

109TH CONGRESS
2^D SESSION

H. RES. 687

Raising a question of the privileges of the House.

IN THE HOUSE OF REPRESENTATIVES

FEBRUARY 16, 2006

Ms. PELOSI submitted the following resolution; which was laid on the table

RESOLUTION

Raising a question of the privileges of the House.

Whereas the Republican Leadership has engaged in a continuing pattern of withholding accurate information vital for Members of the House of Representatives to have before voting on legislation, and has inserted numerous controversial provisions into completed conference reports in the dead of night without notifying Democratic Members of the House, the press, or the public;

Whereas on February 1, 2006, the Republican Leadership permitted a vote on House Resolution 653 to concur in a Senate amendment to the conference agreement on Budget Reconciliation, despite the inclusion of inaccurate numbers in provisions that cost the Medicare program an additional \$2 billion dollars;

Whereas although the Senate Enrolling Clerk had mistakenly changed critical numbers which had a major financial

significance for Medicare, and had notified the House of those errors two weeks prior to the vote on February 1, the Republican Leadership deliberately chose to ignore that notification and instead allowed the House to vote on an incorrect version of this legislation;

Whereas the conference agreement on Budget Reconciliation passed the House by the narrowest of margins, 216–214, with every Democrat voting in opposition, and knowledge of this mistake may have influenced the outcome of this vote, which is why the Republican Leadership chose not to pursue the proper course in correcting this legislation;

Whereas as a result of the concealment of these errors in the enrollment of the bill, the law signed by the President of the United States on February 8, 2006, is not the same as the text cleared by the House on February 1, 2006;

Whereas the effect of these actions raises serious constitutional questions and jeopardizes the legal status of this legislation and The Washington Post has reported: “Now there are questions about the legality of signing a bill the House technically did not pass” (The Washington Post, February 9, 2006);

Whereas Republican incompetence led to numerous errors in this legislation, and two additional errors in the Senate amendment that was agreed to by House Resolution 653 were found by the Congressional Budget Office in a report dated January 27, 2006, five days before the House voted on the final conference report: “The (conference report on Budget Reconciliation) contains two apparent errors in legislative language: one in section 8006 regarding direct loans to parents of postsecondary students, and one in section 10002 regarding bankruptcy fees.” (CBO Report on S. 1932, January 27, 2006);

Whereas in this ongoing pattern of abuse of power, the Republican Leadership on December 17, 2005, deliberately misled Members of the House by inserting into a completed conference report without debate or notification a provision granting liability protection for drug companies from cases involving consumers injured by avian flu vaccine (HR 2863, the Defense Appropriations Conference Report);

Whereas the Republican Leadership inserted this liability vaccine provision at midnight, after conferees signed what they understood to be the final document seven hours earlier, thereby breaking their word and assurances that “Avian Flu shall be funded at the House level, and will not include either indemnity or compensation provisions.” (House Appropriations Committee Summary, December 17, 2005, 4:40 p.m.);

Whereas during passage of the Prescription Drug bill in 2003, the Republican Leadership and the committees of jurisdiction ignored the warnings from knowledgeable experts that the true cost of the legislation was potentially hundreds of billions of dollars higher than the official estimate, and intentionally misled Members of the House by withholding information for the sole purpose of winning passage of this extremely controversial bill by a single vote in the middle of the night; and

Whereas the Republican Leadership’s culture of corruption and its repeated efforts to thwart the normal legislative process by cutting corners, inserting hand-written provisions into completed conference reports in the dead of night, and rushing through legislation with major errors, forces Members to vote on controversial legislation with-

out thorough time for review and must be denounced:
Now, therefore, be it

1 *Resolved*, That the Committee on Standards of Offi-
2 cial Conduct shall begin an immediate investigation into
3 the abuse of power surrounding the inaccuracies in the
4 process and enrollment of the Budget Reconciliation legis-
5 lation cleared for the President on February 1, 2006.

○