ameliorate the problems associated with drug use, while fostering violence and disrespect for individual rights.

While imperfect, I am optimistic that the Senate bill being considered today will reduce the harms of the federal drug war. I also hope consideration of this legislation will enliven interest in ending the federal war on drugs.

It is unfortunate that the House of Representatives is today considering this compromise legislation from the Senate instead of Representative BOBBY SCOTT's H.R. 3245, the Fairness in Cocaine Sentencing Act. I am an original cosponsor of Representative SCOTT's bill, which passed the House of Representatives Committee on the Judiciary on July 29, 2009—one year ago tomorrow. Representative SCOTT's legislation is a short and simple bill that repeals a handful of clauses, sentences, and subparagraphs of federal drug laws to eliminate the 100 to one drug weight basis for sentencing disparity for crack cocaine violations in comparison to powder cocaine violations.

I will vote for the Senate legislation today because it rolls back some of the enhanced mandatory minimum sentences for crack cocaine that the federal government created in 1986. These enhanced mandatory minimum sentences have caused people convicted for small amounts of crack cocaine to serve much longer sentences in prison than people convicted for the same amount of powder cocaine.

While the Senate legislation reduces the drug weight basis for mandatory minimum sentencing disparity between crack cocaine and powder cocaine convictions for many individuals to only 18 to one compared to the total elimination of the disparity in Representative SCOTT's bill, the Senate bill does make a step in the right direction. The Senate bill eliminates entirely the mandatory minimum sentence for simple possession of crack cocaine and reduces significantly the mandatory minimum sentence for many people convicted of crack offenses by raising the number of grams of crack cocaine a person must possess for each mandatory minimum sentence level to apply. In addition, the Senate bill allows courts to show compassion for individuals with compelling cases for leniency by reducing sentences for some people convicted of controlled substances violations who a court determines meet requirements including having minimum knowledge of the illegal enterprise, receiving no monetary compensation from the illegal transaction, and being motivated by threats, fear, or an intimate or family relationship.

Unfortunately, while the Senate bill reduces some of the most extreme and unjust mandatory minimum sentences in the federal drug war, it also contains expansions of the federal drug war that I fear may yield results destructive to individual liberty and public safety. In particular, the Senate bill significantly increases maximum allowed monetary penalties for violations of federal restrictions on controlled substances and increases sentences for people convicted of controlled substances violations whose circumstances include certain aggravating factors.

Some people will argue that the increased penalties in the Senate legislation are desirable because they target people who are high up in the illegal drug trade or who took particularly disturbing actions, such as involving a minor in drug trafficking. But, the history of the federal drug war has shown that ramping up penalties always results in increasing rather than decreasing the harms arising from the federal drug war. Such enhanced penalties increase the risks of the drug trade thus causing illegal drug operations to be more ruthless and violent in their tactics. Enhanced penalties also can result in even more inflated prices for illegal drugs, leading to more thefts by individuals seeking funds to support their drug use. High monetary fines for drug trafficking also tend to provide police and prosecutors with a perverse incentive to focus on nonviolent drug crimes instead of violent crimes.

Each successive ramping up of the federal war on drugs has made it more evident that this war is incompatible with constitutional government, individual liberty, and prosperity. It is time for Congress to reverse course. I am optimistic that S. 1789—even with its faults—may signal that Congress is ready to begin reversing course. It is imperative that the House of Representatives pursue a dialogue on how we can end the federal war on drugs—a war that has increasingly become a war on the American people and our Constitution.

Mr. SCOTT of Virginia. I yield back the balance of my time.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Virginia (Mr. SCOTT) that the House suspend the rules and pass the bill, S. 1789.

The question was taken; and (two-thirds being in the affirmative) the rules were suspended and the bill was passed.

A motion to reconsider was laid on the table.

LOBBYING DISCLOSURE ENHANCEMENT ACT

Mr. SCOTT of Virginia. Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 5751) to amend the Lobbying Disclosure Act of 1995 to require registrants to pay an annual fee of $50, to impose a penalty of $500 for failure to file timely reports required by that Act, to provide for the use of the funds from such fees and penalties for reviewing and auditing filings by registrants, and for other purposes, as amended.

The Clerk read the title of the bill.

The text of the bill is as follows:

H.R. 5751

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

SECTION 1. SHORT TITLE.

This Act may be cited as the ''Lobbying Disclosure Enhancement Act''.

SEC. 2. LOBBYING DISCLOSURE ACT TASK FORCE.

(a) ESTABLISHMENT.—The Attorney General shall establish the Lobbying Disclosure Act Enforcement Task Force (in this section referred to as the ''Task Force'').

(b) FUNCTIONS.—The Task Force—

(1) shall have primary responsibility for investigating and prosecuting each case referred to the Attorney General under section 6(a)(8) of the Lobbying Disclosure Act of 1995 (2 U.S.C. 1605(a)(8)); and

(2) shall collect and disseminate information with respect to the enforcement of the Lobbying Disclosure Act of 1995 (2 U.S.C. 1601 et seq.).

(c) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated such sums as may be necessary to carry out this section.

SEC. 3. REFERRAL OF CASES TO THE ATTORNEY GENERAL.

Section 6(a) of the Lobbying Disclosure Act of 1995 (2 U.S.C. 1605(a)) is amended—

(1) in paragraph (8), by striking ''United States Attorney for the District of Columbia'' and inserting ''Attorney General''; and

(2) in paragraph (11), by striking ''United States Attorney for the District of Columbia'' and inserting ''Attorney General''.

SEC. 4. RECOMMENDATIONS FOR IMPROVED ENFORCEMENT.

The Attorney General may make recommendations to Congress with respect to—

(1) the enforcement of and compliance with the Lobbying Disclosure Act of 1995; and

(2) the need for resources available for the enhanced enforcement of the Lobbying Disclosure Act of 1995

SEC. 5. INFORMATION IN ENFORCEMENT REPORTS.

Section 6(b)(1) of the Lobbying Disclosure Act of 1995 (2 U.S.C. 1605(b)(1)) is amended by striking ''by case'' and all that follows through ''public record'' and inserting ''by case and name of the individual lobbyists or lobbying firms involved, any sentences imposed''.

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from Virginia (Mr. SCOTT) and the gentleman from Utah (Mr. CHAFFETZ) each will control 20 minutes.

The Chair recognizes the gentleman from Virginia.

GENERAL LEAVE

Mr. SCOTT of Virginia. Mr. Speaker, I ask unanimous consent that all Members have 5 legislative days to revise and extend their remarks and include extraneous material on the bill under consideration.

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

There was no objection.

Mr. SCOTT of Virginia. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, the Lobbying Disclosure Enhancement Act makes several straightforward, commonsense amendments to the enforcement provisions of the Lobbying Disclosure Act.

First, this bill establishes a task force specifically dedicated to the enforcement of our lobbying laws. Although the newspapers are full of stories about lobbyists who file late, inaccurate, and incomplete reports, there has not yet been a single significant enforcement action.

□ 1400

We believe that an institutional change is in order. The task force will receive complaints from the Clerk of the House, investigate these cases, and enforce the disclosure laws to the fullest extent.

Second, this bill asks the Department of Justice to make recommendations to the Congress for additional improvements to the enforcement of lobbying disclosure laws. The ethics reform legislation we passed last Congress was an important step in bringing transparency and accountability to lobbying disclosure, but much more

can and should be done. We look forward to working with Attorney General Holder to improve on the current system.

Third, the bill amends the Lobbying Disclosure Act to require the Attorney General to publish the names of lobbyists and lobbying firms who are sanctioned under the law. Just as we expect the Department of Justice to enforce the LDA, this bill will require the Department to be transparent about the results of their investigations and prosecutions.

I would like to thank the sponsor of the bill, the gentlelady from Ohio (Ms. KILROY), for her steadfast leadership on this important issue. I urge my colleagues to support the legislation.

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

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

Mr. Speaker, I support H.R. 5751, the Lobbying Disclosure Enhancement Act. The purpose of the bill is to provide flexibility to the executive branch for the enforcement of the provisions in the Lobbying Disclosure Act of 1995.

H.R. 5751 directs the Attorney General of the United States to establish a task force towards this end. The task force is given the primary responsibility to investigate and prosecute possible violations of the Lobbying Disclosure Act. The task force is also directed to collect and disseminate information with respect to compliance with the enforcement of the act.

Legislation specifies that with the information gathered by the task force, the Attorney General may make recommendations to Congress with regard to improving enforcement of the Lobbying Disclosure Act and the resources it needs. We expect the task force created by this bill to become a new point of contact. It will be up to the Attorney General to determine where to locate the task force and the responsibilities under the Lobbying Disclosure Act within the Justice Department's organizational structure.

I urge my colleagues to join me in supporting this bill.

Mr. Speaker, I do want to express concern about the process and the development of the execution or the bringing of this bill forward.

I have expressed support of it, it makes some sense—it doesn't, quite frankly, do much—but it should also be noted that there should be a proper way and process by which we move these bills forward.

This bill was introduced on July 15. It didn't show up on the whip notice until late last night. This morning, in a very bipartisan way—and I thank both sides for working together with the staff—but we have a copy of this bill that came across at 12:15; it is now just after 2 o'clock.

The title of the bill, as read, talks about a fee that would be imposed, a penalty that would be imposed. My understanding is—and I'm happy to yield to the gentleman who is managing this bill to help talk about this—but the title of the bill talked about a new fee and penalty, but I don't think there's fees and penalties even in the bill.

There was no hearing, there was no subcommittee work, there was no committee work on this.

I would be happy to yield to the gentleman if he can help clarify any of those points.

Mr. SCOTT of Virginia. I thank the gentleman for yielding.

Yes, there are fees in the title of the bill; however, in working with the minority, the bill was amended and the fees were taken out. The title did not change because of the amendments, but that's why the fees are not there because we were accommodating the minority side of the aisle.

Mr. CHAFFETZ. Reclaiming my time, the annual fee, I guess, was going to be $50. To impose a penalty of $500 for failure to file timely reports—these lobbyists walk around with $5,000 bills in their pockets. I would like to see, if we had time to discuss this in committee, a $500 penalty. They get that in a half hour's work. That isn't much of an incentive for them to file in a timely manner.

The bigger, broader point, Mr. Speaker, is these are the types of discussions that really should happen in the subcommittee and in the committee, the timing of these issues, why we would make this change.

Mr. Speaker, I would just make a further point on H.R. 5751. While it moves the structure slightly and gives more flexibility to the Attorney General, obviously we want to see these laws and the compliance fulfilled as much as possible. If this will in any way help the Attorney General in doing so, so be it; we're happy to support this bill.

I still must reiterate that the speed in which this bill was offered, the lack of opportunity for members within the Judiciary Committee to properly debate this, vet this, the fact that we were still dealing back and forth with some staff—and, again, I appreciate the bipartisan way in which it was done, but at the same time, these are the types of things that get vetted and ferreted out with better discussion and review. I think we could have made it stronger, quite frankly. We could have added some real teeth to it, that's unfortunate, but nevertheless, we do urge its passage.

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

Mr. SCOTT of Virginia. Mr. Speaker, may I inquire as to how much time remains on this side?

The SPEAKER pro tempore. The gentleman has 18½ minutes remaining.

Mr. SCOTT of Virginia. Mr. Speaker, to close for our side, I yield the balance of my time to the sponsor of the bill, the gentlelady from Ohio (Ms. KILROY).

Ms. KILROY. Mr. Speaker, I rise in support of legislation I introduced, H.R. 5751, the Lobbying Disclosure Enhancement Act, to help bring accountability to the way lobbyists do business in Washington.

Back home, many people tell us that Washington is broken, that we need to end politics as usual. Well, one of the ways we tried to do this is to rein in lobbyists through the disclosure filings that they are required to file, and it is amazing how difficult it is to even make that happen.

H.R. 5751 would create a task force to help investigate and prosecute violations of the Lobbying Disclosure Act. If there is not some kind of push to enforce, then frequently people fall into noncompliance and they don't take us seriously. Well, it's time for us to be taken seriously on this question.

Mandated by the Honest Leadership and Open Government Act of 2007, a recent GAO study found the need for more transparency and accountability for special interest influence in government. Specifically, the GAO found that since 1996, the Secretary of the Senate has referred 8,281 potential violations of lobbying disclosure rules to the DOJ. About 4,400 of those referrals occurred in 2009 alone. The Office of the Clerk has referred an aggregate of 760 potential noncompliant registrants to the U.S. Attorney for the District of Columbia. And for 9 years, at least one organization reported lobbying the same 16 outdated—and mostly dead—pieces of legislation it initially reported in 1999 and 2000.

These statistics show a growing trend of mistakes and noncompliance that can't be ignored by this body. We have promised the American people more transparency and accountability, and my bill will help deliver on that promise.

Mr. CHAFFETZ. Will the gentlewoman yield for a question?

Ms. KILROY. I yield to the gentleman from Utah.

Mr. CHAFFETZ. Thank you.

Mr. Speaker, my question is about the fees. Originally, the title said there was going to be a fee and that there was going to be a penalty. And suddenly, why did those come out? If you want accountability, why would you take out the penalty?

Ms. KILROY. I thank the gentleman for his question.

I fully would have supported a fee such as was included in the original bill, but we were informed by the Clerk of the House that they could not administer such a fee. So I would be more than happy if you and others in Judiciary would take up that question and return that question when we come back in September.

□ 1410

But reclaiming my time, I came here to change the ''politics as usual'' approach and to help bring reform.

The Attorney General is given the responsibility to report back to Congress with policy recommendations about how best to improve the Lobbying Disclosure Act going forward and about how to make the processing and enforcement seem self-funded. I believe that the taxpayers should not have to

shoulder the heavy burden of playing watchdog to this industry and that the creation of a self-sustaining system could be possible.

My legislation changes the current disclosure rule that previously prevented the Department of Justice from publishing the name and firm of anyone in violation of the Lobbying Disclosure Act. We will now know the names of the lobbyists who continue to file late or to file incorrect information. This change reminded me of a phrase I heard recently: ''What you can't get through altruism, you must get through shame.''

Mr. Speaker, I want to thank Chairman CONYERS and the Judiciary Committee staff, who worked with me on this bill, as well as the majority leader for giving me the opportunity to speak to this bill this afternoon on the floor.

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

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Virginia (Mr. SCOTT) that the House suspend the rules and pass the bill,

H.R. 5751, as amended.

The question was taken; and (two-thirds being in the affirmative) the rules were suspended and the bill, as amended, was passed.

The title was amended so as to read: ''A bill to provide for the establishment of a task force that will be responsible for investigating cases referred to the Attorney General under the Lobbying Disclosure Act of 1995, and for other purposes.''.

A motion to reconsider was laid on the table.

PROVIDING FOR CONSIDERATION OF H.R. 5822, MILITARY CONSTRUCTION AND VETERANS AFFAIRS AND RELATED AGENCIES APPROPRIATIONS ACT, 2011

Ms. PINGREE of Maine. Mr. Speaker, by direction of the Committee on Rules, I call up House Resolution 1559 and ask for its immediate consideration.

The Clerk read the resolution, as follows:

H. RES. 1559

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. 5822) making appropriations for military construction, the Department of Veterans Affairs, and related agencies for the fiscal year ending September 30, 2011, and for other purposes. The first reading of the bill shall be dispensed with. All points of order against consideration of the bill are waived except those arising under clause 9 or 10 of rule XXI. General debate shall be confined to the bill and shall not exceed one hour equally divided and controlled by the chair and ranking minority member of the Committee on Appropriations. After general debate the bill shall be considered for amendment under the five-minute rule. The bill shall be considered as read through page 63, line 4. Points of order against provisions in the bill for failure to comply with clause 2 of rule XXI are waived. Notwithstanding clause 11 of rule XVIII, except as provided in section 2, no amendment shall be in order except the amendments printed in the report of the Committee on Rules accompanying this resolution. Each such amendment may be offered only in the order printed in the report, may be offered only by a Member designated in the report, shall be considered as read, shall be debatable for 10 minutes equally divided and controlled by the proponent and an opponent, and shall not be subject to a demand for division of the question. All points of order against such amendments are waived except those arising under clause 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. In case of sundry amendments reported from the Committee, the question of their adoption shall be put to the House en gros and without division of the question. 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. After consideration of the bill for amendment, the chair and ranking minority member of the Committee on Appropriations or their designees each may offer one pro forma amendment to the bill for the purpose of debate, which shall be controlled by the proponent.

SEC. 3. The Chair may entertain a motion that the Committee rise only if offered by the chair of the Committee on Appropriations or his designee. The Chair may not entertain a motion to strike out the enacting words of the bill (as described in clause 9 of rule XVIII).

SEC. 4. It shall be in order at any time through the calendar day of August 1, 2010, for the Speaker to entertain motions that the House suspend the rules. The Speaker or her designee shall consult with the Minority Leader or his designee on the designation of any matter for consideration pursuant to this section.

POINT OF ORDER

Mr. FLAKE. Mr. Speaker, I raise a point of order against H. Res. 1559 because the resolution violates section 426(a) of the Congressional Budget Act. The resolution contains a waiver of all points of order against consideration of the bill, which includes a waiver of section 425 of the Congressional Budget Act, which causes the violation of section 426(a).

The SPEAKER pro tempore. The gentleman from Arizona makes a point of order that the resolution violates section 426(a) of the Congressional Budget Act of 1974.

The gentleman has met the threshold burden under the rule, and the gentleman from Arizona and the gentlewoman from Maine each will control 10 minutes of debate on the question of consideration. After that debate, the Chair will put the question of consideration.

The Chair recognizes the gentleman from Arizona.

Mr. FLAKE. Mr. Speaker, I raise this point of order today not because of unfunded mandates in the bill, although, there are probably some, but because it is about the only opportunity we have here in the minority to protest the kind of treatment that these appropriation bills are getting in the Rules Committee and to protest the manner in which they are coming to the floor.

It used to be that it was a time-honored tradition in this House to have appropriation bills come to the floor under an open rule. Over the past couple of years, that has turned into a structured rule, so many Members in this body, in the minority and the majority, have not had this opportunity. Let's take last year, for example.

Every appropriation bill, all 12, came to the floor under structured rules. There were some Members on both sides of the aisle who offered multiple amendments throughout the year. That is the one chance they have to actually offer amendments on appropriation bills—the things that we are supposed to be doing here in Congress—and they weren't allowed to offer one. Many Members were denied the opportunity to offer any amendments.

□ 1420

There were some 1,500 amendments offered last year. Just 12 percent, fewer than 200, were made in order. And, in fact, I offered about 635 myself. I was only permitted to offer 50, after the structured rule took effect.

Now, the leadership on the majority side will often say, well, we have to keep order in this place, and people would simply offer dilatory amendments and take too long in the process. I remember times in years past, and I haven't been here that long, but just a couple of years ago where we would spend 2 or 3 or 4 days on one appropriation bill because that's what we do here. That's the important part of what we do. Yet, the majority can't seem to find time to allow all amendments to these bills.

Instead of allowing debate on amendments to appropriation bills, let me give you some idea of what we've been doing over the past couple of months and why the statement that we simply can't allow people to offer this many amendments would be proper because we don't have time. Well, here's what we've had time for. And let me note that each one of these that I mention, and this is just a fraction of these kind of suspension bills that we've dealt with, each one of these allows for 10 minutes of debate. That's as much time as we allow on any amendment coming before on the appropriation bill.

H.R. 1460, Recognizing the important role of pollinators. That one we dealt with just a month or so ago.

H.R. 1491, Congratulating the University of South Carolina, the Gamecocks, for winning the 2010 NCAA Division I College World Series.

H. Res. 1463, Supporting the goals and ideals of Railroad Retirement Day.

Now, these things may be nice to do and nice to those who receive these kind of accolades, but it's not the important business of this House. And so to say that we don't have time to actually debate amendments to these appropriation bills, and the one that we