

times. We must pursue economic, agriculture, and energy policies that increase the chances that our farmers can continue to farm the land and feed the world.

Mr. Speaker, as my farmers said, we need real help for the real America.

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Indiana (Ms. CARSON) is recognized for 5 minutes.

(Ms. CARSON addressed the House. Her remarks will appear hereafter in the Extensions of Remarks.)

#### WAL-MART MAKING LIFE WORSE FOR WORKERS WHILE APPEARING TO DO GOOD

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

Mr. GEORGE MILLER of California. Mr. Speaker, this morning the New York Times reported an absolutely shocking story. The Times published an internal memo from Wal-Mart written earlier this year. The contents of that memo are stunning.

The memo, penned by Wal-Mart's executive vice president for benefits, is concerned with employee benefits, namely how to cut the cost of benefits while improving Wal-Mart's public relations. In other words, the memo laid out a scheme whereby Wal-Mart will make life worse for working people, while appearing to do good. It focused on cosmetic improvements to Wal-Mart's image and real damage to Wal-Mart's employees.

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First of all, the memo admits that Wal-Mart's critics are onto something.

The memo states that Wal-Mart's health care plan, for example, is expensive for low-income families, and Wal-Mart has a significant percentage of associates and their children on public assistance. The memo states that 46 percent of children of Wal-Mart employees are either on Medicaid or uninsured. It reveals that in 2004, 38 percent of Wal-Mart's employees enrolled in the company health plan spent more than 16 percent of the average Wal-Mart income on health care.

Next, the memo goes on to complain that too many workers are sticking around too long, driving up labor costs. The thanks that these loyal employees get from Wal-Mart is a plan by Wal-Mart to get rid of them. According to the memo, Wal-Mart is seeking to cut its labor costs by switching to more part-time employees who will not have meaningful access to the company health care plan. So while Wal-Mart announces to the public that they are going to offer the best health care plan they can for their employees, they are secretly redesigning their work force so those who work for them will not be able to take advantage of the health care plan that they have announced.

The memo also suggests that Wal-Mart can cut its labor costs by keeping less healthy employees out of the workforce. It even suggests that they should include physical lifting requirements in the cashier job, just so that the company can use that requirement as an excuse not to hire unhealthy people. The memo says that the top Wal-Mart officials received the recommendation enthusiastically. And, guess what? We are starting to see those changes take place.

Earlier this week Wal-Mart announced a new health care plan for employees, including a high-deductible plan with health savings accounts. What does the memo say about this? It recommends plans with high deductibles and health savings accounts in order to attract low utilizers, that is a euphemism for healthier people, and discourage employment of high utilizers, the euphemism for sick people.

The question is often asked, is Wal-Mart bad for America? The company's own executive vice president has answered that question. The memo speaks for itself.

Madam Speaker, what Wal-Mart is saying here is that the benefit that they have announced to their employees as being new and expansive it turns out is no benefit at all. You must work 1 year before you qualify, and yet Wal-Mart plans to get rid of those people who have worked that length of time. Wal-Mart plans to hire more part-time people so they will not qualify for the health care plan. Should they hire somebody that qualifies for it, they want to be able to discriminate in their hiring against somebody who may have a health care problem, and, therefore, they do not want to hire them, so they will make up a test that that person has to go through, go around collecting shopping carts or lifting things so that they can root those people out of the selection process for whom they would hire. So Wal-Mart then says that this is the discriminatory policy that they want to follow.

What this shows is that Wal-Mart in the last couple of days has announced a new energy policy; they announced a new health care policy; they said they support an increase in the minimum wage, that it would help their businesses; and people started to say, what is this? Is this an extreme makeover for Wal-Mart? Have they come to their senses whereby they recognize their obligations to their employees, their obligations to the Earth's environment, their obligations on energy policy? Has Wal-Mart finally become responsible?

No, this is not an extreme makeover. This is a cosmetic nip and tuck. This is a cosmetic redo of a policy that is no policy at all, because, apparently, Wal-Mart has already designed, as this memo points out, the means by which they will not have to invoke the benefits of the health policy for their employees.

This is damning evidence, but what it means, if we thought that this was

going to be maybe a new Wal-Mart, a Wal-Mart that would be welcome to communities rather than fought by communities, what this means is, in fact, that that is not the case at all. Wal-Mart is going to continue their policy of everyday low wages, of everyday no health care, of everyday ruination of the environment, of everyday mistreatment of their workers. That is the Wal-Mart policy. That is the Wal-Mart policy that caused them to violate labor laws over and over again, to discriminate against their employees over and over again, to abuse the women employees over and over again. That is the record of Wal-Mart.

This was a false sunrise. This was a false sense that somehow Wal-Mart had started to accept its responsibility towards its employees. In fact, once again, it is going to abuse its employees. Sadly so, that is the case.

The SPEAKER pro tempore (Mrs. SCHMIDT). Under a previous order of the House, the gentleman from North Carolina (Mr. JONES) is recognized for 5 minutes.

(Mr. JONES of North Carolina addressed the House. His remarks will appear hereafter in the Extensions of Remarks.)

#### EXCHANGE OF SPECIAL ORDER TIME

Mr. GINGREY. Madam Speaker, I ask unanimous consent to take the time of the gentleman from North Carolina (Mr. JONES).

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

There was no objection.

#### REMEMBERING SAM SMITH

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

Mr. GINGREY. Madam Speaker, I rise today to recall the life of Sam C. Smith, former mayor of Cartersville, Georgia, president of Century Bank, and a lifelong community activist who leaves behind an everlasting legacy of service to his hometown. Sam is survived by his wife, Connie Hill Smith, and his three children, Ginny, Taylor, and Drew.

Sam's untimely death this past weekend is deeply felt by the entire Cartersville community, and I would like to share some of his accomplishments here today.

Sam lived life with a passion for everything he did, and he worked tirelessly for the betterment of his community. Never a man with small dreams or goals, Sam served as mayor of Cartersville from 1998 to 2002, and his tenure exemplified the kind of work that can be achieved when a city's leader is committed, involved, and enthusiastic about making his city a better place to live.

However, Sam's involvement in his community far outdates his rise to mayor. Sam Smith was a true fixture in Cartersville, and his shoes will be hard ones to fill. This is a man who earlier today was laid to rest less than a mile from the place where he was born 58 years ago.

After graduating from the University of Tennessee with a degree in finance, Sam quickly became a shining star for the Bartow County community. In 1972, he was named Cartersville's Outstanding Young Man of the Year, and in 1979, he was named one of five Outstanding Young Men in the State of Georgia by the Georgia Jaycees. These early accolades were followed by years of service to the community that honored him.

At the age of 26, Sam became president of Bartow County Bank, making him the youngest bank president in the State of Georgia. His distinguished tenure lasted for 20 years. More recently, he cofounded and served as president of Century Bank, the position he held at the time of his death.

Sam Smith exemplified that "personal banker" we value in a bank. So many people remember Sam as a banker who gave them their first loan, their first job, or that first vote of confidence in their new home or business.

Sam was also intimately involved in community organizations. He served as president of the Cartersville-Bartow Chamber of Commerce in the early 1980s and as chairman of the Georgia Bar Association Committee on Fee Arbitration in the 1990s. At the time of his death, Sam was chairman of the Independent Bankers Association's Bank Services Committee.

Sam Smith's community involvement went well beyond the financial sector. He helped bring a new Georgia Highlands College campus to Cartersville, and was an active member of Sam Jones United Methodist Church, and was an avid supporter of Cartersville's high school athletics. Just 12 days ago I was honored to be his guest at the Cartersville-Carrollton football game. Sam knew every Purple Hurricane by first name.

Last night I attended Sam's wake, and I was reminded of the impact a leader can have on the community he serves. Everyone shared words of praise, joyful memories, and personal stories I know will be told for many years to come.

It is fitting that the current mayor of Cartersville, a job Sam held with such honor, eloquently captured the spirit of Sam Smith this week. Cartersville mayor Mike Fields commented, "I can't think of anybody else who cared more about this city than Sam Smith. Very few people put as much heart and soul into the city than Sam. His accomplishments speak for themselves, but it will take an awful lot of effort from a lot of folks to replace what he did."

Madam Speaker, the residents of Cartersville, Georgia, were fortunate to

have Sam leading their community. He made Bartow County a better place to live, to do business, even cheer on a local baseball team. It was a privilege to know him, and his presence will be deeply missed.

Madam Speaker, today Bartow County said goodbye to a favorite son. I offer my condolences to his family, his friends, and his beloved community. I know that while Sam Smith is no longer with us, his legacy will continue for many years to come.

#### TIME TO TAKE THE INCENTIVES OUT OF PRICE-GOUGING BY THE OIL COMPANIES

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

Mr. DEFAZIO. Mr. Speaker, yesterday, we saw an extraordinary event: The Republican leadership of Congress asking, pretty please, if the oil industry would build more refineries.

Now, of course, this flies in the face of the strategy of the oil industry and everything that has been done in the so-called energy bills we have passed so far, which is providing incentives, tax subsidies, and status quo to the oil and gas industry. In fact, in the last 10 years, the oil industry, through mergers, has managed to close half of the refineries in America. And now today, when we see extortion in prices for gas at the pump, and we say, why is that? And they say, we do not have enough refineries. And then they say, those darn environmentalists. But they do not put it in the same sentence, because they know it is not true. Not a single refinery was closed for environmental reasons.

They have not applied to build new refineries. They, in fact, have consciously closed refineries and squeezed down refinery capacity, so like Enron in California, when they shut down their generating plants, they can say, oh, the price has got to go up. We do not have enough of the product out there.

In fact, if you look at where consumers' money is going, if you take gas at \$2.50 a gallon, about 95 cents of that is going to the refiners. That is up from the historic average of 27 cents, a 400 percent increase in profits to refiners, which is adding up to a wonderful bottom line for the oil companies. Today Conoco-Phillips announced that their profits are up 89 percent over this quarter last year, \$3.8 billion in the third quarter. Not bad. BP, kind of a piker here, probably their stock will go down; their profits only went up 34 percent. What Americans' wages went up 34 percent, except maybe some of the CEOs of these companies, \$6.53 billion?

But Exxon Mobil, the big one, will announce tomorrow, and it is widely expected among analysts, that they will report third quarter profits, one quarter, that is 3 months, of nearly \$9 billion, which will be the largest quar-

terly profit for any corporation in the history of the world, and there is no price gouging going on.

Now, one part of that sentence was true, and the other part was a lie. The first part was true: The largest ever quarterly profit in the history of the world will go to Exxon Mobil, who has closed dozens of refineries, and then they say, well, we do not have enough capacity. The Republican leadership says, pretty please, might you build more refineries?

Now, the oil industry is getting a little worried because the American people are kind of onto this game. We saw over three bucks a gallon on the west coast on Labor Day weekend, but guess what? We are not in the east coast supply chain. Now, what justified that, except for price gouging and profit-taking, which did contribute to the largest ever quarterly profit for a corporation in the history of the world? Oregonians and other Westerners contributed to that, or were extorted to contribute to that?

And the industry is starting to get a little worried that maybe some meaningful action might happen, but they do not have to worry, because we have two oilmen in the White House, and we have a Republican leadership in Congress that says, pretty please, would you please do something about this, and you better not price gouge anybody.

In fact, the so-called energy bill we passed just about 10 days ago, energy bill II, all the bad ideas that did not fit into energy bill I, actually would have penalties for price gouging. But they could not be applied to refiners whose profits are up 400 percent, or to producers, crude oil producers, whose profits are up 50 percent, or even to distributors, but to retailers whose profits are up 2 percent.

Now, it is not the Mom and Pop gas station that is gouging the consumers. They are at the end of the chain. They get the gas; they get a tiny little markup. They are not the ones manipulating the system.

It is time to break up these energy cartels, no more mergers, break up some of these megacompanies that have been created, apply a windfall profits tax to take the incentive out of price gouging, adopt meaningful price gouging legislation like 23 States in the Union have; do that nationally to reign this in, go after OPEC and their restriction of supply in violation of WTO.

The President is a great free trader until it comes to OPEC, because he could file a free trade complaint about them, but he will not. I have written to him. I have asked him. I have introduced legislation. They will not hear it; they will not let us vote on it. Nobody wants to take on OPEC, because they are working hand in glove with Exxon Mobil and the big oil companies. They are all getting really rich together, and the American consumers are getting taken to the cleaners.