNICAL AND CONFORMING AMENDMENT.—Section 1309 of the Legislative Branch Appropriations Act, 2008 (2 U.S.C. 1807) is repealed.

SEC. 205. GIFT SHOP.

(a) ESTABLISHMENT.—The Architect of the Capitol, acting through the Chief Executive Officer, shall establish a Capitol Visitor Center Gift Shop within the Capitol Visitor Center for the purpose of providing for the sale of gift items. All moneys received from sales and other services by the Capitol Visitor Center Gift Shop shall be deposited in the Capitol Visitor Center Revolving Fund established under section 301 and shall be available for purposes of this section.

(b) EXCEPTION TO PROHIBITION OF SALE OR SOLICITATION ON CAPITOL GROUNDS.—Section 5104(c) of title 40, United States Code, shall not apply to any activity carried out under this section.

SEC. 206. FOOD SERVICE OPERATIONS.

(a) RESTAURANT, CATERING, AND VENDING.—The Architect of the Capitol, acting through the Chief Executive Officer, shall establish within the Capitol Visitor Center a restaurant and other food service facilities, including catering services and vending machines.

(b) CONTRACT FOR FOOD SERVICE OPERATIONS.—

(1) *IN GENERAL.*—The Architect of the Capitol, acting through the Chief Executive Officer, may enter into a contract for food service operations within the Capitol Visitor Center.

(2) *EXISTING CONTRACT UNAFFECTED.*—Nothing in paragraph (1) shall be construed to affect any contract for food service operations within the Capitol Visitor Center in effect on the date of enactment of this Act.

(c) *DEPOSITS.*—All net profits from the food service operations within the Capitol Visitor Center and all commissions received from the contractor for such food service operations shall be deposited in the Capitol Visitor Center Revolving Fund established under section 301.

(d) *EXCEPTION TO PROHIBITION OF SALE OR SOLICITATION ON CAPITOL GROUNDS.*—Section 5104(c) of title 40, United States Code, shall not apply to any activity carried out under this section.

TITLE III—CAPITOL VISITOR CENTER REVOLVING FUND

SEC. 301. ESTABLISHMENT AND ACCOUNTS.

There is established in the Treasury of the United States a revolving fund to be known as the Capitol Visitor Center Revolving Fund (in this section referred to as the “Fund”), consisting of the following individual accounts:

- (1) The Gift Shop Account.
- (2) The Miscellaneous Receipts Account.

SEC. 302. DEPOSITS IN THE FUND.

(a) *GIFT SHOP ACCOUNT.*—There shall be deposited in the Gift Shop Account all monies received from sales and other services by the gift shop established under section 205, together with any interest accrued on balances in the Account.

(b) *MISCELLANEOUS RECEIPTS ACCOUNT.*—There shall be deposited in the Miscellaneous Receipts Account each of the following (together with any interest accrued on balances in the Account):

- (1) Any amounts deposited under section 206(c).
- (2) Any other receipts received from the operation of the Capitol Visitor Center.
- (3) Any amounts described under section 504(d).

SEC. 303. USE OF MONIES.

(a) *GIFT SHOP ACCOUNT.*—

(1) *IN GENERAL.*—All monies in the Gift Shop Account shall be available without fiscal year limitation for disbursement by the Architect of the Capitol, upon recommendation of the Chief Executive Officer, in connection with the operation of the gift shop under section 205, including supplies, inventories, equipment, and other expenses. In addition, such monies may be used by the Architect of the Capitol, upon recommendation of the Chief Executive Officer, to reimburse any applicable appropriations account for amounts used from such appropriations account to pay the salaries of employees of the gift shops.

(2) *USE OF REMAINING FUNDS.*—To the extent monies in the Gift Shop Account are available after disbursements and reimbursements are made under paragraph (1), the Architect of the Capitol, upon recommendation of the Chief Executive Officer, may disburse such monies for the operation of the Capitol Visitor Center, after consultation with—

(A) the Committee on Rules and Administration of the Senate and the Committee on House Administration of the House of Representatives; and

(B) the Committees on Appropriations of the House of Representatives and Senate.

(b) *MISCELLANEOUS RECEIPTS ACCOUNT.*—All monies in the Miscellaneous Receipts Account shall be available without fiscal year limitation for disbursement by the Architect of the Capitol, upon recommendation of the Chief Executive Officer, for the operations of the Capitol Visitor Center, after consultation with—

(1) the Committee on Rules and Administration of the Senate and the Committee on House

Administration of the House of Representatives; and

(2) the Committees on Appropriations of the House of Representatives and Senate.

SEC. 304. ADMINISTRATION OF FUND.

(a) *DISBURSEMENTS.*—Disbursements from the Fund may be made by the Architect of the Capitol, upon recommendation of the Chief Executive Officer.

(b) *INVESTMENT AUTHORITY.*—The Secretary of the Treasury shall invest any portion of the Fund that, as determined by the Architect of the Capitol, upon recommendation of the Chief Executive Officer, is not required to meet current expenses. Each investment shall be made in an interest-bearing obligation of the United States or an obligation guaranteed both as to principal and interest by the United States that, as determined by the Architect of the Capitol, upon recommendation of the Chief Executive Officer, has a maturity date suitable for the purposes of the Fund. The Secretary of the Treasury shall credit interest earned on the obligations to the Fund.

(c) *AUDIT.*—The Fund shall be subject to audit by the Comptroller General at the discretion of the Comptroller General.

TITLE IV—CAPITOL GUIDE SERVICE AND OFFICE OF CONGRESSIONAL ACCESSIBILITY SERVICES

Subtitle A—Capitol Guide Service

SEC. 401. TRANSFER OF CAPITOL GUIDE SERVICE.

(a) *TRANSFER OF AUTHORITIES AND PERSONNEL TO OFFICE OF THE CAPITOL VISITOR CENTER.*—In accordance with the provisions of this title, effective on the transfer date—

(1) the Capitol Guide Service shall be an office within the Office;

(2) the contracts, liabilities, records, property, appropriations, and other assets and interests of the Capitol Guide Service, established under section 441 of the Legislative Reorganization Act of 1970 (2 U.S.C. 2166), and the employees of the Capitol Guide Service, are transferred to the Office, except that the transfer of any amounts appropriated to the Capitol Guide Service that remain available as of the transfer date shall occur only upon the approval of the Committees on Appropriations of the House of Representatives and Senate; and

(3) the Capitol Guide Service shall be subject to the direction of the Architect of the Capitol, upon recommendation of the Chief Executive Officer, in accordance with this subtitle.

(b) *TREATMENT OF EMPLOYEES OF CAPITOL GUIDE SERVICE AT TIME OF TRANSFER.*—

(1) *IN GENERAL.*—Any individual who is an employee of the Capitol Guide Service on a non-temporary basis on the transfer date who is transferred to the Office under subsection (a) shall be subject to the authority of the Architect of the Capitol under section 402(b), except that the individual's grade, compensation, rate of leave, or other benefits that apply with respect to the individual at the time of transfer shall not be reduced while such individual remains continuously so employed in the same position within the Office, other than for cause.

(2) *ELIGIBILITY FOR IMMEDIATE RETIREMENT ON BASIS OF INVOLUNTARY SEPARATION.*—For purposes of section 8336(d) and section 8414(b) of title 5, United States Code, an individual described in paragraph (1) who is separated from service with the Office shall be considered to have separated from the service involuntarily if, at the time the individual is separated from service—

(A) the individual has completed 25 years of service under such title; or

(B) the individual has completed 20 years of service under such title and is 50 years of age or older.

(c) *EXCEPTION FOR CONGRESSIONAL SPECIAL SERVICES OFFICE.*—This section does not apply with respect to any employees, contracts, liabilities, records, property, appropriations, and other assets and interests of the Congressional

Special Services Office of the Capitol Guide Service that are transferred to the Office of Congressional Accessibility Services under subtitle B.

SEC. 402. DUTIES OF EMPLOYEES OF CAPITOL GUIDE SERVICE.

(a) *PROVISION OF GUIDED TOURS.*—

(1) *TOURS.*—In accordance with this section, the Capitol Guide Service shall provide without charge guided tours of the interior of the United States Capitol, including the Capitol Visitor Center, for the education and enlightenment of the general public.

(2) *ACCEPTANCE OF FEES PROHIBITED.*—An employee of the Capitol Guide Service shall not charge or accept any fee, or accept any gratuity, for or on account of the official services of that employee.

(3) *REGULATIONS OF THE ARCHITECT OF THE CAPITOL.*—All such tours shall be conducted in compliance with regulations approved by the Architect of the Capitol, upon recommendation of the Chief Executive Officer.

(b) *AUTHORITY OF THE ARCHITECT OF THE CAPITOL.*—In providing for the direction, supervision, and control of the Capitol Guide Service, the Architect of the Capitol, upon recommendation of the Chief Executive Officer, is authorized to—

(1) subject to the availability of appropriations, establish and revise such number of positions of Guide in the Capitol Guide Service as the Architect of the Capitol considers necessary to carry out effectively the activities of the Capitol Guide Service;

(2) appoint, on a permanent basis without regard to political affiliation and solely on the basis of fitness to perform their duties, a Chief Guide and such deputies as the Architect of the Capitol considers appropriate for the effective administration of the Capitol Guide Service and, in addition, such number of Guides as may be authorized;

(3) with the approval of the Committee on Rules and Administration of the Senate and the Committee on House Administration of the House of Representatives, with respect to the individuals appointed under paragraph (2)—

(A) prescribe the individual's duties and responsibilities; and

(B) fix, and adjust from time to time, respective rates of pay at single per annum (gross) rates;

(4) with respect to the individuals appointed under paragraph (2), take appropriate disciplinary action, including, when circumstances warrant, suspension from duty without pay, reduction in pay, demotion, or termination of employment with the Capitol Guide Service, against any employee who violates any provision of this section or any regulation prescribed by the Architect of the Capitol under paragraph (8);

(5) prescribe a uniform dress, including appropriate insignia, which shall be worn by personnel of the Capitol Guide Service;

(6) from time to time and as may be necessary, procure and furnish such uniforms to such personnel without charge to such personnel;

(7) receive and consider advice and information from any private historical or educational organization, association, or society with respect to those operations of the Capitol Guide Service which involve the furnishing of historical and educational information to the general public; and

(8) with the approval of the Committee on Rules and Administration of the Senate and the Committee on House Administration of the House of Representatives, prescribe such regulations as the Architect of the Capitol considers necessary and appropriate for the operation of the Capitol Guide Service, including regulations with respect to tour routes and hours of operation, number of visitors per guide, staff-led tours, and non-law enforcement security and special event related support.

(c) *PROVISION OF ACCESSIBLE TOURS IN COORDINATION WITH OFFICE OF CONGRESSIONAL*

ACCESSIBILITY SERVICES.—The Chief Executive Officer shall coordinate the provision of accessible tours for individuals with disabilities with the Office of Congressional Accessibility Services established under subtitle B.

(d) **DETAIL OF PERSONNEL.**—The Architect of the Capitol shall detail personnel of the Capitol Guide Service based on a request from the Capitol Police Board to assist the United States Capitol Police by providing ushering and informational services, and other services not directly involving law enforcement, in connection with—

(1) the inauguration of the President and Vice President of the United States;

(2) the official reception of representatives of foreign nations and other persons by the Senate or House of Representatives; or

(3) other special or ceremonial occasions in the United States Capitol or on the United States Capitol Grounds that—

(A) require the presence of additional Government personnel; and

(B) cause the temporary suspension of the performance of regular duties.

(e) **EFFECTIVE DATE.**—This section shall take effect on the transfer date.

Subtitle B—Office of Congressional Accessibility Services

SEC. 411. OFFICE OF CONGRESSIONAL ACCESSIBILITY SERVICES.

(a) **IN GENERAL.**—Section 310 of the Legislative Branch Appropriations Act, 1990 (2 U.S.C. 130e) is amended to read as follows:

“SEC. 310. OFFICE OF CONGRESSIONAL ACCESSIBILITY SERVICES.

“(a) ESTABLISHMENT OF OFFICE OF CONGRESSIONAL ACCESSIBILITY SERVICES.—

“(1) ESTABLISHMENT.—There is established in the legislative branch the Office of Congressional Accessibility Services, to be headed by the Director of Accessibility Services.

“(2) CONGRESSIONAL ACCESSIBILITY SERVICES BOARD.—

“(A) ESTABLISHMENT.—There is established the Congressional Accessibility Services Board, which shall be composed of—

“(i) the Sergeant at Arms and Doorkeeper of the Senate;

“(ii) the Secretary of the Senate;

“(iii) the Sergeant at Arms of the House of Representatives;

“(iv) the Clerk of the House of Representatives; and

“(v) the Architect of the Capitol.

“(B) DIRECTION OF BOARD.—The Office of Congressional Accessibility Services shall be subject to the direction of the Congressional Accessibility Services Board.

“(3) MISSION AND FUNCTIONS.—

“(A) IN GENERAL.—The Office of Congressional Accessibility Services shall—

“(i) provide and coordinate accessibility services for individuals with disabilities, including Members of Congress, officers and employees of the House of Representatives and the Senate, and visitors, in the United States Capitol Complex; and

“(ii) provide information regarding accessibility for individuals with disabilities, as well as related training and staff development, to Members of Congress and employees of the Senate and the House of Representatives.

“(B) UNITED STATES CAPITOL COMPLEX DEFINED.—In this paragraph, the term ‘United States Capitol Complex’ means the Capitol buildings (as defined in section 5101 of title 40, United States Code) and the United States Capitol Grounds (as described in section 5102 of such title).

“(b) DIRECTOR OF ACCESSIBILITY SERVICES.—

“(1) APPOINTMENT, PAY, AND REMOVAL.—

“(A) APPOINTMENT AND PAY.—The Director of Accessibility Services shall be appointed by the Congressional Accessibility Services Board and shall be paid at a rate of pay determined by the Congressional Accessibility Services Board.

“(B) REMOVAL.—Upon removal of the Director of Accessibility Services, the Congressional Ac-

cessibility Services Board shall immediately provide notice of the removal to the Committee on Rules and Administration of the Senate, the Committee on House Administration of the House of Representatives, and the Committees on Appropriations of the House of Representatives and Senate. The notice shall include the reasons for the removal.

“(2) PERSONNEL AND OTHER ADMINISTRATIVE FUNCTIONS.—

“(A) PERSONNEL, DISBURSEMENTS, AND CONTRACTS.—In carrying out the functions of the Office of Congressional Accessibility Services under subsection (a), the Director of Accessibility Services shall have the authority to—

“(i) appoint, hire, and fix the compensation of such personnel as may be necessary for operations of the Office of Congressional Accessibility Services, except that no employee may be paid at an annual rate in excess of the annual rate of pay for the Director of Accessibility Services;

“(ii) take appropriate disciplinary action, including, when circumstances warrant, suspension from duty without pay, reduction in pay, demotion, or termination of employment with the Office of Congressional Accessibility Services, against any employee;

“(iii) disburse funds as may be necessary and available for the needs of the Office of Congressional Accessibility Services; and

“(iv) serve as contracting officer for the Office of Congressional Accessibility Services.

“(B) AGREEMENTS WITH THE OFFICE OF THE ARCHITECT OF THE CAPITOL, WITH OTHER LEGISLATIVE BRANCH AGENCIES, AND WITH OFFICES OF THE SENATE AND HOUSE OF REPRESENTATIVES.—

Subject to the approval of the Committee on Rules and Administration of the Senate and the Committee on House Administration of the House of Representatives, the Director of Accessibility Services may place orders and enter into agreements with the Office of the Architect of the Capitol, with other legislative branch agencies, and with any office or other entity of the Senate or House of Representatives for procuring goods and providing financial and administrative services on behalf of the Office of Congressional Accessibility Services, or to otherwise assist the Director in the administration and management of the Office of Congressional Accessibility Services.

“(3) SEMIANNUAL REPORTS.—The Director of Accessibility Services shall submit a report to the Committee on Rules and Administration of the Senate and the Committee on House Administration of the House of Representatives not later than 45 days following the close of each semiannual period ending on March 31 or September 30 of each year on the financial and operational status during the period of each function under the jurisdiction of the Director. Each such report shall include financial statements and a description or explanation of current operations, the implementation of new policies and procedures, and future plans for each function.”

(b) SPECIFIC FUNCTIONS.—The Director of Accessibility Services shall submit to the Committee on Rules and Administration of the Senate and the Committee on House Administration of the House of Representatives a list of the specific functions that the Office of Congressional Accessibility Services will perform in carrying out this subtitle with the approval of the Committee on Rules and Administration of the Senate and the Committee on House Administration of the House of Representatives. The Director of Accessibility Services shall submit the list not later than 30 days after the transfer date.

(c) TRANSITION FOR CURRENT DIRECTOR.—The individual who serves as the head of the Congressional Special Services Office as of the date of the enactment of this Act shall be the first Director of Accessibility Services appointed by the Congressional Accessibility Services Board under section 310 of the Legislative Branch Appropriations Act, 1990 (2 U.S.C. 130e) (as amended by this section).

SEC. 412. TRANSFER FROM CAPITOL GUIDE SERVICE.

(a) **TRANSFER OF AUTHORITIES AND PERSONNEL OF CONGRESSIONAL SPECIAL SERVICES OFFICE OF CAPITOL GUIDE SERVICE.**—In accordance with the provisions of this title, effective on the transfer date—

(1) the contracts, liabilities, records, property, appropriations, and other assets and interests of the Congressional Special Services Office of the Capitol Guide Service, and the employees of such Office, are transferred to the Office of Congressional Accessibility Services established under section 310(a) of the Legislative Branch Appropriations Act, 1990 (2 U.S.C. 130e) (as amended by section 411 of this Act), except that the transfer of any amounts appropriated to the Congressional Special Services Office that remain available as of the transfer date shall occur only upon the approval of the Committees on Appropriations of the House of Representatives and Senate; and

(2) the employees of such Office shall be subject to the direction, supervision, and control of the Director of Accessibility Services.

(b) **TREATMENT OF EMPLOYEES AT TIME OF TRANSFER.**—

(1) **IN GENERAL.**—Any individual who is an employee of the Congressional Special Services Office of the Capitol Guide Service on a non-temporary basis on the transfer date who is transferred under subsection (a) shall be subject to the authority of the Director of Accessibility Services under section 310(b) of the Legislative Branch Appropriations Act, 1990 (2 U.S.C. 130e) (as amended by section 411 of this Act), except that the individual's grade, compensation, rate of leave, or other benefits that apply with respect to the individual at the time of transfer shall not be reduced while such individual remains continuously so employed in the same position within the Office of Congressional Accessibility Services established under section 310(a) of the Legislative Branch Appropriations Act, 1990 (2 U.S.C. 130e) (as amended by section 411 of this Act), other than for cause.

(2) **ELIGIBILITY FOR IMMEDIATE RETIREMENT ON BASIS OF INVOLUNTARY SEPARATION.**—For purposes of section 8336(d) and section 8414(b) of title 5, United States Code, an individual described in paragraph (1) who is separated from service with the Office of Congressional Accessibility Services shall be considered to have separated from the service involuntarily if, at the time the individual is separated from service—

(A) the individual has completed 25 years of service under such title; or

(B) the individual has completed 20 years of service under such title and is 50 years of age or older.

(3) **PROHIBITING IMPOSITION OF PROBATIONARY PERIOD.**—The Director of Accessibility Services may not impose a period of probation with respect to the transfer of any individual who is transferred to the Office of Congressional Accessibility Services under subsection (a).

Subtitle C—Transfer Date and Technical and Conforming Amendments

SEC. 421. TRANSFER DATE.

In this title, the term “transfer date” means the date occurring on the first day of the first pay period (applicable to employees transferred under section 401) occurring on or after 30 days after the date of enactment of this Act.

SEC. 422. TECHNICAL AND CONFORMING AMENDMENTS.

(a) **EXISTING AUTHORITY OF CAPITOL GUIDE SERVICE.**—Section 441 of the Legislative Reorganization Act of 1970 (2 U.S.C. 2166) is repealed.

(b) **COVERAGE UNDER CONGRESSIONAL ACCOUNTABILITY ACT OF 1995.**—

(1) **TREATMENT OF EMPLOYEES AS COVERED EMPLOYEES.**—Section 101(3)(C) of the Congressional Accountability Act of 1995 (2 U.S.C. 1301(3)(C)) is amended to read as follows:

“(C) the Office of Congressional Accessibility Services;”.

(2) TREATMENT OF OFFICE AS EMPLOYING OFFICE.—Section 101(9)(D) of such Act (2 U.S.C. 1301(9)(D)) is amended by striking “the Capitol Guide Board,” and inserting “the Office of Congressional Accessibility Services.”.

(3) RIGHTS AND PROTECTIONS RELATING TO PUBLIC SERVICES AND ACCOMMODATIONS.—Section 210(a)(4) of such Act (2 U.S.C. 1331(a)(4)) is amended to read as follows:

“(4) the Office of Congressional Accessibility Services;”.

(4) PERIODIC INSPECTIONS FOR OCCUPATIONAL SAFETY AND HEALTH COMPLIANCE.—Section 215(e)(1) of such Act (2 U.S.C. 1341(e)(1)) is amended by striking “the Capitol Guide Service,” and inserting “the Office of Congressional Accessibility Services.”.

(c) TREATMENT AS CONGRESSIONAL EMPLOYEES FOR RETIREMENT PURPOSES.—Section 2107(9) of title 5, United States Code, is amended to read as follows:

“(9) an employee of the Office of Congressional Accessibility Services.”.

(d) EFFECTIVE DATE.—The amendments made by this section shall take effect on the transfer date.

TITLE V—MISCELLANEOUS PROVISIONS

SEC. 501. JURISDICTIONS UNAFFECTED.

(a) SECURITY JURISDICTION UNAFFECTED.—Nothing in this Act granting any authority to the Architect of the Capitol or Chief Executive Officer shall be construed to affect the exclusive jurisdiction of the Capitol Police, the Capitol Police Board, the Sergeant at Arms and Doorkeeper of the Senate, and the Sergeant at Arms of the House of Representatives to provide security for the Capitol, including the Capitol Visitor Center.

(b) ARCHITECT OF THE CAPITOL JURISDICTION UNAFFECTED.—

(1) IN GENERAL.—Nothing in this Act granting any authority to the Chief Executive Officer shall be construed to affect the exclusive jurisdiction of the Architect of the Capitol for the care and superintendence of the Capitol Visitor Center. All maintenance services, groundskeeping services, improvements, alterations, additions, and repairs for the Capitol Visitor Center shall be made under the direction and supervision of the Architect, subject to the approval of the Committee on Rules and Administration of the Senate and the House Office Building Commission as to matters of general policy.

(2) TECHNICAL AND CONFORMING AMENDMENT.—Section 1305 of the Legislative Branch Appropriations Act, 2008 (2 U.S.C. 1825) is repealed.

SEC. 502. STUDENT LOAN REPAYMENT AUTHORITY.

Section 5379(a)(1)(A) of title 5, United States Code, is amended by inserting “, the Architect of the Capitol, the Botanic Garden, and the Office of Congressional Accessibility Services” after “title”.

SEC. 503. ACCEPTANCE OF VOLUNTEER SERVICES.

Notwithstanding section 1342 of title 31, United States Code, the Architect of the Capitol, upon the recommendation of the Chief Executive Officer, may accept and use voluntary and uncompensated services for the Capitol Visitor Center as the Architect of the Capitol determines necessary. No person shall be permitted to donate personal services under this section unless such person has first agreed, in writing, to waive any and all claims against the United States arising out of or connection with such services, other than a claim under the provisions of chapter 81 of title 5, United States Code. No person donating personal services under this section shall be considered an employee of the United States for any purpose other than for purposes of chapter 81 of such title. In no case shall the acceptance of personal services under this subsection result in the reduction of pay or displacement of any employee of the Office of the Architect of the Capitol.

SEC. 504. COINS TREATED AS GIFTS.

(a) DEFINITION.—In this section, the term “covered grounds” means—

(1) the grounds described under section 5102 of title 40, United States Code;

(2) the Capitol Buildings defined under section 5101 of title 40, United States Code, including the Capitol Visitor Center; and

(3) the Library of Congress buildings and grounds described under section 11 of the Act entitled “An Act relating to the policing of the buildings and grounds of the Library of Congress”, approved August 4, 1950 (2 U.S.C. 167j).

(b) TREATMENT OF COINS.—In the case of any coins in any fountains on covered grounds—

(1) such coins shall be treated as gifts to the United States; and

(2) the Architect of the Capitol shall—

(A) collect such coins at such times and in such manner as the Architect determines appropriate; and

(B) except as provided under subsection (c), deposit the collected coins in accordance with subsection (d).

(c) COST REIMBURSEMENT.—Any amount collected under this section shall first be used to reimburse the Architect of the Capitol for any costs incurred in the collection and processing of the coins. The amount of any such reimbursement is appropriated to the account from which such costs were paid and may be used for any authorized purpose of that account.

(d) DEPOSIT OF COINS.—The Architect of the Capitol shall deposit coins collected under this section in the Miscellaneous Receipts Account of the Capitol Visitor Center Revolving Fund established under section 301.

(e) AUTHORIZED USE AND AVAILABILITY.—Amounts deposited in the Miscellaneous Receipts Account of the Capitol Visitor Center Revolving Fund under this section shall be available as provided under section 303(b).

SEC. 505. FLEXIBLE WORK SCHEDULE PILOT PROGRAM.

(a) IN GENERAL.—Section 1302 of the Legislative Branch Appropriations Act, 2008 (2 U.S.C. 1831 note; 121 Stat. 2242) is amended in the third sentence by striking “September 30, 2008” and inserting “September 30, 2010”.

(b) EFFECTIVE DATE.—The amendment made under subsection (a) shall take effect as though enacted as part of the Legislative Branch Appropriations Act, 2008 (Public Law 110–161; 121 Stat. 2218 et seq.).

TITLE VI—AUTHORIZATION OF APPROPRIATIONS

SEC. 601. AUTHORIZATION OF APPROPRIATIONS.

There are authorized to be appropriated such sums as are necessary to carry out this Act.

Mr. BRADY of Pennsylvania (during the reading). Mr. Speaker, I ask unanimous consent that the amendment be considered as read and printed in the RECORD.

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

There was no objection.

Mr. BRADY of Pennsylvania. Mr. Speaker, I would like to insert in the RECORD at this point correspondence related to the bill.

HOUSE OF REPRESENTATIVES, COMMITTEE ON TRANSPORTATION AND INFRASTRUCTURE,

Washington, DC, October 1, 2008.

Hon. ROBERT A. BRADY,
Chairman, Committee on House Administration,
House of Representatives, Washington, DC.

DEAR CHAIRMAN BRADY: I write to you regarding H.R. 5159, as amended, the “Capitol Visitor Center Act of 2008”.

H.R. 5159, as amended, contains provisions that fall within the jurisdiction of the Committee on Transportation and Infrastruc-

ture. Specifically, section 102 of H.R. 5159, as amended, establishes a process for designation and naming rooms or space within the Capitol Visitors Center. I write to confirm the mutual understanding of the Committee on House Administration and the Committee on Transportation and Infrastructure that this provision does not waive, reduce, or otherwise affect the jurisdiction of the Committee on Transportation and Infrastructure to name facilities of the U.S. Capitol.

I recognize and appreciate your desire to bring this legislation before the House in an expeditious manner and, accordingly, I will not seek a sequential referral of the bill. However, I agree to waive consideration of this bill with the mutual understanding of the interpretation of section 102 and that my decision to forgo a sequential referral of the bill does not waive, reduce, or otherwise affect the jurisdiction of the Committee on Transportation and Infrastructure over H.R. 5159.

Please place a copy of this letter and your response acknowledging the Committee on Transportation and Infrastructure’s jurisdictional interest in the CONGRESSIONAL RECORD during consideration of the measure on the House Floor.

I look forward to working with you as we prepare to pass this important legislation.

Sincerely,

JAMES L. OBERSTAR,
Chairman.

HOUSE OF REPRESENTATIVES,
COMMITTEE ON HOUSE ADMINISTRATION,
Washington, DC, October 1, 2008.

Hon. JAMES L. OBERSTAR,
Chairman, Committee on Transportation and Infrastructure, House of Representatives,
Washington, DC.

DEAR CHAIRMAN OBERSTAR: Thank you for your letter of October 1, 2008, regarding H.R. 5159, as amended, the “Capitol Visitor Center Act of 2008”.

I agree that provisions in H.R. 5159, as amended, are within the jurisdiction of the Committee on Transportation and Infrastructure. I appreciate your willingness to waive rights to further consideration of H.R. 5159, as amended, and I acknowledge that through this waiver, your Committee is not relinquishing its jurisdiction over the relevant provisions of H.R. 5159, as amended. Specifically, I confirm our mutual understanding that section 102 of H.R. 5159, as amended, does not waive, reduce, or otherwise affect the jurisdiction of the Committee on Transportation and Infrastructure to name facilities of the U.S. Capitol.

This exchange of letters will be placed in the CONGRESSIONAL RECORD as part of the consideration of H.R. 5159, as amended, in the House. Thank you for the cooperative spirit in which you have worked regarding this matter and others between our respective committees.

I look forward to working with you as we prepare to pass this important legislation.

Sincerely,

ROBERT A. BRADY,
Chairman.

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

There was no objection.

A motion to reconsider was laid on the table.

AUTHORIZING THE USE OF EMANCIPATION HALL ON DECEMBER 2, 2008, FOR CEREMONIES AND ACTIVITIES HELD IN CONNECTION WITH THE OPENING OF THE CAPITOL VISITOR CENTER TO THE PUBLIC

Mr. BRADY of Pennsylvania. Mr. Speaker, I ask unanimous consent to discharge the Committee on House Administration from further consideration of House Concurrent Resolution 435 and ask for its immediate consideration in the House.

The Clerk read the title of the concurrent resolution.

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

There was no objection.

The text of the concurrent resolution is as follows:

H. CON. RES. 435

Resolved by the House of Representatives (the Senate concurring), That Emancipation Hall may be used on December 2, 2008, for ceremonies and activities held in connection with the opening of the Capitol Visitor Center to the public. Physical preparations for such ceremonies and activities shall be carried out in accordance with such conditions as the Architect of the Capitol may prescribe.

The concurrent resolution was agreed to.

A motion to reconsider was laid on the table.

HONORING AND RECOGNIZING ALICE MARY ROBERTSON WHO, WHILE A MEMBER OF CONGRESS, BECAME THE FIRST WOMAN TO PRESIDE OVER THE FLOOR OF THE HOUSE OF REPRESENTATIVES

Mr. BRADY of Pennsylvania. Mr. Speaker, I ask unanimous consent to discharge the Committee on House Administration from further consideration of House Resolution 1272 and ask for its immediate consideration in the House.

The Clerk read the title of the resolution.

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

There was no objection.

The text of the resolution is as follows:

H. RES. 1272

Whereas Alice Mary Robertson was born on January 2, 1854, in the Tullahassee Mission, Creek Nation, Indian Territory, now known as Tullahassee, Oklahoma;

Whereas Alice Mary Robertson was an American educator, social worker, government official, and politician;

Whereas Alice Mary Robertson was the 2nd woman to serve in Congress and the 1st from the State of Oklahoma;

Whereas Alice Mary Robertson was a clerk in the Bureau of Indian Affairs from 1873 to 1879, later returning to Indian Territory and teaching in Tullahassee and the Carlisle Indian Industrial School;

Whereas Alice Mary Robertson established the Nuyaka Mission, taught in Okmulgee, Oklahoma, and was in charge of a Pres-

byterian boarding school for Native American girls, now the University of Tulsa;

Whereas Alice Mary Robertson was appointed by President Theodore Roosevelt as the 1st government supervisor of Creek Indian schools from 1900 to 1905, and later the postmaster of Muskogee, Oklahoma, from 1905 to 1913;

Whereas Alice Mary Robertson's canteen service to the troops during World War I later led to the formation of the Muskogee Chapter of the American Red Cross;

Whereas Alice Mary Robertson was elected by the 2nd District of Oklahoma as a Republican Representative to the 67th Congress, from 1921 to 1923, serving on the Committee on Indian Affairs, the Committee on Expenditures in the Interior Department, and the Committee on Woman Suffrage;

Whereas Alice Mary Robertson helped secure the building of a veteran's hospital in Muskogee, following the creation of the Veterans Bureau in 1921;

Whereas Alice Mary Robertson became the 1st woman to preside over the House of Representatives on July 20, 1921, when she presided over a roll call vote on S.J. Res. 34; and

Whereas Alice Mary Robertson was a devoted teacher for the Creek Nation and helped the community through her translation of portions of the Scriptures and texts: Now, therefore, be it

Resolved, That the House of Representatives recognizes Alice Mary Robertson for her spirit of service and dedication to her country, and honors her as a great American in recognition of her contributions to the State of Oklahoma and nationwide in the House of Representatives.

The resolution was agreed to.

A motion to reconsider was laid on the table.

CORRECTING ENROLLMENT OF H.R. 6063, NATIONAL AERONAUTICS AND SPACE ADMINISTRATION AUTHORIZATION ACT OF 2008

Mr. LAMPSON. Mr. Speaker, I ask unanimous consent to take from the Speaker's table the Senate concurrent resolution (S. Con. Res. 105) directing the Clerk of the House of Representatives to correct the enrollment of H.R. 6063, and ask for its immediate consideration.

The Clerk read the title of the Senate concurrent resolution.

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

There was no objection.

The text of the Senate concurrent resolution is as follows:

S. CON RES. 105

Resolved by the Senate (the House of Representatives concurring), That in the enrollment of the bill H.R. 6063, an Act to authorize the programs of the National Aeronautics and Space Administration, and for other purposes, the Clerk of the House of Representatives shall make the following corrections:

In section 601(b)(2)(A)(iii) of the bill, strike "Orbiter".

In section 611(d)(1) of the bill, strike "first President" and insert "President".

In section 611(e)(3) of the bill, strike "correctly" and insert "currently".

In section 611(e)(7) of the bill, strike "extention" and insert "extension".

In section 612 of the bill, strike "operations" and insert "operational".

In section 1119 of the bill, strike "The Report" and insert "The report".

The Senate concurrent resolution was concurred in.

A motion to reconsider was laid on the table.

APPOINTMENT AS MEMBERS TO ADVISORY COMMITTEE ON STUDENT FINANCIAL ASSISTANCE

The SPEAKER pro tempore. Pursuant to section 491 of the Higher Education Act (20 U.S.C. 1098(c)), and the order of the House of January 4, 2007, the Chair announces the Speaker's appointment of the following members on the part of the House to the Advisory Committee on Student Financial Assistance for a term of 3 years:

Upon the recommendation of the Majority Leader:

Ms. Helen Benjamin, Vallejo, California

Upon the recommendation of the Minority Leader:

Mr. Anthony Guida, Pittsburgh, Pennsylvania

SPECIAL ORDERS

The SPEAKER pro tempore (Ms. CLARKE). Under the Speaker's announced policy of January 18, 2007, and under a previous order of the House, the following Members will be recognized for 5 minutes each.

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from California (Ms. WOOLSEY) is recognized for 5 minutes.

(Ms. WOOLSEY addressed the House. Her remarks will appear hereafter in the Extensions of Remarks.)

BAILING OUT WALL STREET

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Oregon (Mr. DEFAZIO) is recognized for 5 minutes.

Madam Speaker, the American public needs to know that there has been a tremendous amount of discussion about Main Street, about credit for people to get students loans and car loans and home loans and all that, and talk about jobs. But those are all things I support. I think every Member of this body supports that. They recognize we have a deepening recession here in the United States.

But the American public also needs to know that we are going to borrow \$700 billion in their name for the bailout package, and not one penny of it goes to any of those issues. It is not aimed at the real economy of America. It is aimed solely at the froth on Wall Street, the speculators on Wall Street, the non-productive people on Wall Street, the certifiably smart "masters of the universe," like Secretary of the Treasury Henry Paulson, who created these financial weapons of mass destruction, and now as Secretary of the Treasury a week ago last Friday lit the fuse by projecting worldwide economic

collapse if we didn't bail out those firms on Wall Street.

I believe there are simpler answers. I just came from a meeting with William Isaacs. He was the head of the Federal Deposit Insurance Corporation. They deal with banks. Mr. Paulson was a speculator on Wall Street. He deals with speculation. He doesn't understand regulative banking. In fact, one of his first big moves 10 days ago was he said guarantee all the money markets in an unlimited way. Know what that did? It took \$12 billion in deposits from banks, and they moved over into money markets because bank deposits are limited in their insurance and they pay lower rates of interest. He doesn't even understand this industry. But he understands Wall Street and speculators, and those are the people he grew up with and worked with and dines with and wines with, and those are the people he wants to help, in addition to the fact there is a tremendous amount of pressure being put on by some very powerful creditors, and one of those happens to be the People's Republic of China, who owns a lot of this junk, and they want their money back or they are threatening us.

□ 1800

Now, that's not a good reason to go ahead with this faulty proposal. It does not deal with the underlying crisis in housing. If we don't deal with the underlying crisis in housing—with the foreclosures, with the deteriorating values—when the values drop another 5 or 10 percent and when that next big adjustment comes on March 1, you're going to find there's another \$1 trillion in junk securities out there, and we'll have already maxed out our credit, and people will have lost more jobs.

The auto dealers are saying people aren't buying cars. It's not because they can't get a loan. My credit union is giving out loans right now, to anybody who is creditworthy, to go buy cars. People don't have confidence that their jobs are going to be there. Their wages haven't increased. They're worried about the real economy, not the Wall Street economy. This is the problem, this disconnect in this body and particularly in the Senate—which is full of millionaires. You know, that is not going to solve the underlying problem, what is being proposed here. There is a cheaper, low-cost, no-cost alternative.

The Federal Deposit Insurance Corporation should declare an emergency. Mr. Isaac just counseled us on this. It gives them extraordinary powers. They could use that to assess the same guaranty to all bank depositors, to all people in banks, that they did with Wachovia—to all general creditors, not to investors but to general creditors. He said that would immediately free up interbank lending and that it would immediately bring a flood of foreign deposits into the U.S. because we would be a safe haven for banking and for people's deposits, but he is a regu-

lator, a regulator with experience, who piloted this country out of the savings and loan crisis and saved us a bunch of money. He's not a big-time Wall Street speculator who came down here and got appointed by George Bush with three-quarters of \$1 billion in his pocket for money he had made in creating these financial weapons of mass destruction. So we're listening to the wrong guy here.

Who believes George Bush? Does anybody in America believe him? Remember the last time there were weapons of mass destruction 1 month before an election, and we got stampeded into a war? They're doing the same playbook here. Don't buy it. Step back. Take your time. Use all of the no-cost emergency powers first. If that doesn't work, then we can talk about some other big appropriation of money, but don't appropriate the money first and give it with unlimited powers to Mr. Paulson.

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Texas (Mr. POE) is recognized for 5 minutes.

(Mr. POE addressed the House. His remarks will appear hereafter in the Extensions of Remarks.)

IN MEMORY OF DEPUTY ADAM KLUTZ

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from North Carolina (Mr. MCHENRY) is recognized for 5 minutes.

Mr. MCHENRY. Madam Speaker, I rise this evening to honor the life and memory of Adam Klutz, a Caldwell County Sheriff's Deputy.

On September 19, Deputy Klutz was responding to a 911 call. Arriving on the scene of a suspected domestic violence situation, Deputy Klutz was fatally shot.

We send our deepest sympathies to Adam's parents—William and Sheila—and to his entire family. Our thoughts and prayers are with you.

Adam Klutz was mature beyond his mere 25 years. Two weeks prior, two of Deputy Klutz' fellow officers were shot and wounded. Despite being a rookie officer, Deputy Klutz was tasked with delivering the news of the shooting to the wife of one of the wounded officers. Adam's professionalism and compassion in handling such a difficult situation was praised by the officer and his wife, earning Deputy Klutz a letter of commendation.

The letter reads, in part, "For an officer only having a year and a half of experience, he acted like a seasoned veteran. It was a testament to his character. We should be proud to work alongside Deputy Klutz."

Five months earlier, Adam came to the aid of a fellow officer who had been injured in a vehicle chase. Hickory Police Officer Vic Camacho said, "Adam was my guardian angel. The Lord was

preparing him to be the best angel he could be, and anybody who knew him knew Adam was the best person he could be."

Adam Klutz's friends and colleagues remember him as a brave and honorable young man, defined by his service to the community and by his faith in Our Lord Jesus Christ.

Speaking at his funeral, Reverend John Bell of the Philadelphia Lutheran Church said of Adam, "He lived in a way that touched so many lives. He lived in a way that made a difference. He lived with the understanding that his vocation was a calling and that, through his faithfulness, through his service, he would bring the power of God's kingdom a little closer to people. If you want to honor Adam, honor his commitment to service; honor the strength of his faith."

This evening, Madam Speaker, I ask that we do just that, that we honor the amazing life of a real patriot, of a real citizen, and that we honor the life and memory of Deputy Sheriff Adam Klutz of Caldwell County.

May God rest his soul.

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Massachusetts (Mr. LYNCH) is recognized for 5 minutes.

(Mr. LYNCH addressed the House. His remarks will appear hereafter in the Extensions of Remarks.)

"NO" ON THE BUSH-PAULSON BAILOUT PACKAGE

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Ohio (Ms. KAPTUR) is recognized for 5 minutes.

Ms. KAPTUR. Madam Speaker, for the second time in one week, this House is confronted with a momentous vote on the economic emergency facing our Nation, and it is imperative that we get it right. We must do the right thing. We must vote "no" on the Bush-Paulson bailout package. Three days have passed since we rejected that inadequate proposal, but one thing hasn't changed: This is still a bailout for Wall Street. One thing has changed: The cost has increased dramatically. Believe me, if you didn't like the first version of the Bush-Paulson bailout, you're going to hate this one because it's even worse, 22 percent worse.

On Monday, the bailout bill would have cost the American taxpayer \$700 billion. Three days later, the bill coming from the Senate is going to cost us \$850 billion, driving up our deficit, driving up our borrowing. The Senate drove up the cost of the bailout by 22 percent by adding tax giveaways for special interest groups. America might be facing an economic emergency, but it's Christmas in October in the Senate here in Washington. The Bush-Paulson bailout bill is loaded up like a Christmas tree with ornaments known as tax giveaways for special interests. These

ornaments will make a lot of people rich, but your children, grandchildren and great grandchildren will have to pay for them for years.

When this body, having been rushed to judgment by the President and by our own leadership, rejected the plan on Monday, it was alleged that the House vote was responsible for the Dow Jones Industrial Average's falling by 700 points. So how do we explain the fact that the stock market fell almost 350 points today, the day after the Senate passed the Bush-Paulson bailout bill?

What the stock market said today was heads you lose; tails you lose. America will still have a housing crisis even if the House puts the American taxpayer on the hook for another \$870 billion for Wall Street. So don't believe people who tell you that the market is responding negatively to votes against the Bush-Paulson plan. The stock market is reacting negatively to the lack of leadership. The market knows that the Bush-Paulson plan is the wrong medicine. It knows the Bush-Paulson plan will not solve the problems in our economy.

Madam Speaker, the American people have already spoken, and the financial markets are speaking, too. The Bush-Paulson plan, even this porked-up version, is not the solution of the economic emergency facing our country, and that is why the House should not rush to judgment.

This House should stop and take a deep breath and make a commitment to stay in session until we enact comprehensive reform of the financial system and not take a quick vote on a stopgap plan that will cost the taxpayers \$870 billion and counting. As I have said all along, we have to have reform first, not last after they take the money.

I know there's a political sideshow underway, and I realize that certain Members face tough reelection battles and that they desperately want to wrap up business here so that they can go back home to campaign. To them, I would say, "Trust your constituents. They will respect you for staying in Washington to address the economic emergency rather than your running home to shake hands and to kiss babies."

Madam Speaker, the Senate's response to the House rejection of the Paulson plan was to add more spending. So we got tax breaks for rum. You've got it right. R-U-M. We got tax breaks for mine rescue teams, tax breaks for railroads, tax breaks for automobile race tracks, and tax breaks for wool research. I'm not making this up. They added tax breaks for movie and television productions, 6 pages of earmarks for Alaska for litigation in the *Exxon Valdez* disaster and, the coup de grace, tax breaks for wooden arrows designed for use by children.

Now, our Nation is facing an economic emergency, and the Senate adds a tax break for wooden arrows designed

for use by children. One would ask: Children's wooden arrows? Why not the bows, too?

This is surreal. The American people deserve better. It appears that the Bush-Paulson team has failed to sell the country on the merits of a Wall Street bailout, and has decided to buy the package. We saw the same thing here in 1993 when the Clinton administration couldn't sell NAFTA on its merits and, instead, opened the Federal Treasury to buy the votes of enough Members to win passage.

Let's get back to reality, but first of all, everybody needs to calm down. Don't give in to fear and don't give in to panic. We need regular order in this House. We need to be the deliberative body that our system of government envisions and demands.

First of all, this downturn is not—I repeat "not"—as serious as ever faced by our Nation. In the late 1970s and early 1980s, the conditions were much worse: 3,000 banks failed. Interest rates shot up to 21 percent. Hundreds of agricultural banks failed. In using the powers of the FDIC and their emergency authorities, we worked it out without 1 cent being charged to the taxpayer.

Madam Speaker, I want to thank you for giving me the time this evening. We face a real financial crisis, and we ought to stay here until we resolve it the right way, not the fast way.

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from North Carolina (Mr. JONES) is recognized for 5 minutes.

(Mr. JONES addressed the House. His remarks will appear hereafter in the Extensions of Remarks.)

SUNSET MEMORIAL

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Arizona (Mr. FRANKS) is recognized for 5 minutes.

Mr. FRANKS of Arizona. Mr. Speaker, I stand once again before this House with yet another Sunset Memorial.

It is October 2, 2008 in the land of the free and the home of the brave, and before the sun set today in America, almost 4,000 more defenseless unborn children were killed by abortion on demand. That's just today, Mr. Speaker. That's more than the number of innocent lives lost on September 11 in this country, only it happens every day.

It has now been exactly 13,037 days since the tragedy called *Roe v. Wade* was first handed down. Since then, the very foundation of this Nation has been stained by the blood of almost 50 million of its own children. Some of them, Mr. Speaker, cried and screamed as they died, but because it was amniotic fluid passing over the vocal cords instead of air, we couldn't hear them.

All of them had at least four things in common. First, they were each just little babies who had done nothing wrong to anyone, and each one of them died a nameless and lonely death. And each one of their mothers, whether she realizes it or not, will never be quite the

same. And all the gifts that these children might have brought to humanity are now lost forever. Yet even in the glare of such tragedy, this generation still clings to a blind, invincible ignorance while history repeats itself and our own silent genocide mercilessly annihilates the most helpless of all victims, those yet unborn.

Mr. Speaker, perhaps it's time for those of us in this Chamber to remind ourselves of why we are really all here. Thomas Jefferson said, "The care of human life and its happiness and not its destruction is the chief and only object of good government." The phrase in the 14th Amendment capsulizes our entire Constitution. It says, "No State shall deprive any person of life, liberty or property without due process of law." Mr. Speaker, protecting the lives of our innocent citizens and their constitutional rights is why we are all here.

The bedrock foundation of this Republic is the clarion declaration of the self-evident truth that all human beings are created equal and endowed by their Creator with the unalienable rights of life, liberty and the pursuit of happiness. Every conflict and battle our Nation has ever faced can be traced to our commitment to this core, self-evident truth.

It has made us the beacon of hope for the entire world. Mr. Speaker, it is who we are.

And yet today another day has passed, and we in this body have failed again to honor that foundational commitment. We have failed our sworn oath and our God-given responsibility as we broke faith with nearly 4,000 more innocent American babies who died today without the protection we should have given them.

So Mr. Speaker, let me conclude this Sunset Memorial in the hope that perhaps someone new who heard it tonight will finally embrace the truth that abortion really does kill little babies; that it hurts mothers in ways that we can never express; and that 13,037 days spent killing nearly 50 million unborn children in America is enough; and that it is time that we stood up together again, and remembered that we are the same America that rejected human slavery and marched into Europe to arrest the Nazi Holocaust; and we are still courageous and compassionate enough to find a better way for mothers and their unborn babies than abortion on demand.

Mr. Speaker, as we consider the plight of unborn America tonight, may we each remind ourselves that our own days in this sunshine of life are also numbered and that all too soon each one of us will walk from these Chambers for the very last time.

And if it should be that this Congress is allowed to convene on yet another day to come, may that be the day when we finally hear the cries of innocent unborn children. May that be the day when we find the humanity, the courage, and the will to embrace together our human and our constitutional duty to protect these, the least of our tiny, little American brothers and sisters from this murderous scourge upon our Nation called abortion on demand.

It is October 2, 2008, 13,037 days since *Roe versus Wade* first stained the foundation of this Nation with the blood of its own children; this in the land of the free and the home of the brave.

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Indiana (Mr. BURTON) is recognized for 5 minutes.

(Mr. BURTON of Indiana addressed the House. His remarks will appear hereafter in the Extensions of Remarks.)

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from California (Mr. SHERMAN) is recognized for 5 minutes.

(Mr. SHERMAN addressed the House. His remarks will appear hereafter in the Extensions of Remarks.)

THE RETIREMENT OF CONGRESSMAN DAVE WELDON

The SPEAKER pro tempore. Under the Speaker's announced policy of January 18, 2007, the gentleman from Florida (Mr. MICA) is recognized for 60 minutes as the designee of the minority leader.

Mr. MICA. Well, thank you, Madam Speaker.

Ladies and gentlemen of the House and my fellow Americans, this is an interesting time in the history of our Republic and in the history of Congress. It is probably one of the most contentious issues and difficult issues I've seen in my almost three decades in the Federal arena.

Tonight, before I get into a couple of comments that I want to make about the situation we have facing us with the financial crisis, I want to take just a minute—and I know some of my colleagues are going to join me, particularly those from Florida—to insert into the RECORD a statement relating to the retirement of one of our colleagues, the Honorable DAVE WELDON of Florida—Dr. WELDON as he is known and also as he is professionally titled.

I've known DAVE since he decided to run for Congress. He is one of, I think, at least 30 individuals on our side—and we have some incredibly dedicated and distinguished Members who have served many, many years in the House of Representatives—who is retiring. It's a little bit of a concern to me. You know, maybe this has become a very difficult job. It's not one for the faint of heart. It's a job to which people must devote all of their time awake—their hours in the days and on the weekends. Sometimes when they say they're going back to their districts on recess, those Members go back and have much more full schedules than we have even in Washington.

DAVE is one of the Members who is retiring, DAVE WELDON. This concerns me. It is going to be a loss to this Congress. Very often, we see people come to Congress from many different backgrounds. DAVE WELDON is the kind of guy who we should encourage others with his qualifications and background to come to Congress.

□ 1815

He is a physician, and he probably can make four or five times as much as he has made in the service to the United States House of Representa-

tives, but he has been in service to our Nation. This isn't the first time DAVE WELDON served our Nation. DAVE was also, besides being a practicing physician and Army veteran, he served our Nation in the United States military.

So on behalf of my colleagues from Florida, I want to thank him for stepping out of his role as a physician. The time he spent since I first met him working with all of us devoted to this institution, if you look at the Space Center and the space coast that he represented, David has always been a tireless advocate to the space coast and the space program.

DAVE, again since I met him, I have watched his children, Katie, and his son, David, grow up over the years of his service. I know the time and commitment he has extended to this House of Representatives, this country, for the good of all people. He is a shining example of the kind of devoted people that we have serving here. His lovely wife, Nancy, again, people have no idea how many days and nights, weekends and occasions DAVE has had to leave his wife and be in service to the House of Representatives.

We are really blessed. The good Lord sends us people like DAVE WELDON and his family who have been devoted to this House for 14 years. And it does make a difference. I know right now everybody is critical of the Congress. And I find people, you know, making hostile remarks about Members of Congress, but they have no idea what a great institution this is. And the people like DAVE WELDON who come here and serve, again, selflessly serve, sometimes leaving their family aside, but always meeting their responsibilities. But DAVE after 14 years is going to leave us, and the House will not have his service or his knowledge.

One of the things I would love to do with DAVE WELDON was listen to him speak. He would come to the floor, and very often there are well-intended folks who talk about subjects, and sometimes they know the subject fairly well and sometimes they have no idea. People expect Members of Congress to know everything, and most of us are generalists when it comes to legislation. And we are also products of our experience.

DAVE is a product of great professional experience and background. The thing I loved about DAVE WELDON, he could come here and talk about issues that are near and dear to my heart. He would talk about medical procedures. We have had debates about abortion and debates about different procedures. Some people sort of talk, again, on sort of their general knowledge. But DAVE WELDON is someone who can and has stood up here in the House of Representatives and spoken from knowledge, experience, from professional medical training, a very smart individual whose talents again we are going to lose.

I hope this isn't the case that the good get going in the House of Rep-

resentatives because this institution, with all of its flaws, is just reflective of the United States of America. Representatives come, all 435, from all corners of our land. They are reflective of the land, and sometimes we get some exceptional Members like DAVE WELDON who leave, and I am hoping again that this is not the case, that others choose to leave.

It is tough duty, particularly in a time of financial crisis when you pick up the phone and people say I may lose my retirement, my business won't function, my opportunities are becoming limited for financial avenues. But there are folks who do step up to the plate and try to do the best they can.

What is neat is DAVE has been not only a hero for the unborn, but also a hero for the taxpayers. Sometimes when you get through all of this, people think there are a lot of special interests running the place. And sometimes you see again people spending lots of money lobbying Members of Congress and people get disgusted with that process. But I think for the most part, and particularly on the part of an individual like DAVE WELDON, you see someone who votes from his heart and also from his mind and also from his experience and knowledge. That has been a great thing for the House of Representatives.

I will miss DAVE. I will miss some of the others on both sides of the aisle who have been part of this institution and have contributed in a positive fashion. Again, I just come before the House tonight, and I am going to talk in a minute about some other issues, but I see DAVE WELDON has come to the floor. I didn't know whether or not he would be here. But, DAVE, on behalf of the whole Florida delegation, many who will be submitting statements to the RECORD as a part of our tribute to you and thanks for your service, I thank you on behalf of all of not only the Members of the Florida delegation and not just the Republican side of the aisle, but those on both sides of the aisle, I want to thank you for your years of service to your district, the State and the Nation.

I yield to DAVE.

Mr. WELDON of Florida. I will be brief. I want to thank you for rising as you have tonight and acknowledging this time for me, my retirement from the U.S. Congress. It is extremely kind and very nice of you to do this. We couldn't be busier than we are today, and for you, JOHN MICA, to take a moment to acknowledge me and as I understand it, you are also going to say a few words about some of the other retiring Members, I think it speaks very well of you.

I want to thank you for you being my big brother. I got elected in 1994. I came right out of my medical practice. The delegation or Newt Gingrich assigned you to make sure that I would be able to find the restroom and things like that. Of course I am being silly on that point. You gave me a lot of excellent advice on how to be a good servant

of the people. I want to thank you for that.

Certainly I am going to be missing people such as yourself, obviously a man very dedicated to fighting for good Republican conservative principles here in Washington; but really more importantly, American principles of freedom and democracy. So you have been an outstanding role model for me.

There will be a replacement for me in a few short months, and perhaps you can take that new congressman under your wing and provide them continued leadership as you have done in the past.

I also want to thank you for all you have done for the State of Florida on the Transportation Committee. Your work has been very, very helpful to my constituents and I really think to the entire State. So thank you, JOHN MICA, for all you do. Certainly I extend my thanks to your wonderful wife, Pat. It has been great getting to know her over the years. I am hoping this is not good-bye, that I will be in some capacity involved to the degree I will be able to see you and your family in the months and years ahead.

Mr. MICA. Again, we are so proud of DAVE WELDON and to his service to the House of Representatives. He is the first medical doctor to serve from the State of Florida. He is also one of the first Representatives from Florida's east central coast to serve on the Appropriations Committee, and we will certainly miss his presence on that committee.

On the Appropriations Committee, DAVE WELDON served on various subcommittee, including the Science, State Justice and Commerce Subcommittee. He also currently has served on the Labor, Health and Human Services as well as the State and Foreign Operations Appropriations Subcommittees.

DAVE has been a very active advocate for the cause of autism. He has worked also with those interested in finding a cure on cancer, and it is great that we have had a physician to be part of the Cancer Caucus. He is also a strong advocate for renewable energies, and he has been active in that caucus and the Tourism Caucus that is so important to the State of Florida, and the Military and Veterans Caucus.

DAVE WELDON is a veteran, and he is also a member of the Veterans of Foreign Wars Post 453 known as the Rocket Post in Rockledge, Florida. I know they share my pride and everyone's pride in DAVE's service, not only to our country in uniform, but also here in the House of Representatives.

In previous years DAVE WELDON has served on the House Science Committee, the House Banking Committee, and the Government Reform Committee. He was also a member of the Education and Workforce Committee during the 104th Congress. One of his leadership positions has been on the Science Subcommittee on Space and Aeronautics for 8 years. And again, I

don't think Florida or our space coast could have a better advocate.

Again, to DAVE WELDON, thank you for your 14 years of service to our Nation. I thank Nancy Weldon and his wonderful two children. We are very proud of DAVE WELDON and his departure from this House will be a loss.

OUR FINANCIAL CRISIS

You know, tonight I want to speak a minute in addition to saluting a leaving colleague to the question of where we are in this country today. I have heard a lot of comments, some pretty rough comments this week, and Members have been under siege on the financial crisis. I respect some who have spoken here. The gentlewoman from Ohio (Ms. KAPTUR) said how important it is that Congress stay here and get the job done. We do face a very serious financial crisis.

We have had several proposals. Of course Mr. Paulson brought one out, and I will talk about those in a second. But I want, Madam Speaker, the people of the United States to know that for all the disparaging comments made about Congress, this in fact is a great institution. It is in fact representative of the people. Sometimes people say that special interests run the place, and I don't see that to be the case. For every issue there is a lobbying side on one side and an equal and opposite lobbying force on the other side. We have seen incredible public concern about legislation and proposals that have been brought by the administration and passed by the Senate. That's interesting because the public actually, I believe, is the biggest lobbying factor.

The Founding Fathers were incredibly wise some 200 years ago to devise a system of having Members run every 2 years, and it doesn't matter who gives them campaign contributions and where they are from, they must listen to the people and be held accountable. They are the only elected Federal officers who must be elected by the people, and they know that.

□ 1830

So the Founding Fathers created a great system 200 years ago. And, of course, we have the Senate, which was the other body which was originally appointed by the State legislatures, and that body has a 6-year term and their own way of doing things.

But this is an incredible institution, our government. And the people who serve are no different than the rest of the population. Of course, we've got a few bad eggs in Congress. And the great part about our system is they get sorted out either by our incredible judicial system, criminal justice system—some of them, I always tell students who come to the Capitol, that they are held accountable and they must—and whether you're a student or you're the President of the United States or a Member of Congress, in our society—and this is the great difference—you are held accountable. If you do wrong, you will be held accountable.

And for the most part, again, I believe that this body is reflective of the population that they represent and try to do the best they can in representing folks.

I have been married for 36 years, and I tell folks that there is not a day that goes by that my wife and I don't disagree on something. Now, usually, she wins the argument. But the House of Representatives is no different. We have 435 very diverse individuals who come from very diverse parts of this great land and come together.

So we have had a very difficult week or two. We face a crisis in the financial markets. And as MARCY KAPTUR said, our job is to stay here; it's not to go out and campaign. Our job is to stay here if it means 24-7. And there are many folks that we represent that are hardworking Americans. Some of them triple up on jobs to make ends meet. I did that at one time, had to struggle financially to make ends meet. There are folks who are working day and night to provide for their families. There are retirees who have worked their whole lives and have their savings at stake and their retirement at stake.

But I truly believe that the institution does somehow work its will—and it is amazing with 435 people—and it will work its will.

And I think it's great that people take the time to call. I sat in the office the other night—and we were there quite late—and I picked up the phone and started answering calls during that evening and several times during the day picking up the phone. I have, fortunately, very capable staff who also assist me. Otherwise, I would just be on the phone 24-7. But it was great to hear from people, and that's what this process is all about in this House and this Congress should and must be reflective of people, and that process is taking place right now.

How we got ourselves into this situation is sort of an interesting thing. I heard a number of comments, and I went back to review some of the history. And again, whether we're talking about DAVE WELDON, a medical physician who came here with certain knowledge, we're all a little bit different. I came here. I was in business. I had a small development and real estate investment business activities. I had my own personal experiences with banks and with financial institutions which led me to certain actions.

Part of the reason I think we got ourselves into this—and I will just review some of the history for those who may not be familiar with it—is a bill that was passed after the Great Depression and the bank failures after the depression was called Glass-Steigel. And that law prohibited banks and financial institutions from making speculative investments, taking depositors' money and investing it in speculative ventures.

In 1999, a proposal came to Congress, and I think under the guise—the name

of the bill was the Financial Modernization Act of that year—they proposed that the provisions on the restrictions of speculative investments by banks and financial institutions be lifted. I thought long and hard about this, and based on my personal experience, I made a decision in 1999 not to vote to repeal those restrictions, again allowing banks to get into some speculative activities.

That was based on my experience, again, in the private sector and in business and some of the development in real estate activities I've been involved in.

I felt that financial institutions, particularly those with depositors' money, should not be in competitive activities or speculative activities competing with, again, folks that they are really set up to provide financial services to.

I was one of a handful of Members, both in the House when the bill came here, final passage some months later, the end, I believe, of 1999, when the Financial Modernization Act passed.

Now, under that guise—again, I think it was another door that opened for folks to, in the banking industry, to put some of the money into more speculative activities and investments.

Now, one of the things that we're going to do next week, and I enjoy my service on the Government Reform and Oversight Committee—that's our investigative committee of Congress—we're going to hold hearings beginning Monday and Tuesday, and I appreciate Mr. WAXMAN calling some of these hearings. We're going to look at the failure of Lehman Brothers, we're going to look at the failures of AIG. And I'm hoping—and Mr. DAVIS, who is our ranking Republican member of that important investigative committee—I'm hoping that he and I can convince Mr. WAXMAN to go further.

Unfortunately, I don't think there was proper oversight of Fannie Mae and Freddie Mac. We saw during the 1990s a movement towards allowing, unfortunately, speculative investments in lowering the reserve under, again, unfortunately, under Franklin Raines, the former Clinton OMB director who became the head of that important agency. There was a change in rules—not a change by law—but a change in rules that allowed them to lower their reserves from 10 percent down to 2½ percent. I think that was another fatal mistake.

And also another fatal mistake that led to the current banking crises was the decision to allow even that agency, which was backing up our mortgages nationally, to get into the subprime area.

So, we had sort of a mentality that we should be allowing banks and financial institutions, Fannie Mae, Freddie Mac, to get into speculative adventures. And the situation, as I recall, we could see the beginning of problems back in 2002.

In 2002, I have to say that one of my colleagues who pays close attention to

some of these financial issues—I'm not on the Financial Committee—is CHRIS SHAYS, a gentleman from Connecticut. Chris asked me to cosponsor legislation to bring Fannie Mae, Freddie Mac into some regulatory regime. I believe at that time we were looking at the SEC or something to get a handle on the agency that, again, was backing our mortgages who was going overboard in some of these areas.

Repeatedly, attempts to pass that legislation, to put some curtailment on getting into speculative investments were blocked. This isn't the time to point fingers, but many on the other side of the aisle unfortunately got into stymieing those efforts. No less than some 17 times has this administration brought to the Congress in the last number of years, several years, proposals to deal with regulation. And even back in the time when everyone was focused on terrorism in 2003—and national security and international terrorism were the prime issues—this administration also proposed dramatic overhaul and reform; every time brought to Congress and turned down.

There are some interesting recordings I've seen of some of those hearings. If anyone wants to access them, I have seen them on YouTube. I think that they're very telling of how people turned a blind eye towards bringing this situation under control.

I see my colleague that I paid tribute to, DAVE WELDON, has come out. And I am pleased to yield to him for a minute as I continue this little review of how we got ourselves into this tough situation.

Mr. WELDON of Florida. Well, I thank the gentleman for yielding. I wanted to stay and linger and listen to the direction of your special order here. And I couldn't help but feel the need to come down here and ask you to yield time, and I thank you for doing that.

I sat on the Financial Services Committee from 1996 through to 2002. And one of the first things that was brought to my attention, once I got on the committee, was the concern that many of us had on the committee about the rapid growth of Fannie Mae and Freddie Mac, the two very, very large government-sponsored entities—they call them GSEs. It was sort of a mongrel creation that was somewhat free market, selling stocks and bonds. And then, nonetheless, it had a Federal backing to it creating an impression that it was an arm of the Federal Government.

And the concern was, essentially, that it was not a properly regulated entity. There was this very small agency within Treasury called OFHEO, which was given the responsibility, very small staff, very limited number of examiners, to monitor these two gigantic entities that had assets into the trillions—not billions—but trillions of dollars. And the concern that many of us, many of the Republicans had on the committee was that if one of these en-

tities had significant problems, that it could be a major, major hit to our economy.

And we got tremendous resistance from the left, from the Democrats. They were telling us there is nothing wrong with Fannie and Freddie. Indeed, what I found to be particularly objectionable whenever we would bring up the thing that we were most concerned about, which was giving loans to people who had limited ability to pay back their loans and the potential systemic effect that that could have on our economy, we were accused of being racists. And low and behold—and thank you for mentioning President Bush.

President Bush repeatedly brought bills forward saying Fannie Mae and Freddie Mac represented a significant risk to our economy and that we needed to regulate them better. Of course, the President was rejected by the other side of the aisle in his initiatives, and you can never get anything like this through Congress if you can't get Democrats in the Senate on board because of the cloture rule over there. So we were essentially never able to really move forward in this.

And low and behold, it was discovered in 2004 there were significant problems with fraud, abuse, executives getting—cooking the books, getting huge multimillion dollar payoffs. Some of these—a lot of these people were former Clinton administration people. And then low and behold, we come to today where we have this huge meltdown in the real estate market and the Federal Government literally has to step in and take over both of these entities.

And the important thing that is worth mentioning, we now have a credit crisis, and the reason we have a credit crisis is we have all of these banks holding stocks and bonds in Freddie and Fannie, a lot of it which is now worthless, and so they're seeing their balance sheets very negatively affected by that. And banks, of course, lend out money on a 10–1 ratio. For every \$1 of deposits they have, they can loan out \$10.

□ 1845

They're seeing hundreds of millions of dollars of their holdings in mortgage-backed securities collapsing in value, and so, therefore, of course, we have a systemic credit crisis and, as a result, one of the toughest economic times that we've had in years and years and years, and a lot of it goes back to failure.

And I really appreciate the gentleman doing this because there were many Republicans on that Financial Services Committee, and I was one of them, who wanted to get better regulation, strengthen OFHEO so that they would become a better regulatory agency and actually reduce the size of Fannie and Freddie.

And I will say this, those two entities should never be allowed to be resuscitated. The good assets they have

should get sold off to private investors. The money, the revenue that comes in from that should be used to repay the taxpayer for the lost taxpayer money that's going to result from us having to bailout Fannie and Freddie, and they should never be allowed to occur again.

I'm all for helping lower-income people who have the resources to pay for a mortgage to get into a mortgage, but we shouldn't be doing it to the extent that we did do, and the result now is some of the economic problems we're having today.

So thank you, JOHN MICA, for bringing this up. This is an important issue, and I again applaud you for your work on the Government Reform Committee because I know you have been working this issue as well for years.

Mr. MICA. Well, reclaiming my time, I do thank my colleague DAVE WELDON for his comments and also for his institutional recollection. And that's something we're going to lose with him departing from the Congress, and that's why it's so important—and I know people think there should be a turnover in Congress, but it is very important that we keep people here who have been through some of these hearings, heard some of the so-called song-and-dance and get sort of, as Paul Harvey says, "the rest of the story."

But DAVE WELDON brought up several points. First of all, again, with Mr. DAVIS, the ranking member, I intend to ask that we, our committee, Government Reform and Oversight, conduct extensive review of all those who walked away with hundreds of millions of taxpayer dollars. We need to start with Franklin Raines, the former OMB Director under the Clinton administration, who headed up the agencies that, again, DAVE WELDON spoke about, Fannie Mae and Freddie Mac. And I am told that just Mr. Raines alone walked away with \$100 million. I know there have been some proceedings, and he got a slap on the hand, but Mr. Raines had accomplices in the cleaning out of that agency. Not only did they inflate, as I understand it, their returns so that they could get huge bonuses, but they were only slapped on the hand for their misdeeds, and now some of their misdeeds are becoming the responsibility or the potential responsibility of hardworking Americans who are going to have to pay for that.

So I will demand hearings, and we will find the individuals that allowed themselves to take advantage of these agencies and these activities and walked away with tens of millions and left us in the straits that we are in today.

Additionally, again, I think it's important for folks to know that some of the changes that were made, again, back in the 1990s with these agencies were to encourage homeownership. If I came to the Congress 4 years ago and gave a speech that said that people with limited incomes, people from certain areas of the community that may be blighted shouldn't get loans, or if I

said we should limit the amount that we would lend to folks, there would probably be an outcry.

And what we saw was the creation of financial instruments, and we now know them to be called subprime, which assumed again some of the debt and responsibility, and these mortgages ended up being cast throughout and interwoven throughout our entire financial system and assumed as solid assets or assets that had some value.

Many of them may have value, but my point here is that the Congress and others in different administrations also encouraged homeownership. No one called for a breaking of loaning to marginal borrowers, and so this situation that we're all familiar with now was created. And we do have a responsibility, one, to hold people accountable who made errors not only in judgment but also fudged their books and walked away with huge amounts of profits, commissions, and salaries.

I know that everyone's concerned about the \$700 billion that is proposed by Secretary Paulson and also passed by the other body, and they've tried to say that folks who took advantage of the situation previously should not actually have an opportunity in the future to participate. And I think there's no question that that restriction has to be placed there, but I think what's even more important is to make certain that those responsible for the situation we're in are held accountable, the people that, again, ran away with hundreds of millions of dollars and fled with the commissions and bonuses.

And I, again, will call on the Chair of the Government Reform and Oversight Committee, Mr. WAXMAN, and I think Mr. DAVIS will join me, in asking for those additional hearings and to hold those people's feet to the fire.

Again, we have gotten ourselves into a difficult situation. We have interwoven into banks and financial institutions these subprime instruments and paper. Suddenly no one wants to trade them. The value is a zero on balance sheets. We do have a credit crisis in the country.

I took some time to review how we got ourselves into this mess and tried to outline it as objectively as I could and what occurred, and we have pretty good documentation for what I offered here tonight and also for what Dr. WELDON offered here tonight.

The question now is how we work ourselves out of the mess without leaving the taxpayers at bay. I represent tens of thousands of hardworking folks, and every day they're doing their job, raising their family, going to work, paying their taxes, paying their mortgage, paying their bills, and now I'm being called on as a Representative to ask those folks to subsidize someone's bad judgment, bad investment or risk that they took, or someone who made bad decisions that allowed people to produce that now worthless paper.

I might say that that paper is not necessarily worthless. Some of it may

not have any value. Some of the borrowers may be deadbeat, the properties may be defunct, but there are many properties that will have value, and there are people who do pay these loans. And what I believe the Congress has to do is work to get the credit market back in order to establish some value for paper that does have some value, and some of that subprime does have value.

I was the chairman of the Aviation Subcommittee during the 9/11 terrorist attacks, and I recall the responsibility I had as chairman to try to bring some order to the financial stability of our aviation industry. Today, we're some 7 years away from that horrendous time when the entire industry collapsed, planes were halted from flying, markets totally ran away from the aviation industry, airlines.

And I look back on the history of that. In 11 days, working in a bipartisan manner, we were able to get to the President a bill that helped stabilize the finances for the industry. Most people don't know this story. We didn't provide loans. We didn't provide direct cash, although, we did pay airlines for auditable damages that were done by failure of the United States Government in protecting those aircraft. And I think that also stemmed a lot of the potential for suits and carrying the results of that disaster and terrorist attack on.

But what we did was we provided loan guarantees. We had about \$10 billion worth of loan guarantees, and we required also very tight parameters in which those loan guarantees would be granted.

It's interesting that about 2 months ago every one of those loans—now, several of them were rescheduled but every loan was paid back. The taxpayer made \$323 million, a third of \$1 billion, and the fund was closed out.

It would be my hope that whatever measure we take—and I would prefer either backing with insurance or with some guarantee that paper that's there. Quite frankly, I do have a problem with the Paulson proposal. The Paulson proposal the Secretary brought us initially was to give us \$700 billion and we'll buy these mortgages up, this bad paper or this paper doesn't that have worth right now, and sort of trust me.

Now, the House of Representatives, again being reflective of this Nation, did not want to allow that to happen, and we saw a vote in this House that did not allow that to happen. There were modifications and some protections and some improvement from the Paulson original proposal. The Paulson proposal was number one.

The measure voted on in the House, at the insistence of many of my colleagues on my side of the aisle to improve the package, was proposal number two.

I don't know if proposal number three will make it or not in a vote that we may have here in the House tomorrow. I think we're going to. I have not

seen all the details of it, and I hope to tonight before I cast my vote.

But, again, we have to think of the people that we represent out there, hardworking folks who have met their obligations. Some of those folks are retired and want their retirement funds secured. Some of the folks I represent are businessmen and -women who are having trouble getting credit, expanding business or even meeting payroll. So we do have an obligation to do something, but that should be based on a sound plan.

Again, I would prefer some sort of insurance backing or guarantee backing by the government for those instruments to give them some value, and if they have value, then they can be assessed on the balance sheets of all those who are holding them, and also for that guarantee or for that insurance, the lenders or those who have acquired that paper would have some financial obligation.

□ 1900

That obligation and money could be pooled and also help absorb any losses for bad investment or bad paper. That would be my approach. I'm one of 535; I don't necessarily get my approach. I'm not sure I'll get that opportunity to vote on that proposal.

But any proposal that we do have, in my judgment, will be based on how it treats the taxpayer and the person who has met their responsibility, not the individuals who have taken advantage of the system, who have taken business risks or investment risks or gone beyond what should be reasonable caution with investment of either their depositors' money, their investors' money, or, in this case, if we give it to them, taxpayers' money or backing.

I know the House will work its will. We've had tough times in the United States. The Congress has always risen to the occasion. And as I said, this is a great body. People, again, have been very critical of it this week, but it is a system that does work, that does allow for debate, does allow for opportunity to participate. And the public, each one of the public who have called my office or other offices to express their opinion are also participating in the development of hopefully what will be a positive outcome here. Do we know if whatever we pass will work or what I suggested will work? I don't know. You do your best. And I think people will try to do their best when we have that vote here tomorrow. But again, I think that if we all calm down, approach this from a rational standpoint, from a business-like and commonsense standpoint, and also for the true benefit of those people we represent, the American taxpayer, the American citizens across our great land.

And finally, I believe that there isn't any challenge that we can't tackle. While everyone is focused on the financial challenges that we face and the credit crunch crisis, I'm very pleased that I learned today that the President

intends to sign the first Amtrak Reauthorization bill in 11 years, which also has a Rail Safety bill incorporated in it.

I've been the harshest critic of Amtrak. I've ordered more investigations and Inspector General reports, GAO reports of Amtrak; not that I oppose passenger rail service, I think it's needed in this country, but I had problems with the way our government—I call it "Soviet-style" Amtrak—operation ran. And, unfortunately, for many years, 11 years now, Congress has given Amtrak money without setting policy and parameters and reforms that are long overdue.

I'm pleased that, as the Republican leader of the House Transportation Committee, myself, Mr. SHUSTER, the gentleman from Pennsylvania, our ranking Republican member, Ms. BROWN, the Chairwoman from Florida of the Rail Subcommittee, and Mr. OBERSTAR, my Democrat counterpart, the chairman of the T&I Committee, Transportation Infrastructure Committee, did work in a bipartisan fashion. We took Amtrak apart. We included reforms that are long overdue. We have opened the door for historic participation by the private sector in developing, financing, constructing, and also operating—for the first time across our country, where it makes sense and where it can be used in some 11 corridors that have been designated, high-speed rail. One of Mr. SHUSTER's ideas was to take some of the money-losing routes, put them up for private bid competition, which is also included in the legislation that's headed for, we hope, the President's signature soon.

We saw the opportunity to expand passenger rail service because our Nation is facing an energy crisis, and there is no better way to move people. Unfortunately, the United States has become somewhat of a third-world country when it comes to rail passenger service and we have no true high-speed rail service, passenger service in the United States.

So within that legislation we've incorporated dramatic changes, some opportunities for expanded service with partnerships, not with the Federal Government paying the whole tab, with a set out formula for participation; and again, expecting some accountability from the investment that we're making in passenger rail service in this new legislation.

Finally, in that bill, we did incorporate some needed rail safety measures. One of those measures relates to positive train separation, trying to get technology where we have passenger service that's mixed with freight lines and have the latest technology to ensure that we don't have a repeat of what we saw in California with the loss of lives several weeks ago. That was a horrible accident that possibly could be prevented. And by 2015, according to this legislation, with a little bit of help from the Federal Government, our freight and passenger partners—many

of them who provide public transportation—will make certain that they have the latest safety train separation equipment in place. Also in the bill are other measures to improve safety; crossing improvements and rail safety inspections that will be enhanced.

So I think when you hear some of the bad news—Congress can't get it done, Congress doesn't do its work, you guys up there just don't have a clue—there are many things happening that are positive, that are done in a bipartisan fashion.

Now, the story I just told you, the story about the aviation so-called "bailout," that won't be in the paper tomorrow. No one wants to print those stories; they want to print the story that the Congress is not doing its job, Congress is not acting responsibly, Congress is in a fight and this one is calling that one something. That's not what it's about. Sometimes that does occur, and probably in this Chamber. If we look at the history, they've almost had some duels and fisticuffs in the past and some very harsh language exchanged. But it is, again, a reflection upon our society, upon human nature. And these are all human beings, with all their pluses and minuses; for the most part, they're good folks and they do their best to represent people across this great land.

Finally, again, I just want to say that, in my years of service here—and I'm kind of unique in the Congress in that my brother served here as a Democrat Member, I'm a Republican, we're the only two brothers or siblings to serve here since 1889 from different parties, but we've seen it on both sides of the aisle, so to speak. But you do see the magnificence of the structure and the system created by our Founding Fathers, and it somehow does work. It probably shouldn't work with all the diversity of opinion and people and places and folks that they represent, but it does work, and that's what has made it a great Nation. And the Union has prevailed, even in some very difficult times.

So if it requires 24/7, if it requires us staying here through November, December, we need to get the job done for the American people and for the opportunity for those who come behind us, our children and our grandchildren and future generations, to have, again, the same opportunity that we've had.

So I'm sorry I can't come tonight and just condemn everybody and throw bodies around and create some difficulty that would set the House on fire, but I thought it would be better to come tonight and talk a little bit about the greatness of the institution and the ability of the Members that are here to solve any task that confronts them and do it in an honorable fashion.

So those are my comments tonight. I came originally to honor one of those Members from the Florida delegation that's leaving, Dr. DAVE WELDON. There are many others that are departing of their own volition, there are

some that will be taken out by the voters; but they all, in my estimation, have done their best to serve their representatives, each and every one of them, in their own way.

So with that, Mr. Speaker, could I ask how much time I have remaining?

The SPEAKER pro tempore (Mr. PERLMUTTER). The gentleman from Florida has 3 minutes remaining.

Mr. MICA. Well, again, with that, Mr. Speaker, I do conclude my remarks and thank those of you, Mr. Speaker, and my colleagues who have listened tonight. And I thank the American people for the trust they place in this institution, and once again reassure them that this is a great Congress and a great country, and we will do the right thing. Sometimes it takes one or two times to get it right, but we'll be there.

FURTHER MESSAGE FROM THE SENATE

A further message from the Senate by Ms. Curtis, one of its clerks, announced that the Senate has passed with an amendment in which the concurrence of the House is requested, a bill of the House of the following title:

H.R. 7222. An act to extend the Andean Trade Preference Act, and for other purposes.

The message also announced that the Senate has agreed to, with an amendment in which the concurrence of the House is requested, a concurrent resolution of the House of the following title:

H. Con. Res. 440. Concurrent resolution providing for a conditional adjournment of the House of Representatives and a conditional recess or adjournment of the Senate.

PROVIDING FOR AN ADJOURNMENT OR RECESS OF THE TWO HOUSES

The SPEAKER pro tempore. The Chair lays before the House a privileged message from the Senate.

The Clerk read as follows:

In the Senate of the United States, October 2 (legislative day, September 17), 2008.

Resolved, That the resolution from the House of Representatives (H. Con. Res. 440) entitled "Concurrent resolution providing for a conditional adjournment of the House of Representatives and a conditional recess or adjournment of the Senate," do pass with the following amendments:

1. On page 1, line 3, strike "from Monday, September 29, 2008, through Friday, October 3, 2008."

2. On page 2, line 2, strike "that" and all that follows through line 9 and insert "the Senate may adjourn or recess at any time from Thursday, October 2, 2008, through January 3, 2009, on a motion offered pursuant to this concurrent resolution by its Majority Leader or his designee until such time as specified in that motion, but not beyond noon on January 3, 2009, and it may reassemble pursuant to section 2 of this concurrent resolution."

3. On page 2, line 15, strike "time" and insert "respective time"

The Senate amendments were agreed to.

A motion to reconsider was laid on the table.

NATIONAL DOMESTIC VIOLENCE AWARENESS MONTH

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Kansas (Mr. MORAN) is recognized for 5 minutes.

Mr. MORAN of Kansas. Mr. Speaker, many things are going on in our country tonight and this week, and the Congress faces difficult decisions. But the death of a son or daughter, a family member, all these other things can pale in the tragedy that encounters many families across this country.

Tonight, I want to recognize the month of October as "National Domestic Violence Awareness Month." Most years that I've been in Congress I have come to the floor in October to try to raise the awareness of the death and violence that occurs in our homes across America. I think significant progress has been made in calling the attention to domestic violence and helping victims and families recover from abuse; however, so much remains to be done because senseless acts of violence are still taking place in homes and communities across America.

Tragically, I was reminded of the need for greater efforts to combat domestic violence this past July when tragedy struck in my home State of Kansas. Tonight, I'd like to share with you the story of Jana Lynne Mackey.

On July 20, 1982, Jana was born in Harper, Kansas. Jana was raised primarily in my hometown of Hays, Kansas, where she was an active member of 4-H, an athlete, and a very talented musician; but most of all, she was a vibrant and caring young woman who fought for those whose voices would not otherwise be heard.

Following high school graduation, Jana completed a bachelor's degree where she discovered her passion, advocating for those who needed her help. She went on to pursue a law degree at the University of Kansas with the goal of using that education to further the cause of others.

Jana tirelessly fought for equality and social justice through her many local and national organizations that she belonged to and worked for. She was an active volunteer in the Lawrence Safe Center, a facility that aids victims of sexual assault and domestic violence. But on July 3, 2008, Jana's body was discovered in an ex-boyfriend's home. Her own promising life prematurely ended at the age of 25 by an act of domestic violence.

All too often, we think domestic violence doesn't occur in our own communities or to people that we know or families that we care about, but Jana's story is evidence that no State, no community, no family is immune to the far-reaching presence of domestic violence.

□ 1915

Domestic violence is a problem that does not discriminate on race, gender,

age group, education, or social status. It wreaks havoc on our increasingly stressed health care network, our overflowing criminal justice system, and, of course, on our daily lives.

Domestic violence continues to impact communities in Kansas and across America. Each year nearly 4 million new incidents of domestic violence are reported in the United States. Of those 4 million cases, nearly 100,000 Kansas women fall victim to domestic violence each year. Each day in America, over 53,000 victims receive care through domestic violence programs, the programs that Jana volunteered and advocated for.

Despite the harsh realities, there is hope for tomorrow. It's my belief that with continued education, resources, and support, the victims of domestic violence can overcome their condition. In the 69 counties I represent, it's the same belief that maintains and encourages the nine domestic violence centers in that district. These agencies are vital to our communities as they raise awareness, advocate for victims, and provide support to those victims with resources and the care they so desperately need.

Jana made a greater impact in her 25 years than many individuals do in a lifetime. And while Jana's story is tragic, her example is a lesson and an inspiration for all of us to be more active in the fight against violence. This is why her family started the 1100 Torches campaign.

At Jana's funeral 1,100 people were in attendance, which indicates the magnitude of the impact of her life on others. In the aftermath of her death, her mother, Christie Brungardt, and her stepfather, Curt, along with family and friends launched the 1100 Torches campaign to serve as Jana's call to action; that despite our personal politics, we can make a difference in the world and in turn make it a better place to live. It is the campaign's hope that through Jana's story, 1,100 people will be inspired by her to serve others and to make a difference in their communities. I encourage my colleagues and all Americans to learn about Jana's story and the impact of domestic violence by visiting the 1100 Torches campaign Web site at www.1100torches.org and by learning more about this issue in your local community.

We're making progress and drawing attention to domestic violence this month in October; yet this problem continues to impact our communities and their families. We must not forget about those violent crimes that destroy homes and families and devastate lives. This October let us remember the victims of domestic violence and learn from their courage as we do our best to ensure that our communities are safe places to live, to work, and to raise our families.

Mr. Speaker, I ask for continued support and assistance of domestic violence prevention programs, and tonight I pay tribute to the young life of Jana Mackey.

AN ANALYSIS OF THE EMERGENCY ECONOMIC STABILIZATION ACT OF 2008

The SPEAKER pro tempore. Under the Speaker's announced policy of January 18, 2007, the gentleman from Ohio (Mr. KUCINICH) is recognized for 60 minutes as the designee of the majority leader.

Mr. KUCINICH. Mr. Speaker and Members of the House, tomorrow this House of Representatives will take a momentous vote. It is a vote which will determine whether or not this House will be able to meet the needs of millions of homeowners who are facing foreclosure or whether or not we are simply going to go along with a \$700 billion bailout to America's banks and to Wall Street, which has searched that somehow these benefits are going to trickle down.

We know that the Senate took action to pass its own version of the bill, and we in turn will have the opportunity to vote on that Senate version. I want to share with my colleagues an analysis of the Senate bill so that when we come to vote on it, we know exactly what this bill will not do.

In the bill that will be presented to the Congress, there are no stronger protections for homeowners and no changes in the language to ensure that the Secretary has the authority to compel mortgage services to modify the terms of mortgages. Now, this is significant because, as many economists agree, the central focus of the unraveling of the economy has been with people not being able to pay their mortgages for a variety of reasons. And when that happens in millions of homes, that has a percolating effect. It affects the banks and it affects Wall Street. You would think that given the fact that this is the underlying problem that we would be considering a bill that would directly address dealing with the terms of the mortgages. But this bill doesn't do that.

Let me tell you why this becomes very significant. I come from Cleveland, Ohio, a city which has been at the epicenter of the subprime mortgage crisis. But as we know, with the subprime mortgage crisis comes an entire range of bankruptcies, but also other properties start to get pulled under in terms of their value.

There is a neighborhood in my district called Forest City Park, Mr. Speaker. It is an area that I'm quite familiar with because my political career, which goes back 41 years, has had a lot to do with Forest City Park. It's a community where they had a very long-lasting civic association that came together in support of each other keeping up their community and in property. People met to improve playgrounds, to improve streets, to improve parks and properties. And people came together in a kind of sense of joy that people in communities have when they share a common goal and a common interest. And Forest City Park was one of those neighborhoods, like many

neighborhoods across this country, where people took pride in their property, where people spent their whole lives trying to improve their property, and their property was their biggest investment.

Mr. Speaker, if you were to come with me to the Forest City Park area, there are still homes that are being kept up. There are still people who sweep their doorstep every morning and who even clean the streets on their own. But the good part of the neighborhood has been inundated and caught up in this subprime mortgage crisis. House after house after house has gone into foreclosure. House after house after house is being boarded up. Fires are starting in neighborhoods, taking up some of these properties that were once the pride of the community.

Now, we know how this subprime mortgage crisis started. We know it started with speculation on Wall Street where they created derivatives that came from groups of mortgage-backed securities. We know that property values were inflated deliberately, that people desperate for a home were told that they can get their home without any documentation, just sign on the dotted line. The value of it was inflated so Wall Street firms could have inflated assets on their books and then keep trading and trading and trading them, and then when property values started to drop, when there was an economic slowdown, people couldn't pay their mortgages, everything became unraveled. How many people's dreams were destroyed? Well, in Forest City Park there were many dreams destroyed. There were many people who saw a life's work disappear because of the lack of regulation.

And today they and millions of Americans like them look to Washington to try to say what are we going to do to help people who, through no fault of their own, are caught up in a colossal economic machine which has ground to a halt, putting its full physical pressure on the people at the great margins of our society and people in the middle as well? Millions of homeowners are looking to us. And yet we come up with a bailout that doesn't offer the homeowners anything. Over 300 pages of tax cuts and tax breaks that have absolutely nothing to do with the housing crisis at the center of this financial storm.

My colleague Mr. POE earlier in the day outlined some of the tax breaks: tax breaks for litigants in the Exxon Valdez incident, wooden arrows used by school children, tax breaks and earmarks for auto racing tracks, wool research, the Virgin Islands and rum. Now, maybe we could argue that some of those breaks in and of themselves ought to be considered. But why would they be in a bailout bill? The Senate expects us to consider and pass a bill we have already defeated merely because they have added millions of dollars of tax breaks that will strain the Federal budget even more.

So let me recap. We are coming back with a bill that has no stronger protection for homeowners, no changes in the language to ensure that the Secretary has the authority to compel mortgage servicers to modify the terms of mortgages, over 300 pages of tax cuts and tax breaks that have absolutely nothing to do with the housing crisis at the center of the storm, and, get this, no stronger regulatory changes to fix the circumstances that allowed this to happen.

How did it come to be that we could see this condition occur where speculation ran wild on Wall Street and yet the very agencies that ought to be watching it have had nothing to do with stopping it? The cop at the Securities and Exchange Commission walked off the beat, did not restrain firms that they knew were speculating with derivatives to a factor of 30 and 40 times. How could this happen? How could the Federal Reserve, knowing that banks were up to their ears in these financial instruments, not look to see how that might threaten the underlying financial stability of a bank? They walked off the beat. And so it comes to this Congress to decide what to do.

The thing about this that I think is the most vexing is this condition: that our government, which is already trillions of dollars in debt, in effect is going to have to borrow \$700 billion from the banks, with interest, to give the banks a \$700 billion bailout. Where are we going to get the money? We're not cutting \$700 billion out of the budget; we're going to borrow the money. And when we borrow the money to give to the banks, the banks in return will give us their toxic debts.

We are being told this is the only way we can solve this financial crisis. Whom are we solving this crisis for? Are we solving it for homeowners? Obviously not. We're solving it for speculators. We're solving it for foreign investors because what we find out is that, as Brad Sherman has pointed out, hundreds of billions of dollars in this bailout will be used to buy toxic assets currently held by foreign investors. How did we get to this situation?

Under this bill the administration can buy any asset from any financial institution for any price. For those of you who are thinking this is going to bail out U.S. businesses, think again. We can have banks from all over the world scouring, scouring their financial ledgers, looking at their worst debts, and then they're going to send them over to the United States, and then the taxpayers of the United States are going to pay for them.

This bill should have had a provision saying that the Treasury can only buy assets proven to come from an American investor. That way it's about America. This bill should have something about taking care of America first.

□ 1930

We are not even taking care of America's investors first. We are not even taking care of America's speculators first. We are not taking care of America's homeowners first. This is about foreign investors. Is our economy so weak that we can't stand up, solve our problems here at home, or is it that we are so heavily leveraged, that foreign markets have such control over us, that they can force this Congress to pass a bill to help bail them out?

Foreclosures are devastating our communities. People are losing their jobs. The price of necessities is skyrocketing. This legislation, just like the one that we defeated a few days ago, will do nothing to solve the problems plaguing American families or help them to get out from under the oppressive debt that they have been forced to take on.

We have demanded language in the legislation that would empower the Treasury to compel mortgage servicers to rework the terms of mortgage loans so homeowners could avoid foreclosure. Owning a home is at the center of the American Dream. The American Dream is threatened here. The American Dream is under attack. The American Dream needs to be protected. The American Dream needs to be restored. The American Dream needs to get some life in it from this House of Representatives. Yet, the American Dream is going to have to wait another day.

We are told that if this passes, the market may go up. The market went up 485 points a day after we defeated it. But we are told that if this passes, the market may go up.

Let me tell you what is not going to go up. The hopes of America's homeowners. Because nothing is done for them in this bill. So who's going to tell the widow whose husband may have worked a lifetime to assure them a piece of property, which got into trouble because maybe she did a reverse mortgage, who's going to tell her that there's nothing in this bill for her?

Who's going to tell the laborer, who has worked day in and day out, working himself and his fingers to the bone, and where he is behind in his mortgage payments, and the bank is telling him, No, you can't give me \$500. I want the whole \$1,200 or we are going to go into foreclosure. Who's going to tell them that there's nothing for him in this bill?

This is a sad day in our Republic when we see the most pressing needs of the American people sacrificed to the speculators on Wall Street. And, of course, there is another dimension to this debate, and that other dimension deals with the free-market economy. What in the world are we doing here, where we are basically interfering in the market with a \$700 billion investment, and suddenly we are telling all these speculators, Don't worry about it. The government is going to use the American tax dollars to ensure your risk.

The whole basis of the market, as all of us know, has to do with risk. You invest; it is a risk. There's nothing guaranteed. And so we are telling people who are in the market, particularly those who are in the market for billions of dollars, Go ahead and take a risk. Uncle Sam will back you up. Well, if we can tell that to the speculators, why can't we tell that to America's homeowners when they are not betting.

If someone goes to Las Vegas and bets the ranch, and loses the ranch, the casino didn't give them a new ranch. Speculators bet the ranch. And we are going to help restore their position with this legislation.

We are told there's a crisis in liquidity. We have been told by Bill Isaac, the former head of the Federal Deposit Insurance Corporation, that it's not the liquidity problem that is said to exist. That in fact banks don't want to loan to each other because of this psychology that is going on in the marketplace. They are afraid that other banks are going to go down. This is the United States of America. We should have the power to deal with this.

Ireland. Ireland. Ireland, the historic home of my mother's side of the family. Ireland figured out that they put the full faith and credit of Ireland behind the bank deposits, and they stabilized their economy. No one is losing any money.

We need innovative approaches here. We don't have them. What we have is a reward for speculation. The free-market economy, that whole idea is being shredded with this hand of the government moving in.

Now, people will say, Well, what is your plan? My plan is this. Number one. That we must have legislation that has an approach of dealing with the problem at its base. Helping the millions of homeowners. You help the many and the few will benefit. You help the few and the many will not benefit. We all know this. Trickle never gets down.

We also know this. If we can introduce a bill that can say that we can give Treasury or the FHA the ability to buy a controlling interest in these mortgage-backed securities, and work out something for the homeowners, we can have a whole new condition where the government goes to work for the homeowners of America.

Franklin Roosevelt understood the importance of coming forward with the New Deal plan that helped resurrect this country's economy. We can solve this problem of the homeowners. It could be that we create a new Homeownership Loan Corporation. But whatever it is, we have the ability to do it.

I am here to offer what I call a recovery plan for Main Street. And here's how we can prime the pump of this economy. We can prime the pump of the economy, number one, with health care for all. Insurance companies make money not providing health care. As the coauthor of H.R. 676, a universal,

single-payer, not-for-profit health care system, Medicare for All, I understand that millions of Americans want health care that is accessible and affordable. Medicare for All will help businesses, large and small; will create jobs, as well as save the jobs of thousands of people, including those of doctors, nurses, and health care workers, who are currently leaving medicine because it is run by insurance companies.

One dollar out of every \$3 of the \$2.4 trillion spent annually in America for health care goes to the insurance companies. If we take that money, \$800 billion in unproductive, wasteful spending, and put it directly into care, we will have enough money to cover everyone. We are already paying for Medicare for all, but not receiving it.

This is the way you get an economy going. This is the way you move money in the economy. Not only help people restore their homes, but also help people get the health care that they need.

Another way that you start to move money in the economy is through a prescription benefit for seniors. H.R. 6800 is the MEDS Act, which provides a fully paid prescription drug benefit under Medicare for all seniors. I wrote this bill to help alleviate the economic pressure that comes from the high cost of prescription drugs.

We can pay for it by letting the government negotiate drug prices with the pharmaceutical companies the same way that they do with the Veterans' Administration. We can also do it—pay for it with reimportation.

The third thing we can do that can help the American economy is to stop the oil companies from price gouging. I was one of the first ones to step up and challenge the corrupt price gouging and market speculation of the oil companies by proposing a windfall profits tax on oil and natural gas companies, with revenues put into tax credits for the purchase of fuel-efficient American-made cars.

However, it may be that nationalization is the only way to put an end to the oil companies' sharp practices. I mean, after all, we are nationalizing one of the largest insurance companies, with AIG. We are helping to nationalize the stock market and a lot of banks. Why don't we go for the gold, where the big money is, and nationalize the oil companies and then take the profits and give it back to the people so we can take a whole new direction in energy and not be strapped any more by these oil companies.

The fourth policy that I believe will help with the Main Street recovery plan deals with protecting the American homestead. As chairman of the Domestic Policy Oversight Subcommittee, I am working to protect people's basic right to have a roof over their head, whether as an owner or renter. It was my subcommittee which investigated and exposed the manipulation of mortgage markets. I am working to craft a new Federal policy so that neighborhoods with the highest

number of foreclosures can get the most help.

The fifth thing we can do to restore our economy is to have a program of Jobs for All. We know what Franklin Roosevelt did, the old New Deal economics, jobs for all, a new WPA program. That Jobs for All program, with the cosponsorship of Congressman LATOURETTE is a bipartisan New Deal-type jobs program that rebuilds America's infrastructure. It would create millions of good-paying new jobs, rebuilding our roads, bridges, water systems, and sewer systems.

The sixth thing in a plan to restore the American economy—there's an alternative to this bailout—is to have an American manufacturing policy. I am drafting legislation calling for an American Manufacturing Policy Act that, for the first time, will state that the maintenance of steel, automotive, and aerospace, is vital to our national economic security, and must be maintained through an integrated public-private rebuilding of our roads, bridges, and water systems.

I am calling for a new plan for Main Street under a Works Green Administration. It's the WGA turned into an environmental program where we focus on restoring the planet. This is one in which the government creates millions of jobs by incentivizing the design, the engineering, manufacturing, distribution, and maintenance of millions of wind and solar microtechnologies for millions of homes and businesses, dramatically lowering energy cost and reducing our dependence on oil.

We need a new trade policy, and that is the eighth plank in a plan that restores Main Street. And that is what we should be talking about here. But that is not what the bailout does. A plan that restores Main Street says we have to have fair trade. It must mean the end of NAFTA. This country has lost millions of good-paying jobs, and more jobs have been outsourced.

We must have education for all. That is the ninth plank. That is why I introduced H.R. 4060, a universal prekindergarten program to ensure that all children ages 3 to 5 have access to full quality day care.

We have to protect pensions. I am working to change bankruptcy laws so pensioners' claims will be first ahead of the banks, and that corporate executives who misuse pension workers' funds are subject to criminal penalties. We have to strengthen the Pension Benefit Guarantee Board.

Before I give the final six points in this, Mr. Speaker, and yield to my friend, Mr. SHERMAN, I'd like to ask the Speaker how much time is left.

The SPEAKER pro tempore. The gentleman from Ohio has 35 minutes.

Mr. KUCINICH. I am going to yield 5 more minutes to myself, and then go to my good friend, Mr. SHERMAN, for as much time as he may consume.

□ 1945

Let it be said that there are other options here to stimulating the American

economy. I just named 10 different points, and I am going to name an 11th.

We have to protect Social Security. From my first moments in Congress when I exposed Wall Street's efforts to privatize Social Security and attacked it in our own Democratic Caucus when privatization was being proposed, I have watched this effort at times to privatize Social Security.

Imagine if we had privatized Social Security. Imagine what happens when the market goes down and people begin to lose the only guarantee in some cases anyone has. We have to protect Social Security. It is rock solid through the year 2032 without any changes whatsoever. Protecting Social Security must be part of a plan to keep Main Street solid.

We have to protect bank deposits. It is a positive development that now people are talking about insuring a quarter of a million dollars of bank deposits through the FDIC. But the fact of the matter is, you can do that without being in a bailout bill.

Protecting investors. We need to bring back strong regulation to Wall Street. As chairman of domestic policy, I challenge the Wall Street hedge fund speculators who have been a threat to all investors, and I intend to keep active watch on the machinations of Wall Street.

We need a new national security policy called "Strength Through Peace." I helped lead the effort against the Iraq war. We forget about the Iraq war in this debate often, but the truth of the matter is that war is going to cost the American people anywhere between \$3 trillion and \$5 trillion and as many lives as have been lost by our soldiers and as many lives as have been lost by innocent Iraqis.

We need a new direction in America. We have to end the war and bring our troops home. We must engage in diplomacy. We have to reduce the military budget and stop these outrageous cost overruns by firms like Halliburton.

We have to work so there is safety in America, safe neighborhoods, safe homes. I introduced a bill, H.R. 808, which creates a comprehensive plan to deal with the issues of violence in American society; domestic violence, spousal abuse, child abuse, violence in the school, racial violence, gang violence, gun violence, that exact a social and economic toll on America.

We can work our way through these dilemmas. This is America. We have unlimited ability to solve our problems and to meet challenges. But we have to realize that what we have here is not simply an economic challenge, it is a spiritual challenge.

Today we are being challenged by greed. Greed will bring down our Nation if we don't stand up for those whose prime values have been fairness, frugality and faithfulness.

We must remember who we are as Americans. We can begin to strengthen ourselves by defeating this bill. Where people are being threatened, let us rise

up with courage. Where people are being told that there is no other path, let us provide alternatives. And let us reclaim the Nation that we love.

Standing above us, rising above us is an American eagle, a beautiful American eagle at the canopy of this House. This eagle, which spreads itself over the fullness of this Congress, has a left wing and a right wing. That American eagle needs two wings to fly. That American eagle was able to soar a few days ago, and hopefully it will soar again tomorrow.

The motto under that eagle, E. Pluribus Unum, out of many we are one. Let us be one for the mass of Americans. Let us be one for the homeowners. Let us be one for those who want jobs. Let us be one for those who want health care. Let us be one for those who want a country they can call their own, the people of the United States of America.

1. Health Care for All: Insurance companies make money not providing health care. As the co-author of H.R. 676, a universal, single-payer, not-for-profit health care system, Medicare for All, I understand millions of Americans want health care that is accessible and affordable.

Medicare for All will help businesses large and small, create jobs as well as save the jobs of thousands of people including those of doctors, nurses and other healthcare workers who are currently leaving medicine because it is run by the insurance companies. \$1 in every 3 dollars of the \$2.4 trillion spent annually in America for health care goes to the insurance companies. If we take that money (\$800 billion in unproductive wasteful spending) and put it directly into care, we will have enough money to cover everyone. We are already paying for Medicare for all, but not receiving it. H.R. 676 changes that.

2. Prescription Drug Benefit for Seniors: H.R. 6800 is the MEDS Act, which provides a fully paid prescription drug benefit, under Medicare, for all seniors. I wrote this bill to help alleviate the economic pressure that comes from the high cost of prescription drugs. We can pay for it by letting the government negotiate drug prices with the pharmaceutical companies as well as by permitting re-importation.

3. Stop the Oil Companies' Price Gouging: As you know, I was the first one to step up to challenge of the corrupt price gouging and market speculation of the oil companies by proposing a windfall profits tax, on oil and natural gas companies, with revenues put into tax credits for the purchase of fuel-efficient American-made cars. However, it may be that nationalization is the only way to put an end to the oil companies' sharp practices.

4. Protecting the American Homestead: As Chairman of the Domestic Policy Oversight Subcommittee, I am working to protect your basic right to have a roof over your head, whether as an owner or renter. I have investigated and helped to expose the manipulation of mortgage markets, and I am crafting a new federal policy so that neighborhoods with the highest number of foreclosures get the most help.

5. Jobs for All: Congressman LATOURETTE and I have co-authored the bi-partisan New

Deal-type jobs program, H.R. 3400, "Rebuilding America's Infrastructure." It will create millions of good-paying new jobs rebuilding our roads, bridges, water systems and sewer systems.

6. American Manufacturing Policy: I am drafting the American Manufacturing Policy Act, which for the first time, will state that the maintenance of U.S. steel, automotive, and aerospace industries are vital to our national economic security and must be maintained through integrated public-private cooperation, new trade policies, and investment.

7. Works Green Administration: I am also drafting plans for a green New Deal jobs program, in which the government creates millions of jobs by incentivizing the design, engineering, manufacturing, distribution and maintenance of millions of wind and solar micro-technologies for millions of homes and businesses, dramatically lowering energy costs and reducing our dependence on oil.

8. Fair Trade: The U.S. has lost millions of good-paying jobs, and more jobs have been out-sourced. As you know, I have helped to lead the way in opposition to trade giveaways. I strongly urge repeal of NAFTA. We must include workers' rights, human rights and environmental quality principles in all trade pacts. We must also protect the Great Lakes' water resources from the reach of multi-national corporations.

9. Education for All: I know families need help with the rising cost of day care. That is why I introduced H.R. 4060, a universal pre-kindergarten program to ensure that all children ages 3–5 have access to full-day, quality day care.

10. Protecting Pensions: I am working to change bankruptcy laws so pensioners' claims will be first, ahead of banks, and that corporate executives who misuse workers' pension funds are subject to criminal penalties. I want to fully fund the Pension Benefit Guarantee Board.

11. Social Security: From my first moments in Congress, I have exposed Wall Street's efforts to privatize Social Security and attacked it in the Democratic Caucus when it was being proposed. Can you imagine where seniors would be today if Social Security had been turned over to the stock market? Social Security is solid through 2032 without any changes.

12. Protect Bank Deposits: I will work to make sure the Federal Deposit Insurance Corporation, FDIC, has sufficient funds to provide for insurance of deposits up to \$200,000 at all banks and savings and loans. This is an urgent matter since so many banks are said to be vulnerable.

13. Protect Investors: Bring back strong regulation to Wall Street. As Chairman of the Domestic Policy Subcommittee, I challenged the Wall Street hedge fund speculators as a threat to small investors. I intend to keep active watch over the machinations on Wall Street.

14. Strength through Peace: You'll remember when I led the effort against the ill-conceived Iraq war, which has now cost more than 4,100 U.S. soldiers' lives, cost U.S. taxpayers between \$3 trillion and \$5 trillion, and resulted in the deaths of more than a million Iraqis. We must bring our troops home and end the war. We must engage in diplomacy. We must reduce the military budget, and we must stop outrageous cost overruns by the likes of Halliburton.

16. Safety in America: I am proud of my work for peace. In July 2001, I introduced a

bill, which today is H.R. 808, that for the first time creates a comprehensive plan to deal with the issues of violence in American society, particularly domestic violence, spousal abuse, child abuse, gang violence, gun violence, racial violence, and violence against gays by establishing a Cabinet-level Department of Peace and Restorative Justice. This proposal has sparked a national movement and when implemented will save taxpayers millions of dollars.

16. Monetary Policy: It is long past the time that we looked at the implications of our debt based monetary system, the privatization of money created by the 1913 Federal Reserve Act, the banks fractional reserve system and our debt-based economic system. Unless we have dramatic reform of monetary policy, the entire economic system will continue to accelerate wealth upwards. I am currently working on drafting legislation for an 'American Monetary Act' to address these and other issues in order to protect the economic well-being of America.

I yield to my friend from California, who has done such a wonderful job in organizing what is called the Skeptics Caucus, at a time where skepticism is called for. Through enlightened articulation of facts, he has come forward, as has my good friend and colleague from Ohio, Representative MARCY KAPTUR, who has courageously stood here day in and day out challenging this corrupt bailout.

I yield to my friends, and I thank you for your service to America and for your service to your communities.

A SKEPTICAL VIEW OF THE WALL STREET BAILOUT

The SPEAKER pro tempore. Under the Speaker's announced policy of January 18, 2007, the gentleman from California (Mr. SHERMAN) is recognized for the remainder of the time.

Mr. SHERMAN. I thank the Chair. I have got 30 minutes, and I will share some with the gentlewoman from Ohio in just a second to describe the flaws with this bill. Believe it or not, 30 minutes is not long enough. But first I want to mention about the calls that are coming into our office.

The calls used to be from people around the country. Now Wall Street firms have their employees unplugging those headsets to call investors and instead calling Members of Congress. So now the calls coming in to at least my office have shifted from 20–1 against this bailout package for Wall Street, down to about 3–1 or 4–1 against this bailout.

I ask my colleagues not to be confused. Edit out some of those calls that are coming to you from folks who are being paid to make the call, and you will realize the country remains absolutely overwhelmingly opposed to this Wall Street bailout bill.

I thank again the gentleman from Ohio, and I will make a few more points.

We had a meeting of the Skeptics Caucus, which is now a bipartisan Skeptics Caucus, where we heard from

Bill Isaac. Mr. Isaac was Chair of the FDIC, having first been appointed to that board by President Carter and then appointed by Reagan. You don't find very many people who have support on both sides of the aisle like that.

Bill Isaac led the FDIC in solving the 1981 crisis, which was probably worse than the crisis that we have now. He used the emergency powers of the FDIC. He was able to solve that credit crisis without significant cost to the taxpayer.

We ought to hear from Bill Isaac. And I look forward to us defeating this bill tomorrow so we can have hearings and all my colleagues, not just those who came to the Skeptics Caucus, can hear from Mr. Isaac and so many others, because the starting point is this testimony that we didn't hear before any hearing, because there have been no hearings on this bill, but rather a letter sent to Members of Congress by hundreds of eminent economists, including three Nobel Laureates. And they said, we ask Congress not to rush, to hold appropriate hearings, and to carefully consider the right course of action.

So, Nobel Laureates, economists eminent in their field, say the sky will not fall if we take some time. The only way to pass this bill is to keep up the panic. The panic has to be calmed down. We have got a few days. We have got a week. We have got 10 days, and that is more than enough time to write a much better bill.

But let me summarize some of the other things that Bill Isaac told our Skeptics Caucus. A vote "no" on tomorrow's bill is not a vote to do nothing. It is a vote to defeat that bill and to start writing a much better bill.

Under the bill that comes before us tomorrow, in Mr. Isaac's belief, half of all the money is going to be used to bail out foreign investors who made dumb business decisions. Now, I am not real sure that I want to use taxpayers' money to bail out American investors who made bad business decisions. But why are we bailing out the Bank of China? Why are we bailing out the Saudi royal family? We are doing so because they demand it. They communicate those demands at the highest level to our administration.

After I yield to the gentlewoman from Ohio, I will describe how the bill clearly provides that we can send as much money as Treasury wants not to bail out American investors, but to bail out foreign investors. And when I say foreign investors, I don't just mean companies here in the United States that happen to have foreign owners.

I have sought at the Rules Committee to simply put an amendment in this bill to say that we are not going to buy any toxic asset that wasn't demonstrably owned by an American on September 20. That amendment will not be allowed. It was not allowed last time; it won't be allowed this time.

Why? Because they think they can hide from this Congress and from the

American people the fact that hundreds of billions of dollars are going to overseas investors. And there are transparency provisions in the bill on a lot of things, but the one thing that will never be revealed, when Goldman Sachs sells a bond on December 1 to Treasury, what will not be revealed is whether Goldman Sachs bought it from the Bank of China two or three days earlier with intention to sell to Treasury. We are going to be buying bonds that are currently in vaults in Beijing and London.

What Mr. Isaac also pointed out is that this bill is not going to solve the problem. People think that if you act in a panic and you throw \$700 billion at something, you are going to solve it. Hardly. In his estimation, the credit markets will not be appreciably working any better than they are today. They may loosen things up for a week or two, but you are looking at a December that is no better than it would be if we did not pass this bill.

The FDIC could solve this problem under their existing powers. If they are a little shy to use those powers to the hilt, we can and should pass a bill that outlines that, yes, indeed, we do want them to use their powers. What should they do? They should provide for a temporary time a total guarantee on all of the general credit debt of banks, so the regulated commercial banks would be places where people know their money is safe.

They are subject to regulation, and the main part of this crisis is that the banks are unwilling to lend to each other as they traditionally do because no one bank is sure that the other bank is safe. We have got to say the commercial banks of America are safe and tell investors around the world that is where they can put their money with total safety.

Now, this leaves out some Wall Street entities that are desperate for that \$700 billion. They can just taste it. But it allows us to solve this problem without appreciable cost to U.S. taxpayers. And the FDIC collects an insurance premium from the banks so it would be the financial system, not the American taxpayer, paying the cost of taking care of this risk.

Now, I would hope that every Member of Congress has received my blue paper. I have sent it out today via e-mail, I have handed it out on the floor, but I know there are a few that haven't received it. Please contact my office and read these seven pages. Learn how this bill will send half the money to foreign investors. Learn how this bill bails out firms that will continue to pay \$1 million a month salaries, and could raise those executives to \$1.5 million a month, should they choose to do so.

Please, read the paper. Read about the key provisions of the bill. Then you will be armed with the information necessary to deal with the fearmongers that tell you, well, you had to pass that bill. You had to dump \$700 billion

from a helicopter onto Wall Street, because somehow that was going to take a terrible economy and turn it into a great economy.

Such an action will indeed, will indeed, make things better for a few Wall Street executives, and they are very determined, and their employees on company time are calling our office.

With that, I yield to the gentleman from Ohio.

Ms. KAPTUR. I thank the gentleman, the chairman of a subcommittee on International Relations, who has just dedicated himself, his great intelligence and great fervor, to helping to explain to the American people and our colleagues what is really at stake, and to try to move this institution, the House of Representatives, the closest body left at the Federal level to the American people, to move us to the right decision tomorrow.

Tonight, so many of us, we are praying for our American republic, and we ask the American people to pray with us and to pray for this House, and to pray without fear. Franklin Roosevelt said, "All we have to fear is fear itself." We need to make wise decisions; not decisions made in haste or in panic.

If we vote "no" tomorrow, that is not a vote for no action. A "no" vote tomorrow will signal we want a better answer, and we will work here until we get it.

The other night the Senate voted to pass their version of a bill, and the stock market went down. Explain that to me. They passed the bill. It goes down.

□ 2000

I don't think there is any relationship between day-to-day trades, what is happening in the markets and what is happening here. We know that there is a serious issue in our financial system because credit markets are seized up. As others have said, what we can do there is to ask the FDIC to employ its emergency powers, which are already law, and agree to cover all creditors, bondholders and depositors in those institutions and that that will take the fear out of that system because they're scared, too, because they don't know, if they borrow from bank X in another city, whether that bank will be around the next day. Those banks are liquid. In other words, they have money to lend, but they're afraid, too. So we've got to get the fear out of the system. Let us pray to not have fear.

If we pass the bill the administration has sent us, one of the things that's going to happen, plus what they did over in the Senate, is that we're going to add 870 more billion dollars to our debt. We can't afford to do that right now. That is a very bad decision because we are in debt. We will be over \$12 trillion in debt. The value of our dollar is already going down. This will push it down more, and our deficit is going up, which is not such a good position to be in. So we need a solution

that doesn't raise our deficit by any more.

By declaring that emergency at the FDIC, it gives the FDIC and its bank examiners enormous powers to go around and to try to make the loans that are necessary, to work out real estate loans where those need to be worked out. They can even get into executive compensation, and they can look for fraudulent accounting throughout the country. That's what bank examiners do, and they're really good at it. Ask any banker. We need to enliven that system and make it function.

Then we need to ask the Securities and Exchange Commission, which has been moved along this week and has been doing better than it has in the past, to help these banks within their accounting systems give a true value to the real estate assets on their books and not to some artificial index that bears no relation to reality, to what has happened in Cleveland or in Toledo or anywhere else, and to use the private sector as we did back in the 1980s—to heal the system and to use its power and to do it with discipline and rigor, not to take \$870 billion and reward those who have had very bad behavior on Wall Street.

I'm sure my dear colleague from California and Congressman KUCINICH from Ohio, who has been such a stalwart in fighting for the people of Cleveland and of our country, would agree that the bill they're sending over from the Senate has had no hearings in this House. When we sent our bill over there, it was about that thick. The bill that came back to us today is about that thick. It was so heavy I couldn't even carry it over here to the floor. We have had not hearing one on that bill here in this Chamber. We are not following regular order, and that is not in the interest of the American people. At a minimum, there ought to be regular order with the committees of jurisdiction.

They've stuffed tax issues in that bill over on the Senate side. I understand there are *Exxon Valdez* provisions. There is even something for wooden arrows for children. There are trade provisions in there, and there is even Puerto Rican rum. How about that one? They've put the Alternative Minimum Tax in there, which sounds great except they didn't have any offsets, so it increases the deficit even more.

We haven't had hearings, so we'll have to do a better job of due diligence here. Really, our leadership should allow us to do that. One day or two days or five days isn't going to make that much difference in what is happening in the markets.

Let me give a point of view here as to one of the things that, I think, is happening in all of this. Why is the Treasury moving this in this way so fast now?

I think it has to do with the fact that so much of our debt has been financed by foreigners and by foreign banks that

the Treasury is a little bit worried about that as we begin a new fiscal year and that rather than presenting a balanced budget or a budget that moves us to a balance over the next few years that they're giving us more debt on top of old debt, which is a backwards way to help this economy.

This past week, it was announced in Reuters news service that seven banks in China had lost over \$700 million because of what happened at Lehman Brothers with its implosion and that the National Bank of China was paying attention to that and that the debt dealings that they were having with the United States, particularly at the beginning of the new fiscal year, which is October 1, had created a bit of tension in that system and that it is actually our deficit and our difficulty in financing that—because we have a President who conducted two wars without paying for them—that our credit situation is not as good as it should be.

There are instruments, we've been told, such as credit default swaps and collateralized debt obligations that have to be covered. Well, let's be honest with one another. If that's what we're going to be doing, then let's tell the American people, and let's get it done the right way. We understand, in this \$870 billion that they want to take from the taxpayers, that over half of that money will go to foreign creditors. Doesn't this Congress and don't the American people have a right to know to whom and how much and what this all means and how we got into this situation? Because, if we really don't understand what we're getting into, we can't get out of it. If only a few people know—and this is an inside trade, inside of Washington—and the American people don't understand it and we don't do this together as a people, then how are we really going to make it better unless we all walk together and get through this together?

I have a great deal of confidence in our banking system, and I would encourage and would hope that Secretary Paulson and the chairman of the Federal Reserve, Chairman Bernanke, and the head of the Federal Deposit Insurance Corporation, Chairman Bair, and the head of the Securities and Exchange Commission, Christopher Cox, eat lunch tomorrow. I hope you figure out how to advise the President of the United States because I really do think those emergency powers at the FDIC would give great confidence to the system. When you do that, you will get an inflow of foreign funds into this country rather than the kind of policy you're following now, which is making those credit markets tighter and tighter and tighter in a banking system that is fundamentally sound and liquid.

So pay attention to the booking of those assets through the Securities and Exchange Commission. Help our banks weather this period. Give them some confidence, and help us to heal this in the full sunlight, not in a quick vote that is rushed through here tomorrow.

I want to thank my dear colleague from California, BRAD SHERMAN, who has been a true, true leader in this effort to try to do this the right way, not the fast way. I thank the gentleman.

Mr. SHERMAN. Thank you. I thank the gentlelady from Ohio.

The only way they can pass this bill is by creating and by sustaining a panic atmosphere. That atmosphere is not justified. Many of us were told in private conversations, if we voted against this bill, that, on Monday, the sky would fall and that the market would drop 2,000 or 3,000 points the first day and another 2,000 the second day. A few Members were even told that there would be martial law in America if we voted "no." That's what I call fear mongering—unjustified, proven wrong.

We've got a week; we've got 2 weeks to write a good bill. The only way to pass a bad bill: Keep the panic pressure on.

Now, what has the Senate done to this bill? First, they've added pork to it in the hope that that would buy off some votes. Second, they've created a double hostage situation. Now, we already know that the first bill was a hostage situation. When Paulson announced this crisis, he basically sent a ransom note, and that ransom note read, "We've got your 401(k), and you'll never see it alive again unless you send us \$700 billion in unmarked bills." So we had one hostage situation.

There's the AMT patch, a necessary tax provision that Congress passes every year. Without this patch, the AMT tax, which is designed to fall only on the wealthy, will hit another 20 million American households. Everyone knows we have to pass this. We sent it to the Senate for them to pass. Instead of passing it, they created a hostage situation. They refused to pass it. They put it on this bill. So now we're being told, if you don't send \$700 billion to Wall Street, we're going to tax 20 million American families in a way no one in Congress wants to do. That's totally phony. If we vote down this bill, the Senate will pass the AMT patch bill that we sent them just like they do every year.

There has been some attempt to tell the American people that this bill isn't going to cost anything permanently because, in 2013, we're going to get the money back from the financial services industry. Nothing could be further from the truth. All the bill says is that the President has to send us a proposal to tax the financial services industry. Now, keep in mind, if the President has any good ideas in 2013, he'll send them to us or she'll send them to us. If the President is only sending us revenue ideas because they have to send them and they don't want to send that proposal, well then, they're going to send it with a note, saying, "I'm required to give you this proposal, but I think it's a bad idea." What do you think we're going to do with a Presidential proposal that is disparaged by the President?

Furthermore, it would be absolutely impossible and contrary to the intent of the bill, contrary to the logic of the bill and contrary to the statutory provisions of the bill to construct a tax that hit only those companies that got bailed out. Instead, the tax is going to hit the entire financial services industry, and a proposal like that is highly unlikely to pass the House. If it passed the House and if it got over to the Senate, 41 Senators could block it, and Wall Street could have enough money to hire 4,100 lobbyists.

Now, why is it that we can't tax the individual companies that are bailed out on some sort of proportional basis?

Well, first, many of those firms aren't going to exist in 2013. Second, we're not even keeping track of how much money we lost on the assets we're buying from Goldman Sachs versus how much money we're losing on the assets we're buying from Citibank. We'll know how much we bought from each of them, but we might buy really toxic assets from one and only mildly troublesome assets from the other. We'll mix them together. Then we'll sell them off and we'll suffer a loss, and we won't know how to attribute that loss. How much are we going to tax Goldman Sachs? How much are we going to tax Citibank? We'll never know how to tax those we'll have bailed out.

Some of these companies we're bailing out are just going to be shell companies, so you know they're going to disappear before 2013, and you know that a tax bill is going to hit similarly sized banks with the same rate of tax: the banks that got a big bailout, the banks that got a small bailout, the banks that didn't get a bailout, the banks that sold us kind of bad assets, the banks that sold us assets that turned out to be worthless.

Such a controversial tax bill submitted under duress by a President is not going to pass this House, let alone pass the Senate, which can stop it with 41 votes. Wall Street gets their money now, and we get it back: never.

Now, as I said, hundreds of billions of dollars are going to be used to bail out foreign investors. That is why my amendment, which easily fixes that problem, has been rejected, because the White House demands that we bail out these foreign investors. That's what they want to do. That's what they promised the Saudi royal family. That's what they promised the Bank of China. Those promises will be honored with the tax money squeezed out of the American people.

They talk about executive compensation being controlled in this bill. They do put some controls on some bonuses being given to some departing executives—great—but they allow \$1-million-a-month salaries. If some executive says, "well, you know, you wanted to pay me a good bonus on top of my \$1-million-a-month salary and now the bonus formula is being changed a little bit," the company can say, "You know,

you're right. We wanted to give you more money. We'll raise your \$1-million-a-month salary to \$2 million a month.'

Now, if that qualifies as limits on the executive compensation of companies that need and get a bailout under this bill, please explain to me how that is. Look, Bill Gates is running a great company. He doesn't need a bailout. I hope he gets paid a whole lot. But if your company has been run into the ground, if you need a bailout, if you're part of the reason for this panic situation, why do you need to pay over \$1 million a year to any executive? That ought to be the limit. Frankly, it strikes me as a generous limit.

We're told that there's going to be oversight under this bill. There is a good, Democratic-dominated board that is created. It is a critique board, not a control board. It is a board that will issue press releases and reports, but it will not halt and it will not reverse and it will not delay any decision that will be made by the Secretary of the Treasury, which brings up another thing:

Why are we having Paulson run this thing? I thought he already had a job. The Secretary of the Treasury ought to be a full-time job if we're in a period of an unparalleled, sky-is-falling economic crisis. Furthermore, he is temporary. He is leaving Washington in January. Why doesn't this bill provide for an administrator selected in a bipartisan way and with bipartisan support who is willing to stick around for 2 or 3 years? Because this is a Paulson-Bush power grab. Paulson doesn't want somebody else to do it. He wants to be up on Wall Street, handing out the money to the companies he likes and ignoring the phone calls from the firms he doesn't like.

I want to point out that, if another Member comes to the floor in the next couple of minutes, he can claim the next hour. Otherwise, for better or for worse, this speech and all of the pontificating on this floor will be over soon. So I hope Members will come to the floor. We've got a lot to discuss.

The board is just a critique board. Paulson's power is undiminished, and we're having a part-time, temporary employee run this because that's what Paulson really wants. Homeowners are not going to get any relief under this bill. All \$700 billion can easily be spent.

I see the gentlelady from Ohio (Ms. SUTTON), and I hope that she claims the next hour of time. I thank her for coming here and for being here so quickly. I will use the remaining 3 minutes of my time, and I will look forward to being part of her Special Order, right up until the Vice Presidential debate starts.

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We are told in 2009 we are going to pass really good legislation to make sure that this never happens again—corporate governance reform, regulatory reform, we are going to get it

done. What is really going to happen? We may write a really good bill in the House, something Wall Street really hates. Then it goes over to the Senate where 41 Senators out of 100 is all it takes to block it. I don't think they will defeat reform legislation in the Senate. They will delay it and then they will dilute it. And by the time it passes, it will be so diluted, Wall Street will drink it down with a smile on its face knowing that no effective reform is really being imposed upon them.

So we are not going to see meaningful regulatory reform; although we will pass something and Wall Street will tell you it is a big deal. We will see million-dollar-a-month salaries, or one-and-a-half million or \$2 million a month salaries paid to the executives of these firms while they are getting a bailout with our taxpayer money.

We are going to see a very large percentage of this money going to buy securities, bad paper, and toxic assets currently in safes in Shanghai, Beijing, London and Riyadh, Saudi Arabia.

We will see all of the power in the hands of the Bush administration and in the hands of a part-time temporary administrator, namely the Secretary of the Treasury.

Under this bill, if it passes, we don't really know what is going to happen to the economy. No one knows. The only thing that is certain, two things: Wall Street executives are going to get huge amounts of money and our children and grandchildren are going to get stuck with hundreds of billions of dollars of additional Federal debt. And we as a country, having just done a bad \$700 billion program, will not be able to do anything to help homeowners because we won't have the money. We won't be able to bail out local governments because we won't have the money. We won't be able to deal effectively with the real banking-lending crisis because we will have shot our entire wad on a bill that is guaranteed only to do one thing, and that is to help the truly wealthy on Wall Street.

My time has expired, and I look forward to the Speaker giving unanimous consent to the gentlelady from Ohio controlling the next hour.

REPORT ON RESOLUTION PROVIDING FOR CONSIDERATION OF SENATE AMENDMENTS TO H.R. 1424, EMERGENCY ECONOMIC STABILIZATION ACT OF 2008; ENERGY IMPROVEMENT AND EXTENSION ACT OF 2008; AND TAX EXTENDERS AND ALTERNATIVE MINIMUM TAX RELIEF ACT OF 2008

Ms. SUTTON, from the Committee on Rules, submitted a privileged report (Rept. No. 110-907) on the resolution (H. Res. 1525) providing for consideration of the bill (H.R. 1424) to amend section 712 of the Employee Retirement Income Security Act of 1974, section 2705 of the Public Health Service Act, section 9812 of the Internal Revenue Code

of 1986 to require equity in the provision of mental health and substance-related disorder benefits under group health plans, to prohibit discrimination on the basis of genetic information with respect to health insurance and employment, and for other purposes, which was referred to the House Calendar and ordered to be printed.

REPORT ON RESOLUTION PROVIDING FOR CONSIDERATION OF MOTIONS TO SUSPEND THE RULES AND WAIVING REQUIREMENT OF CLAUSE 6(a) OF RULE XIII WITH RESPECT TO CONSIDERATION OF CERTAIN RESOLUTIONS

Ms. SUTTON, from the Committee on Rules, submitted a privileged report (Rept. No. 110-908) on the resolution (H. Res. 1526) providing for consideration of motions to suspend the rules and waiving a requirement of clause 6(a) of rule XIII with respect to consideration of certain resolutions reported from the Committee on Rules, which was referred to the House Calendar and ordered to be printed.

OMISSION FROM THE CONGRESSIONAL RECORD OF MONDAY, SEPTEMBER 29, 2008, AT PAGE H10640

LEAVE OF ABSENCE

By unanimous consent, leave of absence was granted to:

Mr. CULBERSON (at the request of Mr. BOEHNER) for today until 8:48 a.m. on account of official business.

CORRECTION TO THE CONGRESSIONAL RECORD OF MONDAY, SEPTEMBER 29, 2008, AT PAGE H10618

BROADBAND DATA IMPROVEMENT ACT

Mr. MARKEY. Madam Speaker, I ask unanimous consent that the Committee on Energy and Commerce be discharged from further consideration of the Senate bill (S. 1492) to improve the quality of Federal and State data regarding the availability and quality of broadband services and to promote the deployment of affordable broadband services to all parts of the Nation, and ask for its immediate consideration in the House.

The Clerk read the title of the Senate bill.

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

There was no objection.

The text of the Senate bill is as follows:

S. 1492

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

**TITLE I—BROADBAND DATA
IMPROVEMENT**

SEC. 101. SHORT TITLE.

This title may be cited as the “Broadband Data Improvement Act”.

SEC. 102. FINDINGS.

The Congress finds the following:

(1) The deployment and adoption of broadband technology has resulted in enhanced economic development and public safety for communities across the Nation, improved health care and educational opportunities, and a better quality of life for all Americans.

(2) Continued progress in the deployment and adoption of broadband technology is vital to ensuring that our Nation remains competitive and continues to create business and job growth.

(3) Improving Federal data on the deployment and adoption of broadband service will assist in the development of broadband technology across all regions of the Nation.

(4) The Federal Government should also recognize and encourage complementary State efforts to improve the quality and usefulness of broadband data and should encourage and support the partnership of the public and private sectors in the continued growth of broadband services and information technology for the residents and businesses of the Nation.

SEC. 103. IMPROVING FEDERAL DATA ON BROADBAND.

(a) IMPROVING SECTION 706 INQUIRY.—Section 706 of the Telecommunications Act of 1996 (47 U.S.C. 157 note) is amended—

(1) by striking “regularly” in subsection (b) and inserting “annually”;

(2) by redesignating subsection (c) as subsection (d); and

(3) by inserting after subsection (b) the following:

“(c) DEMOGRAPHIC INFORMATION FOR UNSERVED AREAS.—As part of the inquiry required by subsection (b), the Commission shall compile a list of geographical areas that are not served by any provider of advanced telecommunications capability (as defined by section 706(c)(1) of the Telecommunications Act of 1996 (47 U.S.C. 157 note)) and to the extent that data from the Census Bureau is available, determine, for each such unserved area—

“(1) the population;

“(2) the population density; and

“(3) the average per capita income.”.

(b) INTERNATIONAL COMPARISON.—

(1) IN GENERAL.—As part of the assessment and report required by section 706 of the Telecommunications Act of 1996 (47 U.S.C. 157 note), the Federal Communications Commission shall include information comparing the extent of broadband service capability (including data transmission speeds and price for broadband service capability) in a total of 75 communities in at least 25 countries abroad for each of the data rate benchmarks for broadband service utilized by the Commission to reflect different speed tiers.

(2) CONTENTS.—The Commission shall choose communities for the comparison under this subsection in a manner that will offer, to the extent possible, communities of a population size, population density, topography, and demographic profile that are comparable to the population size, population density, topography, and demographic profile of various communities within the United States. The Commission shall include in the comparison under this subsection—

(A) a geographically diverse selection of countries; and

(B) communities including the capital cities of such countries.

(3) SIMILARITIES AND DIFFERENCES.—The Commission shall identify relevant similar-

ities and differences in each community, including their market structures, the number of competitors, the number of facilities-based providers, the types of technologies deployed by such providers, the applications and services those technologies enable, the regulatory model under which broadband service capability is provided, the types of applications and services used, business and residential use of such services, and other media available to consumers.

(c) CONSUMER SURVEY OF BROADBAND SERVICE CAPABILITY.—

(1) IN GENERAL.—For the purpose of evaluating, on a statistically significant basis, the national characteristics of the use of broadband service capability, the Commission shall conduct and make public periodic surveys of consumers in urban, suburban, and rural areas in the large business, small business, and residential consumer markets to determine—

(A) the types of technology used to provide the broadband service capability to which consumers subscribe;

(B) the amounts consumers pay per month for such capability;

(C) the actual data transmission speeds of such capability;

(D) the types of applications and services consumers most frequently use in conjunction with such capability;

(E) for consumers who have declined to subscribe to broadband service capability, the reasons given by such consumers for declining such capability;

(F) other sources of broadband service capability which consumers regularly use or on which they rely; and

(G) any other information the Commission deems appropriate for such purpose.

(2) PUBLIC AVAILABILITY.—The Commission shall make publicly available the results of surveys conducted under this subsection at least once per year.

(d) IMPROVING CENSUS DATA ON BROADBAND.—The Secretary of Commerce, in consultation with the Federal Communications Commission, shall expand the American Community Survey conducted by the Bureau of the Census to elicit information for residential households, including those located on native lands, to determine whether persons at such households own or use a computer at that address, whether persons at that address subscribe to Internet service and, if so, whether such persons subscribe to dial-up or broadband Internet service at that address.

(e) PROPRIETARY INFORMATION.—Nothing in this title shall reduce or remove any obligation the Commission has to protect proprietary information, nor shall this title be construed to compel the Commission to make publicly available any proprietary information.

SEC. 104. STUDY ON ADDITIONAL BROADBAND METRICS AND STANDARDS.

(a) IN GENERAL.—The Comptroller General shall conduct a study to consider and evaluate additional broadband metrics or standards that may be used by industry and the Federal Government to provide users with more accurate information about the cost and capability of their broadband connection, and to better compare the deployment and penetration of broadband in the United States with other countries. At a minimum, such study shall consider potential standards or metrics that may be used—

(1) to calculate the average price per megabit per second of broadband offerings;

(2) to reflect the average actual speed of broadband offerings compared to advertised potential speeds and to consider factors affecting speed that may be outside the control of a broadband provider;

(3) to compare, using comparable metrics and standards, the availability and quality

of broadband offerings in the United States with the availability and quality of broadband offerings in other industrialized nations, including countries that are members of the Organization for Economic Cooperation and Development; and

(4) to distinguish between complementary and substitutable broadband offerings in evaluating deployment and penetration.

(b) REPORT.—Not later than 1 year after the date of enactment of this Act, the Comptroller General shall submit a report to the Senate Committee on Commerce, Science, and Transportation and the House of Representatives Committee on Energy and Commerce on the results of the study, with recommendations for how industry and the Federal Communications Commission can use such metrics and comparisons to improve the quality of broadband data and to better evaluate the deployment and penetration of comparable broadband service at comparable rates across all regions of the Nation.

SEC. 105. STUDY ON THE IMPACT OF BROADBAND SPEED AND PRICE ON SMALL BUSINESSES.

(a) IN GENERAL.—Subject to appropriations, the Small Business Administration Office of Advocacy shall conduct a study evaluating the impact of broadband speed and price on small businesses.

(b) REPORT.—Not later than 2 years after the date of enactment of this Act, the Office shall submit a report to the Senate Committee on Commerce, Science, and Transportation, the Senate Committee on Small Business and Entrepreneurship, the House of Representatives Committee on Energy and Commerce, and the House of Representatives Committee on Small Business on the results of the study, including—

(1) a survey of broadband speeds available to small businesses;

(2) a survey of the cost of broadband speeds available to small businesses;

(3) a survey of the type of broadband technology used by small businesses; and

(4) any policy recommendations that may improve small businesses access to comparable broadband services at comparable rates in all regions of the Nation.

SEC. 106. ENCOURAGING STATE INITIATIVES TO IMPROVE BROADBAND.

(a) PURPOSES.—The purposes of any grant under subsection (b) are—

(1) to ensure that all citizens and businesses in a State have access to affordable and reliable broadband service;

(2) to achieve improved technology literacy, increased computer ownership, and broadband use among such citizens and businesses;

(3) to establish and empower local grassroots technology teams in each State to plan for improved technology use across multiple community sectors; and

(4) to establish and sustain an environment ripe for broadband services and information technology investment.

(b) ESTABLISHMENT OF STATE BROADBAND DATA AND DEVELOPMENT GRANT PROGRAM.—

(1) IN GENERAL.—The Secretary of Commerce shall award grants, taking into account the results of the peer review process under subsection (d), to eligible entities for the development and implementation of statewide initiatives to identify and track the availability and adoption of broadband services within each State.

(2) COMPETITIVE BASIS.—Any grant under subsection (b) shall be awarded on a competitive basis.

(c) ELIGIBILITY.—To be eligible to receive a grant under subsection (b), an eligible entity shall—

(1) submit an application to the Secretary of Commerce, at such time, in such manner, and containing such information as the Secretary may require;

(2) contribute matching non-Federal funds in an amount equal to not less than 20 percent of the total amount of the grant; and

(3) agree to comply with confidentiality requirements in subsection (h)(2) of this section.

(d) PEER REVIEW; NONDISCLOSURE.—

(1) IN GENERAL.—The Secretary shall by regulation require appropriate technical and scientific peer review of applications made for grants under this section.

(2) REVIEW PROCEDURES.—The regulations required under paragraph (1) shall require that any technical and scientific peer review group—

(A) be provided a written description of the grant to be reviewed;

(B) provide the results of any review by such group to the Secretary of Commerce; and

(C) certify that such group will enter into voluntary nondisclosure agreements as necessary to prevent the unauthorized disclosure of confidential and proprietary information provided by broadband service providers in connection with projects funded by any such grant.

(e) USE OF FUNDS.—A grant awarded to an eligible entity under subsection (b) shall be used—

(1) to provide a baseline assessment of broadband service deployment in each State;

(2) to identify and track—

(A) areas in each State that have low levels of broadband service deployment;

(B) the rate at which residential and business users adopt broadband service and other related information technology services; and

(C) possible suppliers of such services;

(3) to identify barriers to the adoption by individuals and businesses of broadband service and related information technology services, including whether or not—

(A) the demand for such services is absent; and

(B) the supply for such services is capable of meeting the demand for such services;

(4) to identify the speeds of broadband connections made available to individuals and businesses within the State, and, at a minimum, to rely on the data rate benchmarks for broadband service utilized by the Commission to reflect different speed tiers, to promote greater consistency of data among the States;

(5) to create and facilitate in each county or designated region in a State a local technology planning team—

(A) with members representing a cross section of the community, including representatives of business, telecommunications labor organizations, K-12 education, health care, libraries, higher education, community-based organizations, local government, tourism, parks and recreation, and agriculture; and

(B) which shall—

(i) benchmark technology use across relevant community sectors;

(ii) set goals for improved technology use within each sector; and

(iii) develop a tactical business plan for achieving its goals, with specific recommendations for online application development and demand creation;

(6) to work collaboratively with broadband service providers and information technology companies to encourage deployment and use, especially in unserved areas and areas in which broadband penetration is significantly below the national average, through the use of local demand aggregation, mapping analysis, and the creation of market intelligence to improve the business case for providers to deploy;

(7) to establish programs to improve computer ownership and Internet access for unserved areas and areas in which broadband

penetration is significantly below the national average;

(8) to collect and analyze detailed market data concerning the use and demand for broadband service and related information technology services;

(9) to facilitate information exchange regarding the use and demand for broadband services between public and private sectors; and

(10) to create within each State a geographic inventory map of broadband service, including the data rate benchmarks for broadband service utilized by the Commission to reflect different speed tiers, which shall—

(A) identify gaps in such service through a method of geographic information system mapping of service availability based on the geographic boundaries of where service is available or unavailable among residential or business customers; and

(B) provide a baseline assessment of statewide broadband deployment in terms of households with high-speed availability.

(f) PARTICIPATION LIMIT.—For each State, an eligible entity may not receive a new grant under this section to fund the activities described in subsection (d) within such State if such organization obtained prior grant awards under this section to fund the same activities in that State in each of the previous 4 consecutive years.

(g) REPORTING; BROADBAND INVENTORY MAP.—The Secretary of Commerce shall—

(1) require each recipient of a grant under subsection (b) to submit a report on the use of the funds provided by the grant; and

(2) create a web page on the Department of Commerce website that aggregates relevant information made available to the public by grant recipients, including, where appropriate, hypertext links to any geographic inventory maps created by grant recipients under subsection (e)(10).

(h) ACCESS TO AGGREGATE DATA.—

(1) IN GENERAL.—Subject to paragraph (2), the Commission shall provide eligible entities access, in electronic form, to aggregate data collected by the Commission based on the Form 477 submissions of broadband service providers.

(2) LIMITATION.—Notwithstanding any provision of Federal or State law to the contrary, an eligible entity shall treat any matter that is a trade secret, commercial or financial information, or privileged or confidential, as a record not subject to public disclosure except as otherwise mutually agreed to by the broadband service provider and the eligible entity. This paragraph applies only to information submitted by the Commission or a broadband provider to carry out the provisions of this title and shall not otherwise limit or affect the rules governing public disclosure of information collected by any Federal or State entity under any other Federal or State law or regulation.

(i) DEFINITIONS.—In this section:

(1) COMMISSION.—The term “Commission” means the Federal Communications Commission.

(2) ELIGIBLE ENTITY.—The term “eligible entity” means—

(A) an entity that is either—

(i) an agency or instrumentality of a State, or a municipality or other subdivision (or agency or instrumentality of a municipality or other subdivision) of a State;

(ii) a nonprofit organization that is described in section 501(c)(3) of the Internal Revenue Code of 1986 and that is exempt from taxation under section 501(a) of such Code; or

(iii) an independent agency or commission in which an office of a State is a member on behalf of the State; and

(B) is the single eligible entity in the State that has been designated by the State to receive a grant under this section.

(j) NO REGULATORY AUTHORITY.—Nothing in this section shall be construed as giving any public or private entity established or affected by this title any regulatory jurisdiction or oversight authority over providers of broadband services or information technology.

TITLE II—PROTECTING CHILDREN

SEC. 201. SHORT TITLE; TABLE OF CONTENTS.

(a) SHORT TITLE.—This title may be cited as the “Protecting Children in the 21st Century Act”.

(b) TABLE OF CONTENTS.—The table of contents for this title is as follows:

Sec. 201. Short title; table of contents.

SUBTITLE A—PROMOTING A SAFE INTERNET FOR CHILDREN

Sec. 211. Internet safety.

Sec. 212. Public awareness campaign.

Sec. 213. Annual reports.

Sec. 214. Online safety and technology working group.

Sec. 215. Promoting online safety in schools.

Sec. 216. Definitions.

SUBTITLE B—ENHANCING CHILD PORNOGRAPHY ENFORCEMENT

Sec. 221. Child pornography prevention; features related to child pornography violations.

SUBTITLE A—PROMOTING A SAFE INTERNET FOR CHILDREN

SEC. 211. INTERNET SAFETY.

For the purposes of this title, the issue of Internet safety includes issues regarding the use of the Internet in a manner that promotes safe online activity for children, protects children from cybercrimes, including crimes by online predators, and helps parents shield their children from material that is inappropriate for minors.

SEC. 212. PUBLIC AWARENESS CAMPAIGN.

The Federal Trade Commission shall carry out a nationwide program to increase public awareness and provide education regarding strategies to promote the safe use of the Internet by children. The program shall utilize existing resources and efforts of the Federal Government, State and local governments, nonprofit organizations, private technology and financial companies, Internet service providers, World Wide Web-based resources, and other appropriate entities, that includes—

(1) identifying, promoting, and encouraging best practices for Internet safety;

(2) establishing and carrying out a national outreach and education campaign regarding Internet safety utilizing various media and Internet-based resources;

(3) facilitating access to, and the exchange of, information regarding Internet safety to promote up-to-date knowledge regarding current issues; and

(4) facilitating access to Internet safety education and public awareness efforts the Commission considers appropriate by States, units of local government, schools, police departments, nonprofit organizations, and other appropriate entities.

SEC. 213. ANNUAL REPORTS.

The Commission shall submit a report to the Senate Committee on Commerce, Science, and Transportation not later than March 31 of each year that describes the activities carried out under section 103 by the Commission during the preceding calendar year.

SEC. 214. ONLINE SAFETY AND TECHNOLOGY WORKING GROUP.

(a) ESTABLISHMENT.—Within 90 days after the date of enactment of this Act, the Assistant Secretary of Commerce for Communications and Information shall establish an Online Safety and Technology working group

comprised of representatives of relevant sectors of the business community, public interest groups, and other appropriate groups and Federal agencies to review and evaluate—

(1) the status of industry efforts to promote online safety through educational efforts, parental control technology, blocking and filtering software, age-appropriate labels for content or other technologies or initiatives designed to promote a safe online environment for children;

(2) the status of industry efforts to promote online safety among providers of electronic communications services and remote computing services by reporting apparent child pornography under section 13032 of title 42, United States Code, including any obstacles to such reporting;

(3) the practices of electronic communications service providers and remote computing service providers related to record retention in connection with crimes against children; and

(4) the development of technologies to help parents shield their children from inappropriate material on the Internet.

(b) REPORT.—Within 1 year after the working group is first convened, it shall submit a report to the Assistant Secretary and the Senate Committee on Commerce, Science, and Transportation that—

(1) describes in detail its findings, including any information related to the effectiveness of such strategies and technologies and any information about the prevalence within industry of educational campaigns, parental control technologies, blocking and filtering software, labeling, or other technologies to assist parents; and

(2) includes recommendations as to what types of incentives could be used or developed to increase the effectiveness and implementation of such strategies and technologies.

(c) FACA NOT TO APPLY TO WORKING GROUP.—The Federal Advisory Committee Act (5 U.S.C. App.) shall not apply to the working group.

SEC. 215. PROMOTING ONLINE SAFETY IN SCHOOLS.

Section 254(h)(5)(B) of the Communications Act of 1934 (47 U.S.C. 254(h)(5)(b)) is amended—

(1) by striking “and” after the semicolon in clause (i);

(2) by striking “minors.” in clause (ii) and inserting “minors; and”; and

(3) by adding at the end the following: “(iii) as part of its Internet safety policy is educating minors about appropriate online behavior, including interacting with other individuals on social networking websites and in chat rooms and cyberbullying awareness and response.”.

SEC. 216. DEFINITIONS.

In this title:

(1) COMMISSION.—The term “Commission” means the Federal Trade Commission.

(2) INTERNET.—The term “Internet” means collectively the myriad of computer and telecommunications facilities, including equipment and operating software, which comprise the interconnected world-wide network of networks that employ the Transmission Control Protocol/Internet Protocol, or any predecessor successor protocols to such protocol, to communicate information of all kinds by wire or radio.

TITLE II—ENHANCING CHILD PORNOGRAPHY ENFORCEMENT

SEC. 221. CHILD PORNOGRAPHY PREVENTION; FORFEITURES RELATED TO CHILD PORNOGRAPHY VIOLATIONS.

(a) IN GENERAL.—Section 503(b)(1) of the Communications Act of 1934 (47 U.S.C. 503(b)(1)) is amended by striking “or 1464” in subparagraph (D) and inserting “1464, or 2252”.

CORRECTION TO THE CONGRESSIONAL RECORD OF MONDAY, SEPTEMBER 29, 2008, AT PAGE H10621

METHAMPHETAMINE PRODUCTION PREVENTION ACT OF 2008

Mr. MARKEY. Madam Speaker, I ask unanimous consent that the Committee on Energy and Commerce and the Committee on the Judiciary be discharged from further consideration of the Senate bill (S. 1276) to establish a grant program to facilitate the creation of methamphetamine precursor electronic logbook systems, and for other purposes, and ask for its immediate consideration in the House.

The Clerk read the title of the Senate bill.

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

There was no objection.

The text of the Senate bill is as follows:

S. 1276

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the “Methamphetamine Production Prevention Act of 2008”.

SEC. 2. CLARIFICATIONS REGARDING SIGNATURE CAPTURE AND RETENTION FOR ELECTRONIC METHAMPHETAMINE PRECURSOR LOGBOOK SYSTEMS.

Section 310(e)(1)(A) of the Controlled Substances Act (21 U.S.C. 830(e)(1)(A)) is amended by striking clauses (iv) through (vi) and inserting the following:

“(iv) In the case of a sale to which the requirement of clause (iii) applies, the seller does not sell such a product unless the sale is made in accordance with the following:

“(I) The prospective purchaser—

“(aa) presents an identification card that provides a photograph and is issued by a State or the Federal Government, or a document that, with respect to identification, is considered acceptable for purposes of sections 274a.2(b)(1)(v)(A) and 274a.2(b)(1)(v)(B) of title 8, Code of Federal Regulations (as in effect on or after March 9, 2006); and

“(bb) signs the written logbook and enters in the logbook his or her name, address, and the date and time of the sale, or for transactions involving an electronic logbook, the purchaser provides a signature using one of the following means:

“(AA) Signing a device presented by the seller that captures signatures in an electronic format. Such device shall display the notice described in clause (v). Any device used shall preserve each signature in a manner that clearly links that signature to the other electronically-captured logbook information relating to the prospective purchaser providing that signature.

“(BB) Signing a bound paper book. Such bound paper book shall include, for such purchaser, either (aaa) a printed sticker affixed to the bound paper book at the time of sale which either displays the name of each product sold, the quantity sold, the name and address of the purchaser, and the date and time of the sale, or a unique identifier which can be linked to that electronic information, or (bbb) a unique identifier which can be linked to that information and which is written into the book by the seller at the time of

sale. The purchaser shall sign adjacent to the printed sticker or written unique identifier related to that sale. Such bound paper book shall display the notice described in clause (v).

“(CC) Signing a printed document that includes, for such purchaser, the name of each product sold, the quantity sold, the name and address of the purchaser, and the date and time of the sale. Such document shall be printed by the seller at the time of the sale. Such document shall contain a clearly identified signature line for a purchaser to sign. Such printed document shall display the notice described in clause (v). Each signed document shall be inserted into a binder or other secure means of document storage immediately after the purchaser signs the document.

“(II) The seller enters in the logbook the name of the product and the quantity sold. Such information may be captured through electronic means, including through electronic data capture through bar code reader or similar technology.

“(III) The logbook maintained by the seller includes the prospective purchaser’s name, address, and the date and time of the sale, as follows:

“(aa) If the purchaser enters the information, the seller must determine that the name entered in the logbook corresponds to the name provided on such identification and that the date and time entered are correct.

“(bb) If the seller enters the information, the prospective purchaser must verify that the information is correct.

“(cc) Such information may be captured through electronic means, including through electronic data capture through bar code reader or similar technology.

“(v) The written or electronic logbook includes, in accordance with criteria of the Attorney General, a notice to purchasers that entering false statements or misrepresentations in the logbook, or supplying false information or identification that results in the entry of false statements or misrepresentations, may subject the purchasers to criminal penalties under section 1001 of title 18, United States Code, which notice specifies the maximum fine and term of imprisonment under such section.

“(vi) Regardless of whether the logbook entry is written or electronic, the seller maintains each entry in the logbook for not fewer than 2 years after the date on which the entry is made.”.

The Senate bill was ordered to be read a third time, was read the third time, and passed, and a motion to reconsider was laid on the table.

SPECIAL ORDERS GRANTED

By unanimous consent, permission to address the House, following the legislative program and any special orders heretofore entered, was granted to:

(The following Members (at the request of Mr. DEFAZIO) to revise and extend their remarks and include extraneous material:)

Ms. WOOLSEY, for 5 minutes, today.

Mr. LYNCH, for 5 minutes, today.

Mr. DEFAZIO, for 5 minutes, today.

Ms. KAPTUR, for 5 minutes, today.

Mr. SHERMAN, for 5 minutes, today.

(The following Members (at the request of Mr. MICA) to revise and extend their remarks and include extraneous material:)

Mr. POE, for 5 minutes, today and October 3.

Mr. JONES, for 5 minutes, today and October 3.

Mr. FRANKS of Arizona, for 5 minutes, today and October 3.

Mr. BURTON of Indiana, for 5 minutes, today and October 3.

Mr. MORAN of Kansas, for 5 minutes, today.

(The following Member (at his request) to revise and extend his remarks and include extraneous material:)

Mr. MCHENRY, for 5 minutes, today.

SENATE BILLS REFERRED

Bills of the Senate of the following titles were taken from the Speaker's table and, under the rule, referred as follows:

S. 602. An act to develop the next generation of parental control technology; to the Committee on Energy and Commerce.

S. 1703. An act to prevent and reduce trafficking in persons; to the Committee on The Judiciary.

S. 3013. An act to provide for retirement equity for Federal employees in nonforeign areas outside the 48 contiguous States and the District of Columbia, and for other purposes; to the Committee on Oversight and Government Reform; in addition to the Committee on Veterans' Affairs for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the Committee concerned.

S. 3073. An act to amend the Uniformed and Overseas Citizens Absentee Voting Act to improve procedures for the collection and delivery of absentee ballots of absent overseas uniformed services voters, and for other purposes; to the Committee on House Administration.

S. 3658. An act to require the accreditation of English language training programs, and for other purposes; to the Committee on the Judiciary.

ENROLLED BILLS SIGNED

Ms. Lorraine C. Miller, Clerk of the House, reported and found truly enrolled bills of the House of the following titles, which were thereupon signed by the Speaker on Monday, September 29, 2008:

H.R. 1157. An act to amend the Public Health Service Act to authorize the Director of the National Institute of Environmental Health Sciences to make grants for the development and operation of research centers regarding environmental factors that may be related to the etiology of breast cancer.

H.R. 1777. An act to amend the Improving America's Schools Act of 1994 to make permanent the favorable treatment of need-based educational aid under the antitrust laws.

H.R. 5057. An act to reauthorize the Debbie Smith DNA Backlog Grant Program, and for other purposes.

H.R. 5571. An act to extend for 5 years the program relating to waiver of the foreign country residence requirement with respect to international medical graduates, and for other purposes.

H.R. 6460. An act to amend the Federal Water Pollution Control Act to provide for the remediation of sediment contamination in areas of concern, and for other purposes.

H.R. 6946. An act to make a technical correction in the NET 911 Improvement Act of 2008.

Ms. Lorraine C. Miller, Clerk of the House, further reported and found truly enrolled bills of the House of the following titles, which were thereupon signed by the Speaker pro tempore, Mr. HOYER, on Wednesday, October 1, 2008:

H.R. 928. An act to amend the Inspector General Act of 1978 to enhance the independence of the Inspectors General, to create a Council of the Inspectors General on Integrity and Efficiency, and for other purposes.

H.R. 1532. An act to amend the Public Health Service Act with respect to making progress toward the goal of eliminating tuberculosis, and for other purposes.

H.R. 2786. An act to reauthorize the programs for housing assistance for Native Americans.

H.R. 2963. An act to transfer certain land in Riverside County, California, and San Diego County, California, from the Bureau of Land Management to the United States to be held in trust for the Pechanga Band of Luiseno Mission Indians, and for other purposes.

H.R. 5350. An act to authorize the Secretary of Commerce to sell or exchange certain National Oceanic and Atmospheric Administration property located in Norfolk, Virginia, and for other purposes.

H.R. 5618. An act to reauthorize and amend the National Sea Grant College Program Act, and for other purposes.

H.R. 6098. An act to amend the Homeland Security Act of 2002 to improve the financial assistance provided to State, local, and tribal governments for information sharing activities, and for other purposes.

H.R. 6849. An act to amend the commodity provisions of the Food, Conservation, and Energy Act of 2008 to permit producers to aggregate base acres and reconstitute farms to avoid the prohibition on receiving direct payments, counter-cyclical payments, or average crop revenue election payments when the sum of the base acres of a farm is 10 acres or less, and for other purposes.

SENATE ENROLLED BILLS SIGNED

The Speaker announced her signature on Monday, September 29, 2008 to enrolled bills of the Senate of the following titles:

S. 2162. An act to improve the treatment and services provided by the Department of Veterans Affairs to veterans with post-traumatic stress disorder and substance use disorders, and for other purposes.

S. 2840. To establish a liaison with the Federal Bureau of Investigation in United States Citizenship and Immigration Services to expedite naturalization applications filed by members of the Armed Forces and to establish a deadline for processing such applications.

S. 2982. An act to amend the Runaway and Homeless Youth Act to authorize appropriations, and for other purposes.

S. 3597. An act to provide that funds allocated for community food projects for fiscal year 2008 shall remain available until September 30, 2009.

The Speaker pro tempore, Mr. HOYER, on Wednesday, October 1, 2008 announced his signature to enrolled bills of the Senate of the following titles:

S. 431. An act to require convicted sex offenders to register online identifiers, and for other purposes.

S. 906. An act to prohibit the sale, distribution, transfer, and export of elemental mercury, and for other purposes.

S. 1276. An act to facilitate the creation of methamphetamine precursor electronic log-book systems, and for other purposes.

S. 1492. An act to improve the quality of Federal and State data regarding the availability and quality of broadband services and to promote the deployment of affordable broadband services to all parts of the Nation.

S. 1582. An act to reauthorize and amend the Hydrographic Services Improvement Act, and for other purposes.

S. 1738. An act to require the Department of Justice to develop and implement a National Strategy Child Exploitation Prevention and Interdiction, to improve the Internet Crimes Against Children Task Force, to increase resources for regional computer forensic labs, and to make other improvements to increase the ability of law enforcement agencies to investigate and prosecute child predators.

S. 2304. An act to amend title I of the Omnibus Crime Control and Safe Streets Act of 1968 to provide grants for the improved mental health treatment and services provided to offenders with mental illnesses, and for other purposes.

S. 2816. To provide for the appointment of the Chief Human Capital Officer of the Department of Homeland Security by the Secretary of Homeland Security.

S. 3015. An act to designate the facility of the United States Postal Service located at 18 S. G Street, Lakeview, Oregon, as the "Dr. Bernard Daly Post Office Building".

S. 3023. An act to amend title 38, United States Code, to improve and enhance compensation and pension, housing, labor and education, and insurance benefits for veterans, and for other purposes.

S. 3082. An act to designate the facility of the United States Postal Service located at 1700 Cleveland Avenue in Kansas City, Missouri, as the "Reverend Earl Abel Post Office Building".

S. 3128. An act to direct the Secretary of the Interior to provide a loan to the White Mountain Apache Tribe for use in planning, engineering, and designing a certain water system project.

S. 3296. An act to extend the authority of the United States Supreme Court Police to protect court officials off the Supreme Court Grounds and change the title of the Administrative Assistant to the Chief Justice.

S. 3325. An act to enhance remedies for violations of intellectual property laws, and for other purposes.

S. 3477. To amend title 44, United States Code, to authorize grants for Presidential Centers of Historical Excellence.

S. 3536. An act to amend section 5402 of title 39, United States Code, to modify the authority relating to United States Postal Service air transportation contracts, and for other purposes.

S. 3550. An act to designate a portion of the Rappahannock River in the Commonwealth of Virginia as the "John W. Warner Rapids".

S. 3569. An act to make improvements in the operation and administration of the Federal courts, and for other purposes.

S. 3598. An act to amend titles 46 and 18, United States Code, with respect to the operation of submersible vessels and semi-submersible vessels without nationality.

S. 3605. An act to extend the pilot program for volunteer groups to obtain criminal history background checks.

S. 3606. An act to extend the special immigrant nonminister religious worker program and for other purposes.

BILLS PRESENTED TO THE PRESIDENT

Lorraine C. Miller, Clerk of the House reports that on September 29, 2008 she presented to the President of the United States, for his approval, the following bills:

H.R. 2638. Making appropriations for the Department of Homeland Security for the fiscal year ending September 30, 2008, and for other purposes.

H.R. 6890. To extend the waiver authority for the Secretary of Education under section 105 of subtitle A of title IV of division B of Public Law 109-148, relating to elementary and secondary education hurricane recovery relief, and for other purposes.

H.R. 6894. To extend and reauthorize the Defense Production Act of 1950, and for other purposes.

ADJOURNMENT

Ms. SUTTON. Mr. Speaker, I move that the House do now adjourn.

The motion was agreed to; accordingly (at 8 o'clock and 20 minutes p.m.), the House adjourned until tomorrow, Friday, October 3, 2008, at 9 a.m.

EXECUTIVE COMMUNICATIONS, ETC.

Under clause 8 of rule XII, executive communications were taken from the Speaker's table and referred as follows:

8958. A letter from the Chief Counsel, FEMA, Department of Homeland Security, transmitting the Department's final rule — Suspension of Community Eligibility [Docket No. FEMA-8039] received October 1, 2008, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Financial Services.

8959. A letter from the General Counsel (OFHEO), Federal Housing Finance Board, transmitting the Board's final rule — Assessments (RIN: 2590-AA00) received September 31, 2008, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Financial Services.

8960. A letter from the Director Office of Standards, Regulations, and Variances, Department of Labor, transmitting the Department's final rule — Mine Rescue Team Equipment (RIN: 1219-AB56) received September 31, 2008, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Education and Labor.

8961. A letter from the Vice Admiral, USN Director, Defense Security Cooperation Agency, transmitting notification concerning the Department of the Air Force's Proposed Letter(s) of Offer and Acceptance to Australia for defense articles and services (Transmittal No. 08-105), pursuant to 22 U.S.C. 2776(b); to the Committee on Foreign Affairs.

8962. A letter from the Acting Assistant Secretary for Legislative Affairs, Department of State, transmitting certification of a proposed Manufacturing License Agreement with the Japan (Transmittal No. DDTC 123-08), pursuant to 22 U.S.C. 2776(d); to the Committee on Foreign Affairs.

8963. A letter from the Acting Assistant Secretary for Legislative Affairs, Department of State, transmitting certification of a proposed Manufacturing License Agreement with Japan (Transmittal No. DDTC 115-08), pursuant to 22 U.S.C. 2776(d); to the Committee on Foreign Affairs.

8964. A letter from the Acting Assistant Secretary for Legislative Affairs, Department of State, transmitting certification of a proposed Manufacturing License Agreement with Greece (Transmittal No. DDTC 102-08), pursuant to 22 U.S.C. 2776(d); to the Committee on Foreign Affairs.

8965. A letter from the Acting Assistant Secretary for Legislative Affairs, Department of State, transmitting certification of a proposed technical assistance agreement

for the export of technical data, defense services, and defense articles to South Korea, the United Kingdom, and France (Transmittal No. DDTC 122-08), pursuant to 22 U.S.C. 2776(c); to the Committee on Foreign Affairs.

8966. A letter from the Acting Assistant Secretary for Legislative Affairs, Department of State, transmitting certification of a proposed technical assistance agreement for the export of technical data, defense services, and defense articles to Italy (Transmittal No. DDTC 108-08), pursuant to 22 U.S.C. 2776(c); to the Committee on Foreign Affairs.

8967. A letter from the Acting Assistant Secretary for Legislative Affairs, Department of State, transmitting certification of a proposed technical assistance agreement for the export of technical data, defense services, and defense articles to Italy (Transmittal No. DDTC 099-08), pursuant to 22 U.S.C. 2776(c); to the Committee on Foreign Affairs.

8968. A letter from the Acting Assistant Secretary for Legislative Affairs, Department of State, transmitting certification of a proposed technical assistance agreement for the export of technical data, defense services, and defense articles to Sweden (Transmittal No. DDTC 112-08), pursuant to 22 U.S.C. 2776(c); to the Committee on Foreign Affairs.

8969. A letter from the Acting Assistant Secretary for Legislative Affairs, Department of State, transmitting certification of a proposed technical assistance agreement for the export of technical data, defense services, and defense articles to Mexico (Transmittal No. DDTC 120-08), pursuant to 22 U.S.C. 2776(c); to the Committee on Foreign Affairs.

8970. A letter from the Acting Assistant Secretary for Legislative Affairs, Department of State, transmitting certification of a proposed technical assistance agreement for the export of technical data, defense services, and defense articles to the Republic of Singapore (Transmittal No. DDTC 119-08), pursuant to 22 U.S.C. 2776(c); to the Committee on Foreign Affairs.

8971. A letter from the Acting Assistant Secretary for Legislative Affairs, Department of State, transmitting certification of a proposed technical assistance agreement for the export of technical data, defense services, and defense articles to The United Arab Emirates (Transmittal No. DDTC 117-08), pursuant to 22 U.S.C. 2776(c); to the Committee on Foreign Affairs.

8972. A letter from the Acting Assistant Secretary Legislative Affairs, Department of State, transmitting a report entitled "Report of U.S. Citizen Expropriation Claims and Certain Other Commercial and Investment Disputes," pursuant to Public Law 103-236, section 527(f); to the Committee on Foreign Affairs.

8973. A letter from the Assistant Secretary For Export Administration, Department of Commerce, transmitting the Department's final rule — De Minimis U.S. Content in Foreign Made Items [Docket No.] (RIN: 0694-AC17) received September 31, 2008, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Foreign Affairs.

8974. A letter from the Acting Assistant Secretary Legislative Affairs, Department of State, transmitting the Department's final rule — Visas: Documentation of Non-immigrants Under the Immigration and Nationality Act, As Amended. [Public Notice:] received September 31, 2008, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Foreign Affairs.

8975. A letter from the Acting Assistant Secretary Legislative Affairs, Department of State, transmitting the Department's final rule — Amendment to the International

Traffic in Arms Regulations: Registration Fee Change [Public Notice:] (RIN: 1400-AC50) received October 1, 2008, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Foreign Affairs.

8976. A letter from the Acting Assistant Secretary Legislative Affairs, Department of State, transmitting the Department's final rule — Amendment to the International Arms Traffic in Arms Regulations: Eritrea [Public Notice:] received October 1, 2008, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Foreign Affairs.

8977. A letter from the Acting Assistant Secretary Legislative Affairs, Department of State, transmitting pursuant to section 3(d) of the Arms Export Control Act, certification regarding the proposed transfer of major defense equipment from Turkey (Transmittal No. RSAT-07-08); to the Committee on Foreign Affairs.

8978. A letter from the Acting Assistant Secretary Legislative Affairs, Department of State, transmitting pursuant to section 3(d) of the Arms Export Control Act, certification regarding the proposed retransfer of major defense equipment from the United Kingdom to Saudi Arabia (Transmittal No. DDTC 010-08); to the Committee on Foreign Affairs.

8979. A letter from the Acting Assistant Secretary Legislative Affairs, Department of State, transmitting pursuant to section 36(c) of the Arms Export Control Act, certification of an application for a license for the export of defense articles and services to Singapore (Transmittal No. DDTC 060-08); to the Committee on Foreign Affairs.

8980. A letter from the Acting Assistant Secretary Legislative Affairs, Department of State, transmitting certification of a proposed agreement for the export of defense articles or defense services sold commercially under a contract to the Republic of Korea (Transmittal No. DDTC 121-08); to the Committee on Foreign Affairs.

8981. A letter from the Acting Assistant Secretary Legislative Affairs, Department of State, transmitting certification of a proposed technical assistance agreement for the export of technical data, defense services, and defense articles to Qatar (Transmittal No. DDTC 110-08); to the Committee on Foreign Affairs.

8982. A letter from the Chief, Publications and Regulations Branch, Internal Revenue Service, transmitting the Service's final rule — 26 CFR 601.105: Examination of returns and claims for refund, credit, or abatement; determination of correct tax liability. (Also PART 1, 62, 162, 267, 274, 1.62-2, 1.162-17, 1.267(a)-1, 1.274-5.) (Rev. Proc. 2008-59) received September 31, 2008, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Ways and Means.

8983. A letter from the Chief, Publications and Regulations, Internal Revenue Service, transmitting the Service's final rule — 26 CFR 601.105: Examination of returns and claims for refund, credit, or abatement; determination of correct tax liability. (Also Part 1, 42; 1.42-14.) (Rev. Proc. 2008-57) received September 31, 2008, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Ways and Means.

8984. A letter from the Regulation Coordinator, Department of Health and Human Services, transmitting the Department's "Major" final rule — Medicare Program; Hospital Inpatient Prospective Payment Systems and Fiscal Year 2009 Rates: Final Fiscal Year 2009 Wage Indices and Payment Rates Including Implementation of Section 124 of the Medicare Improvement for Patients and Providers Act of 2008 [CMS-1390-N] (RIN: 0938-AP15) received September 29, 2008, pursuant to 5 U.S.C. 801(a)(1)(A); jointly to the Committees on Energy and Commerce and Ways and Means.

REPORTS OF COMMITTEES ON
PUBLIC BILLS AND RESOLUTIONS

Under clause 2 of rule XIII, reports of committees were delivered to the Clerk for printing and reference to the proper calendar, as follows:

Mr. FRANK of Massachusetts: Committee on Financial Services. H.R. 6694. A bill to revise the requirements for seller-financed downpayments for mortgages for single-family housing insured by the Secretary of Housing and Urban Development under title II of the National Housing Act and to authorize risk-based insurance premiums for certain mortgagors under such mortgages; with an amendment (Rept. 110-905). Referred to the Committee of the Whole House on the State of the Union.

Mr. FRANK of Massachusetts: Committee on Financial Services. H.R. 840. A bill to amend the McKinney-Vento Homeless Assistance Act to consolidate the housing assistance programs for homeless persons under title IV of such Act, and for other purposes; with an amendment (Rept. 110-906). Referred to the Committee of the Whole House on the State of the Union.

Ms. SLAUGHTER: Committee on Rules. House Resolution 1525. Resolution providing for consideration of the Senate amendments to the bill (H.R. 1424) to amend section 712 of the Employee Retirement Income Security Act of 1974, section 2705 of the Public Health Service Act, section 9812 of the Internal Revenue Code of 1986 to require equity in the provision of mental health and substance-related disorder benefits under group health plans, to prohibit discrimination on the basis of genetic information with respect to health insurance and employment, and for other purposes (Rept. 110-907). Referred to the House Calendar.

Ms. SUTTON: Committee on Rules. House Resolution 1526. Resolution providing for consideration of motions to suspend the rules and waiving a requirement of clause 6(a) of the rule XIII with respect to consideration of certain resolutions reported from the Committee on Rules (Rept. 110-908). Referred to the House Calendar.

TIME LIMITATION OF REFERRED
BILLS

Pursuant to clause 2 of rule XII the following actions were taken by the Speaker:

H.R. 554. Referral to the Committees on Agriculture and the Judiciary extended for a period ending not later than October 3, 2008.

H.R. 948. Referral to the Committee on Ways and Means extended for a period ending not later than October 3, 2008.

H.R. 1717. Referral to the Committee on Energy and Commerce extended for a period ending not later than October 3, 2008.

H.R. 1746. Referral to the Committees on Foreign Affairs, Oversight and Government Reform, and the Judiciary for a period ending not later than October 3, 2008.

H.R. 5577. Referral to the Committee on Energy and Commerce extended for a period ending not later than October 3, 2008.

H.R. 6357. Referral to the Committee on Ways and Means extended for a period ending not later than October 3, 2008.

H.R. 6598. Referral to the Committee on Agriculture extended for a period ending not later than October 3, 2008.

PUBLIC BILLS AND RESOLUTIONS

Under clause 2 of rule XII, public bills and resolutions of the following

titles were introduced and severally referred, as follows:

By Mr. DEFAZIO (for himself, Mr. JONES of North Carolina, Ms. KAPTUR, Mr. HULSHOF, Mr. SCOTT of Virginia, Mr. ABERCROMBIE, Ms. HIRONO, Ms. EDWARDS of Maryland, Mr. CONYERS, Mr. CUMMINGS, Ms. SUTTON, Mr. DELAHUNT, and Mr. JOHNSON of Georgia):

H.R. 7240. A bill to direct the Securities and Exchange Commission to issue rules regarding short selling of securities, to establish a net worth certificate program in the Federal Deposit Insurance Corporation, increase the maximum amount of depository insurance, and for other purposes; to the Committee on Financial Services.

By Mr. ENGEL (for himself, Mr. DINGELL, Mr. WAXMAN, Mr. RANGEL, Mr. KING of New York, Mrs. CAPPS, Mr. MCHUGH, Ms. ESHOO, Mr. CROWLEY, and Mr. ALLEN):

H.R. 7241. A bill to preserve access to healthcare under the Medicare and Medicaid programs; to the Committee on Energy and Commerce, and in addition to the Committee on Ways and Means, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. ANDREWS:

H.R. 7242. A bill to make technical corrections to the Pension Protection Act of 2006 relating to the Internal Revenue Code of 1986, and for other purposes; to the Committee on Ways and Means, and in addition to the Committee on Education and Labor, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. CLEAVER (for himself, Mr. GRAVES, and Mr. SKELTON):

H.R. 7243. A bill to designate the Liberty Memorial at the National World War I Museum in Kansas City, Missouri, as the National World War I Memorial; to the Committee on Natural Resources.

By Mr. HOLT:

H.R. 7244. A bill to amend the National Voter Registration Act of 1993 to establish notice and review requirements for the removal of individuals from the official list of eligible voters by reason other than a change of residence, and for other purposes; to the Committee on House Administration.

By Mr. HOLT:

H.R. 7245. A bill to amend the Help America Vote Act of 2002 to prohibit the use in any election for Federal office of any election-dedicated voting system technology which has not been certified for use in the election by the State which will administer the election and to establish the standards under which such technology and information regarding the technology may be disclosed, and for other purposes; to the Committee on House Administration.

By Mr. HOLT:

H.R. 7246. A bill to amend the Help America Vote Act of 2002 to establish standards for the publication of the poll tapes used in elections for Federal office, and for other purposes; to the Committee on House Administration.

By Mr. HOLT:

H.R. 7247. A bill to amend the Help America Vote Act of 2002 to establish standards for the transparent and accurate tabulation of votes and aggregation of vote counts in elections for Federal office, and for other purposes; to the Committee on House Administration.

By Mr. HOLT:

H.R. 7248. A bill to amend the Uniformed and Overseas Citizens Absentee Voting Act

to require States to accept absentee ballots of overseas military and civilian voters which are submitted by the voter to a provider of express mail services not later than the day before the date of the election involved for transmission to the appropriate State election official, to require the Secretary of Defense to reimburse overseas military voters for the costs of using a provider of express mail services to transmit the ballot to the official, and for other purposes; to the Committee on House Administration.

By Mr. HOLT:

H.R. 7249. A bill to amend the Internal Revenue Code of 1986 to provide a tax credit to farmers to offset high energy prices, to encourage the use of renewable energy, and to reduce prices to consumers; to the Committee on Ways and Means.

By Mr. INSLEE (for himself, Mr. WAXMAN, Mr. HONDA, and Mr. OLVER):

H.R. 7250. A bill to require the Administrator of the Environmental Protection Agency to conduct a study on black carbon emissions and to reduce global black carbon emissions; to the Committee on Energy and Commerce, and in addition to the Committees on Foreign Affairs, and Science and Technology, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. MCHUGH:

H.R. 7251. A bill to amend the Elementary and Secondary Education Act of 1965 to ensure that local educational agencies receive Impact Aid payments for lands held in trust for the benefit of a federally recognized Indian tribe or individual Indian and to amend title 31 of the United States Code to ensure that local governments receive payments in lieu of taxes for lands held in trust for the benefit of a federally recognized Indian tribe or individual Indian; to the Committee on Education and Labor, and in addition to the Committee on Natural Resources, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. SKELTON:

H. Con. Res. 442. Concurrent resolution directing the Secretary of the Senate to correct the enrollment of the bill S. 3001; considered and agreed to.

By Mr. FILNER (for himself, Mr. HONDA, Mr. ISSA, and Mr. SCOTT of Virginia):

H. Res. 1523. A resolution recognizing Filipino American Heritage Month and celebrating the heritage and culture of Filipino Americans and their immense contributions to the Nation; to the Committee on Oversight and Government Reform.

By Mr. EHLERS:

H. Res. 1524. A resolution requiring the use of a bipartisan panel of Members in the selection of an individual for appointment as Chief Administrative Officer of the House of Representatives; to the Committee on House Administration.

ADDITIONAL SPONSORS

Under clause 7 of rule XII, sponsors were added to public bills and resolutions as follows:

H.R. 154: Mr. COURTNEY.

H.R. 279: Mr. ROHRBACHER.

H.R. 303: Mr. ANDREWS.

H.R. 579: Mr. ANDREWS.

H.R. 661: Mr. BOUCHER.

H.R. 715: Ms. DELAURO, Ms. MCCOLLUM of Minnesota, Mr. HONDA, Mr. TOWNS, and Mr. LEWIS of Georgia.

H.R. 866: Mr. BOOZMAN.
 H.R. 1606: Mr. KUCINICH.
 H.R. 1621: Mr. PASCRELL and Mr. JONES of North Carolina.
 H.R. 1691: Ms. MATSUI.
 H.R. 1755: Ms. LEE.
 H.R. 1884: Mr. MACK.
 H.R. 1889: Mr. HALL of New York.
 H.R. 1890: Mr. HALL of New York.
 H.R. 2066: Ms. DEGETTE.
 H.R. 2075: Mr. VAN HOLLEN.
 H.R. 2131: Mr. EDWARDS of Texas.
 H.R. 2266: Mr. NADLER.
 H.R. 2329: Mr. NUNES.
 H.R. 2472: Mr. CASTLE.
 H.R. 2617: Mr. HARE.
 H.R. 2694: Mr. HARE.
 H.R. 2864: Mr. REYES.
 H.R. 2870: Mr. PASCRELL and Mr. RYAN of Ohio.
 H.R. 2941: Mr. ANDREWS.
 H.R. 3041: Mr. RYAN of Ohio.
 H.R. 3057: Mr. ALTMIRE.
 H.R. 3283: Mr. ANDREWS.
 H.R. 3404: Mr. MARKEY.
 H.R. 3618: Mr. ABERCROMBIE.
 H.R. 3834: Mr. FEENEY.
 H.R. 3874: Mr. ARCURI.
 H.R. 3929: Mr. MARKEY.
 H.R. 4052: Mr. STUPAK.
 H.R. 4135: Mr. SCOTT of Georgia, Mr. HOLT, Mr. COHEN, Mr. SCOTT of Virginia, Mr. ORTIZ, Mr. AL GREEN of Texas, Ms. EDWARDS of Maryland, and Mr. NADLER.
 H.R. 4138: Ms. ROS-LEHTINEN.
 H.R. 4218: Mr. KUCINICH and Mr. LEWIS of Georgia.
 H.R. 4304: Mr. ROGERS of Alabama.
 H.R. 4990: Mr. HINCHEY and Mr. McDERMOTT.
 H.R. 4992: Mr. HINCHEY, Mr. McDERMOTT, Ms. MATSUI, Mr. MCGOVERN, and Mr. BERMAN.
 H.R. 4993: Mr. HINCHEY, Mr. McDERMOTT, Ms. MATSUI, Mr. MCGOVERN, and Mr. BERMAN.
 H.R. 5448: Mr. MAHONEY of Florida and Mrs. TAUSCHER.
 H.R. 5466: Mr. ANDREWS.
 H.R. 5565: Mr. SALI.
 H.R. 5585: Mr. KUCINICH and Ms. SCHWARTZ.
 H.R. 5615: Mr. RYAN of Ohio.
 H.R. 5656: Mr. DANIEL E. LUNGREN of California, Mrs. EMERSON, Mr. FOSSELLA, Mr. BARRETT of South Carolina, and Mr. BOOZMAN.
 H.R. 5674: Mr. HALL of New York.
 H.R. 5704: Ms. SCHAKOWSKY and Mr. BISHOP of Georgia.

H.R. 5734: Mrs. BIGGERT.
 H.R. 5881: Mr. KUCINICH.
 H.R. 6057: Mr. KUCINICH.
 H.R. 6157: Mr. HALL of New York.
 H.R. 6180: Mr. FARR and Ms. EDWARDS of Maryland.
 H.R. 6381: Mr. KUCINICH.
 H.R. 6411: Mr. FLAKE.
 H.R. 6462: Mr. HALL of New York.
 H.R. 6495: Mr. ROTHMAN.
 H.R. 6548: Mr. PLATTS and Ms. ESHOO.
 H.R. 6562: Mr. McNERNEY.
 H.R. 6567: Mr. PASCRELL.
 H.R. 6597: Ms. DELAURO, Mr. KIRK, Ms. MATSUI, and Mr. EMANUEL.
 H.R. 6603: Mr. KIND.
 H.R. 6643: Mr. HOLT and Ms. NORTON.
 H.R. 6659: Mr. WELDON of Florida, Mr. HENSARLING, and Mrs. BACHMANN.
 H.R. 6680: Mr. HARE.
 H.R. 6694: Ms. SUTTON, Mr. TOWNS, and Mr. BERMAN.
 H.R. 6702: Mr. ROTHMAN.
 H.R. 6725: Mr. KLEIN of Florida and Mr. MARKEY.
 H.R. 6798: Ms. BORDALLO.
 H.R. 6867: Mr. ENGLISH of Pennsylvania.
 H.R. 6873: Ms. KAPTUR, Mrs. BOYDA of Kansas, and Ms. GIFFORDS.
 H.R. 6884: Mr. ALLEN.
 H.R. 6896: Mr. BUTTERFIELD.
 H.R. 6905: Mr. KUCINICH.
 H.R. 6939: Mr. GOODE and Mr. BOSWELL.
 H.R. 6941: Ms. SCHAKOWSKY.
 H.R. 6949: Mr. SHAYS.
 H.R. 7013: Ms. ROYBAL-ALLARD and Mr. HARE.
 H.R. 7064: Mr. INGLIS of South Carolina.
 H.R. 7079: Mrs. CHRISTENSEN.
 H.R. 7104: Mr. LOBIONDO.
 H.R. 7119: Mr. MARIO DIAZ-BALART of Florida.
 H.R. 7122: Mr. KUCINICH.
 H.R. 7125: Mr. HONDA.
 H.R. 7130: Ms. BORDALLO, Mr. HINCHEY, and Ms. SCHAKOWSKY.
 H.R. 7152: Mr. JEFFERSON and Mr. HINCHEY.
 H.R. 7162: Mr. GRUJALVA.
 H.R. 7181: Mr. LEWIS of Georgia.
 H.R. 7209: Mrs. CHRISTENSEN.
 H.R. 7211: Mr. HINCHEY.
 H.R. 7219: Mr. HALL of New York, Mr. ISRAEL, Ms. SLAUGHTER, and Mr. BISHOP of New York.
 H.R. 7223: Mr. BACHUS, and Mr. WITTMAN of Virginia.
 H.R. 7226: Mr. MCCOTTER.
 H.J. Res. 91: Mr. KUCINICH.
 H. Con. Res. 425: Mr. FERGUSON and Mrs. BONO MACK.

H. Con. Res. 434: Mr. SMITH of New Jersey and Mr. MORAN of Kansas.
 H. Con. Res. 438: Mr. PAYNE.
 H. Res. 758: Ms. FOXX and Mr. LINCOLN DAVIS of Tennessee.
 H. Res. 1164: Mr. MCCOTTER.
 H. Res. 1328: Mr. BLBRAY, Mrs. TAUSCHER, Ms. DELAURO, Ms. HARMAN, Mr. GOODE, Mrs. BIGGERT, and Mr. SARBANES.
 H. Res. 1397: Mrs. MCCARTHY of New York, Mr. TOWNS, and Mr. HONDA.
 H. Res. 1405: Mrs. SCHMIDT.
 H. Res. 1452: Mr. ABERCROMBIE.
 H. Res. 1462: Mr. HERGER and Mr. ENGEL.
 H. Res. 1477: Mr. RAHALL, Mr. THOMPSON of Mississippi, and Mr. INGLIS of South Carolina.
 H. Res. 1478: Mr. RYAN of Ohio, Mr. MCGOVERN, Mr. PAYNE, Mr. PICKERING, Ms. BERKLEY, Mr. FORTUÑO, Mr. KLEIN of Florida, Mr. ORTIZ, Ms. MATSUI, Mr. MOORE of Kansas, Mrs. MALONEY of New York, and Mr. TOWNS.
 H. Res. 1482: Mr. INGLIS of South Carolina, Mr. BROWN of South Carolina, Mr. PENCE, and Mr. AKIN.
 H. Res. 1522: Mr. GEORGE MILLER of California.

PETITIONS, ETC.

Under clause 3 of rule XII, petitions and papers were laid on the Clerk's desk and referred as follows:

326. The SPEAKER presented a petition of the National Lieutenant Governors Association, relative to a resolution for children's low-cost laptops; to the Committee on Education and Labor.

327. Also, a petition of the National Lieutenant Governors Association, relative to a resolution advocating better health care for all; to the Committee on Energy and Commerce.

328. Also, a petition of the National Lieutenant Governors Association, relative to a resolution in support of establishing a national international education policy; jointly to the Committees on Foreign Affairs and Education and Labor.

329. Also, a petition of the National Lieutenant Governors Association, relative to a resolution to establish a national military family relief fund; jointly to the Committees on Ways and Means and Armed Services.