

Emanuel	Lowey	Sánchez, Linda
Engel	Lynch	T.
Eshoo	Maloney	Sanchez, Loretta
Evans	Markey	Sanders
Farr	Marshall	Schakowsky
Fattah	Matsui	Schiff
Filner	McCollum (MN)	Scott (VA)
Frank (MA)	McDermott	Serrano
Green, Gene	McGovern	Sherman
Grijalva	McKinney	Slaughter
Hastings (FL)	McNulty	Smith (WA)
Hinchey	Meehan	Smith (WA)
Holt	Millender	Snyder
Honda	McDonald	Stark
Inslee	Miller (NC)	Stupak
Jackson (IL)	Miller, George	Thompson (MS)
Jackson-Lee	Moore (WI)	Tierney
(TX)	Nadler	Towns
Johnson, E. B.	Napolitano	Udall (CO)
Jones (OH)	Neal (MA)	Udall (NM)
Kanjorski	Oberstar	Van Hollen
Kaptur	Obey	Velázquez
Kennedy (RI)	Olver	Visclosky
Kildee	Owens	Wasserman
Kilpatrick (MI)	Pallone	Schultz
Kucinich	Pascrell	Waters
Langevin	Payne	Watson
Larson (CT)	Pelosi	Watt
Lee	Rangel	Waxman
Levin	Roybal-Allard	Weiner
Lewis (GA)	Rush	Wexler
Lipinski	Ryan (OH)	Woolsey
Lofgren, Zoe	Sabo	

NOT VOTING—7

Berkley	LaHood	Weldon (FL)
Gillmor	Lantos	
Gutierrez	Solis	

□ 1539

So the Senate bill was passed.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

Stated against:

Ms. SOLIS. Mr. Speaker, during rollcall vote No. 108 on final passage (S. 256) I was unavoidably detained. Had I been present, I would have voted “nay.”

ANNOUNCEMENT BY COMMITTEE ON RULES REGARDING H.R. 6, ENERGY POLICY ACT OF 2005

Mr. DREIER. Mr. Speaker, I know that our colleagues, the gentleman from Maryland (Mr. HOYER) and the gentleman from Texas (Mr. DELAY), will be engaged in a colloquy in just a moment; and the announcement that I have will, I believe, relate to the colloquy that they are about to engage in.

Mr. Speaker, the Committee on Rules may meet next week to grant a rule which could limit the amendment process for floor consideration of the Energy Policy Act of 2005, which is expected to be introduced Monday, April 18, as H.R. 6. Any Member wishing to offer an amendment should submit 55 copies of the amendment, one written copy of a brief explanation of the amendment, and one electronic copy of the same to the Committee on Rules up in H-312 of the Capitol by 12 noon on Tuesday, April 19, 2005.

Members are advised that the combined text from the committees of jurisdiction should be available for their review on the committees’ Web sites as well as on the Committee on Rules Web site by tomorrow, Friday, April 15. Members should use the Office of Legislative Counsel to ensure that their amendments are drafted in the most

appropriate format. Members are also advised to talk with the Office of the Parliamentarian to be certain that their amendments comply with the rules of the House.

Mr. Speaker, I would like to say, Go Nationals.

LEGISLATIVE PROGRAM

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

Mr. HOYER. Mr. Speaker, I take this time for the purpose of inquiring of the majority leader the schedule for the coming week.

Mr. Speaker, I yield to the distinguished majority leader, the gentleman from Texas (Mr. DELAY).

Mr. DELAY. I thank the distinguished whip for yielding to me.

Mr. Speaker, the House will convene on Tuesday at 2 p.m. for legislative business. We will consider several measures under the suspension of the rules. A final list of those bills will be sent to the Members’ offices by the end of the week. Any votes called on these measures will be rolled until 6:30 p.m.

On Wednesday and Thursday, the House will convene at 10 a.m. for legislative business. We will likely consider additional legislation under the suspension of the rules, as well as H.R. 6, the Energy Policy Act of 2005.

Mr. HOYER. Mr. Speaker, reclaiming my time, I thank the gentleman for informing us of that schedule.

Mr. Leader, tomorrow is a day on which the conference report on the budget is supposed to be adopted, as you well know. However, the House is yet to appoint conferees. When might we appoint conferees, given the fact that we are already behind schedule?

Mr. DELAY. Mr. Speaker, if the gentleman will yield further, obviously we would have liked to have met the statutory deadline of April 15, but, unfortunately, we will not. I am advised that the Speaker has not yet decided when he would like to appoint the conferees to meet with the Senate, but it could occur as early as next week.

Hopefully, within the next few weeks we will have a conference report for the House to consider that provides for the extension of the pro-growth tax policies enacted in 2001 and 2003, reduces non-security discretionary spending, and provides for important reforms of entitlement programs.

Mr. HOYER. Mr. Speaker, reclaiming my time, I thank the gentleman. Obviously he articulates reasons that he believes this bill is an important piece of legislation.

In light of the fact that the Speaker has not yet decided who he wants to appoint as conferees, does the gentleman have any thought as to when we might contemplate having the conference committee meet and then, of course, the conference report on the floor? I ask that from two perspectives: one, as the representative of the party

who would like to know what is going on, as I am sure the gentleman would as well; and, secondly as an appropriator.

As the gentleman knows, until the conference committee report is adopted, it has the appropriations committees somewhat in limbo as it relates to allocations to the committees and then allowing us to make the 302(b) allocations.

Mr. Speaker, I yield further to my friend in terms of what expectations he might have as to timing from this point to when we might adopt a budget, in light of the fact it is my understanding from the staff of the gentleman from California (Mr. LEWIS) that there is hope that we will start to mark up bills sometime in mid-May. I do not know whether the majority leader has the same understanding or not.

Mr. DELAY. Mr. Speaker, I appreciate the gentleman continuing to yield. The gentleman has touched on many points. I am advised, and I stand to be corrected, but having served on the Committee on Appropriations, the rules allow that once we pass the April 15 deadline for having a budget, the Committee on Appropriations is allowed to start their work without a budget.

I am advised also by the gentleman from California (Chairman LEWIS) of the Committee on Appropriations, who is walking in front of me right now and hopefully will correct me if I am wrong, that the gentleman from California (Chairman LEWIS) has begun the appropriations process in earnest and he has a very ambitious schedule. In fact, I am told that we will have the opportunity to schedule appropriations bills for the floor by the middle of May, and I anticipate, not anticipate, we have set as a schedule, another way of putting it, we have turned over the schedule to the Committee on Appropriations to get their work done. It will be a very ambitious appropriations schedule starting the middle of May.

Mr. LEWIS of California. Mr. Speaker, will the gentleman yield?

Mr. HOYER. I would be pleased to yield to my friend, the gentleman from California, the distinguished chairman of the Committee on Appropriations.

□ 1545

Mr. LEWIS of California. Mr. Speaker, I appreciate my Appropriations colleague yielding me a moment just to say that my colleague, the gentleman from Wisconsin (Mr. OBEY), and I have spent a lot of time together discussing these questions and the schedule and otherwise. The relationship is extremely positive, and I believe he and I this week, before the week is out, will have a chance to sit down and talk about 302(b)s, for example. We are going to move forward very expeditiously, and I think it will benefit, one more time, my colleague and I, who are Appropriations members together, and it will benefit our committee greatly.

I very much appreciate the gentleman yielding.

Mr. HOYER. Mr. Speaker, reclaiming my time, I appreciate the gentleman's observation.

My presumption is then, Mr. Chairman, before he leaves the floor, my presumption would be, for the Members of the House and also for the members of the Committee on Appropriations, that the Committee on Appropriations will proceed as if the House numbers were the numbers? Am I correct on that? I yield to the gentleman.

Mr. LEWIS of California. Mr. Speaker, we have come to the conclusion, by looking at some recent history, that we can, within pretty close margins, measure what our likely allocations will be. The subcommittees are proceeding as though there are numbers, recognizing full well that we will have to respond to the final budget package as they have given it to us and as we have talked between subcommittee chairmen, but we can pretty well guesstimate.

In the past, I believe that we have tended to delay our process because we decided we had to wait until the budget process was already complete, and we let supplementals interfere with that process, et cetera. So, in the past, we found ourselves sending our product to the other body just as we go past the end of the fiscal year, hardly giving them the time to do the kind of work that they would like to do, thus the omnibus, et cetera.

The cooperation between the two bodies, I must say to my colleague, is better than I could ever have imagined. It is a fabulous, growing relationship, and I think it will benefit both of the bodies.

Mr. DELAY. Mr. Speaker, will the gentleman yield?

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

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

The gentleman's original question was when will we see a conference report for the budget come to the floor. I am hoping as soon as possible, obviously. I have no idea when the negotiations with the House and the Senate will start in earnest, when we will appoint the conference committee. There is very little difference, quite frankly, from the House bill and the Senate bill, and I would assume that the major issues will be taken care of in a matter of days, if not a couple of weeks.

So I would assume that we could have a conference report on a budget hopefully by the first of May. At least that is what we would like to see happen.

Mr. HOYER. Mr. Speaker, I thank the gentleman.

Reclaiming my time, the business that the gentleman from Texas has set forth for next week is the energy business. Given the schedule the gentleman has just announced, would the gentleman expect the bill to be on the floor both Wednesday and Thursday?

Mr. DELAY. Mr. Speaker, if the gentleman will yield, that is correct, both Wednesday and Thursday. This is a major, major piece of legislation, as the gentleman from Maryland knows. This bill has passed this House before. It required lengthy debate. It also required time to consider amendments, and we anticipate it taking all of Wednesday and most of Thursday to complete.

Mr. HOYER. Mr. Speaker, reclaiming my time, I thank the leader.

Given the time that is allocated to this bill, I presume, as the Leader has apparently indicated, that it is the expectation of the Committee on Rules to have a full amendatory process. My expectation is you are not going to have a fully open rule but that you would have some modified open rule. Am I correct on that?

I yield to the gentleman from Texas.

Mr. DELAY. Mr. Speaker, I thank the gentleman for yielding. Obviously, I cannot anticipate what the Committee on Rules may do on this bill.

Mr. HOYER. Mr. Speaker, reclaiming my time, some of us do not believe that is quite as obvious as the gentleman does.

I yield back to the gentleman.

Mr. DELAY. I appreciate the gentleman yielding.

I do recall that in the last Congress when we approached the energy bill there was I think at least 20, if not more, amendments allowed on the bill. I would anticipate that the same approach, because the bill is very similar to the bill we passed in the last Congress, would be taken.

Mr. HOYER. Mr. Speaker, reclaiming my time, I appreciate the Leader's observation. I know that, on our side, we had a discussion on that bill this morning. All of us believe the energy bill is a very, very important piece of legislation. All of us are concerned about the gas prices that are confronting all of our constituents. I have a number of employees who commute significant distances. Although they live relatively close by, it is a 45-minute commute in traffic and a lot of gas, and they spend a lot of money on gasoline. In addition to that, energy independence, of course, is part of our national security. So we are hopeful that we will fashion a bill in a bipartisan way that we can see passed and signed by the President.

Mr. Speaker, the last item I would ask the Majority Leader about is, as the gentleman knows, the ethics process in the House is essentially at a standstill. The gentleman has made that observation, obviously; and we have made that observation as well. Efforts to move the ethics process forward have failed so far, both in committee and on the floor, when virtually all of the Members on the gentleman's side of the aisle, now twice, have voted to table motions that would have provided for the appointment of a bipartisan task force to make recommendations to restore public confidence in the ethics process.

As the gentleman knows, the gentleman from Maryland (Mr. CARDIN), he was sitting to my left here, although he is now to my right; maybe he is running for office and wants to position himself; but the gentleman from Maryland (Mr. CARDIN) and Mr. Livingston performed an outstanding service for this House in coming together and adopting and presenting, proposing a bipartisan ethics process. We had that in place, as the gentleman knows, and it was changed, we believe, in a partisan fashion.

We oppose that change, as the gentleman knows, as does the former chairman of the Committee on Standards of Official Conduct, the gentleman from Colorado (Mr. HEFLEY). He and the gentleman from West Virginia (Mr. MOLLOHAN) have a bill, and that bipartisan resolution has now 207 cosponsors, and that would simply return the ethics rules to where they were, adopted bipartisanly, proposed bipartisanly by the Livingston-Cardin Committee, and it would return to a place where we believe the Committee on Standards of Official Conduct would not be at impasse.

We are also concerned about, as the gentleman knows, the chairman's proposition that we have a partisan division now of the ethics staff, which heretofore has been a bipartisan, I might even say nonpartisan, staff.

I would respectfully inquire, given that background, which the gentleman knows, of course, if and when we might see House Joint Resolution 131 on the floor. As I say, it has 207 cosponsors. It reflects the bipartisan agreement of the Livingston-Cardin committee and the bipartisan vote of this House some years ago in adopting the Livingston-Cardin option.

In the alternative, of course, when we might find an opportunity to support a bipartisan commission that could again look at this and try to get us off the dime.

I know I have mentioned a number of points, Mr. Leader, but I know that the gentleman believes it is important personally and institutionally. I have worked with the gentleman institutionally. We want to see this institution not mired in ethical questions of our side or of the gentleman's side. I think that either direction might get us there.

Mr. Speaker, I ask the Leader respectfully if he thinks that we might proceed in either direction, or perhaps both, and I yield to my friend.

Mr. DELAY. Mr. Speaker, I appreciate the gentleman yielding.

This is a very, very important issue that upholds the integrity of the House, that has to do with the image of the House in making sure that the House can enforce its own rules in a bipartisan way. I would just remind the gentleman, with all the work that the gentleman from Maryland (Mr. CARDIN) and Mr. Livingston did, which is excellent work, unfortunately, we cannot anticipate unintended consequences;

and once we start implementing that wonderful work, we find out that there are some flaws that need to be corrected.

The Speaker of the House looked at the last few years and decided that the rules allowed the use of the Committee on Standards of Official Conduct for partisan purposes, and its ability to act in a bipartisan way was seriously hindered. Most importantly, there were some due-process issues to protect Members of their due-process rights.

I will give my colleagues one example. The committee, on its own, decided to change the way they operated from the past. In the past, when the committee wanted to warn a Member about certain actions that were not in violation of the rules, they used to send a private letter to that Member. This committee and the last committee had decided on their own that, without consulting with the affected Member, to send a public letter and release the underlying documents to support their position, without the opportunity for a Member to face the committee and discuss those letters of warning, the Speaker felt very strongly that that undermines the rights of every Member, both Democrat and Republican, to due process.

The Speaker, in his office, looked at the standing rules of the 108th Congress in this regard and felt that some minor changes needed to be made; one, to protect the committee from being politicized; and, two, to protect Members' rights of due process. That suggestion by the Speaker, as the gentleman knows, was brought to this House and debated extensively on this House floor, and those amendments to the rules were passed by the entire House, with some nay votes, I understand.

I think it is unfortunate that we have found ourselves in this position, particularly when the Speaker was trying to protect the rights of the Members and certainly, more importantly, protect the integrity of the institution that we have reached this point. I am advised through the Speaker that the chairman of the Committee on Standards of Official Conduct is working with his Ranking Member, and I would hope that they would come to some sort of agreement in how we get past this impasse. Otherwise, the rights of Members will not be protected, and I find that extremely unfortunate.

Mr. HOYER. Mr. Speaker, reclaiming my time, I thank the Leader for his thoughtful response. We have a difference of view on the change that was made from the Livingston-Cardin and House-adopted ethics rules which provided for an investigation of any Member to go forward unless a majority of the committee disposed of it. That meant, as the gentleman knows, that it would have to be bipartisan, because the committee is equally divided, so we would have to have at least one other Member, assuming one party was united on either side, one other Mem-

ber of the other party to join in the disposition of a case. And if that disposition did not occur, an investigation would go forward.

Unfortunately, it is our perception, I say to the gentleman, that what the Speaker, because the gentleman said the Speaker wanted to protect the Members, what the Speaker has done from our perspective and, we think, from the perspective of many is created a process where on the inaction of the committee, based upon a tie vote so that a partisan group can stop an investigation, that the investigation will thereby be dismissed. So it turned the process 180 degrees, from having a bipartisan vote to dismiss to now having a partisan vote or a bipartisan vote necessary to proceed.

We believe that undermines the protection of the institution. We believe that that was not necessary in order to protect individuals and Members, which we think is an appropriate due-process protection.

□ 1600

Mr. DELAY. Will the gentleman yield?

Mr. HOYER. I certainly will, but let me make one additional point. Every previous change that I know of, and you and I have been here about the same time. I have been here perhaps a couple of years longer than you. Every change that I know of in the ethics rules have been affected by a bipartisan agreement until this one. There were only a few votes, I think we were almost unanimous on our side, which is not unusual, which is why the ethics rules has historically been separate and apart, perhaps in the rules package, but agreed to in a bipartisan fashion. And that is my concern.

Mr. DELAY. Will the gentleman yield?

Mr. HOYER. And I will be glad to yield my friend.

Mr. DELAY. Mr. Speaker, I appreciate the gentleman's concerns. The gentleman has raised two issues: one is process and one is substance. On the process side, the gentleman is correct. And the gentleman would have to ask the Speaker about the process of bringing the rules to the floor in a bipartisan way. And I do not want to second-guess the Speaker, and the gentleman may well have a good argument on process.

But in the substance, the gentleman is correct. And I hope all Members are watching this because they need to consider this very strongly, that the gentleman cannot have it both ways. The gentleman wants a bipartisan process. The Speaker was bringing a bipartisan process, which means that in order to proceed to an investigative subcommittee you would have to have a majority vote, which would be bipartisan, a bipartisan vote to proceed to the investigative committee.

What some partisans had found, that if there was no agreement and charges brought against a Member, the Member

would be hung out to dry. There would be no action, or there could be automatic action without a majority vote of the committee. That is the problem. That is what allows people to use it for partisan politics is that if one side or the other decides to deadlock the ethics committee, then the Member that has been charged can be held out and held up for many days, if not months, before a resolution of that charge comes.

The Speaker came up with a way to make sure that the committee is bipartisan because it requires a bipartisan vote to move forward.

The gentleman is suggesting that he would like to change, for the House and the rights of the Members, something that is so different than the rules of procedures in courts of law. If a grand jury is deadlocked in an indictment, there is no process that goes forward. If there is a full jury in a trial that is deadlocked, there is no process that goes forward. It has to be clear, without a reasonable doubt, with no reasonable doubt that the offense is right and needs to proceed. And that is why the Speaker created a bipartisan process for that to proceed. And it can work for both sides politically. It can work for Democrats as well as Republicans. And that is why I say the Speaker was trying and worked very hard to protect the rights of the accused, and more important than that, the rights of each and every Member of this House.

Mr. HOYER. Mr. Speaker, reclaiming my time, I thank again the gentleman for his thoughtful remarks. We see it differently, Mr. Leader. What we have created is the ability of both sides to stop investigations in their tracks. Both sides. Our side, if we block up, and our five say you are not going to investigate STENY HOYER, they can do it. Formerly they could not do that. And I believe your analogy is not apt, and I want to tell you why I think so, Mr. Leader.

The investigation is the gathering of facts, not the charging, not the finding of involvement. We do not use the term "guilt," but the finding of involvement. It is an investigation to gather the facts from which the decision-makers, whether it be a grand jury or a petit jury, whether it be a judge or whether it be a prosecutor who determines whether to bring an indictment. Once those decision-makers have the facts, they can then make a rational decision, we hope.

What we have done, however, in changing the rules, which were adopted in a bipartisan fashion, is to allow either side to preclude the investigator from gathering the facts. That is as if we could preclude the police or the FBI or others from gathering facts that they would then, in turn, submit to a decision-maker, whether a grand jury to bring an indictment, a prosecutor to bring a charge, a petit jury to bring a conviction. I think that is inaccurate.

Mr. DELAY. Will the gentleman yield?

Mr. HOYER. I certainly will yield to the leader, but before I do, do you see my point, Mr. Leader? Either one of us could protect ourselves. Either one of us, your side could protect yourselves by your five holding firm. Our side could protect ourselves by holding firm. That may protect us individually, but our position is it does not protect the institution, and that is what our concern is. I yield to my friend.

Mr. DELAY. If the gentleman will yield, the gentleman has made my point. Under the old rules, both sides could protect themselves.

Mr. HOYER. No, sir. Reclaiming my time, Mr. Leader.

Mr. DELAY. If the gentleman is not going to let me respond and interrupt me, then this colloquy can end.

Mr. HOYER. I want to apologize to the gentleman.

Mr. DELAY. Thank you. I appreciate that.

Mr. HOYER. I will yield back to him.

Mr. DELAY. As I was saying before I was interrupted, and I appreciate the gentleman yielding, the point is that both sides, in the old rules, both sides could shut the process down. The difference is, and it is a huge difference, the Members would be hanging out there and with no resolution.

And the gentleman is incorrect and misrepresents the process. The process starts with the ranking member and the chairman looking at the facts as presented to them by the person charging the Member. And then they decide whether to submit a recommendation to the full committee to proceed further and what action should be taken. So the facts the gentleman is talking about start with the ranking member and the chairman. Then a recommendation is submitted, just like a DA would submit a recommendation to a grand jury. And this is the grand jury process, to the committee, and the committee makes a decision whether they go forward.

Now, what happens in practice is, if that Member that has been charged receives from the committee that they are moving towards an investigative subcommittee, that is a huge hit on that Member, whether he is guilty or not. The press run with it and all kinds of things happen, as the gentleman perfectly knows. So that step to go to an investigative subcommittee is a very, very important step. And that is why the Speaker thought it was really important that a bipartisan vote be made in order to get to that step. It starts with his own ranking member making a decision, in concert, one vote to one vote, with the chairman, whether to submit the recommendation to the committee to proceed. And that is where the gentleman's concerns can be taken care of as to whether it is going to be blocked one way or another.

Then once they have made that recommendation, if they make a strong recommendation to proceed to an investigative subcommittee, I guarantee you, because you have a Republican

chairman and a Democrat ranking member, the committee is going to follow their recommendation more times than not, and you will have a bipartisan, and in many cases, a unanimous vote to proceed to the next step.

The problem is, and it is a real problem that was used, where you come to a deadlock, then there is no resolution for the Member that has been charged. And the Speaker felt very strongly that that undermines the rights of every Member of this House.

Mr. HOYER. Mr. Speaker, reclaiming my time.

Mr. CARDIN. Mr. Speaker, will the gentleman yield?

Mr. HOYER. I will be glad to yield to the gentleman from Maryland.

Mr. CARDIN. Mr. Speaker, let me thank the distinguished whip for yielding. And I have listened to this colloquy. And let me try to add a little bit to it, if I might.

First, I appreciate the leader's acknowledgment on process because the process is very important. I think the debate that we are having on the floor should have been had prior to the rule being brought under a very partisan environment for passage on the first day of session. I think if we would have had a chance, Democrats and Republicans, to review the rules changes, some of the problems that are now being brought out by these rules changes would have been understood.

So let me get to the policy issue that the leader brings up. And that is, yes, the chairman and ranking member can proceed to bring a matter before the full committee. But they do not have the investigative power in order to understand what is involved in the particular matter.

I served on the Ethics Committee for over 6 years, during some very difficult times, including the bank issues, including a charge against the Speaker of the House. And I can tell you this, that if we would have had a 45-day deadline considering an investigation of this matter, there would have been no way that we could have gotten the necessary votes to proceed.

In my entire time on the Ethics Committee we never had a partisan division. We always were able to work out our issues. It was not easy. It took time. We had to sit down and listen to each other, get the facts.

In reality, when you look at the rules that we are bound by and the facts, generally you will reach consensus and agreement within the Ethics Committee, and that is exactly what happens. But if the clock is running and there are only 45 days, and after that time there is an automatic dismissal, and that is what is in these rules now, it encourages a partisan division. It works counterintuitive to trying to work out what a consensus would bring out which is in the best interest of the institution. And I regret we did not have the opportunity to debate that during the process of the adoption of the rules.

It is interesting to point out that the investigation and the charges that were held against Speaker Gingrich brought about a lot of controversy on this floor. And the majority leader and the minority leader at that time recognized that the only way that we could resolve rules changes was to set up a bipartisan task force, and that is when Mr. Livingston and myself were the co-chairs. And we listened to the debate. And due process for the Member was a very important consideration. And we did change the rules in order to provide for that, but we did it in a bipartisan deliberation, and that was missing this time. And I regret that.

Mr. DELAY. Will the gentleman yield?

Mr. HOYER. Mr. Speaker, I would reclaim my time and certainly yield to the leader.

Mr. DELAY. Mr. Speaker, I appreciate the comments by the gentleman who worked so hard on that bipartisan ethics reform taskforce that made recommendations to the House. And I appreciate that the gentleman is trying to protect those rules that he worked on.

But I remind the gentleman that when those rules were voted on, both gentlemen from Maryland voted against the rules they are trying to protect today. And then I might say your comments are well taken. The length of time is a problem. We have recognized that is a problem and I am told, I have not talked to the ethics chairman, but I am told through the Speaker that the ethics chairman has offered to negotiate the time problem with the ranking member. I do not know what the result of that has been, but I know that the Speaker has been informed by the chairman that he is more than willing to work on those issues, and I know the Speaker told me that he is open to fixing that time problem that the gentleman brings up and is concerned about.

Mr. CARDIN. Would the gentleman yield?

Mr. HOYER. Mr. Speaker, reclaiming my time, just for 1 minute.

Mr. CARDIN. Very briefly?

Mr. HOYER. Very briefly.

Mr. CARDIN. Let me just put out that when that issue was before the House, the former rules changes, we added a 180-day automatic dismissal that was rejected in a bipartisan vote by this body, just to point out to the distinguished leader.

Mr. DELAY. If the gentleman would yield, I appreciate that.

Mr. HOYER. I would be glad to yield to the leader.

Mr. DELAY. I yield back.

Mr. HOYER. Mr. Leader, we obviously have a disagreement in the perceptions as to what the rule does and does not do. I think both you and I are very concerned about the reputation and integrity of this House. I think you share that view and I share that view. It is my suggestion that resolving this in a way that is bipartisan will be productive for the House.

□ 1615

Mr. HEFLEY, the former chairman, I do not agree with Mr. HEFLEY on a lot of things, but I do agree with his perception of how we protect the integrity of the House. There may be people on my side of the aisle who agree with your perception and not mine. I understand that. The fact is, though, that it would be in the best interest of this House and this country for us to resolve these matters in a bipartisan way either through, as our leader has proposed, a commission to be a joint commission equally divided, as was the Livingston-Cardin commission, or, in the alternative, to consider H.R. 131.

The leader is absolutely right, and I made that aside, as you recall. We did vote against the rules package, but we had agreed to the components, and there was no controversy about the ethics component in the rules package. There were other things with which we disagreed, obviously, but that was an agreement, and it was reached in a bipartisan fashion.

This was not reached in a bipartisan fashion. And, yes, as both parties usually did, I can remember, it is getting more difficult to remember, but I can remember when we were in charge and your side used to vote unanimously against our rules package and we pretty much do the same because we have some disagreements. But there was agreement on the rules package as it related to the Committee on Standards of Official Conduct, and the reason for that is because both sides felt it to be very important.

Mr. DELAY. If the gentleman would yield.

I have to remind the gentleman, and I know going back to 1997 is very difficult, but this was not part of the rules package. This was voted on September 18, 1997, and it was on the recommendations for reforming the Committee on Standards of Official Conduct, and the gentleman that worked on the recommendation and the gentleman speaking voted against the recommendations, not on the House rules package.

My point, and I do not want to belabor that for the gentleman, I think it is very important that if the gentleman is protecting a package and a rules ethics reform that he voted against, I think that is one thing. But the other thing is we are working in a bipartisan way, I hope. The chairman and ranking member are dealing with this. A commission would just open up the whole recommendations that the gentleman from Maryland worked on and the gentleman from Louisiana worked on.

I do not think we need a complete overhaul of the ethics process, but there are certain problems that were found in practice that the Speaker felt needed to be done in order to protect the Members. And I have got to tell you, the Members on your side of the aisle as well as my side of the aisle better think about this very seriously be-

cause we do want to protect the integrity of the institution. But, as important as that is, we also want to protect the rights of the Members.

Mr. HOYER. Reclaiming my time, I think we both agree on that.

The gentleman from Maryland (Mr. CARDIN) wanted to say something, but I wanted to say you were right on the process. I was incorrect on the process. It was a separate vote on a separate package, and you are right that I and the gentleman from Maryland (Mr. CARDIN) and others voted against it. It was not on these provisions as you know because a change was made, not in a partisan sense, according to the gentleman from Maryland (Mr. CARDIN).

Mr. Speaker, I yield to the gentleman from Maryland (Mr. CARDIN) to explain his perception and recollection of the process.

Mr. CARDIN. Just to correct the record, and the leader is correct. We did vote against the package. The package was developed in a very bipartisan manner through the task force. There were some votes that took place on the floor of the House that were recommended against by the task force that changed some of the recommendations, and we had a motion to recommend to try to clarify that.

The gentleman is correct on the final vote, but the package itself was very much developed in a bipartisan manner through the task force in a way that it should have been done, contrary to the process that was used on this rules package.

Mr. HOYER. Reclaiming my time, Mr. Leader, I thank you for taking the time. I know you did not have to, and you have been considerate of this discussion because you and I know it is an important discussion. Because it is an important discussion, I would hope that we could move forward to try to get us off this impasse that we have for whatever reasons. And whatever is right or wrong, it needs to be resolved.

There are two suggestions here of how to resolve it. There may be other ways to resolve it. But I would hope that in the coming days we could move towards, in a bipartisan fashion, move towards resolving this issue.

ADJOURNMENT TO MONDAY, APRIL 18, 2005

Mr. DELAY. Mr. Speaker, I ask unanimous consent that when the House adjourns today, it adjourn to meet at 2 p.m. on Monday next.

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

There was no objection.

HOUR OF MEETING ON TUESDAY, APRIL 19, 2005

Mr. DELAY. Mr. Speaker, I ask unanimous consent that when the House adjourns on Monday, April 18, 2005, that it adjourn to meet at 12:30 p.m. on

Tuesday, April 19, 2005 for morning hour debates.

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

There was no objection.

DISPENSING WITH CALENDAR WEDNESDAY BUSINESS ON WEDNESDAY NEXT

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

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

There was no objection.

APPOINTMENT OF MEMBER TO BOARD OF VISITORS TO THE UNITED STATES COAST GUARD ACADEMY

The SPEAKER pro tempore. Pursuant to 14 USC 194(a), and the order of the House of January 4, 2005, the Chair announces the Speaker's appointment of the following Member of the House to the Board of Visitors to the United States Coast Guard Academy:

Mr. SIMMONS of Connecticut.

APPOINTMENT OF MEMBER TO THE BOARD OF VISITORS TO THE UNITED STATES MERCHANT MARINE ACADEMY

The SPEAKER pro tempore. Pursuant to 46 USC 1295b(h), and the order of the House of January 4, 2005, the Chair announces the Speaker's appointment of the following Member of the House to the Board of Visitors to the United States Merchant Marine Academy:

Mr. KING of New York.

APPOINTMENT OF MEMBERS TO THE BOARD OF VISITORS TO THE UNITED STATES MILITARY ACADEMY

The SPEAKER pro tempore. Pursuant to 10 USC 4355(a), and the order of the House of January 4, 2005, the Chair announces the Speaker's appointment of the following Members of the House to the Board of Visitors to the United States Military Academy:

Mrs. KELLY of New York;

Mr. TAYLOR of North Carolina.

APPOINTMENT OF MEMBERS TO THE MEXICO-UNITED STATES INTERPARLIAMENTARY GROUP

The SPEAKER pro tempore. Pursuant to 22 USC 276h, and the order of the House of January 4, 2005, the Chair announces the Speaker's appointment of the following Members of the House to the Mexico-United States Interparliamentary Group:

Mr. KOLBE of Arizona, Chairman;

Ms. HARRIS of Florida, Vice Chairman.