

[Roll No. 557]

YEAS—407

Abercrombie DeFazio Jordan
Ackerman DeGette Kagen
Aderholt Delahunt Kanjorski
Akin DeLauro Kaptur
Alexander Dent Keller
Allen Diaz-Balart, L. Kennedy
Altmire Diaz-Balart, M. Kildee
Andrews Dingell Kind
Arcuri Doggett King (IA)
Baca Donnelly King (NY)
Bachmann Doolittle Kingston
Baird Doyle Kirk
Baldwin Drake Klein (FL)
Barrett (SC) Dreier Kline (MN)
Barrow Duncan Knollenberg
Bartlett (MD) Edwards (MD) Kucinich
Barton (TX) Edwards (TX) Kuhl (NY)
Bean Ehlers LaHood
Becerra Ellison Lamborn
Berkley Ellsworth Lampson
Berman Emanuel Langevin
Berry Emerson Larson (CT)
Biggert Engel Latham
Bilbray English (PA) Latta
Billakis Eshoo Lee
Bishop (GA) Etheridge Levin
Bishop (NY) Everrett Lewis (CA)
Bishop (UT) Fallin Lewis (GA)
Blackburn Farr Lewis (KY)
Blumenauer Fattah Linder
Blunt Feeney Ferguson
Boehner Flake Lipinski
Bonner Flake LoBiondo
Bono Mack Forbes Loeb sack
Boozman Fortenberry Lofgren, Zoe
Boren Fossella Lowey
Boswell Foster Lucas
Boucher Foxx Lungren, Daniel
Boustany Frank (MA) E.
Boyd (FL) Franks (AZ) Lynch
Boyd (KS) Frelinghuysen Mack
Brady (PA) Gallegly Mahoney (FL)
Brady (TX) Garrett (NJ) Maloney (NY)
Braley (IA) Gerlach Manzullo
Broun (GA) Giffords Marchant
Brown (SC) Gilchrest Markey
Brown, Corrine Gillibrand Matheson
Buchanan Gingrey Matsui
Burgess Gohmert McCarthy (CA)
Burton (IN) Gonzalez McCarthy (NY)
Butterfield Goode McCaul (TX)
Buyer Goodlatte McCollum (MN)
Calvert Gordon McCotter
Camp (MI) Granger McCrery
Campbell (CA) Green, Al McDermott
Cantor Green, Gene McGovern
Capito Gutierrez McHenry
Capps Hall (NY) McHugh
Capuano Hall (TX) McIntyre
Cardoza Hare McKeon
Carnahan Harman McMorris
Carney Hastings (FL) Rodgers
Carson Carson Hastings (WA) McNeerney
Castle Hayes McNulty
Castor Heller Meek (FL)
Cazayoux Hensarling Meeks (NY)
Chabot Herger Melancon
Chandler Herseth Sandlin Mica
Childers Higgins Michaud
Clarke Hill Miller (FL)
Clay Hinchey Miller (MI)
Cleaver Hinojosa Miller (NC)
Clyburn Hirono Miller, Gary
Coble Hobson Mitchell
Cohen Hodes Moore (KS)
Cole (OK) Hoekstra Moore (WI)
Conaway Holden Moran (KS)
Conyers Holt Moran (VA)
Cooper Honda Murphy (CT)
Costa Hooley Murphy, Patrick
Costello Hoyer Murtha
Courtney Hunter Musgrave
Cramer Inglis (SC) Myrick
Crenshaw Inslee Nadler
Crowley Israel Napolitano
Cuellar Issa Neal (MA)
Culberson Jackson (IL) Neugebauer
Cumming's Jackson-Lee Nunes
Davis (AL) (TX) Oberstar
Davis (CA) Jefferson Obey
Davis (IL) Johnson (GA) Oliver
Davis (KY) Johnson (IL) Ortiz
Davis, David Johnson, E. B. Pallone
Davis, Lincoln Johnson, Sam Pascarell
Davis, Tom Jones (NC) Payne
Deal (GA) Jones (OH) Pearce

Pence Sanchez, Loretta Taylor
Perlmutter Sarbanes Terry
Peterson (MN) Saxton Thompson (CA)
Petri Scalise Thompson (MS)
Picking Schakowsky Thornberry
Pitts Schiff Tiahrt
Platts Schmidt Tiberi
Poe Schwartz Tierney
Pomeroy Scott (GA) Towns
Porter Scott (VA) Tsongas
Price (GA) Sensenbrenner Udall (CO)
Price (NC) Serrano Udall (NM)
Pryce (OH) Sestak Upton
Putnam Shadegg Van Hollen
Radanovich Shays Visclosky
Rahall Shea-Porter Walberg
Ramstad Sherman Walden (OR)
Rangel Shimkus Walsh (NY)
Regula Shuler Walz (MN)
Rehberg Shuster Wamp
Reichert Simpson Wasserman
Renzi Sires Schultz
Reyes Skelton Waters
Reynolds Slaughtier Watson
Richardson Smith (NE) Watt
Rodriguez Smith (NJ) Waxman
Rogers (AL) Smith (TX) Weiner
Rogers (KY) Smith (WA) Welch (VT)
Rogers (MI) Snyder Weller
Rohrabacher Solis Westmoreland
Ros-Lehtinen Souder Wexler
Roskam Space Whitfield (KY)
Ross Speier Wilson (OH)
Rothman Spratt Wilson (SC)
Royce Stark Wittman (VA)
Ruppersberger Stearns Wolf
Ryan (OH) Stupak Woolsey
Ryan (WI) Sullivan Wu
Salazar Sutton Yarmuth
Sali Tancredo Young (FL)
Sanchez, Linda Tanner
T. Tauscher

NAYS—2

Filner
Paul

ANSWERED "PRESENT"—4

Grijalva Roybal-Allard
Pastor Velázquez

NOT VOTING—21

Bachus Hulshof Rush
Brown-Waite, Kilpatrick Sessions
Ginny LaTourette Turner
Cannon Marshall Weldon (FL)
Carter Miller, George Wilson (NM)
Cubin Mollohan Young (AK)
Dicks Murphy, Tim
Graves Peterson (PA)

□ 1944

So (two-thirds being in the affirmative) the rules were suspended and 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

Ms. KILPATRICK. Mr. Speaker, due to personal business in the 13th Congressional District of Michigan, I was unable to attend several rollcall votes. Had I been present, on rollcall number 555 I would have voted "no"; on rollcall number 556 I would have voted "aye" and on rollcall number 557 I would have voted "aye."

PERSONAL EXPLANATION

Mr. JOHNSON of Georgia. Mr. Speaker, I wish to let the RECORD reflect my intent when I voted on rollcall vote No. 552. On that vote I meant to vote "yes" and I voted "no." The reason why was because I was out in the hallway speaking with an intern doing an exit interview and we were in the midst of 2-minute votes at that point.

AUTHORIZING THE CLERK TO MAKE CORRECTIONS IN ENGROSSMENT OF H.R. 1338, PAY-CHECK FAIRNESS ACT

Mr. CONYERS. Mr. Speaker, I ask unanimous consent that the Clerk be authorized to make technical corrections in the engrossment of H.R. 1338, including corrections in spelling, punctuation, section and title, numbering, cross-referencing, conforming amendments to the table of contents and short titles, and the insertion of appropriate headings.

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

There was no objection.

LIBYAN CLAIMS RESOLUTION ACT

Mr. CONYERS. Mr. Speaker, I ask unanimous consent to take from the Speaker's table the Senate bill (S. 3370) to resolve pending claims against Libya by United States nationals, and for other purposes, and ask for its immediate consideration in the House.

The Clerk read the title of the Senate bill.

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

There was no objection.

The text of the Senate bill is as follows:

S. 3370

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "Libyan Claims Resolution Act".

SEC. 2. DEFINITIONS.

In this Act—

(1) the term "appropriate congressional committees" means the Committee on Foreign Relations and the Committee on the Judiciary of the Senate and the Committee on Foreign Affairs and the Committee on the Judiciary of the House of Representatives;

(2) the term "claims agreement" means an international agreement between the United States and Libya, binding under international law, that provides for the settlement of terrorism-related claims of nationals of the United States against Libya through fair compensation;

(3) the term "national of the United States" has the meaning given that term in section 101(a)(22) of the Immigration and Nationality Act (8 U.S.C. 1101(a)(22));

(4) the term "Secretary" means the Secretary of State; and

(5) the term "state sponsor of terrorism" means a country the government of which the Secretary has determined, for purposes of section 6(j) of the Export Administration Act of 1979 (50 U.S.C. App. 2405(j)), section 620A of the Foreign Assistance Act of 1961 (22 U.S.C. 2371), section 40 of the Arms Export Control Act (22 U.S.C. 2780), or any other provision of law, is a government that has repeatedly provided support for acts of international terrorism.

SEC. 3. SENSE OF CONGRESS.

Congress supports the President in his efforts to provide fair compensation to all nationals of the United States who have terrorism-related claims against Libya through a comprehensive settlement of claims by

such nationals against Libya pursuant to an international agreement between the United States and Libya as a part of the process of restoring normal relations between Libya and the United States.

SEC. 4. ENTITY TO ASSIST IN IMPLEMENTATION OF CLAIMS AGREEMENT.

(a) DESIGNATION OF ENTITY.—

(1) DESIGNATION.—The Secretary, by publication in the Federal Register, may, after consultation with the appropriate congressional committees, designate 1 or more entities to assist in providing compensation to nationals of the United States, pursuant to a claims agreement.

(2) AUTHORITY OF THE SECRETARY.—The designation of an entity under paragraph (1) is within the sole discretion of the Secretary, and may not be delegated. The designation shall not be subject to judicial review.

(b) IMMUNITY.—

(1) PROPERTY.—

(A) IN GENERAL.—Notwithstanding any other provision of law, if the Secretary designates any entity under subsection (a)(1), any property described in subparagraph (B) of this paragraph shall be immune from attachment or any other judicial process. Such immunity shall be in addition to any other applicable immunity.

(B) PROPERTY DESCRIBED.—The property described in this subparagraph is any property that—

(i) relates to the claims agreement; and

(ii) for the purpose of implementing the claims agreement, is—

(I) held by an entity designated by the Secretary under subsection (a)(1);

(II) transferred to the entity; or

(III) transferred from the entity.

(2) OTHER ACTS.—An entity designated by the Secretary under subsection (a)(1), and any person acting through or on behalf of such entity, shall not be liable in any Federal or State court for any action taken to implement a claims agreement.

(c) NONAPPLICABILITY OF THE GOVERNMENT CORPORATION CONTROL ACT.—An entity designated by the Secretary under subsection (a)(1) shall not be subject to chapter 91 of title 31, United States Code (commonly known as the "Government Corporation Control Act").

SEC. 5. RECEIPT OF ADEQUATE FUNDS; IMMUNITIES OF LIBYA.

(a) IMMUNITY.—

(1) IN GENERAL.—Notwithstanding any other provision of law, upon submission of a certification described in paragraph (2)—

(A) Libya, an agency or instrumentality of Libya, and the property of Libya or an agency or instrumentality of Libya, shall not be subject to the exceptions to immunity from jurisdiction, liens, attachment, and execution contained in section 1605A, 1605(a)(7), or 1610 (insofar as section 1610 relates to a judgment under such section 1605A or 1605(a)(7)) of title 28, United States Code;

(B) section 1605A(c) of title 28, United States Code, section 1083(c) of the National Defense Authorization Act for Fiscal Year 2008 (Public Law 110-181; 122 Stat. 342; 28 U.S.C. 1605A note), section 589 of the Foreign Operations, Export Financing, and Related Programs Appropriations Act, 1997 (28 U.S.C. 1605 note), and any other private right of action relating to acts by a state sponsor of terrorism arising under Federal, State, or foreign law shall not apply with respect to claims against Libya, or any of its agencies, instrumentalities, officials, employees, or agents in any action in a Federal or State court; and

(C) any attachment, decree, lien, execution, garnishment, or other judicial process brought against property of Libya, or property of any agency, instrumentality, official,

employee, or agent of Libya, in connection with an action that would be precluded by subparagraph (A) or (B) shall be void.

(2) CERTIFICATION.—A certification described in this paragraph is a certification—

(A) by the Secretary to the appropriate congressional committees; and

(B) stating that the United States Government has received funds pursuant to the claims agreement that are sufficient to ensure—

(i) payment of the settlements referred to in section 654(b) of division J of the Consolidated Appropriations Act, 2008 (Public Law 110-161; 121 Stat. 2342); and

(ii) fair compensation of claims of nationals of the United States for wrongful death or physical injury in cases pending on the date of enactment of this Act against Libya arising under section 1605A of title 28, United States Code (including any action brought under section 1605(a)(7) of title 28, United States Code, or section 589 of the Foreign Operations, Export Financing, and Related Programs Appropriations Act, 1997 (28 U.S.C. 1605 note), that has been given effect as if the action had originally been filed under 1605A(c) of title 28, United States Code, pursuant to section 1083(c) of the National Defense Authorization Act for Fiscal Year 2008 (Public Law 110-181; 122 Stat. 342; 28 U.S.C. 1605A note)).

(b) TEMPORAL SCOPE.—Subsection (a) shall apply only with respect to any conduct or event occurring before June 30, 2006, regardless of whether, or the extent to which, application of that subsection affects any action filed before, on, or after that date.

(c) AUTHORITY OF THE SECRETARY.—The certification by the Secretary referred to in subsection (a)(2) may not be delegated, and shall not be subject to judicial review.

The Senate bill was ordered to be read a third time, was read the third time, and passed, and a motion to reconsider was laid on the table.

GENERAL LEAVE

Mr. EDWARDS of Texas. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days in which to revise and extend their remarks and include extraneous material on H.R. 6599, and that I may include tabular material on the same.

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

There was no objection.

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore. Pursuant to clause 8 of rule XX, proceedings will resume on motions to suspend the rules previously postponed.

Votes will be taken in the following order: H.R. 6309, H. Res. 1143, H.R. 6208, H.R. 6437, H. Res. 1357, H.R. 6083, S. 3295, H. Res. 1324, S. 3294, H.R. 4255, H.R. 6225, H.R. 6221, H.R. 674, H. Res. 1288, H. Res. 1151, H. Res. 1332, in each case de novo.

LEAD-SAFE HOUSING FOR KIDS ACT OF 2008

The SPEAKER pro tempore. The unfinished business is the question on suspending the rules and passing the bill, H.R. 6309, as amended.

The Clerk read the title of the bill.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Minnesota (Mr. ELLISON) that the House suspend the rules and pass the bill, H.R. 6309, as amended.

The question was taken; and (two-thirds being in the affirmative) the rules were suspended and the bill, as amended, was passed.

The title was amended so as to read: "A bill to amend the Residential Lead-Based Paint Hazard Reduction Act of 1992 to define environmental intervention blood lead level, and for other purposes."

A motion to reconsider was laid on the table.

SUPPORTING THE GOALS AND IDEALS OF THE APPLE CRUNCH AND THE NATION'S DOMESTIC APPLE INDUSTRY

The SPEAKER pro tempore. The unfinished business is the question on suspending the rules and agreeing to the resolution, H. Res. 1143.

The Clerk read the title of the resolution.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Illinois (Mr. DAVIS) that the House suspend the rules and agree to the resolution, H. Res. 1143.

The question was taken; and (two-thirds being in the affirmative) the rules were suspended and the resolution was agreed to.

A motion to reconsider was laid on the table.

LANCE CORPORAL MATTHEW P. PATHENOS POST OFFICE BUILDING

The SPEAKER pro tempore. The unfinished business is the question on suspending the rules and passing the bill, H.R. 6208.

The Clerk read the title of the bill.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Illinois (Mr. DAVIS) that the House suspend the rules and pass the bill, H.R. 6208.

The question was taken; and (two-thirds being in the affirmative) the rules were suspended and the bill was passed.

A motion to reconsider was laid on the table.

CORPORAL ALFRED MAC WILSON POST OFFICE

The SPEAKER pro tempore. The unfinished business is the question on suspending the rules and passing the bill, H.R. 6437.

The Clerk read the title of the bill.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Illinois (Mr. DAVIS) that the House suspend the rules and pass the bill, H.R. 6437.