

Canady	Hastings (FL)	Neal
Collins	Hill (MT)	Ose
Conyers	Jackson-Lee	Salmon
Danner	(TX)	Scarborough
Delahunt	Kasich	Scott
Dickey	Kennedy	Shaw
Dicks	Klink	Shays
Dingell	Lantos	Talent
Dooley	Lazio	Turner
Dunn	McCollum	Waters
Evans	McCrery	Watts (OK)
Fowler	McIntosh	Waxman
Franks (NJ)	Mica	Wexler
Greenwood	Mollohan	Wise
Hansen	Moore	

□ 1159

So the joint resolution was passed.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

MESSAGE FROM THE PRESIDENT

A message in writing from the President of the United States was communicated to the House by Ms. Wanda Evans, one of his secretaries.

MESSAGE FROM THE SENATE

A message from the Senate by Mr. Lundregan, one of its clerks, announced that the Senate has passed with amendments in which the concurrence of the House is requested, a bill and a joint resolution of the House of the following titles:

H.R. 4986. An act to amend the Internal Revenue Code of 1986 to repeal the provisions relating to foreign sales corporations (FSCs) and to exclude extraterritorial income from gross income.

H.J. Res. 84. Joint resolution making further continuing appropriations for the fiscal year 2000, and for other purposes.

PERSONAL EXPLANATION

Mr. BOYD. Mr. Speaker, I was unavoidably detained on rollcall vote 580 and rollcall vote 581.

Mr. Speaker, had I been present, I would have voted no on rollcall vote 580 and no on rollcall vote 581.

□ 1200

“THE LONG PARLIAMENT”

(Mr. FRANK of Massachusetts asked and was given permission to address the House for 1 minute.)

Mr. FRANK of Massachusetts. Mr. Speaker, sometimes we can get wisdom from the ages. I am not a fan of Oliver Cromwell. His semi-genocidal attacks on the Irish was certainly one of the low points in history. But even he occasionally got something right.

During the 1650s, there was a Parliament in England which could not seem to find a way to leave London. Oliver Cromwell decided they needed some encouragement. Some of what he said in his gentle way, waiving a sword seems to me to be not entirely inappropriate. So I would, therefore, like to

read some excerpts from Oliver Cromwell's speech to what was called “The Long Parliament.”

It is high time for me to put an end to your sitting in this place . . .

“Ye are grown intolerably odious to the whole nation. You were deputed here to get grievances redressed; are not yourselves become the greatest the grievance? Your country therefore calls upon me to cleanse the Augean stable by putting a final period to your . . . proceedings in this house and which by God's help and the strength he has given me I am now come to do. I commend ye therefore upon the peril of your lives to depart immediately out of this place. . . Go and get out, make haste ye venal slaves be gone. So take away that shining bauble there and lock up the doors.

HOUR OF MEETING ON THURSDAY, NOVEMBER 2, 2000

Mr. YOUNG of Alaska. Mr. Speaker, I move that when the House adjourns today, it adjourn to meet at 6 p.m. tomorrow.

The SPEAKER pro tempore (Mr. LAHOOD). The question is on the motion offered by the gentleman from Alaska (Mr. YOUNG).

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

Mr. GEORGE MILLER of California. Mr. Speaker, I object to the vote on the ground that a quorum is not present and make the point of order that a quorum is not present.

The SPEAKER pro tempore. Evidently a quorum is not present.

The Sergeant at Arms will notify absent Members.

The vote was taken by electronic device, and there were—yeas 239, nays 130, not voting 63, as follows:

[Roll No. 588]

YEAS—239

Abercrombie	Buyer	Duncan
Aderholt	Callahan	Ehlers
Armey	Calvert	Ehrlich
Bachus	Camp	Engel
Baker	Cannon	English
Ballenger	Capps	Eshoo
Barr	Cardin	Etheridge
Barrett (NE)	Castle	Everett
Bartlett	Chabot	Ewing
Barton	Chambliss	Fletcher
Bass	Chenoweth-Hage	Foley
Bereuter	Clement	Fossella
Berman	Coble	Frank (MA)
Biggert	Coburn	Frelinghuysen
Bilirakis	Combest	Gallely
Bishop	Condit	Ganske
Blagojevich	Cook	Gekas
Billey	Cooksey	Gibbons
Blunt	Cramer	Gilchrest
Boehlert	Crane	Gillmor
Boehner	Cubin	Gilman
Bonilla	Davis (IL)	Goode
Bono	Davis (VA)	Goodlatte
Borski	Deal	Goodling
Boswell	DeLay	Gordon
Boyd	DeMint	Goss
Brady (PA)	Diaz-Balart	Graham
Brady (TX)	Dixon	Granger
Bryant	Doolittle	Green (WI)
Burr	Dreier	Gutknecht

Hall (TX)	Meehan	Sherwood
Hastings (WA)	Meeks (NY)	Shimkus
Hayes	Miller (FL)	Shuster
Hayworth	Miller, Gary	Simpson
Hefley	Moore	Sisisky
Herger	Moran (KS)	Skeen
Hilleary	Morella	Skelton
Hobson	Murtha	Smith (MI)
Hoefel	Myrick	Smith (NJ)
Hoekstra	Nethercutt	Smith (TX)
Holt	Ney	Snyder
Horn	Northup	Souder
Hostettler	Norwood	Spence
Houghton	Oxley	Stabenow
Hunter	Packard	Stark
Hutchinson	Paul	Stearns
Hyde	Pease	Stump
Isakson	Petri	Stupak
Istook	Pickering	Sununu
Jackson (IL)	Pitts	Sweeney
John	Pombo	Tancredo
Johnson (CT)	Pomeroy	Tauzin
Johnson, Sam	Porter	Taylor (NC)
Jones (NC)	Portman	Terry
Kanjorski	Pryce (OH)	Thomas
Kelly	Quinn	Thompson (CA)
King (NY)	Radanovich	Thornberry
Kingston	Ramstad	Thune
Klecza	Rangel	Tiahrt
Knollenberg	Regula	Toomey
Kolbe	Reynolds	Trafficant
Kuykendall	Riley	Udall (NM)
LaHood	Roemer	Upton
Largent	Rogan	Vitter
Latham	Rogers	Walden
LaTourette	Rohrabacher	Walsh
Leach	Ros-Lehtinen	Wamp
Levin	Roukema	Watkins
Lewis (CA)	Royce	Weldon (FL)
Lewis (KY)	Rush	Weldon (PA)
Linder	Ryan (WI)	Weller
Lipinski	Ryan (KS)	Whitfield
LoBiondo	Sanford	Wicker
Lucas (KY)	Sawyer	Wilson
Lucas (OK)	Saxton	Wolf
Manzullo	Schaffer	Wu
Martinez	Sensenbrenner	Young (AK)
McHugh	Serrano	Young (FL)
McInnis	Sessions	
McKinney	Shadegg	

NAYS—130

Ackerman	Hall (OH)	Nadler
Allen	Hill (IN)	Napolitano
Andrews	Hilliard	Oberstar
Baca	Hinchey	Obey
Baldacci	Holden	Olver
Baldwin	Hooley	Ortiz
Barcia	Hoyer	Owens
Barrett (WI)	Inslee	Pallone
Becerra	Jefferson	Pascarell
Bentsen	Johnson, E. B.	Pastor
Berkley	Kaptur	Payne
Berry	Kildee	Pelosi
Blumenauer	Kilpatrick	Peterson (MN)
Bonior	Kind (WI)	Phelps
Capuano	Kucinich	Pickett
Carson	LaFalce	Price (NC)
Clay	Lampson	Rahall
Clayton	Larson	Reyes
Clyburn	Lee	Rivers
Costello	Lewis (GA)	Rodriguez
Coyne	Lofgren	Rothman
Crowley	Lowey	Roybal-Allard
Cummings	Luther	Sabo
Cunningham	Maloney (CT)	Sanchez
DeFazio	Maloney (NY)	Sanders
DeGette	Mascara	Sandlin
DeLauro	Matsui	Schakowsky
Deutsch	McCarthy (MO)	Sherman
Doggett	McCarthy (NY)	Slaughter
Doyle	McDermott	Spratt
Edwards	McGovern	Stenholm
Evans	McIntyre	Strickland
Farr	McNulty	Tanner
Fattah	Menendez	Tauscher
Filner	Metcalfe	Taylor (MS)
Ford	Millender-	Thompson (MS)
Frost	McDonald	Thurman
Gejdenson	Miller, George	Tierney
Gephardt	Minge	Towns
Gonzalez	Mink	Udall (CO)
Green (TX)	Moakley	Velázquez
Gutierrez	Moran (VA)	

Viscosky
Watt (NC)

Weiner
Weygand

Woolsey
Wynn

NOT VOTING—63

Archer	Fowler	Meek (FL)
Baird	Franks (NJ)	Mica
Bilbray	Greenwood	Mollohan
Boucher	Hansen	Neal
Brown (FL)	Hastings (FL)	Nussle
Brown (OH)	Hill (MT)	Ose
Burton	Hinojosa	Peterson (PA)
Campbell	Hulshof	Salmon
Canady	Jackson-Lee	Scarborough
Collins	(TX)	Scott
Conyers	Jenkins	Shaw
Cox	Jones (OH)	Shays
Danner	Kasich	Smith (WA)
Davis (FL)	Kennedy	Talent
Delahunt	Klink	Turner
Dickey	Lantos	Waters
Dicks	Lazio	Watts (OK)
Dingell	Markey	Waxman
Dooley	McCollum	Wexler
Dunn	McCreery	Wise
Emerson	McIntosh	
Forbes	McKeon	

□ 1220

Messrs. MORAN of Virginia, OLVER, DEUTSCH, OWENS, and FARR of California changed their vote from "yea" to "nay."

Mr. WU changed his vote from "nay" to "yea."

So the motion was agreed to.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

COMMITTEE ON RESOURCES CONTEMPT RESOLUTION

(Mr. GEORGE MILLER of California asked and was given permission to revise and extend his remarks at this point in the RECORD.)

Mr. GEORGE MILLER of California. Mr. Speaker, I rise again in strong opposition to this Contempt of Congress resolution.

When there are so many important issues such as energy and health care and education policy which have languished in this Congress, it is ridiculous that this vendetta is taking the time of the House.

The crime charged in this resolution is the refusal of three witnesses to answer certain questions from Republican members of the Committee on Resources.

Let's be clear: these three individuals have worked to assure that the taxpayers receive a fair share of the royalties from oil companies drilling on public lands.

Those same oil companies, who have never received a Republican subpoena, have short-changed the taxpayers by billions of dollars in royalty under payments, as most recently evidenced by a total of \$438 million in settlement payments in litigation which inspired the committee's investigation.

We should be spending our time and resources in Congress on issues that really matter to the American people.

We should not use the vast powers of Congress to punish those who helped to blow the whistle on the oil company rip-offs and who, understandably, refused to cooperate with a rogue committee operating without regard to the House rules.

And we should not be burdening the U.S. Attorney, who has plenty of work to do com-

bating serious crimes, with an ill-conceived contempt resolution based on an investigation so procedurally flawed that the criminal charges would not survive judicial review.

Let's start by making it clear what this contempt resolution is not about.

The question before the House is not whether the arrangement between the project on Government Oversight and two Federal employees to share royalty underpayment litigation awards was illegal or even improper.

Federal employees have been allowed, under certain circumstances, to participate as whistle blowers in False Claims Act litigation. In this case, the POGO arrangement is under active investigation by the Department of Justice.

But no one has been indicted, no one has been tried, and certainly no one has been convicted. For Congress to prejudice that process with premature conclusions of illegality would be irresponsible.

So, let us be clear what this resolution is about.

The real question before the House is whether three individuals who were subpoenaed as witnesses by the Committee on Resources should serve up to a year in prison for violating a Federal criminal statute.

As is the case with all criminal statutes, the three individuals cannot be convicted of Contempt of Congress unless guilt is proven beyond a reasonable doubt in a court of law.

Before we consider a resolution that could subject three citizens to criminal jeopardy, let's look carefully at the case the committee has brought before the House.

The courts have held the congressional process in strict scrutiny, and in 1983 acquitted the last person charged by the House with contempt.

In this investigation, the Committee Republicans have repeatedly failed to follow the House Rules. For over a year, they ignored House Rule XI governing investigations despite Democratic objections. They further violated House Rules by curbing the rights of Democratic members to question witnesses at hearings.

They abused those witnesses by, among other things, not allowing them to make opening statements at hearings, despite Democratic objections.

One Republican member called the Department of the Interior employee a "common thief" prior to his appearance before the committee.

In short, as we detail in the Dissenting Views, this partisan investigation has been biased, unfair, and was a rogue operation that violated the Rules of the House and of the committee.

Moreover, the committee Republicans failed to demonstrate—either to the witnesses or the Democratic members—a clear nexus between the questions and the purpose of the investigation. Specifically, they failed to establish a foundation for the questions that make them "pertinent" for purposes of applying the contempt statute to refusals to answer.

And the courts have insisted that questions must be "pertinent" at the time they are asked of a witness at a hearing. After the fact rationale is not sufficient.

My point in mentioning the procedural flaws in the committee's investigation is to show that

there are many reasons for members to be very cautious before concluding that these three citizens are guilty of Contempt of Congress.

And unless members are convinced that the committee's process can withstand judicial scrutiny and the statutory elements of contempt have been proven beyond a reasonable doubt, then they should not vote for this resolution.

CONGRESS OF THE UNITED STATES,
Washington, DC, October 31, 2000.

STOP THE POGO PERSECUTION

DEAR COLLEAGUE: Today the House will unwisely reconsider the resolution (brought up on the floor last Friday and withdrawn by its sponsor) that charged three individuals with the crime of Contempt of Congress for failing to cooperate with a Committee on Resources investigation. This rare exercise of congressional power could subject these individuals to criminal prosecution and up to one year in jail.

This charge was prompted by the Project on Government Oversight's (POGO) decision to share \$767,200 of a \$1.2 million False Claims Act settlement with two federal employees who had long worked to curb underpayments of royalties owed to the United States by oil companies. Faced with multi-billion dollar allegations of royalty rip-offs, 15 oil companies have reached settlements with the Department of Justice totaling \$438 million.

The Department of Justice is investigating whether the payments by POGO were inappropriate or illegal actions. Despite that review, the Resources Committee Majority has duplicated DOJ's effort and issued dozens of subpoenas, held multiple hearings, and consumed nearly two years and many tens of thousands of dollars searching for additional evidence of wrongdoing by POGO and its associates while proclaiming their alleged guilt.

And what about the oil companies who have paid \$438 million in settlement for cheating the American people—and especially children whose schools utilize royalty payments—out of the money they are owed? The Committee Majority has let the oil company misconduct go scot free:

ZERO—Hearings on oil royalty underpayments;

ZERO—Investigations of oil royalty underpayments;

ZERO—Subpoenas issued to oil companies.

ZERO—Condemnation of oil company royalty rip-offs.

To bring the full power of the committee down upon three individuals who have worked to curb oil company fraud without any effort to address billions of dollars in fraudulent underpayments is a blatant misuse of the Committee's resources and the Congress' time. For the House to further condemn these individuals because they declined on advice of counsel to respond to questions which were not pertinent in an abusive investigation which was not conducted in compliance with House rules, is beneath the standard Congress should use when employing the weighty hand of criminal contempt.

If the Majority insists on further discussion and votes on the Contempt resolution, we strongly advise you to vote "No" and protect private citizens and whistleblowers from such misuse of Congress' prosecutorial authority.

Sincerely,
George Miller, Edward Markey, Earl Blumenauer, Peter DeFazio, Bob Filner, Carolyn Maloney, Robert Underwood, Jay Inslee, Janice Schakowsky.