

says to homeless heroes, every day we're thinking of you.

As the ranking member on the Transportation Security Committee, I can assure you that Transportation Security officers are grateful to Ms. HOCHUL and to the Senate amendment for giving them this chance to further their service to the Nation.

There are many things that are left behind, and many times in the airport you hear that PA system saying, Come back, come back to the security checkpoint; you've left your iPad, your coat, your shoes. What else could you have left? Many times, unfortunately, those individuals are already on the airplane, and so we try our best, but we leave behind quality items that could be used for our veterans.

The Senate amendment expands this to other charities as well. But as the ranking member, I want to commend to our TSA officers and our officers that are supervisors across the Nation's airports, and to our airports, yes, you have the opportunity to give to veterans, charitable institutions and others, but I encourage you, because of the extensive number of homeless veterans, that you give these items so that we can have, not only resources, but clothing for homeless veterans of whom we hope that we will provide a pathway to be able to get out of the status of homelessness, but also while they're doing so, to provide them with this quality clothing.

So again, I rise to support H.R. 6328, as amended by the Senate, to thank the author of this legislation, Ms. HOCHUL, the gentlelady from New York; again, remind her that she will not have a silent voice, and this is a very grand and wonderful way to end at least your legislative service, your bill-writing service on this floor of the House and in this Congress where you are serving the Nation's veterans. We are forever grateful, and I ask my colleagues to support this legislation.

Ms. HOCHUL. Mr. Speaker, I reserve the balance of my time.

Mr. BILIRAKIS. Mr. Speaker, what I'd like to do is I'll reserve the balance of my time, and then I'll close once the gentlelady does.

Ms. HOCHUL. Mr. Speaker, again I simply want to thank on the Senate side Senator GILLIBRAND, Senator TOOMEY, and, of course, here my colleagues on the Homeland Security Committee led by PETER KING and our Ranking Member THOMPSON, and certainly Chairman BILIRAKIS and my dear friend Ranking Member JACKSON LEE for all their support for this commonsense legislation to assist America's homeless veterans.

With that, I urge the adoption of the Senate amendment to H.R. 6328 so this measure can be sent to the President for his signature.

I yield back the balance of my time.

Mr. BILIRAKIS. Mr. Speaker, I urge Members to support this commonsense piece of legislation and that the President promptly sign it into law.

I yield back the balance of my time.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Florida (Mr. BILIRAKIS) that the House suspend the rules and concur in the Senate amendment to the bill, H.R. 6328.

The question was taken.

The SPEAKER pro tempore. In the opinion of the Chair, two-thirds being in the affirmative, the ayes have it.

Mr. BILIRAKIS. Mr. Speaker, I object to the vote on the ground that a quorum is not present and make the point of order that a quorum is not present.

The SPEAKER pro tempore. Pursuant to clause 8 of rule XX, further proceedings on this question will be postponed.

The point of no quorum is considered withdrawn.

DRYWALL SAFETY ACT OF 2012

Mr. TERRY. Mr. Speaker, I move to suspend the rules and concur in the Senate amendment to the bill (H.R. 4212) to prevent the introduction into commerce of unsafe drywall, to ensure the manufacturer of drywall is readily identifiable, to ensure that problematic drywall removed from homes is not reused, and for other purposes.

The Clerk read the title of the bill.

The text of the Senate amendment is as follows:

Senate amendment:

Strike all after the enacting clause and insert the following:

SECTION 1. SHORT TITLE.

This Act may be cited as the "Drywall Safety Act of 2012".

SEC. 2. SENSE OF CONGRESS.

It is the sense of Congress that—

(1) the Secretary of Commerce should insist that the Government of the People's Republic of China, which has ownership interests in the companies that manufactured and exported problematic drywall to the United States, facilitate a meeting between the companies and representatives of the United States Government on remedying homeowners that have problematic drywall in their homes; and

(2) the Secretary of Commerce should insist that the Government of the People's Republic of China direct the companies that manufactured and exported problematic drywall to submit to jurisdiction in United States Federal Courts and comply with any decisions issued by the Courts for homeowners with problematic drywall.

SEC. 3. DRYWALL LABELING REQUIREMENT.

(a) LABELING REQUIREMENT.—Beginning 180 days after the date of the enactment of this Act, the gypsum board labeling provisions of standard ASTM C1264–11 of ASTM International, as in effect on the day before the date of the enactment of this Act, shall be treated as a rule promulgated by the Consumer Product Safety Commission under section 14(c) of the Consumer Product Safety Act (15 U.S.C. 2063(c)).

(b) REVISION OF STANDARD.—If the gypsum board labeling provisions of the standard referred to in subsection (a) are revised on or after the date of the enactment of this Act, ASTM International shall notify the Commission of such revision no later than 60 days after final approval of the revision by ASTM International. The revised provisions shall be treated as a rule promulgated by the Commission under section 14(c) of such Act (15 U.S.C. 2063(c)), in lieu of the prior version, effective 180 days after

the Commission is notified of the revision (or such later date as the Commission considers appropriate), unless within 90 days after receiving that notice the Commission determines that the revised provisions do not adequately identify gypsum board by manufacturer and month and year of manufacture, in which case the Commission shall continue to enforce the prior version.

SEC. 4. SULFUR CONTENT IN DRYWALL STANDARD.

(a) RULE ON SULFUR CONTENT IN DRYWALL REQUIRED.—Except as provided in subsection (c), not later than 2 years after the date of the enactment of this Act, the Consumer Product Safety Commission shall promulgate a final rule pertaining to drywall manufactured or imported for use in the United States that limits sulfur content to a level not associated with elevated rates of corrosion in the home.

(b) RULE MAKING; CONSUMER PRODUCT SAFETY STANDARD.—A rule under subsection (a)—

(1) shall be promulgated in accordance with section 553 of title 5, United States Code; and

(2) shall be treated as a consumer product safety rule promulgated under section 9 of the Consumer Product Safety Act (15 U.S.C. 2058).

(c) EXCEPTION.—

(1) VOLUNTARY STANDARD.—Subsection (a) shall not apply if the Commission determines that—

(A) a voluntary standard pertaining to drywall manufactured or imported for use in the United States limits sulfur content to a level not associated with elevated rates of corrosion in the home;

(B) such voluntary standard is or will be in effect not later than two years after the date of enactment of this Act; and

(C) such voluntary standard is developed by Subcommittee C11.01 on Specifications and Test Methods for Gypsum Products of ASTM International.

(2) FEDERAL REGISTER.—Any determination made under paragraph (1) shall be published in the Federal Register.

(d) TREATMENT OF VOLUNTARY STANDARD FOR PURPOSES OF ENFORCEMENT.—If the Commission determines that a voluntary standard meets the conditions in subsection (c)(1), the sulfur content limit in such voluntary standard shall be treated as a consumer product safety rule promulgated under section 9 of the Consumer Product Safety Act (15 U.S.C. 2058) beginning on the date that is the later of—

(1) 180 days after publication of the Commission's determination under subsection (c); or

(2) the effective date contained in the voluntary standard.

(e) REVISION OF VOLUNTARY STANDARD.—If the sulfur content limit of a voluntary standard that met the conditions of subsection (c)(1) is subsequently revised, the organization responsible for the standard shall notify the Commission no later than 60 days after final approval of the revision. The sulfur content limit of the revised voluntary standard shall become enforceable as a Commission rule promulgated under section 9 of the Consumer Product Safety Act (15 U.S.C. 2058), in lieu of the prior version, effective 180 days after the Commission is notified of the revision (or such later date as the Commission considers appropriate), unless within 90 days after receiving that notice the Commission determines that the sulfur content limit of the revised voluntary standard does not meet the requirements of subsection (c)(1)(A), in which case the Commission shall continue to enforce the prior version.

(f) FUTURE RULEMAKING.—The Commission, at any time subsequent to publication of the consumer product safety rule required by subsection (a) or a determination under subsection (c), may initiate a rulemaking in accordance with section 553 of title 5, United States Code, to modify the sulfur content limit or to include any provision relating only to the composition or characteristics of drywall that the Commission determines is reasonably necessary to protect public health

or safety. Any rule promulgated under this subsection shall be treated as a consumer product safety rule promulgated under section 9 of the Consumer Product Safety Act (15 U.S.C. 2058).

SEC. 5. REVISION OF REMEDIATION GUIDANCE FOR DRYWALL DISPOSAL REQUIRED.

Not later than 120 days after the date of the enactment of this Act, the Consumer Product Safety Commission shall revise its guidance entitled "Remediation Guidance for Homes with Corrosion from Problem Drywall" to specify that problematic drywall removed from homes pursuant to the guidance should not be reused or used as a component in production of new drywall.

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from Nebraska (Mr. TERRY) and the gentlewoman from New York (Ms. HOCHUL) each will control 20 minutes.

The Chair recognizes the gentleman from Nebraska.

GENERAL LEAVE

Mr. TERRY. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days in which to revise and extend their remarks and insert extraneous material in the RECORD on H.R. 4212.

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

There was no objection.

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

Mr. Speaker, I rise today in strong support of H.R. 4212, an important bipartisan bill to help fight the problem of defective Chinese drywall which hit many families as a second plague when their home was destroyed by a hurricane or other disaster and then rebuilt using contaminated drywall from China.

The House bill, which passed by voice vote last summer, attacks the problem in three ways:

First, it directs the Secretary of Commerce to engage Chinese leaders and push for the manufacturers of the contaminated drywall to step up and take responsibility for the damages caused by their shoddy product;

Second, the bill requires all drywall manufacturers in the future to label their product with their name and the date of manufacture. The lack of such basic identifying information was a major problem for the homeowners who were stuck with contaminated Chinese drywall but could not determine which manufacturer produced it;

Third, and finally, the House bill requires the Consumer Product Safety Commission to restrict elemental sulfur in drywall unless industry voluntarily adopts an acceptable limit first. Compliance with such a limit would be easy to check at the ports or elsewhere using simple handheld devices.

Mr. Speaker, the Senate amendment before us today preserves all of these key aspects of the House bill, making only a few minor changes. Notably, the Senate amendment provides that the CPSC may only enforce a voluntary sulfur limit if it is adopted by a specified standard-setting body. This responds to a concern that the voluntary

sulfur limit be a true consensus standard; that is, the product of an open process that allows for participation of industry and consumers alike.

Mr. Speaker, the Senate amendment does not undercut the House-passed version of the bill, nor does it add any unnecessary government regulation. Therefore, I strongly urge the adoption of H.R. 4212.

I reserve the balance of my time.

Ms. HOCHUL. Mr. Speaker, I yield myself such time as I may consume.

I rise to speak about the amended version of H.R. 4212, the Drywall Safety Act of 2012 returned to this Chamber by the Senate.

The House approved its own version of H.R. 4212 this past September by a voice vote. That version was the result of bipartisan negotiations that involved the sponsors of this bill, Mr. RIGELL of Virginia and Mr. DEUTCH of Florida, along with the leadership from both sides of the aisle of the Energy and Commerce Committee and its Subcommittee on Commerce, Manufacturing, and Trade.

I believe the House produced a good bill that met Mr. RIGELL's and Mr. DEUTCH's goal of getting the U.S. Government to take action regarding a problematic drywall situation.

The Senate version we are considering today retains significant portions of the House language, so I intend to vote in favor of what the Senate has sent back to us. Just like the previously approved House version, this Senate version requires that all new drywall be marked with a permanent label that can be used to identify who manufactured a particular sheet of drywall and when it was manufactured.

A major problem many homeowners experienced was that they didn't know who made the drywall in their homes or when it was made. The labeling requirement should make it easier to pin down exactly who is responsible for producing any given sheet of drywall.

In addition, just like the previously approved House version, the Senate version requires all drywall used in the United States to be subject to a sulfur content limit. After extensive investigation by the CPSC, sulfur was the element found to be associated with the awful odor and metal corrosion homeowners were experiencing.

The Senate version specifies the American Society for Testing and Metals, or ASTM, international standard for gypsum board labeling as the labeling standard that must be complied with. The House version did not pick a particular voluntary standard.

□ 1720

Instead, CPSC would have specified the industry-generated voluntary standard to be complied with or, failing that, write its own rule on the matter. The Senate version also specifically grants responsibility for the standard on sulfur content to an ASTM committee. Both of these changes are made because one trade association believed

that, under the House version, the CPSC could rely on a voluntary standard that was not developed through a process with safeguards for due process, the airing of diverse views, and consensus decisionmaking. There's not one instance that anyone can point to where the CPSC has relied on a voluntary industry standard that was not produced through a process that involved due process, the airing of diverse views, and consensus decisionmaking.

In addition to referencing the ASTM voluntary standard-setting body twice, the Senate tweaked the future rule-making section. The House granted CPSC authority to "reduce" the sulfur content limit or set limits regarding the composition or characteristics of drywall that are reasonably necessary to protect public health or safety. We granted this authority in case later down the road it becomes apparent that there are other problems associated with drywall that we have not yet identified. The Senate's version replaces the word "reduce" with "modify," so the CPSC has the authority to modify the sulfur content limit. The word "modify" encompasses reducing the limit, so we are willing to live with this change.

I continue to support this bill despite these changes, because the time to act has long past. As far back as late 2008, consumers have complained about homes that smelled like rotten eggs, health concerns that included irritated and itchy eyes and skin, breathing problems, asthma attacks, persistent coughs, bloody and running noses, and recurring headaches. Complaints also included reports of blackened and corroded metal components in the home. The CPSC received nearly 4,000 such complaints from residents in 43 States who believed these conditions related to the presence of Chinese drywall in their homes. Most of these complaints were concentrated in the South, where there was a construction boom in 2006 and 2007 due to hurricanes in 2004 and 2005.

To help bring some relief to these homeowners and to reduce the chance of something like this ever happening again, this legislation does a few other things in addition to the labeling and sulfur content requirements:

It asks the Secretary of Commerce to engage the Chinese Government to prod those companies that exported problematic drywall to the United States—some of which are partly owned by the Chinese Government—to meet with U.S. officials about providing some sort of remedy to homeowners affected by this defective product;

The bill also asks the Secretary of Commerce to engage the Chinese Government to try to get the government to direct these companies to submit to the jurisdiction of our courts and comply with judgments that have been entered against them;

It also calls on the CPSC to revise guidance it published on the removal of

problematic drywall from homes to specify that this drywall should not be reused or put back into the drywall production stream. Once this drywall is removed from one home, we need to make sure it does not end up in another.

Despite issues with why H.R. 4212 is back here on the House floor, the Democratic leadership of the Energy and Commerce Committee and its Subcommittee on Commerce, Manufacturing, and Trade, and I along with them, support this bill and urge my colleagues to do the same.

Mr. Speaker, I reserve the balance of my time.

Mr. TERRY. At this time I yield 3 minutes to the gentleman from Virginia (Mr. RIGELL), who's the lead Republican sponsor. His dogged leadership on this is why it's back on the House floor again.

Mr. RIGELL. I thank Chairman TERRY very much for yielding and my friend and colleague, the gentlelady from New York, for your support of this good bill.

Mr. Speaker, I rise in strong support of the Drywall Safety Act of 2012, as amended. I urge my colleagues to vote "yes" on really what is much-needed and commonsense legislation that's going to come before the House tonight.

For nearly 4 years, families across the country have suffered from the harmful effects of defective Chinese-manufactured drywall. They're friends and neighbors, and they're families, Mr. Speaker, who worked hard and saved and really set out for that classic American Dream to own their own home or to finish their retirement years in a home, and yet that dream turned into a literal nightmare when their home was filled with a mysterious and foul rotten egg type of odor. I've been in these homes. It completely makes the home uninhabitable. It takes all the copper wiring in the home and basically turns it into black soot. They have to replace the compressors on the air conditioners. And even worse is that their health deteriorates.

They turn first to the builders. The builders are not covered by their insurance. Some were able to help out the homeowners and renovate the home on their own, but many are not able to do that, and some builders have gone out of business. They turned then to the manufacturer of the contaminated drywall in China, but really have no recourse there. It's a profoundly sad situation where Americans, through no fault of their own, are experiencing bankruptcy and terrible financial problems.

But tonight we have an opportunity to do what's right and to stand with our friends and neighbors and pass this legislation. It will hold China responsible in no uncertain terms for failing to require their manufacturers to rightly compensate Americans who have been damaged and victimized by those contaminated products.

We express the undivided sense of Congress, Republicans and Democrats working together, that we're going to make sure that China is held accountable for what they've done here. It requires labeling on all the drywall products to make sure that we can find out who's responsible for the manufacturer of each and every piece of drywall that's manufactured; it will limit the amount of sulfur in the drywall, which was the cause of all of this; and, as has been pointed out by my colleague from New York, it's a voluntary standard as opposed to just more massive government intervention. I think that's the right path to go.

So I thank my friends and colleagues from both sides of the aisle for making this possible. The underlying legislation passed the House unanimously in September. The amendment that has been made, I think, is very modest. I especially want to thank my friend and colleague from Florida, Mr. DEUTCH, for working with me as cochair of the Chinese Drywall Caucus. I thank the chairman for yielding and for your support on this piece of legislation.

Ms. HOCHUL. Mr. Speaker, I have no further requests for time, and I yield back the balance of my time.

Mr. TERRY. Mr. Speaker, in closing, let me make one very important point. Republicans and Democrats alike are united on this important health and safety issue. I urge all Members to pass this amendment today and get the needed consumer protections in place.

I yield back the balance of my time. The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Nebraska (Mr. TERRY) that the House suspend the rules and concur in the Senate amendment to the bill, H.R. 4212.

The question was taken.

The SPEAKER pro tempore. In the opinion of the Chair, two-thirds being in the affirmative, the ayes have it.

Ms. HOCHUL. Mr. Speaker, I object to the vote on the ground that a quorum is not present and make the point of order that a quorum is not present.

The SPEAKER pro tempore. Pursuant to clause 8 of rule XX, further proceedings on this question will be postponed.

The point of no quorum is considered withdrawn.

UNINTERRUPTED SCHOLARS ACT

Mr. ROE of Tennessee. Mr. Speaker, I move to suspend the rules and pass the bill (S. 3472) to amend the Family Educational Rights and Privacy Act of 1974 to provide improvements to such Act.

The Clerk read the title of the bill.

The text of the bill is as follows:

S. 3472

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 "Uninterrupted Scholars Act (USA)".

SEC. 2. FAMILY EDUCATIONAL RIGHTS AND PRIVACY.

Section 444(b) of the General Education Provisions Act (20 U.S.C. 1232g(b)) (commonly known as the "Family Educational Rights and Privacy Act of 1974") is amended—

(1) in paragraph (1)—

(A) in subparagraph (J)(ii), by striking "and" after the semicolon at the end;

(B) in subparagraph (K)(ii), by striking the period at the end and inserting "and"; and

(C) by inserting after subparagraph (K), the following:

"(L) an agency caseworker or other representative of a State or local child welfare agency, or tribal organization (as defined in section 4 of the Indian Self-Determination and Education Assistance Act (25 U.S.C. 450b)), who has the right to access a student's case plan, as defined and determined by the State or tribal organization, when such agency or organization is legally responsible, in accordance with State or tribal law, for the care and protection of the student, provided that the education records, or the personally identifiable information contained in such records, of the student will not be disclosed by such agency or organization, except to an individual or entity engaged in addressing the student's education needs and authorized by such agency or organization to receive such disclosure and such disclosure is consistent with the State or tribal laws applicable to protecting the confidentiality of a student's education records.";

(2) in paragraph (2)(B), by inserting "except when a parent is a party to a court proceeding involving child abuse and neglect (as defined in section 3 of the Child Abuse Prevention and Treatment Act (42 U.S.C. 5101 note)) or dependency matters, and the order is issued in the context of that proceeding, additional notice to the parent by the educational agency or institution is not required" after "educational institution or agency".

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from Tennessee (Mr. ROE) and the gentleman from California (Mr. GEORGE MILLER) each will control 20 minutes.

The Chair recognizes the gentleman from Tennessee.

GENERAL LEAVE

Mr. ROE of Tennessee. Mr. Speaker, I ask unanimous consent that all Members have 5 legislative days in which to revise and extend their remarks on S. 3472.

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

There was no objection.

Mr. ROE of Tennessee. Mr. Speaker, I yield myself such time as I may consume.

I rise today in support of S. 3472, the Uninterrupted Scholars Act. The bill amends the Family Educational Rights and Privacy Act of 1974, better known as FERPA, to give child welfare agency caseworkers access to the educational records of foster children. This is an important bill that will help improve the quality of education for children in foster care.

□ 1730

In 2008, Congress passed the Fostering Connections to Success and Increasing Adoptions Act, which tasked