

PARLIAMENTARY INQUIRIES

Mr. BAKER. Mr. Speaker, I have a parliamentary inquiry.

The SPEAKER pro tempore. The Chair recognizes the gentleman from Louisiana.

Mr. BAKER. I believe the gentleman, in order to offer the motion to reconsider, would have to be on the prevailing side, and I would question the gentleman's vote on the matter.

Mr. HOYER. By the way, I'm trying to help the gentleman. You may have missed that, but I'm trying to help your side. But we can do it by unanimous consent that it be done de novo.

Parliamentary inquiry. And just so that the gentleman from Louisiana knows, on a voice vote, of course, because there is not a recorded vote, anybody can ask for a motion to reconsider because there is no record as to who voted on the prevailing side or who voted on the opposing side.

But, notwithstanding that, I press my motion de novo; that, in other words, the question be placed, once again, de novo.

The SPEAKER pro tempore. Is there objection to vacating the voice vote and taking the question de novo?

Without objection, so ordered.

There was no objection.

The SPEAKER pro tempore. 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.

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

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

RECORDED VOTE

Mr. THOMPSON of Mississippi. 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 296, noes 126, not voting 10, as follows:

[Roll No. 318]

AYES—296

| | | |
|-------------|----------------|-----------------|
| Abercrombie | Boyda (KS) | Costa |
| Ackerman | Braley (IA) | Costello |
| Allen | Brown (SC) | Courtney |
| Altman | Brown, Corrine | Cramer |
| Andrews | Buchanan | Crowley |
| Arcuri | Butterfield | Cuellar |
| Baca | Capito | Cummings |
| Baird | Capps | Davis (AL) |
| Baldwin | Capuano | Davis (CA) |
| Barrow | Cardoza | Davis (IL) |
| Bean | Carnahan | Davis, Jo Ann |
| Becerra | Carney | Davis, Lincoln |
| Berkley | Carson | DeFazio |
| Berman | Castle | DeGette |
| Berry | Castor | Delahunt |
| Biggart | Chandler | DeLauro |
| Bilirakis | Clarke | Dent |
| Bishop (GA) | Clay | Diaz-Balart, L. |
| Bishop (NY) | Cleaver | Diaz-Balart, M. |
| Blumenauer | Clyburn | Dicks |
| Boren | Cohen | Dingell |
| Boswell | Cole (OK) | Doggett |
| Boucher | Conyers | Donnelly |
| Boyd (FL) | Cooper | Doyle |

| | | | | |
|------------------|-----------------|------------------|-----------------|--------------|
| Edwards | Latham | Ros-Lehtinen | Hunter | Mica |
| Ellison | LaTourette | Roskam | Inglis (SC) | Miller (FL) |
| Ellsworth | Lee | Ross | Issa | Miller, Gary |
| Emanuel | Levin | Rothman | Johnson, Sam | Moran (KS) |
| Emerson | Lewis (GA) | Roybal-Allard | Jones (NC) | Musgrave |
| Eshoo | Lipinski | Ruppersberger | Jordan | Shadegg |
| Etheridge | LoBiondo | Rush | King (IA) | Myrick |
| Fallin | Loebback | Ryan (OH) | Kingston | Neugebauer |
| Farr | Lofgren, Zoe | Salazar | Kline (MN) | Nunes |
| Ferguson | Lowey | Sánchez, Linda | Kucinich | Smith (NE) |
| Filner | Lucas | T. | Lamborn | Smith (TX) |
| Fortenberry | Lynch | Sanchez, Loretta | Lewis (CA) | Stark |
| Fossella | Mahoney (FL) | Sarbanes | Pickering | Stearns |
| Frank (MA) | Maloney (NY) | Saxton | Pitts | Sullivan |
| Frelinghuysen | Markley | Schakowsky | Poe | Tancredo |
| Garrett (NJ) | Marshall | Schiff | Lungren, Daniel | Walberg |
| Gerlach | Matheson | Schwartz | E. | Walden (OR) |
| Giffords | Matsui | Scott (GA) | Mack | Wamp |
| Gilcrest | McCarthy (NY) | Scott (VA) | Manzullo | Radanovich |
| Gillibrand | McCaull (TX) | Serrano | Marchant | Rogers (AL) |
| Gillmor | McCollum (MN) | Sestak | McCarthy (CA) | Rogers (KY) |
| Gonzalez | McCotter | Shays | McHenry | Wicker |
| Gordon | McCrery | Shea-Porter | McKeon | Wilson (SC) |
| Green, Al | McDermott | Sherman | Ryan (WI) | Young (AK) |
| Green, Gene | McGovern | Shimkus | | |
| Grijalva | McHugh | Shuler | | |
| Gutierrez | McIntyre | Sires | | |
| Hall (NY) | McNerney | Skelton | | |
| Hare | McNulty | Slaughter | | |
| Harman | Meehan | Smith (NJ) | | |
| Hastings (FL) | Meek (FL) | Smith (WA) | | |
| Hastings (WA) | Meeks (NY) | Snyder | | |
| Hayes | Melancon | Solis | | |
| Heller | Michaud | Space | | |
| Herseth Sandlin | Miller (MI) | Spratt | | |
| Higgins | Miller (NC) | Stupak | | |
| Hill | Miller, George | Sutton | | |
| Hinchey | Mitchell | Tanner | | |
| Hinojosa | Mollohan | Tauscher | | |
| Hirono | Moore (KS) | Taylor | | |
| Hobson | Moore (WI) | Terry | | |
| Hodes | Moran (VA) | Thompson (CA) | | |
| Holden | Murphy (CT) | Thompson (MS) | | |
| Holt | Murphy, Patrick | Thornberry | | |
| Honda | Murphy, Tim | Tiahrt | | |
| Hooley | Murtha | Tiberi | | |
| Hoyer | Nadler | Tierney | | |
| Hulshof | Napolitano | Towns | | |
| Inslee | Neal (MA) | Turner | | |
| Israel | Oberstar | Udall (NM) | | |
| Jackson (IL) | Obey | Upton | | |
| Jackson-Lee (TX) | Olver | Van Hollen | | |
| Jefferson | Ortiz | Velázquez | | |
| Jindal | Pallone | Visclosky | | |
| Johnson (GA) | Pastor | Walsh (NY) | | |
| Johnson (IL) | Payne | Walz (MN) | | |
| Jones (OH) | Pearce | Wasserman | | |
| Kagen | Perlmuter | Schultz | | |
| Kanjorski | Peterson (MN) | Waters | | |
| Kaptur | Petri | Watson | | |
| Keller | Platts | Watt | | |
| Kennedy | Pomeroy | Waxman | | |
| Kildee | Porter | Weiner | | |
| Kilpatrick | Price (NC) | Welch (VT) | | |
| Kind | Pastor | Walz (MN) | | |
| King (NY) | Payne | Wasserman | | |
| Kirk | Pearce | Schultz | | |
| Klein (FL) | Perlmuter | Waters | | |
| Knollenberg | Petersen (MN) | Watson | | |
| Kuhl (NY) | Platts | | | |
| LaHood | Pomeroy | | | |
| Lampson | Porter | | | |
| Langevin | Price (NC) | | | |
| Lantos | Reichert | | | |
| Larsen (WA) | Reyes | | | |
| | Reynolds | | | |
| | Rodriguez | | | |
| | Rogers (MI) | | | |

NOES—126

| | | |
|---------------------|---------------|--------------|
| Aderholt | Burgess | Dreier |
| Akin | Burton (IN) | Duncan |
| Alexander | Buyer | Ehlers |
| Bachmann | Calvert | English (PA) |
| Bachus | Camp (MI) | Everett |
| Baker | Campbell (CA) | Feeney |
| Barrett (SC) | Cannon | Flake |
| Bartlett (MD) | Carter | Forbes |
| Bilbray | Chabot | Foxx |
| Bishop (UT) | Coble | Gallegly |
| Blackburn | Conaway | Gingrey |
| Blunt | Crenshaw | Gohmert |
| Boehner | Cubin | Goode |
| Bonner | Culberson | Goodlatte |
| Bono | Davis (KY) | Granger |
| Boustan | Davis, David | Graves |
| Boutany | Davis, Tom | Hall (TX) |
| Brady (TX) | Deal (GA) | Hastert |
| Brown-Whaite, Ginny | Doolittle | Hensarling |
| | Drake | Hoekstra |

| | | |
|------------------|-----------------|---------------|
| Ros-Lehtinen | Hunter | Mica |
| Roskam | Ingelis (SC) | Miller (FL) |
| Ross | Issa | Miller, Gary |
| Rothman | Johnson, Sam | Moran (KS) |
| Roybal-Allard | Jones (NC) | Musgrave |
| Ruppersberger | Jordan | Shadegg |
| Rush | King (IA) | Myrick |
| Ryan (OH) | Kingston | Neugebauer |
| Salazar | Kline (MN) | Nunes |
| Sánchez, Linda | Kucinich | Smith (NE) |
| T. | Lamborn | Smith (TX) |
| Sanchez, Loretta | Lewis (CA) | Stark |
| Sarbanes | Pickering | Peterson (PA) |
| Saxton | Pitts | Sullivan |
| Shea-Porter | Linder | Tancredo |
| Schakowsky | Lungren, Daniel | Walberg |
| Shiff | E. | Walden (OR) |
| Schwartz | Mack | Wamp |
| Scott (GA) | Manzullo | Radanovich |
| Scott (VA) | Marchant | Rogers (AL) |
| Serrano | McCarthy (CA) | Rogers (KY) |
| Sestak | Rohrabacher | Westmoreland |
| Shays | McHenry | Wicker |
| Shea-Porter | Royce | Wilson (SC) |
| Sherman | McKeon | Ryan (WI) |
| Shimkus | Brady (PA) | Young (AK) |
| Shuler | Johnson, E. B. | Renzi |
| Sires | Larson (CT) | Souder |
| Skelton | Fattah | McMorris |
| T. | Herger | Udall (CO) |
| | | Rodgers |

NOT VOTING—10

| | | |
|------------|----------------|------------|
| Brady (PA) | Johnson, E. B. | Renzi |
| Engel | Larson (CT) | Souder |
| Fattah | McMorris | Udall (CO) |
| Herger | Rodgers | |

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore (during the vote). Members are advised less than 2 minutes remain in this vote.

□ 1851

So the bill was passed.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

PERSONAL EXPLANATION

Mr. LARSON of Connecticut. Madam Speaker, I would like to submit this statement for the RECORD and regret that I could not be present today, Wednesday, May 9, 2007 to vote on rollcall vote Nos. 310, 311, 312, 313, 314, 315, 316, 317 and 318 due to a family medical situation. Had I been present, I would have voted:

“Yea” on rollcall vote No. 310 on ordering the previous question on H. Res. 382;

“Yea” on rollcall vote No. 311 on agreeing to H. Res. 382, the rule providing for consideration of H.R. 1684, the Fiscal Year 2008 Department of Homeland Security Authorization Act;

“Yea” on rollcall vote No. 312 on agreeing to H. Res. 383, the rule providing for consideration of H.R. 1873, the Small Business Fairness in Contracting Act;

“Yea” on rollcall vote No. 313 on the motion to suspend the rules and pass H.R. 890, the Student Loan Sunshine Act that establishes requirements for lenders and institutions of higher education in order to protect students and other borrowers receiving educational loans;

“Aye” on rollcall vote No. 314 on the amendment H.R. 1684 that would strike some provisions of the bill, add reporting requirements, revises annuitant provisions, and require a GAO report on law enforcement retirement systems;

“Aye” on rollcall vote No. 315 on the amendment to H.R. 1684 that would remove section 407 of the bill, which requires that identification cards, uniforms, protective gear, and badges of Homeland Security personnel be manufactured in the United States;

“Yea” on rollcall vote No. 316 on the amendment H.R. 1684 that would strike some

provisions of the bill, add reporting requirements, revises annuitant provisions, and require a GAO report on law enforcement retirement systems;

“Nay” on rollcall vote No. 317 on the motion to recommit H.R. 1684 with instructions;

“Aye” on rollcall vote No. 318 on final passage of H.R. 1684, the Fiscal Year 2008 Department of Homeland Security Authorization Act.

PERMISSION FOR AMENDMENT NO. 4 TO BE OFFERED AT ANY TIME DURING CONSIDERATION OF H.R. 1873, SMALL BUSINESS FAIRNESS IN CONTRACTING ACT

Ms. VELÁZQUEZ. Mr. Speaker, I ask unanimous consent that during consideration of H.R. 1873 in the Committee of the Whole, pursuant to House Resolution 383, amendment No. 4 by Mr. SESTAK be permitted to be offered at any time.

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

Mr. PRICE of Georgia. Mr. Speaker, reserving the right to object, would you mind explaining exactly what that amendment pertains to and whether or not this has been discussed with our side?

Ms. VELÁZQUEZ. I thought that the ranking member was agreeable. Mr. SESTAK is in a markup on the Committee on Armed Services. We cleared this with your staff.

Mr. CHABOT. Mr. Speaker, if the gentlelady will yield, the amendment has been discussed with our side, and we are satisfied with it. It was a mistake made essentially between Rules and here.

Mr. PRICE of Georgia. Mr. Speaker, I withdraw my reservation of objection.

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

There was no objection.

GENERAL LEAVE

Ms. VELÁZQUEZ. Mr. Speaker, I ask unanimous consent that all Members have 5 legislative days to revise and extend their remarks and enter into the RECORD extraneous material on the bill under consideration and that the CBO cost estimates for H.R. 1873 as reported by the Small Business Committee be entered into the RECORD.

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

There was no objection.

The text of the Congressional Budget Office Cost Estimate is as follows:

MAY 7, 2007.

Hon. NYDIA M. VELÁZQUEZ,
Chairwoman, Committee on Small Business,
House of Representatives, Washington, DC.

DEAR MADAM CHAIRWOMAN: The Congressional Budget Office has prepared the enclosed estimate for H.R. 1873, the Small Business Fairness in Contracting Act.

If you wish further details on this estimate, we will be pleased to provide them.

The CBO staff contact is Matthew Pickford, who can be reached at 226-2860.

Sincerely,

PETER R. ORSZAG.

Enclosure.

H.R. 1873—Small Business Fairness in Contracting Act

Summary: H.R. 1873 would make several changes to the laws that promote and encourage federal agencies to contract for goods and services with small businesses. The legislation would amend the definition of “bundled contracts” (the practice of combining two or more contracts into a single agreement) for the procurement of goods and services and require agencies to better justify the need for such larger contracts rather than smaller ones that could be available to small businesses. The federal government currently has a goal of acquiring 23 percent of most goods and services from small business. The bill would increase that goal to 30 percent and apply it to each agency individually, as well as to all agencies collectively. H.R. 1873 also would require the Small Business Administration (SBA) to develop new regulations and new databases and to conduct other efforts to encourage and promote the use of small businesses in government contracting.

CBO estimates that implementing H.R. 1873 would cost \$83 million in fiscal year 2008 and \$945 million over the 2008–2012 period, subject to the availability of appropriated funds. We expect that most of those costs would fall on the largest agencies the Department of Defense, the Department of Energy, and the National Aeronautics and Space Administration—that have not met the current goal for contracting with small businesses. Enacting the bill would have no effect on direct spending or revenues.

The legislation contains no intergovernmental or private-sector mandates as defined in the Unfunded Mandates Reform Act (UMRA) and would not affect the budgets of state, local, or tribal governments.

Estimated cost to the Federal Government: The estimated budgetary impact of H.R. 1873 is shown in the following table. The costs of this legislation fall within budget function 370 (commerce and housing credit) and all other budget functions that include spending to procure goods and services.

ment of new and existing goods or services with a value of at least \$1.5 million and construction projects worth more than \$65 million. Under the bill, agencies would have to justify the use of bundled contracts by evaluating whether or not such work could be performed by small business. The SBA could appeal to the Office of Federal Procurement Policy to determine whether the use of bundled contracts by an agency is justified. In addition, H.R. 1873 would amend current law to increase the goal of using contracts with small businesses from the current governmentwide goal of 23 percent of the value of all contracts to 30 percent. In addition, the goal would apply to each agency individually, as to well as all agencies collectively.

Based on information from agencies with the most procurement spending and an analysis of SBA reports on governmentwide and small business contracts, CBO expects that implementing the bill would have a significant discretionary cost to review and analyze the need for bundled contracts, prepare additional market research to identify small business concerns able to perform government contracts and provide necessary products, and expand existing mentoring and developmental programs to prepare small business to obtain government procurement opportunities. Based on current contract administration costs and the size and characteristics of those contracts, CBO estimates that complying with H.R. 1873 would increase costs by about \$200 million annually—or about 7 percent of the roughly \$2.5 billion that CBO estimates is spent each year to administer the government’s procurement contracting efforts. We expect that this increase would occur over a 3-year period. Thus, the estimated costs are phased in between 2008 and 2010. Most of this cost would be incurred to administer additional smaller contracts.

Governmentwide procurement

CBO expects that agencies would continue to encourage the use of small business for the procurement of goods and services and seek to meet the goal for such contracts in this legislation. CBO expects, however, that agencies would continue to purchase goods and services at the lowest price available and that small business contracting goals would be met to the extent that doing so would not significantly increase the cost of procuring needed goods and services.

Small Business Administration

Several provisions of H.R. 1873 would increase the responsibilities of the SBA to monitor and support small business preferences in government contracting and procurement. Such responsibilities would include reviewing bundled contracts and auditing contractor databases. Based on information from SBA, CBO estimates that implementing those provisions would cost about \$3 million per year, subject to the availability of appropriated funds.

Intergovernmental and Private-Sector Impact: H.R. 1873 contains no intergovernmental or private-sector mandates as defined in UMRA and would not affect the budgets of state, local, or tribal governments.

Previous CBO estimate: On May 7, 2007, CBO also transmitted a cost estimate for H.R. 1873 as ordered reported by the House Committee on Oversight and Government Reform on May 3, 2007. The version of the bill ordered reported by the Committee on Oversight and Government Reform would not significantly change the current governmentwide goal for contracting with small businesses, and thus, CBO expects it would be less costly to implement.

Estimate prepared by: Federal Costs: Matthew Pickford and Susan Willie; Impact on State, Local, and Tribal Governments: Elizabeth Cove; Impact on the Private Sector: Craig Cammarata.

Basis of estimate: For this estimate, CBO assumes that H.R. 1873 will be enacted near the end of fiscal year 2007, that the necessary amounts will be appropriated over the 2008–2012 period, and that outlays will follow historical spending patterns for contract administration spending. CBO estimates that implementing H.R. 1873 would cost \$83 million in 2008 and \$945 million over the 2008–2012 period, assuming appropriation of the necessary funds.

Administration of governmentwide procurement

H.R. 1873 would change the definition of bundled contracts to include the procure-

| | By fiscal year, in millions of dollars— | | | | |
|--|---|------|------|------|------|
| | 2008 | 2009 | 2010 | 2011 | 2012 |
| CHANGES IN SPENDING SUBJECT TO APPROPRIATION | | | | | |
| <i>Administration of Governmentwide Procurement:</i> | | | | | |
| Estimated Authorization Level | 100 | 175 | 200 | 240 | 260 |
| Estimated Outlays | 80 | 150 | 200 | 240 | 260 |
| <i>Small Business Administration:</i> | | | | | |
| Estimated Authorization Level | 3 | 3 | 3 | 3 | 3 |
| Estimated Outlays | 3 | 3 | 3 | 3 | 3 |
| <i>Total Changes:</i> | | | | | |
| Estimated Authorization Level | 103 | 178 | 203 | 243 | 263 |
| Estimated Outlays | 83 | 153 | 200 | 243 | 263 |