

In the Democratic bill, on the other hand, Mr. Speaker, we targeted all parts of the oil supply chain, from the crude producer, to the refiner, to the distributor. We said if they engage in excessive profits, like 255 percent over the last 12 months, we are going to go after those profits. That is price gouging, market manipulation, geographic price arrangements that they make from the refinery. And those excessive profits, and I think people would agree with me that 255 percent is excessive, would then be put into a fund to help the Low Income Heating Energy Assistance Program, LIHEAP as we call it.

So we take the extra money and put it in there to help people heat their homes. We finally, for once, give the FTC, the Federal Trade Commission, the authority to stop price gouging. We allow the State attorneys general to enforce Federal law, and we maintain environmental standards.

So this bill is back. We as a party, Democrats, are asking for a clean up-or-down vote on our bill. Let us put forth our bill, which is to stop the price gouging, market manipulation, the excessive regional pricing that goes on; and let us have a clean up-or-down vote on it.

In the meantime, the Democratic Party is also asking, and, in fact, the letter is being circulated today, that we bring in the oil executives and ask them to explain to us how do they justify a 255 percent increase. Even a 46 percent increase is a tremendous amount of increase in the last 12 months when inflation is running at about 3 to 4 percent. So these are the questions we have, and we would like a free, clean up-or-down vote.

As high gas prices persist, hard-working Americans are preparing for a cold winter during which they will likely face a doubling of home heating costs. These serious concerns underscore the need for this Congress to work together in a bipartisan manner. Let us investigate and crack down on the price gouging and other forms of market manipulation, and then maybe we will not see the headlines that we have seen in the last week about what the oil companies have made in the third quarter. The third quarter goes from, of course, July, August, September. In those 90 days, July, August, September, Exxon-Mobil's profit was \$9.92 billion.

□ 1900

That is the largest amount ever by a U.S. company, and 75 percent more in profits than they made last year.

Shell Oil Company, they generated \$9 billion in the third quarter, an increase of 68 percent from last year. These are excessive profits.

Conoco Phillips generated \$3.8 billion in the third quarter, an 89 percent increase from last year.

Again, we do not mind anyone making a profit. Inflation is running 3, 4, 5 percent. But 89 percent over one year?

British Petroleum generated \$6.53 billion in the third quarter. These are

profits. That is after paying for everything else. They cannot say it costs more. But these are profits, over and above.

And Chevron generated \$3.6 billion.

The earnings of the world's five largest publicly traded oil companies this quarter have put them on track to earn \$100 billion this year.

Mr. Speaker, I hope this Congress can work together and pass a real energy program to help all Americans.

SUPPORT FOR ALITO NOMINATION

The SPEAKER pro tempore (Mr. SCHWARZ of Michigan). Under a previous order of the House, the gentleman from Arizona (Mr. FRANKS) is recognized for 5 minutes.

Mr. FRANKS of Arizona. Mr. Speaker, these are historic and great days in America because President George W. Bush has nominated Judge Samuel Alito to the United States Supreme Court.

Mr. Speaker, this is a man of outstanding character and one who has more experience as a sitting judge than any nominee for the Supreme Court in the last 70 years. As always, extremists on the left are viciously attacking this highly qualified nominee because he shares a judicial philosophy with this duly elected President.

Mr. Speaker, what is at stake here with these judicial nominations is the Constitution itself, that miraculous document by which we guard our God-given rights in this country; and what is also at risk is keeping secure the American dream for future generations.

In this day, we sometimes forget that the American dream is actually about human dignity and freedom and self-governance. It is not about the left's moral relativism, which means that those without conscience have a license to do anything without consequence, regardless of its harm to others.

True freedom actually means having a system of self-government that protects the rights of innocent people to live and to be free and to pursue their dreams in their own way, as long as they do not desecrate the lives and rights of others. The choice that faces us in these pivotal times is whether or not we as a people are still capable of understanding and guarding the fundamental rights that undergird our freedom.

Mr. Speaker, I have great hope that we still are. Liberal activists on the courts have been undermining the Constitution and America's fundamental rights of liberty and life and property for decades.

Just yesterday, the liberal Ninth Circuit Court of Appeals ruled, "There is no fundamental right of parents to be the exclusive provider of information regarding sexual matters to their children. Parents have no due process or privacy right to override the determinations of public schools as to the

information to which their children will be exposed while enrolled as students."

Mr. Speaker, for these liberal judges to say that parents have no right to determine what their children are taught about sex, or anything else, for that matter, is outrageous. America has rejected this sort of bankrupt, liberal extremism at the ballot, and now the left is desperately trying to hold on to the courts to force this extremist agenda down the throats of all Americans.

The liberal, secular left wants to take the words "under God" out of the Pledge of Allegiance. They want to completely dismantle marriage and family. They want to end voluntary prayer, any kind of traditional voluntary religious expression in public places.

They teach your children in school that it is "mainstream" in America to use abortion and even partial-birth abortion as a means of birth control. They are saying to the parents of America that if your underage daughter is impregnated by a man, he should be able to take her to have an abortion without your knowledge or permission, that it is none of your business.

Mr. Speaker, those attacking Judge Alito are so far to the left that they cannot even see the majority of us here in America, and it is so important that the people of this country understand what the left means when they say "mainstream" when they say that Judge Alito is out of the mainstream. They are talking about his rulings in cases where the overwhelming majority of Americans agree with him. That is the very definition of "mainstream."

Mr. Speaker, for the sake of this Republic, we must invite those leftists who insist on smearing Judge Alito's reputation to step into open debate where the bright light of truth can shine on their ideology and expose to the people of America exactly how far out of the mainstream they really are.

Mr. Speaker, it is time for this debate. It is long overdue. The future of the American people living in freedom depends on it.

CAMPAIGN TO MINIMIZE LIES THAT LED TO IRAQ WAR

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Washington (Mr. MCDERMOTT) is recognized for 5 minutes.

Mr. MCDERMOTT. Mr. Speaker, I rise to support the minority leader's attempt to get oversight. She stood here today and asked in a resolution, which was not voted on by the House, was not allowed to be discussed by the House, that the Republican leadership conduct oversight of an executive branch controlled by the same party which is in contradiction to the established rules of standing committees and the congressional precedent.

It is time for this House to begin an investigation of the executive branch.

Why is that? Well, there is a massive propaganda campaign beginning today, if you look in the Wall Street Journal and some of the other newspapers, to minimize the lies that led us into war. They are now saying, "Well, everybody does it. Clinton did it. We did it. It doesn't make any difference how we got into war. It was the right thing to do. The fact that we got there is all that matters." That is what the defense is going to be.

It is very clear that the office of the Vice President of the United States has emerged as the source of this national policy. Never mind, I am not talking about the intelligence on striods that proved that Hussein had weapons of mass destruction. It is now clear by his own admission that the Chief of Staff of the Vice President of the United States was willing to out the CIA agent whose husband had been sent by the Vice President's office, had been sent out to find out and had come back with a report that debunked the whole Niger yellow cake forgeries.

Mr. Speaker, the Italian parliament is meeting even at this time on the issue of how those forgeries occurred. There is nobody interested around here. You would think it was nothing. But the Italian parliament is worried about how their secret service got involved in these forgeries.

But really more worrisome than the forgeries and all of what went on there is the continuing influence of the Vice President's office to set policy. I will include in the record an article in the November 2 Slate magazine called Superiority Complex that is talking about what has gone on in the Vice President's office. This is another issue, but connected.

Today we found out in the newspapers that we have secret prisons. We do not know where they are. Some people speculate they are in Poland, some say they are in Romania. We know we have Guantanamo. We have bases in other places. And we are unclear about how those people are to be treated.

It was so unclear that the draft regulation was drawn up in the Department of Defense. Some people in the Department of Defense did not agree with it, so they let the Vice President's office know, and the next thing we know, they sort of say, why do you not hold up on that, and it never happened. The draft regulation never came out. It was to set a clear standard of how detainees should be treated, how prisoners of war should be treated, or whatever.

The people who did that were Mr. Addington, who is now the Vice President's Chief of Staff, and Mr. Libby. They set about to veto the whole idea.

Why is the Vice President's office making these decisions? Where is the White House? Where is the Oval Office? Where is the President? Well, he is missing in action.

If you look in the last year and a half on that whole issue, the President said that these people would be treated humanely and, to the extent appropriate

and consistent with military necessity, in a manner consistent with the principles of the Geneva agreement.

He could not just say "the Geneva Convention holds. We will treat them according to that." He gave weasel-words here, so he really has been no use at all. Basically, what this White House has done is kept that whole issue open to debate.

Now, you ask yourself, why do we care about how we treat prisoners? Very simply, and the article says, "The military cares about the Geneva protections because of the correlation that American intelligence officers increasingly see between Muslim anger at the United States and human rights abuses in Guantanamo."

We are putting our own soldiers at risk by allowing this White House to keep this vague. We need some oversight.

Mr. Speaker, I include the Slate magazine article for the RECORD.

[From the New York Times, Nov. 2, 2005.]

SUPERIORITY COMPLEX
(By Tim Naftali)

Today's revelations in the New York Times about the Bush administration's internal debate over how to treat foreign detainees highlight the unprecedented role that Vice President Dick Cheney and his staff are playing in setting national security policy. In the Constitution, the vice president is the Nation's understudy. He is not supposed to be in the chain of command. Cheney knows this better than most: In 1989, when he was George H.W. Bush's secretary of defense, Cheney slapped down Vice President Dan Quayle for calling a meeting of the National Security Council about a coup attempt in the Philippines while the president was out of the country.

Yet now the Office of the Vice President is dictating the rules by which the U.S. military interrogates and detains terrorist suspects. This is being done subtly. All the Office of the Vice President has to do is informally convey its opposition to complying with international law in this area, and any such effort is thwarted.

This is what happened to an attempt by some officials in the Department of Defense, along with the lawyers of all the armed services, to write a new directive on the treatment of detainees. Since the Bush administration began sending foreigners captured abroad to Guantanamo Bay in winter 2001, its refusal to afford them all the protections guaranteed by the Geneva Conventions has been, to say the least, internationally contentious. Now the military and some Pentagon officials are increasingly aware that this refusal is making American troops vulnerable abroad by potentially provoking other countries to respond in kind. The current policy has also created confusion in the armed services among interrogators who were originally trained to follow Geneva and now don't know which standard to apply. The goal of the drafters of the new directive was to set clear standards that are consistent with international law and with the military's rules since 1949.

The draft directive drew upon the language from Common Article Three of the Geneva Conventions of 1949, implying that the United States recognized the role of international law in governing how it treated detainees. Not everyone in the Pentagon was happy with this. Stephen Cambone, the undersecretary of defense for intelligence policy, and William J. Haynes, DOD's general

counsel, apparently let the vice president's office know what was happening. In September, David S. Addington, who was then Cheney's general counsel, and former Cheney aide I. Lewis Libby did their best to veto the initiative.

Cheney and Addington (and Libby) believe that there should be no limit on the president's right to authorize interrogations of terrorist suspects. The Office of the Vice President is contemptuous of the British and our other European allies, who have been reluctant to turn over suspects to the United States because of what they see as Washington's lawless approach.

What does the Oval Office think about adopting a Geneva-friendly detainee policy? So far, there is no evidence that President George W. Bush has weighed in directly since February 2002 on applying Geneva's protections to the detainees. At that point, he said that al-Qaida and Taliban fighters would not have prisoner-of-war status but would nonetheless be treated "humanely and, to the extent appropriate and consistent with military necessity, in a manner consistent with the principles" of the Geneva Conventions. The ambiguity of Bush's 2002 statement—was he saying that the Geneva Conventions did not trump military necessity?—has encouraged advocates of a Geneva-based policy to argue that he intended to set a floor rather than a ceiling for the treatment of detainees.

And what about Secretary of Defense Rumsfeld, who is in the military chain of command? The reporting is still vague thus far on his opinion about the standards for detainees. Matthew Waxman, Rumsfeld's deputy assistant secretary of defense, was a champion of incorporating Common Article Three into the new interrogation directive. But Rumsfeld himself reportedly said nothing, even after the vice president's office shot down the draft directive. Rumsfeld and Cheney go way back; Cheney worked for Rumsfeld in the Nixon administration. Whatever else Rumsfeld's silence means, by ceding this area to Cheney, the defense secretary signals to the armed services that he doesn't much care that their lawyers want to bring U.S. policy in line with the Geneva Conventions.

The military cares about Geneva's protections because of the correlation that American intelligence officers increasingly see between Muslim anger at the United States for human rights abuses in Guantanamo and elsewhere and the virulence of the insurgencies in Iraq and Afghanistan. In its secret brief in a case involving the ACLU's request for the disclosure of additional photographs of the abuses that took place at Abu Ghraib, the government acknowledged as much.

Ordinarily presidents assign their vice presidents some projects, usually with consultation, of course. Yet once Cheney focuses on a policy, he dominates it.

So long as his views prevail in how the Bush administration treats foreign detainees, the military's push to safeguard American troops by respecting Geneva will be stymied.

VOTING RIGHTS ACT EXTENSION
NOT NEEDED IN GEORGIA

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Georgia (Mr. WESTMORELAND) is recognized for 5 minutes.

Mr. WESTMORELAND. Mr. Speaker, in 1965, Congress passed the Voting Rights Act to stop the systematic civil rights violations that were the status quo in my home State of Georgia and