section 546 in two critical respects. First, it effectively removed district court judges from the interim appointment process and vested the Attorney General with the sole power to appoint interim United States Attorneys. Second, the Act eliminated the 120-day limit on the term of an interim United States Attorney appointed by the Attorney General. As a result, judicial input in the interim appointment process was eliminated. Even more problematic, it created a possible loophole that permit United States Attorneys appointed on an interim basis to serve indefinitely without ever being subjected to Senate confirmation process, which is plainly a result not contemplated by the Framers.

Mr. Speaker, excluding changes in administration, it is rare for a United States Attorney to not complete his or her 4-year term of appointment. According to the Congressional Research Service, only 54 United States Attorneys between 1981 and 2006 did not complete their 4-year terms. Of these, 30 obtained other public sector positions or sought elective office, 15 entered or returned to private practice, and one died. Of the remaining eight United States Attorneys, two were apparently dismissed by the President, and three apparently resigned after news reports indicated they had engaged in questionable personal actions.

Mr. Speaker, in the past few months disturbing stories appeared in the news media reporting that several United States Attorneys had been asked to resign by the Justice Department. It has now been confirmed that at least seven United States Attorneys were asked to resign on December 7, 2006. An eighth United States Attorney was subsequently asked to resign. And we learned on May 10, the day the Attorney General testified before the House Judiciary Committee, we learned that a ninth United States Attorney had been asked to resign as part of the purge. The names of the fired United States Attorneys are as follows:

H.E. ("Bud") Cummins, III, U.S. Attorney (E.D. Ark.); John McKay, U.S. Attorney (W.D. Wash.); David Iglesias, U.S. Attorney (D. N.M.); Paul K. Charlton, U.S. Attorney (D. Ariz.); Carol Lam, U.S. Attorney (S.D. Calif.); Daniel Bogden, U.S. Attorney (D. Nev.); Kevin Ryan, U.S. Attorney (N.D. Calif.); Margaret Chiara, U.S. Attorney (W.D. Mich.); and Todd P. Graves, U.S. Attorney (W.D. Mo.).

Mr. Speaker, on March 6, 2007, the Judiciary Committee's Subcommittee on Commercial and Administrative Law held a hearing entitled, "Restoring Checks and Balances in the Confirmation Process of United States Attorneys." Witnesses at the hearing included six of the eight former United States Attorneys and William Moschella, Principal Associate Deputy Attorney General, among other witnesses.

Six of the eight former United States Attorneys testified at the hearing and each testified that he or she was not told in advance why he or she was being asked to resign. Upon further inquiry, however, Messrs. Charlton and Bogden were advised by the then Acting Assistant Attorney General William Mercer that they were terminated essentially to make way for other Republicans to enhance their credential and pad their resumes. In addition, Messrs. Iglesias and McKay testified about inappropriate inquiries they received from Members of Congress concerning pending investigation, which they surmised may have led to their forced resignations.

Mr. Speaker, the USA PATRIOT Act Reauthorization provision on interim United States Attorneys should be repealed for two reasons. First, Members of Congress did not get an opportunity to vet or debate the provision that is current law. Rather, the Republican leadership of the 109th Congress slipped the provision into the Conference Report at the request of the Department of Justice. Not even Senate Judiciary Chairman ARLEN SPECTER, whose chief of staff was responsible for inserting the provision, knew about its existence.

Second, it is now clear that the manifest intention of the provision was to allow interim appointees to serve indefinitely and to circumvent Senate confirmation. We know now, for example, that in a September 13, 2006 e-mail to former White House Counsel, Harriet Miers, Attorney General Chief of Staff, Kyle Sampson wrote:

> I strongly recommend that, as a matter of Administration policy, we utilize the new statutory provisions that authorize the Attorney General to make U.S. Attorney appointments.

Mr. Sampson further said that by using the new provision, DOJ could "give far less deference to home-State Senators and thereby get (1) our preferred person appointed and (2) do it far faster and more efficiently, at less political cost to the White House."

Regarding the interim appointment of Tim Griffin at the request of Karl Rove and Harriet Miers, Mr. Sampson wrote to Monica Goodling, Senior Counsel to the White House and Liaison to the White House on December 19, 2006 the following:

> I think we should gum this to death: ask the Senators to give Tim a chance, meet with him, give him some time in office to see how he performs, etc. If they ultimately say, 'no never' (and the longer we can forestall that, the better), then we can tell them we'll look for other candidates, and otherwise run out the clock. All of this should be done in 'good faith,' of course.

Finally, we now know that after gaining this increased authority to appoint interim United States Attorneys indefinitely, the administration has exploited the provision to fire United States Attorneys for political reasons. A mass purge of this sort is unprecedented in recent history. The Department of Justice and the White House coordinated this purge. According to an administration "hit list" released in March of this year, United States Attorneys were targets for the purge based on their rankings. The ranking relied in large part on whether the United States Attorneys "exhibit[ed] loyalty to the President and Attorney General."

Mr. Speaker, until exposed by this unfortunate episode, United States Attorneys were expected to, and in fact did exercise, wide discretion in the use of resources to further the priorities of their districts. Largely a result of its origins as a distinct prosecutorial branch of the Federal Government, the office of the United States Attorney traditionally operated with an unusual level of independence from the Justice Department in a broad range of daily activities. That practice served the Nation well for more than 200 years. The practice that has been in place for less than 2 years has served the Nation poorly. It needs to end. That is why I vote to report H.R. 580 favorably to the House. That is why I will vote for S. 214. I urge all Members to do likewise.

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

The SPEAKER pro tempore (Mr. PASTOR). The question is on the motion offered by the gentleman from Michigan (Mr. CONYERS) that the House suspend the rules and pass the Senate bill, S. 214.

The question was taken.

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

Mr. CONYERS. 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.

NO OIL PRODUCING AND EXPORTING CARTELS ACT OF 2007

Mr. CONYERS. Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 2264) to amend the Sherman Act to make oil-producing and exporting cartels illegal, as amended.

The Clerk read the title of the bill.

The text of the bill is as follows:

H.R. 2264

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

SECTION 1. SHORT TITLE.

This Act may be cited as the "No Oil Producing and Exporting Cartels Act of 2007" or "NOPEC".

SEC. 2. SHERMAN ACT.

The Sherman Act (15 U.S.C. 1 et seq.) is amended by adding after section 7 the following:

"SEC. 7A. (a) It shall be illegal and a violation of this Act for any foreign state, or any instrumentality or agent of any foreign state, to act collectively or in combination with any other foreign state, any instrumentality or agent of any other foreign state, or any other person, whether by cartel or any other association or form of cooperation or joint action—

"(1) to limit the production or distribution of oil, natural gas, or any other petroleum product;

"(2) to set or maintain the price of oil, natural gas, or any petroleum product; or

"(3) to otherwise take any action in restraint of trade for oil, natural gas, or any petroleum product;

when such action, combination, or collective action has a direct, substantial, and reasonably foreseeable effect on the market, supply, price, or distribution of oil, natural gas, or other petroleum product in the United States.

"(b) A foreign state engaged in conduct in violation of subsection (a) shall not be immune under the doctrine of sovereign immunity from the jurisdiction or judgments of the courts of the United States in any action brought to enforce this section.

"(c) No court of the United States shall decline, based on the act of state doctrine, to make a determination on the merits in an action brought under this section.

"(d) The Attorney General of the United States may bring an action to enforce this section in any district court of the United States as provided under the antitrust laws.".

SEC. 3. SOVEREIGN IMMUNITY.

Section 1605(a) of title 28, United States Code, is amended—

(1) in paragraph (6), by striking "or" after the semicolon;

(2) in paragraph (7), by striking the period and inserting ''; or''; and

(3) by adding at the end the following:

''(8) in which the action is brought under section 7A of the Sherman Act.''.

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from Michigan (Mr. CONYERS) and the gentleman from Florida (Mr. KELLER) each will control 20 minutes.

The Chair recognizes the gentleman from Michigan.

GENERAL LEAVE

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

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

There was no objection.

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

Mr. Speaker, gas prices have now reached an all-time record high, topping even the 1981 spike in price that had stood as the record high for 26 years. According to the Energy Information Administration, the nationwide price of unleaded regular gas hit $3.22 a gallon, 11.5 cents higher than last week's price. In Michigan, it is even higher than that.

Today's record-breaking price, one in an unending series of continuous price hikes over the past month, is hurting Americans in their pocketbooks, and we have got to do something about it. Retailers across the Nation are saying that soaring gas prices are prompting consumers to cut back on their shopping trips and their purchases.

We are told this won't be the end of these skyrocketing price hikes either. The AAA forecasts that more record prices are probably on the way, especially as the summer begins, which is usually the busiest driving season of the year.

In Michigan, gas prices have reached their highest levels ever at $3.27 a gallon. Michigan is now the third most expensive State for gasoline in the country, behind California and the State of Illinois.

Last week, in an effort to help address this crisis, the House Judiciary Committee's Antitrust Task Force examined the OPEC cartel and its impact on the price of gas. OPEC accounts for two-thirds of the world's oil reserves and more than 40 percent of the world's oil production, but, even more significantly, OPEC oil exports represent 70 percent of all the oil traded internationally.

You know what that means. This affords OPEC, obviously, considerable control over the global market. Its net oil export revenues should reach nearly $395 billion in this year alone, and its influence on the oil market is dominant, especially when it decides to increase or reduce the levels of production.

For years now, OPEC's price-fixing conspiracy, and that is what I call it, a conspiracy, has unfairly driven up the price and cost of imported crude oil to satisfy the greed of oil exporters. We have long decried OPEC, but, sadly, the administration has done little or nothing to stop this.

So now the time has come. It is time for us to do something to point them in the right direction. We have got to get ahold of this economic crisis. The cries are rising up in every congressional district in the Nation, so your Committee on the Judiciary has produced H.R. 2264, with the help of Mr. CHABOT and Mr. KELLER and other Members, to make clear that the oil cartel nations that are colluding to limit crude oil production as a means of fixing its price is illegal under United States law, just as it would be for any company engaging in the same conduct.

□ 1230

It clarifies and reaffirms the law in several critical respects:

First, it exempts OPEC and other nations from the provisions of the Foreign Sovereign Immunities Act to the extent those governments are engaged in price fixing and other anticompetitive activities.

Second, H.R. 2264 makes clear that the so-called ''act of state'' doctrine does not in any way prevent courts from ruling on antitrust charges brought against foreign governments, and that foreign governments are ''persons'' subject to suit under the antitrust laws.

Third, it explicitly authorizes the Department of Justice to bring lawsuits in Federal court against oil cartel members.

Ladies and gentlemen, we, on behalf of the American people, have had enough. These price rises are not something that we have to merely humbly drive into the gas station and look at the new, increased cost. We don't have to stand by and watch OPEC dictate the price of our gas without any recourse whatsoever. We can do something about it to combat this blatantly anticompetitive, anticonsumer behavior, and we are.

I urge Members to carefully consider the legislation that is now being debated on the House floor.

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

Mr. KELLER of Florida. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, it is painfully obvious to the American people that the price of gasoline is going up. The nationwide average for regular, unleaded gas is at a record $3.20 a gallon, according to AAA, up almost 34 cents from a month ago, and the peak summer driving season hasn't even started yet. The American people are mad as heck, and they don't want to take it anymore.

To heck with OPEC. How about NOPEC? That's what this legislation is all about.

Last week, the Antitrust Task Force of the House Judiciary Committee, on which I serve, held a hearing on prices at the pump, market failure, and the oil industry. The experts at this hearing, including the Connecticut attorney general, Mr. Blumenthal, insisted we do something about the OPEC cartel.

The price of gasoline at the pump closely tracks the price of a barrel of oil on the world oil market. That is because the price of crude oil comprises 56 percent of the cost of a gallon of gasoline. American refineries, which import over 60 percent of their oil from foreign countries, compete for those oil resources with China and India. Demand for oil in those two countries has dramatically increased in recent years. As the demand has increased at home and abroad, supplies have not kept up and the price of oil has gone up.

Complicating this problem is the fact that we haven't built a refinery in this country in 30 years. And recent, unexpected refinery shutdowns have constricted supply. Of course, there are also anticompetitive forces in play that manipulate the law of supply and demand to their selfish benefit and our detriment.

For example, the world oil price is dictated mainly by the quantity of oil that the Organization of Petroleum Exporting Countries, or OPEC, is willing to supply. The 11 current OPEC members account for 40 percent of the world oil production and about two-thirds of the world's proven oil reserves. Most would argue that the presence of this cartel, controlled in large part by totalitarian or hostile regimes like Iran and Venezuela, is not helpful.

The question is: What can Congress do about it? NOPEC is one possible solution to this problem. Because of the ''act of state'' doctrine and the concept of sovereign immunity, Americans are precluded from suing the cartel that controls a good portion of the world's oil supply. This bill would change that.

Under this NOPEC legislation, the U.S. Attorney General would be allowed to bring an antitrust lawsuit against the oil cartel members for collusion, price fixing, and other anticompetitive activities designed to gouge American consumers.

I want to thank the gentleman from Ohio (Mr. CHABOT), the gentleman from Michigan (Mr. CONYERS) and the gentlewoman from California (Ms. ZOE LOFGREN) for their leadership on this NOPEC legislation.

I would point out, in the interest of straight talk, that the White House this morning issued a statement saying that the President will veto the NOPEC legislation. I would point out that they misspelled the word ''President'' in this release; President is spelled P-R-E-S-E-N-T. Apparently, the White House cares even less about spell-check than they do about OPEC with regard to this matter.

I would urge my colleagues on both sides of the aisle to do something about OPEC's price fixing misbehavior and vote ''yes'' on H.R. 2264.

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

Mr. CONYERS. Mr. Speaker, I yield such time as she may consume to the gentlewoman from California (Ms. ZOE LOFGREN) whose State has been most affected by the subject matter we are here on the floor considering.

Ms. ZOE LOFGREN of California. Mr. Speaker, I am pleased to be a cosponsor of this important bill and believe it is sound legislation that the House should adopt today.

If private actors collusively controlled supply and prices in the manner that OPEC member nations do, there is no question that their conduct would be illegal as a per se violation of the Sherman Act, and they would be subject to criminal and civil liability. Typically, however, foreign states are immune from suit in Federal court. Section 1604 of title 28 of the United States Code provides that a foreign state shall be immune from the jurisdiction of the courts of the United States and of the States, with some specific exceptions. One exception is where the suit is based upon a commercial activity carried on in the United States by the foreign state, or upon an act performed in the United States in connection with a commercial activity of the foreign state elsewhere, or upon an act outside of the territory of the United States in connection with a commercial activity of the foreign state elsewhere and that causes a direct effect in the United States.

I think it is quite clear that the OPEC collusion falls within the current exception.

So why is this bill, this law, necessary? A district court has held otherwise, and it is important that the Congress reaffirm that the antitrust laws do indeed apply to OPEC nations in their role as commercial actors engaging in such collusion where such conduct impacts the United States.

Another obstacle to antitrust lawsuits against OPEC is the so-called ''act of state'' doctrine which has been used by the Ninth Circuit in affirming the dismissal of the case that was wrongly decided.

H.R. 2264 minimizes any ''act of state'' doctrine concerns by making sure and entrusting to the executive branch the discretion whether to bring charges under this provision. A court's concern about any insinuation of itself into matters properly within the bailiwick of the political branches is mitigated when Congress, by this legislation, and the executive branch, by bringing the action, explicitly authorize judicial involvement.

Much has been said about the price of gas today. It is high, and I think we all hear from our constituents about it. But there is another reason why manipulation of the market is bad for America. We know that for our long-term future we have to develop energy alternatives. We cannot continue to drill and continue to be dependent upon the Middle East for oil.

So long as it is possible for OPEC to manipulate rapidly the price of crude, they have it within their power to really destroy markets for alternative energy, and therefore, make it even harder for us to escape from the oily grasp of OPEC.

We need to make sure that these misdeeds are prevented by adopting this legislation. This is a good bill for consumers, for people in California that are complaining about the cost of gas. It is a good bill for those who want to move away from oil to alternative energies and who need to avoid the manipulation of the market by OPEC that for many years has kept us from that goal.

I hope that this bill, which is an important first step, will not be vetoed by the President. I think it would be a shame if he were to prevent this relief for the traveling public, and also this hope for those of us who want to fight global climate change through the use and development of alternative energy sources.

I thank the gentleman for recognizing me.

Mr. KELLER of Florida. Mr. Speaker, I yield such time as he may consume to the gentleman from Ohio (Mr. CHABOT) who is the lead Republican cosponsor of NOPEC and has worked hard on this legislation for 3 years.

Mr. CHABOT. I thank the gentleman for yielding.

Mr. Speaker, I rise in strong support of H.R. 2264, the No Oil Producing and Exporting Cartels Act of 2007.

First, I would like to thank the distinguished gentleman from Michigan, Chairman CONYERS, for his hard work and his leadership on this bill. We have worked together in previous Congresses to move this bill, and I am very pleased to see it moving on the floor here today.

I also want to thank the gentlewoman from California (Ms. ZOE LOFGREN) and the gentleman from Florida (Mr. KELLER) for their leadership in supporting the passage of this legislation as well.

Since last week when we first considered this bill, gas prices have increased another 10 cents to a record level in this country of over $3.27 a gallon. Before heading to the airport to come back here from my district in Cincinnati, just yesterday, I filled up in my 1993 Buick and it was $3.19 in Cincinnati by the University of Cincinnati, $32. And my constituents back home in Cincinnati are very concerned, and rightly so, particularly as we enter the peak summer driving season, which begins this weekend.

I happen to have a tele-town hall meeting where hundreds and hundreds, probably thousands of people in my district were on the line and we were talking about a range of issues, this issue, high gas prices in my district. And as Chairman CONYERS mentioned, the State of Michigan has the highest in the whole country. People are really concerned about this; this is really hitting hard and it is something that we need to deal with in this Congress.

I am very disappointed in the President that this message indicates, whether or not they know how to spell the word ''President,'' that they are going to veto this bill if it is passed. I think we ought to send it to the President and let the chips fall where they may. This is long overdue legislation. I urge its passage.

The other issue, by the way, which was of great interest to my constituents last night in the tele-town hall meeting was, not surprisingly, the immigration issue. We heard the Senate reached an agreement just recently on, in my view, an extremely flawed agreement which is going to be debated over there and then debated over here. Those are the two principal issues my people back in Cincinnati are concerned about.

These continued price hikes take their toll on consumers directly at the gas pump, as well as impacting their everyday lives and raising the cost of things like going to the grocery store or going to work or even planning a vacation. I mean, this is the time when people are deciding whether they are going to take the kids to King's Island up the road from my district in Cincinnati, or if they are going to go to Disney World down in Florida in Mr. KELLER's area. But when you have gas prices at $3.20-plus per gallon, this is not only going to put a damper on vacation and disappointing our kids, but it is significantly going to weigh down this economy.

I think there is no question that if gas prices remain this high, it is going to have a significant impact on the economy. Jobs and other things are at risk.

Passing H.R. 2264 would be a positive first step to allaying concerns that the American public has expressed about these uncontrollable price surges. Over the last decade, it has become alarmingly clear that America is far too dependent on foreign oil to meet our energy needs. Disturbingly, we import, as some of my colleagues have mentioned, more than two-thirds of the oil we consume, much of it from OPEC, and much of it from some of the more unstable areas of the world—Iran, Iraq, Saudi Arabia, Kuwait, the United Arab Emirates, and of course we get some from Nigeria and Venezuela. As Mr. KELLER mentioned, we have down there Mr. Chavez who seems to be following in the footsteps of Fidel Castro. Those are the types of countries that we are depending on for our oil, and that has to change.

At the same time the number of refineries operating in the United States has decreased from over 300, 324 to be exact back in 1981, to fewer than 150, 148 to be exact. So we have cut the number of refineries available in half over that period of time, and we haven't built another oil refinery since 1976, over 30 years ago now.

There is no doubt that we need to focus on both short-term and long-term

strategies to address these issues. We need increased domestic production and refining capabilities, and we need to put a stronger emphasis on alternative energy and conservation efforts.

□ 1245

But this strategy to make us less oil-dependent and to put us on more sound footing also has to include breaking up the cartels that play a primary role in manipulating, and I emphasize manipulating, the market. We talk about supply and demand and all that, but OPEC countries are manipulating the supply of oil in the world.

For decades, OPEC nations have conspired, and again I emphasize that, conspired to limit supplies and to drive up prices of imported crude oil, gouging American consumers, in violation of our Nation's antitrust laws. OPEC accounts for more than two-thirds of the global oil production and exports more than 65 percent of the oil traded internationally. Thus, it's abundantly clear that OPEC's influence in the market dominates.

H.R. 2264, as some of my colleagues have already mentioned, attempts to break up this cartel and subject these colluders and their anticompetitive practices to the antitrust scrutiny that they so richly deserve. Specifically, this bill would amend the Sherman Act to make it illegal for foreign countries to collude, to restrain output or fix prices of oil, gas or any petroleum product. In addition, this bill gives the Attorney General the authority to enforce the antitrust provisions against these nations.

Importantly, the bill also anticipates any protected nation defense or immunity that OPEC nations may proffer, specifically exempting them from the Foreign Sovereignty Immunities Act if they are engaged in price fixing, which they clearly are, or other anticompetitive activities with regard to pricing or production or distribution.

This bill is a necessary and appropriate response to deal with those who are not willing to deal fairly with the American consumer. I urge my colleagues to support competition and consumers by supporting H.R. 2264.

And I want to again thank Mr. CONYERS for his leadership in this area. It's far overdue that we pass this act.

Mr. CONYERS. Mr. Speaker, I yield such time as she may consume to the distinguished Judiciary member from Texas (Ms. JACKSON-LEE).

Ms. JACKSON-LEE of Texas. Mr. Speaker, first of all, I want to thank Chairman CONYERS for doing something and looking at this from a perspective that is thoughtful, that is embracing and that recognizes the largeness of this issue.

Might I just recount for my colleagues that this is a bipartisan bill. Many people have come to the floor of the House or in the Judiciary Committee, some are on Science, some are on Energy and Commerce, but all of them have faced what I face, being stopped in the airport by airport workers, individuals who are hourly wages, and they simply say, we can't take it anymore. As I got on the plane, their last word was, can you do something about the gasoline prices? Today in America, gasoline prices are over $3.20 a gallon—enough is enough!

As we enter into the summer, we are being told that it's going to get worse, higher and higher and higher. The distinguished Speaker said the gentlewoman from Texas. I represent what is known as the energy capital of the world, and what I would encourage the particular companies that I have the privilege of representing, and I have in essence probably voted differently from many in this House in supporting the Energy Policy Act and a number of initiatives that were supposed to help us diversify or help enhance the capacity of our particular companies. They were supposed to help build refinery capacity, which I will tell you is an issue. I was supposed to applaud offshore development in certain areas if it was environmentally safe. We've tried to do everything in order to ensure that we have a strong industry, but that we provide for those who are in need.

This legislation simply gives the Attorney General the authority to find out about an organization. Many of us have friends that happen to be from these particular nations. We are supportive of the engagement of these particular nations in the Mideast. We work with them. We've traveled there. We encourage engagement on the State Department level. We want to be friends, but there has to be a question of whether or not OPEC provides itself insulated against antitrust violations such that they can gouge or raise prices without any recrimination.

This is a thoughtful legislative initiative that gives the Attorney General of the United States the ability to review whether or not this entity violates the antitrust laws.

You must understand that when the oil comes to the United States, even though we may be operators in those foreign countries, some of the named companies that you know, some of the ones that you pull up to the station, the OPEC sets the prices, and therefore, they look at the marketplace to determine how much money they can get out of a suffering Nation or suffering world.

As you well know, one of our trade deficit partners, China, is consuming more oil than one might imagine. That bumps the price up. And who is the victim? The hardworking citizens in this country, whether they live in Houston, Detroit or New York, or whether they are simply trying to get little ones to soccer teams, to after-school programs or to their religious institution. Nobody can get anywhere because of the price.

So I simply, as I draw to a close, want to be able to cite from the report language of this bill: ''With control of 40 percent of the world's production, OPEC has substantial influences over the price of oil. OPEC member nations have extensive oil reserves and therefore can readily increase supply and lower prices.'' That means the OPEC can act for the greater good if they desire to do so.

I think that's simple enough to understand. They can increase supply, they can lower prices, but they're not doing it.

So I would ask my colleagues from all parts of the country to be sympathetic to vacationers, people trying to get to hospitals, mothers and fathers taking children to various places, elderly trying to get to the places of worship, where they go. Just the sheer operation of America is dependent on what we do here today. I can't go home, and I imagine none of you can, without saying we tried to do something.

I close simply by an oral letter to my constituents. You might think that you can ride this out, those of you who are the named and successful operators of our energy industry in the United States. We encourage you, you are American, you have jobs, you are the engine of the economy. We're not your enemy. We are your supporters, but we have to work for the consumers. Come out in the open. Encourage a roundtable of discussion. Let the CEOs of the major companies sit in a roundtable discussion and discuss with the American people why we have this increasing and burdensome cost of gasoline.

Look closely at the legislation that is before us and recognize that it is a valuable piece of legislation that gives authority just for the thoughtful review of how we can do better.

I ask my colleagues to support this particular legislation, H.R. 2264, that, in fact, is an answer to this constant question, what are we going to do about gasoline prices? As Members of the United States Congress, it is imperative that we act. We have to do more. This is a thoughtful piece of legislation that frames the question whether or not a sovereign nation is protected against antitrust violations that impact negatively on the consumer in the United States of America. We have to do this, and we have to do more.

I thank the gentleman from Detroit, from Michigan, the distinguished chairman of the Judiciary Committee, for yielding to this grounded representative of the energy industry in Houston, Texas, who wants to work collectively to get something done for the people of the United States.

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

Mr. CONYERS. How much time remains, Mr. Speaker?

The SPEAKER pro tempore (Mr. BERMAN). The gentleman from Michigan has 3½ minutes remaining.

Mr. CONYERS. Mr. Speaker, I yield 1½ minutes to the gentleman from New York (Mr. BISHOP).

Mr. BISHOP of New York. Mr. Speaker, I thank the chairman for yielding.

I rise in support of H.R. 2264. As I drive around eastern Long Island, an area that is heavily dependent on its economic stability on travel and tourism, it is all too common to see gas prices as high as $3.30 a gallon. I'm reminded of how few influences beyond our shores affect our economic prosperity as much as the supply of oil.

The disappointment we share after 6½ years of failed foreign and energy policies is matched by our frustration that price gouging by oil and gas companies, as well as collusion among foreign governments to restrict the flow of oil to the United States, continue unchecked.

As Thomas Friedman has written in the New York Times, we can't have an effective, forward-looking foreign policy toward the Middle East without a serious energy policy to reduce our dependence on foreign oil. This bill, which empowers the U.S. to legally challenge foreign collusion resulting in price spikes, is a good first step towards that goal.

One of the first resolutions I introduced called on the President to demand OPEC boost oil production, which was also included in the Democratic substitute I was proud to offer to the Energy Policy Act of 2005. Despite a wave of record gas prices that summer, President Bush and the then-majority ignored that call.

Consequently, the surging price of gas continues to hit middle-class families hard while we wait for the administration to produce a foreign and energy policy that finally shrinks our reliance on foreign oil and vulnerability to the whims of oil cartels.

Mr. KELLER of Florida. Mr. Speaker, I'm prepared to close.

Let me just say this. Gas prices are at a record high, and Hugo Chavez is laughing all the way to the bank. Coddling and jawboning leaders like Mr. Chavez of Venezuela has not worked. If you are serious about doing something about OPEC's price-fixing misbehavior, then please vote ''yes'' on NOPEC and allow us to bring antitrust lawsuits against these oil cartel members for collusion, price fixing and other anticompetitive activities that continue to gouge American consumers.

Mr. Speaker, I urge my colleagues to vote ''yes'' on NOPEC.

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

Mr. CONYERS. Mr. Speaker, may I close with this observation. It was in 1978 that the International Association of Machinists and Aerospace Workers sued OPEC under the Sherman Antitrust Act, but the case was rejected because the Court said that OPEC could not be prosecuted under the Sherman Act due to the foreign sovereign immunity protection clause it claimed for its member states.

I'm here to announce on the floor, as modestly as I can, that that decision was in error. Government-owned companies that engage in purely business activities do not warrant sovereign immunity protection according to prevailing legal doctrines, and so what we do in this measure is that we don't start a lawsuit against OPEC. We merely authorize for the first time by law the Department of Justice to, when in their good judgment they choose to be able to do that.

These high prices facilitated by OPEC serve to transfer wealth from Western consumers to petroleum producers, and I have this on the very conservative words of the Heritage Foundation itself. I will insert this in the RECORD at this point.

[From The Heritage Foundation, May 21, 2007]

TIME FOR CONGRESS TO LIFT OPEC'S IMMUNITY

(By Ariel Cohen)

This week, the House is likely to pass the No Oil Producing and Exporting Cartels Act of 2007 (NOPEC, H.R. 2264). This bill, sponsored by Representatives John Conyers (D–MI) and Steve Chabot (R–OH), would allow the federal government to sue the Organization for Petroleum Exporting States (OPEC) for antitrust violations. Similar legislation (S. 879) is pending in the Senate, sponsored by Senators Herb Kohl (D–WI) and Arlen Spector (R–PA). At a time when oil prices are climbing to ever-higher levels, fighting OPEC's anticompetitive practices would be a welcome first step towards reestablishing the free market in this strategically important sector. This is long overdue and points the way toward a second step: allowing private antitrust suits against OPEC.

The Intolerable Status Quo. Since its inception in 1960, OPEC, which is dominated by Persian Gulf producers, has successfully restricted its member states' petroleum production, artificially distorting the world's oil supply to line its members' pockets. Member states' production quotas are determined at semi-annual meetings of members' petroleum ministers and are at times changed through telephone consultations. Several times, this supply-fixing strategy has brought devastation to the U.S. and global economies:

In 1973, OPEC's actions in response to U.S. support for Israel, which was attacked in the Yom Kippur War, resulted in a worldwide economic recession that lasted from 1974 to 1980.

In 1980, OPEC's failure to increase production in the face of the Iranian revolution resulted in historically high oil prices of $81 per barrel (in 2005 dollars).

In 1990, OPEC refused to increase production sufficiently to keep prices stable as Saddam Hussein occupied Kuwait.

Lately, OPEC's resistance to add productive capacity has sent oil prices to $70 a barrel, once again endangering economic growth worldwide.

The cartel's operations ensure that its members' oil and gas economies remain insulated from foreign investment flows. Members of OPEC have not worked to enhance the rule of law and property rights and have imposed severe restrictions to prevent foreign investors from owning upstream production assets (oil fields and pipelines). This is a testament to the cartel's de facto monopoly over the petroleum market. Indeed, the only serious challenge to the organization came in 1978 when a U.S. non-profit labor association, the International Association of Machinists and Aerospace Workers (IAM), sued OPEC under the Sherman Antitrust Act, in IAM v. OPEC. But the case was rejected in 1981 by the U.S. Court of Appeals for the Ninth Circuit. OPEC, the court affirmed, could not be prosecuted under the Sherman Act due to the foreign sovereign immunity protection it claimed for its member states.

That decision was wrong. Government-owned companies that engage in purely business activities do not warrant sovereign immunity protection according to prevailing legal doctrines.

High oil prices, which OPEC facilitates, serve to transfer wealth from Western consumers to petroleum producers. This wealth transfer funds terrorism through individual oil wealth and government-controlled ''nonprofit'' foundations. It also permits hundreds of millions of dollars to be spent on radical Islamist education in madrassahs (Islamic religious academies).

Furthermore, the oil-cash glut in the Gulf states and elsewhere empowers resistance to much-needed economic reform in oil-producing countries. State subsidies for everything from health care to industry to bloated bureaucracy continue unabated, funded by Western consumers.

Congress Gets Into Action. Growing concerns over energy prices have prompted Congress to examine the legal hurdles that prevent the United States from defending its economic and national security interests.

In the early part of 2005, a group of senators led by Senator Mike DeWine (R–OH) introduced the ''No Oil Producing and Exporting Cartels Act'' (S. 555), known as NOPEC, to amend the Sherman Act to make oil-producing and exporting cartels illegal.

The bill has now returned the Senate calendar. The House and Senate now have a unique opportunity to:

Join forces in defending American businesses and consumers. NOPEC would send a strong and long-overdue signal to OPEC oil barons that they must stop limiting production and investment access.

Allow private suits against OPEC. If OPEC is to be reined in, individuals and companies that it has damaged must also be allowed to bring suits against the cartel. As the International Association of Machinists (IAM) v. OPEC made clear, Congress must amend the Sherman Act to allow these suits. Reform should not begin and with the DeWine-Kohl legislation.

Conclusion. The No Oil Producing and Exporting Cartels Act of 2007 would place much needed pressure on OPEC. It is time for the cartel to cease its monopolistic practices. Otherwise the American People can expect more of the same from OPEC—insufficient production and higher energy bills.

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

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Michigan (Mr. CONYERS) that the House suspend the rules and pass the bill, H.R. 2264, as amended.

The question was taken.

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

Mr. CONYERS. 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.

FEDERAL HOUSING FINANCE REFORM ACT OF 2007

The SPEAKER pro tempore. Pursuant to House Resolution 404 and rule