

Chandler	Johnson (GA)	Pingree (ME)	Harper	McCaul	Rooney
Childers	Johnson, E. B.	Polis (CO)	Hastings (WA)	McClintock	Ros-Lehtinen
Clarke	Kagen	Pomero	Hensarling	McCotter	Roskam
Clay	Kanjorski	Price (NC)	Hergert	McHenry	Royce
Cleaver	Kaptur	Quigley	Hill	McHugh	Ryan (WI)
Clyburn	Kennedy	Rahall	Hoekstra	McKeon	Schmidt
Cohen	Kildee	Rangel	Hunter	McMorris	Schock
Connolly (VA)	Kilpatrick (MI)	Reyes	Inglis	Rodgers	Sensenbrenner
Conyers	Kilroy	Richardson	Issa	Mica	Sessions
Cooper	Kind	Rodriguez	Jenkins	Miller (FL)	Shadegg
Costa	Kirkpatrick (AZ)	Ross	Johnson (IL)	Miller (MI)	Shimkus
Costello	Kissell	Rothman (NJ)	Johnson, Sam	Miller, Gary	Shuster
Courtney	Klein (FL)	Roybal-Allard	Jones	Moran (KS)	Simpson
Crowley	Kosmas	Ruppersberger	Jordan (OH)	Murphy, Tim	Smith (NE)
Cuellar	Kratovil	Rush	King (NY)	Myrick	Smith (NJ)
Cummings	Kucinich	Ryan (OH)	Kingston	Neugebauer	Smith (TX)
Dahlkemper	Langevin	Salazar	Kirk	Nunes	Souder
Davis (AL)	Larsen (WA)	Salánchez, Linda	Kline (MN)	Olson	Stearns
Davis (CA)	Larson (CT)	T.	Lamborn	Paul	Sullivan
Davis (IL)	Lee (CA)	Sanchez, Loretta	Lance	Paulsen	Terry
Davis (TN)	Levin	Sarbanes	Latham	Pence	Thompson (PA)
DeFazio	Lewis (GA)	Schakowsky	LaTourette	Petri	Thornberry
DeGette	Lipinski	Schauer	Latta	Pitts	Tiahrt
Delahunt	Loeb	Schiff	Lee (NY)	Platts	Tiberi
DeLauro	Lofgren, Zoe	Schrader	Lewis (CA)	Poe (TX)	Turner
Dicks	Lowey	Schwartz	Linder	Posey	Upton
Dingell	Luján	Scott (GA)	LoBiondo	Price (GA)	Walden
Doggett	Lynch	Scott (VA)	Lucas	Putnam	Westmoreland
Donnelly (IN)	Maffei	Serrano	Luetkemeyer	Radanovich	Whitfield
Doyle	Maloney	Sestak	Lummis	Rehberg	Wilson (SC)
Driehaus	Markey (CO)	Shea-Porter	Lungren, Daniel	Reichert	Wittman
Edwards (MD)	Markey (MA)	Sherman	E.	Roe (TN)	Wolf
Edwards (TX)	Marshall	Shulder	Mack	Rogers (AL)	Young (AK)
Ellison	Massa	Sires	Mazzullo	Rogers (KY)	Young (FL)
Ellsworth	Matheson	Skelton	Marchant	Rogers (MI)	
Eshoo	Matsui	Slaughter	McCarthy (CA)	Rohrabacher	
Etheridge	McCarthy (NY)	Smith (WA)			
Farr	McCollum	Snyder			
Fattah	McDermott	Space			
Filner	McGovern	Speier			
Foster	McIntyre	Spratt			
Frank (MA)	McMahon	Stupak			
Fudge	McNerney	Sutton			
Giffords	Meek (FL)	Tanner			
Gonzalez	Meeks (NY)	Tauscher			
Gordon (TN)	Melancon	Taylor			
Grayson	Michaud	Teague			
Green, Al	Miller (NC)	Thompson (CA)			
Green, Gene	Minnick	Thompson (MS)			
Griffith	Mitchell	Tierney			
Grijalva	Mollohan	Titus			
Gutierrez	Moore (KS)	Moore (WI)			
Hall (NY)	Moore (WI)	Moran (VA)			
Halvorson	Moran (VA)	Murphy (CT)			
Hare	Murphy (CT)	Murphy (NY)			
Harman	Murphy (NY)	Murphy, Patrick			
Hastings (FL)	Murphy, Patrick	Murtha			
Heinrich	Murtha	Napolitano			
Hersteth Sandlin	Napolitano	Neal (MA)			
Higgins	Neal (MA)	Nye			
Himes	Nye	Oberstar			
Hinche	Oberstar	Obey			
Hinojosa	Obey	Oliver			
Hirono	Oliver	Ortiz			
Hodes	Ortiz	Pallone			
Holden	Pallone	Pascrell			
Honda	Pascrell	Pastor (AZ)			
Hoyer	Pastor (AZ)	Payne			
Inslee	Payne	Perlmutter			
Israel	Perlmutter	Perriello			
Jackson (IL)	Perriello	Peters			
Jackson-Lee	Peters	Peterson			
(TX)	Peterson				

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Aderholt	Brown-Waite,	Dent
Akin	Ginny	Diaz-Balart, L.
Alexander	Buchanan	Diaz-Balart, M.
Austria	Burgess	Dreier
Bachmann	Burton (IN)	Duncan
Bachus	Buyer	Ehlers
Barrett (SC)	Calvert	Emerson
Bartlett	Camp	Fallin
Barton (TX)	Campbell	Flake
Biggart	Cantor	Fleming
Billray	Cao	Forbes
Bilirakis	Capito	Fox
Bishop (UT)	Carter	Franks (AZ)
Blackburn	Cassidy	Frelinghuysen
Blunt	Castle	Gallegly
Boehner	Chaffetz	Garrett (NJ)
Bonner	Coble	Gerlach
Bono Mack	Coffman (CO)	Gingrey (GA)
Boozman	Cole	Gohmert
Boustany	Conaway	Goodlatte
Brady (TX)	Crenshaw	Granger
Broun (GA)	Culberson	Graves
Brown (SC)	Davis (KY)	Guthrie
	Deal (GA)	Hall (TX)

tance of the Department of Homeland Security, including U.S. Customs and Border Protection and U.S. Immigration and Customs Enforcement, in combating human smuggling and trafficking in persons, and commending the Department of Justice for increasing the rate of human smuggling and trafficking prosecutions.”

A motion to reconsider was laid on the table.

NOTICE OF INTENTION TO OFFER RESOLUTION RAISING A QUESTION OF THE PRIVILEGES OF THE HOUSE

Mr. FLAKE. Mr. Speaker, pursuant to clause 2(a)(1) of rule IX, I hereby notify the House of my intention to offer a resolution as a question of the privileges of the House.

The form of my resolution is as follows:

Whereas, The Hill reported that a prominent lobbying firm, founded by Mr. Paul Magliocchetti and the subject of a “federal investigation into potentially corrupt political contributions,” has given \$3.4 million in political donations to no less than 284 members of Congress.

Whereas, The New York Times noted that Mr. Magliocchetti “set up shop at the busy intersection between political fund-raising and taxpayer spending, directing tens of millions of dollars in contributions to lawmakers while steering hundreds of millions of dollars in earmarks back to his clients.”

Whereas, a guest columnist recently highlighted in Roll Call that “. . . what the firm’s example reveals most clearly is the potentially corrupting link between campaign contributions and earmarks. Even the most ardent earmarkers should want to avoid the appearance of such a pay-to-play system.”

Whereas, multiple press reports have noted questions related to campaign contributions made by or on behalf of the firm; including questions related to “straw man” contributions, the reimbursement of employees for political giving, pressure on clients to give, a suspicious pattern of giving, and the timing of donations relative to legislative activity.

Whereas, Roll Call has taken note of the timing of contributions from employees the firm and its clients when it reported that they “have provided thousands of dollars worth of campaign contributions to key Members in close proximity to legislative activity, such as the deadline for earmark request letters and passage of a spending bill.”

Whereas, the Associated Press highlighted the “huge amounts of political donations” from the firm and its clients to select members and noted that “those political donations have followed a distinct pattern: The giving is especially heavy in March, which is prime time for submitting written earmark requests.”

Whereas, clients of the firm received at least three hundred million dollars worth of earmarks in fiscal year 2009 appropriations legislation, including several that were approved even after news of the FBI raid of the firm’s offices and Justice Department investigation into the firm was well known.

Whereas, the Associated Press reported that “the FBI says the investigation is continuing, highlighting the close ties between special-interest spending provisions known as earmarks and the raising of campaign cash.”

Whereas, the persistent media attention focused on questions about the nature and

NOT VOTING—12

Berry	Heller	Nadler (NY)
Capps	Holt	Scalise
Engel	King (IA)	Stark
Fortenberry	Miller, George	Wamp

□ 1153

Mr. OLSON and Ms. GINNY BROWN-WAITE of Florida changed their vote from “yea” to “nay.”

So the resolution was agreed to.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

Stated against:

Mr. HELLER. Mr. Speaker, on rollcall No. 237, the adoption of the rule on H.R. 1728, I was absent from the House at a family obligation. Had I been present, I would have voted “nay.”

Mr. KING of Iowa. Mr. Speaker, on rollcall No. 237, I was not able to reach the House floor to cast my vote before the vote was closed. Had I been able to cast my vote, I would have voted “nay.”

RECOGNIZING THE BORDER PATROL'S FIGHT AGAINST HUMAN SMUGGLING

The SPEAKER pro tempore (Mr. CARNAHAN). Pursuant to clause 8, rule XX, the unfinished business is the question on suspending the rules and agreeing to the resolution, H. Res. 14, as amended.

The Clerk read the title of the resolution.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Tennessee (Mr. COHEN) that the House suspend the rules and agree to the resolution, H. Res. 14, as amended.

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

The title was amended so as to read: “Resolution recognizing the impor-

timing of campaign contributions related to the firm, as well as reports of the Justice Department conducting research on earmarks and campaign contributions, raise concern about the integrity of congressional proceedings and the dignity of this institution.

Now, therefore, be it: Resolved, that

(a) the Committee on Standards of Official Conduct, or a subcommittee of the committee designated by the committee and its members appointed by the chairman and ranking member, shall immediately begin investigation into the relationship between the source and timing of past campaign contributions to Members of the House related to the raided firm and earmark requests made by Members of the House on behalf of clients of the raided firm.

(b) The Committee on Standards of Official Conduct shall submit a report of its findings to the House of Representatives within 2 months after the date of adoption of the resolution.

The SPEAKER pro tempore. Under rule IX, a resolution offered from the floor by a Member other than the majority leader or the minority leader as a question of the privileges of the House has immediate precedence only at a time designated by the Chair within 2 legislative days after the resolution is properly noticed.

Pending that designation, the form of the resolution noticed by the gentleman from Arizona will appear in the RECORD at this point.

The Chair will not at this point determine whether the resolution constitutes a question of privilege. That determination will be made at the time designated for consideration of the resolution.

MORTGAGE REFORM AND ANTI-PREDATORY LENDING ACT

The SPEAKER pro tempore. Pursuant to House Resolution 406 and rule XVIII, the Chair declares the House in the Committee of the Whole House on the State of the Union for the further consideration of the bill, H.R. 1728.

□ 1200

IN THE COMMITTEE OF THE WHOLE

Accordingly, the House resolved itself into the Committee of the Whole House on the State of the Union for the further consideration of the bill (H.R. 1728) to amend the Truth in Lending Act to reform consumer mortgage practices and provide accountability for such practices, to provide certain minimum standards for consumer mortgage loans, and for other purposes, with Mr. ROSS in the chair.

The Clerk read the title of the bill.

The CHAIR. When the Committee of the Whole rose on Wednesday, May 6, 2009, all time for general debate, pursuant to House Resolution 400, had expired.

Pursuant to House Resolution 406, no further general debate is in order. The amendment in the nature of a substitute printed in the bill shall be considered as an original bill for the purpose of amendment under the 5-minute rule and shall be considered read.

The text of the committee amendment is as follows:

H.R. 1728

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

SECTION 1. SHORT TITLE; TABLE OF CONTENTS.

(a) *SHORT TITLE*.—This Act may be cited as the “Mortgage Reform and Anti-Predatory Lending Act”.

(b) *TABLE OF CONTENTS*.—The table of contents for this Act is as follows:

Sec. 1. Short title; table of contents.

TITLE I—RESIDENTIAL MORTGAGE LOAN ORIGINATION STANDARDS

Sec. 101. Definitions.

Sec. 102. Residential mortgage loan origination.

Sec. 103. Prohibition on steering incentives.

Sec. 104. Liability.

Sec. 105. Regulations.

Sec. 106. RESPA and TILA disclosure improvement.

TITLE II—MINIMUM STANDARDS FOR MORTGAGES

Sec. 201. Ability to repay.

Sec. 202. Net tangible benefit for refinancing of residential mortgage loans.

Sec. 203. Safe harbor and rebuttable presumption.

Sec. 204. Liability.

Sec. 205. Defense to foreclosure.

Sec. 206. Additional standards and requirements.

Sec. 207. Rule of construction.

Sec. 208. Effect on State laws.

Sec. 209. Regulations.

Sec. 210. Amendments to civil liability provisions.

Sec. 211. Lender rights in the context of borrower deception.

Sec. 212. Six-month notice required before reset of hybrid adjustable rate mortgages.

Sec. 213. Credit risk retention.

Sec. 214. Required disclosures.

Sec. 215. Disclosures required in monthly statements for residential mortgage loans.

Sec. 216. Legal assistance for foreclosure-related issues.

Sec. 217. Effective date.

Sec. 218. Report by the GAO.

Sec. 219. State Attorney General enforcement authority.

Sec. 220. Tenant protection.

TITLE III—HIGH-COST MORTGAGES

Sec. 301. Definitions relating to high-cost mortgages.

Sec. 302. Amendments to existing requirements for certain mortgages.

Sec. 303. Additional requirements for certain mortgages.

Sec. 304. Regulations.

Sec. 305. Effective date.

TITLE IV—OFFICE OF HOUSING COUNSELING

Sec. 401. Short title.

Sec. 402. Establishment of Office of Housing Counseling.

Sec. 403. Counseling procedures.

Sec. 404. Grants for housing counseling assistance.

Sec. 405. Requirements to use HUD-certified counselors under HUD programs.

Sec. 406. Study of defaults and foreclosures.

Sec. 407. Definitions for counseling-related programs.

Sec. 408. Updating and simplification of mortgage information booklet.

Sec. 409. Home inspection counseling.

TITLE V—MORTGAGE SERVICING

Sec. 501. Escrow and impound accounts relating to certain consumer credit transactions.

Sec. 502. Disclosure notice required for consumers who waive escrow services.

Sec. 503. Real Estate Settlement Procedures Act of 1974 amendments.

Sec. 504. Truth in Lending Act amendments.

Sec. 505. Escrows included in repayment analysis.

TITLE VI—APPRAISAL ACTIVITIES

Sec. 601. Property appraisal requirements.

Sec. 602. Unfair and deceptive practices and acts relating to certain consumer credit transactions.

Sec. 603. Amendments relating to appraisal subcommittee of FIEC, appraiser independence, and approved appraiser education.

Sec. 604. Study required on improvements in appraisal process and compliance programs.

Sec. 605. Equal Credit Opportunity Act amendment.

Sec. 606. Real Estate Settlement Procedures Act of 1974 amendment relating to certain appraisal fees.

TITLE VII—SENSE OF CONGRESS REGARDING THE IMPORTANCE OF GOVERNMENT SPONSORED ENTERPRISES REFORM

Sec. 701. Sense of Congress regarding the importance of Government-sponsored enterprises reform to enhance the protection, limitation, and regulation of the terms of residential mortgage credit.

TITLE I—RESIDENTIAL MORTGAGE LOAN ORIGINATION STANDARDS

SEC. 101. DEFINITIONS.

Section 103 of the Truth in Lending Act (15 U.S.C. 1602) is amended by adding at the end the following new subsection:

“(cc) *DEFINITIONS RELATING TO MORTGAGE ORIGINATION AND RESIDENTIAL MORTGAGE LOANS*.—

“(1) *COMMISSION*.—Unless otherwise specified, the term ‘Commission’ means the Federal Trade Commission.

“(2) *FEDERAL BANKING AGENCIES*.—The term ‘Federal banking agencies’ means the Board of Governors of the Federal Reserve System, the Comptroller of the Currency, the Director of the Office of Thrift Supervision, the Federal Deposit Insurance Corporation, and the National Credit Union Administration Board.

“(3) *MORTGAGE ORIGINATOR*.—The term ‘mortgage originator’—

“(A) means any person who, for direct or indirect compensation or gain, or in the expectation of direct or indirect compensation or gain—

“(i) takes a residential mortgage loan application;

“(ii) assists a consumer in obtaining or applying to obtain a residential mortgage loan; or

“(iii) offers or negotiates terms of a residential mortgage loan;

“(B) includes any person who represents to the public, through advertising or other means of communicating or providing information (including the use of business cards, stationery, brochures, signs, rate lists, or other promotional items), that such person can or will provide any of the services or perform any of the activities described in subparagraph (A);

“(C) does not include any person who is (i) not otherwise described in subparagraph (A) or (B) and who performs purely administrative or clerical tasks on behalf of a person who is described in any such subparagraph, or (ii) an employee of a retailer of manufactured homes who is not described in clause (i) or (iii) of subparagraph (A);

“(D) does not include a person or entity that only performs real estate brokerage activities and is licensed or registered in accordance with applicable State law, unless such person or entity is compensated for performing such brokerage activities by a lender, a mortgage broker, or other mortgage originator or by any agent of such lender, mortgage broker, or other mortgage originator; and