

A motion to reconsider was laid on the table.

MOTION TO INSTRUCT OFFERED BY MR. KNOLLENBERG

Mr. KNOLLENBERG. Mr. Speaker, I yield a motion to instruct conferees.

The Clerk read as follows:

Mr. KNOLLENBERG moves that the managers on the part of the House at the conference on the disagreeing votes of the two Houses on the bill, H.R. 3074, be instructed to insist on section 416 and section 417 of the House-passed bill.

The SPEAKER pro tempore. Pursuant to clause 7 of rule XXII, the gentleman from Michigan (Mr. KNOLLENBERG) and the gentleman from Massachusetts (Mr. OLVER) each will control 30 minutes.

The Chair recognizes the gentleman from Michigan.

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

Mr. Speaker, my motion is very straightforward. It simply instructs the managers on the part of the House to insist that two important provisions included in the House bill be included in the conference report. The first provision, House section 416, prohibits funds in the bill from being used to provide housing assistance to illegal or otherwise unauthorized immigrants. This provision was offered as an amendment on the House floor and adopted unanimously. The second provision, House section 417, prohibits any funds in the bill from being used to hire illegal aliens. This, too, was an amendment adopted unanimously when the House considered the bill.

The House has clearly spoken on this matter, and I think it is important the conferees uphold the will of the House. I urge the adoption of the motion.

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

Mr. OLVER. I thank the gentleman from Michigan for his motion.

Mr. Speaker, as the gentleman from Michigan has already said, the provisions that are in the legislation on the House side, section 416 and 417, are two provisions that relate to illegal immigration. The first of those provisions is one which states that no funds in this act can be used to provide homeowner assistance for illegal immigrants. The second, section 417, says that no funds may be used to employ workers who are illegal immigrants.

The first of these sections applies to the Department of Housing and Urban Development, the second one applies to the Department of Transportation and relates to people who might otherwise be employed in construction under the Department of Transportation.

As the gentleman from Michigan has pointed out, those were adopted unanimously by voice vote here in the House during the passage of this legislation. So they are before the conference and, because they were adopted earlier, I am willing to adopt them now and adopt the motion as is.

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

Mr. KNOLLENBERG. Mr. Speaker, I yield 2 minutes to the gentleman from California (Mr. BILBRAY).

Mr. BILBRAY. Mr. Speaker, I want to say I appreciate the bipartisan support for the concept that people should not be rewarded for breaking our immigration laws. I appreciate the ranking member and the chairman agreeing on this.

I would just ask both of you to take a look at the leadership that the gentleman from North Carolina (Mr. SHULER) has made with a piece of legislation that I feel should be the enforcement part of this direction, and that is that the e-verification be used before people benefit from public funds. That is a very simple system to allow anyone to check that Social Security numbers and names match. It's not an onerous check system to use, and it is one that many of us are looking forward to not only Federal Government but all employers using in the future.

I just ask that you consider the fact that to fulfill the intent of this motion, that the e-verification specifically try to be considered here as the vehicle that before anyone gets these benefits that we check that they are legally here as verified by the e-verification.

If anybody has any questions about that, I am sure Congressman SHULER can brief you extensively on it. But it is sort of the consensus of most of us working on these issues that this is a simple, clear way to allow everyone, including those who are providing public benefit, the assurance that those benefits are not going to somebody who's not qualified to be able to provide it.

So I would raise that as a discussion, that the e-verification be used to verify this motion.

Mr. OLVER. Mr. Speaker, I am grateful for the comments by the gentleman from California, but just point out that that is a very complicated issue, not a part of the conference that we are involved in, and will take a bit more time, probably more than we can resolve today.

I am ready to yield back if the gentleman from Michigan has no other speakers.

Mr. KNOLLENBERG. Mr. Speaker, I yield back the balance of my time.

Mr. OLVER. Mr. Speaker, I yield back the balance of my time.

The SPEAKER pro tempore. Without objection, the previous question is ordered on the motion to instruct.

There was no objection.

The SPEAKER pro tempore. The question is on the motion to instruct.

The question was taken; and the Speaker pro tempore announced that the ayes appeared to have it.

Mr. KNOLLENBERG. 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 pro-

ceedings on this question will be postponed.

The point of no quorum is considered withdrawn.

□ 1400

PROVIDING FOR CONSIDERATION OF H.R. 3355, HOMEOWNERS' DEFENSE ACT OF 2007

Ms. CASTOR. Mr. Speaker, by direction of the Committee on Rules, I call up House Resolution 802 and ask for its immediate consideration.

The Clerk read the resolution, as follows:

H. RES. 802

*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. 3355) to ensure the availability and affordability of homeowners' insurance coverage for catastrophic events. 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 Financial Services. After general debate the bill shall be considered for amendment under the five-minute rule. It shall be in order to consider as an original bill for the purpose of amendment under the five-minute rule the amendment in the nature of a substitute recommended by the Committee on Financial Services now printed in the bill. The committee amendment in the nature of a substitute shall be considered as read. All points of order against the committee amendment in the nature of a substitute are waived except those arising under clause 10 of rule XXI. Notwithstanding clause 11 of rule XVIII, no amendment to the committee amendment in the nature of a substitute shall be in order except those printed in the portion of the Congressional Record designated for that purpose in clause 8 of rule XVIII and except pro forma amendments for the purpose of debate. Each amendment so printed may be offered only by the Member who caused it to be printed or a designee and shall be considered as read. At the conclusion of consideration of the bill for amendment the Committee shall rise and report the bill to the House with such amendments as may have been adopted. Any Member may demand a separate vote in the House on any amendment adopted in the Committee of the Whole to the bill or to the committee amendment in the nature of a substitute. 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. 3355 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.

The SPEAKER pro tempore (Mr. ROSS). The gentlewoman from Florida is recognized for 1 hour.

Ms. CASTOR. Mr. Speaker, for the purpose of debate only, I yield the customary 30 minutes to the gentleman from Texas (Mr. SESSIONS). All time

yielded during consideration of the rule is for debate only.

I yield myself such time as I may consume.

GENERAL LEAVE

Ms. CASTOR. Mr. Speaker, I ask unanimous consent that all Members be given 5 legislative days in which to revise and extend their remarks on H. Res. 802.

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

There was no objection.

Ms. CASTOR. Mr. Speaker, H. Res. 802 provides for consideration of H.R. 3355, the Homeowners' Defense Act of 2007, under an open rule with a preprinting requirement. This rule allows for floor consideration of any amendment that is in compliance with the House rules and the Congressional Budget Act and has been preprinted in the CONGRESSIONAL RECORD.

Mr. Speaker, in the face of natural catastrophes that too often strike our communities, the Congress today will initiate a new planning effort through H.R. 3355 and this rule. This new effort will assist our communities and hopefully tackle the rising cost of homeowners property insurance.

My colleagues from Florida, Representative RON KLEIN and Representative TIM MAHONEY, have led this bipartisan effort. I thank them for their tireless work and leadership, their leadership that should help our neighbors back home and folks across this country find affordable and available homeowners insurance.

Following some of the most expensive natural disasters in our Nation's history, like Hurricanes Katrina and Rita and Wilma and the fires and the floods and the earthquakes, homeowners across this country have been subjected to wild fluctuations and horrendous cost increases for their property insurance. Insurance premiums are out of sight. They have skyrocketed. Well, we understand. We feel it in our own bills.

I hear it from the retired older woman in West Tampa back home who has owned her house for 30 years and is on a fixed income. But this exponential increase in insurance that she has suffered may force her to sell her long-time home.

I also hear it from the hardworking folks in south St. Petersburg who have been cancelled by their insurance companies after decades of paying their premiums without making any claim upon that insurer.

Due to all of the policy cancellations, we now have a crisis. Insurers have fled the State. In some areas, insurance premiums have gone beyond what any reasonable person would consider anything that they can handle in their everyday lives. A rate increase of over 600 percent is not unheard of. Some of our neighbors are having to rethink their retirements because they can no longer afford to live in their homes. But if they tried to sell, nobody can afford to buy those homes.

And, unbelievably, the State of Florida is now the largest provider of homeowners property insurance in our State. This problem is not limited to the State of Florida, however. Across the country over the past 5 years, homeowners insurance premiums have increased by over 45 percent on average. In Florida, that average increase is over 77 percent. And there seems to be no end in sight unless we work to create innovative options, like this bill, that will bring stability back to the marketplace and sanity back to insurance premiums.

Over 3 million loyal policyholders, many of whom have never submitted a single claim, have received letters from their insurance companies, nondescript envelopes that carry the message, "Your policy is not eligible to be renewed."

Last month a story caught my eye entitled, "Home Insurers Canceling in the East." It said that insurance companies have essentially begun to redraw the outline of the eastern United States somewhere west of the Appalachian Trail.

Faced with the risk of their citizens being priced out or thrown out of private insurance markets, States have begun to take action. The State insurance program in Massachusetts has doubled as a result of the insurance crisis. My home State of Florida is now insuring 1.3 million policyholders. But the States did not ask to be put in this position. They tried to reason with the private insurance companies. They created incentives, they pushed, they urged them not to leave folks high and dry and to keep insurance available and affordable. Even though the insurance industry made record profits the year of Hurricane Katrina, private insurers have still left the gulf coast.

Times of crisis like these often lead to innovative solutions, however. My colleagues, Representative RON KLEIN and Representative TIM MAHONEY, national insurance risk consortium that will allow States better access to private capital as a backstop for these huge, catastrophic losses. The consortium will help States work together to bundle that risk into bonds that can succeed on the private capital markets. Because this program is voluntary and relies on private investment, the new consortiums should not expose Federal taxpayers to any risk whatsoever. Catastrophe bonds through the consortium will help stabilize insurance markets, bring down premiums, and move forward in providing available, affordable insurance to our constituents.

The bill, with foresight and common sense, also addresses the worst-case scenario, because, God forbid, there will be another catastrophic event and States will be on the hook to pay claims. And most of the time this will not be a problem, but there are some disasters for which no preparation is enough. In those cases, historically this body, the Congress, has written emergency assistance bills, and it is

right that we should do so. But this bill allows States to take control of their own fates by lessening the need for those Federal disaster appropriations by making Federal loans available to help States pay claims when that colossal disaster happens.

This is a compassionate, fiscally responsible way to ensure that Americans are not left without aid in their time of greatest need. This bill is a simple, effective way to tackle the crisis of skyrocketing property insurance. I ask my colleagues to support the rule and the underlying legislation.

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

Mr. SESSIONS. Mr. Speaker, I rise today in opposition to this rule and to the underlying legislation which asks taxpayers from across the country to subsidize the risky housing choices of residents of one State at the expense of the private marketplace.

This legislation does nothing to promote responsible and effective disaster mitigation standards or any other risk-reduction measures to lower the costs in the terrible event of a natural disaster. Instead, it promotes widespread moral hazard and inefficient decision-making by distorting the costs associated with living in high-risk areas through national subsidies.

These bail-out mechanisms will promote overdevelopment in areas most vulnerable to hurricanes, flooding, and other natural disaster damage, which is why groups like the National Wildlife Federation have come out in opposition to this bill, recognizing that the legislation subsidies will "result in continued encouragement of risky development in our Nation's coastal areas and floodplains," and that more development in these areas will lead to "more loss of life, more loss of property, and more loss of wildlife habitat."

Mr. Speaker, I include for the CONGRESSIONAL RECORD a letter signed by the National Wildlife Federation and the chairman of The Florida Coalition for Preservation, both of whom are opposing this bill.

NATIONAL WILDLIFE FEDERATION,  
Washington, DC, September 24, 2007.

Hon. BARNEY FRANK,  
Chair, House Financial Services Committee,  
Washington, DC.

Hon. SPENCER BACHUS,  
Ranking Member, House Financial Services  
Committee, Washington, DC.

DEAR CHAIRMAN FRANK AND RANKING MEMBER BACHUS: On behalf of the National Wildlife Federation and the Florida Coalition for Preservation, we write to express our opposition to H.R. 3355, the Homeowners' Defense Act of 2007, as it is currently drafted. For over 20 years, the environmental community has worked to promote change in the public insurance arena, especially through reform of the National Flood Insurance Program (NFIP). We support reforms that promote ecologically-sound floodplain management to reduce loss of life, property, and important wildlife habitat.

We applaud Representatives Klein and Mahoney and the Financial Services Committee for raising the Nation's awareness of the increasing risks associated with coastal

storms, which are predicted to become more powerful and of longer duration, due to rising sea levels and warming of the climate. The UN-sponsored Intergovernmental Panel on Climate Change (IPCC) and many of the Nation's prominent climate scientists have warned that the increasing intensity of such destructive storms is a likely result from global warming due to buildup of greenhouse gases, especially carbon dioxide.

We understand that the devastating human toll that Hurricanes Katrina, Rita, and Wilma created in 2005, plus the four powerful hurricanes that struck Florida in 2004, have increased the public's awareness of the need for adequate insurance coverage after natural disasters. H.R. 3355 establishes a federally-chartered national catastrophe risk consortium, where States can pool risk and sell catastrophe bonds and reinsurance contracts. It also establishes a national homeowners insurance stabilization program, which mandates that the Secretary of the Treasury give liquidity and catastrophe loans to State reinsurance and insurance plans. We are concerned, however, that H.R. 3355's subsidies could inadvertently result in continued encouragement of risky development in our Nation's coastal areas and floodplains. With more development in these environmentally-sensitive areas, the bill could lead to more loss of life, of property, and of wildlife habitat. The safety of our citizens should be the number one priority of any government program dealing with natural disasters. Unfortunately, H.R. 3355 falls short of this goal.

Specifically, we have the following concerns with H.R. 3355:

No Requirement for Meaningful Hazard Mitigation. As currently drafted, H.R. 3355 does not require any demonstration that a State has implemented meaningful hazard mitigation reforms to be eligible to participate in the consortium. Hazard mitigation must be a primary goal of any Federal backstop for State insurance and reinsurance programs. Effective hazard mitigation will save lives, reduce damage, limit Federal taxpayers burdens, and will help reduce the cost of insurance.

Low Interest Loans Provide Added Incentive for Increased Risky Development in Hazard-Prone, Ecologically-Sensitive Coastal Areas and Floodplains. We are concerned that the liquidity and catastrophe loans in Title II of H.R. 3355 do not have any real ceiling amounts, so that the taxpayers' liability may be limitless. The loans are well below market rates, mandatory, and of at least 5 to 10 years duration. The Secretary of the Treasury may extend the loans upon a simple request. These loans may also result in the creation of more State catastrophe funds, which may unreasonably concentrate risk at the State level, and effectively subsidize development in high risk areas. According to the Insurance Information Institute, for example, the State of Florida's Citizens Property Insurance Corporation, which was supposed to be only the insurer of last resort, has become Florida's largest homeowners' insurer. It is predicted that Citizens will grow to nearly 2 million policyholders by the end of the year, giving it more than one third of the total market and exposure to loss of more than \$400 billion. Citizens was expected to shrink gradually, but it has expanded exponentially. Some critics of H.R. 3355 have called this bill a "pre-emptive bailout" of Florida's state insurance program and others have called it "The Developers' Dream Act."

As Evidenced by the National Flood Insurance Program, Continued Subsidized Risky Development in Ecologically-Sensitive Areas Will Jeopardize Citizen Safety and Unnecessarily Burden Taxpayers. The experience of

the National Flood Insurance Program (NFIP) should provide some degree of caution to the framers of H.R. 3355. We have been concerned for many years that the NFIP is having severe difficulties managing the growth of flood-related risk (as well as the costs). Nearly a decade ago, the National Wildlife Federation released a report called "Higher Ground" on the problems of repetitive losses in the NFIP, where, in thousands of communities, buildings were experiencing repeated flood losses only to be reconstructed again and again with little or no mitigation of risk, in part for lack of incentive to "move out of harm's way." Part of the lack of incentive for mitigation was driven by rates that are below (some of them far below) true actuarial rates, flood hazard maps that are inaccurate or out of date and failing to consider changing conditions, and failure of communities and FEMA to enforce even minimum standards of the program, let alone set higher standards to reduce or avoid risk.

Today, we still find that after Congress passed amendments in 2004 to reform the NFIP and began to provide funds to address repetitive losses, the new program is still largely not implemented and has failed to spend much of the funds made available to start changing the pattern. Since 1998, the number of repetitive loss properties has grown from 74,500 at the time of the NWF study to now over 135,000 properties, and the cost to the NFIP of these buildings has more than tripled to over \$8.5 billion in payments. The NFIP continues to face enormous challenges, and public confidence is lacking in the program's ability to reduce risks, manage costs and protect the environment. Another taxpayer-funded "backstop" has the potential to increase the myriad of problems with our current public insurance programs.

We therefore oppose H.R. 3355 in its current form. We hope that the Committee will address our concerns during mark-up, and we urge the Committee to work with the Nation's private insurance industry to assure that insurance adjustments are completed quickly, fairly, and accurately after natural disasters. We also urge the Committee to consider creating incentives for homeowners in high risk areas to use a full range of mitigation techniques, including retrofitting properties to mitigate storm damage or to relocate out of harm's way.

We believe that the intricacies of H.R. 3355 require thoughtful assessment, and we urge the Committee not to rush to judgment on a bill of this complexity. Safety is of paramount importance to our organizations, and we cannot support legislation that does not consider meaningful hazard mitigation. Nor can we support public subsidies in this legislation that, in turn, could further result in additional loss of human life, property, and wildlife habitat in the Nation's most ecologically-sensitive coastal areas and floodplains. We stand ready to work with you to address these concerns.

We very much appreciate your consideration of our views on H.R. 3355.

OPPOSE H.R. 3355, THE HOMEOWNERS' DEFENSE ACT OF 2007

This bill does nothing to promote responsible and effective mitigation standards or other risk-reduction measures. Instead it creates a bailout mechanism which will promote over-development in areas known to be vulnerable to substantial damage resulting from hurricanes, flooding, and other natural disasters.

This bill has no retained loss requirement for participating State reinsurance funds. Once the trigger is met, a fund may qualify for a loan, without any "skin in the game." This bill could be improved by requiring

States to first sustain a loss before receiving a loan from Treasury. The loans could help States manage their losses above the retained loss requirement.

Although the trigger has been raised for catastrophic loans, according to the manager's amendment, a State reinsurance fund is eligible for a liquidity loan if it has a "capital liquidity shortage," no matter the size of the event. This change makes the liquidity loan provision very open-ended and could discourage States from sufficiently capitalizing their reinsurance funds.

The Consortium created by this bill is unnecessary. States can currently diversify their natural catastrophe risk right now through the global reinsurance market. While there is no indication that the Consortium would even work, it could potentially dump billions of dollars in catastrophe bonds into the market, irrespective of demand.

This bill will encourage States other than Florida to create reinsurance funds in order to provide cheap reinsurance, possibly crowding out the private reinsurance market. Reinsurance is more expensive in States like Florida, where the risk is higher. Masking the true cost of insurance does nothing but encourage risky development, and in the case of these Federal loans, could expose taxpayers to billions of dollars in losses.

The loans created by this bill represent a transfer from States that do not suffer frequent natural catastrophes to those that do. If States suffer repeated losses and qualify for multiple loans, there will be incredible pressure on Congress to forgive the loan.

This bill mandates that Treasury provide open-ended, subsidized loans to States, but ties its hands. It does not grant Treasury the appropriate discretion to adjust the program as conditions warrant.

Sincerely,

DAVID R. CONRAD,  
*Senior Water Resources Analyst, National Wildlife Federation.*

HONORABLE THOMAS B. EVANS, JR.,  
*Chairman, The Florida Coalition for Preservation.*

It is without doubt, Mr. Speaker, that as the Nation's most hurricane-prone State, Florida has had a long-vested interest in providing its residents with accessible and affordable property insurance. Despite this desire, there has been a noticeable lack of political will in Florida for enacting good public policies to encourage this desired result.

State regulations that prevent insurers from charging risk-based prices, limits on capital movement and well-founded uncertainty over the legal and regulatory enforcement of contracts in Florida have caused many private insurers to reduce their exposures to this political risk by reducing new underwriting in the State.

But rather than addressing the root causes of this market failure, Florida has decided to deal with the problem by creating a State-backed insurer to compete with private companies in the delivery of this coverage, which was billions of dollars in debt within 3 years of its creation. Things have not gotten much better for the government entity with its overwhelming exposure of almost \$450 billion, which has already been bailed out by Florida taxpayers at a cost of \$715 million.

So now once again, instead of addressing the root causes of their problem, Florida supporters of this fund have come to Congress to try and spread their State's exposure nationwide, meaning to other States and other States' taxpayers, by exposing them to massive liabilities which would further encourage development along hurricane-prone coastlines.

□ 1415

Mr. Speaker, supporters of this legislation will undoubtedly come to the floor to explain that participation in this Federal consortium is voluntary. What they will undoubtedly omit, however, is that there is nothing stopping States from engaging in this kind of partnership already today and that only one additional value being placed on this bill is an implicit Federal guarantee that provides a subsidy to this government program and that the private sector does not enjoy and places the Federal Government at risk for covering any potential losses experienced by this program.

In other words, said another way, this new Democrat majority is looking for other States to pay for taxpayers, caused by mistakes in one State.

Mr. Speaker, I oppose this legislation that the Congressional Budget Office estimates will cost taxpayers \$120 million over the next 5 years just to implement, and that is only counting what they will have to pay before they are asked to bail out this program.

I insert the Congressional Budget Office's score of this legislation into the CONGRESSIONAL RECORD at this point, as well as the administration's Statement of Policy which makes it clear that the President's senior advisers would advise this legislation's veto if it makes it to the President's desk.

OCTOBER 30, 2007.

Hon. BARNEY FRANK,  
*Chairman, Committee on Financial Services,  
House of Representatives, Washington, DC.*

DEAR MR. CHAIRMAN: The Congressional Budget Office has prepared the enclosed cost estimate for H.R. 3355, the Homeowners' Defense Act of 2007.

If you wish further details on this estimate, we will be pleased to provide them. The CBO staff contact is Daniel Hoople.

Sincerely,

PETER R. ORSZAG.

Enclosure.

*H.R. 3355—Homeowners' Defense Act of 2007*

Summary: H.R. 3355 would authorize the appropriation of \$120 million over the 2008–2013 period to establish a National Catastrophe Risk Consortium to help coordinate the availability of reinsurance contracts between state reinsurance entities and the private market. The consortium also would act as an information repository for states on the risk of natural disasters and research on the standardization of risk-linked securities (for example, catastrophe bonds). Assuming the appropriation of the specified amounts, CBO estimates that implementing this provision would cost \$75 million over the 2008–2012 period.

The bill also would establish two new federal direct loan programs within the Department of the Treasury for state reinsurance programs facing certain levels of insured

losses following a natural disaster. Loans could be made only if a reinsurer could not access capital in the private market and repayment was secured by the full faith and credit of the state. Treasury would develop procedures for state reinsurance programs to prequalify for loans, including the assessment of fees to cover the cost of administering the program. CBO expects that such loans would be made very rarely and would involve a minimal subsidy cost under the terms specified in the legislation. As such, CBO estimates that loans made under the bill would have an insignificant cost over the next five years. Enacting H.R. 3355 would not affect direct spending or revenues.

This bill contains no intergovernmental or private-sector mandates as defined in the Unfunded Mandates Reform Act (UMRA) and would impose no costs on state, local, or tribal governments.

Estimated cost to the Federal Government: The estimated budgetary impact of this legislation is shown in the following table. The costs of this legislation fall within budget function 450 (community and regional development).

	By fiscal year, in millions of dollars—				
	2008	2009	2010	2011	2012
Authorization Level .....	20	20	20	20	20
Estimated Outlays .....	3	12	20	20	20

Note: H.R. 3355 also would authorize the appropriation of \$20 million in fiscal year 2013.

Basis of estimate: For this estimate, CBO assumes that the bill will be enacted in early fiscal year 2008 and that the necessary amounts will be appropriated for each fiscal year.

*National Catastrophe Risk Consortium*

H.R. 3355 would authorize the appropriation of \$20 million for each of fiscal years 2008 through 2013 to establish the National Catastrophe Risk Consortium. The consortium would be a federal entity managed by a board of directors made up of designees from the Departments of Treasury, Commerce, and Homeland Security, and members from each participating state. Responsibilities of the Consortium would include: encouraging and facilitating different avenues for state insurers to enter into reinsurance agreements with the private market, conducting research and analysis into the standardization of risk-linked securities, and gathering insurance information. Assuming the appropriation of the specified amounts, CBO estimates that implementing this provision would cost \$3 million in 2008 and \$75 million over the 2008–2012 period for staff and research expenses.

*Liquidity and catastrophe loans for state reinsurance programs*

H.R. 3355 would establish two new direct loan programs within the Department of Treasury for state reinsurance programs facing a certain level of insured losses following a natural disaster. Reinsurance programs insure primary insurers or other reinsurers against losses in excess of amounts specified by contract or law. Reinsurance programs eligible for the new loan programs created under the bill would only be those in which the authorizing state maintained a financial interest. Examples of such reinsurance programs include the Florida Hurricane Catastrophe Fund (FHCF) and the California Earthquake Authority. In cases where a state does not have a reinsurance program that meets the requirements for a loan under the bill, a state residual insurer (for example, wind pool programs) would be eligible to apply during the five-year period following enactment.

Procedures to Establish Loan Eligibility. H.R. 3355 would direct the Secretary of the

Treasury to develop procedures for reinsurance programs to establish loan eligibility prior to a natural disaster. At a minimum, insurance entities covered by the reinsurer would be required to establish rate structures sufficient to cover expected annualized costs and ensure that any new construction or substantial renovation of insured properties comply with applicable state and local building codes. As a part of the precertification process, the Secretary would assess a fee on state reinsurance programs to cover the costs of administering the loan program. Those fees would be credited in the budget as an offsetting collection and would be available upon subsequent appropriation of a loan subsidy.

Based on information about the characteristics of existing state reinsurance programs and on information from the Treasury, CBO expects that most state reinsurance programs would meet the eligibility requirements set forth under the bill and thus would be eligible to receive loans. In addition, other qualified reinsurance programs may be established in the future that also would be eligible to receive loans.

Liquidity Loans. Under H.R. 3355, a qualified reinsurance program would be eligible to receive a liquidity loan if the program demonstrates it is facing a liquidity shortage and is not able to access capital at a reasonable rate in the private market. The principal of such loans could not exceed the ceiling coverage level—the maximum amount of liability the program could incur under law. In addition, the full faith and credit of the state in which the reinsurance program is authorized would be required. Loans would be made at a rate of not less than 3 percentage points above the applicable Treasury rate and for a term of between five and ten years.

Based on information from the state of Florida, CBO expects that those loans would most likely be used to address short-term liquidity shortages and would be repaid once adequate capital became available through established reinsurance agreements or through the private market. In cases where a liquidity loan is held to term (which CBO expects would be unlikely to occur because of the high interest rate of the loan), CBO estimates that those loans would have no significant cost to the federal government. As of June 2007, rating agencies like Standard and Poor's have not issued a credit rating below "A" for new general obligation bonds issued by a state. Based on historical default rates and the minimum terms specified in the bill, CBO estimates that the default risk associated with a state's general obligation bond rating would have to increase significantly before such a loan would be estimated to have more than a negligible subsidy cost. While the default risk of loans backed by the full faith and credit of a state would likely increase following a disaster, CBO expects that this increase would not be significant. (Following Hurricane Katrina, for example, Standard and Poor's announced it would adjust a state's credit rating for the first time as a result of a natural disaster by lowering Louisiana's rating from an A+ to an A.) As such, CBO estimates that any liquidity loan made under the bill would have an insignificant cost over the next five years.

Catastrophe Loans. Under the bill, a qualified reinsurance program would be eligible to receive a catastrophe loan following a disaster if insured losses exceeded 150 percent of the aggregate amount of premiums assessed (whether collected or not) for private property and casualty insurance issued in the state over the previous 12-month period. The principal of such a loan could not exceed the difference between the total insured loss and the program's ceiling coverage level, and repayment would be afforded the full faith and

credit of the state. Loans would be made at a rate of not less than 20 basis points above the applicable Treasury rate and for a term of not less than 10 years.

Based on information from the states, CBO expects that few, if any, reinsurance programs would apply for a catastrophe loan following a disaster. State insurance commissions and rating agencies often require that primary insurers are able to cover at least a 100-year event to maintain their credit rating. As such, not only would losses exceeding the ceiling coverage level be outside the responsibility of the reinsurer, they likely would be covered through existing reinsurance agreements between the primary insurer and the private market.

For example, as a result of Hurricane Katrina, the Gulf Coast faced insured losses of over \$40 billion. Such losses well exceeded the minimum eligibility threshold for a catastrophe loan under the bill. (Based on the aggregate amount of direct written premium for private property and casualty insurance, CBO estimates that the threshold probably would have been around \$12 billion for Louisiana in 2005.) However, CBO expects that there would have been little demand for a catastrophe loan following Katrina because a state reinsurance program (if one had existed) would not have been responsible for losses above its ceiling coverage level. Furthermore, such losses would have been covered by existing reinsurance agreements between primary insurers and the private market. For those reasons, CBO estimates that implementing this provision would have no cost over the next five years.

Intergovernmental and private-sector impact: H.R. 3355 contains no intergovernmental or private-sector mandates as defined in UMRA and would impose no costs on state, local, or tribal governments.

Estimate prepared by: Federal Costs: Daniel Hoople; Impact on State, Local, and Tribal Governments: Melissa Merrell; Impact on the Private Sector: MarDestinee C. Perez.

Estimate approved by: Theresa Gullo, Deputy Assistant Director for Budget Analysis.

STATEMENT OF ADMINISTRATION POLICY  
H.R. 3355—HOMEOWNER'S DEFENSE ACT

The Administration seeks to ensure that there is a stable and well-developed private market for natural hazard insurance and reinsurance. The Administration believes that private markets are the most efficient, lowest cost, and most innovative insurance providers. Therefore, the Administration strongly opposes H.R. 3355, which creates a permanent role for the Federal government in natural hazard insurance markets. Accordingly, if H.R. 3355 were presented to the President, his senior advisors would recommend that he veto the bill.

The Administration strongly opposes provisions creating a Federally-backed consortium of States in order to pool catastrophe risk. Although pooling can be an effective mechanism for managing risk, there is no need for a Federal role because States are currently free to associate to address catastrophe risk. Further, the consortium's Federal charter would create an implicit guarantee that the Federal government backstops the consortium's financial obligations. This implicit guarantee would result in an inequitable Federal subsidy for certain State insurance programs and policyholders.

The Administration also strongly opposes provisions establishing a Federal loan program to fund losses incurred by State-sponsored reinsurance programs. This subsidized Federal backstop would displace reinsurance currently available from the private market and would clearly result in a subsidy for insurers, State insurance programs, and their

policyholders. Federal subsidies for State insurance programs would also encourage the creation of new State programs and discourage States from charging risk-based rates, resulting in the State programs crowding out the private sector. Subsidized insurance rates also undermine economic incentives to mitigate risks. Individuals facing subsidized rates would be encouraged to take on risks that are inappropriate, specifically putting themselves in harm's way because they do not bear the full expected costs of potential damages. Finally, shifting liabilities for catastrophe exposure from the private sector and State insurance programs to the Federal government would be fiscally irresponsible as the Federal government could expect to face steep losses in certain years. Financing these losses would require Federal taxpayers to subsidize insurance rates for the benefit of those people living in high-risk areas.

Mr. Speaker, once again, the new Democrat majority is bringing to the floor something which will not only increase spending for all taxpayers, in addition to the high taxation that this new majority is already bringing to the floor, in addition to the rules and regulations which the new Democrat majority is bringing to the floor, and today we see an opportunity for the United States to bail out one State because they've got problems with their private sector initiatives.

I will ask all of my colleagues to stand up for the American taxpayer today, not to subsidize the homeowners of one specific State. I urge them to vote "no" on this rule and the underlying legislation.

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

Ms. CASTOR. Mr. Speaker, I would inquire of the gentleman from Texas if he has any additional speakers.

Mr. SESSIONS. I appreciate the gentlewoman asking. At this time, I do not have any additional speakers.

Ms. CASTOR. Then I will reserve the balance of my time. Because I have the right to close, I will wait for the gentleman from Texas to make his closing remarks, and then I will make my closing statement.

Mr. SESSIONS. Mr. Speaker, I will be asking Members to oppose the previous question so that I can amend the rule to have Speaker PELOSI, in consultation with Republican Leader BOEHNER, immediately appoint conferees to move forward a clean Military Construction and Veterans Affairs appropriations bill for 2008.

Despite the fact that Veterans Day will likely come and go this year without the House living up to its commitments to our Nation's veterans, Democrats continue to play politics with this important funding for their own political gain.

While the House Democrat leadership plays politics, however, our Nation's veterans are the ones paying the price. The Senate has already done its work and appointed conferees for the veterans appropriations bill, and for every day that House Democrats allow the veterans funding bill to languish without conferees for their own political agenda, our Nation's veterans lose \$18.5

million, money that could be used for veterans housing, veterans health care, and other very important veterans support activities.

The American Legion and the VFW already have, along with multiple requests from this Member, as well as Republican Members of the House, urged both Speaker PELOSI and Democrat Senate Majority Leader REID to end their PR campaign and begin conference work on this important veterans funding issue.

Unfortunately, it appears as though all these commonsense requests have fallen on deaf ears, and our Nation's veterans are being forced to pay the price for continued Democrat partisanship and lack of leadership on this issue.

I ask all of my colleagues to support this motion to defeat the previous question so that we can put partisanship aside and move this important legislation forward without any further gimmicks or games.

I know that this is a bold idea that hasn't yet been focused on by groups around the Democrat Party or by pollsters or those who work with moveon.org, but I think that our veterans deserve nothing less.

Mr. Speaker, I ask unanimous consent to have the text of the amendment and extraneous material appear in the RECORD just prior to the vote on the previous question.

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

There was no objection.

Mr. SESSIONS. Mr. Speaker, I yield back the balance of my time.

Ms. CASTOR. Mr. Speaker, we're here on the Homeowners' Defense Act of 2007 and this rule. This is an innovative solution crafted by my very thoughtful colleagues from Florida, Representative RON KLEIN and Representative TIM MAHONEY, to tackle the rising cost of property insurance.

While the problem is especially acute in the State of Florida, it is not limited to the State of Florida. Look all the way up the coastline from Florida to Georgia, up through New York. Everyone is suffering these double-digit percentage increases in their property insurance bills. Look across the country to California and, yes, to Texas. Florida is not alone and the gulf coast is not alone.

What this requires is some innovative, thoughtful thinking that sometimes is all too often missing here in Washington, but thankfully this new Congress has elected some self-starters who have experience in business and know how business and government can work together to bring real solutions for the American people.

These times of crisis demand innovative solutions, and my colleagues from Florida and the Financial Services Committee that passed this bill in a bipartisan vote, that has brought this to the floor today that we can act on will provide a voluntary, not all States participate, it's a voluntary national insurance risk consortium that will

allow States to tap private capital. Despite the protests from the other side of the aisle, the way this bill is crafted is the taxpayers will not be on the hook for additional disaster claims. To the contrary, this is an attempt to alleviate having to come back to the Congress time and time again in a time of natural disasters.

Now, will we be able to solve natural catastrophes in this bill? No. But is it a smart tool to plan ahead, to try to put some money aside early and create a backstop? Yes.

So I thank all of my colleagues from Florida, especially Representative KLEIN and Representative MAHONEY, because we have got to do something, and this is a simple and effective way to tackle the rising costs for property insurance. I ask my colleagues to support the rule and to support this innovative solution.

I urge a "yes" vote on the previous question and on the rule.

The material referred to previously by Mr. SESSIONS is as follows:

AMENDMENT TO H. RES. 802 OFFERED BY MR. SESSIONS OF TEXAS

At the end of the resolution, add the following:

SEC. 3. The House disagrees to the Senate amendment to the bill, H.R. 2642, making appropriations for military construction, the Department of Veterans Affairs, and related agencies for the fiscal year ending September 30, 2008, and for other purposes, and agrees to the conference requested by the Senate thereon. The Speaker shall appoint conferees immediately, but may declare a recess under clause 12(a) of rule I for the purpose of consulting the Minority Leader prior to such appointment. The motion to instruct conferees otherwise in order pending the appointment of conferees instead shall be in order only at a time designated by the Speaker in the legislative schedule within two additional legislative days after adoption of this resolution.

(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 germane 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.

Ms. CASTOR. Mr. 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. SESSIONS. Mr. Speaker, on that I demand the yeas and nays.

The yeas and nays were ordered.

The SPEAKER pro tempore. Pursuant to clause 8 and clause 9 of rule XX, this 15-minute vote on ordering the previous question will be followed by 5-minute votes on adoption of the resolution, if ordered, and adoption of the motion to instruct on H.R. 3074, if ordered.

The vote was taken by electronic device, and there were—yeas 222, nays 191, not voting 19, as follows:

[Roll No. 1065]

YEAS—222

Abercrombie	Berkley	Brady (PA)
Ackerman	Berman	Brown, Corrine
Allen	Berry	Brown-Waite,
Altmire	Bishop (GA)	Ginny
Andrews	Bishop (NY)	Butterfield
Arcuri	Blumenauer	Capps
Baca	Boswell	Capuano
Baird	Boucher	Cardoza
Baldwin	Boyd (FL)	Carnahan
Becerra	Boyda (KS)	Carney

Castor	Castor-Lee	Price (NC)
Chandler	(TX)	Rahall
Clarke	Jefferson	Rangel
Clay	Johnson (GA)	Reyes
Cleaver	Johnson, E. B.	Richardson
Clyburn	Jones (OH)	Rodriguez
Cohen	Kagen	Ross
Conyers	Kanjorski	Roybal-Allard
Cooper	Kaptur	Ruppersberger
Costa	Kennedy	Rush
Costello	Kildee	Ryan (OH)
Courtney	Kilpatrick	Salazar
Cramer	Kind	Sánchez, Linda
Crowley	Klein (FL)	T.
Cuellar	Kucinich	Sanchez, Loretta
Cummings	Lampson	Sarbanes
Davis (AL)	Langevin	Schakowsky
Davis (CA)	Larsen (WA)	Schiff
Davis (IL)	Larson (CT)	Schwartz
Davis, Lincoln	Lee	Scott (GA)
DeFazio	Lewis (GA)	Scott (VA)
DeGette	Lipinski	Serrano
Delahunt	Loeb	Sestak
DeLauro	Lofgren, Zoe	Shea-Porter
Dingell	Lowey	Sherman
Doggett	Lynch	Shuler
Donnelly	Mahoney (FL)	Sires
Doyle	Maloney (NY)	Skelton
Edwards	Markey	Slaughter
Ellison	Marshall	Smith (WA)
Ellsworth	Matheson	Snyder
Emanuel	Matsui	Solis
Engel	McCarthy (NY)	Space
Eshoo	McCollum (MN)	Spratt
Etheridge	McDermott	Stark
Farr	McGovern	Stupak
Fattah	McIntyre	Sutton
Filner	McNerney	Tanner
Frank (MA)	McNulty	Tauscher
Gillibrand	Meek (FL)	Taylor
Gonzalez	Meeks (NY)	Thompson (CA)
Gordon	Melancon	Thompson (MS)
Green, Al	Michaud	Tierney
Green, Gene	Miller (NC)	Towns
Grijalva	Miller, George	Tsongas
Gutierrez	Mitchell	Udall (CO)
Hall (NY)	Mollohan	Udall (NM)
Hare	Moore (KS)	Van Hollen
Harman	Moore (WI)	Velázquez
Hastings (FL)	Moran (VA)	Visclosky
Herseth Sandlin	Murphy (CT)	Walz (MN)
Higgins	Murphy, Patrick	Wasserman
Hill	Murtha	Schultz
Hinchey	Nadler	Waters
Hinojosa	Napolitano	Watson
Hirono	Neal (MA)	Watt
Hodes	Obey	Waxman
Holt	Olver	Weiner
Holden	Ortiz	Welch (VT)
Holt	Pallone	Wexler
Honda	Pascrell	Wilson (OH)
Hooley	Pastor	Woolsey
Hoyer	Payne	Wu
Inslee	Perlmutter	Wynn
Israel	Peterson (MN)	Yarmuth
Jackson (IL)	Pomeroy	

NAYS—191

Aderholt	Cantor	Fossella
Akin	Capito	Fox
Alexander	Carter	Franks (AZ)
Bachmann	Castle	Frelinghuysen
Bachus	Chabot	Galleghy
Baker	Coble	Garrett (NJ)
Barrett (SC)	Cole (OK)	Gerlach
Barrow	Conaway	Gilchrest
Bartlett (MD)	Crenshaw	Gingrey
Barton (TX)	Culberson	Gohmert
Biggert	Davis (KY)	Goode
Bilbray	Davis, David	Goodlatte
Bilirakis	Davis, Tom	Granger
Bishop (UT)	Deal (GA)	Graves
Blackburn	Dent	Hall (TX)
Blunt	Diaz-Balart, L.	Hastert
Boehner	Diaz-Balart, M.	Hastings (WA)
Bonner	Doolittle	Hayes
Bono	Drake	Heller
Boozman	Dreier	Hensarling
Boustany	Duncan	Herger
Brady (TX)	Ehlers	Hobson
Brown (GA)	Emerson	Hoekstra
Brown (SC)	English (PA)	Hulshof
Buchanan	Everett	Inglis (SC)
Burgess	Fallin	Issa
Burton (IN)	Feeney	Johnson (IL)
Calvert	Ferguson	Johnson, Sam
Camp (MI)	Flake	Jones (NC)
Campbell (CA)	Forbes	Jordan
Cannon	Fortenberry	Keller

King (IA)	Paul	Shadegg	Gillibrand	Markey	Sanchez, Loretta	Pitts	Royce	Thornberry
King (NY)	Pearce	Shays	Gonzalez	Marshall	Sarbanes	Platts	Ryan (WI)	Tiahrt
Kingston	Pence	Shimkus	Green, Al	Matheson	Schakowsky	Poe	Sali	Tiberi
Kirk	Peterson (PA)	Shuster	Green, Gene	Matsui	Schiff	Porter	Saxton	Turner
Kline (MN)	Petri	Simpson	Grijalva	McCarthy (NY)	Schwartz	Price (GA)	Schmidt	Upton
Knollenberg	Pickering	Smith (NE)	Gutierrez	McCollum (MN)	Scott (GA)	Pryce (OH)	Sensenbrenner	Walberg
Kuhl (NY)	Pitts	Smith (NJ)	Hall (NY)	McDermott	Scott (VA)	Putnam	Sessions	Walden (OR)
Lamborn	Platts	Smith (TX)	Hare	McGovern	Serrano	Radanovich	Shadegg	Walsh (NY)
Latham	Poe	Souder	Harman	McIntyre	Sestak	Ramstad	Shays	Wamp
LaTourette	Porter	Stearns	Hastings (FL)	McNerney	Shea-Porter	Regula	Shimkus	Weldon (FL)
Lewis (CA)	Price (GA)	Herseht Sandlin	McNulty	McNulty	Sherman	Rehberg	Shuster	Weller
Lewis (KY)	Pryce (OH)	Higgins	Meek (FL)	Meek (FL)	Shuler	Reichert	Simpson	Westmoreland
Linder	Putnam	Tancredo	Meeke (NY)	Melancon	Sires	Renzi	Smith (NJ)	Whitfield
LoBiondo	Radanovich	Terry	Melancon	Mica	Skelton	Reynolds	Smith (TX)	Wicker
Lucas	Ramstad	Tiahrt	Mica	Michaud	Slaughter	Rogers (AL)	Smith (TX)	Wilson (NM)
Mack	Regula	Tiberi	Michaud	Miller (NC)	Smith (WA)	Rogers (KY)	Souder	Wilson (SC)
Manzullo	Rehberg	Turner	Miller (NC)	Miller, George	Snyder	Rogers (MI)	Stearns	Wolf
McCarthy (CA)	Reichert	Upton	Miller, George	Mitchell	Solis	Rohrabacher	Sullivan	Young (AK)
McCaul (TX)	Renzi	Walberg	Miller, George	Mollohan	Space	Ros-Lehtinen	Tancredo	
McCotter	Reynolds	Walden (OR)	Honda	Moore (KS)	Spratt	Roskam	Terry	
McCrery	Rogers (AL)	Walsh (NY)	Hookey	Moore (WI)	Stark			
McHenry	Rogers (KY)	Wamp	Hoyer	Moran (VA)	Stupak			
McHugh	Rogers (MI)	Weldon (FL)	Inslee	Murphy (CT)	Sutton	Bean	Hunter	McMorris
McKeon	Rohrabacher	Weller	Israel	Murphy, Patrick	Tanner	Boren	Jindal	Rodgers
Mica	Ros-Lehtinen	Westmoreland	Jackson (IL)	Murphy, Patrick	Tauscher	Braley (IA)	LaHood	Miller (FL)
Miller (MI)	Roskam	Whitfield	Jackson-Lee	Murtha	Taylor	Buyer	Lantos	Oberstar
Miller, Gary	Royce	Wicker	(TX)	Nadler	Thompson (CA)	Carson	Levin	Rothman
Moran (KS)	Ryan (WI)	Wilson (NM)	Jefferson	Napolitano	Thompson (MS)	Cubin	Lungren, Daniel	
Murphy, Tim	Sali	Wilson (SC)	Johnson (GA)	Neal (MA)		Giffords	E.	
Musgrave	Saxton	Wolf	Johnson, E. B.	Obey				
Myrick	Schmidt	Young (AK)	Jones (OH)	Olver				
Neugebauer	Sensenbrenner	Young (FL)	Kagen	Ortiz				
Nunes	Sessions		Kanjorski	Ortiz				

NOT VOTING—17

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE  
 The SPEAKER pro tempore (during the vote). Members are advised there are 2 minutes remaining on this vote.

□ 1458

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.

APPOINTMENT OF CONFEREES ON  
 H.R. 3074, TRANSPORTATION,  
 HOUSING AND URBAN DEVELOP-  
 MENT, AND RELATED AGENCIES  
 APPROPRIATIONS ACT, 2008

MOTION TO INSTRUCT OFFERED BY MR.  
 KNOLLENBERG

The SPEAKER pro tempore. The unfinished business is the de novo vote on the motion to instruct on H.R. 3074 offered by the gentleman from Michigan (Mr. KNOLLENBERG).

The Clerk will redesignate the motion.

The Clerk redesignated the motion.  
 The SPEAKER pro tempore. The question is on the motion to instruct.  
 The question was taken; and the Speaker pro tempore announced that the ayes appeared to have it.

RECORDED VOTE

Mr. SESSIONS. Mr. Speaker, I demand a recorded vote.

A recorded vote was ordered.  
 The SPEAKER pro tempore. This will be a 5-minute vote.

The vote was taken by electronic device, and there were—ayes 397, noes 16, not voting 19, as follows:

[Roll No. 1067]

AYES—397

Bean	Hunter	McMorris
Boren	Jindal	Rodgers
Braley (IA)	LaHood	Miller (FL)
Buyer	Lantos	Oberstar
Carson	Levin	Rothman
Cubin	Lungren, Daniel	
Dicks	E.	
Giffords	Marchant	

□ 1449

Ms. GRANGER and Mr. ROGERS of Alabama changed their vote from “yea” to “nay.”

So the previous question was ordered.  
 The result of the vote was announced as above recorded.

The SPEAKER pro tempore. The question is on the resolution.

The question was taken; and the Speaker pro tempore announced that the ayes appeared to have it.

RECORDED VOTE

Ms. CASTOR. Mr. Speaker, I demand a recorded vote.

A recorded vote was ordered.  
 The SPEAKER pro tempore. This will be a 5-minute vote.

The vote was taken by electronic device, and there were—ayes 225, noes 190, not voting 17, as follows:

[Roll No. 1066]

AYES—225

Abercrombie	Brown-Waite,	Davis (AL)
Ackerman	Ginny	Davis (CA)
Allen	Butterfield	Davis (IL)
Altmire	Capps	Davis, Lincoln
Andrews	Capuano	DeFazio
Arcuri	Cardoza	DeGette
Baca	Carnahan	Delahunt
Baird	Carney	DeLauro
Baldwin	Castor	Dicks
Barrow	Chandler	Dingell
Becerra	Clarke	Doggett
Berkley	Clay	Donnelly
Berman	Cleaver	Doyle
Berry	Clyburn	Edwards
Bishop (GA)	Cohen	Ellison
Bishop (NY)	Conyers	Ellsworth
Blumenauer	Cooper	Emanuel
Boswell	Costa	Engel
Boucher	Costello	Eshoo
Boyd (FL)	Courtney	Etheridge
Boyd (KS)	Cramer	Farr
Brady (PA)	Crowley	Fattah
Brown, Corrine	Cuellar	Finer
	Cummings	Frank (MA)

Adierholt	Dent	Johnson (IL)
Akin	Diaz-Balart, L.	Johnson, Sam
Alexander	Diaz-Balart, M.	Jones (NC)
Bachmann	Doolittle	Jordan
Bachus	Drake	Keller
Baker	Dreier	King (IA)
Barrett (SC)	Duncan	King (NY)
Bartlett (MD)	Ehlers	Kingston
Barton (TX)	Emerson	Kirk
Biggert	English (PA)	Kline (MN)
Bilbray	Everett	Knollenberg
Bilirakis	Fallin	Kuhl (NY)
Bishop (UT)	Feeney	Lamborn
Blackburn	Ferguson	Latham
Blunt	Flake	LaTourette
Boehner	Forbes	Lewis (CA)
Bonner	Fortenberry	Lewis (KY)
Bono	Fossella	Linder
Boozman	Fox	LoBiondo
Boustany	Franks (AZ)	Lucas
Brady (TX)	Frelinghuysen	Mack
Broun (GA)	Gallegly	Manzullo
Brown (SC)	Garrett (NJ)	Marchant
Buchanan	Gerlach	McCarthy (CA)
Burgess	Gilchrest	McCaul (TX)
Burton (IN)	Gingrey	McCotter
Calvert	Gohmert	McCrery
Camp (MI)	Goode	McHenry
Campbell (CA)	Goodlatte	McHugh
Cannon	Gordon	McKeon
Cantor	Granger	Miller (MI)
Capito	Graves	Miller, Gary
Carter	Hall (TX)	Moran (KS)
Castle	Hastert	Murphy, Tim
Chabot	Hastings (WA)	Musgrave
Coble	Hayes	Myrick
Cole (OK)	Heller	Neugebauer
Conaway	Hensarling	Nunes
Crenshaw	Herger	Paul
Culberson	Hobson	Pearce
Davis (KY)	Hoekstra	Pence
Davis, David	Hulshof	Peterson (PA)
Davis, Tom	Inglis (SC)	Petri
Deal (GA)	Issa	Pickering

NOES—190

Johnson (IL)	Johnson, Sam	Jones (NC)
Jordan	Keller	King (IA)
King (NY)	Kingston	Kirk
Kline (MN)	Knollenberg	Kuhl (NY)
Lamborn	Latham	LaTourette
Lewis (CA)	Lewis (KY)	Linder
LoBiondo	Lucas	Mack
Manzullo	Marchant	McCarthy (CA)
McCaul (TX)	McCotter	McCrery
McHenry	McHugh	McKeon
Miller (MI)	Miller, Gary	Moran (KS)
Murphy, Tim	Musgrave	Myrick
Neugebauer	Nunes	Paul
Pearce	Pence	Peterson (PA)
Petri	Pickering	