

Tehran on May 8 and incarcerated in the Evin Prison.

The background to this entirely unjustified arrest is as follows. Timeline of events:

December 21, 2006, Haleh Esfandiari, director of the Middle East Program at the Woodrow Wilson International Center for Scholars, and a dual Iranian-American national, traveled from Washington D.C. to Tehran, Iran to visit her 93-year-old mother for one week.

On December 30, 2006, on her way to the airport to catch a flight back to Washington, the taxi in which Dr. Esfandiari was riding was stopped by three masked, knife-wielding men. They threatened to kill her, and they took away all of her belongings, including her Iranian and American passports.

On January 3, when applying for replacement Iranian travel documents at the passport office, Dr. Esfandiari was invited to an "interview" by a man from Iran's Ministry of Intelligence.

Beginning on January 4, she was subjected to a series of interrogations that stretched out over the next six weeks, sometimes continuing for as many as four days a week, and sometimes stretching across seven and eight hours in a single day. Dr. Esfandiari went home every evening, but the interrogations were unpleasant and not free from intimidation and threat.

The questioning focused almost entirely on the activities and programs of the Middle East Program at the Wilson Center. Dr. Esfandiari answered all questions fully; when she could not remember details of programs stretching back five and even eight years, the staff at the Wilson Center provided her all the information requested. As a public organization, all Wilson Center activities are on the public record. Repeatedly during the interrogation, she was pressured to make a false confession or to falsely implicate the Wilson Center in activities in which it had no part, but she refused.

On Friday, January 15, in the third week of interrogations, Dr. Esfandiari was told (misleadingly as it turned out) the questioning was over. On January 18, the interrogator and three other men showed up at Dr. Esfandiari's mother's apartment. Dr. Esfandiari was taking a nap and was startled to wake up and see the door to her bedroom open, her privacy violated, and three strange men, one of them wielding a video-camera, staring into her bedroom.

On February 14, the lengthy interrogations stopped.

On February 17, Haleh received one threatening phone call, and then she did not hear anything from her interrogators for ten weeks.

On February 20, Lee Hamilton, president and director of the Wilson Center, wrote to Iranian President Mahmoud Ahmadinejad asking that Dr. Esfandiari be allowed to travel. However, President Ahmadinejad did not reply to the letter.

At the end of April or early May, she was telephoned once again and invited to "cooperate." In effect, she was being asked to make a confession. She refused to make the false statements.

On Monday, May 7 she was summoned to the Ministry of Intelligence once again. When she arrived for her appointment on Tuesday morning, May 8th, she was put into a car and taken to Evin prison. She was incarcerated and was allowed only one phone call to her mother.

On May 9 she called her mother asking her to bring her clean clothes and her medicine. Her mother delivered the small package at Evin Prison on May 10, but was not allowed to see her.

On May 12, the hard-line daily "Kayhan" in an article accused Dr. Esfandiari of work-

ing with the U.S. and Israeli governments and with involvement in efforts to topple Iran's Islamic regime.

On May 15, Iranian judiciary spokesman Ali Reza Jamshidi said that Dr. Esfandiari was being investigated for crimes against national security and that her case was being handled by the Intelligence Ministry.

On May 15, Haleh made a brief telephone call to her mother.

On May 16, Haleh's family retained the legal services of Nobel Peace Laureate Shirin Ebadi to represent her.

On May 17, in an interview with Washington Post Staff Writer Robin Wright, Shirin Ebadi indicated that the Iranian government has rejected her request to represent Dr. Esfandiari. She also noted the court refused information on the legal charges against Dr. Esfandiari, and denied her legal team the ability to see Haleh.

On May 21 state-run television broadcasts in Iran indicated that Haleh is being charged with seeking to topple the government of the Islamic Republic of Iran.

Our efforts to obtain Haleh's release will continue and will be redoubled. She will be in our thoughts and prayers every day.

Ms. ROS-LEHTINEN. Mr. Speaker, I have no further requests for time, and I yield back the balance of my time.

Mr. TANNER. Mr. Speaker, I have no more requests for time, and I yield back the balance of my time.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Tennessee (Mr. TANNER) that the House suspend the rules and agree to the resolution, H. Res. 430, as amended.

The question was taken.

The SPEAKER pro tempore. In the opinion of the Chair, two-thirds being in the affirmative, the yeas have it.

Mr. TANNER. 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.

#### 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 4 o'clock and 55 minutes p.m.), the House stood in recess subject to the call of the Chair.

□ 1802

#### AFTER RECESS

The recess having expired, the House was called to order by the Speaker pro tempore (Mr. Ross) at 6 o'clock and 2 minutes p.m.

#### MOTION TO SUSPEND THE RULES

Mr. HOYER. Mr. Speaker, I move to suspend the rules and agree to H. Res. 451.

#### QUESTION OF THE PRIVILEGES OF THE HOUSE

Mr. BOEHNER. Mr. Speaker, I send to the desk a privileged resolution (H.

Res. 452) and ask for its immediate consideration.

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

The Clerk read as follows:

H. RES. 452

Whereas, clause one of House rule XXIII (Code of Official Conduct) states, "A Member, Delegate, Resident Commissioner, officer or employee of the House shall conduct himself at all times in a manner that shall reflect creditably on the House.":

Whereas, on June 4, 2007, the United States Department of Justice filed an indictment by a grand jury against the gentleman from Louisiana, the Honorable William J. Jefferson, in the United States Court for the Eastern District of Virginia:

Whereas, in the aforementioned indictment of Representative Jefferson, the grand jury specifies sixteen counts, including but not limited to Solicitation of Bribes by a Public Official, Violation of the Foreign Corrupt Practices Act, Money Laundering, Obstruction of Justice and Racketeering;

Whereas, in the aforementioned indictment, the grand jury alleges that Representative Jefferson did knowingly engage in an unlawful conspiracy "to provide for the unjust enrichment of Defendant Jefferson and his family members by corruptly seeking, soliciting, and directing that things of value be paid to him and his family members in return for Defendant Jefferson's performance of official acts";

Whereas, in the aforementioned indictment, the grand jury further alleges that "Defendant sought to and did conceal his and his family members' expected or actual receipt of things of value by directing congressional staff members, family members, and others to form nominee companies that entered into business agreements to receive things of value sought by Defendant Jefferson while not referencing him or disclosing his involvement in obtaining the agreements";

Whereas, in the aforementioned indictment, the grand jury further alleges that "Defendant Jefferson failed to disclose his and his family's financial interests in these business ventures by omitting this material information from travel and financial disclosure forms required to be filed by the Rules of the House of Representatives and, in some cases, by failing to make any of the required filings";

Whereas, in the aforementioned indictment, the grand jury further alleges that "On or about July 30, 2005, in Arlington, Virginia, Defendant Jefferson received \$100,000 in cash from [cooperating witness]" for use in an illegal bribery scheme;

Whereas, in the aforementioned indictment, the grand jury further alleges that "On or before August 3, 2005, at his residence in Washington, DC, Defendant Jefferson secreted in his freezer \$90,000 of the \$100,000 in cash provided by [cooperating witness] as part of the front-end bribe to Nigerian Official A, which was separated into \$10,000 increments, wrapped in aluminum foil, and concealed inside various frozen food containers";

Whereas, on February 27, 2007 the House Democratic Caucus unanimously approved the recommendation of House Democratic leaders that Representative Jefferson be elected to the Committee on Homeland Security, a position in which he would have had access to highly sensitive Top Secret information concerning national security matters;

Whereas, on June 5, 2007 Representative Jefferson resigned from the Committee on Small Business to which he was elected by vote of the House on January 23, 2007;

Whereas, the Constitution of the United States authorizes the House of Representatives to "determine the rules of its Proceedings, punish its Members for disorderly behaviour, and, with the Concurrence of two thirds, expel a Member";

Whereas the Committee on Standards of Official Conduct is charged with enforcing the Code of Official Conduct and related rules of the House governing the Conduct of Members and staff;

Whereas, during the 109th Congress, on May 17, 2006 the Committee on Standards of Official Conduct issued a public statement which noted, "[t]he Committee has voted to establish an investigative subcommittee to conduct an inquiry regarding Representative William J. Jefferson";

Whereas, absent any subsequent public statements by the committee concerning Representative Jefferson and in light of press accounts describing the Jefferson inquiry as "halted" and "stalled" it is essential that the House act to ensure that appropriate and timely action is taken to complete the Jefferson inquiry and protect the integrity of the House;

Whereas, clause 5(a)(4)(A) of House rule X states, "At the beginning of a Congress, the Speaker or his designee and the Minority Leader or his designee each shall name 10 Members, Delegates or the Resident Commissioner from his respective party who are not members of the Committee on Standards of Official Conduct to be available to serve on investigative subcommittees of that committee during that Congress. The names of Members, Delegates or the Resident Commissioner so named shall be announced to the House."

Whereas, Republican Leader Boehner, having chosen ten Republican Members for the ethics pool for the 110th Congress earlier this year and Speaker Pelosi only having named the Democrat Members of the pool earlier today: Now therefore, be it

Resolved, That the Committee on Standards of Official Conduct is directed to investigate without further delay alleged illegal conduct and violations of House rules by Representative William J. Jefferson and report its findings and recommendations to the House, including a recommendation regarding whether Representative Jefferson should be expelled from the House.

The SPEAKER pro tempore. The resolution presents a question of privilege.

Under rule IX, the minority leader and the majority leader or his designee each will control 30 minutes.

The Chair recognizes the gentleman from Ohio.

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

The resolution, Mr. Speaker, will instruct the Ethics Committee to review the serious allegations and evidence against the gentleman from Louisiana and report back to the House whether the gentleman should be expelled for conduct that brings dishonor on this institution.

This resolution is not intended to cast innocence or guilt on the gentleman from Louisiana. It is intended to ensure that the Ethics Committee process, a process that all the Members of this House want to see work fairly and honestly, begin its deliberations of this issue.

This Ethics Committee last year, over a period of approximately 6 months, was looking into this matter,

but as of today there has not been a subcommittee established to look at the facts of this case. The Republican pool was announced several months ago, and we have been waiting for the majority party to put their pool members onto the Ethics Committee so, in fact, this investigation could continue. And it is somewhat of a sad state that these members weren't announced until today and it took the indictment of Mr. JEFFERSON for the majority to outline to the House who the members will be that will make up their pool.

But the point I make is that all of us have been through a very difficult period in this House, and I think that I have made clear to my colleagues on the minority side of the House that I intend to hold our colleagues to a higher standard. And when we talk about the standard here, we all know that bringing honor on this House is a standard that all of us attempt to meet and make sure that there is no dishonor brought. And we are not talking here about a standard that is very different from that of a criminal plea or a criminal indictment. We are talking about behavior that brings dishonor on this institution.

So I believe that the Ethics Committee can, in fact, do its work. I think they can do it efficiently. And the purpose of this resolution is to ensure that the House speaks to our Ethics Committee to make sure that it is doing its job in resolving this case as soon as possible.

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

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

Mr. Speaker, I intend to support this resolution, and I agree with the minority leader. The allegations that have been made are extraordinarily serious. They, if proven true, should lead to the expulsion of the Member in question. They, of course, have not been proved true. They are allegations.

Having said that, I also intend to and have called for a resolution to be considered tonight under suspension. That resolution speaks not only to the Jefferson case, to which the gentleman from Ohio limits his privileged resolution, but also speaks to any allegations of serious criminal conduct that may be made either through indictment or other charging documents; and it calls for action by the Committee on Standards of Official Conduct in any and all of those cases.

We appreciate the sensitivity of the minority leader to this issue at this time. It is, frankly, the first time I recall such a resolution being offered by the minority. For over a year, the Ethics Committee essentially didn't act, didn't operate. In fact, when it did and it held the former majority leader as having adversely affected the ethics of the House, the chairman was summarily removed from the Committee on Standards of Official Conduct; and, in fact, two of the members that had the temerity to vote to have a con-

sequence for actions that reflected on the House were removed from that committee.

But I welcome the minority leader and the minority party's interest in pursuing this matter. I presume that the gentleman's resolution will pass unanimously. I also hope that the suspension resolution will also pass unanimously because there are, of course, unfortunately, a number of allegations being made publicly about Members of this House; and irrespective of what party they may fall into or be members of, it is critically important for us to hold accountable those Members and to assure the American public that the Ethics Committee is looking at those allegations, investigating those allegations, and making reports not only to the House of Representatives but to the people.

□ 1815

We swear an oath to not only defend the Constitution, but to uphold the laws of our land. As Members of this House, we have an absolute obligation to conduct ourselves in a way that does not violate the standards of official conduct or bring into disrepute the House of Representatives. Hopefully, we will agree on that proposition.

So I say to my Republican friends, we welcome them to this focus on holding accountable Members who violate the trust of the American public. We certainly intend to support it. I hope they will support the subsequently offered resolution, which says that in every case we will pursue this focus.

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

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

Mr. Speaker, I appreciate the gentleman's support of our efforts, and in support of the Ethics Committee taking up this case and moving as quickly as possible.

Mr. Speaker, the legislation that the gentleman refers to has been shown to us just moments ago. The gentleman, the majority leader, is well aware that legislation does not come to the floor without the cooperation of both sides. And to have seen this bill just moments ago strikes me as something that we never, ever, ever would have considered doing on the floor of the House without clear consultation and advisement of the minority. And so, I will look at the bill. I'm not quite sure what it says because, again, we have just received it moments ago.

Mr. Speaker, with that, I would yield to the gentleman from Missouri, the minority whip, for as much time as he may consume.

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

I am pleased that the body will move forward this evening to approve this resolution that the Republican leaders offered.

The majority leader indicated in the last Congress that the Ethics Committee didn't meet for a year. I think

that is because the Members of the minority at that time, now the majority, wouldn't meet for a year. And now we are in the sixth month of this Congress, and only today is there a group of Members made available by the majority to choose a panel from to investigate this case. Now, maybe that was just an accident. Maybe that's just starting a new majority. Maybe that's not remembering that this investigation was stopped at the end of the last Congress and couldn't start in this Congress unless there was a new panel put in place. Those of us in the minority, I suppose, have less to worry about, so we put our panel of Members out immediately at the beginning of Congress, as we have in the past. We put our panel out there immediately. And now, in June, the sixth month of the Congress, the majority makes Members available suddenly to investigate this case as if it just occurred today, or as if we were just aware of it today. That is almost too big a coincidence to overlook.

We are going to start looking at this case. I am pleased that our friends on the other side are going to join us in that effort. This case has been known to Members of Congress for some time now. It rises to a level of accusations and an indictment that has seldom been met in the history of the Congress. A 94-page indictment that alleges conspiracies on this and at least one other continent that could result in 230 something years of prison time if the Member is found guilty.

Mr. Speaker, even if all of those things did not turn out to produce guilt at the end of this pathway, the standards that have been referred to here on the floor are clearly standards that the Ethics Committee should have been looking at. Those standards that violate the official conduct of the House, you don't have to necessarily have violated a law to violate those standards. You certainly don't have to have violated a law to have brought disrepute on the House, or whatever language is used in the code of conduct we attempt to hold each other to.

Mr. Speaker, I would just say that I think it's high time that we did start this investigation. I think it is unfortunate that we had the time this entire Congress where nothing has been done to look at this case. And because of that, I hope that we not only ask the Ethics Committee to look at the case, but do everything we can to encourage them to not decide necessarily the legal matters, they will be decided somewhere else, but to decide whether or not this Member has violated the ethical code of the House; and if that is the case, what should the action of the House be in the future.

So not only do I stand as the majority leader just did to join the Republican leader in supporting this resolution, but also in encouraging all of our Members to.

Mr. Speaker, if my friend has a quick response, I would be glad to just yield 1 minute to him for that purpose.

Mr. HOYER. I can do it shorter than that. I just wanted to make one point, because I checked.

The important issue is going forward. We agree with that. We can argue about what happened in the past, we certainly have our perspective. Your panel was named last month, not at the beginning of the session, not in January or February or March or April, but last month. So we need to move forward on this, and we are going to. We are going to support this resolution.

I welcome your support of the suspension resolution, which will ensure that in these kinds of cases, that we go forward in every instance as we are going forward today.

Mr. BLUNT. Mr. Speaker, I yield my time back to the gentleman from Ohio. I think that our panel was available before that, but he is the one that would know more about the specifics of that than I do.

I do know that going forward is important. And in fact, if we could set a standard of moving forward we would probably all be better off, but it is awfully hard in any political environment to not keep looking backwards.

We do need to move forward. We need a resolution of this. And it doesn't have to go hand in hand with the resolution of legal matters, it needs to go hand in hand with the code of conduct of the House and what happens there.

Mr. BOEHNER. Mr. Speaker, if I could yield myself such time as I may consume.

The gentleman referred to when our panel members were named, which was on May 1. The gentleman should be aware that our panel was picked and members had agreed to serve on the panel by the end of January of this year. We held the list, trying to work with our colleagues in the majority so that the panels on both sides could be named as soon as possible. And finally, right before Easter, we filed our 10 panel names and they were certified. That occurred on May 1. I am sorry that it is a fact that your panel members were not named until today, and not until after the indictment of a sitting Member.

So the fact that almost 6 months have gone by in this Congress without any work on the part of the Ethics Committee with regard to Mr. JEFFERSON's case I think is a sad record.

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

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

Mr. BOEHNER. I am pleased to yield for as much time as he may consume to the gentleman from Ohio (Mr. LATOURETTE).

Mr. LATOURETTE. I thank the leader for yielding.

Mr. Speaker, I have to say, this is a very sad debate. I was one of the members of the Ethics Committee that was not reappointed that was referenced to in the distinguished majority leader's presentation. I will tell you this; before

coming to Congress I was a prosecuting attorney in my hometown.

I served on the Ethics Committee for 4½ years. I found the Ethics Committee to be a place where five Members of each party came together and treated the rules fairly, treated the Members fairly, and treated the rules of this House more than fairly.

I sat through and listened to only the second time since the American Civil War that a Member of this House was expelled, my friend, James Traficant of Ohio, but the evidence warranted it.

These competing resolutions, in my opinion, continuing the dumbing down of the House. Now, I don't know whether Representative JEFFERSON is guilty or not guilty of the things that he has been indicted for by the Justice Department. But even Members of Congress, ladies and gentlemen, are entitled to a presumption. And there was a reason that in the Traficant case the Ethics Committee waited until the judicial process worked its will, and that is two things; one, you've got to find out whether the person is guilty or not guilty of what they are accused of. Two, when you have competing investigations, you can actually impede the prosecution of someone who has committed a crime with the Department of Justice.

Your side started this "culture of corruption" last year; we're going to start the "House of hypocrisy" this year. Stop dumbing down the institution.

Members of Congress are human beings. When they are charged with a crime, they should get the full weight of the law. If they are guilty, they should suffer the penalty not only of going to prison or jail, but they should be expelled from the House. But to rush to judgment and to permit the United States Department of Justice or some rogue district attorney, like I happen to believe in Tom DeLay's case, I know you guys aren't big fans of Tom DeLay, but you are sending a message that a common prosecutor in my district, your district, your district, your district can indict you tomorrow, and on the basis of that you are removed from your leadership position, you are removed from your committees, and you may not have done a darn thing.

I think this is a sad day for this House. And I know that I am going to be in the minority tonight, I'm actually in the minority, so it will be a double minority, but I intend to vote against both of these resolutions. I am sorry we've come to this.

I thank the gentleman for yielding.

Mr. BOEHNER. Mr. Speaker, I am pleased to yield to the gentleman from Florida (Mr. PUTNAM) for as much time as he may consume.

Mr. PUTNAM. I thank the gentleman for yielding.

Mr. Speaker, I think it's time for us to have sort of a status report of how we got here.

Two years ago, it was publicly revealed that one of our Members of this

House, a gentleman from New Orleans, had an FBI raid on his home and had discovered 90,000 in cash wrapped up in aluminum foil and in Tupperware containers in that freezer. It was also publicly revealed that that same gentleman used National Guard assets that were then being used as part of the rescue and recovery efforts after Hurricane Katrina to go to his home and recover something resembling the boxes that were later found in his freezer to be containing \$90,000 in cash.

Since that time, he continued to serve on the Ways and Means Committee for some period of time, which was the committee that he is alleged to have used to conspire on a continent-wide basis in bribery and racketeering of several African nations to profit himself, his family and bring shame and discredit upon this institution. He later left that committee and was unanimously approved by the Democratic Caucus to go to the Homeland Security Committee, that committee being the committee that has jurisdiction over a number of the assets that he misappropriated in the wake of Hurricane Katrina to retrieve the boxes that resembled the ones that had the cash of \$90,000 in the freezer.

When it was brought to light that the Republicans would demand a public vote on that Democratic Caucus action, that vote was never called for. He remained on the Small Business Committee until today, several days after the actual indictment.

That same individual, for the first time in the history of the Republic, had his congressional office raided by the FBI. Now, in the course of all those events did the House Ethics Committee, now led by Democrats, ever open an investigation into his behavior in this Congress? The answer is no. Now why is that? Because if an FBI investigation, \$90,000 in cash, an FBI raid on a congressional office, and misappropriation of National Guard assets isn't enough to merit an ethics investigation in this body then perhaps the majority leader could share with us what is. And he could also explain to us why, if there had been an ethics investigation, it could not have proceeded because the Speaker had not appointed Members to the investigative pool until today.

□ 1830

So even if they had been proactive, there would have been no one to look into the allegations that have brought shame and discredit upon the People's House.

So it takes a peculiar rhetorical bravado to come to this House floor and say with a straight face that they have been moving forward with these investigations, when for over half of the 109th Congress the Ethics Committee could not function because the Democratic members refused to show up; and in the 110th Congress the ethics investigative pool could not function because no Members had been nominated

by the Speaker until today. That undermines this institution; and it is the reason why it requires a very rare motion, the privileged motion that the minority leader is offering today.

Now, Mr. HOYER has offered a suspension bill. Suspension bills are typically used to name post offices. They are typically used to designate National Fishing and Boating Month, National Jewish History Month, National Smoke-Free Awareness Week. That is typically the route that suspension bills are pursued. And suspension means that they enjoy broad, non-controversial support in this House. So while it is, I hope, broadly supported that we would refer the Jefferson case to Ethics, it seems as though that in this new open and accountable House Chamber that the language of such a suspension that would suspend the rules would have been shared by all the Members. The rare motion that is afforded the Republican leader was available in the public domain for days, which presumably has led to the timing of the suspension vote also being offered today.

As we move forward with this I think it's important that we recognize that the real losers here are the constituents in a Louisiana congressional district who have been denied representation by someone who has brought shame and discredit upon this House, potentially, depending on the outcome of a 16-count indictment that could result in 235 years in prison. And I hope that the majority leader in his haste to craft the suspension bill that we will consider today has included in it improvements to the existing law as it relates to Member pensions. Because nothing drives the American taxpayer more crazy than to know that potentially, if the gentleman from Louisiana is convicted and if the gentleman from Louisiana is sentenced to prison, he would still have his family entitled to a pension. That is a watered-down version of what the House Republicans passed last year that would deny a pension to Members who use their office to engage in criminal activity. And in this particular case, the people who would be eligible to continue collecting the pension are in the public domain as having been coconspirators, beneficiaries of the illegal activity.

So I hope that in his haste to craft a suspension bill, he would bring the pension issue back up for this body to put the teeth back into it that Republicans put in a year ago and add to that additional language that perhaps the majority leader, Mr. REID, would find acceptable in the Senate so that we can actually get it to the President's desk so that the American taxpayer doesn't have to foot the bill for convicts, thieves, racketeers and people who engage in bribery by abusing their office.

This is a very serious issue for this institution, and it should be treated as such, and we should have the highest possible standard for all Members who enjoy the trust in public service, and

that includes the issues that follow all of us, including access to the pension, including enforcing the House rules on earmarks that have been routinely abused, and maintaining all of the other rules that we have passed and taken a victory lap for allegedly making this the most open and honest and accountable place. And yet when the rubber meets the road, the path chosen is to airdrop in earmarks, cover up misbehavior on the House floor in terms of threats and intimidation, and unanimously affirm someone who is now under a multi-page indictment, unanimously affirm that person to have a position on the Homeland Security Committee.

I urge this body to endorse, support and vote for the Republican leader's motion that will begin the process of restoring the dignity and honor and respect that this institution deserves.

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

Chutzpah is a wonderful word. Chutzpah is the position of a person who has been involving themselves in activities for a long period of time and then accusing somebody else of doing the same and being sanctimonious in the process.

That aside, Mr. Speaker, this House was told in November of last year by the people of this country, clean up your House, get rid of the culture of corruption. That's what they said in 2006, on November 7; and that's what we're doing. We adopted one of the strongest rules packages dealing with ethics in the history of this House, eliminating all meals and gifts from lobbyists. Arm's-length transactions. No travel. We just passed a lobbying disclosure bill 2 weeks ago, which most of us voted for because we want to be in on the effort of cleaning up this House.

My young friend from Florida apparently forgets that in January we passed a pension bill which says that if you're convicted and expelled, you won't get your pension. That was the Boyda bill, NANCY BOYDA from Kansas, who came to Congress on a pledge to clean up the Congress. And she was elected to do just that.

Earmarks. Earmarks were quadrupled over the last 14 years. We have now adopted a rule that says they're going to be transparent. You're going to know who made the request for earmarks, that there is going to be some check on those earmarks.

Now, my young friend from Florida says that our resolution, which will be on suspension, was just seen. I will tell him, and there is no way he would know this, I saw the leader's resolution just minutes ago.

But that is not the issue, Mr. Speaker. The issue is the American public did indeed send us here to act ethically, honestly and openly and do the people's business, not the special interests'. And that's why they made a change in this House in November of 2006, that's why we unanimously on our

side are going to support this resolution, and that's why we're going to support the suspension bill.

Because not only do we believe it ought to be done in this instance, but there are a lot of Members publicly under investigation in this House whose homes have been raided by Federal officials, but they're not in this resolution. They have not been indicted.

Mr. Speaker, we need to act. The public needs to know we're acting, and we need to hold accountable those who fail to meet their public duty and trust to the American people. This leadership is committed to making sure that we do just that.

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

Mr. BOEHNER. Mr. Speaker, I yield to the gentleman from California (Mr. DREIER) so much time as he may consume.

Mr. DREIER. Mr. Speaker, I thank the distinguished Republican leader for yielding.

I would like to begin by engaging my very good friend and classmate, the distinguished majority leader, in a colloquy, if I might; and I would be happy to yield to him to respond.

Our Republican leader, Mr. BOEHNER, has just referred to the fact that, on May 1, we saw the appointment of the pool of those on the Ethics Committee who would in fact be responsible, or they will be impaneled to deal with this question, and he referred to the fact that we have gone for, really, almost the first half of this year without any action taking place. And as he correctly said, a decision was made to empanel that group on the majority side today.

We got the news yesterday of this very unfortunate indictment. I would just like to inquire of my friend exactly why it is that it took us this long to see action taken, when, in fact, so much other action was taken in the 109th Congress.

I would be happy to yield to my friend.

Mr. HOYER. Well, I don't have a specific answer for that. But let me say this. You gave your list last month. We have given our list this month. The minority leader is correct on that time frame. We heard about this indictment. We determined to take specific action. The minority leader also determined to take specific action. We believe they complement one another, but the real issue is that we need to take decisive action and we intend to do so.

Mr. DREIER. If I could reclaim my time, and I thank the distinguished majority leader, Mr. Speaker, for his comments and for being forthright in saying that they really don't have an answer in response to the fact that this has been open for literally months, this entire year. A very serious question was carried over from the 109th Congress to the 110th Congress, and I listened to my friend just a few minutes ago provide a great campaign speech

about the message that was sent last November and the fact that we've got this great degree of openness and transparency and all, the likes of which didn't exist in past Congresses.

But I will say, Mr. Speaker, that I am really very troubled when I look at this resolution that as our Republican leader, Mr. BOEHNER, said was just provided to us.

Now, let me state very clearly for the record, this falls within the jurisdiction of the House Committee on Rules. This has not been referred to the Rules Committee, and with our first look at it, again it was just handed to us, it would be an understatement to say that we're very troubled with the potential ramifications of what this resolution would do, Mr. Speaker.

One of the staff members just said to me, it would be possible that one of our Members could be protesting at the Sudanese Embassy. We know that there is a great deal of controversy and question around policy that takes place in Sudan as it relates to Darfur and other things, and conceivably if a Member of this institution were protesting and were arrested, it would have to be referred to the House Committee on Ethics, and they would be required to empanel an investigative committee to look at this or report back as to why it didn't take place.

In this resolution, it says any Federal or State court. I don't know if someone possibly might be exceeding the speed limit and pulled over and ticketed. I don't know whether or not that Member would have to be referred to the Committee on Standards of Official Conduct and see an investigative committee empaneled to investigate that speeding ticket.

The point that I am making, Mr. Speaker, is we continue to hear about this great new openness and transparency and the deliberative nature of this institution, when we have a resolution that the majority leader correctly has introduced, and he is certainly entitled to do that, to say it is to be referred to the Committee on Rules. Yet from what the majority leader has said, Mr. Speaker, we're scheduled to vote on this in just a matter of a few minutes, and we've just looked at this three-page measure, and those are the questions that we have initially that I would have certainly raised if we had had a hearing up in the Rules Committee on this measure.

Everyone wants to make sure that this institution is held to the highest possible ethical standard. I believe that we all sincerely want to do that.

□ 1845

The issue of ethics and lobbying reform and all has been greatly politicized by our friends in the majority; greatly politicized by our friends in the majority. We had a debate on this just before we adjourned before Memorial Day, and to me it was just outrageous to hear the kind of rhetoric that was used, pointing the finger of blame on this issue.

I think it is very sad. We are here responding to an indictment, the likes of which has not been seen for a Member in a long, long period of time, and I hope very much that as we do seek greater deliberation that we will take resolutions like this and run them through the regular order process.

Mr. HOYER. Mr. Speaker, I don't know when Mr. Cunningham was indicted and convicted, but "a long, long time" seems not to be my recollection of how long ago it was.

Having said that, Mr. Speaker, I will reserve the balance of my time.

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

Mr. Speaker, I think the American people are entitled to see this institution held to the highest ethical standards. They clearly expect more of us than maybe they have in the past. And the reason to bring this resolution here tonight is to not profess innocence or guilt. It is to make sure that the process that we have in this House for protecting the House and protecting the institution and protecting our Members, we want to make sure that that process works the way it was intended.

So I appreciate the support of my colleagues for this resolution.

Ms. KILPATRICK. Mr. Speaker, my love of the Constitution of the United States of America, and my hatred of unfair precedents, equals my vote against the Minority Leader's resolution.

Mr. Speaker, today, I was one of the 26 Members of Congress who voted against the privileged resolution offered by Minority Leader JOHN BOEHNER. My opposition to this resolution has little to do with the serious allegations against Congressman WILLIAM JEFFERSON, and everything to do with the oath that each and every Member of Congress took in this very chamber—to uphold and defend the Constitution of the United States of America. In America, we have a Constitutional principle of innocence before being proven guilty and that no citizen shall be "deprived of life, liberty, or property, without due process of law." The resolution by the Minority Leader will not allow our system of justice to work. If the system of justice is not allowed to work for a Member of Congress, for whom should the system work?

I also oppose this measure because of the horrible precedent it establishes. Instead of illustrating and penalizing those instances of law breaking and working toward establishing higher standards for all Members of Congress, the Minority Leader's resolution puts the behavior of one individual under a microscope. Instead of seeking an opportunity to improve the behavior of all Members of Congress, this resolution makes the political low blow of focusing on the behavior of one.

Members of Congress certainly know, or should know, that the House Committee on Standards of Official Conduct, also known as the Ethics Committee, has traditionally deferred criminal matters to the Department of Justice. This makes perfect sense. The Department of Justice will carry out an investigation, offer a platform for the proving of innocence or guilt, and allows the adjudication of

citizens before their peers. The resolution offered by the Majority Leader allows this process to occur, and upon its conclusion, for Congress to then make a decision based on the merit of the facts. The Minority Leader's resolution reaches a conclusion before the facts have even come to court. Indeed, it reaches a conclusion before Congressman JEFFERSON is even formally arraigned.

The disrespect this resolution has for our Constitution that we have all sworn to uphold and defend by not allowing our system of justice to work its will; the absolute terrible precedent this resolution makes in establishing guilt based not on facts but politics; and by focusing on only one Member of Congress instead of seeking to reform or address the behavior of all Members of Congress, are the reasons why I cast my vote against this measure.

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

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

The SPEAKER pro tempore. Without objection, the previous question is ordered on the resolution.

There was no objection.

The SPEAKER pro tempore. The question is on the resolution.

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

Mr. BOEHNER. 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, further proceedings on this question will be postponed.

#### DIRECTING THE COMMITTEE ON STANDARDS OF OFFICIAL CONDUCT TO RESPOND TO THE INDICTMENT OF ANY MEMBER OF THE HOUSE

Mr. HOYER. Mr. Speaker, I move to suspend the rules and agree to the resolution (H. Res. 451) directing the Committee on Standards of Official Conduct to respond to the indictment of, or the filing of charges of criminal conduct in a court of the United States or any State against, any Member of the House of Representatives by empaneling an investigative subcommittee to review the allegations not later than 30 days after the date the Member is indicted or the charges are filed.

The Clerk read the title of the resolution.

The text of the resolution is as follows:

##### H. RES. 451

Whereas on June 4, 2007, Representative William Jefferson was indicted on 16 criminal counts by a grand jury in the United States District Court for the Eastern District of Virginia;

Whereas recent credible media accounts indicate that the Department of Justice is investigating the conduct of other Members of the House of Representatives, and these investigations may lead to further indictments;

Whereas the One Hundred Tenth Congress, in its first day of session, strengthened the rules concerning the ethical behavior of Members of the House;

Whereas the House has approved on an overwhelming and bipartisan basis H.R. 2316, the Honest Leadership and Open Government Act of 2007, to establish strict standards and penalties concerning the relationship between lobbyists and Members; and

Whereas these actions by the One Hundred Tenth Congress demonstrate that illegal, unethical, or inappropriate conduct by Members of the House will not be tolerated: Now, therefore, be it

*Resolved*, That whenever a Member of the House of Representatives, including a Delegate or Resident Commissioner to the Congress, is indicted or otherwise formally charged with criminal conduct in a court of the United States or any State, the Committee on Standards of Official Conduct shall, not later than 30 days after the date of such indictment or charge—

(1) empanel an investigative subcommittee to review the allegations; or

(2) if the Committee does not empanel an investigative subcommittee to review the allegations, submit a report to the House describing its reasons for not empaneling such an investigative subcommittee, together with the actions, if any, the Committee has taken in response to the allegations.

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from Maryland (Mr. HOYER) and the gentleman from California (Mr. DREIER) each will control 20 minutes.

The Chair recognizes the gentleman from Maryland.

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

Mr. Speaker, the minority leader, in closing on the resolution that will be voted on in a short time, correctly observed that every Member of the House needs to be held accountable for conduct which undermines the faith, respect and confidence that the American public has in this institution. We agree with that. In fact, we have been saying that for years and we have acted to effect that objective. This resolution, we believe, furthers that effort.

Essentially, Mr. Speaker, what this resolution says, it directs the Committee on Standards of Official Conduct to respond to an indictment of or the filing of charges of criminal conduct in a court of the United States of any State against any Member of the House by empaneling an investigative subcommittee to review the allegations not later than 30 days after the date the Member is indicted or charges are filed.

As I said in my statement with reference to the previous resolution, this will be a general process of the House so that every Member knows that this process will be employed, not on a partisan basis, but on the basis of conduct and on the basis of actions that have been taken.

It also says, however, to the committee that if they find that such an investigative committee, under the circumstances that the bipartisan committee reviews, do not feel that going forward is appropriate, they can report that back. That, I think, responds to the concerns properly raised by the gentleman from California. This resolution under this suspension is the gen-

eral of what the other resolution is on the specifics.

Mr. Speaker, I said that NANCY BOYDA from the State of Kansas came here and offered legislation which essentially said that if Members were found guilty of a crime that adversely affected their service in the Congress of the United States, that their pensions would be at risk. That legislation was overwhelmingly adopted. I congratulate the gentlelady from Kansas for her focus on ensuring the ethics of this body and that the public is not subsidizing criminal or unethical behavior which subjects a Member to removal.

Mr. Speaker, I am pleased to yield such time as she may consume in support of the suspension to the gentlewoman from Kansas (Mrs. BOYDA).

Mrs. BOYDA of Kansas. Mr. Speaker, last November, voters charged a new congressional majority with a clear mandate: End the scandals and clean up Congress. At first, we embraced the voters' charge. The Democratic majority passed an ethics reform package that banned Members from accepting gifts from lobbyists, we blocked Representatives from flying on corporate jets, and we prevented Congressmen from pressuring private businesses to hire or fire for political reasons.

Now the time has come for another step, and our actions in the next days will determine the strength of our resolve. Did we mean it last November when we said we would change Congress, or were our words just mere election-year slogans?

If we meant what we said, then it is clear what must happen next. First, the House Ethics Committee must launch investigations into public reports of congressional corruption, including accusations that Mr. WILLIAM JEFFERSON committed crimes such as racketeering, soliciting bribes and money laundering. This committee must investigate. No excuses and no delays. And if the Ethics Committee proves unable to complete this, its most basic responsibility, then Congress must create a more independent Ethics Committee, capable of the initiative and oversight that the American people deserve.

But that isn't enough. Although Mr. JEFFERSON should and must enjoy the presumption of innocence granted to all American defendants, as a Member of Congress he has a special pact with the American people. If Mr. JEFFERSON left Congress today, if he were to resign today, as I know many of us wish that he would, then tomorrow he will begin drawing a Federal pension for his service in Congress. According to the National Taxpayers Union, that pension will exceed \$40,000 a year.

This, and I mean this word literally, is an outrage. Taxpayers should not fund the pensions of Members of Congress who had to resign or have resigned in disgrace, and Congress has the responsibility to end this state of affairs.