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No. 45

## House of Representatives

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

### DESIGNATION OF THE SPEAKER PRO TEMPORE

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

WASHINGTON, DC,  
March 15, 2007.

I hereby appoint the Honorable HILDA L. SOLIS to act as Speaker pro tempore on this day.

NANCY PELOSI,  
*Speaker of the House of Representatives.*

### PRAYER

Rabbi Shea Harlig, Chabad of Southern Nevada, Las Vegas, Nevada, offered the following prayer:

Almighty God, the Members of this prestigious body, the U.S. Congress, convene here to fulfill one of the seven Noahide commandments: the commandment to govern by just laws which are based in the recognition of You, God, as the sovereign ruler of all people and nations.

We the citizens of this blessed country proudly proclaim this recognition and our commitment to justice in our Pledge of Allegiance—"one Nation under God, with liberty and justice for all."

Grant us, Almighty God, that those assembled here be aware of Your presence and conduct their deliberations accordingly. Bless them with good health, wisdom, compassion, and good fellowship.

On the eve of Passover, the Festival of Freedom, I beseech You, Almighty God, to bless and protect our troops and our entire Nation whom our esteemed spiritual leader, The Lubavitcher Rebbe, labeled "a nation of kindness" with freedom from terrorism.

Indeed "God Bless America."

### THE JOURNAL

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

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

### PLEDGE OF ALLEGIANCE

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

Mr. WALBERG 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 RABBI SHEA HARLIG

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

Ms. BERKLEY. It gives me great pleasure to introduce a spiritual leader in Las Vegas, Nevada. Rabbi Shea Harlig was ordained in March of 1988 from the Central Chabad Yeshiva in Brooklyn, New York, and since December of 1990 serves as the spiritual leader of Congregation Chabad in Las Vegas, Nevada.

He is the founder and regional director of Chabad of Southern Nevada, a major Jewish outreach organization in Las Vegas with five locations. Its programs include daily services, nightly adult education classes, Hebrew school and day camps, chaplain at the State and county prisons, bimonthly column for the Las Vegas Israelite, crisis counseling and financial assistance to members of the community. Rabbi Harlig is the kosher supervisor of five local kosher restaurants, markets and catering facilities. He is also the founder and dean of the Desert Torah Academy Day School, which has an enrollment of 175 children, preschool through eighth grade.

On a personal note, I have known the Rabbi since he came to Las Vegas. He has made an extraordinary contribution to the spiritual life of Las Vegas, Nevada. His impact is felt throughout the community. I am absolutely delighted to welcome him to our Nation's capital, Washington, D.C.

### ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore. The Chair will entertain up to five 1-minute notices on each side.

### IRAN

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

Mr. KUCINICH. This House cannot avoid its constitutionally authorized responsibility to restrain the abuse of executive power. The administration has been preparing for an aggressive war against Iran. There is no solid, direct evidence that Iran has the intention of attacking the United States or its allies. The U.S. is a signatory to the U.N. Charter, a constituent treaty among the nations of the world. Article II, section 4, of the U.N. charter states, "All members shall refrain in their international relations from the threat or use of force against the territorial integrity or political independence of any state." Even the threat of a war of aggression is illegal. Article VI of the U.S. Constitution makes such treaties the supreme law of the land. This administration has openly threatened aggression against Iran in violation of the U.S. Constitution and the U.N. Charter.

This week, the House Appropriations Committee removed language from the Iraq war funding bill requiring the administration under Article I, section 8, clause 11 of the Constitution to seek permission before it launched an attack against Iran. Since war with Iran is an option of this administration and such war is patently illegal, then

This symbol represents the time of day during the House proceedings, e.g.,  1407 is 2:07 p.m.

Matter set in this typeface indicates words inserted or appended, rather than spoken, by a Member of the House on the floor.



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impeachment may well be the only remedy which remains to stop a war of aggression against Iran.

#### THE BUDGET

(Mr. BARRETT of South Carolina asked and was given permission to address the House for 1 minute.)

Mr. BARRETT of South Carolina. Madam Speaker, while Democrats are talking about fiscal discipline, their actions say otherwise. Time and time again, the Democrat "plan" is to chase increased spending with increased taxes.

In less than 3 months, Democrats have called for immense new spending. Their agenda for the 110th Congress calls for throwing billions more at entitlements that are already growing at unsustainable rates. At the same time, they have not proposed a dollar of savings or a single reform—just more spending, financed by higher taxes.

The American people want reductions in spending, they want reforms to our overburdened and unsustainable programs, and they want their elected leaders to be held accountable for the plans they put forth and the funding they approve.

Republicans have a responsible plan that balances the budget by encouraging economic growth and reforming entitlement programs—without raising taxes. Increasing the tax burden on the American people has never led to economic prosperity.

Madam Speaker, my constituents don't want to see a return of tax-and-spend politics.

#### IMMIGRATION REFORM

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

Ms. GIFFORDS. Madam Speaker, I rise today once again to state my strong support for comprehensive immigration reform. Last week, Federal agents from Immigrations and Customs Enforcement raided businesses in my district in southern Arizona because employers were suspected of employing illegal immigrants. For years, we have known that employers in Arizona and across the country have been breaking the law by illegally employing undocumented workers. Let me be clear: any company that knowingly hires illegal immigrants should be prosecuted and punished to the fullest extent of the law.

I recognize the humanitarian concerns that are involved when raids on businesses occur, especially regarding families. The problems of immigration are extensive. These raids make clear that in my district in Arizona we continue to bear the brunt of a national crisis. Approximately 4,000 illegal immigrants pass into Arizona each and every day. That is unacceptable.

We need to rise to the challenge and address a national crisis. We need to do it now. Democrats and Republicans working together must pass comprehensive immigration reform.

#### PUTTING OUR FISCAL HOUSE IN ORDER

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

Mr. WALBERG. Madam Speaker, a recent analysis by the Mackinac Center for Public Policy compared Michigan's per capita income to the national average and revealed the Great Lakes State reached its lowest level in 75 years. At the end of 2006, Michigan had the second highest unemployment rate in the Nation and since January of 2001, Michigan has lost over 205,000 jobs.

Certainly many of Michigan's problems have been caused by State policies, but the men and women of my district continue to stress to me they want Congress to put our fiscal house in order on a Federal level.

Right now, taxpayers in south central Michigan are making tough choices every day to ensure their family budgets are balanced. They do it by cutting spending and having fiscal discipline. It's time we make these same hard choices on a Federal level. Congress needs to pass a balanced budget bill without raising taxes. We need to make tax relief permanent for hard-working American families and reform unsustainable entitlements.

By putting our fiscal house in order, this Congress can go a long way in restoring the trust of the American people and build a better, brighter future for our country.

#### "SMOKING MEMO"

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

Mr. EMANUEL. Madam Speaker, in a memo sent to the White House, the Justice Department laid out a plan to replace seven U.S. Attorneys who were cracking down on public corruption. This "smoking memo" seems to confirm that this administration targeted U.S. Attorneys involved in ongoing public corruption cases.

Today, as we learn more about the Attorney General's failure of leadership, many are eager to debate the future of Attorney General Gonzales and whether he will remain in office. But as we examine how these U.S. Attorneys were fired, we must not lose sight of the real story. What is happening to these ongoing public corruption investigations, from southern California to Nevada to Arizona to New Mexico?

The fired U.S. Attorneys were aggressively investigating public corruption cases and they were fired ostensibly for job performance, which in this White House means you're guilty of doing your job. I don't suppose any of these U.S. Attorneys will receive the Presidential Medal of Freedom award.

The question some of us want to know is where are these public corruption cases today? As Washington debates whether Alberto Gonzales, the Attorney General, survives by the weekend, some of us want to know whether we can bring back to life these

public corruption investigations in these five jurisdictions.

#### THEFT FROM CRIME VICTIMS

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

Mr. POE. Madam Speaker, crime victims are once again being victimized, not by the hands of offenders but by the robber baron bureaucrats who are putting their hands in the pockets of American crime victims.

Let me explain. Under a law called VOCA, Victims of Crime Act, crime victims receive money from a fund that criminals pay into as a part of their sentence. This wonderful idea makes criminals literally pay for their crimes and give compensation to injured and brutalized victims. Make criminals pay rent on the courthouse. Make them pay for the system they created. This fund is now over \$1.2 billion.

But now the insensitive Federal budget boys want to pick-pocket victims and take this money and put it into the abyss of the Federal Treasury. This is not taxpayer money. It doesn't belong to the Federal Government. The Feds should keep their sticky fingers off this victim money and Congress needs to protect victims from this bureaucratic theft.

And that's just the way it is.

#### ACCOUNTABILITY AND OVERSIGHT—DEMOCRATS DELIVER WITH LEGISLATION THIS WEEK

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

Mr. ELLISON. Madam Speaker, the appalling conditions at Walter Reed captured the Nation's attention this month and finally spurred this administration to begin taking action. But reports on the poor conditions at Walter Reed date back 2 years ago. The President and the Congressional Republicans did nothing. In fact, Lieutenant General Kiley, former head of Walter Reed, knew for years about the horrible conditions at the facility, but he claimed the problems "weren't serious and there weren't a lot of them."

We now know that that was not true, thanks to The Washington Post and hearings held by the Democratic House. Oversight by the former Republican Congress could have stopped these problems long ago. But lack of oversight didn't begin or end with Walter Reed. Republicans also failed to look at the President's policies in Iraq, the administration's actions during Hurricane Katrina, or the firing of numerous U.S. Attorneys for political reasons.

Madam Speaker, this Democratic Congress has already held 91 oversight hearings on these issues and others, and we will continue to uphold our legislative duty to oversee the actions of the executive branch.

AMERICAN TAXPAYER BILL OF RIGHTS—IMAGINE THIS SOLUTION

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

Mr. PRICE of Georgia. Madam Speaker, there is a common misconception in Washington that simply talking about a problem is as good as solving it. However, we know that actions speak louder than words. In 34 of the last 38 years, the Federal Government hasn't balanced its own checkbook.

It's time Washington stop looking for ways to afford bigger government. Yesterday, the Republican Study Committee introduced the Taxpayer Bill of Rights to restore budget accountability to Washington's checkbook, and it couldn't come at a better time. It is imperative that we prioritize America's financial responsibilities and reform the way Washington spends hard-earned taxpayer money. We can't expect different results if we keep on doing the same thing.

This is all about accountability, about reducing wasteful Washington spending, about balancing the budget, about fundamental tax reform, and about adapting programs to America's changing demographics.

Madam Speaker, the Taxpayer Bill of Rights isn't merely a slogan, it's a solution, a way we should all be thinking. Imagine this positive change to the way Washington spends hard-earned taxpayer money. Just imagine.

□ 1015

PROVIDING FOR CONSIDERATION OF H.R. 1362, ACCOUNTABILITY IN CONTRACTING ACT

Ms. CASTOR. Madam Speaker, by direction of the Committee on Rules, I call up House Resolution 242 and ask for its immediate consideration.

The Clerk read the resolution, as follows:

H. RES. 242

*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. 1362) to reform acquisition practices of the Federal Government. The first reading of the bill shall be dispensed with. All points of order against consideration of the bill are waived except those arising under clauses 9 or 10 of rule XXI. General debate shall be confined to the bill and shall not exceed one hour and 20 minutes, with one hour equally divided and controlled by the chairman and ranking minority member of the Committee on Oversight and Government Reform and 20 minutes equally divided and controlled by the chairman and ranking minority member of the Committee on Armed Services. After general debate the bill shall be considered for amendment under the five-minute rule. In lieu of the amendments recommended by the Committee on Oversight and Government Reform and the Committee on Armed Services now printed in the bill, 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 sub-

stitute printed in part A of the report of the Committee on Rules accompanying this resolution. That amendment in the nature of a substitute shall be considered as read. All points of order against that amendment in the nature of a substitute are waived except those arising under clauses 9 or 10 of rule XXI. Notwithstanding clause 11 of rule XVIII, no amendment to that amendment in the nature of a substitute shall be in order except those printed in part B of the report of the Committee on Rules. 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 except those arising under clauses 9 or 10 of rule XXI. 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 amendment in the nature of a substitute made in order as original text. The previous question shall be considered as ordered on the bill and amendments thereto to final passage without intervening motion except one motion to recommit with or without instructions.

SEC. 2. During consideration in the House of H.R. 1362 pursuant to this resolution, notwithstanding the operation of the previous question, the Chair may postpone further consideration of the bill to a time designated by the Speaker.

The SPEAKER pro tempore (Ms. SOLIS). The gentlewoman from Florida (Ms. CASTOR) is recognized for 1 hour.

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

I yield myself such time as I may consume.

(Ms. CASTOR asked and was given permission to revise and extend her remarks.)

GENERAL LEAVE

Ms. CASTOR. Madam Speaker, I also ask unanimous consent that all Members be given 5 legislative days in which to revise and extend their remarks on House Resolution 242.

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

There was no objection.

Ms. CASTOR. Madam Speaker, House Resolution 242 provides for consideration of H.R. 1362, the Accountability in Contracting Act, under a structured rule. The rule provides 80 minutes of general debate, with 60 minutes equally divided and controlled by the chairman and ranking minority member of the Committee on Oversight and Government Reform and 20 minutes equally divided and controlled by the chairman and ranking minority member of the Committee on Armed Services.

The rule waives all points of order against consideration of the bill, except clauses 9 and 10 of rule XXI.

The rule provides that in lieu of the substitutes recommended by the Committee on Oversight and Government Reform and the Committee on Armed Services, the amendment in the nature of a substitute printed in part A of the Rules Committee report shall be considered as an original bill for the purpose of amendment. All points of order except clauses 9 and 10 of rule XXI are waived against the substitute, and the substitute shall be considered as read.

The rule makes in order the two amendments printed in part B of the Rules Committee report. Each amendment may be offered only in the order printed in the report and by the Member designated in the report. The amendments are considered as read, are debatable for 10 minutes each, are not subject to amendment and are not divisible. All points of order against the amendments except for clauses 9 and 10 of rule XXI are waived.

Finally, the rule provides one motion to recommit, with or without instructions.

Madam Speaker, this rule and the legislation before us today is the Accountability in Contracting Act. This new act will restore accountability in Federal contracting. It targets conflicts of interest that have become too prevalent over past years.

During the first 100 hours of this new Congress, we charted a new direction in response to the American people's call for change and reform. We passed pay-as-you-go budgeting to require greater fiscal responsibility, we passed Medicare part D reform to require the executive branch to negotiate lower drug prices for our seniors and help the Federal bottom line, and we eliminated unnecessary tax subsidies for big oil companies that were making record profits while we paid record prices at the pump.

But if you recall, Madam Speaker, the first item of business during the first 100 hours of this new Congress was ethics reform. After the scandals of the past years, our commitment to the American people is to fight for higher ethical standards in the United States Congress and for all of the Federal Government by severing the connection between lobbyists and legislation, by banning gifts and travel from lobbyists, and ending the abuses of privately funded travel.

Today, the new Democratic Congress will continue our fight for ethics reform while we are still in the first 100 days through this rule and the Accountability in Contracting Act. This bill targets waste in Federal contracting, limits the use of no-bid contracts, minimizes sole-source contracts, and closes the revolving door between purchasing officers and private contractors. This bill addresses the past problems with wasteful and fraudulent contracts in Iraq, the Defense Department and in relation to Hurricane Katrina.

Congressional hearings have already shown that an estimated \$10 billion in

Iraq reconstruction funds was wasted as a result of overcharging, poor tracking and mismanagement by U.S. contractors, three times more than was estimated just last fall. Unfortunately, these accounts have abounded under the Bush administration. Defense auditors estimate that at least one out of six dollars spent in Iraq is suspect, including \$2.7 billion in Halliburton contracts.

Almost 19 post-Hurricane Katrina contracts worth a total of \$8.75 billion have been plagued by waste, fraud and mismanagement; and only 30 percent of the more than \$10 billion in Katrina contracts were awarded with full and open competition. And when it comes down to the small contractors who are actually hauling away the rubble and debris, they were not getting paid properly. This bill will help stop these kinds of wasteful contracts that keep the real work from getting done, that keep our neighbors from recovering from a natural disaster, and that keep the real workers from getting paid.

In my Tampa Bay area district, the Federal defense procurement revolving door has been the subject of Federal investigations in Federal district court proceedings in Tampa over the past several years. So it is vital we stand up for the folks we represent and demand their Federal tax dollars are spent correctly, especially when it comes to national security. That means having tough and fair oversight and a transparent system so there are no conflicts of interest.

So I commend the House Oversight and Government Reform Committee and the Chair, Mr. WAXMAN, for his diligent efforts. I also commend the House Armed Services Chair, Ike Skelton, and my fellow members of the Armed Services Committee for their work on this legislation. When we marked this bill up in the House Armed Services Committee on Tuesday, this effort won bipartisan and unanimous support. It deserves no less by the full House today.

Madam Speaker, I reserve the balance of my time.

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

Madam Speaker, I rise today in strong opposition to this closed rule and to the financially irresponsible underlying legislation. I also rise with great regret to report to the American people that for the third week in a row the Democrat leadership is bringing legislation to the House floor that stacks the deck in favor of big labor bosses at someone else's expense.

Madam Speaker, in just a few minutes I am going to ask that we submit this into the CONGRESSIONAL RECORD, but the Congressional Budget Office estimates that this bill will cost a new \$20 billion for 4 years after it is implemented. \$20 billion. Yet we have just heard from the other side that this is responsible and the right way to do things. What do we expect? An addi-

tional \$20 billion worth of spending. It is a real sad day, Madam Speaker.

Two weeks ago, American workers were the main losers in the Democrat-controlled House when the majority leadership forced through legislation that would provide for an unprecedented intimidation of employees by union bosses under a fundamentally anti-democratic process known as "card check."

Last week, in another unprecedented expansion of Davis-Bacon to important water projects across this country, the Democrat leadership set its sights on one of their all-time favorite targets, the American taxpayer. Other losers that were targeted in that bargain included some other perhaps more surprising targets, including local communities, small and minority-owned businesses and, perhaps most of all, the environment.

But I suppose that that is everything that the Democrat-controlled leadership says is good. Everything is a fair game when tilting the playing field in favor of labor bosses. That is what this new Democrat majority is about.

Given this well-established track record, it should come as no surprise that today, once again, the Democrat majority has placed a bull's eye squarely on the American taxpayers' back on the floor of this people's House. The legislation that we are being asked to consider today represents the triumph of politics over policy by attempting to taint every government contractor with the high-profile transgressions that only a few have done.

I do commend Chairman WAXMAN for his desire to provide proper and appropriate oversight for the use of government funds, and I do share his desire to prevent waste, fraud, and abuse in government contracting. However, the approach that he has brought to the floor is far-reaching and intrusive, expensive; and it misses the mark. The problem is primarily one of enforcement, and this is where Congress should be focusing its efforts on behalf of the taxpayer.

While these proposals may seem beneficial and look good on paper, in practice they add up restrictions upon restrictions simply for the sake of regulation. They would increase the cost and reduce government access to the solutions it needs, while increasing the burden on an already-overworked Federal contracting workforce.

While I am concerned about fiscal responsibility as a Member of this body, I do not believe that adding layer upon layer of additional regulations is a way to save taxpayer money or to be responsible.

Every day, private contractors provide the entire Federal Government with effective cost-saving solutions, and this legislation represents a large step backwards in giving these contractors the flexibility they need to provide these vital services. Rather than taking Chairman WAXMAN's approach and discouraging the vast majority of con-

tractors that do not play by the rules from wanting to do business with the government, Congress should focus on dealing with those bad actors that have violated the public trust.

□ 1030

Right here on our Capitol campus, private contractors provide us with the services that we need to function on a daily basis. They include inspecting and delivering the mail, mowing the Capitol grounds, installing signs, repairing sinks, providing IT consulting and technology systems maintenance, and they do so at the lowest cost to taxpayers through competition.

The Federal Government should not be competing with a vibrant private sector that can provide these services better, faster, and cheaper than we can do them ourselves. I find that a good rule of thumb that I have used for years is if you can open up the Yellow Pages and find professionals willing to do the same services listed, then the government should not try to perform these tasks on its own, because it will end up costing the taxpayers a great deal more money.

Madam Speaker, I do understand that the Democrat Party wants to change this slowly and to stack the deck in favor of big labor bosses whose ranks have dwindled to 12 percent from a high of 35 percent in the 1950s. I understand that a very few contractors have behaved dishonorably and illegally, and for that they should reimburse the taxpayer and be prosecuted to the fullest extent of the law.

But I simply don't believe that limiting the Federal Government's flexibility to contract, especially in the case of an emergency, is the answer to this problem. Nor do I believe that this legislation that is a new private sector mandate and that the CBO estimates will cost taxpayers over \$20 billion, 20 billion new dollars, should be considered reasonable or should be considered financially responsible. This is not the correct solution to this problem.

Madam Speaker, I include for the RECORD the CBO cost estimate for H.R. 1362.

#### H.R. 1362—ACCOUNTABILITY IN CONTRACTING ACT

Summary: H.R. 1362 would amend federal contracting rules. Specifically the legislation would require federal agencies to limit the length of noncompetitive contracts and limit the use of sole-source and cost-reimbursement contracts when possible. H.R. 1362 also would authorize an increase in funds used to pay for contract oversight, planning, and administration equal to 1 percent of the value of an agency's contracts. The legislation would require various reports to the Congress on noncompetitive contracts and contractor overcharges and amend employment restrictions on federal procurement officials.

CBO estimates that implementing H.R. 1362 would cost \$20 billion over the 2008–2012 period, assuming appropriation of the necessary amounts to provide additional resources for contract oversight, planning, and administration. That estimate does not include any costs or savings that could result

from implementing the legislation's provisions regarding the use of noncompetitive and cost-reimbursement contracts. CBO has no basis for estimating any costs or savings for those provisions. Enacting the bill could affect revenues by increasing collections of civil penalties, but CBO estimates that any increase in revenue collection would not be significant. Enacting the bill would not affect direct spending.

H.R. 1362 contains no intergovernmental mandates as defined in the Unfunded Mandates Reform Act (UMRA) and would not affect the budgets of state, local, or tribal governments.

H.R. 1362 would impose a private-sector mandate, as defined in UMRA, on certain former federal officials that were substantially involved in the awarding of contracts. CBO expects that the direct cost of com-

plying with the mandate would fall well below the annual threshold for private-sector mandates (\$131 million in 2007, adjusted annually for inflation).

Estimated cost to the Federal Government: The estimated budgetary impact of H.R. 1362 is shown in the following table. The cost of this legislation falls within all budget functions that provide contract funding.

	By fiscal year, in millions of dollars—				
	2008	2009	2010	2011	2012
SPENDING SUBJECT TO APPROPRIATION					
Estimated Authorization Level .....	4,000	4,070	4,145	4,220	4,295
Estimated Outlays .....	3,440	3,900	4,090	4,165	4,240

Basis of estimate: H.R. 1362 would amend federal contracting rules and authorize the appropriation of additional funds for contract oversight, planning, and administration. CBO estimates that implementing H.R. 1362 would cost about \$20 billion over the 2008-2012 period, assuming appropriation of the necessary funds. For this estimate, CBO assumes that the bill will be enacted before the start of fiscal year 2008 and that spending will follow historical patterns for contract oversight activity.

SPENDING SUBJECT TO APPROPRIATION

**Contract Oversight.** Section 203 would authorize the appropriation of additional funds for contract oversight, planning, and administration equivalent to 1 percent of the value of contract awards. Those funds would be used for hiring and training of acquisition workforce personnel, as well as contract planning, administration, and oversight. Based on information from the General Services Administration, CBO estimates that federal government awards contracts with a value of about \$400 billion annually. Thus, CBO estimates that implementing H.R. 1362 would require additional appropriations of about \$4 billion annually (with adjustments for inflation). As a result, we estimate a cost of about \$20 billion over the 2008-2012 period, assuming appropriation of the necessary amounts, and that the value of federal contracts increases at the rate of anticipated inflation.

**Federal Contracting Rules.** H.R. 1362 would amend various contracting rules regarding the use of noncompetitive, sole-source, and cost-reimbursement contracts by the federal government. This would include restrictions on the contract period for noncompetitive contracts and limiting the use of sole-source and cost-reimbursement contracts.

The provisions of the legislation that would impose restrictions on the length of noncompetitive contracts and limit the use of sole-source and cost-reimbursement contracts could increase costs for contract administration, but could also result in the use of other types of contract procurements that may lower costs to the government. CBO has no basis for estimating the net impact on the budget of those provisions. The circumstances involving the use of cost-reimbursement and noncompetitive contracts by federal agencies and the potential to use other types of contracts in those situations is often unique. At this time, CBO does not have sufficient information relating to the use of noncompetitive and cost reimbursement contracts to determine the magnitude of any cost or savings that could result from implementing H.R. 1362.

**Other Provisions.** The legislation also would require federal agencies to report to the Congress on noncompetitive and contractor overcharges. In addition, H.R. 1362 would require reviews and reports by the Government Accountability Office on the use of federal contracts. H.R. 1362 would amend

employment restrictions on federal procurement officials. Based on the cost of similar activities, CBO estimates that those provisions would increase federal administrative costs by a few million dollars a year.

REVENUES

Enacting H.R. 1362 could affect federal revenues as a result of new civil penalties for violations of procurement employment restrictions. Collections of civil penalties are recorded in the budget as revenues. CBO estimates, however, that any change in revenues that would result from enacting the bill would not be significant.

**Estimated impact on state, local, and tribal governments:** H.R. 1362 contains no intergovernmental mandates as defined in UMRA and would not affect the budgets of state, local, or tribal governments.

**Estimated impact on the private sector:** H.R. 1362 would impose a private-sector mandate, as defined in UMRA, on certain former federal officials that were substantially involved in government contracts awarded in excess of \$10 million. The bill would expand an existing one-year restriction that would prohibit those officials from accepting compensation as an employee, officer, director, or consultant from contractors receiving such awards. The mandate would apply to those officials that leave government service after March 31, 2007, but before the date of enactment. The cost of the mandate would be the potential loss of net income resulting from the restriction on those former federal officials. Because the bill would limit the restriction on compensation to apply to lines of business directly related to the awarded contract, CBO expects the direct cost of complying with the mandate would be minimal and would fall below the annual threshold established in UMRA (\$131 million in 2007, adjusted annually for inflation).

Estimate prepared by: Federal Costs: Matthew Pickford; Impact on State, Local, and Tribal Governments: Lisa Ramirez-Branum; Impact on the Private Sector: Amy Petz.

Estimate approved by: Peter H. Fontaine, Deputy Assistant Director for Budget Analysis.

Madam Speaker, I urge all of my colleagues to oppose this closed rule and the well-intended underlying legislation which quite simply misses the mark and will be a huge net cost to taxpayers.

Madam Speaker, I reserve the balance of my time.

Ms. CASTOR. Madam Speaker, to correct the record, the cost that the gentleman from Texas referred to was in section 203 of the bill. That section was deleted in the Armed Services Committee markup and is not in the base text.

Madam Speaker, I yield 5 minutes to the distinguished gentlewoman from Ohio (Ms. SUTTON).

Ms. SUTTON. Madam Speaker, I thank the gentlewoman from Florida, and I thank her for her leadership on this rule and to get this bill to the floor so we can begin the big task of restoring accountability and oversight in our Federal contracting system.

I rise in support of the rule today and in support of H.R. 1362. I strongly believe we must restore the American people's faith in our government, and that is what this bill is about.

This bill will help stop the abuses of the Federal contracting system, a system that has deservedly come under fire recently, and sadly, whether it is in Iraq, Walter Reed, or many other places.

H.R. 1362 will increase transparency and accountability to help bring back the integrity to a system that has lost so much of the public's trust, and it is no wonder that we have lost so much of the public's trust when we have government auditors testifying that an estimated \$10 billion in reconstruction spending has been wasted as a result of overcharging, poor tracking, and mismanagement by U.S. contractors. But this is not only an issue about waste, abuse and fraud, it is about getting the job done right and ensuring we have the proper people in place to help those who need Federal Government services.

Recent hearings brought to light an Army memorandum showing that the decision to privatize support services at Walter Reed was causing an exodus of "highly skilled and experienced personnel." And as a result, the "patient care mission are at a risk of mission failure," the memorandum continued.

So not only do we need to end the waste and ensure taxpayer dollars are being used wisely, we need greater oversight and accountability on the contracting decisions that are being made in the first place. And we need to tell these contractors that if they are going to get a contract with the Federal Government, they must play by the rules and they must fulfill their responsibilities in an effective and efficient manner.

Passing H.R. 1362 and the other bills that have been on the House floor this week are important steps in our effort to restore the faith in government that has been lost by the American people. I understand that additional legislation regarding contractor oversight and accountability is in the pipeline,

and I look forward to working with this new Congress and chairmen of the committees of jurisdiction on this most important issue.

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

Madam Speaker, this is a costly bill. This is a bill that is an intrusion not only upon a system that works well, but it is also aiming at an unintended consequence, and that is it is not only going to be more expensive for the government to pay for those services that it wants to buy, but it is going to make it also more costly to the taxpayer in the amount of spending that takes place.

We think there could be better ways that this could be accomplished. I ask all of my Members to oppose this bill.

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

Ms. CASTOR. Madam Speaker, I yield myself the balance of my time.

From day one, this new Congress has been working to restore accountability in Washington, including adopting fiscally responsible pay-as-you-go budgeting and fighting for higher ethical standards in government.

It is heartening to the American people, I know, that much of this has been done in a bipartisan way. And indeed, on this bill this morning, I anticipate that the House will follow the unanimous and bipartisan votes of the Oversight and Government Reform Committee and the Armed Services Committee.

As part of our ongoing effort to fight for fiscally responsible budgeting and higher ethical standards, this week I know, today, we will pass this legislation and this rule that changes the way that Congress and the Federal Government does business. It shines a bright light on how government operates. We will continue to answer the call of the American people for change and reform.

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

Madam Speaker, I yield back the balance of my time, and I move the previous question on the resolution.

The previous question was ordered.

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.

Mr. SESSIONS. Madam Speaker, I object to the vote on the ground that a quorum is not present and make the point of order that a quorum is not present.

The SPEAKER pro tempore. Evidently a quorum is not present.

The Sergeant at Arms will notify absent Members.

The vote was taken by electronic device, and there were—yeas 223, nays 190, not voting 20, as follows:

[Roll No. 154]

YEAS—223

Abercrombie	Allen	Andrews
Ackerman	Altmire	Arcuri

Baca	Herseth
Baldwin	Higgins
Barrow	Hill
Bean	Hinchey
Becerra	Hinojosa
Berkley	Hirono
Berman	Hodes
Berry	Holden
Bishop (GA)	Holt
Bishop (NY)	Honda
Blumenauer	Hooley
Boren	Hoyer
Boswell	Inslee
Boucher	Israel
Boyd (FL)	Jackson (IL)
Boyd (KS)	Jackson-Lee
Brady (PA)	(TX)
Braley (IA)	Jefferson
Brown, Corrine	Johnson (GA)
Butterfield	Johnson, E. B.
Capps	Jones (OH)
Capuano	Kagen
Cardoza	Kaptur
Carmahan	Kennedy
Carney	Kildee
Carson	Kilpatrick
Castor	Klein (FL)
Chandler	Kucinich
Clarke	LaHood
Cleaver	Lampson
Clyburn	Langevin
Cohen	Lantos
Conyers	Larsen (WA)
Cooper	Larson (CT)
Costa	Lee
Costello	Levin
Courtney	Lewis (GA)
Cramer	Lipinski
Cuellar	Loeb
Cummings	Loeb
Davis (AL)	Lofgren, Zoe
Davis (CA)	Lowe
Davis (IL)	Lynch
Davis, Lincoln	Mahoney (FL)
DeFazio	Maloney (NY)
DeGette	Markey
DeLaunt	Marshall
DeLauro	Matheson
Dicks	Matsui
Doggett	McCarthy (NY)
Donnelly	McCollum (MN)
Doyle	McDermott
Edwards	McGovern
Ellison	McIntyre
Ellsworth	McNerney
Emanuel	McNulty
Engel	Meehan
Eshoo	Meeke (FL)
Etheridge	Meeks (NY)
Farr	Melancon
Fattah	Michaud
Filner	Millender-McDonald
Frank (MA)	Miller (NC)
Giffords	Mitchell
Gillibrand	Mollohan
Gonzalez	Moore (KS)
Gordon	Moore (WI)
Green, Al	Moran (VA)
Green, Gene	Murphy (CT)
Grijalva	Murphy, Patrick
Hall (NY)	Murtha
Hare	Nadler
Harman	Napolitano
Hastings (FL)	Neal (MA)

NAYS—190

Aderholt	Burton (IN)
Akin	Buyer
Alexander	Calvert
Bachmann	Camp (MI)
Bachus	Campbell (CA)
Baker	Cannon
Barrett (SC)	Cantor
Bartlett (MD)	Capito
Barton (TX)	Carter
Biggert	Castle
Bilbray	Chabot
Bilirakis	Coble
Bishop (UT)	Cole (OK)
Blackburn	Conaway
Blunt	Crenshaw
Boehner	Cubin
Bonner	Culberson
Bono	Davis (KY)
Boozman	Davis, David
Boustany	Davis, Tom
Brady (GA)	Deal (GA)
Buchanan	Dent
Burgess	Diaz-Balart, L.

Oberstar	Obey
Oliver	Ortiz
Pallone	Pallone
Pascarella	Pastor
Payne	Perlmutter
Peterson (MN)	Peterson (MN)
Pomeroy	Pomroy
Price (NC)	Rahall
Rangel	Rangel
Reyes	Reyes
Rodriguez	Rodriguez
Ross	Rothman
Roybal-Allard	Roybal-Allard
Ruppersberger	Ruppersberger
Rush	Ryan (OH)
Salazar	Salazar
Sanchez, Linda	Sanchez, Linda
T. Sanchez	Sanchez, Loretta
Sarbanes	Sarbanes
Schakowsky	Schakowsky
Schiff	Schwartz
Scott (GA)	Scott (GA)
Scott (VA)	Scott (VA)
Serrano	Serrano
Sestak	Shea-Porter
Sherman	Sherman
Shuler	Shuler
Sires	Sires
Skelton	Skelton
Slaughter	Slaughter
Smith (WA)	Smith (WA)
Snyder	Snyder
Solis	Solis
Space	Space
Spratt	Spratt
Stark	Stark
Stupak	Stupak
Sutton	Sutton
Tauscher	Tauscher
Taylor	Taylor
Thompson (CA)	Thompson (CA)
Thompson (MS)	Thompson (MS)
Tierney	Tierney
Towns	Towns
Udall (CO)	Udall (CO)
Udall (NM)	Udall (NM)
Van Hollen	Van Hollen
Velázquez	Velázquez
Visclosky	Visclosky
Walz (MN)	Walz (MN)
Wasserman	Wasserman
Schultz	Schultz
Waters	Waters
Watson	Watson
Watt	Watt
Waxman	Waxman
Weiner	Weiner
Welch (VT)	Welch (VT)
Wilson (OH)	Wilson (OH)
Woolsey	Woolsey
Wu	Wu
Wynn	Wynn
Yarmuth	Yarmuth

Goode	Goodlatte
Granger	Granger
Graves	Graves
Hall (TX)	Hall (TX)
Hastert	Hastert
Hastings (WA)	Hastings (WA)
Hayes	Hayes
Heller	Heller
Hensarling	Hensarling
Herger	Herger
Hobson	Hobson
Hoekstra	Hoekstra
Hulshof	Hulshof
Hunter	Hunter
Inglis (SC)	Inglis (SC)
Issa	Issa
Jindal	Jindal
Johnson (IL)	Johnson (IL)
Johnson, Sam	Johnson, Sam
Jones (NC)	Jones (NC)
Jordan	Jordan
Keller	Keller
King (IA)	King (IA)
King (NY)	King (NY)
Kingston	Kingston
Kirk	Kirk
Kline (MN)	Kline (MN)
Knollenberg	Knollenberg
Kuhl (NY)	Kuhl (NY)
Lamborn	Lamborn
Latham	Latham
LaTourette	LaTourette
Lewis (CA)	Lewis (CA)
Lewis (KY)	Lewis (KY)
Linder	Linder
LoBiondo	LoBiondo
Lucas	Lucas
Lungren, Daniel	Lungren, Daniel
E. Mack	E. Mack

Baird	Baird
Brown (SC)	Brown (SC)
Brown-Waite,	Brown-Waite,
Ginny	Ginny
Clay	Clay
Crowley	Crowley
Davis, Jo Ann	Davis, Jo Ann

Manzullo	Manzullo
Marchant	Marchant
McCarthy (CA)	McCarthy (CA)
McCaul (TX)	McCaul (TX)
McCotter	McCotter
McCreery	McCreery
McHenry	McHenry
McHugh	McHugh
McKeon	McKeon
McMorris	McMorris
Rodgers	Rodgers
Mica	Mica
Miller (FL)	Miller (FL)
Miller (MI)	Miller (MI)
Miller, Gary	Miller, Gary
Moran (KS)	Moran (KS)
Murphy, Tim	Murphy, Tim
Musgrave	Musgrave
Myrick	Myrick
Neugebauer	Neugebauer
Nunes	Nunes
Paul	Paul
Pearce	Pearce
Pence	Pence
Petri	Petri
Pickering	Pickering
Pitts	Pitts
Platts	Platts
Poe	Poe
Porter	Porter
Price (GA)	Price (GA)
Pryce (OH)	Pryce (OH)
Putnam	Putnam
Ramstad	Ramstad
Regula	Regula
Rehberg	Rehberg
Reichert	Reichert
Renzi	Renzi
Reynolds	Reynolds
Rogers (AL)	Rogers (AL)
Rogers (KY)	Rogers (KY)

NOT VOTING—20

Dingell	Dingell	Miller, George
Fossella	Fossella	Peterson (PA)
Gerlach	Gerlach	Radanovich
Gohmert	Gohmert	Saxton
Gutierrez	Gutierrez	Tanner
Kanjorski	Kanjorski	Westmoreland
Kind	Kind	Wexler

□ 1105

Messrs. BOOZMAN, NEUGEBAUER, PICKERING, BISHOP of Utah and ROHRBACHER changed their vote from "yea" to "nay."

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.

#### GENERAL LEAVE

Mr. WAXMAN. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days in which to revise and extend their remarks on H.R. 1362, the Accountability in Contracting Act.

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

There was no objection.

#### ACCOUNTABILITY IN CONTRACTING ACT

The SPEAKER pro tempore. Pursuant to House Resolution 242 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. 1362.

□ 1109

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. 1362) to reform acquisition practices of the Federal Government, with Ms. SOLIS 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.

General debate shall not exceed 1 hour and 20 minutes, with 1 hour equally divided and controlled by the chairman and ranking minority member of the Committee on Oversight and Government Reform and 20 minutes equally divided and controlled by the chairman and ranking minority member of the Committee on Armed Services.

The gentleman from California (Mr. WAXMAN) and the gentleman from Virginia (Mr. TOM DAVIS) each will control 30 minutes, and the gentleman from Missouri (Mr. SKELTON) and the gentleman from California (Mr. HUNTER) each will control 10 minutes.

The Chair recognizes the gentleman from California.

Mr. WAXMAN. Madam Chairman, I yield myself such time as I may consume of the time that has been reserved to us.

The bill before us, H.R. 1362, the Accountability in Contracting Act, would increase transparency and accountability in Federal contracting, limit the use of certain types of abuse-prone contracts and promote integrity in the acquisition workforce.

Under the Bush administration, spending on Federal contracts has exploded in size. The Federal Government spent \$175 billion more in Federal contracts in 2005 than it did in 2000, making Federal contracts the fastest growing component of the Federal budget.

The Federal Government now spends nearly 40 percent of discretionary spending on contracts with private companies, a record level. This surge in contract spending has enriched private contractors like Halliburton, but it has come at a steep cost to taxpayers through rising waste, fraud, abuse and mismanagement.

Spending on sole source and other noncompetitive contracts has more than doubled in the last 5 years. The administration has justified the awarding of these lucrative sole source contracts by citing urgent and compelling needs, but then they allow these contracts to continue years after the emergency has passed.

Cost reimbursement type contracts leave the taxpayers vulnerable to wasteful spending by providing contractors with little or no incentive to control costs. But between 2000 and 2005, the use of this type of contract has risen by 75 percent.

The administration has also hidden contractor overcharges from Congress, international auditors and the public, impeding oversight and diminishing accountability. Too often, the independence of procurement of officials has been compromised by illegal relationships with government contractors.

Darleen Druyun, the former chief acquisition official for the Air Force, negotiated a lucrative deal to lease aircraft from Boeing in exchange for future employment. All of these problems have been compounded by an insufficient acquisition workforce to properly award and adequately oversee Federal contracts.

H.R. 1362 contains important provisions to rein in out-of-control Federal contracting. It would require Federal agencies to develop plans to minimize the use of the sole source contracts, and it would limit the duration of no-bid contracts issued in emergencies.

The bill would also require agencies to encourage the use of fixed-price contracts, which are not as prone to abuse as cost-plus contracts. This provision will allow the growth of contracts to give companies a financial incentive to increase their costs to the taxpayers.

When a sole source contract is awarded, agencies are required to prepare a justification and approval document to explain why full and open competition was not used to award the contract. The bill would require those documents to be made public.

The bill also promotes transparency in the acquisition process by requiring agencies to report to Congress when auditors identify over \$10 million in questioned or unsupported costs. A big and growing problem with the Federal acquisition system is that it has a workforce that is too small and under-trained. The bill requires the administration to develop a comprehensive definition of the acquisition workforce and ensures that funds for training will continue to be available.

Finally, the bill includes revolving door provisions that close loopholes in the law, prohibiting contracting officials from negotiating employment for their relatives and establish a cooling off period before procurement officials can award or oversee contracts involving a former employer.

All of this is important legislation. This legislation alone will not do the job. We need, however, to continue our oversight, and Congress has already begun many oversight hearings in our committee and in other committees as well.

Members are starting to ask what went wrong and to insist on accountability. But this legislation is an important reform in the contracting area. I want to thank my ranking member, TOM DAVIS, and the chairman and ranking member of the Armed Services Committee for their hard work and efforts in reaching a bipartisan consensus on the bill before us.

□ 1115

The Accountability in Contracting Act makes sound commonsense reforms which will improve the transparency and accountability of the Federal acquisition system, and I urge Members to support the bill.

Madam Chairman, I reserve the balance of my time.

Mr. TOM DAVIS of Virginia. Madam Chairman, I yield myself such time as I may consume.

I rise today to speak on H.R. 1362, the Accountability in Contracting Act, which was introduced by Government Oversight and Reform chairman HENRY WAXMAN last week. I want to thank the chairman for working with us.

This is not a bill that we are particularly enthusiastic about. We have very divergent views in the way we should go about contract regulation, but we both want the same ends. And I want to commend him for working with us, addressing some of our concerns as it moved through the committee process.

This bill would attempt to reform our acquisition system through a series of restrictions and reports geared towards greater regulation and oversight. More specifically, the legislation would limit the duration of contracts awarded under urgent conditions; require agency reports on minimizing the use of fixed-price and sole-source contracts; require additional reports to Congress on cost questions by auditors; and broaden the reach of current limitations on post-employment opportunities for our acquisition workforce, as well as limit the ability of acquisition workers hired by the government from the private sector to participate in certain acquisition activities.

I want to thank the chairman again for working with me by including two provisions that we requested that are both intended to strengthen the Federal acquisition workforce through better training and management. The first would require the administrator for Federal Procurement Policy to come up with a government-wide definition for "acquisition workforce." This modification would help give Federal agencies a clear picture of the composition of their existing acquisition workforce and provide a baseline for the improvement of the human capital resource dedicated to the management of the acquisition workload. The second would make permanent the Acquisition Workforce Training Fund, which was first enacted under SARA, the Services Acquisition Reform Act, which I authored.

Last week our committee revised the introduced version of the bill by approving an amendment I offered to address the concerns I had with the bill's expansion of post-employment restrictions. While I wholeheartedly support the desire to promote integrity, transparency and accountability in government, I was troubled by certain provisions in the bill which sought to significantly expand current post-employment restrictions and curb the government's capability to take advantage of the valuable technical abilities and skills of former private-sector employees.

At a time when we need to be looking for ways to retain qualified acquisition personnel, too many of whom are approaching retirement age, while at the same time looking for effective ways to

recruit new qualified people, the introduced version tried to instead impose new restrictions on these Federal employees. These restrictions would have had a detrimental impact on the executive branch's ability to recruit and retain the brightest and the best personnel for the acquisition workforce, something we can ill afford.

Our amendment shortened the bill's 2-year post-employment restrictions on contracting officers to 1 year and provided for a waiver of the restrictions on the ability of acquisition workers hired by the government from the private sector to participate in certain acquisition activities. My amendment also shortened the duration of the activity restrictions from 2 years to 1 year. While this language goes part way toward addressing my concerns about the negative effects such restrictions have had on the Federal Government's ability to recruit, hire, and retain the skilled acquisition workforce, I continue to have the same concerns.

The bottom line is that there are too many good people working for this government for us to pass onerous restrictions based on the misdeeds of a handful of employees. We need to promote the natural churn of employees between the public and private sector, instead of trying to stymie it. We can't, on the one hand, bemoan the quality of contract management, while on the other, create more obstacles to getting the people that we need to do the job.

In addition to the changes we made in committee last week, I am pleased to see the text of the bill that is on the floor today includes the good work of the Committee on Armed Services. That committee made significant improvements and clarifications to the underlying bill. The Armed Services Committee toned down some of the rhetoric in the bill. For example, by changing terms like "limiting the abuse of abuse-prone contracts" to "improving the quality of contracts."

More substantively, the Armed Services Committee raised the threshold of the report on preliminary audits of contractor costs from \$1 million to \$10 million. Nonetheless, I remain concerned a report like this, even at the higher threshold and the limitation to significant contractor costs, still presents a distorted and incomplete picture of the management of cost-type contracts. Contract auditors are critical cogs in the management system. They write audit reports which are submitted to aid the contracting officer in making his final determination whether particular costs are reasonable and consistent with applicable law and the contract terms and, therefore, permitted or what we call "allowable under the contract." It is the outcome of the oversight process, not just the first phase, that we should be reviewing. If we want an accurate picture of costs actually billed to the government which the contracting officer determined the government will not pay, the unallowables, then we might learn

something. But that is not what this bill does. The bill would only burden agencies with another meaningless reporting requirement and, I might add, add fodder up here for Members to take this review and make something of it that is probably not accurate.

Each year our Federal contract professionals use the acquisition system to purchase almost \$400 billion worth of goods and services, ranging from paper clips to advanced weapons system, from sophisticated information technology and management services to grass cutting and window washing. Recent reforms, culminating in our Services Acquisition Reform Act of 2003, have modernized the way the government does business with the private sector. No longer is our government laden with inflexible, timely, and costly acquisition systems. Legislative efforts over the past decade have provided many of the tools necessary for our acquisition professionals to get the job done.

Unfortunately, the Federal acquisition system has been under stress in recent years because of the extraordinary pressures of a shrinking workforce, combined with the unprecedented Hurricane Katrina disaster relief and recovery efforts, the enormous job of managing contractors who provide logistical support for our troops in Iraq, and overseeing the daunting task of building an Iraqi infrastructure. To no one's surprise, this strain has resulted in a series of management problems that have been exaggerated by the press and exploited by opponents of the system.

Nevertheless, the system has worked pretty well, and the vast majority of the government's acquisitions have been conducted properly. The problems have largely been the result of management difficulties exacerbated by an overburdened and understaffed workforce, combined with improper actions by a handful of officials.

Frankly, Madam Chairman, I don't think that controls, reports, procedures and restrictions in this bill will go very far in addressing the challenges that face us today. Reverting to the bloated system of the past, weighted down with a process-oriented system doesn't help the government acquire the best valuable goods and services the commercial market has to offer and our government so desperately needs in a timely manner. Reverting to the past, under the rubric of fraud, waste and abuse and cleaning up the system may provide flashy sound bites and play well back home, but it doesn't give us the world-class acquisition system that we need to compete in the 21st century.

We have put the current system to the test in some of the most difficult environments imaginable: Hurricane Katrina reconstruction and Iraqi logistics and contracting and reconstruction. The failures which occurred have been rooted in the inadequacies of management and implementation.

And yet the Rules Committee, in looking at the Armed Services Committee report and ours, took out the provision that had the 1 percent additional funding for some of the management and implementation dollars that could have gone into training.

As legislators, we should resist the temptation to micromanage our acquisition system based on unproven anecdotes of failure and misconduct. More controls and procedures will not remedy poorly defined requirements or provide us with a sufficient number of Federal acquisition personnel with the right skills to select the best contractor and manage the subsequent performance.

Why should we force the taxpayers and private entities to undergo unreasonable burdens so politicians can reap short-term gain at the expense of crippling an already overburdened acquisition system and workforce?

It is for these reasons, Madam Chairman, we find this bill has sufficient shortcomings. These shortcomings are shared by the administration in their statement on administration policy in the ITAA, and I will discuss those as the debate goes further.

Finally, let me just say, this country, over the years, has had the debate over what is the appropriate role of oversight, how much is too much. But we need an acquisition system that works. And sometimes we spend so much in our rules and regulations, making sure somebody doesn't steal anything, that they can't do much of anything else either; and we get a system that is burdened and that does not create the efficiencies that we need to move forward. Once again, one of the greater issues that divide the chairman and myself is our philosophies on contracting. But I want to just commend him for working with us on this bill to try to get to where it is today. I know this is important to him.

Madam Chairman, I reserve the balance of my time.

Mr. WAXMAN. Madam Chairwoman, I am pleased to yield 4½ minutes to a very important member of our committee, the gentleman from Maryland (Mr. CUMMINGS).

Mr. CUMMINGS. Madam Chairman, I rise today in support of H.R. 1362, the Accountability in Contracting Act, which I have cosponsored, because we have an obligation to be good stewards of taxpayer dollars.

I am simply appalled by the reports of pervasive waste, fraud and abuse in government contracting.

As chairman of the Subcommittee on Coast Guard and Maritime Transportation, I led a hearing back on January 30 on the U.S. Coast Guard's troubled \$24 billion 25-year-long Integrated Deep Water Systems Project.

The project was supposed to modernize the Coast Guard's aging fleet, but a series of failures by contractors and poor oversight by the Coast Guard have wasted millions of taxpayer dollars instead.

In one of the more disturbing examples, the modernization of 49, 110-foot patrol boats was halted when the hulls of the first eight modernized boats cracked upon being sent out to sea.

In the Committee on Oversight and Government Reform and in the House Armed Services Committee, we have consistently heard reports of waste, fraud and abuse in Iraq contracting. Examples include: a report from the Iraq Special Inspector General, Stuart Bowen. He found gross mismanagement in a \$75 million contract awarded to Parsons Corporation to build the largest police academy in Iraq. According to the report, the police academy was so poorly constructed that feces and urine rained from the ceilings into the barracks of students, floors heaved inches off the ground and cracked apart, and water dripped so profusely in one room that it was dubbed "the rainforest."

Investigators fear that, with its structural integrity in question, the academy is beyond repair, and public health concerns are being raised.

Unfortunately, this scenario is not unprecedented. In total, Pentagon auditors have identified \$3.5 billion in questionable and unsupported costs in Iraq reconstruction contracts. For one Halliburton contract alone, its \$16.5 billion logistic civil augmentation program, the Defense Contract Audit Agency, identified \$1.1 billion in questionable costs.

Halliburton whistleblowers have shed light on the company's deceitful practices, reporting that the company paid subcontractors up to \$45 for a case of soda and \$100 for a 15-pound bag of laundry.

And the IG in the past has reported that Parsons, despite spending \$186 million of a \$500 million contract to build hospitals and health clinics, has barely gotten the project off the ground, with just 20 of the 142 clinics completed. The list of such atrocities is endless.

Last Monday we visited Walter Reed Medical Center for a field hearing of the Oversight and Government Reforms Committee's Subcommittee on National Security and Foreign Affairs to investigate reports that substandard treatment is being provided to our troops and veterans. There, too, contracting played a role.

It appears that wherever we find failures in government these days, contractors are sure to be involved. We have consistently been told by this administration that privatization of critical government functions would cost less. But instead it has been both costly and ineffective.

We need accountability in contracting. We need the Accountability in Contracting Act. This vitally important legislation would institute critical reforms, including limiting the length of non-competitive contracts, minimizing no-bid contracts, minimizing cost-plus contracts, ensuring public disclosure of justification for no-bid

contracts, disclosing contractor overcharges, funding contract oversight, and closing the revolving door.

□ 1130

Mr. Chairman, I want to applaud you for doing such an outstanding job on this legislation. And I strongly urge my colleagues to vote for H.R. 1362, the Accountability in Contracting Act.

Mr. TOM DAVIS of Virginia. Madam Chairwoman, I yield to the gentleman from Tennessee (Mr. DUNCAN) for a unanimous consent request.

Mr. DUNCAN. Madam Chairwoman, I rise at this time to request unanimous consent to place a statement in the RECORD in regard to H.R. 1362.

The CHAIRMAN. Is there objection to the request of the gentleman from Tennessee?

There was no objection.

Mr. DUNCAN. Madam Chairman, I rise in support of this bill, and I thank all who have worked to bring this legislation to the floor today.

I wish the bill went much further, but there are so many former Federal employees working for Federal contractors now, and so many present Federal employees who want to some day hitch on to this lucrative Federal gravy train, that the pressures against reform are tremendous.

Unfortunately, almost every Federal contract is a sweetheart or insider or friendship type deal. Almost all Federal contracts have at least one or usually several former Federal employees working for them.

Defense contractors are the prime examples. The International Herald Tribune had an article a year and a half ago describing what it called the revolving door at the Pentagon.

It said the top 20 defense contractors had hired over 300 retired admirals and generals during the 90s.

But this type of thing is rampant throughout the Federal Government.

Now I am not against the Federal Government contracting out many functions.

Usually, or often, the Federal bureaucracy is so wasteful and inefficient that Federal contractors can do things better or cheaper, even while making huge profits.

But some of the markups on contracts in Iraq have been mind boggling. I believe fiscal conservatives should be the ones most upset about some of the ripoff deals in Iraq.

Be that as it may, this bill helps highlight what has become a serious abuse of power, and abuse of the taxpayer, and this is a good start toward correcting this problem.

Mr. TOM DAVIS of Virginia. Madam Chair, I yield myself such time as I may consume.

The administration strongly opposes H.R. 1362, which would impose a new statutory ban on how the government uses acquisition personnel and would restrict the executive branch's ability to determine the appropriate funding for acquisition workforce functions.

That is what they say on their statement on administration policy. We also note that other provisions would impose burdensome statutory requirements that overlap with more efficient administrative efforts to strengthen the use of competition and reduce fraud, waste, and abuse.

The administration also feels that this legislation would limit the Federal Government's ability to tap technical expertise of Federal employees who are former contractor employees.

Frankly, we need the best and the brightest overseeing these contracts. As I take a look at contracts that have failed, a lot of it is due to the fact that we have not had appropriate oversight within the executive branch, and being able to get the best and the brightest is a very, very critical component to this. These restrictions, the administration feels, would lower the quality of procurement, solicitations, and analyses and would significantly harm the executive branch's ability to recruit and retain the experienced procurement officials from the private sector to close skill gaps and strengthen the overall capabilities of the acquisition workforce.

The administration also is concerned with the new requirement in the bill that would impose exhaustive quarterly reporting on every significant contract management deficiency at the contractor and subcontractor levels. This requirement will interfere with agencies' abilities to address and resolve contract performance problems in a timely manner.

The Information Technology Association of America in Arlington, Virginia says: The Association joined with other members of the Acquisition Reform Working Group in pointing out flaws in H.R. 1362, while saying that such significant legislation deserves the same light-of-day and careful consideration as do the major government contracts that the majority seeks to control.

They note that the title of the bill alone mistakenly implies a lack of accountability for government contractors under current law. Their president, Phil Bond, notes that "to the contrary, there is already abundant chapter and verse to bring best value to government and to protect the interest of taxpayers. What is really needed is better application of existing regulations by a fully staffed professional Federal acquisition corps working with responsible government contractors."

The letter also points out to committee leaders that many of the contracting issues now being addressed are "symptoms of the shortages of manpower and training for adequate contract management." And they note that "the government can't retain personnel and fill existing job openings in the acquisition workforce."

They also joined the working group in taking issue with the sections of the bill regarding disclosure of government contractor overcharges. While agreeing that the proper use and oversight of government contracts is paramount, they dispute any need for quarterly reports to Congress on contract charges that are adjudicated by the Defense Contract Audit Agency, the DCAA. They note that these are unnecessary provisions and would force significant

investment and government resources and additional burdens on acquisition personnel. So the ITAA comes out against it.

They also note that another section of the bill that seeks more restrictive cost reimbursement-type contracts is also unnecessary and potentially harmful. They note that such contracts typically are used when uncertainties and risks are high, as in emergency situations, and development programs when it is not feasible to set a fixed price for the work required. The Federal Acquisitions Regulations, the FAR, already establishes detailed criteria for proper selection of contract type, including limitations on the use of cost-type contracts "for use only when uncertainties involved in contract performance do not permit costs to be estimated with sufficient accuracy to suit any type of fixed price contract."

Madam Chairwoman, if we want to fix the Federal contracting system, the appropriate way is to hire, train, retrain, and pay well our acquisition personnel so that they have a toolbox of acquisition options to use to get the best deal for the government in every case, get the best value for the government. The taxpayers' dollars are at stake here, and their role ought to be to make sure the taxpayer dollars are spent most efficiently.

Adding burdens and layers and layers of regulatory reports do nothing to help that situation at all, and in many cases it can be very misleading as these burdens come out and we start taking out DCAA reports that have nothing to do with final adjudications of how these work. We already, by the way, have access to that information in Congress. What we don't have access to information is, and one of the things we would have liked to include, is to take final adjudications on costs that were deemed allowable and see what those costs are per contractor. That could have helped us in ferreting out which contractors are using these items. But this legislation does little to remedy those situations, unfortunately.

Madam Chair, I reserve the balance of my time.

Mr. WAXMAN. Madam Chairwoman, I recognize and yield to a very distinguished member of our committee, the gentleman from Illinois (Mr. DAVIS) for 3 minutes.

Mr. DAVIS of Illinois. Madam Chair, I want to thank Chairman WAXMAN for yielding.

I have always been told that one of the basic responsibilities of management is to effectively manage and account for the resources of the corporation, of the country, of the business. And, of course, in this instance we are talking about the United States Government; and all of us are shareholders, are stakeholders.

And I must confess that when I look at the record of our chief management team, we have come up woefully short. We have seen raw examples of waste,

fraud, and abuse: no paper trails, no real rationale for why a contract or contracts were let.

And I want to commend Chairman WAXMAN for effectively laying out a bill of particulars against these current practices. The hearings that were held on contracting accountability were so revealing. As a matter of fact, much of the information that we saw, we just couldn't believe in terms of contracts that were let and nobody could tell what had happened as a result of the contract, what was the work that was done, who did it.

This legislation will limit the length of noncompetitive contracts, minimize no-bid contracts, maximize fixed-price contracts, require public disclosure of justification of no-bid contracts, disclose contractor overcharges, and promote ethics in procurement which is so important.

Every dollar spent by this Government should get maximum return for the shareholders. We have not seen that in our contracting policies and practices. And I commend the chairman not only for the oversight but also for the corrective action which we are about to take today by passing this legislation.

Mr. TOM DAVIS of Virginia. Madam Chairwoman, may I inquire as to how much time is left on each side?

The CHAIRMAN. The gentleman from Virginia has 14½ minutes; the gentleman from California has 17 minutes.

Mr. WAXMAN. Madam Chair, I would like to now yield 3 minutes to the gentleman from Maryland (Mr. SARBANES), a member of our committee.

Mr. SARBANES. I thank the gentleman from California for yielding his time.

I rise to strongly support H.R. 1362, the Accountability in Contracting Act, and I want to thank Chairman WAXMAN for his leadership in shepherding this bill through to the floor.

This will establish a structure that will rein in the abuses in government contracting that we have been having hearing after hearing about over the last few weeks. By putting emergency no-bid contracts into position where they are limited to 1 year, requiring agencies to develop plans to try to limit the number of those contracts, and also to promote fixed-price contracts instead of cost-plus contracts, we can promote much more transparency in the way these contracts are let.

One particular way in which these emergency no-bid contracts can be exploited came to our attention during a hearing, and that is, often the cost structure is not put in place for some time after the contract is let under emergency conditions. This allows the contractor to front-load a lot of costs that can be very difficult for the auditors to come in and question later. And so in limiting the number of no-bid contracts and emergency contracts that are let, we can discourage that kind of activity.

Madam Chairman, the administration is really engaged over the last few years in sort of a two-step shuffle that seeks to discredit good government, and bad contracting gives a bad name to good government.

On the one hand, what they have done with many of our Federal agencies is they have cut resources. That makes it more difficult for good Federal employees to do their job, and they point at that and then they say government doesn't work. And on the other hand, they have this impulse to outsource and contract things to the private sector in situations where that may not be warranted, without any accountability or oversight. And then, when things go wrong, they point to it and they say, see, government doesn't work.

There are going to be times when we have to outsource things, when we have to procure services from the private sector. At a very minimum, when we do that, we need to make sure that it is done with transparency and accountability. If we do that, we can restore faith in the notion of good and accountable government.

Mr. TOM DAVIS of Virginia. Madam Chair, I yield myself such time as I may consume.

Let me start by saying we all want to limit the use of no-bid contracts. These go back of course to the Revolutionary War, where the troops were marching and they needed food and there is one farmer around. And you can't go out to bid to see who is going to sell you the lowest corn; you take what is there. But they should be limited, because competition is the cornerstone of our contracting system.

Let me go through some of the assertions that are made in support of the bill and give my thoughts.

Assertion one is that spending on sole source and other noncompetitive contracts has more than doubled over the last 5 years. And although spending has increased significantly over the last 5 years, it is due largely to 9/11 and Katrina. The total dollars competed is a percentage of total dollars available for competition. It has remained relatively constant between fiscal years 2001 and 2006, between 61 and 64 percent, according to the FPDS.

This notwithstanding, the Office of Federal Procurement Policy Administrator will be seeking to help in the leadership of the CAOs to reinvigorate through administrative means the use of competition and related practice for achieving a competitive environment. The role of competition advocates should be revived, with special emphasis on planning and execution in the management of hard-to-task and delivery orders.

There is an assertion that over the last 5 years the administration has jeopardized taxpayer interests and squandered hundreds of millions of dollars by giving private contractors exclusive control over huge portions of the reconstruction efforts in Iraq.

Frankly, DOD is giving increased attention to contingency contracting, including training for acquisition and program personnel and standard operating procedures. The Department of Defense and other agencies have recognized the need to increase the number of prepositioned, competitively awarded contracts to address contingencies. Also, the Department of Defense has several audit agencies including the Defense Audit Agency and Defense Contract Management Agency working in theater to monitor the contracts and resources.

□ 1145

Another assertion that comes from the other side is that this administration has justified the award of lucrative sole source contracts by citing urgent and compelling needs but then allowed these contracts to continue years after the emergency has passed.

The Chief Acquisition Officers Council, the CAOC, has established an Emergency Response and Recovery Working Group to improve access to information that can assist the acquisition workforce in planning for and addressing emergencies. The working group created a community of practice Web site, accessible at <http://acc.dau.mil/emergencyresponse>, so that agencies can share information about their policies and procedures, their best practices, their training resources, and other information of interest. For example, the site provides a link to the Emergency Acquisition Field Guide developed by FEMA so other agencies can learn about and adopt, as appropriate, practices employed by FEMA for performing specific assignments or functions in an emergency acquisition environment.

The emergency response and recovery Web site includes a list of inter-agency contracts that offer the types of supplies and services that were required by agencies to address disaster recovery for Katrina and 9/11, such as communications equipment, fuel and transportation, pharmaceuticals, portable shelters, generators, tarps, bottled water, and emergency meals. The GSA has established a disaster relief and emergency preparedness homepage that provides a quick reference guide to offerings on its Multiple Award Schedules that can be suitable for addressing readiness, intervention, counteractive solutions, or post-emergency logistics.

Another assertion is that cost reimbursement-type contracts leave the taxpayer vulnerable to wasteful spending by providing contractors with little or no incentive to control costs. Between 2000 and 2005, the use of this type of contract has risen 75 percent.

Frankly, according to the FPDS again, the total government spending on contracts has increased considerably, roughly at the same percentage as the increases in cost-type contracts stated above. From fiscal year 2000 to fiscal year 2005, total spending increased from \$219 billion to \$380 billion.

But cost-type contracts play a useful and necessary role in contracting when uncertainties involved in contract performance don't permit costs to be estimated with sufficient accuracy to use any type of fixed-price contract. And the contractors get caught on these many times when they move ahead and they estimate it to be one thing and then the needs of the contract change and they end up having to advance costs. So cost-type contracts in these types of situations are proven useful, but they are only good when they get the appropriate oversight from the procurement officers. And we don't address that underlying issue in a significant way in this legislation.

Agencies such as NASA rely on cost-type contracts for critical R&D work, such as planetary science and exploration missions, systems development operation support in physical engineering, and life sciences. In the early 1980s, there was a push towards fixed-price contracts for R&D to address failed major programs, cost overruns. But ultimately Congress passed legislation requiring a secretarial approval for contracts over \$25 million. DOD regulations preclude award of a fixed-price contract for a development program unless the level of program risk permits realistic pricing and the use of a fixed-price type contract allows an equitable and sensible allocation of program risk between the government and the contractor.

Madam Chairman, I reserve the balance of my time.

Mr. WAXMAN. Madam Chair, I yield 4 minutes to the gentleman from Massachusetts (Mr. LYNCH).

Mr. LYNCH. Madam Chair, I want to, first of all, thank the gentleman for yielding.

I rise in strong support of H.R. 1362, the Accountability in Contracting Act. This is contract reform legislation that was reported favorably out of our Oversight Committee by unanimous consent, and I think that speaks to the merits of this bill. As a result of the hard work of Chairman WAXMAN and Ranking Member DAVIS, this is a good first step in bringing accountability to contracting practices in our government.

By minimizing the use, as others have said, of the abusive no-bid contract practice, we will reintroduce competition into this contracting protocol used by our government. As well as limiting the use of cost-plus contracts, we will strengthen the reporting and disclosure requirements for contract overcharges and increase funding for contract oversight personnel. H.R. 1362 will address the glaring weaknesses in our Federal procurement system that have caused considerable waste, fraud, and abuse of American taxpayer dollars.

The need to reform Federal contracting law has been with us for some time and demonstrated, I think, glaringly during our series of contracting hearings in the House Oversight Com-

mittee, as we continue to examine a variety of misguided and poorly managed, poorly designed, and extremely costly Federal contracts that have been issued.

In the area of Iraq reconstruction, where we have spent a lot of time, we have learned from William Reed, the Director of the DCAA, the Defense Contract Audit Agency, of more than \$10 billion, 10 billion with a "b," in questioned and unsupported costs related to our Iraq reconstruction and troop support contracts. In addition, based on updated data provided to the committee by DCAA, we know that Halliburton's three massive cost-plus contracts alone are the source of at least \$2.7 billion in questioned and unsupported billings. And until recently, unfortunately, we have not had auditors on the ground in Iraq. The DCAA did not have contractors on the ground to review these contracts. They were auditing these contracts from Alexandria, Virginia. We have changed that process and put people on the ground.

In the area of homeland security, we recently examined the Department of Homeland Security's \$24 billion contract to modernize the Coast Guard's aging fleet and the \$30 billion SBInet contract to design and implement a modernized border security plan. Based on thousands of pages of documents provided by DHS to our committee, we have learned that the Department's oversight of these massive contracts is severely limited by what they call the "prime integrator" contracts. These prime integrator contracts vest the government oversight responsibility in program design and construction to contractors to do this very work. In addition, we came to find out the Department had actually contracted out oversight functions that it had retained under the contract terms.

This is a good first step. And I want to give great credit to Chairman WAXMAN for his good work and also Mr. DAVIS for building compromise in this, and I think that the American taxpayers will be better served by the result of the work of these two gentlemen.

Mr. TOM DAVIS of Virginia. Madam Chairman, I reserve the balance of my time.

Mr. WAXMAN. Madam Chair, I would like to yield 2 minutes to the gentlewoman from New York (Mrs. MALONEY).

(Mrs. MALONEY of New York asked and was given permission to revise and extend her remarks.)

Mrs. MALONEY of New York. Madam Chairman, I thank very much the gentleman's yielding and for his extraordinary leadership on protecting taxpayers' money by better oversight of our contracting policies. And I congratulate former Chairman DAVIS and Chairman WAXMAN on the Accountability in Contracting Act that we are passing today.

I feel so strongly about it because if we really manage our dollars better,

then we will have more dollars for the services that we need for our people. And I urge all of my colleagues and all of my constituents and really the listening public to read this excellent report that has come out from the Oversight and Government Reform Committee on "Dollars, not Sense: Government Contracting Under the Bush Administration." And it shows that sole source contracts have absolutely ballooned. They have grown dramatically from \$67 billion in 2000 to over \$145 billion in 2005. These are contracts that only one person gets. It is as if I handed you a lollipop. It is giving someone billions and billions of dollars, and I believe there are many talented businesses, many talented individuals in this country that should deserve the right to compete for these contracts.

This bill makes it easier for them to compete and, I believe, will save taxpayers dollars by the billions. It says if we give Halliburton or some other company a sole source no-bid contract worth billions and billions of dollars, then they have to tell us why we should give it to them. They have to file a document called the Justification and Approval Document. That is the least that we can do for the American taxpayer, to build in some transparency and some accountability. It also has many other important reforms in it.

But I must say of all the areas of mismanagement, contracting may look dull, but it is billions of dollars that if we were better stewards, we would have those dollars for education and health care.

I commend the chairman for his leadership on cracking down on this waste, fraud, and abuse and really shoddy mismanagement that has ballooned into billions of sole source contracts.

If you read this report, it is really chilling.

Mr. TOM DAVIS of Virginia. Madam Chairman, I reserve the balance of my time.

Mr. WAXMAN. Madam Chair, I yield 1 minute to the distinguished majority leader of the House of Representatives (Mr. HOYER).

Mr. HOYER. Madam Chairman, I thank the chairman for yielding. I thank Mr. DAVIS for his work on this legislation. And I rise in strong support.

I want to commend the chairman on the Committee on Oversight and Government Reform, Congressman WAXMAN of California, for his hard work and leadership on the five, not just this bill, but on the five government accountability and transparency bills considered on the House floor this week. This has been a very significant week for transparency, openness, and accountability in government, and I commend the chairman for his actions and the committee for its.

It is no mere coincidence that the four bipartisan bills we have considered so far have passed with an average of

340 votes, including on average 112 Republican votes for every one of these four and now fifth reform bills. So there is not a narrow partisan agenda here. What the committee has been bringing to the floor are bills broadly supported because we know that transparency and accountability in government have not been the norm. We need to restore the public's faith in its government.

In fact, there is a clear demonstration of the new Democratic majority's commitment to change the way business is done in Washington, to restore accountability for government practices and congressional oversight and to reach bipartisan consensus when possible. The four bills included measures to increase public access to government information by strengthening the Freedom of Information Act. After all, this information is gathered by taxpayer dollars.

To provide whistleblower protection to Federal workers who specialize in national security issues. To nullify an executive order issued by President Bush giving former Presidents and Vice Presidents broad authority to withhold presidential records or to delay their release indefinitely. The public has a right to know, and this legislation facilitates the redress of that right.

Lastly, to require the disclosure of donors to presidential libraries so there cannot be secret, very large contributions to Presidents before they leave office.

It should be noted that the first three measures passed overwhelmingly despite veto threats from the White House that apparently does not want openness or accountability or transparency.

All four bills are reasonable, prudent, and consistent with our Nation's democratic values and openness and accountability.

The legislation before us today, the Accountability in Contracting Act, is equally important. In short, this legislation would instruct Federal agencies to minimize the use of no-bid contracts. Why? Because we want lowest prices. How do we get lowest prices? By competition. That is the free enterprise system. This bill says let us pursue the free enterprise system.

It would promote the use of cost-effective, fixed-price contracts and limit the duration of no-bid contracts awarded in emergencies to 1 year.

This bill also would require the public disclosure of the rationale for using no-bid contracts and require agencies to report to Congress on contracts on overcharges.

□ 1200

Madam Chairman, it is unfortunate, but true, that problems in government contracting have arisen again and again during the last 6 years, and indeed before that, from the \$2.4 billion, however, in no-bid contracts for Halliburton, that soon-to-be Dubai company based in Dubai, to the failed con-

tracting in the aftermath of Hurricane Katrina.

Furthermore, Madam Chairman, it should be noted that spending on no-bid contracts has more than doubled under the Bush administration, even as hearings have exposed a pattern of reckless spending, poor planning and ineffective oversight by Federal contract officials.

This legislation, like the other four bills brought to the floor by Mr. WAXMAN considered this week, will help us begin to restore accountability and transparency to government. The American people expect and deserve no less.

This is a new day in this new Congress. The days of hear no evil, see no evil, speak no evil are over. This Congress embraces its constitutional responsibility to conduct real, meaningful oversight, as well as our value of openness and transparency.

Two days from now is St. Patrick's Day. The Taoiseach, the Prime Minister of Ireland, will be at lunch just a few feet from here any minute. Honor St. Patrick; vote green on this accountability legislation.

Mr. TOM DAVIS of Virginia. Will the gentleman yield for just one comment?

Mr. HOYER. I yield to the gentleman from Virginia.

Mr. TOM DAVIS of Virginia. Let me just note that on the bills on the Presidential records, the library, the whistleblowers, Mr. WAXMAN and his staff have worked very well with us. And the record should show that the reason we got such big bipartisan majority was their willingness to bend back and our ability to work back and forth. And I want to, again, commend him.

We have other differences on this bill which is close to my heart that I think he understands and we understand; but even here they have worked with us. And I think the record should note that they have gone out of their way and we appreciate that.

Mr. HOYER. Reclaiming my time, I want to say that I spoke a lot about accountability and the lack of accountability in the last Congress, and in my opinion, the two Congresses before that. The chairman of the Government Reform Committee was one of the few chairmen, in my opinion, in the last Congress who undertook some oversight responsibility, and I commend him for that. I think we need to go further; we are going further; but I commend him for his recognition that oversight is a critical responsibility of this Congress, just as the referee is a critically important component of any football game or basketball game.

So I thank him for what he has done in the past. I thank him for his cooperation in working with our chairman on the three bills that we passed this week so far, and I would hope that we can pass this bill. If we make it better in conference, that's fine; but this is a good bill and an important bill, and I thank the gentleman for his efforts.

Mr. TOM DAVIS of Virginia. I yield myself 1 minute to note again the reason for the rise in sole-source contracts has been emergencies like 9/11 and Katrina, under which the exigencies which government is faced with at that point to meet in a timely manner doesn't allow you to go out in these cases for a wide swath of bids. But I think we share a common desire to bring more competition into government contracting.

I also want to note that at our committee hearing on February 8, the Inspector General, Richard Skinner, testified that the government's greatest exposure to fraud, waste and abuse is undoubtedly in the area of procurement. As already pointed out by members of this committee, he notes, the problem is not a new one. It dates back to the Federal Government's near-sighted policies in the early 1990s to reduce the Federal workforce. While acquisition management capabilities were being downsized, the procurement workload was on the rise.

I hope to continue to work with the gentleman as we focus on this acquisition workforce and give them the tools they need.

Mr. WAXMAN. Mr. Chairman, I am pleased now to yield 2 minutes to a new member of our committee, but who has been a valuable member and raised a great deal of concern about these issues, the gentleman from Connecticut (Mr. MURPHY).

Mr. MURPHY of Connecticut. Thank you, Mr. Chairman.

I rise today to simply thank Chairman WAXMAN and many of his compatriots on the other side of the aisle for giving us this week.

If you want to know why there are so many new Members in this Chamber today, it is that there have been a lot of people in this country who have been waiting for this week.

You know, we sit around and we wonder sometimes why we feel this disconnect between the people out there in the American public and their government. Well, there is a sense on their behalf that the government somehow exists separate from them, that it is an entity that is wholly divorced from what is happening out in the real world, and that government has ended up setting its own rules that don't really have applicability to their own lives and how they manage their own existences.

And I think the issue of how we have gone about contracting, whether it be for this war or for other domestic and foreign endeavors, is a perfect example of how we have broken down that contract between government and its people. They look to the \$100 billion in no-bid contracts, many of which going to companies that didn't need any more help. They look at Halliburton and other companies like it get rich while local programs that help people in the communities, middle-class working families with health care and education wither on the vine. And I think

they look with a renewed sense of faith and optimism to this House, not just this week, but in how we have gone about keeping their money and regaining their faith.

It started on the first day when those of us who got sworn in were lucky enough to cast a vote in favor of new budget rules that will make sure that we keep better track of the money that comes in and don't rack up record deficits. And it continues today, Mr. Chairman, with a renewed commitment to responsible contracting.

I am happy to be standing next to my new chairman, Mr. WAXMAN. I am happy to be here today in our process of restoring that faith in the government that our people have lost.

Mr. TOM DAVIS of Virginia. I would yield 2 minutes to the gentleman from Ohio, a member of the committee, Mr. TURNER.

Mr. TURNER. Thank you, Mr. DAVIS. Yesterday I was on the House floor as part of the discussion concerning the Freedom of Information Act amendments and as we discussed the issue of the dedication of this week of open government.

Open government is an important issue because it is one that we all know that by being dedicated to information being available to the public, we can hold our government accountable. Unfortunately, we have an irony once again happening on the House floor, and that is that today's bill that we are considering is one that went through committee, Government Reform Committee, which I serve on, and the Armed Services Committee, which I serve on, and went through hearings where there were amendments that were provided and Members were able to participate. But this bill today is not the bill that came before those two committees. It has been amended in some backroom deal that we are all decrying here on the House floor, with language that has not been through the committee or the subcommittee. If the public were looking at this bill as it went through those two committees, they would not find that this language matches that which went through the committees. Certainly, as we dedicate ourselves to open government, we should dedicate ourselves to a process where the bills that are here are available and open to the public and the members of these two committees.

Mr. TOM DAVIS of Virginia. May I inquire as to how much time I have remaining.

The Acting CHAIRMAN (Mr. HASTINGS of Florida). The gentleman has 6½ minutes remaining.

Mr. TOM DAVIS of Virginia. I yield 5 minutes to the gentleman from California, the ranking member of the Armed Services Committee, Mr. HUNTER.

Mr. HUNTER. I thank the gentleman. I am going to speak a little bit during our section on this bill, but I just wanted to invite the majority leader, Mr. HOYER, to come back down to the

floor and to talk a little bit about the statement that he just made to the effect that there hasn't been any oversight over the last several years.

I am reminded of our teams that left the Armed Services Committee, went out to the companies that were up-arming Humvees, started to move that schedule to the left, that means getting those Humvees quicker to the troops; and when they were told that there was a steel shortage, moving to the steel mills, finding out what the problem was. When they were told it might be a problem with too many shifts or not enough shifts with union employees, meeting with union employees, getting those shifts put on line, getting that steel produced, getting it to the Humvee factories and moving it out to the field.

I am also reminded of the times when we moved ahead quickly with what the gentleman has criticized as sole-source contracts when our troops in the field didn't have any dismounted jammers. That means the ability to stop an electronic signal that fires off a roadside bomb that hurts our troops. This committee moved quickly to give the Secretary of Defense the ability to waive all acquisition and competition regulations so you could do one thing, get equipment that protects our troops to the battlefield quicker. And we did that in terms of the first dismounted jammer that we produced, something that a marine or a GI could carry on a patrol that would keep a bad guy from detonating a roadside bomb that could kill him or his squad. Using this new system instead of the old system, we were able to, R&D, build in the United States and move into the warfighting theater 10,000 jammers for our troops within 70 days.

Now, the system that the gentleman is wedded to and loves so much, the slow system, the system in which you have interminable appeals, in which you have competitions that take months and months, sometimes years, is now working on the next generation of portable jammer. It has been a year, and we don't have that jammer fielded yet for troops in a portable fashion.

So I would just say to the gentleman who has been criticizing the contractor corps, 389 American contractors have been killed in this war so far, in this war against terror. They are great people, probably some of them from the gentleman's district. And the idea that he is trying to offer to this body, which I think is smart enough to reject that idea, that somehow there was no oversight in the theater, and by making these fairly minor changes, and these are fairly minor changes, we marked them up, they are nips and tucks in the oversight system. Somehow the judgment of the thousands of people who oversee our contracts around the world will now go from bad to good. That is obviously in great error. In fact, the same people are in place administering contracts; the same people are risking their lives in Iraq and Afghanistan to

support our warfighters. And by and large, they are doing an excellent job.

And we are going to get into later, into the added restrictions that the majority has placed on people who are participating in contract decisions, participating in a broad category called "administering" and the vagueness that attaches to that that might make a person civilly liable if they walk into the wrong meeting at the wrong time and they are ultimately prosecuted or fined civilly for making that mistake.

You know, we have great members of our staffs in the Armed Services Committee and indeed in all the committees in the House of Representatives. We shouldn't put a more onerous burden on the people that work in the rest of government than we would put on our own staff.

And I would say to my colleagues, one thing you have got to have when you have penalties, whether they are civil or criminal, that attach to action, you better define the action and you better define it clearly enough that staff members know exactly what they are doing and know exactly where the line is so they don't cross that line.

And let me just finish by saying that the gentleman from Maryland (Mr. HOYER), who I consider to be a friend, has done a real disservice to the great men and women who serve in a contracting capacity for this country by implying that somehow they haven't been doing their job and somehow the committees of this Congress have not been doing their job in this war against terror.

I thank my friend from Virginia for yielding me a couple of minutes.

Mr. WAXMAN. Mr. Chairman, may I inquire how much time is left on each side.

The Acting CHAIRMAN. The gentleman from California has 5½ minutes, and the gentleman from Virginia has 1½ minutes.

Mr. WAXMAN. Mr. Chairman, I yield myself 5 minutes.

I want to acknowledge the fact that Chairman TOM DAVIS did more as the chairman of our committee in doing oversight than any other Chair in the House. We did do a lot, but the other committees did not. They didn't want to do oversight. It was as if the Republican leadership of the House decided that if they did too much oversight, they might find embarrassment to this administration.

Well, it looks like this administration would now like to keep us from getting embarrassing information about them because they don't like this bill. Oh, we have to give too many reports to Congress; there has to be too much transparency; it is burdensome to have to be open about these contracts. But the fact of the matter is we are spending an incredible amount of money on these outside contracts. And from what we have seen, our taxpayers are not being protected from waste, fraud, abuse and corruption. Just look

at what went on in Iraq. Halliburton had contracts for logistical purposes, to restore oil. We were told we needed them to get a contract without any competition because they are the only ones, this is what we were told in the very beginning when we asked why did we get this contract in Iraq with no other competition.

□ 1215

We were told, Well, they are the only ones who know how to put out the oil well fires when we go to war. And so they got a contract without competition on a cost-plus basis even though they had a history of overcharging the taxpayers. And then later we found out that they didn't do anything about putting out oil well fires in the first Gulf war; it was Bechtel, not Halliburton. We were told it was civil servants who had done it in giving this award to the contractor. But then we found out it was the political people who did it.

Halliburton was given special treatment. Other contractors were given special treatment by not having healthy competition. Competition benefits the consumer. When the government is the payor, the consumer, we are deprived of what market forces can bring. So these contractors got no-bid contracts.

I made a proposal on the House floor when we had one of these appropriations bills to say that if any contractor overcharges us \$100 million or more, they ought to be barred from future contracts. The chairman at that time of the Armed Services Committee stood up and said, We can't have an amendment like this; we haven't even held hearings on anybody who has charged us over \$100 million.

Well, why hadn't they held hearings? Why didn't the Armed Services Committee hold hearings?

The fact of the matter is in recent years, we have had an enormous outpouring of money spent in Iraq, in homeland security, in dealing with Hurricane Katrina, and we have seen the same mistakes over and over again: No-competition contracts; cost-plus contracts.

We have seen what the result has been: Wasted taxpayer dollars. That is why this legislation has been put together. It is a bill to require that if there is an emergency to give a contract, give it. But then have bidding within a year.

Gasoline prices charged by Halliburton were considered highway robbery. Parsons built just a handful, 20 of the 142 health clinics they were paid to build. Human sewage leaked out of the roof of a police academy.

In Hurricane Katrina, they subcontracted and subcontracted and subcontracted, and finally they paid a guy with a truck to come and take away debris. Every markup of every one of those subcontractors was passed on to the taxpayers.

We have had a contract to build a border for our homeland security that

cost us billions of dollars that didn't work. We had a contract to help the Coast Guard get state-of-the-art ships, and they didn't meet standards. We need reform in this area.

If that is called micromanaging when we want transparency, this is the type of reform we need. We need something we didn't have before: A lot more oversight. We have got to keep people honest.

I am shocked when I hear conservatives say they care about taxpayers' dollars, and then don't want competition. I am shocked when they say taxpayers' money is being used wisely, and then we find it is being thrown away.

I urge support for this bill.

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

Mr. TOM DAVIS of Virginia. Mr. Chairman, we fully support transparency and accountability in decision-making, but we need to remember we are asking for all of these audit reports that are only advisory in nature. They are not disposition. These are questioned costs, and contracting in a war zone or in an emergency often lacks appropriate documentation. But these are allowable costs.

I think to provide those to Congress not only gives you too much information, a lot of it can be misleading and can be misplayed.

Knowing that the results of an audit will be provided to Congress during the negotiation and the resolution process, which is what they are asking for, could unduly influence the impact the audit advice may have on the contracting officer's administrative determination. This inhibits their authority to appropriately and effectively resolve contracting issues using all of the relevant information available to them. This could also have the unintended effect of increasing the number of contract disputes.

But I know my colleague feels with a passion that we need to move ahead and do something of this order. I look forward to working with him on legislation on the acquisition workforce which we don't touch in this area. This legislation I think falls short of the promise, but I appreciate the willingness he has shown to work with us. We will address further issues later in our motion to recommit.

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

The Acting CHAIRMAN (Mr. HASTINGS of Florida). The gentleman from California has 30 seconds.

Mr. WAXMAN. Mr. Chairman, legislation is an organic process. We have negotiated with the minority. We have strong bipartisan support for this legislation. The bill was referred to the Armed Services Committee. They gave us good recommendations which have been adopted unanimously by that committee and incorporated into this bill.

The gentleman from Ohio complained there was another change made. There are always changes going on to make

the bill better. It will get even better as we move it through the process. Let's pass the bill and work together. Let's stand up for the American taxpayers of this country.

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

The Acting CHAIRMAN. The gentleman from Missouri (Mr. SKELTON) and the gentleman from California (Mr. HUNTER) each will now control 10 minutes.

The Chair recognizes the gentleman from Missouri.

Mr. SKELTON. Mr. Chairman, I yield myself such time as I may consume.

Mr. Chairman, I rise in support of H.R. 1362, the Accountability in Contracting Act. This bill amends title 10 and 41, United States Code, and establishes other new statutory requirements to improve the quality of government contracts, increase government contract oversight, and promote integrity in contracting.

The House Armed Services Committee approved this legislation on a bipartisan vote of 53-0. Our committee has worked for decades to improve the contracting process within the Department of Defense.

Over this time, the committee has passed numerous bills, including both major additions to contract law and focused revisions. We utilized the experience gained in these legislative efforts to formulate our recommendations in this bill. I am confident that this is a good product that will improve contracting and save the taxpayer money.

Right now, American military forces are deployed throughout the world in support of the war on terrorism as well as other military operations, including Iraq. These contingency operations have generated a number of very large contracts, the Department of Defense has expended billions of dollars on support and reconstruction contracts that have been awarded, administered and overseen in the most challenging of conditions.

H.R. 1362 would help address these challenges by empowering the heads of the military departments and the defense agencies to ensure the proper use of a variety of contract types, both competitive and noncompetitive, and by empowering Congress to oversee such contracts. It also ensures continued faith in the integrity of the procurement system.

I thank my friend and colleague, Chairman WAXMAN, for introducing this legislation and bringing it to the floor today. And I especially want to thank my friend and partner on the Armed Services Committee, Mr. HUNTER, who is the ranking member and the former chairman, for working so closely with us on this legislation. I thank him for that.

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

Mr. HUNTER. Mr. Chairman, I yield myself such time as I may consume.

Mr. Chairman, I have given a fair amount of consideration to this bill,

H.R. 1362. I have a couple of observations to share with you.

First, I am very proud of the work that the Armed Services Committee has done with respect to this bill to craft what I consider to be a better bill. I want to thank the chairman, my good friend from Missouri, Mr. IKE SKELTON, for making sure that we participated in this markup and holding the markup of H.R. 1362.

I had serious concerns about the original bill as reported out of the Committee on Oversight and Government Reform, including a number of provisions that, through amending title 10, U.S. Code, and other procurement regulations, would have had the effect of preventing the Department of Defense from serving warfighter needs in the most expeditious manner possible. That is an issue that I spoke to just a minute ago in my exchange with Mr. WAXMAN.

As my colleagues from the Armed Services Committee know, this committee has given a great deal of attention to matters pertaining to acquisition reform. This has been especially true during wartime as our committee has worked hard to ensure that the brave men and women serving our country receive what they need when they need it as they deploy to Iraq, Afghanistan, and other theaters of operation.

At the same time, we have been vigorous advocates for competition and cost control measures. I firmly believe that the Armed Services Committee is best suited to properly balance the need for improving accountability in defense contracting while at the same time ensuring that the Department of Defense can carry out its duties to the warfighter. I am pleased that the chairman agreed to hold an Armed Services Committee markup of this bill. In continuing its rich tradition of deliberation and robust oversight of matters within its jurisdiction, the committee produced a higher quality piece of legislation.

I supported Chairman SKELTON's mark because I believe the mark remedied the most serious deficiencies of the base bill and was truly a bipartisan measure. The Armed Services Committee mark encouraged competition and cost controls while protecting procurement flexibilities important to the national interest.

Secondly, it provided Congress with additional tools for oversight and reinforced standards of integrity widely held by the dedicated men and women of the defense acquisition workforce.

But, unfortunately, we are not here today to vote for the Armed Services Committee mark. We are not even here to vote for the Committee on Oversight Government Reform mark, which leads me to my second set of observations.

We are here today to vote for a piece of legislation that was not voted out of any committee. Those who would say this bill received unanimous support in two committees would not be telling it

as it is. The full truth is that the Speaker wanted to put a rush on this bill so she could say Congress did something about contract reform. It was introduced late one night, and in 24 hours it was being voted out of committee. In two more business days a markup was scheduled in the Committee on Armed Services. Late that night, additional text was added that changed the bill yet again, and I think in a potentially dangerous way.

But no member of Oversight and Government Reform or Armed Services got to vote on those changes. Instead, the language simply appeared out of nowhere and the rule for H.R. 1362 let the new bill move to the floor.

What would the new language do? It is hard to say because the text is subject to broad interpretation, which is precisely what concerns me. One thing can safely be said. It is ironic that the original bill would have required agencies to hire thousands of additional personnel, but at the same time this new language would presume those personnel are dishonest and would attempt to restrict their decisionmaking ability or their ability to seek further employment.

I am all for accountability and performance in Federal contracting. I am likewise for accountability and performance in the legislative branch. Frankly, I am disappointed in the final product of this bill, and I am referring to the parts that were put in after we marked up our portion of the bill.

Mr. Chairman, let me go right back to Mr. HOYER and Mr. WAXMAN and their assertion that somehow we are leaving a period of no oversight, and they have brought now oversight to the warfighting process and accountability for the contracts that are let pursuant to this war against terror. That is absolutely not the truth.

As anybody knows when you are fighting a war, you need to move quickly. I use once again the example of the jammers that we got out the door under a new waiver strategy where you waive all acquisition regulations. You go in and build something that the troops need immediately on the battlefield. You don't give a 6-month appeal to the folks that lose the competition. You don't give small business set-asides because there is one thing you don't have, you don't have time.

When we have troops that are experiencing bombs on the battlefield that are detonated remotely, you have to move quickly to get the jammers that will jam that electronic device. When you have new explosives that are penetrating your Humvees, you have to get steel on the sides of those Humvees quickly.

□ 1230

When you are moving a military force down the road and you have to get fuel to that force, whether it is in movement or in base, you have to move quickly. You cannot have 6-month appeal periods. You cannot have buyers'

forums that take months to set up. You have to move quickly.

Now, when you have time, you want to absolutely have competition, and I can just tell my colleagues that that is always in my interest to have competition, get the best buy for the buck, and we have had a number of forums incidentally. We introduced the Challenge Program where any company that could come in and say, I could make a better tire for the Humvee than the incumbent, or I can make a better windshield or a better engine, that guy or lady has got the right to go in and challenge the incumbent company that has the present contract and show how they can do it cheaper or make something that has better warfighting capability. We introduced that legislation. That is called the Challenge Legislation.

But let us not mix that up with this idea that somehow you can have competition on every single aspect of the battlefield, and when you need a new jammer to stop roadside bombs, you go out and you start a month-long search, and then you have a 6-month competition, and then after the award you have a 6-month appeal, and by that time you are ready for the next war. You are not even relevant to the situation that is hurting your young men and women on the battlefield right now.

So there is some good substance in this bill, and I like it, but there is a lot of rhetoric. There is a lot of worthless, political rhetoric that preceded this bill, and I hope that the American people will not be snagged by that one. There are times that you have to move quickly.

I am reminded of one contractor that came back. One of the contractors who was not one of the 389 who has been killed in this war, and he showed me a picture of a crater, of a mortar crater. He said, That is where I was standing 5 minutes before that mortar landed. He said, I do not care how much you award this contract for, I am not going back to that dangerous AO.

Let me tell you, there are a lot of people who do go back time and time again. They are good Americans. They are honest Americans, and they are the same folks carrying out the contracting and administering the support of our Armed Forces who were there 6 months ago. The idea that somehow they have been crooked up to now, that now they are going to be straightened out by Mr. HOYER and Mr. WAXMAN is absolutely outrageous.

So having said those gentle words, I look forward to the continued discussion. Mr. WAXMAN has taken the floor. I would be happy to yield to Mr. WAXMAN if he has got a rejoinder.

Mr. WAXMAN. Mr. Chairman, well, I do. I am surprised you are taking the position you are taking in trying to make it personal but—

Mr. HUNTER. Let me just take my time back. I am not making it personal. Mr. WAXMAN made a statement, I am talking. Mr. WAXMAN, I will let

you respond to this. We are not making it personal.

What I am telling you is that there are exigencies in the battlefield, and you got this from your own leadership, gentlemen like Mr. MURTHA who said you cannot have these long delays in awarding contracts and have this vigorous oversight period; you cannot have that hold up a battlefield situation. You do have to award sole-source contracts, and you have to award them to people who can move very quickly and get things done. That is my point.

The idea that we are supposed to stop that or that we have not exercised any oversight is simply not accurate. There is no personal animosity toward you as a fine Member of this body, but those statements are not accurate, and I yield to the gentleman.

Mr. WAXMAN. I think the gentleman is misinformed about what is in the legislation because we do permit under exigent circumstances a no-bid contract to be awarded. We understand there are times that there are emergencies, but we ask that after a year that the contract be put out to bid, that there be competition at least after a year. I see nothing wrong with that. It makes a lot of common sense to me, and you are arguing that we are not responding to the emergency situation when we do.

Mr. HUNTER. If the gentleman will allow me to say this, I think that that is a good provision. In fact, we supported that provision in the Armed Services markup.

Let me tell you a provision I do not support, and maybe you can help us with this. You refer in the revolving door that says that a person cannot take a job with a company in which he has administered—

The Acting CHAIRMAN. The gentleman's time has expired.

Mr. HUNTER. Would the gentleman allow me to have a minute of his time so I can just offer this one point?

Mr. SKELTON. Mr. Chairman, I will be glad to yield 1 minute to the gentleman.

Mr. HUNTER. I thank the gentleman. Mr. WAXMAN, the two provisions that were put in after the markup, the one that talks about a person who participates in a meeting as a senior staff, that means if a person walks in a room and if they are involved in a discussion, they could be subjected to massive civil penalties at a later time if there is a contract awarded.

I would simply say that I think in areas where you have civil penalties you have to have great clarity, and I have not seen a definition of "senior staff" or "senior participants" in DOD, and I think that that is a real problem. I think it is a problem of vagueness and one that could keep people from entering the civil service in this role and in this capacity.

Mr. WAXMAN. What this provision provides is if somebody is personally and substantially involved in that contract, they should not be then going

out and working for the contractor. I just think that is improper. There ought to at least be a cooling-off period. We do not think they can never go work.

Mr. HUNTER. Mr. Chairman, let me just rejoice to that. We have looked up "personally" and "substantially." That could involve standing there in a room and giving advice. So that can be just a person giving advice which could expose them to a \$50,000 civil penalty, from what I have seen.

I thank the gentleman for yielding.

Mr. SKELTON. Mr. Chairman, I yield myself such time as I may consume.

I first wish to thank the gentleman from California and all the members of the Armed Services Committee that worked on this legislation that recommended its passage by a 53-0 vote, and I was very pleased and proud of that. Of course, it was changed to about 1 percent as opposed to 99 percent that we approved in our committee.

The change merely clarifies the application of post-employment restrictions to senior level officials who are involved with procurement. It is a minor change. The language was shared with the minority well before the bill went to the Rules Committee for its rule on bringing it to the floor today. So I think that the change made post-Rules Committee effectually was minimal, or as they say in the law, de minimus; and I am sorry that there is a question that has arisen to that effect.

This bill does not affect the rapid acquisition authority that the Armed Services Committee did approve. It allows, as the gentleman from California mentioned, 1 year for emergency contracts, and it can go longer if the agency head so determines that it is needed.

I wish that this bill, as it is before us, could receive a unanimous vote on the floor because of what it does. It is clear. It helps the procurement process. It brings it home to every American that we are on top of the matter and that oversight is happening, and it is a clarification of a law that is actually overdue and well deserved.

I applaud all those who worked on it. I am going to thank the gentleman from California for his work on the Committee on Armed Services and all of those, Democrats, Republicans, who did approve it and thank the chairman, Mr. WAXMAN, for his hard efforts in bringing this to the floor.

Mr. Chairman, I yield 3 minutes to the gentleman from California (Mr. WAXMAN).

Mr. WAXMAN. Mr. Chairman, I thank you very much for yielding to me.

I just want to point out that I think my good friend from my same State, former chairman of the Armed Services Committee, now the ranking member, protesteth too much.

He complained that they have to award a contract right away and that this bill would prevent it. Well, we

have already pointed out that that is not the case at all. A contract can be awarded on an emergency basis; but after a year, there ought to be competition. He thought that sounded good once we explained it to him on the floor.

Then he said, well, there is another provision that he dislikes and that is the fact that somebody who awards a contract cannot go to work for the contractor. Well, that provision was narrowed, and it was narrowed to say it had to be a senior person, and it also had to be someone who was personally and substantially involved in awarding the contract.

Now, a lot of these contracts are determined by political appointees. For example, we learned that the Halliburton no-bid contract to restore oil in Iraq was signed by the contracting civil servant, but the decision was made by a political appointee. The gentleman's name is Michael Mobbs. He decided that Halliburton ought to get that contract and that there should not be competition. He even went before a committee of principals, including Scooter Libby representing the Vice President, and suggested to them this is the way the contract ought to be awarded, and the contract was awarded. He argued that it needed to be awarded at that time to that contractor, they would do the job.

Should he be allowed to go within a year and go sign up as an employee for Halliburton? I do not think he should be permitted. All we say is there ought to be a cooling-off period. We do not say he never could go work for Halliburton, but I think it is unseemly to have him go right from that position to go work for Halliburton.

Now, I must say from those who tell us everything is going great in Iraq, they are also telling us today on the House floor everything has gone well with contractors in Iraq. I must submit that things have not gone well, unless you do not mind hundreds of billions of dollars in questioned costs, in overcharging by a contractor to bring in gasoline from Kuwait, having a contractor charge for \$45 for Cokes or \$50 for laundry, obscene kind of expenditures. Things have not gone well. That is why we need more oversight, and that is why we need this important reform legislation.

Mr. SKELTON. Mr. Chairman, I yield myself the remaining time.

I thank the gentleman from California; and, again, I certainly hope we could get a strong bipartisan vote for this bill. It does good things. It clarifies the law and makes sure that the American taxpayer is more protected regarding contracts. It is fair. It is equitable. It is easy to understand.

All you have to do is read the King's English and follow the law, and it will help clarify so much of the problems that have arisen in recent years regarding contracting.

Ms. HIRONO. Mr. Chairman, as a cosponsor of H.R. 400, introduced by my colleague

from Hawaii, the Honorable NEIL ABERCROMBIE, which seeks to prohibit war profiteering, I support H.R. 1362 which champions the same goals.

At a time of war, when the lives of Americans are put at risk, when the limited resources of the Nation are being expended and when programs serving millions of Americans are being cut back, no corporation or person should ever be allowed to misuse, waste or misappropriate Federal tax dollars. Unfortunately, due to mismanagement, incompetence and sweetheart deals, and lack of oversight, certain U.S. corporations and their subsidiaries apparently have blatantly over-charged government agencies, engaged in wasteful practices and committed allegedly fraudulent acts that have resulted in the virtual disappearance of billions of dollars.

Examples of American corporations padding expenses then charging an administrative fee on top of the overpriced goods and services have been well-documented. Documentaries such as "Iraq for Sale" chronicle a chilling story of unchecked waste, demoralization of our troops from shoddy services provided by contractors and shameless acts of corporate misconduct.

It is shocking that, in some cases, it's all legal. Without reasonable restrictions on contractor spending and practices on no-bid and cost-plus contracts and lack of enforcement of existing law, there is no incentive to provide goods and services to the government at the least cost and with the greatest efficiency. Indeed, the current practices foster and encourage waste and corruption, as the dismal track record in Iraq of defense contractors demonstrate. Just one corporation, Halliburton, has disputed charges amounting to over a billion dollars.

This bill minimizes the use of no-bid contracts, promote the use of cost effective fixed-price contracts and limit the duration of no-bid contracts, which must be awarded under emergency conditions, to one year. This bill allows the awarding of no-bid contracts which cannot be delayed but require re-bidding when the emergency has elapsed. Public disclosure of the reasons for using no-bid contracts and overcharging will promote transparency and expose improper contracting practices. Fixed price, rather than open-ended cost-plus, contracts will encourage efficiency and minimize unrestricted spending by contractors.

H.R. 1362 will go a long way to curb unchecked abuse and overcharging, slipshod accounting practices and lack of accountability. It will give government procurement managers the authority to control wasteful and fraudulent contractor practices, as well as be governed by stricter ethical guidelines to regulate the procurement managers' own behavior.

Until now, there has been no effective congressional oversight since the war began and no effective laws to rein in wasteful, corrupt and, in fact, unpatriotic behavior. Billions have been lost in this war, while critical programs in education, health, environment, alternate energy and other domestic needs have been unnecessarily slashed.

This legislation will help correct this unacceptable situation. I commend Chairman WAXMAN and the Committee on Oversight and Government Reform for this important improvement in our Federal contracting laws.

Mr. CARDOZA. Mr. Chairman, I support this legislation, and believe that it will improve ac-

countability in Federal contracting and increase the amount of information provided to the public and to Congress about Federal contracts. However, I believe that more needs to be done.

I am particularly concerned about overuse of exemption four of the Freedom of Information Act—the exemption that protects trade secrets and business confidential information. Too often, this exemption is used to withhold information about Federal contracts that should be made public.

With minimal exceptions for proprietary information, the public should have access to information submitted to the Federal Government in application for Federal contracts. And agencies should release information to the public regarding questionable performance of Federal contractors. The public should be able to easily access through FOIA information relating to whether a contractor actually performed the work required under the terms of the contract as well as information that indicates the use of substandard materials or work practices in performing the contract.

Waste, fraud, and abuse in contracting is all too common. Contractors should not be able to hide behind a FOIA exemption in order to keep their poor performance out of the public eye.

I have spoken to Chairman WAXMAN and he has pledged to jointly request that GAO conduct an examination of this issue and clarify what legitimately qualifies as an exemption for confidential business information. I appreciate Mr. WAXMAN's interest in this issue and look forward to working with him.

Mr. WAXMAN. Mr. Chairman, I understand that my colleague, Representative CARDOZA has concerns about the use of the confidential business information exemption within the Freedom of Information Act to withhold information about Federal contracts from the public. I understand Mr. CARDOZA's concern and want to work with him to ensure that the public has access to this type of information under FOIA. Yesterday, the House approved legislation that will strengthen FOIA and ensure that agencies apply a presumption of disclosure when considering requests. I believe that yesterday's bill, along with the bill we are considering today, are steps in the right direction. But, neither bill directly addresses my colleague's concerns related to overuse of FOIA's exemption four.

I have an ongoing interest in strengthening the Freedom of Information Act and certainly want to work together with Mr. CARDOZA to accomplish his important goal of ensuring public access to information about federal contractor performance.

I have agreed to work with Mr. CARDOZA to request that GAO conduct an examination of agency use of exemption four. A report from GAO could clarify what is currently being withheld from the public under this exemption, and how much of that information is actually a trade secret or is truly confidential. This report will inform us as we move forward.

Mr. ORTIZ. Mr. Chairman, a government of the people only works when transparency and accountability are the watchwords of the day. This is vital when it comes to contracting. Democracy suffers when our government spends taxpayer money on contracts that can include fraud, waste, and abuse.

Nowhere is this more apparent than in defense-related contracts that are single-sourced

and rarely overseen. Our troops don't have the equipment they need in the field; and taxpayers are losing billions in fraud and abuse in contracts.

The bill before us today ends waste in Federal contracting, by reducing the use of no-bid contracts, mandating disclosure of no-bid contracts and contract overcharges, and closing the revolving door between government procurement officials and private contractors. The wasted money would be far better used to improve readiness needs—currently in deep crisis.

We have to reconstruct our military that has been decimated by the Iraq war. A good beginning to that long and difficult task is providing open competition in contracting in order to provide the best services for our military in both wars.

Congress has exposed a pattern of reckless spending, poor planning, and ineffective oversight in contracting that has resulted in the waste of hundreds of millions of taxpayer dollars in no-bid contracts for Halliburton and for contracts for Hurricane Katrina.

This legislation builds on the progress we are making to return to the basic principles of fiscal responsibility and to restore Congress's role as a check and balance to the Executive Branch, particularly on training and equipping of our troops, in order to make this government more accountable to the American people.

Specifically, the legislation would change Federal acquisition law to require agencies to limit the use of emergency no-bid contracts and to increase transparency and accountability in Federal contracting in an effort to protect the taxpayers' money. To restore accountability in the Federal contracting process, the bill would instruct agencies to minimize the use of no-bid contracts, promote the use of cost-effective fixed-price contracts, and limit the duration of no-bid contracts awarded in emergencies to one year.

It also promotes transparency by requiring public disclosure of the rationale for using no-bid contracts, and requiring agencies to report to Congress on overcharges in contracts. To improve the integrity in contracting, the bill closes the revolving door between government procurement officials and private contractors.

Spending on no-bid contracts has more than doubled under the Bush Administration with a 75 percent increase in spending on contracts that reward companies for every taxpayer dollar spent, not saved with more than \$2.4 billion squandered on no-bid contracts for Halliburton in Iraq, with another or the other \$23 billion for other abuse-prone contracts. That money lost to fraud and abuse would have gone a long way in equipping our troops in the field.

Mr. Chairman, our military readiness is in crisis in no small measure due to the waste, fraud and abuse that is inherent in how this government has awarded contracts in Iraq and elsewhere. I ask the House to join me in supporting this important legislation.

Mr. ENGEL. Mr. Chairman, I rise today in strong support of H.R. 1362, the Accountability in Contracting Act. With the alarming increase of no-bid contracts and cost-plus contracts under this administration, I am very gratified to see the Democratic majority bring this bill up for a vote so that we can put an end to these scurrilous practices.

The United States government has paid hundreds of millions of dollars in the past few

years to contractors that did not even have to submit a bid for the work it wanted to conduct. So much for good old fashioned American competition! In addition, there have been very few penalties for the contractors when this work went far over budget and Federal dollars were misused such as in the Hurricane Katrina recovery effort. American taxpayers have had to pick up the tab for these cost overruns, and they have been on the hook for millions and millions of dollars.

Mr. Chairman, in this week devoted to oversight legislation, this is a necessary bill to protect the taxpayers of this Nation from paying too much for too little work. This bill will reduce the number of no-bid contracts and strictly control cost overruns. Further, new rules will be promulgated for disclosing contractor overcharges.

The Accountability in Contracting Act is long overdue, and I thank the Speaker, the Majority Leader, and Chairman WAXMAN for bringing this bill up for a vote.

Mr. ARCURI. Mr. Chairman, it is time to rein in this administration's prevalent use of no-bid contracts. I urge all my colleagues on both sides of the aisle to support this rule and the Accountability in Contracting Act.

In the last five years, spending on "no-bid" or "sole-source" contracts has more than doubled. The administration contends that in every one of these cases there were "urgent and compelling needs" that required these contracts to be awarded without a competitive bidding process. In the case of the emergency response to disasters like hurricanes Katrina and Rita, I don't dispute that the need was urgent, but for non-emergency contracting needs, we must get our fiscal house in order.

Just as any family has a budget to stick to, shouldn't we reach a point after an emergency when there has been enough time to consider multiple, competitive bids? A point after which the "compelling needs" are a little less urgent? By last June—nine months after Hurricane Katrina—\$10.6 billion had been awarded to private contractors for recovery efforts, but only 30 percent of that had been awarded competitively.

I know of no small business in Upstate New York, who could get by without reasonably budgeting for their expenses—even in times of emergency. Why should taxpayer dollars be spent differently?

Oversight of these contracts has been no better. Audits have revealed that post-Katrina contractors have over-billed, double-billed, and billed for work that was never completed. The Defense Contractor Audit Agency found that through fiscal year 2006, over \$10 billion in contractor charges in Iraq have been identified as "questioned" or "unsupported."

Under this administration, the use of "cost plus" contracts has increased more than seventy-five percent. These cost-plus contracts guarantee a contractor a fixed profit, regardless of how efficiently they spend the government's money—taxpayers' money. These contracts provide no incentive to look after the bottom line because they guarantee there will always be money off the top. When indefinite, no-bid contracts contain "cost-plus" provisions, the opportunity for foul play is only amplified.

The Accountability in Contracting Act addresses these concerns. This bill limits to roughly 8 months the time that federal no-bid contracts can last. It requires each federal

agency that has awarded at least \$1 billion in the preceding fiscal year to develop and implement a plan to minimize the use of contracts entered into using no-bid procedures and cost-reimbursement type contracts. The bill also establishes a system to increase competition in contract bidding and requires agencies that enter into a no-bid contract to make "justification and approval" documents public within fourteen days after awarding a contract.

Mr. Chairman, we have a responsibility to the American people to spend their hard-earned tax dollars in a fiscally responsible way. And the Accountability in Contracting Act will help reach that end by providing much-needed transparency to the way the federal government awards contracts.

Mr. SKELTON. Mr. Chairman, I have no further requests for time, and I yield back the balance of my time.

The Acting CHAIRMAN. All time for general debate has expired.

In lieu of the amendments recommended by the Committee on Oversight and Government Reform and the Committee on Armed Services printed in the bill, it shall be in order to consider as an original bill for the purpose of amendment under the 5-minute rule an amendment in the nature of a substitute printed in part A of House Report 110-49. That amendment in the nature of a substitute shall be considered read.

The text of the amendment in the nature of a substitute is as follows:

Strike all after the enacting clause and insert the following:

**SECTION 1. SHORT TITLE AND TABLE OF CONTENTS.**

(a) **SHORT TITLE.**—This Act may be cited as the "Accountability in Contracting Act".

(b) **TABLE OF CONTENTS.**—The table of contents for this Act is as follows:

Sec. 1. Short title and table of contents.

**TITLE I—IMPROVING THE QUALITY OF CONTRACTS**

Sec. 101. Limitation on length of non-competitive contracts.

Sec. 102. Minimizing sole-source contracts.

Sec. 103. Maximizing fixed-price procurement contracts.

**TITLE II—INCREASING CONTRACT OVERSIGHT**

Sec. 201. Public disclosure of justification and approval documents for noncompetitive contracts.

Sec. 202. Disclosure of Government contractor audit findings.

Sec. 203. Study of acquisition workforce.

Sec. 204. Repeal of sunset of training fund.

**TITLE III—PROMOTING INTEGRITY IN CONTRACTING**

Sec. 301. Additional provisions relating to procurement officials.

**TITLE I—IMPROVING THE QUALITY OF CONTRACTS**

**SEC. 101. LIMITATION ON LENGTH OF NON-COMPETITIVE CONTRACTS.**

(a) **REVISION OF FAR.**—Not later than one year after the date of the enactment of this Act, the Federal Acquisition Regulation shall be revised to restrict the contract period of any contract described in subsection (c) to the minimum contract period necessary—

(1) to meet the urgent and compelling requirements of the work to be performed under the contract; and

(2) to enter into another contract for the required goods or services through the use of competitive procedures.

(b) **CONTRACT PERIOD.**—The regulations promulgated under subsection (a) shall require the contract period to not exceed one year, unless the head of the executive agency concerned determines that the Government would be seriously injured by the limitation on the contract period.

(c) **COVERED CONTRACTS.**—This section applies to any contract in an amount greater than \$1,000,000 entered into by an executive agency using procedures other than competitive procedures pursuant to the exception provided in section 303(c)(2) of the Federal Property and Administrative Services Act of 1949 (41 U.S.C. 253(c)(2)) or section 2304(c)(2) of title 10, United States Code.

(d) **DEFINITIONS.**—In this section:

(1) The term “executive agency” has the meaning provided in section 4(1) of the Office of Federal Procurement Policy Act (41 U.S.C. 403(1)).

(2) The term “head of the executive agency” means the head of an executive agency except that, in the case of the Department of Defense, the term means—

(A) in the case of a military department, the Secretary of the military department;

(B) in the case of a Defense Agency, the head of the Defense Agency; and

(C) in the case of any part of the Department of Defense other than a military department or Defense Agency, the Under Secretary of Defense for Acquisition, Technology, and Logistics.

**SEC. 102. MINIMIZING SOLE-SOURCE CONTRACTS.**

(a) **PLANS REQUIRED.**—Subject to subsection (c), the head of each executive agency covered by title III of the Federal Property and Administrative Services Act of 1949 (41 U.S.C. 251 et seq.) or, in the case of the Department of Defense, the Under Secretary of Defense for Acquisition, Technology, and Logistics, shall develop and implement a plan to minimize, to the maximum extent practicable, the use of contracts entered into using procedures other than competitive procedures by the agency or department concerned. The plan shall contain measurable goals and shall be completed and submitted to the Committee on Oversight and Government Reform of the House of Representatives, the Committee on Homeland Security and Governmental Affairs of the Senate, and the Committees on Appropriations of the House of Representatives and the Senate and, in the case of the Department of Defense and the Department of Energy, the Committees on Armed Services of the Senate and the House of Representatives, with a copy provided to the Comptroller General, not later than 1 year after the date of the enactment of this Act.

(b) **COMPTROLLER GENERAL REVIEW.**—The Comptroller General shall review the plans provided under subsection (a) and submit a report to Congress on the plans not later than 18 months after the date of the enactment of this Act.

(c) **REQUIREMENT LIMITED TO CERTAIN AGENCIES.**—The requirement of subsection (a) shall apply only to those agencies that awarded contracts in a total amount of at least \$1,000,000,000 in the fiscal year preceding the fiscal year in which the report is submitted.

(d) **CERTAIN CONTRACTS EXCLUDED.**—The following contracts shall not be included in the plans developed and implemented under subsection (a):

(1) Contracts entered into under section 8(a) of the Small Business Act (15 U.S.C. 637(a)), in amounts less than the amounts listed in paragraph (1)(D)(i)(II) of that section.

(2) Contracts entered into under section 31 (15 U.S.C. 657a) of such Act, in amounts less than the amounts listed in subsection (b)(2)(A)(ii) of that section.

(3) Contracts entered into under section 36 of such Act (15 U.S.C. 657f), in amounts less than the amounts listed in subsection (a)(2) of that section.

**SEC. 103. MAXIMIZING FIXED-PRICE PROCUREMENT CONTRACTS.**

(a) **PLANS REQUIRED.**—Subject to subsection (c), the head of each executive agency covered by title III of the Federal Property and Administrative Services Act of 1949 (41 U.S.C. 251 et seq.) or, in the case of the Department of Defense, the Under Secretary of Defense for Acquisition, Technology, and Logistics, shall develop and implement a plan to maximize, to the fullest extent practicable, the use of fixed-price type contracts for the procurement of goods and services by the agency or department concerned. The plan shall contain measurable goals and shall be completed and submitted to the Committee on Oversight and Government Reform of the House of Representatives, the Committee on Homeland Security and Governmental Affairs of the Senate, and the Committees on Appropriations of the House of Representatives and the Senate and, in the case of the Department of Defense and the Department of Energy, the Committees on Armed Services of the Senate and the House of Representatives, with a copy provided to the Comptroller General, not later than 1 year after the date of the enactment of this Act.

(b) **COMPTROLLER GENERAL REVIEW.**—The Comptroller General shall review the plans provided under subsection (a) and submit a report to Congress on the plans not later than 18 months after the date of the enactment of this Act.

(c) **REQUIREMENT LIMITED TO CERTAIN AGENCIES.**—The requirement of subsection (a) shall apply only to those agencies that awarded contracts in a total amount of at least \$1,000,000,000 in the fiscal year preceding the fiscal year in which the report is submitted.

**TITLE II—INCREASING CONTRACT OVERSIGHT**

**SEC. 201. PUBLIC DISCLOSURE OF JUSTIFICATION AND APPROVAL DOCUMENTS FOR NONCOMPETITIVE CONTRACTS.**

(a) **CIVILIAN AGENCY CONTRACTS.**—

(1) **IN GENERAL.**—Section 303 of the Federal Property and Administrative Services Act of 1949 (41 U.S.C. 253) is amended by adding at the end the following new subsection:

“(j)(1)(A) Except as provided in subparagraph (B), in the case of a procurement permitted by subsection (c), the head of an executive agency shall make publicly available, within 14 days after the award of the contract, the documents containing the justification and approval required by subsection (f)(1) with respect to the procurement.

“(B) In the case of a procurement permitted by subsection (c)(2), subparagraph (A) shall be applied by substituting ‘30 days’ for ‘14 days’.

“(2) The documents shall be made available on the website of the agency and through the Federal Procurement Data System.

“(3) This subsection does not require the public availability of information that is exempt from public disclosure under section 552(b) of title 5, United States Code.”

(2) **CONFORMING AMENDMENT.**—Section 303(f) of such Act is amended—

(A) by striking paragraph (4); and

(B) by redesignating paragraph (5) as paragraph (4).

(b) **DEFENSE AGENCY CONTRACTS.**—

(1) **IN GENERAL.**—Section 2304 of title 10, United States Code, is amended by adding at the end the following new subsection:

“(1)(1)(A) Except as provided in subparagraph (B), in the case of a procurement per-

mitted by subsection (c), the head of an agency shall make publicly available, within 14 days after the award of the contract, the documents containing the justification and approval required by subsection (f)(1) with respect to the procurement.

“(B) In the case of a procurement permitted by subsection (c)(2), subparagraph (A) shall be applied by substituting ‘30 days’ for ‘14 days’.

“(2) The documents shall be made available on the website of the agency and through the Federal Procurement Data System.

“(3) This subsection does not require the public availability of information that is exempt from public disclosure under section 552(b) of title 5.”

(2) **CONFORMING AMENDMENT.**—Section 2304(f) of such title is amended—

(A) by striking paragraph (4); and

(B) by redesignating paragraphs (5) and (6) as paragraphs (4) and (5), respectively.

**SEC. 202. DISCLOSURE OF GOVERNMENT CONTRACTOR AUDIT FINDINGS.**

(a) **QUARTERLY REPORT TO CONGRESS.**—

(1) The head of each Federal agency or department or, in the case of the Department of Defense, the Under Secretary of Defense for Acquisition, Technology, and Logistics, shall submit to the chairman and ranking member of each committee specified in paragraph (2) on a quarterly basis a report that includes the following:

(A) A list of completed audits performed by such agency or department issued during the applicable quarter that describe contractor costs in excess of \$10,000,000 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 completed audits performed by such agency or department issued during the applicable quarter that identify material deficiencies in the performance of any contractor or 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—

(A) the Committee on Oversight and Government Reform of the House of Representatives;

(B) the Committee on Homeland Security and Governmental Affairs of the Senate;

(C) the Committees on Appropriations of the House of Representatives and the Senate;

(D) in the case of reports from the Department of Defense or the Department of Energy, the Committees on Armed Services of the Senate and the House of Representatives; and

(E) the committees of primary jurisdiction over the agency or department submitting the report.

(3) Paragraph (1) shall not apply to an agency or department with respect to a calendar quarter if no audits described in paragraph (1) were issued during that quarter.

(b) **SUBMISSION OF INDIVIDUAL AUDITS.**—

(1) 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 committee listed in paragraph (2), a full and unredacted copy of any audit described in subsection (a)(1). Such copy shall include an identification of information in the audit exempt from public disclosure under section 552(b) of title 5, United States Code.

(2) The committees listed in this paragraph are the following:

(A) The Committee on Oversight and Government Reform of the House of Representatives.

(B) The Committee on Homeland Security and Governmental Affairs of the Senate.

(C) The Committees on Appropriations of the House of Representatives and the Senate.

(D) In the case of the Department of Defense or the Department of Energy, the Committees on Armed Services of the Senate and House of Representatives.

(E) The committees of primary jurisdiction over the agency or department to which the request is made.

#### SEC. 203. STUDY OF ACQUISITION WORKFORCE.

(a) REQUIREMENT FOR STUDY.—The Administrator for Federal Procurement Policy shall conduct a study of the composition, scope, and functions of the Government-wide acquisition workforce and develop a comprehensive definition of, and method of measuring the size of, such workforce.

(b) REPORT.—Not later than 1 year after the date of the enactment of this Act, the Administrator shall submit to the relevant congressional committees a report on the results of the study required by subsection (a), with such findings and recommendations as the Administrator determines appropriate.

#### SEC. 204. REPEAL OF SUNSET OF TRAINING FUND.

Subparagraph (H) of section 37(h)(3) of the Office of Federal Procurement Policy Act (41 U.S.C. 433(h)(3)) is repealed.

### TITLE III—PROMOTING INTEGRITY IN CONTRACTING

#### SEC. 301. ADDITIONAL PROVISIONS RELATING TO PROCUREMENT OFFICIALS.

(a) ELIMINATION OF LOOPHOLES THAT ALLOW FORMER FEDERAL OFFICIALS TO ACCEPT COMPENSATION FROM CONTRACTORS OR RELATED ENTITIES.—Section 27(d) of the Office of Federal Procurement Policy Act (41 U.S.C. 423(d)) is amended—

(1) in paragraph (1)—

(A) by striking “or consultant” and inserting “consultant, lawyer, or lobbyist”; and

(B) in subparagraph (C), by striking “Federal agency—” and inserting “Federal agency or participated personally and substantially at a senior personnel level—”

(2) by amending paragraph (2) to read as follows:

“(2) Paragraph (1) shall not prohibit a former official of a Federal agency from accepting compensation from any division or affiliate of a contractor that does not produce the same or similar products or services as the entity of the contractor that is responsible for the contract referred to in subparagraph (A), (B), or (C) of such paragraph if the agency’s designated ethics officer determines that the former official’s acceptance of compensation would not damage public confidence in the integrity of the procurement process.”.

(b) REQUIREMENT FOR FEDERAL PROCUREMENT OFFICERS TO DISCLOSE JOB OFFERS MADE ON BEHALF OF 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)”.

(c) REQUIREMENT 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.—An employee of the Federal Government who is a former employee of a contractor with the Federal Government shall not be personally and substantially involved with any award of a contract to the employee’s former employer, or in the ad-

ministration of such contract at a senior personnel level, for the one-year period beginning on the date on which the employee leaves the employment of the contractor unless the employee has received a waiver from the agency’s designated ethics officer. In determining whether to issue a waiver, the designated ethics officer shall take into account the agency’s need for the involvement of the employee and the impact a waiver would have on public confidence in the integrity of the procurement process.”.

(d) REGULATIONS.—Section 27 of such Act (41 U.S.C. 423) is further amended by adding at the end the following new subsection:

“(j) REGULATIONS.—The Administrator, in consultation with the Director of the Office of Government Ethics, 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.”.

(e) EFFECTIVE DATE.—The amendments made by this section shall take effect on the date of the enactment of this Act.

The Acting CHAIRMAN. No amendment to that amendment shall be in order except those printed in part B of the report. Each 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 read, 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.

PART B AMENDMENT NO. 1 OFFERED BY MR.

MATHESON

The Acting CHAIRMAN. It is now in order to consider amendment No. 1 printed in House Report 110-49.

Mr. MATHESON. 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 offered by Mr. MATHESON:

At the end of title II, add the following new section:

#### SEC. 2. NOTICE TO CONGRESS OF NON-COMPETITIVE CONTRACTS AWARDED TO FOREIGN-OWNED COMPANIES IN COUNTRIES SPONSORING TERRORISM.

(a) NOTICE TO CONGRESS REQUIRED.—If a contract is expected to be awarded by a department or agency of the Federal Government without the use of competitive procedures to a foreign-owned company that is based or has majority operations in a country described in subsection (b), the department or agency shall notify the appropriate congressional committees at least 30 days before awarding the contract, for purposes of providing Congress time to review the proposed contract and provide comments to the department or agency.

(b) FOREIGN COUNTRIES DESCRIBED.—A country described in this subsection is a country the government of which the Secretary of State has determined, for purposes of section 6(j) of Export Administration Act of 1979, section 620A of the Foreign Assistance Act of 1961, section 40 of the Arms Export Control Act, or any other provision of law, is a government that has repeatedly provided support for acts of international terrorism.

The Acting CHAIRMAN. Pursuant to House Resolution 242, the gentleman

from Utah (Mr. MATHESON) and the gentleman from Virginia (Mr. TOM DAVIS) each will control 5 minutes.

The Chair recognizes the distinguished gentleman from Utah.

□ 1245

Mr. MATHESON. Mr. Chairman, first of all I do want to commend Chairman WAXMAN and the Oversight and Government Reform committee for all the work that they have done this week.

The four accountability bills that the House has already considered this week are an important step that Congress should take in order to keep a promise to the American people. A government of the people and by the people should do everything to ensure transparency in Federal Government contracting.

That is why I rise today to offer an amendment to H.R. 1362, the Accountability in Contracting Act. I believe that the public deserves a great level of accountability and transparency in sole source contracting.

Now, over the past several years, there has been a great deal of controversy regarding this type of contract. As a businessman, before I came to Congress and as a supporter of business, I believe that there are, indeed, legitimate reasons for this type of contract to be issued. However, I also believe that we need checkpoints in place at times.

My amendment anticipates a limited set of circumstances that call for additional scrutiny. It would simply provide Congress with prior notice of any sole source contract expected to be awarded to a foreign-owned company that is based in or has majority operations in a country known to sponsor terrorist activity.

The amendment is intended to allow Congress to review and comment on the proposed contract. As someone who has spent his life in the business world before coming to Congress, I think there are important reasons why Congress should be looking at sole source contracting beyond just the business perspective.

My amendment would provide 30 days for the appropriate congressional oversight committees to review this type of contract under the circumstances I have described. Now, this is not an overly long period of time, but it is still a sufficient amount of time for Congress to take a look at major contracts and offer a different perspective, if necessary.

I think it’s important that we take a step in the right direction to attempt to address this issue in advance, instead of being put in the position of reacting after the fact, if this circumstance were to present itself.

Now, I would also stress this amendment is about good government and making sure that U.S. tax dollars aren’t inadvertently benefiting countries that sponsor or harbor terrorists. My amendment is not about singling out any specific business or any specific country. This is about having the

best possible process and checkpoints in place to provide for transparency in government.

It's clear the public has demanded accountability from Congress and from the Federal Government, which they should demand. This bill is a great vehicle for achieving that goal.

We have an opportunity to shine a bright light on contracting procedures in the underlying bill, and I believe that my amendment provides an added layer of appropriate congressional review in, as I described earlier, a rather limited set of potential circumstances in the future.

Again, I want to commend the committee. I want to commend Chairman WAXMAN and also Ranking Member DAVIS for their efforts in this bill, also Chairman SKELTON and Ranking Member HUNTER for his efforts in pursuing this bill as well.

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

Mr. TOM DAVIS of Virginia. Mr. Chairman, I would like to ask the offeror of the amendment just a clarification question before I yield.

For a company to have to disclose under this, it would be a foreign-owned company, I understand, that is based or has majority operations in a country described in subsection D. Any idea who that would apply to? I am just trying to figure out.

Mr. MATHESON. Could you repeat the last half of the question?

Mr. TOM DAVIS of Virginia. I am trying to figure out what companies this would apply to.

Mr. MATHESON. First of all, I did not, as I said, I am not singling out any particular company at all.

Mr. TOM DAVIS of Virginia. A foreign-owned company could be, if it is on the American Stock Exchange, that probably would not make it a foreign-owned company in all likelihood?

Mr. MATHESON. If a company has significant foreign operations in a country, that would be what the legislation is indicating.

Mr. TOM DAVIS of Virginia. Mr. Chairman, I yield 1 minute to the gentleman from California (Mr. WAXMAN).

Mr. WAXMAN. I thank the gentleman for yielding to me.

Mr. Chairman, as I understand the gentleman from Utah's amendment, it would require a Federal agency that expects to award a sole source contract to a foreign company based in a country known to sponsor terrorist activity to notify Congress 30 days prior to the award of that contract. This seems to me to be a good idea.

Congress should know if no-bid contracts are going to countries that sponsor terrorism. So I support the amendment. I think it makes a lot of sense. What Congress does after they get this information will remain to be seen.

There may be some justification for it, but I would certainly want to know, as this Member of Congress, speaking on my own behalf, and I think others would feel the same way if such a sole source contract was going to be awarded.

Mr. TOM DAVIS of Virginia. Mr. Chairman, I yield 2½ minutes to the gentleman from California (Mr. HUNTER).

Mr. HUNTER. I thank my colleague for yielding.

Mr. Chairman, let me just say about the major points of this bill, which we marked up, that we are in agreement with it. Contrary to Mr. WAXMAN, we did look at them before we came to the floor.

We agree with the no more than 1 year for sole source, that is good; the plan to minimize use of sole source, that is good; maximize fixed-price procurement, that is good; quarterly report to Congress, good; codify the right to review unredacted copies of reports, that is good.

What I think you need to be very careful about, because if you are going to penalize people, if you are going to give them \$50,000 civil penalties, you need to have it clearly laid out for those people who may be professional members of our staffs, who may be good people who come in from the outside and go to work in DOD and wanting to serve this country, let's make sure that walking into a room and participating in a conversation about a contract doesn't then expose them to civil penalties later on.

So I am looking at title III, and I am looking at the word on line 17, it talks about participated personally and substantially at a senior personnel level.

Does that mean, and this relates, of course, to elimination of loopholes that allow former Federal officials to accept compensation from contractors or related entities? I think that is good.

But I think we need to make it very clear as to whether a staff member, like one of your staff members, Mr. WAXMAN, going to work for DOD, who walks in a room and is asked a question about a defense system and answers that question, participates in the conversation, whether he has then violated the law.

Now, if you turn, and I want you to take a look at that, that is line 18. Now, turn the next page, page 14, and go down to the bottom, and it talks about the administration of a contract, which could also be a violation of a law.

So if one of your former staff members or one of mine who goes to work for DOD should participate in the administration, let me just ask you, ask the gentleman from California, if it's a defense system, and your former staff

member is assigned to go out to a range to see if that piece of equipment has arrived at the range and if it's being tested, is that involving itself in administration of the contract? Is that person, that former staff member of yours, now involved in administration such as to expose him to civil penalties? That is my question. I think we need to have that clarified.

Mr. WAXMAN. As I understand the way we wrote this bill, it would have to be a person at a senior level who is substantially involved in the awarding of the contract. I don't think being on a range is an awarding of the contract.

Mr. TOM DAVIS of Virginia. Let me just ask the author of the amendment, this would obviously apply, this is a list that evolves, as the Secretary of State certifies, is that correct?

Mr. MATHESON. That's correct.

Mr. TOM DAVIS of Virginia. I would assume that Iran, North Korea are probably on that list today?

Mr. MATHESON. Currently they are on that list, that is correct.

Mr. TOM DAVIS of Virginia. Jordan, the United Arab Emirates, for example, would probably not be on that list today?

Mr. MATHESON. That is correct.

Mr. TOM DAVIS of Virginia. I am prepared to accept the amendment. I congratulate the gentleman for offering it.

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

Mr. MATHESON. I thank the gentleman from Virginia for the comments and helping to clarify this matter.

Again, a limited set of circumstances, one I think is appropriate that we try to anticipate in advance so Congress isn't caught unaware. I appreciate the expression of support from the minority side of the aisle.

I urge all my colleagues to support the amendment.

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

The Acting CHAIRMAN. The question is on the amendment offered by the gentleman from Utah (Mr. MATHESON).

The amendment was agreed to.

PART B AMENDMENT NO. 2 OFFERED BY MR. CASTLE

The Acting CHAIRMAN. It is now in order to consider amendment No. 2 printed in House Report 110-49.

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 offered by Mr. CASTLE:

Add at the end of title III the following:

**SEC. 302. REPORT TO CONGRESS.**

(a) **REPORT.**—Not later than 180 days after the date of the enactment of this Act, the Director of the Office of Government Ethics shall submit a report to Congress that contains the Director's recommendations on requiring Government contractors that advise one or more Federal agencies on procurement policy, and requiring federally funded research and development centers, to comply with restrictions relating to personal financial interests, such as those that apply to Federal employees.

(b) **DEFINITION.**—In this section—

(1) The term "Government contractor" means any person (other than a Federal agency) with which a Federal agency has entered into a contract to acquire goods or services.

(2) The term "Federal agency" means—

(A) any executive department or independent establishment in the executive branch of the Government, including any wholly owned Government corporation; and

(B) any establishment in the legislative or judicial branch of the Government (except the Senate, the House of Representatives, and the Architect of the Capitol and any activities under the Architect's direction).

(3) The term "federally funded research and development center" means a federally funded research and development center as identified by the National Science Foundation in accordance with the Federal Acquisition Regulation.

The Acting CHAIRMAN. Pursuant to House Resolution 242, 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 rise to offer myself a simple but much needed amendment to the legislation before us. According to a 2006 report by the Office of Government Ethics, many Federal agencies have become increasingly reliant on non government employees to work closely with government personnel and provide advice on important procurement and spending issues.

For example, Federally Funded Research and Development Centers, or FFRDCs, as they are commonly known, are in most cases financed exclusively by the agency of the Federal Government and provides services similar to the duties of the Government Accountability Office.

There are currently 36 of these centers, which are normally affiliated with an industrial firm, a university or a nonprofit institution that contracts with the Pentagon, Homeland Security, Department of Energy and other Federal agencies to provide decision-makers with recommendations on procurement policy and important issues that steer billions in taxpayer dollars.

In fiscal year 2000, FFRDCs received over \$6 billion in Federal funding for their services, yet they are not considered to be Federal employees. Beyond just FFRDCs, other private advisers are increasingly being used to provide critical guidance and recommendations.

In fact, some of the most secret and inherently governmental jobs, including spending decisions and budget preparation at the Pentagon and Department of Homeland Security, are increasingly contracted out. Because private advisers and government employees play under different rules, our current conflict of interest laws do not apply to nongovernment workers serving in quasi-governmental controls.

In fact, the Office of Government Ethics has determined that current law prohibits government employees from making recommendations on matters where they have a financial conflict of interest. But it does not presently apply to FFRDC personnel or the private advisers who sit right next to those employees making high-level decisions that involve billions in taxpayer dollars.

While there is no doubt that the majority of these nongovernment advisers are dedicated individuals with highly specialized skills, there is purely a need to prevent financial conflicts of interest from impacting our government's important spending priorities.

In fact, there have been reported incidents in which the advice of private advisers may have been tainted by personal conflicts of interest. In one case, an FFRDC contradicted government auditors, including the Government Accountability Office, and advised the Pentagon to move forward with a risky fighter jet program.

As it turned out, the program suffered costly setbacks, eventually spending billions more than originally planned. It was later discovered that the President of the FFRDC that recommended the program had financial ties, which may have skewed their recommendations.

My amendment would simply require the Office of Government Ethics to study this issue and submit a report to Congress within 180 days on recommendations for requiring nongovernment personnel who serve in an advisory role to the government to comply with personal financial conflict of interest regulations, such as those that currently apply to Federal employees.

This is obviously a very complicated issue, but I firmly believe that it is Congress' responsibility to make certain that ethical people are providing sound advice when it comes to crucial government decisions regarding procurement and spending.

I believe this amendment will help us better understand whether there is a need for such provisions and ensure that our government maximizes its return on investment at the best value for the taxpayer.

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

Mr. WAXMAN. Mr. Chairman, I am not in opposition to the amendment, but I wish to claim the time that would go to the Member in opposition.

The Acting CHAIRMAN. Without objection, the gentleman from California is recognized for 5 minutes.

There was no objection.

Mr. WAXMAN. Mr. Chairman, I rise in support of the Castle amendment. There are currently no Federal ethics laws that apply to contractor employees. This is particularly problematic because contractors are providing more and more services that used to be performed by Federal service personnel.

In many agencies today, one can tell the difference between a Federal employee and a contractor only by the color of his or her badge. One area where this can cause real problems is in the contracting workforce. A company providing contract oversight services to the government may be over-seeing a company and working as a subcontractor to that same company in the private sector. Clearly such a situation would cause conflicts of interest.

The amendment offered by Mr. CASTLE would require the Office of Government Ethics to report to Congress with recommendations on requiring contract employees to be covered by Federal financial and conflict of interest laws.

I support this amendment and urge all of my colleagues to support it.

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

Mr. CASTLE. I very much appreciate the support of the distinguished gentleman from California. I think that is significant.

Mr. Chairman, I do feel this is an area that we should look into. I am not enough of an expert to specifically recommend how to do it. That is why we are asking for the study in 180 days. There is potential for conflict here, and we are dealing with very, very large sums of money, and in my judgment, as part of a lot that we are doing this year in bringing in everybody with governmental basis in terms of making decisions, I think it's a very good idea that we do this.

I appreciate his support. I hope the amendment will eventually lead to the best rules and regulations possible with respect to conflicts of interest as far as the future is concerned and the best interests of the country.

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

□ 1300

Mr. WAXMAN. Mr. Chairman, I have time still available if any Member wishes me to yield to him or her.

Mr. TOM DAVIS of Virginia. Will the gentleman yield 30 seconds?

Mr. WAXMAN. I would be happy to yield.

Mr. TOM DAVIS of Virginia. I will commend my friend from Delaware for offering this amendment. I would just say we are happy, and we are here to support it as well, and we think this adds to the bill.

Mr. WAXMAN. Mr. Chairman, I urge support for the amendment.

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

The Acting CHAIRMAN. All time for debate on the amendment has expired.

The question is on the amendment offered by the gentleman from Delaware (Mr. CASTLE).

The amendment was agreed to.

The Acting CHAIRMAN. There being no further 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. McNULTY) having assumed the chair, Mr. HASTINGS of Florida, 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. 1362) to reform acquisition practices of the Federal Government, pursuant to House Resolution 242, reported the bill back to the House with an amendment 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 amendment to the amendment reported from the Committee of the Whole? If not, the question is on the amendment.

The amendment was 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 MR. TOM DAVIS OF VIRGINIA

Mr. TOM DAVIS of Virginia. Mr. Speaker, I offer a motion to recommit.

The SPEAKER pro tempore. Is the gentleman opposed to the bill?

Mr. TOM DAVIS of Virginia. I am, Mr. Speaker, in its present form.

The SPEAKER pro tempore. The Clerk will report the motion to recommit.

The Clerk read as follows:

Mr. Tom Davis of Virginia moves to recommit the bill H.R. 1362 to the Committee on Oversight and Government Reform with instructions to report the same back to the House forthwith with the following amendment:

At the end of title II, add the following new section (and conform the table of contents accordingly):

**SEC. 2 . PROHIBITION ON CONTRACTS TO EDUCATIONAL INSTITUTIONS NOT SUPPORTING U.S. DEFENSE EFFORTS.**

An executive agency may not award a contract to an institution of higher education (including any subelement of such institution) if that institution (or any subelement of that institution) has a policy or practice (regardless of when implemented) that either prohibits, or in effect prevents, the Secretary of a military department or the Secretary of Homeland Security from gaining access to campuses of the institution, or access to students (who are 17 years of age or older) on campuses, for purposes of military recruiting, in a manner that is at least equal in quality and scope to the access to campuses and to students that is provided to any

other employer. For purposes of this section, the term "institution of higher education" has the meaning provided in section 101 of the Higher Education Act of 1965 (20 U.S.C. 1001). The prohibition in this section shall not apply to an institution of higher education (or any subelement of that institution) if the Secretary of Defense determines that the institution of higher education involved has a longstanding policy of pacifism based on historical religious affiliation.

Mr. TOM DAVIS of Virginia (during the reading). Mr. Speaker, I ask unanimous consent that the motion to recommit be considered as read and printed in the RECORD.

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

There was no objection.

The SPEAKER pro tempore. The gentleman from Virginia is recognized for 5 minutes.

Mr. TOM DAVIS of Virginia. Mr. Speaker, I yield myself 2 minutes.

This motion to recommit would bar Federal agencies from awarding contracts to colleges and universities that either prohibit on-campus military recruitment, or otherwise do not provide military recruiters access to campuses and to students that is at least equal in quality and scope to the access that is provided to any other employer.

On March 6, 2006, the Supreme Court reversed a Federal appeals court ruling in *Rumsfeld vs. Forum for Academic and Institutional Rights*. In doing so, eight Justices upheld the constitutionality of the so-called Solomon amendment, upon which this motion is based, forbidding most forms of Federal aid to higher educational institutions that deny military recruiters access to students equal to that provided other employers.

Mr. Speaker, military recruiters must be given access to university and college campuses and students that is at least equal in quality and scope provided to other employers.

This motion establishes that requirement government-wide. We already do this to some agencies in government. A number of Departments are already covered; but since this bill is government-wide in scope, we make this government-wide in scope.

This motion establishes that requirement, thereby addressing an apparent trend among certain colleges and universities to attempt to frustrate military recruiters through official and unofficial mistreatment.

Unfortunately, this growing trend is not isolated to the higher education community, as evidenced by the decision last November by the San Francisco Board of Education to phase out Junior ROTC from the high school system over the next 2 years. At a time of war, when we are depending on a volunteer military, it seems counterproductive to be openly discriminating against our military personnel and to create perceptions that military service is not a noble and professional calling.

The Department of Defense noting that certain colleges and universities

continue to restrict access or limit opportunities for military recruiters to participate fully in job fairs, placement office services and interview programs, supports congressional efforts to take action to pass legislation granting military recruiters access equal to that of other employers.

The motion to recommit would help prod those colleges and universities that currently do not provide equal access to military recruiters.

We also, I want to note, have a clause in here that this prohibition does not apply to an institution of higher education or a sub-element if the Secretary of Defense determines that the institution has a longstanding policy of pacifism based on historical religious affiliation.

I urge my colleagues to support this.

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

Mr. HUNTER. Mr. Speaker, I like this motion to recommit. You know, all of us have shown our support for the troops. Almost every Member in this body has shown support by traveling to the warfighting theaters. This is a chance to show support in another way, to show that we believe that the military is an outstanding profession, one which many of our young people who are in institutions of higher education may want to engage in. And this elevates, I think, the military profession by showing that we accord it respect by putting this requirement in this motion to recommit.

So I thank the gentleman for offering it. I think it is excellent. I would commend it to all the Members of this body. And I want to thank the chairman for his offering of the base bill, and for the ranking member, Mr. DAVIS, for their hard work.

Mr. TOM DAVIS of Virginia. Mr. Speaker, I would just add, 10 U.S.C. 983 already covers a number of agencies, the Department of Defense and others in terms of contracting and limitations that are put on colleges and universities that don't allow recruiters to come on campuses. This makes it government-wide.

This body has addressed this issue before. But I think it is time to make this government-wide, and I would urge my colleagues to support the motion to recommit.

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

Mr. WAXMAN. Mr. Speaker, I rise in opposition to this motion to recommit.

The SPEAKER pro tempore. The gentleman from California is recognized for 5 minutes.

Mr. WAXMAN. Members could have different views about the underlying question, and that is whether universities should be able to exclude military recruiters. It is not a new issue to be considered on this floor. We have voted on this many, many times. Some universities have taken the position that they don't want military recruiters on their campus because the military is not an equal opportunity employer based on the "don't ask, don't

tell" policy. I happen to think that universities that take this position are right.

But that is not the reason I oppose this motion to recommit. I oppose it because I have heard the arguments made by my colleagues many, many, times that we shouldn't exclude somebody from competing from a contract on extraneous bases.

Why should we exclude a university from being able to compete in a government contract when they might be the ones who can save the lives of our troops? After all, the bioshield program has given money, Federal dollars to universities to try to develop ways to get us vaccines that will stop the impact of anthrax or smallpox. Are we going to say that a university that develops such a vaccine will not be able to compete for a contract to sell that vaccine because they don't want recruiters on their campus because they object to the don't ask, don't tell policy? That doesn't make any sense. People ought to be able to compete for contracts based on what they can do if they are selected to perform that contract. Are we going to exclude people for extraneous reasons? I don't think that makes sense.

So I think if you look at it carefully, when you recognize that the work being done at universities can be so important in so many different ways, that we should just arbitrarily exclude them. I think we have all said over and over again in the debate on this bill, we don't like sole-source contracts. We want competition. We want market forces. Well, sometimes you need a sole-source contract in an emergency. Well, then we say at least a year later, let's have competition.

But if we adopt this amendment, from the very beginning we will not allow competition if it involves competition from a university unless they have a longstanding position of being pacifists, and then we will let them compete. But if they have a different position, but they also have the ability to compete and to provide a service that can save our country from terrorism, save our military from disease, save the American people the consequences for which we need them to perform in that contract, we are going to exclude them.

I urge opposition. I know Members will feel a lot of pressure on this because it can be used in a 30-second ad, that Congressman So-and-So voted to allow universities to exclude military recruiters. Well, I don't think that is really what this amendment is doing. It is excluding universities from competing for contracts, even if they can, in awarding that contract, provide vital services and that maybe no one else can provide. So I urge opposition to the motion to recommit.

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

The SPEAKER pro tempore. All time has expired.

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.

Mr. TOM DAVIS of Virginia. Mr. Speaker, I object to the vote on the ground that a quorum is not present and make the point of order that a quorum is not present.

The SPEAKER pro tempore. Evidently a quorum is not present.

The Sergeant at Arms will notify absent Members.

Pursuant to clause 9 of rule XX, the Chair will reduce to 5 minutes the minimum time for any electronic vote on the question of passage.

The vote was taken by electronic device, and there were—yeas 309, nays 114, not voting 10, as follows:

[Roll No. 155]

YEAS—309

Aderholt	Cramer	Herger
Akin	Crenshaw	Herseth
Alexander	Cubin	Hill
Altmire	Cuellar	Hobson
Andrews	Culberson	Hodes
Baca	Davis (AL)	Hoekstra
Bachmann	Davis (CA)	Holden
Bachus	Davis (KY)	Hoyer
Baird	Davis, David	Hulshof
Baker	Davis, Lincoln	Hunter
Barrett (SC)	Davis, Tom	Inglis (SC)
Barrow	DeFazio	Inslee
Bartlett (MD)	Dent	Israel
Barton (TX)	Diaz-Balart, L.	Issa
Bean	Diaz-Balart, M.	Jackson (IL)
Berkley	Dicks	Jefferson
Berry	Dingell	Jindal
Biggert	Donnelly	Johnson (IL)
Bilbray	Doolittle	Johnson, Sam
Bilirakis	Doyle	Jones (NC)
Bishop (GA)	Drake	Jordan
Bishop (NY)	Dreier	Kagen
Bishop (UT)	Duncan	Keller
Blackburn	Edwards	Kildee
Blunt	Ehlers	Kilpatrick
Boehner	Ellsworth	Kind
Bonner	Emerson	King (IA)
Bono	Engel	King (NY)
Boozman	English (PA)	Kingston
Boren	Etheridge	Kirk
Boswell	Everett	Klein (FL)
Boucher	Fallin	Kline (MN)
Boustany	Feeney	Knollenberg
Boyd (FL)	Ferguson	Kuhl (NY)
Boyd (KS)	Flake	LaHood
Brady (TX)	Forbes	Lamborn
Bralley (IA)	Fortenberry	Lampson
Brown-Waite,	Fossella	Langevin
Ginny	Fox	Lantos
Buchanan	Franks (AZ)	Larsen (WA)
Burgess	Frelinghuysen	Latham
Burton (IN)	Gallegly	LaTourette
Buyer	Garrett (NJ)	Lewis (CA)
Calvert	Gerlach	Lewis (KY)
Camp (MI)	Giffords	Linder
Campbell (CA)	Gilchrest	Lipinski
Cannon	Gillibrand	LoBiondo
Cantor	Gillmor	Lowe
Capito	Gingrey	Lucas
Cardoza	Gohmert	Lungren, Daniel
Carnahan	Goode	E.
Carney	Goodlatte	Lynch
Carter	Gordon	Mack
Castle	Granger	Mahoney (FL)
Chabot	Graves	Maloney (NY)
Chandler	Green, Gene	Manzullo
Clyburn	Hall (NY)	Marchant
Coble	Hall (TX)	Marshall
Cole (OK)	Hare	Matheson
Conaway	Harman	McCarthy (CA)
Cooper	Hastings (WA)	McCarthy (NY)
Costa	Hayes	McCaul (TX)
Costello	Heller	McCotter
Courtney	Hensarling	McCrery

McHenry	Putnam	Smith (NJ)
McHugh	Rahall	Smith (TX)
McIntyre	Ramstad	Smith (WA)
McKeon	Regula	Snyder
McMorris	Rehberg	Souder
Rodgers	Reichert	Space
McNerney	Renzi	Spratt
Meek (FL)	Reynolds	Stearns
Melancon	Rogers (AL)	Stupak
Mica	Rogers (KY)	Sullivan
Miller (FL)	Rogers (MI)	Tancredo
Miller (MI)	Rohrabacher	Tauscher
Miller, Gary	Ros-Lehtinen	Taylor
Mitchell	Roskam	Terry
Moore (KS)	Ross	Thornberry
Moran (KS)	Royce	Tiahrt
Moran (VA)	Ruppersberger	Tiberti
Murphy (CT)	Ryan (OH)	Turner
Murphy, Patrick	Ryan (WI)	Udall (CO)
Murphy, Tim	Salazar	Udall (NM)
Murtha	Sali	Upton
Musgrave	Sanchez, Loretta	Van Hollen
Myrick	Schiff	Visclosky
Neugebauer	Schmidt	Walberg
Nunes	Schwartz	Walden (OR)
Oberstar	Scott (GA)	Walsh (NY)
Paul	Sensenbrenner	Walz (MN)
Pearce	Sessions	Wamp
Pence	Sestak	Weldon (FL)
Perlmutter	Shadegg	Weller
Peterson (MN)	Shays	Westmoreland
Petri	Shea-Porter	Whitfield
Pickering	Sherman	Wicker
Pitts	Shimkus	Wilson (NM)
Platts	Shuler	Wilson (OH)
Poe	Shuster	Wilson (SC)
Pomeroy	Simpson	Wolf
Porter	Sires	Yarmuth
Price (GA)	Skelton	Young (AK)
Pryce (OH)	Smith (NE)	Young (FL)

NAYS—114

Abercrombie	Hinchey	Pallone
Ackerman	Hinojosa	Pascarell
Allen	Hirono	Pastor
Arcuri	Holt	Payne
Baldwin	Honda	Price (NC)
Becerra	Hooley	Rangel
Berman	Jackson-Lee	Reyes
(TX)	(TX)	Rodriguez
Brady (PA)	Johnson (GA)	Rothman
Brown, Corrine	Johnson, E. B.	Roybal-Allard
Butterfield	Jones (OH)	Rush
Capps	Kanjorski	Sánchez, Linda
Capuano	Kennedy	T.
Carson	Kucinich	Sarbanes
Castor	Larson (CT)	Schakowsky
Clarke	Lee	Scott (VA)
Clay	Levin	Serrano
Cleaver	Lewis (GA)	Slaughter
Cohen	Loebbeck	Solis
Conyers	Lofgren, Zoe	Stark
Crowley	Markey	Sutton
Cummings	Matsui	Thompson (CA)
Davis (IL)	McCollum (MN)	Thompson (MS)
DeGette	McDermott	Tierney
DeLahunt	McGovern	Towns
DeLauro	McNulty	Velázquez
Doggett	Meehan	Wasserman
Ellison	Meeke (NY)	Schultz
Emanuel	Michaud	Waters
Eshoo	Millender-	Watson
Farr	McDonald	Watt
Fattah	Miller (NC)	Waxman
Filner	Mollohan	Weiner
Frank (MA)	Moore (WI)	Welch (VT)
Gonzalez	Nadler	Wexler
Green, Al	Napolitano	Woolsey
Grijalva	Neal (MA)	Wu
Gutierrez	Obey	Wynn
Hastings (FL)	Olver	
Higgins	Ortiz	

NOT VOTING—10

Brown (SC)	Kaptur	Saxton
Davis, Jo Ann	Miller, George	Tanner
Deal (GA)	Peterson (PA)	
Hastert	Radanovich	

□ 1409

Messrs. LOEBSACK, PALLONE, BECERRA, ALLEN, TOWNS, DELAHUNT, WELCH of Vermont, MEEHAN, RODRIGUEZ, OLVER, MOLLOHAN and ROTHMAN and Ms. CLARKE, Ms. HIRONO and Ms.

WASSERMAN SCHULTZ changed their vote from “yea” to “nay.”

Messrs. EVERETT, CARNAHAN, LARSEN of Washington, HARE, RAHALL, COSTELLO, MAHONEY of Florida, BACA, KAGEN, COURTNEY, KINGSTON and VISCLOSKEY and Mrs. TAUSCHER, Ms. SHEA-PORTER, Mrs. McCARTHY of New York and Ms. LORETTA SANCHEZ of California changed their vote from “nay” to “yea.”

So the motion to recommit was agreed to.

The result of the vote was announced as above recorded.

Mr. WAXMAN. Mr. Speaker, pursuant to the instructions of the House in the motion to recommit, I report H.R. 1362 back to the House with an amendment.

The SPEAKER pro tempore. The Clerk will report the amendment.

The Clerk read as follows:

Amendment:

At the end of title II, add the following new section (and conform the table of contents accordingly):

**SEC. 2 . PROHIBITION ON CONTRACTS TO EDUCATIONAL INSTITUTIONS NOT SUPPORTING U.S. DEFENSE EFFORTS.**

An executive agency may not award a contract to an institution of higher education (including any subelement of such institution) if that institution (or any subelement of that institution) has a policy or practice (regardless of when implemented) that either prohibits, or in effect prevents, the Secretary of a military department or the Secretary of Homeland Security from gaining access to campuses of the institution, or access to students (who are 17 years of age or older) on campuses, for purposes of military recruiting, in a manner that is at least equal in quality and scope to the access to campuses and to students that is provided to any other employer. For purposes of this section, the term “institution of higher education” has the meaning provided in section 101 of the Higher Education Act of 1965 (20 U.S.C. 1001). The prohibition in this section shall not apply to an institution of higher education (or any subelement of that institution) if the Secretary of Defense determines that the institution of higher education involved has a longstanding policy of pacifism based on historical religious affiliation.

Mr. WAXMAN (during the reading). Mr. Speaker, I ask unanimous consent that the amendment 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. The question is on the amendment.

The amendment was agreed to.

The SPEAKER pro tempore. The question is on the engrossment and the third reading of the bill.

The bill was ordered to be engrossed and read a third time, and was read the third time.

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

Mr. TOM DAVIS of Virginia. Mr. Speaker, I demand a recorded vote.

A recorded vote was ordered.

The vote was taken by electronic device, and there were—ayes 347, noes 73, not voting 13, as follows:

[Roll No. 156]

AYES—347

Abercrombie	Duncan	LaHood
Ackerman	Edwards	Lampson
Aderholt	Ehlers	Langevin
Alexander	Ellison	Lantos
Altmire	Ellsworth	Larsen (WA)
Andrews	Emanuel	Larson (CT)
Arcuri	Emerson	Latham
Baca	Engel	LaTourette
Bachmann	English (PA)	Lee
Bachus	Eshoo	Levin
Baird	Etheridge	Lewis (GA)
Baker	Fallin	Lewis (KY)
Baldwin	Farr	Lipinski
Barrett (SC)	Fattah	LoBiondo
Barrow	Ferguson	Loeb
Bartlett (MD)	Filner	Lofgren, Zoe
Bean	Flake	Lowey
Becerra	Forbes	Lucas
Berkley	Fortenberry	Lynch
Berman	Frank (MA)	Mahoney (FL)
Berry	Frelinghuysen	Maloney (NY)
Biggert	Garrett (NJ)	Markey
Bilirakis	Gerlach	Marshall
Bishop (GA)	Giffords	Matheson
Bishop (NY)	Gilchrest	Matsui
Blackburn	Gillibrand	McCarthy (CA)
Blumenauer	Gillmor	McCarthy (NY)
Bono	Gingrey	McCollum (MN)
Boozman	Gohmert	McCotter
Boren	Gonzalez	McDermott
Boswell	Goode	McGovern
Boucher	Goodlatte	McHugh
Boustany	Gordon	McIntyre
Boyd (FL)	Granger	McMorris
Boyd (KS)	Graves	Rodgers
Brady (PA)	Green, Al	McNerney
Bralley (IA)	Green, Gene	McNulty
Brown, Corrine	Grijalva	Meehan
Brown-Waite,	Gutierrez	Meek (FL)
Ginny	Hall (NY)	Meeks (NY)
Buchanan	Hare	Melancon
Butterfield	Harman	Mica
Camp (MD)	Hastings (FL)	Michaud
Capito	Hastings (WA)	Millender-
Capps	Hayes	McDonald
Capuano	Heller	Miller (MI)
Cardoza	Hensarling	Miller (NC)
Carnahan	Hereth	Mitchell
Carney	Higgins	Mollohan
Carson	Hill	Moore (KS)
Carter	Hinchey	Moore (WI)
Castle	Hinojosa	Moran (KS)
Castor	Hirono	Moran (VA)
Chabot	Hobson	Murphy (CT)
Chandler	Hodes	Murphy, Patrick
Clarke	Holden	Murphy, Tim
Clay	Holt	Murtha
Cleaver	Honda	Nadler
Clyburn	Hooley	Napolitano
Coble	Hoyer	Neal (MA)
Cohen	Hulshof	Nunes
Cole (OK)	Inglis (SC)	Oberstar
Conyers	Inslee	Obey
Cooper	Israel	Olver
Costa	Jackson (IL)	Ortiz
Costello	Jackson-Lee	Pallone
Courtney	(TX)	Pascarell
Cramer	Jefferson	Pastor
Crenshaw	Jindal	Paul
Crowley	Johnson (GA)	Payne
Cuellar	Johnson (IL)	Perlmutter
Cummings	Johnson, E. B.	Peterson (MN)
Davis (AL)	Jones (NC)	Petri
Davis (CA)	Jones (OH)	Pickering
Davis (IL)	Jordan	Platts
Davis (KY)	Kagen	Pomeroy
Davis, David	Kanjorski	Porter
Davis, Lincoln	Kaptur	Price (NC)
DeFazio	Keller	Pryce (OH)
DeGette	Kennedy	Putnam
Delahunt	Kildee	Rahall
DeLauro	Kilpatrick	Ramstad
Dent	Kind	Rangel
Diaz-Balart, L.	King (NY)	Regula
Diaz-Balart, M.	Kingston	Rehberg
Dicks	Kirk	Reichert
Dingell	Klein (FL)	Renzi
Doggett	Kline (MN)	Reyes
Donnelly	Knollenberg	Reynolds
Doyle	Kucinich	Rodriguez
Drake	Kuhl (NY)	Rogers (KY)

Rogers (MI)	Shuler
Ros-Lehtinen	Shuster
Roskam	Sires
Ross	Skelton
Rothman	Smith (NE)
Roybal-Allard	Smith (NJ)
Royce	Smith (WA)
Ruppersberger	Snyder
Rush	Soils
Ryan (OH)	Space
Ryan (WI)	Spratt
Salazar	Stark
Sánchez, Linda	Stearns
T.	Stupak
Sanchez, Loretta	Sutton
Sarbanes	Tauscher
Schakowsky	Taylor
Schiff	Terry
Schwartz	Thompson (CA)
Scott (GA)	Thompson (MS)
Scott (VA)	Tiberi
Serrano	Tierney
Sestak	Towns
Shays	Udall (CO)
Shea-Porter	Udall (NM)
Sherman	Upton
Shimkus	Van Hollen

Velázquez
Visclosky
Walden (OR)
Walsh (NY)
Walz (MN)
Wamp
Wasserman
Schultz
Waters
Watson
Watt
Waxman
Weiner
Welch (VT)
Weldon (FL)
Weller
Wexler
Whitfield
Wilson (NM)
Wilson (OH)
Wolf
Woolsey
Wu
Wynn
Yarmuth
Young (FL)

NOES—73

Akin	Franks (AZ)	Pearce
Barton (TX)	Gallely	Pence
Bilbray	Hall (TX)	Pitts
Bishop (UT)	Herger	Poe
Blunt	Hoekstra	Price (GA)
Boehner	Hunter	Rogers (AL)
Boehner	Issa	Rohrabacher
Brady (TX)	Johnson, Sam	Sali
Burgess	King (IA)	Schmidt
Burton (IN)	Lamborn	Sensenbrenner
Buyer	Lewis (CA)	Sessions
Calvert	Lungren, Daniel	Shadegg
Campbell (CA)	E.	Simpson
Cannon	Mack	Smith (TX)
Cantor	Manzullo	Souder
Conaway	Marchant	Tancredo
Cubin	McCaul (TX)	Thornberry
Culberson	McCrary	Tiahrt
Davis, Tom	McHenry	Turner
Doolittle	McKeon	Walberg
Dreier	Miller (FL)	Westmoreland
Everett	Miller, Gary	Wicker
Feeney	Musgrave	Wilson (SC)
Fossella	Myrick	Young (AK)
Foxx	Neugebauer	

NOT VOTING—13

Allen	Linder	Slaughter
Brown (SC)	Miller, George	Sullivan
Davis, Jo Ann	Peterson (PA)	Tanner
Deal (GA)	Radanovich	
Hastert	Saxton	

□ 1427

Mr. TURNER changed his vote from “aye” to “no.”

So 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. ALLEN. Mr. Speaker, on rollcall No. 156, I was unavoidably detained. Had I been present, I would have voted “aye.”

Ms. SLAUGHTER. Mr. Speaker, I was unavoidably detained and missed rollcall vote 156. Had I been present, I would have voted “aye.”

REMOVAL OF NAME OF MEMBER AS COSPONSOR OF H. RES. 106

Mr. ENGLISH of Pennsylvania. Mr. Speaker, I ask unanimous consent that my name be removed as a cosponsor of House Resolution 106.

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

There was no objection.

## LEGISLATIVE PROGRAM

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

Mr. BLUNT. Mr. Speaker, I rise for the purpose of inquiring about next week's schedule from my friend, the majority leader; and I yield to my friend.

Mr. HOYER. I thank the distinguished Republican whip for yielding; and I would tell him on Monday, the House will meet at 12:30 p.m. for morning hour business and 2 p.m. for legislative business. We will consider several bills under suspension of the rules, as we usually do; but there will be no votes until 6:30 p.m. on Monday.

On Tuesday, the House will meet at 10:30 a.m. for morning hour business and noon for legislative business. We will consider additional bills under suspension of the rules, a complete list of which will be available by the end of the week. We also expect to consider H.R. 1227, the Gulf Coast Hurricane Housing Recovery Act, which has been reported out of the Financial Services Committee.

On Wednesday and Thursday, the House will meet at 10 a.m. On Friday, the House will meet at 9 a.m. We will consider the U.S. Troop Readiness, Veterans' Health and Iraq Accountability Act; the Caller ID/spoofing bill; and the D.C. vote bill.

Mr. BLUNT. I thank my friend for the information.

Mr. Speaker, on the I guess what I would consider the two major bills, the supplemental appropriations bill and the D.C. voting bill, I may be wrong in characterizing those are the two, but I would think they would.

You would expect both of those to be on the floor next week, is that what I heard?

Mr. HOYER. I do.

Mr. BLUNT. On the supplemental, we have a fairly firm sense that that will be ready next week? The committee has dealt with it today.

Mr. HOYER. The committee has favorably reported that bill, and we expect it to be on the floor next week.

Mr. BLUNT. You would expect that to be near the end of next week?

Mr. HOYER. Yes, sir.

Mr. BLUNT. I thank my friend for that.

On both of those bills, do you have a sense of the opportunities we will have on the D.C. voting bill and the supplemental to have amendments to those bills, to have the ability to change them?

Mr. HOYER. Because the bills, not the D.C. bill, but the supplemental was just reported out, I have not had, nor do I believe the Speaker has had an opportunity to discuss with Mr. OBEY his recommendation on a rule, so I unfortunately don't have an answer for you on the supplemental.

On the D.C. bill, they are marking up right now, so I am in the same position, because they haven't finished their markup. They are marking up as

we speak on that bill. So I have not had the opportunity to talk to Mr. WAXMAN about his advice or desire, or Mr. CONYERS. It's a joint referral, they are considering it together, the D.C. bill. So I cannot give you an answer. I apologize at this point in time.

Mr. BLUNT. I thank my friend for that response. I would say that there are few exceptions to the rule, but my experience has been, and I have had some experience on this question when we were in the majority and had chairmen, the chairman almost never wants to believe that the bill can be improved.

So the chairman's desire for a closed rule is generally unanimous, though I know the chairman of the Finance Committee last week took a different view, and I was pleased to see his different view of that.

I think on appropriations bills, there are very few, if any, exceptions where those bills have not come to the floor with an open rule. The gentleman is a member of the committee and would have a sense of that, but the tradition here is pretty strong.

I don't know of any more important bill we are likely to deal with this year than this particular appropriations bill. I would hope that we have this kind of open process on the appropriations bill that we have had in the past.

I would yield for a response.

Mr. HOYER. I appreciate your yielding and appreciate your observation. Although I am not now on the Appropriations Committee, you are correct, I served there for 25 years. I am on leave. I have no expectation of going back soon, I hope.

In any event, the gentleman is correct. As you know, the bill we are talking about is probably, as we discussed on the floor, one of, if not the most important bill that we might consider this year on funding our troops, supporting our troops in Iraq, and dealing with the policy that we are pursuing in Iraq.

Obviously there is a broad spectrum of views on that. Just as obviously, if you had some bills that in many instances come with an open rule, very frankly, I don't know about your experience, but our experience has been that there are a wide range of views.

It may well be that we will solicit a request for possible amendments and make decisions on them, because this is, to some degree, as you know, not a straight appropriations bill in the sense that this is where the money is, in or out, up or down. This is a consideration of policy and authorizing bills. Usually the tradition is to have amendments offered in the Rules Committee and the Rules Committee determines which amendments they want to make in order.

I cannot anticipate what we are going to do at this point in time. The gentleman's point is well taken, but we will have to see how we want to bring to this floor to try to reflect in the final product, as best we can, the views

of the American people, which are divided, and I think will be reflected in the floor vote on that bill.

Mr. BLUNT. I thank the gentleman for that response. I would say that I believe that I reflect the view of this side that the debates both on the policy issues, that I frankly think may be appropriate in some other bill besides an appropriations bill, on the policy issues and the spending issues, a full and free opportunity to discuss those is the desire of this side. I think it serves the best interest of the country.

As this appropriations bill gets broader and broader in the areas it deals with, it becomes more and more like the regular appropriations bills we will bring to the floor, and the tradition of the House, unaltered by any pattern I am aware of, has been on appropriations bills, as long as the Member was willing to say where they would pay for the change that they want to make, that they have been given the opportunity to make those amendments.

I was disappointed, as broad-based and as big as the continuing resolution was that we passed earlier, that it violated what I considered a well-understood and time-honored principle of amending those bills. This bill would go even further if we did that, and it would be a bad pattern, I think.

On the budget, does the gentleman have any information on the budget itself, when we might be able to see the majority's budget and when we would be voting on it, both?

I would yield to my good friend.

Mr. HOYER. We expect the budget to be marked up in the latter part of next week, the middle or latter part of next week, and we expect the budget to be on the floor the following week. As I indicated last week, we are still on that path, that schedule.

Mr. BLUNT. And so my friend's expectation from the previous week is unchanged, that we will see the supplemental on the floor next week and the budget on the floor the following week would be your anticipation?

Mr. HOYER. That is my anticipation.

Mr. BLUNT. I have no other questions. I am pleased for the information and hope we have an opportunity to debate these bills.

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HOUR OF MEETING ON TOMORROW, ADJOURNMENT TO MONDAY, MARCH 19, 2007, AND HOUR OF MEETING ON FRIDAY, MARCH 23, 2007

Mr. HOYER. Mr. Speaker, I ask unanimous consent that when the House adjourns today, it adjourn to meet at noon tomorrow; when the House adjourns on that day, it adjourn to meet at 12:30 p.m. on Monday, March 19, for morning hour debate; and further, when the House adjourns on Thursday, March 22, it adjourn to meet at 9 a.m. on Friday, March 23.

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

There was no objection.

DISPENSING WITH CALENDAR  
WEDNESDAY BUSINESS ON  
WEDNESDAY NEXT

Mr. HOYER. Mr. Speaker, I ask unanimous consent that the business in order under the Calendar Wednesday rule be dispensed with on Wednesday next.

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

There was no objection.

APPOINTMENT OF MEMBERS TO  
COMMISSION ON SECURITY AND  
COOPERATION IN EUROPE

The SPEAKER pro tempore. Pursuant to 22 U.S.C. 3003 note, and the order of the House of January 4, 2007, the Chair announces the Speaker's appointment of the following Members of the House to the Commission on Security and Cooperation in Europe, in addition to Mr. HASTINGS of Florida, Chairman, appointed on January 12, 2007:

Ms. SLAUGHTER, New York  
Mr. MCINTYRE, North Carolina  
Ms. SOLIS, California  
Mr. BUTTERFIELD, North Carolina  
Mr. SMITH, New Jersey  
Mr. ADERHOLT, Alabama  
Mr. PENCE, Indiana  
Mr. PITTS, Pennsylvania

HONORING THE BENTONVILLE  
HIGH SCHOOL CHAMBER CHOIR

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

Mr. BOOZMAN. Mr. Speaker, I rise this afternoon to honor an exceptional group of teenagers from my home district, the Bentonville High School Chamber Choir.

The choir, comprised of juniors and seniors, is one of only four across the Nation chosen to go to Carnegie Hall next week for the National High School Choral Festival.

Under the direction of Terry Hicks, the choir has participated in many regional and national competitions, representing Arkansas and the Third District with class. We are privileged to have students such as the Bentonville Chamber Choir living in and representing the State of Arkansas, and I commend their success.

I wish them the best of luck on their performance at the world-famous Carnegie hall.

SPECIAL ORDERS

The SPEAKER pro tempore (Ms. CLARKE). Under the Speaker's announced policy of January 18, 2007, and under a previous order of the House, the following Members will be recognized for 5 minutes each.

RENAMING THE DEPARTMENT OF  
THE NAVY

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. Madam Speaker, in 1947, with the National Security Act, the United States Congress clearly stated that we have four separate military services, the Army, the Air Force, the Navy and the Marine Corps. Too many times people, both in the military and outside the military, do not realize that we have four separate services.

The Department of the Navy was created to be the department for two equal services acknowledged by law, the United States Marine Corps and the United States Navy. Both the Navy and the Marine Corps have proud heritages. In my service in Congress and in my seven terms on the Armed Services Committee, many times in hearings we hear the Navy admirals and the Marines generals stating for the RECORD, we are one team, we are one fighting team.

Madam Speaker, it is time for the Marine Corps to be recognized as the other three services are recognized. As a great defender of freedom for America with H.R. 346, this is the fourth Congress that I have introduced legislation to change the name of the Department of the Navy to be the Department of the Navy and the Marine Corps.

Madam Speaker, 121 of my colleagues last year cosponsored the bill. This year the bill is the same language. We are gaining large numbers from both parties who believe in the fairness of this legislation.

I would like to share part of an editorial published last year in the Chicago Tribune, and I quote, "No service branch shows more respect for tradition than the United States Marine Corps does, which makes it all the more ironic that tradition denies the corps an important show of respect: Equal billing with the other service branches."

Madam Speaker, I submit for printing in the RECORD the entire editorial from the April 21, 2006, Chicago Tribune.

[From the Chicago Tribune, Apr. 21, 2006]

STEP UP FOR THE MARINES

No service branch shows more respect for tradition than the U.S. Marine Corps does, which makes it all the more ironic that tradition denies the corps an important show of respect: Equal billing with the other service branches.

The Continental Congress ordered "two Battalions of Marines" to be raised in 1775 as landing forces for the Navy. The Marines have remained within the Navy on government organization charts ever since, even though the corps functions through wartime and peacetime as a separate branch in every other way.

Like the Army, Navy and Air Force, the Marine Corps has its own command structure. Its commandant holds equal status with other members of the Joint Chiefs of

Staff, which happens to be chaired for the first time by a Marine, Gen. Peter Pace.

Several Marine veterans and supporters have launched an online petition drive to support a bill proposed by Rep. Walter B. Jones. The North Carolina Republican, whose district includes Camp Lejeune, wants to fix the matter simply by changing the Department of Navy to the "Department of the Navy and Marine Corps."

Jones has twice passed similar measures in the House with bipartisan support, but the Senate was cool to them. Senate Armed Services Committee Chairman John Warner, a Virginia Republican, veteran and former Navy secretary, has promised "fair consideration" for the legislation. That's Senate-speak for a reluctance to commit. His reluctance seems to be rooted in a sense of tradition. But sometimes it's good to break with tradition. The War Department, for example, became the Defense Department after World War II. The Army Air Corps was elevated in 1941 to the Army Air Forces and in 1947 to the autonomous Air Force.

The Marines have not asked for complete autonomy. Nothing structurally needs to change in their relationship with the Navy, which has served both branches well. The corps only asks for recognition. Having served their nation proudly and courageously since colonial days, the leathernecks have earned a promotion.

But sometimes it's good to break with tradition. The War Department, for example, became the Defense Department after World War II. The Army Air Corps was elevated in 1941 into the Army Air Force, and in 1947 to the autonomous Air Force.

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Madam Speaker, I want to say more emphatically beside me is a poster, is a blow up of orders from the United States Navy to submit to the family of Michael Bitz, a Marine sergeant killed in Iraq. His family received a Silver Star for valor. He gave his life for this country.

I have met his family, I have met his children, twins he will never know on earth because he died before they were born. You can see that the orders for Silver Star says at the top, the Secretary of the Navy, Washington D.C., and there is a Navy flag, but there is nothing about the Marine Corps about the heading.

□ 1445

We took these orders and we want to show you how, if this bill should become law, how the fairness will show itself. If you take the orders for Michael Bitz, again, a marine who died for this country, his family received a Silver Star, and should this bill ever become law, this is what the orders will say: the Secretary of the Navy and Marine Corps, with the Navy flag and the Marine flag.

Madam Speaker, before I close, this is only an issue of fairness. The Marine Corps has earned this distinction to

stand with the other three services and be recognized as a separate service.

With that, Madam Speaker, I ask God to please continue to bless our men and women in uniform. I ask God, in his loving arms, to hold the families who have given a child dying in Afghanistan or Iraq. And I close by asking God to please continue to bless America.

The SPEAKER pro tempore (Ms. CLARKE). 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.)

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

(Mr. POE 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 California (Mr. DREIER) is recognized for 5 minutes.

(Mr. DREIER 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. SCHIFF) is recognized for 5 minutes.

(Mr. SCHIFF 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 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 Washington (Mr. REICHERT) is recognized for 5 minutes.

(Mr. REICHERT 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 New York (Mrs. MCCARTHY) is recognized for 5 minutes.

(Mrs. MCCARTHY of New York 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 Arkansas (Mr. BOOZMAN) is recognized for 5 minutes.

(Mr. BOOZMAN addressed the House. His remarks will appear hereafter in the Extensions of Remarks.)

#### DEMOCRACY IN BELARUS

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

Mr. SHIMKUS. Madam Speaker, democracy and the rule of law is something that we have cherished in this country for over 200 years. And it is part of our responsibility to not only strengthen and preserve that in our country, but support those countries who are fighting for democracy and freedom.

Many of you may be thinking that this talk is about Iraq and Afghanistan. It is not. It is addressing the last dictatorship in Europe, which I am fortunate to have a relationship with based upon a niche I have developed in working with former captive nations and Eastern European countries.

The country of Belarus has been in a dictatorship for many years. And I am here today to call attention to the arrest two nights ago of an opposition leader, Vintsuk Vyachorka, by the KGB police. Yes, the Belarusian police still go by the KGB, under the direction of the Belarusian dictator, Alexander Lukashenka.

Vintsuk Vyachorka was pulled from his home in the middle of the night, only to be brought up on non-existent charges that will likely land him in jail for at least 25 days.

Madam Speaker, it is my belief, along with many others who have been monitoring the unraveling civil liberties of Belarus, that this arrest is merely the beginning of a series of arrests that the dictator, Mr. Lukashenka, is going to try to use to intimidate opposition leaders into abandoning a large protest on March 25 in honor of Belarusian freedom.

I say that we need to stand together today and say that we will not sit by and watch idly as Mr. Lukashenka uses his power to intimidate and scare the Belarusian people.

I am holding up a wrist bracelet, and many kids have been wearing these now in the United States for a couple of years. It is very simple. In Belarus, you can get arrested for wearing this. In fact, young people are pulled off the streets, intimidated and harassed. So today I bring this on the floor to show

my solidarity with the Belarusian people, for those who are seeking freedom, a return to democracy and the rule of law.

I will not be silent, and I know the world community will not be silent until the last dictatorship in Europe changes its ways and becomes a democracy and enters the community of free, democratic countries in Europe.

#### CHEMICAL FACILITY SECURITY IMPROVEMENT ACT OF 2007

The SPEAKER pro tempore. Under a previous order of the House, the gentlewoman from Texas (Ms. JACKSON-LEE) is recognized for 5 minutes.

Ms. JACKSON-LEE of Texas. Madam Speaker, I rise today to introduce the Chemical Facility Security Improvement Act of 2007.

It is my hope that this act will improve upon the current legislation authorizing the Department of Homeland Security to regulate security practices at the Nation's chemical facilities.

On October 5, 2006, H.R. 5441, FY07 Department of Homeland Security Appropriations Act became law (P.L. 109-295). Section 550 of that bill granted the Department of Homeland Security the authority to promulgate interim regulations for chemical facility security.

Although not required for interim regulations, the Department put out an Advance Notice of Rulemaking and requested public comments. Parts of the proposed regulations caused concern, prompting comments from myself and several of my colleagues in Congress. The intention of this bill is to address four areas of concern: Preemption of State laws, use of specific security measures, information protection, and private rights of action.

The most concerning piece of the proposed regulation occurred when the Department decided to go far beyond congressional intent and assert the right of the Secretary to preempt any State or local law; H.R. 5441 was silent on the issue of preemption of State laws, and other major chemical security legislation considered in the 109th Congress—specifically H.R. 5695 and S. 2145—protected State laws from preemption in most cases.

This bill will protect State laws by allowing no Federal funds to be used to approve a site security plan unless the facility meets or exceeds security standards established by the State or local government.

H.R. 5441 restricted the Secretary from requiring the use of any particular security measure. The use of specific security measures could, however, prove necessary to lower the risk posed to and by the chemical facility in certain cases. This bill removes this restriction and would allow the Secretary to require the use of specific security measures where necessary.

According to the proposed regulations, the Department seeks to create a new class of security information called Chemical-Terrorism Vulnerability Information (CVI). The creation of new classes of protected information is not desirable, and this bill would require Vulnerability Assessments and Site Security Plans to be treated as Sensitive Security Information (SSI). SSI is the same information classification currently used for Vulnerability Assessments and Site Security Plans required by the Coast Guard under the Maritime Transportation Security Act, under which chemical facilities located at ports are currently regulated.

H.R. 5441 also restricted the right of a private citizen to sue a facility or the Department to force the facility to adopt and enforce the security measures. I feel that private suits are sometimes necessary to force a Federal agency to enforce regulations passed by Congress. Given the proliferation of signing statements made by President Bush in the past, we should not assume that congressional intent will be automatically followed.

Regulations that preclude American citizens from access to judicial action run counter to our values. We should be empowering the citizens of this country to help protect the homeland, not restricting them from doing so.

I urge my colleagues to support this legislation.

#### UPHOLD THE UNITED STATES CONSTITUTION

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

Mr. PRICE of Georgia. Madam Speaker, I appreciate the opportunity to speak to the House, and I rise today to alert my colleagues to a bill, H.R. 328. And I rise to alert them and to speak in disbelief, truly disbelief, at this bill that the majority is preparing to bring to the House floor.

Now, it is hard to say, after some of the legislation that has been offered this year, but this is clearly the most egregious and unconstitutional bill that we have seen proposed to be brought to the floor of the House. In fact, some folks, some constitutional scholars, have said this is the most unconstitutional bill that they have ever seen.

Article I, section 2 of the Constitution states unequivocally: "The House of Representatives shall be composed of Members chosen every second year by the people of the several States."

Now, the majority has held hearings on a bill and they have passed a bill out of committee that totally disregards this portion of the Constitution. It is a bill to give the District of Columbia a seat, and a voting seat, in the House of Representatives, a clear violation of the Constitution.

The Democrats have apparently taken their majority to mean that they can run roughshod over the Constitution. Madam Speaker, this is a sad and distressing state of affairs.

It is really a very simple issue. The Founders of our Nation wisely determined that the House of Representatives was to be composed by Members elected by the States. Now, the last time I looked, Washington, D.C. is not a State.

Madam Speaker, we are the longest surviving democracy in the history of the world and on the face of the Earth for a reason. There is a reason for that.

The Founders of our great Nation, the authors of our Constitution, were brilliant individuals. People around the world still marvel at what they created in our Constitution.

Now, do Democrats think that Washington, D.C. was not given a seat in the

House of Representatives as an oversight?

Was the over-200-year history of our Federal city's place outside of statehood the result of a lapse in judgment?

Constitutional scholars have repeatedly found that the Founders did not believe it to be appropriate for the site of the Federal Government to be a State. They never wanted the seat of the Federal Government to be considered a State, clearly, because of the conflicts that creates.

Congress simply does not have the authority to grant a non-state full congressional representation. But why are they doing this now? Why is the Democrat majority doing this?

Well, Madam Speaker, it is because they can, because they have got the votes. What an incredible abuse of power.

The Constitution addresses House membership very clearly. The legislative branch and the House of Representatives was so important to our Founders that it is the first thing discussed in the Constitution.

Article I, section 1, literally, the third sentence of the Constitution reads: "The House of Representatives shall be composed of Members chosen every second year by people of the several States." The several States, Madam Speaker. It is clear. And Washington, D.C. is not a State.

Now, some may try to construe that statement to mean that the United States is the whole Nation, but the Constitution goes further to make this point even more clear. It says: "No person shall be a representative who shall not, when elected, be an inhabitant of that State in which he shall be chosen." You must be a resident of a State.

This isn't just my opinion. The Congressional Research Service, the non-partisan research service of Congress, filled with constitutional and congressional scholars, released a report that affirms that this bill is unconstitutional. It violates the Constitution.

Madam Speaker, this is a clear power grab. Now, I believe strongly that the citizens of the District should have representation. The right to vote is a sacred one, but so is the document that every one of us takes the oath to support, uphold and defend. We can't just disregard the Constitution. It is the supreme document of our land.

The options are to pass a constitutional amendment identifying the District of Columbia as a State, or to cede the land of the District of Columbia that has residents back to the State of Maryland. It is what happened in 1846 when the land west of the Potomac was ceded back to the State of Virginia.

Madam Speaker, the process that the majority is employing here is completely unfounded. We shouldn't be surprised, however. This new majority has taken the liberty to throw process out the door when they took over. Now they are tossing the Constitution out the door.

Madam Speaker, I will continue to honor the oath to support and defend and uphold our Constitution. It is a sacred document, the bedrock of our Nation.

This new majority claims to be the most open and honest and ethical government ever.

Madam Speaker, what is open about trampling on the Constitution? What is honest about trampling on the Constitution? What is ethical about trampling on the Constitution?

Madam Speaker, the American people are watching, and they don't like what they see.

#### FROM FOSSIL FUELS TO RENEWABLES

The SPEAKER pro tempore. Under the Speaker's announced policy of January 18, 2007, the gentleman from Maryland (Mr. BARTLETT) is recognized for 60 minutes as the designee of the minority leader.

Mr. BARTLETT of Maryland. Madam Speaker, I want to talk about a subject today that at least five groups in our country have a common cause in. They come from quite different perspectives, but they all end up at the final common pathway. And these groups are those who are concerned with national security. They are concerned because our country has only 2 percent of the known reserves of oil in the world, and we use 25 percent of the world's oil and import almost two-thirds of what we use. And as the President says, we get a lot of that from countries that don't even like us.

And so those who are concerned about national security are urging that we make a transition from these fossil fuels, most of which are owned by countries over there, and move to renewables so that we can have a sustainable source of energy for our country from a national security perspective.

There is a second group of people who believe that our burning of these fossil fuels is polluting the environment to an unacceptable level. And it is not just the greenhouse gases, because that introduces us to a third group. But it is all of the other pollutants that come in the atmosphere as a result of using these fossil fuels in all the ways that we use them to produce energy, coal, fire, power plants, our automobiles, our trains, heating our buildings, all the ways that we use energy.

By the way, you can make an argument that even if you are producing more CO<sub>2</sub>, that may not produce global warming if you are producing it by burning hydrocarbons in a way that puts a lot of other pollutants up in the atmosphere.

I remember a number of years ago when Carl Sagan, the great astronomer, was noting that if we had a nuclear war we might go through what he called nuclear winter; and the trash thrown up into the atmosphere as a result of the nuclear explosions, he

thought, might block enough of the Sun's rays that there would be a cooling of the Earth so that we would go through a kind of an ice age. Indeed, there is some natural phenomena that give some credibility to that possibility.

Whenever there is a major volcano that goes off, an eruption that throws millions of tons of trash up there that may circulate for a couple of years before all the fine particles finally come down, we can see a degree or two of temporary cooling in the Earth as a result of that. So there is the environmental group that is concerned about our excessive burning of these fossil fuels and the pollutants that come from that, and they are very interested in conservation, in efficiency, and moving to true renewables.

□ 1500

And then there is the growing group of those who are concerned that the release of these greenhouse gases, CO<sub>2</sub> being one of the major ones, is warming our Earth.

Now, it is true that our Earth is warmer than it has been in the last 10,000 years, since the last Ice Age, and maybe as warm as it has been, some say, in the last million years if in fact we have been here that long. It is not certain that there is a cause-effect relationship between CO<sub>2</sub> and warming.

But when you go back through history, and they do this in Antarctica by doing ice borings, and that is a desert down there; they have less than 2 inches of precipitation per year; it doesn't fall as snow, it falls as tiny little ice granules, and that accumulates very slowly. There is nearly 2 miles of ice piled up at the South Pole down there. And so with borings you can go in there and you can look back through tens of thousands of years, and the scientists can tell pretty much what the climate was like and what the temperatures were by the kinds of materials that were deposited there during that time. And they note that every time that CO<sub>2</sub> was up, the Earth was warmer. So that at least is a presumptive evidence that CO<sub>2</sub> certainly as a greenhouse gas is the cause of the present global warming that we are looking at.

And, of course, what the global warming people want is to move away from fossil fuels, because what we are doing with fossil fuels is releasing into the atmosphere carbon dioxide that was sequestered by plants a very long time ago.

As a little boy, I knew that that is what was happening, because we lived up in western Pennsylvania and we had a coal furnace; as a matter of fact, we didn't buy it, we mined it on our own farm.

There was an abandoned mine on the farm and we got the services of a miner in the little local town and he opened up the mine and we shared the coal that he got from it, and we would use coal as it came from the mine, some

big chunks and down to very small ones, and some were too big to put in the furnace. And as a little boy, when it was my time to tend the furnace I would have to go down and sometimes break a lump of coal so that I could get it into the furnace.

I remember taking that sledgehammer that stood by the wall there and breaking the lump of coal, and once in a while it would open up and there would be a fern leaf. I remember as a little kid looking at that fern leaf and wondering, how long ago did that fern live and die and fall over and now be compressed under dirt and with time it finally converted to coal? So as a little boy I knew that the coal that we were burning came from plants that lived a very long time ago, and they had sequestered the CO<sub>2</sub> then over thousands of years perhaps.

And now what we are doing in a relatively few years, because we are in the age of oil, only about 150 years now in the age of oil, and we are now releasing into the atmosphere all the CO<sub>2</sub> that has been taken out of the atmosphere over a very long time period.

So what the global warming concerned people are interested in is an energy economy that uses the energy that we are producing. If you are burning the tree that grew, you are now releasing into the atmosphere the CO<sub>2</sub> which the tree took out of the atmosphere. So although, and if it was possible, I am not sure that it is, that we could get as much energy from these alternative renewable sources that we are now getting from fossil fuels, you can use them to your heart's desire and you wouldn't increase the CO<sub>2</sub> in the atmosphere because for every pound of CO<sub>2</sub> that you released into the atmosphere, that pound was taken out of the atmosphere by the tree or the grass or whatever grew that you were getting energy from.

And so what the people concerned with global warming want us to do is to move as quickly as we can from fossil fuels to these renewables. So they have common cause with the environmental people and with the national security people.

And then there is a group of people growing, not large yet but growing, who believe that, even if you don't have any concern about the environment, even if you don't have any concern about global warming, even if you don't think that it is a national security risk to be getting so much of our oil from over there, it just isn't going to be there because we are going to have such a phenomenon as peak oil. By the way, our country reached that plateau in 1970. We will talk about that in a few moments.

And then there is a fourth group that really ought to have common cause here, and that is the group that is concerned about what could America do to get back as a premier manufacturing Nation? And you know that we are not now, because all you have to do is to look at the cars on the road and where

they are made, and I think more than half of them are now made overseas. And all you have to do is go into a store and buy things and just look at the tag at where it is made. And I have to look and look and look to find something that is made in the United States anymore. You would make a lot of money if your wager was that the first thing you pick up is going to be made in China, because almost always the first thing you pick up is made in China.

So we desperately need an area in which we can be premier, in which we can export to the world, and I would submit that that would be in the energy efficiency and alternative energy area. There is no society in the world that is half as creative and innovative as the American people if we are challenged and if we see the need and if we see the goal.

So I wanted to talk today about this phenomenon which I think that these five groups have common cause in: Those that are concerned about national security, those that are concerned about the environment and isn't our air polluted enough, those that are concerned with global warming, those that believe that by and by the oil just isn't going to be there, the Moon isn't made out of green cheese and the Earth isn't made out of oil and, quite obviously, it is not going to last forever, and then the group that is looking for something where we can again become a premier engineering and manufacturing Nation. And, of course, we have now relinquished that premier position to other parts of the world.

The first chart that I have here kind of explains a lot of our dilemma, the World According to Oil. And I found this, and I found it so intriguing that I have shown it now a couple of times. But what this does is to show you what our planet would look like if the size of the nation was relative to how much oil it had. And, boy, do we have a warped geography here.

Here is Saudi Arabia, and it dominates. Look how big Saudi Arabia is. How many times could we put the United States in Saudi Arabia, 20? That is about how much more oil they have than we have. Canada looks pretty big here; they have got a meaningful amount of oil compared to the lower 48, compared to their size. Look at Venezuela down here, it just dwarfs the rest of South America. And look at the North of Africa here.

The countries that we think of as being important in the world economy like England and Europe and so forth, look at them there, they look like little splotches here on the globe if the countries were sized according to the amount of oil that they have.

Iraq. So you can see why people are concerned about Iraq, it is a pretty big reservoir of oil. Little Kuwait. If you look at a map of that part of the world, you will see that Kuwait, and Saddam Hussein thought that it looked like a province down there in the most southeastern part of Kuwait that he wanted

to reclaim it and that is why he went in more than a decade ago, but it is tiny compared to Iraq. You could fit the United States into Kuwait five, six times. Here is Qatar, a little nation so small you can hardly see it on the globe but there it is probably as large as the United States. Iran, now problems with Iran, note how large Iran is.

Something of particular note on this. The two countries that contain about 2½ billion people total, more than 1 billion now in India, and 1,300,000,000 in China, and look at how big they are relative to oil. Russia north of them, which has only 140 million people, dwarfs them. By the way, notice how big Russia is, 1½ or maybe twice as big as the United States, it doesn't have all that much oil. We have only 2 percent of the known reserves, this is about 2 percent of that total volume of oil nations there. And Russia looks big as an oil exporter because they don't use that much oil so they can export, but they really don't have all that much oil compared to countries like Saudi Arabia and so forth.

The next chart is a prediction that was made by a very famous speech that was given 51 years ago the 8th day of this month. And I will submit that, within a decade, this may well be recognized as the most important speech given in the last century. It was a speech given by M. King Hubbert, who was an oil geologist and he worked for the Shell Oil Company. And there was a convention of oil people in San Antonio, Texas on the 8th day of March 1956, and he got up and gave an absolutely audacious speech. It was inconceivable and unbelievable when he gave the speech.

What he said was that the United States, and if you look back in your history at that point in time we were king of oil; we were producing more oil and I think exporting more oil than any other country in the world. And he predicted that this giant in oil would reach its maximum production of oil in just about 14 years, and he was predicting that by about 1970 we would reach our maximum production of oil.

Now, he was talking only about the lower 48. He couldn't imagine at that time that we would be able to go out and drill in the Gulf of Mexico where there are now 4,000 oil wells, I think, and he did not take into account that we might find oil. I expect the technology for getting it out of there probably would have been very difficult at that time. So he was predicting the lower 48. And that would be everything here of the rest of the U.S. and Texas. You see how big Texas was here. Maybe a third in total oil we have ever produced has come from Texas. And that would be the lower 48.

As you see, right on schedule in 1970, his prediction came true. That shocked a lot of people. And whereas he had been an object of ridicule before that, now he became kind of a legend in his own time.

And then we found that huge strike of oil in Alaska in Prudhoe Bay up at

Dead Horse, I have been there; I saw the beginning of that 4-foot pipeline, through which for a number of years now about one-fourth of our total oil has flowed. And then the nongas liquids you see up here. If you add those two in, there was just a bump on the way down the other side of Hubbert's Peak.

And here we are today. In the lower 48, we are producing considerably less than half of the oil that we produced in 1970. And if you even add to that the liquids made from gases and the Gulf of Mexico oil, now that is recent enough that people can remember that, and you may remember the hype that went on over that. Gee, we don't have to worry about oil for the foreseeable future. We found this enormous amount of oil in the Gulf of Mexico; and, as I mentioned, there are about 4,000 oil wells there. Notice that hardly made a blip in our slide down the other side of Hubbert's Peak.

The next chart shows a depiction of Hubbert's Peak, and this is from a very interesting publication. This is in a publication by CERA. Now, CERA is one of the few organizations that believes that you don't need to be worrying about oil for the next number of years, and they have this chart in their publication and they intend to repudiate and ridicule M. King Hubbert with this chart. And they are saying that M. King Hubbert couldn't have been right because look at the actual data here.

Now, this is the total U.S. production, the red, and the yellow is the Hubbert's lower 48. And what he is saying was that Hubbert must have been all wrong, because the actual lower 48 production are these green things down here, and they think that is far enough away from the yellow that his prognostication is repudiated by this.

I would think the average person looking would say, well, gee, he was right on. Wasn't he? He said it was going to peak in 1970, that is 1970. He said it would go downhill after that. Well, it didn't go downhill quite as fast as he thought it would, but it certainly has gone downhill after that. Maybe he couldn't have imagined that we would drill more than ½ million oil wells in this country. We have more oil wells drilled in this country than all the rest of the world put together.

Now, the red here reflects that contribution from Prudhoe Bay and from the Gulf of Mexico that we saw in the previous one, that little blip going down the other side of Hubbert's Peak.

Mr. MARKEY. Will the gentleman yield?

Mr. BARTLETT of Maryland. I would be happy to yield to the gentleman from Massachusetts.

Mr. MARKEY. I would like to say that the gentleman from Maryland is like Socrates up here lecturing to the Members and to the country on this incredibly important issue. And I would just like to take note that you do it day after day, and you are relentless.

There is no question that, still, there is this denial with regard to the amount of oil that the United States has in terms of reserves compared to OPEC, compared to Russia, compared to other countries in the world.

□ 1515

And the gentleman from Maryland on a consistent basis comes here to the House floor. I know you do it in other places to bring this message. And if I may, just for 10 seconds because I know the gentleman shares my view on this, I think we both drive hybrids. I think the gentleman is the Chair of the Hybrid Caucus, as a matter of fact. And we both know that the technology exists if we make a commitment as a nation. So here is just one little statistic I would like to put out there:

In 1970, the United States imported 20 percent of its oil; 80 percent we produced. By 1977, just 7 years later, we imported 47 percent of our oil. We went from 20 percent imports to 47 percent imports. But then the Congress and Gerald Ford, President Ford, passed legislation which mandated a doubling of the fuel economy standards for the United States of America. By 1985, 1986, we had dropped back down to 27 percent imports. So we went from 20 percent to 46 back down to 27 percent because we improved our technology. We doubled the fuel economy from 13 miles per gallon to 27 miles per gallon. We did it technologically.

Today, unbelievably, the United States imports 60 percent of its oil. So from 1986 to 2006, we went from 27 percent of our oil that we imported to 60 percent of our oil that we imported. And as the gentleman graphically, in eye-watering detail, continues to present out here on the House floor, the places from which we import this oil is not healthy for the United States of America. It is an unhealthy relationship with countries that we should not be dependent upon. Three hundred billion dollars worth of oil imports last year. Three hundred billion dollars. And we know that much of that money is spent on things that are completely adverse to the overall national security interests of the United States of America even as we emit more greenhouse gases out into the atmosphere that we would not be emitting if our fuel economy standard was much higher.

So I saw you out here again like a preacher, and I thought that I would just let you know that I am out here in the congregation listening to you, and I know that there are many, many other people who are very much in debt to you for having the resolute commitment to getting this message into the minds of the American people.

So I thank the gentleman for yielding.

Mr. BARTLETT of Maryland. Mr. Speaker, I thank the gentleman very much for his kind words.

This is, in fact, the 25th time that I have been here. And, wow, it was the 14th, just about a year ago I came here

for the first time, the 14th of last month, March. And we were putting our charts together and we were trying to decide what to call this phenomenon. Were we going to call it the "great rollover," when you reach the top and start down the other side, or were we going to call it "peak oil"? And we had a long conversation in the office about what we should call it, and we finally decided we would call it "peak oil."

Now, I didn't know that there were some other people out there already calling it "peak oil" because I am a whole lot wiser now than I was then, but this kind of indicates the status of the recognition of the problem a year ago, and I was one of the more interested people in the Congress in this and I didn't even know what to call it. I was arguing with myself and with the staff. We were discussing it. Should we call it the "great rollover," and it will be a great rollover, or should we call it "peak oil"? We finally settled on "peak oil," and now today there is an increasing number of people who are concerned about peak oil.

Mr. MARKEY. Will the gentleman yield?

Mr. BARTLETT of Maryland. Yes, sir.

Mr. MARKEY. Why do you think it is so hard to convince people that we don't have the oil reserves that would allow us to have a healthy relationship with the rest of the world that does have the oil reserves that ultimately we are going to need to import if we don't change our habits? Why do you think our country doesn't come to grips with that? Where is the gap in communicating with the American people on this issue?

Mr. BARTLETT of Maryland. Well, thank you. I think there are several reasons for this. One is an irrational confidence, worship almost, of the marketplace, and technology. And the third is that people just don't like to think about tough, hard things. I love to think about those things because there is no exhilaration like the exhilaration of meeting a big challenge and overcoming it. So this is exhilarating to me, and there are many people that don't like this. And my wife tells me that I shouldn't be doing this because don't you remember that in ancient Greece they killed the messenger that brought bad news? And my response is this is a good news story. If we start today, we will have a less bumpy ride than if we start tomorrow.

Mr. MARKEY. Will the gentleman yield?

Mr. BARTLETT of Maryland. Yes, sir.

Mr. MARKEY. You tell your wife that in Massachusetts the messenger's name was Paul Revere and we actually built statues to him up in Massachusetts for telling us the Red Coats were coming, the British were coming, the regulars were coming. And that is what you are telling us right now, that at 60, 61 percent dependence upon imported

oil, we are heading inexorably towards a very, very dangerous foreign policy, national security crisis in our country because we are averaging about 1½ percent per year increase in our dependence. So in order to move from 27 percent back in 1985, 1986 to 60, 61 percent today, it just has to go up that much. So if we come back here in 67 years and we haven't done anything, we will be over 70 percent, 75 percent dependent upon imported oil, all unnecessary if we looked at the facts and looked at the facts today and began to change our national habits.

So tell your wife that Paul Revere is more likely the analogy that applies to you rather than the messenger that they shot.

Mr. BARTLETT of Maryland. I want to thank my friend for joining me. This is absolutely a bipartisan issue. I don't know that energy and oil knows the difference between a Democrat and a Republican. So I am very pleased that you joined me on the floor.

I might say just a word about these two philosophies that are keeping us from really focusing on this issue. One is an almost reference for the marketplace. There are many people who believe that the marketplace is both omniscient, it knows everything; and it is omnipotent, it is all powerful and it will solve everything. Well, I believe the market is really very powerful. But, you know, there are some things that even God can't do. God can't make a square circle, can he? So there are some things that the marketplace won't be able to do.

I do not think that the market signals will be able to be responded to quickly enough to meet this challenge. If there were infinite resources, then this blind faith in the market might have some relevance. But there clearly are not infinite resources. The amount of oil out there is, in fact, finite.

The other is the near worship of scientists and technology: Don't worry, they will fix it. I mentioned to one of our really high officials in government that peak oil was a reality and that it just wasn't going to be there in the future in the amounts that we need for our economy. And he said, Well, I guess when that happens, the price will go up and people will use less and they will find something else and that solves the problem. Don't worry about it, they will fix it.

Well, I point to two different societies: The Mayan society down in Central America. That didn't get fixed and they are gone. Our cliff dwellers out in the West. I am sure that a number of folks have been there and seen those cliffs, and their world is gone. And I am sure when it was deteriorating, they were saying to each other, Don't worry, they will take care of it.

Easter Island, a vigorous civilization there, and when we finally found the last survivors of it they were living in caves. They were eating rats and each other because they had done, in that little part of the planet, what we may

one day do to our total planet; that is, they were living beyond the renewable resources of their little island there in Easter Island and somebody didn't fix it. There wasn't somebody there to fix it.

The next chart looks at a number of the experts and what their predictions are as to when this peak oil that Mr. MARKEY was talking about is going to occur. And we are now here in 2007 and notice that there is a large number of them here: Colin Campbell, Kenneth Deffeyes, Matt Simmons. Several of these I know personally. And their predictions are all in the very, very near timeframe. As a matter of fact, Deffeyes believes that we now have passed peak oil. He said he used to be a prognosticator and now he is an historian. He is now looking back at the event of peak oil. And then we have a few that believe it will be between 2010 and 2016. And then CERA. CERA is the largest one here. Shell. No visible peak. Very few who believe that it may be some time off in the future.

We will have an opportunity in a few moments to talk about CERA and some of their projections. But notice that most, the large percentage of all of those who have been looking at this and studying this believe that peak oil is either present or imminent.

The next chart is a really interesting one. And if you had only one chart to look at, this I think is the most instructive of all of the charts that we have because on this one chart, it shows the discovery, and that is the large bars here. And you see that back in the 1940s we were discovering lots and in the 1950s, and, boy, in the 1960s and 1970s huge amounts of oil. But notice what has happened. Since about 1980 it has been down, down, down. And that is in spite of ever better technologies for discovering oil and ever better incentives.

When Reagan came to office, that was in 1980, and we were already 10 years down the other side of Hubbert's Peak; so we knew darn well that M. King Hubbert was right, that the United States had reached its peak and we were sliding down the other side of the peak. And I really liked Ronald Reagan. I can like a person without liking everything that they do. And I thought then and I am more convinced now that his solution to this oil problem was totally the wrong solution. His belief was that if you gave them a profit incentive they would go out there and find it. So they gave them a profit incentive, and, boy, did they drill. And I don't have it with me, but I have a chart that shows the number of wells that were drilled and how much oil was found. And drilling didn't help. You can't find what is not there and you can't pump what you haven't found. So in spite of ever better techniques like 3D seismic and computer modeling, we now pretty much know what the whole globe looks like geologically except maybe we would like to know a little more about Saudi Arabia and some of

the countries around the Caspian. But largely we are pretty aware of what the geology is, and we know that gas and oil can occur in only certain unique geological formations.

The dark line here represents the use of oil. And you see that for a long while we were finding enormously more oil than we were using. But from about 1980 on, we were finding less and less and using more and more.

By the way, notice this little blip here in the 1970s. This is the result of the Arab oil embargo, and had this curve kept going up at the rate it was before, where would it be? There was a stunning statistic up through the Carter years, through this time; every decade we used as much oil as had been used in all of previous history. Wow. What that says is that when you have used half of all the oil in the world, there would be what, one decade left at current use rates? Now, obviously, that couldn't happen because you are not going to use it and then fall off a cliff at the end because the last remaining oil is going to be harder and harder to get. But since about 1980 on, we have now been eating into or reserves, and you will have to take some of this surplus here and fill in this area here. And then what will the future look like?

This chart presumes that it will peak in about 2010. And you can make the future, within limits, look differently, depending upon how aggressive you want to be in using enhanced oil recovery and if you want to drill everywhere in the world the equivalent of the half million wells that we have drilled in this country. If you drilled 10 wells rather than one in the Oil Patch, you obviously would get the oil out quicker. You are not going to get any more oil out probably, but you will get it out more quickly.

So there may be some argument about what the future looks like, but there can be no argument that you can't pump what you haven't found. Now, if you put a smooth curve over this discovery curve, the area under that curve represents the total amount of our discoveries. That is the equivalent of adding up all these little individual bars. And if you look at the area under the use curve, that will be the amount of oil that we have used.

Now, obviously, at the end of the day, those two areas are going to be the same. So unless you think that we are going to reverse this discovery curve and find a lot more oil, and some people do think that, by the way, and we will talk about that in a few moments, but unless you think that we are going to find a lot more oil, the future cannot look very much different than this because you can't pump what you haven't found.

□ 1530

Because you can't pump what you haven't found, and the area under this discovery curve cannot be different than the area under the use curve. There are many people who are pro-

jecting uses that would just indicate that we are going to have to find enormously more oil in the future. One of those projections is in the next chart.

This is from our Energy Information Agency, and this is projections of discoveries. Now, they didn't draw a really smooth curve. They took in some of the big humps, but they could have smoothed this whole thing out.

This is the discovery curve we were just looking at. I think you can recognize that, way up here in the seventies and down, down, down since then. Back in about 2000 they were projecting what we would find in the future. Now, they used some very interesting assumptions here.

The USGS has done a series of simulations. They have some computer modeling, and they have done a whole series of computer modelings, thousands of these, with different inputs. If this was true, if that was true, then what would the likely amount of yet-to-be-discovered oil be. And they have charted those things, and they have the frequency on the ordinate, and on the abscissa they have the amount of oil yet to be found.

Now, this is all a computer game. They simply are making some guesses, assumptions; and they are putting those into this computer model and they are running that model; and as they change the assumptions, they will change the amount of oil they think we will find.

So they have gone to the midpoint of that, and they have said that was F, they call it F, and somehow that got distorted to P and they are now talking about probabilities, which is just bizarre, because these are not probabilities. But this is the fraction of oil that you will find more or find less than this.

So what did they have here? Three of these curves. They have the P-95, that is 95 percent probability they say. Then they have the P-50. That is really F-50 in the data they took this from. And then they have the 5. What they are saying is that since 50 is halfway between 5 and 95 it is the mean and therefore that is the most probable. So their projection when they made the chart was that this downward slope was now going to be reversed and we were going to start going up.

Of course, if they really are probabilities, and it didn't start as that, it started as these fractional things, but it ended up being projected here as probabilities, if they really are probabilities, there should be another green line down here and another blue line down here.

It is like that little funnel-shaped thing you see from the hurricane. Tomorrow you are pretty certain where it is going to be. The day after tomorrow, you are less certain, so that gets to be a big funnel as you go out. So that is what these various probabilities are.

Now, not surprisingly, the actual data points have followed the 95 percent probability. If you say those are

probabilities, obviously this 95 percent probable is a whole lot more probable than 50 percent probable. But for what it is worth, the actual data points for a decade or so have been following the 95 percent probability.

The next chart, this is from the Hirsch Report. I might digress for a moment to note what the Hirsch Report is. There have been two major studies that are financed by our government. One was financed by the Department of Energy and that was SAIC report. Dr. Hirsch, which is why this is called the Hirsch Report, Dr. Hirsch was the leading investigator on that, and this came out, oh, a year-and-a-half ago roughly. I think we will have some quotes from it a little later. But they looked at this situation, peaking of world oil production, impacts, mitigation and risk management. It is going to peak. What should we do about it, what can we do about it, is what was in this report.

This is one of the charts from this report, and these are USGS estimates of ultimate recovery. This is the F that I was talking about. They somehow changed it to P. But this is low, 95 percent; high, 5 percent; and the mean, or expected value, 3,000.

Just a word about what these numbers are. These are thousand gigabarrels. Now, we use gigabarrel because a billion in England, I understand, is a million million. A billion in this country is a thousand million. So if you are talking about billions, you may confuse some people. But apparently everybody knows what a giga is, and a giga is our billion. So we are talking about gigabarrels of oil.

So this is 2,248 gigabarrels of oil. That is about, what, 2,000 gigabarrels of oil. That, by the way, is roughly the amount of oil that most of the world's experts believe we have found, and we have used about half of that. We have used about 1,000 gigabarrels of oil, so there are about another 1,000 that we have yet to use.

But what this prognostication indicates is that we are going to find as much more oil, another roughly 1,000 gigabarrels to bring this 2 up to 3, we are going to find as much more oil as all the oil that is still left in the world. Now, that is conceivable. I think it is about as likely as winning the lottery. I don't think there is much probability of that happening.

But even if that was true, and that is the stunning thing that this chart shows, even if that is true, that only takes the peak out to 2016. That is just around the corner. That is 9 years away, even if that is true.

This is the power of the exponential function. One of the most interesting lectures I have ever heard was given by Dr. Albert Bartlett, emeritus, University of Colorado, no relative of mine. I wish he were. I wish I had some of his genes. He gives some fascinating explanations of the exponential function. One of them I think is worth spending just a moment on.

The story is told that chess was developed in an ancient kingdom, and the king was so pleased at the invention of chess that he asked the inventor to come in and he promised him any reasonable thing. And the inventor of the chess game said, O, king, I am a very simple person. I have simple needs. If you will just take my chess board and put a grain of wheat on the first square and two grains of wheat on the second square and four grains of wheat on the third square and eight on the fourth square and keep doubling until you have filled all of the 64 squares on my chess board, that will be reward enough.

The king said to himself, simple fellow. He could have asked for something meaningful, and all he has asked for is a few grains of wheat on a chess board. Of course, the king could not deliver, because it is my understanding that it would take the world's harvest today of a decade to fill the chess board. That is the power of exponential growth.

Albert Einstein was asked about what the next great power in the universe would be after the discovery of nuclear energy, and he said the most powerful force in the universe was the power of compound interest.

Well, Dr. Albert Bartlett's fascinating 1-hour lecture, and just do a Google search for Dr. Bartlett, Albert Bartlett and energy, and you can pull it up, and he has some very interesting illustrations in there.

He says the biggest failure of our industrialized society is the failure to understand the exponential growth. But even if we were to find as much more oil as all the oil that now exists, it would push the peak out to only 2016.

Now, if you use enhanced oil recovery and pump a lot of CO<sub>2</sub> down there and live steam and so forth, maybe you can push it out to 2037, but look what happens after that. Then you fall off a cliff, is what they say in this prognosis.

The next chart is an interesting chart from CERA. In an article entitled "Undulating Plateau Versus Peak Oil," it says there is not going to be any peak. I looked at this, and, by golly, it looks like a peak to me. It goes up and then it comes down.

Now, they have several different assumptions in here, and they are pretty easy to sort out, I think. This is roughly that 2 trillion, the current known amount of oil; and if that is all the oil there is, they agree that the peak is pretty imminent. But they believe that we are going to find about as much more conventional oil as still exists in reserves. If that is true, then the peak moves out only this far.

Then they think we are going to get a lot of oil from the unconventional oil sources, like the Canadian tar sands and our western oil shales and the really heavy oil from Venezuela; and if we get that, then we are going to go up that high plateau. But this is still a plateau.

I have 10 kids, 15 grandkids and 2 great grandkids. Wouldn't it be nice if

we left a little energy for them? We are bequeathing them, not with my votes, but we are bequeathing them the largest intergenerational debt transfer in the history of the world. I would like to leave them a little energy, thank you, which is why I don't vote to drill in ANWR and I don't vote to drill offshore. I think there is a real moral element to this discussion.

If we are going to bequeath them this horrendous debt, which I think is immoral in itself, then I think it is doubly immoral that we give them a world from which we have raped all the readily available energy. Someone suggested in the future they may look back at what we have done and say to themselves, how could the monsters have done that? I hope that they won't be able to say that about this generation, because I hope that we will do better.

Well, this curve that they meant to repudiate, peak oil, I think confirms there will be a peak oil.

The next chart here is a statement from one of the experts in this field, Dr. Laherrere, and this is what he says. The USGS estimate implies a five-fold increase in discovery, to reverse the current trend, which is going down, and it is going to go up, a five-fold increase in discovery rate and reserve addition for which no evidence is presented. Such an improvement in performance is in fact utterly implausible, he says, given the great technological achievements of the industry over the past 20 years, the worldwide search and the deliberate effort to find the largest remaining prospects.

And we found a pretty big one just recently out in the Gulf of Mexico, under, what, 7,000 feet of water, roughly 30,000 feet of rock. If you notice, they aren't developing that yet. I am told, and not everything I am told is true because it is sometimes hard to get the correct facts, but I am told that they will start developing that when oil is \$211 a barrel, because that is what it is going to cost to get it out of there. I am not sure whether that is true or not.

The next chart, I mentioned the oil chart that we showed before as being the single chart I would use if I had only one. If I was awarded two charts to use to talk about this, this would be the second one I would use, the upper part of it. This is a really revealing chart.

This goes back through about 400 years of, I generally say 5,000 years of, recorded history. Hyman Rickover referred to it as 8,000 years of recorded history.

I might digress for just a moment. I hope to come to the floor the 15th of this May to talk about a really, really interesting speech that Hyman Rickover, the father of our nuclear submarine, gave to a group of physicians in Saint Paul, Minnesota, 50 years ago the 15th of this May.

He notes that we have 8,000 years of recorded history. He said at that time,

50 years ago, we were about 100 years into the age of oil. This now introduces us to that age of oil.

It was introduced, of course, by the Industrial Revolution which started with wood, the hills of New England, the mountains that were denuded, taking charcoal to England to make iron. Up in Frederick County, which I have the honor of representing, there is Cactoin Furnace up there, which is a little smelter up there, and they denuded the hills up in Gambro where Camp David is. They denuded those hills to make charcoal for that furnace. It is now a historic site. The Industrial Revolution began with the use of wood. The Stanley Steamer used wood.

On the ordinate here is the quadrillion BTUs. This is a measure of the total amount of energy produced. Notice that is pretty far down here. Then we found coal. Boy, then the Industrial Revolution took off. But it really took off when we found gas and oil. And notice how that is standing up on end. And notice what happened at the Arab oil embargo here in the seventies.

□ 1545

Where would we be if that hadn't happened? That was really a wake-up call. As a result of that, we have enormously more efficient appliances than we had then. Your air conditioner is probably three times as efficient as it was then. Too bad our cars didn't follow that path, isn't it?

Well, the interesting thing is that the world's population just about followed this curve. For these 8,000 years of recorded history, we had half a billion to a billion people worldwide. Now with the industrial revolution, the population has exploded. We now have almost 7 billion people in the world.

There is, in Hyman Rickover's speech to those physicians 50 years ago, a fascinating discussion of the contribution of energy to the development of civilization.

I hope to come to the floor on May 15 and we will spend the whole hour talking about his speech. It was so prophetic. As a matter of fact, he predicted that if we start making too much energy from a food substance, the price of food will go up. We have made trifling amounts of ethanol from corn, and we have doubled the price of corn. We are hurting the poor people who use tortillas because they are made out of corn. My dairymen are financially dying because the price of corn has doubled and the price of milk does not justify that feed cost. They are losing money month by month.

Well, this is striking symbolism here. In another 100-150 years, we will be down the other side of the age of oil. This is going to fall off.

Is there any reason that the world shouldn't follow the microcosm of the United States? M. King Hubbert predicted in 1956 that we would peak in 1970. We did. He predicted the world would be peaking about now. If he was right about the United States, why

shouldn't he be right about the world, and why shouldn't we have been doing something about that?

Since 1980, we have known very well that M. King Hubbert was right about the United States. If he was right about the United States, maybe he would be right about the world. If it is true that the world's oil production would peak about now, then no matter what we do, drill a half million wells, like we drill in the United States, which would be millions worldwide, it still goes downhill no matter what we have done. Our production is downhill.

Very interesting, in 8,000 years of recorded history, the age of oil will be but a blip: 300 years. What will our world look like? Our next chart introduces us to that.

Sooner or later, whether we like it or not, we will transition from fossil fuels because they will one day be gone. We will transition from fossil fuels to renewables. This chart looks at the options that we have. We have some finite sources, and we need to come back for another hour and talk in detail about some of these finite sources that we have here and what their potential is, and then let the listener judge as to what contribution they think will be made from this.

One of the challenges we have is the fantastic density of energy in our fossil fuels. One barrel of oil has in it the energy equivalent of 12 people working all year long. Hyman Rickover gives some fascinating examples in his speech to those physicians nearly 50 years ago. He said that each worker in the factory had at his disposal the power equivalent of 244 men turning the wheels and so forth; that every family had the mechanical system, stoves and vacuum cleaners, toasters, that represented the work of 33 full-time faithful household servants. He said 100,000 men pushed your car down the road, and the equivalent energy of 700,000 men pushed a jet plane through the sky.

Two little examples to help realize this, just think how far one gallon of gasoline or diesel, how far that one gallon of gasoline or diesel takes you. I drive a Prius. It drives 50 miles on a gallon. How long would it take me to pull my Prius 50 miles?

If you go out and work really hard all day, I will get more work out of an electric motor for less than 25 cents worth of electricity. Now energy-wise electricity is about half the cost of gasoline, but about 25 cents worth of electricity, and that may be humbling to represent that you are worth less than 25 cents a day in terms of fossil fuel, but that is the reality. And that is why we have such an incredibly high standard of living, we have this incredible energy source at our disposal.

The challenge is to transition to renewable forms of energy that will provide the same quality of life. We have some finite resources that we can go through. The tar sands, the oil shales, the coal, nuclear fission, nuclear fu-

sion. We don't have time today to talk about these in detail. We will come back and talk about those in detail. And then all of the renewables. These will one day be gone, except for nuclear. We will talk about nuclear. If we ever get fusion, we are home free. I think that is most unlikely. If we go to breeder reactors, we buy some problems, but then we have relatively secure energy if you can handle the waste, and so forth, from that.

But there are only so much tar sands, oil shale, and coal. They come at great expense. They are pretty polluting processes. Ultimately, we will be down here, getting all of our energy from these resources: Solar, wind, geothermal, ocean energy, agricultural resources, soy diesel, biodiesel, ethanol, methanol, biomass.

Now there is a lot of talk about cellulosic ethanol. I understand the President on television was saying that there is going to be limited amounts of energy we can get from ethanol because already we have doubled the price of corn. So now we need to turn to biomass, to cellulosic ethanol.

Cellulosic ethanol is liberating the glucose that is so tightly bound in the starch molecule that enzymes in our body can't liberate it, but there are microbes that live in the guts of the wood-eating cockroach, *cryptocercus*, and in the stomach of cows and sheep and goats and so forth that does that for them. So the cellulosic ethanol is liberating the glucose from the big cellulose molecule.

Waste energy. Just a word of caution, that huge stream of waste we have is the result of profligate use of fossil fuels. In an energy deficient world, there will be nowhere near as much waste as we have now. We jolly well ought to be using the waste energy now. It is a much better use of this waste than burying it in a landfill, but it will not be the ultimate solution to our problem.

Hydrogen. I want to make sure that everyone understands that hydrogen is not an energy source. We talk about it because when you burn it you get water that is pretty darn clean, and it is a great candidate for fuel cells, if we ever get fuel cells. Think of hydrogen as a battery, something to carry energy from one source to another.

We have only a few moments remaining, and I would like to put the last chart up. That will introduce us to a longer discussion we will have next time.

We are very much like the young couple whose grandparents have died and they have inherited a lot of money. They have established a lifestyle where 85 percent of the money they spend comes from their grandparents' inheritance, and only 15 percent from what they are earning.

Here we are getting 85 percent of our energy from fossil fuels and only 15 percent from anything else, and the fossil fuels are not going to last. The kids look at what they are doing and

say gee, that is going to run out. We have to do something. Either we have to make more or use less. That is exactly where we are.

A bit more than half of all of this other than fossil fuel energy is nuclear power: 8 percent of total use in our country, 20 percent of electricity, it probably could and should be more than that, and then 7 percent. That is going to have to grow until it is 100 percent, but some don't have much potential for growth.

Conventional hydroelectric, that is peaked out. We will come back and spend a full hour talking about the potential of these. There are exciting challenges here, and I think it will inspire the best of America.

### 30-SOMETHING WORKING GROUP

The SPEAKER pro tempore (Mrs. BOYDA of Kansas). Under the Speaker's announced policy of January 18, 2007, the gentleman from Ohio (Mr. RYAN) is recognized for 60 minutes as the designee of the majority leader.

Mr. RYAN of Ohio. Madam Speaker, I appreciate the opportunity to be here for another session of the 30-something Working Group. We have had a very interesting week in Congress this week, and we want to share some of that with our fellow Members of Congress and those people paying attention for the record on the week of sunshine in the United States Congress.

In the past several days we have, as Democrats, continued to honor our pledge to try to open up government, knowing that the more information that we share, the more information that we have about the inner workings of government, the better off we are all going to be.

I think we have all seen over the past several years how a very closed, secretive government rules and what the end result may be of a very closed and secretive government. We are trying to fix that problem.

As you watch the news, Madam Speaker, as you watch the news every single day, it seems like we continue to hear stories about problems that we knew about many, many years ago, but we never did anything about it because you are not allowed to admit you make mistakes.

What we have tried to do this week is try to prevent the kinds of situations we have had with Walter Reed, try to prevent the kinds of situations we have had with Iraq, and try to prevent the kinds of situations we have had with Hurricane Katrina. All of these things were happening behind closed doors, and the people involved at the Pentagon or the Department of Defense, or whether it was in FEMA, the problem was people in the organization or in the agency or in certain departments knew things weren't going well or knew there wasn't a plan or knew we didn't have the proper people in place to execute whatever the exact role was of that agency, but nobody was allowed

to tell anybody or talk about it. And if you talked about it, you were fired.

We saw Hurricane Katrina on TV. We continue to see the war on TV, and we see what has happened at Walter Reed. Can you imagine people knew about what was going on at Walter Reed and didn't say anything? And then getting up in front of the TV cameras and say: We are for the troops, and you're not. That is a problem.

The new Democratic majority has begun the problem of fixing that problem this week. We are restoring accountability. This week we passed whistleblower protection and other government reform bills so that those people involved in the agencies who know how the agencies need to be run will not be subjected to the political whims of the day.

We want them to share with us what the problems are. We want them to share with us how we fix the agency or the department or the execution of the mission of a specific department. And I think it is important politically. As I am joined here by my good friend from Florida, Mr. MEEK, I think it is important that we recognize what has happened since the Democrats have taken over.

Now we are not here to just say we are the only political party in the country and we are the best and this and that. We had a political situation in this country since 2000 where the presidency was Republican and for the most part the House and the Senate were Republican the whole time, and the Republicans have controlled this Chamber for 14 years. And a culture of coverup happened, to where the Republican majority in the House would not oversee or provide the proper oversight to what was going on in FEMA, in the war, and a lot of these other agencies.

And what has happened when the Democrats took over Congress and the American people said we need to bring a little balance to this situation, just look at what has happened. Walter Reed, who knows if that would have ever come up if the Democrats weren't poking around saying what is going on with veterans' health care?

□ 1600

All of the issues in Iraq. Today we passed a supplemental to begin to put the framework together to get our kids home from Iraq. And look at what is going on with Katrina and the oversight we are providing for that.

These are things that are happening because the American people put balance back into the government. And we want to continue to honor the pledges that we made previous to the last election. We want to make sure that it is not just the whistleblower protection, but it is the 67 hearings that we have already had, Democrats have already had on Iraq. Sixty-seven. No, it's even more.

Mr. MEEK of Florida. Will the gentleman yield?

Mr. RYAN of Ohio. I would be happy to yield.

Mr. MEEK of Florida. Mr. RYAN, it is more than 67 hearings. You meant 97 last week, but now it is 104 hearings. Three digits.

Mr. RYAN of Ohio. And what is today, March 14?

Mr. MEEK of Florida. March 15. That's a good thing, Mr. RYAN.

Mr. RYAN of Ohio. In a couple of months we've had more hearings than the Republican majority had.

Mr. MEEK of Florida. Definitely at this point in the 109th Congress, in the 108th Congress.

But go ahead, Mr. RYAN.

Mr. RYAN of Ohio. I think it is important for us to really recognize the importance and the results already of what has been happening. And I don't know if this is a coincidence or not, but Halliburton just picked up and moved; they just picked up and said we're moving out of the country.

Mr. MEEK of Florida. That is no-bid contract Halliburton.

Mr. RYAN of Ohio. Yes. And it is a shame that a company that gets that much public tax money would pick up and leave the very country that they get their money from to have their corporate headquarters.

But it is important that we are living up to our commitment. We are providing the oversight, 104 committee hearings. We are restoring accountability with the whistleblower protection; Presidential library donation; FOIA requests, where you can actually access documents in the government, freedom of information. So a lot of sunshine came down on the Capitol this week.

And I couldn't be prouder of the Speaker of the House, NANCY PELOSI, and STENY HOYER and JIM CLYBURN and RAHM EMANUEL and JOHN LARSON, our leadership and the Chairs of our committees for really applying the pressure and really trying to fix things and make things better.

I yield to my friend from Florida.

Mr. MEEK of Florida. Thank you, Mr. RYAN. Thank you for yielding. So kind of you. My good friend from Ohio.

Mr. RYAN, you know, yesterday when we were down here, we talked about the bipartisan votes, the fact that we are allowing an opportunity for the Members of Congress to vote for good commonsense, good government legislation that they have been denied of voting on for 12 years. And now we are in the majority, and we have an opportunity to put legislation forth. And as Ms. WASSERMAN SCHULTZ experienced in the last Congress, we had, Madam Speaker, very few bipartisan votes because it was the bills that came to the floor that encouraged a lack of bipartisanship. As a matter of fact, it encouraged partisanship, to keep us divided. And that is not what Americans asked for. They didn't say, hey, Congressman, I am sending you to Washington, D.C. to be a partisan. I am sending you to Washington, D.C. to make sure that we have accountability; to make sure that we are fiscally responsible; to make

sure that we hopefully move in a new direction when we need to move in a new direction.

And I am so happy today, with this whole Accountability in Contracting Act, that there were 347 votes in the affirmative. Madam Speaker, I am more concerned about the 73. How do they go back home and say, well, I don't believe in accountability in contracting; I'm against that. You know, I would think that the folks that did vote against this very good piece of legislation are probably going down the line of saying that I am committed to being a partisan, because it wasn't my idea or it wasn't their idea. Well, the good thing that I am excited about, because I am not going to focus on the individuals who decided not to vote for it, I am going to focus on the 119 Republicans that did vote for it and the 228 Democrats that did vote for it. Every last Democrat that was voting on that bill voted in the affirmative because it was the right thing to do. And I commend the bipartisanship, and we will continue to talk about that.

Whistleblower protection, we talked about that yesterday, such a good vote. I am going to say it again, Madam Speaker: 331 voting in the affirmative. Bipartisan, the House. The majority of the House voted to protect whistleblowers.

Mr. RYAN, someone is in there in an office somewhere here in Washington, DC, Ms. WASSERMAN SCHULTZ, or in a regional office in Atlanta and come to work every day saying that this is not the way we should be doing things. This is against the law. That individual will be protected once we get it through the legislature, once we get it through the Senate and hopefully to the President.

But what I am more concerned about, Ms. WASSERMAN SCHULTZ and Mr. RYAN, is that the President has already said of these accountability measures that we are passing that he is willing to veto three out of four of them.

Mr. RYAN of Ohio. There is a surprise.

Mr. MEEK of Florida. Which is very interesting. I don't know of the 73 that voted against it today, if that is going to be the basis for saying that that is the reason why I am going to veto it, because 73 Members of the House voted against it. But neither be here nor there, I am glad that we are here in the majority, Madam Speaker. We have been in the minority, but we still have not allowed the majority to get to our heads or to our heart.

Mr. RYAN of Ohio. Will the gentleman yield?

Mr. MEEK of Florida. I will yield, but I was just making a wonderful point. I will yield, Mr. RYAN, if you want me to yield.

Mr. RYAN of Ohio. Okay, make your point.

Mr. MEEK of Florida. We are not letting it get to our heads or our heart or the reason why we are here in the first place.

And the reason why the 30-something Working Group continues to come to the floor, Madam Speaker, because some folks thought, Ms. WASSERMAN SCHULTZ, this is just a minority project. Oh, they are in the minority, they want to go to the floor, they want to talk about what's wrong, they want to talk about what they will do if they ever get in the majority, and that will be it. Well, guess what? We are here in the majority celebrating the fact that we are doing the things that we said we would do. I mean, that is a paradigm shift in Washington politics: you run for office and you come here and you actually do what you said you were going to do. And now that is being carried out.

We have always said some of our friends on the other side of the aisle wanted to be a part of good government, 6 in '06, implementing the 9/11 Commission. We were able to get 299 votes with 68 Republicans voting with us on that. Raising the minimum wage, we were able to get 315 votes with 82 Republicans voting with us. Funding on enhancement of stem cell research, H.R. 3, 253, with 37 Republicans, on and on and on. And the reason why that is happening is not because Republicans all of a sudden say, hey, I want to vote with Democrats and I am going to be bipartisan. They are voting because they always wanted the opportunity, Madam Speaker, to vote for good legislation.

Back home, I am going to tell you right now, there are Republicans that are saying I wanted the 9/11 recommendations to be fully implemented to protect America. They don't care who is the leader of the Republicans in the House and who is the leader of the Democrats in the House. They want to be secure. And those Republicans that voted with Democrats to implement every last one of those 9/11 recommendations did so on behalf of their constituents.

So we come to the floor to talk about bipartisanship. We come to the floor because we have always said bipartisanship can only be allowed, Madam Speaker and Members, if the majority allows it; and we are allowing it.

Ms. WASSERMAN SCHULTZ.

Ms. WASSERMAN SCHULTZ. Thank you so much to my good friend.

First, let me say that that is a beautiful orange and blue tie, Mr. RYAN, an excellent choice of colors, and coincidentally, the colors of my alma mater which, by the way, is playing in the NCAA tournament beginning tomorrow night. And who will be at the White House to celebrate the national championship in football? But I digress.

Mr. RYAN of Ohio. I didn't get invited to the White House.

Ms. WASSERMAN SCHULTZ. And we can talk another time about which team our team defeated in order to get there, Mr. RYAN of Ohio.

Mr. RYAN of Ohio. I think we have gotten through that.

Ms. WASSERMAN SCHULTZ. Anyway, to get back to the matter at hand,

Mr. MEEK referred to the fact that the 30-something Working Group was probably expected to shrivel up and die, to blow away after we won the majority, to just not re-emerge because one might think that there was no point in our continuing to exist. However, because the United States Congress and because we believe Democrats are responsible in the leadership of this Congress for accountability, we absolutely need to make sure that we use multiple facets of opportunity available to us to hold people accountable.

We had an opportunity the last number of years to use this forum to hold our good friends on the other side of the aisle accountable, yet we still need to hold this administration accountable. And Lord knows that they certainly need it, as they continue to demonstrate every single day.

And I just want to move on a little past the whistleblower act and the 104 hearings that we have had on this war in Iraq that have been scheduled since we took over the leadership of this Congress to the Attorney General, the U.S. Attorney firings that occurred in the last 10 days or so.

I just came from a House Committee on the Judiciary meeting in which we adopted legislation that will ensure that we reassert the Congress', on the Senate side, role in confirming U.S. Attorneys and restore the check and balance that used to be in place before a provision was inserted in the dead of night by the Republicans in the conference committee without any committee reviewing it whatsoever. They completely changed the way the U.S. Attorneys were confirmed. They politicized that process without any Member being able to have the opportunity to debate it in the light of day.

And clearly we can see as a result of the actions of Attorney General Gonzales and the fact that he has chosen to throw a staff person under the bus rather than have the buck stop with him, seems to be a pattern in this administration, i.e. Scooter Libby. We need to make sure that Congress reasserts our oversight role, and that is exactly what we just did in the Judiciary Committee.

But let's just recap what happened with the U.S. Attorneys. Eight U.S. Attorneys were fired. Now, the U.S. Attorneys serve at the pleasure of the President, and we certainly don't deny that. However, when asked, when an inquiry was made, as is the Congress' responsibility, as to why those eight U.S. Attorneys were fired, the answer that we got was, well, the eventual answer we got was that it was performance related. Well, of course the eight U.S. Attorneys took umbrage at that and some of them came forward and suggested that there were actually some lawmakers, our good friends on the other side of the aisle specifically, that called and inquired about the progress of cases against Democrats in their jurisdiction. And then coincidentally, a few weeks later those that had

gotten called that weren't responsive enough seemed to have been let go.

Now, in the wake of all of this, in the wake of the Attorney General being less than factual in front of a committee of this body and in the wake of the clear difference in what he said and what actually happened, you have the chief of staff to the Attorney General who has resigned. Last week you had another individual responsible for overseeing the U.S. Attorneys resign. Now, they say that he was on his way out anyway.

But it is time, and thank God we are able to now exercise Congress' oversight role and make sure that we have some fairness, make sure that we have justice administered in the way that Americans expect it to be, and that we are not politicizing the Department of Justice or the legal process that U.S. Attorneys oversee in each of their jurisdictions. Without us pointing that out, it would normally have just been swept under the rug. The administration would have just tried to ride it out and weather the storm. But now that we have a Democratic Congress, they can't do that anymore.

Mr. MEEK of Florida. That just happened.

Mr. RYAN of Ohio. That just happened. And it is funny how the chiefs of staff are dropping like flies, first the Vice President's, and now the Attorney General's.

Mr. MEEK of Florida. Mr. RYAN, if you would yield. I mean, Ms. WASSERMAN SCHULTZ, we were just talking just the other day about outing CIA agents; we were just talking about it. And in the last Congress folks were like, why are you all speculating? We are not speculating, I mean, someone is not telling the truth. Now a court of law said that people did know certain things. And you are right, Mr. RYAN, I mean, the most endangered job, especially if you are on the other side of the aisle, is to be chief of staff. Now people are looking at the chief of staff in a different way than they have done before in the past.

□ 1615

Mr. RYAN of Ohio. If I can make a point.

Mr. MEEK of Florida. Make that point.

Mr. RYAN of Ohio. The Attorney General's office, with all these problems, let's think about the role and the mission of the Attorney General's office in the post-9/11 era. We now have Senators calling the current Attorney General not up to the job, I think was the phrase, he is not up to the job, and the other comments that those folks have made.

Ms. WASSERMAN SCHULTZ. They actually went farther than that. You have a former Chief of Staff of the White House, a U.S. Senator from New Hampshire, Mr. SUNUNU, who said, "I think the Attorney General should be fired," period, dot, in the words of Mr. MEEK.

Mr. RYAN of Ohio. The thing is, this has been going on for a long time, and it's not until now where the threat of oversight looms, like impending danger.

Mr. MEEK of Florida. I know Mr. WASSERMAN SCHULTZ will be returning soon, but while we have two high level members of the House Appropriations Committee on the floor at the same time, since you share with me how important the Appropriations Committee is, we need to talk about what's going to happen next week, because I think it's important that the Members understand that we are carrying out a great mission here.

On Tuesday, I know the House will meet at 10:30 for morning business, and we will consider suspension bills, what have you, but we are going to have on the floor next week H.R. 1227, which is the Gulf Coast Hurricane Housing Recovery Act. That is going to resolve many of the issues that gulf coast States and States in the future will face, and will allow us, allow the Federal Government to work in an appropriate way versus an inappropriate way of not being prepared for the needs of the American people.

Then on Wednesday we are going to deal with U.S. troop readiness and accountability act, the U.S. Troop Readiness, Veterans' Health and Iraq Accountability Act. Mr. RYAN, you and I were talking about this yesterday, and you were marking it up, or you have marked it up in the Appropriations Committee.

I think it's important that we share with the Members, as they break to go home back to their districts, that the real story within this bill is that it has accountability, that it is protecting the troops in a way that the Department of Defense has said that they should be protected, using their own rules and regulations for readiness.

Now, what does that mean? That is to assure, Mr. RYAN, as you mentioned yesterday, that they have what they need when they go into theater, that it is already there before they get there. They have things that are simple like Kevlar vests, up-armored vehicles, to make sure that they have appropriate downtime before they are put back into the theater. These are Department of Defense regulations. These are not regulations that we came up with here in Congress, this is Department of Defense regulations. So we took those regulations and put it into this legislation.

Looking at holding the Iraqi government to the benchmarks that the President spoke about, when he spoke of his escalation on plan, it's holding the President and also the Iraqi government accountable for benchmarks as it relates to continued funding. Also, I mentioned the strategy of redeployment of U.S. troops by 2008. I think that is very important.

Yesterday I read some poll numbers, Mr. RYAN, that the American people are far ahead of the Bush administra-

tion on this issue. Guess what, we are helping the American people make sure their message makes it into law, makes it into this great emergency supplemental that has teeth in it and that has benchmarks for accountability and fiscal responsibility.

Also, when we look at refocusing military efforts on Afghanistan and fighting terrorism, it's in the bill. What is also in the bill is expanding funding for veterans health care and hospitals. Our track record is clean on this, \$3.6 billion went into veterans health care prior to the Walter Reed story breaking, prior to this emergency supplemental, and the continuing resolution that we passed almost a month ago.

If we can talk a little bit about this legislation, the legislation is coming up next week, but talk about the significance, not only of housing for individuals who are in gulf coast areas, but also the U.S. Troop Readiness, Veterans' Health and Iraq Accountability Act. You all just had a great discussion on it today.

Can you share it with the Members so they know exactly what they are voting on next week? You know, in the 30-Something Working Group, we hate to see Members that don't fully understand what they are voting on, because when they go back home and a veteran walks up to him and says, Congressman, Congresswoman, why didn't you vote for additional funding for veterans health care, or when they go to a military base, a Reserve unit, National Guard or Active duty, and they say, well, Congressman, Congresswoman, why are you putting me back into the theater and I just left the theater 120 days ago? That is against Department of Defense regulations.

Ms. WASSERMAN SCHULTZ. Can I share a story with you? I know I have shared this with you before, but I think it's worth repeating.

Right before we debated the Iraq war resolution a couple of weeks ago, I took the opportunity to go to Walter Reed and visit our wounded soldiers, had a chance to meet with six or eight of the finest young men that I have ever encountered. One of them was a young man who suffered from an inexplicable illness and was recovering at Walter Reed.

When I met him, his wife and his 6 year-old little boy were there. The gentleman explained to me that he had been in the middle of his third tour of duty, and he had a 6 year-old little boy. Each tour was 1 year, 1 year.

Now, if you do the math, that means that he missed half of his little boy's life. The overwhelming sadness that came over me was almost too much to bear. I mean, this little boy was so sweet, his wife was so understanding, they were so committed to his dad's service, her husband's service. The little boy said to me, just spontaneously, you know, as 6 year-old little boys are, I have a 7 year-old little boy so I know, he spontaneously burst out, he knew

his dad was supposed to finish his tour in August, and he was going to come home forever in August. We forget this is about families and people, and we are destroying the fabric of these families.

Mr. MEEK of Florida. I have to run to the whip's office for an important meeting. I am a member of the Ways and Means Committee. Maybe you all will get a call. I know you are all important, you may get a call as members of the Appropriations Committee to go to the Democratic whip, office of the majority whip, but let me just say this very quickly, the men and women in uniform are standing by for us to sling-shot them in. They want us to stand up for them.

Mr. RYAN, I told you the other day a great Ohio saying, you have to have these sayings in Washington, D.C. and in politics, where they said that we have to remember that the field mouse is fast, but the owl can see at night. It's important that every Member of the House remember why we are here in the first place. People voted for us, you mentioned families, people voted for us to stand up for them, not stand up for a political party or to stand up on behalf of, oh, well, my President is in the White House.

Guess what, the President is the President for the entire country. I don't say your President, he is my President too. When we have issues such as this and we have supplementals, the President said we had a nonbinding resolution, it's nonbinding.

Guess what, this is binding. For folks who are looking for a binding document, this will be a binding document with accountability measures. I hope the two of you as members of the Appropriations Committee can go into it further, because we do have some Members that are on the fence, and we want those Members to vote on behalf of the continuing emergency supplemental so that the troops get what they need. They want us to stand in for them. They want to make sure that we make sure that we sling-shot them in for a win for a change, and this is on behalf of the men and women in uniform, our veterans have been waiting for them.

Mr. RYAN of Ohio. If the gentleman will yield, there is no better way to support the troops than this supplemental bill that just passed out of our committee, and it will be on this floor next week. If you want to talk about sling-shooting the troops in, what we have done, and the Democratic leadership, and Mr. MURTHA, Mr. OBEY has been absolutely phenomenal as to what we have been able to do; \$1.7 billion more than the President's request for defense health care. I don't know how you could vote against us; \$450 million for post-traumatic stress disorder; \$450 million for traumatic brain injury care and research; \$730 million to prevent health care fee increase for our troops; \$20 million to address problems at Walter Reed, and almost \$15 million for

burn care; another \$1.7 billion in addition to the President's request for veterans health care, \$550 million to address the backlog in maintaining VA health care facilities, which has been a huge problem; \$250 million for medical administration to ensure sufficient personnel to support the growing number of Iraq and Afghanistan veterans who are coming back so that they can have the level of service that they need.

Now it's one thing to say you support the troops and then you turn around and you vote against a bill that has \$4- or \$5 billion in it to support the veterans and the troops coming back. It seems quite apparent to me that this is something that we need to do.

Believe me, nobody wants to get out of war faster than me. I want to be out this afternoon, tomorrow morning. Let's come back. This has been foolish to begin with, but there is a certain reality on logistical needs and diversity in the country of how we should do this.

So what we have done today was create a real framework for our kids to come back home, to let the Iraqis stand up, and put these benchmarks. I just want to talk for a minute about what these benchmarks are. Some people say, well, you are tying the President's hands, you are trying to micromanage more. We are not. That is not true.

The facts of the matter are these, the President and the Pentagon have benchmarks. So how many Iraqi troops need to be trained, what does the political situation need to look like? Have they achieved their political and military benchmarks that have been set by the President? All we are saying is that you have to show some progress towards those benchmarks by July.

Now, granted, we have already been in this war longer than we were in World War II. So by July you better show some progress as to meeting the benchmarks. If you are not showing progress, we will begin to redeploy out.

But if by July you are showing some progress, you will then have until October to actually meet the benchmarks. If you don't meet them by October, we redeploy. If you do meet them by October, we redeploy, because you have met the benchmarks.

This is just bringing this war to a reasonable end. What we have done today, I think the end is in sight.

Ms. WASSERMAN SCHULTZ. I am so glad that you went through those benchmarks and stressed that these were the President's benchmarks that we used. The President, on January 10, outlined the benchmarks for success, that he felt were imperative that we need.

Those were that we must give the United States the authority to pursue all extremists, we must rein in the militias and have Iraqis step up to the plate to enforce security. They have to decide how their oil revenues are going to be distributed. That is a very important benchmark that has to be accom-

plished, and they have to pass reconciliation initiatives to keep their country together. Their country is essentially about to fall apart. They are in the midst of civil war and are absolutely at the breaking point.

Besides those benchmarks that we had in that supplemental that we passed out of the Appropriations Committee today, and besides the incredibly necessary emergency funding that the troops need and that our veterans need, we also put provisions in that legislation to make sure that our troops can catch their breath.

I referred to that soldier who I met in Walter Reed, whose little boy just wanted him to come home, and who had missed half his little boy's life. We have soldiers, many, many soldiers, who have completed three tours of duty, are about to go on their fourth, who are deployed for 365 days and then that deployment is extended.

The language we put in that bill ensures and says to the Army that they need to make sure that those deployments are not beyond 365 days.

□ 1630

The President can waive that provision by submitting a report to Congress detailing why that unit's deployment is in the interest of national security. But that is the kind of accountability that we are inserting to protect our troops, to make sure that the President certifies that that deployment, that extension is absolutely essential to protect national security, despite the assessment that the unit is not fully mission capable.

Our readiness is shot. We are spread so incredibly thin, and we are talking about the impact on human beings' lives.

How about the length of deployment? The language in our bill requires the Defense Department to abide by its current policy and avoid extending the deployment of units in Iraq in excess of the 365 days. We have to make sure that those units are fully mission capable, and the time between deployments is essential as well.

The Defense Department would be required to abide by, again, its current policy and avoid sending units back into Iraq before troops get the required time out of the combat zone and training time, 365 days for the Army, and 210 days for the Marines. And the President can also waive that provision in the interest of national security. He just has to certify to Congress that that is the case.

And that is the kind of accountability that the American people insisted upon on November 7. They asked us for a new direction, in the 6 in 2006 items of our agenda that we have already passed, and they insisted that we move this war in a new direction so that there would be an end in sight, so that the President would no longer have a blank check, and so that we could make sure we could protect our men and women in uniform who are

protecting us. And I would be happy to yield to the gentleman. And I am going to have to take my leave of the gentleman because I have constituents that are in town that I need to speak with. I look forward to you carrying on.

Mr. RYAN of Ohio. I look forward to the old team being back down here. And I just want to continue as to what we are doing to try to fix this problem.

As I said, with the benchmarks and making sure the Iraqi soldiers stand up, but a key component of this, as Ms. WASSERMAN SCHULTZ has just mentioned is that we are saying that our troops can't leave here, the United States, and go to Iraq if they don't have the requisite level of equipment and training. And I don't think there is anybody in the country who would want to send one of our soldiers or lots of our soldiers off to war knowing, and the legal term is *mense rea*, you know, with intent, send kids that don't have the proper equipment and training.

And the training part is something that Ms. WASSERMAN SCHULTZ was just talking about. We have a readiness crisis in the Army. We are not capable now of handling another situation, military situation.

Now, I think if you would ask the American people are we overstretched, they would all say yes. And if you talk to the military families, they say, yes, we are overstretched to the point where we have kids in battle who don't have everything that they need. And that is unacceptable. And so in our supplemental bill, we are saying that if you don't have the training and the equipment and the proper amount of rest, you are not going.

Now, we put a waiver in there so that the President could waive it if there is a national security interest involved. But we don't like it. I know I don't like it. I shouldn't speak on behalf of everybody.

But the bottom line is, the President is the President. He is the Commander in Chief. He won the election in 2004. So we are left to deal with the situation.

And if you look at some of the polling in the country, 76 percent of Americans favor requiring U.S. troops returning from Iraq to have at least 1 year in the U.S. before being redeployed. That is a Gallup poll. Seventy-seven percent favor requiring U.S. troops to come home from Iraq if Iraq's leaders fail to meet promises to reduce violence there. And 76 percent of the American people don't think the Bush administration has done everything they could reasonably be expected to do to care for the needs and problems of veterans.

But the bottom line is the American people want accountability, and the American people want to change course. You don't see the kind of tidal wave election that we had in November without a message that comes with it. And the message is, we need to change direction. And the Iraq supplemental bill that passed out of the Appropriations Committee today and will pass

off the floor next week is that change in direction.

Is it everything all of us want? No. Are there things in there that we don't like? Yes. But we have to change direction in this war. It is not going well.

And you talk to the families and, you know, as a Member of Congress, I have made the phone calls, other Members of Congress have made the phone calls to parents. We have been to the funerals, and it is not good. And quite frankly, I don't want to go to any more. But I found out yesterday that I have got to go to another one.

This war has got to end, and it has got to stop. And what we are doing is the quickest way for us to go about bringing a reasonable, thoughtful end to this war, and that means getting our troops out of the middle of a civil war in Iraq.

There are only 2,000 al Qaeda members in Iraq. The war on terrorism needs to move back to Afghanistan, the country that harbored Osama bin Laden. And in this bill there is 1.2 billion additional dollars from the President's request to focus back on Afghanistan, because now Afghanistan, we are starting to lose our way in Afghanistan now because of the lack of focus.

So I think it is very important that the American people recognize what is in this bill. There are benchmarks there that the Iraqis need to meet. And if they don't begin to meet them and show some progress, we start moving out.

We have had 4 years for them to get their stuff together. And for whatever reason, they haven't. And I think, contrary to what some of my friends on the other side have been saying, and the President has said, and people who have kids and everything realize this, this is very basic, that the President is saying, well, if you give them a benchmark, then they are just going to wait us out, and then we leave, and then they will take over, like everything is great right now, and then it will get bad. But it is bad right now.

What we are saying is if we communicate to the Iraqis that we are going to stay there indefinitely, then they will never get their stuff together because they are always relying on us. And what we are saying is, we are not going to be there indefinitely; you better start getting along with each other.

And I hate even saying that because I didn't want this war to happen in the first place. Now we broke them and now we are saying, get your stuff together.

But the bottom line is this, we are where we are, and they need to get together. And the political and religious factions need to get together. And if they don't, we need to leave. And if they do, we need to leave.

I think we have spent enough money, 400, going to be \$500 billion in Iraq. \$500 billion. And 3,100-plus lives, 20-some thousand soldiers who have been amputees, brain injuries, post-traumatic stress disorder. Enough is enough.

Enough is enough. It is time to bring this war to an end. And that is what our supplemental ultimately does.

And so, in closing, I would just like to say, Madam Speaker, that the last 3 weeks we have had hearings in our Labor, Health and Education Subcommittee, and we have had great people testifying on health care in the United States, education in the United States, very interesting stuff. But there are two things that have really hit home to me as I was sitting through these committees with all these experts.

And we had the education experts saying to us that this may be the first generation of Americans who will not have the standard of living or improved standard of living, compared to that of their parents. That was one hearing.

And then the next hearing came in and it was the health care experts. And the health care experts were saying that this generation may be the first generation of Americans that do not exceed the life expectancy level of their parents because of the crisis that we are having in health and obesity in the United States. Literally, your parents may, if you are a kid, your parents may live longer than you live. First time.

And when you look at the money that we are spending to destroy and to kill, as opposed to the money that we spend to create and to build up, it is tragic. It is tragic. And I hate voting for this stuff, but we have to because we have got to get out of there.

But the bottom line is this, we are spending hundreds and hundreds and hundreds of billions of dollars, and the Head Start program that helps kids get off the ground is being cut by \$100 million in the President's budget. We are going to fix that. That is not going to end up that way.

But when you look at we are spending hundreds and hundreds of billions of dollars and flatlining funding on programs like Gear Up and TRIO that help young kids get into colleges and that we are not covering enough kids with children's health care, I hope we all remember this when we get through this war and it is time to make the proper investments in our country.

We only have 300 million people in this country. China has 1.3 billion. India has 1 billion. We need everybody on the field playing for us.

Let's put this war to an end. Let's bring our kids home with dignity, and make sure that when they get home these veterans have the proper health care that they need and that they deserve, and then let's start making some investments into this country so that we can be the best that we can possibly be.

Madam Speaker, you can e-mail us at 30somethingdems@ mail.house.gov, or visit us at www.speaker.gov/30something and comment. All of the charts that were seen here are on display on the Web site.

And with that, we conclude our 30-something for the week, and we will see you next week.

#### VACATING SPECIAL ORDER OF MR. POE

The SPEAKER pro tempore (Mrs. BOYDA of Kansas). Without objection, the 5-minute speech of the gentleman from Texas (Mr. POE) is hereby vacated.

There was no objection.

#### PROSECUTION OF BORDER PATROL AGENTS

The SPEAKER pro tempore. Under the Speaker's announced policy of January 18, 2007, the gentleman from Texas (Mr. POE) is recognized for 60 minutes.

Mr. POE. Madam Speaker, this afternoon I want to discuss criminal cases, three criminal cases that have occurred in these United States. All three of these criminal cases have to do with law enforcement officers that were prosecuted by the Federal Government for alleged crimes that they committed on the southern border with Mexico. And I want to discuss the facts of each of these cases so that we have a clear understanding on what has occurred on the border and the border war with Mexico, and how our Federal Government is so relentless in prosecuting the border protectors and not prosecuting those who come across the border illegally.

The first case has to do with the Border Patrol by the name of David Sipe. David Sipe patrolled the Texas/Mexico border down in what is called the McAllen area. Pinedas, Texas, is exactly where it occurred. That is on the tip of Texas, on the Gulf of Mexico that borders Mexico.

In April of 2000, he was on patrol, as he did for many years, as a Border Patrol agent. And a sensor goes off on the border. What that means is that people are coming across the border without permission, illegals, if we can use that phrase.

David Sipe goes to the area where the sensor goes off and he sees 12 to 15 illegals coming across the border. Agent Sipe orders them to stop.

Now, first of all, Madam Speaker, we have one patrolman and 15 illegals. It takes quite a law enforcement officer to have the courage to stop that many people coming into the United States. But he did so because that was his responsibility.

Three of those illegals, however, ignored Agent Sipe and ran into a brushy area there on the Texas/Mexico border. He caught those three individuals. And one of those individuals who was illegally in the country, a Jose Guevara, attacked Border Agent Sipe. And according to Border Agent Sipe, Guevara was going for the agent's weapon while he was being attacked by this illegal.

So Agent Sipe pulled out a flashlight. It is not just a little flashlight that we

normally get over at Wal-Mart. It is one of those long flashlights, and he hit Guevara in the head defending himself. And the wound on Guevara's head required about five stitches later.

□ 1645

Now, instead of prosecuting Guevara for assaulting the border agent, instead of prosecuting Guevara for being in the country illegally, our U.S. Federal Government swoops on the scene and charges Agent Sipe with using excessive force in the arrest of this illegal.

The government then gave Guevara, the illegal, and two other illegals what I call "get out of jail free" cards. In other words, their crime, illegally coming to the United States, their crime in my opinion of assaulting a border agent, was forgiven with some kind of backroom deal with the promise of those individuals to testify against Agent Sipe in Federal Court for using excessive force against these individuals.

But that is not all your Federal Government did for these illegals. Giving them get out of jail free cards also gave them Social Security cards, witness fees, and permits allowing them travel back and forth across the border to Mexico without any type of intervention, and further gave them living expenses or money, and, finally, gave them free government phones to use while they were waiting to testify against Sipe. So this is the deal they got to testify against the border agent.

Now, it has been my experience as a judge in Texas for over 22 years, trying only criminal cases, only serious felony cases, that when the prosecution starts making deals with witnesses or law violators and giving them some benefit for testimony, they usually get the testimony that the government wants.

And so what happened in this case? The agent was tried, he was convicted, and the three illegals who got immunity testified against him. He was convicted in the year 2006. During the trial, the Mexican Government was involved in this case, pursuing and demanding prosecution of Agent Sipe.

Now, let's talk about the rest of the story. He is convicted and his case is on appeal. But it turns out, while his case is on appeal, he files a motion for a new trial with the trial judge, telling the trial judge that at his own trial the jury should have heard about the deal made to the illegals. You see, the jury was never told about this backroom deal made with these witnesses. The Federal judge agreed and ordered a new trial.

During these hearings, the U.S. Attorney's Office of course never told the defense that they had given the illegals money or U.S. documents or immunity or green cards or Social Security or cell phones. See, the government never told the defense that during the trial, and they didn't know this deal was made with these illegals, and it is found out after the trial. And once this is found out, brought to the attention

of the Federal judge, the defense saying the jury should have known about this so they could hear and judge the credibility of these illegals, a new trial was ordered. And sure enough, he was tried again, the second jury hearing all the truth, the second jury hearing the evidence that the prosecution suppressed in the first trial, and the second jury found Agent Sipe not guilty of any wrongdoing in January of this year.

So the facts of this case: Federal Government prosecutes the border agent for using force; the Federal Government hides evidence in the trial; they are caught hiding evidence; a new trial is ordered; the new trial occurs. The jury hears about the deals made with the illegals, and the second jury finds the agent not guilty, and properly so. Agent Sipe is trying to get his job back as a border agent, but of course our Federal Government is fighting that situation as well.

It makes you wonder, Madam Speaker, why our Federal Government is so relentless in prosecuting border agents, especially in a case like this where the person was found not guilty. And why must our Federal Government withhold and hide evidence that is favorable to the defense in a criminal case? Is it just so they can have convictions of border agents? It makes one wonder, does it not, Madam Speaker?

The second case involves one that most Americans have heard about, two border agents once again on the Texas/Mexico border. Their names are Ramos and Compean. Both of these individuals I have met. I have met their families. They are wonderful people. And both of them, all they ever wanted to be was a law officer protecting the U.S. border from people illegally coming into the United States.

So while these two individuals are on patrol as border agents on the southern border with Mexico, Agent Ramos responded to a call for backup from Agent Compean along the Texas/Mexico border. He had noticed a suspicious van coming into the United States, Texas, if we will, and it looked funny. And based upon his experience as a border agent, a van coming across the river at this desolate area only means one thing to most people: that means it is a drug dealer bringing in drugs.

In the van was an individual by the name of Aldrete-Davila. He was a drug smuggler. And when he comes across the river, he notices the border agents see him. He tries to turn the van around and head back to Mexico. He abandons the van, takes off running. He gets in a scuffle with one of the border agents right there in the Rio Grande riverbed. He runs on back across the Rio Grande river. Shots are fired by both border agents. And Davila, as he is going into Mexico, is shot in I believe the left cheek and the bullet coming out the right cheek. Of course, no one at the scene neither, Ramos or Compean, the border agents, knew that they had hit this individual because he disappears. He already had

somebody waiting for him on the Mexican side to pick him up and take him back into Mexico someplace.

They go to the van, and in the van, sure enough, 800 pounds of marijuana. Now, that doesn't mean much to most of us; but if we give you a money figure, it will be relevant. The marijuana in the van was worth approximately \$1 million. And it is recovered. And then the border agents, after other border agents appear on the scene, are eventually charged with using excessive force against the drug dealer.

How did this all occur, since no one even knew the drug dealer was hurt? Well, it turns out, once again, our Federal Government gets involved in this case, goes to Mexico, finds the drug smuggler Aldrete, brings him back to the United States, takes him to a hospital in El Paso, Texas, and pays for his recovery and his surgery. Paid for it, that means American taxpayers paid for his surgery and paid for his treatment. And while there, he decided he is going to sue the Federal Government, that means us, the taxpayers, for \$5 million for being shot by two border agents.

Now, it is true, Ramos and Compean probably did not follow appropriate policy in the way they handled the reporting of this incident, and so they were suspended. They are tried, but they are not tried for violating Border Patrol policy. They are tried for using excessive force in firing their weapon at this drug dealer as he is fleeing back to Mexico. Part of the reason that they were prosecuted was because, like in the first case with Sipe, the Mexican Government in its self-righteous arrogance demanded prosecution of these two border agents, and that is exactly what happened.

They were prosecuted. They were tried in Federal Government court. It took forever for us in Congress to receive the trial transcript of that trial. And they were sentenced to 11 and 12 years in the Federal penitentiary for alleged civil rights violations.

Now, the Federal Government, the prosecutors, in this case made another deal, a backroom deal with the drug smuggler. They forgave him of his sins of bringing in \$1 million worth of drugs if he would testify against the border agents in this trial. And he did what was expected of him: he testified just exactly the way the Federal Government wanted him to testify in this case.

But now there is more to the story. It turns out that the drug dealer, while waiting to testify after picking up the first case, getting immunity from being prosecuted, and before the trial it seems as though that our little friendly drug dealer from Mexico brings in another 750 pounds of marijuana. And the Federal Government knew about this case, the DEA investigated the case, they made a report. I have that report; I have seen the report. That case is simple to be made. In

other words, it could be a simple prosecution. A third-year law student could prosecute that case.

But the Federal Government doesn't prosecute the drug dealer on the second case. They just ignore the second case. He is never charged; he is never arrested. Nothing ever happens in the second case. And more importantly, the jury never heard about the second case and the second deal that our Federal Government implicitly made for the drug dealer.

Now, why is that important? First of all, it is withholding evidence from the jury. And as we discussed, it is basic American law that the prosecution may not withhold evidence favorable to the defense. They may not withhold it on purpose, they may not withhold it because of their negligence, and they may not withhold it because of their incompetence. If you withhold evidence from the jury that is beneficial to the defense, normally the defense is entitled to a new trial.

Also in the trial the drug dealer was made out to be, by the prosecution, as he testified, just a mule and that he was bringing drugs in the United States to get a little money to help his poor sick mama down there in Mexico. Well, we understand of course that wasn't the truth. He was more than a mule. He brought over at least two different times drugs into the United States. It kind of puts him up on the ladder a little bit, each time the drugs, around \$1 million of drugs, going into our streets and our highways and byways. And the prosecution ignored the second case, and the jury should have heard about the second case to judge the credibility of the witness. And what do I mean by judge the credibility of the witness?

You see, when the witness comes in and testifies, the jury needs to know what deal the prosecution made with the witness to get him to testify because, as I mentioned earlier, you usually get the testimony you want when you make a deal with some criminal. And in this case, the prosecution obviously got the testimony they wanted because Ramos and Compean were convicted.

And so the question is, why did our Federal Government in this case choose not to prosecute the drug dealer?

Assume, if you will, that the border agents violated some policy. They probably should have been suspended, given some days off for not filling out the forms correctly or reporting it correctly. But here, on the other hand, you have got a drug smuggler bringing in \$1 million worth of drugs.

Now, why did our Federal Government choose to prosecute border agents and not prosecute drug smugglers? We don't know the answer to that question. We may never know the answer to that question. But we do know the Mexican Government in this case as well was involved in relentlessly wanting these two border agents prosecuted.

They are both now in Federal penitentiary serving their 11- and 12-year sentences. One of them, shortly after he went into custody, was beat up by people in the local prison because of the fact that he was a Border Patrol agent and arrested many drug dealers in the past.

And let me give you a little more information on this particular case. When this all came to public light about these two border agents, myself and other Members of Congress wanted to know the facts because the trial transcript had not been produced yet.

So we met with members of the Office of Inspector General to try to get a briefing, if you will, on what happened down there on the border; and during that briefing we were told certain things that did not occur. We were told that Ramos and Compean had decided that day they were going to shoot a Mexican national. At the trial, there is no evidence that that ever occurred or any statement was ever made. Is that misleading Members of Congress, misleading the American public?

We were also told that Ramos and Compean did not think the drug dealer had a gun. Not so. During the trial, both agents testified they had thought the drug dealer had a gun, thus the way the angle of the bullet went through one buttocks and came out the other side as if somebody is pointing a weapon at you. That was a falsehood as well.

It makes us wonder as elected officials why our Federal Government is not candid with Members of Congress about the truth of this particular case. So in this particular matter, the jury didn't hear about the second case. And now they are both in prison while their case is on appeal. And, hopefully, the appellate courts will review the entire matter, reverse the case, order a new trial, and let the jury hear all the truth in the second trial, like the jury did in the David Sipe case.

Now the third criminal case, which is even more recent than Agents Ramos and Compean. It also occurs in Texas, it also occurs near the Texas/Mexico border. It occurs in a place called Edwards County, Texas. Probably most Americans haven't been there. Edwards County is about the size of Delaware, and on any given day there are three deputy sheriffs on patrol. That is all.

□ 1700

And one of those deputy sheriffs is a person by the name of Gilmer Hernandez. Gilmer Hernandez was on routine patrol by himself. Of course, they don't have enough manpower to put two people in a patrol car. And in the middle of the night, he is in the small town of Rock Springs, Texas, and he notices a truck, a Suburban, runs a red light. Deputy Hernandez pulls over the vehicle. He approaches the vehicle, and he notices a bunch of people are laying down on the floorboard of this vehicle. As he approaches the vehicle, accord-

ing to Deputy Hernandez, the driver takes off, swerves around, and tries to hit and run over Deputy Hernandez. So what does he do? Well, he pulls out his pistol and he starts shooting. And what is he shooting at? The tires. Just like in the movies, I guess. Deputy Hernandez not only shot at the tires, he hit them, and he blew out at least one, maybe two tires. The vehicle stops. Seven or eight illegals jump out and take off running.

Deputy Hernandez calls the sheriff, tells him exactly what happened, what he did. The sheriff arrives on the scene. The sheriff calls for an independent review or investigation of this entire thing since a shooting was involved, and in come the Texas Rangers.

Many people aren't too familiar with the Texas Rangers, but they are, in my opinion, as fine a law enforcement agency as there is anywhere in the world. They work independently of everybody. The Texas Rangers investigate this case, and they find that Deputy Hernandez acted properly throughout the entire matter.

Now, one thing I must mention is that while he was firing his weapon at the vehicle, one of the bullets ricocheted and hit a passenger in the lip, causing minor injuries, and that passenger stayed in the vehicle when the others fled.

But then here comes the Mexican Consulate with another demand letter to our Federal Government demanding prosecution of Gilmer Hernandez for firing his weapon, even to protect himself.

And then the Federal Government, our Federal Government, even though an investigation had already been done by local law enforcement, like the cavalry they show up to save the day, and Gilmer Hernandez is prosecuted for unlawfully discharging his firearm even though, in my opinion and the opinion of the other law enforcement agencies, he did exactly what he was supposed to do.

Now, Gilmer Hernandez was tried and he was convicted. And on Monday he is going to be sentenced by a Federal court for firing his weapon.

Let me tell you a little bit about Gilmer Hernandez. He is a deputy sheriff. He is 25. He is married and has a child. And patrolling the West Texas sands between Mexico and Texas earns him \$21,000 a year. He has always wanted to be a lawman. He is proud of his service. And now he is in jail for enforcing the law.

So what do we know about the illegals in this case? Remember they are illegally in the country just like the drug dealer was illegally in the country, just like the other three individuals in the Sipe case were illegally in the country. Well, our Federal Government doesn't deport them back to Mexico. Our Federal Government makes a deal with these illegals and gives those seven or eight illegals green cards so they can stay in the United States and testify against Deputy Hernandez.

So it is interesting that these three cases are so similar. It is interesting how our Federal Government has such zeal to prosecute border protectors. And why does our Federal Government immediately take the side of the person that is illegally in the country whether they are an illegal or whether they are a drug dealer or whether somebody assaulted one of our Border Patrol agents? I don't know the answer to that question, but they do. And what has the effect of that been on our border protectors? What effect do you think it is on our border protectors? Border Patrol agents and deputy sheriffs that patrol the southern border with Mexico, when in doubt, they back off. Why? Because if they do their job and protect the border as we expect them to do, the Federal Government doesn't back them up. The Federal Government backs up the illegals that come into this country. All the while we have got the Mexican government back here demanding prosecution of our border protectors.

It is very disturbing to see this trend. And, Madam Speaker, as I mentioned before, I was a judge in Texas for 22 years. I heard about 25,000 felony cases, everything from stealing to killing. And I heard every kind of defense, every kind of story, and every kind of accusation against individuals. And before that I was a prosecutor in Houston, Texas, for 8 years. And I don't have any sympathy for criminals. I don't care if they are what we consider regular criminals or peace officers that violate the law. I even prosecuted five Houston police officers one time for beating up an individual of Hispanic descent and throwing him in one of our bayous where he later drowned. I have no sympathy for criminals whether they wear the badge or don't wear the badge. But looking at these three cases makes me wonder why our government is making the choices that it is making. I guess as long as we will continue to pursue these three matters, we may find the answer.

Now, many Members of Congress on both sides of the aisle have asked the President to pardon Ramos and Compean. That is the President's decision. He hasn't said one way or the other what he is going to do. He has the authority under the Constitution to pardon people. That is his authority, and whatever choice he makes, I respect that choice.

But we are also asking for there to be congressional investigations into this entire matter of the prosecution of these cases, especially in light of the fact that we now find out that the Office of Inspector General misled several Members of Congress, like myself, of what the facts were on the border between Mexico and Texas and in the Ramos and Compean case, because we just want to get to the bottom of it and find the truth in these matters and especially why our government makes the choices that it does.

You know, Madam Speaker, last year and this year we are hearing a word

tossed around. The word is "amnesty." I am personally opposed to granting amnesty to people who are illegally in the country, rewarding them for illegal conduct. But we hear about that amnesty all the time. But before we start talking about giving amnesty to 15 to 20 million people that are illegally in the country, why don't we just give amnesty to about three people, two border agents and a deputy sheriff that are behind bars that happen to be American citizens? Give them amnesty because, in my opinion, what they have done deserves either a pardon or some form of amnesty. And it appears to me that besides really telling our law enforcement officers to back off on protecting the borders, this sends a message to other people, and those are people who want to come into the United States illegally.

Now, we hear all of that about people coming over here and looking for a better life and that sort of thing. That may be true with some people. But not everybody coming over here is looking for a better life. People like Aldrete are coming over here to make a little money selling dope, over a million dollars worth of it in two cases. And failure to protect the border encourages those people to come across the border illegally as well.

And then there is that other group we haven't even talked about, those people that we still use the phrase of terrorists. But since the border is unprotected, it is much easier to just come right into the United States that way instead of fly into Reagan International Airport right down the street. So when we have lawlessness on the border that breeds more lawlessness. And failure to protect the borders increases illegal activity. Failure to support law enforcement agents that are doing their legal job encourages illegal activity into the United States.

I think all of this is telling us that, it appears to me, the Federal Government doesn't have the moral will to protect the borders. Why do I say that? Because this is the most powerful country that has ever existed but yet we cannot protect our borders. Why not? Because we don't have the moral will to do so. The United States defends the borders of other nations. We send our troops all over the world to defend the borders of other nations: Korea. We have got troops in Iraq, Afghanistan, Bosnia, all over the world. But yet we don't protect our own borders. Why not? Because maybe we don't have the moral will to do so. If we did, we could close the borders to any illegals coming into the United States.

So our Federal Government needs to get on the right side of the border conflict, and that is the American side and what is best for the United States. Not what is best for illegals, not what is best for some foreign country, not what is best for drug dealers coming into the United States, but what is best for the United States. And our Federal Government needs to get on the right side of the border conflict.

Madam Speaker, when I was a judge, I always wanted to make sure that in that particular case that justice occurred. To quote Willie Nelson, not that he was a great legal mind, but he made the comment that justice is the one thing we should always find. And that is true. Justice is the one thing we should always find. And, hopefully, if we bring more light to these law enforcement cases where law enforcement officers are prosecuted for doing their job, bring light to the American public that justice will prevail because I do believe in our system. I believe in our system of the trial court and the jury and the appellate courts, but I also believe in openness and that the prosecution cannot and should not ever hide evidence that is favorable to the defense. And down the road, hopefully, we will see justice occur, that these wrongs will be righted, that the innocent will be set free, and that the guilty will be prosecuted for their crimes against the United States and against law enforcement officers that protect our border day in and day out.

Now, I have been down to the Texas-Mexico border seven or eight times. I have been to the California-Mexico border. I hope all Members of Congress, especially those that live in other parts of the country, go to the border to see what it is like. It is a volatile area of our country, and all you need to do is go down there and see it.

When I was down at the Nuevo Laredo sector, where there is a high volume of crossings into the United States, both legal and illegal, I asked a former Texas Ranger, I said, What is it like down here? Give me your opinion.

And he said, Well, Congressman POE, after dark on the Texas-Mexico border, it gets western. It gets western.

What he meant by that is it gets violent. It gets violent. Sheriff Rick Flores of Webb County, Texas, and Webb County is also on the Texas-Mexico border, stated not too long ago that it is not unusual to be down on the Texas border on the American side and get gunfire from the Mexican side coming across shooting at his deputies. Whom is that from? Drug cartels fighting over turf. It gets western.

And the people we have asked that have sworn an oath to protect our border are the peace officers. They wear the badge. They are all that stands between us and the lawless. And we have the duty to make sure they have the equipment to do that job and fulfill that mission, and we have the duty to make sure that when they are in conflict and they have not committed any violation of the law that we totally support them and that we don't give in to the political pressures of other nations.

Madam Speaker, I just want to say that's just the way it is.

□ 1715

## USING CONSTRUCTIVE ENGAGEMENT IN THE MIDDLE EAST

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

Mr. McDERMOTT. Madam Speaker, you don't negotiate with the barrel of a gun, but that seems to be the President's strategy with respect to Iran. That is why the House must legislate to ensure that the President cannot unilaterally start another war in the Middle East, this time with Iran.

The President has lost all credibility, and the world worries that another war will be waged in Iran in the name of regime change. It has been over a quarter of a century since the U.S. tried constructive engagement instead of destructive isolationism in dealing with Iran.

Foreign policy under this President has played a role in pushing Iran's leaders to the fringe. The Iranian President appears intransigent and willing to use strident rhetoric to drive a wedge between the United States and other nations. What is our response? Showdown and confrontation are the diplomatic skills of this White House, a repeat of the spin cycle to foment a march to war against Iraq. Today it is economic sanctions against Iran, but what about tomorrow?

Presidential advisers like the Vice President continue to encourage a policy of aggression. The President says one thing, but the Vice President says all options are on the table. The Secretary of State says one thing, but then we read what is going on behind the scenes from an investigative reporter, Seymour Hersh. The world is weary over the war in Iraq, and the world is worried about the President's intentions regarding Iran.

The other day the Asia Times raised these concerns in the section entitled "Dispatches From America." The Times published an article by Tom Engelhardt called "A Bombshell That Nobody Heard," and I will enter it in the RECORD. The article considers the troubling information revealed by Seymour Hersh, especially the disclosure of U.S. military planning for a first strike capability targeting Iran, and ready to go on one day's notice.

Despite official denials, we see and hear the Vice President chill the world by saying a military option against Iran has not been ruled out. Having seen it before in this administration, one troubling thought comes to mind: Bullets and bluster are more likely to produce bloodshed than peace.

That is why the House must exert its constitutional duty when it comes to the President's intentions with respect to Iran. We have got to chart a new course in the Middle East, and it has to be based on a commitment to stop the bloodshed, not guarantee the flow of oil. And we cannot hope to achieve

peace or stability in Iraq or Iran without addressing the Palestinian-Israeli issue openly, honestly and urgently.

The issues of the Middle East are inextricably interconnected, and no one understands that better than Speaker PELOSI. At a time when the White House prefers to choose sides, our distinguished leader prefers to pursue peace in the Middle East, demanding diplomacy aimed at achieving peace through social and economic justice for all.

It is the kind of vision the whole world has passionately embraced before when the world believed the United States could stand taller than any problem and person in the region.

So one has to wonder, what were they thinking the other day when some Members of AIPAC, the American Israeli Public Affairs Committee, rudely booed during a keynote address as the Speaker spoke very plainly on this issue. She said the Iraq war has not made America safer, has not made Israel safer, and has not made peace in the Middle East much easier to achieve.

That is the truth. What is wrong with speaking the truth? Leaders speak the truth because they have a deep and abiding faith in the strength of people everywhere to see the truth for what it is and to use it to lay a foundation to build a better world.

Today, America has a Democratic leader willing to see the world as it is, but unwilling to leave it that way. These are difficult times and we face difficult decisions just ahead. We need a strong commitment to get our soldiers out of Iraq and the strength to prevent another military misadventure in Iran.

The path to peace should be littered with pages and pages of negotiation, not booby trapped by inflammatory rhetoric and people unwilling to listen.

Madam Speaker, I include for the RECORD the materials referred to earlier.

[From the Asia Times: Dispatches From America]

A BOMBHELL THAT NOBODY HEARD  
(By Tom Engelhardt)

Let me see if I've got this straight. Perhaps two years ago, an "informal" meeting of "veterans" of the 1980s Iran-Contra scandal—holding positions in the Bush administration—was convened by Deputy National Security Adviser Elliott Abrams. Discussed were the "lessons learned" from that labyrinthine, secret and illegal arms-for-money-for-arms deal involving the Israelis, the Iranians, the Saudis, and the Contras of Nicaragua, among others—and meant to evade the Boland Amendment, a congressionally passed attempt to outlaw US administration assistance to the anti-communist Contras.

In terms of getting around Congress, the Iran-Contra vets concluded, the complex operation had been a success—and would have worked far better if the Central Intelligence Agency (CIA) and the military had been kept out of the loop and the whole thing had been run out of the vice president's office.

Subsequently, some of those conspirators, once again with the financial support and help of the Saudis (and probably the Israelis

and the British), began running a similar operation, aimed at avoiding congressional scrutiny or public accountability of any sort, out of Vice President Dick Cheney's office. They dipped into "black pools of money", possibly stolen from the billions of Iraqi oil dollars that have never been accounted for since the US occupation began.

Some of these funds, as well as Saudi ones, were evidently funneled through the embattled, Sunni-dominated Lebanese government of Prime Minister Fouad Siniora to the sort of Sunni jihadist groups ("some sympathetic to al-Qaeda") whose members might normally fear ending up in Guantanamo and to a group, or groups, associated with the fundamentalist Muslim Brotherhood.

All of this was being done as part of a "sea change" in the Bush administration's Middle East policies aimed at rallying friendly Sunni regimes against Shi'ite Iran, as well as Hezbollah, Hamas and the Syrian government—and launching secret operations to undermine, roll back or destroy all of the above. Despite the fact that the administration of President George W. Bush is officially at war with Sunni extremism in Iraq (and in the more general "global war on terror"), despite its support for the largely Shi'ite government, allied to Iran, that it has brought to power in Iraq, and despite its dislike for the Sunni-Shi'ite civil war in that country, some of its top officials may be covertly encouraging a far greater Sunni-Shi'ite rift in the region.

Imagine. All this and much more was revealed, often in remarkable detail, just over a week ago in "The redirection", a Seymour Hersh piece in *The New Yorker*. Other revelations included news of US military border crossings into Iran, new preparations that would allow Bush to order a massive air attack on that land with only 24 hours' notice, and a brief window this spring when the staggering power of four US aircraft-carrier battle groups might be available to Bush in the Persian Gulf.

Hersh, the man who first broke the My Lai story in the Vietnam era, has never been off his game since. In recent years, from the Abu Ghraib prison scandal on, he has consistently released explosive news about the plans and acts of the Bush administration.

Imagine, in addition, that Hersh went on Democracy Now!, Fresh Air, Hardball with Chris Matthews and CNN's Late Edition with Wolf Blitzer and actually elaborated on these claims and revelations, some of which, on the face of it, seem like potentially illegal and impeachable offenses, if they do indeed reach up to the vice president or president.

Now imagine the response: front-page headlines; editorials nationwide calling for answers, congressional hearings, or even the appointment of a special prosecutor to look into some of the claims; a raft of op-ed-page pieces by the nation's leading columnists asking questions, demanding answers, reminding us of the history of Iran-Contra; bold reporters from recently freed media standing up in White House and Defense Department press briefings to demand more information on Hersh's various charges; calls in Congress for hearings and investigations into why the people's representatives were left so totally out of this loop.

Uh . . .

All I can say is: if any of this happened, I haven't been able to discover it. As far as I can tell, no one in the mainstream even blinked on the Iran-Contra angle or the possibility that a vast, secret Middle Eastern operation is being run, possibly illegally and based on stolen funds and Saudi money, out of the US vice president's office.

You can certainly find a few pieces on, or reports about, "The redirection"—all focused only on the possible buildup to a war with

Iran—and the odd wire-service mention of it; but nothing major, nothing earth-shaking or eye-popping; not, in fact, a single obvious editorial or op-ed piece in the mainstream; no journalistic questions publicly asked of the administration; no congressional cries of horror; no calls anywhere for investigations or hearings on any of Hersh's revelations, not even an expression of fear somewhere that we might be seeing Iran-Contra, the sequel, in our own moment.

This, it seems to me, adds up to a remarkable non-response to claims that, if true, should gravely concern Congress, the media and the nation.

Let's grant that Hersh's New Yorker pieces generally arrive unsourced and filled with anonymous officials ("a former senior intelligence official", "a US government consultant with close ties to Israel"). Nonetheless, Hersh has long mined his sources in the intelligence community and the military to striking effect. Undoubtedly, the lack of sourcing makes it harder for other reporters to follow up, though when it comes to such papers as the Washington Post and the New York Times, you would think that they might have Washington sources of their own to query on Hersh's claims.

And, of course, editorial pages, columnists, op-ed editors, congressional representatives and reporters at administration news briefings don't need to do any footwork at all to raise these subjects. (Consider, for instance, the White House press briefing last April 10, where a reporter did indeed ask a question based on an earlier Hersh New Yorker piece.) As far as I can tell, there haven't even been denunciations of Hersh's report or suggestions anywhere that it is inaccurate or off-base. Just the equivalent of a giant, collective shrug of the U.S. media's rather scrawny shoulders.

Since the response to Hersh's remarkable piece has been so tepid in places where it should count, let me take up just a few of the many issues his report raises.

#### "MEDDLING" IN IRAN

For at least a month, the U.S. press and television news have been full to the brim with mile-high headlines and top-of-the-news stories recounting (and, more rarely, disputing) Bush administration claims of Iranian "interference" or "meddling" in Iraq (where U.S. military spokesmen regularly refer to the Iraqi insurgents they are fighting as "anti-Iraq forces").

Since Hersh published "Plan B" in The New Yorker in June 2004 in which he claimed that the Israelis were "running covert operations inside Kurdish areas of Iran and Syria", he has been on the other side of this story.

In "The coming wars" in January 2005, he first reported that the Bush administration, like the Israelis, had been "conducting secret reconnaissance missions inside Iran at least since" the summer of 2004. Last April in "The Iran plans", he reported that the administration was eager to put the "nuclear option" on the table in any future air assault on Iranian nuclear facilities (and that some in the Pentagon, fiercely opposed, had at least temporarily thwarted planning for the possible use of nuclear bunker-busters in Iran).

He also reported that U.S. combat units were "on the ground" in Iran, marking targets for any future air attack, and quoted an unnamed source as claiming that they were also "working with minority groups in Iran, including the Azeris, in the north, the Balochis, in the southeast, and the Kurds, in the northeast. 'The troops are studying the terrain, and giving away walking-around money to ethnic tribes, and recruiting scouts from local tribes and shepherds,' the consult-

ant said. One goal is to get 'eyes on the ground' . . . The broader aim, the consultant said, is to 'encourage ethnic tensions' and undermine the regime."

In "The redirection", he now claims that in search of Iranian rollback and possible regime change, "American military and special-operations teams have escalated their activities in Iran to gather intelligence and, according to a Pentagon consultant on terrorism and the former senior intelligence official, have also crossed the [Iranian] border in pursuit of Iranian operatives from Iraq."

In his Democracy Now! radio interview, he added: "We have been deeply involved with Azeris and Balochis and Iranian Kurds in terror activities inside the country . . . and, of course, the Israelis have been involved in a lot of that through Kurdistan . . . Iran has been having sort of a series of back-door fights, the Iranian government, because . . . they have a significant minority population. Not everybody there is a Persian. If you add up the Azeris and Balochis and Kurds, you're really 30-some [%], maybe even 40% of the country."

In addition, he reported that "a special planning group has been established in the offices of the Joint Chiefs of Staff, charged with creating a contingency bombing plan for Iran that can be implemented, upon orders from the president, within 24 hours" and that its "new assignment" was to identify not just nuclear facilities and possible regime-change targets, but "targets in Iran that may be involved in supplying or aiding militants in Iraq".

Were there nothing else in Hersh's most recent piece, all of this would still have been significant news—if we didn't happen to live on a one-way imperial planet in which Iranian "interference" in (American) Iraq is an outrage, but secret U.S. operations in, and military plans to devastate, Iran are your basic ho-hum issue.

America's mainstream news purveyors don't generally consider the issue of the United States' "interference" in Iran worthy of a great deal of reporting, nor do U.S. pundits consider it a topic worthy of speculation or consideration; nor, in a Congress where leading Democrats have regularly outflanked the Bush administration in hawkish positions on Iran, is this likely to be much of an issue.

You can read abroad about rumored U.S. operations out of Pakistan and Afghanistan aimed at unsettling Iranian minorities such as the Balochs and about possible operations to create strife among Arab minorities in southern Iran near the Iraqi border—the Iranians seem to blame the British, whose troops are in southern Iraq, for some of this (a charge vociferously denied by the British Embassy in Tehran)—but it's not a topic of great interest in the U.S.

In recent months, in fact, several bombs have gone off in minority regions of Iran. These explosions have been reported in the U.S., but you would be hard-pressed to find out what the Iranians had to say about them, and the possibility that any of these might prove part of a U.S. (or Anglo-American) covert campaign to destabilize the Iranian fundamentalist regime basically doesn't concern the news mind, even though history says it should.

After all, many of the United States' present Middle Eastern problems can be indirectly traced back to the successful CIA-British-intelligence plot in 1953 to oust prime minister Mohammad Mossadegh (who had nationalized the Iranian oil industry) and install young Mohammad Reza Pahlavi in power as shah.

After all, in the 1980s, in the anti-Soviet war in Afghanistan, the CIA (with the eager connivance of the Pakistanis and the Saudis)

helped organize, arm and fund the Islamic extremists who would some day turn on the U.S. for terror campaigns on a major scale.

As Steve Coll reported in his superb book *Ghost Wars*, for instance, "Under ISI [Pakistan's Inter-Services Intelligence] direction, the mujahideen received training and malleable explosives to mount car-bomb and even camel-bomb attacks in Soviet-occupied cities, usually designed to kill Soviet soldiers and commanders. [CIA director William] Casey endorsed these despite the qualms of some CIA career officers."

Similarly, in the early 1990s, the Iraq National Accord, an organization run by the CIA's Iraqi exile of choice, Iyad Allawi, evidently planted, under the agency's direction, car bombs and explosive devices in Baghdad (including in a movie theater) in a fruitless attempt to destabilize Saddam Hussein's regime. The New York Times reported this on its front page in June 2004 (to no effect whatsoever), when Allawi was the prime minister of U.S.-occupied Iraq.

Who knows where the funding, training and equipment for the bombings in Iran are coming from—but, at a moment when charges that the Iranians are sending into Iraq advanced improvised explosive devices, or the means to produce them, are the rage, it seems a germane subject.

In the U.S., it's a no-brainer that the Iranians have no right whatsoever to put their people, overtly or covertly, into neighboring Iraq, a country that, back in the 1980s, invaded Iran and fought a bitter eight-year war with it, resulting in perhaps a million casualties; but it's just normal behavior for the Pentagon to have traveled halfway across the planet to dominate the Iraqi military, garrison Iraq with a string of vast permanent bases, build the largest embassy on the planet in Baghdad's Green Zone, and send special-operations teams (and undoubtedly CIA teams as well) across the Iranian border, or to insert them in Iran to do "reconnaissance" or even to foment unrest among its minorities. This is the definition of an imperial world view.

#### SLEEPLESS NIGHTS

Let's leave Iran now and briefly take up a couple of other matters highlighted in "The redirection" that certainly should have raised the odd red flag and pushed the odd alarm button in the U.S. far more than his Iranian news (which did at least get some attention).

Iran-Contra redux: Does it raise no eyebrows that, under the leadership of Elliott Abrams (who in the Iran-Contra period pleaded guilty to two counts of unlawfully withholding information from Congress and was later pardoned), such a meeting was held? Does no one want to confirm that this happened? Does no one want to know who attended?

Iran-Contra alumni in the Bush administration at one time or another included the late president Ronald Reagan's national security adviser John Poindexter, Otto Reich, John Negroponte (who, Hersh claims, recently left his post as director of national intelligence to avoid the 21st-century version of Iran-Contra—"No way. I'm not going down that road again, with the NSC [National Security Council] running operations off the books, with no [presidential] finding"), Roger Noriega, and Robert Gates.

Did the vice president or president sit in? Was either of them informed about the "lessons drawn"? Were the vice president's right-hand men, I. Lewis "Scooter" Libby and/or David Addington, in any way involved? Who knows?

In the Iran-Contra affair, the Reagan administration drew together the seediest collection of freelance arms dealers, intelligence agents, allies and—in the case of ayatollah Ruhollah Khomeini's Iranian regime—

sworn enemies in what can only be called “amateur hour” at the White House. Now, it looks as if the Bush administration is heading down a similar path and, given its previous “amateur hour” reputation in foreign policy, imagine what this is likely to mean.

Jihadis as proxies: Using jihadis as U.S. proxies in a struggle to roll back Iran—with the help of the Saudis—should have rung a few bells somewhere in U.S. memory as another been-there, done-that moment. In the 1980s—on the theory that my enemy’s enemy is my friend—the fundamentalist Catholic CIA director William Casey came to believe that Islamic fundamentalists could prove tight and trustworthy allies in rolling back the Soviet Union.

In Afghanistan, as a result, the CIA, backed by the Saudi royals, who themselves represented an extremist form of Sunni Islam, regularly favored and funded the most extreme of the mujahideen ready to fight the Soviets. Who can forget the results? Today, according to Hersh, the Saudis are reassuring key figures in the Bush administration that this time they have the jihadis to whom funds are flowing under control. No problem. If you believe that, you’ll believe anything.

Congress in the dark: Hersh claims that, with the help of Saudi National Security Adviser Prince Bandar bin Sultan (buddy to the Bushes and Cheney’s close comrade-in-arms), the people running the black-ops programs out of Cheney’s office have managed to run circles around any possibility of congressional oversight, leaving the institution completely “in the dark”, which is undoubtedly exactly where Congress wanted to be for the past six years. Is this still true? The non-reaction to the Hersh piece isn’t exactly encouraging.

To summarize, if Hersh is to be believed—and as a major journalistic figure for the past near-40 years he certainly deserves to be taken seriously—the Bush administration seems to be repeating the worst mistakes of the Reagan administration and of the anti-Soviet war in Afghanistan, which led inexorably to the greatest acts of blowback in U.S. history.

Given what we already know about the Bush administration, Americans should be up nights worrying about what all this means now as well as down the line. For Congress, the media and Americans in general, this report should have been not just a wake-up call, but a shout for an allnighter with NoDoz.

In my childhood, one of the Philadelphia papers regularly ran cartoon ads for itself in which some poor soul in a perilous situation—say, clinging to the ledge of a tall building—would be screaming for help, while passers-by were so engrossed in the paper that they didn’t even look up. Now, we have the opposite situation: a journalist in essence writing bloody murder in a giant media and governmental crowd. In this case, no one in the mainstream evidently cares—not yet, anyway—to pay the slightest attention.

It seems that there’s a crime going on and no one gives a damn.

#### 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 Ms. CLARKE) to revise and extend their remarks and include extraneous material.)

Mr. PALLONE, for 5 minutes, today.

Ms. WOOLSEY, for 5 minutes, today.

Mr. SCHIFF, for 5 minutes, today.

Mr. DEFAZIO, for 5 minutes, today.

Mrs. MCCARTHY of New York, for 5 minutes, today.

Mr. McDERMOTT, for 5 minutes, today.

Ms. JACKSON-LEE of Texas, for 5 minutes, today.

(The following Members (at the request of Mr. SHIMKUS) to revise and extend their remarks and include extraneous material:)

Mr. BILIRAKIS, for 5 minutes, March 22.

Mr. BOOZMAN, for 5 minutes, today.

Mr. SHIMKUS, for 5 minutes, today.

Mr. PRICE of Georgia, for 5 minutes, today.

Mr. JONES of North Carolina, for 5 minutes, March 19, 20, 21, and 22.

#### BILLS PRESENTED TO THE PRESIDENT

Lorraine C. Miller, Clerk of the House reports that on March 14, 2007, she presented to the President of the United States, for his approval, the following bills.

H.R. 342. To designate the United States courthouse located at 555 Independence Street in Cape Girardeau, Missouri, as the “Rush Hudson Limbaugh, Sr. United States Courthouse”.

H.R. 544. To designate the United States courthouse at South Federal Place in Santa Fe, New Mexico, as the “Santiago E. Campos United States Courthouse”.

H.R. 584. To designate the Federal building located at 400 Maryland Avenue Southwest in the District of Columbia as the “Lyndon Baines Johnson Department of Education Building”.

#### ADJOURNMENT

Mr. McDERMOTT. Madam Speaker, I move that the House do now adjourn.

The motion was agreed to; accordingly (at 5 o’clock and 20 minutes p.m.), under its previous order, the House adjourned until tomorrow, Friday, March 16, 2007, at noon.

#### EXECUTIVE COMMUNICATIONS, ETC.

Under clause 8 of rule XII, executive communications were taken from the Speaker’s table and referred as follows:

866. A letter from the Acting Director, Office of Surface Mining, Department of the Interior, transmitting the Department’s final rule — West Virginia Abandoned Mine Lands Reclamation Plan (RIN: WV-111-FOR) received February 27, 2007, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Natural Resources.

867. A letter from the Chief, Branch of Bird Conservation, Department of the Interior, transmitting the Department’s final rule — Migratory Bird Permits; Take of Migratory Birds by the Armed Forces (RIN: 1018-AI92) received March 5, 2007, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Natural Resources.

868. A letter from the Assistant Secretary for Fish, Wildlife and Parks, Department of the Interior, transmitting the Department’s final rule — Endangered and Threatened

Wildlife and Plants; Withdrawal of Proposed Rule to List *Lepidium papilliferum* (Slickspot Peppergrass) (RIN: 1018-AU99) received February 27, 2007, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Natural Resources.

869. A letter from the Principal Deputy Assistant Secretary — Indian Affairs, Department of the Interior, transmitting the Department’s final rule — Preparation of Rolls of Indians (RIN: 1076-AE44) received February 27, 2007, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Natural Resources.

870. A letter from the Deputy Assistant Administrator for Regulatory Programs, NMFS, National Oceanic and Atmospheric Administration, transmitting the Administration’s final rule — Fisheries of the Northeastern United States; Atlantic Sea Scallop Fishery; Interim Rule [Docket No. 061213334-6334-01; I.D. 120806B] (RIN: 0648-AV05) received February 28, 2007, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Natural Resources.

871. A letter from the Acting Director, Office of Sustainable Fisheries, NMFS, National Oceanic and Atmospheric Administration, transmitting the Administration’s final rule — Fisheries of the Exclusive Economic Zone Off Alaska; Inseason Adjustment to the 2007 A and B Season Allowances of Pollock in Statistical Area 620 in the Gulf of Alaska [Docket No. 060216044-6044-01; I.D. 010807A] received February 28, 2007, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Natural Resources.

872. A letter from the Deputy Assistant Administrator for Regulatory Programs, NMFS, National Oceanic and Atmospheric Administration, transmitting the Administration’s final rule — Fisheries of the Northeastern United States; Summer Flounder, Scup, and Black Sea Bass Fisheries; 2007 Summer Flounder, Scup, and Black Sea Bass Specifications [Docket No. 061020273-6321-02; I.D. 101606A] (RIN: 0648-AT60) received February 27, 2007, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Natural Resources.

873. A letter from the Assistant Administrator for Fisheries, NMFS, National Oceanic and Atmospheric Administration, transmitting the Administration’s final rule — Fisheries Off West Coast States; Coastal Pelagic Species Fisheries; Annual Specifications [Docket No. 061003253-7008-02; I.D. 092606A] (RIN: 0638-AU27) received February 28, 2007, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Natural Resources.

874. A letter from the Director, Office of Sustainable Fisheries, NMFS, National Oceanic and Atmospheric Administration, transmitting the Administration’s final rule — Atlantic Highly Migratory Species; Atlantic Bluefin Tuna Fisheries [I.D. 112006C] received February 28, 2007, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Natural Resources.

875. A letter from the Director, Office of Sustainable Fisheries, NMFS, National Oceanic and Atmospheric Administration, transmitting the Administration’s final rule — Fisheries of the Northeastern United States; Atlantic Bluefish Fishery; Quota Transfers [Docket No. 051104293-5344-02; I.D. 122806A] received February 28, 2007, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Natural Resources.

876. A letter from the Acting Director, Office of Sustainable Fisheries, NMFS, National Oceanic and Atmospheric Administration, transmitting the Administration’s final rule — Fisheries of the Caribbean, Gulf of Mexico, and South Atlantic; Reef Fish Fishery of the Gulf of Mexico; Closure of the 2006

Red Snapper Commercial Fishery [Docket No. 990506119-9235-02; I.D. 121106C] received February 28, 2007, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Natural Resources.

#### REPORTS OF COMMITTEES ON PUBLIC BILLS AND RESOLUTIONS

Under clause 2 of rule XIII, reports of committees were delivered to the Clerk for printing and reference to the proper calendar, as follows:

Mr. FRANK: Committee on Financial Services. H.R. 835. A bill to reauthorize the programs of the Department of Housing and Urban Development for housing assistance for Native Hawaiians (Rept. 110-50). Referred to the Committee of the Whole House on the state of the Union.

#### PUBLIC BILLS AND RESOLUTIONS

Under clause 2 of rule XII, public bills and resolutions were introduced and severally referred, as follows:

By Ms. JACKSON-LEE of Texas (for herself, Mr. THOMPSON of Mississippi, Mr. MARKEY, and Mr. LANGEVIN):

H.R. 1530. A bill to provide that no Federal funds may be used by the Secretary of Homeland Security to approve a site security plan for a chemical facility, unless the facility meets or exceeds security standards and requirements established for such a facility by the State or local government for the area where the facility is located, and for other purposes; to the Committee on Energy and Commerce, and in addition to the Committee on Homeland Security, 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 Mr. UPTON (for himself and Mr. RUSH) (both by request):

H.R. 1531. A bill to prohibit deceptive acts and practices in the content rating and labeling of video games; to the Committee on Energy and Commerce.

By Mr. GENE GREEN of Texas (for himself, Mrs. WILSON of New Mexico, and Ms. BALDWIN):

H.R. 1532. A bill to amend the Public Health Service Act with respect to making progress toward the goal of eliminating tuberculosis, and for other purposes; to the Committee on Energy and Commerce.

By Mr. ALLEN:

H.R. 1533. A bill to provide for the establishment of a national mercury monitoring program; to the Committee on Energy and Commerce.

By Mr. ALLEN:

H.R. 1534. A bill to prohibit the sale, distribution, or transfer of mercury, to prohibit the export of mercury, and for other purposes; to the Committee on Energy and Commerce.

By Mr. DINGELL (for himself, Ms. DEGETTE, Mr. PALLONE, Mr. WAXMAN, Ms. BALDWIN, Mr. ENGEL, Ms. SCHAKOWSKY, Mr. BOUCHER, Ms. ESHOO, Mr. GENE GREEN of Texas, Mr. GONZALEZ, Mr. GORDON, Mrs. CAPPS, Mr. BUTTERFIELD, Mr. MARKEY, Mr. WEINER, Mr. ALLEN, Mr. WYNN, Mr. MELANCON, Ms. MATSUI, Mr. MCNULTY, Ms. HIRONO, and Mr. ROSS):

H.R. 1535. A bill to amend titles XIX and XXI of the Social Security Act to ensure that every child in the United States has access to affordable, quality health insurance coverage, and for other purposes; to the Committee on Energy and Commerce.

By Mr. DOGGETT (for himself, Mr. ABERCROMBIE, Mr. ACKERMAN, Mr. ALLEN, Mr. ANDREWS, Mr. BACA, Mr. BECERRA, Ms. BERKLEY, Mr. BERMAN, Mr. BERRY, Mr. BISHOP of Georgia, Mr. BISHOP of New York, Mr. BLUMENAUER, Ms. CORRINE BROWN of Florida, Mr. BUTTERFIELD, Mrs. CAPPS, Mr. CAPUANO, Mr. CARDOZA, Ms. CARSON, Ms. CASTOR, Mr. CHANDLER, Mrs. CHRISTENSEN, Ms. CLARKE, Mr. CLAY, Mr. CLEAVER, Mr. CLYBURN, Mr. COHEN, Mr. CONYERS, Mr. COSTELLO, Mr. COURTNEY, Mr. CROWLEY, Mr. CUPELLAR, Mr. CUMMINGS, Mr. DAVIS of Alabama, Mr. DAVIS of Illinois, Mrs. DAVIS of California, Mr. DEFazio, Ms. DEGETTE, Mr. DELAHUNT, Ms. DELAURO, Mr. DOYLE, Mr. EDWARDS, Mr. ELLISON, Mr. EMANUEL, Mr. ENGEL, Mr. FALEOMAVAEGA, Mr. FARR, Mr. FATTAH, Mr. FILNER, Mr. FRANK of Massachusetts, Mr. GONZALEZ, Mr. GORDON, Mr. AL GREEN of Texas, Mr. GENE GREEN of Texas, Mr. GRJALVA, Mr. GUTIERREZ, Mr. HARE, Mr. HASTINGS of Florida, Ms. HERSETH, Mr. HIGGINS, Mr. HINCHEY, Mr. HINOJOSA, Ms. HIRONO, Mr. HONDA, Mr. INSLEE, Mr. ISRAEL, Mr. JACKSON of Illinois, Ms. JACKSON-LEE of Texas, Mr. JEFFERSON, Ms. EDDIE BERNICE JOHNSON of Texas, Mr. JOHNSON of Georgia, Mrs. JONES of Ohio, Mr. KANJORSKI, Ms. KAPTUR, Mr. KENNEDY, Mr. KILDEE, Ms. KILPATRICK, Mr. KLEIN of Florida, Mr. KUCINICH, Mr. LANGEVIN, Mr. LANTOS, Mr. LARSON of Connecticut, Ms. LEE, Mr. LEVIN, Mr. LEWIS of Georgia, Mr. LIPINSKI, Mrs. LOWEY, Mr. LYNCH, Mrs. MALONEY of New York, Ms. MATSUI, Ms. MCCOLLUM of Minnesota, Mr. McDERMOTT, Mr. MCGOVERN, Mr. McNULTY, Mr. MEEHAN, Mr. MEEK of Florida, Mr. MEEKS of New York, Mr. MICHAUD, Ms. MILLENDER-McDONALD, Mr. MILLER of North Carolina, Mr. GEORGE MILLER of California, Mr. MOORE of Kansas, Ms. MOORE of Wisconsin, Mr. MORAN of Virginia, Mr. NADLER, Mrs. NAPOLITANO, Mr. NEAL of Massachusetts, Ms. NORTON, Mr. OBERSTAR, Mr. OLVER, Mr. ORTIZ, Mr. PASCRELL, Mr. PASTOR, Mr. PAYNE, Mr. POMEROY, Mr. PRICE of North Carolina, Mr. RANGEL, Mr. RODRIGUEZ, Mr. ROSS, Mr. ROTHMAN, Ms. ROYBAL-ALLARD, Mr. RUSH, Mr. RYAN of Ohio, Ms. LINDA T. SANCHEZ of California, Ms. LORETTA SANCHEZ of California, Mr. SARBANES, Ms. SCHAKOWSKY, Mr. SCHIFF, Ms. SCHWARTZ, Mr. SCOTT of Virginia, Mr. SCOTT of Georgia, Mr. SERRANO, Mr. SHERMAN, Mr. SIREs, Ms. SLAUGHTER, Ms. SOLIS, Mr. STARK, Mr. STUPAK, Ms. SUTTON, Mr. THOMPSON of Mississippi, Mr. TIERNEY, Mr. TOWNS, Mr. UDALL of New Mexico, Mr. VAN HOLLEN, Ms. VELÁZQUEZ, Ms. WASSERMAN SCHULTZ, Ms. WATERS, Ms. WATSON, Mr. WATT, Mr. WAXMAN, Mr. WEINER, Mr. WELCH of Vermont, Mr. WEXLER, Ms. WOOLSEY, Mr. WU, Mr. WYNN, Mr. YARMUTH, and Mr. LOEBSACK):

H.R. 1536. A bill to amend part D of title XVIII of the Social Security Act to assist low-income individuals in obtaining subsidized prescription drug coverage under the Medicare prescription drug program by expediting the application and qualification process and by revising the resource standards used to determine eligibility for such subsidies, and for other purposes; to the Committee on Energy and Commerce, and in ad-

dition to the Committee on Ways and Means, 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 Mr. KANJORSKI (for himself, Mr. ROYCE, Mrs. MALONEY of New York, Mr. LATOURETTE, Mr. SHERMAN, Mr. BURTON of Indiana, Mr. GUTIERREZ, Mr. PAUL, Mrs. NAPOLITANO, Mr. CHABOT, Mr. ORTIZ, and Mr. CALVERT):

H.R. 1537. A bill to modernize credit union net worth standards, advance credit union efforts to promote economic growth, and modify credit union regulatory standards and reduce burdens, and for other purposes; to the Committee on Financial Services.

By Mr. SKELTON (for himself, Mr. HUNTER, Mr. SNYDER, Mr. MCHUGH, and Mr. FILNER):

H.R. 1538. A bill to amend title 10, United States Code, to improve the management of medical care, personnel actions, and quality of life issues for members of the Armed Forces who are receiving medical care in an outpatient status, and for other purposes; to the Committee on Armed Services, and in addition to the Committee on Veterans' Affairs, 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 Mr. HOEKSTRA (for himself, Mr.

AKIN, Mr. BARRETT of South Carolina, Mr. BISHOP of Utah, Mr. BLUNT, Mr. CANNON, Mr. CULBERSON, Mr. FEENEY, Mr. FRANKS of Arizona, Mr. GARRETT of New Jersey, Mr. GINGREY, Mr. GOODE, Mr. HENSARLING, Mr. ISSA, Mr. KINGSTON, Mr. LINDER, Mr. MCHENRY, Mrs. MUSGRAVE, Mr. PENCE, Mr. PRICE of Georgia, Mr. RENZI, Mr. ROHR-ABACHER, Mr. SENSENBRENNER, Mr. TANGREDO, Mr. TIAHRT, Mr. WELDON of Florida, Mr. WILSON of South Carolina, Mrs. BACHMANN, Mr. BARTLETT of Maryland, Mrs. BLACKBURN, Mr. CAMPBELL of California, Mr. CANTOR, Mr. DOOLITTLE, Ms. FOXF, Mr. FLAKE, Mr. GILCHRIST, Mr. GOHMERT, Mr. GOODLATTE, Mr. INGLIS of South Carolina, Mr. JONES of North Carolina, Mr. LEWIS of Kentucky, Mr. MANZULLO, Mr. MORAN of Kansas, Mr. PAUL, Mr. PITTS, Mr. RAMSTAD, Mr. ROGERS of Michigan, Mr. SALI, Mr. SHADEGG, Mr. THORNBERRY, Mr. WALBERG, and Mr. WESTMORELAND):

H.R. 1539. A bill to allow a State to submit a declaration of intent to the Secretary of Education to combine certain funds to improve the academic achievement of students; to the Committee on Education and Labor.

By Mr. LEWIS of Georgia (for himself, Ms. PRYCE of Ohio, Mr. LEVIN, Mr. RAMSTAD, Mr. BECERRA, and Mr. ENGLISH of Pennsylvania):

H.R. 1540. A bill to amend the Internal Revenue Code of 1986 to exclude from gross income amounts received on account of claims based on certain unlawful discrimination and to allow income averaging for backpay and frontpay awards received on account of such claims, and for other purposes; to the Committee on Ways and Means.

By Mr. BRALEY of Iowa (for himself, Mr. LOEBSACK, and Mr. BOSWELL):

H.R. 1541. A bill to provide support and assistance for families of members of the National Guard and Reserve who are undergoing deployment, and for other purposes; to the Committee on Armed Services, and in addition to the Committee on Veterans' Affairs, 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. DELAURO (for herself, Mr. GEORGE MILLER of California, Mrs. MCCARTHY of New York, Ms. WOOLSEY, Mr. COHEN, Mr. ALLEN, Mr. DOYLE, Mr. OLVER, Mr. WAXMAN, Mr. MURPHY of Connecticut, Mr. LYNCH, Mrs. MALONEY of New York, and Ms. MCCOLLUM of Minnesota):

H.R. 1542. A bill to provide for paid sick leave to ensure that Americans can address their own health needs and the health needs of their families; to the Committee on Energy and Commerce, and in addition to the Committees on Oversight and Government Reform, and House Administration, 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 Mr. EMANUEL (for himself, Mr. SHIMKUS, Mr. WEXLER, and Ms. BERKLEY):

H.R. 1543. A bill to expand visa waiver program to countries on a probationary basis, and for other purposes; to the Committee on the Judiciary, and in addition to the Committee on Homeland Security, 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 Mr. ENGEL (for himself and Mr. FOSSELLA):

H.R. 1544. A bill to establish an Advisory Committee on Gestational Diabetes, to provide grants to better understand and reduce gestational diabetes, and for other purposes; to the Committee on Energy and Commerce.

By Mr. FORTUÑO:

H.R. 1545. A bill to direct the Secretary of the Interior to conduct a boundary study to evaluate the significance of Fort San Geronimo and other related resources in the Commonwealth of Puerto Rico and the suitability and feasibility of their inclusion in the National Park System as part of the San Juan National Historic Site, and for other purposes; to the Committee on Natural Resources.

By Mr. HALL of New York (for himself, Mr. BOUCHER, Ms. CORRINE BROWN of Florida, Mr. CROWLEY, Mr. HARE, Mr. HIGGINS, Mr. HINCHEY, Mr. HOLT, Ms. HOOLEY, Mrs. MALONEY of New York, Ms. NORTON, Mr. RAHALL, Mr. SPACE, and Mr. WELCH of Vermont):

H.R. 1546. A bill to authorize members of the Armed Forces receiving outpatient care at Walter Reed Army Medical Center to receive such care through the Department of Veterans Affairs, and for other purposes; to the Committee on Armed Services, and in addition to the Committee on Veterans' Affairs, 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. HARMAN:

H.R. 1547. A bill to prohibit the sale of certain inefficient light bulbs, and require the development of a plan for increasing the use of more efficient light bulbs by consumers and businesses; to the Committee on Energy and Commerce.

By Mr. HODES (for himself, Mr. MICHAUD, Mr. ARCURI, Mr. MCHUGH, Mr. ALLEN, and Mr. WELCH of Vermont):

H.R. 1548. A bill to establish the Northern Border Economic Development Commission, and for other purposes; to the Committee on Transportation and Infrastructure, and in addition to the Committee on Financial Services, 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 Mr. JINDAL:

H.R. 1549. A bill to use data from school years preceding the Gulf hurricane disasters for purposes of determining allotments under title III of the Higher Education Act of 1965 to institutions impacted by those disasters; to the Committee on Education and Labor.

By Mr. JONES of North Carolina:

H.R. 1550. A bill to reduce the reporting and certification burdens for certain financial institutions of sections 302 and 404 of the Sarbanes-Oxley Act of 2002; to the Committee on Financial Services.

By Mr. KIND (for himself, Mr. ACKERMAN, Mr. ALLEN, Mr. ANDREWS, Mr. BAIRD, Mr. BECERRA, Mr. BISHOP of New York, Mr. BLUMENAUER, Mr. BRALEY of Iowa, Mrs. CAPPS, Mr. CAPUANO, Mr. CHANDLER, Ms. CLARKE, Mr. CONYERS, Mr. CROWLEY, Mr. DEFazio, Ms. DEGETTE, Mr. DELAHUNT, Mr. DICKS, Mr. DINGELL, Mr. ELLISON, Mr. ENGEL, Mr. ENGLISH of Pennsylvania, Mr. FARR, Mr. FILNER, Mr. FRELINGHUYSEN, Mr. GERLACH, Mr. GILCREST, Mr. HIGGINS, Ms. HIRONO, Mr. HINCHEY, Ms. HOOLEY, Mr. HOLT, Mr. HONDA, Mr. INSLEE, Ms. KAPTUR, Mr. KILDEE, Mr. LANGEVIN, Mr. LATOURETTE, Mr. LOBIONDO, Mr. LYNCH, Mrs. MCCARTHY of New York, Mr. MCDERMOTT, Mr. MCGOVERN, Mr. McNULTY, Mr. MECKS of New York, Mr. MEEHAN, Mr. MICHAUD, Mr. GEORGE MILLER of California, Ms. MOORE of Wisconsin, Mr. MORAN of Virginia, Mrs. NAPOLITANO, Mr. NEAL of Massachusetts, Mr. OBERSTAR, Mr. OLVER, Mr. PALLONE, Mr. PAYNE, Mr. PASCRELL, Mr. PERLMUTTER, Mr. PETRI, Mr. PRICE of North Carolina, Mr. RAHALL, Mr. RAMSTAD, Mr. REICHERT, Mr. SXTON, Mr. SIREs, Mr. SHAYS, Mr. SMITH of Washington, Mr. STUPAK, Mrs. TAUSCHER, Mr. TIERNEY, Mr. UDALL of Colorado, Mr. UDALL of New Mexico, Mr. VAN HOLLEN, and Mr. WALSH of New York):

H.R. 1551. A bill to reauthorize Department of Agriculture conservation and energy programs and certain other programs of the Department, to modify the operation and administration of these programs, and for other purposes; to the Committee on Agriculture, and in addition to the Committees on Education and Labor, and Armed Services, 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 Mr. POMEROY (for himself, Mr. RAMSTAD, Ms. BALDWIN, Mr. LEWIS of Kentucky, Mr. TIM MURPHY of Pennsylvania, Mr. ROGERS of Alabama, Mr. CONAWAY, Mr. HINCHEY, Mr. FARR, Mr. MCCOTTER, Mr. CHANDLER, Mr. RUPPERSBERGER, Mr. LINCOLN DIAZ-BALART of Florida, Mr. FRANKS of Arizona, Mr. BUTTERFIELD, Mrs. MCMORRIS RODGERS, Mr. GRAVES, Mrs. MALONEY of New York, Mr. NEAL of Massachusetts, Mr. LANGEVIN, Mr. BISHOP of Utah, Mr. ENGLISH of Pennsylvania, Mr. ALLEN, Mr. MCINTYRE, Mr. DAVIS of Alabama, Mr. UDALL of Colorado, Mr. KIRK, Mr. BARTLETT of Maryland, Mr. HIGGINS, Mr. PAUL, Mr. MORAN of Kansas, Mr. SOUDER, Mr. BOSWELL, Mr. PEARCE, Mr. McNULTY, Mr. PITTS, Mr. GERLACH, Ms. SCHWARTZ, Mr. GARY G. MILLER of California, Mr. SHIMKUS, Mr. GRIJALVA, Mr. MICHAUD, Mr. ETHERIDGE, Mr. WELLER, Mr. DAVIS of Kentucky, Mr. EMANUEL, Mrs. MCCARTHY of New York, and Mr. REICHERT):

H.R. 1552. A bill to amend title XVIII of the Social Security Act to authorize physical therapists to evaluate and treat Medicare beneficiaries without a requirement for a physician referral, and for other purposes; to the Committee on Energy and Commerce, and in addition to the Committee on Ways and Means, 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. PRYCE of Ohio (for herself, Mr. VAN HOLLEN, Mr. MCCAUL of Texas, Mr. SESTAK, Mr. FERGUSON, Mr. CASTLE, Mr. YARMUTH, Mr. REICHERT, Mr. HASTINGS of Florida, Mr. SCHIFF, Mr. MICA, Mr. RUPPERSBERGER, Mrs. MUSGRAVE, Mr. LARSEN of Washington, Mr. GRAVES, Mr. PLATTS, Mr. CULBERSON, Mr. ENGEL, Mr. HIGGINS, Mr. BOUCHER, Mr. MORAN of Virginia, Mr. REYES, Mr. KILDEE, Mr. DREIER, Mr. CHANDLER, Mr. SESSIONS, Mr. GRIJALVA, Mr. SHUSTER, Mr. AL GREEN of Texas, and Mr. FORBES):

H.R. 1553. A bill to amend the Public Health Service Act to advance medical research and treatments into pediatric cancers, ensure patients and families have access to the current treatments and information regarding pediatric cancers, establish a population-based national childhood cancer database, and promote public awareness of pediatric cancers; to the Committee on Energy and Commerce.

By Mr. ROGERS of Alabama:

H.R. 1554. A bill to require the Secretary of Defense to develop and implement a plan to provide chiropractic health care services and benefits for certain new beneficiaries as part of the TRICARE program; to the Committee on Armed Services.

By Mr. ROGERS of Michigan (for himself, Mr. EHLERS, and Mr. ADERHOLT):

H.R. 1555. A bill to impose a two year moratorium on the approval by the Secretary of the Interior of new Tribal-State compacts for gaming under the Indian Gaming Regulatory Act; to the Committee on Natural Resources.

By Mr. TERRY (for himself, Mr. PAUL, Mr. DOOLITTLE, Mr. SESSIONS, Mrs. BONO, Mr. MCCOTTER, Mr. FRANKS of Arizona, Mrs. BLACKBURN, Mr. MCHUGH, Mr. REGULA, Mr. SIMPSON, Mrs. MCMORRIS RODGERS, Mr. GARRETT of New Jersey, Mr. CUELLAR, Mr. FOSSELLA, Mr. GOHMERT, Mrs. MUSGRAVE, Mr. SOUDER, Mr. POE, Mrs. MYRICK, Mr. MCCAUL of Texas, Mr. MARIO DIAZ-BALART of Florida, Mr. WALBERG, Mr. PATRICK MURPHY of Pennsylvania, Mr. JORDAN, and Mr. PEARCE):

H.R. 1556. A bill to amend the Internal Revenue Code of 1986 to eliminate the marriage penalty on the deduction for interest on student loans; to the Committee on Ways and Means.

By Ms. HOOLEY (for herself, Mr. BLUMENAUER, and Mr. ORTIZ):

H. Con. Res. 92. Concurrent resolution recognizing and commending Dr. Robert Meaders and all of the volunteers and contributors of Operation Helmet for their efforts in sending out 35,000 helmet upgrade kits to members of the United States Armed Forces deployed in Iraq and Afghanistan; to the Committee on Armed Services.

By Mrs. MCCARTHY of New York (for herself, Mr. ANDREWS, Ms. BERKLEY, Mr. BOREN, Mr. BOSWELL, Mrs. BOYDA of Kansas, Mr. BRADY of Pennsylvania, Mr. BURTON of Indiana, Mr. CARNEY, Mr. COOPER, Mr. COURTNEY, Mrs. DAVIS of California, Ms. GIFFORDS, Mrs. GILLIBRAND, Mr. HARE,

Ms. JACKSON-LEE of Texas, Mr. KING of New York, Mr. LOEBBACH, Mr. MARSHALL, Mr. MEEHAN, Mr. PATRICK MURPHY of Pennsylvania, Mr. ORTIZ, Mr. REYES, Ms. LORETTA SANCHEZ of California, Mr. SCHIFF, Ms. SHEA-PORTER, Mr. SKELTON, Mr. SMITH of Washington, Mr. SNYDER, Mr. SPRATT, Mrs. TAUSCHER, and Mr. TAYLOR):

H. Con. Res. 93. Concurrent resolution honoring the heroic service and sacrifice of the glider pilots of the United States Army Air Forces during World War II; to the Committee on Armed Services.

By Mr. JOHNSON of Georgia (for himself, Mr. CONYERS, Mr. COHEN, and Ms. LINDA T. SANCHEZ of California):

H. Res. 247. A resolution recognizing the contributions of all United States Attorneys, past and present; to the Committee on the Judiciary.

By Mr. BOUCHER (for himself and Mr. CANNON):

H. Res. 248. A resolution honoring the contributions of patient participants in clinical trials; to the Committee on Energy and Commerce.

By Mr. FLAKE (for himself, Mr. BOEHNER, Mr. SENSENBRENNER, Mr. HERGER, Mr. SHADDEGG, Mr. FRANKS of Arizona, Mr. PENCE, Mr. GARRETT of New Jersey, Mr. SAM JOHNSON of Texas, Mr. HENSARLING, Mr. FORTUÑO, Mrs. BLACKBURN, Mrs. BACHMANN, Mr. PITTS, Mr. MARCHANT, Mr. PEARCE, Mr. FORTENBERRY, Mrs. MYRICK, Mr. KING of Iowa, Mr. MCCOTTER, and Mr. SALL):

H. Res. 249. A resolution amending the Rules of the House of Representatives to limit gifts to Members, officers, and employees of the House from State and local governments; to the Committee on Rules.

By Mr. HENSARLING (for himself, Mr. PENCE, Mrs. MYRICK, and Mr. SHADDEGG):

H. Res. 250. A resolution honoring Dr. Edwin J. Feulner on the occasion of his 30th anniversary as President of the Heritage Foundation; to the Committee on Oversight and Government Reform.

By Mr. MELANCON:

H. Res. 251. A resolution congratulating St. Bernard Parish Public Schools Superintendent Doris Voitier for her receipt of the 2007 John F. Kennedy Profile in Courage Award; to the Committee on Education and Labor.

By Mr. SPACE (for himself, Ms. KAPTUR, Mr. KUCINICH, Mrs. JONES of Ohio, Mr. RYAN of Ohio, Ms. SUTTON, Mr. WILSON of Ohio, Mr. REGULA, Ms. PRYCE of Ohio, Mr. LATOURETTE, and Mr. JORDAN):

H. Res. 252. A resolution recognizing the 45th anniversary of John Hershel Glenn, Jr.'s historic achievement in becoming the first United States astronaut to orbit the Earth; to the Committee on Science and Technology.

#### PRIVATE BILLS AND RESOLUTIONS

Under clause 3 of rule XII,

Mr. GUTIERREZ introduced a bill (H.R. 1557) for the relief of Elvira Arellano; which

was referred to the Committee on the Judiciary.

#### ADDITIONAL SPONSORS

Under clause 7 of rule XII, sponsors were added to public bills and resolutions as follows:

H.R. 19: Mr. TANCREDO, Mr. MILLER of Florida, and Mr. MCCAUL of Texas.

H.R. 162: Mr. MCCRERY, Mr. JEFFERSON, Mr. BOUSTANY, Mr. ALEXANDER, and Mr. BAKER.

H.R. 217: Mr. FARR.

H.R. 327: Mr. HALL of New York.

H.R. 346: Mr. GILCHREST, Mr. NEAL of Massachusetts, Mr. MORAN of Kansas, Mr. MOORE of Kansas, Mr. BARTLETT of Maryland, Mr. PAUL, Mr. BONNER, Mr. BARRETT of South Carolina, Mr. SMITH of New Jersey, Mr. POE, Mr. DUNCAN, Mr. CAPUANO, and Mr. WALZ of Minnesota.

H.R. 406: Mrs. JONES of Ohio.

H.R. 468: Mr. ELLISON and Ms. HIRONO.

H.R. 503: Mr. ABERCROMBIE, Mr. BARTLETT of Maryland, Mr. MICHAUD, Ms. ESHOO, Mr. FATTAH, and Mr. LINCOLN DIAZ-BALART of Florida.

H.R. 507: Mr. BRALEY of Iowa and Mr. KAGEN.

H.R. 543: Ms. DEGETTE and Ms. HIRONO.

H.R. 581: Mr. PITTS and Mr. GOODE.

H.R. 620: Mr. GUTIERREZ.

H.R. 625: Mrs. DAVIS of California, Ms. LORETTA SANCHEZ of California, Mr. SHERMAN, Mr. CARDOZA, and Mr. LEWIS of California.

H.R. 643: Mr. ROTHMAN, Mr. SHIMKUS, and Mr. RADANOVICH.

H.R. 694: Mr. REYES.

H.R. 695: Mr. GONZALEZ, Mr. DAVIS of Alabama, Mr. MCNERNEY, Ms. HOOLEY, Mr. PERLMUTTER, and Mr. ALLEN.

H.R. 698: Mr. MILLER of North Carolina, Mr. NEAL of Massachusetts, Mr. TERRY, and Mr. LYNCH.

H.R. 711: Mr. MCNERNEY and Mr. WALBERG.

H.R. 727: Mr. WALDEN of Oregon and Mr. MARCHANT.

H.R. 779: Mr. ENGLISH of Pennsylvania.

H.R. 787: Mr. GILCHREST.

H.R. 797: Mr. BAKER and Mr. KLINE of Minnesota.

H.R. 861: Mr. CONAWAY and Mrs. SCHMIDT.

H.R. 887: Ms. SUTTON.

H.R. 891: Mr. REICHERT, Mr. MCCOTTER, Mrs. NAPOLITANO, Mr. DOYLE, Mr. GORDON, Mr. LINCOLN DIAZ-BALART of Florida, and Mr. HINCHEY.

H.R. 917: Mr. MARIO DIAZ-BALART of Florida and Mr. MCCOTTER.

H.R. 923: Mr. ABERCROMBIE.

H.R. 962: Mr. MCNERNEY.

H.R. 971: Mr. THORNBERRY.

H.R. 988: Ms. MATSUI, Ms. WATSON, Ms. ROYBAL-ALLARD, Mrs. NAPOLITANO, Mr. BACA, Mr. TOM DAVIS of Virginia, and Ms. HARMAN.

H.R. 998: Ms. SUTTON.

H.R. 1009: Mr. ROHRBACHER.

H.R. 1022: Ms. ZOE LOFGREN of California, Mrs. LOWEY, Mr. SHERMAN, and Mrs. TAUSCHER.

H.R. 1029: Mrs. MYRICK and Mr. ABERCROMBIE.

H.R. 1061: Mr. TOM DAVIS of Virginia.

H.R. 1064: Ms. EDDIE BERNICE JOHNSON of Texas.

H.R. 1093: Mr. KLEIN of Florida and Mr. MACK.

H.R. 1115: Mr. PORTER.

H.R. 1122: Mr. FORBES.

H.R. 1125: Mr. TANCREDO, Mr. CANNON, Mr. FRANK of Massachusetts, and Mr. ADERHOLT.

H.R. 1142: Ms. WOOLSEY, Mr. ALLEN, Mr. HOLDEN, Mr. KAGEN, Mr. WOLF, Mr. COHEN, Mr. BISHOP of New York, Mr. SMITH of New Jersey, Ms. DEGETTE, Mr. CHABOT, Mr. WYNN, Ms. JACKSON-LEE of Texas, Mr. OBERSTAR, Mrs. MCCARTHY of New York, Ms. MATSUI, Mr. VAN HOLLEN, Mr. PLATTS, Ms. SUTTON, Mr. GERLACH, Mr. ABERCROMBIE, Mr. PALLONE, Mr. ETHERIDGE, Mr. FILNER, Mrs. EMERSON, Mr. McDERMOTT, and Mr. RAMSTAD.

H.R. 1176: Ms. LEE and Mr. GUTIERREZ.

H.R. 1216: Mr. ACKERMAN.

H.R. 1238: Mr. STARK.

H.R. 1245: Ms. DEGETTE, Mr. McNULTY, Mr. PITTS, and Ms. HOOLEY.

H.R. 1261: Mr. ENGLISH of Pennsylvania, Mr. CALVERT, Mr. CARTER, and Mr. PITTS.

H.R. 1314: Mrs. CAPITO and Mr. SAM JOHNSON of Texas.

H.R. 1325: Mr. KIND, Mr. ORTIZ, and Mr. WEXLER.

H.R. 1329: Mr. WESTMORELAND, Mr. BOSWELL, Mr. PAUL, Mr. GINGREY, Mr. BURGESS, and Mr. KINGSTON.

H.R. 1354: Mr. HIGGINS, Mr. PATRICK MURPHY of Pennsylvania, and Ms. SCHAKOWSKY.

H.R. 1381: Mrs. NAPOLITANO.

H.R. 1384: Mr. HONDA, Mr. MCKEON, Mr. NUNES, Mr. RADANOVICH, Mr. KUHL of New York, and Mr. CALVERT.

H.R. 1398: Mr. NEUGEBAUER, Mr. THORNBERRY, Mr. HENSARLING, Mr. WALBERG, and Mr. JORDAN.

H.R. 1428: Mr. GOODE and Mr. WALZ of Minnesota.

H.R. 1435: Mr. ORTIZ.

H.R. 1456: Mr. ANDREWS.

H.R. 1457: Mrs. JO ANN DAVIS of Virginia.

H.R. 1459: Mr. THORNBERRY.

H.R. 1490: Mr. COBLE, Mr. KIRK, Mr. WALBERG, Mr. LAHOOD, Mr. GILCHREST, Mr. JONES of North Carolina, Mr. PAUL, Mr. ENGLISH of Pennsylvania, Mrs. MILLER of Michigan, Ms. GINNY BROWN-WAITE of Florida, Mr. RAMSTAD, Mr. CAMP of Michigan, Mr. DUNCAN, Mr. DOYLE, Mr. LATOURETTE, Mrs. EMERSON, Mr. KUHL of New York, and Mr. KELLER.

H.R. 1497: Mr. DEFAZIO.

H.R. 1509: Ms. SCHWARTZ.

H. Con. Res. 71: Mr. ROHRBACHER and Mr. RYAN of Ohio.

H. Res. 37: Mr. MCNERNEY.

H. Res. 95: Ms. SUTTON.

H. Res. 100: Mr. HOBSON, Mr. LARSON of Connecticut, and Mr. ABERCROMBIE.

H. Res. 197: Mr. HARE.

H. Res. 231: Mr. FORBES and Mr. NEUGEBAUER.

H. Res. 232: Mr. SHUSTER and Mr. BURGESS.

H. Res. 237: Ms. CARSON and Mr. WELCH of Vermont.

H. Res. 240: Ms. LINDA T. SANCHEZ of California and Mr. BOREN.

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. Res. 106: Mr. ENGLISH of Pennsylvania.