

One Hundred and Tenth Congress

Jan. 4, 2007 - Jan. 3, 2009

Second Administration of George W. Bush

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Historical Background

During the election of 2006, President George W. Bush faced some of the most difficult challenges of his political career. Public dissatisfaction with the administration’s handling of Hurricane Katrina coupled with weariness over the continued conflicts in Afghanistan and Iraq meant that the President’s Republican Party faced long odds in the midterm elections. As election returns began coming in the evening of November 7, 2006, it soon became clear that the opposition Democratic Party had achieved an historic victory—winning every incumbent or open seat, be it Congressional or gubernatorial contest. In the House of Representatives, the victorious Democrats elected California Representative Nancy Pelosi Speaker of the House, the first woman to hold the office.

During the State of the Union address delivered on Jan. 23, 2007, President George W. Bush defended his decisions to deploy additional soldiers to Iraq and continue with military operations in Afghanistan. In May he signed the U.S. Troop Readiness, Veterans’ Care, Katrina Recovery, and Iraq Accountability Appropriations Act, which he had previously vetoed due to his objections to provisions in the original version restricting the use of Federal funds for Iraq operations.

On Dec. 19, 2007, Bush approved efforts to reduce U.S. dependence on foreign oil by signing the Energy Independence and Security Act of 2007, which supported programs designed to diversify the nation’s energy supply by increasing the use of alternative and renewable energy sources.

In immigration policy, Bush proposed comprehensive immigration reform that would have established a program enabling foreign workers to enter the U.S. to work on a temporary basis, but the bill was defeated in the Senate.



George W. Bush
President of the United States

President George W. Bush

House	Senate
Majority Party: Democrat (233 seats)	Majority Party: Democrat (49 seats)
Minority Party: Republican (202 seats)	Minority Party: Republican (49 seats)
Other Parties: None	Other Parties: Independent (1 seat) Independent Democrat (1 seat)
Speaker of the House: Nancy Pelosi	Majority Leader: Harry M. Reid

During this period, the Federal government faced a budget deficit, a situation Bush acknowledged, but despite the deficit, he vowed to veto any bill that proposed tax increases. In addition, the economy began to decline in the early part of 2008, creating a situation of growing economic turmoil within the country. The Administration and Congress responded by implementing economic stimulus packages, including the Economic Stimulus Act of 2008 (P.L. 110-185). However, despite the stimulus packages, the economic crisis continued, and prompted additional legislative efforts such as the Emergency Economic Stabilization Act (P.L. 110-343), which sought to aid the troubled financial services industry as well as responding to concerns about economic instability. In addition, on December 10, 2008, the House passed H.R. 7321, which would have provided \$14 billion in loans to the ailing U.S. auto industry, but the Senate did not approve the bill. Subsequently, President Bush authorized \$13.4 billion in loans from the financial industry aid package.

The Bush Administration was touched by scandal during its final two years. In December 2006, the Bush Justice Department ordered the dismissal of seven United States Attorneys—an unusual move in a midterm election year. U.S. Attorneys are political appointees who are selected by the President and confirmed by the Senate, and generally serve at the pleasure of the President. Traditionally, all U.S. Attorney's tender their resignations upon the election of a new administration and if the new administration is from a different party than its predecessor, those resignations are generally eventually accepted. However, the USA PATRIOT Act Reauthorization enacted during the previous 109th Congress removed the 120-day limitation on acting U.S. Attorneys, meaning that those appointed to replace the dismissed U.S. Attorneys would not be subject to Senate approval.

In the early days of the 110th Congress, Democratic members of Congress from states impacted by the turnover of the U.S. Attorneys initiated investigations into the firings. There were allegations that certain of the Attorneys were targeted either for their insistence upon investigations of Republican elected officials or their refusal to prosecute Democratic officials. The resulting scandal led to the resignations of nine senior Justice Department staff, including Attorney General Alberto Gonzalez and Senior White House Advisor and Deputy Chief of Staff Karl Rove. The scandal also resulted in the passage of the Preserving U.S. Attorney Independence Act of 2007, which allowed for already appointed U.S. Attorneys to remain in office until a replacement can be approved.

During much of 2008, the nation's attention was transfixed by the historic 2008 Presidential election, which saw the first African American, Barack H. Obama, elected President of the United States. President George W. Bush left office with a 19% approval rating—among the very lowest in history.

Source:



Senate Majority Leader
Harry M. Reid



Nancy Pelosi
Speaker of the House of Representatives

Speaker of the House
Nancy Pelosi

War or Peace?

Military Operations in Iraq and Afghanistan

During 2007 and 2008, U.S. involvement in “Operation Enduring Freedom” in Afghanistan and “Operation Iraqi Freedom” continued. However, the U.S.’ original objectives declared for Iraq—the removal of Iraqi leader Saddam Hussein from power and the destruction of Iraq’s ability to make weapons of mass destruction—had been replaced by the broader objective of helping the Iraqis build a “new Iraq that is prosperous and free.” In furtherance of those objectives, during January 2007 President Bush said the U.S. would increase deployments to Afghanistan and adopt a new strategy for Iraq, which included both a troop surge and a new counter insurgency strategy that emphasized population security and reconciliation. On Sept. 9, 2007, Bush said the approach had been successful, therefore additional U.S. troops would redeploy without replacement. On Nov. 17, 2008, U.S. and Iraqi officials signed two agreements designed to define the legal basis for the presence of U.S. forces in Iraq and impose constraints on U.S. military operations, but significant questions remained regarding the U.S. presence in Iraq. As of Dec. 12, 2008, U.S. troops had suffered 4,211 fatalities and 30,793 wounded since Operation Iraqi Freedom commenced on Mar. 19, 2003.

In Afghanistan, a resurgent Taliban insurgency stepped up its attacks on coalition forces and the government of Afghan President Hamid Karzai. Though reinforcements of U.S. troops were needed, Iraq was the top military priority and any surge in troop numbers in Afghanistan would have to wait until units were freed from their duties in Iraq. By September 2008, President George W. Bush had ordered the withdrawal of over 8,000 troops from Iraq and nearly doubled the force in Afghanistan from 26,000 to just over 50,000.

In Israel and the Palestinian territories, the Israeli decision to unilaterally withdraw from its occupation of the Gaza Strip was leading to a deteriorating security situation in the Palestinian territories. The Islamist faction Hamas, which had boycotted the previous election, won a majority of seats in the Palestinian legislative elections of 2006. This set up a crisis in which Fatah, the party of the late Palestinian leader Yasser Arafat and dominant player in the Palestinian Authority (PA) headquartered in Ramallah in the West Bank, competed with Hamas, an international pariah and acknowledged terrorist organization, for control of territories formally under Palestinian control and the international aid funds without which the PA would be bankrupt. After the election, tensions continued to rise throughout 2006, with Hamas forming its own, separate security service based in Gaza. The situation was complicated by international factors, as most countries involved in supplying aid to the Palestinian Authority were prohibited by law from funding a terrorist organization, such as Hamas. Clashes between the two factions

intensified during the course of 2006 and by January 2007 the situation in Gaza was approaching a full-scale civil war. Clashes continued in Gaza and in the West Bank through 2007 and into 2008. On March 23, 2008, representatives from the two factions meeting in Sana'a, Yemen, signed the Sana'a Declaration as a roadmap to reconciliation, however, as of 2018 the conditions outlined in the declaration had not yet been met.

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Dale, Catherine. [Operation Iraqi Freedom: Strategies, Approaches, Results, and Issues for Congress](#). Foreign Affairs, Defense, and Trade Division (CRS), Dec. 15, 2008. 110th Congress, 2nd Session, RL34387. ProQuest Congressional, CRS-2008-FDT-1316

Economic Trends and Conditions

In the early months of 2007 default rates on home mortgages were beginning to increase as home buying significantly decreased. Many of the mortgage defaults involved subprime, adjustable rate mortgages that were assumed by borrowers in the belief that housing prices would continue to rise, thereby enabling easy refinancing of a mortgage if the need arose. The subprime mortgage crisis and the ensuing foreclosures led to a credit crisis and problems within the banking system.

In August 2007, the dramatic decline in the price of subprime mortgage-backed securities and other security instruments dependent on a healthy housing market triggered a decline in liquidity that spread throughout the financial system. In an effort to curb a financial crisis, during February 2008 the President signed the Economic Stimulus Act of 2008 (PL110-185).

Financial market conditions worsened significantly in September 2008 when the investment bank Lehman Brothers failed. Soon after, the Federal Reserve intervened on behalf of American International Group (AIG), the nation's largest insurance company. Also during September, Administration and Federal Reserve officials—with the bipartisan support of congressional leadership—announced the government would intervene in the financial markets, and on October 3, Bush signed the Emergency Economic Stabilization Act (P.L. 110-343) into law.

However, despite the Federal government's efforts to stimulate the economy, employment fell during every month of 2008, and by November the unemployment rate had reached 6.7 percent. In addition, energy prices increased significantly during that period. The bad economic news continued throughout 2008, specifically within the housing market, which had experienced such a decline that by the end of 2008 it appeared the housing market would continue to get worse. In December 2008 the National Bureau

of Economic Research declared that the economy had been in recession since December 2007.

Sources:

[2007 Joint Economic Report](#). Joint Committee on the Economic Report. Senate, Dec. 18, 2007. 110th Congress, 1st Session, S.rp.110. ProQuest Congressional, S.rp.110-251

[2008 Joint Economic Report](#). Joint Committee on the Economic Report. Senate, Jan. 9, 2009. 111th Congress, 1st Session, S.rp.111. ProQuest Congressional, S.rp.111-1

Landmark U.S. Supreme Court Decisions

Phillip Morris v. Williams, vacated and held that punitive damages awards based on a jury's desire to punish a defendant for harming nonparties amounts to a taking of property from the defendant without due process, [549 U.S. 346](#) (2007)

Massachusetts v. EPA, holding that carbon dioxide and other greenhouse gases are air pollutants that are governed by the Clean Air Act, and that the Environmental Protection Agency is required to regulate those emissions if the EPA determines those gases endanger public health and welfare, [549 U.S. 497](#) (2007)

Gonzales v. Carhart, upholding the Partial-Birth Abortion Act, a Federal statute enacted on Nov. 5, 2003, banning the so-called partial birth abortion procedure in which a living fetus is intentionally delivered for the purpose of performing an overt act that kills the fetus, [550 U.S. 124](#) (2007)

Davenport v. Washington Education Association, vacated and held that it does not violate the First Amendment for a State to require its public-sector unions to receive affirmative authorization from a non-member before spending that nonmember's agency fees for election-related purposes, [551 U.S. 177](#) (2007)

Brendlin v. California and Cunningham v. California, vacated and held that when police make a traffic stop, a passenger in the car, like the driver, is seized for Fourth Amendment purposes and so may challenge the stop's constitutionality, [551 U.S. 249](#) (2007)

Morse v. Frederick, holding that the First Amendment does not prevent educators from suppressing student speech at a school-sponsored event in situations where the student speech is reasonably viewed as promoting illegal drug use, [551 U.S. 383](#) (2007)

Federal Election Commission v. Wisconsin Right to Life, holding that the District Court had misinterpreted a footnote in *McConnell* that seemed to foreclose such challenges. The Justices instructed the lower court to consider the larger question of whether the BCRA is constitutional as applied to Wisconsin Right to Life's ads, [551 U.S. 449](#) (2007)

Parents Involved in Community Schools v. Seattle School District No. 1 and *Meredith v. Jefferson County Board of Education*, struck down integration plans that had been implemented by the two school districts named in the lawsuits (but which were combined as a single case). The plans sought to address de facto segregation and increase integration by including the use of race-conscious measures when selecting students for certain schools, [51 U.S. 701](#) (2007)

Kimbrough v. U.S., holding that Federal district court judges may consider the disparity in Federal Sentencing Guidelines for drug cases involving crack cocaine compared to those involving powder cocaine, and use their discretion to impose sentences related to the possession, distribution, and manufacture of crack cocaine that are lighter than the sentence range indicated in the guidelines, [552 U.S. 85](#) (2007)

Boumediene v. Bush, holding that prisoners in custody at the U.S. Naval Station at Guantanamo Bay, Cuba have a right to habeas corpus, [553 U.S. 723](#) (2008)

Kennedy v. Louisiana, holding that the death penalty is unconstitutional as a State-imposed penalty for the rape of a child, [554 U.S. 407](#) (2008)

District of Columbia v. Heller holding that the Second Amendment protects an individual's right to possess a firearm for private use within a home located in a Federal enclave, [554 U.S. 570](#) (2008)

2007 Events

- **Jan. 4:** [White House Counsel Harriet Miers resigns](#)
- **Jan. 4:** [U.S. Army General David Petraeus is named top commander in Iraq](#)
- **Jan. 4:** [Nancy Pelosi becomes the first female Speaker of the House of Representatives](#)
- **Jan. 10:** [President Bush announces a new strategy for Iraq, including a troop surge](#)
- **Mar. 1:** House Judiciary Committee Chairman John Conyers issues subpoenas to former Bush Administration U.S. Attorneys, who were allegedly forced from office for political reasons
- **Apr. 16:** [Virginia Tech Massacre in which 32 people are killed](#)
- **June 29:** Apple releases the first iPhone for sale in the U.S.
- **Aug. 1:** [The I-35 W Mississippi River bridge in Minnesota collapses during rush hour](#)
- **Aug. 31:** Karl Rove, President Bush's Deputy Chief of Staff, resigns over allegations he leaked the name of Central Intelligence Agency covert officer Valerie Plame
- **Oct. 20 – Nov. 9:** [Southern California wildfires call for the evacuation of more than 1 million people](#)
- **Nov. 3:** [Pakistan's President Pervez Musharraf declares a state of emergency in Pakistan](#)

- **Dec. 27:** [Pakistani politician and former Prime Minister Benazir Bhutto is assassinated](#)

2008 Events

- **Feb. 12:** [General Motors posts a loss for the fourth quarter of 2007, making GM's 2007 losses the largest ever for a U.S. auto company](#)
- **Feb. 14:** [The House of Representatives votes to cite former White House Counsel Harriet Miers and White House Chief of Staff Josh Bolton for contempt of Congress](#)
- **Mar. 8:** [President Bush vetoes the Intelligence Authorization Act for FY2008, which placed restrictions on the use of certain interrogation techniques such as water-boarding](#)
- **Mar. 16:** [The Federal Reserve approves a loan to financial firm JPMorgan Chase so it could acquire the investment banking firm Bear Stearns, which was on the verge of collapse](#)
- **Apr. 8:** [U.S. Army General David Petraeus tells Congress the troop surge in Iraq is working, but that he opposes a quick withdrawal of U.S. forces](#)
- **May 15:** California legalizes same-sex marriage
- **Aug 18:** Pakistan's President Pervez Musharraf resigns
- **Aug. 29:** [John McCain chooses Sarah Palin to be his running mate](#)
- **Sept. 7:** [Federal Housing Finance Agency places housing-related government-sponsored enterprises Fannie Mae and Freddie Mac under conservatorship](#)
- **Sept. 15:** [The investment banking firm Lehman Brothers files for bankruptcy, which contributes to turmoil being experienced by the financial system](#)
- **Oct. 3:** [As world-wide economic turmoil continues to spread, President Bush signs the Emergency Economic Stabilization Act into law](#)
- **Nov. 4:** Senator Barack Obama, the Democratic candidate for President, defeats Republican candidate Senator John McCain, to become the first African American elected President

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Committee on Banking, Housing, and Urban Affairs. Senate. [Turmoil in U.S. Credit Markets: Examining the Recent Actions of Federal Financial Regulators](#). GPO, Apr. 3, 2008. 110th Congress, 2nd Session, Congressional Publication No. S. Hrg. 110-974 (Y4.B22/3:S.HRG.110-974). ProQuest Congressional, HRG-2008-BHU-0034

Committee on Financial Services. House. [Oversight Hearing To Examine Recent Treasury and FHFA Actions Regarding the Housing GSEs](#). GPO, Sept. 25, 2008. 110th Congress, 2nd Session, Committee on Financial Services Serial No. 110-142 (Y4.F49/20:110-142). ProQuest Congressional, HRG-2008-HFS-0061

Committee on Financial Services. House. [Oversight of Implementation of the Emergency Economic Stabilization Act of 2008 and of Government Lending and Insurance Facilities: Impact on the Economy and Credit Availability](#). GPO, Nov. 18, 2008. 110th Congress, 2nd Session, Committee on Financial Services Serial No. 110-145 (Y4.F49/20:110-145). ProQuest Congressional, HRG-2008-HFS-0067

Committee on Financial Services. House. [Review of Industry Plans To Stabilize the Financial Condition of the American Automobile Industry](#). GPO, Dec. 5, 2008. 110th Congress, 2nd Session, Committee on Financial Services Serial No. 110-147 (Y4.F49/20:110-147). ProQuest Congressional, HRG-2008-HFS-0069

Committee on Foreign Relations. Senate. [Securing America's Interest in Iraq: The Remaining Options](#). GPO, Jan. 10-11, 17-18, 23, 25, 30 - Feb. 1, 2007. 110th Congress, 1st Session, Congressional Publication No. S. Hrg. 110-153 (Y4.F76/2:S.HRG.110-153). ProQuest Congressional, HRG-2007-FOR-0003

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["Election of Speaker."](#) Congressional Record, 110th Congress, 1st Session (Jan. 4, 2007) Vol. 153, pp. H2-H5. ProQuest Congressional, CR-2007-0104

["Expressing the Condolences of the Senate on the Tragic Events at Virginia Tech University."](#) Congressional Record, 110th Congress, 1st Session (Apr. 16, 2007) Vol. 153, p. S4550. ProQuest Congressional, CR-2007-0416

["Honoring the City of Minneapolis, First Responders, and the Citizens of Minnesota for their Valiant Efforts in Responding to the Collapse of the Interstate Route 35W Mississippi River Bridge."](#) Congressional Record Daily Edition, 110th Congress, 1st Session (Sept. 5, 2007) Vol. 153, p. H10107. ProQuest Congressional, CR-2007-0905

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100th Congress, 2nd Session, Committee on Foreign Affairs Serial No. 110-155 (Y4.F76/1:110-155). ProQuest Congressional, HRG-2008-FOA-0003

[Veto Message on H.R. 2082, Message from the President](#). Select Committee on Intelligence. House, Mar. 10, 2008. 110th Congress, 2nd Session, H. Doc. 110-100 (Y1.1/7:110-100/CORR). ProQuest Congressional, H. Doc. 110-100

Major Acts

House Page Board Revision Act of 2007. Changed the composition of the board to better protect pages from predatory behavior among Congress members, to include 2 members of the majority and minority parties, the Sergeant at Arms, the Clerk of the House, a former page, and the parent of a former page. Approved Feb. 2, 2007. ([121 Stat. 4, PL110-2](#))

U.S. Troop Readiness, Veterans' Care, Katrina Recovery, and Iraq Accountability Appropriations, 2007. Made emergency supplemental appropriations for Federal departments and agencies, including the Department of Defense for operations in Afghanistan and Iraq, and anti-terrorism activities; as well as for disaster relief in U.S. areas impacted by Hurricanes Katrina and Rita. The Fair Minimum Wage Act, which raised the Federal minimum wage, was included in the bill. Approved May 25, 2007. ([121 Stat. 112, PL110-28](#)) ([Regulatory History](#))

Preserving U.S. Attorney Independence Act of 2007. Following the midterm dismissal of seven United States Attorneys on Dec. 7, 2006 as a strategy for political advantage, this law amended the judicial code to allow already appointed persons to serve until the qualification of a replacement or 120 days after appointment of the Attorney General, and if the appointment expires, to allow the district court to appoint the new replacement. Approved June 14, 2007. ([121 Stat. 224, PL110-34](#))

Foreign Investment and National Security Act of 2007. Reformed the Committee on Foreign Investments in the United States (CFIUS) to strengthen the investigatory regime overseeing foreign investments in the United States. Approved July 26, 2007. ([121 Stat. 246, PL110-49](#)) ([Regulatory History](#))

Implementing Recommendations of the 9/11 Commission Act. The National Commission on Terrorist Acts upon the United States (the 9/11 Commission) was a bi-partisan panel created by Congress to prepare a full and complete account of the circumstances surrounding the Sept. 11, 2001 terrorist attacks. To implement the Commission's recommendations, the Act amended the Homeland Security Act of 2002 and other legislation to establish and revise programs to prevent and respond to terrorist attacks and other emergencies. Approved Aug. 3, 2007. ([121 Stat. 266, PL110-53](#)) ([Regulatory History](#))

Protect America Act of 2007. Amended the Foreign Intelligence Surveillance Act to omit the requirement for a warrant for Federal government surveillance of a foreign intelligence target reasonably believed

to be outside the United States. Approved Aug. 5, 2007. ([121 Stat. 552, PL110-55](#))

Honest Leadership and Open Government Act of 2007. Amended the Lobbying Disclosure Act of 1995 to authorize greater oversight over lobbying activity, including new disclosure requirements and restrictions on gifts for members of Congress and their staff. Approved Sept. 14, 2007. ([121 Stat. 735, PL110-81](#)) ([Regulatory History](#))

Energy Independence and Security Act of 2007. Established and revised Federal programs to promote the use of alternative energy sources, including biofuels, and to reduce U.S. dependence on foreign oil. Approved Dec. 19, 2007. ([121 Stat. 1492, PL110-140](#)) ([Regulatory History](#))

Economic Stimulus Act of 2008. Established a program of economic stimulus, including tax rebates to individuals, business tax incentives, and an increase in Federal Housing Administration loan limits. Approved Feb. 13, 2008. ([122 Stat. 613, PL110-185](#)) ([Regulatory History](#))

Genetic Information Nondiscrimination Act of 2008. Prohibited discrimination in health-insurance coverage or employment on the basis of genetic information. Approved May 21, 2008. ([122 Stat. 881, PL110-233](#)) ([Regulatory History](#))

Food, Conservation, and Energy Act of 2008. Authorized \$288 billion in spending over five years for agricultural subsidies and to promote energy conservation and rural development. Approved May 22, 2008. ([122 Stat. 923, PL110-234](#)) ([Regulatory History](#))

Housing and Economic Recovery Act of 2008. Established the Federal Housing Finance Agency as the single regulator responsible for the housing-related, government-sponsored enterprises Fannie Mae and Freddie Mac; it also modified various Federal Housing Administration requirements in an effort to reduce the home mortgage-foreclosure rate. Approved July 30, 2008. ([122 Stat. 2654, PL110-289](#)) ([Regulatory History](#))

Emergency Economic Stabilization Act of 2008. Provided authority for the Federal Government to purchase and insure certain types of troubled assets to aid the financial services industry and provide stability to the economy and the financial system; extended and established incentives for energy conservation and use of alternative energy resources; and provided tax relief for individuals. Approved Oct. 3, 2008. ([122 Stat. 3765, PL110-343](#)) ([Regulatory History](#))

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