

## STATEMENT OF CHAIRMAN TRENT LOTT

### Senate Rules Committee Mark Up "Legislative Transparency and Accountability Act of 2006"

February 28, 2006

The Committee will come to order.

Good morning.

Three weeks ago the Committee held a hearing on ways to make the legislative process more transparent. We heard a wide array of opinions from colleagues and from members of the public on things we could do to give the public more confidence in the legislative process.

This morning, the Committee will address many of the issues that were raised at that hearing. I am putting forth a Chairman's mark that incorporates some of the suggestions that were made at that hearing, as well as ideas that have been offered to me by colleagues in the Senate and on this Committee.

I want to especially thank our Ranking Member, Senator Dodd, who has closely collaborated with me on this matter. I know that Senator Dodd may not agree with all of the provisions of the bill before us, but we have had a good collaboration which I think makes this a better bill.

I also want to thank my colleague, Senator Cochran, who has helped me to improve on the measure I introduced with Senator Feinstein to deal with the issue of transparency in earmarks.

Finally, we all owe a debt of gratitude to Senator Santorum who has worked tirelessly in trying to develop a bi-partisan approach to these issues. Many of the ideas that are incorporated in the bill before us are a direct result of Senator Santorum's work.

My mark attempts to deal only with issues within the jurisdiction of this Committee. I recognize that many of the issues that are subsumed under the heading "lobby reform" come within the jurisdiction of the Senate Homeland Security and

Government Affairs Committee which will mark up a bill later in the week. I hope that Member amendments will also be limited to matters within the scope of our Committee.

There are eight major components to the Chairman's mark. The first section deals directly with the issue of out-of-scope matters in conference reports. If a Point of Order is raised, it will not bring down the entire conference report. If the Point of Order is sustained, the Conference Report, minus the offending provisions, will be sent back to the House for a vote.

I want to make perfectly clear that this Point of Order lies against all Conference Reports, authorizations, tax bills, and appropriations bills.

One major change from the original Lott/Feinstein bill is that the Point of Order can be waived by a majority, rather than 60 votes. I believe this change will ensure that items of a very minor, or technical, nature in a conference report cannot be used to delay final passage of an otherwise compliant conference report. There are too many mechanisms available to Senators to delay moving legislation forward and I believe that by allowing a simple majority vote to determine what is truly outside the scope of a conference will ensure that we are not further delaying how this institution does business.

The Chairman's mark also requires that committee and conference reports identify the sponsor of all earmarks in authorization and appropriations bills. In addition, there must be a justification for the earmark. Finally, my mark requires that Conference Reports be available 24 hours before consideration and be posted on the Internet.

On the issue of gifts, I have crafted a simple rule. No gifts are allowed from lobbyists to Members or staff. However, I have taken the suggestion of some of our witnesses and excluded meals from the definition of gifts. In addition, while I have retained the current rule on the value of meals that can be provided by lobbyists, I have added a new requirement that the value of meals received by Members or Staff from lobbyists be posted on Senators' Internet sites.

Under my proposal, third-party funded travel must be pre-cleared and approved by the Senate Ethics Committee. The sponsor of the trip must certify to the Ethics

Committee that the trip is not financed by lobbyists. Additionally, for the trip to be approved, it must be primarily for education; be consistent with a Member's official duties and not create an appearance of the use of public office for private gain. Furthermore, recreation would have to be a minimal or non-existent component of the trip. Finally, all Member and staff trips would have to be posted on the Members' web site and with Secretary of the Senate.

My mark tightens post-employment restrictions for high paid staff by conforming the lobbying ban on Senior staff with the ban on former Members' lobbying. Therefore, senior staff will not be allowed to lobby the entire Senate for one year. The current rules will continue to apply to lower paid staff.

In an effort to broaden transparency, the mark requires that all travel on corporate jets be disclosed along with the names of the people traveling on the jet and the purpose of the trip. These disclosure rules will apply in the case of a Member on official business, and when a Member is engaged in a campaign for re-election.

I have also addressed an issue that some people have expressed concerns about—former Members lobbying on the Senate floor. While I do not believe this is a real problem, I think former Members who are registered lobbyists should not be seen to have an advantage in meeting with Members. Therefore, the mark bars former Members, Ex-Secretaries of the Senate, Ex-Sergeants At Arms, and Former Speakers who are registered lobbyists access to the Senate floor. Exceptions may apply for ceremonial events and events designated by the Leaders.

Finally, since much of the recent lobbying scandal involved what appears to be shakedowns of Indian tribes by Mr. Abramoff, the mark requires that Indian tribes publicly disclose their political contributions. I think this will be especially beneficial for the public and for the members of tribes who have been shocked at how they were bilked.

I would ask the Ranking Member if he would like to make any comments.