

improprieties downgrade the level of harm that may have occurred. When sensing that others will believe their accusers' versions of events, individuals confronted with their own bad behavior try to reduce legitimate concerns to the level of mere words or "slights" that should be dismissed without discussion.

Fortunately, we have made progress since 1991. Today, when employees complain of abuse in the workplace, investigators and judges are more likely to examine all the evidence and less likely to simply accept as true the word of those in power. But that could change. Our legal system will suffer if a sitting justice's vitriolic pursuit of personal vindication discourages others from standing up for their rights.

The question of whether Clarence Thomas belongs on the Supreme Court is no longer on the table—it was settled by the Senate back in 1991. But questions remain about how we will resolve the kinds of issues my testimony exposed. My belief is that in the past 16 years we have come closer to making the resolution of these issues an honest search for the truth, which, after all, is at the core of all legal inquiry. My hope is that Justice Thomas's latest fusillade will not divert us from that path.

#### THE HOUSE COMMITTEE ON RULES

The SPEAKER pro tempore. Under the Speaker's announced policy of January 18, 2007, the gentleman from California (Mr. DREIER) is recognized for 60 minutes as the designee of the minority leader.

Mr. DREIER. Mr. Speaker, I think this is the first time in the 110th Congress that I have stood here taking out a 1-hour Special Order, and I don't do this very lightly and obviously I don't do it terribly often. But, Mr. Speaker, I am here to address an issue that, frankly, doesn't get a great deal of attention either in this House or among the American people.

Last week my very distinguished colleagues, with whom I am pleased to serve on the House Rules Committee on the minority side, the gentleman from Miami, FL, LINCOLN DIAZ-BALART; the gentleman from Pasco, WA, DOC HASTINGS; and the gentleman from Dallas, TX, PETE SESSIONS; and I came together. And we, after a great deal of research, have compiled a report and unveiled this.

This report, Mr. Speaker, is entitled "Out of Order," and I would commend it to all of my colleagues. It is relatively short, about 10 or 11 pages, has got a number of graphs, and it is available for any one of our colleagues who would like to see this report. You can get it on the Web right now if you'd like, Mr. Speaker, at [rules-republicans.house.gov](http://rules-republicans.house.gov). And I will repeat that again. It's [rules-republicans.house.gov](http://rules-republicans.house.gov).

And what we are going to do, Mr. Speaker, over the next hour is we are going to hear about this report, and a number of our very distinguished colleagues who have, for lack of a better term, been victimized by the actions of this Rules Committee are going to share with our colleagues some of the experiences that they have had.

Now, one might say that we are here whining or complaining about our mis-

treatment. Mr. Speaker, nothing could be further from the truth. Nothing could be further from the truth. We are here because the American people, Democrats, Republicans, and independents alike, were promised something much different than what they have gotten. We are not here to whine. We are not here to complain. We are here to fight on behalf of the American people's right to be heard, the right to ensure that our deliberative democracy is, in fact, that; that our process of representative democracy is able to flourish. And, tragically, if one looks at this report, over the last 9 months we have found that that has not, in fact, been the case.

Now, many might argue these guys want to just talk about process. Mr. Speaker, I say to my colleagues process is substance. It has been through this horrendous process that we have seen, in the farm bill, a massive tax increase that was written into place by the Rules Committee. We have found, through this Rules Committee, that they have prevented us from having the opportunity to bring gasoline prices down, and we all know that gasoline prices are incredibly high. How did they do that? By denying an opportunity for us to have an amendment that would have done what virtually everyone says is essential in our quest to reduce gasoline prices, and that is to increase refinery capacity. Unfortunately, the permitting process is so onerous that it has been literally decades since we have seen a new oil refinery put online.

What happened? Right upstairs, just one floor above where we are now, Mr. Speaker, we saw that process utilized to prevent us from having the ability to even have a vote on whether or not we would create the potential to increase refinery capacity.

And then in the dead of night, in the very dead of night on the so-called SCHIP bill, which virtually every single one of us want to make sure that poor kids are able to have access to health care, we want to do that, but we don't want us to proceed with something that was done in the dead of night at 1 o'clock in the morning by the Rules Committee, and that is take the Medicare Advantage program and basically throw that out the window, undermining the ability for senior citizens to have access to quality health care.

And so this notion of our, as some have liked to say, whining about process is not the case. We are here fighting on behalf of the American people so that we can have some success with the process of representing them as effectively as possible.

Now, we know that throughout the last couple of years and, in fact, at the beginning of this year, we, as Members of the United States House of Representatives, were promised an awful lot. And, Mr. Speaker, I know that often the other side will simply raise criticism about how we as Republicans

managed this institution. And I have admitted that we have made mistakes. I admitted that we didn't do it perfectly. And I know we have three present members of the Rules Committee and one former member of the Rules Committee here, and I have acknowledged to them that we didn't do everything perfectly.

But I will say this, Mr. Speaker: our discussion here is not about what we did. It is about what Members of the new majority promised they were going to do.

I would like to share a couple of quotes, and we have got some charts here. I don't often use charts, Mr. Speaker, but I think it is important to point to some of the things that were said.

Here is a quote from STENY HOYER, the majority leader. Let's look at this, Mr. Speaker. In testimony that he gave before the Rules Committee on June 23 of 2003, he said: "Mr. Chairman," I guess he was addressing me at that point. He said: "The lack of a free and fair debate on such important matters is an embarrassment to the Members who are privileged to serve here. It demeans this House. It cheats the American people, and it offends our democratic traditions."

So we were promised that there would be a new day, a new day when they became the majority. Let me just take a moment to look at the track record, and then I want to begin yielding to some of my colleagues.

In the last 9 months, this Rules Committee has issued more than double, in fact, many more than double the number of closed rules than our Republican majority Rules Committee did. Now, Mr. Speaker, for those of our colleagues who may not have been following this all that closely, it means no amendments and very limited debate. So we were promised this new open process that was denied in the past, and yet they have come forward with more than twice as many completely closed rules, shutting out any opportunity for amendment.

This Rules Committee has rejected more minority-sponsored amendments than the Rules Committee of the past did.

□ 1830

And Mr. Speaker, this Rules Committee has, unfortunately, reduced by a full day the amount of time that Members and their staff have to review the bills and to submit their amendments. So they promised that all this great deliberation was going to take place, and they've actually cut nearly in half the amount of time the Members have to review and look at and offer amendments to measures.

One of the most outrageous things of all, Mr. Speaker, one of the most outrageous policies to come forward is one which is a slap in the face at any American who has their Representative here trying to offer an amendment for them. For management purposes, if the

Rules Committee obviously establishes that they are going to have some kind of structured rule, we have a deadline for filing, and that deadline is stated, for example, at 5 p.m. on a certain date. And we have instance after instance where Members have literally arrived at the door 1 or 2 or 3 or 4 or 5 minutes after 5 p.m. and they've been told that their amendment can't even be considered, can't even be submitted for the Rules Committee to consider. Now, I will say that this is something that has never been done in the 220-year history of this institution.

The Rules Committee was established, Mr. Speaker, on the 2nd of April, 1789, which was the second day of the first Congress. Since that period of time, we have never had this kind of treatment of Members. And that's a new policy that has been put into place under this so-called enhancement of deliberativeness, openness, transparency, disclosure and accountability, and all of those words that we've continued to hear from so many in the past who have touted all the changes that need to be made.

So let's see what we've got. Okay. We've got a quote from the very distinguished chairwoman, the gentlewoman from Rochester, New York (Ms. SLAUGHTER). Now, this was on the 20th of April in 2005. And in this quote, she was describing the job of ranking minority member of the Rules Committee in a press release that was put out. It is the job that I now hold as ranking minority member. And in this press release she stated, "My job on the Rules Committee is to serve as the guardian of the democratic process in the House. That process and the democratic values of everyday Americans are under attack by an out-of-control majority. Someone has to step up to the plate and ensure that the business of this House is conducted in an ethical manner, without corruption and without arrogance. I didn't ask for that job, but I humbly accept the responsibility." Now, that's a statement that was made by the very distinguished present chairman of the Committee on Rules.

Mr. Speaker, I have to say that when we look at this record over the past 9 months, it is, to me, a very, very sad commentary that every single American has had their rights undermined on dealing with substantive public policy issues.

Just upstairs about 2 hours ago in the Rules Committee, we, unfortunately, reported out a rule dealing with a very important issue that we're going to be considering this week, and there were some questions that were raised. The minority was promised last August 2, 2 months ago today, that that issue would be resolved. And unfortunately, the gentleman from Virginia (Mr. FORBES), who serves as the ranking member of a subcommittee of the Judiciary Committee on the issue in question, which is one that we want to address, it's one that's getting a great deal of attention now, but what hap-

pened? The issue and the concerns that were raised in a bipartisan way were completely ignored; so, no opportunity whatsoever to address that.

We offered two amendments upstairs to try and address those and, unfortunately, by a partisan vote we saw the American people, through their Representatives on the Rules Committee, denied that chance to have this issue dealt with in a bipartisan way, as had been promised in the past.

There are a number of issues that I would like to get into to discuss. We know probably the one that has gotten the most attention within the last week had to do with the aftermath of the unveiling of our very important out-of-order report, which again I would say to my colleagues, I encourage them to look at this report. It's available at [rules-republicans.house.gov](http://rules-republicans.house.gov). And any of our colleagues can go online right now and get a copy of this. And Mr. Speaker, I would encourage them to do that.

After we unveiled this plan last week, Mr. Speaker, in which we talked about this problem, the Rules Committee took action which I find to be absolutely reprehensible, and there was bipartisan concern voiced over the action that was taken. We were considering a critical issue. In the aftermath of Hurricane Katrina and the other natural disasters that we faced in this country, the issue of flood insurance is one which clearly is not partisan at all. I mean, Republicans, Democrats, independents have tragically been victimized by these natural disasters. They've hit primarily the Gulf Coast, and my friend from Florida certainly has been often victimized by hurricanes in south Florida, and others have dealt with this very serious challenge. Well, there were a number of amendments that had been proposed. Our friend from Georgia (Mr. PRICE) is here, and he is going to talk about one.

When the Committee on Financial Services went through its markup process, there was an indication provided, and I will let him expand on this, that the process of dealing with flood insurance would be addressed going through the process and that there would be opportunity for amendments to be considered. In fact, the chairman of the Committee on Financial Services came before the committee on Rules and asked that a number of Republican amendments be made in order.

Mr. Speaker, we couldn't believe what happened. There were 13 amendments made in order on that bill; not one single Republican amendment was made in order on that bill. And what happened? We saw bipartisan outrage. There were people, including the chairman of the Committee on Financial Services, who could not support that rule. And that was unprecedented. I've been here 27 years and I've never seen a circumstance like that. And so what this shows, Mr. Speaker, is the Rules Committee is being used very arro-

gantly to undermine the rights of the American people to deal with an issue as critical as flood insurance reform.

And so it saddens me that we've had to take this time out, it truly does, because I know that I would very much like to be able to work in a bipartisan way on all of these issues. I've continued to try and do that in the past, and I will continue, as all of my colleagues will, to strive for bipartisanship on behalf of the American people in the future.

Let me say that I am very privileged again to be joined by my distinguished colleagues on the Rules Committee, and we now have two former members of the Rules Committee who have come to the floor as well. And I begin by recognizing my very good friend, the gentleman from Miami, Florida (Mr. LINCOLN DIAZ-BALART). I'm happy to yield to my friend.

Mr. LINCOLN DIAZ-BALART of Florida. I thank my dear friend for yielding.

Mr. Speaker, it's sad to have to take the floor to discuss the issue that we are discussing this evening. We recognize we are in the minority, and in this great representative democracy, as in all representative democracies, the majority gets to rule. We recognize that. But as indispensable and a key ingredient of representative democracy as the rule of the majority is respect for the minority.

So what we are speaking about this evening, Mr. Speaker, first, I would say it's the great contrast, the extraordinary contrast between the promises made by the new majority they would institute fairness and transparency as they ran and when they ran the House of Representatives. The contrast between those promises and the performance of almost now the entire first year of this Congress, first session of this 110th Congress, the contrast between the promise and the performance is really extraordinary.

I would like to read a quote by the now distinguished chairman of the Rules Committee last December. She stated, "We are going to give people an honest and contemplative body that they can be proud of once more. We are going to have a much more open process."

Mr. DREIER, our ranking member, stated how the number of closed rules in this first year of the rule of the new majority, closed rules being rules that bring bills to the floor to this great body that do not permit amendments by any and all Members of this body. Rules that permit amendment by any Member of this great body are called open rules. Closed rules, obviously, are the opposite. The number of closed rules, of exclusivist rules, rules that close out debate by this body on bills, have more than doubled, more than doubled in this first year by—they have more than doubled during this first year of rule by the new majority that promised to go in the other direction, in other words, to increase the amount

of transparency and openness. So it's sad, it's sad, Mr. Speaker, to have to point out that extraordinary contrast between their promise and their performance.

Mr. DREIER. If I could reclaim my time, I would just like to ask my friend to repeat that again. We've got this chart here that shows this, that if you juxtapose the 109th and the 110th Congress, you can see that if you look at the number of closed rules, we have had a dramatic increase in the number of closed rules. I think it's even more than this chart has shown, more than double. And again, today, we just, in the last couple of hours, had more closed rules.

And I'm happy to further yield.

Mr. LINCOLN DIAZ-BALART of Florida. I think the ranking member is pointing to a very important point, and that is that as the time approached and when we issued our report, and I think it's important to point out that that report was put online last week. I think other distinguished members of the Rules Committee are going to point out the problems that we had with regard to even getting authority to have a Web page.

Mr. DREIER. Now, is this the report that our colleagues can actually get by going to [rules-republicans.house.gov](http://rules-republicans.house.gov)? Is that the same report?

Mr. LINCOLN DIAZ-BALART of Florida. Yes. And I would, Mr. Speaker, highly recommend to our colleagues that they read this report. Because as I'm sure will be explained, it was difficult for the minority even to get the report posted because we couldn't have a Web page until last week.

What the ranking member has been pointing to is that that posting of the report, making public of our report with regard to the great contrast between the promise and the performance, the promise of open transparency and the promise, the reality of further closing the process and making it even more unfair, as the date approached when we were going to make public that report, the number of closed rules increased. And we've seen, the ranking member pointed out, that the day, that same day, Mr. Speaker, that we made public that report explaining the reality of closed rules and the excessively exclusivist process during this entire year, the first year of the new majority's rule, that day, when we made the report public, as the ranking member pointed out, not one amendment by the minority, not one Republican amendment was allowed in legislation that was nonpartisan. Even the chairman, the ranking member said that in his 27 years he has never seen something like that. In my 15 years I've never seen something like that. The chairman of the committee stated that it was unfair, that it was unjustified. He is a very eloquent Member of this Congress. So I'm not going to quote him. I don't aspire to remember word for word what he said, but I do remember that the chairman said that it

was unfair for the rule to have closed out every single Republican amendment. And he didn't vote for the rule. That's something I've never experienced in my 15 years here. I've never seen that. That was so dramatic.

□ 1845

So I just want to point out, Mr. Speaker, two examples. We have distinguished colleagues waiting to speak. One I have never seen in my 15 years here. I was appointed to the Rules Committee in December of 1994. During the entire time that I served in majority in the Rules Committee, I never saw anything like this. A Member came to introduce an amendment. Now, obviously, Mr. Speaker, as you can see, there are many chairs here. This is a House of 435. The reason that on that second day of the first Congress the Rules Committee was established, even though the House was not as large in membership, it still was a large body even then, on the second day of the Congress of the United States, the first Congress, the Rules Committee was created so that this body could function. It is understood by every Member of this House that if every Member on every bill, on every piece of legislation could debate an amendment or two, that would, in effect, constitute a filibuster, because 435 Members, obviously, even though they had only one amendment per bill, would take up days and days of this body. So the Rules Committee was devised. It was created on that second day of the first Congress to manage this House.

Now, most of the time, at least much of the time, it is understood by the membership that you are not going to be able to have your amendment debated here on the floor of this great test, Congress, in the world. But you have somewhere where you can go when you've worked hard and you have an idea to improve legislation.

When you have an amendment, there's somewhere you can go. It is right above here. We are on the second floor. It is on the third floor right over there. You can go to the Rules Committee with your idea, with the product of your work and study, your idea to improve a bill in the form of an amendment. Your colleagues there, the majority and the minority, they have to listen to you, hopefully with respect, listen to your idea, listen to your amendment, and really pass judgment on it in the sense, in the process of managing this House, either making in order or not making in order your amendment. But there is that place where you can go, and that is the Rules Committee.

When I saw that one of our colleagues this year, a distinguished colleague, TODD AKIN, was, because he was a few minutes late and he got to the Rules Committee with the product of his hard work and dedication to improve legislation, it was somewhat technical, Mr. Speaker, it was called a

second-degree amendment, in other words an amendment to an amendment. Obviously, he could not draft that amendment to an amendment until he had seen the amendments. So he didn't have time to get there before the deadline. Well, as the ranking member said, and we don't espouse to have been perfect, but one thing I never saw, and never thought I would see, is that Mr. AKIN, when he arrived with the product of his hard work and dedication, because he was literally a few minutes late, he wasn't even allowed to enter the committee room to file the amendment. That is something that is very sad.

So I will say, Mr. Speaker, this may seem technical and overly procedural to some of our colleagues perhaps who may be listening to the debate, or others, the American people, perhaps, it may seem like a technical debate. But it is important for the following reason: When Mr. AKIN is not allowed to enter the committee room to present, to introduce his amendment because he is a few minutes late, that affects policy. That is profoundly unfair. As I said before, it is just as important to democracy, to representative democracy, for there to be rule of the majority, as it is for there to be respect of the minority.

One final example, just last week, before us came legislation that the distinguished ranking member referred to as "consensus" legislation. We all support, or almost all, certainly in this body, support the health insurance program for children of economically disadvantaged families. It is called SCHIP, the State Children's Health Insurance Program. There is a consensus here of support, bipartisan support for that program.

Unfortunately, the Democrats have come with a massive increase in the program, and we were debating that, the ranking member pointed out, the first time we debated it was late at night or early in the morning, and we sought to have input for debate. I was most disappointed in the last version that, in my view, excessively and unreasonably increases taxes, and while massively expanding that program, did not include something that I thought was elementally responsible to include, and appropriate to include in a massive increase of the program, and that is legal immigrant children.

I pointed that out, how disappointed I was. I had an amendment so that the House could debate that issue. Well, the amendment was not made in order. But in addition to that, in something that I think was very unfair, the ranking member, the lead Republican in the Energy and Commerce Committee, he had been shut out from the discussions, it is called conference committee, the final discussions on formulation of the bill, of the legislation. And he pointed out, because, when I said how sad and unfortunate it is that in this massive expansion of this program, you are not including legal, I repeat, legal immigrant children and pregnant women,

and friends on the other side of the aisle pointed out, well, the Senate in conference didn't want that, so it is not in the bill.

Well, the lead Republican minority member from the House Energy and Commerce Committee, Mr. BARTON, said, you know, if I would have been called into the room to the conference meeting, I would have pushed the Senate. Did you say the Senate Republicans didn't want that? Well, the House Republican leadership, I, Mr. BARTON, said this, in the Rules Committee, when we met, would have been pushing that issue because we separate the issue of illegal and legal immigration. While there is opposition to illegal immigrants receiving benefits, Mr. BARTON said, with regard to legal immigrant children and pregnant mothers, pregnant women, I would have been there, Mr. BARTON said.

Mr. DREIER. If I can reclaim my time, I would say parenthetically it is very interesting to note that this program that has passed, which has now been sent down to the President's desk, which he will veto tomorrow, is a program that actually does include an opportunity for benefits for people that are in this country illegally, which is incredible.

Mr. LINCOLN DIAZ-BALART of Florida. Mr. BARTON pointed out with regard to the issue of legal immigrant children and pregnant women, he would have been there in the conference room had he been allowed to be in the conference advocating for the position.

In summary, as I yield back to the distinguished ranking member, Mr. Speaker, I would say that an excessively restrictive process is not only technical; it leads to bad policy in addition to being most unfair. What is truly sad is that this majority promised time and again to be the most fair, the most open, and the most transparent majority as it ran, in the way in which it ran this House in history, and in effect, it has been exactly the opposite.

Mr. DREIER. Mr. Speaker, I thank my friend for his very thoughtful remarks.

We have 25 minutes left, and we have a lot of our colleagues who need to be heard on this issue. I think the gentleman from Miami makes the point very, very clearly, the fact that this is not simply a technical issue. This is about the American people's rights being undermined by this new leadership here in the House of Representatives. It is very unfortunate.

I thank the gentleman for his fine service on the Rules Committee and again for his thoughtful remarks.

I am happy to yield to my very good friend from Pasco, WA, who labors long and hard on the Rules Committee, as well.

Mr. HASTINGS of Washington. I thank the gentleman for yielding. I appreciate your getting this time. I appreciate my colleagues that are going to speak later.

Mr. Speaker, this issue is about promises, because we live in the greatest country in the world where people make their decisions on who will govern them by the promises that they made. I would really like to emphasize the point that has been made several times by the distinguished ranking member and the gentleman from Florida, that process has consequences, because ultimately process turns into substance, it turns into laws, and, of course, that is what governs us.

Mr. DREIER. If I could point out, let me just point to the statement that was made by the new Speaker of the House of Representatives, since my friend mentioned the word "promise." I will point to this one first. It says: "We promise the American people that we would have the most honest and open government and we will." I am happy to further yield to my friend.

Mr. HASTINGS of Washington. I appreciate the gentleman saying that. I note that that statement was made after the election. Presumably, there was a decision made that the campaign was about change, and so this statement was made after the election.

The statement that I have up here by the distinguished chairman now of the Rules Committee, LOUISE SLAUGHTER, was also made after the election. It says: "It is our goal to use rules responsibly, opening up the workings of the House and using it to usher in the most honest and ethical Congress in history. An open process will mean that more commonsense legislation written in the national interest will get to the House floor and be voted on."

Mr. DREIER. If I could just interject, I would like to make this point one more time. "An open process will mean that more commonsense legislation written in the national interest will get to the House floor and be voted on," and here we are with twice the number of closed rules, shutting out any opportunity for amendment, limiting debate, preventing Members from having an opportunity to even submit their amendments to the Rules Committee, and that is what we were promised?

Mr. HASTINGS of Washington. We were promised this after the election, I remind my friend from California, this was after the election.

The reason for this is very obvious. The role of the Rules Committee is to funnel legislation so that every Member could have a possibility to be heard. We have 19 standing committees. Because we have two vacancies, there are 433 Members of the House today. We simply couldn't control this unless we had the standing committees doing their work.

Yet, Mr. Speaker, the Rules Committee this year is on track to rewrite more bills in the Rules Committee than we ever did during the 12 years that we were in control of Congress. They have done it with troops in Iraq. They did it with lobby reform. They did it with the farm bill legislation.

Mr. Speaker, I want to talk a bit about the farm bill. I come from rural America. I was very much involved in that process as we are going forward. I recall very, very specifically that when the farm bill came out of committee, it came out of committee with strong bipartisan support. Yet, when we went to the Rules Committee the next day to report out a rule, there was a massive tax increase that was put on that farm bill.

I remember the distinguished ranking member, last year's chairman, of the Agriculture Committee, BOB GOODLATTE from Virginia, came to the Rules Committee and testified. He said, I felt betrayed by what went on, because he was not a part of that process. I know, I can speak to the bipartisan nature of how this farm bill was put together as it relates to the farm because there was a hearing in my district. There were four Republicans and four Democrats that showed up to this hearing last June, so this was a process in the making. Yet, at the last minute, all that process was thrown aside, and it was a broken deal.

It is bad because of what is happening. The policies that we have in place have potential detrimental effects to the farmers. The farm bill, I might add, expired at the end of September.

□ 1900

We put a 2-week extension on that. I suspect we will probably have to have another 2-week extension on that. It is not right, in a body of this size, to rewrite bills in the Rules Committee.

I want to follow up on my friend from Florida who talked about the SCHIP bill. That bill was enacted on a bipartisan basis in 1997. I supported that. It was part of a larger bill. That was probably the most egregious rewrite. We met at 1:00 in the morning, only had about an hour to look at what was in the bill, and there was a lot of rumors going around, but we met at 1:00 in the morning, a 500-page bill.

I got a heads-up from a clinic in my district that is physician owned that they would be out of business if this bill were signed into law.

Mr. DREIER. If the gentleman would yield, they said they would be out of business if this were to pass?

Mr. HASTINGS of Washington. They said they would be out of a business because of a provision that related to the Medicare part that they added to the SCHIP bill as related to physician-owned facilities. This facility was put in place in 1940, 67 years ago, and yet the provision within this bill said that you could not have physician-owned hospitals.

I might add, Mr. Speaker, that this clinic in Wenatchee, Washington, covers an area the size of the State of Maryland. Now, if the idea is to expand health care, why would you potentially shut down a facility that covers the geographic size of the State of Maryland?

We went around and around with those that were testifying in favor of

this particular bill, and they first started out and said no, you're mistaken, that is not in the bill. But after discussions going on with my friend from Texas (Mr. SESSIONS) and me going back and forth, they admitted at nearly 3:00 in the morning that yes, that provision was in there, and it was intended to be in there.

Mr. DREIER. If I can reclaim my time, they said, and I do remember this very well, but I think it's important for my colleague to repeat this, they said that they intended it to be here because they didn't want any physicians to have even the slightest interest in hospitals, so for that reason they were going to deny the opportunity for a health facility for a quarter of a million people in an area that is geographically the size of the entire State of Maryland in eastern Washington?

Mr. HASTINGS of Washington. That is exactly right. It was done purposely. They first said we must be mistaken. But after probing and asking questions, they were essentially saying that you could not get any Medicare reimbursement if you were a physician-owned facility.

Now, I just don't understand what the motivation is behind that. But the point is, and we are obviously working on this because we don't want this to happen, but this is what happens when the process gets all messed up and you start rewriting bills in the middle of the night.

Mr. Speaker, I wanted to point out those two examples. I think it's contrary to the promises that were made by the new majority and what they have carried out. I think that is something that needs to be talked about.

I want to thank the ranking member for putting this Special Order together so we can discuss these issues in an open manner.

Mr. DREIER. I thank my friend for his dedication, his hard work, and thank God President Bush is going to veto that SCHIP bill tomorrow, because if we end up with that legislation potentially jeopardizing a quarter of a million Washingtonians' access to health care at that health facility, it is something that we all would find frightening, and clearly no one wants to see that happen. And yet they said, I mean none of us want to see it happen, but they said they intended to close down this facility.

Mr. HASTINGS of Washington. They said they intended to. And let's look at this from a little different perspective. This facility has been in business for 67 years. Clearly, clearly they have a following in that community, or they wouldn't have survived in that competitive atmosphere unless there were people that wanted to go to that facility.

Mr. DREIER. Is that in Pasco?

Mr. HASTINGS of Washington. It's in Wenatchee, Washington, the Wenatchee Valley Health Clinic. So it's an egregious abuse of the rules, in my view. I don't want to take all the time. I yield back to my friend.

Mr. DREIER. I thank my friend for his very thoughtful statement and his hard work and dedication to his constituents in the American people.

Mr. Speaker, we have a load of Members here who have been victimized, for lack of a better term, by the Rules Committee. I would first like to yield to my very good friend, the gentleman from Marietta, Georgia (Mr. GINGREY), who served long and hard on the Rules Committee in the majority, and he now sees what has happened, and it's very unfortunate. We miss him in the Rules Committee, I will say, Mr. Speaker. But we are very happy he is taking time from his busy schedule to join us here this evening. I am happy to yield to my friend.

Mr. GINGREY. Mr. Speaker, I thank the gentleman from California, the distinguished ranking member and former chairman of the Rules Committee, my colleague, for yielding a little time. I know we have got other Members, Mr. Speaker, who want to address this issue.

I do thank the ranking member and all my former colleagues on the Rules Committee for the work they have done in regard to this issue. I look forward and I encourage all my colleagues and anybody who's got a computer that is interested not just in process, Mr. Speaker, because bad process leads to bad policy, but I would encourage anybody to go to this address.

Mr. DREIER. I have got the address right here.

Mr. GINGREY. I was just going to say: rules-republicans.house.gov. That is exactly right. The ranking member is correct.

Mr. Speaker, my colleague from Miami on the Rules Committee, my former colleague on the Rules Committee, he is still there, LINCOLN DIAZ-BALART, brought up that point about the second-degree amendments in reference to the gentleman from Missouri, Mr. AKIN.

Mr. Speaker, I had the same situation. As a former immediate past member of the Rules Committee who enjoyed, I thought, pretty good collegiality with both sides during the two years that I was privileged to serve on the Rules Committee, I had the same situation, a second-degree amendment, and I couldn't really get it filed until a first-degree amendment was actually brought in under the deadline.

There was no way. Mr. DIAZ-BALART pointed that out. A second-degree amendment, by its very nature, is going to be a late amendment. They absolutely shut the door; they, the new majority. I was just absolutely astounded that that happened to a former member and colleague on the Rules Committee.

The whole point is, as the gentleman from California points out, this whole process where they promised to bring reform and openness has absolutely been a farce, a fiasco. They have closed down the process. They have done

nothing of which they promised. I am glad to be here tonight to weigh in just a little bit.

Mr. Speaker, I want to yield back because other Members want to speak. I thank the gentleman from California.

Mr. DREIER. Mr. Speaker, I will say again we very much miss the gentleman from Georgia's active participation on the Committee on Rules. He was very, very helpful to us time and time again. It saddens me greatly that his constituents, the American people, are denied an opportunity to have thoughtful proposals even considered whatsoever by the Rules Committee, not even a chance to be denied for consideration here on the House floor.

I know that I want to recognize my friend Mr. SESSIONS, who's here, but we also want to recognize another very distinguished former member of the Rules Committee. I again am saddened that he is not able to serve with us on the Rules Committee any longer. That's what happens when you go under the minority. We look forward to one day, I hope in the very, very, very near future, to his return for that.

Mr. Speaker, I am happy to yield to my friend from Utah.

Mr. BISHOP of Utah. Mr. Speaker, I thank the ranking member. I realize when we talk about procedure, it is boring. People's eyes start to glaze over.

Mr. DREIER. Mr. Speaker, I am fascinated by it, I will tell you. It absolutely intrigues me when my friends talk about process here.

Mr. BISHOP of Utah. You are 1 out of 435. But one of the current senior Democrat chairmen 20 years ago wrote that if I let you write substance and you let me write procedure, I will win every time. Actually, he didn't use quite those words, but I don't think the actual verbiage can be used with the rules of our House. But it is the same sentiment that has to be there.

Poor procedure has been said creates poor policy. And the ranking member has already said there have been more closed rules, fewer minority Members' rules allowed this year than ever before.

I was in the Education Committee when Representative EHLERS made his amendment, accepted by the chairman on a voice vote; and yet, when the bill came out of the Rules Committee, the amendment had magically disappeared, a bill that affected my State in redistricting.

Mr. GOHMERT from Texas had made an excellent amendment in the Judiciary Committee, but when that bill came out of the Rules Committee, once again that amendment had basically simply disappeared.

I realize the Rules Committee is a political type of committee, but it is coming to the point right now when someone says, "Well, you better go make your case before the Rules Committee," you simply abandoned all hope. It is like being on the *Titanic* and being told that the ship coming to rescue you is the *Lusitania*.

I have been on the Rules Committee, as has been said. I have been chairman of a rules committee in Utah. And I realize that more than just simply moving legislation, the committee should try and find bipartisan solutions; should make sure that we spend time in debate on the floor vetting issues that were not covered in committee, especially when so many bills are being written by the Rules Committee.

Mr. DREIER. To reclaim my time, I will tell you we had a perfect example of that, as I alluded to earlier, and my Rules Committee colleagues know this very well.

We were trying to deal with this military justice issue. The ranking member of the subcommittee said he was promised an opportunity to address these concerns that were there, and neither the committee nor the Rules Committee allowed that kind of free-flowing discussion to which my friend refers.

I am happy to further yield.

Mr. BISHOP of Utah. Mr. Speaker, I thank the gentleman. The amendments I have actually brought to the Rules Committee were, in my estimation, trying to produce a bipartisan approach, or in dealing especially with one that impacted my State of Utah, an amendment that we were trying to talk about a bill that had been changed significantly in the Rules Committee from what had been discussed in the committee, but trying to do amendments that would have saved my State millions of dollars and allowed us to have the flexibility of creating the process that we wanted to have. Both Mr. CANNON and I presented those in Rules. All of them were totally shut down.

The Rules, there is a little bit more to that. Allow me to quote once again from an issue that happened about 20 years ago when a Speaker of the House was forced to resign in a very partisan atmosphere. He said, all year, partisanship had fed on itself, frustrating each side, driven each side apart. The majority at that time, the Democrats, were looking at the majority. The majority group contemptuous of it, the minority, more determined to govern in spite of it, more arbitrary and faced with increasing arbitrariness of the majority, the minority grew more irresponsible and more destructive of the institution.

The Rules Committee has a function more than just establishing the parameters of what amendments will be discussed and the debate. They have a responsibility to establish an atmosphere, indeed, a tone, on the floor. And they can either fan the flames of partisanship or they can build a process that encourages bipartisanship and encourages discussion of issues, issues that have not been vetted before on the floor. That is what the Rules Committee should be doing, and I am sad to say it has not been in evidence so far this year on the floor.

Mr. DREIER. Absolutely. Mr. Speaker, let me just say how much I appreciate,

and, again, after having heard him, miss my friend from my Utah's very, very thoughtful and incisive insight on the Rules Committee.

I mentioned earlier the fact, Mr. Speaker, that we have dealt with this flood insurance bill. It should have been very bipartisan. We have two Members who were victimized by that right here, the gentleman from Georgia and the gentleman from New Jersey, and I am happy to yield to them. We just have a few minutes left. Obviously we could go on and on and on because there are so many Members.

I am happy to yield first to my friend from Georgia.

Mr. PRICE of Georgia. Mr. Speaker, I thank my good friend and the ranking member, my good friend from California for yielding and for your leadership on this issue and on so many others that come to our House.

You mentioned, and folks have mentioned, that we have been victimized. Well, Mr. Speaker, we haven't been victimized; the American people have been victimized. Because we were promised, we in the House of Representatives were promised, but the American people were promised, an open process. They were promised a fair process. And, as you mentioned, the stories are too numerous to stipulate each individually.

But the story that I bring is one of the flood insurance bill, the Flood Insurance Reform and Modernization Act that came just last week. We had an amendment that we were essentially assured would be made in order through the assurances of the Chair of that committee, that we would have an open and deliberative process.

Mr. DREIER. In fact, as I recall, the chairman testified and said he supported the notion of making the gentleman's motion in order.

Mr. PRICE of Georgia. You are absolutely correct. The amendment to file with the Rules Committee was 5 p.m., an arbitrary deadline, but that is all right. It is a deadline, 5 p.m.

My office submitted our amendment electronically to the Rules Committee, as we do all the time, 8 minutes before 5 o'clock, 4:52 p.m. In the process of bringing that hard piece of paper over to the Rules Committee, we got that there at 5:03 p.m., 3 minutes after 5:00.

Mr. DREIER. So they had already the amendment electronic submitted before the 5 o'clock deadline; am I correct in saying that?

Mr. PRICE of GEORGIA. You are absolutely right. The amendment was within the purview at that point of the Rules Committee. They had notice.

Now, again, it is not that we were denied the amendment. It is that the American people were denied the opportunity to have a substantive amendment debated on the floor of the House. In fact, Mr. Speaker, I believe that the President is going to veto that piece of legislation, and I believe he is going to do so because our amendment was not allowed to be acted upon by the House,

because he supported the amendment that we would have offered, which was a very substantive amendment, a significant change in the flood insurance reform bill.

□ 1915

As my friend from California mentioned, there were 13 amendments made in order to that bill, 13 Democrat amendments, no Republican amendments. I suggest, Mr. Speaker, that is all politics, that is all politics. Again, it doesn't harm us personally. What it does is disenfranchise nearly half of the American people, and that is why this matters. What it means is that nearly half of this body is not given the opportunity and the right that they were given in winning their election.

We all represent essentially the same number of people. When the majority does not allow a certain Member or Members to offer amendments or to offer their best ideas, what they do is disenfranchise nearly half of the American people.

I can only think of three reasons why that would be done. One, it is a broken promise. We have seen the promises. Two, it is for political expediency. Or, three, it is what de Tocqueville called the tyranny of the majority. That is what I believe we have, a tyranny of the majority that is running this House right now. It doesn't hurt me personally, but it hurts the institution, it hurts our democracy, and it disenfranchises nearly half of the American people.

Mr. DREIER. I thank my friend very much, and I yield to the gentleman from New Jersey (Mr. GARRETT) who was also victimized by this process.

Mr. GARRETT of New Jersey. You spoke about the flood bill and the problem we had here. Anytime we stifle debate, and that is what occurred when the Democrats did this, they alter substance.

What we were trying to do with an amendment that went through committee and we worked on with the chairman's staff, an amendment that the chairman said withdraw the amendment from committee and he will make sure that it gets through Rules and to the floor, our amendment simply said we should no longer have the rich and the wealthy who live in these great mansions on the coast and what have you, have them be subsidized by the poor widow in the house right across the street. We thought that was absurd. This amendment would have fixed that situation. The chairman was on board with us. He went to the committee and testified in favor of it as well.

Mr. DREIER. And what happened?

Mr. GARRETT of New Jersey. What happened was the Rules Committee decided to not allow the amendment to come to the floor. So at the end of the day, we have a bill where the rich are still being subsidized by the poor. Substance was altered by the stifling of debate.

I will commend the chairman of the committee for all he did and by not voting "yes" on the rule because even he, a Democrat chairman, saw the error of their ways in what they did.

Mr. DREIER. He was quoted as saying he believed it wrong that they were denied. Tragically, this was done in the aftermath of the unveiling of this report that we put forward simply stating the facts of what has taken place in the last 9 months.

Mr. GARRETT of New Jersey. I would just conclude by concurring with the gentleman from Georgia on this. Although we are in the minority here, this is not an issue for the minority; this is for half of America. And it doesn't matter whether the Americans watching tonight are Democrat or Republicans. Their voices are being silenced because they cannot have their voices heard through us in the Rules Committee and have their important issues made part of the process.

Mr. DREIER. Mr. Speaker, I thank the gentleman and now yield to the gentleman from Texas (Mr. SESSIONS), a hardworking member of the Rules Committee.

Mr. SESSIONS. I thank the ranking member from California for not only putting together this Special Order tonight, but also talking about the Rules Committee which I think is so important. I have had an opportunity to serve on the Rules Committee for 9 years. For 9 years previous to this, I have seen the Rules Committee as being part of the process to make sure that the agenda of policy is done properly by the Speaker of the House through this committee. I would like to note to the gentleman from California, as he remembers that, Republicans utilized this committee to make sure that we balanced the budget, to make sure that we had responsibility and the opportunity to make sure that the American people benefited from that which we did here in Washington, D.C. by cutting taxes.

Republicans balanced the budget when they said it was not possible in 1997, 1998, 1999, 2000, and 2001. We went in and we balanced the budget. We utilized the Rules Committee to make sure that we had responsible government.

I have now seen during the last 10 months that we have been in the minority that it is also true that the new Democrat majority utilizes the Rules Committee to do things that I don't think that the American people can completely understand, and that is that they want to raise taxes, they want to raise spending, and they want to make sure that what happens is that loopholes are there in place for them to do earmarks despite the debate that has taken place on this floor.

So I am pleased to join the gentleman from California tonight in summarizing that the Rules Committee is a very difficult place for all Members. It is a difficult place whether you are in the majority or the minority, but it

is still the place where the political work gets done, and nothing has changed. The Democrat Party is still here to raise taxes and raise spending and to take away from the American people that which they earn, and that is called their hard-earned money.

Mr. DREIER. Mr. Speaker, I thank my colleague from Dallas for his very thoughtful remarks and hard work.

I recommend to my colleagues going to [rules-republicans.house.gov](http://rules-republicans.house.gov) to see a copy of this very, very important report that we have just unveiled, because it is on behalf of the American people, not any bipartisanship, the American people, that we are fighting on behalf of their rights.

#### GENERAL LEAVE

Mr. DREIER. Mr. Speaker, I ask unanimous consent that Members be able to revise and extend their remarks and include extraneous material on the subject of my Special Order.

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

There was no objection.

#### BLUE DOG COALITION

The SPEAKER pro tempore. Under the Speaker's announced policy of January 18, 2007, the gentleman from Arkansas (Mr. ROSS) is recognized for 60 minutes as the designee of the majority leader.

Mr. ROSS. Mr. Speaker, what we have just witnessed on the House floor is an example of why the American people are sick and tired of all of the partisan bickering that goes on up in Washington.

Mr. Speaker, there are 47 of us who are fiscally conservative Democrats who want to put an end to the partisan bickering. We are a group of conservative Democrats who quite frankly don't care if it is a Democratic idea or a Republican idea. We want to know if it is a commonsense idea and does it make sense for the people that send us here to be their voice.

Mr. Speaker, there are 47 Members of the fiscally conservative Democratic Blue Dog Coalition. As you walk the Halls of Congress, it is easy to identify which Members are members of the fiscally conservative Blue Dog Coalition because you will see this poster as you walk the hallways of the Cannon House Office Building, the Longworth House Office Building and the Rayburn House Office Building.

This poster not only serves as a door-mat to Blue Dog Coalition Members of Congress, but also as a daily reminder to Members of Congress on both sides of the aisle and to the American people that our Nation is in debt.

Today, the U.S. national debt is \$9,010,742,245,690. If you divide that enormous number and put it in perspective by every man, woman and child in America, every one of us, our share of the national debt is \$29,735. It

is what we have coined the phrase "debt tax," and that is one tax that cannot be cut and that is one amount that is not going to fund America's priorities but rather is going to simply pay interest on the national debt and to pay down the national debt.

I had a constituent from back home in Arkansas in my office today. She said she was in my office a couple of years ago, and everybody's share of the national debt was some \$27,000. Again, today it is \$29,735. Under this Republican administration, we have seen the largest debt ever in our Nation's history. We have seen the largest deficit ever in our Nation's history.

Contrast that with the past administration, the Clinton administration. President Clinton was the first Democrat or Republican in 40 years to give us a balanced budget; and yet here we are 7 years later with the largest debt ever in our Nation's history, and as members of the Blue Dog Coalition, we want to restore fiscal discipline and commonsense to our Nation's government.

That is why there was a lot of talk about the first 100 hours on the House floor in this new Democratic majority, and we accomplished more in the first 100 hours I would dare say than the previous Congress did all together. In fact, I believe we have done more on the floor of the U.S. House of Representatives in the past 9 months than the previous Republican Congresses have done in 9 years.

Unfortunately, these bills are then sent to the Senate where too many of them remain. But I am proud of the work that we are doing in the House under this new majority. And, Mr. Speaker, we are doing it with fiscal discipline. We are passing these bills, a new vision for America, putting America's priorities where they ought to be, and that is putting our families and children first again. But we are doing it in a sensible and responsible way, a way in which we pay for it.

One of the first things to happen on the floor in this new Congress was to reinstitute the PAYGO rules. PAYGO is an acronym for "pay as you go." It is what we do at the Ross home in Prescott, Arkansas. It is what most American families do.

Mr. Speaker, for the past 6 years, a Republican-led Congress and a Republican President gave us the largest debt ever in our Nation's history, the largest deficit year after year. To put it in perspective, to put it in perspective, this President has borrowed more money from foreigners in the past 6 years than the previous 42 Presidents combined.

We are going to put an end to that, and we did so when we reinstated the PAYGO rules on the floor of the House of Representatives. Every bill that comes to the floor of the House in this new Democratic Congress must be paid for. Now, some of the Republicans say, oh, that's a disguise to raise taxes. The Republicans now believe that the only