NATIVE AMERICAN HOUSING ASSISTANCE AND SELF-DETERMINATION REAUTHORIZATION ACT OF 2007

The SPEAKER pro tempore. Pursuant to House Resolution 633 and rule XVIII, the Chair declares the House in the Committee of the Whole House on the state of the Union for the consideration of the bill, H.R. 2786.

□ 1121

IN THE COMMITTEE OF THE WHOLE

Accordingly, the House resolved itself into the Committee of the Whole House on the state of the Union for the consideration of the bill (H.R. 2786) to reauthorize the programs for housing assistance for Native Americans, with Mr. HOLDEN in the chair.

The Clerk read the title of the bill.

The CHAIRMAN. Pursuant to the rule, the bill is considered read the first time.

The gentleman from Massachusetts (Mr. FRANK) and the gentleman from New Mexico (Mr. PEARCE) each will control 30 minutes.

The Chair recognizes the gentleman from Massachusetts.

Mr. FRANK of Massachusetts. Mr. Chairman, I yield myself such time as I may consume.

This is a reauthorization, and I believe with the initiative of the gentleman from New Mexico, which I hope the House will adopt, will extend the Federal program that responds to the economic needs of the Native Americans. It also has a provision reauthorizing the Native Hawaiian legislation.

The program primarily provides funding, subject, of course, to appropriation, to the recognized tribes for housing. Members will be aware, if they represent areas where the tribes are and if they have visited those areas, that inadequate housing is a serious social problem for many of our Native American residents. And this is a bill that provides money to them to help them meet that need.

Now, the program is changed in three ways: First, as I said, it has not yet been changed but we expect it to be. Our committee has unanimously expressed its support for an amendment that was drafted by the gentleman from New Mexico (Mr. PEARCE), who will be offering it, which creates an economic development program to go along with the housing program, and we do believe adequate housing and economic development go hand in hand.

Secondly, at the request of the tribes, the Indian Housing Council, we have added in this a provision for a reserve fund and we have also provided funding for a self-determination program. So this bill comes before us strongly supported by the broad range of the tribes and it continues Federal support to help the tribes themselves build housing and will, I hope, also now have a component for economic development.

There is one item of some controversy which I think all of us involved here regret but we cannot ignore. The gentleman from North Carolina will be offering an amendment which says that no funding under this bill, including the housing program and the, I hope to be adopted, economic development program to the one tribe, the Cherokees, who have recently decided that the descendants of the slaves that the tribe had in the 19th century will be excluded from tribal benefits despite a treaty obligation to the contrary, we hope in the end that will never be necessary. In fact, I believe we will see an amendment that will make it clear that the amendment will only apply as long as the tribe maintains that position and there is pending litigation in the tribal court to change it. We hope it is changed. That's, as I see, the only controversy that applies to the program itself. I take it back. I know there will be an amendment to strike the Native Hawaiian program, and we will very vigorously oppose that. We have had that debate before. This is a program that works well, that is overwhelmingly supported in the State of Hawaii, and we believe should be allowed to continue.

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

Mr. PEARCE. Mr. Chairman, I yield myself such time as I may consume.

I rise to offer support for H.R. 2786, the Native American Housing Assistance and Self-Determination Reauthorization Act.

Chairman FRANK has described it very well. Basically, we are trying to see that the plight of Native Americans in their housing can be improved. It is basically fairly simple.

As home to many Native American tribes, New Mexico sees this problem up close. The lack of standard housing, the availability of substandard housing, the lack of economic development opportunities, the lack of infrastructure such as water and wastewater treatment facilities all continue to plague people who are trying to make the tribal grounds their home and their place of habitation.

So I am pleased to be an original cosponsor of the bill and appreciate the hard work of Representative KILDEE, Chairman FRANK, and Chairwoman WATERS in drafting a bill that begins to address these problems.

One of the things that I think is most important is the flexibility and self-determination that begins to work its way into the legislation. Washington has never been the right place to make decisions for either local, State, or tribal governments, and in this bill we begin to send more of that autonomy, to send more of the decision-making power back to the tribes, which I think is an excellent opportunity for them to begin to find their way to self-sufficiency.

We have had one of my good friends come and testify on the bill. That was the president of the Mescalero Apaches, Mark Chino, who came here during the Financial Services Committee's consideration of the bill and gave his insights on why the program is needed. And, again, I would just like to commend each one of the tribal leaders throughout not only New Mexico but throughout this country for really doing their job to begin to see that tribes deal with the problems that face them, not waiting for the Federal Government to come around and not waiting for BIA, not waiting for any of the agencies. And this bill, in its block grant program, begins to do that.

Another one of the significant things of this bill is that it allows tribes to take loans out, to incur indebtedness, to issue bonds in order to get infrastructure on the tribal grounds. I know that the Mescaleros do not have their own wastewater treatment facility. They instead work with the local communities of Ruidoso and Ruidoso Downs to deal with the wastewater treatment. But as tribes across the country are allowed to incur indebtedness for these solutions, then I think that is going to be extraordinarily important.

Some of the tribes have used their housing money, for instance, to go to FEMA where many of the trailers that were bought and put there for Hurricane Katrina victims ended up not being needed or used, and different tribes, which the Mescaleros were, I think, the first in the Nation to go take advantage of some of those trailers, move them into their native grounds. And it represents a significant improvement over what some of the families already had. So we are beginning to see those roots and those seeds of self-determination already make a difference in the lives of Native Americans. And with this reauthorization, we will be able to continue to see those seeds of local progress, local input becoming the way that we do business.

I support the bill and look forward to the discussion.

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

□ 1130

Mr. FRANK of Massachusetts. Mr. Chairman, there are issues in which a number of Members of the House are recognized as leaders. There are sometimes issues where one particular Member, by the force of his commitment, by the intellectual powers he brings to bear, by the length of that commitment, really stands out as a leader. And on this particular issue, the issue of Native Americans in general, that is our colleague from Michigan (Mr. KILDEE) dating back from his days in the State legislature in Michigan, when he represented a district with no Native Americans. They named cars in his district after Native Americans, but they're the only ones with those names that lived there. And just out of a concern that America honor its commitment in this area, which we haven't always done, he has been for many years a champion of the cause of Native Americans.

I am delighted to have worked with him on this bill, he is the sponsor of the bill, and I yield him such time as he may consume.

Mr. KILDEE. I thank the gentleman for his kind words.

Mr. Chairman, I rise in strong support of H.R. 2786, a bill to reauthorize the Native American Housing Assistance and Self-Determination Act. I am proud to be the sponsor of this very important legislation.

NAHASDA, enacted in 1996, was the first piece of comprehensive housing legislation directed solely to Native American and Alaskan Native people. It has become the basic program aiding Native Americans in tribal areas with affordable housing development, including homeownership, rehabilitation, infrastructure development, and other affordable housing assistance.

The success of NAHASDA is clear. Since its enactment, thousands of housing units have been constructed or are in development. Despite this record, however, there is still a substantial unmet need for housing units, a need that continues to grow for one of the fastest growing population groups in the country.

This bill, which is based largely upon the recommendations made by the Native American Indian Housing Council, has bipartisan support. I want to thank my colleagues, Chairman BARNEY FRANK and Congresswoman MAXINE WATERS and Mr. PEARCE, who has been a very, very active supporter of this legislation and other legislation affecting our Native Americans.

Its primary objective is to improve housing conditions in Indian country. Building upon the basic framework of NAHASDA, the bill will give tribes greater flexibility in meeting the housing needs of the tribal citizens. To that end, the bill creates a self-determination program which authorizes tribes to set aside 15 percent of its annual NAHASDA grant funding, up to $1 million, for the acquisition, construction or rehabilitation of housing. A year before the next NAHASDA reauthorization in 2011, HUD would report to Congress the results of this program.

Among other revisions, the bill will make certain that tribes can compete for Home Investment Partnership Act funds, removes competitive procurement rules and procedures for purchases and goods under $5,000, makes Federal supply sources through the GSA more accessible to tribes, recognizes tribal preference laws in hiring and contracting for NAHASDA activities, allows tribes to carry over NAHASDA funds to a subsequent grant year, and permits tribes to establish a reserve account up to 20 percent of the tribe's annual NAHASDA grant.

Mr. Chairman, this authorization bill will build upon the success of NAHASDA over the past 11 years by providing more housing development on our Nation's Indian reservations.

I urge my colleagues to support this bill.

Mr. PEARCE. Mr. Chairman, I would compliment the gentleman from Michigan for his work on this legislation. He has been tireless in his support of and the working of the legislation to get it to this point on the floor.

In my district we have several tribes, including Laguna, Acoma, Zuni, Mescalero, Isleta, the Ramah Navajo chapter, Tohajiilee Navajo chapter and the Alamo Navajo chapter, and each are faced with different difficulties. That's the reason that the flexibility is so important that is offered in this legislation.

Flexibility and autonomy are the beginning points, and accountability then is kind of the finishing point. Given the opportunity to solve their own problems, given the resources to solve their problems holds the tribes accountable. And I have not found one that finds this distressing in any way.

Too often I think that the Federal Government has been looked at as the caretaker of entire cultures, and literally that's not possible that the caretaker of the culture has to be the cultural members themselves. We see significant advances and capabilities in these areas. And, again, I am happy to be a part of this particular effort in this particular extension of flexibility and accountability.

Mr. HONDA. Mr. Chairman, I rise today to express my strong support for H.R. 2786, the Native American Housing Assistance and Self-Determination Reauthorization Act of 2007. I was proud to vote in favor of this legislation today.

H.R. 2786 will provide housing assistance for those Native Americans who are impoverished and living in dire conditions. It reauthorizes block grants under the Native American Housing Assistance and Self-Determination Act of 1996 (NAHASDA) on behalf of Indian tribes for carrying out affordable housing activities.

Included in this important legislation is the authorization of the Native Hawaiian Housing Block Grant and Loan Guarantee Program, which funds infrastructure development and homeownership assistance for Native Hawaiians. The loan guarantee program also helps eligible Native Hawaiian families obtain mortgages. I was proud to vote in favor of this stand alone legislation in July, which was sponsored by my good friend and colleague, Representative NEIL ABERCROMBIE, and I was happy to see it included into H.R. 2786 today.

As a proponent of NAHASDA and the Native American Indian Housing Council (NAIHC), I also sponsored report language in the FY2008 Transportation, Housing and Urban Development Appropriations bill which expects HUD to continue to provide resources to the NAIHC, if authorized. The NAIHC is an excellent program which assists tribes and tribal housing entities to provide culturally relevant, safe, sanitary, and quality affordable housing for Native people in American Indian communities and Alaska Native villages. Its importance must not be underscored, as it is the only national housing organization working on behalf of tribes and tribal housing entities across the United States.

With the passage of H.R. 2786 today, we have taken an important step towards the reauthorization of NAHASDA and NAIHC and to providing this community with the necessary federal assistance to help achieve the American dream of owning a home.

Providing this assistance to Native Americans is in the best interest of our nation. I look forward to continuing to work to advance the cause of Native Americans, as well as the NAIHC.

Mr. BACA. Mr. Chairman, I rise in support of the reauthorization of H.R. 2786, the Native American Housing Assistance and Self-Determination Act (NAHASDA). However, I want to register my strong opposition to two amendments which were accepted during today's floor consideration: the Watt and Boren amendments.

Both of these amendments would prohibit NAHASDA funds from going to the Cherokee Nation of Oklahoma until it fully recognizes all Cherokee Freedmen and their descendants as citizens of the Cherokee Nation. The status of the Freedmen descendents under the 1866 Treaty is a complex legal issue with a long history. Currently, it is being addressed before the Tribal Courts system. I think it would be premature for Congress to intervene before the courts have had a chance to examine the legal issues surrounding this case.

I also believe these amendments would set a bad precedent for the basic constitutional values of due process and the role of the judicial branch in resolving legal disputes.

NAHASDA is intended to provide housing assistance to low-income families on Indian country. These amendments are not only nongermane; they would harm the most vulnerable members of the Nation. I urge my colleagues to wait on the courts to rule on this case before legislating.

Mr. PEARCE. Mr. Chairman, I yield back the balance of my time.

Mr. FRANK of Massachusetts. Mr. Chairman, I also yield back the balance of my time.

The CHAIRMAN. All time for general debate has expired.

Pursuant to the rule, the bill is considered read for amendment under the 5-minute rule.

No amendment to the bill is in order except those printed in the portion of the CONGRESSIONAL RECORD designated for that purpose and pro forma amendments for purpose of debate. Amendments printed in the RECORD may be offered only by the Member who caused it to be printed or his designee and shall be considered read.

AMENDMENT NO. 6 OFFERED BY MR. WATT

Mr. WATT. Mr. Chairman, I offer an amendment.

The CHAIRMAN. The Clerk will designate the amendment.

The text of the amendment is as follows:

Amendment No. 6 offered by Mr. WATT:

Page 3, line 9, strike the quotation marks and the last period.

Page 3, after line 9, insert the following:

''(1) LIMITATION ON USE FOR CHEROKEE NATION.—No funds authorized under this Act, or the amendments made by this Act, or appropriated pursuant to an authorization under this Act or such amendments, shall be expended for the benefit of the Cherokee Nation of Oklahoma until the Cherokee Nation of Oklahoma is in full compliance with the Treaty of 1866 and fully recognizes all Cherokee Freedmen and their descendants as citizens of the Cherokee Nation.''.

The CHAIRMAN. The gentleman from North Carolina is recognized for 5 minutes.

Mr. WATT. Mr. Chairman, I am offering this amendment not proudly, unfortunately, but because of circumstances that have arisen that I will describe briefly and create the context for the amendment.

In 1866, after the Cherokee Nation, which at that time also owned slaves, had gone through tremendous imposition by the United States and forced off of their land, including the people that they owned as slaves, the Cherokee Nation of Oklahoma entered into a treaty with the United States under which it agreed to make not only the Indians who were Cherokees, but their slaves, members of the Cherokee Nation. Unfortunately, in March of 2007, the Cherokee Nation decided that it would, in violation of the 1866 treaty, take action to, in effect, rescind the citizenship of the descendants of the African Americans who had been their slaves, the so-called ''Cherokee Freedmen.'' That has created a tension between the African American community and the Cherokee Nation, which can best be described as unfortunate because there is so much common heritage there between the Cherokee Nation and African Americans, and common experience. And this has created a divide which we hope will soon be repaired and restored.

I'm in the unique position of understanding both sides of this because I understand when the Cherokee Nation says that in order to be a Cherokee, one has to have some Cherokee blood. And that is a position that is not a racist position. It is a position of establishing their ancestry, their blood lineage; and I have respect for that.

And I'm in the unique position of having a great-great-grandmother who was a Cherokee. I'm also in the unique position of being an African American and understanding that the fact of what the Cherokee Nation has done would be exactly the same as if the United States of America, having imported black people from Africa and enslaved them, once slavery had ended, had taken the position that slaves could not be citizens of the United States.

So I understand both sides of this argument. And I have tried to walk down the middle of it, but there is no way to reconcile those two positions. And so I reluctantly offer this amendment that would have the effect of denying funds that may be appropriated pursuant to the provisions of this bill, to the authority that is given under this bill, it would deny those funds from the Cherokee Nation of Oklahoma until such time that they recognize the Freedmen as citizens of the Cherokee Nation.

With that, that's the essence of the amendment, and I will yield back the balance of my time.

Mr. PEARCE. Mr. Chairman, I would claim time in opposition, though I may not speak in opposition to the amendment.

The CHAIRMAN. The gentleman from New Mexico is recognized for 5 minutes.

Mr. PEARCE. I thank the chairman and I thank the gentleman for his amendment.

This is the same amendment that was offered to a freestanding piece of legislation that was offered in the Financial Services Committee. At that point, I commended the gentleman, Mr. WATT, for his work on justice, equality and fairness, and recognize that. I also favor loud and extremely clear messages, and this language is that.

My concern on the day that we accepted this amendment as a part of our freestanding bill was that the underlying bill addresses some of the most needy, most impoverished rural areas in our Nation, and I would just hate for some of those areas to be disadvantaged simply because they are caught in this particular fight.

There is pending litigation on the subject. And I wonder if it would not be better for us to let that litigation run its course. There is always opportunity for us, as a freestanding body, to come back and address this issue with legislation if it does not clear up in the court case.

So, again, I compliment the gentleman for the clear and concise message that he is delivering. I am not opposed to the message. In fact, I support the message of justice and fairness and equality, but would continue to wonder out loud if this is the proper vehicle.

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

AMENDMENT OFFERED BY MR. BOREN TO THE AMENDMENT OFFERED BY MR. WATT

Mr. BOREN. Mr. Chairman, I offer an amendment to the amendment.

The Clerk read as follows:

Amendment offered by Mr. BOREN to the amendment offered by Mr. WATT:

Page 1 of the amendment, line 1, insert ''(a)''.

Page 1 of the amendment, after line 9, insert the following:

(b) CONGRESSIONAL FINDINGS.—The Congress hereby finds that—

(1) the Cherokee Freedmen have appealed the March 3, 2007, vote of the Cherokee Nation to rescind their tribal membership and it is currently in litigation in tribal courts;

(2) on May 14, 2007, Cherokee Nation District Court Judge John Cripps issued a temporary injunction requiring reinstatement of citizenship for the Cherokee Freedmen, pending appeal of the constitutionality of the March 3, 2007, tribal election rescinding membership; and

(c) EFFECTIVE DATE.—Subsection (a) shall not have any effect—

(1) during the period that the temporary injunction issued on May 14, 2007, and referred to in subsection (b)(2) remains in effect; and

(2) if the Cherokee Freedmen prevail upon final judgment in the pending appeal referred to in subsection (b)(2) regarding rescinding membership or a settlement agreement regarding such appeal is entered into, at any time after entrance of such judgment or such settlement agreement.

Mr. BOREN (during the reading). Mr. Chairman, I ask unanimous consent that the amendment be considered as read and printed in the RECORD.

The CHAIRMAN. Is there objection to the request of the gentleman from Oklahoma?

There was no objection.

The CHAIRMAN. The gentleman from Oklahoma is recognized for 5 minutes.

Mr. BOREN. Mr. Chairman, I offer this second-degree amendment because, while I respect the efforts of the gentleman from North Carolina to protect the tribal membership and rights of the Cherokee Freedmen, we must consider the fact that this issue is currently being addressed in the tribal court system. Pursuing congressional action before these citizens have their day in court would be acting prematurely.

Earlier this year, the tribal courts approved a stay, which had the effect of reinstating the Freedmen to full citizenship status, including benefits and voting rights. This reinstatement applies to all Freedmen descendants who had previously been citizens and will last until the Cherokee Nation District Court reaches a decision.

Because the Freedmen are current members of the Cherokee Nation, cutting off funding for the Cherokee Nation today would have the effect of cutting benefits to the Freedmen, the very people this amendment attempts to protect.

Mr. Chairman, my amendment would allow the courts to uphold their responsibility in hearing this case and ruling before this disallowment of funding to the Cherokee Nation can be put into place.

In this country, we have judicial processes in place that should be honored before Congress steps in to act. My amendment is a reasonable approach, and I remain committed to protecting the rights of my constituents, the Cherokee Nation members, which currently includes the Freedmen.

My amendment would not end debate on this issue.

□ 1145

After the courts render a decision, Congress can examine this issue if necessary. Congressional action may not be necessary. So let's stop trying to find a legislative solution to a problem that does not currently exist. My amendment allows us to wait on the courts to rule before making a rash decision to cut funding for thousands of my constituents.

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

Mr. COLE of Oklahoma. Mr. Chairman, I move to strike the last word.

The CHAIRMAN. The gentleman is recognized for 5 minutes.

Mr. COLE of Oklahoma. Mr. Chairman, I want to associate myself very much with the remarks that my good friend from Oklahoma (Mr. BOREN) made and certainly will be supporting his secondary amendment.

I also want to tell my good friend from North Carolina that I certainly recognize his motives and his seriousness, because I think it is a serious

issue, and I think he is to be commended for approaching it that way, and thoughtfully, and I know he has done so.

But I, too, share the opinion of my friend from Oklahoma that we are acting precipitously here. This is a matter in which, frankly, most of this body is not well informed. There are court cases underway in both the Federal and the tribal systems that ought to be allowed to play out. And if we are going to address this issue, we ought to do so in normal order through the committee fashion.

As Mr. BOREN so ably pointed out, the unintended, and I know unintended, consequences of this amendment would be to actually deny benefits to people that are currently receiving them. And to begin a process, quite frankly, that has profound implications for everybody in Indian Country and for all tribal governments is one we ought to think about, I think, very, very deeply before we embark on it. But, again, that, in no way, leads me to question the motives of my good friend from North Carolina or the seriousness of the issue he raises. I very much accept that.

A final point I want on say on behalf, not on behalf, it is not my place to do that, but certainly I want to recognize that from the Cherokee Nation standpoint, they are the most racially diverse tribe in North America. There are thousands of African American Cherokees. In fact, there is every other race in that particular tribe. They see this as a tribal sovereignty issue. They do not see it as a racial issue. I certainly understand why some of my friends would have a different point of view. But I think, again, the matters involved here are so important and so deep that they deserve full consideration first in the courts and then in an appropriate legislative process in Congress.

Mr. Chairman, I want to conclude by thanking my friend from Oklahoma for arriving at what I think is a very reasonable surmise.

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

Mr. FRANK of Massachusetts. Mr. Chairman, I move to strike the requisite number of words.

The CHAIRMAN. The gentleman is recognized for 5 minutes.

Mr. FRANK of Massachusetts. Mr. Chairman, I agree that the amendment is a useful one, and I support it. The gentleman from Oklahoma, who is a member of the Financial Services Committee, has been a very able advocate for Native Americans on a variety of issues, as well as on others. I think this is an example of his constructive approach. But I do want to take some exception with the reasons for it. And we can do things for somewhat different reasons. I don't think what the gentleman from North Carolina was doing was rash.

In terms of what is best for the tribes, what we are doing here is trying to enforce a treaty. Frankly, I think the tribes have suffered more from violations of treaties than they have been the violators of treaties. I think that, in fact, it is a national embarrassment that this Federal Government has historically been the one that has initiated breaches of treaties and ignored treaties. So I am glad to say this is a sign here, not simply on the merits of including the Freedmen, but a reaffirmation by this Congress that we will hold everybody to those treaties. I do believe by establishing that principle, we will be doing the Native Americans in the end some good, as well.

Beyond that, in terms of timing, I understand this is in the courts. But let's be clear what is in the courts. The issue here is whether a decision taken by the tribe to exclude the Freedmen, I believe, in violation of the treaty should be upheld or not. At any minute, the tribe could resolve this by saying, okay, we will abide by the treaty. So it is not that they need judicial permission to do that. They don't have to await the outcome.

Given all that, I do agree if the court decision, the tribal court as I understand it, upholds the right of the Freedmen, if the current status of the Freedmen is maintained, then the amendment wouldn't be necessary, and, in fact, if that had been the case, the gentleman from North Carolina wouldn't have offered it.

As all the Members have said, this is a very agonizing issue for many of us. None of us wants to be put to this kind of a test. But the principle of adhering to the treaties, I think, governs. The gentleman from Oklahoma has proposed a useful amendment. As I understand it, he cooperated with the gentleman from North Carolina. They worked together on this. And what this says is if the resolution comes either by a court decision that says the Freedmen must be continued as tribal members or by a decision by the Cherokees, and again, they aren't bound by a decision by the court not to do this. They could always do it. So from the standpoint of cutting off, you know, they say when people are in civil contempt they have the keys in their pockets. The Cherokees have the cash here. It is entirely up to them as to whether or not the benefits continue to flow. Nothing in the gentleman from North Carolina's amendment would in any way impede the flow of funds to the Cherokees unless they are found to be by us, I think very clearly, in violation of the treaty.

So if the Cherokees, either because of the tribal court or of their own volition, decide to continue what has been the status quo of the Freedmen, then there is no cutoff. So I do not believe it can fairly be said that this will penalize them. It leaves it in their hands.

Mr. Chairman, I am very pleased that the gentleman from North Carolina and the gentleman from Oklahoma, we have had the cooperation from Members on the other side, I think we have come to as good a resolution to a difficult situation as possible. I hope both amendments are adopted.

Mr. WATT. Mr. Chairman, I move to strike the last word.

The CHAIRMAN. The gentleman from North Carolina is recognized for 5 minutes.

Mr. WATT. Mr. Chairman, I am not going to oppose the amendment to the amendment that I have offered. I do want to make a couple of points. First of all, some question has been raised about the timing of my offering of the underlying amendment. I did not choose the timing of this. This bill is on the floor today. And if my amendment is not on the bill, who knows when there will be another opportunity to deliver this message and to create an impediment pending the outcome of the litigation.

So I am perfectly content with the current status of the events in the sense that the court has said to the Cherokee Nation in a temporary injunction that you cannot exclude the Freedmen from the Cherokee Nation. As long as that court order stays in effect, I consider that we are at the result, which is the appropriate result. But if by chance 6 months down the road, 3 months down the road, 2 months down the road, a contrary set of circumstances exist, either the court withdraws its temporary restraining order or rules in a way that I don't think with any kind of justification it can rule against the Cherokee Freedmen, then this language will be in the bill and would appropriately have been put in the bill today. I can't come back 6 months from now and put it in the bill that is passed today.

So I didn't choose the timing of this. I am having to do this in the time frame that this bill is moving. So in a sense, the gentleman from Oklahoma (Mr. BOREN) has served a very useful purpose here to basically codify everyone's agreement that as long as the court retains the status quo, allows Cherokee Freedmen to be citizens of the Cherokee Nation, that is an appropriate outcome for the case. And if that ceases to be the case, then this language would then take effect in the bill.

Mr. Chairman, for that I think we are indebted to Mr. BOREN for clarifying that. I appreciate him and will not oppose the amendment.

The CHAIRMAN. The question is on the amendment offered by the gentleman from Oklahoma (Mr. BOREN) to the amendment offered by the gentleman from North Carolina (Mr. WATT).

The amendment to the amendment was agreed to.

The CHAIRMAN. The question is on the amendment offered by the gentleman from North Carolina (Mr. WATT), as amended.

The amendment, as amended, was agreed to.

AMENDMENT NO. 3 OFFERED BY MR. PEARCE

Mr. PEARCE. Mr. Chairman, I have an amendment at the desk.

The CHAIRMAN. The Clerk will designate the amendment.

The text of the amendment is as follows:

Amendment No. 3 offered by Mr. PEARCE:

At the end of the bill, add the following new section:

SEC. 9. DEMONSTRATION PROGRAM FOR GUARANTEED LOANS TO FINANCE TRIBAL COMMUNITY AND ECONOMIC DEVELOPMENT ACTIVITIES.

(a) AUTHORITY.—To the extent or in such amounts as are provided in appropriation Acts, the Secretary of Housing and Urban Development (in this section referred to as the ''Secretary'') may, subject to the limitations of this section and upon such terms and conditions as the Secretary may prescribe, guarantee and make commitments to guarantee, the notes and obligations issued by Indian tribes or tribally designated housing entities (as such term is defined in section 4 of the Native American Housing Assistance and Self-Determination Act of 1996 (25 U.S.C. 4103)) with tribal approval, for the purposes of financing activities, carried out on Indian reservations and in other Indian areas, that under the first sentence of section 108(a) of the Housing and Community Development Act of 1974 are eligible for financing with notes and other obligations guaranteed pursuant to such section 108.

(b) LOW-INCOME BENEFIT REQUIREMENT.—Not less than 70 percent of the aggregate funds received by an Indian tribe or tribally designated housing entity as a result of a guarantee under this section shall be used for the support of activities that benefit low-income Indian families (as such term is defined for purposes of the Native American Housing Assistance and Self-Determination Act of 1996) on Indian reservations and other Indian areas.

(c) FINANCIAL SOUNDNESS.—The Secretary shall establish underwriting criteria for guarantees under this section, including fees for such guarantees, as may be necessary to ensure that the program under this section for such guarantees is financially sound. Such fees shall be established in amounts that are sufficient, but do not exceed the minimum amounts necessary, to maintain a negative credit subsidy for such program, as determined based upon risk to the Federal Government under such underwriting requirements.

(d) TERMS OF OBLIGATIONS.—Notes or other obligations guaranteed pursuant to this section shall be in such form and denominations, have such maturities, and be subject to such conditions as may be prescribed by regulations issued by the Secretary. The Secretary may not deny a guarantee under this section on the basis of the proposed repayment period for the note or other obligation, unless the period is more than 20 years or the Secretary determines that the period causes the guarantee to constitute an unacceptable financial risk.

(e) LIMITATION ON PERCENTAGE.—A guarantee made under this section shall guarantee repayment of 95 percent of the unpaid principal and interest due on the notes or other obligations guaranteed.

(f) SECURITY AND REPAYMENT.—

(1) REQUIREMENTS ON ISSUER.—To ensure the repayment of notes or other obligations and charges incurred under this section and as a condition for receiving such guarantees, the Secretary shall require the Indian tribe or housing entity issuing such notes or obligations to—

(A) enter into a contract, in a form acceptable to the Secretary, for repayment of notes or other obligations guaranteed under this section;

(B) demonstrate that the extent of such issuance and guarantee under this section is within the financial capacity of the tribe; and

(C) furnish, at the discretion of the Secretary, such security as may be deemed appropriate by the Secretary in making such guarantees, including increments in local tax receipts generated by the activities assisted by a guarantee under this section or disposition proceeds from the sale of land or rehabilitated property, except that such security may not include any grant amounts received or for which the issuer may be eligible under title I of the Native American Housing Assistance and Self-Determination Act of 1996.

(2) FULL FAITH AND CREDIT.—The full faith and credit of the United States is pledged to the payment of all guarantees made under this section. Any such guarantee made by the Secretary shall be conclusive evidence of the eligibility of the obligations for such guarantee with respect to principal and interest, and the validity of any such guarantee so made shall be incontestable in the hands of a holder of the guaranteed obligations.

(g) TRAINING AND INFORMATION.—The Secretary, in cooperation with Indian tribes and tribally designated housing entities, shall carry out training and information activities with respect to the guarantee program under this section.

(h) LIMITATIONS ON AMOUNT OF GUARANTEES.—

(1) AGGREGATE FISCAL YEAR LIMITATION.—Notwithstanding any other provision of law and subject only to the absence of qualified applicants or proposed activities and to the authority provided in this section, to the extent approved or provided in appropriations Acts, the Secretary may enter into commitments to guarantee notes and obligations under this section with an aggregate principal amount not to exceed $200,000,000 for each of fiscal years 2008 through 2012.

(2) AUTHORIZATION OF APPROPRIATIONS FOR CREDIT SUBSIDY.—There are authorized to be appropriated to cover the costs (as such term is defined in section 502 of the Congressional Budget Act of 1974) of guarantees under this section such sums as may be necessary for each of fiscal years 2008 through 2012.

(3) AGGREGATE OUTSTANDING LIMITATION.—The total amount of outstanding obligations guaranteed on a cumulative basis by the Secretary pursuant to this section shall not at any time exceed $1,000,000,000 or such higher amount as may be authorized to be appropriated for this section for any fiscal year.

(4) FISCAL YEAR LIMITATIONS ON TRIBES.—The Secretary shall monitor the use of guarantees under this section by Indian tribes. If the Secretary finds that 50 percent of the aggregate guarantee authority under paragraph (3) has been committed, the Secretary may—

(A) impose limitations on the amount of guarantees pursuant to this section that any one Indian tribe may receive in any fiscal year of $25,000,000; or

(B) request the enactment of legislation increasing the aggregate outstanding limitation on guarantees under this section.

(i) REPORT.—Not later than the expiration of the 4-year period beginning on the date of the enactment of this Act, the Secretary shall submit a report to the Congress regarding the utilization of the authority under this section by Indian tribes and tribally designated housing entities, identifying the extent of such utilization and the types of projects and activities financed using such authority and analyzing the effectiveness of such utilization in carrying out the purposes of this section.

(j) TERMINATION.—The authority of the Secretary under this section to make new guarantees for notes and obligations shall terminate on October 1, 2012.

The CHAIRMAN. The gentleman from New Mexico is recognized for 5 minutes.

Mr. PEARCE. Mr. Chairman, I rise today to offer this amendment to H.R. 2786, the Native American Housing Assistance and Self-Determination Reauthorization Act of 2007. While NAHASDA continues the great practice of giving tribes more flexibility to develop housing, I believe that we can do more.

We all know that economic development and infrastructure needs are acute in Indian Country. My amendment allows Native Americans to receive the same opportunity for economic development that States, cities and other units of local government across the United States enjoy without an increase in direct appropriations.

Representative RENZI from Arizona, a good friend, has similar stand-alone legislation, the Tribal Economic Development and Infrastructure Support Act of 2007. I appreciate his hard work on this important issue.

Currently, communities that receive direct funding from the Community Development Block Grant program may borrow or issue bonded debt for up to five times their actual CDBG allocation. This is the section 108 loan guarantee program and it encourages economic development, housing rehabilitation, public facilities, and large-scale physical development projects.

Title 6 of NAHASDA is similar to the section 108 statute and allows tribes to borrow or issue bonded debt up to five times their annual NAHASDA allocation for housing purposes only. The title VI program has been underutilized in part because the eligible projects are limited to low-income activities that do not generate sufficient income to pay back these loans.

□ 1200

My amendment gives to tribes the same access to vital economic and infrastructure resources that non-tribal communities currently use.

Specifically, my amendment authorizes a demonstration program administered by the Department of Housing and Urban Development to provide for guarantees to loans for housing-related economic infrastructure and development on tribal lands. The demonstration project embodied in this bill will build not only better neighborhoods, but also build the economic infrastructure to support those communities, especially in our most rural and impoverished sections of America. The demonstration program is limited, so that at least half of the title VI program authority will remain exclusively for housing.

Also, in order to be approved by the Secretary, an applicant must demonstrate that 70 percent of the benefit of the proposed projects will go to the low-income Indian families on Indian reservations and other tribal areas.

This is similar to the CDBG program which requires that 70 percent of a project's benefit be for low- and moderate-income families. Nothing in this amendment changes the use of appropriated funds, but it will encourage private money from banks or bond investors to be used for economic development purposes.

In June, I visited the Pueblo of Zuni, where it rained and snowed, leaving standing, muddy water throughout the community. Most of the streets in the historic plaza do not have gutters to control water runoff, nor do the roofs of most houses have the gutters. The water began to flow and residents were literally surrounding their homes with bath towels to absorb the melting snow and to prevent their homes from being flooded. This is an example where NAHASDA dollars should be eligible for infrastructure to help these low-income families build gutters in their neighborhoods and protect their homes.

My amendment will help Native Americans build stronger, better communities all across America by encouraging economic development. I believe this is the right step to help Indian Country build and improve their communities.

I hope that you will join me in supporting this important amendment.

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

Mr. FRANK of Massachusetts. Mr. Chairman, I move to strike the last word.

The Acting CHAIRMAN (Mr. COSTA). The gentleman is recognized for 5 minutes.

Mr. FRANK of Massachusetts. Mr. Chairman, I want to express my strong support for the amendment and my appreciation and admiration for the gentleman from New Mexico. This is a very important piece of this.

We try to do this in our committee increasingly. We tried to do it with regard to the recovery from the hurricane as well. It is housing and economic development. They are both necessary, and they go together. If you don't have decent housing that is affordable, you are going to have a hard time filling the jobs. But if you don't have economic development, then housing without it is somewhat sterile.

The gentleman from New Mexico has come up with a very thoughtful approach here. It is very logical to make this part of this program. There was some original talk about it being separate, but I think from the standpoint of making sure this survives all the way through the process, it is better to link the two, because the underlying housing program is going to expire and, frankly, putting them together this way gives us more assurance that it will ultimately be signed and not caught up in some unrelated controversy.

So both procedurally and substantively, the gentleman from New Mexico has made the right choices, and I join in hoping the amendment is adopted.

The Acting CHAIRMAN. The question is on the amendment offered by the gentleman from New Mexico (Mr. PEARCE).

The amendment was agreed to.

Ms. HERSETH SANDLIN. Mr. Chairman, I move to strike the last word.

The Acting CHAIRMAN. The gentlewoman from South Dakota is recognized for 5 minutes.

Ms. HERSETH SANDLIN. Mr. Chairman, I want to thank the distinguished gentleman from Massachusetts, Chairman FRANK, for his leadership in advancing the reauthorization of this important act, and the distinguished gentleman from Michigan, Mr. KILDEE, for introducing the legislation to do so.

Like many Members of this body, I have the honor of representing a significant Native American population in my district. In fact, South Dakota is home to nine Lakota, Dakota and Nakota Sioux tribes, each of them adding an immeasurable contribution to our State's rich and varied cultural landscape.

Tragically, however, many reservation communities in South Dakota and across the country suffer from extreme poverty. This poverty manifests itself in many challenges, including access to adequate health care, education, and, as we are discussing today, housing.

Indeed, tribal leaders and tribal housing officials from across the State of South Dakota report a consistent and urgent message: there is a desperate need for more and better housing in Indian Country, and we owe it to the elders, children and their families to help do more to fulfill this most basic of needs.

Historically, there has been inadequate funding provided for housing programs and unnecessary obstacles to growth. This has led to situations, such as on the Pine Ridge Reservation, home to the Oglala Sioux tribe in southwest South Dakota, where it is not uncommon to have 25 individuals or more living in one housing unit.

It is worth noting that in my State and many Northern Plains States, temperatures can reach negative 25 degrees Fahrenheit or colder in the winter. Yet there remain barriers to accessing Native American Housing Grant funds which, if removed, would help families in Indian Country to improve their living situations.

So I urge strong support of H.R. 2786, which would reauthorize, clarify and improve the Native American Housing Assistance Self-Determination Act, and help ensure that all Americans, including the first Americans, have fair and equal access to adequate housing, a basic necessity of life.

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

AMENDMENT NO. 7 OFFERED BY MR. WESTMORELAND

Mr. WESTMORELAND. Mr. Chairman, I offer an amendment.

The Acting CHAIRMAN. The Clerk will designate the amendment.

The text of the amendment is as follows:

Amendment No. 7 offered by Mr. WESTMORELAND:

Page 18, strike lines 1 through 6.

The Acting CHAIRMAN. The gentleman from Georgia is recognized for 5 minutes.

Mr. WESTMORELAND. Mr. Chairman, as I listen to the debate on this bill, and I agree with the majority of this bill, I heard the word ''tribe'' used over and over, and I think that was the intent of this, for Native American tribes to be recognized and be given the housing assistance and also the infrastructure assistance and all the things that they need. And I think it is very important that we recognize exactly who these tribes are.

What this amendment does, it strikes the section about the Native Hawaiians. Native Hawaiians share none of the unique characteristics possessed by recognized tribes in this country. Native Hawaiians never exercised sovereignty over Hawaiian lands or lived as a separate, distinct, racially exclusive community. All Hawaiians were subject to the same monarch in the late 1800s, regardless of race.

Native Hawaiians have never exercised inherent sovereignty as a native indigenous people, and our Constitution seeks to eliminate racial separation, not promote it. How can we promote equality while separating our people?

Tribes seeking recognition after statehood must adhere to a process established by the Federal Government. To be formally recognized, a tribe must demonstrate it has operated as a sovereign entity for the past century, was a separate and distinct community, and had a preexisting political organization. The Native Hawaiian people cannot meet these criteria.

The time for Native Hawaiians to establish themselves as an Indian tribe has since passed. When Hawaii was considering statehood in 1959, there was no push to establish a tribe. In fact, 94 percent of the people in 1959 supported statehood with no mention of being a tribe.

The Supreme Court ruled in 2000 in Rice that Native Hawaiians are an ethnic group and that it is illegal to give anyone preferential treatment on account of their membership in that group. It is unconstitutional to give one ethnic group a special preference over another ethnic group, and the oath of office that we took was to uphold the Constitution.

Therefore, I think it is appropriate, and I would ask all Members, to vote to take the Native Hawaiians out of this very important bill.

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

Ms. HIRONO. Mr. Chairman, I rise in opposition to the amendment.

The Acting CHAIRMAN. The gentlewoman from Hawaii is recognized for 5 minutes.

(Ms. HIRONO asked and was given permission to revise and extend her remarks.)

Ms. HIRONO. Mr. Chairman, I rise in strong opposition to the amendment offered by Mr. WESTMORELAND to eliminate section 811 of H.R. 2786 which reauthorizes the Native Hawaiian Housing Block Grant and Loan Guarantee programs.

This block grant is used to carry out affordable housing activities for Native Hawaiian families who are eligible to reside on Hawaiian homelands which were established in trust by the United States in 1921 under the Hawaiian Homes Commission Act.

Due to a variety of factors, including lack of program funding, only 8,000 individuals currently hold leases and reside on Hawaiian homelands. Approximately 23,650 remain on a waiting list, and many of our elderly, our kupuna, have died waiting to achieve the dream of homeownership.

This block grant supports the dreams of homeownership for Native Hawaiians, not just in Hawaii, but across our Nation, as 2,712 Hawaiian homeland applicants currently reside outside of Hawaii. In fact, 21 Native Hawaiians who live in Georgia, the home State of the author of this amendment, have applied for this very program he has not once, but twice, tried to eliminate.

Many of you may remember that this past July the gentleman from Georgia offered an amendment that would eliminate funding for the Native Hawaiian Housing Block Grant program in the fiscal year 2008 Transportation-Treasury-Housing appropriations bill. This body rejected that amendment in a bipartisan vote of 116 yeas to 307 nays.

These amendments are really just the latest in a pattern of challenge to programs that focus on benefiting American Indians, Alaska Natives, and Native Hawaiian people. An earlier failed challenge to the previously uncontroversial Native American Housing Act, H.R. 835, was the first apparent salvo against Native American programs. Then there was an attempt to strike funds for Alaska Native and Native Hawaiian Serving Institutions in the fiscal year 2008 Department of Labor, Health and Human Services and Education appropriations bill.

These actions raise the concern that all programs benefiting indigenous people will be subjected to attack.

Like other indigenous groups, such as American Indians and Alaskan Natives, Native Hawaiians have a special trust relationship with the United States. It has been well settled that Congress has clear plenary power to fulfill its obligations to indigenous people who once had sovereign governing entities before the establishment of the United States and whose lands are currently within the borders of the United States.

Like American Indians and Alaska Natives, Native Hawaiians suffered the loss of their sovereignty and their lands to the United States. Congress has an obligation to Native Hawaiians, whose sovereign government was overthrown with the aid of the United States military under the direction of the U.S. minister.

Congress has demonstrated this special relationship by enacting over 150 laws specifically benefiting Native Hawaiians since 1900. None of the laws Congress has enacted benefiting Native Hawaiians have ever been successfully challenged as unconstitutional.

The U.S. Supreme Court decision of Rice v. Cayetano has been bandied about today by supporters of this amendment. I was a member of the Cayetano administration as Lieutenant Governor in Hawaii and sat in the court when arguments in the Rice case were heard. It may interest some of you to know that one of the lawyers arguing for the State of Hawaii's case was John Roberts, who is now Chief Justice of the Supreme Court.

Nothing in the Rice decision holds that programs that benefit Native Hawaiians are unconstitutional. The majority decision did not call into question the trust relationship between the United States Government and Native Hawaiian people. It did not strike down the Office of Hawaiian Affairs or any other program benefiting Native Hawaiians as unconstitutional.

America has a moral and legal obligation to support programs that provide housing, education and other important services for Native Hawaiians. Helping Native Hawaiians achieve and advance is in the best interests of all of the people of our Nation.

I would like to add that it is totally inaccurate and an insult to the Native Hawaiians that they are characterized as not having had a sovereign government. They certainly did.

In closing, I ask that my colleagues join me once again in fighting these unconscionable attacks and vote ''no'' on the Westmoreland amendment.

Mr. FRANK of Massachusetts. Mr. Chairman, I move to strike the last word.

The Acting CHAIRMAN. The gentleman is recognized for 5 minutes.

Mr. FRANK of Massachusetts. Mr. Chairman, to begin with, I implore Members of the House not to give in to this effort to invoke judicial activism, to cancel the vote of the people's elected Representative.

My friends on the Republican side are very selective in their denunciation of judicial activism. From time to time, they complain, if the courts uphold some fundamental constitutional right, that our ability as elected officials to make public policy has been trifled with. Here the shoe is very much on the other foot, and I think the foot on which the shoe is is in the mouth.

This is an effort to overrule the overwhelming decision of the people of Hawaii through their elected officials to create these programs. There are few things in Hawaii that are as broadly supported as this housing program.

There are controversial aspects of some of what goes on in Hawaii. We are aware of none here. This has been fiercely defended by everyone who is representing Hawaii who has been here since I have been here, and this Congress is voting on it.

What are we told? What is the argument? Well, the Supreme Court doesn't think you should do that. What happened to the objection to judicial activism? What happened to the will of the people?

In fact, as the gentlewoman from Hawaii has pointed out, there is no clear-cut Supreme Court decision here. There is room for us to make choices. But I am struck at the ease with which some of my conservative colleagues invoke this principle of popular rule against judicial activism in such a selective fashion.

This harms no one. This isn't excluding anyone from anything. It is providing housing for people who need it. The gentlewoman from Hawaii has given a very good explanation of the history.

I do not understand, Mr. Chairman. This is a fairly small program affecting a fairly small number of people in Hawaii. It is overwhelmingly supported by the people of Hawaii.

Mr. Chairman, what motivates Members of this house to get up and interfere with the arrangements that the people of Hawaii have arrived at? What drives them? What angers them that the arrangement has been reached that says this to the Native Hawaiians? And no one disputes the history that our friend from Hawaii has given. The United States came in and overthrew the government. That is very well documented.

What drives people at this point to continue to battle against this effort to help these Native Hawaiians and to invoke the courts to say we don't care what the votes were in Hawaii. We don't care about an overwhelming vote in the U.S. House.

This is a very reasonable effort by the polity of Hawaii, the Native Hawaiians and others, to meet a very real need. No one is saying the program is badly run. No one is saying it is corrupt. No one is saying it is unnecessary.

□ 1215

There is some hyper-abstract, ideological objection to people reaching out to their fellow residents in need. And while it is overwhelmingly supported, what we have is an ideological objection, the nature of which I cannot understand. No one has told me what harm is done by this. I don't understand who this hurts. But somehow, people are motivated to attack this program which helps this particular, fairly small minority of people. And then, absent any rational arguments in my judgment, they invoke the principle of judicial supremacy, which they so often scorn in other contexts. I hope this amendment is defeated.

Mr. KING of Iowa. Mr. Chairman, I move to strike the last word.

The Acting CHAIRMAN. The gentleman is recognized for 5 minutes.

Mr. KING of Iowa. Mr. Chairman, I rise in support of this amendment brought by the gentleman from Georgia (Mr. WESTMORELAND).

Perhaps I will work backwards through this from what I have heard during this debate. One of them would be the decision that was made in Rice v. Cayetano in the year 2000 that Native Hawaiians are an ethnic group and that it is unconstitutional and in violation of the Civil Rights Act to provide special protected status and privileges to people based upon their ethnicity. To raise that issue as an argument here on the floor isn't railing against judicial activism. To bring an amendment here to the floor of the United States Congress and ask the people's House to provide a majority vote on whether or not to authorize funds to go to Native Hawaiians, it isn't a conflict with judicial activism; to the contrary, it calls upon the people through their elected representative to make that decision. I think it is very consistent with our Constitution. It isn't railing against judicial activism; it simply recognizes the case and recognizes the Constitution.

With regard to Chief Justice Roberts making the argument in favor of the Hawaiian side of this argument, if my recollection is correct, and I believe it is, that was then private sector attorney John Roberts who made that decision who was under the employment of people who had hired him to make the best argument he could make. But I don't remember him saying he had won the argument. So we know that when attorneys are in private practice, they take on clients and they do the best job they can of making that argument. The attorneys that argued in Rice v. Cayetano, the prevailing side was the side of the Constitution and the side of the people.

I have represented two reservations now for 11 years in either the Iowa Senate or the United States Congress. I have had good relations with the people there on the reservations in my district, and it echoes across the Missouri River into Nebraska. I am not without some sense of experience and sensitivity when it comes to these issues that have to do with tribes, reservations and ethnicity.

But I am concerned about a consistent and constant effort to balkanize America, to encourage Americans to divide themselves into groups and identify themselves based upon their ethnicity and the national origin of their ancestors.

I listen and I hear there are 2,100 Native Hawaiians living in Georgia. Why can't we just call them Georgians? Why can't we call them Americans? Why can't we, as the voice of the people, encourage each other to remember our history and remember the legacy and remember the cultures that come, but focus on being Americans and erase the lines between us rather than drawing continually brighter and brighter lines, further balkanizing America, encouraging people to gather together as ethnicities in enclaves.

And I am going to be one who will be, if the day comes that this Hawaiian legislation, the big bill comes to this floor, I will be opposing it as well, Mr. Chairman, because that divides Americans and it sets a new standard that has not been set and that is recognizing ethnicities as tribes. If that happens, any ethnicity that can gain the political leverage to gain a majority vote here on the floor of Congress, here in the House and in the Senate, can then be raised to the same level that we have set aside for Native Americans that we are dealing with here in this bill.

So this slipped in. This authorization slipped in in the year 2000 without a lot of opposition. I agree with the gentlelady's position there. It should have been opposed. I think it was a mistake by Congress, and it brought about a $9 million appropriation in 2007. It is probably a $25 million appropriation obligation through about the year 2012.

This is where we draw the line. This is where we have to take the stand on what is really the Constitution and what is right. Ethnicities can't be granted special status.

I yield to the gentleman from Georgia (Mr. WESTMORELAND).

Mr. WESTMORELAND. I thank my friend from Iowa for yielding.

Let me say that the chairman of the committee mentioned the overwhelming vote on an amendment, or the gentlelady from Hawaii did. I remind the House that on Wednesday, March 21, H.R. 835, the Hawaiian Homeownership Act of 2007, was defeated in this House. So I wanted to bring that to the attention of everybody.

The gentleman from Iowa said $25 million over the 4 years, and it is actually about $50 million. You know, I will be glad to work with the chairman of the committee or the delegation from Hawaii if they want to let Congress pass something to make them a recognized tribe, but they are not a recognized tribe.

All the discussion I have heard today, everything in this bill is about tribes, recognized tribes by this country. So I just ask that you support the amendment and then we will work out any problems that we can after that.

Mr. ABERCROMBIE. Mr. Chairman, I move to strike the last word.

The Acting CHAIRMAN. The gentleman from Hawaii is recognized for 5 minutes.

Mr. ABERCROMBIE. Mr. Chairman, once again I find myself on the floor wishing that I had an opportunity to perhaps discuss the issue that is raised in the amendment. I wish really honestly that the courtesies would be extended on this to one another, not just on this issue but on any issue where it affects individuals.

Let me explain for a moment if I can to you and some others who may be listening in, Mr. Chairman. Here is a list of votes on Native issues. There are 52 Members, 52 Members who have tribes in their districts, some multiple. Some of them are Republican Members who are sponsors of this bill. Each of them has unique questions and problems that have to be dealt with. It goes to Republicans, it goes to Democratic districts.

I find it distressing that this is becoming more and more a partisan issue for some folks in the Republican Conference. I can't comprehend it exactly.

As I say, here is 52. Here are some of the votes that were taken, Minority-Serving Institutions, Digital and Wireless Technology Opportunity Act, 59 votes against it all from Members of the Republican Conference.

Motion to amend the Small Business Act to expand and improve assistance provided by small business development centers to Indian tribe members, Alaskan Natives and Native Hawaiians, 73 members of the Republican Conference. I am not quite sure why this is happening.

I don't understand why Native issues and issues having to do with indigenous people and minorities find now an increasing number in the Republican Conference who are voting ''no'' on it. I wish we could get a dialogue established in some way to try and understand why Native people are being attacked.

In this particular instance, Mr. Chairman, I bring to your attention and the Members' attention the Admission Act that brought Hawaii into the Union. The Admission Act requires that we address questions such as those in the present bill that is before us.

Now if someone wants to attack the Admission Act, I suggest they go to court and do that. All we are doing here and all that is being requested in this bill that is before us is that which is required of us by law in order to accomplish the task at hand. If someone is opposed, and I invite once again the Members here who have this amendment, why attack us? Why attack our people for trying to implement the law? Attack the law. Change the law if that is what you want to do, if that is what you think is necessary.

We have 200,000 acres set aside for the betterment of Native Hawaiians. That is what the law says we are supposed to do. That is what the Admission Act which brought us into the United States says is required of us.

I can quote: Any such lands income, therefore, shall be held by the said State as a public trust for the support of the public schools and other public educational institutions and for the betterment of the conditions of Native Hawaiians for the development of farm and home ownership, as widespread a basis as possible, and for making public improvements and provisions of lands for public use.

That is what the Admission Act says we are supposed to do, for the betterment of Native Hawaiians. That is what this is about.

If one is opposed to that for everybody, for all of the tribes and so on, I guess we can take it up with the other Members and so on. I don't know. But I don't think here on the floor in any bill that is a consequence of trying to fulfill our obligations constitutionally is the way to go about it. Take it to court. Put in a bill to do that, but don't hurt us today.

Mr. FRANK of Massachusetts. Mr. Chairman, will the gentleman yield?

Mr. ABERCROMBIE. I yield to the gentleman from Massachusetts.

Mr. FRANK of Massachusetts. I just want to give a little more information than we got in the last intervention from the gentleman from Georgia.

He disappointed me when he decided to inform us that the bill had been defeated in March. Yes, it was defeated. It was ''defeated'' by a vote of 272 ''yes'' and 150 ''no.'' It lost because it required two-thirds.

But I must say, Mr. Chairman, to refer to a bill having been defeated to refute the notion that it was widely supported and to neglect to mention that in fact it got a 122-vote majority and simply failed by 10 votes to get two-thirds, is a very incomplete reporting of the facts.

The Acting CHAIRMAN. The question is on the amendment offered by the gentleman from Georgia (Mr. WESTMORELAND).

The question was taken; and the Acting Chairman announced that the noes appeared to have it.

Mr. WESTMORELAND. Mr. Chairman, I demand a recorded vote.

The Acting CHAIRMAN. Pursuant to clause 6 of rule XVIII, further proceedings on the amendment offered by the gentleman from Georgia will be postponed.

AMENDMENT NO. 2 OFFERED BY MR. KING OF IOWA

Mr. KING of Iowa. Mr. Chairman, I offer an amendment.

The Acting CHAIRMAN. The Clerk will designate the amendment.

The text of the amendment is as follows:

Amendment No. 2 offered by Mr. KING of Iowa:

At the end of the bill, add the following new section:

SEC. 9. LIMITATION ON USE OF FUNDS.

No amounts made available pursuant to any authorization of appropriations under this Act, or under the amendments made by this Act, may be used to employ workers described in section 274A(h)(3)) of the Immigration and Nationality Act (8 U.S.C. 1324a(h)(3)).

The Acting CHAIRMAN. The gentleman is recognized for 5 minutes.

Mr. KING of Iowa. Mr. Chairman, this amendment is one that everybody in this body has seen before. It is an amendment that I brought to a number of the appropriations bills, and at least three times has been adopted by a bipartisan effort. In fact, I don't believe it has come to a recorded vote at any time.

What it does is it limits the use of the funds that might be authorized by this bill. It says no amounts made available pursuant to any authorization of appropriations under this act or under the amendments made by this act may be used to employ workers described in section 274A of the Immigration and Nationality Act.

What this amendment does is it ensures that as funds are appropriated under this authorization, that they will not be used to hire people that cannot lawfully work in the United States. That would include those who are here illegally and those who are here legally without work authorization.

I would point out that our Federal Government, by the statistics that have been produced by the inspector general of the Social Security Administration is likely, and I say ''likely,'' I don't think they say ''likely,'' the largest employer of nonauthorized workers in the United States.

We issued millions of Social Security numbers over the years going back into the 1990s to people who were not authorized to work but they needed a Social Security number for one reason or another, a list of benefits which I also don't agree with nor comprehend. We slowed that down dramatically, and I don't know that that practice continues to exist.

□ 1230

But those Social Security numbers have been used to gain employment and to gain employment with the Federal agencies. They monitored seven Federal agencies, seven State agencies and three local governments; and out of that came a number that about 44 percent of those non-work Social Security numbers had been used to gain employment. Even though those cards will say on them non-work, and even if you run the numbers through the Social Security Administration database, they all come back and say not authorized to work, we still have those people working for government at all levels and especially the Federal Government.

And so if we are ever to clean up our act, if we're ever to compel private employers to no longer hire those who are illegally present in the United States, the least we can do is ensure that the employees of government are lawful employees.

And so this amendment says that none of these funds that are authorized may be used to hire those people who are not legal to work in the United States. This would include illegal aliens. It would include non-work Social Security numbers, and to give a broader definition of this, those that are here on student visas without authorization to work, those who are here on visitors visas, those kind of lawfully present as well as unlawfully present people are not authorized to work in the United States. These funds would be prohibited from being utilized for that purpose.

This is a step down the path, I believe, Mr. Chairman, that we need to continue to take. We have a consensus that we need to turn up the pressure on employers. Well, government's the largest employer, and in fact, all of government in the United States has over 21 million employees. Out of 300 million people, over 21 million employees, and of those 21 million employees, a significant number are those that are not authorized to work in the United States. That means that whatever they might be doing, under this act they should be lawful employees.

They can use the basic pilot program which now we call e-verify and run those Social Security numbers through there. I've sat and run it myself. It's pretty easy. The longest delay I could create by giving it a confusing message was 6 seconds. It's instantaneous analysis.

We also need the Social Security Administration to run their database against the Department of Homeland Security's database. They would flush out most of these non-work Social Security numbers. The administration has to have conviction on this issue. This is a way to bring them towards more conviction on this issue. They've been reluctant.

I would urge adoption of this amendment. This is something that, again, three times has passed this floor, and it's something I believe that's common sense that the American people strongly support, and I would urge its adoption.

Mr. ABERCROMBIE. Mr. Chairman, I move to strike the last word.

The Acting CHAIRMAN. The gentleman from Hawaii is recognized for 5 minutes.

Mr. ABERCROMBIE. Mr. Chairman, I have a New Yorker cartoon that I have pasted to the wall of my office to try to remind me of my position in life and sometimes the irony of history.

It pictures some Native Americans in tribal garb standing on a promontory gazing out on a bay in which a ship, strangely akin to the Mayflower, appears to be sitting. And some people in a boat wearing kind of quaint hats and cloaks with breeches seem to be rowing into shore. And the one Native American says to the other, Doesn't look like they have their documentation in order to me.

Now, I don't know if that is anything other than perhaps mildly amusing, but perhaps it does make a point. I'm not sure that we're in any position to say to Native American tribes in this country that everybody ought to have their documentation in order. I wonder if those of us who are proposing that have our documentation in order.

I yield back the balance of my time.

Mr. FRANK of Massachusetts. Mr. Chairman, I move to strike the last word.

The Acting CHAIRMAN. The gentleman is recognized for 5 minutes.

Mr. FRANK of Massachusetts. Mr. Chairman, as I understand this amendment, it is to make illegal what is already illegal, and since it was offered I

guess to the appropriations bill, it is to make apparently for the second time illegal what is already illegal, but the gentleman from Iowa explains why it is necessary.

It is that as we approach the next to the last year of an 8-year term for President Bush, his administration is still unable and apparently, according to the gentleman, unwilling to enforce that law.

The gentleman says the Federal Government, headed of course by President Bush, is the largest employer of people who are here illegally and not able to work; and he says that they lack conviction.

Mr. Chairman, I'm prepared to take on various responsibilities as chairman of the committee. Defending the President against the gentleman from Iowa is not one of the things I'm prepared to do today.

The gentleman from Iowa believes it's important for us for the third time to pass a law that he said the administration wouldn't enforce. I suppose the House could do that. I don't see any reason to think that they're going to enforce it any more this time than the other two times it was binding.

The Acting CHAIRMAN. The question is on the amendment offered by the gentleman from Iowa (Mr. KING).

The question was taken; and the Acting Chairman announced that the noes appeared to have it.

Mr. KING of Iowa. Mr. Chairman, I demand a recorded vote.

The Acting CHAIRMAN. Pursuant to clause 6 of rule XVIII, further proceedings on the amendment offered by the gentleman from Iowa will be postponed.

AMENDMENT NO. 5 OFFERED BY MR. PRICE OF GEORGIA

Mr. PRICE of Georgia. Mr. Chairman, I offer an amendment.

The Acting CHAIRMAN. The Clerk will designate the amendment.

The text of the amendment is as follows:

Amendment No. 5 offered by Mr. PRICE of Georgia:

At the end of the bill, add the following new section:

SEC. 9. REQUIREMENT OF OFFSETS.

(a) IN GENERAL.—No authorization of appropriations made by this Act, or by the amendments made by this Act, or any other provision of this Act that results in costs to the Federal Government, shall be effective except to the extent that this Act, or the amendments made by this Act, provide for offsetting decreases in spending of the Federal Government, such that the net effect of this Act and such amendments does not either increase the Federal deficit or reduce the Federal surplus.

(b) DEFINITIONS.—In this subsection, the terms ''deficit'' and ''surplus'' have the meanings given such terms in the Congressional Budget and Impoundment Control Act of 1974 (2 U.S.C. 621 et seq.).

The Acting CHAIRMAN. The gentleman is recognized for 5 minutes.

Mr. PRICE of Georgia. Mr. Chairman, I rise to offer this commonsense amendment to H.R. 2786.

This bill, as you know, would reauthorize the Native American and Native Hawaiian Block Grant programs, and the CBO, the Congressional Budget Office, estimates that appropriation of the amounts necessary to implement this bill will cost approximately $2.2 billion over the 2008–2012 period of this reauthorization.

This bill originally was authorized, or passed, in 1996 and then reauthorized in 2002, and the reorganization of the system of Federal housing assistance to Native Americans was accomplished by eliminating several separate programs of assistance and replacing them with a single block grant program.

In addition to simplifying the process of providing housing assistance, the purpose of this is to provide Federal assistance for Indian tribes in a manner that recognizes the right of Indian self-determination and tribal self-governance.

Now, Mr. Chairman, equally as important I would suggest is fiscal responsibility. We've all come back from a month in our districts, working and listening to our constituents, and I heard repeatedly from my constituents that they continue to appeal to us to be more fiscally responsible. Many of my colleagues on our side of the aisle have attempted to offer amendments and bring about that kind of fiscal responsibility. This is another one of those amendments.

This amendment will not prohibit funds from being spent on this program, but it will protect taxpayers by applying the principle of pay-as-you-go to the spending that's authorized by this legislation by requiring that any new spending as a result of this legislation must have a specific offset before the legislation can take effect.

Now, if there is to be a taxpayer subsidy, as good stewards of the American hard-earned taxpayer money, we should provide a specific spending decrease to offset any new spending that would be required by this legislation.

To be sure, this is important legislation, and I want to commend Congressman PEARCE for his hard work on the legislation, ensuring its consideration on the floor. It's a testament to his hard work that he does every day for his constituents back home.

But fiscal responsibility isn't something that we ought to just trump out during campaigns. We heard a lot about it during the last campaign; but I would suggest, Mr. Chairman, that it is way past time that we act in this responsible manner.

I encourage my colleagues to support this amendment for PAYGO for authorization of the appropriations that will come as a result of this bill, and I ask for a ''yes'' vote on the amendment.

Mr. FRANK of Massachusetts. Mr. Chairman, I move to strike the last word.

The Acting CHAIRMAN. The gentleman is recognized for 5 minutes.

Mr. FRANK of Massachusetts. Mr. Chairman, this is an amendment that does not make a great deal of sense, even in its own terms.

First of all, the PAYGO principle applies in the appropriations process. Authorizations are authorizations. The Appropriations Committee balances the various authorizations. Nothing is committed to be spent by this bill.

What it says, however, is really quite striking. It says no authorization or appropriation shall be effective except to the extent that this act or the amendments made by this act provide for offsetting decreases. In other words, if you thought that it was important to provide housing for the Native Americans who live in such desperate straits in so many places and make up for that elsewhere in the Federal budget, you couldn't do that.

This says if you want to help the housing needs of American Indians, then you better reduce housing somewhere else. For the disabled? For the elderly? It does not allow for there to be offsetting decreases elsewhere.

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

Mr. FRANK of Massachusetts. I yield to the gentleman from Georgia.

Mr. PRICE of Georgia. I appreciate the gentleman yielding.

This language was taken directly from your side's PAYGO language in the rule. So what I'm attempting to do is to try to provide individuals with something which they hopefully have seen before. This is the PAYGO language from the PAYGO rules.

Mr. FRANK of Massachusetts. Well, I will take back my time to say the gentleman has just stood up and said, look, I don't understand this language; I just borrowed it from you. Well, don't borrow things if you don't know how to use them. I mean, don't lend your car to someone who can't drive.

The fact is that the gentleman apparently didn't understand the implications of what he borrowed because the way this goes now, PAYGO in general has broader application. In this particular case, what it says is within this act. So if you want to spend more money on Indian housing, you have to in the same act, under this act, find offsets elsewhere. This is an example of how he misunderstands the process.

I would also say by the way there's a selectively to this because we don't get this amendment on every spending bill. Maybe it was offered on some of the other bills, the Ag bill, the space authorization. I don't see it all the time. I didn't see it on the Defense bill. Are we going to get this on the Iraq supplemental? I mean, I don't know how much we're going to spend here, but whatever we spend here, we spend in about, what, a week in the Iraq supplemental. I don't see it coming there. Somehow this becomes particularly important when we are trying to help people in dire straits; but even there, it's not logical.

Nothing in here will break PAYGO. PAYGO applies in an overall basis at the appropriations process.

If the gentleman wants me to yield, I'll be glad to yield.

Mr. PRICE of Georgia. I appreciate the gentleman yielding again.

The amendment's pretty simple. It says that if we're going to spend more money out of this Congress for this appropriation that we ought to find money elsewhere to make certain that we're not taking more hard-earned taxpayer money——

Mr. FRANK of Massachusetts. No, that's not what it says.

Mr. PRICE of Georgia. That's exactly what it says, precisely what it says.

Mr. FRANK of Massachusetts. I will take back my time to say the gentleman hasn't read his amendment. Here's what it says: to the extent that this act or the amendments made by this act provide for offsetting decreases in spending of the Federal Government.

Now, the rules of the House are such that you could not here offset other programs. You have germaneness rules. So under the terms of this amendment, you would have to make reductions in this same act subject to the same act.

Mr. PRICE of Georgia. Will the gentleman yield?

Mr. FRANK of Massachusetts. No, because the gentleman keeps repeating his error.

The fact is that PAYGO applies in a broader context. That's the problem. If you want to do PAYGO, you want to be able to say at the appropriations process, we'll shut this down here and we will increase it there.

Again, as I said, it's very selectively applied. The amendment does not have any real effect on PAYGO, except if it were adopted it would apparently require us in this very bill, in which we authorize more money for Indian housing, to reduce, I don't know, Indian housing or something else because it's internal to this.

You couldn't say that a Mars space shot was wrong or that we're spending too much money in the farm bill. It would be internal to this act. That's the problem with taking the general PAYGO principle and trying to microapply it.

The fact is that the Indian housing program is a very important one. To single this out for this kind of restrictive approach beyond the general PAYGO principle would victimize people who are very much in need. So I hope the amendment is defeated.

□ 1245

Mr. KING of Iowa. Mr. Chairman, I move to strike the last word.

The Acting CHAIRMAN. The gentleman is recognized for 5 minutes.

Mr. KING of Iowa. Mr. Chairman, I rise in support of the Price amendment.

One of the things I wanted to speak to was the list that was read to us earlier about Native American issues that show growing numbers of Republicans that voted ''no'' on appropriations or authorizations for Native American issues, the 50-some that went to 70-some that was presented by the gentleman from Hawaii, whose judgment and opinion and spirit and personality certainly I appreciate here. I make nothing but complimentary comments with regard to that.

But I would submit that voting ''no'' on a bill that increases spending or expands authorization and considering that to be somehow a vote against a Native American tribe or against an ethnicity, protecting the American taxpayers and protecting the Constitution is a vote for Americans. That's what we have to be first. That was a point I made earlier.

I just wanted to have that opportunity to speak to that issue, that voting ''no'' on appropriations and authorizations because they have something in their title that sounds good that has to do with our collective national history or heritage doesn't mean that it's against the descendents of the ones that earned that reputation.

What it does mean is that we defend the Constitution, we defend the appropriations process, the taxpayer, fiscal responsibility and PAYGO. That's what I am standing here now and endorsing, promoting and asking adoption of the Price amendment because it defends PAYGO.

I yield to the gentleman from Georgia.

Mr. PRICE of Georgia. I thank the gentleman from Iowa and I appreciate his support.

Mr. Chairman, I appreciate the vigor with which the other side opposes this amendment, because I think it sets up a clear distinction. The vigor and the enthusiasm with which they oppose responsible spending is clear. It's clear to us. It will be made clear to the American people repeatedly over the next number of months, and then the American people will decide.

The enthusiasm that the gentleman has voiced in opposition to this, which clearly states that if any new spending, any increase in spending occurs because of this bill, then there must be offsets elsewhere. The gentleman clearly knows, the gentleman clearly knows the rules are germane. This requires that that's the way this be written, clearly.

We can start at this point being fiscally responsible, or we can never start. But it's clear that what we desire and my colleagues desire to do is to begin that fiscally responsible move now and support this amendment.

Mr. KING of Iowa. I thank the gentleman from Georgia. Again, Mr. Chairman, I rise in support of the Price amendment and PAYGO.

PAYGO often, in this Congress, includes finding new ways to collect revenue from people that didn't owe it before. That was never my idea of PAYGO. My idea of PAYGO was we would limit our spending to stay within the constraints of the revenue stream that's coming in.

So the day is going to come when the American taxpayers rise up. They understand what's going on here. They are seeing that a lot of the effort to ignore PAYGO is resulting in increased taxes and increasing the revenue stream of the United States at the expense of our businesses.

We know that businesses don't pay taxes. It's the consumers that pay taxes, businesses tack the tax onto the retail prices.

We need to slow down this appetite for spending. We need to slow down this appetite for expanding authorizations and appropriations and the services of the Federal Government. You can go with one of two equations, and one of those equations is government can be all and do all and become the complete nanny state, or you can ask for more personal responsibility. That means less government, it also means less taxes, and the bottom line is, more freedom.

The Price amendment endorses PAYGO, holds us to those guidelines that we have agreed to here, and, in the end, it yields more freedom, more personal responsibility and less tax burden.

I urge adoption of the Price amendment.

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

Mr. KILDEE. Mr. Chairman, I move to strike the last word.

The Acting CHAIRMAN. The gentleman from Michigan is recognized for 5 minutes.

Mr. KILDEE. I yield to the gentleman from Massachusetts.

Mr. FRANK of Massachusetts. I thank the gentleman.

The gentleman from Georgia misunderstands my view.

What I want is fiscal discipline. What I object to is the very selective application of that to people who are in need. The gentleman from Iowa says we are going to restore freedom.

I don't think the freedom of Navajo children that live in inadequate housing is something worth defending. I am especially struck by the fact that we are about to ask the President to spend tens of billions more where we spent hundreds of billions in the war in Iraq.

I offered an amendment a year ago to restrict spending on a manned space shot to Mars. I lost on the floor of this House.

I don't know how every Member voted. I do know a majority of the Republican Party voted against me because the President wanted to send a man to Mars.

I voted against the Agriculture bill. I voted for an amendment that would have cut the spending there. But to be accused of being careless with the taxpayers' money by people who have supported this enormous corruption-ridden expenditure of hundreds of billions in Iraq is like being called silly by the Three Stooges.

Now, back to the gentleman from Georgia. He says well, don't blame me. The gentleman says he just borrowed the amendment from other people. It's germane to its rules. The gentleman could be more creative than that.

Here's the point. This is why you don't do the PAYGO in this restrictive fashion program by program, selectively by program by program.

When you like a program that spends a lot of money, in some areas you don't do it. If you don't like the program, you do it, and you claim it's just the neutral principle of fiscal responsibility. But PAYGO is sensibly applied over the whole budget, over the whole appropriations process. You can say, you know, we need more in the environmental area, we need more in the housing area, we need more in the transportation area. Let's reduce it in the manned space shot to Mars.

The way this is written, the only way you could have this pass and be valid would be if you cut within this program. The gentleman says, well, those are the rules of germaneness. Yes, that's why you do PAYGO on a broader scale.

To say you can only do Indian housing if you cut other things that are germane to this bill is precisely to shield the manned space shot to Mars, it's to shield expensive military spending, it's to shield cotton subsidies beyond what ought to be, and then say, you know what, if you're going to interfere with the freedom of these Navajo children to live in squalor, then we're going to have to make you cut back on money elsewhere.

I thank the gentleman for yielding.

Mr. KILDEE. Mr. Chairman, I yield back the balance of my time.

Mr. ABERCROMBIE. Mr. Chairman, I move to strike the last word.

The Acting CHAIRMAN. The gentleman from Hawaii is recognized for 5 minutes.

Mr. ABERCROMBIE. Just a couple of notes. My good friend from Iowa was complimentary to me, and I am appreciative of that. I want to indicate to him, perhaps he misunderstood my intention in citing just a couple of instances where the vote was taken by himself and others with regard to minorities, with regard to Native Alaskans and tribal members and Native Hawaiians.

The reason that I cited it was not because I was trying to look for something for them that they did not deserve or would not prove useful to them, but let me explain why I cited them, because I thought it was undermining the principles that were cited by our friend from Georgia and our friend from Iowa, initiative, working yourself up the economic and social ladder of success.

Take the two bills. First, the Minority Serving Institutional Digital and Wireless Technology Opportunity Act. If you go into the bill itself, what it is is to try to assist in the areas where minorities are at issue, with trying to increase their capacity to do business, to increase their abilities to deal with wireless technology, digital technology today, as the keystone to economic opportunity and economic success. It's to give people the opportunity to increase their ability to pay their taxes to participate in the American foundation of American economic opportunity so that they could actually increase their capacity to succeed economically.

The same with the other bill, which is why I cited it. I thought that these were the kinds of things that we could all get behind, improve and expand the small business development centers. I know, out in Hawaii, for a fact the small business development centers have been crucial to getting small businesses under way to aiding and assist people who need not just a handout but a hand up, and to give them the technical skills not ordinarily available to them, to give them some of the institutional references that they need to make in order to be able to apply for loans to succeed in achieving, getting the loans to get started, particularly microloans and so on.

I can't speak for you, but I am sure you, as well, are familiar with small business development centers. What we are trying to do here, in the area of Indian tribe members, Alaskan Natives and Native Hawaiians is to extend that helping hand so they can participate even further and achieve the very goals my good friend from Iowa and my good friend from Georgia have cited as being worthy of pursuit, not just by way of legislation, but by way of the everyday activities of constituents as they try to partake in the American Dream.

That's all this is about. We want to give people the opportunity legislatively to take advantage of the small business development centers, to take advantage of the new wireless technology in a way that might not have been available to them otherwise.

The Acting CHAIRMAN. The question is on the amendment offered by the gentleman from Georgia (Mr. PRICE).

The question was taken; and the Acting Chairman announced that the noes appeared to have it.

Mr. PRICE of Georgia. Mr. Chairman, I demand a recorded vote.

The Acting CHAIRMAN. Pursuant to clause 6 of rule XVIII, further proceedings on the amendment offered by the gentleman from Georgia will be postponed.

Mr. FRANK of Massachusetts. Mr. Chairman, I move to strike the last word.

The Acting CHAIRMAN. The gentleman is recognized for 5 minutes.

Mr. FRANK of Massachusetts. Mr. Chairman, I noted in the list of amendments submitted there was a second amendment that the gentleman from Georgia had on the question of illegal immigrants being in the program.

I was wondering whether that was going to be offered.

I yield to the gentleman from Georgia.

Mr. PRICE of Georgia. I appreciate the gentleman yielding.

No, I have no plan to offer that at this time.

Mr. FRANK of Massachusetts. I appreciate that. I was struck by the gentleman offering it. I thought it was dangerous for the gentleman to offer this amendment to a Native American housing program which cracked down on illegal immigrants, because I think the Native Americans' response would have been, why didn't we think of that? So it was probably good for all of us that he decided prudence overruled his decision to offer it.

With that, I yield back the balance of my time.

ANNOUNCEMENT BY THE ACTING CHAIRMAN

The Acting CHAIRMAN. Pursuant to clause 6 of rule XVIII, proceedings will now resume on those amendments on which further proceedings were postponed, in the following order:

Amendment No. 7 by Mr. WESTMORELAND of Georgia.

Amendment No. 2 by Mr. KING of Iowa.

Amendment No. 5 by Mr. PRICE of Georgia.

The Chair will reduce to 5 minutes the time for any electronic vote after the first vote in this series.

AMENDMENT NO. 7 OFFERED BY MR. WESTMORELAND

The Acting CHAIRMAN. The unfinished business is the demand for a recorded vote on the amendment offered by the gentleman from Georgia (Mr. WESTMORELAND) on which further proceedings were postponed and on which the noes prevailed by voice vote.

The Clerk will redesignate the amendment.

The Clerk redesignated the amendment.

RECORDED VOTE

The Acting CHAIRMAN. A recorded vote has been demanded.

A recorded vote was ordered.

The vote was taken by electronic device, and there were—ayes 112, noes 298, not voting 27, as follows:

[Roll No. 856]

AYES—112

Akin
Bachmann
Bachus
Baker
Barrett (SC)
Bilbray
Bilirakis
Blackburn
Blunt
Boehner
Boozman
Brady (TX)
Broun (GA)
Brown (SC)
Brown-Waite, Ginny
Buchanan
Burgess
Burton (IN)
Buyer
Camp (MI)
Campbell (CA)
Cannon
Cantor
Castle
Chabot
Coble
Conaway
Crenshaw
Culberson
Davis, David
Deal (GA)
Diaz-Balart, L.
Diaz-Balart, M.
Drake
Duncan
English (PA)
Everett
Feeney
Flake
Forbes
Fossella
Foxx
Franks (AZ)
Garrett (NJ)
Goode
Goodlatte
Granger
Graves
Hastings (WA)
Hayes
Heller
Hensarling
Herger
Hoekstra
Hulshof
Inglis (SC)
Issa
Jordan
Keller
King (IA)
Kingston
Kline (MN)
Lamborn
Latham
Linder
Lungren, Daniel E.
Mack
Manzullo
Marchant
McCarthy (CA)
McCaul (TX)
McCotter
McHenry
McKeon
Mica
Miller (FL)
Miller, Gary
Moran (KS)
Musgrave
Myrick
Neugebauer
Paul
Pence
Petri
Pitts
Poe
Price (GA)
Pryce (OH)
Putnam
Radanovich
Ramstad
Rogers (AL)
Rohrabacher
Roskam
Ryan (WI)
Sali
Schmidt
Sensenbrenner
Sessions
Shadegg
Shuster
Smith (NE)
Smith (TX)

Stearns
Thornberry
Tiberi
Walberg
Wamp
Weldon (FL)
Westmoreland
Wilson (SC)
Wolf

NOES—298

Abercrombie
Ackerman
Aderholt
Alexander
Allen
Altmire
Arcuri
Baca
Baird
Baldwin
Barrow
Bartlett (MD)
Barton (TX)
Bean
Becerra
Berkley
Berman
Berry
Biggert
Bishop (GA)
Bishop (NY)
Bishop (UT)
Blumenauer
Bonner
Bono
Bordallo
Boren
Boswell
Boucher
Boustany
Boyd (FL)
Boyda (KS)
Brady (PA)
Braley (IA)
Brown, Corrine
Butterfield
Calvert
Capito
Capps
Capuano
Cardoza
Carnahan
Carney
Carson
Castor
Chandler
Christensen
Clarke
Clay
Cleaver
Clyburn
Cohen
Cole (OK)
Conyers
Cooper
Costa
Costello
Courtney
Cramer
Crowley
Cubin
Cuellar
Cummings
Davis (AL)
Davis (CA)
Davis (IL)
Davis (KY)
Davis, Lincoln
Davis, Tom
DeFazio
DeGette
Delahunt
DeLauro
Dent
Dicks
Dingell
Doggett
Donnelly
Doolittle
Doyle
Dreier
Edwards
Ehlers
Ellison
Ellsworth
Emanuel
Emerson
Engel
Eshoo
Etheridge
Fallin
Farr
Fattah
Ferguson
Filner
Fortenberry
Fortuño
Frank (MA)
Frelinghuysen
Gallegly
Gerlach
Giffords
Gilchrest
Gillibrand
Gingrey
Gonzalez
Gordon
Green, Al
Green, Gene
Grijalva
Gutierrez
Hall (NY)
Hall (TX)
Hare
Harman
Herseth Sandlin
Higgins
Hill
Hinchey
Hirono
Hobson
Hodes
Holden
Holt
Honda
Hoyer
Hunter
Inslee
Israel
Jackson (IL)
Jackson-Lee (TX)
Jefferson
Johnson (GA)
Johnson (IL)
Johnson, E. B.
Jones (NC)
Jones (OH)
Kagen
Kanjorski
Kaptur
Kennedy
Kildee
Kilpatrick
Kind
King (NY)
Kirk
Klein (FL)
Knollenberg
Kuhl (NY)
LaHood
Lampson
Langevin
Lantos
Larsen (WA)
Larson (CT)
LaTourette
Lee
Levin
Lewis (CA)
Lewis (GA)
Lewis (KY)
Lipinski
LoBiondo
Loebsack
Lofgren, Zoe
Lowey
Lucas
Lynch
Mahoney (FL)
Maloney (NY)
Markey
Marshall
Matheson
Matsui
McCollum (MN)
McCrery
McDermott
McGovern
McHugh
McIntyre
McMorris Rodgers
McNerney
McNulty
Meek (FL)
Meeks (NY)
Melancon
Michaud
Miller (MI)
Miller (NC)
Mollohan
Moore (KS)
Moore (WI)
Moran (VA)
Murphy (CT)
Murphy, Patrick
Murphy, Tim
Murtha
Nadler
Napolitano
Neal (MA)
Norton
Nunes
Oberstar
Obey
Olver
Ortiz
Pallone
Pascrell
Pastor
Payne
Pearce
Perlmutter
Peterson (MN)
Peterson (PA)
Pickering
Platts
Pomeroy
Porter
Price (NC)
Rahall
Rangel
Regula
Rehberg
Reichert
Renzi
Reyes
Richardson
Rodriguez
Rogers (KY)
Rogers (MI)
Ross
Rothman
Roybal-Allard
Ruppersberger
Rush
Ryan (OH)
Salazar
Sánchez, Linda T.
Sarbanes
Saxton
Schakowsky
Schiff
Schwartz
Scott (GA)
Scott (VA)
Serrano
Sestak
Shays
Shea-Porter
Sherman
Shuler
Simpson
Sires
Skelton
Slaughter
Smith (NJ)
Smith (WA)
Snyder
Solis
Souder
Space
Spratt
Stark
Stupak
Sullivan
Sutton
Tanner
Tauscher
Taylor
Thompson (CA)
Thompson (MS)
Tiahrt
Tierney
Towns
Turner
Udall (CO)
Udall (NM)
Upton
Van Hollen
Velázquez
Walden (OR)
Walsh (NY)
Walz (MN)
Wasserman Schultz
Waters
Watt
Waxman
Weiner
Welch (VT)
Wexler
Whitfield
Wicker
Wilson (NM)
Wilson (OH)
Woolsey
Wu
Wynn
Yarmuth

NOT VOTING—27

Andrews
Carter
Davis, Jo Ann
Faleomavaega
Gohmert
Hastert
Hastings (FL)
Hinojosa
Hooley
Jindal
Johnson, Sam
Kucinich
McCarthy (NY)
Miller, George
Mitchell
Reynolds
Ros-Lehtinen
Royce
Sanchez, Loretta
Shimkus
Tancredo
Terry
Visclosky
Watson
Weller
Young (AK)
Young (FL)

□ 1325

Messrs. BOYD of Florida, BERRY, MELANCON, CUMMINGS, PICKERING, BARTON of Texas, ALTMIRE, BARTLETT of Maryland, JONES of Ohio, Ms. BERKLEY, Ms. LINDA T. SÁNCHEZ of California, and Ms. KILPATRICK changed their vote from ''aye'' to ''no.''

Messrs. WELDON of Florida, SMITH of Texas, FRANKS of Arizona, BURGESS, LINCOLN DIAZ-BALART of Florida, and BRADY of Texas changed their vote from ''no'' to ''aye.''

So the amendment was rejected.

The result of the vote was announced as above recorded.

AMENDMENT NO. 2 OFFERED BY MR. KING OF IOWA

The Acting CHAIRMAN. The unfinished business is the demand for a recorded vote on the amendment offered by the gentleman from Iowa (Mr. KING) on which further proceedings were postponed and on which the noes prevailed by voice vote.

The Clerk will redesignate the amendment.

The Clerk redesignated the amendment.

RECORDED VOTE

The Acting CHAIRMAN. A recorded vote has been demanded.

A recorded vote was ordered.

The Acting CHAIRMAN. This will be a 5-minute vote.

The vote was taken by electronic device, and there were—ayes 263, noes 146, not voting 28, as follows:

[Roll No. 857]

AYES—263

Aderholt
Akin
Alexander
Altmire
Arcuri
Bachmann
Bachus
Baird
Baker
Barrett (SC)
Barrow
Bartlett (MD)
Barton (TX)
Bean
Berkley
Berry
Biggert
Bilbray
Bilirakis
Bishop (GA)
Bishop (UT)
Blackburn
Blunt
Boehner
Bonner
Bono
Boozman
Boren
Boswell
Boucher
Boustany
Boyd (FL)
Boyda (KS)
Brady (TX)
Broun (GA)
Brown (SC)
Brown-Waite, Ginny
Buchanan
Burgess
Burton (IN)
Buyer
Camp (MI)
Campbell (CA)
Cannon
Cantor
Capito
Carnahan
Carney
Castle
Chabot
Chandler
Coble
Cole (OK)
Conaway
Costello
Courtney
Cramer
Crenshaw
Cubin
Cuellar
Culberson
Davis (AL)
Davis (KY)
Davis, David
Davis, Tom
Deal (GA)
DeFazio
Dent
Dicks
Donnelly
Doolittle
Drake
Dreier
Duncan
Edwards
Ehlers
Ellsworth
Emerson
English (PA)
Etheridge
Everett
Fallin
Feeney
Ferguson
Flake
Forbes
Fortenberry
Fossella
Foxx
Franks (AZ)
Frelinghuysen
Gallegly
Garrett (NJ)
Gerlach
Giffords
Gilchrest
Gillibrand
Gingrey
Goode
Goodlatte
Granger
Graves
Hall (NY)
Hall (TX)
Hare
Harman
Hastings (WA)
Hayes
Heller
Hensarling
Herger
Herseth Sandlin
Higgins
Hill
Hobson
Hodes
Hoekstra
Holden
Hulshof
Hunter
Inglis (SC)
Inslee
Issa
Johnson (IL)
Jones (NC)
Jordan
Kagen
Kanjorski
Keller
Kind
King (IA)
King (NY)
Kingston
Kirk
Klein (FL)
Kline (MN)
Knollenberg
Kuhl (NY)
LaHood
Lamborn
Lampson
Latham
LaTourette
Lewis (KY)
Linder
Lipinski
LoBiondo
Lucas
Lungren, Daniel E.
Lynch
Mack
Mahoney (FL)
Manzullo
Marchant
Marshall
Matheson
McCarthy (CA)
McCaul (TX)
McCotter
McCrery
McHenry
McHugh
McIntyre
McKeon
McMorris Rodgers
McNerney
Melancon
Mica
Miller (FL)
Miller (MI)
Miller (NC)
Miller, Gary
Mitchell
Moore (KS)
Moran (KS)
Murphy (CT)
Murphy, Patrick
Murphy, Tim
Musgrave
Myrick
Neugebauer
Nunes
Oberstar
Obey
Paul
Payne
Pearce
Pence
Perlmutter
Peterson (MN)
Peterson (PA)
Petri
Pickering
Pitts
Platts
Poe
Pomeroy
Porter
Price (GA)
Pryce (OH)
Putnam
Radanovich
Ramstad
Regula
Rehberg
Reichert
Renzi
Reynolds
Rodriguez
Rogers (AL)
Rogers (KY)
Rogers (MI)
Rohrabacher
Roskam
Rothman
Ryan (OH)
Ryan (WI)
Salazar
Sali
Saxton
Schiff
Schmidt
Sensenbrenner
Sessions
Sestak
Shadegg
Shays
Shea-Porter
Shuler
Shuster
Simpson
Skelton
Smith (NE)
Smith (NJ)
Smith (TX)
Smith (WA)
Souder
Space
Spratt
Stearns
Stupak
Sullivan
Tanner
Taylor
Thornberry
Tiahrt
Tiberi
Turner
Udall (CO)
Upton
Walberg
Walden (OR)
Walsh (NY)
Walz (MN)
Wamp
Weldon (FL)
Westmoreland
Whitfield
Wicker
Wilson (NM)
Wilson (OH)
Wilson (SC)
Wolf

NOES—146

Abercrombie
Ackerman
Allen
Baca
Baldwin
Becerra
Berman
Bishop (NY)
Blumenauer
Bordallo
Brady (PA)
Braley (IA)
Brown, Corrine
Butterfield
Capps
Capuano
Cardoza
Carson
Castor
Christensen
Clarke
Clay
Cleaver
Clyburn
Cohen
Conyers
Cooper
Costa
Crowley
Cummings
Davis (CA)
Davis (IL)
DeGette
Delahunt
DeLauro
Diaz-Balart, L.
Diaz-Balart, M.
Dingell
Doyle
Ellison
Emanuel
Engel
Eshoo
Farr
Fattah
Filner
Fortuño
Frank (MA)
Gonzalez
Gordon
Green, Al
Green, Gene
Grijalva
Gutierrez
Hinchey
Hinojosa
Hirono
Holt
Honda
Hoyer
Israel
Jackson (IL)
Jackson-Lee (TX)
Jefferson
Johnson (GA)
Johnson, E. B.
Jones (OH)
Kaptur
Kennedy
Kildee
Kilpatrick
Langevin
Lantos
Larsen (WA)
Larson (CT)
Lee
Levin
Lewis (CA)
Lewis (GA)
Loebsack
Lofgren, Zoe
Lowey
Maloney (NY)
Matsui
McCollum (MN)
McDermott
McGovern
McNulty
Meek (FL)
Meeks (NY)
Michaud
Miller, George
Mollohan
Moore (WI)
Moran (VA)
Murtha
Nadler
Napolitano
Neal (MA)
Norton
Olver

Ortiz
Pallone
Pascrell
Pastor
Price (NC)
Rahall
Rangel
Reyes
Richardson
Roybal-Allard
Ruppersberger
Rush
Sánchez, Linda T.
Sarbanes
Schakowsky
Schwartz
Scott (GA)
Scott (VA)
Serrano
Sherman
Sires
Slaughter
Snyder
Solis
Stark
Sutton
Tauscher
Thompson (CA)
Thompson (MS)
Tierney
Towns
Udall (NM)
Van Hollen
Velázquez
Wasserman Schultz
Waters
Watt
Waxman
Weiner
Welch (VT)
Wexler
Woolsey
Wu
Wynn
Yarmuth

NOT VOTING—28

Andrews
Calvert
Carter
Davis, Jo Ann
Davis, Lincoln
Doggett
Faleomavaega
Gohmert
Hastert
Hastings (FL)
Hooley
Jindal
Johnson, Sam
Kucinich
Markey
McCarthy (NY)
Ros-Lehtinen
Ross
Royce
Sanchez, Loretta
Shimkus
Tancredo
Terry
Visclosky
Watson
Weller
Young (AK)
Young (FL)

ANNOUNCEMENT BY THE ACTING CHAIRMAN

The Acting CHAIRMAN (during the vote). Members are advised 2 minutes remain in this vote.

□ 1333

Mr. HARE changed his vote from ''no'' to ''aye.''

So the amendment was agreed to.

The result of the vote was announced as above recorded.

AMENDMENT NO. 5 OFFERED BY MR. PRICE OF GEORGIA

The Acting CHAIRMAN. The unfinished business is the demand for a recorded vote on the amendment offered by the gentleman from Georgia (Mr. PRICE) on which further proceedings were postponed and on which the noes prevailed by voice vote.

The Clerk will redesignate the amendment.

The Clerk redesignated the amendment.

RECORDED VOTE

The Acting CHAIRMAN. A recorded vote has been demanded.

A recorded vote was ordered.

The Acting CHAIRMAN. This will be a 5-minute vote.

The vote was taken by electronic device, and there were—ayes 184, noes 228, not voting 25, as follows:

[Roll No. 858]

AYES—184

Aderholt
Akin
Alexander
Altmire
Bachmann
Bachus
Baker
Barrett (SC)
Bartlett (MD)
Barton (TX)
Biggert
Bilbray
Bilirakis
Bishop (UT)
Blackburn
Blunt
Boehner
Bonner
Bono
Boozman
Boustany
Brady (TX)
Broun (GA)
Brown (SC)
Brown-Waite, Ginny
Buchanan
Burgess
Burton (IN)
Buyer
Calvert
Camp (MI)
Campbell (CA)
Cannon
Cantor
Capito
Castle
Chabot
Coble
Cole (OK)
Conaway
Crenshaw
Cubin
Culberson
Davis (KY)
Davis, David
Davis, Tom
Deal (GA)
Dent
Diaz-Balart, L.
Diaz-Balart, M.
Doolittle
Drake
Dreier
Duncan
Ehlers
Emerson
English (PA)
Everett
Fallin
Feeney
Ferguson
Flake
Forbes
Fortenberry
Fortuño
Fossella
Foxx
Franks (AZ)
Frelinghuysen
Gallegly
Garrett (NJ)
Gerlach
Gilchrest
Gingrey
Goode
Goodlatte
Granger
Graves
Hall (TX)
Hastings (WA)
Hayes
Heller
Hensarling
Herger
Hobson
Hoekstra
Hulshof
Inglis (SC)
Issa
Johnson (IL)
Jones (NC)
Jordan
Keller
King (IA)
King (NY)
Kingston
Kirk
Kline (MN)
Knollenberg
Kuhl (NY)
LaHood
Lamborn
Lampson
Latham
LaTourette
Lewis (KY)
Linder
LoBiondo
Lucas
Lungren, Daniel E.
Mack
Manzullo
Marchant
McCarthy (CA)
McCaul (TX)
McCotter
McCrery
McHenry
McHugh
McKeon
McMorris Rodgers
McNerney
Mica
Miller (FL)
Miller (MI)
Miller, Gary
Mitchell
Moran (KS)
Murphy, Tim
Musgrave
Myrick
Neugebauer
Nunes
Paul
Pearce
Pence
Peterson (PA)
Petri
Pickering
Pitts
Platts
Poe
Porter
Price (GA)
Pryce (OH)
Putnam
Radanovich
Ramstad
Regula
Reynolds
Rogers (AL)
Rogers (KY)
Rohrabacher
Roskam
Ryan (WI)
Sali
Saxton
Schmidt
Sensenbrenner
Sessions
Shadegg
Shuster
Simpson
Smith (NE)
Smith (NJ)
Smith (TX)
Souder
Stearns
Sullivan
Thornberry
Tiahrt
Tiberi
Turner
Upton
Walberg
Walden (OR)
Walsh (NY)
Wamp
Weldon (FL)
Westmoreland
Whitfield
Wicker
Wilson (SC)
Wolf

NOES—228

Abercrombie
Ackerman
Allen
Arcuri
Baca
Baird
Baldwin
Barrow
Bean
Becerra
Berkley
Berman
Berry
Bishop (GA)
Bishop (NY)
Blumenauer
Bordallo
Boren
Boswell
Boucher
Boyd (FL)
Boyda (KS)
Brady (PA)
Braley (IA)
Brown, Corrine
Butterfield
Capps
Capuano
Cardoza
Carnahan
Carney
Carson
Castor
Chandler
Christensen
Clarke
Clay
Cleaver
Clyburn
Cohen
Conyers
Cooper
Costa
Costello
Courtney
Cramer
Crowley
Cuellar
Cummings
Davis (AL)
Davis (CA)
Davis (IL)
Davis, Lincoln
DeFazio
DeGette
Delahunt
DeLauro
Dicks
Dingell
Doggett
Donnelly
Doyle
Edwards
Ellison
Ellsworth
Emanuel
Engel
Eshoo
Etheridge
Farr
Fattah
Filner
Frank (MA)
Giffords
Gillibrand
Gonzalez
Gordon
Green, Al
Green, Gene
Grijalva
Gutierrez
Hall (NY)
Hare
Harman
Herseth Sandlin
Higgins
Hill
Hinchey
Hinojosa
Hirono
Hodes
Holden
Holt
Honda
Hoyer
Inslee
Israel
Jackson (IL)
Jackson-Lee (TX)
Jefferson
Johnson (GA)
Johnson, E. B.
Jones (OH)
Kagen
Kanjorski
Kaptur
Kennedy
Kildee
Kilpatrick
Kind
Klein (FL)
Langevin
Lantos
Larsen (WA)
Larson (CT)
Lee
Levin
Lewis (CA)
Lewis (GA)
Lipinski
Loebsack
Lofgren, Zoe
Lowey
Lynch
Mahoney (FL)
Maloney (NY)
Markey
Marshall
Matheson
Matsui
McCollum (MN)
McDermott
McGovern
McIntyre
McNulty
Meek (FL)
Meeks (NY)
Melancon
Michaud
Miller (NC)
Miller, George
Mollohan
Moore (KS)
Moore (WI)
Moran (VA)
Murphy (CT)
Murphy, Patrick
Murtha
Nadler
Napolitano
Neal (MA)
Norton
Oberstar
Obey
Olver
Ortiz
Pallone
Pascrell
Pastor
Payne
Perlmutter
Peterson (MN)
Pomeroy
Price (NC)
Rahall
Rangel
Rehberg
Reichert
Renzi
Reyes
Richardson
Rodriguez
Ross
Rothman
Roybal-Allard
Ruppersberger
Rush
Ryan (OH)
Salazar
Sánchez, Linda T.
Sarbanes
Schakowsky
Schiff
Schwartz
Scott (GA)
Scott (VA)
Serrano
Sestak
Shays
Shea-Porter
Sherman
Shuler
Sires
Skelton
Slaughter
Smith (WA)
Snyder
Solis
Space
Spratt
Stark
Stupak
Sutton
Tanner
Tauscher
Taylor
Thompson (CA)
Thompson (MS)
Tierney
Towns
Udall (CO)
Udall (NM)
Van Hollen
Velázquez
Walz (MN)
Wasserman Schultz
Waters
Watt
Waxman
Weiner
Welch (VT)
Wexler
Wilson (NM)
Wilson (OH)
Woolsey
Wu
Wynn
Yarmuth

NOT VOTING—25

Andrews
Carter
Davis, Jo Ann
Faleomavaega
Gohmert
Hastert
Hastings (FL)
Hooley
Hunter
Jindal
Johnson, Sam
Kucinich
McCarthy (NY)
Rogers (MI)
Ros-Lehtinen
Royce
Sanchez, Loretta
Shimkus
Tancredo
Terry
Visclosky
Watson
Weller
Young (AK)
Young (FL)

ANNOUNCEMENT BY THE ACTING CHAIRMAN

The Acting CHAIRMAN (during the vote). Members are advised that 2 minutes remain on this vote.

□ 1342

Ms. GIFFORDS changed her vote from ''aye'' to ''no.''

Mr. SHUSTER changed his vote from ''no'' to ''aye.''

So the amendment was rejected.

The result of the vote was announced as above recorded.

The Acting CHAIRMAN. There being no further amendments, under the rule, the Committee rises.

Accordingly, the Committee rose; and the Speaker pro tempore (Mr. ISRAEL) having assumed the chair, Mr. COSTA, Acting Chairman of the Committee of the Whole House on the State of the Union, reported that that Committee, having had under consideration the bill (H.R. 2786) to reauthorize the programs for housing assistance for Native Americans, pursuant to House Resolution 633, he reported the bill back to the House with sundry amendments adopted by the Committee of the Whole.

The SPEAKER pro tempore. Under the rule, the previous question is ordered.

Is a separate vote demanded on any amendment reported from the Committee of the Whole? If not, the Chair will put them en gros.

The amendments were agreed to.

The SPEAKER pro tempore. The question is on the engrossment and third reading of the bill.

The bill was ordered to be engrossed and read a third time, and was read the third time.

The SPEAKER pro tempore. The question is on the passage of the bill.

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

Mr. FRANK of Massachusetts. Mr. Speaker, on that I demand the yeas and nays.

The yeas and nays were ordered.

The vote was taken by electronic device, and there were—yeas 333, nays 75, not voting 24, as follows:

[Roll No. 859]

YEAS—333

Abercrombie
Ackerman
Aderholt
Alexander
Allen
Altmire
Arcuri
Baca
Bachmann
Baird
Baldwin
Barrow
Bartlett (MD)
Bean
Becerra
Berkley
Berman
Berry
Biggert
Bilbray
Bilirakis
Bishop (GA)
Bishop (NY)
Bishop (UT)
Blumenauer
Blunt
Bonner
Bono
Boozman
Boren
Boswell
Boucher
Boustany
Boyd (FL)
Boyda (KS)
Brady (PA)
Brady (TX)
Braley (IA)
Brown, Corrine
Buchanan
Butterfield
Calvert
Camp (MI)
Capito
Capps
Capuano
Cardoza
Carney
Carson
Castle
Castor
Chabot
Chandler
Clarke
Clay
Cleaver
Clyburn
Cohen
Cole (OK)
Conyers
Cooper
Costa
Costello
Courtney
Cramer
Crenshaw
Crowley
Cubin
Cuellar
Cummings
Davis (AL)
Davis (CA)
Davis (IL)
Davis (KY)
Davis, Tom
Deal (GA)
DeFazio
DeGette
Delahunt
DeLauro
Dent
Diaz-Balart, L.
Diaz-Balart, M.
Dicks
Dingell
Doggett
Donnelly
Doolittle
Doyle
Dreier
Edwards
Ehlers
Ellison
Ellsworth
Emanuel
Emerson
Engel
English (PA)
Eshoo
Etheridge
Everett
Fallin
Farr
Fattah
Ferguson
Filner
Forbes
Fortenberry
Frank (MA)
Frelinghuysen
Gallegly
Gerlach
Giffords
Gilchrest
Gillibrand
Gingrey
Gonzalez
Gordon
Graves
Green, Al
Green, Gene
Grijalva
Gutierrez
Hall (NY)
Hare
Harman
Hastings (WA)
Hayes
Herseth Sandlin
Higgins
Hill
Hinchey
Hinojosa
Hirono
Hobson
Hodes
Holden
Holt
Honda
Hoyer
Hunter
Inslee
Israel
Issa
Jackson (IL)
Jackson-Lee (TX)
Jefferson
Johnson (GA)
Johnson (IL)
Johnson, E. B.
Jones (NC)
Jones (OH)
Kagen
Kanjorski
Kaptur
Keller
Kennedy
Kildee
Kilpatrick
Kind
King (NY)
Kirk
Klein (FL)
Kline (MN)
Knollenberg
Kuhl (NY)
LaHood
Lampson
Langevin
Lantos
Larsen (WA)
Larson (CT)
Latham
LaTourette
Lee
Levin
Lewis (CA)
Lewis (GA)
Lewis (KY)
Lipinski
LoBiondo
Loebsack
Lofgren, Zoe
Lowey
Lucas
Lungren, Daniel E.
Lynch
Mahoney (FL)
Maloney (NY)
Markey
Marshall
Matheson
Matsui
McCarthy (CA)
McCaul (TX)
McCollum (MN)
McCotter
McCrery
McDermott
McGovern
McHugh
McIntyre
McKeon
McMorris Rodgers
McNerney
McNulty
Meek (FL)
Meeks (NY)
Melancon
Michaud
Miller (MI)
Miller (NC)
Miller, Gary
Miller, George
Mitchell
Mollohan
Moore (KS)
Moore (WI)
Moran (KS)
Moran (VA)
Murphy (CT)
Murphy, Patrick
Murphy, Tim
Murtha
Nadler
Napolitano
Neal (MA)
Oberstar
Obey
Olver
Ortiz
Pallone
Pascrell
Pastor
Payne
Pearce
Perlmutter
Peterson (MN)
Peterson (PA)
Petri
Pickering
Platts
Pomeroy
Porter
Price (NC)
Pryce (OH)
Radanovich
Rahall
Ramstad
Rangel
Regula
Rehberg
Reichert
Renzi
Reyes
Reynolds
Richardson
Rodriguez
Rogers (AL)
Rogers (KY)
Rogers (MI)
Ross
Rothman
Roybal-Allard
Ruppersberger
Rush
Ryan (OH)
Ryan (WI)
Salazar
Sánchez, Linda T.
Sarbanes
Saxton
Schakowsky
Schiff
Schwartz
Scott (GA)
Scott (VA)
Serrano
Sestak
Shadegg
Shays
Shea-Porter
Sherman
Shuler
Simpson
Sires
Skelton
Slaughter
Smith (NJ)
Smith (TX)
Smith (WA)
Snyder
Solis
Souder
Space
Spratt
Stark
Stupak
Sutton
Tanner
Tauscher
Taylor
Thompson (CA)
Thompson (MS)
Tiahrt
Tierney
Towns
Turner
Udall (CO)
Udall (NM)
Upton
Van Hollen
Velázquez
Walden (OR)
Walsh (NY)
Walz (MN)
Wamp
Wasserman Schultz
Waters
Watt
Waxman
Weiner
Welch (VT)
Wexler
Whitfield
Wicker
Wilson (NM)
Wilson (OH)
Wolf
Woolsey
Wu
Wynn
Yarmuth

NAYS—75

Akin
Bachus
Baker
Barrett (SC)
Barton (TX)
Blackburn
Boehner
Broun (GA)
Brown (SC)
Brown-Waite, Ginny
Burgess
Burton (IN)
Buyer
Campbell (CA)
Cannon
Cantor
Coble
Conaway
Culberson
Davis, David
Drake
Duncan
Feeney
Flake
Fossella
Foxx
Franks (AZ)
Garrett (NJ)
Goode
Goodlatte
Granger
Hall (TX)
Heller
Hensarling
Herger
Hoekstra
Hulshof
Inglis (SC)
Jordan
King (IA)
Kingston
Lamborn
Linder
Mack
Manzullo
Marchant
McHenry
Mica
Miller (FL)
Musgrave
Myrick
Neugebauer
Nunes
Paul
Pence
Pitts
Poe
Price (GA)
Putnam
Rohrabacher
Roskam
Sali
Schmidt
Sensenbrenner
Sessions
Shuster
Smith (NE)
Stearns
Sullivan
Thornberry
Tiberi
Walberg
Weldon (FL)
Westmoreland
Wilson (SC)

NOT VOTING—24

Andrews
Carnahan
Carter
Davis, Jo Ann
Davis, Lincoln
Gohmert
Hastert
Hastings (FL)
Hooley
Jindal
Johnson, Sam
Kucinich
McCarthy (NY)
Ros-Lehtinen
Royce
Sanchez, Loretta
Shimkus
Tancredo
Terry
Visclosky
Watson
Weller
Young (AK)
Young (FL)

□ 1400

Mr. BRADY of Texas changed his vote from ''nay'' to ''yea.''

So the bill was passed.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

PERSONAL EXPLANATION

Ms. LORETTA SANCHEZ of California. Mr. Speaker, on Thursday, September 6, 2007, I was unavoidably detained due to a prior obligation.

I request that the CONGRESSIONAL RECORD reflect that had I been present and voting, I would have voted as follows:

Rollcall No. 854: "Yea". On approving the journal.

Rollcall No. 855: "Yea". On agreeing to the resolution.

Rollcall No. 856: "No". On agreeing to the amendment.

Rollcall No. 857: "No". On agreeing to the amendment.

Rollcall No. 858: "No". On agreeing to the amendment.

Rollcall No. 859: "Aye". On passage of H.R. 2786.

PERSONAL EXPLANATION

Mr. CARTER. Mr. Speaker, on September 6, 2007, I was unable to be present for all rollcall votes due to a family medical emergency.

If present, I would have voted accordingly on the following rollcall votes:

Roll No. 854—"nay"; Roll No. 855—"nay"; Roll No. 856—"aye"; Roll No. 857—"aye"; Roll No. 858—"aye"; Roll No. 859—"no".

AUTHORIZING THE CLERK TO MAKE CORRECTIONS IN ENGROSSMENT OF H.R. 2786, NATIVE AMERICAN HOUSING ASSISTANCE AND SELF-DETERMINATION REAUTHORIZATION ACT OF 2007

Mr. FRANK of Massachusetts. Mr. Speaker, I ask unanimous consent that the Clerk be authorized to make technical corrections in the engrossment of H.R. 2786, to include corrections in spelling, punctuation, section numbering and cross-referencing, and insertion of appropriate headings.

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

There was no objection.

SPECIAL ORDERS

The SPEAKER pro tempore. 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.

CHINA ACTING MORE LIKE AN ENEMY THAN A FRIEND

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Pennsylvania (Mr. TIM MURPHY) is recognized for 5 minutes.

Mr. TIM MURPHY of Pennsylvania. Mr. Speaker, what I am about to say may not be politically correct and it may not make folks in the White House or some of my colleagues in Congress happy, but every time I go home to my district, people ask me, when are we going to get serious about dealing with China?

For a long time, China has acted more like an enemy than a friend. Over and over again, they have sold our families harmful and contaminated products, they have spied on us, and now we find out they are shipping weapons to our enemies in the Middle East to kill our soldiers. This is not the behavior of an ally, but the behavior of an enemy.

They hurt our children. We have found toys containing lead paint and bibs and vinyl lunch boxes containing lead. Just this Wednesday, toy manufacturer Mattel announced it is recalling 700,000 Chinese-made toys because they contain excessive amounts of lead paint. This is the third recall of Chinese-made toys by the company in the past month.

On August 1, Mattel's Fisher-Price announced it was recalling 1.5 million