Legislative Counsel: similar or identical provision

Sec. 322. Prohibition on use of funds to induce out-of-State relocation of businesses

(427) Identical provisions.

Legislative Counsel: similar or identical provision

Sec. 323. State administrative costs

(428) Identical provisions.

Legislative Counsel: similar or identical provision

(429) Identical provisions.

Legislative Counsel: similar or identical provision

Sec. 324. Limitation on federal regulations

(430) Identical provisions.

Legislative Counsel: similar or identical provision

Sec. 325. Student assistance and other federal programs

(431) Identical provisions.

Legislative Counsel: similar or identical provision

(432) The Senate bill changes ''vocational'' to ''career.''

House recedes

HOWARD P. ''BUCK'' MCKEON,
MIKE CASTLE,
MARK SOUDER,
TOM OSBORNE,
MARILYN MUSGRAVE,
GEORGE MILLER,
LYNN WOOLSEY,
RON KIND,
Managers on the Part of the House.

MICHAEL B. ENZI,
JUDD GREGG,
WILLIAM H. FRIST,
LAMAR ALEXANDER,
RICHARD M. BURR,
JOHNNY ISAKSON,
MIKE DEWINE,
JOHN ENSIGN,
ORRIN HATCH,
JEFF SESSIONS,
PAT ROBERTS,
TED KENNEDY,
TOM HARKIN,
BARBARA A. MIKULSKI,
PATTY MURRAY,
JACK REED,
HILLARY RODHAM CLINTON,
Managers on the Part of the Senate.

MOTION TO INSTRUCT CONFEREES ON H.R. 2830, PENSION PROTECTION ACT OF 2005

Mr. GEORGE MILLER of California. Mr. Speaker, I offer a motion to instruct.

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

The Clerk read as follows:

Mr. George Miller of California moves that the managers on the part of the House at the conference on the disagreeing votes of the two Houses on the Senate amendment to the bill H.R. 2830 be instructed—

(1) to agree to the provisions contained in subsections (a) through (d) of section 601 of the Senate amendment (relating to prospective application of age discrimination, conversion, and present value assumption rules with respect to cash balance and other hybrid defined benefit plans) and not to agree with the provisions contained in title VII of the bill as passed the House (relating to benefit accrual standards);

(2) to agree to the provisions contained in section 413 of the Senate amendment (relating to computation of guaranteed benefits of airline pilots required to separate from service prior to attaining age 65), but only with respect to plan terminations occurring after September 11, 2001;

(3) to agree to the provisions contained in section 403 of the Senate amendment (relating to special funding rules for plans maintained by commercial airlines that are amended to cease future benefit accruals);

(4) to agree to the provisions contained in section 402 of the Senate amendment (relating to authority to enter alternative funding agreements to prevent plan terminations); and

(5) to recede to the provisions contained in the Senate amendment regarding restrictions on funding of nonqualified deferred compensation plans, except that—

(A) to the maximum extent possible within the scope of the conference, the managers on the part of the House shall insist that the restrictions under the bill as reported from conference regarding executive compensation, including under nonqualified plans, be the same as restrictions under the bill regarding benefits for workers and retirees under qualified pension plans,

(B) the managers on the part of the House shall insist that the definition of ''covered employee'' for purposes of such provisions contained in the Senate amendment include the chief executive officer of the plan sponsor, any other employee of the plan sponsor who is a ''covered employee'' within the meaning of such term specified in the provisions contained in the Senate amendment (applied by disregarding the chief executive officer), and any other individual who is, with respect to the plan sponsor, an officer or employee within the meaning of section 16(b) of the Securities Exchange Act of 1934, and

(C) in lieu of the effective date specified in such provisions contained in the Senate amendment, the managers on the part of the House shall insist on the effective date specified in the provisions of the bill as passed the House relating to treatment of nonqualified deferred compensation plans when the employer's defined benefit plan is in at-risk status.

Mr. GEORGE MILLER of California (during the reading). Mr. Speaker, I ask unanimous consent that the motion to instruct be considered as read and printed in the RECORD.

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

There was no objection.

The SPEAKER pro tempore. Pursuant to clause 7 of rule XXII, the gentleman from California (Mr. GEORGE MILLER) and the gentleman from California (Mr. MCKEON) each will control 30 minutes.

The Chair recognizes the gentleman from California (Mr. GEORGE MILLER).

Mr. GEORGE MILLER of California. Mr. Speaker, I yield myself such time as I may consume, and I rise yet again with another motion to instruct the conferees of H.R. 2830, the pension bill currently in conference. These repeated motions have become necessary in light of the failure of the Republican conferees to include all conferees and to hear all voices.

The House Democrats have been locked out of this conference since last March, so we have come to the floor again and again with motions to instruct that would press the conferees to protect America's workers and retirees from some of the worst proposals in these bills now being considered in that conference committee.

Again and again, the House has voted overwhelmingly to support these instructions but the Republican conferees don't seem to be getting the message, or they don't seem to care. So I am calling on my colleagues to speak again, and this time a little louder.

This is a new motion that would provide greater protections for workers' pensions in five critical areas.

First. Protecting older workers' benefits in the cash balance conversion when pension plans convert from the defined benefit plan.

Two. Ensuring that airline pilots do not see unfair cuts to their PBGC, the Pension Benefits Guarantee Corporation, because the FAA required them to retire at age 60.

Three. Providing stretch-out payments for an airline industry that has been shaken by 9/11 and rising fuel costs.

Four. Allowing for the alternative funding agreements when a plan is in trouble so that we can avoid the dumping of pension plans like what happened with the United Airlines debacle.

Five. Providing for more equal treatment of executive and worker pensions. If we are going to restrict workers' pensions when a plan is underfunded, we should also restrict the executives that, in many instances, are responsible for that underfunding of the pension plans. After all, it is the executives who decide whether or not to fund the pension plan.

From all the reports we have received to date, it sounds like the conferees are not moving to include these items in the conference report, despite the fact that the House has repeatedly instructed the conferees to include these worker protections.

Let us go through these one by one and let us understand that this is about the protection of workers, it is about the protection of retirees, and it is about the protection of their families, because it is about the pension plans that these workers now have as a matter of their bargaining, their agreements, and their contracts with their employers.

What we have now seen, and what too many workers have seen and what the American public has witnessed, is that employer after employer is announcing to workers that they are going to forego the support for a defined benefit plan, they are going to forego the support for health care benefits, and workers now see they are trapped. In many instances, those changes, those decisions by the employer snag workers who have no ability to restore that retirement nest egg that they are going to lose when the employer decides that they are going to terminate the pension plan.

That is why we are offering this motion to instruct, to try to protect the retirement nest egg of hard-working

Americans and their families from being devastated by the decisions of the employers on the termination or the dumping of the pension plans into the PBGC.

So let us walk through what we are trying to do here. First. The protection for older workers in a cash balance conversion.

This motion to instruct would have the conferees in the Senate make sure they prohibit against the discrimination of older workers by the practice of offsetting the earned benefit plans they have now with the new cash balance plans, and to make sure that we understand what the GAO has told us; that unless we provide some transition protection, almost all workers could lose up to 50 percent of their expected pension benefits.

Listen to that again. Almost all workers could lose up to almost 50 percent of their expected pension benefits. Again, those older workers, 50, 55, 60 years old, will lose the most. Those are the same workers who have the least ability to save more money for their retirement, to earn more money for their retirement. They will take the biggest hit.

We are asking that at a minimum, you protect employees that are 5 years away from retirement because they do not have the ability to secure additional funds for their retirement. It means a dramatic diminishment of their the retirement plans, of their financial resources for their retirement, for their health care, for the sustaining of their families. That is why it is so important to understand that.

This is what responsible employers have done, whether it is Verizon, or Honeywell, or Wells Fargo Bank or CSX Railroad. But other employers have chosen not do this, and now they want the protection of the law as they take away these benefits of the older workers.

It is also what the Congress chose to do. We chose to provide a transition for Members of Congress as we changed the retirement plan of Congress to the TSP plan as opposed to a defined benefit plan. If it is good enough for Congress, why isn't it good enough for these workers and for their families?

Obviously, when the Members of Congress have been asked to vote on this, they have voted overwhelmingly. In 2002, an amendment to take care of these older workers passed 328–121; in 2003, it passed 258–160; in 2004, it passed 237–162. The motion to instruct this past April, the House voted 248–178 to tell the conferees to protect these older workers.

Unfortunately, either the conferees are hard of hearing or they simply don't care about these older workers, because it appears that when the conference report comes back in the next day or two on the pension bill, these older workers will not be protected.

□ 1700

Second, the case of the airlines. The motion to instruct would have the conferees agree to the Senate provision ensuring that pilots get their full pension guaranteed from the Pension Guarantee Corporation. They get their full pension, for those who were required to retire at an early age.

So you have pilots who were required, under Federal law, to retire at age 60. The pension plan was terminated, through no fault of the pilots, in many cases because of 9/11 or higher fuel costs, and now they are being punished because the Pension Guarantee Corporation will only give you a full benefit if you retire at age 65. They had no ability to retire at age 65 because Federal law kept them from doing so. We think that, in fact, we ought to protect those employees.

And the motion would limit the treatment of those pension plans to those that were terminated after September 11, 2001.

The fix is needed now. United airline pilots are seeing their pensions cut by tens of thousands of dollars each year under you the pension guarantee rules. The retirement nest eggs have been devastated, but they have been twice, once by the unfair dumping of the pension plans and the PBGC by United, and now because the law says that they cannot have those full benefits because they retired before 65.

In a motion this past March, the House voted 265–158 to instruct the conferees to give these pilots their full guarantee. Once again, the conferees either can't here the House of Representatives, they don't care about the House of Representatives, or they don't care about these workers, because they are not choosing to protect these pilots to the extent to which they should be.

Third, we deal with the question of the airlines. We all know that airlines have been hurt by skyrocketing fuel prices since 9/11. They have been hurt by a lack of travel immediately after 9/11, and we have seen one airline after another go into bankruptcy. We have seen United Airlines terminate its pension plans and dump $10 billion of liability onto the PBGC, its workers, its retirees and the taxpayers. We have seen the U.S. Airways dump its pension plan, and we have read how Delta is now seeking to dump its pension plan. It would be devastating to hundreds of thousands of workers across this Nation if more airlines were permitted to dump their plans into the PBGC.

These provisions that we are asking the conferees to impose give the airlines the ability to keep their plans going by stretching out their payments over 20 years instead of 7 years. And these provisions should be made available to all the airlines, not just a select few airlines. They should be available to those airlines that have frozen their plans, as well as those that meet the requirements of the Senate bill to keep their plans running.

In March, the motion to instruct, the House voted 265–158 to provide the airlines with these critical reforms, with this lifeline for their economic health and the well-being of their workers. But the conferees so far haven't heard us and we need to speak louder.

Fourth, the alternative funding agreements. The motion to instruct would have the conferees agree to the Senate provisions, which passed 97–2, designed to prevent the pension plan dumping. These provisions allow the PBGC, the Treasury Secretary to enter into an alternative funding agreement with an employer if its pension plan is in danger of being terminated. If workers and retirees are facing the destruction of their pension plans, Congress should give the PBGC and the Treasury Departments the flexibility to work out alternatives to termination. If such alternatives to simply dumping the plan were available during the United Airline crisis, the largest pension termination in history, it may have been averted. A lot more needs to be done in this area so that we don't see just the callous dumping into the bankruptcy of the pension plans by these corporations that devastates their workers and their retirees.

Fifth, and maybe this is one of the more serious ones, and that is a question of executive compensation. This motion to instruct would have the conferees agree to the Senate provision, again, passed 97–2, on executive compensation that would treat workers and executive pensions equally. Under the House bills, workers pension benefits are restricted if a pension falls below 80 percent funding. But what we see is there is no benefit on the executives unless it falls less than 60 percent funding.

What we are saying is what the President of the United States, Mr. Bush, said during the Enron catastrophe, what is good for the captain is good for the crew.

Once again, it is the executives that make decisions about funding these pension plans. But if they fall below 80 percent, the workers get restricted, but the executives continue to get their pensions, to get their benefits, to get all of the executive perks in that operation. We think that that ought to change. We think it is very clear that the executives, what they have done, in many instances, they ensure their pension plans outside of the bankruptcy system. So as they take the company into bankruptcy, they are guaranteed that they will get a life time pension worth millions of dollars. The workers get bankruptcy and get devastated and lose half of their benefits if they go to the Pension Guarantee Corporation.

We believe the President is right. What is good for the captain is good for the crew, and that we ought to do this.

Again, this past May, in a motion to instruct, the House voted 299–125 to instruct these conferees. And what do you believe is going to happen? Apparently, the conferees are going to again ignore that vote. They are going to ignore the will of this House. They are going to ignore the will of the American people to have equity and fairness

in the treatment of executives and workers during the troubled times for pension plans.

So this motion to instruct is to take those five areas and to instruct the conferees at this 11th hour to deal with the fairness and the equity in the Pension Reform Bill to make sure that hardworking Americans don't have to crash to the floor, lose their homes, lose their retirement, lose their health care as we restructure pensions, and to make sure that we do treat the million dollar a year or the $10 million or the $20 million, $50 million a year executive, that we treat them the same as we treat the workers.

Very few workers in this country have any say in whether or not these pension plans are underfunded. We saw that in the case of Enron. They were running downstairs telling the employees to buy the Enron stock, and they were running upstairs and selling their stock into the market because they knew the company was going to collapse.

We think people ought to be treated fairly. They ought to be treated equally and clearly, clearly, we ought not to discriminate against older workers. That is what this motion to instruct does. Hopefully, when we send it, this motion to instruct, later this evening, the conference committee will hear us. They will hear the American people. They will quit ignoring the American people. They will quit dealing just with the special interests inside the Beltway, and doing what is good for the special interests, as opposed to what is good for the American public, what is good for the retirement systems in this country, what is good for the economy in this country, and what is fair to the workers and to their families.

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

Mr. MCKEON. Mr. Speaker, I rise in opposition to this politically motivated motion to instruct. I believe we are nearing the end of the pension reform conference, and this motion is nothing more than a last minute, desperate attempt to slow the most substantial retirement security reforms in a generation.

Like the famous Yogi Berra saying, this is deja vu all over again. Throughout this pension conference, opponents of pension reform have attempted to distract from the process through these obstructionist tactics, and here we are again ready to deal with yet another.

The latest motion to instruct, or motion to obstruct as is truly the case, is little more than a random jumble of unrelated issues being discussed in the ongoing pension conference. From purely a policy perspective, it is irresponsible to mix and confuse these complicated issues in this fashion. Members with opinions on one or more of these issues should not be forced into contradicting positions on other issues. But let's be very clear up front. This has nothing do with policy. It is all about politics.

This pension legislation we are crafting is complicated, and those who support passing legislation to fix our pension system are working hard to bring a final bill before the full House and Senate for consideration. What the opponents of reform are doing today is putting their good names on a bull-in-a-china-shop exercise. They have cherry-picked a handful of Senate positions that have evolved over time. It is reckless and, in the end, it will do nothing to advance the process. Here are just a handful of its flaws.

Number 1, this motion to instruct would tie the hands of those who voluntarily offer hybrid plans, which are the sole bright spot in the defined benefit system. To place restrictions on a system that actually provides more generous benefits for the majority of workers than do traditional plans sets a very bad precedent.

Number 2, this motion to instruct also would increase the deficit of the PBGC, which is exactly the opposite of what we are trying to do. If this provision were applied, taxpayers could count on an additional cost of $2.5 billion to the PBGC over the next 10 years.

Number 3, this motion to instruct would assign the PBGC which, in some respects, is like an insurance company, with developing industrial policy for the troubled plans via a ''workout program.'' This would pit companies against one another. And this process would be steered by a quasi-governmental agency, often dependent upon the whims of the administration in power.

And finally, this motion to instruct attempts to score partisan points on the issue of executive compensation. But this is an issue the House bill already responsibly addresses, and any final conference will do the same. The House-passed pension reform restricts golden parachute agreements when the rank and file plan is considered at-risk.

Mr. Speaker, this last ditch attempt to distract from our reform efforts is as transparent as it is desperate. Fortunately, the end of this conference is in sight, and the reforms needed to ensure the defined benefits system remains viable for generations to come are nearly in place.

I urge my colleagues to vote ''no'' on the motion to instruct, and reject this attempt to obscure our progress.

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

Mr. GEORGE MILLER of California. Mr. Speaker, I yield 3 minutes to the gentleman from New Jersey (Mr. ANDREWS).

(Mr. ANDREWS asked and was given permission to revise and extend his remarks.)

Mr. ANDREWS. Mr. Speaker, I thank my friend for yielding. I rise in support of his motion.

I want to try to explain, Mr. Speaker, to our colleagues what one of the issues in Mr. MILLER's motion has to do with.

Let's assume that we have a pension plan that is only 75 percent funded; that is to say, it has $75 for every $100 that it needs to meet its pension obligations. Under the bill that passed the House, the people that run that plan could say the following: The CEO of the company could continue to get 100 percent of the benefits that he was entitled to under the plan, the wealthiest person in the company. But the person who cleans his office at night could have her pension cut.

Let me say this again. If the plan had $75 for every $100 that it needs, under the provision the House passed, the CEO of the company gets every nickel that he is entitled to. No cut at all. But the custodian who cleans his office at night, or the clerk who types his letters, or the person who delivers his documents, could have their pension cut considerably.

Now, this is not right. This is not right. If some employees are going to take a cut in their pension, then it seems fair that everyone should share equally in that punishment.

One of the great principles of the American economy is that a rising tide lifts all boats. When a company prospers, so does everyone in the rank and file, so does every shareholder, so does every investor, one would hope. And lots of decisions are predicated upon that principle.

We want the executives to flourish and prosper, because if they do, they will make better decisions for the people who clean the offices and type the letters and deliver the documents.

But the corollary to that principle is, if the boat is sinking, then some people can't jump off the boat into a life boat while everybody else stands there as the ship goes down. That seems rather fair.

One might call this the Titanic principle, you know, where the people who were in the luxury compartments got to the life boats first, but the people locked in steerage sank to the bottom of the Atlantic Ocean.

The Senate has a very different provision. Ninety-seven senators voted in favor of this provision; and it said, very simply, the same rule that applies to the lady who cleans the office at night should apply to the CEO who sits in the office all day long. Ninety-Seven senators voted in favor of that provision. Two voted against it.

Mr. MILLER's motion wisely says that this House should go on record as saying that is the provision we ought to adopt. Vote ''yes.''

Mr. GEORGE MILLER of California. I yield 3½ minutes to the gentleman from Ohio (Mr. KUCINICH).

Mr. KUCINICH. This is really about fairness. It is about values.

I rise in strong support of Congressman MILLER's motion to instruct. I commend my colleague, Mr. MILLER, for his leadership in working to ensure that pension reform puts workers first.

This motion to instruct highlights a number of important provisions that

make clear the priority of our efforts. It must be workers. Pensions are not just investments to workers. To a worker, his or her pension is the centerpiece of economic security.

□ 1715

The promise of that pension becomes more precious as workers move closer to their own retirement. It is imperative that our efforts protect older workers. This motion to instruct recognizes that conversions from traditional defined benefit plans to cash balance plans harm older workers. Providing transition protections for older workers should not be a choice for employers but a requirement. Hard-working employees should not be rewarded for their service with a denial of pension benefits. I urge my colleagues to help ensure that older workers' pensions are protected.

This motion to instruct also highlights the importance of equity between workers and executives. Under the pension reform bill passed by this House, a pension plan that is less than 80 percent funded would not be allowed to increase benefits or establish new benefits for its workers regardless of the reason for the underfunding. But while worker pensions are held stagnant, executive benefits remain unrestricted until the plan is less than 60 percent funded. Patently unfair to workers. Pension plans are administered and funded by companies, not the workers. Workers should not be punished for faulty management of plans.

The past decade is littered with examples of increasing executive pay and pensions while worker pension plans were underfunded or even terminated. In 2002, U.S. Airways' CEO received a lump sum pension of $15 million. Six months following that executive payout, U.S. Airways filed for chapter 11 bankruptcy. One eventual outcome of the bankruptcy was the termination of the pilots' pension plan. The CEO, $15 million; the pilots . . .

Stories with a similar theme can be shared about United Airlines and Delta. Executives receive a protected pension benefit or extra stock options, while workers are left with terminated pension plans and a cut in benefits. Although this motion to instruct will not restore the pensions of those workers already harmed by executive abuse, it will make a difference to many others.

Pension plans do not belong to companies. They belong to workers. They are the workers' money and the workers' future. Pensions are the property of the workers, and as such, we have a duty to ensure that workers' pensions are protected from practices which threaten our security.

I urge my colleagues to support the Miller motion to instruct. I urge my colleagues to remember that there are millions of Americans out there who are looking to this moment to decide whether we are going to stand up for working men and women or we are going to turn them aside in order to slaver over the economic advantage that is granted to their executives.

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

I believe we are nearing the end of the pension reform conference. It has been quite a roller coaster ride, indicating the delicate balance that we have established to get to the point where we are today.

I know many of our colleagues are anxious to see work completed on this conference report so that improvements to our pension system can actually be put in place. As vice chair of this conference committee, I share that view. The fact is that in recent days a tremendous amount of progress has been made towards completing this conference, and I am optimistic that we will produce a finished product that the vast majority of our colleagues can and will support. That is what we should be spending our time on—completing the work and protecting and improving workers' retirement security—not engaging in the partisan charade that this motion at its core represents.

Our goal is and always has been to ensure our defined benefit system remains viable for generations to come. This will serve the interests of workers, retirees, and taxpayers alike. This motion to instruct does not.

I urge my colleagues to vote ''no.''

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

Mr. GEORGE MILLER of California. Mr. Speaker, I yield myself the balance of my time.

Mr. Speaker, my colleague on the other side keeps saying that this is somehow a partisan charade to score points. There are just a little over 200 Members of the Democratic Party in this Congress, and these votes have carried 258, 308, 299, 237. Clearly, there is bipartisan agreement that as we write this pension bill, as we deal with pension reform, we ought to make an effort to try to deal with the plight of these workers in the fairest possible way we can.

Let us look again quickly at what we are trying to do here. We are trying, one, to protect older workers who have a very limited ability to gather additional economic resources as they end their work years, to make up for a dramatic cut in their pension plans. All we are saying is that those workers ought to be protected, those who are 5 years away from the pension plan. Not a radical proposal. Not a partisan proposal. It passed the Senate 97–2. By an overwhelming bipartisan vote, we have asked the conferees to invoke that measure.

We have also tried to say that those airline pilots that were forced to retire at age 60 due to Federal law, a Federal law that we are now considering changing to 65, but because of the bankruptcy of the company and the dumping of the plan by United and others into the PBGC, those pilots ought not to be harmed because they had no ability to reach 65 in their employment. The Federal law made them quit, and they ought not to be harmed in that situation. They may have never been harmed but for 9/11, but for the run up in fuel prices. They didn't do anything wrong, but they find themselves taking a double hit through the bankruptcy and through the PBGC rules.

Then we said let us try to save the airline industry. Let us stretch this out. For those plans, mind you, they have frozen their pension plans. They comply with the requirements of the Senate bill, and we have said let us give them time to recover their economic health and hopefully save these pension plans. We do not know yet, but again on a bipartisan basis overwhelmingly, the House voted to do that.

Then we said let us make sure that we exhaust all of the remedies before we dump these pension plans onto the taxpayers. Let us make sure that we have exercised all of the effort, that we have bargained in good faith, that we have searched every way to avoid this from becoming a taxpayer liability. Again, passing 97–2, the Senate went in that direction and we didn't. They refused those amendments to the legislation.

And, finally, the issue of basic fairness, one that so struck the people of this Nation when they saw how Enron manipulated the pension systems, how they manipulated the stock sales to those pension systems by the executives, and, finally, how they manipulated the company into the downward spiral of bankruptcy and people lost their entire livelihoods.

This bill says that, as Mr. KUCINICH pointed out, if this plan is not at least 80 percent funded, you can provide no new benefits to the employees no matter what the reason for that underfunding is; but unless it is 60 percent underfunded, you can keep providing benefits to the executives. There is just a fundamental element of fairness. And again I think by over 258 votes, on a bipartisan basis, the House sent these instructions to the conferees. This is part of the legislative process.

I am here because this is a privileged motion. We recognize the need to communicate from the full House to the conferees on measures that we continue to favor as the conference committee goes forward, and we have done that. But the fact of the matter is that now it appears, certainly from newspaper reports, which I wouldn't know because we have been shut out of this conference committee. The Republicans do not conference with the Democrats in the House. They do not honor that democratic principle. They do not honor that democratic history. So we only know what we have been told through the grapevine. We know in talking to the Democratic and Republican Senators, and we know a little bit by what we read in the press, and it appears that, in fact, in each and every one of these points where the House has spoken with an overwhelming voice to protect the pensions

of workers, of retirees, and of their families, that each and every one of these is going to be disregarded by the conferees.

This is a last attempt to try to bring some openness to this conference, to try to bring some bipartisan participation to this conference committee, and to bring the will of the House, which I think in these cases when we are hearing about pensions, when you go home and you talk to your constituents and you have your town hall meetings, you see how anxious people are about their health care benefits, about their retirement benefits, about their retirement security.

Yet somehow those conferees cannot get that message. Maybe they have been in Congress too long. Maybe they are insulated from it. Somehow they just cannot get it. Well, life outside the Beltway is very precarious for a lot of employees and a lot of industries. And the question that comes to us is whether or not we are going to make an effort to have a pension bill that recognizes the fairness and the equity.

Again, this is not some partisan bill. This is not some bill thought up in the last few moments. The fact of the matter is these provisions are contained, for the most part, in the Senate bill. We do not ask to go beyond that. In the Senate bill that passed the Senate 97–2. And, in fact, if we do that, there will be some economic justice for these retirees and these workers. There will be some economic fairness for these retirees and these workers. And there will be, most importantly, some sense of retirement security for millions of Americans that every day they pick up the paper and they see that yet another group of employees, another company is making a decision about reducing, getting rid of, terminating, freezing the pension plans and the health care benefits of those individuals.

We owe them this legislation to deal with them in a fair fashion, in an equitable fashion, legislation that can increase the retirement security of these families.

I ask for an ''aye'' vote on the motion to instruct.

Ms. JACKSON-LEE of Texas. Mr. Speaker, I rise today in support of Mr. MILLER's motion to call our colleagues' attention to provisions in the Senate bill S. 1783, provisions that aim to ensure the very best for our older workers. These provisions prohibit discrimination against older workers by eliminating the ''wearaway'' of older worker benefits. They also provide fair rules to protect workers' pensions in conversions of traditional pension plans to cash balance pension plans. In a recent study, the GAO found that, without these transition protections, almost all workers could lose up to 50 percent of their expected pension benefits in a cash balance conversion.

The Senate provisions also entail language that will ensure that airline pilots are protected from unfair cuts to their pension benefits because of the FAA's mandatory retirement rules. Currently, FAA regulations require pilots to retire at age 60. The PBGC treats age 60 as an early retirement, and cuts pilots guaranteed benefits as a result. The Senate provisions would require the PBGC to treat age 60 as the normal retirement age for pilots and adjust their guaranteed benefits accordingly.

Under the current House bill, workers see benefit restrictions when a pension plan falls below 80 percent funding. Executives, on the other hand, only see limited benefit restrictions much later—at less than 60 percent funding. The Senate bill achieves greater parity than the House bill in how workers and executives are treated. Over the last several years, we have seen repeated cases where executives have protected or even enhanced their own golden parachutes, while cutting or eliminating workers' pensions. It is time for these unfair practices to end.

The provisions in the Senate bill will help see that this happens and ensure that America's older workers are treated fairly and with respect. There are few things worse than working hard for 40 years or more only to see one's well-being in retirement being compromised by inadequacies and inefficiencies in pension policy. We have some retirement-aged folks amongst us, and I encourage my colleagues to imagine it was our pension up for debate right now. Perhaps it should be if we do act to protect others'. I therefore urge all of my colleagues to join Mr. MILLER and take the Senate provisions seriously and support them accordingly.

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

The SPEAKER pro tempore. Without objection, the previous question is ordered on the motion to instruct.

There was no objection.

The SPEAKER pro tempore. The question is on the motion to instruct offered by the gentleman from California (Mr. GEORGE MILLER).

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

Mr. GEORGE MILLER of California. 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.

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

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

Votes will be taken in the following order:

H.R. 5121, by the yeas and nays.

H.R. 5013, by the yeas and nays.

H. Con. Res. 449, by the yeas and nays.

H. Con. Res. 384, by the yeas and nays.

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

EXPANDING AMERICAN HOMEOWNERSHIP ACT OF 2006

The SPEAKER pro tempore. The pending business is the question of suspending the rules and passing the bill, H.R. 5121, as amended.

The Clerk read the title of the bill.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Ohio (Mr. NEY) that the House suspend the rules and pass the bill, H.R. 5121, as amended, on which the yeas and nays are ordered.

The vote was taken by electronic device, and there were—yeas 415, nays 7, not voting 10, as follows:

[Roll No. 400]

YEAS—415

Abercrombie
Ackerman
Aderholt
Akin
Alexander
Allen
Andrews
Baca
Bachus
Baird
Baker
Baldwin
Barrett (SC)
Barrow
Bartlett (MD)
Barton (TX)
Bass
Bean
Beauprez
Becerra
Berkley
Berman
Berry
Biggert
Bilbray
Bilirakis
Bishop (GA)
Bishop (NY)
Bishop (UT)
Blackburn
Blumenauer
Blunt
Boehlert
Boehner
Bonilla
Bonner
Bono
Boozman
Boren
Boswell
Boucher
Boustany
Boyd
Bradley (NH)
Brady (PA)
Brady (TX)
Brown (OH)
Brown (SC)
Brown, Corrine
Brown-Waite, Ginny
Burgess
Burton (IN)
Butterfield
Buyer
Calvert
Camp (MI)
Campbell (CA)
Cannon
Cantor
Capito
Capps
Capuano
Cardin
Cardoza
Carnahan
Carter
Case
Castle
Chabot
Chandler
Chocola
Clay
Cleaver
Clyburn
Coble
Cole (OK)
Conaway
Conyers
Cooper
Costa
Costello
Cramer
Crenshaw
Crowley
Cubin
Cuellar
Cummings
Davis (AL)
Davis (CA)
Davis (FL)
Davis (IL)
Davis (KY)
Davis (TN)
Davis, Tom
Deal (GA)
DeFazio
DeGette
Delahunt
DeLauro
Dent
Diaz-Balart, L.
Diaz-Balart, M.
Dicks
Dingell
Doggett
Doolittle
Doyle
Drake
Dreier
Edwards
Ehlers
Emanuel
Emerson
Engel
English (PA)
Eshoo
Etheridge
Everett
Farr
Fattah
Feeney
Ferguson
Filner
Fitzpatrick (PA)
Foley
Forbes
Fortenberry
Fossella
Foxx
Frank (MA)
Franks (AZ)
Frelinghuysen
Gallegly
Garrett (NJ)
Gerlach
Gibbons
Gilchrest
Gillmor
Gingrey
Gohmert
Gonzalez
Goode
Goodlatte
Gordon
Granger
Graves
Green (WI)
Green, Al
Green, Gene
Grijalva
Gutierrez
Gutknecht
Hall
Harman
Hart
Hastings (FL)
Hastings (WA)
Hayes
Hayworth
Hefley
Herger
Herseth
Higgins
Hinchey
Hinojosa
Hobson
Hoekstra
Holden
Holt
Honda
Hooley
Hostettler
Hoyer
Hulshof
Hunter
Hyde
Inslee
Israel
Issa
Jackson (IL)
Jackson-Lee (TX)
Jefferson
Jenkins
Jindal
Johnson (CT)
Johnson (IL)
Johnson, E. B.
Johnson, Sam
Jones (NC)
Jones (OH)
Kanjorski
Kaptur
Keller
Kelly
Kennedy (MN)
Kennedy (RI)
Kildee
Kilpatrick (MI)
Kind
King (IA)
King (NY)
Kingston
Kirk
Kline
Knollenberg
Kolbe
Kucinich
Kuhl (NY)
LaHood
Langevin
Lantos
Larsen (WA)
Larson (CT)
Latham
LaTourette
Leach
Lee
Levin
Lewis (CA)
Lewis (GA)
Lewis (KY)
Linder
Lipinski
LoBiondo
Lofgren, Zoe
Lowey
Lucas
Lungren, Daniel E.
Lynch
Mack
Maloney
Manzullo
Marchant
Markey
Marshall
Matheson
Matsui
McCarthy
McCaul (TX)
McCollum (MN)