

## RECESS

The SPEAKER pro tempore. Pursuant to clause 12(a) of rule I, the Chair declares the House in recess subject to the call of the Chair.

Accordingly (at 3 o'clock and 19 minutes p.m.), the House stood in recess subject to the call of the Chair.

□ 1753

## AFTER RECESS

The recess having expired, the House was called to order by the Speaker pro tempore (Mr. MCGOVERN) at 5 o'clock and 53 minutes p.m.

## RECESS

The SPEAKER pro tempore. Pursuant to clause 12(a) of rule I, the Chair declares the House in recess subject to the call of the Chair.

Accordingly (at 5 o'clock and 54 minutes p.m.), the House stood in recess subject to the call of the Chair.

□ 1820

## AFTER RECESS

The recess having expired, the House was called to order by the Speaker pro tempore (Mr. MCGOVERN) at 6 o'clock and 20 minutes p.m.

## CONGRESSIONAL PENSION ACCOUNTABILITY ACT

Ms. MILLENDER-MCDONALD. Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 476) to amend title 5, United States Code, to make noncreditable for Federal retirement purposes any Member service performed by an individual who is convicted of any of certain offenses committed by that individual while serving as a Member of Congress, and for other purposes, as amended.

The Clerk read as follows:

H.R. 476

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

**SECTION 1. LOSS OF PENSIONS ACCRUED DURING SERVICE AS A MEMBER OF CONGRESS FOR ABUSING THE PUBLIC TRUST.**

(a) CIVIL SERVICE RETIREMENT SYSTEM.—Section 8332 of title 5, United States Code, is amended by adding at the end the following:

“(o)(1) Notwithstanding any other provision of this subchapter, the service of an individual finally convicted of an offense described in paragraph (2) shall not be taken into account for purposes of this subchapter, except that this sentence applies only to service rendered as a Member (irrespective of when rendered). Any such individual (or other person determined under section 8342(c), if applicable) shall be entitled to be paid so much of such individual's lump-sum credit as is attributable to service to which the preceding sentence applies.

“(2)(A) An offense described in this paragraph is any offense described in subparagraph (B) for which the following apply:

“(i) Every act or omission of the individual (referred to in paragraph (1)) that is needed

to satisfy the elements of the offense occurs while the individual is a Member.

“(ii) Every act or omission of the individual that is needed to satisfy the elements of the offense directly relates to the performance of the individual's official duties as a Member.

“(iii) The offense is committed after the date of enactment of this subsection.

“(B) An offense described in this subparagraph is only the following, and only to the extent that the offense is a felony under title 18:

“(i) An offense under section 201 of title 18 (bribery of public officials and witnesses).

“(ii) An offense under section 219 of title 18 (officers and employees acting as agents of foreign principals).

“(iii) An offense under section 371 of title 18 (conspiracy to commit offense or to defraud United States), to the extent of any conspiracy to commit an act which constitutes—

“(I) an offense under clause (i) or (ii); or

“(II) an offense under section 207 of title 18 (restrictions on former officers, employees, and elected officials of the executive and legislative branches).

“(iv) Perjury committed under section 1621 of title 18 in falsely denying the commission of an act which constitutes—

“(I) an offense under clause (i) or (ii); or

“(II) an offense under clause (iii), to the extent provided in such clause.

“(v) Subornation of perjury committed under section 1622 of title 18 in connection with the false denial or false testimony of another individual as specified in clause (iv).

“(3) An individual convicted of an offense described in paragraph (2) shall not, after the date of the final conviction, be eligible to participate in the retirement system under this subchapter or chapter 84 while serving as a Member.

“(4) The Office of Personnel Management shall prescribe any regulations necessary to carry out this subsection. Such regulations shall include—

“(A) provisions under which interest on any lump-sum payment under the second sentence of paragraph (1) shall be limited in a manner similar to that specified in the last sentence of section 8316(b); and

“(B) provisions under which the Office may provide for—

“(i) the payment, to the spouse or children of any individual referred to in the first sentence of paragraph (1), of any amounts which (but for this clause) would otherwise have been nonpayable by reason of such first sentence, but only to the extent that the application of this clause is considered necessary given the totality of the circumstances; and

“(ii) an appropriate adjustment in the amount of any lump-sum payment under the second sentence of paragraph (1) to reflect the application of clause (i).

“(5) For purposes of this subsection—

“(A) the term ‘Member’ has the meaning given such term by section 2106, notwithstanding section 8331(2); and

“(B) the term ‘child’ has the meaning given such term by section 8341.”.

(b) FEDERAL EMPLOYEES’ RETIREMENT SYSTEM.—Section 8411 of title 5, United States Code, is amended by adding at the end the following:

“(1)(1) Notwithstanding any other provision of this chapter, the service of an individual finally convicted of an offense described in paragraph (2) shall not be taken into account for purposes of this chapter, except that this sentence applies only to service rendered as a Member (irrespective of when rendered). Any such individual (or other person determined under section 8424(d), if applicable) shall be entitled to be paid so much of such individual's lump-sum

credit as is attributable to service to which the preceding sentence applies.

“(2) An offense described in this paragraph is any offense described in section 8332(o)(2)(B) for which the following apply:

“(A) Every act or omission of the individual (referred to in paragraph (1)) that is needed to satisfy the elements of the offense occurs while the individual is a Member.

“(B) Every act or omission of the individual that is needed to satisfy the elements of the offense directly relates to the performance of the individual's official duties as a Member.

“(C) The offense is committed after the date of enactment of this subsection.

“(3) An individual convicted of an offense described in paragraph (2) shall not, after the date of the final conviction, be eligible to participate in the retirement system under this chapter while serving as a Member.

“(4) The Office of Personnel Management shall prescribe any regulations necessary to carry out this subsection. Such regulations shall include—

“(A) provisions under which interest on any lump-sum payment under the second sentence of paragraph (1) shall be limited in a manner similar to that specified in the last sentence of section 8316(b); and

“(B) provisions under which the Office may provide for—

“(i) the payment, to the spouse or children of any individual referred to in the first sentence of paragraph (1), of any amounts which (but for this clause) would otherwise have been nonpayable by reason of such first sentence, but only to the extent that the application of this clause is considered necessary given the totality of the circumstances; and

“(ii) an appropriate adjustment in the amount of any lump-sum payment under the second sentence of paragraph (1) to reflect the application of clause (i).

“(5) For purposes of this subsection—

“(A) the term ‘Member’ has the meaning given such term by section 2106, notwithstanding section 8401(20); and

“(B) the term ‘child’ has the meaning given such term by section 8341.”.

The SPEAKER pro tempore. Pursuant to the rule, the gentlewoman from California (Ms. MILLENDER-MCDONALD) and the gentleman from Michigan (Mr. EHRLERS) each will control 20 minutes.

The Chair recognizes the gentlewoman from California.

Ms. MILLENDER-MCDONALD. Mr. Speaker, I yield myself 8 minutes.

Mr. Speaker, the bill before us today was introduced by my distinguished colleague, Representative NANCY BOYDA from Kansas. It represents part of a continuing effort by the Democratic leadership to clean up the ethics outrage left over by the Abramoff scandal.

The fundamental concept of this bill is simple. If Members of Congress are convicted of engaging in illegal behavior during the performance of official duties, then in addition to going to jail, their public pension will be eliminated. The language was included in the Republican lobby reform bill last year. The only difference is one enhancement responsive to Senate concerns. We have added language to deny pension benefits to Members who ask others to lie for them, or help them cover up their crime.

Applying this penalty to those convicted of corruption is another step toward comprehensive ethics reform and restoring the public trust in Congress.

It goes without saying that no one should ever violate their oath of office. No one in this body should ever engage in criminal conduct. Such conduct distorts the people's business and leads to the formulation of bad public policy. It breaks the social contract that Americans have with one another, and with their elected leaders. Such conduct demoralizes the Nation, and it damages the reputation of this great institution.

The bill before us represents one step toward discouraging illegal and unethical abuses of our office. As a consequence of enacting this bill, Members hopefully will think twice before stepping over the line.

The Boyda pension forfeiture bill denies a congressional pension to any Member of Congress who is convicted of certain felonies and who has exhausted all appeals. It does not apply to a Member's own contributions to the retirement system.

The covered felonies include: Bribery of public officials and witnesses; acting as foreign agent; conspiracy to commit the above offenses, or conspiracy to violate the postemployment restrictions; perjury by falsely denying any of the above-listed crimes; and subordination of perjury by getting someone else to lie or cover up for you.

Every act constituting any of the above felonies: Must have occurred while the Member is in office; must directly relate to a Member's official duties; and must take place after the date of enactment.

Any element of a crime leading to a final conviction can occur at any time after enactment. So passage of this initiative, Mr. Speaker, puts every current and future Member on notice that there will be an additional price to pay for criminal behavior while holding an office of public trust.

Now does this bill go too far or not far enough? I have heard it argued both ways. Some say that more crimes should be included. Others ask: "Why should a criminal's spouse or child be eligible for the criminal's forgone pension?" Some argue that prosecutors should be empowered to use pension forfeiture as a negotiating tool. Others argue that judges should be able to adjust pension forfeiture to fit the crime, and there are many more such questions and thoughts.

I will tell you now that this policy is an important step, but it is only a first step. It is a way to lay down the law. It is a way to tell the public that we reject criminal behavior while in office. It is a way to tell the American people that we are serious about addressing illegal and unethical behavior by our colleagues. And it is a way to get this pension forfeiture penalty enacted. No, it is not perfect, but it moves us in the right direction.

You will hear arguments that it doesn't go far enough, that previously convicted Members should not presently be allowed pensions. And while I am not unsympathetic with the under-

lying sentiment, we are prohibited, as legislators, from passing ex post facto laws, which criminalize or penalize past behavior, which is again a violation of the Constitution.

You will hear arguments that more types of criminal behavior should be covered. One of my colleagues indicated last Friday that more types of criminal behavior should be covered. Up until this point, pension forfeiture has only applied to treason and espionage and related offenses. So this is a big step. We are extending pension forfeiture to cover those offenses that lie at the heart of violations of the public trust and relate to the performance of official congressional duties. We are not applying this to others in the executive branch, so this is without precedent.

You will hear arguments that an innocent spouse or child should be punished along with the criminal. On balance, I don't think that is good policy. It may satisfy one's desire for revenge, but if you believe in individual responsibility, then you don't punish an innocent person for another's bad behavior just because they are related by marriage or parentage. I think we need to take a look at this principle in other situations as well, but today we are looking at it in the context of criminal behavior by Members of Congress.

The American people are rightly outraged by elected officials' criminal acts, but the American people are also humane and understanding. Although the first response to this outrage is likely to be "throw the bum in jail," most Americans will not countenance throwing the child of a criminal into the street, or anyone's child.

Assuming family members are innocent of any wrongdoing, this bill gives the Office of Personnel Management the discretion to respond to hardships placed on the family and caused by the Member's criminal wrongdoing. If OPM decides to do so, it will come out of any amounts contributed directly by the Member, and to which he or she is still entitled. That is fair and just, in my opinion. OPM could still impose full pension forfeiture, or something less if the totality of the circumstances warrants a different outcome.

There are lots of other arguments we can have about the merits of this initiative and whether it goes too far or not far enough. Some may even question whether it even goes in the right direction. All of these are legitimate policy concerns, which can be pursued by the interested Members with the committees of jurisdiction through future legislation. But the bill before us today, however imperfect you may judge it, is an immediate response to the American people's demand that we change the way we do business here in Washington.

There are many other initiatives we will be taking to reverse the last decade of criminal and ethical decline. We will do them, and we will be a better and more responsive government for

having done so. But this is step one. The American people are sending an unequivocal message to all Representatives and Senators: If you lie, cheat or collude with others to cover up your criminal abuse of public office, you will not only go to jail, but you will sacrifice something that the American people provided you, and that is trust, which the American people can take away from you if you violate that trust. Dishonor that trust, and you break your contract with the American people, and the consequences are clear.

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

PARLIAMENTARY INQUIRY

Mr. SHADEGG. Parliamentary inquiry, Mr. Speaker.

The SPEAKER pro tempore. The gentleman may state his parliamentary inquiry.

Mr. SHADEGG. Can the Chair tell me if this bill was reported out of committee?

The SPEAKER pro tempore. The bill before us has not been reported by the committees to which it was referred.

Mr. SHADEGG. So it has not been reported out of committee?

The SPEAKER pro tempore. That is correct.

□ 1830

Mr. SHADEGG. Parliamentary inquiry, Mr. Speaker.

The SPEAKER pro tempore. The gentleman will state his parliamentary inquiry.

Mr. SHADEGG. Can the chairman tell me if this bill was subject to amendment in committee?

The SPEAKER pro tempore. The phrase "as amended" in the motion offered by the gentlewoman from California signifies that the text proposed for passage differs in some respect from the text of the introduced bill.

Mr. SHADEGG. Further parliamentary inquiry.

The SPEAKER pro tempore. The gentleman will state his parliamentary inquiry.

Mr. SHADEGG. Can the gentleman tell me where and when this bill was amended?

The SPEAKER pro tempore. It is amended in the motion that is placed at the desk.

Mr. SHADEGG. Parliamentary inquiry, Mr. Speaker. Has the majority been provided the text of the bill at this time, or can you tell me when it was amended?

The SPEAKER pro tempore. It is the Chair's understanding that the bill is available to Members in the Chamber and copies have been provided.

Mr. SHADEGG. Parliamentary inquiry, Mr. Speaker. We just asked for a copy of the bill, a Member just did, and was not able to get it. Do we have more than one copy?

The SPEAKER pro tempore. The official copy is at the desk and the Chair understands that there are other copies that have been distributed throughout the Chamber.

Mr. SHADEGG. One further parliamentary inquiry.

The SPEAKER pro tempore. The gentleman will state his further parliamentary inquiry.

Mr. SHADEGG. Mr. Speaker, it has been widely reported today that this bill has a delayed effective clause which would not make it effective until January of 2009. That is different than the introduced bill, which had an immediate effective date.

Ms. MILLENDER-MCDONALD. Is that a parliamentary inquiry that he is just suggesting here?

Mr. SHADEGG. Can the Chair clarify whether or not it has been amended in that respect?

The SPEAKER pro tempore. The content of the bill is a subject for Members to discuss during the debate. It is not for the Chair to state.

Mr. SHADEGG. I thank the gentleman.

PARLIAMENTARY INQUIRY

Mr. KIRK. Parliamentary inquiry.

The SPEAKER pro tempore. The gentleman from Illinois will please state his parliamentary inquiry.

Mr. KIRK. Mr. Speaker, with regard to the amendment in the final form of this bill, my understanding is we are now dealing with a handwritten piece of paper on a napkin?

The SPEAKER pro tempore. The bill, as amended, is at the desk.

Mr. KIRK. Is anything typed and shared with the minority?

The SPEAKER pro tempore. The engrossing Clerk has the official paper at the desk.

Mr. KIRK. Which is handwritten.

The SPEAKER pro tempore. The gentleman may examine the copy at the desk for himself.

Mr. KIRK. I will take that as a "yes."

POINT OF ORDER

Mr. TERRY. Point of order, Mr. Speaker. I have a point of order.

The SPEAKER pro tempore. The gentleman will state his point of order.

Mr. TERRY. Mr. Speaker, as I understand, this suspension rule was just amended or written and changed in the last 45 minutes. It is my understanding from the votes that we took on the first day of the House that the rules were amended. A civility section was added to the rules that said that we would be provided 48 hours' notice.

It is my thought that this last-minute change violates the rules that were adopted in the House our first day in session for the 110th Congress, and I object to the bill's going forward.

The SPEAKER pro tempore. The Chair appreciates the gentleman's comments. Unfortunately, the gentleman has not stated a point of order.

PARLIAMENTARY INQUIRY

Mr. WHITFIELD. Parliamentary inquiry, Mr. Speaker.

The SPEAKER pro tempore. The gentleman from Kentucky will state his parliamentary inquiry.

Mr. WHITFIELD. Mr. Speaker, of course this subject matter is very im-

portant, the Congressional Pension Accountability Act; and I just went up to the desk and asked for a copy of the bill that we will be debating. And I was told that they did not have a copy. The Speaker has said that there are copies available for Members, and I would like to know where the copies are and how many copies are available for the Members.

The SPEAKER pro tempore. There is an engrossing copy at the desk and further copies will be made available to Members throughout the Chamber.

Mr. WHITFIELD. When will copies be made available for us?

The SPEAKER pro tempore. Currently. The Chair observes their being passed out as we speak.

PARLIAMENTARY INQUIRY

Mr. TERRY. Mr. Speaker, parliamentary inquiry.

The SPEAKER pro tempore. The gentleman will state his parliamentary inquiry.

Mr. TERRY. Mr. Speaker, the ruling from the Chair, in respect to my objection, was based on the rules that were adopted by the House, the civility section, where we were supposed to be provided 48 hours of notice of any legislation brought to the floor.

The SPEAKER pro tempore. The Chair is unaware of a rule that the gentleman describes. A motion to suspend the rules obviates any point of order in any event.

Mr. TERRY. Are you stating that there is no rule saying that the majority has to supply 48 hours' notice?

The SPEAKER pro tempore. That is correct, and a motion to suspend the rules obviates any point of order in any event.

Mr. TERRY. I thank the gentleman.

PARLIAMENTARY INQUIRY

Mr. SHADEGG. Mr. Speaker, I have a parliamentary inquiry.

The SPEAKER pro tempore. The gentleman will state his parliamentary inquiry.

Mr. SHADEGG. Mr. Speaker, as I understand it, although the rules package contained a provision that said the majority would provide legislative text to the minority 48 hours before a vote, that is not, in fact, a rule; is that correct?

The SPEAKER pro tempore. A motion to suspend the rules, as the gentleman knows, obviates any point of order to that effect.

Mr. SHADEGG. Further parliamentary inquiry, Mr. Speaker.

The SPEAKER pro tempore. The gentleman will state his parliamentary inquiry.

Mr. SHADEGG. Mr. Speaker, is there a means by which I can appeal the ruling of the Chair in order to allow the Members of the minority the time in the civility clause that is 48 hours to see the language of this bill which was apparently amended within the last 45 minutes?

The SPEAKER pro tempore. Will the gentleman suspend for one moment.

Mr. SHADEGG. I would very much appreciate an answer to my question,

Mr. Speaker. I don't think that is asking too much.

POINT OF ORDER

Mr. HOYER. Mr. Speaker, point of order.

The SPEAKER pro tempore. The Chair recognizes the majority leader.

Mr. HOYER. Mr. Speaker, I believe the points of order being made are debate and comment, not points of order. And I am going to object to the continuation of a process that theoretically raises points of order which is debate and not a point of order.

Mr. SHADEGG. Mr. Speaker, I believe I stated a parliamentary inquiry.

The SPEAKER pro tempore. The Chair would say to the gentleman from Arizona that the motion to suspend the rules is simply being given its ordinary meaning in this process.

Mr. SHADEGG. So the answer to my question is that there is no procedure by which I may object to this bill going forward without the 48 hours promised in the civility provision of the House rules?

The SPEAKER pro tempore. That is correct.

Mr. SHADEGG. I thank the gentleman.

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

But to begin with, I would like to yield a moment to the chairwoman of the committee and ask, just to try to clarify this, what is the effective date of the amendment we are considering?

Ms. MILLENDER-MCDONALD. Mr. Speaker, will the gentleman yield?

Mr. EHLERS. I yield to the gentlewoman from California.

Ms. MILLENDER-MCDONALD. Mr. Speaker, with reference to the question raised by the gentleman from Michigan, the effective date is upon enactment of the bill.

Mr. EHLERS. Thank you for clarifying that.

Mr. Speaker, part of the reason for the question was an honest inquiry simply because there has been a lot of confusion about the last-minute changes, which is certainly not customary for a bill taken up under suspension.

This bill would deprive Members of Congress from their pensions if they are convicted of certain crimes. Similar language was included in the ethics and lobbying reform bill passed by the Senate last week.

This is not a new issue. This is not the first time the House has considered the question of whether convicted Members should lose their pensions. In 1996, following the conviction of Congressman Dan Rostenkowski, a public outcry followed published reports that he would be receiving a generous pension even while serving his prison term. In response, the House scheduled and voted on H.R. 4011, to take away the pensions of Members convicted of offenses listed in the bill. It passed 390-32 in the House, but was not taken up in the Senate and did not become law; and Mr. Rostenkowski received his full pension.

Incidentally, mail fraud, the crime for which Mr. Rostenkowski was convicted, was a listed offense in that bill, H.R. 4011, but is not listed in the bill pending before us today. So if there were another Rostenkowski event, today this would not affect that behavior.

The recent convictions of some of our former colleagues, and published reports implicating a current Member in bribery schemes, have caused this issue to surface again.

Then, as now, these legislative efforts amount to an attempt to close the barn door after the horse has gone. Even if H.R. 4011 had passed in 1996, it would not have affected anyone engaged in criminal activity prior to its passage. In other words, Mr. Rostenkowski still would not have been affected by that bill. Whatever we do today will not deprive any of our convicted former colleagues of their pensions and won't threaten the pension of a Member who might have already engaged in criminal activity but has yet to be charged or convicted. The Supreme Court has ruled you simply cannot change the criminal penalty for a crime after it has been committed and apply it retroactively. This is called *ex post facto* punishment and is clearly prohibited by the Constitution, and that is why it is so extremely important to draft this bill properly.

The Congress had originally attempted to do this when it passed the Hiss Act in 1954 in response to the perjury conviction of Alger Hiss. The law applied to a number of offenses. But this law, though passed after his conviction, was written to take away Hiss's pension but was struck down by a Federal court, and later the Congress scaled the law back because it was unmanageable. This illustrates again the importance of careful work on bills of this nature.

Conviction of an offense listed in the Hiss Act, which is still in effect and applies to all government employees, results in total loss of the pension. The Hiss Act, as amended in 1961, is now limited to crimes against the State that threaten national security: treason, espionage, sedition, et cetera.

Of course, had the Congress enacted the House-passed legislation on the subject in 1996, those who have been convicted of listed criminal offenses in the interim would not be able to receive pensions and today's action would not be necessary.

In view of all this, I have to say, Mr. Speaker, that I think it is most unfortunate that we are considering this bill under suspension with last-minute changes, with limited time for debate, and no opportunity to consider alternatives. I believe that it is important to look at some alternatives. The courts have raised the issue of proportionality, that the punishment must be proportional to the crime. This bill does not contain anything relating to that. And it should, because under this bill a person who commits a heinous

crime and has 5 years of pension credit suffers a minor penalty compared to a person who might commit a minor crime but has 20 years of pension to lose. This is not taken care of in this bill, and it should be.

The issue of spouse pensions, as the Chair of the committee mentioned, is dealt with in this bill; but I don't think it is dealt with satisfactorily. I think we should give some guidelines to the Office of Personnel Management in dealing with that.

My point on all this, Mr. Speaker, is that this is an important bill. It is going to potentially affect each and every Member of the Congress. I think it should be done with due deliberation and carefulness, and I think it is most unfortunate that this bill has become clouded by the hasty effort to get this taken up on suspension with last-minute changes not approved previously by the minority.

I hope this is not an example of what we can expect in the future. The issue is certainly more important than naming a post office, which is what we normally do on suspension; and I hope that this bill, when it does pass, will come back in conference so that we will be able to fine tune it in conference with the Senate and produce a good bill that is worthy of final passage.

Mr. Speaker I reserve the balance of my time.

Ms. MILLENDER-MCDONALD. Mr. Speaker, I would like to just take about 30 seconds to correct a misrepresentation of the ranking member. He spoke of mail fraud, of which Mr. Rostenkowski was convicted, was not one of the crimes contained in the House bill that was passed out of this House by the Republicans last year. So that is a mischaracterization.

□ 1845

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

Ms. MILLENDER-MCDONALD. I yield to the gentleman from Michigan.

Mr. EHLERS. The bill was passed in 1996.

Ms. MILLENDER-MCDONALD. Irrespective of, it was not one of those that were, as you had suggested in your opening statement.

Mr. Speaker, at this time I would like to yield such time as she may consume to the author of this bill, the outstanding new Member who introduced this bill, the gentlewoman from Kansas (Mrs. BOYDA).

Mrs. BOYDA of Kansas. Mr. Speaker, I rise today to introduce a bill that will help rebuild the American people's faith in our Congress.

Last year a Member of this House, Congressman Bob Ney, praised legislation that would have stripped the pensions of Members of Congress who are convicted of trading votes for bribes. Congressman Ney claimed that the bill would hold, and I quote, "Members of Congress and those they work with to the highest standards in order to en-

sure that those who abuse the public trust will be dealt with accordingly." But that bill never passed, for which Congressman Ney is probably grateful. On Friday he was sentenced to serve 30 months in Federal prison. His crime: Accepting tens of thousands of dollars in luxury vacations, sporting tickets, and meals from Big Money lobbyist Jack Abramoff.

Despite his conviction, Congressman Ney remains eligible to draw a congressional pension. And he isn't alone. Over the last 25 years, as many as 20 politicians convicted of serious offenses have received their congressional pensions. The exact amount of their payments vary, but the typical payment is about \$47,000 a year. That is greater than the average American's total household income, and four times the annual earnings of the minimum-wage worker.

Why should taxpayers fund a comfortable retirement for a crooked Congressman? The answer, of course, is that we shouldn't. Corrupt politicians deserve prison sentences, not taxpayer-funded pensions.

Mr. Speaker, this House has already taken an important first step toward ending congressional corruption. On our very first day of Congress in session, we passed an aggressive ethics package that banned Members from accepting meals and gifts from lobbyists, and we enacted real earmark reform. But our work isn't done.

During my campaign I promised my constituents that I would help end Big Money's control of Congress, and that promise won't be fulfilled until Members who accept Big Money bribes cannot still retire at taxpayer expense.

Today I am proud to introduce H.R. 476, the Pensions Forfeiture Act, which would strip the pensions of Members of Congress convicted of bribery, conspiracy, espionage, or perjury. I am honored that my three fellow Representatives from Kansas, Representatives TODD TIAHRT, JERRY MORAN, and DENNIS MOORE, are cosponsoring this legislation with me. All of us, Republicans and Democrats alike, are answering Kansas's demands to sever the link between money and politicians.

My father told me when I told him about this legislation, he said, "Sweetheart, it's about time. Let's get on with it."

Unfortunately, we cannot now revoke Congressman Ney's pension. Believe me, I wish we could, but the Constitution prohibits us from passing such laws after the fact. But we can and we must prevent this from happening again.

I urge my colleagues on both sides of the aisle to support the Pensions Forfeiture Act. I hope that this bill will further deter corruption. Perhaps when Congressmen know that their retirement benefits are on the line, they will think long and hard before committing a Federal crime. But if some future Representative does follow in the footsteps of Congressman Ney, at least

Kansas taxpayers and the rest of American taxpayers won't have to foot the bill for his retirement home.

Ms. MILLENDER-MCDONALD. Mr. Speaker, I would like to inquire as to the time left for both sides.

The SPEAKER pro tempore (Mr. McGOVERN). The gentlewoman from California has 7½ minutes remaining, and the gentleman from Michigan has 13½ minutes remaining.

Mr. EHLERS. Mr. Speaker, I am pleased to yield 2 minutes to Mr. KIRK of Illinois.

Mr. KIRK. Mr. Speaker, I would like to ask the author of this legislation, Mrs. BOYDA, a question. She has added an amendment to this legislation within the last half hour. What was it, and what did you intend to do with that amendment?

Mrs. BOYDA of Kansas. I don't believe that it has been amended in the last half hour, but we did add subornation of perjury.

Mr. KIRK. Reclaiming my time. The gentlewoman actually has amended the legislation within the last half hour to add a fifth charge of subornation of perjury. But this bill falls far short of its potential.

In 1996, the Congress is on record with the vote of Congresswoman PELOSI and Congressman HASTERT of supporting legislation with 21 public integrity felonies, not the 5 under the legislation before us.

We are missing a key element in this legislation which falls far short of our potential for reform. We know under current law that Rostenkowski collects after mail fraud, Traficant collects after corruption, Cunningham collects after bribery, and Ney collects after conspiracy. But the key story tonight is what is missing in this legislation.

Our House leadership presented a bill which until an hour ago would have exempted the 110th Congress from any of these reforms. Now they are going to go back with the original intention of the bill with the new amendment that the Congresswoman added. But this list of felonies fails to include income tax evasion.

I would ask her, why didn't you add income tax evasion to the list of felonies under this bill?

Mrs. BOYDA of Kansas. I believe that the bill is intended as the voters have said we need to get something done. The crimes that are included in this bill will go right at the heart of the corruption that is affecting the Congress.

Mr. KIRK. Reclaiming my time. I would say that we should not provide taxpayer-funded pensions for someone who is convicted of income tax evasion.

Ms. MILLENDER-MCDONALD. Mr. Speaker, just a couple of seconds, and I would like to speak to the speaker who has just spoken. He spoke about the amendment to this bill, the subornation of perjury. This is in the gentleman's bill that he has introduced, so I don't know why his objection to that. The Democrats have added two addi-

tional crimes to this bill, and one is that; the other is a conspiracy to violate postemployment restrictions. We have tried to put in this bill to strengthen this bill two additional crimes, and so I am concerned that his argument is one that is in his bill that he has introduced.

At this time, Mr. Speaker, I yield 2 minutes to the gentlewoman from California, Mrs. SUSAN DAVIS.

Mrs. DAVIS of California. Mr. Speaker, I rise today in support of H.R. 476, the Pension Forfeiture Act sponsored by my new colleague and good friend NANCY BOYDA.

Usually, Mr. Speaker, I pride myself on seeing two sides of an issue, but honestly, I have looked, and I can't find another side on this one.

I like this bill, because any Member of Congress who has been convicted of a criminal offense doesn't deserve to get his or her pension. And I like this bill for another reason, too. No matter how small the amount, each dollar that now goes to criminal ex-Members can be used to fund vital programs at a time when we are challenged with record debt.

Mr. Speaker, I love this institution, and it makes me angry that the bad behavior of a few has disgraced Congress and harmed our Nation, and, in fact, this is a very important first step. Perhaps in the future we can go beyond this. And it frustrates me deeply when members of the media and the public say that we are incapable or unwilling to reform ourselves. So, let's prove them wrong. Let's prove them wrong today. Let's pass H.R. 476.

Mr. EHLERS. Mr. Speaker, I am pleased to grant 2 minutes the gentleman from Nebraska (Mr. TERRY).

Mr. TERRY. Mr. Speaker, I will help answer the gentlewoman from California; in the sense that this is a decent bill, but it could be much better if it was brought through a regular order where we were allowed to participate and offer improvements by way of amendments. But the process has been shut down to us, and that is why we are upset. We can make a decent bill better if given the chance. It was brought up on suspension with the intended purpose of forbidding us from offering any amendments to make it better.

And I just want to say that MARK STEVEN KIRK, JOHN SHADEGG, and myself, we have been very concerned about people who have violated the people's trust, accepted bribes, broken the law, and getting their pension. That is why all three of us joined together over a year ago and offered bills; but yet the bill that has been brought up today isn't one of the Republican bills. Is that civility? I doubt it.

Now, the interesting part is, after working with the Speaker a year ago, it was brought up for a vote, and almost all of the Democrat leadership and 173 other Members of the Democrat Party voted against the bill that they are now saying, well, geez, it is your bill that you brought up a long time ago.

But there is one area I have amendments prepared, because I thought when we were going to get here that we would go through regular order. And one of them was solicitation of a bribe, which is not part of this.

Mr. Speaker, can I enter into a colloquy with the author of the bill, the gentlewoman from Kansas? My inquiry to her would be, why did you not offer solicitation of the bribe when you authored this piece of legislation? Solicitation is not in there.

Mrs. BOYDA of Kansas. Let me just say that I have offered a bill that I think is historic. I think it is going to make a difference. And I would suggest that you can vote for it, or you can vote against it. It is a good first step.

Mr. TERRY. So if you want to solicit bribes, this is not a part. And there is a glaring gap here that needs to be filled, and we have not been allowed to fill it.

Ms. MILLENDER-MCDONALD. Mr. Speaker, it is amazing that my colleague has said that the bill could be stronger. That is an argument that we could make on every bill that comes to this floor, it can be stronger.

Mr. Speaker, I would like to now yield to our majority leader 1 minute, the Honorable STENY HOYER.

Mr. HOYER. It is tough to be in the minority, isn't it? I feel your pain. I want you to know that.

Of course, that perfect bill of which all of you speak could have been passed in 1995 or 1996 or even 1997 or 1998 or 1999 or 2000, or even 2001, 2002, 2003, 2004, 2005, and, yes, 2006 when you were in charge, and we had no say as to what you passed or what you didn't pass. But you didn't pass this bill. You passed this bill through the House; it is not law. It is not law. And you had the President, you had the Senate, and you had the House.

There is now a claim that we have heard now for 2 weeks: The energy bill could have been better. Yes, but many of you voted for it. You indicated, many of you, that the minimum wage bill could have been perhaps better by adding some things on, but 82 of you voted for it.

This bill could be better, but it is timely. It is timely to do the right thing.

Mr. KIRK has a number of suggestions. I think they are pretty good suggestions. I don't mind them. He asked about income tax. Now, we all pay income taxes. All Americans pay income taxes, or some have preference items they avoid, assuming they are doing it legally. But that is not part of our duties as a Member of Congress; it is part of our duties as a citizen.

What this bill seeks to say is when you raise your right hand and swear that you will serve your constituents faithfully and honestly, that you do that; that you don't do it for some outside lobbyist or interest group. And that if you do, we are not going to pay your pension. That is all this bill says.

It is late in coming, but it is never too late to do the right thing, and I

would hope that every Member of this House when the roll is called on this bill will say to their constituents that I am going to take pensions away from those who abuse their power and responsibility given to them by the American people as Members of this House and undermine the faith and trust that the American people have in Members and in this House.

□ 1900

I agree with Mr. TERRY, it could be better. We could add things to it. Perhaps we will. As a matter of fact, we just added something, as you have pointed out, because we thought that not only is lying bad, but asking people to lie is bad. It is called a fancy word, subornation of perjury. But what it is, is asking your staffer to say, don't tell the grand jury I did that. That is essentially what that says. So you can't tell your staff to go to the grand jury, when the grand jury says, does Member A, B or C take money or lie or do something or take money to vote on something, if you ask them to do that, and, after all, they work for you, you have control of their salary, you are also going to be subject to loss of pension.

So I agree with those that say this bill is not perfect. They are right, but a lot of the bills that we have passed, as a matter of fact probably no bill that we have passed has been perfect, but this is a good bill. As my friend, the former Congressman from Kentucky would say, "And I tell you that frankly."

My expectation is we are going to have almost every Member, I would hope 100 percent of the House say to the American people we will not allow Members who misuse and fail your trust to get your taxpayers' dollars paid to them in pensions. Vote for this bill. It is a good bill.

I want to congratulate NANCY BOYDA for her leadership in bringing this bill to the floor, and I urge Members on both sides of the aisle, in a bipartisan way, vote to say to the American people, we won't take your pensions if we do wrong by you, and we won't let others do as well.

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

I would just like to make a brief response to the majority leader before recognizing my next speaker. The issue is not just the quality of the bill. The main issue is the process, and I recall many times over the past few years, when we were in the majority, I asked our leadership to take up a bill on suspension. They said we can't do it unless the minority agrees to it, and I had to wait weeks several times for that.

Now, suddenly, we get a bill tossed out in just a few hours' notice. That is not proper procedure.

Mr. Speaker, I next yield 2 minutes to the gentleman from Arizona (Mr. SHADEGG).

Mr. SHADEGG. Mr. Speaker, we just heard how serious this bill is; and, indeed, I think it is serious and important.

Over a year ago, I introduced a similar bill, so did my colleague Mr. KIRK, and so did my colleague Mr. TERRY. The majority leader has just told us that we ought to all vote for this bill because it is so important; but once again, we are here in a procedural abuse of mind-boggling consequences.

For my colleagues who have not been here, you need to know that in the last hour this bill has been amended by the majority. Indeed, in the last 24 hours, it has been amended not once but twice. It was introduced in one form. This morning they announced two different amendments to it, changing both its effective date and the crimes to which it applies, and your offices were all told when you arrived here today that it had a new effective date and had a new series of crimes to which it applies. But guess what, do not rely on your staff because this bill is so important the majority has amended it within the last few minutes. Now they have added a crime, but changed the effective date again.

This is not the way that serious Congresses legislate. If you believe this bill is important, don't ask these Members to vote on it with less than an hour's notice. If you would like to look at a copy of the bill, many of our Members on the majority asked for a copy moments before debate started, and they could not get a copy. Indeed, the amendments appear to have either been handwritten or typed within the last few minutes.

This is not the way to legislate. Procedure matters. We have not been allowed to see this bill go through committee and to be marked up. It did not go to Rules where we could offer amendments, where we could offer the effective date we think is right or the list of crimes that we believe is right.

No, the majority has decided that the minority does not matter. Well, let's talk about fundamental fairness. In the Contract with America, we allowed that side, when they were in the minority, to offer to our Contract bills 154 floor amendments. That is on top of taking all of those bills to committee, and 48 of those amendments passed.

This is a procedural outrage, and they ought to be ashamed.

Ms. MILLENDER-MCDONALD. Mr. Speaker, the speaker who just spoke stated that we changed the date. We changed the date of the bill to comply with the leadership on the Republican side. So he was disingenuous.

Mr. Speaker, I yield 1 minute to the gentleman from Maryland (Mr. HOYER), the majority leader.

Mr. HOYER. Mr. Speaker, I thank the gentlewoman for yielding.

First of all, let me say that I do not think this is the best procedure that we could have followed.

Mr. SHADEGG. Mr. Speaker, parliamentary inquiry, did she not just call me disingenuous? I would like the words taken down.

The SPEAKER pro tempore. Does the gentleman yield for a parliamentary inquiry?

Mr. HOYER. No. I thought I was recognized. I was speaking.

POINT OF ORDER

Mr. SHADEGG. Point of order.

The SPEAKER pro tempore. The gentleman will state his point of order.

Mr. SHADEGG. You may not besmirch the motives of a Member of the body. I believe the lady said that my comments were disingenuous. I would like to hear the comments. If she called me disingenuous, I take that as an offense.

The SPEAKER pro tempore. The gentleman has not stated a point of order.

Mr. SHADEGG. I want her words taken down. Mr. Speaker, I would like the lady's words taken down.

Mr. HOYER. I think we are beyond that point, but let me say I don't believe the gentleman is disingenuous. As a matter of fact—

The SPEAKER pro tempore. Would the majority leader suspend.

The gentleman's request for the words to be taken down has not been requested in a timely and an appropriate manner.

The gentleman from Maryland is now recognized.

Mr. TIAHRT. Parliamentary inquiry.

The SPEAKER pro tempore. The gentleman from Maryland has the time.

Mr. TERRY. Mr. Speaker, I appeal the ruling of the Chair. Just because the Chair wasn't listening to the gentleman doesn't mean he wasn't making it in a timely manner.

The SPEAKER pro tempore. The question is, Shall the decision of the Chair stand as the judgment of the House?

MOTION TO TABLE OFFERED BY MR. HOYER

Mr. HOYER. Mr. Speaker, I move to table.

Mr. TERRY. In all due respect, the Speaker's microphone was not on, and we could not hear your ruling.

PARLIAMENTARY INQUIRY

Mr. HOYER. Parliamentary inquiry. Did you recognize the appeal of the ruling of the Chair?

The SPEAKER pro tempore. The gentleman is correct.

The question is on the motion to table.

The question was taken; and the Speaker pro tempore announced that the noes appeared to have it.

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

The yeas and nays were ordered.

The vote was taken by electronic device, and there were—yeas 223, nays 190, answered "present" 1, not voting 21, as follows:

[Roll No. 43]  
YEAS—223

Abercrombie	Bean	Boucher
Ackerman	Becerra	Boyd (FL)
Allen	Berkley	Boyes (KS)
Altman	Berman	Brady (PA)
Andrews	Berry	Braley (IA)
Arcuri	Bishop (GA)	Brown, Corrine
Baca	Bishop (NY)	Butterfield
Baird	Blumenauer	Capps
Baldwin	Boren	Capuano
Barrow	Boswell	Cardoza

Carnahan	Jackson (IL)	Pastor	Jordan	Murphy, Tim
Carney	Jackson-Lee	Payne	Keller	Musgrave
Castor	(TX)	Pelosi	King (IA)	Myrick
Chandler	Jefferson	Perlmutter	King (NY)	Neugebauer
Clarke	Johnson (GA)	Peterson (MN)	Kingston	Nunes
Clay	Johnson, E. B.	Price (NC)	Kirk	Shimkus
Cleaver	Jones (OH)	Rahall	Kline (MN)	Pearce
Clyburn	Kagen	Rangel	Knollenberg	Pence
Cohen	Kanjorski	Reyes	Kuhl (NY)	Peterson (PA)
Conyers	Kaptur	Rodriguez	LaHood	Petri
Cooper	Kennedy	Ross	Lamborn	Pitts
Costa	Kildee	Rothman	Latham	Platts
Courtney	Kilpatrick	LaTourette	Poe	Souder
Cramer	Kind	Royal-Allard	Lewis (CA)	Simpson
Crowley	Klein (FL)	Ruppersberger	Lewis (KY)	Smith (NE)
Cuellar	Kucinich	Ryan (OH)	LoBiondo	Smith (NJ)
Cummings	Lampson	Salazar	Mack	Smith (TX)
Davis (AL)	Langevin	Sánchez, Linda	Manzullo	Smith (TIAHRT)
Davis (CA)	Lantos	T.	Marchant	Tiberi
Davis (IL)	Larsen (WA)	Sanchez, Loretta	Ramstad	Upton
Davis, Lincoln	Larson (CT)	Sarbanes	McCarthy (CA)	Walberg
DeFazio	Lee	Schakowsky	McCaul (TX)	Rehberg
DeGette	Levin	Schiff	McCotter	Reichert
Delahunt	Lewis (GA)	Schwartz	McCrary	Renzi
DeLauro	Lipinski	Scott (GA)	McHenry	Reynolds
Dicks	Loebssack	Scott (VA)	McHugh	Rogers (AL)
Dingell	Lofgren, Zoe	Serrano	McKeon	Rogers (KY)
Doggett	Lowey	Sestak	McMorris	Rohrabacher
Donnelly	Lynch	Shea-Porter	Rodgers	Ros-Lehtinen
Doyle	Mahoney (FL)	Sherman	Mica	Roskam
Edwards	Maloney (NY)	Shuler	Miller (FL)	Royce
Ellison	Markey	Sires	Miller (MI)	Sali
Ellsworth	Marshall	Skelton	Miller, Gary	Saxton
Emanuel	Matheson	Slaughter	Moran (KS)	Schmidt
Engel	Matsui	Snyder		
Eshoo	McCarthy (NY)	Solis		
Etheridge	McCollum (MN)	Space		
Farr	McGovern	Spratt		
Fattah	McIntyre	Stark		
Filner	McNerney	Stupak		
Frank (MA)	McNulty	Sutton		
Giffords	Meehan	Tanner		
Gillibrand	Meek (FL)	Tauscher		
Gonzalez	Meeks (NY)	Taylor		
Gordon	Melancon	Thompson (CA)		
Green, Al	Michaud	Thompson (MS)		
Green, Gene	Millender	Tierney		
Grijalva	McDonald	Towns		
Hall (NY)	Miller (NC)	Udall (CO)		
Hare	Miller, George	Udall (NM)		
Harman	Mitchell	Van Hollen		
Hastings (FL)	Mollohan	Velázquez		
Herseth	Moore (KS)	Visclosky		
Higgins	Moore (WI)	Walz (MN)		
Hill	Murphy (CT)	Wasserman		
Hinchey	Murphy, Patrick	Schultz		
Hinojosa	Murtha	Watson		
Hirono	Nadler	Watt		
Hodes	Napolitano	Weiner		
Holden	Neal (MA)	Welch (VT)		
Holt	Oberstar	Wexler		
Honda	Obey	Wilson (OH)		
Hooley	Olver	Woolsey		
Hoyer	Ortiz	Wu		
Inslee	Pallone	Wynn		
Israel	Pascarell	Yarmuth		

## NAYS—190

Aderholt	Carter	Foxx	
Akin	Castle	Franks (AZ)	
Alexander	Chabot	Frelinghuysen	
Bachmann	Coble	Galligan	
Bachus	Cole (OK)	Garrett (NJ)	
Baker	Conaway	Gerlach	
Barrett (SC)	Crenshaw	Gilchrest	
Bartlett (MD)	Cubin	Gillmor	
Barton (TX)	Davis (KY)	Gingrey	
Biggert	Davis, David	Gohmert	
Bilirakis	Davis, Jo Ann	Goode	
Blackburn	Davis, Tom	Goodlatte	
Blunt	Deal (GA)	Granger	
Boehner	Dent	Graves	
Bonner	Diaz-Balart, L.	Hall (TX)	
Bono	Diaz-Balart, M.	Hastert	
Boozman	Doolittle	Hastings (WA)	
Boustany	Drake	Hayes	
Brady (TX)	Dreier	Heller	
Brown (SC)	Duncan	Hensarling	
Brown-Waite,	Ehlers	Herger	
Ginny	Emerson	Hobson	
Buchanan	English (PA)	Hoekstra	
Burgess	Everett	Hulshof	
Burton (IN)	Fallin	Hunter	
Calvert	Feeney	Inglis (SC)	
Camp (MI)	Ferguson	Issa	
Campbell (CA)	Flake	Jindal	
Cannon	Forbes	Johnson (IL)	
Cantor	Fortenberry	Johnson, Sam	
Capito	Fossella	Jones (NC)	

## CONGRESSIONAL RECORD — HOUSE

although this bill, in substance, has, in fact, been passed by the House before with your leadership. So Mr. BOEHNER and I have discussed it. Mr. BLUNT and I had a colloquy, in which time I said that this would be on suspension tonight.

The bill was amended, the gentleman is correct, within the last few hours. The date was changed at the request of Mr. BOEHNER. I happen to agree with Mr. BOEHNER that the date of 2009, which was in the bill, and I know Mrs. BOYDA, I talked to Mrs. BOYDA about it, she agreed with the change as well. The change was made because it was Mr. BOEHNER's feeling, and I think the minority's feeling, that the bill ought to go into effect immediately.

The reason the date was put in as 2009 because that is what the Senate bill does under the constitutional provision of the 27th amendment, where compensation of a Member may not be changed during the course of their term. So it was made effective at the next term.

But my observation, and I think Mr. BOEHNER's, I don't know whether he is on the floor, were the same; that if that question would be raised, let a defendant who is convicted of falling short of his duties and responsibilities, or hers, to their constituents and to this institution, let them raise that. I agreed with that. So that change was made mutually.

There was an additional subornation of perjury which we think is appropriate. But I want to say to Members on both sides, I am an institutionalist. I believe in this institution, I believe in the Members, and I believe the Members need to have careful and thoughtful consideration.

This bill is straightforward and, as I say, for all intents and purposes has been passed. I want to tell everybody, I think we are going to roll the vote on this bill because we don't want anybody to miss it. There are 11 Members on each side absent because of planes that have not flown on schedule because of weather. And it is an equal number on each side, so we are going to wait.

But I hope when this bill comes to a vote that all of us vote for it, notwithstanding our differences on process, which ought to be better. We are going to strive to make it better.

I want you to know that I feel strongly. When I said I feel your pain, I do. I don't think it is disingenuous pain. I think you are accurate on that.

So, Mr. Speaker, I would hope that we could conclude the debate on this. I think we are all going to agree on this.

I see my friend Mr. BOEHNER coming to the podium. But I would hope that we could move this bill and give to the American public the understanding that we believe this is a very serious matter, and we are going to address it, and we are going to address it soon.

I will be glad to yield to my friend.

Mr. BOEHNER. Mr. Speaker, I want to thank my colleague for yielding, and

Messrs. BURTON of Indiana, JOHN-  
SON of Illinois and KUHL of New York  
changed their vote from "yea" to  
"nay."

So the motion to table was agreed to.  
The result of the vote was announced  
as above recorded.

A motion to reconsider was laid on  
the table.

The SPEAKER pro tempore. The gentle-  
man from Maryland (Mr. HOYER),  
the distinguished majority leader, is  
recognized.

Mr. HOYER. Mr. Speaker, I would  
hope that we could dissipate, first of  
all, any implication that anybody was  
disingenuous. There are obviously dis-  
agreements on issues. I know that the  
gentlelady, the Chair of the com-  
mittee, and Mr. SHADEGG have spoken.  
I think that is a good thing.

I wanted to say to Mr. SHADEGG, I  
certainly did not believe he was any-  
thing but stating his opinion, and I  
think that is certainly appropriate to  
do. I want to make that very, very  
clear, that we do not and I do not nor  
did the chairwoman intend to put any-  
body's motivation in question. We  
should not do that. Hopefully, we will  
all try not to do that.

Secondly, let me say that in terms of  
notice, I had the opportunity to talk to  
Mr. BOEHNER on Friday. This bill was  
scheduled, as you know, for considera-  
tion on Friday.

## □ 1930

There was concern that perhaps peo-  
ple hadn't seen it for sufficient time,

make it clear that when there was a suggestion made about changing the date from the bill that had been introduced on its way to the floor, I, and my staff, believed that it was not in the best interest of the House to change this bill in the hour before it was to come to the floor. And I appreciate my colleague from Maryland, the majority leader's working with us to put the date back to where it was with the introduced bill.

But having said that, I talked last week on the floor about my concern about how the House was proceeding. I understand the Six for '06 and the need to move the Six for '06 agenda right out of the gate. But as I said on the floor last week, I would hope that we would get back to regular order.

Now, we are not on bill number six or bill number seven or, for that matter, bill number eight. I think we are on bill number nine. And as I reiterated on the floor last week, when we took the majority in 1995, there were many of my colleagues on our side of the aisle that said that we ought to treat the other side of the aisle the way they treated us. I stood my ground for months and months and months suggesting to my colleagues that, no, we should treat the minority, the then minority, the way we asked to be treated. And I think the real concern here is that what we have seen today on the floor over this bill is exactly the point we have been trying to make about going back to regular order.

The committee process in this House does work, and I think the gentleman from Maryland clearly understands that, because Members on both sides of the aisle can pinpoint flaws and problems and correct those. And then there is a Rules Committee that has hearings. There is an opportunity for Members to offer amendments, hopefully, to be made in order so that the House can work its will.

And so I would ask my colleague from Maryland, the majority leader, to just treat us the way you have been asked to be treated. My colleagues on this side of the aisle want to participate. We want to work with the majority in the best interest of the American people, and we can do that together. But the only way to do that is to go through regular order. And I think the gentleman from Maryland understands, and I thank him for his time.

Mr. HOYER. I thank the gentleman for his comments. And as we had a good discussion on this particular bill last week, but I understand the gentleman's position. I don't think it is an unreasonable position. I think our perception is that this is a bill that has passed. It is of deep interest to the American public, and we wanted to make a statement as early as possible. We are not going to affect anybody, obviously, in the past, but going forward we wanted the public to be very assured what our position was. And that is the purpose of this.

I know that the fact that it is on suspension means that it is not open to

amendment. We understand that that may cause some consternation, and others will think that that is a procedure under which this kind of a bill probably should be concerned, in any event. But I appreciate the gentleman's view.

Mr. EHLERS. Mr. Speaker, I have asked the other speakers that I have to yield their time, and I will just yield myself such time as I may consume to quickly wrap it up.

I appreciate the comments made by the majority leader and minority leader. I hope they cleared the air.

But I just want to add a personal note. I served on a county commission some years ago and became the chair of the county commission, and there I learned the importance of proper order in doing things in regular order. I served as president pro tem of the State senate, and that even reinforced it more strongly. Always proceed properly, fairly and in order.

And I think part of the difficulty we have had here today is that the members of the current minority sat here for 2 weeks grinding their teeth while they watched things come to the floor without having gone to committee, without prior debate and discussion. And this was the crowning insult, to bring something to the floor under suspension, and to make not just one change, we have heard discussion of the date, but two changes in the bill between the time it was agreed to and the time that it reached the floor.

We cannot have that. As a minority we will not tolerate that. We deserve proper order. We deserve respect. And I assume the majority will, from this time henceforth, give us that respect and follow proper order, proper procedure, so we can avoid these donnybrooks in the future.

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

Ms. MILLENDER-MCDONALD. Mr. Speaker, the statement that I made earlier about the gentleman from Arizona, it was not my intent to question his motives. And I look forward to working with him in the coming days and weeks and months ahead. And so I do not intend for him to take that personally, and I am sorry for that.

Mr. Speaker, and all of my colleagues who are listening and have listened to this debate today, please take note. The Democratic leadership of this institution plans to clean up the criminal and ethical morass it inherited. This bill is a down payment on the new ethical climate control system we are building.

The American people deserve to know that criminal and unethical behavior by any of our colleagues will be punished, and that the penalties for violating the sacred trust which has been bestowed upon us by our voters and the States we represent will be substantive and serious and not window dressing.

We have more to do after this bill passes, so we can continue this discus-

sion during the next installment of ethics reform. But I urge my colleagues to take this leap with me today and with the very distinguished gentlewoman from Kansas who introduced the bill, to begin this journey toward a more open and honest government, and toward a more ethical direction in this 110th Congress. The American people deserve it, and it is up to us, you and I, to deliver it.

Mr. SIRES. Mr. Speaker, I rise in support of H.R. 476.

At the start of the 110th Congress, this chamber passed rules governing how we conduct the people's business. We made sure that the interest of our constituents would be placed ahead of the special interests. Today, we must take the next step to restore the public trust in Congress by stripping Congressional pensions from Members who commit federal crimes while in office.

This legislation is a crucial next step. It adds bribery of public officials and witnesses, wrongfully acting as agents of foreign principals, and conspiracy to commit one of these offenses to the list of federal felonies that will call for the forfeiture of a Congressional pension. In keeping with the spirit of the new rules governing this chamber, a Congressional pension can be stripped when a Member violates the new postemployment restriction statutes. Furthermore, any member who commits perjury or subornation of perjury in denying their involvement in any of these offenses can also lose their pension under this legislation.

We must make sure that those who violate the public trust and their office are not allowed to profit at the tax-payers expense. I proudly rise in support of this measure and urge my colleagues to do the same.

Ms. JACKSON-LEE of Texas. Mr. Speaker, I rise today in support of H.R. 476, the "Congressional Pension Accountability Act," which amends title 5 of the U.S. Code to make non-creditable for Federal retirement purposes any Member service performed by an individual who is convicted of any of certain offenses committed by that individual while serving as a Member of Congress. With the adoption of this legislation, we take another giant step in fulfilling the pledge we made to America last November to "drain the swamp" and end the "culture of corruption" that pervaded the 109th Congress.

Mr. Speaker, today, this House will consider another critical component of ethics reform: congressional pension forfeiture. The bill introduced today is similar to the House bill introduced by my colleague Representative BOYDA on January 17, 2007—with two minor changes in response to Senate concerns.

First, subornation of perjury is added as a disqualifying offense. The second change, which extends the effective date of the legislation until January 2009, is necessary to satisfy the requirements of the 27th Amendment. That amendment requires that any law relating to the compensation of a Representative or Senator may not take effect until there has been an intervening congressional election.

With these specific changes, the bill:

Requires that Members convicted of certain Federal felonies related to the performance of their official duties forfeit their congressional pension rights under the Civil Service Retirement System or the Federal Employees Retirement System if the conduct constituting the

felony takes place after enactment and while the Member is in Congress and a conviction occurs after January 2, 2009; and

Applies to bribery of public officials and witnesses; wrongfully acting as agents of foreign principals; conspiracy to commit one of the offenses listed above; conspiracy to violate the post-employment prohibitions; and perjury and subornation of perjury in falsely denying committing one of these crimes.

While I believe it is important to punish those Members who violate the law, and in turn the public's trust, I am very pleased that this bill, through the Director of Office Personnel Management (OPM), provides protection for family members of those Members whose conduct warrants forfeiture of their pensions.

The intent of the bill is not to harm the family members of Members who are convicted of certain serious crimes. That is why the bill permits the Director of Office of Personnel Management, if it is determined to be necessary under the totality of the circumstances, to provide benefits to the Member's spouse and children, in which case the lump sum payment due the Member based on his or her own contributions would be reduced by an appropriate amount.

While avoiding harm to family members of the convicted Members, this critical measure to deny pension benefits to House Members convicted of corruption is another step towards comprehensive ethics reform. We promised the American people that we would restore a sense of respect and dignity to the House of Representatives. This measure is a meaningful first step towards restoring public trust in Congress and ensuring that taxpayers do not fund the pensions of Members convicted of corruption while serving the American people. While we seek to do the right thing by punishing perpetrators of serious illegal conduct, we also seek to deter Members from such behavior and to assure the American people that we serve at their behest and in their interest, not our own.

Mr. Speaker, H.R. 476 is necessary because under current law a Federal elected official found to have betrayed the public trust is eligible to receive taxpayer-funded pensions for their service in Congress—even if they are convicted of serious abuses of power. The American people do not want us to reward those Members who have dishonored and disrespected both the law and the public's trust.

By passing this bill, this Congress is sending a message to the American people that we heard their voices loud and clear in November 2006 that we must win back their trust and act in the best interest of the American people.

I urge my colleagues to support H.R. 476 to clean up the American people's House and win back public trust.

Mr. TOM DAVIS of Virginia. Mr. Speaker, I rise today to express my disappointment with the majority's efforts today to attempt to restore the public trust in government.

The Nation's Capital has been hammered by corruption-related political scandals in recent years, and it is imperative that we take action to respond to these scandals. But H.R. 476, the Congressional Pension Accountability Act, is little more than a trophy that the majority can hold up to claim they restored public trust in the Nation's Capital. In a nutshell, the legislation gives Members of Congress who

are convicted of a public corruption related crime an additional slap on the wrist by preventing them from counting their time served as a Member of Congress toward their federal retirement.

This stands in stark contrast to much stronger, bipartisan legislation that the Committee on Government Reform marked up last February to crack down on public officials convicted of betraying the public trust. The Federal Pension Forfeiture Act of 2006, approved by unanimous consent by the Committee last year, would have denied federal retirement benefits to any Member, congressional employee or political appointee in the Executive Branch convicted of a crime related to public corruption punishable by more than one year imprisonment for an act committed while the individual was employed by the federal government.

Unlike H.R. 476, last year's proposal would have permanently denied a pension from an official convicted of a corruption-related crime rather than simply limiting time that counted toward the official's retirement. Additionally and most importantly, last year's proposal covered not only Members of Congress but also political appointees in the Executive Branch. After all, federal officials in both branches of government equally share the blame for the fact that the public no longer trusts public officials.

It's unclear to me why the majority would want to only address half of the issue when we have an opportunity to address the issue in its entirety. Unfortunately this is the first opportunity I have had to raise this concern since the legislation was taken straight to the floor rather than receiving the benefit of committee consideration. Regardless of process, I fear that this legislation will do little if anything to restore any of the public's trust in the federal government.

Therefore, it is with regret that I will vote in favor of this legislation, and I do so only because no other option has been presented to the House.

Ms. MILLENDER-MCDONALD. Mr. Speaker, I yield back whatever time that I have left.

The SPEAKER pro tempore (Mr. McGOVERN). The question is on the motion offered by the gentlewoman from California (Ms. MILLENDER-MCDONALD) that the House suspend the rules and pass the bill, H.R. 476, as amended.

The question was taken.

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

Ms. MILLENDER-MCDONALD. Mr. Speaker, on that I demand the yeas and nays.

The yeas and nays were ordered.

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

#### ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore. Pursuant to clause 8 of rule XX, proceedings will resume on motions to suspend the rules previously postponed.

Votes will be taken in the following order:

H. Res. 52, by the yeas and nays;  
H.R. 390, by the yeas and nays;  
H. Res. 29, by the yeas and nays.

The first electronic vote will be conducted as a 15-minute vote. Remaining electronic votes will be conducted as 5-minute votes.

#### PAYING TRIBUTE TO REVEREND WAITSTILL SHARP AND MARTHA SHARP FOR THEIR HEROIC EFFORTS TO SAVE JEWS DURING THE HOLOCAUST

The SPEAKER pro tempore. The pending business is the question of suspending the rules and agreeing to the resolution, H. Res. 52.

The Clerk read the title of the resolution.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from California (Mr. LANTOS) that the House suspend the rules and agree to the resolution, H. Res. 52, on which the yeas and nays are ordered.

The vote was taken by electronic device, and there were—yeas 413, nays 0, not voting 21, as follows:

[Roll No. 44]

YEAS—413

Abercrombie	Cannon	Duncan
Ackerman	Cantor	Edwards
Aderholt	Capito	Ehlers
Akin	Capps	Ellison
Alexander	Capuano	Ellsworth
Allen	Cardoza	Emanuel
Altman	Carnahan	Emerson
Andrews	Carney	Engel
Arcuri	Carter	English (PA)
Baca	Castle	Eshoo
Bachmann	Castor	Etheridge
Bachus	Chabot	Everett
Baird	Chandler	Fallin
Baker	Clarke	Farr
Baldwin	Clay	Fattah
Barrett (SC)	Cleaver	Feeney
Barrow	Clyburn	Ferguson
Bartlett (MD)	Coble	Filner
Barton (TX)	Cohen	Flake
Bean	Cole (OK)	Forbes
Becerra	Conaway	Fortenberry
Berkley	Conyers	Fossella
Berman	Cooper	Fox
Berry	Costa	Frank (MA)
Biggert	Courtney	Franks (AZ)
Bilirakis	Cramer	Frelinghuysen
Bishop (GA)	Crenshaw	Gallegly
Bishop (NY)	Crowley	Garrett (NJ)
Blackburn	Cubin	Gerlach
Blumenauer	Cuellar	Giffords
Blunt	Cummings	Gilchrest
Boehner	Davis (AL)	Gillibrand
Bonner	Davis (CA)	Gillmor
Bono	Davis (IL)	Gingrey
Boozman	Davis (KY)	Gohmert
Boren	Davis, David	Gonzalez
Boswell	Davis, Jo Ann	Goode
Boucher	Davis, Lincoln	Goodlatte
Boustany	Davis, Tom	Gordon
Boyd (FL)	Deal (GA)	Granger
Boyd (KS)	DeFazio	Graves
Brady (PA)	DeGette	Green, Al
Brady (TX)	Delahunt	Green, Gene
Braley (IA)	DeLauro	Grijalva
Brown (SC)	Dent	Hall (NY)
Brown, Corrine	Diaz-Balart, L.	Hall (TX)
Brown-Waite,	Diaz-Balart, M.	Hare
Ginny	Dicks	Hastert
Buchanan	Dingell	Hastings (FL)
Burgess	Doggett	Hastings (WA)
Burton (IN)	Donnelly	Hayes
Butterfield	Doolittle	Heller
Calvert	Doyle	Hensarling
Camp (MI)	Drake	Herger
Campbell (CA)	Dreier	Herseth