

Scott (GA)	Stearns	Visclosky	Berkley	Emerson	Lee (CA)	Reichert	Serrano	Tiberi
Scott (VA)	Stupak	Walden	Berman	Engel	Lee (NY)	Reyes	Sessions	Tierney
Sensenbrenner	Sullivan	Walz	Berry	Eshoo	Levin	Richardson	Sestak	Titus
Serrano	Sutton	Wamp	Biggett	Etheridge	Lewis (CA)	Roe (TN)	Shadegg	Tonko
Sessions	Tanner	Wasserman	Bilbray	Fallin	Lewis (GA)	Rogers (AL)	Shea-Porter	Towns
Sestak	Tauscher	Schultz	Bilirakis	Farr	Linder	Rogers (KY)	Sherman	Tsongas
Shadegg	Taylor	Waters	Bishop (GA)	Fattah	Lipinski	Rogers (MI)	Shimkus	Turner
Shea-Porter	Teague	Watson	Bishop (NY)	Filner	LoBiondo	Rohrabacher	Shuler	Upton
Sherman	Terry	Watt	Bishop (UT)	Flake	Loeback	Rooney	Shuster	Van Hollen
Shimkus	Thompson (CA)	Waxman	Blackburn	Fleming	Lofgren, Zoe	Ros-Lehtinen	Simpson	Velázquez
Shuler	Thompson (MS)	Weiner	Blumenauer	Forbes	Lowey	Roskam	Sires	Visclosky
Shuster	Thompson (PA)	Welch	Blunt	Fortenberry	Lucas	Ross	Skelton	Walden
Simpson	Thornberry	Westmoreland	Bocchieri	Poster	Luetkemeyer	Rothman (NJ)	Slaughter	Walz
Sires	Tiahrt	Wexler	Boehner	Foxx	Luján	Roybal-Allard	Smith (NE)	Wamp
Skelton	Tiberi	Whitfield	Bonner	Frank (MA)	Lummis	Royce	Smith (NJ)	Wasserman
Slaughter	Tierney	Wilson (OH)	Bono Mack	Franks (AZ)	Lungren, Daniel	Ruppersberger	Smith (TX)	Schultz
Smith (NE)	Titus	Wilson (SC)	Boozman	Frelinghuysen	E.	Rush	Smith (WA)	Waters
Smith (NJ)	Tonko	Wittman	Boren	Fudge	Lynch	Ryan (OH)	Snyder	Watson
Smith (TX)	Towns	Wolf	Boswell	Gallegly	Mack	Ryan (WI)	Souder	Watt
Smith (WA)	Tsongas	Woolsey	Boucher	Garrett (NJ)	Maffei	Salazar	Space	Waxman
Snyder	Turner	Wu	Boustany	Gerlach	Maloney	Sánchez, Linda	Spratt	Weiner
Souder	Upton	Yarmuth	Boyd	Giffords	Manzullo	T.	Stearns	Welch
Space	Van Hollen	Young (AK)	Brady (PA)	Gingrey (GA)	Marchant	Sanchez, Loretta	Stupak	Westmoreland
Spratt	Velázquez	Young (FL)	Brady (TX)	Gohmert	Markey (CO)	Sarbanes	Sullivan	Wexler
			Braley (IA)	Gonzalez	Markey (MA)	Scalise	Sutton	Whitfield
			Bright	Goodlatte	Marshall	Schakowsky	Tanner	Wilson (OH)
			Broun (GA)	Gordon (TN)	Massa	Schauer	Tauscher	Wilson (SC)
			Brown (SC)	Granger	Matheson	Schiff	Taylor	Wittman
			Brown, Corrine	Graves	Matsui	Schmidt	Teague	Wolf
			Brown-Waite,	Grayson	McCarthy (CA)	Schock	Terry	Woolsey
			Ginny	Green, Al	McCarthy (NY)	Schrader	Thompson (CA)	Wu
			Buchanan	Griffith	McCauley	Schwartz	Thompson (MS)	Yarmuth
			Burgess	Grijalva	McClintock	Scott (GA)	Thompson (PA)	Young (AK)
			Burton (IN)	Guthrie	McCollum	Scott (VA)	Thornberry	Young (FL)
			Butterfield	Hall (TX)	McCotter	Sensenbrenner	Tiahrt	
			Buyer	Halvorson	McDermott			
			Calvert	Hare	McGovern			
			Camp	Harman	McHenry			
			Campbell	Harper	McHugh			
			Cantor	Hastings (FL)	McIntyre			
			Capito	Hastings (WA)	McMahon			
			Capps	Heinrich	McMorris			
			Capuano	Heller	Rodgers			
			Cardoza	Hensarling	McNerney			
			Carmahan	Herger	Meek (FL)			
			Carney	Herseth Sandlin	Meeks (NY)			
			Carson (IN)	Higgins	Mica			
			Carter	Hill	Michaud			
			Cassidy	Himes	Miller (FL)			
			Castle	Hinchey	Miller (MI)			
			Castor (FL)	Hirono	Miller (NC)			
			Chaffetz	Hodes	Minnick			
			Chandler	Hoekstra	Mitchell			
			Childers	Holden	Mollohan			
			Clarke	Holt	Moore (KS)			
			Clay	Honda	Moore (WI)			
			Cleaver	Hoyer	Moran (KS)			
			Clyburn	Hunter	Moran (VA)			
			Coble	Inglis	Murphy (CT)			
			Coffman (CO)	Inslee	Murphy, Patrick			
			Cohen	Israel	Murphy, Tim			
			Cole	Issa	Murtha			
			Conaway	Jackson (IL)	Myrick			
			Connolly (VA)	Jackson-Lee	Nadler (NY)			
			Conyers	(TX)	Napolitano			
			Cooper	Jenkins	Neal (MA)			
			Costa	Johnson (GA)	Neugebauer			
			Costello	Johnson (IL)	Nunes			
			Courtney	Johnson, E. B.	Nye			
			Crenshaw	Johnson, Sam	Oberstar			
			Crowley	Jones	Obey			
			Cuellar	Jordan (OH)	Olson			
			Culberson	Kagen	Olver			
			Cummings	Kanjorski	Ortiz			
			Dahlkemper	Kaptur	Pallone			
			Davis (AL)	Kennedy	Pascrell			
			Davis (CA)	Kildee	Pastor (AZ)			
			Davis (KY)	Kilpatrick (MI)	Paul			
			Davis (TN)	Kilroy	Paulsen			
			Deal (GA)	Kind	Payne			
			DeFazio	King (IA)	Pence			
			DeGette	King (NY)	Perlmutter			
			DeLahunt	Kingston	Peters			
			DeLauro	Kirk	Peterson			
			Dent	Kirkpatrick (AZ)	Petri			
			Diaz-Balart, L.	Kissell	Pingree (ME)			
			Diaz-Balart, M.	Klein (FL)	Pitts			
			Dicks	Kline (MN)	Platts			
			Dingell	Kosmas	Poe (TX)			
			Doggett	Kratovil	Polis			
			Donnelly (IN)	Kucinich	Pomeroy			
			Doyle	Lamborn	Posey			
			Dreier	Lance	Price (GA)			
			Driehaus	Langevin	Price (NC)			
			Duncan	Larsen (WA)	Putnam			
			Edwards (MD)	Larson (CT)	Radanovich			
			Edwards (TX)	Latham	Rahall			
			Ellison	LaTourette	Rangel			
			Ellsworth	Latta	Rehberg			

NOT VOTING—14

Cao	Hinojosa	Perriello
Cleaver	McKeon	Rush
Davis (IL)	Melancon	Speier
Ehlers	Miller, Gary	Stark
Hall (NY)	Miller, George	

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore (during the vote). Two minutes remain in this vote.

□ 1205

So (two-thirds being in the affirmative) the rules were suspended and the resolution was agreed to.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

SUPPORTING THE GOALS AND IDEALS OF MULTIPLE SCLEROSIS AWARENESS WEEK

The SPEAKER pro tempore. The unfinished business is the question on suspending the rules and agreeing to the concurrent resolution, H. Con. Res. 14.

The Clerk read the title of the concurrent resolution.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from California (Mrs. CAPPS) that the House suspend the rules and agree to the concurrent resolution, H. Con. Res. 14.

The question was taken.

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

RECORDED VOTE

Mr. SCHAUER. 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 416, noes 0, not voting 15, as follows:

[Roll No. 99]

AYES—416

Abercrombie	Andrews	Baldwin
Ackerman	Arcuri	Barrett (SC)
Aderholt	Austria	Barrow
Adler (NJ)	Baca	Bartlett
Akin	Bachmann	Barton (TX)
Alexander	Bachus	Bean
Altmire	Baird	Becerra

Bocchieri	Boehner	Bonner	Bono Mack	Boozman	Boren	Boswell	Boucher	Boustany	Boyd	Brady (PA)	Brady (TX)	Braley (IA)	Bright	Broun (GA)	Brown (SC)	Brown, Corrine	Brown-Waite, Ginny	Buchanan	Burgess	Burton (IN)	Butterfield	Buyer	Calvert	Camp	Campbell	Cantor	Capito	Capps	Capuano	Cardoza	Carmahan	Carney	Carson (IN)	Carter	Cassidy	Castle	Castor (FL)	Chaffetz	Chandler	Childers	Clarke	Clay	Cleaver	Clyburn	Coble	Coffman (CO)	Cohen	Cole	Conaway	Connolly (VA)	Conyers	Cooper	Costa	Costello	Courtney	Crenshaw	Crowley	Cuellar	Culberson	Cummings	Dahlkemper	Davis (AL)	Davis (CA)	Davis (KY)	Davis (TN)	Deal (GA)	DeFazio	DeGette	DeLahunt	DeLauro	Dent	Diaz-Balart, L.	Diaz-Balart, M.	Dicks	Dingell	Doggett	Donnelly (IN)	Doyle	Dreier	Driehaus	Duncan	Edwards (MD)	Edwards (TX)	Ellison	Ellsworth
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NOT VOTING—15

Cao	Hall (NY)	Miller, George
Davis (IL)	Hinojosa	Perriello
Ehlers	McKeon	Rodriguez
Green, Gene	Melancon	Speier
Gutierrez	Miller, Gary	Stark

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore (during the vote). Two minutes remain in this vote.

□ 1213

So (two-thirds being in the affirmative) the rules were suspended and the concurrent resolution was agreed to.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

Stated for:

Mr. GENE GREEN of Texas. Mr. Speaker, on rollcall No. 99, had I been present, I would have voted "aye."

PERSONAL EXPLANATION

Mr. GEORGE MILLER of California. Mr. Speaker, as Chairman of the Committee on Education and Labor, I was called to the White House for a series of meetings with the President on health care reform. Accordingly, I missed two votes, that on H. Res. 146 (rollcall vote No. 98) and H. Con. Res. 14 (rollcall vote No. 99). Had I been present, I would have voted in favor of both resolutions.

GENERAL LEAVE

Ms. ZOE LOFGREN of California. Mr. Speaker, I ask unanimous consent that all Members be granted 5 legislative days to revise and extend their remarks on H.R. 1106, as well as to include extraneous material.

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

There was no objection.

HELPING FAMILIES SAVE THEIR HOMES ACT OF 2009

The SPEAKER pro tempore. Pursuant to House Resolution 205 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. 1106.

□ 1215

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. 1106) to prevent mortgage foreclosures and enhance mortgage credit availability, with Mr. SALAZAR (Acting Chair) in the chair.

The Clerk read the title of the bill.

The Acting CHAIR. When the Committee of the Whole rose on Thursday, February 26, 2009, all time for general debate pursuant to House Resolution 190 had expired.

Pursuant to House Resolution 205, amendment No. 1, printed in House Report 111-21, shall be considered as perfected by the modification printed in House Report 111-23.

Pursuant to House Resolution 190, the bill shall be considered read for amendment under the 5-minute rule.

The text of the bill is as follows:

H.R. 1106

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 “Helping Families Save Their Homes Act of 2009”.

(b) TABLE OF CONTENTS.—The table of contents of this Act is the following:

Sec. 1. Short title; table of contents.

TITLE I—PREVENTION OF MORTGAGE FORECLOSURES

Subtitle A—Modification of Residential Mortgages

Sec. 101. Eligibility for relief.

Sec. 102. Prohibiting claims arising from violations of the Truth in Lending Act.

Sec. 103. Authority to modify certain mortgages.

Sec. 104. Combating excessive fees.

Sec. 105. Confirmation of plan.

Sec. 106. Discharge.

Sec. 107. Standing trustee fees.

Sec. 108. Effective date; application of amendments.

Subtitle B—Related Mortgage Modification Provisions

Sec. 121. Adjustments as a result of modification in bankruptcy of housing loans guaranteed by the department of veterans affairs.

Sec. 122. Payment of FHA mortgage insurance benefits.

Sec. 123. Adjustments as result of modification of rural single family housing loans in bankruptcy.

Sec. 124. Unenforceability of certain provision as being contrary to public policy.

TITLE II—FORECLOSURE MITIGATION AND CREDIT AVAILABILITY

Sec. 201. Servicer safe harbor for mortgage loan modifications.

Sec. 202. Changes to HOPE for Homeowners Program.

Sec. 203. Requirements for FHA-approved mortgagees.

Sec. 204. Enhancement of liquidity and stability of insured depository institutions to ensure availability of credit and reduction of foreclosures.

TITLE I—PREVENTION OF MORTGAGE FORECLOSURES

Subtitle A—Modification of Residential Mortgages

SEC. 101. ELIGIBILITY FOR RELIEF.

Section 109 of title 11, United States Code, is amended—

(1) by adding at the end of subsection (e) the following: “For purposes of this subsection, the computation of debts shall not include the secured or unsecured portions of—

“(1) debts secured by the debtor’s principal residence if the value of such residence as of the date of the order for relief under chapter 13 is less than the applicable maximum amount of noncontingent, liquidated, secured debts specified in this subsection; or

“(2) debts secured or formerly secured by what was the debtor’s principal residence that was sold in foreclosure or that the debtor surrendered to the creditor if the value of such real property as of the date of the order for relief under chapter 13 was less than the applicable maximum amount of noncontingent, liquidated, secured debts specified in this subsection.”, and

(2) by adding at the end of subsection (h) the following:

“(5) The requirements of paragraph (1) shall not apply in a case under chapter 13 with respect to a debtor who submits to the court a certification that the debtor has received notice that the holder of a claim secured by the debtor’s principal residence may commence a foreclosure on the debtor’s principal residence.”.

SEC. 102. PROHIBITING CLAIMS ARISING FROM VIOLATIONS OF THE TRUTH IN LENDING ACT.

Section 502(b) of title 11, United States Code, is amended—

(1) in paragraph (8) by striking “or” at the end,

(2) in paragraph (9) by striking the period at the end and inserting “; or”, and

(3) by adding at the end the following:

“(10) the claim for a loan secured by a security interest in the debtor’s principal residence is subject to a remedy for rescission under the Truth in Lending Act notwithstanding the prior entry of a foreclosure judgment, except that nothing in this paragraph shall be construed to modify, impair, or supersede any other right of the debtor.”.

SEC. 103. AUTHORITY TO MODIFY CERTAIN MORTGAGES.

Section 1322 of title 11, United States Code, is amended—

(1) in subsection (b)—

(A) by redesignating paragraph (11) as paragraph (12),

(B) in paragraph (10) by striking “and” at the end, and

(C) by inserting after paragraph (10) the following:

“(11) notwithstanding paragraph (2), with respect to a claim for a loan originated before the effective date of this paragraph and secured by a security interest in the debtor’s principal residence that is the subject of a notice that a foreclosure may be commenced with respect to such loan, modify the rights of the holder of such claim (and the rights of the holder of any claim secured by a subordinate security interest in such residence)—

“(A) by providing for payment of the amount of the allowed secured claim as determined under section 506(a)(1);

“(B) if any applicable rate of interest is adjustable under the terms of such loan by pro-

hibiting, reducing, or delaying adjustments to such rate of interest applicable on and after the date of filing of the plan;

“(C) by modifying the terms and conditions of such loan—

“(i) to extend the repayment period for a period that is no longer than the longer of 40 years (reduced by the period for which such loan has been outstanding) or the remaining term of such loan, beginning on the date of the order for relief under this chapter; and

“(ii) to provide for the payment of interest accruing after the date of the order for relief under this chapter at a fixed annual rate equal to the currently applicable average prime offer rate as of the date of the order for relief under this chapter, corresponding to the repayment term determined under the preceding paragraph, as published by the Federal Financial Institutions Examination Council in its table entitled ‘Average Prime Offer Rates—Fixed’, plus a reasonable premium for risk; and

“(D) by providing for payments of such modified loan directly to the holder of the claim or, at the discretion of the court, through the trustee during the term of the plan; and”, and

(2) by adding at the end the following:

“(g) A claim may be reduced under subsection (b)(11)(A) only on the condition that if the debtor sells the principal residence securing such claim, before completing all payments under the plan (or, if applicable, before receiving a discharge under section 1322(b)) and receives net proceeds from the sale of such residence, then the debtor agrees to pay to such holder not later than 15 days after receiving such proceeds—

“(1) if such residence is sold in the 1st year occurring after the effective date of the plan, 80 percent of the amount of the difference between the sales price and the amount of such claim as originally determined under section 1322(b)(11) (plus costs of sale and improvements), but not to exceed the unpaid amount of the allowed secured claim determined as if such claim had not been reduced under such subsection;

“(2) if such residence is sold in the 2d year occurring after the effective date of the plan, 60 percent of the amount of the difference between the sales price and the amount of such claim as originally determined under section 1322(b)(11) (plus costs of sale and improvements), but not to exceed the unpaid amount of the allowed secured claim determined as if such claim had not been reduced under such subsection;

“(3) if such residence is sold in the 3d year occurring after the effective date of the plan, 40 percent of the amount of the difference between the sales price and the amount of such claim as originally determined under section 1322(b)(11) (plus costs of sale and improvements), but not to exceed the unpaid amount of the allowed secured claim determined as if such claim had not been reduced under such subsection; and

“(4) if such residence is sold in the 4th year occurring after the effective date of the plan, 20 percent of the amount of the difference between the sales price and the amount of such claim as originally determined under section 1322(b)(11) (plus costs of sale and improvements), but not to exceed the unpaid amount of the allowed secured claim determined as if such claim had not been reduced under such subsection.

“(h) With respect to a claim of the kind described in subsection (b)(11), the plan may not contain a modification under the authority of subsection (b)(11)—

“(1) in a case commenced under this chapter after the expiration of the 15-day period beginning on the effective date of this subsection, unless—