

## ELECTION OF MEMBER TO COMMITTEE ON ENERGY AND COMMERCE

Mr. OXLEY. Mr. Speaker, I offer a resolution (H. Res. 513) and I ask unanimous consent for its immediate consideration.

The Clerk read the resolution, as follows:

## H. RES. 513

*Resolved*, That the following Member be and is hereby elected to the following standing committee of the House of Representatives:

Committee on Energy and Commerce: Mr. Barrett of South Carolina.

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

There was no objection.

The resolution was agreed to.

A motion to reconsider was laid on the table.

## FEDERAL HOUSING FINANCE REFORM ACT of 2005

The SPEAKER pro tempore. Pursuant to House Resolution 509 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. 1461.

□ 1557

## 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. 1461) to reform the regulation of certain housing-related Government-sponsored enterprises, and for other purposes, with Mrs. CAPITO (Acting Chairman) in the chair.

The Clerk read the title of the bill.

The Acting CHAIRMAN. When the Committee of the Whole rose earlier today, amendment No. 8 printed in House Report 109-254 offered by the gentlewoman from California (Ms. LORETTA SANCHEZ) had been disposed of.

It is now in order to consider amendment No. 9 printed in House Report 109-254.

## AMENDMENT NO. 9 OFFERED BY MR. KANJORSKI

Mr. KANJORSKI. Madam Chairman, I offer an amendment.

The Acting CHAIRMAN. The Clerk will designate the amendment.

The text of the amendment is as follows:

Amendment No. 9 offered by Mr. KANJORSKI:

Strike line 8 on page 270 and all that follows through line 3 on page 271 and insert the following:

## SEC. 181. BOARDS OF ENTERPRISES.

## (a) FANNIE MAE.—

(1) IN GENERAL.—Subsection (b) of section 308 of the Federal National Mortgage Association Charter Act (12 U.S.C. 1723(b)) is amended in the first sentence by striking “eighteen persons,” and inserting “not less than 7 and not more than 15 persons.”

Strike line 10 on page 271 and all that follows through line 6 on page 272 and insert the following:

## (b) FREDDIE MAC.—

(1) IN GENERAL.—Paragraph (2) of section 303(a) of the Federal Home Loan Mortgage Corporation Act (12 U.S.C. 1452(a)(2)) is amended in subparagraph (A) by striking “eighteen persons,” and inserting “not less than 7 and not more than 15 persons.”

Page 280, lines 1 and 2, strike “shall be elected by the members and”.

Page 280, line 3, after the period insert “All directors of a Bank who are not independent members pursuant to paragraph (3) shall be elected by the members.”

Page 280, lines 8 and 9, strike “one-third” and insert “two-fifths”.

Page 280, line 10, strike “as follows” and insert “, who shall be appointed by the Director of the Federal Housing Finance Agency from a list of individuals recommended made by the Housing Finance Oversight Board, and shall meet the following criteria”.

Page 280, line 20, after “housing,” insert “community development, economic development.”

Page 281, line 5, strike “An” and insert “Notwithstanding subsection (f)(2), an”.

Page 281, strike lines 11 through 14, and insert the following new paragraph:

(2) in the first sentence of subsection (b), by striking “directorship” and inserting “member directorship pursuant to subsection (a)(2)”;

Page 281, strike lines 15 through 23.

Page 281, line 25, after the semicolon insert “and”.

Page 282, strike lines 1 through 8.

Page 282, line 9, strike “(5)” and insert “(4)”.

Page 282, line 10, strike “subsection (e)” and insert “subsections (e) and (f)”.

Page 283, strike lines 5 through 19 and insert the following:

(c) CONTINUED SERVICE OF INDEPENDENT DIRECTORS AFTER EXPIRATION OF TERM.—Section 7(f)(2) of the Federal Home Loan Bank Act (12 U.S.C. 1427(f)(2)) is amended—

(1) in the second sentence, by striking “or the term of such office expires, whichever comes first”; and

(2) by adding at the end the following new sentence: “An appointive Bank director may continue to serve as a director after the expiration of the term of such director until a successor is appointed.”

The Acting CHAIRMAN. Pursuant to House Resolution 509, the gentleman from Pennsylvania (Mr. KANJORSKI) and the gentleman from Ohio (Mr. OXLEY) each will control 5 minutes.

The Chair recognizes the gentleman from Pennsylvania (Mr. KANJORSKI).

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

Madam Chairman, simply stated, the amendment would ensure a continued independent public voice in the corporate governance of Fannie Mae, Freddie Mac, and the Federal Home Loan Banks. The amendment also has had bipartisan support in the Committee on Financial Services. It additionally now has the support of the National Association of Homebuilders and the National Association of Realtors.

The bill before us would make a dramatic change in the board structures of the three government-sponsored enterprises, and this issue deserves a public debate.

The charters of Fannie Mae and Freddie Mac presently require that the boards of both enterprises shall at all

times have five members appointed by the President. Additionally, in order to represent the public interest and provide an independent voice, the charters of the Federal Home Loan Banks require at least six individuals to be appointed by the regulator to serve on each bank board.

Unfortunately, the bill before us today would eliminate the requirement for Presidential appointees on the boards of Fannie Mae and Freddie Mac. It would also abolish regulatory appointees on the boards of the Federal Home Loan Banks.

In my view, requiring Presidential and regulatory appointees to serve on the board of Fannie Mae and Freddie Mac and the Federal Home Loan Banks is entirely appropriate, given the unique nature of their charters and their important public missions.

Government-sponsored enterprises by their very nature are public-private entities, and they need to have a public voice at the highest levels of governance.

□ 1600

The Presidential and regulatory appointments, therefore, signal that each entity is not only accountable to its shareholders, but also to broader national public policy interests.

Additionally, the Presidential and regulatory appointment system gives citizens a needed voice in ensuring the viability of our Nation’s housing finance system and that the benefits of this system are widely distributed. Maintaining public representation on the GSE boards is therefore critical to ensuring continued public trust in these very important financial institutions.

This amendment would accordingly restore the Presidential and regulatory board appointment systems for GSEs while still preserving important changes made by the bill. These changes include providing flexibility in the size of corporate boards at Fannie Mae and Freddie Mac and lengthening the terms of service at the Federal home loan banks.

The amendment would also make three other minor modifications to the bill related to the boards of the Federal home loan banks. They include raising the number of independent directors, adding community and economic development expertise and allowing appointed independent directors to continue to serve until a successor is in place.

This commonsense amendment to retain an independent public voice on the GSE boards received bipartisan support during the markup of this bill. It also has the backing of those who know our housing markets best, like the National Association of Home Builders and the National Association of Realtors. In a recent letter to me about this amendment, the home builders note that “a diverse governing board of directors that is well balanced in knowledge and expertise in the full range of

GSE-related issues and activities is critical."

They also believe that the amendment "will help ensure that the GSE's board of directors are best equipped to make informed, sound judgments in fulfilling their duties, including monitoring risk management activities of the GSEs' executives."

In sum, this amendment is one that deserves the support of everyone who wants to preserve a public voice within the public-private entities and promote good corporate governance. It has the support of the home builders and the realtors.

May I say, at the full committee the amendment was offered and had a 35-35 vote at full committee. On the basis of knowing the importance to corporate governance of this body, I urge my colleagues to adopt this amendment.

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

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

Mr. FRANK of Massachusetts. Madam Chairman, I just wanted to add my voice. The ranking member of the subcommittee has spent a good deal of time focused on the corporate governance of these GSEs. He is one of the best students ever in the House. This is a very thoughtful and, I think, wholly constructive amendment.

It does not detract from any of the purposes that we have. In fact, I think it would enhance them, and I hope the amendment is adopted.

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

Madam Chairman, let me just say to my friend from Pennsylvania there are some sections of that amendment that I support in terms of independence. But I do have a problem with the Presidential appointees to the board. They are basically symbols of the tie between Fannie Mae, and Freddie Mac and the Federal Government, and really do speak to the implied guarantee out there for the GSEs.

The gentleman indicated that he had bipartisan support. In fact, it failed on a tie vote in the committee. I will concede there was bipartisan support. There was also bipartisan opposition.

But at the same time I think that President Bush, who has decided not to fill those vacancies on the board, is on the right track, and I think this amendment would simply add to the perception of the Federal guarantee. To that extent, I would oppose the amendment.

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

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

The Acting CHAIRMAN (Mrs. CAPITO). The question is on the amendment offered by the gentleman from Pennsylvania (Mr. KANJORSKI).

The amendment was agreed to.

SEQUENTIAL VOTES POSTPONED IN COMMITTEE OF THE WHOLE

The Acting CHAIRMAN. Pursuant to clause 6 of rule XVIII, proceedings will

now resume on those amendments on which further proceedings were postponed, in the following order:

Amendment No. 5 by Mr. ROYCE of California.

Amendment No. 6 by Mr. PAUL of Texas.

Amendment No. 7 by Mr. GARRETT of New Jersey.

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

AMENDMENT NO. 5 OFFERED BY MR. ROYCE

The Acting CHAIRMAN. The pending business is the demand for a recorded vote on the amendment offered by the gentleman from California (Mr. ROYCE) 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 73, noes 346, not voting 14, as follows:

[Roll No. 543]

AYES—73

Akin	Gutknecht	Pence	Harris	Mica
Bartlett (MD)	Hall	Petri	Hart	Michaud
Beauprez	Hayworth	Pitts	Hastings (FL)	Millender-
Blackburn	Hensarling	Platts	Hastings (WA)	McDonald
Blunt	Hoekstra	Radanovich	Hayes	Miller (FL)
Cardoza	Hostettler	Ramstad	Hefley	Miller (MI)
Chabot	Hunter	Regula	Herger	Miller (NC)
Chocola	Inglis (SC)	Rohrabacher	Herseth	Miller, Gary
Cooper	Jones (NC)	Royce	Higgins	Miller, George
Culberson	Kennedy (MN)	Ryan (WI)	Hinchey	Mollohan
Deal (GA)	King (IA)	Saxton	Hinojosa	Moore (KS)
DeLay	Kingston	Sensenbrenner	Hobson	Moore (WI)
Dreier	Kirk	Shadegg	Holden	Moran (KS)
Duncan	Kline	Shays	Holt	Moran (VA)
Ehlers	Kolbe	Sherwood	Honda	Murphy
Feeney	Leach	Smith (NJ)	Hooley	Murtha
Ferguson	Lungren, Daniel E.	Stearns	Hoyer	Myrick
Flake	Manzullo	Tancredo	Hulshof	Nadler
Fortenberry	McHenry	Taylor (MS)	Hyde	Napolitano
Foxx	Musgrave	Taylor (NC)	Inslee	Neal (MA)
Franks (AZ)	Norwood	Tiahrt	Israel	Neugebauer
Gillmor	Nussle	Upton	Issa	Ney
Gohmert	Otter	Weldon (FL)	Istook	Northup
Goode	Paul	Westmoreland	Jackson (IL)	Nunes

NOES—346

Abercrombie	Bonner	Case	Jefferson	Olver
Ackerman	Bono	Castle	Jenkins	Ortiz
Aderholt	Boozman	Chandler	Jindal	Osborne
Alexander	Boren	Clay	Johnson (CT)	Owens
Allen	Boucher	Cleaver	Johnson (IL)	Oxley
Andrews	Boustany	Clyburn	Johnson, E. B.	Pallone
Baca	Boyd	Coble	Johnson, Sam	Pascarella
Bachus	Bradley (NH)	Cole (OK)	Jones (OH)	Pastor
Baird	Brady (PA)	Conaway	Kanjorski	Payne
Baker	Brady (TX)	Conyers	Kaptur	Pearce
Baldwin	Brown (OH)	Costa	Keller	Pelosi
Barrett (SC)	Brown (SC)	Costello	Kelly	Peterson (MN)
Barrow	Brown, Corrine	Cramer	Kennedy (RI)	Peterson (PA)
Barton (TX)	Burgess	Crenshaw	Kildee	Pickering
Bass	Burton (IN)	Crowley	Kilpatrick (MI)	Poe
Bean	Butterfield	Cubin	Kind	Pombo
Becerra	Buyer	Cuellar	King (NY)	Pomeroy
Berkley	Calvert	Cummings	Knollenberg	Porter
Berman	Camp	Cunningham	Kucinich	Price (GA)
Berry	Cannon	Davis (AL)	Kuhl (NY)	Price (NC)
Biggert	Cantor	Davis (CA)		
Bilirakis	Capito	Davis (FL)		
Bishop (NY)	Capps	Davis (IL)		
Bishop (UT)	Capuano	Davis (KY)	Bishop (GA)	Diaz-Balart, M.
Blumenauer	Cardin	Davis (TN)	Boswell	Emanuel
Boehlert	Carnahan	Davis, Jo Ann	Brown-Waite,	Foley
Boehner	Carson	Davis, Tom	Ginny	Meek (FL)
Bonilla	Carter	DeFazio	Diaz-Balart, L.	Reyes

NOT VOTING—14

Diaz-Balart, M.	Ros-Lehtinen
Emanuel	Royal-Allard
Foley	Shaw
Meek (FL)	Wexler
Reyes	Whitfield



Grijalva	Matheson	Rothman
Gutierrez	Matsui	Ruppersberger
Hall	McCarthy	Ryan (OH)
Harman	McCaull (TX)	Ryun (KS)
Hart	McCullom (MN)	Sabo
Hastings (FL)	McCotter	Salazar
Hastings (WA)	McDermott	Sánchez, Linda
Hayes	McGovern	T.
Hayworth	McHenry	Sanchez, Loretta
Hefley	McHugh	Sanders
Herger	McIntyre	Saxton
Herseth	McKeon	Schakowsky
Higgins	McKinney	Schiff
Hinchey	McMorris	Schmidt
Hinojosa	McNulty	Schwartz (PA)
Hobson	Meehan	Schwarz (MI)
Hoekstra	Meek (FL)	Scott (GA)
Holden	Meeks (NY)	Scott (VA)
Holt	Melancon	Serrano
Honda	Menendez	Sessions
Hooley	Mica	Shays
Hoyer	Michaud	Sherman
Hulshof	Millender-	Sherwood
Hunter	McDonald	Shimkus
Hyde	Miller (FL)	Shuster
Inglis (SC)	Miller (MI)	Simmons
Inslee	Miller (NC)	Simpson
Israel	Miller, Gary	Skelton
Issa	Miller, George	Slaughter
Jackson (IL)	Mollohan	Smith (NJ)
Jackson-Lee (TX)	Moore (KS)	Smith (TX)
Jefferson	Moore (WI)	Smith (WA)
Jenkins	Moran (KS)	Snyder
Johnson (CT)	Moran (VA)	Solis
Johnson (IL)	Murphy	Souder
Johnson, E. B. (OH)	Murtha	Spratt
Kanjorski	Myrick	Stark
Kaptur	Nadler	Strickland
Keller	Napolitano	Stupak
Kelly	Neugebauer	Sullivan
Kennedy (MN)	Northup	Sweeney
Kennedy (RI)	Norwood	Tanner
Kildee	Nunes	Tauscher
Kilpatrick (MI)	Oberstar	Taylor (NC)
Kind	Obey	Terry
King (NY)	Olver	Thomas
Kingston	Ortiz	Thompson (CA)
Kirk	Osborne	Thompson (MS)
Kline	Owens	Thompson (OR)
Knollenberg	Oxley	Thornberry
Kucinich	Pallone	Tiberi
Kuhl (NY)	Pascarella	Tierney
LaHood	Pastor	Towns
Langevin	Payne	Turner
Lantos	Pearce	Udall (CO)
Larsen (WA)	Peterson (MN)	Udall (NM)
Larson (CT)	Peterson (PA)	Upton
Latham	Pickering	Van Hollen
LaTourette	Poe	Velázquez
Lee	Pombo	Visclosky
Levin	Pomeroy	Walden (OR)
Lewis (CA)	Porter	Walsh
Lewis (GA)	Price (GA)	Wasserman
Lewis (KY)	Price (NC)	Schultz
Linder	Pryce (OH)	Waters
Lipinski	Rahall	Watson
LoBiondo	Ramstad	Wat
Lofgren, Zoe	Rangel	Wexler
Lowey	Regula	Weiner
Lucas	Rehberg	Weller
Lungren, Daniel E.	Reichert	Wick
Lynch	Renzi	Wilson (NM)
Mack	Reynolds	Wilson (SC)
Maloney	Rogers (AL)	Wolf
Manzullo	Rogers (KY)	Watson
Marchant	Rogers (MI)	Watt
Markey	Rohrabacher	Wexler
	Ross	Wexler
		Whitfield

## NOT VOTING—18

Bishop (GA)	Diaz-Balart, M.	Ros-Lehtinen
Bishop (UT)	Emanuel	Royal-Allard
Boswell	Foley	Shaw
Brown-Waite, Ginny	Johnson, Sam	Wexler
Davis (FL)	Marshall	Whitfield
Diaz-Balart, L.	Pelosi	
	Reyes	

□ 1649

Mr. TANNER changed his vote from “aye” to “no.”

So the amendment was rejected.

The result of the vote was announced as above recorded.

The Acting CHAIRMAN (Mrs. CAPITO). The question is on the com-

mittee 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. THORNBERRY) having assumed the chair, Mrs. CAPITO, 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. 1461) to reform the regulation of certain housing-related Government-Sponsored Enterprises, and for other purposes, pursuant to House Resolution 509, she 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 committee amendment in the nature of a substitute adopted by 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 OFFERED BY MR. FRANK OF MASSACHUSETTS

Mr. FRANK of Massachusetts. Mr. Speaker, I offer a motion to recommit.

The SPEAKER pro tempore. Is the gentleman opposed to the bill?

Mr. FRANK of Massachusetts. In its present form, I am, Mr. Speaker.

The SPEAKER pro tempore. The Clerk will report the motion to recommit.

The Clerk read as follows:

Mr. Frank moves to recommit the bill, H.R. 1461, to the Committee on Financial Services with instructions to report the same back to the House forthwith with the following amendments:

In the matter proposed to be inserted by section 128(a) of the bill, in section 1337(e)(2)(A) of the Housing and Community Development Act of 1992, strike “as its primary purpose” and insert “among its primary purposes”.

In the matter proposed to be inserted by section 128(a) of the bill, in section 1337(e)(2)(C)(i) of the Housing and Community Development Act of 1992, strike “except that” and all that follows through “period” and insert the following:

“except that such term shall not include any voter registration or get-out-the-vote activity conducted on a non-partisan basis.”

Mr. FRANK of Massachusetts (during the reading). Mr. Speaker, I ask unanimous consent that the motion be considered as read and printed in the RECORD.

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

There was no objection.

The SPEAKER pro tempore. The gentleman from Massachusetts (Mr. FRANK) is recognized for 5 minutes on his motion.

Mr. FRANK of Massachusetts. Mr. Speaker, a little while ago, we had a vote on the manager’s amendment. It was a very close vote. It was 210 to 205. One Member inadvertently voted the other way that he planned to. So it was 209 to 206.

What I am offering here as the recommit is a close replay of that vote, but it ought to be even clearer for people. My recommit motion leaves the manager’s amendment as adopted entirely intact except for two changes.

One, instead of requiring that to participate in the Affordable Housing Fund, housing must be the organization’s primary purpose, it says it must be one of its primary purposes. If you maintain the requirement that it be the primary purpose, no faith-based organization may participate.

Some of you may remember a familiar passage: Thou shalt have no primary purpose above me. If you say that you can only do this if you have housing as your primary purpose, by definition the Catholic Church and the Baptists and the Episcopalians and the Jewish groups, which are collectively today a very important provider of affordable housing, are simply automatically debarred. There will be no faith-based groups allowed.

People are talking about faith-based groups. I am aware of no restriction as binding as saying it has to be the primary purpose, and I will insert into the RECORD at this point a letter not just from Catholic Charities, but from Bishop DiMarzio, on behalf of the United States Conference of Catholic Bishops, saying that: “Proposals that would limit eligible recipients to organizations that have as their purpose the provision of affordable housing would effectively prevent Catholic dioceses, parishes and Catholic Charities agencies from participating.”

## DEPARTMENT OF SOCIAL DEVELOPMENT AND WORLD PEACE,

Washington, DC, October 3, 2005.

Hon. J. DENNIS HASTERT,  
Speaker of the House of Representatives,  
Washington, DC.

DEAR MR. SPEAKER: I write as Chairman of the Domestic Policy Committee of the United States Conference of Catholic Bishops (USCCB) to urge you to retain the Affordable Housing Fund as part of the Federal Housing Finance Reform Act of 2005 (H.R. 1461) and bring the bill to a vote forthwith. The Catholic Bishops have historically urged the federal government to help meet our nation’s promise of a decent home for every American family, especially those families with extremely low incomes.

As I noted in my June 10 letter to the House of Representatives, the Catholic Community—through our Charities agencies, dioceses, and parishes—serves tens of thousands of men, women, and children who struggle to maintain adequate housing. Besides sheltering homeless people who turn to us for help, we have built, and continue to maintain, thousands of affordable housing units. All of these experiences have demonstrated to us how inadequate, substandard housing

hurts human life, undermines families, destroys communities, and weakens the social fabric of our nation. Despite our efforts—and the efforts of so many others—there just is not enough affordable housing available.

Proposals that would limit eligible recipients to organizations that have as their primary purpose the provision of affordable housing would effectively prevent Catholic dioceses, parishes and Catholic Charities agencies from participating in Affordable Housing Fund programs. Similarly, proposals that would prohibit recipients from engaging in voter registration and lobbying activities with their own funds during the period they are utilizing affordable housing funds would force Catholic agencies to choose between participating in Affordable Housing Fund programs or engaging in constitutionally protected voter registration and lobbying activities with their own funds. I urge you to oppose inclusion of these kinds of unnecessary limitations and prohibitions in H.R. 1461 as it moves to the House floor for a vote. There are ample ways to write safeguards into the legislation to prevent the diversion of affordable housing funds to uses other than what they are intended without requiring recipients to forego their constitutionally protected rights as a condition for participating in Affordable Housing Fund programs.

The Bishops' statement, Putting Children and Families First, notes: "Many families cannot find or afford decent housing, or must spend so much of their income for shelter that they forego other necessities, such as food and medicine. . . . [The Catholic bishops] support housing policies which seek to preserve and increase the supply of affordable housing and help families pay for it." We must put in place a sustainable source of funds to build affordable housing and this new fund would do that.

As I said in my June letter, this legislation presents Congress with a genuine opportunity to make the shelter needs of extremely low-income families a national priority. I believe that such families who need housing the most should be targeted to receive these limited funds.

With every best wish, I am,

Sincerely,

Most Rev. NICHOLAS DiMARZIO,  
Chairman, Domestic Policy Committee,  
U.S. Conference of Catholic Bishops.

AMERICAN ASSOCIATION OF HOMES  
AND SERVICES FOR THE AGING,  
October 24, 2005.

DEAR REPRESENTATIVE: On behalf of the American Association of Homes and Services for the Aging (AAHSA), I want to express our members' deep reservations over an amendment expected to be proposed when H.R. 1461, the GSE reform legislation, is brought to the floor this week.

The proposed amendment seeks to impose restrictions on the eligibility of non-profit faith-based organizations interested in applying for development funding under the Affordable Housing Fund created in this legislation.

While on one hand Congress and the Administration call for greater participation by non-profit, faith-based organizations to carry the load in helping our neediest citizens, the House now seems poised to cut us off from a funding stream that we need in order to continue to provide affordable housing to low-income seniors. President Bush himself has lauded the faith-based, non-profit housing partnership with government as an outstanding example of successful faith-based programs.

AAHSA has 5600 members nationwide; all are non-profit organizations and most are faith-based. Our members serve two million

people every day and provide services across the continuum: assisted living residences, continuing care retirement communities, nursing homes, senior housing facilities, and home and community based services.

For our many members who are non-profit sponsors of affordable senior housing, the proposal is a slap in the face to their efforts to be active participants in their communities and ensuring the highest possible quality of life for their senior residents.

As an association, we encourage our members to engage in and sponsor such non-partisan and perfectly legal activities as voter registration, providing transportation to the polls, candidate debates and Town Hall meetings. Because of the high concentration of voters, many of our senior housing facilities even serve as polling sites.

Our members should not have to choose between being good citizens and being eligible applicants for the quasi-public monies to be made available under the Affordable Housing Fund. Furthermore, even if a facility did not provide any of the civic services, the mere fact that it is affiliated with another organization that does, would render the organization ineligible.

Please support H.R. 1461, but without this restrictive amendment.

Sincerely yours,

WILLIAM L. MINNIX, Jr.,  
President and CEO.

UNION OF ORTHODOX JEWISH  
CONGREGATIONS OF AMERICA,  
Washington, DC, October 24, 2005.

Hon. NANCY PELOSI,  
Hon. STENY HOYER,  
Hon. LOUISE SLAUGHTER,  
Hon. BARNEY FRANK,  
House of Representatives,

DEAR LEADERS OF THE HOUSE OF REPRESENTATIVES: We write on behalf of the Union of Orthodox Jewish Congregations of America to urge you to ensure that the Federal Housing Finance Reform Act of 2005 (H.R. 1461) contains no provisions which would be disruptive to participation of the many religiously affiliated organizations in affordable housing programs.

Proposals that would limit eligible recipients to organizations that have as their "primary purpose" the provision of affordable housing would effectively prevent many Jewish community entities from participating in Affordable Housing Fund programs. Similarly, proposals that would prohibit recipients from engaging in voter registration and lobbying activities with their own funds in order to receive affordable housing funds would force many Jewish agencies to choose between participating in Affordable Housing Fund programs or engaging in constitutionally protected voter registration and lobbying activities with their own funds. We urge you to oppose inclusion of these kinds of unnecessary limitations and prohibitions in H.R. 1461 and, if they are to be considered by the House on the floor, to ensure that these provisions receive a full debate and up or down vote.

It is critical to note that such proposals are as objectionable when it comes to housing funds and free speech rights as they are as objectionable when proposed with regard to other social welfare program funds and other constitutionally protected rights. As is the case with many other federally funded social-welfare programs in which faith-based entities participate, there are appropriate ways to write safeguards into the legislation to prevent the diversion of funds to uses other than what they are intended without requiring recipients to forego their constitutionally protected rights as a condition for

participating. We urge you to uphold these principles in the context of H.R. 1461.

Sincerely,

RABBI T. HERSH WEINREB,  
NATHAN J. DIAMENT.

CONSORTIUM FOR  
CITIZENS WITH DISABILITIES  
Washington, DC, October 24, 2005.

Hon. DAVID DREIER,

House of Representatives,  
Washington, DC.

Hon. LOUISE SLAUGHTER,  
House of Representatives,  
Washington, DC.

DEAR CHAIRMAN DREIER AND RANKING MEMBER SLAUGHTER: As you know, the House is scheduled this week to consider HR 1461, the Federal Housing Finance Reform Act of 2005. The Consortium for Citizens With Disabilities (CCD) would like to go on record against language in the proposed Manager's Amendment that we believe would be of tremendous harm to community-based non-profit disability organizations across the country.

CCD is a coalition of more than 100 national disability organizations working together to advocate for national public policy that ensures the self-determination, independence, empowerment, integration and inclusion of children and adults with disabilities in all aspects of society. A large part of our agenda focuses on civil rights and protections for the 56 million people with disabilities in the U.S.

It is CCD's understanding that the proposed Manager's Amendment contains language that would require many disability organizations to violate state law if they were to apply for grants made available through the Affordable Housing Fund included in HR 1461. This would result from a requirement in the legislation for non-profit organizations that seek funding from this program to certify that they are not engaged in voter registration or voter education efforts, regardless of the source of these funds.

At the outset, CCD would like to make clear that we oppose efforts on the part of Congress to use federal funding as leverage to control how non-profit disability organizations expend other resources, including state and local, as well as privately raised funds. Such restrictions, in our view, amount to undue federal government control over activities of non-profit disability organizations. Unfortunately, the language in the proposed Manager's Amendment to HR 1461, singling out voter registration activities of non-profit organizations, takes an additional step that would place non-profit disability groups in jeopardy of violating both the Constitution and the law.

In addition, this would also conflict with the "Motor Voter" law. The National Voter Registration Act of 1993 ("Motor Voter law") was enacted to facilitate voter registration, with the goal of increasing turnout on Election Day. Besides requiring states to allow voter registration at motor vehicle agencies, the Motor Voter law also requires nonprofit organizations that receive state funds and are primarily engaged in providing services to persons with disabilities to provide voter registration forms as well as assistance in completing them. Because some of these same organizations would be prohibited from engaging in voter registration activities under the manager's amendment to H.R. 1461, the manager's amendment would force many organizations—particularly those that provide housing and other services to people with disabilities—to choose between their obligation to register voters and their ability to provide housing to individuals who need it most. No organization should be forced to make such a decision.

Because voter registration, identification, and get-out-the-vote efforts, as well as lobbying, are constitutionally protected First Amendment activities, funding restrictions that would stifle such activities could well be struck down if they are not adequately tailored to further an important government interest. Ensuring that organizations spend federal funds only as Congress has intended is, in itself, a legitimate government objective. The extreme breadth of the language in the proposed manager's amendment, however, would do nothing to further this goal. It does not seem possible that retroactively prohibiting activities, disqualifying applicants based on their affiliations with organizations that do not receive any federal dollars, or restricting the use of other unrelated funds would ensure that Affordable Housing Fund grants are used properly and in accordance with the law. Furthermore, there is no legitimate governmental interest in preventing nonpartisan voter participation activities. As such, the restrictions in the proposed manager's amendment will face inevitable challenge and could well be struck down as unconstitutional.

Finally, the proposed legislation would affect disability organizations that are essential to the successful development of affordable housing and permanent supportive housing for persons with disabilities. For example, it would affect non-profit disability organizations that have a direct role in the development and subsequent ownership of affordable rental housing for people with disabilities. Equally important, the proposed legislation would affect non-profit service provider organizations that are affiliated with affordable housing developers/owners for the purposes of providing essential supportive services to people who are living in the housing. Many non-profit service providers have structured these relationships with housing providers through formalized Memoranda of Understanding, Management Agreements, or other written agreements.

CCD has supported the Affordable Housing Fund contained in HR 1461 since its inception. Nonprofit disability groups across the country struggle every day to seek out funding to meet the growing affordable housing crisis for non-elderly people with disabilities. HUD programs such as Section 811, Section 8 tenant-based and project-based, HOME, CDBG and McKinney-Vento are critical resources in meeting the needs of extremely low-income people with disabilities. However, additional resources are needed to ensure that the increasing demand for affordable rental housing in the community among people with disabilities is met.

Non-profit disability organizations want to be able to access the resources being made available by this important legislation. CCD therefore urges you to remove the unfair and unwarranted restrictions on non-profit disability groups in the proposed Manager's Amendment to HR 1461. Non-profit disability groups should not be forced to violate state law in order to compete for affordable housing resources.

Sincerely,

CURTIS DECKER,  
Chair.

Secondly, it would say that, yes, the restrictions on electioneering are maintained. By the way, with regard to the funds themselves from the Affordable Housing Fund, they can only be used for affordable housing with very strict penalties if they are not. We are talking now not about using that money for any purpose other than housing, but whether, if you agree to use that money for housing under those

restrictions, you may, with your own money, do other things such as voter registration or get out the vote.

We maintain the restrictions on electioneering. We maintain the restrictions on making a communication vote for this one, a vote for that one. We say, however, there should be an exception to this, and copies of the recommit are available over there.

All we want to say is that when we restrict and prevent electioneering, it does not cover any voter registration or get-out-the-vote activity conducted on a nonpartisan basis.

Those who have a fear of ACORN should understand that the ACORN Florida activity referred to before would not be allowed under this. I would rather not be that restrictive, but I accept the reality of it. So only organizations that fit in the column of nonpartisan.

The gentleman from Ohio from the Republican Conference raised the issue. Under this bill, as it now stands, if you are a religious organization, and you maintain an elderly housing project, which are built with these funds, you cannot get a bus to take people to vote. That is get-out-the-vote activity. You cannot have a voter registrar in there. So that is what we are talking about, not using the funds for this, but using those funds on your own to help out.

There is a procedural issue here. The leadership in the Committee on Rules said we did not stop you from voting; you could vote on the manager's amendment, and you get a recommit. The manager's amendment, some people were conflicted because it included the preference for the hurricane areas. It included restrictions that I reluctantly accepted. I am not trying to change here.

This is the only chance we have to vote cleanly on whether or not we should exclude all faith-based groups and whether or not groups, faith-based or not, that agree to try to provide low-income housing with these funds should be debarred with their own funds from doing nonpartisan voter registration and get out the vote.

Here is the dilemma. On the one hand, we say we do not get a vote, and the Committee on Rules people said, oh, no, you have the recommit. On the other, they said to the Republicans, but do not vote against recommit; nice people do not vote against recommit motions; recommit is not a real amendment; recommit is a procedural vote.

Well, this is a test. We have this situation. I do not believe most Members over there want to keep religious groups out. I do not believe they want to penalize voter registration. A small, conservative, ideological group, and I admire ideologues, sometimes I am one myself, they have held this out, and they have held off the bill.

Here is the one chance, the recommit, to see whether or not Members will frankly take back control of the House, because as long as you accept this interchange of events, bill comes

out of committee, majority leadership holds it up and insists on provisions that we never got to vote on, and then you do not get a chance to vote just on those provisions, the only chance you get is when we do the recommit, and then what are you told: You cannot vote for the recommit; nice people do not do that.

The question here is will democracy prevail in the House and when Members on the other side vote their conscience and not be told that they simply cannot do what they know is right, many of them, because it is in a motion to recommit, when no other alternative was presented to them.

Mr. OXLEY. Mr. Speaker, I rise in opposition to the motion to recommit.

The SPEAKER pro tempore. The gentleman from Ohio is recognized for 5 minutes.

Mr. OXLEY. Mr. Speaker, I never thought a debate on GSE reform would be so emotional, and it has been a long day and a very productive day and a good debate.

Let me, first of all, say to my friend from Massachusetts, who worked very well with us in committee on this important legislation, let us not lose sight of the fact that this is the first major GSE reform bill to ever come before any Congress. It was well written and well received, and it does a lot to create a world-class regulator for the GSEs.

Secondly, it creates for the first time a housing fund that will funnel millions and millions of dollars into affordable housing through the GSEs, and I think we do not want to lose sight of that.

Thirdly, this legislation does not ban faith-based groups from providing housing. All it says is that we want groups that have had a record of building houses, a record of building houses in the various States, to be able to do that. We want to make certain that that money is used for housing, not for political activity, not for lobbying or everything else.

Fourthly, let me add, the gentleman from Massachusetts (Mr. FRANK) in his motion talks about a nonpartisan basis.

□ 1700

There is no definition in the campaign laws that I can find that defines what is essentially nonpartisan, and I think we need to keep that in mind.

Understand this effort is to try to get as much money into the areas, in particularly the first 2 years in the hurricane-related areas, so we can provide affordable housing. Those folks along the gulf coast that were affected, Florida, Alabama, Mississippi, Texas, need to understand that this is the best way to provide affordable housing as quickly as possible with the maximum amount of oversight in this area.

Mr. Speaker, I yield to the gentleman from Louisiana (Mr. BAKER), the sponsor of the legislation.

Mr. BAKER. Mr. Speaker, this is a very important vote under consideration. I wish to point out that 3.5 percent assessment of net profits for the first 2 years will generate an estimated \$400 million a year nationwide.

The identified needs for Hurricane Katrina only are probably in excess of \$300 billion for housing-related activities. If we add Rita and Wilma, the funds will be far depleted before we ever get to the issue of whether we need to be engaged in voter registration or voter transport to the precincts. If one were to go to Trailer City on Groom Road in Baker, Louisiana, and walk up to one of those trailers and say, hey, folks, I am here from the Federal Government and I want to buy a new van to haul you to the precinct next year to go vote, what kind of response do you think you will get if you said that will come at the expense of advancing replacement housing for families to go home?

And then let us talk about the administration of the program. How do you confirm affordable housing works and they are doing it? You look at the lot and see the house. You knock on the door and see if anybody is inside. That is easy.

How do you confirm that the money being spent for voter enhancement, education, and transportation is used for a valid purpose? Do you go to Uncle Bob's RV Trailer Park and look to see if they are using those vehicles for voter transport? How do we know?

The idea here is we have very restricted resources. We have an incredibly large problem to resolve with response to the hurricanes. We know that by deploying these resources this way, we can ensure we are helping people in the most effective manner possible.

We should come back through regular order, have committee hearings and talk about it. How are we going to have advocacy for people to be able to vote and participate? And if we want to fund that, fund it separately. This is not the time, not the place, not the way. Please, do not vote for this motion to recommit.

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

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

Mr. FRANK of Massachusetts. Mr. Speaker, the gentleman has done great work, but he said this does not bar religious groups.

From October 3 to the Speaker from the Catholic bishops: "Limiting eligible recipients to organizations that have as their primary purpose," which this bill does now, "the provision of affordable housing, would effectively prevent Catholic dioceses, parishes and Catholic charities from participating."

Secondly, none of the money here would go to those other purposes. I agree with what the gentleman said. I just do not agree with what the bill said. This is their chance to reconcile them.

The SPEAKER pro tempore (Mr. THORNBERRY). 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. HOYER. 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 H.R. 1461, if ordered, and the motion to suspend the rules and pass H.R. 3945.

The vote was taken by electronic device, and there were—ayes 200, noes 220, not voting 13, as follows:

[Roll No. 546]

#### AYES—200

Abercrombie	Green, Gene	Murtha	Watt	Weiner	Wu
Ackerman	Grijalva	Nadler	Waxman	Woolsey	Wynn
Allen	Gutierrez	Napolitano			
Andrews	Harman	Neal (MA)			
Baca	Hastings (FL)	Oberstar			
Baird	Herseth	Obey			
Baldwin	Higgins	Olver			
Barrow	Hinchey	Ortiz			
Bean	Hinojosa	Owens			
Becerra	Holden	Pallone			
Berkley	Holt	Pascrell			
Berman	Honda	Pastor			
Berry	Hooley	Payne			
Bishop (NY)	Hoyer	Pelosi			
Blumenauer	Inslee	Peterson (MN)			
Boren	Israel	Pomeroy			
Boucher	Jackson (IL)	Price (NC)			
Boyd	Jackson-Lee	Rahall			
Brady (PA)	(TX)	Ramstad			
Brown (OH)	Jefferson	Rangel			
Brown, Corrine	Johnson, E. B.	Ross			
Butterfield	Jones (OH)	Rothman			
Capps	Kanjorski	Ruppertsberger			
Capuano	Kaptur	Rush			
Cardin	Kennedy (RI)	Ryan (OH)			
Cardoza	Kildee	Sabo			
Carnahan	Kilpatrick (MI)	Salazar			
Carson	Kind	Sánchez, Linda T.			
Case	Kucinich	Sánchez, Loretta			
Chandler	Langevin	Sanders			
Clay	Lantos	Schakowsky			
Cleaver	Larsen (WA)	Leach			
Clyburn	Larson (CT)	Lee			
Conyers		Levin			
Cooper		Lewis (GA)			
Costa		Lipinski			
Costello		Lofgren, Zoe			
Cramer		Lowey			
Crowley		Lynch			
Cuellar		Maloney			
Cummings		Markey			
Davis (AL)		Marshall			
Davis (CA)		Matheson			
Davis (FL)		Matsui			
Davis (IL)		McCarthy			
Davis (TN)		McCollum (MN)			
Defazio		McDermott			
DeGette		McGovern			
Delahunt		McIntyre			
DeLauro		Dicks			
Dingell		Dingell			
Doggett		McKinney			
Doyle		McNulty			
Edwards		Meek (FL)			
Engel		Meeks (NY)			
Eshoo		Melancon			
Etheridge		Menendez			
Evans		Michaud			
Farr		Millender-			
Fattah		McDonald			
Filner		Miller (NC)			
Ford		Miller, George			
Frank (MA)		Mollohan			
Gonzalez		Moore (KS)			
Gordon		Moore (WI)			
Green, Al		Moran (VA)			

Watt  
Waxman  
NOES—220

Aderholt  
Akin  
Alexander  
Bachus  
Baker  
Barrett (SC)  
Bartlett (MD)  
Barton (TX)  
Bass  
Beauprez  
Biggert  
Bilirakis  
Bishop (UT)  
Blackburn  
Blunt  
Boehlert  
Boehner  
Bonilla  
Bonner  
Bono  
Boozman  
Boustany  
Bradley (NH)  
Brady (TX)  
Brown (SC)  
Burgess  
Burton (IN)  
Buyer  
Calvert  
Camp  
Cannon  
Cantor  
Capito  
Carter  
Castile  
Chabot  
Chocola  
Coble  
Kingston  
Cole (OK)  
Conaway  
Crenshaw  
Cubin  
Culberson  
Cunningham  
Davis (KY)  
Davis, Jo Ann  
Davis, Tom  
Deal (GA)  
DeLay  
Dent  
Doolittle  
Drake  
Dreier  
Duncan  
Ehlers  
Emerson  
English (PA)  
Everett  
Ferguson  
Flake  
Forbes  
Fortenberry  
Fossella  
Fox  
Franks (AZ)  
Frelinghuysen  
Gallegly  
Garrett (NJ)  
Miller (FL)  
Miller (MI)  
Miller, Gary  
Moran (KS)  
Murphy  
Musgrave  
Myrick  
Gibbons  
Gilchrest  
Gillmor  
Diaz-Balart, M.  
Emanuel  
Foley  
Ginny  
Reyes  
Diaz-Balart, L.  
Ros-Lehtinen

Gingrey  
Gohmert  
Goode  
Goodlatte  
Granger  
Graves  
Green (WI)  
Gutknecht  
Hall  
Harris  
Hart  
Hastings (WA)  
Hayes  
Hayworth  
Hefley  
Hensarling  
Herger  
Hobson  
Hoekstra  
Hostettler  
Hulshof  
Hunter  
Hyde  
Inglis (SC)  
Issa  
Istook  
Jenkins  
Jindal  
Johnson (CT)  
Johnson (IL)  
Johnson, Sam  
Jones (NC)  
Keller  
Kelly  
Kennedy (MN)  
King (IA)  
King (NY)  
Kingston  
Kirk  
Kline  
Knollenberg  
Colbe  
Kuhl (NY)  
LaHood  
Davis (KY)  
Latham  
LaTourette  
Lewis (CA)  
Lewis (KY)  
Linder  
LoBiondo  
Lucas  
Lungren, Daniel  
E.  
Mack  
Manzullo  
Marchant  
McCaull (TX)  
McCotter  
Tiberi  
McCrery  
McHenry  
McHugh  
McKeon  
McMorris  
Mica  
Wamp  
Ferguson  
McHenry  
McHugh  
McKeon  
McMorris  
Murphy  
Musgrave  
Myrick  
Neugebauer  
Ney  
Northup  
Diaz-Balart, M.  
Shaw  
Foley  
Reyes  
Ros-Lehtinen

Rohrabacher  
Royce  
Ryan (WI)  
Ryun (KS)  
Saxton  
Schmidt  
Schwarz (MI)  
Sensenbrenner  
Sessions  
Shadegg  
Sherwood  
Shimkus  
Shuster  
Simmons  
Simpson  
Smith (NJ)  
Smith (TX)  
Sodrel  
Souder  
Stearns  
Sullivan  
Sweeney  
Tancredo  
Taylor (NC)  
Terry  
Thomas  
Thornberry  
Tiahrt  
Tiberi  
McCrery  
Turner  
Upton  
McHugh  
McKeon  
McMorris  
Walsh  
Wamp  
Weldon (FL)  
Weldon (PA)  
Weller  
Westmoreland  
Wicker  
Wilson (NM)  
Wilson (SC)  
Wolf  
Young (AK)  
Young (FL)

#### NOT VOTING—13

Brown-Waite,  
Ginny  
Diaz-Balart, L.

□ 1723

So the motion to recommit was rejected.

The result of the vote was announced as above recorded.

The SPEAKER pro tempore (Mr. THORNBERRY). 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. ROGERS of Michigan. 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 331, noes 90, not voting 12, as follows:

[Roll No. 547]

## AYES—331

Aderholt	DeLay	King (NY)
Akin	Dent	Kingston
Alexander	Dicks	Kirk
Allen	Doggett	Kline
Andrews	Doolittle	Knollenberg
Baca	Drake	Kolbe
Bachus	Dreier	Kuhl (NY)
Baird	Duncan	LaHood
Baker	Edwards	Langevin
Baldwin	Ehlers	Lantos
Barrett (SC)	Emerson	Larsen (WA)
Barrow	Engel	Larson (CT)
Bartlett (MD)	English (PA)	Latham
Barton (TX)	Eshoo	LaTourette
Bass	Etheridge	Levin
Bean	Evans	Lewis (CA)
Beauprez	Everett	Lewis (KY)
Becerra	Farr	Linder
Berkley	Feeney	Lipinski
Berman	Ferguson	LoBiondo
Berry	Filner	Lowey
Biggert	Fitzpatrick (PA)	Lucas
Bilirakis	Forbes	Lungren, Daniel E.
Bishop (NY)	Ford	M.
Bishop (UT)	Fortenberry	Lynch
Blumenauer	Fossella	Manzullo
Blunt	Foxx	Marchant
Boehlert	Franks (AZ)	Marshall
Boehner	Frelinghuysen	Matheson
Bonilla	Gallegly	Matsui
Bonner	Gerlach	McCarthy
Bono	Gibbons	McCaull (TX)
Boozman	Gilchrest	McCotter
Boren	Gillmor	McCrery
Boucher	Gingrey	McHenry
Boustany	Gohmert	McHugh
Boyd	Gonzalez	McIntyre
Bradley (NH)	Goode	McKeon
Brady (TX)	Goodlatte	McMorris
Brown (OH)	Gordon	Meehan
Brown (SC)	Granger	Melancon
Brown, Corrine	Graves	Menendez
Burgess	Green (WI)	Mica
Burton (IN)	Gutknecht	Michaud
Butterfield	Hall	Miller (FL)
Buyer	Harman	Miller (MI)
Calvert	Harris	Miller, Gary
Camp	Hart	Miller, George
Cannon	Hastings (WA)	Mollohan
Cantor	Hayes	Moore (KS)
Capito	Hayworth	Moore (WI)
Capps	Hefley	Moran (KS)
Cardin	Hensarling	Moran (VA)
Cardoza	Herger	Murphy
Carnahan	Herseth	Murtha
Carter	Higgins	Myrick
Case	Hinojosa	Napolitano
Castle	Hobson	Neal (MA)
Chabot	Hoekstra	Neugebauer
Chandler	Holden	Ney
Coble	Holt	Northup
Cole (OK)	Hooley	Norwood
Conaway	Hostettler	Nunes
Costa	Hoyer	Nussle
Costello	Hulshof	Obey
Cramer	Hunter	Ortiz
Crenshaw	Hyde	Osborne
Cubin	Inglis (SC)	Oxley
Cuellar	Issa	Pallone
Culberson	Istook	Pascarella
Cummings	Jackson (IL)	Pearce
Cunningham	Jenkins	Pence
Davis (AL)	Jackson (IL)	Peterson (MN)
Davis (CA)	Jindal	Peterson (PA)
Davis (FL)	Johnson (CT)	Petri
Davis (IL)	Johnson (IL)	Pickering
Davis (KY)	Johnson, Sam	Pitts
Davis (TN)	Jones (NC)	Poe
Davis, Jo Ann	Keller	Pombo
Davis, Tom	Kelly	Pomeroy
Deal (GA)	Kennedy (MN)	Porter
DeFazio	Kildee	Price (GA)
Delahunt	Kind	Price (OH)
DeLauro	King (IA)	Putnam

## RECORDED VOTE

Radanovich	Sessions	Thompson (CA)
Rahall	Shays	Thompson (MS)
Regula	Sherman	Thornberry
Rehberg	Sherwood	Tiaht
Reichert	Shimkus	Tiberi
Renzl	Shuster	Tierney
Reynolds	Simmons	Turner
Rogers (AL)	Skelton	Udall (CO)
Rogers (KY)	Slaughter	Udall (NM)
Rogers (MI)	Smith (NJ)	Upton
Rohrabacher	Smith (TX)	Van Hollen
Ros-Lehtinen	Smith (WA)	Walden (OR)
Ross	Snyder	Walsh
Rothman	Sodrel	Wamp
Ruppersberger	Rush	Weldon (FL)
	Stearns	Weldon (PA)
	Strickland	Weiler
	Ryun (KS)	Westmoreland
	Salazar	Wicker
	Sanchez, Loretta	Wilson (NM)
	Saxton	Wilson (SC)
	Schiff	Tauscher
	Schmidt	Taylor (MS)
	Schwartz (PA)	Taylor (NC)
	Schwarz (MI)	Terry
	Sensenbrenner	Thomas

		Young (AK)
		Young (FL)

## NOES—90

Abercrombie	Jones (OH)	Pelosi
Ackerman	Kanjorski	Platts
Blackburn	Kaptur	Price (NC)
Brady (PA)	Kennedy (RI)	Ramstad
Capuano	Kilpatrick (MI)	Rangel
Carson	Kucinich	Royce
Chocola	Leach	Sabo
Clay	Lee	Sánchez, Linda T.
Cleaver	Lewis (GA)	Sanders
Clyburn	Lofgren, Zoe	Schakowsky
Conyers	Mack	Scott (GA)
Cooper	Maloney	Scott (VA)
Crowley	Markey	
DeGette	McCollum (MN)	Serrano
Dingell	McDermott	Shadegg
Doyle	McGovern	Simpson
Fattah	McKinney	Solis
Flake	McNulty	Stark
Frank (MA)	Meek (FL)	Tancredo
Garrett (NJ)	Meeks (NY)	Towns
Green, Al	Millender-Lee	Velázquez
Green, Gene	McDonald	Visclosky
Grijalva	Miller (NC)	Watson
Gutierrez	Musgrave	Wasserman
Hastings (FL)	Nadler	Schultz
Hinchey	Oberstar	Waterson
Honda	Olver	Watson
Inslee	Otter	Watt
Israel	Owens	Waxman
Jackson-Lee	Pastor	Weiner
(TX)	Paul	Woolsey
Johnson, E. B.	Payne	

## NOT VOTING—12

Bishop (GA)	Diaz-Balart, M.	Shaw
Boswell	Emanuel	Wexler
Brown-Waite,	Foley	Whitfield
Ginny	Reyes	
Diaz-Balart, L.	Royer	

□ 1736

Mr. MEEHAN changed his vote from “no” to “aye.”

So the bill was passed.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

AUTHORIZING THE CLERK TO MAKE CORRECTIONS IN THE EN-GROSSMENT OF H.R. 1461, FEDERAL HOUSING FINANCE RE-FORM ACT OF 2005

Mr. BAKER. Mr. Speaker, I ask unanimous consent that in the engrossment of the bill, H.R. 1461, the Clerk be authorized to correct section numbers, punctuation, and cross-references, and to make such other technical and conforming changes as may be necessary to reflect the actions of the House.

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

There was no objection.

HURRICANE KATRINA FINANCIAL SERVICES RELIEF ACT OF 2005

Mr. BAKER. Mr. Speaker, I ask unanimous consent that the text of H.R. 3945, as proposed to be adopted under suspension of the rules, be modified by the amendment that I have placed at the desk.

The SPEAKER pro tempore. The Clerk will report the modifications.

The Clerk read as follows:

Page 3, line 14, after “Louisiana” insert “Florida.”

Page 3, line 17, strike “August 28, 2005” and insert “August 25, 2005.”

Page 5, line 22, strike “August 28, 2005” and insert “August 25, 2005.”

Page 7, line 13, strike “August 28, 2005” and insert “August 25, 2005.”

The SPEAKER pro tempore. Without objection, the modifications are agreed to.

There was no objection.

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

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

Record votes on postponed questions, and on H.R. 3945, will be taken tomorrow.

AMENDING FEDERAL FOOD, DRUG, AND COSMETIC ACT TO PROVIDE FOR REGULATION OF ALL CONTACT LENSES AS MEDICAL DEVICES

Mr. DEAL of Georgia. Mr. Speaker, I move to suspend the rules and pass the Senate bill (S. 172) to amend the Federal Food, Drug, and Cosmetic Act to provide for the regulation of all contact lenses as medical devices, and for other purposes.

The Clerk read as follows:

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

SECTION 1. REGULATION OF CERTAIN ARTICLES AS MEDICAL DEVICES.

Section 520 of the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 360j) is amended by adding at the end the following subsection:

“Regulation of Contact Lens as Device

“(n)(1) All contact lenses shall be deemed to be devices under section 201(h).

“(2) Paragraph (1) shall not be construed as bearing on or being relevant to the question of whether any product other than a contact lens is a device as defined by section 201(h) or a drug as defined by section 201(g).”

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from Georgia (Mr. DEAL) and the gentleman