

The result of the vote was announced as above recorded.

The title was amended so as to read: "A bill to authorize State and local governments to direct divestiture from, and prevent investment in, companies with investments of \$20,000,000 or more in Iran's energy sector, companies that sell arms to the Government of Iran, and financial institutions that extend \$20,000,000 or more in credit to the Government of Iran for 45 days or more, and for other purposes.".

A motion to reconsider was laid on the table.

#### PERSONAL EXPLANATION

Ms. ROS-LEHTINEN. Madam Speaker, on rollcall No. 763 on final passage of S. 1, the Open Leadership and Open Government Act of 2007; rollcall No. 764 final passage of H.R. 180, the Darfur Accountability and Divestment Act; and rollcall No. 765 on final passage of H.R. 2347, the Iran Sanctions Enabling Act, I am not recorded because I was delayed while tending to constituents in my congressional office. Had I been present, I would have voted "aye" on all three bills.

#### PERSONAL EXPLANATION

Mr. JOHNSON of Illinois. Mr. Speaker, unfortunately this morning, July 31, 2007, I was unable to cast my votes on S. 1, H.R. 180, and H.R. 2347 and wish the RECORD to reflect my intentions had I been able to vote.

Had I been present for rollcall No. 763 on suspending the rules and passing S. 1, the Honest Leadership and Open Government Act of 2007, I would have voted "aye."

Had I been present for rollcall No. 764 on suspending the rules and passing H.R. 180, the Darfur Accountability and Divestment Act, I would have voted "aye."

Had I been present for rollcall No. 765 on suspending the rules and passing H.R. 2347, the Iran Sanctions Enabling Act, I would have voted "aye."

PROVIDING FOR CONSIDERATION OF H.R. 3161, AGRICULTURE, RURAL DEVELOPMENT, FOOD AND DRUG ADMINISTRATION, AND RELATED AGENCIES APPROPRIATIONS ACT, 2008

Mr. MCGOVERN. Madam Speaker, by direction of the Committee on Rules, I call up House Resolution 581 and ask for its immediate consideration.

The Clerk read the resolution, as follows:

#### H. RES. 581

*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. 3161) making appropriations for Agriculture, Rural Development, Food and Drug Administration, and Related Agencies programs for the fiscal year ending September 30, 2008, and for other purposes. The first reading of the bill shall be dispensed with. All points of order against consideration of the bill are waived except those arising under clause 9 or 10 of rule XXI. General debate shall be confined to the bill

and shall not exceed one hour equally divided and controlled by the chairman and ranking minority member of the Committee on Appropriations. After general debate the bill shall be considered for amendment under the five-minute rule. Points of order against provisions in the bill for failure to comply with clause 2 of rule XXI are waived. During consideration of the bill for amendment, the Chairman of the Committee of the Whole may accord priority in recognition on the basis of whether the Member offering an amendment has caused it to be printed in the portion of the Congressional Record designated for that purpose in clause 8 of rule XVIII. Amendments so printed shall be considered as read. When the committee rises and reports the bill back to the House with a recommendation that the bill do pass, the previous question shall be considered as ordered on the bill and amendments thereto to final passage without intervening motion except one motion to recommit with or without instructions.

SEC. 2. During consideration in the House of H.R. 3161 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.

□ 1215

The SPEAKER pro tempore (Ms. BALDWIN). The gentleman from Massachusetts is recognized for 1 hour.

Mr. MCGOVERN. Madam Speaker, for the purposes of debate only, I yield my friend from Washington (Mr. HASTINGS) 30 minutes. During the consideration of this resolution, all time yielded is for the purpose of debate only.

#### GENERAL LEAVE

Mr. MCGOVERN. I ask unanimous consent that all Members be given 5 legislative days in which to revise and extend their remarks on House Resolution 581.

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

There was no objection.

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

Madam Speaker, House Resolution 581 is a traditional open rule for appropriations bills. This open rule allows any amendment to be offered as long as the amendment complies with House rules.

Madam Speaker, the Agriculture appropriations bill may not get as much attention as some of the others, but it is incredibly important to the Nation. For the past 6 years, the bill has been underfunded by President Bush and the Republican Congress.

This year, the subcommittee chairwoman, ROSA DELAUR, and her colleagues have put together a bill that begins to restore cuts in funding to the Department of Agriculture; cuts that have left too many people hungry here at home and around the world; cuts that have threatened America's food security and food safety; and cuts that have denied rural America improvements and access to better technology, better housing and a better environment.

Madam Speaker, today I am pleased to say that with this bill, we have

turned the corner. The fiscal year 2008 Agriculture appropriations bill makes new and important investments in our people. This is not a perfect bill, but it is a big step in the right direction. I urge my colleagues to support it.

I am proud, Madam Speaker, to serve as the Cochair of the bipartisan House Hunger Caucus along with my good friend from Missouri, Jo ANN EMERSON. I have a strong interest in making sure that our domestic and international hunger programs get the funding that they need.

With this bill, more pregnant women and infants will get the nutritious food they need through the WIC program. With this bill, more children who eat a school breakfast or lunch will receive meals during the summer months, when school is out of session, just like they do during the school year. With this bill, the food that they are served in school will be healthier, including more fresh fruits and vegetables. With this bill, the Commodity Food Supplemental Program can expand participation in existing States and can also begin participating in five new States.

The bill continues funding to combat hunger around the world through programs like Food for Peace and the George McGovern-Robert Dole International Food for Education and Child Nutrition Program. There is increased funding for the Food and Drug Administration and the Food Safety and Inspection Service, allowing USDA to better oversee our Nation's food safety, and more importantly, root out any food contamination and threats to America's food supply.

Providing these agencies with the proper tools, including proper staffing, is an important part of USDA's mission that usually goes unnoticed unless a problem arises.

Finally, Madam Speaker, this bill increases funding for programs that directly affect rural America. For far too long, rural America has been underfunded and, in many cases, underappreciated. This bill increases funding for programs important to rural America, including crop insurance integrity, livestock competition, enforcement efforts at the Commodities Futures Trading Commission, the Rural Community Advancement Program, clean water and business loans and grants.

Finally, there are increases in funds for technology access that will provide grants for distance learning, telemedicine and broadband development in rural areas.

Madam Speaker, before I conclude my opening remarks, I want to address one more subject in a little bit of detail. For years we have not done nearly enough, Democrats and Republicans alike, to end hunger. I will say it again: Hunger is a political condition. We have the resources to end it. We have the infrastructure. What we need is the political will and determination to make it happen.

With passage of the fiscal year 2008 Agriculture appropriations bill and the

recently approved farm bill, this new Democratic Congress is taking a major step forward in the fight to end hunger in America and around the world. We are moving in a new direction toward a place where everybody in this world has enough to eat. We have much more work to do, but today we can make an important down payment.

Now, during consideration of this bill, we may see attempts to cut these vital, proven programs. Members will say that they, too, are troubled by hunger, but they don't want to spend the money to address it. It is the same old argument.

Additionally, during consideration of this bill, there may be an amendment offered by my friend, the gentleman from Texas (Mr. CONAWAY) that would allow State governments to privatize the Food Stamp program.

Madam Speaker, this open rule allows the gentleman from Texas to offer this amendment. I support his right to do so. However, this is bad policy that was rejected in the farm bill. As a supporter of the Food Stamp program, a program proven to provide food to hungry Americans, I strongly oppose this amendment. The State of Texas has experimented with privatizing food stamps. That experiment failed. According to a letter signed by 21 organizations opposed to the privatization of the Food Stamp program, "before the State canceled its contract with the private contractors, hundreds of thousands of low-income children and adults were unable to access nutrition and health care assistance that they desperately needed and to which they were entitled by law."

Privatization of the Food Stamp program failed in Texas. We should not put more families at risk by extending that failed experiment to other States. The amendment deserves to be defeated. I urge my colleagues to vote no, if, in fact, the amendment is offered.

Madam Speaker, I will insert letters opposing privatization of the Food Stamp program into the RECORD at this point.

JULY 10, 2007.

*U.S. House of Representatives, Committee on Agriculture, Washington, DC.*

DEAR REPRESENTATIVE: When the full House Agriculture Committee marks up the nutrition title of the Farm Bill, we urge you to oppose any effort to strike or weaken a provision clarifying the existing requirement that state civil service employees conduct the Food Stamp eligibility determination process.

This "merit-system" requirement has been part of the Food Stamp program since its inception. It is intended to protect the integrity of the program and ensure fair and equal access and treatment for all applicants.

We are extremely concerned about replication of the Texas experience of privatizing most of the work leading up to the final eligibility determination in its Food Stamp, Medicaid and TANF programs. Indiana is already proceeding down the same path despite the Texas failure. In Texas, before the state canceled its contract with the private contractors, hundreds of thousands of low income children and adults were unable to access nutrition and health care assistance

that they desperately needed and to which they were entitled by law.

When states privatize such important and inherently governmental functions, the contracts often create incentives for private companies to reduce access to the program in order to maximize their profits. "Streamlining the work" often comes at the expense of the most difficult to serve, including the elderly who have hearing problems on the phone and have no internet access, the disabled, the homeless, and people with limited English. In addition, it actually may create new inefficiencies that delay the processing of needed benefits.

Privatization is not necessary for states to modernize their application process. This spring, the Government Accounting Office documented that most states have implemented call centers and internet using their public employees. We strongly urge you to support the provisions in the subcommittee bill that clarify the merit system requirement.

Sincerely,

AFL-CIO; Coalition for Independent Living Options; Coalition on Human Needs; Congressional Hunger Center; Food Research and Action Center; Leadership Conference on Civil Rights; Migrant Legal Action Program; National Council on Aging; National Council of Jewish Women; National Education Association; National Farmers Union; National Low Income Housing Coalition; NETWORK, A National Catholic Social Justice Lobby; OMB Watch; RESULTS; The Arc of the United States; The Salvation Army; United Automobile Workers; United Cerebral Palsy; USAAction; Voices for America's Children; Wider Opportunities for Women.

JUNE 15, 2007.

DEAR REPRESENTATIVE: We are writing to ask for your strong support for a provision in the food stamp portion of the farm bill that reaffirms and clarifies the existing requirement for public employees in merit-based personnel systems to conduct the eligibility determination process for the food stamp program.

Over the last several years, the Bush Administration has allowed several states, without going through the required waiver process, to evade the clear Food Stamp requirement for state agencies to perform the inherently governmental function of eligibility determination.

The Texas experience was such a disaster that the state canceled the contract in a little over a year but not before the delivery system for Food Stamps and Medicaid was destabilized. The state wasted over \$100 million; hundreds of thousands of Medicaid and Food Stamp applicants either lost benefits or never got through the system to get them; and personal financial information went to a warehouse in Washington State.

Although Indiana is just in the early stages of a 10-year contract worth \$1.1 billion, early reports from some advocates are very troubling. They report an intense atmosphere of intimidation among the contract staff that is pitting their job security interests against the interests of applicants seeking nutrition and health assistance; new procedures that are likely to create formidable obstacles for many applicants to get through the process successfully; and a policy that appears to prohibit staff from discussing the application process for this public program with outside advocates for applicants.

Public disclosure, privacy protections, and impartial, fair administration are key elements in civil service and other public per-

sonnel standards. They are designed to ensure that the public has a right to and receives fair, nondiscriminatory treatment that is accountable to the taxpayers. These privatization efforts, in contrast, appear not only to shield much of the operation of the new systems, but also to reorganize them in a way that will make it very difficult for applicants to get the assistance they have a right to receive.

Increasingly, middle class workers find themselves losing good jobs and forced to take new ones at much lower pay. The instability of their jobs and the downgrading of their economic circumstances mean that they may have to resort to economic safety net programs such as the Food Stamp program for temporary help.

We strongly urge you to support the provisions clarifying the public administration requirement in the Food Stamp program. Now is not the time to put the public interest in private hands.

Sincerely,

AFSCME: AFL-CIO; American Federation of Government Employees; American Federation of Teachers; Communication Workers of America; International Association of Machinists and Aerospace Workers; International Federation of Professional and Technical Engineers; International Brotherhood of Electrical Workers; International Brotherhood of Teamsters; National Education Association; Service Employees International Union; The International Union, United Automobile, Aerospace and Agricultural Implement Workers of America; United Food and Commercial Workers International Union.

AFSCME.

*Washington, DC, July 31, 2007.*

DEAR REPRESENTATIVE: On behalf of the 1.4 million members of the American Federation of State, County and Municipal Employees (AFSCME), I am writing to strongly urge you to oppose an amendment by Representative Conaway to H.R. 3161, the FY 2008 Agriculture Appropriations Bill, which will be considered today. This issue is of enormous importance to my union and to the tens of millions of Americans which rely upon the Food Stamp program for nutrition assistance.

The Conaway amendment is intended to undo a provision in the nutrition title of H.R. 2419 which the House passed last week. That provision clarified the longstanding requirement in the Food Stamp Act that civil service employees conduct the eligibility determination process for Food Stamps. It was necessary because the Administration has reinterpreted the Food Stamp law to allow Texas and Indiana to turn over to private companies most of the eligibility determination process to private companies.

The Texas experiment was a disaster. The State canceled its own contract after about 14 months but not before thousands of families failed to receive benefits to which they were entitled, and sensitive personal and financial information went astray. Now Indiana is proceeding down the same path.

The provision reinforcing the public administration requirement in the Food Stamp program was thoroughly debated in the Agriculture Committee, and several amendments to strike or modify it were defeated. The bottom line is that privatization of the eligibility of the Food Stamp program will open up the floodgates to major costs in benefits for the most vulnerable of our citizens.

AFSCME strongly urges you to oppose the Conaway amendment or any other similar amendment.

Sincerely,

CHARLES M. LOVELESS,  
Director of Legislation.

Madam Speaker, the fiscal year 2008 Agriculture appropriations bill was written and considered in a bipartisan way through the committee process. It is a bill that should receive strong bipartisan support in the House. I urge my colleagues to support this open rule. I support the bill.

Madam Speaker, I reserve the balance of my time.

Mr. HASTINGS of Washington. I yield myself such time as I may consume.

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

Mr. HASTINGS of Washington. Madam Speaker, I want to thank my good friend the gentleman from Massachusetts (Mr. McGOVERN) for yielding me the customary 30 minutes.

Madam Speaker, this Agricultural, Rural Development, and Food and Drug Administration appropriations bill provides more than \$18.8 billion in discretionary spending for the next fiscal year. This bill represents an increase in spending by nearly 6 percent over last year's bill and continues the trend of the Democrat majority choosing to provide spending increases well above the rate of inflation and putting each taxpayer in the country on a path towards an average \$3,000 increase in their Federal tax bill. Madam Speaker, this is too great a burden for the American taxpayer to pay.

As many of my colleagues know, I represent one of the premier agriculture districts in the country. Central Washington is rightfully famous for its apples, cherries, wine and many other farm and ranch products. The programs funded under this bill are of great importance to the communities I represent, and there are some provisions in the bill that I do indeed support.

For example, I am pleased that funding is maintained for rural development, which provides critical financial help to rural communities across the country. This bill also fully funds the Natural Resources Conservation Service, which provides on-the-ground technical assistance to farmers and ranchers dealing with soil and water management issues. I also note that this bill maintains a provision that I have long supported which allows Americans to be able to purchase drugs in other countries at lower prices and bring them back to the United States lawfully.

However, Madam Speaker, I am very disappointed that this bill cuts Agriculture Research Service funding by over \$50 million compared to last year. I represent three Agriculture Research Service labs, two of which are collocated with Washington State University research facilities. Federally sponsored agriculture research not only improves crop productivity, it also helps farmers and ranchers find solutions to

environmental and marketing challenges.

Many agriculture research initiatives were already facing the prospect of cutting essential research programs and researchers. Surely, Madam Speaker, with such a big increase over last year's spending level, we could have found room to at least protect the level of research being conducted today.

I am concerned about the potential impacts of these cuts and what it would mean for facilities in my district, in particular the Agriculture Research Service lab in Prosser. I intend to continue to work with my colleagues from Washington to ensure that we provide the funding necessary to maintain the important agriculture research activities already underway at these facilities.

I am also disappointed that this bill provides only \$10 million for the Specialty Crops Block Grant program. This program provides grants distributed by the State departments of agriculture to assist the development, production and marketing of fruits and vegetables. Earlier this year, I joined a bipartisan group of my colleagues in asking that this program be fully funded at the \$44.5 million level. This bill falls far short on this account.

Madam Speaker, if we pass this rule today, the House will begin consideration of the Agriculture, Rural Development, and Food and Drug Administration appropriations bill. While this must be accomplished in a timely manner, the Senate in fact will not begin consideration of this bill until September and there is, frankly, a more pressing issue facing our Nation today.

Watching the news and reading the newspapers, Americans are reminded each day that the United States remains vulnerable to another terrorist attack. It is vital that our laws keep us one step ahead of the terrorists, but currently, Madam Speaker, we lag behind.

Right now, Federal law ties the hands of our intelligence community, causing them to miss significant portions of intelligence, all because technological advances have outpaced Federal law. We cannot wait to respond only after another attack. We must act today.

Therefore, Madam Speaker, I will be calling on my colleagues to vote "no" on the previous question. By defeating the previous question, we will give Members the ability to vote today on the merits of changing current law to ensure our intelligence community has the tools they need to protect our Nation from a potentially imminent terrorist attack.

Madam Speaker, I reserve the balance of my time.

Mr. McGOVERN. Madam Speaker, before I yield to the next speaker, I just want to make a couple of observations. I find it somewhat ironic that my Republican friends, on the one hand, complain about the size of the bill, the overall amount of money that

has been put into this bill; and then they complain about the programs that haven't been funded enough on the other hand. You can't have it both ways. I guess there is no pleasing them.

The other thing, too, is the vote on the previous question has nothing to do with the underlying bill. But I will remind my colleagues that in addition to the many good things that this bill does for rural America and for farmers and for feeding hungry people, there is a national security component to this bill as well. This bill contains money to help protect the American people from contaminated food that may cross our borders into our country. This is about food security. So this is a vital part of protecting the American people, and I don't think that should be lost.

Madam Speaker, I yield 3 minutes to my good friend, the distinguished gentleman from California (Mr. CARDENAS), my colleague on the Rules Committee.

Mr. CARDENAS. Madam Speaker, I would like to thank my friend from Massachusetts for yielding.

Madam Speaker, as a subcommittee chairman on the House Agriculture Committee and as a member of the Rules Committee, I am pleased to rise in support of the Agriculture appropriations bill before us today.

One of the reasons the farm bill that we just passed last week was so hard to put together was over the past years the Republican appropriators had repeatedly chipped millions and millions of dollars out of mandatory farm bill programs, specifically in the area of research, and research is an area that has been woefully inadequately funded in previous years. As a result, the rest of the world has been catching up, and we have been struggling to maintain our preeminence in agriculture in the last few years.

We used to have a \$30 billion trade surplus in agriculture, and now, like in everything else, we are falling behind and having that traded away. If we aren't careful, we are going to become a net importer of agriculture for the first time in the history of the United States. It is bad enough that countries like China, Japan and Saudi Arabia are already our bankers. We cannot afford to let them become our farmers, too.

This bill represents a stark difference from the drastic cuts we have seen in recent years. Members of the Agriculture Committee and the Appropriations Committee were vigilant to ensure that we met the promises we made, especially in the areas of research, food safety and nutrition.

I do have some concerns, however, about the horse slaughter transportation language contained in the bill which could have unintended consequences on the horse racing industry, an industry I have strongly supported since my time in the California legislature.

□ 1230

I am hearing from a lot of my constituents back home that have serious

problems with the potential workability and practicality of some of that language. My good friend from California (Mr. COSTA) and I are working with Mr. CHANDLER and Chairwoman DELAURO to correct this problem.

Madam Speaker, this is a good bill. It follows through on our commitments, reinvests in rural America, improves nutrition for millions of Americans, and puts us on the right track by making sound investment in research, and will help us maintain our standing in the world as undisputed agricultural leaders.

I also want to thank and say something about our wonderful chairwoman, Ms. DELAURO. Without her help, we would not have been able to write the farm bill we wrote last week. She is a tireless advocate for her concerns in specialty crops and farmers markets and nutrition and making sure that our young people eat nutritious food, and also food safety. With her leadership, we got the farm bill done. With the leadership of COLLIN PETERSON, we got the farm bill done. And with the leadership of Speaker PELOSI, we were able to write a good farm bill for America.

I want to thank the chairwoman and all those who helped. She has done an unbelievable job shepherding this bill through her committee and to the House floor. I thank her and congratulate her on meeting the needs of America's farmers.

Mr. HASTINGS of Washington. Madam Speaker, I am pleased to yield 4 minutes to the gentleman from Michigan (Mr. ROGERS), a member of the Intelligence Committee.

Mr. ROGERS of Michigan. Madam Speaker, I rise reluctantly today to point out something that I think is incredibly important. The ag work that you have all done is important, and agriculture is certainly an important part of our American economy. And our ability to feed ourselves is critical to our national security.

But we also have another national security issue of which we cannot get the attention that it so deserves. After 9/11, we put together these commissions, the 9/11 Commission, to say, Hey, what went wrong?

We decided we would merge a whole department together and call it the Department of Homeland Security to best meet the needs and safety and security of the homeland. We did all of these things in preparation for what we knew was likely to occur, and that is certainly another attempt by terrorists to attack the United States of America.

And one of the things that we did through all of that is said we have to give law enforcement, our intelligence services, every tool that we can find to make America safe, because we have asked a lot of them.

We have said we want you to go to the most dangerous places in the world and find bad guys and stop terrorist plots against the homeland. We told our FBI to work long hours and week-

ends, spending a lot of time away from their families, to make sure that no terrorist plot is successful in the United States of America.

But today, we allow more conversations between known terrorists overseas talking to known or unknown terrorists overseas to go unheard because of a quirk in the law. We have been asking day after day, week after week, month after month, please, for the safety and security of the United States of America, let's have the courage to fix this law so we can protect America.

Right now and today, there is a terrorist conversation happening overseas that we are not allowing our law enforcement, our intelligence services, to monitor. Overseas, with non-United States citizens. I was an FBI agent for about 6 years, and I understand and appreciate the probable cause standard of which we engage to American citizens, and it is right that we do that. It is right that it is difficult to get a warrant to intercept their conversations because that is who we are in America and we should cherish it for our citizens.

But to tell them that we expect them to stop terrorist attacks against America, and we allow all of these known conversations to go unlistened to at a time when we know that they are heightening up to do something is irresponsible, if not criminal.

This is important what you talk about. This is more important. We should not leave this Chamber today, tomorrow, or at the end of the week without fixing this critical national security problem to the United States of America. It is wrong. We have soldiers in harm's way. We have intelligence officials in harm's way. We have domestic law enforcement in harm's way. Let's stand with them today, defeat this rule, fix this problem, and move on to the other important issues of the day. It is that important.

And don't kid ourselves. We cannot kid ourselves, Madam Speaker. This is that serious. You know, when a very distinguished member of the Cabinet stands up and says "I have a gut feeling," that is not a gut feeling. It is based on a whole series of pieces of information that doesn't say when or where or what, but it says something is happening. There is a ramp-up. There is lots of activity; there is lots of chatter. Something is going on, and yet we stand here blinded. We can't hear. We are not allowing them to see where the trouble is next brewing. It is wrong. We need to fix it.

We should stand in unanimity today and defeat the previous question so that we can fix this problem and move on and keep America safe.

Mr. MCGOVERN. Madam Speaker, I am sorry my friends on the other side of the aisle don't seem to put a high priority on agriculture and on the need to support our farmers and the need to feed hungry people in this country.

You want to talk about a national security challenge, there are 35 million

Americans in this country today who are either hungry or food insecure, in large part because of the Republican agenda to erode the safety net over the last several years.

There is money in this bill for food safety and inspection, money to support the Food and Drug Administration so people don't get contaminated drugs.

No, I am not going to yield to the gentleman.

These are vital national security interests. And it is about time we get our priorities straight. We need to pass this bill, just as we needed to pass the farm bill to help fix the damage that they have done over the last several years. So enough is enough. This is an important bill. If you don't think it is an important bill, then vote down the rule. Defeat the rule so we don't debate issues like agriculture and food security and support for the hungry in this country.

I would strongly urge my colleagues to vote for this rule.

Madam Speaker, I yield 2 minutes to the gentleman from Vermont (Mr. WELCH).

Mr. WELCH of Vermont. Madam Speaker, I thank the gentleman from Massachusetts for his extraordinary leadership, along with the Chair of the subcommittee, my colleague from Connecticut, for her lead on nutrition.

We are in the process of changing priorities in this country. Today, the House will be taking up the 11th of 12 appropriation bills where we will continue the process of taking this country in a new direction.

This agricultural appropriations bill makes a solid statement of confidence in the future of rural America, and it makes a solid statement of recognition about the diversity and vitality of our rural economy.

Let me just mention a few things that highlight what this program is doing.

Number one, a strong farm economy where we have our farmers being the custodian of our landscape requires conservation; \$980 million is in this bill for conservation.

Rural development is critical to our economy. Broadband, among other things, is a major investment in this bill, and we are treating the rural economy with broadband, much like we did with electricity. That has to be a full partner, not a second-class citizen when it comes to the development of the infrastructure that is essential to building our economy.

A strong rural economy is based on a well-fed country, and that means prosperous farmers. There is a record \$13.9 billion for school meal programs, \$39.8 billion for food stamps, and \$5.6 billion for the Women, Infant and Children program.

There is also in this bill, as the gentleman from California has said, a major investment in nutritious food, vegetables and fruit. And I thank the gentleman from California for his leadership on that.

This bill and this rule is going to take America forward. A strong rural economy is essential to America.

Mr. HASTINGS of Washington. Madam Speaker, I yield myself 2 minutes.

Madam Speaker, I am disappointed my friend from Massachusetts would not respond to my asking him to yield when he spoke just a moment ago, and I am not discounting at all how important the provisions in this agriculture bill, how important they are, notwithstanding some of the problems that I have.

But this issue that we are talking about, the Foreign Intelligence Surveillance Act, or FISA, is very important and it is timely right now. Right now.

Let me explain how this process works, because this does not slow down. And I shouldn't say it doesn't slow it down; it slows it down for one hour. Can't we take 1 hour to debate this issue?

If the previous question is defeated, and I will call for it to be defeated on the floor. If it is defeated, then the rule will be amended to take up the Foreign Intelligence Surveillance Act amendments for one hour to debate up or down.

This issue is very, very important and it is timely that it gets acted on before Congress leaves for the August district work period. So this does not slow down agriculture. It is not saying anything disparaging about agriculture.

And, frankly, Madam Speaker, I should know. I live in an agriculture-based economy. All of my neighbors are involved, in one way or the other, in agriculture. So I should know the importance of it.

But I also know the importance of taking up this issue regarding FISA and doing it right now, doing it this week, doing it today, by defeating the previous question.

Madam Speaker, I reserve the balance of my time.

Mr. McGOVERN. Madam Speaker, I am proud to yield 7½ minutes to the gentlewoman from Connecticut (Ms. DELAURU), the Chair of the subcommittee, who has done an incredible job putting this bill together, a bill which will help feed millions of people in this country and around the world.

Ms. DELAURU. Madam Speaker, I thank the gentleman for his concern and his compassion and his indefatigable work on the issue of making sure that those in our Nation who are hungry are able to get the food that they need in order to be able to sustain themselves.

I also want to say a thank-you to my colleague from California for his kind words and working with him on the farm bill.

Madam Speaker, I look forward to debating this bill and discussing our priorities. We are going to cover a lot of ground today with a wide ranging portfolio to accomplish quite a lot.

This appropriation covers many subjects. But what runs through every element of this bill is the common thread of our Nation assuming responsibility again for the things we are supposed to get right: keeping our country safe and healthy, preserving and strengthening our rural traditional communities, and thinking about problems that we have on the horizon, like energy, and not just thinking about today's problems.

I want to say thank you to Chairman OBEY for his leadership and to our ranking member, Congressman KINGSTON, a partner in this effort. I believe together we have crafted a strong and bipartisan, responsible bill.

Our top priority has always been to move with a clear purpose in a direction towards several key goals: strengthening rural America; protecting public health; improving nutrition for more Americans; transforming our energy future; supporting conservation; investing in research; and finally, enhancing oversight.

Our bill provides total discretionary resources of \$18.8 billion, \$1 billion or 5.7 percent above 2007 and \$987.4 million or 5.5 percent above the budget request. To be sure, a full 95 percent of the increase above the budget request, or \$940 million, is used to restore funding that was either eliminated or cut in the President's budget, to acknowledge and to meet our obligation to hundreds of communities and millions of Americans.

When it comes to strengthening rural America, our first goal, our efforts have been critical to try to facilitate growth and to soften the impact of population loss in rural America. This bill provides \$23.1 million in grants to rural areas for critical community facilities such as health care, education, public safety, day-care facilities. It also provides increases in the community facility loan programs. It provides \$10 million more than the President requested for distance learning telemedicine grants, and it includes \$728.8 million to support community facilities, water and waste disposal systems, and business grants.

We also make significant investments in rural housing: \$212.2 million to fund \$5.1 billion in affordable loans to provide housing to low-income and moderate-income families in rural areas, providing approximately 38,000 single-family homeownership opportunities.

On our second priority, protecting public health, the subcommittee stepped up from spinach and seafood to peanut butter and pet food. This has shown that our food safety system is dangerously inadequate and that we must transform the way we meet our obligation to protect the public health. So the bill provides \$1.7 billion for the Food and Drug Administration, \$128.5 million over 2007, \$62 million over the budget request, and the first step in a fundamental transformation in the regulation of food safety at the FDA.

□ 1245

The bill directs the FDA to submit a plan to begin changing its approach to food safety when it submits the fiscal year 2009 budget, giving the committee time to review the plan before the funds to implement it become available on July 1, 2008.

We can help with additional resources, but there's also a need to have a corresponding commitment from management to perform its duties.

Funds are provided specifically to begin a critical transformation in food safety regulation, enhanced drug safety functions, review direct-to-consumer ads and review generic drugs.

Our next goal was improving nutrition, and I am proud of the progress we made on this issue. With the farm bill last week, this bill includes \$39.8 billion for the Food Stamp program to meet increased participation and ensure rising food prices do not diminish families' purchasing power.

The bill also provides record funding for two fundamental food security programs which our country's most vulnerable population: the Supplemental Nutrition Program for Women, Infants and Children, the WIC program, and the Commodity Supplemental Food Program. These efforts go hand-in-hand with ongoing initiatives.

\$957.7 million for nutrition programs to confront our Nation's obesity, instilling better eating habits in our children, giving them the tools and choices to avoid diabetes and other dangerous health conditions.

It includes record funding of \$68.5 million for the expanded Food and Nutrition Education program; \$26 million to expand the fresh fruit and vegetables and the Simplified Summer Food Program to all States; and \$10 million for specialty crops, yes, for fruits and vegetables.

And when it comes to other key objectives, transforming our energy future, supporting conservation and investing in research, we step up with this bill. This legislation strengthens bioenergy and renewable energy research \$1.2 billion, including loans and grants in rural areas. It restores many of the conservation programs slated for elimination in the President's request, including grazing lands, conservation initiatives, the Wildlife Habitat Program, watershed rehabilitation; and provides \$979.4 million to continue assistance to landowners for conservation efforts on private land.

And yes, with regard to research, \$178 million for cooperative State research education and extension service, and \$108.9 million of that is for research and education. Overall, we have increased research.

Finally, the bill is dedicated to enhanced oversight. We share the concern about fraud, waste and abuse, and we have key language in here which would allow the risk management agencies to use up to \$11.2 million in mandatory crop insurance funds to strengthen its ability to oversee the program by

maintaining and upgrading IT systems and other methods of detecting dubious claims.

I'm proud of the bill, its priorities and the goals that we set out to accomplish. I will continue to discuss some of the obligations of this bill later today, and the Congress has chosen to highlight and return to after many long years of inaction and silence. I'll continue to discuss and recognize the values and the priorities that my colleagues and I have sought to uphold, to strengthen and to honor with this bill.

I urge my colleagues to support the rule.

Mr. HASTINGS of Washington. Madam Speaker, I am pleased to yield 5½ minutes to the ranking member of the Ag appropriations committee, Mr. KINGSTON of Georgia.

Mr. KINGSTON. Madam Speaker, I thank the gentleman for yielding, and I thank the chairman pro tempore of the Rules Committee for an open rule on this. I think it is important, and we appreciate that.

I certainly thank the chairman of the committee, Ms. DELAURO, for her hard work on it, and I have had a lot of input on it. We've had a lot of good debate on this bill. So it is my intention to support it, but I do have some concerns about the rules which I will address later, but I wanted to go over the bill a little bit.

First of all, I wanted to get Members a little bit focused on the Ag overall picture. Number one, the whole bill is about \$100 billion. We're actually debating \$18 billion. There's another \$79 billion in what we call around here mandatory spending, which is not mandatory, by the way. It is just that we don't want to go back to the bottom line and start all over again. That's what the farm bill's going to do or whatever, but I just wanted to point out, it's real important that the ag programs are actually about one-third of the entire bill, that there's a lot of nonagriculture, nondirect farm programs.

That's important because the rural community comes under such criticism that, well, why is the farm bill so big when less than 2 percent of our population are farmers? Well, the reason is, of course they feed 100 percent of us and we all eat their product, which is food. I wanted to point that out and then show you this mandatory versus discretionary portion of the bill.

The red portion we don't really debate; we don't control in the Appropriations Committee. That's what they do in the Ag Committee, and I don't think they did a very good job this particular year in all the parts of it because they didn't delve into some of this stuff.

The discretionary portion, again, is \$18 billion. It's above last year's, and it's about a 3.6 percent increase over last year, or 5.9 percent. Because of that, it's going to be a veto target by the President. The Republican Party says the spending level is too high, and

I think that we have to know that we can't pass this by a veto-proof majority, and so perhaps if we went back to the drawing board here it would be good.

The second point I want to make ties directly into this debate that's going on on the Foreign Intelligence Surveillance Act. Now, this agriculture bill, should we pass it tonight or tomorrow, will go to the Senate, and it will sit, and unlike wine, it doesn't get better over time. It just sits, and what's going to happen, more and more people will delve in and more and more special interests will, and it will pile up with the rest of the appropriation bills.

It's a little bit silly. In fact, we're maybe like the little lab rats going round and round in a circle in hopes of getting somewhere when we know doggone good and well all that's going to happen in the Senate is this thing is going to sit. And yet, because of that, because of our urgency to pass Agriculture, we're going to ignore the Foreign Intelligence Surveillance Act. And it doesn't make sense not to just stop a minute or an hour and get that done and then come back to Agriculture because it is not going to move.

There's some concerns also that I wanted to bring out when it comes to the Food and Nutrition Service. Now, my friend Mr. McGOVERN has worked very hard on hunger, and he has a sincere passion for that, which is important. But the charge that we have underfunded hunger in the past years under Republican control is really not accurate at all.

Here is the spending chart on food and nutrition programs since 2001, and as you can see, it goes up in a linear manner, and now under the Democrat rule it goes up about the same. There's not some huge deficit in hunger. In fact, I would say to you quite clearly, we spent more time talking about obesity than we did hunger, and I'm not saying hunger's not something that we all have a lot of concern about, but let's make no mistake. The spending on nutrition and food has gone up steadily under Republican control, as it has under Democrat control.

I want to say also, I don't think increasing food stamps participation is an achievement that the U.S. Congress should be patting itself on the back. We should move to getting people independent, not more dependent on government largess. We need to work with people to get them independent. And so often our poverty brokers in this world have a perverse incentive to make sure people don't become independent, and I think we need to be mindful of that on any government program.

The Chair has pointed out what we're doing on renewable energy, and that is something that we think the Ag can and should lead on with ethanol and biodiesel and cellulosic ethanol. We've taken great strides in this bill, and I am confident that we are going to have some great progress and great bragging rights on that.

One other issue that we're going to get into later is this overgrab on the horse regulation that, if this bill passes in its current form, you will not be able to export your horse or import a horse. That's not the business of the Federal Government, at least not in a constitutional sense. I believe that a horse is private property and that you should have the right to sell your horse to folks in Canada and Mexico, if you so choose, or take it to a horse show over there. We will debate that later, and I thank the gentleman and I thank the Chair.

Mr. McGOVERN. Madam Speaker, let me just respond to the gentleman briefly by saying if the Republican Congress over the years has done such a good job in combating hunger and food insecurity in this country, why are there 35 million Americans that are categorized as hungry and food insecure?

In response to the idea that we want more Americans to be "independent," we all want that. The bottom line is that Republican policies which took away indexing of food stamps back in 1996 has made it possible for many people not to be able to transition for food stamps.

The fact of the matter is the majority of people who are on food stamps today are working families. They are trying to be independent. They're working hard, and yet because we have failed to index food stamps to keep up with the cost of living, we've all given ourselves pay raises here. So obviously we feel the cost of living does have an impact, but yet we haven't done it to the most vulnerable.

Madam Speaker, I reserve the balance of my time.

Mr. HASTINGS of Washington. Madam Speaker, I am pleased to yield 3 minutes to the gentleman from Kansas (Mr. TIAHRT), a member of the Appropriations Committee.

Mr. TIAHRT. Madam Speaker, I thank the gentleman from Washington.

I rise in opposition to the rule and also to the underlying Ag bill for a couple of reasons. One is the current trend that we're seeing played out on the floor of the House. We saw it last week as we addressed the farm bill, and it seems like the bill that once was designed to make sure that we had a low-cost, stable food supply is moving money out of the rural areas and being hijacked into the urban areas.

And you look at the pie chart of the total funding of the Ag appropriation that was used earlier, you can see that 35 percent of this pie chart is the agricultural side of the programs and 60 percent, almost two-thirds, is the domestic food assistance. Now, nobody thinks it's bad to feed people who are having a tough time, and we must be doing a very good job of it because the number one problem for people in poverty today is obesity. Maybe we're giving them the wrong foods. We should go back to the basic foods that we present them, but this big shift in funding is accentuated in the current farm bill that was passed last week.

The farm commodity portion in the bill that we passed last week is only 14 percent of total spending, and if you look at how it's been reduced in this Ag appropriations bill, it's a continuation of movement from helping the rural areas, moving it into the urban areas. And I think that's a reflection that only 2 percent of our population are farmers in America today.

In small States like the ones that I represent, in Kansas with only 3 million people, we only have four Representatives. And when we try to fight for rural development and for rural agricultural programs, we hope that we can keep our economy strong in those rural areas. But we also want to make sure that the benefits that were designed to keep a low-cost, stable food supply don't get hijacked and sent to the urban areas. This is something that I believe has developed just over this last year.

In the past, just a short story, how we have given farmers more opportunity in the past, now that has changed in Ag policy. Opportunity is dwindling for farmers.

In 1996, we had four farmers in Kansas who raised cotton. The farm bill then, the Freedom to Farm Act, allowed farmers to expand their product lines. Now we have over 50,000 acres of cotton in Kansas. We have a dozen cotton gins. We expanded their financial base a lot by giving them more opportunity.

Under the current plan, which is exhibited here with the shifting of emphasis to the urban areas, we're taking a lot of the opportunity away from the farmers and giving them less opportunity, while more opportunity is going to the urban areas.

So I'm opposed to this bill. I'm opposed to the rule because I don't think it gives us an opportunity to turn this trend around. I don't think it gives us an opportunity to get the assistance where we need it in the rural areas so we can develop the infrastructure necessary to build a strong economy to allow the agriculture to grow for the future so we have a low-cost, stable food supply well into the future.

□ 1300

Mr. McGOVERN. Madam Speaker, just in brief response to the gentleman, this is an open rule. He can amend this any way he wants to. We hear complaints from the other side that they want more openness. This is as open as you can get.

So I don't know why he would have a problem with the rule. Obviously we have different priorities in the underlying bill, but he can amend this any way he wants. That's what an open rule allows him to do.

Madam Speaker, I yield 1½ minutes to the gentlelady from Connecticut to counter some of the arguments that were just made.

Ms. DELAUR. I just want to let the gentleman from Kansas understand about feeding programs in the United

States, and I will get a copy for you, send it over to you, something called the Carsey report that just came about a week, a week and a half ago, which talks about 40 percent, 40 percent of children in rural America are dependent on food stamps.

This bill has gone a great distance to address the issues of rural America, including the farm issues of trying to link what is produced on the land with those who are in need of food, trying to deal with an opportunity to create a more stable economy in rural America when the President's budget, in fact, has left rural America pretty much decimated; \$940 million of this bill and this increase has been placed to restore the programs mainly in rural America that the administration had either cut back or eliminated.

Mr. HASTINGS of Washington. Madam Speaker, I yield 1 minute to the gentleman from Kansas (Mr. TIAHRT).

Mr. TIAHRT. I would like to thank the gentleman from Washington, and I would like to respond to the gentlelady from Connecticut. It is true, the Carsey report is true that 40 percent of rural America does rely on food stamps. The problem is, there is a lot of poverty there because we have not done the right thing on building infrastructure in the rural areas.

It's the shift from this low-cost stable food supply we have had in the past and the help we had to build that infrastructure. The finances are now shifting to the urban areas because we have so many urban Members of Congress. The Democrat leadership has been allowing that to happen.

It's true there are \$940 million put in this bill for the rural areas, but it's an \$18 billion bill. It has \$18 billion; \$940 million of it is not a very big chunk of that.

I just think that we are seeing a bad trend here in America. The Democrat leadership is allowing this trend to continue where resources are being shifted out of the rural areas, because there are a high number of urban Members of Congress, and they are leaving farmers vulnerable who are trying to keep this low-cost stable food supply available, and trying to keep the agricultural exports growing.

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

The House of Representatives is expected to adjourn later this week for the August district work period. This district work period gives Members the opportunity to leave this humid area in Washington D.C. to work in their respective districts and listen to what is on the minds of the people that we all represent. Congressional ratings are at an all-time low, and I feel that is in part due to the fact that Congress is failing to address pressing issues.

I am asking my colleagues to vote "no" on the previous question, as I mentioned earlier. Voting "no" will not delay the consideration of the Ag-

ricultural, Rural Development, Food and Drug Administration appropriations bill.

Let me qualify that. It will delay it for 1 hour. It will, however, give Members the opportunity to vote on the merits of updating current law so that our intelligence community has the tools it needs to monitor the telephone conversations of foreign terrorists physically located in foreign countries. Let me repeat that, foreign terrorists in foreign countries.

I hope that the Democrat majority will not stall any longer in allowing the House to vote on this very vital issue. Each minute we wait to act, our Intelligence Committee could be missing vital information, therefore increasing our risk of another attack on U.S. soil.

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

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

There was no objection.

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

Mr. McGOVERN. Madam Speaker, let me just say I am disappointed with my colleague from Washington and others who have come to the floor to try to bring back an oldy but goody that the Republicans like to invoke, and that is the politics of fear. Maybe Karl Rove went down to the Republican National Committee and briefed them and said everything else is failing for the Republicans, they are at an all-time low in the public opinion poll, so trot out the politics of fear again and scare the American people.

Well, the fact of the matter is, as the gentleman knows, the administration, the Bush administration, and the Speaker's Office are in negotiations on trying to reach an accommodation on this FISA issue. If you don't believe me, it was in Congressional Quarterly. What Congressional Quarterly also stated was that the Republicans in the House, however, were trying to drag their feet.

If you don't want to join in the deliberation, that's your problem. We will work something out, hopefully with the administration, and bring this issue to closure.

But let me say one other thing why we need to be very, very careful on this. We need to be very, very careful about giving even more broad unchecked authority to Alberto Gonzales and his crew. Quite frankly, I wouldn't trust the Attorney General to tell me the correct time, never mind stand up and defend the civil liberties of anybody. That's why Democrats are continuing to work with the White House to get a tough, smart FISA bill to put together, and I expect that we will do that. What the gentleman and others are going to decide to do right now is plain politics.

Back to the main subject here, which is the farm bill. This is a good bill for farmers. This is a good bill for people who are vulnerable, who have been shortchanged by the administration in the Republican Congresses when it comes to food security. This is a good bill for America.

I congratulate the distinguished gentlelady from Connecticut for working together so hard to put together a bill we can be proud of. Vote "yes" on the previous question, and vote "yes" on the rule.

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

AMENDMENT TO H. RES. 581 OFFERED BY MR. HASTINGS OF WASHINGTON

At the end of the resolution, add the following:

Sec. 3. That immediately upon the adoption of this resolution the House shall, without intervention of any point of order, consider the bill (H.R. 3138) to amend the Foreign Intelligence Surveillance Act of 1978 to update the definition of electronic surveillance. All points of order against the bill are waived. The bill shall be considered as read. The previous question shall be considered as ordered on the bill to final passage without intervening motion except: (1) one hour of debate on the bill equally divided and controlled by the chairman and ranking minority member of the Permanent Select Committee on Intelligence; and (2) one motion to recommit.

(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 general 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.

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.

#### MESSAGE FROM THE SENATE

A message from the Senate by Ms. Curtis, one of its clerks, announced that the Senate has agreed to a concurrent resolution of the House of the following title.

H. Con. Res. 175. Concurrent resolution expressing the sense of Congress that courts with fiduciary responsibility for a child of a deceased member of the Armed Forces who receives a death gratuity payment under section 1477 of title 10, United States code, should take into consideration the expression of clear intent of the member regarding the distribution of funds on behalf of the child.

#### LILLY LEDBETTER FAIR PAY ACT OF 2007

The SPEAKER pro tempore. Pursuant to section 2 of House Resolution 579, proceedings will now resume on the bill (H.R. 2831) to amend title VII of the Civil Rights Act of 1964, the Age Discrimination in Employment Act of 1967, the Americans With Disabilities

Act of 1990, and the Rehabilitation Act of 1973 to clarify that a discriminatory compensation decision or other practice that is unlawful under such Acts occurs each time compensation is paid pursuant to the discriminatory compensation decision or other practice, and for other purposes, as amended.

The Clerk read the title of the bill.

The SPEAKER pro tempore. When proceedings were postponed on Monday, July 30, 2007, 6 minutes remained in debate.

The gentleman from New Jersey (Mr. ANDREWS) and the gentleman from California (Mr. McKEON) each control 3 minutes.

Mr. ANDREWS. Madam Speaker, in order to speak in favor of this restoration of the law, I am pleased to acknowledge the majority leader of the House for 1 minute.

Mr. HOYER. I thank the gentleman.

Madam Speaker, when the Supreme Court wrongly decides a case, as they do from time to time, particularly when congressional intent is at issue, the United States Congress can and should act to remedy it. That is precisely what this carefully crafted measured legislation, the Ledbetter Fair Pay Act of 2007, is designed to do.

I thank the gentleman from New Jersey (Mr. ANDREWS), and I thank the ranking member as well for the work that they do on this committee.

Make no mistake. The Court's 5-4 decision on May 29 in *Ledbetter v. Goodyear* was wrongly decided. The merits of Lilly Ledbetter's wage discrimination claim seemed beyond doubt. A Federal jury agreed that she was discriminated against. The Equal Employment Opportunity Commission agreed with Ms. Ledbetter's claims, although the Bush administration switched its position once the case got to the Supreme Court.

Most importantly, Lilly Ledbetter was paid less than all of her male counterparts, all of her male counterparts, even those who had less seniority. This clearly was not a case where her performance was suspect. Goodyear gave her a top performance award in 1996.

The fact is, the Court majority took an extremely cramped view of the title VII of the Civil Rights Act, holding that Ms. Ledbetter and claimants like her must file their pay discrimination claims within 180 days of the original discriminatory act. In other words, even if the discriminatory acts continued, every week, every biweek, every month, that they would have to look back to the original first check.

There are at least three serious problems with the Court's flawed analysis. First, the unlawful discrimination against Ms. Ledbetter did not begin and end with Goodyear's original decision to pay her less than they paid her male counterparts.

In fact, every paycheck that Lilly Ledbetter received after Goodyear's decision to pay her less was a continuing manifestation of Goodyear's illegal discrimination. As Justice Ginsburg said