

During his distinguished career, Judge Brieant received many awards and honors including the Servant of Justice Award from the Guild of St. Ives in 1998 and the Edward Weinfeld Award for Distinguished Contributions to the Administration of Justice in 2006.

During his lengthy career, Judge Brieant rendered many important decisions, including the Texaco bankruptcy case, and the decision to overturn New York's primary system, declaring it "unconstitutionally discriminating" by diluting the voting strength of minority voters. He was known as a strong independent thinker, a true gentleman, and a mentor to young lawyers.

It is both fitting and proper to honor Judge Brieant's distinguished public career with this designation. I urge my colleagues to join me in supporting H.R. 6340.

## HOUSING AND ECONOMIC RECOVERY ACT OF 2008

SPEECH OF

**HON. JOE BACA**

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

*Wednesday, July 23, 2008*

Mr. BACA. Mr. Speaker, the foreclosure crisis is hurting communities all across the Nation and my district has been especially impacted: In San Bernardino County, 11,817 notices of default were recorded in the first quarter, 130 percent more than a year earlier.

Everyone pays when there are foreclosures. Crime increases, home values decline, schools are affected, and cities run deficits which impacts revenues for local police, fire, and social services.

Last Wednesday, I came to the floor in support of a legislative package that would stimulate our Nation's struggling economy and help prevent foreclosures. The House passed the American Housing Rescue and Foreclosure Prevention Act of 2008 with bipartisan support on that same day and the Senate approved it last Saturday, sending the bill straight to the President for his signature.

I am particularly pleased that the final package included an important housing counseling provision which I offered with support from Reps. MAHONEY from Florida and MCCARTHY from New York. This provision directs the Neighborhood Reinvestment Corporation to give greater consideration to counseling agencies that have a demonstrated track record in working with servicers and that provide in-person contact and in-person [face-to-face] housing counseling to borrowers in trouble when awarding their grants. It evolved out of the growing concern that despite all of the media attention given to the foreclosure crisis, as well as the creation of the HOPE Now Alliance, many homeowners were still not receiving assistance they needed to avoid entering foreclosure. According to a Freddie Mac study, 56 percent of homeowners don't even know free counseling exists. Also, counselors across the country have reported delays and challenges connecting with telephone counseling. Counselors that receive referrals from hotlines often have to start fresh with the client, and language minorities report having difficulty reaching a live counselor.

Whenever possible, in-person foreclosure counseling is preferable over telephone coun-

seling alone. In fact, one-on-one counseling is shown preference in the HUD Housing Counseling Program—one that has demonstrated enormous success.

Of course, the intention of this provision is not to exclude any struggling family. If telephone counseling is the only means of support available, the family should absolutely have access to it. The intention is to promote first the most effective and efficient services to families, then ensure a back up is in place. Telephone counseling should augment and supplement in-person counseling when it is unavailable or work is overflowing. Not the other way around.

The intent of the effort which I have described is to make housing counseling dollars as effective as possible and to reach as many borrowers in trouble as possible. Providing in-person outreach to homeowners in trouble and in-person housing counseling is more effective than just sending a default notification in the mail. Having someone individually reach out to these borrowers to work through their options to avoid foreclosure by analyzing their specific situation, including their loan document, is a necessary line of prevention and defense.

My amendment simply directs some of the counseling funding in the American Housing Rescue and Foreclosure Prevention Act (H.R. 3221) to organizations that already promote this proven method.

It is our hope that the lenders, servicers, and federally regulated and federally chartered institutions like the GSEs and HUD would also do everything possible to include in-person outreach and in-person counseling in their efforts, including working with organizations that have the demonstrated capacity to reach out to homeowners needing assistance. Increasing this type of outreach and assistance is especially critical in non-judicial foreclosure states where notice of default and foreclosure is limited.

We also hope the language in this bill will help level the playing field to ensure organizations with established servicer partnerships and the demonstrated experience and capacity to offer more in-depth service through in-person counseling and outreach can receive grant funding so that they have the resources they need to assist those hard-to-reach borrowers.

This is good public policy and good business because it will increase loan modifications and decrease foreclosures and thereby minimize the adverse impact on local communities. It will also strengthen relationships between counseling agencies, servicers, and lenders to enhance outreach out to borrowers who are behind in their payments. More importantly, it will help keep struggling families in their homes.

Mr. Speaker, I am also pleased that the American Housing Rescue and Foreclosure Prevention Act contains another provision I authored in my bill, H.R. 4019, the Mortgage Disclosure Improvement Act and I want to thank Senator REED (RI) the author of the companion bill, for his leadership in shepherding this provision in the Senate. This provision will ensure that consumers are provided with timely and meaningful disclosures in connection with not just home purchases but also for loans that refinance a home or provide a home equity line of credit. It requires that mortgage disclosures be provided within 3 days of application and no later than 7 days

before closing. This should allow borrowers to shop for another mortgage if they are not satisfied with the terms. If the terms of the loan change, the consumer must be notified 3 days before closing of the changed terms.

If consumers apply for adjustable rate or variable rate payment loans, there will now be an explicit warning on the 1-page Truth in Lending Act form that the payments will change depending on the interest rate and an estimate of how those payments will change under the terms of the contract based on the current interest rate. The bill also provides a new disclosure that informs borrowers of the maximum monthly payments possible under their loan.

The bill provides the right to waive the early disclosure requirements if the consumer has a bona fide financial emergency that requires they close the loan quickly and increases the range of statutory damages for TILA violations from the current \$200 to \$2,000 to a range of \$400 to \$4,000.

Finally, it requires lenders to include a statement that the consumer is not obligated to purchase the mortgage loan just because they received the disclosures. This will give consumers the opportunity to truly shop around for the best mortgage terms for the first time ever. They will be able to compare the payments and costs associated with a certain loan product and decide not to sign on the dotted line if they do not like the basic terms of the loan.

This will help prevent foreclosures in the future especially given the fact that many consumers facing foreclosure on their homes who have adjustable rate mortgages never understood how their loan products worked or how high their payments would be once their loans reset.

## EARMARK DECLARATION

**HON. TOM FEENEY**

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

*Tuesday, July 29, 2008*

Mr. FEENEY. Madam Speaker, pursuant to the Republican Leadership standards on earmarks, I am submitting the following information for publication in the CONGRESSIONAL RECORD regarding earmarks I received as part of H.R. 6599, the FY 09 Military Construction and Veterans Affairs Appropriations bill:

I sent the attached letter to the Appropriations committee members on February 4, 2008 asking for complete funding for the veterans hospital being built in Orlando, FL.

The funds for the new medical facility in Orlando, FL come from the Major Construction account under Veterans Affairs. The United States Department of Veterans Affairs, 810 Vermont Avenue, NW., Washington, DC 20420, will be receiving the funds. The \$220,000,000 will be used toward construction, site preparation, installation of utilities, roads, and an energy plant.

CONGRESS OF THE UNITED STATES,  
HOUSE OF REPRESENTATIVES,  
Washington, DC, February 4, 2008.

Hon. ROGER WICKER,  
Rayburn House Office Building,  
Washington, DC.

DEAR RANKING MEMBER WICKER: I am writing to request that Congress include full funding for the completion of the VA hospital to be located in Orlando, Florida. The

President's budget released today allocates \$120 million for the hospital. In order to insure the swift completion of the Lake Nona hospital it is imperative that the VA receive full funding in this budget year.

Today, there are more than 26.5 million veterans living in the United States and Puerto Rico with more than 1.8 million of them residing in the State of Florida. That is the second highest total in America, second only to California. More than one-third of these live in the Central Florida area alone.

According to the VA, Central Florida is the number one destination for combat veterans 65 years of age or older. It is also the number one area for veterans who have 50 percent or more service connected disability and 18 percent of our veterans have Post Traumatic Stress Disorder.

The Department of Veterans Affairs has estimated the cost to complete this hospital at \$597 million. This hospital is a top priority for the VA and is badly needed in central Florida. It is vital that the remaining \$537 million, to finish construction, is included in the Fiscal Year 2009 Military Construction appropriations bill.

I hope you will consider the inclusion of these funds as you work through the many important requests during the FY09 appropriations process.

Sincerely,

TOM FEENEY,  
Member of Congress.

LETTER TO HIS HOLINESS BENEDICT XVI FROM REPRESENTATIVE MCCOTTER

HON. THADDEUS G. MCCOTTER

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Tuesday, July 29, 2008

Mr. MCCOTTER. Madam Speaker, today I rise to place into the RECORD my letter to His Holiness Benedict XVI concerning the persecution of the Christian community in Iraq.

JULY 24, 2008.

His Holiness BENEDICT XVI,  
Apostolic Palace,  
Vatican City State, Europe.

YOUR HOLINESS: It is with great respect that I write to you as both a Member of Congress and a Roman Catholic. Your witness to justice and advocacy of the plight of the persecuted is an instrument of hope.

Your Holiness has emphasized the importance to the Church of the well-being of the ancient Christian community of Iraq. It is now widely acknowledged to be an "endangered" community, with nearly half of its members forced to flee Iraq over the past five years. As the U.S. Conference of Catholic Bishops Migration & Refugee Services reported last July: "Especially critical is the plight of Iraq's minority religious communities, including Christians and Mandeans (or Sabians). These groups, whose home has been what is now Iraq for many centuries, are literally being obliterated—not because they are fleeing generalized violence but because they are being specifically and viciously victimized by Islamic extremists and, in some cases, common criminals."

As you meet with Prime Minister Nouri al-Maliki tomorrow, please know that the United States is shifting its burden to the Iraqi government. It is imperative that he acknowledge and commit to the future well-being of Iraq's endangered religious minorities.

Concerned Americans, including the ChaldoAssyrian Christians in my Congress-

sional district, are anxious that the Maliki government address the following issues to ensure that the Iraqi Christians, who have made contributions to Iraqi society far beyond what their numbers suggest, and other smallest minorities are able to maintain their presence as part of the national fabric of that country: Security, including protection for their vulnerable clergy, development assistance, humanitarian aid for the large number of displaced among them, educational opportunities, full civic participation, including thorough measures to guarantee free and fair provincial elections later this year that would allow them just representation, and equal treatment under the constitution that would allow political autonomy in the Nineveh Plains.

Be assured that I will remain actively engaged with the ChaldoAssyrian Church and civic leaders in the United States and Iraq to protect the fundamental dignity of this oppressed ancient community of Iraq.

The psalmist seeking deliverance from his enemies remembers the great mercy of God. "Blessed be the Lord! For he has shown me the wonders of his love in a besieged city . . . Be strong and let your heart take courage, all you who wait for the Lord" (Psalm 31: 21,24) The Christians of Iraq have suffered threats of violence, kidnappings, murder and being exiled from their ancient homeland. And yet, they are resilient in the face of what is certainly an existential threat. Their great faith and your advocacy on their behalf, give them hope.

I have the honor to profess myself with the most profound respect, your Holiness, sincerely yours,

THADDEUS G. MCCOTTER,  
Member of Congress.

EARMARK DECLARATION

HON. PETER T. KING

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Tuesday, July 29, 2008

Mr. KING of New York. I submit the following:

Requesting Member: Congressman PETER T. KING

Bill Number: H.R. 6599.

Account: Military Construction, Air National Guard.

Legal Name of Requesting Entity: New York National Guard.

Address of Requesting Entity: 330 Old Niskayuna Road, Latham, NY 12110.

Description of Request: \$7.5 million will be used to construct Phase II of the Pararescue Facility. The use of taxpayer dollars is justified because The Francis Gabreski Air National Guard Base improves pararescue operations and survival equipment functions on Long Island.

INTRODUCING THE FOSTER CHILDREN OPPORTUNITY ACT

HON. FORTNEY PETE STARK

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, July 29, 2008

Mr. STARK. Madam Speaker, I rise today with Representative XAVIER BECERRA to introduce legislation aimed at ensuring all foster children have a fighting chance to lead healthy and productive lives after they leave care.

Each year, hundreds and perhaps thousands of abused and neglected children leave the child welfare system and become illegal immigrants through no fault of their own. Under current law, abused and neglected immigrant children in the child welfare system are eligible to become legal permanent residents under the Special Immigrant Juvenile Status (SIJS) provisions of immigration law. In order to obtain SIJS, a court must find that the child is in long-term foster care with no opportunity for family reunification (either in the U.S. or in their home country). If a child also meets additional immigration criteria, such as not having a criminal record, they can become a Legal Permanent Resident. Once a child leaves the child welfare system, however, they are no longer eligible for SIJS. A series of articles in the Los Angeles Times and other reports have documented how children have aged-out of foster care or been adopted without obtaining SIJS. The result is that these abused and neglected children are forced into the underground economy, are extremely vulnerable to exploitation, and are under the constant threat of deportation back to a country that is unfamiliar to them and may be home to their abuser.

The Foster Children Opportunity Act aims to correct this terrible situation by requiring that all children in the foster care system be screened for SIJS eligibility and assisted through the legal process to obtain SIJS and eventually Legal Permanent Resident Status. The bill will provide technical assistance to help child welfare agencies better understand this problem and provide resources to train judges, attorneys, and other legal workers in a complex area of law.

This legislation will not change any aspect of current immigration law, nor will it result in any adults who have engaged in illegal behavior from gaining legal status. The bill simply aims to protect abused and neglected children by ensuring they have a fighting chance at leading healthy and productive lives when they exit foster care.

The Foster Children Opportunity Act will:

Require State plans for foster care and adoption assistance to document procedures to assist immigrant children in obtaining SIJS, Legal Permanent Residency, or other appropriate forms of immigration relief when doing so is in the child's best interest;

Require child welfare agencies to assist immigrant children, and document their efforts, in obtaining SIJS, Legal Permanent Residency, or other appropriate forms of relief under immigration law before the child exits foster care;

Require juvenile courts and child welfare agencies to determine whether filing petitions or appointing immigration counsel for a potentially SIJS eligible child is in that child's best interest;

Permit the Court Improvement Program to use funds to educate and train judges and lawyers to assist SIJS-eligible foster children;

Direct the Secretary of the Health and Human Services Agency, in consultation with the Secretary of Homeland Security, to provide technical assistance to child welfare agencies in carrying out the provisions of this bill.

Members on all sides of the immigration debate should put down our differences when it comes to protecting abused and neglected children. We should not let the poisonous politics of immigration interfere with helping foster