

companies or Health Maintenance Organizations, can make all health care decisions, including whether or not to share individual genetic histories with a potential employer, insurer, or other third party. Therefore, instead of creating more Federal regulations and bureaucracies, my colleagues should increase individual control of health care by passing legislation expanding Health Savings Accounts and individual health care tax credits and deductions.

Mr. HOLT. Madam Speaker, I rise today in strong support of H.R. 493, the Genetic Non-Discrimination Act (GINA). As a cosponsor of this important legislation since I first came to Congress, I am delighted that it is finally being considered by the House of Representatives.

As humans, we have a genetic destiny that we cannot control. The genes we are born with are the genes we will die with, and it is wrong for any employer to fire, refuse to hire, or deny insurance to an employee based on that individual's genetic composition. It is unconscionable for employers to require their employees to submit to a genetic test or to secretly obtain genetic information, only to use the genetic information against the employees.

The Human Genome Project was created to provide a genetic map of the human body to aid the scientific and medical communities in their fight against some of the most insidious diseases and afflictions suffered by humanity. It is a great irony and a tragedy that this research is now being used as justification to fire or refuse to hire employees who have no control over their genetic destinies.

As a member of the Education and Labor Committee, I participated in hearings on GINA which highlighted the existing loopholes in federal and state laws protecting an individual's health information. Lacking a strong and clear national law prohibiting genetic discrimination, employees have been fired or denied insurance coverage based on this most personal of information.

Today, the House will act to end genetic discrimination in hiring and firing decisions. GINA will protect prospective and current employees from discrimination based on a genetic predisposition regardless of what state they live in. It will provide strong protections to those individuals who may suffer from actual genetic discrimination now and in the future. This legislation would pose a nominal cost to employers, but provide priceless protections for American workers and peace of mind for their families.

New Jersey, along with 32 other states, already prohibits genetic discrimination in decisions on hiring, firing, or benefits. However, only 25 states prohibit employers from requiring genetic information from their employees. Worse yet, only 10 states prohibit employers from obtaining genetic information or genetic tests of employees through any means.

This vital legislation is supported by more than 200 groups and associations including: the Hereditary Disease Foundation, the American Association for the Advancement of Science, the American Jewish Congress, the American Association of People with Disabilities, the American Society of Human Genetics, the March of Dimes, the NAACP, the National Fragile X Foundation, the National Hemophilia Foundation, the National Council of La Raza, Citizens for Quality Sickle Cell Care, the Coalition for Genetic Fairness, the Cornelia de Lange Syndrome Foundation, the

Cystic Fibrosis Foundation, The National Workrights Institute, the Religious Action Center for Reform Judaism, the Rett Syndrome Research Foundation, the Spina Bifida Association of America and many others.

Madam Speaker, it is long past time for the Genetic Non-Discrimination Act to become law. I urge my colleagues to vote for this important legislation, which will protect the rights of American workers and their families.

Mr. STARK. Madame Speaker, I am pleased that we are finally passing the Genetic Information Nondiscrimination Act.

This is a bill that has languished in Congress more than a decade. The Senate has twice passed earlier versions of this bill with unanimous votes, but the House has always blocked action.

It's good to see that times have changed. Members from both sides of the aisle—as well as the President support the bill before us.

As I hope most of you know, this bill does something very simple, but something very important as well. It protects people's genetic information and family history from being used by health plans or employers to discriminate against them. Enactment of this law is critical to protect patients and for genetic science to advance.

Recent breakthroughs in medical science have made genetic testing available to more patients, but with these breakthroughs comes the fear that patients may be discriminated against by insurance companies and/or employers if they are pre-disposed to suffer from a disease or other condition.

We are here today to make sure that patients can undergo genetic tests which could help with treatments or cures without fear that the results will keep them from affordable, reliable health care.

This legislation is an overdue and important step toward ensuring that our laws governing patient rights are as current as the latest medical technology.

I urge strong support for this bill.

Mr. SHAYS. Madam Speaker, as an original cosponsor of H.R. 493, I rise in strong support of this legislation and am grateful we are finally considering it. The objective of this bill is simple: preventing both health insurance companies and employers from using genetic information to discriminate against individuals.

In the past decade, science has made remarkable advances on the human genome. Genetic tests are already available to measure an individual's likelihood of developing specific diseases. In fact, soon every individual will have a genetic profile available that predicts the diseases for which they are more at risk, and what side effects to which they are more susceptible. These genetic advances will make health care pre-emptive and ultimately save the health care system—and consumers—money.

While these advances hold amazing potential, they also hold potential for abuse. For example, health insurance companies could charge higher rates—or even deny coverage—to individuals who are determined to be at higher risk for certain disease or illnesses. Similarly, employers could screen applicants for certain positions based on their genetic make-up to get the individuals least likely to develop diseases.

Our laws need to keep pace with medical advancement. If Americans are afraid of retribution from their health insurance company

or from their employer if they get genetic testing done, none of the medical advances that are possible will be achieved. We simply must move forward in this critical area of science, which is why I urge passage of this legislation.

Mr. GEORGE MILLER of California. Madam Speaker, with that, I yield back the balance of my time.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from California (Mr. GEORGE MILLER) that the House suspend the rules and pass the bill, H.R. 493, as amended.

The question was taken.

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

Mr. GEORGE MILLER of California. Madam Speaker, on that I demand the yeas and nays.

The yeas and nays were ordered.

The SPEAKER pro tempore. Pursuant to clause 8 of rule XX and the Chair's prior announcement, further proceedings on this question will be postponed.

COMMUNICATION FROM THE HONORABLE JOHN E. PETERSON, MEMBER OF CONGRESS

The SPEAKER pro tempore laid before the House the following communication from the Honorable JOHN E. PETERSON, Member of Congress:

CONGRESS OF THE UNITED STATES,
HOUSE OF REPRESENTATIVES,
Washington, DC, April 25, 2007.

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

DEAR MADAM SPEAKER: This is to formally notify you, pursuant to Rule VIII of the Rules of the House of Representatives, I have been served with a judicial subpoena for documents issued by the United States District Court for the Middle District of Pennsylvania.

After consulting with the Office of General Counsel, I have determined that compliance with the subpoena is consistent with the privileges and rights of the House.

Sincerely,

JOHN E. PETERSON,
Member of Congress.

PROVIDING FOR CONSIDERATION OF H.R. 1332, SMALL BUSINESS LENDING IMPROVEMENTS ACT OF 2007

Mr. ARCURI. Madam Speaker, by direction of the Committee on Rules, I call up House Resolution 330 and ask for its immediate consideration.

The Clerk read the resolution, as follows:

H. RES. 330

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. 1332) to improve the access to capital programs of the Small Business Administration, 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 Small Business. 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 Small Business 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 9 or 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. 1332 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.

□ 1430

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

Mr. ARCURI. Madam Speaker, for purposes 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.

GENERAL LEAVE

Mr. ARCURI. Madam Speaker, I ask unanimous consent that all Members be given 5 legislative days in which to revise and extend their remarks on House Resolution 330.

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

There was no objection.

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

House Resolution 330 provides for consideration of H.R. 1332, the Small Business Lending Improvements Act of 2007 under a structured rule. The rule provides 1 hour of general debate controlled by the chairman and ranking

minority member of the Committee on Small Business. The rule makes in order the substitute reported by the Committee on Small Business as an original bill for purpose of amendment. The rule makes in order all four germane amendments that were submitted to the Rules Committee. And finally, the rule provides one motion to recommit, with or without instructions.

Madam Speaker, this bipartisan legislation, crafted under the leadership of my colleague from New York, chairwoman of the Small Business Committee, Ms. VELÁZQUEZ, maintains support of a wide range of organizations, including the Independent Community Bankers of America, the American Dental Association, the American Veterans, and American College of Physicians.

Small businesses are the backbone of the American economy. In my home State of New York, 99 percent of all businesses are small businesses, and they employ 52 percent of the nonfarm, private sector workforce. In 2005, an estimated 62,000 new small firms began operations in New York, creating \$77 billion in entrepreneurial income for the State of New York.

In my district and across this country, Americans depend on small businesses to drive the economy and provide essential everyday services. Sadly, it is a constant struggle for many of these entrepreneurs just to keep the lights on, as larger companies continue to push out the mom and pop businesses in the cities and towns across the country.

My constituents in upstate New York have experienced this loss firsthand. I am proud to have the opportunity, as a member of the distinguished Rules Committee, to manage this rule for such an important piece of legislation for our Nation's small businesses.

The Small Business Lending Improvements Act will help strengthen our Nation's small businesses by updating and streamlining two of the Small Business Administration's largest financing programs, the 7(a) and 504 loan programs.

This bill will make the 7(a) program more affordable for both borrowers and lenders by reducing fees and increasing the SBA guarantee on 7(a) loans. It will also modernize the 504 Certified Development Company Program by improving the ability of CDCs to liquidate defaulted loans and by requiring their local community leaders be included on every CDC board of directors. And it will make permanent the Community Express Program, providing increased access to capital for socially and economically disadvantaged small business owners.

This bill also establishes two important new 7(a) loan programs, one to encourage private health care providers to establish practices in federally designated Health Professional Shortage Areas, and one to assist our Nation's veterans in starting or expanding a small business.

Despite an abundance of health professionals, New York State has 102 communities designated by the Federal Government as Health Professional Shortage Areas. Only 16 percent of the physicians practicing in New York provide services in these medically underserved areas. According to the Department of Health and Human Services, the district I am privileged to represent is short nearly 70 dental, primary care and mental health practitioners. Further, a handful of counties I represent don't even have a resident OB/GYN, forcing thousands of women to travel 40 to 50 miles just to seek routine care.

Madam Speaker, this problem is not confined to upstate New York. Over 60 million Americans currently live in medically underserved areas across the country. The Small Business Lending Improvements Act will address this critical shortage by establishing a 7(a) loan program that reduces lender and borrower fees by half and increases the government guarantee to 90 percent of the doctors and dentists serving Health Professional Shortage Areas.

These financial incentives are critical to encouraging private health care providers to establish practices in underserved areas and to expand access to quality health care for millions of Americans.

Madam Speaker, this legislation will also ensure that our returning servicemen and women are afforded every opportunity to start or expand a small business by establishing a dedicated 7(a) loan program for veterans.

An estimated 900 of New York's Reservists currently deployed in Iraq and Afghanistan are self-employed, and another 100 are considered key employees within small businesses. The absence of these men and women during 12- or 15-month deployments often forces the small businesses they own to operate at greatly reduced levels, at times declining to near startup conditions by the time the owner returns. An absence due to deployment is most detrimental to the smallest towns where many Reserve and Guard members operate businesses essential to the community.

The Small Business Lending Improvements Act will help address the obstacles faced by small business owners deployed in Iraq and Afghanistan by eliminating borrower and lender fees and increasing to 90 percent the government guarantee for loans to veterans under the 7(a) program.

According to American Veterans National Commander Thomas C. McGriff, "These lender fees, which can amount to thousands of dollars, are due up front and can deter entrepreneurs from seeking financial assistance altogether."

Madam Speaker, by creating a lender structure tailored specifically for veterans, this bill will encourage entrepreneurship and help to repay the enormous debt we owe to our brave men and women in uniform.

Madam Speaker, it is our Nation's small businesses that keep our Nation's economy moving full speed ahead. Let's take this opportunity to provide further encouragement for the creation of new small businesses and for our Nation's existing small business owners to expand.

I am proud to support this bipartisan legislation and encourage my colleagues on both sides of the aisle to do the same.

Madam Speaker, I reserve the balance of my time.

Mr. HASTINGS of Washington. Madam Speaker, I want to thank the gentleman from New York (Mr. ARCURI) for yielding me the customary 30 minutes, and I yield myself as much time as I may consume.

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

Mr. HASTINGS of Washington. Madam Speaker, the Small Business Administration was originally created to assist small businesses which are vital sources of job creation and economic growth here in America, but are often disadvantaged when it comes to access to capital.

The Small Business Administration's two largest small business finance programs, the 7(a) loan guarantee program and the 504 loan program, have assisted thousands of small businesses every year that otherwise would not have attained a commercial loan for the purpose, amount and on the terms that small business borrowers need.

The Small Business Lending Improvement Act enhances and streamlines these finance programs and makes the 7(a) program more affordable and accessible to borrowers and lenders by providing the Small Business Administration with the authority to use funds to reduce fees on both lenders and borrowers. This bill encourages increased lender participation in the 7(a) program by reducing application burdens for borrowers and lenders in rural areas and expediting the loan consideration time.

This bill was favorably reported by the Committee on Small Business by a voice vote, and it enjoys strong bipartisan support.

Madam Speaker, our Nation's small businesses are the engine that drives our economy. Small business represents 99.7 percent of all employers and have generated 60 to 80 percent of new jobs annually over the last decade. Clearly, we must act to help our Nation's small businesses continue to grow and create job opportunities.

While I support the underlying Small Business Lending Improvement Act, more must be done to help small businesses overcome the challenges they face. Congress must act quickly to continue tax incentives for small business expenses that spur job creation and grow the economy.

In the last Congress, I supported the Tax Increase Prevention and Reconciliation Act, which extended through 2009

the enhanced section 179 small business expensing allowance. In 2007 the maximum allowance will be \$112,000. But in 2010, this maximum amount will plummet to \$25,000 without an extension of the current law.

I am disappointed that the Democrat majority has chosen not to provide small businesses more significant tax relief in a form that has an opportunity to become law. We cannot afford to halt our Nation's economic growth and job creation opportunities by letting small business tax relief policies expire and become part of the Democrats' proposed largest tax increase in American history.

Congress must also act to provide regulatory relief and make health care more affordable for small business employees and the self-employed.

Madam Speaker, because of the way health insurance is priced and regulated, small businesses usually pay more for similar coverage than larger corporations, and I think this is simply unfair. It is currently estimated that 60 percent of those without health insurance work for or depend on small employers who lack the ability to provide health benefits for their workers.

The high cost of health insurance prevents many small business owners from providing health insurance to their employees, and we must look for ways to make health care more affordable. One way is to expand Health Savings Accounts so that individuals can choose a health plan that best meets their needs. Health Savings Accounts allow individuals to make their own decisions about their health care, while building, at the same time, savings tax free to pay for future medical expenses.

Another way to make health insurance more affordable and accessible is to allow small businesses to join together to use the marketplace to buy health insurance as a group. This would provide small businesses with greater bargaining power and lower health plan costs that larger companies now often afford.

We must also provide fairness to self-employed individuals who purchase their own health insurance, but yet are treated differently under the U.S. Tax Code than those who receive health insurance benefits from their employer.

So I call on this new majority to bring forth legislation to the House floor that not only makes improvements to small business lending programs, as this bill does, but that provides real tax and regulatory relief to small businesses and makes health insurance more accessible.

Madam Speaker, I am disappointed that this House Resolution 330 is a structured rule. I am even more concerned that an amendment offered by my colleague from Indiana, Mr. BUYER, the ranking member of the Committee on Veterans' Affairs, was not made in order by the Rules Committee. In fact, it was rejected by the Democrat majority on a party line vote.

Mr. BUYER's thoughtful amendment would authorize Federal contracting

officials to treat small businesses owned by service-disabled veterans under the same rules as those applied to businesses in SBA's 8(a) program. Under House Resolution 330, Members are denied the opportunity to consider a full range of ideas on this floor to the Small Business Lending Improvement Act.

Accordingly, Madam Speaker, I urge my colleagues to vote against the previous question and against House Resolution 330.

Mr. MCGOVERN. Madam Speaker, let me say at the outset that I always enjoy listening to my colleague from Washington State, Mr. HASTINGS, both on the floor and in the Rules Committee.

I want to respond to a couple of things he said. He talked about the Democrats and taxes. Let me remind him that the biggest tax increase that is looming that could impact small businesses is the alternative minimum tax, or so-called AMT. And the Democratic majority is actually working on a solution so that millions of Americans won't be unfairly burdened with that tax. That is an issue that, when the gentleman's party was in the majority, they chose not to deal with. And the Democrats will deal with that.

Let me say one other thing, Madam Speaker. It is always interesting to hear the gentleman from Washington complain about the rule.

□ 1445

Let me state for my colleagues, both Democrat and Republican, that every single germane amendment that was offered to this bill was made in order by the Rules Committee. That is something that very rarely happened when the gentleman's party was in the majority. So I think this is a good rule.

He complains that a nongermane amendment was not made in order, one that deals not with the issue of loans, which the underlying bill deals with, but instead the Buyer amendment deals with contracting. And the gentleman says that we need to do this for our veterans. Well, I want to do all we can for our veterans, and maybe in the right vehicle we can deal with that issue. But I also want to point out to my colleagues here in Congress that when the gentleman's party was in control, veterans health and veterans benefits were woefully underfunded. I mean, we are dealing with scandals at Walter Reed. We are dealing with scandals all over the country dealing with veterans health because of the inadequacy of the funding that came out of the Republican majority, budget after budget after budget after budget.

The Democrats take control and have literally pumped billions of dollars more into veterans programs, including veterans health programs. And I will say to the gentleman from Washington that today he will have the opportunity, in the conference report on the supplemental appropriations bill, to vote for a conference report that adds

even billions of dollars more to help our veterans. So if people are concerned about helping our veterans, then they will have an opportunity this afternoon to vote that way.

Mr. HASTINGS of Washington. Madam Speaker, will the gentleman yield?

Mr. MCGOVERN. I am happy to yield to the gentleman.

Mr. HASTINGS of Washington. Madam Speaker, I appreciate the gentleman's yielding.

Let me first talk about the issue of the structured rule and about Mr. BUYER's amendment, which I am going to call for a vote on the previous question so we can rectify what we didn't do in Rules last night, and that is simply this: The Rules Committee exists to make rules for debate on the floor of this House. We, on a regular basis, waive the rules for whatever. In fact, we are going to have the supplemental budget on the floor, and line 1 of that supplemental rule talks about waiving rules.

So the point is this: If we had had an open rule, as I suggested last night, Mr. BUYER could have offered his amendment.

Mr. MCGOVERN. Madam Speaker, I would like to reclaim my time, if I may.

What the gentleman knows full well is that even with an open rule, the Buyer amendment would still not be germane and subject to a point of order by any Member of this House. I mean, we have germaneness rules for a reason.

Let me also point out another interesting fact that I think my colleagues should remember. The gentleman from Wisconsin (Mr. OBEY), during the last Congress, time and time and time again went before the Republican Rules Committee asking for a waiver on an amendment that would repeal the tax cut for the top 1 percent income earners in this country, the multibillionaires, if you will, so that those savings could be put into veterans programs. He needed a germaneness waiver. Time and time and time again, the Republican Rules Committee denied him the right to offer that amendment.

Now, I guess my point is that it is a little bit curious that the gentleman voted routinely to uphold the germaneness rules with regard to amendments to help veterans in the past, but now somehow is complaining that we need a different standard now that they are in the minority.

Madam Speaker, I would simply say that this is a fair rule. Every germane amendment that was offered is made in order. Anybody could have offered an amendment. And this is something that was very rarely afforded to us when we were in the minority. And I think it is a good rule.

Madam Speaker, I reserve the balance of my time.

Mr. HASTINGS of Washington. Madam Speaker, I wonder if my friend has any more requests for time. If he is

prepared to yield back, I will make my closing statement and then yield back.

Mr. MCGOVERN. I am going to wait with bated breath while the gentleman gives his closing statement. I have no further requests for time.

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

Let me respond. I appreciate at least the short time that the gentleman yielded to me. I wish I could have made my point, but I will finish making it here.

And that is if we had had an open rule, Mr. BUYER could have come to the floor and attempted to offer his amendment. Somebody would have probably raised the germaneness issue under a point of order, and I have all the confidence in the world that the Speaker would have ruled it out of order because that is what the rules are.

But now, because we have established a policy here of going through structured rules, we want to give every Member in this body an opportunity to see if we should have this amendment considered that allows for disabled veterans who have businesses to be treated as others would under that section of the SBA Act.

The second point I want to make in response to my friend's talking about tax relief, he talked about this majority's attempt, and I think he used the word "attempt," or intention to address the AMT. I agree it needs to be addressed. There is a huge cost, as the gentleman knows; so we, in the past Congresses, have addressed it. But the tax relief issues that I was talking about in my remarks are already in place. They are already in place. They have been acted on. They were voted on, and the American people have enjoyed the tax relief. And they are going to go away if the majority follows at least the proposed budget that was passed by this body. It would result in the largest tax increase in American history, not only in the one that I cited but in others.

So with that, the last thing I would like to mention to my friend, because he talked about veterans funding, we not only dealt with and resolved the concurrent receipt issue, but in the last 6 years, veterans funding has increased by 50 percent. We all know that it is important that veterans get their due care because of what they have given us and our freedoms. So I just want to set the record straight that in the last 5 years, there has been a great deal of increase.

So we will be asking to vote, Madam Speaker, on the previous question. I will be asking for a "no" vote so that I can amend this rule to allow the House to consider an amendment offered by Mr. BUYER and provide the appropriate waivers. As I stated before, the Buyer amendment would authorize Federal contracting officials to treat small businesses owned by service-disabled veterans under the same contracting rules as those applied to businesses in the 8(a) program.

Madam Speaker, as I mentioned, the Rules Committee met yesterday, and they rejected, on a party-line vote, making it in order.

Madam Speaker, I ask unanimous consent to insert the text of the amendment and extraneous material into the RECORD immediately prior to the vote on the previous question.

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

There was no objection.

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

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

Madam Speaker, let me begin by responding to a couple things the gentleman from Washington said.

First of all, on the issue of veterans funding, I don't know too many people who will get up and say that the funding under the previous majority for veterans was anywhere near adequate. The fact of the matter is we have more and more veterans each and every day as a result of the wars that we are involved with. The number of disabled veterans has gone up, and we have seen the direct impact of underfunding veterans health with the terrible tragedy at Walter Reed and so many of our other hospitals.

That is one of the reasons why, when the Democratic majority took over this place in January, one of the first items of business was to increase veterans health. And in the conference report on the supplemental appropriations bill that is coming before us today, there are billions of dollars more for veterans health. If you want to help veterans, vote for the money. It is not about rhetoric; it is about action.

Secondly, in terms of fiscal policies, I think there was a reason for the result in the last elections. I think Americans, Democrats and Republicans, were horrified with the fiscal policies of the previous Republican majority. We went from huge surpluses under Bill Clinton and a huge economic boom under Bill Clinton to now record deficits. We have the largest debt in the history of our country. And I think most Americans, no matter what their party affiliation is, have been justifiably horrified by that result. They want a change. They want fiscal responsibility. That is why we are back to pay-as-you-go, and that is why we are responsible tax relief. And that is what the Democratic majority is going to pursue.

Madam Speaker, the Small Business Lending Improvements Act will go a long way towards strengthening our Nation's small businesses by establishing much-needed improvements to the SBA's primary loan programs. Today we have an opportunity to encourage entrepreneurship, particularly for those who are socially or economically disadvantaged and those who

serve our Nation in the Armed Forces, and provide some additional opportunities for small business owners looking to expand.

I want to again commend my colleague from New York (Ms. VELÁZQUEZ) for her leadership in bringing this promising and long overdue legislation to the floor.

I think this is a fair rule. Everybody who wanted to offer a germane amendment to this bill could have done so. All the germane amendments are made in order. That is somewhat of a departure from the previous Congress, where we were routinely handed closed rules. So I would urge a "yes" vote on the previous question and on the rule.

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

(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.

AMENDMENT TO H. RES. 330 OFFERED BY REP. HASTINGS OF WASHINGTON

At the end of the resolution, add the following:

Sec. 3. Notwithstanding any other provision of this resolution, the amendment printed in section 4 shall be in order as though printed as the last amendment in the report of the Committee on Rules if offered by Representative Buyer of Indiana or a designee.

That amendment shall be debatable for 30 minutes equally divided and controlled by the proponent and an opponent.

Sec. 4. The amendment referred to in section 3 is as follows:

Add at the end of the bill the following:

TITLE III—8(a) PROGRAM

SEC. 301. AUTHORITY TO AWARD CONTRACTS UNDER 8(a) PROGRAM TO SMALL BUSINESS CONCERNS OWNED AND CONTROLLED BY SERVICE-DISABLED VETERANS.

Section 8 of the Small Business Act (15 U.S.C. 637) is amended by adding at the end the following new subsection:

“(O) SMALL BUSINESS CONCERNS OWNED AND CONTROLLED BY SERVICE-DISABLED VETERANS.—

“(1) AWARD OF CONTRACTS.—The Administrator may award a contract under subsection (a) to a small business concern owned and controlled by service-disabled veterans on the same basis as a contract awarded under that subsection to a socially and economically disadvantaged small business concern.

“(2) ANNUAL CERTIFICATION REQUIRED.—The Administrator shall require each small business concern owned and controlled by service-disabled veterans that is a Program Participant under section 7(j)(15) or that is awarded a contract under subsection (a) to certify, on an annual basis, that such concern is a small business concern owned and controlled by service-disabled veterans within the meaning of section 3(q).

“(3) DISADVANTAGED OWNER.—For purposes of this section, in the case of a small business concern owned and controlled by service-disabled veterans, the term ‘disadvantaged owner’ means an owner who is a service-disabled veteran.”

Mr. MCGOVERN. Madam 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. Madam 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.

RECESS

The SPEAKER pro tempore. Pursuant to clause 12(a) of rule I, the Chair declares the House in recess until approximately 3:30 p.m.

Accordingly (at 2 o'clock and 56 minutes p.m.), the House stood in recess until approximately 3:30 p.m.

□ 1545

AFTER RECESS

The recess having expired, the House was called to order by the Speaker pro tempore (Ms. DEGETTE) at 3 o'clock and 45 minutes p.m.

GENERAL LEAVE

Mr. WALZ of Minnesota. Madam 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 House Concurrent Resolution 121.

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

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 questions previously postponed. Votes will be taken in the following order:

Ordering the previous question on House Resolution 330, by the yeas and nays;

Adopting House Resolution 330, if ordered;

Suspending the rules on H. Con. Res. 7, by the yeas and nays;

Suspending the rules on H.R. 1678, by the yeas and nays;

Suspending the rules on H.R. 493, by the yeas and nays.

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

PROVIDING FOR CONSIDERATION OF H.R. 1332, SMALL BUSINESS LENDING IMPROVEMENTS ACT OF 2007

The SPEAKER pro tempore. The unfinished business is the vote on ordering the previous question on House Resolution 330, 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.