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House of Representatives

The House met at 10 a.m. and was called to order by the Speaker pro tempore (Mr. BONNER).

DESIGNATION OF THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore laid before the House the following communication from the Speaker:

WASHINGTON, DC,
May 3, 2006.

I hereby appoint the Honorable JO BONNER to act as Speaker pro tempore on this day.

J. DENNIS HASTERT,
Speaker of the House of Representatives.

PRAYER

The Reverend Frank M. Deerey, Jr., Senior Pastor, First Baptist Church, LaBelle, Florida, offered the following prayer:

Dear Heavenly Father, this morning I ask Your blessing upon the men and women who are gathered to conduct business as representatives for the people of this great Nation. God, each of these leaders has a need on his or her heart, and I pray that You will be recognized as a God who will meet every need as You are called on to provide strength, wisdom and the discernment to make difficult decisions that will affect so many people of the United States.

Father, I pray for these leaders, who have been given the awesome responsibility to lead, that You will guide them to lead in a way that pleases You and strengthens Your plan for this country. You have blessed the United States incredibly, and we give You praise for these blessings. Father, guide us to remember the words of the Psalmist to, ''Know that the Lord is God. It is He who made us; we are His people and the sheep of His pasture.'' In Jesus' Name, I pray. Amen.

THE JOURNAL

The SPEAKER pro tempore. The Chair has examined the Journal of the last day's proceedings and announces to the House his approval thereof.

Pursuant to clause 1, rule I, the Journal stands approved.

PLEDGE OF ALLEGIANCE

The SPEAKER pro tempore. Will the gentleman from Florida (Mr. MEEK) come forward and lead the House in the Pledge of Allegiance.

Mr. MEEK of Florida led the Pledge of Allegiance as follows:

I pledge allegiance to the Flag of the United States of America, and to the Republic for which it stands, one nation under God, indivisible, with liberty and justice for all.

WELCOMING THE REVEREND FRANK M. DEEREY, JR.

(Mr. FOLEY asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. FOLEY. Mr. Speaker, I rise today to welcome our guest chaplain, the Reverend Frank Michael Deerey, Jr., who is currently serving as senior pastor at the First Baptist Church of LaBelle, Florida.

I first met Pastor Deerey during a visit with Governor Jeb Bush after Hurricane Wilma hit south Florida, and we witnessed First Baptist Church of LaBelle's humanitarian operation for the hurricane victims who were in need of a hot shower, meals, clothing and other resources. LaBelle is a small city with a big heart, and that was truly visible under Pastor Deerey's leadership, as his church rallied along with the community to help those who were adversely affected by the wrath of Hurricane Wilma.

Pastor Deerey was born in New Orleans, Louisiana, and lived there until 1995, when he came to Florida to serve in LaBelle. He received a bachelor of arts in 1979 from Southeastern Louisiana University in Hammond, Louisiana. In 1982, he received a master's of divinity from New Orleans Baptist Theological Seminary. Pastor Deerey was licensed and ordained as a minister and has served as youth pastor, associate pastor and pastor at four Louisiana churches.

Since moving to Florida, Reverend Deerey has been actively involved in the community as president of the local unit of the Salvation Army and is currently serving the Hendry County Sheriff's Office as chaplain.

Pastor Deerey is married and has two children. His wife, Cathy, joins us today, and has taught in public schools for 27 years and currently is a school guidance counselor. His son is a graduate of Embry-Riddle Aeronautic University in Daytona, Florida, and his daughter is currently enrolled in Edison College in Fort Myers, Florida.

It is a great pleasure to join our friends in LaBelle in welcoming Pastor Frank to the House Chamber to open our legislative day with prayer and thank him for all his services, not only to LaBelle but all of Florida.

COSPONSOR H.R. 4992, PUT VETERANS' NEEDS FIRST

(Mrs. KELLY asked and was given permission to address the House for 1 minute and to revise and extend her remarks.)

Mrs. KELLY. Mr. Speaker, we must always keep the promises we have made to our veterans who have dedicated themselves to faithfully serving our country. However, under current law, veterans are being prohibited from using Medicare coverage at local VA hospitals. They can only use Medicare at non-VA hospitals, and they lose out on the personalized care they prefer to receive at VA hospitals. This forces

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veterans to choose between cost and comfort. That is not the way our veterans should be treated.

I have introduced the Veterans Medicare Assistance Act to correct this problem. Our laws should be working for veterans, not against them. I urge my colleagues to join me in this effort to enable our veterans to use their Medicare benefits to help them pay their bills at VA hospitals.

Most veterans pay into Medicare for most of their lives. This law should not prohibit them from using those Medicare benefits at VA hospitals later on in their lives. Cosponsor H.R. 4992 and show our veterans that we are putting their needs first.

We need to work together in Congress to enhance health care options for our veterans, not take them away.

RAISING QUESTIONS ABOUT THE PRESIDENT'S FLU PLAN

(Mr. EMANUEL asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. EMANUEL. Mr. Speaker, later this morning, the President will unveil his plan for responding to a flu pandemic. The Homeland Security Department will be playing a key role in the response. That is right, the pandemic flu response will be brought to you by the same people who gave us one heck of a job in responding to Hurricane Katrina.

The other great initiatives were duct tape as a national response to chemical weapons and the Dubai Ports fiasco. According to reports, the President's plan predicts chaos, quote-unquote, with a scenario of nearly 2 million American deaths. Given the Department of Homeland Security's track record, are these really the folks you want in charge of managing our response to a crisis of this magnitude?

The Homeland Security Department had a plan for New Orleans: they just ignored it. And the parts they did follow were so bungled and mismanaged, we are still dealing with the aftermath.

Mr. Speaker, no well-funded plan can go forward without a good general. At a time in which we need Grant, we have got McClellan. Forget the compassionate conservative this President promised; at this point, I would settle for a competent conservative.

BIGGEST REFINERY IN TEXAS

(Mr. POE asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. POE. Mr. Speaker, part of the reason gasoline prices have jumped to record highs is because there have been no new refineries or major refinery expansion in America. United States refineries are at 97 percent capacity turning that black gold into gasoline at a rapid rate, but there is a tremendous demand for more refining capacity.

Royal Dutch Shell has announced that the Motiva Refining Plant in Port Arthur, Texas, will expand to become the biggest refinery in the United States. Construction will begin next year. Currently, ExxonMobil, in Baytown, Texas, is the biggest refinery in America. By the way, Mr. Speaker, both of these refineries are in the energy belt of the Texas gulf coast.

To get back on the path of energy self-reliance, the United States needs more American refineries and more offshore drilling. The country has not built a new refinery in over 25 years because of burdensome bureaucratic Federal regulations and environmental energy obstructionists. Congress needs to encourage refinery development and offshore drilling. That will increase supply so that the gasoline price at the pump comes down to an acceptable American consumer level.

The people of southeast Texas welcome Motiva's new progress, and we congratulate them on this endeavor. That's just the way it is.

REPUBLICAN CONGRESS CONTINUES TO WASTE OPPORTUNITIES

(Mr. BLUMENAUER asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. BLUMENAUER. We have just heard an example of the Republican line of why there is an energy problem: We haven't built new refineries because of burdensome environmental regulations. Hogwash.

We have had the industry actually close refinery capacity. There is no evidence that there is an inability to build refineries. Sadly, we are continuing the spectacle of the Republican control in Congress to waste opportunities and try to change the subject, whether it is wasting subsidies on oil companies that don't need them or starving renewables and conservation.

The latest debacle is scheduled here on the floor in a few hours, where they will force communities to accept refineries on closed military bases, with no committee markups, no hearings and no meaningful records.

There will come a time when Congress will act like a Congress, will legislate on energy, on conservation, on innovation and prepare for the future, but, sadly, not with this Republican leadership.

CONDEMNING MEXICAN PRESIDENT FOR LEGALIZING DRUGS

(Mr. KELLER asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. KELLER. Mr. Speaker, Vicente Fox, the president of Mexico, is at it again. Yesterday, he said he would sign into law an irresponsible law legalizing the possession of drugs. As a result, millions of American young people who travel to Mexico for summer vacation will now legally be able to use cocaine, heroin, ecstasy, and marijuana.

How much is okay? Two ecstasy pills, four joints, four lines of cocaine and 25 milligrams of heroin are now all allowed, according to Vicente Fox. Who is advising this guy, Courtney Love?

What a year President Fox is having. Earlier this year, his Mexican government provided maps to illegals to help them cross our borders. Then, his Mexican military soldiers got caught providing an armed escort to Mexican drug smugglers into Texas. Now he wants Congress to reward millions of illegal aliens with amnesty and permanent citizenship so they can earn money here and send it back to Mexico.

Vicente Fox says he's our friend. With friends like these, who needs enemies?

SOARING GAS PRICES

(Mr. STUPAK asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. STUPAK. Mr. Speaker, it seems almost everyone these days is rightfully outraged at the massive profits of oil and gas executives and companies. While they are raking in record profits, gas prices hit historic highs. That is, everyone except House Republicans.

It is not enough that Republicans supported provisions in the energy bill last year that provided oil companies with $20 billion in special interest gifts while neglecting to include any real initiatives that would lower gas prices, but House Republicans then repeatedly refused to support Democratic efforts to give the Federal Trade Commission the authority to investigate all price gouging at all points of the supply chain. And last week, House Republicans had the opportunity to roll back $5 billion in additional tax breaks for oil companies over the next 5 years but voted overwhelmingly to reject this Democratic proposal.

Are House Republicans that far out of touch? Don't they realize that companies with profits of $130 billion last year do not need tax breaks? Mr. Speaker, the cozy relationship House Republicans have with oil and gas executives is hurting everyday Americans who are struggling to pay record prices at the pump.

U.S. LEADS WORLD IN COAL

(Mr. SHIMKUS asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. SHIMKUS. Mr. Speaker, the problem we have is our reliance on imported crude oil. The way we try to address this solution is through renewable fuels, conservation, additional exploration and new technologies. I want to talk about one of those new technologies today, which is coal-to-liquid application, called Btu conversion.

Imagine this: a coal mine in the Midwest, on top of which sits a refinery, a liquid fuel refinery. Sound far fetched? Well, this technology has been around for 50 years. The Germans used it in World War II.

The refinery bill that we have on the floor of the House today will provide the same incentives to expansion of petroleum refineries to coal-to-liquid applications.

Mr. Speaker, the U.S. has 27 percent of the world coal supply, the largest of any country, but less than 2 percent of the world's oil and less than 3 percent of the world's natural gas. For a forceful response to the energy challenge, the U.S. must make much greater use of its unrivaled coal reserves.

□ 1015

ENERGY POLICY

(Mr. LANGEVIN asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. LANGEVIN. Mr. Speaker, as of this morning, Rhode Islanders are paying on average $2.92 a gallon for gasoline. That is 40 cents more than they were paying a month ago and 70 cents more than a year ago.

Last year, Congress passed an energy bill which I opposed because it gave away billions of tax dollars to oil and gas companies, instead of investing in new technologies, alternative fuels and energy efficiency.

As it turns out, oil and gas prices have gone up since we passed the Republican energy bill. And you know what else has gone up? The profits of oil and gas companies. Now the Republican majority is proposing even more giveaways to the oil and gas industry by handing over Federal lands to open refineries and by opening up ANWR.

Mr. Speaker, enough is enough. We cannot simply drill our way out of this crisis. Growing demand from China and India and other countries is going to keep the cost of oil high for years to come, and subsidies to the oil and gas industry will not change that. We need new leadership that will promote an energy policy that encourages new technologies, energy efficiency and creates American jobs.

This morning on the ''Today Show,'' the chairman of ExxonMobil said they were in the business of making money. Well, we are in the business of protecting the American people, and it is about time this Congress does its job.

THE FOUR-STEP DANCE

(Ms. FOXX asked and was given permission to address the House for 1 minute and to revise and extend her remarks.)

Ms. FOXX. Mr. Speaker, in country line dancing there is a dance called the two-step. When it comes to energy policy, the Democrats have come up with their own dance, the four-step. Here is how it goes:

First, Democrats do not acknowledge the supply component in the supply and demand principle of economics. When confronted with solutions to the supply problem, Democrats always vote ''no'' and drive up prices.

Step two for Democrats is to scream about the evil of SUVs, even though they may be driven around in one.

Step three for Democrats is to call for investigations, point fingers, call for investment in R&D that already exists, and say that if it weren't for those darn Republicans, we could get off oil tomorrow.

Finally, step four for Democrats is repeating steps one, two and three until voters and the media stop paying attention.

Mr. Speaker, if this sounds familiar, it should. Since President Clinton vetoed ANWR in 1995, Democrats have performed this dance when it comes to increasing our energy supply. But with gas reaching $3 a gallon, Democrats need to retire it and learn a new dance, but they should try to learn one that will actually increase our oil supply.

ADDRESSING ENERGY NEEDS

(Mrs. MALONEY asked and was given permission to address the House for 1 minute and to revise and extend her remarks.)

Mrs. MALONEY. Mr. Speaker, when President Bush took office 5 years ago, the average price at the gas pump was $1.45. It has more than doubled over the past 5 years. And Republicans over the past 5 years have controlled the House, the Senate and the White House. Washington Republicans have done nothing to pass a sound energy policy that would wean us from foreign oil, create conservation programs, and provide incentives to develop alternative fuels, programs that would help us provide consumers some relief.

It took Republicans 4 years before they finally passed an energy bill, but that bill continued massive subsidies to the oil industry like the rip-off ''royalty in kind'' program. The President's own Energy Department admitted at the time that the energy bill would do absolutely nothing to lower gas prices. Five years of Republican power, and 5 years of no positive results for the consumer.

IMMIGRATION AND ENERGY PRICES

(Mrs. BLACKBURN asked and was given permission to address the House for 1 minute and to revise and extend her remarks.)

Mrs. BLACKBURN. Mr. Speaker, it is quite obvious that everyone is talking about the issues of the day: immigration and energy prices. And too many in this body are overcomplicating the issue. It is really not that hard. On immigration, secure the border, build a wall if necessary. Secure the border. It is what our constituents in Tennessee want. It is what the Republican majority want. It is what the American people want and need.

On energy, we should be exploring for domestic sources of energy. We should pass the energy legislation that is going to come before this body this week. We should define price gouging, set some penalties, encourage construction of refineries. Currently, we are not doing that.

Liberals in Congress have spent the past three decades pandering to environmental extremists. The policies they have put in place are in large part responsible for the energy crunch we are seeing today. We have not built a refinery in this country for 30 years.

Mr. Speaker, the liberals need to start serving American families and stop serving special interests.

PHONY LOBBYING REFORM BILL

(Mr. BERRY asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. BERRY. Mr. Speaker, first of all, I would ask that everyone remember our men and women in uniform and keep them in your hearts and minds and certainly in your prayers, especially those on the battlefield today.

Today, the Republican Congress is going to attempt to extend the culture of corruption and chaos. They are going to offer a so-called lobbying reform bill. It makes me think of that wonderful American, Merle Haggard, who wrote a song called ''Rainbow Stew.'' It goes something like this: When a President goes through the White House door and does what he says he'll do, we'll all be drinking that free Bubble-Up and eating that rainbow stew.

This bill is clearly rainbow stew. It is a phony lobbying reform bill. America deserves better. America deserves integrity. America deserves honor. And they certainly don't deserve another dose of rainbow stew and free Bubble-Up.

ECONOMIC BOOM IN AMERICA

(Mr. WILSON of South Carolina asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. WILSON of South Carolina. Mr. Speaker, America's economy continues to surge ahead, delivering tremendous benefits to families throughout our country.

Over the past 3 years, over 5.1 million Americans have found new jobs. I am glad that my visitors from Grace Christian School will enjoy expanded job opportunities, inspired by Jeanne Sleigher and Tim Stevens.

While House Democrats ignore this continued job creation, it is obvious that the 2003 tax cuts were the true source behind the tremendous economic growth in our country.

Last week, we witnessed another example of economic excellence in America. Last Friday, the Department of

Commerce reported that the economy grew by 4.8 percent over the past 3 months, which is the fastest rate in 3 years.

As Republicans finalize our plans to extend the 2003 tax cuts, I urge House Democrats to abandon their tax-and-spend plans. Instead of playing the politics of obstructionism, they should join Republicans in implementing meaningful tax reform.

In conclusion, God bless our troops; and we will never forget September 11.

COVER THE UNINSURED WEEK

(Ms. SOLIS asked and was given permission to address the House for 1 minute and to revise and extend her remarks.)

Ms. SOLIS. Mr. Speaker, today I rise in support of the goals of Cover the Uninsured Week. Nearly 46 million Americans, including more than 8 million children, are living without health insurance. More than one-third are Latinos, 20 percent are African Americans, and about 19 percent are Asian Pacific Islanders who lack any form of health care insurance. In California, one out of five uninsured is a child under the age of 18.

Many current health proposals offered by Republicans will do more harm than help people living in districts like mine. Association health plans which ignore our State regulations are not working for families. Health saving accounts will do nothing to improve the well-being of our families in districts like mine.

Instead, Congress should be taking action to ensure that no child has to skip needed health care examinations. We should ensure that working families never have to choose between going to see a doctor and putting food on the table. We must work to eliminate racial and ethnic health care disparities.

Together, minorities comprise about 46 percent of the uninsured population. All these groups represent only 24 percent of the U.S. population. However, insurance coverage is an important predictor of whether individuals obtain health-promoting and life-extending services.

ASTHMA AWARENESS DAY

(Mr. STEARNS asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. STEARNS. Mr. Speaker, today is Asthma Awareness Day 2006.

On Asthma Awareness Day, May 7, 2003, there were only 20 asthma-friendly States in the United States. Even more limiting, of those 20, only nine extended protection even further to anaphylaxis medication, like epinephrine auto-injectors.

Today, historically, 47 States protect for asthma and 38 for asthma plus anaphylaxis, and the final three States have legislation pending to allow students to carry their medication.

Mr. Speaker, this is a tremendous positive turnaround in just a few years for our children. I am pleased with the momentous progress we have made in our Nation's capital and statehouses.

I encourage all of us who work here or visit the Capitol today to stop by the Cannon Caucus Room from 11:30 to 4:00 and learn more about asthma. Get screened, take the test, and let us enjoy another successful Asthma Awareness Day.

TOUGH BORDER SECURITY NOW

(Mrs. MILLER of Michigan asked and was given permission to address the House for 1 minute and to revise and extend her remarks.)

Mrs. MILLER of Michigan. Mr. Speaker, the situation at our porous borders is absolutely in a state of emergency. We are all hearing this message from our constituents in a variety of ways. This morning, I wanted to share a very clear message that I received from one of my constituents.

A constituent of mine actually sent me this brick in the mail. On this brick it says, ''Since the U.S. Government seems to be struggling with the illegal immigration problem, I thought I would send you the means to begin solving the problem. This brick is sent to support stronger border security.''

Mr. Speaker, the American people are demanding action. Last December, this House passed a very good border security bill that would in fact put this brick to very good use in building a security fence on our southern border.

The debate in the other body is now turning toward amnesty for those who have come here illegally, and that is the wrong direction for America. We cannot offer amnesty or expanded opportunities for guest workers until we deal with the problem at hand.

I urge the U.S. Senate to listen to the people, to look at the bill that was passed by this House in December and, as this brick says, support stronger border security.

60-DAY FUEL TAX HOLIDAY

(Ms. LORETTA SANCHEZ of California asked and was given permission to address the House for 1 minute and to revise and extend her remarks.)

Ms. LORETTA SANCHEZ of California. Mr. Speaker, we are now just about 3 weeks away from the Memorial Day holiday, and a gallon of gas in my district costs $3.38. Look at this photo from home, $3.38 for unleaded, the cheap stuff. It is now cheaper to buy a fast-food lunch than it is for people in Riverside to drive to Anaheim.

Before the Memorial Day holiday, let us give America a fuel tax holiday: 60 days with no gas tax.

I will be the first to admit this is a short-term solution to a long-term problem. But the American people should not need to suffer the pain at the pump simply because this Republican-led Congress has forsaken its obligation to address our country's energy crisis.

Last week, ExxonMobil announced it had made $8.4 billion in a quarter, the first quarter of this year. Now why should the Federal Government give handouts to a company that made $8 billion in 3 months?

I urge my colleagues to support this revenue-neutral bill. It gives money back to the taxpayers, it stops the needless oil company giveaways, and it gives consumers relief when they need it the most.

□ 1030

LET'S KEEP AMERICA GOING TO WORK

(Mr. CARTER asked and was given permission to address the House for 1 minute.)

Mr. CARTER. Mr. Speaker, this morning, and every morning in my memory, members of my district, Americans all across this country and my colleagues in the Democratic Party went out and got in their cars, started them up and drove to work or drove to school. They wouldn't have done that if there hadn't been gasoline or diesel in those automobiles. And yet, the Democrats have been opposing refining capacity, opposing pipelines, opposing drilling in ANWR, opposing going to the reserves that we know are available if we will just drill the wells and produce the petrochemicals that are necessary to keep this country running.

The reason we have got the problem today is obstructionism to solve the problem which is, let's put gas and diesel in our tanks so we can keep America going to work.

RECORD PROFITS FOR OIL COMPANIES

(Mr. KUCINICH asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. KUCINICH. Everyone knows the oil companies are posting record profits. Oil companies are blaming everyone but themselves for large gas price increases. The consumer is being gouged, and oil companies continue to avoid their responsibility.

The most recent data for the Nation shows the average price of gas is close to $3 a gallon. Gas prices increasing; wages across the Nation dropping. Gas prices hurt even more because folks have less money to pay for them. You know what is going on? People are actually going into their change jars to go to the gas station to be able to pay for the increased cost of gas. Some people are hocking their jewelry to be able to pay for the increased price of gas.

Price gouging is occurring as the oil companies are reaping profits close to $300 billion since 2001. Time for a windfall profit tax. Time for a bill, the Gas Price Spike Act. Over 50 Members of

Congress want a windfall profits tax. That is what the oil companies understand. When we get that up to 100 cosponsors, then the oil companies are going to start backing off, because right now, their foot is on the accelerator. They are looking at $3 a gallon, $4 a gallon, $5 a gallon.

We have to stand up for the American people, and that is what we are here to do.

A NEW APPROACH TO ENERGY PROBLEMS

(Mr. JINDAL asked and was given permission to address the House for 1 minute.)

Mr. JINDAL. Mr. Speaker, the Nation's energy prices continue to rise. Families and businesses are feeling the pinch. We are paying the price for decades of extra taxes, poor energy policy, curtailed exploration and a lack of new refineries.

The Nation needs to take a new approach to our energy problems. We need to break our dependency on foreign sources of oil, which leaves us at the mercy of foreign powers. To do that, we should increase domestic energy production.

My bill, H.R. 4761, gives States control over the waters off their shores and encourages them to increase energy exploration by giving them a share of the revenues generated.

We should increase our development of alternative fuels, taking advantage of renewable resources, like using corn and sugar to produce ethanol or soybeans to produce biodiesel.

Finally, we should help developing nations like China and India curb their exponentially increasing consumption of oil and natural gas, which is driving world prices higher.

India, in particular, is looking to develop nuclear power for domestic, commercial use, and we should work with them. This is a good deal for both countries. India develops its own self-sustaining nuclear power sources, which will limit their need for oil and natural gas. We get a reduction in the demand for world energy, lowering prices in the process.

Clearly, the energy problems facing us are too big to use yesterday's thinking.

THE ''DO LESS THAN NOTHING CONGRESS''

(Mr. COOPER asked and was given permission to address the House for 1 minute.)

Mr. COOPER. Mr. Speaker, we have heard a lot of problems mentioned on the House floor today. We should be aware that this House is doing a very poor job of addressing any of these problems. Why? Because this is one of the laziest Congresses in all of American history.

We are scheduled to meet this year fewer days than any Congress since at least 1948. And that is even before I was born. So far, we are in the 123rd day of this year, and yet we have only had 26 voting days in this body. That is a shame.

This Congress is simply not doing its job under Republican leadership. They are the ones that set the schedule. Harry Truman called that Congress of 1948 the ''Do Nothing Congress'' of 1948. How do you do less than nothing? Sadly, the American people are about to find out, thanks to our friends on the other side of the aisle.

COMMENDING STANLY COUNTY NATIVE AND AMERICAN IDOL CONTESTANT KELLIE PICKLER

(Mr. HAYES asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. HAYES. Mr. Speaker, today I want to congratulate Albemarle, North Carolina, native and ''American Idol'' contestant Kellie Pickler for pursuing her dream and using her God-given talent to sing. Kellie is returning home, but she consistently received some of the highest vote totals of any of the other contestants. And it is easy to understand why. Kellie's charm and talent clearly defined her success each week as Americans tuned in to the most popular show on television. Kellie will be returning home to Stanly County and North Carolina a true idol to many for her performances, her extraordinary singing voice and the grace she personified in front of millions as she represented her community, family and friends.

Kellie, we wish you the best. I know that great opportunities lie ahead for you.

MEDICARE DRUG PROGRAM

(Mr. LIPINSKI asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. LIPINSKI. Mr. Speaker, in less than 12 days, seniors face a critical deadline. By May 15, they must sign up for a Medicare prescription drug plan. After this date, they will pay a permanent penalty of 1 percent for every month that they wait to join, a penalty they will pay on top of their premium for the rest of their lives.

I have held more than three dozen seminars across my district to help seniors navigate through the overly complex program, and they keep calling asking for more help. They are understandably confused by the more than 60 different choices that they have. The least we can do is give seniors more time to understand their options so that they can make their best choice.

To do this, Congress must pass the Medicare Informed Choice Act which would delay the late enrollment penalty, prevent beneficiaries from losing their employer-based coverage and allow seniors to switch plans if they make a mistake. More than 70 percent of seniors are asking for more time. It is long overdue for Congress to listen and make sure that seniors have a prescription drug plan that works for them.

CAPTURE OF MICHAEL BENSON

(Mr. KENNEDY of Minnesota asked and was given permission to address the House for 1 minute.)

Mr. KENNEDY of Minnesota. Mr. Speaker, I rise today, as a Member of Congress and a parent, to thank the many law enforcement officers whose hard work resulted in yesterday's capture of escaped child sexual predator Michael Benson.

I would also commend John Walsh and the viewers of ''America's Most Wanted,'' who helped make Benson the 888th criminal apprehended after being featured on the show.

However, I stand here today deeply frustrated that obstructionists in the other body are using procedural gimmicks to block passage of the Child Safety Act, which the House first passed overwhelmingly more than 8 months ago.

Mr. Speaker, this act will help our children keep safe from predators like Michael Benson, and I urge the other body to quit obstructing and pass this vital bill.

RECOGNITION OF NAVAL AIR STATION WHIDBEY ISLAND

(Mr. LARSEN of Washington asked and was given permission to address the House for 1 minute.)

Mr. LARSEN of Washington. Mr. Speaker, I rise today to thank the Department of Defense for its recognition of Naval Air Station Whidbey Island as a model military installation for the country. Base Commander Captain Syd Abernethy and the Island County community will accept the Annual Commander-in-Chiefs Award for Installation Excellence on Friday.

This award recognizes the hard work and exceptional efforts of the people who operate NAS Whidbey, and I praise that team effort, from the men and women on the ground to those in the sky. They make this installation run.

The community and the residents of Oak Harbor and Island County play an integral role in protecting and promoting NAS Whidbey. It is their support year after year that makes NAS Whidbey great.

NAS Whidbey has emerged as a national center of electronic warfare and anti-submarine warfare operations. These missions will be pivotal to creating the type of military the Department of Defense wants to build in the upcoming years. NAS Whidbey will likely have to accommodate tremendous growth in the future, and this award shows that the team and infrastructure are in place to do the job.

LET'S REDUCE OUR DEPENDENCE ON FOREIGN OIL

(Mr. PENCE asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. PENCE. Mr. Speaker, gas prices are too high, and so Washington has already begun to posture.

I know how angry people can become when gas prices rise. I spent 5 years working my way through college pumping gas at Ray's Marathon. And it is important that Washington respond. But we ought to respond with the real answer, which is to reduce our dependence on foreign oil by opening up America's own domestic reserves in the intercoastal regions and the Alaskan National Wildlife Region.

If the U.S. Geological Survey is correct, if we opened up ANWR, we could increase our domestic reserves by 50 percent. If President Bill Clinton had not vetoed legislation opening ANWR to environmentally responsible exploration in 1995, we would be pumping millions of barrels from ANWR today.

Let's reduce the price of gasoline for future generations of Americans. Let's reduce our dependence on foreign oil.

REPUBLICAN INACTION ON SKYROCKETING GAS PRICES

(Ms. WATSON asked and was given permission to address the House for 1 minute.)

Ms. WATSON. Mr. Speaker, the American people are fed up with us in Congress. They finally see the House Republican majority for what it is, nothing but a rubber stamp for President Bush and his special interest friends. House Republicans simply have no agenda for helping everyday Americans. Perhaps that is the reason we have only been in session for 26 days so far this year.

If House Republicans were really interested in helping the American people, they would join us in tracking and tackling our Nation's energy crisis. House Republicans failed to address skyrocketing gas prices in their energy bill last year. Instead, they chose to follow the President in supporting a bill that gave the oil and gas companies $20 billion in special interest gifts while doing absolutely nothing to ease the sticker shock consumers face every time they fill up at the pump.

Democrats have a plan that works for all Americans, not just big oil and gas CEOs. Our plan not only cracks down on price gouging but also calls for an increase in production of alternative fuels.

BUSH ADMINISTRATION PUTTING INCOMPETENT CHERTOFF IN CHARGE OF AVIAN FLU

(Mr. NADLER asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. NADLER. Mr. Speaker, today President Bush is expected to announce his appointment of Homeland Security Chief Michael Chertoff to lead the administration's efforts to combat a potential avian flu epidemic.

Didn't the President learn anything from Hurricane Katrina? Michael Chertoff is the same man responsible for the incompetent, inept and tragically unacceptable response to Hurricane Katrina. If Secretary Chertoff couldn't properly oversee the administration's response to a hurricane along the gulf coast that we knew about days in advance, how is he supposed to lead the response to a flu pandemic that could hit at any time?

The Bush administration is already woefully unprepared to fight an avian flu pandemic. The President's own administration has warned that a worst-case scenario here in the U.S. would entail an 18-month-long crisis in which as many as 1.9 million Americans could be killed.

An avian flu crisis needs a serious and competent administrator to oversee our response. The Bush administration is once again showing it will take a crony over a competent administrator every time. It is time for the administration to show that it actually can lead. It is time they turn away from the cronies and find someone competent for a change so the avian flu pandemic doesn't surprise us the way the expected Hurricane Katrina overwhelmed us.

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore (Mr. BONNER). Pursuant to clause 8 of rule XX, the Chair will postpone further proceedings today on motions to suspend the rules on which a recorded vote or the yeas and nays are ordered, or on which the vote is objected to under clause 6 of rule XX.

Record votes on postponed questions will be taken later today.

CONGRATULATING CHARTER SCHOOLS AND THEIR STUDENTS, PARENTS, TEACHERS, AND ADMINISTRATORS ACROSS THE UNITED STATES FOR THEIR ONGOING CONTRIBUTIONS TO EDUCATION

Mr. PORTER. Mr. Speaker, I move to suspend the rules and agree to the resolution (H. Res. 781), congratulating charter schools and their students, parents, teachers, and administrators across the United States for their ongoing contributions to education, and for other purposes.

The Clerk read as follows:

H. RES. 781

Whereas charter schools deliver high-quality education and challenge our students to reach their potential;

Whereas charter schools provide thousands of families with diverse and innovative educational options for their children;

Whereas charter schools are public schools authorized by a designated public entity that are responding to the needs of our communities, families, and students and promoting the principles of quality, choice, and innovation;

Whereas in exchange for the flexibility and autonomy given to charter schools, they are held accountable by their sponsors for improving student achievement and for their financial and other operations;

Whereas 40 States and the District of Columbia have passed laws authorizing charter schools;

Whereas over 3,600 charter schools are now operating in 40 States and the District of Columbia serving more than 1 million students;

Whereas over the last 12 years, Congress has provided nearly $1,775,000,000 in support to the charter school movement through facilities financing assistance and grants for planning, startup, implementation, and dissemination;

Whereas charter schools improve their students' achievement and stimulate improvement in traditional public schools;

Whereas charter schools must meet the student achievement accountability requirements under the Elementary and Secondary Education Act of 1965 in the same manner as traditional public schools, and often set higher and additional individual goals to ensure that they are of high quality and truly accountable to the public;

Whereas charter schools give parents new freedom to choose their public school, routinely measure parental satisfaction levels, and must prove their ongoing success to parents, policymakers, and their communities;

Whereas nearly 56 percent of charter schools report having a waiting list, and the total number of students on all such waiting lists is enough to fill over 1,100 average-sized charter schools;

Whereas charter schools nationwide serve a higher percentage of low-income and minority students than the traditional public system;

Whereas charter schools have enjoyed broad bipartisan support from the Administration, Congress, State Governors and legislatures, educators, and parents across the United States; and

Whereas the seventh annual National Charter Schools Week, to be held May 1 through 6, 2006, is an event sponsored by charter schools and grassroots charter school organizations across the United States to recognize the significant impacts, achievements, and innovations of charter schools: Now, therefore, be it

Resolved, That—

(1) the House of Representatives acknowledges and commends charter schools and their students, parents, teachers, and administrators across the United States for their ongoing contributions to education and improving and strengthening our public school system;

(2) the House of Representatives supports the seventh annual National Charter Schools Week; and

(3) it is the sense of the House of Representatives that the President should issue a proclamation calling on the people of the United States to conduct appropriate programs, ceremonies, and activities to demonstrate support for charter schools during this weeklong celebration in communities throughout the United States.

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from Nevada (Mr. PORTER) and the gentleman from Wisconsin (Mr. KIND) each will control 20 minutes.

The Chair recognizes the gentleman from Nevada.

□ 1045

GENERAL LEAVE

Mr. PORTER. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days in which to revise and extend their remarks on H. Res. 781.

The SPEAKER pro tempore (Mr. BONNER). Is there objection to the request of the gentleman from Nevada?

There was no objection.

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

Mr. Speaker, this resolution honors the Nation's charter schools; the parents; the teachers; of course, the students; administrators; and other individuals involved with their hard work and dedication to run quality public education.

This week, May 1 through May 7, has been designated National Charter Schools Week. During this week, charter school organizations and others around the United States recognize these schools for their continued contribution to education. The Nation's charter schools deliver high-quality education and challenge students to reach their potential.

When President Bush took office in 2001, there were only about 2,000 charter schools nationwide, where today there are approximately 3,600 serving over 1 million students in 40 States, including the District of Columbia and Puerto Rico. In Nevada, we have 18 charter schools serving approximately 5,000 students. I am very proud to have been involved with Nevada's first legislation in 1997 to introduce and to pass our first charter school legislation.

We also have an example of a charter school that is nationally recognized, and that is the Andre Agassi College Preparatory Academy, and it serves as a model for other schools across the country. It is designed to enhance a student's character, respect, motivation and self-discipline. Agassi Prep, as the school has been nicknamed, specifically is to improve skill levels and combat lowered academic expectations among the community's most challenged children. Advanced technology, small class size, and extended school hours are just a few of the practices that Agassi Prep utilizes to achieve a higher standard of education.

I commend the charter schools in the State of Nevada and across this great Nation for recognizing the immense need for improved education and for their commitment to improving student achievement for students who attend these schools.

Nationwide, charter schools serve a very special need. Many of the schools under their charter take care of kids with special needs, from hearing to speaking to other challenges. Even in the State of Nevada, we have a charter school that was designated through its charter to serve children from the State of California that are juvenile delinquents.

Charter schools provide a great service to our communities, grade schools, all different levels of schools across the country, to provide parents, communities, leaders, business, all members of the community access and the ability to be involved in education.

Nearly 56 percent of charter schools report having a waiting list, and the total number of students on such waiting lists is enough to fill another 1,000 average size charter schools across the Nation. By allowing parents and students to choose their public schools or charter schools, we can stimulate change and benefit all public school students.

In exchange for flexibility and autonomy, public charter schools are held accountable by their sponsors for improving student achievement and for their administration. A charter school is just that. A charter school is a school with a contract of performance. If they do not perform, if they do not provide excellence in education, these schools can lose their charters.

Charter schools must meet the same No Child Left Behind student achievement accountability requirements as other public schools and often set higher and additional individual goals to ensure that they are all high quality and truly accountable to the public.

According to the Center for Education Reform, as many as 15 studies find that students who frequently enter charters significantly are below the normal grade level. These students then achieve the same or even higher gains as compared to their surrounding districts' demographically compared schools or even the State averages.

A report from America's Charter School Finance Corporation called ''Take Me on a Reading Adventure'' cites research from several States that show greater gains and/or higher scores in reading for charter schools as compared to their traditional school peers.

Charter schools have enjoyed broad bipartisan support from the administration, Congress, State Governors and legislators, educators, and parents across this great Nation. The Seventh Annual National Charter School Week, held this week, May 1 through May 7, 2006, recognizes the significant impacts, achievements, and innovations of our Nation's charter schools. Through this resolution, Congress today acknowledges and commends the charter school movement and the charter schools' students, teachers, parents, and administrators across the United States for their ongoing contributions to education and improving and strengthening our Nation's public schools.

Mr. Speaker, I urge support for this resolution.

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

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

Mr. Speaker, I commend my good friend and colleague from Nevada for his support of this resolution as well as the Chair and the Ranking Member of the Education and the Workforce Committee. As a member of the House Education and the Workforce Committee and as an original cosponsor of H. Res. 781, I strongly support this resolution honoring National Charter Schools Week.

Since the first charter school began in 1992 in St. Paul, Minnesota, the number of charter schools has grown to over 3,600, serving more than 1 million students across the country today. In Wisconsin, my home State, there are nearly 200 charter schools educating close to 30,000 students; and in my congressional district in Western Wisconsin, we have 24 charter schools.

Charter schools provide parents, along with their children, their students, another choice within the public education system.

One school in particular that I would like to highlight during National Charter Schools Week is LaCrosseroads in my hometown of La Crosse, Wisconsin. It is an alternative high school. A specific project that has become part of the curriculum at this school was introduced by their teacher, Karen Schoenfeld; and it requires the students to record the oral histories of our veterans and submit their histories to the Library of Congress to be included in the Veterans History Project. Such projects are commendable and highly valuable to our students. It has provided a unique link between the younger generation with the older generation and a wonderful teaching opportunity about service to our country and a great history lesson for those students at LaCrosseroads.

I praise teachers such as Karen Schoenfeld who have broken down barriers to work with all students using innovative and creative strategies to teach.

It is important that charter schools give flexibility and options to teachers and their parents, but we must remember they are not the cure-all for improving public education. We have to be diligent at monitoring the success or failure of charter schools throughout the country and not afraid of shutting down those that are not working. That is the key to moving forward with the option of choice in our public school system, I believe.

Charter schools have consistently been at the forefront of my priority list, and I am pleased that Wisconsin is one of seven States with over 100 exceptional charter schools today. I have consistently advocated for increased support for charter schools and supported the Charter School Facilities Financing Demonstration Program during consideration of the No Child Left Behind legislation of 2001.

Mr. Speaker, I urge my colleagues to support this resolution honoring charter schools. It is our duty as representatives of this Congress to ensure that all our students reach their highest academic potential, and a charter school may provide a model better suited towards an individual student's needs.

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

Mr. PORTER. Mr. Speaker, I yield such time as he may consume to the gentleman from California (Mr. MCKEON), chairman of the full committee.

Mr. MCKEON. Mr. Speaker, I thank the gentleman for yielding.

Mr. Speaker, I rise today in strong support of House Resolution 781, a measure to recognize charter schools, as well as their students, parents, teachers, and administrators.

This week marks the Seventh Annual National Charter Schools Week, and I thank my colleague Mr. PORTER for taking the lead in recognizing these schools today. Mr. PORTER is a strong supporter of education and serves on the House Education and the Workforce Committee.

Each year Congress honors charter schools and those involved in the role they play in reforming and improving our Nation's public education system, and for good reason. Year after year charter schools make significant contributions across our Nation.

Charter schools are public schools that agree to improved academic achievement and accountability in financial and other operations in exchange for added flexibility and independence. They are subject to all the same No Child Left Behind achievement goals as other public schools but with greater flexibility in how they improve student success.

This enhanced autonomy allows charter schools to focus on increasing academic achievement for individual students rather than complying with bureaucratic paperwork. Moreover, it allows charter schools to use varied educational methods and techniques while accounting for their results.

Some 3,600 charter schools serve about 1 million students in 40 States and Washington, DC. Nearly 56 percent of these charter schools have waiting lists. In other words, they are in high demand, with that demand growing all the time. That is because charter schools understand how to meet the specific needs of the local communities in which they operate, and these schools are particularly devoted to serving low-income communities.

Nationwide, almost 50 percent of charter schools serve students considered at-risk or who have previously dropped out of school; and charter schools serve significant numbers of students from low-income families, minority students, and students with disabilities. Indeed, these innovative public schools allow many parents and students freedom of choice that otherwise would not be available.

Mr. Speaker, through this resolution honoring National Charter Schools Week, we recognize the continued success demonstrated by charter schools and acknowledge the benefits that charter schools provide to our local communities. Charter schools provide parents with a wider variety of educational choices, and they provide students the opportunity to receive a high-quality education that they may not have received otherwise.

I urge my colleagues to support this resolution.

Mr. KIND. Mr. Speaker, I yield 5 minutes to the gentlewoman from the District of Columbia (Ms. NORTON), a strong advocate for our public education system and a terrific friend of charter schools.

Ms. NORTON. Mr. Speaker, I thank the gentleman for yielding and for his kind words. I thank Mr. PORTER for his work in bringing this resolution to the floor.

We are right to recognize public charter schools. Public charter schools are the most important innovation in public education since the invention of free public education in our country. They have become so popular, they have become a movement, growing like ''Topsy''.

The Congress, when Newt Gingrich was here, as an alternative to vouchers, helped jump-start public charter schools in the District of Columbia and in the Nation by passing the first public charter school bill right here in the Congress for the District, with the agreement and total home rule involvement of the District of Columbia. That was in 1995. What did the schools do? They helped us jump-start a movement that has produced in the District of Columbia the largest number of public charter schools per capita in the United States. As I look down the list, Mr. Speaker, the District has more charter schools, this one city, than most States. They have really taken off for some years now as an alternative to D.C. public schools.

When a child does not have a school that is offering that child and that family what the child deserves, then the child must have an alternative. It can be going out of its neighborhood; and the best alternative and the only acceptable alternative, it seems to me, would be some other kind of public charter school. That is what has happened in the District of Columbia. That is why the people of the District of Columbia resent deeply that, despite the growth of the charter school movement, despite the fact that we have some of the best charter schools in the country and the largest number per capita, that Congress imposed on us something it would not accept for the rest of the country, and that is private school vouchers.

Well, our people have voted with their feet. They want a neighborhood school near them. These schools are very important. Most of the religious schools are in Northwest. Most of our kids who need or want alternative schools live in Southeast. So Congress did vouchers for itself. It did not do it for us, and it did it against our will when, in fact, we had demonstrated that public charter schools were, in fact, working in D.C. and working very well.

A child must have an alternative, but that alternative cannot be one where the public dollar is not accounted for, where there is no oversight by the public. And I am the last one who wants oversight, for example, of religious schools or anything involving religion. It follows that religious schools must not be that alternative. The thriving public charter school movement is, in fact, and should be that alternative.

All kinds of innovations are happening in the District of Columbia that I invite people to come and see: Shared facilities in large buildings (instead of getting rid of the building) between public and charter schools. Collaboration now between the best of our charter schools and some public schools which are not doing so well. Public schools, public charter schools, unlike many public schools even under No Child Left Behind, are a case of the survival of the fittest.

□ 1100

You lose your charter, in fact, if you do not measure up. That is what happens in the District of Columbia. As far as I know, it happens wherever the schools are well run.

Mr. Chairman, I simply want to note just for the record the kinds of reasons that charter schools flourish. We have technology schools, bilingual schools. We have performing arts charter schools in the District. We have math and science charter schools. We have an enterprising development charter school.

I would just like to have the Congress know some of the charter schools that are regarded as the best in the United States: D.C. Preparatory Academy Public Charter School; the Friendship Edison Charter School; KIPP D.C., The Key Academy Public Charter School; Paul Public Charter School.

Mr. Speaker, the District of Columbia actually has the first public boarding school, and it is a charter school. It is called the SEED Public Charter School. This is what you can do. This is the kind of innovation that comes from charter schools. It doesn't come from religious schools. They have their own way. They have had it for hundreds of years.

If you want innovation in public education, if you want an alternative to your public schools, the best bet are charter schools, which will be located right in your neighborhood, which are so accountable that they lose their charters if they do not in fact produce.

I strongly support this resolution, and I appreciate that it has come forward today.

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

Mr. Speaker, I strongly applaud my colleagues across the aisle for their support, and certainly recognize the District of Columbia and its advancement in the charter school arena.

I reflect back to 9 years ago in Nevada when we passed our first charter legislation, and I remember a lot of

naysayers. As a member of the State senate at that time, I received numerous nasty calls and lots of different opinions on the impact of charter schools on traditional public education.

The problem was, at that time, in those days, a lot of the naysayers didn't realize that this would remain and would be a public school. But it truly is an example of success nationwide.

If we look at the classroom in the last 100 years, it looks just about like it did 100 years ago. If you look at the operating room in a hospital, it changed substantially, with new technologies and new techniques.

The one thing that has worked so well with charter schools is that so many diverse groups that were opposed to this have come together and have found and shown nationwide the success of helping children have the finest education; no matter what their background, what their physical handicap, that they can truly have a success.

Mr. Speaker, I am proud to be here today to recognize charter schools across the Nation. To those of our forefathers, just a short decade ago, especially here in the District of Columbia, to my friend, the gentlewoman who is the Congresswoman here, I thank them for their support.

Again, this is just the beginning. The more we can encourage charter schools across the Nation to encourage parents, teachers, administrators, business leaders and community leaders to get involved, the better we are going to help our children.

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

Mr. KIND. Mr. Speaker, I yield 3 minutes to my friend and colleague on the Education and Workforce Committee, the gentleman from Ohio (Mr. KUCINICH).

Mr. KUCINICH. Mr. Speaker, I thank the gentleman from Wisconsin. I want to say what a pleasure it is to serve with him on the committee.

Mr. Speaker, I rise today to bring a note of caution to the discussion of this resolution and the debate surrounding charter schools. Much has been said today in praise of charter schools; praise for the diverse ways charter schools use their flexibility to reach students, praise for the innovation educators can demonstrate in these schools.

There is no doubt that numerous charter schools across the Nation are founded and run with the best of intentions and with hopes for the success of their students, and I think it is necessary to pause and acknowledge the risk that comes along with the flexibility and the autonomy that charter schools are given.

In my hometown of Cleveland, a charter school which opened in 1999 was forced to shut down in 2005 after several years of fiscal mismanagement. State audits had shown discrepancies for several years before the eventual closure of the school. After its closure, parents were left mid-school-year scrambling to find another school for their children. Teachers who had diligently worked for several months were left without pay and without recourse. Children were uprooted and forced to start over again in a new school with new classmates and new teachers.

The intention behind granting charter schools additional flexibility is an admirable one. The use of creative and unique tools and methods to teach students is refreshing in an era of standardized tests and one-size-fits-all accountability measures, but that flexibility cannot and should not extend so far that it places students' educations at risk. Increased autonomy in schools should not equal teachers left without jobs and pay, as it did in Cleveland.

The characteristics of charter schools lauded in this resolution offer additional independence for educators, but they also offer additional risks for children. In our quest to ensure that every child in America receives a quality education and the opportunity to realize their dreams, we must take heed of these risks. We must ensure that every child is able to reach his or her highest potential and give every child the opportunity to realize his or her dreams.

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

Mr. Speaker, I have no further requests for time, and in conclusion, I just want to again thank the gentleman from Nevada for his leadership in support of this resolution. I am glad that the Congress has taken a moment this morning to recognize the important role that charter schools have throughout the entire country. We have heard some of the success stories of those that are working well. It has enabled the leaders of the education community, the leadership of these schools, the teachers, administrators, parents and other involved community members to think creatively and innovatively to enhance the educational opportunities of our kids in a less restrictive environment with greater flexibility but with the important accountability that we heard a lot about here today.

Again, I would encourage my colleagues to adopt this resolution and look forward to working with my colleagues on the Education and Workforce Committee in doing things to improve the charter school movement throughout the country.

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

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

Mr. Speaker, I would just like to conclude by saying there certainly have been challenges with some charter schools across the country, schools that possibly were underfunded, possibly weren't organized properly. But the advantage of a charter school is that if it does not succeed, they lose their charter, and immediately, as a public school should, a traditional public school system, there is a fail-safe security system in place. So there is no doubt there have been examples where the charters have not been a success, as there have been in other schools, traditional public schools, traditional high schools, traditional grade schools, that have not succeeded. Again, there are numerous, numerous stories of success, but those areas that have not performed properly have lost their charters. I think it is important to note that is one of the advantages with the charter system.

Mr. CASTLE. Mr. Speaker, I am pleased to rise in support of H. Res. 781, a resolution to recognize and congratulate charter schools and their students, parents, teachers, and administrators across the United States for their ongoing contributions to education.

The first known charter school opened in 1991, and in 1995 we had our first charter school in Delaware. Of the nearly 1.1 million children attending charter schools across the country, over 5,000 students attend one of our 13 charter schools in Delaware.

It is clear that everyone in this country is interested in closing what we know as the achievement gap that currently exists in our schools. There is not one solution to this problem. I do believe that one avenue is to encourage innovation, which is something that our charter schools embrace. A recent Delaware study found, for the second year in a row, that Delaware's charter schools are exceeding achievement levels, with the most dramatic results in grade 10.

The nature of charter schools—nonsectarian public schools of choice that operate with freedom from many of the regulations that apply to traditional public schools—has enabled many schools in the Gulf Coast to reopen. The ''charter'' establishing each school is a performance contract detailing the school's mission, program, goals, students served, methods of assessment, and ways to measure success. I was able to see firsthand how important it is for these schools to reopen, and commend those schools for taking advantage of the charter avenue.

With this week being national charter schools week, it is therefore fitting that we recognize charter schools as another way to improve student achievement and increase parental involvement and satisfaction.

Mr. CASE. Mr. Speaker, I rise in strong support of H. Res. 781, which congratulates and commends charter schools and their students, parents, teachers, and administrators across the United States for their ongoing contributions to education and the public school system.

Charter schools have been and continue to be a modern-day public education story filled with successes and accomplishments. These schools contain the key ingredient in successful schools: active participation not only from teachers and students, but of the entire community. When the whole community—from parents, to businesses and community organizations, to entire neighborhoods—has a critical role in contributing to their local schools, the outcomes are tremendous. These schools have consistently enabled students to achieve academically and contribute positively to their communities.

In my state of Hawai'i, charter schools have been an exciting development in public education in decades. With more and more charter schools emerging each year, currently 27, they have managed to succeed despite institutional opposition in bringing their brand of education in the communities.

These growing pains and other obstacles make this national recognition even more deserved. But for these very reasons, charter schools also deserve their fair share of resources from federal and state governments.

A specific source of great pride within the Hawai'i charter school community is the development of Native Hawaiian charter schools. Na Lei Na'auao, the Hawaiian Charter School Alliance, serves over 1,500 Native Hawaiian public school students. The Alliance, whose focus is "Education with Aloha" seeks to enable Native Hawaiian students to achieve educational success with culturally-driven methods.

The Native Hawaiian charter schools and Hawai'i's other charter schools, both existing and future, need a federal government to be clear and unequivocal in its continued support for the concept of charter schools. They also need full parity in funding between traditional public schools and charter schools.

H. Res. 781 is welcome and needed, but these great words must now be partnered with action. I look forward to working with my colleagues and other charter schools believers toward this realization of the dream.

Mr. PORTER. Mr. Speaker, I have no further requests for time, I yield back the balance of my time and encourage support for this bill.

The SPEAKER pro tempore (Mr. BOOZMAN). The question is on the motion offered by the gentleman from Nevada (Mr. PORTER) that the House suspend the rules and agree to the resolution, H. Res. 781.

The question was taken.

The SPEAKER pro tempore. In the opinion of the Chair, two-thirds of those present have voted in the affirmative.

Mr. KIND. Mr. Speaker, on that I demand the yeas and nays.

The yeas and nays were ordered.

The SPEAKER pro tempore. Pursuant to clause 8 of rule XX and the Chair's prior announcement, further proceedings on this question will be postponed.

AUTHORIZING USE OF CAPITOL GROUNDS FOR DISTRICT OF COLUMBIA SPECIAL OLYMPICS LAW ENFORCEMENT TORCH RUN

Mr. KUHL of New York. Mr. Speaker, I move to suspend the rules and agree to the concurrent resolution (H. Con. Res. 359) authorizing the use of the Capitol Grounds for the District of Columbia Special Olympics Law Enforcement Torch Run.

The Clerk read as follows:

H. CON RES. 359

Resolved by the House of Representatives (the Senate concurring),

SECTION 1. AUTHORIZATION OF USE OF CAPITOL GROUNDS FOR D.C. SPECIAL OLYMPICS LAW ENFORCEMENT TORCH RUN.

On June 9, 2006, or on such other date as the Speaker of the House of Representatives and the Committee on Rules and Administration of the Senate may jointly designate, the 2006 District of Columbia Special Olympics Law Enforcement Torch Run (in this resolution referred to as the ''event'') may be run through the Capitol Grounds as part of the journey of the Special Olympics torch to the District of Columbia Special Olympics summer games.

SEC. 2. RESPONSIBILITY OF CAPITOL POLICE BOARD.

The Capitol Police Board shall take such actions as may be necessary to carry out the event.

SEC. 3. CONDITIONS RELATING TO PHYSICAL PREPARATIONS.

The Architect of the Capitol may prescribe conditions for physical preparations for the event.

SEC. 4. ENFORCEMENT OF RESTRICTIONS.

The Capitol Police Board shall provide for enforcement of the restrictions contained in section 5104(c) of title 40, United States Code, concerning sales, advertisements, displays, and solicitations on the Capitol Grounds, as well as other restrictions applicable to the Capitol Grounds, in connection with the event.

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from New York (Mr. KUHL) and the gentleman from Washington (Mr. LARSEN) each will control 20 minutes.

The Chair recognizes the gentleman from New York.

GENERAL LEAVE

Mr. KUHL of New York. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days in which to revise and extend their remarks and include extraneous material on H. Con. Res. 359.

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

There was no objection.

Mr. KUHL of New York. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, H. Con. Res. 359 authorizes the use of the Capitol Grounds for the District of Columbia Special Olympics Law Enforcement Torch Run to be held on June 9, 2006.

The Special Olympics is an international organization dedicated to enriching the lives of children and adults with disabilities through athletics. The Torch Run has historically been the largest and most successful Special Olympics fundraiser. Last year, for instance, the Torch Run raised over $20 million globally and over $70,000 locally. These funds make it possible for athletes with disabilities to compete in the annual Special Olympics Summer Games.

The United States Capitol Police will host opening ceremonies for the Torch Run, which will take place on the West Terrace of the Capitol. Over 2,000 law enforcement representatives are expected from more than 60 local and Federal law enforcement agencies, and they will participate in this annual event in support of the Special Olympics.

Congress has traditionally supported this worthy cause by authorizing the use of the Capitol Grounds. I encourage my colleagues to join the law enforcement community in supporting the Special Olympics and join me in supporting this resolution.

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

Mr. LARSEN of Washington. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, this event needs really little introduction. Eunice Kennedy Shriver started the concept of the Special Olympics in the early 1960s when she established and opened a summer day camp for people with intellectual disabilities.

2006 marks the 35th anniversary of the D.C. Special Olympics. The torch relay event is a traditional part of the opening ceremonies for the Special Olympics, which will take place at Catholic University. The torch relay event has become a highlight on Capitol Hill and is an integral part of the Special Olympics.

Each year, approximately 2,500 Special Olympians compete in over a dozen events, and more than 1 million children and adults with special needs participate in Special Olympics programs worldwide.

The event is supported by literally thousands of volunteers in the region and is attended by thousands of family and friends of the Olympians.

The goal of the games is to bring mentally challenged individuals into the larger society under conditions whereby they are accepted and respected. Confidence and self-esteem are the building blocks for these Olympic games.

So I stand in support of this resolution and urge my colleagues on my side of the aisle to support this resolution for this very worthwhile endeavor of the Special Olympics. I urge support of H. Con. Res. 359.

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

Mr. KUHL of New York. Mr. Speaker, I yield back the balance of my time.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from New York (Mr. KUHL) that the House suspend the rules and agree to the concurrent resolution, H. Con. Res. 359.

The question was taken.

The SPEAKER pro tempore. In the opinion of the Chair, two-thirds of those present have voted in the affirmative.

Mr. LARSEN of Washington. Mr. Speaker, on that I demand the yeas and nays.

The yeas and nays were ordered.

The SPEAKER pro tempore. Pursuant to clause 8 of rule XX and the Chair's prior announcement, further proceedings on this question will be postponed.

PROVIDING FOR CONDITIONAL CONVEYANCE OF ANY INTEREST RETAINED IN ST. JOSEPH MEMORIAL HALL

Mr. KUHL of New York. Mr. Speaker, I move to suspend the rules and pass

the bill (H.R. 4700) to provide for the conditional conveyance of any interest retained by the United States in St. Joseph Memorial Hall in St. Joseph, Michigan.

The Clerk read as follows:

H.R. 4700

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. CONVEYANCE OF RETAINED INTEREST IN ST. JOSEPH MEMORIAL HALL.

(a) IN GENERAL.—Subject to the terms and conditions of subsection (c), the Administrator of General Services shall convey to the city of St. Joseph, Michigan, by quitclaim deed, any interest retained by the United States in St. Joseph Memorial Hall.

(b) ST. JOSEPH MEMORIAL HALL.—In this section, the term ''St. Joseph Memorial Hall'' means the property subject to a conveyance from the Secretary of Commerce to the city of St. Joseph, Michigan, by Quitclaim Deed dated May 9, 1936, recorded in Liber 310, at page 404, in the Register of Deeds for Berrien County, Michigan.

(c) TERMS AND CONDITIONS.—The conveyance under subsection (a) is subject to the following terms and conditions:

(1) CONSIDERATION.—As consideration for the conveyance under subsection (a), the City of St. Joseph, Michigan, shall pay $10,000.00 to the United States.

(2) ADDITIONAL TERMS AND CONDITIONS.—The Administrator of General Services may require such additional terms and conditions to the conveyance under subsection (a) as the Administrator considers appropriate to protect the interest of the United States.

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from New York (Mr. KUHL) and the gentleman from Washington (Mr. LARSEN) each will control 20 minutes.

The Chair recognizes the gentleman from New York.

□ 1115

GENERAL LEAVE

Mr. KUHL of New York. Mr. Speaker, I ask unanimous consent that all Members have 5 legislative days in which to revise and extend their remarks and include extraneous material on H.R. 4700.

The SPEAKER pro tempore (Mr. BOOZMAN). Is there objection to the request of the gentleman from New York?

There was no objection.

Mr. KUHL of New York. Mr. Speaker, I yield myself such time as I may consume.

H.R. 4700 was introduced by Representative UPTON from Michigan on February 1, 2006. This bill conveys an interest retained by the United States of America in the St. Joseph Memorial Hall in St. Joseph, Michigan.

St. Joseph, Michigan, is in the process of redeveloping an area of the downtown to create a recreational and educational and cultural district. This development will link downtown St. Joseph with the beautiful lakefront district, creating a more inviting environment for residents, for businesses and for tourists. The project is intended to make St. Joseph a more attractive place to live and work and to play, while also improving the local economy.

H.R. 4700 is necessary to allow for the incorporation of St. Joseph Memorial Hall into those redevelopment plans. Memorial Hall's use is limited by deed restriction, placed on the property by the Federal Government more than 60 years ago. While similar deed restrictions in the city have been lifted, the restriction on Memorial Hall remains, making it impossible for the redevelopment of the neighborhood to continue.

Limitations on this tiny parcel of land located in the center of the redevelopment will significantly jeopardize the city's plans if not lifted. H.R. 4700 is a sensible, simple solution that will allow the City of St. Joseph to proceed with redevelopment. I support this measure, and I urge my colleagues to do the same.

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

Mr. LARSEN of Washington. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, H.R. 4700 authorizes the conveyance of any interest retained by the United States in St. Joseph Memorial Hall in St. Joseph, Michigan, in the City of St. Joseph, Michigan.

This bill merely completes a land transfer between the Federal Government and the City of St. Joseph, Michigan, which began back in May, 1935. At that time, the city received a non-historic building and property with restricted use for a public park. In 1954, the public use restriction was lifted on the parcel just north of the building through Public Act 348.

The city officials have requested this transfer as the city is contemplating a redevelopment plan for the downtown which would utilize the parcel of land and the building. The city is prepared to pay $10,000 to the General Services Administration for the transfer.

Mr. Speaker, I support H.R. 4700 and urge my colleagues to join me in supporting this bill.

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

Mr. KUHL of New York. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I would say at this point that the sponsor of the bill, Mr. UPTON of Michigan, had intended to be here to speak on the bill but was at the last minute taken away to a leadership meeting that is very, very important to the long term of this country and certainly to the world. I would like to say that, as a result thereof, obviously he is not here to speak on this bill.

As we look at items like this, what we see from a general overall standpoint is that oftentime there are deed restrictions and limitations put on communities years ago that are no longer of any real interest or any real need in this particular area. So what we see from time to time as part of the evolution of our process of managing is, in fact, that what we have to do is to modify those provisions; and this is the perfect case.

Now, there are many cities and communities, counties, villages across the country who are trying to revitalize themselves in ways which will be beneficial for the creation of jobs for the community and the people who reside there. This is one of those components. This is one of those actions. A small little city in a small little State called Michigan, a small part of the large country and the larger part of the world is obviously trying to revitalize their activities and was prevented from doing such immediately by a restriction placed by this big, bad at times, government on them.

So we are attempting to remove that, and hopefully this bill will do that.

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

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from New York (Mr. KUHL) that the House suspend the rules and pass the bill, H.R. 4700.

The question was taken; and (two-thirds having voted in favor thereof) the rules were suspended and the bill was passed.

A motion to reconsider was laid on the table.

FEDERAL ENERGY PRICE PROTECTION ACT OF 2006

Mr. BARTON of Texas. Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 5253) to prohibit price gouging in the sale of gasoline, diesel fuel, crude oil, and home heating oil, and for other purposes.

The Clerk read as follows:

H.R. 5253

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the ''Federal Energy Price Protection Act of 2006''.

SEC. 2. GASOLINE PRICE GOUGING PROHIBITED.

(a) UNLAWFUL CONDUCT.—

(1) UNFAIR AND DECEPTIVE ACT OR PRACTICE.—It shall be an unfair or deceptive act or practice in violation of section 5 of the Federal Trade Commission Act for any person to sell crude oil, gasoline, diesel fuel, home heating oil, or any biofuel at a price that constitutes price gouging as defined by rule pursuant to subsection (b).

(2) DEFINITION.—For purposes of this subsection, the term ''biofuel'' means any fuel containing any organic matter that is available on a renewable or recurring basis, including agricultural crops and trees, wood and wood wastes and residues, plants (including aquatic plants), grasses, residues, fibers, and animal wastes, municipal wastes, and other waste materials.

(b) PRICE GOUGING.—

(1) IN GENERAL.—Not later than 6 months after the date of the enactment of this Act, the Federal Trade Commission shall promulgate, in accordance with section 553 of title 5, United States Code, any rules necessary for the enforcement of this section.

(2) CONTENTS.—Such rules—

(A) shall define ''price gouging'', ''retail sale'', and ''wholesale sale'' for purposes of this Act; and

(B) shall be consistent with the requirements for declaring unfair acts or practices in section 5(n) of the Federal Trade Commission Act (15 U.S.C. 45(n)).

(c) ENFORCEMENT.—

(1) IN GENERAL.—Except as provided in subsection (d), a violation of subsection (a) shall be treated as a violation of a rule defining an unfair or deceptive act or practice prescribed under section 18(a)(1)(B) of the Federal Trade Commission Act (15 U.S.C. 57a(a)(1)(B)). The Federal Trade Commission shall enforce this Act in the same manner, by the same means, and with the same jurisdiction as though all applicable terms and provisions of the Federal Trade Commission Act were incorporated into and made a part of this Act.

(2) EXCLUSIVE ENFORCEMENT.—Notwithstanding any other provision of law, no person, State, or political subdivision of a State, other than the Federal Trade Commission or the Attorney General of the United States to the extent provided for in section 5 of the Federal Trade Commission Act or the attorney general of a State as provided by subsection (d), shall have any authority to enforce this Act or any rule prescribed pursuant to this Act.

(d) ENFORCEMENT BY STATE ATTORNEYS GENERAL.—

(1) CIVIL ACTION.—In any case in which the attorney general of a State has reason to believe that an interest of the residents of that State has been or is threatened or adversely affected by any person who violates subsection (a), the attorney general, as parens patriae, may bring a civil action on behalf of the residents of the State in a district court of the United States of appropriate jurisdiction—

(A) to enjoin further violation of such section by the defendant;

(B) to compel compliance with such section; or

(C) to impose a civil penalty under subsection (e).

(2) INTERVENTION BY THE FTC.—

(A) NOTICE AND INTERVENTION.—The State shall provide prior written notice of any action under paragraph (1) to the Federal Trade Commission and provide the Commission with a copy of its complaint, except in any case in which such prior notice is not feasible, in which case the State shall serve such notice immediately upon instituting such action. The Commission shall have the right—

(i) to intervene in the action;

(ii) upon so intervening, to be heard on all matters arising therein; and

(iii) to file petitions for appeal.

(B) LIMITATION ON STATE ACTION WHILE FEDERAL ACTION IS PENDING.—If the Commission has instituted a civil action for violation of this Act, no attorney general of a State may bring an action under this subsection during the pendency of that action against any defendant named in the complaint of the Commission for any violation of this Act alleged in the complaint.

(3) CONSTRUCTION WITH RESPECT TO POWERS CONFERRED BY STATE LAW.—For purposes of bringing any civil action under paragraph (1), nothing in this Act shall be construed to prevent an attorney general of a State from exercising the powers conferred on the attorney general by the laws of that State.

(e) CIVIL PENALTY.—

(1) IN GENERAL.—Notwithstanding any civil penalty that otherwise applies to a violation of a rule referred to in subsection (c)(1), any person who violates subsection (a) shall be liable for a civil penalty under this subsection.

(2) AMOUNT.—The amount of a civil penalty under this subsection shall be an amount equal to—

(A) in the case of a wholesale sale in violation of subsection (a), the sum of—

(i) 3 times the difference between—

(I) the total amount charged in the wholesale sale; and

(II) the total amount that would be charged in such a wholesale sale made at the wholesale fair market price; plus

(ii) an amount not to exceed $3,000,000 per day of a continuing violation; or

(B) in the case of a retail sale in violation of subsection (a), 3 times the difference between—

(i) the total amount charged in the sale; and

(ii) the total amount that would be charged in such a sale at the fair market price for such a sale.

(3) DEPOSIT.—Of the amount of any civil penalty imposed under this section with respect to any sale in violation of subsection (a) to a person that resides in a State, the portion of such amount that is determined under subparagraph (A)(i) or (B) (or both) of paragraph (2) shall be deposited into—

(A) any account or fund established under the laws of the State and used for paying compensation to consumers for violations of State consumer protection laws; or

(B) in the case of a State for which no such account or fund is establish by State law, into the general fund of the State treasury.

(f) CRIMINAL PENALTY.—

(1) IN GENERAL.—In addition to any other penalty that applies, a violation of subsection (a) is punishable—

(A) in the case of a wholesale sale in violation of subsection (a), by a fine of not more than $150,000,000, imprisonment for not more than 2 years, or both; or

(B) in the case of a retail sale in violation of subsection (a), by a fine of not more than $2,000,000, imprisonment for not more than 2 years, or both.

(2) ENFORCEMENT.—The criminal penalty provided by paragraph (1) may be imposed only pursuant to a criminal action brought by the Attorney General or other officer of the Department of Justice, or any attorney specially appointed by the Attorney General, in accordance with section 515 of title 28, United States Code.

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from Texas (Mr. BARTON) and the gentleman from Michigan (Mr. STUPAK) each will control 20 minutes.

The Chair recognizes the gentleman from Texas.

GENERAL LEAVE

Mr. BARTON of Texas. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days within which to revise and extend their remarks on this legislation, and to insert extraneous material on the bill.

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

There was no objection.

Mr. BARTON of Texas. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, Americans are again seeing spikes at the gas pumps, with prices reaching over $3 a gallon all over the country. This morning, I went by the 7–Eleven at Second and Glebe Road in Arlington, Virginia, and there were no prices posted on the sign outside the station. I thought, oh, maybe they are giving gasoline away. No, they did not have any gasoline to sell at any price.

We need to do something, not only to bring these prices down, but we need to do something to make sure that there is adequate gasoline supply available at every service station in the country that serves the American driving public.

$3 a gallon gasoline may mean nothing to some people, but it sure means a lot to most of us and everything to the poorest of our society that really have to have gasoline to get back and forth to work and it is a big part of their budget.

Soaring gasoline prices drain the budgets of the working families who rely on cars to get their kids to school and themselves to work. If the spike in gasoline prices are due to anything other than market conditions, consumers have a right to count on us, the government, for protection from these rip-offs.

H.R. 5253, sponsored by Congressman WILSON of New Mexico, the bill that we are considering right now, prohibits price gouging in the sale of gasoline, diesel fuel, crude oil, and home heating oil.

While price fixing, collusion and other anti-competitive practices are currently illegal, there is no Federal statutory prohibition on the books against price gouging. Nobody has really defined at the Federal level exactly what it is yet.

It is true that we all think we know what price gouging is when we see it, but that is not the sort of definition that a prosecutor can take to a judge or a jury. We are not here today saying something is just awful and somebody ought to stop it. We are here to put the gougers out of business, if there are gougers, and behind bars.

Last October, the House passed anti-price gouging provisions in the Gas Act. Like the provision in that act, the Gas Act, the legislation before us today provides an explicit Federal prohibition on gasoline price gouging, treating it as an unfair trade practice under the Federal Trade Commission Act.

It would also provide for additional enforcement in that it gives the United States Attorney General, the Federal Trade Commission, the States attorney generals, the authority to enforce against price gouging at any time, not just in times of a major disaster. It provides for greater civil penalties and even criminal penalties in some cases for the most serious offenses.

The legislation would ensure that the definition of price gouging promulgated by the FTC rule-making does not cover spikes in gas prices that are caused by market conditions.

Committee hearings have demonstrated that when artificial regulations supplant normal supply and demand as the primary means of pricing a commodity, the result is market distortion and shortages. Ask those of us who were lining up for gas in the mid-and late 1970s.

We are also not here today in pursuit of consequences, unintended or otherwise, that makes it tough for people to get to work and to school. Price spikes

are a scourge, but dry pumps are a catastrophe. As I mentioned this morning, at Second and Glebe Road in Arlington, Virginia, there was no gas at any price at the 7–Eleven.

I know the difference, and I will strenuously oppose any policies that choke off the flow of gasoline to drivers. We want to have effective enforcement against scams without interfering with the efficient functioning of the market.

In my opinion, H.R. 5253 does that. I would urge my colleagues to support this important piece of consumer protection legislation.

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

Mr. STUPAK. Mr. Speaker, today we are considering legislation that would give the Federal Trade Commission the authority to investigate and prosecute price gouging in gasoline. This bill, H.R. 5253, was introduced just yesterday.

For 8 months, Democrats have been calling for the Republican leadership to allow a vote on my price gouging legislation, the Federal Response to Energy Emergencies, the FREE Act.

129 Democrats have signed a discharge petition to request that my price gouging legislation be brought to the floor for a vote. They say imitation is the sincerest form of flattery. Well, after 8 months of Democrats demanding that the Republican leadership bring legislation to the floor to protect the American consumers from price gouging, the Republicans have finally proposed their own bill.

While I am pleased that we have finally convinced the Republicans to bring legislation on price gouging to the floor, it is the American people who should be the winners today.

This legislation is long overdue. In the past 8 months the Republicans have failed to act to address price gouging, gas prices have exceeded $3 a gallon. Crude oil prices have broken records. Americans have endured significant financial hardships, and oil companies have reaped record profits.

Let us be clear. Republicans claim to have passed a price gouging bill last October. However, that legislation was so toothless that it is being ignored by the Republicans in the other body.

During that debate, I offered the FREE Act amendment as a substitute. All but two Republicans voted against my legislation. While I am pleased that the Republican leadership has finally brought a gas bill to the floor, I will say that this new bill was immediately put on the suspension calendar without any hearings, without any meaningful debate.

Several of my colleagues may not appreciate the differences between the bill before us today and the Democratic legislation, the FREE Act. Although these differences should not delay price gouging legislation any longer than it already has been, it is my hope that the Republicans will be willing to address these issues of true price gouging as this piece of legislation moves forward.

Our bill, the FREE Act, would specifically set out guidelines for the FTC to use to define price gouging, including provisions that make unconscionable pricing, providing false pricing information, and market manipulation illegal, all of which is lacking in the bill before us today.

The FREE Act also contains a provision that would promote price transparency, providing consumers with the information to know that oil and gas prices are fair and reasonable, again a standard lacking in the legislation before us today.

The FREE Act would also apply to natural gas and propane. Neither natural gas nor propane are even mentioned in the bill before us today.

Had the Republican bill, H.R. 5253, the bill before us today, been considered even by any committee in this Congress, or even just allowed to be amended on the floor here today, we could make changes that would make this a better bill.

Nonetheless, Congress has a responsibility to pass a price gouging bill. I am pleased the Republicans have stopped stonewalling. Democrats will continue to put pressure on the Republican leadership until a real, true price gouging bill is enacted, to ensure that it contains the strongest provisions to protect the American consumer.

It has taken 8 months for Democrats to finally shame the Republican leadership into passing price gouging legislation. If the Republicans are serious about helping American people, several of my Democratic colleagues have proposals to help ease the pain at the pump. It is my hope that it will not take 8 months for the Republicans to consider these proposals as we continue to work on the issue of high gas prices.

□ 1130

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

Mr. BARTON of Texas. Mr. Speaker, I ask unanimous consent that the gentlewoman from Albuquerque, New Mexico (Mrs. WILSON) manage the remainder of the majority time on the bill.

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

There was no objection.

Mrs. WILSON of New Mexico. Mr. Speaker, I yield myself such time as I may consume.

My colleague from Michigan talks about the need to move quickly, and the truth is, I introduced a price-gouging bill in September of last year in the wake of Katrina. It was a bipartisan bill with the gentleman from Ohio (Mr. BROWN) as the lead cosponsor.

In October, we passed price-gouging legislation combined with the refinery bill in what is called the Gas Act, and it is true my colleague from Michigan did propose an alternative which I opposed because I felt as though the definitions in his bill were unclear and would invite litigation rather than solutions.

We are trying to move forward with a piece of legislation that will give real authority to the Federal Trade Commission that they do not currently have now. Twenty-three States have laws on price gouging. So we have got about close to half the States in the Nation have some form of law in price gouging, all with various provisions, definitions and so forth, but the Federal Trade Commission that is empowered at the Federal level with being the agency responsible for looking at consumers and consumer protection only has authority to look at gasoline and oil with respect to collusion. If there is collusion between two companies on setting the price of gasoline, then they have the authority to investigate, but they have no authority to investigate when it comes to unreasonable and unfair trade practices. This legislation we are offering today would give them that new authority at the Federal level.

I think this is a good piece of legislation, and I would ask my colleagues to support it.

H.R. 5253 would prohibit price gouging at any time. It is not limited to emergencies or in the wake of natural disasters. I will be very honest; the thing that caused me to introduce price-gouging legislation last September was what we all saw in the wake of Katrina: opportunists taking advantage of a terrible situation and a natural disaster to pump up the price of gasoline for people who were trying to flee for their lives. That is not right, and it is what spurred me to introduce the price-gouging legislation.

The modification in the bill that is before us today is that the price-gouging authority for the Federal Trade Commission would not require a disasters trigger, but they could look at unfair trade practices at any time, not limited to emergencies. It also covers gasoline, diesel, crude oil, home heating oil and biofuels. So it goes across a wide variety of full types.

It also sets pretty stiff criminal and civil penalties for price gouging and allows these investigations by the Federal Trade Commission as well as by the States.

Under these provisions, the Federal Trade Commission would consider public comment in defining exactly what wholesale pricing is, what retail pricing is, and it gives them some regulatory authority to come up with definitions. The truth is, we have got 23 State laws. Some of those laws are very, very different, and I think it makes some sense to allow the States and those involved to come up with a national definition that will work best for consumers in the marketplace.

The legislation we are offering today would not, however, preempt those State laws. So the States would still be able to use their State laws to address problems with price gouging in their

own jurisdictions. This would give additional authority to the Federal Trade Commission and to States that choose to use the Federal law to investigate price gouging in their own States.

It seems to me that this is one thing that we have to do. We have done it first in a larger bill, as a piece of a larger bill last October, but I think the approach we are trying to take here in the House of Representatives is to say we want America to be more energy independent, and that is going to take a long-term, balanced approach that deals with supply, demand and protecting consumers.

This is one piece of that puzzle. We will be dealing with other pieces of that puzzle as we move along, everything from coal-to-oil gasification, encouraging more hydrogen-powered cars, encouraging more E85, using ethanol in our gas tanks, so both conservation and increasing domestic supply so that America becomes more energy independent.

I encourage my colleagues to support this proposal.

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

Mr. STUPAK. Mr. Speaker, I yield 2 minutes to the gentleman from New York (Mr. HIGGINS) who has been a real advocate on lowering some of these special tax privileges for the big oil and gas companies.

Mr. HIGGINS. Mr. Speaker, I want to thank my colleague from Michigan (Mr. STUPAK), who has been a real leader on this issue, and all of the members of the Democratic Caucus who have weighed in aggressively and substantially on this issue.

The fact of the matter is the President last week has suggested that the State attorneys general be more aggressive about enforcing anti-price-fixing or gas-gouging laws. The States and the people of America are looking for the Federal Government to provide leadership on this issue.

The fact of the matter is that high gas prices are a result of an energy policy that is disastrous. It does not do anything to promote alternative energy fuel sources. It does nothing to promote conservation, and it gives huge, huge incentives to the oil companies to continue to manipulate prices to the American citizens.

This anti-price-gouging legislation is important, but it is late. We have to learn not to react to a crisis but to influence conditions to avert a crisis. The American people are looking for leadership. This is one step, albeit a small step, toward achieving that, but we have to promote more aggressively, more effectively, policies that are substantial toward dealing with the fundamental problems here.

In the other House, there was a suggestion of a $100 tax rebate to folks in this country, which would have required $10 billion of additional borrowing, and basically subsidizing consumption, which does nothing to address the fundamental issues.

So I thank the gentleman for the time.

Mrs. WILSON of New Mexico. Mr. Speaker, I yield 1 minute to the gentleman from New York (Mr. BOEHLERT).

(Mr. BOEHLERT asked and was given permission to revise and extend his remarks.)

Mr. BOEHLERT. Mr. Speaker, I rise in support of this measure, and I want to particularly thank the Energy and Commerce Committee, especially Mrs. WILSON, for the leadership she has provided on this important issue, and for the helpful suggestions and work by Mr. CASTLE and Mrs. JOHNSON of Connecticut and Mr. KIRK and their staffs. They helped put all this package together under the leadership of Mrs. WILSON.

This bill is far stronger than the price-gouging language the House considered last fall and could offer Americans true protection if price gouging is occurring. The bill will allow new suits under Federal law against retail and wholesale price gouging, and those suits can be brought by either the Federal Government or a State attorney general.

The penalties in the bill are significant, as they should be, and the bill allows criminal as well as civil penalties.

Finally, the bill would distribute the money from suits back to those who were harmed through State victim compensation funds.

So I think we have taken into consideration every criticism that was leveled last fall, and it has been addressed forthrightly. American consumers are demanding protection from price gouging. The President has echoed that call, and now Congress is heeding it. I urge adoption of the bill.

Mr. STUPAK. Mr. Speaker, I yield 2 minutes to the gentlewoman from Illinois (Ms. SCHAKOWSKY), an advocate of consumers before she got to Congress, and she continues in that present capacity today as a strong advocate for consumers.

Ms. SCHAKOWSKY. Mr. Speaker, I want to thank the gentleman from Michigan for his great leadership to try and help consumers to bring the price of gasoline down.

Mr. Speaker, gasoline prices have doubled since the Bush administration took office. On Sunday, Secretary Bodman declared there was an energy crisis in this country, and the Republicans are scrambling to play catch- up.

Since last September, Speaker HASTERT has blocked action on Congressman STUPAK's bill, which would impose tough criminal penalties on oil and gas companies that engage in price gouging. Congressional Republicans have consistently voted down efforts to give the FTC new authority to prosecute companies that price gouge. Instead, Republicans passed an energy bill which the Energy Information Administration said would raise gasoline prices, and it has.

Last Tuesday, President Bush called on his administration to investigate possible price gouging, even though the FTC was completing a report on price gouging that Congress requested last year. Then, on Friday, the President said, ''I have no evidence that there's any rip-off taking place.'' Think back to the investigation.

Is it any wonder, Mr. President, that Americans are skeptical that you are serious about investigating your Big Oil buddies? On Friday you said, ''It's the role of the FTC to assure me that my inclinations and instincts are right.''

Was that an order for a rubber stamp, Mr. President? No wonder the American people are a bit skeptical, Mr. President, that your oil-dominated administration will work to protect them or, once again, to protect the oil and gas companies, but we need to begin with a serious investigation of those oil companies. I hope that you are really serious.

Mrs. WILSON of New Mexico. Mr. Speaker, I yield 2 minutes to the gentleman from New Hampshire (Mr. BASS).

Mr. BASS. Mr. Speaker, I thank the gentlewoman from New Mexico for recognizing me. I also thank her for her leadership in sponsoring this very important piece of legislation, and it would be a bright day in America and in this Congress if we could spend a minute or two working on issues that will increase supplies, assure honesty in the energy world in a difficult period of time and do so with a focus on policy and good sound legislation, rather than trying to make political points, speech after speech after speech.

What we have here before us today is a good piece of legislation, and it does four critical things. First, it directs the Federal Trade Commission to define price gouging, to define what wholesale sales are and what retail sales are and to come up with rules that will implement those definitions.

It also provides for strong civil enforcement by the Federal Trade Commission and the State attorneys general for criminal enforcement.

It provides strong civil penalties. Those penalties would be three times the ill-gotten gains for the retailer, plus an amount not to exceed $3 million per day for continuing violations.

It also provides for strong criminal penalties, and these penalties are $150 million and/or imprisonment for not more than 2 years, and on the retail side, $2 million and imprisonment not more than 2 years.

These are real penalties, and this will, with the proper rulemaking process, lead to a deterrent that will result, in my opinion, in energy prices reflecting true costs.

It is important to emphasize that this legislation does not upset State laws. It is enforceable by State attorneys general and, as I said a minute ago, does provide vigorous civil and criminal penalties.

There is no excuse for price gouging in energy, and with the passage of this

legislation, that will be more fully assured.

I want to thank my friend from New Mexico for her leadership in this area. I urge my colleagues to support this legislation.

Mr. STUPAK. Mr. Speaker, I yield 2 minutes to the gentleman from Florida (Mr. DAVIS) who is a member of the Energy and Commerce Committee and has been advocating to try to get energy prices under control from refinery to gasoline.

Mr. DAVIS of Florida. Mr. Speaker, for years, many Members of this Congress have pushed for exactly this type of measure to be adopted today that would give the Federal Trade Commission, the FTC, the authority it needs to investigate price gouging.

We are living in a time in my home State of Florida and every State with record profits and record prices, and I think the only people in the United States of America who think there is nothing wrong with these prices are the executives of these oil companies.

The only good thing that has come out of the price that we are all having to pay at the pump, it has finally forced this Congress to take a necessary first step. I commend Congresswoman WILSON. This bill is meaningful. It is a good first step in setting significant fines and penalties if, in fact, there is truly an investigation and enforcement or even the threat of enforcement. This bill will give the FTC the authority to define what price gouging is and then to take action.

□ 1145

The strong arm of the Federal Government is necessary to act. This is too much power in the hands of a few companies for a single State to act against.

As Congresswoman SCHAKOWSKY pointed out, the unfortunate gratuitous remarks by the President that he does not think there is price gouging undermines our actions today. I do not know what it feels like to him and others, but it sure feels like price gouging to me when I fill up my car, and I think I can say that on behalf of the Floridians that I represent.

So this is only a first step. If this administration is not truly serious about investigating and letting these companies know there is a meaningful risk of enforcement and fines and penalties, this Congress should take further action, and we should not wait until prices go up further and profits go up further.

I would also say now is the time for the leadership in this Congress to bring up the CAFE standards as well. There are other steps we can be taking to raise fuel efficiency standards and to reduce interdependency on other countries. So I salute Congresswoman WILSON on this bill, but this has to be the first step of many in this Congress if we are truly serious as Democrats and Republicans at cracking down on price gouging.

Mrs. WILSON of New Mexico. Mr. Speaker, I thank my colleague for his kind remarks. I would yield 3 minutes to the Subcommittee on Consumer Protection Chair from the Energy and Commerce Committee, the gentleman from Florida (Mr. STEARNS).

(Mr. STEARNS asked and was given permission to revise and extend his remarks.)

Mr. STEARNS. Mr. Speaker, as I think most of us know after listening to this debate, the fuel prices around this country have been rising. Beginning with the summer driving season, I think particularly in Florida where we have so many tourists, we are concerned about it, and of course we know that during the time of growing economies, and China and India are consuming more and more of the world's available petroleum supplies, that puts us competitive here in the United States.

To make matters worse, nuclear ambitions in Iran, the fourth largest producer of oil, intentions in Nigeria, the 12th, have created what would be perceived to be a perfect storm, which is a precipitous rise in gasoline and other fuel prices.

Our problem back home now is how to manage those global issues so that they will have as little impact at home on the average working American who just wants to take his family on that planned vacation to Florida, let us hope, under a tight budget or maintain his delivery business without taking out additional loans just to fill up his car. I am happy that my colleague, Mrs. WILSON, is taking up this bill, H.R. 5253, the Federal Energy Price Protection Act of 2006. I commend her leadership for this.

I believe this bill deals directly and aggressively with the need to stabilize the price of fuel in an uncertain world market and ensure that greed and opportunism does not worsen those challenges by gouging the consumer at the pump. This bill for the first time allows the Federal Trade Commission, which I have jurisdiction over as chairman of the Commerce, Trade and Consumer Protection Subcommittee, at any time, my colleagues, to prosecute price gouging. This bill takes aim at those in the wholesale and retail markets for gasoline, diesel fuel, crude oil, home heating oil and biofuels who prey on their consumers for their own unjust enrichment.

The FTC is directed to define what price gouging actually is. We have had them in a hearing, and they have described it, but it is not a precise definition. Let us get a precise definition. And a very important point: This legal recourse and its enforcement provisions against gouging are always available, not just in times of natural or energy emergencies like we had in Katrina.

Mr. Speaker, this bill's hammer is triggered by consumer rip-offs, not just bureaucratic proclamations. In addition, State Attorney Generals will be empowered to bring cases under the Federal law, and those cases can lead to extremely strong civil and criminal penalties and to multi-millions of dollars, and the possibility of a visit to the nearest correctional facility.

This is a very aggressive piece of legislation targeted at a problem that weakens this country not only in dollars but what it does to the everyday life of an American, vacations missed, budgets broken and businesses stretched thin.

Mr. Speaker, I urge my colleagues to pass H.R. 5253 and once and for all make it clear that we in Congress are serious about solving our energy challenges at home so that we can be more successful in solving them abroad. This bill will serve us and our children well.

Mr. STUPAK. Mr. Speaker, I yield 2 minutes to the gentleman from Ohio (Mr. KUCINICH), who is always down here every day advocating for the American people.

Mr. KUCINICH. Mr. Speaker, this bill is called the Federal Energy Price Protection Act of 2006 because the bill will protect today's excessive gasoline prices from government intervention. This bill will prevent our government from actually doing anything to reduce the price of gasoline.

To reduce the price of gasoline, one must understand the underlying causes of excessive costs. Consider the fact that it costs only $20 a barrel to extract oil out of the ground today, but oil companies are making $72 a barrel. At the same time, the crude oil reserves already pumped out and in storage are at all-time highs. Therefore, crude is not constrained, and the excessive price for a barrel of oil is not based on a free market. The crude oil price is being manipulated with much speculation that recent increase in the oils futures market had played a significant role. The recent increase in profits in the refinery business correlate with the industry effort to shut down to independent refineries to constrict supply. These two factors account for 99 percent of the excessive profits.

Now, the FTC has approved the oil companies' monopolies, and they set the stage for the increased prices. This same FTC is going to define price gouging, as if they don't know what it already is? I suspect, under the FTC, the excessive profits are unlikely to be illegal unless the FTC can show manipulations occurred. Since manipulation is well disguised by the industry, the FTC will be easily able to brush aside excessive profits as nothing more than a market signal. Any definition drafted by the current FTC will also likely establish that the price of crude oil set by the world market and therefore any profits relative to that price are not price gouging. This bill will enable the Federal Government to cut off aggressive State actions by intervening and then settling with minimum penalties.

Mr. Speaker, the American people want something done now. We need a windfall profits tax, 100 percent on windfall profits. That will give the oil companies a signal that they won't forget.

Mrs. WILSON of New Mexico. Mr. Speaker, I reserve our time, and I believe I also have the right to close.

Mr. STUPAK. Mr. Speaker, may I inquire how much time we have remaining.

The SPEAKER pro tempore. The gentleman from Michigan has 8 minutes.

Mr. STUPAK. Mr. Speaker, I have no other requests for time, so let me say a few words, and then will yield back.

Mr. Speaker, the American people are quite fed up with the price gouging that is going on at the gasoline pump. They know gouging when they see it, and they are being gouged. The Federal Government has the responsibility to protect consumers from price gouging.

Congress needs to pass legislation to allow the Federal Trade Commission to prosecute price gouging. While the bill before us is not perfect, I am pleased that the Republicans have finally realized that price gouging is a serious issue and it is an issue that needs to be addressed. Our constituents are looking to Congress for relief. It is our duty to approve legislation that would provide relief to protect Americans from the increased financial hardship from gasoline price gouging rates that is currently taking place.

Mr. Speaker, just as Republicans have finally joined with us Democrats in addressing price gouging, I challenge the Republicans, I challenge the chairman of our Energy and Commerce Committee to take up other proposals we have, Mr. MARKEY's proposal, a member of the Energy and Commerce Committee, to reduce the royalties. Oil companies get to drill on Federal lands; they do not have to pay any royalties. With record profits, they should be paying increased royalties to the American people. Or Mr. HIGGINS who spoke earlier today about his piece of legislation that takes away the tax break from the oil companies that have record profits last year of $113 billion, or in its first quarter of this year, it is approximately $20 billion, in the first quarter, in the first 90 days, $20 billion in profits. Why do they need tax breaks? Even the President said, as we were debating the Energy Policy Act of 2005 last year, that when oil is over $40 a barrel, there is no need for tax breaks. But yet we continue to give tax breaks to the oil companies. So there are other proposals. Or even the proposal I have before this committee that Mr. KUCINICH spoke of, the Pump Act, to prevent unfair manipulating of prices. We know that if this Congress were to act, we could immediately bring down the price of a barrel of oil by $20 if we take the speculation, the fear and greed out of the oil futures market.

Mr. Speaker, of the billions of dollars of oil that is traded in futures market, 75 percent is not regulated. A mere 25 percent is regulated by NYMEX, New York Mercantile Exchange. The other 75 percent is unregulated. Therefore, they use fear; they use speculation to drive up that price.

So we have legislation that would actually reduce that, and let all those who trade in the futures market when we deal with oil to bring their transactions, to bring some transparency and bring it before the Commodities Futures Trading Commission to reduce that price of oil by $20 per barrel.

Mr. Speaker, as a Member of this House, I would urge my colleagues to vote ''yes'' on this legislation. It is an initial start. We can improve on it. And as this process goes through, even though we were denied hearings, even an opportunity to amend this legislation; in fact, most Members have never seen it before. It was only introduced yesterday. We would hope that as this bill moves through the entire legislative process, that the other body would at least include all energy products, like natural gas which is not included in this bill, propane which is not included in this bill. What about the market manipulation, predatory pricing, regional price differences, all the things that we know happen in this country but yet we do not address in this bill? Like I said, it is an initial good start. We are glad to see the Republican leadership finally acknowledge there is price gouging, but rest assured, the Democrats will continue to come up with bold new ideas on how to get our hands on this energy crisis we are dealing with and the skyrocketing high gasoline prices. The American people are fed up. They have a right to be. This is a good first start. I urge my colleagues to vote for this legislation.

Mr. Speaker, I yield back the balance of our time.

Mrs. WILSON of New Mexico. Mr. Speaker, I thank my colleague from Michigan for his support of this legislation. I introduced a bipartisan bill in September of 2005 about the same time that my colleague from Michigan did. Our approaches are different in some respects, but this legislation we are voting on today, a slightly different version of which was included in the October 2005 Gas Act that the House has already passed, is a good bill. It is a solid piece of legislation and deserves the support of the House.

I also recognize that this is only one piece of the puzzle. We want to give the Federal Trade Commission the authority to investigate possible price gouging. But that is not going to solve all of our energy problems. This focuses on one piece of the problem. The bill that we will consider next on the floor of the House will also look at another piece of the problem, and we are going to try to pass some further legislation that deals with tax codes, that increases domestic supply, that invests in alternative sources, things like E–85.

Since we passed the Energy Act in August and the chairman of the Energy and Commerce Committee came out to New Mexico to sign that landmark piece of legislation, there are 29 new ethanol plants that have requested permits so that we can use corn to fuel our vehicles rather than having to import oil from other countries.

Mr. Speaker, this bill includes strong penalties, in fact stronger than the ones that my colleague from Michigan has in his bill. I think maybe if we would have worked together, we could have come up with a good bill that both of our names were on. It gives us good clear definitions and says, we have got 23 States that have price-gouging laws, we need to get a clear Federal definition of price gouging, and the Federal Trade Commission will give that to us.

It also deals with every month of the year. The bill that we introduced in September, and my colleague from Michigan's bill as well, only deals with emergencies, when a disaster is declared. I think there is justification for saying the Federal Trade Commission should have authority to look at unfair trade practices, whatever time they may be.

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Mr. STUPAK. Mr. Speaker, will the gentlewoman yield?

Mrs. WILSON of New Mexico. I yield to the gentleman from Michigan.

Mr. STUPAK. The gentlewoman is wrong on our legislation. My legislation, the FREE Act, applies to everything. It was your legislation that only dealt with national emergencies.

Mrs. WILSON of New Mexico. If I am incorrect on that, I apologize, Mr. STUPAK. It was my understanding that your bill would require a trigger.

Mr. STUPAK. If we had hearings and witnesses, we could bring out the differences between the bills, but since we have been denied it, I have to use this tactic to get the record straight on the floor.

Mrs. WILSON of New Mexico. I thank my colleague from Michigan.

This is a piece of legislation that all of us have been working on for over 8 months now, and I look forward to working with him as we move forward.

Also, this piece of legislation does not overwrite State law. In other words, those 23 States that do have some form of price-gouging legislation, that law stays in effect so that States can use the Federal law, the Federal Trade Commission can use the Federal law, or States can use their own law so that we don't preempt State law.

I think this is a good piece of legislation, a piece of legislation that will help to address the problems that every American is feeling at the pump and help to make America more energy independent. I ask my colleagues for their support, and I urge adoption of H.R. 5253.

Mr. ETHERIDGE. Mr. Speaker, I am going to vote for H.R. 5253 because I think it is a good bill and a timely bill. What took so long? Last September, Representative BART STUPAK, Representative STEPHANIE HERSETH, and I drafted H.R. 3936, the Free Act, which would impose severe penalties on oil companies, gas stations, and anyone who would collude to raise the price of gas.

But for eight months the Republican leadership of this House has sat on this legislation

and not allowed it to move forward. Only now, after gas prices have risen to new heights, do the Republicans bring up this bill and call it their own.

I urge support on H.R. 5253, but the American people deserve better leadership in this body.

Mr. BARTON of Texas. Mr. Speaker, I ask that this exchange of letters be included in the RECORD during today's debate on H.R. 5253.

U.S. HOUSE OF REPRESENTATIVES,
COMMITTEE ON THE JUDICIARY,
Washington, DC, May 3, 2006.

Hon. JOE BARTON,
Chairman Committee on Energy and Commerce, Rayburn House Office Building, Washington, DC.

DEAR CHAIRMAN BARTON: In recognition of the desire to expedite consideration of H.R. 5253, a bill to prohibit price gouging in the sale of gasoline, diesel fuel, crude oil, and home heating oil, the Committee on the Judiciary hereby waives consideration of the bill. There are a number of provisions contained in H.R. 5253 that implicate the Rule X jurisdiction of the Committee on the Judiciary. Specifically, the bill contains increases in criminal penalties under title 18 of the United States Code, which implicate the Judiciary Committee's jurisdiction under Rule X(I)(l)(7) (''criminal law enforcement'').

The Committee takes this action with the understanding that by forgoing consideration of H.R. 5253, the Committee on the Judiciary does not waive any jurisdiction over subject matter contained in this or similar legislation. The Committee also reserves the right to seek appointment to any House-Senate conference on this legislation and requests your support if such a request is made. Finally, I would appreciate your including this letter in the CONGRESSIONAL RECORD during consideration of H.R. 5253 on the House floor. Thank your attention to these matters.

Sincerely,
F. JAMES SENSENBRENNER, Jr.,
Chairman.

U.S. HOUSE OF REPRESENTATIVES,
COMMITTEE ON ENERGY AND COMMERCE,
Washington, DC, May 3, 2006.

Hon. F. JAMES SENSENBRENNER, Jr.,
Chairman, Committee on the Judiciary, Rayburn House Office Building, Washington, DC.

DEAR CHAIRMAN SENSENBRENNER: Thank you for your letter concerning H.R. 5253, a bill to prohibit price gouging in the sale of gasoline, diesel fuel, crude oil, and home heating oil.

I appreciate your willingness not to seek a referral on H.R. 5253. I agree that your decision to forego action on the bill will not prejudice the Committee on the Judiciary with respect to its jurisdictional prerogatives on this or future legislation. Further, I recognize your right to request conferees on those provisions within the Committee on the Judiciary's jurisdiction should they be the subject of a House-Senate conference on this or similar legislation.

I will include our exchange of letters in the Congressional Record during consideration of the bill on the House floor.

Sincerely,
JOE BARTON,
Chairman.

Mr. GENE GREEN of Texas. Mr. Speaker, this legislation gives the FTC explicit authority to define and prosecute price gouging by gasoline retailers and wholesale distributors.

Given the amount of anger that Americans are feeling at the gasoline pumps, we should have enacted similar legislation in law long ago.

There are certainly some price gougers out there, especially in situations with tight supplies during emergencies, but the American people should know that this legislation will not bring relief at the pump this year.

First, the FTC will take six months to define price gouging before they can enforce the new law.

Second, when the price of oil is $75 like it is this week, the price of gasoline is going to be high, without any price gouging by anybody.

The price of oil used to be controlled by OPEC, but most energy experts believe that stable OPEC nations are producing at near full capacity.

The two major reasons why prices are going up is because of high global demand, particularly the booming economies of China and India, and instability in producing nations.

Iraq's oil production has never recovered to pre-war levels due to the insurgency, and many believe that Iran's oil production could soon be reduced due to our tensions with that nation.

In addition to being a large oil producer, Iran sits on the Straits of Hormuz between the Persian Gulf and the Indian Ocean.

If conflict were to occur in that global oil shipping choke point, the price of oil will increase even further.

Unfortunately instability in oil producing countries is not limited to the Middle East. Nigeria, Angola, and other areas of Africa are experiencing civil wars which are limiting oil exports.

Our Administration has been engaged in a war of words with the President of Venezuela, which is one of our major oil suppliers.

Bolivia just sent the army in to occupy its oil and gas fields, some of which had been jointly explored with Spanish and U.S. oil companies under contracts approved by previous governments.

With all of these developments in oil producing nations and the surging global economy, the price of oil has gone up dramatically and the price of gasoline tracks the price of oil.

If a gas station or a gasoline distributor wants to use the background of a rising market price to engage in price-gouging, they should be stopped and punished.

The legislation by my friend BART STUPAK may be superior to this legislation in some ways, and if the House was under Democratic control we would have a more democratic process.

But this is a decent piece of legislation that gives the FTC authority to investigate price gouging, so for that reason alone we should approve it.

Mr. DINGELL. Mr. Speaker, I congratulate my colleagues on the other side of the aisle for awakening at long last to the need to pass strong anti-price gouging legislation to protect America's energy consumers.

It would have been far better if the House majority had come to this realization last fall, when Representative STUPAK offered a stronger version of the bill we are now debating. Instead, the Republicans voted down the STUPAK bill on three separate occasions in Committee and on the House floor. Apparently, the Majority has now seen the light, as this new bill borrows heavily from H.R. 3936, anti-gouging legislation sponsored by Rep. STUPAK.

Better late than never, I suppose. But in the meantime, seven critical months have elapsed during which all manner of shenanigans may have occurred in the energy markets. Fortunately for consumers, a mild winter sheltered them from the full effects of high prices during the winter heating season, but last month gasoline prices shot up. As we approach the summer driving season, there is no relief in sight.

In a perfect world, I would support Representative STUPAK's bill over the legislation now under consideration. In fact, since last December House Republicans could have signed the discharge petition pending on the Stupak bill and passed it on the suspension calendar. That would have empowered the Federal Trade Commission to go after price gougers—or better yet—the enactment of anti-gouging authority might have deterred gasoline price gougers from taking advantage of U.S. consumers.

Nonetheless, the bill before us today is much improved from the version the Majority offered in the fall. The American energy consumer is hurting and action is needed. I will, with some misgivings, support the bill before the House.

Mrs. WILSON of New Mexico. Mr. Speaker, I yield back the balance of my time.

The SPEAKER pro tempore (Mr. BOOZMAN). The question is on the motion offered by the gentleman from Texas (Mr. BARTON) that the House suspend the rules and pass the bill, H.R. 5253.

The question was taken.

The SPEAKER pro tempore. In the opinion of the Chair, two-thirds of those present have voted in the affirmative.

Mrs. WILSON of New Mexico. Mr. Speaker, on that I demand the yeas and nays.

The yeas and nays were ordered.

The SPEAKER pro tempore. Pursuant to clause 8 of rule XX and the Chair's prior announcement, further proceedings on this question will be postponed.

REFINERY PERMIT PROCESS SCHEDULE ACT

Mr. BARTON of Texas. Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 5254) to set schedules for the consideration of permits for refineries.

The Clerk read as follows:

H.R. 5254

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the ''Refinery Permit Process Schedule Act''.

SEC. 2. DEFINITIONS.

For purposes of this Act—

(1) the term ''Administrator'' means the Administrator of the Environmental Protection Agency;

(2) the term ''applicant'' means a person who is seeking a Federal refinery authorization;

(3) the term ''biomass'' has the meaning given that term in section 932(a)(1) of the Energy Policy Act of 2005;

(4) the term ''Federal refinery authorization''—

(A) means any authorization required under Federal law, whether administered by a Federal or State administrative agency or official, with respect to siting, construction, expansion, or operation of a refinery; and

(B) includes any permits, licenses, special use authorizations, certifications, opinions, or other approvals required under Federal law with respect to siting, construction, expansion, or operation of a refinery;

(5) the term ''refinery'' means—

(A) a facility designed and operated to receive, load, unload, store, transport, process, and refine crude oil by any chemical or physical process, including distillation, fluid catalytic cracking, hydrocracking, coking, alkylation, etherification, polymerization, catalytic reforming, isomerization, hydrotreating, blending, and any combination thereof, in order to produce gasoline or distillate;

(B) a facility designed and operated to receive, load, unload, store, transport, process, and refine coal by any chemical or physical process, including liquefaction, in order to produce gasoline or diesel as its primary output; or

(C) a facility designed and operated to receive, load, unload, store, transport, process (including biochemical, photochemical, and biotechnology processes), and refine biomass in order to produce biofuel; and

(6) the term ''State'' means a State, the District of Columbia, the Commonwealth of Puerto Rico, and any other territory or possession of the United States.

SEC. 3. STATE ASSISTANCE.

(a) STATE ASSISTANCE.—At the request of a governor of a State, the Administrator is authorized to provide financial assistance to that State to facilitate the hiring of additional personnel to assist the State with expertise in fields relevant to consideration of Federal refinery authorizations.

(b) OTHER ASSISTANCE.—At the request of a governor of a State, a Federal agency responsible for a Federal refinery authorization shall provide technical, legal, or other nonfinancial assistance to that State to facilitate its consideration of Federal refinery authorizations.

SEC. 4. REFINERY PROCESS COORDINATION AND PROCEDURES.

(a) APPOINTMENT OF FEDERAL COORDINATOR.—

(1) IN GENERAL.—The President shall appoint a Federal coordinator to perform the responsibilities assigned to the Federal coordinator under this Act.

(2) OTHER AGENCIES.—Each Federal and State agency or official required to provide a Federal refinery authorization shall cooperate with the Federal coordinator.

(b) FEDERAL REFINERY AUTHORIZATIONS.—

(1) MEETING PARTICIPANTS.—Not later than 30 days after receiving a notification from an applicant that the applicant is seeking a Federal refinery authorization pursuant to Federal law, the Federal coordinator appointed under subsection (a) shall convene a meeting of representatives from all Federal and State agencies responsible for a Federal refinery authorization with respect to the refinery. The governor of a State shall identify each agency of that State that is responsible for a Federal refinery authorization with respect to that refinery.

(2) MEMORANDUM OF AGREEMENT.—(A) Not later than 90 days after receipt of a notification described in paragraph (1), the Federal coordinator and the other participants at a meeting convened under paragraph (1) shall establish a memorandum of agreement setting forth the most expeditious coordinated schedule possible for completion of all Federal refinery authorizations with respect to the refinery, consistent with the full substantive and procedural review required by Federal law. If a Federal or State agency responsible for a Federal refinery authorization with respect to the refinery is not represented at such meeting, the Federal coordinator shall ensure that the schedule accommodates those Federal refinery authorizations, consistent with Federal law. In the event of conflict among Federal refinery authorization scheduling requirements, the requirements of the Environmental Protection Agency shall be given priority.

(B) Not later than 15 days after completing the memorandum of agreement, the Federal coordinator shall publish the memorandum of agreement in the Federal Register.

(C) The Federal coordinator shall ensure that all parties to the memorandum of agreement are working in good faith to carry out the memorandum of agreement, and shall facilitate the maintenance of the schedule established therein.

(c) CONSOLIDATED RECORD.—The Federal coordinator shall, with the cooperation of Federal and State administrative agencies and officials, maintain a complete consolidated record of all decisions made or actions taken by the Federal coordinator or by a Federal administrative agency or officer (or State administrative agency or officer acting under delegated Federal authority) with respect to any Federal refinery authorization. Such record shall be the record for judicial review under subsection (d) of decisions made or actions taken by Federal and State administrative agencies and officials, except that, if the Court determines that the record does not contain sufficient information, the Court may remand the proceeding to the Federal coordinator for further development of the consolidated record.

(d) REMEDIES.—

(1) IN GENERAL.—The United States District Court for the district in which the proposed refinery is located shall have exclusive jurisdiction over any civil action for the review of the failure of an agency or official to act on a Federal refinery authorization in accordance with the schedule established pursuant to the memorandum of agreement.

(2) STANDING.—If an applicant or a party to a memorandum of agreement alleges that a failure to act described in paragraph (1) has occurred and that such failure to act would jeopardize timely completion of the entire schedule as established in the memorandum of agreement, such applicant or other party may bring a cause of action under this subsection.

(3) COURT ACTION.—If an action is brought under paragraph (2), the Court shall review whether the parties to the memorandum of agreement have been acting in good faith, whether the applicant has been cooperating fully with the agencies that are responsible for issuing a Federal refinery authorization, and any other relevant materials in the consolidated record. Taking into consideration those factors, if the Court finds that a failure to act described in paragraph (1) has occurred, and that such failure to act would jeopardize timely completion of the entire schedule as established in the memorandum of agreement, the Court shall establish a new schedule that is the most expeditious coordinated schedule possible for completion of preceedings, consistent with the full substantive and procedural review required by Federal law. The court may issue orders to enforce any schedule it establishes under this paragraph.

(4) FEDERAL COORDINATOR'S ACTION.—When any civil action is brought under this subsection, the Federal coordinator shall immediately file with the Court the consolidated record compiled by the Federal coordinator pursuant to subsection (c).

(5) EXPEDITED REVIEW.—The Court shall set any civil action brought under this subsection for expedited consideration.

SEC. 5. DESIGNATION OF CLOSED MILITARY BASES.

(a) DESIGNATION REQUIREMENT.—Not later than 90 days after the date of enactment of this Act, the President shall designate no less than 3 closed military installations, or portions thereof, as potentially suitable for the construction of a refinery. At least 1 such site shall be designated as potentially suitable for construction of a refinery to refine biomass in order to produce biofuel.

(b) REDEVELOPMENT AUTHORITY.—The redevelopment authority for each installation designated under subsection (a), in preparing or revising the redevelopment plan for the installation, shall consider the feasibility and practicability of siting a refinery on the installation.

(c) MANAGEMENT AND DISPOSAL OF REAL PROPERTY.—The Secretary of Defense, in managing and disposing of real property at an installation designated under subsection (a) pursuant to the base closure law applicable to the installation, shall give substantial deference to the recommendations of the redevelopment authority, as contained in the redevelopment plan for the installation, regarding the siting of a refinery on the installation. The management and disposal of real property at a closed military installation or portion thereof found to be suitable for the siting of a refinery under subsection (a) shall be carried out in the manner provided by the base closure law applicable to the installation.

(d) DEFINITIONS.—For purposes of this section—

(1) the term ''base closure law'' means the Defense Base Closure and Realignment Act of 1990 (part A of title XXIX of Public Law 101–510; 10 U.S.C. 2687 note) and title II of the Defense Authorization Amendments and Base Closure and Realignment Act (Public Law 100–526; 10 U.S.C. 2687 note); and

(2) the term ''closed military installation'' means a military installation closed or approved for closure pursuant to a base closure law.

SEC. 6. SAVINGS CLAUSE.

Nothing in this Act shall be construed to affect the application of any environmental or other law, or to prevent any party from bringing a cause of action under any environmental or other law, including citizen suits.

SEC. 7. REFINERY REVITALIZATION REPEAL.

Subtitle H of title III of the Energy Policy Act of 2005 and the items relating thereto in the table of contents of such Act are repealed.

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from Texas (Mr. BARTON) and the gentleman from Virginia (Mr. BOUCHER) each will control 20 minutes.

The Chair recognizes the gentleman from Texas.

GENERAL LEAVE

Mr. BARTON of Texas. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days in which to revise and extend their remarks on the legislation and insert extraneous material on the bill.

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

There was no objection.

Mr. BARTON of Texas. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, we now take up a second bill today to help improve our energy outlook, H.R. 5254, the Refinery Permit Process Schedule Act. Getting new refinery projects sited and permitted is a challenge to energy developers, especially to new market entrants who could offer alternatives to today's overworked refineries.

The plain fact is that our country is losing its ability to refine oil into motor fuel. We are not only importing oil in ever-greater quantities, now we are importing gasoline by the shipload, too. The threat that we face today is not only to the price but also to the supply.

If you tried to buy gasoline at one of the stations that have run out of gas lately, you will remember the gasoline lines of 1970s. High prices are a hardship, but dry pumps are a disaster. As I pointed out earlier today, at the 7–Eleven station at Glebe Road and Second Street in Arlington, Virginia, when I went by this morning to get some gasoline, there was no gasoline to be had.

My Taurus that I am driving here in Washington is now literally on ''E'' and I hope I have enough to get to a station that has some gasoline later this evening when Congress recesses for the day.

The last American refinery to be built from scratch in this country was over 30 years ago, and I believe it was in Louisiana. We have shut down more refineries in the last 30 years than we have refineries in operation today in the United States. Most of those are clustered in the gulf coast region, which, as we know because of Hurricanes Katrina and Rita, are in harm's way if hurricanes continue to batter that part of the country.

Hurricane Katrina has taught us some very bitter lessons. One was do not put too many of your refinery eggs in one basket.

This bill does nothing to dictate new refinery locations. Only developers and local State governments can do that. But it will make certain that the Federal Government does its part to eliminate some of the needless, in my opinion, bureaucratic delay if somebody wants to build a new refinery or expand an existing refinery. And, in my opinion, we need to do that.

We consume about 21 million barrels of refined product in the United States every day. Our refinery capacity located domestically is less than 17 million barrels per day. That is a shortage of 4 million barrels a day in refining capacity for domestic demand for refined products from oil.

Are we trying to take a backseat to environmental protection? Nothing of the sort. Under this bill, while the EPA will be given priority to coordinate and consolidate the permitting process, we are not backing down on one permit that is required at the State or Federal level. The EPA and the Department of Energy under this bill would work together to consolidate and streamline the permitting process so that you can get a decision in a timely fashion.

The bill before us would put all agencies responsible for considering permitting applications for an oil refinery, a coal-to-liquid refinery, or a biofuel refinery, that they would have to sit down at the same table and hammer out a coordinated action schedule. They would put permitting schedules on parallel tracks and instill focus and teamwork in process.

The schedule will appear in the Federal Register for all stakeholders to see; and if an agency drags its feet and throws everyone else off schedule, you can go to court and a court can order to get that particular agency back on track. They cannot tell the agency how to rule, but it can require that they meet the schedule that has been agreed to by all of the other State and Federal agencies that have permitting authority under the current laws.

Public participation will go on exactly as it has in the past. All of the open records requirements will go on exactly as it has in the past. So we are not short-sheeting any environmental protection law under this pending legislation. All we are doing is saying, since we have a situation in the United States of America where we use 21 million barrels of refined products every day and we only have refining capacity for 17, it is about time that we do something to make it possible to build and expand existing refineries in the United States.

It takes a million dollars per thousand barrels of capacity. So we need 4 million barrels of new refinery capacity. That is somewhere between $40 billion and $60 billion. Nobody in their right mind is going to put up that kind of money to expand refinery capacity when it takes as long as 10 years just to get the permit to build or expand existing refinery.

The bill before us will make it possible to get a decision on the permits. The President has asked that we do it within 1 year. The bill before us does not set a 1-year timetable exactly, but we would hope that the consolidation process and the parallel-track process would shorten the permitting window. If we can get it down to a year or 18 months, I think the day would come very soon where we would see companies announcing new refinery projects, which would be good for the public in the form of lower prices.

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

Mr. Speaker, I ask unanimous consent that the gentleman from New Hampshire (Mr. BASS) manage the rest of the floor time on the majority side.

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

There was no objection.

Mr. BOUCHER. Mr. Speaker, I yield myself 4 minutes.

(Mr. BOUCHER asked and was given permission to revise and extend his remarks.)

Mr. BOUCHER. Mr. Speaker, I rise in opposition to this bill and urge its rejection by the House.

Democrats are more than willing to work with the majority Republicans to write legislation which addresses constricted refinery capacity in a proper manner. But on the measure we are debating this morning, we were not consulted. In fact, no hearings have been held on the bill. No markup sessions have been conducted. There has been no consideration whatsoever of this measure by the House Committee on Energy and Commerce, which is the committee of jurisdiction. The bill was not even introduced until late last night or early this morning.

If the majority party is willing to work with us, we would make every effort to construct a thoughtful bill that addresses the refinery shortage in a constructive way and bring that bipartisan measure to the floor of the House within a matter of days or at most a matter of weeks. I hope the majority Republicans will consider and accept our offer.

But the bill before us is not constructive. According to testimony the Congress received last year, the bill would weaken environmental protections but do virtually nothing to encourage the construction of new gasoline refineries.

The bill before us repeals the law requiring the States and the Federal Government to work together to set deadlines and streamline the process for issuing permits for new refinery construction. That new requirement became law just last August. Rather than repeal it now, let us give it a chance to work.

The bill before us adds a new layer of Federal bureaucracy by creating a Federal coordinator to oversee State permitting actions, and States would be mandated to meet a Federal schedule for issuing refinery construction permits.

States that have legitimate environmental concerns would find their normal review process short-circuited under a mandated Federal schedule for permit issuance. And the bill proceeds from a deeply flawed assumption that the reason we have a refinery shortage is burdensome State permitting processes. The real reason we have a refinery shortage is that the companies that own refineries are profiting enormously from the present market structure, including the refinery bottleneck. In essence, they are making more money by refining less gasoline.

The real reason we do not have enough refineries is economic interest, not environmental constraints.

Here is what the oil company CEOs had to say about the regulations regarding the regulations citing new refineries.

Last November, the CEO of Shell testified to the Senate, ''We are not aware of any environmental regulations that have prevented us from expanding refinery capacity or siting a new refinery.''

Conoco's CEO testified, ''At this time, we are not aware of any projects that have been directly prevented as a result of any specific Federal or State regulation.''

The record before the Congress is clear. It is devoid of any evidence that environmental permitting has delayed or prevented the construction of new refineries. In fact, the record clearly shows that environmental permitting is simply not a problem. And yet this bill weakens environmental permitting. It is the wrong answer for the problem that we face.

Let us reject this measure and begin working in a bipartisan fashion this afternoon in order to write a law that will make a genuine difference. If the Republicans are willing, Democrats pledge our best efforts to work with you to achieve that goal.

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

Mr. BASS. Mr. Speaker, I yield myself 4 minutes.

Mr. Speaker, I rise in strong support of the pending legislation, and I urge my colleagues on both sides of the aisle to do likewise. As others have stated, it is clear that refinery capacity has not been able to keep up with demand. Although current refiners have been able to ramp up their production sometimes in excess of 100 percent, which is an interesting mathematical challenge, the fact of the matter is that our population has grown, our economy has grown, and the resulting demand for more energy across the board has created a situation where, when we have a disaster similar to the one we had last summer with Hurricane Katrina where refiners were clustered in one specific area of the country, they were running at full capacity, they were shut down for a period of time, we had a short-term crisis which we were able to get over, but it was not easy.

Historically, utilization has been much lower than it has for the last 20 or so years; and the reason for that is we have not built a new refinery.

I agree that this bill is not going to circumvent any of the procedural hurdles that need to be crossed in order to build a new refinery. But what it does do is something that is, in my opinion at least, is innovative and imaginative in that it establishes a coordinator that will help make sure that the process, although not shortened because you are circumventing any regulation, makes this process work coterminously rather than successively.

Nobody will lose the ability to have their voice heard. There will be no part of the process circumvented. But an investor, a developer, a refiner, will have the certainty of knowing that there is a master plan in place, that there is a Federal coordinator and that there is a process that can be more predictable.

□ 1215

And I don't see how you can be against a process that uses the current system and all of its hurdles that need to be crossed but simply makes it run more efficiently. That is all this bill is trying do.

Now, there is a provision that allows the President to simply suggest that three base closures be identified for possible location. There is no requirement that it be done. And it also contains a provision that allows for the same expedited process to apply to biorefineries as well. And as one who comes from New Hampshire, we need to develop biorefinery capacity in this country. We are moving away from MTBEs as an oxygenate for gasoline, and I have as a high-priority project the development of an ethanol refinery from cellosic fiber, in other words, wood products somewhere in the northeast. And this process, although not circumventing, as I said before, any particular rule or regulation, will make the process go quicker.

And I understand my colleague's concern about not having enough hearings and so forth. But this bill simply speeds up the process. And if you want the process to last as long as possible and not have any new refinery capacity in this country, vote ''no'' on this bill. I understand that. But I believe in the process, but I believe that it should be quick and expedient but fair.

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

Mr. BOUCHER. Mr. Speaker, I yield 2 minutes to a member of the House Energy and Commerce Committee, the gentlewoman from California (Ms. SOLIS).

Ms. SOLIS. Mr. Speaker, today I rise in strong opposition to this bill. The bill will not increase refinery capacity. It will not bring down the price of gasoline, and it will not ensure any ability of the United States to refine its own gasoline.

The bill is based on a false premise. There is no evidence that refineries are being denied needed permits either for construction or expansion. In written testimony before the Senate, Chevron CEO stated, and I quote, ''we are not aware of any projects that have been directly prevented as a result of any specific Federal or State regulation.''

The truth is that refiners do not want to expand existing or construct new refineries. The dirty secret is they are not going to make any money off of that.

The five largest oil companies reported a record $110 billion in profits in 2005, and three of the largest petroleum companies made more than $16 billion in the first quarter of 2006.

Existing law already provides for new permitting assistance; 1 year ago, in fact, this body passed the Energy Policy Act. Title 3, subsection H, of the Energy Policy Act allowed States to seek additional assistance from the Federal Government for permitting when it was needed.

Yet the legislation before us today repeals this provision and replaces it with less effective language. Last year Democrats brought a plan to this floor that would have set our Nation on the right course. It would have created a Strategic Refinery Reserve, giving the U.S. Government the ability to refine its own oil for use by military and first responders. The Strategic Refinery Reserve would have made that difference.

But rather than solve the problem, we are here with a plan that will not increase refinery capacity, will not bring down the price of gas and will not ensure any ability of the United States to refine its own gasoline.

I urge my colleagues to reject and give us the opportunity to take this action that will really make a difference for our constituents.

And I would also like to make reference to letters that we will be submitting later from the State Air Quality Program administrators and various environmental organizations.

Mr. BASS. Mr. Speaker, I include for the RECORD a letter dated May 3, 2006, from the National School Transportation Association, expressing their support for the pending bill.

NATIONAL ASSOCIATION FOR PUPIL TRANSPORTATION,
Albany, NY.

NATIONAL SCHOOL TRANSPORTATION ASSOCIATION,
Alexandria, VA, May 3, 2006.

Hon. DENNIS HASTERT,
Speaker, House of Representatives, Washington, DC.

Hon. NANCY PELOSI,
Minority Leader, House of Representatives, Washington, DC.

DEAR MR. SPEAKER AND MINORITY LEADER PELOSI: On behalf of school transportation interests around the country (both public and private), I am writing to urge quick action on H.R. 5254, to increase the availability of reasonably priced fuel by streamlining the permitting process for new or expanded refineries and H.R. 5253, to ensure that the Federal government has the authority necessary to investigate price gouging by fuel suppliers. Our industry is struggling with staggeringly high fuel costs that are threatening our ability to provide low-cost, safe transportation for 25 million school children each day. Enactment of these two measures can help drive down the cost of fuel in the long-run and we support their approval by the House.

The nation's school bus fleet is the largest mass transportation fleet in the country, 2.5 times the size of all other forms of mass transportation including transit, intercity buses, commercial airlines and rail, combined. This system is also the safest way to transport children to and from school every day. The National Academy of Sciences has reported that there are approximately 800 fatalities per year among children who do not ride school buses, while the school bus related annual fatality rate is less than 20. Keeping our school buses running is vital to the safety of our children.

In the wake of instability in crude oil supplies, Hurricane Katrina and other factors, rising fuel costs have devastated the industry and now threaten to force the involuntary reduction of school bus transportation nationwide. In addition, today's diesel fuel prices are significantly higher than they were one year ago and are more than twice what they were four years ago. This is proving to be a burden to public and private operators alike.

Public school systems and their school transportation providers are not able to pass

on the costs to the students they drive to and from school every day. Instead, many school districts have responded to this crisis by eliminating field trips and worse, reducing transportation to and from school, forcing students to find less safe and reliable ways to access their education or even temporarily closing schools. For example, in Ohio school districts have eliminated school bus service to 80,000 school children a day and, just last week a local school system in Tennessee closed for two days due to the inability to provide school transportation due to the high cost of fuel for their buses.

We understand that there are no easy solutions to this problem, but are writing to ask for your help nonetheless. We ask that Congress act quickly to help increase supplies of fuel by ensuring that adequate refining capacity is available as quickly as possible and that any allegations of price gouging are fully investigated. We understand that the House is preparing to act on H.R. 5254 and H.R. 5253 later today. We welcome and support these initiatives and ask for broad, bipartisan action to enact these important measures as a way to help bring down prices for fuel as quickly as possible so that school children will continue to be able to have access to the safest possible mode of transportation. We also pledge to work with you to find and advance other solutions that might provide more immediate relief, such as H.R. 4158, legislation introduced earlier this year to provide grants to cover the cost of energy for financially strapped school districts.

Sincerely,

LEONARD BERNSTEIN,
President, National Association of Pupil Transportation.
JOHN D. CORR, Jr.,
President, National School Transportation Association.

Mr. Speaker, I yield 2 minutes to my friend from New York (Mr. BOEHLERT).

Mr. BOEHLERT. I rise in support of this bill, and I want to thank Chairman BARTON and the committee and particularly Mr. BASS for his leadership and for facilitating staff discussions and providing very helpful suggestions as we fashion this bill.

I think this bill will not do any harm, and it could do some good. While regulations have not prevented oil refinery expansion and while regulations are not the reason that new refineries have not been built, it can't hurt to help streamline the process, as long as streamlining is not a euphemism for weakening environmental protections. And in this bill, I think we have hit the right balance.

This bill is a far cry from the bill the House debated last fall. Some of the commentary I have heard from opponents of the bill on the floor address the old bill. In this bill, the Department of Energy, which isn't even involved in refinery permitting, would have been able to impose a schedule on other agencies and States, and that schedule was designed to speed the process at all costs.

In today's bill, the new bill, the Federal Government will bring together all the permitting authorities to agree on a permitting schedule acceptable to all of them, and that schedule must allow for the full, substantive and procedural review required by law.

In last fall's bill, any legal proceedings were to be biased in favor of the refineries, even going so far as paying their legal costs. In today's bill, while we still create a new cause of action, a court, the Federal district court must consider the behavior of all parties, including whether the refiner has been cooperating fully with regulators, and then the court can do nothing more than impose a new schedule. And this bill explicitly preserves every provision of current environmental law, including the right to bring citizen suits.

So I think we have struck the right balance, and I urge adoption of this measure.

Mr. BOUCHER. Mr. Speaker, I insert in the RECORD a letter dated May 3, 2006, from the State and Territorial Air Pollution Program Administrators, joined in that letter by the Association of Local Air Pollution Control Officials.

STATE AND TERRITORIAL AIR POLLUTION PROGRAM ADMINISTRATORS,
ASSOCIATION OF LOCAL AIR POLLUTION CONTROL OFFICIALS,
Washington, DC, May 3, 2006.

DEAR REPRESENTATIVES: On behalf of the State and Territorial Air Pollution Program Administrators (STAPPA) and the Association of Local Air Pollution Control Officials (ALAPCO), we write to you today to express the associations' concerns regarding the Refinery Permit Process Schedule Act.

First, we question the premise of this bill—namely, that environmental permitting requirements obstruct efforts to construct or expand refining capacity and contribute to escalating gasoline prices. We are aware of no evidence that such requirements, particularly those related to air pollution, have prevented or impeded construction of new, or the major modification of existing, refineries. In fact, what experience shows is that when regulated sources comply with federal, state and local permitting requirements in a timely manner, state and local agencies are able to act expeditiously to approve permits.

Second, it is unclear how this bill would expedite the issuance of permits. Rather, it appears that it could have the opposite effect. Subtitle H of Title III of the Energy Policy Act of 2005, approved by Congress last year to streamline the permitting of refineries, already provides states the ability to request special procedures to coordinate federal and state agency permitting actions for refineries. Repealing those provisions and replacing them with ones that insert a ''Federal Coordinator'' into the process and impose additional procedural requirements on states and localities—including a requirement to enter into judicially enforceable schedules—would almost surely delay the permitting process.

Third, we are concerned that this bill is moving directly to the floor of the House of Representatives, circumventing consideration by the House Committee on Energy and Commerce and open public debate during which state and local permitting authorities and other stakeholders could present their views.

STAPPA and ALAPCO understand the desire to take swift action of some kind to address fuel prices. Moreover, we recognize that this particular bill is an improvement over other refinery permitting legislation introduced in the past few years. Notwithstanding this, however, we firmly believe environmental permitting requirements have been wrongly targeted and, further, that the Refinery Permit Process Schedule Act could result in unintended, problematic consequences. Therefore, our associations oppose the bill.

Sincerely,

EDDIE TERRILL,
STAPPA President.
JOHN A. PAUL,
ALAPCO President.

Mr. Speaker, I yield for the purpose of making a unanimous consent request to the gentleman from Michigan (Mr. STUPAK).

(Mr. STUPAK asked and was given permission to revise and extend his remarks.)

Mr. STUPAK. Mr. Speaker, I urge a ''no'' vote on this legislation.

As a member of the Energy and Commerce Committee, I am concerned that the Republicans are attempting to move legislation that would significantly alter Federal law regarding the refinery permitting process without a committee hearing, without a markup, without even allowing the bill to be amended on the floor.

This bill is a rerun of the Gasoline for America's Security (GAS) Act, which was only approved by the House by a vote of 212 to 210 after the Republican Leadership held the vote open for 45 minutes, twisted arms. That GAS Refinery bill was a bad bill then, and now this bill before us is even worse.

By pushing refinery legislation through the House without any hearings, debate, or amendments, we are doing the American public a disservice.

While the proponents of this legislation contend that oil companies are unable to improve their refinery capacity because of excessive regulation, the truth is, oil companies have intentionally reduced domestic refining capacity to drive up gas prices.

I have here internal memos from Mobil, Chevron, and Texaco, specifically advocating that these companies limit their refining capacity to drive up prices.

From September 2004 to September 2005, refineries profits increased by 255 percent.

During the first quarter of 2006, Valero Energy Corporation, the largest refiner in the United States, reported profits 60 percent higher than last year.

Obviously, complying with Federal regulations does not present these companies with a significant financial hardship.

I encourage my Republican colleagues to address real legislation that can help the American consumer at the pump, rather than legislation that provides additional hand-outs and free-rides for their friends in the oil industry.

Vote ''no'' on H.R. 5254.

Mr. BOUCHER. Mr. Speaker, I yield 3 minutes to the gentleman from Maine (Mr. ALLEN).

Mr. ALLEN. Mr. Speaker, I rise in strong opposition to this bill. It is being rushed to the floor under expedited consideration with limited debate, no opportunity for amendments, no hearings, no markup. In fact, as of yesterday, the bill hadn't even been introduced. This is yet another example of the ''ready, fire, aim'' approach that passes for legislating in the Republican-controlled House.

Unfortunately, some communities in this country that are suffering the most right now are caught in the crossfire. They are the communities that are coping with a military base closed

through the BRAC process. This bill resurrects the bad idea that communities with closed military bases become dumping grounds for refineries.

There is nothing, absolutely nothing in existing statutes or regulations that prohibits a local redevelopment authority from developing a closed base into a refinery complex. In fact, for some communities, a refinery may make sense. But that decision should be made by the local community, not by the President or the Secretary of Defense.

Proponents of this bill say they aren't forcing an LRA to build a refinery, only to consider one. But under current law, the Secretary of Defense has the final say about a reuse plan, and this bill requires an LRA to put a refinery into the reuse plan. Moreover, the Secretary has the power to transfer the land at little or no cost, if he chooses to do so.

So if Donald Rumsfeld wants to give away a closed military base in your community to ExxonMobil to build a refinery, there is nothing your community can do to stop it. Nothing. In fact, your community could have been forced to spend its own resources to draw up a plan to build a refinery, even if the community didn't want one.

The BRAC process has already punished these communities enough, including the town of Brunswick in my district. Congress should not add insult to injury by punishing them again.

I urge my colleagues to vote against this ill advised Republican refinery bill.

Mr. BASS. Mr. Speaker, I yield myself 30 seconds.

I just want to correct the record if I could. It is my understanding that the bill only allows the President to identify a possible closed military base for a refinery location. It is only drawing attention, and it does nothing more than that.

Mr. Speaker, I yield 1 minute to my friend from California (Mr. HERGER).

Mr. HERGER. Mr. Speaker, I rise in strong support of H.R. 5254 to streamline the permitting process of oil refineries.

My constituents in rural northern California are paying some of the highest gas prices in the Nation.

Red tape is stifling the construction of new and expansion of existing refineries and technology to make refineries cleaner and more efficient. In fact, America has not built a new refinery since the 1970s.

I am reminded today of what President Reagan said in 1981, ''Government is not the solution. Government is the problem.'' We need to streamline government regulation and start expanding our oil refinery capacity.

Families and businesses throughout this country have to meet deadlines. The government should have to as well.

I urge my colleagues to support this legislation.

Mr. BOUCHER. Mr. Speaker, I yield 2 minutes to the distinguished gentleman from California (Mr. WAXMAN).

Mr. WAXMAN. Mr. Speaker, the Republican leadership has a problem. For 6 years, they have worked to give the big oil companies everything they could ever want, subsidies, environmental exemptions, loopholes and paybacks, and the results have been spectacular for the oil companies.

ExxonMobil just announced first-quarter profits of over $8 billion. They now make more in a single quarter than they used to make in an entire year. They rewarded their CEO with a retirement package totaling nearly $400 million.

Well, it is a different story for the American people. Gasoline prices have doubled. Home heating prices have soared. Natural gas prices have risen to unprecedented levels. And we are more dependent than ever on imported oil.

The Republican leadership has a problem. They want desperately to blame State and local governments, to blame environmental requirements for the cost of gasoline. That is the myth they want to create. But the facts are completely different.

Permits have been readily granted whenever refiners have applied for them. For instance, in Yuma, Arizona, permits have been issued not once but twice for the construction of a new refinery, but the oil industry refuses to actually invest and rebuild it. And recently, this project may have been dealt a death blow when the Mexican Government announced it would not supply the proposed refinery with crude oil.

To the extent there ever was a problem with permitting refineries, Energy Secretary Bodman has stated that the problem was solved in last year's energy bill.

Well, the State and Territorial Air Pollution Program Administrators delivered a letter to the House that said this legislation would have the opposite effect that is intended. It would almost surely delay the permitting process.

Mr. Speaker, we need to reject this legislation. It is based on a faulty premise, repeals a law that is said to be successful and replaces it with an approach that will delay the permitting process. And presumably, it does all this so that we can claim we have done something about gasoline prices.

Mr. BASS. Mr. Speaker, I yield myself 30 seconds simply to say that it is interesting that my friend from California now is on the same side as ExxonMobil, which opposes this bill because they claim there is no need for new refinery capacity, and I would only point out that he makes a great argument for the passage of the bill, because what this bill does is take the argument that government red tape and bureaucracy is holding up the process completely off the table. And if that doesn't lead to more production, more construction after passage of this bill, I will be the first one to step forward and blast the industry for not creating more capacity.

So I appreciate the apparent support that my friend from California has for making sure that this process, permitting process, is sped up.

Mr. Speaker, I yield 3 minutes to my friend from Illinois (Mr. SHIMKUS).

Mr. SHIMKUS. Mr. Speaker, just a brief part of good news. I just heard from Champion Laboratories that makes fuel filters that they are closing their Mexico plant and adding 100 jobs back in my district and developing a line. So the economy is moving forward. And that is good news. And sometimes we don't hear that.

A lot of focus of this debate is on crude oil and gas. And the fact that we import refined product, the fact that we import gasoline and not just crude oil, should make us all concerned, and that is really the premise of this debate.

□ 1230

Two years ago, Chairman Alan Greenspan stated at the Economic Club in New York that we do not have any refineries, not just in the United States but we do not have any expanded refinery capacity in the world, especially as we are making fuel products. And I have the quote right here, but for time I will save that.

But I want to focus on another provision of this bill. If you do not like Big Oil, support this bill. If you do not like Big Oil, if you want a competitive to crude oil gasoline, support this bill. Why? Because the incentives to increase the refinery capacity will also apply to biofuels.

Twenty-nine new ethanol facilities are in Illinois. I drive an E85 flexible fuel vehicle, 10 to 15 cents less a gallon; and 2 years ago I did not have a single retail location in my district when I had a flexible fuel vehicle, Ford Taurus. Now I have over 20 locations. That is good; and if we want to incentivize new competitors to Big Oil, we need new biorefineries. That is in this bill. So all my ag friends need to look at this bill.

Secondly, and I have some here in this Chamber, my friends from the coal basin, another great way to defeat Big Oil is to get the rebirth of big coal. And Btu conversion, taking our coal fields, can you imagine this: a coal mine in Virginia, West Virginia, Kentucky, Ohio, Illinois; and on top of that coal mine, you put a refinery. Look at all the issues that we address. No longer dependent on foreign crude oil, no longer having refineries on the coast where they are subject to damage and destruction through hurricanes, diversified fuel refineries across this country. That is in this bill.

So for all my friends who want to beat up on Big Oil, this is your opportunity to do this. To incentivize renewable fuels, to incentivize coal to liquid, this is your opportunity. We will get a chance to count the votes later on.

I thank Mr. BASS for yielding me the time.

Mr. BOUCHER. Mr. Speaker, I yield myself 15 seconds.

Mr. Speaker, I applaud the sentiments of my friend from Illinois with whom I have partnered on many coal-related issues over the years, and I certainly agree with him that we need to start rebuilding refineries that will turn coal into a liquid fuel. But, Mr. Speaker, we do not need this bill to do it.

Mr. Speaker, I yield 2 minutes to the gentlewoman from California (Mrs. CAPPS).

Mrs. CAPPS. Mr. Speaker, I thank my colleague for yielding to me.

I rise in strong opposition to this ill-conceived legislation, nothing more than a shameless attempt to blame public health and environmental protections for the shortage of refinery capacity and high gas prices.

First of all, public health and environmental laws are not impeding construction or expansion of refineries. My colleague, Mr. BOUCHER, already quoted the CEO for Shell saying on record that he is ''not aware of any environmental regulations preventing us from expanding refinery capacity or siting a new refinery.''

Also, this bill will do nothing to lower gas prices in the short term or the long term. What it will do, however, is lead to increased pollution at the expense of public health; and that is why both State and local officials, air pollution control officials, oppose this bill.

I have here the letter, which I know is being submitted to the RECORD. State and Territorial Air Pollution Program administrators and the Association of Local Air Pollution Control officials sent this letter in strong opposition to this bill. Specifically, they say the bill's new Federal coordinator position is certain to lead to more, not less, delay in permitting.

Mr. Speaker, the problem of high gas prices is serious. It affects businesses and families on a daily basis. I know that well.

Mr. BASS. Mr. Speaker, will the gentlewoman yield?

Mrs. CAPPS. I yield to the gentleman from New Hampshire.

Mr. BASS. The date of the letter?

Mrs. CAPPS. The date of the letter, May 3, 2006.

Mr. BASS. Thank you.

Mrs. CAPPS. Mr. Speaker, I know that because gas prices in my district are usually among the highest in the Nation; and right now they are way over $3 a gallon. But this bill does not do anything about that. It is, in fact, trying to distract the American people from a failed Republican energy strategy, a strategy that says if laws that protect public health or environment get in the way, then we should just waive them. This is a strategy that dooms America to never-ending energy crises that consistently enrich energy companies at the expense of hard-working American families and businesses and their health.

Over the past several years, we have had repeated chances to craft common-sense, effective energy legislation setting America on a more stable future. But this Republican Congress has failed to do that. This failure has resulted in this bill. We should vote this harmful legislation down.

Mr. BASS. Mr. Speaker, I yield 1 minute to the gentleman from Illinois (Mr. KIRK).

Mr. KIRK. Mr. Speaker, I rise in support of this bill because it addresses one key problem, that the United States has not built a new refinery in America since the 1976 bicentennial, 30 years ago. Over 50 million Americans have moved to our country since then but no new refineries. We can expand gas supplies and lower prices at the pump while strengthening our environmental law through this legislation, and who doubts that we cannot make new refineries be cleaner than old refineries?

This bill stands for the principle that we should simply coordinate our laws, written in different decades by different Congresses, to yield environmental protection and more gasoline at the pumps.

The population of the United States is expanding. So should our ability to provide gasoline to Americans. We should do so, though, not at the expense of the environment; and this bill does not modify those statutes. It simply says the various Federal bureaucracies should all be coordinated in one place. It makes common sense and helps us reduce pressure at the pump.

Mr. BOUCHER. Mr. Speaker, I am pleased to yield 3 minutes to the gentleman from New Jersey (Mr. PASCRELL).

Mr. PASCRELL. Mr. Speaker, a recent General Accounting Office investigation in 2004, which I am holding in my hand, concluded that gasoline refineries have intentionally limited their capacity to keep gasoline prices high and their profits up.

You did not write this. I did not write this. This is the General Accounting Office. For the consumers, these higher energy costs are a disaster for their pocketbooks and further stagnates our economy.

Now there is a difference here between what your side approaching the problem will do and what our side will do. Question, who is going in the right direction? We have heard that a lot lately.

Former Energy Secretary Bill Richardson said that we are a 21st-century superpower with a third-world transmission grid. Remember that debate a few years ago on utilities and electricity and who got blamed for it? And then we finally discovered that the industry itself was fooling the market and manipulating the market, and those characters are on trial right now. A 21st-century superpower with a third-world refinery infrastructure, and that is what we have come to.

This refinery legislation, which I will vote against, which is before us right now is an effort to solidify our dependence on fossil fuel. On one side of our mouth, we are saying we are addicted to oil. On the other side of our mouth, we are saying let us build more refineries, make it easier for more refineries to be built so that we can produce gasoline.

You want to streamline the permitting because you want to produce more gasoline from fossil fuel. I must remind you that in a report presented by the Rocky Mountain Institute in 2004, it was very specific: America's energy future is a choice, not our fate. Oil dependence is a problem we need not have, and it is cheaper not to.

When the United States last paid attention to the oil efficiency problem was between 1977 and 1985. Oil use fell 17 percent; gross product went up 27 percent. During those 8 years, oil imports fell 50 percent and imports from the Persian Gulf fell by 87 percent. That exercise of market muscle broke OPEC's pricing power for a decade.

Look, the other side, in all due respect, you have made your bed. You have got to lie in it now. And you are trying to get out of it, but you are doing it in the wrong way. This bill does nothing to increase refinery capacity in the first place, and it certainly does not help in lowering gas prices.

We have done a disservice to the American people, and we only confuse the issue. We are either addicted to oil or we are not. And if we are, let us go in a different direction. Please join us.

Call it what you will: price-gouging, profiteering, or simple old fashioned greed.

Oil companies have the greatest corporate profits in history, yet they were able to stiff taxpayers over $7 billion in royalties that they owe us for drilling on public lands. But the jig is finally up.

Whether you are a Democrat or a Republican, whether you believe collusion is the cause of the high gas prices or not.

No matter how you define it, what we have witnessed in the past several months is the looting of the American public.

And don't take my word for it—a recent report by the Foundation for Taxpayer and Consumer Rights found that corporate markups are primarily responsible for price spikes, not crude oil costs or the national switchover to ethanol, as the industry has claimed.

In this crisis, we hear echoes of Enron—hot-shot oilmen departing their companies with golden parachutes, while average Americans live on the edge, some so desperate they are intentionally breaking down on highways to receive a free tank of gas.

President Bush and the leadership in Congress don't have dismal approval ratings merely because they don't have skilled public relations flaks.

They have dismal approval ratings because the vast majority of Americans recognize that something has gone very wrong in this country.

Despite the recent political posturing, the Administration has dedicated its time in office to protecting the oil industry from any restrictions or oversight at all—and that is what has led us to where we are today.

We need to get serious about this issue. We cannot just clamor for change when gas prices

are high, and return to a passive stupor if prices settle down again.

Remember, this is not only about our pocketbooks.

Americans have come to believe that we have fought one war too many in the Persian Gulf—at least partially to ensure a continuous supply of foreign oil.

Now is the time for leadership to get us started down the path of real energy independence.

Let us live up to our responsibility today—let's reign in the bloated oil companies and protect the public from economic catastrophe.

Let us invest in far-sighted renewable energy and conservation programs, so that we will never again sacrifice our precious blood and treasure to slake this terrible thirst for Middle Eastern oil.

Mr. BASS. Mr. Speaker, I yield myself 30 seconds.

This is a very odd debate. One of the previous speakers said that this bill would do nothing to lower gasoline prices. If you increase refinery production, you are going to have more supply, and obviously more supply is going to lead to lower prices.

Another speaker said that this bill would somehow create more environmental pollution. It does absolutely nothing to change any existing environmental rule or regulation. It just increases the time. So if you want less supply, higher prices and the only reason you are against that is because you think that an additional refinery would create more pollution, then you should vote ''no'' on the bill.

Mr. Speaker, I have no further requests for time, and I reserve the balance of my time.

Mr. BOUCHER. Mr. Speaker, I yield myself the balance of my time.

Mr. Speaker, this bill is not an effective way to address the gasoline refinery shortage. It tramples on State environmental laws without solving the fundamental problem.

The CEOs of the refining companies have testified to the Congress that the permitting process is not burdensome. It has not prevented the construction of needed new refineries, and yet this bill addresses the permitting process.

For our part, Democrats are more than willing to work with our Republican colleagues and to do so on a bipartisan basis, to write a law that will make a difference, a law that will get the needed new refineries built. We could produce and bring to the floor a bipartisan bill within a matter of days or, at most, within a matter of weeks.

So what I would say to the Members of the House is reject this measure and then, beginning this afternoon, let us sit down in a bipartisan exercise to draft a bill that addresses the fundamental need for new refineries. We pledge to you our best efforts to achieve that goal, and we hope that you will accept this offer.

I urge a ''no'' vote on the measure.

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

Mr. BASS. Mr. Speaker, I yield myself the balance of my time.

Mr. Speaker, I urge my colleagues to support the passage of this bill.

I will match my environmental record in this Congress with anybody else's and certainly my record in supporting the development of alternative energy resources. And, quite frankly, this bill does just that because the expedited permitting process, which does not in any way change the requirements for the process at all but simply makes it more organized and more manageable, also applies to coal to liquid and biorefineries. And this is critical for my part of the country. We cannot afford to wait 5, 6, 7, 8, 9, 10 years to increase our supplies not only of traditional motor fuels but also these alternatives. We need to remove the uncertainty that a successive permitting process creates and the chilling effect that has on the ability of investors where large amounts of money are involved to stick with the process year after year after year.

There is nothing in this bill that will reduce in any fashion the ability of the Environmental Protection Agency, the States, or any other entity to go through the appropriate process in order to permit a new refinery. But what it does do is for the first time in 30 years is make it incrementally more possible that we will get more capacity.

So when your constituents call you and say that they are unhappy with the high cost of fuel, remember that part of that high cost is associated with the fact that we have a very, very tight inventory of fuel in this country. As the chairman of the committee said a few minutes ago, we are consuming considerably more gasoline in this country than we are producing domestically, so some of it is imported. Our refineries are clustered in one region of the country.

If you want to answer your constituents by saying that you voted against a bill that would not have any environmental impact but would simply make it possible for us to address this issue in a more timely, quicker fashion, that is your choice.

□ 1245

But we are doing what we can quickly and expeditiously and incrementally to address the issue of refinery capacity in this country. I hope the House will adopt this bill, and I urge its passage.

Mr. GENE GREEN of Texas. Mr. Speaker, the Refinery Permit Process Schedule Act sends the right message—more refinery capacity in this country is a good thing.

Unfortunately this legislation did not follow the Committee process, since the House leadership is struggling to appear like they are doing something about gas prices, which they know are beyond their control.

As a result, this legislation probably could be improved with hearings, amendment, and more careful consideration.

However, I will support the legislation because it does not alter or repeal any environmental rule, regulation, or law. The bill would just ensure that permits do not sit on any federal bureaucrat's desk for too long.

That is a worthy goal, and I believe that if Chairman BARTON could do this bill his preferred way, then he would have brought this legislation to the Committee for a hearing. But the American people are very angry with energy prices right now, and during these politically-charged times the House often operates differently than it should.

Many Americans and Members of the House are upset that we have not built a new refinery in this country in 25 years. That is true but that is also irrelevant, because it is much cheaper and more efficient to expand existing refineries than to build brand new refineries.

Since 1994, U.S. refiners added 2.1 million barrels of capacity, which is the equivalent of adding a larger than average refinery each year.

Over the next several years, capacity will increase another 1.2 million barrels per day. For example, here are some refinery expansions that have already been announced:

Chevron—80,000 barrels per day at its Pascagoula, MS, refinery.

CITGO in Lake Charles, LA—105,000 barrels per day.

Coffeyville Resources in Kansas—15,000 barrels per day.

Flint Hills Resources in Minnesota—50,000 barrels per day.

Holly Corp. in Artesia, NM—10,000 barrels per day.

Marathon Petroleum—180,000 barrels per day in Garyville, LA, and 26,000 barrels per day in Detroit, MI.

ConocoPhillips will spend $3 billion over four years on refinery expansion, which means tens of thousands of extra barrels per day.

Motiva Enterprises is considering doubling the capacity of its large refinery in Port Arthur, TX.

Sunoco recently announced plans to commit $1.8 billion over the next 3 years, leading to thousands more barrels per day.

Tesoro Petroleum Company will devote $670 million in the next year alone to refining facility expansions.

And the Nation's largest refiner, Valero plans to spend $5 billion to add over 400,000 barrels per day of new capacity nationwide.

So the debate about a lack of new refineries is a red herring. We should really focus on expansion projects, since that is where the action is.

If this legislation fails to gain the required ⅔ support by the full House, I hope we could revisit this legislation in Committee.

Mr. BARTON of Texas. Mr. Speaker, I ask that this exchange of letters be included in the RECORD during today's debate on H.R. 5254.

MAY 3, 2006.

Hon. F. JAMES SENSENBRENNER, Jr.,
Chairman, Committee on the Judiciary,
House of Representatives, Washington, DC.

DEAR CHAIRMAN SENSENBRENNER: Thank you for your letter concerning H.R. 5254, a bill to set schedules for the consideration of permits for refineries.

I appreciate your willingness not to seek a referral on H.R. 5254. I agree that your decision to forgo action on the bill will not prejudice the Committee on the Judiciary with respect to its jurisdictional prerogatives on this or future legislation. Further, I recognize your right to request conferees on those provisions within the Committee on the Judiciary's jurisdiction should they be the subject of a House-Senate conference on this or similar legislation.

I will include our exchange of letters in the Congressional Record during consideration of the bill on the House floor.

Sincerely,

JOE BARTON,
Chairman.

MAY 3, 2006.

Hon. JOE BARTON,
Chairman, Committee on Energy and Commerce, House of Representatives, Washington, DC.

DEAR CHAIRMAN BARTON: In recognition of the desire to expedite consideration of H.R. 5254, a bill to set schedules for the consideration of permits for refineries, the Committee on the Judiciary hereby waives consideration of the bill. There are a number of provisions contained in H.R. 5254 that implicate the rule X jurisdiction of the Committee on the Judiciary. Specifically, section four of the bill contains a provision that implicates the Committee on the Judiciary's jurisdiction under rule X(1)(l)(1) (''the judiciary and judicial proceedings, civil and criminal).

The Committee takes this action with the understanding that by forgoing consideration of H.R. 5254, the Committee on the Judiciary does not waive any jurisdiction over subject matter contained in this or similar legislation. The Committee also reserves the right to seek appointment to any House-Senate conference on this legislation and requests your support if such a request is made. Finally, I would appreciate your including this letter in the Congressional Record during consideration of H.R. 5254 on the House floor. Thank you for your attention to these matters.

Sincerely,

F. JAMES SENSENBRENNER, Jr.,
Chairman.

Ms. LEE. Mr. Speaker, I rise in strong opposition to H.R. 5254.

This bill is a complete sham, and will do absolutely nothing to mitigate the high gas prices that our constituents are being forced to pay at the pump.

The fact is we did not get to $3 a gallon for gas because of our environmental and public health laws, and we shouldn't be gutting them In response.

The bottom line is that energy companies are not interested in expanding their refinery capacity because they want gas supply to remain tight so they can keep making record profits.

In a hearing last November in the other body, both the CEO's for Shell and ConocoPhillips indicated that they were not aware of any environmental regulation that was preventing them from building new refineries.

While in January representatives from Exxon indicated that they had no plans to build new refineries.

So what is the point of this bill if nobody wants it or needs it?

The real problem with high gas prices today boils down to two things:

1. The administration's deliberate decision to promote an energy policy developed by and for their cronies in the oil and gas industry at the expense of the American people.

2. The geo-political problems in the Middle East that have been exacerbated by the actions of this administration over the last six years.

Those are the issues we should be dealing with today.

Instead of gutting our Nation's environmental and public health laws and providing another giveaway to the energy industry we need to implement a strategy of energy independence.

We need to make immediate investments to expand energy efficiency and the use of renewable fuels, and we need to adopt a foreign policy that does not hold our constituents hostage to the latest political crisis in the Middle East.

I urge my colleagues to oppose this wrong-headed bill.

Mr. UDALL of Colorado. Mr. Speaker, we all know why this bill was rushed to the floor today, and why it is being considered under a shortcut process that limits debate and prevents any consideration of even a single amendment.

It's because the Republican leadership thinks they need to make a show of doing something about the price of gasoline.

But just because they are feeling some political heat does not mean that we should pass this bill, which I think does not deserve to be approved.

The bill would require State and local governments to comply with a new Federal schedule for approving permits to site, construct, or expand a refinery. To do that, it would repeal part of the brand-new Energy Policy Act of 2005 that gave the States the ability to request authority to trigger a process that would coordinate Federal and State actions on a refinery.

In other words, it is a new Federal mandate—and it probably would not do anything to speed up construction of any refineries, for several reasons.

First, more Federal bureaucracy and red tape means more delays, because heavy-handed Federal requirements—including judicially-enforceable deadlines—will bring exactly the resistance and litigation that the provisions in the Energy Policy Act were intended to forestall.

And, second, it's economics that controls decisions about refinery capacity.

That's why, as the Wall Street Journal recently reported, Exxon thinks building a new refinery would be bad for its long-term business even as it expands the capacity of is existing refineries.

Just last November, in fact, Shell's CEO testified in a Senate hearing that "[w]e are not aware of any environmental regulations that have prevented us from expanding refinery capacity or siting a new refinery" and Conoco' s CEO echoed that, saying "we are not aware of any projects that have been directly prevented as a result of any specific Federal or State regulation."

But, when the Republican leadership gets scared, who cares about the facts or wants to bother with thinking things through?

So here we are, rushing to take up a bill that was just introduced, on which there have been no hearings and no opportunity for anyone who will be affected—including the State and local governments—to have a chance to comment.

That's a bad way to do business, and this is a bad bill. I cannot support it.

Mr. HOLT. Mr. Speaker, I rise today in opposition to the Refinery Permit Process Schedule Act (H.R. 5254). This bill is based on a false premise—that requirements for environmental permits are to blame for the lack of refinery capacity. As many of my colleagues have expressed, oil companies have openly stated that environmental standards are not stopping them from building new refineries. In fact, the truth is that oil companies simply do not want to build more refineries. The solution that H.R. 5254 prescribes does not match the problem that our nation faces with energy. Instead of investing our efforts in sustainable energy sources to meet our growing energy needs, we remain stuck in our old ways.

I would like to take the opportunity to discuss one point of this bill that I find particularly disturbing. Section 5 directs the President to designate three closed military bases for new oil refining facilities. This section will ultimately force communities that have already suffered from the closure of a military base to welcome unwillingly an oil refinery in their backyards if the President and the Secretary of the Army deem it worthy of a refinery.

I recently joined with New Jersey Governor Jon S. Corzine, Representative FRANK PALLONE and other New Jersey state legislators for the signing of the Fort Monmouth Economic Revitalization Act, which creates a ten-member authority charged with overseeing the transition and revitalization of Fort Monmouth once it closes in or before 2011. Creating such an authority is an important step for communities to protect their interests as communities are revitalized following a base closure. What frightens me even more about this provision is that the Secretary of Defense can override any decision made by a local authority. The federal government can supersede a local decision. This is not just about Fort Monmouth in my district in Central New Jersey. This is about communities who are already dealing with the closure of a military base. This is about allowing the federal government to overrule what state and local authorities believe is best for their communities.

We owe it to our constituents to debate meaningful energy legislation that reaches the root of our growing energy problems, not something that tries to fix a problem that does not exist.

I urge my colleagues to vote no on this legislation because it does not address our growing energy needs and is unfair to local communities.

The SPEAKER pro tempore (Mr. BOOZMAN). The question is on the motion offered by the gentleman from Texas (Mr. BARTON) that the House suspend the rules and pass the bill, H.R. 5254.

The question was taken.

The SPEAKER pro tempore. In the opinion of the Chair, two-thirds of those present have voted in the affirmative.

Mr. BOUCHER. Mr. Speaker, on that I demand the yeas and nays.

The yeas and nays were ordered.

The SPEAKER pro tempore. Pursuant to clause 8 of rule XX and the Chair's prior announcement, further proceedings on this question will be postponed.

EXPRESSING NEED FOR PUBLIC AWARENESS OF TRAUMATIC BRAIN INJURY AND SUPPORT FOR DESIGNATION OF NATIONAL BRAIN INJURY AWARENESS MONTH

Mr. DEAL of Georgia. Mr. Speaker, I move to suspend the rules and agree to

the concurrent resolution (H. Con. Res. 99) expressing the need for enhanced public awareness of traumatic brain jury and support for the designation of a National Brain Injury Awareness Month.

The Clerk read as follows:

H. CON. RES. 99

Whereas traumatic brain injury is a leading cause of death and disability among children and young adults in the United States;

Whereas at least 1.4 million Americans sustain a traumatic brain injury each year;

Whereas, each year, more than 80,000 of such Americans sustain permanent life-long disabilities from a traumatic brain injury, resulting in a life-altering experience that can include the most serious physical, cognitive, and emotional impairments;

Whereas every 21 seconds, one person in the United States sustains a traumatic brain injury;

Whereas at least 5.3 million Americans currently live with permanent disabilities resulting from a traumatic brain injury;

Whereas most cases of traumatic brain injury are preventable;

Whereas traumatic brain injuries cost the nation $56.3 billion annually;

Whereas the lack of public awareness is so vast that traumatic brain injury is known in the disability community as the Nation's ''silent epidemic'';

Whereas the designation of a National Brain Injury Awareness Month will work toward enhancing public awareness of traumatic brain injury; and

Whereas the Brain Injury Association of America has recognized March as Brain Injury Awareness Month: Now, therefore, be it

Resolved by the House of Representatives (the Senate concurring), That Congress—

(1) recognizes the life-altering impact traumatic brain injury may have both on Americans living with the resultant disabilities and on their families;

(2) recognizes the need for enhanced public awareness of traumatic brain injury;

(3) supports the designation of an appropriate month as National Brain Injury Awareness Month; and

(4) encourages the President to issue a proclamation designating such a month.

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from Georgia (Mr. DEAL) and the gentleman from Ohio (Mr. BROWN) each will control 20 minutes.

The Chair recognizes the gentleman from Georgia.

GENERAL LEAVE

Mr. DEAL of Georgia. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days within which to revise and extend their remarks on this legislation and to insert extraneous material on the bill.

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

There was no objection.

Mr. DEAL of Georgia. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I rise today in support of H. Con. Res. 99, a resolution expressing the need for enhanced public awareness of traumatic brain injury and in support for designation of a National Brain Injury Awareness Month.

I want to thank the principal sponsors of this legislation, Congressman BILL PASCRELL from New Jersey and Congressman TODD PLATTS from Pennsylvania, who are the cochairs of the Congressional Brain Injury Task Force. I commend them for their leadership and hard work to increase the level of public awareness of this silent epidemic of traumatic brain injury.

Despite the fact that each year an estimated 1.4 million Americans sustain a traumatic brain injury, costing our society tens of billions of dollars and permanently altering the lives of countless people, too few people are aware of the dangers posed by these highly preventible injuries.

To help address this problem, House Concurrent Resolution 99 resolves that Congress, one, recognizes the life-altering impact traumatic brain injury may have both on Americans living with the resultant disabilities and on their families; two, recognizes the need for enhanced public awareness of traumatic brain injury; three, supports the designation of an appropriate month as National Brain Injury Awareness Month; and, four, encourages the President to issue a proclamation designating such a month.

Again, I commend Mr. PASCRELL and Mr. PLATTS for their leadership on this issue. I encourage my colleagues to adopt the resolution.

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

Mr. BROWN of Ohio. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, the Centers for Disease Control and Prevention estimate that there are over 5 million Americans living with disabilities resulting from traumatic brain injury. Another 1.4 million of our fellow citizens sustain a traumatic brain injury every year.

In 1996, Congress recognized the severity of traumatic brain injury by passing the Traumatic Brain Injury Act, legislation that advances prevention and education and research and community living for people living with these injuries and for their families. But there is more to be done.

Every 21 seconds, someone in our country sustains a traumatic brain injury. While half of these injuries result in only short-term disabilities, for others, they are obviously far more serious.

Half a million of these Americans die, including 2,800 children less than 14 years of age. Another 80,000 Americans sustain severe long-term disabilities, costing our health care system something in the vicinity of $56 billion a year.

But many of those disabilities are preventible. The problem is that most Americans don't know when to classify an injury as a traumatic injury. It means they may not know to recognize the signs of a serious injury, which can be as simple as recurring headaches or feeling tired or having difficulty concentrating. They don't know to get themselves to a medical professional before there is actually permanent damage. Just because it only feels like a bump in the head, you have to be aware of how you are feeling and how you are acting. Your family and friends need to be able to recognize the signals that something is wrong. This is particularly important for children, who are less likely to recognize when they need to see a doctor.

H. Con. Res. 99, offered by my friend Mr. PASCRELL and others, will help increase America's awareness about the seriousness of traumatic brain injury and the importance of getting checked out by a health care professional after injury.

To help meet that goal, this resolution supports the creation of a National Brain Injury Awareness Month, an event around which patients and advocates and providers can organize to educate the public and bring needed attention to this issue. I am pleased to support the resolution.

Mr. DEAL of Georgia. Mr. Speaker, I have no further requests for time and reserve the balance of my time.

Mr. BROWN of Ohio. Mr. Speaker, I yield 7 minutes to the gentleman from New Jersey (Mr. PASCRELL), the sponsor of this resolution.

Mr. PASCRELL. Mr. Speaker, to the chairman, my good friend from Georgia, I thank you for bringing this to the floor, and the ranking member.

I rise today, Mr. Speaker, in support of House Concurrent Resolution 99, legislation designed to bring attention to what I would call an American tragedy, a stealthy thief who can strike anyone at any time without warning and often with devastating consequences.

Traumatic brain injury, TBI, is a leading cause of death and disability among young Americans in the United States. As you have just heard, someone will sustain a traumatic brain injury every 21 seconds. We are talking about 1.5 million Americans every year. More than 1.4 million sustain brain injuries, more than the incidence of HIV/AIDS, spinal cord injury, even multiple sclerosis. Fifty thousand of those injured will die; 55 million Americans are living with TBI right now. Think about that, Mr. Speaker.

These injuries manifest themselves in a myriad of ways, from a small behavioral change to complete physical disability and even death. Traumatic brain injury costs the country an estimated societal cost of $60 billion every year and, currently, there is no cure. Most of these injuries are due to falls, motor vehicle traffic crashes or violence. Additionally, due to the changing nature of warfare, American troops are suffering TBI at an alarming rate.

Individuals with TBI account for 2 percent of the total United States population and represent nearly 10 percent of our Nation's disability population, 10 percent. Yet despite these staggering statistics, lack of public awareness is so vast that TBI remains a silent epidemic plaguing our Nation.

The good news is that traumatic brain injury is often preventable. That

is why awareness and education are imperative.

The resolution before the House today, Mr. Speaker, to designate a National Brain Injury Awareness Month, will work toward enhancing public awareness and give this epidemic and its victims a voice.

Former Congressman Jim Greenwood from Pennsylvania and I formed the Congressional Brain Injury Task Force in 2001. Today, that task force, which I chair with my good friend Congressman PLATTS from Pennsylvania, works to further education and awareness of brain injury, its incidence, its prevalence, its prevention and treatment. The task force also supports funding for basic and applied research on brain injury rehab and the development of a cure.

It is my hope that this resolution will encourage Americans to learn more about the long-lasting effects of brain injury and its impact on both the civilian and military communities.

The Traumatic Brain Injury Act is the only legislation that specifically addresses issues faced by people who live with long-term disability as a result of traumatic brain injury. It has successfully provided a foundation for coordinated and balanced public policy for people living with TBI and their circles of support. This law is due to be reauthorized. I look forward to continued congressional support to make it happen.

Another important Federal program, Mr. Speaker, focused on TBI, traumatic brain injury, is the Defense and Veterans Brain Injury Center. For our Armed Forces, TBI is an important clinical problem in peace and war, and its consequences may extend for many years.

The Defense and Veterans Brain Injury Center was established in 1992 after Operation Desert Storm. Military doctors are naming traumatic brain injury as the result of a blast the signature wound of the war in Iraq.

Because soldiers are now equipped with state-of-the-art body armor, they are living through attacks that troops in past wars were unable to survive. Systemwide, the DVBIC has evaluated over 1,400 military personnel with TBI. Of those troops evacuated to Walter Reed Medical Center, 28 percent had traumatic brain injury.

The DVBIC trains combat medics, surgeons, general medical officers and Reservists in the recognition and best practices of TBI care and provides continuity of care from the battlefield to rehab and back to active duty or civilian life.

Continued congressional support is vital. Traumatic brain injury is a unique issue, an epidemic so vast it is almost overwhelming and so personal its effects defy definition. Passage of this resolution will confirm our commitment to awareness and education and prevention and research.

I encourage my colleagues to vote in favor of H. Con. Res. 99, to designate a National Brain Injury Awareness Month in support of our common goal, the eradication of traumatic brain injury as a debilitating, costly and deadly plague on humankind.

I must say in conclusion, Mr. Speaker, that what has happened over the past 5 or 6 years gives us a tremendous amount of hope in developing that part of the brain which has not been injured to compensate for that part which has been injured. We are truly living in great times.

Mr. PLATTS. Mr. Speaker, as a Co-Chair of the Congressional Traumatic Brain Injury Taskforce, I rise in strong support of House Concurrent Resolution 99. This resolution will help increase awareness for traumatic brain injury (TBI), the leading cause of death and disability among children and young adults in the United States.

Mr. Speaker, few Americans may understand the amount of devastation caused by TBIs every year. This year alone, over 1.4 million people will sustain a traumatic brain injury. Sadly, at least 80,000 of those individuals will remain permanently disabled from the trauma.

Falls, motor vehicle crashes, sports injuries, and violence are among the major causes of TBI, leaving every individual susceptible. Additionally, TBIs can manifest themselves in various ways, from a small behavioral change to complete physical disability, and even death. Brain injuries affect the whole family emotionally and financially, often resulting in huge medical and rehabilitation expenses.

It is now especially important that we promote awareness for TBI because military doctors are naming it the signature wound of the war in Iraq. Thanks to the state-of-the-art body armor with which our men and women overseas are equipped, they are able to survive violent attacks, while still receiving a blunt force to the head. Walter Reed Memorial Hospital found that over 60% of all soldiers wounded in an explosion, vehicle accident, or gunshot to the head or neck, sustained a Traumatic Brain Injury.

Mr. Speaker, because all of our fellow citizens have family, friends and neighbors who could fall victim to TBI at any time, I urge support from my distinguished colleagues for this resolution here today.

Mr. BROWN of Ohio. Mr. Speaker, I have no further speakers, and I yield back the balance of my time.

Mr. DEAL of Georgia. Mr. Speaker, I yield back the balance of my time and urge the adoption of the resolution.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Georgia (Mr. DEAL) that the House suspend the rules and agree to the concurrent resolution, H. Con. Res. 99.

The question was taken; and (two-thirds having voted in favor thereof) the rules were suspended and the concurrent resolution was agreed to.

A motion to reconsider was laid on the table.

□ 1300

SUPPORTING THE GOALS AND IDEALS OF NATIONAL NURSES WEEK

Mr. DEAL of Georgia. Mr. Speaker, I move to suspend the rules and agree to the resolution (H. Res. 245) supporting the goals and ideals of National Nurses Week, as amended.

The Clerk read as follows:

H. RES. 245

Whereas since 2003, National Nurses Week is celebrated annually from May 6, also known as National Nurses Day, through May 12, the birthday of Florence Nightingale, the founder of modern nursing;

Whereas National Nurses Week is the time each year when the importance of nursing in health care can be demonstrated;

Whereas well-trained health professionals are the cornerstone of the Nation's complex health system;

Whereas registered nurses (''RNs'') represent the largest single component of the health care profession, with an estimated 2.7 million RNs in the United States;

Whereas nurses historically have provided hands-on patient care at the bedside, and will continue to do so;

Whereas nurses have a mandate to serve those in need, and to try to ease the suffering of those in pain;

Whereas nurses also are deeply involved in health education, research, business, and public policy;

Whereas nurses bear the primary responsibility for the care and well-being of hospital patients;

Whereas unfortunately, too few nurses are caring for too many patients in our Nation's hospitals;

Whereas according to a report from the Department of Health and Human Services, the United States currently has a nurse shortage of nearly 150,000 RNs and will have a shortage of more than 800,000 RNs by the year 2020;

Whereas cutting-edge technologies are useless without a staff of trained professionals to implement them; and

Whereas nurses are the unsung heroines and heroes of the medical profession: Now, therefore, be it

Resolved, That the House of Representatives—

(1) recognizes the important contributions of nurses to the health care system of the United States;

(2) supports the goals and ideals of National Nurses Week, as founded by the American Nurses Association; and

(3) encourages the people of the United States to observe National Nurses Week with appropriate recognition, ceremonies, activities, and programs to demonstrate the importance of nurses to the everyday lives of patients.

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from Georgia (Mr. DEAL) and the gentleman from Ohio (Mr. BROWN) each will control 20 minutes.

The Chair recognizes the gentleman from Georgia.

GENERAL LEAVE

Mr. DEAL of Georgia. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days within which to revise and extend their remarks on this legislation, and to insert extraneous material on the bill.

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

There was no objection.

Mr. DEAL of Georgia. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I rise today in support of House Resolution 245, a resolution

supporting the goals and ideals of National Nurses Week.

Nurses are an integral component of the health care system, and it is important that we recognize the over 2.7 million registered nurses for the significant work that they do. For the last 3 years, we have celebrated National Nurses Week. Beginning on May 6, we will once again have the opportunity to truly commend the nursing community for their contributions to our national health delivery system.

I thank Representative EDDIE BERNICE JOHNSON for introducing this resolution, and I encourage my colleagues to support it.

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

Mr. BROWN of Ohio. Mr. Speaker, I yield 5 minutes to the gentlewoman from California (Mrs. CAPPS), who is a nurse and also is one of the most outstanding members of the Commerce Committee specializing in the incredibly good work on public health.

Mrs. CAPPS. Mr. Speaker, I thank my colleague for yielding me time.

Mr. Speaker, I want to commend the chairman of the Health Subcommittee and Energy and Commerce, Mr. DEAL from Georgia, and also the ranking member, Mr. BROWN, both of you for your advocacy for nurses and for health care in general; and I also commend my friend and fellow nurse, EDDIE BERNICE JOHNSON from Texas, for introducing this resolution.

As we observe National Nurses Week May 6 through 12, our goal is to raise awareness about important issues facing the nursing community here in the United States. After all, the priorities of this Nation's nearly 2.9 million nurses do reflect the priorities of everyone when it comes to health care issues.

Nurses serve their patients in the most important capacities. We know that they serve as our first lines of communication when something goes wrong or when we are concerned about health. They check their vital signs and collect our patient histories. They are critical players in the performance of life and death surgery and procedures.

They attentively care for the most vulnerable patients in the ICU and the newborn nurseries and in our senior centers, and they serve as essential first responders in times of disaster.

Beyond that, it is nurses who sit patiently with their patients to educate them about important preventive and follow-through health care. They are there for patients and their families, giving them the moral support needed when faced with an ominous diagnosis. They are the ones who advocate on behalf of patients for quality health care.

Unfortunately, today our Nation is experiencing a crisis, a crisis in the nursing shortage. Currently, it is at 6 percent. That means 6 percent fewer nurses today at work, in hospitals, in public health, in clinics, than is needed for the health and safety of this country; and that number is surely going to grow unless we make some serious investments now.

For several years in a row, this administration has proposed flat funding of nurse education programs. Without enough nursing educators, those to train the next generation of nurses, we cannot deal with the shortage. At the same time, we are all aware of our budget deficit, which is the reason given for not funding nurse educator programs.

I come back to the fact, educating the next generation of nurses and nurse educators is something that cannot be compromised. I know, Mr. Speaker, that this message is getting through to my colleagues. This year, over 150 Members of Congress in a bipartisan way supported an appropriations request to increase nurse education funding.

To repeat, 150 Members of Congress supported an appropriations request to increase nurse education funding.

But we must build on this momentum now and ensure that funding is increased this year and next year. Investments in nurse education now will mean a greater ability to provide quality health care to Americans in years to come.

Studies have indicated there is a strong correlation between the shortages of nurses and morbidity and mortality rates in our hospitals. Other research studies today in America are revealing that Americans on average are less healthy than people living in other industrialized nations. Just this week, new research specifically revealed the greater incidence in which Americans suffer from illness than their counterparts in England.

Now, it is not my attempt to make assumptions about the reason for this. But I can tell you beyond a doubt that, by increasing our investments in nurses and providing better working conditions for nurses, we can improve the health of all Americans. So I urge my colleagues to support this resolution, support the goals of National Nurses Week.

Mr. BROWN of Ohio. Mr. Speaker, I yield 5 minutes to the sponsor of this resolution, the gentlewoman from Texas (Ms. EDDIE BERNICE JOHNSON), a nurse, also very involved in public health issues in Congress.

Ms. EDDIE BERNICE JOHNSON of Texas. Mr. Speaker, I rise in support of this resolution supporting the goals and ideals of National Nurses Week, and I am indebted to my colleague from California for her scholarly presentation.

I started my career as a nurse and worked for more than 15 years as a psychiatric nurse, and it helps me here. I was the chief psychiatric nurse at the VA Hospital, Day Treatment Center, as well as the Day Hospital in Dallas, Texas.

Next week, May 6–12, is National Nurses Week; and it is fitting for this body to honor the millions of nurses in America.

Nurses are usually very, very dedicated individuals. In my personal experience, nurses tend to be intelligent, detail oriented. They tend to be ready to act at the spur of the moment, and with knowledge.

Their work touches all aspects of patient care, whether it is in the emergency room, in the operating room, in the doctor's office, at the neighborhood clinic, in the schools, and battlefields. Nurses stand at the forefront of many lines of our health care system, and they must make life and death decisions, often with little advance notice, and they have frequent hands-on contact with the patient.

For these reasons, a caring attitude and compassionate heart are required for the hard work nurses do. In my years as a nurse, I have seen miracles and I have seen tragedies. At the VA, I worked with soldiers fresh from battle, as well as men and women who fought bravely years before. It was an honor to serve America's veterans, each one on his or her individual path to recovery of good health.

Nurses Week is really appropriate, because there hardly is anyone alive who will be born and finish life without contact with a nurse.

We have a severe shortage right now; and I would hope that we would be more open to attempting to get more nurses, American-educated nurses, so that we will not lose the care that the nurses give. They work very hard for their patients. The American public needs to know that Congress recognizes nurses for the great work they do.

I thank the leadership for its support of this bill. I would like to especially thank the two other Members of Congress who also are nurses for their collaboration and united stance in support of issues important to nurses. Both of them have been more active since than I have in nursing. But it is an old saying, once a nurse, always a nurse.

I commend this legislation to my colleagues and urge their support.

Mr. BROWN of Ohio. Mr. Speaker, I will close and yield myself such time as I may consume.

Mr. Speaker, I thank Ms. EDDIE BERNICE JOHNSON and Mrs. CAPPS for their commitment to public health and for bringing this resolution to the floor today.

Our health care system depends on the 2.7 million registered nurses who have dedicated themselves to providing the highest quality of care in our hospitals, in our clinics, in our long-term care facilities and our doctors' offices.

To recognize the dedication of these women and men, we celebrate their accomplishments during National Nurses Week held every year during the week leading up to the May 12 birthday of Florence Nightingale, the founder of modern nursing.

This year, National Nurses Week highlights nurses' strength, commitment and compassion. These qualities are rare, and they help explain why our health care system would falter without the contribution of registered nurses.

Nurses are the center of our efforts to improve the Nation's health. They are at the front lines administering care, educating the public, helping patients and the families cope with the challenges of injury and illness.

Unfortunately, as we hear too often, we are facing a serious shortage of nurses; and that shortage is growing, so much so that the Department of Health and Human Services recently predicted a shortage of more than 800,000 nurses, keep in mind we have 2.7 million nurses today, a shortage of 800,000 nurses by the year 2020.

With fewer and fewer trained hands and minds at the bedside and in the doctor's office, leaving overworked nurses to handle more and more patients, we can only expect the availability of quality health care to decline.

We need to invest in attracting and training a new generation of nurses and to foster retention for those who are already practicing. Resolution 245 honors the goals of National Nurses Week, raises the awareness of the vital role that nurses play in our health care system, and focuses attention on the unmet challenge that we face as the shortage of nurses intensifies.

Mr. Speaker, I thank the chairman and ranking member of the Energy and Commerce Committee for bringing this measure to the floor. I thank EDDIE BERNICE JOHNSON, and I am pleased to support it.

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

Mr. DEAL of Georgia. Mr. Speaker, I yield myself the balance of our time.

Mr. Speaker, I, too, would repeat my expression of appreciation for our colleague, Ms. JOHNSON, for bringing this resolution today and commend all of those in our society who have chosen the field of nursing as their profession and encourage others to do so and follow their example.

Mr. Speaker, it is appropriate that we honor them by this resolution.

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

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Georgia (Mr. DEAL) that the House suspend the rules and agree to the resolution, H. Res. 245, as amended.

The question was taken; and (two-thirds having voted in favor thereof) the rules were suspended and the resolution, as amended, was agreed to.

A motion to reconsider was laid on the table.

GENERAL LEAVE

Mr. DREIER. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days within which to revise and extend their remarks and insert extraneous material regarding H.R. 4975.

The SPEAKER pro tempore (Mr. DEAL of Georgia). Is there objection to the request of the gentleman from California?

There was no objection.

LOBBYING ACCOUNTABILITY AND TRANSPARENCY ACT OF 2006

The SPEAKER pro tempore. Pursuant to House Resolution 783 and rule XVIII, the Chair declares the House in the Committee of the Whole House on the State of the Union for the consideration of the bill, H.R. 4975.

□ 1313

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 consideration of the bill (H.R. 4975) to provide greater transparency with respect to lobbying activities, and for other purposes, with Mr. BOOZMAN in the chair.

The Clerk read the title of the bill.

The CHAIRMAN. Pursuant to the rule, the bill is considered read the first time.

The gentleman from California (Mr. DREIER) and the gentlewoman from New York (Ms. SLAUGHTER) each will control 30 minutes.

The Chair recognizes the gentleman from California.

Mr. DREIER. Mr. Chairman, I yield myself such time as I may consume.

Mr. Chairman, I was just listening to the debate on the last bill considered under suspension of the rules, and I saw a wonderful sense of bipartisanship as we were able to pass, I suspect we may have a vote on it, but I know it will pass overwhelmingly, the legislation by our good friend from Dallas, Texas, Ms. EDDIE BERNICE JOHNSON.

It is my hope that, as we proceed with this very important issue, that that same sense of bipartisanship can prevail. Because I believe that it is absolutely essential to dealing with the challenge that lies ahead.

Mr. Chairman, as you know very well, recent scandals involving elected representatives from both political parties have underscored the very urgent need for us to reform ethics and lobbying rules.

□ 1315

The American people and Members of Congress are very correctly incensed about this. I believe that it is absolutely outrageous some of the things that we have seen from both political parties over the past several months.

Action, common-sense action, Mr. Chairman, is absolutely needed, and that is why I am very proud that Speaker Dennis Hastert 4 months ago stepped up to the plate and said this is exactly what we need to do, is we need to take strong action.

Republicans and Democrats have worked together tirelessly on this issue over the past 4 months. The goal is to strengthen and reform House rules, as well as that 1995 Lobbying Disclosure Act which we very proudly put into place when we won the majority back in 1994.

Our aim, our goal, is a Congress that is effective, a Congress that is ethical, and a Congress that is worthy of the public trust. Now, I know that the American people should understandably have a healthy skepticism towards this institution. That is what Thomas Jefferson wanted. But, at the same time, it is very important that we do what we can to enhance the level of trust that the American people have in their elected representatives.

We know right after this began, at the beginning of this second session of the 109th Congress, we stepped right up and were able to take very bold action to bring about reform. On our very first day of legislative business we voted to level the playing field by ending the access to the House floor and gym by former Members of Congress who are registered lobbyists. This rule change was supported by 379 of our 435 Members.

At the beginning of the last month, we took a second step in the name of balance and fairness. In another bipartisan vote, the House closed an enormous loophole in campaign finance regulations. Integrity in our elections was a key focus of our reform efforts, and the 527 Reform Act makes sure campaign finance laws apply across the board.

Now we are considering the comprehensive reform package, H.R. 4975, the Lobbying Accountability and Transparency Act of 2006. Mr. Chairman, this legislation seeks to uphold the highest standards of integrity when it comes to Congress' interaction with outside groups.

I am very proud of the process and the results of this multi-month effort that we have seen. Anyone, anyone, Democrat and Republican alike, outside groups, academics, anyone who wanted to offer any suggestion, any proposal at all, make any comment on any part of the legislation has had that opportunity. This has been a very thorough and, again, a very bipartisan process.

Mr. Chairman, we already conducted a very spirited and worthwhile debate just last Thursday when we were considering the rule that allows us to consider this legislation; and, from that debate, it was very clear to me that there is a lot of confusion over H.R. 4975. Frankly, Mr. Chairman, as I have read editorials for a wide range of publications here in this town and across the country, there is an awful lot of confusion as to what this bill actually does. So I thought that I would take just a moment to summarize for our friends here in the House and for anyone who might be following this, any editorial writer out there, I would like to summarize what this legislation will and will not do.

Mr. Chairman, this legislation will enhance transparency and accountability in Congress through increased disclosure and tighter rules. No matter what anyone says, Mr. Chairman, this legislation does increase transparency

and accountability through toughening up disclosure and tightening the rules.

Mr. Chairman, this legislation will fulfill the public's right to know who is seeking to influence their Congress.

This legislation will provide brighter lines of right and wrong and more rigorous ethics training so that everyone can understand what is right and what is wrong here. I was taught that as a kid, but obviously there has been some confusion and in the past there have been gray areas. This legislation creates that clear definition and provides an opportunity for greater training for Members and staff so they can have an understanding of it.

This legislation will significantly reform the earmark process to foster more responsible and accountable government spending.

I read one editorial in which they said this bill does not tackle the so-called Bridge to Nowhere issue. Well, Mr. Chairman, anyone who has followed this debate knows that full well that last week when we were debating the rule, the Speaker, the majority leader, I, the whip, others made have a very strong commitment, working with the Appropriation Committee, that the Senate has passed language which we think is very good.

It is language which says that when we look at the issue of earmark reform so we can have greater accountability when it comes to spending that it should not simply focus on the appropriations process. It should be universal and go across the board to the other committees as well. That commitment was made a week ago, and yet some people seem to think that we are not willing to take that on.

Mr. Chairman, this legislation will considerably increase fines and penalties for violating the transparency and accountability provisions.

This legislation will give a new authority to the House Inspector General to perform random audits of lobbyist disclosure forms and refer violations to the Department of Justice.

Now, Mr. Chairman, here is what this legislation will not do. It will not permit business as usual. It will not perpetuate the status quo.

Mr. Chairman, while this body is united in its desire for reform, we clearly have disagreements over some of the specifics. Some think that this bill goes too far; some think that this bill does not go far enough; and, frankly, I wish that this bill were stronger than it is. But we are getting ready to take this very important step to go into conference with the Senate; and, as we do that, I believe that we can come back with a stronger bill. This is what I am hoping will happen, but we must proceed with this measure so that we can make that happen.

Yet today we stand, as I said, on the starting blocks of our reform effort, and the single most important thing that we can do at this stage is to keep the process of reform moving. That is really what this is all about today, Mr. Chairman. We know full well that they are going to get a lot of people standing in the way, and yet we need to take this step forward, and that is what H.R. 4975 does.

There is no question whatsoever that this bill, regardless of what anyone says about it, that it represents progress. It is a move in the right direction, and a lot of us want to do more, but this is a bill that moves us in the right direction.

There is no question at all that it is a vast improvement over the status quo, and there is no question that it does put us on a path towards that very important conference that we will have with our friends in the other body.

Now, of course, Mr. Chairman, there are many up there who want to engage in nothing but criticism. They want to say no. They want to defeat this effort for real reform. They want to just criticize what it is that we are trying to do here when we have been able to fashion a bipartisan package. But to what end? To protect the current system? Because this is really what is going to happen. I mean, if we pass the previous question, if we defeat this legislation, all we will be doing is perpetuating the status quo because it will slow the process of reform. The same system that we have spent 4 months decrying, as we sought this reform, would be perpetuated.

It defies logic, Mr. Chairman, to criticize the current standards and then vote to keep them in place, because that is exactly what will happen. With their recommittal motion, that is exactly what will happen with any attempt to defeat this measure.

Mr. Chairman, Winston Churchill, I think said it very well, when he wrote: Criticism is easy; achievement is difficult.

Mr. Chairman, this is no time for us to recoil in our effort to bring about reform. By voting yes for this bill, the House will vote for achievement, for progress and for rebuilding the trust of the American people. A vote for H.R. 4975 is a vote for reform.

Mr. Chairman, after we pass this bill, let me tell you what is next on our agenda: more reform. The Republican party is the party of reform. The Republican party has and will continue to reach out to our Democratic colleagues who are reform-minded to continue down this road towards reform.

The drive for reform never stops. We have demonstrated that consistently in the past, and we will continue to do so in the future. It is a continuous, ongoing process that takes both perseverance and commitment.

Mr. Chairman, I believe that it is absolutely essential for us to continue down the road towards reform so that we can make this institution more effective and more respected.

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

Ms. SLAUGHTER. Mr. Chairman, I yield myself such time as I may consume.

There is certainly an ''Alice in Wonderland'' quality to this debate already this afternoon where Alice could believe 90 possible things before breakfast, and to believe that we all worked together on this bill is absolutely not true. Democrats and Republicans have worked hard, but in different alleys, going in different directions.

To that end, I would like to submit for the RECORD at this point from The Post this morning an editorial entitled, ''Kill this Bill,'' along with several others. Every editorial group and outside organizations have said this bill is a hollow sham.

[From washingtonpost.com, May 3, 2006]

KILL THIS BILL

''Bold, Responsible, common-sense reform of our current lobbying and ethics laws is clearly needed,'' House Rules Committee Chairman David Dreier (R-Calif.) told his colleagues on the House floor last week. ''We owe it to our constituents. We owe it to ourselves. We owe it to this institution.''

Very true—which is why House members should reject the diluted snake oil that Mr. Dreier and the GOP leadership are peddling as bold reform. Their bill, which is expected to come before the House for a vote today, is an insult to voters who the GOP apparently believes are dumb enough to be snookered by this feint. The procedures under which it is to be debated, allowing only meaningless amendments to be considered, are an insult also—to the democratic process.

At best the bill would marginally improve the existing arrangement of minimal disclosure, laxly enforced. Reporting by lobbyists would be quarterly instead of twice yearly and slightly more detailed (with listings of lobbyists' campaign contributions—already available elsewhere—along with gifts to lawmakers and contributions to their charities). Nothing would crimp lawmakers' lifestyles: Still allowed would be meals, gifts (skybox seats at sporting events, say) and cut-rate flights on corporate jets. Privately sponsored travel would be suspended, but only until just after the election.

The provisions on earmarks are similarly feeble. Lawmakers who insert pet projects in spending bills would have to attach their names to them—but that's all. If that happens, these provisions wouldn't be subject to challenge. Earmark reform that wouldn't allow a vote to stop future ''Bridges to Nowhere'' isn't real reform.

Matching the anemic measure is the undemocratic procedure under which it will be ''debated'' on the House floor. Nine amendments are to be considered, including such tough-love provisions as ''voluntary ethics training'' for members and holding lobbyists liable for knowingly offering gifts whose value exceeds the gift limit. (Not to worry: Legislators wouldn't be liable for accepting them.) The Rules Committee refused to permit votes on amendments to strengthen the measure, including proposals to establish an independent ethics office; to require lawmakers to pay full freight for chartered flights; or to double the waiting period for lawmakers to lobby their former colleagues from one year to two. Neither would the majority risk an up-or-down vote on the much more robust Democratic alternative.

Democrats tempted to vote for this sham because they're scared of 30-second ads that accuse them of opposing lobbying reform ought to ask themselves whether they really think so little of their constituents. As for Republicans willing to settle for this legislative fig leaf, they ought to listen to Rep. Christopher Shays (R-Conn.). ''I happen to

believe we are losing our moral authority to lead this place,'' Mr. Shays said on the House floor last week. He was generous not to have put that in the past tense.

[From USA Today, April 24, 2006]

SNOW JOB ON LOBBYING

Congress still doesn't get it. After more than a year of negative headlines about political corruption and money-soaked alliances with lobbyists, House leaders are weakening their already anemic excuse for reform.

They hope to pass the plan this week and then, with the glowing pride of grandees doling pennies to the poor, con the public into believing they're actually giving up enough of their prized perks to make a difference.

The plan—pushed by Rules Committee Chairman David Dreier and Majority leader John Boehner contains a few enticing illusions, such as modest changes in disclosure rules and pork-barrel spending restraints. But it's far from anything lobbyists might fear. In light of the tawdry political culture exposed by the sprawling case of super lobbyist Jack Abramoff, awaiting sentencing in Washington, the measure is most noteworthy for what it would fail to do:

Cushy travel paid for by private groups—a device lobbyists use to buy favors—would be banned, but only until after the election. Next year, it would be back to business as usual.

Lobbyists would be barred from flying on corporate jets with members of Congress, a response to calls to abolish this cozy form of special-interest access. But nothing would prevent executives who aren't registered lobbyists from continuing to do the same thing. And nothing would alter the practice of routinely making these planes available for members' political or personal trips at deeply subsidized fares.

There's no provision for creating a much-needed independent, non-partisan Office of Public Integrity to give credibility to probes of ethics complaints. Ethics committees of the Senate and House of Representatives have proven inadequate for the task.

House Republican leaders have dropped proposed requirements that lobbyists disclose which lawmakers and aides they have contacted and how they have raised money for politicians. As a result, lobbyists banned from paying $100 for a congressman's restaurant dinner would remain free to pay $25,000 or $50,000 to underwrite a fundraising party to ''honor'' the member.

Most rules allowing members of Congress and their staffs to accept gifts from lobbyists would remain unchanged.

The sorry record of this Congress cries out for real reform, not a toothless sham. One member has been sent to prison for extorting bribes from lobbyists and favor-seekers. Former House majority leader Tom Delay is under indictment on political money-laundering charges, two of his former aides have pleaded guilty to corruption charges, and he's quitting because he fears the voters' backlash. At least a half-dozen other members, from both parties, are under investigation by various federal agencies on everything from bribery to insider trading.

Not coincidentally, polls show public disillusionment with Congress at the highest levels in more than a decade. This is fueled in part by the lobbying and corruption scandals that show special interests and self-interest trumping the public interest.

If the self-righteous incumbents can't do better than this outrageous substitute for needed reform, they will deserve to be defeated in November.

[From the New York Times, Apr. 30, 2006]

NOW YOU SEE IT, NOW YOU DON'T

The inclusion of something termed ''ethics training'' in the House Republican majority's pending lobbying reform bill is the ultimate touch of drollery. It is a public relations kiss-off acknowledging growing concern about the appearance of scandalous money ties between Congressional campaigners and their claques of loyal lobbyists. At the same time, it is clear notice that this ethically challenged Congress has no intention of doing anything serious about reform. The House majority leader, John Boehner, conceded as much in observing, ''The status quo is a powerful force.''

As it is, Mr. Boehner has had to drag his members kicking and screaming to a vote this week on the cut-and-paste figments of reform that the House G.O.P. will be peddling to the voters this fall. The bill is even weaker than the Senate's half-hearted measure. Rather than banning gifts and campaign money from lobbyists, the bill embraces disclosure—the equivalent of price lists for the cost of doing business with a given lawmaker. A bipartisan attempt at true reform was squelched as non-germane, as if the need to create an independent ethics enforcement body is not obvious by now after the lobbyist corruption story of Jack Abramoff and his back-door power over lawmakers.

The Democrats are right to oppose the measure. Some Republicans, worried that it will be properly perceived as the Bill to Nowhere, did point out loopholes in the proposal to rein in the pork-barrel earmark gimmickry dear to lawmakers and lobbyists. But no credible fix was made.

[From the Houston Chronicle, Apr. 26, 2006]

STILLBORN REFORM

After tough jawboning about ethics reform in response to the scandal centered on convicted lobbyist Jack Abramoff, House Republican leaders have produced legislation that mocks its title, the Lobbying Accountability and Transparency Act of 2006.

In fact, the bill does little to increase accountability in the lawmaker-lobbyist relationship and is transparent only in its display of political showmanship and the absence of substance. Even after the conviction of a California congressman for bribery, the guilty pleas of two former aides to U.S. Rep. Tom DeLay and the widening net of the federal Abramoff probe, Congress, seems to be falling back into a ''What, me worry?'' posture.

The House version that might be voted on this week is even weaker than its Senate counterpart, which government watchdog groups criticized as toothless. Jettisoned from the proposal were strictures on gifts to elected officials and a requirement that legislators pay private charter rates for transportation on corporate jets. A ban on elected officials' acceptance of free junkets from private groups will extend only until after the next election, an indication that Congress lacks the resolve to give up a major perk.

Dropped by the wayside was a plan to invigorate the slumbering congressional ethics committees with an independent public integrity office. Also deleted were requirements that lobbyists disclose contacts with lawmakers and fund-raising efforts on their behalf, a system that allows lobbyists to funnel other people's campaign cash to buy influence with key officials. A spokeswoman for House Rules Committee Chairman David Dreier, R-Calif., told Roll Call the provision was removed because it ''could have a chilling effect on lobbying.''

Given the disproportionate influence of highly paid special interest advocates on the legislative process in Washington, we thought limiting lobbyist clout over lawmakers was the whole point of reform. Dreier is apparently more concerned with the health and welfare of lobbyists than his own legislative body's reputation.

In a letter to lawmakers, a coalition of pro-reform groups appealed for the defeat of the legislation and the enactment of tough measures to rein in the influence of lobbyists. According to the missive, ''H.R. 4975 represents an effort by Members to have it both ways—holding on to the financial benefits and perks they receive from lobbyists and other special interests, while claiming that they have dealt with the lobbying and ethics problems in Congress. . . . The public will not be fooled by this phony game.''

Democracy 21 President Fred Wertheimer said the House bill ''is apparently based on the premise that you can fool all of the people all of the time.'' He points out the misleading language of the legislation, including ''a section called 'Curbing Lobbyists' Gifts' that doesn't curb gifts from lobbyists, and a section called, 'Slowing the Revolving Door,' that contains no provisions to slow the revolving door.''

How many more members of Congress, their aides and lobbyists have to be convicted of fraud, bribery and abuse of voter's trust before legislators get the message that the public is serious about ethics reform?

In pretending that their bill is something other than a self-serving sham, House leaders demonstrate just how out of touch they are. If it passes, the next chance for ethics reform may come at the polls in November.

[From Star-Telegram.com, May 3, 2006]

''ONE OF THE GREATEST LEGISLATIVE SCAMS THAT I HAVE SEEN''

(By Molly Ivins)

AUSTIN.—Either the ''lobby reform bill'' is the contemptible, cheesy, shoddy piece of hypocrisy that it appears to be . . . or the Republicans have a sense of humor.

The ''lobby reform'' bill does show, one could argue, a sort of cheerful, defiant, flipping-the-bird-at-the-public attitude that could pass for humor. You have to admit that calling this an ''ethics bill'' requires brass bravura.

House Republicans returned last week from a two-week recess prepared to vote for ''a relatively tepid ethics bill,'' as The Washington Post put it, because they said their constituents rarely mentioned the issue.

Forget all that talk back in January when Jack Abramoff was indicted. What restrictions on meals and gifts from lobbyists? More golfing trips! According to Rep. Nancy L. Johnson of Connecticut, former chairwoman of the House ethics committee, passage of the bill will have no political consequences ''because people are quite convinced that the rhetoric of reform is just political.''

Where could they have gotten that idea? Rep. David Hobson, R-Ohio, told the Post, ''We panicked, and we let the media get us panicked.''

By George, here's the right way to think of it: The entire Congress lies stinking in open corruption, but they can't let the media panic them. They're actually proud of not cleaning it up.

The House bill passed a procedural vote last week, 216–207, and it is scheduled for floor debate and a final vote today—which gives citizens who don't like being conned a chance to speak. Now is the time for a little Cain-raising.

Chellie Pingree of Common Cause said, ''This legislation is so weak it's embarrassing.'' Fred Wertheimer, president of Democracy 21 and a longtime worker in reformist vineyards, said: ''This bill is based on the

premise that you can fool all of the people all of the time. This is an attempt at one of the greatest legislative scams that I have seen in 30 years of working on these issues.''

Come on, people, get mad. You deserve to be treated with contempt if you let them get away with this.

I'm sorry that all these procedural votes seem so picayune, and I know the cost of gas and health insurance are more immediate worries. But it is precisely the corruption of Congress by big money that allows the oil and insurance industries to get away with these fantastic rip-offs.

Watching Washington be taken over by these little sleaze merchants is not only expensive and repulsive—it is destroying America, destroying any sense we ever had that we're a nation, not 298 million individuals cheating to get ahead.

I'm sorry that these creeps in Congress have so little sense of what they're supposed to be about that they think it's fine to sneer at ethics. But they work for us. It's our job to keep them under control until we can replace them. Time to get up off our rears and take some responsibility. Let them hear from you.

[From the New York Times, Apr. 26, 2006]

THE LOBBYIST EMPOWERMENT ACT

The House Republican leaders managed a new feat of cravenness during the recent recess, hollowing out their long promised ''lobbying reform'' bill to meet the dictates of—who else?—Washington's power lobbyists.

During two weeks of supposed inactivity, the leadership bill was chiseled down at the behest of K Street to an Orwellian shell of righteous platitudes about transparency and integrity. The measure to be debated this week has been stripped of provisions to require full disclosure of lobbyists' campaign fund-raising powers and V.I.P. access in Congress. The measure buries all attempts at instituting credible ethics enforcement in the House.

The nation should not be fooled. The proposal is a cadaverous pretense that Congress has learned the corrupting lessons of Jack Abramoff, the disgraced superlobbyist; Representative Tom DeLay, the fallen majority leader; and Duke Cunningham, the imprisoned former congressman. It makes a laughingstock of the pious promises of last January to ban privately financed junketeering by lawmakers. Instead, these adventures in quid pro quo lawmaking would be suspended only temporarily, safe to blossom again after the next election.

The bill's cosmetic requirements for limited disclosure are overshadowed by the brazen refusal to plug the loopholes for lobbyists' gifts or to end their lavish parties for ''honoring'' our all too easily seduced lawmakers. The G.O.P. leaders can't even marshal the courage to rein in the shameful use of corporate jets by pliant lawmakers.

It's hard to believe that members of Congress mindful of voters' diminishing respect would attempt such an election-year con. One Republican proponent had the gall to argue that we mustn't ''chill'' the right of lobbyists, the ultimate insiders, to petition government.

The true measure of the debate will be whether the House continues to suppress a bipartisan package of vigorous reforms offered by Martin Meehan, the Massachusetts Democrat, and Christopher Shays, the Connecticut Republican. These measures would at long last galvanize ethics enforcement and crimp the disgraceful symbiosis of lobbyist and lawmaker on Capitol Hill.

[From the Washington Post, Apr. 25, 2006]

SHAM LOBBYING REFORM

Do you remember, back when the spotlight was on Jack Abramoff, how House Republican leaders pledged to get tough on lobbyists? Well, you may; apparently they don't. The House plans this week to take up the Lobbying Accountability and Transparency Act of 2006, a watered-down sham that would provide little in the way of accountability or transparency. If the Senate-passed measure was a disappointment, the House version is simply a joke—or, more accurately, a ruse aimed at convincing what the leaders must believe is doltish public that the House has done something to clean up Washington.

Privately paid travel, such as the lavish golfing trips to Scotland that Mr. Abramoff arranged for members? ''Private travel has been abused by some, and I believe we need to put an end to it,'' said Speaker J. Dennis Hastert (R–Ill). But that was January; this is now. Privately funded trips wouldn't be banned under the House bill, just ''suspended'' until Dec. 15 (yes, just after the election) while the House ethics committee, that bastion of anemic do-nothingness, ostensibly develops recommendations.

Meals and other gifts from lobbyists? ''I believe that it's also very important for us to proceed with a significantly stronger gift ban, which would prevent members and staff from personally benefiting from gifts from lobbyists,'' said Rules Committee Chairman David Dreier (R-Calif.) in—you guessed it—January. Now, Mr. Dreier's bill would leave the current gift limits unchanged.

Flights on corporate jets? No problem; the bill wouldn't permit corporate lobbyists to tag along, but other corporate officials are welcome aboard while lawmakers get the benefits of private jets at the cost of a first-class ticket.

Mr. Dreier's Rules Committee took an already weak House bill and made it weaker. From the version of the measure approved by the House Judiciary Committee, it dropped provisions that would require lobbyists to disclose fundraisers they host for candidates, campaign checks they solicit for lawmakers and parties they finance (at conventions, for example) in honor of members.

The bill would require more frequent reporting by lobbyists and somewhat more detail. Lobbyists would have to list their campaign contributions—information that's available elsewhere but nonetheless convenient to have on disclosure forms. And some additional information would have to be disclosed—meals or gifts that lobbyists provide to lawmakers, along with contributions to their charities. Some lawmakers want to strengthen the bill. But will the Rules Committee allow their proposals to be considered? Rep. Christopher Shays (R-Conn.) would require lawmakers to pay market rates for corporate charters. Mr. Shays and Rep. Martin T. Meehan (D-Mass.) would supplement the paralyzed House ethics committee with an independent congressional ethics office—needed now more than ever. House Democrats have a far more robust version of lobbying reform that deserves an up-or-down vote. Having produced a bill this bad, the Rules Committee ought at least to give lawmakers an opportunity to vote for something better.

Mr. Chairman, the sad thing I think here is that, as hard as we all worked, the Democrat amendments were not allowed. We had one out of the nine that are here today, and our package of rules changes and lobbying reforms were not allowed, but we will have a chance to vote for those on the motion to recommit, and I urge people to do that.

The esteemed Houston Chronicle columnist, Craig Hines, recently wrote that I and my Democrat colleagues are right to assail the lobbying reform bill last week, but he did not let us off the hook. There is one thing we did not do, Mr. Hines said, we should have been tougher, and he is right. There is no need to mince any words here. The issue at hand is just too important to allow for pleasantries.

This bill is a sham; and by promoting it as a real reform measure, Republicans are lying to the American people.

Consider what Mr. Hines said about it. ''The bill,'' he wrote, ''is designed to get the ruling Republicans past the November election. Period.'' He said that with this bill Republicans are hoping to ''keep control of the House with a minimum change in the way the majority party has come to do business.''

And he is not alone. Every major editorial board in the country has roundly denounced this legislation. Today's Washington Post calls it ''deluded snake oil'' and said that it ''is an insult to voters who the GOP apparently believes are dumb enough to be snookered by this feint.''

Last week's Roll Call said the bill ''makes a mockery of its own title''; and the New York Times, calling it the ''lobbyist empowerment act,'' noted that the Republicans have buried ''all attempts at instituting credible ethics enforcement in the House.''

The person who is head of the lobbying organization, when asked about it, he said, oh, that little thing, absolutely in his belief saying there is nothing here.

To my friends on both sides of the aisle, your constituents are watching. If you vote for this bill, you are telling them that you are not serious about ethics reform. You are saying that you accept the leadership that promotes dishonest legislation and one that brazenly lies what its bills will do.

Despite Republican proclamations to the contrary, the scope of what this bill does not do is nothing short of stunning.

In January, the Speaker of the House, Representative HASTERT, called for an end to privately funded travel, but this bill does not end it. It merely bans it until December, one month after the election, when the Ethics Committee is supposed to weigh in on the matter. Of course, Republicans have shut down the Ethics Committee for a year and a half, and I do not expect it to rule on anything significant anytime soon.

Back in January, my colleague on the Rules Committee, Representative DREIER, said we should institute a much stronger gift ban, but the bill does not do that either.

Last week in the Rules Committee, Republicans voted down 20 more commonsense Democratic amendments out of 21 submitted, and that is 95 percent. They rejected an amendment that would prohibit securities trading by

Members and their staff based on nonpublic information. They vetoed a requirement that top officials report contacts that they have with private parties seeking to influence government action. They turned down a ban on gifts from lobbyists and an end to the inherently anti-Democratic K Street project.

Mr. Chairman, these endless omissions would be bad enough on their own, but the real reason why this legislation is such a disappointment, the real reason why it is such a missed opportunity to create the reform Americans are demanding is that it does nothing, nothing, to fix the battered and broken political process of this Congress.

□ 1330

The rules of the House and the procedures enshrined within it during our first two centuries as a Nation were conscientiously designed to be a vaccine against corruption in this body by maintaining an open and transparent legislative process, by allowing bills to be debated and amended, by permitting Members of Congress to actually read and reflect upon legislation before they are forced to vote on it. Through these means, Congress was supposed to be freed from the temptations of corruption that our Founding Fathers knew lurked in the shadows. But during the last 11 years of the Republican leadership, those shadows have spread, and today, it is hard to see the light anymore.

The results have been as outrageous as they have been predictable. Corruption has become commonplace. Members no longer need to fear public scrutiny of their actions because they work in secret, as do the lobbyists who court them and whom they court in return, all 35,000 of them. Nor do they need to forge agreements with others to get provisions through the House; they just slip them into large bills without telling anyone.

The system is broken, and as long as it is broken, it will remain corrupt. This bill was supposed to change this abysmal reality, but it will not change a thing. If we pass this legislation as it is written, secret last-minute perks and protections for big business will still be routinely added to the conference reports. The Rules Committee will still deny anyone not in the majority the right to amend legislation. Major thousand-page bills will still be dropped on the desk of Members only minutes before they have to vote for them. And when the time for the votes has come, the arm twisting and influence peddling on the very floor of this House will continue unabated, and it will go on 10 minutes, 20 minutes, an hour, even 3 hours after votes have officially ended, whatever it takes to jam the agenda of the majority through the gears of our deteriorating democracy.

None of these un-American shameful practices are even addressed in this bill, let alone prohibited. And then, as far as the majority is concerned, that will be that. The public cried out for reform after they realized the degree to which their trust and good will were being abused, and the Republicans promised change, but they have gone back on their word. This is the very opposite of a reform bill. It is instead a steadfast and cynical defense of an indefensible status quo.

Mr. Chairman, let me again address my friends on both sides of the aisle. Some of you may be afraid that a vote against this bill will be portrayed by your opponents back home as a vote against reform. But it does not have to be that way because you do have a choice here today. I will be offering a substitute in the form of a motion to recommit that will do everything the Republican bill does not and will deliver everything that the American people expect from lobbying reform: it will ban travel on corporate jets as well as gifts and meals from lobbyists. It will shut down the K Street Project. It will end the practice of adding special interest provisions to conference reports in the dead of night. It will increase transparency for all earmarks, toughen lobbyist disclosure requirements and, most importantly, set up a structure for real enforcement of lobbyist requirements.

Today is a moment of truth for this Congress. You can vote for the Republican bill before us and tell an entire Nation that you really do not care about what it thinks, or you can vote ''yes'' on the motion to recommit and pass the Democratic substitute. I urge my colleagues in the strongest possible words to do what is right for this Congress and for this Nation.

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

Mr. DREIER. Mr. Chairman, let me just say that I have not been in Alice in Wonderland until I heard my colleague talk about it. So much for bipartisan comity. I am very proud to be working with Democrats on this important legislation, but as I listen to this mischaracterization of our strong bipartisan reform effort, I am somewhat stunned.

Mr. Chairman, I am very happy to yield 4 minutes to an individual who has worked as hard or harder than anyone on this issue of reform, the distinguished chairman of the Committee on Standards of Official Conduct, my Rules Committee colleague, the gentleman from Pasco, Washington (Mr. HASTINGS).

Mr. HASTINGS of Washington. Mr. Chairman, I rise today in strong support of H.R. 4975, the Lobbying Accountability and Transparency Act. Mr. Chairman, the American people have every right to expect the highest ethical standards here in the people's House.

In order to uphold the integrity of Congress as an institution, we must go a step further to enhance transparency and accountability with respect to lobbying activities. The Lobbying Accountability and Transparency Act does just that while preserving the right of Americans to petition their government.

Much like other bills that are brought to this floor, this bill is a compromise, and I would like to commend Chairman DREIER for seeking input from Members on both sides of the aisle, but especially for the long, hard work that he has worked on this issue since the turn of the year. This was no easy task. And as the chairman said, this is only the start of the process. But because this is a compromise, I believe that there are areas in which this bill can be improved. For that reason, I am pleased that we will have an opportunity to consider an amendment later today that I have cosponsored that will further improve the bill with regard to privately funded travel for Members of Congress.

Much concern has been raised in recent months over abuse of House rules that permit Members and staff to accept privately funded travel connected with the performance of their official duties. Upon passage by the House, the legislation before us today would temporarily suspend such travel and direct the Ethics Committee to propose to the House new rules for approving and disclosing privately funded travel.

As several of my colleagues will note later on, I am sure, and have noted in the past, privately funded travel often serves a very useful purpose, and the temporary suspension is not intended to signal that something is inherently wrong with these private trips. Instead, the temporary suspension recognizes that, until a new travel system can be put in place, Members taking such trips do so at considerable risk of public criticism that is in many instances unwarranted.

For that reason, the bipartisan Lungren-George Miller-Hastings-Berman-Cole amendment was proposed as a stop gap measure designed to protect Members and staff who have already made plans to travel during the 6 weeks between now and mid-June when the House is expected to act on recommendations for new travel rules to be proposed by the Ethics Committee.

Very simply, our amendment provides that privately funded travel may be accepted during this interim period whenever two-thirds members of the Ethics Committee vote to approve the proposed trip. This mechanism, which will be in place for only a relatively short period of time, will make it possible for worthwhile trips to go forward while ensuring that all privately funded travel is carefully scrutinized for compliance with applicable House rules.

I am pleased that several of my distinguished colleagues on both sides of the aisle, including the new ranking minority member of the Ethics Committee, Mr. BERMAN, have had a hand in crafting this interim travel approval mechanism. I look forward to working closely with Mr. BERMAN not only to

ensure that this process runs smoothly but also on a bipartisan basis to develop clear and workable rules for approving privately funded travel that the Ethics Committee will communicate to all Members and staff.

Mr. Chairman, I urge adoption of the bill.

Ms. SLAUGHTER. Mr. Chairman, I am pleased to yield 2 minutes to the gentleman from Virginia (Mr. SCOTT).

Mr. SCOTT of Virginia. Mr. Chairman, I rise in opposition to the bill because it does nothing to reduce corruption and lobbying.

Mr. Chairman, I had an amendment that was adopted in the Judiciary Committee. That language was subsequently stripped from the bill by the Rules Committee. That amendment would have simply required a study of the practice by which some lobbyists appear to be charging percentage contingent fees for obtaining earmarks in appropriations bills. Now, when you combine that idea with the K Street Project where you are supposed to be hiring a Republican lobbyist who is supposed to be contributing back to the legislators, you can see just how ugly a practice this can be. My amendment would have simply asked for a study of the prevalence of that practice.

Mr. Chairman, these kinds of contracts are illegal when lobbyists are representing foreign governments and are illegal in some activities involving the Executive Branch. They are illegal in 39 State legislatures. However, it does not appear to be illegal lobbying Congress under Federal law. The Congressional Research Service in a memorandum dated September 21, 2000 cites a legal treatise which says that these contracts furnish the strongest incentive to the exertion of corrupting and sinister influences and are utterly void against public policy.

Supreme Court Justice Oliver Wendell Holmes was cited in that same memorandum as saying that they have a tendency in such contracts to provide incentives towards corruption. In fact, an 1853 Supreme Court case said that common law will not lend its aid to enforce a contract to do an act which is inconsistent with sound morals or public policy, or which tends to corrupt or contaminate by improper influences the integrity of our social or political institutions.

Mr. Chairman, true lobbying reform ought to remove corruption from lobbying, and if we are going to be serious about that, we ought to at least study the prevalence of these contracts which everybody knows has a corrupting influence. By removing the amendment, it is clear that that was not the purpose of the bill, and I urge my colleagues to oppose the legislation.

CONGRESSIONAL RESEARCH SERVICE,
Washington, DC, Sept. 21, 2000.

MEMORANDUM

Subject: Contingency Fees for Lobbying Activities.

From: Jack Maskell, Legislative Attorney, American Law Division.

This memorandum is prepared in response to requests from congressional offices for information about whether one may lawfully have a contingency fee arrangement for ''lobbying'' activities in which the fee for such lobbying activities is contingent upon the success of ''lobbying'' efforts in having legislation passed in the United States Congress.

There is no statute under federal law which expressly addresses the issue of contingency fees with respect to all lobbying activities generally before the Congress. Contingency fees may be expressly barred, however, under certain circumstances. There is in federal law an express prohibition against contingency fee arrangements with respect to seeking certain contracts with the agencies of the Federal Government. Activities which might generally or colloquially be called ''lobbying,'' but which involve making representations on behalf of private parties before federal agencies to obtain certain government contracts, may thus be subject to the contingency prohibitions. The reason for such ban has been explained as follows: ''Contractors' arrangements to pay contingent fees for soliciting or obtaining Government contracts have long been considered contrary to public policy because such arrangements may lead to attempted or actual exercise of improper influence ....''

Contingency fees are also prohibited for lobbying the Congress by persons who must register as agents of foreign principals under the Foreign Agents Registration Act. The prohibition is upon agreements where the amount of payment ''is contingent in whole or in part upon the success of any political activities carried on by such agent.'' The covered ''political activities'' of such agents under the Foreign Agents Registration Act include any activity which the agent ''intends to, in any way influence any agency or official of the Government of the United States ... with reference to formulating, adopting, or changing the domestic or foreign policies of the United States ...,'' and thus include the activities of ''lobbying'' Members and staff of Congress on legislation or appropriations.

Although there is no general, express federal law barring all contingency fees for successful lobbying before Congress, there is a long history of judicial precedent and traditional judicial opinion which indicates that such contingency fee arrangements, when in reference to ''lobbying'' and the use of influence before a legislature on general legislation, are void from their origin (ab initio) for public policy reasons, and therefore would be denied enforcement in the courts. In some instances contingency fee arrangements based on the success of legislation have been upheld in a few courts, however, when the duties contracted for were professional services that did not involve traditional, statutorily defined ''lobbying'' or the use of personal influence before the legislature, or where the client had a legitimate claim or legal right to be asserted in a matter before the legislature (e.g., ''debt legislation'').

The concern of potential temptations from overzealousness and undue influences which certain ''all or nothing'' contingency arrangements might engender has also been the reason behind the public policy disfavoring contingency fees in the case of lobbying the legislature. As summarized in one legal treatise: ''Agreements under which the compensation for procuring or influencing legislative action is made contingent upon the success of the undertaking furnish the strongest incentive to the exertion of corrupting and sinister influences to the end that the desired legislation may be secured, and there is a long line of cases which holds that if the agreement is one in which the compensation is contingent upon success in accomplishing the end sought, it is utterly void as against public policy.''

The United Stats Supreme Court addressed the issue in Hazelton v. Sheckells, in 1906. In that case the Court refused specific performance of a contract to convey a deed as compensation for services where ''the services contemplated as a partial consideration of the promise to convey were services in procuring legislation upon a matter of public interest, in respect of which neither of the parties had any claim against the United States.'' As established in the conveyance document, such agreement ''was in substance a contingent fee,'' dependent upon the passage of legislation by the Congress. Justice Oliver Wendell Holmes, writing for the Court, explained that it was the ''tendency'' in such contract agreements to provide incentives towards corruption, and not necessarily any actual corrupt activity in a particular contract or case, that made these contingent arrangements void for public policy reasons. Thus, the Court found that even though the services in this case were legitimate, that ''[t]he objection to them rests in their tendency, not in what was done in the particular case,'' especially since if there had been undue or improper influence ''it probably would be hidden and would not appear.'' The Court stated that ''in its inception'' the contingency fee arrangement ''necessarily invited and tended to induce improper solicitations, and it intensified the inducement by the contingency of the reward.'' The Court found that earlier Supreme Court precedent had established ''that all contracts for a contingent compensation for obtaining legislation were void,'' and refused to enforce the contract in question.

The judicial disfavor expressed by the Supreme Court for contingency contracts for lobbying on general legislation dates back at least to 1853, when in Marshal v. Baltimore & Ohio R.R., supra, the Court with reference to secret contingent contracts explained:

''It is an undoubted principle of the common law, that it will not lend its aid to enforce a contract to do an act . . . which is inconsistent with sound morals or public policy; or which tends to corrupt or contaminate, by improper influences, the integrity of our social or political institutions. . . . Legislators should act from high consideration of public duty. Public policy and sound morality do therefore imperatively require that courts should put the stamp of disapprobation on every act, and pronounce void every contract the ultimate or probable tendency of which would be to sully the purity or mislead the judgments of those to whom the high trust of legislation is confided.

''. . . Bribes in the shape of high contingent compensation, must necessarily lead to the use of improper means and the exercise of undue influence. Their necessary consequence is the demoralization of the agent who covenants for them; he is soon brought to believe that any means which will produce so beneficial a result to himself are ''proper means''; and that a share of these profits may have the same effect of quickening the perceptions and warming the zeal of influential or ''careless'' members in favor of his bill.''

In a more recent federal case on this subject, a United States Court of Appeals in 1996, in Florida League of Professional Lobbyists, Inc. v. Meggs, upheld against a constitutional challenge on First Amendment

grounds the State of Florida's specific legislative ban on contingency fee contracts for lobbying. The court there reaffirmed, albeit reluctantly, the long-recognized judicial precedents concerning the general public policy against such contingency fees for lobbying. The court noted that there was no direct precedent overturning the older Supreme Court cases directly on point on contingency fees and lobbying, but did seem sympathetic and responsive to the plaintiff's arguments that more modern cases on the First Amendment and compensation for advocacy might eventually warrant a different outcome on this issue:

''Florida points out that in cases decided well before the articulation of 'exacting scrutiny,' the Supreme Court specifically held that contracts to lobby for a legislative result, with the fee contingent on a favorable legislative outcome, were void ab initio as against public policy . . . [citations omitted]. The League does not contest the applicability of these older decisions to this case. And, we are persuaded that these decisions permit a legislature to prohibit contingent compensation. The League, however, suggested at argument that the extensive, interim developments of First Amendment law established conclusively that the Supreme Court today would strike a contingent-fee ban on lobbying.

''This prediction may be accurate, but we are not at liberty to disregard binding case law that is so closely on point and has been only weakened, rather than directly overruled, by the Supreme Court.''

As to State statutory bans on contingency fees for lobbying, it should be noted that as of this writing most of the States (39) have existing in their state codes an express prohibition against such contingency fees for lobbying activities. See, for example, Alabama (§36–25–23(c), Michie's Ala. Code); Alaska (sec. 24.45.121 (a)(6), Alaska Statutes); Arizona (sec. 41–1233(1), Arizona Rev. Statutes); California (Government Code, §86205(f), Annotated Calif. Codes); Colorado (sec. 24–6–308, Colorado Rev. Statutes); Connecticut (§1–97(b), Conn. Gen. Statutes Ann.); Florida (§11.047 [legislature]; §112.3217 [executive branch], Florida Statutes Ann.); Georgia (sec. 28–7–3, Official Code of Georgia Ann.); Hawaii (sec. 97–5, Hawaii Rev. Statutes Ann.); Idaho (sec. 67–6621(b)(6), Idaho Code); Illinois (S.H.A. 25 ILCS 170/8); Indiana (sec. 2–7–5–5, Burns Ind. Statutes Ann.); Kansas (sec. 46–267, Kansas Statutes Ann.); Kentucky (sec. 6.811(9), Kentucky Rev. Statutes); Maine (Title 3, §318, Maine Rev. Statutes Ann.); Maryland (State Government, §15–706, Michie's Ann. Code of Md.); Massachusetts (Ch. 3, §42, Mass. Gen. Laws Ann.); Michigan (sec. 4.421(1) Mich. Compiled Laws Ann.); Minnesota (sec. 10A.06, Minn. Statutes Ann.); Mississippi (sec. 5–8–13(1), West's Ann. Miss. Code); Nebraska (sec. 49–1492(1), Revised Statutes of Neb.); Nevada (sec. 218.942(4), Nev. Revised Statutes Ann.); New Mexico (sec. 2–11–8, New Mexico Statutes); New York (Book 31, Legislative Law, §1–k, McKinney's Consolidated Laws of N.Y. Ann.); North Carolina (sec. 120–47.5(1), Gen. Statutes of N.C.); North Dakota (54–05.1–06, N.D. Century Code Ann.); Ohio (sec. 101–77, Page's Ohio Rev. Code Ann.); Oklahoma (Title 21, §334, Oklahoma Statutes Ann.); Oregon (sec. 171.756(3), Oregon Rev. Statutes); Pennsylvania (65 Pa. Cons. Statutes Ann. §1307(a)); Rhode Island (sec. 22–10–12, Gen. Laws of R.I.); South Carolina (§2–17–110(A), Code of Laws of S.C.); South Dakota (sec. 2–12–6, S.D. Codified Laws); Texas (Government Code, 305.022, Vernon's Texas Codes Ann.); Utah (sec. 36–11–301 (Utah Code Ann.); Vermont (Title 2, 266(1), Vt. Statutes Ann.); Virginia (§2.1–791, Code of Va.); Washington (§42.17.230(f), West's Rev. Code of Wash. Ann.); Wisconsin (sec. 13.625(d), Wise. Statutes Ann.).

As noted, the weight of judicial opinion has been either to uphold such restrictions against challenges, or in some cases in the absence of an express statute to judicially find such contingency fee arrangements void for public policy reasons. In one instance in the 1980's, however, a provision, enacted as a result of a state initiative, barring all contingency fees for legislative lobbying activities was struck down by a state court as an overbroad intrusion into the right to petition the government. The Supreme Court of Montana found the law ''overbroad because it precludes contingent fee agreements that are properly motivated as well as those that are improperly motivated'' and as such, the ''ability of individuals and organizations to fully exercise their right to petition the government may be severely curtailed by this broad prohibition.''

While the existing state of the law is clearly for most States to continue to expressly prohibit by law contingency fee agreements with respect to legislative lobbying on general legislation, and to have those prohibitions upheld (or to consider such contingency agreements void for public policy reasons where there is no express law, as is the case with respect to lobbying before Congress), other interpretations have permitted such arrangements where an agent, attorney or representative is seeking legislation based upon a claim or similar legal interest or right to be asserted against the government, or when such action involves conduct and activity that is done in the normal course of client representation by an attorney and is not expressly contemplated by the original contract.

There have also been cases where legitimate professional services are contracted for, such as, for example, the drafting of legislative language, as opposed to merely engaging another's ''influence'' to ''lobby,'' when such an arrangement for services, even if based on the contingency of the passage of legislation, has been permitted. Such cases have been described as related to contracts where the ''services rendered thereunder did not partake of anything in the nature of lobbying....'' Although relating to legislation, the services in question were not necessarily within a specific or narrow definition of ''lobbying'' in the sense that nothing that was contracted for involved any activities attempting to ''exert private or personal influence with members of the legislature, or in interviewing or bringing pressure to bear on them....'' In making arguments for allowing such contingent fees in cases of professional services rendered in relation to legislation where no undue influences are contemplated or used, and no traditional ''lobbying'' is conducted, it has been suggested that such permissibility of the fee arrangement would have no more ''influencing'' tendency than in the permissible instance of one representing oneself before the legislature (and thus having an even greater financial stake than an agent in the outcome), or if an agent or attorney represented a client before a judicial panel, i.e., a court.

JACK MASKELL,
Legislative Attorney.

Mr. DREIER. Mr. Chairman, I am very happy to yield 1½ minutes to my very good friend from Charleston, West Virginia, a hardworking member of the Rules Committee (Mrs. CAPITO).

Mrs. CAPITO. Mr. Chairman, I would like to thank the chairman of the Rules Committee, Mr. DREIER, for his hard work and leadership in drafting the Lobbying Accountability and Transparency Act of 2006. It has been a tough job, and it has been a pleasure to work with him on this important reform legislation in the Rules Committee.

Mr. Chairman, we are all well aware of the recent scandals that have plagued the House of Representatives. The unscrupulous action of a few Members and staff has severely damaged this hallowed body that we are privileged to serve in. What is even more disturbing is that some see this as an opportunity for political gain. The recent scandals transcend political affiliation and ideology, and it is incumbent upon all Representatives to come together and restore the integrity of the House. This is not the time for catchy phrases and rhetoric. Rather, it is the time for each of us to step up and adhere to the duties as a Member of Congress.

I am especially pleased that this legislation includes language that I sponsored in the Rules Committee to strengthen and improve ethics training for staff and Members of Congress. This section would require all staff to attend an ethics training course or face severe penalty. It also requires that the Committee on Standards of Official Conduct will set up a similar program for Members and strongly encourages them to participate. I certainly plan to.

I realize that this may seem harsh to some, but my staff, who I require to have ethics training, now have benefited greatly from these training sessions, and I firmly believe that all staff should share in this experience. This measure ensures that all staff will receive this training.

This legislation also instructs the Standards Committee to report to the Rules Committee by no later than December 15 on the adequacy of the rules. The legislation is good progress. Thank you for granting me the time, and thank you for your leadership on this issue.

Ms. SLAUGHTER. Mr. Chairman, I yield 1 minute to the gentleman from Washington (Mr. BAIRD).

Mr. BAIRD. Mr. Chairman, all the American people really need to know about this lobbying bill is that our friends on the Republican side of the aisle want to clean up Congress the way teenagers want to clean up their bedrooms. Instead of socks and sweatshirts and whatnot strewn about the floor, we have lobbyists' money and special gifts and favors. And instead of really taking it out and putting it out of the body of this Congress, what they want to do is sweep it under of the bed, so when the public's attention is not looking, we can just call it right back out. This is a sham bill. It is not a real reform.

Let me point out two things that they did not address. This reform bill does nothing to give Members of Congress more time to read legislation. We offered an amendment that would have allowed 72 hours for Members and the

public to read legislation. It was not even allowed to be brought up for debate. This amendment does not do anything to ban insider trading by Members of Congress or lobbyists. It is not illegal currently for Members of Congress to share information with lobbyists who then share it with investors who can make a fortune on this. It is illegal in the private sector, but the leadership on the Republican side refused to make it illegal for Members of this Congress. We are cleaning up Congress the way teenagers clean up their bedroom, and the result will be the same mess we started with.

Mr. DREIER. Mr. Chairman, may I ask of the Chair how much time is remaining on each side.

The Acting CHAIRMAN (Mr. PRICE of Georgia). The gentleman from California has 13 minutes remaining, and the gentlewoman from New York has 19 minutes remaining.

Ms. SLAUGHTER. Mr. Chairman, I yield 2 minutes to the gentleman from Massachusetts (Mr. MEEHAN).

Mr. MEEHAN. Mr. Chairman, I rise in opposition to the so-called Lobbying Accountability and Transparency Act. A poll released just last week found that the Congress had a dismal approval rating of just 22 percent. That is an unprecedented 10 percent drop from the last poll. With this closed rule and this bill, we can see why the American people have lost faith in their elected representatives. This is not real reform; it is a sham.

Congressman SHAYS and I tried to offer a package of amendments to bring transparency and credibility back to the ethics process. Our amendments would have created an office of public integrity, increased grassroots lobbying disclosure, increased general lobbying disclosure, required Members of Congress to pay charter costs for planes made available by corporations, and limited gifts.

□ 1345

I have also worked with Mr. EMANUEL on two more amendments to strengthen this bill. Both were denied.

Instead of allowing an open debate on our proposals, the leadership proposed and decided that it would be business as usual.

What do I mean by ''business as usual''? Well, I mean last year we voted an energy bill written by big oil companies loaded with $12 billion in tax breaks for the oil and gas industry. What was the result? Consumers are suffering with high gas prices at the pump today, over $3 a gallon for gasoline.

Recently, lobbyists for the pharmaceutical industry wrote a prescription drug bill that increased their profits and did nothing to help seniors. The result: seniors are stuck with a confusing prescription drug plan that does little to help them with their costs.

Today, the Republican leadership has chosen to continue to be an outlet for moneyed special interests that are not accountable to anyone. Real lobbying reform must end the practice of corporate lobbyists writing our laws. The so-called Lobbying Accountability and Transparency Act is neither accountable nor transparent. It does nothing to address the problems in the current lobbying system. This bill is not going to fool the public.

Ms. SLAUGHTER. Mr. Chairman, I yield 2 minutes to the gentleman from Texas (Mr. DOGGETT).

Mr. DOGGETT. Mr. Chairman, corruption is rampant in Washington, and we are now in the fifth month of this congressional session. About the only action these Republicans have taken is to enact a harsh punishment. Yes, they have enacted a punishment on all of the fat cats. They have said that lawmakers-turned-lobbyists can no longer use the House gym. Apparently, the thinking here is that fat cats will no longer be entitled to skinny lobbyists.

Where the real sweating has actually taken place in these five months, where the real heavy lifting has occurred, is by Republicans who have been in a continual workout to create the impression they were doing something while actually changing nothing about the way this House operates. It was as if the idea was to have a press conference and give a few speeches and not expect anything to happen because that press conference announcing their legislation was the high-water mark. After that, as to each provision of the bill it was the weak getting weaker at every stage of this process.

How do you measure the cost of corruption to the American people that is occurring here? The cost is reflected in the experience that our seniors (and those who are helping them) are having right now with the prescription drug bill written for pharmaceutical manufacturers instead of the people that needed the help. The cost is reflected in the no-bid contracts, whether in Iraq or in response to Hurricane Katrina, and the price that the jobless, the homeless, and the hopeless are paying for the corruption of this Administration. The cost of a failed energy policy is reflected in the price we pay at the pump every time we fill up. That is the cost of corruption.

The bill before us today is not designed to curb the cost of corruption, just to deflect criticism from Republicans for doing nothing about it. The culture of corruption will not end in this city and in this country with one Member's conviction or resignation, and it certainly will not end when the Republican leadership is here today simply resigned to business as usual.

Ms. SLAUGHTER. Mr. Chairman, I yield 3 minutes to the gentleman from Maryland (Mr. HOYER), the minority whip.

(Mr. HOYER asked and was given permission to revise and extend his remarks.)

Mr. HOYER. Mr. Chairman, who do our Republican friends believe they are fooling today with this so-called lobbying ''reform'' bill?

I submit: not a soul. Certainly not the American people and certainly not editorial writers who have examined this legislation.

The San Antonio New Express called the Republican bill ''a disgraceful sham.''

The Milwaukee Journal Sentinel calls it ''miserable.''

The Philadelphia Inquirer says, ''The House is just playing pretend.''

The New York Times calls it ''an Orwellian shell of righteous platitudes about transparency and integrity.''

And public interest groups have derided this Republican bill as a ''complete joke,'' ''a total scam,'' and ''phony.''

Let no one here be mistaken: this bill is not driven by a desire to address the most serious lobbying and ethics scandal this body has experienced in a generation. I have said before, and I repeat: the failure of ethics and honesty have been of conduct, not of rules. But rules can both inform of expectations and propriety.

The greed and flagrant abuses of convicted felons, former Republican Member Duke Cunningham and Republican lobbyist Jack Abramoff, hang over this House like a dark cloud.

The K Street Project, proudly promoted by Mr. DELAY and Senator SANTORUM and the Republican leadership, in which quid pro quo was the blatantly articulated standard of conduct, is the most flagrant example of the aptly named ''culture of corruption.''

This empty shell of a bill is driven by one thing: the majority's cynical calculation that it will not pay a price with voters this November for failing to take meaningful steps to end this culture of corruption.

The chairman of the Rules Committee was quoted as saying that the adoption of the reform package ''would get this,'' meaning the repeated instances of rules violations and criminal conduct, ''behind us.''

The adoption of this bill or any bill will not do that. Only honest, ethical, principled behavior over a period of time will do that. But a strong reform package would have been a start. Sadly, that has not been an option before us today.

It does not diminish our moral responsibility, however, to demand and ensure ethical and honest behavior by all of us, not an endless political game of cross claims and allegations, but by an Ethics Committee that does not shun its responsibilities and sit moribund in the face of scandal after scandal. The people expect more of us. We should give it to them.

It may be fitting that this do-less-than-the-do-nothing Congress of 1948 Republican Congress is forcing Members to vote on this do-almost-nothing bill.

The American people see right through this ruse.

And they deserve better.

Lobbyists must be required to act honestly and ethically. But, it is Members who have sworn an oath before God and our fellow citizens to uphold the laws and protect the Constitution.

It is Members who bear the direct responsibility for the honest administration of the people's business. This Congress is not meeting that responsibility.

It is clear, Mr. Speaker, that the Republican leadership does not want a real debate on these issues.

Democrats offered a much stronger alternative, but the majority refused to allow it to be considered.

So much for openness, transparency and democracy.

I urge my colleagues: Vote against this Republican ruse.

Mr. DREIER. Mr. Chairman, I yield myself 30 seconds to respond.

My friend said, if we have a small bill. We don't have a small bill. This is a very, very strong package that we have come forward with.

He has talked about outside organizations that have criticized this. I am very happy that three of the recommendations that outside organizations have provided to us are included in this. We have included input from a wide range of entities.

This is a package that does double the disclosure rate for lobbyists when it comes to their activities that relate to this institution. We have very strong reforms.

Mr. Chairman, I yield 1½ minutes to the gentleman from Mesa, Arizona (Mr. FLAKE).

Mr. FLAKE. Mr. Chairman, I commend the leadership for bringing this bill forward. We can beat up on lobbyists all day long. It is an easy thing to do. There has been a lot of it going on; and, in the end, it is neither here nor there, in my view.

What is important is what we do to reform this institution and our own behavior. Part of our behavior that needs reforming is earmarks. Over the past 10 years, we have seen earmarks explode from some 2,000 in all appropriations bills to more than 15,000 today. That is simply, simply unacceptable.

What this legislation does is put a Member's name next to every earmark and ensures that anyone in the House can challenge that earmark at any point in the process. That is real reform because what we need is accountability and transparency. This bill goes a long way toward doing that.

Could it go further in certain areas? Sure it could. We will see some of those in the amendment process. But it is a start, and it is something positive, and we ought to take it in particular regard to earmark reform.

Again, I commend the leadership for bringing it forward and plan to vote for it. I urge all Members to do so as well.

Ms. SLAUGHTER. Mr. Chairman, I yield 3 minutes to the gentleman from Illinois (Mr. EMANUEL).

Mr. EMANUEL. Mr. Chairman, last May, nearly a year ago, my colleagues Mr. MEEHAN, Senator FEINGOLD and I introduced the first lobbying reform legislation in the Congress. It has the support of Public Citizen, Common Cause, and non-partisan scholars like Norm Ornstein and Tom Mann, none of whom support the bill that is on the floor today.

We said then it would take bipartisan cooperation to get real reform. This legislation has chosen politics above progress, business as usual, rather than breaking the gridlock of the special interests.

Today, we are considering the incredible shrinking bill. With each passing day, it has become weaker and smaller. If we were going to vote on it tomorrow, it probably would be a blank page.

The Washington Post calls it a ''watered down sham,'' ''simply a joke,'' ''diluted snake oil,'' and ''an insult to voters who the GOP apparently believes are dumb enough to be snookered by this feint.''

The New York Times called it a ''laughingstock'' and ''an election year con.''

Republican Congressman HEFLEY, the former chairman of the Ethics Committee representing the Republican Caucus, said, ''In terms of ethic process reform, I don't think we have much of that here. And I think actually we are missing an opportunity here.''

Of the restrictive rule, he said, ''The bottom line for me is why can we not have debate and vote on these issues and a number of others? I believe we need to defeat the rule and then do what my majority leader and the chairman have said: work on a bipartisan basis on a new bill, on new rules that will allow some debate.''

He is upset because this bill does not offer an independent Office of Public Integrity. It does not ban gifts from lobbyists. It does not ban lavish junkets. It does not close the revolving door that allows Members of Congress and the administration to go to K Street and become lobbyists. In fact, there are more former Members who are lobbyists today in K Street than there are in either caucus; 270 former Members now lobby the institution. There is no disclosure of lobbyist contacts with members of the administration or disclosure of grass roots lobbying.

Mr. Chairman, we have an institutional problem; and it requires an institutional solution. Whether it is record gas prices, sky-high medical costs, out-of-reach tuition, the American people are paying a price for the House that Jack and Duke and Tom built; and they cannot afford much more.

When you guys came to Washington in 1994, you said you were going to change Washington; and Washington has changed you. It has become clear in the last 12 years, rather than have a contract with America, you have a contract with K Street.

When the gavel for the Speaker comes down, it is intended to open the people's House, not the auction house. When you look at the prescription drug legislation, you look at the energy legislation, you look at what they contributed, you see the results: $86 million for lobbying by Big Oil and $15 billion in taxpayer subsidies to Exxon and Mobil. There is $139 million in contributions and lobbying expenses by the pharmaceutical industry and $140 billion in additional profits by the pharmaceutical company. It is as plain as black and white.

What has happened here in Washington is as clear as night and day. You can either see it for what it is or accept it. This legislation does nothing to reform or change the business and the politics that is conducted here and the vicious circle between K Street and the administration and what happens here in the people's House.

This legislation was supposed to break that gridlock of that triangle. Instead, it reinforces and allows business as usual; and it allows the House that Tom and Jack and Duke built to continue.

You came here as revolutionaries. Rather than change Washington, Washington has changed you and all your principles. As Washington always says, you are firm in your opinion, it is your principles you are flexible on.

This time you have missed a historic opportunity to change Washington. What we have seen is the dominance of the special interests on the people's House. This election is about making sure that gavel returns to the American people and it does not open up this auction House but returns to the people's House.

ANNOUNCEMENT BY THE ACTING CHAIRMAN

The Acting CHAIRMAN (Mr. PRICE of Georgia). The Chair admonishes all Members to direct their remarks to the Chair and not to another in the second person.

□ 1400

Mr. DREIER. Mr. Chairman, that is exactly what I was going to say, what the Chair just said. I am sure that my colleague from Chicago, my very good friend, was not in any way impugning the integrity or motives of any of his colleagues in this institution.

And I should say that the legislation itself very specifically says that no Member may have any decision that is impacted that influences an outside hiring decision that another Member raises, and so that is raised in this.

Mr. Chairman, I yield 1½ minutes to my very good friend, a great reformer, the gentleman from Phoenix (Mr. SHADEGG).

Mr. SHADEGG. Mr. Chairman, I rise in strong support of this bill and commend the chairman for his hard work on it.

Witness after witness on the other side has stood up and said, well, this is wrong with it, and that is wrong with it, and this is wrong with it. I want to make the point that, in the course of this debate, while we have been here on the floor, the press has broken a story that a businessman just pled guilty to paying a $400,000 bribe to a Member of this institution.

Now, I am not going to mention that Member's name. I don't think we need

to sink to that level. But it does yet, once again, in the midst of this debate, illustrate the need for this bill.

Of course you can always stand on the outside and criticize the efforts of those who are in the arena doing the job. But this bill does take steps forward.

My colleague on the other side just said it does nothing to change the policies that govern this institution. That is simply flat wrong. This bill, for example, enacts dramatic new earmark reform which has not existed prior to now, which will shine sunshine on earmarks so that if a Member tries to steer an earmark to their personal benefit, or any earmark, it can be seen.

I would have wished we would move quicker on this, and indeed, perhaps there are some things we could have done sooner. But it takes time to build a coalition. This bill ends the situation right now where a Member convicted of bribery may collect his pension funded by the American taxpayers after his conviction. If that doesn't create a different incentive in this institution, I don't know what it does.

I would reiterate the chairman's marks. You cannot oppose this legislation, vote against it and say you are voting for reform, because what you are doing is leaving in place the current rules which do not go far enough.

I include in the RECORD a letter from the Congressional Research Service referencing the loss of Federal pension annuity payments for conviction of certain crimes and contract issues.

CONGRESSIONAL RESEARCH SERVICE,
Washington, DC, April 27, 2006.

MEMORANDUM

To: Honorable John B. Shadegg
From: Jack Maskell, Legislative Attorney, American Law Division.
Subject: Loss of Federal Pension Annuity Payments for Conviction of Certain Crimes and Contract Issues.

This memorandum is submitted in response to your request for a brief legal analysis of the permissibility of changing, by legislation, the annuity formula and availability of annuity payments under the federal retirement system for federal officers and employees, including Members of Congress, if those employees, officers or Members commit certain federal crimes in the future.

Constitutional considerations concerning the ex post facto clause of the United States Constitution counsel against an attempt to retroactively deprive former or current officers, employees, or Members of Congress their federal pensions, that is, based on a conviction of law for conduct that occurred before the current legislative changes proposed to the pension laws are enacted. A prohibited ex post facto law is one which makes criminal an action which when engaged in was innocent under the law or, as explained by the Supreme Court in 1798: ''Every law that changes the punishment, and inflicts a greater punishment, than the law annexed to the crime, when committed. Chief Justice Marshall explained simply and clearly that an ex post facto law ''is one which renders an act punishable in a manner in which it was not punishable when it was committed.'' Regarding specifically the pensions of federal officers and employees, a lower federal court in the celebrated Alger Hiss case found that the ''Hiss Act'' was, if applied retroactively to deny Alger Hiss his pension, punitive in nature and not regulatory, and was therefore a prohibited ex post facto law adopted by Congress after Hiss had engaged in the subject conduct:

The question before us is not whether Hiss or Strasburger are good or bad men, nor is it whether we would grant them annuities if we had unfettered discretion in the matter. The question is simply whether the Constitution permits Congress to deprive them of their annuities by retroactive penal legislation. We conclude that it does not. We hold that as applied retroactively to the plaintiffs the challenged statute is penal, cannot be sustained as regulation, and is invalid as an ex post facto law prohibited by the Constitution.

Legislation which is prospective only, such as the provisions of the current proposed pension changes in H.R. 4975, 109th Congress, do not appear to offend the constitutional clause relating to ex post facto laws. The provisions of H.R. 4975 would apply the further penalty of loss of creditable service for one's federal annuities to those who are convicted of particular federal offenses (such as bribery, acting as an agent of a foreign principal, and conspiracy to commit such offenses) only after, that is, subsequent to, the enactment of the proposed legislation. It is not a violation of the ex post facto clause to increase by legislation the penalties of criminal offenses committed after the enactment of that legislation.

As to any future annuity payments affected, even those ''earned'' or expected prior to the commission of the particular crime in question, judicial precedents have provided a clear indication that future annuity payments to be provided by the Government for its officers, employees, veterans or others, do not create a current property right or interest in such future payments, but rather create a mere ''expectancy'' or ''government fostered expectation'' which may be modified, revoked or suspended by the authority granting it through subsequent legislation. That is, as specifically found by federal courts, ''even where . . . there has been compulsory contribution to a retirement or pension fund the employee has no vested right in it until the particular event happens upon which the money or part of it is to be paid,'' and thus a ''pension granted by the Government confers no right which cannot be revised, modified or recalled by subsequent legislation.'' There would appear to be no violation or abrogation of any specific ''contract'' by increasing the penalties for the violations of certain specific crimes to include forfeiture or partial forfeiture of anticipated federal annuity payments, even those future benefits which had accrued (or for which credit had been ''earned'') prior to the commission of the crime. It should be noted that the current provisions of the so-called ''Hiss Act,'' originally adopted in 1954, operate in the manner questioned, that is, a federal officer's or employee's annuity payments, even those that were ''credited'' to him or her or ''earned'' over the course of many years with the federal government, may be forfeited upon the subsequent conviction of one of the particular national security-related crimes designated in the Hiss Act.

While there exists no current property interest or vested right in future benefits and payments under the federal retirement system, there are substantial arguments and indications that there does exist a current, vested property interest of federal employees in the contributions that the employees or officers themselves make to the retirement system. In a tax related case, a United States Court of Appeals found that an employee's contributions to the retirement system ''represent valuable rights which were vested in him at the time . . .'' and are therefore currently taxable income to the employee: ''Present vesting of a right, even if its enjoyment is postponed to the happening of a future event, is an important aspect of gross income for income tax purposes.'' As to the employee contributions to and earnings in one's Thrift Savings Plan, the legislative history of the provisions establishing the Federal Employee Retirement System (FERS) indicates that Congress intended for such an account and its earnings to be a current vested property interest of the employee, which is not merely a promised future benefit, but rather ''is an employee savings plan'' where the ''employee owns the money'' which is merely being held ''in trust for the employee and managed and invested on the employee's behalf . . . .'' The United States Court of Appeals for the Federal Circuit has explained that where there is more than the mere expectation in future benefits, and where the employee's rights have already vested in certain amounts, then the retiree has a ''protected property interest'' in such amounts already vested.

There may thus be different legal and constitutional considerations concerning the denial of future annuity payments to federal employees, as opposed to the forfeiture of one's own contributions to the retirement system or to the Thrift Savings Plan. This is not to say, of course, that the Government may not by law provide for the loss or abdication of one's own ''property'' through fine, forfeiture or other such transfer of that money or property, but rather that legislation which would change the current law to require loss or forfeiture of vested ''property'' must meet certain constitutional criteria.

Ms. SLAUGHTER. Mr. Chairman, I yield 2½ minutes to the gentleman from Maryland (Mr. VAN HOLLEN).

Mr. VAN HOLLEN. Mr. Chairman, I thank my colleague, Ms. SLAUGHTER, for exposing this bill for the sham it is. It is an insult to voters around this country, an attempt to create a perception that we are making changes when, in fact, we are not. And not only is the bill snake oil, but the process by which this bill is passed is snake oil.

The previous speaker talked about those who are trying to criticize the process from the outside. Well, let me just tell you a little story. When this bill was before the Judiciary Committee, I offered an amendment. It was a simple amendment to require registered lobbyists to disclose contributions they solicit and transfer to Members of Congress in the course of doing their business. It was an attempt to shine a light on the pay-to-play culture that we have seen in Washington. That amendment passed this Judiciary Committee on a bipartisan vote of 28–4.

The Washington Post then wrote an editorial about it, and I would like to cite from that editorial because what the editorial said very clearly was this was a provision that exposed, more than any other provision, the way Washington does business. And they said in very prescient manner, we are afraid to shine the light on this issue for fear that it will be shot down all the more quickly. But, in fact, no other disclosure requirement would be more useful in explaining the way Washington does business than this one.

Well, what happened? A funny thing happened on the way to the Rules Committee from the Judiciary Committee. When people voted ''yes'' in the daylight, it was taken out in the middle of the night, and then the Rules Committee denied us an opportunity to vote on that very provision here on the floor of the House, a sham process for a sham bill.

Now, this is a lot more than just about golf trips for Members of Congress paid for by lobbyists. The fundamental issue for the American people is what it is costing them every day because we don't have better rules to shine the light on lobbyists.

And we should look at the current gas prices right now. This institution and the President has signed now two bills in the last several years on energy. Both were said to be a big provision to reduce the price of gas. Well, we all know what a sham those bills were. What one of those bills did was create billions of dollars of subsidies to the oil and gas industry at a time that industry has experienced record profits and people are seeing high prices at the pump.

We heard the other day this Band-Aid proposal from the Republican Senate, $100 rebate. What the American people are looking for is not chump change. They are looking for real change in the process in Washington so that we can change this country and take it in the right direction.

Mr. DREIER. Mr. Chairman, for a unanimous consent request, I yield to my good friend from Vienna, Virginia, my classmate (Mr. WOLF).

(Mr. WOLF asked and was given permission to revise and extend his remarks.)

Mr. WOLF. Mr. Chairman, I rise in opposition to H.R. 4975 because I do not believe it is truly reform.

I had looked forward to the day on the floor when the House by its actions could demonstrate to the American people that we take seriously the call for bold reforms in the wake of recent lobbying and ethics scandals.

In reviewing H.R. 4975, the Lobbying Accountability and Transparency Act, I am disappointed to say that today is not that day.

Last week I read in The Washington Post that some members are saying people don't care about lobby reform. Well, I care and I believe the American people care, too. A Washington Post-ABC News poll last month showed that 63 percent of Americans called ''corruption in Washington'' important to them.

Having worked in Washington for over three decades, I understand that lobbying is a part of everyday life in the nation's capital. Every day, good people walk the halls of Congress making the case for their constituency, advocating on any number of issues and causes with great passion and insight from cancer research to education reform to human rights awareness to environmental protection.

Yet something has gone terribly wrong with the general culture of Washington. Standards of conduct have shifted. What is acceptable today would not have been tolerated 20 years ago.

We must break the cycle of ''Washington business as usual'' which has impugned the honor and integrity of this institution.

The American people demand honesty and integrity in their government—as they should. Cosmetic changes will not suffice. Bold, sweeping reforms must be enacted.

Sadly, the bill before us today fails to meet that test, and I cannot support it.

I was encouraged when we began this process in early January and members were urged by the House leadership to provide ideas and suggestions on changes in lobby and gift rules. I sent a three-page letter with several recommendations which I believe should be a part of this debate. Several committees were then given the opportunity to come up with reforms under their jurisdiction.

But tinkering around the edges is not real reform. I believe this bill fails to fully acknowledge that the current system is broken, and it fails to offer genuine reform.

It pains me to say that we have reached the point where the ethics process in Congress has become paralyzed and unworkable. Bipartisanship and comity which used to be the norm have been replaced with partisanship and animosity. Rules with no enforcement are useless.

We had the opportunity through this legislation to establish an independent, non-partisan Office of Public Integrity to provide credibility in the ethics process and ensure fairness for every member on both sides of the aisle. But this bill has no provision to create that office.

While this legislation offers some increased lobbying disclosure reporting requirements and penalties for noncompliance, it doesn't go far enough.

With regard to the revolving door between congressional service and lobbying Congress, current law is a one-year cooling off period, and as I read it, this bill keeps the status quo, opening the door after a one-year ban—albeit with some added notification and disclosure requirements. To show real reform, we should be debating keeping the door closed for a much longer period of time, similar to the Senate bill which I understand is a two-year ban.

And it's not just Congress where the revolving door should be shut longer. I believe the executive branch needs scrutiny.

My amendment was made in order to restrict former ambassadors and CIA station chiefs from lobbying on behalf of the foreign nations where they have been stationed. Currently, an ambassador can leave the service of the United States one day and be hired the very next day as an agent of foreign nation where they had served. These officials see every decision the United States makes in relation to that country. They have access to intelligence, policy documents and other confidential information.

But under today's rules, the day they leave they have every legal right to use that same information on behalf of a foreign nation. Being an ambassador or CIA station chief is a high honor. That person becomes the face of our nation in the country where they are serving. We must safeguard the integrity of these positions.

Yet how can we debate subjecting certain executive branch officials to a five-year revolving door statute when this bill fails to extend the cooling off period for members leaving Congress or even allow debate on this matter? Therefore, I am withdrawing my amendment.

We also are supposedly here today considering legislation to tighten lobbying regulations in large part because of the lobbying scandal associated with former lobbyist Jack Abramoff and the information revealed about his ties to tribal casinos. The corruption which has been associated with the explosion of tribal gambling and political contribution is an issue I've been concerned about for nearly 10 years and one I have raised on this House floor numerous times.

These revelations have focused renewed attention on the need for Congress to thoroughly review the Indian Gaming Regulatory Act of 1988. We should have a provision in this bill to close the tribal contribution loophole that allows funneling of millions of dollars into campaign coffers.

How can we even begin to call this the Lobbying Accountability and Transparency Act without addressing the issues that initially fueled this debate?

Then we come to the issue of so-called earmark reform. True reform and transparency in the process of identifying how taxpayer dollars are being spent must be comprehensive reform. The spotlight has to shine on every committee—appropriating and authorizing including the tax writing committee. Lobbyists don't limit their work to appropriations issues. They lobby year round advocating for a myriad of issues across the committees of Congress—tax credits, defense programs, transportation projects. The narrow focus on only the appropriations process in the bill as written is not real reform. Real earmark reform must include projects in authorization bills like the ''Bridge to Nowhere.''

We had an opportunity today to make true, fundamental, substantive reforms in the way business is done in Washington and restore the confidence of the American people in this institution. This legislation before us and the few amendments allowed under the rule fail this institution and the American people. More amendments should have been allowed from members of both parties.

In a 1799 letter to Patrick Henry, George Washington said, ''The views of Men can only be known, or guessed at, by their words or actions.'' Would our Founding Fathers think our actions today are the best we can do to restore integrity to this institution?

I think they would say we can and we must do better.

Mr. DREIER. Mr. Chairman, I yield 1 minute to the very hardworking chairman of the Committee on Administration, our friend from Grand Rapids, Michigan (Mr. EHLERS).

Mr. EHLERS. Mr. Chairman, I am very pleased to rise and defend the bill that is before us.

I am astounded at some of the debate I have heard here, including rising gas prices, which has nothing to do with this bill.

We hear a lot about a culture of corruption. That is utter nonsense. I am proud of my colleagues in this body, by and large, very hardworking, good people trying to do the people's business honestly and well.

The point is, we have to put in place some restrictions, some rules to deal with those few who stray and do something that shouldn't be done. That is what this bill is about. It is fair. It is reasonable. It will provide penalties for those who violate the rules of the

House or the laws of this land, and that is precisely what we need, and it is important to pass that bill today. We cannot dilly dally with amendments that weaken it or with recommittals that change the intent of it.

We want a bill that will work. We want a bill that the Senate will look at and say, this is wonderful, let us pass it, too. We have to accommodate the principles of this body. We have to work and put in place all of the components of this bill which have been carefully worked out on both sides of the aisle, so that we will have a good bill, a fair bill. And I urge that we adopt this bill.

Ms. SLAUGHTER. Mr. Chairman, I did have some speakers on the way, but at this moment, they are not on the floor, so I will reserve.

Mr. DREIER. Mr. Chairman, I yield 1 minute to the gentleman from Dallas (Mr. HENSARLING), a very hardworking reformer of this institution.

Mr. HENSARLING. Mr. Chairman, one cannot legislate morality, but one can legislate transparency.

But from listening to today's debate, it appears that Democrats are now against more transparency. Perhaps the recent ethical woes of several high-profile Democrats may help explain why.

My colleagues on the other side of the aisle have now said no to tax relief that created 5 million new jobs. They have said no to more domestic oil production, to lower gas prices, and now they are saying no to transparency for lobbying activities.

I say yes to this legislation because it has transparency where we need it, and that is on earmarking, earmarking which includes examples like the Bridge to Nowhere in Alaska, the $50 million for an indoor rainforest in Iowa, and $1 million for the Rock and Roll Hall of Fame, and the list goes on and on.

How Congress spends the people's money is where true reform is needed, and no one spends more of the people's money than Democrats.

Now, Mr. Chairman, I admit there are many good and useful earmarks. We are not eradicating them today. We are simply reforming them. And I congratulate Chairman DREIER for his work, and the gentleman from Arizona (Mr. FLAKE) for his leadership on this issue.

I urge passage.

Mr. DREIER. It appears again that my friends on the other side don't have any remaining speakers. I know you are waiting and want to reserve the balance of your time. Absolutely, in a bipartisan sense of comity, we want you to reserve the time.

I yield 1½ minutes to the gentleman from New Jersey (Mr. GARRETT).

Mr. GARRETT of New Jersey. Mr. Chairman, I rise today in support of this legislation, and I congratulate the gentleman from California for your work.

It is critical that we scrutinize lobbying activities to help restore the confidence of the American people in their government. And this bill makes real progress addressing some recent high-profile scandals that have basically rocked American confidence in government. In fact, it includes one of the proposals I introduced several months ago requiring lobbyists to itemize their reports so we know how much money lobbyists spend on Members and their staff. You know, we do this in campaign finance, and the same openness should apply to these transactions. And I thank the gentleman for including that proposal in this package.

But, you know, looking at lobbyists and lobbying reforms is only part of the process. We have to look also at the way we behave as well in this House. In particular, Congress must address earmarks.

Now, Mr. Chairman, it is my fervent hope that we would not simply stop with earmark reform for appropriation bills. As authorization bills and tax bills often include infamous and egregious earmarks, we should seek to make these processes open and honest as well. Again, I am not opposed to earmarks in general. I think that the legislative branch has a role to play in this area. It is not simply an area for the executive branch to play. But it is an area where the transparency and the light of day should shine on all earmarks. Transparency will then make sure that the good ones rise to the top and actually will be passed and the other ones which are not so good will obviously fall by the wayside.

If I may add one other comment, Mr. Chairman. As this legislation goes through the process, I am a little bit concerned about GSEs and government-sponsored entities, and I would commend the gentleman to look as it goes through the process as we revisit this in conference.

Mr. DREIER. Mr. Chairman, for a unanimous consent request, I yield to our hardworking and very senior colleague from Davenport, Iowa (Mr. LEACH).

(Mr. LEACH asked and was given permission to revise and extend his remarks.)

Mr. LEACH. Mr. Chairman, To be blunt, we can do better than this.

Congress is missing the big picture. Ethics cannot be legislated, but the role of lobbyists and their disproportionate, sometimes corrupting, power can. The issue is money in politics and the need for campaign reform.

There is nothing wrong with any of the proposals being considered today except that they do not do enough. Neither this, nor I suspect any Democrat substitute, includes what really matters.

What is too often lost in debates surrounding Congressional ethics is the notion of the public interest and concern for the public good. Instead, in our discussions, especially off the Floor, a desire is frequently expressed to appeal to one or the other political party's base. Interest groups make it clear that they expect to be attended to and rewarded for support provided.

Thus, to understand American politics and the ethics abuses that are spurring the legislation under consideration one needs to examine American campaigns. Interest group money is seldom given as a token concern for good government. It is too often disbursed in a quasi-contractual manner: quids to be followed by quos, to be matched in subsequent election cycles for those who follow the rules. Simply put, large contributions imply obligational contracts between a candidate and large donors.

In a cyclonic cycle, legislators are caught in dozens of swirls that buffet the fabric of balanced democratic judgment. Priorities become impossible to set, thus making deficit financing a virtual inevitability. The last point should be stressed—federal deficits and the economic problems they create are not unrelated to campaign financing abuses. Deficits begin with choices on federal spending and taxation and each begins in promises and obligations, and all this begins in the way campaigns are run, in politics as usual—in commitments to large donors.

Lord Acton, the British statesman, immortalized his public service with the observation that power corrupts, with absolute power tending to corrupt absolutely. It strikes me that a fitting corollary to the Acton dictum is the notion that even more corrupting than aspiring to power is the fear of losing it. This fear leads to timidity, if not complacency, on reform agendas.

Today, for instance, we face one of the most troubling scandals of modern times. It uniquely involves PACs, Members of Congress, relatives of Members, lobbyists, insider-controlled non-profit organizations, and K Street interest groups acting surreptitiously and in concert to advantage themselves at the expense of the public. It is the story of raising cash, disguising sources and buying influence.

The Jack Abramoff affair is a disgrace. But care must be taken to recognize that it may not be aberrational. There is a systemic element to the problem and it involves the sullying role of money in politics. A government of the people, by the people and for the people cannot be a government where influence is purchasable. The subordination of individual rights to indiscriminate moneyed influence is the subordination of representative democracy to institutional oligarchy. Kakistocracy is the end result.

To put recent events in context, the legend of the Ring of Gyges is instructive. In The Republic, Plato's brother Glaucon tells the story of a shepherd in Lydia who finds a magical ring. After an earthquake revealed a cave, the story goes, Gyges discovered a gold ring on an enthroned corpse inside and put the ring in his pocket. Later with his fellow shepherds, Gyges noticed that when he turned the collet of the ring to the inside of his hand, he became invisible. When he turned the ring the other way, he reappeared. Confident that the ring was indeed magical, he contrived to be chosen as a messenger sent to the court. Once there, he used his invisibility power to seduce the queen, kill the king and take the kingdom.

Glaucon's story suggests that when individuals are invisible—i.e., in a democracy out of sight of their constituents—it is difficult to resist enticement and act virtuously. The current Congressional scandals suggest that some actors may have thought they had gotten hold of

Gyges' ring. That is why it is so important that new rules be applied to the political process. Transparency matters, but so do the rules that apply to conflicts of interest, many of which in the current system are quite legal.

What this body is considering today is a band-aid when surgery is required. We need to end political action committees and go to a system of small donations matched by federal funds. The public wants less expensive, less conflicted, less divisive politics. Public service, not political partisanship should be the goal.

Finally, with regard to the Abramoff scandal, it should be noted that one of the principal lobbying objectives of the gambling interests he represented was to block the kind of anti-internet gambling legislation that Representative GOODLATTE and I have been pushing for the past 8 years. Passing internet gambling enforcement legislation is the unfinished business of a Congress in disrepute. It should, as I suggested to the Rules Committee, be part of this bill, as should the campaign reform amendment I requested be considered. But as chagrined as I am that the legislation before us doesn't do more, I am obligated to register appreciation for the commitment of leadership to bring forth a serious bill on the internet gambling issue by the first week of June.

Ms. SLAUGHTER. Mr. Chairman, I continue to reserve the balance of my time.

Mr. DREIER. Mr. Chairman, I yield 2 minutes to our hardworking friend from Utah (Mr. BISHOP), a member on the Rules Committee.

Mr. BISHOP of Utah. Mr. Chairman, I tend to agree that this was probably a do-nothing bill, only in the respect that the vast majority of the people on both sides of this aisle will do nothing to violate the procedures and the proposals that we will have placed in front.

From my own personal perspective, I was the Speaker of the House in Utah before I came here. Of the 75 members, a far easier body to manage than this, 72 of them were the kind I knew would give the shirt off their back, a sight I hoped never to see, give the shirt off their back for the good of the State. There were three I always had to check on what they were doing. I thought that percentage of good to bad actors was fairly good for the State of Utah. But as I have been here in Congress, I think that same percentage applies to this body. It applies to large industrial groups. It applies to church groups. It applies to the lobbyist community. It probably applies to every group except maybe those who are incarcerated right now. Both sides of the aisle are good, decent people, and laws will not magically change the behavior that has been developed on those few bad actors that will be there.

So what purpose do we have in this? It is to establish a means of rules to clarify and certify who the good guys are.

I also was a lobbyist for that time between when I was a legislator and came here. And I want you to know that the laws that are proposed in here to change lobbyist laws are good ones. They are effective. They will make a difference, and they will add transparency to that particular group. I am very proud of those.

There is one other thing that I think is very important in this bill that is proposed, and that is the mandatory training aspect. It is important to try and make sure that we all understand what the rules of behavior are, the rules of procedure, so as to avoid problems ahead of time.

When my predecessor in this seat was the chairman of the Ethics Committee, he instituted the Office of Advice and Education; its goal was simply to make sure that everyone knows what is happening. This bill mandates that all staff will have training in what is considered ethical behavior and will encourage us to do the same thing so we know what is taking place.

I am grateful that the chairman, Mr. DREIER of California, has had an open process, has invited everyone to participate in here, because what we are dealing with are simply the guidelines established for those who are the good guys in this body, which is by far the majority of those on this side as well as the other side of the aisle.

Ms. SLAUGHTER. Mr. Speaker, I yield 3 minutes to the gentleman from Michigan (Mr. CONYERS), the ranking member on Judiciary.

(Mr. CONYERS asked and was given permission to revise and extend his remarks.)

Mr. CONYERS. Ladies and gentlemen of the House, we have got a number of problems, as you have heard with the proposal here for lobbying accountability and transparency.

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The main thing I want to bring to your attention is that, throughout the scandals that have illustrated how large sums of money were spent secretly to conduct lobbying campaigns, the current Lobbying Disclosure Act requires the disclosure of lobbying activities that involve direct contact with Members of Congress, but there is no disclosure requirement for professional lobbying firms that are retained to spend money on campaigns aimed at stimulating the public to lobby Congress, including multimillion dollar advertising campaigns. We need stronger revolving door provisions.

So I rise reluctantly against a Lobbying Accountability and Transparency Act that does not seriously reform the system. This bill really represents an effort for some to have it both ways, holding on to the financial benefits and perks they receive from lobbyists and other special interests, while claiming they have dealt with the lobbying ethics problems in Congress.

This Republican proposal is problematic because it does not address the problems that have given rise to the recent lobbying scandals and the falling confidence of Americans in the integrity of Congress.

The ban on privately sponsored travel, as you have heard, only exists through this year's elections. The corporate subsidized campaign travel and other officially related travel is still allowed. The current broken revolving door policy remains unchanged, and gifts are allowed.

So I come to you to tell you what it is we want: disclosure of the lobbying campaigns. We want stronger revolving door provisions. We want fundamental changes to gift, travel, and employment relationships among Members of Congress, the lobbying firms, and the lobbyists.

H.R. 4975, that is being handled so well by the gentlewoman from New York, in its current form is illusionary. There is not real lobbying and ethics reform.

So I urge my colleagues to reject this weak and ineffective legislation.

Mr. DREIER. Mr. Chairman, I reserve the balance of my time.

Ms. SLAUGHTER. Mr. Chairman, I yield myself the balance of my time.

Mr. Chairman, there is no good reason for anybody to vote for this bill. As we said, practically every major newspaper and every good-government group has discredited it.

And let me tell you what it does not do:

It does nothing to prevent the abuses that regularly occur with conference reports, including the addition of secret, last-minute perks and protections for big business.

It does nothing to stop the majority leadership from jamming massive conference reports through the House before the ink is dry and before Members read the bill.

It does nothing to stop the majority from locking Democrats out of conference meetings and negotiations.

It does nothing to stop the majority from repeatedly waiving the rules on every bill that comes to the House floor.

It does nothing to stop the majority from shutting out Democrat amendments on the floor.

It does nothing to curb the practice of holding votes open on the floor to change the outcome of a vote.

It does nothing to keep lobbyists from writing major legislation behind closed doors.

It does not ban gifts from lobbyists.

It does not ban corporate travel.

It does not stop or slow the revolving door.

It does not do anything the majority says it does.

Voting for this bill violates the core principles of the Democratic Party and everything we have fought for in this Congress. No Member of this House should vote for this bill. It is not just a bad bill. It is a dishonest bill.

Mr. Chairman, I yield back the balance of my time.

Mr. DREIER. Mr. Chairman, I yield myself the balance of my time.

Mr. Chairman, as I said at the outset, we have gone through a long, bipartisan, 4-month process to get to where we are. Speaker HASTERT began in January saying we need as an institution

to step up to the plate and deal with the issue of lobbying and ethics reform, and that is exactly what we have done.

Again, we have worked with Democrats and Republicans, outside organizations; and, as I have listened to the debate and the statements made from my colleagues on the other side of the aisle, it is very obvious to me that they have failed to read this legislation.

Mr. Chairman, in virtually every single area that my friend from Rochester just addressed, this is addressed in the legislation. And if it is not actually addressed in the legislation itself, we have made commitments that we are going to, as we move this process forward, get into a conference with the Senate and address some of these issues of concern.

Critics seem to be absolutely intent on telling us what this bill is not. Everything that was said by my friend from Rochester was in the negative. Just imagine if we went through every single day lamenting what is not. Today is not Christmas; that is terrible. Today is not Thanksgiving, and that is terrible. Today is not my birthday, and that is terrible. But what does it get us? It does not get us a thing. Searching for storm clouds on a clear day is a recipe for inaction and defeatism.

Mr. Chairman, Speaker HASTERT and I and the leadership team here and the Republicans and, I am happy to say, some Democrats have indicated to me that they are interested in not defeatism; they are interested in pursuing vigorous reform.

As I listened to the litany of what this bill is not, I think it is very important again, as I have read some of these editorials which mischaracterize the legislation, as I listened to the rhetoric that mischaracterized this legislation, let us again look at the bill and just four simple things of what this bill is: This bill actually doubles the fines, doubles the fines, for lobbyists who fail to disclose. This bill adds the possibility of jail time for failing to comply with the Act. This bill adds oversight to make sure disclosure information is accurate. It gives the public full, online access to disclosure reports. It withdraws the government-funded pension for people who commit the crimes that we have outlined in the legislation.

So, Mr. Chairman, anyone who tries to say that they are supporting a recommittal motion, are going to vote against this legislation because it does not do enough is, in fact, standing in the way of reform.

Many people said we should get this thing out. The Speaker and I said we wanted this to pass by early March. Obviously, we needed more and more input from Members, from outside organizations, from academics, from our constituents who are concerned about this issue. And, Mr. Chairman, we extended beyond that early March date. Here we are now in early May, having listened to so many different people, and we have come up with a bill that I believe is strong. I believe it is bold. I hope we will be able to do more, but this is legislation that allows us to move forward in a positive way.

Mr. CARDIN. Mr. Chairman, this bill represents a missed opportunity for the House to address lobbying and ethics reform in a responsible manner. Our ethics process in the House of Representatives is broken, and the actions of some members and lobbyists have brought discredit to the reputation of this body. That is why I am so disappointed in the response of the House leadership in bringing this extremely weak bill to the floor today, using a partisan process which deliberately shuts out debate on the most pressing reform issues before this House.

I served on the House Committee on Standards of Official Conduct from 1991 to 1997. I served as the ranking member of the adjudicative subcommittee that investigated and ultimately recommended sanctions against former Speaker Gingrich. In 1997 the House leadership appointed me to serve as the Co-Chairman of the House Ethics Reform Task Force, with my colleague Bob Livingston from Louisiana. Our bipartisan task force came up with a comprehensive set of reforms to overhaul the ethics process. We created a bipartisan package to change House and committee rules which the House adopted. This was the last bipartisan revisions of House ethics procedures.

Our bipartisan legislative package in 1997 also included a provision which authorized non-members to file complaints against members, provided that the complaints were in writing and under oath. Unfortunately, the full House rejected this proposal, and for the first time the House closed its doors to the receipt of outside ethics complaints. In March I testified before the Rules Committee and urged them to allow consideration of my amendment, which I subsequently filed with the Committee. I am disappointed that the Committee would not even allow my amendment to come up for a vote in the full House, and that it also refused to allow the House to consider the alternative approach offered by Mr. SHAYS and Mr. MEEHAN to create an independent Office of Public Integrity (OPI) to receive and investigate complaints from non-members.

Our ethics process has broken down in the past. Indeed, when our task force was meeting and deliberating in 1997, the House took the extraordinary step of imposing a moratorium of the filing of new ethics complaints.

I am afraid we have reached a similar crossroads in the House today. Some members have recently talked about ethics ''truces'' in which the political parties have voluntarily agreed to place a moratorium on filing ethics complaints, regardless of the merits of the charges. The Chairman of the Ethics Committee was removed from his position, perhaps as retaliation for agreeing, on a bipartisan basis, to repeatedly admonish the former House Majority Leader for ethical misconduct and transgressions. Outside good government groups have repeatedly called for non-members to be permitted to file ethics complaints. In December 2004 the Congressional Ethics Coalition, a nonpartisan group which included Common Cause, Democracy 21, Judicial Watch, and Public Citizen, issued a statement which called on Congress to authorize non-members to file ethics complaints against members of Congress.

The Committee on Standards of Official Conduct is the only committee of the House with an equal number of Democrats and Republicans. The Committee can only work effectively in a bipartisan manner. In March the Senate passed strong ethics and lobbying reform legislation by a vote of 90 to 8, and I am disappointed that the House is not given the similar opportunity today to pass a strong bill. I will support the Motion to Recommit which would substitute the text of H.R. 4682, which I have co-sponsored, which would strengthen our ethics and disclosure standards.

I urge my colleagues to reject this legislation.

Mrs. MALONEY. Mr. Chairman, I rise in strong opposition to H.R. 4975, the so-called ''Lobbying Accountability and Transparency Act.''

The time is long past due for meaningful lobbying reform. We have seen scandal after scandal emerging in the past year that has demonstrated that the way business has been done in Washington must be changed.

The public deserves to have an open government with honest elected officials who are truly acting in the best interests of their constituents, not their own personal or financial interests.

It's time for the culture of corruption to end.

Yet the bill that has come to the floor today does little to reform the lobbying process. I am disappointed that the Rules Committee failed to make in order numerous Democratic amendments that would have enacted fundamental changes including a substitute amendment that contained provisions from the ''Honest Leadership and Open Government Act'' which I and many of my Democratic colleagues have cosponsored. This legislation, among other important provisions, would clean up the government contracting process, ensure that votes on the House floor are not held open for hours to twist arms, and ban gifts from lobbyists.

This is not a problem requiring only cosmetic solutions. This is a serious problem that needs fundamental reforms to restore the integrity not only of the political process, but of Congress.

We must act to restore the public's confidence in their House, the people's House.

I believe that true reform must include the proposals put forth in the ''Honest Leadership and Open Government Act,'' and since the Majority has refused to let that happen, I will oppose the bill before us and I urge my colleagues to do the same.

Mr. MORAN of Virginia. Mr. Chairman, the House of Representatives will vote today on a bill that the authors think will help end the culture of corruption that exists in the Congress and restore the public's confidence in this body.

I will vote no on this bill, H.R. 4975, not because I believe we do not need to address these significant matters, but because the bill fails to provide any real reform at all.

We have an opportunity today to make significant changes in the way we perform the people's business and to help restore the people's confidence in their elected representatives. With this bill, the majority, who only a few months ago was shouting for reform, has failed to seize this opportunity. In fact, it has presented a bill that contains no significant reform at all.

Throughout the country, far too many people believe that Congress gives its vote to the

highest bidder. This perception must be eliminated, but the minor changes in this bill will not do so.

Restoration of the people's respect of Congress requires one thing—that we change the way our political campaigns are financed. While our campaign finance rules have been strengthened over the years, they remain insufficient.

The time has come to take private money out of politics—entirely—and, in its place, provide limited public funding for all Congressional campaigns. This is real reform. And it is the only type of reform that will even begin to restore the respect and trust of the American people in Congress.

The bill before us today will not do this, and we must into fool ourselves into believing that it will.

Mr. ETHERIDGE. Mr. Chairman, I rise in opposition to H.R. 4975, the so-called Lobbying Accountability and Transparency Act of 2006.

With the massive corruption investigation of lobbyist Jack Abramoff, the bribery conviction of Rep. Randy ''Duke'' Cunningham and the additional inquiries into the actions of even more members of Congress, it had been my hope that the Speaker and Republican leaders of the House would act to erase the dishonor that has befallen this institution. Unfortunately, this is not the case. Instead the House Republican Leadership has brought before us a bill that insults the intelligence of the American people. This bill fails to slow the revolving door between congressional service and lobbying; it fails to require disclosure of Members' contacts with lobbyist, lobbyists' fundraisers and other events that honor Members of Congress. It delays real action on privately funded travel and gifts until after the November elections. It fails to crack down on pay-to-play schemes, and includes loophole-laden earmark provisions that would not have exposed the infamous ''Bridge to Nowhere'' and does nothing to prohibit dead-of-night special interest provisions.

I have always believed that public office is a public trust. I work every day to live up to the trust the people of North Carolina's Second Congressional District have placed in me. The recent Republican corruption scandals anger me because they threaten the bonds between the American people and their elected leaders.

The Speaker and Republican Leadership earlier this year promised real reform, but this is not it. I support the real lobbying reform in H.R. 4682, the Honest Leadership and Open Government Act of 2006. Our bill will require lobbying disclosure, including lobbyists' fundraisers and other events that honor Members and more. It will double the period in which former Members are prohibited from lobbying their former colleagues, from one year to two years; it will permanently ban travel, gifts and meals from registered lobbyists to Members of Congress, and prohibit Members from using corporate jets for officially connected travel and shut down the K Street project. In addition, the Democratic lobbying and ethics reform proposal will change the way Congress does business; allowing Members enough time to review bills, requiring earmark reform and mandating open conference committee meetings. These reforms and others would give the public full faith and confidence that Members of the U.S. House are operating honestly.

I will vote against H.R. 4975, a fig leaf of reform, and support meaningful lobbying reform by voting to recommit this bill to Committee and replace it with H.R. 4682, the Honest Leadership and Open Government Act of 2006, our stronger Democratic bill.

Mr. SMITH of Texas. Mr. Chairman, I am pleased that the Lobbying Accountability and Transparency Act is being considered today.

Accountability and transparency with respect to the lobbying profession is necessary to ensure public confidence in how Members and staff of this House interact with the outside world.

And I further believe that this legislation will help brighten the lines for Members and staff in terms of what is permissible behavior and what is not.

Consistent with this need to have such bright line, I want to make certain that some of the language in the bill is understood to mean what it says and nothing more.

Under Section 105(7), lobbyists would be required to disclose ''the date, recipient, and amount of funds contributed by the registrant or an employee listed as a lobbyist by the registrant under paragraph (2)(C); (A) to, or on behalf of, an entity that is named for a covered legislative branch official, or to a person or entity in recognition of such official; or (B) to an entity established, financed, maintained, or controlled by a covered legislative official.''

Members have a longstanding history, and one that I respect, of raising money for and being otherwise involved with charitable organizations.

This provision would apply to charities when such charity is named for a covered legislative branch official, or when a charity recognizes a covered legislative official.

It would also apply to a charity that is established, financed, maintained or controlled by a covered legislative official. It would not apply in any other circumstance.

It would not apply, for instance, when the spouse of a Member engages in such activity independent of his or her spouse's official position.

Mr. Chairman, this is good legislation.

The Republican record is long, and it is strong on the issue of lobbying reform.

Republicans have delivered on ethics reform time and time again.

In 1989, we enacted a Bush Administration proposal that included numerous ethics reforms.

We cleaned up the House banking and post office scandals.

When we became the majority in 1995, we instituted more reforms, including the first significant lobbying disclosure bill.

And remember it is a Republican Justice Department that is prosecuting the cases that have led to this legislation.

This reform package represents a great improvement over the current system.

It will deter wrongful behavior by giving the public a better view of what their elected officials are doing in Washington.

These reforms will shine a light on Congress by making lobbying disclosure reports more frequent, accurate and accessible to the public.

This legislation is a welcome change in the rules governing lobbying and ethics.

I thank Chairman DREIER and the Congressional leadership for their worthwhile efforts.

Mr. VAN HOLLEN. Mr. Chairman, I am here today to ask that you grant me the opportunity to reinstate an amendment to H.R. 4975 that had been added in the Judiciary Committee, but was somehow stripped out en route to the Rules Committee.

My amendment simply requires ''registered lobbyists'' to disclose the fact that they have ''solicited and transmitted'' a campaign contribution. Moreover, my amendment would require that lobbyists, who serve as campaign treasurers and chairman of political committees to disclose that as well. This amendment was added to the Lobbying Disclosure Act on April 5, 2006 by a vote of 28 to 4.

It is ironic that an editorial about this amendment in the Washington Post, on April 13, 2006, stated—''We are almost reluctant to flag this provision for fear that it will be shot down all the more quickly, but in fact no other disclosure requirement would be more useful in explaining the way Washington does business than this one.''

I am not sure what appalls me more, the fact that the bill does precious little to address the problems that have created the culture of corruption on Capitol Hill or the fact that the few enhancements to the bill, added through the committee process, have been summarily deleted without a debate or vote. The irony is that the abuse of power that has taken place on the Hill, that undermines the confidence of the American people, is alive and well in the management of the bill that was originally designed to correct such abuses.

The bill before us today is a weak attempt to create the allusion of reform. It fails to address: the problems with the revolving door between public service and lobbying, the showering of benefits to Members of Congress by lobbyists who have business before them, the need to enhance a broken Ethics Committee process and the need to reform the campaign financing system that creates the dangerous intersection between congressional action and campaign fundraising.

The amendment that is before the Committee today, in my opinion, is a modest but important step in the direction to expose some sunlight on the activities where registered lobbyists have business before the Congress while at the same time soliciting and transmitting campaign contributions, in addition to serving as officers that run campaigns and political committees. I believe that these practices should be studied for the prospects of future regulation.

However, at the very least, I believe that we need to compel the disclosure of these activities to the American people. We need to create transparency around the campaign finance practices that a registered lobbyist performs, as well as, the business that they bring to Members of Congress. As Justice Brandeis has said, ''sunlight is the best disinfectant''. Moreover, this disclosure will allow the American people to see the whole picture, of lobbying activity, so that they may judge, for themselves, the propriety of the transactions that have become an everyday practice in Washington.

With public opinion of Congress at an all time low, we owe the American people a serious bill that is not a ''reform bill'' in name only. The culture of corruption that has plagued the 109th Congress is probably only rivaled, in infamy, by the Watergate era. The American people have seen Members of Congress: give appropriations earmarks in exchange for a Rolls Royce and lavish antiques; enjoy posh

golf trips in Scotland at the expense of Native American tribes who were exploited by nefarious lobbyists, determine which lobbyists on K Street get the lucrative contracts, channel campaign finances to Members' spouse and children, and bend the House rules to allow the House leadership to bend the arms of Members to force a particular vote outcome.

The American people are shocked and appalled by these activities. However, the real shocker is the reality that many people do not see, i.e. the nexus between these conflicts of interest and the pocketbooks of the American people. The effects can be seen in the influence of the oil industry in gaining subsidies while gas prices are skyrocketing, as well as the impact that the pharmaceutical industry had in drafting the Medicare Part D bill that prohibits drug importation and the competition for price reduction.

We need to restore the trust of the American people. We need to start today by allowing this bill to be made into a real lobbying reform bill. I urge the Committee to rule my amendment in order so that I have the chance to add my amendment to this bill a second time.

REAL LOBBYING REFORM

A HOUSE COMMITTEE TACKLES THE NEXUS BETWEEN CAMPAIGN CASH AND LEGISLATIVE INFLUENCE

Don't hold your breath for this to turn up in the final version of lobbying reform, but the House Judiciary Committee approved an amendment last week that would help shed light on the symbiotic relationship between lobbyists and lawmakers. Offered by Rep. Chris Van Hollen (D–Md.), the provision would require lobbyists to report not just the campaign contributions they gave directly to lawmakers but also the campaign checks they solicit for or deliver to lawmakers—in other words, a measure of the real influence they wield. Astonishingly, this proposal passed the Judiciary Committee by a vote of 28 to 4—along with the underlying bill, a proposal that started out weak and was watered down from there.

We're almost reluctant to flag this provision for fear that it will be shot down all the more quickly, but in fact no other disclosure requirement would be more useful in explaining the way Washington does business than this one. That may help explain why, until now, it hasn't been a part of any of the major proposals. The central role that lobbyists play in hunting, gathering and delivering campaign cash—rather than the checks they write directly—is the true source of their power. But while both sides in the transaction are well aware of how much Lobbyist X has raised for Representative Y, the media and the public are—at least based on the required disclosures—in the dark.

Presidential candidates—first George W. Bush and after that Sen. John F. Kerry and other Democrats—have shown that it's feasible to provide information about the amounts bundlers have raised for them; their voluntary disclosure has added significantly to public understanding. If lawmakers are serious about effective reform, making certain the Van Hollen amendment survives would be a good way to demonstrate their commitment.

Mr. CONYERS. Mr. Chairman, the U.S. House of Representatives will vote on the "Lobbying Accountability and Transparency Act of 2006" (H.R. 4975) on Wednesday, May 3. The measure is a woefully inadequate response to the most significant ethics and lobbying scandals that have swept Capitol Hill in nearly three decades. Even lobbyists say so. When asked about the significance of the House lobbying reform bill by The Buffalo News, Paul Miller, president of the American League of Lobbyists answered: "That little thing?"

In fact, the measure is a ruse that fails to address any of the major problems with congressional ethics and lobbying that have surfaced over the past year. When it comes to lobbying reform, Congress is not up to the task.

H.R. 4975 takes a cynical approach to reforming lobbying disclosure and behavior on Capitol Hill and is opposed by Public Citizen and other reform groups. The bill fails to restrict campaign fundraising activities by lobbyists, fails to ban gifts from lobbyists, fails to curb revolving door abuses, and fails to create an independent oversight and compliance office. It bans privately sponsored travel—but only until after the next election. This legislation not only is inadequate, it makes a mockery of the lobbying reform drive.

To make matters worse, a very restrictive rule has been attached to the bill that prohibits floor consideration of any strengthening amendments, which means that the bill cannot be improved upon when the House considers it on Wednesday. Representative CHRIS SHAYS, MARTY MEEHAN and others have offered a package of strong reforms that are prohibited from consideration because of this rule.

A. SUMMARY OF H.R. 4975

An earlier package of lobbying reforms presented in January by House Speaker DENNIS HASTERT and Representative DAVID DREIER called for a ban on privately sponsored travel; prohibited gifts from lobbyists, including meals; and doubled the revolving door "cooling-off" period from 1 to 2 years, during which retiring Members of Congress and their staffs could not make direct "lobbying contacts" with their former colleagues.

But on Feb. 5, newly elected House Majority Leader JOHN BOEHNER said on "Fox News Sunday" that "[B]ringing more transparency to this relationship [with lobbyists], I think, is the best way to control it. But taking actions to ban this and ban that, when there's no appearance of a problem, there's no foundation of a problem, I think, in fact, does not serve the institution well." In the end, BOEHNER's reluctance for significant reform won out among the Republican conference.

The final legislative proposal speeding through the House does not include any of the earlier reform provisions. Instead, H.R. 4975 proposes the following:

1. Travel

Temporarily suspends privately sponsored travel for Members of Congress and their staffs until after the 2006 elections.

Permits corporate jets to be used to transport Members, reimbursed at first-class airfare rates, but does not permit lobbyists to travel with Members on these corporate jets. Lobbyists could, however, attend and participate in the rest of the travel junket.

Instructs the House Ethics Committee to develop by December 15 a new ethics policy regarding privately sponsored travel, which would likely emphasize pre-approval of trips by the Committee.

2. Gifts

Gifts to Members and their staffs would continue to be permitted under the existing gift limits ($50 per gift; $100 per year from any one source).

Unlike current ethics rules, lobbyists would be required to report to the Ethics Committee all gifts they give to Members and staffs.

Tickets to sporting events would be valued at face value rather than artificially set below face value, as is currently provided under House gift rules.

3. Revolving Door

Maintains the current 1-year cooling-off period, during which retiring Members and their staffs are prohibited from making direct lobbying contacts with their former colleagues. Retiring Members and their staffs may conduct all lobbying activities except for making lobbying contacts immediately after leaving public office.

Requires Members to disclose to the Ethics Committee when they are negotiating future private-sector employment that may pose a conflict of interest; the disclosure must be made within 5 days of negotiations for compensation. However, Members are not required to recuse themselves from official actions involving potential future employers.

4. Disclosure

Imposes quarterly, rather than semi-annual, reporting deadlines on lobbyists' financial reports.

Establishes electronic filing and disclosure of lobbyist reports.

Requires lobbyists to report their campaign contributions to candidates, committees and leadership PACs on lobbyist disclosure reports as well as to the Federal Election Commission.

5. Section 527 Organizations

Subjects federal section 527 political organizations to the reporting requirements and contribution limits of federal campaign finance law.

Applies a minimum 50–50 allocation ratio of hard and soft money for section 527 organizations involved in both federal and non-federal election activity, but caps soft money contributions for non-federal activity at $25,000 per year.

Repeals current limits on party coordinated expenditures with candidates.

6. Earmarks

Requires the disclosure of the names of members who sponsor earmarks in appropriations bills and conference reports.

Allows members to object to and remove specially targeted earmarks that were not disclosed in the original appropriations bills or conference reports under point of order rules.

By informal agreement, House leaders have pledged to expand the earmarking provision in conference committee to apply to all tax and authorizing bills as well as appropriations bills.

7. Forfeiture of Retirement Benefits

Cancels retirement benefits for members convicted of a crime related to their official duties in public office.

B. WHAT H.R. 4975 DOES NOT DO

H.R. 4975 does not address the most serious problems that gave rise to the recent spate of lobbying and ethics scandals. Indicted super-lobbyist Jack Abramoff could have done business as usual even if the "reforms" contained in H.R. 4975 had been in existence while he was working.

Several of the most serious problems that have not been addressed by this bill, nor by the Senate bill, include:

1. No meaningful enforcement mechanism is offered

The legislation leaves in place the failed and discredited system for enforcing House ethics and lobbying rules. The House ethics committee has been missing in action during all the scandals involving unmonitored lobbying activities, travel junkets and unregulated gifts. Even two years after news of the activities of Abramoff and his allies first came to light, there is no known congressional inquiry into allegations that lawmakers took improper or illegal actions on behalf of lobbyists. In fact, the House ethics committee didn't even meet in 2005—during the height of the scandal—and has met in 2006 just twice—once to squabble over its future direction and a second time to secretly approve H.R. 4975 and send it to the floor.

Regardless of the details of the law Congress passes, if no one is watching and no credible mechanism for enforcement exists, there likely will be little compliance with the law.

2. No effective steps are taken to break the corrupting nexus between lobbyists, money and lawmakers

While H.R. 4975 does require some additional disclosure requirements of contributions by lobbyists, the House bill does nothing to break the lobbyist-money-lawmaker nexus. Unlike state laws in California and Tennessee that prohibit contributions from lobbyists, H.R. 4975 does not impose any new limits on campaign contributions from lobbyists or fundraising done by lobbyists for members. Nor does it place any new limits on the ways lobbyists or their employers provide financial benefits to members, such as hosting fundraising events for members.

Not only does H.R. 4975 fail to slow the flow of money from lobbyists to lawmakers, but it does not even take the simple step of restricting lobbyists from controlling the purse strings of lawmakers. Lobbyists may still serve as treasurers of lawmakers' campaign committees and leadership PACs. The bill no longer even requires disclosure of lobbyist participation in fundraising events or parties honoring members.

3. The temporary travel moratorium is a slap in the face to anyone trying to curb the abuses of congressional travel junkets

While the bill provides a temporary suspension of privately funded trips for lawmakers, it does so in a way that raises deep concerns that these trips will be reinstated as soon as the 2006 congressional elections are over and the incumbents are re-elected. The legislation provides for the House ethics committee to recommend travel rules for members by Dec. 15, 2006, and sets the stage for establishing in future years an ineffective "pre-approval" system by the House ethics committee for members' privately funded trips. This approach would not end the travel abuses that have occurred, even if there was a publicly credible House ethics committee to approve the trips, which there is not. Under this approach, the temporary suspension of privately funded trips could end after the November elections without a direct vote on ending the suspension or on adopting travel rules for future years.

H.R. 4975 also allows members and staff to continue to be shuttled on corporate jets to faraway wonders of the world at the low, discounted rate of a first-class ticket (compared to charter rates). This is one of the business community's favorite means for subsidizing the campaigns and travel of lawmakers with the expectation of receiving something in return.

4. No effort is made to slow the revolving door.

Currently, 43 percent of retiring members of Congress—those who retire for reasons other than death or conviction—spin through the revolving door to become lobbyists. The current "cooling-off' period prohibits former members and staff only from making direct "lobbying contacts" with their former colleagues for one year after leaving public service. They can, and do, engage in all other lobbying activity, including planning lobbying strategy, supervising a team of lobbyists and making lobbying contacts with others in government who were not in the same branch of government or congressional committee. They are prohibited only from picking up the telephone and calling their former colleagues.

H.R. 4975 does not attempt to expand the coverage of the revolving door prohibition to include "lobbying activity" as well as "lobbying contacts." The bill does not even extend the one-year cooling-off period to two years.

Note: For a chart comparing Senate and House lobbying reform legislation, go to http://www.cleanupwashington.org/documents/LegCompare.pdf. For more links to information about lobbying reform, go to http://www.cleanupwashington.org/lobbying/page.cfm?pageid=24.

C. HOUSE FLOOR ACTION

H.R. 4975 cleared all the committee hurdles with almost no amendments in just one week. House Republican leaders clearly want fast action on the final bill, most certainly before any further indictments are issued in the widening corruption investigations. They have also closed off any chance for the full House to consider strengthening amendments by attaching a very restrictive closed rule to the bill.

The restrictive rule attached to H.R. 4975 was approved by a near party-line vote of 216–207 on April 27 during a tumultuous floor session. After a discombobulated performance on the House floor in the morning, in which the GOP leadership pulled the lobbying reform rule from the floor 24 minutes after it was introduced because they lacked the votes to pass it, the leaders whipped their colleagues into line by evening in a closed-door emergency session that lasted an hour and a half.

Many moderate House Republicans opposed the rule because the bill did not go far enough in reforming ethics and lobbying practices. For example, Representative JEFF FLAKE told The Washington Post: "You have one of your members in jail, others being investigated. To still take the position that we don't need reform—it's unbelievable."

Other Republicans, such as Appropriations Committee Chairman JERRY LEWIS objected that the earmarking provision applied only to the 11 appropriations bills, but not to the tax and authorizing bills of other committees, such as the transportation committee, which produced the "bridge to nowhere" earmark. House Republican leaders worked out a deal with the appropriators that the earmark provision would be extended to tax and authorizing bills in conference committee.

In the end, all Democrats and only 16 Republicans refused to support the restrictive rule. Republicans voted 216 in favor of the rule and 12 against, with three not voting. No Democrat voted in favor of the rule, while 194 voted against it and seven did not vote. One Independent voted against the rule.

Republicans who voted against the restrictive rule include: Reps. CHRIS SHAYS (R–Conn.), TODD PLATTS (R–Pa.) JIM RAMSTAD (R–Minn.), former House ethics committee chairman JOEL HEFLEY (R–Colo.), KENNY HULSHOF (R–Mo.), a former member of the panel, JEB BRADLEY (R–N.H.), WALTER JONES (R–N.C.), JIM KOLBE (R–Ariz.), CHARLES BASS (R–N.H.), STEVE CHABOT (R–Ohio), MARK GREEN (R–Wisc.) and JAMES SENSENBRENNER (R–Wisc.).

For a complete roll call vote on the restrictive rule, go to: www.CleanUpWashington.org/documents/vote4975rule.pdf.

The rule prohibits consideration of all but nine amendments among the 73 that were submitted for consideration. None of the amendments advocated by the reform community as strengthening amendments are allowed to be considered on the House floor. In addition, the rule:

Allows for one hour of debate, equally divided between the majority and minority parties;

Reinstates the provisions to regulate Section 527 political organizations as political committees subject to federal election contribution limits; and

Repeals current party coordinated expenditure limits; and

Removes a provision calling for the General Accountability Office to study contingency fees paid to lobbyists who secure earmarks.

Most of the amendments that are allowed for consideration would weaken the already weak bill. The nine permissible amendments are as follows:

SUMMARY OF ORDERED AMENDMENTS (LENGTH OF TIME PERMITTED FOR DEBATE)

(1.) Gohmert (Texas) #29. Strikes the current section 106 that establishes criminal penalties for violations of the law. (10 minutes)

(2.) Castle (Del.)/Gerlach (Pa.) #38. Requires that lobbyists be held liable for offering gifts that violate the gift ban. (10 minutes)

(3.) Lungren (Calif.)/Miller, George (Calif.)/Hastings (Wa.)/Berman (Calif.)/Cole (Okla.) #6. Modifies section 301 to allow privately sponsored travel during the temporary moratorium if pre-approved by the ethics committee. (10 minutes)

(4.) Sodrel (Ind.)/McGovem (Mass.)/Davis (Ky.) #47. Amends section 502 to add a voluntary ethics training program for members within 100 days of being sworn in to Congress. (10 minutes)

(5.) Jackson-Lee (Texas) #53. Modifies the extent to which pensions can be withheld from the spouse and family. (10 minutes)

(6.) Gingrey (Ga.) #14. Extends the prohibition on converting campaign dollars for personal use currently applicable to campaign committees to leadership PACs. (10 minutes)

(7.) Wolf (Va.) #7 [WITHDRAWN BY WOLF]. Prohibits former ambassadors and CIA station chiefs from acting as an agent of the foreign nation where they were stationed for five years after their service as ambassador or station chief is completed. (10 minutes)

(8.) Castle (Del.) #34. Requires that all registered lobbyists (not members of Congress) complete eight hours of ethics training each Congress. (10 minutes)

(9.) Flake (Ariz.) #17. Prohibits a person from directly or indirectly, corruptly giving, offering or promising anything of value to any public official with the intent to influence any

official act relating to an earmark. Also prohibits a public official from corruptly demanding, seeking, receiving, accepting or agreeing to receive or accept anything of value in return for influence in the performance of an official act relating to an earmark. (10 minutes)

D. CONCLUSION: REJECT H.R. 4975 AND MAKE THE HOUSE ADDRESS GENUINE LOBBYING REFORM

H.R. 4975 is not real lobbying reform. It fails to address the most fundamental abuses of ethical behavior by lobbyists and members of Congress alike. The bill instead is being used as a vehicle for Republican leaders to claim that have dealt with lobbying abuses while avoiding sweeping changes. Republican leaders are betting that H.R. 4975 will be enough to dodge a voter backlash come November.

This sham reform legislation should be rejected and sent back to the House to be fundamentally rewritten. If the House refuses to deal with corruption and the perception of corruption in Congress, the issue should not be allowed to fade as the election nears.

Public Citizen is a national, nonprofit consumer advocacy organization based in Washington, D.C. For more information, go to www.citizen.org.

Mr. HEFLEY. Mr. Chairman, I rise today in opposition to the lobbying reform bill because this legislation does not go far enough in reforming the rules of the House.

As the former House Ethics Committee chairman I feel H.R. 4975 does very little in providing comprehensive reform. This bill contains much needed changes to lobbying reform and I congratulate Chairman DREIER for putting together these much needed changes. Unfortunately, this bill is silent on reforming the rules of this institution to enhance the ethics process, which are equally as important as the lobbying changes.

We had an opportunity to implement comprehensive ethics reform in the House, but unfortunately we are not taking advantage of this opportunity. Real, meaningful reform in the House must include strengthening the Ethics Committee and the ethics process.

Representative HULSHOF and I introduced a bill last month to strengthen the ethics committee in ways this bill does not.

Our legislation would do three things this bill does not:

It would increase transparency across the board, it would increase oversight, and it would give the Ethics Committee the authority to aggressively investigate potential violations when necessary.

Our legislation includes broad and sweeping disclosure across the board for all gifts over $20, all privately funded travel, all lobbyist registrations, all passengers on corporate jets, and all member financial disclosure statements. All disclosure would be on the internet and all in real time.

Mr. Chairman, the bill we introduced would give the Ethics Committee broader subpoena power during informal investigations, which is when the key decisions are made regarding whether to fully investigate a potential violation.

Our legislation would strengthen the independence of the chair and ranking member by giving them presumptive six year terms like other chairmen.

Our bill would also strengthen the independence of the ethics committee staff by making this a career office, like the parliamentarians office, yet with the accountability all staff should have.

However, neither the Republican leadership nor the Democrat leadership have offered a solution that addresses what is important, the Ethics Committee.

I think we've missed a good opportunity to do some good things and I look forward to working with my colleagues in addressing further reforms in the future.

Mr. BLUMENAUER. Mr. Chairman, the legislation before us today is a missed opportunity to fix an area in great need of reform. The bill does little to reign in the activities of lobbyists and members and the restrictive rule prevented many viable alternatives from being considered.

There are a lot of things we can do through the Ethics Committee and the Rules Committee to improve our broken ethics system. But what we should and must do is have an independent process. My colleague from Oregon, GREG WALDEN, and I crafted an amendment that would deal comprehensively with accountability and oversight of Congress in a way that we cannot accomplish under the current system. Our amendment would have established an independent commission, composed of former Members of Congress, who would be able to govern Congress in a fair and transparent manner. The amendment also provided meaningful reporting and review requirements for both Members and lobbyists.

Our constituents will no longer stand for secretive legislative activity where the sponsor is not identified and the fingerprints are missing. Time must be allotted to digest proposals. There's no reason why there should not be a minimum of 3 days to examine something before it is voted on, unless there is a real emergency determined by a vote of the House.

I think we can, and must, do more if we are to restore voters' faith in both their representatives and the system in general. While it is true that some who broke the law were caught and are now being punished, it is clear that we must do better if we are to rekindle the trust of the American people in our work and our integrity.

Mr. PAUL. Mr. Chairman, the public outrage over the Jack Abramoff scandal presented Congress with an opportunity to support real reform by addressing the root cause of the corruption: the amount of money and power located in Washington, D.C. A true reform agenda would focus on ending federal funding for unconstitutional programs, beginning with those programs that benefit wealthy corporations and powerful special interests. Congress should also change the way we do business in the House by passing the Sunlight Rule (H. Res. 709). The Sunlight Rule ensures that members of the House of Representatives and the American public have adequate time to read and study legislation before it is voted upon. Ending the practice of rushing major legislation to the House floor before members have had a chance to find out the details of bills will do more to improve the legislative process and restore public confidence in this institution than will imposing new registration requirements on lobbyists or making staffers waste their time at an ''ethics class.''

I am disappointed, but not surprised, to see that Congress is failing to go after the root cause of corruption. Instead, we are considering placing further burdens on the people's exercise of their free speech rights. H.R. 4975 will not deter corrupt lobbyists, staffers, or members. What H.R. 4975 will do is discourage ordinary Americans from participating in the policy process. Among the ways H.R. 4975 silences ordinary Americans is by requiring grassroots citizens' action organizations to divulge their membership lists so Congress can scrutinize the organizations' relationships with members of Congress. The result of this will be to make many Americans reluctant to support or join these organizations. Making it more difficult for average Americans to have their voices heard is an odd response to concerns that Congress is more responsive to special interests than to the American public.

This legislation further violates the First Amendment by setting up a means of secretly applying unconstitutional campaign finance laws to ''Section 527'' organizations. This is done by a provision in the rule under which this bill is brought before us that automatically attaches the ''527'' legislation to H.R. 4975 if H.R. 4975 passes the House and is sent to the Senate for a conference.

H.R. 4975 also contains minor reforms of the appropriation process to bring greater transparency to the process of ''earmarking,'' where members seek funding for specific projects in their respective district. I have no objection to increased transparency, and I share some of the concerns raised by opponents of the current earmarking process.

However, I would like to remind my colleagues that, since earmark reform does not reduce the total amount of spending, instead giving more power to the executive branch to allocate federal funds, the problem of members trading their votes in exchange for earmarks will continue. The only difference will be that instead of trading their votes to win favor with Congressional appropriators and House leadership, members will trade their votes to get funding from the Executive branch. Transferring power over allocation of taxpayer dollars from the legislative branch to the executive branch is hardly a victory for republican government. Reducing Congress's role in allocating of tax dollars, without reducing the Federal budget, also means State and local officials, to say nothing of ordinary citizens, will have less input into how Federal funds are spent.

Earmarks, like most of the problems H.R. 4975 purports to deal with, are a symptom of the problem, not the cause. The real problem is that the United States government is too big, spends too much, and has too much power. When the government has the power to make or break entire industries by changing one regulation or adding or deleting one paragraph in an appropriation bill it is inevitable that people will seek to manipulate that power to their advantage. Human nature being what it is, it is also inevitable that some people seeking government favors will violate basic norms of ethical behavior. Thus, the only way to effectively address corruption is to reduce the size of government and turn money and power back to the people and the several states.

The principals in the recent scandals where not deterred by existing laws and congressional ethics rules. Why would a future Jack Abramoff be deterred by H.R. 4975? H.R. 4975 is not just ineffective to the extent that it burdens the ability of average citizens to support and join grassroots organizations to more effectively participate in the policy process, H.R. 4975 violates the spirit, if not the letter, of the First Amendment. I therefore urge my

colleagues to reject this bill and instead work to reduce corruption in Washington by reducing the size and power of the Federal Government.

Mr. HOLT. Mr. Chairman, it is an honor and a privilege to serve in the U.S. Congress. Having been entrusted by our constituents with the responsibility to serve their interests in this body, we hold a sacred trust to represent them openly, honestly, and selflessly.

Serving as a public official necessarily and rightly subjects an individual to heightened scrutiny of behavior. It is tragic that scurrilous actions perpetrated by Members of this body have further eroded the trust that Americans place in their electoral and representative system. Congress must act expeditiously and strongly to restore this trust.

Unfortunately, the legislation that we have before us today is nothing more than a sham. It is a feeble attempt to fool the public—a package of half-hearted cosmetic changes that merely nibble at the edges of a fundamentally flawed governing ethos.

H.R. 4975 falls far short of its two goals—fixing the systemic problems that have led to abuses of power, and restoring the faith of American citizens in the integrity of this institution.

Recent scandals prove that we need to do something to ensure that Congressional travel is legitimate. Domestic and international travel is an important way to inform our representation and see the effects of our decisions in different communities and countries. For example, Members of Congress should have the opportunity to travel to Israel, Burma, Greece, Brazil, or other destinations where the votes cast in this chamber have a real impact. Such trips are entirely different from golf junkets to Scotland. Nonprofits and educational agencies should continue providing this important service because it informs Members in a setting free of special interest lobbyists. However, H.R. 4975 does nothing to stop lobbyists from funding and arranging Congressional travel. Such travel should be permanently banned altogether. H.R. 4975 also fails because it imposes no restrictions on the use of corporate jets by Members, and does not require reimbursement of the flight's actual value.

Sunshine, as they say, is the best disinfectant, and H.R. 4975 does not do nearly enough to allow the public to know the interaction between elected officials and lobbyists. H.R. 4975 contains no meaningful disclosure requirements on lobbyist campaign finance activities on behalf of Members of Congress. We must let the public know about fundraisers, events ''honoring'' Members, or outright contributions that special interest lobbyists are lavishing upon elected officials. The bill has been stripped of any such requirements.

It is clear that the practice of ''earmarking'' is not the ideal way to fund the needs of the nation. Basing funding decisions not on merit, but on the influence and seniority of a Member of Congress inherently does a disservice to the nation. Earmarking needs to be severely restricted. At a minimum, each Member should be willing to fully disclose the requesting organization or person and explaining the purpose of the project publicly. Unfortunately, H.R. 4975 fails to achieve this goal. Its disclosure requirements apply only to appropriations bills—not to authorization or tax bills. It's a half-measure, at best, that would do nothing to stop wasteful and unnecessary projects like the ''Bridge to Nowhere.''

Sadly, the process by which this legislation comes before us has been fundamentally undemocratic. The Rules Committee disallowed the large majority of amendments that would improve this weak bill. It disallowed an amendment that would have required registered lobbyists to disclose lobbying contacts with Members of Congress and senior executive branch officials. It disallowed an amendment to increase the waiting period for Members and senior staff to lobby Congress. And it disallowed an amendment to require full payment and disclosure of charter flights.

The Democratic alternative is a better way. The Honest Leadership Open Government Act would address these shortcomings and more. It would prohibit special interest provisions from being inserted in legislation in the dead of night, before they can be adequately reviewed and debated. It would restore democracy in the House by prohibiting votes from being held open to twist arms and lobby Members on the floor, and would prohibit cronyism in key government appointments and government contracting. We would also permanently ban gifts and travel arranged or funded by lobbyists, mandate disclosure of lobbyist fundraising activities on behalf of Members, and close the revolving door between the public and private sector.

The Washington Post calls this bill, ''a watered-down sham.'' USA Today calls it an ''outrageous substitute for needed reform.'' Third party interest groups like Common Cause, Democracy 21, the League of Women Voters, Public Citizen, and U.S. P.I.R.G. have all condemned this weak and inadequate effort to kick the can down the road. We have an historic opportunity to reform the way business is conducted in Washington, D.C., and we are poised to miss that opportunity.

I urge my colleagues to oppose H.R. 4975 and support real reform.

Mr. LEVIN. Mr. Chairman, I rise in strong opposition to this legislation.

The American people are losing their faith in the integrity of Congress. Today we had a real opportunity to curb the influence of the special interests and lobbyists, and to disburse the cloud of corruption hanging over this Congress as a result of the improprieties of a small minority who have disgraced its good name.

Yet this watered-down attempt at reform falls far short of what we need to do to restore confidence in the legislative process. This bill is reform in name only. Under this bill companies could continue to fly members in their corporate jets at discount rates. Members could continue to accept lobbying jobs shortly after drafting and advocating for industry-friendly legislation. Members could influence private employment decisions with the threat of taking or withholding official actions. And special interest provisions could continue to be slipped into legislation at the eleventh hour. Instead of developing a real policy to govern gifts and meals, this legislation defers that decision until after the elections in November. This bill also postpones adoption of a clear policy regarding special interest and lobbyist-sponsored private travel.

The bill before the House is not going to fool anyone. Across the country, newspapers are blasting the GOP lobbying reform bill for the farce that it is.

The Washington Post has called it ''a watered-down sham that would provide little in the way of accountability or transparency.'' ''Congress still doesn't get it,'' said USA Today. The New York Times writes ''It's hard to believe that members of Congress mindful of voters'' diminishing respect would attempt such an election-year con.'' And the Houston Chronicle asks ''How many more members of Congress, their aides and lobbyists have to be convicted of fraud, bribery and abuse of voters' trust before legislators get the message that the public is serious about ethics reform?''

The Democratic reform plan, the Honest Leadership and Open Government Act, which I have cosponsored, would address each of these serious inadequacies, while further strengthening lobbyist disclosure requirements to shine some light into the relationship between campaign donors, lobbyists and Members of Congress.

Yet, in what has become a standard abuse of House Rules, Democrats were denied the opportunity to debate a number of substantive amendments seeking to improve and strengthen many components of the bill. Consideration of substitute legislation was blocked as well, denying Members the chance to vote on the actual reforms included in the Democratic Honest Leadership and Open Government Act.

The American people have seen the impacts resulting from the lax policies of this Republican Congress in many ways. Spiraling prescription drug costs, the skyrocketing cost of gasoline, waste, fraud and no-bid contracts in the Gulf Coast and Iraq, are all cases where a more open legislative process with reasonable oversight could have saved consumers thousands.

While this Republican Leadership may be perfectly content in perpetuating a clearly flawed status quo, sticking to business as usual regardless of the multiplying and increasingly brazen cases of misconduct, and promising more reform at some indefinite date in the future, I know the American people both demand and deserve a real response. This is simply a smoke screen by Members of the Majority to delay real action right here and right now.

Today Member after Member from the Republican Party came to the House floor not to extol the virtues of this legislation but to assure their colleagues that this was just a compromise, and that more would be done in conference and in the future. The American people do not want a compromise. They don't want to hear any more false promises of future action. The continuing cost of inaction has resulted in the loss of the confidence of the American people.

I will vote against this legislation today and support the Democratic motion to recommit to send the bill back to Committee with instructions to immediately report the measure back to the House with the text of the Honest Leadership and Open Government Act.

Mr. DINGELL. Mr. Speaker, I rise to oppose the legislation before us today. I oppose it, not because I oppose clean, open, and transparent government; or because I don't want the American people to have faith in their legislators.

I oppose it, quite simply, because all it does is put lipstick on a pig. It allows the Republican majority to give themselves a self congratulatory pat on the back and then proceed with business as usual. It allows those same Republicans, who have let K Street and corporate greed-heads to feast at the trough of

American democracy, to proclaim their reborn innocence. It scolds the lobbying community for the sins of their membership, and does nothing to change the culture of corruption here in the Congress and in the Executive Branch other than making people fill out a couple more forms.

I have served in this beloved institution for quite a while now. I love it with all my heart. In my time here I have always tried to do right by the people. I have always tried to spend their money wisely. I have tried to make sure that their government responds to their concerns. I have tried to make sure that the Executive Branch, whether it was run by Democrats or Republicans, understood Congressional prerogatives. And the Congress, as a whole, used to respect these privileges as well.

Things have changed. They have changed, not because there's a thriving business for lobbyists—lobbyists thrived when Congress was honest—but because this Congress now sees K Street's interests as its own. Not only have we seen a rise in a culture of corruption, but we have also seen the withering of the culture of skepticism.

Too many people here in the Congress accept, without a moment's hesitation, the priorities of a lobbyist. No questions are asked, no criticisms are made. Doing K Street's bidding is not our job, representing the American people is. Until the Majority figures that out, no amount of reform and self-congratulations is going to change our image or restore the faith of the American people.

Mr. DREIER. Mr. Chairman, I yield back the balance of my time, and I move that the Committee do now rise.

The motion was agreed to.

Accordingly, the Committee rose; and the Speaker pro tempore (Mr. LINDER) having assumed the chair, Mr. PRICE of Georgia, Acting Chairman of the Committee of the Whole House on the State of the Union, reported that that Committee, having had under consideration the bill (H.R. 4975) to provide greater transparency with respect to lobbying activities, and for other purposes, had come to no resolution thereon.

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore. Pursuant to clause 8 of rule XX, proceedings will resume on motions to suspend the rules previously postponed.

Votes will be taken in the following order:

H. Con. Res. 359, by the yeas and nays;

H.R. 5253, by the yeas and nays;

H.R. 5254, by the yeas and nays.

Proceedings on House Resolution 781 will resume at a later time.

The first electronic vote will be conducted as a 15-minute vote. Remaining electronic votes will be conducted as 5-minute votes.

AUTHORIZING USE OF CAPITOL GROUNDS FOR DISTRICT OF COLUMBIA SPECIAL OLYMPICS LAW ENFORCEMENT TORCH RUN

The SPEAKER pro tempore. The pending business is the question of suspending the rules and agreeing to the concurrent resolution, H. Con. Res. 359.

The Clerk read the title of the concurrent resolution.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from New York (Mr. KUHL) that the House suspend the rules and agree to the concurrent resolution, H. Con. Res. 359, on which the yeas and nays are ordered.

The vote was taken by electronic device, and there were—yeas 417, nays 0, not voting 15, as follows:

[Roll No. 114]

YEAS—417

Abercrombie
Ackerman
Aderholt
Akin
Alexander
Allen
Andrews
Baca
Bachus
Baird
Baker
Baldwin
Barrett (SC)
Barrow
Bartlett (MD)
Bass
Bean
Beauprez
Becerra
Berkley
Berman
Berry
Biggert
Bilirakis
Bishop (GA)
Bishop (NY)
Bishop (UT)
Blackburn
Blumenauer
Blunt
Boehlert
Boehner
Bonilla
Bonner
Bono
Boozman
Boren
Boswell
Boucher
Boustany
Boyd
Bradley (NH)
Brady (PA)
Brady (TX)
Brown (OH)
Brown (SC)
Brown, Corrine
Brown-Waite, Ginny
Burgess
Burton (IN)
Butterfield
Calvert
Camp (MI)
Campbell (CA)
Cannon
Cantor
Capito
Capps
Capuano
Cardin
Cardoza
Carnahan
Carson
Carter
Case
Castle
Chabot
Chandler
Chocola
Clay
Cleaver
Clyburn
Coble
Cole (OK)
Conaway
Conyers
Cooper
Costa
Costello
Cramer
Crenshaw
Crowley
Cubin
Cuellar
Cummings
Davis (AL)
Davis (CA)
Davis (FL)
Davis (IL)
Davis (KY)
Davis (TN)
Davis, Jo Ann
Davis, Tom
Deal (GA)
DeFazio
DeGette
Delahunt
DeLauro
Dent
Diaz-Balart, L.
Diaz-Balart, M.
Dicks
Doggett
Doolittle
Doyle
Drake
Dreier
Duncan
Edwards
Ehlers
Emanuel
Emerson
Engel
English (PA)
Eshoo
Etheridge
Everett
Farr
Fattah
Feeney
Ferguson
Filner
Fitzpatrick (PA)
Flake
Foley
Forbes
Ford
Fortenberry
Fossella
Foxx
Frank (MA)
Franks (AZ)
Frelinghuysen
Gallegly
Garrett (NJ)
Gerlach
Gibbons
Gilchrest
Gillmor
Gingrey
Gohmert
Gonzalez
Goode
Goodlatte
Gordon
Granger
Graves
Green (WI)
Green, Al
Grijalva
Gutierrez
Gutknecht
Harman
Harris
Hart
Hastings (FL)
Hastings (WA)
Hayes
Hayworth
Hefley
Hensarling
Herger
Herseth
Higgins
Hinchey
Hinojosa
Hobson
Hoekstra
Holden
Holt
Honda
Hooley
Hostettler
Hoyer
Hulshof
Hunter
Hyde
Inglis (SC)
Inslee
Israel
Issa
Istook
Jackson (IL)
Jackson-Lee (TX)
Jefferson
Jenkins
Jindal
Johnson (CT)
Johnson (IL)
Johnson, E. B.
Johnson, Sam
Jones (NC)
Jones (OH)
Kanjorski
Kaptur
Keller
Kelly
Kennedy (MN)
Kennedy (RI)
Kildee
Kilpatrick (MI)
Kind
King (IA)
King (NY)
Kirk
Kline
Knollenberg
Kolbe
Kucinich
Kuhl (NY)
LaHood
Langevin
Lantos
Larsen (WA)
Larson (CT)
Latham
LaTourette
Leach
Lee
Levin
Lewis (CA)
Lewis (GA)
Lewis (KY)
Linder
Lipinski
LoBiondo
Lofgren, Zoe
Lowey
Lucas
Lungren, Daniel E.
Lynch
Mack
Maloney
Manzullo
Marchant
Markey
Marshall
Matheson
Matsui
McCarthy
McCollum (MN)
McCotter
McCrery
McDermott
McGovern
McHenry
McHugh
McIntyre
McKeon
McKinney
McMorris
McNulty
Meehan
Meek (FL)
Meeks (NY)
Melancon
Mica
Michaud
Millender-McDonald
Miller (FL)
Miller (MI)
Miller (NC)
Miller, Gary
Miller, George
Mollohan
Moore (KS)
Moore (WI)
Moran (KS)
Moran (VA)
Murphy
Murtha
Musgrave
Myrick
Nadler
Napolitano
Neal (MA)
Neugebauer
Ney
Northup
Norwood
Nunes
Oberstar
Obey
Olver
Ortiz
Otter
Owens
Oxley
Pallone
Pascrell
Pastor
Paul
Payne
Pearce
Pelosi
Pence
Peterson (MN)
Peterson (PA)
Petri
Pickering
Pitts
Platts
Pombo
Pomeroy
Porter
Price (GA)
Price (NC)
Pryce (OH)
Radanovich
Rahall
Ramstad
Rangel
Regula
Rehberg
Reichert
Renzi
Reyes
Reynolds
Rogers (AL)
Rogers (KY)
Rogers (MI)
Rohrabacher
Ros-Lehtinen
Ross
Rothman
Roybal-Allard
Royce
Ruppersberger
Rush
Ryan (OH)
Ryan (WI)
Ryun (KS)
Salazar
Sánchez, Linda T.
Sanchez, Loretta
Sanders
Saxton
Schakowsky
Schiff
Schmidt
Schwartz (PA)
Schwarz (MI)
Scott (GA)
Scott (VA)
Sensenbrenner
Serrano
Sessions
Shadegg
Shaw
Shays
Sherman
Sherwood
Shimkus
Shuster
Simmons
Simpson
Skelton
Slaughter
Smith (NJ)
Smith (TX)
Smith (WA)
Snyder
Sodrel
Solis
Souder
Spratt
Stark
Stearns
Strickland
Stupak
Sullivan
Sweeney
Tancredo
Tanner
Tauscher
Taylor (MS)
Taylor (NC)
Terry
Thomas
Thompson (CA)
Thompson (MS)
Thornberry
Tiahrt
Tiberi
Tierney
Towns
Turner
Udall (CO)
Udall (NM)
Upton
Van Hollen
Velázquez
Visclosky
Walden (OR)
Walsh
Wamp
Wasserman Schultz
Waters
Watson
Watt
Waxman
Weiner
Weldon (FL)
Weldon (PA)
Weller
Westmoreland
Wexler
Whitfield
Wicker
Wilson (NM)
Wilson (SC)
Wolf
Woolsey
Wu
Wynn
Young (AK)
Young (FL)

NOT VOTING—15

Barton (TX)
Buyer
Culberson
DeLay
Dingell
Evans
Green, Gene
Hall
Kingston
McCaul (TX)
Nussle
Osborne
Poe
Putnam
Sabo

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore (during the vote). Members are advised that there are 2 minutes remaining in this vote.

□ 1447

So (two-thirds of those voting having responded 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. PUTNAM. Mr. Speaker, on roll-call No. 114 I was unavoidably detained at the White House. Had I been present, I would have noted ''yea.''

Mr. GENE GREEN of Texas. Mr. Speaker, on rollcall No. 114 I was unavoidably detained at an energy meeting. Had I been present, I would have noted ''yea.''

FEDERAL ENERGY PRICE PROTECTION ACT OF 2006

The SPEAKER pro tempore. The pending business is the question of suspending the rules and passing the bill, H.R. 5253.

The Clerk read the title of the bill.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Texas (Mr. BARTON) that the House suspend the rules and pass the bill, H.R. 5253, on which the yeas and nays are ordered.

This will be a 5-minute vote.

The vote was taken by electronic device, and there were—yeas 389, nays 34, not voting 9, as follows:

[Roll No. 115]

YEAS—389

Abercrombie
Ackerman
Aderholt
Alexander
Allen
Andrews
Baca
Bachus
Baird
Baldwin
Barrett (SC)
Barrow
Bartlett (MD)
Barton (TX)
Bass
Bean
Beauprez
Becerra
Berkley
Berman
Berry
Biggert
Bilirakis
Bishop (GA)
Bishop (NY)
Bishop (UT)
Blackburn
Blumenauer
Blunt
Boehlert
Boehner
Bonilla
Bonner
Bono
Boozman
Boren
Boswell
Boucher
Boustany
Boyd
Bradley (NH)
Brady (PA)
Brady (TX)
Brown (OH)
Brown (SC)
Brown, Corrine
Brown-Waite, Ginny
Burgess
Butterfield
Calvert
Camp (MI)
Cantor
Capito
Capps
Capuano
Cardin
Cardoza
Carnahan
Carson
Carter
Case
Castle
Chabot
Chandler
Chocola
Clay
Cleaver
Clyburn
Coble
Cole (OK)
Conyers
Cooper
Costa
Costello
Cramer
Crenshaw
Crowley
Cubin
Cuellar
Cummings
Davis (AL)
Davis (CA)
Davis (FL)
Davis (IL)
Davis (KY)
Davis (TN)
Davis, Jo Ann
Davis, Tom
Deal (GA)
DeFazio
DeGette
Delahunt
DeLauro
Dent
Diaz-Balart, L.
Diaz-Balart, M.
Dicks
Dingell
Doggett
Doolittle
Doyle
Drake
Dreier
Duncan
Edwards
Ehlers
Emanuel
Emerson
Engel
English (PA)
Eshoo
Etheridge
Everett
Farr
Fattah
Ferguson
Filner
Fitzpatrick (PA)
Foley
Forbes
Ford
Fortenberry
Fossella
Foxx
Frank (MA)
Frelinghuysen
Gallegly
Gerlach
Gibbons
Gilchrest
Gillmor
Gohmert
Gonzalez
Goode
Goodlatte
Gordon
Granger
Graves
Green (WI)
Green, Al
Green, Gene
Grijalva
Gutierrez
Gutknecht
Hall
Harman
Harris
Hart
Hastings (FL)
Hastings (WA)
Hayes
Hayworth
Hefley
Herger
Herseth
Higgins
Hinchey
Hinojosa
Hobson
Holden
Holt
Honda
Hooley
Hoyer
Hulshof
Hunter
Hyde
Inglis (SC)
Inslee
Israel
Issa
Istook
Jackson (IL)
Jackson-Lee (TX)
Jefferson
Jenkins
Jindal
Johnson (CT)
Johnson (IL)
Johnson, E. B.
Jones (NC)
Jones (OH)
Kanjorski
Kaptur
Keller
Kelly
Kennedy (MN)
Kennedy (RI)
Kildee
Kilpatrick (MI)
Kind
King (NY)
Kingston
Kirk
Kline
Knollenberg
Kolbe
Kuhl (NY)
LaHood
Langevin
Lantos
Larsen (WA)
Larson (CT)
LaTourette
Leach
Lee
Levin
Lewis (CA)
Lewis (GA)
Lewis (KY)
Linder
Lipinski
LoBiondo
Lofgren, Zoe
Lowey
Lucas
Lynch
Mack
Maloney
Manzullo
Marchant
Markey
Marshall
Matheson
Matsui
McCarthy
McCaul (TX)
McCollum (MN)
McCotter
McCrery
McDermott
McGovern
McHugh
McIntyre
McKeon
McKinney
McMorris
McNulty
Meehan
Meek (FL)
Meeks (NY)
Melancon
Mica
Michaud
Millender-McDonald
Miller (FL)
Miller (MI)
Miller (NC)
Miller, George
Mollohan
Moore (KS)
Moore (WI)
Moran (KS)
Moran (VA)
Murphy
Murtha
Myrick
Nadler
Napolitano
Neal (MA)
Ney
Northup
Norwood
Nunes
Oberstar
Obey
Olver
Ortiz
Owens
Oxley
Pallone
Pascrell
Pastor
Payne
Pelosi
Peterson (MN)
Peterson (PA)
Petri
Pickering
Platts
Pombo
Pomeroy
Porter
Price (GA)
Price (NC)
Pryce (OH)
Putnam
Radanovich
Rahall
Ramstad
Rangel
Regula
Rehberg
Reichert
Renzi
Reyes
Reynolds
Rogers (AL)
Rogers (KY)
Rogers (MI)
Ros-Lehtinen
Ross
Rothman
Roybal-Allard
Royce
Ruppersberger
Rush
Ryan (OH)
Ryan (WI)
Ryun (KS)
Salazar
Sánchez, Linda T.
Sanchez, Loretta
Sanders
Saxton
Schakowsky
Schiff
Schmidt
Schwartz (PA)
Schwarz (MI)
Scott (GA)
Scott (VA)
Sensenbrenner
Serrano
Shaw
Shays
Sherman
Sherwood
Shimkus
Shuster
Simmons
Simpson
Skelton
Slaughter
Smith (NJ)
Smith (TX)
Smith (WA)
Snyder
Sodrel
Solis
Souder
Spratt
Stark
Stearns
Strickland
Stupak
Sweeney
Tancredo
Tanner
Tauscher
Taylor (MS)
Taylor (NC)
Terry
Thomas
Thompson (CA)
Thompson (MS)
Thornberry
Tiahrt
Tiberi
Tierney
Towns
Udall (CO)
Udall (NM)
Upton
Van Hollen
Velázquez
Visclosky
Walden (OR)
Walsh
Wamp
Wasserman Schultz
Waters
Watson
Watt
Waxman
Weiner
Weldon (FL)
Weldon (PA)
Weller
Wexler
Whitfield
Wicker
Wilson (NM)
Wolf
Woolsey
Wu
Wynn
Young (AK)
Young (FL)

NAYS—34

Akin
Burton (IN)
Campbell (CA)
Cannon
Conaway
Culberson
Feeney
Flake
Franks (AZ)
Garrett (NJ)
Gingrey
Hensarling
Hoekstra
Hostettler
Johnson, Sam
King (IA)
Kucinich
Lungren, Daniel E.
McHenry
Miller, Gary
Musgrave
Neugebauer
Otter
Paul
Pearce
Pence
Pitts
Poe
Rohrabacher
Sessions
Shadegg
Sullivan
Westmoreland
Wilson (SC)

NOT VOTING—9

Baker
Buyer
DeLay
Evans
Latham
Nussle
Osborne
Sabo
Turner

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore (during the vote). Members are advised that there are 2 minutes remaining in this vote.

□ 1457

Mr. HOEKSTRA changed his vote from ''yea'' to ''nay.''

Mr. KINGSTON changed his vote from ''nay'' to ''yea.''

So (two-thirds of those voting having responded in the affirmative) the rules were suspended and the bill was passed.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

Stated for:

Mr. TURNER. Mr. Speaker, on rollcall No. 115, I was inadvertently detained. Had I been present, I would have voted "yea."

REFINERY PERMIT PROCESS SCHEDULE ACT

The SPEAKER pro tempore. The pending business is the question of suspending the rules and passing the bill, H.R. 5254.

The Clerk read the title of the bill.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Texas (Mr. BARTON) that the House suspend the rules and pass the bill, H.R. 5254, on which the yeas and nays are ordered.

This will be a 5-minute vote.

The vote was taken by electronic device, and there were—yeas 237, nays 188, not voting 7, as follows:

[Roll No. 116]

YEAS—237

Aderholt
Akin
Alexander
Bachus
Baker
Barrett (SC)
Barrow
Bartlett (MD)
Barton (TX)
Bass
Beauprez
Biggert
Bilirakis
Bishop (UT)
Blackburn
Blunt
Boehlert
Boehner
Bonilla
Bonner
Bono
Boozman
Boren
Boustany
Boyd
Bradley (NH)
Brady (TX)
Brown (SC)
Brown-Waite, Ginny
Burgess
Burton (IN)
Calvert
Camp (MI)
Campbell (CA)
Cannon
Cantor
Capito
Carter
Castle
Chabot
Chocola
Coble
Cole (OK)
Conaway
Costello
Crenshaw
Cubin
Cuellar
Culberson
Davis (KY)
Davis (TN)
Davis, Jo Ann
Davis, Tom
Deal (GA)
Dent
Diaz-Balart, L.
Diaz-Balart, M.
Doolittle
Drake
Dreier
Duncan
Edwards
Ehlers
Emerson
English (PA)
Everett
Feeney
Ferguson
Flake
Foley
Forbes
Fortenberry
Fossella
Foxx
Franks (AZ)
Frelinghuysen
Gallegly
Garrett (NJ)
Gerlach
Gibbons
Gilchrest
Gillmor
Gingrey
Gohmert
Goode
Goodlatte
Granger
Graves
Green (WI)
Green, Gene
Gutknecht
Hall
Harris
Hart
Hastings (WA)
Hayes
Hayworth
Hefley
Hensarling
Herger
Herseth
Hobson
Hoekstra
Holden
Hostettler
Hulshof
Hunter
Hyde
Inglis (SC)
Issa
Istook
Jenkins
Jindal
Johnson (CT)
Johnson (IL)
Johnson, Sam
Jones (NC)
Keller
Kelly
Kennedy (MN)
King (IA)
King (NY)
Kingston
Kirk
Kline
Knollenberg
Kolbe
Kuhl (NY)
LaHood
Latham
LaTourette
Leach
Lewis (CA)
Lewis (KY)
Linder
LoBiondo
Lucas
Lungren, Daniel E.
Lynch
Mack
Manzullo
Marchant
Marshall
McCaul (TX)
McCotter
McCrery
McHenry
McHugh
McKeon
McMorris
Melancon
Mica
Miller (FL)
Miller (MI)
Miller, Gary
Moran (KS)
Murphy
Musgrave
Myrick
Neugebauer
Ney
Northup
Norwood

Nunes
Otter
Oxley
Paul
Pearce
Pence
Peterson (PA)
Petri
Pickering
Pitts
Platts
Poe
Pombo
Porter
Price (GA)
Pryce (OH)
Putnam
Radanovich
Ramstad
Regula
Rehberg
Reichert
Renzi
Reynolds
Rogers (AL)
Rogers (KY)
Rogers (MI)
Rohrabacher
Ros-Lehtinen
Royce
Ryan (WI)
Ryun (KS)
Saxton
Schmidt
Schwarz (MI)
Sensenbrenner
Sessions
Shadegg
Shaw
Sherwood
Shimkus
Shuster
Simmons
Simpson
Smith (NJ)
Smith (TX)
Sodrel
Souder
Stearns
Sullivan
Sweeney
Tancredo
Taylor (NC)
Terry
Thomas
Thornberry
Tiahrt
Tiberi
Turner
Upton
Walden (OR)
Walsh
Wamp
Weldon (FL)
Weldon (PA)
Weller
Westmoreland
Whitfield
Wicker
Wilson (NM)
Wilson (SC)
Wolf
Young (AK)
Young (FL)

NAYS—188

Abercrombie
Ackerman
Allen
Andrews
Baca
Baird
Baldwin
Bean
Becerra
Berkley
Berman
Berry
Bishop (GA)
Bishop (NY)
Blumenauer
Boswell
Boucher
Brady (PA)
Brown (OH)
Brown, Corrine
Butterfield
Capps
Capuano
Cardin
Cardoza
Carnahan
Carson
Case
Chandler
Clay
Cleaver
Clyburn
Conyers
Cooper
Costa
Cramer
Crowley
Cummings
Davis (AL)
Davis (CA)
Davis (FL)
Davis (IL)
DeFazio
DeGette
Delahunt
DeLauro
Dicks
Dingell
Doggett
Doyle
Emanuel
Engel
Eshoo
Etheridge
Farr
Fattah
Filner
Fitzpatrick (PA)
Ford
Frank (MA)
Gonzalez
Gordon
Green, Al
Grijalva
Gutierrez
Harman
Hastings (FL)
Higgins
Hinchey
Hinojosa
Holt
Honda
Hooley
Hoyer
Inslee
Israel
Jackson (IL)
Jackson-Lee (TX)
Jefferson
Johnson, E. B.
Jones (OH)
Kanjorski
Kaptur
Kennedy (RI)
Kildee
Kilpatrick (MI)
Kind
Kucinich
Langevin
Lantos
Larsen (WA)
Larson (CT)
Lee
Levin
Lewis (GA)
Lipinski
Lofgren, Zoe
Lowey
Maloney
Markey
Matheson
Matsui
McCarthy
McCollum (MN)
McDermott
McGovern
McIntyre
McKinney
McNulty
Meehan
Meek (FL)
Meeks (NY)
Michaud
Millender-McDonald
Miller (NC)
Miller, George
Mollohan
Moore (KS)
Moore (WI)
Moran (VA)
Murtha
Nadler
Napolitano
Neal (MA)
Oberstar
Obey
Olver
Ortiz
Owens
Pallone
Pascrell
Pastor
Payne
Pelosi
Peterson (MN)
Pomeroy
Price (NC)
Rahall
Rangel
Reyes
Ross
Rothman
Roybal-Allard
Ruppersberger
Rush
Ryan (OH)
Salazar
Sánchez, Linda T.
Sanchez, Loretta
Sanders
Schakowsky
Schiff
Schwartz (PA)
Scott (GA)
Scott (VA)
Serrano
Shays
Sherman
Skelton
Slaughter
Smith (WA)
Snyder
Solis
Spratt
Stark
Strickland
Stupak
Tanner
Tauscher
Taylor (MS)
Thompson (CA)
Thompson (MS)
Tierney
Towns
Udall (CO)
Udall (NM)
Van Hollen
Velázquez
Visclosky
Waters
Watson
Watt
Waxman
Weiner
Wexler
Woolsey
Wu
Wynn

NOT VOTING—7

Buyer
DeLay
Evans
Nussle
Osborne
Sabo
Wasserman Schultz

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore (Mr. LINDER) (during the vote). Members are advised there are 2 minutes remaining in this vote.

□ 1506

Mr. BOYD changed his vote from ''nay'' to ''yea.''

So (two-thirds of those voting having not responded in the affirmative) the motion was rejected.

The result of the vote was announced as above recorded.

LOBBYING ACCOUNTABILITY AND TRANSPARENCY ACT OF 2006

The SPEAKER pro tempore. Pursuant to House Resolution 783 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. 4975.

□ 1507

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. 4975) to provide greater transparency with respect to lobbying activities, and for other purposes, with Mr. CHOCOLA (Acting Chairman) in the chair.

The Clerk read the title of the bill.

The Acting CHAIRMAN. When the Committee of the Whole rose earlier today, all time for general debate had expired.

In lieu of the amendments recommended by the Committees on the Judiciary, Rules, and Government Reform now printed in the bill, the amendment in the nature of a substitute consisting of the text of the Rules Committee print, dated April 21, 2006, modified by the amendment printed in part A of House Report 109–441, is adopted.

The text of the amendment in the nature of a substitute, as amended, is as follows:

H.R. 4975

SECTION 1. SHORT TITLE; TABLE OF CONTENTS.

(a) SHORT TITLE.—This Act may be cited as the ''Lobbying Accountability and Transparency Act of 2006''.

(b) TABLE OF CONTENTS.—The table of contents for this Act is as follows:

Sec. 1. Short title; table of contents.

TITLE I—ENHANCING LOBBYING DISCLOSURE

Sec. 101. Quarterly filing of lobbying disclosure reports.
Sec. 102. Electronic filing of lobbying registrations and disclosure reports.
Sec. 103. Public database of lobbying disclosure information.
Sec. 104. Disclosure by registered lobbyists of past executive branch and congressional employment.
Sec. 105. Disclosure of lobbyist contributions and gifts.
Sec. 106. Increased penalty for failure to comply with lobbying disclosure requirements.
Sec. 107. GAO study of employment contracts of lobbyists.

TITLE II—SLOWING THE REVOLVING DOOR

Sec. 201. Notification of post-employment restrictions.
Sec. 202. Disclosure by Members of the House of Representatives of employment negotiations.
Sec. 203. Wrongfully influencing, on a partisan basis, an entity's employment decisions or practices.

TITLE III—SUSPENSION OF PRIVATELY-FUNDED TRAVEL; CURBING LOBBYIST GIFTS

Sec. 301. Suspension of privately-funded travel.
Sec. 302. Recommendations on gifts and travel.
Sec. 303. Prohibiting registered lobbyists on corporate flights.
Sec. 304. Valuation of tickets to sporting and entertainment events.

TITLE IV—OVERSIGHT OF LOBBYING AND ENFORCEMENT

Sec. 401. Audits of lobbying reports by House Inspector General.
Sec. 402. House Inspector General review and annual reports.

TITLE V—INSTITUTIONAL REFORMS

Sec. 501. Earmarking reform.
Sec. 502. Mandatory ethics training for House employees.
Sec. 503. Biennial publication of ethics manual.

TITLE VI—FORFEITURE OF RETIREMENT BENEFITS

Sec. 601. Loss of pensions accrued during service as a Member of Congress for abusing the public trust.

TITLE I—ENHANCING LOBBYING DISCLOSURE

SEC. 101. QUARTERLY FILING OF LOBBYING DISCLOSURE REPORTS.

(a) QUARTERLY FILING REQUIRED.—Section 5 of the Lobbying Disclosure Act of 1995 (in this title referred to as the ''Act'') (2 U.S.C. 1604) is amended—

(1) in subsection (a)—

(A) in the heading, by striking ''SEMIANNUAL'' and inserting ''QUARTERLY'';

(B) by striking ''45'' and inserting ''20'';

(C) by striking ''the semiannual period'' and all that follows through ''July of each year'' and insert ''the quarterly period beginning on the first day of January, April, July, and October of each year''; and

(D) by striking ''such semiannual period'' and insert ''such quarterly period''; and

(2) in subsection (b)—

(A) in the matter preceding paragraph (1), by striking ''semiannual report'' and inserting ''quarterly report'';

(B) in paragraph (2), by striking ''semiannual filing period'' and inserting ''quarterly period'';

(C) in paragraph (3), by striking ''semiannual period'' and inserting ''quarterly period''; and

(D) in paragraph (4), by striking ''semiannual filing period'' and inserting ''quarterly period''.

(b) CONFORMING AMENDMENTS.—

(1) DEFINITION.—Section 3(10) of the Act (2 U.S.C. 1602(10)) is amended by striking ''six month period'' and inserting ''3-month period''.

(2) REGISTRATION.—Section 4 of the Act (2 U.S.C. 1603) is amended—

(A) in subsection (a)(3)(A), by striking ''semiannual period'' and inserting ''quarterly period''; and

(B) in subsection (b)(3)(A), by striking ''semiannual period'' and inserting ''quarterly period''.

(3) ENFORCEMENT.—Section 6(6) of the Act (2 U.S.C. 1605(6)) is amended by striking

''semiannual period'' and inserting ''quarterly period''.

(4) ESTIMATES.—Section 15 of the Act (2 U.S.C. 1610) is amended—

(A) in subsection (a)(1), by striking ''semiannual period'' and inserting ''quarterly period''; and

(B) in subsection (b)(1), by striking ''semiannual period'' and inserting ''quarterly period''.

(5) DOLLAR AMOUNTS.—

(A) REGISTRATION.—Section 4 of the Act (2 U.S.C. 1603) is amended—

(i) in subsection (a)(3)(A)(i), by striking ''$5,000'' and inserting ''$2,500'';

(ii) in subsection (a)(3)(A)(ii), by striking ''$20,000'' and inserting ''$10,000'';

(iii) in subsection (b)(3)(A), by striking ''$10,000'' and inserting ''$5,000''; and

(iv) in subsection (b)(4), by striking ''$10,000'' and inserting ''$5,000''.

(B) REPORTS.—Section 5(c) of the Act (2 U.S.C. 1604(c)) is amended—

(i) in paragraph (1), by striking ''$10,000'' and ''$20,000'' and inserting ''$5,000'' and ''$1,000'', respectively; and

(ii) in paragraph (2), by striking ''$10,000'' both places such term appears and inserting ''$5,000''.

SEC. 102. ELECTRONIC FILING OF LOBBYING REGISTRATIONS AND DISCLOSURE REPORTS.

(a) REGISTRATIONS.—Section 4 of the Act (2 U.S.C. 1603) is amended—

(1) by redesignating subsection (d) as subsection (e); and

(2) by inserting after subsection (c) the following:

''(d) ELECTRONIC FILING REQUIRED.—A registration required to be filed under this section on or after the date of enactment of the Lobbying Accountability and Transparency Act of 2006 shall be filed in electronic form, in addition to any other form that may be required by the Secretary of the Senate or the Clerk of the House of Representatives. The due date for a registration filed in electronic form shall be no later than the due date for a registration filed in any other form.''.

(b) REPORTS.—Section 5 of the Act (2 U.S.C. 1604) is amended by adding at the end the following:

''(d) ELECTRONIC FILING REQUIRED.—

''(1) IN GENERAL.—A report required to be filed under this section shall be filed in electronic form, in addition to any other form that may be required by the Secretary of the Senate or the Clerk of the House of Representatives. The due date for a report filed in electronic form shall be no later than the due date for a report filed in any other form, except as provided in paragraph (2).

''(2) EXTENSION OF TIME TO FILE IN ELECTRONIC FORM.—The Secretary of the Senate or the Clerk of the House of Representatives may establish a later due date for the filing of a report in electronic form by a registrant, if and only if—

''(A) on or before the original due date, the registrant—

''(i) timely files the report in every form required, other than electronic form; and

''(ii) makes a request for such a later due date to the Secretary or the Clerk, as the case may be; and

''(B) the request is supported by good cause shown.''.

SEC. 103. PUBLIC DATABASE OF LOBBYING DISCLOSURE INFORMATION.

(a) DATABASE REQUIRED.—Section 6 of the Act (2 U.S.C. 1605) is amended—

(1) in paragraph (7), by striking ''and'' at the end;

(2) in paragraph (8), by striking the period and inserting ''; and''; and

(3) by adding at the end the following:

''(9) maintain, and make available to the public over the Internet, without a fee or other access charge, in a searchable, sortable, and downloadable manner, an electronic database that—

''(A) includes the information contained in registrations and reports filed under this Act;

''(B) directly links the information it contains to the information disclosed in reports filed with the Federal Election Commission under section 304 of the Federal Election Campaign Act of 1971 (2 U.S.C. 434); and

''(C) is searchable and sortable, at a minimum, by each of the categories of information described in sections 4(b) and 5(b).''.

(b) AVAILABILITY OF REPORTS.—Section 6(4) of the Act is amended by inserting before the semicolon the following: ''and, in the case of a registration filed in electronic form pursuant to section 4(d) or a report filed in electronic form pursuant to section 5(d), shall make such registration or report (as the case may be) available for public inspection over the Internet not more than 48 hours after the registration or report (as the case may be) is approved as received by the Secretary of the Senate or the Clerk of the House of Representatives (as the case may be)''.

(c) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated such sums as may be necessary to carry out paragraph (9) of section 6 of the Act, as added by subsection (a) of this section.

SEC. 104. DISCLOSURE BY REGISTERED LOBBYISTS OF PAST EXECUTIVE BRANCH AND CONGRESSIONAL EMPLOYMENT.

Section 4(b)(6) of the Act (2 U.S.C. 1603(b)(6)) is amended by striking ''2 years'' and inserting ''7 years''.

SEC. 105. DISCLOSURE OF LOBBYIST CONTRIBUTIONS AND GIFTS.

(a) IN GENERAL.—Section 5(b) of the Act (2 U.S.C. 1604(b)) is amended—

(1) in paragraph (3), by striking ''and'' after the semicolon;

(2) in paragraph (4), by striking the period and inserting a semicolon; and

(3) by adding at the end the following:

''(5) for each registrant (and for any political committee, as defined in 301(4) of the Federal Election Campaign Act of 1971 (2 U.S.C. 431(4)), affiliated with the registrant), and for each employee listed as a lobbyist by the registrant under paragraph (2)(C), the name of each Federal candidate or officeholder, and of each leadership PAC, political party committee, or other political committee to whom a contribution was made which is required to be reported to the Federal Election Commission by the recipient, and the date and amount of such contribution;

''(6) the date, recipient, and amount of any gift that under the Rules of the House of Representatives counts towards the cumulative annual limit described in such rules and is given to a covered legislative branch official by the registrant or an employee listed as a lobbyist by the registrant under paragraph (2)(C); and

''(7) the date, recipient, and amount of funds contributed by the registrant or an employee listed as a lobbyist by the registrant under paragraph (2)(C)—

''(A) to, or on behalf of, an entity that is named for a covered legislative branch official, or to a person or entity in recognition of such official; or

''(B) to an entity established, financed, maintained, or controlled by a covered legislative branch official;

except that this paragraph shall not apply to any payment or reimbursement made from funds required to be reported under section 304 of the Federal Election Campaign Act of 1971 (2 U.S.C. 434).''.

(b) FACTORS TO BE CONSIDERED TO DETERMINE RELATIONSHIP BETWEEN OFFICIALS AND OTHER ENTITIES.—Section 5 of the Act (2 U.S.C. 1604), as amended by section 102(b) of this Act, is amended by adding at the end the following new subsection:

''(e) FACTORS TO DETERMINE RELATIONSHIP BETWEEN OFFICIALS AND OTHER ENTITIES.—

''(1) IN GENERAL.—In determining under subsection (b)(7)(B) whether a covered legislative branch official directly or indirectly established, finances, maintains, or controls an entity, the factors described in paragraph (2) shall be examined in the context of the overall relationship between that covered official and the entity to determine whether the presence of any such factor or factors is evidence that the covered official directly or indirectly established, finances, maintains, or controls the entity.

''(2) FACTORS.—The factors referred to in paragraph (1) include, but are not limited to, the following:

''(A) Whether the covered official, directly or through its agent, owns a controlling interest in the voting stock or securities of the entity.

''(B) Whether the covered official, directly or through its agent, has the authority or ability to direct or participate in the governance of the entity through provisions of constitutions, bylaws, contracts, or other rules, or through formal or informal practices or procedures.

''(C) Whether the covered official, directly or through its agent, has the authority or ability to hire, appoint, demote, or otherwise control the officers or other decisionmaking employees or members of the entity.

''(D) Whether the covered official has a common or overlapping membership with the entity that indicates a formal or ongoing relationship between the covered official and the entity.

''(E) Whether the covered official has common or overlapping officers or employees with the entity that indicates a formal or ongoing relationship between the covered official and the entity.

''(F) Whether the covered official has any members, officers, or employees who were members, officers, or employees of the entity that indicates a formal or ongoing relationship between the covered official and the entity, or that indicates the creation of a successor entity.

''(G) Whether the covered official, directly or through its agent, provides funds or goods in a significant amount or on an ongoing basis to the entity, such as through direct or indirect payments for administrative, fundraising, or other costs.

''(H) Whether the covered official, directly or through its agent, causes or arranges for funds in a significant amount or on an ongoing basis to be provided to the entity.

''(I) Whether the covered official, directly or through its agent, had an active or significant role in the formation of the entity.

''(J) Whether the covered official and the entity have similar patterns of receipts or disbursements that indicate a formal or ongoing relationship between the covered official and the entity.''.

(c) CONFORMING AMENDMENT.—Section 3 of the Act (2 U.S.C. 1602) is amended by adding at the end the following new paragraphs:

''(17) GIFT.—The term 'gift' means a gratuity, favor, discount, entertainment, hospitality, loan, forbearance, or other item having monetary value. The term includes gifts of services, training, and meals, whether provided in kind, by purchase of a ticket, payment in advance, or reimbursement after the expense has been incurred.

''(18) LEADERSHIP PAC.—The term 'leadership PAC' means, with respect to an individual holding Federal office, an unauthorized political committee (as defined in the

Federal Election Campaign Act of 1971) which is associated with such individual.''.

SEC. 106. INCREASED PENALTY FOR FAILURE TO COMPLY WITH LOBBYING DISCLOSURE REQUIREMENTS.

Section 7 of the Act (2 U.S.C. 1606) is amended—

(1) by striking ''Whoever'' and inserting ''(a) CIVIL PENALTY.—Whoever'';

(2) by striking ''$50,000'' and inserting ''$100,000''; and

(3) by adding at the end the following:

''(b) CRIMINAL PENALTY.—

''(1) IN GENERAL.—Whoever knowingly and willfully fails to comply with any provision of this Act shall be imprisoned not more than 3 years, or fined under title 18, United States Code, or both.

''(2) CORRUPTLY.—Whoever knowingly, willfully, and corruptly fails to comply with any provision of this Act shall be imprisoned not more than 5 years, or fined under title 18, United States Code, or both.''.

TITLE II—SLOWING THE REVOLVING DOOR

SEC. 201. NOTIFICATION OF POST-EMPLOYMENT RESTRICTIONS.

Section 207(e) of title 18, United States Code, is amended by adding at the end the following new paragraph:

''(8) NOTIFICATION OF POST-EMPLOYMENT RESTRICTIONS.—After a Member of the House of Representatives or an elected officer of the House of Representatives leaves office, or after the termination of employment with the House of Representatives of an employee of the House of Representatives covered under paragraph (2), (3), or (4), the Clerk of the House of Representatives, after consultation with the Committee on Standards of Official Conduct, shall inform the Member, officer, or employee of the beginning and ending date of the prohibitions that apply to the Member, officer, or employee under this subsection, and also inform each office of the House of Representatives with respect to which such prohibitions apply of those dates.''.

SEC. 202. DISCLOSURE BY MEMBERS OF THE HOUSE OF REPRESENTATIVES OF EMPLOYMENT NEGOTIATIONS.

The Code of Official Conduct set forth in rule XXIII of the Rules of the House of Representatives is amended by redesignating clause 14 as clause 15 and by inserting after clause 13 the following new clause:

''14. (a) A Member, Delegate, or Resident Commissioner shall file with the Committee on Standards of Official Conduct a statement that he or she is negotiating compensation for prospective employment or has any arrangement concerning prospective employment if a conflict of interest or the appearance of a conflict of interest may exist. Such statement shall be made within 5 days (other than Saturdays, Sundays, or public holidays) after commencing the negotiation for compensation or entering into the arrangement.

''(b) A Member, Delegate, or Resident Commissioner should refrain from voting on any legislative measure pending before the House or any committee thereof if the negotiation described in subparagraph (a) may create a conflict of interest.''.

SEC. 203. WRONGFULLY INFLUENCING, ON A PARTISAN BASIS, AN ENTITY'S EMPLOYMENT DECISIONS OR PRACTICES.

The Code of Official Conduct set forth in rule XXIII of the Rules of the House of Representatives (as amended by section 202) is further amended by redesignating clause 15 as clause 16 and by inserting after clause 14 the following new clause:

''15. A Member, Delegate, Resident Commissioner, officer, or employee of the House may not, with the intent to influence on the basis of political party affiliation an employment decision or employment practice of any private or public entity (except for the Congress)—

''(a) take or withhold, or offer or threaten to take or withhold, an official act; or

''(b) influence, or offer or threaten to influence, the official act of another.''.

TITLE III—SUSPENSION OF PRIVATELY-FUNDED TRAVEL; CURBING LOBBYIST GIFTS

SEC. 301. SUSPENSION OF PRIVATELY-FUNDED TRAVEL.

Notwithstanding clause 5 of rule XXV of the Rules of the House of Representatives, no Member, Delegate, Resident Commissioner, officer, or employee of the House may accept a gift of travel (including any transportation, lodging, and meals during such travel) from any private source.

SEC. 302. RECOMMENDATIONS FROM THE COMMITTEE ON STANDARDS OF OFFICIAL CONDUCT ON GIFTS AND TRAVEL.

Not later than December 15, 2006, the Committee on Standards of Official Conduct shall report its recommendations on changes to rule XXV of the Rules of the House of Representatives to the Committee on Rules. In developing such recommendations, the Committee on Standards of Official Conduct shall consider the following:

(1) The ability of the current provisions of rule XXV to protect the House, its Members, officers, and employees, from the appearance of impropriety.

(2) With respect to the allowance for privately-funded travel contained in clause 5(b) of rule XXV—

(A) the degree to which privately-funded travel meets the representational needs of the House, its Members, officers, and employees;

(B) whether certain entities should or should not be permitted to fund the travel of the Members, officers, and employees of the House, what sources of funding may be permissible, and what other individuals may participate in that travel; and

(C) the adequacy of the current system of approval and disclosure of such travel.

(3) With respect to the exceptions to the limitation on the acceptance of gifts contained in clause 5(a)—

(A) the degree to which those exceptions meet the representational and personal needs of the House, its Members, officers, and employees;

(B) the clarity of the limitation and its exceptions; and

(C) the suitability of the current dollar limitations contained in clause 5(a)(1)(B) of such rule, including whether such limitations should be lowered.

SEC. 303. PROHIBITING REGISTERED LOBBYISTS ON CORPORATE FLIGHTS.

The Lobbying Disclosure Act of 1995 is amended by inserting after section 5 the following new section:

''SEC. 5A. PROHIBITING REGISTERED LOBBYISTS ON CORPORATE FLIGHTS.

''If a Representative in, or Delegate or Resident Commissioner to, the Congress, or an officer or employee of the House of Representatives, is a passenger or crew member on a flight of an aircraft that is not licensed by the Federal Aviation Administration to operate for compensation or hire and that is owned or operated by a person who is the client of a lobbyist or a lobbying firm, then such lobbyist may not be a passenger or crew member on that flight.''.

SEC. 304. VALUATION OF TICKETS TO SPORTING AND ENTERTAINMENT EVENTS.

Clause 5(a)(2)(A) of rule XXV of the Rules of the House of Representatives is amended by—

(1) inserting ''(i)'' after ''(A)''; and

(2) adding at the end the following:

''(ii) A gift of a ticket to a sporting or entertainment event shall be valued at the face value of the ticket, provided that in the case of a ticket without a face value, the ticket shall be valued at the highest cost of a ticket with a face value for the event.''.

TITLE IV—OVERSIGHT OF LOBBYING AND ENFORCEMENT

SEC. 401. AUDITS OF LOBBYING REPORTS BY HOUSE INSPECTOR GENERAL.

(a) ACCESS TO LOBBYING REPORTS.—The Office of Inspector General of the House of Representatives shall have access to all lobbyists' disclosure information received by the Clerk of the House of Representatives under the Lobbying Disclosure Act of 1995 and shall conduct random audits of lobbyists' disclosure information as necessary to ensure compliance with that Act.

(b) REFERRAL AUTHORITY.—The Office of the Inspector General of the House of Representatives may refer potential violations by lobbyists of the Lobbying Disclosure Act of 1995 to the Department of Justice for disciplinary action.

SEC. 402. HOUSE INSPECTOR GENERAL REVIEW AND ANNUAL REPORTS.

(a) ONGOING REVIEW REQUIRED.—The Inspector General of the House of Representatives shall review on an ongoing basis the activities carried out by the Clerk of the House of Representatives under section 6 of the Lobbying Disclosure Act of 1995 (2 U.S.C. 1605). The review shall emphasize—

(1) the effectiveness of those activities in securing the compliance by lobbyists with the requirements of that Act; and

(2) whether the Clerk has the resources and authorities needed for effective oversight and enforcement of that Act.

(b) ANNUAL REPORTS.—Not later than December 31 of each year, the Inspector General of the House of Representatives shall submit to the House of Representatives a report on the review required by subsection (a). The report shall include the Inspector General's assessment of the matters required to be emphasized by that subsection and any recommendations of the Inspector General to—

(1) improve the compliance by lobbyists with the requirements of the Lobbying Disclosure Act of 1995; and

(2) provide the Clerk of the House of Representatives with the resources and authorities needed for effective oversight and enforcement of that Act.

TITLE V—INSTITUTIONAL REFORMS

SEC. 501. EARMARKING REFORM.

(a) In the House of Representatives, it shall not be in order to consider—

(1) a general appropriation bill reported by the Committee on Appropriations unless the report includes a list of earmarks in the bill or in the report (and the names of Members who submitted requests to the Committee on Appropriations for earmarks included in such list); or

(2) a conference report to accompany a general appropriation bill unless the joint explanatory statement prepared by the managers on the part of the House and the managers on the part of the Senate includes a list of earmarks in the conference report or joint statement (and the names of Members who submitted requests to the Committee on Appropriations for earmarks included in such list) that were—

(A) not committed to the conference committee by either House;

(B) not in the report specified in paragraph (1); and

(C) not in a report of a committee of the Senate on a companion measure.

(b) In the House of Representatives, it shall not be in order to consider a rule or

order that waives the application of subsection (a)(2).

(c)(1) A point of order raised under subsection (a)(1) may be based only on the failure of a report of the Committee on Appropriations to include the list required by subsection (a)(1).

(2) As disposition of a point of order under subsection (a), the Chair shall put the question of consideration with respect to the proposition that is the subject of the point of order.

(3) As disposition of a point of order under subsection (b) with respect to a rule or order relating to a conference report, the Chair shall put the question of consideration as follows: ''Shall the House now consider the resolution notwithstanding the assertion of [the maker of the point of order] that the object of the resolution introduces a new earmark or new earmarks?''.

(4) The question of consideration under this subsection shall be debatable for 15 minutes by the Member initiating the point of order and for 15 minutes by an opponent, but shall otherwise be decided without intervening motion except one that the House adjourn.

(d)(1) For the purpose of this resolution, the term ''earmark'' means a provision in a bill or conference report, or language in an accompanying committee report or joint statement of managers, providing or recommending a specific amount of discretionary budget authority to a non-Federal entity, if such entity is specifically identified in the report or bill; or if the discretionary budget authority is allocated outside of the normal formula-driven or competitive bidding process and is targeted or directed to an identifiable person, specific State, or congressional district.

(2) For the purpose of subsection (a), government-sponsored enterprises, Federal facilities, and Federal lands shall be considered Federal entities.

(3) For the purpose of subsection (a), to the extent that the non-Federal entity is a State or territory, an Indian tribe, a foreign government or an intergovernmental international organization, the provision or language shall not be considered an earmark unless the provision or language also specifies the specific purpose for which the designated budget authority is to be expended.

SEC. 502. MANDATORY ETHICS TRAINING FOR HOUSE EMPLOYEES.

(a) MANDATORY ETHICS TRAINING FOR HOUSE EMPLOYEES.—

(1) CHIEF ADMINISTRATIVE OFFICER.—Clause 4 of rule II of the Rules of the House of Representatives is amended by inserting the following new paragraph at the end:

''(d) The Chief Administrative Officer may not pay any compensation to any employee of the House with respect to any pay period during which the employee, as determined by the Committee on Standards of Official Conduct, is not in compliance with the applicable requirements of regulations promulgated pursuant to clause 3(r) of Rule XI. ''.

(2) MANDATORY ETHICS TRAINING PROGRAM.—Clause 3 of rule XI of the Rules of the House of Representatives is amended by adding at the end the following:

''(r) The committee shall establish a program of regular ethics training for employees of the House and promulgate regulations providing for the following:

''(1)(A) Except as otherwise provided, all employees of the House are required to complete ethics training offered by the committee at least once during each congress. Any employee who is hired after the date of adoption of such rules is required to complete such training within 30 days of being hired.

''(B) Any employee of the House who works in a Member's district office shall not be required to complete such ethics training until 30 days after the district office has received a notice from the Committee on Standards of Official Conduct that the required ethics training program is available on the Internet.

''(2) After any employee of the House completes such ethics training, that employee shall file a written certification with the committee that he is familiar with the contents of any pertinent publications that are so designated by the committee and has completed the required ethics training.

''(3) As used in this paragraph, the term 'employee of the House' refers to any individual whose compensation is disbursed by the Chief Administrative Officer, including any staff assigned to a Member's personal office, any staff of a committee or leadership office, or any employee of the Office of the Clerk, of the Office of the Chief Administrative Officer, or of the Sergeant-at-Arms, but does not include a Member, Delegate, or Resident Commissioner.''.

(b) ETHICS TRAINING FOR MEMBERS, DELEGATES AND THE RESIDENT COMMISSIONER.—Clause 3 of rule XI of the Rules of the House of Representatives is amended by inserting the following new paragraph at the end:

''(s) The committee shall establish a program of regular ethics training for Members, Delegates, and the Resident Commissioner similar to the program established in paragraph (r), and encourage participation in such program.''.

SEC. 503. BIENNIAL PUBLICATION OF ETHICS MANUAL.

Within 120 days after the date of enactment of this Act and during each Congress thereafter, the Committee on Standards of Official Conduct shall publish an up-to-date ethics manual for Members, officers, and employees of the House of Representatives and make such manual available to all such individuals. The committee has a duty to keep all Members, Delegates, the Resident Commissioner, officers, and employees of the House of Representatives apprised of current rulings or advisory opinions when potentially constituting changes to or interpretations of existing policies.

TITLE VI—FORFEITURE OF RETIREMENT BENEFITS

SEC. 601. LOSS OF PENSIONS ACCRUED DURING SERVICE AS A MEMBER OF CONGRESS FOR ABUSING THE PUBLIC TRUST.

(a) CIVIL SERVICE RETIREMENT SYSTEM.—Section 8332 of title 5, United States Code, is amended by adding at the end the following:

''(o)(1) Notwithstanding any other provision of this subchapter, the service of an individual finally convicted of an offense described in paragraph (2) shall not be taken into account for purposes of this subchapter, except that this sentence applies only to service rendered as a Member (irrespective of when rendered). Any such individual (or other person determined under section 8342(c), if applicable) shall be entitled to be paid so much of such individual's lump-sum credit as is attributable to service to which the preceding sentence applies.

''(2)(A) An offense described in this paragraph is any offense described in subparagraph (B) for which the following apply:

''(i) Every act or omission of the individual (referred to in paragraph (1)) that is needed to satisfy the elements of the offense occurs while the individual is a Member.

''(ii) Every act or omission of the individual that is needed to satisfy the elements of the offense directly relates to the performance of the individual's official duties as a Member.

''(iii) The offense is committed after the date of enactment of this subsection.

''(B) An offense described in this subparagraph is only the following, and only to the extent that the offense is a felony under title 18:

''(i) An offense under section 201 of title 18 (bribery of public officials and witnesses).

''(ii) An offense under section 219 of title 18 (officers and employees acting as agents of foreign principals).

''(iii) An offense under section 371 of title 18 (conspiracy to commit offense or to defraud United States) to the extent of any conspiracy to commit an act which constitutes an offense under clause (i) or (ii).

''(3) An individual convicted of an offense described in paragraph (2) shall not, after the date of the final conviction, be eligible to participate in the retirement system under this subchapter or chapter 84 while serving as a Member.

''(4) The Office of Personnel Management shall prescribe any regulations necessary to carry out this subsection. Such regulations shall include—

''(A) provisions under which interest on any lump-sum payment under the second sentence of paragraph (1) shall be limited in a manner similar to that specified in the last sentence of section 8316(b); and

''(B) provisions under which the Office may provide for—

''(i) the payment, to the spouse or children of any individual referred to in the first sentence of paragraph (1), of any amounts which (but for this clause) would otherwise have been nonpayable by reason of such first sentence, but only to the extent that the application of this clause is considered necessary given the totality of the circumstances; and

''(ii) an appropriate adjustment in the amount of any lump-sum payment under the second sentence of paragraph (1) to reflect the application of clause (i).

''(5) For purposes of this subsection—

''(A) the term 'Member' has the meaning given such term by section 2106, notwithstanding section 8331(2); and

''(B) the term 'child' has the meaning given such term by section 8341.''.

(b) FEDERAL EMPLOYEES' RETIREMENT SYSTEM.—Section 8411 of title 5, United States Code, is amended by adding at the end the following:

''(l)(1) Notwithstanding any other provision of this chapter, the service of an individual finally convicted of an offense described in paragraph (2) shall not be taken into account for purposes of this chapter, except that this sentence applies only to service rendered as a Member (irrespective of when rendered). Any such individual (or other person determined under section 8424(d), if applicable) shall be entitled to be paid so much of such individual's lump-sum credit as is attributable to service to which the preceding sentence applies.

''(2) An offense described in this paragraph is any offense described in section 8332(o)(2)(B) for which the following apply:

''(A) Every act or omission of the individual (referred to in paragraph (1)) that is needed to satisfy the elements of the offense occurs while the individual is a Member.

''(B) Every act or omission of the individual that is needed to satisfy the elements of the offense directly relates to the performance of the individual's official duties as a Member.

''(C) The offense is committed after the date of enactment of this subsection.

''(3) An individual finally convicted of an offense described in paragraph (2) shall not, after the date of the conviction, be eligible to participate in the retirement system under this chapter while serving as a Member.

''(4) The Office of Personnel Management shall prescribe any regulations necessary to

carry out this subsection. Such regulations shall include—

''(A) provisions under which interest on any lump-sum payment under the second sentence of paragraph (1) shall be limited in a manner similar to that specified in the last sentence of section 8316(b); and

''(B) provisions under which the Office may provide for—

''(i) the payment, to the spouse or children of any individual referred to in the first sentence of paragraph (1), of any amounts which (but for this clause) would otherwise have been nonpayable by reason of such first sentence, but only to the extent that the application of this clause is considered necessary given the totality of the circumstances; and

''(ii) an appropriate adjustment in the amount of any lump-sum payment under the second sentence of paragraph (1) to reflect the application of clause (i).

''(5) For purposes of this subsection—

''(A) the term 'Member' has the meaning given such term by section 2106, notwithstanding section 8401(20); and

''(B) the term 'child' has the meaning given such term by section 8341.''.

The Acting CHAIRMAN. The bill, as amended, shall be considered as an original bill for the purpose of further amendment under the 5-minute rule and shall be considered read.

No further amendment to the bill, as amended, is in order except those printed in part B of House Report 109–441. Each further amendment may be offered only in the order printed in the report, by a Member designated in the report, shall be considered read, shall be debatable for the time specified in the report, equally divided and controlled by the proponent and an opponent, shall not be subject to amendment, and shall not be subject to a demand for division of the question.

AMENDMENT NO. 1 OFFERED BY MR. GOHMERT

Mr. GOHMERT. Mr. Chairman, I offer an amendment.

The Acting CHAIRMAN. The Clerk will designate the amendment.

The text of the amendment is as follows:

Part B amendment No. 1 printed in House Report 109–441 offered by Mr. GOHMERT:

Strike section 106 and insert the following:

SEC. 106. INCREASED PENALTY FOR FAILURE TO COMPLY WITH LOBBYING DISCLOSURE REQUIREMENTS.

Section 7 of the Act (2 U.S.C. 1606) is amended—

(1) by striking ''Whoever'' and inserting

''(a) IN GENERAL.—Whoever'';

(2) by inserting '', corruptly, and with the intent to evade the law'' after ''knowingly'';

(3) by striking ''knowing'';

(4) by striking ''of not more than'' and all that follows through the end and inserting ''as provided in subsection (b).''; and

(5) by adding at the end the following:

''(b) PENALTY.—The civil fine under subsection (a) shall be the following, depending on the extent and gravity of the violation:

''(1) For the first offense, not more than $100,000.

''(2) For the second offense, not more than $250,000.

''(3) For the third offense, not more than $500,000.

''(4) For the fourth or any subsequent offense, not more than $1,000,000.''.

The Acting CHAIRMAN. Pursuant to House Resolution 783, the gentleman from Texas (Mr. GOHMERT) and the gentlewoman from California (Ms. ZOE LOFGREN) each will control 5 minutes.

The Chair recognizes the gentleman from Texas.

Mr. GOHMERT. Mr. Chairman, I yield myself such time as I may consume.

I have this amendment to this bill. This is a bill that requires administrative reporting requirements. There are a myriad of things this bill requires, and we have chosen, apparently, to try to criminalize administrative conduct.

Innocent mistakes will allow people to be taken off in handcuffs and have to prove later down the road what effectively will be an affirmative defense that they did not willfully and knowingly make these kind of omissions. That is just a dangerous business to get into, to keep criminalizing things.

The way you fight things like this is, when you say it is the dollars or the problems, then you hit people with dollars, and so that is what this amendment does. It says, we are not going to talk about handcuffs; we are going to talk about immense fines.

The first violation would be up to $100,000; second up to $250,000; third up to $500,000; and the fourth up to $1 million. That gives all the incentive anybody needs to make sure they file properly. Those are extremely high fines, the highest I have ever heard of, but I put them there to give people a degree of comfort that there would be sufficient penalty for failing to comply with the requirements.

Now, what has come into play here is pure politics. On one side, people want to feel like, gee, we want to show that we are being tough, even though innocent people down the road will be hurt, and when that happens, ''I told you so'' will not be adequate to me because my heart will go out to people that are hurt unnecessarily.

I understand the Democrats are going to stand up and oppose this. And when their Members are taken out in handcuffs because of this bill, if it passes with criminal sanctions, when their people are carried out in handcuffs, they will look to them and say, You know what, we probably should not have criminalized that because that gave a prosecutor what they wanted.

I am just asking for a bipartisan way to handle this. The way to handle administrative errors is to punish with fines and not with dragging people out from their homes in handcuffs to try to make a political statement.

If people will be honest, they know that happens on both sides. And I would rather not see that happen as an old judge and chief justice. It can happen, and I would rather not see it happen to either side.

Mr. Chairman, I reserve my time.

Ms. ZOE LOFGREN of California. Mr. Chairman, I yield myself such time as I may consume.

This amendment would further weaken an already appallingly weak bill by striking the criminal penalties for corrupt lobbyists that knowingly violate disclosure requirements. The amendment would strike out provisions in the bill that were agreed to by the Judiciary Committee that would hold lobbyists criminally responsible for violating the Lobbying Disclosure Act of 1995 by failing to disclose their contacts with Members of Congress with criminal intent and replace them with finds.

The provision in the base text establishes criminal penalties for whoever knowingly and willfully or knowingly, willfully and corruptly fails to comply with any provision of the bill. I do not see why we should object to this. These new criminal penalties are to lobbyists who knowingly and willfully or knowingly, willfully and corruptly lie on their disclosure forms. Is the lobbyist who corruptly lies in his disclosure form not deserving of the criminal sanction? This amendment would strike those tough criminal penalties and instead replace them with monetary fines.

We know from reading in the newspaper that Mr. Jack Abramoff made $66 million defrauding Indian tribal clients alone. Does anyone think that a $100,000 fine would deter Mr. Abramoff from making his $66 million corruptly? It is a drop in the bucket. In fact, this amendment is worsened by the fact that it adds a requirement to the intent element of the civil penalty of the Lobbyist Act, corruptly and with intent to evade the law, which is an almost impossible standard for the prosecutor to meet.

□ 1515

The proponent of this amendment has argued that the language included in the current criminal provision is vague and undefined; we went through that in the committee. But I don't believe this argument is accurate. The term ''corruptly'' appears in title 18 at least 15 times, even appearing in the Federal Bribery Statute. Moreover, according to Black's Law Dictionary, the term ''corruptly'' means ''to act knowingly and dishonestly with the specific intent to subvert or undermine the integrity of something.'' I do not think the definition can get any clearer than that.

This bill is already so weak and limited that it is virtually powerless to prevent future abuses. This amendment would remove one of the few tough deterrents in the bill. I would note that the provision for criminal penalties applies to lobbyists, not to Members of Congress, unless those lobbyists are former Members or acting in violation of the current rules on lobbying illegally.

So we do think that this amendment, although I am sure the gentleman is offering it with all good faith, is misguided, and we do oppose and urge our colleagues to oppose.

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

Mr. GOHMERT. Mr. Chairman, my colleague across the aisle points to a

$100,000 fine as not being adequate to deter Mr. Abramoff, and I would remind my colleague, he is going to prison. Mr. Cunningham has gone to prison. People who violate the law will go to prison.

Mr. Chairman, there are already bribery statutes. There are already corruption statutes. This reminds me a lot of the 1990s, when anytime someone did a violent act with a gun, the Clinton administration ran in and said, we need more gun control laws, never mind the fact that they already violated many gun control laws as it is. What is needed is just enforcement of the current laws.

Now, the lobbying reform bill will create some requirements of filing that will enable people to do their job, but apparently there is not a real knowledge of how the system works. Let me tell you how this will play out. Someday, heaven forbid but it will happen, there will be a politically motivated prosecutor, and he will go to a lobbyist, and he will say, You know, we have scoured through every report you have ever filed, and we finally found one entry you failed to make. Your accountant did not put this in, and you signed it, and by golly, you are going to go to prison for maybe 3 years. Now, we do notice you made a contribution to this Congressman over there. You know, and I am sure you can go to trial, and maybe, on your part of the case, you may be able to convince them it was not corrupt or willfully, knowingly. But you know what? If you just happened to remember that this Congress Member, Democrat or Republican, whoever they happen to be after, had asked for something in return or said they would do something in return for contribution, then we might just go away because that would show what good faith you are acting in, and maybe you really did not know and maybe this was not willful. That will happen someday because there are some prosecutors who are politically motivated.

Now, I do not think it will happen under this administration, but it will happen someday. And when it does, if this amendment goes down, you can be reminded that there was a Congressman who stood up to try to do the right thing, because we have plenty of corruption laws; it is a matter of reporting requirements that will be enhanced here. We do not need to criminalize administrative functions.

Mr. Chairman, with that, I would ask for Members to do the bipartisan thing and vote for this amendment.

Ms. ZOE LOFGREN of California. Mr. Chairman, I would just note that the bill puts in new disclosure requirements and also tough enforcement of those requirements, which the gentleman's amendment would essentially remove.

I was a little surprised to hear the argument that the penalty invites suborning perjury on the part of prosecutors. I have never heard that argument advanced in the situation of any other criminal penalty, bribery or drug cases or any other kind of criminal penalty. And I must say that I have yet in my many, many years as an attorney run into a case where a prosecutor suborned perjury in the way described by the gentleman. Maybe he has run into a different situation in his State. But I think to suggest that prosecutors are going to engage in misconduct is misleading, and also it is revealing that that concern is only expressed when it is to protect corrupt lobbyists.

Let us remember that the standard that is being outlined in this bill is corruption. Knowingly, willfully and corruptly is the standard, and that has to be proven with evidence beyond a reasonable doubt. I think that is the due process protection that we generally rely on in our great country.

I would just note in concluding that recently a Roll Call editorial described this bill as, ''This bill all but shouts to voters that the GOP is not serious about reform and that it values its ties to K Street more than the public's trust.''

I would say that the gentleman's amendment is an elevation of that concern for K Street that this House should reject rather soundly.

Mr. Chairman, I yield back the balance of my time.

The Acting CHAIRMAN. All time for debate has expired.

The question is on the amendment offered by the gentleman from Texas (Mr. GOHMERT).

The question was taken; and the Acting Chairman announced that the ayes appeared to have it.

Ms. ZOE LOFGREN of California. Mr. Chairman, I demand a recorded vote.

The Acting CHAIRMAN. Pursuant to clause 6 of rule XVIII, further proceedings on the amendment offered by the gentleman from Texas will be postponed.

AMENDMENT NO. 2 OFFERED BY MR. CASTLE

Mr. CASTLE. Mr. Chairman, I offer an amendment.

The Acting CHAIRMAN. The Clerk will designate the amendment.

The text of the amendment is as follows:

Part B amendment No. 2 printed in House Report 109–441 offered by Mr. CASTLE:

Insert the following after section 106 and redesignate the succeeding section accordingly:

SEC. 107. PENALTIES FOR OFFERING GIFTS.

Section 7 of the Act (2 U.S.C. 1606), as amended by section 106, is amended by adding at the end the following:

''(c) PENALTIES FOR OFFERING GIFTS.—

''(1) IN GENERAL.—Any person who is—

''(A) a lobbyist registered under this Act,

''(B) a lobbyist who is an employee of an organization registered under this Act, or

''(C) the client of any such lobbyist or organization,

and who offers to a covered legislative branch official of the House of Representatives any gift, knowing that such gift violates the rules of the House of Representatives, shall, upon proof thereof by a preponderance of the evidence, be subject to a civil fine of not more than $50,000.

''(2) DEFINITION.—In this subsection, the term 'covered legislative branch official of the House of Representatives' means—

''(A) a Representative in, or Delegate or Resident Commissioner to, the Congress; and

''(B) an employee of, or any other individual functioning in the capacity of an employee of—

''(i) an individual described in subparagraph (A);

''(ii) a committee of the House of Representatives;

''(iii) the leadership staff of the House of Representatives;

''(iv) a joint committee of Congress; or

''(v) a working group or caucus organized to provide legislative services to individuals described in subparagraph (A).''.

The Acting CHAIRMAN. Pursuant to House Resolution 783, the gentleman from Delaware (Mr. CASTLE) and a Member opposed each will control 5 minutes.

The Chair recognizes the gentleman from Delaware.

Mr. CASTLE. Mr. Chairman, I yield myself such time as I may consume.

I appreciate the opportunity to offer this amendment today with my colleague from Pennsylvania (Mr. GERLACH). The amendment is simple, so I will be relatively brief.

Let me take a moment to thank the chairman of the Rules Committee for his tremendous work in preparing this ethics legislation. I know the process he has been through; I have been to a lot of the meetings. There is a lot of disagreement even within his own party, including me on some issues, and I realize the difficulty of putting this together. I would just like to thank him for his great work on this particular piece of legislation.

Mr. DREIER. Mr. Chairman, will the gentleman yield?

Mr. CASTLE. I yield to the gentleman from California.

Mr. DREIER. Mr. Chairman, I will simply say, I support the gentleman's amendment.

Mr. CASTLE. Mr. Chairman, maybe I should stop right there.

One way I think we can strengthen the laws governing gift giving from lobbyists to legislators and their staffs is to hold all individuals liable for knowingly breaking the law. Currently, Members and staff are responsible for making sure that they do not accept gifts or meals that violate the current gift limit of $50. Our amendment would also hold liable those individuals who knowingly offer gifts in violation of the law. It is simply common sense that anyone who intends to break the law should be held responsible. With this commonsense amendment, we bring intentional gift-giving violations under the civil penalties already established in the Lobbying Disclosure Act which are currently set at up to $50,000.

If there is a silver lining in the clouds surrounding the recent ethics problems in Congress, it is the opportunity to enact meaningful reform. Personally, I think the bill could go much farther by establishing greater disclosure and reporting requirements.

I firmly believe that full transparency has the potential to minimize abuses of the system. Unfortunately, an individual who wants to violate the law will usually find a way no matter what we do here today.

Regardless, we have a responsibility to pass the strongest bill possible here today, and I think this amendment moves us in that direction. Personally, I believe in transparency. I believe in the education of everybody including lobbyists, staff members and Members of Congress. In terms of ethics laws, I believe in enforcement of the ethics laws as it involves all of us. And that is simply what this amendment does, is move in that direction.

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

Ms. ZOE LOFGREN of California. Mr. Chairman, I rise to claim the time in opposition, although I am not opposed.

Mr. Chairman, I would note that laws already exist to prevent this activity and that to some extent this amendment is redundant and that the enforcement of current laws would solve the problem. And when it comes to lobbyists who are making the kind of money that Mr. Abramoff made, the $50,000 fine may well not be a deterrent.

Nevertheless, I think an additional deterrent to some lobbyists for violating the gift rules is useful. I would note that the primary responsibility falls upon Members of Congress for not accepting extravagant gifts. This amendment really looks to the gift giver instead of the guilty gift receiver.

Nevertheless, I think it is a useful component of a bill, and I do support it, and I believe that many on this side of the aisle do support it.

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

Mr. CASTLE. Mr. Chairman, I agree with the gentlewoman from California. She is absolutely right. The greatest responsibility, in my judgment, is on us, Members of Congress, or on staff people or whatever. And it probably is slightly redundant, too. That is probably also correct.

But the point I am trying to make here is that if everybody is educated and everybody is aware of this and everybody can be responsible for it, maybe we can prevent some of the problems from happening. Maybe we can't, but I just hope that we can.

Mr. Chairman, I yield to the distinguished sponsor of the bill, the chairman of the Rules Committee, Mr. DREIER.

Mr. DREIER. Mr. Chairman, I thank my friend for yielding, and I would like to, as I said a moment ago, support the amendment and say that I think this amendment is evidence of a strong bipartisan commitment to our dealing with the issue of reform.

Accountability is what this measure is all about, and MIKE CASTLE is someone who has demonstrated a very strong commitment to increased accountability, transparency and disclosure. And when we look at the issue of gifts, heretofore the responsibility has simply fallen on the shoulders of Members of Congress. We believe that when those who are out there are trying to shower gifts onto Members, that they in fact should have some responsibility.

That is exactly what the Castle-Gerlach amendment is getting at. I think it is a very good and very helpful addition to the legislation, and I would also like to join in congratulating Mr. GERLACH, who also is a very strongly committed reformer for this institution.

Mr. CASTLE. Mr. Chairman, finally, I would just say Mr. GERLACH and I presented almost identical amendments, and that is how it became the Castle-Gerlach, Gerlach-Castle amendment, because they were very similar.

Mr. Chairman, I yield back the balance of my time.

Ms. ZOE LOFGREN of California. Mr. Chairman, I would just, in closing, note that this is not a bipartisan amendment, unless either Mr. CASTLE or Mr. GERLACH has made a party decision that we don't yet know about. However, we don't oppose the amendment.

Mr. Chairman, I yield back the balance of my time.

The Acting CHAIRMAN. All time for debate has expired.

The question is on the amendment offered by the gentleman from Delaware (Mr. CASTLE).

The amendment was agreed to.

AMENDMENT NO. 3 OFFERED BY MR. DANIEL E. LUNGREN OF CALIFORNIA

Mr. DANIEL E. LUNGREN of California. Mr. Chairman, I offer an amendment.

The Acting CHAIRMAN. The Clerk will designate the amendment.

The text of the amendment is as follows:

Part B amendment No. 3 printed in House Report 109–441 offered by Mr. DANIEL E. LUNGREN of California:

Section 301 is amended to read as follows:

SEC. 301. PRE-CERTIFICATION OF PRIVATELY FUNDED TRAVEL.

(a) ACCEPTANCE OF PRIVATELY FUNDED TRAVEL.—Notwithstanding clause 5 of rule XXV of the Rules of the House of Representatives, no Member, Delegate, Resident Commissioner, officer, or employee of the House may accept a gift of travel related to his official duties (including any transportation, lodging, and meals during such travel) from any private source unless the private source first obtains a certification in writing from the Committee on Standards of Official Conduct that the gift of travel complies with all House rules and standards of conduct.

(b) REVIEW AND RECOMMENDATIONS.—(1) The Committee on Standards of Official Conduct may not issue any such certification until it reports its recommendations on changes to rule XXV to the Committee on Rules unless two-thirds of the Members of the Committee, present and voting in the affirmative, vote to issue such certification. The Committee on Standards of Official Conduct shall report its recommendations to the Committee on Rules not later than June 15, 2006.

(2) In developing such recommendations, the Committee on Standards of Official Conduct shall—

(A) survey public reports of registered lobbyist and registered foreign agent-related private travel, as well as public reports of late or inaccurate disclosure of private travel, and

(B) consider—

(i) The ability of the current provisions of rule XXV regarding travel to protect the House, its Members, officers, and employees, from the appearance of impropriety.

(ii) With respect to the allowance for privately-funded travel contained in clause 5(b) of rule XXV—

(I) the degree to which the privately-funded travel meets the representational needs of the House, its Members, officers, and employees;

(II) whether certain entities should or should not be permitted to fund the travel of the Members, officers, and employees of the House, what sources of funding may be permissible, and what other individuals may participate in that travel; and

(III) the adequacy of the current system of approval and disclosure of such travel. Section 302 is amended to read as follows:

SEC. 302. RECOMMENDATIONS FROM THE COMMITTEE ON STANDARDS OF OFFICIAL CONDUCT ON GIFTS.

The Committee on Standards of Official Conduct shall report its recommendations on changes to rule XXV of the Rules of the House of Representatives regarding the exceptions to the limitation on the acceptance of gifts contained in clause 5(a) of that rule to the Committee on Rules. In developing its recommendations, the Committee on Standards of Official Conduct shall consider the following:

The Acting CHAIRMAN. Pursuant to House Resolution 783, the gentleman from California (Mr. DANIEL E. LUNGREN) and a Member opposed each will control 5 minutes.

The Chair recognizes the gentleman from California.

Mr. DANIEL E. LUNGREN of California. Mr. Chairman, I yield myself such time as I may consume.

This is one of those bipartisan moments in our consideration of a lobbying reform bill. Congressman GEORGE MILLER, Congressman HOWARD BERMAN, TOM COLE, DOC HASTINGS have joined me as cosponsors of this amendment, and Congressman JEFF FLAKE worked with us in crafting this proposal.

Mr. Chairman, if it is in order, I would ask unanimous consent that his name be added as a cosponsor to the amendment.

The Acting CHAIRMAN. The Chair would advise the proponent of the amendment that other Members whom he identified as supporters of the amendment are reflected in the RECORD, but there are no ''cosponsors'' of an amendment.

Mr. DANIEL E. LUNGREN of California. Mr. Chairman, it is essential to those of us who have been elected to serve in this body to have confidence that the interests of the constituents are being served. The democratic process as well as the integrity of the people's House require no less.

As the Supreme Court recognized in Buckley v. Valeo, it is both corruption and even the appearance of corruption which threaten the public trust and warrant congressional regulatory action. The safeguards contained in this

amendment will protect the integrity of the process by allowing private travel which has nothing to do with corruption and which in fact contributes to our ability to effectively represent those who have elected us.

This bipartisan compromise provides that the Ethics Committee shall have until June 15 of this year to develop a permanent plan governing future private travel. In the interim, private travel would be allowed if, after its review, two-thirds of the Ethics Committee approves the trip. That requires bipartisan approval.

□ 1530

Our amendment will protect legitimate travel which relates to our ability as Members of this body, and I ask for support of this amendment.

Mr. DREIER. Mr. Chairman, will the gentleman yield?

Mr. DANIEL E. LUNGREN of California. I yield to the gentleman from California.

Mr. DREIER. Mr. Chairman, I would like to compliment the gentleman for his leadership on this issue.

Again, this is an indication of our ability to work in a bipartisan way to deal with a question that constantly came to me from Democrats on the other side of the aisle who talked about the notion of imposing a travel ban, and some Members on our side. I believe Mr. LUNGREN and all of those Members, Mr. BERMAN from California and Mr. COLE on the Rules Committee, have worked very diligently, and I look forward to accepting this amendment.

Mr. DANIEL E. LUNGREN of California. Mr. Chairman, I reserve the balance of my time.

Ms. ZOE LOFGREN of California. Mr. Chairman, I claim the time in opposition, although I do not oppose the amendment; and I yield 3 minutes to the gentleman from California (Mr. GEORGE MILLER), our colleague, and one of the authors of the amendment.

Mr. GEORGE MILLER of California. Mr. Chairman, I thank the gentlewoman for yielding; and I want to thank the cosponsors of this legislation and those who have worked on this from both sides of the aisle.

For the first time this amendment will give the Ethics Committee an opportunity to revise the rules and the standards of conduct for travel which Members of Congress engage in. This amendment embraces all travel that Members of Congress are confronted with, whether it is from the 501(c)(3) community or from the private community.

I happen to think that the Ethics Committee is going to have to make different determinations for different kinds of travel. But the fact of the matter is, because of this amendment, they will have that responsibility to bring greater transparency to that process. And hopefully Members will have to get pre-approval of that travel, and hopefully the Ethics Committee will have to approve that. They will make determinations about what is a legitimate itinerary, the attendance at the various conferences, the participants and the sources of funding.

The problem with travel in the past has not been the travel; it has been those who sought out deliberately to game the system. I believe that if the Ethics Committee meets its responsibility, people will not be able to game the system, to hide the sources of financing or hide the purposes of the trip; and Members will be able to deal with it forthrightly and take advantage of travel where it is helpful to their jobs as Members of Congress, to their constituents, and to the country.

Also, this will allow for the kind of disclosure and prior disclosure of the trips hopefully so constituents, the press and others can check out what the Ethics Committee has done and they can comment on it. The Members will defend it or not defend it if they want to take these trips and if they truly believe they are valuable.

This give us until June 15 for the Ethics Committee to come up with that process. If there is travel to take place prior to that, it requires a two-thirds vote, a strong bipartisan vote of the Ethics Committee to approve any travel prior to that day.

I think this is a big step to the reform of congressional travel in the House. I urge my colleagues to support this amendment.

Ms. ZOE LOFGREN of California. Mr. Chairman, I reserve the balance of my time.

Mr. DANIEL E. LUNGREN of California. Mr. Chairman, I yield 1 minute to the gentleman from Oklahoma (Mr. COLE), one of the cosponsors of this amendment.

Mr. COLE of Oklahoma. Mr. Chairman, I want to take a moment and thank my friends on the other side of the aisle, particularly Mr. MILLER and Mr. BERMAN, for working with us; and, of course, my friends on this side of the aisle, Mr. LUNGREN, whose leadership has been so critical on this, Mr. FLAKE, and, of course, Mr. HASTINGS, chairman of the Ethics Committee.

This really is a moment where we have come together and thought about what is best for the institution instead of trying to score political points against one another. I think we have taken a dramatic step.

I agree very much with my friend, Mr. MILLER. This offers the opportunity for real scrutiny and a real look at the entire travel issue; and I look forward to working with Mr. BERMAN and Chairman HASTINGS on the Ethics Committee, to come back with a scheme that both sides can have confidence in and the American people can have confidence in.

In conclusion, I thank the chairman, Mr. DREIER, and certainly the Speaker. This would not have happened without their help and without their active cooperation so we could resolve what was a knotty issue. They, too, deserve a great deal of credit for working in a bipartisan manner and allowing this to come about.

Mr. DANIEL E. LUNGREN of California. Mr. Chairman, I yield myself such time as I may consume.

Mr. Chairman, I was in this body for 10 years and then out for 16. I have had a chance to look at the importance of travel as it adds to the information base that Members have. While we have had problems in certain areas of travel, we ought not to just throw them all out. This is a real effort to try and get transparency and to work on a bipartisan basis to make sure this works.

Mr. DREIER. Mr. Chairman, will the gentleman yield?

Mr. DANIEL E. LUNGREN of California. I yield to the gentleman from California.

Mr. DREIER. Mr. Chairman, I would like to say that I think it is very important for us to hear from our very good friend from California, Mr. BERMAN; and I hope he may be able to offer some comments on this as one of the lead authors on this important amendment.

Mr. DANIEL E. LUNGREN of California. Mr. Chairman, I ask Members to support this worthy amendment, and I yield back the balance of my time.

Ms. ZOE LOFGREN of California. Mr. Chairman, I yield back the balance of my time.

The Acting CHAIRMAN. All time for debate has expired.

The question is on the amendment offered by the gentleman from California (Mr. DANIEL E. LUNGREN).

The amendment was agreed to.

AMENDMENT NO. 4 OFFERED BY MR. SODREL

Mr. SODREL. Mr. Chairman, I offer an amendment.

The Acting CHAIRMAN. The Clerk will designate the amendment.

The text of the amendment is as follows:

Part B amendment No. 4 printed in House Report 109–441 offered by Mr. SODREL:

Amend section 502(b) to read as follows:

(b) ETHICS TRAINING FOR MEMBERS, DELEGATES, AND THE RESIDENT COMMISSIONER.—Clause 3 of rule XI of the Rules of the House of Representatives is amended by inserting at the end:

''(s)(1) The committee shall establish a program of regular ethics training for Members, Delegates, and the Resident Commissioner similar to the program established in paragraph (r).

''(2) The committee shall publish a list of Members who have and have not completed such ethics training within the first one hundred calendar days after being sworn-in during each Congress. The committee shall update this list with the names of Members who complete the training after the deadline with the date on which the training was completed.

''(3) Publication of the list of Members who have and have not completed the ethics training shall be made available on the official website of the committee and published in the Congressional Record.''.

The Acting CHAIRMAN. Pursuant to House Resolution 783, the gentleman from Indiana (Mr. SODREL) and a Member opposed each will control 5 minutes.

The Chair recognizes the gentleman from Indiana.

Mr. SODREL. Mr. Chairman, I yield myself such time as I may consume.

Mr. Chairman, I rise today to offer this amendment with my colleagues, the gentleman from Massachusetts (Mr. MCGOVERN) and the gentleman from Kentucky (Mr. DAVIS), to ensure that Members of Congress know the ethics rules and provide American voters with the information to hold their elected representatives accountable.

As with most jobs, there is a need to understand the rules that apply to your employment so you do not violate them. Before I was elected to this office, I was a business owner. When we hired an employee, we required individuals to receive training on the rules of the company as well as local and State laws. We required this training because we wanted to make sure our company employees did not break the laws. We kept a record that the employee had completed the training and was familiar with the rules and laws they were expected to comply with.

Our amendment does the same thing. It creates a voluntary program for Members of Congress to participate in an ethics training program within 100 days of being sworn into office. This program affords Members the ability to learn and understand the rules they are required to follow while serving in office.

This amendment also provides information to the electorate to help them assess their own representative by publicly disclosing who has and who has not completed this ethics training.

I believe this amendment is simple. We must know the rules for us to follow the rules, and we must demonstrate to our constituents that we will adhere to the laws while serving in Congress. I urge my colleagues to support the Sodrel-McGovern-Davis amendment, and urge its adoption.

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

Ms. ZOE LOFGREN of California. Mr. Chairman, I claim the time in opposition, although I do not oppose the amendment.

The Acting CHAIRMAN. Without objection, the gentlewoman is recognized.

There was no objection.

Ms. ZOE LOFGREN of California. Mr. Chairman, section 502 of the underlying bill establishes mandatory ethics training for staff and voluntary training for Members. This amendment would not change the voluntary nature of Members' ethics training, but it would require the Ethics Committee to post the names of Members who have not taken the training.

I guess the purpose of this amendment is a worthy one. Members and staff should certainly know the ethics rules and should go back and refresh their memory of the ethics rules every couple of years. We all support that proposition, and in my opinion most Members are conscientious and know the ethics rule and do their best to follow them. But if posting Members' name on a Web site will make them more likely to go and get the training, then that is a good result.

But let us be honest here. A couple of new ethics seminars are not going to solve this problem. A Wall Street Journal-NBC poll released today found that almost 80 percent of the American people disapprove of the job Congress is doing. The public has watched this Congress bend and break the rules over the past few years, and I think they have had it. It is going to take more than ethics seminars to convince these people that we are interested in cleaning up Congress.

Even if this amendment is adopted, and I believe it will be, this bill is not going to change anybody's mind that the majority, who are running this House, are serious about cleaning up the mess that is here.

With that, I would note that although many of us go in person for classes, those of us who come from places like Silicon Valley really do our reading over the Internet. For those Members who have not visited the Ethics Committee site, there is a wealth of information online and available and very easy to access from home at any hour of the day or night, and that is a very good alternative for Members whose schedules are very pressed.

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

Mr. SODREL. Mr. Chairman, I yield 2 minutes to the gentleman from California (Mr. DREIER).

Mr. DREIER. Mr. Chairman, I thank my friend for yielding, and I rise in strong support of this amendment.

Once again, we are demonstrating a very strong bipartisan commitment to dealing with the issue of institutional reform.

Mr. SODREL has come forward with a very creative and thoughtful idea to enhance our goal of accountability; and he is doing it in a bipartisan way by getting our Rules Committee colleague, the gentleman from Massachusetts (Mr. MCGOVERN), to join as a cosponsor, as well as the gentleman from Kentucky (Mr. DAVIS). I think that is a brilliant move on his part, and I think it will strengthen this piece of legislation as we aspire to the goals of once again creating a higher level of respect by the American people and is necessary for this great institution. I congratulate the gentleman from Indiana (Mr. SODREL).

Ms. ZOE LOFGREN of California. Mr. Chairman, I yield back the balance of my time.

Mr. SODREL. Mr. Chairman, I yield myself the balance of my time.

Mr. Chairman, let me close quickly by saying that we were elected to this body to serve our constituents to the best of our ability. The voters believe we had the character to represent them, and we take that trust seriously. I think this amendment demonstrates our commitment. I urge the adoption of this amendment.

Mr. Chairman, I yield back the balance of my time.

The Acting CHAIRMAN. All time for debate has expired.

The question is on the amendment offered by the gentleman from Indiana (Mr. SODREL).

The amendment was agreed to.

The Acting CHAIRMAN. It is now in order to consider amendment No. 5 printed in part B of House Report 109–441.

Amendment No. 5 is not offered.

AMENDMENT NO. 6 OFFERED BY MR. GINGREY

Mr. GINGREY. Mr. Chairman, I offer an amendment.

The Acting CHAIRMAN. The Clerk will designate the amendment.

The text of the amendment is as follows:

Part B amendment No. 6 printed in House Report 109–441 offered by Mr. GINGREY:

Add at the end the following:

TITLE VII—LEADERSHIP PACS

SEC. 701. RESTRICTIONS ON DISPOSITION OF FUNDS BY LEADERSHIP PACS.

(a) RESTRICTIONS.—Section 313 of the Federal Election Campaign Act of 1971 (2 U.S.C. 439a) is amended—

(1) by redesignating subsection (b) as subsection (c); and

(2) by inserting after subsection (a) the following new subsection:

''(b) USE OF FUNDS BY LEADERSHIP PACS.—

''(1) USES PERMITTED.—The funds of a leadership PAC may be used by the leadership PAC—

''(A) for otherwise authorized expenditures in connection with campaigns for election for Federal office;

''(B) for charitable contributions described in section 170(c) of the Internal Revenue Code of 1986; or

''(C) for transfers to a national, State, or local committee of a political party (subject to the applicable limitations of this Act).

''(2) LEADERSHIP PAC DEFINED.—In this subsection, the term 'leadership PAC' means a political committee which is directly or indirectly established, maintained, or controlled by a candidate for election for Federal office or an individual holding Federal office but is not an authorized committee of the candidate or individual, except that such term does not include any political committee of a political party.''.

(b) CONFORMING AMENDMENT REGARDING CONVERSION OF FUNDS TO PERSONAL USE.—Section 313(c) of such Act (2 U.S.C. 439a(c)), as redesignated by subsection (a), is amended by inserting after ''subsection (a)'' the following: ''or funds of a leadership PAC described in subsection (b)''.

(c) EFFECTIVE DATE.—The amendments made by this section shall apply with respect to elections occurring after December 2006.

The Acting CHAIRMAN. Pursuant to House Resolution 783, the gentleman from Georgia (Mr. GINGREY) and a Member opposed each will control 5 minutes.

The Chair recognizes the gentleman from Georgia.

Mr. GINGREY. Mr. Chairman, I yield myself such time as I may consume.

First of all, let me thank Chairman DREIER for this commonsense piece of legislation in regard to the Lobbying Accountability and Transparency Act. We worked diligently with three separate hearings in the Rules Committee, 12 to 14 hours of testimony; and I think

we have struck the exact right balance in regard to this legislation. I am proudly supporting this bill.

I do have an amendment, and it is a very commonsense amendment. This was brought out during the course of these hearings, but basically what the amendment does is apply the same rules to leadership PACs as exist now in regard to campaign committee funds.

I think you all know, my colleagues, certainly Mr. Chairman knows that Members, when they leave this body, certainly as they are continuing to serve, cannot use any campaign funds for personal use. When they leave this body, if they happen to have a balance, which in some cases they do and have done in the past, then that cannot in any way, shape or form be converted to personal use.

But when this law was passed back in the early 1980s and sort of finalized in 1989, shortly after which a lot of Members left so they could be grandfathered and be able to keep those balances, there were not many leadership PACs. But we know today there are a lot of leaders in this place, and a lot of folks do have leadership PACs. In some instances we are talking about balances, cash on hand of six and maybe even seven figures.

□ 1545

So basically what this amendment does, and it is really quite simple, the same rules that apply to campaign committees would apply to leadership PACs. And I would commit that amendment to my colleagues and to the chairman and ask for its support.

Mr. DREIER. Mr. Chairman, will the gentleman yield?

Mr. GINGREY. I yield to the gentleman from California.

Mr. DREIER. Mr. Chairman, I simply rise in support of the committee process itself.

I was not aware of the fact that Members who have leadership PACs would be in a position to convert those funds to personal use when they choose to leave this institution. And it was because of the three hearings that we held in the Rules Committee that it came to the surprise, I think, of virtually everyone that the law that was put into place two and a half decades ago preventing Members of Congress, or at least one and a half decades ago, preventing Members of Congress from converting their campaign funds to personal use once they leave this institution does not apply to the so-called leadership PACs.

And I simply want to congratulate my friend, Mr. GINGREY, who came forward with this very, very thoughtful idea that emerged from the hearing process itself, and has now offered this amendment, which I think should enjoy very strong bipartisan support. It once again will underscore in this legislation the accountability and the transparency that is very important for the American people to see in this place. And so I am in strong support of the Gingrey amendment, Mr. Chairman.

Mr. GINGREY. Mr. Chairman, reclaiming my time, again, I want to thank my chairman for his support on this amendment. And the amendment, I want to commit it to my colleagues on both sides of the aisle because it is in the spirit of this legislation, which is a bipartisan bill that we worked diligently on, and I again congratulate Chairman DREIER and my colleagues on the Rules Committee that brought forth this legislation. And I ask for support of the amendment.

I have no other speakers, Mr. Chairman. And I reserve the balance of my time.

Ms. ZOE LOFGREN of California. Mr. Chairman, I rise to claim the time in opposition, at least until the ranking member of the House Administration Committee arrives.

The Acting CHAIRMAN. The gentlewoman from California is recognized for 5 minutes.

Ms. ZOE LOFGREN of California. Mr. Chairman, I yield myself such time as I may consume.

I will support this amendment. I don't, frankly, know that this has ever been an issue that I have heard of or seen in the press that someone has converted a leadership PAC to personal use. It shouldn't happen and, therefore, I don't have a problem supporting the amendment.

To the extent that it is difficult for the FEC to make a judgment call on what is personal use and what is not, this doesn't compound it because they already have to make that judgment when it comes to re-election PACs.

I would just note that, like the rest of the bill before us, this is okay, but it really doesn't accomplish the real problem solving that the country is crying out for. I don't think that any of our Members on this side of the aisle oppose, but even approving this will not clean up the ethics swamp that the country is so very concerned about.

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

Mr. GINGREY. Mr. Chairman, I thank the gentlewoman from California (Ms. ZOE LOFGREN) for supporting the amendment.

Mr. Chairman, I yield 1 minute to the distinguished chairman of the House Administration Committee, the gentleman from Michigan (Mr. EHLERS).

Mr. EHLERS. Mr. Chairman, I, for years, have always said we must ensure proper behavior of the Members of this body or the members of any State legislature I have been in. And I particularly want to thank the gentleman for this amendment because I was not aware that this prohibition did not apply to leadership PACs. Current law does prohibit conversion of campaign funds to personal use, but, unfortunately, we have never had occasion to say that it should also apply to leadership PACs because I am not aware of any instance where that has occurred.

Nevertheless, I totally agree with the gentleman from Georgia that we should close this loophole, and that we should not permit any Member under any circumstances to convert leadership PAC funds to personal use. And I, therefore, very strongly support his amendment and thank him for bringing this to our attention.

Mr. GINGREY. Mr. Chairman, I thank the gentleman from Michigan for supporting the amendment. And again, I have no additional speakers at this time. I reserve the balance of my time.

The Acting CHAIRMAN. The gentleman's time has expired.

Ms. ZOE LOFGREN of California. Mr. Chairman, I yield myself such time as I may consume.

As I mentioned earlier, we are supporting this amendment, even though it solves a problem that apparently has not yet come into play.

But what this amendment and this bill fail to do is to fundamentally reform a culture of corruption. It does not end the practice of lobbyists giving gifts to Members of Congress and their staffs. It does not end the practice of Members using corporate jets, does not require disclosure of lobbyists bundling contributions to Members of Congress. It does not end the practice of leaving votes open to twist arms and lobby Members on the floor of the House. It does not do anything to close the revolving door from government service to personal gain. It does nothing to clean up our campaign finance system, to take special-interest money out of politics.

The bottom line is that, although we are supporting this amendment, it really doesn't actually reform the system that has the American people so concerned and rightly so.

Mr. Chairman, I yield the balance of my time to the ranking member of the House Administration Committee, my colleague from California, the Honorable JUANITA MILLENDER-MCDONALD.

Ms. MILLENDER-MCDONALD. Mr. Chairman, I am not opposing this amendment because of what the amendment does, but because of what the amendment doesn't do. And what the gentleman's amendment doesn't do is apply the same rule to other types of political entities. That is, it doesn't prohibit the conversion of political funds to personal use after such a political entity has concluded its electoral business. It closes a small loophole, but what we should be talking about in closing all loopholes in this lobbying bill. And so the amendment doesn't go far enough.

Mr. Chairman, the Republican leadership's restrictive procedures for consideration of this bill has shut out all amendments affecting not only this lobbying bill, but the 527 bill as well. So the gentleman's amendment fixes a loophole, which the Republican leadership thinks needs to be plugged—and that is why they allowed the House to consider this amendment today—but

why haven't we applied this same principle to other political entities?

No one should be allowed to siphon off political contributions, and convert those contributions to personal use, irrespective of the type of political organization or entity.

So, Mr. Chairman, I oppose the gentleman's amendment, not for what it does, but for what it doesn't do in the same manner I oppose the underlying bill, because it doesn't go far enough.

Ms. ZOE LOFGREN of California. Mr. Chairman, I yield back the balance of my time.

The Acting CHAIRMAN. The question is on the amendment offered by the gentleman from Georgia (Mr. GINGREY).

The amendment was agreed to.

The Acting CHAIRMAN. The Chair is advised that amendment No. 7 will not be offered.

AMENDMENT NO. 8 OFFERED BY MR. CASTLE

Mr. CASTLE. Mr. Chairman, I offer an amendment.

The Acting CHAIRMAN. The Clerk will designate the amendment.

The text of the amendment is as follows:

Part B amendment No. 8 printed in House Report 109–441 offered by Mr. CASTLE:

Add at the end of the bill the following:

TITLE VII—ETHICS TRAINING FOR LOBBYISTS

SEC. 701. ETHICS TRAINING FOR LOBBYISTS.

(a) TRAINING COURSE.—During each Congress, the Committee on Standards of Official Conduct of the House of Representatives shall provide an 8-hour ethics training course to persons registered as lobbyists under the Lobbying Disclosure Act of 1995.

(b) CONTENTS OF COURSE.—Training under subsection (a) shall cover information on the code of conduct and disclosure requirements applicable to Members, officers, and employees of the House of Representatives, including rules relating to acceptance of gifts (including travel and meals), and financial disclosure requirements under the Ethics in Government Act of 1978.

(c) PENALTIES FOR FAILURE TO COMPLETE TRAINING.—Any person who is registered or required to register as a lobbyist under the Lobbying Disclosure Act of 1995 and who fails to complete the training course under subsection (a) at least once during each Congress shall be subject to the penalties under section 7 of that Act to the same extent as a failure to comply with any provision of that Act.

The Acting CHAIRMAN. Pursuant to House Resolution 783, the gentleman from Delaware (Mr. CASTLE) and a Member opposed each will control 5 minutes.

The Chair recognizes the gentleman from Delaware.

Mr. CASTLE. Mr. Chairman, I yield myself such time as I may consume.

I appreciate the opportunity to offer this amendment today. The way to prevent further abuses of power may not be readily apparent, but by adopting this commonsense amendment to require ethics training for lobbyists, we will be one step closer to achieving greater accountability and transparency.

My amendment would require that all registered lobbyists complete a mandatory 8 hours of ethics training each Congress. Ethics training would entail instruction by the Committee on Standards on the code of conduct and disclosure requirements applicable to Members, officers and employees of the House, including the rules relating to acceptance of gifts, travel and meals and financial disclosure requirements. Any registered lobbyist failing to complete ethics training each Congress would be subject to penalties.

If we have learned anything over these few years, we have learned that many people in many different capacities, from lobbyists to Members and even staff, abuse the laws and rules that govern this body. We are seeing high-level abuses of power, the exchange of favors and the neglect of basic ethical standards.

There is absolutely no reason that we shouldn't educate registered lobbyists on the rules and laws that we have written and adopted to govern the House of Representatives.

When a lobbyist registers, they are saddled with pamphlet after pamphlet of rules and regulations. What they can and cannot do is more often learned through word of mouth. Ethics training to clearly outline the rules would be welcome. With the adoption of this amendment, there will be no uncertainty about what the rules are and how to follow them.

Requiring ethics training for registered lobbyists helps us begin to repair a system that has failed to regain the confidence of the American people.

Mr. Chairman, I would just like to say, finally, before I yield to the chairman of the Rules Committee, that this just goes along with my whole thinking that if we can educate everybody as to precisely what these rules are, then maybe we can prevent some of the abuses. Some of them we are never going to prevent, but maybe we can prevent some of the abuses. And that is the reason for this amendment.

I yield to the chairman of the Rules Committee.

Mr. DREIER. Mr. Chairman, once again, we have seen our friend from Delaware charge towards a greater offer of enhancing this piece of legislation. One of the things that we have been saying time and time again is that brighter, clearer lines are imperative as we look at this legislation. And it seems to me that as we look at where it is that we are going, everyone who is impacted by this legislation should have an opportunity to understand it. That is exactly what the Castle amendment does. And I appreciate the fact that he has spent so much time and effort going through the legislation, working to improve it. So I strongly support the amendment and urge my colleagues to join in support of the Castle amendment.

Mr. CASTLE. Mr. Chairman, I reserve the balance of my time.

Ms. ZOE LOFGREN of California. Mr. Chairman, I rise to claim the time in opposition.

The Acting CHAIRMAN. The gentlewoman from California is recognized for 5 minutes.

Ms. ZOE LOFGREN of California. Mr. Chairman, I do not object to this amendment, but like the underlying bill, I think it fails to seriously address the scandals that have made so many Americans distrustful of this Congress.

Requiring mandatory ethics training for registered lobbyists is probably a good idea. But I didn't think that classes for lobbyists were the major issue facing the country.

Mr. Chairman, I yield 4 minutes to the gentlewoman from Texas, Ms. SHEILA JACKSON-LEE.

Ms. JACKSON-LEE of Texas. Mr. Chairman, I thank the distinguished gentlewoman from California, and I thank her for service on the Ethics Committee.

I, too, believe that this is an amendment that certainly moves us forward, but it is not the panacea.

And I rise because I now understand that this is clearly a partisan bill because this is not a bill to really do anything. It is a bill to bash and to look like you are doing something.

I did not offer the Jackson-Lee amendment because I realized that, rather than doing real lobbying reform, the other side wants to bash innocent spouses and children. That is what they want to do. They wanted to make light of an amendment that I was offering to ensure the clarity of the fact that if you had no inside knowledge or benefit to the fact that your spouse or anyone else was involved in culpable behavior, that you, as an innocent spouse, and an innocent child, should not be, of course, the, if you will, the victim of that criminal behavior.

On the other hand, in the Judiciary Committee, when we had the right kind of amendment, Mr. VAN HOLLEN offered an amendment that would require additional quarterly disclosures by lobbyists, including disclosures of the names of Federal candidates and office holders, their leadership PACs or political committees for whom fundraising events are hosted by lobbyists, and information regarding payment for events honoring Members.

Guess what? That was eliminated from the final bill, even though it was passed successfully in the Judiciary Committee.

So this is not a serious attempt for lobbying reform. It is an attempt to eliminate amendments of Democrats. Bring one on the floor so that you can bash it, rather than looking seriously at the language that the Jackson-Lee amendment had, which was to clarify to make sure that we get those who are the true culprits.

If the spouse and the child is involved in the bad behavior, then eliminate all their benefits. If they are not, then you should protect them so that they are not the victims of this bad behavior.

But I see, Mr. Chairman, you are not interested in serious lobbying reform. All you are interested in doing is bashing other Members, bashing spouses,

bashing children and representing that this is a bipartisan bill. It is not a bipartisan bill. You have eliminated all the amendments, and it is not a bipartisan bill.

I hope that we will be able to get on track and find our way in the real manner of collaborative work so that when Members try to go to the other side and speak intelligently about an amendment, they won't get the back hand of someone who thinks that they can just ''diss'' you just because you are on the minority.

We need to be working on this issue in a bipartisan manner. And I welcome some of the very progressive amendments. And I when I say progressive, don't think I am labeling you, but the very smart amendments that add more requirements.

And I think the idea of training certainly moves us forward. But as the gentlewoman from California said, we have left out an enormous amount of real reasonable response to this question.

□ 1600

So I hope that in the final analysis that we will go back to the drawing board and be able to assess, if you will, the importance of real collaboration.

I will just simply say that this idea of using innocent spouses and children, opposing a proposed amendment, which I did not offer because I understood that this was going to be a scapegoat that would cause people not to see the true issue, which is to clarify those who had nothing to do with the bad behavior.

And to the American public and my colleagues, I think we can understand the concept in America of due process and innocent until proven guilty. Let us get to the bottom line of making sure that our house is in order, but when it comes to those innocent individuals, let us make sure that we have clear language to protect innocent children and spouses who are determined to be without fault.

The Office of Personnel Management is a regulatory agency, not a lawmaking body, as the Congress is; and I thought it was important for my amendment to have been offered and accepted to clarify the protection of families. But the majority was opposing it because they wanted sound bites not real enforceable legislation. It was not offered because I did not want political play to get in the place of serious legislation.

With that, Mr. CASTLE, let me say you have something that is a good idea, but we could clearly do more; and I ask my colleagues to vote against this false representation of lobbying reform, H.R. 4975.

Mr. Chairman, I appreciate the opportunity to explain my amendment. The need for the amendment I offer is not obvious at first glance but the harm it corrects would be apparent to all Members as soon as they have a chance to think about it.

I share the discomfort that comes with writing laws that govern ourselves, rather than laws that govern the Nation. However, we are legislators just as much as we are politicians. We must rise to the occasion, excel beyond expectations, and sensibly construct guidelines that will secure our honesty and accountability .

What will Americans read in the newspaper tomorrow, or see on the news this evening? We do not want to appear like a classroom of children turning out their pockets when we accuse each other of stealing candy. We want to stand together as a legislature and raise our own standard of conduct and value of ethics proudly, in a bipartisan manner, as colleagues.

Until this week, this lobbying reform bill was succeeding. Differences of opinion were discussed openly, language and subject matter was debated publicly, and compromises were made with the larger goal of improving and correcting the involvement of interest groups in legislative work.

However, without an open rule, it is difficult to continue asserting that this is a bipartisan effort, and it is impossible to say that this is a transparent process. If we are struggling to make lobbying more accountable and transparent, how can we create these laws in an unaccountable and nontransparent manner? The hypocrisy is as obvious as it is embarrassing.

I am pleased that the Rules Committee was open to consideration of each amendment, and I thank Chairman DREIER and every Rules committee member for the opportunity to offer my amendment preserving the rights of spouses and children to benefit from pensions without bearing the burden of disproving guilt by association.

However, I am disturbed by the abruptness and the brevity with which privately funded travel was discarded in the committee print of the bill. Although the Lungren/Miller amendment that will be in order today is better, I believe that stifling any Member's opportunity to grow and learn is myopic, and I believe that many of these trips are crucially educational.

We, as Members of Congress, have a duty to act as witnesses for human rights considerations, for foreign policy interests, and for domestic troubles. Travel can be vital continuing education.

We must put ethical guidelines in place, but not without thinking them through thoroughly. We all understand and agree that major changes must take place in lobbying reform. We must concentrate on what is most responsible, most practical, and most cogent.

Overall, I am disappointed in this bill, and disappointed that there are those among us who would sabotage the legislative process—such as subcommittee and committee hearings and markups and floor debates—in order to achieve their own ends. We need lobbying reform because we need to return the policy discussion to the American people, and take it out of the hands and pockets of over-privileged insiders and favor-traders.

We have a long history of lobbying reform, dating back to the passionate debates of the Federalist Papers. Interest groups, or ''factions,'' to use the contemporary term, provided both an immeasurable value to democracy, and yet interest groups also bring the threat of undue influence. According to Madison:

> Liberty is to faction, what air is to fire, an ailment without which it instantly expires. But it could not be a less folly to abolish liberty, which is essential to political life, because it nourishes faction, than it would be to wish the annihilation of air, which is essential to animal life, because it imparts to fire its destructive agency. (Federalist Paper #10)

I am inclined to agree. I urge my colleagues to allow the debate today to assist in building lobbying reform that will withstand criticism many years from now, and that we may look upon as noble, fair, and correct.

ANNOUNCEMENT BY THE ACTING CHAIRMAN

The Acting CHAIRMAN (Mr. PETRI). Members should direct their remarks to the Chair and not to others in the second person.

Mr. CASTLE. Mr. Chairman, I yield myself such time as I may consume.

Let me just say at the outset that what we have just heard essentially is about an amendment that was not presented, not this particular amendment, and perhaps about the bill; and I appreciate the support of the amendment by both sides here.

Mr. Chairman, I yield such time as he may consume to the distinguished chairman of the Rules Committee, Mr. DREIER.

Mr. DREIER. Mr. Chairman, I really was somewhat saddened. I am always pleased to yield to Members when they ask me for time, regardless of what side of the aisle they are on, because I am interested in rigorous debate.

As the chairman of the Rules Committee, I was very proud to make in order the Jackson-Lee amendment that would have allowed for a full debate and a discussion on the issue of spouses being the beneficiary of pensions. We in this legislation have provided flexibility to the Office of Personnel Management to ensure that they could, in fact, when a spouse, a victim, as my friend has described them, has potentially been in a position where they could lose their pension.

We are now in the midst of the Castle amendment, which is enjoying bipartisan support, as is virtually every other amendment that we have considered on the floor this afternoon. And yet I am talking about an amendment, the Jackson-Lee amendment, that I made in order in the Rules Committee and she chose not to offer that amendment; instead, stood up and said that I am not committed to reform. And I am happy that the Chair, in fact, admonished the Member to address the comments to the Chair.

We would not be here today, Mr. Chairman, were it not for the strong commitment of Speaker HASTERT and the Republican leadership to the issue of institutional reform; and we want to make sure that no one is victimized by abhorrent behavior that takes place by lobbyists or by individual Members. But we also believe strongly in the issue of accountability, and that is exactly what we are getting at by providing the flexibility to the Office of Personnel Management.

I think that, on the issue of accountability, once again, as I said, Mr. CASTLE has done a great job of ensuring that there is a clear understanding of

exactly what the new definition will consist of when we pass this legislation.

I thank my friend for yielding, and I thank my friend from Houston for her thoughtful comments, and I still am, again, sorry that she would not yield to me. I would be happy, if Mr. CASTLE has the time, to yield to her at this time if she would like to respond to any of the comments that I have made.

The Acting CHAIRMAN. The gentleman from Delaware's time has expired.

Ms. ZOE LOFGREN of California. Mr. Chairman, I yield for the purpose of making a unanimous consent request to the gentleman from Texas (Mr. GENE GREEN).

(Mr. GENE GREEN of Texas asked and was given permission to revise and extend his remarks.)

Mr. GENE GREEN of Texas. Mr. Chairman, I rise in opposition to H.R. 4975, the fake lobby regulation and transparency act.

This is an attempt to fool the American people into thinking that this body is doing something substantive to reform the way lobbyists and Congress do business.

This bill does no such thing.

This legislation does nothing to address the larger issues of ethics reform. It does not address corporate jet travel, tougher gift rules, or financial perks provided by lobbyists.

The temporary suspension of privately funded trips offered here today is not good enough. We should commit to ban private corporate travel. I understand there is some sentiment that we should wait for the Ethics Committee to issue rules on this issue. However, if we want a ban on corporate travel, then we should pass such a ban now.

Also, we've heard a lot of talk about strengthening gift rules, but there is no disclosure. We need to tighten gift rules to ensure that people abide by them.

The gift rule should address the sometimes extravagant receptions honoring Members of this body paid for by lobbyists and corporations. This bill does not require the disclosure of such events.

We could have started to address these issues had the Rules Committee allowed amendments on the Floor today that would have addressed these issues.

I offered an amendment to bring transparency to State governments using tax dollars to hire lobbyists here in Washington.

The State of Texas hired lobbyists for over $1 million and we have no idea what they have done to earn that money.

They have never called, e-mailed, or come by my office or any other Democratic Member's office from Texas in the years they have been under contract.

We have written Governor Perry twice asking what these lobbyists are doing and he has ignored our requests.

The bottom line is this bill does nothing to bring true lobbying reform to Congress and we owe the American people better than this.

The people of this country can not be fooled. They will not tolerate anything but real lobbying reform that contains true transparency of all lobbying transactions and an ethics system that works.

This Republican majority arbitrarily changed the House Ethics rules last year and removed the republican chair and Members who were trying to do their job.

Then, they terminated Ethics Committee staff members for partisan reasons. They do not want real lobby reform.

I urge my colleagues to vote against H.R. 4975 and support the motion to recommit.

Ms. ZOE LOFGREN of California. Mr. Chairman, I yield the balance of my time to the gentlewoman from Texas (Ms. JACKSON-LEE).

Ms. JACKSON-LEE of Texas. Mr. Chairman, I thank the gentlewoman for yielding me this time.

But let me say to the distinguished gentleman, I did not have time to yield; and I thank you for your graciousness. But I think if we had had the gracious discussion that you offered now on the floor of the House previously where we could have discussed the idea of a full debate on this matter, there might have been a different response by myself the proponent of the amendment to protect innocent spouses and children shown to be without fault in any manner of corruption. I think we are all committed, as you have said, to the idea of getting the ones who are guilty, but the innocent we should protect.

The Acting CHAIRMAN. All time for debate has expired.

The question is on the amendment offered by the gentleman from Delaware (Mr. CASTLE).

The amendment was agreed to.

AMENDMENT NO. 9 OFFERED BY MR. FLAKE

Mr. FLAKE. Mr. Chairman, I offer an amendment.

The Acting CHAIRMAN. The Clerk will designate the amendment.

The text of the amendment is as follows:

Part B amendment No. 9 printed in House Report 109–441 offered by Mr. FLAKE:

Add at the end of the bill the following:

TITLE VII—MISCELLANEOUS PROVISIONS

SEC. 701. BRIBERY.

Section 201(a)(3) of title 18, United States Code, is amended by inserting ''including an earmark as defined in section 501(d) of the Lobbying Accountability and Transparency Act of 2006,'' after ''controversy,''.

The Acting CHAIRMAN. Pursuant to House Resolution 783, the gentleman from Arizona (Mr. FLAKE) and a Member opposed each will control 5 minutes.

The Chair recognizes the gentleman from Arizona.

Mr. FLAKE. Mr. Chairman, I yield myself such time as I may consume.

This amendment would simply clarify the application of criminal bribery and illegal gratuities statutes with regard to earmarks. Specifically, this amendment would bolster the bribery statute in the criminal code by adding earmarks, as defined by this bill, to the statute. This is the first time we have ever defined earmark in this bill, and so I think it is appropriate to ensure that we add it to the bribery statute.

This will mean that the law would prohibit a person from, directly or indirectly, corruptly giving, offering, or promising anything of value to any public official with the intent to influence any official act relating to an earmark.

The amendment would also prohibit a public official from corruptly demanding, seeking, receiving, accepting, or agreeing to receive anything of value in return for influence in the performance of an official act related to an earmark.

Recent bribery scandals have brought to light something that fiscal conservatives on both sides of the aisle have been talking about for years, that the number and dollar value of earmarks are out of control. Lobbyists, Members, earmarks, and campaign contributions have, unfortunately, been inextricably linked in the Duke Cunningham scandal. It was reported that Mr. Cunningham actually had a bribe menu on his congressional letterhead, that he actually offered earmarks in exchange for money. How many more stories are we likely to see unless Members realize that this is a serious matter?

It is my hope this amendment will bring more attention to this ongoing problem by adding earmarks to the bribery statute. I believe that this will bolster the already meaningful earmark reform in the underlying bill.

Again, I thank the Speaker, the majority leader, the chairman, and Chairman SENSENBRENNER, also, in the Judiciary Committee for help with this amendment.

Mr. DREIER. Mr. Chairman, will the gentleman yield?

Mr. FLAKE. I yield to the gentleman from California.

Mr. DREIER. Mr. Chairman, I thank my friend for yielding.

I believe that as we look at the issue of earmark reform, Mr. Chairman, it is very important for us to realize that our attempts to rein in the size and scope of the Federal Government is a high priority. My friend has worked on that, and I believe that this amendment itself goes right at that goal of especially the question of people seeing some sort of self-enrichment through the appropriations process here. I thank my friend for his contribution, and I am proud to strongly support the amendment.

Ms. ZOE LOFGREN of California. Mr. Chairman, I claim the time in opposition, although I will not oppose the amendment.

Members should recognize that the amendment is redundant at best and really does not do anything to strengthen the lobby laws.

This amendment creates a redundancy in the U.S. Code by adding language that is already covered. Section 201(a)(3) already and currently prohibits receiving a personal benefit in exchange for ''any decision or action on any question, matter, cause, suit, proceeding, or controversy.'' This amendment would add to that language ''including an earmark as defined in section 501(d) of the Lobbying Accountability and Transparency Act,'' but

earmarks are already covered under the current code because it is already a decision or action, and thus the language in the amendment is unnecessary. But, as I told my colleague on the Judiciary Committee, I do not oppose redundancies in the committee or on the floor.

I would note, however, that if those across the aisle wanted real reform in the way of earmarks, they would support a measure that would prohibit Members from offering or withholding an earmark to influence how another Member votes. And if those across the aisle wanted real reform, they would require real disclosure of earmarks.

I would note further that, in proof of the redundancy comment I made at the start of my comments, our former colleague from the 50th Congressional District in California is living proof that the statute works. He is in prison today for bribery. And I have often thought, although he was convicted of bribery, he actually took money to sell out the military; and, as far as I am concerned, that is treason as well. Our military has the right to expect the very best that we can buy for them by way of intelligence, equipment. They deserve the very best. What they do not deserve is a Member of Congress selling them out for money, and that is what happened in that case.

I would note that there were discussions of having some kind of earmark reform in this bill, and it is a measure of how discombobulated the majority is. I believe that the appropriators were unable to come to agreement with the authorizers, and what we have ended up with actually is a bill where you can sneak those earmarks in in the dead of night. You can sneak them in; and although it is a bribe that we are talking about, the real reform, the transparency that would prevent that, is missing from this bill.

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

Mr. FLAKE. Mr. Chairman, I yield 1 minute to the gentleman from California (Mr. DREIER).

Mr. DREIER. Mr. Chairman, I thank my friend for yielding.

Mr. Chairman, I think it is very important for us to note that last week, as we were prepared to consider the vote on this rule, a strong commitment was made by the Speaker of the House, the majority leader, and others on the leadership team; and I, as the author of this legislation, have been very pleased to make a commitment that, as we look at the issue of earmark reform, it should be broad. And we want to do everything that we can to ensure that the kind of abuse a number of people have talked about in the past does not take place.

It is important to note that we have seen a 37 percent reduction in the number of earmarks under the very able leadership of Chairman JERRY LEWIS on this issue, and he is committed to further earmark reform. But we also are committed to dealing with this issue in a similar way to the way it has been addressed in the Senate, and that is to ensure that it is broad based and crosses from appropriators to authorizers as well. So I think that the conclusion that my very good friend from California has drawn is an inaccurate one.

Mr. FLAKE. Mr. Chairman, I yield myself such time as I may consume.

I would just point out, Mr. Chairman, there is nothing wrong with redundancy, but this is more than that. This is the first time that we have actually defined earmark in this underlying bill, and it is appropriate when we have defined earmark to then apply a criminal statute to it, and that is what this is an attempt to do.

The point was made about Duke Cunningham. As I mentioned, he reportedly had a bribe menu on his congressional letterhead. My guess is that if there was a statute like this and earmarks defined like this that it would have given him second thoughts before he went down this road. I hope that is the case. That is the purpose of this amendment, and I am pleased there seems to be broad acceptance of it.

Mr. Chairman, I yield back the balance of my time.

Ms. ZOE LOFGREN of California. Mr. Chairman, I yield myself such time as I may consume.

I would just note that we are today dealing with this rather small effort to do lobbying reform and missing, I guess, sort of ''the check is in the mail'' on earmark reform. I do not believe for a minute, and as a matter of fact, former Congressman Cunningham himself admitted that what he did was wrong, that he knew it was wrong. He sold his country. He sold his vote.

□ 1615

The fact is that he was convicted of bribery, and he is in prison today. We need to have greater transparency on these earmarks. That is really a very serious issue that is completely missing.

I don't oppose the Flake amendment. It doesn't really do anything, but I don't oppose it. We would really accomplish something if we were to publish the earmarks, if we were to make sure that earmarks could not be included in the dark of night; if we were to make sure that this mess was cleaned up, then we would actually be yielding something for the American people. I don't believe that we are.

Mr. FLAKE. Mr. Chairman, will the gentlewoman yield?

Ms. ZOE LOFGREN of California. I yield to the gentleman from Arizona.

Mr. FLAKE. Mr. Chairman, I would just point out that had any of us known Mr. Cunningham had been bribed for the earmarks he got, it is still unlikely we would have been able to go and challenge those earmarks. The underlying bill will at least make that possible, where his name would have been next to it and we would have had an opportunity during the House consideration of the bill and even perhaps in the conference process.

I thank the gentlewoman for yielding.

Ms. ZOE LOFGREN of California. Mr. Chairman, reclaiming my time, I would just like to note it is the entire system that is a problem here. It is a culture that leads to corruption that we are trying to correct here. I don't think the gentleman's amendment succeeds in that, although I am sure he is sincere in offering it, and the underlying bill does not succeed in cleaning up that swamp.

Again, I do not object to the amendment, but I wish this whole bill were a lot more than it is.

Mr. Chairman, I yield back my time.

The Acting CHAIRMAN. All time for debate has expired.

The question is on the amendment offered by the gentleman from Arizona (Mr. FLAKE).

The amendment was agreed to.

AMENDMENT NO. 1 OFFERED BY MR. GOHMERT

The Acting CHAIRMAN. The pending business is the demand for a recorded vote on the amendment offered by the gentleman from Texas (Mr. GOHMERT) on which further proceedings were postponed and on which the ayes prevailed by voice vote.

The Clerk will redesignate the amendment.

The Clerk redesignated the amendment.

RECORDED VOTE

The Acting CHAIRMAN. A recorded vote has been demanded.

A recorded vote was ordered.

The vote was taken by electronic device, and there were—ayes 108, noes 320, not voting 4, as follows:

[Roll No. 117]

AYES—108

Aderholt
Akin
Bachus
Baker
Barrett (SC)
Bartlett (MD)
Barton (TX)
Beauprez
Bishop (UT)
Blackburn
Blunt
Boehner
Bonilla
Bonner
Boozman
Brady (TX)
Burgess
Burton (IN)
Cannon
Carter
Coble
Cole (OK)
Conaway
Cooper
Cubin
Deal (GA)
Delahunt
DeLay
Doolittle
Duncan
English (PA)
Everett
Feeney
Flake
Foxx
Franks (AZ)
Garrett (NJ)
Gingrey
Gohmert
Granger
Gutknecht
Hall
Hayes
Hefley
Hensarling
Herger
Hostettler
Hulshof
Hunter
Istook
Jenkins
Johnson, Sam
Jones (NC)
King (IA)
Kingston
Kline
Kolbe
Latham
Linder
Lucas
Lungren, Daniel E.
Mack
Manzullo
Marchant
McCrery
McHenry
McKeon
McMorris
Miller (FL)
Miller, Gary
Murtha
Myrick
Neugebauer
Norwood
Nunes
Otter
Oxley
Paul
Pearce
Pitts
Radanovich
Renzi
Reynolds
Rogers (AL)
Rogers (MI)
Rohrabacher
Ryun (KS)
Sabo
Schwarz (MI)
Sessions
Sherwood
Shuster
Simpson
Smith (TX)
Stearns
Sullivan
Tancredo
Terry
Thornberry
Tiahrt
Tiberi
Wamp
Weldon (FL)
Westmoreland
Wicker
Wilson (SC)
Young (AK)
Young (FL)

NOES—320

Abercrombie
Ackerman
Alexander
Allen
Andrews
Baca
Baird
Baldwin
Barrow
Bass
Bean
Becerra
Berkley
Berman
Berry
Biggert
Bilirakis
Bishop (GA)
Bishop (NY)
Blumenauer
Boehlert
Bono
Boren
Boswell
Boucher
Boustany
Boyd
Bradley (NH)
Brady (PA)
Brown (OH)
Brown (SC)
Brown, Corrine
Brown-Waite, Ginny
Butterfield
Calvert
Camp (MI)
Campbell (CA)
Cantor
Capito
Capps
Capuano
Cardin
Cardoza
Carnahan
Carson
Case
Castle
Chabot
Chandler
Chocola
Clay
Cleaver
Clyburn
Conyers
Costa
Costello
Cramer
Crenshaw
Crowley
Cuellar
Culberson
Cummings
Davis (AL)
Davis (CA)
Davis (FL)
Davis (IL)
Davis (KY)
Davis (TN)
Davis, Jo Ann
Davis, Tom
DeFazio
DeGette
DeLauro
Dent
Diaz-Balart, L.
Diaz-Balart, M.
Dicks
Dingell
Doggett
Doyle
Drake
Dreier
Edwards
Ehlers
Emanuel
Emerson
Engel
Eshoo
Etheridge
Farr
Fattah
Ferguson
Filner
Fitzpatrick (PA)
Foley
Forbes
Ford
Fortenberry
Fossella
Frank (MA)
Frelinghuysen
Gallegly
Gerlach
Gibbons
Gilchrest
Gillmor
Gonzalez
Goode
Goodlatte
Gordon
Graves
Green (WI)
Green, Al
Green, Gene
Grijalva
Gutierrez
Harman
Harris
Hart
Hastings (FL)
Hastings (WA)
Hayworth
Herseth
Higgins
Hinchey
Hinojosa
Hobson
Hoekstra
Holden
Holt
Honda
Hooley
Hoyer
Hyde
Inglis (SC)
Inslee
Israel
Issa
Jackson (IL)
Jackson-Lee (TX)
Jefferson
Jindal
Johnson (CT)
Johnson (IL)
Johnson, E. B.
Jones (OH)
Kanjorski
Kaptur
Keller
Kelly
Kennedy (MN)
Kennedy (RI)
Kildee
Kilpatrick (MI)
Kind
King (NY)
Kirk
Knollenberg
Kucinich
Kuhl (NY)
LaHood
Langevin
Lantos
Larsen (WA)
Larson (CT)
LaTourette
Leach
Lee
Levin
Lewis (CA)
Lewis (GA)
Lewis (KY)
Lipinski
LoBiondo
Lofgren, Zoe
Lowey
Lynch
Maloney
Markey
Marshall
Matheson
Matsui
McCarthy
McCaul (TX)
McCollum (MN)
McCotter
McDermott
McGovern
McHugh
McIntyre
McKinney
McNulty
Meehan
Meek (FL)
Meeks (NY)
Melancon
Mica
Michaud
Millender-McDonald
Miller (MI)
Miller (NC)
Miller, George
Mollohan
Moore (KS)
Moore (WI)
Moran (KS)
Moran (VA)
Murphy
Musgrave
Nadler
Napolitano
Neal (MA)
Ney
Northup
Nussle
Oberstar
Obey
Olver
Ortiz
Owens
Pallone
Pascrell
Pastor
Payne
Pelosi
Pence
Peterson (MN)
Peterson (PA)
Petri
Pickering
Platts
Poe
Pombo
Pomeroy
Porter
Price (GA)
Price (NC)
Pryce (OH)
Putnam
Rahall
Ramstad
Rangel
Regula
Rehberg
Reichert
Reyes
Rogers (KY)
Ros-Lehtinen
Ross
Rothman
Roybal-Allard
Royce
Ruppersberger
Rush
Ryan (OH)
Ryan (WI)
Salazar
Sánchez, Linda T.
Sanchez, Loretta
Sanders
Saxton
Schakowsky
Schiff
Schmidt
Schwartz (PA)
Scott (VA)
Sensenbrenner
Serrano
Shadegg
Shaw
Shays
Sherman
Shimkus
Simmons
Skelton
Slaughter
Smith (NJ)
Smith (WA)
Snyder
Sodrel
Solis
Souder
Spratt
Stark
Strickland
Stupak
Sweeney
Tanner
Tauscher
Taylor (MS)
Taylor (NC)
Thomas
Thompson (CA)
Thompson (MS)
Tierney
Towns
Turner
Udall (CO)
Udall (NM)
Upton
Van Hollen
Velázquez
Visclosky
Walden (OR)
Walsh
Wasserman Schultz
Waters
Watson
Watt
Waxman
Weiner
Weldon (PA)
Weller
Wexler
Whitfield
Wilson (NM)
Wolf
Woolsey
Wu
Wynn

NOT VOTING—4

Buyer
Evans
Osborne
Scott (GA)

□ 1646

Mrs. NORTHUP, Ms. GINNY BROWN-WAITE of Florida, Ms. HARRIS, Mrs. JO ANN DAVIS of Virginia, Messrs. LoBIONDO, POMBO, LEWIS of Kentucky, FOLEY, MOLLOHAN, CAMPBELL of California, GIBBONS, HYDE, GRAVES, SODREL, CULBERSON, KELLER, PICKERING, CALVERT, Mrs. MUSGRAVE, Messrs. FORBES, GOODLATTE, BILIRAKIS and CANTOR changed their vote from ''aye'' to ''no.''

Miss McMORRIS, Mr. OTTER and Mr. ISTOOK changed their vote from ''no'' to ''aye.''

So the amendment was rejected.

The result of the vote was announced as above recorded.

PERSONAL EXPLANATION

Ms. HARRIS. Mr. Chairman, I am writing in regards to the Gohmert Amendment to the Lobbying Accountability and Transparency Act. During the vote on the amendment, roll No. 117, I inadvertently voted "no," but intended to vote "aye."

The Acting CHAIRMAN (Mr. PETRI). There being no other amendments, the question is on the amendment in the nature of a substitute, as amended.

The amendment in the nature of a substitute, as amended, was agreed to.

The Acting CHAIRMAN. Under the rule, the Committee rises.

Accordingly, the Committee rose; and the Speaker pro tempore (Mr. GILLMOR) having assumed the chair, Mr. PETRI, Acting Chairman of the Committee of the Whole House on the State of the Union, reported that that Committee, having had under consideration the bill (H.R. 4975) to provide greater transparency with respect to lobbying activities, and for other purposes, pursuant to House Resolution 783, he reported the bill, as amended pursuant to that rule, back to the House with further sundry amendments adopted by the Committee of the Whole.

The SPEAKER pro tempore. Under the rule, the previous question is ordered.

Is a separate vote demanded on any further amendment? If not, the Chair will put them en gros.

The amendments were agreed to.

The SPEAKER pro tempore. The question is on the engrossment and third reading of the bill.

The bill was ordered to be engrossed and read a third time, and was read the third time.

MOTION TO RECOMMIT OFFERED BY MS. SLAUGHTER

Ms. SLAUGHTER. Mr. Speaker, I offer a motion to recommit.

The SPEAKER pro tempore. Is the gentlewoman opposed to the bill?

Ms. SLAUGHTER. Mr. Speaker, I am in its present form.

The SPEAKER pro tempore. The Clerk will report the motion to recommit.

The Clerk read as follows:

Ms. Slaughter of New York moves to recommit the bill H.R. 4975 to the Committee on Rules with instructions to report the same back to the House forthwith with the following amendment:

SECTION 1. SHORT TITLE AND TABLE OF CONTENTS.

(a) SHORT TITLE.—This Act may be cited as the ''Honest Leadership and Open Government Act of 2006''.

(b) TABLE OF CONTENTS.—The table of contents for this Act is as follows:

Sec. 1. Short title and table of contents.

TITLE I—CLOSING THE REVOLVING DOOR

Sec. 101. Extension of lobbying ban for former Members and employees of Congress and executive branch officials.
Sec. 102. Elimination of floor privileges and access to Members exercise facilities for former Member lobbyists.
Sec. 103. Disclosure by Members of Congress and senior congressional staff of employment negotiations.
Sec. 104. Ethics review of employment negotiations by executive branch officials.
Sec. 105. Wrongfully influencing a private entity's employment decisions or practices.

TITLE II—FULL PUBLIC DISCLOSURE OF LOBBYING

Sec. 201. Quarterly filing of lobbying disclosure reports.
Sec. 202. Electronic filing of lobbying disclosure reports.
Sec. 203. Additional lobbying disclosure requirements.
Sec. 204. Disclosure of paid efforts to stimulate grassroots lobbying.
Sec. 205. Disclosure of lobbying activities by certain coalitions and associations.
Sec. 206. Disclosure by registered lobbyists of past executive and congressional employment.
Sec. 207. Public database of lobbying disclosure information.
Sec. 208. Conforming amendment.

TITLE III—RESTRICTING CONGRESSIONAL TRAVEL AND GIFTS

Sec. 301. Ban on gifts from lobbyists.
Sec. 302. Prohibition on privately funded travel.
Sec. 303. Prohibiting lobbyist organization and participation in congressional travel.
Sec. 304. Prohibition on obligation of funds for travel by legislative and executive branch officials.
Sec. 305. Per diem expenses for congressional travel.

TITLE IV—ENFORCEMENT OF LOBBYING RESTRICTIONS

Sec. 401. Office of public integrity.
Sec. 402. Increased civil and criminal penalties for failure to comply with lobbying disclosure requirements.

Sec. 403. Penalty for false certification in connection with congressional travel.
Sec. 404. Mandatory annual ethics training for House employees.

TITLE V—OPEN GOVERNMENT

Sec. 501. Fiscal responsibility.
Sec. 502. Curbing abuses of power.
Sec. 503. Ending 2-day work weeks.
Sec. 504. Knowing what the House is voting on.
Sec. 505. Full and open debate in conference.

TITLE VI—ANTI-CRONYISM AND PUBLIC SAFETY

Sec. 601. Minimum requirements for political appointees holding public safety positions.
Sec. 602. Effective date.

TITLE VII—ZERO TOLERANCE FOR CONTRACT CHEATERS

Sec. 701. Public availability of Federal contract awards.
Sec. 702. Prohibition on award of monopoly contracts.
Sec. 703. Competition in multiple award contracts.
Sec. 704. Suspension and debarment of unethical contractors.
Sec. 705. Criminal sanctions for cheating taxpayers and wartime fraud.
Sec. 706. Prohibition on contractor conflicts of interest.
Sec. 707. Disclosure of Government contractor overcharges.
Sec. 708. Penalties for improper sole-source contracting procedures.
Sec. 709. Stopping the revolving door.

TITLE VIII—PRESIDENTIAL LIBRARIES

Sec. 801. Presidential libraries.

TITLE IX—FORFEITURE OF RETIREMENT BENEFITS

Sec. 901. Loss of pensions accrued during service as a Member of Congress for abusing the public trust.

TITLE I—CLOSING THE REVOLVING DOOR

SEC. 101. EXTENSION OF LOBBYING BAN FOR FORMER MEMBERS AND EMPLOYEES OF CONGRESS AND EXECUTIVE BRANCH OFFICIALS.

Section 207 of title 18, United States Code, is amended—

(1) in subsection (c)—

(A) in the subsection heading, by striking ''One-year'' and inserting ''Two-year'';

(B) in paragraph (1), by striking ''1 year'' and inserting ''2 years'' in both places it appears; and

(C) in paragraph (2)(B), by striking ''1-year period'' and inserting ''2-year period;''

(2) in subsection (d)—

(A) in paragraph (1), by striking ''1 year'' and inserting ''2 years''; and

(B) in paragraph (2)(A), by striking ''1 year'' and inserting ''2 years''; and

(3) in subsection (e)—

(A) in paragraph (1)(A), by striking ''1 year'' and inserting ''2 years'';

(B) in paragraph (2)(A), by striking ''1 year'' and inserting ''2 years'';

(C) in paragraph (3), by striking ''1 year'' and inserting ''2 years'';

(D) in paragraph (4), by striking ''1 year'' and inserting ''2 years'';

(E) in paragraph (5)(A), by striking ''1 year'' and inserting ''2 years''; and

(F) in paragraph (6), by striking ''1-year period'' and inserting ''2-year period''.

SEC. 102. ELIMINATION OF FLOOR PRIVILEGES AND ACCESS TO MEMBERS EXERCISE FACILITIES FOR FORMER MEMBER LOBBYISTS.

(a) FLOOR PRIVILEGES.—(1) Clause 4 of rule IV of the Rules of the House of Representatives is amended to read as follows:

''4. (a) A former Member, Delegate, or Resident Commissioner; a former Parliamentarian of the House; or a former elected officer of the House or former minority employee nominated as an elected officer of the House; or a head of a department shall not be entitled to the privilege of admission to the Hall of the House and rooms leading thereto if he or she—

''(1) is a registered lobbyist or agent of a foreign principal as those terms are defined in clause 5 of rule XXV;

''(2) has any direct personal or pecuniary interest in any legislative measure pending before the House or reported by a committee; or

''(3) is in the employ of or represents any party or organization for the purpose of influencing, directly or indirectly, the passage, defeat, or amendment of any legislative proposal.

''(b) The Speaker may promulgate regulations that exempt ceremonial or educational functions from the restrictions of this clause.''.

(2) Clause 2(a)(12) of rule IV of the Rules of the House of Representatives is amended by inserting ''(subject to clause 4)'' before the period.

(b) EXERCISE FACILITIES.—(1) The House of Representatives may not provide access to any exercise facility which is made available exclusively to Members and former Members of the House of Representatives to any former Member who is a lobbyist registered under the Lobbying Disclosure Act of 1995 or any successor statute. For purposes of this section, the term ''Member of the House of Representatives'' includes a Delegate or Resident Commissioner to the Congress.

(2) The Committee on House Administration shall promulgate regulations to carry out this section.

SEC. 103. DISCLOSURE BY MEMBERS OF CONGRESS AND SENIOR CONGRESSIONAL STAFF OF EMPLOYMENT NEGOTIATIONS.

Rule XXIII of the Rules of the House of Representatives is amended by redesignating clause 14 as clause 15 and by adding at the end the following new clause:

''14. (a) A Member, Delegate, Resident Commissioner, officer, or employee of the House covered by the post employment restriction provisions of title 18, United States Code, shall notify the Committee on Standards of Official Conduct that he or she is negotiating or has any arrangement concerning prospective private employment if a conflict of interest or the appearance of a conflict of interest may exist.

''(b) The disclosure and notification under subparagraph (a) shall be made within 3 business days after the commencement of such negotiation or arrangement.

''(c) A Member or employee to whom this rule applies shall recuse himself or herself from any matter in which there is a conflict of interest for that Member or employee under this rule and notify the Committee on Standards of Official Conduct of such recusal.

''(d)(1) The Committee on Standards of Official Conduct shall develop guidelines concerning conduct which is covered by this paragraph.

''(2) The Committee on Standards of Official Conduct shall maintain a current public record of all notifications received under subparagraph (a) and of all recusals under subparagraph (c).''.

SEC. 104. ETHICS REVIEW OF EMPLOYMENT NEGOTIATIONS BY EXECUTIVE BRANCH OFFICIALS.

Section 208 of title 18, United States Code, is amended—

(1) in subsection (b)(1)—

(A) by inserting after ''the Government official responsible for appointment to his or her position'' the following: ''and the Office of Government Ethics''; and

(B) by striking ''a written determination made by such official'' and inserting ''a written determination made by the Office of Government Ethics, after consultation with such official,''; and

(2) in subsection (b)(3), by striking ''the official responsible for the employee's appointment, after review of'' and inserting ''the Office of Government Ethics, after consultation with the official responsible for the employee's appointment and after review of''; and

(3) in subsection (d)(1)—

(A) by striking ''Upon request'' and all that follows through ''Ethics in Government Act of 1978.'' and inserting ''In each case in which the Office of Government Ethics makes a determination granting an exemption under subsection (b)(1) or (b)(3) to a person, the Office shall, not later than 3 business days after making such determination, make available to the public pursuant to the procedures set forth in section 105 of the Ethics in Government Act of 1978, and publish in the Federal Register, such determination and the materials submitted by such person in requesting such exemption.''; and

(B) by striking ''the agency may withhold'' and inserting ''the Office of Government Ethics may withhold''.

SEC. 105. WRONGFULLY INFLUENCING A PRIVATE ENTITY'S EMPLOYMENT DECISIONS OR PRACTICES.

(a) IN GENERAL.—Chapter 11 of title 18, United States Code, is amended by adding at the end the following:

''§ 226. Wrongfully influencing a private entity's employment decisions by a Member of Congress

''Whoever, being a Senator or Representative in, or a Delegate or Resident Commissioner to, the Congress or an employee of either House of Congress, with the intent to influence on the basis of partisan political affiliation an employment decision or employment practice of any private entity—

''(1) takes or withholds, or offers or threatens to take or withhold, an official act; or

''(2) influences, or offers or threatens to influence, the official act of another;

shall be fined under this title or imprisoned for not more than 15 years, or both, and may be disqualified from holding any office of honor, trust, or profit under the United States.''.

(b) NO INFERENCE.—Nothing in section 226 of title 18, United States Code, as added by this section, shall be construed to create any inference with respect to whether the activity described in section 226 of title 18, United States Code, was already a criminal or civil offense prior to the enactment of this Act, including sections 201(b), 201(c), and 216 of title 18, United States Code.

(c) CHAPTER ANALYSIS.—The chapter analysis for chapter 11 of title 18, United States Code, is amended by adding at the end the following:

''226. Wrongfully influencing a private entity's employment decisions by a Member of Congress.''.

(d) HOUSE RULES.—Rule XXIII of the Rules of the House (as amended by section 103) is further amended by redesignating clause 15 as clause 16, and by inserting after clause 14 the following new clause:

''15. No Member, Delegate, or Resident Commissioner shall, with the intent to influence on the basis of partisan political affiliation an employment decision or employment practice of any private entity—

''(1) take or withhold, or offer or threaten to take or withhold, an official act; or

''(2) influence, or offer or threaten to influence, the official act of another.''.

TITLE II—FULL PUBLIC DISCLOSURE OF LOBBYING

SEC. 201. QUARTERLY FILING OF LOBBYING DISCLOSURE REPORTS.

(a) QUARTERLY FILING REQUIRED.—Section 5 of the Lobbying Disclosure Act of 1995 (2 U.S.C. 1604) is amended—

(1) in subsection (a)—

(A) by striking ''Semiannual'' and inserting ''Quarterly'';

(B) by striking ''the semiannual period'' and all that follows through ''July of each year'' and insert ''the quarterly period beginning on the first days of January, April, July, and October of each year''; and

(C) by striking ''such semiannual period'' and insert ''such quarterly period''; and

(2) in subsection (b)—

(A) in the matter preceding paragraph (1), by striking ''semiannual report'' and inserting ''quarterly report'';

(B) in paragraph (2), by striking ''semiannual filing period'' and inserting ''quarterly period'';

(C) in paragraph (3), by striking ''semiannual period'' and inserting ''quarterly period''; and

(D) in paragraph (4), by striking ''semiannual filing period'' and inserting ''quarterly period''.

(b) CONFORMING AMENDMENTS.—

(1) DEFINITION.—Section 3(10) of the Lobbying Disclosure Act of 1995 (2 U.S.C. 1602) is amended by striking ''six month period'' and inserting ''three-month period''.

(2) REGISTRATION.—Section 4 of the Lobbying Disclosure Act of 1995 (2 U.S.C. 1603) is amended—

(A) in subsection (a)(3)(A), by striking ''semiannual period'' and inserting ''quarterly period''; and

(B) in subsection (b)(3)(A), by striking ''semiannual period'' and inserting ''quarterly period''.

(3) ENFORCEMENT.—Section 6 of the Lobbying Disclosure Act of 1995 (2 U.S.C. 1605) is amended in paragraph (6) by striking ''semiannual period'' and inserting ''quarterly period''.

(4) ESTIMATES.—Section 15 of the Lobbying Disclosure Act of 1995 (2 U.S.C. 1610) is amended—

(A) in subsection (a)(1), by striking ''semiannual period'' and inserting ''quarterly period''; and

(B) in subsection (b)(1), by striking ''semiannual period'' and inserting ''quarterly period''.

(5) DOLLAR AMOUNTS.—

(A) Section 4 of the Lobbying Disclosure Act of 1995 (2 U.S.C. 1603) is amended—

(i) in subsection (a)(3)(A)(i), by striking ''$5,000'' and inserting ''$2,500'';

(ii) in subsection (a)(3)(A)(ii), by striking ''$20,000'' and inserting ''$10,000'';

(iii) in subsection (b)(3)(A), by striking ''$10,000'' and inserting ''$5,000''; and

(iv) in subsection (b)(4), by striking ''$10,000'' and inserting ''$5,000''.

(B) Section 5 of the Lobbying Disclosure Act of 1995 (2 U.S.C. 1604) is amended—

(i) in subsection (c)(1), by striking ''$10,000'' and ''$20,000'' and inserting ''$5,000'' and ''$10,000'', respectively; and

(ii) in subsection (c)(2), by striking ''$10,000'' both places such term appears and inserting ''$5,000''.

SEC. 202. ELECTRONIC FILING OF LOBBYING DISCLOSURE REPORTS.

Section 5 of the Lobbying Disclosure Act of 1995 (2 U.S.C. 1604) is amended by adding at the end the following:

''(d) ELECTRONIC FILING REQUIRED.—A report required to be filed under this section shall be filed in electronic form, in addition to any other form that may be required by the Secretary of the Senate or the Clerk of the House of Representatives. The Secretary of the Senate and the Clerk of the House of Representatives shall provide for public access to such reports on the Internet.''.

SEC. 203. ADDITIONAL LOBBYING DISCLOSURE REQUIREMENTS.

(a) DISCLOSURE OF CONTRIBUTIONS AND PAYMENTS.—Section 5(b) of the Lobbying Disclosure Act of 1995 (2 U.S.C. 1604(b)) is amended—

(1) in paragraph (5), as added by section 204(c), by striking the period and inserting a semicolon; and

(2) by adding at the end the following:

''(6) for each registrant (and for any political committee, as defined in section 301(4) of the Federal Election Campaign Act of 1971 (2 U.S.C. 431(4)), affiliated with such registrant) and for each employee listed as a lobbyist by a registrant under paragraph 2(C)—

''(A) the name of each Federal candidate or officeholder, leadership PAC, or political party committee, to whom a contribution was made, and the amount of such contribution; and

''(B) the name of each Federal candidate or officeholder, or a leadership PAC of such candidate or officeholder, or political party committee for whom a fundraising event was hosted, cohosted, or otherwise sponsored, the date and location of the event, and the total amount raised by the event;

''(7) a certification that the lobbying firm or registrant has not provided, requested, or directed a gift, including travel, to a Member or employee of Congress in violation of clause 5 of rule XXV of the Rules of the House of Representatives;

''(8) the date, recipient, and amount of funds contributed or disbursed by, or arranged by, a registrant or employee listed as a lobbyist—

''(A) to pay the costs of an event to honor or recognize a covered legislative branch official or covered executive branch official;

''(B) to, or on behalf of, an entity that is named for a covered legislative branch official or covered executive branch official, or to a person or entity in recognition of such official;

''(C) to an entity established, financed, maintained, or controlled by a covered legislative branch official or covered executive branch official, or an entity designated by such official; or

''(D) to pay the costs of a meeting, retreat, conference or other similar event held by, or for the benefit of, 1 or more covered legislative branch officials or covered executive branch officials;

except that this paragraph shall not apply to any payment or reimbursement made from funds required to be reported under section 304 of the Federal Election Campaign Act of 1971 (2 U.S.C. 434); and

''(9) the name of each Member of Congress contacted by lobbyists employed by the registrant on behalf of the client.''.

(b) LEADERSHIP PAC.—Section 3 of the Lobbying Disclosure Act of 1995 (2 U.S.C. 1602) is amended by adding at the end the following:

''(17) LEADERSHIP PAC.—The term 'leadership PAC' means an unauthorized multicandidate political committee that is established, financed, maintained, and controlled by an individual who is a Federal officeholder or a candidate for Federal office.''.

(c) FULL AND DETAILED ACCOUNTING.—Section 5(c)(1) of the Lobbying Disclosure Act of 1995 (2 U.S.C. 1604(c)(1)) is amended by striking ''shall be rounded to the nearest $20,000'' and inserting ''shall be rounded to the nearest $1,000''.

(d) NOTIFICATION OF MEMBERS.—Section 6 of the Lobbying Disclosure Act of 1995 (2 U.S.C. 1605) is amended in paragraph (2) by striking ''review, and, where necessary'' and inserting ''review and—

''(A) if a report states (under section 5(b)(9) or otherwise) that a Member of Congress was contacted, immediately notify that Member of that report; and

''(B) where necessary,''.

SEC. 204. DISCLOSURE OF PAID EFFORTS TO STIMULATE GRASSROOTS LOBBYING.

(a) DISCLOSURE OF PAID EFFORTS TO STIMULATE GRASSROOTS LOBBYING.—Section 3 of the Lobbying Disclosure Act of 1995 (2 U.S.C. 1602) is amended—

(1) in paragraph (7), by adding at the end the following: ''Lobbying activities include paid efforts to stimulate grassroots lobbying, but do not include grassroots lobbying.''; and

(2) by adding at the end the following:

''(18) GRASSROOTS LOBBYING.—The term 'grassroots lobbying' means the voluntary efforts of members of the general public to communicate their own views on an issue to Federal officials or to encourage other members of the general public to do the same.

''(19) PAID EFFORTS TO STIMULATE GRASSROOTS LOBBYING.—The term 'paid efforts to stimulate grassroots lobbying'—

''(A) means any paid attempt to influence the general public, or segments thereof, to engage in grassroots lobbying or lobbying contacts; and

''(B) does not include any attempt described in subparagraph (A) by a person or entity directed to its members, employees, officers or shareholders, unless such attempt is financed with funds directly or indirectly received from or arranged by a lobbyist or other registrant under this Act retained by another person or entity.

''(20) GRASSROOTS LOBBYING FIRM.—The term 'grassroots lobbying firm' means a person or entity that—

''(A) is retained by 1 or more clients to engage in paid efforts to stimulate grassroots lobbying on behalf of such clients; and

''(B) receives income of, or spends or agrees to spend, an aggregate of $50,000 or more for such efforts in any quarterly period.''.

(b) REGISTRATION.—Section 4(a) of the Act (2 U.S.C. 1603(a)) is amended—

(1) in paragraph (1), by striking ''45'' and inserting ''20'';

(2) in the flush matter at the end of paragraph (3)(A)—

(A) by striking ''as estimated'' and inserting ''as included''; and

(B) by adding at the end the following: ''For purposes of clauses (i) and (ii) the term 'lobbying activities' shall not include paid efforts to stimulate grassroots lobbying.'';

(3) by redesignating paragraph (3) as paragraph (4); and

(4) by inserting after paragraph (2) the following:

''(3) GRASSROOTS LOBBYING FIRMS.—Not later than 20 days after a grassroots lobbying firm first is retained by a client to engage in paid efforts to stimulate grassroots lobbying, such grassroots lobbying firm shall register with the Secretary of the Senate and the Clerk of the House of Representatives.''.

(c) SEPARATE ITEMIZATION OF PAID EFFORTS TO STIMULATE GRASSROOTS LOBBYING.—Section 5(b) of the Act (2 U.S.C. 1604(b)) is amended—

(1) in paragraph (3), by—

(A) inserting after ''total amount of all income'' the following: ''(including a separate good faith estimate of the total amount relating specifically to paid efforts to stimulate grassroots lobbying and, within that amount, a good faith estimate of the total amount specifically relating to paid advertising)''; and

(B) striking ''and'' after the semicolon;

(2) in paragraph (4), by—

(A) inserting after ''total expenses'' the following: ''(including a good faith estimate of the total amount relating specifically to

paid efforts to stimulate grassroots lobbying and, within that total amount, a good faith estimate of the total amount specifically relating to paid advertising)''; and

(B) striking the period and inserting a semicolon;

(3) by adding at the end the following:

''(5) in the case of a grassroots lobbying firm, for each client—

''(A) a good faith estimate of the total disbursements made for grassroots lobbying activities, and a subtotal for disbursements made for grassroots lobbying through paid advertising;

''(B) identification of each person or entity other than an employee who received a disbursement of funds for grassroots lobbying activities of $10,000 or more during the period and the total amount each person or entity received; and

''(C) if such disbursements are made through a person or entity who serves as an intermediary or conduit, identification of each such intermediary or conduit, identification of the person or entity who receives the funds, and the total amount each such person or entity received.''; and

(4) by adding at the end the following:

''Subparagraphs (B) and (C) of paragraph (2) shall not apply with respect to reports relating to paid efforts to stimulate grassroots lobbying activities.''.

(d) LARGE GRASSROOTS EXPENDITURE.—Section 5(a) of the Act (2 U.S.C. 1604(a)) is amended—

(1) by striking ''No later'' and inserting:

''(1) IN GENERAL.—Except as provided in paragraph (2), not later''; and

(2) by adding at the end the following:

''(2) LARGE GRASSROOTS EXPENDITURE.—A registrant that is a grassroots lobbying firm and that receives income of, or spends or agrees to spend, an aggregate amount of $250,000 or more on paid efforts to stimulate grassroots lobbying for a client, or for a group of clients for a joint effort, shall file—

''(A) a report under this section not later than 20 days after receiving, spending, or agreeing to spend that amount; and

''(B) an additional report not later than 20 days after each time such registrant receives income of, or spends or agrees to spend, an aggregate amount of $250,000 or more on paid efforts to stimulate grassroots lobbying for a client, or for a group of clients for a joint effort.''.

SEC. 205. DISCLOSURE OF LOBBYING ACTIVITIES BY CERTAIN COALITIONS AND ASSOCIATIONS.

(a) IN GENERAL.—Paragraph (2) of section 3 of the Lobbying Disclosure Act of 1995 (2 U.S.C. 1602) is amended to read as follows:

''(2) CLIENT.—

''(A) IN GENERAL.—The term 'client' means any person or entity that employs or retains another person for financial or other compensation to conduct lobbying activities on behalf of that person or entity. A person or entity whose employees act as lobbyists on its own behalf is both a client and an employer of such employees.

''(B) TREATMENT OF COALITIONS AND ASSOCIATIONS.—

''(i) IN GENERAL.—Except as provided in clauses (ii) and (iii), in the case of a coalition or association that employs or retains other persons to conduct lobbying activities, each of the individual members of the coalition or association (and not the coalition or association) is the client. For purposes of section 4(a)(3), the preceding sentence shall not apply, and the coalition or association shall be treated as the client.

''(ii) EXCEPTION FOR CERTAIN TAX-EXEMPT ASSOCIATIONS.—In case of an association—

''(I) which is described in paragraph (3) of section 501(c) of the Internal Revenue Code of 1986 and exempt from tax under section 501(a) of such Code, or

''(II) which is described in any other paragraph of section 501(c) of the Internal Revenue Code of 1986 and exempt from tax under section 501(a) of such Code and which has substantial exempt activities other than lobbying with respect to the specific issue for which it engaged the person filing the registration statement under section 4,

the association (and not its members) shall be treated as the client.

''(iii) EXCEPTION FOR CERTAIN MEMBERS.—

''(I) IN GENERAL.—Information on a member of a coalition or association need not be included in any registration under section 4 if the amount reasonably expected to be contributed by such member toward the activities of the coalition or association of influencing legislation is less than $500 per any quarterly period.

''(II) EXCEPTION.—Subclause (I) shall not apply with respect to any member who unexpectedly makes aggregate contributions of more than $500 in any quarterly period, and the date the aggregate of such contributions first exceeds $500 in such period shall be treated as the date of first employment or retention to make a lobbying contact for purposes of section 4.

''(III) NO DONOR OR MEMBERSHIP LIST DISCLOSURE.—No disclosure is required under this Act if it is publicly available knowledge that the organization that would be identified is affiliated with the client or has been publicly disclosed to have provided funding to the client, unless the organization in whole or in major part plans, supervises or controls such lobbying activities. Nothing in this paragraph shall be construed to require the disclosure of any information about individuals who are members of, or donors to, an entity treated as a client by this Act or an organization identified under this paragraph.''.

''(iv) LOOK-THRU RULES.—In the case of a coalition or association which is treated as a client under the first sentence of clause (i)—

''(I) such coalition or association shall be treated as employing or retaining other persons to conduct lobbying activities for purposes of determining whether any individual member thereof is treated as a client under clause (i), and

''(II) information on such coalition or association need not be included in any registration under section 4 of the coalition or association with respect to which it is treated as a client under clause (i).''.

(b) EFFECTIVE DATE.—

(1) IN GENERAL.—The amendments made by this section shall apply to—

(A) coalitions and associations listed on registration statements filed under section 4 of the Lobbying Disclosure Act of 1995 (2 U.S.C. 1603) after the date of the enactment of this Act, and

(B) coalitions and associations for whom any lobbying contact is made after the date of the enactment of this Act.

(2) SPECIAL RULE.—In the case of any coalition or association to which the amendments made by this Act apply by reason of paragraph (1)(B), the person required by such section 4 to file a registration statement with respect to such coalition or association shall file a new registration statement within 30 days after the date of the enactment of this Act.

SEC. 206. DISCLOSURE BY REGISTERED LOBBYISTS OF PAST EXECUTIVE AND CONGRESSIONAL EMPLOYMENT.

Section 4(b)(6) of the Lobbying Disclosure Act of 1995 (2 U.S.C. 1603(b)(6)) is amended by striking ''or a covered legislative branch official'' and all that follows through ''as a lobbyist on behalf of the client,'' and inserting ''or a covered legislative branch official,''.

SEC. 207. PUBLIC DATABASE OF LOBBYING DISCLOSURE INFORMATION.

(a) DATABASE REQUIRED.—Section 6 of the Lobbying Disclosure Act of 1995 (2 U.S.C. 1605) is further amended—

(1) in paragraph (7) by striking ''and'' at the end;

(2) in paragraph (8) by striking the period at the end and inserting ''; and''; and

(3) by adding at the end the following new paragraph:

''(9) maintain, and make available to the public over the Internet, without a fee or other access charge, in a searchable, sortable, and downloadable manner, an electronic database that—

''(A) includes the information contained in registrations and reports filed under this Act;

''(B) directly links the information it contains to the information disclosed in reports filed with the Federal Election Commission under section 304 of the Federal Election Campaign Act of 1971 (2 U.S.C. 434); and

''(C) is searchable and sortable to the maximum extent practicable, including searchable and sortable by each of the categories of information described in section 4(b) or 5(b).''.

(b) AVAILABILITY OF REPORTS.—Section 6 of such Act is further amended in paragraph (4) by inserting before the semicolon at the end the following: ''and, in the case of a report filed in electronic form pursuant to section 5(d), shall make such report available for public inspection over the Internet not more than 48 hours after the report is so filed''.

(c) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated such sums as may be necessary to carry out paragraph (9) of section 6 of such Act, as added by subsection (a).

SEC. 208. CONFORMING AMENDMENT.

The requirements of this Act shall not apply to the activities of any political committee described in section 301(4) of the Federal Election Campaign Act of 1971.

TITLE III—RESTRICTING CONGRESSIONAL TRAVEL AND GIFTS

SEC. 301. BAN ON GIFTS FROM LOBBYISTS.

(a) IN GENERAL.—Clause 5(a)(1)(A) of rule XXV of the Rules of the House of Representatives is amended by inserting ''(i)'' after ''(A)'' and adding at the end the following:

''(ii) A Member, Delegate, Resident Commissioner, officer, or employee of the House may not knowingly accept a gift from a registered lobbyist or agent of a foreign principal or from a nongovernmental organization that retains or employs registered lobbyists or agents of a foreign principal except as provided in subparagraphs (2)(B) or (3) of this paragraph.''.

(b) RULES COMMITTEE REVIEW.—The Committee on Rules shall review the present exceptions to the House gift rule and make recommendations to the House not later than 3 months after the date of enactment of this Act on eliminating all but those which are absolutely necessary to effectuate the purpose of the rule.

SEC. 302. PROHIBITION ON PRIVATELY FUNDED TRAVEL.

Clause 5(b)(1)(A) of rule XXV of the Rules of the House of Representatives is amended by inserting ''or from a nongovernmental organization that retains or employs registered lobbyists or agents of a foreign principal'' after ''foreign principal''.

SEC. 303. PROHIBITING LOBBYIST ORGANIZATION AND PARTICIPATION IN CONGRESSIONAL TRAVEL.

(a) IN GENERAL.—Clause 5 of rule XXV of the Rules of the House of Representatives is amended by redesignating paragraphs (e) and

(f) as paragraphs (g) and (h), respectively, and by inserting after paragraph (d) the following:

''(e) A Member, Delegate, Resident Commissioner, officer, or employee of the House may not accept transportation or lodging on any trip that is planned, organized, requested, arranged, or financed in whole or in part by a lobbyist or agent of a foreign principal, or in which a lobbyist participates.

''(f) Before a Member, Delegate, Resident Commissioner, officer, or employee of the House may accept transportation or lodging otherwise permissible under this paragraph from any person, such individual shall obtain 30 days before such trip a written certification from such person (and provide a copy of such certification to the Committee on Standards of Official Conduct) that—

''(1) the trip was not planned, organized, requested, arranged, or financed in whole, or in part by a registered lobbyist or agent of a foreign principal and was not organized at the request of a registered lobbyist or agent of a foreign principal;

''(2) registered lobbyists will not participate in or attend the trip; and

''(3) the person did not accept, from any source, funds specifically earmarked for the purpose of financing the travel expenses.

The Committee on Standards of Official Conduct shall make public information received under this paragraph as soon as possible after it is received.''.

(b) CONFORMING AMENDMENTS.—Clause 5(b)(3) of rule XXV of the Rules of the House of Representatives is amended—

(1) by striking ''of expenses reimbursed or to be reimbursed'';

(2) in subdivision (E), by striking ''and'' after the semicolon;

(3) in subdivision (F), by striking the period and inserting ''; and''; and

(4) by adding at the end the following:

''(G) a description of meetings and events attended during such travel, except when disclosure of such information is deemed by the Member or supervisor under whose direct supervision the employee works to jeopardize the safety of an individual or otherwise interfere with the official duties of the Member, Delegate, Resident Commissioner, officer, or employee.''.

(c) PUBLIC AVAILABILITY.—Subparagraph (5) of rule XXV of the Rules of the House of Representatives is amended to read as follows:

''(e) The Clerk of the House shall make available to the public all advance authorizations, certifications, and disclosures filed pursuant to subparagraphs (1) and subparagraph (3)(H) as soon as possible after they are received.''.

SEC. 304. PROHIBITION ON OBLIGATION OF FUNDS FOR TRAVEL BY LEGISLATIVE AND EXECUTIVE BRANCH OFFICIALS.

No Federal agency may obligate any funds made available in an appropriation Act for a flight on a non-governmental airplane that is not licensed by the Federal Aviation Administration to operate for compensation or hire, taken as part of official duties of a United States Senator, a Member, Delegate, or Resident Commissioner of the House of Representatives, an officer or employee of the Senate or House of Representatives, or an officer or employee of the executive branch.

SEC. 305. PER DIEM EXPENSES FOR CONGRESSIONAL TRAVEL.

Rule XXV of the Rules of the House of Representatives (as amended by section 304(b) is further amended by adding at the end the following:

''(h) Not later than 90 days after the date of adoption of this paragraph and at annual intervals thereafter, the Committee on House Administration shall develop and revise, as necessary, guidelines on what constitutes 'reasonable expenses' or 'reasonable expenditures' for purposes of this rule. In developing and revising the guidelines, the committee shall take into account the maximum per diem rates for official Government travel published annually by the General Services Administration, the Department of State, and the Department of Defense.''.

TITLE IV—ENFORCEMENT OF LOBBYING RESTRICTIONS

SEC. 401. OFFICE OF PUBLIC INTEGRITY.

(a) ESTABLISHMENT.—There is established within the Office of Inspector General of the House of Representatives an office to be known as the ''Office of Public Integrity'' (referred to in this section as the ''Office''), which shall be headed by a Director of Public Integrity (hereinafter referred to as the ''Director'').

(b) OFFICE.—The Office shall have access to all lobbyists' disclosure information received by the Clerk under the Lobbying Disclosure Act of 1995 and conduct such audits and investigations as are necessary to ensure compliance with the Act.

(c) REFERRAL AUTHORITY.—The Office shall have authority to refer violations of the Lobbying Disclosure Act of 1995 to the Committee on Standards of Official Conduct and the Department of Justice for disciplinary action, as appropriate.

(d) DIRECTOR.—

(1) IN GENERAL.—The Director shall be appointed by the Inspector General of the House. Any appointment made under this subsection shall be made without regard to political affiliation and solely on the basis of fitness to perform the duties of the position. Any person appointed as Director shall be learned in the law, a member of the bar of a State or the District of Columbia, and shall not engage in any other business, vocation, or employment during the term of such appointment.

(2) STAFF.—The Director shall hire such additional staff as are required to carry out this section, including investigators and accountants.

(e) AUDITS AND INVESTIGATIONS.—

(1) IN GENERAL.—The Office shall audit lobbying registrations and reports filed pursuant to the Lobbying Disclosure Act of 1995 to determine the extent of compliance or noncompliance with the requirements of such Act by lobbyists and their clients.

(2) EVIDENCE OF NON-COMPLIANCE.—If in the course an audit conducted pursuant to the requirements of paragraph (1), the Office obtains information indicating that a person or entity may be in non-compliance with the requirements of the Lobbying Disclosure Act of 1995, the Office shall refer the matter to the United States Attorney for the District of Columbia.

(f) CONFORMING AMENDMENT.—Section 8 of the Lobbying Disclosure Act of 1995 (2 U.S.C. 1607) is amended by striking subsection (c).

(g) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated in a separate account such sums as are necessary to carry out this section.

SEC. 402. INCREASED CIVIL AND CRIMINAL PENALTIES FOR FAILURE TO COMPLY WITH LOBBYING DISCLOSURE REQUIREMENTS.

Section 7 of the Lobbying Disclosure Act of 1995 (2 U.S.C. 1606) is amended—

(1) by inserting '' (a) CIVIL PENALTY.—'' before ''Whoever'';

(2) by striking ''$50,000'' and inserting ''$100,000''; and

(3) by adding at the end the following:

''(b) CRIMINAL PENALTY.—

''(1) IN GENERAL.—Whoever knowingly and wilfully fails to comply with any provision of this section shall be imprisoned for not more than 5 years, or fined under title 18, United States Code, or both.

''(2) CORRUPTLY.—Whoever knowingly, wilfully, and corruptly fails to comply with any provision of this section shall be imprisoned for not more than 10 years, or fined under title 18, United States Code, or both.''.

SEC. 403. PENALTY FOR FALSE CERTIFICATION IN CONNECTION WITH CONGRESSIONAL TRAVEL.

(a) CIVIL FINE.—

(1) IN GENERAL.—Whoever makes a false certification in connection with the travel of a Member, officer, or employee of either House of Congress (within the meaning given those terms in section 207 of title 18, United States Code), under clause 5 of rule XXV of the Rules of the House of Representatives, shall, upon proof of such offense by a preponderance of the evidence, be subject to a civil fine depending on the extent and gravity of the violation.

(2) MAXIMUM FINE.—The maximum fine per offense under this section depends on the number of separate trips in connection with which the person committed an offense under this subsection, as follows:

(A) FIRST TRIP.—For each offense committed in connection with the first such trip, the amount of the fine shall be not more than $100,000 per offense.

(B) SECOND TRIP.—For each offense committed in connection with the second such trip, the amount of the fine shall be not more than $300,000 per offense.

(C) ANY OTHER TRIPS.—For each offense committed in connection with any such trip after the second, the amount of the fine shall be not more than $500,000 per offense.

(3) ENFORCEMENT.—The Attorney General may bring an action in United States district court to enforce this subsection.

(b) CRIMINAL PENALTY.—

(1) IN GENERAL.—Whoever knowingly and wilfully fails to comply with any provision of this section shall be imprisoned for not more than 5 years, or fined under title 18, United States Code, or both.

(2) CORRUPTLY.—Whoever knowingly, wilfully, and corruptly fails to comply with any provision of this section shall be imprisoned for not more than 10 years, or fined under title 18, United States Code, or both.

SEC. 404. MANDATORY ANNUAL ETHICS TRAINING FOR HOUSE EMPLOYEES.

(a) ETHICS TRAINING.—

(1) IN GENERAL.—The Committee on Standards of Official Conduct shall provide annual ethics training to each employee of the House which shall include knowledge of the Official Code of Conduct and related House rules.

(2) NEW EMPLOYEES.—A new employee of the House shall receive training under this section not later than 60 days after beginning service to the House.

(b) CERTIFICATION.—Not later than January 31 of each year, each employee of the House shall file a certification with the Committee on Standards of Official Conduct that the employee attended ethics training in the last year as established by this section.

TITLE V—OPEN GOVERNMENT

SEC. 501. FISCAL RESPONSIBILITY.

(a) RECONCILIATION.—Clause 10 of rule XVIII of the Rules of the House of Representatives is amended by adding at the end the following new paragraph:

''(d) It shall not be in order to consider any reconciliation legislation which has the net effect of reducing the surplus or increasing the deficit compared to the most recent Congressional Budget Office estimate for any fiscal year.''.

(b) APPLICATION OF POINTS OF ORDER UNDER CONGRESSIONAL BUDGET ACT TO ALL BILLS

AND JOINT RESOLUTIONS CONSIDERED UNDER SPECIAL ORDERS OF BUSINESS.—Rule XXI of the Rules of the House of Representatives is amended by adding at the end the following new clause:

''7. For purposes of applying section 315 of the Congressional Budget and Impoundment Control Act of 1974, the term 'as reported' under such section shall be considered to include any bill or joint resolution considered in the House pursuant to a special order of business.''.

SEC. 502. CURBING ABUSES OF POWER.

(a) LIMIT ON TIME PERMITTED FOR RECORDED ELECTRONIC VOTES.—Clause 2(a) of rule XX of the Rules of the House of Representatives is amended by inserting after the second sentence the following sentence: ''The maximum time for a record vote by electronic device shall be 20 minutes, except that the time may be extended with the consent of both the majority and minority floor managers of the legislation involved or both the majority leader and the minority leader.''.

(b) CONGRESSIONAL INTEGRITY.—Rule XXIII of the Rules of the House of Representatives (the Code of Official Conduct) is amended—

(1) by redesignating clause 14 as clause 16; and

(2) by inserting after clause 13 the following new clauses:

''14. A Member, Delegate, or Resident Commissioner shall not condition the inclusion of language to provide funding for a district-oriented earmark, a particular project which will be carried out in a Member's congressional district, in any bill or joint resolution (or an accompanying report thereof) or in any conference report on a bill or joint resolution (including an accompanying joint statement of managers thereto) on any vote cast by the Member, Delegate, or Resident Commissioner in whose Congressional district the project will be carried out.

''15. (a) A Member, Delegate, or Resident Commissioner who advocates to include a district-oriented earmark in any bill or joint resolution (or an accompanying report) or in any conference report on a bill or joint resolution (including an accompanying joint statement of managers thereto) shall disclose in writing to the chairman and ranking member of the relevant committee (and in the case of the Committee on Appropriations to the chairman and ranking member of the full committee and of the relevant subcommittee)—

''(1) the name of the Member, Delegate, or Resident Commissioner;

''(2) the name and address of the intended recipient of such earmark;

''(3) the purpose of such earmark; and

''(4) whether the Member, Delegate, or Resident Commissioner has a financial interest in such earmark.

''(b) Each committee shall make available to the general public the information transmitted to the committee under paragraph (a) for any earmark included in any measure reported by the committee or conference report filed by the chairman of the committee or any subcommittee thereof.

''(c) The Joint Committee on Taxation shall review any revenue measure or any reconciliation bill or joint resolution which includes revenue provisions before it is reported by a committee and before it is filed by a committee of conference of the two Houses, and shall identify whether such bill or joint resolution contains any limited tax benefits. The Joint Committee on Taxation shall prepare a statement identifying any such limited tax benefits, stating who the beneficiaries are of such benefits, and any substantially similar introduced measures and the sponsors of such measures. Any such statement shall be made available to the general public by the Joint Committee on Taxation.''.

(c) RESTRICTIONS ON REPORTING CERTAIN RULES.—Clause 6(c) of rule XIII of the Rules of the House of Representatives is amended—

(1) by striking ''or'' at the end of subparagraph (1);

(2) by striking the period at the end of subparagraph (2) and inserting a semicolon; and

(3) by adding at the end the following new subparagraphs:

''(3) a rule or order for consideration of a bill or joint resolution reported by a committee that makes in order as original text for purposes of amendment, text which differs from such bill or joint resolution as recommended by such committee to be amended unless the rule or order also makes in order as preferential a motion to amend that is neither divisible nor amendable but, if adopted will be considered original text for purposes of amendment, if requested by the chairman or ranking minority member of the reporting committee, and such rule or order shall waive all necessary points of order against that amendment only if it restores all or part of the text of the bill or joint resolution as recommended by such committee or strikes some or all of the original text inserted by the Committee on Rules that was not contained in the recommended version;

''(4) a rule or order that waives any points of order against consideration of a bill or joint resolution, against provisions in the measure, or against consideration of amendments recommended by the reporting committee unless the rule or order makes in order and waives the same points of order against one germane amendment if requested by the minority leader or a designee;

''(5) a rule or order that waives clause 10(d) of rule XVIII, unless the majority leader and minority leader each agree to the waiver and a question of consideration of the rule is adopted by a vote of two-thirds of the Members voting, a quorum being present; or

''(6) a rule or order that waives clause 12(a) of rule XXII.''.

SEC. 503. ENDING 2-DAY WORK WEEKS.

Rule XV of the Rules of the House of Representatives is amended by adding at the end the following new clause:

''8. It shall not be in order to consider a resolution providing for adjournment sine die unless, during at least 20 weeks of the session, a quorum call or recorded vote was taken on at least 4 of the weekdays (excluding legal public holidays).''.

SEC. 504. KNOWING WHAT THE HOUSE IS VOTING ON.

(a) BILLS AND JOINT RESOLUTIONS.—

(1) IN GENERAL.—Rule XIII of the Rules of the House of Representatives is amended by adding at the end the following new clause:

''8. Except for motions to suspend the rules and consider legislation, it shall not be in order to consider in the House a bill or joint resolution until 24 hours after or, in the case of a bill or joint resolution containing a district-oriented earmark or limited tax benefit, until 3 days after copies of such bill or joint resolution (and, if the bill or joint resolution is reported, copies of the accompanying report) are available (excluding Saturdays, Sundays, or legal holidays except when the House is in session on such a day).''.

(2) PROHIBITING WAIVER.—Clause 6(c) of rule XIII of the Rules of the House of Representatives, as amended by section 3(a), is further amended—

(A) by striking ''or'' at the end of subparagraph (5);

(B) by striking the period at the end of subparagraph (6) and inserting ''; or''; and

(C) by adding at the end the following new subparagraph:

''(7) a rule or order that waives clause 8 of rule XIII or clause 8(a)(1)(B) of rule XXII, unless a question of consideration of the rule is adopted by a vote of two-thirds of the Members voting, a quorum being present.''.

(b) CONFERENCE REPORTS.—Clause 8(a)(1)(B) of rule XXII of the Rules of the House of Representatives is amended by striking ''2 hours'' and inserting ''24 hours or, in the case of a conference report containing a district-oriented earmark or limited tax benefit, until 3 days after''.

SEC. 505. FULL AND OPEN DEBATE IN CONFERENCE.

(a) NUMBERED AMENDMENTS.—Clause 1 of rule XXII of the Rules of the House of Representatives is amended by adding at the end the following new sentence: ''A motion to request or agree to a conference on a general appropriation bill is in order only if the House expresses its disagreements with the House in the form of numbered amendments.''.

(b) PROMOTING OPENNESS IN DELIBERATIONS OF MANAGERS.—Clause 12(a) of rule XXII of the Rules of the House of Representatives is amended by adding at the end the following new subparagraph:

''(3) All provisions on which the two Houses disagree shall be open to discussion at any meeting of a conference committee. The text which reflects the conferees' action on all of the differences between the two Houses, including all matter to be included in the conference report and any amendments in disagreement, shall be available to any of the managers at least one such meeting, and shall be approved by a recorded vote of a majority of the House managers. Such text and, with respect to such vote, the total number of votes cast for and against, and the names of members voting for and against, shall be included in the joint explanatory statement of managers accompanying the conference report of such conference committee.''.

(c) POINT OF ORDER AGAINST CONSIDERATION OF CONFERENCE REPORT NOT REFLECTING RESOLUTION OF DIFFERENCES AS APPROVED.—

(1) IN GENERAL.—Rule XXII of the Rules of the House of Representatives is amended by adding at the end the following new clause:

''13. It shall not be in order to consider a conference report the text of which differs in any material way from the text which reflects the conferees' action on all of the differences between the two Houses, as approved by a recorded vote of a majority of the House managers as required under clause 12(a).''.

(2) PROHIBITING WAIVER.—Clause 6(c)(6) of rule XIII of the Rules of the House of Representatives, as added by section 3(c)(3), is further amended by striking ''clause 12(a)'' and inserting ''clause 12(a) or clause 13''.

TITLE VI—ANTI-CRONYISM AND PUBLIC SAFETY

SEC. 601. MINIMUM REQUIREMENTS FOR POLITICAL APPOINTEES HOLDING PUBLIC SAFETY POSITIONS.

(a) IN GENERAL.—A public safety position may not be held by any political appointee who does not meet the requirements of subsection (b).

(b) MINIMUM REQUIREMENTS.—An individual shall not, with respect to any position, be considered to meet the requirements of this subsection unless such individual—

(1) has academic, management, and leadership credentials in one or more areas relevant to such position;

(2) has a superior record of achievement in one or more areas relevant to such position;

(3) has training and expertise in one or more areas relevant to such position; and

(4) has not, within the 2-year period ending on the date of such individual's nomination for or appointment to such position, been a lobbyist for any entity or other client that is subject to the authority of the agency within which, if appointed, such individual would serve.

(c) POLITICAL APPOINTEE.—For purposes of this section, the term ''political appointee'' means any individual who—

(1) is employed in a position listed in sections 5312 through 5316 of title 5, United States Code (relating to the Executive Schedule);

(2) is a limited term appointee, limited emergency appointee, or noncareer appointee in the Senior Executive Service; or

(3) is employed in the executive branch of the Government in a position which has been excepted from the competitive service by reason of its policy-determining, policy-making, or policy-advocating character.

(d) PUBLIC SAFETY POSITION.—For purposes of this section, the term ''public safety position'' means—

(1) the Under Secretary for Emergency Preparedness and Response, Department of Homeland Security;

(2) the Director of the Federal Emergency Management Agency, Department of Homeland Security;

(3) each regional director of the Federal Emergency Management Agency, Department of Homeland Security;

(4) the Recovery Division Director of the Federal Emergency Management Agency, Department of Homeland Security;

(5) the Assistant Secretary for Immigration and Customs Enforcement, Department of Homeland Security;

(6) the Assistant Secretary for Public Health Emergency Preparedness, Department of Health and Human Services;

(7) the Assistant Administrator for Solid Waste and Emergency Response, Environmental Protection Agency; and

(8) any position (not otherwise identified under any of the preceding provisions of this subsection) a primary function of which involves responding to a direct threat to life or property or a hazard to health, as identified by the head of each employing agency in consultation with the Office of Personnel Management.

Beginning not later than 30 days after the date of the enactment of this Act, the head of each agency shall maintain on such agency's public website a current list of all public safety positions within such agency.

(e) COORDINATION WITH OTHER REQUIREMENTS.—The requirements set forth in subsection (b) shall be in addition to, and not in lieu of, any requirements that might otherwise apply with respect to any particular position.

(f) DEFINITIONS.—For purposes of this section—

(1) the term ''agency'' means an Executive agency (as defined by section 105 of title 5, United States Code);

(2) the terms ''limited term appointee'', ''limited emergency appointee'', and ''noncareer appointee'' have the respective meanings given them by section 3132 of such title 5;

(3) the term ''Senior Executive Service'' has the meaning given such term by section 2101a of such title 5;

(4) the term ''competitive service'' has the meaning given such term by section 2102 of such title 5; and

(5) the terms ''lobbyist'' and ''client'' have the respective meanings given them by section 3 of the Lobbying Disclosure Act of 1995 (2 U.S.C. 1602).

SEC. 602. EFFECTIVE DATE.

This title shall apply with respect to any appointment made after the end of the 30-day period beginning on the date of the enactment of this Act.

TITLE VII—ZERO TOLERANCE FOR CONTRACT CHEATERS

SEC. 701. PUBLIC AVAILABILITY OF FEDERAL CONTRACT AWARDS.

(a) AMENDMENT.—The Office of Federal Procurement Policy Act (41 U.S.C. 403 et seq.) is amended by inserting after section 19 the following new section:

''SEC. 19A. PUBLIC AVAILABILITY OF CONTRACT AWARD INFORMATION.

''Not later than 14 days after the award of a contract by an executive agency, the head of the executive agency shall make publicly available, including by posting on the Internet in a searchable database, the following information with respect to the contract:

''(1) The name and address of the contractor.

''(2) The date of award of the contract.

''(3) The number of offers received in response to the solicitation.

''(4) The total amount of the contract.

''(5) The contract type.

''(6) The items, quantities, and any stated unit price of items or services to be procured under the contract.

''(7) With respect to a procurement carried out using procedures other than competitive procedures—

''(A) the authority for using such procedures under section 303(c) of title III of the Federal Property and Administrative Services Act of 1949 (41 U.S.C. 253(c)) or section 2304(c) of title 10, United States Code; and

''(B) the number of sources from which bids or proposals were solicited.

''(8) The general reasons for selecting the contractor.''.

(b) CLERICAL AMENDMENT.—The table of contents contained in section 1(b) of such Act is amended by inserting after the item relating to section 19 the following new item:

''Sec. 19A. Public availability of contract award information.''.

(c) EFFECTIVE DATE.—The amendments made by this Act shall apply to contracts entered into more than 90 days after the date of the enactment of this Act.

SEC. 702. PROHIBITION ON AWARD OF MONOPOLY CONTRACTS.

(a) Paragraph (3) of section 303H(d) of title III of the Federal Property and Administrative Services Act of 1949 (41 U.S.C. 253h(d)) is amended to read as follows:

''(3)(A) The regulations implementing this subsection shall prohibit the award of monopoly contracts.

''(B) In this subsection, the term 'monopoly contract' means a task or delivery order contract in an amount estimated to exceed $10,000,000 (including all options) awarded to a single contractor.

''(C) Notwithstanding subparagraph (A), a monopoly contract may be awarded if the head of the agency determines in writing that—

''(i) for one of the reasons set forth in section 303(c), a single task or delivery order contract is in the best interest of the Federal Government; or

''(ii) the task orders expected under the contract are so integrally related that only a single contractor can reasonably perform the work.''.

(b) Section 303H(d)(1) of such Act is amended by striking ''The head'' and inserting ''Subject to paragraph (3), the head''.

(c) Subsection (e) of section 303I of such Act (41 United States Code 253i) is amended to read as follows:

''(e) MULTIPLE AWARDS.—Section 303H(d) applies to a task or delivery order contract for the procurement of advisory and assistance services under this section.''.

SEC. 703. COMPETITION IN MULTIPLE AWARD CONTRACTS.

Title III of the Federal Property and Administrative Services Act of 1949 (41 U.S.C. 251 et seq.) is amended by inserting after section 303M the following new section:

''SEC. 303N. COMPETITION IN MULTIPLE AWARD CONTRACTS.

''(a) REGULATIONS REQUIRED.—Not later than 180 days after the date of the enactment of this section, the Federal Acquisition Regulation shall be revised to require competition in the purchase of goods and services by each executive agency pursuant to multiple award contracts.

''(b) CONTENT OF REGULATIONS.—(1) The regulations required by subsection (a) shall provide, at a minimum, that each individual purchase of goods or services in excess of $100,000 that is made under a multiple award contract shall be made on a competitive basis unless a contracting officer of the executive agency—

''(A) waives the requirement on the basis of a determination that—

''(i) one of the circumstances described in paragraphs (1) through (4) of section 303J(b) applies to such individual purchase; or

''(ii) a statute expressly authorizes or requires that the purchase be made from a specified source; and

''(B) justifies the determination in writing.

''(2) For purposes of this subsection, an individual purchase of goods or services is made on a competitive basis only if it is made pursuant to procedures that—

''(A) require fair notice of the intent to make that purchase (including a description of the work to be performed and the basis on which the selection will be made) to be provided to all contractors offering such goods or services under the multiple award contract; and

''(B) afford all contractors responding to the notice a fair opportunity to make an offer and have that offer fairly considered by the official making the purchase.

''(3) Notwithstanding paragraph (2), notice may be provided to fewer than all contractors offering such goods or services under a multiple award contract described in subsection (c)(2)(A) if notice is provided to as many contractors as practicable.

''(4) A purchase may not be made pursuant to a notice that is provided to fewer than all contractors under paragraph (3) unless—

''(A) offers were received from at least three qualified contractors; or

''(B) a contracting officer of the executive agency determines in writing that no additional qualified contractors were able to be identified despite reasonable efforts to do so.

''(5) For purposes of paragraph (2), fair notice means notice of intent to make a purchase under a multiple award contract posted, at least 14 days before the purchase is made, on the website maintained by the General Services Administration known as FedBizOpps.gov (or any successor site).

''(c) DEFINITIONS.—In this section:

''(1) The term 'individual purchase' means a task order, delivery order, or other purchase.

''(2) The term 'multiple award contract' means—

''(A) a contract that is entered into by the Administrator of General Services under the multiple award schedule program referred to in section 309(b)(3);

''(B) a multiple award task order contract that is entered into under the authority of sections 2304a through 2304d of title 10, United States Code, or sections 303H through 303K; and

''(C) any other indefinite delivery, indefinite quantity contract that is entered into by the head of an executive agency with two or more sources pursuant to the same solicitation.

''(d) APPLICABILITY.—The revisions to the Federal Acquisition Regulation pursuant to subsection (a) shall take effect not later than 180 days after the date of the enactment of this section and shall apply to all individual purchases of goods or services that are made under multiple award contracts on or after the effective date, without regard to whether the multiple award contracts were entered into before, on, or after such effective date.''.

SEC. 704. SUSPENSION AND DEBARMENT OF UNETHICAL CONTRACTORS.

(a) CIVILIAN AGENCY CONTRACTORS.—Title III of the Federal Property and Administrative Services Act of 1949 (41 U.S.C. 251 et seq.) is amended by inserting after section 303N, as added by section 703, the following new section:

''SEC. 303O. SUSPENSION AND DEBARMENT OF UNETHICAL CONTRACTORS.

''(a) IN GENERAL.—No prospective contractor may be awarded a contract with an agency unless the contracting officer for the contract determines that such prospective contractor has a satisfactory record of integrity and business ethics.

''(b) DEFINITION.—No prospective contractor shall be considered to have a satisfactory record of integrity and business ethics if it—

''(1) has exhibited a pattern of overcharging the Government under Federal contracts;

''(2) has exhibited a pattern of failing to comply with the law, including tax, labor and employment, environmental, antitrust, and consumer protection laws; or

''(3) has an outstanding debt with a Federal agency in a delinquent status.''

(b) CONFORMING AMENDMENT.—The table of sections at the beginning of such Act is amended by inserting after the item relating to section 303N, as added by section 703, the following new item:

''Sec. 303O. Suspension and debarment of unethical contractors.''.

SEC. 705. CRIMINAL SANCTIONS FOR CHEATING TAXPAYERS AND WARTIME FRAUD.

(a) PROHIBITION.—

(1) IN GENERAL.—Chapter 47 of title 18, United States Code, is amended by adding at the end the following:

''§ 1039. Criminal sanctions for cheating taxpayers and wartime fraud

''(a) PROHIBITION.—

''(1) IN GENERAL.—Whoever, in any matter involving a Federal contract for the provision of goods or services, knowingly and willfully—

''(A) executes or attempts to execute a scheme or artifice to defraud the United States;

''(B) falsifies, conceals, or covers up by any trick, scheme, or device a material fact;

''(C) makes any materially false, fictitious, or fraudulent statements or representations, or makes or uses any materially false writing or document knowing the same to contain any materially false, fictitious, or fraudulent statement or entry; or

''(D) materially overvalues any good or service with the specific intent to excessively profit from war, military action, or relief or reconstruction activities;

shall be fined under paragraph (2), imprisoned not more than 10 years, or both.

''(2) FINE.—A person convicted of an offense under paragraph (1) may be fined the greater of—

''(A) $1,000,000; or

''(B) if such person derives profits or other proceeds from the offense, not more than twice the gross profits or other proceeds.

''(b) EXTRATERRITORIAL JURISDICTION.—There is extraterritorial Federal jurisdiction over an offense under this section.

''(c) VENUE.—A prosecution for an offense under this section may be brought—

''(1) as authorized by chapter 211 of this title;

''(2) in any district where any act in furtherance of the offense took place; or

''(3) in any district where any party to the contract or provider of goods or services is located.''.

(2) TABLE OF SECTIONS.—The table of sections for chapter 47 of title 18, United States Code, is amended by adding at the end the following:

''1039. Criminal Sanctions for Cheating Taxpayers and Wartime Fraud.''.

(d) CIVIL FORFEITURE.—Section 981(a)(1)(C) of title 18, United States Code, is amended by inserting ''1039,'' after ''1032,''.

(e) CRIMINAL FORFEITURE.—Section 982(a)(2)(B) of title 18, United States Code, is amended by striking ''or 1030'' and inserting ''1030, or 1039''.

(f) MONEY LAUNDERING.—Section 1956(c)(7)(D) of title 18, United States Code, is amended by inserting the following: '', section 1039 (relating to Criminal Sanctions for Cheating Taxpayers and Wartime Fraud,'' after ''liquidating agent of financial institution),''.

SEC. 706. PROHIBITION ON CONTRACTOR CONFLICTS OF INTEREST.

(a) PROHIBITION.—An agency may not enter into a contract for the performance of a function relating to contract oversight with any contractor with a conflict of interest.

(b) DEFINITIONS.—In this section:

(1) The term ''function relating to contract oversight'' includes the following specific functions:

(A) Evaluation of a contractor's performance.

(B) Evaluation of contract proposals.

(C) Development of statements of work.

(D) Services in support of acquisition planning.

(E) Contract management.

(2) The term ''conflict of interest'' includes cases in which the contractor performing the function relating to contract oversight, or any related entity—

(A) is performing all or some of the work to be overseen;

(B) has a separate ongoing business relationship, such as a joint venture or contract, with any of the contractors to be overseen;

(C) would be placed in a position to affect the value or performance of work it or any related entity is doing under any other Government contract;

(D) has a reverse role with the contractor to be overseen under one or more separate Government contracts; and

(E) has some other relationship with the contractor to be overseen that could reasonably appear to bias the contractor's judgment.

(3) The term ''related entity'', with respect to a contractor, means any subsidiary, parent, affiliate, joint venture, or other entity related to the contractor.

(c) CONTRACTS RELATING TO INHERENTLY GOVERNMENTAL FUNCTIONS.—An agency may not enter into a contract for the performance of inherently governmental functions for contract oversight (as described in subpart 7.5 of part 7 of the Federal Acquisition Regulation).

(d) EFFECTIVE DATE AND APPLICABILITY.—This section shall take effect on the date of enactment of this Act and shall apply to—

(1) contracts entered into on or after such date;

(2) any task or delivery order issued on or after such date under a contract entered into before, on, or after such date; and

(3) any decision on or after such date to exercise an option or otherwise extend a contract for the performance of a function relating to contract oversight regardless of whether such contract was entered into before, on, or after the date of enactment of this Act.

SEC. 707. DISCLOSURE OF GOVERNMENT CONTRACTOR OVERCHARGES.

(a) QUARTERLY REPORT TO CONGRESS.—

(1) The head of each Federal agency or department shall submit to the chairman and ranking member of each committee described in paragraph (2) on a quarterly basis a report that includes the following:

(A) A list of audits or other reports issued during the applicable quarter that describe contractor costs in excess of $1,000,000 that have been identified as unjustified, unsupported, questioned, or unreasonable under any contract, task or delivery order, or subcontract.

(B) The specific amounts of costs identified as unjustified, unsupported, questioned, or unreasonable and the percentage of their total value of the contract, task or delivery order, or subcontract.

(C) A list of audits or other reports issued during the applicable quarter that identify significant or substantial deficiencies in any business system of any contractor under any contract, task or delivery order, or subcontract.

(2) The report described in paragraph (1) shall be submitted to the Committee on Government Reform of the House of Representatives, the Committee on Homeland Security and Governmental Affairs of the Senate, and other committees of jurisdiction.

(b) SUBMISSION OF INDIVIDUAL AUDITS.—The head of each Federal agency or department shall provide, within 14 days after a request in writing by the chairman or ranking member of any of the committees described in subsection (a)(2), a full and unredacted copy of any audit or other report described in subsection (a)(1).

SEC. 708. PENALTIES FOR IMPROPER SOLE-SOURCE CONTRACTING PROCEDURES.

Section 303 of the Federal Property and Administrative Services Act (41 U.S.C. 253) is amended—

(1) by redesignating subsections (g), (h), and (i) as subsections (h), (i), and (j), respectively; and

(2) by inserting after subsection (f) the following new subsection:

''(g) Any official who knowingly and intentionally violates Federal procurement law in the preparation or certification of a justification for a sole-source contract, in the award of a sole-source contract, or in directing or participating in the award of a sole-source contract, shall be subject to administrative sanctions up to and including termination of employment.''.

SEC. 709. STOPPING THE REVOLVING DOOR.

(a) ELIMINATION OF LOOPHOLES THAT ALLOW FORMER FEDERAL OFFICIALS TO ACCEPT COMPENSATION FROM CONTRACTORS OR RELATED ENTITIES.—

(1) Paragraph (1) of section 27(d) of the Office of Federal Procurement Policy Act (41 U.S.C. 423(d)(1)) is amended—

(A) by striking ''or consultant'' and inserting ''consultant, lawyer, or lobbyist'';

(B) by striking ''one year'' and inserting ''two years''; and

(C) in subparagraph (C), by striking ''personally made for the Federal agency—'' and inserting ''participated personally and substantially in—''.

(2) Paragraph (2) of section 27(d) of such Act (41 U.S.C. 423(d)(2)) is amended to read as follows:

''(2) For purposes of paragraph (1), the term 'contractor' includes any division, affiliate, subsidiary, parent, joint venture, or other related entity of the contractor.''.

(b) PROHIBITION ON AWARD OF GOVERNMENT CONTRACTS TO FORMER EMPLOYERS.—Section 27 of such Act (41 U.S.C. 423) is amended by adding at the end the following new subsection:

''(i) PROHIBITION ON INVOLVEMENT BY CERTAIN FORMER CONTRACTOR EMPLOYEES IN PROCUREMENTS.—A former employee of a contractor who becomes an employee of the Federal government shall not be personally and substantially involved with any Federal agency procurement involving the employee's former employer, including any division, affiliate, subsidiary, parent, joint venture, or other related entity of the former employer, for a period of two years beginning on the date on which the employee leaves the employment of the contractor.''.

(c) REQUIREMENT FOR FEDERAL PROCUREMENT OFFICERS TO DISCLOSE JOB OFFERS MADE TO RELATIVES.—Section 27(c)(1) of such Act (41 U.S.C. 423(c)(1)) is amended by inserting after ''that official'' the following: ''or for a relative of that official (as defined in section 3110 of title 5, United States Code),''.

(d) ADDITIONAL CRIMINAL PENALTIES.—Paragraph (1) of section 27(e) of such Act (41 U.S.C. (e)(1)) is amended to read as follows:

''(1) CRIMINAL PENALTIES.—Whoever engages in conduct constituting a violation of—

''(A) subsection (a) or (b) for the purpose of either—

''(i) exchanging the information covered by such subsection for anything of value, or

''(ii) obtaining or giving anyone a competitive advantage in the award of a Federal agency procurement contract; or

''(B) subsection (c) or (d);

shall be imprisoned for not more than 5 years or fined as provided under title 18, United States Code, or both.''.

(e) REGULATIONS.—Section 27 of such Act (41 U.S.C. 423) is further amended by adding at the end of the following new subsection:

''(j) REGULATIONS.—The Director of the Office of Government Ethics, in consultation with the Administrator, shall—

''(1) promulgate regulations to carry out and ensure the enforcement of this section; and

''(2) monitor and investigate individual and agency compliance with this section.''.

TITLE VIII—PRESIDENTIAL LIBRARIES

SEC. 801. PRESIDENTIAL LIBRARIES.

(a) IN GENERAL.—Section 2112 of title 44, United States Code, is amended by adding at the end the following new subsection:

''(h)(1) Any organization that is established for the purpose of raising funds for creating, maintaining, expanding, or conducting activities at a Presidential archival depository or any facilities relating to a Presidential archival depository, shall submit to the Administration, the Committee on Government Reform of the House of Representatives, and the Committee on Governmental Affairs of the Senate on a quarterly basis, by not later than the applicable date specified in paragraph (2), information with respect to every contributor who, during the designated period—

''(A) with respect to a Presidential archival depository of a President who currently holds the Office of President or for which the Archivist has not accepted, taken title to, or entered into an agreement to use any land or facility, gave the organization a contribution or contributions (whether monetary or in-kind) totaling $100 or more for the quarterly period; or

''(B) with respect to a Presidential archival depository of a President who no longer holds the Office of President and for which the Archivist has accepted, taken title to, or entered into an agreement to use any land or facility, gave the organization a contribution or contributions (whether monetary or in-kind) totaling $100 or more for the quarterly period.

''(2) For purposes of paragraph (1), the applicable date—

''(A) with respect to information required under paragraph (1)(A), shall be April 15, July 15, October 15, and January 15 of each year and of the following year as applicable to the fourth quarterly filing; and

''(B) with respect to information required under paragraph (1)(B), shall be April 15, July 15, October 15, and January 15 of each year and of the following year as applicable to the fourth quarterly filing.

''(3) As used in this subsection, the term 'information' means the following:

''(A) The amount or value of each contribution made by a contributor referred to in paragraph (1) in the quarter covered by the submission.

''(B) The source of each such contribution, and the address of the entity or individual that is the source of the contribution.

''(C) If the source of such a contribution is an individual, the occupation of the individual.

''(D) The date of each such contribution.

''(4) The Archivist shall make available to the public through the Internet (or a successor technology readily available to the public) as soon as is practicable after each quarterly filing any information that is submitted in accordance with paragraph (1).

''(5)(A) It shall be unlawful for any person who makes a contribution described in paragraph (1) to knowingly and willfully submit false material information or omit material information with respect to the contribution to an organization described in such paragraph.

''(B) The penalties described in section 1001 of title 18, United States Code, shall apply with respect to a violation of subparagraph (A) in the same manner as a violation described in such section.

''(6)(A) It shall be unlawful for any organization described in paragraph (1) to knowingly and willfully submit false material information or omit material information under such paragraph.

''(B) The penalties described in section 1001 of title 18, United States Code, shall apply with respect to a violation of subparagraph (A) in the same manner as a violation described in such section.

''(7)(A) It shall be unlawful for a person to knowingly and willfully—

''(i) make a contribution described in paragraph (1) in the name of another person;

''(ii) permit his or her name to be used to effect a contribution described in paragraph (1); or

''(iii) accept a contribution described in paragraph (1) that is made by one person in the name of another person.

''(B) The penalties set forth in section 309(d) of the Federal Election Campaign Act of 1971 (2 U.S.C. 437g(d)) shall apply to a violation of subparagraph (A) in the same manner as if such violation were a violation of section 316(b)(3) of such Act.

''(8) The Archivist shall promulgate regulations for the purpose of carrying out this subsection.''.

(b) APPLICABILITY.—Section 2112(h) of title 44, United States Code (as added by subsection (a))—

(1) shall apply to an organization established for the purpose of raising funds for creating, maintaining, expanding, or conducting activities at a Presidential archival depository or any facilities relating to a Presidential archival depository before, on or after the date of the enactment of this Act; and

(2) shall only apply with respect to contributions (whether monetary or in-kind) made after the date of the enactment of this Act.

TITLE IX—FORFEITURE OF RETIREMENT BENEFITS

SEC. 901. LOSS OF PENSIONS ACCRUED DURING SERVICE AS A MEMBER OF CONGRESS FOR ABUSING THE PUBLIC TRUST.

(a) CIVIL SERVICE RETIREMENT SYSTEM.—Section 8332 of title 5, United States Code, is amended by adding at the end the following:

''(o)(1) Notwithstanding any other provision of this subchapter, the service of an individual finally convicted of an offense described in paragraph (2) shall not be taken into account for purposes of this subchapter, except that this sentence applies only to service rendered as a Member (irrespective of when rendered). Any such individual (or other person determined under section 8342(c), if applicable) shall be entitled to be paid so much of such individual's lump-sum credit as is attributable to service to which the preceding sentence applies.

''(2)(A) An offense described in this paragraph is any offense described in subparagraph (B) for which the following apply:

''(i) Every act or omission of the individual (referred to in paragraph (1)) that is needed to satisfy the elements of the offense occurs while the individual is a Member.

''(ii) Every act or omission of the individual that is needed to satisfy the elements of the offense directly relates to the performance of the individual's official duties as a Member.

''(iii) The offense is committed after the date of enactment of this subsection.

''(B) An offense described in this subparagraph is only the following, and only to the extent that the offense is a felony under title 18:

''(i) An offense under section 201 of title 18 (bribery of public officials and witnesses).

''(ii) An offense under section 219 of title 18 (officers and employees acting as agents of foreign principals).

''(iii) An offense under section 371 of title 18 (conspiracy to commit offense or to defraud United States) to the extent of any conspiracy to commit an act which constitutes an offense under clause (i) or (ii).

''(3) An individual convicted of an offense described in paragraph (2) shall not, after the date of the final conviction, be eligible to participate in the retirement system under this subchapter or chapter 84 while serving as a Member.

''(4) The Office of Personnel Management shall prescribe any regulations necessary to carry out this subsection. Such regulations shall include—

''(A) provisions under which interest on any lump-sum payment under the second sentence of paragraph (1) shall be limited in a manner similar to that specified in the last sentence of section 8316(b); and

''(B) provisions under which the Office may provide for—

''(i) the payment, to the spouse or children of any individual referred to in the first sentence of paragraph (1), of any amounts which (but for this clause) would otherwise have been nonpayable by reason of such first sentence, but only to the extent that the application of this clause is considered necessary given the totality of the circumstances; and

''(ii) an appropriate adjustment in the amount of any lump-sum payment under the second sentence of paragraph (1) to reflect the application of clause (i).

''(5) For purposes of this subsection—

''(A) the term 'Member' has the meaning given such term by section 2106, notwithstanding section 8331(2); and

''(B) the term 'child' has the meaning given such term by section 8341.''.

(b) FEDERAL EMPLOYEES' RETIREMENT SYSTEM.—Section 8411 of title 5, United States Code, is amended by adding at the end the following:

''(1)(1) Notwithstanding any other provision of this chapter, the service of an individual finally convicted of an offense described in paragraph (2) shall not be taken into account for purposes of this chapter, except that this sentence applies only to service rendered as a Member (irrespective of when rendered). Any such individual (or other person determined under section 8424(d), if applicable) shall be entitled to be paid so much of such individual's lump-sum credit as is attributable to service to which the preceding sentence applies.

''(2) An offense described in this paragraph is any offense described in section 8332(o)(2)(B) for which the following apply:

''(A) Every act or omission of the individual (referred to in paragraph (1)) that is needed to satisfy the elements of the offense occurs while the individual is a Member.

''(B) Every act or omission of the individual that is needed to satisfy the elements of the offense directly relates to the performance of the individual's official duties as a Member.

''(C) The offense is committed after the date of enactment of this subsection.

''(3) An individual finally convicted of an offense described in paragraph (2) shall not, after the date of the conviction, be eligible to participate in the retirement system under this chapter while serving as a Member.

''(4) The Office of Personnel Management shall prescribe any regulations necessary to carry out this subsection. Such regulations shall include—

''(A) provisions under which interest on any lump-sum payment under the second sentence of paragraph (1) shall be limited in a manner similar to that specified in the last sentence of section 8316(b); and

''(B) provisions under which the Office may provide for—

''(i) the payment, to the spouse or children of any individual referred to in the first sentence of paragraph (1), of any amounts which (but for this clause) would otherwise have been nonpayable by reason of such first sentence, but only to the extent that the application of this clause is considered necessary given the totality of the circumstances; and

''(ii) an appropriate adjustment in the amount of any lump-sum payment under the second sentence of paragraph (1) to reflect the application of clause (i).

''(5) For purposes of this subsection—

''(A) the term 'Member' has the meaning given such term by section 2106, notwithstanding section 8401(20); and

''(B) the term 'child' has the meaning given such term by section 8341.''.

Ms. SLAUGHTER (during the reading). Mr. Speaker, I ask unanimous consent that the motion be considered as read and printed in the RECORD.

The SPEAKER pro tempore. Is there objection to the request of the gentlewoman from New York?

There was no objection.

The SPEAKER pro tempore. Pursuant to the rule, the gentlewoman from New York is recognized for 5 minutes in support of her motion.

Ms. SLAUGHTER. Mr. Speaker, let me make it clear at the outset that if our motion to recommit passes, it will simply substitute for a sham bill a real reform bill.

Mr. Speaker, an interesting new poll conducted by The Wall Street Journal and NBC News came out last week. One of its findings is that 78 percent of Americans disapprove of the job Congress is doing. That means that four out of every five people walking the streets today in America are not happy about what goes on here in this Capitol Building.

There are a lot of reasons Americans are not happy with Congress, Mr. Speaker, and let me list a few of them.

They are not happy that this Congress allowed their energy industry buddies to write a national energy policy that is earning the oil companies record profits and costing the rest of us more than $3 a gallon at the gas station.

They are not happy that special interests have been allowed into the back rooms to write legislation that benefits them but not the American people.

They are not happy that these days Members can get away with doing almost anything unless it is so bad it gets the attention of the Justice Department.

The Republican leadership can read the polls, too. They figured out they are in trouble, so they put together this so-called reform bill to show Americans that at long last they are ready to clean up their act.

But the problem is this is not a serious bill. For the past 2 weeks, commentators and newspapers have been calling this bill for what it is, and here is what they say about it: It is a ''watered down sham,'' The Washington Post; an ''anemic excuse for reform,'' USA Today; ''an Orwellian shell of righteous platitudes'' from the New York Times.

Mr. Speaker, the motion to recommit I have at the desk is a real reform proposal. It is a proposal that makes a serious effort at cleaning up this place, and there is good evidence that it is a real reform proposal, and the Republicans are afraid of it. They do not want it debated in the House. They do not want a vote on it, and that is why they blocked it from being considered on the floor.

My proposal will prohibit Members and staff in the House, Senate and executive branch from use of corporate jets. It shuts down the infamous K Street Project. It bans gifts and meals from lobbyists. It ends the practice of adding special interest provisions to conference reports in the dead of night and after the conference has finished. It takes pension benefits away from Members of Congress convicted of crimes; and it requires the public disclosure of all earmarks, not just those of the Appropriations Committee but authorizers and tax bills, and much, much more.

My colleagues are faced with a clear and a simple choice today: support the discredited Republican bill before us and prove to your constituents that you are not serious about reform but you rather prefer the status quo of corruption and cronyism and that you are satisfied with a bill that simply gets you by the election; or support a reform proposal that will really begin to clean this place up.

But I would warn my colleagues on both sides of the aisle that you cannot have it both ways. The integrity of this Congress is at stake here, and the time has come for all Members to choose their side in this debate. Either stand up and be part of the solution by supporting the proposal I have placed before the House, or remain a part of the problem and vote with the Republican leadership.

We know that the Democrat proposal is a tough one, Mr. Speaker, but that is what we have to do to drain this swamp. They want their Congress back out there in America, and so do I. They are sick and tired of a Congress that lavishes gifts on the special interests and then sends them the bill. Vote ''yes'' on the motion to recommit.

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

The SPEAKER pro tempore. The gentleman from California (Mr. DREIER) is recognized for 5 minutes in opposition to the motion to recommit.

Mr. DREIER. Mr. Speaker, I would like to begin by saying that reform is very, very difficult work to do; and I yield to the gentleman from Missouri (Mr. HULSHOF), my very good friend, a lead reformer.

(Mr. HULSHOF asked and was given permission to revise and extend his remarks.)

Mr. HULSHOF. Mr. Speaker, I appreciate the trust and confidence the chairman has put in me and allowed me a few moments here today, and I rise in opposition to the motion to recommit.

Mr. Speaker, I would like to speak to the larger point, because my soul is in torment. I think that we have turned the clock back to 1996 and 1997, when the entire ethics process was so politicized, where one side would file a complaint against a Member on the opposing side and then that side would file a complaint against a Member on the initiating side.

I resent the fact when you have privileged resolutions and Special Order speeches that Members of this body would single out the misdeeds or even criminal actions of a few and seek to indict or tarnish an entire party. I resent that.

I stood at that very spot a couple of years ago and was charged as an Ethics Committee member to prosecute one of our colleagues who had committed crimes of corruption, and the Chamber was full like it is, and this body had a very weighty decision, and that was shall we expel our colleague from Ohio. We did with one dissenting vote, and it never crossed my mind that I would take that incident in any sort of short-term political gain and to try to label everyone in Mr. Traficant's party as a culture of corruption.

I am troubled by the fact of what we read in the newspaper. It pains me because I know these individuals that

these headlines are written about, and yet I believe that the short-term effort political gain is tarnishing the long-term goodwill of this institution.

Is the desire for political gain so powerful that Members are willing to indict an entire party? Is that recognition of short-term political gain, do you recognize how irreparably we are harming this institution?

The American people deserve a functioning ethics process; the American people deserve what our conscience demands; and, God willing, we will disappoint neither.

Mr. DREIER. Mr. Chairman, let me just say that this product we have here today, due to the leadership of Speaker DENNIS HASTERT, has been a 4-month-long process. We just heard very moving remarks from our friend from Missouri. It is absolutely imperative that we recognize that the motion to recommit is nothing but a sham that would slow the process of reform. It is imperative that we defeat this motion to recommit and pass this measure so that we can move on to the Senate to bring about real, meaningful reform.

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 recommit.

There was no objection.

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

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

Ms. SLAUGHTER. 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 the motion to recommit will be followed by 5-minute votes on passage of H.R. 4975, if ordered, and on suspending the rules and agreeing to H. Res. 781.

The vote was taken by electronic device, and there were—yeas 213, nays 216, not voting 4, as follows:

[Roll No. 118]

YEAS—213

Abercrombie
Ackerman
Allen
Andrews
Baca
Baird
Baldwin
Barrow
Bass
Bean
Becerra
Berkley
Berman
Berry
Bishop (GA)
Bishop (NY)
Blumenauer
Boren
Boswell
Boyd
Bradley (NH)
Brady (PA)
Brown (OH)
Brown, Corrine
Butterfield
Capps
Cardin
Cardoza
Carnahan
Carson
Case
Castle
Chabot
Chandler
Clay
Cleaver
Clyburn
Conyers
Cooper
Costa
Costello
Cramer
Crowley
Cuellar
Cummings
Davis (AL)
Davis (CA)
Davis (FL)
Davis (IL)
Davis (TN)
DeFazio
DeGette
Delahunt
DeLauro
Dicks
Dingell
Doggett
Doyle
Edwards
Emanuel
Engel
Eshoo
Etheridge
Farr
Fattah
Filner
Fitzpatrick (PA)
Ford
Frank (MA)
Gerlach
Gonzalez
Gordon
Green (WI)
Green, Al
Green, Gene
Grijalva
Gutierrez
Harman
Hastings (FL)
Herseth
Higgins
Hinchey
Hinojosa
Holden
Holt
Honda
Hooley
Hoyer
Inslee
Israel
Jackson (IL)
Jackson-Lee (TX)
Jefferson
Johnson (CT)
Johnson, E. B.
Jones (NC)
Jones (OH)
Kanjorski
Kaptur
Kennedy (RI)
Kildee
Kilpatrick (MI)
Kind
Kucinich
Langevin
Lantos
Larsen (WA)
Larson (CT)
Leach
Lee
Levin
Lewis (GA)
Lipinski
LoBiondo
Lofgren, Zoe
Lowey
Lynch
Maloney
Markey
Marshall
Matheson
Matsui
McCarthy
McCollum (MN)
McDermott
McGovern
McIntyre
McKinney
McNulty
Meehan
Meek (FL)
Meeks (NY)
Melancon
Michaud
Millender-McDonald
Miller (NC)
Miller, George
Mollohan
Moore (KS)
Moore (WI)
Moran (VA)
Nadler
Napolitano
Neal (MA)
Oberstar
Obey
Olver
Ortiz
Owens
Pallone
Pascrell
Pastor
Payne
Pelosi
Peterson (MN)
Platts
Pomeroy
Price (NC)
Rahall
Ramstad
Rangel
Reyes
Ross
Rothman
Roybal-Allard
Ruppersberger
Rush
Ryan (OH)
Salazar
Sánchez, Linda T.
Sanchez, Loretta
Sanders
Schakowsky
Schiff
Schwartz (PA)
Scott (GA)
Scott (VA)
Serrano
Shays
Sherman
Simmons
Skelton
Slaughter
Smith (WA)
Snyder
Solis
Spratt
Stark
Strickland
Stupak
Tanner
Tauscher
Taylor (MS)
Thompson (CA)
Thompson (MS)
Tierney
Towns
Udall (CO)
Udall (NM)
Van Hollen
Velázquez
Visclosky
Wasserman Schultz
Waters
Watson
Watt
Waxman
Weiner
Wexler
Wilson (NM)
Woolsey
Wu
Wynn

NAYS—216

Aderholt
Akin
Alexander
Bachus
Baker
Barrett (SC)
Bartlett (MD)
Barton (TX)
Beauprez
Biggert
Bilirakis
Bishop (UT)
Blackburn
Blunt
Boehlert
Boehner
Bonilla
Bonner
Bono
Boozman
Boucher
Boustany
Brady (TX)
Brown (SC)
Burgess
Burton (IN)
Calvert
Camp (MI)
Campbell (CA)
Cannon
Cantor
Capito
Capuano
Carter
Chocola
Coble
Cole (OK)
Conaway
Crenshaw
Cubin
Culberson
Davis (KY)
Davis, Jo Ann
Davis, Tom
Deal (GA)
DeLay
Dent
Diaz-Balart, L.
Diaz-Balart, M.
Doolittle
Drake
Dreier
Duncan
Ehlers
Emerson
English (PA)
Everett
Feeney
Ferguson
Flake
Foley
Forbes
Fortenberry
Fossella
Foxx
Franks (AZ)
Frelinghuysen
Gallegly
Garrett (NJ)
Gibbons
Gilchrest
Gillmor
Gingrey
Gohmert
Goode
Goodlatte
Granger
Graves
Gutknecht
Hall
Harris
Hart
Hastert
Hastings (WA)
Hayes
Hayworth
Hefley
Hensarling
Herger
Hobson
Hoekstra
Hostettler
Hulshof
Hunter
Hyde
Inglis (SC)
Issa
Istook
Jenkins
Jindal
Johnson (IL)
Johnson, Sam
Keller
Kelly
Kennedy (MN)
King (IA)
King (NY)
Kingston
Kirk
Kline
Knollenberg
Kolbe
Kuhl (NY)
LaHood
Latham
LaTourette
Lewis (CA)
Lewis (KY)
Linder
Lucas
Lungren, Daniel E.
Mack
Manzullo
Marchant
McCaul (TX)
McCotter
McCrery
McHenry
McHugh
McKeon
McMorris
Mica
Miller (FL)
Miller (MI)
Miller, Gary
Moran (KS)
Murphy
Murtha
Musgrave
Myrick
Neugebauer
Ney
Northup
Norwood
Nunes
Nussle
Otter
Oxley
Paul
Pearce
Pence
Peterson (PA)
Petri
Pickering
Pitts
Poe
Pombo
Porter
Price (GA)
Pryce (OH)
Putnam
Radanovich
Regula
Rehberg
Reichert
Renzi
Reynolds
Rogers (AL)
Rogers (KY)
Rogers (MI)
Rohrabacher
Ros-Lehtinen
Royce
Ryan (WI)
Ryun (KS)
Sabo
Saxton
Schmidt
Schwarz (MI)
Sensenbrenner
Sessions
Shadegg
Shaw
Sherwood
Shimkus
Shuster
Simpson
Smith (NJ)
Smith (TX)
Sodrel
Souder
Stearns
Sullivan
Sweeney
Tancredo
Taylor (NC)
Terry
Thomas
Thornberry
Tiahrt
Tiberi
Turner
Upton
Walden (OR)
Walsh
Wamp
Weldon (FL)
Weldon (PA)
Weller
Westmoreland
Whitfield
Wicker
Wilson (SC)
Wolf
Young (AK)
Young (FL)

NOT VOTING—4

Brown-Waite, Ginny
Buyer
Evans
Osborne

□ 1719

Mr. DICKS and Ms. KAPTUR changed their vote from ''nay'' to ''yea.''

So the motion to recommit was rejected.

The result of the vote was announced as above recorded.

The SPEAKER pro tempore. The question is on the passage of the bill.

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

RECORDED VOTE

Ms. SLAUGHTER. 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 217, noes 213, not voting 3, as follows:

[Roll No. 119]

AYES—217

Aderholt
Akin
Alexander
Bachus
Baker
Barrett (SC)
Barrow
Bartlett (MD)
Barton (TX)
Beauprez
Biggert
Bilirakis
Bishop (UT)
Blackburn
Blunt
Boehlert
Boehner
Bonner
Bono
Boozman
Boren
Boswell
Boustany
Brady (TX)
Brown (SC)
Brown-Waite, Ginny
Burgess
Calvert
Camp (MI)
Campbell (CA)
Cannon
Cantor
Capito
Carter
Castle
Chabot
Chocola
Coble
Cole (OK)
Conaway
Crenshaw
Cubin
Cuellar
Culberson
Davis (KY)
Davis, Jo Ann
Davis, Tom
Deal (GA)
DeLay
Dent
Diaz-Balart, L.
Diaz-Balart, M.
Doolittle
Drake
Dreier
Duncan
Ehlers
Emerson
English (PA)
Everett
Feeney
Ferguson
Fitzpatrick (PA)
Flake
Foley
Forbes
Fortenberry
Fossella
Foxx
Franks (AZ)
Frelinghuysen
Gallegly
Garrett (NJ)
Gerlach
Gibbons
Gilchrest
Gillmor
Gingrey
Gohmert
Goode
Goodlatte
Granger
Graves
Gutknecht
Hall
Harris
Hart
Hastert
Hastings (WA)
Hayes
Hayworth
Hensarling
Herger
Hobson
Hoekstra
Hostettler
Hunter
Hyde
Inglis (SC)
Issa
Istook
Jenkins
Jindal
Johnson (IL)
Johnson, Sam
Keller
Kelly
Kennedy (MN)
King (NY)
Kingston
Kirk
Kline
Knollenberg
Kolbe
Kuhl (NY)
LaHood
Latham
LaTourette
Lewis (CA)
Lewis (KY)
Linder
LoBiondo
Lucas
Lungren, Daniel E.

Manzullo
Marchant
Marshall
Matheson
McCaul (TX)
McCotter
McCrery
McHenry
McHugh
McKeon
McMorris
Melancon
Mica
Miller (FL)
Miller (MI)
Miller, Gary
Moran (KS)
Murphy
Musgrave
Myrick
Neugebauer
Ney
Northup
Norwood
Nunes
Nussle
Otter
Oxley
Pearce
Pence
Peterson (PA)
Petri
Pickering
Pitts
Poe
Pombo
Porter
Price (GA)
Pryce (OH)
Putnam
Radanovich
Regula
Rehberg
Reichert
Renzi
Reynolds
Rogers (AL)
Rogers (KY)
Rogers (MI)
Rohrabacher
Ros-Lehtinen
Royce
Ryan (WI)
Ryun (KS)
Saxton
Schmidt
Schwarz (MI)
Sessions
Shadegg
Shaw
Sherwood
Shimkus
Shuster
Simpson
Smith (NJ)
Smith (TX)
Sodrel
Souder
Stearns
Sullivan
Sweeney
Tancredo
Taylor (MS)
Taylor (NC)
Terry
Thomas
Thornberry
Tiahrt
Tiberi
Turner
Upton
Walden (OR)
Walsh
Wamp
Weldon (FL)
Weldon (PA)
Weller
Westmoreland
Whitfield
Wicker
Wilson (SC)
Young (AK)
Young (FL)

NOES—213

Abercrombie
Ackerman
Allen
Andrews
Baca
Baird
Baldwin
Bass
Bean
Becerra
Berkley
Berman
Berry
Bishop (GA)
Bishop (NY)
Blumenauer
Bonilla
Boucher
Boyd
Bradley (NH)
Brady (PA)
Brown (OH)
Brown, Corrine
Burton (IN)
Butterfield
Capps
Capuano
Cardin
Cardoza
Carnahan
Carson
Case
Chandler
Clay
Cleaver
Clyburn
Conyers
Cooper
Costa
Costello
Cramer
Crowley
Cummings
Davis (AL)
Davis (CA)
Davis (FL)
Davis (IL)
Davis (TN)
DeFazio
DeGette
Delahunt
DeLauro
Dicks
Dingell
Doggett
Doyle
Edwards
Emanuel
Engel
Eshoo
Etheridge
Farr
Fattah
Filner
Ford
Frank (MA)
Gonzalez
Gordon
Green (WI)
Green, Al
Green, Gene
Grijalva
Gutierrez
Harman
Hastings (FL)
Hefley
Herseth
Higgins
Hinchey
Hinojosa
Holden
Holt
Honda
Hooley
Hoyer
Hulshof
Inslee
Israel
Jackson (IL)
Jackson-Lee (TX)
Jefferson
Johnson (CT)
Johnson, E. B.
Jones (NC)
Jones (OH)
Kanjorski
Kaptur
Kennedy (RI)
Kildee
Kilpatrick (MI)
Kind
King (IA)
Kucinich
Langevin
Lantos
Larsen (WA)
Larson (CT)
Leach
Lee
Levin
Lewis (GA)
Lipinski
Lofgren, Zoe
Lowey
Lynch
Mack
Maloney
Markey
Matsui
McCarthy
McCollum (MN)
McDermott
McGovern
McIntyre
McKinney
McNulty
Meehan
Meek (FL)
Meeks (NY)
Michaud
Millender-McDonald
Miller (NC)
Miller, George
Mollohan
Moore (KS)
Moore (WI)
Moran (VA)
Murtha
Nadler
Napolitano
Neal (MA)
Oberstar
Obey
Olver
Ortiz
Owens
Pallone
Pascrell
Pastor
Paul
Payne
Pelosi
Peterson (MN)
Platts
Pomeroy
Price (NC)
Rahall
Ramstad
Rangel
Reyes
Ross
Rothman
Roybal-Allard
Ruppersberger
Rush
Ryan (OH)
Sabo
Salazar
Sánchez, Linda T.
Sanchez, Loretta
Sanders
Schakowsky
Schiff
Schwartz (PA)
Scott (GA)
Scott (VA)
Sensenbrenner
Serrano
Shays
Sherman
Simmons
Skelton
Slaughter
Smith (WA)
Snyder
Solis
Spratt
Stark
Strickland
Stupak
Tanner
Tauscher
Thompson (CA)
Thompson (MS)
Tierney
Towns
Udall (CO)
Udall (NM)
Van Hollen
Velázquez
Visclosky
Wasserman Schultz
Waters
Watson
Watt
Waxman
Weiner
Wexler
Wilson (NM)
Wolf
Woolsey
Wu
Wynn

NOT VOTING—3

Buyer
Evans
Osborne

□ 1731

So the bill was passed.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

The SPEAKER pro tempore. Pursuant to section 2 of House Resolution 783, the text of H.R. 513, as passed by the House, will be appended to the engrossment of H.R. 4975.

(For the text of H.R. 513, see proceedings of the House of April 5, 2006, at page H1516.)

CONGRATULATING CHARTER SCHOOLS AND THEIR STUDENTS, PARENTS, TEACHERS, AND ADMINISTRATORS ACROSS THE UNITED STATES FOR THEIR ONGOING CONTRIBUTIONS TO EDUCATION

The SPEAKER pro tempore. The pending business is the question of suspending the rules and agreeing to the resolution, H. Res. 781.

The Clerk read the title of the resolution.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Nevada (Mr. PORTER) that the House suspend the rules and agree to the resolution, H. Res. 781, on which the yeas and nays are ordered.

This will be a 5-minute vote.

The vote was taken by electronic device, and there were—yeas 417, nays 1, answered ''present'' 3, not voting 11, as follows:

[Roll No. 120]

YEAS—417

Abercrombie
Ackerman
Aderholt
Akin
Alexander
Allen
Andrews
Baca
Bachus
Baird
Baker
Baldwin
Barrett (SC)
Barrow
Bartlett (MD)
Barton (TX)
Bass
Bean
Beauprez
Becerra
Berkley
Berman
Berry
Biggert
Bilirakis
Bishop (GA)
Bishop (NY)
Bishop (UT)
Blackburn
Blumenauer
Blunt
Boehlert
Boehner
Bonilla
Bonner
Bono
Boozman
Boren
Boswell
Boucher
Boustany
Boyd
Bradley (NH)
Brady (PA)
Brady (TX)
Brown (OH)
Brown (SC)
Brown, Corrine
Brown-Waite, Ginny
Burgess
Burton (IN)
Butterfield
Calvert
Camp (MI)
Campbell (CA)
Cannon
Cantor
Capito
Capps
Capuano
Cardoza
Carnahan
Carson
Carter
Case
Castle
Chabot
Chandler
Chocola
Clay
Cleaver
Clyburn
Coble
Cole (OK)
Conaway
Conyers
Cooper
Costa
Costello
Cramer
Crenshaw
Crowley
Cubin
Cuellar
Culberson
Cummings
Davis (AL)
Davis (CA)
Davis (FL)
Davis (IL)
Davis (KY)
Davis (TN)
Davis, Jo Ann
Davis, Tom
Deal (GA)
DeFazio
DeGette
Delahunt
DeLauro
DeLay
Dent
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Diaz-Balart, M.
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English (PA)
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Filner
Fitzpatrick (PA)
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Frank (MA)
Franks (AZ)
Frelinghuysen
Gallegly
Garrett (NJ)
Gerlach
Gibbons
Gilchrest
Gillmor
Gingrey
Gohmert
Gonzalez
Goode
Goodlatte
Gordon
Graves
Green (WI)
Green, Al
Green, Gene
Grijalva
Gutierrez
Gutknecht
Hall
Harman
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Hastings (FL)
Hastings (WA)
Hayes
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Inglis (SC)
Inslee
Israel
Issa
Istook
Jackson (IL)
Jackson-Lee (TX)
Jefferson
Jenkins
Jindal
Johnson (CT)
Johnson (IL)
Johnson, E. B.
Johnson, Sam
Jones (NC)
Jones (OH)
Kanjorski
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Larson (CT)
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Leach
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Lewis (CA)
Lewis (GA)
Lewis (KY)
Linder
Lipinski
LoBiondo
Lofgren, Zoe
Lowey
Lucas
Lungren, Daniel E.
Lynch
Mack
Maloney
Manzullo
Marchant
Markey
Marshall
Matheson
Matsui
McCarthy
McCaul (TX)
McCollum (MN)
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Meek (FL)
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Millender-McDonald
Miller (FL)
Miller (MI)
Miller (NC)
Miller, Gary
Miller, George
Mollohan
Moore (KS)
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Moran (KS)
Moran (VA)
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Nadler
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Rogers (AL)
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Ros-Lehtinen
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Rothman
Roybal-Allard
Royce
Ruppersberger
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Ryan (OH)
Ryan (WI)
Ryun (KS)
Sabo
Salazar
Sánchez, Linda T.
Sanchez, Loretta
Sanders
Saxton
Schakowsky
Schiff
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Schwartz (PA)
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Scott (GA)
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Sensenbrenner
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Sullivan
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Taylor (MS)
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Thompson (CA)
Thompson (MS)
Thornberry
Tiahrt
Tiberi
Tierney
Towns
Turner
Udall (CO)

Udall (NM)	Waters	Whitfield
Upton	Watson	Wicker
Van Hollen	Watt	Wilson (NM)
Velázquez	Waxman	Wilson (SC)
Visclosky	Weiner	Wolf
Walden (OR)	Weldon (FL)	Woolsey
Walsh	Weldon (PA)	Wu
Wamp	Weller	Wynn
Wasserman	Westmoreland	Young (AK)
Schultz	Wexler	Young (FL)

NAYS—1

Kucinich

ANSWERED ''PRESENT''—3

Hinchey	Slaughter	Stark

NOT VOTING—11

Buyer	Granger	Musgrave
Cardin	McCrery	Osborne
Dicks	McDermott	Poe
Evans	Murphy	

□ 1741

So (two-thirds of those voting having responded 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.

AUTHORIZING THE CLERK TO MAKE CORRECTIONS IN ENGROSSMENT OF H.R. 4975, LOBBYING ACCOUNTABILITY AND TRANSPARENCY ACT OF 2006

Mr. DREIER. Mr. Speaker, I ask unanimous consent that in the engrossment of the bill, H.R. 4975, the Clerk be authorized to correct section numbers, spelling, punctuation, and cross-references, and to make such other technical and conforming changes as may be necessary to reflect the actions of the House.

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

There was no objection.

PROVIDING FOR CONSIDERATION OF H.R. 4954, SECURITY AND ACCOUNTABILITY FOR EVERY PORT ACT

Mr. SESSIONS. Mr. Speaker, by direction of the Committee on Rules, I call up House Resolution 789 and ask for its immediate consideration.

The Clerk read the resolution, as follows:

H. RES. 789

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. 4954) to improve maritime and cargo security through enhanced layered defenses, and for other purposes. The first reading of the bill shall be dispensed with. All points of order against consideration of the bill are waived. General debate shall be confined to the bill and shall not exceed one hour, with 40 minutes equally divided and controlled by the chairman and ranking minority member of the Committee on Homeland Security and 20 minutes equally divided and controlled by the chairman and ranking minority member of the Committee on Transportation and Infrastructure. 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 Homeland Security 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. 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 report of the Committee on Rules accompanying this resolution. Each such amendment may be offered only in the order printed in the report, may be offered only by a Member designated in the report, shall be considered as read, shall be debatable for the time specified in the report equally divided and controlled by the proponent and an opponent, shall not be subject to amendment, and shall not be subject to a demand for division of the question in the House or in the Committee of the Whole. All points of order against such amendments are waived. 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.

The SPEAKER pro tempore. The gentleman from Texas (Mr. SESSIONS) is recognized for 1 hour.

Mr. SESSIONS. Mr. Speaker, for purposes of debate only, I yield the customary 30 minutes to my friend from Florida (Mr. HASTINGS), pending which I yield myself such time as I may consume. During consideration of this resolution, all time is yielded for the purpose of debate only.

The structured rule provides for 1 hour of general debate with 40 minutes equally divided and controlled by the chairman and ranking minority member of the Committee on Homeland Security, and 20 minutes equally divided and controlled by the chairman and ranking minority member of the Committee on Transportation and Infrastructure.

□ 1745

It waives all points of order against consideration of the bill and provides that the amendment in the nature of a substitute recommended by the Committee on Homeland Security now printed in the bill shall be considered as an original bill for the purpose of amendment and shall be considered as read.

This rule waives all points of order against the amendment in the nature of a substitute recommended by the Committee on Homeland Security and makes in order only those amendments printed in the Rules Committee report accompanying the resolution.

It provides that the amendments printed in the report accompanying the resolution may be offered only in the order printed in the report and may be offered only by a Member designated in the report. They shall be considered as read and shall be debatable for the time specified in the report equally divided and controlled by the proponent and opponent. They shall not be subject to amendment and shall not be subject to a demand for division of the question in the House or in the Committee of the Whole.

Finally, the rule waives all points of order against the amendments printed in the report and provides the minority with one motion to recommit with or without instructions.

Mr. Speaker, I rise today in strong support of this balanced rule providing for consideration of the bipartisan Security and Accountability for Every Port, or SAFE Port, Act. The rule, which makes in order 10 Democrat amendments and five Republican amendments, will allow the House to begin its consideration of this bill, which has 80 bipartisan cosponsors, was approved unanimously through its subcommittee and full committee markups in the Committee on Homeland Security, and represents a responsible and thoughtful approach to providing security at our Nation's ports.

The SAFE Port Act improves cargo security first by enhancing security at United States ports. It requires the Department of Homeland Security to deploy nuclear radiological detection systems at 22 seaports by the end of fiscal year 2007, covering 98 percent of all incoming maritime containers. It provides risk-based funding through a dedicated Port Security Grant Program and requires the Secretary of Homeland Security to coordinate Federal, State, local, and private sector security activities by establishing a streamlined, integrated network of virtual and physical command centers.

Second, this legislation improves cargo security by tracking and protecting containers that are en route to the United States. This legislation will require the Secretary to develop uniform standards for sealing containers entering the United States and provide for the improved utilization of private sector advances in security, including research and development of new technologies and applications. It also improves the International Trade Data System and directs the Department to conduct additional research and testing on technology integration, access control, and data-sharing capacities.

Third, this legislation improves our port security by preventing threats from ever reaching the United States. It improves the Automated Targeting System by collecting enhanced cargo data from importers bringing goods through U.S. ports. It codifies the existing Container Security Initiative and requires the Secretary to refuse entry to high-risk cargo that the host nation does not inspect. It also authorizes the Department to lend detection equipment and provide training to host

nations so that our closest trading partners can utilize the best technology available anywhere in the world. Obviously, that is meant to keep America and our trading partners safe.

Mr. Speaker, this legislation takes a responsible and bipartisan approach to protecting American citizens from the threat of terrorism being brought to our shores through our ports. It includes a provision that requires the Secretary of Homeland Security to continue his aggressiveness and ceaseless efforts to evaluate emerging detection and screening technologies and measure those technologies against real-world performance metrics before deploying them in the field to ensure that they are effective in protecting the American people.

I urge all of my colleagues to support this rule and the underlying legislation to improve our Nation's ports.

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

Mr. HASTINGS of Florida. Mr. Speaker, I thank the gentleman from Texas (Mr. SESSIONS), my friend, for yielding me the time; and I yield myself such time as I may consume.

Mr. Speaker, I rise today in strong opposition to this restrictive rule, which permits the House to consider only one half of the amendments which were brought to the Rules Committee last night. Under this rule, only 15 of the approximately 30 amendments offered by Members are made in order, while the remaining half are blocked from consideration.

I find it astonishing, though not surprising, that my friends in the majority, who just in the last hour were preaching ethics reform and civility here in the House, are coming to the floor again with a restrictive rule.

The rule, which was reported out of the Rules Committee along a straight party-line vote, mocks the public's call for reforming the way we go about doing business in the people's House. Clearly, the majority is good at talking the talk, but as the American people are beginning to understand, they are failing miserably to walk the walk.

In blocking these amendments from being considered by the House today, Republicans are sending a message loud and clear that protecting their political majority in the House is more important than protecting the American people in their own homes.

Dangerously, the rule prohibits the House from considering a Democratic amendment offered by Representatives NADLER, OBERSTAR, MARKEY, and others which requires that every single shipping container be scanned and sealed before being loaded onto a ship destined for the United States.

Today, barely 5 percent of all containers coming into the United States through our ports are scanned. Unfortunately, Republicans, again along a party-line vote, blocked this commonsense security-based amendment from being debated and considered by the full House. In doing so, they have signed their names on the dotted line that they do not at this time support inspecting 100 percent screening requirements at America's ports.

Mr. Speaker, as someone who represents a district which depends greatly upon three major international ports for economic activity, I take issue with the majority's not allowing this amendment being considered today. I take issue with their conscious decision to block the House from considering an amendment which will, without a doubt, make my constituents and the American people safer.

Sadly, the rule also fails to make in order an amendment which was offered by the ranking Democrat of the Homeland Security Committee, my good friend and trusted advisor on homeland security issues, Representative Bennie Thompson from Mississippi. The ranking member's amendment recognizes that we cannot continue asking Customs officials to do more with less.

I just had this, coming from an international flight, discussion with a fine gentleman in the Customs Department. Thirty-two years he has been there, and he indicates to me just how difficult it is for them to do more with less.

The amendment that Mr. THOMPSON offered authorized funding for U.S. Customs and Border Patrol to hire 1,600 more officers at America's seaports.

Representative LANGEVIN offered an amendment that authorized $117 million for the purchase of advanced radiation portal monitors at all our ports to ensure that Customs officials have the most up-to-date equipment to do their job.

I kept hearing all this stuff last night about they do not have this technology and everything. Well, I have seen this technology in Vilnius, Lithuania, as one example. In Rotterdam, I saw this technology. It worked. At the very least, what we need is whatever the state of art is at this point in the hopes that it will work and that we can improve it as time progresses.

Under this rule, however, both of these amendments, Mr. THOMPSON's and Mr. LANGEVIN's, and so many others are blocked from consideration.

Mr. Speaker, as I previously mentioned, I am proud to represent a region in our country which is home to some of our largest international seaports, Port Everglades, the Port of Palm Beach, and the Port of Miami, all within just minutes of my home. They have led the way in security improvements in America. The three, Port Everglades in particular, have all enjoyed national and international best-practices recognition.

So when I come to the floor today and consider the underlying legislation, I have to ask, does this legislation get our ports to where they need to be regarding security? The answer to this question is a resounding no.

I have traveled all over this world visiting international ports to learn about their operations and how they secure their cargo. Among the places that I visited have been Hong Kong, Singapore, Tokyo, Rotterdam, Lisbon, and others. These are some of the largest ports in the world outside of the United States, and all of them manage to inspect more cargo than we do without slowing down their port operations.

It was interesting to me, in the run-up to the Singapore Trade Agreement, we required in that agreement that Singapore inspect more of their cargo than we do in our own country. So I ask, if they can do it, why can we not?

The rhetoric from the other side of the aisle is at an all-time high. They talk about bipartisanship, but they shy away from working together. I give credit at least to the ranking member and Chair of this committee for trying. We give them opportunities to make good bills better, but then they block the House from considering our ideas. They talk about securing America, but then balk when it comes time to actually do something about it.

Mr. Speaker, we have an opportunity today to do something about a real problem which we all know exists at America's seaports. This is not about showing the terrorists our weaknesses, as some in the majority have suggested. Rather, it is about giving our Customs and Border Patrol officers the necessary tools and directives to do everything that they possibly can to stop attacks from happening here in the United States.

The sad thing is, Mr. Speaker, it may not be until an attack occurs that we will actually get this right.

This rule and the underlying legislation fails to meet the needs of our ports and the expectations of the American people, and I urge my colleagues to oppose this restrictive rule.

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

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

Mr. Speaker, this fair and balanced rule is one that involves a bunch of cosponsors of Democrats and Republicans. It has been well thought out. It has required a lot of thought process. This afternoon you are going to hear from a number of Members on the Republican side who will articulate how balanced and wonderful and how we have taken time to make sure that we dealt with the minority, that we dealt with the administration, that we looked at other ports around the world, that we are trying to do those things that are best that will secure our ports and get them done as quickly as possible but will also present something that can be done in a balanced and proper way. I think that that is the argument you are going to hear today.

Mr. Speaker, I yield 2 minutes to the gentleman from Florida (Mr. LINCOLN DIAZ-BALART), a member of the Rules Committee.

Mr. LINCOLN DIAZ-BALART of Florida. Mr. Speaker, I thank my dear friend, Mr. SESSIONS, for the time.

I rise today in strong support of the rule and the underlying legislation.

□ 1800

Chairman PETER KING has worked in an extraordinary fashion to create a piece of legislation with the help of his ranking member, Mr. THOMPSON, and the entire committee, that is worthy of our support. They are the first ones to admit it is not perfect, but it certainly moves us forward in an important way toward further port security.

For example, in the community that I am honored to represent, Mr. Speaker, the Port of Miami, that port alone, of course, is one of the largest in the country and in the world, and its annual operating security costs have increased from $4 million in 2001 to $16 million in the last year.

This legislation, for example, authorizes $400 million annually to be awarded to high-risk ports, such as the Port of Miami, in grants. It will be used precisely for purchasing and upgrading security equipment and enhancing terrorism preparedness.

There are amendments. We made 10 Democrat amendments in order and five Republican amendments in order. It is a fair rule. It is a fair rule that we bring forth today.

For example, the Bass amendment would allow State and local agencies to apply for reimbursement for operational expenses and overhead costs, such as, for example, waterborne patrols. Those are functions that used to be carried out and paid for by the Coast Guard. Now the ports have to pay for them. So it is taken care of by that amendment.

So it is a fair rule, bringing forth a very important piece of legislation, making in order twice as many Democrat amendments as Republican amendments. Nevertheless, it is still a good rule. I support the rule. I strongly support the underlying legislation and would ask all of our colleagues to support both the rule and the underlying legislation.

Mr. HASTINGS of Florida. Mr. Speaker, I yield myself such time as I may consume.

My colleague from Florida says that they made 10 Democrat amendments in order and five Republican amendments, and that is true. But not a single one of those is more important than the three that you did not make in order.

Mr. Speaker, I yield 2½ minutes to my friend, the distinguished gentleman from Rhode Island (Mr. LANGEVIN).

(Mr. LANGEVIN asked and was given permission to revise and extend his remarks.)

Mr. LANGEVIN. Mr. Speaker, I thank the gentleman for yielding.

Mr. Speaker, today I rise in strong support of the SAFE Port Act, because it is important for the security of our Nation, but I rise in reluctant opposition to this restrictive rule.

As a member of the Homeland Security Committee and an original cosponsor of the underlying legislation, I understand that port security is national security. We need this bill, Mr. Speaker, to keep America safe. However, this rule does not permit debate on an important amendment that I attempted to offer.

My amendment would strengthen our security by requiring the Domestic Nuclear Detection Office to develop a report back to Congress of a plan to purchase and deploy radiation portal detectors at our ports of entry. My amendment would also authorize additional funds to help pay for these detectors.

Our intelligence analysts tell us one of the greatest risks our country faces is the threat that a terrorist will smuggle nuclear material across our borders or through our ports and detonate a dirty bomb or a nuclear device in one of our cities. The technology, Mr. Speaker, exists to scan cargo for this radioactive material, and DHS is in the process of deploying it.

In addition, DHS is in the process of awarding a contract for the next generation of detectors, which will cost at least twice as much as the current generation. However, a recent GAO report determined that DHS needs an additional $300 million to purchase and deploy the 3,000 current generation monitors.

The report indicated that with current funding, DHS will be unable to deploy the monitors by its target date of 2009. In December I offered an amendment to require the full deployment of these monitors within 1 year. This amendment passed the Homeland Security Committee with bipartisan support. The amendment that I offered to the Rules Committee is a less drastic step but goes a long way towards keeping us safe. By requiring DHS to figure out what types of monitors they need at different locations, DHS will provide us with a better assessment of exactly how much this program will actually cost.

Mr. Speaker, we simply cannot afford to wait any longer. Defeating the previous question will allow the House to consider both my amendment and Ranking Member THOMPSON's important amendment to increase the number of port inspectors over the next 5 years.

Mr. Speaker, I urge my colleagues to join me in rejecting the previous question, voting to protect our ports and border crossings from nuclear material being smuggled across our borders and passing the SAFE Port Act.

Mr. SESSIONS. Mr. Speaker, I spoke about this fair and balanced rule. We have also spoken about how great the legislation is.

Mr. Speaker, I am very pleased at this time to yield 3½ minutes to the gentleman who is the chairman of the Committee on Homeland Security, the gentleman from New York (Mr. KING).

Mr. KING of New York. Mr. Speaker, I thank the gentleman for yielding.

Mr. Speaker, I am pleased to rise in support of the rule providing for House consideration of the SAFE Port Act.

Mr. Speaker, none of us will ever forget what happened on September 11, 2001. Certainly in my district, there were well over 100 people were killed. My district is very close to the Port of New York and New Jersey, and many Members of this House suffered similarly on September 11.

When I was seeking the position of Homeland Security chairman last year, I made it a point to emphasize how important it was that we address the issue of port security. I am proud to say that prior to the whole Dubai Ports controversy, Chairman DAN LUNGREN, Congresswoman JANE HARMAN, Ranking Member SANCHEZ began work on this port security bill. So we were ready to move, and the Dubai Ports controversy gave us the window of opportunity to move forward.

As a result of that, with very close consultation and cooperation throughout this process, both at the subcommittee level and the full committee level, we have legislation which passed unanimously out of the subcommittee and then passed unanimously by a 29–0 vote last week out of the full committee.

In saying that, let me pay special thanks to the ranking member of the full committee, Mr. THOMPSON, who, again, both he and his staff were exceptionally cooperative as this process went forward.

Now, we operated on the presumption that significant progress has been made in port security since September 11. However, we need to finish the job, to ensure that these programs and others provide a robust, risk-based system for securing our vital international supply chain through point of origin of goods until arrival here in U.S. seaports.

The SAFE Port Act addresses port security enhancements in three main areas: strengthening security measures at foreign ports and improving risk-based targeting of suspicious cargo; improving security of cargo in transit; and making much needed security upgrades at U.S. ports.

I must point out also, Mr. Speaker, the underlying bill includes an amendment offered in committee by the gentlewoman from Florida, Ms. GINNY BROWN-WAITE, which requires aggressive evaluation and deployment of the best available technology to screen incoming cargo. This amendment, offered by Congresswoman GINNY BROWN-WAITE, passed by a vote of 33–0.

Mr. Speaker, since 9/11, the House has repeatedly voted to support risk-based funding decisions with respect to Homeland Security. This legislation enhances this risk-based strategy that ensures our dollars are spent in areas that provide maximum security benefits.

I want to emphasize also how there was the spirit of cooperation at the subcommittee level, the committee level, and I think it is safe to say, in fact I would emphasize the fact that everyone on the Homeland Security Committee feels very, very strongly about protecting every American life

by doing all we can to protect America's ports and indeed all of America from any future possible terrorist attack.

There can be differences about means. There can be differences about exactly how we achieve that. I feel very secure, very confident, very proud of the legislation that we passed. But it serves no purpose for anyone to be suggesting that there is anyone in the committee or House who is not absolutely dedicated to preserving every American life and doing all we can to enhance American security.

So I urge my colleagues to adopt this rule, reject any attempt to politicize the debate and move forward with this bipartisan bill.

Mr. HASTINGS of Florida. Mr. Speaker, if we had made one amendment in order, it would have been satisfactory on this side, the one that was offered by my good friend Mr. NADLER, who I yield 2½ minutes to.

Mr. NADLER. Mr. Speaker, this rule does not make in order an amendment that was defeated 18–16 on a practically party-line vote and is the key difference, and it is why this rule ought to be defeated.

The gentleman from New York says a risk-based strategy. Why should we risk the lives of millions of people by assuming that we know which container will contain the atomic bomb or the radiological bomb? We don't know that. We can't know that.

The only safety we can have is to inspect 100 percent of the containers, not in New York but in Hong Kong, before they are put on a ship bound for the United States. That is the essence of the amendment, the Nadler-Markey amendment that the Republicans won't accept and won't permit us to debate on the floor.

They say the technology doesn't exist. The technology most certainly exists. It is done in Hong Kong today. Mr. GINGREY spoke about a company in his district that wants to sell the tamper-proof seals that will tell us if the container, once scanned, is tampered with. But the Department of Homeland Security is not interested.

This bill contains a study, an amendment by Ms. GINNY BROWN-WAITE that the Department of Homeland Security should study whether it is feasible to have 100 percent scanning. We passed that amendment on this floor 2 years ago. It was the Nadler amendment. It is in the law. It said they should report back in 90 days, 90 days from 2 years ago. They haven't bothered reporting back, because they are not interested in this. This is another waste of time.

The fact is, a risk-based strategy, they will simply put the atomic bomb or the radiological bomb in a low-risk container from Wal-Mart. The greatest risk we face is that a good company will have a container with sneakers in Indonesia on the way to the port, and the driver will stop for lunch, and while he is stopping for lunch, some terrorist will take out the sneakers and put in a bomb and the bill of lading will be fine.

The people who say we can't do this are the same people who told us 2 years ago we couldn't get a bill of lading for every container 24 hours in advance, and they told us we couldn't get every person searched before he got on an airplane.

If we really want to make this country safer, we must debate on this floor this amendment, the Nadler-Markey amendment, to say, before any container gets put on a ship bound for the United States, it must be scanned electronically to see what is in it; it should be sealed with a tamper-proof seal that will tell us if it has been tampered with; and the results of the scan should be transmitted electronically to people in the United States who will look at that seal.

It is being done now in Hong Kong, except that because no one in the Department of Homeland Security is interested, the results of those scans are on tapes that are stored there because no one in this country has time to read those tapes.

For shame.

Mr. SESSIONS. Mr. Speaker, once again articulating this balanced rule and fair and wonderful legislation, we continue to talk about what the legislation stands for without attempting to scare people but rather to give the substance of what the bill is about.

Mr. Speaker, I yield 4 minutes to the chairman of the Economic Security, Infrastructure Protection and Cybersecurity Subcommittee, Mr. LUNGREN.

Mr. DANIEL E. LUNGREN of California. Mr. Speaker, I thank the gentleman for yielding.

Mr. Speaker, first of all, I would like to say that this is an attempt to have a balanced bill. I have worked as hard as I can with the gentlewoman from California (Ms. HARMAN) and with the ranking member on my subcommittee, Ms. LORETTA SÁNCHEZ, to try and respond to a true challenge that we have before us, and that is the challenge of terrorists attempting to do harm to our country by going through our ports.

The very nature of our ports, the very genius of our ports, which is the just-in-time delivery, the inventory that is basically carried on ships these days, instead of stationary in large buildings on land, the very easy transfer of them from ships to trucks to be able to get into the middle of our country within the shortest period of time, times that would have been unimaginable just years ago, that very ingenuity, that creativity, also creates the vulnerability.

It is true that, following 9/11, we focused, not exclusively but more than any other area, on our aviation system. Now we have an opportunity to try and put a greater emphasis on security for our ports.

I was gone from this place for 16 years; 9/11 was the event that compelled me to return. I grew up in the shadows of one of the great harbors of this country, Long Beach. I worked there one summer when I was in college.

□ 1815

I have been able to see the tremendous growth and the change in the way our ports operate. I am proud of our ports. I would do nothing, I would do nothing to try and put them at risk. And I would say this base bill is a very good bill.

When I hear some of the discussion about the rule, it reminds me of my prior service in the House when I served for 10 years as a minority Member, where we did not have a right to a motion to recommit. We were given an opportunity for a motion to recommit when the Rules Committee decided they would give it to us.

Under the Republican rules of the House, a motion to recommit is given to the minority on every major bill. So those elements of concern that have been expressed by the minority side of substance of amendments that are not allowed under this bill we know can be put into a motion to recommit.

Now, that does not mean I am going to support it, because I think good and sufficient arguments can be made against some of the amendments that wish to be presented here in the floor and in the substance of the motion to recommit. But I just hope in the discussion on this rule and the discussion on the underlying bill we do not lose that sense of bipartisanship that has really been a watchword of this attempt to provide us with the response to a true challenge in this country.

The very vote that we had, 29–0 coming out of our committee, the fact that we have more than 80 cosponsors from both sides of the aisle, gives the very indication of the bipartisan nature of this bill.

I get involved in partisan arguments from time to time, as you well know. But this institution does itself proud when it responds to the challenges that are out there facing our constituents. This committee, the Homeland Security Committee, has served this House well by its bipartisan approach under first our former chairman, Mr. Cox, and now our current chairman, Mr. KING.

The Members on the Democratic side have worked very hard I think to work with us in a bipartisan way. So I hope the tenor of the debate tonight does not mislead people who may be listening into thinking we are not doing the peoples' business. We are doing the peoples' business. I am proud of the work that we are doing here. This is a good bill. We will debate some additional amendments. We will have a motion to recommit. And whatever comes out of that, this will still be a good bill.

Please support this rule and support this bill.

Mr. HASTINGS of Florida. Mr. Speaker, I yield 2½ minutes to the distinguished ranking member of the Select Committee on Intelligence, my

good friend, Ms. HARMAN from California.

Ms. HARMAN. Mr. Speaker, I thank the gentleman for yielding me time. I commend him for his service on the Rules Committee and also on the Intelligence Committee.

Mr. Speaker, I rise in opposition to this rule but also in support of the comments that just were made by the bill's co-author, Mr. LUNGREN.

I support bipartisanship. To my marrow, I support bipartisanship. I think that this bill, which he and I have co-authored, is an excellent bill; and there will be plenty of time tomorrow to debate it. I hope that debate will be in a true bipartisan spirit.

My opposition to the rule, Mr. Speaker, is that there are missed opportunities. There are things we could have and should have done in this rule that we did not do. What is wrong with this rule is that the legislation will not have the benefit of several important provisions which, in fact, were in bills before us. I want to explain what I mean.

The Homeland Security SAFE Port Act did include a provision to accelerate the Coast Guard's Deepwater Program so that we can replace outdated planes and boats sometime before my new baby granddaughter graduates from college.

I doubt that a single Member of the House opposes modernizing the Coast Guard fleet. All of us know that this Federal agency has done more than any other, at least in my view, to defend America and stretch scarce dollars to the breaking point after 9/11.

However, in the manager's amendment made in order under this rule, we are deleting the Deepwater Program language. I think that is a mistake.

Secondly, we have already been talking about the issue of 100 percent scanning and sealing of containers. It is something that I strongly support. Identical language to language defeated in the Homeland Security Committee and not allowed to be presented on the floor, was included and reported in legislation by the Transportation and Infrastructure Committee.

My point here is that, on a bipartisan basis, at least one committee of this House has already approved this language. Now it is not in the version of the bill before us but also it is not made in order as an amendment to this bill. That language would help make a good bill a better bill.

The process to develop the bill is good. The process in the Rules Committee was bad. I urge a no vote on the rule.

Mr. SESSIONS. Mr. Speaker, once again continuing, the majority side, to present a fair and balanced rule with the substance of the bill, I yield 4 minutes to our next speaker, the gentlemen from Lehigh Valley, Pennsylvania (Mr. DENT).

Mr. DENT. Mr. Speaker, I rise today to speak in support of the rule and in support of the underlying bill, H.R. 4954, the SAFE Port Act of 2006.

This is a bipartisan bill, as has been stated, that takes a commonsense approach to improving the security of America's ports. The bill authorizes $821 million annually for port security programs. It requires the Department of Homeland Security to deploy nuclear and radiological detection systems at 22 U.S. seaports by the end of fiscal year 2007, an action that will cover 98 percent of incoming maritime containers.

Further, it makes sure that the people working at our port facilities are properly cleared and identified by forcing DHS to set deadlines for the implementation of the Transportation Worker Information Credential Program, or commonly called TWIC, a biometrically enhanced identification card system designed to make sure that those who would seek to commit acts of terrorism against us are not allowed to work within the U.S. port system.

Mr. Speaker, I am also happy to see that the bill codifies in law the establishment of the Domestic Nuclear Detection Office, or DNDO. Earlier this year, I had the opportunity to visit the DNDO facility at the Nevada test site.

Mr. Speaker, I am firmly convinced of the importance of maintaining the vitality of this organization. The DNDO has been one of the most important missions within the DHS, the detection and identification of nuclear materials. During my visit, I observed firsthand the testing of nuclear and radiological countermeasures, including detection devices designed to identify vehicles transporting nuclear explosive devices, fissile material, radiological material intended for illicit use.

The SAFE Port Act requires the DNDO to conduct testing of next-generation nuclear radiological detection equipment and to put forth a time line for completing installation of such equipment at all US seaports.

Finally, I am grateful to Chairman King for his willingness to accept my addition to section 1812 of the act, which appears in the manager's amendment. My addition to section 1812 allows contract logistics providers to be eligible for inclusion in the Customs-Trade Partnership Act Against Terrorism, or commonly known as C-TPAT, an important tool in the public-private sector alliance designed to make sure that goods shipped by manufacturers internationally are safe.

Contract logistics providers manage the movement and warehousing of goods and have access to critical information about the status of shipments throughout the supply chain. Given our goal of securing the entire supply chain, it is logical that companies providing services critical to the overall movement of goods should be allowed to voluntarily seek membership in C-TPAT.

For all of these reasons, I support the rule and underlying bill, H.R. 4954.

Mr. HASTINGS of Florida. Mr. Speaker, would you be so kind as to advise each of us how much time remains.

The SPEAKER pro tempore. The gentleman from Florida (Mr. HASTINGS) has 14 minutes remaining.

The gentlemen from Texas (Mr. SESSIONS) has 11½ minutes remaining.

Mr. HASTINGS of Florida. Mr. Speaker, I yield 2 minutes to the distinguished ranking member of the Homeland Security Committee, the gentleman from Mississippi (Mr. THOMPSON), my good friend.

Mr. THOMPSON of Mississippi. Mr. Speaker, I thank the gentleman from Florida for allowing me to speak against this rule.

Mr. Speaker, I do not support this rule as it flies in the face of bipartisanship shown by the Homeland Security Committee. It is inexcusable to not allow an up or down vote on many of the amendments that appeared before the Rules Committee, including my amendment increasing the number of Customs inspectors assigned at seaports, the Nadler-Markey amendment advocating 100 percent phase-in screening of cargo, and the Langevin amendment on radiation portal monitoring.

Silencing debate on port security and not allowing Republican and Democrats of this House to consider those amendments on the floor keep all of us from doing our jobs constituents put us here to do.

If those who refuse to allow these amendments to be considered by the House did so because they were afraid that they were not going to pass, then I ask them to think about this: maybe these amendments would have passed because they are sound policy and the types of things that we need to do, serve and protect the American people.

If they were refused because the majority did not want to take hard votes that their constituents might disagree with, I implore those who make these decisions to put America's safety first before politics. We must remember that homeland security is not a Democratic or Republican issue, it is an American issue; and those in this House must treat it as so.

If our ports are attacked, if a cargo container is blown up, those affected will be all stripes, colors and political affiliations. It is about time this House started legislating as such.

Mr. Speaker, let us look at the amendments the Rules majority refused to give an up or down vote on.

First, my amendment authorized $67 million for 400 Customs and Border Patrol inspectors to be assigned at seaports over the next 4 years. With all of the talk of how we need to shore up our ports here and abroad, why not put our money where our mouth is and get enough people to do the job? One of the major deficiencies of our port security is that we do not have enough inspectors at U.S. and foreign seaports.

Second, the rule rejects Mr. LANGEVIN's amendment which increases radiation portal monitors, increases funding by $117 million. What is the majority afraid of? That the American people may discover that this

country spends 57 times the amount of money on a missile defense system that does not work?

Finally, this rule does not include the amendment offered by Representatives NADLER, MARKEY and OBERSTAR, requiring 100 percent container scanning phased in over 5 years. Currently, only about 5 percent of that cargo is screened; 95 percent is not. This amendment would have fixed that.

Let's stop playing politics with America's security. Let's have an open exchange of ideas. It is about time that we stopped hiding behind rules that leave America less secure.

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

Mr. Speaker, the rule and the substance that we are debating here is very important and one which, to support the balance that we have, the committee heard many of the amendments that had been discussed in subcommittees and in full committee. They were voted down twice as a result of substantive debate and all of the members of the committee being together.

The Rules Committees was aware of that. We took testimony, we heard from people, and we made a decision. Our rule, the one we are putting together, is fair: 10 Democrat amendments, 5 Republican amendments. We feel good about what we are doing. The substance of the bill is strong, the substance of the bill is balanced, and the substance of the bill aims directly at what our national self-interest is as it relates to protecting our ports.

Mr. Speaker, at this time I yield 4 minutes to the gentlewoman from Florida (Ms. GINNY BROWN-WAITE).

Ms. GINNY BROWN-WAITE of Florida. Mr. Speaker, I rise today in support of the rule for H.R. 4954, the SAFE Port Act.

For too long we have been content with minimal upgrades to port security while vigorously bolstering our airports and borders. Do not get me wrong. These areas of security are vital, but so are our ports. As a Member from Florida, I am extremely conscious of the Nation's vulnerability in this area.

□ 1830

Florida has 14 ports, all of which are in desperate need of the grant funding that this bill provides for infrastructure, technology and security upgrades.

The SAFE Port Act pushes us leaps and bounds beyond our current security. We fund port of entry inspection offices, port security programs and port worker-identification systems.

I was especially proud to contribute an amendment in the Homeland Security Committee to move DHS toward advanced technology. I beg to differ with my colleagues on the opposite side of the aisle. This is not a study. As a matter of fact, the amendment requires the Secretary of Homeland Security to aggressively pursue new cargo screening technologies within 1 year. The Secretary must then work with foreign governments within 6 months to deploy such technology.

This amendment, and the underlying bill, does not falsely promise some fantastic pie-in-the-sky technology. Though the ICIS project of 100 percent screening in Hong Kong is promising, it is still too unproven that we would ever consider demanding immediate implementation of it. There are still density problems that exist. Cargo is being screened at some of the terminals, but no one is analyzing this data because of these problems prior to shipment. When the technology is in place, of course we will use it.

Every Member of this body on both sides of the aisle wants to make sure that our screening is adequate, more than adequate, that it is state-of-the-art. And when that technology is here, we certainly will use it.

In the meantime, I do not believe that we should waste taxpayer dollars on pie-in-the-sky promises. Instead, the bill requires DHS to implement realistic technology to increase our overseas cargo screening.

Our constituents require and deserve a secure America, and this bill pushes DHS further than ever to deliver that.

As a member of the Homeland Security Committee, I am committed to never allowing DHS to become complacent. This bill is not the end of port security legislation. Rather, it is a good starting line for us to begin the race, running faster than ever to secure America with realistic technology and real results.

I certainly want to thank Chairman KING as well as Congressman LUNGREN and Congresswoman HARMAN for the opportunity to work with them on this very significant legislation.

I urge all Members to vote in favor of the rule and, of course, the underlying bill.

Mr. HASTINGS of Florida. Mr. Speaker, I yield myself such time as I may consume.

My colleague, Mr. SESSIONS, my friend, related earlier that in full committee these matters were debated and were voted down. I would remind him that the Nadler amendment passed in the Transportation and Infrastructure Committee on a voice vote and that the Lungren amendment passed in the Homeland Security Committee, an appropriate jurisdiction.

Mr. Speaker, I yield 2½ minutes to the gentlewoman from Texas (Ms. JACKSON-LEE), my good friend.

(Ms. JACKSON-LEE of Texas asked and was given permission to revise and extend her remarks.)

Ms. JACKSON-LEE of Texas. Mr. Speaker, I thank the distinguished gentleman from Florida for his leadership.

In this debate, I have listened to the encouragement and the entreaties to be bipartisan, and let me say that I accept that call. In fact, I believe that we have made a step toward national security, but I am, like my good friend from Florida and a number of other of my colleagues, somewhat frustrated and distraught that, based upon the recent reflection of the former Inspector General of the U.S. Homeland Security Department; I want to remind my colleague that the IG's office is an independent office that is not to be tainted by any partisan politics. They indict in a bipartisan way. They criticize without partisanship. They call a spade a spade. They suggest what can be fixed, and they try to create an atmosphere in which we can improve the conditions in which that department operates.

The Inspector General of the U.S. Homeland Security Department has said that the container security initiative is a complete failure; it does not work. I think the American people need to know that.

So the frustration is that we were bipartisan in the committee, and I know our good friends know that by supporting the gentlewoman from Florida's amendment, but we could not get the Nadler-Markey amendment that a number of us are cosponsors on. I am an original cosponsor of that amendment.

The issue that Mr. MARKEY and Mr. NADLER have raised on a continuous basis, but more importantly, forget about Members who may be described as having some partisanship, if you will, underlying the backdrop, but the Inspector General is saying that we are near the precipice of another horrible incident, and that incident could include a tanker full of weapons of mass destruction or a container full, which is what the Nadler-Markey amendment suggests, 100 percent scrutiny and clearing of the containers coming to our ports.

Let me just conclude by saying, let us see if we can find a way, vote for the motion to recommit, but let me just say that, in addition, I am grateful for an amendment that talks about including the congested neighborhoods near ports in the disaster training, but I am disappointed that an amendment that focuses on providing opportunity for minority, women-owned and small businesses in doing this disaster fix-up was eliminated.

Let us hope we can make a better bill, and let us hope we do that as we move this bill forward.

Mr. Speaker, I rise today to comment on the significant step forward toward national security and safety for our seaports that this bill represents. I am proud of my colleagues who have crafted this bill to be inclusive of many issues that Members of the Committee on Homeland Security and other Members of the Congress have expressed over the last few years, and more intensely over the last few months.

However, I remain distraught and angered by the fact that the rule under which we consider this bill today prevents a true democratic debate to take place, and limits participation in crafting this bill to be relevant both to all stakeholders and all Americans.

There are 15 amendments accepted in order, and I am thankful that one of my

amendments has been included in this list, including neighborhoods in at-risk areas surrounding a seaport.

However, this list should not be so exclusive. I find it hard to believe that the other 19 amendments were baseless enough to warrant exclusion from floor consideration.

I find it appalling that among the amendments declined was an amendment to preserve consideration of women- and minority-owned businesses in the Homeland Security grant program and an amendment that removes the restriction on the use of funds received through the Port Security Grant Program to pay for the salaries, benefits, overtime compensation, and other costs of additional security personnel for State and local agencies for activities required by the Area Maritime Transportation Security Plan. Lastly, I am frustrated by the decision by the Rules committee to not allow debate on an amendment by Mr. MARKEY and Mr. NADLER that requires immediate attention and consideration.

Their amendment requires 100 percent of packages entering our Nation's ports to be scanned. We need to make sure the contents of a package are indeed what the paperwork says they are. While I support the Markey Amendment goal of 100 percent inspection of containers, I think it is also important for us to consider and pursue innovative technology and supplemental data gathering mechanisms to ensure that we are as informed as possible about the packages entering our country.

Nonetheless, this amendment was an opportunity to bring a crucial debate off the TV networks and out of the newspapers and onto the floor of the House of Representatives. I am disappointed that the Rules committee shut down this debate.

I urge my colleagues to vote against this rule which unfairly limits the involvement of fellow Members of Congress in protecting our seaports and preserving our homeland security.

Mr. SESSIONS. Mr. Speaker, I would like to advise the gentleman from Florida that the majority does not have any additional speakers at this time and that I would welcome any opportunity that he would have to utilize his time up with the knowledge that I then would close as appropriate.

Mr. HASTINGS of Florida. Mr. Speaker, I appreciate my friend for that. Would the Speaker advise how much time I have remaining?

The SPEAKER pro tempore (Mr. SIMPSON). The gentleman from Florida (Mr. HASTINGS) has 8 minutes remaining.

Mr. HASTINGS of Florida. Mr. Speaker, I yield 3 minutes to the most distinguished gentleman from Massachusetts (Mr. MARKEY), who has advanced this legislation in a meaningful way, whose amendment was not, I repeat, was not allowed.

Mr. MARKEY. Mr. Speaker, I thank the gentleman.

Mr. NADLER, Mr. OBERSTAR and I requested an amendment to be put in order, and the Republicans said no. In the former Soviet Union, there is deadly nuclear weapons material that is still unsecured that al Qaeda could purchase, bring to a port in Europe, in Asia, in Africa, put it on a ship and bring it into the port of the United States and detonate a nuclear weapon without ever having been inspected.

Now, the amendment which we asked the Republicans to put in order was one that required all containers coming into the United States to be screened overseas before they are put on ships to come into American ports so that we can identify which ship has the nuclear weapon.

In the Homeland Security Committee, our amendment lost 18–16. The Republican majority refuses to allow the coastal representatives to vote on this issue.

We should have learned something from the Dubai debacle, the threat to our container ships coming into our ports. Our amendment says no deadly uranium bombs allowed in, no Dubais. The Republican majority says, we are not going to screen any containers coming into the ports of the United States.

It is dangerous. The least that we should be able to say when that nuclear weapon goes off is that we tried, we really tried to prevent it from happening. The Republicans are not only not trying to stop it from happening; they are stopping us from having a debate on the floor of Congress on this issue.

This is the issue that is at the top of the al Qaeda terrorist target list, to bring a nuclear weapon into the port of an American city. And instead of allowing for this debate to take place, they are saying they cannot figure it out. They are going to study it for three more years. So that will mean we went from 2001 to 2009 studying this issue.

When the Soviet Union threatened the United States in 1961 with Sputnik, President Kennedy did not say, we are going to study it until 1969. He said, we will put a man on the Moon and bring him back to Earth; we will control the heavens, not the Communists.

What the Republicans with the Bush White House say is, they are going to study the issue of the greatest al Qaeda threat to our country, a nuclear bomb in a container in a port in the United States. They are going to study it for all 8 years, 2001 to 2009. President Kennedy said, rocket science, we will master it. The Republicans say, we cannot even figure out how to screen a container; we cannot even figure out how to put a tamper-proof seal on a container.

The price our country will pay will be too high a price. It will be the most horrendous event in the history of our Nation.

Mr. HASTINGS of Florida. Mr. Speaker, I am very pleased to yield 3 minutes to the distinguished gentleman from Oregon (Mr. DEFAZIO), my good friend.

Mr. DEFAZIO. I thank the gentleman for the time.

This is ''let's pretend'' time. Let's pretend this is a fair process when a meaningful amendment that lost only by two votes in committee to screen 100 percent of the containers coming to America is not allowed. Are we afraid of the democratic process here on the floor?

Let's pretend that the unverified paperwork certification of shippers, C-TPAT and CIS, are meaningful and provide real security despite the numerous reports we have about their extraordinary failures, including the most recent one where a C-TPAT, CIS-based company and port provided 15 Chinese in a container delivered to the United States of America. That could have been 15 tactical nuclear weapons in that container instead of people attempting to sneak into the United States.

Here is how it works: you are a foreign company. You want to ship to the U.S. You go online on your computer. You fill out a form online. You immediately get the score of your products and your shipping reduced to the United States of America. It no longer is as much of a threat because you filled out a form online, whoever you might be; you might be Osama bin Laden in a cave, we don't know.

Okay. Well, then we are going to send someone around to certify you are who you said you are and you really have the paperwork plan you told us you have. Unfortunately, we do not have enough people to do that. It will be 1 to 3 years before either a U.S. inspector or a contractor comes by for one day, one time, to make sure you are not a bad guy and you might not ship bad things here.

That is quite a system. That is C-TPAT. It is a faith-based honor system. Here it is: they will send us a manifest. Now a manifest says 100 concrete bird baths, but what if it is 99 concrete bird baths and one tactical nuclear weapon? Well, they are in the C-TPAT program; they would not phony up a manifest. Of course, again, you have 6 months to adjust your manifest after your product arrives in the United States because you know everybody says manifests are not accurate.

We do not know who the people are, and the manifests are not accurate, but that's the security we have today.

The Deputy Secretary of TSA, Mr. Jackson, admits there is a risk. He says, well, they do not want to screen all the containers on the other side of the ocean, even though the technology exists. Despite what the gentlewoman from Florida said, it exists, it works and it does not unduly delay. You can drive by it at 10 miles per hour.

He says the vision of the Bush administration is, they are going to screen ultimately, with technology, 100 percent of the containers before they leave United States ports for the interior of the U.S., but they might contain threats. Now, wait a minute. We are going to put them in our ports, but we think they might have threats, but we will inspect them before they go inland? I guess the ports are sacrifice zones. I guess most of our ports are in

blue States. No, Florida was a red State. I am not sure why they want to sacrifice those ports in those States.

This is extraordinary to me that we are not being allowed this one simple amendment, and let us pretend that they are not under unbelievable pressure from Wal-Mart and other shippers of goods to the United States to not do anything meaningful because it will cost a couple of bucks more per container.

□ 1845

Mr. SESSIONS. Mr. Speaker, I have no further speakers at this point and would encourage the gentleman from Florida, if he would choose to close at this time, to do that.

Mr. HASTINGS of Florida. Mr. Speaker, I yield myself the remaining time.

Mr. Speaker, I will be asking Members to vote ''no'' on the previous question. If the previous question is defeated, I will amend the rules so the House can vote on important amendments offered by Homeland Security Ranking Member THOMPSON and Representative LANGEVIN to increase security at our Nation's ports. Rules Committee Republicans rejected these amendments when we met last night.

The amendment would add 1,600 new Customs and Border Protection Officers at our Nation's ports. We cannot conduct more container inspections at our ports if we do not have more people. The goal of the Langevin amendment is to make sure that these Customs officials working in our ports are using the best available technology. It authorizes funds to speed up the installation of radiation portal monitors in domestic ports of entry.

Mr. Speaker, I ask unanimous consent to insert the text of these amendments and extraneous material immediately prior to the vote on the previous question.

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

There was no objection.

Mr. HASTINGS of Florida. Mr. Speaker, it just seems like common sense to me that if you want to make port facilities safer, you put more Customs officials on the ground and give them better equipment to detect and stop terrorist attacks. Unfortunately, the Rules Committee has decided that the House is not going to debate these ideas, and in my judgment, that is a shame. Members should be aware that a ''no'' vote will not prevent consideration of the SAFE Port Act, and it will not affect any of the amendments that are in order under this rule. But a ''no'' vote will allow us to vote for these responsible amendments to increase security at our Nation's ports. I urge my colleagues to vote ''no'' on the previous question.

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

Mr. SESSIONS. Mr. Speaker, I thank the gentleman from Florida for articulating the Democrats' side this afternoon. Mr. Speaker, we understand what they are saying. We get it. As a matter of fact, there have been these debates now for several years, and this House, time and time again, has said that we support a risk-based funding approach. Risk-based.

We have already shown this where Democrats have voted. In the PATRIOT Act reauthorization, 44 Democrats voted for that; first responder authorization, 181 Democrats; Homeland Security appropriations bills, 194 Democrats; and then, on the conference report, 124 Democrats; and then in the 2004 intelligence reform bill, 183 Democrats.

Mr. Speaker, we do not say this bill is perfect. What we try and do is aim the resources, the precious resources combined with the technology and the desire that the United States of America has to support the efforts of protecting this country, not only in our ports, on our borders, in our cities, and in the intelligence that we do. And time in and time out, we have said we are going to be threat-based. Where the threat is, that is where we will put our resources. And a 100 percent check of all the cargo that goes in and out of our ports is simply unrealistic.

What is realistic, that overwhelmingly has been supported by this House, that I believe once again this House will be on record to support, is the thing that works, and that is to not chase our tail but to look at where the threat exists. That is what this committee has done. That is what the Rules Committee has done. I am proud to say that we have a fair and balanced rule. I am proud to say that the underlying legislation that has been supported by these two committees is threat-based, aims directly at a bipartisan approach and, more importantly, is something that will make us a little bit safer now and in our future.

Mr. Speaker, I am proud of what we have done today, and I think this House will support that. I urge all my colleagues to support this rule and the underlying legislation to give the Department of Homeland Security the tools and the direction it needs to keep America's shores free from the threat of terrorists.

The material previously referred to by Mr. HASTINGS of Florida is as follows:

PREVIOUS QUESTION FOR H. RES. 739—RULE ON H.R. 4954—THE SAFE PORT ACT

At the end of the resolution, add the following:

SEC. 2. Notwithstanding any other provision of this resolution the two amendments specified in section 3 shall be in order as though printed after the amendment numbered 15 in the report of the Committee on Rules.

SEC. 3. The amendments referred to in section 2 are as follows:

An amendment offered by Representative Thompson of Mississippi or a designee. That amendment shall be debatable for 30 minutes equally divided and controlled, by the proponent and an opponent.

AMENDMENT TO H.R. 4954, AS REPORTED OFFERED BY MR. THOMPSON OF MISSISSIPPI

Page 44, after line 9, insert the following new section:

SEC. 127. ADDITIONAL CUSTOMS AND BORDER PROTECTION OFFICERS AT UNITED STATES SEAPORTS.

(a) IN GENERAL.—For the period beginning on the date of the enactment of this Act and ending September 30, 2010, the Secretary of Homeland Security shall hire approximately 1,600 additional Customs and border Protection officers for assignment at United States seaports.

(b) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated $67,617,200 for each of the fiscal years 2007 through 2010 to carry out this section.

An amendment offered by Representative Langevin of Rhode Island or a designee. That amendment shall be debatable for 30 minutes equally divided and controlled by the proponent and an opponent.

AMENDMENT TO H.R. 4954, AS REPORTED OFFERED BY MR. LANGEVIN OF RHODE ISLAND

Page 103, after line 11, insert the following new paragraphs:

''(4) ADDITIONAL REQUIREMENTS.—The Director shall make the following determinations in developing and executing the acquisition strategy under this subsection:

''(A) A determination of the ports of entry at which the detection systems will be deployed using a risk analysis of all United States ports of entry.

''(B) A determination of the types of detection systems to be deployed at the ports of entry determined under subparagraph (A), including—

''(i) radiation portal monitors;

''(ii) advanced spectroscopic radiation portal monitors;

''(iii) mobile radiation detection systems; and

''(iv) human portable radiation detection systems.

''(C) A determination of the cost of the detection systems described in subparagraph (B) and a timeline for the deployment of such systems.

''(D) A determination of the cost to implement the strategy.

''(5) REPORT.—Not later than 90 days after the date of the enactment of the Security and Accountability For Every Port Act, the Director shall submit to the appropriate congressional committees a report that contains the acquisition strategy developed pursuant to this subsection.''.

Page 111, line 25, strike ''$536,000,000'' and insert ''$653,000,000''.

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 Republican 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 Republican 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 Republican Leadership Manual on the Legislative Process in the United States House of Representatives, (6th edition, page 135). Here's how the Republicans describe the previous question vote in their own manual: Although it is generally not possible to amend the rule because the majority Member controlling the time will not yield for the purpose of offering an amendment, the same result may be achieved by voting down the previous question on the rule . . . When the motion for the previous question is defeated, control of the time passes to the Member who led the opposition to ordering the previous question. That Member, because he then controls the time, may offer an amendment to the rule, or yield for the purpose of amendment.''

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 Republican majority's agenda to offer an alternative plan.

Mr. SMITH of Texas. Mr. Speaker, I support this rule and the underlying legislation.

We all know that port security has been news across the United States in recent weeks, and it should be.

The U.S. ports are on the front lines of homeland security. My home state of Texas has several major seaports, including Galveston, Brownsville and Houston, that offer potential routes for dangerous cargo and terrorist weapons.

This bill, the SAFE Ports Act of 2005, will help ensure that Americans feel confident that the U.S. Government is protecting them from yet another threat.

It does so by imposing security requirements on overseas shippers and ports where cargo starts its journey to the United States, on cargo transportation while enroute to the United States, and at the ports within the United States—the last staging area before cargo makes its way into the country.

Also, this bill requires the Department of Homeland Security Secretary to employ standards for sealing all containers entering the Unites States within two years of enactment. It also requires the Secretary to deploy nuclear and radiological detection systems at 22 U.S. seaports by the end of fiscal year 2007.

These are good ways to ensure port security, and there are many more included in the bill.

I thank Chairman KING of Iowa, Chairman DANIEL E. LUNGREN of California, and ranking member HARMAN for their work on much-needed legislation, and urge my colleagues to support the Rule.

Mr. SESSIONS. 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. HASTINGS of Florida. Mr. Speaker, on that I demand the yeas and nays.

The yeas and nays were ordered.

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

REMOVAL OF NAME OF MEMBER AS COSPONSOR OF H.R. 4881

Mr. SAM JOHNSON of Texas. Mr. Speaker, I ask unanimous consent that my name be removed as a cosponsor from the bill H.R. 4881.

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

There was no objection.

MOTION TO INSTRUCT CONFEREES ON H.R. 4297, TAX RELIEF EXTENSION RECONCILIATION ACT OF 2005

Mr. LARSON of Connecticut. Mr. Speaker, I offer a motion.

The SPEAKER pro tempore. The Clerk will report the motion.

The Clerk read as follows:

Mr. Larson of Connecticut moves that the managers on the part of the House at the conference on the disagreeing votes of the two Houses on the Senate amendment to the bill H.R. 4297 be instructed—

(1) to agree to the following provisions of the Senate amendment: section 461 (relating to revaluation of LIFO inventories of large integrated oil companies), section 462 (relating to elimination of amortization of geological and geophysical expenditures for major integrated oil companies), and section 470 (relating to modifications of foreign tax credit rules applicable to large integrated oil companies which are dual capacity taxpayers), and

(2) to recede from the provisions of the House bill that extend the lower tax rate on dividends and capital gains that would otherwise terminate at the close of 2008.

The SPEAKER pro tempore. Pursuant to clause 7 of rule XXII, the gentleman from Connecticut (Mr. LARSON) and the gentleman from Texas (Mr. SAM JOHNSON) each will control 30 minutes.

The Chair recognizes the gentleman from Connecticut.

Mr. LARSON of Connecticut. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I rise today on behalf of my Democratic colleagues to offer a motion to instruct the House conferees on the tax cut reconciliation conference committee.

This motion has two simple yet important provisions. First, it closes over $5 billion in unneeded tax loopholes and subsidies for oil companies. It eliminates the ''last in/first out,'' LIFO, accounting method for oil companies, which amounts to $4.3 billion over the next 10 years. It prohibits oil companies from writing off costs associated with oil and gas exploration, which is about $292 million over the next 10 years. It limits the foreign tax credit that companies receive for the taxes they pay to oil-producing countries.

This rollback amounts to, for oil companies, a mere $540 million a year and $135 million each quarter.

To put this in appropriate perspective, this represents approximately 1.6 percent of Exxon's first-quarter profits in 2006 alone. Second, it ends the extension of lower capital gains and dividends tax rates.

We offered this motion last week. The distinguished gentleman from Washington State put forward the amendment in the motion because of the way that Americans are being hit this time both at the gas pump and again because we hoped that the other side would join us in this effort. Unfortunately, only nine Republicans voted for the motion, and it failed 190–232.

We offer this again because the American people simply cannot understand why their government would hand billions in tax breaks and subsidies to an oil industry that by all measures is enjoying an unprecedented level of success. In fact, last week, President Bush discussed his plan to address the rising price of gas and oil.

During his remarks the President stated, ''Record oil prices and large cash flows also mean that Congress has got to understand that these energy companies do not need unnecessary tax breaks. I am looking forward to Congress to take about $2 billion of these tax breaks out of the budget over a 10-year period of time. Cash flows are up, taxpayers do not need to be paying for certain of these expenses on behalf of energy companies.''

Now, if the President of the United States can call for this, it just seems logical to those of us on this side of the aisle that Congress ought to be able to join with the other body. This body ought to embrace what the Senate has already done and concluded, and be in harmony with the Senate and the President of the United States.

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

Mr. SAM JOHNSON of Texas. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, you know, talking about helping our companies, the energy bill that my opponent referred to

was equally divided among oil, among chemical, among hydrogen, among all those renewable-type fuels so that we could bring this Nation into self-sufficiency. Today's Democrat motion to instruct conferees is just as bad as it was last week when it failed by a vote of 190–232.

Yes, gas prices are high, and I can't name anyone I know who is happy about having to pay $3 a gallon for fuel. But this motion is the wrong policy on any number of fronts. It is bad energy policy. It is bad economic policy, and it is bad tax policy.

The Democrats just do not want to understand the law of supply and demand. When supply is low and demand continues to rise, the price goes up. We are seeing continuing demand for gasoline both here in the United States and around the world. The demand for gasoline is growing leaps and bounds in developing economies such as China and India. We are not the only consumers of gasoline in the world, and we are sure not the ones in charge of supply. In the world, crude markets, the price of oil is bumping along at record prices. The worldwide demand for oil is chasing up the price of the basic commodity. This basic law of supply and demand is something that the Democrats think Congress can repeal, but they are sadly mistaken. This motion to instruct conferees is a reflection of this mistake.

The law of supply and demand for gas also has another component that my friends just want to complain about; that is on the supply of refined oil in the form of gasoline. They talk out of both sides of their mouth on the issue of price because they have refused to allow new refineries to be built since 1976. There are 148 refineries in America today, down from 324 in 1981. And last year, during the hurricane season, we saw that refining capacity damaged. This creates a choke point in supply regardless of the rising cost of crude. The ability to refine oil is itself a problem and a demand problem. We have a problem with refineries running close to capacity and some of them shut down due to damage and basic maintenance.

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At this point in the year, refineries also have to start blending niche fuels due to clean air requirements.

I support clean air. We all do. We like to breathe clean air. My grandchildren like to breathe clean air. But the blending of special fuels for 17 particular markets hampers the ability of refineries to keep running at capacity as they switch from one fuel to another.

The pipelines that move fuel to terminals, the trucks that run from terminals to stations are not carrying generic fuel. They have to move boutique fuels. All of that adds costs and, more importantly, causes disruptions in supply so we end up seeing some gas stations without any fuel at all.

Yet our Democrat friends just want to complain about some big conspiracy and own up to no responsibility for creating these supply problems that then drive the price to $3 a gallon. It is easier to send out press releases that claim they are attacking Big Oil than it is to take a semester of Economics 101.

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

Mr. LARSON of Connecticut. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I certainly think that the President of the United States understands the laws of supply and demand and has prevailed upon this Congress to take action with regard to this.

More importantly, back in my hometown, John Mitchell, the former Republican mayor of South Windsor, Connecticut, and past president of the Independent Connecticut Petroleum Dealers, says there is no correlation between what is going on in this country between the laws of supply and demand and what is happening with home heating oil and what is happening at our gas pumps. He says the only thing that is happening here is a matter of fear, speculation and greed.

Mr. Speaker, I yield 3 minutes to the gentlewoman from Connecticut (Ms. DELAURO), someone who understands that and someone who has represented the State of Connecticut with distinction.

Ms. DELAURO. Mr. Speaker, might I say to my colleague on the other side of the aisle on the issue of refineries, ExxonMobil has said that they will not build refineries, that it was not part of their business plan.

The issue of switching from MTBE to ethanol was something that was known a year and a half ago or more, and the decision, they knew it, they could prepare for it, they wanted it to happen, and they did not make the preparations to make that switch-over.

Mr. Speaker, as Americans struggle with $73 barrels of oil and gas prices that could reach $4 a gallon in the coming months, we have heard every excuse in the world for why these prices have skyrocketed.

We have been told that refineries are being victimized by overbearing environmental regulations and that Americans simply do not understand the laws of economics and that the market is simply responding to high demand.

Well, it does not take an economist to recognize that the oil companies are making out like bandits. In 2005 alone, ExxonMobil, the Nation's largest oil company, earned more than $36 billion in profits, profits that were 31 percent higher than the year before. Not far behind is Shell, with $22.9 billion of profit; BP, with $19.3 billion of profits; and Chevron, which took in $14.1 billion.

So what is this Republican majority proposing? To usher through more tax cuts for oil companies in their next round of corporate tax giveaways. This only hours after this House finally relented and voted to give the FTC the authority to investigate price gouging, something Democrats have been calling for for the last 8 months.

Why on earth we would be offering still more tax cuts to an industry that is enjoying record profits is beyond me.

Even the President has acknowledged that we should be paring these gifts to industry back. It is interesting to note that he did not know in the energy bill that he signed that they had $9 billion in the energy bill that he signed; and, in fact, his administration gave a $7 billion windfall to the oil companies by waiving their royalty payments to the Federal Government.

This majority is not doing what it should be doing in this bill. What they are providing is more tax cuts.

With the Larson motion, which would prohibit oil companies from using an accounting gimmick to reduce their tax obligations, we have an opportunity to say enough. No more financing $400 million executive retirement packages with taxpayers' dollars. With soaring budget deficits, war and a host of needs here at home, we have better things to do with the taxpayer money than to line the pockets of this majority's political friends and an industry reaping historic profits from American families. Let us get that process started by passing the Larson motion.

Mr. SAM JOHNSON of Texas. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I wonder how many people in this country have stocks in gas companies, ExxonMobil, for example. You are making a profit, too. Stop and think about it.

Ms. DELAURO. If the gentleman would yield, I have no stock in oil and gas companies.

Mr. SAM JOHNSON of Texas. Well, I didn't understand her.

You claim you want to tax away the profits of oil companies, and yet they do not even come here with their tired old windfalls profit tax because they know it is a bogus policy that doesn't pass the laugh test. Instead, they come here convoluting tax items that sound intriguing in a 15-second sound bite.

The first of the items is to switch the way that oil companies account for their inventory. They claim to pick up on a Senate idea to move away from long-standing accounting rules for inventory. Well, what this motion would propose to do is go back in time to the 1930s to theoretical inventories still held by oil companies. We know darn well there is no oil inventories held by oil companies since the 1930s, yet the Democrats here propose that we go back that far to tax theoretical inventory, propose a one-time retroactive tax back to the 1930s.

Such a proposal is scary even for my friends on the other side of the aisle. They did not use some economic policy that was developed by a PhD. No, they simply decided how many billions of dollars they wanted to raise in taxes on oil companies, and with some simple division it came out to $18.75 for each

layer of theoretical inventory for every oil company back to the 1930s.

This provision has no real policy behind it. It simply is a big ATM withdrawal from oil companies to punish them for following the laws of supply and demand. They couldn't pass the laugh test on the windfall profits tax, so instead they came up with a tax that is retroactive to the 1930s. We have to defeat this proposal.

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

Mr. LARSON of Connecticut. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I say to my distinguished colleague and good friend and learned man who everyone respects in this Chamber, it is the Republican-controlled Senate that passed these initiatives. It is the Republican President that has called for these rollbacks.

I said last week that the administration's policy seems to be ''leave no oilman behind.'' Or as Thomas Freeman has pointed out in the New York Times, from an international perspective, it seems like the policy is ''leave no mullah behind'' because of what we end up exporting abroad and how that money in turn is used against us.

Mr. Speaker, I yield 5 minutes to the gentleman from Washington (Mr. MCDERMOTT), who articulated this position last week.

(Mr. MCDERMOTT asked and was given permission to revise and extend his remarks.)

Mr. MCDERMOTT. Mr. Speaker, I sometimes wonder when I am out here on the floor whether anybody ever listens to anybody.

The distinguished gentleman from Texas who opposes this motion acts like some kind of wild-eyed liberal. Left-wing bunch of environmentalists come up with this idea all by themselves. This came out of the Senate, I would tell my distinguished colleague. This came out of the Republican Senate. This is an idea that sprang from conservative Republican minds who understand that there is some reason to think that the oil companies have enough.

Now, as Yogi Berra used to say, ''It's deja vu all over again.'' We are running the same script tonight as we ran about a week ago.

A week ago, the Republicans voted down my motion to stop the oil companies from legally cooking their books to avoid paying their fair share of Federal taxes. My distinguished colleague from Connecticut comes tonight with his motion.

The price tag for the oil industry is $5 billion, not by raising taxes, just by closing loopholes. But they would rather keep the money, inflate their profits and earn more money for buying bonds to finance our Federal deficit and charge the American people more at the pumps.

Now, for Big Oil, too much is not enough. That is all fine and good with this Republican leadership in the House, but it is not right with many of my Republican colleagues who know it. In fact, last week a handful of them were brave enough to vote with the Democrats and voted in favor of this motion. Now here we are, and we are going to give you a second chance.

Do we pave a road with gold for Big Oil? Do we allow them to continue to cook their books, to keep $5 billion that rightfully belongs to the American people? Even the Senate Republicans cannot buy that. My goodness, guys, come on. Even the Senate Republicans.

But, of course, the House Republicans are different. Your gas tank is empty. Your wallet may be empty. Your credit card debt may be rising with gas prices, but the party of 1 percent, which is really what the Republican Party is, does not care. Because Big Oil is part of the 1 percent of America that the House Republicans reward. They are going to pay for it by taking it out of the hides of 99 percent of the rest of America, the middle class.

I join gladly with my esteemed colleague from Connecticut to ask the House Republicans to act on the Senate Republican proposal which we support. They offered to buy you a tank of gas. That is what the leader in the other body said: we are going to give you a $100 rebate. Even industry turned that down. What good is it giving people two tanks of gas? That is simply not enough.

The American people deserve more than a Republican handout. They deserve a prescription to end America's addiction to oil. And in the weeks since the Republicans first voted down this motion, the price of gasoline has risen again.

You cannot seem to get the message. There is no surprise here. Net income of oil companies has nearly tripled since 2002, and the margins for oil refining have risen 700 percent. The answer to date from this administration and House Republicans is to give them all they want, and they want it all.

The American people are becoming a wholly owned subsidiary of Big Oil, and the House Republicans are going along for the ride. But with the enthusiastic report of the President, House Republicans are showing what their energy strategy really looks like. It is not about extracting oil. It is about extracting every dime from the American people for the oil companies. They are drilling in your wallet, and a gusher of consumer debt is paving a road of gold for Big Oil. That is the solution for our energy price for the party of 1 percent: supersize the price of a gallon of gasoline and let Big Oil get fat on the profits.

Their idea of energy independence is to dig deeper into your wallet. Democrats believe it is time to govern for the 99 percent of Americans that the Republicans have simply forgotten. It is time to stop Big Oil from cooking its books and frying the American people in the process. It is time we supersize renewable resources like wind and solar. It is time energy independence became a national policy, not a national advertising campaign by Big Oil paid for by the American people.

We can start now. We can pass this motion to instruct. We need to restore rational fiscal policy. The $5 billion would give us some money to do some of that and not endorse reckless financial tax holidays for Big Oil.

When Republicans talk about shared sacrifice, they have to prove they mean more than offering up the American people on the altar of corporate greed.

I urge all my colleagues to support the Larson motion. Just because the Democrats have the right policy on this issue does not mean the Republicans have to vote against it. You can vote with us once in a while. You will not die, nothing terrible will happen to you, and the American people will win. I urge adoption of this motion.

Mr. SAM JOHNSON of Texas. Mr. Speaker, I yield myself such time as I may consume.

Last week, my colleague from Washington State submitted for the RECORD an article describing a draft economist paper that claims to find no positive effects from the 2003 dividend and capital gains tax cut. There is solid evidence to the contrary.

I would like to submit a column from Business Week magazine written by Robert Barro, an economist at Harvard University and nominee for the Nobel Prize in Economics. He sums up a paper published in the Quarterly Journal of Economics by saying the 2003 tax cuts enhanced incentives for work effort, saving and investment. The paper shows that tax policy can have substantial and rapid effects on economic behavior.

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I submit for the RECORD a list of seven academic papers that offer support that a dividend tax cut of 2003 had a positive effect on capital markets and the economy. These papers were written by a diverse group of prominent academic economists from such institutions as the University of California at Berkeley, the University of Michigan, the University of Illinois and the Federal Reserve Board, and they directly contradict the papers submitted by my colleagues across the aisle, that the dividend tax cut had no effect. In fact, according to the IRS, dividend income by taxpayers went up 22 percent in the year after the tax cut, and qualified dividend income went up 30 percent.

[From Business Week, Jan. 24, 2005]

HOW TAX REFORM DRIVES GROWTH AND INVESTMENT

(By Robert J. Barro)

Not since 1986, during President Ronald Reagan's second term, has the atmosphere in Washington been so promising for basic income-tax reform. Proposals are likely to include making permanent the tax changes of 2001 and 2003, flattening the tax-rate structure, and moving toward taxing consumption

rather than income. The 2003 law gave a taste of what is to come by advancing the effective date for the 2001 marginal tax-rate cuts and by reducing rates on dividends and capital gains. The 2003 tax cuts enhanced incentives for work effort, saving, and investment. So I think it is no accident that the U.S. has enjoyed rapid growth rates in gross domestic product, investment, and productivity since early 2003. Employment also grew, albeit with a lag.

Because the sharp cut in dividend taxation was a centerpiece of the 2003 law, it is particularly interesting to see how companies' dividend policies changed. The anecdotal evidence suggests a strong positive response, highlighted by Microsoft Corp.'s initiation of a regular dividend in 2003. Other large companies that started regular dividends in 2003–04 include Analog Devices, Best Buy, Clear Channel Communications, Costco, Guidant, Qualcomm, and Viacom.

A broader picture comes from the recent National Bureau of Economic Research working paper, ''Dividend Taxes and Corporate Behavior: Evidence from the 2003 Dividend Tax Cut,'' by Raj Chetty and Emmanuel Saez, economics professors at the University of California at Berkeley. The Chetty-Saez study analyzes dividends paid by the universe of publicly listed corporations from the first quarter 1982 through the second quarter 2004. The sample, designed for statistical reasons to include the same number of companies in each period, comprises roughly the 4,000 largest companies by market capitalization in each quarter.

The study documents a surge in initiations of dividends after the dividend tax cut was proposed in January, 2003, and enacted in May, 2003. The percentage of companies in the sample that paid dividends increased from 20% in fourth quarter 2002 to 25% in second quarter 2004. This increased propensity to pay dividends reversed a long-term decline.

The 2003 reform was also followed by increases in payouts by dividend-paying companies. In the Chetty-Saez sample, the number of companies that raised regular dividends by at least 20% rose from 19 per quarter in the period before the tax reform was implemented to 50 in the post-reform period. Another response was a surge in special, one-time dividends. This number rose from 7 per quarter pre-reform to 18 post-reform. The most celebrated special dividend was Microsoft's payout of $32 billion, announced in July, 2004.

The post-reform increases in dividends—new dividends, larger dividends, and special dividends—still apply when Chetty and Saez control for profits, assets, market capitalization, and cash holdings. In other words, the tax reform made companies more likely to pay a dividend and to pay a larger dividend.

In addition, dividend initiations did not increase among companies for which the largest institutional investor was a pension fund or other entity not affected by the tax change. Neither did dividend initiations rise for Canadian companies, which are not affected by U.S. tax changes.

The study also revealed the relationship between the concentration of company ownership and the propensity to pay dividends. After the reforms, dividend initiations were more likely if share ownership was heavily concentrated among executives or taxable institutions. The desire of these players to have larger dividends when the tax rate falls is particularly likely to be translated into corporate dividend policy.

There's also evidence that the tax cut particularly heightened the propensity to pay dividends among companies with low forecasted earnings growth. So tax reform may have efficiently taken cash out of companies with below-average prospective returns on investment.

The dividend study shows that tax policy can have substantial and rapid effects on economic behavior. The data highlight the importance of the current deliberations on tax reform. The Bush Administration should seize the moment and deliver a tax system that promotes economic growth.

The following seven academic papers offer evidence of the positive impact of the 2003 tax relief:

Hassett (AEI), Auberbach (UC Berkeley), The 2003 Tax Cut and the Value of the Firm: An Event Study, NBER Working Paper No. 11449, July 2005, http://elsa.berkeley.edu/users/auerbach/03divtax.pdf.

Chetty (UC Berkeley), Rosenberg (UC Berkeley), Saez (UC Berkeley), The Effects of Taxes on Market Responses to Dividend Announcements and Payments: What Can We Learn From the 2003 Dividend Tax Cut?, NBER Working Paper No. 11452, July 2005, http://papers.nber.org/papers/w11452.pdf.

Chetty (UC Berkeley), Saez (UC Berkeley), Dividend Taxes and Corporate Behavior: Evidence from the 2003 Dividend Tax Cut, Quarterly Journal of Economics, Vol. 120 issue 3, August 2005, http://elsa.berkeley.edu/~saez/chetty-saezOJE05dividends.pdf.

Chetty (UC Berkeley), Saez (UC Berkeley), The Effect of the 2003 Dividend Tax Cut on Corporate Behavior: Interpreting the Evidence, American Economic Review (forthcoming), Papers and Proceedings, Vol 92, issue 2, January 2006, http://elsa.berkelev.edu/~saez/chetty-saezAEA06.pdf.

Brown (University of Illinois at Urbana-Champaign), Liang (Federal Reserve Board), Weisbenner (University of Illinois at Urbana-Champaign), Executive Financial Incentives and Payout Policy: Firm Responses to the 2003 Dividend Tax Cut, Presented at 2006 Boston American Finance Association meeting, http://papers.nber.org/papers/w11002.pdf.

Richard Kopcke (Federal Reserve Bank of Boston), The Taxation of Equity, Dividends, and Stock Prices, Federal Reserve Bank of Boston Public Policy Discussion Paper No. 05–1, January 2005 http://www.bos.frb.org/economic/ppdp/2005/ppdp051.pdf.

House (University of Michigan) and Shapiro (University of Michigan), Phased in Tax Cuts and Economic Activity, NBER Working Paper No. 10415, April 2004, http://papers.nber.org/papers/w10415.pdf.

Selected quotations from outside. independent academic papers offering evidence of the positive impact of the 2003 tax relief:

''The immediate tax rate cuts under the 2003 law provided incentives for production and investment to rise substantially . . . These incentives likely contributed to the stronger economic performance in late 2003.''—Christopher House, Matthew Shapiro, ''Phased-In Tax Cuts and Economic Activity,'' NBER Working Paper 10415.

''We find strong evidence that the 2003 change in the dividend tax law had a significant impact on equity markets.''—Alan Auerbach (DC Berkeley) and Kevin Hassett (AEI), ''The Dividend Tax Cut and the Value of the Firm: An Event Study,'' NBER Working paper 11449, July 2005.

''An unusually large number of firms initiated or increased regular dividend payments in the year after the (2003 tax) reform. As a result, the number of firms paying dividends began to increase in 2003 after a continuous decline for more than two decades.''—Raj Chetty and Emmanuel Saez (UC Berkeley), ''Dividend Taxes and Corporate Behavior, Evidence for the 2003 Dividend Tax Cut,'' Quarterly Journal of Economics, August 2005.

''Fiscal policy along with monetary policy was an important factor in helping to restart the economic engine in this latest episode.''—Federal Reserve Chairman Ben Bernanke, Testimony before the Joint Economic Committee, April 27, 2006.

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

Mr. LARSON of Connecticut. Mr. Speaker, I yield 3 minutes to the gentleman from Missouri (Mr. CARNAHAN), whose State leads this Nation in ethanol production and certainly understands the importance of the need for energy and the need for us to roll back these costs.

Mr. CARNAHAN. Mr. Speaker, Republican policies continue in this Congress to favor the wealthy over middle-income Americans and without regard to the budget deficit that is expected this year to reach $370 billion.

In the Senate late last year, they had the good sense, common sense to block extension of special tax cuts. The argument was that they should not be extending these cuts to benefit the wealthy while our lawmakers were advancing a broad budget-cutting bill that mainly targeted programs for the poor such as Medicaid and welfare.

Our ranking Democrat on the Senate Budget Committee said, ''You talk about completely detached from reality. That's this place.''

Well, Mr. Speaker, on Tuesday, the AP reported that the average cost of unleaded gasoline was $2.92, up 35 cents from a month ago. Moreover, U.S. drivers are now paying about 14 percent more to fill their tanks than a year ago.

The energy bill passed by this Congress last year was a multibillion dollar giveaway to big oil companies. It picked the pockets of the American people and helped line the pockets of Big Oil. Those taxpayer funded special breaks for Big Oil could have much better been used for funding alternative fuels and getting us weaned off our dependence on foreign fossil fuels.

Despite the failure of this policy, the Republican tax bill gives even more to the big oil companies. It is time we stopped subsidizing the big oil companies who have made not just record profits but the biggest profits in the history of the world. This is why I rise in strong support of the motion to instruct, and I commend my colleague, Mr. LARSON from Connecticut, for offering it.

This motion would make three very important changes to close tax loopholes that are lining the pockets of Big Oil. First, it would eliminate accounting gimmicks that allow Big Oil to artificially inflate costs and reduce profits, thus reducing their tax liability, and continue on this course of record profits at the American public's expense.

Second, it would close the loophole that gives oil companies a tax break for taxes they pay for doing business in foreign countries.

And finally, the motion also eliminates the tax break for accelerating depreciation for oil companies that was given to them in the energy bill.

The Larson motion would eliminate a 2-year amortization treatment for certain expenditures, treatment that is wholly inconsistent with the way this type of expenditure would be treated by other businesses. It is not fair to other American businesses, Mr. Speaker. Even the Bush administration has acknowledged this is excessive.

It is time we end the Republican policy of giveaways to Big Oil, and I urge my colleagues to support the Larson motion.

Mr. SAM JOHNSON of Texas. Mr. Speaker, I continue to reserve the balance of my time.

Mr. LARSON of Connecticut. Mr. Speaker, I yield 6 minutes to the distinguished gentleman from Michigan (Mr. STUPAK), who has put forward legislation of his own and is here to speak and address this issue as he so often does and articulates it with such conscience and with such articulation.

Mr. STUPAK. Mr. Speaker, I rise in strong support of the Larson motion to instruct conferees on H.R. 4297. The motion to instruct conferees is to adapt the three Senate provisions affecting large integrated oil companies and would raise over $5 billion in additional revenue over 10 years.

Basically, what the Larson motion is doing is saying the same thing the President has said, once oil gets over $40 a barrel. Right now it is at $73 a barrel; why do we have to continue to give oil companies, big gas companies more tax breaks?

Look at these record profits. 2005: this is just ExxonMobil. It was like $36 billion, the most ever by a U.S. company. The whole industry in the last year was over $110 billion. But yet the policy of this country is, give them more tax breaks.

We have Mr. HIGGINS from New York who has the bill to say, take away the tax breaks. Take away those subsidies. If you are making this kind of money, why do you have to gouge us again? It is bad enough you gouge us at the pump. Now you are going to gouge us on April 15 and every day we pay taxes, and you are not paying any, with those record profits.

Or take Mr. MARKEY's legislation. You know, when they drill for oil and gas on Federal lands, you are supposed to pay a royalty. But they get suspended. They can't even pay a reasonable royalty to the American people for drilling on the lands you properly own. Why can't we have the Markey bill before this House? Why can't we have the Higgins bill before this House? Because we will cut into these record profits, that is why. Because the American people are with the Democrats on the issue in support of the Larson motion to take away these tax subsidies for the richest companies in the world.

Or how about the bill that we have been talking about for the last couple of weeks now, which is the PUMP Act that we have introduced, which is, prevent unfair manipulating of prices. Look, these old futures, as these prices go up, how do they get up there? How did we go from $40 a barrel to $73 or $75 a barrel? Through speculation, through greed and through fear.

So we start speculating on the price of oil, add a little fear, like we have lately. That is called Iran because they might suspend oil supplies, so that is going to have to bring it up, and then we can get more profit out of it.

Underneath the PUMP Act, what we are saying is, and currently, under current situation, only 25 percent of the oil futures are traded under NYNEX, the New York Mercantile Exchange. That means 75 percent are traded off-market. OTC they call them, over-the-counter.

All the experts tell us if we would only regulate the trading of oil futures through the Commodity Future Trade Commission, we could cut the price of a barrel of oil by $20. That would be one-third off at the pump. That would be like 90 cents off a gallon of gas if we could just regulate it.

If it is good enough for 25 percent of the oil traders to be regulated under the Commodities Future Trade Commission, why can't we do all of them? Just a fair question.

That is our legislation. Democrats came up with that one. Again, we can't bring it to the floor. Look, price gouging, that is what we have been getting right here. And here today we passed the so-called price gouging bill, the Wilson bill. I even voted for it, as weak a bill it was on price gouging. And it is at least a start. The Republicans acknowledge that there is gouging going on, so at least they brought a bill today; that was a start. But we want to improve it.

Why do we have to improve the Wilson price gouging bill that was passed by the House today? Just take a look at it. If you are going to start getting at the cost of energy, you have to start from the ground all the way to the gas pump. We know that, during September 2004 to September 2005, the cost of refining a gallon of gasoline went up 255 percent. That is price gouging. Of course, the Wilson legislation doesn't take that into consideration.

The Wilson legislation, the so-called price gouging legislation, doesn't consider natural gas, doesn't consider propane.

See what happens here with the Republican Party and the special interests; only special interests are given freeness. We don't tax oil companies. We don't tax gas companies. We don't include all types of energy in price gouging, even if it does go up 255 percent in 1 year. That is not price gouging. Let's give them a break.

Look, people are tired of being gouged at the pump or when they heat their homes. I have been for 8 months trying to bring up a reasonable piece of legislation on price gouging. It takes in all forms of energy from the ground to the pump.

We had the PUMP legislation, which will actually cut $20 off a barrel of oil. Why can't we do that? Why can't we take away the tax subsidies? Why can't they pay a royalty when they drill on Federal lands? Why are we protecting these record profits that you see right here? I think the American people know.

So I have been on this for the last 8 months. I am on the Energy and Commerce Committee. I have written to the chairman to have a hearing on my bill, because this winter, the Escanaba Senior Center got their bill. $7,000; next month it was over $13,000. Their energy assistance, LIHEAP, Low-Income Heating Energy Assistance Program, only gives $6,000 a year. They used it all up in 1 month.

And after they get done gouging us at the gas pump, they will be gouging us this winter as we heat our homes. Therefore, let's use common sense. Let's give something back to the American people who are being gouged at the pump, at the thermostat and every day by these oil and gas companies.

Pass the Larson motion. It is the least we can do to try to bring some sanity back to this industry which is totally out of control and being protected by the Republican majority.

Mr. SAM JOHNSON of Texas. Mr. Speaker, can I ask the gentleman, how many more speakers do you have?

Mr. LARSON of Connecticut. I don't believe we have any more speakers. I believe I have the right to close. I will reserve that right, and the gentleman can proceed.

Mr. SAM JOHNSON of Texas. Mr. Speaker, I yield myself such time as I may consume.

You can talk about price gouging all day, but it costs money to get oil out of the ground and get it delivered, and we have an excellent delivery system. And that oil doesn't come from just this country, because some of my friends over there have blocked us from drilling for oil or gas in the major parts of our country.

I think that another provision that our Democrat friends propose in their effort to repeal the law of supply and demand by reducing foreign tax credits, they are proposing to increase the capital cost of American oil companies when drilling in other countries. And they think this will somehow reduce the cost of oil.

Well, if you are scratching your head and wondering how increasing capital costs will then somehow be able to reduce the cost of a final product, join me in voting against this motion. This motion simply doesn't make sense.

The Democrat proposal to take away foreign tax credits when American oil companies are drilling in far off places like Africa, South America or Central Europe, the last time I looked, that is where a lot of oil is. Yet the part of the Democrat motion on the foreign tax credit does increase the cost of drilling in those countries.

Perhaps our Democrat friends would rather have China National Offshore

Oil Company or Venezuelan companies winning these drilling contracts rather than American companies. I can assure you that the president of China National Offshore Oil Company and Hugo Chavez in Venezuela really don't care about the cost of a gallon of gasoline in suburban America.

To handicap American oil companies when drilling offshore would be to disadvantage American oil companies in these global drilling contracts and will ultimately harm Americans at the pump.

Again, Mr. Speaker, our friends on the other side of the aisle are aiming to repeal the law of supply and demand. Just like they can't repeal the laws of physics and have pigs fly, they can't repeal the law of supply and demand in the oil market. We should defeat this motion to instruct conferees.

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

Mr. LARSON of Connecticut. Mr. Speaker, I yield myself such time as I may consume.

And to my distinguished colleague from Texas, apparently, pigs have taken flight in the United States Senate because the Republican-controlled Senate has sponsored this very straightforward legislation that calls for these rollbacks.

And no one less than the President of the United States, and I will reiterate again, said ''record oil prices and large cash flows also mean that Congress has got to understand that these energy companies don't need unnecessary tax breaks.''

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''I am looking forward to Congress to take about $2 billion of these tax breaks out of the budget over the next 10-year period. Cash flows are up. Taxpayers do not need to be paying for certain of these expenses on behalf of energy companies,'' the President of the United States.

But, you know, the real test here, I like to call it the Augie & Ray's test. Augie & Ray's is a little diner in my hometown of East Hartford. I go there frequently, and I have an opportunity to meet with people that are baffled by what is going on here in the United States Congress but surely astounded by the greed that exists in corporate America, especially as it relates to energy prices.

These are people, regular people, in the Northeast who have seen their moneys cut for low energy assistance to heat their homes. These are people that are paying huge prices at the gas pump that is chewing up all of the profits that a small businessman makes, and they are wondering aloud what the United States Congress is going to do about it. So the President of the United States, a Republican, and the Republican-controlled Senate call for this rollback that is modest at best; and yet our colleagues on the other side of the aisle persist in saying, oh, no, this is much-needed relief for oil companies that receive tax cuts on top of record-breaking profits, while we cut assistance to the poor.

People that have to make a decision between the food that they eat, heating and cooling their homes, and the prescription drugs that their doctors tell them to take want relief from their government. We have already made them refugees from their own health care system by sending them to Canada to get the kind of prices on their prescription drugs that they can afford, and now we are squeezing the middle class throughout the Northeast and senior citizens who have nowhere else to turn.

This is a modest, modest proposal that Mr. MCDERMOTT submitted last week and I submit this week, that the Republican-controlled Senate has already passed.

We implore you to embrace this straightforward rollback in a time when oil companies and their executives have made unprecedented profits so that we can provide basic relief to American citizens. I implore my colleagues to vote for this motion.

Mr. LEVIN. Mr. Speaker, I rise in strong support of the motion by Representative LARSON that calls for rolling back $5.4 billion in unjustified tax subsidies and loopholes for the oil industry. The Senate has voted to close these loopholes, and the House should do the same. We are here to represent the interests of American consumers, not the interests of the oil companies.

The average U.S. price for self-serve regular gas is $2.91 a gallon, or nearly 70 cents higher than it was at this time last year. This is the average cost. In many areas, the price of a gallon of gas is much higher. Some of this is due to higher oil prices and strong demand for petroleum, but some of the price hikes we are seeing simply cannot be explained away by supply and demand.

At the same time that consumers are facing pain at the pump, the oil companies are raking in record profits. Last week, the world's largest oil company, Exxon Mobil Corp., announced first-quarter profits of $8.4 billion, up 7 percent from a year ago. This gave Exxon the fifth-highest quarterly profits ever recorded by a publicly-traded company. Marathon Oil's profits more than doubled in the first quarter to $784 million. ConocoPhillips, the Nation's third-largest oil and gas producer, reported last week that its first quarter profit rose 13 percent. All told, the country's three largest U.S. petroleum companies posted combined first-quarter income of almost $16 billion, an increase of 17 percent from the year before.

Further, Exxon Mobil recently was able to give its former CEO one of the most generous retirement packages in history: nearly $400 million, including pension, stock options and other perks. The people I represent simply do not understand how the energy companies can keep posting sky-high profits, award $400 million golden parachutes to their executives, and keep raising the price of gasoline.

The very least Congress can do is to close some of the unjustified loopholes in the tax code that unfairly benefit big oil companies. Americans are watching what we are doing here. I am sure they noticed a plan floated by Senate Republicans last Friday to give consumers a $100 rebate check, paid for by a tax change on oil company inventory accounting. For most people, that would come out to about two or three tanks of gas. Consumers want us to fix the problem, not buy them off with a $100 check. But what's interesting here is how the proponents of the rebate plan quickly shelved their proposal just a few days later after oil companies waged an intense lobbying effort to block the closure of the inventory accounting loophole. This speaks volumes about who the Republican leaders of Congress listen to.

The motion before the House would roll back $5.4 billion over 10 years in tax subsidies and loopholes for the oil industry. That comes out to about $135 million a quarter, which comes out to be about 1.6 percent of Exxon's first-quarter earnings in 2006.

So there is a clear choice before the House today. We can stand with consumers who are struggling with these sky-high gas prices, or we can stand with the oil companies that are posting some of the highest profits in the history of the world.

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 offered by the gentleman from Connecticut (Mr. LARSON).

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

Mr. LARSON of Connecticut. Mr. Speaker, on that I demand the yeas and nays.

The yeas and nays were ordered.

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

MOTION TO INSTRUCT CONFEREES ON H.R. 2830, PENSION PROTECTION ACT OF 2005

Mr. GEORGE MILLER of California. Mr. Speaker, I offer a motion to instruct.

The SPEAKER pro tempore. The Clerk will report the motion.

The Clerk read as follows:

Mr. George Miller of California moves that the managers on the part of the House at the conference on the disagreeing votes of the two Houses on the Senate amendment to the bill H.R. 2830 be instructed to recede to the provisions contained in the Senate amendment regarding restrictions on funding of nonqualified deferred compensation plans, except that—

(1) to the maximum extent possible within the scope of the conference, the managers on the part of the House shall insist that the restrictions under the bill as reported from conference regarding executive compensation, including under nonqualified plans, be the same as restrictions under the bill regarding benefits for workers and retirees under qualified pension plans,

(2) the managers on the part of the House shall insist that the definition of ''covered employee'' for purposes of such provisions contained in the Senate amendment include the chief executive officer of the plan sponsor, any other employee of the plan sponsor who is a ''covered employee'' within the

meaning of such term specified in the provisions contained in the Senate amendment (applied by disregarding the chief executive officer), and any other individual who is, with respect to the plan sponsor, an officer or employee within the meaning of section 16(b) of the Securities Exchange Act of 1934, and

(3) in lieu of the effective date specified in such provisions contained in the Senate amendment, the managers on the part of the House shall insist on the effective date specified in the provisions of the bill as passed the House relating to treatment of nonqualified deferred compensation plans when the employer's defined benefit plan is in at-risk status.

Mr. GEORGE MILLER of California (during the reading). Mr. Speaker, I ask unanimous consent that the motion to instruct be considered as read and printed in the RECORD.

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

There was no objection.

The SPEAKER pro tempore. Pursuant to clause 7 of rule XXII, the gentleman from California (Mr. GEORGE MILLER) and the gentleman from California (Mr. MCKEON) each will control 30 minutes.

The Chair recognizes the gentleman from California (Mr. GEORGE MILLER).

Mr. GEORGE MILLER of California. Mr. Speaker, I yield myself 7 minutes.

Mr. Speaker and Members of the House, my motion to instruct conferees on the pension conference that is now going on between the House and Senate is very simple. It says that any pension restrictions we impose on the Nation's hardest-working employees and retirees must also be applied to the Nation's CEOs and corporate executives. It says no more preferential treatment, legal loopholes, manipulation, or special exemptions for executives with the pensions of the various companies of this country.

Today, the Enron criminal trials are reminding us of how Ken Lay and his merry gang ran Enron into the ground through a vast criminal conspiracy of greed and arrogance, all at the expense of consumers, the investors, and tens of thousands of employees who lost billions of irreplaceable life savings.

Ken Lay and his cronies plundered the company by putting themselves above the law, beyond the rules, and shamelessly exploited legal loopholes that allowed them to walk away with tens of millions in golden parachutes and perks, while their employees were kept in the dark about the sinking ship of Enron. In fact, they were even advised by Mr. Lay to continue buying the stock while he and his family were selling the stock privately without telling the public or the employees.

During the pension debate, President Bush took notice of the preferential treatment for corporate CEOs and executives in pension law, and he said, ''If the rules are okay for the sailor, they ought to be okay for the captain.''

Well, the House pension bill ignores that admonishment. It sets up two sets of rules, one for the sailors and the other for the captains, one for the employees and those who are in the penthouses, one for the employees and those who are in the corporate offices. Two sets of rules, both working, both spending a career perhaps trying to make a company successful but treated differently when it comes to retirement.

Under the House pension bill, hardworking employees and retirees are punished when executives do not appropriately fund their pension plans, when the executives manipulate the pension plans to improve the bottom line, when the executives manipulate the pension plans so that they can get stock options so the company appears that it is doing better than it is, when they manipulate the pension plan so that they can terminate that pension plan. These employees then are denied the payouts. They are denied the benefit increases. They are denied the COLAs. That simply is not fair, and it is wrong, and this motion to instruct tells the conferees to stop it, to stop this privilege, to stop this discrimination against hardworking employees with their pensions.

Executives are exempt from these restrictions under the pension plan if their plans are underfunded between 60 and 80 percent. They can take a lump sum pension plan. They can take it and leave the company. They get their benefit increases. They get their COLAs. And they frequently have taken the money and run.

The House pension bill says that retiring ExxonMobil CEO Lee Raymond can take his $98 million pension in a lump sum and run. It says that Lee Raymond can take his golden parachute, his stock options, his cushy retirement package worth $400 million and run. He gets his lump sum. He gets his COLA. He gets his benefit increases. He gets his stock options, his pension increases, and his golden parachute. He gets all of that on top of the $686 million he earned from 1993 to 2005.

But what happens to the employees? If that pension plan is not funded above 80 percent, those employees do not get a lump sum payment. They are stuck in that plan. They cannot exercise that choice.

So here is old Mr. Raymond, Mr. Raymond of ExxonMobil. He gets to take $98 million out. Two of the pension plans are funded at about 60 percent. Mr. Raymond gets to take his money and go on his merry way.

The employees, the roughnecks, the people in the oil fields, in the refineries, in the offices, in the research centers, they are stuck. They are stuck. They cannot take a lump sum payment.

But it does not just apply to Exxon. This is just the most egregious case where they made a decision that he would walk away with $400 million in benefits, a $100 million lump sum payment, and the employees get none of that. But that is essentially what Ken Lay did, too. Ken Lay insured their pension plans. They take them off the books. They take them off the records so that, no matter what happens, when they go into bankruptcy, they are protected.

So here is what happens: we are paying over $3 a gallon for gasoline. That has made Mr. Raymond at Exxon a lot of money. Mr. Raymond has been earning an average of about $144,000 a day. He has a golden parachute worth $400 million; and the House bill says to Mr. Raymond, you go ahead and take your lump sum. It says to Ken Lay, you go ahead and take your lump sum. It says to the CEO of United Airlines, you go ahead and take your lump sum even though you are putting your pension plan into bankruptcy. You can do that. You can protect yourself.

Well, the President of the United States, he has not gotten a lot right, but he got this right. He said if it is good for the crew, it is good for the captain. And that is what this motion to instruct says. It says that we have got to stop manipulating these pension plans for the benefit of the employers, for the benefit of the corporate officers, for the benefit of those individuals, as opposed to the working people, the people who are building these companies every day around the world.

In the oil industry, people are working in hostile environments, in hostile situations all over the world. But when it comes time for their pension, they are treated as if it did not matter, as if they had nothing to do with the building of the wealth of a great company like Exxon or a great company like United. No. They go to court and they sever the social contract. They dispose of these people.

People lost billions of dollars in the United case. Those employees were in bankruptcy. They lost their pensions. But when Mr. Tilton, the CEO, woke up that morning, he was $15 million richer than when he went to bed that night. That is just what he got for taking the company into bankruptcy. That does not talk about his pension plans and the rest of the protections that he got.

The time has come, and I think America now sees it, that we have allowed the pensions of American corporations to be manipulated to provide these kinds of benefits. Pension plans have been used for every other purpose except providing a secure retirement to middle-income Americans who spend 25 to 30 years helping to build successful enterprises in this country. When it comes for their retirement, they are second-class citizens.

Vote for this motion to instruct and stop that kind of treatment of America's workers.

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

Mr. Speaker, in the late 1990s, Congress started down the road of providing workers more investment advice to help them safeguard their retirement security. And who led the way? The House Republicans.

Four years ago, after Enron and other corporate meltdowns, Congress

started down the road of giving workers and retirees more freedom to diversify in their retirement plans while prohibiting senior corporate executives from selling company stock during blackout periods when workers are unable to change investments in their own plans. And who led the way? The House Republicans.

Several years ago, Congress started down the road of reforming the defined benefit pension system to benefit workers, retirees, and taxpayers alike. Who led the way? The House Republicans.

And just last year, as Congress finally moved on defined benefit reform for the first time in over 20 years, those efforts included proposals to address concerns over excessive executive compensation packages, even though many argue that this issue is more appropriately addressed within the context of corporate governance, not pension reform. And once again who led the way? House Republicans.

Today, as we debate this politically motivated motion to instruct and as our friends on the other side of the aisle try to tie the issue to gas prices or certain companies, they are leaving out an important fact. During each of the pension reform efforts I just described, including those addressing executive compensation, our colleagues on the other side of the aisle were late to the party, or entirely absent. Only now, in the heat of a political season, are they finally engaging on this issue. Unfortunately, this transparent exercise in partisan politics will do nothing to enhance workers' retirement security.

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Last year, when the Education and Workforce Committee crafted the Pension Protection Act, we took aim at the unfair practice of awarding excessive executive compensation packages when worker and retiree pension benefits remained at risk. Our goal: to hold companies and their pension plan managers accountable to the workers and retirees who rely on the well-being of both.

Our bottom line was this: workers and retirees who are questioning the health of their pension plans deserve to know that their companies' executives don't have the option of using a golden parachute to escape financial hardship on their own. That is a philosophy that garnered the support of 70 of our Democrat colleagues last year when the Pension Protection Act passed here on the House floor.

We may hear from some of those Members today, and they may claim they supported the bill to move the process forward, in spite of some reservations. But the need to move the process forward is precisely the reason why we must vote down this politically motivated motion to instruct. The process is moving forward. We are in conference with the Senate on this bill, and executive compensation is one of the issues still to be addressed. To tie the hands of our conferees would circumvent that process and would hurt, not help, in our negotiations with the Senate.

Our colleagues may be interested to know that the executive compensation language included in the bipartisan Pension Protection Act is actually broader in terms of the number of executives it could impact than the language included in this politically motivated motion to instruct. That is right. The Pension Protection Act applies executive compensation limitations to a wider scope of executives who may currently have access to these golden parachutes, executives who are directly responsible for the well-being of both the company and the plan, while the Democrat motion would place restrictions on only a chosen few in each company. So if we are truly looking for good policy and not just politics, this motion to instruct represents a significant step backward.

Here is what the Pension Protection Act will do: it establishes strong, new protections that restrict the funding of executive compensation arrangements, either directly or indirectly, if an employer has a severely underfunded plan funded at 60 percent or less.

Moreover, the bill requires plans that become subject to these limitations to notify affected workers and retirees. In addition to letting workers know about the limits, this notice must alert workers when funding levels deteriorate and benefits already earned are in jeopardy.

So beyond simply tightening the grip on excessive executive compensation, the Pension Protection Act will require that workers are provided more information than ever before about the status of their hard-earned pensions.

Mr. Speaker, simply put, when the risk of losing pension benefits is imminent for rank-and-file workers, the Pension Protection Act requires executives to also experience the same risk; contains strong, new protections for workers, retirees and taxpayers; and it includes limitations on anti-worker executive compensation arrangements.

I urge my colleagues to vote ''no'' on the motion to instruct and reject this attempt to obscure progress on the pension reform.

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

Mr. GEORGE MILLER of California. Mr. Speaker, I yield 4 minutes to the gentleman from New Jersey (Mr. ANDREWS).

(Mr. ANDREWS asked and was given permission to revise and extend his remarks.)

Mr. ANDREWS. Mr. Speaker, I thank my friend from California for yielding, and I rise in support of his amendment.

I am one of the Members of the minority party that wanted to vote to move this bill forward, and I said when I did there were things we needed to fix. Well, this is one of them, and voting for Mr. MILLER's amendment is a great way to tell the conferees to fix it.

ExxonMobil made the highest profit in the history of corporate America. What a lot of people don't know about it is that in 2005, ExxonMobil's pension plan was only 72 percent funded. For every $100 they needed for pensions, they only had $72. They did, however, find the money to pay a $98 million pension payment to their departing CEO.

Now, this just doesn't seem right. A pension plan that is badly underfunded should not be making a huge payout of that description. So the majority set out to do something about it, and they did. Here is what the majority did. They said that if a plan is less than 80 percent funded, then the workers might have to give something up. They might have to give up their cost-of-living adjustment, they might have to give up the right to a lump sum payment when they retire. Just sort of spread the pain around. But the House provision also says that as long as the plan is at least 60 percent funded, you can do what was done for the CEO of ExxonMobil and pay him the Moon and the sky.

Think about that for a minute. It was almost as if this proposal was written with this gentleman in mind, because the Exxon plan was 72 percent funded in 2005. That means that it was low enough that you could go to the rank-and-file and restrict and reduce their pension benefits but high enough that you could still make the $98 million jackpot payment to the departing CEO. This is indefensible.

The Senate did something very different. The Senate said that what is good for the captain is good for the crew and vice versa. They listened to the President's admonition, and they have a provision that has a more precise and fair measure of equality. It says that if you are in a position where employee benefits have to be in some way restrained, and, by the way, those restraints are much less severe than those in the House bill, then so must there be restrictions on the executive.

What would have happened if the provision that Mr. MILLER supports and this House ought to support applied to ExxonMobil? Here is what would have happened: they would have said to the departing CEO: We are sorry. Because we haven't taken our record high profit and made our pension fund fully funded, you can't get your $98 million. So until the people who worked in the refineries and drove the trucks and put out the payroll and did all the things the rank-and-file does, until their pensions are taken care of, yours can't be either.

This is supposed to be a Congress that follows the principles of family values. In my family, pain is equally shared. As a matter of fact, it is not equally shared. Those who are strongest and most able bear more pain than those who are weakest and least able. This is a distorted version of those values.

So Mr. MILLER is asking for simple equality. He is reflecting a provision that nearly a unanimous Senate supported. So should we. Vote ''yes'' for

Mr. MILLER's proposal, and bring back some sanity and justice to this system.

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

Mr. GEORGE MILLER of California. Mr. Speaker, I yield 3½ minutes to the gentleman from Ohio (Mr. KUCINICH).

(Mr. KUCINICH asked and was given permission to revise and extend his remarks.)

Mr. KUCINICH. Mr. Speaker, I rise in strong support of this motion to instruct, and I commend my colleague, Congressman MILLER, for filing this motion and bringing the pressing issue of worker and executive parity to the floor for debate.

Under the pension reform bill passed by the House, a pension plan that is less than 80 percent funded would not be allowed to increase benefits or establish new benefits for its workers, regardless of the reason for the underfunding. But as has been pointed out by Mr. MILLER and Mr. ANDREWS, while worker pensions are held stagnant, executive pensions remain unrestricted until the plan is less than 60 percent funded. This is patently unfair to workers.

The American people can understand that when workers are being treated in a way that diverges from the people who run the companies and when the game is fixed to make sure that the CEOs receive incredible pensions, well, the workers are cheated. People can understand that.

Pension plans are administered and funded by companies, not workers. Yet, under H.R. 2830, the workers are punished for faulty management of plans. This restriction undermines workers' retirement security, and it is contrary to the purpose of ERISA.

The past decade is littered with examples of increasing executive pay and pensions while workers' pensions were underfunded or even terminated. In 2002, for example, U.S. Airways CEO Stephen Wolf received a lump sum pension of $15 million. Six months following that executive payout, U.S. Airways filed for chapter 11 bankruptcy. One eventual outcome of that bankruptcy was the termination of the pilots' pension plan. The CEO, $15 million; the workers, their pension plan is terminated.

Stories with a similar theme can be shared about United Airlines and Delta: executive receives a protected pension benefit or extra stock options while workers are left with terminated pension plans and a cut in benefits.

As has been said before, ExxonMobil's outgoing CEO, the same ExxonMobil that is gouging people at the pump, their CEO is going to get $98 million in a lump sum pension payment while the company's overall funding for workers and retirees remains only 72 percent funded. It is time for these disparities to end.

Although this motion to instruct is not going to be able to restore the pensions of those workers already harmed by executive abuse, it will make a difference to others. Pensions are not just investments to a worker. To a worker, a pension is a vital piece of retirement security.

Pension plans do not belong to the companies; they belong to the workers. They are the workers' money. They are the workers' futures. They are the property of the workers. We have a duty to ensure that workers' pensions are not subject to unfair restrictions while those controlling the plans receive bonuses.

Millions of American families are watching this debate, and they are wondering, whose side are we on?

Mr. MCKEON. Mr. Speaker, I continue to reserve my time.

Mr. GEORGE MILLER of California. I yield 3 minutes to the gentleman from Massachusetts (Mr. TIERNEY).

Mr. TIERNEY. Mr. Speaker, I thank the gentleman from California for yielding.

Mr. Speaker, I am not sure it will take me 3 minutes to talk about a very basic value that I think we can all agree on, and that is fairness.

The majority's pension bill is unfair, frankly, to, workers. When a pension plan is underfunded, workers get penalized, but the corporate chief executive officers and the executives, the people that are actually at fault for the underfunding, they get a walk on this situation. They get a free ride. That is unfair. It is unfair that the companies treat their executives so well when rank-and-file members are suffering.

There is no way that Federal policy ought to sense that kind of activity or inequitable treatment. Our pension laws have to treat workers fairly.

Under the House bill, when funding levels fall on a tax-qualified pension below 80 percent, then workers can't get the benefit increases, can't get a cost-of-living adjustment, can't get a lump sum pension payment. But under the House bill, executives can continue to lavish themselves with benefits under the non-qualified plans with no restrictions.

Executives don't feel the pinch until funding levels drop below 60 percent. At that point, executives are prohibited from transferring corporate assets to executive compensation.

The Senate bill provides for more equitable treatment of executives and workers. Under that bill, workers do not lose their cost of living adjustments or their lump sum payment options at 80 percent. CEO pensions are restricted if pension plans fall to less than 80 percent of funding and the company is a credit risk.

Congress is the people's House. It ought to be about ensuring fairness, in the pension process as well as in other areas. It ought to be about leveling the playing field and making sure that workers and executives are subject to the same pension rules.

Mr. MILLER's motion directs the pension conferees to apply the same benefit restrictions to workers and CEOs. This motion to instruct is about fairness, it is about the very thing that this, the people's House, ought to be about. I think the people are going to be looking at this vote, and, just as Mr. KUCINICH said, they are going to be wondering, whose side are we on? We ought to be on the side of fairness, on the side of equity and on the side of the workers in this matter in treating everybody fairly and equitably.

Mr. MCKEON. Mr. Speaker, I continue to reserve.

Mr. GEORGE MILLER of California. Mr. Speaker, I yield 3 minutes to the gentlewoman from Illinois (Ms. BEAN).

Ms. BEAN. Mr. Speaker, I thank the gentleman for yielding.

Mr. Speaker, I rise in support of Mr. MILLER's motion to instruct. I supported H.R. 2830 when it was passed by the House in December, and I fully expected that an improved version would return from conference. One improvement we can make today addresses the concerns our constituents have about the inequitable treatment of retirement compensation for employees and executives.

□ 2000

Sadly, over the last few years, hundreds of thousands of hardworking Americans have had their company pensions severely cut, in some cases after 30 or 40 years of loyal service. Their companies have justified these pension cuts with the argument that cuts are necessary to remain competitive. But, at the same time, these same companies are providing lavish bonuses and compensation to their executives.

Well, I believe it is important for companies to offer competitive compensation packages to recruit the best executives. I do not believe executives should be rewarded because of or in spite of the cuts that they have made to the pensions of their employees and retirees. Instead, executives should be held accountable for the mismanagement and underfunding of their pensions.

When companies underfund or dump employees' pensions while handing out golden parachutes to their top executives, they are not demonstrating the kind of corporate citizenship American workers and taxpayers expect.

Mr. Speaker, that is why I urge you to join me in supporting the Miller motion to instruct. The Miller motion will promote parity between the compensation packages executives receive with the pensions employees have earned. By doing so, perhaps executives will finally be given the incentive needed to fully fund and protect the pensions of their employees. It is about time for pension parity and fairness.

Mr. MCKEON. Mr. Speaker, I continue to reserve the balance of my time.

Mr. GEORGE MILLER of California. Mr. Speaker, I yield 2 minutes to the gentlemen from Oregon (Mr. DEFAZIO).

Mr. DEFAZIO. Mr. Speaker, Lee Raymond, $400 million. He was not at ExxonMobil all that long. So it figures

out to $135,000 a day in his pension payoff.

Now, remember, he can get a huge lump sum because he is an executive. But a worker cannot, because there is different standards that apply. For the execs, if they have funded 60 percent of their liability for their pension plan, big bonuses, $400 million. For a line worker, nah, sorry, you are not at 80 percent. You cannot get it. That is the way it is at ExxonMobil.

Let me give another example, what happens when the companies do go belly up. United Airlines. Talking to a flight attendant. She did not meet the cut. She was not age 50, although she had worked at the airline 28 years. So she did not meet the cut for the people to get a more generous accommodation. She is now 49 years old. If she works until age 65, at which point she will have 45 years in with the airline, 45 years, she will get $12,000 a year, $1,000 a month. But those execs who guided United into bankruptcy and then guided United back out of bankruptcy by shedding things like pension obligations get very huge bonuses. Is that not a great world?

Now, I just kind of figured it out. For her, you know, she will have worked about 17,000 days. And so if she lives 20 years, at $12,000 a year, she is going to get somewhere around a buck and a half a day pension.

Now this guy gets $135,000 a day for the time he put in. Is that fair? I do not think the American people think that is fair. It is not right. It has got to stop. And if you cannot vote for this, shame on you.

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

Mr. Speaker, the important thing is not all of the talk, the important thing is the action. As I said earlier, the Republicans have led the action in bringing this bill to the floor. We are leading the action in getting the conference report done. We do not want to do anything to hold up that process.

It is important that we vote ''no'' on this motion to instruct and that we move forward on bringing this final pension conference to the bill so that we can save workers' pensions.

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

Mr. GEORGE MILLER of California. Mr. Speaker, Members of the House, this debate is quite fundamental. It is about fairness. I have worked in a lot of oil refineries. I have worked in very cold mornings and very cold nights, and I have worked at the top of cracking towers, and I have cleaned out tanks, and I have worked on the ships that moved the oil across the seas.

I thought every day I was working in those efforts I was working hard and trying to have that company be a success so they could pay me and I could support my family.

I am sure that is how many workers work, whether they work for Chevron or Exxon or IBM or anyone else. People in America take their work very, very seriously. It identifies them. It is important to them. They show up. They do their job.

Yet the system is structured against them, and this pension system is completely structured against them. Because whether it is Enron or whether it is Exxon or whether it is IBM, what we see is the constant manipulation of the pension plans of these workers to benefit the CEOs.

This amendment says a very simple thing. It says, you have to treat these workers the same. You do not get to put one worker in a trick box because you do not fund the pension at 80 percent, so, therefore, they cannot have the choice of a COLA or lump sum or an annuity plan.

But the CEO, if it is not funded, if it is only funded at 60 percent, they can run the gamut. They can take whatever choice they want. They can take their money now and leave. If they think the company is not going to do well, take a lump sum, secure yourself, go buy an annuity.

But the average worker does not get to do that, and that is why millions of American families now are feeling so terribly threatened about their retirement future, because they do not know whether or not this pension will continue to be manipulated.

And the fact of the matter is, the House bill, as it was reported, continues to let people manipulate the pensions of hardworking Americans for the benefit of the executives and the CEOs; and that is why we are saying we want a fairer bill like what was passed in the Senate that treats people similarly.

What is the incentive for the company to fund its pension plan above 80 percent so that these workers can get a COLA, so that these workers can get a lump sum payment? None. None. There is no price to be paid for being at 80 percent.

You get all of the benefits you want as the CEO, as the president of the company, as the executive secretary, as its executive vice president. You get all of your benefits. Life is fine for you. It is just the thousands of people who are working for you that make the company a success that get discriminated against.

You know, we have had a series of e-hearings where we talked to people whose pensions were threatened at United, at Delta, at Delphi, at all of those companies.

You are talking about the livelihood, the absolute livelihood of those people in terms of their retirement. You are talking about their hopes and their aspirations and their dreams for their retirement nest egg, what they were going to do with their life after years of hard work.

And all that can just evaporate through the manipulation of these plans by CEOs and executives. And it is all legal. It is all allowed under the law, and it is allowed under your bill. It is allowed under your bill, that kind of manipulation against hardworking people.

At some point, this House has to ask itself, is that fair? Is that just? Is that moral? And the answer is, it is not. When you see the turmoil, when you go home and talk to your constituents and they talk about the foreclosure of their plans and their dreams for their retirement, when they talk about the burden now of trying to take care of a sick spouse because their retirement has been reduced, their retirement has been eliminated, they have been given some measly payout, then you start to understand how unfair this pension system is in this country and how badly it has been manipulated.

It is not me that is saying that. A few months ago, the Wall Street Journal ran almost a full page article on the many, many, many ways that pension plans are manipulated to benefit the shareholders, to benefit the stock options, to benefit the compensation plans, to benefit the retirement plans of CEOs. So all of those benefits, to the detriment of the workers.

They are tricked up every year on assumptions of income, assumptions of interest rates, assumptions of payouts, assumptions of longevity. All of those things are used to manipulate the pension plans; and, generally, the result is that the worker is left holding the bag. It is one of the reasons we have so many plans that are underfunded.

Exxon has all of this profit. Think if they funded their plan from 72 percent to 80 percent. These employees would have a choice. But if they do not do that, they do not have to worry about these employees having a choice.

That is what is being addressed in the conference committee. It is about this fundamental fairness for hardworking people. When you lose your pension or a significant portion of your pension when you are 50, 53, 55, 58 years old, where do you go as a middle-class working person in this country to regather those assets so you can have the retirement that you were planning on and your spouse was planning on?

Where do you go to get that, to take care of your health care needs in your retirement years? To take care of your rising energy costs in a country without an energy policy? Where do you go to get those resources? The answer is you do not go anywhere.

Maybe you take a job after retirement, some part-time job because you lost what you were planning on, you lost what you were paid into because of this corporate manipulation. This amendment, this motion to instruct is simply about the fairness with which we are going to treat working people in this country.

And are we going to put an end to it? We would like to do it under the slogan of President Bush, who talked about the equity, how people should have been treated the same at Enron. But, no, that CEO was lying to those people on the bottom floor of that corporation and then running up to corporate penthouse and selling his stock secretly

into a trust and then telling his son to secretly sell his stock.

They walked away with hundreds of millions of dollars at the time that the company was imploding. But they ran downstairs and they told the employees, it is a great company; we are on the verge of big breakthroughs; buy more stock. Jail is too good for those people.

And the lives that they have wrecked, we heard testimony in this Congress from those people who worked for that company who lost their future, who lost their life savings, who lost their retirement, who lost their plans.

Jail is too good for Ken Lay and his ilk. But we have got to stop it now when we have the opportunity in the rewrite of the pension bill. That is what this motion is about. I urge people in the name of fairness and decency, for working people in this country, to vote for the Miller motion to instruct.

Ms. WATERS. Mr. Speaker, I rise in strong support of the Motion to Instruct Conferees authored by my California colleague, Mr. GEORGE MILLER. While the underlying bill, H.R. 2830, purported to strengthen the defined benefit system, the numerous technical changes that were proposed for the funding rules that apply to defined benefit plans will change how the liabilities under the pension plan are valued and the accounting for contributions made. First of all, let me say that I fully opposed the bill that passed on December 15, 2005 by a vote of 294 to 132 because it would cause millions of Americans to receive reductions in their pension plan. Furthermore, its provisions would facilitate the freezing or complete termination of pension plans by corporate boards.

Under the so-called Pension Protection Act, if an employer funds a tax-qualified pension plan under 80 percent, then the covered workers cannot receive benefit increases, COLAs, or lump sum pension payments. Executives can continue to provide themselves lavish benefits under non-qualified plans without any restrictions. Only if funding drops below 60 percent, are executives prohibited from transferring corporate assets to executive compensation.

This Motion by the Gentleman seeks to fix a major source of these potential dangers to our hard-working constituents. It ensures that corporate heads do not profit at the peril of their workers—they will have to adhere to the same retirement rules as do their employees. The situation surrounding Exxon Mobil's outgoing CEO, R. Lee Raymond whereby he was slated to bail out of the corporation with a "golden parachute" of a $98 million in lump sum pension payment is a slap in the face of the notions of corporate ethics and duty to employees and shareholders. Raymond's total retirement package, including stock options and severance pay—is valued at $400 million. This is just one more example of out of control executive pay at American companies.

As the Motion to Instruct states, Conferees should craft its report to apply the same benefit restrictions between workers and CEOs and use the earlier effective date of the House bill, December 31, 2005.

Mr. Speaker, in my state of California, seven oil companies control more than 95 percent of the state's refining capacity. That translates to thousands of workers whose benefits will be jeopardized by this bill. We need to force corporations to institute fairness in their pension programs where employees are not treated like animals.

Mr. GEORGE MILLER of California. 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 offered by the gentleman from California (Mr. GEORGE MILLER).

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

Mr. GEORGE MILLER of California. Mr. Speaker, on that I demand the yeas and nays.

The yeas and nays were ordered.

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

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore. Pursuant to clause 8 of rule XX, proceedings will resume on questions previously postponed.

Votes will be taken in the following order:

Motion to instruct on H.R. 4297, by the yeas and nays;

Motion to instruct on H.R. 2830, by the yeas and nays;

Ordering the previous question on H. Res. 789, by the yeas and nays;

Agreeing to H. Res. 789, if ordered.

The first electronic vote will be conducted as a 15-minute vote. Remaining electronic votes will be conducted as 5-minute votes.

MOTION TO INSTRUCT CONFEREES ON H.R. 4297, TAX RELIEF EXTENSION ACT OF 2005

The SPEAKER pro tempore. The pending business is the vote on the motion to instruct on H.R. 4297 offered by the gentleman from Connecticut (Mr. LARSON) on which the yeas and nays are ordered.

The Clerk will redesignate the motion.

The Clerk redesignated the motion.

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

The vote was taken by electronic device, and there were—yeas 197, nays 224, not voting 11, as follows:

[Roll No. 121]

YEAS—197

Abercrombie
Ackerman
Allen
Andrews
Baca
Baird
Baldwin
Becerra
Berkley
Berman
Berry
Bishop (GA)
Bishop (NY)
Blumenauer
Boehlert
Boswell
Boucher
Boyd
Brady (PA)
Brown (OH)
Brown, Corrine
Brown-Waite, Ginny
Butterfield
Capps
Capuano
Cardin
Cardoza
Carnahan
Carson
Case
Chandler
Clay
Cleaver
Clyburn
Conyers
Cooper
Costa
Costello
Cramer
Crowley
Cuellar
Cummings
Davis (AL)
Davis (CA)
Davis (FL)
Davis (IL)
Davis (TN)
DeFazio
DeGette
Delahunt
DeLauro
Dicks
Dingell
Doggett
Doyle
Edwards
Emanuel
Engel
Eshoo
Etheridge
Farr
Fattah
Filner
Ford
Frank (MA)
Gonzalez
Green, Al
Green, Gene
Grijalva
Gutierrez
Harman
Hastings (FL)
Herseth
Higgins
Hinchey
Holden
Holt
Honda
Hooley
Hoyer
Inslee
Israel
Jackson (IL)
Jackson-Lee (TX)
Johnson, E. B.
Jones (OH)
Kanjorski
Kaptur
Kennedy (RI)
Kildee
Kilpatrick (MI)
Kind
Kucinich
Langevin
Lantos
Larsen (WA)
Larson (CT)
Leach
Lee
Levin
Lewis (GA)
Lipinski
Lofgren, Zoe
Lowey
Lynch
Maloney
Markey
Matheson
Matsui
McCarthy
McCollum (MN)
McDermott
McGovern
McIntyre
McKinney
McNulty
Meehan
Meek (FL)
Meeks (NY)
Michaud
Millender-McDonald
Miller (NC)
Miller, George
Mollohan
Moore (KS)
Moore (WI)
Moran (VA)
Murtha
Nadler
Napolitano
Neal (MA)
Oberstar
Obey
Olver
Ortiz
Owens
Pallone
Pascrell
Pastor
Payne
Pelosi
Peterson (MN)
Pombo
Pomeroy
Price (NC)
Rahall
Rangel
Reyes
Ross
Rothman
Roybal-Allard
Ruppersberger
Rush
Ryan (OH)
Sabo
Salazar
Sánchez, Linda T.
Sanchez, Loretta
Sanders
Schakowsky
Schiff
Schwartz (PA)
Scott (GA)
Scott (VA)
Serrano
Sherman
Skelton
Smith (WA)
Snyder
Spratt
Stark
Strickland
Stupak
Tanner
Tauscher
Taylor (MS)
Thompson (CA)
Thompson (MS)
Tierney
Towns
Udall (CO)
Udall (NM)
Upton
Van Hollen
Velázquez
Visclosky
Wasserman Schultz
Waters
Watson
Watt
Waxman
Weiner
Wexler
Wilson (NM)
Woolsey
Wu
Wynn

NAYS—224

Aderholt
Akin
Alexander
Bachus
Baker
Barrett (SC)
Barrow
Bartlett (MD)
Barton (TX)
Bass
Bean
Beauprez
Biggert
Bilirakis
Bishop (UT)
Blunt
Boehner
Bonilla
Bonner
Bono
Boozman
Boren
Boustany
Bradley (NH)
Brady (TX)
Brown (SC)
Burgess
Burton (IN)
Calvert
Camp (MI)
Campbell (CA)
Cannon
Cantor
Capito
Carter
Castle
Chabot
Chocola
Coble
Cole (OK)
Conaway
Crenshaw
Cubin
Culberson
Davis (KY)
Davis, Jo Ann
Davis, Tom
Deal (GA)
DeLay
Dent
Diaz-Balart, L.
Diaz-Balart, M.
Doolittle
Drake
Dreier
Duncan
Ehlers
Emerson
English (PA)
Everett
Feeney
Ferguson
Fitzpatrick (PA)
Flake
Foley
Forbes
Fortenberry
Fossella
Foxx
Franks (AZ)
Frelinghuysen
Gallegly
Garrett (NJ)
Gerlach
Gibbons
Gilchrest
Gillmor
Gohmert
Goode
Goodlatte
Granger
Graves
Green (WI)
Gutknecht
Hall
Harris
Hart
Hastings (WA)
Hayes
Hayworth
Hefley
Hensarling
Herger
Hobson
Hostettler
Hulshof
Hunter
Hyde
Inglis (SC)
Issa
Istook
Jenkins
Jindal
Johnson (CT)
Johnson (IL)
Johnson, Sam
Jones (NC)
Keller
Kelly
Kennedy (MN)
King (IA)

King (NY)
Kingston
Kirk
Kline
Knollenberg
Kolbe
Kuhl (NY)
LaHood
Latham
LaTourette
Lewis (CA)
Lewis (KY)
Linder
LoBiondo
Lucas
Lungren, Daniel E.
Mack
Manzullo
Marchant
Marshall
McCaul (TX)
McCotter
McCrery
McHenry
McHugh
McKeon
McMorris
Melancon
Mica
Miller (FL)
Miller (MI)
Miller, Gary
Moran (KS)
Murphy
Musgrave
Myrick
Neugebauer
Ney
Northup
Norwood
Nunes
Nussle
Otter
Oxley
Paul
Pearce
Pence
Peterson (PA)
Petri
Pickering
Pitts
Platts
Poe
Porter
Price (GA)
Pryce (OH)
Putnam
Radanovich
Ramstad
Regula
Rehberg
Reichert
Renzi
Reynolds
Rogers (AL)
Rogers (KY)
Rogers (MI)
Rohrabacher
Ros-Lehtinen
Royce
Ryan (WI)
Ryun (KS)
Saxton
Schmidt
Schwarz (MI)
Sensenbrenner
Sessions
Shadegg
Shaw
Shays
Sherwood
Shimkus
Shuster
Simmons
Simpson
Smith (NJ)
Smith (TX)
Sodrel
Souder
Stearns
Sullivan
Sweeney
Tancredo
Taylor (NC)
Terry
Thomas
Thornberry
Tiahrt
Tiberi
Turner
Walden (OR)
Walsh
Wamp
Weldon (FL)
Weldon (PA)
Weller
Westmoreland
Whitfield
Wicker
Wilson (SC)
Wolf
Young (AK)
Young (FL)

NOT VOTING—11

Blackburn
Buyer
Evans
Gingrey
Gordon
Hinojosa
Hoekstra
Jefferson
Osborne
Slaughter
Solis

□ 2040

Messrs. DELAY, BARROW, PICKERING, HOBSON, GUTKNECHT, PETERSON of Pennsylvania, and MCHUGH changed their vote from ''yea'' to ''nay.''

Mr. SMITH of Washington changed his vote from ''nay'' to ''yea.''

So the motion to instruct was rejected.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

MOTION TO INSTRUCT CONFEREES ON H.R. 2830, PENSION PROTECTION ACT OF 2005

The SPEAKER pro tempore. The pending business is the vote on the motion to instruct on H.R. 2830 offered by the gentleman from California (Mr. GEORGE MILLER) on which the yeas and nays are ordered.

The Clerk will redesignate the motion.

The Clerk redesignated the motion.

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

This will be a 5-minute vote.

The vote was taken by electronic device, and there were—yeas 299, nays 125, not voting 8, as follows:

[Roll No. 122]

YEAS—299

Abercrombie
Ackerman
Aderholt
Allen
Andrews
Baca
Baird
Baldwin
Barrow
Bartlett (MD)
Bass
Bean
Becerra
Berkley
Berman
Berry
Bilirakis
Bishop (GA)
Bishop (NY)
Blumenauer
Boehlert
Bonner
Bono
Boozman
Boren
Boswell
Boucher
Boyd
Bradley (NH)
Brady (PA)
Brown (OH)
Brown, Corrine
Brown-Waite, Ginny
Burgess
Butterfield
Capito
Capps
Capuano
Cardin
Cardoza
Carnahan
Carson
Case
Castle
Chabot
Chandler
Clay
Cleaver
Clyburn
Coble
Conyers
Cooper
Costa
Costello
Cramer
Crowley
Cuellar
Cummings
Davis (AL)
Davis (CA)
Davis (FL)
Davis (IL)
Davis (TN)
Davis, Jo Ann
Davis, Tom
DeFazio
DeGette
Delahunt
DeLauro
Dent
Dicks
Dingell
Doggett
Doyle
Edwards
Emanuel
Emerson
Engel
Eshoo
Etheridge
Everett
Farr
Fattah
Ferguson
Filner
Fitzpatrick (PA)
Foley
Forbes
Ford
Fortenberry
Fossella
Frank (MA)
Gallegly
Garrett (NJ)
Gerlach
Gibbons
Gilchrest
Gillmor
Gonzalez
Goode
Goodlatte
Gordon
Green (WI)
Green, Al
Green, Gene
Grijalva
Gutierrez
Gutknecht
Hall
Harman
Hastings (FL)
Hayworth
Herseth
Higgins
Hinchey
Hobson
Holden
Holt
Honda
Hooley
Hostettler
Hoyer
Hyde
Inslee
Israel
Jackson (IL)
Jackson-Lee (TX)
Jindal
Johnson (CT)
Johnson (IL)
Johnson, E. B.
Jones (NC)
Jones (OH)
Kanjorski
Kaptur
Kelly
Kennedy (MN)
Kennedy (RI)
Kildee
Kilpatrick (MI)
Kind
King (NY)
Kirk
Kucinich
Kuhl (NY)
LaHood
Langevin
Lantos
Larsen (WA)
Larson (CT)
LaTourette
Leach
Lee
Levin
Lewis (GA)
Lipinski
LoBiondo
Lofgren, Zoe
Lowey
Lungren, Daniel E.
Lynch
Maloney
Manzullo
Marchant
Markey
Marshall
Matheson
Matsui
McCarthy
McCollum (MN)
McCotter
McDermott
McGovern
McHugh
McIntyre
McKinney
McNulty
Meehan
Meek (FL)
Meeks (NY)
Melancon
Michaud
Millender-McDonald
Miller (MI)
Miller (NC)
Miller, George
Mollohan
Moore (KS)
Moore (WI)
Moran (KS)
Moran (VA)
Murtha
Nadler
Napolitano
Neal (MA)
Ney
Nussle
Oberstar
Obey
Olver
Ortiz
Owens
Pallone
Pascrell
Pastor
Paul
Payne
Pelosi
Peterson (MN)
Pickering
Pitts
Platts
Poe
Pombo
Pomeroy
Porter
Price (NC)
Pryce (OH)
Rahall
Ramstad
Rangel
Regula
Rehberg
Reichert
Renzi
Reyes
Rohrabacher
Ross
Rothman
Roybal-Allard
Royce
Ruppersberger
Rush
Ryan (OH)
Sabo
Salazar
Sánchez, Linda T.
Sanchez, Loretta
Sanders
Saxton
Schakowsky
Schiff
Schmidt
Schwartz (PA)
Schwarz (MI)
Scott (GA)
Scott (VA)
Serrano
Shaw
Shays
Sherman
Shimkus
Simmons
Simpson
Smith (NJ)
Smith (WA)
Snyder
Sodrel
Solis
Souder
Spratt
Stark
Strickland
Stupak
Sullivan
Sweeney
Tancredo
Tanner
Tauscher
Taylor (MS)
Thompson (CA)
Thompson (MS)
Tierney
Towns
Turner
Udall (CO)
Udall (NM)
Upton
Van Hollen
Velázquez
Visclosky
Walden (OR)
Walsh
Wamp
Wasserman Schultz
Waters
Watson
Watt
Waxman
Weiner
Weldon (PA)
Wexler
Whitfield
Wilson (NM)
Wolf
Woolsey
Wu
Wynn
Young (FL)

NAYS—125

Akin
Alexander
Bachus
Baker
Barrett (SC)
Barton (TX)
Beauprez
Biggert
Bishop (UT)
Blackburn
Blunt
Boehner
Bonilla
Boustany
Brady (TX)
Brown (SC)
Burton (IN)
Calvert
Camp (MI)
Campbell (CA)
Cannon
Cantor
Carter
Chocola
Cole (OK)
Conaway
Crenshaw
Cubin
Culberson
Davis (KY)
Deal (GA)
DeLay
Diaz-Balart, L.
Diaz-Balart, M.
Doolittle
Drake
Dreier
Duncan
Ehlers
English (PA)
Feeney
Flake
Foxx
Franks (AZ)
Frelinghuysen
Gingrey
Gohmert
Granger
Graves
Harris
Hart
Hastings (WA)
Hayes
Hefley
Hensarling
Herger
Hulshof
Hunter
Inglis (SC)
Issa
Istook
Jenkins
Johnson, Sam
Keller
King (IA)
Kingston
Kline
Knollenberg
Kolbe
Latham
Lewis (CA)
Lewis (KY)
Linder
Lucas
Mack
McCaul (TX)
McCrery
McHenry
McKeon
McMorris
Mica
Miller (FL)
Miller, Gary
Murphy
Musgrave
Myrick
Neugebauer
Northup
Norwood
Nunes
Otter
Oxley
Pearce
Pence
Peterson (PA)
Petri
Price (GA)
Putnam
Radanovich
Reynolds
Rogers (AL)
Rogers (KY)
Rogers (MI)
Ros-Lehtinen
Ryan (WI)
Ryun (KS)
Sensenbrenner
Sessions
Shadegg
Sherwood
Shuster
Smith (TX)
Stearns
Taylor (NC)
Terry
Thomas
Thornberry
Tiahrt
Tiberi
Weldon (FL)
Weller
Westmoreland
Wicker
Wilson (SC)
Young (AK)

NOT VOTING—8

Buyer
Evans
Hinojosa
Hoekstra
Jefferson
Osborne
Skelton
Slaughter

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore (during the vote). Members are advised 2 minutes remain in this vote.

□ 2049

Mrs. CAPITO, Messrs. GILCHREST, FERGUSON, POE, TURNER, FOSSELLA, PORTER, PICKERING and Ms. PRYCE of Ohio changed their vote from ''nay'' to ''yea.''

So the motion to instruct was agreed to.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

PERSONAL EXPLANATION

Mr. HINOJOSA. Mr. Speaker, on rollcall No. 121 and rollcall No. 122, had I been present, I would have voted "yea" on 121 and "yea" on 122.

MESSAGE FROM THE SENATE

A message from the Senate by Ms. Curtis, one of its clerks, announced that the Senate has passed without amendment a concurrent resolution of the House of the following title:

H. Con. Res. 90. Concurrent resolution conveying the sympathy of Congress to the families of the young women murdered in the State of Chihuahua, Mexico, and encouraging increased United States involvement in bringing an end to these crimes.

WISHING THE HONORABLE RALPH HALL A HAPPY BIRTHDAY

(Mr. BOEHNER asked and was given permission to address the House for 1 minute.)

Mr. BOEHNER. Mr. Speaker, the oldest Member of this institution is celebrating a birthday. He has been a Democrat, he has been a Republican, but I think he is loved by all of our colleagues.

Not many of you know the Boehner birthday song, but it is pretty simple: This is your birthday song. It doesn't last too long. Hey.

Now, my colleagues, the second verse is exactly like the first verse.

Mr. HALL. Let's don't sing it.

Mr. BOEHNER. This is your birthday song. It doesn't last too long. Hey. Happy birthday, RALPH.

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore. Without objection, 5-minute voting will continue.

There was no objection.

PROVIDING FOR CONSIDERATION OF H.R. 4954, SECURITY AND ACCOUNTABILITY FOR EVERY PORT ACT

The SPEAKER pro tempore. The pending business is the vote on ordering the previous question on House Resoltuion 789 on which the yeas and nays are ordered.

The Clerk read the title of the resolution.

The SPEAKER pro tempore. The question is on ordering the previous question.

This will be a 5-minute vote.

The vote was taken by electronic device, and there were—yeas 226, nays 200, not voting 6, as follows:

[Roll No. 123]

YEAS—226

Aderholt
Akin
Alexander
Bachus
Baker
Barrett (SC)
Bartlett (MD)
Barton (TX)
Bass
Beauprez
Biggert
Bilirakis
Bishop (UT)
Blackburn
Blunt
Boehlert
Boehner
Bonilla
Bonner
Bono
Boozman
Boustany
Bradley (NH)
Brady (TX)
Brown (SC)
Brown-Waite, Ginny
Burgess
Burton (IN)
Calvert
Camp (MI)
Campbell (CA)
Cannon
Cantor
Capito
Carter
Castle
Chabot
Chocola
Coble
Cole (OK)
Conaway
Crenshaw
Cubin
Culberson
Davis (KY)
Davis, Jo Ann
Davis, Tom
Deal (GA)
DeLay
Dent
Diaz-Balart, L.
Diaz-Balart, M.
Doolittle
Drake
Dreier
Duncan
Ehlers
Emerson
English (PA)
Everett
Feeney
Ferguson
Fitzpatrick (PA)
Flake
Foley
Forbes
Fortenberry
Fossella
Foxx
Franks (AZ)
Frelinghuysen
Gallegly
Garrett (NJ)
Gerlach
Gibbons
Gilchrest
Gillmor
Gingrey
Gohmert
Goode
Goodlatte
Granger
Graves
Green (WI)
Gutknecht
Hall
Harris
Hart
Hastings (WA)
Hayes
Hayworth
Hefley
Hensarling
Herger
Hobson
Hostettler
Hulshof
Hunter
Hyde
Inglis (SC)
Issa
Istook
Jenkins
Jindal
Johnson (CT)
Johnson (IL)
Johnson, Sam
Jones (NC)
Keller
Kelly
Kennedy (MN)
King (IA)
King (NY)
Kingston
Kirk
Kline
Knollenberg
Kolbe
Kuhl (NY)
LaHood
Latham
LaTourette
Leach
Lewis (CA)
Lewis (KY)
Linder
LoBiondo
Lucas
Lungren, Daniel E.
Mack
Manzullo
Marchant
McCaul (TX)
McCotter
McCrery
McHenry
McHugh
McKeon
McMorris
Mica
Miller (FL)
Miller (MI)
Miller, Gary
Moran (KS)
Murphy
Musgrave
Myrick
Neugebauer
Ney
Northup
Norwood
Nunes
Nussle
Otter
Oxley
Paul
Pearce
Pence
Peterson (PA)
Petri
Pickering
Pitts
Platts
Poe
Pombo
Porter
Price (GA)
Pryce (OH)
Putnam
Radanovich
Ramstad
Regula
Rehberg
Reichert
Renzi
Reynolds
Rogers (AL)
Rogers (KY)
Rogers (MI)
Rohrabacher
Ros-Lehtinen
Royce
Ryan (WI)
Ryun (KS)
Saxton
Schmidt
Schwarz (MI)
Sensenbrenner
Sessions
Shadegg
Shaw
Shays
Sherwood
Shimkus
Shuster
Simmons
Simpson
Smith (NJ)
Smith (TX)
Sodrel
Souder
Stearns
Sullivan
Sweeney
Tancredo
Terry
Thomas
Thornberry
Tiahrt
Tiberi
Turner
Upton
Walden (OR)
Walsh
Wamp
Weldon (FL)
Weldon (PA)
Weller
Westmoreland
Whitfield
Wicker
Wilson (NM)
Wilson (SC)
Wolf
Young (AK)
Young (FL)

NAYS—200

Abercrombie
Ackerman
Allen
Andrews
Baca
Baird
Baldwin
Barrow
Bean
Becerra
Berkley
Berman
Berry
Bishop (GA)
Bishop (NY)
Blumenauer
Boren
Boswell
Boucher
Boyd
Brady (PA)
Brown (OH)
Brown, Corrine
Butterfield
Capps
Capuano
Cardin
Cardoza
Carnahan
Carson
Case
Chandler
Clay
Cleaver
Clyburn
Conyers
Cooper
Costa
Costello
Cramer
Crowley
Cuellar
Cummings
Davis (AL)
Davis (CA)
Davis (FL)
Davis (IL)
Davis (TN)
DeFazio
DeGette
Delahunt
DeLauro
Dicks
Dingell
Doggett
Doyle
Edwards
Emanuel
Engel
Eshoo
Etheridge
Farr
Fattah
Filner
Ford
Frank (MA)
Gonzalez
Gordon
Green, Al
Green, Gene
Grijalva
Gutierrez
Harman
Hastings (FL)
Herseth
Higgins
Hinchey
Hinojosa
Holden
Holt
Honda
Hooley
Hoyer
Inslee
Israel
Jackson (IL)
Jackson-Lee (TX)
Johnson, E. B.
Jones (OH)
Kanjorski
Kaptur
Kennedy (RI)
Kildee
Kilpatrick (MI)
Kind
Kucinich
Langevin
Lantos
Larsen (WA)
Larson (CT)
Lee
Levin
Lewis (GA)
Lipinski
Lofgren, Zoe
Lowey
Lynch
Maloney
Markey
Marshall
Matheson
Matsui
McCarthy
McCollum (MN)
McDermott
McGovern
McIntyre
McKinney
McNulty
Meehan
Meek (FL)
Meeks (NY)
Melancon
Michaud
Millender-McDonald
Miller (NC)
Miller, George
Mollohan
Moore (KS)
Moore (WI)
Moran (VA)
Murtha
Nadler
Napolitano
Neal (MA)
Oberstar
Obey
Olver
Ortiz
Owens
Pallone
Pascrell
Pastor
Payne
Pelosi
Peterson (MN)
Pomeroy
Price (NC)
Rahall
Rangel
Reyes
Ross
Rothman
Roybal-Allard
Ruppersberger
Rush
Ryan (OH)
Sabo
Salazar
Sánchez, Linda T.
Sanchez, Loretta
Sanders
Schakowsky
Schiff
Schwartz (PA)
Scott (GA)
Scott (VA)
Serrano
Sherman
Skelton
Smith (WA)
Snyder
Solis
Spratt
Stark
Strickland
Stupak
Tanner
Tauscher
Taylor (MS)
Taylor (NC)
Thompson (CA)
Thompson (MS)
Tierney
Towns
Udall (CO)
Udall (NM)
Van Hollen
Velázquez
Visclosky
Wasserman Schultz
Waters
Watson
Watt
Waxman
Weiner
Wexler
Woolsey
Wu
Wynn

NOT VOTING—6

Buyer
Evans
Hoekstra
Jefferson
Osborne
Slaughter

□ 2059

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

Mr. HASTINGS of Florida. 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 230, noes 196, not voting 6, as follows:

[Roll No. 124]

AYES—230

Aderholt
Akin
Alexander
Bachus
Baker
Barrett (SC)
Bartlett (MD)
Barton (TX)
Bass
Beauprez
Biggert
Bilirakis
Bishop (UT)
Blackburn
Blunt
Boehlert
Boehner
Bonilla
Bonner
Bono
Boozman
Boustany
Bradley (NH)
Brady (TX)
Brown (SC)
Brown-Waite, Ginny
Burgess
Burton (IN)
Calvert
Camp (MI)
Campbell (CA)
Cannon
Cantor
Capito
Carter
Castle
Chabot
Chocola
Coble
Cole (OK)
Conaway
Cramer
Crenshaw
Cubin
Culberson
Davis (KY)
Davis (TN)
Davis, Jo Ann
Davis, Tom
Deal (GA)
DeLay
Dent
Diaz-Balart, L.
Diaz-Balart, M.
Doolittle
Drake
Dreier
Duncan
Ehlers
Emerson
English (PA)
Everett
Feeney
Ferguson
Fitzpatrick (PA)
Flake
Foley
Forbes
Fortenberry
Fossella
Foxx
Franks (AZ)
Frelinghuysen
Gallegly
Garrett (NJ)
Gerlach
Gibbons
Gilchrest
Gillmor
Gingrey
Gohmert
Goode
Goodlatte
Granger
Graves
Green (WI)
Green, Al
Gutknecht
Hall
Harris
Hart
Hastings (WA)
Hayes
Hayworth
Hefley
Hensarling
Herger
Hobson
Hostettler
Hulshof
Hunter
Hyde
Inglis (SC)
Issa
Istook
Jenkins
Jindal
Johnson (CT)
Johnson (IL)
Johnson, Sam
Jones (NC)
Keller
Kelly
Kennedy (MN)
King (IA)
King (NY)
Kingston
Kirk
Kline
Knollenberg
Kolbe
Kuhl (NY)
LaHood
Latham
LaTourette
Leach
Lewis (CA)
Lewis (KY)
Linder
LoBiondo
Lucas
Lungren, Daniel E.
Mack
Manzullo
Marchant
McCaul (TX)
McCotter
McCrery
McHenry
McHugh
McKeon
McMorris
Mica
Miller (FL)
Miller (MI)
Miller, Gary
Moran (KS)
Murphy
Musgrave
Myrick
Neugebauer
Ney
Northup
Norwood

Nunes
Nussle
Otter
Oxley
Paul
Pearce
Pence
Peterson (PA)
Petri
Pickering
Pitts
Platts
Poe
Pombo
Porter
Price (GA)
Pryce (OH)
Putnam
Radanovich
Ramstad
Regula
Rehberg
Reichert
Renzi
Reynolds
Rogers (AL)
Rogers (KY)
Rogers (MI)
Rohrabacher
Ros-Lehtinen
Royce
Ryan (WI)
Ryun (KS)
Saxton
Schmidt
Schwarz (MI)
Sensenbrenner
Sessions
Shadegg
Shaw
Shays
Sherwood
Shimkus
Shuster
Simmons
Simpson
Smith (NJ)
Smith (TX)
Sodrel
Souder
Stearns
Sullivan
Sweeney
Tancredo
Taylor (NC)
Terry
Thomas
Thornberry
Tiahrt
Tiberi
Turner
Upton
Walden (OR)
Walsh
Wamp
Weldon (FL)
Weldon (PA)
Weller
Westmoreland
Whitfield
Wicker
Wilson (NM)
Wilson (SC)
Wolf
Young (AK)
Young (FL)

NOES—196

Abercrombie
Ackerman
Allen
Andrews
Baca
Baird
Baldwin
Barrow
Bean
Becerra
Berkley
Berman
Berry
Bishop (GA)
Bishop (NY)
Blumenauer
Boren
Boswell
Boucher
Boyd
Brady (PA)
Brown (OH)
Brown, Corrine
Butterfield
Capps
Capuano
Cardin
Cardoza
Carnahan
Carson
Case
Chandler
Clay
Cleaver
Clyburn
Conyers
Cooper
Costa
Costello
Crowley
Cuellar
Cummings
Davis (AL)
Davis (CA)
Davis (FL)
Davis (IL)
DeFazio
DeGette
Delahunt
DeLauro
Dicks
Dingell
Doggett
Doyle
Edwards
Emanuel
Engel
Eshoo
Etheridge
Farr
Fattah
Filner
Ford
Frank (MA)
Gonzalez
Gordon
Green, Gene
Grijalva
Gutierrez
Harman
Hastings (FL)
Herseth
Higgins
Hinchey
Hinojosa
Holden
Holt
Honda
Hooley
Hoyer
Inslee
Israel
Jackson (IL)
Jackson-Lee (TX)
Johnson, E. B.
Jones (OH)
Kanjorski
Kaptur
Kennedy (RI)
Kildee
Kilpatrick (MI)
Kind
Kucinich
Langevin
Lantos
Larsen (WA)
Larson (CT)
Lee
Levin
Lewis (GA)
Lipinski
Lofgren, Zoe
Lowey
Lynch
Maloney
Markey
Marshall
Matheson
Matsui
McCarthy
McCollum (MN)
McDermott
McGovern
McIntyre
McKinney
McNulty
Meehan
Meek (FL)
Meeks (NY)
Melancon
Michaud
Millender-McDonald
Miller (NC)
Miller, George
Mollohan
Moore (KS)
Moore (WI)
Moran (VA)
Murtha
Nadler
Napolitano
Neal (MA)
Oberstar
Obey
Olver
Ortiz
Owens
Pallone
Pascrell
Pastor
Payne
Pelosi
Peterson (MN)
Pomeroy
Price (NC)
Rahall
Rangel
Reyes
Ross
Rothman
Roybal-Allard
Ruppersberger
Rush
Ryan (OH)
Sabo
Salazar
Sánchez, Linda T.
Sanchez, Loretta
Sanders
Schakowsky
Schiff
Schwartz (PA)
Scott (GA)
Scott (VA)
Serrano
Sherman
Skelton
Smith (WA)
Snyder
Solis
Spratt
Stark
Strickland
Stupak
Tanner
Tauscher
Taylor (MS)
Thompson (CA)
Thompson (MS)
Tierney
Towns
Udall (CO)
Udall (NM)
Van Hollen
Velázquez
Visclosky
Wasserman Schultz
Waters
Watson
Watt
Waxman
Weiner
Wexler
Woolsey
Wu
Wynn

NOT VOTING—6

Buyer
Evans
Hoekstra
Jefferson
Osborne
Slaughter

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore (during the vote). Members are advised that 2 minutes remain in this vote.

□ 2106

Mr. GUTIERREZ changed his vote from ''aye'' to ''no.''

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.

REMOVAL OF NAME OF MEMBER AS COSPONSOR OF H.R. 4318

Mr. MEEHAN. Mr. Speaker, I ask unanimous consent to remove my name as a cosponsor of H.R. 4318.

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

There was no objection.

HONORING JOHN ''FOOTY'' KROSS

(Ms. WASSERMAN SCHULTZ asked and was given permission to address the House for 1 minute and to revise and extend her remarks.)

Ms. WASSERMAN SCHULTZ. Mr. Speaker, I rise today to honor and pay tribute to my good friend and constituent, John Kross, who is also known to those of us in south Florida as ''Footy,'' the legendary morning radio host who will walk away from the microphone at the end of this week, ending more than 30 years as a morning radio personality.

The veteran on-air personality whose name is John Kross will host his final segment for the Y–100 Morning Show on Friday, May 5, 2006.

Footy has been helping south Florida wake up for more than 30 years and is a mainstay in the south Florida community. Footy is a passionate anti-drug crusader and an incurable chicken-wing junkie.

Originally, he created Footy's Wing Ding, a chicken-wing eating competition, as a fundraiser to aid Here's Help, a not-for-profit organization that assists adults and children with substance-abuse addictions.

Although the event began mainly as a competition to crown the maker of south Florida's best chicken wings, it evolved over the years into a popular spot for pop music's hottest stars.

Each year, Footy's Wing Ding brought a host of celebrities to south Florida to raise thousands of dollars for area charities, including Here's Help, the Sun-Sentinel/WB Television Channel 39 Children's Fund and many others.

While thousands of radio listeners will undoubtedly miss Footy's voice on their radios each morning, I am confident he has established a strong foundation that will help inspire generations of south Floridians to make a difference in their community.

It is my privilege to honor his service to our community in south Florida on the floor of the House of Representatives.

I ask my colleagues to join me in recognizing John for a lifetime of achievement in radio broadcasting and charity work to wish him and his family many years of happiness, success and new challenges in the years ahead.

HONORING THE ACHIEVEMENT OF MICHELLE PARKS

(Mr. KIND asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. KIND. Mr. Speaker, I rise tonight to honor Michelle Parks and her contributions as a great American educator at Northstar Middle School in Eau Claire, Wisconsin. President Bush has honored Ms. Parks with the 2005 Presidential Award for Excellence in Mathematics and Science, the Nation's highest honor for teaching in these fields. In addition to the national recognition that comes with the award, Ms. Parks will receive a National Science Foundation Grant of $10,000.

Ms. Parks teaches eighth grade mathematics, and her colleagues and principal at Northstar Middle School regard her as crucial to the success of the school and the performance of her students. Admired for her enthusiasm, creativity and knowledge, Ms. Parks is one of the most dedicated educators in the State of Wisconsin and nationwide. She is an advocate and pioneer for many collaborative efforts, including the connected mathematics programs. This program creates a complete mathematics curriculum that helps students systematically develop a deeper understanding of elementary mathematical concepts.

Mr. Speaker, we are deeply indebted to teachers such as Ms. Parks, who are the leaders in sustaining our Nation's innovation and competitiveness with our students. And on behalf of a grateful Nation, but especially on behalf of her students, we thank her for her many years of dedication and congratulate her here this evening.

Mr. Speaker, I rise today to honor Michelle Parks and her contributions as a great American educator at Northstar Middle School in Eau Claire, Wisconsin. President Bush has honored Ms. Parks with the 2005 Presidential Award for Excellence in Mathematics and Science, the Nation's highest honor for teaching in these fields. In addition to the national recognition that comes with the award, Michelle Parks will receive a National Science Foundation grant of $10,000.

Ms. Parks teaches 8th grade mathematics, and her colleagues and principal at Northstar Middle School regard her as crucial to the success of the school at the performance of her students. Admired for her enthusiasm, creativity and knowledge, Ms. Parks is one of the most dedicated educators in the State of Wisconsin and nationwide. She is an advocate and pioneer for many collaborative efforts, including the Connected Mathematics Program. This program creates a complete mathematics curriculum that helps students systematically

develop a deeper understanding of elemental mathematical concepts.

Ms. Parks believes that letting her students be successful in front of their peers is the key to getting them to take risks to succeed. Further, she finds unique approaches to teaching and problem solving and encourages critical thinking in her students. Making learning fun, according to Ms. Parks, is the key to bringing math and science closer to students. In addition to this award, Ms. Parks has also been recognized by the Kohl Teacher Fellowship.

I am very pleased to recognize Ms. Parks today before the U.S. Congress for her hard work and dedication to the families and students of Northstar Middle School. Being one of a hundred 7th–12th grade teachers nationwide to receive the award, Michelle Parks exemplifies excellence that should be the goal of all educators in the United States. Our Nation has long been the global leader in scientific research and development. In order to maintain that edge and strengthen America's competitiveness, it is critical that we make the necessary investments to educate and train the next generation of scientists, researchers, and innovators.

As a Member of the Education and the Workforce Committee, I have introduced legislation to establish a competitive undergraduate grant program to improve opportunities for education and job training in math, science, engineering, and technology. Further, during reauthorization of the Higher Education Act, I, along with Chairman MCKEON and Representatives EHLERS and HOLT, included an amendment in the Higher Education Act that will provide additional resources and assistance for students choosing to study in these fields.

Mr. Speaker, we are deeply indebted to teachers such as Ms. Parks who are the leaders in sustaining our Nation's innovation and competitiveness with our children.

On behalf of a grateful Nation, I more importantly, on behalf of the many students who have benefited by having Ms. Parks as their math teacher, I say congratulations and thank you.

COMMENDING RICHMOND COUNTY NATIVE AND AMERICAN IDOL CONTESTANT BUCKY COVINGTON

(Mr. RYAN of Wisconsin asked and was given permission to address the House for 1 minute.)

Mr RYAN of Wisconsin. Mr. Speaker, I yield my time to the gentleman from North Carolina (Mr. HAYES).

Mr. HAYES. Mr. Speaker, today I want to congratulate Rockingham, North Carolina, native and ''American Idol'' contestant Bucky Covington for pursuing his dream and using his God-given talent to sing. Bucky is returning home, but he quickly established himself as a rising star and a contestant to watch. It's easy to understand why Bucky's strong vocals and love for Country and Southern Rock clearly defined his success each week as Americans tuned in to the most popular show on television. Bucky will be returning home to Richmond County in North Carolina, a true idol to many for his extraordinary singing voice and the charisma he personified in front of millions as he represented his community, family and friends. Bucky, we wish you the best, and I know that great opportunities lie ahead for you.

MENTAL HEALTH SERVICES FOR RETURNING VETERANS

(Mr. MICHAUD asked and was given permission to address the House for 1 minute.)

Mr. MICHAUD. Mr. Speaker, the Department of Veterans Affairs has underestimated the need for mental health services for returning veterans.

The Kansas City Star recently reported that the number of troops back this year from Iraq and Afghanistan who will seek care far post-traumatic stress disorder from the VA will be five times higher than the VA projected.

Earlier this year the VA reported that it anticipated 2,900 new PTSD cases from returning veterans for fiscal year 2006. But in just 3 months, in fiscal year 2006, VA had already seen 4,700 new cases of possible PTSD.

I am very concerned that the VA will not have the staff and programs to help the new combat veterans and to meet the need of veterans from past wars. VA may be forced to ration care. This is wrong. This issue needs to be addressed.

Mr. Speaker, I ask that the article of David Goldstein from the April 30 issue of the Kansas City Star be inserted in the RECORD.

[From the Kansas City Star, April 30, 2006]

NUMBER OF TROOPS NEEDING HELP THREATENS TO OVERWHELM VETERANS ADMINISTRATION

(By David Goldstein)

WASHINGTON.—The number of troops back this year from Iraq and Afghanistan with post-traumatic stress disorder could be five times higher than the Department of Veterans Affairs predicted.

Instead of 2,900 new cases that it reported in February to a veterans advocate in Congress, the increase could be 15,000 or more, according to the VA.

At the Kansas City VA Medical Center, only nine vets from current combat were diagnosed with PTSD in 2004.

Last year, it was 58. In just the first three months of fiscal 2006, the hospital saw 72.

''It's absolutely incredible,'' said Kathy Lee, at the Missouri Veterans of Foreign Wars.

A former Army nurse in Vietnam who works at the hospital, Lee said, ''Every single Iraq vet who comes in, I give them a list and say, 'How many of these (PTSD) symptoms do you have?' It's almost nine out of 10.''

A top VA mental health official said it was difficult to predict the number of new PTSD cases because of unknown factors like the troop discharge rate and how many veterans will use the VA.

But Laurent Lehmann, associate chief consultant for mental health, disaster, post-deployment and post-traumatic stress disorder, acknowledged that 2,900 new cases ''would be an underestimate.'' He said the VA hoped recent increases in funds and new programs ''would catch'' unanticipated cases.

''Are we ahead of the curve?'' Lehmann said. ''That's the question I don't think I can answer except to say we're going to be monitoring our heads off on this.''

John Baugh, who attends a PTSD support group at the Kansas City VA Medical Center, said many soldiers still in combat zones are suffering from the disorder.

''They think that the numbers are high right now,'' said Baugh, 31, a former driver for an Army construction battalion in Iraq. ''Wait until those guys get out and try to start functioning in the civilian world. There's going to be hell to pay.''

The miscalculation on PTSD echoes last year's underestimation by the Bush administration of how many Iraq and Afghanistan veterans would need medical treatment. It had underfunded VA health care by $1 billion, despite assurances to Congress that the department had enough money.

Congress subsequently added $1.5 billion to the VA's budget, but money problems still loom.

''They're going to be short and they're going to be playing catch-up,'' Cathy Wiblemo, deputy director for health care at the American Legion, said of the VA's PTSD treatment. ''They're not going to have the money, and the waiting list will grow.''

PTSD is an anxiety disorder that can follow combat or other traumatic experiences. Symptoms include survivor's guilt, flashbacks, nightmares, depression and irritability. It can lead to drug abuse and even suicide.

The war in Iraq presents a higher PTSD risk than other wars, said Robert Ursano of the Department of Psychiatry at the Uniformed Services University of the Health Sciences.

''Since it's a terrorist war, one could be under attack in any spot,'' he said. ''There is an enduring sense of a lack of safety.''

Among the half million veterans who have served in Iraq or Afghanistan, more than 144,000 have gone to the VA for health care. Nearly a third have been diagnosed with mental disorders, with nearly half of those PTSD, according to the VA.

The White House asked for $80.6 billion in 2007 for the VA, including $3.2 billion for mental health programs. But Rep. Michael Michaud, a Maine Democrat on the House Committee on Veterans Affairs, said the VA would need more, sooner.

''What's going to happen is unless we give added resources, they're going to have to start rationing care,'' Michaud said. ''It's going to have to start pitting veterans against veterans.''

Jeff Schrade, a spokesman for Sen. Larry Craig, an Idaho Republican and chairman of the Senate Veterans Affairs Committee, said Craig was unhappy over the VA's botched estimates on health care last year.

Congress now requires quarterly budget reports, which Schrade said show that VA's budgeting appears to be on track.

''What concerns us is they're seeing a lot more patients than they anticipated,'' he said.

The VA's contradictory estimates on PTSD surfaced in February. Prior to a Capitol Hill budget hearing, the agency replied to written questions from Rep. Lane Evans of Illinois, ranking Democrat on the House VA panel.

Asked about the need for mental health services, the VA told Evans that it expected to see 2,900 new cases in fiscal 2006, which began Oct. 1 and ends Sept. 30.

A week later, the agency issued its latest quarterly report on use of the VA by Iraq and Afghanistan veterans.

The numbers indicated it had diagnosed 4,711 possible cases just from October through December—more in the first three months than it told Evans to expect over the entire fiscal year.

VA spokesman Jim Benson said the estimate of 2,900 cases was based on earlier data. The latest quarterly numbers were still in the draft stage at the time of the hearing, he

said, and VA officials stuck with the earlier data because trying to explain ''would be more challenging and perhaps more confusing.''

''The reason they felt it was OK to do that was that, although the numbers are increasing'' due to more troops being discharged and seeking help, Benson said, ''the rate of PTSD is staying relatively constant.''

But critics said that even if the annual PTSD rate was constant, the number of cases was rising nonetheless.

''They continue to downplay the severity and the real size of the problem,'' said Paul Rieckhoff, executive director of the Iraq and Afghanistan Veterans of America and a platoon leader during the war.

VA officials also had at the time of the February budget hearing a report from the department's Special Committee on Post-Traumatic Stress Disorder. It warned that the VA was unable handle services to new combat veterans as well as survivors of past wars, saying: ''We can't do both jobs at once within current resources.''

Most of the PTSD cases the VA sees involve veterans from earlier conflicts, primarily Vietnam.

Baugh of Kansas City won't talk much about his Iraq deployment because it triggers bad memories. But when he returned home in 2004, he couldn't escape them.

''I was jumpy, angry, irritated, sleeping one, two hours a night,'' Baugh said. ''I was totally worn out. I'd drink and drink and drink just to shut the memories down and the nightmares. ''

His wife pushed him to get help. Baugh said he'll ''jump through the ceiling'' if she drops a frying pan. The clattering of kids skateboarding down his street sounds just like ''gunfire in the distance: kack-kack-kack-kack.''

Joshua Lansdale knows about nightmares and noises, too. A 23-year-old veteran from Kansas City, North, he spent 11 months in the Sunni Triangle as a firefighter and emergency medical technician with the Army Reserve's 487th Engineer Detachment.

''It was a pretty hot zone,'' he said. ''We took a lot of mortar fire, IEDs, car bombs, saw a lot of helicopter crashes and worked the UN embassy bombing. I dragged a lot of people out of burning buildings, cars, motorcycle wrecks and explosions.''

Back home, Lansdale was diagnosed with PTSD and joined a support group at the VA hospital. He predicted that returning troops would overrun the VA.

''A third of all soldiers are seeking help,'' he said. ''Do we have the capability of treating all those soldiers? I don't think we do.''

HONORING THE LIFE OF SERGEANT MIKE STOKELY

(Mr. WESTMORELAND asked and was given permission to address the House for 1 minute.)

Mr. WESTMORELAND. Mr. Speaker, Sergeant Mike Stokely joined his fellow soldiers in the National Guard in Iraq, turning down a service opportunity that would have allowed him to stay home in Georgia.

Last year Sergeant Stokely married his high school sweetheart. Then, 1 week later, he answered his Nation's call to duty and headed to Iraq as part of the 48th Brigade.

Sergeant Stokely's work in the Army fulfilled his lifelong dream. According to his father, Coweta County Solicitor Robert Stokely, from the time Sergeant Stokely was in middle school, he cared more about seeing his name on dog tags than seeing his name on a driver's license. As a rising senior high school star, he chose to spend his fleeting days of youthful freedom at a Fort Benning boot camp.

In early August of last year, Sergeant Stokely called his family from Iraq and told them that if the time came to make the ultimate sacrifice for his Nation, he was ready. Then on August 16, 2005, after having been on duty for more than 30 hours, Sergeant Stokely volunteered for another mission. Sergeant Stokely stood guard as his best friend and another soldier checked a suspicious location. An IED exploded, and Sergeant Stokely died in his best friend's arms. It happened 3 months after his wedding day.

The father of this American hero told me, ''As much as I hurt for the loss of my older son and the memories we will never have, I am thankful for the 23 years we had and a son who knew his purpose in life, and his dreams were fulfilled.''

I want to commend Sergeant Stokely and his family for his honor and service and his dedication to duty.

□ 2115

OUR MEN AND WOMEN ON THE FRONTLINES OF IRAQ AND AFGHANISTAN

(Ms. JACKSON-LEE of Texas asked and was given permission to address the House for 1 minute and to revise and extend her remarks.)

Ms. JACKSON-LEE of Texas. Mr. Speaker, let me just reflect on what we owe the men and women on the frontlines of Afghanistan and Iraq. I think we owe them the best equipment, the best leadership, and the best minds. So I was disturbed as I read the article in the USA Today that indicated that more soldiers were being killed in the utilization of Humvees in 2005 and 2006 than had been in the years past in the war in Iraq.

Mr. Speaker, it is important and imperative that an immediate reaction be given and an action be taken by the Department of Defense to help save the lives of our young men and women on the frontlines, the reinforcement of Humvees, new technology in body armor, new technology in head gear. Our children are dying. They are without the proper body armor and Humvees, and that is insufficient for a country of this size.

Finally, it is imperative that a full accounting be given about the dollars that have been spent in Iraq as to what they have been spent for, why they have been spent, and, of course, an accounting that shows that no corruption has taken place.

HONORING DODIE DITTMER OF THE COMMUNICATION WORKERS OF AMERICA

(Mr. BROWN of Ohio asked and was given permission to address the House for 1 minute.)

Mr. BROWN of Ohio. Mr. Speaker, I rise to honor my friend Dodie Dittmer of the Communication Workers of America for her 43 years of service. She started at Ohio Bell in Dayton back in 1963.

Dodie Dittmer has always been there for workers and, in the great tradition of the labor movement, always been there for her community. She was always a good soldier, a private in her humility as she was willing to pitch in on every task and a general in her leadership. She was always a good soldier in the battle for social and economic justice. For that, we are all thankful to Dodie Dittmer.

REDUCING CLASS SIZE

(Mr. MEEK of Florida asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. MEEK of Florida. Mr. Speaker, I come to the floor today to announce that last Friday a bipartisan coalition of 20 State senators, all 14 Democrats and 6 Republicans State senators, came together to protect the people of the State of Florida as it relates to smaller class sizes.

The people of Florida in 2002 voted and approved class size limits in Florida to make sure that the State pays for smaller class sizes and not local districts. Floridians said three things: Public education is a high priority, classrooms packed with students are unacceptable, and that Floridians want tax dollars to provide a quality education for all of Florida's children. But some State officials tried to undercut that decision made by the voters for Florida's children.

Today, I want to enter the names of those senators and those State representatives that put forth their vote to make sure that we protect those that are in public education now in the State of Florida and those that are yet unborn. They should be commended and their names placed into the CONGRESSIONAL RECORD for future generations.

State Senators Nancy Argenziano, Dave Aronberg, Larcenia Bullard, Walter Campbell, Jr., M. Mandy Dawson, Paula Dockery, Rodolfo Garcia, Jr., Steven Geller, Anthony Hill, Dennis Jones, Ron Klein, Alfred Lawson, Jr., Evelyn Lynn, Gwen Margolis, Les Miller, Nan Rich, Gary Siplin, Rod Smith, Alex Villalobos, and Frederica Wilson.

State Representatives Bruce Atone, Loranne Ausley, Dorothy Bendross-Mindingall, Kim Berfield, Mary Brandenburg, Phillip Brutus, Susan Bucher, Edward Buller, Faye Culp, Joyce Cusack, Terry L. Fields, Anne M. Gannon, Dan Gelber, Audrey Gibson, Kenneth Gottlieb, Ron Greenstein, Bob Henriquez, Wilbert Holloway, Ed Homan, and Arthenia Joyner.

State Representatives Charles Justice, Will Kendrick, Marcello Llorente, Richard Machek, Matthew Meadows, Frank Peterman, Juan-Carlos Planas, Ari Porth, John Quinones, Curtis Richardson, Julio Robiana, Yolly Roberson, Timothy Ryan, Franklin Sands, John Seiler, Irving Slosberg, Christopher Smith, Eleanor Sobel,

Dwight Stansel, Priscilla Taylor, and Shelley Vana.

SPECIAL ORDERS

The SPEAKER pro tempore (Mr. GOHMERT). Under the Speaker's announced policy of January 4, 2005, and under a previous order of the House, the following Members will be recognized for 5 minutes each.

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

(Mr. JONES of North Carolina addressed the House. His remarks will appear hereafter in the Extensions of Remarks.)

The SPEAKER pro tempore. Under a previous order of the House, the gentlewoman from California (Ms. WOOLSEY) is recognized for 5 minutes.

(Ms. WOOLSEY addressed the House. Her remarks will appear hereafter in the Extensions of Remarks.)

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

(Mr. PAUL addressed the House. His remarks will appear hereafter in the Extensions of Remarks.)

COVER THE UNINSURED WEEK

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

Mr. GENE GREEN of Texas. Mr. Speaker, I rise tonight to address the most pressing problem facing our country and the health care system of our country: the growing number of uninsured.

Since 2000, the number of uninsured has grown by more than 10 percent as an additional 1 million Americans have joined the ranks of the uninsured each year. The Robert Wood Johnson Foundation recently reported that the number of individuals without health insurance in this country rose to 46 million this year. This is a problem that we literally cannot afford not to address.

In my State of Texas, we have the unfortunate distinction of ranking number one in the country for our level of uninsured, which has reached crisis proportions. Twenty-five percent of Texans are uninsured, compared with 15.7 percent of Americans nationwide. Twenty-two percent of children in our State are uninsured, compared to 12 percent of American children nationwide.

The increase in the number of uninsured is due in part to the changing nature of health care in this country. Gone are the days when we could rely on our employers to provide comprehensive health insurance for us and our families. While more than 90 percent of firms with more than 50 employees still offer employer-sponsored coverage, many smaller firms have found they simply cannot afford to offer their employees health insurance. In fact, only 47 percent of firms with fewer than 10 employees offer employer-sponsored coverage.

We are proud that Texas is a small business State, but an unintended consequence is that many of our small business employees do not have access to affordable health insurance. The result is that many Texans, and folks throughout our Nation, have few choices for health insurance other than the individual market.

For American families near the poverty level, the cost of health insurance has to compete with the cost of putting food on your table or a roof over your heads, which is really no choice at all. The typical family of four at the poverty level brings home $20,000 a year. Given that private health insurance cost $9,000 a year in 2005, it is no surprise that more than half of Americans below the poverty level spent at least some or part of each year uninsured.

The plight of the uninsured should worry all Americans, as the uninsured have less access to care, become sicker, and impose tremendous costs on our health care system. The uninsured are less likely to seek preventative health care and only get care once their health problems reach emergency proportions. A recent study by the Institute of Medicine estimated that 2,500 Texans die each year as a result of being uninsured. In fact, nearly 50 percent of the uninsured adults have postponed seeking health care because they could not afford it. Only 15 percent of individuals with health insurance have postponed care for this reason. The difference can literally be life or death.

For example, uninsured women with breast cancer have a 30 to 50 percent higher risk of dying from the disease than breast cancer patients with insurance, 30 percent higher than people with health insurance. Uninsured auto accident victims with trauma are 37 percent more likely to die from their injuries than their insured counterparts.

Everyone can agree that something must be done to stem the tide of the uninsured. Yet it is important that we put in place policies that not only increase the number of Americans with health insurance but also ensure that they have quality and comprehensive insurance.

Unfortunately, the health savings plans and association health plans supported by the administration and our Republican colleagues are not a silver bullet. The success of any health insurance plan lies in its ability to spread the risk. However, both the Health Savings Accounts and the AHP models would separate out the healthy and wealthy, leaving sicker and poorer Americans to fend for themselves in an individual health insurance market that is already out of reach for low-income Americans. This is not the way to ensure our citizens are healthy and productive members of society.

The Federal Government needs to renew its commitment to the most vulnerable members of our society. Faced with record levels of uninsured, we should be adding people to the Medicaid and S-CHIP rolls, not dropping them. We should expand the S-CHIP program to include parents of CHIP kids. That option alone would provide health insurance to 67 percent of CHIP parents in Texas.

We should restore funding for the Healthy Community Access Program, which in my community has helped enroll an additional 250,000 individuals in Medicaid and CHIP, while also directing the uninsured away from the ERs and toward a more appropriate health care home.

These are the programs that work, not HSAs and the AHPs that will place additional burdens on those who need help the most.

Mr. Speaker, if we are going to get this country's health care system out of the ditch, we have to first stop digging.

HONORING BILL WHITEHEART

The SPEAKER pro tempore. Under a previous order of the House, the gentlewoman from North Carolina (Ms. FOXX) is recognized for 5 minutes.

Ms. FOXX. Mr. Speaker, I rise today to honor one of my constituents, Mr. Bill Whiteheart, for being named the 2006 ''Small Business Champion'' for North Carolina by the National Federation of Independent Business, NFIB.

Mr. Whiteheart is the owner of Whiteheart Outdoor Advertising in Lewisville, North Carolina. He is also a Forsyth County Commissioner, a cattle farmer, a real estate broker, and the owner of several other successful companies including Tobacco Transport, Atlantic Storage Trailer Rental Company, Yadkin Valley Traders, Incorporated, and TFG Turf.

Mr. Whiteheart is a successful small businessman who has given a great deal back to his community through his work in organizations like Habitat for Humanity and the Lewisville Civic Club. He is an outstanding role model for other entrepreneurs in our State and is a great spokesperson for small business issues.

Mr. Whiteheart serves as the chairman of NFIB's North Carolina Leadership Council and helps the organization to support and recruit pro-small business candidates.

The National Federation of Independent Business is North Carolina and the Nation's largest small business advocacy group. It is quite an honor for Mr. Whiteheart to be named ''Small Business Champion'' by this outstanding organization, and I congratulate him for his achievements.

WORLD PRESS FREEDOM DAY

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

Mr. SCHIFF. Mr. Speaker, today is World Press Freedom Day, a time set aside to honor the work and sacrifice of journalists around the world. I believe that freedom of the press is vital to American national security and to our democracy here at home.

Today, my colleague from Indiana, Mr. PENCE, and Senators CHRIS DODD and RICHARD LUGAR joined me in launching a new bipartisan, bicameral caucus aimed at advancing press freedom around the world. The Congressional Caucus for Freedom of the Press creates a forum where the United States Congress can work to combat and condemn media censorship and the persecution of journalists around the world. The launch of this new caucus sends a strong message that Congress will defend democratic values and human rights wherever they are threatened.

This evening, Mr. PENCE and I hosted an event here in the Capitol to celebrate World Press Freedom Day. We were honored by the presence of Musa Klebnikov, the widow of murdered American journalist Paul Klebnikov, the editor of Forbes Russia who was gunned down on a Moscow street in July of 2004. A Moscow court is due to hand down a verdict against the alleged triggermen tomorrow, and Mrs. Klebnikov spoke movingly about continuing her late husband's work of helping the Russian people by working with them to build an independent press.

In launching this new caucus, we have been encouraged by the wide range of organizations and individuals such as Reporters without Borders, Freedom House, and the Committee to Protect Journalists, which have all enthusiastically endorsed this effort. But I was most gratified to receive a letter of support this morning from Walter Cronkite, the longtime CBS News anchor who is not only an American icon but a living symbol of the positive force that journalists can have in shaping our lives.

Freedom of the press is so central to our democracy that the Framers enshrined it in the first amendment of our Constitution. At the time, there was little in the way of journalistic ethics; and newspapers were filled with scurrilous allegations leveled at public figures. Even so, our Founders understood its importance to advancing our experiment in democracy.

Throughout our history, journalists have jealously guarded their rights and American courts have, in the main, carved out broad protections for the press. In the United States, the press operates almost as a fourth branch of government, the Fourth Estate, as it is called, independent of the other three and positioned as watchdogs of our freedom.

The United States, as the world's oldest democracy and its greatest champion, has a special obligation to defend the rights of journalists wherever and whenever they are threatened. A free press is one of the most powerful forces for advancing democracy, human rights, and economic development, so our commitment to these larger objectives requires active engagement in the protection and the promotion of this freedom.

These are difficult and dangerous days for reporters around the world. According to the New York-based Committee to Protect Journalists, 47 journalists were killed in 2005, most of whom were murdered to silence or punish them. While last year's death toll was lower than the 57 deaths in 2004, they were well above the yearly average over the last two decades. But too many have paid the ultimate price just for doing their jobs.

Daniel Pearl was the Wall Street Journal's South Asia bureau chief and was on his way to an interview with a supposed terrorist leader when, on January 23, 2002, he was kidnapped by a militant group that claimed that he was a spy. For weeks, speculation persisted about his fate, until his decapitated body was found in a shallow grave outside Karachi in late February.

In Algeria, Mr. Mohamed Boualem Benchicou, the former editor of Le Matin, was given a 2-year prison sentence for being too outspoken.

□ 2130

He has been held in El Harrach prison for the past year as his health deteriorates and members of his newspaper staff are routinely subject to interrogation by Algerian authorities and also to judicial harassment.

Raul Rivero Castaneda is one of Cuba's best known dissident journalists. Over the years, Mr. Rivero has paid dearly for his commitment to providing Cuban citizens with independent, unbiased information. In March 2003, Rivero was arrested and charged with ''acting against Cuban independence and attempting to divide Cuban territorial integrity,'' writing ''against the government,'' organizing ''subversive meetings,'' and collaborating with U.S. diplomats. Sentenced to 20 years in jail, he served 8 months before being allowed to seek asylum in Spain in April 2005.

These are just some of the journalists that our caucus will highlight and profile to bring attention to those brave, committed members of the press around the world who are fighting for the freedom of all of us and to highlight those countries where press freedom is under attack. We welcome all of your membership in this caucus.

THE INVASION OF AMERICA—TEXAS SPEAKS

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

Mr. POE. Mr. Speaker, I have received numerous correspondence in the last 24 hours regarding the unlawful invasion into the United States. Here is what some Texans are saying.

Heather Pritchett in Humble, Texas, says: ''Illegal immigrants should be sent home and required to follow the same immigration laws as legal immigrants have faced. It is wrong to give illegal immigrants legal status, even with several requirements such as learning English, essentially it says it is okay to ignore the law. An open door immigration policy is one of the wonderful things about this country and it should continue, but please close the windows.''

Jeffrey Kendrick of Spring, Texas, writes: ''Why do we allow illegals to choose what laws are okay to disregard? As an American citizen who served our country for over 10 years in active military duty, this makes my blood boil. Why aren't we enforcing the laws that are already on the laws? Are there other laws that are okay to break? Why should our representatives in Washington allow our country to be overrun with people who have no regard for the law? Stand up for our country. I have always respected your record and valued your opinion. Don't let the country be sold out to whining liberals who are afraid of what illegal aliens may think of them. Who cares what they think? Go after companies that employ them illegally, enforce the law, preserve the American way of life.''

Robert Arnold in Atascocita, Texas, writes: ''It is amazing to see so many people mock our government while breaking the American law. As a citizen, as a veteran, I would like to know what plan is on the drawing board to stop the inflow of illegal activities at the borders. At the very least, make those people pay taxes. I don't even care about the $3 a gallon gasoline, but work to get this immigration issue under control.''

Zine Strong of Humble, Texas, writes: ''I am appalled at what is happening in our country where it appears that illegal immigrants have more rights than American citizens. I see daily on television the plight of those who live at the border. Their properties are vandalized, their lives are threatened by those crossing the border illegally. Our school and health systems are stretched to the limit and the jails are filled with people who have no right to be here in the first place.

''I am an immigrant myself who was blessed to have the privilege of becoming an American citizen. I came to this country legally many years ago with my two small daughters. As soon as we arrived, my daughters were enrolled in a school so they could learn English and we spoke only English at home. My sister, who had sponsored us, took us to McDonald's and told my daughters they could not be Americans unless they ate hamburgers and drank Coca-Cola. Five years later we became American citizens.

''We are Brazilian by birth and Americans by choice, but we did it legally. We never demanded any rights because we didn't have any until we became U.S. citizens. We pay our taxes. We obey the law. We love America with its traditions and all it stands for, and we do not wish to see it destroyed or changed.

''It is with horror that I see thousands of illegals take to the streets and shout for their rights. Their sense of entitlement is offensive, and politicians in Washington who write legislation protecting them are saying to American young people that laws are to be broken and you will be rewarded if you do break the law.

''The American people have had enough. For me, the last insult was to see our National anthem being not only translated into Spanish, but having our words changed to serve someone else's interests. The anthem is sacred. Can you imagine if immigrants in France did the same thing with the French anthem? They probably would be shot.

''I urge you to protect our borders. Do whatever is needed to stop the invasion. Yes, we are a nation of immigrants, but the immigrants who built our Nation came here legally. Furthermore, they came to give to this country. They learned the language, followed the laws and were assimilated into the United States. The people who are coming now want to change the country. To begin with, they don't even learn the language.

''In 2004, I had to go to the emergency room at a local hospital. I was there 7½ hours because the waiting room was full of illegals who, according to the law, have to be taken care of. I pay taxes, they don't. Where are my rights? The civil rights of American people are being violated to protect illegals.

''To the politicians who say we are a generous people who should help those who come here looking for a better way of life, I say, well, where does that end? The Mexicans are no more deserving than other people. What about the Africans, the Haitians and all other nationalities? Should we open our borders to accommodate the whole world? If those folks want a let better life, let them demonstrate against the Mexican government and fight for their rights in their own country. Otherwise, if we make an exception for them, then in the name of fairness we will have to do it for all nations. What I see now on the borders is anarchy.''

Lastly, Milton Chance of Nederland, Texas, briefly states: ''I am against illegal immigration. We need to secure the boarders. My son-in-law is Mexican and I have two wonderful grandchildren so I am not prejudiced at all. This statement by a former President of the United States sums up the way I feel. 'In the first place, we should insist that an immigrant who comes here in good faith and becomes an American and assimilates himself to us, he shall be treated with the exact equality as everyone else. It is an outrage to discriminate against any person because of creed, or birthplace, or origin. But this is predicated upon the person's becoming in every facet an American and nothing but an American. There can be no divided allegiance here. Any man who says he is an American but does something else isn't an American at all. We have room but for one flag, the American flag. We have room but for one language, and that is the English language. We have room for but one sole loyalty, and that is the loyalty to the American people.'' Signed Teddy Roosevelt, 1907.

Mr. Speaker, I hope Congress is listening to the people of this country. And that's just the way it is.

ONE-SIZE-FITS-ALL TRADE AGREEMENTS DON'T WORK

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

Mr. MICHAUD. Mr. Speaker, does anyone here or watching at home wear one-size-fits-all clothing? It never fits right. It never looks good. What works for one person doesn't work for another. When it comes to trade agreements, a one-size-fits-all approach does not work either.

So then why are we negotiating trade agreements that take a one-size-fits-all approach to very different countries? Electronic comparison of the labor chapter in CAFTA versus the same chapter in Oman and Peru FTAs shows that Peru's FTA text is word-for-word identical to CAFTA. The Oman text contains only four syntax changes that do not alter the underlying meaning.

The labor chapter simply requires that each country enforce its existing labor laws. It does nothing to require countries to improve their laws to reflect fairness to working people.

There are also no safeguards in the agreement to prevent countries from weakening their labor laws. This is the same failed CAFTA approach: Squeeze it into one-size-fits-all clothing and slap it on to two different countries, Peru and Oman.

In Peru, the United States State Department has indicated that child labor remains a serious problem. It is estimated that 2.3 million children between the ages of 6 and 17-years-old are engaged in work. In Oman, the revised 2003 law remains in serious violation of the International Labor Organization's most important and fundamental rights, the freedom of association and the right to organize and bargain collectively.

The Sultan of Oman allows for no independent unions in the country. Whatever worker representative committees exist in the country, they are also subject to the government's approval. Such committees may not discuss wages, hours or conditions of employment. Needless to say, these are flawed agreements. They borrow weak labor rules from CAFTA and apply them to the countries that are in dire need of better labor standards for their workers. They do nothing to improve the lives of the work or the working conditions of these people. And, make no mistake, what is bad for them is also bad for us here in the United States.

Any vote for the Oman or Peru FTA must take into account the broader economic reality that we are facing here today. Our trade deficit hit a record shattering $726 billion last year. We have lost more than 3 million manufacturing jobs since 1998. Average wages have not kept pace with inflation this year, despite healthy productivity growth. The number of people in poverty continues to grow, and the real median family income continues to fall.

Offshore outsourcing for white collar jobs is increasingly impacting highly educated, highly skilled workers. RECORD trade and budget deficits, unsustainable levels of consumer debt, stagnant wages, all paint a picture of an economy living beyond its means, dangerously unstable in a volatile global environment.

These trade deals are not working for us. They aren't working for this country or for the countries we trade with either.

I urge all Members of the House to send our new United States Trade Representative an important message: All future agreements must make a real departure from a failed NAFTA and CAFTA model in order to succeed.

American workers are willing to support increased trade if the rules that govern are fair, if they stimulate growth, create jobs and protect fundamental rights, both in America and abroad. I am committed to fighting for better trade policies that benefit U.S. workers and the U.S. economy as a whole.

We simply cannot afford more of the same, one-size-fits-all clothing, because what you will get is a wolf in sheep's clothing.

THE PROBLEM OF AMERICANS WITHOUT HEALTH INSURANCE

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

Mr. GINGREY. Mr. Speaker, I rise tonight to raise awareness of a problem that is plaguing our health care system, and that is the number of uninsured Americans. It has been estimated that more than 45 million lack health insurance. However, it is important for understand for us to understand better who the individuals are that make up that 45 million.

A census taken in 2003 reveals that almost one-third of the uninsured, 15 million, live in households with annual incomes above $50,000. 7.6 million of these individuals live in households with incomes of more than $75,000.

Moreover, Mr. Speaker, 18 million of the uninsured are between the ages of 18 and 34.

Obviously, many of these are uninsured as a matter of choice. They choose not to have coverage, because health insurance in this country is prohibitively expensive and it is not a purchase they wish to make, either because they are young and healthy or because they are willing to roll the dice and take their chances, or, if their employer cannot afford to offer insurance, the regulations on the individual insurance market make purchasing a policy on their own prohibitively expensive.

Fortunately, Mr. Speaker, the Republican leadership of this House has shown the American people how health care can be made more affordable in this country. There are three fundamental avenues that take significant steps toward allowing all Americans to be able to afford health insurance.

The first is Association Health Plans, or AHPs. The House of Representatives last year passed H.R. 525, the Small Business Health Fairness Act. This bill will reduce the cost of health benefits for small businesses and the self-employed by establishing new national Association Health Plans. AHPs currently exist, but they are severely hampered by the administrative burden and high costs of having to comply with 50 different sets of State insurance mandates and regulations. These barriers have made it virtually impossible to start new plans and have forced many of these plans to close, thus greatly limiting the availability of affordable health insurance to our small businessmen and women.

H.R. 525 will strengthen health insurance markets by creating greater competition and more choices of health plans for small businesses. Greater competition will benefit consumers by bringing premiums down and expanding access to coverage. The bill provides AHPs with the opportunity to offer fully insured health plan options under a uniform set of rules across State lines so it will actually expand opportunities for insurance companies to serve these small businesses.

□ 2145

Mr. Speaker, the second avenue that will allow more Americans to purchase health insurance are through health savings accounts.

They were established by the Medicare Modernization Act of 2003. Health savings accounts allow Americans to put aside tax-free dollars with a maximum annual contribution to pay for their health care needs.

These accounts are combined with high-deductible health insurance policies that cover both preventative services as well as catastrophic coverage; and these accounts, Mr. Speaker, grow with the miracle of compound interest.

In 2 years, over 3 million individuals have enrolled in HSAs; and the number of Americans projected to enroll by the year 2010 increases to, get this, 29 million. In addition, more than one-third of HSA purchasers last year actually had incomes under $50,000; and one-third of individual HSA purchasers last year were previously in the rolls of the uninsured.

In his State of the Union Address, President Bush announced his plans to build and expand upon those early successes by giving Americans who purchase HSAs the same tax advantage given to employer-sponsored health insurance plans. This is a huge boost for those Americans who are self-employed, unemployed, or they work for companies that do not offer health insurance. It levels the playing field and increases the number of individuals and families with coverage.

Mr. Speaker, the last solution of reducing the number of uninsured Americans is called community health centers. They are vital to enhance medical care in poor communities, where access to regular care is often hardest to come by and where basic primary and preventative services can do an enormous amount to raise standards of living and well-being.

With the support given by the Federal Government over the last several years, our community health centers now have capacity to serve more than 3.5 million additional Americans, with nearly 2 million more served in the next 2 years.

So, Mr. Speaker, it is not national health insurance that we need; and I think I heard one of my colleagues on the other side at the start of these 5 minutes describe that and recommend it. But, as can you see, the leadership in the House of Representatives, we take seriously our responsibility to allow all Americans to purchase health insurance. But our job is not done until all Americans enjoy the comfort and the security of health care insurance.

OMAN-PERU FREE TRADE AGREEMENT

The SPEAKER pro tempore (Mr. GOHMERT). Under a previous order of the House, the gentlewoman from California (Ms. LINDA T. SÁNCHEZ) is recognized for 5 minutes.

Ms. LINDA T. SÁNCHEZ of California. Mr. Speaker, a year ago in this body, we were talking about this Central American Free Trade Agreement or CAFTA's terrible labor provisions.

At that time, Member after Member raised serious concerns about CAFTA's failure to protect working people here in the United States and abroad. However, the Bush administration ignored every single one of those serious flaws with the CAFTA trade deal. Now the Bush administration is asking this House to consider the Oman and Peru Free Trade Agreements.

I would call it a new deal, except there is nothing new about it. I have looked at the labor provisions in the deal, Mr. Speaker, and they are identical to those in CAFTA. The administration has changed nothing, absolutely nothing at all.

So, Mr. Speaker, again I need to say that there is a message we need to send to the President. The message is very simple: No on the CAFTA model, no to inadequate labor protections, and no to the Oman and Peru agreements.

If you want to protect workers' rights, if you stand for labor protection, if you want to halt job losses in this country, then say no to the CAFTA model, say no to inadequate labor protection, and say no to the Oman and Peru agreements.

The CAFTA model hurts hard-working people here in the United States, in Oman and in Peru. Not surprisingly, the Oman and Peru trade deals will hurt U.S. workers in the same industries that were alienated by CAFTA. It is not a surprise to anyone that I am talking about textiles and sugar production.

The labor standards in Oman and Peru are simply not acceptable. As recently as last year, the Bush administration's very own State Department publicly stated that Oman has an unacceptable standard for the trafficking of people into involuntary labor.

The same was formally acknowledged regarding Peru, including a special note that child labor was a serious problem there.

Honestly, I do not understand this administration. At the same time that the administration negotiated these agreements, it also published a report detailing the extensive labor problems in both of these countries. Even children working in a factory making bricks in Lima, Peru, do not have the legal right to, and I quote the administration's report, ''remove themselves from potentially dangerous situations''.

We need to say no to the Oman and Peru agreements, not just to protect our labor rights here in the United States but also, importantly, to set the global standard for labor rights around the world.

It was not so long ago that many in this House rejected and argued against CAFTA. Guess what? The arguments against the Oman and Peru agreements are the exact same ones, because it is the exact same agreement.

I ask my colleagues not to be fooled. Do not believe that this is a new approach for trade, because absolutely nothing has changed.

I, for one, am going to stand up again for labor rights here in the United States and abroad, and I encourage my colleagues to do the same.

HONORING JAMES CAVENDER

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

Mr. GOHMERT. Mr. Speaker, I rise to honor a great East Texas man who has realized the American dream the old-fashioned way, through a lifetime

of hard work and dedication to his family, to his community, and to his craft.

James Cavender began his business career by opening a Dairy Mart in Pittsburgh, Texas, 4 years after I was born there. He opened his business in 1957.

Eight years later, Mr. Cavender took another chance and opened a retail western wear business for men and boys. Thirty-five years, 40-plus stores, and some 800 employees later, Cavender's Boot City, Cavender's Western Outfitters has become synonymous with the Texas cowboy.

Mr. Cavender's success is built on the following motto, ''take care of the customer and everything else takes care of itself''.

James Cavender is a family man. His company's operation reflects that. His wife, Pat, sons, Joe, Mike, Clay, are all involved in the day-to-day business of Cavenders. The family remains in tune with their customers by continuing to live a ranch lifestyle.

On May 9, Junior Achievement will honor the business success and community service of James Cavender. Junior Achievement is a volunteer organization that teaches children how they can impact the world around them as businesspeople.

Our young people who are interested in impacting the lives of others by entering the business world will find no better role model than James Cavender, a man who through honesty, determination, has attained great success as a businessman, but, more important, as a citizen of East Texas, of Texas and of these United States.

We honor James Cavender. God bless you, and God bless America.

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

(Mr. PALLONE addressed the House. His remarks will appear hereafter in the Extensions of Remarks.)

IRAQ—THREE YEARS AND COUNTING

Ms. KAPTUR. Mr. Speaker, I rise to claim Mr. PALLONE's time to address the House for 5 minutes.

The SPEAKER pro tempore. Is there objection to the request of the gentlewoman from Ohio?

There was no objection.

The SPEAKER pro tempore. Under a previous order of the House, the gentlewoman from Ohio (Ms. KAPTUR) is recognized for 5 minutes.

Ms. KAPTUR. Mr. Speaker, a little over 3 years have passed since the invasion of Iraq, and it seems that we are no closer to victory than we were the day U.S. troops rolled into Baghdad.

So where are we in Iraq? This is a question many are asking. Just this morning, a suicide bomber attacked police headquarters in Fallujah, killing 15 and wounding 30 others. According to AP reports, 13 of those killed were Iraqi recruits and two were Iraqi police.

In Baghdad over the past 2 days, 34 bodies have been discovered throughout that city. The hands of the men had been bound. All showed signs of torture, and all had been shot in the head.

Another 12 bodies, all Sunni Arabs, were found in the streets over the weekend.

This is appalling news, Mr. Speaker; and, sadly, it is simply a continuation of the sectarian violence sparked by the February bombing of the holy Askariya Mosque in Samara. The elevated violence has claimed hundreds of lives, and many experts and scholars worry if this is deteriorating into a full-out civil war.

We can only hope that will not be the case, Mr. Speaker, but the signs are troubling, and insurgents are targeting Iraqis as well as U.S. troops. Iraqis are attacking other Iraqis, and no one seems to know how to stop the violence.

It is clear that the administration's pre-war intelligence was finagled or flubbed, and war efforts are being bungled. Constant miscalculations and inability to view the situation for what it really is continues to place our troops in harm's way every minute of every day.

Is it any wonder that well-respected military officers out of a sense of patriotic duty feel compelled to speak out against Secretary Rumsfeld and others in this administration, drawing light to the constant bungling?

In March, military General Paul Eaton, retired, said, ''Mr. Rumsfeld has put the Pentagon at the mercy of his ego, his cold warrior's view of the world and his unrealistic confidence in technology to replace manpower. As a result, the Army finds itself severely undermanned.''

Retired military General Paul Eaton: ''Secretary Rumsfeld has shown himself incompetent strategically, operationally and tactically, and is far more than anyone else responsible for what has happened to our important mission in Iraq. Mr. Rumsfeld must step down.''

Retired Lieutenant General Greg Newbold: ''Secretary of State Condoleezza Rice's recent statement that we made the right strategic decisions but made thousands of tactical errors is an outrage,'' he says. ''It reflects an effort to obscure gross errors in strategy by shifting the blame for failure to those who have been resolute in fighting. The truth is our forces are successful in spite of the strategic guidance they receive, not because of it.''

Major General John Batiste in April said, ''the current administration repeatedly ignored sound military advice and counsel with respect to the war plans. I think the principles of war are fundamental, and we violate those at our own peril.''

And Central Command Commander General Anthony Zinni in April said, ''I think we are paying the price for lack of credible planning, or the lack of a plan. We are throwing away 10 years of planning, in effect, for underestimating the situation we were going to get into and for not adhering to the advice that was being given to us by others.''

Mr. Speaker, all of these are troubling remarks. All of those men speak from personal experience at ground level. Their concerns and protestations were ignored by higher-ups in the Pentagon and in the Oval Office.

The price for speaking the truth in public? Ask General Shinseki. He got fired for daring to speak out on the number of troops that would be a needed to maintain the peace once major combat operations were under way.

So, thus far, we have 2,404 U.S. soldiers who have died in Iraq and another 17,762 injured; 27,000 Iraqi civilians have died, and the world does not even know how many there have been injured.

From my own State of Ohio, 107 brave soldiers have died, and 664 have been injured. And the only thing this administration sees fit to do is throw money at the problem and wait for a new President to figure it out sometime after 2008's elections are over.

Our esteemed colleague from the other body, JOSEPH BIDEN, this week suggested that he agreed with some experts who have proposed decentralizing Iraq, similar to what was done in Bosnia in the mid-1990s. He writes, ''America must get beyond the present false choice between staying the course and bringing the troops home now and choose a third way that would wind down our military presence responsibly while preventing chaos. The idea, as in Bosnia, is to maintain a united Iraq by decentralizing it, giving each ethno-religious group, Kurd, Sunni Arab and Shiite Arab, room to run its own affairs while leaving the central government in charge of common interests.''

Mr. Speaker, is it not time to at least consider a new direction to stem the rising violence?

□ 2200

CONGRATULATING DODIE DITMER ON HER RETIREMENT FROM THE COMMUNICATIONS WORKERS OF AMERICA

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

Mr. STRICKLAND. Mr. Speaker, it is with great pleasure that I rise here on the floor of the people's House to congratulate Dodie Ditmer on her retirement from the Communication Workers of America after over 43 years of service to the union and to our Nation.

Dodie was born in Clairfield, Tennessee. She was one of eleven children. She later married Gregory Kent

Ditmer, and together they have one daughter, Tamara Kaye, and one granddaughter, Emily.

On February 13, 1963, Dodie became an operator at Ohio Bell in Dayton, Ohio. She became a member of CWA Local 4311 on that same day. She was appointed as a steward in the union in 1964, going on to be elected local president from 1973 through 1988. On May 1, 1988, Dodie was appointed to CWA staff representative. Dodie also has the distinction of becoming the first woman to be appointed as assistant to the vice president of district 4 in October of 1994. She also served the union as director of education and the COPE political director.

Dodie returned to Dayton, Ohio, in August of 2005 to work with the IUE-CWA and various other locals. Dodie has served the membership extensively on various union, community and political boards and committees.

I have had the great privilege of working with Dodie across the years. Together, we have fought and won many battles on behalf of working men and women, and I have always appreciated her thoughtfulness, her candor and her good humor. I am confident that she will not retire quietly, but I think that she will continue to be an active person in her community.

Ohio has many outstanding citizens, and Dodie Ditmer is certainly one of Ohio's finest. I congratulate her tonight on her retirement, and I wish her Godspeed in the days, weeks and months to come.

PROPOSED TRADE AGREEMENTS WITH COLOMBIA, PERU AND OMAN

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

Mr. LYNCH. Mr. Speaker, I rise tonight to address the House on the matter of the three proposed trade agreements that we are about to consider, namely, Colombia, Peru and the Sultanate of Oman trade agreements.

Every Member of this body knows or should know the history of job loss in this country, and you would think, as my colleague from Texas said, that when you find yourself in a hole, you would stop digging, but not us. Here we go again.

Just like the other so-called free trade agreements, the Colombia, Peru and Oman trade agreements contain no meaningful language or effective labor or environmental standards for workers in those countries. These so-called free trade agreements seek to reinforce the status quo in the host countries.

Mr. Speaker, what we have here is identical language to the problematic and inadequate language that was contained in CAFTA and NAFTA before that.

Instead of enforceable labor provisions with teeth, these free trade agreements suggest only that those Nations adopt and enforce their own labor laws. They offer no assurance that existing labor problems will be resolved, and they allow labor laws to be weakened or eliminated in the future, with no possibility of recourse.

Now, some may wonder why the President and the administration chose these three countries for the next round of free trade agreements. It seems to me, after looking at the agreements, the Bush administration went out to the nations with the very worst examples of labor laws, protections and enforcement in the world, and some of the well-documented and more troubling aspects of these agreements consist. First of all, in Colombia, in 2004, over 200 trade unionists were killed, making it the most dangerous country in the world for workers seeking to exercise their freedom to form unions. More than 3,000 union members have been killed in Colombia since 1985, and only five people have been indicted in those cases.

In Peru, the U.S. State Department has indicated that child labor remains a serious problem. This is our own U.S. State Department. They estimate that 2.3 million children between the ages of 6 and 17 are engaged in work in that country. Now, when we talk about free trade, that is not free trade. That is asking the American worker to compete with children who are being paid very low wages and being exploited in these other countries.

In Oman, their 2003 labor laws remain in serious violation of the International Labor Organization's most important and fundamental rights: freedom of association and the right to organize and bargain collectively. There are no independent unions in that country.

Mr. Speaker, while trade sanctions and serious remedies are granted to the commercial trade and investment provisions of these free trade agreements, the labor and environmental standards are totally ineffectual.

It is interesting to me that the negotiators can get good protections for intellectual property rights and other commercial rights, but when it comes to labor and environmental standards, it is just not happening.

I want to address the House especially within the context of the immigration problem that we are running up against in recent days. We have folks that are tunneling into our country from Mexico. They are swimming across rivers. They are hiding in containers from foreign countries and dying in the process of trying to get here, number one, to get out of the countries that they are in because they are in a troubled state and they know they have got no rights; secondly, to give their families hope in coming here.

It seems to me, if we wanted to stop some of the immigration problems, we could include in our trade agreements provisions that protect those workers in their own countries. Then maybe they would not be lining up to come to this country with hopes of getting out of that situation.

Secondly, we also talk a lot that we have got a major effort in Iraq, and the President of the United States has described it in many cases as an effort to export democracy. Well, I have got news for you; you do not export democracy through the Defense Department.

This is where you export democracy, in our trade agreement, through our Commerce Department. Democracy is all about opportunity, and we should in our trade agreements give these foreign workers an opportunity to stay in their own country, to buy goods from us that would create a good dynamic by creating jobs in this country. Democracy is about opportunity, and if we are really serious about exporting democracy, it starts right here. It starts with our free trade agreements.

This is just a terrible series of trade agreements. It offers no opportunities to these foreign workers. We are going to exacerbate the immigration problem because, as long as these people do not have a right to earn a decent living and have decent working conditions in their own country, they are still going to be coming here.

So we can help on two fronts by adopting fair labor standards in our trade agreements, and I urge my colleagues to reject the Peru, Colombian and Oman trade agreements.

LOCKOUT AT MERIDIAN AUTOMOTIVE PLANT

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

Mr. BROWN of Ohio. Mr. Speaker, I first of all commend my colleagues, LINDA SÁNCHEZ of California, Mr. LYNCH, Mr. STRICKLAND, for continuing the fight for free trade in this country, fighting for jobs, fighting to protect American jobs and protect American communities. There are not nearly enough voices in this Chamber for fair trade policies, and I thank them for their courage and their outspokenness.

Two nights ago, I stood on Route 32 in Jackson, Ohio, a small community in southeast Ohio, with more than a dozen workers outside a plant where many of them had worked for more than two decades. Husbands stood with wives; mothers and fathers joined the group. Some people brought their children. Generations of steelworkers from southern Ohio gathered to talk about their community and to talk about their family values and to talk about change.

That night, we talked about their families and the children they have raised on a steelworker's union salary. We talked about the retirement security they helped invest in over the years and always assumed would be safe with the company that they thought they could trust, and we talked about the uncertain future they now face as they stood by the side of the road outside of the plant.

The workers at the Meridian Automotive Plant in Jackson, Ohio, are not standing there tonight on Route 32 because they are on strike. They did not walk off the job.

Despite being the most productive Meridian workers in three countries, in any of their plants in the U.S., in Michigan and Ohio and North Carolina and Mexico, these Ohio workers have been locked out of their jobs, abandoned by flawed trade policy, betrayed by their management, whom they trusted, and victimized by failed leadership in Washington, some of whom they have voted for.

After NAFTA, the North American Free Trade Agreement, a dozen years ago opened the door to cheap labor in Mexico, corporations like Meridian shipped jobs to countries where they could cheat foreign workers of good health benefits and a retirement plan, and now they want to lower labor standards in Ohio.

Meridian has tossed hardworking Ohioans on to the street literally along the road on Route 32 in Jackson to deny them health care and retirement plans that they have been investing in for decades.

The CEO of Meridian lives in a $2 million mansion. His most productive workers in his company stand alongside of Route 32.

Current U.S. trade policy rewards the outsourcing of Ohio jobs, encourages the exploitation of workers overseas and promotes the profiting of CEOs on the backs of workers and small businesses throughout our country.

For too long, they have been told American jobs must fall victim to the necessary evils of globalization. We have been led to believe that our future is not in our hands. I do not buy that, and those workers alongside the road in Jackson, Ohio, do not buy that.

That night, the workers and I talked about family values and the merits of hard work. We talked about their children. Some are in college. Some are about to go to college. Most thought they could go to college before the lockout. Some may not be able to go now.

We talked about a steelworker's mother who had worked for years, who was part of the bargaining committee for the steelworkers, had deferred income so they would have a comfortable retirement, and that retirement is about to be taken away.

We noted the parade of honking horns in support of the workers and the proof that the community in Ohio actually means something.

They told me that people in the community brought food, brought water and, most importantly, brought with them encouragement for the locked out workers that wanted to be inside the plant working.

That night, we talked about change. We talked about changing economic policies that allow management to pit worker against worker. We talked about changing trade policy that sells out our values for CEO mansions and private planes.

We talked about the Exxon CEO who makes $18,000 an hour. These locked out workers have to figure out how to get anywhere on $3 a gallon of gas. We talked about a drug company executive whose stock plummeted 40 percent since he was CEO but who took an $80 million package out the door with him.

We agreed that it is time to change the future of Ohio by fighting for workers and families. It is time that an honest day's work in this country means a good day's pay. It is time to invest again in American workers and American small businesses and American communities. It is time to fight for family values.

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

(Mr. BURGESS addressed the House. His remarks will appear hereafter in the Extensions of Remarks.)

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

(Mr. BURTON of Indiana addressed the House. His remarks will appear hereafter in the Extensions of Remarks.)

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

(Mr. GEORGE MILLER of California addressed the House. His remarks will appear hereafter in the Extensions of Remarks.)

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

(Mr. PENCE addressed the House. His remarks will appear hereafter in the Extensions of Remarks.)

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

(Mr. BLUMENAUER addressed the House. His remarks will appear hereafter in the Extensions of Remarks.)

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

(Mr. WESTMORELAND addressed the House. His remarks will appear hereafter in the Extensions of Remarks.)

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

(Mr. MCHENRY addressed the House. His remarks will appear hereafter in the Extensions of Remarks.)

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

(Mr. DEFAZIO addressed the House. His remarks will appear hereafter in the Extensions of Remarks.)

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

(Mr. EMANUEL addressed the House. His remarks will appear hereafter in the Extensions of Remarks.)

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

(Mr. STUPAK addressed the House. His remarks will appear hereafter in the Extensions of Remarks.)

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

Mr. KIND addressed the House. His remarks will appear hereafter in the Extensions of Remarks.)

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

Mr. TOWNS addressed the House. His remarks will appear hereafter in the Extensions of Remarks.)

□ 2215

COMPARING THE STATISTICS

The SPEAKER pro tempore. Under the Speaker's announced policy of January 4, 2005, the gentleman from Iowa (Mr. KING) is recognized for half of the time before midnight as the designee of the majority leader.

Mr. KING of Iowa. As always, I profoundly appreciate the opportunity to address you, Mr. Speaker, and in doing so addressing this Chamber; and the echo of the voice that comes here echoes to the American people all across this continent, and indeed and in fact across the world.

Mr. Speaker, as I listen to the dialogue here in this deliberative body and listen to some of the statistics and some of the opinions that were presented here several speakers ago, primarily by the gentlewoman from Ohio speaking in opposition to our operations in Iraq and the concern that she has about the loss of life, which I share, but also the advice and the admonitions that came through that were not supportive of our Secretary of Defense, not supportive of the strategy. I think, though, that her remarks were

made all in good spirit and I think in a fashion that she believes is the best course for this country to take. So I don't take issue with the motive, Mr. Speaker, but I just have a different opinion and I have a different viewpoint on a number of the statistics, so I will try to illuminate this issue a little bit.

The statement was made by the gentlewoman that there have been 27,000 civilians that have been killed in Iraq since the beginning of our operations there, and that date for me would be March 22, 2003. That, indeed, may be the number, and I don't take issue with the specificity of that number of 27,000 civilians killed. I would point out, though, that there have been now 3 years and a little more than a month go by, so one would need to divide that down to take a look at it from an annual perspective, and that would take that down to about 9,000 civilians a year.

Mr. Speaker, it occurs to me as I sit here in this Chamber and evaluate this that not too long ago I was down in South America on a trade mission through Brazil and also Argentina and a couple of other smaller countries briefly, and there in Sao Paulo, a large city in the southern part of Brazil, they informed me that they had an annual number of murders in that city of 10,000 people that died violent deaths at the hands of murderers in Sao Paulo, Brazil. Now, whether you want to measure that that city is the compressed inner city with a lower population or the city and its suburbs with a larger population, and perhaps that could go as many as 16 million or maybe even larger for the size of the city, Mr. Speaker, that is still an astonishing number to think of 10,000 people in a single city that are murdered in a single year, a high level of violence.

So when I came back, I took a look at some statistics to try to get a handle on this, to try to put it in perspective. And one of the ways we can do that is we look at the communities that we know that we live in where we see the crime figures day by day on the front page of the paper, and sadly often they don't make the front page of our paper, and look also at other countries where we are paying intense attention. So I pulled those statistics together for a number of countries.

Of course, Iraq would be number one on that list. And the statistics are given on many web pages and easily available to all, Mr. Speaker, but the number of murder victims, deaths due to violent acts, murder victims per 100,000. So you take it down into that number per 100,000, it puts it in a balanced perspective, it is apples to apples, and it will give a person an idea of about what kind of a violent society we might be dealing with.

So as I look at these numbers, Mr. Speaker, I actually didn't come up with the numbers for Brazil and I couldn't find the numbers for the city of Sao Paulo, but I did find the numbers for Iraq. For Iraq, the victims of violence, and in that we include the bombing victims, of civilians and those that are victims also of murder in Iraq, it comes down to 27.51 deaths per 100,000 per year; 27.51 is the number. So if you are living in a city of exactly 100,000 people, statistically there would be 27.51 of them who would die a violent death in any given year. That is the statistical number. And, of course, we know there are anomalies, and we know there are concentrations of tragedies, and we know there are long terms of peacefulness that go on in other parts of the country. But this helps us understand how a country like Iraq can continue to move forward with the kind of violence that we see on television. It makes me wonder, Mr. Speaker, if we aren't seeing almost all of the violence that goes on in Iraq on television because we are seeing those high levels of violence continually in front of our faces every day. I think it is sometimes intentional and strategic rather than news; 27.51 fatalities per 100,000 in Iraq.

Now, how does this compare across the rest of the world? Well, one might look at a country, say, like Venezuela, 31.61 violent deaths per 100,000. So Venezuela is slightly more dangerous to live in than Iraq is.

And Jamaica, 32.40 violent deaths per 100,000 compared to the 27.51 in Iraq. Jamaica is slightly more dangerous to live in than Iraq.

And then you have South Africa. It jumps all the way up to 49.60.

Now, we are starting to see some numbers here that take us up to almost twice the rate, it is a little less than twice the rate of Iraq's fatality rate; 49.60 in South Africa per 100,000.

But we do have some numbers that go over twice the rate. One of those would be Colombia. Iraq, 27.51 deaths per 100,000; Colombia, 61.78 violent deaths per 100,000, more than two times as many deaths there. It is more than twice as dangerous to be a civilian living supposedly in peace and harmony in Colombia than it is to be a civilian living in the middle of this chaos in Iraq that I hear is intolerable.

Mr. Speaker, I would point out that if it is intolerable to face that kind of violence as a percentage of the population in Iraq that is unsustainable and that somehow we should pull out of there and wash our hands and give up or cut and run or maybe split the country up into three different sections, and then imagine what kind of violence we would have if we pitted those three factors against each other. But, instead, I will submit that we are being treated with a relentless drum beat of television violence in Iraq that, even though it is honestly represented in those significant instances, we don't have our television cameras lined up on the emergency rooms in the United States. We don't have them lined up here in the emergency rooms in Washington, D.C. or Detroit or Baltimore or New Orleans or Atlanta or St. Louis.

Mr. Speaker, speaking of those cities, I would point out that there is a way also to draw a measure, a measure that Americans will have a different feel for when I lay out the casualty rates for violent deaths in our cities in America. And it occurs to me when I look at these statistics that it is far more dangerous for my wife to live here in Washington, D.C. than it would be if she were living as an Iraqi civilian citizen in a random place in Iraq. Now, we know there are places with higher violent rates, but 27.51 deaths per 100,000 in Iraq per year.

I am going to go to Washington, D.C.; 45.9 deaths per 100,000, Mr. Speaker, compared to the 27.5 in Iraq per 100,000.

Detroit, 41.8. It is getting a little safer in Detroit than it is in Washington, D.C., but still far more dangerous in Detroit than it is in Iraq to be a civilian.

Baltimore, 37.7; Atlanta, 34.9; St. Louis, 31.4. We are getting down there closer to the fatality rate to live in St. Louis rather than living somewhere in Iraq at 27.51.

So what city might be comparable, a city that we would be familiar with that would have a violent death rate that one would compare to the equivalent of being a civilian in Iraq? Well, Mr. Speaker, if there are people out there that are sitting in Oakland, California, tonight and they are thinking about how they are living safe in their living room, they are just slightly safer in their living rooms living in the community of Oakland, California, than they are living in a random community in Iraq. The Oakland fatality rate for a violent death is 26.1 compared to the 27.51 in Iraq.

Mr. Speaker, I think this makes the point very well that we can be delivered a constant drum beat of violence, and then we begin to think that it is an intolerable violence and something that is such a high level that it can't continue, that a civil society just simply can't sustain that kind of an onslaught, when, truthfully, the violent level in Iraq is well less than half of the violent level in Colombia, and they sustain themselves although not so well. Slightly higher than half the rate of South Africa; they sustain themselves.

We go to Jamaica because it is a wonderful place to visit, but the violence level there is a little more violent than Iraq, slightly less violent than Oakland, California.

Venezuela, I mentioned.

The one that I left off was New Orleans. Thinking in terms of 27.51 deaths per 100,000 violent deaths in Iraq; New Orleans before Katrina, 53.1, almost twice the violent deaths in New Orleans as there is in Iraq.

So that gives us a sense, I think, Mr. Speaker that this is a manageable violence rate. And although we abhor all violence and as much as we have struggled to bring a civil society and order there, there is still the insurgency. There are still the people who believe

that they will gain their power back if they keep attacking Americans, if they keep attacking Iraqis.

But we heard today from the Secretary of Defense that there are 254,000 Iraqis in uniform defending Iraqis. Those numbers are going up. They are heading towards 325,000. And each day that goes by, we have more Iraqi troops in uniform, better trained, better equipped, taking on more and more of the security tasks that are there. Yes, some are being led by Americans; many are being advised by Americans. They have taken over 30 of the bases, the Iraqi troops. These are the good guys on our side, taking over 30 of the bases there to manage. They are performing well, they are engaging in battle, they are not cutting and running, and we are standing up a military in Iraq that can more than face down these insurgents.

Mr. Speaker, the point of all of this, and I think it is a point that needs to be made, is we have been engaged in a war on terror, and we continue to be in this global war on terror, the operations that go on globally and primarily in Afghanistan and in Iraq. I don't hear complaints from this side of the aisle about the operations in Afghanistan. They are essentially universally acclaimed as a tremendous military accomplishment. But you can't have a sustainable military accomplishment unless you have also an effective political accomplishment. There has to be a political solution to follow every military operation and accomplishment, or it cannot be sustained, and behind that political solution needs to be an economic solution. Afghanistan is on the way.

Iraq has been a more difficult struggle, but it is essentially the same equation with a couple of important differences. One is that Iraq is surrounded by countries who have been funding, equipping and sending insurgents in, our enemies. That consistent supply of munitions and equipment and people has made it a relentless insurgent effort in Iraq. We will get a handle on that, especially the more the Iraqis step up, the more tips they get, the more they are able to come in and, with special forces, knock out the leadership of al Qaeda. There have been several times that Zarqawi has been within a few minutes of coming under the control of coalition forces. In fact, he was at one time under the control of the Iraqi forces, and they didn't realize who they had, and had they realized that, that part would be over. But the effort that is going on in Iraq is more complicated; it has a more organized opposition.

But the rewards on the other side, Mr. Speaker, also can be more substantial than the rewards in Afghanistan, and for a couple of important reasons. One of those reasons is the strategic location of Iraq. It is surrounded by Syria on the one side and Iran on the other side, in close proximity of course by Kuwait and in close proximity to Saudi Arabia. The image that comes from a successful and prosperous Iraq emanates into those countries and into all Arab countries. And if this military solution in Iraq, which is nearly at its completion, and now that we have an opportunity watching the politics in Iraq with our new prime minister and I should say their new prime minister whom they selected, Jawad al Maliki, the new prime minister of Iraq, they now are in the process and forming a truly legitimate government. It has taken them 4 months, but they are putting in place people now, and the minister will soon be seated. And when that happens, this government that I hoped would be up 3 months ago could likely be up in just a few weeks, up and running and functioning, giving order to the country, giving direction to it, carrying on command-and-control operations from the top down, sending out the payroll to the people that are working within government, getting supplies out, fixing the infrastructure, keeping the flow of goods and commerce and munitions and essential supplies to the people of Iraq, giving order.

Mr. Speaker, when that order comes, the insurgents will realize something, and I think that what they will need to realize is what the losers in every war have to conclude. And that is, a war is never over until the losing side realizes that they have lost. They have got to get to that point where they don't have the hope any longer, they don't have the ability any longer to carry out war.

Von Clausewitz wrote, his most common summary of his quotes on his book on war, that, ''the object of war is to destroy the enemy's will and ability to conduct war.'' I put it down into simple terms. I say, ''War is never over until the enemy realizes they have lost.'' And so that message is getting through to the other side, and I think that Zarqawi is desperate.

□ 2230

As they beat the drum and put more information out through the media, we are not seeing the kind of activity that would indicate to me that they have an ability to carry on this war very much longer. As the Iraqis step up in uniform and go from 254,000 on their way to 325,000, they will be in a position to occupy, to control order, and they can penetrate any operation going on in Iraq. The day will come not too far from now when the enemy has to realize that the object of war has been reached by the Coalition Forces and that they have lost.

Now there is another thing that happens here when you are engaged in a war, especially when you are in a free country, a constitutional republic with constitutional rights, freedom of speech, press and assembly. You cannot control the freedom of speech, press and assembly that goes on in the United States of America. So we sometimes do the foolish thing: We sometimes have people who are tools of the enemy. We sometimes have people who utter words and phrases, people who are viewed as quasi leaders of the United States who undermine our effort.

I have with me here a poster.

Mr. Speaker, this is a poster of the senior Senator from Massachusetts; and he says this back on April 6, 2004, ''This was made up in Texas. This whole thing was a fraud. Iraq is George Bush's Vietnam.'' April, 2004.

What does this mean to the people who are fighting against us? What does this mean to the insurgents who are sitting in their hovel somewhere, making a bomb, trying to get the courage to plant and detonate that bomb? It encourages the enemy.

If one does not think so, I thought I would go to the Vietnam archives and see what I could learn about what kind of message did they get during the Vietnam War. I came across a quote that came from a 1995 interview with a North Vietnamese colonel, Colonel Bui Tin. He was the colonel that received the unconditional surrender of South Vietnam on April 30, 1975. He later became editor of the People's Daily, the official newspaper of Vietnam. He now lives in Paris where he immigrated after becoming disillusioned with the fruits of Vietnamese communism. He has a viewpoint different than when he was fighting for communism.

But when asked, when Colonel Tin was asked this question, how did Hanoi intend to defeat the Americans, he replied, by fighting a long war which would break their will to help South Vietnam.

Ho Chi Minh said: ''We do not need to win military victories. We only need to hit them until they give up and get out.''

The follow-up question: Was the American anti-war movement important to Hanoi's victory? Colonel Bui Tin responded, ''It was essential to our strategy. Support of the war from our rear was completely secure while the American rear was vulnerable. Every day our leadership would listen to world news over the radio at 9 a.m. to follow the growth of the American anti-war movement. Visits to Hanoi by people like Jane Fonda and former Attorney General Ramsey Clark,'' who has not given up his tactics yet, Mr. Speaker, ''gave us confidence we should hold on in the face of battlefield reverses. We were elated when Jane Fonda, wearing a red Vietnamese dress, said at a press conference that she with ashamed of American actions in the war and that she would struggle along with us.''

And another question of Colonel Bui Tin: ''Did the Politburo pay attention to these visits?''

''Keenly.''

''Why did they pay keen attention?

His response: ''Those people represented the conscience of America. The conscience of America was part of its war-making capability, and we were turning that power into our favor. America lost because of its democracy.

Through dissent and protest, it lost the ability to mobilize a will to win.''

Mr. Speaker, that statement bears repeating in part. He answered, ''Those people represented the conscience of America. The conscience of America was part of its war-making capability, and we were turning that power in our favor.''

Does it sound like some of the voices we have heard today coming from the other side of the aisle, Mr. Speaker? And is it the same sentiment and will it be the same result? Or will we have the courage and the fortitude and the foresight and the will to stand up for truth, to stand up for this mission, to stand up with our troops that have put their lives on the line for us and for our freedom and for the free destiny of America?

Can we let Bui Tin make a point that a democracy, because it has freedom of speech and we allow people who are seen as the leaders to speak without consequence, sending a message out to all of the people in this country and the people across the world that want to listen that we do not have the resolve to continue this fight and win this fight and leave a new legacy that puts aside the old legacies of Vietnam, the legacies of Mogadishu and the legacies of Lebanon? It is up to us.

As I think about a meeting I had with General Casey in Baghdad last August, he said to me, the enemy cannot win if the politicians stay in the fight. We discussed on the way back did he mean Iraqi politicians or American politicians, and I concluded that he meant both. It is essential that both the Iraqi politicians and the American politicians stay in the fight. It is our job to do that.

I stood in a mess hall in Iraq more than a year ago. There was a soldier, a Captain Richards. He shook my hand and looked into my eyes and said, I am proud to fight for my country and serve my country, but why do I have to fight the United States news media, too?

My answer is, you should not have to fight the news media. That is my job. It is my job, and it is the job of the Members of Congress to make sure that the truth comes out and we stand up for the people who are defending our freedom. Use the freedom of speech to defend freedom, not the freedom of speech to undermine freedom.

I have more illustrations, Mr. Speaker.

Mr. Speaker, this is the gentleman who has been in the news lately, Zawahiri. He heard the message from Vietnam that came from the senior Senator from Massachusetts. When the senior Senator said Iraq is George Bush's Vietnam, here is the words that came out of the mouth of Zawahiri: ''The collapse of American power in Vietnam, they ran and left.''

We think that does send a message to all of our future enemies when we pull out of an operation, an operation that, when that happened, it cost perhaps as many as 3 million lives in Southeast Asia when the power structure collapsed, and it happened because we lost the will in this country.

This operation in Iraq is nothing like Vietnam, not in its severity, not in its casualties. It does not have any jungles or mountains. It is a barren desert. There is no place for the enemy to hide. Zarqawi said that in his letter that he wrote a year ago last April. There is no place to hide, and the Iraqis that are willing to take them in are as rare as red sulfur. I do not know how rare red sulfur is in Iraq, but I think it is on the order of as rare as hen's teeth.

Another message, Muqtada al-Sadr. He has been in the news also a lot lately. I saw this image and heard this voice as I sat in a hotel room in Kuwait waiting to go into Iraq the next day. I was watching al-Jazeera TV. That is always a good thing to do when you are in a foreign country, turn on the TV and see the images that they portray. You can get a sense of what people are focusing on, even if you cannot understand the language. This was in Arabic audio, but the crawler underneath was in English.

As I watched that mouth go up and down, this is what I heard: If we keep attacking Americans, they will leave Iraq the same way as they left Vietnam, the same way they left Lebanon, the same way they left Mogadishu.

Sound familiar? I think so. I think Muqtada al-Sadr is getting his lessons the same way. He is listening to the American left. He is being encouraged by the voices that are quasi leaders in this Congress, both in the House and the Senate, the people who keep predicting defeat and saying before the operation begins that we cannot win.

Some people from the United States House of Representatives went to Iraq to surrender before the operations ever began. Yet our military went in there and in record time went in and invaded and liberated and occupied the largest city ever in the history of the world. They traveled across more miles of desert than anybody had before. And that is the most powerful message. He is listening to the voice that comes out.

We need to understand when we are talking here we need to talk about our resolve and staying the course, finishing the job, and sticking with our military.

And what does our military say? When I visit them in the hospital or visit them in Iraq or when they come back home, they want to finish this fight. Those that are wounded want to get better and go back and get into the fight. They feel a little guilty sometimes that they might have been able to avoid getting injured, and they want to get back in the fight and rejoin their troops. That is the patriotic American way. We need to stand and defend that.

We have another voice here that I think we need to hear. It is another voice of the defeatist left, the chairman of the Democrat Party, Howard Dean. ''The idea that we are going to win in Iraq is just plain wrong.'' That was December, 2005.

What kind of message does that echo through the hovels in Iraq where the insurgents live and plan and plot to attack Americans? Does that make them think that the United States has lost its resolve? If they are reading the quotes from Bui Tin and General Japp and Ho Chi Minh, don't they think that the lack of will in the United States today would be comparable to the lack of will during the Vietnam War?

It is not the same war, the same time or the same people. If we pulled out of Iraq and let that nation break down into chaos, the consequences for this country, the consequences for freedom, the consequences that we would have to face in this global war on terror would be catastrophic. I do not think a reasonable person can really contemplate the idea of pulling out or backing off to the horizon and disengaging and only going in when there is a real, real crisis, or the idea that we should provide for separating Iraq into three different geographical areas.

Where did that come from, Senator? That discussion should have been taken place long ago. To sit back and throw a Monday morning quarterback recommendation out there throws more instability into the Middle East and makes it harder for our diplomats, Secretary of State, Secretary of Defense, and harder for our President to try to lend a sense of calm and support.

The Iraqis are committed to one Iraq. I have asked the same question about what would happen if Iraq were divided. I asked that question quietly of people that know. And every time I ask that question, I get an answer: Don't talk about it; don't think about it, don't try it. We are Iraqis and we are Iraqis first; and we are Kurds, Shiites, and Sunnis after that. I am going to stand with one Iraq. That is the organization that is there. We have to stick with that. Anything else undermines it.

Mr. Speaker, that is the situation in Iraq. We can stand together on this, and we will. Our troops are not going to blink. Our leadership is not going to blink.

Our Secretary of Defense has done an outstanding job. He is reorganizing our military right in the middle of combat operations. They are reorganizing it into brigade combat teams.

Some of generals who have been critical of our Secretary of Defense are the ones who are not supporting a reorganization of the military, especially the Army. They are some of those traditional ways diehards.

Of all of the thousands of generals that we have, we have found six that disagree with the Secretary of Defense. That is hardly a movement. That is hardly something that I think should cause us to rearrange our entire military thinking. But you can always find a dissenter. You can always find a critic. Time will help us fix this.

There are three phases of the operations in Iraq. There is a military security phase. Hopefully, we are reaching the end of that, where we hand that over to the Iraqis. It will require our presence and advisers there for a long time, but they will get a handle on the violence.

The second phase in the political phase. Now with a new prime minister and a government that is in the process of being properly formed, this will be the first government in Iraqi. Of all of the elections that they have had there and all of the people who have been involved, from our CPA and Paul Bremer, this is the first government that has been formed to govern, not simply to be an interim government to get to a constitution and then to be able to get to an election.

□ 2245

So progress can be made every day as soon as they are squared away and in shape.

The next phase is the economic solution in Iraq. And they have so much more opportunity than Afghanistan. But the oil that is so rich there, up around Kirkuk and down around Basra, and the natural resources in this country are tremendous. And so I am hopeful that the Iraqi will realize that they own those natural resources. They are theirs. The United States has taken the pledge that we are not in there for the oil, except that we are going to want to buy some oil from them. But they need to have capital invested so they can sink more wells, put in more pipelines, build more refineries, upgrade the refineries that they have and be able to get oil flowing out of that country and cash flowing in.

And I might point out, Mr. Speaker, that it might not be too bad an idea to build enough refineries there that they could refine some oil that might come from Iran. Those folks over there, they are busy processing uranium so that they can have nuclear power in Iran, supposedly to produce electricity. And at the same time, they are not refining their oil, to the point where they have to import gas to burn in Iran; a very odd thing to think that you don't have refineries to refine all the crude oil that you have, but you have to go out and have nuclear reactors to generate electricity in Iran when you have got plenty of oil, plenty of fuel and yet you are not refining it. If it is science that they want, they are going after, I think, the wrong science.

But no one really believes them, Mr. Speaker. They have made plenty of noises about going down the path of establishing nuclear weapons and the means to deliver them, and they have made a lot of threatening noises, and they have threatened to annihilate Israel. And they have said if the United States does anything evil, they are going to attack Israel. They don't define evil, except they define us as evil. And so the odds of being able to resolve the issue with Iran gets slimmer and slimmer each day.

What we know is we cannot tolerate a nuclear Iran. The threat and the risk of that, the destabilization in the Middle East, not just what it does to the oil supply, but having a nuclear missile aimed at Tel Aviv, realizing that they would take Tel Aviv out in a heartbeat if they could, and that capability would destroy the only democracy in the Middle East, and we know that Israel can't tolerate that, and we know that we do not want to have Iran threatening the rest of the world with missiles that will reach out there at 2,500 kilometers. And it won't take long for them to get larger missiles that can go further yet.

So we have to turn pressure on Iran. And in the end, they must understand that they will not have a nuclear weapon, and they will not have a delivery capability, and we will have to make sure that they do not by using every means at our disposal before the military option is required.

Those are two of the situations here, Mr. Speaker. And then as some other things flow through my mind, and I look at the situation here in the United States, we are quite a country. And we have had a lot of people pour into the streets of America over the last several weeks. It has been rather astonishing to watch the foreign flags unfurled in the streets, the American flags flown upside down, the Mexican flag flying on top of the flag pole at a high school in California with an upside-down American flag right underneath there.

It is interesting to watch the second wave of demonstrations, when they seemed to take the coaching a little bit better and put on white shirts and flew more American flags. Of course the foreign flags were also in their midst although in significantly fewer numbers.

And then on May 1, the International Workers Day, the day where the socialists and communists around the world take to the streets to march and demonstrate, that was the day that it appeared that the movement for advocating for illegal aliens in America apparently was co-opted by the socialist communist movement in the world. Some of the descendents of the Workers World Party, the Communist party front, I will say, here in the United States and also ANSWER, Act Now to Stop War and End Racism, those organizations, socialist organizations at best, more akin to Marxist organizations, are bringing people to the streets to demonstrate in the United States.

What a concept, Mr. Speaker, to get people to walk off their jobs, to walk out of their schools and plug the streets and refuse to do business with anybody that is, I will say, a non-Hispanic American, and then argue that this is a day for all immigrants, when they are seeking to punish their employers and punish the merchants that they would normally do business with and by walking out the schools, somehow figure that they are punishing the schools instead of the students. Not a very rational approach. And I dubbed it Biting the Hand That Feeds You Day. Because the punishment, if there was any, was to be delivered to the people that were most inclined to be supportive of illegals in this country.

And so, perhaps a million, 1.1 million, 1.3 million people took to the streets on Monday of this week to send a message all across America that they are demanding that they get a path to citizenship and hopefully a fast path to citizenship.

And I would argue, Mr. Speaker, that, you know, they came into this country and did so illegally. They argue that they are not criminals. But in fact, it is a crime to enter the United States today. Passing the law that makes it a felony makes it a penalty greater than, it is 6 months in jail and deportation if you enter the United States illegally today. And if the House Resolution 4437 should pass the Senate with the President's signature on it, it would make it a felony. That would be a year and a day penalty instead of 6 months. But regardless, it is still a crime to enter the United States. It is a crime to go to work in the United States illegally. And it isn't that they are not criminals. They break the law every day they go to work.

But I fault, Mr. Speaker, not just the illegals. In fact, I put it in this opposite order. I fault the government of the United States, the Federal Government. For the last 20 years, the enforcement effort has diminished incrementally year by year for the last 20 years. And the Federal Government has the first responsibility to defend our shores, defend our borders, defend our national security. But they let the situation get out of hand to the point where there are 3 to 4 million illegals who poured across our southern border within the last year. The Border Patrol stopped 1,159,000. That would be for 2004. For 2005, that number would be about 1,188,000. Now, they adjudicated for deportation in 2004, 1,640 was all. And some of those out of that 1.2 million or so that they did stop, some of those were taken to the border and sent back through the turnstile. Some were released on their own recognizance because it wasn't a logistically feasible thing to do to send them back.

Well, some of them come back the next day. Some of them come back within hours of the time that they are sent back to their home country.

This number keeps growing and it keeps ballooning, Mr. Speaker, and we must do something. And I think Democrats and Republicans agree that we need to control our borders.

As Congressman GINGREY says, when you are in an emergency room in a hospital and you get a patient that comes in and they are bleeding all over the place, you don't stop and debate about what you are going to do, how you are going to clean up the mess; you stop the bleeding first and you stabilize the patient. And that is what we sought to do here in this House with H.R. 4437.

Stop the bleeding, stabilize the patient, get control of our laws, enforce them, and then begin a debate on what to do about how to get the patient rehabilitated again, after we get this patient stabilized. We can't do both of these things at once, Mr. Speaker. But we do need to do some things to pull this country together.

Mr. Speaker, again, it is important for us to bring some stability to this immigration issue. It is a national security issue. This is a national security issue as much as the global war on terror is a national security issue. And the statistics that I have looked at tell me that we have a slow-motion terrorist attack going on in the United States that comes across our southern border.

Now, some will say that if I point out the crimes of anyone coming into the United States, that somehow I am labeling everyone who illegally comes into the United States as a violent criminal. And of course, we know that is not true.

About 11,000 illegals cross our southern border every day. If they were all murderers, we would double our murder rate practically just with 1 day's supply. No, that is not the case. But the crimes that are committed by those who enter this country illegally are in significantly greater numbers than the crimes that are committed by American citizens, to the extent that 28 percent of the inmates in our prisons in the United States are criminal aliens, 28 percent. And that includes our city, our county, our State and our Federal penitentiaries. And they vary only 1 or 2 percent above or below, but they average 28 percent. And it costs us $6 billion a year to provide for the incarceration of the criminal aliens, and that is just the Federal dollars to speak of. And once we reach down into the cities, into the counties, there are other numbers out there that would grow that greater and greater. It is a minimum of $6 billion. And these numbers that I have come from, their SCAAP funding, the State Criminal Alien Assistance Plan. And all States don't apply for SCAAP funding. So we know that these numbers are low numbers, not high numbers. But it is certain that there are more. I am just not certain how many more. But I can stand on 28 percent.

Now, that means then that criminal aliens are committing 28 percent of the crimes in the United States. And so that means 28 percent of the murders, 28 percent of the rapes, 28 percent of the violence and the assaults and battery, first- and second-degree murder and also manslaughter attacks are committed by criminal aliens.

Now, I think that is one of the reasons that I believe the illegal population in America is greater than those numbers that we are seeing. And I can't imagine how, if 3 to 4 million come into the United States, and we may be direct, we tell over a million, 1.2 million, go home, but we don't have any verification that they actually go home or stay home. Some we do verify they went home, but we can't verify that any of them stayed home; this population is growing.

The Border Patrol would say that there is another 2 to 3 million that get by that don't get stopped every year compared to the million that get stopped. So if this number in the United States is 3 million or more extra every year, some will die, yes, and some will go back home. That is true. And some will become citizens by hook or by crook, but there will still be a significant increase in the United States. And I think that number increases substantially, perhaps 2.5, maybe even as much as 3 million a year. That would take us on up to 20 million or more in this country, not 11 or 12 million. That is a more reasonable number. And if you think that the numbers could be 20 million or more, then it is easier to understand how you could have 28 percent of our criminal aliens in the penitentiaries. So this problem is a lot larger than most people think. And it comes down to this: If we had enforced our borders, if we hadn't allowed any illegals to come into the United States, if we would have enforced our domestic laws so when people violated immigration laws internally, domestically; if we did those things, then we wouldn't have illegal aliens in America to commit the crimes. And that would equate and extrapolate down to 12 fewer murders every day, 13 fewer people that die at the hands of negligent homicide, primarily the victims of drunk drivers, at least 8 little girls that are victims of sex crimes on a daily basis, and that number could be well higher than that because the average predator, perpetrator commits and is convicted on at least 3.6 victims. And that is the ones we find out about. There are many others that are not reported. In fact, they statistically say that there might be only 10 percent that are actually reported. These numbers are small numbers. They are the conservative side of the numbers, not the larger side of the numbers.

This is a slow-rolling, slow-motion terrorist attack on the United States costing us billions of dollars and, in fact, thousands of lives, and we have an obligation to protect the American people, and that means seal and protect our borders. And if we are able to do that, down the road a few years, once it is established, we could have a legitimate discussion about whether we could have a guest worker plan, whether we could open the greencards. But today we haven't demonstrated that there is going to be enforcement. And without that demonstration of enforcement, I am not willing to go a step further and to insist that there will be enforcement.

But in this country, Mr. Speaker, we need to have cultural continuity. We need to pull together as a people. We need to pull together under our civilization, under a common cause, a common sense of history, a common language. And a common language is essential to any country.

□ 2300

In fact, I went through the World Book Encyclopedia. I went to the almanac and looked up all the flags of all the countries in the world, set it down beside the World Book Encyclopedia, looked them all up to see what is the official language. Every country that is registered in the almanac with a flag, what is their official language? Every single country in America has at least one official language, except the United States of America. We do not have an official language. We just have a common language called English. All the rest of the countries saw the wisdom of binding and tying any country together with a common language.

The Israelis, when they established their country in 1948, and I believe that anniversary was just yesterday or the day before, they established it from 1948 until 1954. In 1954, they established Hebrew as their official language, and they did so because they needed a common language to bind them together, a common form of communications currency, if you will, Mr. Speaker.

So people have understood that throughout the ages. That is something that has been known since Biblical times, how powerful a common language is.

Mr. Speaker, I propose that we move that kind of legislation and that we establish an official language here in the United States and do so for the purposes of pulling our people together.

We are being fractured by worshipping at the alter of multiculturalism. When that first came forward and I dealt with it, however many years ago, 30 years ago, perhaps, or more, when I first began to hear the term multiculturalism diversity, I really actually thought, fine, this sounds good, gives us an opportunity to recognize other cultures, other civilizations. People have things to be proud of. It is constructive. It is positive. And I went my merry way as kind of an endorser of multiculturalism and diversity.

As the years unfolded, Mr. Speaker, I came to a different conclusion. I came to the conclusion that identity politics were tearing America apart. Our rights come from God, and they are guaranteed to individuals, not to groups. God blesses us all equally and creates us all in His image; and He does not draw distinctions between us based upon skin color, ethnicity, or any other characteristics that we might want to be part of. And yet we insist upon dividing ourselves up and calling it ''diversity.'' And I think ''diversity'' really stands for ''division.''

So I did a little experiment. I went on the Web page at home, Iowa State University, typed in ''multiculturalism'' and looked up the student organizations that are there. It is quite an interesting list, all identity

politics. It starts with African Students Association, and there are 50 of them, and it ends with Zeitgeist. And in the middle of that you will see the Identifying as M.E., the Multi-Ethnics. That is one of my favorites. They could not come up with a label, so they called themselves Multi-Ethnics.

But you have Amnesty International, Asian Pacific American Awareness Coalition, Benefiting the Education of Latinas in Leadership Academics and Sisterhood, Black Graduate Student Association; and before you can get there, you need to be part of the Black Student Alliance, the Brazilian-Portuguese Association, the French Club, the Iowa State Ukrainian Club, the Japanese Association, the Kenya Students Association, Latino Heritage Month. The list goes on and on and on, Mr. Speaker, 50 strong, identity politics, all of them viewing themselves as somehow disenfranchised, not having the same kind of access or the same kind of privileges or opportunities or rights maybe as someone else. Except for those that identify themselves as the Identifying as M.E., which stands for Multi-Ethnic. So they finally found one that was generic.

Perhaps I fit in there also, Mr. Speaker. But I thought, well, that is Iowa State and they are a Midwestern fairly conservative institution.

So what about Berkeley? So we typed in Berkeley and did a little search on student organizations there. The University of California, Berkeley, they came up with 118 of these identity politics groups on campus there.

We are using up our resources supporting organizations that are designed to identify the differences in us, not the commonalities, designed to divide us, not to pull us together, Mr. Speaker. And it is in the end going to pull us apart, pull us irrevocably apart, if we do not pull ourselves together and provide for some cultural continuity.

So I will submit, Mr. Speaker, that we need to establish English as the official language of the United States. We need to stand up together and say, enough of this identity politics, enough of this division politics, enough of the idea that you cannot be an American unless somehow you are part of this beautiful multicultural mosaic with a particular identifier on you.

It was good enough for Teddy Roosevelt to be just an American. In fact, he insisted upon it, Mr. Speaker. And I insist upon it as well, that we must pull together in that fashion. And if we fail to stay in touch with our Constitution, with our history, with our commonalities, if we fail to pull together in the same harness, Mr. Speaker, then shame on us. This country will be weaker; and this country, in fact, may not survive the attacks that are upon it.

So, rather than go into the balance of the solutions for America, Mr. Speaker, I just would conclude with this, that they are doing great work in Iraq. We are committed there. We must follow through and finish the task, whatever it takes. We have the resolve to do that.

We are watching as millions pour across our Southern border, and we are establishing some policy here in this city over the next few weeks that will establish the destiny of America. If we do not have the will to establish our border and control our border, we cannot be a Nation, if we let people come into America illegally and then they are the ones that are establishing our immigration policy, not us here in this Congress.

The Constitution gives Congress the authority, Congress the responsibility, to establish immigration law. We need to do that. We need to do that after a national debate.

But we will hear story after story after story of how people have put down their roots and now we cannot ask them to go back. But I will submit, Mr. Speaker, that what we need to do is seal the border, build a fence to do that, build it as tight as we need to to make it effective. We need to end birthright citizenship that is creating these anchor babies.

We need to shut off the jobs magnet by applying employer sanctions, by passing my legislation, which is called New IDEA, H.R. 3095, which is the New Illegal Deduction Elimination Act, that lets the IRS remove the deductibility of wages and benefits paid to illegals. When that happens, it will take the cost of a wage from, say, a $10 wage to an illegal, by the time the taxable component are factored in, take it on up to $16 an hour. That gives the American a chance to do the work or someone on a legal green card, rather than someone who is here illegally.

This is the United States of America, Mr. Speaker. We need to stand on defending our borders. We need to seal the border. We need to build a fence. We need to end birthright citizenship. We need to shut off the jobs magnet, pull ourselves together as a Nation in unity, and people will go back home when their job opportunities start to dry up here. We will not have to make that decision for them. The decision will be made. They got here on their own. They can go back on their own. It is not a matter of trying to deport 12 million or 22 million people.

But I would submit, Mr. Speaker, that if the Senate passes and this House should pass and the President should sign a guest worker program that might well have 22 million people who have a fast track to citizenship, they will also be able to invite in their immediate family. If each one of them invites just simply four of their immediate family in, a father, a spouse, and a couple of children, just four, that means 88 million new ones that are not calculated here. Add that to the 22 million or so that are here, and you have the entire population of Mexico brought into the United States in a single generation. If that is our intent, we ought to have the will to stand on the floor of this Congress, Mr. Speaker, and say so, rather than do this in some kind of way that opens the gate and lets the American people find out about it after it is too late.

With that, I thank the Speaker for his indulgence.

THE 30-SOMETHING WORKING GROUP

The SPEAKER pro tempore (Mr. GOHMERT). Under the Speaker's announced policy of January 4, 2005, the gentleman from Florida (Mr. MEEK) is recognized until midnight as the designee of the minority leader.

Mr. MEEK of Florida. Mr. Speaker, once again, it is an honor to address the House; and, as you know, we are here once again with our 30–Something Working Group.

I am so glad to be joined here tonight by my good friend and colleague, Mr. BILL DELAHUNT, who is part of the something of the 30-Somethings. I will be joining him soon come September. Also, Mr. RYAN from the great State of Ohio has joined us tonight; and others will be joining us as we work on the issues that the American people really care about.

As you know, here in the 30–Something Working Group, Mr. Speaker, we come to the floor to not only share with the Members but also with the American people on what is going on here under the Capitol dome and also what is not going on. I think the whole reason why we come to the floor is to be able to share not only what Democrats are doing here under the dome. Sometimes we are able, when we are lucky, Mr. Speaker, to get some Members on the Republican side of the aisle to come and work on some of the issues that we are working on, issues that we care about not as Democrats but as Members of Congress, what we should be doing to make sure we spend the taxpayers' dollars wisely.

This is happening time after time again as we look at this whole issue of price gouging, as we look at oil prices. On the Democratic side of the aisle, not 2 months ago, not 3 months ago, not even 4 months ago, but last year the Democrats on this floor, and prior to last year, have had amendment after amendment shot down by the Republican majority who have been hand in hand with the oil companies that have been standing with them and making sure that they had a bill, an energy bill, that they felt comfortable with, from the beginning to the end, to the well-documented strategy meetings in the White House with the Vice President. And this is not what I am saying. This is what the news reports have said, and this is what the White House has admitted to and oil companies have admitted to, that they had an opportunity to sit down and outline the energy policy in this country that would benefit them.

When we had legislation on the floor that we will be pointing out here tonight, third-party validators out of the

CONGRESSIONAL RECORD that talked about it time after time, when we had real price gouging legislation on this floor, not because our bills were able to make it to the floor but in the forms of amendment, the Republicans shot it down on partisan votes time after time. I am talking about criminal penalties for oil companies when they gouge Americans, fines up to $3 million when they are caught gouging Americans. But the Republican majority shot it down on a partisan vote.

But before I yield to Mr. DELAHUNT, I just want to say once again I would like to thank our Democratic leadership for allowing us to have this hour once again on the floor like we do almost every night or every night, sometimes twice a night, when we have the opportunity to come to the floor, Mr. Speaker: our democratic leader, Ms. NANCY PELOSI; also our whip, Mr. STENY HOYER; Mr. JIM CLYBURN, who is our chairman; and Mr. LARSON, who is our vice chairman; and all the Democratic ranking members and other folks that work every day, Mr. DELAHUNT, and you know, offering amendments in committees. Like Mr. RYAN and I just left our Armed Services Committee, offering amendments that would not only help our men and women in uniform but the American people in general.

I will be happy to yield to Mr. DELAHUNT at this time.

Mr. DELAHUNT. Mr. Speaker, towards the end of the hour this past hour, my good friend from Iowa spoke about a variety of different subjects; and he made mention of what we ought to have done in terms of immigration and other issues. In part I agree, and in part I disagree.

But I think what is important and it cannot be stated often enough, whatever the problem is, whether it be the mismanagement of the reconstruction phase in Iraq, whether it be the price of gas at the pump, whether it be illegal immigration into this country, it comes back to one basic fact: that over the course of the past 6 years, 6 years now, this country has been presided over by a Republican administration. President George W. Bush was elected in the year 2000. It is now 2006.

Back in 1994, Mr. MEEK and Mr. RYAN, this House saw for the first time in 40 years a Republican majority. Across this Capitol building, the Senate has been controlled for most of the past 10 years and is currently controlled by the Republican Party.

So what I really cannot understand is why have all these things not been addressed? What has happened to our borders? There are laws on the books now. We have had waves of illegal immigration coming across our borders for the past 6 years.

□ 2315

My friend from Iowa was talking about how many come across daily. Where has this administration been? Where has this Congress been? Are they just waking up? This is not a recent problem. Because the truth is, they can talk about Democrats. They can talk about problems that are out there that are real and that are serious. But they are Washington. They own this town. They run this institution. They run this government. If there is a problem with the price of oil, or if there is a problem with immigration, or if there is a problem with health care or the environment, they had the power to address it.

What I would suggest is that they have failed. They have failed. They have been unable to get their act together. They could build fences. They could have kept the price of gas down. They didn't have to get us into this mess in Iraq.

But that is what they have done. That is the legacy of this White House, confirmed with the stamp of approval by this Congress.

Mr. RYAN of Ohio. I think the overall point, as you stated, is exactly correct. But when the time came, Mr. DELAHUNT, Mr. MEEK, when the time came for the Republican Party to muster up enough votes to make sure a person making $10 million——

Mr. DELAHUNT. But, Mr. RYAN, they are in charge here. They have to muster up the votes. Where were they? With all due respect to my friend from Ohio, they are in charge of the border. They are in charge of immigration. They are in charge, period. And what have they done? They have failed.

Mr. MEEK of Florida. Mr. DELAHUNT, you know what they have done? Anything the President said he wanted, they rubber-stamped it. Anything that the oil industry said that they wanted, they rubber-stamped it. Any problem where the American people says, why is the card stacked against me policywise, whether it be health care, whether it be prescriptions, what have you, they have rubber-stamped it.

If you watched The Today Show just this morning, Mr. DELAHUNT, Mr. RYAN, Matt Lauer had the CEO of ExxonMobil on. Let me give credit to the CEO of ExxonMobil, because the other oil companies would not comment.

One of the questions was, do you feel that the Republican majority in the Congress have turn-coated on you now? Have they switched on you now? Now they are running politically scared. Now they are willing to take windfall profits away from you. Now they are willing to go forth on price gouging legislation. Do you think they turned on you?

The ExxonMobil CEO never answered the question. But it is very obvious, like you said, they are in charge. It is almost like the old saying, ''the buck stops here.'' The Republican majority doesn't want to admit to that now.

Now they are writing letters saying, maybe we need to do this and maybe we need to do that. But these are the same individuals, our colleagues on the majority side of the aisle, that put all of this in motion. Now they are trying to act like they had nothing to do with it. ''Oh, my God, the oil prices are horrendous. We need to do something about it.''

They were a part of making it happen.

Mr. RYAN, since we are talking about The Today Show, we don't want to even get into what happened with Tim Russert effort this past weekend about the oil prices and individuals admitting the reasons why they are where they are.

I would say this: If we were in charge, if we were in charge, Mr. Speaker, there would be a line outside of this door of Republican Members of Congress coming to the floor saying what the Democrats are not doing.

Now, on oil and gas, we tried to correct this situation long ago. The question of price gouging, or can we investigate oil companies or not, would not even be on the table, because we would have price gouging legislation on the books that are criminal, that are criminal, and have $3 million fines.

Right now, individuals investing in oil companies, they are getting paid. They are getting their money. Meanwhile, the headlines in the Today, this was actually Wednesday, today, May 3, here is this lady thinking about how much she can pump in. I guarantee you she cannot even fill her tank up, because the gas prices are so high.

So I am going to go through what I said last week. If you are a Republican and you are the head of the Republican club, or whatever it may be in your local community, you have to have a problem with this. If you are a Republican, you have to have a problem with the record-breaking borrowing we are taking out from foreign countries. You have to have a problem with the hand-in-hand relationship this administration and Republican Congress has had with big oil. You have to have a major problem with it. Independents, I know that you are just done with this Republican majority.

Mr. DELAHUNT. If the gentleman would allow me, the energy bill that passed this Congress just about a year ago, in June 2005, Mr. MEEK, Mr. RYAN, Mr. Speaker, that was a bill that was passed by the Republican majority. It was passed with only minimal support from Democrats.

Do you know what the cost of a gallon of gas was when you pulled up at that gas station back in June of 2005 when this House passed and the President signed the Republican energy bill, Mr. MEEK, Mr. RYAN? It was around $2 a gallon. Let me answer my own question.

Now, do you know what? It is just about a year later, and the fact is a year after this Republican majority passed their bill, their energy act, gas is now $3 a gallon. $3 a gallon. They run this institution. They pass the laws here. This is their bill. This is their $3 a gallon problem. It is all of our problem, but the consequences of what they

have done for the oil and gas industry in this country translates into a problem for all Americans.

Mr. RYAN of Ohio. This reminds me of when a football team or a basketball team hires a new coach. They get a coach and usually give him a 5-year contract and give the coach a chance to go out and get their recruits and get them into the system. If you are not winning by the time you have your system in place and your players on your team or your draft picks on your team, by the fifth year, done. You go. Right? You had your chance.

That is exactly what my friend from Massachusetts was saying: This Republican Congress has been in charge since 1994. The President has been in since 2000. The Senate is controlled by Republicans and has been for at least 10 years, with a brief period of Democratic control, barely. They have had a chance to make their implementations, put their policies into place, energy, immigration, taxes, whatever the case may be.

It hasn't worked. It is time to get new coaches, time to get new players, time for a new draft. In November of 2006, we have a draft. What we are saying is here is our agenda. Here are the plays we are going to run, the innovation agenda, the energy agenda, the real security agenda.

I can guarantee you, there is going to be nobody on the Democratic side when we take over this House in November of 2006 that you are going to be able to put in place of the President here holding hands with one of the most powerful oil leaders in the entire world, Mr. MEEK.

Mr. MEEK of Florida. Mr. RYAN, Mr. DELAHUNT, I did jot down a couple of notes here before we came to the floor.

Mr. Speaker, I just want to share a little bit with the Members of the facts, not fiction.

I am not a Member with a conspiracy theory, but I am here to say that we know that Republicans, I am going to point out where they, Mr. DELAHUNT, have blocked Democratic efforts to deal with the price gouging situation. Now they are running for political cover and scrambling to join Democrats. That is actually an article in the Washington Post from May of 2006. The Democratic ideas about energy independence, conservation and efficiency that benefits all of Americans, they are now trying to pick up those ideas and trying to run with them. But it is not a good faith effort, because the oil industry will not allow them to do so. We know about the Vice President CHENEY's secret energy task force/working group with big oil to write the Bush-Cheney and Republican Congress energy plan.

That was in the Washington Post, Mr. Speaker, in case the Members want to get a copy of it, 11–16–05.

Bush-Cheney and the Republican colleagues gave their backing to big oil, $20 million in royalty fees for drilling. That is the New York Times, 2–14–06. Also the New York Times, 3–29–06. You can get these articles if you want to read up on them.

Last year, $9.5 billion in subsidies in last year's energy bill went to the oil companies. $9.5 billion. $16 billion first quarter profits for the top three oil companies. That is the Washington Post, 4–28–06.

Record CEO salary pack packages. Look this up if you want to. This is not the Kendrick Meek report. This is what is being reported on ABC News, 4–14–06.

Big oil companies have given to Bush-Cheney and Republicans more than $20 million in campaign contributions. Congressional Daily a.m., that is 4–28–06. I will be happy to share this, and this will be on the Web site later.

More than $70 million to Bush and his Republican colleagues since 2000. Republican Daily, a.m., that is the local magazine here that is printed here in the Capitol, 4–28–06.

Eighty-four percent of big oil and gas campaign contributions went to Republicans in the last 24 months, Congressional Daily a.m., 4–28–06.

This is not put out by the Democratic Party or the DNC or any of these groups. These are news organizations that are just reporting on what is going on here in the Capitol.

Bush-Cheney got more than $2.6 million in '04 from the oil companies, Congressional Daily a.m. 4–28–06.

The cost of corruption to the American people, when you talk about this kind of influence that is going on here, this unprecedented giveaway to the big oil companies, $3 per gallon, the oil price doubled since 2001. Almost $75 per barrel of oil, up from $44 a year ago. That was reported on 5–3-06.

I think it is also important, I just want to point out, when folks talk about, okay, you are reporting news that we might have already read, Republicans voted against the tough penalties we talked about and price gouging, $100 million on corporations, as well as up to $1 million in fines or 10 years in prison or both for individuals. That was CQ vote 500, H.R. 3402, 9–28–05. Republicans rejected that.

They rejected another one where we came back with even tougher penalties, up to $3 million with the same penalties, vote 517, H.R. 3893, and that was 10–7-05. It goes on with other votes they rejected. Another one on 10–7-05. We tried it time after time again, Mr. Speaker. The Republican majority has blocked these measures that we have tried to put forth.

There is no question, Mr. DELAHUNT, if we were in the majority, we wouldn't be on the floor talking about what was blocked.

□ 2330

We will be on the floor talking about what we passed. Maybe just maybe, Mr. RYAN and Ms. WASSERMAN SCHULTZ, that question of price gouging, the question of preying on the backs of the American people who are just trying to drive their kids to school, trying to go to work, trying to be a part of the American dream, small businesses are scratching their heads saying, do we have to go up on a per-unit cost in the hardware store because of the fuel prices?

Maybe just maybe it would not be a discussion if this special interest did not have the Republican majority blocking for them and legislating on their behalf. So when we see those letters that are written by the Republican majority in the House or the Senate to the President saying, well, maybe we need to do this, and maybe we need to do that.

People that do not have power write those kind of letters, not the individuals that are in power. I am going back to your point, Mr. DELAHUNT, because you are saying if you are in charge, I am not talking about if you just picked up power last year. I am talking about double digit years, a majority in this House, a Republican President that has been in office since 2000. Now it is 2006.

Because I guarantee you, if this was 2002, Mr. DELAHUNT, they would be talking about, well, this is Bill Clinton's fault. But they cannot say it with a straight face. So I am going back to your original point, Mr. DELAHUNT. And I know you have a couple of articles to share with us tonight. I am really looking forward to those articles because I think it is important that we continue to bring out the third party validators.

I think that is the reason why, Mr. Speaker, that the 30 Something Working Group, we get the nod from people here in this Capitol, be it Republican, Democrats or Independents who work here. They are saying, we appreciate, Ms. WASSERMAN SCHULTZ, what you all do on the floor, of sharing with folks of what is happening here in this Capitol building.

Because I can tell you that at no other time in the history of this country did we have the kind of over spending, the borrowing, the reach of the private sector into this great country, this democracy of ours, and having the kind of influence that they have and having this lady here, who is just trying to make her way out of nowhere, putting gas in her tank.

She is probably squeezing the pump saying, I cannot go over $30 because I am already outside of my budget. Meanwhile, there are folks running around here with suits being driven in black limos with $4 million pension plans, $150,000 a day in a pension plan. And then we got folks out in Mr. RYAN's district that are being laid off that do not even know if they are going to have a pension when it is all over.

Mr. DELAHUNT. Mr. Speaker, I guess the question is to the majority in this House and to this administration, where have you been? What have you done? Well, you passed last year the so-called Energy Policy Act. And that basically provided welfare to Big Oil. It produced in excess of $14 billion of tax incentives and subsidies to Big Oil. All

the while their industry, Big Oil, is experiencing record, record profits.

In 2001, the five major oil companies in the aggregate had $34 billion of profit. In 2005, as a result of the Republican energy policy, the oil companies recorded historic profits in the amount of, can you help me, Mr. MEEK, read that? Does that say $113 billion?

Ms. WASSERMAN SCHULTZ. Mr. Speaker, it is a pleasure to join my 30 Something colleagues once again.

Mr. DELAHUNT. Is that 113 billion?

Ms. WASSERMAN SCHULTZ. That is $113 billion in 2005.

Mr. DELAHUNT. So in 2002 it was $34 billion of profits for Big Oil. And in the space of 4 years, actually 3 years, that has trebled to $113 billion.

Now, maybe I am simple minded. But why would this Republican Congress and the White House feel the need to pass an energy bill that was all about protecting the subsidies to the oil companies while there are record, historic profits?

Mr. Speaker, can somebody please explain that to me? And do not tell me about, you cannot drill here and you cannot do that, and you cannot do this. And if Democrats only whatever, fill in the blank. This is the Republican policy.

This is the Republican House of Representatives. This is the Republican White House. The consequences of that policy, the consequences of that policy is the $3 plus per gallon price to the average American as he or she goes into that gas station. That is what it translates into. And Democrats have had nothing to do with it because you are Washington, Mr. Speaker, you are Washington.

Ms. WASSERMAN SCHULTZ. Mr. Speaker, as I pointed out before, I have only been here 14 months, 15 months now. And a few things have happened that have just absolutely floored me. One of the things that has occurred was the two votes we had last year on energy legislation, energy legislation that the Bush energy department predicted would raise gas prices. And it did.

But if you recall, we had an opportunity as Members to have a briefing from the cabinet officers, by the cabinet officers of the President in this chamber just last year.

And if you recall, we had the Secretary of Energy stand in front of us. And when asked a question about why were they not doing anything about gas prices, and what were they going to do to bring down the cost of oil, he said, ''Well, we really cannot do anything''. I mean, that was his point blank answer.

Now, when we are talking about prices at the pump, I do not understand why our Republican colleagues are not pumping up the volume on prices. I mean it is just incomprehensible that last year we would have a bill on this floor that not only gave money to the oil companies, to the oil companies gave them money, forgave taxes. And we have talked about these things before.

The United States Government owns the land and the rights underneath where the oil companies are given permission to drill. We give them permission. And in exchange for that permission, they are supposed to pay us taxes. They are supposed to pay the United States Government for those drilling rights. Yet in the legislation last year, we forgave those taxes. We basically gave them the oil that they drilled for for free, and now we are letting them sell it to us and our constituents for ungodly amounts of money so that they can make ungodly amounts of money.

On top of that, it is not even like it was a breeze to pass it. You know, you had Republicans here who were not allowed to vote their own conscience because from what I have noted, they all check their consciences at the door there and leave them out before they come in this room, so that there arms can be pressed behind their backs.

And the board up here, it shows how we are voting, it is like a Christmas tree. It goes from red to green, green to red. Really I am not sure where their moral conviction is, because it certainly is not in this room when they are voting. They held one of those votes open on the Energy Bill that we did, I think this was last summer, for 40 minutes, if you recall, so that they could ensure that they gave that gift to the oil companies.

It was unbelievable. And we were already in the middle of a summer of high gas prices. And we have here another chart. And I think we have another one as well that shows the evolution of gas prices.

But, we are now paying 100 percent more for gas than when President Bush first took office. 100 percent more. The rubber stamp Republicans, our rubber stamp Republicans right there, you cannot call it any other thing other than what it is. Literally last summer they let themselves be led off a cliff, led by the nose to do whatever it is that the leadership decided they were going to do for the oil industry.

Mr. DELAHUNT. I do not even want to explore the motivation. I mean, clearly there is a perspective. But I think what is necessary is to put the facts out in very simple form. And that is really dramatic. The story is told in very dramatic terms by that chart.

The result of the Republican energy policy is when President Bush, working with a Republican Congress, came, was elected, was inaugurated as the President of the United States. By that chart, and I am sure it is well documented, the price of gas was $1.45. And today it is double. It is $2.91.

That is understandable. And what is also irrefutable is that during that time the House, the Senate, and the White House were in power. And the consequences, the consequences of their energy policy, the Republican energy policy, has been a doubling in the price of gasoline at the pump.

Huge increases in the cost of heating ourselves in our homes during the winter, and similarly dramatic increases in the cost of cooling ourselves in the summer, and for those particularly who live in the southern part of our country.

That is the energy policy. But part of that energy policy is to ensure that Big Oil in this country reaps record profits, and simultaneously receives corporate welfare. That, let me suggest to my friends, is the Republican energy policy, period.

Now they are panicked. Let us be honest. Now they are running around. I think it was the majority leader in the Senate. You know, they obviously are polling. It is an election year. And what is clear is that the American people are waking up and are demonstrating their anger.

So they come in with not proposals that would, for example, increase the miles per gallon of our motor vehicles, but let us give everybody, every voter a $100 rebate if they own a car.

I mean, that is laughable. That is really laughable. And how are they going to get the $100, Mr. Speaker, to give to every voter? They are going to go and they are going to borrow the money. They are going to borrow the money from somewhere. OPEC. China. Japan. Korea. So in a difficult political situation, with elections looming, they are going to buy off the voter with $100.

Mr. RYAN of Ohio. And that will cost $10 billion just to pay for it.

Mr. DELAHUNT. That is a $10 billion bill. And we do not have the money, Mr. Speaker, to do that. We do not have the revenue to do it. We have to go into the financial markets and borrow that money. And this administration has established another record which is that more than 80 percent of the money that we have borrowed comes from overseas, Mr. Speaker, from the Chinese, from OPEC nations.

And you have the chart right there, Mr. MEEK. So we go and we borrow the money from foreign central banks, from foreign investors, to buy off the American voter at $100 per, because the American people are angry as a result of the Republican energy policy that has created a potential disaster for our economy.

□ 2345

Ms. WASSERMAN SCHULTZ. Mr. Speaker, I want to take this back down for a second because I think we talk about the deficit and the debt a lot, and some of the things we talk about on the floor are a little hard to wrap your mind around in terms of the things the people deal with every day. So, when we boil it down to what people deal with themselves every day, which is what a tank of gas costs, what a gallon of gas costs, this is the evolution of what has happened under the Bush administration and their energy policy.

In 2002, the summer gas price of a gallon of gas was average of $1.39. Then

in 2003, it went to $1.57. Then in 2004, it went to $19.0. In 2005, it went to $2.37, and you know what, in April it was $29.1. It is now over $3. I just paid $3.05 at home, and it cost me $56 to fill up my minivan.

So, when we are talking about what goes on up here and how disconcerting and disappointing it is that we have no leadership on the other side and no interest or ability for them, who clearly are in charge of this country and who could make this change, at the snap of their fingers if they wanted to, they can stand and say they cannot do anything to affect oil prices, but the President's been in office 6 years. He had the ability to start right from the get-go and begin investing in alternative energy and trying to actually move the ball down the field when it comes to changing oil prices, but let us look at the timeline of what truly has resulted from the Bush and Republican energy plan.

You have this White House energy plan that was submitted on May 16, 2001, just about 5 years ago now, and you can see as you move up that timeline that, with each phase of the plan that has been implemented, this is the increase in gas prices. There is a significant correlation between the implementation of their energy plan and the increase in the cost of a gallon of gas.

May 17, 2002, the Energy Secretary announces an effort to implement their energy plan under existing law. Gas prices go higher.

Go a little further down the road, and it is December 10, 2004, 75 percent of their energy plan that was hatched in that secret meeting, which they refuse to reveal who was part of it, 75 percent of the energy plan is implemented, and now we are at almost $2 a gallon, actually a little bit more than $2 a gallon.

Then you go over to March 9 of last year, 95 percent of their energy plan is implemented, and we are approaching $3 a gallon.

August 8, 2005, President Bush signs the energy legislation into law, and that is when gas literally in some places hits over $3 a gallon. Now, it has fluctuated back and forth. We are at over $3 a gallon again.

The chart does not lie. It is very clear that their plan raised gas prices. You have an administration infected with former closely affiliated representatives of the oil industry, all the way up to the two people who run this country. I mean, it does not take a brain surgeon or a rocket scientist to figure it out. I mean, come on.

Mr. RYAN of Ohio. Talk about a picture speaking a thousand words. Why do we have high gas prices? Why do we have the problems?

Ms. WASSERMAN SCHULTZ. You want to hear the statistic I heard today.

As far as boiling it down what this means for people, $56 to fill up my minivan. We have not raised the minimum wage since 1997 in this country, and at the current minimum wage, a minimum wage worker has to work 38 minutes before they can even afford 1 gallon of gas, 38 minutes. I mean, that is just over the top outrageous. I mean, it really is.

Mr. RYAN of Ohio. If I can make a comment, thinking about the war and where we are right now with the whole war situation, that was all done in secrecy. No one knew what was going on. The intelligence was screwed up. Look where we are now.

The energy plan, secrecy, closed doors. You are not allowed in, and people even from these big companies were denying that they were even there, and then we find out from a White House document a week or so ago that they were there. All done in secrecy, the success of our democracy over the years.

Mr. DELAHUNT. Can I just add one other. The prescription drug benefit, so-called part D, there was information——

Mr. RYAN of Ohio. To the point where we did not know what the total cost was going to be.

Mr. DELAHUNT. There was information available to the White House that was not provided to the Congress in terms of the costs, and now we are faced with profound problems in terms of the execution and the implementation of that plan. Seniors are frustrated and confused. The so-called donut hole is going to be a stone wall that many seniors are going to run into.

But the head of the Medicare trust fund told the actuary that was in possession of the White House estimates of the costs of the program, that if he disclosed those figures to this Congress, that he would lose his job. In other words, do not tell anybody anything.

It just supports your point about an administration that is shrouded in secrecy, that refuses to be straight with the American people and, I might add, refuses to indulge or to engage, rather, in genuine consultations with the Congress and particularly Democrats. We are kept out of any thoughtful, legitimate, genuine interaction in forming policy.

That is why, Mr. Speaker, when you are talking about the energy policy, it is the Republican policy. It is the Republican $2.91 a gallon at the pump, up from $1.45 four years ago. It is your price per gallon. It is not Democrats. So please do not even suggest that Democrats had anything to do with the price that is breaking the average American family.

Mr. MEEK of Florida. Mr. RYAN.

Mr. RYAN of Ohio. He just articulated exactly what I was going to say, much more eloquently than I ever could. So maybe I will just point to this picture again, but I think Mr. DELAHUNT did make the point.

If I could, the strength of our democracy over the years in a bicameral legislature is the debate of the minority party and the majority party in the House and coming to some reasonable solutions that have been debated through the committee process and vetted and studied and looked at, and then over to the Senate, and let that happen and then come together with the administration and make something happen.

When you try to govern in secrecy, you are incapable, FEMA, energy, you know, education costs, all this stuff, there is no debate. It is just rule with an iron fist.

Mr. MEEK of Florida. I am going to yield to Mr. DELAHUNT, but first, well, that kills the whole thing.

When you are doing a back-room deal, you do not come out under the lights. You do not share how we should mold policy in front of the public. You do a back-room deal.

Mr. RYAN of Ohio. Right.

Mr. MEEK of Florida. That is what this country is suffering from right now, a back-room deal, and the American people are paying for it.

Mr. RYAN of Ohio. The end result is that chart you have right there behind Ms. WASSERMAN SCHULTZ. It is the $3 a gallon in gas. It is the no vision for energy down the line. It is high tuition costs. It is health care costs spiraling out of control for how many years. That is the end result of the back-room deals that you are talking about.

Mr. DELAHUNT. Let me just add another illustration.

What it comes down to is that let me go back to the Medicare reform issue, the so-called prescription drug, just to remind our colleagues and the American people that there was no consultation with Democrats about the prescription drug benefit. In fact, there was a so-called conference committee that should have brought Democrats and Republicans together to discuss the proposal, but Republicans in this House chose not to even inform the Democrats on that committee where the conference committee was meeting. They were shut out. They were shut out on that. They are shut out on energy. They are shut out on consultations in terms of the war, what led up to the war.

I mean, this is a problem of our institutions being eroded because of the proclivity of this administration and this Republican Congress to operate behind closed doors and keep out the bad news from the American people and other important policy-makers in our government in our democracy.

Mr. MEEK of Florida. We have a couple of minutes left.

Ms. WASSERMAN SCHULTZ. The only thing I want to add in closing is that it is just such a sorry excuse to say we cannot do anything about gas prices. I mean, their argument is you cannot snap your fingers and make a difference overnight. If they cared at all, if the President meant what he said when he said we should end America's addiction to oil, like he said in his State of the Union address, then he would have embarked on a plan that

would actually do that from the get-go, but that statement was so disingenuous and so far from what their goals are, as evidenced by their action that, you know, over the next 6 months, with election after election, whether it is a special election in California or the elections we had last night in Ohio, people will let folks know here what they think of the policies that are being established.

Mr. MEEK of Florida. If Mr. DELAHUNT would take Mr. RYAN's responsibility, and give the Web site to the Members, please.

Mr. DELAHUNT. Sure. Our e-mail address is www.housedemocrats.gov/30something.

Mr. MEEK of Florida. Mr. Speaker, I thank Mr. DELAHUNT. Your contributions tonight have been well-noted, and I want to tell you that it is a pleasure being here on the floor with you and Mr. RYAN and Ms. WASSERMAN SCHULTZ once again.

Mr. Speaker, we would like to let not only the Members of the House but definitely the Democratic leadership echo the message that has been given out here tonight. We are ready to lead, we are ready to work in a bipartisan way in putting this country back on the track, heading in the right direction, making sure that our children have a great future, making sure that small businesses are able provide jobs and making sure that families can afford health care.

LEAVE OF ABSENCE

By unanimous consent, leave of absence was granted to:

Ms. SLAUGHTER (at the request of Ms. PELOSI) for today after 6:00 p.m. and May 4.

SPECIAL ORDERS GRANTED

By unanimous consent, permission to address the House, following the legislative program and any special orders heretofore entered, was granted to:

(The following Members (at the request of Mr. GENE GREEN of Texas) to revise and extend their remarks and include extraneous material:)

Ms. WOOLSEY, for 5 minutes, today.

Mr. GENE GREEN of Texas, for 5 minutes, today.

Mr. SCHIFF, for 5 minutes, today.

Mr. PALLONE, for 5 minutes, today.

Mr. GEORGE MILLER of California, for 5 minutes, today.

Mr. BLUMENAUER, for 5 minutes, today.

Mr. MICHAUD, for 5 minutes, today.

Ms. LINDA T. SÁNCHEZ of California, for 5 minutes, today.

Mr. LYNCH, for 5 minutes, today.

Mr. DEFAZIO, for 5 minutes, today.

Ms. KAPTUR, for 5 minutes, today.

Mr. EMANUEL, for 5 minutes, today.

Mr. STUPAK, for 5 minutes, today.

Mr. KIND, for 5 minutes, today.

Mr. TOWNS, for 5 minutes, today.

Mr. BROWN of Ohio, for 5 minutes, today.

Mr. STRICKLAND, for 5 minutes, today.

(The following Members (at the request of Mr. POE) to revise and extend their remarks and include extraneous material:)

Mr. POE, for 5 minutes, today.

Ms. ROS-LEHTINEN, for 5 minutes, May 9.

Mr. BISHOP of Utah, for 5 minutes, May 4.

Mr. MACK, for 5 minutes, May 4.

Ms. FOXX, for 5 minutes, today.

(The following Member (at his own request) to revise and extend his remarks and include extraneous material:)

Mr. GOHMERT, for 5 minutes, today.

SENATE BILLS REFERRED

A bill and a concurrent resolution of the Senate of the following titles were taken from the Speaker's table and, under the rule, referred as follows:

S. 1003. An act to amend the Act of December 22, 1974, and for other purposes; to the Committee on Resources.

S. Con. Res. 91. Concurrent resolution expressing the sense of Congress that the President should posthumously award the Presidential Medal of Freedom to Leroy Robert ''Satchel'' Paige; to the Committee on Government Reform.

ENROLLED BILL SIGNED

Mrs. Haas, Clerk of the House, reported and found truly enrolled a bill of the House of the following title, which was thereupon signed by the Speaker:

H.R. 3351. An act to make technical corrections to laws relating to Native Americans, and for other purposes.

SENATE ENROLLED BILL SIGNED

The SPEAKER announced his signature to an enrolled bill of the Senate of the following title:

S. 584. An act to require the Secretary of the Interior to allow the continued occupancy and use of certain land and improvements within Rocky Mountain National Park.

ADJOURNMENT

Mr. DELAHUNT. Mr. Speaker, I move that the House do now adjourn.

The motion was agreed to; accordingly (at 11 o'clock and 59 minutes p.m.), the House adjourned until tomorrow, Thursday, May 4, 2006, at 10 a.m.

EXECUTIVE COMMUNICATIONS, ETC.

Under clause 8 of rule XII, executive communications were taken from the Speaker's table and referred as follows:

7184. A letter from the Principal Deputy Associate Administrator, Environmental Protection Agency, transmitting the Agency's final rule—Pendimethalin; Pesticide Tolerance [EPA-HQ-OPP-2005-0056; FRL-7770-4] received April 6, 2006, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Agriculture.

7185. A letter from the Principal Deputy Associate Administrator, Environmental Protection Agency, transmitting the Agency's final rule—Trifloxystrobin; Pesticide Tolerance [EPA-HQ-OPP-2005-0299; FRL-7759-9] received March 28, 2006, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Agriculture.

7186. A letter from the Principal Deputy Associate Administrator, Environmental Protection Agency, transmitting the Agency's final rule—Flonicamid; Pesticide Tolerance [EPA-HQ-OPP-2004-0321; FRL-7769-1] received March 28, 2006, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Agriculture.

7187. A letter from the Principal Deputy Associate Administrator, Environmental Protection Agency, transmitting the Agency's final rule—Fenpropimorph; Pesticide Tolerance [EPA-HQ-OPP-2005-0105; FRL-7761-3] received March 28, 2006, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Agriculture.

7188. A letter from the Principal Deputy Associate Administrator, Environmental Protection Agency, transmitting the Agency's final rule—Fenhexamid; Pesticide Tolerance [EPA-HQ-OPP-2004-0328; FRL-7769-6] received March 28, 2006, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Agriculture.

7189. A letter from the Principal Deputy Associate Administrator, Environmental Protection Agency, transmitting the Agency's final rule—Maine: Determination of Adequacy for the State Municipal Solid Waste Landfill Permit Program [FRL-8024-2] received January 19, 2006, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

7190. A letter from the Principal Deputy Associate Administrator, Environmental Protection Agency, transmitting the Agency's final rule—Clean Air Act Approval and Promulgation of Air Quality Implementation Plan Revision for North Dakota; Revisions to the Air Pollution Control Rules; Delegation of Authority for New Source Performance Standards [EPA-R08-OAR-2005-ND-0002; FRL-8011-1] received January 19, 2006, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

7191. A letter from the Principal Deputy Associate Administrator, Environmental Protection Agency, transmitting the Agency's final rule—Clean Air Act Approval and Promulgation of Air Quality Implementation Plan Revision for Colorado; Long-Term Strategy of State Implementation Plan for Class I Visibility Protection [EPA-R08-OAR-2005-CO-0002; FRL-8010-2] received January 19, 2006, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

7192. A letter from the Principal Deputy Associate Administrator, Environmental Protection Agency, transmitting the Agency's final rule—Approval and Promulgation of State Implementation Plans; Oregon; Portland Carbon Monoxide Second 10-Year Maintenance Plan [Docket #: EPA-R10-OAR-2005-OR-0001; FRL-8015-3] received January 19, 2006, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

7193. A letter from the Principal Deputy Associate Administrator, Environmental Protection Agency, transmitting the Agency's final rule—Approval and Promulgation of Implementation Plans; Tennessee; Nashville Area Second 10-Year Maintenance Plan for the 1-Hour Ozone National Ambient Air Quality Standard; Correction [R04-OAR-2005-TN-0006-200510(c); FRL-8023-5] received January 19, 2006, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

7194. A letter from the Principal Deputy Associate Administrator, Environmental Protection Agency, transmitting the Agency's final rule—Approval and Promulgation of Implementation Plans and Designation of Areas for Air Quality Planning Purposes; Kentucky; Redesignation of the Christian County, Kentucky, Portion of the Clarksville-Hopkinsville 8-Hour Ozone Nonattainment Area to Attainment for Ozone [EPA-R04-OAR-2005-KY-0001-200521(f); FRL-8023-8] received January 19, 2006, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

7195. A letter from the Principal Deputy Associate Administrator, Environmental Protection Agency, transmitting the Agency's final rule—Approval and Promulgation of Air Quality Implementation Plans; Montana; Revisions to the Administrative Rules of Montana; New Source Performance Standards for Montana; Final Rule [EPA-R08-OAR-2004-MT-0001, FRL-8012-9] received January 19, 2006, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

7196. A letter from the Principal Deputy Associate Administrator, Environmental Protection Agency, transmitting the Agency's final rule—Approval and Promulgation of Air Quality Implementation Plans; Montana; Revisions to the Administrative Rules of Montana; Direct Final Rule [EPA-R08-OAR-2005-MT-0001, FRL-8012-5] received January 19, 2006, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

7197. A letter from the Principal Deputy Associate Administrator, Environmental Protection Agency, transmitting the Agency's final rule—Protection of Stratospheric Ozone: Recordkeeping and Reporting Requirements for the Import of Halon-1301 Aircraft Fire Extinguishing Vessels [EPA-HQ-OAR-2005-0131; FRL-80157-5] (RIN: 2060-AM46) received April 6, 2006, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

7198. A letter from the Principal Deputy Associate Administrator, Environmental Protection Agency, transmitting the Agency's final rule—Revisions to the Arizona State Implementation Plan, Arizona Department of Environmental Qaulity [EPA-R09-OAR-2006-0227; FRL-8054-8] received April 6, 2006, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

7199. A letter from the Principal Deputy Associate Administrator, Environmental Protection Agency, transmitting the Agency's final rule—Interim Final Determination to Stay and/or Defer Sanctions, Arizona Department of Environmental Quality [EPA-R09-OAR-2006-0227, FRL-8054-9] received April 6, 2006, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

7200. A letter from the Principal Deputy Associate Administrator, Environmental Protection Agency, transmitting the Agency's final rule—Revisions to the California State Implementation Plan, San Joaquin Valley Unified Air Pollution Control District and South Coast Air Quality Management District [EPA-R09-OAR-2006-0171; FRL-8053-2] received April 6, 2006, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

7201. A letter from the Principal Deputy Associate Administrator, Environmental Protection Agency, transmitting the Agency's final rule—Protection of Stratospheric Ozone; Notice 20 for Significant New Alternatives Policy Program [EPA-HQ-OAR-2003-0118; FRL-8050-9] (RIN: 2060-AG12) received March 28, 2006, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

7202. A letter from the Principal Deputy Associate Administrator, Environmental Protection Agency, transmitting the Agency's final rule—Regulation of Fuel and Fuel Additives; Gasoline and Diesal Fuel Test Methods [EPA-OAR-2005-0048; FRL-8052-1] (RIN: 2060-AM42) received March 28, 2006, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

7203. A letter from the Principal Deputy Associate Administrator, Environmental Protection Agency, transmitting the Agency's final rule—Approval and Promulgation of Implementation Plans; State of Iowa [EPA-R07-OAR-2005-0482; FRL-8050-2] received March 28, 2006, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

7204. A letter from the Principal Deputy Associate Administrator, Environmental Protection Agency, transmitting the Agency's final rule—Approval and Promulgation of Implementation Plans; Iowa; Prevention of Significant Deterioration (PSD) [EPA-R07-OAR-2006-0122; FRL—8040-5] received March 28, 2006, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

7205. A letter from the Principal Deputy Associate Administrator, Environmental Protection Agency, transmitting the Agency's final rule—Approval and Promulgation of Air Quality Implementation Plans; State of Maryland; Revised Definitions of Volatile Organic Compounds [EPA-R03-OAR-2006-0151; FRL-8051-6] received March 28, 2006, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

7206. A letter from the Principal Deputy Associate Administrator, Environmental Protection Agency, transmitting the Agency's final rule—Approval and Promulgation of Air Quality Implementation Plans; Maryland; Amendment to the Control of VOC Emissions from Yeast Manufacturing [EPA-R03-OAR-2005-MD-0014; FRL-8051-7] received March 28, 2006, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

7207. A letter from the Principal Deputy Associate Administrator, Environmental Protection Agency, transmitting the Agency's final rule—Polychlorinated Biphenyl (PCB) Site Revitalization Guidance Under the Toxic Substance Control Act (TSCA); Notice of Availability [EPA-HQ-OPPT-2004-0123; FRL-7687-9] received April 11, 2006, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

7208. A letter from the Chief, Regulations and Administrative Law, USCG, Department of Homeland Security, transmitting the Department's final rule—Safety Zone: S/V ESMERALDA Port Visit—Boston, Massachusetts [CGD1-05-051] (RIN: 1625-AA00) received March 16, 2006, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

7209. A letter from the Chief, Regulations and Administrative Law, USCG, Department of Homeland Security, transmitting the Department's final rule—Safety Zone: Celebrate Revere Fireworks—Revere, Massachusetts [CGD01-05-083] (RIN: 1625-AA00) received March 16, 2006, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

7210. A letter from the Chief, Regulations and Administrative Law, USCG, Department of Homeland Security, transmitting the Department's final rule—Safety Zone: Labor Day, Schooner Festival Fireworks—Gloucester, Massachusetts [CGD01-05-086] (RIN: 1625-AA00) received March 16, 2006, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

7211. A letter from the Chief, Regulations and Administrative Law, USCG, Department of Homeland Security, transmitting the Department's final rule—Safety Zone; City of Boston Fireworks—Boston, Massachusetts [CGD01-05-089] (RIN: 1625-AA00) received March 16, 2006, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

7212. A letter from the Chief, Regulations and Administrative Law, USCG, Department of Homeland Security, transmitting the Department's final rule—Security Zone: President of Zambia Levy Mwanawasa Visit, Boston, Massachusetts [CGD01-05-090] (RIN: 1625-AA87) received March 16, 2006, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

7213. A letter from the Chief, Regulations and Administrative Law, USCG, Department of Homeland Security, transmitting the Department's final rule—Security Zone: [CGD05-05-086] (RIN: 1625-AA987) received March 16, 2006, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

7214. A letter from the Chief, Regulations and Administrative Law, USCG, Department of Homeland Security, transmitting the Department's final rule—Security Zone; [CGD05-05-092] (RIN: 1625-AA87) received March 16, 2006, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

7215. A letter from the Chief, Regulations and Administrative Law, USCG, Department of Homeland Security, transmitting the Department's final rule—Safety Zone; Nansemond River, Suffolk, VA [CGD05-05-095] (RIN: 1625-AA00) received March 16, 2006, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

7216. A letter from the Chief, Regulations and Administrative Law, USCG, Department of Homeland Security, transmitting the Department's final rule—Safety Zone; Fireworks Display, Susquehanna River, Havre de Grace, MD [CGD05-05-109] (RIN: 1625-AA00) received March 16, 2006, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

7217. A letter from the Chief, Regulations and Administrative Law, USCG, Department of Homeland Security, transmitting the Department's final rule—Safety Zones; Chesapeake Bay, Approaches to Baltimore Harbor, Baltimore, Fort McHenry and Upper Chesapeake Channels, MD [CGD05-05-111] (RIN: 1625-AA00) received March 16, 2006, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

7218. A letter from the Chief, Regulations and Administrative Law, USCG, Department of Homeland Security, transmitting the Department's final rule—Safety Zone; Naval Air Station Patuxent River ''Air Expo '05,'' Patuxent River, MD [CGD05-05-115] (RIN: 1625-AA00) received March 16, 2006, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

7219. A letter from the Chief, Regulations and Administrative Law, USCG, Department of Homeland Security, transmitting the Department's final rule—Safety Zone; Fireworks Display, Potomac River, Washingotn, DC [CGD05-05-116] (RIN: 1625-AA00) Recieved March 16, 2006, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

7220. A letter from the Chief, Regulations and Administrative Law, USCG, Department of Homeland Security, transmitting the Department's final rule—Security Zone; Georgetown Channel, Potomac River, Washington, D.C. [CGD05-05-118] (RIN: 1625-AA87) received March 16, 2006, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

7221. A letter from the Chief, Regulations and Administrative Law, USCG, Department of Homeland Security, transmitting the Department's final rule—Safety Zone; Fireworks Display, Chesapeake Bay, Cape

Charles, VA [CGD05-05-119] (RIN: 1625-AA00) received March 16, 2006, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

7222. A letter from the Chief, Regulations and Administrative Law, USCG, Department of Homeland Security, transmitting the Department's final rule—Safety Zone; Chrysler Jeep Superstores APBA Gold Cup, Detroit River, Detroit, MI [CGD09-05-084] (RIN: 1625-AA00) received March 16, 2006, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

7223. A letter from the Chief, Regulations and Administrative Law, USCG, Department of Homeland Security, transmitting the Department's final rule—Safety Zone; City of Harbor Beach Fireworks, Lake Huron, Harbor Beach, MI [CGD09-05-085] (RIN: 1625-AA00) received March 16, 2006, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

7224. A letter from the Chief, Regulations and Administrative Law, USCG, Department of Homeland Security, transmitting the Department's final rule—Safety Zone; Graduation of Fire, Detroit River, Grosse Ile, MI [CGD09-05-086] (RIN: 1625-AA00) received March 16, 2006, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

7225. A letter from the Chief, Regulations and Administrative Law, USCG, Department of Homeland Security, transmitting the Department's final rule—Safety Zone; Muskegon Air Fair, Mona Lake, Muskegon, MI [CGD09-05-087] (RIN: 1625-AA00) received March 16, 2006, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

7226. A letter from the Chief, Regulations and Administrative Law, USCG, Department of Homeland Security, transmitting the Department's final rule—Security Zone; HMCS TORONTO, Chicago, IL [CGD09-05-092] (RIN: 1625-AA87) received March 16, 2006, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

7227. A letter from the Chief, Regulations and Administrative Law, USCG, Department of Homeland Security, transmitting the Department's final rule—Safety Zone; Million Dollar Producer Celebration, Lake Michigan, Chicago, IL [CGD09-05-096] (RIN: 1625-AA00) received March 16, 2006, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

7228. A letter from the Chief, Regulations and Administrative Law, USCG, Department of Homeland Security, transmitting the Department's final rule—Safety Zone; St. Clair River Classic, St. Clair River, St. Clair, MI [CGD09-05-097] (RIN: 1625-AA00) received March 16, 2006, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

7229. A letter from the Chief, Regulations and Administrative Law, USCG, Department of Homeland Security, transmitting the Department's final rule—Safety Zone; Big Fat Greek Festival Fireworks, Muskegon, MI [CGD09-05-098] (RIN: 1625-AA00) received March 16, 2006, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

7230. A letter from the Chief, Regulations and Administrative Law, USCG, Department of Homeland Security, transmitting the Department's final rule—Safety Zone; Oswego Harborfest Air Show, Oswego, NY [CGD09-05-099] (RIN: 1625-AA00) received March 16, 2006, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

7231. A letter from the Chief, Regulations and Administrative Law, USCG, Department of Homeland Security, transmitting the Department's final rule—Safety Zone; Antique Boat Show, Clayton, NY [CGD09-05-103] (RIN: 1625-AA00) received March 16, 2006, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

7232. A letter from the Chief, Regulations and Administrative Law, USCG, Department of Homeland Security, transmitting the Department's final rule—Safety Zone; Private Party Fireworks Display, Lake Huron, Tawas, MI [CGD09-05-104] (RIN: 1625-AA00) received March 16, 2006, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

7233. A letter from the Principal Deputy Associate Administrator, Environmental Protection Agency, transmitting the Agency's final rule—Guidelines for the Award of Monitoring Initiative Funds under Section 106 Grants to States, Interstate Agencies, and Tribes [FRL-8051-3] received March 28, 2006, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

PUBLIC BILLS AND RESOLUTIONS

Under clause 2 of rule XII, public bills and resolutions were introduced and severally referred, as follows:

By Mr. KIRK (for himself, Mr. LANTOS, Mr. PENCE, and Mr. ROTHMAN):

H.R. 5278. A bill to amend the Foreign Assistance Act of 1961 to assist Palestinian refugees in the West Bank and Gaza to move to post-refugee status, and for other purposes; to the Committee on International Relations.

By Mr. CONYERS (for himself, Mr. CHABOT, Ms. ZOE LOFGREN of California, Mr. BROWN of Ohio, Mr. SCHIFF, Mr. MEEHAN, Mr. HINCHEY, Ms. LEE, and Mr. HONDA):

H.R. 5279. A bill to improve competition in the oil and gas industry, to strengthen antitrust enforcement with regard to industry mergers, and for other purposes; to the Committee on the Judiciary.

By Mr. UPTON (for himself and Mr. LARSEN of Washington):

H.R. 5280. A bill to amend the Federal Food, Drug, and Cosmetic Act with respect to the distribution of the drug dextromethorphan, and for other purposes; to the Committee on Energy and Commerce.

By Mr. LEACH:

H.R. 5281. A bill to amend the Federal Election Campaign Act of 1971 to provide matching funds for candidates in elections for the House of Representatives, and for other purposes; to the Committee on House Administration.

By Mr. LEWIS of California:

H.R. 5282. A bill to amend the Reclamation Wastewater and Groundwater Study and Facilities Act to authorize the Secretary of the Interior to participate in the Southern California Desert Region Integrated Water and Economic Sustainability Plan; to the Committee on Resources.

By Mrs. MUSGRAVE:

H.R. 5283. A bill to establish the Granada Relocation Center National Historic Site as an affiliated unit of the National Park System; to the Committee on Resources.

By Mr. PALLONE:

H.R. 5284. A bill to establish an interagency task force to develop a national strategy to combat the increase in infertility in the United States; to the Committee on Energy and Commerce.

By Ms. LORETTA SANCHEZ of California:

H.R. 5285. A bill to provide a highway fuel tax holiday funded by the repeal of certain production incentives, and for other purposes; to the Committee on Ways and Means, and in addition to the Committees on Resources, and Science, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Ms. SLAUGHTER:

H.R. 5286. A bill to improve the ''NEXUS'' and ''FAST'' registered traveler programs; to the Committee on Homeland Security.

By Mr. SWEENEY:

H.R. 5287. A bill to recognize the heritage of hunting and provide opportunities for continued hunting on Federal public land; to the Committee on Resources.

By Mrs. CHRISTENSEN:

H. Con. Res. 398. Concurrent resolution expressing the sense of the Congress that the United States Fish and Wildlife Service should incorporate consideration of global warming and sea-level rise into the comprehensive conservation plans for coastal national wildlife refuges, and for other purposes; to the Committee on Resources.

By Mr. THOMPSON of California (for himself, Mr. RADANOVICH, Mr. ABERCROMBIE, Mr. BACA, Ms. BALDWIN, Ms. BERKLEY, Mr. BERMAN, Mr. BERRY, Mrs. BIGGERT, Mr. BISHOP of New York, Mr. BLUMENAUER, Mr. BOEHLERT, Mr. BONILLA, Mrs. BONO, Mr. BOSWELL, Mr. CALVERT, Mr. CAMP of Michigan, Mr. CAMPBELL of California, Mrs. CAPPS, Mr. CAPUANO, Mr. CARDOZA, Mr. CARNAHAN, Mr. CASTLE, Mr. CHANDLER, Mr. CLAY, Mr. CLEAVER, Mr. CONYERS, Mr. COSTA, Mr. CRAMER, Mr. CRENSHAW, Mr. CROWLEY, Mr. CUELLAR, Mrs. DAVIS of California, Mr. DEFAZIO, Ms. DEGETTE, Ms. DELAURO, Mr. DINGELL, Mr. DOGGETT, Mr. DOYLE, Mr. DREIER, Mr. EMANUEL, Mrs. EMERSON, Mr. ENGLISH of Pennsylvania, Ms. ESHOO, Mr. FILNER, Mr. FOLEY, Mr. FORD, Mr. GIBBONS, Mr. GOODE, Mr. GORDON, Mr. GENE GREEN of Texas, Mr. GUTKNECHT, Ms. HARMAN, Mr. HASTINGS of Florida, Mr. HERGER, Mr. HIGGINS, Mr. HINCHEY, Mr. HOBSON, Mr. HOLT, Ms. HOOLEY, Mr. HONDA, Mr. HOYER, Mr. HULSHOF, Mr. INSLEE, Mr. ISSA, Mr. JACKSON of Illinois, Mr. JEFFERSON, Ms. EDDIE BERNICE JOHNSON of Texas, Mrs. JONES of Ohio, Mr. JONES of North Carolina, Ms. KAPTUR, Mrs. KELLY, Mr. KENNEDY of Rhode Island, Mr. KIND, Mr. LAHOOD, Mr. LANTOS, Mr. LARSEN of Washington, Mr. LARSON of Connecticut, Ms. LEE, Mr. LEVIN, Mr. LEWIS of California, Mr. LOBIONDO, Ms. ZOE LOFGREN of California, Mrs. LOWEY, Mr. LUCAS, Ms. MATSUI, Mrs. MCCARTHY, Ms. MCCOLLUM of Minnesota, Mr. MCCRERY, Mr. MCDERMOTT, Ms. MCKINNEY, Mr. MEEK of Florida, Mr. MEEKS of New York, Mr. GEORGE MILLER of California, Mr. GARY G. MILLER of California, Mr. MOLLOHAN, Mr. MOORE of Kansas, Mr. NADLER, Mr. NORWOOD, Mr. NUNES, Mr. OBERSTAR, Mr. OBEY, Mr. OTTER, Mr. PASCRELL, Mr. PASTOR, Ms. PELOSI, Mr. POMBO, Mr. POMEROY, Mr. PRICE of North Carolina, Mr. PUTNAM, Mr. RANGEL, Mr. RAHALL, Mr. RENZI, Mr. REYES, Mr. REYNOLDS, Ms. ROYBAL-ALLARD, Mr. RYAN of Ohio, Ms. LINDA T. SÁNCHEZ of California, Ms. LORETTA SANCHEZ of California, Ms. SCHAKOWSKY, Mr. SCHIFF, Ms. SCHWARTZ of Pennsylvania, Mr. SHERMAN, Mr. SKELTON, Ms. SLAUGHTER, Ms. SOLIS, Mr. SPRATT, Mr. STARK, Mr. TANNER, Mrs. TAUSCHER, Mr. TAYLOR of Mississippi, Mr. THOMAS, Mr. THOMPSON of Mississippi, Mr. TIERNEY, Mr.

UDALL of New Mexico, Mr. WALDEN of Oregon, Mr. WALSH, Ms. WASSERMAN SCHULTZ, Ms. WATERS, Ms. WATSON, Mr. WATT, Mr. WAXMAN, Ms. WOOLSEY, Mr. WU, Mrs. CUBIN, Mr. ROHRABACHER, Mr. BEAUPREZ, Ms. HART, Mr. GARRETT of New Jersey, Mrs. MYRICK, and Mr. HASTINGS of Washington):

H. Con. Res. 399. Concurrent resolution recognizing the 30th Anniversary of the victory of United States winemakers at the 1976 Paris Wine Tasting; to the Committee on Government Reform.

By Mr. SMITH of New Jersey (for himself, Mr. LANTOS, Mr. WOLF, Mr. ROHRABACHER, and Mr. PITTS):

H. Res. 794. A resolution recognizing the 17th anniversary of the massacre in Tiananmen Square, Beijing, in the People's Republic of China, and for other purposes; to the Committee on International Relations.

By Mr. TOM DAVIS of Virginia (for himself, Mr. ISSA, Mr. WEXLER, Mr. WILSON of South Carolina, Mr. BAIRD, Mr. MCDERMOTT, and Ms. WATSON):

H. Res. 795. A resolution condemning in the strongest terms the terrorist attacks in Dahab and Northern Sinai, Egypt, on April 24 and 26, 2006; to the Committee on International Relations.

ADDITIONAL SPONSORS

Under clause 7 of rule XII, sponsors were added to public bills and resolutions as follows:

H.R. 9: Mr. COBLE, Mr. VAN HOLLEN, Mr. BACHUS, Mr. FEENEY, Mr. JENKINS, Mr. HYDE, Mr. MCDERMOTT, Mr. ROGERS of Alabama, Mr. HOYER, Mr. BISHOP of Georgia, Mr. AL GREEN of Texas, Ms. WATSON, Mr. CUMMINGS, Mrs. JONES of Ohio, Mr. THOMPSON of Mississippi, Mr. CLAY, Ms. EDDIE BERNICE JOHNSON of Texas, Mr. MEEK of Florida, Mr. HASTINGS of Florida, Ms. CORRINE BROWN of Florida, Mr. WYNN, Mr. CLEAVER, Mr. DAVIS of Alabama, Mr. DAVIS of Illinois, Mr. BUTTERFIELD, Ms. CARSON, Ms. MCKINNEY, Ms. MOORE of Wisconsin, Mr. RANGEL, Mr. MEEKS of New York, Mr. PAYNE, Mr. FORD, and Mr. CASE.

H.R. 128: Mr. KENNEDY of Rhode Island, Mr. BISHOP of New York, and Mr. ALEXANDER.

H.R. 303: Ms. FOXX.

H.R. 376: Mrs. JO ANN DAVIS of Virginia.

H.R. 517: Mr. JOHNSON of Illinois.

H.R. 550: Mr. SHAYS and Mr. CAPUANO.

H.R. 752: Mrs. EMERSON, Mr. LARSEN of Washington, and Mr. SALAZAR.

H.R. 867: Ms. MOORE of Wisconsin.

H.R. 877: Ms. BERKLEY.

H.R. 939: Mrs. MCCARTHY.

H.R. 951: Mr. COOPER, Mr. HONDA, and Ms. ZOE LOFGREN of California.

H.R. 995: Mr. BARROW.

H.R. 1050: Ms. EDDIE BERNICE JOHNSON of Texas.

H.R. 1108: Mr. CLAY.

H.R. 1175: Mr. CARNAHAN.

H.R. 1229: Ms. HART.

H.R. 1298: Mr. ACKERMAN and Mr. SHIMKUS.

H.R. 1302: Mr. THOMPSON of California, Ms. MATSUI, Mr. BUTTERFIELD, Mr. MICHAUD, and Ms. DEGETTE.

H.R. 1358: Mr. CASE, Mr. TURNER, Mr. BRADY of Pennsylvania, Mr. MCDERMOTT, and Mr. YOUNG of Alaska.

H.R. 1366: Mr. MCGOVERN.

H.R. 1370: Mr. MILLER of Florida and Mr. TANCREDO.

H.R. 1384: Mr. KING of Iowa, Mr. WICKER, and Mr. YOUNG of Alaska.

H.R. 1386: Mr. MATHESON.

H.R. 1438: Mr. WICKER.

H.R. 1498: Mr. ROSS.

H.R. 1548: Mr. CAMP of Michigan, Mr. DAVIS of Illinois, Mr. FILNER, Mr. NEUGEBAUER, Mr. TURNER, Mr. ETHERIDGE, and Mr. FLAKE.

H.R. 1554: Mr. VAN HOLLEN.

H.R. 1578: Mr. SALAZAR.

H.R. 1582: Mr. LARSEN of Washington.

H.R. 1589: Mrs. MALONEY, Mr. CLAY, and Mr. ROTHMAN.

H.R. 1671: Mr. REHBERG.

H.R. 1697: Mr. STRICKLAND.

H.R. 1704: Mr. FRANK of Massachusetts.

H.R. 1849: Mr. UPTON.

H.R. 1850: Mr. BISHOP of New York.

H.R. 1951: Mr. MCGOVERN.

H.R. 2047: Mr. UDALL of Colorado, Mr. LEWIS of Kentucky, Mr. OWENS, and Mrs. NAPOLITANO.

H.R. 2071: Mr. DAVIS of Illinois.

H.R. 2088: Mr. MURTHA, Mr. WICKER, and Mr. YOUNG of Alaska.

H.R. 2178: Mr. LANTOS, Mr. ORTIZ, Mr. MEEHAN, Mr. CARDOZA, Mrs. MCCARTHY, Mr. LARSEN of Washington, Ms. ZOE LOFGREN of California, Ms. DELAURO, and Mr. FRANK of Massachusetts.

H.R. 2238: Mr. WAXMAN, Ms. GRANGER, and Mr. CUELLAR.

H.R. 2526: Ms. HART.

H.R. 2684: Mr. WALSH.

H.R. 2694: Mr. CONYERS, Mr. CARDIN, and Ms. ZOE LOFGREN of California.

H.R. 2792: Mr. KUCINICH.

H.R. 2828: Mr. HINCHEY.

H.R. 2841: Mr. GRIJALVA.

H.R. 2861: Mr. LARSEN of Washington.

H.R. 3139: Mrs. MUSGRAVE.

H.R. 3183: Mr. BACHUS and Mr. CONYERS.

H.R. 3248: Mrs. JONES of Ohio, Ms. ESHOO, and Mr. MOORE of Kansas.

H.R. 3352: Mr. FOSSELLA, Mr. SMITH of Washington, Mr. GREEN of Wisconsin, Mr. HOYER, Mr. LEWIS of California, and Ms. PELOSI.

H.R. 3380: Mr. EMANUEL.

H.R. 3416: Mr. BEAUPREZ.

H.R. 3427: Mr. WALSH, Ms. SLAUGHTER, and Mr. BOEHLERT.

H.R. 3544: Mr. OBERSTAR.

H.R. 3547: Mr. OWENS.

H.R. 3612: Mr. UPTON.

H.R. 3628: Mr. RUPPERSBERGER.

H.R. 3658: Mr. AL GREEN of Texas, Ms. MCKINNEY, Mr. BERMAN, and Mr. FATTAH.

H.R. 3795: Mr. DENT, Mr. MICHAUD, Mr. CHANDLER, Mr. PRICE of North Carolina, Mr. BISHOP of Utah, and Mr. FRANK of Massachusetts.

H.R. 3875: Ms. DEGETTE, Mr. SCOTT of Georgia, Mr. CAMP of Michigan, Mr. PRICE of Georgia, and Mrs. BONO.

H.R. 3888: Mr. LEWIS of Georgia.

H.R. 3936: Mrs. LOWEY, Mr. HONDA, Mr. MILLER of North Carolina, Mr. KENNEDY of Rhode Island, and Mr. BERMAN.

H.R. 3949: Mr. MCHUGH.

H.R. 4045: Mr. REYNOLDS.

H.R. 4188: Mr. CROWLEY, Mr. PAYNE, Mr. OWENS, and Mr. BASS.

H.R. 4211: Mr. KUCINICH, Mr. CONYERS, and Mr. FATTAH.

H.R. 4315: Mr. POMEROY.

H.R. 4318: Ms. HERSETH and Mr. BRADY of Pennsylvania.

H.R. 4325: Mrs. JO ANN DAVIS of Virginia.

H.R. 4341: Mr. KENNEDY of Minnesota, Mr. JOHNSON of Illinois, and Mr. GIBBONS.

H.R. 4355: Mr. CASE and Mr. PETERSON of Minnesota.

H.R. 4357: Mr. WALSH and Mr. FORTENBERRY.

H.R. 4372: Ms. MATSUI.

H.R. 4392: Mr. NADLER.

H.R. 4423: Mr. CLAY, Mr. MOORE of Kansas, Mr. KENNEDY of Minnesota, and Mr. SCOTT of Virginia.

H.R. 4452: Mr. CUMMINGS, Mr. HONDA, Mr. BAIRD, and Ms. EDDIE BERNICE JOHNSON of Texas.

H.R. 4479: Mr. BERMAN and Mrs. NAPOLITANO.

H.R. 4480: Mr. HOEKSTRA.

H.R. 4560: Mr. SAXTON.

H.R. 4600: Mr. CLAY, Ms. BALDWIN, and Mr. RANGEL.

H.R. 4622: Mr. FATTAH and Mr. HINOJOSA.

H.R. 4623: Mr. GREEN of Wisconsin, Mrs. KELLY, Mr. LIPINSKI, Mr. LEWIS of Georgia, and Mr. ROGERS of Alabama.

H.R. 4650: Ms. WOOLSEY and Mr. CALVERT.

H.R. 4680: Mr. FOSSELLA.

H.R. 4751: Mr. ROSS.

H.R. 4755: Mr. MILLER of Florida, Mr. SMITH of New Jersey, Mr. MURTHA, Mr. BARTON of Texas, Mr. CAMP of Michigan, Mr. GEORGE MILLER of California, Mr. OLVER, and Ms. ROYBAL-ALLARD.

H.R. 4761: Mr. BURTON of Indiana, Mr. LUCAS, and Mr. RADANOVICH.

H.R. 4768: Mr. BRADY of Pennsylvania, Mr. FATTAH, Mr. WELDON of Pennsylvania, Mr. KANJORSKI, Mr. MURTHA, and Mr. DOYLE.

H.R. 4772: Mr. BISHOP of Georgia.

H.R. 4790: Mr. WELLER.

H.R. 4806: Ms. ZOE LOFGREN of California.

H.R. 4822: Mr. WAXMAN.

H.R. 4843: Mr. CHANDLER.

H.R. 4876: Mrs. WILSON of New Mexico.

H.R. 4894: Mr. MCCAUL of Texas, Mr. KUHL of New York, and Mr. PRICE of Georgia.

H.R. 4927: Mr. TOM DAVIS of Virginia, Mr. VAN HOLLEN, and Mr. KENNEDY of Rhode Island.

H.R. 4946: Ms. DELAURO.

H.R. 4949: Ms. HOOLEY, Mr. LATOURETTE, and Mr. OLVER.

H.R. 4963: Ms. JACKSON-LEE of Texas, Mr. SCOTT of Virginia, Mr. HENSARLING, Ms. WATERS, Mr. FEENEY, Mr. COBLE, and Mr. RANGEL.

H.R. 4981: Mr. CALVERT.

H.R. 4985: Mr. TERRY and Mr. SHAW.

H.R. 4992: Mrs. CAPITO.

H.R. 5013: Mr. GINGREY, Mr. BARROW, and Mr. ALEXANDER.

H.R. 5033: Ms. ZOE LOFGREN of California and Mr. BERMAN.

H.R. 5037: Ms. NORTON, Mr. GIBBONS, Mr. ISRAEL, Mr. MORAN of Virginia, Mrs. MALONEY, and Mrs. JO ANN DAVIS of Virginia.

H.R. 5039: Mr. YOUNG of Alaska.

H.R. 5050: Mr. WU.

H.R. 5051: Mr. SCHWARZ of Michigan.

H.R. 5058: Mr. EVANS, Mr. BISHOP of New York, and Mr. MICHAUD.

H.R. 5072: Mr. HINOJOSA and Mr. FORTENBERRY.

H.R. 5081: Mr. MILLER of Florida, Mr. HALL, Mr. PUTNAM, Mr. FARR, Mrs. BONO, Mrs. WILSON of New Mexico, Mr. MCCOTTER, Ms. PRYCE of Ohio, Mr. PENCE, Mr. TOM DAVIS of Virginia, Mr. FRANKS of Arizona, and Mr. MURPHY.

H.R. 5092: Mr. BOUCHER, Mr. ROGERS of Alabama, Mr. HAYES, Mr. YOUNG of Alaska, Mr. ENGLISH of Pennsylvania, Mr. BURTON of Indiana, Mr. CANNON, Mr. RAHALL, and Mr. GERLACH.

H.R. 5113: Mr. BISHOP of New York, Mr. DINGELL, Mr. DOGGETT, Mrs. NAPOLITANO, and Mr. SERRANO.

H.R. 5134: Mr. MCCOTTER and Mr. EHLERS.

H.R. 5139: Mr. GORDON.

H.R. 5140: Mr. GORDON and Mr. OWENS.

H.R. 5141: Mr. VAN HOLLEN.

H.R. 5143: Mrs. JOHNSON of Connecticut, Mr. FEENEY, and Mr. WICKER.

H.R. 5180: Mr. HUNTER.

H.R. 5201: Mr. CASTLE.

H.R. 5204: Mr. LIPINSKI, Mr. KUCINICH, and Mr. RAHALL.

H.R. 5230: Mr. BURTON of Indiana, Mr. PEARCE, Mr. TANCREDO, Mr. PITTS, Mr. TIAHRT, and Mr. NEUGEBAUER.

H.R. 5236: Mr. SCOTT of Virginia, and Mr. VAN HOLLEN.

H.R. 5248: Mr. HONDA and Mr. WATT.

H.R. 5249: Mr. ISSA and Ms. LORETTA SANCHEZ of California.

H.R. 5252: Mr. SCOTT of Georgia.

H.R. 5253: Mr. CHABOT, Mr. MCCAUL of Texas, Mr. PORTER, Mr. SIMMONS, Ms. HARRIS, Mr. JOHNSON of Illinois, Mr. RENZI, Mr. PUTNAM, Mr. CASTLE, Mr. SOUDER, Mrs. JO ANN DAVIS of Virginia, and Mr. FRELINGHUYSEN.

H.R. 5254: Mrs. MUSGRAVE, Mr. RENZI, Mr. ISTOOK, and Mr. SOUDER.

H.R. 5273: Ms. PELOSI, Mr. WAXMAN, Ms. BALDWIN, Mr. MCDERMOTT, and Ms. WATSON.

H. Con. Res. 3: Mr. EVANS.

H. Con. Res. 99: Mrs. DAVIS of California.

H. Con. Res. 222: Mr. CALVERT.

H. Con. Res. 278: Mr. CONYERS and Mr. CAPUANO.

H. Con. Res. 336: Mrs. CAPPS, Mr. FATTAH, and Mr. HONDA.

H. Con. Res. 367: Mr. WELDON of Pennsylvania.

H. Con. Res. 380: Mr. CROWLEY, Mr. BERMAN, Mr. PUTNAM, and Mr. FEENEY.

H. Con. Res. 391: Mr. FATTAH and Mr. LARSON of Connecticut.

H. Res. 76: Ms. HERSETH.

H. Res. 127: Ms. ZOE LOFGREN of California.

H. Res. 222: Ms. HART.

H. Res. 295: Mr. BISHOP of New York and Mr. ALEXANDER.

H. Res. 466: Mr. SESSIONS.

H. Res. 498: Mrs. CAPPS, Mr. WALSH, Mr. MORAN of Kansas, and Mr. HONDA.

H. Res. 521: Ms. SCHWARTZ of Pennsylvania.

H. Res. 635: Ms. SOLIS.

H. Res. 638: Mr. SHAYS.

H. Res. 688: Mr. EVANS, Mr. DOGGETT, and Mr. JONES of North Carolina.

H. Res. 690: Mr. MACK, Mr. JONES of North Carolina, and Mr. FORTUÑO.

H. Res. 753: Mr. HOBSON, Mr. PAUL, Ms. HARRIS, Mr. CALVERT, Mr. BERRY, Mr. HAYWORTH, Mr. UDALL of Colorado, and Mr. CASE.

H. Res. 759: Mr. VAN HOLLEN.

H. Res. 763: Mr. WESTMORELAND, Mr. MURPHY, Mrs. BIGGERT, Mr. PLATTS, Mr. PENCE, Mr. ISSA, Ms. FOXX, Mr. FOLEY, Mrs. JONES of Ohio, Mr. HYDE, Mr. REYNOLDS, Mr. KUHL of New York, Mr. LINDER, Mr. GRAVES, Mr. PRICE of Georgia, Mr. JINDAL, Ms. ROS-LEHTINEN, Mr. GOODE, Mr. SMITH of New Jersey, Mrs. BONO, Mr. DEAL of Georgia, Mr. SHIMKUS, Mrs. KELLY, Mr. COLE of Oklahoma, Mr. HAYWORTH, Mr. KELLER, Ms. PRYCE of Ohio, Mr. BLUNT, Mr. LAHOOD, Mrs. CUBIN, Mrs. WILSON of New Mexico, Mr. BOOZMAN, Mrs. MILLER of Michigan, Mr. FORBES, Ms. HARRIS, Mr. MORAN of Virginia, Mr. DENT, Mr. ROYCE, Mr. SHAYS, Mr. GARY G. MILLER of California, Mr. WELDON of Pennsylvania, Mr. PORTER, Mrs. BLACKBURN, Mr. TOWNS, Mr. MICA, Mr. CASTLE, Mr. FORTENBERRY, Mr. SESSIONS, Mrs. SCHMIDT, and Mr. MOORE of Kansas.

H. Res. 773: Mr. RUPPERSBERGER, Mr. CHABOT, Mr. FITZPATRICK of Pennsylvania, Mr. GARRETT of New Jersey, Mr. DENT, Mr. PENCE, and Mr. EMANUEL.

H. Res. 779: Mr. MCHUGH.

H. Res. 780: Mr. MCGOVERN, Mr. EVANS, and Mr. SCHIFF.

H. Res. 782: Mr. BURGESS, Mr. BOOZMAN, Mr. WILSON of South Carolina, Mr. ENGLISH of Pennsylvania, and Mrs. DRAKE.

H. Res. 784: Mr. BERMAN, Mr. FALEOMAVAEGA, Mr. HYDE, Mr. SMITH of Washington, Mr. ENGEL, Mr. MCCOTTER, Mr. BURTON of Indiana, Ms. WOOLSEY, Mr. LYNCH, Mr. SHERMAN, Mr. DELAHUNT, Ms. LEE, Mrs. NAPOLITANO, and Ms. HARRIS.

H. Res. 788: Mr. BAIRD, Ms. GINNY BROWN-WAITE of Florida, Mr. MORAN of Virginia, Mrs. NAPOLITANO, and Mr. NEY.

DELETIONS OF SPONSORS FROM PUBLIC BILLS AND RESOLUTIONS

Under clause 7 of rule XII, sponsors were deleted from public bills and resolutions as follows:

H.R. 4318: Mr. MEEHAN.

H.R. 4881: Mr. SAM JOHNSON of Texas.