

has to offer. Many other courageous families have paid this ultimate sacrifice, one we cannot ignore. Please join me in thanking Georgette and all the Gold Star Mothers by cosponsoring this important resolution.

#### EDUCATION POLICY

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

Mr. WALBERG. Mr. Speaker, No Child Left Behind originally sought to return some education policy-making authority to the States, but in its current form the legislation is a massive spending bill filled with Federal mandates that increases the presence of Federal bureaucrats in our classrooms.

Today, Michigan teachers are forced to adopt a "teach to the test" mentality and spend valuable time on paperwork instead of students.

It has been estimated that teachers and school officials have spent an additional 6.7 million hours completing the cumbersome paperwork required by No Child Left Behind.

As Congress considers the future of education policy in America, we must find a way to give our schools, communities and parents greater flexibility, reduce the bureaucracy in education and ensure the best educational opportunities are being given to our children.

Because I believe each child's educational path should be determined by a child's parents and not by the Federal Government, I am an original cosponsor of the A-PLUS Act, an alternative education policy introduced this year in the House. I urge my colleagues to support this important legislation.

#### TIME TO BRING WAR IN IRAQ TO AN END

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

Mr. MCGOVERN. Mr. Speaker, we have been at war in Iraq for 5 years, longer than we fought World War II. And notwithstanding all of the rosy predictions by this President and his staff, we are now stuck refereeing a civil war.

Our soldiers are to be praised; they have done an outstanding job. But our political leaders in Washington, including those in this Congress, should be strongly criticized for acquiescing and going along time and time again.

We are told that we need to stay the course for the sake of our standing in the world. But, Mr. Speaker, this war has diminished our standing in the world. Enough is enough. It is time to bring this war in Iraq to an end.

#### CHARLIE NORWOOD CLEAR ACT OF 2007

(Mrs. BLACKBURN asked and was given permission to address the House

for 1 minute and to revise and extend her remarks.)

Mrs. BLACKBURN. Mr. Speaker, last month three college students were murdered by a horrifically violent criminal alien with three previous felony arrests, including the rape of a 5-year-old girl. He should have been deported, but Newark, New Jersey's "sanctuary" law prevented local law enforcement from working with the Feds to detain and deport him.

We need an efficient system of identifying and removing violent criminal elements. That is why I am introducing the Charlie Norwood CLEAR Act of 2007. This bill increases Federal funds to local law enforcement agencies, provides the information they need, requires the Feds to remove and deport criminal aliens and reduces Federal funds for cities that provide safe haven to violent criminal aliens that harm the public.

I urge all of my colleagues to join me in supporting the Charlie Norwood CLEAR Act of 2007.

#### AMENDMENT PROCESS FOR CONSIDERATION OF H.R. 1852, EXPANDING AMERICAN HOMEOWNERSHIP ACT OF 2007

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

Mr. MCGOVERN. Mr. Speaker, the Rules Committee is expected to meet on Monday, September 10, to report a rule that may structure the amendment process for floor consideration of H.R. 1852, the Expanding American Homeownership Act of 2007.

Members who wish to offer an amendment to this bill must submit 30 copies of the amendment and a brief description of the amendment to the Rules Committee in H-312 in the Capitol no later than 11 a.m. on Monday, September 10. Members are strongly advised to adhere to the amendment deadline to ensure that amendments receive consideration.

Amendments must be drafted to the bill as reported by the Committee on Financial Services on June 28, 2007. The text of the bill is posted on the Rules Committee Web site. Amendments should be drafted by legislative counsel and also should be reviewed by the Office of the Parliamentarian to be sure that the amendments comply with the rules of the House. Members are also strongly encouraged to submit their amendments to the Congressional Budget Office for analysis regarding possible PAYGO violations.

#### PROVIDING FOR CONSIDERATION OF H.R. 2786, NATIVE AMERICAN HOUSING ASSISTANCE AND SELF-DETERMINATION REAUTHORIZATION ACT OF 2007

Mr. MCGOVERN. Mr. Speaker, by direction of the Committee on Rules, I call up House Resolution 633 and ask for its immediate consideration.

The Clerk read the resolution, as follows:

H. RES. 633

*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. 2786) to reauthorize the programs for housing assistance for Native Americans. 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 Financial Services. After general debate the bill shall be considered for amendment under the five-minute rule. The bill shall be considered as read. All points of order against provisions of the bill 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 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. 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. 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. 2786 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.

SEC. 3. House Resolutions 595, 596, 613, and 614 are laid upon the table.

The SPEAKER pro tempore. The gentleman from Massachusetts is recognized for 1 hour.

Mr. MCGOVERN. Mr. Speaker, for the purpose of debate only, I yield the customary 30 minutes to the gentleman from Texas (Mr. SESSIONS). All time yielded during consideration of the rule is for debate only.

#### GENERAL LEAVE

Mr. MCGOVERN. Mr. Speaker, I ask unanimous consent that all Members be given 5 legislative days in which to revise and extend their remarks on House Resolution 633.

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

There was no objection.

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

Mr. Speaker, H. Res. 633 provides for the consideration of H.R. 2786, the Native American Housing Assistance and Self-Determination Reauthorization Act of 2007, under an open rule with a preprinting requirement. The rule provides for 1 hour of general debate controlled by the Committee on Financial Services. The rule tables H. Res. 595, H. Res. 596, H. Res. 613, and H. Res. 614.

Mr. Speaker, I rise today in support of this rule and in support of the Native American Housing Assistance and

Self-Determination Reauthorization Act of 2007. This is an open rule that allows for any germane amendment to be offered to this bill, as long as it is preprinted in the CONGRESSIONAL RECORD. I am pleased to see seven amendments were preprinted in the RECORD, and it is important to note that six of these are Republican amendments.

I commend my colleagues Chairman FRANK, Ranking Member BACHUS, Housing Subcommittee Chair WATERS, Housing Subcommittee Ranking Member BIGGERT, and the members of the Committee on Financial Services for their hard work and for this excellent bill. I also want to commend the bipartisan efforts of Congressmen KILDEE, COLE, PEARCE, BOREN and RENZI for their tireless work on this bill and on Native American issues overall.

H.R. 2786 takes a critical step in addressing Native American housing needs. By providing desperately needed reforms, this legislation allows Native American communities to put roofs over the heads of its neediest members.

□ 1030

Mr. Speaker, H.R. 2786 increases flexibility and independence within the tribal housing authorities to best meet the needs of their individual communities. This legislation ensures safety and quality of housing by allowing Native American tribes to set aside up to 15 percent of their grant funding for housing rehabilitation, construction and acquisition. Increased efficiency within housing authorities means more affordable housing for more low-income families.

In addition to guaranteeing available and quality housing, H.R. 2786 allows tribes discretion in tailoring block grant funding to their community. Tribes will be able to compete for a greater variety of available grants and attend educational seminars from the Department of Housing and Urban Development on how best to utilize funds and programs.

Currently, the cost to rent a house or apartment is at an all-time high across the United States, and the wages people earn have not kept up with the increases in housing, food, transportation and other basic necessities. Having shelter for you and your family, a decent place to live, is not a luxury. It's a basic human need that everyone requires and deserves.

Too many people face the choice every day between paying the rent or being able to put food on the table or buying medicine for a sick child. That simply should not be happening in America.

Once again, I commend the efforts of the House Financial Services Committee, and I urge my colleagues to support H.R. 2786, the Native American Housing Assistance and Self-Determination Reauthorization Act of 2007.

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

Mr. SESSIONS. Mr. Speaker, I want to thank the gentleman from Massa-

chusetts for yielding his time, and I yield myself such time as I may consume.

Mr. Speaker, I rise today in opposition to this unnecessarily restrictive rule and to parts of the potentially unconstitutional legislation that the Democrat majority is bringing to the floor today.

I would like to note at the outset of this debate that this legislation accomplishes a number of positive things, including making the Indian Housing Block Grant program more flexible and helping Native American tribes become less dependent on the Federal Government by giving them the tools that they need to exercise greater autonomy over their own affairs. I would like to commend my friend from New Mexico (Mr. PEARCE) for his hard work on this legislation on behalf of his well-represented constituents and for Native American tribes across the United States.

However, this legislation does include language that places funding for Native Hawaiians at great risk because of its extremely suspect constitutionality. In 2000, the Supreme Court decided in *Rice v. Cayetano* that the current configuration of justices would likely strike down most Federal benefits flowing to Native Hawaiians as an unconstitutional racial set-aside, if given a chance.

I am already aware of this problem because these exact same constitutional concerns plagued H.R. 835, the Hawaiian Homeownership Opportunity Act of 2007, which the Democrat leadership allowed to fail under suspension of the rules earlier this year.

Title VIII of today's bill contains this same language and opens up today's legislation to all of the same concerns that were leveled against H.R. 835. I understand that my good friend from Georgia (Mr. WESTMORELAND) has submitted an amendment to correct this problem, and I look forward to hearing the debate on its passage later this afternoon.

Finally, Mr. Speaker, I am concerned by the open-ended nature of this authorization. I understand that about \$650 million has been appropriated annually for Native American housing over the last few years. Today's bill authorizes an unlimited amount of spending for the next 5 years for these programs.

While I understand very well the need for funding in a number of impoverished communities across this country, I believe that in the current fiscal climate, a climate in which Democrats have proposed an enormous \$26 billion of additional new spending over last year, that authorizing an unlimited amount of money for the program is simply irresponsible.

Limits need to be set, Mr. Speaker, and it's the job of a majority to make tough decisions as to where spending is most needed and from which other programs it should be taken. By authorizing as much money as the appropri-

ators care to spend, this legislation shirks its responsibility to provide guidance to an appropriate level of spending. As a fiscal conservative who is greatly concerned about runaway spending in this Democrat Congress, I believe this is simply wrong.

Mr. Speaker, I encourage all of my colleagues to oppose this restrictive rule that is not an open rule, despite Democrat claims to the contrary. I understand that they are in the majority and that the Democrat leadership has the ability to pressure their Members into supporting a resolution stating that Congress believes that two plus two equals five. However, that simply does not make it so and true.

In this same vein, despite their protests when they came to the floor and the claim that this modified open rule is open, that too is simply not so. It restricts Members who have ideas about how to improve this legislation during the debate from having their proposals heard, and there is simply no denying that fact.

I oppose this restrictive rule and the unconstitutional and irresponsible spending provisions included in the underlying legislation.

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

Mr. MCGOVERN. Mr. Speaker, I am proud of what the Democratic Rules Committee did last night. I think the gentleman has a little problem saying Democratic, but that's what it is, Democratic Rules Committee.

Yes, this is an open rule that calls for a preprinting requirement so that people can actually read what we're going to debate. I'm sorry that the gentleman from Texas doesn't believe that Members of Congress deserve the courtesy of being able to read what they should vote on.

I should also say that the gentleman, if he's got a brilliant idea along the way, that his leadership can work with our leadership and maybe we can come to some sort of accommodation if there's another amendment that hasn't been offered. But I will remind him that the majority of amendments that have been preprinted are Republican amendments.

I will also remind him, in case he forgot, that last night in the Rules Committee when we called for a roll call vote, the former chairman of the Rules Committee, the distinguished Republican from California (Mr. DREIER) voted "yes" for the rule. The distinguished Republican gentleman from Florida (Mr. LINCOLN DIAZ-BALART) voted "yes" for the rule.

So I'm not quite sure what the controversy is.

Having said that, Mr. Speaker, I reserve my time at this point.

Mr. SESSIONS. Mr. Speaker, I yield such time as he may consume to the gentleman from New Mexico (Mr. PEARCE), one of the sponsors of this bill and the leader behind this effort.

Mr. PEARCE. Mr. Speaker, I thank the gentleman from Texas for yielding,

and I thank the gentleman from Massachusetts for his work on this bill.

The Native American Housing Assistance Self-Determination Reauthorization is actually quite a bipartisan effort in the Financial Services Committee. We had Representative WATERS, Chairman FRANK, myself, and Mr. KILDEE working on the bill.

Basically, we're faced in many of the States with Indian tribes with large Indian populations. We are faced with the problem of consistent high unemployment, consistent homelessness, substandard housing, infrastructure that is not developed.

In New Mexico, I've seen Native American homes which consist of cardboard, corrugated tin, bare boards, no insulation, and I've seen where toilets simply flush out the bottom of the trailer out onto the ground with no sewage infrastructure.

And so what I began to do when I first came to Congress is sit down and meet with the tribal leaders. We formed not only a working relationship but a strong friendship as we tried to wrestle with these problems in New Mexico, as we began to wrestle with the problems of self-determination, the problems of self-sufficiency, the problems of employment of tribal members. They understand there's a cultural problem, as well as a systemic economic problem; but we have committed ourselves together to work one issue at a time, side by side, to accomplish what we can.

So when we come to this housing problem, this reauthorization, and I understand my friend from Texas and in his objections, and do not disagree with those, but at some point, I myself am faced with a pragmatic decision about just what can we do and what are we going to do.

So I find that the greater discretion that's allowed in this language, the greater flexibility that is allowed to the Native Americans to begin to make their own decisions, and we've had frank, straightforward discussions about accountability, about the needs of these funds to be measured and where they go and what they accomplish, and never do I find them to be wary of this accountability. It's just that they are trying to get their feet underneath them to try to solve the problems on their tribal grounds.

And so I come to the floor to support the reauthorization and several of the underlying amendments that will come up on that.

One of the things that this bill does is begin to set up block grant programs to where the tribes can take out loans for infrastructure, clean water, healthy drinking water, ways to dispose of raw sewage. Those are things that really affect every tribe, and not many of them have very good solutions. Many in New Mexico are a long way away from the urban centers where the funds are available to create sewage treatment plants, wastewater treatment plants; and so it's an important addition to

this bill that we allow them that flexibility and that ability to create the loan programs, much like the CDBG program which affects small communities, rural communities throughout New Mexico.

So as we begin to look at this reauthorization again, I would come to the floor in support of that and in support of the idea that we must begin to pay attention to the very desperate needs that exist on many of the tribal grounds throughout this country; and as we do that, I think that we'll find when housing begins to stabilize, then those cultures begin to stabilize because homeownership is one of the basic building blocks of a society, that ability to have some place where you can retreat and be away from the cares of the world with the family structure gathered around.

So it would work well. The idea of affordable housing is one that is extraordinarily important in all of New Mexico. We have a very low per capita income, and so affordable housing is important in every community but especially in our Native American communities, and the affordable housing is addressed here in this reauthorization, too.

So understanding the objection of my friend from Texas, I would still rise in support of the underlying legislation of this rule.

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

Mr. SESSIONS. Mr. Speaker, if I could inquire from my friend from Massachusetts about additional speakers that he may have, I do not have any additional speakers at this time.

Mr. MCGOVERN. I am the final speaker on this side, so I will let the gentleman close.

Mr. SESSIONS. I thank the gentleman.

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

Mr. MCGOVERN. Mr. Speaker, I would close by simply saying that this is a good underlying bill. I hope it passes, but this is also a good rule. It is an open rule that requires the preprinting of amendments so that Members who come to the floor can have an opportunity to read and to study what they're going to vote on.

This was a rule that had strong bipartisan support in the Rules Committee last night, including from the distinguished former chairman, the ranking Republican from California (Mr. DREIER); from Mr. LINCOLN DIAZ-BALART, the Republican from Florida.

This is a good way to approach this issue, and with that, Mr. Speaker, I would urge a "yes" vote on the rule and I would urge a "yes" vote on the underlying bill as well.

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

The previous question was ordered.

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. MCGOVERN. 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.

#### ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore. Pursuant to clause 8 of rule XX, proceedings will resume on questions previously postponed.

Votes will be taken in the following order:

Approval of the Journal, by the yeas and nays;

Adoption of H. Res. 633, by the yeas and nays.

The first electronic vote will be conducted as a 15-minute vote. The second electronic vote will be conducted as a 5-minute vote.

#### 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, on which the yeas and nays were ordered.

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

The vote was taken by electronic device, and there were—yeas 214, nays 176, not voting 42, as follows:

[Roll No. 854]

YEAS—214

Abercrombie	Davis, Lincoln	Jackson-Lee
Ackerman	Deal (GA)	(TX)
Allen	DeFazio	Johnson (GA)
Arcuri	DeGette	Johnson (IL)
Baca	Delahunt	Johnson, E. B.
Baird	DeLauro	Jones (NC)
Baldwin	Dicks	Jones (OH)
Bean	Dingell	Kagen
Becerra	Doggett	Kanjorski
Berkley	Doyle	Kaptur
Berman	Edwards	Kennedy
Berry	Ehlers	Kildee
Bishop (GA)	Ellison	Kilpatrick
Bishop (NY)	Emanuel	Kind
Blumenauer	Eshoo	Klein (FL)
Boren	Etheridge	Kuhl (NY)
Boswell	Farr	LaHood
Boucher	Fattah	Lampson
Boyd (FL)	Forbes	Langevin
Boyda (KS)	Fortenberry	Lantos
Braley (IA)	Giffords	Larsen (WA)
Brown, Corrine	Gillibrand	Larson (CT)
Butterfield	Gonzalez	LaTourette
Capps	Gordon	Lee
Capuano	Green, Al	Levin
Carnahan	Green, Gene	Lewis (GA)
Carson	Grijalva	Lipinski
Castor	Gutierrez	Loeb sack
Clarke	Hall (NY)	Lofgren, Zoe
Cleaver	Hare	Lowey
Clyburn	Harman	Lynch
Coble	Hastings (FL)	Mahoney (FL)
Cohen	Herseth Sandlin	Maloney (NY)
Conyers	Higgins	Markey
Cooper	Hinchey	Marshall
Costa	Hinojosa	McCollum (MN)
Costello	Hirono	McDermott
Courtney	Hodes	McGovern
Cramer	Holden	McIntyre
Crowley	Holt	McNerney
Cuellar	Honda	McNulty
Cummings	Hoyer	Meek (FL)
Davis (AL)	Inslee	Meeks (NY)
Davis (CA)	Israel	Melancon
Davis (IL)	Jackson (IL)	Michaud