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2 MARKUP OF H.R. 2317, THE "LOBBYING
3 TRANSPARENCY ACT OF 2007"; H.R. 2316,
4 THE "HONEST LEADERSHIP AND OPEN
5 GOVERNMENT ACT OF 2007"; H.R. 2264,
6 THE "NO OIL PRODUCING AND EXPORTING
7 CARTELS ACT OF 2007"; AND S. 1104, TO
8 INCREASE THE NUMBER OF IRAQI AND
9 AFGHANI TRANSLATORS AND INTERPRETERS
10 WHO MAY BE ADMITTED TO THE UNITED
11 STATES AS SPECIAL IMMIGRANTS
12 Thursday, May 17, 2007
13 House of Representatives,
14 Committee on the Judiciary,
15 Washington, D.C.

16 The committee met, pursuant to call, at 10:45 a.m., in Room
17 2141, Rayburn House Office Building, Hon. John Conyers
18 [chairman of the committee] presiding.

19 Present: Representatives Conyers, Berman, Nadler,
20 Scott, Watt, Lofgren, Jackson Lee, Waters, Meehan, Delahunt,
21 Wexler, Sanchez, Cohen, Johnson, Gutierrez, Weiner, Schiff,
22 Davis, Wasserman Schultz, Ellison, Baldwin, Smith,
23 Sensenbrenner, Coble, Gallegly, Goodlatte, Chabot, Lungren,
24 Cannon, Keller, Issa, Pence, Forbes, King, Feeney, Franks,
25 Gohmert, and Jordan.

26 Staff present: Perry Apelbaum, General Counsel and
27 Staff Director; Joseph Gibson, Minority General Counsel;
28 George Slover, Parliamentarian; and Anita Johnson, Clerk.

29 Chairman Conyers. [Presiding.] Good morning. Can we
30 close the doors? Members take seats.

31 Members of the committee, we begin today's agenda with
32 the Lobbying Transparency Act, H.R. 2317, popularly known as
33 the "bundling bill."

34 I ask the clerk to report the bill.

35 The Clerk. "H.R. 2317, a bill to amend the Lobbying
36 Disclosure Act of 1995 to require registered lobbyists to
37 file quarterly reports on contributions bundled for certain
38 recipients, and for other purposes."

39 [The bill follows:]

40 ***** INSERT *****

41 Chairman Conyers. Without objection, the bill will be
42 considered as read and open to amendment at any point.

43 The chair, for his presentation of this measure, will
44 yield to Marty Meehan, the gentleman from Massachusetts, who
45 has worked on transparency and integrity in lobbying for at
46 least a couple of Congresses, for a brief statement
47 describing the bill. I yield to the gentleman from
48 Massachusetts.

49 Mr. Meehan. Thank you, Mr. Chairman.

50 Mr. Chairman, there is an often-cited quote from Supreme
51 Court Justice Louis Brandeis. He said, "Sunlight is the best
52 disinfectant." It is in the spirit of that principle that
53 the law already requires that lobbyists disclose their direct
54 contributions to members of Congress, but that is hardly the
55 full picture of the relationship between lobbyists, members,
56 and campaign donations.

57 In a practice known as "bundling," lobbyists can call up
58 their clients and fellow colleagues and pull checks to hand
59 over to members. Sometimes this will happen at fundraisers
60 where a lobbyist comes in with an envelope full of bundled
61 checks. Sometimes lobbyists will pledge to raise a certain
62 amount for a campaign and their progress is tracked through a
63 coding system, for example, getting donors to write a name or
64 a number on the memo line of a check.

65 In either scenario, lobbyists with their bundling

66 contributions will far exceed their individual contribution
67 limit. It is important to know how much a lobbyist is
68 bundling for a member of Congress and how much he is
69 contributing directly. Lobbyists, like every other citizen,
70 are limited in their individual giving, but are unlimited in
71 terms of how much they collect and forward to a campaign.

72 Without passing this bill and requiring lobbyists to
73 report their bundled contributions, this Congress and the
74 American people will remain in the dark. The Van Hollen bill
75 shines sunlight on the practice of bundling. The bill
76 requires a registered lobbyist who bundles two or more
77 contributions to a covered receipt, and in the aggregate
78 amount in excess of \$5,000 in a calendar quarter to file a
79 report 45 days after the end of each quarter. The report
80 includes the name of the lobbyist, the employer of the
81 lobbyist, and the name of the covered receipt and the
82 aggregate amount of contributions bundled.

83 To make sure that these collections align with the
84 members' recollections, the bill provides that a statement of
85 intent be sent to the member so the member would know what a
86 lobbyist intends to report. This bill is a good compromise
87 between the public's right to know and a member's right to
88 self-protection.

89 In their lobbying bill, the Senate addressed bundling,
90 setting a very high bar for the House. This proposal I think

91 meets that high bar, and I would urge my colleagues to
92 support this important reform.

93 Mr. Cannon. Would the gentleman yield for a question?

94 Mr. Meehan. Sure.

95 Mr. Cannon. My understanding of the language here, that
96 is relevant, is that the contribution will be or has been
97 credited or attributed to the registered lobbyist through
98 records, designations, recognitions, or other means of
99 tracking the covered recipient.

100 I am just trying to understand, if a campaign uses, say,
101 Aristotle or some other software that tracks contributions,
102 does that mean that that campaign is subject to an
103 investigation by the FBI?

104 Mr. Meehan. No, it wouldn't. An example would be the
105 Pioneers, for example, for the Bush campaign, where a
106 lobbyist would come, for example, and agree that they would
107 raise \$200,000 and the presidential campaign keeps an
108 accounting of when that particular person has raised the
109 \$200,000 that they had agreed to raise. It is a tracking
110 system within a campaign.

111 The tracking system is a matter of whether or not the
112 person has raised the \$100,000 or \$200,000 that they had
113 agreed to. It would be tracking to the extent that the
114 tracking meant there was an agreement between the campaign
115 and the lobbyist to raise a specific amount of money and the

116 tracking involved was determining whether or not that amount
117 of money had been raised.

118 Mr. Nadler. Would the gentleman yield for a second?

119 Mr. Meehan. I would yield.

120 Mr. Nadler. Usually, what that means, I think, and
121 correct me if I am wrong, is that the lobbyist agrees to
122 raise \$100,000. He calls up Henry, George and Charlie, and
123 he says, "Send me the check for \$1,000 each and put a donut
124 sign on it or put a checkmark on the right-hand corner," or
125 some signal that has been agreed to so they know that when
126 that check comes in, it is attributed to this lobbyist.

127 That is what we are talking about, right?

128 Mr. Meehan. It is. Aristotle, I mean, they basically
129 keep track of individual contributions, but not the agreement
130 between a campaign and a lobbyist.

131 Mr. Cannon. I understand that, but what would happen
132 with, say, Emily's List, where you have a group that endorses
133 or supports a campaign and then asks people to come in and
134 make contributions? Suppose they did that with a simple
135 account that could be set up easily so that the campaign
136 understood that the contributions were coming from Emily's
137 List because they go to an account that is individual for
138 that? How would that work under this bill?

139 Mr. Meehan. Emily's List wouldn't be covered. They are
140 not registered lobbyists.

141 Chairman Conyers. Does the gentleman yield back his
142 time?

143 Mr. Meehan. I yield back my time.

144 Chairman Conyers. Before I recognize our distinguished
145 ranking member, we have all noted that there are four bills,
146 two we expect to move very quickly, and NOPEC bill and a
147 measure to increase the number of translators and
148 interpreters in Iraq and Afghanistan. We have these four
149 bills to mark up.

150 The Immigration Subcommittee is still scheduled to be in
151 this room, 2141, at 3 o'clock. So I ask the members to be
152 mindful of time as we debate these important bills and try to
153 keep repetitive discussion to a minimum.

154 I recognize Lamar Smith, the ranking member of the
155 Judiciary Committee, from Texas.

156 Mr. Smith. Thank you, Mr. Chairman.

157 Mr. Chairman, I think we have been here before, in fact,
158 last year. This bill addresses the same issue of the
159 disclosure of campaign contributions bundled together by
160 lobbyists that this committee addressed last Congress when it
161 adopted an amendment offered by Mr. Van Hollen by a vote of
162 28 to 4.

163 Mr. Van Hollen signed his name to the following
164 statement in the committee report accompanying the lobbying
165 reform bill this committee reported out last Congress: "At

166 the markup, we were able to develop a bipartisan provision
167 concerning the areas of Judiciary Committee jurisdiction,
168 principally the Lobbying Disclosure Act."

169 So, Mr. Chairman, I am glad to see us endorse previous
170 bipartisan efforts of the last Congress, and I yield back the
171 balance of my time.

172 Mr. Cannon. Would the gentleman yield?

173 Chairman Conyers. I thank the gentleman.

174 Are there any amendments?

175 Mr. Cannon. I move to strike the last word, Mr.

176 Chairman.

177 Chairman Conyers. Well, let me ask the question again.

178 Are there any amendments?

179 Steve King?

180 Mr. King. Mr. Chairman?

181 Chairman Conyers. The gentleman is recognized.

182 Mr. King. I thank the chairman. Am I out of order to
183 offer an amendment, then?

184 Chairman Conyers. Yes.

185 Mr. King. Thank you. Mr. Chairman, I would ask that
186 King amendment number one be brought up.

187 Chairman Conyers. Yes. Is it at the desk yet, Steve?

188 Mr. King. It is at the desk.

189 Mr. Berman. Reserving the right to object.

190 Chairman Conyers. A reservation is made, but we haven't

191 found the bill yet.

192 Mr. King. I am sorry. It is now at the desk, Mr.

193 Chairman.

194 Chairman Conyers. Okay.

195 Mr. Issa. Point of order, Mr. Chairman. Point of

196 parliamentary inquiry?

197 Chairman Conyers. Yes?

198 Mr. Issa. Mr. Chairman, I believe that an earlier

199 member had moved to strike the last word on the amendment

200 which was already there in the form of a substitute.

201 Wouldn't it be in order for each member to be able to speak

202 on the amendment by striking the last word at least one time,

203 prior to additional amendments being heard? Isn't that in

204 order, Mr. Chairman?

205 Chairman Conyers. It is, and the member will be able to

206 do that at any time as long as I can move. I am willing to

207 try to move this forward. I am not trying to cut anybody

208 off.

209 Mr. Issa. But I believe a member had already asked for

210 recognition to move to strike the last word, which was in

211 order separate from additional amendments. I would just

212 suggest that that would be the order in which they should be

213 recognized.

214 Chairman Conyers. I thank my colleague from California.

215 Is this the right amendment, Mr. King?

216 Mr. King. Mr. Chairman, I would be happy to suspend
217 this amendment until such time as the proposal of Mr. Issa
218 would be recognized.

219 Chairman Conyers. Mr. Issa doesn't seek recognition.

220 Mr. King. Mr. Cannon, excuse me.

221 Mr. Cannon. Mr. Chairman, I am perfectly content to
222 strike the last word on this amendment or at some other time
223 before we move off this debate. Thank you.

224 Chairman Conyers. All right. Thank you, sir.

225 The clerk will report the amendment.

226 Mr. King. Mr. Chairman?

227 Chairman Conyers. Yes.

228 Mr. King. I would ask unanimous consent to withdraw
229 this amendment temporarily and let the committee move
230 forward.

231 Chairman Conyers. Without objection, so ordered.

232 Are there any other amendments?

233 Mr. Cannon. Mr. Chairman, I move to strike the last
234 word.

235 Chairman Conyers. The gentleman is recognized.

236 Mr. Cannon. Thank you, Mr. Chairman. I don't mean to
237 cause a problem here, but I think this issue is worth some
238 discussion.

239 If Mr. Meehan wouldn't mind, I would like to continue
240 the discussion about what the effect of this is, because

241 after all, as my prosecutor calling to my right has pointed
242 out, the gentleman from California, Mr. Lungren, the attorney
243 general from California, this is criminal. We are dealing
244 with criminalization here.

245 As I read the language, which I quoted before, it just
246 seems to me awfully difficult and probably an area where we
247 just create vagueness instead of clarity. For instance, if
248 you have a lobbyist who says to his friends, "make a
249 checkmark," as Mr. Nadler suggested, "on the upper right-hand
250 corner, and that way they will know that this check comes
251 from us."

252 That is coarse and easily identified. Nobody is going
253 to put a checkmark on a check if that is the case. What will
254 happen is that a lobbyist will go out and get friends to make
255 a contribution whether it is online or whether it is with a
256 check or in some other fashion. So when a campaigner is
257 saying "I need help," and he gets several checks, he will
258 know in some fashion whether that has come from his friends
259 and who those friends are.

260 So that is how the system works today, good or bad.
261 Personally, my view is that if we move toward smaller
262 contributions, the world works remarkably better. One of the
263 things I really don't want to do is create a world where it
264 is more difficult for us to get to small contributions from
265 more people.

266 So what is to say that the FBI does not come into any
267 campaign and look at your records, and say, "We want your
268 records; we think that you have an understanding among
269 lobbyists who are funneling money toward you; we want to see
270 your records, and by the way, we want to see 17 other people
271 of your party that are similarly situated with you in the
272 same committee to see if you have contributions from a
273 similar group of people, and therefore an understanding among
274 that group of people that they will fund as a bundling group
275 of lobbyists."

276 How does that—

277 Chairman Conyers. Will the gentleman yield to Mr.
278 Meehan?

279 Mr. Cannon. I would be happy to yield to Mr. Meehan.

280 Mr. Meehan. This bill doesn't make bundling illegal.
281 If there is a system set up, it requires that a lobbyist file
282 a report indicating it. For example, if a registered
283 lobbyist was, say, a Pioneer and there was a system set up
284 where that registered lobbyist made an agreement to raise
285 \$100,000, and that system is set up where they are getting
286 credit, and there is an accounting system set up, and the
287 tax—

288 Mr. Cannon. Reclaiming my time, in the case of the
289 Pioneers, many of those people were not registered lobbyists.

290 Mr. Meehan. It wouldn't apply to them.

291 Mr. Cannon. It wouldn't apply to the non-registered
292 lobbyists. What I am worried about is not the explicit
293 system that this wouldn't cover, like the Pioneer system in
294 bulk. What I am worried about is the FBI coming in and
295 saying, "I want to see your records, because I want to see
296 what groups of people gave to you and to similarly situated
297 other people," because then they will be inferring a pattern
298 or a system or an understanding.

299 What is to keep—

300 Mr. Meehan. Will the gentleman yield?

301 Mr. Cannon. Certainly.

302 Mr. Meehan. Why would the FBI want to come in and look
303 at it? It's not illegal to have people raising or even
304 funneling money.

305 Mr. Cannon. Reclaiming my time, what would be illegal
306 is if there was an understanding that wasn't registered. So
307 now you have people who are lobbyists who say, "I don't want
308 to tell the world about my bundling, so I am going to do it
309 subtly." And the FBI says, "That's a crime under this bill,"
310 so they come in and check the set of people that that
311 lobbyist had given money to to see if there is a pattern of
312 giving, inferring back that there is now a pattern that
313 wasn't registered.

314 Isn't that what could happen here? In fact, is likely
315 to happen?

316 Mr. Meehan. It depends on the facts of the case. In
317 other words, if the lobbyist bundles money and brings it to
318 an event, then that lobbyist would be covered, and it would
319 be up to that lobbyist to make sure that they have filed the
320 appropriate forms.

321 Mr. Cannon. Of course, the technicality of the language
322 is difficult. If he is not credited for it, it wouldn't
323 matter. In other words, if there was no understanding that
324 there is a lobbyist who is doing something with a group of
325 people and doing what you are technically calling bundling,
326 that would not be covered. The question is not what happens
327 explicitly, but what happens when the FBI decides to go after
328 a candidate or a group of candidates or a set of congressmen
329 that have something in common, and have donors in common, and
330 try to infer a relationship that was not reported.

331 Mr. Meehan. The FBI wouldn't go after a campaign for
332 something a lobbyist was supposed to do. It is the
333 responsibility of the lobbyist—

334 Mr. Cannon. Reclaiming my time, they won't prosecute
335 the campaign, but they will go to the campaign for its
336 records, and every other similarly situated campaign, and
337 then try and infer backward to the lobbyist that he had a
338 scheme for bundling that he didn't report. Is that not a
339 likely outcome of this legislation?

340 Mr. Meehan. I think under the fact pattern you have

341 presented, it is too vague to be enforceable anyway. I mean,
342 it is not an express—if a lobbyist doesn't bundle money and
343 bring it to a candidate and give it to the campaign, then you
344 probably don't have a situation where a lobbyist would have
345 to file anything.

346 Mr. Cannon. Mr. Chairman, I see that my time has
347 expired. I have more questions on the point. Perhaps we can
348 address those at the next amendment.

349 Thank you. I yield back.

350 Chairman Conyers. Is there any further discussion?

351 If not, members of the committee, I would recommend that
352 since there is a vote, an hour's worth of votes coming up on
353 the floor, that we try to voice vote this amendment and
354 proceed on with a few others that we have until it is time to
355 recess.

356 Mr. Smith. Parliamentary inquiry, Mr. Chairman? Is
357 there an amendment pending?

358 Chairman Conyers. The underlying bill is pending.

359 Mr. Smith. Okay.

360 Chairman Conyers. The question arises on the underlying
361 bill.

362 All those in favor will signify by saying, "Aye."

363 All opposed, "No."

364 The ayes have it, and the bill is agreed to.

365 I would now like to recognize, a majority having voted

366 in favor of the bill, H.R. 2317 is ordered reported favorably
367 to the House.

368 Without objection, the bill will be reported favorably
369 to the House in the form of a single amendment in the nature
370 of a substitute, incorporating any amendments adopted here
371 today.

372 Without objection, the staff is directed to make any
373 technical and conforming changes.

374 All members will be given 2 days as provided by the
375 House rules to submit additional, dissenting, supplemental
376 and minority views.

377 Pursuant to committee rule 2(J), the chair is authorized
378 to offer such motions as may be necessary in the House to go
379 to the conference with the Senate bill.

380 Members of the committee, I turn your attention to H.R.
381 2316, the Honest Leadership in Government Act.

382 And pursuant to notice, I call this measure up for
383 purposes of markup and ask the clerk to report the bill.

384 The Clerk. "H.R. 2316, a bill to provide more rigorous
385 requirements with respect to disclosure and enforcement of
386 the lobbying laws and regulations, and for other purposes."

387 [The bill follows:]

388 ***** INSERT *****

389 Chairman Conyers. Without objection, the bill will be
390 considered as read and open for amendment at any point.

391 May I begin the discussion?

392 If there was one message that came through clearly from
393 the result of the 2006 election, it was that the American
394 people want Congress to do a better job of keeping lobbyists
395 from calling the shots on legislative outcomes through
396 backroom machinations. For far too long, it has been
397 business as usual for special interests to trump public
398 interests. I am very supportive of the measure before us
399 today, not a perfect bill, and I expect that changes will be
400 made as we work our way through the legislative process.

401 In particular, I am hopeful that the bill will be
402 further improved with the addition of the Van Hollen bundling
403 bill on the House floor, and I will strongly support that
404 amendment.

405 While it will not be considered as part of this debate,
406 I also strongly believe that ultimately we need to move to a
407 system of public financing of campaigns, not to be considered
408 here today. But until we do, the mere presence of special
409 interest money in the electoral process will continue to
410 engender cynicism in the American people about who is really
411 calling the shots in Congress. That is what this measure
412 before our committee is intended to address.

413 I want to urge the members to please be attentive to the

414 rules of decorum in debate, as we almost always usually are
415 here. This bill is not about any one member or any one
416 political party. It is about restoring the American people's
417 trust in all of us. The bill is built around the twin
418 pillars of greater transparency and tougher enforcement. The
419 benefits of greater transparency from lobbyists about their
420 clients and their contacts with members of Congress are
421 obvious.

422 The bill requires lobbyists to file more detailed
423 reports disclosing their contacts with Congress, as well as
424 certifications that they did not give a gift or pay for
425 travel in violation of our rules. These reports should be
426 filed electronically and more frequently, quarterly rather
427 than semiannually as they are now. And they should be made
428 available to the public free over the Internet in a timely
429 fashion.

430 The measure before us, ladies and gentlemen, further
431 requires the Clerk of the House to ensure free public access
432 of the lobbying disclosure reports on the Internet within 48
433 hours of their receipt. The measure will also require the
434 disclosure of lobbying activities by certain coalitions, as
435 well as past executive branch and congressional employment of
436 registered lobbyists. The bill will also prohibit a member's
437 spouse who becomes a lobbyist after the member's election
438 from making direct lobbying contacts with the member's

439 office.

440 The heart of any effective lobby law is, of course,
441 meaningful enforcement. The enhanced penalties in the bill
442 will not only create a stronger deterrent to corrupt
443 activity, but I am sure it will also reinforce the importance
444 of timely and accurate disclosures. Under the measure, civil
445 penalties are doubled from the current \$50,000 to \$100,000,
446 and new criminal penalties are added for knowing, willful,
447 and corrupt violations with potential prison sentences of up
448 to 5 years.

449 That ends my statement. I am now pleased to recognize
450 the ranking member of the committee, Lamar Smith.

451 Mr. Smith. Thank you, Mr. Chairman.

452 Mr. Chairman, we all deplore unethical conduct by
453 members of Congress and their staff. Each party has their
454 fair share of examples. The public wants and deserves open
455 and honest government. Today, we come to a markup of a bill
456 that seems very familiar. That is because the increased
457 disclosures required in the bill that we are addressing today
458 are largely those that were contained in sections 101 through
459 108 of H.R. 4975, as reported out of the Judiciary Committee
460 during the last Congress.

461 Those provisions were the subject of a bipartisan
462 agreement on how to handle all the issues on ethics reform
463 within the jurisdiction of the House Judiciary Committee.

464 That bipartisan effort in this committee last Congress
465 included provisions that require additional quarterly
466 disclosures by lobbyists; disclosures of the names of federal
467 candidates and officeholders, their leadership PACs or
468 political committees for whom fundraising events are hosted
469 by lobbyists; disclosures of information regarding payments
470 for events honoring members; disclosures of payments to
471 entities named for members; disclosures of payments made to
472 entities established, financed, maintained and controlled by
473 members, as defined under current federal regulations; and
474 disclosures of payments for retreats and conferences for the
475 benefit of members.

476 Similar provisions are included in the legislation we
477 are considering today. That bipartisan effort in the last
478 Congress also included requirements that lobbyists round
479 their estimates of expenses to the nearest \$1,000, and that
480 the Clerk of the House link lobbying disclosure reports to
481 relevant FEC filings on the Internet.

482 In addition, it included provisions for criminal
483 penalties of not more than 3 years in jail for knowing and
484 willful failures to comply, and not more than 5 years for
485 knowing, willful and corrupt failures to comply as well.

486 Mr. Chairman, I am pleased that we are here today to
487 address many of the same reforms we reported out of this
488 committee during the last Congress. We are addressing them

489 in ways very similar to what the Republican majority on the
490 committee reported out last Congress with bipartisan support
491 from Democrats.

492 I am also pleased to see that this legislation does not
493 contain provisions that have already been rejected by the
494 Senate because they may violate the First Amendment, namely
495 regulations of grassroots communications. I do, however,
496 have a concern with this bill's inclusion of provisions that
497 would expand to 2 years the existing 1 year so-called
498 "revolving door" ban.

499 But, Mr. Chairman, I understand this is going to be
500 addressed in a manager's amendment that you will offer
501 shortly. With that in mind, Mr. Chairman, I will yield back
502 the balance of my time.

503 Chairman Conyers. I thank the gentleman for his very
504 constructive statement. I would almost invite him--no, I do
505 invite him to become a cosponsor of the bill if he would
506 consider it.

507 Ladies and gentlemen, all other opening statements will
508 be included.

509 I now turn to amendments.

510 I have a manager's amendment at the desk and ask the
511 clerk to report it.

512 The Clerk. "Amendment to H.R. 2316 offered by Mr.
513 Conyers. Page 2, strike line 3 and all that follows through

514 page 4, line 5 (and conform the table of contents and
515 redesignate the succeeding provisions accordingly)."

516 [The amendment by Chairman Conyers follows:]

517 ***** INSERT *****

518 Chairman Conyers. Without objection, the amendment will
519 be considered as read.

520 Ladies and gentlemen, I will explain my manager's
521 amendment, which makes three changes to address some of the
522 concerns that have been raised, and allow the bill to move
523 forward. As a matter of fact, Mr. Smith has mentioned one of
524 them.

525 First, this amendment before you strikes section 101,
526 the longer revolving door restrictions, the 2-year
527 restrictions. I have discussed this issue with numerous
528 members on both sides of the aisle, both on and off the
529 committee, who have expressed concerns about the potential
530 unintended consequences on the ability of the members and
531 committees to attract and retain top-flight staff. I am very
532 proud, incidentally, of the staff on this committee. As a
533 result of these concerns, I am willing to strike this
534 language.

535 The second part of this manager's amendment would fix a
536 drafting error in section 102 of the bill, which requires
537 disclosure of negotiations between a member and a potential
538 employer, and recusal from any matter in which there would be
539 a conflict of interest or the appearance of one. As drafted,
540 the bill requires that the negotiations be disclosed to the
541 Clerk of the House, which would mean that they would become
542 public. The amendment changes this. The manager's amendment

543 changes this so that the disclosure is to the Ethics
544 Committee, where negotiations would remain confidential, but
545 the potential conflicts would be appropriately monitored.

546 The third part of this manager's amendment would fix an
547 inadvertent drafting error in section 206 of the bill
548 concerning the disclosure of lobbying activities by
549 coalitions. I never intended that this provision would apply
550 to nonprofit or not-for-profit organizations. So we are
551 correcting it. Under the amendment, the provision will now
552 exclude all entities subject to section 501(c) of the
553 Internal Revenue Code.

554 There you have in a nutshell the three changes that I
555 propose in this manager's amendment.

556 Does the gentleman from Texas seek recognition?

557 Mr. Smith. Yes, Mr. Chairman, I do.

558 Chairman Conyers. The gentleman is recognized.

559 Mr. Smith. Thank you, Mr. Chairman. I will be brief as
560 well.

561 I do support this amendment, Mr. Chairman, for the
562 reasons that you just mentioned. As I said a minute ago, I
563 want to focus on one of those provisions simply because I
564 appreciate your changing it. And that is the bill's
565 inclusion of provisions that would expand to 2 years the
566 existing 1 year so-called "revolving door" ban. A 2-year ban
567 is overly punitive for staff members, as well as some former

568 members of Congress, and a 2-year ban does not provide
569 significantly more benefits than a 1-year ban.

570 Further, Mr. Chairman, I know of not a single example in
571 which a former staff member's conduct within the year
572 following the current 1-year ban has caused any controversy.
573 So for those reasons, Mr. Chairman, and the reasons that you
574 have mentioned, I support the amendment.

575 I yield back the balance of my time.

576 Chairman Conyers. I thank the gentleman.

577 Who seeks recognition? The gentleman from California is
578 recognized.

579 Mr. Issa. Thank you, Mr. Chairman. I have an amendment
580 at the desk.

581 Chairman Conyers. The manager's amendment—is this an
582 amendment to it?

583 Mr. Issa. Yes. An amendment to the amendment.

584 Chairman Conyers. Okay, a second-degree amendment.

585 Mr. Issa. A second-degree amendment.

586 Chairman Conyers. The clerk will report the amendment
587 of the gentleman from California.

588 The Clerk. Amendment to H.R. 2316 offered by Mr. Issa.

589 Mr. Issa. Mr. Chairman?

590 Chairman Conyers. A point of order is reserved, but
591 Darrell Issa is recognized at this point.

592 Mr. Issa. I apologize. I withdraw my amendment at this

593 time. It is not an amendment to your amendment. It is an
594 amendment to the bill.

595 Chairman Conyers. I thank the gentleman. You saved me
596 and the committee a lot of time. Thank you very much.

597 Does anyone else seek recognition?

598 Mr. King. Mr. Chairman?

599 Chairman Conyers. Yes, Steve King.

600 Mr. King. I do have an amendment at the desk.

601 Chairman Conyers. The clerk will report the amendment
602 to the manager's amendment.

603 Mr. King. I am sorry. I also would withdraw it, in the
604 same way as Mr. Issa.

605 Chairman Conyers. All right. Let me dispose of the
606 manager's amendment.

607 If there is no further discussion, all those in favor of
608 the manager's amendment will signify by saying, "Aye."

609 Those opposed, "No."

610 The ayes have it, and the manager's amendment is agreed
611 to.

612 This is a great point at which for us to take a recess.
613 We will come back. We expect that there will be two
614 amendments from Mr. Meehan. Maybe Steve King has an
615 amendment, and Darrell Issa may have an amendment, and the
616 gentleman from Utah will have an amendment as well.

617 Let's stand in recess until immediately after the vote.

618 [Recess.]

619 Chairman Conyers. The committee will come to order.

620 May I remind my colleagues that at 3 o'clock there is an
621 Immigration Subcommittee hearing, in which there are more
622 hearings going on than any other subject ever held by the
623 Judiciary Committee, conducted by Subcommittee Chairwoman Zoe
624 Lofgren.

625 The chair recognizes Mr. Steve King for an amendment.

626 Mr. King. Thank you, Mr. Chairman. I have amendment #1
627 at the desk, to H.R. 2316.

628 Chairman Conyers. The clerk will report the amendment.

629 The Clerk. "Amendment #1 to H.R. 2316, offered by Mr.
630 King of Iowa. Page 22, line 1—"

631 [The amendment by Mr. King follows:]

632 ***** INSERT *****

633 Mr. King. Mr. Chairman, I ask unanimous consent that
634 the amendment be considered as read.

635 Chairman Conyers. Without objection, so ordered. The
636 gentleman is recognized in support of his amendment.

637 Mr. King. Thank you, Mr. Chairman.

638 First, I want to say that we have two bills before this
639 committee that are consecutively numbered and similarly
640 titled. I had one of my amendments which actually had those
641 numbers transposed, so I am not really embarrassed that I
642 offered it at the wrong time, but I apologize for
643 interrupting the proceedings here.

644 Chairman Conyers. We accept your apology, but you were
645 so diplomatic in cleaning it up that we didn't mind at all.

646 Mr. King. I am taking my lessons from the chair and the
647 ranking member.

648 In proceeding forward, then, with the explanation of
649 this amendment, I will keep this brief in my explanation.

650 Chairman Conyers. Is this the searchable database
651 amendment?

652 Mr. King. It is.

653 Chairman Conyers. Please proceed.

654 Mr. King. Mr. Chairman, the searchable database
655 amendment, my amendment, what it does is it requires that the
656 clerk provide posting of travel and financial disclosure
657 reports on a public Web site that is a searchable, sortable,

658 downloadable format. I bring this language because out of
659 the frustration that comes from the public when you get a PDF
660 file and you open that up and you can look at each page, but
661 you can't sort the data. You can download it, but you can't
662 deal with it to manipulate it.

663 One of the things that really is good for both Democrats
664 and Republicans is that the public has pretty much real-time
665 access to the information in a fashion that they can use it.
666 So this amendment will provide that, that the database be
667 searchable; that it be sortable; and that you can download
668 it. If we can do that, then the bloggers across America will
669 be able to actually police our operations, which is our
670 intent.

671 With that, I would yield.

672 Chairman Conyers. Would the gentleman yield to me?

673 Mr. King. I would be happy to yield.

674 Chairman Conyers. The purpose of this amendment is to
675 make the reports more accessible and available, and that is
676 the direct and sole thrust of this amendment. Is that
677 correct?

678 Mr. King. Exactly.

679 Chairman Conyers. I am prepared to accept that
680 amendment. I think it adds substantively to our efforts to
681 make these proceedings more transparent. I mean, that is
682 what it seems to me the public is looking for. I think that

683 the rest of the Congress will join this committee in trying
684 to make that transparency more revealed than it is at the
685 present time.

686 For that reason, we accept the amendment, and if the
687 gentleman returns his time—

688 Mr. King. I would thank the chairman and urge his
689 support, and yield back the balance of my time.

690 Chairman Conyers. Is there any further conversation on
691 this amendment?

692 If not, those in support of the King amendment will
693 indicate by saying, "Aye."

694 Those opposed, say, "No."

695 The ayes have it, and the amendment is accepted.

696 Mr. Cannon?

697 Mr. Cannon. Thank you, Mr. Chairman. I have an
698 amendment at the desk.

699 Chairman Conyers. The clerk will report.

700 The Clerk. "Amendment to H.R. 2316 offered by Mr.
701 Cannon of Utah. Insert the following after section 103 and
702 redesignate the succeeding section accordingly: Sec. 104.
703 Additional restrictions on contractors. (a) Prohibition.
704 Chapter 11 of title 18, United States Code, is amended by
705 inserting after section 219 the following new section—"

706 [The amendment by Mr. Cannon follows:]

707 ***** INSERT *****

708 Mr. Cannon. Mr. Chairman, I ask unanimous consent that
709 the amendment be considered as read.

710 Mr. Nadler. Mr. Chairman, reserving the right to
711 object.

712 Chairman Conyers. The amendment will be considered as
713 read. The gentleman from New York, Mr. Nadler, reserves the
714 right to object.

715 Mr. Nadler. I will withdraw that.

716 Chairman Conyers. All right. Mr. Nadler withdraws his
717 reservation.

718 The gentleman is recognized in support of his amendment.

719 Mr. Cannon. Thank you, Mr. Chairman.

720 My amendment would close a loophole in the revolving
721 door provisions of current law. This amendment would impose
722 the same post-employment restrictions currently in law to
723 those attorneys in firms that are employed through a contract
724 with Congress. Currently, the majority has agreed to a
725 contract with a partner in a law firm, at the same time the
726 law firm is registered to lobby the Congress, and in
727 particular is registered to lobby for clients on particular
728 legislative interests before this committee.

729 It is a glaring loophole that a law firm would be able
730 to send an individual to work on the Hill at the same time
731 the firm is lobbying the contract employees, colleagues on
732 the committee, and the contractor can potentially lobby the

733 committee where they work because they are technically not
734 employees of the committee.

735 The contract this committee signed with Irv Nathan of
736 Arnold and Porter for \$25,000 per month for up to \$225,000
737 for 10-month contract—an astonishing amount of money to be
738 paid to a staffer, and not any full-time staffer or member
739 would appreciate making. That is beyond what we make as
740 members of Congress, and way beyond what the highest-paid
741 staff makes.

742 It is my opinion the only way to comply with clause
743 14(b) of House rule 24, which states contract employees shall
744 not be able to use one's official position for private gain
745 and to conduct oneself at all times in a manner that reflects
746 credibly on the House, is to include contract employees in
747 the revolving door provisions.

748 In an article from The Washington Post on January 16,
749 2007, Jeff Birnbaum writes, "The most jaw-dropping hire from
750 K Street, though, is Matt Gelman. Gelman is senior advisor
751 to House Democratic Whip James G. Clyburn of South Carolina
752 and is, in effect, on loan from Microsoft, where he is
753 director of federal government affairs. He is on unpaid
754 leave for a few months from the software giant and will
755 return after he helps build Clyburn's vote-counting
756 operation."

757 Chairman Conyers. Would the gentleman yield to me just

758 briefly?

759 Mr. Cannon. I want to say something really nice about
760 Mr. Clyburn, but I would be happy to yield, because this is
761 not an attack on Mr. Clyburn.

762 Chairman Conyers. Well, as long as you are clearing
763 this up, the point that I wanted to make that as long as this
764 is a nonpartisan amendment, that may be redundant in terms of
765 the House administration and the Ethics Committee rules, I
766 think it is a good subject for us to support in relationship
767 to our hiring of contractors.

768 Mr. Cannon. Thank you. I need to finish my statement,
769 just briefly, about Mr. Clyburn, because his response to that
770 was that Clyburn's instructions to Christie Gray defended the
771 hire, saying that Gelman is a veteran Capitol Hill aide with
772 specialized knowledge, and Microsoft is banned from lobbying
773 Clyburn's personal leadership offices while Gelman works
774 there. So Mr. Clyburn has done the appropriate thing.

775 I think it is a bipartisan issue, and I would love to
776 return my time, if the gentleman would accept the amendment
777 and move it forward. Thank you.

778 Chairman Conyers. I wanted to let the committee know
779 that it is the opinion of the chair that this emphasis on
780 contractors should not be underestimated in its importance.
781 Further, this is only complementary to the House
782 administration rules that exist, and the rules that are being

783 promulgated in the Ethics Committee. And I am pleased to
784 accept the gentleman's amendment.

785 Mr. Cannon. Thank you, Mr. Chairman. I yield back.

786 Ms. Waters. Will the gentleman yield?

787 Mr. Cannon. If I still have the time, I am happy to
788 yield to the gentlelady.

789 Ms. Waters. I have really had a slight opportunity here
790 to look at this, but it refers especially to an attorney or a
791 law firm, including a professional legal corporation or
792 partnership. Am I looking at the correct language? Is it
793 confined to attorneys and law firms?

794 Mr. Cannon. Yes. There may be other kinds of
795 contractors that we deal with, but I think mostly they tend
796 to be attorneys. So that is the only reason we limited it to
797 that.

798 Chairman Conyers. Would the gentleman yield to me?

799 Mr. Cannon. In other words, we don't particular care
800 about a telecom contractor who comes in and puts a telephone
801 service in your office. We want to distinguish from that.
802 But I would be happy to yield to the gentleman.

803 Chairman Conyers. I would say to my colleague from
804 California, this tracks the ethics rules language pretty
805 specifically about this. It is limited because it is
806 directed to the kinds of people that can get us in trouble
807 from time to time.

808 Mr. Cannon. Thank you, Mr. Chairman. I yield back.

809 Chairman Conyers. The gentleman returns his time.

810 All those in favor of the Cannon amendment, indicate by
811 saying, "Aye."

812 All those opposed, indicate by saying, "No."

813 The ayes have it. The amendment is agreed to.

814 We are now prepared to recognize the gentleman from
815 Texas, Mr. Gohmert.

816 Mr. Gohmert. Thank you, Mr. Chairman. I have an
817 amendment at the desk.

818 Chairman Conyers. The clerk will report the amendment.

819 Mr. Gohmert. Gohmert #1.

820 The Clerk. "Amendment to H.R. 2316 offered by Mr.
821 Gohmert of Texas, #1. Strike section 301 beginning on page
822 20 and insert the following—"

823 Mr. Nadler. Mr. Chairman, I reserve a point of order.

824 Chairman Conyers. Mr. Nadler reserves a point of order.

825 The Clerk. "—Section 7 of the Lobbying Disclosure Act
826 of 1995 (2 U.S.C. 1606) is amended by inserting after the
827 word 'knowingly,' the following: ', corruptly, and with the
828 intent to evade the law,' by striking 'knowing'; by striking
829 'of not more than' and all that follows through the end and
830 inserting 'as provided in subsection—'"

831 [The amendment by Mr. Gohmert follows:]

832 ***** INSERT *****

833 Chairman Conyers. Without objection, the amendment will
834 be considered as read, and the gentleman is recognized for 5
835 minutes in support of his amendment.

836 Mr. Gohmert. Thank you, Mr. Chairman. It shouldn't
837 take that long.

838 I understand the reservations or objections. I brought
839 this up last year to a Republican majority. I have the same
840 concerns this time. We have seen in recent years a desire
841 for prosecutors to have the scalps of members of Congress.
842 So when we talk in terms of cleaning up lobbying and having
843 lobbying reform, that is something we have to do.

844 There are some members of Congress that deserve to be
845 pursued, like Duke Cunningham. He got what he justly
846 deserved. But on the other hand, we have to be careful
847 criminalizing aspects that create tools that can be readily
848 abused when it is just not necessary.

849 The lobbying reform bill this year, just as in the last
850 Congress, provides significant amounts of administrative
851 clerical work that must be done. Often, this will be done by
852 accountants or clerical individuals, and for those who have
853 not been involved in the criminal justice system, you might
854 think it is a bit far-fetched, but in view of the more recent
855 revelations about abuses of the national security letters, I
856 can assure you this is a valid concern.

857 What this amendment will do is fight fire with fire. If

858 people are playing fast and loose with regard to dollars,
859 then this will penalize them dramatically with civil fines.
860 But what scenario can easily play out is the prosecutor wants
861 to get somebody who is a Democrat or a Republican, and wants
862 that scalp on his wall, then it will be very easy. They will
863 get the lobbyist or go get that congressman's financial
864 disclosures, contributions, find one, \$5,000, \$2,500,
865 whatever, from the PAC; go to a lobbyist and pull over his
866 records until you find a mistake.

867 It probably won't be that easy to find a clerical error.
868 And then they are called in, and say, "Look, here is a
869 mistake; this could be honest; it could be dishonest; you
870 will have the opportunity probably to convince a jury that
871 you didn't know; it was an honest mistake, but it was a
872 mistake. We think because of your education and background,
873 we will be able to convince a jury that it was not an honest
874 mistake. But you know what? We notice that you had a
875 contribution over here to this member of Congress, and if you
876 happen to remember that he asked for the contribution and
877 said he would do something in return for it, then that is a
878 bribe and we know you are a good guy and we would just forget
879 this other thing."

880 Those kinds of things can easily play out in the hands
881 of a corrupt prosecutor. Thank God most prosecutors are
882 very, very concerned about following the rules of ethics, but

883 I can assure you there are some that don't play by the same
884 rules. I say hammer somebody that makes a clerical or
885 administrative error with just substantial, knock-them-out-
886 of-business kind of civil fees, but don't give the ammunition
887 to go after people, hurt them and their families, and members
888 of Congress who may be entrapped into something that was not
889 dishonest on their part.

890 That is the basis of this. It is the same concern I had
891 in the last Congress. I still have it. The majorities have
892 changed. My concerns haven't, except that I am even more
893 concerned in light of some of the revelations of abuses like
894 with the NSL letters.

895 I yield back, Mr. Chairman.

896 Chairman Conyers. I thank the gentleman from Texas.

897 I rise to strike the last word and to first of all
898 reaffirm the gentleman's good intentions in terms of trying
899 to improve the measure that is before us.

900 The problem is that this would eliminate the criminal
901 penalties. Although the amendment is intended to eradicate
902 the culture of corruption that has arisen, we must take
903 strong action to demonstrate to the people of this country
904 that we fully recognize the need for serious reform in the
905 current system.

906 The most effective way to do that, Mr. Gohmert, is to
907 eliminate special access and undue influence, and increase

908 transparency and strengthen enforcement. Section 301 is to
909 bolster enforcement by adding criminal penalties, including
910 potential prison sentencing of up to 5 years for knowing and
911 corruptly failing to act lawfully.

912 But your amendment would elevate the mens rea standard
913 that must be met in prosecutions by requiring "an intent to
914 evade the law." The existing standard is a reasonable one if
915 we are to advance our goal in eliminating corruption.
916 Increasing the standard would severely undermine law
917 enforcement's ability to prosecute unethical conduct. Now, I
918 know that is not your objective, but ironically that would be
919 a problem.

920 There is another smaller problem, that you would
921 eliminate criminal penalties. Now, these penalties are
922 pretty severe. I think they serve as a serious deterrent to
923 potential violators. I think it is very important, I would
924 argue, that we preserve the criminal provisions of this
925 section. That is why I reluctantly oppose the Gohmert
926 amendment.

927 Is there further discussion?

928 Mr. Gohmert. Mr. Chairman, could you yield for just a
929 moment?

930 Chairman Conyers. Of course.

931 Mr. Gohmert. This does have the provision, as the
932 chairman rightly pointed out, that would increase the mens

933 rea or the culpability requirement. Frankly, I would like to
934 see either a change from criminalizing administrative
935 mistakes, or at least increasing the mens rea culpability.

936 If the chairman thought he might be able to accept one
937 part or the other of this one amendment, rather than making
938 two different amendments, I would be willing to drop
939 whichever part was unacceptable. You understand my concern,
940 and that is what I am trying to accomplish.

941 Chairman Conyers. I do, but "knowing, willful and
942 corrupt" is already in the bill. What I would need the
943 gentleman to do is withdraw this amendment, and let's see if
944 there is some way we can work something out that doesn't
945 inadvertently weaken the criminal penalties that are already
946 there.

947 Mr. Gohmert. Well, of course, my purpose is obvious, is
948 to change it from just incredibly substantial civil or
949 criminal, well, change criminal penalties to incredibly
950 substantial civil penalties. So, Mr. Chairman, we may be
951 able to do something on the other, but I need to go ahead and
952 request a vote then.

953 Chairman Conyers. If there is no further discussion,
954 all in favor of the Gohmert amendment, indicate by saying,
955 "Aye."

956 All those opposed to the Gohmert amendment, indicate by
957 saying, "No."

958 The noes have it. The amendment fails.

959 Are there any further amendments to this bill?

960 Mr. Issa. Yes, Mr. Chairman.

961 Chairman Conyers. Darrell Issa has an amendment—oh, the
962 Democrat.

963 Mr. Schiff. Mr. Chairman, I have an amendment at the
964 desk.

965 Chairman Conyers. Adam Schiff is recognized.

966 Mr. Schiff. Mr. Chairman, I just move to strike the
967 last word.

968 Chairman Conyers. The gentleman is recognized.

969 Mr. Schiff. Thanks, Mr. Chairman.

970 I have an amendment that I am not going to offer today,
971 but I do want to raise the issue very briefly, and I
972 appreciate the chair's willingness to work on this. The
973 amendment would address the problem of members of Congress
974 having spouses work on commissions in the fundraising efforts
975 of their campaigns. The net effect of this is that when
976 somebody contributes to their campaign, they are effectively
977 contributing to the member's family and their personal
978 profit.

979 I think this is an egregious practice that we ought to
980 put an end to. I have drafted an amendment that deals with
981 it from a reporting point of view to shed transparency on it.
982 The better practice would be to simply eliminate the

983 practice, or if we are not able to do that through this bill,
984 then at least we can shed greater light on it by requiring
985 the reporting of any portion of a contribution that actually
986 goes into the officeholder's or spouse's pocket.

987 I hope we have the opportunity on the floor or
988 thereafter to address this problem, and I appreciate the
989 chairman's willingness to work on it.

990 I yield back the balance of my time.

991 Chairman Conyers. The chair would assure the gentleman
992 from California that this is a subject matter that I would
993 like to revisit with him at our earliest mutual convenience.

994 The chair recognizes Darrell Issa for an amendment.

995 Mr. Issa. Thank you, Mr. Chairman. I have an amendment
996 at the desk.

997 Chairman Conyers. The clerk will report.

998 Mr. Issa. I have two at the desk. This is the one that
999 was done on May 16 at 7:00 p.m., the bottom left corner.

1000 The Clerk. "Amendment to H.R. 2316 offered by Mr. Issa.

1001 Page 13, line 25, strike—"

1002 Mr. Nadler. Mr. Chairman, I reserve a point of order.

1003 Chairman Conyers. The gentleman from New York, Mr.

1004 Nadler, reserves a point of order.

1005 The Clerk. "—strike 'and.' Page 14—"

1006 [The amendment by Mr. Issa follows:]

1007 ***** INSERT *****

1008 Mr. Issa. I ask unanimous consent it be considered as
1009 read.

1010 Chairman Conyers. Without objection, so ordered. The
1011 gentleman is recognized.

1012 Mr. Issa. Thank you, Mr. Chairman.

1013 As you know, one of the emerging distortions within our
1014 political system today is the growth of unregulated soft
1015 money in what is commonly known as the 527 entities. These
1016 would certainly include, both on the left and the right,
1017 organizations such as MoveOn.org and others.

1018 Although I respect their right to collect money and to
1019 run grassroots organizations—I totally do—since we are
1020 dealing today with the reporting of lobbyists, to the extent
1021 that a 527 is paying or receiving money from lobbyists, today
1022 there is no reporting. This amendment would seek to bring
1023 them under that umbrella. It would seek to bring the
1024 lobbyists under the umbrella.

1025 I am not sure that I understand, and I would yield to
1026 understand the point of order, the reserve.

1027 Chairman Conyers. Well, I will take care of the point
1028 of order. What we are trying to do is understand the scope
1029 of this amendment. Would the gentleman succinctly restate
1030 the point of this amendment to H.R. 2316?

1031 Mr. Issa. Mr. Chairman, to the extent that a lobbyist
1032 were to make large contributions to 527s or to the extent

1033 that organizations were receiving large amounts of 527s in
1034 order to distort the process that normally falls under FEC
1035 reporting, this would at least begin to shed some light on
1036 these fairly secretive organizations.

1037 Chairman Conyers. Would the gentleman yield?

1038 Mr. Issa. I would certainly yield to the chairman.

1039 Chairman Conyers. Because this requires more disclosure
1040 than is in the bill, and we are for disclosure, we are trying
1041 to encourage transparency, the chair is inclined to accept
1042 the amendment.

1043 Mr. Nadler. Mr. Chairman?

1044 Chairman Conyers. Yes? The gentleman from New York is
1045 heard on his reservation.

1046 Mr. Nadler. No, not on the reservation. I have a
1047 question about the amendment.

1048 Chairman Conyers. Okay. I recognize the gentleman from
1049 New York.

1050 Mr. Nadler. As I understood the manager's amendment, it
1051 removed the overbroad reference to 501(c)s so that we are not
1052 in this bill requiring all 501(c)s to report contributions of
1053 over \$500. Is that not correct?

1054 Chairman Conyers. Well, that is correct, but there is a
1055 difference because this does not go to the same point.

1056 Mr. Nadler. I understand. But does this then require,
1057 does Mr. Issa's amendment require with respect to 527s what

1058 we took out with respect to 501(c)s? In other words, we are
1059 saying that we are not requiring 501(c)s to report
1060 contributions to them, but under this amendment we would
1061 require 527s to report contributions to them? Is that what
1062 your amendment would do, Mr. Issa?

1063 Mr. Issa. Would the gentleman yield?

1064 Mr. Nadler. Yes.

1065 Mr. Issa. I would certainly, and the answer is yes. I
1066 believe that there should be broad consensus on this. With
1067 the chairman's indulgence, I would be happy to work with him
1068 between now and time it comes to the floor to perfect
1069 language that would be mutually acceptable. I would be happy
1070 to withdraw the amendment.

1071 Mr. Nadler. Reclaiming my time, I haven't had a chance
1072 to think about this, but I am not so sure that there will be
1073 broad consensus on this. It is one thing to—and I am not
1074 stating my conclusion now—it is one thing to require lobbyist
1075 disclosure which we certainly want to do, and to increase it,
1076 et cetera. It is another thing to say to all kinds of
1077 organizations such as 501(c)s, the Sierra Club, the National
1078 Rifle Association, the ACLU, whoever, that they have to say
1079 who is contributing to them. I am not so sure that 527s are
1080 any different with respect to that.

1081 Chairman Conyers. Would the gentleman yield?

1082 Mr. Nadler. Yes, I will.

1083 Chairman Conyers. I appreciate the distinction that the
1084 gentleman is drawing, but I want to remind him that the
1085 501(c)s, the changes made there are to protect citizens.
1086 What we are doing here is directed at registered lobbyists.
1087 If that is correct—

1088 Mr. Nadler. Only registered lobbyists who contribute to
1089 a 527?

1090 Chairman Conyers. Yes.

1091 Mr. Nadler. That is the scope?

1092 Chairman Conyers. That is true. Yes, of course. The
1093 gentleman's distinction, until he found out about the
1094 difference, was an absolutely correct one as far as I am
1095 concerned.

1096 The chair is prepared to accept the amendment.

1097 If there is no further discussion, those in favor of the
1098 Issa amendment will indicate by saying, "Aye."

1099 Those opposed, by saying, "No."

1100 The ayes have it, and the amendment is incorporated.

1101 Mr. Issa. Mr. Chairman, if I am on a roll, can I offer
1102 my next amendment too?

1103 Chairman Conyers. Rolls don't last this long around the
1104 Judiciary Committee. I think I will recognize Steve King
1105 next.

1106 Mr. King. I thank you, Mr. Chairman. I appreciate the
1107 deference on the previous amendment.

1108 I offer amendment #3. It is at the desk.

1109 Chairman Conyers. The clerk will report #3.

1110 Mr. Nadler. Mr. Chairman, once again I reserve the
1111 right to object.

1112 Chairman Conyers. Mr. Nadler reserves the right to
1113 object to this amendment.

1114 The Clerk. "Amendment offered by Mr. King of Iowa to
1115 H.R. 2316. Section—"

1116 [The amendment by Mr. King follows:]

1117 ***** INSERT *****

1118 Mr. King. Mr. Chairman, I ask unanimous consent the
1119 amendment be considered as read.

1120 Mr. Nadler. Mr. Chairman, once again I reserve a point
1121 of order.

1122 Chairman Conyers. A point of order is reserved by the
1123 gentleman from New York.

1124 The gentleman is recognized for 5 minutes in support of
1125 his amendment.

1126 Mr. King. Thank you, Mr. Chairman.

1127 This is an amendment that, it was something when I came
1128 to Congress and looked at the financial reporting documents
1129 that we just filed on the 15th of this month. I looked down
1130 through there and matched it up to my financial records, and
1131 discovered that we have huge ranges for our reporting
1132 requirements.

1133 In those documents—and all of us are familiar with those
1134 documents—we see ranges that, for example, on a transaction,
1135 a sale or a purchase, something over \$50 million, you just
1136 simply say it was over \$50 million. It would be \$1 billion
1137 and you still report over \$50 million.

1138 You might see a range there, there will be \$25 million
1139 to \$50 million that you can plug it in there. It might be a
1140 \$26 million transaction or a \$49 million transaction; a range
1141 from \$5 million to \$25 million, either transactions, assets,
1142 income, and liabilities, all have broad ranges of reporting.

1143 And here we are in an effort to try to bring sunlight onto
1144 our members here, and all of us have submitted to this and
1145 stepped into this fishbowl in which we live.

1146 I would submit that for us to go forward with this kind
1147 of process, then put sunlight on some of the reporting that
1148 allow for these broad ranges. It brings to mind some things
1149 that were brought up in committee last week.

1150 I point out Mr. Sensenbrenner from Wisconsin pointed out
1151 the issue of a member that had some difficulties. I have
1152 raised the issue to the chairman of the Justice
1153 Appropriations Committee.

1154 Chairman Conyers. Would the gentleman allow me to
1155 recognize Mr. Nadler on a point of order?

1156 Mr. King. Mr. Chairman, I would like to, if I could,
1157 just to conclude my remarks and then I would be happy to
1158 yield.

1159 Chairman Conyers. Please.

1160 Mr. King. Thank you.

1161 My effort in this is that I think that the temptation
1162 should be removed from members of Congress, the temptation to
1163 file reporting documents that may not reflect the actual
1164 financial circumstances. I believe it is far more ethical
1165 for us to report exact dollar amounts than it is to be
1166 slipping our dollar amounts into those ranges.

1167 I think it also takes away the temptation, without

1168 impugning or indicting anyone, I think it takes away the
1169 temptation. I would ask that this committee consider this
1170 amendment as a means to put sunlight on all of our finances
1171 and take away the temptation of members. It may be enough
1172 constraint to eliminate and prevent some troubles that we
1173 already have ahead of us, that I wish we didn't have ahead of
1174 us on either side of the aisle.

1175 With that, Mr. Chairman, I would yield then to the point
1176 of order.

1177 Chairman Conyers. I thank the gentleman, and recognize
1178 Mr. Nadler.

1179 Do you insist on your point of order?

1180 Mr. Nadler. Yes, I do, Mr. Chairman.

1181 Chairman Conyers. The gentleman is recognized.

1182 Mr. Nadler. Mr. Chairman, I make a point of order that
1183 the gentleman's amendment is not within the rule 10
1184 jurisdiction of the Judiciary Committee. It is rather within
1185 the jurisdiction of the House Administration Committee.

1186 Chairman Conyers. Would you like to be heard on that?

1187 Mr. King. I would.

1188 Chairman Conyers. All right.

1189 Mr. King. Thank you, Mr. Chairman. I will keep it very
1190 brief.

1191 I said I wouldn't argue this point of order. I want to
1192 make sure that my credibility remains in tact for any future

1193 germaneness debates we might have. I would just ask if
1194 perhaps the chairman would consider a unanimous consent
1195 request to make my amendment in order.

1196 Chairman Conyers. Well, the only reason I can't, Mr.
1197 King, is because this is within the jurisdiction of the House
1198 Administration Committee. That is the reason that I am
1199 prepared to rule in support of the Nadler point of order.
1200 The gentleman's amendment would amend a provision in the
1201 Ethics in Government Act, which is within the purview of the
1202 House Administration Committee. So a unanimous consent
1203 request from me would not validate that.

1204 I am sorry that I have to rule against you.

1205 Mr. King. Thank you, Mr. Chairman. I yield to that
1206 argument, and I do happen to agree with the germaneness
1207 argument. I yield back.

1208 Chairman Conyers. Thank you. I wish you wouldn't have
1209 brought it in the first place.

1210 [Laughter.]

1211 Mr. Gohmert?

1212 Mr. Gohmert. Mr. Chairman, I have a very quick
1213 amendment I think we can dispose of quickly. It is my
1214 amendment #2.

1215 Chairman Conyers. The clerk will report, please.

1216 We are under some time constraints. The problem is,
1217 ladies and gentlemen, that we will have to make a vote here.

1218 Mr. Gohmert. Mr. Chairman, I ask unanimous consent to
1219 consider the amendment as read. I can take 30 seconds and
1220 explain it.

1221 Chairman Conyers. All right.

1222 Mr. Gohmert. Thank you. This is simply—

1223 Mr. Nadler. Mr. Chairman, I reserve a point of order.

1224 Mr. Gohmert. —simply an amendment that will allow
1225 representatives, delegates, resident commissioners, and
1226 Congress to redact personal information such as home
1227 addresses, Social Security numbers, bank accounts, home
1228 telephone numbers, names of children, prior to the reports
1229 being posted on a Web site. When I showed it to the
1230 chairman, Mr. Berman indicated it was originally vague and he
1231 was exactly right, and so we went back and added this.

1232 Chairman Conyers. Would the gentleman yield to me?

1233 Mr. Gohmert. Certainly.

1234 Chairman Conyers. I feel sympathetically about this
1235 amendment, as Mr. Berman does. We still think it overbroad.
1236 If you will withdraw it, I think we can work it out.

1237 Mr. Gohmert. I would be glad to do that, and look
1238 forward to working with you to get it ready before it hits
1239 the floor. Thank you, Mr. Chairman.

1240 Mr. Issa. Mr. Chairman, I have an amendment.

1241 Chairman Conyers. I want to recognize Darrell Issa at
1242 this point.

1243 Mr. Issa. Mr. Chairman, I have an amendment at the
1244 desk.

1245 Chairman Conyers. The clerk will report.

1246 The Clerk. "Amendment to H.R. 2316 offered by Mr. Issa
1247 of California--"

1248 Mr. Nadler. Mr. Chairman, reserving a point of order.

1249 The Clerk. "--line 1, strike--"

1250 [The amendment by Mr. Issa follows:]

1251 ***** INSERT *****

1252 Chairman Conyers. A point of order is reserved by the
1253 gentleman from New York, Mr. Nadler.

1254 Mr. Issa. I ask unanimous consent that it be considered
1255 as read.

1256 Chairman Conyers. Without objection, so ordered. The
1257 gentleman is recognized.

1258 Mr. Issa. Mr. Chairman, as most of the people on the
1259 dais, but not all, are aware, the great firestorm of lobbying
1260 came from Abramoff. It came from an individual who used a
1261 gaping loophole in our ethics rules. He used the fact that
1262 he represented government entities in order to lobby and move
1263 large amounts of gifts exempt from any kind of gift ban
1264 limit. This amendment seeks to close that loophole once and
1265 for all, to recognize that you are not different simply
1266 because you are the Marianas or you are a tribe or you are a
1267 city or you are a state.

1268 Recognizing that it might be some burden to entities
1269 coming here to ask for and get millions or tens of millions
1270 of dollars, but that is a burden that everybody else bears,
1271 and that public entities, government entities should bear.
1272 Although I realize this is somewhat controversial because
1273 these are popular loopholes, including many of our home
1274 constituents, I believe we have to stand up and close this
1275 loophole.

1276 I would yield back, Mr. Chairman.

1277 Chairman Conyers. The chair asks that the debate on
1278 this matter resume immediately after two votes are taken on
1279 the previous question on the rule on the budget and the rule
1280 on the budget itself.

1281 Mr. Issa. Certainly, Mr. Chairman, but does the
1282 gentleman still reserve his point of order?

1283 Chairman Conyers. He does. We will take all of that up
1284 when we come back.

1285 The committee stands in brief recess. Thank you.

1286 [Recess.]

1287 Chairman Conyers. A working quorum being present—

1288 Mr. Nadler. Mr. Chairman?

1289 Chairman Conyers. The chair recognizes the gentleman
1290 from New York.

1291 Mr. Nadler. I rise for two purposes: number one, to
1292 withdraw the point of order, but, number two, to strike the
1293 last word.

1294 Chairman Conyers. The gentleman is recognized.

1295 Mr. Issa. Would the gentleman yield?

1296 Mr. Nadler. Sure.

1297 Mr. Issa. Because I would like you to speak on it as
1298 modified, I would ask unanimous consent that on this
1299 amendment, after the word "Congress" in line 5, that line and
1300 all lines through 8 be removed.

1301 Mr. Nadler, the reason for that is that it was a

1302 drafting error that added what would in fact be confusing
1303 language.

1304 Mr. Nadler. So how would it read?

1305 Mr. Issa. It would end in line 5 with the word
1306 "Congress." And then it would pick up again with "two" in
1307 line 9, and the remainder of that paragraph would be struck.

1308 Chairman Conyers. Without objection, the modification
1309 is agreed to.

1310 Mr. Issa. Thank you, Mr. Chairman.

1311 Chairman Conyers. Now the gentleman from New York is
1312 recognized.

1313 Mr. Nadler. Thank you.

1314 Mr. Chairman, this amendment, while I think well
1315 intentioned, I think needs a lot of work before we could
1316 approve it. Just glancing through it, there are a lot of
1317 problems. For example, a member of Congress may not accept
1318 various things from various organizations, including state,
1319 local or other government, or public institutions of higher
1320 education. One of the things you can't accept is a loan.

1321 So if my son, who this won't apply to since he graduated
1322 yesterday, but if my son went to a state university, he
1323 cannot get a loan, a student loan like any other student,
1324 because his father is a member of Congress. I don't think
1325 that that is what you want to do. You can't get senior
1326 citizen discounts if you are a senior citizen, as any other

1327 senior citizen can. You can't go to entertainment in the
1328 park if it is sponsored by the city.

1329 All of these things would seem to be prohibited by this
1330 amendment for members of Congress, when they shouldn't be,
1331 frankly. A member of Congress should be under no particular
1332 disadvantage to going a concert in the park sponsored by the
1333 city, or a son or a daughter from taking a student loan from
1334 a state university, or hospitality. I mean, I am not sure
1335 what some of these other terms mean, but clearly this
1336 amendment needs a lot of work.

1337 Chairman Conyers. Would the gentleman yield?

1338 Mr. Nadler. Sure.

1339 Chairman Conyers. I appreciate what Mr. Issa is doing,
1340 but the Republican leader of this body, Mr. Boehner, has
1341 asked that the House look into this and other ethics issues
1342 on a bipartisan basis. The leaderships of both parties have
1343 appointed a bipartisan task force and are working together
1344 even as we speak. So I believe that at this point, that
1345 would probably be the preferable way to deal with this
1346 matter.

1347 The amendment, because it circumvents that effort, is
1348 frankly premature. I hope that we can approach this question
1349 on a more deliberative basis so that we could get it right.
1350 The reason I urge that Mr. Issa consider withdrawing, and
1351 work with the leadership of his party to craft a bipartisan

1352 and more carefully considered proposal is that in a letter
1353 from Mr. Boehner to the speaker of the House, he said it is
1354 equally clear that until the ethics rules are repaired
1355 through a genuinely bipartisan process, they will continue to
1356 lack the credibility needed to ensure broad compliance,
1357 effective enforcement and widespread public acceptance.

1358 Mr. Sensenbrenner. Will the chairman yield?

1359 Chairman Conyers. It is the time of the gentleman from
1360 New York.

1361 Mr. Sensenbrenner. Will the gentleman from New York
1362 yield?

1363 Mr. Nadler. Sure.

1364 Mr. Sensenbrenner. Since the majority party controls
1365 the schedule here, I am wondering if it is the desire of the
1366 majority party to hold off on putting this bill on the floor
1367 until after this bipartisan agreement is reached. It seems
1368 to me that this is the only vehicle that we have to deal with
1369 issues like this as ordinary members who are not on this
1370 bipartisan task force that is headed by Mr. Capuano of
1371 Massachusetts.

1372 Chairman Conyers. If the gentleman from New York will
1373 continue to yield?

1374 Mr. Nadler. I yield.

1375 Chairman Conyers. All I can tell my friend from
1376 Wisconsin is that we are trying to move this forward as

1377 quickly as possible. This is about members. The lobbying
1378 reform measure and the bundling is largely directed at
1379 registered lobbyists. So we are not trying to tie these two
1380 together or enforce the speed-up of the bipartisan task
1381 force.

1382 Mr. Weiner. Would the gentleman from New York yield?

1383 Mr. Nadler. Yes, I will.

1384 Mr. Weiner. I was just curious. Perhaps the gentlemen
1385 from Texas, Mr. Smith, who is I think the co-chair of this
1386 bipartisan commission, can assure us that this is going to be
1387 done with alacrity and taking into account the needs of the
1388 minority party. I think that Mr. Smith is capable of
1389 protecting Mr. Sensenbrenner's rights and anyone else in this
1390 matter.

1391 To imply that it is simply Mr. Capuano who is making
1392 these decisions and members have no input I think diminishes
1393 the important role that Mr. Smith is playing in this process.

1394 Mr. Gohmert. Will the gentleman yield?

1395 Mr. Nadler. Yes.

1396 Mr. Gohmert. What does "alacrity" mean?

1397 Mr. Weiner. Speed.

1398 Chairman Conyers. That is a New York term.

1399 [Laughter.]

1400 The time of the gentleman has expired, and the Webster's
1401 dictionary is in the back.

1402 [Laughter.]

1403 Mr. Keller. Mr. Chairman, I have an amendment to the
1404 amendment before we vote on this.

1405 Chairman Conyers. Mr. Keller? An amendment to the
1406 amendment will be reported.

1407 Mr. Keller. It is at the desk.

1408 The Clerk. "An amendment to the amendment—

1409 [The amendment by Mr. Keller follows:]

1410 ***** INSERT *****

1411 Chairman Conyers. Mr. Berman reserves a point of order.

1412 Mr. Keller. Thank you. I ask unanimous consent that
1413 the amendment be considered as read.

1414 All it does, on page 2, it strikes the word "including,"
1415 where it says "including" a public institution of higher
1416 education, and replaces it with "other than."

1417 I, too, believe that there is a flaw with this bill, and
1418 here is the gist of it. Under the existing language, without
1419 my amendment, if a member of Congress gives a commencement
1420 address at a public university, and the university pays for
1421 your travel, you can be fined \$100,000 and sent to a federal
1422 prison for 5 years.

1423 I recently had a situation where my alma matter, East
1424 Tennessee State University, invited me to come up and give
1425 the commencement address. I was happy to do it. I wasn't
1426 allowed to pay for it with my MRA because it didn't benefit
1427 my district in Orlando. I wasn't allowed to pay for it with
1428 my campaign because it wasn't campaign related.

1429 Chairman Conyers. Would the gentleman from Florida
1430 yield?

1431 Mr. Keller. Yes, Mr. Chairman.

1432 Chairman Conyers. You are pointing out the fact that
1433 there are problems with the amendment, but there is
1434 underlying problem in addition with the amendment. It is for
1435 that reason that I would urge that this committee with

1436 alacrity move on the question that is pending on the
1437 amendment.

1438 Mr. Issa. Mr. Chairman, a unanimous consent request.

1439 Chairman Conyers. Without objection, the gentleman is
1440 recognized.

1441 Mr. Issa. Mr. Chairman, with the assurances that we are
1442 all interested in perfecting the underlying ethics and
1443 lobbying reform that we are working on on a bipartisan basis,
1444 I would ask unanimous consent to withdraw this amendment and
1445 reintroduce it at the appropriate time.

1446 Chairman Conyers. Without objection, we agree to that,
1447 and I thank the gentleman from California.

1448 Mr. Meehan?

1449 Mr. Meehan. Mr. Chairman, I have an amendment at the
1450 desk.

1451 Chairman Conyers. The clerk will report. Which one?

1452 Mr. Meehan. Meehan #21.

1453 The Clerk. "Amendment to H.R. 2317—"

1454 [The amendment by Mr. Meehan follows:]

1455 ***** INSERT *****

1456 Mr. Meehan. Mr. Chairman, I ask unanimous consent that
1457 the reading of the bill be dispensed with.

1458 Chairman Conyers. Without objection. The gentleman is
1459 recognized in support of his amendment.

1460 May I remind the members of the committee that we have
1461 exactly 30 minutes.

1462 I thank the gentleman.

1463 Mr. Meehan. I will be quick.

1464 My amendment is simple. Many different groups are
1465 trying to distort what the amendment will and won't do, so I
1466 would like to start with what this amendment does. This
1467 amendment is a very narrow and only requires disclosure from
1468 firms hired by one or more clients and receives \$100,000 or
1469 more in a quarterly period of time for running a paid
1470 communications campaign to influence the general public to
1471 lobby Congress.

1472 That firm is required to disclose to members, number
1473 one, a good-faith estimate of their total income; and two, a
1474 separate good-faith estimate specifically for the paid
1475 communication campaign, provided that such income exceeds
1476 \$50,000.

1477 Let me tell you what this amendment doesn't do and who
1478 this amendment won't cover. First and foremost, this is the
1479 first line of the amendment. This bill does not cover groups
1480 or individual people. This amendment only covers firms

1481 retained by clients to engage in these communication
1482 campaigns. This bill will not require average people
1483 interested in their government to suddenly register as
1484 lobbyists.

1485 Secondly, this bill does not require disclosure of
1486 communications made within a group. If, for example, the
1487 National Rifle Association retains a firm to communicate to
1488 its member list, that does not go towards the \$100,000
1489 trigger. This does not require groups to disclose membership
1490 lists. Nor does it regulate what a group can say to its own
1491 members, what form or what message.

1492 In fact, that is exactly what we have seen in our
1493 offices lately in these stacks of blue postcards from NRA
1494 members. Let's assume that these postcards were attached to
1495 a newsletter sent only to NRA members. Even if the NRA hired
1496 a firm and spent more than \$100,000 per quarter,
1497 communications like this would not be covered under this
1498 amendment because it is targeted solely at a membership list.

1499 Thirdly, groups that hire firms to conduct communication
1500 campaigns with the primary purpose of increasing membership,
1501 that is to say the primary purpose is not to influence the
1502 public to lobby Congress, those communications are exempted
1503 as well.

1504 Finally, Mr. Chairman, and very importantly, this
1505 amendment does not infringe on anyone's First Amendment

1506 rights. Everyone in this room believes in the vitality of
1507 the Constitution. We all have taken an oath to uphold the
1508 Constitution. I believe, and I am sure my colleagues do,
1509 that a good government must include input from people that
1510 need to be represented. Constituent input, obviously, is
1511 vital to our government.

1512 As such, this amendment does not prohibit anyone or any
1513 group from contacting Congress. It is important to note that
1514 this amendment does not require disclosure of campaigns that
1515 are simply advocacy of a position, or even the debate of an
1516 issue. This amendment clearly defines a covered
1517 communications campaign as one that influences the public to
1518 "urge Congress to take specific action."

1519 It should go without saying that this amendment does not
1520 cast any aspersion on this type of communication. I believe
1521 that is legitimate and important. Nor does this amendment
1522 ban these types of communication campaigns. This amendment
1523 only says that the funding behind this communication be
1524 disclosed.

1525 The source and dollar amount of direct lobbying is
1526 already public knowledge. For example, Coca-Cola gave
1527 \$130,000 in 2006 to a particular lobbying firm to represent
1528 it for trade issues. That same rationale is behind the
1529 disclosure. That is, that it is a good thing for legislators
1530 and members of the public to know who is lobbying Congress

1531 and how much they spend. This supports the disclosure of
1532 these more indirect campaigns.

1533 One of the most famous instances of this type of
1534 activity was the Harry and Louise advertisement that derailed
1535 President Clinton's health care plan. The Health Insurance
1536 Association of America was able to dump untold amounts of
1537 money into that campaign—special interest money disguised as
1538 grassroots lobbying. That ability to funnel industry dollars
1539 into a communications plan without disclosure is still
1540 present.

1541 So without this amendment, we will continue to be in the
1542 dark about how much is spent on these public communication
1543 campaigns, and in doing so, remain in the dark about exactly
1544 what pressures are being put on the Congress to take specific
1545 action. So I urge my colleagues to support this narrowly
1546 drawn, fully constitutional amendment.

1547 Mr. Lungren. Mr. Chairman?

1548 Mr. Meehan. I yield back the balance of my time.

1549 Mr. Lungren. Mr. Chairman?

1550 Chairman Conyers. The chair recognizes the gentleman
1551 from Texas, Mr. Smith.

1552 Mr. Smith. Thank you, Mr. Chairman.

1553 I oppose this amendment. Let me say at the outset that
1554 I recognize that there are in fact honest differences of
1555 opinion in regard to this amendment. But to me, and in my

1556 judgment, the amendment probably does violate the First
1557 Amendment, and I believe that that view is shared by the
1558 American people, the U.S. Senate, and the Supreme Court.

1559 The provisions that regulate grassroots communications
1560 might in fact define typical Americans as lobbyists. Under
1561 these provisions, any member of the general public who
1562 expresses their views on the issues of the day via a
1563 grassroots communication could be defined as "lobbying
1564 Congress."

1565 As the American Civil Liberties Union has stated in
1566 opposing provisions regulating grassroots communications,
1567 "petitioning the government is core political speech for
1568 which First Amendment protection is at its zenith." The
1569 monetary thresholds in the amendment are irrelevant. It
1570 makes no sense to allow groups to pay for advertising space
1571 in small newspapers, but regulate them when they communicate
1572 through large newspapers like the New York Times and the Los
1573 Angeles Times, which can be very expensive.

1574 Some say that disclosure requirements are not really
1575 regulations, but they regulations, and the provisions can
1576 impose criminal penalties, including many years in prison, if
1577 someone makes one mistake in filing or filling out the
1578 required forms. Fundamentally, grassroots communications are
1579 not lobbying at all, and therefore have no place in this
1580 legislation. In fact, the Supreme Court has said exactly

1581 that.

1582 In *Rumely v. United States*, the Supreme Court
1583 interpreted a congressional resolution regarding lobbying as
1584 not including paid efforts to influence the general public
1585 because the court said interpreting the resolution in that
1586 manner would cause "serious constitutional doubt" about the
1587 legislation's validity.

1588 The Supreme Court reaffirmed these views in *United*
1589 *States v. Harris* when it interpreted regulations to only
1590 apply to direct contact with Congress. The court upheld the
1591 regulations by construing them "to refer only to lobbying in
1592 its commonly accepted sense to direct communication with
1593 members of Congress on pending or proposed federal
1594 legislation."

1595 What some want to regulate and deter are activities that
1596 actually strengthen robust communications between citizens
1597 and members of Congress, such as phone calls and constituent
1598 letters. These provisions will actually increase the
1599 influence of special interest lobbyists who meet personally
1600 with members of Congress, and weaken the influence of typical
1601 citizens back at home.

1602 Mr. Chairman, I do oppose the amendment, and I yield
1603 back the balance of my time.

1604 Chairman Conyers. It sure takes time. I strike the
1605 requisite number of words.

1606 Let me point out why I oppose this amendment as well. I
1607 have been influenced by the communications from the American
1608 Civil Liberties Union, and even the National Rifle
1609 Association, National Right to Life. And herein is the
1610 problem. Citizens have a constitutional right to contact
1611 their elected representatives on any issue. Regulation,
1612 particularly when accompanied by penalties for failure to
1613 completely comply with all the regulations, can chill free
1614 speech no less than an outright censorship ban can.

1615 The Senate refrained from attempting to regulate what
1616 appears to be grassroots lobbying, but it is really corporate
1617 lobbying. They didn't include it because of First Amendment
1618 concerns. For those same reasons, some articulated by the
1619 gentleman from Texas, I would ask my colleagues for a "no"
1620 vote on the Meehan amendment.

1621 Is there any further debate?

1622 Mr. Lungren. Mr. Chairman?

1623 Chairman Conyers. Mr. Lungren is recognized.

1624 Mr. Lungren. Mr. Chairman, I rise to strike the
1625 requisite number of words.

1626 Chairman Conyers. The gentleman is recognized for 5
1627 minutes.

1628 Mr. Lungren. Mr. Chairman, interestingly enough, the
1629 beginnings of our republic if this particular provision of
1630 law had been in effect, might well have been altered. This

1631 might be called the "flush out the authors of the Federalist
1632 Papers amendment." Alexander Hamilton, Madison and Jay, all
1633 three, wrote under aliases. Had they had to expend funds,
1634 which I assume they did, to have this printed and sent out,
1635 somehow under the reasoning of the gentleman from
1636 Massachusetts, that would have been an attempt to corrupt the
1637 process.

1638 I would congratulate the gentleman on one thing. He has
1639 brought us all together. We have the American Civil
1640 Liberties Union and the National Right to Life together in
1641 opposing this amendment. It is an important issue for us
1642 here. It is a pain in the neck sometimes to receive all
1643 these letters from the folks from the grassroots. I will
1644 admit that. Sometimes you have to spend time going through
1645 it and you have to have staff members doing it. But that is
1646 the price of our liberty and that is the price of this
1647 society we have.

1648 The First Amendment protects expressive, associational
1649 rights, and the proposal before us presents a new obstacle
1650 before what is clearly a constitutionally protected activity.
1651 A compelling governmental interest necessary to justify such
1652 regulation is completely absent here. In Buckley v. Valeo,
1653 relating to the prevention of corruption or even the
1654 perception of corruption, that basis is absent here.

1655 What is the corruption of having people trying to

1656 encourage folks to express their opinions to us here in
1657 Congress? Is it because of the numbers involved, and
1658 \$100,000 makes it unconstitutional?

1659 Mr. Meehan. Will the gentleman yield?

1660 Mr. Lungren. No, I will not yield at this point,
1661 because we are concerned here with the attempt to regulate
1662 actions which are directed at the general public, rather than
1663 actions behind closed doors outside the purview of public
1664 scrutiny.

1665 Although section 1 of the amendment indicates it is
1666 directed at lobbyists, it has nothing to do with what is
1667 currently considered to constitute lobbying under law. If
1668 the amendment were merely directed at lobbying it would not
1669 be necessary to do as the gentleman does, change the
1670 definition of such activity to include engaging "in paid
1671 communication campaigns to influence the general public to
1672 lobby Congress." In fact, there is even a new subsection
1673 added which is aimed at "paid communication campaigns to
1674 influence the general public to lobby Congress."

1675 Let me just suggest that activities aimed at increasing
1676 the involvement of the general public, no matter who it is—
1677 left, right, in between, people we agree with, people we
1678 disagree with—that doesn't pose a threat to the ethical
1679 integrity of this institution. With all due respect to the
1680 gentleman from Massachusetts, remember lobbying is nothing

1681 but the process of representative democracy. The United
1682 States Supreme Court, citing from the other case of the
1683 United States v. Rumely, put it well when they stated, "It is
1684 said that indirect lobbying by the pressure of public opinion
1685 on the Congress is an evil and a danger. That is not an
1686 evil," said the court. "It is a good, a healthy essence of
1687 the democratic process."

1688 Why would we want to interfere with that, stigmatize
1689 that, cause all of the necessary bureaucratic trappings here?
1690 Right now, it is tough enough in the political arena for
1691 somebody who is not already connected to get involved in
1692 politics. You have to hire an attorney. You have to hire an
1693 accountant to make sure you don't run afoul of the law. We
1694 now are not going to just do it to people running for office.
1695 We are going to do it for people out there who want to
1696 encourage other people to talk to us.

1697 That is as indirect an implication of lobbying as viewed
1698 under the Constitution by the Supreme Court, as I have found.
1699 Certainly, each and every one of us ought to have enough
1700 confidence in the democratic process to trust that those who
1701 have elected us can make the decision individually as to
1702 whether they want to respond to the request to give us
1703 information.

1704 So I would just hope that we understand how important
1705 this issue is. This is really an important issue. With all

1706 due respect to the gentleman from Massachusetts, who I know
1707 believes that we ought to have more disclosure, this goes
1708 beyond that. This in a very real way would chill the most
1709 essential activity we have in our political process, which
1710 is encouraging people at the local level to contact us. We
1711 certainly do that. We certainly encourage people to contact
1712 us through various ways of our MRA. What is wrong with other
1713 individuals doing that?

1714 So I would hope that we would not adopt this amendment.
1715 Chairman Conyers. The time of the gentleman has
1716 expired.

1717 The chair recognizes the gentleman from New York, Mr.
1718 Nadler.

1719 Mr. Nadler. Thank you, Mr. Speaker.

1720 I may be unique, but I rise in support of the amendment.
1721 I think that all the comments that have been made so far,
1722 except for Mr. Meehan, have not been talking about this
1723 amendment. They have been talking about the Senate bill,
1724 which is a very different bill.

1725 The ACLU memo, frankly, describes the Senate bill. If
1726 an employee receives, spends, or agrees to spend \$100,000 in
1727 a quarter on behalf of her employer to influence members of
1728 the general public to contact federal officials, that
1729 employee would be deemed a lobbying firm. If that were this
1730 bill, I would not support it. In fact, I was the only member

1731 of the legislature who voted against a similar bill 20 years
1732 ago.

1733 What this says, and all it says, is that if a lobbying
1734 firm is hired by a third party to go out and generate
1735 lobbying to Congress, that lobbying firm has to report it.
1736 So if people want, as Mr. Lungren was talking about, if
1737 people want to go out and spend money to get 100,000 letters
1738 mailed to Congress, this bill doesn't cover it. If Patton
1739 Boggs wants to go out and get a lot of people to write
1740 Congress on some issue, this bill doesn't cover it. But if
1741 Verizon hires Patton Boggs to go out and gin up a lot of
1742 letters to Congress, this amendment says that Patton Boggs
1743 has to report that they were hired and how much they were
1744 paid. Period. That is all it does.

1745 This has nothing to do with grassroots lobbying in that
1746 sense. This has nothing to do with the Federalist Papers.
1747 The Federalist authors would not have had to disclose who
1748 they were. Nobody hired them to go out. This is not
1749 triggered by spending an amount of money. This is triggered
1750 by being hired by somebody else and then spending the amount
1751 of money. It is a very different proposition.

1752 The Senate bill is what you were describing, and it is
1753 obnoxious against the First Amendment. But requiring a
1754 lobbying firm who is hired by somebody else to go out and to
1755 get other people to write Congress or to communicate with

1756 Congress, to require that lobbying firm to report that they
1757 were hired by somebody and how much they were paid for that,
1758 there is nothing wrong with that and that doesn't endanger
1759 the First Amendment or kill free speech.

1760 If we are going to be lobbied by some hidden corporation
1761 that hires a lobbying firm, frankly, people ought to know
1762 that. It increases the amount of information available as to
1763 judging the validity of that lobbying, frankly.

1764 Mr. Davis. Will the gentleman yield?

1765 Mr. Nadler. I yield to Mr. Davis.

1766 Mr. Davis. Thank you, Mr. Chairman.

1767 Let me reluctantly speak in opposition to the amendment
1768 and join the chair in opposition to it for two reasons. I
1769 agree with Mr. Nadler from New York that this amendment is a
1770 substantial improvement over the Senate version. I think it
1771 still has two defects.

1772 The first one is this. Imposing a reporting requirement
1773 does create a burden. My concern is that the individuals, or
1774 the entities rather, who will most likely clear that burden,
1775 are the well-heeled, those on the corporate side, as opposed
1776 to those who may be more on the public interest side. I
1777 think it is likely to be a practical consequence of this
1778 requirement.

1779 Second of all, I think Mr. Lungren actually put his
1780 finger on a very important point. The traditional

1781 congressional concern with closed-door lobbying is that no
1782 one knows exactly what the communication is about. No one
1783 knows exactly what is happening behind closed doors. No one
1784 knows what implicit quid pro quo may be discussed, so we want
1785 to put more transparency around it.

1786 If we are talking about a public communication, which is
1787 what I understand this amendment addresses, you can't get
1788 more transparency than that. People know what the arguments
1789 are. They know the core of the arguments. By definition, I
1790 think we have less of an interest in regulating it or
1791 fleshing it out.

1792 So for those two reasons, while I certainly admire all
1793 the enormous work Mr. Meehan has done in his career, and will
1794 miss him in the Congress because of his good work on this
1795 issue, I would join the chairman in opposing the amendment.

1796 I yield back the balance of my time.

1797 Chairman Conyers. I thank the gentleman.

1798 The chair is prepared to call the question.

1799 All those in favor of the Meehan amendment, indicate by
1800 saying, "Aye."

1801 Those opposed to the Meehan amendment, indicate by
1802 saying, "No."

1803 The noes have it. The amendment fails.

1804 And the chair recognizes Mr. Meehan.

1805 The clerk will report the other amendment.

1806 The Clerk. "Amendment to H.R. 2316 offered by Mr.
1807 Meehan of Massachusetts. Insert the following after section
1808 205 and redesignate—"

1809 [The amendment by Mr. Meehan follows:]

1810 ***** INSERT *****

1811 Chairman Conyers. Without objection, the amendment will
1812 be considered as read.

1813 The gentleman from Massachusetts is recognized.

1814 Mr. Meehan. Mr. Chairman, it is my final amendment.

1815 On the first day of the new congressional session, we
1816 adopted new rules for the House. Title II, which passed by a
1817 vote of 403 to 1, contains a ban on gifts and travel paid for
1818 by lobbyists. I assume those who voted for it, which
1819 includes everyone here, supported the new ban on gifts and
1820 travel and did so in no small part because of the growing
1821 public perception that the relationship between some members
1822 of Congress and lobbyists have become too close for comfort.

1823 Indeed, that is why we are here today debating a
1824 landmark lobbying reform bill because Congress has decided
1825 that it is time to break the link between lobbying and
1826 legislation. This amendment would strengthen a good bill and
1827 continue the work we did on day one. It is simple. It bans
1828 lobbyists from paying for a party, reception or any other
1829 event at a national political party nominating convention in
1830 honor or in recognition of a member, officer or employee of
1831 Congress.

1832 One lobbying group said of the parties at conventions,
1833 the entry fee for participation has gone up dramatically.
1834 These party sponsors pay upwards of \$100,000 to get a top
1835 billing. Just to be listed as a lower-level sponsor, many

1836 groups have to shell out as much as \$25,000. Under our new
1837 rules, lobbyists can't spend \$25 to take us out to lunch.
1838 The question is why should we allow them to spend \$25,000 to
1839 honor one of us at a presidential convention.

1840 This is a loophole that should be closed. I want to be
1841 clear that this amendment does not ban lobbyists or lobbying
1842 organizations from throwing parties at nominating convention,
1843 only from honoring one or more members at such a party.
1844 Furthermore, this does not impact any of the rules changes
1845 for this Congress. Exemptions for widely held events are not
1846 changed. The Senate bill included a provision preventing
1847 members from participating in these lobbyist-funded parties,
1848 and the House should match that effort.

1849 I urge my colleagues to support this amendment, and
1850 yield back the balance of my time.

1851 Chairman Conyers. I rise to strike the requisite number
1852 of words.

1853 This is an amendment that raises to me another First
1854 Amendment kind of issue. You see, the Senate version of this
1855 provision essentially permits entities to have parties
1856 honoring a member of Congress, but prohibits the member from
1857 attending, if you can believe that. The Senate drew the line
1858 in this fashion out of a concern that under our Constitution,
1859 we cannot pass laws saying who can and who cannot be honored.

1860 But my friend's amendment from Massachusetts goes a step

1861 further and prevents the honoring event completely. I think
1862 that is a step too far. Convention parties are by their very
1863 nature extremely public events that good government groups,
1864 the media and the general public can find out about and
1865 report on, and praise or criticize as they may choose.

1866 In my view, this is not an issue that rises to the level
1867 of potential criminal liability, nor is it the kind of
1868 examples of lobby problems that we are trying to address.
1869 For that reason, I think it does not constitute the real
1870 reform that is the heart of the bill that is before us.

1871 I oppose the amendment, and I call for the question.

1872 All those in favor of the amendment of the gentleman
1873 from Massachusetts, indicate by saying, "Aye."

1874 All those opposed, indicate by saying, "No."

1875 The amendment fails.

1876 The chair now recognizes for the final amendment—who
1877 asks for a recorded vote?

1878 Mr. Meehan. Could I ask for a recorded vote?

1879 Chairman Conyers. Of course you can.

1880 The clerk will call the roll.

1881 The Clerk. Mr. Conyers?

1882 Chairman Conyers. No.

1883 The Clerk. Mr. Conyers votes no.

1884 Mr. Berman?

1885 [No response.]

1886 Mr. Boucher?
1887 [No response.]
1888 Mr. Nadler?
1889 Mr. Nadler. Aye.
1890 The Clerk. Mr. Nadler votes aye.
1891 Mr. Scott?
1892 Mr. Scott. No.
1893 The Clerk. Mr. Scott votes no.
1894 Mr. Watt?
1895 Mr. Watt. No.
1896 The Clerk. Mr. Watt votes no.
1897 Ms. Lofgren?
1898 Ms. Lofgren. No.
1899 The Clerk. Ms. Lofgren votes no.
1900 Ms. Jackson Lee?
1901 [No response.]
1902 Ms. Waters?
1903 [No response.]
1904 Mr. Meehan?
1905 Mr. Meehan. Aye.
1906 The Clerk. Mr. Meehan votes aye.
1907 Mr. Delahunt?
1908 [No response.]
1909 Mr. Wexler?
1910 [No response.]

1911 Ms. Sanchez?
1912 [No response.]
1913 Mr. Cohen?
1914 Mr. Cohen. Aye.
1915 The Clerk. Mr. Cohen votes aye.
1916 Mr. Johnson?
1917 Mr. Johnson. No.
1918 The Clerk. Mr. Johnson votes no.
1919 Mr. Gutierrez?
1920 [No response.]
1921 Mr. Sherman?
1922 [No response.]
1923 Ms. Baldwin?
1924 Ms. Baldwin. No.
1925 The Clerk. Ms. Baldwin votes no.
1926 Mr. Weiner?
1927 Mr. Weiner. No.
1928 The Clerk. Mr. Weiner votes no.
1929 Mr. Schiff?
1930 Mr. Schiff. Aye.
1931 The Clerk. Mr. Schiff votes aye.
1932 Mr. Davis?
1933 Mr. Davis. No.
1934 The Clerk. Mr. Davis votes no.
1935 Ms. Wasserman Schultz?

1936 [No response.]

1937 Mr. Ellison?

1938 Mr. Ellison. No.

1939 The Clerk. Mr. Ellison votes no.

1940 Mr. Smith?

1941 Mr. Smith. No.

1942 The Clerk. Mr. Smith votes no.

1943 Mr. Sensenbrenner?

1944 Mr. Sensenbrenner. No.

1945 The Clerk. Mr. Sensenbrenner votes no.

1946 Mr. Coble?

1947 Mr. Coble. No.

1948 The Clerk. Mr. Coble votes no.

1949 Mr. Gallegly?

1950 Mr. Gallegly. No.

1951 The Clerk. Mr. Gallegly votes no.

1952 Mr. Goodlatte?

1953 [No response.]

1954 Mr. Chabot?

1955 Mr. Chabot. Aye.

1956 The Clerk. Mr. Chabot votes aye.

1957 Mr. Lungren?

1958 Mr. Lungren. No.

1959 The Clerk. Mr. Lungren votes no.

1960 Mr. Cannon?

1961 Mr. Cannon. No.

1962 The Clerk. Mr. Cannon votes no.

1963 Mr. Keller?

1964 Mr. Keller. No.

1965 The Clerk. Mr. Keller votes no.

1966 Mr. Issa?

1967 Mr. Issa. Pass.

1968 The Clerk. Mr. Issa passes.

1969 Mr. Pence?

1970 Mr. Pence. No.

1971 The Clerk. Mr. Pence votes no.

1972 Mr. Forbes?

1973 Mr. Forbes. No.

1974 The Clerk. Mr. Forbes votes no.

1975 Mr. King?

1976 Mr. King. No.

1977 The Clerk. Mr. King votes no.

1978 Mr. Feeney?

1979 Mr. Feeney. No.

1980 The Clerk. Mr. Feeney votes no.

1981 Mr. Franks?

1982 Mr. Franks. No.

1983 The Clerk. Mr. Franks votes no.

1984 Mr. Gohmert?

1985 Mr. Gohmert. No.

1986 The Clerk. Mr. Gohmert votes no.

1987 Mr. Jordan?

1988 Mr. Jordan. No.

1989 The Clerk. Mr. Jordan votes no.

1990 Chairman Conyers. Are there any members not recorded?

1991 Ms. Sanchez?

1992 Ms. Sanchez. No.

1993 The Clerk. Ms. Sanchez votes no.

1994 Chairman Conyers. Mr. Berman?

1995 Mr. Berman. No.

1996 The Clerk. Mr. Berman votes no.

1997 Chairman Conyers. Mr. Issa?

1998 Mr. Issa. No.

1999 The Clerk. Mr. Issa votes no.

2000 Chairman Conyers. The clerk will report.

2001 The Clerk. Mr. Chairman—

2002 Chairman Conyers. Mr. Wexler?

2003 The Clerk. Mr. Wexler votes no.

2004 Mr. Chairman, five members voted aye; 27 members voted

2005 nay.

2006 Chairman Conyers. The amendment fails.

2007 The chair recognizes the gentleman from Ohio, Mr.

2008 Chabot, for what may be the last amendment.

2009 Mr. Chabot. Thank you, Mr. Chairman. I have an

2010 amendment at the desk.

2011 Chairman Conyers. I have a technical amendment. The
2012 clerk will report the amendment.

2013 The Clerk. "Amendment to H.R. 2316 offered by Mr.
2014 Chabot of Ohio. At the end, add the following new title—"

2015 [The amendment by Mr. Chabot follows:]

2016 ***** INSERT *****

2017 Mr. Chabot. Mr. Chairman, I ask unanimous consent that
2018 the amendment be considered as read.

2019 Chairman Conyers. Without objection, so ordered. The
2020 gentleman is recognized.

2021 Mr. Chabot. Thank you, Mr. Chairman.

2022 My amendment is a simple one. This amendment would
2023 reauthorize for an additional 4 years the Office of
2024 Government Ethics, which is the independent agency that is
2025 responsible for administering the federal executive branch
2026 ethics program. Among the OGE's most important
2027 responsibilities is its role in reviewing, certifying and
2028 enforcing the financial disclosure reports submitted by the
2029 more than 1,000 Senate-confirmed presidential appointees who
2030 serve in the federal government.

2031 Last year, the Office of Government Ethics was granted
2032 approximately \$11.1 million in budget authority to develop
2033 executive branch conduct and financial disclosure reporting
2034 policies, set standards for executive branch conduct, train
2035 and educate executive branch employees on issues related to
2036 ethics, and evaluate executive branch ethics programs.

2037 OGE has been reauthorized five times since 1983, when
2038 its original authorization expired. Its current authority
2039 expires at the end of this fiscal year. As this Congress
2040 moves forward to pursue its "good government agenda," I think
2041 it is not only appropriate, but critical that we demonstrate

2042 to the American public our commitment to strengthening the
2043 integrity and transparency of all three branches of the
2044 federal government, not just the legislative branch.

2045 I urge my colleagues to support comprehensive ethics
2046 reform by supporting this simple but yet important amendment,
2047 and I yield back.

2048 Chairman Conyers. I thank the gentleman.

2049 I rise in opposition to the amendment, not because of
2050 substance, but because this bill would take the subject
2051 matter into an area that while we have a jurisdictional
2052 claim, it is within the primary jurisdiction of another
2053 committee. It is barely germane. We can't send this to the
2054 Ethics Committee at this time.

2055 What I am suggesting is this: Broadening the bill in
2056 this fashion, Mr. Chabot, would complicate the road to its
2057 enactment because we have this same provision in the court
2058 security bill, which is a separate bill that we are working
2059 on. I would implore you to join us with work on that
2060 separate bill which contains the substance of what it is you
2061 are proposing here.

2062 I yield to the gentleman.

2063 Mr. Chabot. I thank the gentleman for yielding.

2064 I, of course, recognize that this amendment is similar
2065 to the OGE reauthorization contained in H.R. 660, which is
2066 the other bill that you are referring to, which was the Court

2067 Security Improvement Act. However, first of all, I don't
2068 believe that it can do any harm to put the OGE
2069 reauthorization in the bill that we are considering today.
2070 We can never emphasize the need for integrity or transparency
2071 in the federal government too much.

2072 In addition, it is my understanding that in the other
2073 body it is likely to strip the provision out of the other
2074 bill when it comes to the floor. Senator Lieberman believes
2075 that it is not germane on that bill over there, so then we
2076 will be without a bill. If that would be the case, we need
2077 to have the OGE reauthorization in this bill to ensure that
2078 one of the most important independent agencies is
2079 reauthorized for an adequate period of time.

2080 I thank the gentleman for yielding. I would urge my
2081 colleagues to support this.

2082 Chairman Conyers. I would say in one sentence that the
2083 determinations on the parliamentary procedure should not turn
2084 on any member of the Senate but on our considered judgment
2085 here in the House Judiciary Committee.

2086 Mr. Chabot. Mr. Chairman, I don't like the Senate
2087 either, but I still would like to have this amendment
2088 approved.

2089 [Laughter.]

2090 Chairman Conyers. But I do like the Senate.

2091 [Laughter.]

2092 All those in favor of the Chabot amendment, please
2093 indicate by saying, "Aye."

2094 All those opposed to the Chabot amendment, please
2095 indicate by saying, "No."

2096 In the opinion of the chair, the noes have it.

2097 Mr. Chabot. I ask for a recorded vote, please.

2098 Chairman Conyers. A recorded vote is requested.

2099 The Clerk. Mr. Conyers?

2100 Chairman Conyers. No.

2101 The Clerk. Mr. Conyers votes no.

2102 Mr. Berman?

2103 [No response.]

2104 Mr. Boucher?

2105 [No response.]

2106 Mr. Nadler?

2107 Mr. Nadler. No.

2108 The Clerk. Mr. Nadler votes no.

2109 Mr. Scott?

2110 Mr. Scott. No.

2111 The Clerk. Mr. Scott votes no.

2112 Mr. Watt?

2113 Mr. Watt. No.

2114 The Clerk. Mr. Watt votes no.

2115 Ms. Lofgren?

2116 Ms. Lofgren. No.

2117 The Clerk. Ms. Lofgren votes no.
2118 Ms. Jackson Lee?
2119 Ms. Jackson Lee. No.
2120 The Clerk. Ms. Jackson Lee votes no.
2121 Ms. Waters?
2122 [No response.]
2123 Mr. Meehan?
2124 Mr. Meehan. No.
2125 The Clerk. Mr. Meehan votes no.
2126 Mr. Delahunt?
2127 [No response.]
2128 Mr. Wexler?
2129 [No response.]
2130 Ms. Sanchez?
2131 Ms. Sanchez. No.
2132 The Clerk. Ms. Sanchez votes no.
2133 Mr. Cohen?
2134 Mr. Cohen. No.
2135 The Clerk. Mr. Cohen votes no.
2136 Mr. Johnson?
2137 Mr. Johnson. No.
2138 The Clerk. Mr. Johnson votes no.
2139 Mr. Gutierrez?
2140 [No response.]
2141 Mr. Sherman?

2142 [No response.]

2143 Ms. Baldwin?

2144 Ms. Baldwin. No.

2145 The Clerk. Ms. Baldwin votes no.

2146 Mr. Weiner?

2147 Mr. Weiner. No.

2148 The Clerk. Mr. Weiner votes no.

2149 Mr. Schiff?

2150 Mr. Schiff. No.

2151 The Clerk. Mr. Schiff votes no.

2152 Mr. Davis?

2153 Mr. Davis. No.

2154 The Clerk. Mr. Davis votes no.

2155 Ms. Wasserman Schultz?

2156 [No response.]

2157 Mr. Ellison?

2158 Mr. Ellison. No.

2159 The Clerk. Mr. Ellison votes no.

2160 Mr. Smith?

2161 Mr. Smith. Aye.

2162 The Clerk. Mr. Smith votes aye.

2163 Mr. Sensenbrenner?

2164 Mr. Sensenbrenner. Aye.

2165 The Clerk. Mr. Sensenbrenner votes aye.

2166 Mr. Coble?

2167 Mr. Coble. Aye.

2168 The Clerk. Mr. Coble votes aye.

2169 Mr. Gallegly?

2170 Mr. Gallegly. Aye.

2171 The Clerk. Mr. Gallegly votes aye.

2172 Mr. Goodlatte?

2173 Mr. Goodlatte. Aye.

2174 The Clerk. Mr. Goodlatte votes aye.

2175 Mr. Chabot?

2176 Mr. Chabot. Aye.

2177 The Clerk. Mr. Chabot votes aye.

2178 Mr. Lungren?

2179 Mr. Lungren. Aye.

2180 The Clerk. Mr. Lungren votes aye.

2181 Mr. Cannon?

2182 Mr. Cannon. Aye.

2183 The Clerk. Mr. Cannon votes aye.

2184 Mr. Keller?

2185 Mr. Keller. Aye.

2186 The Clerk. Mr. Keller votes aye.

2187 Mr. Issa?

2188 Mr. Issa. Aye.

2189 The Clerk. Mr. Issa votes aye.

2190 Mr. Pence?

2191 Mr. Pence. Aye.

2192 The Clerk. Mr. Pence votes aye.

2193 Mr. Forbes?

2194 Mr. Forbes. Aye.

2195 The Clerk. Mr. Forbes votes aye.

2196 Mr. King?

2197 Mr. King. Aye.

2198 The Clerk. Mr. King votes aye.

2199 Mr. Feeney?

2200 Mr. Feeney. Aye.

2201 The Clerk. Mr. Feeney votes aye.

2202 Mr. Franks?

2203 Mr. Franks. Aye.

2204 The Clerk. Mr. Franks votes aye.

2205 Mr. Gohmert?

2206 Mr. Gohmert. Aye.

2207 The Clerk. Mr. Gohmert votes aye.

2208 Mr. Jordan?

2209 Mr. Jordan. Yes.

2210 The Clerk. Mr. Jordan votes yes.

2211 Chairman Conyers. The clerk will report.

2212 Mr. Nadler. Mr. Chairman?

2213 Chairman Conyers. Mr. Nadler?

2214 Mr. Nadler. Mr. Chairman, how am I recorded?

2215 The Clerk. Mr. Nadler is recorded as voting nay.

2216 Mr. Nadler. Thank you.

2217 Chairman Conyers. Mr. Berman?
2218 Mr. Berman. Nay, no, none.
2219 Chairman Conyers. Mr. Wexler?
2220 Mr. Wexler. No.
2221 The Clerk. Mr. Wexler votes no.
2222 Chairman Conyers. Mr. Delahunt? Mr. Delahunt?
2223 Mr. Delahunt. No.
2224 The Clerk. Mr. Delahunt votes no.
2225 Chairman Conyers. Mr. Goodlatte?
2226 All right. The clerk will report, please.
2227 The Clerk. Mr. Chairman, 17 members voted aye; 18
2228 members voted nay.
2229 Chairman Conyers. And the amendment fails.
2230 The chair—
2231 Ms. Jackson Lee. Mr. Chairman? Mr. Chairman?
2232 Chairman Conyers. The chair recognizes the gentlelady
2233 from Texas.
2234 Ms. Jackson Lee. I thank the gentleman very much. I
2235 have an amendment at the desk, Mr. Chairman.
2236 Chairman Conyers. The clerk will report the amendment.
2237 The Clerk. "Amendment to H.R. 2316, offered by Ms.
2238 Jackson Lee of Texas. Add at the end—"

2239 [The amendment by Ms. Jackson Lee follows:]

2240 ***** INSERT *****

2241 Ms. Jackson Lee. I ask unanimous consent that the
2242 amendment may be considered as having been read.

2243 Chairman Conyers. Without objection. The gentlelady is
2244 recognized.

2245 Ms. Jackson Lee. I thank the distinguished gentleman.

2246 Let me, first of all, acknowledge the leadership of the
2247 chairman, not only for this bill but as a champion of civil
2248 rights and the First Amendment. And I think we have been
2249 engaged in this debate regarding campaign finance reform and
2250 ethics, and I am delighted that now, as part of the majority,
2251 we are moving forward.

2252 We do know that many of our groups on both sides of the
2253 aisle have misinterpreted our efforts to suggest that action
2254 may infringe on their First Amendment right to freedom of
2255 expression. This is a simple statement that in fact this
2256 legislation does not inhibit free speech and free
2257 association, and I would ask my colleagues, in the spirit of
2258 our mutual respect, combined respect for the First Amendment
2259 and the many grassroots advocacy groups that we applaud and
2260 encourage—

2261 Chairman Conyers. Would the gentlelady yield?

2262 Ms. Jackson Lee. —to support this amendment.

2263 I would be happy to yield.

2264 Chairman Conyers. We are prepared to accept the
2265 amendment.

2266 Ms. Jackson Lee. I thank the gentleman.

2267 Chairman Conyers. And if you would yield to the
2268 gentleman from Texas as well.

2269 Ms. Jackson Lee. I yield to the gentleman.

2270 Mr. Smith. Mr. Chairman, let me say, I don't think it
2271 every hurts to restate the importance of the First Amendment,
2272 and I recommend my colleagues support it.

2273 Chairman Conyers. All those in favor of the Sheila
2274 Jackson Lee amendment, indicate by saying, "Aye."

2275 Those opposed, "No."

2276 The ayes have it.

2277 Ms. Jackson Lee. Thank you, Mr. Chairman.

2278 Chairman Conyers. It is so ordered.

2279 The final technical amendment I offer at the desk, and
2280 ask the clerk to report.

2281 The Clerk. "Amendment to H.R. 2316, offered by Mr.
2282 Conyers. Page 4, line 23 through 24, strike 'for public
2283 disclosure.' Page 5, insert after line 18 the following:
2284 'Upon such recusal, the member delegate or resident
2285 commissioner shall submit a statement of disclosure and
2286 notification under clause one to the clerk for public
2287 disclosure.'"

2288 [The amendment by Chairman Conyers follows:]

2289 ***** INSERT *****

2290 Chairman Conyers. I rise in support of my amendment.

2291 I thank the gentleman from North Carolina, Mel Watt, for
2292 detecting this correction that was necessary. It is a small
2293 change.

2294 As it is currently drafted, the measure fails in the
2295 manager's amendment to provide a proper mechanism to make
2296 disclosures or recusals due to conflicts of interest during
2297 employment negotiations by members available to the public.

2298 This amendment essentially makes that correction to
2299 section 102 and would provide that a member who finds him or
2300 herself in that situation shall submit a statement of
2301 disclosure and notification of employee negotiations to the
2302 clerk.

2303 It corrects a technicality, and I hope that the members
2304 will support it.

2305 Mr. King. Will the gentleman yield?

2306 Chairman Conyers. I yield to the gentleman from Texas.

2307 Mr. Smith. Mr. Chairman, I think this is a good
2308 clarifying amendment, and I support it as well.

2309 I yield back.

2310 Chairman Conyers. The question occurs on the amendment.

2311 All in favor, say, "Aye."

2312 All those opposed, say, "No."

2313 They ayes have it. The amendment is agreed to.

2314 A reporting quorum being present, the question is on

2315 reporting the bill favorably to the House.

2316 All those in favor will signify by saying, "Aye."

2317 Those opposed will signify by saying, "No."

2318 The ayes have it, and the bill is ordered reported
2319 favorably to the House.

2320 Without objection, the bill will be reported favorably
2321 to the House in the form of a single amendment in the nature
2322 of a substitute incorporating amendments adopted here today.

2323 Without objection, the staff is directed to make any
2324 technical and conforming changes.

2325 All members will be given 2 days to submit additional
2326 views.

2327 Pursuant to committee rule 2(j), the chair is authorized
2328 to offer such motions as may be necessary in the House to go
2329 to the conference with the Senate on the measure.

2330 I ask the clerk to report the third of the four
2331 measures, H.R. 2264, No Oil Producing and Exporting Cartels
2332 Act.

2333 The clerk will report.

2334 The Clerk. "H.R. 2264, a bill to amend the Sherman Act
2335 to make oil-producing and exporting cartels--"

2336 [The bill follows:]

2337 ***** INSERT *****

2338 Chairman Conyers. Without objection, the bill will be
2339 considered read at any point.

2340 And I recognize myself to explain the amendment very
2341 briefly.

2342 We have agreed that the Subcommittee on Immigration will
2343 start shortly after 3:15.

2344 Ladies and gentleman, at the Antitrust Task Force
2345 hearing yesterday on gasoline prices, witnesses attributed
2346 the price hike to refinery capacity, crude oil supply, oil
2347 company merges and environmental regulations and the market
2348 manipulation.

2349 OPEC accounts for two-thirds the world oil reserves, 40
2350 percent of the world oil production and 70 percent of the oil
2351 traded internationally. This affords OPEC considerable
2352 control over the global market.

2353 Its net oil export revenues reach nearly \$395 billion
2354 every year, and, obviously, its influence on the oil market
2355 is dominant.

2356 For years, the OPEC cartel has purposely driven up the
2357 cost of imported crude oil to satisfy the greed of its
2358 members. We have long decried OPEC but no one in government
2359 has yet tried to take any action. It is the responsibility
2360 of the House Judiciary Committee to do so at this time and
2361 with this measure.

2362 This bill reminds the nation that participate in the oil

2363 cartel, that engaging in conduct designed to fix the price of
2364 oil is illegal under United States law. And under the bill,
2365 the OPEC nations will no longer be able to hide behind the
2366 dubious doctrine of sovereign immunity. And I remind the
2367 members, these doctrines originated to accord proper respect
2368 among nations for each other's core governmental decision-
2369 making. They have no place in shielding state profit-making
2370 enterprises from accountability.

2371 And so the bill makes clear that foreign governments are
2372 persons under the antitrust laws, subject to suit and
2373 specifically authorizes—here's the heart of the matter—the
2374 Department of Justice to investigate and to bring lawsuits
2375 into federal court against oil cartel members. We don't have
2376 to stand by and watch OPEC continue to dictate the price of
2377 oil and gasoline without recourse.

2378 By passing this measure, we begin along the long road to
2379 put our antitrust laws to work against the OPEC cartel, and
2380 we likely would against any other international cartel that
2381 is fleecing American consumers of their hard-earned money.

2382 I will put the rest of my statement in the record and
2383 yield to the gentleman from Texas, Mr. Smith.

2384 [The statement of Chairman Conyers follows:]

2385 ***** COMMITTEE INSERT *****

2386 Mr. Smith. Thank you, Mr. Chairman.

2387 Mr. Chairman, it is painfully obvious to the American
2388 people that the price of gasoline is going up. The
2389 Department of Energy reports that the nationwide average for
2390 gas is now \$3.10 a gallon, up 5 cents from last week.

2391 Higher gas prices cause a real drain on families'
2392 finances, and if they remain high, they could serve as a drag
2393 on the economy. Rising gas prices and subsequent
2394 congressional interest are not a new phenomenon. It seems
2395 that every year Congress conducts some new investigation of
2396 the oil industry.

2397 Yesterday, the Antitrust Task Force held a hearing on
2398 prices at the pump, market failure and the oil industry. As
2399 the Federal Trade Commission has reported, though, "Changes
2400 in world oil prices have explained 85 percent of the changes
2401 in the price of gasoline in the U.S." The price of gasoline
2402 at the pump closely tracks the price of a barrel of oil on
2403 the world oil market.

2404 American refineries, which import over 60 percent of
2405 their oil from foreign countries, compete for those oil
2406 resources with China and India. Demand for oil in those two
2407 countries has dramatically increased in recent years. As
2408 demand has increased at home and abroad, supplies have simply
2409 not kept up, and the price of oil, naturally, has gone up.

2410 Most consumers can't address their demand for gasoline

2411 overnight. Since consumer demand does not noticeably
2412 diminish when the price of gasoline goes up, those higher oil
2413 costs inevitably are passed on to the consumers. Of course,
2414 just because the cost of gasoline can be rationally explained
2415 does mean that the market is not subject to some
2416 anticompetitive behavior.

2417 For example, the world oil price is dictated mainly by
2418 the quantity of oil that the Organization of Petroleum
2419 Exporting Countries, OPEC, is willing to supply. Most would
2420 argue that the presence of this cartel, controlled in large
2421 part by totalitarian or hostile regimes, is not helpful.

2422 The question is, though, what could or should Congress
2423 do about it?

2424 NOPEC is one possible solution to this problem. Because
2425 of the Act of State Doctrine, the concept of sovereign
2426 immunity, Americans are precluded from suing the cartel that
2427 controls a good portion of the world's oil supply. This bill
2428 would change that. However, there is no certainty that
2429 enabling the attorney general to sue OPEC for an antitrust
2430 violation will result in lower gas prices for Americans.

2431 Given the instability that such a suit might create in
2432 the world oil markets, this legislation would be long on
2433 psychic compensation but short on actual returns to American
2434 pocketbooks.

2435 We should worry about whether an antitrust lawsuit

2436 against OPEC would complicate U.S. foreign relations,
2437 including limiting the ability of America to base troops in
2438 some foreign country. We should worry whether such a suit
2439 would encourage OPEC to engage in an oil embargo, similar to
2440 the one that wrecked the American economy in 1973 and 1974.

2441 This is separate and apart from concerns I have about
2442 the ability of the attorney general to actually enforce a
2443 judgment against foreign entities. Besides, every time
2444 Congress decides to restrict the supply of oil, such as
2445 deciding not to drill in ANWR, or imposes a new requirement,
2446 such as minimum ethanol standards, it does have an impact at
2447 the pump.

2448 Yet, like Captain Renault in Casablanca, Congress
2449 regularly seems shocked to find that its actions contribute
2450 to higher gas prices.

2451 While I support the premise of this bill, I am concerned
2452 about its unintended consequences, so I am writing the GAO
2453 today to ask for a report on the possible impact of this bill
2454 on U.S. foreign policy, our trade balance and the stationing
2455 of troops in the Middle East. The GAO report also will cover
2456 the likelihood of a retaliatory oil embargo and its impact on
2457 the U.S. economy.

2458 This bill has had limited consideration by the
2459 committee, so I feel it is imperative that we be aware of its
2460 potential impact on U.S. interests, both at home and abroad.

2461 Mr. Chairman, I yield back the balance of my time.

2462 Chairman Conyers. I commend the gentleman for his
2463 caution and prudence, and I would support him in the GAO
2464 inquiry that he would be making.

2465 Mr. Smith. Thank you, Mr. Chairman. I appreciate your
2466 support, and we will circulate the letter.

2467 Chairman Conyers. Thank you.

2468 The chair recognizes the original co-sponsor of this
2469 measure, the gentleman from Ohio, Mr. Chabot.

2470 Mr. Chabot. Thank you, Mr. Chairman, and I will be
2471 brief here.

2472 Obviously, this is an issue which we all have facing us,
2473 and there are some things which I think we ought to do very
2474 quickly, such as go after some of those resources that we
2475 have available to us, such as ANWR, such as the Outer
2476 Continental Shelf. We can't do that here, obviously, in this
2477 committee, but this is something that we can do, and there's
2478 not an issue that I can think of that is of greater concern
2479 to my constituents, and probably most of the constituents of
2480 the folks in this room, than the surging price of gas.

2481 The national average, as has been mentioned, is way over
2482 \$3 a gallon now. When I went and over the weekend purchased
2483 gas, it was \$3.13 to \$3.19 in Cincinnati. It has been up 90
2484 cents a gallon since January. Forecasters expect prices to
2485 continue surging throughout the summer months, and I don't

2486 have to tell anyone here how these price hikes have and will
2487 continue to impact consumers and weigh our economy down.

2488 Yesterday, the Antitrust Task Force heard from experts
2489 as to the benefits of competition, particularly for
2490 consumers. This committee does not have to look any further
2491 than the Antitrust Modernization Commission's report to
2492 reinforce the benefits of a free market society.

2493 This bill extends the benefits of competition to
2494 consumers in the oil industry by allowing supplies to
2495 increase and prices to fall as the market dictates, rather
2496 than by market manipulation, which is occurring right now by
2497 the OPEC nations.

2498 And so I congratulate, commend, thank the chairman for,
2499 once again, co-sponsoring this bill. I would urge its
2500 passage, and I yield back the balance of my time.

2501 Chairman Conyers. I thank the gentleman.

2502 All those in—

2503 Mr. Lungren. Mr. Chairman?

2504 Mr. Gohmert. Mr. Chairman?

2505 Chairman Conyers. Briefly, Mr. Lungren, Mr. Gohmert.

2506 Mr. Lungren. Mr. Chairman, I rise to strike the
2507 requisite number of words, and the only reason I do is
2508 because I realize we are rushing to judgment on this. We
2509 want to get his passed, but some of us may be constrained to
2510 vote against it, and we don't want that to be a suggestion we

2511 don't want to get tough with OPEC.

2512 But I have got a real concern about us doing this when a
2513 district court ruled in 1979 that the acts of OPEC country
2514 establishing terms and conditions for removal of natural
2515 resources within its territory is a governmental activity.

2516 That is what kind of a defense we would offer if someone
2517 brought a lawsuit against the United States in a foreign
2518 court based on the fact that we are manipulating the market
2519 by reducing the product on the world market by refusing to
2520 allow or drilling and production offshore California,
2521 offshore Florida, offshore the Northeast, in ANWR, the
2522 restrictions that we place on the removal of our minerals and
2523 other energy potential properties throughout the United
2524 States.

2525 Chairman Conyers. Would my colleague yield?

2526 Mr. Lungren. And I, frankly, don't think we want to do
2527 that.

2528 Chairman Conyers. Would the gentleman yield just
2529 briefly?

2530 Mr. Lungren. I will be happy to yield on that.

2531 Chairman Conyers. Your reference is to a district court
2532 opinion—

2533 Mr. Lungren. I understand that.

2534 Chairman Conyers. —and what we are trying to do is seek
2535 clarification. We believe that we have a legal

2536 justification, and, believe me, the Antitrust Task Force
2537 Committee here would not be bringing this forward now if we
2538 thought that there were legal ramifications. The gentleman's
2539 arguments are valid, but we think that there is an
2540 overleaning, logical precedent that would justify the action
2541 we are taking.

2542 Mr. Lungren. I understand the gentleman's argument, and
2543 I can appreciate that argument. My question is, have we
2544 looked beyond the next step, which is, if foreign governments
2545 adopt the same legal argument to protect themselves, as we
2546 are here, will the United States government be hauled into
2547 court in courtrooms all around the world based on the
2548 precedent that we set that we can haul them in here? And I
2549 think that is something that we ought to seriously consider.

2550 That is, perhaps, the reason why generally these things
2551 have been dealt with by the diplomatic side of the executive
2552 branch rather than bringing this into the courts.

2553 And I would just say, I am constrained to vote against
2554 it for that reason, not because it is not a good idea to
2555 punish the malefactors. The question is how you do it and
2556 what are the ramifications for the United States long term.

2557 Thank you very much.

2558 Chairman Conyers. Well, I thank my colleague, and I
2559 remind him that we have antitrust law here that has been
2560 generously ignored for what I think is far, far too long, and

2561 I think that we should have a test on these differing legal
2562 arguments. I do not want to make ourselves more vulnerable,
2563 and I don't think the Department of Justice would let us go
2564 that far afield. And for those reasons, I still feel very
2565 strongly about the Conyers-Chabot provision.

2566 I recognize Mr. Gohmert.

2567 Mr. Gohmert. Mr. Chairman, I will be very brief.

2568 It is my understanding that district court opinion had
2569 to do with the obtaining of oil or gas within the country.
2570 Whereas, the distinction here is, as I understand it, this
2571 bill seeks to address the collusion of countries or groups to
2572 set prices, which we have always found repugnant in this
2573 Congress.

2574 And with that, I will yield back, asking the chairman to
2575 note that I have no amendments at the desk.

2576 [Laughter.]

2577 Mr. Johnson. Mr. Chairman?

2578 Chairman Conyers. I can't believe--yes, I thank the
2579 gentleman.

2580 Mr. Johnson. Mr. Chairman?

2581 Chairman Conyers. Mr. Johnson, briefly.

2582 Mr. Johnson. Thank you, Mr. Chairman. I move to strike
2583 the last word.

2584 Mr. Chairman, I would be very reluctant to vote for this
2585 proposal since it gives the Department of Justice the

2586 authority to prosecute OPEC nations for entering into
2587 collusive agreements.

2588 So to actually haul a foreign nation before the criminal
2589 courts of this nation on a commercial dispute I think
2590 disturbs me greatly, and for that reason—

2591 Chairman Conyers. Would the gentleman yield? I just
2592 want to remind him, we are not suing the foreign government
2593 as an international entity. We are suing it for
2594 participating in corporate activity. It is not in their
2595 national capacity as a sovereign nation that we are suing
2596 them.

2597 And, believe me, I don't think the Department of
2598 Justice—we are giving them the authority to do that, but they
2599 don't have to do it, because if they ended up agreeing with
2600 you, they wouldn't do it, regardless of what authority we are
2601 giving it.

2602 Does that help the gentleman?

2603 Mr. Johnson. Well, with all due respect, Mr. Chairman,
2604 I just have a problem with our government having the ability
2605 to prosecute a foreign government for collusion, especially
2606 when we are not enforcing our own laws against our own
2607 domestic producers of energy.

2608 Chairman Conyers. Well, if you look at our report, we
2609 are going at the lack of refineries, the excess profit.
2610 There is yet another committee working on this not in the

2611 Judiciary. So if you will check the temperature of our
2612 constituents, you will find that they are looking and waiting
2613 and hoping that we will begin to start some kind of process.

2614 And, to me, reluctance is not the order of the day. We
2615 are not ending this process; we are beginning it, and there
2616 will be quite a long road to go down before we get to the
2617 kinds of concerns that are legitimate to my friend from
2618 Georgia.

2619 All those that are in favor of the Conyers-Chabot bill,
2620 indicate by saying, "Aye."

2621 All those that are opposed, indicate by saying, "No."

2622 Without doubt, the ayes have it. The amendment is
2623 agreed to. The ayes have it, in the opinion of the chair,
2624 and the bill is ordered reported favorably to the House.

2625 And then, without objection, the bill will be reported
2626 favorably to the House in the form of a single amendment in
2627 the nature of a substitute incorporating any amendments
2628 adopted here today.

2629 Without objection, the staff is directed to make any
2630 technical and conforming changes.

2631 All members have 2 days to submit additional views.

2632 And pursuant to committee rule 2(j), the chair is
2633 authorized to offer such motion, as may be necessary, in the
2634 House to go to conference with the Senate bill.

2635 I notice the gentlelady from California sending very icy

2636 stares down to the chair, and we will finish today's work by
2637 asking the clerk to report S. 1104, Iraqi and Afghani
2638 Translators and Interpreters.

2639 The Clerk. "S. 1104, an act to increase the number of
2640 Iraqi and Afghani translators and interpreters who may be
2641 admitted to the United States as special immigrants."

2642 [The bill follows:]

2643 ***** INSERT *****

2644 Chairman Conyers. Without objection, the bill will be
2645 considered as read and open for amendment at any point.

2646 The chair yields to Howard Berman, chairman of the Court
2647 Subcommittee, for a statement describing the bill.

2648 Mr. Berman. Thank you very much, Mr. Chairman.

2649 This is a Senate-passed bill, unanimously bipartisan, I
2650 guess by definition, dealing with a very important crisis and
2651 an urgent issue.

2652 Translators and interpreters have been crucial to our
2653 efforts in Iraq. They are serving as a critical link between
2654 our troops and the Iraqi population. Because of their work,
2655 both in Iraq and Afghanistan, many of these people are now
2656 under serious threat. Translators and interpreters have
2657 risked their lives and lives of their families to help our
2658 efforts in their country.

2659 Singled out as collaborators, many in Iraq are now
2660 targeted by death squads, militias and Al Qaida.

2661 On the first day of this Congress, Representative Jeff
2662 Fortenberry called me and asked me to work with him to make
2663 sure we fulfill what I believe is our obligation to these
2664 people who are supporting our troops. We introduced
2665 legislation on that subject that went further than the bill
2666 we have today, Senate Bill 1104.

2667 We are taking up a narrow bill, having worked closely
2668 with the chairman of the subcommittee, with the majority and

2669 with the ranking member of the committee, to narrow, and we
2670 have a manager's amendment or an amendment to narrow the
2671 scope of the bill by limiting it to 2 years.

2672 Basically, it would authorize up to 500 special visas
2673 for Iraqis and Afghanis who put their lives at risk by
2674 working with the U.S. military as interpreters and
2675 translators.

2676 The Senate passed a bill over a month ago. It is my
2677 hope we could pass it today, take it up on suspension and
2678 have this bill to the White House, which supports this bill.
2679 Undersecretary of state for democracy and global affairs
2680 said, "The administration is committed to honoring our moral
2681 debt to these Iraqis who have provided assistance to the U.S.
2682 military and embassy."

2683 Mr. Chairman, I yield back.

2684 Chairman Conyers. I thank the gentleman from
2685 California.

2686 Ms. Lofgren. Mr. Berman, before yielding back, would
2687 you yield to me briefly?

2688 Mr. Berman. I would be happy to.

2689 Ms. Lofgren. Thank you.

2690 I just wanted to note publicly that Mr. Goodlatte has
2691 raised an additional issue relative to members of our armed
2692 services that appears to be meritorious but I have given in
2693 my pledge that the legal staff of the subcommittee will

2694 review it and we will also run the traps with the United
2695 States Senate in the hopes that we will resolve this issue
2696 and that we would do so before the suspension bill is place
2697 on the record.

2698 I wanted to acknowledge that good-faith effort, and I
2699 hope that we will find a solution. If we can't find an
2700 administrative solution, we will hopefully be able to resolve
2701 it in this bill.

2702 Chairman Conyers. I thank the gentlelady.

2703 Mr. Smith. Would the gentleman yield?

2704 Chairman Conyers. I recognize the gentleman from Texas,
2705 Mr. Smith.

2706 Mr. Smith. Thank you, Mr. Chairman.

2707 The legislation we are considering today expands an
2708 existing program that provides 50 green cards per year to
2709 Iraqi and Afghani nationals who have served as translators
2710 for our armed forced. In order to qualify for these green
2711 cards, the individual petitioning would have to be an Iraqi
2712 or Afghani national, would have to have served with our
2713 military for at least 12 months and received a favorable
2714 written recommendation from the unit with which her or she
2715 served.

2716 As we have learned from news stories during the past few
2717 years, many Iraqi and Afghani nationals provide valuable
2718 services to the daily operations of our armed forces in Iraq

2719 and Afghanistan. They have closed the gap between American
2720 soldiers and our foreign allies.

2721 Many Iraqi and Afghani translators have served alongside
2722 our troops despite persecution from some of their own
2723 countrymen. It is because of this persecution that the
2724 Translator Visa Program was established. This program allows
2725 us to reward those who have worked directly for the United
2726 States government in supporting our troops in Iraq and
2727 Afghanistan.

2728 The bill we are considering now, along with the
2729 amendment that Mr. Berman plans to offer, would increase the
2730 number of special immigrant visas available to translators to
2731 500 per year for the next 2 years. This increase is roughly
2732 equal to the number of valid petitions that have already been
2733 received and approved by U.S. Citizenship and Immigration
2734 Services.

2735 To date, U.S. Citizenship and Immigration Services has
2736 received and approved 497 translator petitions. However,
2737 because it will only 50 such visas per year, hundreds of
2738 eligible Iraqis and Afghans will have to wait in their home
2739 country before a visa is available. This wait could result
2740 in persecution and danger to both the translators and their
2741 families.

2742 The Senate passed this bill because of the urgency of
2743 the situation. I support providing the increase in visas for

2744 the next 2 years, as will be specified in Mr. Berman's
2745 amendment. We can continue to conduct oversight of this
2746 program and see if the authorized level of visas is
2747 appropriate and if the program is working as expected.

2748 Mr. Chairman, I want to take a minute to tell my
2749 colleagues a personal story, and this is a true situation
2750 that occurred to me this morning. For the first time in
2751 several years, I took a taxi to the Rayburn House office
2752 building to work, and it so occurred that during the taxi
2753 ride I engaged in a conversation with the taxi driver and
2754 found out that he is actually a former Iraqi translator. And
2755 he told me that before he knew what business I might be about
2756 today.

2757 And when you think there are probably only a few hundred
2758 former Iraqi translators in the United States and the fact
2759 that this is the first time, as I said, in several years I
2760 had taken a taxi to work, think of the astronomical odds of
2761 that occurring.

2762 But it occurs to me also, Mr. Chairman, if the next time
2763 I take a taxi to work, the taxi driver is an illegal
2764 immigrant who was valedictorian of his high school class and
2765 is working three jobs to provide for his family, I am surely
2766 going to suspect the fine hand of Howard Berman behind that
2767 taxi driver.

2768 [Laughter.]

2769 And with that, Mr. Chairman, I will yield—

2770 Mr. Goodlatte. Would the gentleman yield?

2771 Mr. Smith. I would be happy to yield to—

2772 Chairman Conyers. We are welcoming DREAM Act co-
2773 sponsors at all time.

2774 [Laughter.]

2775 Mr. Smith. Then Mr. Goodlatte, then Mr. Issa.

2776 Mr. Goodlatte. I thank the gentleman for yielding.

2777 I just want to say, first of all, that he may be a
2778 friend of one of my constituents who's in a very similar set
2779 of circumstances, and I just wanted to take the opportunity
2780 to thank the gentlewoman from California. I had an amendment
2781 prepared that I wish to offer that would allow lawful
2782 permanent residents who are serving in Iraq as interpreters
2783 and translators to benefit from the same provisions that
2784 uniformed military personnel—these are employees of our armed
2785 forces but they are not uniformed—to benefit from those same
2786 provisions.

2787 And I hope the gentleman from California and the
2788 chairwoman, along with the ranking member, will work with me
2789 to see if this isn't the perfect vehicle to solve this
2790 additional problem since I know that we are amending the bill
2791 before sending it back to the Senate. If we could check it
2792 with the Senate, I think that we would find this is the place
2793 to solve this additional very humanitarian and very

2794 supportive of our military solution that the underlying bill
2795 supports.

2796 Chairman Conyers. I thank the gentleman.

2797 Mr. Smith. Mr. Chairman, I want—

2798 Chairman Conyers. Does the gentleman yield back?

2799 Mr. Smith. Mr. Goodlatte yields back to me, and I will
2800 yield to the gentleman from California, Mr. Issa.

2801 Mr. Issa. In order to all work within the one 5-minute
2802 period, I would like to pile on to the possibility of making
2803 this nearly perfect bill that much more perfect and tell a
2804 very quick story.

2805 The weekend before last I was in Baghdad. I was in Iraq
2806 for 2 days. And there, while I was at the embassy for my
2807 overnight stay, I was greeted by an old friend that I
2808 couldn't remember where I saw him at first and then he
2809 reminded me that for 17 years he had been a Lebanese working
2810 for the State Department, doing the security of the men and
2811 women who serve in that very difficult post. And, of course,
2812 that means he came in right around the time the embassy was
2813 blown up.

2814 And for 17 years he served in that capacity and as a
2815 result received an immigrant visa, took his family, brought
2816 them to the United States and discovered that he couldn't
2817 find a job saying that his claim to fame was for 17 years he
2818 carried guns and protected people, because he wasn't a U.S.

2819 citizen and as a result was barred from most of the best
2820 positions for that.

2821 So he went to the State Department and said, "This isn't
2822 doing me any good. Is there anything I can do? Can I go
2823 back to my position?" And they said, "No, you can't.
2824 Because you are a green card holder, you can no longer have
2825 that job you had at the Lebanese Embassy." So they said,
2826 "But we have got a job for you in Baghdad."

2827 He has been there for 5 years in Baghdad, or almost 5
2828 years now. He has been there the entire time that we have
2829 been there, and, to my amazement, all he was asking for was,
2830 you know, if a soldier serves for a couple of years and gets
2831 a discharge, he gets to be a citizen.

2832 Is there any way that we can include for somebody who
2833 for 17 years served this country, earned an immigrant visa,
2834 has come to the United States and now works for the State
2835 Department, this is another area in which expedited
2836 citizenship might very well be included for the very narrow—I
2837 don't want to do a private bill, but I think we can all see
2838 that there is an inequity; that if you are a military
2839 personnel, you receive expedited citizenship, but if in fact
2840 you are in harm's way for year after year after year, you may
2841 not as a foreign national. He would simply like to come home
2842 and work a civilian job.

2843 And with that, I yield back to the ranking member.

2844 Mr. Smith. Mr. Chairman, I will yield back my time as
2845 well.

2846 Chairman Conyers. I thank the gentleman.

2847 I appreciate these anecdotes, and I think they are very
2848 important, as a matter of fact.

2849 Steve King, did you wish to be recognized?

2850 Mr. King. Mr. Chairman, when it is appropriate, I hope
2851 to be recognized. I have an amendment at the desk that I
2852 will try to expedite.

2853 Chairman Conyers. Well, you are recognized. The
2854 gentleman has an amendment at the desk that will be reported.

2855 Mr. King. Amendment #2.

2856 The Clerk. "Amendment #2 to S. 1104, offered by Mr.
2857 King of Iowa."

2858 [The amendment by Mr. King follows:]

2859 ***** INSERT *****

2860 Mr. King. Mr. Chairman, I ask unanimous consent the
2861 amendment be considered as read.

2862 Chairman Conyers. Without objection, the gentleman is
2863 recognized.

2864 Mr. King. Thank you, Mr. Chairman.

2865 I listened to the dialogue here in the committee, and I
2866 just can't believe I would be the only one concerned about
2867 how the jurisdiction for these numbers clearly is within this
2868 committee, and the Congress has spoken as to the number of
2869 interpreters that would be allowed in the existing statute,
2870 and yet we have government entities there that apparently
2871 have overpromised and now they want us to deliver on the
2872 promise that they made without a statutory basis.

2873 In other words, if the limit is 50, how is it that USCIS
2874 approved 497? How is that perhaps the State Department has
2875 advanced a commitment to that large a number? Why are we
2876 here if a law had adhered to and what is the message that we
2877 might be sending to USCIS and to the State Department as to
2878 why they might adhere to our existing statute in the future/

2879 And so I bring this amendment to recognize the
2880 negotiated settlement that you have arrived at between myself
2881 and the ranking member and the Senate, but I point out that
2882 we need to also send a real strong message and limit USCIS so
2883 that they don't violate and disrespect the existing statute
2884 again.

2885 This is what this amendment does then—

2886 Chairman Conyers. Thank you.

2887 Mr. King. —to boil it down to the—

2888 Chairman Conyers. I thank the gentleman.

2889 The chair recognizes Mr. Berman.

2890 Mr. Berman. I regrettably seek recognition to oppose

2891 the amendment. I don't say this harshly, but, in effect,

2892 this is the ostrich head in the sand approach. If we

2893 prohibit people from finding out how many Iraqi translators

2894 for the U.S. troops are threatened because we prohibit any

2895 funding, we have no idea what the demand will be. It is

2896 because of that processing that we know right now that 497

2897 people—73 Afghans, 424 Iraqis—have been approved. We know

2898 there are 118 pending decision.

2899 To say that there will be no need because we refuse to

2900 process any applications is a very strange way of dealing

2901 with the problem, and that's why I have to oppose the

2902 amendment and urge the committee to oppose it.

2903 Mr. King. Mr. Chairman? I am unclear as to how I lost

2904 my 5 minutes. I didn't yield. Might I be recognized to

2905 conclude that 5 minutes?

2906 Chairman Conyers. If you insist. Did you notice that

2907 the bells rang also on the floor?

2908 Mr. King. I did. I am—

2909 Chairman Conyers. All right. The gentleman may

2910 continue.

2911 Mr. King. I thank you, Mr. Chairman.

2912 The response made by Mr. Berman I know wasn't made with
2913 the advantage of having the conclusion of my remarks, but my
2914 point is--there are several points.

2915 One concern is that if we bring 1,000 interpreters here,
2916 that's 1,000 interpreters we don't have to interpret for our
2917 troops. Iraq needs people to rebuild their country. That's
2918 the philosophical part of this thing that I think needs to be
2919 examined.

2920 But my central point is, when we pass a law and it is in
2921 the books, then our government agencies need to adhere to
2922 that law. This says that they shall not use any resources to
2923 approve applications beyond the cap that we put in here. And
2924 I will concede the number that's agreed to, but I believe we
2925 should adhere to the law.

2926 And with that, I would yield back the balance of my
2927 time.

2928 Chairman Conyers. All those in favor of the King
2929 amendment, indicate by saying, "Aye."

2930 All those opposed, indicate by saying, "No."

2931 The amendment fails.

2932 The chair recognizes the gentleman from California, Mr.
2933 Berman, for an amendment.

2934 Mr. Berman. Mr. Chairman, I have an amendment at the

2935 desk.

2936 Chairman Conyers. The clerk will report the amendment.

2937 The Clerk. "Amendment to S. 1104, offered by Mr.

2938 Berman. Page 2, lines 21 and 22, strike '2007, 2008 and

2939 2009' and insert—"

2940 [The amendment by Mr. Berman follows:]

2941 ***** INSERT *****

2942 Mr. Berman. I ask that the reading be dispensed with,
2943 unanimous consent.

2944 Chairman Conyers. Without objection. The gentleman is
2945 recognized.

2946 Mr. Berman. This simply puts in the language that we
2947 all agreed to, to limit this to 2 years and then the
2948 authorization dies. And I am told that we can save time if I
2949 ask unanimous consent that we consider the bill to have been
2950 amended by this language rather than—

2951 Ms. Lofgren. Would the gentleman yield?

2952 Mr. Berman. I would be happy to yield.

2953 Ms. Lofgren. I would like to add in support of the
2954 amendment that there was an additional amendment that was
2955 worked on to make clear that the Department of Homeland
2956 Security retains its power and authority to make the
2957 determination on backgrounds. And in looking at that, we
2958 realized that that was actually a redundant motion, but we
2959 are going to emphasize that in the committee report just so
2960 that that is clear, and that was an issue raised by a member
2961 of the minority and we concur.

2962 And I thank the gentleman for yielding.

2963 Mr. Berman. Thank you.

2964 And just reclaiming my time, one last comment: This
2965 only touches the surface of the problem. I believe we have a
2966 fundamental obligation, consistent with our traditions and

2967 what we have done in other wars, to deal seriously with the
2968 situation involving millions of refugees there. Mr.
2969 Blumenauer has a bill to do it. This isn't the time to get
2970 into it, but there is a great issue out there that we have to
2971 address.

2972 And with that—

2973 Chairman Conyers. Without objection, the gentleman's
2974 unanimous consent is granted.

2975 All those in favor of reporting the bill favorably to
2976 the House, signify by saying, "Aye."

2977 All those opposed, signify by saying, "No."

2978 The ayes have it, and the bill, S. 1104, is ordered
2979 reported favorably to the House.

2980 Without objection, the bill will be reported favorably
2981 to the House in the form of a single amendment in the nature
2982 of a substitute, incorporating any amendments adopted here
2983 today.

2984 Without objection, the staff is directed to make any
2985 technical and conforming changes.

2986 All members will be given 2 days to submit additional
2987 views.

2988 And pursuant to the committee rule 2(j), the chair is
2989 authorized to offer such a motion necessary in the House to
2990 go to conference with the Senate on the bill.

2991 There being no further business, the chair congratulates

2992 the committee and indicates that, there being no further
2993 business, the committee meeting stands adjourned.

2994 The Immigration Subcommittee hearing will commence
2995 promptly at the conclusion of the votes in room 2237. We
2996 thank Subcommittee Chairwoman Lofgren for her patience.

2997 The committee stands adjourned.

2998 [Whereupon, at 3:46 p.m., the committee was adjourned.]