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House of Representatives

The House met at 10 a.m.

Rev. William H. Hild, Jr., First Baptist Church, Sarasota, Florida, offered the following prayer:

Our Father and our God, we beseech You this morning to grant unto this House abundant wisdom upon which debate and decision will be made. We pray for each and every esteemed Member, their spouses, their families, and the dedicated staffs who undergird them. May the great challenges that confront our land, debated in this Chamber, become opportunities for even greater blessing as, together, we seek Your will for this, our beloved Nation.

May we be reminded today that Your Word teaches: ''Blessed is the Nation whose God is the Lord.'' We thank You for Your incredible goodness, remembering all Your many blessings both individually and as a Nation. We earnestly pray for a deeper desire to make You the foundation and center of our life as we offer this humble prayer in the name of Jesus Christ our Lord.

Amen.

THE JOURNAL

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

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

Mr. PENCE. Madam Speaker, pursuant to clause 1, rule I, I demand a vote on agreeing to the Speaker's approval of the Journal.

The SPEAKER. The question is on the Speaker's approval of the Journal.

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

Mr. PENCE. Madam Speaker, I object to the vote on the ground that a quorum is not present and make the point of order that a quorum is not present.

The SPEAKER. Pursuant to clause 8, rule XX, further proceedings on this question will be postponed.

The point of no quorum is considered withdrawn.

PLEDGE OF ALLEGIANCE

The SPEAKER. Will the gentlewoman from Arizona (Ms. GIFFORDS) come forward and lead the House in the Pledge of Allegiance.

Ms. GIFFORDS led the Pledge of Allegiance as follows:

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

MESSAGE FROM THE SENATE

A message from the Senate by Ms. Curtis, one of its clerks, announced that the Senate has passed with amendments in which the concurrence of the House is requested, a bill of the House of the following title:

H.R. 5938. An act to amend title 18, United States Code, to provide secret service protection to former Vice Presidents, and for other purposes.

The message also announced that the Senate has passed a bill of the following title in which the concurrence of the House is requested:

S. 2617. An act to amend title 38, United States Code, to codify increases in the rates of compensation for veterans with service-connected disabilities and the rates of dependency and indemnity compensation for the survivors of certain disabled veterans that were effective as of December 1, 2007, to provide for an increase in the rates of such compensation effective December 1, 2008, and for other purposes.

WELCOMING REV. WILLIAM H. HILD, JR.

The SPEAKER. Without objection, the gentleman from Florida (Mr. BUCHANAN) is recognized for 1 minute.

There was no objection.

Mr. BUCHANAN. Madam Speaker, it is my privilege and honor today to recognize and welcome my family's pastor, also my wife, Sandy, and my two children. He's been our pastor for the last 8 years. William Hild, since 1997, has served and led as the pastor of First Baptist Church of Sarasota, Florida. Accompanying him here today is his wife, Beverly, of 28 years; William Hild III, who also attends Georgetown Law School; and his sister, Kathy.

Since becoming pastor of First Baptist Church of Sarasota in 1997, Bill has helped to spread the church's ministry throughout our community, the State of Florida, the United States, and even across the world.

Under Pastor Hild's leadership, the church has organized over 20 Holy Land trips to Israel, Jordan and Egypt. These trips provide our members with a greater understanding of the Bible and a deeper appreciation of the work of God.

Here at home, Pastor Hild was a leader in the recovery efforts following Hurricane Katrina. Under his leadership, First Baptist Church of Sarasota donated cash and pledges in excess of $140,000 to help the victims of Katrina. The church also conducted multiple trips to the gulf coast region, delivering food and personal hygiene kits to those affected by the hurricane.

I want to thank my pastor, Pastor Bill Hild, for more importantly, his close friendship and guidance to me, and also providing today's prayer. Also, I would like to thank his wife, Beverly, and son, Will, for being with us today and his family and his many friends from back home watching here today on this very special day.

Thank you, Pastor Hild.

ANNOUNCEMENT BY THE SPEAKER

The SPEAKER. The Chair will entertain up to 10 further requests for 1-

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minute speeches on each side of the aisle.

EXTEND RENEWABLE ENERGY TAX CREDITS

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

Ms. GIFFORDS. Madam Speaker, I rise today to address the urgent issue of extending the renewable energy tax credits. These tax credits are due to expire this year. As we all know, their extension is critical to the young renewable energy industry in our Nation.

The House has passed extensions four separate times, and I applaud my colleagues for doing so. But our job is not done. I urge our colleagues in the Senate to work with us to pass a responsible extender bill quickly.

Solar power and other renewables are poised to be one of the biggest opportunities of the 21st century. Yet unlike our foreign competitors, we still haven't made a firm national commitment to this industry.

America can do better. We have always looked to the future, imagined a better world, and then partnered with the private sector to build it: railroads, the highways, the Internet as well. Government support was critical to every one of these technologies in its earliest stages. Renewable energy is no different.

I refuse to believe that we cannot get this legislation passed. I call on the leadership to pass it immediately. There's no time to waste.

RENEWABLE ENERGY AND ENERGY EFFICIENCY EXPO

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

Mr. WAMP. Mr. Speaker, I rise this morning as the co-chair of the Renewable Energy and Energy Efficiency Caucus in the House of Representatives, representing well over half of the full House, to praise today's 11th annual Renewable Energy and Energy Efficiency Expo being held all day long in the Cannon Caucus Room.

Republicans and Democrats will join in support of these most important investments in renewable energy: wind, solar, biomass, geothermal. We have an abundance of these opportunities. We need to grow this from 6 percent of our electricity utilization to much, much higher.

We believe that Members should lead, encouraging weatherization of your homes, new appliances in your homes, ways to conserve. Conservation is not for wimps. It's for warriors. Not every American will wear the uniform of our Armed Forces, but every American can help our country reduce the demand and lower the cost for energy.

It's a critical issue. Our all-of-the-above strategy includes a tremendous focus on renewable energy, energy efficiency, energy conservation.

We encourage all Members to come to Cannon Caucus at any time today and join us in this most important bipartisan effort.

STOPPING THE FURTHER THEFT OF IRAQ'S OIL RESOURCES

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

Mr. KUCINICH. Mr. Speaker, just prior to the invasion of Iraq on March 17, 2003, the price of a barrel of oil was $30.01, and the price of a gallon of gas was $1.77, the average.

On July 29, 2008, the price of a barrel of oil was $122.21, and the average gallon of gas, $3.96.

The invasion of Iraq was about oil, but it didn't result in more oil or cheaper gas. It resulted in war profiteering by oil companies who benefited by keeping Iraq oil off the market. Remember the secret meetings between the administration and the oil company executives before the war?

Well, today, I'm going to introduce a bill which prevents U.S.-based oil companies from development of and investment in the petroleum resources of Iraq. This will discourage U.S. oil companies from profiting from the war and will stop the further theft of Iraq's oil resources by the very interests who have profited from the war for oil, the U.S. oil companies.

PROMOTING NEW AMERICAN ENERGY ACT

(Mrs. BACHMANN asked and was given permission to address the House for 1 minute and to revise and extend her remarks.)

Mrs. BACHMANN. Mr. Speaker, as part of our action plan for energy, Republicans in the United States House of Representatives are asking that we push forward with an all-of-the-above energy plan to utilize every source of American energy to release us from our dependence on foreign oil.

That's why today I'm introducing, Mr. Speaker, the Promoting New American Energy Act which accelerates tax depreciation to 3 years for investments in newer, cleaner, more efficient technologies, including wind, solar, and geothermal, as well as others.

According to the nonprofit American Council for Capital Formation, American energy investments have less favorable tax depreciation rules in the United States compared to many other countries. This does not put America in a good position for alternatives.

My bill will bring America's tax depreciation schedule in line with those of our major trading partners overseas, which will put America on a better foot globally, and that means more jobs in the United States.

This will take us one step closer, Mr. Speaker, to increasing domestic energy production and making it more efficient.

As a member of the Renewable Energy and Energy Efficiency Caucus, I ask my colleagues to promote newer, cleaner, more efficient energy solutions.

COMMENDING SANTA ANA POLICE DETECTIVE CHUCK SALLE

(Ms. LORETTA SANCHEZ of California asked and was given permission to address the House for 1 minute and to revise and extend her remarks.)

Ms. LORETTA SANCHEZ of California. Mr. Speaker, on May 18, 2007, a young mother was executed in cold blood by her former live-in boyfriend. The woman's 11-year-old daughter was in the house and heard her mother begging for her life, then a pause, then a gunshot, and then silence.

Santa Ana Police Detective Chuck Salle, badge number 2005, was on assignment to the United States Marshall's Fugitive Task Force and was tasked with tracking down and arresting that suspect.

Task force members located the suspect in a crowded restaurant and arranged a meeting away from the public area. Detective Salle approached the suspect, identified himself as a police officer, and the suspect pointed his gun directly at Salle's head and fired. The bullet missed, officers returned fire, and the suspect fell to the ground fatally wounded.

Today, the Treasury Department will recognize Officer Salle with the highest valor award that they honor ATF agents with.

Today, I publicly commend and thank Detective Salle, the United States Marshall's Fugitive Task Force, and law enforcement officers all across this great Nation for their efforts in protecting and serving our communities, day or night, rain or shine, every minute of the day.

□ 1015

LET'S VOTE ON AMERICAN ENERGY ACT

(Ms. FALLIN asked and was given permission to address the House for 1 minute and to revise and extend her remarks.)

Ms. FALLIN. Mr. Speaker, in just 2 weeks, children from all across America and in my district will be starting back to school. All over America, school officials are struggling with the rising costs of fuel. They have to run their buses twice a day for the next 9 months. And in some States, they're already talking about cutting back on bus routes. They're already talking about forcing some children to have to walk to school, and even going to four-day-a-week school classes. That's just not inconvenient for our families and our children, but it's flat-out dangerous for our children, especially our young ones.

Day after day, we wait for this House and the Democratic leadership to allow

us a vote on expanded energy resources, whether it is drilling, whether it is alternative resources—wind, solar, nuclear, refinery capacity, and day after day they say no.

In just a few weeks, our children, who have been riding buses safely, are now going to have to alter the way they get to school.

Mr. Speaker, time is up. It's time for us to vote on the American Energy Act. Let's vote on it today. Let's vote on it before we go on our August break. Let's give the American people relief on gas prices.

GAS PRICES

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

Mr. HALL of New York. Mr. Speaker, gas prices in New York are still at the outrageous price of $4.19, well above what working families in the Hudson Valley can bear. They are looking to us in the government for answers, and Congress needs to respond.

The fact is that the Democratic majority has advanced a wide variety of proposals to provide relief. We have pushed tax credits for fuel-efficient vehicles and renewables, we've called for Big Oil to drill on its land that it has already leased and gotten permits for, and advocated a release from the SPR. Each time President Bush and his allies have opposed these measures and are holding real energy solutions hostage to their insistence on old, ineffective drilling proposals.

The Republican minority treats our energy crisis like a multiple choice question. The problem is that they keep answering ''none of the above.'' On this side of the aisle, we will keep pushing solutions to responsibly enhance American energy supplies and usher in an innovative and independent energy future.

I hope that after the break our friends on the other side of the aisle will come back to Congress ready to cooperate instead of standing in the way.

AMERICA NEEDS COMPREHENSIVE ENERGY REFORM

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

Mr. LATTA. Mr. Speaker, I am proud to represent the ninth largest manufacturing district of the United States Congress. Earlier this week, I had the pleasure of visiting two manufacturing facilities in my district.

During the visits, the management of each facility told me that the number one issue facing them is the rising cost of energy and petroleum products.

Natural gas is a much-needed resource in the manufacturing industry to fuel production, in addition to the thousands of petroleum-based products that are used to fabricate various goods.

Without comprehensive energy reform, the price of oil and natural gas will continue to rise here in the United States, forcing costs to rise, and leaving us at a competitive disadvantage with the rest of the world. Foreign manufacturers located in countries such as India and China are allowing for exploration and recovery of their domestic natural resources that keep their energy prices low.

The bottom line is that energy equals manufacturing which equals jobs. And without comprehensive energy reform, our Nation will continue to lose business to these countries and our economy will continue to suffer. The time to act is now.

COMPREHENSIVE IMMIGRATION REFORM

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

Mr. BACA. Mr. Speaker, we are a Nation with a Constitution and a Bill of Rights, with human rights; and that's what makes our country so great.

These rights were violated for hundreds of families in immigration raids throughout the country, including Postville, Iowa. What we fail to see at times are the long-lasting and devastating impact raids leave behind.

In Postville, hundreds of children have been ripped from their families, elderly left to fend for themselves, single parents forced to wear ankle bracelets are prohibited from working to feed their children. And the schools now resemble ghost towns with the absence of so many children.

We cannot continue to look the other way and ignore what is happening in this country.

The human dignity of these families have been stepped on. We are a country with moral principles and core family values. There is no blanket solution for the immigration crisis. We need to look beyond this ugly anti-immigrant rhetoric that is dividing our Nation and work towards comprehensive immigration reform.

213 VOTE TO GET OUT OF DODGE

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

Mr. POE. Mr. Speaker, it was 213 to get out of town and it was 212 to stay here and do our job, which is to pass an energy bill for Americans. So the 213 that won this vote, at the end of the day tomorrow they're getting out of town. But you see, back home where I live, people can't even leave town because they don't have enough money to pay for gasoline for their vehicles.

It's a shame on Congress that we are going in recess when we have to deal and have not dealt with the issue of high energy prices.

So let's bring a vote up today on whether we should drill offshore or not. Let Congress decide—no politics, up or down vote—whether we should drill offshore and get America back to work by lowering gasoline prices. That's what we need to do rather than get out of Dodge—or should I say Washington, DC.

And that's just the way it is.

VETERANS TRAVEL PROGRAM REFORM ACT

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

Mr. WALZ of Minnesota. Mr. Speaker, I rise today to introduce a new bill, the Veterans Travel Program Reform Act of 2008. I'm proud to be joined by my colleague from Connecticut (Mr. COURTNEY) in introducing this legislation.

Many of our veterans incur significant costs traveling to and from VA facilities to receive their health care treatment. This is especially true because of skyrocketing gas prices, and it's a big problem in rural areas like southern Minnesota.

While some veterans are reimbursed for their travel, the rate they receive is way below what Members of this body receive when we travel in our cars. That is simply wrong. What's more, current law requires the VA Secretary to raise the deductible that veterans have to pay when the mileage reimbursement goes up.

Many of our veterans travel—and travel long distances—and end up paying for it out of their own pocket. This bill would fix these problems by making it more generous and fair in the reimbursement. It would set the mileage rate at the same rate that other Members of Congress and other Federal employees receive. It would eliminate the deductible, and it would eliminate the restrictions on eligibility so more of our veterans would be able to receive that.

Mr. Speaker, our veterans served us, now it's time we serve them. I urge my colleagues to join me.

CONGRESS SHOULD DO ITS JOB AND VOTE ON ENERGY

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

Mr. PENCE. Yesterday, by one vote, the House voted to adjourn as soon as today for the August recess. This means Congress is about to take a 5-week vacation without even taking a vote on bipartisan measures that would lessen our dependence on foreign oil by allowing more domestic drilling on the Outer Continental Shelf.

Mr. Speaker, the American people won't get a vacation from high gasoline prices, so Congress shouldn't take a vacation until we vote to lessen our dependence on foreign oil.

If the Speaker won't keep the House in session to allow this vote, I urge President Bush to call an immediate

energy special session of Congress. Under article II, section 3 of the Constitution, the President has the power, quote, on extraordinary occasions to convene the Congress. If $4 a gallon of gas isn't an extraordinary occasion that demands action by the Congress, I don't know what is.

The Congress should stay in session and do its job and give the bipartisan pro-drilling majority a vote. And, Mr. President, if this Congress tries to leave town without voting on more drilling, use your constitutional authority, bring them back and make them work.

RENEWABLE ENERGY AND ENERGY EFFICIENCY EXPO

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

Mr. CARNAHAN. Mr. Speaker, I rise to thank Congressman MARK UDALL and Congressman ZACH WAMP and the Renewable Energy and Energy Efficiency Caucus for sponsoring the expo today in the Cannon Caucus Room. I urge all Members and staff to attend.

I believe Members from both sides of the aisle can agree that renewable energy and energy efficiency will be a big part of our effort to wean ourselves from a dangerous reliance on foreign oil.

This new and developing sector of the economy will generate thousands of new jobs, high-paying green collar jobs, that will remain in America and won't be outsourced.

The union of renewable energy and energy efficiency with the built environment will not only generate new jobs and new technology, but it will help to immediately address global climate change. According to recent studies, the quickest and easiest way to positively affect global climate change is to design and build—or retrofit—high-performance green buildings. These buildings are energy efficient, healthy, safe, and secure.

Developing buildings that use renewable energy and seeking energy efficiency is a win for the economy, for the environment, and for the people who work in them.

MEDIA FAIRNESS INITIATIVE: MEDIA DONATIONS FAVOR DEMOCRATS

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

Mr. SMITH of Texas. Mr. Speaker, the story of the 2008 election is being told by a partisan media. If you have any doubt, just follow the money.

An analysis by Investor's Business Daily shows that journalists contributed 15 times more money to Democrats than Republicans during this election cycle. While 235 journalists donated to Democrats, just 20 gave to Republicans, a margin of more than 10–1. And journalists who gave to Senator OBAMA outnumbered those who contributed to Senator MCCAIN by a 20–1 margin. No wonder nearly seven in 10 Americans say the media wants Senator OBAMA to win the election, according to a recent poll.

Mr. Speaker, we need to promote fairness and objectivity in journalism. Only then we will restore Americans' faith in the media.

CONSUMER SAFETY

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

Mr. KLEIN of Florida. Mr. Speaker, yesterday the House passed two pieces of legislation critical to consumer safety, both in my district in south Florida and of course throughout the United States.

The first bill, the Product Safety Modernization Act, bans dangerous chemicals in the manufacture of children's toys to keep them safe. The second bill, the Family Smoking Prevention and Tobacco Control Act, grants the FDA necessary authority to restrict tobacco marketing and sales to children.

Mr. Speaker, one of the most important responsibilities as parents that we have is to keep our children safe. I'm proud that we passed these bills by a bipartisan majority to demonstrate that we will not allow our children to be exposed to toxic chemicals by unscrupulous toy manufacturers or cigarette company marketers.

The rash of product recalls in the last year prove that we must be vigilant when it comes to consumer safety. Thanks to this week's legislation, parents in south Florida and across the Nation can rest a little easier.

UNFINISHED BUSINESS

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

Mr. WESTMORELAND. Mr. Speaker, I want to call today your attention to something yesterday. We had a vote 213–212 to adjourn this House without passing a comprehensive energy bill, without being able to vote on drilling. So what I've done, Mr. Speaker, I've got a number here. Call (202) 224–3121. Ask for Speaker PELOSI if you want to make sure that we do something before we leave this Chamber today or tomorrow to vote on drilling; or call and ask for your Member of Congress and find out if they were the swing vote that made us leave this city without voting for you.

But I'll tell you what, not only are they leaving Washington, DC, they're going to get on jets on your dime. They're going to fly to Africa and Europe and all over this world on your dime while you don't have money at your house to go on a family vacation, or even go to the store sometimes, they're going to be flying around here.

Call this number. Mr. Speaker, I hope they will put it on the Internet. I hope we will let Speaker PELOSI, the Democratic leadership, know we're tired of this. We need to know where you stand. We need to drill for U.S. oil.

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore (Mr. ROSS). Members are reminded they must address their remarks to the Chair.

CONGRATULATING THE ENERGY RENEWABLE AND ENERGY EFFICIENCY CAUCUS

(Mrs. BOYDA of Kansas asked and was given permission to address the House for 1 minute.)

Mrs. BOYDA of Kansas. Mr. Speaker, in contrast, I would like to just stand up and, again, like so many others, not rail on somebody, but to thank the bipartisan Energy Renewable and Energy Efficiency Caucus.

Our country is facing deep, deep energy problems, and I think the good people of Kansas certainly understand that the way that we're going to address that is coming and looking at the bipartisan commonsense solutions.

I want to just congratulate—this is a bipartisan group—the Renewable Energy and Energy Efficiency Caucus. And I would like to specifically thank Representative MARK UDALL and Representative ZACH WAMP, a Republican, for coming together and making this such an important issue. It's over in the Cannon Caucus Room. And I certainly ask each of us to get over there and to support this bipartisan effort.

You know, I think people in Kansas are sick and tired of everybody railing on somebody else. It's time that we work together.

□ 1030

THE EFFECTS OF HIGH GASOLINE PRICES

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

Mr. CARTER. Mr. Speaker, today in Texas the temperature is going to be about 103 to 105 degrees. It's going to be hot, and it's been hot for the last 2 weeks.

Last night I had the pleasure of visiting with some of my constituents back home, several hundred of them. And at this time of the year, Texans generally try to get their old folks and their kids out of the heat wherever they can. So historically Texans have loaded up in their pickups with their campers or their tents, and they have gone to visit our neighbors in New Mexico and Colorado to get a little bit

up in the mountains and get a little bit cooler so we can stay alive when this heat hits us.

But it's not happening in Texas today because, quite frankly, ordinary folks can't afford to load up their pickup, put gasoline in it, and drive the distance it takes to get to the mountains. And they're concerned about it, and they're worried about it. And they want to know if they are having to take the heat, why can't this House stand the heat and stay here until we have resolved this issue of offshore drilling and drilling in other parts of the country.

RENEWABLE ENERGY AND ENERGY EFFICIENCY EXPO AND FORUM

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

Mr. COSTA. Mr. Speaker, what the American people want is for us in a bipartisan effort to come together and use all the energy tools in our energy tool box to, in fact, solve America's energy problems. Such an effort is being sponsored today in part by the House Renewable Energy and Efficiency Caucus, of which I am a member.

Renewable energy and energy efficiency are important tools for reducing our reliance on imported oil and addressing climate change. In my home State of California in 2007, 23.5 percent of our electricity came from renewable resources such as wind, solar, geothermal, biomass, and hydroelectric facilities. We've made a lot of progress. The Fresno-Yosemite Airport near my district recently installed solar panels that provide 40 percent of the airport's need for electricity. At my alma mater, Fresno State, we've built shaded parking using solar panels that provide over 20 percent of the energy necessary for the university. We also have dairy farmers and utility companies partnering together to generate electricity through methane gas.

This is the kind of partnership and cooperation and collaboration we need. This is an exciting time for renewable energy and energy efficiency. I encourage all to visit this very important expo and forum in the Cannon Office Building.

HONORING MICHAEL DEAN RAMBO

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

Mr. MARCHANT. Mr. Speaker, I rise today to honor Michael Dean Rambo of Colleyville, Texas.

Michael was an outstanding husband, father, and scout master for Troop 28. Michael was always looking for an opportunity to give back to the community in which he lived. He loved his family and friends, and they loved him.

Michael always had a childlike wonder and awe of the world around him and a thirst for knowledge. His example and enthusiasm made those around him want to learn more and do more.

Michael was always up for a challenge and always willing to lend a hand. He was the cubmaster for Pack 254 before taking the lead role for Troop 28. Michael was the guiding light for Troop 28 for 12 years and helped them earn Colleyville's first service award.

Among Michael's many accomplishments, he earned his Eagle Scout at age 13. He earned a select student in science and math degree from Stephen F. Austin University, and he went on to earn a master's degree from UT Arlington. His favorite people were his sons, Patrick Rambo and Aaron Rambo, and his wife, Mary Margaret.

Michael Rambo selflessly served the community. He loved his family and friends, and he enjoyed life to the fullest. He was a role model of superior citizenship who had a tremendous impact on our lives.

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

Ms. SLAUGHTER. Mr. Speaker, by direction of the Committee on Rules, I call up House Resolution 1388 and ask for its immediate consideration.

The Clerk read the resolution, as follows:

Resolved, That at any time after the adoption of this resolution the Speaker may, pursuant to clause 2(b) of rule XVIII, declare the House resolved into the Committee of the Whole House on the state of the Union for consideration of the bill (H.R. 1338) to amend the Fair Labor Standards Act of 1938 to provide more effective remedies to victims of discrimination in the payment of wages on the basis of sex, and for other purposes. The first reading of the bill shall be dispensed with. All points of order against consideration of the bill are waived except those arising under clause 9 or 10 of rule XXI. General debate shall be confined to the bill and shall not exceed one hour equally divided and controlled by the chairman and ranking minority member of the Committee on Education and Labor. After general debate the bill shall be considered for amendment under the five-minute rule. It shall be in order to consider as an original bill for the purpose of amendment under the five-minute rule the amendment in the nature of a substitute recommended by the Committee on Education and Labor now printed in the bill. The committee amendment in the nature of a substitute shall be considered as read. All points of order against the committee amendment in the nature of a substitute are waived except those arising under clause 10 of rule XXI. Notwithstanding clause 11 of rule XVIII, no amendment to the committee amendment in the nature of a substitute shall be in order except those printed in the report of the Committee on Rules accompanying this resolution. Each such amendment may be offered only in the order printed in the report, may be offered only by a Member designated in the report, shall be considered as read, shall be debatable for the time specified in the report equally divided and controlled by the proponent and an opponent, shall not be subject to amendment, and shall not be subject to a demand for division of the question in the House or in the Committee of the Whole. All points of order against such amendments are waived except those arising under clause 9 or 10 of rule XXI. At the conclusion of consideration of the bill for amendment the Committee shall rise and report the bill to the House with such amendments as may have been adopted. Any Member may demand a separate vote in the House on any amendment adopted in the Committee of the Whole to the bill or to the committee amendment in the nature of a substitute. The previous question shall be considered as ordered on the bill and amendments thereto to final passage without intervening motion except one motion to recommit with or without instructions.

SEC. 2. During consideration in the House of H.R. 1338 pursuant to this resolution, notwithstanding the operation of the previous question, the Chair may postpone further consideration of the bill to such time as may be designated by the Speaker.

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

Ms. SLAUGHTER. Mr. Speaker, for the purpose of debate only, I yield the customary 30 minutes to the gentleman from Florida, a member of the Rules Committee, Mr. DIAZ-BALART. All time yielded during consideration of the rule is for debate only. I yield myself such time as I may consume. I also ask unanimous consent that all Members be given 5 legislative days in which to revise and extend their remarks on House Resolution 1388.

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

There was no objection.

Ms. SLAUGHTER. Mr. Speaker, House Resolution 1388 provides for consideration of H.R. 1338, the Paycheck Fairness Act, under a structured rule. The rule provides 1 hour of general debate controlled by the Committee on Education and Labor. The rule makes in order six amendments which are printed in the Rules Committee report, and the rule also provides one motion to recommit with or without instructions.

Mr. Speaker, our great Nation recently celebrated the 160th anniversary of the 1848 Women's Rights Convention in Seneca Falls, New York. This groundbreaking convention was dedicated to the key principle in the Declaration of Independence that we are all created equal. Women have had a hard time to recognize that because it took more than 70 years for us to pass legislation giving women the right to vote.

But in the years since Seneca Falls, generations of courageous women have made great strides towards equality. From securing a woman's right to vote in 1920 to serving our country in World War II, American women have come a long way. In this Congress alone, we have much to celebrate. Speaker PELOSI is the first woman to lead this esteemed body. And Senator CLINTON made ''18 million cracks'' in the Nation's highest glass ceiling as the first woman to run a formidable Presidential campaign.

Yet as we celebrate these important milestones and look back on all we

have achieved since 1848, we know full well that our journey toward gender equality is not complete. Despite the strong leadership of several generations of women, we are still struggling to achieve equality in the workplace. Among the most distressing disparities is the significant gap in pay between American men and women as they work side by side doing the very same work.

Mr. Speaker, 45 years ago President John F. Kennedy signed into law the Equal Pay Act to address the unconscionable practice of paying women less for the same job. That was 45 years ago and we still struggle. At that time when this bill was signed, women were earning 59 cents for each dollar earned by a man in a comparable job. While the wage gap has narrowed, today the working women in America still earn only 77 cents for every dollar earned by men. In other words, let me put it this way, 18 cents more has been achieved in the past 45 years.

According to the Department of Labor, which maintains data on over 300 job classifications, men are paid more in each and every category. This is so important, I'm going to say it again. The Department of Labor says in 300 job classifications, men are paid more in each and every 1 of them. Even in what they call the female-dominated industries where women comprise 70 percent of that labor force, women earn 20 percent less than their male coworkers.

Experts estimate that the average woman worker will lose anywhere from $200,000 to $2 million over her lifetime as a result of the wage gap. Over time women earn significantly less than men, and lower wages translate into less income that counts in calculating pensions and in some cases Social Security benefits. Closing the wage gap will have a long-term impact on the women's economic security, especially in retirement.

To all the cynics who dismiss equal pay as just another women's issue, I want to point out that the wage gap not only hurts women, it hurts families. It hurts children being raised by single moms who have to work two jobs to make ends meet when one might suffice were she to be paid equally with her male coworkers. It hurts families with two working parents who are struggling as one partner makes 20 percent less than her male colleagues. Currently, single women who are heads of households are twice as likely to be in poverty as single fathers. Again, currently single women who are heads of households are twice as likely to be in poverty as single fathers. That is a fact that we must face here and remedy. And we know that pay equity for women is closely linked to eradicating poverty. For families who live below or near the poverty line, the equal pay for women will make a significant difference to the well-being of American families. And after all, Mr. Speaker, isn't that why we are here?

Despite these statistics and shocking data that indicates that men make over 20 percent more than their female colleagues on average, the Supreme Court dealt a blow to working women last year when it decided Ledbetter v. Goodyear. In that case, former Goodyear employee Lilly Ledbetter, an employee of 28 years, sued the company after she left the company after discovering she had been paid significantly less than male employees doing the same job during her nearly two decades of employment. And remember, Mr. Speaker, that the Equal Pay Act of 1963 was in effect at that time. Though Ms. Ledbetter was clearly treated as a second-class employee, although she got wonderful ratings and compliments on her job, the Supreme Court let Goodyear off the hook on what I think is a misrepresentation of the law.

The Supreme Court ruled that in order to enforce her right to be paid fairly, Ms. Ledbetter would have had to file a wage discrimination complaint within 180 days of when the discrimination began. Now, imagine that. You're new on the job. You're happy to be there. You're learning your job. And you have no idea what other people are paid or whether you're being discriminated against. That shows you the grave mistake made by the Supreme Court. But since pay practices typically take place in secret, it would be impossible for a woman to discover discrimination within a 180-day window that she has to file a claim.

Justice Ginsberg, the only woman serving on the Court, wisely noted that the Ledbetter decision essentially gutted legislative protections against discriminatory pay practices. Again, that would have been the law of 1963. In its Ledbetter ruling, the Supreme Court has all but endorsed gender discrimination in employment by robbing women of a legal remedy to enforce equality. One certainly understands that we need more women on the United States Supreme Court.

To overcome these efforts to nullify the Equal Pay Act, we must redouble our efforts to insist that Lilly Ledbetter and the countless hardworking women like her in America are compensated fairly.

Earlier this month I was proud to join Speaker PELOSI, Senator CLINTON, ROSA DELAURO, Lilly Ledbetter, and many of my colleagues at an event in support of the Paycheck Fairness Act.

□ 1045

This legislation we are debating today prohibits employers from retaliating against employees who discuss salary information with coworkers. Can you imagine that in most companies that is against the rules? It puts gender-based discrimination sanctions on equal footing with other forms of wage discrimination by allowing women to sue for compensatory and punitive damages, and it will help prevent future pay disparities by requiring the Department of Labor to expand outreach to employers and to continue to collect and share wage information based on gender.

Finally, it creates a grant program to strengthen the negotiation skills of girls and women to help our daughters fight for the compensation to which they are entitled.

Today, we have an historic opportunity to stand up for the women of America and say, You deserve equal pay for equal work. Today, we have an opportunity and an obligation to stand up for our mothers and daughters and sisters and nieces who are making less than their male counterparts for the exact same work.

Today, even though it is late in the day, we have an opportunity to secure the promise of America so that tomorrow our daughters and sons and granddaughters and grandsons will all have equal opportunity to achieve the American dream. Until we do, we will never reach the gender equality that women and men present at the 1848 Women's Rights Convention aspired to achieve.

Mr. Speaker, it is our responsibility to the working women in our lives and to the generations of hardworking women who came before us to support this legislation. It is my sincere hope that this bill will soon become law, and I implore my colleagues to vote for it.

I reserve the balance of my time.

Mr. LINCOLN DIAZ-BALART of Florida. I thank my friend, the distinguished chairwoman, Ms. SLAUGHTER, for the time. I wish her the best today, and all those who participate in this debate.

I yield myself such time as I may consume.

Mr. Speaker, no worker should ever be subjected to discrimination because of gender or any other reason. Anyone who commits such discrimination must be stopped and punished for reprehensible behavior. Discrimination has no place in the workplace.

For that reason, Congress has passed two major laws that prohibit an employer from paying an employee a different wages or otherwise discriminating in any term or condition of employment on the basis of gender. These prohibitions against discrimination are provided in both title VII of the Civil Rights Act and the Equal Pay Act of 1963.

The underlying legislation, H.R. 1338, seeks to further prevent gender discrimination in the workplace. The legislation has raised some concerns on how it seeks to achieve the goal. For example, in a letter from the Secretary of Labor, Ms. Chao, to Chairman MILLER, the Secretary expressed concerns that the legislation would allow for unlimited compensatory and punitive damages, and she also expressed opposition to changes in the establishment requirement. Under current law, employees whose pay is being compared, must work in the same establishment. In the underlying legislation, that would change to mean workplaces in the same county, and it also allows

that change to be defined even more broadly. But, without doubt, Mr. Speaker, this legislation deals with a very important subject.

Mr. Speaker, later this week, the House of Representatives is scheduled to take a 5-week recess so Members can return to their districts but, unfortunately, without having considered comprehensive energy legislation. A few days ago, I held a town hall meeting with constituents. One of them asked very clearly and emphatically that we stay in session until we consider comprehensive energy legislation that would reduce the price of gasoline and reduce our dependence on foreign energy sources. That was no isolated statement. Each and every time I speak to my constituents these days, I hear their frustrations and concerns with one specific issue, one specific problem facing the Nation, the unacceptably high price of gasoline.

I understand my constituents' frustration with the majority's unwillingness to act. They are upset and they want us to take action. I agree with my constituents that we should not leave until we have provided them, the Nation, comprehensive energy legislation.

I explained in that meeting that the minority each and every week has attempted and continues to attempt to bring a number of energy proposals before the House of Representatives for debate. However, the majority consistently blocks all attempts at a comprehensive energy debate.

The majority's constant attempts to block energy debates was even mentioned in a publication that covers Capitol Hill, The Hill. That newspaper, in an article a few days ago, stated, ''Democrats have consistently put energy bills on the suspension calendar to block Republicans from offering any alternatives at all. They have also shut down the appropriations process for the year to avoid possibly losing votes on energy bills.'' That sort of obstruction is unacceptable, especially when the American people are calling for Congress to act.

The majority's obstruction, Mr. Speaker, is not limited to energy legislation. It extends to virtually every bill, including the underlying legislation.

Yesterday, the majority on the Rules Committee passed a restrictive rule that blocked an open and fair debate. A total of 15 amendments were submitted to the Rules Committee, four majority amendments and 11 minority amendments. Continuing its obstruction of an open debate, the majority on the Rules Committee made every majority amendment in order, while allowing only two minority amendments. The majority got 100 percent of their amendments made in order, while the minority got 18 percent of their amendments made in order.

This isn't the first time that has happened. Just last week, the majority on the Rules Committee did the same thing with regard to a bill, allowing every majority amendment while blocking an overwhelming number of minority amendments.

So what happened to the majority's promise of an open and fair debate? I think it was well described by a recent article in another publication that covers Capitol Hill, called Politico, in an article on the Speaker. It read, ''After promising fairness and open debate, she has resorted to hard-nosed parliamentary devices that effectively bar any chance for Republicans to offer policy alternatives.''

I think it's unnecessary and unfair, Mr. Speaker. I think it's unfortunate and sad.

I reserve the balance of my time.

Ms. SLAUGHTER. Mr. Speaker, I yield 3 minutes to the gentlewoman from the Rules Committee and also from Florida (Ms. CASTOR).

Ms. CASTOR. I thank the chairwoman for yielding time and thank her for her career of championing nondiscrimination and equal rights for women in the workplace.

Mr. Speaker, I am proud to rise today in strong support of the Paycheck Fairness Act and this rule and take another important step towards equality for all Americans. During the 230 plus-year history of our great Nation, the march towards equality under the law for all of our citizens has sometimes been slow, but it has been steady.

Over time, the Congress has outlawed discrimination in the workplace based upon a person's race, gender, age, national origin, religion, and disability, because when it comes to employment and hiring and firing and promotion and compensation, decisions are rightly based upon a person's qualifications and job performance.

These are the values we share as Americans; that if someone works hard and plays by the rules, and if they share the same job, duties and responsibilities, no matter that they are a man or a woman, they will receive equal pay for equal work. Unfortunately, that does not always happen, and sometimes women are paid less just because they are women and the boss can get away with it. The wage disparity over time can cost women over $400,000 to $2 million in lost wages.

This Paycheck Fairness Act addresses that disparity by providing more effective remedies for gender-based wage discrimination and ensuring that if a case goes all the way to a jury, that the arbitrary and outdated caps on damages will be addressed.

Thank you to Congresswoman ROSA DELAURO. She introduced this legislation 11 years ago, but she never gave up. Congresswoman DELAURO, we are not going to give up just because the President has threatened to veto the measure. I'd also like to thank Speaker NANCY PELOSI, Chairman GEORGE MILLER, and Chairwoman LOUISE SLAUGHTER for their leadership and commitment to equality under the law for all Americans.

Passing this historic Paycheck Fairness Act will bring our Nation closer to our promise of equality for all Americans. It is a hopeful day for working women and families, and I urge a ''yes'' vote on their behalf.

Mr. LINCOLN DIAZ-BALART of Florida. Mr. Speaker, we reserve.

Ms. SLAUGHTER. Mr. Speaker, I am pleased to yield 3 minutes to a member of the Rules Committee, the gentlewoman from Ohio (Ms. SUTTON).

Ms. SUTTON. I thank the distinguished Chair of the Rules Committee for her leadership on this issue and for the time. I also want to thank Speaker NANCY PELOSI and Representative ROSA DELAURO for their commitment and dedication to bringing this forward over hurdle past hurdle past challenge past challenge. Thank you so much.

Mr. Speaker, I rise in strong support of H. Res. 1388 and the underlying legislation, the Paycheck Fairness Act. Mr. Speaker, fairness is something we strive for in all aspects of our lives. From an early age, we try to instill in our children the importance of fairness, fair play, and equality. But, sadly, while we preach fairness, on average, women today earn a deplorable 77 percent of what men earn and, unfortunately, the wage gap in my home State of Ohio is even more substantial than the national average.

According to the National Women's Law Center, Ohio ranked 30th in the ratio of women's earnings to men's earnings. The Center gave Ohio, along with 46 other States, a failing grade. That is simply unacceptable.

I have read and heard the stories of wage discrimination. We have all heard the story of Lilly Ledbetter, the worker who was a victim of systematic pay discrimination for 19 years. These are the stories of women who have dedicated decades upon decades of their lives to their employers, only to find out that they are compensated at a fraction of the rate of their male counterparts.

With every paycheck these women deposit, they and their families are being held back, their earning potential limited by a factor over which they have no control, their gender, and a factor that has no affect on their job performance.

Mr. Speaker, I would like to read to you a letter my office received on this issue from a college student at the University of Akron. She wrote, ''Ever since I started working, I have become more knowledgeable of the fact that in most cases men receive a higher pay than women do for the same amount of work.''

We need to send a message to the young women in our country that the status quo is not acceptable. We need to respond to the concerns of our future leaders and show them that we are willing to stand up for their right to earn equal pay for equal work.

This young woman went on to say, ''Equal pay for equal work is a simple matter of justice for women.'' I couldn't say it better myself. The Paycheck Fairness Act will update and

strengthen the Equal Pay Act. This bill will close numerous loopholes in the 45-year old law that has allowed employers to avoid liability for discriminatory practices.

□ 1100

The American people expect their government to stand up for fairness and justice. The Paycheck Fairness Act is not only about changing the way we treat our working women. It is about paying rent, putting food on the table, and paying for college tuition. We must return to the founding principles of our Nation and what has moved us forward in difficult times. Fairness has been at the heart of all that makes America strong, and this Congress cannot turn away from that.

I urge all of my colleagues to support this rule and this incredibly important bill.

Mr. LINCOLN DIAZ-BALART of Florida. I reserve my time.

Ms. SLAUGHTER. Mr. Speaker, I am pleased to yield 3 minutes to the author of this legislation, an outstanding Member, the gentlewoman from Connecticut (Ms. DELAURO).

Ms. DELAURO. Mr. Speaker, I rise in strong support of this rule. I commend Speaker PELOSI, the majority leader, Chairman MILLER, and as well Chairman SLAUGHTER and the entire Rules Committee, for bringing this important legislation to the floor.

With this resolution, we take up an effort that began more than 150 years ago when visionary women came together to stand up for women's rights, to better the status of women in our society. In this tradition, more than 11 years ago I first introduced the legislation that we consider this morning, the Paycheck Fairness Act, and I cannot help but think of all the Aprils we have commemorated Equal Pay Day without legislative movement. But, today, the legislative inertia we have experienced for years comes to an end. I could not be more proud.

We have made some important strides during the last quarter century. Women now make up a majority of the workforce, own 6 million small businesses and are more likely to hold an advanced degree than men. But for all of our successes, women continue to be stymied when it comes to equal pay.

The wage gap is real. Over the course of her lifetime, a female high school graduate will make $700,000 less than the young man she graduates with. Compared to a man, a female college graduate stands to lose up to $2 million in the course of her career. This is true across the board. As the National Committee on Pay Equity tells us, the wage gap today finds that women earn about 77 cents for every dollar men earn.

By now, we are all familiar with the case of Lilly Ledbetter, the woman whose pay discrimination case against Goodyear Tire and Rubber Company went all the way to the Supreme Court. In her testimony before the Education and Labor Committee, she said, ''Goodyear acknowledged that it was paying me a lot less than the men doing the same work, so I was actually earning 20 percent less than the lowest paid male supervisor in the same position. What happened to me is not only an insult to my dignity, but it had real consequences for my ability to care for my family. Every paycheck I received, I got less than what I was entitled under the law.''

Clearly, the marketplace alone and even our court system will not correct this injustice. We need a legislative solution. The Paycheck Fairness Act would make modest, commonsense reforms to the Equal Pay Act by closing numerous loopholes in the 45-year-old law that has enabled some employers to evade liability.

It would clarify the ''any factor other than sex'' defense so that an employer trying to justify paying a man more than a woman for the same job must show that the disparity is not sex-based; that it is job related and necessary for the businesses. It would prohibit employers from retaliating against employees who discuss or disclose salary information with their coworkers.

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

Ms. SLAUGHTER. I yield an additional 30 seconds.

Ms. DELAURO. Of course, employees such as human resources personnel who have access to payroll information would not be protected if they disclosed workers' salaries of other workers. And it would strengthen the remedies available to include punitive and compensatory damages.

Pay equity is not just another benefit to be bargained for or bargained away. It is part of something bigger, part of a promise in which we all have a role, giving women the power to gain economic security for themselves and for their families. I urge a yes vote on this resolution.

Mr. LINCOLN DIAZ-BALART of Florida. Mr. Speaker, we continue to reserve.

Ms. SLAUGHTER. Mr. Speaker, I yield 1 minute to the gentlewoman from California (Mrs. CAPPS).

Mrs. CAPPS. Mr. Speaker, I thank my colleague from New York for her leadership in the Rules Committee bringing this important bill to the floor, I thank my colleague ROSA DELAURO for her stunning work in bringing this legislation into print, and I rise in strong support of H.R. 1338, the Paycheck Fairness Act.

Last week, I was fortunate enough to participate in a rally with several of my female colleagues in the House and Senate and our hero, Lilly Ledbetter. Lilly's personal experience is a testament to the Equal Pay Act, which guarantees equal pay for equal work, needs some work of its own. H.R. 1338 closes some existing loopholes so that employees can fight for their deserved wages without fear of retaliation.

As we discussed these issues at the event last week, I was inspired and comforted to see such a crowd of young women, many of whom are recent college graduates just starting out in their careers. They can be sure that with the passage this legislation, they may not face the same barriers that women from their mothers' and grandmothers' generations faced.

I urge my colleagues to vote in favor of this important legislation. Help us secure a better economic future for our daughters, our granddaughters and their friends.

Mr. LINCOLN DIAZ-BALART of Florida. Mr. Speaker, I reserve my time.

Ms. SLAUGHTER. Mr. Speaker, I am pleased to yield 1 minute to the gentlewoman from Florida (Ms. WASSERMAN SCHULTZ).

Ms. WASSERMAN SCHULTZ. Mr. Speaker, in 1963 President Kennedy signed the Equal Pay Act in order to address the wage gap, and yet 45 years later, more than my entire life, women still make on average only 77 cents for every dollar earned by men for the same work.

Last summer I had the opportunity to meet Lilly Ledbetter during a House Judiciary Committee hearing. When she worked for Goodyear, she had no proof of pay discrimination until someone anonymously slipped payroll records into her mailbox. When Lilly took her case to court, the Supreme Court failed her, telling her she should have known all along she was being discriminated against, even though Goodyear's payroll records were secret. This bill lifts the cloak of secrecy that allows these kinds of unfair pay practices to fester.

I urge my colleagues today to support eliminating discriminatory pay practices. Let's create an America where our next generation of daughters get paid for their worth equally, regardless of their gender.

My congratulations to Congresswoman DELAURO and Chairman MILLER for their leadership on this issue. The Paycheck Fairness Act is a bold step forward in righting the wrong of pay discrimination.

Mr. LINCOLN DIAZ-BALART of Florida. Mr. Speaker, I reserve my time.

Ms. SLAUGHTER. Mr. Speaker, I am pleased to yield 1 minute to the gentlewoman from Texas (Ms. JACKSON-LEE).

(Ms. JACKSON-LEE of Texas asked and was given permission to revise and extend her remarks.)

Ms. JACKSON-LEE of Texas. Mr. Speaker, I thank the distinguished chairwoman of the Rules Committee. Her presence on the Rules Committee is evidence of the struggle, but yet the progress, and the reason why we stand here today. I thank the long-standing, committed Member of Congress, ROSA DELAURO, and I certainly thank the leadership for recognizing as we approach a very important time of year, August 26th, 2008, that will reflect on

the movement of women arguing not for special preferences, but simply equality, that this Paycheck equality legislation must pass today!

So the Paycheck Fairness Act is crucial to that equality, because it clarifies the ''any factor other than sex'' defense that kept Ms. Ledbetter from knowing and being able to petition for more money, is clarified to show that the disparity is not sex-based, is job-related, and necessary for the business. Do people realize that Ms. Ledbetter worked and toiled for years without understanding that she was not being paid a fair day's wage for a fair day's work? How tragic in America.

May I ask the Members to support this legislation, because it is real, it is needed now!

Mr. Speaker, I would also like to thank Congresswoman DELAURO for this important legislation as well as the Chairman and Ranking Minority Member of the Committee on Education & Labor for working together to see that gender equity is not just something we talk about, but something we are actually willing to put into action.

This legislation is intended to combat the wage gap that still exists today between men and women in the workplace. It is an important step in addressing the persistent wage gap between women and men by updating the Equal Pay Act—passed more than 45 years ago.

The reality is the Equal Pay Act needs to be strengthened and improved for all women to combat wage discrimination and eliminate loopholes in the current law. The Paycheck Fairness Act creates meaningful penalties against employers whose pay practices are proven to have been discriminatory. The bill will also protect workers from retaliation by their employers when employees discuss their pay with coworkers.

Earlier this year the House passed H.R. 2831, legislation reversing last year's Supreme Court decision in Ledbetter v. Goodyear Tire and Rubber Co., in which the court ruled, 5–4, that workers filing suit for pay discrimination must do so within 180 days of the actual decision to discriminate against them.

The Paycheck Protection Act is also needed to stop discriminatory pay practices by employers against our mothers, wives, daughters, and granddaughters that do the same job as their male counterparts.

The Paycheck Fairness Act, which currently has 230 cosponsors, will strengthen the Equal Pay Act—passed more than 45 years ago—and as a result improve the law's effectiveness, and help to address the persistent wage gap between men and women. The Paycheck Fairness Act would:

Clarify acceptable reasons for differences in pay by requiring employers to demonstrate that wage gaps between men and women doing the same work are truly a result of factors other than sex.

Deter wage discrimination by strengthening penalties for equal pay violations, and by prohibiting retaliation against workers who inquire about employers' wage practices or disclose their own wages. The bill's measured approach would ensure that women can obtain the same remedies as those subject to discrimination on the basis of race or national origin. AAUW would strongly oppose any efforts to add such caps.

Provide women with a fair option to proceed in a class action suit under the Equal Pay Act, and allow women to receive punitive and compensatory damages for pay discrimination.

Clarify the establishment provision under the Equal Pay Act, which would allow for reasonable comparisons between employees to determine fair wages.

Authorize additional training for Equal Employment Opportunity Commission staff to better identify and handle wage disputes.

It will aid in the efficient and effective enforcement of federal anti-pay discrimination laws by requiring the EEOC to develop regulations directing employers to collect wage data, reported by the race, sex, and national origin of employees.

It will require the U.S. Department of Labor to reinstate activities that promote equal pay, such as: Directing educational programs, providing technical assistance to employers, recognizing businesses that address the wage gap, collecting wage-related data, and conducting and promoting research about pay disparities between men and women.

More importantly for our young ladies going into the workforce, it will establish a competitive grant program to develop salary negotiation training for women and girls.

As a Member of the Women's Caucus and former President of the Black Women Lawyers Association of Houston, I have been fighting for pay equity for American women since before I arrived here as a Representative in 1995, and I believe that equal pay for equal work is a simple matter of justice. Wage disparities are not simply a result of women's education levels or life choices.

In fact, the pay gap between college educated men and women appears first after college—even when women are working full-time in the same fields with the same major as men—and continues to widen during the first ten years in the workforce.

Further, this persistent wage gap not only impacts the economic security of women and their families today, it also directly affects women's retirement security tomorrow. Now is the time for additional proactive measures to effectively address wage discrimination and eliminate loopholes that have hindered the Equal Pay Act's effectiveness.

I urge my colleagues, both men and women, to support equality in rights and pay for all Americans by supporting the Paycheck Fairness Act, and vote "no" on the motion to recommit.

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

Ms. SLAUGHTER. Mr. Speaker, I am pleased to yield 3 minutes to the gentleman from Vermont (Mr. WELCH), a valued member of the Rules Committee.

Mr. WELCH of Vermont. Madam Chairman, I salute you for the work you have been doing on this issue and the issue of equality for women and the issue of equality for all people, and I salute Chairman MILLER for his work in Congress, for being on the verge of passing this legislation.

You know, it is truly shocking that we have a situation where there is a difference in pay depending on whether you are a man or a woman. You have heard the statistics. But what is even more shocking is we had a Supreme Court that probably when history is written, its most shameful decision will be denying relief to a woman on the basis of a claim that she did not know existed. The Supreme Court said that when this person had been discriminated against for years and didn't know about it, it was the burden on her to know about something that was actively being hidden from her by her employer. It is a shocking decision by our United States Supreme Court, and this Congress has an opportunity to overturn that.

H.R. 1338 is going to address that loophole. The wage gap that strikes women immediately upon entering the workforce is bad, and it gets worse. Ten years after college, women earn only 69 percent of what men do. The wage gap adds up quickly over the course of a career, $400,000 to $2 million over a lifetime. This discrimination can cost women security and retirement. Older women are less likely than older men to receive pension income, and when they do, they only receive about one-half the benefits that men do. It can cost a woman half their pension that would be comparable for a man.

Because of the wage gap, more women than men experience poverty or teeter on the edge of poverty. Seventy percent of older Americans living in poverty are women, and that is directly as a result of wage discrimination.

The hope of the American Dream is that people who work hard will get ahead regardless of their gender, regardless of their race, regardless of their national origin, and it is the challenge of this Congress being met by the promise of this legislation to make that American dream of equality of opportunity available to all people and to absolutely prohibit discrimination in wages solely on the basis of the gender of the person doing the work.

H.R. 1338 has 230 cosponsors. It is also supported by major women's and workers' rights advocates, including the National Committee on Pay Equity and the National Women's Law Center. I ask for a ''yes'' vote and unanimous passage by the House of Representatives.

Mr. LINCOLN DIAZ-BALART of Florida. Mr. Speaker, I would ask the distinguished Chair how many speakers she has remaining.

Ms. SLAUGHTER. I would like to inform my colleague that I have no further speakers and would reserve the balance of my time.

Mr. LINCOLN DIAZ-BALART of Florida. Mr. Speaker, first I would like to thank all of our distinguished colleagues who have come to the floor today to discuss this issue, the important issue of gender discrimination in the workplace and the fact that as a society we have to continue fighting discrimination.

The issue that I am constantly, constantly being contacted by my constituents about is an issue that affects

our entire society, and that is the unacceptable price of gasoline, the continuous rise of energy prices. There is no subject, Mr. Speaker, again, that my constituents contact me and urge me to act on more than that issue, that subject, that crisis really. It affects men and women. It affects our entire society. The price of gasoline has become simply unacceptable.

For weeks, we in the minority have pushed efforts to debate comprehensive energy legislation, but the majority consistently blocks our efforts to address one of the clearly most important issues facing the United States today.

□ 1115

It is time for the House to debate ideas for lowering the skyrocketing cost of gasoline. So today, I urge my colleagues to vote with me to defeat the previous question so the House can finally consider real solutions to the rising energy costs facing Americans throughout our society each day.

If the previous question is defeated, I will move to amend the rule to allow for consideration of H.R. 6566, the American Energy Act, which provides a comprehensive approach that will increase the supply of American-made energy, improve conservation and efficiency, and promote renewable and alternative energy technologies.

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

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

There was no objection.

Mr. LINCOLN DIAZ-BALART of Florida. By voting no on the previous question, Members can take a stand against these unacceptable prices of gasoline, and we can finally begin a comprehensive energy debate. And I remind all of our colleagues that voting no on the previous question will not preclude consideration of the legislation, the underlying legislation, the Paycheck Fairness Act. And I remind them that the unacceptable price of gasoline affects all of our constituents, men and women. I encourage a ''no'' vote on the previous question.

I yield back the balance of my time.

Ms. SLAUGHTER. Mr. Speaker, I feel compelled to explain to the listening persons and those in our galley why we are here today.

The other side has consistently talked as though this is an energy bill, but let me remind all of us that this is an opportunity for the United States to bring into compliance with pay scales, in compliance with the law of 1963 for women who, as my colleague Ms. DELAURO pointed out, comprise 40 percent of the workforce.

This legislation cures a wrong that has cost many women between $400,000 and $2 million, not only in the lost wages they should have been paid had there been equality, but also indirectly their pensions and their Social Security in many cases. This hurts families, Mr. Speaker. This hurts single parents who are trying, oftentimes doing two jobs, to try to keep food on the table.

All the statistics show, which absolutely astonished me, that more women who are single heads of household than men are under the poverty line. One reason for that is they did not get equal pay. We have to right this wrong. We have to do it today. I can't express enough my gratitude for Congresswoman DELAURO and the Women's Caucus for all the work that they have done. But it has been since 1963, 45 years ago, when the law was passed demanding equal pay. And here we are in 2008, Mr. Speaker, and we still don't have it.

I urge all of my colleagues to vote yes on the previous question, yes on the rule, and, by all means, yes on the underlying bill.

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

AMENDMENT TO H. RES. 1388 OFFERED BY MR. LINCOLN DIAZ-BALART OF FLORIDA

At the end of the resolution, add the following:

SEC. 3. Immediately upon the adoption of this resolution the House shall, without intervention of any point of order, consider in the House the bill (H.R. 6566) to bring down energy prices by increasing safe, domestic production, encouraging the development of alternative and renewable energy, and promoting conservation. All points of order against the bill are waived. The bill shall be considered as read. The previous question shall be considered as ordered on the bill and any amendment thereto to final passage without intervening motion except: (1) one hour of debate on the bill equally divided and controlled by the majority and minority leader, and (2) an amendment in the nature of a substitute if offered by the Majority Leader or his designee, which shall be considered as read and shall be separately debatable for 40 minutes equally divided and controlled by the proponent and an Opponent; and (3) one motion to recommit with or without instructions.

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

THE VOTE ON THE PREVIOUS QUESTION: WHAT IT REALLY MEANS

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

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

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

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

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

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

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

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

Mr. LINCOLN DIAZ-BALART of Florida. Mr. Speaker, on that I demand the yeas and nays.

The yeas and nays were ordered.

The SPEAKER pro tempore. Pursuant to clause 8 of rule XX, further proceedings on this question will be postponed.

REMOVAL OF NAME OF MEMBER AS COSPONSOR OF H.R. 5843

Ms. ZOE LOFGREN of California. Mr. Speaker, I ask unanimous consent that my name be removed as a cosponsor of H.R. 5843.

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

There was no objection.

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

Ms. MATSUI. Mr. Speaker, by direction of the Committee on Rules, I call up House Resolution 1389 and ask for its immediate consideration.

The Clerk read the resolution, as follows:

H. RES. 1389

Resolved, That upon adoption of this resolution it shall be in order to consider the conference report to accompany the bill (H.R. 4137) to amend and extend the Higher Education Act of 1965, and for other purposes. All points of order against the conference report and against its consideration are waived. The conference report shall be considered as read.

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

Ms. MATSUI. Mr. Speaker, for the purpose of debate only, I yield the customary 30 minutes to the gentleman from Florida, my friend, Mr. DIAZ-BALART. All time yielded during consideration of the rule is for debate only. I yield myself such time as I may consume.

I also ask unanimous consent that all Members be given 5 legislative days in which to revise and extend their remarks on House Resolution 1389.

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

There was no objection.

Ms. MATSUI. Mr. Speaker, House Resolution 1389 provides for consideration of the conference report on H.R. 4137, the Higher Education Opportunity Act. The rule, which is a traditional conference report rule, waives all points of order against the conference report and against its consideration, and provides that the conference report shall be considered as read.

It should be noted that despite the blanket waiver, the conference report does not violate either clause 9 or 10 of rule XXI. The conference report fully complies with the earmark and PAYGO rules of the House.

Mr. Speaker, I want to congratulate Chairman MILLER on his dedication to bringing this bill before us. I also want to thank Ranking Member MCKEON and the rest of the Education and Labor Committee for their work on this bill. I also want to acknowledge Senator KENNEDY for his hard work and constant commitment to this important issue.

It has been 10 years since the Higher Education Act was authorized, and with this conference agreement Congress will continue the vision of Lyndon Johnson's great society where college is accessible and affordable to every American.

As our Nation continues to experience economic uncertainty, it is imperative that we make a college education more affordable. The unfortunate reality is that skyrocketing costs are putting a college education out of the reach for many middle-class families.

According to a recent College Board report, over the last 5 years tuition and fees at 4-year public institutions have increased 31 percent after inflation. At private universities, tuition has increased 17 percent.

In addition to rising tuition, students and their families face a cumbersome Federal student aid application process that is overly complex and difficult to manage. Mr. Speaker, the Higher Education Opportunity Act will resolve many of these issues, thereby continuing this Congress' efforts to make college more affordable and accessible.

Nearly one year ago, the President signed into law landmark changes to lender subsidies and student aid, followed shortly after by a law to ensure access to loans and increase loan limits. And now, we are reauthorizing legislation that will, for the first time in 10 years, reform our higher education system so that it operates in the best interest of students and families.

Specifically, the bill will require colleges to report reasons for any tuition hikes, and plans for lowering student costs. H.R. 4137 will reform and simplify the student loan system by requiring institutions and lenders to adopt strict codes of conduct, many of which were included in the Sunshine Act which passed the House last year.

In an effort to be consumer friendly and provide full disclosure of all options available for each student, the bill requires the Secretary to develop a Web-based calculator to allow families to compare the costs of different colleges. And it also requires lenders to provide students with complete disclosure of the borrowing options, giving them 30 days after the approval of loans to find better deals.

Equally important, the bill provides for an increase in Pell Grant funding from $5,800 to $8,000. This will give more of our youth the opportunity to attend a university. The bill will also expand college access and support for low-income and minority students by allowing students to receive Pell Grant scholarship aid year around.

H.R. 4137 will also expand college opportunities for disabled citizens by expanding eligibility for Pell Grant scholarships and establishing a national center to provide support services.

During times of war, it is extremely important to ensure that our military families and returning veterans have the support services they deserve. This bill will increase college aid and support for veterans and military families, create a new scholarship program for active duty military personnel and their family members, and ensure fairness in student and housing aid for veterans.

The bill also encourages students who graduate from college to enter into public service in high-need areas by granting loan forgiveness. It also provides up to $2,000 a year for 5 years for nurses, teachers, mental health professionals, and other low-paying but crucial professionals. I know this loan assistance and forgiveness will help my home of State of California that is suffering from a lack of nurses, teachers, and other vital support professionals who protect and assist our children and most reliant Americans.

Simply put, this conference report will not only advance the opportunity for every American to go to college, but will also put us on track toward creating a better America.

As Lyndon Johnson said, ''We must open the doors of opportunity, but we must also equip our people to walk through those doors.'' Our Constitution creates those doors of opportunity, and today this bill will equip our constituents to walk through those doors.

I want to thank once again Chairman MILLER and Ranking Member MCKEON for coming together on this important legislation. I stand strongly in support of the Higher Education Opportunity Act. This is long overdue, and I encourage all of my colleagues to support the rule and the underlying legislation.

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

Mr. LINCOLN DIAZ-BALART of Florida. Mr. Speaker, I would like to thank my good friend the gentlewoman from California (Ms. MATSUI) for the time, and I yield myself such time as I may consume.

Increasing the affordability, accessibility, and reliability of our Nation's institutions of higher education is critical to our economic growth and the role of the United States in the global economy. Now more than ever we need to reassure our Nation's youth that we are willing to invest in their future. I believe that we must do all we can to make education more affordable so that more Americans can achieve the dream of graduating from college.

This year alone, over $90 billion in Federal financial aid is available to students. However, with tuition costs on the rise, students and their families continue to face really the question of how to pay for a college education.

This legislation, the Higher Education Opportunity Act, is a bipartisan effort that reauthorizes the Higher Education Act for 5 years and reforms America's higher education system, expanding college access.

Seeking to address the college cost dilemma, the conference report puts in place college affordability comparison tools that put college costs information in the hands of consumers. Students will be able to search, sort, and compare key cost indicators for every college in the country. I believe we must do everything possible to enhance our students' ability to obtain student loans and obtain the aid necessary to complete their college education.

This bill helps to do that by simplifying the financial aid application process, abbreviating the free Application for Federal Student Aid form, and making financial aid information available to students earlier in the college planning process.

I am especially pleased that the conference report will strengthen our Nation's Pell Grants programs by increasing the maximum authorized Pell Grant amount to $8,000, and by giving students access to Pell Grants year round, a measure that will undoubtedly help many students.

I think we as a nation have the responsibility to support those in every way possible who have served this country in the Armed Forces. That is why I am pleased that this legislation includes measures to specifically meet the unique needs of student soldiers.

□ 1130

I am also pleased that the conference report expands opportunities for minority students by providing increased funding for graduate student programs, by reauthorizing programs such as GEAR UP and TRIO. These programs serve our Nation's most under-represented groups and provide the necessary guidance, support and awareness to provide minority students the tools needed to succeed.

This conference report is a testament to the fact that Congress can work in a bipartisan manner to produce quality legislation. Since the Education Committee began working on the Higher Education Reauthorization legislation, both sides of the aisle have worked together to bridge their concerns and worked together to give students a quality education.

I think it is appropriate to thank both the chairman, Mr. MILLER, and the ranking member, Mr. MCKEON for their work on this important legislation.

I know that the ranking member of the Higher Education Subcommittee, Mr. KELLER, has done admirable work on this legislation, and I thank him as well, in addition to the subcommittee chairman.

I also wish to note the conference report has come to the floor for final approval through the normal legislative and conference process, allowing Members from both the minority and the majority to debate and consider the issues of contention in the legislation.

Unfortunately, the majority, Mr. Speaker, in the 110th Congress, has often used a procedure known as amendments between the two Houses to avoid conference and subvert the rights of the minority. So I am pleased that, in this instance, they have decided to use the regular order, the normal conference procedure, and I would urge them to use the conference procedure as well in the future. So while it is unique, what they have done with this legislation, it is commendable.

I reserve the balance of our time.

Ms. MATSUI. Mr. Speaker, I yield 4 minutes to the gentleman from Pennsylvania, my friend, Mr. FATTAH.

Mr. FATTAH. Mr. Speaker, it is not so much the next election that will determine our Nation's future. It is the next generation. And this bill focuses on the needs of growing leadership in our country through providing a higher education to our citizens.

I want to commend Chairman MILLER and the chairman on the Senate side, Senator KENNEDY, and on the Republican side, my good friend, BUCK MCKEON and MARK SOUDER, and the ranking Republican on the Subcommittee on Higher Education, Mr. KELLER. They have done a magnificent job putting together a bill that addresses a whole range of issues that are supported in the higher education and broader business community in our country. It represents the real needs of moving our kids on to college.

I think cutting the FAFSA form from seven pages down to two, increasing the Pell Grant from $4,800 this year to $6,000 in 2009, up to $8,000 in 2014, in terms of authorization, are very important parts of this reauthorization.

But in 1998, when the reauthorization of Higher Ed was signed into law by President Clinton, we established the GEAR UP program. Now, I am credited with being the architect of that program, but the truth is all of us worked together. It was a bipartisan effort, and the House and Senate, Senator SPECTER and Senator KENNEDY, all of us working together.

Now some 2 million young people have been served over the last 10 years. 85 percent of them have graduated from high school, from the toughest schools in our country, and in the most difficult circumstances.

Featured on the front page of Philadelphia's newspaper is a young man, Nicholas Shanks, who, unfortunately, spent years in a homeless shelter, but has graduated at the head of his class, 3.9 average. He is a GEAR UP student, and there are millions of them across country who have done so well.

This is the most successful college awareness program in the country's history. It is reauthorized in this legislation. It is expanded. The appropriation or the authorizing level is doubled.

And I just want to thank the members of the conference committee for its support of GEAR UP. It has proven its worth in some 48 States and in all of our territories, in Guam and Puerto Rico, in terms of developing young people who are economically disadvantaged but academically have every ability to succeed. And we see that in the college-going rates, which exceed the national average for all students and exceed the high school graduation rates for all students.

So it is a great program, even if I am the author of it, and I want to thank the conferees for including it, expanding it, and having it reach more and more young people in important ways through reauthorization.

[From the philly.com, July 26, 2008]

FORMERLY HOMELESS TEEN ROLE MODEL

(By Ashwin Verghese)

Standing in a room full of homeless teenagers yesterday, Nicholas Shanks was hopeful that he could be a role model.

''I really do hope I can help them some way, by setting an example,'' said Shanks, a friendly, soft-spoken 18-year-old who overcame homelessness in his high school years to become his class valedictorian.

Shanks, who graduated from Martin Luther King High School this year with a 3.91 GPA, was at work yesterday as a counselor at the Traveler's Aid Society's summer program, a camp for teens who have experienced homelessness. ''It sounds like some of them really do appreciate what I've done,'' Shanks said of the 45 children in the program at the Kirkbride Center at 49th and Arch Streets in West Philadelphia.

What he has done has brought him national and local media attention in recent days. Just yesterday he was featured in a segment on Good Morning America.

Two days ago, Shanks got the best news of all: Foundation Inc., the nonprofit that manages King High, offered to bankroll his college tuition.

''It was a relief,'' he said of the money. ''I really never expected to see that happen so fast.''

For his mother, Sherri Newton, the news was the answer to her prayers.

''I've been praying for this for the longest time,'' she said recalling how she dropped to her knees in thanks when Nicholas told her. ''God is so good,'' she added. ''Thank everybody that's going to be helping Nicholas.''

Shanks plans to matriculate this fall at the Art Institute of Philadelphia, where he wants to major in animation and media arts. He hopes to become a video game designer.

Art was an escape for Shanks years ago when he was living in a crowded homeless shelter. He was 14 when his family could no longer afford the rent on its Northeast Philadelphia apartment. The family was forced to take refuge at the Mount Airy Stenton Family Manor in Germantown, said Newton.

For two years, Shanks, Newton and Newton's mother shared a cramped gymnasium with about 30 other families, Newton said. Drawing—''creating worlds,'' as Shanks put it—allowed him to escape the tiny confines.

''When I was in the shelter, it was boring a lot of times,'' Shanks said. ''I had a CD player, paper and a pencil, and that got me through most of the months.''

Shanks and Newton now live in transitional housing in Kensington. But the family still faces problems. The lease is up in October, and the family does not have a new place lined up yet.

Newton, who battled drug addiction and unemployment for years, said she has been clean for 17 months. She was recently laid off as a teaching assistant and is looking for employment.

''It's scary,'' Newton said. ''I just want to know where we're going to move.''

Her son is relying on the optimism that saw him through tough times before.

Shanks said he does not often think about his days in the shelter unless he is around people with a similar history.

''I would not necessarily say I'm reliving my past,'' he said, ''but if I ran into a situation where I hear something about a similar past, I might be like, 'Yeah, I know how that's like.' ''

Steven Golden, another teen in the summer program, has a very similar past. He's known Shanks for three years. The two are the same age, but, because of academic troubles, Golden is a year behind in school.

Seeing Shanks has motivated Golden to commit to his studies.

''He's showed me I need to do this to succeed,'' said Golden, a senior at Fitzsimons High School in North Philadelphia. ''Seeing where he's at now, from where we both were, he has inspired me.''

Mel Monk, director of the summer program, said that once teens become homeless, ''education is the first thing that takes a

nosedive.'' The teens deal with embarrassment, he said. Sometimes losing their home means they have to travel across the city to get to school.

Shanks was able to persevere, Monk said, because of his internal drive and the support of the people around him, including his mother and teachers.

''They've got to have a person in their life telling them they can do it,'' he added.

Monk hopes Shanks can show the younger children that they can get into college, too.

''Nicholas is a model example,'' he said. ''He's been through a lot, but he's maintained.''

Spasoje Jovanovic, 17, a former camper and now the administrative assistant at the program, which is teaching the teens about marine biology, said Shanks is an inspiration to the others.

''He's proof that it's possible,'' said Jovanovic, who is enrolled at the Community College of Philadelphia for the fall.

Shanice Johnson, 15, has lived in four different homes with her family this year alone. She expects to be in yet another in a few months, she said.

Nonetheless, Johnson has been able to keep a 3.6 GPA. She said Shanks' story gives her courage to keep working hard at school through all of the tumult at home.

''He was in transitional housing, I was in transitional housing,'' said Johnson, who wants to become a surgeon. ''He's someone I look up to.''

Mr. LINCOLN DIAZ-BALART of Florida. Mr. Speaker, it is my privilege to yield so much time as he will consume to the ranking member of the Subcommittee on Higher Education, who has done tremendous work in this legislation, Mr. KELLER.

Mr. KELLER of Florida. Mr. Speaker, I thank my friend from Florida, Mr. DIAZ-BALART, for yielding time.

Mr. Speaker, as the ranking member on the House Higher Education Subcommittee, and a member of the conference committee, I rise today in strong support of this bipartisan Higher Education Opportunity Act, which is the first reauthorization of the Higher Education Act in 10 years.

I also appreciate the regular order we have followed with respect to the rule on this bill.

I support this important legislation for three key reasons. First, it allows year-round Pell Grants for students who wish to complete their education more quickly.

Second, it reduces burdensome red tape on students and families by providing a much shorter, simpler application for Federal student financial aid.

And third, it includes my legislation to curb wasteful spending by closing a loophole that had allowed convicted child predators to receive Federal financial aid to take college courses.

I am going to limit my remarks this morning to the wasteful spending issue. It is a national embarrassment that we are wasting taxpayer dollars for child molesters and rapists to take college courses, while hardworking young people from lower and middle income families are flipping hamburgers to pay for college.

I have been working to close this loophole for years. And today, the most insane, wasteful spending program in America comes to an end. This legislation ensures that taxpayer money for Pell Grants will go to low and middle income students, not dangerous sexual predators.

Let me give you a real life example. James Sturtz is one of the most violent sexual predators in America, and he is currently locked up in a Wisconsin facility. He was convicted and sent to prison for raping a 4-year-old girl. After being released from prison, he raped a woman at knife-point, and was sent to prison a second time. After being released, he met a college student waiting for a bus, persuaded her to get in his car and then raped her at knife-point. He was then sent back to prison for a third time, and after his sentence ended in 2006, he was locked up in a civil confinement center to be held there indefinitely.

Sturtz and several other locked up sexual predators decided to exploit the civil confinement loophole and obtain thousands of dollars in Federal Pell Grants to take college courses, like algebra, through the mail. Then, Sturtz and two-thirds of the other inmates dropped their classes and used our taxpayer money to buy blue jeans, music CDs, movie DVDs, radios, television sets and DVD players.

Of course, even if they hadn't dropped their classes, there is zero evidence that violent sexual predators who take algebra and calculus classes have lower recidivism rates.

Well, how could this loophole happen in the first place?

Prison inmates have been ineligible for Pell Grants since 1994. In 20 States, including Florida and Wisconsin, they wisely hold the most violent repeated sexual predators indefinitely in civil confinement centers after they serve their regular prison sentence because they are likely to repeat their crimes if released back into society.

For example, in my home State of Florida, 54 violent sexual predators obtained over $200,000 in Pell Grants at taxpayer expense in 1 year alone. Similar expenditures in the other 20 States with civil confinement means millions of dollars being wasted, until now.

This was a team effort. I would like to especially thank ranking member BUCK MCKEON, Chairman GEORGE MILLER, as well as the other members of the conference committee and our hardworking professional staff members for working in a bipartisan spirit to include this provision and so many other worthy provisions in this legislation.

I urge my colleagues on both sides of the aisle to reauthorize the Higher Education Act and vote yes on H.R. 4137.

Ms. MATSUI. Mr. Speaker, I yield 3 minutes to the gentlewoman from Ohio, a fellow member of the Rules Committee, Ms. SUTTON.

Ms. SUTTON. Mr. Speaker, I thank the gentlewoman for yielding and for her leadership on this issue.

I rise in support of House Resolution 1389 and the underlying bill, the College Opportunity and Affordability Act.

Our Nation is blessed to have the finest system of higher education in the world, and I am proud that my district is the home of the University of Akron and the Lorain County Community College. UA boasts one of the top science and engineering programs in the Nation, and Lorain County Community College is a leader in education and entrepreneurial and economic development across northeast Ohio.

Mr. Speaker, the Higher Education Act was first signed into law in 1965 to help students from low income families afford a college education. Unfortunately, in the 10 years since the Higher Education Act was last reauthorized, the dream of a college degree has moved further out of reach for far too many of our Nation's students.

Overall, the United States is third out of 30 industrialized nations in post-secondary degree attainment, but only ninth out of 30 when looking at younger workers. This is an ominous trend that we must act swiftly to address.

With the cost of tuition and textbooks skyrocketing, we have taken action to make college for affordable. Last year we passed legislation that increased college financial aid by $18 billion and cut student interest loan rates.

With this bill today, we are raising the bar even higher in fighting for access to higher education by increasing the maximum Pell Grant level from $5,800 per year to $8,000 by 2014.

This bill also provides for improved teacher training and development programs. It provides loan forgiveness for students who choose public sector careers, and creates a new scholarship program for active duty military personnel and their families.

Mr. Speaker, from coast to coast, and throughout the heartland, this great Nation is filled with bright and enthusiastic students seeking to take advantage of any opportunity we can give them for a more prosperous future. This bill makes critical investments in our students to strengthen our workforce for the future of our country.

I urge my colleagues to vote ''yes'' on the College Opportunity and Affordability Act.

I thank Chairman MILLER for his diligent work in making this happen.

Mr. LINCOLN DIAZ-BALART of Florida. Mr. Speaker, it is my pleasure to yield 3 minutes to my good friend and classmate, the gentleman from Michigan (Mr. KNOLLENBERG).

Mr. KNOLLENBERG. Mr. Speaker, I do want to thank the gentleman for yielding to me this morning. I also wanted to, in fact, thank Chairman MILLER and Ranking Member MCKEON for working together to bring a bill to the floor that makes certain that every student in the Nation has access and receives the highest quality college education.

Currently, college tuition, no surprise to most of us, continues to rise at

a rate that prevents individuals from even attending college. Over the past 5 years, the cost of obtaining a college education has increased by 34 percent. The expense is staggering, but the financial burden of college should not prevent individuals from seeking and receiving an advanced education.

Furthermore, to remain an economic leader, America must ensure that we are leaders in the fields of math, science, engineering and health care. America has always been a leader in technology and innovation, and must continue to put a renewed focus on this type of education. Our kids must learn the skills necessary to compete for the high tech, high paying jobs of the future.

And that is why I am so pleased that this bill, the Henry Ford Scholarship Program Act, has been incorporated into the higher education bill. This program establishes scholarships for high achieving students who pursue undergraduate degrees in mathematics, in science, in engineering and health-related activities. These are the areas that will be critical for our future economic success. And I am pleased to stand here today knowing that the children of America have an extraordinary opportunity now to lead the world in these highly skilled fields.

In my home State of Michigan, for example, this is as important as anywhere as we work to transition to a new, high tech, cutting edge economy.

And once again, Mr. Speaker, I want to thank my colleagues on both sides of the aisle for coming together to benefit the students of this Nation. And I am personally very proud of this scholarship, one that I believe in strongly, and that I fought hard for to move it toward becoming law and helping our students succeed.

□ 1145

Ms. MATSUI. Mr. Speaker, I'm privileged to yield 2 minutes to my friend, the gentleman from New Jersey (Mr. PASCRELL).

Mr. PASCRELL. I rise today in strong support for the rule for the conference report on the Higher Education Opportunity Act, and I thank Chairwoman SLAUGHTER and Congresswoman MATSUI for bringing this rule to the floor. I want to offer my sincere congratulations to Chairman MILLER and Ranking Member MCKEON on this great achievement.

H.R. 4137 is a comprehensive bipartisan bill that will reauthorize the Higher Education Act while addressing concerns about the cost of education, restoring integrity and accountability to student loan programs, and expanding college access and support for low-income and minority students.

I greatly appreciate that H.R. 4137 includes a version of legislation which we've worked and I've worked on for about 6 years, the Campus Fire Safety Right To Know Act. I became involved in this issue of campus fire safety after experiencing the horrible aftermath of a catastrophic fire at Seton Hall University in South Orange, New Jersey, in 2000. That fire killed three young freshman and wounded 58 other students in a dorm on campus.

The campus fire safety reporting requirement in H.R. 4137 mandates that colleges and universities provide prospective and current students and parents with a report on the school's campus safety policies and records.

Educating students about fire safety during their time in school will have a strong impact on the choices they make in the future. If we can influence what they learn, we can create a more fire-safe generation for tomorrow and potentially save thousands of lives.

Mr. Speaker, I want to once again state my strong support for the rule and urge my colleagues to support H.R. 4131. As the first member of my family to attend college, I applaud the chairman and the ranking member for their dedication to making the dream of a college education a reality for so many Americans who otherwise would not have had that chance.

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

Ms. MATSUI. Mr. Speaker, I yield 2 minutes to the gentleman from Oregon (Mr. BLUMENAUER).

Mr. BLUMENAUER. Mr. Speaker, I appreciate the gentlelady's courtesy in permitting me to speak in favor of this rule and the underlying bill.

It's exciting to see this landmark reauthorization come forward, and particularly given the range of advantages that are going to be given to young people around the country strengthening communities and opportunities for higher education.

Mr. Speaker, one of the major challenges we face at this point deals literally with the future of the planet dealing with global warming and sustainable development in a water-stressed, energy-short, carbon-constrained world. I have been pleased to look in my community at colleges and universities that are doing pioneering work with developments on campus for sustainability, training students, and doing research.

I am pleased that this legislation incorporates our Higher Education Sustainability Act of 2007, H.R. 3637, which provides provisions here that will help fund this research and training, sustainability practices on campus, to be able to make sure that the best practices that are being developed across the country can be incorporated into the day-to-day operations, that we can do more research, more training of students, and that we will be able to incorporate them into how campus life itself operates.

Last but not least, I am pleased that the provision that would direct the secretary of education to convene a sustainability summit to have a national showcase of these best practices has been retained. This is an important element to make sure that our colleges and universities continue to be the change, the engine of innovation for the most vital challenge of our time dealing with global warming and sustainable development.

I strongly urge support of this legislation and that each and every one of my colleagues look at these sustainability provisions and look at how they can be applied to their colleges and universities back home.

Mr. LINCOLN DIAZ-BALART of Florida. Mr. Speaker, we continue to reserve.

Ms. MATSUI. Mr. Speaker, I yield 2 minutes to my friend, the gentlewoman from Minnesota (Ms. MCCOLLUM).

Ms. MCCOLLUM of Minnesota. Mr. Speaker, I thank the Rules Committee for the time. I rise to support this rule and the conference report for the Higher Education Opportunity Act.

I had the honor to serve on the Education and Workforce Committee for my first 6 years in Congress, and it is a real pleasure to know that we will finally be able to reauthorize the Higher Education Act. I commend Chairman MILLER and Ranking Member MCKEON on this bipartisan bill.

This bill increases need-based aid and provides for more access to information on the costs of college. It restores sunshine to student loan programs and simplifies financial aid application processes. And it makes new investments to encourage science and technology careers.

This bill focuses on the needs of students who are the future of this country and the key to our global competitiveness. I'm particularly pleased that this conference report includes a provision I worked on with Congressman TIERNEY to hold States accountable for their investment in higher education.

I also want to thank Chairman MILLER and Congressman BISHOP for working to include a definition of ''diploma mills'' and for requiring the Secretary of Education to provide information on these fraudulent businesses that defraud students, their families, and employers.

Today we begin a Federal effort to prevent and prosecute diploma mills. Diploma mills sell worthless degrees. They threaten the reputation of America's colleges and universities by blatantly using similar names. Diploma mills cheat taxpayers when local school districts and even the Federal government hire one individual with a fraudulent degree. Phony medical degrees from diploma mills can have and have caused serious harm and even death. These fraudulent degrees can be used to obtain visas making the fact that they exist a national security issue.

The failure to shut down diploma mills has been noted in other countries, harming our reputation around the world. The increasing number of diploma mills has created, as you can see, serious problems. This legislation includes the first step in addressing the problem, and I urge my colleagues to support the bill.

Mr. LINCOLN DIAZ-BALART of Florida. Mr. Speaker, we continue to reserve.

Ms. MATSUI. Mr. Speaker, I yield 2 minutes to my friend, the gentleman from New York (Mr. BISHOP).

Mr. BISHOP of New York. I thank the gentlelady for yielding.

I rise in strong support of the rule and the underlying conference report, and I urge my colleagues to vote both for the rule and for H.R. 4137.

Let me commend Chairman MILLER and Ranking Member MCKEON and Subcommittee Chair HINOJOSA and Ranking Member KELLER for presiding over such a collegial and bipartisan process. We entered into this process with the goal of enhancing access and affordability, and I truly believe that H.R. 4137 makes significant progress on achieving both of those very important goals.

Let me talk about some specific elements of the bill that I think are worthy of mention.

First, the bill very much strengthens the Perkins Loan program, the loan program that this administration has seemed determined to kill but has strong bipartisan support here in the Congress. The conference report increases the maximum awards that students may receive in any one year, it also increases the aggregate awards, and it also strengthens the revolving loan fund by ensuring that funds collected be returned to the revolving loan fund so that they may be reloaned to future needy students. And all of this helps to reduce the dependence on private loans for needy students, and that was one of our goals as well.

The conference report simplifies the financial aid delivery process by simplifying the completion of the so-called FAFSA form which is a very daunting form for many families, yet it is the gatekeeper to eligibility for all students' financial aid. It includes the provisions of the Student Loan Sunshine Act. This results from investigations conducted by the attorney general of my home State that revealed several abuses in the student loan program, and this legislation restores confidence and trust to the financial aid delivery system.

It also reestablishes a Federal role for supporting cooperative education which helps students gain valuable career information and also finance their education. It has many very valuable features in this bill.

I urge my colleagues to support it, and I thank my colleagues for working so hard on it.

Mr. LINCOLN DIAZ-BALART of Florida. Mr. Speaker, I would inquire of my friend how many additional speakers she has.

Ms. MATSUI. Mr. Speaker, I would like to tell the gentleman I have two additional speakers.

Mr. LINCOLN DIAZ-BALART of Florida. We continue to reserve.

Ms. MATSUI. Mr. Speaker, it's my privilege to yield 2 minutes to my friend, the gentlewoman from Texas (Ms. JACKSON-LEE).

(Ms. JACKSON-LEE of Texas asked and was given permission to revise and extend her remarks.)

Ms. JACKSON-LEE of Texas. I thank the gentlelady from California for her leadership. I thank the Education Committee and our leadership.

As many States in this great Nation, Texas is a college State; in my community in particular, the University of Houston, Texas Southern University, Houston Baptist, Saint Thomas, Houston Community College, and I'm sure many, many others. This is a relief. This is a hallelujah day to be able to help our young people reach their greatest promise.

This is an important initiative. It encourages colleges to reign in price increases and provides consumers with helpful information. Now, because of desperate times, many, many State legislatures are giving our colleges the ability to raise tuition. It is going up and up and up. Now there will have to be an accountability. You will have to explain what are you doing to mitigate the cost. We want our children educated. We don't want them broke.

This restores integrity and accountability to the student loan program. You'll have an option, you'll have information, your parents will have information. You will be able to work together so that you can invest in your education and still be able to survive once you graduate.

It simplifies the Federal Student Aid application access. It expands college access and support for low-income and minority students. It allows you to have your loans forgiven if you are police officers, teachers, scientists, and others that are helping this community. It strengthens our workforce and our competitiveness. It helps our veterans and military families. It is a day that recognizes that America is made great by those who educate and those who, with their own genius, will provide for the next intelligence, the next leadership of the 21st century.

All over the world they want to copy and emulate how we educate. They want to come to the United States because of the principles of freedom. This higher education bill will allow us to pursue that freedom in the right way, and it assures equal college opportunities for students with disabilities. I applaud that. I celebrate that. I encourage that opportunity for those students whose minds are agile and who are ready to go to work, and it encourages colleges, the most important place, to adopt sustainable and energy-efficient practices. This is a valuable step in educating our community.

I do want to close by simply saying we have to be on the front lines of education, primary and secondary education. This is the bill that does it. I ask my colleagues to support the Higher Education Opportunity Act.

I rise today in strong support of H.R. 4137, To amend and extend the Higher Education Act of 1965, introduced by my distinguished colleague from California, Representative GEORGE MILLER. This significant piece of legislation provides greater access to colleges and universities, making higher education affordable for all Americans, not just the wealthy.

A quality education continues to be the best pathway to social and economic mobility in this country. As a member and senior whip of the Congressional Black Caucus, I have consistently advocated for the maintenance of Historically Black Colleges and Universities. This legislation will increase funding to Historically Black Colleges and Universities, as well as Hispanic and other minority-serving institutions, and it will expand college access and support for low-income and minority students.

This legislation contains provisions allowing students to receive Pell Grant scholarships year-round, and it increases the Pell Grant maximum to $8,000. In addition, it strengthens college readiness programs, namely the TRIO and GEAR UP college readiness and support programs for low-income and first-generation students. These increases will expand college access for low-income and minority students. The amendment offered by my colleagues Representative EDDIE BERNICE JOHNSON and Representative DON YOUNG expands upon current Pell Grant eligibility, allowing children who lost a mother or father to our wars in Iraq or Afghanistan to be eligible for the maximum amount of Pell Grant assistance. In this age of global war on terror, it is imperative that we ensure that those left behind by those who made the ultimate sacrifice for our great Nation are given the greatest opportunity our country can provide. As such, I encourage all my colleagues to join me in supporting this important amendment.

Mr. Speaker, this legislation contains important provisions opening up even wider opportunities for our veterans by increasing college aid and housing aid for not only veterans, but their families. This legislation creates a new scholarship program for active duty military personnel and family members, including children and spouses of active duty military service members or veterans. It establishes support centers to help veterans succeed in college and graduate. Finally, it ensures fairness in student aid and housing aid for veterans, making it easier for them to attend college while also fulfilling their military service duties.

Mr. Speaker, I would also like to express my strong support for an amendment introduced by my distinguished colleague Congressman DANNY DAVIS restoring safeguards to student loan borrowers. Mr. Speaker, students who take out loans borrow money as part of their pursuit to better themselves and contribute to the advancement of our Nation and economy. However, current bankruptcy laws apply the same severe standards to student borrowers that it applies to those trying to escape child support payments, alimony, overdue taxes, and criminal fines. Under Mr. DAVIS's amendment, Government student loans and loans made by nonprofit entities would remain non-dischargeable; other student loans, made by for-profit banks and other lenders, would continue to be non-dischargeable for the first 5 years after they come due, and after that time they would be treated like other unsecured consumer loans in bankruptcy. Mr. Speaker, I strongly urge my colleagues to support this amendment, and to work to restore bankruptcy protection to private student loans.

Understanding the federal application for Federal Student Aid can be challenging and complex even for the most knowledgeable parent. The College Opportunity and Affordability Act would streamline and simplify the application process, giving families the tools they need to properly plan for their college expenses. This legislation will reform our higher education system, ensuring students and their families have the information they need to understand their borrowing options when applying for Federal and private loans.

Mr. Speaker, as an active member of the Committee on Homeland Security, I am extremely supportive of the provisions in this legislation that boost campus safety and disaster readiness plans. Last year's tragedy at Virginia Tech has illustrated the horror to which students might be exposed, and natural disasters in recent years have underlined the necessity of having campus disaster plans.

This legislation helps all colleges develop and implement state-of-the-art emergency systems and campus safety plans, and it requires the Department of Education to develop and maintain a disaster plan in preparation for emergencies. In addition, this legislation creates a National Center for Campus Safety at the Department of Justice to work in collaboration with the COPS program. Finally, it establishes a disaster relief loan program, to help schools recover and rebuild in the event of a disaster.

This important piece of legislation gives our youth, our veterans, and our families the opportunity to not only dream of attending college but actually realize that dream. I urge my colleagues to join me in supporting H.R. 4137 and the conference report.

Mr. LINCOLN DIAZ-BALART of Florida. Mr. Speaker, we continue to reserve.

Ms. MATSUI. Mr. Speaker, I yield 2 minutes to the gentleman from Oregon (Mr. WU).

Mr. WU. Mr. Speaker, I rise in strong support of the rule and the conference report. This bill contains many excellent provisions that will help Oregon and, indeed, all American families better afford college.

For example, the legislation increases the Pell Grant from the current $5,800 per year ultimately to $9,000 per year, and it makes it available for year-round education. It streamlines the Federal student aid application process, restores integrity and accountability to the student loan industry, and encourages colleges to better manage tuition and price increases.

There are two provisions that I am particularly proud of and supportive of in the bill. One is a provision intended to make textbook prices more transparent and manageable. This is something that I have been working on for over 5 years. It provides students with advance information on textbook pricing so they can better plan for expenses before each term begins. It assists faculty by ensuring that they have complete information on textbook pricing before making purchase decisions, and it requires textbook publishers to provide combined or bundled educational products separately for purchase.

This bill also establishes a program for low-income Asian American students in title III of the bill. Through the new program, grants will be made available to eligible institutions where at least 10 percent of the student body is Asian American and low-income. And this will have a significant impact on the aspirations of all Americans, and this has been an aspiration of the Asian American community for a long time.

I strongly support this conference report and urge the other Members to support it.

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Mr. LINCOLN DIAZ-BALART of Florida. I would ask my friend if she has any additional speakers.

Ms. MATSUI. I have no additional speakers. I will reserve.

Mr. LINCOLN DIAZ-BALART of Florida. It's obvious, Mr. Speaker, that this legislation appropriately enjoys extraordinary bipartisan support, and really, I'm pleased to see an example of Congress working together across the aisle for the good of the Nation, in this instance, all of those who seek a higher education, which is such an important part of the American Dream. The dream of being able to acquire a higher education and to see one's children and one's grandchildren do so, to advance that dream as this legislation does is something that's admirable; and I wish to commend all who have worked to make this legislation possible.

Mr. Speaker, we will not fail to utilize every opportunity on this House floor, before leaving for a 5-week break to be with our constituents, to provide our constituents, before we leave a debate on this floor on the issue that I certainly am being contacted most about by my constituents, and I know that many of our colleagues are as well: the unacceptable price of gasoline, the energy crisis facing American families, American workers, American businesses.

Part of the reason that we are seeing this situation and that we are seeking a debate to alleviate this crisis is that gas prices have continued to rise, one important reason being because more and more so we are dependent on foreign oil, while we avoid developing domestic energy sources. And so we think that we need to comprehensively debate this issue to alleviate the crisis. The crisis is affecting all American families and affecting countless millions of businesses.

One important source of domestic energy is the Arctic National Wildlife Refuge in Alaska. However, efforts to develop just a tiny portion of ANWR have been fought and blocked to the detriment of America's energy independence, even though the people of that great State overwhelmingly are in favor of searching for energy there.

With the price of gasoline at $4 a gallon, we should be looking to do all we can to lower that price, and that includes domestic exploration when the people of a State wish to permit it. I think it demonstrates arrogance on our part to say we know better than the people of a State and their Representatives. In the case of Alaska, all of their Representatives in Congress are clamoring for what the overwhelming majority of the people of that great State are also clamoring for: the ability to search for additional sources of energy within their borders.

Today I will be asking each of our colleagues to vote ''no'' on the previous question to this rule. If the previous question is defeated, I will amend the rule to make it in order for the House to consider an amendment that would have the effect of lowering the price of gasoline and diesel by increasing the domestic supply of oil by permitting the extraction of oil in the Arctic National Wildlife Refuge, as the people of the great State of Alaska wish to do so and their Senators and Representatives wish to do so, in representation of the overwhelming majority of the people of that great State.

I remind the Members that defeating the previous question will not stop debate on the important underlying legislation. It enjoys bipartisan support. We wish, in addition to bringing forward an important piece of legislation like we are today, to offer the American people a debate on the issue that is on the minds of the overwhelming majority of American people, certainly of my constituents, the simply unacceptable price of gasoline.

We have to do everything we can to deal with the issue. And I think it's unfortunate, Mr. Speaker, that we're not and that we're not being allowed to.

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

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

There was no objection.

Mr. LINCOLN DIAZ-BALART of Florida. Again, by voting no on the previous question, Members can take a stand, can show that they want to do everything possible on this issue. Once again, I reiterate that this will not preclude taking action on the important piece of education legislation that we possibly, even unanimously, in this House, certainly in consensus fashion, support.

I ask for a ''no'' vote on the previous question.

I yield back the balance of my time.

Ms. MATSUI. Mr. Speaker, I want to thank Mr. DIAZ-BALART, and I yield myself the balance of my time.

I would like to say, first, that nearly 80 percent of offshore oil is in areas that are already open for exploration. In fact, 68 million acres, onshore and offshore, are already under lease by oil companies, but not being drilled.

Democrats have said ''use it or lose it'' to the oil companies: drill the oil or give up the lease to someone who will. And Democrats have called for mandatory leasing in the National Petroleum

Reserve in Alaska, which has more oil than the Arctic Wildlife Refuge.

Oil companies have billions of barrels of American oil available to them right now, and the President's own Department of Energy says the impact of any new drilling will be insignificant, promising only pennies per gallon a decade or two down the road.

Under Democratic leadership, the Congress has enacted into law the first new vehicle fuel efficiency standards in 32 years, saving up to $1,000 in gas per car per year; a historic commitment to American-grown biofuels, which are keeping gas prices 15 percent lower now than they would otherwise be as a result of blended fuels; action to impact record gas prices by suspending oil purchasing for the Strategic Petroleum Reserve; recovery rebates that help Americans struggling with rising prices, including gas, with a check of $600 or more. And what we're doing today, making college more affordable, will help American working families.

Mr. Speaker, the rule before us today is a fair rule that allows us to highlight educational challenges and offers remedies for them in order to create a better tomorrow.

It is our responsibility to provide our constituents with greater access to a college education, especially at a time when the price of college is steadily increasing.

This bill will complete a year of important changes to higher education policy. Nearly 1 year ago, the Democratic Congress took the lead on landmark changes to lender subsidies and student aid, followed by a measure to ensure access to loans and increase loan limits. And now we will send the President yet another bill that makes college more affordable and address the student loan process.

Mr. Speaker, I urge a ''yes'' vote on the previous question and on the rule.

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

AMENDMENT TO H. RES. 1389 OFFERED BY MR. LINCOLN DIAZ-BALART OF FLORIDA

At the end of the resolution, add the following:

SEC. 2. Immediately upon the adoption of this resolution the House shall, without intervention of any point of order, consider in the House the bill (H.R. 6107) to direct the Secretary of the Interior to establish and implement a competitive oil and gas leasing program that will result in an environmentally sound program for the exploration, development, and production of the oil and gas resources of the Coastal Plain of Alaska, and for other purposes. All points of order against the bill are waived. The bill shall be considered as read. The previous question shall be considered as ordered on the bill and any amendment thereto to final passage without intervening motion except: (1) one hour of debate on the bill equally divided and controlled by the chairman and ranking member of the Committee on Natural Resources, and (2) an amendment in the nature of a substitute if offered by Representative Rahall of West Virginia or his designee, which shall be considered as read and shall be separately debatable for 40 minutes equally divided and controlled by the proponent and an opponent; and (3) one motion to recommit with or without instructions.

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

THE VOTE ON THE PREVIOUS QUESTION: WHAT IT REALLY MEANS

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

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

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

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

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

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

The previous question was ordered.

The resolution was agreed to.

A motion to reconsider was laid on the table.

PROVIDING FOR CONSIDERATION OF H.R. 6599, MILITARY CONSTRUCTION AND VETERANS AFFAIRS APPROPRIATIONS ACT, 2009

Ms. CASTOR. Mr. Speaker, by direction of the Committee on Rules, I call up House Resolution 1384 and ask for its immediate consideration.

The Clerk read the resolution, as follows:

H. RES. 1384

Resolved, That at any time after the adoption of this resolution the Speaker may, pursuant to clause 2(b) of rule XVIII, declare the House resolved into the Committee of the Whole House on the state of the Union for consideration of the bill (H.R. 6599) making appropriations for military construction, the Department of Veterans Affairs, and related agencies for the fiscal year ending September 30, 2009, and for other purposes. The first reading of the bill shall be dispensed with. All points of order against consideration of the bill are waived except those arising under clause 9 or 10 of rule XXI. General debate shall be confined to the bill and shall not exceed one hour equally divided and controlled by the chairman and ranking minority member of the Committee on Appropriations. After general debate the bill shall be considered for amendment under the five-minute rule. Points of order against provisions in the bill for failure to comply with clause 2 of rule XXI are waived. Notwithstanding clause 11 of rule XVIII, no amendment to the bill shall be in order except those printed in the portion of the Congressional Record designated for that purpose in clause 8 of rule XVIII in a daily issue dated July 30, 2008, or earlier and except pro forma amendments for the purpose of debate. Each amendment so printed may be offered only by the Member who caused it to be printed or his designee and shall be considered as read. When the committee rises and reports the bill back to the House with a recommendation that the bill do pass, the previous question shall be considered as ordered on the bill and amendments thereto to final passage without intervening motion except one motion to recommit with or without instructions.

SEC. 2. During consideration in the House of H.R. 6599 pursuant to this resolution, notwithstanding the operation of the previous question, the Chair may postpone further consideration of the bill to such time as may be designated by the Speaker.

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

Ms. CASTOR. Mr. Speaker, for the purpose of debate only, I yield the customary 30 minutes to the gentleman from Washington (Mr. HASTINGS). All time yielded during consideration of the rule is for debate only. I yield myself such time as I may consume. I also ask unanimous consent that all Members be given 5 legislative days in which to revise and extend their remarks on House Resolution 1384.

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

There was no objection.

Ms. CASTOR. Mr. Speaker, House Resolution 1384 provides an open rule with a preprinting requirement. The rule provides 1 hour of general debate, equally divided and controlled by the chairman and ranking minority member of the Committee on Appropriations.

The rule waives all points of order against consideration of the bill except those arising under clause 9 or 10 of rule XXI.

The rule waives points of order against provisions of the bill for failure to comply with clause 2 of rule XXI.

The rule provides that any amendment to the bill must be printed in the CONGRESSIONAL RECORD by July 30. Each amendment so printed may be offered only by the Member who caused it to be printed or his designee and shall be considered as read.

The rule provides one motion to recommit, with or without instructions.

Finally, the rule provides that the Chair may postpone further consideration of the bill to a time designated by the Speaker.

Mr. Speaker, I am pleased to rise today to stand with my colleagues in support of H.R. 6599, the 2009 Military Construction and Veterans Affairs Appropriations Act and this rule.

Mr. Speaker, the New Direction Congress has made the lives of America's veterans one of our top priorities. Years from now, history will reflect that it was this Democratically led 110th Congress, in the middle of two wars, that renewed the country's commitment to veterans and their health.

Our commitment simply is a reflection of the pride and appreciation the American people have for the service of their brave men and women in uniform, who have served so greatly in recent conflicts and wars.

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Now, just weeks ago, after months of perseverance in the face of opposition from the White House, this Congress, in a bipartisan way, adopted the new 21st century GI Bill that provides a full 4-year college tuition to veterans of the Iraq and Afghanistan wars. The new GI Bill for our veterans was adopted by a vote here in the House of 256–156.

Last year, we adopted the largest reform and investment in veterans' health care in the history of the Veterans Administration. And just yesterday, Mr. Speaker, the Congress adopted additional reforms to the Veterans Administration process that will improve the lives of veterans across this country.

Congressman CAZAYOUX from Louisiana brought H.R. 6445, that prohibits the collection by the Department of Veterans Affairs of copayments or other fees for hospital or nursing home care when they are catastrophically disabled.

Congressman PAUL HODES of New Hampshire also brought H.R. 2192, that establishes in the Department of Veterans Affairs an Office of the Ombudsman to act as a liaison to veterans and their families with respect to VA health care and their benefits.

I also salute my colleague, Congressman JOHN HALL of New York. We adopted his bill yesterday, H.R. 5892, the Veterans Disability Benefits Claims Modernization Act, that directs the Department of Veterans Affairs to modernize the disability benefits claims processing system to ensure that our veterans are served in a timely and accurate way.

Now, in this appropriations bill that is before the House today, the American people, through the actions of this Congress, will provide the necessary resources for veterans and facilities and the infrastructure for the Armed Forces. This includes training facilities, housing, and equipment for our troops in their ongoing fight to defend our great Nation here and overseas.

While our brave servicemembers are overseas, most military families remain at home on bases, and we are committed to an excellent standard of living for them and quality of life. That includes convenient child care, and a safe and affordable place to live. I know this because I have conversations with the men and women who serve on the MacDill Air Force Base in my hometown of Tampa, Florida. They tell me that they feel much more safe and secure knowing that their families are well taken care of and well served back home on the base.

So Members should be proud that we have gone above and beyond the White House's initial budget offering. We provide nearly $4 billion more than the President in additional resources, particularly for our veterans health care programs.

Just last week, a panel testified before the Congress that returning soldiers still are not receiving the health care they deserve at Walter Reed and across the country, and this is unacceptable. And that is why in this appropriations bill we fund the VA health care system to try to get it back on track because we've asked everything of these great men and women, the ultimate sacrifice, and the least we can do as their government is support them when they return and ensure that they have the health care they need. When our troops go off to fight valiantly for our country, we're going to ensure that they have the best health care when they return.

Now, the signature injuries of the wars in Iraq and Afghanistan are the traumatic brain injury and post-traumatic stress disorder. Oftentimes, these injuries will require a lifetime of continuing medical care. In fact, the Veterans Health Administration estimates that just next year, in 2009, they will treat more than 5.8 million patients. I'm very fortunate, Mr. Speaker, that in my hometown of Tampa, we have an outstanding VA hospital, the James Haley VA Center. It is known as the busiest VA hospital in the country. We are also fortunate to have one of only four polytrauma units there that serve the most critically wounded veterans from Iraq and Afghanistan.

So I've seen directly how oftentimes medical staff is overworked, they don't have the facilities that they need. That's why we provide above and beyond the President's request and reject his $38 million cut for medical and prosthetic research. We will continue to invest in medical military construction to improve the aging and outdated medical treatment facilities so they have access to the best medical care.

Now, to help the VA get a head start on helping those hundreds of thousands of new patients in the VA system, we're going to ask that they bring on additional VA claims processors because there is a terrible backlog in this country, and that's the last thing that our veterans should have to face after their service. Currently, in my State, there are over 25,000 pending cases, and nearly 19 percent of those have been in a holding pattern for over 180 days. We can and we must do better for our veterans.

We also oppose, through this appropriations bill, the Bush administration's squeeze on veterans' wallets. The Bush administration has proposed increases in enrollment fees and doubling of prescription drug copayments. How sensible is it to add to the already large number of uninsured in America by making it harder for those who have sacrificed in service to this Nation to get the care they need? Well, this New Direction Congress can and will do better for our veterans.

Mr. Speaker, I want to particularly applaud the leadership of Chairman CHET EDWARDS, who held numerous hearings in an open, bipartisan process that gave Members and the many military families and veterans groups an opportunity to review and weigh in, in a thoughtful and responsible way, to ensure that our current and past military troops and their families get the much-needed funding for various programs that they have earned by way of their service.

Mr. Speaker, I know the American people will appreciate that this is a bipartisan effort for our country's sons and daughters, who put their lives on the line for us every day. We will fulfill our promise to help them lead whole and healthy lives in honor of their sacrifice.

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

Mr. HASTINGS of Washington. Mr. Speaker, I want to thank my colleague from Florida (Ms. CASTOR) for yielding me the customary 30 minutes, and I yield myself such time as I may consume.

(Mr. HASTINGS of Washington asked and was given permission to revise and extend his remarks.)

Mr. HASTINGS of Washington. Mr. Speaker, I have to say that it is astonishing to me to what lengths this liberal Congress will go to shut down debate and close the legislative process.

This House, Mr. Speaker, has become far more dictatorial and far less deliberative in the last 19 months than ever before. In this Congress, there have been 59 closed rules, which is more than in any Congress in the history of our country.

Mr. Speaker, as you well know, a closed rule means Members are prohibited from coming to the House floor and offering an amendment to the bill that is being considered on the floor. An open rule allows Members to offer amendments to a bill that's being considered on the House floor. Mr. Speaker, it is simply as simple as that.

But Mr. Speaker, there hasn't been one single, solitary open rule this entire year in this body. For this entire Congress, going back to January of last year, there has been only one open rule on bills that were not appropriations bills. These facts present a stark picture of just how closed and restrictive this liberal Congress has become.

Yet the Speaker and Democrat-controlled Rules Committee aren't satisfied with having the worst, most closed record in history. They've decided to go even further to undermine the rules and traditions of the U.S. House of Representatives. With this rule, they've reached an absolute new low. They have chosen to breach the longstanding, bipartisan process of an open rule for the consideration of appropriations bills.

On what has been an open process on the House floor not just for years, not for decades, but dating back to the creation of the Appropriations Committee itself, this process is being closed down by this oppressive, liberal Congress.

This rule provides for consideration of the Military Construction and Veterans Affairs funding bill for the next fiscal year. It is a bill that has always, Mr. Speaker, had strong bipartisan support. For example, last year it passed by a recorded vote of 409 in favor and only two against. And during that debate last year, there were just 15 amendments that were offered. And the total debate on the House floor was just 5 hours, which is a short time for appropriations bills.

Mr. Speaker, there is no part of this record that justifies what is being proposed today to decimate this open process. There is simply no excuse for what is being done and proposed by this rule.

I can only conclude that this is a blatant political attempt to stifle debate on the House floor in order to hold onto political power. Sadly, Mr. Speaker, it is being done at the expense of the rules and traditions of the People's House, the U.S. House of Representatives.

Additionally, Mr. Speaker, the new fiscal year begins on October 1; that's just 62 days away. Yet this House hasn't passed one single appropriations bill. At the end of the week, it will probably have passed one. By comparison, Mr. Speaker, in 2006, the Republican House had passed every bill except one by this point of the year.

It is a troubling, disappointing, and dangerous situation when those who control this liberal Congress are punting on their duty to pass the 12 annual appropriations bills while simultaneously undermining the open consideration of these very same appropriations bills, an open process that has been a bipartisan hallmark of this House since the inception of the Appropriations Committee.

And why is this being done, Mr. Speaker? Again, I can only conclude that it is because this liberal Congress refuses to allow open debate and votes on producing more American-made energy. Those who control this Congress have refused to allow a vote on lifting the ban on offshore drilling, at ANWR in Alaska, and on other Federal lands.

NANCY PELOSI, HARRY REID and BARACK OBAMA oppose offshore drilling and in ANWR, but they refuse to let Congress vote on this important issue while gas prices, Mr. Speaker, are at record levels and Americans are hurting.

Mr. Speaker, I will submit for the RECORD three articles, one from the New York Times regarding Speaker PELOSI, one from the McClatchy Washington Bureau regarding Speaker PELOSI's position on offshore drilling, one in the House of nearly 6 weeks ago from The Hill regarding Mr. OBAMA's opinion on drilling, and one from the Las Vegas Review Journal regarding Majority Leader REID's position on drilling in the Senate.

As you know, Speaker PELOSI has repeatedly insisted that this House won't ever vote, is not going to be permitted to vote, and that she will do everything possible to block a vote on lowering gas prices by producing more American-made energy by drilling for our own Nation's gas and oil. Americans can't afford this head-in-the-sand approach. Congress needs to stand up and vote on the Republicans' ''all of the above'' energy plan that simply says, let's do everything that we can to produce more American-made energy, including pursuing more clean alternatives like wind and solar, more nuclear power, more biodiesel, improving conservation, more investment in new technology research, and of course, immediately more drilling and refining of oil and gas from America's huge underground reserves.

Mr. Speaker, the choice is clear: we can continue with this ''drill nothing'' approach, or we can decide to act, to change course and to debate and vote on the Republicans ''all of the above'' plan to lower gas prices by producing more energy here in America and finding ways, at the same time, to use less.

Mr. Speaker, I believe our ''all of the above'' approach to lowering gas prices would pass. It would pass, I believe, Mr. Speaker, if it were permitted to have a vote on this House floor. I believe there is a majority that would vote for it in this U.S. House. But such a vote has yet to be allowed and is not being allowed today. And next week, we're going on a 5-week vacation. Mr. Speaker, I think that is intolerable.

The House is being shut down in new, bolder ways to block a vote on producing American-made energy. And as a matter of fact, Mr. Speaker, this rule is proof of it.

The long-standing, bipartisan practice of considering appropriations bills under an open process is being trampled on by this rule. The actions that are being taken to restrict and shut down Members' ability to offer amendments and debate spending bills—which I might add, Mr. Speaker, is the very job that the American people elected us to do—is being undermined by this appropriations process, and it creates a very dangerous and volatile situation in this House.

Mr. Speaker, the leaders and the chairmen who've made this decision may well rue the day that they chose to go down this path.

□ 1230

By their actions, bipartisanship is being diminished, but more importantly, Mr. Speaker, the traditions of this House are being diminished. One cannot trample on the rules and practices of traditions of this House with impunity and then expect no long-term damage to result.

This is a sad and shameful rule. So I urge my colleagues to oppose it and demand this House uphold open rules for consideration of appropriations bills, which is one of the best practices historically of this institution. If we do not correct the closed rule course that is being set by this rule, it will do a great deal of long-term harm to this House that will prove, in my opinion, more difficult to reverse in the future.

[From the New York Times, July 17, 2008]

FOR PELOSI, A FIGHT AGAINST OFFSHORE DRILLING

(By Carl Hulse)

WASHINGTON.—Upon entering Congress in 1987, Representative Nancy Pelosi quickly became part of the solid California front against oil drilling along much of the nation's coast.

The Santa Barbara oil spill in 1969 and the steady push to tap the potential reserves off the state's rugged coast had galvanized Californians and made opposition to offshore drilling part of the political DNA of up-and-coming figures like Ms. Pelosi.

She repeatedly resisted oil drilling in marine sanctuaries near her San Francisco district and, after joining the Appropriations Committee, was an advocate of reinstating the ban on coastal drilling through spending restrictions each year.

''We learned the hard way that oil and water do not mix on our coast,'' Ms. Pelosi told a crucial committee in 1996 as she argued for keeping the ban before a Congress then controlled by Republicans.

Now, with gasoline prices soaring, those drilling restrictions are facing their most severe test in years as calls intensify to pursue

domestic oil more forcefully. Yet despite increasing pressure from President Bush, a full-bore assault by Congressional Republicans and some anxiety among her own rank-and-file Democrats, Ms. Pelosi is not budging.

''The president of the United States, with gas at $4 a gallon because of his failed energy policies, is now trying to say that is because I couldn't drill offshore,'' Ms. Pelosi said in an interview. ''That is not the cause, and I am not going to let him get away with it.''

Her voice carries considerable weight because Ms. Pelosi, who is now House speaker, can prevent a vote on expanded drilling from reaching the floor.

And she and Senator Harry Reid of Nevada, the majority leader, appear intent on holding the line against calls to approve drilling in areas now off limits. They argue that the oil and gas industry is not aggressively exploring large expanses it has already leased on land and offshore. They have also urged Mr. Bush to pour some fuel from national reserves into the commercial supply chain in an effort to lower prices.

Trying to demonstrate that Democrats are not opposed to drilling in acceptable locales, the House is scheduled to vote on Thursday on a proposal that would deny oil companies any new leases unless they can show they are diligently exploring existing holdings. The measure would also require annual lease sales from lands in Alaska set aside as a National Petroleum Reserve, and direct the Interior Department to make sure a pipeline is linked to the reserves. Democrats, not subtly, are calling the measure the Drill Responsibly in Leased Lands, or Drill, Act.

In the Senate, Democrats are pushing a measure to curb speculation in oil markets.

But Representative John A. Boehner of Ohio, the Republican leader, who is escorting a delegation to the Arctic National Wildlife Refuge in Alaska this weekend, said the Democrats' approach was woefully insufficient. Mr. Boehner said Ms. Pelosi, in insisting on preserving the drilling ban, was putting Democrats in the crosshairs of voters furious about gas prices.

''I think Speaker Pelosi is walking her Blue Dogs and other vulnerable Democrats off a cliff, and they know it,'' said Mr. Boehner, referring to the coalition of Democrats representing more conservative districts.

He accused the speaker of using procedural maneuvers to thwart votes on expanded drilling, a position that he said would prevail if the moment arrived. ''Harry Reid and Nancy Pelosi are standing in the way of what the American people want,'' Mr. Boehner said.

In both the House and Senate, small groups of Democrats have begun meeting informally with Republicans to try to reach a bipartisan response to higher oil prices, and opening up new areas to drilling is part of the mix. Leaders of the Blue Dog coalition are openly pressing for drilling in the Arctic refuge and elsewhere.

Backers of the drilling ban have pushed back furiously and appear to have bolstered some of their colleagues. Senator Barbara Boxer, a California Democrat who has been fighting offshore drilling since the 1970s, has been cornering fellow senators to impress upon them the importance of the ban to Californians, comparing it to a mainstay of farm-state senators.

''This is our ethanol,'' Mrs. Boxer said of protecting the coast from oil drilling.

Since taking over as speaker, Ms. Pelosi has asserted herself on energy policy, which she sees as an overarching cause that encompasses national security, climate change, the economy, health care and the environment.

''This captures everything,'' said Ms. Pelosi, who last year broke a deadlock that had lasted for decades over increasing automotive fuel economy standards.

In a private meeting last week, according to some in attendance, Ms. Pelosi told members of her leadership team that a decision to relent on the drilling ban would amount to capitulation to Republicans and the White House, and that she was having none of it. She attributes today's energy problems to a failure of the Bush administration to develop a comprehensive approach, to its ties to the oil industry and to a mishandling of the economy.

With the drilling restrictions under such scrutiny, backers of the ban say they are heartened that Ms. Pelosi wields the power she does.

''It is really important to have a Californian as speaker on this topic,'' said Representative Lois Capps, a Democrat who represents Santa Barbara.

Ms. Pelosi has shown a willingness on issues like terror surveillance and spending on the Iraq war to look past her personal views and allow legislation she opposes to move through the House. But on the drilling ban, it is clear she sees her position as the one that should carry the day. She said national policy had to move beyond the long dispute over the ban.

''This is part of the fight we are in,'' she said. ''We have to get to a place where one day my grandchildren will say, 'Do you believe our grandparents had to go with their car and fill up?' It will be like going with a barrel on our head to a well to get water. That will be the equivalent.''

[From TheHill.com, July 19, 2008]

WEBB SPLITS WITH OBAMA OVER DRILLING

(By J. Taylor Rushing)

By pushing a bill that distances himself from the Democratic Party and its presidential candidate on offshore drilling, Sen. Jim Webb of Virginia is picking a curious time to exercise his well-known independence.

Webb wants his home state to have the right to explore for energy off Virginia's coast. His staff insists his proposal pertains only to natural gas, and not oil, and that it is completely in line with the state's other two leading Democrats—Gov. Tim Kaine and former Gov. Mark Warner, who is running for Senate.

Yet by attaching his name to the bill, sponsored by Sen. John Warner (R-Va.), Webb is taking a step away from Barack Obama (D-Ill.), the party's presidential candidate, who opposes offshore drilling, and one closer to Sen. John McCain (Ariz.), the GOP standard-bearer who recently called for lifting the federal ban.

Webb's divergence from his party also comes as his name is being mentioned on Obama's short list for a running mate.

A key McCain ally, GOP Sen. Lindsey Graham of South Carolina, seized on the similarities between Webb and McCain on offshore drilling.

''It shows Sen. Webb is right sometimes,'' Graham said.

Webb rejected the suggestion that his position differs from other Democrats', saying that the bill calls for ''a very careful approach,'' state leaders would be a key part of the decision, and Virginia desperately needs the revenue stream for cash-starved transportation needs. Such decisions therefore should be made by Virginia, not Washington, he said.

''We can't just not act,'' he said. ''It's time we had some leadership to really grab the larger picture and solve these problems.''

Senate Majority Whip Dick Durbin (D) of Illinois and Sen. Charles Schumer (D) of New York dismissed any concerns about Webb's stance, saying they did not notice his proposal Wednesday. Durbin, however, pointedly rejected Webb's argument that states should have the right to make drilling decisions.

''There's national concerns here, too,'' Durbin said.

The Obama campaign would not directly address Webb's proposal, but instead pointed to a statement Obama released Wednesday on offshore drilling.

''Opening our coastlines to offshore drilling would take at least a decade to produce any oil at all, and the effect on gasoline prices would be negligible at best since America only has 3 percent of the world's oil,'' Obama said in a statement that did not explicitly distinguish between oil and gas drilling.

McCain on Tuesday reversed a long-held stance and called for states to have the right to explore for oil offshore. A pair of federal moratoriums have been in place since the 1980s—one controlled by the executive branch, one by Congress—that bar offshore drilling.

Webb's proposal, unveiled Wednesday with John Warner, would allow Virginia to request a federal waiver to drill for natural gas at least 50 miles from the coastline on an exploration-only basis. A second waiver would be needed if gas is found, and any revenues would be split between state and federal coffers.

The legislation ''offers a preliminary step toward exploration and development of one of our domestic energy sources,'' Webb said. ''In order to address our nation's energy crisis, all options need to be on the table.''

One of Virginia's most prominent environmental groups also opposes Webb's idea, saying there is no plausible environmental distinction between gas and oil drilling and that any environmental damage would spread far beyond Virginia's coast.

''This puts the camel's nose under the tent,'' said Glen Besa, director of the Virginia chapter of the Sierra Club, which has 17,000 members in the commonwealth. ''And the risk associated with this would affect not just Virginia. It would affect Maryland. It would affect North Carolina. You can't just do this on a one-state-only basis.''

Kaine has carefully distinguished between oil and gas drilling, saying that Virginia so far does not endorse oil exploration. Mark Warner, campaigning Wednesday in the state, advocated lifting the federal moratorium on oil drilling to allow Virginia to explore. He also distinguished between oil and gas, saying that natural gas presents fewer environmental risks.

[From McClatchy Newspapers, July 18, 2008]

PELOSI VOWS TO BLOCK OFFSHORE DRILLING VOTE

(By Rob Hotakainen)

WASHINGTON.—A plan to lift the ban on coastal drilling is stalled on Capitol Hill, for one simple reason: A Californian who opposes President Bush's proposal is calling the shots in the House of Representatives.

Despite growing public support for ending the ban, even in California, Democratic House Speaker Nancy Pelosi said she won't allow a vote.

''I have no plans to do so,'' Pelosi said Thursday.

It's an example of the vast power placed in the office of the speaker, who sets the agenda for the 435-member House. Members can force a vote if enough of them sign a petition, but that's a rarity because it requires rank-and-file Democrats to line up against their boss.

In this case, Pelosi is going against a rising tide of public opinion. Faced with rapidly increasing gasoline prices, 73 percent of Americans now favor offshore drilling, according to a poll conducted by CNN/Opinion Research Corp.

Support is even growing in California, where a majority of residents have long supported the ban. A new Field Poll survey shows that just 51 percent now favor the ban, compared with 56 percent in 2005.

Pelosi made her remarks in a wide-ranging interview with CNN, in which she grabbed headlines for saying Bush was ''a total failure'' who had lost credibility with Americans on his handling of the war, the economy and energy issues. She said Congress has been forced ''to sweep up after his mess over and over and over again.''

Pelosi's Democratic colleagues in California are happy that the president's drilling plan is going nowhere, at least for now.

''When Americans go to the pump and are faced with gas prices well over $4 a gallon, it may be tempting to believe that lifting the ban on offshore drilling would bring immediate relief,'' Rep. Doris Matsui, D–Calif., said Friday. But she said Congress ''cannot make rash decisions that will leave a legacy of irresponsible energy policy for our children and grandchildren to inherit.''

Pelosi and other Californians have long cited the 1969 oil spill off Santa Barbara as the main reason for their opposition to drilling. The president's plan is opposed by California's three top leaders: Republican Gov. Arnold Schwarzenegger and Democratic Sens. Barbara Boxer, who heads the Senate environment committee, and Dianne Feinstein.

''Californians have learned the hard way how much damage—environmental and economic—can be caused by a major oil spill,'' Feinstein said.

But Pelosi may be hard-pressed to stand firm against lifting the moratorium. She's under heavy pressure from House Republicans, who have been unrelenting in their political attacks against the speaker, blaming her for the record gasoline prices.

On Friday, House Minority Leader John Boehner of Ohio called on Pelosi to stop ''ignoring the calls of the American people.'' He said he would lead a delegation of 10 House Republicans on an ''American energy tour'' to Colorado and Alaska this weekend to put a spotlight on the refusal of Democratic leaders to allow drilling in Alaska and elsewhere.

The congressional ban on offshore drilling has been in effect since 1981, but Congress must renew it each year. The issue could come to a head again in September, though Pelosi could make it tougher for opponents to kill the ban if she includes it in an omnibus spending bill that may be required to keep the government operating.

Acknowledging her ability to influence decision-making, Pelosi said in the CNN interview that she gets to operate differently than her Senate counterpart, Majority Leader Harry Reid of Nevada. Reid must reach out to Republicans to muster 60 votes—enough to stop a filibuster—to get anything done.

''In the House, the power rests in the speaker, the power of recognition, of setting the agenda . . . Very different rules,'' Pelosi said.

[From the Las Vegas Review-Journal, July 14, 2008]

REID WON'T ALLOW OFFSHORE VOTE IN SENATE

WASHINGTON.—Sen. Harry Reid said today he will not allow a Senate vote on opening new offshore areas to oil drilling, prompting a Republican to charge the Senate majority leader was ''scared chicken'' to allow senators to decide on the matter.

Reid said a call by President Bush for Congress to repeal a law that prohibits new drilling was not realistic. Bush issued the challenge after announcing he was lifting a longstanding executive order that bans offshore energy exploration off the East and West coasts.

''The president is trying to make this a political gimmick, and we're trying to figure out a way to do something about these (gasoline) prices,'' Reid said. ''And we are interested in increasing domestic production but we want to be realistic as to what expectations should be.''

Reid told reporters he is more interested in solutions that would seek to curb oil price speculation, release oil from the Strategic Petroleum Reserve and call on energy companies to explain why they are not drilling on oil leases they already have been granted by the government.

In a sign of rising tensions over rising gasoline prices, Sen. Pete Domenici, R–N.M., shortly afterward charged Reid was afraid to allow votes on increasing energy production.

''Does it seem to you like it does to me that Harry Reid is either scared chicken to have a vote? Or has he decided he is going to dictate to the United States Senate,'' Domenici said at a news conference.

Domenici went on, adding Reid ''is saying 'I am frightened with the idea we are going to have a vote on a new plan for this huge reserve of gas and oil that belongs to none other than the people of the United States who are clamoring for us to produce more oil.' ''

In response, Reid spokesman Jon Summers said: ''This is the United States Senate. It is not a schoolyard. Name calling is not going to do anything to lower energy prices. We need Republicans to work with us on a policy that will protect consumers and lower gas prices.''

Talking to reporters, Reid said the United States cannot merely produce its way out of energy dependence. ''The math doesn't add up,'' he said.

''There is not a single Democrat that doesn't think we can do a better job with domestic production, but for this Johnny One Note of just drill, drill, drill, it is not going to do the trick.''

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

Ms. CASTOR. Mr. Speaker, I want to make sure that the record reflects and that it is very clear that on this very important appropriations bill relating to veterans affairs and military construction, every Member out of 435 in this House had the opportunity to submit an amendment if they chose to do so.

Mr. HASTINGS of Washington. Will the gentlewoman yield?

Ms. CASTOR. I would be happy to yield.

Mr. HASTINGS of Washington. I appreciate the gentlewoman's yielding.

Let me ask this question: Would a Member be able to come down to the floor when this bill is being taken up and offer a second-degree amendment to an amendment that is being offered by another Member?

Ms. CASTOR. Reclaiming my time, Mr. Speaker, I am fairly new in this Congress. I was proud to be part of a class that ushered in the strongest ethics reform since Watergate, and it seems to me that it is entirely fair and proper for Members to be able to offer an amendment to this bill, this very important bill, but it's also important that it is done in a responsible way so that there are no ambushes.

And I would like to point out that the Republican member from the Appropriations Committee that came to the Rules Committee did state, and I took notes that afternoon, that Chairman EDWARDS did a great job. We've had 18 hearings. This has been an open and bipartisan process, a very open process. It has served as a model of bipartisanship.

With that, Mr. Speaker, I am pleased to yield 2½ minutes to the distinguished gentleman from Oregon (Mr. BLUMENAUER).

Mr. BLUMENAUER. I appreciate the gentlewoman's courtesy in permitting me to speak.

Mr. Speaker, I rise in support of the rule and the underlying bill.

This is a critical piece of legislation that speaks to the quality of life of our men and women in uniform. One of the consequences of having the most effective, powerful military force in the world is that we have a great deal of activity that takes place training and operating military facilities across the country. And, sadly, Mr. Speaker, one of the areas that we have not been quite as good as we should is dealing with the consequences of those military operations. The American landscape are littered with the residue of past military operations, base operations, and training exercises. There are bombs, explosives, military toxins and environmental hazards in every State of the union, over 3,000 sites across America.

One of the things I have worked on since I came to Congress was to have the Department of Defense and, most important, we in Congress do a better job of helping the military clean up after itself. I have come to this floor repeatedly with examples where bombs have turned up in people's backyards. I see the former chairman of the committee from California on the floor and am reminded of the three young children in San Diego who discovered bombs in a subdivision, and two of them were killed. Over 60 more people have been killed according to my research here in the United States.

It is time for us to take responsibility to clean up that explosive and toxic legacy, in part because it's not going to get any cheaper. Over the years it's going to cost more and more. Failure to do this right puts innocent children's lives at risk. Remember when we came to the floor with a coloring book that told children what they should do when they found unexploded ordinances near their schools. The Pentagon had Larry the Lizard trying to tell them what to do, when they found a shell . . . rather than spending money to clean it up and remove that hazard.

I am pleased that this year we are fully funding the—the 2005 BRAC account. I am pleased with the leadership from Chairman EDWARDS, Ranking Member WAMP and my good friend Mr. FARR from California, who has been struggling with this issue for years in his district, they were able to put an

additional $80 million to clean up the legacy of BRAC sites.

I appreciate that this is a difficult budget year but it's always a difficult budget year, and we never seem to quite have enough to deal with the environmental problems that face our Department of Defense. I hope that this is a start in the right direction for a renewed commitment to clean up this toxic legacy that risks American lives here in this country and will develop new technology that will actually save American lives overseas in places like Iraq and Afghanistan if we do it right. I hope it makes possible more progress in the future, and I urge support.

Mr. HASTINGS of Washington. Mr. Speaker, I am pleased to yield such time as he may consume to the distinguished ranking member of the Appropriations Committee and the former chairman of the Appropriations Committee, the gentleman from California (Mr. LEWIS).

Mr. LEWIS of California. I very much appreciate my colleague's yielding. It is really a most interesting commentary, your presentation, which summarizes in this rule what appears to be the dominant leadership of the liberal Democratic leadership in the House. That is, in the quest of power, the ends justify the means. Indeed, at this point in our history when the people's House finds itself dominated by leadership who will exercise the ends justifying the means to maintain power, indeed the public ought to be most concerned about their people's House.

Mr. Speaker, I in turn, though, want to congratulate, myself, both Chairman EDWARDS and Mr. WAMP for producing a truly bipartisan fiscal year 2009 Military Construction appropriations bill in the longstanding tradition of this committee. Their work is a demonstration to the House that the Democrats and Republicans can work together to create legislation the majority of our Members can support.

As we all know, the Appropriations Committee has steered off course this year because of one single issue which is critical to the American public and which has significant bipartisan support in the House. I do not fault my friend Chairman OBEY for the breakdown of the appropriations process this year. While we have had our share of disagreements over the years on overall funding levels and policy issues, he and I have historically worked well together to move our spending bills through the House in a timely fashion.

However, this year the largely bipartisan work of the Appropriations Committee has ground to a virtually standstill because of the energy issue. For reasons I do not fully understand, given present pressures on our economy and the increased worldwide demand for oil, the majority leadership has decided to put on the shelf most of the annual spending bills as well as any and all meaningful bipartisan efforts to lower the price of oil and gas. I don't understand this decision nor do I agree with it. We have had an opportunity and we have an obligation to work on a bipartisan basis to develop and pass long-term energy solutions that involve a combination of conservation, alternative and renewable energy sources, and the development of proven resources both onshore and offshore in the United States.

This effort to bolster our energy resources would create thousands of well-paying union and nonunion jobs across the United States. The overwhelming majority of Americans favor increased domestic energy production. So what is the downside if we develop energy resources in a responsible, environmentally safe manner? Why is the Democratic leadership standing in the way?

Just yesterday a dedicated group of Members, led by our colleagues JOHN PETERSON and NEIL ABERCROMBIE, introduced sweeping bipartisan energy legislation in an attempt to break the current energy gridlock in the House. I applaud their efforts. We ought to debate their bill openly in the Appropriations Committee and on the House floor before we leave this town for an August break.

The mere message that Congress was actually debating energy policy, in meaningful, bipartisan debate, would send a signal to the markets and to the foreign suppliers of oil that the United States is serious about addressing its energy future. That powerful message would send oil prices down almost overnight. I believe that an honest energy debate on the floor of the House would be, in itself, a stimulus package that would have a tremendously positive ripple effect throughout our economy, touching every American business and consumer.

Let me respectfully remind my colleagues that it was our Speaker, then the minority leader, in 2006 who outlined the new Democrat majority's governing philosophy, and I quote: ''Bills should come to the floor under a procedure that allows open, full, and fair debate. Bills should be developed following full hearings and open subcommittee markups.'' Mr. Speaker, that's important enough. Let me repeat. The Speaker: ''Bills should come to the floor under a procedure that allows open, full, and fair debate. Bills should be developed following full hearings and open subcommittee markups.''

As the body knows, we have not had an open, full, and fair debate on energy policy in committee nor have we had any open amendment process on the House floor. In fact, the House Appropriations Committee has not moved any bills through the full committee since June 25 because of a pending energy production amendment supported by a bipartisan majority of the committee members but opposed by the majority leadership.

I would remind our colleagues that most of the challenges facing us today have little or nothing to do with partisan politics. At a time when our country is facing daunting challenges at home and abroad, my constituents and your constituents are looking for real leadership. Rather than providing the leadership our constituents deserve, the body is now in a state of paralysis.

Again, I remind my colleagues that it was then a minority leader, the gentlewoman from San Francisco, who wrote in an October 20, 2007, letter to Speaker Hastert: ''The voice of every American has a right to be heard. No Member of Congress should be silenced on this floor.''

I encourage each of my colleagues to remind the Speaker of these words so we can return to regular order in our committee work and restore civility and open debate to the legislative process in the House. It is time to set aside partisan politics and get to work. We can do better. We must do better. Let's support our veterans funding bill today and then move quickly to support our constituents by openly debating potentially energy solutions.

Again, the House should not leave town for the August recess until it votes to lower gas prices, increase the supply of American-made energy, and promote energy independence.

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

Mr. HASTINGS of Washington. Mr. Speaker, I am pleased to yield 2 minutes to the distinguished ranking member of the subcommittee dealing with this issue, the gentleman from Tennessee (Mr. WAMP).

□ 1245

Mr. WAMP. I thank the gentleman from Washington for yielding. I will be back later today to manage the time during general debate and consideration of amendments as the ranking member of the Military Construction and Veterans Affairs Subcommittee of the Appropriations Committee. But I come today to speak briefly on the rule for my only negative comments today because it is ironic that on the same day, at the same time that the House joins in a bipartisan way with a record commitment to our veterans and our military construction and installation needs around the world, that we also are making history by the consideration of this rule, which is unfortunate.

I even know that there are members of the majority who think that it is unfortunate that we are here very late in July, basically clamping down on the process in order to achieve an objective. I understand why, but I regret it, and I know certain members of the majority regret it as well.

The main thing though is I come in opposition to the rule but in tremendous support of the bill. My hat is off to Chairman EDWARDS, my subcommittee chairman, who has been an excellent partner. I will come back to this later in the day. And Chairman OBEY and Ranking Member LEWIS, who

have worked on this bill very, very well, because the House will sometime today or tomorrow make a historic commitment to every man and woman in uniform, those serving now and those that have served in the past. I think that is great for the United States of America at a time where we have a war on two fronts.

I just shook Holly Petraeus' hand here in the Capitol today, the spouse of General Petraeus, David Petraeus, perhaps the greatest military general in the modern era of the United States of America.

These threats are real, the enemy is vicious. Our challenges are many. And we do come together today on this bill. I am grateful for that. I wish it was being considered in another way because this rule is not in keeping with the traditions and the history of this committee and the House.

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

Mr. HASTINGS of Washington. Mr. Speaker, just for purposes of trying to plan the time, could I inquire of my distinguished colleague how many speakers she has left.

Ms. CASTOR. Mr. Speaker, I am prepared to close after the gentleman from Washington has made his closing statement.

Mr. HASTINGS of Washington. I thank her for that information, and am pleased to yield 2 minutes to the gentleman from Florida (Mr. KELLER).

Mr. KELLER of Florida. I thank the gentleman for yielding. I rise today in support of this veterans funding bill. This is a great victory for 400,000 central Florida veterans because it provides $220 million for a new VA hospital in Orlando. What does this mean for our central Florida vets? As a result of this hospital, our Orlando area vets will no longer have to travel 2 hours to Tampa. They will no longer be living in the largest metropolitan area in the United States without a VA hospital. Instead, they will have a brand new state-of-the-art 134-bed hospital and access to world class physicians and researchers working in partnership with the new UCF Medical School. Our vets deserve it.

We didn't get here by accident. The critical turning point began on September 10, 2003. That is when the VA CARES Commission held their hearing in central Florida to determine what cities if any in America would get a new VA hospital, since one hadn't been built in 30 years. I testified at that committee and pleaded that a new one be built in Orlando because of the large number of veterans we had and their lack of access to care. The VA CARES Commission agreed. This decision was ratified by the VA Secretary and then ratified by Congress.

Today, Congress takes the biggest step forward in funding this project. Although we have already provided $75 million toward this project, this new funding of $220 million is quite significant because it's $100 million more than the President asked for and is the largest single investment so far in this new project.

Where do we go from here? We ask our Senate colleagues to act, and we finish the job. We will work together on a bipartisan basis, Republicans and Democrats, to complete this worthwhile project.

I'd like to close just by saying that this has been very much a team effort. I would like to thank my Democratic and Republican colleagues on both sides of the aisle.

Ms. CASTOR. I would also like to join with my colleague from Florida (Mr. KELLER) in saluting Chairman OBEY and the other members of the Appropriations Committee and the Military Construction-Veterans Affairs Subcommittee because as that new VA hospital goes to Orlando, it will relieve a great deal of pressure in Tampa, in my hometown, at the Haley VA Center, the busiest VA Center in the country, and the Bay Pines Medical Center in St. Petersburg.

So I thank the gentleman for expressing his opinion on this, and I join with him.

With that, I will reserve the balance of my time.

Mr. HASTINGS of Washington. Mr. Speaker, I am pleased to yield 2 minutes to the gentleman from Oklahoma (Mr. LUCAS).

Mr. LUCAS. Mr. Speaker, I come to the floor today in support of H.R. 6566, the American Energy Act, an all-of-the-above plan that tackles the current energy crisis we are facing in this country. A well-known Oklahoman has recently alerted us to the fact that we spend $700 billion a year on foreign oil. That is $700 billion. That number is staggering and should be enough for any American to sit up and take notice and know that something has to change.

The American Energy Act paves the way to decrease our reliance on foreign oil by increasing the production of American-made energy. It not only allows for oil exploration both in the Arctic coastal plain and offshore, a move that 73 percent of Americans support, according to the latest CNN poll. It also eliminates the obstacle to the construction of new oil refineries and nuclear power plants.

Now, we all know that increased production of traditional forms of energy, such as oil and natural gas, is only the first step. The American Energy Act also addresses the future of American-made energy by promoting research and development of renewable and alternative energy sources.

One of the best components of this bill is the permanent extension of the tax credit for alternative energy production. Oklahoma is the ninth largest producer of wind energy, and we look forward to continued growth in that industry. I know that extending the production tax credit on wind energy will send the right message to wind producers that the American government is ready to work with them to expand upon this already successful alternative energy source.

The Speaker recently was quoted as saying that her refusal to bring legislation aimed at increasing American energy to the floor for a vote was an effort to ''save the planet.'' While I appreciate the gentlewoman from California's feelings that she has a moral obligation to promote conservation, what about her obligation to the American people, living here and now, who are forced to choose between driving to work and putting food on the dinner table?

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

Mr. HASTINGS of Washington. Mr. Speaker, I yield the gentleman 30 additional seconds.

Mr. LUCAS. It's irresponsible to adjourn for 5 weeks without passing a meaningful legislation to reduce the skyrocketing gas prices Americans are forced to pay. Now is the time for America to take its place in the forefront of energy development by utilizing the vast natural resources we have in this country.

I ask all of my colleagues today, stand up, demand a vote on the American Energy Act. Do something for our folks back home.

Ms. CASTOR. Mr. Speaker, I am very pleased to yield 4 minutes to the distinguished Chair of the Appropriations Committee, the gentleman from Wisconsin (Mr. OBEY).

Mr. OBEY. Mr. Speaker, I simply want to respond to one theme that we have heard here in the last 20 minutes or so. We have heard complaints about the ''outrage'' that is being perpetrated by the passage of this rule because it is alleged that this rule closes up consideration of this bill and in fact prevents Members from offering legitimate amendments.

Let me point out this rule does one thing and one thing only. It simply says that if a Member wants to offer an amendment, that that Member should notice the House 1 day ahead of time in the CONGRESSIONAL RECORD so that we do not legislate by ambush. The only thing that is required for an amendment to be considered on this floor is that it be printed in the CONGRESSIONAL RECORD the day before it is considered so that no Member of the House is blind-sided by any amendment.

We believe that the bill managers on both sides of the aisle have a right to know in an orderly way which amendments are going to be offered to bills. We also believe that any individual Member who happens to have a project in his district which is going to be challenged by another Member, that that Member has the right to notice of that challenge. And we believe that every single Member of this House has a right to know ahead of time what they are going to be called upon to vote on by way of amendments. So this rule simply says any amendment is in order so long as it was printed the day before.

Now, the gentleman managing the bill on the other side of the aisle asked the question, ''Will secondary amendments be allowed?'' My understanding is yes. My understanding is that this rule provides—or that this rule does not in any way get in the way of the ability of Members to offer secondary amendments.

So, very simply, this bill is attempting to meet the military needs of the country. It's attempting to meet the needs of our veterans in terms of health care. It's meant to meet the needs of our communities in terms of construction on military bases all around the country.

This bill builds upon the fact that in the last 2 years we have provided the largest increase in veterans' health benefits in the history of the country. This bill continues in that tradition. It is a terrific bill for veterans. It is a terrific bill for the communities that host military facilities around the country. And instead of having a sham debate about legislation which is not before us today, I think we would do well to confine our comments to the bill at hand, which is the military construction bill.

It's a good bill, and I would predict it will be supported on a huge bipartisan basis. It was reported unanimously by the subcommittee. What we ought to do, instead of pretending that there's a procedural problem, when in fact there is none, we ought to get to the subject at hand.

Mr. HASTINGS of Washington. Mr. Speaker, I am pleased to yield 2 minutes to the gentleman from Kansas (Mr. MORAN).

Mr. MORAN of Kansas. I thank the gentleman from Washington for yielding me time. In my short time during my service in Congress, I have been a member of the House Veterans' Affairs Committee and have chaired the Health Care Subcommittee, and I am here in the short amount of time I have been allotted to commend the Appropriations Committee for a couple of provisions included in this bill. One deals with travel.

This bill increases the travel reimbursement for our veterans going to a VA hospital or facility from 28.5 cents per mile to 41.5 cents per mile, while we have been discussing the cost of gasoline that has real effects upon our veterans.

As we work to boost VA health care funding, it's important to be reminded that the exceptional medical service that is offered by the VA can only be enjoyed if the veteran can afford to travel to that facility to see that physician.

For most of the time I have been in Congress, I have offered an amendment to the appropriations process to increase that mileage rate. For 30 years, it was 11 cents a mile. Last year, we were successful in increasing it to 28.5 cents and, today, 41.5 cents. I commend my colleagues for their support for that change.

Today's high gas prices mean that many veterans would not otherwise be able to see and be provided with the health care they need.

The second provision is fee-based care. I am pleased that this subcommittee and the committee has added $200 million in fee-based services to improve access to veterans care. Earlier this week on the suspension calendar we had legislation that I introduced that would allow a pilot project to access our veterans to health care providers outside the VA system for fee-based care. If you live such a long distance between where you live and the hospital, or where you live and the CBOC, the outpatient clinic, you would be entitled to receive that service through a private pay contract from the VA to that care provider. That bill is H.R. 1527. I am still hopeful it will be on the House floor this week. But this bill provides the funding to allow that service to happen.

So, again, as a Member of Congress who cares strongly about our veterans and who represents a district that is rural, this bill is important, and makes significant strides in taking care of our rural veterans.

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Ms. CASTOR. Mr. Speaker, I reserve the balance of my time until my colleague from Washington has made his closing statement.

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

Mr. Speaker, I listened very closely to what the distinguished chairman of the Appropriations Committee said, and if I infer by what he said, this may be the end of open rules in this House. There have been many people that have said on the floor today that this rule is in fact an open rule.

Mr. Speaker, this is not an open rule. It does not permit an open process that allows Members to come to the floor and offer amendments to this veterans funding bill. Instead, it restricts and closes down the ability, by limiting amendments to only those who preprinted their amendments in the CONGRESSIONAL RECORD. I didn't, Mr. Speaker, so I am prohibited later on today from offering an amendment if I chose to do so. This clearly violates the open process by which appropriations bills have long been considered in this House.

Mr. Speaker, don't take my word for it. I would like to quote several statements from my Democrat colleagues in the past Congress and in this Congress.

On September 15, 2005, this is in the last Congress, Mr. HASTINGS of Florida made the following statement on the House floor about a preprinting requirement for a Coast Guard authorization bill.

Mr. HASTINGS from Florida said, and I am quoting: ''I am nevertheless disappointed that the preprinting of amendments was even required. Despite the majority's claims, this legislative process which they call 'open' is actually restricted. It is not an open rule because every Member is not permitted to offer any germane amendment.'' Mr. HASTINGS of Florida said that in the last Congress.

In a report prepared by Ms. SLAUGHTER before becoming chairman of the Rules Committee, in this report, which is entitled ''Broken Promises: The Death of Deliberative Democracy,'' Ms. SLAUGHTER and her Democrat colleagues stated, and I quote from page 26 of this report, ''Rules with preprinting requirements are not open rules.''

Quoting further from the same page: ''Further, there is a significant difference between an open rule and a rule with a preprinting requirement. A preprinting requirement forces Members to reveal their amendments in advance of floor consideration, something that may assist the floor managers, but can disadvantage the Member offering it. In addition, a preprinting requirement blocks any amendment proposal that might emerge during the course of debate.'' That comes from a Democrat publication.

The rule before the House today is not an open rule, by their own definition. The long-standing tradition has been deliberately violated. But don't take my word about the past.

Quoting again from the CONGRESSIONAL RECORD, this is Ms. MATSUI from last year, and she is a member of the Rules Committee, last year in the 110th Congress she states regarding the Energy and Water appropriations bill: ''As I mentioned at the outset of this debate, this bill is made in order under an open rule, which is our tradition. I hope that all Members will give that tradition the respect it deserves.''

Where is the respect, Mr. Speaker? Where is the respect?

Mr. Speaker, I would like to insert in the RECORD excerpts from ''Broken Promises: The Death of Deliberative Democracy,'' printed by the then-minority party of the Rules Committee.

Finally, Mr. Speaker, this House has been blocked repeatedly for many months from being allowed to vote on lifting the ban on drilling. Congress needs to act now to produce more American-made energy. Congress needs to vote now on lifting the offshore drilling ban. By defeating the previous question on this rule, the House can vote on drilling offshore. When the previous question is defeated, I will move to amend the rule to make in order H.R. 6108, the Deep Ocean Energy Resources Act of 2008.

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

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

There was no objection.

Mr. HASTINGS of Washington. Mr. Speaker, I want to remind my colleagues this will not slow down the

process of working on the MILCON bill. This is just an addition to it, an addition that I think is very, very important, since Congress is contemplating and probably will go on a 5-week break without taking up any energy legislation.

I urge my colleagues to defeat the previous question so that we can consider this vitally important issue for America.

BROKEN PROMISES: THE DEATH OF DELIBERATIVE DEMOCRACY

A CONGRESSIONAL REPORT ON THE UNPRECEDENTED EROSION OF THE DEMOCRATIC PROCESS IN THE 108TH CONGRESS

(Compiled by the House Rules Committee Minority Office—Hon. Louise M. Slaughter, Ranking Member)

4. Rules with Pre-Printing Requirements are not ''Open Rules''

During the 108th Congress, the Rules Committee reported out four rules with a so-called ''pre-printing'' requirement. This provision requires Members to submit their amendments for publication in the Congressional Record, in accordance with clause 8 of Rule XVIII, on the day preceding floor debate of the legislation. While the majority optimistically calls such rules ''modified open rules,'' we consider them ''restrictive'' rules and have scored them as such in the appendices attached to this report.

While we concede that considering a bill with a pre-printing requirement is less restrictive than the more common tactic of limiting amendments to those printed in the Rules Committee report, there is a significant difference between an open rule and a rule with a pre-printing requirement. A pre-printing requirement forces Members to reveal their amendments in advance of floor consideration, something that may assist the floor managers, but can disadvantage the Member offering it. In addition, a pre-printing requirement blocks any amendment proposal that might emerge during the course of the debate. When Chairman Dreier was in the minority, he made the following statement about the preprinting requirement during debate on a rule on national service legislation:

''This rule also requires amendments to be printed in the Congressional Record. That might not sound like much, but it is another bad policy that belittles the traditions of House debate. If amendments must be preprinted, then it is impossible to listen to the debate on the floor, come up with a new idea to improve the bill, and then offer an amendment to incorporate that idea. Why do we need this burdensome pre-printing process? Shouldn't the committees that report these bills have a grasp of the issues affecting the legislation under their jurisdiction? Again, Mr. Speaker, I think we can do better.''

We agree with Chairman Dreier's statement that the purpose of the amendment process on the floor is to give duly elected Members of Congress the opportunity to shape legislation in a manner that they believe is in the best interest of their constituents and the Nation as a whole. It is not to help the floor manager with his or her job. A majority interested in allowing ''the full and free airing of conflicting opinions'' would allow at least some House business to occur in an open format—in a procedural framework that allows Members to bring their amendments directly to the floor for discussion and debate under the five-minute rule.

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

Ms. CASTOR. Mr. Speaker, the American people will be pleased today that the House of Representatives will move and pass, hopefully on a bipartisan basis, like it was in the Appropriations Committee, a bipartisan bill that provides so much for the servicemen and -women and their families who are being asked to sacrifice so much after many years of war.

This bill is a fitting salute and tribute to the men and women who are on the front lines, who are on the battlefield and those in the military and VA hospitals across this country and the outpatient clinics fighting a different kind of war, to help those who return maintain a dignified quality of life for them and their families.

We will also assist veterans of wars past and demonstrate our appreciation for their service by ensuring that their claims will be processed in a timely fashion and that they have access to the range of health care options available to them and every American.

Mr. Speaker, this ''New Direction'' Congress has pledged to put our troops and veterans first. By restoring GI veterans education benefits, improving veterans health care, rebuilding our military and strengthening other benefits for our troops and military families, we are working to keep our promises to our courageous and faithful men and women in uniform. For too long, officials in Washington have neglected our troops and veterans in a time of war. On the battlefield, the military pledges to leave no soldier behind, and, as a nation, let it be our pledge that when they return home, we leave no veteran behind.

Mr. Speaker, with that, I urge a ''yes'' vote on the previous question and on the rule.

Mr. DREIER. Mr. Speaker, I rise in strong opposition to this disgraceful rule. To illustrate just how bad this rule is, and to provide some context, I'd like to discuss a few telling numbers. I'm just going to throw these numbers out there for consideration: 12, 7, 4 and 9. That's 12, 7, 4 and 9.

These numbers are significant, and let me tell you why. The first number is 12. The House has 12 appropriations bills that it must consider in order to fund the Federal budget; 12 bills to consider in order to responsibly exercise our constitutional power of the purse; 12 appropriations bills that cover the priorities that are first and foremost in Americans' minds.

We've now reached the final week of July and the Democratic majority has brought up its adjournment resolution. Traditionally, this is the week when the House wraps up its versions of these 12 appropriations bills, or at least a majority of them. The idea is to finalize or make significant progress in our most important duty as legislators before adjourning for a month of recess in August.

So now that we have arrived at the end of July, how many appropriations bills remain for the House to consider? Twelve. Every last one of them. Today we are considering our very first one of 12. The Democratic Majority thought, what the heck, why not squeeze one in before heading out of town. So, we're starting our job right about the time we've traditionally tried to finish it.

And speaking of tradition, one of the longest-held traditions in this body is the practice of considering all regular appropriations bills under a completely open process. This is one of the few opportunities in the House where all Members, majority and minority, have the unfettered ability to offer any amendments they see fit. These amendments are of course subject to points of order, and ultimately a vote. But Members have had the opportunity to offer them and make their case.

Which brings me to the second number on my list: the number 7. We would have to go back 7 years to find any example of restrictions on a general appropriations bill.

In 2001, the Rule providing for consideration of the Foreign Operations bill had a pre-printing requirement. This restriction was entirely unopposed. Not one voice of opposition was raised, and the Rule passed by voice vote.

And what was the reason for this restriction? We had a very busy week, in a very busy month, and we all agreed—Democrats and Republicans—agreed to expedite the procedures. Considering we passed 9 of 13 appropriations bills prior to departing for August recess that year, I suppose you could say the unopposed restrictions were justified. Seven years passed before any restrictions were again imposed.

Until today. Today the Democratic majority is apparently exhausted by their efforts to name post office buildings and avoid meaningful action to bring down energy costs. They are in such a rush to get out the door for a 5-week recess that they insist on bringing up their very first appropriations bill under a restricted Rule. They are denying Members the ability to freely bring their amendments to the floor and have their voices heard.

And to add an element of the absurd, they are actually calling this an open rule. With straight faces, no less.

What's the reason for this closed process? I don't doubt expediency plays a part. When you're rushing out the door, you prefer not to get bogged down by open, substantive debate. But the full explanation lies in what the Democratic majority hopes to avoid—any possibility that Republicans will seek to offer energy-related amendments to the underlying bill.

Which brings us to the third number on my list: the number 4. Americans are paying an average of $4 for a gallon of gas. The mutually reinforcing trends of high gas prices and high food prices have strained working Americans enormously. They know Government policies bear much of the blame, and they rightly expect this Congress to do something about it.

Republicans have tried every means possible to force this Democratic majority to consider real solutions to our energy crisis. But we have faced nothing but roadblocks.

And now, the Democratic majority is using every trick in the book to get out of town without ever scheduling a meaningful vote. And on their way out the door, they are trampling on the rights of Members to an open and fair appropriations process.

And this brings us to the fourth and final number: the number 9. The latest polls show Congress' approval rating at an abysmal 9 percent. All but 9 percent of the American population thinks we are failing at our job. Frankly, I'd like to know who this 9 percent is who supports what we're doing. Under the

Democratic majority, we are failing in our duty to address Federal spending. We are failing in our duty to find a workable and effective solution to the energy crisis we face. We are failing in our duty to have open and honest debate on the challenges we face. And just this afternoon, we had a vote on a resolution to adjourn, despite all of these failures. Mr. Speaker, the numbers don't lie. I urge my colleagues to oppose this rule.

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

AMENDMENT TO H. RES. 1384 OFFERED BY MR. HASTINGS OF WASHINGTON

At the end of the resolution, add the following:

SEC. 3. Immediately upon the adoption of this resolution the House shall, without intervention of any point of order, consider in the House the bill (H.R. 6108) to provide for exploration, development, and production activities for mineral resources on the outer Continental Shelf, and for other purposes. All points of order against the bill are waived. The bill shall be considered as read. The previous question shall be considered as ordered on the bill and any amendment thereto to final passage without intervening motion except: (1) one hour of debate on the bill equally divided and controlled by the majority and minority leader, and (2) an amendment in the nature of a substitute if offered by Mr. Rahall of West Virginia or his designee, which shall be considered as read and shall be separately debatable for 40 minutes equally divided and controlled by the proponent and an opponent; and (3) one motion to recommit with or without instructions.

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

THE VOTE ON THE PREVIOUS QUESTION: WHAT IT REALLY MEANS

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

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

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

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

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

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

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

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

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

The yeas and nays were ordered.

The SPEAKER pro tempore. Pursuant to clause 8 of rule XX, further proceedings on this question will be postponed.

FURTHER MESSAGE FROM THE SENATE

A further message from the Senate by Ms. Curtis, one of its clerks, announced that the Senate has passed a bill of the following title in which the concurrence of the House is requested:

S. 3370. An act to resolve pending claims against Libya by United States nationals, and for other purposes.

GENERAL LEAVE

Mr. GEORGE MILLER of California. Mr. Speaker, I request 5 legislative days for Members to revise and extend their remarks and insert extraneous material on the conference report to accompany H.R. 4137.

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

There was no objection.

CONFERENCE REPORT ON H.R. 4137, HIGHER EDUCATION OPPORTUNITY ACT

Mr. GEORGE MILLER of California. Mr. Speaker, pursuant to House Resolution 1389, I call up the conference report on the bill (H.R. 4137) to amend and extend the Higher Education Act of 1965, and for other purposes.

The Clerk read the title of the bill.

The SPEAKER pro tempore. Pursuant to House Resolution 1389, the conference report is considered read.

(For conference report and statement, see proceedings of the House of July 30, 2008, at page H7353.)

The SPEAKER pro tempore. The gentleman from California (Mr. GEORGE MILLER) and the gentleman from California (Mr. MCKEON) each will control 30 minutes.

The Chair recognizes the gentleman from California (Mr. GEORGE MILLER).

Mr. GEORGE MILLER of California. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I rise today in strong support of the conference report on H.R. 4137, which strengthens and reauthorizes the Higher Education Act. In America, a college degree has always been the ticket to middle class. More and more, our future depends upon our ability to produce well-educated and skilled workers to take the jobs of the 21st century.

Over the past 2 years, this Congress has built a strong record of working in a bipartisan way to make college more affordable and accessible. Last year we enacted the College Cost Reduction and Access Act, which provides for the single largest increase in Federal student aid since the GI Bill.

But we also know that there is still work to do to ensure that the doors of college are truly open to all qualified students who want to attend. The last time the Higher Education Act was authorized was 1998. In those 10 years that have passed, our world and our country have changed, and so have the needs of college-going students.

Today's students face a number of challenges on their path to college, from skyrocketing college tuition prices, to needlessly complicated student aid and application processes, to the predatory tactics of student lenders. This conference report will remove these obstacles and reshape our higher education programs in the best interests of students and families.

To address soaring costs, this legislation will increase the transparency and the accountability of the tuition pricing system, shining a bright light on the prices set by colleges and universities. It requires the Department of Education to create new, user friendly Web sites with helpful information on college prices and the factors that are driving these tuition increases. Colleges with the largest increases in tuition will be required to report their reasons for raising those prices.

This bill will also ensure that States hold up their end of the bargain in

funding higher education by establishing for the first time a maintenance-of-effort requirement on the States that receive Federal funds through the student loan program. This means while we are putting in money from the top from the Federal Government, the States will hopefully stop taking that money out of the bottom and leaving families and students who are borrowing loans to go to college no better off than they were before these actions. This is a dramatic change from the patterns of the past.

To better protect students while navigating the often murky world of college loans, this bill restores trust and accountability to the student loan programs by cleaning up the conflicts of interest between the lenders and the colleges. All Federal and private student lenders will be required to provide full and fair disclosure about the terms and conditions of the loans they offer. And to help borrowers' reliance on more expensive private loans, we will help ensure that students and families first exhaust the less expensive Federal loan and aid options before turning to private loans.

It will also help students manage their textbook costs. It provides students and faculties with complete pricing information before each semester so they can shop around for the most affordable deals. For the first time, textbook publishers will be required to offer less expensive versions of each expensive bundled textbook they sell.

This bicameral compromise also simplifies the Federal student aid application process and provides families with early estimates of their expected financial aid packages to help them better plan for their expenses a year ahead of the time.

In addition, H.R. 4137 will make Pell Grant scholarships available year-round for the first time.

It strengthens the TRIO and the GEAR UP college readiness and support programs that are critical to helping so many students stay in school and graduate.

It expands funding for graduate programs at historically Black colleges and universities, Hispanic-serving institutions, and predominantly Black institutions.

It increases college aid and support programs for veterans and military families.

It ensures equal college opportunities and fair learning environments for students with disabilities.

It makes colleges safer for the entire campus community.

It encourages colleges and universities to adopt energy efficient and sustainable practices on their campuses.

I am confident that this legislation will improve the higher education system and make it more affordable, fairer and easier to navigate for students and families. Almost all of these students are borrowing money. Time is money, and time is effort, and we need to make this process more streamlined, fairer to families and fairer to students.

None of this, I want to say, would be possible without the leadership and the passion and the determination of Senator TED KENNEDY, and I would like to thank him for that.

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Also, Senator ENZI and Senator MIKULSKI. Senator MIKULSKI stepped in when Senator KENNEDY became ill and did a magnificent job of shepherding this bill and this conference report through the Senate.

I would also like to thank all the members of our committee for their hard work. And I would especially like to recognize Congressmen BUCK MCKEON, RUBÉN HINOJOSA, and RIC KELLER, and their staffs including Amy Raaf Jones, Moira Lenehan, and Ricardo Martinez.

And, finally, I would like to thank my staff for their tireless efforts on this reauthorization, including Mark Zuckerman, Alex Nock, Denise Forte, Stephanie Moore, Gaby Gomez, Julie Radocchia, Jeff Appel, Sharon Lewis, Margaret Young, Fred Jones, and Arman Rezaee.

I reserve the balance of my time.

Mr. MCKEON. Mr. Speaker, I rise in support of the Higher Education Opportunity Act, and I yield myself such time as I may consume.

Mr. Speaker, it took us 5 long years to get here today on the cusp of the first comprehensive renewal of Federal higher education programs in a decade. I am here to tell you that sometimes what we say is true; good things do come to those who wait.

I want to begin by thanking Chairman MILLER, chairman of the full committee, and Representatives HINOJOSA and KELLER, the chairman and ranking member of the subcommittee, for their strong efforts on this product that we have here today.

The four of us have worked as equal partners in this endeavor, not always agreeing, but never losing sight of our shared commitment to making higher education in this country more accessible, affordable, and accountable. Representative CASTLE has also been a close partner of mine in the effort to reign in college costs, and I want to recognize him for his commitment.

Of course, the House did not do this alone. Senator KENNEDY and Senator ENZI have worked equally hard, and I want to thank them and recognize them for their efforts. Although Senator KENNEDY was not able to be here in Washington for our final conference meeting yesterday, he has had a profound impact on the legislation, and he remains in our thoughts. Senator MIKULSKI filled in for him and did a yeoman's job and we want to thank her for her efforts.

We know how important higher education is, both to individuals and to our Nation. A college degree can be a ticket to the middle class. It helps individuals prepare for good jobs, and allows them to pursue new skills in a changing economy. Higher education also has important societal benefits. College education citizens are healthier, more civically-minded, have lower unemployment rates, and use fewer government benefits. An educated citizenry is also vital to maintaining our competitive edge in a changing world.

Because higher education is so important, we have made it a priority to ensure all Americans have access to a quality, affordable college education. In addition to making close to $100 billion in financial aid available to students, the Federal Government also spends billions of dollars each year on aid to institutions, support for college access programs, investments in research and development, and many other avenues that support higher education.

Despite the considerable Federal investment, or perhaps, in part, because of it, colleges and universities have increased tuition and fees year in and year out. The increases have come in good economic times and in bad, whether enrollments are surging or holding steady. It seems the only thing consistent about college costs is that they are going up, and going up rapidly.

With this bill, we hope to change that. Our principles for reform are based on the idea that by giving good information to consumers, we can empower them to exert influence on the marketplace. Through the power of sunshine and transparency, we are lifting the veil on college costs and holding institutions of higher learning accountable for their role in the cost equation.

Those principles of sunshine and transparency are hallmarks of this bill, and not just in the area of college costs. We are also letting the sun shine in on college operations and quality through enhanced institutional disclosure and a more transparent accreditation process. There are numerous positive reforms in this bill, too many even for me to name.

Of course, it is not a perfect bill. No bill is. I am particularly concerned about the number of new programs created in the conference report. Rather than trying to micromanage from Washington by creating a brandnew program for every possible contingency, we should focus on less red tape and greater local flexibility.

However, on the whole, this bill is an achievement of persistence and commitment. It updates programs to meet the needs of students in the 21st century. It recognizes the value of for-profit institutions of higher education. It promotes distance education, a mode of delivery that becomes more important every day as gas prices force students to limit their commuting to and from school. And, it uses the power of sunshine and transparency to transform all aspects of our higher education system. Above all else, this bill

offers real solutions to the college cost crisis.

I thank Members on both sides of the aisle for their commitment to this cause.

I reserve the balance of my time.

Mr. GEORGE MILLER of California. I yield 3 minutes to the gentleman from Texas (Mr. HINOJOSA), the Subcommittee on Higher Education Chair, who has done a magnificent job in shepherding this bill to the floor.

(Mr. HINOJOSA asked and was given permission to revise and extend his remarks.)

Mr. HINOJOSA. I thank the gentleman.

Mr. Speaker, I rise in strong support of the conference report for HR 4137, the Higher Education Opportunity Act.

We are near the end of our long journey to reauthorize the Higher Education Act. I would like to personally thank all of the members of the conference committee, especially our leaders, Chairman TED KENNEDY, Chairwoman MIKULSKI, Senator ENZI, Chairman GEORGE MILLER, Representative BUCK MCKEON, and Representative RIC KELLER, for their commitment to producing a bipartisan, forward-looking bill that will update our existing higher education programs and address emerging needs.

I thank all the committee staff members in both the majority and minority who worked with great commitment to getting the job done. They had a mindset that told me that they didn't know it couldn't be done, ''and that is why we did it.''

In the Higher Education Opportunity Act, we are taking significant steps to improve our student aid delivery system, ensure the integrity of our student loan programs, and provide students and families with the tools that they need to make informed choices about which college to attend and how to finance it. These are complex issues, and on a bipartisan, bicameral basis we have come together to offer some practical solutions. We couldn't have done it if we had not worked together.

I am particularly proud of the provisions that will help our veterans and active duty military have full access to the education benefits that are due to them. The provision to establish veterans' centers and veteran student support teams on college campuses will help our veterans get the full benefit of the GI bill expansion that we just enacted.

Finally, I would like to highlight the great progress we have made in strengthening minority serving institutions. After 10 years of waiting, Hispanic serving institutions will have support for graduate programs leading to masters and doctoral degrees. We are addressing the urgent needs for teachers and college faculty with an emphasis on building the capacity of minority serving institutions to meet this need. We will leverage minority serving institutions to engage more youth in science and technology. The Higher Education Opportunity Act represents real progress for our communities.

In closing, I would like to thank all of my colleagues for helping us reach this point. I hope we can get this legislation, which measures over one foot, with over 1,100 pages, to the President's desk as soon as possible.

Mr. Speaker, I rise in strong support of the conference report for H.R. 4137, the Higher Education Opportunity Act.

We are near the end of our long journey to reauthorize the Higher Education Act. I would like to personally thank all of the members of the conference committee—especially our leaders Chairman KENNEDY, Chairwoman MIKULSKI, Senator ENZI, Chairman MILLER, Representative MCKEON, and Representative KELLER—for their commitment to producing a bipartisan, forward-looking bill that will update our existing higher education programs and address emerging needs.

This has been an enormous undertaking. The last reauthorization of the Higher Education act took place during my first term in Congress over 10 years ago.

We began this Congress with a series of hearings focused on the steps we needed to take to improve access and affordability in higher education and to position our Nation and our students too at the leading edge of the global economy. We asked the higher education community and all of our members to come forward with new ideas. This bill reflects the creativity and innovation that makes a U.S. college education sought after in all parts of the world.

Last fall, we enacted into law the largest increase in Federal student aid since the GI bill with the College Cost Reduction Act.

In the Higher Education Opportunity Act, we are taking significant steps to improve our student aid delivery system, ensure the integrity of our student loan programs, and provide students and families with the tools that they need to make informed choices about which college to attend and how to finance it. These are complex issues, and on a bipartisan, bicameral basis we have come together to offer some practical solutions.

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Finally, I would like to highlight the great progress we have made in strengthening minority-serving institutions. With over 40 percent of our public school children being racial or ethnic minorities and nearly half of all minority students attending minority-serving institutions, we are taking some very important steps in this legislation to build our capacity in this critical area. After 10 years of waiting, Hispanic-Serving Institutions will have support for graduate programs. We built on the foundation that we established in the College Cost Reduction and Access Act for Asian and Pacific Islander-serving institutions, predominantly Black Colleges and Universities, tribally-controlled colleges and universities, and Historically Black Colleges and Universities. We are addressing the urgent need for teachers and college faculty with an emphasis on building the capacity of minority-serving institutions to meet this need. We will leverage minority-serving institutions to engage more youth in the sciences and technology. The Higher Education Opportunity Act represents real progress for our communities

In closing, I would like to thank all of my colleagues for helping us reach this point. I hope that we can get this legislation to the President's desk as soon as possible.

Mr. MCKEON. I yield now to the subcommittee ranking member, the gentleman from Florida, Mr. RIC KELLER, 4 minutes.

Mr. KELLER of Florida. I thank the gentleman for yielding.

Mr. Speaker, as the ranking member on the House Higher Education Subcommittee and a member of the conference committee, I rise today in strong support of the bipartisan Higher Education Opportunity Act, which is the first reauthorization of the Higher Education Act in 10 years.

I support this legislation for three reasons.

First, it allows year-round Pell Grants for students who wish to complete their education more quickly.

Second, it reduces the burdensome red tape on students and families by providing a much shorter, simpler application for Federal student financial aid.

And, third, it includes my legislation to curb wasteful spending by closing a loophole that had allowed convicted child predators to receive Federal financial aid to take college courses. I am going to limit my remarks today to the wasteful spending issue.

It is a national embarrassment that we are wasting taxpayer dollars for child molesters and rapists to take college courses, while hard-working young people from lower and middle income families are flipping hamburgers to pay for college.

I have been working to close this loophole for years, and today, the most insane, wasteful spending program in America comes to an end. This legislation ensures that taxpayer money for Pell Grants will go to low and middle income students, not dangerous sexual predators. Let me give you a real-life example.

James Sturtz is one of the most violent sexual predators in America and he is currently locked up in a Wisconsin facility. He was convicted and sent to prison for raping a 4-year-old girl. After being released from prison, he raped a woman at knife-point and was sent to prison a second time. After being released, he met a college student waiting for a bus, persuaded her to get in his car, and then raped her at knife-point. He was then sent back to prison for a third time; and after his sentence ended in 2006 he was locked up in a civil confinement center, to be held there indefinitely.

Sturtz and several other locked-up sexual predators decided to exploit this civil confinement loophole and obtained thousands of dollars in Federal Pell Grants to take college courses like

algebra through the mail. Then, Sturtz and two-thirds of the other inmates dropped their classes and used our taxpayer money to buy blue jeans, music CDs, movie DVDs, radios, television sets, and DVD players. Of course, even if they hadn't dropped their classes, there is zero evidence that violent sexual predators who take algebra and calculus classes have lower recidivism rates.

How did this loophole happen in the first place? Prison inmates have been ineligible for Pell Grants since 1994. In 20 States, including Florida and Wisconsin, they wisely hold the most violent repeated sexual predators indefinitely in civil confinement centers, after they have served their regular prison sentence, because they are likely to repeat their crimes if released back into society.

For example, in my home State of Florida, 54 violent sexual predators obtained over $200,000 in Pell Grants at taxpayer expense in 1 year alone. Similar expenditures in the other 20 States with civil confinement means millions of dollars being wasted. Until now.

This was a team effort. I would like to especially thank Ranking Member BUCK MCKEON, Chairman GEORGE MILLER, as well as the other members of the conference committee and our entire hard-working professional staff members for working in a bipartisan spirit to include this provision and so many other worthy provisions in this legislation.

I urge my colleagues on both sides of the aisle to reauthorize the Higher Education Act and vote ''yes'' on H.R. 4137.

Mr. GEORGE MILLER of California. I yield to the gentleman from Connecticut (Mr. SHAYS) for a unanimous consent request.

(Mr. SHAYS asked and was given permission to revise and extend his remarks.)

Mr. SHAYS. Mr. Speaker, I thank the gentleman for yielding.

Mr. Speaker, I rise today in support of the conference report to H.R. 4137, the College Access and Affordability Act.

Higher education is not a luxury. It is a public good.

Today, we have an opportunity to expand college access, increase student aid, and make institutions and lenders more accountable to the students they serve.

I believe quality education is the foundation of our nation's ability to compete in a global economy.

Unfortunately, the skyrocketing cost of college has created a significant barrier for many students. It is unacceptable that in 2005, the price of college was equal to 71.3 percent of household income for the bottom fifth of the population.

I am especially pleased H.R. 4137 will incrementally increase the maximum Pell award for students to $8,000 in 2014.

Two-thirds of four-year undergraduate students graduate with debt, and the average student loan debt among graduating seniors is $19,237.

I am also grateful this conference report includes an amendment offered by Representative JIM MORAN and myself, to study how student debt levels impact a graduate's decision to enter into a public service career.

In the next ten years, 90 percent of our nation's federal executives will be over the age of 50 and nearing retirement.

The study will include: an assessment of current recruiting and retaining challenges; an evaluation of existing federal programs and whether additional programs could increase recruitment rates; recommendations for pilot programs that would increase recruitment rates.

The time to recognize and encourage an increased commitment to public service is now. According to the Higher Education Research Institute, two-thirds of the 2005 freshman class at institutions of higher education expressed a desire to serve others, the highest rate in a generation. Furthermore, applications to Teach for America and City Year have increased, and religious missions involving young Americans have increased dramatically.

Congressman MORAN and I have also introduced the Public Service Academy Act, modeled after our existing military academies, to create the first national civilian institution of higher education in the United States. The public service academy would provide students a competitive, federally subsidized, public service-driven undergraduate education. In return for a 4-year liberal arts education, students would be required to serve our country for 5 years in the public sector after graduation.

The Public Service Academy would strengthen and protect the United States by creating a corps of well-trained, highly-qualified civilian leaders willing to devote themselves to leadership through patriotic public service.

It is alarming to think, in this period of economic uncertainty, we would be willing to provide anything less than the highest quality education to citizens of our Nation.

Access to higher education is critical to maintaining our global competitiveness.

Mr. GEORGE MILLER of California. I yield 1 minute to the gentlelady from California (Mrs. DAVIS).

Mrs. DAVIS of California. Mr. Speaker, I represent 100,000 college students and eight colleges and universities in the San Diego region, and obviously I am very interested in the provisions in the conference report for College Opportunity and Affordability Act. And I am proud of this agreement for many of the reasons that have been given, but I am proud of it for these reasons also:

It makes servicemembers eligible for more financial aid. It stops student loan interest from piling up when servicemembers are off serving our country. And, it guarantees our men and women in uniform will not use their academic standing when they return. And, also, because it allows students to receive work study payments when they are prevented from working by natural disasters such as we had with the wildfires in the San Diego region.

I want to thank Chairman MILLER, Ranking Member MCKEON, Chairman KENNEDY, and Ranking Member ENZI for their hard work. I urge the adoption of this conference report.

Mr. GEORGE MILLER of California. I would just like to thank the gentlewoman for all of her work on behalf of military families, making sure that they did not pay an additional price for being in the military and lose their eligibility, for her work on that amendment.

Mr. MCKEON. I yield now to the gentleman from Wisconsin, our senior member on the committee, Mr. PETRI, 2 minutes.

□ 1330

Mr. PETRI. I am happy to support the provisions in this conference report that put in place a number of reforms that will improve access to higher education, increase transparency in college costs, and provide more accountability in the Federal student loan programs.

One of my top priorities over the years has been to ensure students access to Federal aid and to provide greater budget responsibility to taxpayers with regard to the management of Federal student aid funds. This legislation incorporates several provisions aimed at protecting students' financial interests.

Furthermore, I strongly support the sunshine measures that will provide greater transparency about relationships between lenders and schools. I am pleased that the conference report also retains the language that I offered to provide greater fiscal accountability at the Department of Education by requiring a Department of Justice review of any settlement with lenders that exceeds $1 million.

The conference report also contains a critical first step toward the implementation of my Income-Dependent Education Assistance Act which would create a new direct consolidated loan for student borrowers that would be pegged to their income after graduation and collected by the IRS.

It also includes several provisions that Representative GRIJALVA and I first proposed in the House that would establish a strong national effort to improve the accessibility of instructional materials for postsecondary students with visual impairments and other print disabilities.

Though there is that much is positive in this conference report, I am disappointed that we failed to adequately address the problems that currently exist in the accreditation system. For many years I have argued that accreditation fails to protect the public interest because it is costly and intrusive and does not ensure educational quality. I believe the reforms included in this bill will do little to improve the system and may, in fact, have made it even worse.

Again, I want to thank my colleagues for working so hard over the years to reauthorize these important higher education programs. I support today's conference report and look forward to making further improvements in the future.

Mr. GEORGE MILLER of California. I yield 1 minute to the gentleman from Connecticut (Mr. COURTNEY) who has been so helpful on this legislation, both in teacher education and in community service and the work study programs.

Mr. COURTNEY. Mr. Speaker, from 2001 to 2006, the cost of higher education exploded in this country. It went up 40 percent, destroying the dreams of too many young people and damaging our economy. During that time period, the Congress turned a deaf ear to that issue. The Pell Grant program had been basically frozen, and the interest rates for the Stafford Student Loan Program incredibly was increased.

Last year, under Mr. MILLER's leadership, we passed the College Cost Reduction Act which addressed those two problems. This year we are finally addressing a piece of legislation that was 5 years overdue, the Higher Education Reauthorization Act which, as the prior speakers have said, will do many good things in terms of holding colleges and universities accountable for high costs, and also cleaning up unethical lending practices which had cropped up, and many students, so desperate to find access to money, fell victim to.

I urge support for this conference report which, again, has been long overdue for 5 years, and applaud the leadership of Mr. MILLER, Mr. KENNEDY and Mr. HINOJOSA in leading the Congress in a new direction.

Mr. MCKEON. Mr. Speaker, I am happy to yield now to the gentlelady from Washington, a member of the committee, CATHY MCMORRIS RODGERS, 5 minutes.

Mrs. MCMORRIS RODGERS. Mr. Speaker, as someone who is still paying off some student loans, I understand how difficult it is for parents and students as they face dramatic increases in college costs. And as the first in my family to the graduate from college, I know firsthand the value and the importance of a good education. It truly is the doorway to success, and is a critical piece to making America more competitive in the global economy.

I am pleased how this bill does aim to improve America's competitiveness. It seeks to make college more affordable, and it cracks down on the fraudulent practice of ''diploma mills'' where people manufacture fake diplomas.

Since being elected to Congress I have worked to improve America's competitiveness, and I believe it is important that we are focusing more on math and science education. And through the Mathematics and Science Scholars Program, this legislation will refocus the program to award graduate and postgraduate scholarships to U.S. students studying math, science, engineering or computer science.

In addition, this bill incorporates an adjunct content specialist program, which I think is very important to bringing the real world experience into the classroom, and it provides grants to school districts to recruit adjunct content specialists, these experts in math, science and critical foreign languages.

I believe our education can be improved if we allow smart and successful people like Bill Gates to spend time in the classroom. Wouldn't it be great to have someone like Bill Gates in the classroom helping inspire our high school students?

However, we are not simply seeing a shortage of engineers and scientists. We also need welders, plumbers, auto mechanics, lab technicians, doctors, nurses, pharmacy techs.

In my eastern Washington district, manufacturers turn away job applicants because prospective employees don't have the math skills needed for precision manufacturing. These are good paying jobs, on average, $42,000 a year. And most of them come with good medical and retirement benefits.

Along with increasing our competitiveness, the rising cost of college must be addressed. We must increase support for loan and grant programs that give students additional options and opportunities for post-high school education. College tuition continues to dramatically increase, clearly impacting students' ability to afford college.

Each year, approximately $9 million is disbursed to students in Eastern Washington colleges and universities through the Perkins Loan program, and I am pleased that the bill we are considering today increases funding for Perkins loan programs.

I am also pleased that this bill opens wider the door for students with intellectual disabilities. For the first time, these students will be eligible for Pell Grants, Supplemental Educational Opportunity Grants and the Federal Work Study Program.

Today businesses are increasing more opportunities to employ people with intellectual disabilities to become employed so that these employees can earn higher wages, allowing them to realize their dreams and become self-sufficient.

The conference report builds on the successful delivery of educational services to these students made possible through the Individuals With Disabilities Education Act.

Finally, I am pleased we are working to eradicate the practice of diploma mills. Provisions in this bill increase transparency to give consumers more information and require the Secretary to continue her efforts to further crack down on fraudulent diploma mills.

In Spokane, purchasers of these phony degrees from a local diploma mill included at least 135 Federal Government employees. We need to protect the integrity of our higher education system and the diplomas so many of us have worked hard to earn.

I thank the chairman and the ranking member for their efforts on this important bill. We must do all we can to prepare our kids for the opportunities life presents. If we equip them with a solid education and the workforce skills, America will continue to lead in innovation and excellence.

Mr. GEORGE MILLER of California. I yield 1 minute to the gentleman from Illinois (Mr. DAVIS), who has been so helpful on this legislation with respect to Historically Black Colleges and Universities and the TRIO program.

(Mr. DAVIS of Illinois asked and was given permission to revise and extend his remarks.)

Mr. DAVIS of Illinois. Mr. Speaker, it is with great pleasure that I support the passage of the conference report.

I commend full Committee Chairman MILLER, Subcommittee Chairman HINOJOSA, Ranking Members MCKEON and KELLER for their leadership on this bill. I extend my deepest thanks to the chairman for his commitment to enhancing minority education and for his steadfast support on multiple issues that were especially important to me and to institutions serving the black community.

I would be remiss if I did not thank the Education and Labor staff, who so skillfully worked to establish the many wonderful programs that will improve higher education for so many.

There are multiple provisions of this bill that will benefit Chicago and other places throughout the country. I am especially pleased that the bill strengthens minority-serving institutions, especially HBCUs and Predominantly Black Institutions, or PBIs. I am very glad that the bill strengthens the TRIO programs that serve first-generation low-income students, and the prohibition on the Department of Education's Absolute Priority within the Upward Bound program.

At this time I would like to engage in a colloquy with Chairman MILLER.

Mr. GEORGE MILLER of California. If the gentleman would yield, I would be happy to engage in a colloquy with the gentleman from Illinois about section 725.

Mr. DAVIS of Illinois. I yield.

Mr. GEORGE MILLER of California. I concur completely with the gentleman's understanding. The conferees intend that this reauthorization is to strengthen the ability of both the Historically Black Colleges and Universities and Predominantly Black Institutions to develop masters professionals. For this reason, the conferees intend that any appropriated funds be divided proportionately between the sections 723 and 724.

Mr. DAVIS of Illinois. I thank the chairman of the committee for his clarification and appreciate his and the conferees commitment to writing the statute to promote unity among the higher education community that serves mostly African American students.

It is an excellent bill. I urge its passage.

Mr. Speaker, it is with great pleasure that I support the passage of the conference report for H.R. 4137, which authorizes the Higher

Education Opportunity Act. This bill reauthorizes the higher education act for the first time in 10 years. I commend full-Committee Chairman GEORGE MILLER and sub-Committee Chairman RUBÉN HINOJOSA for their leadership on this bill. I extend my deepest thanks to the Chairman for his commitment to enhancing minority education and for his steadfast support on multiple issues that were especially important to me and to institutions serving the Black community. I would be remiss if I did not thank the Education and Labor staff who so skillfully advocated to establish so many wonderful programs that will improve higher education opportunities for so many.

There are multiple provisions of this bill that will benefit Chicago and Illinois. To begin, this bill greatly expands access to higher education for low-income and minority students. By increasing Pell grants to $8,000, extending the grants to year-round, and allowing part-time students to qualify for Pell grants, this bill will enable many more of my constituents to attend college.

I am especially pleased that the bill authorizes programs for both undergraduate and masters programs at Predominantly Black Institutions. PBIs represent a growing cadre of four-year and two-year institutions that serve as the access point for a growing number of urban and rural Black students whose family and financial situations limit their ability to gain access to college in many states. Many of these students come from low-income families and are also ''first generation'' college students, whose educational preparation for college and family finances present special challenges to educational success. PBIs are not eligible to receive funding under the HBCU capacity-building funds given that PBIs were not established prior to 1964. The undergraduate PBI program will provide federal support to strengthen the institutional capacity of schools to attract, retain, and graduate their students. Chicago has many PBIs that provide high quality education for many low-income, minority students, including: Chicago State University, Malcolm X College, Harold Washington College, Olive-Harvey College, Kennedy King College, East-West University, Robert Morris College, and South Suburban College. In addition, the new PBI masters program promotes the development of more Black masters-level professionals in the science and health fields by providing specific institutional support. For example, Chicago State University will qualify for valuable aid to strengthen its masters programs in the biological sciences and computer science as well as strengthen its first professional program in pharmaceutical science. Together, these new PBI programs will enhance the access for low-income African American students to higher education.

I also am pleased that the bill strengthens both HBCU undergraduate and graduate education. As a graduate of an HBCU, I am very familiar with the benefits these institutions provide to low-income students. The new masters program for HBCUs in Title VII fills a void in current law. Title III, Part B includes institutional support for undergraduate education at HBCUs, and Section 326 provides institutional support for doctoral and first professional programs at HBCUs. The new Section 723 completes this continuum by supporting HBCUs with masters programs in the fields of science and health as well as clarifies the congressional intent that the existing Section 326 pertains to doctoral and first professional programs.

Further, the bill strengthens the TRIO programs, which are key supports for low-income, first-generation college students to prepare and succeed in higher education. Importantly, the bill institutes an appeals process when applicants have evidence of errors in the handling or scoring of the applications. A number of Chicago institutions unfortunately have had difficulties in the last few years with denial of applications for suspect reasons and due to glitches with the Grants.gov system. Having a procedure in place to allow due process for these applicants is an important element to ensuring a fair application process. Further, the bill prohibits the implementation of the absolute priority that the Department imposed on the Upward Bound program, forcing programs to dramatically alter the nature of the services provided. I am happy that any future evaluations of Upward Bound will exclude the cohorts of students chosen under this well-intentioned but ill-conceived priority.

Chicago also has many for-profit institutions of higher education that serve an important role in educating students. I am glad that the Conference Report provides additional flexibility for these institutions in terms of the 90/10 rule, including flexibility in the types of revenue that count toward the 10 percent, the Departmental response to violations of the rule, and exceeding loan limits as a result of the enactment of the Ensuring Continued Access to Student Loans Act. Further, I support the increased monitoring and reporting requirements of for-profit institutions as a means to provide transparency and safeguards for students.

I am happy that the bill emphasizes the need to support populations that are underrepresented in higher education. One such population about which I am particularly concerned is African American men. The under-representation of minority males, especially African American men, is a matter of public record that is reinforced by high drop-out rates in urban and rural school districts, and lower participation/enrollment rates of these groups in colleges and universities. The American Council on Education's Minorities in Higher Education Annual Reports have consistently documented these factors for almost two decades. For example, although the enrollment of black men in higher education increased between 2000 to 2001, less than 3 percent of black men received a combination of associate's, bachelor's, or master's degrees. Clearly, ensuring success of students in higher education necessitates examining and promoting the success of minority males. To this end, the Conference Report includes a study of minority male access to and success in higher education that will provide key data to lawmakers so that we can better tailor our policies to promote minority men in higher education. The bill also encourages the involvement of individuals—such as African American men—who are from populations underrepresented in higher education in the TRIO programs, in teacher residency programs, in teacher preparation courses at minority serving institutions, and in loan forgiveness programs. These provisions will help ensure that the higher education community better reflects the diversity of our Nation.

Another population about which I am particularly concerned is individuals in prison. After Congress barred prisoners from receiving Pell grants in 1994, provision of postsecondary correctional education dropped greatly. Multiple empirical studies demonstrate that postsecondary correctional education improves the atmosphere in prisons, increases successful reentry, increases employment after release, and decreases criminal behavior. For example, studies show that such education helps improve communication among staff and inmates, develop positive peer role models, and reduce disciplinary infractions. Further, multiple studies show that postsecondary education saves taxpayers' money. In 2001, government analysts in Maryland calculated that such programs saved state taxpayers more than $24 million annually, more than two times what the state spent on such programs. Given that the average annual cost of incarceration is more than $22,000 per prisoner and that more than half of formerly-incarcerated people return to prison with 3 years, providing higher education within prisons promises to be a cost-effective investment of taxpayer dollars.

Currently, only approximately 5 percent of the total prison population is enrolled in postsecondary education. Current Federal postsecondary correctional grants target youth, resulting in a great need for such programs for adults. The Conference report expands higher education opportunities for older students by extending the qualifying age for such programs to 35 and by allowing up to 7 years to study while in prison. These provisions will allow greater flexibility to states to identify and serve individual inmates who are best able to benefit from postsecondary correctional education. In addition, the bill authorizes a study on the effectiveness of postsecondary correctional education. This study will greatly advance our understanding of what makes programs effective in educating individuals and reducing post release offending.

Further, I am pleased that the bill takes steps to ease the discrimination against low-income students with drug convictions. There are multiple problems with a one-size-fits-all penalty based on financial aid. It inappropriately uses the financial aid application process to apply a mandatory minimum sentence above and beyond what the judicial system has imposed for a restricted group of students. Also, given that the penalty applies only to students receiving Federal aid who must maintain a C average or higher, the current provision unfairly denies aid only to low-income, high-performing students. The Conference report makes it easier for students who lose aid to re-qualify for Federal aid after it is removed. The report also requires an important study of who is denied Federal aid so that lawmakers can better understand whether this policy penalizes particular categories of students compared to others. As the Committee on Education and Labor's Report indicated, the study will examine the demographic background of the students excluded from Federal aid by the drug prohibition as well as the nature of the offenses underlying the exclusion. The variables for study are clearly enumerated in the Committee Report.

In closing, there are many elements of this Conference report that will help many low-income students to access and succeed in higher education. I am proud to serve in the Congress that is making such a considerable investment in our students so that all youth—especially low-income, minority students—have access to quality postsecondary education.

Mr. MCKEON. I am happy to yield now to the gentleman from Delaware (Mr. CASTLE), subcommittee ranking member on the committee and champion of reducing college costs, 2 minutes.

Mr. CASTLE. Mr. Speaker, I thank the gentleman for yielding. I will see what I can do about college costs in 2 minutes.

I thank both the gentlemen from California for their tremendous work on this legislation. I will submit a statement for the RECORD.

I am one who watched college costs go up even in the time I have been in Congress at a rate that is higher than anything else in the country, maybe not gasoline in the last year or two, but health care and all the other things that we worry about so much.

And we have heard many Members come to the floor and speak about the need to educate our children. I think every one of us here understands that the future of our economy in this country depends upon these young individuals being able to get access to higher education. And I believe that this legislation, which I totally support, will at least help with this.

We are now going to have more transparency than we did before. We are going to have publication of lists of those schools which have had the highest rate of increases in recent years, for example.

But we have also spoken to some of the areas such as student loans, the Perkins Act and others, in which we are helping individuals get more funding, or were controlling funding better than we did before. I think that is extraordinarily important as well.

I hate to have borrowing. I love what some schools are doing now and using their funds to help with the tuition issues. But the bottom line is that some borrowing is going to be necessary.

I am very appreciative of some amendments that I was involved with, the Teach for America program, to allow very bright young students in this country that weren't necessarily going into education to be able to teach for a while and hopefully, in some cases, stay in education. I think that is an important step in terms of where we are going.

And I believe that the reauthorization, in general, is absolutely essential if we are going to be able to move forward with respect to education.

The transparency is significant. That alone won't change the cost of higher education. I don't think we have the authority here to tell private schools and even State public schools exactly how to do that. But we certainly have the authority to pass good legislation such as this in order for the public to be able to understand exactly what they are dealing with.

For all these reasons, I would encourage all of us to support this good legislation. Again, I thank all those staff individuals and, of course, the Members that had anything to do with putting this together.

Mr. GEORGE MILLER of California. I yield 1 minute to the gentlewoman from California (Ms. WOOLSEY) who, again, was so helpful in the business partnership agreements.

Ms. WOOLSEY. Mr. Speaker, I am particularly pleased to have had an opportunity in this bill to honor my friend and mentor, the late Congresswoman Patsy Mink, who was a leader on guaranteeing equality for all by creating Patsy T. Mink Fellowships.

While we have made great strides in providing educational opportunities for women and minorities, far too few are becoming college professors. The Mink Fellowships will be used to encourage women and minorities to become professors in fields where they are underrepresented.

In addition to providing more diversity and opportunity in graduate programs, we recognize the need for more opportunities to attain certificates and degrees in high-wage, high-skilled jobs. This bill helps colleges partner with local businesses to create ''for-credit'' classes focused on the skills and certificates needed for high-wage jobs in the local community.

Also, many of our Nation's students enter college needing remedial education classes. Far too many get stuck taking those classes, never graduates. This bill fixes that. Let's pass it.

Mr. MCKEON. Might I inquire how much time both sides have.

The SPEAKER pro tempore. The gentleman from California (Mr. MCKEON) has 13 minutes remaining. The gentleman from California (Mr. GEORGE MILLER) has 17 minutes remaining.

□ 1345

Mr. GEORGE MILLER of California. Mr. Speaker, I yield 1 minute to the gentlewoman from New York (Mrs. MCCARTHY) who's been a champion on campus safety during this legislation.

Mrs. MCCARTHY of New York. Mr. Speaker, I rise in support of the conference report to the Higher Education Opportunity Act, H.R. 4137.

First, let me start out by thanking Chairman MILLER and Ranking Member MCKEON. I also want to thank the staff for their professionalism and their courtesy and their work for getting this bill to where it is, and my own staff, Kim Becknell and Phil Putter.

The passage of this bill will help millions of Americans make the dream of a college education a reality. In particular, I'm proud to see that many of my provisions are in the bill, including student loan forgiveness for nursing students; incentives for nurses to become instructors, helping to end our nursing shortage; tuition forgiveness for teachers working in New York's BOCES schools; making career and professional schools more affordable; expanding the availability of guaranteed student loans or Stafford loans to more nursing and professional schools; expanding the Graduate Assistance Areas of National Need Program, and expanding Project GRAD U.S.A.; also monitoring our Nation's most expensive schools' tuition rates and offering students and families a tool for an education.

Mr. Speaker, I rise in support of the conference report to the Higher Education Opportunity Act, H.R. 4137.

Let me first start out by thanking the Chairman, Ranking Member, and hardworking staff on the Committee on Education and Labor for their efforts and professionalism in passing one of the most comprehensive education bills in years.

The passage of this bill will help millions of Americans make the dream of a college education a reality.

In particular, I am proud to see that many of my provisions are in the bill including:

Student loan forgiveness for nursing students;

Incentives for nurses to become instructors, helping to end our Nation's nursing shortage;

Tuition forgiveness for teachers working in New York's BOCES schools;

Making career and professional schools more affordable;

Expanding the availability of Guaranteed Student Loans or Stafford Loans to more nursing and professional schools;

Ensuring that degrees earned from rabbinical schools will continue to be recognized as the equivalent of bachelor's degrees;

Expanding the Graduate Assistance in Areas of National Need program;

Expanding Project GRAD USA;

Monitoring our Nation's most expensive schools' tuition rates and offering students and families a tool to estimate increased costs over the course of a college education;

Studying the ability of teachers to meet the needs of students with dyslexia.

I am especially pleased that the bill addresses the need for colleges and universities to have policies in place to immediately warn their campus communities when a serious crime or other emergency threatens the safety of students or employees on campus.

These provisions are similar to those in my "Virginia Tech Victims Campus Emergency Response Policy and Notification Act" or VTV Act, H.R. 5735.

The tragic events of April 16, 2007, on the campus of Virginia Tech, reminded us that horrific incidents can happen anywhere and that we must be prepared.

The addition of an emergency notification provision to the Jeanne Clery Act will help ensure that students and employees are empowered with information about potential significant threats to their safety such as an unknown shooting suspect at large or an impending natural disaster.

Because emergencies can escalate or spread quickly it is vital that emergency notifications occur without any delay and these provisions appropriately provide that warnings must occur "immediately . . . upon confirmation" of a threat.

Minutes can mean the difference between life and death.

Using both high and low tech means, many institutions across the country, including Florida Atlantic University, Ferrum College and Northern Illinois University, have already adopted this approach and are issuing campuswide emergency notifications in less than 30 minutes after an incident has occurred.

These provisions will be a very fitting living memorial to the innocent victims of April 16, 2007 and I applaud their family members who have sought to have something positive come out of that dark day. The Virginia Tech Victims Family group members have been tireless advocates for safer campuses and their devotion has helped make these provisions a reality. I would ask that the victims' names be included at an appropriate place in the RECORD.

I would also like to thank Catherine Bath, Jonathan Kassa and S. Daniel Carter of the nonprofit organization Security On Campus, Inc., SOC, for their leadership on and help with these issues. Founded in 1987 by Connie Clery and her late husband Howard after their daughter Jeanne's murder in a campus residence hall, SOC continues to be the Nation's leading voice for safer campuses and victims' rights on campus.

To honor the memory of the lives that were lost as a result of the incident at Virginia Tech, I humbly submit the following names in the CONGRESSIONAL RECORD:

Ross Abdallah Alameddine, Christopher James Bishop, Brian Roy Bluhm, Ryan Christopher Clark, Austin Michelle Cloyd, Jocelyne Couture-Nowak, Kevin P. Granata, and Matthew Gregory Gwaltney.

Caitlin Millar Hammaren, Jeremy Michael Herbstritt, Rachael Elizabeth Hill, Emily Jane Hilscher, Jarrett Lee Lane, Matthew Joseph La Porte, Henry J. Lee, and Liviu Librescu.

G.V. Loganathan, Partahi Mamora Halomoan Lumbantoruan, Lauren Ashley McCain, Daniel Patrick O'Neil, Juan Ramon Ortiz-Ortiz, Minal Hiralal Panchal, Daniel Alejandro Perez, and Erin Nicole Peterson.

Michael Steven Pohle, Jr., Julia Kathleen Pryde, Mary Karen Read, Reema Joseph Samaha, Waleed Mohamed Shaalan, Leslie Geraldine Sherman, Maxine Shelly Turner, and Nicole Regina White.

Mr. GEORGE MILLER of California. Mr. Speaker, I yield 1 minute to the gentleman from Massachusetts (Mr. TIERNEY) who did groundbreaking work and made such an effort to make sure the States meet the responsibility for financing public higher education.

Mr. TIERNEY. Thank you, Mr. Chairman and Ranking Member MCKEON. This was a cooperative effort, a bipartisan effort for sure focusing on access and affordability.

There's a partnership in education, higher education in particular, between parents and children, entire families, levels of government at both the State and Federal level, and the institutions. The families for too long have seen their share of that partnership go up and up in tuition and fees.

This Congress dealt with the reconciliation bill last year, putting $20 billion additionally in for Pell Grants, reducing the cost of loans. We needed to ask these institutions to step up to the plate, and we've done that in this bill. They have incentives to keep their tuition low and the incentives go to more aid to the students. They're going to be held accountable by being required to report any reasons for tuition increases.

States are going to have to maintain their investment in higher education so they can't supplant their responsibilities with either the money from the Federal Government or by charging students more in tuition and fees. If they do, they won't get access to a program. So they have that incentive to move forward.

We restore the integrity and accountability to the student loan programs, we've provided loan forgiveness for people, and all of this focuses, Mr. Speaker, on families and makes that partnership work.

I support the bill and ask my colleagues to do the same.

Mr. GEORGE MILLER of California. Mr. Speaker, I yield 1 minute to the gentleman from New Jersey (Mr. HOLT) and thank him for all of his work on the foreign language partnerships and the creation of the deputy assistant secretary.

Mr. HOLT. Mr. Speaker, I would like to join the others in commending Chairman MILLER and Mr. MCKEON and allow me to point out some of the good provisions that are in this bill that I have worked on.

It allows Pell Grants to be used year round and by part-time students. It empowers community colleges to provide childcare programs so that working mothers can attend school. It has grants and loan forgiveness for math, science, and foreign language students who pledge to work in those areas after graduation.

As the chairman just said, it creates a deputy assistant secretary for international and foreign language education. It directs the Institute of Medicine to study the shortage of nursing faculty, which is one of the principal reasons for the shortage of nurses in America.

It provides funding to institutions of higher education that encourage science and engineering students to develop foreign language proficiency. It creates a scholarship database of financial assistance for post-secondary and graduate programs in science, technology, and engineering.

There are many other good features in this bill, and I, again, commend those who put it together. And I urge my colleagues to support it.

Mr. GEORGE MILLER of California. Mr. Speaker, I yield 1 minute to the gentleman from Pennsylvania (Mr. ALTMIRE) and thank him for his work on the business workforce partnerships and on the textbook rental program.

Mr. ALTMIRE. Mr. Speaker, this bill is the next step in our efforts to make college more affordable and accessible for American families. I would like to take a moment to highlight four of the provisions I included in this bill.

This bill encourages colleges and employers to join together to form business workforce partnerships that will help graduating students find jobs and provide local businesses the skilled workers they need. It also provides grants to minority-serving institutions to help them recruit and prepare the teachers of tomorrow and improve the diversity of our Nation's workforce.

Additionally, my language added to this bill forgives the student loans of veterans who are determined to be totally and permanently disabled by the VA.

And finally, the conference report includes an amendment that I offered along with Congressman TIM RYAN to establish textbook rental programs to help students save money.

This conference report is a significant improvement to our higher education system, and I am proud to have been a part of the conference committee that reported this bill.

Mr. MCKEON. Mr. Speaker, I am happy to yield now to the gentleman from Indiana (Mr. SOUDER), a member of the committee, for 3 minutes.

Mr. SOUDER. I thank Ranking Member MCKEON for his leadership and yielding the time, and I also want to thank Chairman MILLER for working with us to develop a bipartisan bill.

You hear a lot about the controversies between the parties and the partisanship, but here is a huge piece of legislation that we were able to work through in a basically unanimous way between the House and even the Senate.

I want to talk about a few amendments that I worked with. In fact, there was controversy on each one of these things, but we were able to come to reconciliation.

One is GEAR UP, which is widely supported, and my good friend, CHAKA FATTAH, developed this concept. I was an original cosponsor. We moved it with a Democratic President and a Republican Congress, then a Republican Congress with a Republican President sustained the program, and now a Democratic Congress with a Republican President. But in that we've made some significant changes that allow GEAR UP to put a 2–1 match for scholarship money because one of the intentions of this was to get actual cash to help students get to college who were low-income, and we wanted to give them a commitment in junior high that we will back them up. And this will help balance that back more to cash to those students.

It also allows them to work with the first year of college and to connect with TRIO and others and not just get them there.

In the Drug-Free Student Loan provision, which has been much aligned by pro-drug groups around the country, we've clarified the Department of Education's confusion on how best to implement this plus added a warning that the universities and colleges are to tell the students that they're at risk of losing their loan if they're convicted of a

drug crime. They can get it back with a drug test. They can get it back the third time. You can go to college but not at taxpayer expense.

We also had an amendment dealing with for-profits' cohort default rates. One of the unintended consequences if you make it too difficult for how many students don't graduate, that for-profit schools would have stopped seeking minority, low-income students, or any subgroup that shows any risk of more defaults of student loans. And we would have had the unintended consequence if we didn't delay the implementation of the 3-year averaging, which we also worked to get, and I appreciate the chairman working with this because this is very important in many of these for-profit technical schools or others that are serving higher-need, less historically graduating percentages. Our goal with GEAR UP, with TRIO, and others is to increase those percentages, but you don't want to punish the colleges that reach out.

We also changed in distance education. We made it easier for basically Internet universities or colleges and universities that use that to get accreditation because if you choke the accreditation, you will cut off the expansion and the accessibility. And this is very important for many colleges and universities.

Lastly, I had an amendment in committee that was defeated, but Senator GREGG proposed it in the Senate, and this is the Academic Bill of Rights. I'm pleased that not only it passed the Senate but that the House in effect receded to the Senate. This is something that David Horowitz had advocated for many years, and I'm pleased this is in the bill, too.

I want to thank Chairman MILLER for his work and Ranking Member MCKEON.

Mr. GEORGE MILLER of California. Mr. Speaker, I yield 1 minute to the gentleman from Kentucky (Mr. YARMUTH) and thank him for his work on the Teach to Reach grants and the students success grants for community college students.

Mr. YARMUTH. Mr. Speaker, I rise today in strong support of the College Opportunity and Affordability Act, and I want to thank you, Chairman MILLER, and the Senate committee chairs for drafting a bill that will help millions of Americans go to college and graduate without crippling debt.

I'm proud to have introduced a number of this bill's provisions that will help to ensure every American has a world-class education. Our Nation's teachers confront a multitude of challenges, and if we aren't providing them with the tools to succeed, we're failing them and their students.

This legislation authorizes grants to train general education teachers to work with students who have autism and other disabilities. A program to make sure educators learn the best techniques to help kids read at grade level and student success grants that will help students stay in college to complete their degrees and succeed in the workplace. The revolutionizing Education Through Digital Investment Act will better engage young students by greatly expanding the ways technology is utilized in the classroom.

There is no greater way to impact the future of our country than by ensuring that all of our children receive the highest quality education. I therefore urge my colleagues to join me in enacting this critically important legislation.

Mr. MCKEON. Mr. Speaker, could I inquire how much time we have left.

The SPEAKER pro tempore (Mr. HOLDEN). The gentleman from California (Mr. MCKEON) has 10 minutes. The gentleman from California (Mr. MILLER) has 12 minutes remaining.

Mr. MCKEON. I would be happy to yield at this time to the gentleman from Pennsylvania (Mr. TIM MURPHY) for 3 minutes.

Mr. TIM MURPHY of Pennsylvania. Mr. Speaker, I thank the chairman and ranking member for the College Opportunity and Affordability Act, which I'm here to offer my strong support, and I thank Chairman MILLER and Congressman MCKEON for ensuring the language for my bill, H.R. 2220, the Mental Health Security for America's Families in Education Act, was included in the legislation.

This language directs the Secretary of Education to clarify how and when schools can communicate with the parent if a student demonstrates that they pose a significant risk of suicide, homicide, or assault. Schools acting in good faith by communicating with parents would also be protected from liability.

The current Family Education Rights and Privacy Act passed in 1974 was originally passed to protect the confidentiality of student records. However, it's a confusing array of regulations meant to notify parents but often stands in the way as schools are more prone to call an attorney to get clarification than they are to call parents.

As a child psychologist, I understand the importance of confidentiality, but there are times that it may be in the best interest of the student to inform those who can provide the necessary help to protect them and others. Parents are in the best position to help students suffering from mental illness by providing emotional support medical history, coordinating care with various mental health professionals, and long-term follow up. Parents will be around long after the school is gone.

Behind a law like this there are stories of beautiful lives tragically stopped in their youth. Children like Stephanie Cady from North Franklin Township who was a junior at Elizabethtown College until she withdrew for medical reasons. According to her parents, she was struggling with depression and paranoia during her sophomore year. Her friends persuaded her to get help, but her parents were never told that she was taking medication until just this past Christmas. Unfortunately, the right combination of help from her parents and therapists came too late and, sadly, she took her own life in April of 2008.

In 2002, Charles Mahoney from Burgettstown took his own life while in school at Allegheny College in Pennsylvania.

And since the passing of their children, the Mahoneys and the Cadys have advocated for change to existing laws so the parents can help before it is too late.

Families know the privacy laws that prevent schools from sharing information with parents have to be changed so the parents can get involved to help with the children that they love. Our shared hope is that through the important change of law, their actions will prevent other parents from suffering the same losses, and their children's lives can be remembered at least in saving the lives of others.

This bill we are dealing with today is taking an important step in saving those lives, and I want to thank Chairman MILLER and Ranking Member MCKEON for their support of this critically important and life-saving provision that will prevent other tragedies like this and Virginia Tech happening again in the future.

Mr. GEORGE MILLER of California. Mr. Speaker, I yield 1 minute to the gentleman from Arizona (Mr. GRIJALVA) and I want to thank him for his work on the cohort default rate and on the year-round Pell Grant.

Mr. GRIJALVA. Thank you, Chairman MILLER, for your work on this very, very important piece of legislation, the first time in a decade Congress is going to pass a Higher Education Act. I'm happy to support this long past-due improvement to higher education.

This legislation is about inclusion and not exclusion. The bill simplifies the means by which students and families can research colleges, apply for help, and gather information to aid in the important decisions we all must make.

□ 1400

It expands access and support for poor students and students of color through changes to Pell Grants and improvements to TRIO and GEAR UP, additional support for students who have with disabilities, additional support for veterans and their families.

This piece of legislation is a hallmark of the work of this Congress and this session. I'm proud to be on the committee and proud to serve in the development of this legislation.

Mr. Speaker, today, for the first time in a decade, Congress will pass a higher education act, and I am happy to support the long past-due improvements to higher education that will be put into effect by the passage of this bill.

This Higher Education Opportunity Act demonstrates a commitment by this Congress to inclusion. The bill simplifies the means by

which students and families can research colleges, apply for student aid and gather information to aid in the important decision making process.

It expands access and support for poor students and students of color through changes to Pell Grants and improvements to TRIO and GEAR UP, making college accessible to first-generation students and those who are most likely to be expensed out of college.

It offers expanded support for veterans and their families to honor their continued sacrifice by creating new scholarships and by establishing education support centers and other services to aid in access to education.

It establishes more opportunities for students with disabilities to gain equal access to college by offering national centers of support, aiding colleges in recruitment and retention of students with disabilities, and expands Pell Grant eligibility. Additionally, one of my priorities will create model demonstration programs to improve the access to quality materials for students with print disabilities. It will also create a commission to consider ways to better distribute these materials.

The rising cost of a college education means that students now more than ever must be informed about their decisions as they relate to living expenses and borrowing for education. This bill will add a number of mechanisms to aid students in making these choices, including a provision I worked hard to add that will improve the way cohort default rates are calculated. These changes, though more modest than I had hoped, will encourage schools and lenders to provide better financial literacy to guide students with post-college debt.

The Higher Education Opportunity Act marks a significant improvement in our national commitment to inclusive access to higher education and expresses our continued efforts to make college more affordable and accessible.

Mr. GEORGE MILLER of California. Mr. Speaker, I yield 1 minute to the gentlewoman from New Hampshire (Ms. SHEA-PORTER) and thank her for all her work on the TRIO program. It is so important to get kids to college and to stay in college.

Ms. SHEA-PORTER. Thank you.

Mr. Speaker, I rise to express my strong support for the conference report on H.R. 4137, the Higher Education Opportunity Act. I am a proud cosponsor of this legislation; and I thank Chairman MILLER, Ranking Member MCKEON, and the conferees.

I want to highlight two achievements of particular importance to my constituents.

The first is a provision that broadens the discretion afforded to school financial aid administrators. It allows them to take into account expenses incurred by families who are caring for an adult dependent when calculating a student's financial aid package. This sounds like a minor technical change, but it is not.

A constituent of mine shared a very personal story about her family's struggle to make ends meet while caring for their eldest child, who is a disabled adult, and also trying to send their youngest to college. In determining whether this family qualified for financial aid, an administrator could not take this situation into consideration. With the provision included in this bill, they now can.

We have also taken great steps in this legislation to ensure the continued success of the Upward Bound Program. This program plays a very important role in my district helping first generation and low-income high school students achieve their dreams of a college education. These programs have faced challenges over the past year. I am proud we have been able to resolve these issues.

We have simplified the FAFSA form and done many other steps. I thank you for your efforts.

Mr. GEORGE MILLER of California. How much time is remaining, might I inquire of the Chair.

The SPEAKER pro tempore. The gentleman from California (Mr. GEORGE MILLER) has 10 minutes remaining. The gentleman from California (Mr. MCKEON) has 7½ minutes remaining.

Mr. MCKEON. Mr. Speaker, I would be happy to yield at this time to my good friend from across the aisle, a former member of the committee, the gentleman from Pennsylvania (Mr. FATTAH), 1 minute.

(Mr. FATTAH asked and was given permission to revise and extend his remarks.)

Mr. FATTAH. Thank you.

In 1997, when we created GEAR UP in this legislation, it was an idea. Today, after 10 years, some 2 million young people later, it stands as the largest early college awareness program in our country's history, operating in 48 States and in many of our territories. It has been an extraordinary success. Eighty-five percent of the young people graduated from high school, 64 percent going on to college.

I want to thank Chairman MILLER and the ranking member, BUCK MCKEON, RUBEN HINOJOSA and MARK SOUDER and the committee for tweaking GEAR UP in a very positive way, taking the language from the GEAR UP and Go Act that I introduced, adding a seventh year to focus on that entry into college and retention issues and also allowing dual and concurrent enrollment, along with a number of anti-dropout prevention efforts at the community college and high school level.

I want to thank the committee. This is a great bill overall, and GEAR UP is wonderful. But the increase in Pell, the simplification of the FAFSA form, there is a lot that could be said. This is a historic piece of legislation, and I thank you for the time.

Mr. GEORGE MILLER of California. Mr. Speaker, I yield 1 minute to the gentleman from Illinois (Mr. HARE), and I want to thank him for his work on dislocated workers and on the rural communities.

Mr. HARE. I thank the Chairman.

Mr. Speaker, I rise today in strong support of the College Opportunity and Affordability Act conference report.

The conference report includes the College and University Rural Education Act, which I introduced with Representatives LOEBSACK and ZACK SPACE. This measure will stop the brain drain and create opportunities in rural America by increasing enrollment of rural high school graduates in institutions of higher education; creating employment pipelines; and providing training for professions of need in rural areas.

Today's bill also includes a provision I developed with Mr. LOEBSACK to prepare individuals to serve as administrators and principals in rural areas. School leadership is key to student achievement, and rural America experiences a huge deficit in this area.

I included a measure to help dislocated workers by informing them of their right to an alternative income calculation when applying for financial aid. This will ensure that workers who lost their jobs have access to retraining opportunities.

This conference report builds upon the work we started in the College Cost Reduction Act. I commend Ranking Member MCKEON and my chairman, Chairman MILLER, and urge all my colleagues to support the conference report.

Mr. GEORGE MILLER of California. Mr. Speaker, I yield 1 minute to the gentleman from Virginia (Mr. SCOTT) and thank him for all of his work on the Historically Black Colleges and Universities and on the modeling and simulation program.

Mr. SCOTT of Virginia. Mr. Speaker, I would like to thank and commend Chairman MILLER, Ranking Member MCKEON, Chairman HINOJOSA, and Ranking Member KELLER for their hard work on this bill.

This bill contains many important provisions that will make college more affordable for our students, particularly the Pell Grant and loan forgiveness provisions.

It also has many provisions helpful to institutions of higher learning, especially Historically Black Colleges and Universities which have been funded for new master's programs at Historically Black Colleges and Universities and Predominantly Black Institutions.

It also, as the Chairman has indicated, has a new program to help the rapidly growing field of modeling and simulation.

Mr. Speaker, there is new language in the bill dealing with the accreditation of colleges, and it is important to explicitly note that this new language does not adversely affect or change anti-discrimination provisions.

The bill also contains a direction to the Department of Education to reword the financial aid application to make it clear that students can get financial aid, even if they have a drug offense.

We have worked long and hard on this bill, and for the foregoing reasons, Mr. Speaker, I urge my colleagues to support the bill.

Mr. Speaker, it has been ten years since the Higher Education Act has been reauthorized and I am pleased that we will now make many

needed updates to this law. I would like to commend Chairman MILLER, Ranking Member MCKEON, Chairman HINOJOSA, and Ranking Member KELLER for their work on this bill. I would also like to thank the Chairman and Ranking Member of the Senate's Health, Education, Labor & Pensions committee, Senators KENNEDY and ENZI. Additionally, I would like to express my gratitude to Senator MIKULSKI for all her efforts in Senator KENNEDY's absence. I would also like to thank the House and Senate Committees' staff; we could not have reached this point without your hard work and dedication.

This bill contains many important provisions that will help make a college education more affordable for student and their families. I am particularly pleased with the increase in the authorization of the Pell grant and the loan forgiveness provision that will aid students who give back to their community if they enter a profession in an area of national need, including mental health professionals and child welfare workers.

The legislation also specifically assists minority students in several ways. For example, it contains a provision to promote cultural diversity in the entertainment media industry. It will also require that a study be conducted on whether race, ethnicity, or gender biases exist in the design of standardized admission tests used by higher education institutions. The information collected for the study is intended to be made available to the public—except in cases where the entity providing the information shows good cause or in the case where the information is proprietary—so that if such biases are found we can work to correct them.

The bill requires the Department of Education to conform hate crime reporting requirements to FBI guidelines to more accurately report incidents of hate crimes on our campuses. This will result in consistent and accurate reporting of crimes against persons and crimes against property. In addition, improved data will give parents and students a more accurate sense of campus safety and education institutions a better picture of their campus climate.

The legislation also contains many provisions helpful to institutions of higher education. The Secretary will now be required to develop and maintain a plan to help schools cope with natural and man-made disasters. The bill also creates an Education Disaster and Emergency Relief Loan Program to provide emergency loan funds to schools after a federal declared major disaster or emergency, including those schools affected by the 2005 Gulf Hurricanes. Additionally, the bill includes a provision which significantly helps schools affected by Hurricanes Katrina and Rita by holding them harmless for purposes of Title III funding.

This bill also does a great deal to help the Historically Black Colleges and Universities. The authorization levels for HBCUs have been increased to $375 million dollars, which is almost three times the amount that is in the current Higher Education Act. The amount for the Historically Black Graduate Institutions program has significantly increased as well. The bill also provides funding for Masters programs at Historically Black Colleges and Universities and Predominantly Black Institutions that focus on science, technology, engineering, mathematics, health and other fields in which Blacks are underrepresented.

The legislation strengthens and develops college-level programs in the rapidly growing field of Modeling and Simulation. This is a field of study that refers to replicating a system on a smaller scale or on a computer for extensive examination. There is not a single field of study or profession that cannot benefit from this type of analysis including urban planning, medicine and national security.

This legislation includes several positive changes to the TRIO programs, which provide assistance to low-income and first generation college-going students. The bill eliminates the Absolute Priority conditions imposed on Upward Bound programs by the Department of Education without requiring a recompetition. In addition, the bill creates an appeals process for TRIO programs to ensure that the grantmaking process is as fair and transparent as possible.

Mr. Speaker, there is a clarification that I feel must be made with regard to new language added to an existing accreditation provision. Current law requires that accrediting agencies or associations apply and enforce their standards in a manner that respects the missions of institutions of higher education. This bill states that respecting missions of institutions of higher education includes religious missions. It is important to explicitly note what is and is not intended by the new language. Pursuant to the House Report filed by the House Committee on Education and Labor on December 19, 2007 (H. Rept. 110–500, Part I), it is important to make clear that this new language does not affect or change nondiscrimination provisions. The House Report states in relevant part:

''The new language requiring accrediting agencies or associations to apply and enforce their standards in a manner that respects the missions of institutions of higher education, including religious missions, reflects Congress' belief that accredited institutions should be allowed to choose their own missions rather than having them imposed or regulated by accrediting bodies. In response to concerns raised by Representatives ROBERT C. SCOTT (D–VA) and RUBEN HINOJOSA (D–TX) about whether the amendment would harm the ability of accreditors to enforce nondiscrimination provisions, the author of the amendment, Representative TIMOTHY WALBERG (R–MI), explained that the provision would not affect nondiscrimination provisions and instead would require accreditors to respect the missions of schools, including when the missions are religious.

''It is the intent of the Committee that this amendment does not change or alter current accreditation requirements, and the exemptions included in those requirements (such as those allowed by the American Bar Association and the American Psychological Association), for the enforcement of nondiscrimination provisions. The Committee also notes that this provision does not alter title VII of the Civil Rights Act of 1964, title IX of the Education Amendments of 1972 or other federal anti-discrimination statutes, which remain applicable to institutions of higher education to the same extent as before. The Department of Education shall not promulgate any regulations that provide any new exceptions to current nondiscrimination provisions.

''It is also the intent of the Committee that this amendment does not change or alter current accreditation requirements, and the exemptions included in those requirements, for training professionals in the practice of medicine and other health care professions.''

Similarly, the Senate report that accompanies S. 1642 (the companion bill to H.R. 4137) filed by the Senate Committee on Health, Education, Labor, and Pensions on November 15, 2007 (Report No. 110–231) confirms this position. The Senate report states in relevant part:

''Accrediting agencies or associations recognized by the Department of Education are invested with a public trust and perform an important public function. Congress expects that those receiving Department recognition will perform those functions with the same diligence and competence as would be provided by any public body and that their procedures will be conducted with the same level of transparency, due process, and accountability that would apply to the Department if it performed this function itself.

''The new language requiring accrediting agencies or associations to apply and enforce their standards in a manner that respects the missions of institutions of higher education, including religious missions, reflects these goals. It is not intended to allow an institution to deny a person participation in, the benefits of, or to subject a person to discrimination under any program or activity receiving Federal financial assistance under existing laws, including those with respect to race, color, religion, sex, national origin, age, or disability; or because the person has not complied with a standard of the institution that requires the person to discriminate on the basis of race, color, religion, sex, national origin, age, or disability.''

Mr. Speaker, I would also like to highlight a provision included in the Statement of Managers to the Conference which I feel is extremely important. Currently, the Free Application for Federal Student Aid (FAFSA) is written in a way that misleads many students to believe that if they have been convicted of a drug offense, they do not qualify for financial aid. In the Statement of Managers, Conferees encourage the Department to reword the FAFSA to more accurately reflect the ways in which students who have been convicted of drug offenses can obtain financial aid.

Mr. Speaker, we have worked long and hard for a comprehensive, bipartisan bill. While not perfect, I believe this bill goes a long way towards making college more affordable for students and their families and towards helping our institutions and higher education provide a quality education to our nation's youth. For the foregoing reasons, I support the bill and urge my colleagues to support it.

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

The Higher Education Opportunity Act is truly a bipartisan achievement, reflecting major priorities of both parties, as you can see from the debate. In recognition of that fact, I would like to take just a moment to touch on some of the reforms that Members on our side of the aisle were able to secure in this bill.

This bill includes meaningful steps to address the college cost crisis. I have been fighting this battle for years, and the steps in this bill are a victory for students and their families.

We have ensured that this bill increases accountability through the

power of sunshine and transparency. H.R. 4137 will put quality information in the hands of students and parents to help them make more informed decisions when choosing their path for obtaining a higher education.

This conference report protects student privacy by prohibiting the development of a Federal unit record system. Republicans believe students should not be forced to relinquish their privacy just because they wish to pursue post-secondary education.

This bill includes numerous reforms to strengthen Pell Grants for low-income students. The bill now prohibits Pell Grants from being provided to sex offenders that remain involuntarily confined by closing a loophole that allowed these individuals, deemed so dangerous that they cannot be released after completing their incarceration, to receive taxpayer-funded Pell Grants to pursue higher education. The bill also includes a sensible funding limitation to protect taxpayers and ensure students are making progress toward completing their degrees.

This conference report also includes a proposal to make transfer of credit policies public so students can plan ahead and avoid wasting time and money. It encourages States to develop and improve articulation agreements to make credit transfer easier among institutions within a State and across State lines.

Republicans have worked with our colleagues on the other side of the aisle for years to make it easier to apply for financial aid. Thanks to that effort, this legislation will create a shorter EZ–FAFSA form and make financial aid information available to students earlier in the college planning process.

Several committee members championed new efforts to ensure our higher education system can help meet our growing international competitive challenges. Specifically, the bill includes provisions to help increase the number of math, science, and foreign language teachers and professionals.

Republicans believe students should not be discriminated against on college campuses because of their political or ideological views, and that's why we fought to ensure the college conference would include an Academic Bill of Rights.

The bill also protects local control and prevents Federal meddling in curricula in programs under the Higher Education Act, including teacher training programs and within academic competitiveness grants.

Finally, in a time of war, we all recognize that our higher education system must be flexible enough to meet the unique needs of student-soldiers. The bill includes numerous proposals to improve higher education opportunities for members of the Armed Forces, including changes to allow greater participation in TRIO college access programs and improvements to the way financial aid is calculated for military personnel.

The bill also creates a Web site to make it easier for veterans and members of the military to find information on financial aid opportunities available to them, and it requires States to provide in-state tuition rates to members of the military, their spouses, and their dependent children.

These are just a few of the many reforms that were important to members of the committee during this process. I want to thank Chairman MILLER again for working with me to ensure this bill is truly bipartisan, and I urge all of my colleagues to join me in voting yes on this bill that contains so many important provisions.

I reserve the balance of my time.

Mr. GEORGE MILLER of California. Mr. Speaker, Members of the House, families across America and students everywhere, it is a pleasure to yield 1 minute to the gentleman from Illinois, who revolutionized and changed and simplified the student loan application form for all of America's families and students from this day forward, Mr. EMANUEL.

Mr. EMANUEL. When I was campaigning, I met a firefighter, Pat Kehoe, who told me about the night before he and his wife were trying to fill out the form for their only child to go to college. He talked about it was 108 questions, how complicated it was.

So I went and personally checked it. Go to page 8 and complete the columns on the left of worksheets A, B, and C. Enter the student, and spouse, totals in questions 44, 45, and 46 respectively.

Worksheet B, first of 12 items: Payments to tax-deferred pension and savings plans, including, but not limited to, amounts reported on the W–2 form in boxes 12a through 12d, codes D, E, F, G, H, and S.

If you can fill this out, forget college; go to graduate school. This is the most complicated form out there, for kids just trying to go to college.

This new legislation is going to take that 108 questions, those eight pages, take it down to two pages, 44 questions, and take it from bureaucratize language down to consumer-friendly language.

It's high time that parents who were trying to make sure that their kids had a shot at the American Dream don't have the government stepping in the way and preventing that.

I want to thank the chairman.

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

Mr. GEORGE MILLER of California. I yield the gentleman an additional 30 seconds.

Mr. EMANUEL. This legislation goes from protecting colleges to empowering college students, and this Congress will be remembered because of the chairman being the most friendly to college students and those families, for going to $20 billion in additional aid to kids to go to college, for the GI Bill which is new, and now this legislation.

And I thank the chairman for his work, as well as the ranking member, for making sure that families across America who are trying to send their kids to college no longer have to jump through hoops every year filling out a form that was more friendly to the bureaucracy than it was to their family and their children.

Mr. GEORGE MILLER of California. Mr. Speaker, I yield 1 minute to the gentleman from Oregon (Mr. BLUMENAUER), and I want to thank him for his work on the sustainability program and creating a summit on sustainability in colleges and universities.

Mr. BLUMENAUER. I appreciate the gentleman's courtesy in permitting me to speak on this measure and for the hard work that the chairman and the ranking member have done. This is truly a landmark reauthorization. We're all pleased to see it come forward.

The major challenge of this century is literally the future of the planet, global warming, sustainable development in a water-stressed, energy short, carbon-constrained world.

To help us cope, this higher education reauthorization incorporates the provision of our Higher Education Sustainability Act. Inspired by the late Debbie Murdock from Portland State University, it will fund programs in our colleges and universities for research, for training of students, for sustainability practices on campus.

It also does direct the Secretary of Education to convene a sustainability summit to be able to showcase all these best practices.

One of the things that I am pleased about as I travel around the country, is looking at the environmental progress on our campuses. This legislation will help accelerate that vital process, and I deeply appreciate what the committee has done.

Mr. GEORGE MILLER of California. I yield 30 seconds to the gentleman from Wisconsin (Mr. KIND) and thank him for his work on the real-time writers program.

Mr. KIND. Mr. Speaker, as a 10-year member of the Education and Labor Committee, I'm very proud of the product that the chairman and the ranking member and members of the committee have produced in this Congress today. It's the most important investment that this country is going to make in the future of our Nation for many years to come, but I'm especially grateful for the inclusion of the real-time court reporter scholarship program.

The court reporters are the guardians of our public record, and not too many of my colleagues realize that with the Telecom Act, we mandated closed captioning for every television program in the United States. But because of the shortage of court reporters, we're having a hard time filling our courtrooms and meeting closed captioning services.

□ 1415

So I'm glad they included it; I commend them for the job they've done;

and I ask my colleagues to support this legislation.

Mr. GEORGE MILLER of California. May I inquire of the Speaker as to the time remaining.

The SPEAKER pro tempore. The gentleman from California (Mr. MILLER) has 5 minutes remaining. The gentleman from California (Mr. MCKEON) has 2 minutes remaining.

Mr. MCKEON. Mr. Speaker, I yield myself the balance of our time.

For years, Republicans have fought on behalf of students and families to make college more affordable. Now our cause is bipartisan, and our vision for reform is the centerpiece of a comprehensive Higher Education Act reauthorization.

For students and families grappling with rising college costs, this bill establishes college affordability comparison tools to help put cost increases into perspective. Students will be able to search, sort, and compare key cost indicators for every school in the country. We will identify institutions that are the most costly, the least costly, and those with the fastest rising costs. And for schools engaging in a pattern of extraordinarily high cost increases, we demand greater disclosure and concrete steps to identify inefficiencies and fix them.

This legislation reflects Republican principles for reform, including financial aid simplification, protection of student privacy, safeguards for taxpayer dollars, an emphasis on competitiveness, and many more positive reforms.

Before I close, I want to recognize the staff on both sides of the aisle for their hard work. I want to thank Amy Jones, in particular, for her tireless efforts. Amy has carried this bill now through two Congresses, and we couldn't have done it without her.

I also want to recognize Susan Ross and Rob Borden on my staff, along with my staff director, Sally Stroup.

I'd also like to recognize Chairman MILLER's staff—and I'm trying to learn their names—including Gaby Gomez, Julie Radocchia, and Jeff Appel; great people, and they've worked hard and worked well together.

Mr. Speaker, this bill isn't perfect, but it will make a real difference to students and families struggling to pay for college. I encourage all of my colleagues to join me in voting yes to send this bill to the President for his signature.

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

Mr. GEORGE MILLER of California. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, and members of the committee, I'm very proud of this legislation. I'm very proud of the members of my committee on both sides of the aisle. This legislation doesn't just belong to this committee at this time or to the majority party just at this time, this legislation has been worked on by many people on both sides of the aisle.

When the Republicans were in the majority and Mr. MCKEON was the subcommittee chair, he pushed hard for this legislation. And Mr. KILDEE has spent many years on our committee working on behalf of higher education. And Mr. HINOJOSA authored legislation, along with Mr. MCKEON, that made it through the House in the last session.

Why has that been true? Why is this legislation so broadly supported? Because we all understand the importance of a well-educated American population, and we all understand the urgency of this moment. At no time in our history has America needed a better educated population than it needs today.

And we understand the importance of a college education and what it means to America's families, what it means to young people as they start out in their careers, as they start out their families, and their ability to provide for themselves and go to jobs that are interesting, that work for them, that make sense for them, and yet be able to have the skills so they can continue in the American economic system. This legislation does all of those things.

This legislation helps to make college more affordable. It certainly helps to make it more accessible. And it has done that because of the agreements that we have reached on both sides of the aisle. Mr. MCKEON has pushed long and hard for increases in the Pell Grants, long and hard for accountability in this system, and long and hard to make sure that the cost of college, that we have greater transparency, that we understand it better, that parents would be able to decipher, that students would be able to decipher and understand it. This legislation improves this act with respect to all of those provisions of the law.

I tried to recognize the contributions made by each Member on our side of the aisle and the programs that they worked on to increase access to college for so many populations that haven't been given the full opportunity in the past that will be able to take advantage of that opportunity.

And finally, this legislation makes it more affordable for many students. It's in combination with what we did in the reconciliation bill, where we provided $20 billion in new resources for students by cutting the interest rates, by providing forgiveness for loans, by increasing the Pell Grants, and providing real-time tuition assistance for those who want to go into teaching.

This is an important piece of legislation; it's important to the Congress, it's important to our Nation, it's important to families and students who struggle mightily to figure out how they can finance an education.

I think this is a big step in assuring that every qualified student should be able to afford college. They may have to borrow some money, but it's well worth that if they can achieve a college education. And I think it's going to make a major contribution to strengthening the American economy.

This is a moment in time legislation and authorization of the Higher Education Act. But for over 45 years, there has been a fixed star in increasing the opportunity for young people to go to college and increasing the wherewithal for families and students to afford a college education, and that was the Senator from Massachusetts, who, unfortunately, is not able to be with us as we pass this conference report today in the House and in the Senate, but he is with us in great spirit. He called the other day to congratulate us with great enthusiasm. He wasn't convinced we were actually going to get it done, and he said he was quite excited that we did. And he was looking forward to the passage of this legislation.

He has been a moving force for opportunity at all levels of society. But he, first and foremost, has understood the opportunity that education provides. Whether it's early childhood education, preschool education, elementary, secondary education, community colleges, 4-year colleges, graduate schools, Senator TED KENNEDY has been a champion of making sure that those doors are open to everybody in this society. And this legislation, I think, honors that commitment that Senator KENNEDY has had for so many years as he has continued to sit on the Education Committee in the United States Senate and pound out this legislation that is so important to America's families, to America's students, and to America's economy.

I urge all of my colleagues to support this legislation. I thanked them earlier, but I want to thank all the members of the committee on both sides of the aisle. I want to thank Mr. MCKEON for his leadership on this issue, and certainly to all of the staff for their help. And happy birthday to Joe Novotny.

Mr. DINGELL. Mr. Speaker, today the House is voting on the conference report for H.R. 4137, the Higher Education Opportunity Act. I want to thank my dear friend Senator KENNEDY for all of his hard work on this bill.

Like our fuel and food, college tuition prices continue to rise, making a college degree unaffordable for many of our constituents. If Congress is serious about helping our country through this economic downturn, we must provide our young people with the tools and resources to be successful now and in an increasingly global economy.

Back home in Michigan, we are facing higher and higher unemployment rates. Many are forced to look to a new career field after a plant closes, and others are simply having a hard time transferring the skills they learned from their previous career to a new one. I want to do everything I can to help the citizens of Michigan's 15th Congressional District through this tough time and I believe that access to a college education is one way to do so.

Many of you have probably heard from constituents who have had trouble navigating the federal student aid program or difficulty filling out the extensive application forms. The last thing we want is to discourage anyone from attending college merely because they find the

federal aid process confusing or overwhelming.

H.R. 4137 proposes to streamline the Free Application for Federal Student Aid (FAFSA) in order to make it easier for students and their families to navigate. This will be done by cutting the number of questions of the FAFSA form in half and allowing applicants to save their information rather than re-filing a new form each year. It will also allow students and their families to determine their Expected Family Contribution and their federal student aid package prior to college so that families can plan accordingly.

For those of us with children and grandchildren, we all know how expensive a college education can be. Back home in Michigan, over 143,000 students take out need-based loans each year. While this bill will not cover the cost of a college education, it will help to make the costs a little more manageable by increasing the value of the Pell grant. H.R. 4137 will increase the maximum Pell grant increase from the current level of $5,800 to $8,000 by the 2014 school year. More importantly, this bill will allow students access to Pell grants year round, ensuring that students who are going to school part-time will have access to this aid.

For those many students who do rely on student loans to pay for school, this legislation will ensure that lenders are serving the best interests of our students. This will be done by requiring higher education institutions and lenders to adopt strict codes of conduct and ban all gifts and revenue sharing agreements between institutions and lenders. Lenders will now also be required to provide students with full and fair information about their loans before they sign on the dotted line, as well as be informed by the lenders of all borrowing options available to them when taking out and repaying loans.

This legislation will increase aid to our veterans and military personnel. The veterans from Iraq and Afghanistan have served our country honorably and it is our duty to ensure that they have access to a college education should they desire to return to school. I know colleges across the country have seen increases in the enrollment of veterans; however, many do not have the resources to give the veterans the support they need. This is frankly unacceptable and this legislation will help correct this problem.

H.R. 4137 will create a scholarship program that could award up to $5,000 for veterans, their spouses, or their children enrolled in college. It will also create support centers on college campuses designed to coordinate services and assist veterans with enrollment and completion of their degrees. More importantly, H.R. 4137 will ensure that veterans are not penalized by their financial contributions to their GI benefits in the financial aid process.

This bill will reward students who enter public service fields in areas of high-need by establishing a $10,000 loan forgiveness program for individuals who study to become nurses; early childhood educators; librarians; teachers; school counselors; public sector employees; medical specialists; among other career fields.

Madam Speaker, as the federal representative of a number of great universities and colleges in my district, I want to ensure that my constituents are able to take advantage of the education these fine institutions provide. However, with Michigan's economy struggling, many students are forced to forego college altogether in favor of working to support their families and pay their bills. Over the August district work period I look forward to going home to these constituents and telling them that a college education can still be an option. I want to tell them that Congress is willing to increase federal aid for students. I want to tell them that Congress is going to make the federal aid application process simpler and easier for them. And at the end of the day, I want to tell my constituents that H.R. 4137 was signed into law. I urge all of my colleagues to vote in favor of this legislation, let us all show our constituents that access to a college education is a top priority for Congress.

Mr. SPACE. Mr. Speaker, I rise today in support of the Conference Report accompanying H.R. 4137, the Higher Education Opportunity Act. This legislation will complete a long-overdue reauthorization of the Higher Education Act, bringing the promise of opportunity to countless young Americans. I commend Chairman MILLER and Ranking Member MCKEON for their work on this critical legislation.

In particular, I wish to thank Chairman MILLER and Ranking Member MCKEON for including in this conference report provisions from legislation I introduced, H.R. 4139, the College and University Rural Education Act. This legislation will help to foster new opportunities and a higher quality of life for residents of rural America.

The provisions that I mention authorize grants to rural serving institutions to improve access to higher education in rural America, and also to create employment pipelines that benefit the community. These grants can be used by rural-serving institutions to collaborate with regional school districts to improve access to higher education for high school graduates in rural America, where participation lags. Additionally, these grants can be used to create other outreach programs that will bring more nontraditional students back into the classroom.

These grants can also be used to create new employment pipelines for professions of need in the region. By providing support for the development of new training programs for high-need occupations, as well as opportunities for students to attain professional development in these occupations, this legislation goes a long way towards improving the quality of life in rural America.

Again, I wish to thank the Chairman and Ranking Member for all their hard work on this crucial legislation. I also want to thank Congressmen HARE and LOEBSACK for their original cosponsorship for the legislation and support throughout the process. Finally, I want to offer my thanks to all the staff on the Committee for their tireless efforts to improve opportunities for residents of rural areas.

Mr. LANGEVIN. Mr. Speaker, I rise today in strong support of the Conference Report on H.R. 4137, the Higher Education Opportunity Act, which will reauthorize the Higher Education Act through Fiscal Year 2012. This is the first time in almost a decade that this bill has been reauthorized, and I am proud to be part of a Congress that has placed such a high priority on making college a reality for all of our Nation's students. This bill builds on legislation that passed last year to help lower college costs and boost federal loan support for our students. Given the state of our economy, it is imperative that we invest in our education system to promote new employment and ensure that today's students can adapt to the jobs of tomorrow.

Two of the main goals of the Higher Education Opportunity Act are to make a college education accessible to all students and to lower college costs for those students and their families. I am pleased that this bill increases the maximum amount of Pell Grants, which help 5.5 million low-income and minority students attend college, from $5,800 to $8,000 by the 2014 academic year. This meaure also boosts funding for the TRIO program and the Gaining Early Awareness and Readiness for Undergraduate Program (GEAR UP), which provide college readiness and support for low-income and first-generation students. H.R. 4137 ensures equal college opportunities for students with disabilities by creating the National Center for Information and Technical Support to improve college recruitment, retention, and completion of students with disabilities, and would also expand eligibility for Pell Grants for students with intellectual disabilities.

H.R. 4137 also establishes a user-friendly website to provide students and families with helpful information about college pricing, and will streamline the cumbersome filing process for Free Application for Federal Student Aid (FAFSA). Families will now be able to receive estimates of their expected contribution and the amount of financial aid they may receive. H.R. 4137 requires higher education institutions and student loan providers to give borrowers fair and full information on their loan terms and repayment options, as well as promote financial literacy and education for students and families.

One of the goals of the 110th Congress is to create a new generation of innovators so that we continue to build an educated, skilled workforce in the vital areas of science, math, engineering and information technology. To maintain our international competitiveness and economic advantage in the coming years, our Nation must invest more in science, technology, engineering and mathematics (STEM) education. That is why I am pleased that H.R. 4137 includes many new initiatives and increases STEM funding. These new programs include grants for colleges and universities to provide incentives for students in STEM majors to teach in these academic areas; the YES Partnership Grant Program, which provides funding to eligible colleges to support minority youth engagement in STEM fields through outreach and hands-on experiential learning; and the Robert C. Byrd Mathematics and Science Honors Scholarship Program, which focuses on encouraging students to earn degrees in math and science.

H.R. 4137 increases college aid and support for our veterans and military families by requiring colleges and universities to treat students returning from military service as continuously enrolled students and preventing active duty servicemembers from accruing interest on student loans for the duration of their activation. The measure also encourages those students who commit to a job in high-need areas and public service for at least five years by establishing a $10,000 loan forgiveness program for nurses, early childhood educators, foreign language specialists, child welfare workers, school counselors, public sector employees, medical specialists, and mental health professionals. This measure further addresses the

shortage of nursing faculty by establishing competitive grants to fund scholarships for nurses studying for advanced degrees with the intention of becoming faculty.

In recent years, our country's college and university campuses have seen terrible tragedies. H.R. 4137 will boost campus safety by helping all colleges develop and implement state of the art emergency systems and campus safety plans, and will also create a National Center for Campus Safety at the Department of Justice. Administrators and students on campuses across the country have also pushed for environmental, or ''green,'' initiatives, and this measure supports these efforts by providing funding for environmental sustainability programs.

Mr. Speaker, H.R. 4137 shows that Congress is committed to the success of our students, and we will work to make sure that they can pursue their dreams without the burdens of unnecessary costs and debt. While we may find ourselves facing hard economic decisions, we must empower the next generation with the necessary tools and invest in their education. The College Opportunity and Affordability Act will set a blueprint for the future, and I encourage all my colleagues to vote for this bill.

Mr. ETHERIDGE. Mr. Speaker, I rise in strong support of this conference agreement. This is the first time in ten years that we will reauthorize the Higher Education Act, landmark legislation that has strengthened our colleges and universities and made the dream of higher education possible for countless Americans. I commend the bipartisan, bicameral work of Education and Labor Chairman GEORGE MILLER and Ranking Member BUCK MCKEON, and Senators KENNEDY, MIKULSKI and ENZI who crafted this compromise, and I urge my colleagues to join me in support of it.

Our Nation's competitiveness depends on a vigorous college and university system and on ample opportunities for Americans to pursue their educational goals. As the first member of my family to graduate from college, I know firsthand that affordable access to higher education is the key to the American Dream for working families. H.R. 4137 is an important step to make sure our schools remain strong and that students from all walks of life can go to college.

H.R. 4137 keeps costs down for students and provides additional support through Pell Grants and education loans. It strengthens successful college-readiness initiatives and bolsters cooperation between school districts and teacher-preparation faculties. It improves access to emergency notification services for students. And it makes the process of applying to and planning for school easier: streamlining the federal student financial aid application; creating the ''College Navigator'' to provide cost and aid data to prospective students; and ensuring professors and students know the costs of course textbooks before the semester starts.

I am pleased that this bill includes support for Historically Black Colleges and Universities in my district and across North Carolina, recognizing schools that have added master's degree programs with a new source of grant funding. It also provides new funding for Predominately Black Institutions. These schools, which include Fayetteville State University, Shaw University and North Carolina Wesleyan in my Congressional district, have an important ongoing role in improving educational opportunities for African Americans. I am also pleased that the conference agreement recognizes the situation of military families, like so many families of soldiers at North Carolina's Fort Bragg, who move frequently or are deployed abroad. H.R. 4137 requires states to offer in-state tuition rates to soldiers and their dependents when the soldier is deployed for more than 30 days. We must not allow service to our country to prevent the education of a soldier or his or her family.

Mr. Speaker, education is the key to better lives and a brighter future for individuals and our Nation. H.R. 4137 improves educational opportunities for all Americans. I am pleased to support this legislation, and I urge my colleagues to join me in voting to pass it.

Mr. FATTAH. Mr. Speaker, I want to especially recognize the good work of GEAR UP students and staff in Philadelphia. Tens of thousands of Philadelphia high school students have been fortunate enough to benefit from GEAR UP, either directly as participants in the State or partnership grants we have been awarded, or indirectly as recipients of the CORE Philly scholarship program which was jump started by GEAR UP. I am proud that Philadelphia has received one of the greatest investments from this exemplary program.

Beyond just the direct benefits of GEAR UP, Philadelphia's students are being raised in communities that are increasingly focused on college and greater opportunities for the next generation. Although not surprising, it is encouraging to learn that when adults (whether teachers, support staff or parents) commit to preparing their students for college, high school graduation rates shoot through the roof. Our students are ready, willing and able to meet the challenges of this new century and the next, we need only prepare and support them.

In Philadelphia we are seeing renewed attention brought to the challenge of abysmal high school graduation rates. I have every confidence that as the educational leaders of our city contemplate strategies to reengage disconnected students and catch those at risk of falling through the cracks, they will look to the national and local successes of GEAR UP.

In the past 10 years, GEAR UP has served millions of students across the country. I look forward to advocating on behalf of the millions more who will benefit in the future and the opportunity to expand this program to even more communities.

Once again, I would like to express my gratitude to my colleagues and their staff who created this ambitious document. The Higher Education Opportunity Act paves the way for a renewed commitment to the future success of our children and the prosperity of our Nation.

Mr. VAN HOLLEN. Mr. Speaker, I rise to support the reauthorization of the Higher Education Act. I thank the Conferees for their work on this issue, and especially commend Chairmen MILLER and KENNEDY, Ranking Members MCKEON and ENZI, and Senator MIKULSKI for their efforts in bringing this bipartisan legislation to the Floor today.

Mr. Speaker, 60 percent of new jobs require some post-secondary education. But paying for college can be a real challenge for many students and their families. In order to maintain America's competitive advantage, spur economic development, and fulfill the potential of our Nation's students, we must make college affordability and accessibility a priority.

This Congress has responded to that challenge. Beginning last year with the largest increase in student assistance since the G.I. Bill, we have worked to open the door to college for our Nation's best and brightest. And today, we continue that commitment.

The bill increases the maximum Pell grant again to $6,000 for 2009 and $8,000 for 2014. It also allows for year-round Pell grants to give students more options and allow them to complete their degrees earlier.

It furthers our ambitious Competitiveness Agenda by creating programs to recruit new science and technology teachers and collaborate with the business community to improve science, technology, engineering, math, and foreign language education. These important provisions will help ensure American innovation in the competitive global economy.

The Conference Report before us today aims to provide more transparency and clarity in the financial aid process by simplifying the Free Application for Federal Student Aid, creating a user-friendly website to centralize information about schools and costs, and ensuring that students and parents get easy-to-understand information about the terms and conditions of Federal and private loans. It also includes provisions to require schools and lenders to adopt strict codes of conduct to avoid conflicts of interest and protect students from aggressive lending practices.

Finally, the Conference Report includes provisions from the Teach for America Act, a bill I introduced with Mr. CASTLE, Ms. DELAURO, Mr. REGULA, and Mr. SARBANES. These provisions will allow Teach for America to expand its reach and put more qualified and enthusiastic teachers in our Nation's classrooms.

Mr. Speaker, today's bill will increase transparency, simplify the financial aid process, and make higher education more affordable. I urge my colleagues to join me in supporting it today.

Ms. HIRONO. Mr. Speaker, I rise in strong support of H.R. 4137, the Higher Education Opportunity Act. I want to thank my colleagues on the Education and Labor Committee and in the Senate for their commitment to this important piece of legislation. While this reauthorization is long overdue, I believe this compromise bill will provide millions of our nation's students with increased access to higher education.

This bipartisan bill will help provide families with critical information about the cost of college and student financial aid programs. By helping families better understand the true financial costs of higher education and how they can apply for student aid, families will be better able to make informed choices about their student's education.

The Higher Education Opportunity Act truly an investment in education at all levels. To provide all of our children with a high quality education that will better prepare them for success in school and in life we must ensure that there is a qualified, caring, competent teacher in every classroom, particularly in the early years. This bill makes great progress toward this goal by expanding student loan forgiveness and professional development programs that will help recruit, prepare, and retain teachers in the field of early education.

This bill will also provide more low-income and minority students with support to prepare

for and successfully attend college. I am particularly pleased to see provisions in this reauthorization that provide much-needed resources to Native Hawaiian-serving institutions for programs to help Native Hawaiians meet the demands of careers in Science, Technology, Engineering, and Mathematics.

Again, I want to thank my colleagues from both chambers for their tireless efforts in advancing this significant legislation. In particular, I would like to recognize Senator TED KENNEDY for his leadership and for his years of dedication to improving access to high quality education for all of our students.

I strongly urge my colleagues to support the Higher Education Opportunity Act.

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

The SPEAKER pro tempore. Without objection, the previous question is ordered on the conference report.

There was no objection.

The SPEAKER pro tempore. The question is on the conference report.

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

Mr. GEORGE MILLER of California. Mr. Speaker, on that I demand the yeas and nays.

The yeas and nays were ordered.

The SPEAKER pro tempore. Pursuant to clause 8 of rule XX, this 15-minute vote on adopting the conference report will be followed by 5-minute votes on approving the Journal, if ordered; ordering the previous question on H. Res. 1388; adopting H. Res. 1388, if ordered; ordering the previous question on H. Res. 1384; and adopting H. Res. 1384, if ordered.

The vote was taken by electronic device, and there were—yeas 380, nays 49, not voting 5, as follows:

[Roll No. 544]

YEAS—380

Abercrombie
Ackerman
Aderholt
Alexander
Allen
Altmire
Andrews
Arcuri
Baca
Bachmann
Bachus
Baird
Baldwin
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Barton (TX)
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Berkley
Berman
Berry
Biggert
Bilbray
Bilirakis
Bishop (GA)
Bishop (NY)
Blumenauer
Bonner
Bono Mack
Boozman
Boren
Boswell
Boucher
Boustany
Boyd (FL)
Boyda (KS)
Brady (PA)
Braley (IA)
Brown (SC)
Brown, Corrine
Buchanan
Butterfield
Buyer
Calvert
Camp (MI)
Capito
Capps
Capuano
Cardoza
Carnahan
Carney
Carson
Carter
Castle
Castor
Cazayoux
Chabot
Chandler
Childers
Clarke
Clay
Cleaver
Clyburn
Coble
Cohen
Cole (OK)
Conaway
Conyers
Cooper
Costa
Costello
Courtney
Cramer
Crenshaw
Crowley
Cuellar
Culberson
Cummings
Davis (AL)
Davis (CA)
Davis (IL)
Davis (KY)
Davis, David
Davis, Lincoln
Davis, Tom
DeFazio
DeGette
Delahunt
DeLauro
Dent
Diaz-Balart, L.
Diaz-Balart, M.
Dicks
Dingell
Doggett
Donnelly
Doyle
Drake
Dreier
Edwards (MD)
Edwards (TX)
Ehlers
Ellison
Ellsworth
Emanuel
Emerson
Engel
English (PA)
Eshoo
Etheridge
Everett
Fallin
Farr
Fattah
Feeney
Ferguson
Filner
Forbes
Fortenberry
Fossella
Foster
Frank (MA)
Frelinghuysen
Gallegly
Gerlach
Giffords
Gilchrest
Gillibrand
Gohmert
Gonzalez
Goode
Goodlatte
Gordon
Granger
Graves
Green, Al
Green, Gene
Grijalva
Gutierrez
Hall (NY)
Hall (TX)
Hare
Harman
Hastings (FL)
Hastings (WA)
Hayes
Heller
Herseth Sandlin
Higgins
Hill
Hinchey
Hinojosa
Hirono
Hobson
Hodes
Holden
Holt
Honda
Hooley
Hoyer
Hunter
Inglis (SC)
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
Kucinich
Kuhl (NY)
LaHood
Lampson
Langevin
Larsen (WA)
Larson (CT)
Latham
LaTourette
Latta
Lee
Levin
Lewis (CA)
Lewis (GA)
Lewis (KY)
LoBiondo
Loebsack
Lofgren, Zoe
Lowey
Lucas
Lynch
Mahoney (FL)
Maloney (NY)
Manzullo
Markey
Marshall
Matheson
Matsui
McCarthy (CA)
McCarthy (NY)
McCaul (TX)
McCollum (MN)
McCotter
McCrery
McDermott
McGovern
McHugh
McIntyre
McKeon
McMorris Rodgers
McNerney
McNulty
Meek (FL)
Meeks (NY)
Melancon
Mica
Michaud
Miller (MI)
Miller (NC)
Miller, Gary
Miller, George
Mitchell
Mollohan
Moore (KS)
Moore (WI)
Moran (VA)
Murphy (CT)
Murphy, Patrick
Murphy, Tim
Murtha
Musgrave
Myrick
Nadler
Napolitano
Neal (MA)
Neugebauer
Nunes
Oberstar
Obey
Olver
Ortiz
Pallone
Pascrell
Pastor
Payne
Pearce
Perlmutter
Peterson (MN)
Peterson (PA)
Petri
Pickering
Pitts
Platts
Pomeroy
Porter
Price (NC)
Pryce (OH)
Putnam
Radanovich
Rahall
Ramstad
Rangel
Regula
Rehberg
Reichert
Renzi
Reyes
Reynolds
Richardson
Rodriguez
Rogers (AL)
Rogers (KY)
Rogers (MI)
Ros-Lehtinen
Roskam
Ross
Rothman
Roybal-Allard
Royce
Ruppersberger
Rush
Ryan (OH)
Salazar
Sánchez, Linda T.
Sanchez, Loretta
Sarbanes
Saxton
Scalise
Schakowsky
Schiff
Schmidt
Schwartz
Scott (GA)
Scott (VA)
Serrano
Sessions
Sestak
Shays
Shea-Porter
Sherman
Shimkus
Shuler
Shuster
Simpson
Sires
Skelton
Slaughter
Smith (NE)
Smith (NJ)
Smith (TX)
Smith (WA)
Snyder
Solis
Souder
Space
Speier
Spratt
Stark
Stearns
Stupak
Sullivan
Sutton
Tanner
Tauscher
Taylor
Terry
Thompson (CA)
Thompson (MS)
Thornberry
Tiahrt
Tiberi
Tierney
Towns
Tsongas
Turner
Udall (CO)
Udall (NM)
Upton
Van Hollen
Velázquez
Visclosky
Walberg
Walden (OR)
Walsh (NY)
Walz (MN)
Wamp
Wasserman Schultz
Waters
Watson
Watt
Waxman
Weiner
Welch (VT)
Weller
Wexler
Whitfield (KY)
Wilson (NM)
Wilson (OH)
Wilson (SC)
Wittman (VA)
Wolf
Woolsey
Wu
Yarmuth
Young (FL)

NAYS—49

Akin
Barrett (SC)
Bartlett (MD)
Bishop (UT)
Blackburn
Blunt
Boehner
Brady (TX)
Broun (GA)
Burgess
Burton (IN)
Campbell (CA)
Cannon
Cantor
Deal (GA)
Doolittle
Duncan
Flake
Foxx
Franks (AZ)
Garrett (NJ)
Gingrey
Hensarling
Herger
Hoekstra
Johnson, Sam
Jordan
King (IA)
Kingston
Lamborn
Linder
Lungren, Daniel E.
Mack
Marchant
McHenry
Miller (FL)
Moran (KS)
Paul
Pence
Poe
Price (GA)
Rohrabacher
Ryan (WI)
Sali
Sensenbrenner
Shadegg
Tancredo
Weldon (FL)
Westmoreland

NOT VOTING—5

Brown-Waite, Ginny
Cubin
Hulshof
Lipinski
Young (AK)

□ 1452

Messrs. AKIN, LINDER and WESTMORELAND changed their vote from ''yea'' to ''nay.''

Mrs. MUSGRAVE, Messrs. BONNER, BACHUS, POMEROY and ROGERS of Alabama changed their vote from ''nay'' to ''yea.''

So the conference report was agreed to.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

THE JOURNAL

The SPEAKER pro tempore. Pursuant to clause 8 of rule XX, the unfinished business is the question on agreeing to the Speaker's approval of the Journal, which the Chair will put de novo.

The question is on the Speaker's approval of the Journal.

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

RECORDED VOTE

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

A recorded vote was ordered.

The SPEAKER pro tempore. This will be a 5-minute vote.

The vote was taken by electronic device, and there were—ayes 223, noes 203, not voting 8, as follows:

[Roll No. 545]

AYES—223

Abercrombie
Ackerman
Allen
Andrews
Arcuri
Baca
Baird
Baldwin
Barrow
Bean
Becerra
Berkley
Berman
Berry
Bishop (GA)
Bishop (NY)
Blumenauer
Boren
Boswell
Boucher
Boyd (FL)
Boyda (KS)
Brady (PA)
Braley (IA)
Brown, Corrine
Butterfield
Capps
Capuano
Cardoza
Carnahan
Carson
Castor
Chandler
Childers
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 (MD)
Ellison
Ellsworth
Emanuel
Engel
Eshoo
Etheridge
Farr
Fattah
Filner
Foster
Frank (MA)
Giffords
Gillibrand
Gonzalez
Gordon
Green, Al
Green, Gene
Grijalva
Gutierrez
Hall (NY)
Hare
Harman
Hastings (FL)
Herseth Sandlin
Higgins
Hill
Hinchey
Hinojosa
Hirono
Hodes
Holden
Holt
Hooley
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)
Kucinich
Langevin
Larsen (WA)
Larson (CT)
Lee
Levin
Lewis (GA)
Loebsack
Lofgren, Zoe
Lowey
Lynch
Mahoney (FL)
Maloney (NY)
Markey
Marshall
Matheson
Matsui
McCarthy (NY)
McCollum (MN)
McDermott
McGovern
McIntyre
McNerney
McNulty
Meek (FL)
Meeks (NY)
Melancon
Michaud
Miller (NC)
Miller, George
Mollohan
Moore (KS)
Moore (WI)
Moran (VA)
Murphy (CT)
Murtha
Nadler
Napolitano
Neal (MA)
Oberstar
Obey
Olver
Ortiz
Pallone
Pascrell
Pastor
Payne
Perlmutter
Pomeroy
Price (NC)
Rahall
Rangel
Reyes
Richardson
Rodriguez
Ross
Rothman
Roybal-Allard
Ruppersberger
Rush
Ryan (OH)
Salazar
Sánchez, Linda T.
Sanchez, Loretta
Sarbanes
Schakowsky
Schiff
Schwartz
Scott (GA)
Scott (VA)
Serrano
Sestak
Shea-Porter
Sherman
Shuler
Sires
Skelton
Slaughter
Smith (WA)
Snyder
Solis
Space
Speier
Spratt
Stark
Sutton
Tanner
Tauscher
Taylor
Thompson (MS)
Tierney
Towns
Tsongas
Udall (CO)
Udall (NM)
Van Hollen
Velázquez
Visclosky
Walz (MN)
Wasserman Schultz
Waters
Watson
Watt
Waxman
Weiner
Welch (VT)
Wexler
Wilson (OH)
Woolsey
Wu
Yarmuth

NOES—203

Aderholt
Akin
Alexander
Altmire
Bachmann
Bachus
Barrett (SC)
Bartlett (MD)
Barton (TX)
Biggert
Bilbray
Bilirakis
Bishop (UT)
Blackburn
Blunt
Boehner
Bonner
Bono Mack
Boozman
Boustany
Brady (TX)
Broun (GA)
Brown (SC)
Buchanan
Burgess
Burton (IN)
Buyer
Calvert
Camp (MI)
Campbell (CA)
Cannon
Cantor
Capito
Carney
Carter
Castle
Cazayoux
Chabot
Coble
Cole (OK)
Conaway
Crenshaw
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
Fossella
Foxx
Franks (AZ)
Frelinghuysen
Gallegly
Garrett (NJ)
Gerlach
Gilchrest
Gingrey
Gohmert
Goode
Goodlatte
Granger
Graves
Hall (TX)
Hastings (WA)
Hayes
Heller
Hensarling
Herger
Hobson
Hoekstra
Hunter
Inglis (SC)
Issa
Johnson (IL)
Johnson, Sam
Jones (NC)
Jordan
Keller
King (IA)
King (NY)
Kingston
Kirk
Kline (MN)
Knollenberg
Kuhl (NY)
LaHood
Lamborn
Lampson
Latham
LaTourette
Latta
Lewis (CA)
Lewis (KY)
Linder
LoBiondo
Lucas
Lungren, Daniel E.
Mack
Manzullo
Marchant
McCarthy (CA)
McCaul (TX)
McCotter
McCrery
McHenry
McHugh
McKeon
McMorris Rodgers
Mica
Miller (FL)
Miller (MI)
Miller, Gary
Mitchell
Moran (KS)
Murphy, Patrick
Murphy, Tim
Musgrave
Myrick
Neugebauer
Nunes
Paul
Pearce
Pence
Peterson (MN)
Peterson (PA)
Petri
Pickering
Pitts
Platts
Poe
Porter
Price (GA)
Pryce (OH)
Putnam
Radanovich
Ramstad
Regula
Rehberg
Reichert
Renzi
Reynolds
Rogers (AL)
Rogers (KY)
Rogers (MI)
Rohrabacher
Ros-Lehtinen
Roskam
Royce
Ryan (WI)
Sali
Saxton
Scalise
Schmidt
Sensenbrenner
Sessions
Shadegg
Shays
Shimkus
Shuster
Simpson
Smith (NE)
Smith (NJ)
Souder
Stearns
Stupak
Sullivan
Tancredo
Terry
Thompson (CA)
Thornberry
Tiahrt
Tiberi
Turner
Upton
Walberg
Walden (OR)
Walsh (NY)
Wamp
Weldon (FL)
Weller
Westmoreland
Whitfield (KY)
Wilson (NM)
Wilson (SC)
Wittman (VA)
Wolf
Young (FL)

NOT VOTING—8

Brown-Waite, Ginny
Cubin
Edwards (TX)
Honda
Hulshof
Lipinski
Smith (TX)
Young (AK)

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore (during the vote). There are 2 minutes remaining in this vote.

□ 1502

So the Journal was approved.

The result of the vote was announced as above recorded.

QUESTION OF PERSONAL PRIVILEGE

Mr. RANGEL. Pursuant to clause 1 of rule IX, I rise to a point of personal privilege.

The SPEAKER pro tempore. The Chair has been made aware of a valid basis for the gentleman's point of personal privilege.

The gentleman from New York is recognized for 1 hour.

Mr. RANGEL. Mr. Speaker, I promise you, this will not take anywhere near 1 hour.

I was advised last night and assured this morning that the minority intended to bring up a resolution recommending that I be censured or that my conduct as reported in The New York Times would be declared that I was a discredit to this House.

There is no one in this House that is more thick-skinned than I am in terms of playing politics, but playing with someone's reputation, especially someone that has felt so honored to serve in this House, I really think goes a step beyond that.

In reading the allegations as to where my campaign headquarters was located or what the rent should have been, I have never felt more secure that I violated no law and no spirit of the law. But in order to make certain, to make certain that there is no cloud over my conduct in New York, I asked the Ethics Committee to look into it, to investigate, to do whatever is necessary to bring this to the House and to bring it to my family and friends.

In addition to that, the same newspaper reported that I was overly aggressive in trying to raise funds in order to encourage moneys to go to a local college that encouraged minorities and others to get involved in public service. And even though there was no request for money, the mere fact that there was a cloud involved in the accusation by the newspapers, even though there have been more newspaper articles correcting it than anything else, I referred that to the Ethics Committee.

Showing that I do want this to be sincerely investigated, I am asking the minority to allow me to join in with them in this resolution to say this matter should be cleared up. But there is no need, even for mean-spirited people in the minority, to say that I am a discredit to the United States Congress, based on a newspaper story, and, worse than that, there is no reason why Republicans or Democrats should do this to each other based on any newspaper story.

So, I don't know the parliamentary inquiry, and, as most of you suspected, most of my friends say, Rangel, the less you say the better, get out of the headlines, and do all of these things. And this is normally what I recommend to newer Members: just leave it alone, it will go away. But my reputation won't, and I could not really appreciate if this body was to resolve that I bring dishonor to this wonderful House and this wonderful country, or that I be censured.

So I make an appeal to the minority; let me join in with you with the request. Let me say if there is any doubt about anything, I would feel better if it went to the Ethics Committee. I have requested that it go to the Ethics Committee. Let us join in. But with not one scintilla of any evidence, other than a newspaper story, I think fairness would say, for God's sake, don't make politics out of a person's reputation. Strike out ''discredit,'' strike out ''censure,'' and put in there whatever the heck the Ethics Committee recommends. I join with them. I ask you to consider that.

I yield back the balance of my time.

RAISING A QUESTION OF THE PRIVILEGES OF THE HOUSE

Mr. BOEHNER. Mr. Speaker, I have a privileged resolution at the desk.

The SPEAKER pro tempore. The Clerk will report the resolution.

The Clerk read as follows:

H. RES. 1396

Whereas the representative from New York, Charles B. Rangel, serves as chairman of the House Ways and Means Committee, a position of considerable power and influence within the House of Representatives;

Whereas clause 1 of rule XXIII of the Rules of the House of Representatives provides that ''A Member, Delegate, Resident Commission, officer, or employee of the House shall conduct himself at all times in a manner that shall reflect creditably on the House.'';

Whereas the New York Times reported on July 11, 2008 that, ''While aggressive evictions are reducing the number of rent-stabilized apartments in New York, Representative Charles B. Rangel is enjoying four of them, including three adjacent units on the 16th floor overlooking Upper Manhattan in a building owned by one of New York's premier real estate developers.'';

Whereas the New York Times newspaper reported on July 11, 2008, that Rep. Rangel, ''paid a total rent of $3,894 monthly in 2007 for four apartments at Lennox Terrace, a

1,700-unit luxury development of six towers, with doormen, that is described in real estate publications as Harlem's most prestigious address.'';

Whereas the New York Times newspaper reported on July 11, 2008, that ''The current market-rate rent for similar apartments in Mr. Rangel's building would total $7,465 to $8,125 a month, according to the Web site of the owner, the Olnick Organization.'';

Whereas clause 5(a)(2)(A) of rule XXV of the Rules of the House defines a gift as, ''a gratuity, favor, discount, entertainment, hospitality, loan, forbearance, or other item having monetary value.'';

Whereas clause 5 of rule XXV provides that a Member, Delegate, or Resident Commissioner, officer, or employee of the House may not knowingly accept a gift in violation of that clause;

Whereas the New York Times newspaper reported on July 18, 2008, ''Mr. Rangel acknowledged that his use of one of the apartments as a campaign office 'presents an issue,' given that city and state guidelines require rentstabilized apartments to be used as a primary residence. ;

Whereas section 2520.11(k) of the Rent Stabilization Code of the State of New York prohibits the application of rent stabilization to ''housing accommodations which are not occupied by the tenant, not including subtenants or occupants, as his or her primary residence as determined by a court of competent jurisdiction.'';

Whereas in each of the years 1996, 1997, 1998, 1999, 2000, 2001, 2002, 2003, 2004, 2005, 2006, 2007, and 2008, the campaign committee of the representative from New York, Representative Rangel, known as ''Rangel for Congress'' and by Federal Election Commission Identification Number C00302422, made disbursements to the Lennox Terrace Development Association for payment of office rent;

Whereas Olnick Organization, Inc. owns the Lennox Terrace Development;

Whereas according to the State of New York, Department of State, Division of Corporations, the Olnick Organization, Inc., owner of Representative Rangel's apartments, is an active domestic business corporation;

Whereas section 441b(a) of title 2, United States Code, states that ''it is unlawful for any national bank, or any corporation organized by authority of any law of Congress, to make a contribution or expenditure in connection with any election to any political office, or in connection with any primary election or political convention or caucus held to select candidates for any political office, or for any corporation whatever, or any labor organization, to make a contribution or expenditure in connection with any election at which presidential and vice presidential electors or a Senator or Representative in, or a Delegate or Resident Commissioner to, Congress are to be voted for, or in connection with any primary election or political convention or caucus held to select candidates for any of the foregoing offices, or for any candidate, political committee, or other person knowingly to accept or receive any contribution prohibited by this section, or any officer or any director of any corporation or any national bank or any officer of any labor organization to consent to any contribution or expenditure by the corporation, national bank, or labor organization, as the case may be, prohibited by this section.'';

Whereas Federal Election Commission records confirm that in 2004 Representative Rangel received $2,000 in campaign contributions from Sylvia Olnick, an owner of Olnick Organization, Inc. the company that owns his apartment building, and that Representative Rangel's separate political action committee also received $2,500 donations from Ms. Olnick in 2004 and 2006;

Whereas the New York Times newspaper reported on July 11, 2008, ''City records show that in 2005, a lobbyist for the Olnick Organization met with Mr. Rangel and Mr. Paterson, who was then the State Senate minority leader, as the company set out to win government approvals of a plan to expand Lenox Terrace and build another apartment complex in the Bronx.'';

Whereas Representative Rangel's acceptance of more than one rent-controlled apartment for his personal use is a violation of the House gift ban;

Whereas Representative Rangel's failure to disclose the aforementioned gifts on his annual Personal Financial Disclosure statements is a violation of House rules;

Whereas the acceptance by Representative Rangel's campaign of illegal corporate contributions from the Olnick Organization, Inc. violates Federal law;

Whereas the failure by Representative Rangel's campaign to disclose certain contributions from the Olnick Organization, Inc. violates Federal law: Now, therefore, be it

Resolved, That——

(1) by the conduct giving rise to this resolution the representative from New York, Representative Charles B. Rangel, has dishonored himself and brought discredit to the House and merits the censure of the House for same; and,

(2) the representative from New York, Mr. Rangel, is hereby so censured.

The SPEAKER pro tempore. The resolution presents a question of privilege.

MOTION TO TABLE

Mr. HASTINGS of Florida. Mr. Speaker, I move to lay the resolution on the table.

The SPEAKER pro tempore. The question is on the motion to table.

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

RECORDED VOTE

Mr. BOEHNER. Mr. Speaker, I demand a recorded vote.

A recorded vote was ordered.

The SPEAKER pro tempore. Pursuant to clause 8 of rule XX, this 15-minute vote on the motion to table will be followed by 5-minute votes on ordering the previous question on H. Res. 1388; adopting H. Res. 1388, if ordered; ordering the previous question on H. Res. 1384; and adopting H. Res. 1384, if ordered.

The vote was taken by electronic device, and there were—ayes 254, noes 138, answered ''present'' 34, not voting 9, as follows:

[Roll No. 546]

AYES—254

Abercrombie
Ackerman
Alexander
Allen
Altmire
Andrews
Arcuri
Baca
Baird
Baldwin
Barrow
Bean
Becerra
Berkley
Berman
Berry
Bishop (GA)
Bishop (NY)
Blumenauer
Boren
Boswell
Boucher
Boustany
Boyd (FL)
Boyda (KS)
Brady (PA)
Braley (IA)
Brown, Corrine
Buchanan
Butterfield
Capps
Capuano
Cardoza
Carnahan
Carney
Carson
Castle
Castor
Cazayoux
Chandler
Childers
Clarke
Clay
Cleaver
Clyburn
Cohen
Conyers
Cooper
Costa
Costello
Courtney
Cramer
Crowley
Cuellar
Cummings
Davis (AL)
Davis (CA)
Davis (IL)
Davis, Lincoln
DeFazio
DeGette
DeLauro
Dicks
Dingell
Doggett
Donnelly
Duncan
Edwards (MD)
Edwards (TX)
Ellison
Ellsworth
Emanuel
Engel
English (PA)
Eshoo
Etheridge
Farr
Fattah
Filner
Flake
Fossella
Foster
Frank (MA)
Giffords
Gilchrest
Gillibrand
Gonzalez
Gordon
Green, Al
Grijalva
Gutierrez
Hall (NY)
Hare
Harman
Hastings (FL)
Herger
Herseth Sandlin
Higgins
Hill
Hinchey
Hinojosa
Hirono
Hodes
Holden
Holt
Honda
Hooley
Hoyer
Inslee
Israel
Jackson (IL)
Jackson-Lee (TX)
Jefferson
Johnson (GA)
Johnson, E. B.
Jones (NC)
Kagen
Kanjorski
Kaptur
Kennedy
Kildee
Kind
King (NY)
Klein (FL)
Kucinich
Lampson
Langevin
Larsen (WA)
Larson (CT)
Lee
Levin
Lewis (GA)
Loebsack
Lofgren, Zoe
Lowey
Lynch
Mahoney (FL)
Maloney (NY)
Markey
Marshall
Matheson
Matsui
McCarthy (NY)
McCollum (MN)
McCrery
McDermott
McGovern
McIntyre
McNerney
McNulty
Meek (FL)
Meeks (NY)
Melancon
Michaud
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
Paul
Payne
Pelosi
Perlmutter
Peterson (MN)
Pickering
Pomeroy
Porter
Price (NC)
Rahall
Ramstad
Rangel
Regula
Renzi
Reyes
Richardson
Rodriguez
Rohrabacher
Ros-Lehtinen
Ross
Rothman
Ruppersberger
Rush
Ryan (OH)
Ryan (WI)
Salazar
Sánchez, Linda T.
Sanchez, Loretta
Sarbanes
Schakowsky
Schiff
Schwartz
Scott (GA)
Scott (VA)
Serrano
Sestak
Shea-Porter
Sherman
Shuler
Sires
Skelton
Slaughter
Smith (WA)
Snyder
Solis
Space
Speier
Spratt
Stark
Stupak
Sutton
Tanner
Tauscher
Taylor
Thompson (CA)
Thompson (MS)
Tierney
Towns
Tsongas
Udall (CO)
Udall (NM)
Van Hollen
Velázquez
Visclosky
Walz (MN)
Wasserman Schultz
Waters
Watson
Watt
Waxman
Weiner
Welch (VT)
Wexler
Wilson (OH)
Woolsey
Wu
Yarmuth

NOES—138

Bachmann
Barton (TX)
Biggert
Bilbray
Bilirakis
Bishop (UT)
Blackburn
Blunt
Boehner
Bono Mack
Boozman
Brady (TX)
Broun (GA)
Brown (SC)
Burgess
Buyer
Calvert
Campbell (CA)
Cantor
Capito
Carter
Chabot
Coble
Cole (OK)
Conaway
Crenshaw
Culberson
Davis (KY)
Davis, David
Deal (GA)
Dent
Diaz-Balart, L.
Diaz-Balart, M.
Doolittle
Drake
Dreier
Ehlers
Everett
Fallin
Feeney
Foxx
Franks (AZ)
Frelinghuysen
Gallegly
Garrett (NJ)
Gerlach
Gingrey
Gohmert
Goode
Goodlatte
Granger
Graves
Hall (TX)
Hayes
Heller
Hensarling
Hobson
Hoekstra
Inglis (SC)
Issa
Johnson (IL)
Johnson, Sam
Jordan
Keller
King (IA)
Kingston
Kirk
Knollenberg
Kuhl (NY)
LaHood
Lamborn
Latham
LaTourette
Latta
Linder
LoBiondo
Lucas
Lungren, Daniel E.
Mack
Manzullo
Marchant
McCarthy (CA)
McCotter
McHenry
McHugh
McKeon
McMorris Rodgers
Mica

Miller (FL)
Miller (MI)
Musgrave
Myrick
Neugebauer
Nunes
Pearce
Petri
Pitts
Platts
Price (GA)
Pryce (OH)
Putnam
Radanovich
Rehberg
Reichert
Reynolds
Rogers (MI)
Roskam
Royce
Sali
Scalise
Schmidt
Sensenbrenner
Sessions
Shadegg
Shays
Shimkus
Shuster
Simpson
Smith (NE)
Smith (TX)
Souder
Stearns
Sullivan
Tancredo
Terry
Thornberry
Tiahrt
Tiberi
Turner
Upton
Walberg
Walden (OR)
Walsh (NY)
Wamp
Westmoreland
Whitfield (KY)
Wilson (NM)
Wilson (SC)

ANSWERED ''PRESENT''—34

Aderholt
Akin
Bachus
Barrett (SC)
Bartlett (MD)
Bonner
Burton (IN)
Camp (MI)
Davis, Tom
Delahunt
Doyle
Emerson
Ferguson
Forbes
Fortenberry
Green, Gene
Hastings (WA)
Hunter
Jones (OH)
Kline (MN)
Lewis (KY)
McCaul (TX)
Pence
Peterson (PA)
Poe
Rogers (AL)
Rogers (KY)
Roybal-Allard
Smith (NJ)
Weldon (FL)
Weller
Wittman (VA)
Wolf
Young (FL)

NOT VOTING—9

Brown-Waite, Ginny
Cannon
Cubin
Hulshof
Kilpatrick
Lewis (CA)
Lipinski
Saxton
Young (AK)

□ 1534

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

Messrs. POE, BURTON of Indiana, ROGERS of Kentucky, AKIN, ADERHOLT, WELDON of Florida, LEWIS of Kentucky, CAMP of Michigan and Mrs. EMERSON changed their vote from ''no'' to ''present.''

So the motion to table was agreed to.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

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

The SPEAKER pro tempore. The unfinished business is the vote on ordering the previous question on House Resolution 1388, on which the yeas and nays were ordered.

The Clerk read the title of the resolution.

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

This will be a 5-minute vote.

The vote was taken by electronic device, and there were—yeas 232, nays 191, not voting 11, as follows:

[Roll No. 547]

YEAS—232

Abercrombie
Ackerman
Allen
Altmire
Andrews
Arcuri
Baca
Baird
Baldwin
Barrow
Bean
Becerra
Berkley
Berman
Berry
Bishop (GA)
Bishop (NY)
Blumenauer
Boren
Boswell
Boucher
Boyd (FL)
Boyda (KS)
Brady (PA)
Braley (IA)
Brown, Corrine
Butterfield
Capps
Capuano
Cardoza
Carnahan
Carney
Carson
Castor
Cazayoux
Chandler
Clarke
Clay
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
Doyle
Edwards (MD)
Edwards (TX)
Ellison
Ellsworth
Emanuel
Engel
Eshoo
Etheridge
Farr
Fattah
Filner
Foster
Frank (MA)
Giffords
Gillibrand
Gonzalez
Gordon
Green, Al
Green, Gene
Grijalva
Gutierrez
Hall (NY)
Hare
Harman
Hastings (FL)
Herseth Sandlin
Higgins
Hinchey
Hinojosa
Hirono
Hodes
Holden
Holt
Honda
Hooley
Hoyer
Inslee
Israel
Jackson (IL)
Jackson-Lee (TX)
Jefferson
Johnson (GA)
Jones (OH)
Kagen
Kanjorski
Kaptur
Kennedy
Kildee
Kilpatrick
Kind
Klein (FL)
Kucinich
Langevin
Larsen (WA)
Larson (CT)
Lee
Levin
Lewis (GA)
LoBiondo
Loebsack
Lofgren, Zoe
Lowey
Lynch
Mahoney (FL)
Maloney (NY)
Markey
Marshall
Matheson
Matsui
McCarthy (NY)
McCollum (MN)
McDermott
McGovern
McIntyre
McNerney
McNulty
Meek (FL)
Meeks (NY)
Melancon
Michaud
Miller (NC)
Miller, George
Mitchell
Mollohan
Moore (KS)
Moore (WI)
Moran (VA)
Murphy (CT)
Murphy, Patrick
Murtha
Nadler
Napolitano
Neal (MA)
Oberstar
Obey
Olver
Ortiz
Pallone
Pascrell
Pastor
Payne
Perlmutter
Peterson (MN)
Pomeroy
Price (NC)
Rahall
Rangel
Reichert
Reyes
Richardson
Rodriguez
Ros-Lehtinen
Ross
Rothman
Roybal-Allard
Ruppersberger
Ryan (OH)
Salazar
Sánchez, Linda T.
Sanchez, Loretta
Sarbanes
Saxton
Schakowsky
Schiff
Schwartz
Scott (GA)
Scott (VA)
Serrano
Sestak
Shea-Porter
Sherman
Shuler
Sires
Skelton
Slaughter
Smith (NJ)
Smith (WA)
Snyder
Solis
Space
Speier
Spratt
Stark
Stupak
Sutton
Tanner
Tauscher
Taylor
Thompson (CA)
Thompson (MS)
Tierney
Towns
Tsongas
Udall (CO)
Udall (NM)
Van Hollen
Velázquez
Visclosky
Walz (MN)
Wasserman Schultz
Waters
Watson
Watt
Waxman
Weiner
Welch (VT)
Wexler
Wilson (OH)
Woolsey
Wu
Yarmuth

NAYS—191

Aderholt
Akin
Alexander
Bachmann
Bachus
Barrett (SC)
Bartlett (MD)
Barton (TX)
Biggert
Bilbray
Bilirakis
Bishop (UT)
Blackburn
Blunt
Boehner
Bonner
Bono Mack
Boozman
Boustany
Brady (TX)
Broun (GA)
Brown (SC)
Buchanan
Burgess
Burton (IN)
Buyer
Calvert
Camp (MI)
Campbell (CA)
Cantor
Capito
Carter
Castle
Chabot
Childers
Coble
Cole (OK)
Conaway
Crenshaw
Culberson
Davis (KY)
Davis, David
Davis, Tom
Deal (GA)
Dent
Diaz-Balart, L.
Diaz-Balart, M.
Donnelly
Doolittle
Drake
Dreier
Duncan
Ehlers
Emerson
English (PA)
Everett
Fallin
Feeney
Ferguson
Flake
Forbes
Fortenberry
Fossella
Foxx
Franks (AZ)
Frelinghuysen
Gallegly
Garrett (NJ)
Gerlach
Gilchrest
Gingrey
Gohmert
Goode
Goodlatte
Granger
Graves
Hall (TX)
Hastings (WA)
Hayes
Heller
Hensarling
Herger
Hill
Hobson
Hoekstra
Hunter
Inglis (SC)
Issa
Johnson (IL)
Johnson, Sam
Jones (NC)
Jordan
Keller
King (IA)
King (NY)
Kingston
Kirk
Kline (MN)
Knollenberg
Kuhl (NY)
LaHood
Lamborn
Lampson
Latham
LaTourette
Latta
Lewis (CA)
Lewis (KY)
Linder
Lucas
Lungren, Daniel E.
Mack
Manzullo
Marchant
McCarthy (CA)
McCaul (TX)
McCotter
McCrery
McHenry
McHugh
McKeon
McMorris Rodgers
Mica
Miller (FL)
Miller (MI)
Miller, Gary
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
Rehberg
Renzi
Reynolds
Rogers (AL)
Rogers (KY)
Rogers (MI)
Rohrabacher
Roskam
Royce
Ryan (WI)
Sali
Scalise
Schmidt
Sensenbrenner
Sessions
Shadegg
Shays
Shimkus
Shuster
Simpson
Smith (NE)
Smith (TX)
Souder
Stearns
Sullivan
Tancredo
Terry
Thornberry
Tiahrt
Tiberi
Turner
Upton
Walberg
Walden (OR)
Walsh (NY)
Wamp
Weller
Westmoreland
Whitfield (KY)
Wilson (SC)
Wittman (VA)
Wolf
Young (FL)

NOT VOTING—11

Brown-Waite, Ginny
Cannon
Cleaver
Cubin
Hulshof
Johnson, E. B.
Lipinski
Rush
Weldon (FL)
Wilson (NM)
Young (AK)

□ 1545

Messrs. SMITH of New Jersey and SAXTON changed their vote from ''nay'' to ''yea.''

So the previous question was ordered.

The result of the vote was announced as above recorded.

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

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

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

The yeas and nays were ordered.

The SPEAKER pro tempore. This will be a 5-minute vote.

The vote was taken by electronic device, and there were—yeas 229, nays 194, not voting 11, as follows:

[Roll No. 548]

YEAS—229

Abercrombie
Ackerman
Allen
Altmire
Andrews
Arcuri
Baca
Baird
Baldwin
Barrow
Bean
Becerra
Berkley
Berman
Berry
Bishop (GA)
Bishop (NY)
Blumenauer
Boren
Boswell
Boucher
Boyd (FL)
Boyda (KS)
Brady (PA)
Braley (IA)
Brown, Corrine
Butterfield
Capps
Capuano
Cardoza
Carnahan
Carney
Carson
Castor
Cazayoux
Chandler
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 (MD)
Ellison
Ellsworth
Emanuel
Engel
Eshoo
Etheridge
Farr
Fattah
Filner
Foster
Frank (MA)
Giffords
Gillibrand
Gonzalez
Gordon
Green, Al
Green, Gene
Grijalva
Gutierrez
Hall (NY)
Hare
Harman
Hastings (FL)
Herseth Sandlin
Higgins
Hinchey

Hinojosa
Hirono
Hodes
Holden
Holt
Honda
Hooley
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)
Kucinich
Lampson
Langevin
Larsen (WA)
Larson (CT)
Lee
Levin
Lewis (GA)
Loebsack
Lofgren, Zoe
Lowey
Lynch
Mahoney (FL)
Maloney (NY)
Markey
Marshall
Matheson
Matsui
McCarthy (NY)
McCollum (MN)
McDermott
McGovern
McIntyre
McNerney
McNulty
Meek (FL)
Meeks (NY)
Melancon
Michaud
Miller (NC)
Miller, George
Mitchell
Mollohan
Moore (KS)
Moore (WI)
Moran (VA)
Murphy (CT)
Murphy, Patrick
Murtha
Nadler
Napolitano
Neal (MA)
Oberstar
Obey
Olver
Ortiz
Pallone
Pascrell
Pastor
Payne
Perlmutter
Peterson (MN)
Pomeroy
Price (NC)
Rahall
Rangel
Reyes
Richardson
Rodriguez
Ross
Rothman
Roybal-Allard
Ruppersberger
Ryan (OH)
Salazar
Sánchez, Linda T.
Sanchez, Loretta
Sarbanes
Schakowsky
Schiff
Schwartz
Scott (GA)
Scott (VA)
Serrano
Sestak
Shea-Porter
Sherman
Shuler
Sires
Skelton
Slaughter
Smith (WA)
Snyder
Solis
Space
Speier
Spratt
Stark
Stupak
Sutton
Tanner
Tauscher
Taylor
Thompson (CA)
Tierney
Towns
Tsongas
Udall (CO)
Udall (NM)
Van Hollen
Velázquez
Visclosky
Walz (MN)
Wasserman Schultz
Waters
Watson
Watt
Waxman
Weiner
Welch (VT)
Wexler
Wilson (OH)
Woolsey
Wu
Yarmuth

NAYS—194

Aderholt
Akin
Alexander
Bachmann
Bachus
Barrett (SC)
Bartlett (MD)
Barton (TX)
Biggert
Bilbray
Bilirakis
Bishop (UT)
Blackburn
Blunt
Boehner
Bonner
Bono Mack
Boozman
Boustany
Brady (TX)
Broun (GA)
Brown (SC)
Buchanan
Burgess
Burton (IN)
Buyer
Calvert
Camp (MI)
Campbell (CA)
Cantor
Capito
Carter
Castle
Chabot
Coble
Cole (OK)
Conaway
Crenshaw
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
Fossella
Foxx
Franks (AZ)
Frelinghuysen
Gallegly
Garrett (NJ)
Gerlach
Gilchrest
Gingrey
Gohmert
Goode
Goodlatte
Granger
Graves
Hall (TX)
Hastings (WA)
Hayes
Heller
Hensarling
Herger
Hill
Hobson
Hoekstra
Hunter
Inglis (SC)
Issa
Johnson (IL)
Johnson, Sam
Jones (NC)
Jordan
Keller
King (IA)
King (NY)
Kingston
Kirk
Kline (MN)
Knollenberg
Kuhl (NY)
LaHood
Lamborn
Latham
LaTourette
Latta
Lewis (CA)
Lewis (KY)
Linder
LoBiondo
Lucas
Lungren, Daniel E.
Mack
Manzullo
Marchant
McCarthy (CA)
McCaul (TX)
McCotter
McCrery
McHenry
McHugh
McKeon
McMorris Rodgers
Mica
Miller (FL)
Miller (MI)
Miller, Gary
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
Rehberg
Reichert
Renzi
Reynolds
Rogers (AL)
Rogers (KY)
Rogers (MI)
Rohrabacher
Ros-Lehtinen
Roskam
Royce
Ryan (WI)
Sali
Saxton
Scalise
Schmidt
Sensenbrenner
Sessions
Shadegg
Shays
Shimkus
Shuster
Simpson
Smith (NE)
Smith (NJ)
Smith (TX)
Souder
Stearns
Sullivan
Tancredo
Terry
Thornberry
Tiahrt
Tiberi
Turner
Upton
Walberg
Walden (OR)
Walsh (NY)
Wamp
Weldon (FL)
Weller
Westmoreland
Whitfield (KY)
Wilson (SC)
Wittman (VA)
Wolf
Young (FL)

NOT VOTING—11

Brown-Waite, Ginny
Cannon
Childers
Cubin
Edwards (TX)
Hulshof
Lipinski
Rush
Thompson (MS)
Wilson (NM)
Young (AK)

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore (during the vote). Two minutes remain in this vote.

□ 1553

So the resolution was agreed to.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

PROVIDING FOR CONSIDERATION OF H.R. 6599, MILITARY CONSTRUCTION AND VETERANS AFFAIRS APPROPRIATIONS ACT, 2009

The SPEAKER pro tempore. The unfinished business is the vote on ordering the previous question on House Resolution 1384, on which the yeas and nays were ordered.

The Clerk read the title of the resolution.

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

This will be a 5-minute vote.

The vote was taken by electronic device, and there were—yeas 243, nays 181, not voting 10, as follows:

[Roll No. 549]

YEAS—243

Abercrombie
Ackerman
Allen
Altmire
Andrews
Arcuri
Baca
Baird
Baldwin
Barrow
Bean
Becerra
Berkley
Berman
Berry
Biggert
Bishop (GA)
Bishop (NY)
Blumenauer
Boren
Boswell
Boucher
Boyd (FL)
Boyda (KS)
Brady (PA)
Braley (IA)
Brown, Corrine
Butterfield
Capps
Capuano
Cardoza
Carnahan
Carney
Carson
Castle
Castor
Cazayoux
Chandler
Childers
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 (MD)
Edwards (TX)
Ellison
Ellsworth
Emanuel
Engel
Eshoo
Etheridge
Farr
Fattah
Filner
Foster
Frank (MA)
Gerlach
Giffords
Gillibrand
Gonzalez
Gordon
Green, Al
Green, Gene
Grijalva
Gutierrez
Hall (NY)
Hare
Harman
Hastings (FL)
Herseth Sandlin
Higgins
Hill
Hinchey
Hinojosa
Hirono
Hodes
Holden
Holt
Honda
Hooley
Hoyer
Inslee
Israel
Jackson (IL)
Jackson-Lee (TX)
Jefferson
Johnson (GA)
Johnson, E. B.
Jones (OH)
Kagen
Kanjorski
Kaptur
Kennedy
Kildee
Kilpatrick
Kind
Kirk
Klein (FL)
Kucinich
Lampson
Langevin
Larsen (WA)
Larson (CT)
Lee
Levin
Lewis (GA)
LoBiondo
Loebsack
Lofgren, Zoe
Lowey
Lynch
Mahoney (FL)
Maloney (NY)
Markey
Marshall
Matheson
Matsui
McCarthy (NY)
McCollum (MN)
McDermott
McGovern
McIntyre
McNerney
McNulty
Meek (FL)
Meeks (NY)
Melancon
Michaud
Miller (NC)
Miller, George
Mitchell
Mollohan
Moore (KS)
Moore (WI)
Moran (VA)
Murphy (CT)
Murphy, Patrick
Murtha
Nadler
Napolitano
Neal (MA)
Oberstar
Obey
Olver
Ortiz
Pallone
Pascrell
Pastor
Payne
Perlmutter
Peterson (MN)
Pomeroy
Price (NC)
Rahall
Ramstad
Rangel
Reichert
Reyes
Richardson
Rodriguez
Ros-Lehtinen
Ross
Rothman
Roybal-Allard
Ruppersberger
Ryan (OH)
Salazar
Sánchez, Linda T.
Sanchez, Loretta
Sarbanes
Saxton
Schakowsky
Schiff
Schwartz
Scott (GA)
Scott (VA)
Serrano
Sestak
Shays
Shea-Porter
Sherman
Shuler
Sires
Skelton
Slaughter
Smith (NJ)
Smith (WA)
Snyder
Solis
Space
Speier
Spratt
Stark
Stupak
Sutton
Tanner
Tauscher
Taylor
Thompson (CA)
Thompson (MS)
Tierney
Towns
Tsongas
Udall (CO)
Udall (NM)
Van Hollen
Velázquez
Visclosky
Walz (MN)
Wasserman Schultz
Waters
Watson
Watt
Waxman
Weiner
Welch (VT)
Wexler
Woolsey
Wu
Yarmuth

NAYS—181

Aderholt
Akin
Alexander
Bachmann
Bachus
Barrett (SC)
Bartlett (MD)
Barton (TX)
Bilbray
Bilirakis
Bishop (UT)
Blackburn
Blunt
Boehner
Bonner
Bono Mack
Boozman
Boustany
Brady (TX)
Broun (GA)
Brown (SC)
Buchanan
Burgess
Burton (IN)
Buyer
Calvert
Camp (MI)
Campbell (CA)
Cantor
Capito
Carter
Chabot
Coble
Cole (OK)
Conaway
Crenshaw
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
Fossella
Foxx
Franks (AZ)
Frelinghuysen
Gallegly
Garrett (NJ)
Gilchrest
Gingrey
Gohmert
Goode
Goodlatte
Granger
Graves
Hall (TX)
Hastings (WA)
Hayes
Heller
Hensarling
Herger
Hobson
Hoekstra
Hunter
Inglis (SC)
Issa
Johnson, Sam
Jones (NC)
Jordan
Keller
King (IA)
King (NY)
Kingston
Kline (MN)
Knollenberg
Kuhl (NY)
LaHood
Lamborn
Latham
LaTourette
Latta
Lewis (CA)
Lewis (KY)
Linder
Lucas
Lungren, Daniel E.
Mack
Manzullo
Marchant
McCarthy (CA)
McCaul (TX)
McCotter
McCrery
McHenry
McHugh
McKeon
McMorris Rodgers
Mica
Miller (FL)
Miller (MI)
Miller, Gary
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
Regula
Rehberg
Renzi
Reynolds
Rogers (AL)
Rogers (KY)
Rogers (MI)
Rohrabacher
Roskam
Royce
Ryan (WI)
Sali
Scalise
Schmidt
Sensenbrenner
Sessions
Shadegg
Shimkus
Shuster
Simpson
Smith (NE)
Smith (TX)
Souder
Stearns
Sullivan
Tancredo
Terry
Thornberry
Tiahrt
Tiberi
Turner
Upton
Walberg
Walden (OR)
Walsh (NY)
Wamp
Weldon (FL)
Weller
Westmoreland
Whitfield (KY)
Wilson (SC)
Wittman (VA)
Wolf
Young (FL)

NOT VOTING—10

Brown-Waite, Ginny
Cannon
Cubin
Hulshof
Johnson (IL)
Lipinski
Rush
Wilson (NM)
Wilson (OH)
Young (AK)

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore (during the vote). Members are advised there are 2 minutes remaining in this vote.

□ 1602

Messrs. DONNELLY and CHILDERS changed their vote from ''nay'' to ''yea.''

So the previous question was ordered.

The result of the vote was announced as above recorded.

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

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

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

The yeas and nays were ordered.

The SPEAKER pro tempore. This will be a 5-minute vote.

The vote was taken by electronic device, and there were—yeas 230, nays 186, not voting 18, as follows:

[Roll No. 550]

YEAS—230

Abercrombie
Ackerman
Allen
Altmire
Andrews
Arcuri
Baca
Baird
Baldwin
Barrow
Bean
Becerra
Berkley
Berman
Berry
Bishop (GA)
Bishop (NY)
Blumenauer
Boren
Boswell
Boucher
Boyd (FL)
Boyda (KS)
Brady (PA)
Braley (IA)
Brown, Corrine
Butterfield
Capps
Capuano
Cardoza
Carnahan
Carney
Carson
Castle
Castor
Cazayoux
Chandler
Childers
Clarke
Clay
Clyburn
Cohen
Conyers
Cooper
Costa
Costello
Courtney
Crowley
Cuellar
Cummings
Davis (AL)
Davis (CA)
Davis (IL)
Davis, Lincoln
DeFazio
DeGette
DeLauro
Dicks
Dingell
Doggett
Donnelly
Doyle
Edwards (MD)
Edwards (TX)
Ellison
Ellsworth
Emanuel
Engel
Eshoo
Etheridge
Farr
Fattah
Filner
Foster
Frank (MA)
Giffords
Gillibrand
Gonzalez
Gordon
Green, Al
Green, Gene
Grijalva
Gutierrez
Hall (NY)
Hare
Harman
Hastings (FL)
Herseth Sandlin
Higgins
Hill
Hinchey
Hinojosa
Hirono
Hodes
Holden
Holt
Honda
Hooley
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)
Kucinich
LaHood
Lampson
Langevin
Larsen (WA)
Larson (CT)
Lee
Levin
Lewis (GA)
Loebsack
Lofgren, Zoe
Lowey
Lynch
Mahoney (FL)
Maloney (NY)
Markey
Marshall
Matheson
Matsui
McCarthy (NY)
McCollum (MN)
McDermott
McGovern
McIntyre
McNerney
McNulty
Meek (FL)
Meeks (NY)
Melancon
Michaud
Miller (NC)
Miller, George
Mitchell
Mollohan
Moore (KS)
Moran (VA)
Murphy (CT)
Murphy, Patrick
Murtha
Nadler
Napolitano
Neal (MA)
Oberstar
Obey
Olver
Ortiz
Pallone
Pascrell
Pastor
Perlmutter
Peterson (MN)
Pomeroy
Price (NC)
Rahall
Ramstad
Rangel
Reyes
Richardson
Rodriguez
Ross
Rothman
Roybal-Allard
Ruppersberger
Ryan (OH)
Salazar
Sánchez, Linda T.
Sanchez, Loretta
Sarbanes
Schakowsky
Schiff
Schwartz
Scott (GA)
Serrano
Sestak
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
Tsongas
Udall (CO)
Udall (NM)
Van Hollen
Velázquez
Visclosky
Walz (MN)
Wasserman Schultz
Waters
Watson
Watt
Waxman
Weiner
Welch (VT)
Wexler
Wilson (OH)
Woolsey
Wu
Yarmuth
Young (FL)

NAYS—186

Aderholt
Akin
Alexander
Bachmann
Bachus
Barrett (SC)
Bartlett (MD)
Barton (TX)
Biggert
Bilbray
Bilirakis
Bishop (UT)
Blackburn
Blunt
Boehner
Bonner
Bono Mack
Boozman
Boustany
Brady (TX)
Broun (GA)
Brown (SC)
Buchanan
Burgess
Burton (IN)
Buyer
Calvert
Camp (MI)
Campbell (CA)
Cantor
Capito
Carter
Chabot
Coble
Cole (OK)
Conaway
Crenshaw
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
Fossella
Foxx
Franks (AZ)
Frelinghuysen
Gallegly
Garrett (NJ)
Gerlach
Gilchrest
Gingrey
Gohmert
Goode
Goodlatte
Granger
Graves
Hall (TX)
Hastings (WA)
Hayes
Heller
Hensarling
Herger
Hobson
Hoekstra
Hunter
Inglis (SC)
Issa
Johnson (IL)
Johnson, Sam
Jones (NC)
Jordan
Keller
King (IA)
King (NY)
Kingston
Kirk
Kline (MN)
Knollenberg
Kuhl (NY)
Lamborn
Latham
LaTourette
Latta
Lewis (CA)
Linder
LoBiondo
Lucas
Lungren, Daniel E.
Mack
Manzullo
Marchant
McCarthy (CA)
McCaul (TX)
McCotter
McCrery
McHenry
McHugh
McKeon
McMorris Rodgers
Mica
Miller (FL)
Miller (MI)
Miller, Gary
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
Regula
Rehberg
Reichert
Renzi
Reynolds
Rogers (AL)
Rogers (KY)
Rogers (MI)
Rohrabacher
Ros-Lehtinen
Roskam
Ryan (WI)
Sali
Saxton
Scalise
Schmidt
Sensenbrenner
Sessions
Shadegg
Shays
Shimkus
Shuster
Simpson
Smith (NE)
Smith (NJ)
Smith (TX)
Souder
Stearns
Sullivan
Tancredo
Terry
Thornberry
Tiahrt
Tiberi
Turner
Upton
Walberg
Walden (OR)
Walsh (NY)
Wamp
Weller
Westmoreland
Whitfield (KY)
Wilson (SC)
Wittman (VA)
Wolf

NOT VOTING—18

Brown-Waite, Ginny
Cannon
Cleaver
Cramer
Cubin
Delahunt
Hulshof
Lewis (KY)
Lipinski
Moore (WI)
Payne
Royce
Rush
Scott (VA)
Speier
Weldon (FL)
Wilson (NM)
Young (AK)

□ 1609

So the resolution was agreed to.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

GENERAL LEAVE

Mr. GEORGE MILLER of California. Mr. Speaker, I request 5 legislative days for Members to revise and extend their remarks and insert extraneous materials on H.R. 1338.

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

There was no objection.

PAYCHECK FAIRNESS ACT

The SPEAKER pro tempore. Pursuant to House Resolution 1388 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. 1338.

□ 1610

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. 1338) to amend the Fair Labor Standards Act of 1938 to provide more effective remedies to victims of discrimination in the payment of wages on the basis of sex, and for other purposes, with Mr. CAPUANO in the chair.

The Clerk read the title of the bill.

The SPEAKER pro tempore. Pursuant to the rule, the bill is considered read the first time.

The gentleman from California (Mr. GEORGE MILLER) and the gentleman from California (Mr. MCKEON) each will control 30 minutes.

The Chair recognizes the gentleman from California (Mr. GEORGE MILLER).

Mr. GEORGE MILLER of California. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, Members of the House, in 1963 this Nation passed the Equal Pay Act, and it was passed to end discriminatory practices in paying men and women differently for performing the same job. The law's principle is that men and women should be paid based upon their merits, not upon an employer's prejudices.

Before the Equal Pay Act, women in the workplace were paid 59 cents on the dollar compared to their male counterparts for performing the same jobs. Although the wage gap between men and

women has narrowed since the Equal Pay Act was passed, gender-based pay wage discrimination remains a very significant problem for women.

According to the Census Bureau, women make 77 cents for every dollar earned by a man. Just as disturbing is that African American women only earn 60 cents on the dollar, and Hispanic women earn an astonishing 55 cents on the dollar compared to their male counterparts.

Those figures do not just tell us what they lose in their wages on a daily basis, on a weekly basis, and on a monthly basis. But we must also understand that this wage disparity costs a woman anywhere from $400,000 to $2 million over a lifetime in lost wages and will follow her into retirement with lower retirement benefits, and will follow her into the Social Security system with lower Social Security benefits.

These women pay a great price because the law still allows employers to pay these individuals on a discriminatory basis for the jobs that they produce. But today this House has an opportunity to take a critical step to ensure that the Equal Pay Act lives up to its promise: equal work for equal pay, equal pay for equal work.

The Paycheck Fairness Act will strengthen the Equal Pay Act and close many of the loopholes that have allowed employers to avoid responsibility of engaging in discriminatory pay practices. Currently, an employer can refute a pay discrimination claim if he proves that the difference in pay is based upon any factor other than sex. They can pull any defense out of the air that they want, even if the factors are not related to the job. What we say is that they must provide a real business justification for not paying that equal wage. It must be related to the work.

They will have to show that any gender-based wage differential is job-related, not based on or derived from sex-based differentials, and is consistent with the business necessity.

H.R. 1338 will also prohibit employers from retaliating against employees who discuss their pay. We all remember the Lilly Ledbetter case. She did not know that she was being discriminated on every pay period because her fellow employees were unable to discuss their paychecks with her because that's the way the corporation kept the discriminatory practice secret and hidden from Lilly Ledbetter. We would not allow that to continue to happen.

The bill would also put gender-based discrimination sanctions on equal footing with other forms of discrimination by allowing women to sue for punitive damages, in addition to compensatory damages, just as business and workers may do under section 1981 for race or national origin discrimination. If we are serious about closing the gender pay gap, we must get serious about punishing those who would otherwise scoff at the current weak sanctions under the current law.

□ 1615

The Paycheck Fairness Act will require the Department of Labor to continue collecting pay information based upon gender. It also creates a program designed to help strengthen the negotiating skills of girls and women.

Any wage gap based upon gender is unacceptable, especially in these tough economic times. For families living near or under the poverty line, equal pay for women will make a significant difference in that family's well-being.

By allowing wage discrimination to continue, we hold down women, their families, and harm the American economy as a whole. Today, we have a chance to rectify those practices. Today, we have a chance to ensure that, in fact, women will receive equal pay for equal work as they do not now receive in the workplace because of the barriers that have been erected to their being able to prosecute those individuals who engage in a discriminatory practice.

Today, we are taking up this bill. And no one is more responsible for the House consideration of this legislation than Congresswoman ROSA DELAURO. I thank her for her tireless leadership on this bill, and the 230 cosponsors who are taking a strong stand against unequal pay. Congresswoman DELAURO has worked over a decade trying to get the Congress to pay attention to this problem that women face in the workplace, to this economic devastation that takes place against women in the workplace, the discriminatory practices that women face in the workplace, but there was no response in this body to her pleas. There was no response to the practices against these women in this body. Today there is. Today, this Congress, this House has an opportunity to finally enforce the Equal Pay Act and to make sure that women no longer have to suffer the discrimination of unequal pay.

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

Mr. MCKEON. Mr. Chairman, I rise in opposition to the bill and I yield myself such time as I may consume.

Discrimination in the workplace is wrong. Paying women lower wages for the same work is wrong. It's also illegal. Congress enacted protections to ensure equal pay for equal work in 1963 when the Equal Pay Act was added to the Fair Labor Standards Act. Congress acted again to protect women and all Americans from workplace discrimination with enactment of title VII of the Civil Rights Act. Together, these laws offer women protections against workplace discrimination, and strong remedies should they be subject to illegal employment practices.

Yet we're here today debating a bill that has been touted as necessary to protect women from being underpaid. Supporters of the bill would have you believe that unless this legislation is enacted, employers are free to pay women less money for doing the same job as their male counterparts. Nothing could be further from the truth.

H.R. 1338 isn't needed to protect women from wage discrimination; such protections are already included in the law. No, this bill is about something entirely different. Rather than addressing the real concerns of working families, issues like health care, a lack of workplace flexibility, and yes, the high price of gasoline, this bill invites more and costlier lawsuits.

The bill opens EPA claims to unlimited compensatory damages, even in cases where there was clearly no intentional discrimination. The majority will offer an amendment today that attempts to mask this trial lawyer boondoggle. But make no mistake about it, at the end of the day this bill will invite more lawyers to bring more law suits because it offers them the promise of a bigger payday. H.R. 1338 will breed litigation in other ways as well, from encouraging class action lawsuits to expanding liability.

I'm also concerned that this bill has been put forward using misleading claims to justify its dangerous consequences. Supporters will repeat over and over the statistic that women earn just 77 cents on the dollar. Mr. Chairman, if a woman earned 77 cents on the dollar doing the same job as a man, it would be a travesty—and it would be illegal.

What supporters of this bill won't tell you is that the 77 percent figure does not compare one man and one woman doing the same job. To argue that a woman only makes 70 cents on the dollar doing the same work as her male counterpart is to distort reality. The 77 percent figure is based on 2005 Census data looking at median earnings of all women and men who work at least 35 hours per week.

Interestingly, if you look at 2006 data from the U.S. Department of Labor comparing men and women who work 40 hours per week, women actually earn 88 cents on the dollar. The wage gap is much narrower, but the existence of a gap is still troubling.

However, last year the Education and Labor Committee heard testimony that cited an article published in The American Economic Review which found that when data on demographics, education, scores on the Armed Forces Qualification Test, and work experience are added, the wage ratio rises to 91.4 percent. The addition of variables measuring workplace and occupational characteristics, as well as child-related factors, causes the wage ratio to rise to 95.1 percent. When the percentage female in the occupation is added, the wage ratio becomes 97.5 percent, a far less significant difference.

In another study, researchers from the University of Chicago and Cornell University found almost no difference in the pay of male and female top corporate executives when accounting for size of firm, position in the company, age, seniority, and experience.

So before we use the 77 percent figure to justify new legal ''gotchas,'' I think we need a better understanding of the

scope of any actual pay disparity and why such a disparity exists.

Luckily, there are steps we could take right now, right here, that would ease the strain on working women. Republicans have proposed a bill, the American Energy Act, that embraces our ''all of the above'' approach to the energy reform. It would unlock America's vast energy resources, increasing the production of American-made energy and reducing foreign nations' stranglehold on our economic and national security.

Republicans recognize that we need comprehensive solutions to solve our energy crisis and ease the strain on working families brought by high energy costs. Unfortunately, the majority has refused to allow a vote on commonsense energy reform. Now we're poised to go home for a month without voting on real energy reforms. We're about to pass a bill that will bring a major payday to trial lawyers, but will do nothing to ease the pocketbook concerns of hardworking American families.

Mr. Chairman, I am strongly opposed to H.R. 1338; it's the wrong bill at the wrong time. We shouldn't be here giving handouts to trial lawyers; we should be voting on energy solutions for American families.

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

Ms. LINDA T. SÁNCHEZ of California. At this time, I am pleased to yield 1 minute to the distinguished majority leader, the gentleman from Maryland (Mr. HOYER).

Mr. HOYER. I thank the gentlelady for yielding.

I must say to my friend on the other side of the aisle, I believe it's never the wrong time to do the right thing, and this is the right thing.

My friend mentions trial lawyers. Trial lawyers are in the business of redressing grievances. Juries and judges are in the business of deciding whether the grievance deserves redress, not trial lawyers. Trial lawyers raise the issue. Judgments are not given by trial lawyers, but by judges and juries.

Equal pay for equal work. When we put the principle as bluntly as that, I doubt that anyone in America would disagree. It's a basic ideal of fairness. Is there a woman on this floor that believes they ought to be paid less than the men that do exactly the same kind of work? And I would suggest the answer to that is no, whether they're staffers or Members. I hope there is not a female page who watches these proceedings that believes that they are less valuable than the male pages that serve this House. They are equally valued, irrespective of gender.

The value of work lies in a job well done, not in the gender of the worker; but within my lifetime, it was a radical notion. For decades, it was perfectly acceptable for women to earn less simply because they were women.

We celebrated the 60th anniversary of the integration of the Armed Forces just a few days ago. Colin Powell spoke, and he indicated that he was too small to really remember the ramifications of that executive order, but he said to himself, how strange it would seem today to think that men and women would be segregated by unit and by housing because of the color of their skin. It is equally wrong to make distinctions of gender in payment for services.

Thanks to the hard work of generations of women advocates, we've closed that gap from 61 cents back in 1963 to 77 cents on the dollar today. Being 77 percent right is not enough, we need to be 100 percent right. We need to pay dollar for dollar for work performed.

In fact, it depends on staying hidden, it depends on keeping women in the dark. Because, of course, it's against the law not to pay equally, but if you don't know that you're being discriminated against, how can your grievances be redressed? In fact, the Constitution of the United States says, as all of us know, that Americans are guaranteed the right to petition the Congress of the United States for redress of grievances, and yet we keep people in the dark as to whether or not, in fact, they are aggrieved.

By now, we have all heard about the Lilly Ledbetter case. Ms. Ledbetter was a supervisor at a tire plant in Alabama, and for years she was paid less than her male coworker. I would be interested if any Member of this House is prepared to come to this well or stand at one of these microphones and say it was right to pay a supervisor that was a woman less than a supervisor who was a man. And if you do come to this well and say that, I look forward to debating you on that issue.

But Lilly Ledbetter had no way of knowing that she was being paid differently. She didn't know the truth. And by the time she found out, years after the discrimination began, the court said it was too late, time had run, statute of limitations gone, insurance run out. She didn't have the right to redress her justifiable grievance.

Her case is hardly unique. Justice Ginsburg has written that ''comparative pay information is often hidden from the employee's view.'' In many workplaces, merely asking a coworker about his or her pay is a firing offense. Far from protecting privacy, rules like that can protect an employer's power to discriminate.

And should we say, well, I know the employer discriminated, but we don't want to have a lawyer take that case because, after all, we don't like lawyers, they bring to our attention wrongdoing, they ask for redress of grievances, they petition the jury and the court; this is wrong. You know, a famous individual from my State, Justice Thurgood Marshall, did that. He was a trial lawyer. And he petitioned the court and said, it is wrong to segregate blacks and whites, it is wrong to give secondary education to African Americans, just as lawyers come and say it's wrong to discriminate on gender as opposed to quality of work.

In many workplaces, as I've said, merely asking a coworker about his or her pay is a firing offense. That's why this bill, the Paycheck Fairness Act, is so necessary. It is time to do the right thing. It may be too late for some, but it's the right time for many.

It amends the Equal Pay Act to bar retaliation against employees who share or inquire about pay information. It strengthens sanctions against discriminatory employers—which have not been adjusted for 17 years. It clarifies acceptable reasons for differences in pay related to factors other than gender. And it authorizes additional training for Equal Employment Opportunity Commission staff to better identify and handle wage disputes.

□ 1630

I want to recognize my colleague Congresswoman DELAURO for working so hard for so long and so passionately to bring this bill to the floor.

I urge all of my colleagues to support it. It's the right time. It's the right place. It's the right time.

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

My good friend the majority leader mentioned trial lawyers. I'm not a lawyer. I know we have a lot of them here in the House, and I am not particularly against lawyers. I think they perform a good service.

One of the things that we did in subcommittee is we thought maybe we should be able to limit trial lawyers' pay when they take some of these claims, and we even had an amendment that we presented that we would limit the trial lawyers to $2,000 an hour. We thought maybe that would be reasonable. Every Democrat voted against that. And when we took it to the Rules Committee to bring it here to the floor, we were denied the opportunity of discussing that here on the floor. So maybe that's why the other side feels that we are against trial lawyers, because we wanted to limit their pay to $2,000 an hour. Anyway, we were not able to discuss that here and we won't be able to have that amendment here today.

Mr. Chairman, I am happy to yield 3 minutes at this time to the ranking member on the subcommittee over this issue, the gentleman from South Carolina (Mr. WILSON).

Mr. WILSON of South Carolina. Mr. Chairman, thank you for this opportunity to speak on H.R. 1338.

I want to thank the ranking member of the committee, Representative BUCK MCKEON of California, for his leadership here today.

I know we can all agree that discrimination in the workplace is unacceptable. That is why employment discrimination, including pay discrimination, based on gender is already prohibited by law. As an attorney myself, I believe there are already considerable legal ramifications for discrimination

in our Federal laws, which makes the legislation we are considering here today unnecessary and redundant.

Additionally, it seems the premise for bringing this bill to the floor today is in response to potential wage gaps between men and women in the workforce. I would remind my colleagues that research into this issue, including a report by the Government Accountability Office, GAO, concluded that the ''wage gap'' was not simply derived from sex discrimination or pay discrimination. In fact, the reasons for such a gap can be numerous.

But to the bill itself, I am concerned that this legislation will not strengthen current laws or improve workplace protections but rather create additional and greater potential for individuals, well-meaning or otherwise, to abuse these protections in our courts.

This bill does two very damaging things to current law. It allows for unlimited compensatory and punitive damages for claims brought under the Equal Pay Act, and it does not require proof of intent to discriminate in those claims. These two components could have unintended consequences for employers and employees, and they make it more attractive for unsubstantiated claims before the courts.

I welcome a healthy debate on employee and employer protections in the workplace. In fact, I would hope that before going forward, the debate on these issues would be more open where both the minority and majority might have greater opportunity to offer amendments to strengthen legislation and address the real concern of America's hardworking families.

I want to thank Ranking Member BUCK MCKEON for his leadership, and I encourage my colleagues to oppose this legislation. American workers deserve reasonable protections that are enforced. This bill would undermine those efforts in America's workforce.

Ms. LINDA T. SÁNCHEZ of California. Mr. Chairman, I move that the Committee do now rise.

The motion was agreed to.

Accordingly, the Committee rose; and the Speaker pro tempore (Ms. WOOLSEY) having assumed the chair, Mr. CAPUANO, 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. 1338) to amend the Fair Labor Standards Act of 1938 to provide more effective remedies to victims of discrimination in the payment of wages on the basis of sex, and for other purposes, had come to no resolution thereon.

PERMISSION TO REDUCE TIME FOR ELECTRONIC VOTING DURING FURTHER PROCEEDINGS TODAY

Ms. LINDA T. SÁNCHEZ of California. Madam Speaker, I ask unanimous consent that, during further proceedings today in the House and in a Committee of the Whole, the Chair be authorized to reduce to 2 minutes the minimum time for electronic voting on any question that otherwise could be subjected to 5-minute voting under clause 8 or 9 of rule XX or under clause 6 of rule XVIII.

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

There was no objection.

PAYCHECK FAIRNESS ACT

The SPEAKER pro tempore. Pursuant to House Resolution 1388 and rule XVIII, the Chair declares the House in the Committee of the Whole House on the state of the Union for the further consideration of the bill, H.R. 1338.

□ 1636

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 further consideration of the bill (H.R. 1338) to amend the Fair Labor Standards Act of 1938 to provide more effective remedies to victims of discrimination in the payment of wages on the basis of sex, and for other purposes, with Mr. CAPUANO in the chair.

The Clerk read the title of the bill.

The CHAIRMAN. When the Committee of the Whole rose earlier today, 43½ minutes remain in general debate. The gentlewoman from California (Ms. LINDA T. SÁNCHEZ) has 23 minutes remaining. And the gentleman from California (Mr. MCKEON) has 20½ minutes remaining.

The Chair recognizes the gentlewoman from California.

Ms. LINDA T. SÁNCHEZ of California. Mr. Chairman, at this time I would like to recognize a true champion of women in the House and the author of the Paycheck Fairness Act, the gentlewoman from Connecticut (Ms. Rosa DeLauro), for 6 minutes.

Ms. DELAURO. I thank the gentlewoman for yielding.

I want to thank Chairman GEORGE MILLER for his dedication to this cause. We never could have come this far without his tenacious leadership.

We are grateful, Chairman MILLER.

Mr. Chairman, the Paycheck Fairness Act is about valuing the work that women do in our society. One of our Nation's most enduring principles, one of our greatest aspirations, has been ensuring equality of opportunity for all. There is no more important American promise that allows us to be a country of dreams and of success, and today we can take another important step toward finally honoring that promise.

I want to thank Speaker PELOSI, whose leadership today continues to build on the legacy of those who preceded us, those pioneers at Seneca Falls as well as the women who blazed a path in the House of Representatives, Jeanette Rankin, Mary Norton. Even President Kennedy's Equal Pay Act grew out of the Commission on the Status of Women led by Eleanor Roosevelt. Forty-five years later our Speaker has celebrated that history by making this movement an absolute priority. Her message has been clear: It is time to stand up for working women and their families.

Well, Mr. Chairman, we can do that today by supporting the Paycheck Fairness Act, reasserting the principle that women and men should be paid the same when doing the same work and making it real by allowing female employees to sue for compensatory and punitive damages. It does so without imposing the arbitrary caps women face under title VII. It protects employees from retaliation for sharing information with their coworkers about their salary, with some exceptions. And it establishes a grant initiative to provide negotiation skills training programs for girls and women.

Some will have you believe that the wage gap for women is a myth, that we already have laws in place to make discrimination on the basis of gender illegal. But just because something is illegal does not mean that it does not continue to happen. According to the Department of Labor, women still earn only 77 percent of what men earn.

Opponents insist that this figure does not take into account education and experience. But the truth is the gap barely closes among women with college degrees. Recent research by the American Association of University Women found that just one year after college graduation, women earn only 80 percent of what their male counterparts earn. Ten years after college graduation, women fall further behind, earning only 69 percent of what men earn. So what is the message? No matter how advanced their degree or how hard they work, women will not be compensated fairly.

The marketplace alone will not correct this injustice. We need a solution in law, just as our country has done in the past to bring down discriminatory barriers. Others will insist that we cannot open the door for increased litigation, but in the light of day, it is clear that the current system is rife with loopholes that have allowed employers to avoid responsibility for discriminatory pay scales.

We all know Lilly Ledbetter's story. For so many years she was shortchanged by her employer. And years later she was shortchanged again by the Supreme Court ruling of 5–4 against her discrimination claim, drastically limiting women's access to seek justice for pay discrimination based on gender.

We have an obligation to ensure that this does not go on any longer, and we must begin today by toughening remedies in the Equal Pay Act to give America's working women the opportunity to fight against wage discrimination and receive the paycheck they have earned. No one should be forced to consider a trade-off between a full wage, a family life, and a good job.

My colleagues on both sides of the aisle, we are so fortunate to come to work every day in this extraordinary institution. We are blessed. Different regions of the country we come from, different backgrounds, and different experiences. We are men and we are women and we are paid equally. Every woman in this country deserves the same. Every family deserves to know that this institution will act today to make it real.

It is about ensuring that women who work hard and productively and carry a full range of family responsibilities are paid at a rate they are entitled.

I urge my colleagues to support the Paycheck Fairness Act. We should not underestimate the power of a big idea whose time has come.

So many employers and companies do the right thing as a matter of course, but passing this bill today says that this is now a matter of right and wrong, that discrimination is unacceptable anywhere, and we are all diminished when we fall short. But today we have a chance to make all men and women whole and contribute to the richness of America.

In 1963 President Kennedy signed the Equal Pay Act, saying that it would ''add to our laws another structure basic to democracy'' and ''affirm our determination that when women enter the labor force, they will find equality in their pay envelope.''

Today we have another opportunity to make good on that promise. Those days come only few times in our tenure in the United States Congress.

I have always been proud to serve in this institution, and I revere those lawmakers before us who on previous days took a stand for health care for the elderly or the Civil Rights Act or Family and Medical Leave and made such an impact on people's lives. They changed people's lives. That is the whole reason why we serve in this institution.

It is my hope today that the House of Representatives passes this law and makes history for our country.

□ 1645

Mr. MCKEON. I am pleased to yield such time as she may consume to the gentlelady from North Carolina (Ms. FOXX).

Ms. FOXX. I want to thank Ranking Member MCKEON for his work on this bill. I find it very interesting that our colleagues have such hubris that they think we are going to solve all of the problems of the world here in the Congress. I wish that it were so.

I worked all my life for equal rights for women, and I don't take a back seat to anyone on this floor or in this body for that. But I want to say that this bill is not going to solve the problem that we face in terms of equal pay for equal work.

My colleagues have reviewed very well the existing law. They have stated well why this bill is not needed. But I have to say that the Democrats have been very clever in the way that they have named bills here this year. The Free Choice Act, which takes away the choice of a secret ballot for voting for unions, does exactly the opposite.

This bill, the Paycheck Fairness Act, will not do what the Democrats purport that it will do. It will help trial lawyers. Those in charge of the House of Representatives, I believe, are being controlled by trial lawyers, union leaders, and radical environmentalists.

I think this bill will make it easier for trial lawyers to cash in. It includes several steps that will make it more lucrative for trial lawyers to pursue sex discrimination claims under the EPA. This may be good for lawyers, but it will be costly for businesses and their workers.

I agree, discrimination against anyone is wrong. No one who serves in this House or who lives in this country wants to see that. But I want to quote from an article by Carrie Lukas, and I will put the entire article in the RECORD. The subtitle is: The Paycheck Fairness Act, and the title is: Feminists Meddle with the Market. It's in National Review.

''Today is a rare moment when Congress has the potential to meaningfully address a real economic problem, rising energy prices, with sensible legislation to allow more drilling to increase energy supplies. So what has Congress slated for consideration this week? The Paycheck Fairness Act, a bill that is the equivalent of throwing sand into the wheels of our economic machine.''

She goes on to say, ''Of course, no congressional legislation would be complete without a healthy serving of waste, and the Paycheck Fairness Act doesn't disappoint. It would create a new grant program to instruct women on salary negotiation tactics and require the Department of Labor to train employers in strategies for eliminating pay disparities. It seems almost quaint to ask, but where in the Constitution is Congress granted the power to engage in this type of activity? Taxpayers should be outraged that their money is being put to such use.''

If we are really concerned about working women and wanting to see them treated fairly, the Democrats in charge would bring up the American Energy Act and let us vote to create more sources of energy, thereby bringing down the cost of oil and gas and other forms of energy. This would do a lot more to help working women than this bill is going to do.

[From NRO Contributor July 30, 2008]

FEMINISTS MEDDLE WITH THE MARKET—THE PAYCHECK FAIRNESS ACT

(By Carrie Lukas)

When an economic issue makes headlines, you can usually count on Congress to respond, more often than not with an overreach that creates more problems than it solves (think Sarbanes-Oxley or the recent housing bailout bill). Today is a rare moment when Congress has the potential to meaningfully address a real economic problem—rising energy prices—with sensible legislation to allow more drilling to increase energy supplies. So what has Congress slated for consideration this week? The Paycheck Fairness Act, a bill that is the equivalent of throwing sand into the wheels of our economic machine.

Underlying the bill are the assumptions that our workplace is systematically hostile to women and that existing laws don't provide enough protection for women. As committee chairman George Miller (D., Calif.) said when celebrating the passage of the bill out of his committee: ''This is a historic day in the fight for equal rights for women. If we are serious about closing the gender pay gap, we must get serious about punishing those who would otherwise scoff at the weak sanctions under current law.''

The committee's press release, like essentially every public statement supporting expanded ''equal pay'' laws, cites the statistic that women earn just 77 percent of men's earnings. This ''wage gap'' is considered proof that the work world's deck is still stacked against women and government needs to do more to make sure that everyone plays fair.

Yet a statistic that simply compares the wages of the median full-time working man and the full-time working woman tells us nothing about the existence (or lack thereof) of systematic wage discrimination. Many factors contribute to how much one earns, from occupation and area of specialty to education and years of experience. Not surprisingly, once those factors are taken into account, the wage gap shrinks.

Men tend to take jobs that are dirtier, more dangerous, and distasteful than those performed by women. Overwhelmingly, men are the ones working in our sewers, guarding our prisons, laying concrete in the scorching sun, and catching and gutting our fish. They work more graveyard shifts and longer hours, in fact, the Department of Labor estimates that even full-time working women spend about a half an hour less each day on the job than men do. Women disproportionately work indoors, in safe, climate controlled buildings, with regular, or even flexible, hours. More people are interested in working in libraries and school buildings than on the fishing boats featured in Deadliest Catch, which is why physically strenuous, dangerous jobs pay higher salaries.

Feminist activists tend to be frustrated with this analysis, and the explanation that the market (not nefarious men) is primarily responsible for women earning less. They don't think it's fair that jobs that require an education, like social work or teaching, are less valued in the marketplace than positions in trucking and sanitation work that require only characteristics like stamina and a high tolerance for filth.

They've long championed policies, dubbed as ''comparable worth,'' that would give government officials the power to supersede the market to make sure that women's contributions aren't undervalued. The Paycheck Fairness Act takes steps in that direction. The Department of Labor would issue ''guidelines'' that compare the wages of different jobs to give employers a sense of what is considered ''fair.'' The guidelines may not have the force of law (yet) but certainly would be a powerful specter hanging over employers seeking to avoid costly litigation.

And employers would have additional reason to fear that they would be targets for litigation if the Paycheck Fairness Act becomes law. This bill would subject employers to unlimited compensatory and punitive damages, even for unintentional pay disparities, creating potential paydays certain to inspire trial lawyers to action. The bill would also strip employers of the ability to defend differences in pay as based on factors other than sex, such as experience and performance, leaving courts to dictate what constitutes a legitimate pay structure.

Of course, no congressional legislation would be complete without a healthy serving of waste, and the Paycheck Fairness Act doesn't disappoint. It would create a new grant program to instruct women on salary negotiation tactics and require the Department of Labor to train employers in strategies for eliminating pay disparities. It seems almost quaint to ask, but where in the Constitution is Congress granted the power to engage in this type of activity? Taxpayers should be outraged that their money is being put to such use.

Federal law already outlaws sex discrimination. This legislation would afford women few new protections against actual sex discrimination, but would raise the cost of employment and discourage workplace flexibility. It is exactly what women—and the economy—don't need. If this is what we can expect from the rest of this Congress, Americans should hope for an early recess.

Ms. LINDA T. SÁNCHEZ of California. I would yield 2 minutes to a distinguished Member of this body, the gentlewoman from California (Ms. WOOLSEY).

Ms. WOOLSEY. As some of you may know, at one time I was a single mother raising three small children. I was working full time, but I still wasn't able to put food on the table, pay for doctors' visits, and care for the other needs of my children all on my own because my paycheck was for a 40-hour week but it did not cover our necessities. To make ends meet, I was forced to turn to public assistance.

That was more than 35 years ago, but today there are still millions of single mothers in our country who are struggling to provide for their families, many while balancing full-time jobs. In fact, single mothers are twice as likely as fathers to raise their children in poverty.

Unfortunately, so long as women continue to receive pennies on the dollar compared to their male counterparts, this statistic is unlikely to change any time soon.

I want to thank my friend, Congresswoman DELAURO, for her work on this issue, and I would like to remind all of you that the Paycheck Fairness Act is about a lot more than fixing a couple of loopholes. It's about strengthening families, combating poverty, and finally recognizing that equal work deserves equal pay.

I am proud to be a cosponsor of this legislation, which will provide the additional tools that we need to stamp out gender-based wage discrimination once and for all.

Mr. MCKEON. I reserve the balance of my time.

Ms. LINDA T. SÁNCHEZ of California. It gives me great pleasure to yield 2 minutes to a champion of the working class and the Chair of the Health, Employment, Labor, and Pension Subcommittee of Education and Labor, the gentleman from New Jersey (Mr. ANDREWS).

(Mr. ANDREWS asked and was given permission to revise and extend his remarks.)

Mr. ANDREWS. I would like to thank my friend from California for yielding. This bill is for the woman who runs the office, who makes all the important decisions, without whom the place couldn't function; who one day comes in and discovers that a man, usually a man younger than her, has been brought in and given a higher title, a higher pay, and fewer responsibilities. And she goes to work and says, this isn't fair. I'm doing a job that is actually more important than this other person and getting paid less for it.

Now it's true that the statutes presently say you have to get equal pay for equal work. But it's also true that the remedies are so limited under existing law that many women can't get an attorney to represent them in their case so it never gets brought.

The best idea in this bill is for the first time it gives robust and full remedies to help that woman so that if she is able to prove her claim that she is underpaid relative to the work that she is doing, she will be fully and fairly compensated, and out of that compensation will come the funds to get her the competent representation that she deserves. The woman who's the office manager who doesn't make as much as the executive vice president for administration.

Well, I will tell you, in my life, Mr. Chairman, I benefited from a lot of women who are office managers that don't have fancy titles but without whom institutions could not run. This bill is for that woman and for her daughters so that they do not have the situation where they are devalued, debased, degraded, and disrespected in the workplace.

It is long overdue that we vote ''yes'' on this bill, and I would urge colleagues on both sides to do that.

Mr. MCKEON. I yield such time as she may consume to the gentlelady from North Carolina (Ms. FOXX).

Ms. FOXX. Thank you, Mr. MCKEON. I want to continue with what I was saying before. Republicans are deeply concerned about working families. Every day we come to this Congress and we do everything that we can to help those working families. We believe that if any worker is subject to discrimination in the workplace because of their sex, or for any other reason, that that discrimination should be rooted out and punished accordingly. That is why current law protections are so important. Again, we have outlined why those laws are adequate currently.

We are also concerned about other workplace policies and proposals that threaten workers' wages, flexibility, and freedom. However, unfortunately, Democrats have once again stifled debate in the House and blocked the minority from offering amendments that address the real concerns of working women and families.

They have done the exact opposite of what they promised to do in 2006, make this the most open Congress ever, make this the most ethical Congress ever, make this the fairest Congress ever. It has been just the opposite of that.

Again, what we should be doing today is we should be debating how we can bring down the price of gasoline and heating oil and all of those things that are harming working Americans every day, but instead we are dealing with bills that are going to do nothing but line the pockets of trial lawyers and create what I call high-priced welfare, which are high-priced bureaucratic jobs which don't really do anything to help working men and women in this country, especially working women, increase their pay.

We will be stifling businesses. It seems as though they hate business and industry, and want to do everything that they can to shut it down in this country. This bill will certainly help do that.

So I say we vote ''no'' on this bill because this bill doesn't do what the title pretends it does, and in fact harms working women. What we need to do is be doing something to bring down the price of energy.

Mr. GEORGE MILLER of California. It's a pleasure to yield 2 minutes to a member of our committee, the gentlewoman from California (Ms. LINDA T. SÁNCHEZ).

Ms. LINDA T. SÁNCHEZ of California. I rise today in strong support of the Paycheck Fairness Act, to protect the right of all Americans to equal pay for equal work. I want to begin by thanking my colleague, Representative DELAURO, for introducing this bill, and Chairman MILLER for steering it through committee and onto the floor. It is long overdue.

After years of neglect under the former majority, this House has boldly taken on the challenge of trying to solve longstanding economic problems so that hardworking families can really achieve the American Dream instead of just dreaming about the American Dream.

Women across America are still only paid 77 percent of what men are paid. Does this mean that women are only 77 percent as valuable as their male counterparts? Certainly not. It means there are, unfortunately, still lingering remnants of an earlier time in our history when women didn't have the same rights as men.

Though we have made great strides toward fair and equal treatment for women in the workplace, our work is still not done. This bill continues our progress by creating more opportunities for women and their families. Nearly 7½ million of America's poverty-stricken children live in female-headed households. This bill will help those families rise out of poverty by ensuring the hard work of female-headed households is rewarded equally and fairly.

Much has been said about this bill lining the pockets of trial lawyers. Let's not lose focus of what this bill is about. It is saying to women that if you have been wronged, if you have

been discriminated against, you will have a fair day in court.

So, for yourselves, your wives, your sisters, your daughters, and the children of America, I urge my colleagues on both sides of the aisle to vote ''yes'' on this important piece of legislation.

Mr. MCKEON. How much time do we have left?

The CHAIRMAN. The gentleman from California (Mr. MCKEON) has 15 minutes. The gentleman from California (Mr. GEORGE MILLER) has 11½ minutes.

Mr. MCKEON. I reserve the balance of my time.

Mr. GEORGE MILLER of California. It's a pleasure to yield 2 minutes to the gentlewoman from California (Ms. SOLIS).

Ms. SOLIS. I thank our chairman from the Labor Committee. I want to urge our Members here today to vote on this very important bill, H.R. 1338, the Paycheck Fairness Act. Our colleagues, ROSA DELAURO, and others, have championed this bill for many years. But ROSA has really dedicated herself to this movement. I am happy to be a cosponsor of this bill. She understands, as we know and many woman know, that we have to recognize that there are inequities that exist in our communities, and especially among women and women of color.

Some of you may know that while women overall only receive 77 cents on the dollar, Latinas only average 57 cents on that dollar, and African American women only get 68 cents on the dollar.

Indeed, there are disparities that exist and continue. We have an obligation here in this House to do the right thing.

Just today, this morning, Arnold Schwarzenegger, our Governor, cut the payroll for many State employees. Many of them are women. They are the earners for their households. They have to put food on the table. Now they are going to be making Federal minimum wage, which is less than what the State of California's minimum wage is. What an atrocity.

I am not going off message, I am just trying to strike home a point that it's important to take care of all those that work in our society, but particularly women because they are the ones that are mostly discriminated against, and we have to cut that out.

Again, I want to wholeheartedly offer my support and have my colleagues know that I stand first and foremost for pay equity for all of us. I ask you to vote for H.R. 1338.

□ 1700

Mr. MCKEON. Mr. Chairman, let me yield myself such time as I may consume.

I want to put it on the record that I like women. I have been married almost 46 years, and we have three daughters and we have three sons, and I would not want the daughters to be discriminated against, I would not want my sons to be discriminated against.

I wish we could do something here that would end for all time all discrimination. Unfortunately, I guess when there are people involved in different things, some of them will tend to discriminate. That is why the law was passed in 1963, to level all pay. I want to just on the record make sure that everybody understands when we throw everybody into a pot and then add up all of their salaries, we are not talking about equal pay for equal jobs.

One of the things that we learned when we had the hearing last year, when we are talking about actual people and actual jobs, is that many women ended up going into, after graduating from college, many of them go into teaching, many of them go into social work. Many men go into jobs, some of them go into teaching. If they go into teaching, they are hired, they make the same exact wage. If the men go into social work and women go into social work, they make the same wage. But if a person goes into banking at a level that pays higher or into law at a level that pays higher, again, a woman going into law will make the same as a man. But when they throw all of these jobs into the same pile, that is where you get some differentiation in the pay.

Again, if we could just hold to equal pay, same job, same pay, I am totally supportive of that. That is what the law says, and that is what we should enforce. And the numbers that I quoted earlier, the pay is almost exactly the same. Where there is some discrimination, we should go after it, we should enforce the law. That is what I would encourage us to do.

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

Mr. GEORGE MILLER of California. Mr. Chairman, I yield 2 minutes to the gentlewoman from California (Ms. ESHOO).

Ms. ESHOO. I thank the chairman for recognizing me.

First I want to pay tribute to a great, great Member of the House and someone that we are so, so proud and grateful to, and that is Congresswoman ROSA DELAURO. Your mother is proud, ROSA. We are all proud. You have really paid for your keep here by making such a contribution. And also to the great GEORGE MILLER, who saw this legislation through.

I want to make a couple of observations. My friend from California just went through a whole discussion that really is not a part of this bill, and it is all about comparable worth. That is not what is in this bill.

I also want to make another observation. There are very few on the other side that are coming to defend the case that is being made over there.

Mr. MCKEON. Will the gentlewoman yield?

Ms. ESHOO. No, because I don't have that much time.

Mr. MCKEON. I would yield you more time.

Ms. ESHOO. My other observation is that the case being made by our friends on the Republican side really states very fully that you are on the wrong side of history. What this bill does is to give women the tools that they need legally so that an employer can no longer discriminate against them.

Have any of you heard of Lilly Ledbetter, of that case and what happened to that woman?

Mr. MCKEON. Will the gentlewoman yield?

Ms. ESHOO. No, I am not yielding. I told you, I don't have enough time. I would like to be able to say everything that I want to say.

Mr. MCKEON. I said I would be happy to yield you more time.

Ms. ESHOO. What this bill does is it says to employers today that you cannot punish employees any longer who discuss or disclose salary information with their coworkers. I think that is a pretty important thing. This bill also says today that employers will have to give a satisfactory explanation for paying a man more than a woman for the same job, and that they are going to have to demonstrate that the disparity is not sex-based, but job related.

So, today we are trying to even out the playing field. I think if my mother were sitting up there, she would be applauding. I think that mothers and daughters and fathers and grandparents and legislators and people across the country today, the last day of the month, are saying that the last now are going to come first, and we know in our society that women have not come first. Today we are talking about the waitress. We are talking about what Mr. ANDREWS talked about, and that is the woman that heads up the office. We are talking about the Lilly Ledbetters.

The CHAIRMAN. The time of the gentlewoman has expired.

Mr. GEORGE MILLER of California. I yield the gentlewoman an additional 30 seconds.

Ms. ESHOO. So today I think that we are making the Union stronger and better by recognizing that there have been disparities and by recognizing the way we fix the disparities, and I salute those who have been on this effort for a long, long time.

America, it is a good day, July 31st, 2008, in the House of Representatives, thanks to ROSA DELAURO rewriting history, Chairman MILLER for pushing it the way he has, and thank God for the Speaker that makes all of this possible, NANCY PELOSI.

I rise today to express my strong support for H.R. 1338, the Paycheck Fairness Act and I salute Congresswoman DELAURO and Chairman MILLER for their important leadership to bring us to this day.

With the passage of the Paycheck Fairness Act the Congress will make the Equal Pay Act a more effective tool in combating gender-based pay discrimination.

Today, if an employer can name any factor that has determined an employee's pay other than gender, they can defend unequal pay in

pay discrimination cases. The employer's reason doesn't even need to be related to the job in question. Under H.R. 1338 employers will have to give a satisfactory explanation for paying a man more than a woman for the same job and they will have to demonstrate that the disparity is not sex-based, but job related.

Employers will also now be barred from punishing employees who discuss or disclose salary information with their co-workers.

Under current law women who have been discriminated against may only recover back pay or in some cases double back pay. The Paycheck Fairness Act will finally put gender-based discrimination on the same level as other forms of wage discrimination by giving women the opportunity to sue for compensatory and punitive damages.

The wage gap between men and women has narrowed since the passage of the landmark Equal Pay Act in 1963, but according to the U.S. Census Bureau, women still only make 77 cents for every dollar earned by a man. it's time to close the gap and pass this law.

I'm very proud to support this bill and I urge a yes vote on the underlying legislation.

Mr. MCKEON. Mr. Chairman, I reserve my time.

Mr. GEORGE MILLER of California. I yield 2 minutes to the gentlewoman from California (Ms. LEE).

Ms. LEE. Thank you, Mr. Chairman.

First let me thank Chairman MILLER for his leadership and for being such a strong supporter of pay equity and women's rights, not only today or last year, but throughout his life. Thank you, Chairman MILLER.

Also, I just have to say to my colleague, Congresswoman DELAURO, sometimes, oftentimes a lone voice in the wilderness, but today we pay tribute to the women of America, thanks to ROSA DELAURO. Thank you so much, Congresswoman DELAURO. You have been a champion for women and working families since before your career here in Congress began. So we salute you.

In 1963, and I know these statistics have been repeated earlier, but I have to say them again because it is so important to remember where we were, where we are and where we need to go, and that is what today is about. In 1963, women who worked full time made about 59 cents on average for every dollar earned by men. For every dollar earned by men in 2006, women earned about 77 cents. The wage gap has narrowed by less than half a cent per year. Clearly we have a long way to go.

The wage gap is most severe for women of color. It is absolutely inexcusable that women, and especially minority women, earn a fraction of what men earn from the same job. African American women earn just 63 cents on the dollar, and Latinos earn far worse at 57 cents. In my own State of California, black women working full time year-round earn only 61 percent and Latinos 42 percent of the wages of white men. This is outrageous.

The wide disparity begins at the start of a woman's work life and grows wider as women age. In the long term, combined with a decrease in pension income and Social Security benefits, which is what happens, many women are at risk of falling into poverty as they get older, because this disparity began when they first started working.

H.R. 1338 takes immediate steps to close the wage gap for all women by amending and strengthening the Equal Pay Act so that it will be a more effective tool in combating gender-based discrimination.

So let's help close that gap today. Let's stand up by making the Paycheck Fairness Act the law of the land. This should have been the law of the land many years ago. Many of us remember when we first started working and how that male counterpart in our job was making twice as much as we were making. I remember those days, and, as result of that, many women now will have less in their Social Security and their pensions.

Thank you, Congresswoman DELAURO; thank you, Chairman MILLER, for today.

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

Mr. Chairman, the gentlewoman that spoke earlier, a good friend of mine from California, said that I gave a long description of equal pay for equal job, and I thought that that is kind of what the debate was about. People keep talking about wanting equal pay for equal job. They want to have the same pay for the woman as for the man for the same job.

Now, if we are just talking about we want just women paid the same as men for whatever job, then that is kind of the figures being used. But I think most of us know, we fly a lot, the pilot usually makes more than the flight attendant. Whether the flight attendant is male or female, they are paid the same. The pilot, whether he is male or female, they are paid the same. But the pilot is not paid the same as the flight attendant. We understand that, and I think that is probably not what we are arguing about here, but it seems like that is the way the debate is going.

I support equal pay for the same job, men, women. With this bill, apparently the debate is equal pay for men and women, and I thought that is what we were talking about, because that is what the debate is. But as the gentlewoman said, that is not what this bill does.

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

Mr. GEORGE MILLER of California. Mr. Chairman, I yield 2 minutes to the gentlewoman from California (Mrs. DAVIS), a member of our committee.

Mrs. DAVIS of California. Mr. Chairman, I rise today in support of the Paycheck Fairness Act. I also want to applaud Congresswoman DELAURO and Chairman MILLER.

When I was growing up, women only had a few career options. You could either be a teacher, a nurse, a secretary or a social worker, all very noble and difficult professions, but which don't pay nearly enough, mostly because a disproportionate number of women still do these jobs. But when my granddaughter enters the workforce, she will be able to work in any field she wants. So we have come a long way. But we still have, as many have said, a long way to go.

The tragedy is that our daughters and granddaughters will do the same jobs as men on a number of occasions in a number of fields, but will only earn something like 77 percent of what their male colleagues earn for the same work. So despite the progress that we have made over the past four decades, many employers continue to overlook and occasionally even intentionally ignore the contributions of their female employees.

It is about transparency. That is what we are talking about today, to give women who traditionally have stood by and been hesitant about taking full credit for their hard work the tools that they need to be certain that they are recognized in the workforce for what they are actually accomplishing.

Employers must recognize all of their employees for this important work that they do and reward them with fair compensation. Unfortunately, despite what we are hearing, it is not happening on its own. Our daughters and our granddaughters need this legislation. I urge my colleagues to support it.

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

Mr. Chairman, again, it sounds like we are talking equal pay for equal work, and, again, I support that. I oppose discrimination. I support equal pay for equal job.

If we are saying that nurses should make the same as doctors, if the doctor is a female and the nurse is a male, should they make the some money? Or if the doctor is a male and the nurse is a female, should they make the same money? No. I think all nurses should make the same money. Doctors should make the same money if they are doing the same work. Not even all doctors make the same. Some surgeons make more than others, depending on their specialty, depending on what they do.

We understand that in our economy what the work does decides on what the pay is. I think if you take everybody working and divide up all of their pay, and you have more women that are serving in occupations that pay less, as my good friend just pointed out, women didn't have I guess the same opportunities in the past as they do now, and so if you took those figures and you had more women working in lower-paid fields, that is how you get the 77 percent discrepancy.

But if you took all of the same jobs, added up what they are paid, maybe 40 years ago, 50 years ago there was a lot more discrimination than now, but I think now if you look across the field and equal pay for equal job, you would

find there is, if anything, very little difference.

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Should it be no difference? You bet. And I think you would probably find in some occupations you have women making more than men. And I guess men should probably claim discrimination in that case, but I don't think they should. I think the reason women are paid more is they are probably worth more.

I reserve the balance of my time.

Mr. GEORGE MILLER of California. Could the Chair apprise how much time I have remaining.

The CHAIRMAN. The gentleman from California has 3½ minutes.

Mr. GEORGE MILLER of California. I yield 1 minute to the gentlewoman from the District of Columbia (Ms. NORTON).

Ms. NORTON. I thank the chairman for the priority consideration given this bill throughout, and ROSA DELAURO for her indefatigable perseverance on this bill.

This bill has not been updated for 45 years, and yet we have seen the transformation of the American workforce. It needs a 21st century makeover. I wasn't there at the birth, but I was there when I chaired the EEOC and worked with President Carter to bring the Equal Pay Act to the EEOC. The whole point of doing that was to bring this, the first of the great civil rights statutes, into line with title VII, which was passed thereafter. We have never done that. This is the first time we have done that, Mr. Chairman. That makes this an historic bill.

Seventy-five percent of women in the work force today have small children. Women are backsliding now. They are stuck on 76 cents for every male dollar. With the economy in the worst condition in a generation, women need every tool, and it is not too much to ask that they have the tool of equal rights.

Mr. MCKEON. I am happy to yield at this time to the gentleman from Georgia (Mr. PRICE), a member of the committee, such time as he may consume.

Mr. PRICE of Georgia. I thank the gentleman.

Mr. Chairman, I have an amendment that I will offer to this piece of legislation. I was going to attempt to refrain from further comment on the legislation, but I think that some light needs to be shed on the discussion that has been going on here.

Equal pay for equal work is the law of the land. It is the law of the land. It has been for 45 years. What our friends on the other side want to do, and some of them have been very candid in coming down to the well and commenting about it, and that is to open up a huge opportunity for one of their grand friends, group of friends, the trial lawyers.

Now, let's be honest about this. I have here the bill that we are going to vote on, H.R. 1338, and you could go to any page but I will just pick a couple.

Page 10, lines 17 and 18. Be liable for such compensatory damages or punitive damages as may be appropriate.

Page 11, line 3. Except with respect to class actions.

Page 11, line 7. Any action brought to enforce.

Page 11, lines 13 and 14. In any action brought to recover the liability prescribed.

Page 11, line 17. Including expert fees.

Page 11, line 23. Additional compensatory or punitive damages.

Page 12, lines 2 and 3. Or such compensatory or punitive damages as appropriate.

Page 12, lines 6 and 7. Additional compensatory damages or punitive damages.

Page 12, lines 18 and 19. In the case of a class action suit brought to enforce section 60.

And it goes on and on and on.

Mr. Chairman, this issue isn't about equal pay for equal work. Equal pay for equal work is the law of the land. There isn't a single American Representative in this Chamber—I was going to say there probably isn't a single American, but I won't speak for them. But there is not a single Representative in this Chamber who believes that there ought to be unequal pay for equal work. Nobody. That is not what we are debating here.

We are debating whether this majority party, whether this Democrat majority party is once again going to bring a bill to the floor and reward their cronies in the trial bar. That is what it is. That is what it is. Take a peek at the bill. Line after line and line. That is what it is all about.

So for those of us who love our mothers and love our daughters and love our sisters, and have grandmothers and great-grandmothers who were remarkably successful in the work that they did, please don't be misunderstood; we believe strongly in equal pay for equal work. We believe strongly that this Nation stands on the principle of equal pay for equal work.

What we don't believe is that the trial bar ought to be the ones deciding what the pay ought to be in a private business. What we don't believe is that the Federal Government ought to insert itself into every single aspect of every single life of every single contract in this Nation. Should we do that, then we will destroy the greatest nation on the face of the earth.

Mr. Chairman, this bill isn't about equal pay for equal work. Equal pay for equal work is the law of the land. We all support equal pay for equal work.

Mr. GEORGE MILLER of California. I yield 1 minute to the gentlewoman from New York (Mrs. MALONEY).

Mrs. MALONEY of New York. Mr. Chairman, we talk about family values. And the most important way that we can show that we value families is to ensure that a woman earns a fair day's pay.

Most women work outside the home, including over 70 percent of all mothers. Yet among full-time workers, women earn only 77 percent compared to men. Unequal pay practices hurt not only women but their entire families. The typical wife brings home about one-third of her family's income.

The Paycheck Fairness Act will help prevent, regulate, and reduce discrimination against women. It will prohibit employers from retaliating against employees who share salary information with their coworkers, as we saw in the Lilly Ledbetter case.

Women's work should be valued equally. This bill is an important step towards gender equality. And I thank my colleagues, ROSA, GEORGE, and many others, for their hard work on it.

Most women are in the labor force, including over 70 percent of all mothers. Yet, women continue to earn less than men even if they have similar educational levels and work in similar kinds of jobs.

A 2003 Government Accountability Office (GAO) study that I commissioned showed that when occupation, marital status, job tenure, industry, and race are accounted for, women still earn 80 cents for every dollar men earn.

Research has found that women's choices cannot explain about 40 percent of the wage gap between men and women.

Pay discrimination hurts not only a working woman, but her entire family—especially in the face of rising prices for basics, like food and gasoline.

The typical wife brings home about a third of her family's total income. Over the past three decades, only those families who have a working wife have seen real increases in family income: Families without a working wife have real incomes today that are nearly identical to what they were over 35 years ago.

Congress passed the Equal Pay Act nearly half a century ago, yet women still experience pay discrimination.

According to the National Committee on Pay Equity, working women stand to lose $250,000 over the course of their career because of unequal pay practices.

The Paycheck Fairness Act will prevent, regulate and reduce pay discrimination for working women nationwide. It will help women become better negotiators, enforce equal pay laws for federal contractors, and require the Department of Labor to work with employers to eliminate pay disparities.

As we saw in the Lilly Ledbetter case, if a woman doesn't know how much her male colleagues earn, she cannot know that she is being discriminated against.

The Paycheck Fairness Act will prohibit employers from retaliating against employees who share salary information with their coworkers.

Women need to know the true value of the jobs that they do and this is an important step towards gender parity.

I strongly urge you to vote yes on this bill.

Mr. MCKEON. Mr. Chairman, I yield myself the balance of my time.

Someone on the other side said this bill isn't about equal pay for equal work, but I know others have said it is about equal pay for equal work. I have Mr. HOYER's statement here, the majority leader, and he began his statement saying equal pay for equal work. That is the principle that we are talking about.

The Paycheck Fairness Act is a clever name. Who doesn't support paycheck fairness? Unfortunately, that is not what this bill is offering.

No, Mr. Chairman. If this bill becomes law, it will make the system fundamentally unfair by putting the interests of the trial lawyers above the interests of the workers.

As I mentioned earlier, we did try to offer an amendment. I don't think it was totally out of line to think that we should maybe limit the trial lawyers working on these cases to $2,000 an hour. But every Democrat voted against that. And then they didn't let that amendment be placed in order to discuss here on the floor. I am sorry that we weren't able to do that.

This bill will expose family businesses to unlimited liability even if there is no intentional discrimination. The Democrats' fig leaf amendment doesn't change the fact that trial lawyers stand to receive a big payday by lowering the bar on costly jury awards.

This bill will encourage class-action lawsuits, treating the EPA as a litigation factory. This bill will make it harder for businesses to defend against legal challenges, inviting unscrupulous trial lawyers. I say unscrupulous; I have many good friends who are trial lawyers, and I exclude them from that definition. But the unscrupulous ones will pursue baseless claims.

Now we know what the bill would do. But what about what it fails to do? It doesn't prohibit discrimination under the law. We did that 45 years ago, as Mr. PRICE so eloquently explained. It doesn't offer working women new flexibility so that they can balance work and home.

Mrs. MCMORRIS RODGERS had a bill earlier that she wanted to present that she has never been given the chance to do so. But it would give women the opportunity to take compensatory time, the same as government workers can do now. If you work overtime, you can be paid time-and-a-half in cash; but if you want to take that time in compensatory time, we do not give people the opportunity to do that. We should do that.

It certainly doesn't do anything to bring down the price of gasoline, which is the number one issue many working families are struggling with today.

Mr. Chairman, this is a bad bill. I strongly urge my colleagues to oppose it.

I yield back the balance of my time.

Mr. GEORGE MILLER of California. I yield to the gentlewoman from California (Ms. ROYBAL-ALLARD) for a unanimous consent request.

(Ms. ROYBAL-ALLARD asked and was given permission to revise and extend her remarks.)

Ms. ROYBAL-ALLARD. Mr. Chairman, I rise in strong support of the Paycheck Fairness Act.

Forty-five years ago, Congress passed the Equal Pay Act to end wage discrimination against women, who on average earned only 60 cents to every dollar earned by men.

Since then, women have made extraordinary achievements, contributing to the illusion women have indeed reached parity in the workplace.

That illusion is created by such events as the historic election of the first woman Speaker of the House, and by increased numbers of women heading Fortune 500 companies.

The reality is, however, that in spite of these achievements women have not reached wage parity.

Pay inequality is perhaps the most glaring example of how women continue to be discriminated against.

Despite enactment of the Equal Pay Act in 1963, today women doing the same work earn only 77 cents to every dollar earned by their male counterparts.

This unfairness often has devastating economic consequences to a woman, especially upon retirement, when pensions and Social Security benefits are based on her life earnings.

This disparity often costs a woman anywhere from $400,000 to $2 million in lifetime earnings, contributing to the disturbing fact that today women make up 70 percent of older adults living in poverty.

I urge my colleagues to vote "yes" on the Paycheck Fairness Act because it will close loopholes that often destroy the economic security of women.

Mr. GEORGE MILLER of California. Mr. Chairman, we have come to the end of a long debate, but let's get something very clear. This is all about equal pay, and this is all about whether or not women are going to receive equal pay. What this legislation does is recognize the barriers that have been put up in front of women trying to enforce the existing law.

It is rather interesting that the Secretary of Labor sent us a letter, and in her random audits of businesses working with government contractors she found systematic discrimination and she collected $51 million, and this is a record year, and it is the third record year in a row because of systematic discrimination.

Now, everybody has come to the floor and said they are all against this discrimination. Yes, we all are against that. Nobody is suggesting that anybody isn't. But if you can't enforce your rights, then you suffer the discrimination. Random audits, $51 million was denied to these individuals. And these are just people working with government contractors. Think what it is nationwide, and the people don't get a random audit, they don't get the Secretary of Labor, they don't get the Department of Labor. What they get is discrimination in their pay. That is what they get.

Today, we are going to decide whether or not these women are going to be able to collect the pay that is owed them, whether they are going to be able to enforce the law that requires as a matter of national policy and law the equal pay for women. That is the issue here. It is not complicated. It is not complicated.

Study after study has determined that pay discrimination exists whether you are in the workforce 10 years, whether you are starting out in the workforce, no matter what your life experiences are. When they control for all of that, there still is discriminatory pay against women in the American workforce, and today this House is going to change that.

Mr. LEVIN. Mr. Chairman, I rise in strong support of H.R. 1338, the Paycheck Fairness Act.

In 1963, President Kennedy signed the Equal Pay Act into law in order to promote workplace equality for women. Since then, women have made great gains in workforce participation, compensation, and advancement, but a significant wage gap still exists between women and men. Women working full-time year-round earn on average 77 cents for every dollar earned by a man. The wage gap is even wider in Michigan: On average, women in Michigan are paid only 67 cents for every dollar earned by a man.

Wage discrimination is not just a women's issue—it is a family issue. With a majority of American households depending on two incomes to make ends meet, the wage gap is more relevant than ever. The current pay disparity may cost a woman anywhere from $400,000 to $2 million in lifetime earnings relative to a man performing equivalent work. The cost is often borne not just by an individual, but by all the members of the household who rely on that income. Congress must respond to this injustice.

The Paycheck Fairness Act updates and strengthens the Equal Pay Act in light of more than 45 years of real-world experience. Courts have interpreted the Equal Pay Act more narrowly than other employment discrimination laws, counter to the intent of Congress. The Paycheck Fairness Act clarifies that the factors used by employers to justify wage disparities must be related to the employee's work or to the business. The bill also redefines the standard for comparing employees' compensation, reducing a frequently prohibitive burden of proof for plaintiffs.

Data collection is key to tracking women's relative compensation in the workplace, but the federal agencies charged with enforcing employment discrimination laws have little information about wage disparities. The Bush administration, furthermore, has halted or tried to halt many efforts to collect data. The Paycheck Fairness Act ensures that the Bureau of Labor Statistics will collect data on wage disparities, and it requires the Equal Employment Opportunity Commission to offer guidance in order to enhance enforcement of federal law. These measures will help shed light on wage discrimination that would otherwise go unseen.

This legislation takes vital steps toward realizing the goals established 45 years ago in the Equal Pay Act. I urge my colleagues to join me in supporting the bill.

Mr. DAVIS of Illinois. Mr. Chairman, the House of Representatives passed H.R. 1338, the Paycheck Fairness Act, sponsored by Representative ROSA L. DELAURO (D–CT). H.R. 1338 amends the Equal Pay Act, one of the primary laws addressing pay discrimination. Since becoming law, loopholes and weak remedies have made the Equal Pay Act less effective in combating wage discrimination. The Paycheck Fairness Act, strengthens and improves the effectiveness of the Equal Pay Act.

There should be little doubt that such improvements are necessary. More than four decades after the enactment of the Equal Pay Act, women still make only 77 cents for every dollar made by their male counterparts, a wage disparity that cannot be explained by differences in qualifications, education, skills, training, responsibility, or life choices. Rather, in many cases, the pay differential has resulted from unlawful sex discrimination.

The consequences of this discrimination are severe and predictable. The pay disparity forces single-mother households and families dependent on two wage earners to live on less than they rightfully deserve, while simultaneously reducing women's retirement earnings. In short, unfair pay disparities perpetuate women's economic dependence and deprive them of economic opportunity and equal protection of the laws.

The Paycheck Fairness Act provides for compensatory and punitive damages only ''as appropriate,'' with no further limitation or arbitrary cap being necessary. The modest provisions for compensatory and punitive damages in the Paycheck Fairness Act bring remedies for victims of sex-based wage discrimination in line with those available for victims of wage discrimination based on race and national origin.

I want to take this opportunity to thank Chairman MILLER, and Subcommittee Chairwoman WOOLSEY and Congresswoman DELAURO for championing this important wage discrimination legislation.

Mr. KUCINICH. Mr. Chairman, the Paycheck Fairness Act is an important step in eliminating the gap that exists between the compensation of men and women, a gap that has existed for decades and persists to this day despite the gains made by women.

Among other things, the bill will close a loophole that some employers exploit to avoid compensation discrimination lawsuits, and will put gender discrimination on a par with other types of discrimination.

Men and women are equally important to the health and vitality of the American economy, and it is high time that compensation reflect this fact.

Women who work full time continue to make roughly 25 percent less for equal work and with equal qualifications to their male counterparts.

This means that a woman makes significantly less money based on one single factor: Her sex. This is sexist, unconscionable and discriminatory.

This discrimination impacts women in their struggle for economic independence, and their ability to care for their families and themselves. It continues to promote the backward thinking that undervalues and devalues women in the United States and around the world.

I support H.R. 1338 because I believe it moves us in a direction that closes the discriminatory wage gap. It is long overdue.

I look forward to the day when everyone in the labor force is treated equally.

I urge my colleagues to support this important bill.

Ms. SCHAKOWSKY. Mr. Chairman, I rise today in strong support of H.R. 1338, the Paycheck Fairness Act. I am an original cosponsor of this bill because I believe it is time that we end gender discrimination in the workplace.

The Paycheck Fairness Act addresses one of the most evident and detrimental aspects of gender discrimination: Wage disparity. As we know from the U.S. Census Bureau, women across the country earn, on average, only 77 cents for every dollar a man receives for the same work. That 23-cent difference can add up to between $400,000 and $2 million over a working lifetime. In Illinois, where the average working woman earns 75 cents for every dollar earned by a man, the wage gap and the cost to women are even larger.

In today's economy, wage discrimination hits women particularly hard, whether they are the heads of households or the second or even third wage earner in a family. With higher food, energy, health care, transportation and housing costs, women are struggling to stretch every dollar in order to meet their family's needs. Wage discrimination unfairly shrinks those dollars, especially for women of color and self-employed women who suffer from a higher-than-average wage gap. It deprives women of dollars that they have earned but, because of the paycheck gap, do not get.

While there are many economic arguments for H.R. 1338, there are other considerations as well. I urge my colleagues to consider the views of the American Psychological Association, which argues that wage discrepancies create economic disadvantages that ''affect the psychological and physical health of women and their families.'' As the APA says, ''The link between depression and low-income women can be attributed to increased stress caused by living in poverty, as well as minimal social support. Additionally, low-income pregnant women receive less prenatal care, and are more likely to deliver low-birth weight babies.''

We should pass H.R. 1338 to ensure that women are fairly paid for their work, not economically disadvantaged because of their gender. We should pass H.R. 1338 because it will help families deal with the current economic crisis. We should pass H.R. 1338 because it will have positive health impacts for women and families. It is the right thing to do, and I urge my colleagues to support it.

Mr. STARK. Mr. Chairman, there is no excuse for the wage gap that still exists between men and women in today's workforce. Equalizing wages will provide women with equal pay for equal work and improve the standard of living for millions of American families. That is why I rise today in strong support of H.R. 1338, the Paycheck Fairness Act.

The need for the reform of the Equal Pay Act (EPA) is obvious. More than four decades after Congress enacted it, hard-working women still earn only 77 cents for every dollar made by men. This is certainly an improvement over the 58 cents women earned when the EPA was passed in 1963, but it is hardly enough. And it still will not be enough when the day comes that women earn 99 cents for every dollar that a man earns. ''Equal'' is not a word that allows room for negotiation, and nothing short of women being paid the same wages as men should be acceptable.

We are here today to vote for the Paycheck Fairness Act for the fourth time since it was first introduced in 2005. That is three times too many. We took jobs as Representatives of the House with the promise to represent our constituents to the best of our ability. I don't see how it is possible to do that when we neglect to ensure that something as basic and fundamentally important as fair pay is granted to the working women of our districts.

The Paycheck Fairness Act contains the tools necessary to achieve EPA's goal. It will increase penalties for employers who pay different wages to men and women for equal work, require employers to prove that payment disparities among men and women are job related and consistent with business necessity, and protect employees from retaliation after sharing salary information.

In a country that prides itself on equality for all, it is unconscionable that women who do the same work as men receive less pay. I urge my colleagues to bring the ''fairness'' back into the workplace by supporting the Paycheck Fairness Act.

Mr. CONYERS. Mr. Chairman, I rise today in support of H.R. 1338, ''The Paycheck Fairness Act.'' This legislation will help our Nation take the final steps in its long journey towards ensuring that men and women receive equal pay for equal work. The Congress first committed itself to remedying the scourge of pay discrimination in 1963, when it passed the Equal Pay Act. At that time, full-time working women were paid on average 59 cents on the dollar earned by their male counterparts. In the ensuring 43 years, the wage gap between men and women has narrowed. In 2008, women earn about 77 percent of what men earn. While this is a dramatic improvement, the 23 cent gap that exists still exemplifies that gender discrimination is a real and contemporary problem in our labor market.

H.R. 1338 would attack this problem in a comprehensive manner. It builds on many of the innovative policies found in the original EPA and adds provisions specifically crafted to address the realities of 21st century offices. H.R. 1338 will:

Strengthen the EPA by making it unlawful for an employer to pay unequal wages to men and women who have substantially similar jobs that are performed under similar working conditions within the same physical location of business. Under the original EPA, employers can justify unequal pay if it is based on: Seniority; merit; quality or quantity of production; or ''any factor other than sex.'' This legislation clarifies the ''any factor other than sex'' defense, so that an employer trying to justify paying a man more than a woman for the same job must show that the disparity is not sex-based, is job related, and is necessary for the business;

Prohibit employers from retaliating against employees who discuss or disclose salary information with their co-workers. However, employees such as HR personnel who have access to payroll information as part of their job would not be protected if they disclose the salaries of other workers;

Strengthen the remedies available to include punitive and compensatory damages. Under the EPA currently, plaintiffs can only recover back pay and in some cases double back pay. The damages would not be capped;

Require the Department of Labor to improve outreach and training efforts to work with employers in order to eliminate pay disparities;

Enhance the collection of information on women's and men's wages in order to more fully explore the reasons for gender-based wage gap and to assist employers in their efforts to rectify pay disparities; and

Create a new grant program to help strengthen the negotiation skills of girls and women.

Mr. Chairman, I was shocked when I heard last year about the case of Lilly Ledbetter, the Goodyear Tire plant employee who suffered from pay discrimination for nearly two decades. After learning that she had been victimized by her employer, she brought an Equal Employment Opportunity Commission complaint against Goodyear. Unfortunately, a majority of our anti-worker, pro-corporate Supreme Court denied her claim, ruling that employees can only file a wage-discrimination complaint within 180 days of a discriminatory payroll decision. Ms. Ledbetter, a clear victim of discrimination, was left without recourse in a country founded on a respect for the rule of law. For this, we should be ashamed.

Mr. Chairman, I believe that our courts are our last line of defense when it comes to protecting the fundamental rights enshrined in our Constitution and in our civil rights laws. With our marketplace and court systems unwilling to correct obvious injustices, we need a legislative solution that will ensure that the universal values of fairness, respect, and decency continue to be a part of the American workplace. To this end, I urge my colleagues to step up for ''equal pay for equal work'' and pass H.R. 1388.

Ms. EDDIE BERNICE JOHNSON of Texas. Mr. Chairman, I rise today in strong support of H.R. 1338, the Paycheck Fairness Act.

It has been 45 years since the passage of the landmark Equal Pay Act of 1963, and while pay disparities have narrowed, a strong wage disparity still exists. In fact, according to the U.S. Census Bureau women still make only 77 cents on the dollar to their male counterparts.

We cannot deny that this gender disparity exists, and it is essential that we close the loopholes that allow it to continue. The Paycheck Fairness Act helps close these loopholes by increasing enforcement and accountability in cases of discrimination. This bill provides relief for women who face retaliation for standing up for equal pay, and it requires the Department of Labor to increase their effort to end pay disparities.

This is not only a bill for women, but a bill for children and families. For the millions of working mothers in America—many of whom are heads of households—it offers financial stability. This wage disparity is costing women between $400,000 and $2 million over a lifetime.

Lower wages factor into long-term financial planning. Retirement and Social Security is based on income. Retirement aged women today are far less likely to receive a pension, and rely on Social Security benefits to survive. The wage discrimination women are facing today will continue to follow them well into retirement.

We cannot continue to simply accept this disparity, and the Paycheck Fairness Act is a strong statement that this type of discrimination will not be tolerated. I would like to thank Congresswoman DELAURO for offering this important piece of legislation, and commend Chairman MILLER and the Democratic leadership for bringing this bill to the floor.

Mr. DINGELL. Mr. Chairman, I rise today in strong support of H.R. 1338, the Paycheck Fairness Act. My dear friend and colleague, Representative ROSA DELAURO, has worked for more than ten years on this legislation to close the disparate pay gap between men and women. I thank her for her tireless efforts.

President Kennedy signed the Equal Pay Act 45 years ago. I, like many others, am left scratching my head, wondering why the wage gap has narrowed by less than half a cent a year. Today, women earn only 77 cents for every dollar earned by men, compared with 59 cents on the dollar in 1963. At this rate, it would take another 50 years to reach parity between men and women. I am proud to be a cosponsor of H.R. 1338, which builds on the progress of the Equal Pay Act by improving legal recourses for women who are being discriminated against in the workplace, providing more effective remedies for claiming punitive and compensatory damages—bringing them in line with those for race or national origin discrimination, demanding from employers a business justification for a gender-based pay difference, and prohibiting employers from retaliating against employees who share salary information with their co-workers.

As a husband, father of daughters and grandfather of granddaughters, closing the pay gap is an issue I care deeply about. After cosponsoring the Paycheck Fairness Act for nearly a decade, I am pleased to be finally able to vote in favor of it here on the House Floor.

Over the years, I have studied the pay gap in depth. Representative CAROLYN MALONEY and I have commissioned two Government Accountability Office studies on the matter. The conclusion we have come to is sad and disappointing, that even when controlling for all factors, women simply lag behind men. This is most certainly not because women work less hard than men—we know nothing could be further from the truth. Yet, something is keeping women behind. This is why I am also a cosponsor of the Equal Rights Amendment, which is a long overdue amendment to the Constitution to finally give women the standing necessary to address their grievances.

The pay gap is too often seen as a ''women's issue.'' In fact, this is not a women's issue, it is a family issue. The simple fact of the matter is that it often takes two incomes to make it in this country. This is especially true during an economic downturn like we face today. When women are not paid fairly, our families suffer.

I am proud to be here today voting in favor of the Paycheck Fairness Act and sincerely hope this critically important legislation is signed into law this year.

Ms. RICHARDSON. Mr. Chairman, I rise in strong support of H.R. 1338, the Paycheck Fairness Act.

I would like to acknowledge our colleague, Representative ROSA DELAURO (D-CT), for her leadership on this issue and for bringing this bill to the Floor.

Kofi Anan once said ''When women thrive, all of society benefits, and succeeding generations are given a better start in life.'' In a period of tough economic times, this bill and this quote could not be timelier or more relevant. Despite the passage of the Equal Pay Act in 1963 women still earn only 77 cents for every dollar that men earn. In a society where women are increasingly the heads of households, pay inequity harms not only the individual woman but her children and other family members as well.

H.R. 1338 increases the penalties for gender discrimination, and puts gender discrimination sanctions on equal footing with other forms of wage discrimination, including those based on race, disability, or age. The bill prohibits employers from retaliating against employees who share salary information with their co-workers. The fact of the matter is that, for every woman who comes forward and speaks out against pay discrimination, there are scores of other woman who remain silent for fear of retaliation. This legislation sends a strong message to women that their elected officials recognize the discrepancy in pay and are doing everything in their power to remedy pay discrimination.

In closing, I would like to quote Betty Friedan, world renowned feminist and author of the book The Feminine Mystique: ''A girl should not expect special privileges because of her sex but neither should she adjust to prejudice and discrimination.'' There is no room in this society for gender discrimination, which harms the greater community because when we uplift one segment of society, we uplift our entire society.

For all the single mothers, working mothers, and young women entering the workforce, I lend my full support to H.R. 1338, the Paycheck Fairness Act.

This is a sound piece of legislation, a critical piece of legislation, and I encourage all of my colleagues to support H.R. 1338, the Paycheck Fairness Act.

Mr. VAN HOLLEN. Mr. Chairman, I rise in strong support of the Paycheck Fairness Act—for the basic promise of equality it upholds for America's women and the faith it keeps with the best of who we are as a nation.

The Equal Pay Act was passed in 1963 to enshrine into law the basic principle of equal pay for equal work.

Forty-five years later, we are here today because American women still only make $.77 cents for every dollar a male counterpart earns when performing equal work. Worse, African-American women earn only $.66 on the dollar, and Hispanic women a mere $.55.

This continued and persistent wage gap between men and women cannot be explained by differences in education, qualifications or experience. It is both unacceptable and un-American. And it must stop.

The Paycheck Fairness Act will move us towards our ultimate goal of eliminating wage disparity in the United States by clarifying that any employer's decision to pay a male employee more than a female employee must not be based on gender, must be job-related and must be consistent with business necessity. To avoid a repeat of the facts presented to the Supreme Court in the Ledbetter v. Goodyear Tire and Rubber case, this legislation also prohibits employers from retaliating against employees who discuss or disclose salary information with co-workers. And it strengthens the remedies made available to women who have been subjected to gender-based wage discrimination.

Mr. Chairman, in closing, I want to recognize my good friend and colleague ROSA DELAURO for her tireless leadership on this legislation. We owe it to our mothers, wives, sisters and daughters to pass it without delay.

Mr. LANGEVIN. Mr. Chairman, I rise in strong support of H.R. 1338, the Paycheck Fairness Act, which would narrow the wage gap between men and women. As a cosponsor of this bill, as well as a cosponsor in previous Congressional sessions, I am pleased to see this legislation finally debated on the House floor.

H.R. 1338 would strengthen the Equal Pay Act, which makes it unlawful for an employer to pay unequal wages to men and women that have similar jobs within the same establishment. The Paycheck Fairness Act would allow women to sue for punitive damages, as well as compensatory damages. Currently, women who seek compensation for unequal pay can only recover back pay, or in some cases, double back pay. While this bill would increase penalties for employers who pay different wages to men and women for equal work, it also provides incentives such as training programs for employers to eliminate pay disparities and grant programs to help strengthen the negotiation skills of girls and women.

Some may argue that these changes are not necessary, but the numbers speak for themselves. Despite greatly increased commitment to the labor force over the past 45 years, women working full time make 77 cents for every dollar earned by a man—less than a 20 percent increase since the Equal Pay Act was signed into law in 1963. Even more troublesome, African-American women earn 66 cents to the dollar and Latina women earn 55 cents to the dollar. According to a Census Bureau study, male high school graduates earned $13,000 more than female high school graduates in 2006. Women with a bachelor's degree employed year-round earned $53,201, while similarly educated men earned an average of $76,749. This same study also noted that the pay difference between men and women grows wider as they age.

Mr. Chairman, I urge my colleagues to support this bill so that women like Lilly Ledbetter do not have to argue their case for equal pay all the way to the Supreme Court, so that single mothers do not have to worry whether or not they are being treated fairly by their employers while they provide for their children, and so that daughters entering college can reach their full potential when they graduate.

Finally, I would like to thank my friend Congresswoman DELAURO for her many years of leadership on this issue, as well as inspiring women of all ages across our country.

Mr. HONDA. Mr. Chairman, I rise today to speak in very strong support of H.R. 1338, the Paycheck Fairness Act. The Equal Pay Act of 1963 was a critical step forward in the ongoing struggle for equal rights for women. The time has come to make common sense adjustments to the act in order to make it more effective in fighting gender-based employment and pay discrimination.

The American dream is undermined daily as women are denied equal pay for their work. Improvement has come too slowly over the past 45 years, with women's wages rising from 59 cents for every dollar earned by a man in 1963 to 77 cents per every dollar earned by a man in 2008. This gap is even worse for minority women, with Latinas earning 52 cents to every dollar—the least of all racial and ethnic minorities as compared to white men. The Paycheck Fairness Act will facilitate the achievement of equal pay between the sexes.

A 2003 study by the U.S. Government Accountability Office found that when all the key factors that influence earnings are controlled for—demographic factors such as marital status, race, number and age of children, and income, as well as work patterns such as years of work, hours worked, and job tenure—there is a 23 percent pay gap between women and men that cannot be explained or justified.

Women now comprise 59 percent of the work force, compared to about one-third when the Equal Pay Act was first passed. All working people deserve the same opportunities to succeed professionally and personally. The Paycheck Fairness Act will solidify our commitment to this equality and bring us closer to achieving the ideals put forth in so long ago in the Equal Pay Act of 1963 by closing loopholes in the law that have allowed employers to evade liability, providing tools to improve outreach and training efforts to work with employers, strengthening the negotiation skills of girls and women, and enhancing the collection of information on women's and men's wages.

It is simply unacceptable that in the past 40 years the wage gap has narrowed by less than 20 percent. We have the opportunity to aid millions of American workers to achieve the American Dream, and so I am proud to support H.R. 1338.

Mr. GENE GREEN of Texas. Mr. Chairman, as cosponsor of this legislation for multiple Congresses, I rise in strong support and urge my colleagues to join me in supporting the Paycheck Fairness Act.

This legislation would take meaningful steps to empower women to negotiate for equal pay, to create strong incentives for employers to follow the law, and to strengthen federal outreach and lenforcement efforts.

According to the 2006 Census Bureau, women still earned only about 77 percent as much as men did. Women of color were worse off—African American women made 66 cents on the dollar compared to the highest earners, white men, while Hispanic women made only 55 cents. As a result, according to the Institute of Women's Policy Research, working women stand to lose anywhere between $400,000 and $2 million dollars over the course of their career because of unequal pay practices. While women's wages and educational attainment hve been rising, there is still a sizeable gender wage gap. Only a portion of the difference in pay can be explained by experience, education, or qualifications.

Using data collected by the Bureau of Labor Statistics and the Census Bureau between 2004–2006, my own state of Texas ranked 7th in the nation in gender based wage equity, with women earning on average 80.7 percent of what their male counterparts earned. Although this is slightly better than the national average, it is obvious that there is still work to be done. At the current rate of wage growth for men and women in Texas, the National Committee on Pay Equity estimates that it will take another 38 years before this wage gap is closed.

It is well past time for something be done to close the gender wage gap so that men and women have the same opportunity to a decent working wage. The original Equal Pay Act signed by President Kennedy 45 years ago called for "equal pay for equal work". Although it has come a long way, the fight for equal pay and treatment is still an ongoing struggle.

The Paycheck Fairness Act would help address these conditions by amending and strengthening the EPA, so that it will be a more effective tool in combating gender-based pay discrimination. H.R. 1338 will close numerous loopholes in the 45-year-old law that has enabled employers to evade liability. It will also create a new grant program to help strengthen the negotiation skills of girls and women.

Congress must pass this legislation to help ensure that this goal becomes a reality, and I urge my colleagues to join me in supporting H.R. 1338.

Mr. HARE. Mr. Chairman, I rise today in strong support of H.R. 1338, the Paycheck Fairness Act of which I am a proud cosponsor.

Every April I participate in "Equal Pay Day" with my friend, Representative ROSA DELAURO, and other colleagues. This is the time of year when wages paid to American women "catch up" to the wages paid to men from the previous year. In other words, because the average woman earns less, she must work longer for the same amount of pay. The legislation before us today addresses this unacceptable reality.

According to the U.S. Census Bureau, women only make 77 cents for every dollar earned by a man. This wage disparity will end up costing women anywhere from $400,000 to $2 million over a lifetime in lost wages. Making matters worse, the wage gap grows wider as women age and move through their careers, creating serious economic security concerns.

The Paycheck Fairness Act will strengthen pay equity laws by closing the loopholes that have allowed employers to avoid responsibility for discriminatory pay, and help build economic and retirement security for women.

It is in the best interest of all Americans to ensure that every worker is treated fairly and I urge my colleagues to support this bill. I commend Ms. DELAURO for introducing the legislation and for her leadership on this issue over the past decade.

Ms. HIRONO. Mr. Chairman, I rise in strong support of H.R. 1338, the Paycheck Fairness Act. This legislation is needed to strengthen the Equal Pay Act of 1963. I thank Congresswoman ROSA DELAURO for sponsoring this bill and fighting for its passage year after year and Chairman GEORGE MILLER for championing this bill through the committee and on the House floor.

The Paycheck Fairness Act has garnered tremendous support from 230 cosponsors and over 200 national, state, and local organizations. While the Equal Pay Act was intended to prevent pay discrimination in the workplace, 45 years after it was signed by President Kennedy, women, and especially women of color, continue to take home significantly less pay than men for the same work. Single women and female heads of households fare the worst in the current system. These women earn less than their male colleagues during their careers, which in turn adversely affects their ability to save and accrue retirement benefits.

As a representative of the second Congressional district of Hawaii, I have the great honor and responsibility of continuing the important work of my predecessor, Patsy Takemoto Mink. Congresswoman Mink's personal struggles as a woman in a culture dominated by men inspired her to work tirelessly for equal rights for women and girls. She faced obstacles in pursuing her education and career, but she was not deterred—instead, she broke down barriers, becoming the first Japanese-American woman admitted to the bar in Hawaii and the first woman of color elected to national office in this country when she was elected to the U.S. House of Representatives in 1964. Today, women continue to break down barriers in the workplace, but they still receive only a fraction of the pay men receive for the same work.

Although the Equal Pay Act of 1963 was passed to prevent pay discrimination based on sex, the law clearly has not had the intended result, even after 45 years. Women still make only 77 cents for every dollar earned by men for equal work. This bill will strengthen enforcement of the law, thereby fulfilling its intended purpose.

I strongly urge my colleagues to stand up for the right of women to receive equal pay and support the Paycheck Fairness Act.

Mr. BACA. Mr. Chairman, I rise in support of H.R. 1338 and I want to thank Congresswoman DELAURO for her leadership on this important bill.

She has fought for paycheck fairness for women during every Congress for the past decade and should be commended for her tenacity.

We are a nation with a constitution and bill of rights.

It is sad to admit that in a country as prosperous as ours, women only earn 77 cents to every dollar that men earn.

It's even worse for minority women: with African American women earning 66 cents to the dollar of Latinas earning 55 cents to the dollar.

This bill corrects this injustice by making it illegal for employers to pay unequal wages to men and women who perform equal work.

In 1923, women's suffragist Alice Paul, wrote the Equal Rights Amendment which would guarantee "equal justice under law" to all citizens. I was proud to sponsor a bill that would honor Alice Paul with a congressional Gold Medal for her heroic leadership in fighting for the ERA and in working to achieve women's right to vote. My bill, H.R. 406 passed the house with 406 cosponsors, a historic record of support! While the ERA was never ratified, the Paycheck Fairness Act brings us closer to achieving its intent.

Wage discrimination keeps women down and harms the overall economy. It also represents the worst of America. We must confront discrimination head on and ensure that all Americans, regardless of gender, receive equal pay for equal work.

Mr. GEORGE MILLER of California. I yield back the balance of my time.

The CHAIRMAN. All time for general debate has expired.

Pursuant to the rule, the amendment in the nature of a substitute printed in the bill shall be considered as an original bill for the purpose of amendment under the 5-minute rule and shall be considered read.

The text of the committee amendment is as follows:

H.R. 1338

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

SECTION 1. SHORT TITLE.

This Act may be cited as the "Paycheck Fairness Act".

SEC. 2. FINDINGS.

Congress finds the following:

(1) Women have entered the workforce in record numbers over the past 50 years.

(2) Despite the enactment of the Equal Pay Act in 1963, many women continue to earn significantly lower pay than men for equal work. These pay disparities exist in both the private and governmental sectors. In many instances, the pay disparities can only be due to continued intentional discrimination or the lingering effects of past discrimination.

(3) The existence of such pay disparities—

(A) depresses the wages of working families who rely on the wages of all members of the family to make ends meet;

(B) undermines women's retirement security, which is often based on earnings while in the workforce;

(C) prevents the optimum utilization of available labor resources;

(D) has been spread and perpetuated, through commerce and the channels and instrumentalities of commerce, among the workers of the several States;

(E) burdens commerce and the free flow of goods in commerce;

(F) constitutes an unfair method of competition in commerce;

(G) leads to labor disputes burdening and obstructing commerce and the free flow of goods in commerce;

(H) interferes with the orderly and fair marketing of goods in commerce; and

(I) in many instances, may deprive workers of equal protection on the basis of sex in violation of the 5th and 14th amendments.

(4)(A) Artificial barriers to the elimination of discrimination in the payment of wages on the basis of sex continue to exist decades after the enactment of the Fair Labor Standards Act of 1938 (29 U.S.C. 201 et seq.) and the Civil Rights Act of 1964 (42 U.S.C. 2000a et seq.).

(B) These barriers have resulted, in significant part, because the Equal Pay Act has not worked as Congress originally intended. Improvements and modifications to the law are necessary to ensure that the Act provides effective protection to those subject to pay discrimination on the basis of their sex.

(C) Elimination of such barriers would have positive effects, including—

(i) providing a solution to problems in the economy created by unfair pay disparities;

(ii) substantially reducing the number of working women earning unfairly low wages, thereby reducing the dependence on public assistance;

(iii) promoting stable families by enabling all family members to earn a fair rate of pay;

(iv) remedying the effects of past discrimination on the basis of sex and ensuring that in the future workers are afforded equal protection on the basis of sex; and

(v) ensuring equal protection pursuant to Congress' power to enforce the 5th and 14th amendments.

(5) The Department of Labor and the Equal Employment Opportunity Commission have important and unique responsibilities to help ensure that women receive equal pay for equal work.

(6) The Department of Labor is responsible for—

(A) collecting and making publicly available information about women's pay;

(B) ensuring that companies receiving Federal contracts comply with anti-discrimination affirmative action requirements of Executive Order 11246 (relating to equal employment opportunity);

(C) disseminating information about women's rights in the workplace;

(D) helping women who have been victims of pay discrimination obtain a remedy; and

(E) being proactive in investigating and prosecuting equal pay violations, especially systemic violations, and in enforcing all of its mandates.

(7) The Equal Employment Opportunity Commission is the primary enforcement agency for claims made under the Equal Pay Act, and issues regulations and guidance on appropriate interpretations of the law.

(8) With a stronger commitment by the Department of Labor and the Equal Employment Opportunity Commission to their responsibilities, increased information about the provisions added by the Equal Pay Act of 1963, wage data, and more effective remedies, women will be better able to recognize and enforce their rights.

(9) Certain employers have already made great strides in eradicating unfair pay disparities in the workplace and their achievements should be recognized.

SEC. 3. ENHANCED ENFORCEMENT OF EQUAL PAY REQUIREMENTS.

(a) BONA-FIDE FACTOR DEFENSE AND MODIFICATION OF SAME ESTABLISHMENT REQUIREMENT.—Section 6(d)(1) of the Fair Labor Standards Act of 1938 (29 U.S.C. 206(d)(1)) is amended—

(1) by striking "No employer having" and inserting "(A) No employer having";

(2) by striking "any other factor other than sex" and inserting "a bona fide factor other than sex, such as education, training, or experience"; and

(3) by inserting at the end the following:

"(B) The bona fide factor defense described in subparagraph (A)(v) shall apply only if the employer demonstrates that such factor (i) is not based upon or derived from a sex-based differential in compensation; (ii) is job-related with respect to the position in question; and (iii) is consistent with business necessity. Such defense shall not apply where the employee demonstrates that an alternative employment practice exists that would serve the same business purpose without producing such differential and that the employer has refused to adopt such alternative practice.

"(C) For purposes of subparagraph (A), employees shall be deemed to work in the same establishment if the employees work for the same employer at workplaces located in the same county or similar political subdivision of a State. The preceding sentence shall not be construed as limiting broader applications of the term 'establishment' consistent with rules prescribed or guidance issued by the Equal Opportunity Employment Commission.".

(b) APPLICATION OF PROVISIONS.—Section 6(d)(1) of the Fair Labor Standards Act of 1938 (29 U.S.C. 206(d)(1)) is further amended by adding at the end the following: "The provisions of this subsection shall apply to applicants for employment if such applicants, upon employment by the employer, would be subject to any provisions of this section.".

(c) NONRETALIATION PROVISION.—Section 15 of the Fair Labor Standards Act of 1938 (29 U.S.C. 215(a)(3)) is amended—

(1) in subsection (a)(3), by striking "employee has filed" and all that follows and inserting "employee—

"(A) has made a charge or filed any complaint or instituted or caused to be instituted any investigation, proceeding, hearing, or action under or related to this Act, including an investigation conducted by the employer, or has testified or is planning to testify or has assisted or participated in any manner in any such investigation, proceeding, hearing or action or in an investigation conducted by the employer, or has served or is planning to serve on an industry Committee; or

"(B) has inquired about, discussed or disclosed the wages of the employee or another employee."; and

(2) by adding at the end the following:

"(c) Subsection (a)(3)(B) shall not apply to instances in which an employee who has access to the wage information of other employees as a part of such employee's essential job functions discloses the wages of such other employees to individuals who do not otherwise have access to such information, unless such disclosure is in response to a complaint or charge or in furtherance of an investigation, proceeding, hearing, or action under section 6(d) or an investigation conducted by the employer. Nothing in this subsection shall be construed to limit the rights of an employee provided under any other provision of law.".

(d) ENHANCED PENALTIES.—Section 16(b) of the Fair Labor Standards Act of 1938 (29 U.S.C. 216(b)) is amended—

(1) by inserting after the first sentence the following: "Any employer who violates section 6(d)

shall additionally be liable for such compensatory damages or punitive damages as may be appropriate, except that the United States shall not be liable for punitive damages.'';

(2) in the sentence beginning ''An action to'', by striking ''either of the preceding sentences'' and inserting ''any of the preceding sentences of this subsection'';

(3) in the sentence beginning ''No employees shall'', by striking ''No employees'' and inserting ''Except with respect to class actions brought to enforce section 6(d), no employee'';

(4) by inserting after the sentence referred to in paragraph (3), the following: ''Notwithstanding any other provision of Federal law, any action brought to enforce section 6(d) may be maintained as a class action as provided by the Federal Rules of Civil Procedure.''; and

(5) in the sentence beginning ''The court in''—

(A) by striking ''in such action'' and inserting ''in any action brought to recover the liability prescribed in any of the preceding sentences of this subsection''; and

(B) by inserting before the period the following: '', including expert fees''.

(e) ACTION BY SECRETARY.—Section 16(c) of the Fair Labor Standards Act of 1938 (29 U.S.C. 216(c)) is amended—

(1) in the first sentence—

(A) by inserting ''or, in the case of a violation of section 6(d), additional compensatory or punitive damages,'' before ''and the agreement''; and

(B) by inserting before the period the following: '', or such compensatory or punitive damages, as appropriate'';

(2) in the second sentence, by inserting before the period the following: ''and, in the case of a violation of section 6(d), additional compensatory or punitive damages'';

(3) in the third sentence, by striking ''the first sentence'' and inserting ''the first or second sentence''; and

(4) in the last sentence—

(A) by striking ''commenced in the case'' and inserting ''commenced—

''(1) in the case'';

(B) by striking the period and inserting ''; or''; and

(C) by adding at the end the following:

''(2) in the case of a class action brought to enforce section 6(d), on the date on which the individual becomes a party plaintiff to the class action.''.

SEC. 4. TRAINING.

The Equal Employment Opportunity Commission and the Office of Federal Contract Compliance Programs, subject to the availability of funds appropriated under section 11, shall provide training to Commission employees and affected individuals and entities on matters involving discrimination in the payment of wages.

SEC. 5. NEGOTIATION SKILLS TRAINING FOR GIRLS AND WOMEN.

(a) PROGRAM AUTHORIZED.—

(1) IN GENERAL.—The Secretary of Labor, after consultation with the Secretary of Education, is authorized to establish and carry out a grant program.

(2) GRANTS.—In carrying out the program, the Secretary of Labor may make grants on a competitive basis to eligible entities, to carry out negotiation skills training programs for girls and women.

(3) ELIGIBLE ENTITIES.—To be eligible to receive a grant under this subsection, an entity shall be a public agency, such as a State, a local government in a metropolitan statistical area (as defined by the Office of Management and Budget), a State educational agency, or a local educational agency, a private nonprofit organization, or a community-based organization.

(4) APPLICATION.—To be eligible to receive a grant under this subsection, an entity shall submit an application to the Secretary of Labor at such time, in such manner, and containing such information as the Secretary of Labor may require.

(5) USE OF FUNDS.—An entity that receives a grant under this subsection shall use the funds made available through the grant to carry out an effective negotiation skills training program that empowers girls and women. The training provided through the program shall help girls and women strengthen their negotiation skills to allow the girls and women to obtain higher salaries and rates of compensation that are equal to those paid to similarly-situated male employees.

(b) INCORPORATING TRAINING INTO EXISTING PROGRAMS.—The Secretary of Labor and the Secretary of Education shall issue regulations or policy guidance that provides for integrating the negotiation skills training, to the extent practicable, into programs authorized under—

(1) in the case of the Secretary of Education, the Elementary and Secondary Education Act of 1965 (20 U.S.C. 6301 et seq.), the Carl D. Perkins Vocational and Technical Education Act of 1998 (20 U.S.C. 2301 et seq.), the Higher Education Act of 1965 (20 U.S.C. 1001 et seq.), and other programs carried out by the Department of Education that the Secretary of Education determines to be appropriate; and

(2) in the case of the Secretary of Labor, the Workforce Investment Act of 1998 (29 U.S.C. 2801 et seq.), and other programs carried out by the Department of Labor that the Secretary of Labor determines to be appropriate.

(c) REPORT.—Not later than 1 year after the date of enactment of this Act, and annually thereafter, the Secretary of Labor and the Secretary of Education shall prepare and submit to Congress a report describing the activities conducted under this section and evaluating the effectiveness of such activities in achieving the purposes of this Act.

SEC. 6. RESEARCH, EDUCATION, AND OUTREACH.

The Secretary of Labor shall conduct studies and provide information to employers, labor organizations, and the general public concerning the means available to eliminate pay disparities between men and women, including—

(1) conducting and promoting research to develop the means to correct expeditiously the conditions leading to the pay disparities;

(2) publishing and otherwise making available to employers, labor organizations, professional associations, educational institutions, the media, and the general public the findings resulting from studies and other materials, relating to eliminating the pay disparities;

(3) sponsoring and assisting State and community informational and educational programs;

(4) providing information to employers, labor organizations, professional associations, and other interested persons on the means of eliminating the pay disparities;

(5) recognizing and promoting the achievements of employers, labor organizations, and professional associations that have worked to eliminate the pay disparities; and

(6) convening a national summit to discuss, and consider approaches for rectifying, the pay disparities.

SEC. 7. ESTABLISHMENT OF THE NATIONAL AWARD FOR PAY EQUITY IN THE WORKPLACE.

(a) IN GENERAL.—There is established the Secretary of Labor's National Award for Pay Equity in the Workplace, which shall be awarded, as appropriate, to encourage proactive efforts to comply with this Act.

(b) CRITERIA FOR QUALIFICATION.—The Secretary of Labor shall set criteria for receipt of the award, including a requirement that an employer has made substantial effort to eliminate pay disparities between men and women, and deserves special recognition as a consequence of such effort. The secretary shall establish procedures for the application and presentation of the award.

(c) BUSINESS.—In this section, the term ''employer'' includes—

(1)(A) a corporation, including a nonprofit corporation;

(B) a partnership;

(C) a professional association;

(D) a labor organization; and

(E) a business entity similar to an entity described in any of subparagraphs (A) through (D);

(2) an entity carrying out an education referral program, a training program, such as an apprenticeship or management training program, or a similar program; and

(3) an entity carrying out a joint program, formed by a combination of any entities described in paragraph (1) or (2).

SEC. 8. COLLECTION OF PAY INFORMATION BY THE EQUAL EMPLOYMENT OPPORTUNITY COMMISSION.

Section 709 of the Civil Rights Act of 1964 (42 U.S.C. 2000e–8) is amended by adding at the end the following:

''(f)(1) Not later than 18 months after the date of enactment of this subsection, the Commission shall—

''(A) complete a survey of the data that is currently available to the Federal Government relating to employee pay information for use in the enforcement of Federal laws prohibiting pay discrimination and, in consultation with other relevant Federal agencies, identify additional data collections that will enhance the enforcement of such laws; and

''(B) based on the results of the survey and consultations under subparagraph (A), issue regulations to provide for the collection of pay information data from employers as described by the sex, race, and national origin of employees.

''(2) In implementing paragraph (1), the Commission shall have as its primary consideration the most effective and efficient means for enhancing the enforcement of Federal laws prohibiting pay discrimination. For this purpose, the Commission shall consider factors including the imposition of burdens on employers, the frequency of required reports (including which employers should be required to prepare reports), appropriate protections for maintaining data confidentiality, and the most effective format for the data collection reports.''.

SEC. 9. REINSTATEMENT OF PAY EQUITY PROGRAMS AND PAY EQUITY DATA COLLECTION.

(a) BUREAU OF LABOR STATISTICS DATA COLLECTION.—The Commissioner of Labor Statistics shall continue to collect data on women workers in the Current Employment Statistics survey.

(b) OFFICE OF FEDERAL CONTRACT COMPLIANCE PROGRAMS INITIATIVES.—The Director of the Office of Federal Contract Compliance Programs shall ensure that employees of the Office—

(1)(A) shall use the full range of investigatory tools at the Office's disposal, including pay grade methodology;

(B) in considering evidence of possible compensation discrimination—

(i) shall not limit its consideration to a small number of types of evidence; and

(ii) shall not limit its evaluation of the evidence to a small number of methods of evaluating the evidence; and

(C) shall not require a multiple regression analysis or anecdotal evidence for a compensation discrimination case;

(2) for purposes of its investigative, compliance, and enforcement activities, shall define ''similarly situated employees'' in a way that is consistent with and not more stringent than the definition provided in item 1 of subsection A of section 10–III of the Equal Employment Opportunity Commission Compliance Manual (2000), and shall consider only factors that the Office's investigation reveals were used in making compensation decisions; and

(3) shall reinstate the Equal Opportunity Survey, as required by section 60–2.18 of title 41, Code of Federal Regulations, designating not less than half of all nonconstruction contractor establishments each year to prepare and file

such survey, and shall review and utilize the responses to such survey to identify contractor establishments for further evaluation and for other enforcement purposes as appropriate.

(c) DEPARTMENT OF LABOR DISTRIBUTION OF WAGE DISCRIMINATION INFORMATION.—The Secretary of Labor shall make readily available (in print, on the Department of Labor website, and through any other forum that the Department may use to distribute compensation discrimination information), accurate information on compensation discrimination, including statistics, explanations of employee rights, historical analyses of such discrimination, instructions for employers on compliance, and any other information that will assist the public in understanding and addressing such discrimination.

SEC. 10. AUTHORIZATION OF APPROPRIATIONS.

There are authorized to be appropriated $15,000,000 to carry out this Act.

The CHAIRMAN. No amendment to the committee amendment is in order except those printed in House Report 110–807. Each amendment shall be considered only in the order printed in the report; by a Member designated in the report; shall be considered read; shall be debatable for the time specified in the report, equally divided and controlled by the proponent and an opponent of the amendment; shall not be subject to amendment; and shall not be subject to a demand for division of the question.

AMENDMENT NO. 1 OFFERED BY MS. BEAN

The CHAIRMAN. It is now in order to consider amendment No. 1 printed in House Report 110–807.

Ms. BEAN. 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. 1 offered by Ms. BEAN:

Page 8, line 23, strike ''(b) APPLICATION OF PROVISIONS'' and all that follows through page 9, line 4.

Page 9, line 5, strike ''(c)'' and insert ''(b)''.

Page 10, line 12, strike ''(d)'' and insert ''(c)''.

Page 11, line 18, strike ''(e)'' and insert ''(d)''.

The CHAIRMAN. Pursuant to House Resolution 1388, the gentlewoman from Illinois (Ms. BEAN) and a Member opposed will each control 5 minutes.

The Chair recognizes the gentlewoman from Illinois.

Ms. BEAN. Mr. Chairman, I rise today to offer an amendment to H.R. 1338, the Paycheck Fairness Act.

First, I would like to acknowledge the leadership of Congresswoman ROSA DELAURO, Chairman MILLER, and so many others in our Congress who worked long and hard to address the issue of pay equity. Having worked 20 years in the private sector before coming to Congress, where I am now uniquely guaranteed equal pay, along with all Members who are Representatives, I understand the significance of this legislation before us today.

The amendment I am offering would strike section 3(b) titled Application of Provisions from the Underlying Bill. In doing so, this amendment would prevent the expansion of the Equal Pay Act to include job applicants.

□ 1730

Under the current Equal Pay Act, only employees can raise a claim on pay discrimination. However, the underlying bill, in its current form, would, for the first time, allow job applicants to file suit, even if they do not accept a position for pay discrimination under the act. This is a significant expansion of the act, especially in the context of a bill that is otherwise focused on strengthening existing rights already provided to employees under the Equal Pay Act.

While in principle I oppose expanding the Equal Pay Act rights to applicants, the very nature of extending these rights to applicants leads to several practical complications. The bill is unclear on how to deal with those complications.

For example, H.R. 1338 fails to clarify for employers how long they would be liable to an applicant who is offered lower wages than an individual subsequently hired. First, there is no certainty that that initial offer is representative of what a negotiated final offer might have been.

In addition, if an employer originally offers a job at, say, $10 an hour, but raises the offer to $12 a few months later because she was unable to find a qualified applicant, is the employer potentially liable to every prior applicant of the opposite sex? How far back would that liability extend?

Even more concerning is that without better defined rules for how applicants would be covered under this act, employers might be deterred, out of an abundance of caution, from raising the salary offered for a job opening when they are unable to initially fill a position.

For these reasons, and others, I believe this bill should be narrowed to provide protections to employees, not applicants, in keeping with the original structure of the Equal Pay Act.

It is important to note, if this provision is struck, applicants would continue to have protections under title VII, which also protects against discrimination. And if job applicants who are offered lower pay than a male counterpart were to accept a job, they would be protected by the underlying bill and eligible to file a claim for any pay discrimination as an employee.

Mr. Chairman, I urge my colleagues to support my amendment, and if my amendment is adopted, I urge them to support final passage of the underlying bill.

I yield back the balance of my time.

Mr. MCKEON. Mr. Chairman, I claim the Republican time to speak on the amendment.

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

Mr. MCKEON. I yield myself such time as I may consume.

I will not oppose the gentlelady's amendment, but I wish to make clear, as with the other Democratic amendments to this bill that we are likely to debate today, this amendment makes the most minor of improvements to a fundamentally flawed bill. I will not oppose the amendment, but its adoption does not change my strong opposition to the underlying bill.

As I understand the gentlelady's amendment, it would strike from the underlying bill a provision which would extend the Equal Pay Act to cover not only employees, but even applicants for employment. I agree that striking this provision is the right thing to do.

Under current law, and since 1963, the Equal Pay Act has required that employers pay equal wages earned for equal work performed. It is hard to imagine how the law was ever meant to cover the payment of wages which have not yet been earned for work that has not yet been done. Frankly, the provision should not have been included in the bill in the first place, and I support its deletion.

That said, I stress again that this change is, at best, cosmetic and too little too late to address the fundamental flaws in the underlying bill. Put more simply, this amendment is the equivalent of putting lipstick on a pig. At the end of the day, it doesn't change things much.

You know where I got that from.

I will not oppose the amendment, but I remain opposed to the bill.

I yield back the balance of my time.

The CHAIRMAN. The question is on the amendment offered by the gentlewoman from Illinois (Ms. BEAN).

The amendment was agreed to.

AMENDMENT NO. 2 OFFERED BY MR. PRICE OF GEORGIA

The CHAIRMAN. It is now in order to consider amendment No. 2 printed in House Report 110–807.

Mr. PRICE of Georgia. Mr. Chairman, I have an amendment made in order by the rule.

The CHAIRMAN. The Clerk will designate the amendment.

The text of the amendment is as follows:

Amendment No. 2 offered by Mr. PRICE of Georgia:

Page 12, after line 20, insert the following:

(f) CONDITIONAL IMPLEMENTATION.—

(1) CONDITIONAL EFFECTIVE DATE.—Subject to subparagraph (3), this section and the amendments made by this section shall become effective on the date that is 90 days after the Secretary transmits to Congress the report required under subparagraph (2).

(2) STUDY ON RECRUITMENT AND HIRING OF EMPLOYEES.—The Secretary shall conduct a study to determine the effect of the requirements of this section and the amendments made under this section on the ability of employers to recruit and hire employees irrespective of gender, and not later than 90 days after the date of enactment of this Act, shall transmit to Congress a report containing the findings of such study.

(3) DETERMINATION BY SECRETARY.—This section and the amendments made by this section shall not take effect if the Secretary finds that the requirements of this section may significantly hinder employers' recruitment and hiring of employees irrespective of gender.''

The CHAIRMAN. Pursuant to House Resolution 1388, the gentleman from

Georgia (Mr. PRICE) and a Member opposed each will control 5 minutes.

The Chair recognizes the gentleman from Georgia.

Mr. PRICE of Georgia. Mr. Chairman, this amendment makes implementation of the new wage discrimination provisions in this bill contingent upon a study that demonstrates that these provisions do not hinder recruiting and hiring.

Equal pay for equal work, as has been mentioned multiple times today, is the law of the land. It is now and it has been since the passage of the Equal Pay Act in 1963. And generally, businesses do a tremendous job paying employees fairly, regardless of gender.

But the plan before the House today treats wage discrimination as systemic. Consequently, the conclusion of the majority party is to take this measure and turn power over to bureaucrats and to trial lawyers to interject, distort and oversee how wages are determined through lawsuits and regulations. If this happens, employment opportunities may actually become more limited, and flexible job structures may become more scarce or a thing of the past. In short, the very real problem that this legislation attempts to correct may, in fact, exacerbate others, very real challenges, already facing American workers.

With these reforms, there would be less incentive for employers to offer a variety of working situations like flex time or more limited travel if doing so puts an employer at risk of being sued, and this bill would do that.

Such rigidity and limitations means increased expenses for employers. Current and prospective workers then suffer through lower wages and slower job creation, or simply fewer opportunities to meet individual workers needs. Overall, it may prove to be a drag on the economy by adding additional friction to labor markets.

This amendment calls on the Secretary of Labor to study the impact of these new wage discrimination provisions on the ability of employers to recruit and hire employees, regardless of gender.

A strong contention, I believe, can be made that these changes will have a detrimental effect on labor markets, increased lawsuits, unlimited damages may discourage hiring and perhaps further segregate employment preferences for one gender in favor of another.

In order to determine this, the Secretary should have time to quantify and evaluate the bill's impact on recruitment and hiring decisions. This is information that everyone should want, I believe, in this House, prior to voting on an implementation of this bill. If there is no harm to job creation, then these provisions would go forward.

All that this amendment is asking is 90 days for the Secretary to undertake an informed review. The impetus for this bill's passage shouldn't rest on faulty comparisons of male and female median annual earnings that do not take into account all sorts of things, such as education or experience or occupation.

Mr. Chairman, equal pay for equal work is already the law of the land. The revisions before us today are a departure from this standard, and may radically alter how labor markets work through increased litigation and regulation. If that happens, it is best for all of us to have a clear understanding of its impact beforehand.

I urge adoption of the amendment.

I reserve the balance of my time.

Mr. GEORGE MILLER of California. Mr. Chairman, I rise in opposition to the amendment.

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

Mr. GEORGE MILLER of California. I yield 2 minutes to the gentleman from New Jersey (Mr. ANDREWS).

Mr. ANDREWS. Mr. Chairman, I am opposed to this amendment because I believe it gives veto power over this legislation to the Secretary of Labor.

The premise of this amendment is we need to study more and let the Secretary of Labor decide whether we need stronger legal protections for women to earn equal pay for equal work. I don't think we need to study it at all. I think the fact that women are earning 77 cents for every dollar that a man earns is evidence of why we need this law.

I think the fact that 10 years out of college, when you adjust for different family factors such as child rearing, that women are earning, on the average, 12 percent less than men in similar professions shows that we need this law.

I think the fact that studies have shown that women are shorted millions of dollars, anywhere from $400,000 to $2 million over a lifetime because of inadequate enforcement of the law for equal pay for equal work, I think it makes it crystal clear that the idea of subordinating our responsibility and giving the Secretary of Labor the opportunity to subvert what we are doing here today is unjustified and unwarranted.

So I would urge the defeat of this amendment because I believe it is unnecessary, and I think it substitutes the judgment of the Secretary of Labor for the judgment of the elected representatives of the people. We should defeat this amendment, support this bill.

Mr. GEORGE MILLER of California. I yield 1 minute to the gentlewoman from Ohio (Ms. KAPTUR).

Ms. KAPTUR. I thank the distinguished chairman for yielding and rise to oppose the amendment and in support of the Paycheck Fairness Act.

Today, this House moves America's working women into the 21st century. And, in so doing, I believe it is important to place on the record the story of our mother, Anastasia, who when she began work back in the middle of the last century as a counter waitress as Liberty Lunch on Broadway in Toledo, Ohio did not even earn the minimum wage. That was made possible only by the Fair Labor Standards Act passed in 1938. But even when that Act passed, her boss would then cash her check and deduct the increase from her, and pocket it himself.

I am privileged that I now, as a Congresswoman, came from a family that did not spare its children the story of hardship and struggle that still characterizes the lives of millions of women in our country today. In passing this act, I do so in memory of our mother and millions and millions of American women who ask only to be treated fairly in the workplace and earn equal pay for equal work and get that check.

It is a commentary on the struggle of working people everywhere that it takes a Nation centuries to enact into law what is decent and right on the merits. Today we do what is morally right and economically just. Today we give America's working women a real dose of liberty.

Mr. Chairman, I thank you for yielding me time today, oppose this amendment but strongly support this measure.

Mr. PRICE of Georgia. How much time remains, Mr. Chairman?

The CHAIRMAN. The gentleman from Georgia has 2 minutes. The gentleman from California has 2½ minutes.

Mr. PRICE of Georgia. I will reserve.

Mr. GEORGE MILLER of California. I would just join in what my colleagues have already said, that I don't think this needs further study. And I think, certainly, the idea of basing whether or not this law will be enacted on a single study by this Secretary of Labor within 90 days, when we have a decade of studies, very few that have been challenged for their accuracy, that continues to tell us that, while the situation has improved, we still have this huge disparity between the pay of men and women for the same jobs, for the same responsibilities.

And this legislation is designed to rid us of that disparity. It is designed to rid us of that discrimination, and it is designed to give women the tools that they need to go in and to enforce their rights. And I would hope that we would support this legislation, that we would reject this amendment.

I yield back the balance of my time.

Mr. PRICE of Georgia. I would just say to my friend from Ohio, who I see is off the floor, but the egregious example that she gave, all of us agree is wrong, and it is already illegal. It is not addressed with this act. Equal pay for equal work is already the law of the land.

This amendment asks for a 90-day study by the Secretary to determine whether there are adverse effects on hiring and recruitment of employees. It is a simple amendment, commonsense amendment.

With that, I am pleased to yield to my friend from California for such time as he may consume.

Mr. MCKEON. I thank the gentleman for yielding.

I think that we have heard in this debate today, 70 percent, 77 percent, over and over and over and over. And when we had a hearing last year, we had a lot of different figures that were given. It seems to me that it is important to have an outside source look at this, and I think the Secretary of Labor should do this study so that we don't do more harm than good.

I think this is a good amendment. I thank the gentleman for offering it, and I urge support of the amendment.

Mr. PRICE of Georgia. I thank the gentleman for his comments. I would just say in closing that, in fact, there is evidence that, in fact, 70 cents on the dollar may not be an accurate figure. I don't know what the accurate figure is. But I do know that there is disagreement about what it is.

I would like to put into the RECORD an article from Independent Women's forum talking about just that.

As such, I believe that a study is indeed appropriate. That is all that the amendment does, requests a study, 90-day study, and then report back and move forward if there is no evidence of difficulty in hiring and recruitment.

A BARGAIN AT 77 CENTS TO A DOLLAR

[From Independent Women's Forum, April 3, 2007]

(By Carrie L. Lukas)

Why are politicians again championing the Equal Rights Amendment—newly minted as the Women's Equality Amendment—when the speaker of the House, secretary of state and the Democratic presidential front-runner are women, and when women are making gains in education and the workforce? One reason is that many claim women are systematically discriminated against at work, as the existence of the so-called wage gap proves.

Talking about wage discrimination against women is a political mainstay. Last month, Sen. Hillary Clinton expressed consternation that women continue to make ''just 77 cents for every dollar that a man makes'' and reintroduced legislation, the Paycheck Fairness Act, that would give the government more power to make ''an equal paycheck for equal work'' a reality.

This statistic—probably the most frequently cited of the Labor Department's data—is also its most misused.

Yes, the Labor Department regularly issues new data comparing the median wage of women who work full time with the median wage of men who work full-time, and women's earnings bob at around three-quarters those of men. But this statistic says little about women's compensation and the influence of discrimination on men's and women's earnings. All the relevant factors that affect pay—occupation, experience, seniority, education and hours worked—are ignored. This sound-bite statistic fails to take into account the different roles that work tends to play in men's and women's lives.

In truth, I'm the cause of the wage gap—I and hundreds of thousands of women like me. I have a good education and have worked full time for 10 years. Yet throughout my career, I've made things other than money a priority. I chose to work in the nonprofit world because I find it fulfilling. I sought out a specialty and employer that seemed best suited to balancing my work and family life. When I had my daughter, I took time off and then opted to stay home full time and telecommute. I'm not making as much money as I could, but I'm compensated by having the best working arrangement I could hope for.

Women make similar trade-offs all the time. Surveys have shown for years that women tend to place a higher priority on flexibility and personal fulfillment than do men, who focus more on pay. Women tend to avoid jobs that require travel or relocation, and they take more time off and spend fewer hours in the office than men do. Men disproportionately take on the dirtiest, most dangerous and depressing jobs.

When these kinds of differences are taken into account and the comparison is truly between men and women in equivalent roles, the wage gap shrinks. In his book ''Why Men Earn More,'' Warren Farrell—a former board member of the National Organization for Women in New York—identifies more than three dozen professions in which women outearn men (including engineering management, aerospace engineering, radiation therapy and speech-language pathology). Farrell seeks to empower women with this information. Discrimination certainly plays a role in some workplaces, but individual preferences are the real root of the wage gap.

When women realize that it isn't systemic bias but the choices they make that determine their earnings, they can make better-informed decisions. Many women may not want to follow the path toward higher pay—which often requires more time on the road, more hours in the office or less comfortable and less interesting work—but they're better off not feeling like victims.

Government attempts to ''solve'' the problem of the wage gap may in fact exacerbate some of the challenges women face, particularly in balancing work and family. Clinton's legislation would give Washington bureaucrats more power to oversee how wages are determined, which might prompt businesses to make employment options more rigid. Flexible job structures such as the one I enjoy today would probably become scarcer. Why would companies offer employees a variety of work situations and compensation packages if doing so puts them at risk of being sued?

Women hearing Clinton's pledge to solve their problems and increase their pay should think hard about the choices they have made. They should think about the women they know and about their career paths. I bet they'll find that maximizing pay hasn't always been the top priority. Eliminating the wage gap may sound like a good campaign promise, but since the wage gap mostly reflects individual differences in priorities, it's a promise that we should hope a President Hillary Clinton wouldn't try to keep.

Carrie Lukas is vice president for policy and economics at the Independent Women's Forum and the author of ''The Politically Incorrect Guide to Women, Sex, and Feminism.''

This article was first published in The Washington Post.

I encourage adoption of the amendment and yield back the balance of my time.

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

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

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

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

AMENDMENT NO. 3 OFFERED BY MR. ALTMIRE

The CHAIRMAN. It is now in order to consider amendment No. 3 printed in House Report 110–807.

Mr. ALTMIRE. 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. ALTMIRE:

Page 21, after line 3, insert the following:

SEC. 11. SMALL BUSINESS ASSISTANCE.

(a) EFFECTIVE DATE.—This Act and the amendments made by this Act shall take effect on the date that is 6 months after the date of enactment of this Act

(b) TECHNICAL ASSISTANCE MATERIALS.—The Secretary of Labor and the Commissioner of the Equal Employment Opportunity Commission shall jointly develop technical assistance material to assist small businesses in complying with the requirements of this Act and the amendments made by this Act.

(c) SMALL BUSINESSES.—A small business shall be exempt from the provisions of this Act to the same extent that such business is exempt from the requirements of the Fair Labor Standards Act pursuant to section 3(s)(1)(A)(i) and (ii) of such Act.

The CHAIRMAN. Pursuant to House Resolution, 1388, the gentleman from Pennsylvania (Mr. ALTMIRE) and a Member opposed each will control 5 minutes.

The Chair recognizes the gentleman from Pennsylvania.

Mr. ALTMIRE. I yield myself such time as I may consume.

My amendment serves to assist small businesses in implementing the changes made by this bill. Small businesses are the backbone of our economy, and we must ensure that this legislation does not place additional undue burdens on the very entrepreneurs who continue to be the main source of job growth in our communities.

□ 1745

My amendment provides an additional 6 months for the implementation of this Act for those small businesses, and the Department of Labor will be responsible for educating small businesses about the law and assisting them with compliance.

The goals of this bill are laudable, and my amendment only seeks to guarantee that small businesses are not put at an unfair disadvantage when complying with this law.

Through this amendment, we will give small businesses the time and resources they need to adjust to the changes brought on by this bill.

I urge adoption of this amendment.

I reserve the balance of my time.

Mr. MCKEON. Mr. Chairman, I claim the Republican time to speak in opposition.

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

Mr. MCKEON. I will not oppose the gentleman's amendment. As I understand it, the gentleman's amendment

does two things: First, it provides a 6-month delay in the effective date of the bill; and second, it directs the Department of Labor and the Equal Employment Opportunity Commission to develop materials to assist small businesses in complying with the law's new requirements.

I do not object to either of these provisions. Indeed, I have always believed that we should do all we can, all that we should to assist small businesses which are the backbone of our economy and the leading source of job growth in our Nation.

Frankly, I would say that the gentleman's approach is a decidedly second-best option. As we just heard in debate on the prior amendment, I would support delaying implementation of the key provisions of this bill until we have a full understanding of its impact on jobs and on the recruiting and hiring of employees. If Members genuinely want to make sure the businesses, particularly small businesses, are not unfairly penalized by this legislation, they will, I hope, support the amendment previously offered by my colleague, Mr. PRICE, which will do just that.

I will also say there is a certain irony here. While the gentleman's amendment purports to help small businesses, what it fails to do is address fundamental flaws in the underlying bill, core issues which leave me to strongly oppose this legislation today. As I have said before and I expect I will say again before debate is concluded, the underlying bill offers little to benefit working women and families while threatening to wreck havoc on workers and employers by expanding liability and encouraging costly lawsuits. Nothing in the gentleman's amendment changes that simple fact.

I will not oppose the gentleman's amendment, but I would advise Members to not kid themselves into thinking that compliance assistance for small business in any real way addresses core failings in the underlying bill. Whether this amendment is adopted or not, I remain opposed to H.R. 1338 and urge my colleague to join me in voting ''no'' on final passage.

I yield back the balance of my time.

Mr. ALTIMRE. I yield the distinguished chairman of the committee as much time as he may consume.

Mr. GEORGE MILLER of California. I won't take that long.

I just want to thank the gentleman for offering this amendment. We've discussed it for some time, and your persistence has won out. And I think it's a good amendment, and I would hope that the committee would adopt it.

Mr. ALTIMRE. I thank the gentleman from California.

The CHAIRMAN. The question is on the amendment offered by the gentleman from Pennsylvania (Mr. ALTIMRE).

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

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

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

AMENDMENT NO. 4 OFFERED BY MS. GIFFORDS

The CHAIRMAN. It is now in order to consider amendment No. 4 printed in House Report 110–807.

Ms. GIFFORDS. 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. 4 offered by Ms. GIFFORDS:

Page 10, beginning on line 17, strike ''damages or'' and insert ''damages, or, where the employee demonstrates that the employer acted with malice or reckless indifference,''.

The CHAIRMAN. Pursuant to House Resolution 1388, the gentlewoman from Arizona (Ms. GIFFORDS) and a Member opposed each will control 5 minutes.

The Chair recognizes the gentlewoman from Arizona.

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

Mr. Chairman, as the President and CEO of my family's small tire business, I know the challenges that small businesses face in America, not just to thrive but truly to survive in a rapidly increasingly global economy. Small businesses are truly the backbone of a strong and vibrant community, and women are major economic contributors since we constitute over 45 percent of small business employees.

That is why I strongly support H.R. 1338, the Paycheck Fairness Act, because it recognizes women's valuable role in the workplace.

It is also important, though, to make sure this legislation is fair. So today I'm offering an amendment that will clarify the legal standard for punitive damages as requiring malice or reckless indifference. This commonsense amendment means that businesses will not be subject to punitive damages unless they act with malice or reckless intent. This standard mirrors the burden that applies in other civil rights laws.

Today, as we close loopholes in the Equal Pay Act that have allowed women to continue to be underpaid for equal work, we must do so fairly. It is unacceptable for society to undervalue the work that women do and underpay us for equal work. According to the United States Department of Labor, American women are earning 74 cents for every dollar earned by a man, taking women 16 months to earn what men earn in 1 calendar year. This disparity is not just unfair, but it is also a major economic concern for millions of hard-working American families.

Closing the wage gap will also have a long-term impact on women's economic security especially during their retirement years. Women, of course, are living longer. Men are living longer, too, but women longer than men. Over time, lower wages translate into less income that counts for calculating pension and Social Security benefits. Older women are less likely than older men to receive pension income. And when they do, they only receive one-half of the benefits that men do.

As a cosponsor of the Paycheck Fairness Act, I am proud to join with 229 of my colleagues in showing strong support for this legislation.

I urge the House to pass this amendment that has been endorsed by the United States Chamber of Commerce. It is time that America, the land of equal opportunity, recognize equal pay between men and women. I am proud to be part of this historic effort.

I'm particularly proud that my mother is here in the gallery today to witness this historic act of Congress.

So thank you, Congresswoman DELAURO, for your tireless effort over so many years, and Chairman MILLER as well, for continuing to fight for the people that are truly underrepresented in so many ways.

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

Mr. MCKEON. Mr. Chairman, I claim the Republican time to speak on the amendment.

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

Mr. MCKEON. I yield myself such time as I may consume.

I will not oppose this amendment. I do want to make clear that as the gentlelady spoke, the Chamber of Commerce supports her amendment, not the bill. They are opposed, as I am, to the underlying bill. I want to be clear that adoption or defeat will not change my position on the underlying bill. The so-called Paycheck Fairness Act, which we're debating today, has nothing to do with making paychecks fairer and everything to do with lining the pockets of trial lawyers.

The gentlelady's amendment tinkers at the margins of just one of the bill's fundamental flaws. Whether adopted or not, it does not change my strong opposition or the Chamber of Commerce's strong opposition to the underlying bill.

The gentlelady's amendment would appear to limit the circumstances in which a plaintiff can recover punitive damages under the bill to those situations where he or she can show that an employer acted with malice or reckless indifference. First, let me point out that nowhere in the Fair Labor Standards Act or Equal Pay Act is this standard of proof, malice, or reckless indifference used. It's an entirely new concept to this statute and one which will no doubt and to no one's great surprise encourage extended litigation to determine its meaning in the context of the Equal Pay Act.

Even more telling is what the gentlelady's amendment does not do. It does not limit compensatory or punitive damages but still puts employers

at risk for unlimited punitive and compensatory damage awards, remedies far beyond those contained in title VII, nor does it require that the plaintiff show the employer engaged in intentional discrimination. Presumably now an employer can be slapped with a multimillion-dollar punitive fine if a jury finds that he or she was indifferent, whatever that means.

When all is said and done, the amendment does little, if anything, to address the radical expansion of liability and the payback to trial lawyers contained in the bill. I'm excited to see what lawyers will do with that in front of a judge discussing indifference and how that pertains to the law. The gentlelady's amendment provides the most modest limitations of the bill's dramatic expansion of liability that one could imagine.

Now some limitation may be better than none at all, but this fig leaf does not come close to addressing core problems in the bill.

I will not oppose the amendment, but I remain strongly opposed to the underlying bill.

I yield back the balance of my time.

Ms. GIFFORDS. Mr. Chairman, as I said earlier, I'm really proud that one of my experiences that I bring to the United States Congress is running a family tire and automotive company. There are not that many Members of Congress that know what it's like to make a payroll, to know what it's like to have laws imposed on them at the local, at the State, at the Federal levels, and I think that that background is really critical. That's one of the reasons that I am pleased that the United States Chamber of Commerce has endorsed this amendment.

With that, I urge my colleagues on both sides of the aisle to join with me in passing this amendment.

The Acting CHAIRMAN (Mr. BERRY). The question is on the amendment offered by the gentlewoman from Arizona (Ms. GIFFORDS).

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

Ms. GIFFORDS. 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 gentlewoman from Arizona will be postponed.

AMENDMENT NO. 5 OFFERED BY MR. CAZAYOUX

The Acting CHAIRMAN. It is now in order to consider amendment No. 5 printed in House Report 110–807.

Mr. CAZAYOUX. Mr. Chairman, I have 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. CAZAYOUX:

Page 21, after line 3, insert the following:

SEC. 11. RULE OF CONSTRUCTION.

Nothing in this Act, or in any amendments made by this Act, shall affect the obligation of employers and employees to fully comply with all applicable immigration laws, including any penalties, fines, or other sanctions.

The Acting CHAIRMAN. Pursuant to the House Resolution 1388, the gentleman from Louisiana (Mr. CAZAYOUX) and a Member opposed each will control 5 minutes.

The Chair recognizes the gentleman from Louisiana.

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

I would like to thank Congresswoman DELAURO for this thoughtful legislation that is long overdue. It is imperative that hardworking women be fairly compensated and that they are not being shortchanged by longstanding practices. Far too long in this country many American women have suffered pay inequities that have denied them the earnings they deserve. In America, this is unacceptable, and this bill aims to rectify those inequities.

However, as we seek to protect the legal rights of American workers, we must also protect their rights from being abused by those who work here illegally. The amendment I bring to the floor today serves to ensure that nothing in this legislation or in any amendments to this legislation will affect the obligations of employers and employees to comply with immigration laws. That means that anyone found to be in violation of our immigration laws, whether they are employers or employees, will be subject to all fines and penalties imposed by those laws regardless of the protections for all workers, male or female, contained within this Act.

Again, I thank Chairwoman DELAURO as well as Chairman MILLER for this meaningful legislation, and I urge my colleagues to support this amendment and the underlying bill.

I yield back the balance of my time.

Mr. MCKEON. Mr. Chairman, I claim the Republican time in opposition.

The Acting CHAIRMAN. Without objection, the gentleman from California is recognized for 5 minutes.

There was no objection.

Mr. MCKEON. I yield myself such time as I may consume.

I will not oppose this amendment. I don't know that any Member of the House would or could. It is simply a restatement of current law. I strongly believe that every employer and every worker should comply with our Nation's immigration laws. Indeed, I have long argued that our immigration laws need to be strengthened, that we need to get serious about reasserting control of our borders, enforcing the laws that are on the books and enhancing those laws which are failing if we truly want to secure our borders.

□ 1800

No one is as committed to those goals as I am.

That said, that is a debate for another day, and not the issue presented to us in this bill. We are not debating the question of immigration reform, but rather, whether we should adopt a trial lawyer bonanza under the guise of ''paycheck fairness.'' As I have said before, this bill does nothing to promote fairness in pay, and everything to invite costly, and often frivolous, litigation.

Whether the gentleman's amendment is adopted today or not, that fact will not change. This is an ill-conceived bill, based on flawed and demonstrably false economic theories, and sure to lead to unintended consequences for workers and employers.

The gentleman's amendment is inoffensive, but it is not particularly meaningful. I will not oppose the amendment, but it does not change my strong opposition to the underlying bill, nor my intention to vote ''no'' on final passage.

I would like to address the gentlelady that spoke on the amendment just before. When she concluded her statement, she commented on her fact of having been a small businesswoman and running a family business. I had the same experience for many years before I came here to Congress. It's good to see other small businesspeople come to Congress, and I appreciate her amendment that she presented.

And I also want to restate again the fact that, even though the Chamber did support her amendment, that we're strongly opposed to the underlying bill.

I yield back the balance of my time.

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

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

Mr. ANDREWS. 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 Louisiana will be postponed.

AMENDMENT NO. 6 OFFERED BY MR. FLAKE

The Acting CHAIRMAN (Mr. POMEROY). It is now in order to consider amendment No. 6 printed in House Report 110–807.

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

The Acting CHAIRMAN. The Clerk will designate the amendment.

The text of the amendment is as follows:

Amendment No. 6 offered by Mr. FLAKE:

Page 21, line 2, strike ''There are'' and insert ''(a) AUTHORIZATION OF APPROPRIATIONS.—There are''.

Page 21, after line 3 insert the following:

(b) PROHIBITION ON EARMARKS.—None of the funds appropriated pursuant to subsection (a) for purposes of the grant program in section 5 of this Act may be used for a Congressional earmark as defined in clause 9(d) of rule XXI of the Rules of the House of Representatives.

The SPEAKER pro tempore. Pursuant to House Resolution 1388, the gentleman from Arizona (Mr. FLAKE) and a Member opposed each will control 5 minutes.

The Chair recognizes the gentleman from Arizona.

Mr. FLAKE. Mr. Chairman, this amendment is noncontroversial. I assume it will be accepted by the other side. It's similar to an amendment that was offered earlier this year on an unrelated bill.

The amendment simply seeks to ensure that the competitive grant program established and authorized by this bill does not become a vehicle to be earmarked later. I am not alleging that there are any earmarks in this bill; there are not. There's simply a competitive grant program established.

My fear is that later on that this grant—that is a competitive grant and it was based on merit for those who apply—will be later earmarked, as has happened in other legislation.

My amendment to H.R. 1338, The Paycheck Fairness Act is a common sense amendment that would simply prohibit the earmarking of funds authorized by this bill for a new grant program.

In section five of the legislation, a new grant program is created to carry out programs to train girls and women in negotiating tactics.

This new grant program is explicitly authorized in the legislation to make grants on a competitive basis to eligible entities. I offer this amendment simply as a precaution in order to avoid future earmarking.

Earlier this year, a similar amendment was approved by the House of Representatives during consideration of the Beach Act of 2007 by a vote of 263 to 117.

When it comes to earmarking, the message is clear: just because Congress hasn't earmarked an account or a grant program before doesn't mean we won't in the future. My amendment makes no substantive change to the grant program included in the legislation and is simply offered as a safeguard against future earmarking.

Judging by the nearly four and a half billion dollars worth of earmarks that have been reported out of the Committee on Appropriations this summer, it appears that, even with all the talk of earmark reform this year, it's business as usual.

Unfortunately, when it comes to earmarking, business as usual means Congressional earmarks showing up in programs and accounts that never used to have them.

The worst example of this is the Department of Homeland Security appropriations bill.

Kept relatively earmark-free from its inception in order to keep politics out of spending decisions, the earmarking truce was broken when the 2008 omnibus spending bill contained 128 earmarks worth more than $400 million in Homeland Security funding.

Included were 95 earmarks for the Pre-Disaster Mitigation Program, a competitive grant program with a 70-page guidance document for grant applicants that had not previously been earmarked.

If the Fiscal Year 2009 Homeland Security appropriations bill approved by committee becomes law, then the earmarking of the Pre-Disaster Mitigation Program will continue with nearly 25 million dollars, or one third of the program funds, already having been spent by Members earmarking funds for their own districts.

Emergency Operations Centers funding is another example of earmarks encroaching into a previously non-earmarked program.

Created last year by Congress, fifteen million earmark-free dollars were appropriated, to be awarded through a formula-based grant program for the "equipping, upgrading, and constructing of Emergency Operations Centers."

This year's Homeland Security appropriations bill proposes increasing Emergency Operations Center funding to 35 million dollars—but also would earmark nearly sixty percent of this funding by including 34 earmarks worth more than 21 million dollars.

Unfortunately, these examples of earmarking competitive programs are not lone cases. Another example is a program funded through the Department of Housing and Urban Development called the Economic Development Initiative.

This program started in 1994 as a competitive program with strict selection-based criteria to assist with low-income housing and neighborhood development. Over time, the program became a prime target for earmarkers and, by 2000, the competitive program was not funded and the program was entirely made up of earmarks.

A similar story can be told about the Byrne Discretionary Grant program. This program was established in 2006 as a competitive grant program where awards are to be evaluated by a peer review system and other review processes. Allegedly, the program has remained that way, however, the agency that administers the program still calls it a competitive program but the account was heavily earmarked last year and it appears that earmarking has been adopted as the standard operating practice.

In fact, should the Commerce Justice and Science Committee Report approved by the Appropriations become law, there will be 280 earmarks for the Byrne Discretionary Grant account, alone.

The message is clear: just because we haven't earmarked an account or a grant program before doesn't mean we won't in the future.

With few opportunity this session to deal directly with the broken earmarking process, the least we can do is explicitly prohibit earmarks in programs or accounts that provide funding on a formula or competitive basis.

I urge my colleagues to support this commonsense amendment.

With that, I would like to ask if this amendment will be accepted by the other side and reserve the balance of my time.

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

Mr. GEORGE MILLER of California. We have no problem with this amendment. We agree with the gentleman. We think that these grants to increase the negotiating skills of young women and girls, all women, are very important. We would hope and we expect that they would be given on merit by the Secretary under the provisions of the law. We don't expect that they would be earmarked.

Mr. FLAKE has offered this language so that hopefully it would not be earmarked, and that language hopefully will be respected by other committees of the Congress, and we would accept the amendment.

I reserve the balance of my time.

Mr. FLAKE. Let me just comment and thank the majority for accepting this and also thank the Rules Committee for making this amendment in order. I've offered this same amendment on a number of authorization bills over the past couple of months, and it has not been made in order. So I appreciate the fact, and whatever influence the gentleman from California had on the Rules Committee to make this important amendment in order, I appreciate.

I yield back the balance of my time.

Mr. GEORGE MILLER of California. I yield back the balance of my time.

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

The amendment was agreed to.

ANNOUNCEMENT BY THE ACTING CHAIRMAN

The Acting CHAIRMAN. Pursuant to clause 6 of rule XVIII, proceedings will now resume on those amendments printed in House Report 110–807 on which further proceedings were postponed, in the following order:

Amendment No. 2 by Mr. PRICE of Georgia.

Amendment No. 3 by Mr. ALTMIRE of Pennsylvania.

Amendment No. 4 by Ms. GIFFORDS of Arizona.

Amendment No. 5 by Mr. CAZAYOUX of Louisiana.

The first electronic vote will be conducted as a 15-minute vote. Remaining electronic votes will be conducted as 2-minute votes.

AMENDMENT NO. 2 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 vote was taken by electronic device, and there were—ayes 188, noes 240, not voting 11, as follows:

[Roll No. 551]

AYES—188

Aderholt	Boozman	Coble
Akin	Boustany	Cole (OK)
Alexander	Brady (TX)	Conaway
Bachmann	Broun (GA)	Crenshaw
Bachus	Brown (SC)	Davis (KY)
Barrett (SC)	Buchanan	Davis, David
Bartlett (MD)	Burgess	Davis, Tom
Barton (TX)	Burton (IN)	Deal (GA)
Biggert	Buyer	Dent
Bilbray	Calvert	Diaz-Balart, M.
Bilirakis	Camp (MI)	Doolittle
Bishop (UT)	Campbell (CA)	Drake
Blackburn	Cantor	Dreier
Blunt	Capito	Duncan
Boehner	Carter	Ehlers
Bonner	Castle	Emerson
Bono Mack	Chabot	English (PA)

Everett
Fallin
Feeney
Ferguson
Flake
Forbes
Fortenberry
Fossella
Foxx
Franks (AZ)
Frelinghuysen
Gallegly
Garrett (NJ)
Gerlach
Gingrey
Gohmert
Goode
Goodlatte
Granger
Graves
Hall (TX)
Hastings (WA)
Hayes
Heller
Hensarling
Herger
Hobson
Hoekstra
Hunter
Inglis (SC)
Issa
Johnson (IL)
Johnson, Sam
Jones (NC)
Jordan
Keller
King (IA)
King (NY)
Kingston
Kirk
Kline (MN)
Knollenberg
Kuhl (NY)
LaHood
Lamborn
Latham
LaTourette
Latta
Lewis (CA)
Lewis (KY)
Linder
LoBiondo
Lucas
Lungren, Daniel E.
Mack
Manzullo
Marchant
McCarthy (CA)
McCaul (TX)
McCotter
McCrery
McHenry
McHugh
McKeon
McMorris Rodgers
Mica
Miller (FL)
Miller (MI)
Miller, Gary
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
Rehberg
Reichert
Renzi
Reynolds
Rogers (AL)
Rogers (KY)
Rogers (MI)
Rohrabacher
Ros-Lehtinen
Roskam
Royce
Ryan (WI)
Sali
Saxton
Scalise
Schmidt
Sensenbrenner
Sessions
Shadegg
Shimkus
Shuster
Simpson
Smith (NE)
Smith (NJ)
Smith (TX)
Souder
Stearns
Sullivan
Tancredo
Terry
Thornberry
Tiahrt
Tiberi
Upton
Walberg
Walden (OR)
Walsh (NY)
Wamp
Weldon (FL)
Weller
Westmoreland
Whitfield (KY)
Wilson (SC)
Wittman (VA)
Wolf
Young (FL)

NOES—240

Abercrombie
Ackerman
Allen
Altmire
Andrews
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
Cazayoux
Chandler
Childers
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 (MD)
Edwards (TX)
Ellison
Ellsworth
Emanuel
Engel
Eshoo
Etheridge
Faleomavaega
Farr
Fattah
Filner
Foster
Frank (MA)
Giffords
Gilchrest
Gillibrand
Gonzalez
Gordon
Green, Al
Green, Gene
Grijalva
Gutierrez
Hall (NY)
Hare
Harman
Hastings (FL)
Herseth Sandlin
Higgins
Hill
Hinchey
Hinojosa
Hirono
Hodes
Holden
Holt
Honda
Hooley
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)
Kucinich
Lampson
Langevin
Larsen (WA)
Larson (CT)
Lee
Levin
Lewis (GA)
Lipinski
Loebsack
Lofgren, Zoe
Lowey
Lynch
Mahoney (FL)
Maloney (NY)
Markey
Marshall
Matheson
Matsui
McCarthy (NY)
McCollum (MN)
McDermott
McGovern
McIntyre
McNerney
McNulty
Meek (FL)
Meeks (NY)
Melancon
Michaud
Miller (NC)
Miller, George
Mitchell
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
Reyes
Richardson
Rodriguez
Ross
Rothman
Roybal-Allard
Ruppersberger
Ryan (OH)
Salazar
Sánchez, Linda T.
Sanchez, Loretta
Sarbanes
Schakowsky
Schiff
Schwartz
Scott (GA)
Scott (VA)
Serrano
Sestak
Shays
Shea-Porter
Sherman
Shuler
Sires
Skelton
Slaughter
Smith (WA)
Snyder
Solis
Space
Speier
Spratt
Stark
Stupak
Sutton
Tanner
Tauscher
Taylor
Thompson (CA)
Thompson (MS)
Tierney
Towns
Tsongas
Udall (CO)
Udall (NM)
Van Hollen
Velázquez
Visclosky
Walz (MN)
Wasserman Schultz
Waters
Watson
Watt
Waxman
Weiner
Welch (VT)
Wexler
Wilson (OH)
Woolsey
Wu
Yarmuth

NOT VOTING—11

Brown-Waite, Ginny
Cannon
Cubin
Culberson
Diaz-Balart, L.
Fortuño
Hulshof
Rush
Turner
Wilson (NM)
Young (AK)

□ 1835

Messrs. JACKSON of Illinois, HALL of New York, LYNCH, Ms. MOORE of Wisconsin, Mrs. CAPPS, Mrs. JONES of Ohio, Mrs. McCARTHY of New York, Ms. HARMAN, Messrs. SIRES, FRANK of Massachusetts, Ms. CASTOR, Messrs. WATT, MARSHALL, Ms. SPEIER, Mr. KANJORSKI, Ms. RICHARDSON, Ms. SCHWARTZ, Messrs. SESTAK, PASTOR, ABERCROMBIE, Mrs. LOWEY, and Mr. MORAN of Virginia changed their vote from ''aye'' to ''no.''

Mr. WALBERG, Mrs. EMERSON, and Messrs. TIAHRT, SMITH of Texas, and TANCREDO changed their vote from ''no'' to ''aye.''

So the amendment was rejected.

The result of the vote was announced as above recorded.

AMENDMENT NO. 3 OFFERED BY MR. ALTMIRE

The Acting CHAIRMAN. The unfinished business is the demand for a recorded vote on the amendment offered by the gentleman from Pennsylvania (Mr. ALTMIRE) on which further proceedings were postponed and on which the ayes 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 2-minute vote.

The vote was taken by electronic device, and there were—ayes 426, noes 1, not voting 12, as follows:

[Roll No. 552]

AYES—426

Abercrombie
Ackerman
Aderholt
Akin
Alexander
Allen
Altmire
Andrews
Arcuri
Baca
Bachmann
Bachus
Baird
Baldwin
Barrett (SC)
Barrow
Bartlett (MD)
Barton (TX)
Bean
Becerra
Berkley
Berman
Berry
Biggert
Bilbray
Bilirakis
Bishop (GA)
Bishop (NY)
Bishop (UT)
Blackburn
Blumenauer
Blunt
Boehner
Bonner
Bono Mack
Boozman
Bordallo
Boren
Boswell
Boucher
Boustany
Boyd (FL)
Boyda (KS)
Brady (PA)
Brady (TX)
Braley (IA)
Broun (GA)
Brown (SC)
Brown, Corrine
Buchanan
Burgess
Burton (IN)
Butterfield
Buyer
Calvert
Camp (MI)
Campbell (CA)
Cantor
Capito
Capps
Capuano
Cardoza
Carnahan
Carney
Carson
Carter
Castle
Castor
Cazayoux
Chabot
Chandler
Childers
Christensen
Clarke
Clay
Cleaver
Clyburn
Coble
Cohen
Conaway
Conyers
Cooper
Costa
Costello
Courtney
Cramer
Crenshaw
Crowley
Cuellar
Culberson
Cummings
Davis (AL)
Davis (CA)
Davis (IL)
Davis (KY)
Davis, David
Davis, Lincoln
Davis, Tom
Deal (GA)
DeFazio
DeGette
Delahunt
DeLauro
Dent
Diaz-Balart, L.
Diaz-Balart, M.
Dicks
Dingell
Doggett
Donnelly
Doolittle
Doyle
Drake
Dreier
Duncan
Edwards (MD)
Edwards (TX)
Ehlers
Ellison
Ellsworth
Emanuel
Emerson
Engel
English (PA)
Eshoo
Etheridge
Everett
Faleomavaega
Fallin
Farr
Fattah
Feeney
Ferguson
Filner
Flake
Forbes
Fortenberry
Fossella
Foster
Foxx
Frank (MA)
Franks (AZ)
Frelinghuysen
Gallegly
Garrett (NJ)
Gerlach
Giffords
Gilchrest
Gillibrand
Gingrey
Gohmert
Gonzalez
Goode
Goodlatte
Gordon
Granger
Graves
Green, Al
Green, Gene
Grijalva
Gutierrez
Hall (NY)
Hall (TX)
Hare
Hastings (FL)
Hastings (WA)
Hayes
Heller
Hensarling
Herger
Herseth Sandlin
Higgins
Hill
Hinchey
Hinojosa
Hirono
Hobson
Hodes
Hoekstra
Holden
Holt
Honda
Hooley
Hoyer
Hunter
Inglis (SC)
Inslee
Israel
Issa
Jackson (IL)
Jackson-Lee (TX)
Jefferson
Johnson (IL)
Johnson, E. B.
Johnson, Sam
Jones (NC)
Jones (OH)
Jordan
Kagen
Kanjorski
Kaptur
Keller
Kennedy
Kildee
Kilpatrick
Kind
King (IA)
King (NY)
Kingston
Kirk
Klein (FL)
Kline (MN)
Knollenberg
Kucinich
Kuhl (NY)
LaHood
Lamborn
Lampson
Langevin
Larsen (WA)
Larson (CT)
Latham
LaTourette
Latta
Lee
Levin
Lewis (CA)
Lewis (GA)
Lewis (KY)
Linder
Lipinski
LoBiondo
Loebsack
Lofgren, Zoe
Lowey
Lucas
Lungren, Daniel E.
Lynch
Mack
Mahoney (FL)
Maloney (NY)
Manzullo
Marchant
Markey
Marshall
Matheson
Matsui
McCarthy (CA)
McCarthy (NY)
McCaul (TX)
McCollum (MN)
McCotter
McCrery
McDermott
McGovern
McHenry
McHugh
McIntyre
McKeon
McMorris Rodgers
McNerney
McNulty
Meek (FL)
Meeks (NY)
Melancon
Mica
Michaud
Miller (FL)
Miller (MI)
Miller (NC)
Miller, Gary
Miller, George
Mitchell
Mollohan
Moore (KS)
Moore (WI)
Moran (KS)
Moran (VA)
Murphy (CT)
Murphy, Patrick
Murphy, Tim
Murtha
Musgrave
Myrick
Nadler
Napolitano
Neal (MA)
Neugebauer
Norton
Nunes
Oberstar
Obey
Olver
Ortiz
Pallone
Pascrell
Pastor
Paul
Payne
Pearce
Pence
Perlmutter
Peterson (MN)

Peterson (PA)
Petri
Pickering
Pitts
Platts
Poe
Pomeroy
Porter
Price (GA)
Price (NC)
Pryce (OH)
Putnam
Radanovich
Rahall
Ramstad
Regula
Rehberg
Reichert
Renzi
Reyes
Reynolds
Richardson
Rodriguez
Rogers (AL)
Rogers (KY)
Rogers (MI)
Rohrabacher
Ros-Lehtinen
Roskam
Ross
Rothman
Roybal-Allard
Royce
Ruppersberger
Ryan (OH)
Ryan (WI)
Salazar
Sali
Sánchez, Linda T.
Sanchez, Loretta
Sarbanes
Saxton
Scalise
Schakowsky
Schiff
Schmidt
Schwartz
Scott (GA)
Scott (VA)
Sensenbrenner
Serrano
Sessions
Sestak
Shadegg
Shays
Shea-Porter
Sherman
Shimkus
Shuler
Shuster
Simpson
Sires
Skelton
Slaughter
Smith (NE)
Smith (NJ)
Smith (TX)
Smith (WA)
Snyder
Solis
Souder
Space
Speier
Spratt
Stark
Stearns
Stupak
Sullivan
Sutton
Tancredo
Tanner
Tauscher
Taylor
Terry
Thompson (CA)
Thompson (MS)
Thornberry
Tiahrt
Tiberi
Tierney
Towns
Tsongas
Udall (CO)
Udall (NM)
Upton
Van Hollen
Velázquez
Visclosky
Walberg
Walden (OR)
Walsh (NY)
Walz (MN)
Wamp
Wasserman Schultz
Waters
Watson
Watt
Waxman
Weiner
Welch (VT)
Weldon (FL)
Weller
Westmoreland
Wexler
Whitfield (KY)
Wilson (OH)
Wilson (SC)
Wittman (VA)
Wolf
Woolsey
Wu
Yarmuth
Young (FL)

NOES—1

Johnson (GA)

NOT VOTING—12

Brown-Waite, Ginny
Cannon
Cole (OK)
Cubin
Fortuño
Harman
Hulshof
Rangel
Rush
Turner
Wilson (NM)
Young (AK)

ANNOUNCEMENT BY THE ACTING CHAIRMAN

The Acting CHAIRMAN (during the vote). There is 1 minute remaining in this vote.

□ 1839

So the amendment was agreed to.

The result of the vote was announced as above recorded.

AMENDMENT NO. 4 OFFERED BY MS. GIFFORDS

The Acting CHAIRMAN. The unfinished business is the demand for a recorded vote on the amendment offered by the gentlewoman from Arizona (Ms. GIFFORDS) on which further proceedings were postponed and on which the ayes 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 2-minute vote.

The vote was taken by electronic device, and there were—ayes 397, noes 29, not voting 13, as follows:

[Roll No. 553]

AYES—397

Ackerman
Aderholt
Akin
Alexander
Allen
Altmire
Andrews
Arcuri
Baca
Bachmann
Bachus
Baird
Baldwin
Barrett (SC)
Barrow
Bartlett (MD)
Barton (TX)
Bean
Becerra
Berkley
Berman
Berry
Biggert
Bilbray
Bilirakis
Bishop (GA)
Bishop (NY)
Bishop (UT)
Blackburn
Blumenauer
Blunt
Boehner
Bonner
Bono Mack
Boozman
Bordallo
Boren
Boswell
Boucher
Boustany
Boyd (FL)
Boyda (KS)
Brady (PA)
Brady (TX)
Braley (IA)
Broun (GA)
Brown (SC)
Brown, Corrine
Buchanan
Burgess
Burton (IN)
Butterfield
Buyer
Calvert
Camp (MI)
Campbell (CA)
Cantor
Capito
Capps
Capuano
Cardoza
Carnahan
Carney
Carson
Carter
Castle
Cazayoux
Chabot
Chandler
Childers
Christensen
Clarke
Cleaver
Coble
Cohen
Cole (OK)
Conaway
Conyers
Cooper
Costa
Costello
Courtney
Cramer
Crenshaw
Crowley
Cuellar
Culberson
Davis (AL)
Davis (CA)
Davis (KY)
Davis, David
Davis, Lincoln
Davis, Tom
Deal (GA)
DeFazio
DeGette
Delahunt
DeLauro
Dent
Diaz-Balart, L.
Diaz-Balart, M.
Dicks
Dingell
Doggett
Donnelly
Doolittle
Doyle
Drake
Dreier
Duncan
Edwards (MD)
Edwards (TX)
Ehlers
Ellison
Ellsworth
Emanuel
Emerson
Engel
English (PA)
Eshoo
Etheridge
Everett
Faleomavaega
Fallin
Farr
Feeney
Ferguson
Flake
Forbes
Fortenberry
Fossella
Foster
Foxx
Frank (MA)
Franks (AZ)
Frelinghuysen
Gallegly
Garrett (NJ)
Gerlach
Giffords
Gilchrest
Gillibrand
Gingrey
Gohmert
Gonzalez
Goode
Goodlatte
Gordon
Granger
Graves
Green, Al
Green, Gene
Hall (NY)
Hall (TX)
Hare
Harman
Hastings (FL)
Hastings (WA)
Hayes
Heller
Hensarling
Herger
Herseth Sandlin
Higgins
Hill
Hinchey
Hinojosa
Hirono
Hobson
Hodes
Hoekstra
Holden
Holt
Hooley
Hoyer
Hunter
Inglis (SC)
Inslee
Israel
Issa
Jackson (IL)
Jackson-Lee (TX)
Johnson (GA)
Johnson (IL)
Johnson, Sam
Jones (NC)
Jones (OH)
Jordan
Kagen
Kanjorski
Kaptur
Keller
Kennedy
Kildee
Kind
King (IA)
King (NY)
Kingston
Kirk
Klein (FL)
Kline (MN)
Knollenberg
Kuhl (NY)
LaHood
Lamborn
Lampson
Langevin
Larsen (WA)
Larson (CT)
Latham
Latta
Levin
Lewis (CA)
Lewis (KY)
Linder
Lipinski
LoBiondo
Loebsack
Lofgren, Zoe
Lowey
Lucas
Lungren, Daniel E.
Lynch
Mack
Mahoney (FL)
Maloney (NY)
Manzullo
Marchant
Markey
Marshall
Matheson
Matsui
McCarthy (CA)
McCarthy (NY)
McCaul (TX)
McCollum (MN)
McCotter
McCrery
McDermott
McHenry
McHugh
McIntyre
McKeon
McMorris Rodgers
McNerney
McNulty
Meek (FL)
Meeks (NY)
Melancon
Mica
Michaud
Miller (FL)
Miller (MI)
Miller (NC)
Miller, Gary
Miller, George
Mitchell
Mollohan
Moore (KS)
Moran (KS)
Moran (VA)
Murphy (CT)
Murphy, Patrick
Murphy, Tim
Murtha
Musgrave
Myrick
Nadler
Neal (MA)
Neugebauer
Nunes
Oberstar
Obey
Olver
Ortiz
Pallone
Pascrell
Paul
Pearce
Pence
Perlmutter
Peterson (MN)
Peterson (PA)
Petri
Pickering
Pitts
Platts
Poe
Pomeroy
Porter
Price (GA)
Price (NC)
Pryce (OH)
Putnam
Radanovich
Rahall
Ramstad
Rangel
Regula
Rehberg
Reichert
Renzi
Reyes
Reynolds
Richardson
Rodriguez
Rogers (AL)
Rogers (KY)
Rogers (MI)
Rohrabacher
Ros-Lehtinen
Roskam
Ross
Rothman
Royce
Ruppersberger
Ryan (OH)
Ryan (WI)
Salazar
Sali
Sánchez, Linda T.
Sanchez, Loretta
Sarbanes
Saxton
Scalise
Schakowsky
Schiff
Schmidt
Schwartz
Scott (GA)
Scott (VA)
Sensenbrenner
Sessions
Sestak
Shadegg
Shays
Shea-Porter
Sherman
Shimkus
Shuler
Shuster
Simpson
Sires
Skelton
Smith (NE)
Smith (NJ)
Smith (TX)
Smith (WA)
Snyder
Souder
Space
Speier
Spratt
Stearns
Stupak
Sullivan
Sutton
Tancredo
Tanner
Tauscher
Taylor
Terry
Thompson (CA)
Thornberry
Tiahrt
Tiberi
Tierney
Towns
Tsongas
Udall (CO)
Udall (NM)
Upton
Van Hollen
Visclosky
Walberg
Walden (OR)
Walsh (NY)
Walz (MN)
Wasserman Schultz
Watson
Watt
Waxman
Weiner
Welch (VT)
Weldon (FL)
Weller
Westmoreland
Wexler
Whitfield (KY)
Wilson (OH)
Wilson (SC)
Wittman (VA)
Wolf
Woolsey
Wu
Yarmuth
Young (FL)

NOES—29

Abercrombie
Clay
Clyburn
Cummings
Davis (IL)
Filner
Grijalva
Gutierrez
Honda
Jefferson
Johnson, E. B.
Kilpatrick
Kucinich
Lee
Lewis (GA)
McGovern
Moore (WI)
Napolitano
Norton
Pastor
Payne
Roybal-Allard
Serrano
Slaughter
Solis
Stark
Thompson (MS)
Velázquez
Waters

NOT VOTING—13

Brown-Waite, Ginny
Cannon
Castor
Cubin
Fattah
Fortuño
Hulshof
LaTourette
Rush
Turner
Wamp
Wilson (NM)
Young (AK)

ANNOUNCEMENT BY THE ACTING CHAIRMAN

The Acting CHAIRMAN (during the vote). There is 1 minute remaining in this vote.

□ 1844

Mr. CUMMINGS, Ms. WATERS and Ms. NORTON changed their vote from ''aye'' to ''no.''

So the amendment was agreed to.

The result of the vote was announced as above recorded.

AMENDMENT NO. 5 OFFERED BY MR. CAZAYOUX

The Acting CHAIRMAN. The unfinished business is the demand for a recorded vote on the amendment offered by the gentleman from Louisiana (Mr. CAZAYOUX) on which further proceedings were postponed and on which the ayes 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 2-minute vote.

The vote was taken by electronic device, and there were—ayes 410, noes 16, answered ''present'' 1, not voting 12, as follows:

[Roll No. 554]

AYES—410

Abercrombie
Ackerman
Aderholt
Akin
Alexander
Allen
Altmire
Andrews
Arcuri
Baca
Bachmann
Bachus
Baird
Barrett (SC)
Bartlett (MD)
Barton (TX)
Bean
Becerra
Berkley
Berman
Berry
Biggert
Bilbray
Bilirakis
Bishop (GA)
Bishop (NY)
Bishop (UT)
Blackburn
Blumenauer
Blunt
Boehner
Bonner
Bono Mack
Boozman
Bordallo
Boren
Boswell
Boucher
Boustany
Boyd (FL)
Boyda (KS)
Brady (PA)
Brady (TX)
Braley (IA)
Broun (GA)
Brown (SC)
Brown, Corrine
Buchanan
Burgess
Burton (IN)
Butterfield
Buyer
Calvert
Camp (MI)
Campbell (CA)
Cantor
Capito
Capps
Capuano
Cardoza
Carnahan
Carney
Carson
Carter
Castle
Cazayoux
Chabot
Chandler
Childers
Christensen
Clay
Cleaver
Coble
Cohen
Cole (OK)
Conaway
Conyers
Cooper
Costa
Costello
Courtney
Cramer
Crenshaw
Crowley
Cuellar
Culberson
Cummings
Davis (AL)
Davis (CA)
Davis (KY)
Davis, David
Davis, Lincoln
Davis, Tom
Deal (GA)
DeFazio
DeGette
Delahunt
DeLauro
Dent
Diaz-Balart, L.
Diaz-Balart, M.
Dicks
Dingell
Doggett
Donnelly
Doolittle
Doyle
Drake
Dreier
Duncan
Edwards (TX)
Ehlers
Ellison
Ellsworth
Emanuel
Emerson
Engel
English (PA)
Eshoo
Etheridge
Everett
Faleomavaega
Fallin
Farr
Fattah
Feeney
Ferguson
Filner
Flake
Forbes
Fortenberry
Fossella
Foster
Foxx
Frank (MA)
Franks (AZ)
Frelinghuysen
Gallegly
Garrett (NJ)
Gerlach
Giffords
Gilchrest
Gillibrand
Gingrey
Gohmert
Gonzalez
Goode
Goodlatte
Gordon
Granger
Graves
Green, Al
Green, Gene
Hall (NY)
Hall (TX)
Hare
Harman
Hastings (FL)
Hastings (WA)
Hayes
Heller
Hensarling
Herger
Herseth Sandlin
Higgins
Hill
Hinchey
Hinojosa
Hobson
Hodes
Hoekstra
Holden
Holt
Hooley
Hoyer
Hunter
Inglis (SC)
Inslee
Israel
Issa
Jackson (IL)
Jackson-Lee (TX)
Jefferson
Johnson (GA)
Johnson (IL)
Johnson, E. B.
Johnson, Sam
Jones (NC)
Jones (OH)
Jordan
Kagen
Kanjorski
Kaptur
Keller
Kennedy
Kildee
Kilpatrick
Kind
King (IA)
King (NY)
Kingston
Kirk
Klein (FL)
Kline (MN)
Knollenberg
Kuhl (NY)
LaHood
Lamborn
Lampson
Langevin
Larsen (WA)
Larson (CT)
Latham
LaTourette
Latta
Levin
Lewis (CA)
Lewis (GA)
Lewis (KY)
Linder
Lipinski
LoBiondo
Loebsack
Lofgren, Zoe
Lowey
Lucas
Lungren, Daniel E.
Lynch
Mack
Mahoney (FL)
Maloney (NY)
Manzullo
Marchant
Markey
Marshall
Matheson
Matsui
McCarthy (CA)
McCarthy (NY)
McCaul (TX)
McCollum (MN)
McCotter
McCrery
McGovern
McHenry
McHugh
McIntyre
McKeon
McMorris Rodgers
McNerney
McNulty
Meek (FL)
Meeks (NY)
Melancon
Mica
Michaud
Miller (FL)
Miller (MI)
Miller (NC)
Miller, Gary
Miller, George
Mitchell
Mollohan
Moore (KS)
Moran (KS)
Moran (VA)
Murphy (CT)
Murphy, Patrick
Murphy, Tim
Murtha
Musgrave
Myrick
Nadler
Neal (MA)
Neugebauer
Norton
Nunes
Oberstar
Obey
Olver
Ortiz
Pallone
Pascrell
Pastor
Paul
Payne
Pearce
Pence
Perlmutter
Peterson (MN)
Petri
Pickering
Pitts
Platts
Poe
Pomeroy
Porter
Price (GA)
Price (NC)
Pryce (OH)
Putnam
Radanovich
Rahall
Ramstad
Rangel
Regula
Rehberg
Reichert
Renzi
Reyes
Reynolds
Richardson
Rodriguez
Rogers (AL)
Rogers (KY)
Rogers (MI)
Rohrabacher
Ros-Lehtinen
Roskam
Ross
Rothman
Roybal-Allard
Royce
Ruppersberger
Ryan (OH)
Ryan (WI)
Salazar
Sali
Sánchez, Linda T.
Sanchez, Loretta
Sarbanes
Saxton
Scalise
Schakowsky
Schiff
Schmidt
Schwartz
Scott (GA)
Scott (VA)
Sensenbrenner
Sessions
Sestak
Shadegg
Shays
Shea-Porter
Sherman
Shimkus
Shuler
Shuster
Simpson
Sires
Skelton
Slaughter
Smith (NE)
Smith (NJ)
Smith (TX)
Smith (WA)
Snyder
Souder
Space
Speier
Spratt
Stearns
Stupak
Sullivan
Sutton
Tancredo
Tanner
Tauscher
Taylor
Terry
Thompson (CA)
Thompson (MS)
Thornberry
Tiahrt
Tiberi
Tierney
Towns
Tsongas
Udall (CO)
Udall (NM)
Upton
Van Hollen
Velázquez
Visclosky
Walberg
Walden (OR)
Walsh (NY)
Walz (MN)
Wamp
Wasserman Schultz
Waters
Watson
Watt
Waxman
Weiner
Welch (VT)
Weldon (FL)
Weller
Westmoreland
Wexler
Whitfield (KY)
Wilson (OH)
Wilson (SC)
Wittman (VA)
Wolf
Woolsey
Wu
Yarmuth
Young (FL)

NOES—16

Baldwin
Clarke
Clyburn
Davis (IL)
Grijalva
Gutierrez
Hirono
Honda
Kucinich
Lee
McDermott
Moore (WI)
Napolitano
Serrano
Solis
Stark

ANSWERED ''PRESENT''—1

Edwards (MD)

NOT VOTING—12

Barrow
Brown-Waite, Ginny
Cannon
Castor
Cubin
Fortuño
Hulshof
Peterson (PA)
Rush
Turner
Wilson (NM)
Young (AK)

ANNOUNCEMENT BY THE ACTING CHAIRMAN

The Acting CHAIRMAN (during the vote). There is less than 1 minute remaining in this vote.

□ 1849

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

So the amendment was agreed to.

The result of the vote was announced as above recorded.

The Acting CHAIRMAN. The question is on the committee amendment in the nature of a substitute, as amended.

The committee amendment in the nature of a substitute, as amended, was agreed to.

The Acting CHAIRMAN. Under the rule, the Committee rises.

Accordingly, the Committee rose; and the Speaker pro tempore (Mr. WEINER) having assumed the chair, Mr. POMEROY, 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. 1338) to amend the Fair Labor Standards Act of 1938 to provide more effective remedies to victims of discrimination in the payment of wages on the basis of sex, and for other purposes, pursuant to House Resolution 1388, he reported the bill back to the House with an amendment 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 to the amendment reported from the Committee of the Whole? If not, the question is on the amendment.

The amendment was 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.

MOTION TO RECOMMIT

Mr. PRICE of Georgia. Mr. Speaker, I have a motion to recommit at the desk.

The SPEAKER pro tempore. Is the gentleman opposed to the bill?

Mr. PRICE of Georgia. I am.

The SPEAKER pro tempore. The Clerk will report the motion to recommit.

The Clerk read as follows:

Mr. Price of Georgia moves to recommit the bill, H.R. 1338, to the Committee on Education and Labor with instructions to report the bill back to the House promptly with the following amendment:

Page 4, line 21, strike ''and''.

Page 4, line 24, strike the period and insert ''; and''.

Page 4, after line 24, insert the following:

(J) are exacerbated by the increase in the price of gasoline to unprecedented levels since January 3, 2007, and the failure of the Congress to enact meaningful reforms to lower the price of gasoline at the pump, which has a greater impact on the household budgets of those who earn less.

Page 11, line 15, strike ''and'';

Page 11, after line 15, insert the following:

(B) by inserting ''in an amount not to exceed $1,000 per hour'' after ''a reasonable attorney's fee''; and

Page 11, line 16, strike ''(B)'' and insert ''(C)''.

The SPEAKER pro tempore. The gentleman from Georgia is recognized for 5 minutes.

Mr. PRICE of Georgia. Mr. Speaker, equal pay for equal work is currently the law of the land, and it has been since the passage of the Equal Pay Act of 1963. Generally, businesses do a tremendous job paying employees fairly, regardless of gender. But the bill before the House today treats wage discrimination as systemic, and is a boon for trial lawyers. It also fails to address the very real challenges affecting Americans' wages and the purchasing power of their paychecks. That is why we Republicans are offering this motion to recommit, in order to expose the errors of this Democrat majority.

The first half of this motion points out the simple fact wages are being stretched thin by the price of gasoline, and this Democrat majority has repeatedly failed to take action. The

high price of gasoline is squeezing family budgets, and no one is being hit harder than working women and families. Yet, this Congress has yet to cast a vote during this energy emergency to expand exploration and production of American-made energy.

Republicans have a plan to increase production and open up access, to provide tax credits to promote clean and reliable sources of energy, and encourage conservation to ease the demand for gasoline. With this productive plan, a positive plan to open up access, provide tax credits, to promote clean and reliable sources of energy, and encourage conservation to ease demand, roadblock after roadblock has been erected in this Congress.

Exploration and development of the Outer Continental Shelf, deep sea exploration. Rejected. New refining capacity on closed military bases. Denied. Facilitating clean coal-to-liquid technologies. Absolutely not. Reduce regulations in the number of boutique fuels. Not a chance. And producing oil and gas resources in ANWR. Forget about it.

Of course, this doesn't come as a surprise to the American people or this Congress. Most of our friends across the aisle have repeatedly rejected efforts to expand domestic energy capacity. All you have to do is take a look at the record, the facts.

Exploration and development of the Outer Continental Shelf, 83 percent of House Democrats have routinely opposed it. Facilitating coal-to-liquid technologies, 78 percent of them rejected it. And producing oil and gas resources in ANWR, 86 of percent of House Democrats have fought the proposal time and time again.

But maybe, just maybe, if we naively believe long enough that drilling it not necessary because all Americans need to do is inflate our tires and get a tune-up, all of these problems will go away. But they won't. And it's why the American people and Republicans are asking for one vote up or down to increase the supply of American-made energy. That is all our constituents ask and that is all we ask this Congress before we adjourn. A vote.

If the Congress is not being responsible by addressing rising energy prices, what are we doing today? Well, we are rewarding one of the majority's favorite special interests, trial lawyers.

Mr. Speaker how much time remains?

The SPEAKER pro tempore. The gentleman has 1¾ minutes remaining.

Mr. PRICE of Georgia. Thank you, Mr. Speaker.

As some have correctly described this bill, it's a boondoggle for trial lawyers. They will be able to collect unlimited, unlimited compensatory and punitive damages. This serves no legitimate purpose and turns the Equal Pay Act into a lottery.

It's why the second half of this motion is a simple, commonsense change that caps ''reasonable,'' as described in the bill, attorneys' fees at $1,000 an hour. With a cap on attorneys' fees, it's the intent that lawyers would take cases based on actual discrimination and prevent lawsuit abuse.

Today's litigation system, unfortunately, does little to restrain the filing of lawsuits. It's why lawsuits can result in millions of dollars in lawyers' fees, yet plaintiffs end up with pennies on the dollar. It's why tort costs consume approximately 2 percent, 2 percent of our entire gross domestic product, and why 10 cents of every single dollar spent on health care is attributed to the costs of liability and defensive medicine. Over $200 billion a year.

A cap on attorneys' fees can ensure that victims of discrimination are protected, yet not without financial gain. Without a cap, trial lawyers will be able to interject, distort, and oversee how wages are determined through litigation, and all this will end up doing is increasing expenses for employers and harm current and prospective workers through lower wages and slower job creation.

Let's adopt this motion to recommit. If it's not adopted, the record will reflect that while this Congress stood by and did nothing to address the price of gasoline at the pump, we had ample time to reward trial lawyers.

I yield back.

Mr. GEORGE MILLER of California. I rise in opposition to the motion.

The SPEAKER pro tempore. The gentleman is recognized for 5 minutes.

Mr. GEORGE MILLER of California. You gotta love these guys. They've argued all day that pay disparity doesn't exist in this country, in spite of all the studies by governmental agencies, by their own governmental agencies, the Department of Labor, the EEOC, and all the rest, that a woman today can still make 77 cents on the dollar for every dollar that a man earns. They've argued all day.

Now they've introduced a motion to recommit that accepts the fact of the existence of these pay disparities. They want to argue that they're exacerbated by high energy costs. We grant you that argument.

But then what do they want to do in their last act as they leave for August break? They want to suggest that a woman who has been discriminated against intentionally, unintentionally, discriminated against in pay, paid 77 cents for every dollar, or 20 cents for every, we don't know, that woman is going to have a cap on her attorneys' fees.

They put it at $1,000 to get your blood rushing. But you know who doesn't have a cap? The employer who discriminated against that woman doesn't have a cap on their attorneys' fees. That employer doesn't have a cap of $1,000. Is it $1,000 if it's a complicated case and that woman needs two attorneys or three attorneys or four or five experts to prove this discrimination?

□ 1900

She has a cap on those. The employer needs five experts, no cap; five attorneys, no cap.

Your last act of discrimination in denying discrimination is to make sure that they can't recover the wages that are due them, and you ought not to be able to do this. You ought not to be able to do that on the floor of this House. You simply should not be able to do that.

This is about whether or not women will have the tools necessary to get rid of the wage discrimination that costs them money every hour, every week, every month and every year, and it follows them into their retirement. You've heard it here today. It can cost them as much as $2 million in lost Social Security, in lost retirement benefits, in lost wages. And now they want to suggest that those women who may lose $2 million have a cap on their ability to recover.

I hope Ms. Lilly Ledbetter is watching you guys, because now she understands what your problem was.

POINT OF ORDER

Mr. PRICE of Georgia. I have a point of order, Mr. Speaker.

The SPEAKER pro tempore. The gentleman will state his point of order.

Mr. PRICE of Georgia. I know the gentleman is not interested in talking about the substance of the motion to recommit. Should not the comments be addressed——

Mr. GEORGE MILLER of California. Mr. Speaker, the subject of the amendment is discrimination against women.

The SPEAKER pro tempore. The gentleman from California will suspend.

The gentleman from Georgia, for what purpose do you rise?

Mr. PRICE of Georgia. A point of order.

The SPEAKER pro tempore. The gentleman will state his point of order.

Mr. PRICE of Georgia. The gentleman's comments should be addressed to the Chair.

The SPEAKER pro tempore. The gentleman is correct.

The gentleman from California is recognized.

Mr. GEORGE MILLER of California. I yield to the gentleman from New Jersey.

Mr. ANDREWS. The purpose of this amendment is to kill this bill. It says to the woman who makes 77 cents to drive a truck when a man makes a dollar, wait your turn. It says to a woman who shortly out of college makes 90 cents for every dollar a man who majored in the same thing makes, wait your turn. It says to women who have lost $2 million throughout the course of their working careers, wait your turn.

If you want our sisters and our mothers and our daughters to wait their turn, vote for this motion to recommit. But if you believe, as we do, that the time is now, vote down this motion to recommit, vote for this bill, and vote

for justice for the working women of this country.

Mr. GEORGE MILLER of California. Mr. Speaker, there is no more time. Time has run out. We have seen this discrimination documented time and again in all different kinds of businesses, all different kinds of occupations. It doesn't matter your education or your experience, this discrimination exists, and we have the opportunity with this vote tonight to put an end to it, to allow these women to enforce existing law.

We don't change the law. We give them the right to enforce the law. And if they don't have that right, they have no justice and the law means nothing. That is why we continue to see tens of thousands of cases of wage discrimination where women can't afford to go in and recover the wages.

I ask my colleagues to vote down this motion to recommit and with great pride vote for final passage of this legislation to end wage discrimination, and with that vote to recognize the phenomenal work of ROSA DELAURO in seeking out justice for women all across this country.

I yield back the balance of my time.

PARLIAMENTARY INQUIRY

Mr. WESTMORELAND. Mr. Speaker, parliamentary inquiry.

The SPEAKER pro tempore. The gentleman will state his parliamentary inquiry.

Mr. WESTMORELAND. Should this motion pass, it could be recommitted back to the committee from which it came and brought forth on the next legislative day?

The SPEAKER pro tempore. As the Chair has reaffirmed on November 15, 2007, at some subsequent time, the committee could meet and report back the bill to the House.

Without objection, the previous question is ordered on the motion to recommit.

There was no objection.

The SPEAKER pro tempore. The question is on the motion to recommit.

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

RECORDED VOTE

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

A recorded vote was ordered.

The SPEAKER pro tempore. Pursuant to clause 8 and clause 9 of rule XX, this 15-minute vote on the motion to recommit will be followed by 5-minute votes on passage of the bill, if ordered, and the motion to suspend on H.R. 6633.

The vote was taken by electronic device, and there were—ayes 189, noes 236, not voting 9, as follows:

[Roll No. 555]

AYES—189

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

NOES—236

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

NOT VOTING—9

Brown-Waite, Ginny
Cannon
Cubin
Hulshof
Kilpatrick
Rush
Turner
Wilson (NM)
Young (AK)

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore (during the vote). Members are reminded that they have less than 2 minutes remaining on this vote.

□ 1922

Messrs. HOYER and COHEN changed their vote from ''aye'' to ''no.''

So the motion to recommit was rejected.

The result of the vote was announced as above recorded.

(By unanimous consent, Mr. HOYER was allowed to speak out of order.)

LEGISLATIVE PROGRAM

Mr. HOYER. Ladies and gentlemen of the House, I know that all of you are concerned about the schedule. There was some hope that we would be able to get out late tonight. We have been unable to reach an accord on unanimous consent on the adjournment resolution. As you know, the Senate has not passed an adjournment resolution. As a result of that, we will be here tomorrow. So we are going to proceed in the following way: We will have no further votes tonight. I have discussed that with the minority, and they are not going to be asking for votes on amendments, and so we will be having no further votes tonight.

We will meet tomorrow at 9. We will be considering whatever amendments and the Military Construction and Veterans bill, we will vote on that. We will then have a rule on the adjournment resolution, and that will be the balance of our business.

It is my hope, again, not knowing what might transpire during the course

of the day, that we would be able to complete the business that will be before us before 1 o'clock tomorrow, perhaps earlier, again, depending upon how many votes we have and what action is taken on the floor. I wanted all the Members to know that.

Mr. BLUNT. If the gentleman would yield.

Mr. HOYER. I yield to the Republican Whip.

Mr. BLUNT. If I heard the gentleman correctly; you said that there would be no more votes tonight. But there will be one more vote tonight.

Mr. HOYER. Exactly.

Mr. BLUNT. We will finish up this bill.

Mr. HOYER. There are two votes apparently left.

Mr. BLUNT. Two more votes tonight. And then we go to debate the Military Construction-Veterans Affairs bill and all the amendments, with no votes anticipated tonight.

Mr. HOYER. That is correct.

Mr. FRANK. Would the gentleman yield?

Mr. HOYER. I yield to my friend from Massachusetts.

Mr. FRANK. I have a minor correction to the leader. There will be no more votes on the floor, but there will be five more votes in the Committee of Financial Services so we can get it done. So please come back.

Mr. HOYER. I thank the gentleman, not only for his announcement, but for the hard work of he and his committee.

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore. Without objection, 5-minute voting will resume.

There was no objection.

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.

RECORDED VOTE

Mr. ANDREWS. Mr. Speaker, I demand a recorded vote.

A recorded vote was ordered.

The SPEAKER pro tempore. This will be a 5-minute vote.

The vote was taken by electronic device, and there were—ayes 247, noes 178, not voting 9, as follows:

[Roll No. 556]

AYES—247

Abercrombie
Ackerman
Allen
Altmire
Andrews
Arcuri
Baca
Baird
Baldwin
Barrow
Bean
Becerra
Berkley
Berman
Berry
Bishop (GA)
Bishop (NY)
Blumenauer
Boren
Boswell
Boucher
Boyd (FL)
Boyda (KS)
Brady (PA)
Braley (IA)
Brown, Corrine
Butterfield
Capps
Capuano
Cardoza
Carnahan
Carney
Carson
Castle
Castor
Cazayoux
Chandler
Childers
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
Dent
Diaz-Balart, L.
Diaz-Balart, M.
Dicks
Dingell
Doggett
Donnelly
Doyle
Edwards (MD)
Edwards (TX)
Ellison
Ellsworth
Emanuel
Engel
English (PA)
Eshoo
Etheridge
Farr
Fattah
Filner
Foster
Frank (MA)
Gerlach
Giffords
Gilchrest
Gillibrand
Gonzalez
Gordon
Green, Al
Green, Gene
Grijalva
Gutierrez
Hall (NY)
Hare
Harman
Hastings (FL)
Hayes
Herseth Sandlin
Higgins
Hill
Hinchey
Hinojosa
Hirono
Hodes
Holden
Holt
Honda
Hooley
Hoyer
Inslee
Israel
Jackson (IL)
Jackson-Lee (TX)
Jefferson
Johnson (GA)
Johnson, E. B.
Jones (OH)
Kagen
Kanjorski
Kaptur
Kennedy
Kildee
Kind
Klein (FL)
Kucinich
Lampson
Langevin
Larsen (WA)
Larson (CT)
Lee
Levin
Lewis (GA)
Lipinski
Loebsack
Lofgren, Zoe
Lowey
Lynch
Mahoney (FL)
Maloney (NY)
Markey
Marshall
Matheson
Matsui
McCarthy (NY)
McCollum (MN)
McDermott
McGovern
McIntyre
McNerney
McNulty
Meek (FL)
Meeks (NY)
Melancon
Michaud
Miller (NC)
Miller, George
Mitchell
Mollohan
Moore (KS)
Moore (WI)
Moran (VA)
Murphy (CT)
Murphy, Patrick
Murtha
Nadler
Napolitano
Neal (MA)
Oberstar
Obey
Olver
Ortiz
Pallone
Pascrell
Pastor
Payne
Perlmutter
Peterson (MN)
Pomeroy
Porter
Price (NC)
Rahall
Ramstad
Rangel
Reichert
Reyes
Richardson
Rodriguez
Ros-Lehtinen
Ross
Rothman
Roybal-Allard
Ruppersberger
Ryan (OH)
Salazar
Sánchez, Linda T.
Sanchez, Loretta
Sarbanes
Schakowsky
Schiff
Schwartz
Scott (GA)
Scott (VA)
Serrano
Sestak
Shays
Shea-Porter
Sherman
Shuler
Sires
Skelton
Slaughter
Smith (NJ)
Smith (WA)
Snyder
Solis
Space
Speier
Spratt
Stark
Stupak
Sutton
Tanner
Tauscher
Taylor
Thompson (CA)
Thompson (MS)
Tierney
Towns
Tsongas
Udall (CO)
Udall (NM)
Van Hollen
Velázquez
Visclosky
Walz (MN)
Wasserman Schultz
Waters
Watson
Watt
Waxman
Weiner
Welch (VT)
Wexler
Wilson (OH)
Woolsey
Wu
Yarmuth

NOES—178

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

NOT VOTING—9

Brown-Waite, Ginny
Cannon
Cubin
Hulshof
Kilpatrick
Rush
Turner
Wilson (NM)
Young (AK)

□ 1933

The SPEAKER pro tempore (Ms. SLAUGHTER). On this vote—we're making history here—the yeas are 247, the nays are 178. The bill is passed and without objection the motion to reconsider is laid on the table.

POINT OF ORDER

Mr. PRICE of Georgia. Madam Speaker, point of order.

The SPEAKER pro tempore. The gentleman will state his point of order.

Mr. PRICE of Georgia. Madam Speaker, is the Speaker not supposed to be an impartial presiding officer in this body?

The SPEAKER pro tempore. You are right, Mr. PRICE. I was a bit exuberant. But after 30 years of working on this—

Mr. PRICE of Georgia. Madam Speaker, point of order.

The SPEAKER pro tempore. The gentleman will state his point of order.

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore (Mr. JACKSON of Illinois). Without objection, 5-minute voting will continue.

There was no objection.

EMPLOYEE VERIFICATION AMENDMENT ACT OF 2008

The SPEAKER pro tempore. The unfinished business is the vote on the motion to suspend the rules and pass the bill, H.R. 6633, on which the yeas and nays were ordered.

The Clerk read the title of the bill.

The SPEAKER pro tempore. The question is on the motion offered by the gentlewoman from California (Ms. ZOE LOFGREN) that the House suspend the rules and pass the bill, H.R. 6633.

This will be a 5-minute vote.

The vote was taken by electronic device, and there were—yeas 407, nays 2, answered ''present'' 4, not voting 21, as follows:

[Roll No. 557]

YEAS—407

Abercrombie
Ackerman
Aderholt
Akin
Alexander
Allen
Altmire
Andrews
Arcuri
Baca
Bachmann
Baird
Baldwin
Barrett (SC)
Barrow
Bartlett (MD)
Barton (TX)
Bean
Becerra
Berkley
Berman
Berry
Biggert
Bilbray
Bilirakis
Bishop (GA)
Bishop (NY)
Bishop (UT)
Blackburn
Blumenauer
Blunt
Boehner
Bonner
Bono Mack
Boozman
Boren
Boswell
Boucher
Boustany
Boyd (FL)
Boyda (KS)
Brady (PA)
Brady (TX)
Braley (IA)
Broun (GA)
Brown (SC)
Brown, Corrine
Buchanan
Burgess
Burton (IN)
Butterfield
Buyer
Calvert
Camp (MI)
Campbell (CA)
Cantor
Capito
Capps
Capuano
Cardoza
Carnahan
Carney
Carson
Castle
Castor
Cazayoux
Chabot
Chandler
Childers
Clarke
Clay
Cleaver
Clyburn
Coble
Cohen
Cole (OK)
Conaway
Conyers
Cooper
Costa
Costello
Courtney
Cramer
Crenshaw
Crowley
Cuellar
Culberson
Cummings
Davis (AL)
Davis (CA)
Davis (IL)
Davis (KY)
Davis, David
Davis, Lincoln
Davis, Tom
Deal (GA)
DeFazio
DeGette
Delahunt
DeLauro
Dent
Diaz-Balart, L.
Diaz-Balart, M.
Dingell
Doggett
Donnelly
Doolittle
Doyle
Drake
Dreier
Duncan
Edwards (MD)
Edwards (TX)
Ehlers
Ellison
Ellsworth
Emanuel
Emerson
Engel
English (PA)
Eshoo
Etheridge
Everett
Fallin
Farr
Fattah
Feeney
Ferguson
Flake
Forbes
Fortenberry
Fossella
Foster
Foxx
Frank (MA)
Franks (AZ)
Frelinghuysen
Gallegly
Garrett (NJ)
Gerlach
Giffords
Gilchrest
Gillibrand
Gingrey
Gohmert
Gonzalez
Goode
Goodlatte
Gordon
Granger
Green, Al
Green, Gene
Gutierrez
Hall (NY)
Hall (TX)
Hare
Harman
Hastings (FL)
Hastings (WA)
Hayes
Heller
Hensarling
Herger
Herseth Sandlin
Higgins
Hill
Hinchey
Hinojosa
Hirono
Hobson
Hodes
Hoekstra
Holden
Holt
Honda
Hooley
Hoyer
Hunter
Inglis (SC)
Inslee
Israel
Issa
Jackson (IL)
Jackson-Lee (TX)
Jefferson
Johnson (GA)
Johnson (IL)
Johnson, E. B.
Johnson, Sam
Jones (NC)
Jones (OH)
Jordan
Kagen
Kanjorski
Kaptur
Keller
Kennedy
Kildee
Kind
King (IA)
King (NY)
Kingston
Kirk
Klein (FL)
Kline (MN)
Knollenberg
Kucinich
Kuhl (NY)
LaHood
Lamborn
Lampson
Langevin
Larsen (WA)
Larson (CT)
Latham
Latta
Lee
Levin
Lewis (CA)
Lewis (GA)
Lewis (KY)
Linder
Lipinski
LoBiondo
Loebsack
Lofgren, Zoe
Lowey
Lucas
Lungren, Daniel E.
Lynch
Mack
Mahoney (FL)
Maloney (NY)
Manzullo
Marchant
Markey
Matheson
Matsui
McCarthy (CA)
McCarthy (NY)
McCaul (TX)
McCollum (MN)
McCotter
McCrery
McDermott
McGovern
McHenry
McHugh
McIntyre
McKeon
McMorris Rodgers
McNerney
McNulty
Meek (FL)
Meeks (NY)
Melancon
Mica
Michaud
Miller (FL)
Miller (MI)
Miller (NC)
Miller, Gary
Mitchell
Moore (KS)
Moore (WI)
Moran (KS)
Moran (VA)
Murphy (CT)
Murphy, Patrick
Murtha
Musgrave
Myrick
Nadler
Napolitano
Neal (MA)
Neugebauer
Nunes
Oberstar
Obey
Olver
Ortiz
Pallone
Pascrell
Payne
Pearce
Pence
Perlmutter
Peterson (MN)
Petri
Pickering
Pitts
Platts
Poe
Pomeroy
Porter
Price (GA)
Price (NC)
Pryce (OH)
Putnam
Radanovich
Rahall
Ramstad
Rangel
Regula
Rehberg
Reichert
Renzi
Reyes
Reynolds
Richardson
Rodriguez
Rogers (AL)
Rogers (KY)
Rogers (MI)
Rohrabacher
Ros-Lehtinen
Roskam
Ross
Rothman
Royce
Ruppersberger
Ryan (OH)
Ryan (WI)
Salazar
Sali
Sánchez, Linda T.
Sanchez, Loretta
Sarbanes
Saxton
Scalise
Schakowsky
Schiff
Schmidt
Schwartz
Scott (GA)
Scott (VA)
Sensenbrenner
Serrano
Sestak
Shadegg
Shays
Shea-Porter
Sherman
Shimkus
Shuler
Shuster
Simpson
Sires
Skelton
Slaughter
Smith (NE)
Smith (NJ)
Smith (TX)
Smith (WA)
Snyder
Solis
Souder
Space
Speier
Spratt
Stark
Stearns
Stupak
Sullivan
Sutton
Tancredo
Tanner
Tauscher
Taylor
Terry
Thompson (CA)
Thompson (MS)
Thornberry
Tiahrt
Tiberi
Tierney
Towns
Tsongas
Udall (CO)
Udall (NM)
Upton
Van Hollen
Visclosky
Walberg
Walden (OR)
Walsh (NY)
Walz (MN)
Wamp
Wasserman Schultz
Waters
Watson
Watt
Waxman
Weiner
Welch (VT)
Weller
Westmoreland
Wexler
Whitfield (KY)
Wilson (OH)
Wilson (SC)
Wittman (VA)
Wolf
Woolsey
Wu
Yarmuth
Young (FL)

NAYS—2

Filner
Paul

ANSWERED ''PRESENT''—4

Grijalva
Pastor
Roybal-Allard
Velázquez

NOT VOTING—21

Bachus
Brown-Waite, Ginny
Cannon
Carter
Cubin
Dicks
Graves
Hulshof
Kilpatrick
LaTourette
Marshall
Miller, George
Mollohan
Murphy, Tim
Peterson (PA)
Rush
Sessions
Turner
Weldon (FL)
Wilson (NM)
Young (AK)

□ 1944

So (two-thirds being in the affirmative) the rules were suspended and 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. KILPATRICK. Mr. Speaker, due to personal business in the 13th Congressional District of Michigan, I was unable to attend several rollcall votes. Had I been present, on rollcall number 555 I would have voted "no"; on rollcall number 556 I would have voted "aye" and on rollcall number 557 I would have voted "aye."

PERSONAL EXPLANATION

Mr. JOHNSON of Georgia. Mr. Speaker, I wish to let the RECORD reflect my intent when I voted on rollcall vote No. 552. On that vote I meant to vote ''yes'' and I voted ''no.'' The reason why was because I was out in the hallway speaking with an intern doing an exit interview and we were in the midst of 2-minute votes at that point.

AUTHORIZING THE CLERK TO MAKE CORRECTIONS IN ENGROSSMENT OF H.R. 1338, PAYCHECK FAIRNESS ACT

Mr. CONYERS. Mr. Speaker, I ask unanimous consent that the Clerk be authorized to make technical corrections in the engrossment of H.R. 1338, including corrections in spelling, punctuation, section and title, numbering, cross-referencing, conforming amendments to the table of contents and short titles, and the insertion of appropriate headings.

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

There was no objection.

LIBYAN CLAIMS RESOLUTION ACT

Mr. CONYERS. Mr. Speaker, I ask unanimous consent to take from the Speaker's table the Senate bill (S. 3370) to resolve pending claims against Libya by United States nationals, and for other purposes, and ask for its immediate consideration in the House.

The Clerk read the title of the Senate bill.

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

There was no objection.

The text of the Senate bill is as follows:

S. 3370

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

SECTION 1. SHORT TITLE.

This Act may be cited as the ''Libyan Claims Resolution Act''.

SEC. 2. DEFINITIONS.

In this Act—

(1) the term ''appropriate congressional committees'' means the Committee on Foreign Relations and the Committee on the Judiciary of the Senate and the Committee on Foreign Affairs and the Committee on the Judiciary of the House of Representatives;

(2) the term ''claims agreement'' means an international agreement between the United States and Libya, binding under international law, that provides for the settlement of terrorism-related claims of nationals of the United States against Libya through fair compensation;

(3) the term ''national of the United States'' has the meaning given that term in section 101(a)(22) of the Immigration and Nationality Act (8 U.S.C. 1101(a)(22));

(4) the term ''Secretary'' means the Secretary of State; and

(5) the term ''state sponsor of terrorism'' means a country the government of which the Secretary has determined, for purposes of section 6(j) of the Export Administration Act of 1979 (50 U.S.C. App. 2405(j)), section 620A of the Foreign Assistance Act of 1961 (22 U.S.C. 2371), section 40 of the Arms Export Control Act (22 U.S.C. 2780), or any other provision of law, is a government that has repeatedly provided support for acts of international terrorism.

SEC. 3. SENSE OF CONGRESS.

Congress supports the President in his efforts to provide fair compensation to all nationals of the United States who have terrorism-related claims against Libya through a comprehensive settlement of claims by

such nationals against Libya pursuant to an international agreement between the United States and Libya as a part of the process of restoring normal relations between Libya and the United States.

SEC. 4. ENTITY TO ASSIST IN IMPLEMENTATION OF CLAIMS AGREEMENT.

(a) DESIGNATION OF ENTITY.—

(1) DESIGNATION.—The Secretary, by publication in the Federal Register, may, after consultation with the appropriate congressional committees, designate 1 or more entities to assist in providing compensation to nationals of the United States, pursuant to a claims agreement.

(2) AUTHORITY OF THE SECRETARY.—The designation of an entity under paragraph (1) is within the sole discretion of the Secretary, and may not be delegated. The designation shall not be subject to judicial review.

(b) IMMUNITY.—

(1) PROPERTY.—

(A) IN GENERAL.—Notwithstanding any other provision of law, if the Secretary designates any entity under subsection (a)(1), any property described in subparagraph (B) of this paragraph shall be immune from attachment or any other judicial process. Such immunity shall be in addition to any other applicable immunity.

(B) PROPERTY DESCRIBED.—The property described in this subparagraph is any property that—

(i) relates to the claims agreement; and

(ii) for the purpose of implementing the claims agreement, is—

(I) held by an entity designated by the Secretary under subsection (a)(1);

(II) transferred to the entity; or

(III) transferred from the entity.

(2) OTHER ACTS.—An entity designated by the Secretary under subsection (a)(1), and any person acting through or on behalf of such entity, shall not be liable in any Federal or State court for any action taken to implement a claims agreement.

(c) NONAPPLICABILITY OF THE GOVERNMENT CORPORATION CONTROL ACT.—An entity designated by the Secretary under subsection (a)(1) shall not be subject to chapter 91 of title 31, United States Code (commonly known as the ''Government Corporation Control Act'').

SEC. 5. RECEIPT OF ADEQUATE FUNDS; IMMUNITIES OF LIBYA.

(a) IMMUNITY.—

(1) IN GENERAL.—Notwithstanding any other provision of law, upon submission of a certification described in paragraph (2)—

(A) Libya, an agency or instrumentality of Libya, and the property of Libya or an agency or instrumentality of Libya, shall not be subject to the exceptions to immunity from jurisdiction, liens, attachment, and execution contained in section 1605A, 1605(a)(7), or 1610 (insofar as section 1610 relates to a judgment under such section 1605A or 1605(a)(7)) of title 28, United States Code;

(B) section 1605A(c) of title 28, United States Code, section 1083(c) of the National Defense Authorization Act for Fiscal Year 2008 (Public Law 110–181; 122 Stat. 342; 28 U.S.C. 1605A note), section 589 of the Foreign Operations, Export Financing, and Related Programs Appropriations Act, 1997 (28 U.S.C. 1605 note), and any other private right of action relating to acts by a state sponsor of terrorism arising under Federal, State, or foreign law shall not apply with respect to claims against Libya, or any of its agencies, instrumentalities, officials, employees, or agents in any action in a Federal or State court; and

(C) any attachment, decree, lien, execution, garnishment, or other judicial process brought against property of Libya, or property of any agency, instrumentality, official, employee, or agent of Libya, in connection with an action that would be precluded by subparagraph (A) or (B) shall be void.

(2) CERTIFICATION.—A certification described in this paragraph is a certification—

(A) by the Secretary to the appropriate congressional committees; and

(B) stating that the United States Government has received funds pursuant to the claims agreement that are sufficient to ensure—

(i) payment of the settlements referred to in section 654(b) of division J of the Consolidated Appropriations Act, 2008 (Public Law 110–161; 121 Stat. 2342); and

(ii) fair compensation of claims of nationals of the United States for wrongful death or physical injury in cases pending on the date of enactment of this Act against Libya arising under section 1605A of title 28, United States Code (including any action brought under section 1605(a)(7) of title 28, United States Code, or section 589 of the Foreign Operations, Export Financing, and Related Programs Appropriations Act, 1997 (28 U.S.C. 1605 note), that has been given effect as if the action had originally been filed under 1605A(c) of title 28, United States Code, pursuant to section 1083(c) of the National Defense Authorization Act for Fiscal Year 2008 (Public Law 110–181; 122 Stat. 342; 28 U.S.C. 1605A note)).

(b) TEMPORAL SCOPE.—Subsection (a) shall apply only with respect to any conduct or event occurring before June 30, 2006, regardless of whether, or the extent to which, application of that subsection affects any action filed before, on, or after that date.

(c) AUTHORITY OF THE SECRETARY.—The certification by the Secretary referred to in subsection (a)(2) may not be delegated, and shall not be subject to judicial review.

The Senate bill was ordered to be read a third time, was read the third time, and passed, and a motion to reconsider was laid on the table.

GENERAL LEAVE

Mr. EDWARDS of Texas. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days in which to revise and extend their remarks and include extraneous material on H.R. 6599, and that I may include tabular material on the same.

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

There was no objection.

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore. Pursuant to clause 8 of rule XX, proceedings will resume on motions to suspend the rules previously postponed.

Votes will be taken in the following order: H.R. 6309, H. Res. 1143, H.R. 6208, H.R. 6437, H. Res. 1357, H.R. 6083, S. 3295, H. Res. 1324, S. 3294, H.R. 4255, H.R. 6225, H.R. 6221, H.R. 674, H. Res. 1288, H. Res. 1151, H. Res. 1332, in each case de novo.

LEAD-SAFE HOUSING FOR KIDS ACT OF 2008

The SPEAKER pro tempore. The unfinished business is the question on suspending the rules and passing the bill, H.R. 6309, as amended.

The Clerk read the title of the bill.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Minnesota (Mr. ELLISON) that the House suspend the rules and pass the bill, H.R. 6309, as amended.

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

The title was amended so as to read: ''A bill to amend the Residential Lead-Based Paint Hazard Reduction Act of 1992 to define environmental intervention blood lead level, and for other purposes.''.

A motion to reconsider was laid on the table.

SUPPORTING THE GOALS AND IDEALS OF THE APPLE CRUNCH AND THE NATION'S DOMESTIC APPLE INDUSTRY

The SPEAKER pro tempore. The unfinished business is the question on suspending the rules and agreeing to the resolution, H. Res. 1143.

The Clerk read the title of the resolution.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Illinois (Mr. DAVIS) that the House suspend the rules and agree to the resolution, H. Res. 1143.

The question was taken; and (two-thirds being in the affirmative) the rules were suspended and the resolution was agreed to.

A motion to reconsider was laid on the table.

LANCE CORPORAL MATTHEW P. PATHENOS POST OFFICE BUILDING

The SPEAKER pro tempore. The unfinished business is the question on suspending the rules and passing the bill, H.R. 6208.

The Clerk read the title of the bill.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Illinois (Mr. DAVIS) that the House suspend the rules and pass the bill, H.R. 6208.

The question was taken; and (two-thirds being in the affirmative) the rules were suspended and the bill was passed.

A motion to reconsider was laid on the table.

CORPORAL ALFRED MAC WILSON POST OFFICE

The SPEAKER pro tempore. The unfinished business is the question on suspending the rules and passing the bill, H.R. 6437.

The Clerk read the title of the bill.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Illinois (Mr. DAVIS) that the House suspend the rules and pass the bill, H.R. 6437.

The question was taken; and (two-thirds being in the affirmative) the rules were suspended and the bill was passed.

A motion to reconsider was laid on the table.

RECOGNIZING THE 20TH ANNIVERSARY OF THE CIVIL LIBERTIES ACT

The SPEAKER pro tempore. The unfinished business is the question on suspending the rules and agreeing to the resolution, H. Res. 1357, as amended.

The Clerk read the title of the resolution.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Michigan (Mr. CONYERS) that the House suspend the rules and agree to the resolution, H. Res. 1357, as amended.

The question was taken; and (two-thirds being in the affirmative) the rules were suspended and the resolution, as amended, was agreed to.

The title of the resolution was amended so as to read: ''Recognizing the significance of the 20th anniversary of the signing of the Civil Liberties Act of 1988 and the greatness of America in her ability to admit and remedy past mistakes and to recognize that there are other communities who may have suffered the mistakes of our government but have not received an apology and reparations.''.

A motion to reconsider was laid on the table.

AUTHORIZING FUNDING FOR THE NATIONAL ADVOCACY CENTER

The SPEAKER pro tempore. The unfinished business is the question on suspending the rules and passing the bill, H.R. 6083, as amended.

The Clerk read the title of the bill.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Michigan (Mr. CONYERS) that the House suspend the rules and pass the bill, H.R. 6083, as amended.

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

The title was amended so as to read: ''A bill to authorize funding to conduct a national training program for State and local prosecutors.''

A motion to reconsider was laid on the table.

PROVIDING FOR PATENT AND TRADEMARK JUDICIAL APPOINTMENTS

The SPEAKER pro tempore. The unfinished business is the question on suspending the rules and passing the Senate bill, S. 3295.

The Clerk read the title of the Senate bill.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Tennessee (Mr. COHEN) that the House suspend the rules and pass the Senate bill, S. 3295.

The question was taken; and (two-thirds being in the affirmative) the rules were suspended and the Senate bill was passed.

A motion to reconsider was laid on the table.

SUPPORTING NATIONAL NIGHT OUT

The SPEAKER pro tempore. The unfinished business is the question on suspending the rules and agreeing to the resolution, H. Res. 1324.

The Clerk read the title of the resolution.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Tennessee (Mr. COHEN) that the House suspend the rules and agree to the resolution, H. Res. 1324.

The question was taken; and (two-thirds being in the affirmative) the rules were suspended and the resolution was agreed to.

A motion to reconsider was laid on the table.

UNITED STATES PAROLE COMMISSION EXTENSION ACT OF 2008

The SPEAKER pro tempore. The unfinished business is the question on suspending the rules and passing the Senate bill, S. 3294.

The Clerk read the title of the Senate bill.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Tennessee (Mr. COHEN) that the House suspend the rules and pass the Senate bill, S. 3294.

The question was taken; and (two-thirds being in the affirmative) the rules were suspended and the Senate bill was passed.

A motion to reconsider was laid on the table.

UNITED STATES OLYMPIC COMMITTEE PARALYMPIC PROGRAM ACT OF 2008

The SPEAKER pro tempore. The unfinished business is the question on suspending the rules and passing the bill, H.R. 4255, as amended.

The Clerk read the title of the bill.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Illinois (Mr. HARE) that the House suspend the rules and pass the bill, H.R. 4255, as amended.

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

A motion to reconsider was laid on the table.

IMPROVING SCRA AND USERRA PROTECTIONS ACT OF 2008

The SPEAKER pro tempore. The unfinished business is the question on suspending the rules and passing the bill, H.R. 6225, as amended.

The Clerk read the title of the bill.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from California (Mr. FILNER) that the House suspend the rules and pass the bill, H.R. 6225, as amended.

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

The title was amended so as to read: ''A bill to amend title 38, United States Code, relating to equitable relief with respect to a State or private employer, and for other purposes.''.

A motion to reconsider was laid on the table.

IMPROVING VETERANS' OPPORTUNITY IN EDUCATION AND BUSINESS ACT OF 2008

The SPEAKER pro tempore. The unfinished business is the question on suspending the rules and passing the bill, H.R. 6221, as amended.

The Clerk read the title of the bill.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from California (Mr. FILNER) that the House suspend the rules and pass the bill, H.R. 6221, as amended.

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

A motion to reconsider was laid on the table.

NOTICE

Incomplete record of House proceedings.

Today's House proceedings will be continued in the next issue of the Record.