Nurses are the center of our efforts to improve the Nation's health. They are at the front lines administering care, educating the public, helping patients and the families cope with the challenges of injury and illness.

Unfortunately, as we hear too often, we are facing a serious shortage of nurses; and that shortage is growing, so much so that the Department of Health and Human Services recently predicted a shortage of more than 800,000 nurses, keep in mind we have 2.7 million nurses today, a shortage of 800,000 nurses by the year 2020.

With fewer and fewer trained hands and minds at the bedside and in the doctor's office, leaving overworked nurses to handle more and more patients, we can only expect the availability of quality health care to decline.

We need to invest in attracting and training a new generation of nurses and to foster retention for those who are already practicing. Resolution 245 honors the goals of National Nurses Week, raises the awareness of the vital role that nurses play in our health care system, and focuses attention on the unmet challenge that we face as the shortage of nurses intensifies.

Mr. Speaker, I thank the chairman and ranking member of the Energy and Commerce Committee for bringing this measure to the floor. I thank EDDIE BERNICE JOHNSON, and I am pleased to support it.

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

Mr. DEAL of Georgia. Mr. Speaker, I yield myself the balance of our time.

Mr. Speaker, I, too, would repeat my expression of appreciation for our colleague, Ms. JOHNSON, for bringing this resolution today and commend all of those in our society who have chosen the field of nursing as their profession and encourage others to do so and follow their example.

Mr. Speaker, it is appropriate that we honor them by this resolution.

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 Georgia (Mr. DEAL) that the House suspend the rules and agree to the resolution, H. Res. 245, as amended.

The question was taken; and (two-thirds having voted in favor thereof) the rules were suspended and the resolution, as amended, was agreed to.

A motion to reconsider was laid on the table.

GENERAL LEAVE

Mr. DREIER. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days within which to revise and extend their remarks and insert extraneous material regarding H.R. 4975.

The SPEAKER pro tempore (Mr. DEAL of Georgia). Is there objection to the request of the gentleman from California?

There was no objection.

LOBBYING ACCOUNTABILITY AND TRANSPARENCY ACT OF 2006

The SPEAKER pro tempore. Pursuant to House Resolution 783 and rule XVIII, the Chair declares the House in the Committee of the Whole House on the State of the Union for the consideration of the bill, H.R. 4975.

□ 1313

IN THE COMMITTEE OF THE WHOLE

Accordingly, the House resolved itself into the Committee of the Whole House on the State of the Union for the consideration of the bill (H.R. 4975) to provide greater transparency with respect to lobbying activities, and for other purposes, with Mr. BOOZMAN in the chair.

The Clerk read the title of the bill.

The CHAIRMAN. Pursuant to the rule, the bill is considered read the first time.

The gentleman from California (Mr. DREIER) and the gentlewoman from New York (Ms. SLAUGHTER) each will control 30 minutes.

The Chair recognizes the gentleman from California.

Mr. DREIER. Mr. Chairman, I yield myself such time as I may consume.

Mr. Chairman, I was just listening to the debate on the last bill considered under suspension of the rules, and I saw a wonderful sense of bipartisanship as we were able to pass, I suspect we may have a vote on it, but I know it will pass overwhelmingly, the legislation by our good friend from Dallas, Texas, Ms. EDDIE BERNICE JOHNSON.

It is my hope that, as we proceed with this very important issue, that that same sense of bipartisanship can prevail. Because I believe that it is absolutely essential to dealing with the challenge that lies ahead.

Mr. Chairman, as you know very well, recent scandals involving elected representatives from both political parties have underscored the very urgent need for us to reform ethics and lobbying rules.

□ 1315

The American people and Members of Congress are very correctly incensed about this. I believe that it is absolutely outrageous some of the things that we have seen from both political parties over the past several months.

Action, common-sense action, Mr. Chairman, is absolutely needed, and that is why I am very proud that Speaker Dennis Hastert 4 months ago stepped up to the plate and said this is exactly what we need to do, is we need to take strong action.

Republicans and Democrats have worked together tirelessly on this issue over the past 4 months. The goal is to strengthen and reform House rules, as well as that 1995 Lobbying Disclosure Act which we very proudly put into place when we won the majority back in 1994.

Our aim, our goal, is a Congress that is effective, a Congress that is ethical, and a Congress that is worthy of the public trust. Now, I know that the American people should understandably have a healthy skepticism towards this institution. That is what Thomas Jefferson wanted. But, at the same time, it is very important that we do what we can to enhance the level of trust that the American people have in their elected representatives.

We know right after this began, at the beginning of this second session of the 109th Congress, we stepped right up and were able to take very bold action to bring about reform. On our very first day of legislative business we voted to level the playing field by ending the access to the House floor and gym by former Members of Congress who are registered lobbyists. This rule change was supported by 379 of our 435 Members.

At the beginning of the last month, we took a second step in the name of balance and fairness. In another bipartisan vote, the House closed an enormous loophole in campaign finance regulations. Integrity in our elections was a key focus of our reform efforts, and the 527 Reform Act makes sure campaign finance laws apply across the board.

Now we are considering the comprehensive reform package, H.R. 4975, the Lobbying Accountability and Transparency Act of 2006. Mr. Chairman, this legislation seeks to uphold the highest standards of integrity when it comes to Congress' interaction with outside groups.

I am very proud of the process and the results of this multi-month effort that we have seen. Anyone, anyone, Democrat and Republican alike, outside groups, academics, anyone who wanted to offer any suggestion, any proposal at all, make any comment on any part of the legislation has had that opportunity. This has been a very thorough and, again, a very bipartisan process.

Mr. Chairman, we already conducted a very spirited and worthwhile debate just last Thursday when we were considering the rule that allows us to consider this legislation; and, from that debate, it was very clear to me that there is a lot of confusion over H.R. 4975. Frankly, Mr. Chairman, as I have read editorials for a wide range of publications here in this town and across the country, there is an awful lot of confusion as to what this bill actually does. So I thought that I would take just a moment to summarize for our friends here in the House and for anyone who might be following this, any editorial writer out there, I would like to summarize what this legislation will and will not do.

Mr. Chairman, this legislation will enhance transparency and accountability in Congress through increased disclosure and tighter rules. No matter what anyone says, Mr. Chairman, this legislation does increase transparency

and accountability through toughening up disclosure and tightening the rules.

Mr. Chairman, this legislation will fulfill the public's right to know who is seeking to influence their Congress.

This legislation will provide brighter lines of right and wrong and more rigorous ethics training so that everyone can understand what is right and what is wrong here. I was taught that as a kid, but obviously there has been some confusion and in the past there have been gray areas. This legislation creates that clear definition and provides an opportunity for greater training for Members and staff so they can have an understanding of it.

This legislation will significantly reform the earmark process to foster more responsible and accountable government spending.

I read one editorial in which they said this bill does not tackle the so-called Bridge to Nowhere issue. Well, Mr. Chairman, anyone who has followed this debate knows that full well that last week when we were debating the rule, the Speaker, the majority leader, I, the whip, others made have a very strong commitment, working with the Appropriation Committee, that the Senate has passed language which we think is very good.

It is language which says that when we look at the issue of earmark reform so we can have greater accountability when it comes to spending that it should not simply focus on the appropriations process. It should be universal and go across the board to the other committees as well. That commitment was made a week ago, and yet some people seem to think that we are not willing to take that on.

Mr. Chairman, this legislation will considerably increase fines and penalties for violating the transparency and accountability provisions.

This legislation will give a new authority to the House Inspector General to perform random audits of lobbyist disclosure forms and refer violations to the Department of Justice.

Now, Mr. Chairman, here is what this legislation will not do. It will not permit business as usual. It will not perpetuate the status quo.

Mr. Chairman, while this body is united in its desire for reform, we clearly have disagreements over some of the specifics. Some think that this bill goes too far; some think that this bill does not go far enough; and, frankly, I wish that this bill were stronger than it is. But we are getting ready to take this very important step to go into conference with the Senate; and, as we do that, I believe that we can come back with a stronger bill. This is what I am hoping will happen, but we must proceed with this measure so that we can make that happen.

Yet today we stand, as I said, on the starting blocks of our reform effort, and the single most important thing that we can do at this stage is to keep the process of reform moving. That is really what this is all about today, Mr. Chairman. We know full well that they are going to get a lot of people standing in the way, and yet we need to take this step forward, and that is what H.R. 4975 does.

There is no question whatsoever that this bill, regardless of what anyone says about it, that it represents progress. It is a move in the right direction, and a lot of us want to do more, but this is a bill that moves us in the right direction.

There is no question at all that it is a vast improvement over the status quo, and there is no question that it does put us on a path towards that very important conference that we will have with our friends in the other body.

Now, of course, Mr. Chairman, there are many up there who want to engage in nothing but criticism. They want to say no. They want to defeat this effort for real reform. They want to just criticize what it is that we are trying to do here when we have been able to fashion a bipartisan package. But to what end? To protect the current system? Because this is really what is going to happen. I mean, if we pass the previous question, if we defeat this legislation, all we will be doing is perpetuating the status quo because it will slow the process of reform. The same system that we have spent 4 months decrying, as we sought this reform, would be perpetuated.

It defies logic, Mr. Chairman, to criticize the current standards and then vote to keep them in place, because that is exactly what will happen. With their recommittal motion, that is exactly what will happen with any attempt to defeat this measure.

Mr. Chairman, Winston Churchill, I think said it very well, when he wrote: Criticism is easy; achievement is difficult.

Mr. Chairman, this is no time for us to recoil in our effort to bring about reform. By voting yes for this bill, the House will vote for achievement, for progress and for rebuilding the trust of the American people. A vote for H.R. 4975 is a vote for reform.

Mr. Chairman, after we pass this bill, let me tell you what is next on our agenda: more reform. The Republican party is the party of reform. The Republican party has and will continue to reach out to our Democratic colleagues who are reform-minded to continue down this road towards reform.

The drive for reform never stops. We have demonstrated that consistently in the past, and we will continue to do so in the future. It is a continuous, ongoing process that takes both perseverance and commitment.

Mr. Chairman, I believe that it is absolutely essential for us to continue down the road towards reform so that we can make this institution more effective and more respected.

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

Ms. SLAUGHTER. Mr. Chairman, I yield myself such time as I may consume.

There is certainly an ''Alice in Wonderland'' quality to this debate already this afternoon where Alice could believe 90 possible things before breakfast, and to believe that we all worked together on this bill is absolutely not true. Democrats and Republicans have worked hard, but in different alleys, going in different directions.

To that end, I would like to submit for the RECORD at this point from The Post this morning an editorial entitled, ''Kill this Bill,'' along with several others. Every editorial group and outside organizations have said this bill is a hollow sham.

[From washingtonpost.com, May 3, 2006]

KILL THIS BILL

''Bold, Responsible, common-sense reform of our current lobbying and ethics laws is clearly needed,'' House Rules Committee Chairman David Dreier (R-Calif.) told his colleagues on the House floor last week. ''We owe it to our constituents. We owe it to ourselves. We owe it to this institution.''

Very true—which is why House members should reject the diluted snake oil that Mr. Dreier and the GOP leadership are peddling as bold reform. Their bill, which is expected to come before the House for a vote today, is an insult to voters who the GOP apparently believes are dumb enough to be snookered by this feint. The procedures under which it is to be debated, allowing only meaningless amendments to be considered, are an insult also—to the democratic process.

At best the bill would marginally improve the existing arrangement of minimal disclosure, laxly enforced. Reporting by lobbyists would be quarterly instead of twice yearly and slightly more detailed (with listings of lobbyists' campaign contributions—already available elsewhere—along with gifts to lawmakers and contributions to their charities). Nothing would crimp lawmakers' lifestyles: Still allowed would be meals, gifts (skybox seats at sporting events, say) and cut-rate flights on corporate jets. Privately sponsored travel would be suspended, but only until just after the election.

The provisions on earmarks are similarly feeble. Lawmakers who insert pet projects in spending bills would have to attach their names to them—but that's all. If that happens, these provisions wouldn't be subject to challenge. Earmark reform that wouldn't allow a vote to stop future ''Bridges to Nowhere'' isn't real reform.

Matching the anemic measure is the undemocratic procedure under which it will be ''debated'' on the House floor. Nine amendments are to be considered, including such tough-love provisions as ''voluntary ethics training'' for members and holding lobbyists liable for knowingly offering gifts whose value exceeds the gift limit. (Not to worry: Legislators wouldn't be liable for accepting them.) The Rules Committee refused to permit votes on amendments to strengthen the measure, including proposals to establish an independent ethics office; to require lawmakers to pay full freight for chartered flights; or to double the waiting period for lawmakers to lobby their former colleagues from one year to two. Neither would the majority risk an up-or-down vote on the much more robust Democratic alternative.

Democrats tempted to vote for this sham because they're scared of 30-second ads that accuse them of opposing lobbying reform ought to ask themselves whether they really think so little of their constituents. As for Republicans willing to settle for this legislative fig leaf, they ought to listen to Rep. Christopher Shays (R-Conn.). ''I happen to

believe we are losing our moral authority to lead this place,'' Mr. Shays said on the House floor last week. He was generous not to have put that in the past tense.

[From USA Today, April 24, 2006]

SNOW JOB ON LOBBYING

Congress still doesn't get it. After more than a year of negative headlines about political corruption and money-soaked alliances with lobbyists, House leaders are weakening their already anemic excuse for reform.

They hope to pass the plan this week and then, with the glowing pride of grandees doling pennies to the poor, con the public into believing they're actually giving up enough of their prized perks to make a difference.

The plan—pushed by Rules Committee Chairman David Dreier and Majority leader John Boehner contains a few enticing illusions, such as modest changes in disclosure rules and pork-barrel spending restraints. But it's far from anything lobbyists might fear. In light of the tawdry political culture exposed by the sprawling case of super lobbyist Jack Abramoff, awaiting sentencing in Washington, the measure is most noteworthy for what it would fail to do:

Cushy travel paid for by private groups—a device lobbyists use to buy favors—would be banned, but only until after the election. Next year, it would be back to business as usual.

Lobbyists would be barred from flying on corporate jets with members of Congress, a response to calls to abolish this cozy form of special-interest access. But nothing would prevent executives who aren't registered lobbyists from continuing to do the same thing. And nothing would alter the practice of routinely making these planes available for members' political or personal trips at deeply subsidized fares.

There's no provision for creating a much-needed independent, non-partisan Office of Public Integrity to give credibility to probes of ethics complaints. Ethics committees of the Senate and House of Representatives have proven inadequate for the task.

House Republican leaders have dropped proposed requirements that lobbyists disclose which lawmakers and aides they have contacted and how they have raised money for politicians. As a result, lobbyists banned from paying $100 for a congressman's restaurant dinner would remain free to pay $25,000 or $50,000 to underwrite a fundraising party to ''honor'' the member.

Most rules allowing members of Congress and their staffs to accept gifts from lobbyists would remain unchanged.

The sorry record of this Congress cries out for real reform, not a toothless sham. One member has been sent to prison for extorting bribes from lobbyists and favor-seekers. Former House majority leader Tom Delay is under indictment on political money-laundering charges, two of his former aides have pleaded guilty to corruption charges, and he's quitting because he fears the voters' backlash. At least a half-dozen other members, from both parties, are under investigation by various federal agencies on everything from bribery to insider trading.

Not coincidentally, polls show public disillusionment with Congress at the highest levels in more than a decade. This is fueled in part by the lobbying and corruption scandals that show special interests and self-interest trumping the public interest.

If the self-righteous incumbents can't do better than this outrageous substitute for needed reform, they will deserve to be defeated in November.

[From the New York Times, Apr. 30, 2006]

NOW YOU SEE IT, NOW YOU DON'T

The inclusion of something termed ''ethics training'' in the House Republican majority's pending lobbying reform bill is the ultimate touch of drollery. It is a public relations kiss-off acknowledging growing concern about the appearance of scandalous money ties between Congressional campaigners and their claques of loyal lobbyists. At the same time, it is clear notice that this ethically challenged Congress has no intention of doing anything serious about reform. The House majority leader, John Boehner, conceded as much in observing, ''The status quo is a powerful force.''

As it is, Mr. Boehner has had to drag his members kicking and screaming to a vote this week on the cut-and-paste figments of reform that the House G.O.P. will be peddling to the voters this fall. The bill is even weaker than the Senate's half-hearted measure. Rather than banning gifts and campaign money from lobbyists, the bill embraces disclosure—the equivalent of price lists for the cost of doing business with a given lawmaker. A bipartisan attempt at true reform was squelched as non-germane, as if the need to create an independent ethics enforcement body is not obvious by now after the lobbyist corruption story of Jack Abramoff and his back-door power over lawmakers.

The Democrats are right to oppose the measure. Some Republicans, worried that it will be properly perceived as the Bill to Nowhere, did point out loopholes in the proposal to rein in the pork-barrel earmark gimmickry dear to lawmakers and lobbyists. But no credible fix was made.

[From the Houston Chronicle, Apr. 26, 2006]

STILLBORN REFORM

After tough jawboning about ethics reform in response to the scandal centered on convicted lobbyist Jack Abramoff, House Republican leaders have produced legislation that mocks its title, the Lobbying Accountability and Transparency Act of 2006.

In fact, the bill does little to increase accountability in the lawmaker-lobbyist relationship and is transparent only in its display of political showmanship and the absence of substance. Even after the conviction of a California congressman for bribery, the guilty pleas of two former aides to U.S. Rep. Tom DeLay and the widening net of the federal Abramoff probe, Congress, seems to be falling back into a ''What, me worry?'' posture.

The House version that might be voted on this week is even weaker than its Senate counterpart, which government watchdog groups criticized as toothless. Jettisoned from the proposal were strictures on gifts to elected officials and a requirement that legislators pay private charter rates for transportation on corporate jets. A ban on elected officials' acceptance of free junkets from private groups will extend only until after the next election, an indication that Congress lacks the resolve to give up a major perk.

Dropped by the wayside was a plan to invigorate the slumbering congressional ethics committees with an independent public integrity office. Also deleted were requirements that lobbyists disclose contacts with lawmakers and fund-raising efforts on their behalf, a system that allows lobbyists to funnel other people's campaign cash to buy influence with key officials. A spokeswoman for House Rules Committee Chairman David Dreier, R-Calif., told Roll Call the provision was removed because it ''could have a chilling effect on lobbying.''

Given the disproportionate influence of highly paid special interest advocates on the legislative process in Washington, we thought limiting lobbyist clout over lawmakers was the whole point of reform. Dreier is apparently more concerned with the health and welfare of lobbyists than his own legislative body's reputation.

In a letter to lawmakers, a coalition of pro-reform groups appealed for the defeat of the legislation and the enactment of tough measures to rein in the influence of lobbyists. According to the missive, ''H.R. 4975 represents an effort by Members to have it both ways—holding on to the financial benefits and perks they receive from lobbyists and other special interests, while claiming that they have dealt with the lobbying and ethics problems in Congress. . . . The public will not be fooled by this phony game.''

Democracy 21 President Fred Wertheimer said the House bill ''is apparently based on the premise that you can fool all of the people all of the time.'' He points out the misleading language of the legislation, including ''a section called 'Curbing Lobbyists' Gifts' that doesn't curb gifts from lobbyists, and a section called, 'Slowing the Revolving Door,' that contains no provisions to slow the revolving door.''

How many more members of Congress, their aides and lobbyists have to be convicted of fraud, bribery and abuse of voter's trust before legislators get the message that the public is serious about ethics reform?

In pretending that their bill is something other than a self-serving sham, House leaders demonstrate just how out of touch they are. If it passes, the next chance for ethics reform may come at the polls in November.

[From Star-Telegram.com, May 3, 2006]

''ONE OF THE GREATEST LEGISLATIVE SCAMS THAT I HAVE SEEN''

(By Molly Ivins)

AUSTIN.—Either the ''lobby reform bill'' is the contemptible, cheesy, shoddy piece of hypocrisy that it appears to be . . . or the Republicans have a sense of humor.

The ''lobby reform'' bill does show, one could argue, a sort of cheerful, defiant, flipping-the-bird-at-the-public attitude that could pass for humor. You have to admit that calling this an ''ethics bill'' requires brass bravura.

House Republicans returned last week from a two-week recess prepared to vote for ''a relatively tepid ethics bill,'' as The Washington Post put it, because they said their constituents rarely mentioned the issue.

Forget all that talk back in January when Jack Abramoff was indicted. What restrictions on meals and gifts from lobbyists? More golfing trips! According to Rep. Nancy L. Johnson of Connecticut, former chairwoman of the House ethics committee, passage of the bill will have no political consequences ''because people are quite convinced that the rhetoric of reform is just political.''

Where could they have gotten that idea? Rep. David Hobson, R-Ohio, told the Post, ''We panicked, and we let the media get us panicked.''

By George, here's the right way to think of it: The entire Congress lies stinking in open corruption, but they can't let the media panic them. They're actually proud of not cleaning it up.

The House bill passed a procedural vote last week, 216–207, and it is scheduled for floor debate and a final vote today—which gives citizens who don't like being conned a chance to speak. Now is the time for a little Cain-raising.

Chellie Pingree of Common Cause said, ''This legislation is so weak it's embarrassing.'' Fred Wertheimer, president of Democracy 21 and a longtime worker in reformist vineyards, said: ''This bill is based on the

premise that you can fool all of the people all of the time. This is an attempt at one of the greatest legislative scams that I have seen in 30 years of working on these issues.''

Come on, people, get mad. You deserve to be treated with contempt if you let them get away with this.

I'm sorry that all these procedural votes seem so picayune, and I know the cost of gas and health insurance are more immediate worries. But it is precisely the corruption of Congress by big money that allows the oil and insurance industries to get away with these fantastic rip-offs.

Watching Washington be taken over by these little sleaze merchants is not only expensive and repulsive—it is destroying America, destroying any sense we ever had that we're a nation, not 298 million individuals cheating to get ahead.

I'm sorry that these creeps in Congress have so little sense of what they're supposed to be about that they think it's fine to sneer at ethics. But they work for us. It's our job to keep them under control until we can replace them. Time to get up off our rears and take some responsibility. Let them hear from you.

[From the New York Times, Apr. 26, 2006]

THE LOBBYIST EMPOWERMENT ACT

The House Republican leaders managed a new feat of cravenness during the recent recess, hollowing out their long promised ''lobbying reform'' bill to meet the dictates of—who else?—Washington's power lobbyists.

During two weeks of supposed inactivity, the leadership bill was chiseled down at the behest of K Street to an Orwellian shell of righteous platitudes about transparency and integrity. The measure to be debated this week has been stripped of provisions to require full disclosure of lobbyists' campaign fund-raising powers and V.I.P. access in Congress. The measure buries all attempts at instituting credible ethics enforcement in the House.

The nation should not be fooled. The proposal is a cadaverous pretense that Congress has learned the corrupting lessons of Jack Abramoff, the disgraced superlobbyist; Representative Tom DeLay, the fallen majority leader; and Duke Cunningham, the imprisoned former congressman. It makes a laughingstock of the pious promises of last January to ban privately financed junketeering by lawmakers. Instead, these adventures in quid pro quo lawmaking would be suspended only temporarily, safe to blossom again after the next election.

The bill's cosmetic requirements for limited disclosure are overshadowed by the brazen refusal to plug the loopholes for lobbyists' gifts or to end their lavish parties for ''honoring'' our all too easily seduced lawmakers. The G.O.P. leaders can't even marshal the courage to rein in the shameful use of corporate jets by pliant lawmakers.

It's hard to believe that members of Congress mindful of voters' diminishing respect would attempt such an election-year con. One Republican proponent had the gall to argue that we mustn't ''chill'' the right of lobbyists, the ultimate insiders, to petition government.

The true measure of the debate will be whether the House continues to suppress a bipartisan package of vigorous reforms offered by Martin Meehan, the Massachusetts Democrat, and Christopher Shays, the Connecticut Republican. These measures would at long last galvanize ethics enforcement and crimp the disgraceful symbiosis of lobbyist and lawmaker on Capitol Hill.

[From the Washington Post, Apr. 25, 2006]

SHAM LOBBYING REFORM

Do you remember, back when the spotlight was on Jack Abramoff, how House Republican leaders pledged to get tough on lobbyists? Well, you may; apparently they don't. The House plans this week to take up the Lobbying Accountability and Transparency Act of 2006, a watered-down sham that would provide little in the way of accountability or transparency. If the Senate-passed measure was a disappointment, the House version is simply a joke—or, more accurately, a ruse aimed at convincing what the leaders must believe is doltish public that the House has done something to clean up Washington.

Privately paid travel, such as the lavish golfing trips to Scotland that Mr. Abramoff arranged for members? ''Private travel has been abused by some, and I believe we need to put an end to it,'' said Speaker J. Dennis Hastert (R–Ill). But that was January; this is now. Privately funded trips wouldn't be banned under the House bill, just ''suspended'' until Dec. 15 (yes, just after the election) while the House ethics committee, that bastion of anemic do-nothingness, ostensibly develops recommendations.

Meals and other gifts from lobbyists? ''I believe that it's also very important for us to proceed with a significantly stronger gift ban, which would prevent members and staff from personally benefiting from gifts from lobbyists,'' said Rules Committee Chairman David Dreier (R-Calif.) in—you guessed it—January. Now, Mr. Dreier's bill would leave the current gift limits unchanged.

Flights on corporate jets? No problem; the bill wouldn't permit corporate lobbyists to tag along, but other corporate officials are welcome aboard while lawmakers get the benefits of private jets at the cost of a first-class ticket.

Mr. Dreier's Rules Committee took an already weak House bill and made it weaker. From the version of the measure approved by the House Judiciary Committee, it dropped provisions that would require lobbyists to disclose fundraisers they host for candidates, campaign checks they solicit for lawmakers and parties they finance (at conventions, for example) in honor of members.

The bill would require more frequent reporting by lobbyists and somewhat more detail. Lobbyists would have to list their campaign contributions—information that's available elsewhere but nonetheless convenient to have on disclosure forms. And some additional information would have to be disclosed—meals or gifts that lobbyists provide to lawmakers, along with contributions to their charities. Some lawmakers want to strengthen the bill. But will the Rules Committee allow their proposals to be considered? Rep. Christopher Shays (R-Conn.) would require lawmakers to pay market rates for corporate charters. Mr. Shays and Rep. Martin T. Meehan (D-Mass.) would supplement the paralyzed House ethics committee with an independent congressional ethics office—needed now more than ever. House Democrats have a far more robust version of lobbying reform that deserves an up-or-down vote. Having produced a bill this bad, the Rules Committee ought at least to give lawmakers an opportunity to vote for something better.

Mr. Chairman, the sad thing I think here is that, as hard as we all worked, the Democrat amendments were not allowed. We had one out of the nine that are here today, and our package of rules changes and lobbying reforms were not allowed, but we will have a chance to vote for those on the motion to recommit, and I urge people to do that.

The esteemed Houston Chronicle columnist, Craig Hines, recently wrote that I and my Democrat colleagues are right to assail the lobbying reform bill last week, but he did not let us off the hook. There is one thing we did not do, Mr. Hines said, we should have been tougher, and he is right. There is no need to mince any words here. The issue at hand is just too important to allow for pleasantries.

This bill is a sham; and by promoting it as a real reform measure, Republicans are lying to the American people.

Consider what Mr. Hines said about it. ''The bill,'' he wrote, ''is designed to get the ruling Republicans past the November election. Period.'' He said that with this bill Republicans are hoping to ''keep control of the House with a minimum change in the way the majority party has come to do business.''

And he is not alone. Every major editorial board in the country has roundly denounced this legislation. Today's Washington Post calls it ''deluded snake oil'' and said that it ''is an insult to voters who the GOP apparently believes are dumb enough to be snookered by this feint.''

Last week's Roll Call said the bill ''makes a mockery of its own title''; and the New York Times, calling it the ''lobbyist empowerment act,'' noted that the Republicans have buried ''all attempts at instituting credible ethics enforcement in the House.''

The person who is head of the lobbying organization, when asked about it, he said, oh, that little thing, absolutely in his belief saying there is nothing here.

To my friends on both sides of the aisle, your constituents are watching. If you vote for this bill, you are telling them that you are not serious about ethics reform. You are saying that you accept the leadership that promotes dishonest legislation and one that brazenly lies what its bills will do.

Despite Republican proclamations to the contrary, the scope of what this bill does not do is nothing short of stunning.

In January, the Speaker of the House, Representative HASTERT, called for an end to privately funded travel, but this bill does not end it. It merely bans it until December, one month after the election, when the Ethics Committee is supposed to weigh in on the matter. Of course, Republicans have shut down the Ethics Committee for a year and a half, and I do not expect it to rule on anything significant anytime soon.

Back in January, my colleague on the Rules Committee, Representative DREIER, said we should institute a much stronger gift ban, but the bill does not do that either.

Last week in the Rules Committee, Republicans voted down 20 more commonsense Democratic amendments out of 21 submitted, and that is 95 percent. They rejected an amendment that would prohibit securities trading by

Members and their staff based on nonpublic information. They vetoed a requirement that top officials report contacts that they have with private parties seeking to influence government action. They turned down a ban on gifts from lobbyists and an end to the inherently anti-Democratic K Street project.

Mr. Chairman, these endless omissions would be bad enough on their own, but the real reason why this legislation is such a disappointment, the real reason why it is such a missed opportunity to create the reform Americans are demanding is that it does nothing, nothing, to fix the battered and broken political process of this Congress.

□ 1330

The rules of the House and the procedures enshrined within it during our first two centuries as a Nation were conscientiously designed to be a vaccine against corruption in this body by maintaining an open and transparent legislative process, by allowing bills to be debated and amended, by permitting Members of Congress to actually read and reflect upon legislation before they are forced to vote on it. Through these means, Congress was supposed to be freed from the temptations of corruption that our Founding Fathers knew lurked in the shadows. But during the last 11 years of the Republican leadership, those shadows have spread, and today, it is hard to see the light anymore.

The results have been as outrageous as they have been predictable. Corruption has become commonplace. Members no longer need to fear public scrutiny of their actions because they work in secret, as do the lobbyists who court them and whom they court in return, all 35,000 of them. Nor do they need to forge agreements with others to get provisions through the House; they just slip them into large bills without telling anyone.

The system is broken, and as long as it is broken, it will remain corrupt. This bill was supposed to change this abysmal reality, but it will not change a thing. If we pass this legislation as it is written, secret last-minute perks and protections for big business will still be routinely added to the conference reports. The Rules Committee will still deny anyone not in the majority the right to amend legislation. Major thousand-page bills will still be dropped on the desk of Members only minutes before they have to vote for them. And when the time for the votes has come, the arm twisting and influence peddling on the very floor of this House will continue unabated, and it will go on 10 minutes, 20 minutes, an hour, even 3 hours after votes have officially ended, whatever it takes to jam the agenda of the majority through the gears of our deteriorating democracy.

None of these un-American shameful practices are even addressed in this bill, let alone prohibited. And then, as far as the majority is concerned, that will be that. The public cried out for reform after they realized the degree to which their trust and good will were being abused, and the Republicans promised change, but they have gone back on their word. This is the very opposite of a reform bill. It is instead a steadfast and cynical defense of an indefensible status quo.

Mr. Chairman, let me again address my friends on both sides of the aisle. Some of you may be afraid that a vote against this bill will be portrayed by your opponents back home as a vote against reform. But it does not have to be that way because you do have a choice here today. I will be offering a substitute in the form of a motion to recommit that will do everything the Republican bill does not and will deliver everything that the American people expect from lobbying reform: it will ban travel on corporate jets as well as gifts and meals from lobbyists. It will shut down the K Street Project. It will end the practice of adding special interest provisions to conference reports in the dead of night. It will increase transparency for all earmarks, toughen lobbyist disclosure requirements and, most importantly, set up a structure for real enforcement of lobbyist requirements.

Today is a moment of truth for this Congress. You can vote for the Republican bill before us and tell an entire Nation that you really do not care about what it thinks, or you can vote ''yes'' on the motion to recommit and pass the Democratic substitute. I urge my colleagues in the strongest possible words to do what is right for this Congress and for this Nation.

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

Mr. DREIER. Mr. Chairman, let me just say that I have not been in Alice in Wonderland until I heard my colleague talk about it. So much for bipartisan comity. I am very proud to be working with Democrats on this important legislation, but as I listen to this mischaracterization of our strong bipartisan reform effort, I am somewhat stunned.

Mr. Chairman, I am very happy to yield 4 minutes to an individual who has worked as hard or harder than anyone on this issue of reform, the distinguished chairman of the Committee on Standards of Official Conduct, my Rules Committee colleague, the gentleman from Pasco, Washington (Mr. HASTINGS).

Mr. HASTINGS of Washington. Mr. Chairman, I rise today in strong support of H.R. 4975, the Lobbying Accountability and Transparency Act. Mr. Chairman, the American people have every right to expect the highest ethical standards here in the people's House.

In order to uphold the integrity of Congress as an institution, we must go a step further to enhance transparency and accountability with respect to lobbying activities. The Lobbying Accountability and Transparency Act does just that while preserving the right of Americans to petition their government.

Much like other bills that are brought to this floor, this bill is a compromise, and I would like to commend Chairman DREIER for seeking input from Members on both sides of the aisle, but especially for the long, hard work that he has worked on this issue since the turn of the year. This was no easy task. And as the chairman said, this is only the start of the process. But because this is a compromise, I believe that there are areas in which this bill can be improved. For that reason, I am pleased that we will have an opportunity to consider an amendment later today that I have cosponsored that will further improve the bill with regard to privately funded travel for Members of Congress.

Much concern has been raised in recent months over abuse of House rules that permit Members and staff to accept privately funded travel connected with the performance of their official duties. Upon passage by the House, the legislation before us today would temporarily suspend such travel and direct the Ethics Committee to propose to the House new rules for approving and disclosing privately funded travel.

As several of my colleagues will note later on, I am sure, and have noted in the past, privately funded travel often serves a very useful purpose, and the temporary suspension is not intended to signal that something is inherently wrong with these private trips. Instead, the temporary suspension recognizes that, until a new travel system can be put in place, Members taking such trips do so at considerable risk of public criticism that is in many instances unwarranted.

For that reason, the bipartisan Lungren-George Miller-Hastings-Berman-Cole amendment was proposed as a stop gap measure designed to protect Members and staff who have already made plans to travel during the 6 weeks between now and mid-June when the House is expected to act on recommendations for new travel rules to be proposed by the Ethics Committee.

Very simply, our amendment provides that privately funded travel may be accepted during this interim period whenever two-thirds members of the Ethics Committee vote to approve the proposed trip. This mechanism, which will be in place for only a relatively short period of time, will make it possible for worthwhile trips to go forward while ensuring that all privately funded travel is carefully scrutinized for compliance with applicable House rules.

I am pleased that several of my distinguished colleagues on both sides of the aisle, including the new ranking minority member of the Ethics Committee, Mr. BERMAN, have had a hand in crafting this interim travel approval mechanism. I look forward to working closely with Mr. BERMAN not only to

ensure that this process runs smoothly but also on a bipartisan basis to develop clear and workable rules for approving privately funded travel that the Ethics Committee will communicate to all Members and staff.

Mr. Chairman, I urge adoption of the bill.

Ms. SLAUGHTER. Mr. Chairman, I am pleased to yield 2 minutes to the gentleman from Virginia (Mr. SCOTT).

Mr. SCOTT of Virginia. Mr. Chairman, I rise in opposition to the bill because it does nothing to reduce corruption and lobbying.

Mr. Chairman, I had an amendment that was adopted in the Judiciary Committee. That language was subsequently stripped from the bill by the Rules Committee. That amendment would have simply required a study of the practice by which some lobbyists appear to be charging percentage contingent fees for obtaining earmarks in appropriations bills. Now, when you combine that idea with the K Street Project where you are supposed to be hiring a Republican lobbyist who is supposed to be contributing back to the legislators, you can see just how ugly a practice this can be. My amendment would have simply asked for a study of the prevalence of that practice.

Mr. Chairman, these kinds of contracts are illegal when lobbyists are representing foreign governments and are illegal in some activities involving the Executive Branch. They are illegal in 39 State legislatures. However, it does not appear to be illegal lobbying Congress under Federal law. The Congressional Research Service in a memorandum dated September 21, 2000 cites a legal treatise which says that these contracts furnish the strongest incentive to the exertion of corrupting and sinister influences and are utterly void against public policy.

Supreme Court Justice Oliver Wendell Holmes was cited in that same memorandum as saying that they have a tendency in such contracts to provide incentives towards corruption. In fact, an 1853 Supreme Court case said that common law will not lend its aid to enforce a contract to do an act which is inconsistent with sound morals or public policy, or which tends to corrupt or contaminate by improper influences the integrity of our social or political institutions.

Mr. Chairman, true lobbying reform ought to remove corruption from lobbying, and if we are going to be serious about that, we ought to at least study the prevalence of these contracts which everybody knows has a corrupting influence. By removing the amendment, it is clear that that was not the purpose of the bill, and I urge my colleagues to oppose the legislation.

CONGRESSIONAL RESEARCH SERVICE,
Washington, DC, Sept. 21, 2000.

MEMORANDUM

Subject: Contingency Fees for Lobbying Activities.

From: Jack Maskell, Legislative Attorney, American Law Division.

This memorandum is prepared in response to requests from congressional offices for information about whether one may lawfully have a contingency fee arrangement for ''lobbying'' activities in which the fee for such lobbying activities is contingent upon the success of ''lobbying'' efforts in having legislation passed in the United States Congress.

There is no statute under federal law which expressly addresses the issue of contingency fees with respect to all lobbying activities generally before the Congress. Contingency fees may be expressly barred, however, under certain circumstances. There is in federal law an express prohibition against contingency fee arrangements with respect to seeking certain contracts with the agencies of the Federal Government. Activities which might generally or colloquially be called ''lobbying,'' but which involve making representations on behalf of private parties before federal agencies to obtain certain government contracts, may thus be subject to the contingency prohibitions. The reason for such ban has been explained as follows: ''Contractors' arrangements to pay contingent fees for soliciting or obtaining Government contracts have long been considered contrary to public policy because such arrangements may lead to attempted or actual exercise of improper influence ....''

Contingency fees are also prohibited for lobbying the Congress by persons who must register as agents of foreign principals under the Foreign Agents Registration Act. The prohibition is upon agreements where the amount of payment ''is contingent in whole or in part upon the success of any political activities carried on by such agent.'' The covered ''political activities'' of such agents under the Foreign Agents Registration Act include any activity which the agent ''intends to, in any way influence any agency or official of the Government of the United States ... with reference to formulating, adopting, or changing the domestic or foreign policies of the United States ...,'' and thus include the activities of ''lobbying'' Members and staff of Congress on legislation or appropriations.

Although there is no general, express federal law barring all contingency fees for successful lobbying before Congress, there is a long history of judicial precedent and traditional judicial opinion which indicates that such contingency fee arrangements, when in reference to ''lobbying'' and the use of influence before a legislature on general legislation, are void from their origin (ab initio) for public policy reasons, and therefore would be denied enforcement in the courts. In some instances contingency fee arrangements based on the success of legislation have been upheld in a few courts, however, when the duties contracted for were professional services that did not involve traditional, statutorily defined ''lobbying'' or the use of personal influence before the legislature, or where the client had a legitimate claim or legal right to be asserted in a matter before the legislature (e.g., ''debt legislation'').

The concern of potential temptations from overzealousness and undue influences which certain ''all or nothing'' contingency arrangements might engender has also been the reason behind the public policy disfavoring contingency fees in the case of lobbying the legislature. As summarized in one legal treatise: ''Agreements under which the compensation for procuring or influencing legislative action is made contingent upon the success of the undertaking furnish the strongest incentive to the exertion of corrupting and sinister influences to the end that the desired legislation may be secured, and there is a long line of cases which holds that if the agreement is one in which the compensation is contingent upon success in accomplishing the end sought, it is utterly void as against public policy.''

The United Stats Supreme Court addressed the issue in Hazelton v. Sheckells, in 1906. In that case the Court refused specific performance of a contract to convey a deed as compensation for services where ''the services contemplated as a partial consideration of the promise to convey were services in procuring legislation upon a matter of public interest, in respect of which neither of the parties had any claim against the United States.'' As established in the conveyance document, such agreement ''was in substance a contingent fee,'' dependent upon the passage of legislation by the Congress. Justice Oliver Wendell Holmes, writing for the Court, explained that it was the ''tendency'' in such contract agreements to provide incentives towards corruption, and not necessarily any actual corrupt activity in a particular contract or case, that made these contingent arrangements void for public policy reasons. Thus, the Court found that even though the services in this case were legitimate, that ''[t]he objection to them rests in their tendency, not in what was done in the particular case,'' especially since if there had been undue or improper influence ''it probably would be hidden and would not appear.'' The Court stated that ''in its inception'' the contingency fee arrangement ''necessarily invited and tended to induce improper solicitations, and it intensified the inducement by the contingency of the reward.'' The Court found that earlier Supreme Court precedent had established ''that all contracts for a contingent compensation for obtaining legislation were void,'' and refused to enforce the contract in question.

The judicial disfavor expressed by the Supreme Court for contingency contracts for lobbying on general legislation dates back at least to 1853, when in Marshal v. Baltimore & Ohio R.R., supra, the Court with reference to secret contingent contracts explained:

''It is an undoubted principle of the common law, that it will not lend its aid to enforce a contract to do an act . . . which is inconsistent with sound morals or public policy; or which tends to corrupt or contaminate, by improper influences, the integrity of our social or political institutions. . . . Legislators should act from high consideration of public duty. Public policy and sound morality do therefore imperatively require that courts should put the stamp of disapprobation on every act, and pronounce void every contract the ultimate or probable tendency of which would be to sully the purity or mislead the judgments of those to whom the high trust of legislation is confided.

''. . . Bribes in the shape of high contingent compensation, must necessarily lead to the use of improper means and the exercise of undue influence. Their necessary consequence is the demoralization of the agent who covenants for them; he is soon brought to believe that any means which will produce so beneficial a result to himself are ''proper means''; and that a share of these profits may have the same effect of quickening the perceptions and warming the zeal of influential or ''careless'' members in favor of his bill.''

In a more recent federal case on this subject, a United States Court of Appeals in 1996, in Florida League of Professional Lobbyists, Inc. v. Meggs, upheld against a constitutional challenge on First Amendment

grounds the State of Florida's specific legislative ban on contingency fee contracts for lobbying. The court there reaffirmed, albeit reluctantly, the long-recognized judicial precedents concerning the general public policy against such contingency fees for lobbying. The court noted that there was no direct precedent overturning the older Supreme Court cases directly on point on contingency fees and lobbying, but did seem sympathetic and responsive to the plaintiff's arguments that more modern cases on the First Amendment and compensation for advocacy might eventually warrant a different outcome on this issue:

''Florida points out that in cases decided well before the articulation of 'exacting scrutiny,' the Supreme Court specifically held that contracts to lobby for a legislative result, with the fee contingent on a favorable legislative outcome, were void ab initio as against public policy . . . [citations omitted]. The League does not contest the applicability of these older decisions to this case. And, we are persuaded that these decisions permit a legislature to prohibit contingent compensation. The League, however, suggested at argument that the extensive, interim developments of First Amendment law established conclusively that the Supreme Court today would strike a contingent-fee ban on lobbying.

''This prediction may be accurate, but we are not at liberty to disregard binding case law that is so closely on point and has been only weakened, rather than directly overruled, by the Supreme Court.''

As to State statutory bans on contingency fees for lobbying, it should be noted that as of this writing most of the States (39) have existing in their state codes an express prohibition against such contingency fees for lobbying activities. See, for example, Alabama (§36–25–23(c), Michie's Ala. Code); Alaska (sec. 24.45.121 (a)(6), Alaska Statutes); Arizona (sec. 41–1233(1), Arizona Rev. Statutes); California (Government Code, §86205(f), Annotated Calif. Codes); Colorado (sec. 24–6–308, Colorado Rev. Statutes); Connecticut (§1–97(b), Conn. Gen. Statutes Ann.); Florida (§11.047 [legislature]; §112.3217 [executive branch], Florida Statutes Ann.); Georgia (sec. 28–7–3, Official Code of Georgia Ann.); Hawaii (sec. 97–5, Hawaii Rev. Statutes Ann.); Idaho (sec. 67–6621(b)(6), Idaho Code); Illinois (S.H.A. 25 ILCS 170/8); Indiana (sec. 2–7–5–5, Burns Ind. Statutes Ann.); Kansas (sec. 46–267, Kansas Statutes Ann.); Kentucky (sec. 6.811(9), Kentucky Rev. Statutes); Maine (Title 3, §318, Maine Rev. Statutes Ann.); Maryland (State Government, §15–706, Michie's Ann. Code of Md.); Massachusetts (Ch. 3, §42, Mass. Gen. Laws Ann.); Michigan (sec. 4.421(1) Mich. Compiled Laws Ann.); Minnesota (sec. 10A.06, Minn. Statutes Ann.); Mississippi (sec. 5–8–13(1), West's Ann. Miss. Code); Nebraska (sec. 49–1492(1), Revised Statutes of Neb.); Nevada (sec. 218.942(4), Nev. Revised Statutes Ann.); New Mexico (sec. 2–11–8, New Mexico Statutes); New York (Book 31, Legislative Law, §1–k, McKinney's Consolidated Laws of N.Y. Ann.); North Carolina (sec. 120–47.5(1), Gen. Statutes of N.C.); North Dakota (54–05.1–06, N.D. Century Code Ann.); Ohio (sec. 101–77, Page's Ohio Rev. Code Ann.); Oklahoma (Title 21, §334, Oklahoma Statutes Ann.); Oregon (sec. 171.756(3), Oregon Rev. Statutes); Pennsylvania (65 Pa. Cons. Statutes Ann. §1307(a)); Rhode Island (sec. 22–10–12, Gen. Laws of R.I.); South Carolina (§2–17–110(A), Code of Laws of S.C.); South Dakota (sec. 2–12–6, S.D. Codified Laws); Texas (Government Code, 305.022, Vernon's Texas Codes Ann.); Utah (sec. 36–11–301 (Utah Code Ann.); Vermont (Title 2, 266(1), Vt. Statutes Ann.); Virginia (§2.1–791, Code of Va.); Washington (§42.17.230(f), West's Rev. Code of Wash. Ann.); Wisconsin (sec. 13.625(d), Wise. Statutes Ann.).

As noted, the weight of judicial opinion has been either to uphold such restrictions against challenges, or in some cases in the absence of an express statute to judicially find such contingency fee arrangements void for public policy reasons. In one instance in the 1980's, however, a provision, enacted as a result of a state initiative, barring all contingency fees for legislative lobbying activities was struck down by a state court as an overbroad intrusion into the right to petition the government. The Supreme Court of Montana found the law ''overbroad because it precludes contingent fee agreements that are properly motivated as well as those that are improperly motivated'' and as such, the ''ability of individuals and organizations to fully exercise their right to petition the government may be severely curtailed by this broad prohibition.''

While the existing state of the law is clearly for most States to continue to expressly prohibit by law contingency fee agreements with respect to legislative lobbying on general legislation, and to have those prohibitions upheld (or to consider such contingency agreements void for public policy reasons where there is no express law, as is the case with respect to lobbying before Congress), other interpretations have permitted such arrangements where an agent, attorney or representative is seeking legislation based upon a claim or similar legal interest or right to be asserted against the government, or when such action involves conduct and activity that is done in the normal course of client representation by an attorney and is not expressly contemplated by the original contract.

There have also been cases where legitimate professional services are contracted for, such as, for example, the drafting of legislative language, as opposed to merely engaging another's ''influence'' to ''lobby,'' when such an arrangement for services, even if based on the contingency of the passage of legislation, has been permitted. Such cases have been described as related to contracts where the ''services rendered thereunder did not partake of anything in the nature of lobbying....'' Although relating to legislation, the services in question were not necessarily within a specific or narrow definition of ''lobbying'' in the sense that nothing that was contracted for involved any activities attempting to ''exert private or personal influence with members of the legislature, or in interviewing or bringing pressure to bear on them....'' In making arguments for allowing such contingent fees in cases of professional services rendered in relation to legislation where no undue influences are contemplated or used, and no traditional ''lobbying'' is conducted, it has been suggested that such permissibility of the fee arrangement would have no more ''influencing'' tendency than in the permissible instance of one representing oneself before the legislature (and thus having an even greater financial stake than an agent in the outcome), or if an agent or attorney represented a client before a judicial panel, i.e., a court.

JACK MASKELL,
Legislative Attorney.

Mr. DREIER. Mr. Chairman, I am very happy to yield 1½ minutes to my very good friend from Charleston, West Virginia, a hardworking member of the Rules Committee (Mrs. CAPITO).

Mrs. CAPITO. Mr. Chairman, I would like to thank the chairman of the Rules Committee, Mr. DREIER, for his hard work and leadership in drafting the Lobbying Accountability and Transparency Act of 2006. It has been a tough job, and it has been a pleasure to work with him on this important reform legislation in the Rules Committee.

Mr. Chairman, we are all well aware of the recent scandals that have plagued the House of Representatives. The unscrupulous action of a few Members and staff has severely damaged this hallowed body that we are privileged to serve in. What is even more disturbing is that some see this as an opportunity for political gain. The recent scandals transcend political affiliation and ideology, and it is incumbent upon all Representatives to come together and restore the integrity of the House. This is not the time for catchy phrases and rhetoric. Rather, it is the time for each of us to step up and adhere to the duties as a Member of Congress.

I am especially pleased that this legislation includes language that I sponsored in the Rules Committee to strengthen and improve ethics training for staff and Members of Congress. This section would require all staff to attend an ethics training course or face severe penalty. It also requires that the Committee on Standards of Official Conduct will set up a similar program for Members and strongly encourages them to participate. I certainly plan to.

I realize that this may seem harsh to some, but my staff, who I require to have ethics training, now have benefited greatly from these training sessions, and I firmly believe that all staff should share in this experience. This measure ensures that all staff will receive this training.

This legislation also instructs the Standards Committee to report to the Rules Committee by no later than December 15 on the adequacy of the rules. The legislation is good progress. Thank you for granting me the time, and thank you for your leadership on this issue.

Ms. SLAUGHTER. Mr. Chairman, I yield 1 minute to the gentleman from Washington (Mr. BAIRD).

Mr. BAIRD. Mr. Chairman, all the American people really need to know about this lobbying bill is that our friends on the Republican side of the aisle want to clean up Congress the way teenagers want to clean up their bedrooms. Instead of socks and sweatshirts and whatnot strewn about the floor, we have lobbyists' money and special gifts and favors. And instead of really taking it out and putting it out of the body of this Congress, what they want to do is sweep it under of the bed, so when the public's attention is not looking, we can just call it right back out. This is a sham bill. It is not a real reform.

Let me point out two things that they did not address. This reform bill does nothing to give Members of Congress more time to read legislation. We offered an amendment that would have allowed 72 hours for Members and the

public to read legislation. It was not even allowed to be brought up for debate. This amendment does not do anything to ban insider trading by Members of Congress or lobbyists. It is not illegal currently for Members of Congress to share information with lobbyists who then share it with investors who can make a fortune on this. It is illegal in the private sector, but the leadership on the Republican side refused to make it illegal for Members of this Congress. We are cleaning up Congress the way teenagers clean up their bedroom, and the result will be the same mess we started with.

Mr. DREIER. Mr. Chairman, may I ask of the Chair how much time is remaining on each side.

The Acting CHAIRMAN (Mr. PRICE of Georgia). The gentleman from California has 13 minutes remaining, and the gentlewoman from New York has 19 minutes remaining.

Ms. SLAUGHTER. Mr. Chairman, I yield 2 minutes to the gentleman from Massachusetts (Mr. MEEHAN).

Mr. MEEHAN. Mr. Chairman, I rise in opposition to the so-called Lobbying Accountability and Transparency Act. A poll released just last week found that the Congress had a dismal approval rating of just 22 percent. That is an unprecedented 10 percent drop from the last poll. With this closed rule and this bill, we can see why the American people have lost faith in their elected representatives. This is not real reform; it is a sham.

Congressman SHAYS and I tried to offer a package of amendments to bring transparency and credibility back to the ethics process. Our amendments would have created an office of public integrity, increased grassroots lobbying disclosure, increased general lobbying disclosure, required Members of Congress to pay charter costs for planes made available by corporations, and limited gifts.

□ 1345

I have also worked with Mr. EMANUEL on two more amendments to strengthen this bill. Both were denied.

Instead of allowing an open debate on our proposals, the leadership proposed and decided that it would be business as usual.

What do I mean by ''business as usual''? Well, I mean last year we voted an energy bill written by big oil companies loaded with $12 billion in tax breaks for the oil and gas industry. What was the result? Consumers are suffering with high gas prices at the pump today, over $3 a gallon for gasoline.

Recently, lobbyists for the pharmaceutical industry wrote a prescription drug bill that increased their profits and did nothing to help seniors. The result: seniors are stuck with a confusing prescription drug plan that does little to help them with their costs.

Today, the Republican leadership has chosen to continue to be an outlet for moneyed special interests that are not accountable to anyone. Real lobbying reform must end the practice of corporate lobbyists writing our laws. The so-called Lobbying Accountability and Transparency Act is neither accountable nor transparent. It does nothing to address the problems in the current lobbying system. This bill is not going to fool the public.

Ms. SLAUGHTER. Mr. Chairman, I yield 2 minutes to the gentleman from Texas (Mr. DOGGETT).

Mr. DOGGETT. Mr. Chairman, corruption is rampant in Washington, and we are now in the fifth month of this congressional session. About the only action these Republicans have taken is to enact a harsh punishment. Yes, they have enacted a punishment on all of the fat cats. They have said that lawmakers-turned-lobbyists can no longer use the House gym. Apparently, the thinking here is that fat cats will no longer be entitled to skinny lobbyists.

Where the real sweating has actually taken place in these five months, where the real heavy lifting has occurred, is by Republicans who have been in a continual workout to create the impression they were doing something while actually changing nothing about the way this House operates. It was as if the idea was to have a press conference and give a few speeches and not expect anything to happen because that press conference announcing their legislation was the high-water mark. After that, as to each provision of the bill it was the weak getting weaker at every stage of this process.

How do you measure the cost of corruption to the American people that is occurring here? The cost is reflected in the experience that our seniors (and those who are helping them) are having right now with the prescription drug bill written for pharmaceutical manufacturers instead of the people that needed the help. The cost is reflected in the no-bid contracts, whether in Iraq or in response to Hurricane Katrina, and the price that the jobless, the homeless, and the hopeless are paying for the corruption of this Administration. The cost of a failed energy policy is reflected in the price we pay at the pump every time we fill up. That is the cost of corruption.

The bill before us today is not designed to curb the cost of corruption, just to deflect criticism from Republicans for doing nothing about it. The culture of corruption will not end in this city and in this country with one Member's conviction or resignation, and it certainly will not end when the Republican leadership is here today simply resigned to business as usual.

Ms. SLAUGHTER. Mr. Chairman, I yield 3 minutes to the gentleman from Maryland (Mr. HOYER), the minority whip.

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

Mr. HOYER. Mr. Chairman, who do our Republican friends believe they are fooling today with this so-called lobbying ''reform'' bill?

I submit: not a soul. Certainly not the American people and certainly not editorial writers who have examined this legislation.

The San Antonio New Express called the Republican bill ''a disgraceful sham.''

The Milwaukee Journal Sentinel calls it ''miserable.''

The Philadelphia Inquirer says, ''The House is just playing pretend.''

The New York Times calls it ''an Orwellian shell of righteous platitudes about transparency and integrity.''

And public interest groups have derided this Republican bill as a ''complete joke,'' ''a total scam,'' and ''phony.''

Let no one here be mistaken: this bill is not driven by a desire to address the most serious lobbying and ethics scandal this body has experienced in a generation. I have said before, and I repeat: the failure of ethics and honesty have been of conduct, not of rules. But rules can both inform of expectations and propriety.

The greed and flagrant abuses of convicted felons, former Republican Member Duke Cunningham and Republican lobbyist Jack Abramoff, hang over this House like a dark cloud.

The K Street Project, proudly promoted by Mr. DELAY and Senator SANTORUM and the Republican leadership, in which quid pro quo was the blatantly articulated standard of conduct, is the most flagrant example of the aptly named ''culture of corruption.''

This empty shell of a bill is driven by one thing: the majority's cynical calculation that it will not pay a price with voters this November for failing to take meaningful steps to end this culture of corruption.

The chairman of the Rules Committee was quoted as saying that the adoption of the reform package ''would get this,'' meaning the repeated instances of rules violations and criminal conduct, ''behind us.''

The adoption of this bill or any bill will not do that. Only honest, ethical, principled behavior over a period of time will do that. But a strong reform package would have been a start. Sadly, that has not been an option before us today.

It does not diminish our moral responsibility, however, to demand and ensure ethical and honest behavior by all of us, not an endless political game of cross claims and allegations, but by an Ethics Committee that does not shun its responsibilities and sit moribund in the face of scandal after scandal. The people expect more of us. We should give it to them.

It may be fitting that this do-less-than-the-do-nothing Congress of 1948 Republican Congress is forcing Members to vote on this do-almost-nothing bill.

The American people see right through this ruse.

And they deserve better.

Lobbyists must be required to act honestly and ethically. But, it is Members who have sworn an oath before God and our fellow citizens to uphold the laws and protect the Constitution.

It is Members who bear the direct responsibility for the honest administration of the people's business. This Congress is not meeting that responsibility.

It is clear, Mr. Speaker, that the Republican leadership does not want a real debate on these issues.

Democrats offered a much stronger alternative, but the majority refused to allow it to be considered.

So much for openness, transparency and democracy.

I urge my colleagues: Vote against this Republican ruse.

Mr. DREIER. Mr. Chairman, I yield myself 30 seconds to respond.

My friend said, if we have a small bill. We don't have a small bill. This is a very, very strong package that we have come forward with.

He has talked about outside organizations that have criticized this. I am very happy that three of the recommendations that outside organizations have provided to us are included in this. We have included input from a wide range of entities.

This is a package that does double the disclosure rate for lobbyists when it comes to their activities that relate to this institution. We have very strong reforms.

Mr. Chairman, I yield 1½ minutes to the gentleman from Mesa, Arizona (Mr. FLAKE).

Mr. FLAKE. Mr. Chairman, I commend the leadership for bringing this bill forward. We can beat up on lobbyists all day long. It is an easy thing to do. There has been a lot of it going on; and, in the end, it is neither here nor there, in my view.

What is important is what we do to reform this institution and our own behavior. Part of our behavior that needs reforming is earmarks. Over the past 10 years, we have seen earmarks explode from some 2,000 in all appropriations bills to more than 15,000 today. That is simply, simply unacceptable.

What this legislation does is put a Member's name next to every earmark and ensures that anyone in the House can challenge that earmark at any point in the process. That is real reform because what we need is accountability and transparency. This bill goes a long way toward doing that.

Could it go further in certain areas? Sure it could. We will see some of those in the amendment process. But it is a start, and it is something positive, and we ought to take it in particular regard to earmark reform.

Again, I commend the leadership for bringing it forward and plan to vote for it. I urge all Members to do so as well.

Ms. SLAUGHTER. Mr. Chairman, I yield 3 minutes to the gentleman from Illinois (Mr. EMANUEL).

Mr. EMANUEL. Mr. Chairman, last May, nearly a year ago, my colleagues Mr. MEEHAN, Senator FEINGOLD and I introduced the first lobbying reform legislation in the Congress. It has the support of Public Citizen, Common Cause, and non-partisan scholars like Norm Ornstein and Tom Mann, none of whom support the bill that is on the floor today.

We said then it would take bipartisan cooperation to get real reform. This legislation has chosen politics above progress, business as usual, rather than breaking the gridlock of the special interests.

Today, we are considering the incredible shrinking bill. With each passing day, it has become weaker and smaller. If we were going to vote on it tomorrow, it probably would be a blank page.

The Washington Post calls it a ''watered down sham,'' ''simply a joke,'' ''diluted snake oil,'' and ''an insult to voters who the GOP apparently believes are dumb enough to be snookered by this feint.''

The New York Times called it a ''laughingstock'' and ''an election year con.''

Republican Congressman HEFLEY, the former chairman of the Ethics Committee representing the Republican Caucus, said, ''In terms of ethic process reform, I don't think we have much of that here. And I think actually we are missing an opportunity here.''

Of the restrictive rule, he said, ''The bottom line for me is why can we not have debate and vote on these issues and a number of others? I believe we need to defeat the rule and then do what my majority leader and the chairman have said: work on a bipartisan basis on a new bill, on new rules that will allow some debate.''

He is upset because this bill does not offer an independent Office of Public Integrity. It does not ban gifts from lobbyists. It does not ban lavish junkets. It does not close the revolving door that allows Members of Congress and the administration to go to K Street and become lobbyists. In fact, there are more former Members who are lobbyists today in K Street than there are in either caucus; 270 former Members now lobby the institution. There is no disclosure of lobbyist contacts with members of the administration or disclosure of grass roots lobbying.

Mr. Chairman, we have an institutional problem; and it requires an institutional solution. Whether it is record gas prices, sky-high medical costs, out-of-reach tuition, the American people are paying a price for the House that Jack and Duke and Tom built; and they cannot afford much more.

When you guys came to Washington in 1994, you said you were going to change Washington; and Washington has changed you. It has become clear in the last 12 years, rather than have a contract with America, you have a contract with K Street.

When the gavel for the Speaker comes down, it is intended to open the people's House, not the auction house. When you look at the prescription drug legislation, you look at the energy legislation, you look at what they contributed, you see the results: $86 million for lobbying by Big Oil and $15 billion in taxpayer subsidies to Exxon and Mobil. There is $139 million in contributions and lobbying expenses by the pharmaceutical industry and $140 billion in additional profits by the pharmaceutical company. It is as plain as black and white.

What has happened here in Washington is as clear as night and day. You can either see it for what it is or accept it. This legislation does nothing to reform or change the business and the politics that is conducted here and the vicious circle between K Street and the administration and what happens here in the people's House.

This legislation was supposed to break that gridlock of that triangle. Instead, it reinforces and allows business as usual; and it allows the House that Tom and Jack and Duke built to continue.

You came here as revolutionaries. Rather than change Washington, Washington has changed you and all your principles. As Washington always says, you are firm in your opinion, it is your principles you are flexible on.

This time you have missed a historic opportunity to change Washington. What we have seen is the dominance of the special interests on the people's House. This election is about making sure that gavel returns to the American people and it does not open up this auction House but returns to the people's House.

ANNOUNCEMENT BY THE ACTING CHAIRMAN

The Acting CHAIRMAN (Mr. PRICE of Georgia). The Chair admonishes all Members to direct their remarks to the Chair and not to another in the second person.

□ 1400

Mr. DREIER. Mr. Chairman, that is exactly what I was going to say, what the Chair just said. I am sure that my colleague from Chicago, my very good friend, was not in any way impugning the integrity or motives of any of his colleagues in this institution.

And I should say that the legislation itself very specifically says that no Member may have any decision that is impacted that influences an outside hiring decision that another Member raises, and so that is raised in this.

Mr. Chairman, I yield 1½ minutes to my very good friend, a great reformer, the gentleman from Phoenix (Mr. SHADEGG).

Mr. SHADEGG. Mr. Chairman, I rise in strong support of this bill and commend the chairman for his hard work on it.

Witness after witness on the other side has stood up and said, well, this is wrong with it, and that is wrong with it, and this is wrong with it. I want to make the point that, in the course of this debate, while we have been here on the floor, the press has broken a story that a businessman just pled guilty to paying a $400,000 bribe to a Member of this institution.

Now, I am not going to mention that Member's name. I don't think we need

to sink to that level. But it does yet, once again, in the midst of this debate, illustrate the need for this bill.

Of course you can always stand on the outside and criticize the efforts of those who are in the arena doing the job. But this bill does take steps forward.

My colleague on the other side just said it does nothing to change the policies that govern this institution. That is simply flat wrong. This bill, for example, enacts dramatic new earmark reform which has not existed prior to now, which will shine sunshine on earmarks so that if a Member tries to steer an earmark to their personal benefit, or any earmark, it can be seen.

I would have wished we would move quicker on this, and indeed, perhaps there are some things we could have done sooner. But it takes time to build a coalition. This bill ends the situation right now where a Member convicted of bribery may collect his pension funded by the American taxpayers after his conviction. If that doesn't create a different incentive in this institution, I don't know what it does.

I would reiterate the chairman's marks. You cannot oppose this legislation, vote against it and say you are voting for reform, because what you are doing is leaving in place the current rules which do not go far enough.

I include in the RECORD a letter from the Congressional Research Service referencing the loss of Federal pension annuity payments for conviction of certain crimes and contract issues.

CONGRESSIONAL RESEARCH SERVICE,
Washington, DC, April 27, 2006.

MEMORANDUM

To: Honorable John B. Shadegg
From: Jack Maskell, Legislative Attorney, American Law Division.
Subject: Loss of Federal Pension Annuity Payments for Conviction of Certain Crimes and Contract Issues.

This memorandum is submitted in response to your request for a brief legal analysis of the permissibility of changing, by legislation, the annuity formula and availability of annuity payments under the federal retirement system for federal officers and employees, including Members of Congress, if those employees, officers or Members commit certain federal crimes in the future.

Constitutional considerations concerning the ex post facto clause of the United States Constitution counsel against an attempt to retroactively deprive former or current officers, employees, or Members of Congress their federal pensions, that is, based on a conviction of law for conduct that occurred before the current legislative changes proposed to the pension laws are enacted. A prohibited ex post facto law is one which makes criminal an action which when engaged in was innocent under the law or, as explained by the Supreme Court in 1798: ''Every law that changes the punishment, and inflicts a greater punishment, than the law annexed to the crime, when committed. Chief Justice Marshall explained simply and clearly that an ex post facto law ''is one which renders an act punishable in a manner in which it was not punishable when it was committed.'' Regarding specifically the pensions of federal officers and employees, a lower federal court in the celebrated Alger Hiss case found that the ''Hiss Act'' was, if applied retroactively to deny Alger Hiss his pension, punitive in nature and not regulatory, and was therefore a prohibited ex post facto law adopted by Congress after Hiss had engaged in the subject conduct:

The question before us is not whether Hiss or Strasburger are good or bad men, nor is it whether we would grant them annuities if we had unfettered discretion in the matter. The question is simply whether the Constitution permits Congress to deprive them of their annuities by retroactive penal legislation. We conclude that it does not. We hold that as applied retroactively to the plaintiffs the challenged statute is penal, cannot be sustained as regulation, and is invalid as an ex post facto law prohibited by the Constitution.

Legislation which is prospective only, such as the provisions of the current proposed pension changes in H.R. 4975, 109th Congress, do not appear to offend the constitutional clause relating to ex post facto laws. The provisions of H.R. 4975 would apply the further penalty of loss of creditable service for one's federal annuities to those who are convicted of particular federal offenses (such as bribery, acting as an agent of a foreign principal, and conspiracy to commit such offenses) only after, that is, subsequent to, the enactment of the proposed legislation. It is not a violation of the ex post facto clause to increase by legislation the penalties of criminal offenses committed after the enactment of that legislation.

As to any future annuity payments affected, even those ''earned'' or expected prior to the commission of the particular crime in question, judicial precedents have provided a clear indication that future annuity payments to be provided by the Government for its officers, employees, veterans or others, do not create a current property right or interest in such future payments, but rather create a mere ''expectancy'' or ''government fostered expectation'' which may be modified, revoked or suspended by the authority granting it through subsequent legislation. That is, as specifically found by federal courts, ''even where . . . there has been compulsory contribution to a retirement or pension fund the employee has no vested right in it until the particular event happens upon which the money or part of it is to be paid,'' and thus a ''pension granted by the Government confers no right which cannot be revised, modified or recalled by subsequent legislation.'' There would appear to be no violation or abrogation of any specific ''contract'' by increasing the penalties for the violations of certain specific crimes to include forfeiture or partial forfeiture of anticipated federal annuity payments, even those future benefits which had accrued (or for which credit had been ''earned'') prior to the commission of the crime. It should be noted that the current provisions of the so-called ''Hiss Act,'' originally adopted in 1954, operate in the manner questioned, that is, a federal officer's or employee's annuity payments, even those that were ''credited'' to him or her or ''earned'' over the course of many years with the federal government, may be forfeited upon the subsequent conviction of one of the particular national security-related crimes designated in the Hiss Act.

While there exists no current property interest or vested right in future benefits and payments under the federal retirement system, there are substantial arguments and indications that there does exist a current, vested property interest of federal employees in the contributions that the employees or officers themselves make to the retirement system. In a tax related case, a United States Court of Appeals found that an employee's contributions to the retirement system ''represent valuable rights which were vested in him at the time . . .'' and are therefore currently taxable income to the employee: ''Present vesting of a right, even if its enjoyment is postponed to the happening of a future event, is an important aspect of gross income for income tax purposes.'' As to the employee contributions to and earnings in one's Thrift Savings Plan, the legislative history of the provisions establishing the Federal Employee Retirement System (FERS) indicates that Congress intended for such an account and its earnings to be a current vested property interest of the employee, which is not merely a promised future benefit, but rather ''is an employee savings plan'' where the ''employee owns the money'' which is merely being held ''in trust for the employee and managed and invested on the employee's behalf . . . .'' The United States Court of Appeals for the Federal Circuit has explained that where there is more than the mere expectation in future benefits, and where the employee's rights have already vested in certain amounts, then the retiree has a ''protected property interest'' in such amounts already vested.

There may thus be different legal and constitutional considerations concerning the denial of future annuity payments to federal employees, as opposed to the forfeiture of one's own contributions to the retirement system or to the Thrift Savings Plan. This is not to say, of course, that the Government may not by law provide for the loss or abdication of one's own ''property'' through fine, forfeiture or other such transfer of that money or property, but rather that legislation which would change the current law to require loss or forfeiture of vested ''property'' must meet certain constitutional criteria.

Ms. SLAUGHTER. Mr. Chairman, I yield 2½ minutes to the gentleman from Maryland (Mr. VAN HOLLEN).

Mr. VAN HOLLEN. Mr. Chairman, I thank my colleague, Ms. SLAUGHTER, for exposing this bill for the sham it is. It is an insult to voters around this country, an attempt to create a perception that we are making changes when, in fact, we are not. And not only is the bill snake oil, but the process by which this bill is passed is snake oil.

The previous speaker talked about those who are trying to criticize the process from the outside. Well, let me just tell you a little story. When this bill was before the Judiciary Committee, I offered an amendment. It was a simple amendment to require registered lobbyists to disclose contributions they solicit and transfer to Members of Congress in the course of doing their business. It was an attempt to shine a light on the pay-to-play culture that we have seen in Washington. That amendment passed this Judiciary Committee on a bipartisan vote of 28–4.

The Washington Post then wrote an editorial about it, and I would like to cite from that editorial because what the editorial said very clearly was this was a provision that exposed, more than any other provision, the way Washington does business. And they said in very prescient manner, we are afraid to shine the light on this issue for fear that it will be shot down all the more quickly. But, in fact, no other disclosure requirement would be more useful in explaining the way Washington does business than this one.

Well, what happened? A funny thing happened on the way to the Rules Committee from the Judiciary Committee. When people voted ''yes'' in the daylight, it was taken out in the middle of the night, and then the Rules Committee denied us an opportunity to vote on that very provision here on the floor of the House, a sham process for a sham bill.

Now, this is a lot more than just about golf trips for Members of Congress paid for by lobbyists. The fundamental issue for the American people is what it is costing them every day because we don't have better rules to shine the light on lobbyists.

And we should look at the current gas prices right now. This institution and the President has signed now two bills in the last several years on energy. Both were said to be a big provision to reduce the price of gas. Well, we all know what a sham those bills were. What one of those bills did was create billions of dollars of subsidies to the oil and gas industry at a time that industry has experienced record profits and people are seeing high prices at the pump.

We heard the other day this Band-Aid proposal from the Republican Senate, $100 rebate. What the American people are looking for is not chump change. They are looking for real change in the process in Washington so that we can change this country and take it in the right direction.

Mr. DREIER. Mr. Chairman, for a unanimous consent request, I yield to my good friend from Vienna, Virginia, my classmate (Mr. WOLF).

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

Mr. WOLF. Mr. Chairman, I rise in opposition to H.R. 4975 because I do not believe it is truly reform.

I had looked forward to the day on the floor when the House by its actions could demonstrate to the American people that we take seriously the call for bold reforms in the wake of recent lobbying and ethics scandals.

In reviewing H.R. 4975, the Lobbying Accountability and Transparency Act, I am disappointed to say that today is not that day.

Last week I read in The Washington Post that some members are saying people don't care about lobby reform. Well, I care and I believe the American people care, too. A Washington Post-ABC News poll last month showed that 63 percent of Americans called ''corruption in Washington'' important to them.

Having worked in Washington for over three decades, I understand that lobbying is a part of everyday life in the nation's capital. Every day, good people walk the halls of Congress making the case for their constituency, advocating on any number of issues and causes with great passion and insight from cancer research to education reform to human rights awareness to environmental protection.

Yet something has gone terribly wrong with the general culture of Washington. Standards of conduct have shifted. What is acceptable today would not have been tolerated 20 years ago.

We must break the cycle of ''Washington business as usual'' which has impugned the honor and integrity of this institution.

The American people demand honesty and integrity in their government—as they should. Cosmetic changes will not suffice. Bold, sweeping reforms must be enacted.

Sadly, the bill before us today fails to meet that test, and I cannot support it.

I was encouraged when we began this process in early January and members were urged by the House leadership to provide ideas and suggestions on changes in lobby and gift rules. I sent a three-page letter with several recommendations which I believe should be a part of this debate. Several committees were then given the opportunity to come up with reforms under their jurisdiction.

But tinkering around the edges is not real reform. I believe this bill fails to fully acknowledge that the current system is broken, and it fails to offer genuine reform.

It pains me to say that we have reached the point where the ethics process in Congress has become paralyzed and unworkable. Bipartisanship and comity which used to be the norm have been replaced with partisanship and animosity. Rules with no enforcement are useless.

We had the opportunity through this legislation to establish an independent, non-partisan Office of Public Integrity to provide credibility in the ethics process and ensure fairness for every member on both sides of the aisle. But this bill has no provision to create that office.

While this legislation offers some increased lobbying disclosure reporting requirements and penalties for noncompliance, it doesn't go far enough.

With regard to the revolving door between congressional service and lobbying Congress, current law is a one-year cooling off period, and as I read it, this bill keeps the status quo, opening the door after a one-year ban—albeit with some added notification and disclosure requirements. To show real reform, we should be debating keeping the door closed for a much longer period of time, similar to the Senate bill which I understand is a two-year ban.

And it's not just Congress where the revolving door should be shut longer. I believe the executive branch needs scrutiny.

My amendment was made in order to restrict former ambassadors and CIA station chiefs from lobbying on behalf of the foreign nations where they have been stationed. Currently, an ambassador can leave the service of the United States one day and be hired the very next day as an agent of foreign nation where they had served. These officials see every decision the United States makes in relation to that country. They have access to intelligence, policy documents and other confidential information.

But under today's rules, the day they leave they have every legal right to use that same information on behalf of a foreign nation. Being an ambassador or CIA station chief is a high honor. That person becomes the face of our nation in the country where they are serving. We must safeguard the integrity of these positions.

Yet how can we debate subjecting certain executive branch officials to a five-year revolving door statute when this bill fails to extend the cooling off period for members leaving Congress or even allow debate on this matter? Therefore, I am withdrawing my amendment.

We also are supposedly here today considering legislation to tighten lobbying regulations in large part because of the lobbying scandal associated with former lobbyist Jack Abramoff and the information revealed about his ties to tribal casinos. The corruption which has been associated with the explosion of tribal gambling and political contribution is an issue I've been concerned about for nearly 10 years and one I have raised on this House floor numerous times.

These revelations have focused renewed attention on the need for Congress to thoroughly review the Indian Gaming Regulatory Act of 1988. We should have a provision in this bill to close the tribal contribution loophole that allows funneling of millions of dollars into campaign coffers.

How can we even begin to call this the Lobbying Accountability and Transparency Act without addressing the issues that initially fueled this debate?

Then we come to the issue of so-called earmark reform. True reform and transparency in the process of identifying how taxpayer dollars are being spent must be comprehensive reform. The spotlight has to shine on every committee—appropriating and authorizing including the tax writing committee. Lobbyists don't limit their work to appropriations issues. They lobby year round advocating for a myriad of issues across the committees of Congress—tax credits, defense programs, transportation projects. The narrow focus on only the appropriations process in the bill as written is not real reform. Real earmark reform must include projects in authorization bills like the ''Bridge to Nowhere.''

We had an opportunity today to make true, fundamental, substantive reforms in the way business is done in Washington and restore the confidence of the American people in this institution. This legislation before us and the few amendments allowed under the rule fail this institution and the American people. More amendments should have been allowed from members of both parties.

In a 1799 letter to Patrick Henry, George Washington said, ''The views of Men can only be known, or guessed at, by their words or actions.'' Would our Founding Fathers think our actions today are the best we can do to restore integrity to this institution?

I think they would say we can and we must do better.

Mr. DREIER. Mr. Chairman, I yield 1 minute to the very hardworking chairman of the Committee on Administration, our friend from Grand Rapids, Michigan (Mr. EHLERS).

Mr. EHLERS. Mr. Chairman, I am very pleased to rise and defend the bill that is before us.

I am astounded at some of the debate I have heard here, including rising gas prices, which has nothing to do with this bill.

We hear a lot about a culture of corruption. That is utter nonsense. I am proud of my colleagues in this body, by and large, very hardworking, good people trying to do the people's business honestly and well.

The point is, we have to put in place some restrictions, some rules to deal with those few who stray and do something that shouldn't be done. That is what this bill is about. It is fair. It is reasonable. It will provide penalties for those who violate the rules of the

House or the laws of this land, and that is precisely what we need, and it is important to pass that bill today. We cannot dilly dally with amendments that weaken it or with recommittals that change the intent of it.

We want a bill that will work. We want a bill that the Senate will look at and say, this is wonderful, let us pass it, too. We have to accommodate the principles of this body. We have to work and put in place all of the components of this bill which have been carefully worked out on both sides of the aisle, so that we will have a good bill, a fair bill. And I urge that we adopt this bill.

Ms. SLAUGHTER. Mr. Chairman, I did have some speakers on the way, but at this moment, they are not on the floor, so I will reserve.

Mr. DREIER. Mr. Chairman, I yield 1 minute to the gentleman from Dallas (Mr. HENSARLING), a very hardworking reformer of this institution.

Mr. HENSARLING. Mr. Chairman, one cannot legislate morality, but one can legislate transparency.

But from listening to today's debate, it appears that Democrats are now against more transparency. Perhaps the recent ethical woes of several high-profile Democrats may help explain why.

My colleagues on the other side of the aisle have now said no to tax relief that created 5 million new jobs. They have said no to more domestic oil production, to lower gas prices, and now they are saying no to transparency for lobbying activities.

I say yes to this legislation because it has transparency where we need it, and that is on earmarking, earmarking which includes examples like the Bridge to Nowhere in Alaska, the $50 million for an indoor rainforest in Iowa, and $1 million for the Rock and Roll Hall of Fame, and the list goes on and on.

How Congress spends the people's money is where true reform is needed, and no one spends more of the people's money than Democrats.

Now, Mr. Chairman, I admit there are many good and useful earmarks. We are not eradicating them today. We are simply reforming them. And I congratulate Chairman DREIER for his work, and the gentleman from Arizona (Mr. FLAKE) for his leadership on this issue.

I urge passage.

Mr. DREIER. It appears again that my friends on the other side don't have any remaining speakers. I know you are waiting and want to reserve the balance of your time. Absolutely, in a bipartisan sense of comity, we want you to reserve the time.

I yield 1½ minutes to the gentleman from New Jersey (Mr. GARRETT).

Mr. GARRETT of New Jersey. Mr. Chairman, I rise today in support of this legislation, and I congratulate the gentleman from California for your work.

It is critical that we scrutinize lobbying activities to help restore the confidence of the American people in their government. And this bill makes real progress addressing some recent high-profile scandals that have basically rocked American confidence in government. In fact, it includes one of the proposals I introduced several months ago requiring lobbyists to itemize their reports so we know how much money lobbyists spend on Members and their staff. You know, we do this in campaign finance, and the same openness should apply to these transactions. And I thank the gentleman for including that proposal in this package.

But, you know, looking at lobbyists and lobbying reforms is only part of the process. We have to look also at the way we behave as well in this House. In particular, Congress must address earmarks.

Now, Mr. Chairman, it is my fervent hope that we would not simply stop with earmark reform for appropriation bills. As authorization bills and tax bills often include infamous and egregious earmarks, we should seek to make these processes open and honest as well. Again, I am not opposed to earmarks in general. I think that the legislative branch has a role to play in this area. It is not simply an area for the executive branch to play. But it is an area where the transparency and the light of day should shine on all earmarks. Transparency will then make sure that the good ones rise to the top and actually will be passed and the other ones which are not so good will obviously fall by the wayside.

If I may add one other comment, Mr. Chairman. As this legislation goes through the process, I am a little bit concerned about GSEs and government-sponsored entities, and I would commend the gentleman to look as it goes through the process as we revisit this in conference.

Mr. DREIER. Mr. Chairman, for a unanimous consent request, I yield to our hardworking and very senior colleague from Davenport, Iowa (Mr. LEACH).

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

Mr. LEACH. Mr. Chairman, To be blunt, we can do better than this.

Congress is missing the big picture. Ethics cannot be legislated, but the role of lobbyists and their disproportionate, sometimes corrupting, power can. The issue is money in politics and the need for campaign reform.

There is nothing wrong with any of the proposals being considered today except that they do not do enough. Neither this, nor I suspect any Democrat substitute, includes what really matters.

What is too often lost in debates surrounding Congressional ethics is the notion of the public interest and concern for the public good. Instead, in our discussions, especially off the Floor, a desire is frequently expressed to appeal to one or the other political party's base. Interest groups make it clear that they expect to be attended to and rewarded for support provided.

Thus, to understand American politics and the ethics abuses that are spurring the legislation under consideration one needs to examine American campaigns. Interest group money is seldom given as a token concern for good government. It is too often disbursed in a quasi-contractual manner: quids to be followed by quos, to be matched in subsequent election cycles for those who follow the rules. Simply put, large contributions imply obligational contracts between a candidate and large donors.

In a cyclonic cycle, legislators are caught in dozens of swirls that buffet the fabric of balanced democratic judgment. Priorities become impossible to set, thus making deficit financing a virtual inevitability. The last point should be stressed—federal deficits and the economic problems they create are not unrelated to campaign financing abuses. Deficits begin with choices on federal spending and taxation and each begins in promises and obligations, and all this begins in the way campaigns are run, in politics as usual—in commitments to large donors.

Lord Acton, the British statesman, immortalized his public service with the observation that power corrupts, with absolute power tending to corrupt absolutely. It strikes me that a fitting corollary to the Acton dictum is the notion that even more corrupting than aspiring to power is the fear of losing it. This fear leads to timidity, if not complacency, on reform agendas.

Today, for instance, we face one of the most troubling scandals of modern times. It uniquely involves PACs, Members of Congress, relatives of Members, lobbyists, insider-controlled non-profit organizations, and K Street interest groups acting surreptitiously and in concert to advantage themselves at the expense of the public. It is the story of raising cash, disguising sources and buying influence.

The Jack Abramoff affair is a disgrace. But care must be taken to recognize that it may not be aberrational. There is a systemic element to the problem and it involves the sullying role of money in politics. A government of the people, by the people and for the people cannot be a government where influence is purchasable. The subordination of individual rights to indiscriminate moneyed influence is the subordination of representative democracy to institutional oligarchy. Kakistocracy is the end result.

To put recent events in context, the legend of the Ring of Gyges is instructive. In The Republic, Plato's brother Glaucon tells the story of a shepherd in Lydia who finds a magical ring. After an earthquake revealed a cave, the story goes, Gyges discovered a gold ring on an enthroned corpse inside and put the ring in his pocket. Later with his fellow shepherds, Gyges noticed that when he turned the collet of the ring to the inside of his hand, he became invisible. When he turned the ring the other way, he reappeared. Confident that the ring was indeed magical, he contrived to be chosen as a messenger sent to the court. Once there, he used his invisibility power to seduce the queen, kill the king and take the kingdom.

Glaucon's story suggests that when individuals are invisible—i.e., in a democracy out of sight of their constituents—it is difficult to resist enticement and act virtuously. The current Congressional scandals suggest that some actors may have thought they had gotten hold of

Gyges' ring. That is why it is so important that new rules be applied to the political process. Transparency matters, but so do the rules that apply to conflicts of interest, many of which in the current system are quite legal.

What this body is considering today is a band-aid when surgery is required. We need to end political action committees and go to a system of small donations matched by federal funds. The public wants less expensive, less conflicted, less divisive politics. Public service, not political partisanship should be the goal.

Finally, with regard to the Abramoff scandal, it should be noted that one of the principal lobbying objectives of the gambling interests he represented was to block the kind of anti-internet gambling legislation that Representative GOODLATTE and I have been pushing for the past 8 years. Passing internet gambling enforcement legislation is the unfinished business of a Congress in disrepute. It should, as I suggested to the Rules Committee, be part of this bill, as should the campaign reform amendment I requested be considered. But as chagrined as I am that the legislation before us doesn't do more, I am obligated to register appreciation for the commitment of leadership to bring forth a serious bill on the internet gambling issue by the first week of June.

Ms. SLAUGHTER. Mr. Chairman, I continue to reserve the balance of my time.

Mr. DREIER. Mr. Chairman, I yield 2 minutes to our hardworking friend from Utah (Mr. BISHOP), a member on the Rules Committee.

Mr. BISHOP of Utah. Mr. Chairman, I tend to agree that this was probably a do-nothing bill, only in the respect that the vast majority of the people on both sides of this aisle will do nothing to violate the procedures and the proposals that we will have placed in front.

From my own personal perspective, I was the Speaker of the House in Utah before I came here. Of the 75 members, a far easier body to manage than this, 72 of them were the kind I knew would give the shirt off their back, a sight I hoped never to see, give the shirt off their back for the good of the State. There were three I always had to check on what they were doing. I thought that percentage of good to bad actors was fairly good for the State of Utah. But as I have been here in Congress, I think that same percentage applies to this body. It applies to large industrial groups. It applies to church groups. It applies to the lobbyist community. It probably applies to every group except maybe those who are incarcerated right now. Both sides of the aisle are good, decent people, and laws will not magically change the behavior that has been developed on those few bad actors that will be there.

So what purpose do we have in this? It is to establish a means of rules to clarify and certify who the good guys are.

I also was a lobbyist for that time between when I was a legislator and came here. And I want you to know that the laws that are proposed in here to change lobbyist laws are good ones. They are effective. They will make a difference, and they will add transparency to that particular group. I am very proud of those.

There is one other thing that I think is very important in this bill that is proposed, and that is the mandatory training aspect. It is important to try and make sure that we all understand what the rules of behavior are, the rules of procedure, so as to avoid problems ahead of time.

When my predecessor in this seat was the chairman of the Ethics Committee, he instituted the Office of Advice and Education; its goal was simply to make sure that everyone knows what is happening. This bill mandates that all staff will have training in what is considered ethical behavior and will encourage us to do the same thing so we know what is taking place.

I am grateful that the chairman, Mr. DREIER of California, has had an open process, has invited everyone to participate in here, because what we are dealing with are simply the guidelines established for those who are the good guys in this body, which is by far the majority of those on this side as well as the other side of the aisle.

Ms. SLAUGHTER. Mr. Speaker, I yield 3 minutes to the gentleman from Michigan (Mr. CONYERS), the ranking member on Judiciary.

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

Mr. CONYERS. Ladies and gentlemen of the House, we have got a number of problems, as you have heard with the proposal here for lobbying accountability and transparency.

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The main thing I want to bring to your attention is that, throughout the scandals that have illustrated how large sums of money were spent secretly to conduct lobbying campaigns, the current Lobbying Disclosure Act requires the disclosure of lobbying activities that involve direct contact with Members of Congress, but there is no disclosure requirement for professional lobbying firms that are retained to spend money on campaigns aimed at stimulating the public to lobby Congress, including multimillion dollar advertising campaigns. We need stronger revolving door provisions.

So I rise reluctantly against a Lobbying Accountability and Transparency Act that does not seriously reform the system. This bill really represents an effort for some to have it both ways, holding on to the financial benefits and perks they receive from lobbyists and other special interests, while claiming they have dealt with the lobbying ethics problems in Congress.

This Republican proposal is problematic because it does not address the problems that have given rise to the recent lobbying scandals and the falling confidence of Americans in the integrity of Congress.

The ban on privately sponsored travel, as you have heard, only exists through this year's elections. The corporate subsidized campaign travel and other officially related travel is still allowed. The current broken revolving door policy remains unchanged, and gifts are allowed.

So I come to you to tell you what it is we want: disclosure of the lobbying campaigns. We want stronger revolving door provisions. We want fundamental changes to gift, travel, and employment relationships among Members of Congress, the lobbying firms, and the lobbyists.

H.R. 4975, that is being handled so well by the gentlewoman from New York, in its current form is illusionary. There is not real lobbying and ethics reform.

So I urge my colleagues to reject this weak and ineffective legislation.

Mr. DREIER. Mr. Chairman, I reserve the balance of my time.

Ms. SLAUGHTER. Mr. Chairman, I yield myself the balance of my time.

Mr. Chairman, there is no good reason for anybody to vote for this bill. As we said, practically every major newspaper and every good-government group has discredited it.

And let me tell you what it does not do:

It does nothing to prevent the abuses that regularly occur with conference reports, including the addition of secret, last-minute perks and protections for big business.

It does nothing to stop the majority leadership from jamming massive conference reports through the House before the ink is dry and before Members read the bill.

It does nothing to stop the majority from locking Democrats out of conference meetings and negotiations.

It does nothing to stop the majority from repeatedly waiving the rules on every bill that comes to the House floor.

It does nothing to stop the majority from shutting out Democrat amendments on the floor.

It does nothing to curb the practice of holding votes open on the floor to change the outcome of a vote.

It does nothing to keep lobbyists from writing major legislation behind closed doors.

It does not ban gifts from lobbyists.

It does not ban corporate travel.

It does not stop or slow the revolving door.

It does not do anything the majority says it does.

Voting for this bill violates the core principles of the Democratic Party and everything we have fought for in this Congress. No Member of this House should vote for this bill. It is not just a bad bill. It is a dishonest bill.

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

Mr. DREIER. Mr. Chairman, I yield myself the balance of my time.

Mr. Chairman, as I said at the outset, we have gone through a long, bipartisan, 4-month process to get to where we are. Speaker HASTERT began in January saying we need as an institution

to step up to the plate and deal with the issue of lobbying and ethics reform, and that is exactly what we have done.

Again, we have worked with Democrats and Republicans, outside organizations; and, as I have listened to the debate and the statements made from my colleagues on the other side of the aisle, it is very obvious to me that they have failed to read this legislation.

Mr. Chairman, in virtually every single area that my friend from Rochester just addressed, this is addressed in the legislation. And if it is not actually addressed in the legislation itself, we have made commitments that we are going to, as we move this process forward, get into a conference with the Senate and address some of these issues of concern.

Critics seem to be absolutely intent on telling us what this bill is not. Everything that was said by my friend from Rochester was in the negative. Just imagine if we went through every single day lamenting what is not. Today is not Christmas; that is terrible. Today is not Thanksgiving, and that is terrible. Today is not my birthday, and that is terrible. But what does it get us? It does not get us a thing. Searching for storm clouds on a clear day is a recipe for inaction and defeatism.

Mr. Chairman, Speaker HASTERT and I and the leadership team here and the Republicans and, I am happy to say, some Democrats have indicated to me that they are interested in not defeatism; they are interested in pursuing vigorous reform.

As I listened to the litany of what this bill is not, I think it is very important again, as I have read some of these editorials which mischaracterize the legislation, as I listened to the rhetoric that mischaracterized this legislation, let us again look at the bill and just four simple things of what this bill is: This bill actually doubles the fines, doubles the fines, for lobbyists who fail to disclose. This bill adds the possibility of jail time for failing to comply with the Act. This bill adds oversight to make sure disclosure information is accurate. It gives the public full, online access to disclosure reports. It withdraws the government-funded pension for people who commit the crimes that we have outlined in the legislation.

So, Mr. Chairman, anyone who tries to say that they are supporting a recommittal motion, are going to vote against this legislation because it does not do enough is, in fact, standing in the way of reform.

Many people said we should get this thing out. The Speaker and I said we wanted this to pass by early March. Obviously, we needed more and more input from Members, from outside organizations, from academics, from our constituents who are concerned about this issue. And, Mr. Chairman, we extended beyond that early March date. Here we are now in early May, having listened to so many different people, and we have come up with a bill that I believe is strong. I believe it is bold. I hope we will be able to do more, but this is legislation that allows us to move forward in a positive way.

Mr. CARDIN. Mr. Chairman, this bill represents a missed opportunity for the House to address lobbying and ethics reform in a responsible manner. Our ethics process in the House of Representatives is broken, and the actions of some members and lobbyists have brought discredit to the reputation of this body. That is why I am so disappointed in the response of the House leadership in bringing this extremely weak bill to the floor today, using a partisan process which deliberately shuts out debate on the most pressing reform issues before this House.

I served on the House Committee on Standards of Official Conduct from 1991 to 1997. I served as the ranking member of the adjudicative subcommittee that investigated and ultimately recommended sanctions against former Speaker Gingrich. In 1997 the House leadership appointed me to serve as the Co-Chairman of the House Ethics Reform Task Force, with my colleague Bob Livingston from Louisiana. Our bipartisan task force came up with a comprehensive set of reforms to overhaul the ethics process. We created a bipartisan package to change House and committee rules which the House adopted. This was the last bipartisan revisions of House ethics procedures.

Our bipartisan legislative package in 1997 also included a provision which authorized non-members to file complaints against members, provided that the complaints were in writing and under oath. Unfortunately, the full House rejected this proposal, and for the first time the House closed its doors to the receipt of outside ethics complaints. In March I testified before the Rules Committee and urged them to allow consideration of my amendment, which I subsequently filed with the Committee. I am disappointed that the Committee would not even allow my amendment to come up for a vote in the full House, and that it also refused to allow the House to consider the alternative approach offered by Mr. SHAYS and Mr. MEEHAN to create an independent Office of Public Integrity (OPI) to receive and investigate complaints from non-members.

Our ethics process has broken down in the past. Indeed, when our task force was meeting and deliberating in 1997, the House took the extraordinary step of imposing a moratorium of the filing of new ethics complaints.

I am afraid we have reached a similar crossroads in the House today. Some members have recently talked about ethics ''truces'' in which the political parties have voluntarily agreed to place a moratorium on filing ethics complaints, regardless of the merits of the charges. The Chairman of the Ethics Committee was removed from his position, perhaps as retaliation for agreeing, on a bipartisan basis, to repeatedly admonish the former House Majority Leader for ethical misconduct and transgressions. Outside good government groups have repeatedly called for non-members to be permitted to file ethics complaints. In December 2004 the Congressional Ethics Coalition, a nonpartisan group which included Common Cause, Democracy 21, Judicial Watch, and Public Citizen, issued a statement which called on Congress to authorize non-members to file ethics complaints against members of Congress.

The Committee on Standards of Official Conduct is the only committee of the House with an equal number of Democrats and Republicans. The Committee can only work effectively in a bipartisan manner. In March the Senate passed strong ethics and lobbying reform legislation by a vote of 90 to 8, and I am disappointed that the House is not given the similar opportunity today to pass a strong bill. I will support the Motion to Recommit which would substitute the text of H.R. 4682, which I have co-sponsored, which would strengthen our ethics and disclosure standards.

I urge my colleagues to reject this legislation.

Mrs. MALONEY. Mr. Chairman, I rise in strong opposition to H.R. 4975, the so-called ''Lobbying Accountability and Transparency Act.''

The time is long past due for meaningful lobbying reform. We have seen scandal after scandal emerging in the past year that has demonstrated that the way business has been done in Washington must be changed.

The public deserves to have an open government with honest elected officials who are truly acting in the best interests of their constituents, not their own personal or financial interests.

It's time for the culture of corruption to end.

Yet the bill that has come to the floor today does little to reform the lobbying process. I am disappointed that the Rules Committee failed to make in order numerous Democratic amendments that would have enacted fundamental changes including a substitute amendment that contained provisions from the ''Honest Leadership and Open Government Act'' which I and many of my Democratic colleagues have cosponsored. This legislation, among other important provisions, would clean up the government contracting process, ensure that votes on the House floor are not held open for hours to twist arms, and ban gifts from lobbyists.

This is not a problem requiring only cosmetic solutions. This is a serious problem that needs fundamental reforms to restore the integrity not only of the political process, but of Congress.

We must act to restore the public's confidence in their House, the people's House.

I believe that true reform must include the proposals put forth in the ''Honest Leadership and Open Government Act,'' and since the Majority has refused to let that happen, I will oppose the bill before us and I urge my colleagues to do the same.

Mr. MORAN of Virginia. Mr. Chairman, the House of Representatives will vote today on a bill that the authors think will help end the culture of corruption that exists in the Congress and restore the public's confidence in this body.

I will vote no on this bill, H.R. 4975, not because I believe we do not need to address these significant matters, but because the bill fails to provide any real reform at all.

We have an opportunity today to make significant changes in the way we perform the people's business and to help restore the people's confidence in their elected representatives. With this bill, the majority, who only a few months ago was shouting for reform, has failed to seize this opportunity. In fact, it has presented a bill that contains no significant reform at all.

Throughout the country, far too many people believe that Congress gives its vote to the

highest bidder. This perception must be eliminated, but the minor changes in this bill will not do so.

Restoration of the people's respect of Congress requires one thing—that we change the way our political campaigns are financed. While our campaign finance rules have been strengthened over the years, they remain insufficient.

The time has come to take private money out of politics—entirely—and, in its place, provide limited public funding for all Congressional campaigns. This is real reform. And it is the only type of reform that will even begin to restore the respect and trust of the American people in Congress.

The bill before us today will not do this, and we must into fool ourselves into believing that it will.

Mr. ETHERIDGE. Mr. Chairman, I rise in opposition to H.R. 4975, the so-called Lobbying Accountability and Transparency Act of 2006.

With the massive corruption investigation of lobbyist Jack Abramoff, the bribery conviction of Rep. Randy ''Duke'' Cunningham and the additional inquiries into the actions of even more members of Congress, it had been my hope that the Speaker and Republican leaders of the House would act to erase the dishonor that has befallen this institution. Unfortunately, this is not the case. Instead the House Republican Leadership has brought before us a bill that insults the intelligence of the American people. This bill fails to slow the revolving door between congressional service and lobbying; it fails to require disclosure of Members' contacts with lobbyist, lobbyists' fundraisers and other events that honor Members of Congress. It delays real action on privately funded travel and gifts until after the November elections. It fails to crack down on pay-to-play schemes, and includes loophole-laden earmark provisions that would not have exposed the infamous ''Bridge to Nowhere'' and does nothing to prohibit dead-of-night special interest provisions.

I have always believed that public office is a public trust. I work every day to live up to the trust the people of North Carolina's Second Congressional District have placed in me. The recent Republican corruption scandals anger me because they threaten the bonds between the American people and their elected leaders.

The Speaker and Republican Leadership earlier this year promised real reform, but this is not it. I support the real lobbying reform in H.R. 4682, the Honest Leadership and Open Government Act of 2006. Our bill will require lobbying disclosure, including lobbyists' fundraisers and other events that honor Members and more. It will double the period in which former Members are prohibited from lobbying their former colleagues, from one year to two years; it will permanently ban travel, gifts and meals from registered lobbyists to Members of Congress, and prohibit Members from using corporate jets for officially connected travel and shut down the K Street project. In addition, the Democratic lobbying and ethics reform proposal will change the way Congress does business; allowing Members enough time to review bills, requiring earmark reform and mandating open conference committee meetings. These reforms and others would give the public full faith and confidence that Members of the U.S. House are operating honestly.

I will vote against H.R. 4975, a fig leaf of reform, and support meaningful lobbying reform by voting to recommit this bill to Committee and replace it with H.R. 4682, the Honest Leadership and Open Government Act of 2006, our stronger Democratic bill.

Mr. SMITH of Texas. Mr. Chairman, I am pleased that the Lobbying Accountability and Transparency Act is being considered today.

Accountability and transparency with respect to the lobbying profession is necessary to ensure public confidence in how Members and staff of this House interact with the outside world.

And I further believe that this legislation will help brighten the lines for Members and staff in terms of what is permissible behavior and what is not.

Consistent with this need to have such bright line, I want to make certain that some of the language in the bill is understood to mean what it says and nothing more.

Under Section 105(7), lobbyists would be required to disclose ''the date, recipient, and amount of funds contributed by the registrant or an employee listed as a lobbyist by the registrant under paragraph (2)(C); (A) to, or on behalf of, an entity that is named for a covered legislative branch official, or to a person or entity in recognition of such official; or (B) to an entity established, financed, maintained, or controlled by a covered legislative official.''

Members have a longstanding history, and one that I respect, of raising money for and being otherwise involved with charitable organizations.

This provision would apply to charities when such charity is named for a covered legislative branch official, or when a charity recognizes a covered legislative official.

It would also apply to a charity that is established, financed, maintained or controlled by a covered legislative official. It would not apply in any other circumstance.

It would not apply, for instance, when the spouse of a Member engages in such activity independent of his or her spouse's official position.

Mr. Chairman, this is good legislation.

The Republican record is long, and it is strong on the issue of lobbying reform.

Republicans have delivered on ethics reform time and time again.

In 1989, we enacted a Bush Administration proposal that included numerous ethics reforms.

We cleaned up the House banking and post office scandals.

When we became the majority in 1995, we instituted more reforms, including the first significant lobbying disclosure bill.

And remember it is a Republican Justice Department that is prosecuting the cases that have led to this legislation.

This reform package represents a great improvement over the current system.

It will deter wrongful behavior by giving the public a better view of what their elected officials are doing in Washington.

These reforms will shine a light on Congress by making lobbying disclosure reports more frequent, accurate and accessible to the public.

This legislation is a welcome change in the rules governing lobbying and ethics.

I thank Chairman DREIER and the Congressional leadership for their worthwhile efforts.

Mr. VAN HOLLEN. Mr. Chairman, I am here today to ask that you grant me the opportunity to reinstate an amendment to H.R. 4975 that had been added in the Judiciary Committee, but was somehow stripped out en route to the Rules Committee.

My amendment simply requires ''registered lobbyists'' to disclose the fact that they have ''solicited and transmitted'' a campaign contribution. Moreover, my amendment would require that lobbyists, who serve as campaign treasurers and chairman of political committees to disclose that as well. This amendment was added to the Lobbying Disclosure Act on April 5, 2006 by a vote of 28 to 4.

It is ironic that an editorial about this amendment in the Washington Post, on April 13, 2006, stated—''We are almost reluctant to flag this provision for fear that it will be shot down all the more quickly, but in fact no other disclosure requirement would be more useful in explaining the way Washington does business than this one.''

I am not sure what appalls me more, the fact that the bill does precious little to address the problems that have created the culture of corruption on Capitol Hill or the fact that the few enhancements to the bill, added through the committee process, have been summarily deleted without a debate or vote. The irony is that the abuse of power that has taken place on the Hill, that undermines the confidence of the American people, is alive and well in the management of the bill that was originally designed to correct such abuses.

The bill before us today is a weak attempt to create the allusion of reform. It fails to address: the problems with the revolving door between public service and lobbying, the showering of benefits to Members of Congress by lobbyists who have business before them, the need to enhance a broken Ethics Committee process and the need to reform the campaign financing system that creates the dangerous intersection between congressional action and campaign fundraising.

The amendment that is before the Committee today, in my opinion, is a modest but important step in the direction to expose some sunlight on the activities where registered lobbyists have business before the Congress while at the same time soliciting and transmitting campaign contributions, in addition to serving as officers that run campaigns and political committees. I believe that these practices should be studied for the prospects of future regulation.

However, at the very least, I believe that we need to compel the disclosure of these activities to the American people. We need to create transparency around the campaign finance practices that a registered lobbyist performs, as well as, the business that they bring to Members of Congress. As Justice Brandeis has said, ''sunlight is the best disinfectant''. Moreover, this disclosure will allow the American people to see the whole picture, of lobbying activity, so that they may judge, for themselves, the propriety of the transactions that have become an everyday practice in Washington.

With public opinion of Congress at an all time low, we owe the American people a serious bill that is not a ''reform bill'' in name only. The culture of corruption that has plagued the 109th Congress is probably only rivaled, in infamy, by the Watergate era. The American people have seen Members of Congress: give appropriations earmarks in exchange for a Rolls Royce and lavish antiques; enjoy posh

golf trips in Scotland at the expense of Native American tribes who were exploited by nefarious lobbyists, determine which lobbyists on K Street get the lucrative contracts, channel campaign finances to Members' spouse and children, and bend the House rules to allow the House leadership to bend the arms of Members to force a particular vote outcome.

The American people are shocked and appalled by these activities. However, the real shocker is the reality that many people do not see, i.e. the nexus between these conflicts of interest and the pocketbooks of the American people. The effects can be seen in the influence of the oil industry in gaining subsidies while gas prices are skyrocketing, as well as the impact that the pharmaceutical industry had in drafting the Medicare Part D bill that prohibits drug importation and the competition for price reduction.

We need to restore the trust of the American people. We need to start today by allowing this bill to be made into a real lobbying reform bill. I urge the Committee to rule my amendment in order so that I have the chance to add my amendment to this bill a second time.

REAL LOBBYING REFORM

A HOUSE COMMITTEE TACKLES THE NEXUS BETWEEN CAMPAIGN CASH AND LEGISLATIVE INFLUENCE

Don't hold your breath for this to turn up in the final version of lobbying reform, but the House Judiciary Committee approved an amendment last week that would help shed light on the symbiotic relationship between lobbyists and lawmakers. Offered by Rep. Chris Van Hollen (D–Md.), the provision would require lobbyists to report not just the campaign contributions they gave directly to lawmakers but also the campaign checks they solicit for or deliver to lawmakers—in other words, a measure of the real influence they wield. Astonishingly, this proposal passed the Judiciary Committee by a vote of 28 to 4—along with the underlying bill, a proposal that started out weak and was watered down from there.

We're almost reluctant to flag this provision for fear that it will be shot down all the more quickly, but in fact no other disclosure requirement would be more useful in explaining the way Washington does business than this one. That may help explain why, until now, it hasn't been a part of any of the major proposals. The central role that lobbyists play in hunting, gathering and delivering campaign cash—rather than the checks they write directly—is the true source of their power. But while both sides in the transaction are well aware of how much Lobbyist X has raised for Representative Y, the media and the public are—at least based on the required disclosures—in the dark.

Presidential candidates—first George W. Bush and after that Sen. John F. Kerry and other Democrats—have shown that it's feasible to provide information about the amounts bundlers have raised for them; their voluntary disclosure has added significantly to public understanding. If lawmakers are serious about effective reform, making certain the Van Hollen amendment survives would be a good way to demonstrate their commitment.

Mr. CONYERS. Mr. Chairman, the U.S. House of Representatives will vote on the "Lobbying Accountability and Transparency Act of 2006" (H.R. 4975) on Wednesday, May 3. The measure is a woefully inadequate response to the most significant ethics and lobbying scandals that have swept Capitol Hill in nearly three decades. Even lobbyists say so. When asked about the significance of the House lobbying reform bill by The Buffalo News, Paul Miller, president of the American League of Lobbyists answered: "That little thing?"

In fact, the measure is a ruse that fails to address any of the major problems with congressional ethics and lobbying that have surfaced over the past year. When it comes to lobbying reform, Congress is not up to the task.

H.R. 4975 takes a cynical approach to reforming lobbying disclosure and behavior on Capitol Hill and is opposed by Public Citizen and other reform groups. The bill fails to restrict campaign fundraising activities by lobbyists, fails to ban gifts from lobbyists, fails to curb revolving door abuses, and fails to create an independent oversight and compliance office. It bans privately sponsored travel—but only until after the next election. This legislation not only is inadequate, it makes a mockery of the lobbying reform drive.

To make matters worse, a very restrictive rule has been attached to the bill that prohibits floor consideration of any strengthening amendments, which means that the bill cannot be improved upon when the House considers it on Wednesday. Representative CHRIS SHAYS, MARTY MEEHAN and others have offered a package of strong reforms that are prohibited from consideration because of this rule.

A. SUMMARY OF H.R. 4975

An earlier package of lobbying reforms presented in January by House Speaker DENNIS HASTERT and Representative DAVID DREIER called for a ban on privately sponsored travel; prohibited gifts from lobbyists, including meals; and doubled the revolving door "cooling-off" period from 1 to 2 years, during which retiring Members of Congress and their staffs could not make direct "lobbying contacts" with their former colleagues.

But on Feb. 5, newly elected House Majority Leader JOHN BOEHNER said on "Fox News Sunday" that "[B]ringing more transparency to this relationship [with lobbyists], I think, is the best way to control it. But taking actions to ban this and ban that, when there's no appearance of a problem, there's no foundation of a problem, I think, in fact, does not serve the institution well." In the end, BOEHNER's reluctance for significant reform won out among the Republican conference.

The final legislative proposal speeding through the House does not include any of the earlier reform provisions. Instead, H.R. 4975 proposes the following:

1. Travel

Temporarily suspends privately sponsored travel for Members of Congress and their staffs until after the 2006 elections.

Permits corporate jets to be used to transport Members, reimbursed at first-class airfare rates, but does not permit lobbyists to travel with Members on these corporate jets. Lobbyists could, however, attend and participate in the rest of the travel junket.

Instructs the House Ethics Committee to develop by December 15 a new ethics policy regarding privately sponsored travel, which would likely emphasize pre-approval of trips by the Committee.

2. Gifts

Gifts to Members and their staffs would continue to be permitted under the existing gift limits ($50 per gift; $100 per year from any one source).

Unlike current ethics rules, lobbyists would be required to report to the Ethics Committee all gifts they give to Members and staffs.

Tickets to sporting events would be valued at face value rather than artificially set below face value, as is currently provided under House gift rules.

3. Revolving Door

Maintains the current 1-year cooling-off period, during which retiring Members and their staffs are prohibited from making direct lobbying contacts with their former colleagues. Retiring Members and their staffs may conduct all lobbying activities except for making lobbying contacts immediately after leaving public office.

Requires Members to disclose to the Ethics Committee when they are negotiating future private-sector employment that may pose a conflict of interest; the disclosure must be made within 5 days of negotiations for compensation. However, Members are not required to recuse themselves from official actions involving potential future employers.

4. Disclosure

Imposes quarterly, rather than semi-annual, reporting deadlines on lobbyists' financial reports.

Establishes electronic filing and disclosure of lobbyist reports.

Requires lobbyists to report their campaign contributions to candidates, committees and leadership PACs on lobbyist disclosure reports as well as to the Federal Election Commission.

5. Section 527 Organizations

Subjects federal section 527 political organizations to the reporting requirements and contribution limits of federal campaign finance law.

Applies a minimum 50–50 allocation ratio of hard and soft money for section 527 organizations involved in both federal and non-federal election activity, but caps soft money contributions for non-federal activity at $25,000 per year.

Repeals current limits on party coordinated expenditures with candidates.

6. Earmarks

Requires the disclosure of the names of members who sponsor earmarks in appropriations bills and conference reports.

Allows members to object to and remove specially targeted earmarks that were not disclosed in the original appropriations bills or conference reports under point of order rules.

By informal agreement, House leaders have pledged to expand the earmarking provision in conference committee to apply to all tax and authorizing bills as well as appropriations bills.

7. Forfeiture of Retirement Benefits

Cancels retirement benefits for members convicted of a crime related to their official duties in public office.

B. WHAT H.R. 4975 DOES NOT DO

H.R. 4975 does not address the most serious problems that gave rise to the recent spate of lobbying and ethics scandals. Indicted super-lobbyist Jack Abramoff could have done business as usual even if the "reforms" contained in H.R. 4975 had been in existence while he was working.

Several of the most serious problems that have not been addressed by this bill, nor by the Senate bill, include:

1. No meaningful enforcement mechanism is offered

The legislation leaves in place the failed and discredited system for enforcing House ethics and lobbying rules. The House ethics committee has been missing in action during all the scandals involving unmonitored lobbying activities, travel junkets and unregulated gifts. Even two years after news of the activities of Abramoff and his allies first came to light, there is no known congressional inquiry into allegations that lawmakers took improper or illegal actions on behalf of lobbyists. In fact, the House ethics committee didn't even meet in 2005—during the height of the scandal—and has met in 2006 just twice—once to squabble over its future direction and a second time to secretly approve H.R. 4975 and send it to the floor.

Regardless of the details of the law Congress passes, if no one is watching and no credible mechanism for enforcement exists, there likely will be little compliance with the law.

2. No effective steps are taken to break the corrupting nexus between lobbyists, money and lawmakers

While H.R. 4975 does require some additional disclosure requirements of contributions by lobbyists, the House bill does nothing to break the lobbyist-money-lawmaker nexus. Unlike state laws in California and Tennessee that prohibit contributions from lobbyists, H.R. 4975 does not impose any new limits on campaign contributions from lobbyists or fundraising done by lobbyists for members. Nor does it place any new limits on the ways lobbyists or their employers provide financial benefits to members, such as hosting fundraising events for members.

Not only does H.R. 4975 fail to slow the flow of money from lobbyists to lawmakers, but it does not even take the simple step of restricting lobbyists from controlling the purse strings of lawmakers. Lobbyists may still serve as treasurers of lawmakers' campaign committees and leadership PACs. The bill no longer even requires disclosure of lobbyist participation in fundraising events or parties honoring members.

3. The temporary travel moratorium is a slap in the face to anyone trying to curb the abuses of congressional travel junkets

While the bill provides a temporary suspension of privately funded trips for lawmakers, it does so in a way that raises deep concerns that these trips will be reinstated as soon as the 2006 congressional elections are over and the incumbents are re-elected. The legislation provides for the House ethics committee to recommend travel rules for members by Dec. 15, 2006, and sets the stage for establishing in future years an ineffective ''pre-approval'' system by the House ethics committee for members' privately funded trips. This approach would not end the travel abuses that have occurred, even if there was a publicly credible House ethics committee to approve the trips, which there is not. Under this approach, the temporary suspension of privately funded trips could end after the November elections without a direct vote on ending the suspension or on adopting travel rules for future years.

H.R. 4975 also allows members and staff to continue to be shuttled on corporate jets to faraway wonders of the world at the low, discounted rate of a first-class ticket (compared to charter rates). This is one of the business community's favorite means for subsidizing the campaigns and travel of lawmakers with the expectation of receiving something in return.

4. No effort is made to slow the revolving door.

Currently, 43 percent of retiring members of Congress—those who retire for reasons other than death or conviction—spin through the revolving door to become lobbyists. The current ''cooling-off' period prohibits former members and staff only from making direct ''lobbying contacts'' with their former colleagues for one year after leaving public service. They can, and do, engage in all other lobbying activity, including planning lobbying strategy, supervising a team of lobbyists and making lobbying contacts with others in government who were not in the same branch of government or congressional committee. They are prohibited only from picking up the telephone and calling their former colleagues.

H.R. 4975 does not attempt to expand the coverage of the revolving door prohibition to include ''lobbying activity'' as well as ''lobbying contacts.'' The bill does not even extend the one-year cooling-off period to two years.

Note: For a chart comparing Senate and House lobbying reform legislation, go to http://www.cleanupwashington.org/documents/LegCompare.pdf. For more links to information about lobbying reform, go to http://www.cleanupwashington.org/lobbying/page.cfm?pageid=24.

C. HOUSE FLOOR ACTION

H.R. 4975 cleared all the committee hurdles with almost no amendments in just one week. House Republican leaders clearly want fast action on the final bill, most certainly before any further indictments are issued in the widening corruption investigations. They have also closed off any chance for the full House to consider strengthening amendments by attaching a very restrictive closed rule to the bill.

The restrictive rule attached to H.R. 4975 was approved by a near party-line vote of 216–207 on April 27 during a tumultuous floor session. After a discombobulated performance on the House floor in the morning, in which the GOP leadership pulled the lobbying reform rule from the floor 24 minutes after it was introduced because they lacked the votes to pass it, the leaders whipped their colleagues into line by evening in a closed-door emergency session that lasted an hour and a half.

Many moderate House Republicans opposed the rule because the bill did not go far enough in reforming ethics and lobbying practices. For example, Representative JEFF FLAKE told The Washington Post: ''You have one of your members in jail, others being investigated. To still take the position that we don't need reform—it's unbelievable.''

Other Republicans, such as Appropriations Committee Chairman JERRY LEWIS objected that the earmarking provision applied only to the 11 appropriations bills, but not to the tax and authorizing bills of other committees, such as the transportation committee, which produced the ''bridge to nowhere'' earmark. House Republican leaders worked out a deal with the appropriators that the earmark provision would be extended to tax and authorizing bills in conference committee.

In the end, all Democrats and only 16 Republicans refused to support the restrictive rule. Republicans voted 216 in favor of the rule and 12 against, with three not voting. No Democrat voted in favor of the rule, while 194 voted against it and seven did not vote. One Independent voted against the rule.

Republicans who voted against the restrictive rule include: Reps. CHRIS SHAYS (R–Conn.), TODD PLATTS (R–Pa.) JIM RAMSTAD (R–Minn.), former House ethics committee chairman JOEL HEFLEY (R–Colo.), KENNY HULSHOF (R–Mo.), a former member of the panel, JEB BRADLEY (R–N.H.), WALTER JONES (R–N.C.), JIM KOLBE (R–Ariz.), CHARLES BASS (R–N.H.), STEVE CHABOT (R–Ohio), MARK GREEN (R–Wisc.) and JAMES SENSENBRENNER (R–Wisc.).

For a complete roll call vote on the restrictive rule, go to: www.CleanUpWashington.org/documents/vote4975rule.pdf.

The rule prohibits consideration of all but nine amendments among the 73 that were submitted for consideration. None of the amendments advocated by the reform community as strengthening amendments are allowed to be considered on the House floor. In addition, the rule:

Allows for one hour of debate, equally divided between the majority and minority parties;

Reinstates the provisions to regulate Section 527 political organizations as political committees subject to federal election contribution limits; and

Repeals current party coordinated expenditure limits; and

Removes a provision calling for the General Accountability Office to study contingency fees paid to lobbyists who secure earmarks.

Most of the amendments that are allowed for consideration would weaken the already weak bill. The nine permissible amendments are as follows:

SUMMARY OF ORDERED AMENDMENTS (LENGTH OF TIME PERMITTED FOR DEBATE)

(1.) Gohmert (Texas) #29. Strikes the current section 106 that establishes criminal penalties for violations of the law. (10 minutes)

(2.) Castle (Del.)/Gerlach (Pa.) #38. Requires that lobbyists be held liable for offering gifts that violate the gift ban. (10 minutes)

(3.) Lungren (Calif.)/Miller, George (Calif.)/Hastings (Wa.)/Berman (Calif.)/Cole (Okla.) #6. Modifies section 301 to allow privately sponsored travel during the temporary moratorium if pre-approved by the ethics committee. (10 minutes)

(4.) Sodrel (Ind.)/McGovem (Mass.)/Davis (Ky.) #47. Amends section 502 to add a voluntary ethics training program for members within 100 days of being sworn in to Congress. (10 minutes)

(5.) Jackson-Lee (Texas) #53. Modifies the extent to which pensions can be withheld from the spouse and family. (10 minutes)

(6.) Gingrey (Ga.) #14. Extends the prohibition on converting campaign dollars for personal use currently applicable to campaign committees to leadership PACs. (10 minutes)

(7.) Wolf (Va.) #7 [WITHDRAWN BY WOLF]. Prohibits former ambassadors and CIA station chiefs from acting as an agent of the foreign nation where they were stationed for five years after their service as ambassador or station chief is completed. (10 minutes)

(8.) Castle (Del.) #34. Requires that all registered lobbyists (not members of Congress) complete eight hours of ethics training each Congress. (10 minutes)

(9.) Flake (Ariz.) #17. Prohibits a person from directly or indirectly, corruptly giving, offering or promising anything of value to any public official with the intent to influence any

official act relating to an earmark. Also prohibits a public official from corruptly demanding, seeking, receiving, accepting or agreeing to receive or accept anything of value in return for influence in the performance of an official act relating to an earmark. (10 minutes)

D. CONCLUSION: REJECT H.R. 4975 AND MAKE THE HOUSE ADDRESS GENUINE LOBBYING REFORM

H.R. 4975 is not real lobbying reform. It fails to address the most fundamental abuses of ethical behavior by lobbyists and members of Congress alike. The bill instead is being used as a vehicle for Republican leaders to claim that have dealt with lobbying abuses while avoiding sweeping changes. Republican leaders are betting that H.R. 4975 will be enough to dodge a voter backlash come November.

This sham reform legislation should be rejected and sent back to the House to be fundamentally rewritten. If the House refuses to deal with corruption and the perception of corruption in Congress, the issue should not be allowed to fade as the election nears.

Public Citizen is a national, nonprofit consumer advocacy organization based in Washington, D.C. For more information, go to www.citizen.org.

Mr. HEFLEY. Mr. Chairman, I rise today in opposition to the lobbying reform bill because this legislation does not go far enough in reforming the rules of the House.

As the former House Ethics Committee chairman I feel H.R. 4975 does very little in providing comprehensive reform. This bill contains much needed changes to lobbying reform and I congratulate Chairman DREIER for putting together these much needed changes. Unfortunately, this bill is silent on reforming the rules of this institution to enhance the ethics process, which are equally as important as the lobbying changes.

We had an opportunity to implement comprehensive ethics reform in the House, but unfortunately we are not taking advantage of this opportunity. Real, meaningful reform in the House must include strengthening the Ethics Committee and the ethics process.

Representative HULSHOF and I introduced a bill last month to strengthen the ethics committee in ways this bill does not.

Our legislation would do three things this bill does not:

It would increase transparency across the board, it would increase oversight, and it would give the Ethics Committee the authority to aggressively investigate potential violations when necessary.

Our legislation includes broad and sweeping disclosure across the board for all gifts over $20, all privately funded travel, all lobbyist registrations, all passengers on corporate jets, and all member financial disclosure statements. All disclosure would be on the internet and all in real time.

Mr. Chairman, the bill we introduced would give the Ethics Committee broader subpoena power during informal investigations, which is when the key decisions are made regarding whether to fully investigate a potential violation.

Our legislation would strengthen the independence of the chair and ranking member by giving them presumptive six year terms like other chairmen.

Our bill would also strengthen the independence of the ethics committee staff by making this a career office, like the parliamentarians office, yet with the accountability all staff should have.

However, neither the Republican leadership nor the Democrat leadership have offered a solution that addresses what is important, the Ethics Committee.

I think we've missed a good opportunity to do some good things and I look forward to working with my colleagues in addressing further reforms in the future.

Mr. BLUMENAUER. Mr. Chairman, the legislation before us today is a missed opportunity to fix an area in great need of reform. The bill does little to reign in the activities of lobbyists and members and the restrictive rule prevented many viable alternatives from being considered.

There are a lot of things we can do through the Ethics Committee and the Rules Committee to improve our broken ethics system. But what we should and must do is have an independent process. My colleague from Oregon, GREG WALDEN, and I crafted an amendment that would deal comprehensively with accountability and oversight of Congress in a way that we cannot accomplish under the current system. Our amendment would have established an independent commission, composed of former Members of Congress, who would be able to govern Congress in a fair and transparent manner. The amendment also provided meaningful reporting and review requirements for both Members and lobbyists.

Our constituents will no longer stand for secretive legislative activity where the sponsor is not identified and the fingerprints are missing. Time must be allotted to digest proposals. There's no reason why there should not be a minimum of 3 days to examine something before it is voted on, unless there is a real emergency determined by a vote of the House.

I think we can, and must, do more if we are to restore voters' faith in both their representatives and the system in general. While it is true that some who broke the law were caught and are now being punished, it is clear that we must do better if we are to rekindle the trust of the American people in our work and our integrity.

Mr. PAUL. Mr. Chairman, the public outrage over the Jack Abramoff scandal presented Congress with an opportunity to support real reform by addressing the root cause of the corruption: the amount of money and power located in Washington, D.C. A true reform agenda would focus on ending federal funding for unconstitutional programs, beginning with those programs that benefit wealthy corporations and powerful special interests. Congress should also change the way we do business in the House by passing the Sunlight Rule (H. Res. 709). The Sunlight Rule ensures that members of the House of Representatives and the American public have adequate time to read and study legislation before it is voted upon. Ending the practice of rushing major legislation to the House floor before members have had a chance to find out the details of bills will do more to improve the legislative process and restore public confidence in this institution than will imposing new registration requirements on lobbyists or making staffers waste their time at an ''ethics class.''

I am disappointed, but not surprised, to see that Congress is failing to go after the root cause of corruption. Instead, we are considering placing further burdens on the people's exercise of their free speech rights. H.R. 4975 will not deter corrupt lobbyists, staffers, or members. What H.R. 4975 will do is discourage ordinary Americans from participating in the policy process. Among the ways H.R. 4975 silences ordinary Americans is by requiring grassroots citizens' action organizations to divulge their membership lists so Congress can scrutinize the organizations' relationships with members of Congress. The result of this will be to make many Americans reluctant to support or join these organizations. Making it more difficult for average Americans to have their voices heard is an odd response to concerns that Congress is more responsive to special interests than to the American public.

This legislation further violates the First Amendment by setting up a means of secretly applying unconstitutional campaign finance laws to ''Section 527'' organizations. This is done by a provision in the rule under which this bill is brought before us that automatically attaches the ''527'' legislation to H.R. 4975 if H.R. 4975 passes the House and is sent to the Senate for a conference.

H.R. 4975 also contains minor reforms of the appropriation process to bring greater transparency to the process of ''earmarking,'' where members seek funding for specific projects in their respective district. I have no objection to increased transparency, and I share some of the concerns raised by opponents of the current earmarking process.

However, I would like to remind my colleagues that, since earmark reform does not reduce the total amount of spending, instead giving more power to the executive branch to allocate federal funds, the problem of members trading their votes in exchange for earmarks will continue. The only difference will be that instead of trading their votes to win favor with Congressional appropriators and House leadership, members will trade their votes to get funding from the Executive branch. Transferring power over allocation of taxpayer dollars from the legislative branch to the executive branch is hardly a victory for republican government. Reducing Congress's role in allocating of tax dollars, without reducing the Federal budget, also means State and local officials, to say nothing of ordinary citizens, will have less input into how Federal funds are spent.

Earmarks, like most of the problems H.R. 4975 purports to deal with, are a symptom of the problem, not the cause. The real problem is that the United States government is too big, spends too much, and has too much power. When the government has the power to make or break entire industries by changing one regulation or adding or deleting one paragraph in an appropriation bill it is inevitable that people will seek to manipulate that power to their advantage. Human nature being what it is, it is also inevitable that some people seeking government favors will violate basic norms of ethical behavior. Thus, the only way to effectively address corruption is to reduce the size of government and turn money and power back to the people and the several states.

The principals in the recent scandals where not deterred by existing laws and congressional ethics rules. Why would a future Jack Abramoff be deterred by H.R. 4975? H.R. 4975 is not just ineffective to the extent that it burdens the ability of average citizens to support and join grassroots organizations to more effectively participate in the policy process, H.R. 4975 violates the spirit, if not the letter, of the First Amendment. I therefore urge my

colleagues to reject this bill and instead work to reduce corruption in Washington by reducing the size and power of the Federal Government.

Mr. HOLT. Mr. Chairman, it is an honor and a privilege to serve in the U.S. Congress. Having been entrusted by our constituents with the responsibility to serve their interests in this body, we hold a sacred trust to represent them openly, honestly, and selflessly.

Serving as a public official necessarily and rightly subjects an individual to heightened scrutiny of behavior. It is tragic that scurrilous actions perpetrated by Members of this body have further eroded the trust that Americans place in their electoral and representative system. Congress must act expeditiously and strongly to restore this trust.

Unfortunately, the legislation that we have before us today is nothing more than a sham. It is a feeble attempt to fool the public—a package of half-hearted cosmetic changes that merely nibble at the edges of a fundamentally flawed governing ethos.

H.R. 4975 falls far short of its two goals—fixing the systemic problems that have led to abuses of power, and restoring the faith of American citizens in the integrity of this institution.

Recent scandals prove that we need to do something to ensure that Congressional travel is legitimate. Domestic and international travel is an important way to inform our representation and see the effects of our decisions in different communities and countries. For example, Members of Congress should have the opportunity to travel to Israel, Burma, Greece, Brazil, or other destinations where the votes cast in this chamber have a real impact. Such trips are entirely different from golf junkets to Scotland. Nonprofits and educational agencies should continue providing this important service because it informs Members in a setting free of special interest lobbyists. However, H.R. 4975 does nothing to stop lobbyists from funding and arranging Congressional travel. Such travel should be permanently banned altogether. H.R. 4975 also fails because it imposes no restrictions on the use of corporate jets by Members, and does not require reimbursement of the flight's actual value.

Sunshine, as they say, is the best disinfectant, and H.R. 4975 does not do nearly enough to allow the public to know the interaction between elected officials and lobbyists. H.R. 4975 contains no meaningful disclosure requirements on lobbyist campaign finance activities on behalf of Members of Congress. We must let the public know about fundraisers, events ''honoring'' Members, or outright contributions that special interest lobbyists are lavishing upon elected officials. The bill has been stripped of any such requirements.

It is clear that the practice of ''earmarking'' is not the ideal way to fund the needs of the nation. Basing funding decisions not on merit, but on the influence and seniority of a Member of Congress inherently does a disservice to the nation. Earmarking needs to be severely restricted. At a minimum, each Member should be willing to fully disclose the requesting organization or person and explaining the purpose of the project publicly. Unfortunately, H.R. 4975 fails to achieve this goal. Its disclosure requirements apply only to appropriations bills—not to authorization or tax bills. It's a half-measure, at best, that would do nothing to stop wasteful and unnecessary projects like the ''Bridge to Nowhere.''

Sadly, the process by which this legislation comes before us has been fundamentally undemocratic. The Rules Committee disallowed the large majority of amendments that would improve this weak bill. It disallowed an amendment that would have required registered lobbyists to disclose lobbying contacts with Members of Congress and senior executive branch officials. It disallowed an amendment to increase the waiting period for Members and senior staff to lobby Congress. And it disallowed an amendment to require full payment and disclosure of charter flights.

The Democratic alternative is a better way. The Honest Leadership Open Government Act would address these shortcomings and more. It would prohibit special interest provisions from being inserted in legislation in the dead of night, before they can be adequately reviewed and debated. It would restore democracy in the House by prohibiting votes from being held open to twist arms and lobby Members on the floor, and would prohibit cronyism in key government appointments and government contracting. We would also permanently ban gifts and travel arranged or funded by lobbyists, mandate disclosure of lobbyist fundraising activities on behalf of Members, and close the revolving door between the public and private sector.

The Washington Post calls this bill, ''a watered-down sham.'' USA Today calls it an ''outrageous substitute for needed reform.'' Third party interest groups like Common Cause, Democracy 21, the League of Women Voters, Public Citizen, and U.S. P.I.R.G. have all condemned this weak and inadequate effort to kick the can down the road. We have an historic opportunity to reform the way business is conducted in Washington, D.C., and we are poised to miss that opportunity.

I urge my colleagues to oppose H.R. 4975 and support real reform.

Mr. LEVIN. Mr. Chairman, I rise in strong opposition to this legislation.

The American people are losing their faith in the integrity of Congress. Today we had a real opportunity to curb the influence of the special interests and lobbyists, and to disburse the cloud of corruption hanging over this Congress as a result of the improprieties of a small minority who have disgraced its good name.

Yet this watered-down attempt at reform falls far short of what we need to do to restore confidence in the legislative process. This bill is reform in name only. Under this bill companies could continue to fly members in their corporate jets at discount rates. Members could continue to accept lobbying jobs shortly after drafting and advocating for industry-friendly legislation. Members could influence private employment decisions with the threat of taking or withholding official actions. And special interest provisions could continue to be slipped into legislation at the eleventh hour. Instead of developing a real policy to govern gifts and meals, this legislation defers that decision until after the elections in November. This bill also postpones adoption of a clear policy regarding special interest and lobbyist-sponsored private travel.

The bill before the House is not going to fool anyone. Across the country, newspapers are blasting the GOP lobbying reform bill for the farce that it is.

The Washington Post has called it ''a watered-down sham that would provide little in the way of accountability or transparency.'' ''Congress still doesn't get it,'' said USA Today. The New York Times writes ''It's hard to believe that members of Congress mindful of voters'' diminishing respect would attempt such an election-year con.'' And the Houston Chronicle asks ''How many more members of Congress, their aides and lobbyists have to be convicted of fraud, bribery and abuse of voters' trust before legislators get the message that the public is serious about ethics reform?''

The Democratic reform plan, the Honest Leadership and Open Government Act, which I have cosponsored, would address each of these serious inadequacies, while further strengthening lobbyist disclosure requirements to shine some light into the relationship between campaign donors, lobbyists and Members of Congress.

Yet, in what has become a standard abuse of House Rules, Democrats were denied the opportunity to debate a number of substantive amendments seeking to improve and strengthen many components of the bill. Consideration of substitute legislation was blocked as well, denying Members the chance to vote on the actual reforms included in the Democratic Honest Leadership and Open Government Act.

The American people have seen the impacts resulting from the lax policies of this Republican Congress in many ways. Spiraling prescription drug costs, the skyrocketing cost of gasoline, waste, fraud and no-bid contracts in the Gulf Coast and Iraq, are all cases where a more open legislative process with reasonable oversight could have saved consumers thousands.

While this Republican Leadership may be perfectly content in perpetuating a clearly flawed status quo, sticking to business as usual regardless of the multiplying and increasingly brazen cases of misconduct, and promising more reform at some indefinite date in the future, I know the American people both demand and deserve a real response. This is simply a smoke screen by Members of the Majority to delay real action right here and right now.

Today Member after Member from the Republican Party came to the House floor not to extol the virtues of this legislation but to assure their colleagues that this was just a compromise, and that more would be done in conference and in the future. The American people do not want a compromise. They don't want to hear any more false promises of future action. The continuing cost of inaction has resulted in the loss of the confidence of the American people.

I will vote against this legislation today and support the Democratic motion to recommit to send the bill back to Committee with instructions to immediately report the measure back to the House with the text of the Honest Leadership and Open Government Act.

Mr. DINGELL. Mr. Speaker, I rise to oppose the legislation before us today. I oppose it, not because I oppose clean, open, and transparent government; or because I don't want the American people to have faith in their legislators.

I oppose it, quite simply, because all it does is put lipstick on a pig. It allows the Republican majority to give themselves a self congratulatory pat on the back and then proceed with business as usual. It allows those same Republicans, who have let K Street and corporate greed-heads to feast at the trough of

American democracy, to proclaim their reborn innocence. It scolds the lobbying community for the sins of their membership, and does nothing to change the culture of corruption here in the Congress and in the Executive Branch other than making people fill out a couple more forms.

I have served in this beloved institution for quite a while now. I love it with all my heart. In my time here I have always tried to do right by the people. I have always tried to spend their money wisely. I have tried to make sure that their government responds to their concerns. I have tried to make sure that the Executive Branch, whether it was run by Democrats or Republicans, understood Congressional prerogatives. And the Congress, as a whole, used to respect these privileges as well.

Things have changed. They have changed, not because there's a thriving business for lobbyists—lobbyists thrived when Congress was honest—but because this Congress now sees K Street's interests as its own. Not only have we seen a rise in a culture of corruption, but we have also seen the withering of the culture of skepticism.

Too many people here in the Congress accept, without a moment's hesitation, the priorities of a lobbyist. No questions are asked, no criticisms are made. Doing K Street's bidding is not our job, representing the American people is. Until the Majority figures that out, no amount of reform and self-congratulations is going to change our image or restore the faith of the American people.

Mr. DREIER. Mr. Chairman, I yield back the balance of my time, and I move that the Committee do now rise.

The motion was agreed to.

Accordingly, the Committee rose; and the Speaker pro tempore (Mr. LINDER) having assumed the chair, Mr. PRICE of Georgia, Acting Chairman of the Committee of the Whole House on the State of the Union, reported that that Committee, having had under consideration the bill (H.R. 4975) to provide greater transparency with respect to lobbying activities, and for other purposes, had come to no resolution thereon.

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

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

Votes will be taken in the following order:

H. Con. Res. 359, by the yeas and nays;

H.R. 5253, by the yeas and nays;

H.R. 5254, by the yeas and nays.

Proceedings on House Resolution 781 will resume at a later time.

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

AUTHORIZING USE OF CAPITOL GROUNDS FOR DISTRICT OF COLUMBIA SPECIAL OLYMPICS LAW ENFORCEMENT TORCH RUN

The SPEAKER pro tempore. The pending business is the question of suspending the rules and agreeing to the concurrent resolution, H. Con. Res. 359.

The Clerk read the title of the concurrent resolution.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from New York (Mr. KUHL) that the House suspend the rules and agree to the concurrent resolution, H. Con. Res. 359, on which the yeas and nays are ordered.

The vote was taken by electronic device, and there were—yeas 417, nays 0, not voting 15, as follows:

[Roll No. 114]

YEAS—417

Abercrombie
Ackerman
Aderholt
Akin
Alexander
Allen
Andrews
Baca
Bachus
Baird
Baker
Baldwin
Barrett (SC)
Barrow
Bartlett (MD)
Bass
Bean
Beauprez
Becerra
Berkley
Berman
Berry
Biggert
Bilirakis
Bishop (GA)
Bishop (NY)
Bishop (UT)
Blackburn
Blumenauer
Blunt
Boehlert
Boehner
Bonilla
Bonner
Bono
Boozman
Boren
Boswell
Boucher
Boustany
Boyd
Bradley (NH)
Brady (PA)
Brady (TX)
Brown (OH)
Brown (SC)
Brown, Corrine
Brown-Waite, Ginny
Burgess
Burton (IN)
Butterfield
Calvert
Camp (MI)
Campbell (CA)
Cannon
Cantor
Capito
Capps
Capuano
Cardin
Cardoza
Carnahan
Carson
Carter
Case
Castle
Chabot
Chandler
Chocola
Clay
Cleaver
Clyburn
Coble
Cole (OK)
Conaway
Conyers
Cooper
Costa
Costello
Cramer
Crenshaw
Crowley
Cubin
Cuellar
Cummings
Davis (AL)
Davis (CA)
Davis (FL)
Davis (IL)
Davis (KY)
Davis (TN)
Davis, Jo Ann
Davis, Tom
Deal (GA)
DeFazio
DeGette
Delahunt
DeLauro
Dent
Diaz-Balart, L.
Diaz-Balart, M.
Dicks
Doggett
Doolittle
Doyle
Drake
Dreier
Duncan
Edwards
Ehlers
Emanuel
Emerson
Engel
English (PA)
Eshoo
Etheridge
Everett
Farr
Fattah
Feeney
Ferguson
Filner
Fitzpatrick (PA)
Flake
Foley
Forbes
Ford
Fortenberry
Fossella
Foxx
Frank (MA)
Franks (AZ)
Frelinghuysen
Gallegly
Garrett (NJ)
Gerlach
Gibbons
Gilchrest
Gillmor
Gingrey
Gohmert
Gonzalez
Goode
Goodlatte
Gordon
Granger
Graves
Green (WI)
Green, Al
Grijalva
Gutierrez
Gutknecht
Harman
Harris
Hart
Hastings (FL)
Hastings (WA)
Hayes
Hayworth
Hefley
Hensarling
Herger
Herseth
Higgins
Hinchey
Hinojosa
Hobson
Hoekstra
Holden
Holt
Honda
Hooley
Hostettler
Hoyer
Hulshof
Hunter
Hyde
Inglis (SC)
Inslee
Israel
Issa
Istook
Jackson (IL)
Jackson-Lee (TX)
Jefferson
Jenkins
Jindal
Johnson (CT)
Johnson (IL)
Johnson, E. B.
Johnson, Sam
Jones (NC)
Jones (OH)
Kanjorski
Kaptur
Keller
Kelly
Kennedy (MN)
Kennedy (RI)
Kildee
Kilpatrick (MI)
Kind
King (IA)
King (NY)
Kirk
Kline
Knollenberg
Kolbe
Kucinich
Kuhl (NY)
LaHood
Langevin
Lantos
Larsen (WA)
Larson (CT)
Latham
LaTourette
Leach
Lee
Levin
Lewis (CA)
Lewis (GA)
Lewis (KY)
Linder
Lipinski
LoBiondo
Lofgren, Zoe
Lowey
Lucas
Lungren, Daniel E.
Lynch
Mack
Maloney
Manzullo
Marchant
Markey
Marshall
Matheson
Matsui
McCarthy
McCollum (MN)
McCotter
McCrery
McDermott
McGovern
McHenry
McHugh
McIntyre
McKeon
McKinney
McMorris
McNulty
Meehan
Meek (FL)
Meeks (NY)
Melancon
Mica
Michaud
Millender-McDonald
Miller (FL)
Miller (MI)
Miller (NC)
Miller, Gary
Miller, George
Mollohan
Moore (KS)
Moore (WI)
Moran (KS)
Moran (VA)
Murphy
Murtha
Musgrave
Myrick
Nadler
Napolitano
Neal (MA)
Neugebauer
Ney
Northup
Norwood
Nunes
Oberstar
Obey
Olver
Ortiz
Otter
Owens
Oxley
Pallone
Pascrell
Pastor
Paul
Payne
Pearce
Pelosi
Pence
Peterson (MN)
Peterson (PA)
Petri
Pickering
Pitts
Platts
Pombo
Pomeroy
Porter
Price (GA)
Price (NC)
Pryce (OH)
Radanovich
Rahall
Ramstad
Rangel
Regula
Rehberg
Reichert
Renzi
Reyes
Reynolds
Rogers (AL)
Rogers (KY)
Rogers (MI)
Rohrabacher
Ros-Lehtinen
Ross
Rothman
Roybal-Allard
Royce
Ruppersberger
Rush
Ryan (OH)
Ryan (WI)
Ryun (KS)
Salazar
Sánchez, Linda T.
Sanchez, Loretta
Sanders
Saxton
Schakowsky
Schiff
Schmidt
Schwartz (PA)
Schwarz (MI)
Scott (GA)
Scott (VA)
Sensenbrenner
Serrano
Sessions
Shadegg
Shaw
Shays
Sherman
Sherwood
Shimkus
Shuster
Simmons
Simpson
Skelton
Slaughter
Smith (NJ)
Smith (TX)
Smith (WA)
Snyder
Sodrel
Solis
Souder
Spratt
Stark
Stearns
Strickland
Stupak
Sullivan
Sweeney
Tancredo
Tanner
Tauscher
Taylor (MS)
Taylor (NC)
Terry
Thomas
Thompson (CA)
Thompson (MS)
Thornberry
Tiahrt
Tiberi
Tierney
Towns
Turner
Udall (CO)
Udall (NM)
Upton
Van Hollen
Velázquez
Visclosky
Walden (OR)
Walsh
Wamp
Wasserman Schultz
Waters
Watson
Watt
Waxman
Weiner
Weldon (FL)
Weldon (PA)
Weller
Westmoreland
Wexler
Whitfield
Wicker
Wilson (NM)
Wilson (SC)
Wolf
Woolsey
Wu
Wynn
Young (AK)
Young (FL)

NOT VOTING—15

Barton (TX)
Buyer
Culberson
DeLay
Dingell
Evans
Green, Gene
Hall
Kingston
McCaul (TX)
Nussle
Osborne
Poe
Putnam
Sabo

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore (during the vote). Members are advised that there are 2 minutes remaining in this vote.

□ 1447

So (two-thirds of those voting having responded in the affirmative) the rules were suspended and the concurrent resolution was agreed to.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

Stated for:

Mr. PUTNAM. Mr. Speaker, on rollcall No. 114 I was unavoidably detained at the White House. Had I been present, I would have noted ''yea.''