

The material previously referred to by Mr. DREIER is as follows:

AMENDMENT TO H. RES. 438 OFFERED BY REP.
DREIER OF CALIFORNIA

At the end of the resolution, add the following:

SEC. 5. Notwithstanding any other provision of this resolution, after conclusion of the period of debate on the motion to concur in the Senate amendment, it shall be in order for any Member to offer a motion to strike any provision of the amendment numbered one in the Rules Committee report accompanying the resolution, which is asserted that would specifically benefit an entity, State, locality, or Congressional district. Any such motion shall be separately debatable for 30 minutes equally divided and controlled by the proponent and an opponent.

(The information contained herein was provided by Democratic Minority on multiple occasions throughout the 109th Congress.)

THE VOTE ON THE PREVIOUS QUESTION: WHAT IT REALLY MEANS

This vote, the vote on whether to order the previous question on a special rule, is not merely a procedural vote. A vote against ordering the previous question is a vote against the Democratic majority agenda and a vote to allow the opposition, at least for the moment, to offer an alternative plan. It is a vote about what the House should be debating.

Mr. Clarence Cannon's *Precedents of the House of Representatives*, (VI, 308-311) describes the vote on the previous question on the rule as "a motion to direct or control the consideration of the subject before the House being made by the Member in charge." To defeat the previous question is to give the opposition a chance to decide the subject before the House. Cannon cites the Speaker's ruling of January 13, 1920, to the effect that "the refusal of the House to sustain the demand for the previous question passes the control of the resolution to the opposition" in order to offer an amendment. On March 15, 1909, a member of the majority party offered a rule resolution. The House defeated the previous question and a member of the opposition rose to a parliamentary inquiry, asking who was entitled to recognition. Speaker Joseph G. Cannon (R-Illinois) said: "The previous question having been refused, the gentleman from New York, Mr. Fitzgerald, who had asked the gentleman to yield to him for an amendment, is entitled to the first recognition."

Because the vote today may look bad for the Democratic majority they will say "the vote on the previous question is simply a vote on whether to proceed to an immediate vote on adopting the resolution . . . [and] has no substantive legislative or policy implications whatsoever." But that is not what they have always said. Listen to the definition of the previous question used in the *Floor Procedures Manual* published by the Rules Committee in the 109th Congress, (page 56). Here's how the Rules Committee described the rule using information from *Congressional Quarterly's "American Congressional Dictionary"*: "If the previous question is defeated, control of debate shifts to the leading opposition member (usually the minority Floor Manager) who then manages an hour of debate and may offer a germane amendment to the pending business."

Deschler's *Procedure in the U.S. House of Representatives*, the subchapter titled "Amending Special Rules" states: "a refusal to order the previous question on such a rule [a special rule reported from the Committee on Rules] opens the resolution to amend-

ment and further debate." (Chapter 21, section 21.2) Section 21.3 continues: Upon rejection of the motion for the previous question on a resolution reported from the Committee on Rules, control shifts to the Member leading the opposition to the previous question, who may offer a proper amendment or motion and who controls the time for debate thereon."

Clearly, the vote on the previous question on a rule does have substantive policy implications. It is one of the only available tools for those who oppose the Democratic majority's agenda and allows those with alternative views the opportunity to offer an alternative plan.

Ms. SLAUGHTER. Madam Speaker, I yield back the balance of my time, and I move the previous question on the resolution.

The SPEAKER pro tempore. The question is on ordering the previous question.

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

Mr. DREIER. Mr. Speaker, on that I demand the yeas and nays.

The yeas and nays were ordered.

The SPEAKER pro tempore. Pursuant to clause 8 of rule XX, further proceedings on this question will be postponed.

PROVIDING FOR CONSIDERATION OF H.R. 2317, LOBBYING TRANSPARENCY ACT OF 2007 AND PROVIDING FOR CONSIDERATION OF H.R. 2316, HONEST LEADERSHIP AND OPEN GOVERNMENT ACT OF 2007

Ms. CASTOR. Mr. Speaker, by direction of the Committee on Rules, I call up House Resolution 437 and ask for its immediate consideration.

The Clerk read the resolution, as follows:

H. RES. 437

Resolved, That at any time after the adoption of this resolution it shall be in order to consider in the House the bill (H.R. 2317) to amend the Lobbying Disclosure Act of 1995 to require registered lobbyists to file quarterly reports on contributions bundled for certain recipients, and for other purposes. All points of order against consideration of the bill are waived except those arising under clause 9 or 10 of rule XXI. The amendment in the nature of a substitute recommended by the Committee on the Judiciary now printed in the bill, modified by the amendment printed in part A of the report of the Committee on Rules accompanying this resolution, shall be considered as adopted. The bill, as amended, shall be considered as read. All points of order against the bill, as amended, are waived. The previous question shall be considered as ordered on the bill, as amended, to final passage without intervening motion except: (1) one hour of debate equally divided and controlled by the chairman and ranking minority member of the Committee on the Judiciary; and (2) one motion to recommit with or without instructions.

SEC. 2. Upon the adoption of this resolution, the Speaker may, pursuant to clause 2(b) of rule XVIII, declare the House resolved into the Committee of the Whole House on the state of the Union for consideration of the bill (H.R. 2316) to provide more rigorous requirements with respect to disclosure and

enforcement of lobbying laws and regulations, and for other purposes. The first reading of the bill shall be dispensed with. All points of order against consideration of the bill are waived except those arising under clause 9 or 10 of rule XXI. General debate shall be confined to the bill and shall not exceed one hour equally divided and controlled by the chairman and ranking minority member of the Committee on the Judiciary. After general debate the bill shall be considered for amendment under the five-minute rule. It shall be in order to consider as an original bill for the purpose of amendment under the five-minute rule the amendment in the nature of a substitute recommended by the Committee on the Judiciary now printed in the bill. The committee amendment in the nature of a substitute shall be considered as read. All points of order against the committee amendment in the nature of a substitute are waived except those arising under clause 9 or 10 of rule XXI. Notwithstanding clause 11 of rule XVIII, no amendment to the committee amendment in the nature of a substitute shall be in order except those printed in part B of the report of the Committee on Rules. Each such amendment may be offered only in the order printed in the report, may be offered only by a Member designated in the report, shall be considered as read, shall be debatable for the time specified in the report equally divided and controlled by the proponent and an opponent, shall not be subject to amendment, and shall not be subject to a demand for division of the question in the House or in the Committee of the Whole. All points of order against such amendments are waived except those arising under clause 9 or 10 of rule XXI. At the conclusion of consideration of the bill for amendment the Committee shall rise and report the bill to the House with such amendments as may have been adopted. Any Member may demand a separate vote in the House on any amendment adopted in the Committee of the Whole to the bill or to the committee amendment in the nature of a substitute. The previous question shall be considered as ordered on the bill and amendments thereto to final passage without intervening motion except one motion to recommit with or without instructions.

SEC. 3. During consideration of H.R. 2317 or H.R. 2316 pursuant to this resolution, notwithstanding the operation of the previous question, the Chair may postpone further consideration of either bill to such time as may be designated by the Speaker.

SEC. 4. Subparagraph (3)(Q) of clause 5(a) of rule XXV is amended to read as follows:

"(Q) Free attendance at an event permitted under subparagraph (4)."

□ 1140

The SPEAKER pro tempore. The gentlewoman from Florida (Ms. CASTOR) is recognized for 1 hour.

Ms. CASTOR. Mr. Speaker, for the purpose of debate only, I yield the customary 30 minutes to the gentleman from California (Mr. DREIER). All time yielded during consideration of this rule is for debate only.

GENERAL LEAVE

Ms. CASTOR. Mr. Speaker, I ask unanimous consent that all Members have 5 legislative days within which to revise and extend their remarks and insert extraneous materials into the RECORD.

The SPEAKER pro tempore. Is there objection to the request of the gentlewoman from Florida?

There was no objection.

Ms. CASTOR. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, the resolution provides for consideration of H.R. 2317, the Lobbying Transparency Act of 2007, and H.R. 2316, the Honest Leadership and Open Government Act of 2007.

The resolution provides that H.R. 2317 is to be considered under a closed rule, with 1 hour of debate equally divided and controlled by the Committee on the Judiciary. The rule waives all points of order against the bill and its consideration, except for those arising under clauses 9 and 10 of rule XXI.

The resolution also provides for consideration of H.R. 2316, the Honest Leadership and Open Government Act of 2007, under a structured rule. The rule provides 1 hour of general debate, equally divided and controlled by the chairman and ranking minority member of the Committee on the Judiciary. The rule waives all points of order against the bill and its consideration, except those arising under clauses 9 or 10 of rule XXI.

The rule makes in order and provides the appropriate waivers for five amendments, three by Democratic Members and two by Republican Members.

Mr. Speaker, I urge strong support for the Honest Leadership and Open Government Act of 2007 and the Lobbying Transparency Act as well and this rule.

The Honest Leadership and Open Government Act continues the new direction charted by this new Congress and builds upon the strongest ethics reforms ever adopted in the United States Congress.

Last November, the Congress was reinvigorated by the election of a large number of new Members, who were sent here by the American people to fight for reform and change and to sweep aside a previous Congress that was defined by scandal and corruption.

On the first day of this new Congress, the new reform-minded Members, under the leadership of Speaker NANCY PELOSI and Rules Committee Chair LOUISE SLAUGHTER, ushered in the broadest ethics and lobbying revisions since the Watergate era. The ethics watchdog group Public Citizen called the new ethics rules sweeping in scope and a signal that the Democratic majority in the House appears committed to serious lobbying and ethics reform.

Those new rules include a ban on gifts from lobbyists and organizations that employ lobbyists, a ban on trips that are privately funded by lobbyists and organizations that employ lobbyists, prohibition on Members and staff flying on private corporate jets, an end to the K Street Project, and a new requirement that all earmarks with congressional sponsors be disclosed to the public.

Then 3 weeks after the adoption of that very broad and aggressive ethics reform rules package, the House acted again on ethics reform and stripped the congressional pensions of Members of Congress who commit any of a number

of crimes during their tenure, including bribery, conspiracy and perjury.

This new Congress took that direct action to change the culture of Congress at a time when Members of the previous Congress were pleading guilty to living off gifts they had received from lobbyists in exchange for votes and earmarks. Through our bold and expanding ethics package, this new Congress is tackling the cozy relationships between lobbyists and lawmakers.

Next, Mr. Speaker, these bills that we will consider today, the one for open government and honest leadership and transparency in lobbying, and this rule, provide rigorous new requirements for lobbyist disclosure and enforcement of lobbying laws and regulations.

Mr. Speaker, we don't adopt reforms for reform's sake alone. We adopt these reforms and we fight for change because it matters to our constituents and our neighbors back home.

For over a year I have been sitting down with seniors trying to work through the disaster of Medicare part D that was crafted in the last Congress. Fortunately, this bill adds a House rule prohibiting Members and senior staff from negotiating future employment or salaries and requires public recusal of Members on any matters where there may be a conflict of interest.

You see, Mr. Speaker, that Medicare part D that is so costly and confusing to our seniors and puts all the benefit on the side of HMOs and Big Pharma, and puts all of the burden on our seniors, was crafted by a Member of Congress who, shortly thereafter, after he helped write the Medicare drug bill, went on to become the head lobbyist for PhRMA in what I think was a crass violation of the public trust. Fortunately, this bill will tackle that problem.

This bill also makes it a Federal crime for Members and senior staff to influence employment decisions or practices of private entities for partisan political gain. Some people have called this the K Street Project. The K Street Project was an initiative by the Republican Party to pressure Washington lobbying firms to hire Republicans in top positions and to reward loyal GOP lobbyists with access to influential officials.

The bill also requires quarterly instead of semiannual disclosure of lobbying reports. It requires in the age of the Internet for lobbying reports to be filed electronically and be made available in a free, searchable, downloadable database within 48 hours of being filed.

It also requires the Clerk of the House to post travel disclosures on the Internet. This follows the scandals of Jack Abramoff. We must allow greater transparency into the trips and financial holdings of Members of Congress. Former Members of Congress took lavish trips to Scotland with a lobbyist that had minimal disclosure, and these new provisions will bring more such light to congressional disclosure forms.

Through this legislation we will also increase civil and criminal penalties for failure to comply with lobbying disclosure requirements. And it does much, much more.

Mr. Speaker, we must continue to fight for high ethical standards in government to end the culture of corruption in Washington so that our neighbors and folks we represent know they can count on us to stand up for them against powerful special interests and trust that congressional Members work in the public interest.

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

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

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

Mr. DREIER. Mr. Speaker, I would like to begin by expressing my appreciation to my very good new friend from Tampa (Ms. CASTOR) for yielding me the customary 30 minutes, and to congratulate her on her statement that she has just provided. But, Mr. Speaker, I rise to reluctantly oppose this rule.

This bill has lots of problems, and I understand the problems on the other side of the aisle. I am very happy to see the distinguished Chair of the Committee on the Judiciary, my very good friend JOHN CONYERS, here.

It was just a year ago, it was just a year ago this month, that we were on the floor with our own lobbying bill, and we faced many of the same problems and challenges that Chairman CONYERS and others in the Democratic leadership are facing at this moment. Trying to address the concerns that our colleagues have on this issue is a challenge, a very challenging thing, and they have discovered the lesson that I learned long ago, and that is reform is very hard work. It is a constant work in progress.

I was reminded by one of my staff members that I had said at one point as we moved ahead with a reform bill, which I am happy to say we passed in the last Congress, I said, when we are done with that reform, what we need to do is work on more reform.

This is, again, a constant work in progress, and will continue to be. And I believe it is part of our responsibility to constantly look at ways in which we can reform and improve the operations of this institution.

□ 1150

But if the bill that this House passed in the last Congress was described as a "sham," it is very unfortunate, and Mr. CONYERS and Ms. CASTOR and others were there when I was describing this, the very distinguished chair of the Committee on Rules no fewer than seven times when we, a year ago this month, were debating this measure, described the bill I had, H.R. 4975, as a "sham" bill.

I have to say, as I listen to my friend from Tampa (Ms. CASTOR) talk about

this bill, she was going through the fact that we will have disclosure on the Internet of travel, and she went through basically the provisions included in H.R. 4975; it is basically the same bill. But, unfortunately, there are a number of important provisions included in H.R. 4975 that are not included in this measure. I find that to be somewhat troubling.

For instance, while starting out with a 2-year restriction on lobbying after Congress, the majority left that provision on the cutting room floor. They recognized, as we did, that the economics of attracting and retaining good staff, they don't work with that kind of restriction. But instead of retaining a provision which passed the House last year and would provide everyone with a degree of transparency about who was and was not under the lobbying restriction, and I am going to offer an amendment to add that back which I hope will be able to improve the bill. But this bill, as we have it, is not nearly to the level of what the new majority described as a sham in the last Congress.

While this bill provides important new criminal penalties for lobbying violations, it includes nothing, absolutely nothing, Mr. Speaker, to make enforcement more rigorous.

I offered an amendment in the Rules Committee to add a provision which again was included in the bill that we had passed out of this House last year which would allow the House inspector general to randomly audit lobbying disclosure filings and forward cases of wrongdoing to the Department of Justice for prosecution.

The majority's answer to that proposal was, no, we don't want enforcement of our bill. Enforcement is always a challenge. We deal with that with the issue of illegal immigration and a wide range of things. It is easy to put all kinds of great ideas out there, but if there is no enforcement, it has no teeth and no chance of success. That is something that is very lacking in this bill. We had it in our lobbying reform bill that passed last year, and I offered it as an amendment at the Rules Committee. Unfortunately, my colleagues in the majority on the Rules Committee rejected it.

Mr. Speaker, last year, Mr. CASTLE added a provision on the floor requiring lobbyists to take ethics training. Is that provision in this bill? Nope, it's not.

Did the majority make Mr. CASTLE's amendment in order to consider that? Nope, they didn't.

My colleague, Dr. GINGREY, a former member of the Rules Committee, added an amendment on the floor dealing with the personal leadership of PAC funds. That was not included in the bill, and his amendment was not made in order. Last year, with bipartisan support on the floor, we amended our bill, H.R. 4975, to say that Members who have leadership PACs cannot transfer those dollars into their own

account for personal use, which is what can happen today. It is not allowed for principal campaign committee accounts, but that loophole which allows Members to transfer money from their leadership PAC for personal use is still going to be allowed. And the attempt to even offer an amendment to close that horrendous loophole was denied.

That is to say nothing of the other creative ideas that were summarily rejected by the Rules Committee majority last evening.

Mr. Speaker, if the bill which I sponsored last year was a sham, and as I said the chairman of the Rules Committee, although last night she said she never said it, seven times it is in the CONGRESSIONAL RECORD when she was offering her motion to recommit, if it was a sham, then this bill can only be characterized at this moment as being "sub-sham," and our efforts to raise it to the level of a mere sham were rebuffed, unfortunately, in the Rules Committee.

Which brings me to the rule for this bill, Mr. Speaker. For all of the criticism the Republicans take for the way we administered the House, and we hear that constantly up in the Rules Committee and down here on the floor, it is notable this bill makes in order fewer amendments than we did when we considered our bill last year.

The rule for H.R. 4975, our lobbying bill, made in order nine amendments. This year, only five amendments were made in order. And while it gives Mr. VAN HOLLEN an up-or-down vote on his so-called bundling disclosure bill, it doesn't attach it to the lobbying bill going to the Senate, making it much more difficult to ultimately reach passage.

Mr. Speaker, this rule and these bills are not unlike many of the so-called reforms instituted in this Congress, which means all show and no substance whatsoever.

For instance, our Democratic friends take credit for adopting and supposedly improving Republican earmark disclosure reforms. As Mr. FLAKE found out just last week, when it comes to actually trying to enforce those rules, the Rules Committee eliminated every avenue for a Member to bring this question before the House. On top of that, Mr. FLAKE had several amendments addressing lobbying for earmarks. Mr. Speaker, none of those amendments were made in order.

In the end, there is little in this bill that is truly objectionable. My friend from Tampa went through and outlined the provisions included in H.R. 4975 that passed this House a year ago this month with bipartisan support. Again, there is little that is truly objectionable. There is very little that is in this bill that is beyond what we had in the last Congress; and, unfortunately, it doesn't include or even provide an opportunity to provide amendments to include many of the items that were so important in this effort.

This bill takes no risk, reaches no heights, and falls short of the lofty

promises made by my newly minted majority colleagues. Unfortunately, the rule is unacceptable in its current form, Mr. Speaker, and I am going to urge its defeat.

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

Ms. CASTOR. Mr. Speaker, I am very pleased to yield 4½ minutes to the ethics reformer of Ohio and my colleague on the Rules Committee, Ms. SUTTON.

Ms. SUTTON. Mr. Speaker, I thank the gentlewoman from Florida for her leadership on this issue and for yielding me the time.

Today I rise in favor of the rule and in favor of the Honest Leadership and Open Government Act. On my first day in office representing Ohio's 13th District, under the leadership of the new Speaker, NANCY PELOSI, I stood on the floor of the House in support of a new ethics rules package, a rules package that put an end to the K Street Project, that ended gifts and perks and trips, and that made a historic move towards cleansing the inner workings of government.

This rules package was extraordinary in its scope and its breadth, but it was only the beginning. In our fight against the climate of excess that flourished under recent Republican leadership of this body, it is clear we must take further action. We must continue to eradicate the pay-to-play culture that has pervaded and all too often undermined lawmaking in the Congress.

We must expose and eliminate the strings and the coziness that have resulted in policies by the special interests for the special interests. We must end the culture of corruption so we remain focused and truly tend to the people's business.

When I ran to represent Ohio's 13th District, I made it clear that I wanted to go to Congress to change the way business was being done and to restore the public trust. Safeguarding the public trust is not a part-time job. It must always remain uppermost in our minds. It requires the observation of current rules, and it requires legislative action to cure problems that persist.

Today we take the next step to bring the cleansing light of day to political financial contributions and to reduce the potential for shady lobbying practices.

□ 1200

This bill focuses on sanitizing the relationship that lobbyists have with Congress. It gives the American people the ability to follow the money. It increases the number of times per year that lobbyists must file disclosure reports, and it requires electronic filing of these reports, making it available to the American public on the Internet. To increase public disclosure, we will shed needed light on the money trail from lobbyists to Capitol Hill.

This bill also requires lobbyists to certify that they have not provided elected Members of Congress with gifts or travel forbidden by the rules of the

House. This is another means to ensure that the past practice of special interests using gifts and perks to woo legislators is truly coming to an end.

When lobbying laws and congressional rules are violated, the American people suffer. They suffer in policy, and they suffer in spirit. They are cheated out of their right to proper representation. The action we are taking today provides for greater punishment for the violation of these laws by those who are willing to betray the public trust.

When Americans went to the polls last November, they sent a clear message that they're concerned about the state of government. I have long believed that what people truly want from their Representative is someone who understands their concerns and who will strive to do all that they can on their behalf. The American people want to know that we are here for them, not for lobbyists, not for special interests, not for self-interests. They deserve nothing less.

Today, thanks to an amendment made in order by this rule, we also take action to bring much-needed transparency to the practice of lobbyists' bundling of campaign contributions. The American people deserve to know the source of campaign contributions, as well as the sometimes lengthy and roundabout paths that these campaign contributions travel before they are placed into the hands of candidates.

Our bill gives the American people a window into the lobbying practices and fund-raising activities by requiring the disclosure of bundled contributions collected by lobbyists for candidates.

This Democratic Congress is working to restore and ensure the trust of our constituents. One step was the elimination of soft money, the next step the House rules package. We can't stop there.

In closing I just want to say, as a new member of Congress, Mr. Speaker, how very honored I am to have been given the awesome opportunity and responsibility to represent the people of the thirteenth district of Ohio. Every day, I cherish the trust that they have placed in me to do all that I can on their behalf. I know that others in this body feel just as strongly as I do about their own constituents. We must pass this bill to restore the hope and live up to the promise that those we have been sent to serve have placed in us. Our constituents must know and it must be true, that it is they that are always uppermost in our hearts and minds as we carry out our responsibilities. I am pleased to support this rule, this bill, and the amendment to disclose the bundling of campaign contributions. I respectfully urge my colleagues to join in passing them.

I urge the passage of the rule, the bill and the amendment on bundling.

Mr. DREIER. Mr. Speaker, we're all reformers today, and at this time I'm very happy to yield 2 minutes to a great reformer from Cherryville, North Carolina (Mr. MCHENRY).

Mr. MCHENRY. Mr. Speaker, I thank my colleague from California for yielding.

The Speaker and I are on opposite sides of most issues, so I take great

pleasure in the rare instance that we can find some common ground. The rule on this bill is one of those rare occasions. In fact, Speaker PELOSI and I completely agree when it comes to her public statements on the need for an open debate on lobbying reform. "We urge you to immediately bring to the floor, under an open rule that permits unrestricted amendments and debate on the wide-ranging reform provisions contained in the Honest Leadership and Open Government Act of 2006."

Madam Speaker, those were your words on February 9 of last year, but, Madam Speaker, I'm hearing a different tune these days. Your words are different than your actions. Very different, I might say.

We should be debating this bill today under an open rule that you urged that permits unrestricted amendments and debates. Unfortunately we won't.

There were 48 amendments offered to the Rules Committee. Only five were allowed to be offered here on the floor today. I submitted one of those 43 amendments that the Democrat leadership didn't want to hear on, didn't want to have a debate on, and my amendment would require Members of Congress to make an accurate disclosure of their financial holdings, including their personal residence. We've seen in recent Washington scandals the results of this loophole that allows Members to hide ownership of properties. This is a bad thing, and we should close that loophole.

Unfortunately, the Democrat leadership didn't allow us to have this debate here today on that important amendment. They're allowing it to stay open.

Another quick point. The American people should realize that we're debating essentially a watered-down version, as my colleague from California said, of the lobbying bill that Republicans offered last Congress. Only eight Democrats voted for that tougher bill to reform rogue lobbying practices; 192 voted no.

Mr. Speaker, does the Democrat hypocrisy know no bounds? Does it? At the time, they said the bill didn't go far enough. We realize they're singing a different tune, a tone-deaf tune, Mr. Speaker, and I urge the defeat of this rule so we can have an open debate on lobbying reform.

Ms. CASTOR. Mr. Speaker, I am very honored to yield as much time as he may consume to the gentleman from Michigan (Mr. CONYERS), the chairman of the House Judiciary Committee.

Mr. CONYERS. Mr. Speaker, I want to thank the gentlewoman from Florida (Ms. CASTOR) who is floor manager for this important bill.

And I want to thank the gentlewoman from Ohio (Ms. SUTTON) for the great work she, and I include the former chairman of the Rules Committee, they have done in trying to bring about reform in the House of Representatives and in the Congress as a whole. I mean it. I was up there yesterday, and I was one of the ones that

took exception to calling Mr. DREIER of California's H.R. 4975 a sham bill. It was not a sham bill, and we have taken many of the things out of that bill and have brought them to H.R. 2316 which we're observing.

So we think that we all agree on both sides of the aisle that we have one big problem. The Congress has a black eye in terms of ethics, and we want to correct it. We're agreed? Okay. We check that one off.

Now, how do we correct it? Well, the one way that you will never correct it in the 110th Congress is to vote down this rule this afternoon, because if you vote down this rule this afternoon, there will be nothing to meet the Senate bill, which has already passed in January. They have been waiting for February, March, April, end of May, and now all of us who are concerned about fighting corruption, fighting for better ethics, fighting for transparency, fighting for basic disclosure now say on that side, let's vote down the rule. And do what I would ask? What do you have in mind that we haven't done now?

Mr. DREIER. Mr. Speaker, will the gentleman yield?

Mr. CONYERS. I yield to the gentleman from California.

Mr. DREIER. Mr. Speaker, I thank my very dear friend for yielding, and I would simply say the reason we're calling for a "no" vote on the rule is that we should allow us to get to what I, as we now know, affectionately describe what the former minority leadership called the sham level. We need to at least get up to the level, and I'm very appreciative of the remarks that my friend has offered characterizing, I think correctly, my bill.

Mr. CONYERS. I thank my friend for helping me out there, because what we will have done, and there are some in the media that are predicting that this is what's going to happen, that we're going to abandon all of the work that we have put into this measure. And I'm looking still after a number of decades for the Member who can concede that he's voted on the perfect bill in the legislative process.

But if we abandon this at this course, months behind schedule, we're sending a perfectly obvious message to the American people; namely, that this is the sham that is working on the Congress.

We've got to get this rule going. I'm happy that our colleague, the former chairman of Rules, said nothing about the amendments that have been granted by the committee in which he worked so hard over the years. We've got amendments. Some are Republican amendments, some are Democratic amendments, but for goodness sake, let's keep our promises to the American people.

We campaigned on this. We said we can improve the transparency and the rules regulating lobbyists, regulating bundling, regulating reporting, increasing the penalties. We've said all of this

and put it in as perfect form as we can do here.

□ 1210

We need now to get something to go to conference. I pledge to be open to suggestions, as I have all along the way. We've got to keep our promises, and the promises start with voting the rule to begin the debate. Now, you may have differences in the debate but certainly not on moving forward from this elementary process.

I thank the gentlelady, the floor manager, for allowing me to bring these matters up at this point.

Mr. DREIER. Mr. Speaker, I yield 4 minutes to a former member of the Rules Committee, our good friend from Marietta, Georgia (Mr. GINGREY).

Mr. GINGREY. I thank my friend and former chairman, Mr. DREIER, for yielding.

I rise in strong opposition to this rule to H.R. 2316. The Honest Leadership and Open Government Act I am not opposed to. It's the rule that I am opposed to. When you have 48 amendments and five of them are made in order, this is not open government. This is not open process.

I want to particularly, to my colleagues, mention the fact that I had one of those 43 amendments which were not made in order. And I think if we really wanted meaningful reform in an open government, that this amendment clearly would have been made in order, we would have had an opportunity on the floor of this House to debate it.

No, it's not in the Senate version. If it doesn't get in the House version, then, clearly, it's not going to come out of conference.

What this amendment basically says is that Members, either Republicans or Democrats, House or Senate, in a leadership position that formed these things known as leadership PACs, cannot convert that money at any time, but especially when they leave this place, to their personal use.

Now we did that, or a former Congress, I think, back in the early 1990s, said Members cannot retire from this body and go home with seven figures worth of money in their campaign accounts. For those who are not paying attention, seven figures is over \$1 million.

A lot of Members, back then in the early 1990s, decided since they were not going to be able to do that after a date certain, they retired so they could go home and spend that money and buy a new vacation home or fancy automobile or whatever.

Since then, what's happened is Members have formed these leadership PACs. It's not just leadership Members; in fact, any Member can form a leadership PAC. So I am not saying that the money that they use out of those PACs is improperly or dishonestly spent, but the temptation is there.

I want to give you an example of just one. I have 10 listed in my official remarks. I am not here to embarrass

anybody. But there was one PAC called Searchlight PAC that, in 2006, raised \$2 million. Do you know how much of that money was spent on helping another Member run for a Federal office in that particular PAC's party? \$300,000. That means \$1.7 million of that PAC's money was spent in some personal way. I don't know if it was dishonest, but we have to stop this sort of thing.

Really, I am shocked that this amendment was not made in order. Listen to this letter that was sent to Speaker HASTERT last year when my former Chairman DREIER worked on lobbying ethics reform. Here is the letter. "The House of Representatives is supposed to be a marketplace of ideas, and any debate in open government must not restrict the discussion of serious proposals . . . I am calling on you to use your authority as Speaker to direct the Rules Committee to report an unrestricted rule on lobby reform." Signed then-Minority Leader NANCY PELOSI.

Ms. PELOSI obviously has changed her mind this time around. This rule says loud and clear that this House no longer is a marketplace for ideas; there is no room in this House for full and unrestricted debate on open government. That's why I am standing in opposition, not to the bill, but to the rule. We could have made this bill so much better if we had allowed these amendments, such as mine, to be made in order.

I ask my colleagues, as former Chairman DREIER said, to oppose this rule.

Ms. CASTOR. Mr. Speaker, I reserve the balance of my time.

Mr. DREIER. Mr. Speaker, I yield 4 minutes to the leader on the issue of earmark reform, the gentleman from Mesa, Arizona (Mr. FLAKE).

Mr. FLAKE. I thank the gentleman for yielding. This bill is referred to as the Honest Leadership and Open Government Act. I am pained to say there is precious little of either of it in this bill.

The previous speaker mentioned that the voters were aware of the needs that existed here in Congress, and the majority party paid the price in November. I fully agree with that. I wasn't quiet on that subject in the last Congress.

I was overjoyed to see that the Democrats came in in January, and not that they came in in January; but when they did, they actually enacted earmark reform that I felt was a little stronger than what we had done a few months previous. Having said that, then we go to where we are today where we rolled back a lot of those protections that were there or simply ignored them.

The rules that you put in place are only as good as your willingness to enforce them. We just heard this past week that the earmark rules simply are going to be ignored. If a bill comes to the floor, and if it is certified to have no earmarks, we have no re-

course, even though there might be earmarks, and have been in a few of the bills already this year. Now we have heard that the plan is to take the appropriation bills through the House process and into the conference process without any earmarks, and simply air drop the earmarks during the conference process.

This is not more sunlight. This is actually keeping earmarks secret until it's too late to do anything about it. No amendments can be offered during the conference process, so it will be impossible for anybody to challenge any of what will be thousands and thousands and thousands of earmarks in the bill.

This is not better. This is far worse than we have had before.

Let me just speak specifically to this legislation and some of the failings. I offered an amendment which would get rid of the so-called Abramoff exemption. Few people are probably aware, but public universities, or lobbyists who represent public universities, or State and local governments, are not required under this legislation, are not bound by the same rules that people who lobby for a private institution are.

So what, in effect, you are saying, well, let's just take the final four of the basketball tournament that we just had in the NCAA. There was a game between Xavier University and Ohio State. If you were a lobbyist for Xavier University, you couldn't take a Member to the game. But if you were a lobbyist for Ohio State University, you could treat your Member of Congress, your favorite Member or anybody you wanted to, to a \$400 ticket. That's the difference.

Now, are we to assume that if you are lobbying for a private institution, that you are somehow inherently suspect, but if you are lobbying for a public institution, you are not? That's the dichotomy here.

This amendment was not sprung on the majority as some kind of a gotcha amendment. I took this to the Democrat leadership earlier this year and said, please, can we work together and get rid of this loophole? But we didn't.

The amendment was offered in good faith, and it was rejected. Why are we doing this? Why do we allow, right now, if Jack Abramoff were still around, he could still, under these current rules that we are going to enact today, Jack Abramoff could treat Members at the Capital Grille to a big steak dinner. We shouldn't be doing this.

The Jack Abramoff incident is what precipitated a lot of these reforms. I'm glad it did. But the problem is, Jack Abramoff represented public institutions, State and local government, territories. I believe he collected about \$6.7 million from the government of Saipan. With that, he could continue to do what he did before under these rules, and we should put a stop to it.

□ 1220

Mr. DREIER. Mr. Speaker, will the gentleman yield?

Mr. FLAKE. I yield to the gentleman from California.

Mr. DREIER. Mr. Speaker, I would just like to clarify this once again, if I might.

So a private institution is not allowed to provide any kind of meal or support, tickets or things like that, but a public institution is able to?

Mr. FLAKE. That is correct. Let me take the example from right at home where I am. The University of Phoenix can take me to dinner, but they can't buy even a cheeseburger. But Arizona State University right next door can buy me a seven-course meal. They can fly me wherever. There are no gift rule problems there. So private institutions are treated differently than public institutions.

Mr. DREIER. So that won't be changed under this bill that we are considering right now. Am I correct in concluding that?

Mr. FLAKE. That is correct. It would have been a very simple amendment simply to get rid of what I call the Abramoff exemption, but that amendment was rejected by the Rules Committee for no reason. Like I said, it wasn't a "gotcha" amendment. This was offered to the Democratic leadership earlier this year. They simply don't want to change the rule.

Mr. DREIER. Mr. Speaker, I yield myself such time as I may consume to simply say to my friend, the example of allowing a public institution to provide meals and tickets and all kinds of things while a private institution cannot do that underscores the fact that this issue needs to be addressed in a broad bipartisan way.

Now, in the exchange that I had with the distinguished Chair of the Committee on the Judiciary upstairs, he was happy to give it back over to us at the Rules Committee. We should have had an original jurisdiction hearing on a wide range of these issues that have not been addressed. In the last Congress, we held four original jurisdiction hearings on this issue. This year there have been none.

So I think that the point that my friend from Mesa is making, very correctly, is that he made a bipartisan attempt to the new majority leadership to try and address this and was rebuffed.

Everyone has recognized, I believe, certainly on our side of the aisle, and we did so when we were in the majority, that the issue of reform needs to be done in a bipartisan way. I know that on the Judiciary Committee, Mr. SMITH, the ranking member, has worked with Chairman CONYERS; but there are many of the rest of us who have been involved in this issue of reform who I believe should have been consulted, especially in light of a number of provisions that were included; and, in fact, one provision which is absolutely outrageous, no hearing whatsoever, it was literally snuck into this bill, dealing with the question of Members attending charitable events. No

hearing, no consideration whatsoever. A piecemeal attempt to do this.

Now, Mr. Speaker, on the 29th of March, nearly 2 months ago, the minority leader, Mr. BOEHNER, sent a letter to the Speaker asking that she deal with these important questions which impact every single Member of this institution with a bipartisan panel. Mr. Speaker, I am saddened to inform the House that Minority Leader BOEHNER has gotten no response to that letter that was sent nearly 2 months ago. So that is why we are concerned about this process.

Yes, the bill itself is one which included so much of what I was proud to include in H.R. 4975; does not get to that level. But I am urging opposition to this rule, as is Mr. FLAKE, as was Dr. GINGREY and others of my colleagues, so that we can try and improve this in a bipartisan way.

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

Ms. CASTOR. Mr. Speaker, I am pleased to yield 1½ minutes to my colleague from Texas (Mr. DOGGETT).

Mr. DOGGETT. Mr. Speaker, for over five years I have attempted to close a gaping loophole in the Lobby Disclosure Act that has permitted various lobbyists to form over 800 stealth or hidden coalitions to avoid the requirements of the act. That effort had been met with nothing but indifference. Finally we now have a new Congress and a new direction.

Under the legislation Mr. CONYERS offers today, we incorporate the provisions of that Stealth Lobbyist Disclosure Act. Here is how it works: A lobbyist for an unpopular cause, like those who would avoid their taxes by renouncing their American citizenship and moving abroad, or by those who would deny climate change, instead of indicating who they actually represent, those lobbyists claim they represent a "coalition" of two or more individuals and avoid any indication of the true parties in interest.

When deep-pocketed interests spend big money to influence public policy, the public has a right to know. Even a little light can do a lot of good. If wealthy interests want legislators to sing their tune, the public has a right to know who is paying the piper.

Of course, President Harry Truman said, "The buck stops here." But with stealth lobbying we don't know where "here" is or whose buck it is.

This stealth lobbyist disclosure provision helps close this loophole. The bill amends the definition of "client" to require the disclosure of the members of a coalition or association so that a small number of people or corporations can no longer operate under a shell group and destroy the intent of our lobby disclosure laws. Combining "wealth" with "stealth" is a recipe for unaccountable government.

After years of indifference, we have a new Congress dedicated to open government and the pursuit of the public interest. This rule and this legislation should be approved.

Mr. DREIER. Mr. Speaker, may I inquire of the Chair how much time is remaining on each side? And then I would like to ask my colleague, she indicated she was the last speaker a few minutes ago, and then Mr. DOGGETT joined us.

The SPEAKER pro tempore (Mr. CAPUANO). The gentleman from California has 8½ minutes; the gentlewoman from Florida has 11¾ minutes.

Ms. CASTOR. Mr. Speaker, I will reserve the balance of my time until the gentleman has closed for his side.

Mr. DREIER. So the gentlewoman is the last speaker?

Ms. CASTOR. That is correct, Mr. Speaker.

Mr. DREIER. Mr. Speaker, the gentlewoman is on her feet and so I would actually like to engage her in a colloquy, if I might, and ask some questions. I would be more than happy to yield to my friend from Tampa.

I am very concerned about the ramifications of this measure, and I talked about the concern that I have over this issue of charitable events, and that this item was in a piecemeal way stuck into this rule, and I raised the issue of the letter.

Mr. Speaker, I submit for printing in the RECORD a copy of the letter that was sent by Mr. BOEHNER to my California colleague Speaker PELOSI. Mr. Speaker, the reason I do that is that there has been no response to this nearly 2-month-old letter; and I hope that maybe someone on the Speaker's staff will read the CONGRESSIONAL RECORD and see this request for a truly bipartisan approach to this issue.

CONGRESS OF THE UNITED STATES,
HOUSE OF REPRESENTATIVES,
Washington, DC, March 29, 2007.

Hon. NANCY PELOSI,
Speaker of the House, U.S. Capitol,
Washington, DC.

DEAR SPEAKER PELOSI: The American people have every right to expect the highest ethical standards here in the people's House. Yet, less than three months into the 110th Congress it has become clear that House ethics rules are hopelessly broken. Members on both sides of the aisle are understandably frustrated because they know you can't "clean up Congress" with confusing rules that are as difficult to comply with as they are to enforce.

It is equally clear that until the ethics rules are repaired through a genuinely bipartisan process, they will continue to lack the credibility needed to ensure broad compliance, effective enforcement and widespread public acceptance.

As you know, sweeping changes to House ethics rules imposed at the start of this Congress were drafted in secret by the incoming Majority without consulting either the Minority or the staff of the nonpartisan Ethics Committee. The new rules were then rammed through the House with no opportunity to carefully analyze the proposals or to improve them in any way. The consequences of this ill-considered approach are now being felt by Members and staff on both sides of the aisle:

A staffer may attend an evening reception hosted by a corporation and consume shrimp, champagne, sliced filet and canapés . . . but may not accept a slice of pizza or a \$7 box lunch provided by the very same

corporation at a policy briefing the next day. [see Ethics Committee “pink sheet”, Feb 6, 2007 (pp. 4-5)]

Although Members and staff may play in a \$1,000 per person charity golf tournament to benefit a local scholarship fund, they are prohibited from similarly helping the American Red Cross raise funds for Katrina victims by playing in its golf tournament—solely because the Red Cross employs lobbyists. [see Ethics Committee “pink sheet”, Jan 19, 2007 (p. 7)]

In order to go on a “first date” with someone who happens to be a lobbyist, a staffer must agree to pay for his or her full share of the lunch or dinner, as well as anything else of value, such as a movie, concert or ballgame. [see Ethics Committee “pink sheet”, Feb 6, 2007 (p.2)]

A Member may accept \$200 tickets for the Final Four from Ohio State (public university), but not \$20 tickets to a preseason game from Xavier University (private university). [see Gifts & Travel, House Ethics Committee, April 2000 (p. 37)]

A Member may accept a \$15 t-shirt or \$20 hat from the Farm Bureau, but not a \$12 mug or mouse pad. Similarly, a \$4 latte is OK—but a \$4 sandwich is not. [see Ethics Committee “pink sheet”, Feb 6, 2007 (p. 5)]

A Member who has his own airplane is prohibited from flying it for any purpose—official, campaign or personal—even at his own expense. [see Ethics Committee letter to Rep. Stevan Pearce, Feb 16, 2007]

A staffer invited to a post-season barbecue for her daughter’s soccer team may not attend once she learns that it will be held in the home of a player whose father is a lobbyist. [see Ethics Committee “pink sheet”, Feb 6, 2007 (p. 2)]

Although a Member may not accept dinner from a lobbyist who uses his own funds or those of his firm, he may accept dinner from the very same lobbyist using a credit card provided by his state or local government clients. [see clause 5(a)(3)(O) of House Rule XXV]

A corporate executive who is not a lobbyist may not use his expense account to take a Member out to dinner, but may—in many cases—take the same Member to dinner using his personal funds. [see Ethics Committee “pink sheet”, Feb 6, 2007 (p. 3)]

A Member may not take a privately-funded trip if a lobbyist accompanies him to and from Washington; but the same Member may spend five days in Brussels discussing global warming with environmental group lobbyists—as long as none of them are on the same flights to and from the meeting. [see Ethics Committee “pink sheet”, March 14, 2007 (p. 2)]

It’s no surprise that Members deeply committed to following the rules are confused and concerned by the current state of disarray in the House.

Making matters worse, the chaos inflicted on Members and staff by careless (or worse) Democrat rule writers has now infected the legislative process as well. For example, confusion over the proper application of congressional earmark rules has made it possible for Democratic leaders to certify as “earmark free” a multi-billion dollar Continuing Resolution that any knowledgeable observer will confirm was laden with them.

Moreover, the failure of the House Ethics Committee to provide official guidance to Members seeking to comply with newly adopted earmark “conflict of interest” rules until after the deadline for submission of earmark requests had expired has unnecessarily disrupted the FY08 appropriations process by delaying for more than a month processing of many Member earmark requests, and complicated efforts to make the earmark process more transparent.

This latter incident underscores the folly of Democrats rushing to unilaterally impose complicated and contradictory new rules on the House, and then denying an entirely reasonable joint request by the Chairman and Ranking Republican of the Ethics Committee for the additional resources the panel needs to carry out its added responsibilities to Members.

Sadly, Democrat leaders straining to legitimize their campaign rhetoric have instead left Members—on both sides of the aisle—more vulnerable than ever to violating rules that are hard to define, riddled with logical inconsistencies, and utterly unlikely to prevent the sort of abuses that have properly sparked so much public outrage.

After all, few of the “Culture of Corruption” violations by Duke Cunningham and Bob Ney—or alleged violations by William Jefferson and Alan Mollohan—would have been prevented had the recently passed ethics changes been in effect last year.

Rather, the principled path to a more ethical Congress is through clearcut, common sense rules that are widely communicated and firmly enforced. And, as you and your fellow Democrat leaders argued so persuasively during the last Congress, the process of developing those rules must be transparent and genuinely bipartisan.

To that end, I ask that you join me in appointing a bipartisan working group tasked with analyzing House ethics rules—and recommending fair, sensible and understandable revisions that working group members believe would improve both compliance and enforcement.

As with the Livingston-Cardin ethics task force in 1997, the working group should be led by co-chairs and evenly divided between majority and minority members. I propose that it consist of six to eight members, including a member of the ethics committee from each party (but neither its chairman nor ranking minority member), one elected leader from each party, and one or two additional Members from each side of the aisle.

I further propose that we direct the working group to report back its recommendations no later than July 1, 2007 to allow time for the House to consider its proposed revisions to the Rules of the House prior to the August recess.

Madam Speaker, I have been encouraged by recent public statements made by you and members of your staff noting your desire to correct evident problems with several of the new rules. Thus, I hope you will commit to work constructively with me to ensure that any revisions to the Code of Conduct and other House rules are imbued with the sort of credibility that you have often pointed out can only result from a thoroughly bipartisan effort.

Sincerely,

JOHN A. BOEHNER,
Republican Leader.

Mr. Speaker, I would simply ask my colleague from Tampa to describe a term that is in this bill.

Now, one of the questions out there is that Members of Congress are often approached by people and considered for employment beyond their service in this institution. Now, in H.R. 4975, we were very specific in saying that when negotiating for compensation, and those are the exact words that we used in H.R. 4975, are included in the bill, then there has to be a letter to the Committee on Standards of Official Conduct stating that that negotiating process has begun. So we had that exact term of “negotiating for com-

pensation.” Those are the three words that we had in there.

Now, I would like to inquire of my friend from Tampa why it was in this measure that they went from “negotiation for compensation” to simply “negotiation.” And the reason I say that is a very sincere one.

The question naturally comes to mind, now, the gentlewoman from Tampa is new here and obviously not prepared to leave at this point. But there are people, Mr. Speaker, who may have been here for a while and people have decided they wanted to approach them.

Is it negotiation if it is simply said to that person, “Gosh, we’d like you to consider going to work for us”? And so I am wondering if my friend might define this term “negotiation” for us. And I am happy to yield to the distinguished manager of this rule.

Ms. CASTOR. Well, my interest, Mr. Speaker, is keeping this legislation on track. The American people spoke loud and clear in November. They called on us to fight for reform and change.

Mr. DREIER. Mr. Speaker, if I might reclaim my time. And I do so to simply say, I was posing a question to my colleague, not asking for a campaign speech on what the American people sent us to do here in November. The fact is, Democrats and Republicans alike are committed to reform. I am very proud of the record we have had on reform, and I am honored to have had it praised by the distinguished Chair of the Committee on the Judiciary.

The question that I have is a very specific one: Why in this legislation did we go from the utilization of three words, “negotiation for compensation,” to this open-ended question of simply “negotiation”?

I would be happy to further yield to my friend to elucidate us on that.

Mr. CANTOR. I thank my colleague very much. I recall the sessions I have had with seniors back home in Florida trying to work through the morass of Medicare part D.

Mr. DREIER. Mr. Speaker, if I could reclaim my time. My question, and I will pose it again to my colleague from Tampa. The issue of negotiation for Members of Congress, the debate that we are having now is not about the message that was sent last November, it is not about Medicare part D. It is a question about the issue of lobbying and ethics reform in this institution. And obviously my colleague doesn’t really have an answer to this question.

What it does do is it underscores the fact that it is absolutely essential that we deal with this issue in a responsible, bipartisan way to try to bring about some kind of resolution in here. And so I am very, very troubled with the way that this has been handled in a piecemeal way.

□ 1230

And so, Mr. Speaker, it is true that the effort is a valiant one. I congratulate and praise those who have been involved in it. And as I said in my opening remarks, it's very clear that reform is a work in progress. And we need to do more on the issue of reform. It's just that this bill is nowhere near the level of the bill that was passed under the Republican Congress. And I will say, I hope very much this institution will pass a bill that is even better than the one that I was privileged to author in the 109th Congress. And I believe that we could do better than we did in the 109th Congress. It's just that this measure, after all of this talk of reform, after all of this talk about the message sent last November, falls short of where we were in the last Congress, and that's why we are very troubled by this.

Mr. Speaker, I'm going to urge my colleagues to vote "no" on the previous question, so that when we succeed in defeating the previous question, I will be able to make in order an amendment that was offered that specifically provides greater disclosure and transparency and accountability which, again, are the three buzz words that are used around here: transparency, disclosure and accountability.

If, in fact, a Member is asking for an earmark, if a Member has been asked for an earmark by a lobbyist, under the amendment that I hope that we will be able to make in order, that Mr. FLAKE has propounded and unfortunately it was rejected by the Rules Committee, it would simply require that lobbying entity to disclose the fact that they have, in fact, made that in order.

Mr. Speaker, I ask unanimous consent that I be able to, just before the vote on the previous question, have printed in the CONGRESSIONAL RECORD a detailed explanation of the amendment that would require that lobbyists who make a request of a Member, that they call for an earmark to be made, that that information be made public. I believe that that, in and of itself, is a very, very modest but responsible thing that needs to be done in this effort to ensure greater transparency and disclosure.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from California?

There was no objection.

Mr. DREIER. So, with that, Mr. Speaker, I urge a "no" vote on the previous question.

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

Ms. CASTOR. Mr. Speaker, I urge adoption of the Honest Leadership and Open Government Act and the Lobbying Transparency Act and this rule. Citizens deserve open and honest leadership. We must stay on track with lobbying reform. And after the scandals in past years, we will continue the fight for reform and change so that the American people trust that Members of Congress are making decisions that

benefit our communities and our country, and not some powerful special interest with undue influence.

Unfortunately, there has been a price to pay for the culture of corruption. You can see it when you gas up at the pump. Big Oil has gotten millions and billions in tax breaks, while people that we represent pay higher gas prices. And in Florida, the big oil companies have been granted a right to drill off our beautiful coastline.

You can see it when our seniors are pushed into privatized Medicare. The HMOs get a slush fund, and seniors pay more for health care.

You can see it when students and their families pay more for student loans because of sweetheart deals. The special interests get tax breaks, and our kids pay off higher debt.

Mr. Speaker, today we will keep our promise to the American people to fight for change and reform. When our neighbors and the folks back home send us to Washington, they rightly expect their representatives to act in the public interest and not in the interest of well-paid lobbyists with undue influence.

I urge my colleagues to build on the strongest ethics reform ever adopted in the Congress, what we started on day one in this new Congress.

I urge a "yes" vote on the previous question and on the rule.

Mrs. MALONEY of New York. Mr. Speaker, I rise today in strong support of H.R. 2316, the Honest Leadership and Open Government Act, and H.R. 2317, the Lobbying Transparency Act.

As the Jack Abramoff scandal made abundantly clear, the way that business has been conducted in Washington during the past few years needs to change. Congress already has taken important steps to reduce the influence of lobbyists, and the legislation that we are considering today will implement additional necessary reforms. These reforms include closing the revolving door between the legislative branch and post-employment lobbying, increased reporting requirements, including for bundled campaign contributions, and greater public access to lobbying reports and disclosure information.

The issue of openness in government is critical to our democracy. The American people should have faith that their representatives in Congress are responding to their needs and not acting in the interests of those trying to buy influence.

I also want to commend Chairman CONYERS and the Judiciary Committee for including language in the bill to clarify that H.R. 2316 does not infringe upon the first amendment or prohibit any activities currently protected by the free speech, free exercise, or free association clauses.

I urge my colleagues to support this legislation.

Mr. LEVIN. Mr. Speaker, I rise in strong support of H.R. 2316, the Honest Leadership and Open Government Act, as well as H.R. 2317, the Lobbying Transparency Act.

When the new Democratic Congress convened on January 4, our first action was the approval of a sweeping package of changes to restore the integrity and fiscal responsibility of

the House of Representatives. While these reforms represented the most significant ethics and lobbying revisions in decades, we promised that this would be just the first step in ending the cozy relationships between Congress and special interest lobbyists. Today we take the next important step.

The Honest Leadership and Open Government Act H.R. 2316 mandates quarterly disclosure of lobbying reports; ends the K Street Project of Members and staff influencing employment decisions of private entities for partisan political gain; increases disclosure of lobbyists' contributions to lawmakers; and establishes an online, searchable public database of lobbyist disclosure information.

One of the most important provisions of this lobbying reform package is the Lobbying Transparency Act, H.R. 2317. This legislation requires a registered lobbyist who also serves as a fundraiser to disclose the campaign checks that he or she solicits or "bundles."

When lobbyists also act as campaign fundraisers, a possible conflict of interest arises, making it all the more necessary to allow for greater public awareness as to their actions and treatment.

Reforming the way that lobbyists and Members of Congress do business is the right thing to do not only because it will help to restore the trust of the American people in their institution of Congress, but also because doing so has a very real impact in putting the power back into the hands of the public.

I urge my colleagues to join me in supporting H.R. 2316 and H.R. 2317.

The material previously referred to by Mr. DREIER is as follows:

AMENDMENT TO H. RES. 437 OFFERED BY REP. DREIER OF CALIFORNIA

At the end of the resolution, add the following:

SEC. 4. Notwithstanding any other provision of this resolution, the amendment printed in section 4 shall be in order to H.R. 2316 as though printed as the last amendment in part B of the report of the Committee on Rules if offered by Representative Flake of Arizona or his designee. That amendment shall be debatable for 30 minutes equally divided and controlled by the proponent and an opponent.

SEC. 4. The amendment referred to in section 4 is as follows:

Page 13, line 3, strike "Section 5(b)" and insert "(a) GIFTS.—Section 5(b)".

Page 13, insert after line 18 the following:

(b) REQUESTS FOR CONGRESSIONAL EARMARKS.—Section 5(b)(2)(A) of the Lobbying Disclosure Act of 1995 (2 U.S.C. 1604(b)(2)(A)) is amended by striking "bill numbers" and inserting the following: "bill numbers, requests for Congressional earmarks (as defined in clause 9(d) of rule XXI of the Rules of the House of Representatives for the One Hundred Tenth Congress)."

(The information contained herein was provided by Democratic Minority on multiple occasions throughout the 109th Congress.)

THE VOTE ON THE PREVIOUS QUESTION: WHAT IT REALLY MEANS

This vote, the vote on whether to order the previous question on a special rule, is not merely a procedural vote. A vote against ordering the previous question is a vote against the Democratic majority agenda and a vote to allow the opposition, at least for the moment, to offer an alternative plan. It is a vote about what the House should be debating.

Mr. Clarence Cannon's Precedents of the House of Representatives, (VI, 308-311) describes the vote on the previous question on the rule as "a motion to direct or control the consideration of the subject before the House being made by the Member in charge." To defeat the previous question is to give the opposition a chance to decide the subject before the House. Cannon cites the Speaker's ruling of January 13, 1920, to the effect that "the refusal of the House to sustain the demand for the previous question passes the control of the resolution to the opposition" in order to offer an amendment. On March 15, 1909, a member of the majority party offered a rule resolution. The House defeated the previous question and a member of the opposition rose to a parliamentary inquiry, asking who was entitled to recognition. Speaker Joseph G. Cannon (R-Illinois) said: "The previous question having been refused, the gentleman from New York, Mr. Fitzgerald, who had asked the gentleman to yield to him for an amendment, is entitled to the first recognition."

Because the vote today may look bad for the Democratic majority they will say "the vote on the previous question is simply a vote on whether to proceed to an immediate vote on adopting the resolution . . . [and] has no substantive legislative or policy implications whatsoever." But that is not what they have always said. Listen to the definition of the previous question used in the Floor Procedures Manual published by the Rules Committee in the 109th Congress, (page 56). Here's how the Rules Committee described the rule using information from Congressional Quarterly's "American Congressional Dictionary": "If the previous question is defeated, control of debate shifts to the leading opposition member (usually the minority Floor Manager) who then manages an hour of debate and may offer a germane amendment to the pending business."

Deschler's Procedure in the U.S. House of Representatives, the subchapter titled "Amending Special Rules" states: "a refusal to order the previous question on such a rule [a special rule reported from the Committee on Rules] opens the resolution to amendment and further debate." (Chapter 21, section 21.2) Section 21.3 continues: Upon rejection of the motion for the previous question on a resolution reported from the Committee on Rules, control shifts to the Member leading the opposition to the previous question, who may offer a proper amendment or motion and who controls the time for debate thereon."

Clearly, the vote on the previous question on a rule does have substantive policy implications. It is one of the only available tools for those who oppose the Democratic majority's agenda and allows those with alternative views the opportunity to offer an alternative plan.

Ms. CASTOR. Mr. Speaker, I yield back the balance of my time, and I move the previous question on the resolution.

Mr. DREIER. Mr. Speaker, may I ask the indulgence of the Chair to ask unanimous consent if I could reclaim my time. I didn't realize that my very distinguished colleague from Kentucky was here, and he had a very important question that he wanted to pose on this, and I'd ask unanimous consent to be able to reclaim my time and yield to the gentleman from Kentucky.

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

Ms. CASTOR. I object.

The SPEAKER pro tempore. Objection is heard.

Mr. DREIER. Thank you very much, Mr. Speaker, and thanks to my colleagues for their consideration.

The SPEAKER pro tempore. The question is on ordering the previous question.

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

Mr. DREIER. Mr. Speaker, on that I demand the yeas and nays.

The yeas and nays were ordered.

The SPEAKER pro tempore. Pursuant to clause 8 and clause 9 of rule XX, this 15-minute vote on ordering the previous question on House Resolution 437 will be followed by 5-minute votes on adoption of House Resolution 437, if ordered; ordering the previous question on House Resolution 438; and the adoption of House Resolution 438, if ordered.

The vote was taken by electronic device, and there were—yeas 224, nays 195, not voting 13, as follows:

[Roll No. 415]		
YEAS—224		
Abercrombie	Ellison	Lowey
Ackerman	Ellsworth	Lynch
Allen	Emanuel	Mahoney (FL)
Altire	Eshoo	Maloney (NY)
Andrews	Etheridge	Markey
Arcuri	Farr	Marshall
Baca	Fattah	Matheson
Baird	Filner	Matsui
Baldwin	Frank (MA)	McCarthy (NY)
Barrow	Giffords	McCullom (MN)
Bean	Gillibrand	McDermott
Becerra	Gonzalez	McGovern
Berkley	Gordon	McIntyre
Berman	Green, Al	McNerney
Berry	Green, Gene	McNulty
Bishop (GA)	Grijalva	Meehan
Bishop (NY)	Gutierrez	Meek (FL)
Blumenauer	Hall (NY)	Meeks (NY)
Boren	Hare	Melancon
Boswell	Harman	Michaud
Boucher	Hastings (FL)	Miller (NC)
Boyd (FL)	Herseth Sandlin	Miller, George
Boyd (KS)	Higgins	Mitchell
Brady (PA)	Hill	Mollohan
Braley (IA)	Hinchey	Moore (KS)
Brown, Corrine	Hinojosa	Moore (WI)
Butterfield	Hirono	Moran (VA)
Capps	Hodes	Murphy (CT)
Capuano	Holden	Murphy, Patrick
Carnahan	Holt	Murtha
Carney	Honda	Nadler
Carson	Hooley	Napolitano
Castor	Hoyer	Neal (MA)
Chandler	Inslee	Obey
Clarke	Israel	Olver
Clay	Jackson (IL)	Ortiz
Cleaver	Jackson-Lee	Pallone
Clyburn	(TX)	Pascrill
Cohen	Jefferson	Pastor
Conyers	Johnson (GA)	Payne
Costa	Johnson, E. B.	Perlmutter
Costello	Kagen	Peterson (MN)
Courtney	Kanjorski	Pomeroy
Cramer	Kaptur	Price (NC)
Crowley	Kennedy	Rahall
Cuellar	Kildee	Rangel
Cummings	Kilpatrick	Reyes
Davis (AL)	Kind	Rodriguez
Davis (CA)	Klein (FL)	Ross
Davis (IL)	Kucinich	Rothman
Davis, Lincoln	Lampson	Royer-Allard
DeFazio	Langevin	Ruppersberger
Delahunt	Lantos	Rush
DeLauro	Larsen (WA)	Ryan (OH)
Dicks	Larson (CT)	Salazar
Dingell	Lee	Sánchez, Linda T.
Doggett	Levin	Sanchez, Loretta
Donnelly	Lipinski	Sarbanes
Doyle	Loebssack	Schakowsky
Edwards	Lofgren, Zoe	
NOT VOTING—13		
□ 1259		
Messrs. SOUDER, McCOTTER, NEUGEBAUER and RAMSTAD changed their vote from "yea" to "nay."		
Schiff	Spratt	Walz (MN)
Schwartz	Stark	Wasserman
Scott (GA)	Stupak	Schultz
Scott (VA)	Sutton	Watson
Serrano	Tanner	Watt
Sestak	Tauscher	Waxman
Shea-Porter	Taylor	Weiner
Sherman	Thompson (CA)	Welch (VT)
Shuler	Thompson (MS)	Wexler
Sires	Tierney	Wilson (OH)
Skelton	Towns	Woolsey
Slaughter	Udall (CO)	Wu
Smith (WA)	Udall (NM)	Wynn
Snyder	Van Hollen	Yarmuth
Solis	Velázquez	
Space	Visclosky	
NAYS—195		
Aderholt	Frelinghuysen	Neugebauer
Akin	Gallagly	Nunes
Alexander	Garrett (NJ)	Paul
Bachmann	Gerlach	Pearce
Bachus	Gilchrest	Pence
Baker	Gillmor	Peterson (PA)
Barrett (SC)	Gingrey	Petri
Bartlett (MD)	Gohmert	Pickering
Barton (TX)	Goode	Pitts
Biggert	Goodlatte	Platts
Bilbray	Granger	Poe
Bishop (UT)	Graves	Porter
Blackburn	Hall (TX)	Price (GA)
Blunt	Hastert	Pryce (OH)
Boehner	Hastings (WA)	Putnam
Bonner	Hayes	Ramstad
Bono	Heller	Regula
Boozman	Hensarling	Rehberg
Boustany	Herger	Reichert
Brady (TX)	Hobson	Renzi
Brown (SC)	Hoekstra	Reynolds
Brown-Waite,	Hulshof	Rogers (AL)
Ginny	Ingles (SC)	Rogers (KY)
Buchanan	Jindal	Rogers (MI)
Burgess	Johnson (IL)	Ros-Lehtinen
Burton (IN)	Johnson, Sam	Roskam
Buyer	Jones (NC)	Royce
Calvert	Jordan	Ryan (WI)
Camp (MI)	Keller	Sali
Campbell (CA)	King (IA)	Saxton
Cannon	King (NY)	Schmidt
Cantor	Kingston	Sensenbrenner
Capito	Kirk	Sessions
Carter	Kline (MN)	Shadegg
Castle	Knollenberg	Shays
Chabot	Kuhl (NY)	Shimkus
Coble	LaHood	Shuster
Cole (OK)	Lamborn	Simpson
Conaway	Latham	Smith (NE)
Crenshaw	LaTourette	Smith (NJ)
Cubin	Lewis (CA)	Smith (TX)
Culberson	Lewis (KY)	Souder
Davis (KY)	Linder	Stearns
Davis, David	LoBiondo	Sullivan
Davis, Tom	Lucas	Tancredo
Deal (GA)	Lungren, Daniel	Terry
Dent	E.	Thornberry
Diaz-Balart, L.	Mack	Tiaht
Diaz-Balart, M.	Manzullo	Tiberi
Doolittle	Marchant	Turner
Drake	McCarthy (CA)	Upton
Dreier	McCaull (TX)	Walberg
Duncan	McCotter	Walden (OR)
Ehlers	McCrery	Walsh (NY)
English (PA)	McHenry	Wamp
Everett	McHugh	Weldon (FL)
Fallin	McKeon	Weller
Feeley	Mica	Westmoreland
Ferguson	Miller (FL)	Whitfield
Flake	Miller (MI)	Wicker
Forbes	Miller, Gary	Wilson (NM)
Fortenberry	Moran (KS)	Wilson (SC)
Fossella	Murphy, Tim	Wolf
Fox	Musgrave	Young (AK)
Franks (AZ)	Myrick	Young (FL)

Ms. CORRINE BROWN of Florida changed her vote from "nay" to "yea."

So the previous question was ordered.

The result of the vote was announced as above recorded.

The SPEAKER pro tempore. The question is on the resolution.

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

Mr. DREIER. Mr. Speaker, on that I demand the yeas and nays.

The yeas and nays were ordered.

The SPEAKER pro tempore. This is a 5-minute vote.

The vote was taken by electronic device, and there were—yeas 224, nays 197, not voting 11, as follows:

[Roll No. 416]

YEAS—224

Abercrombie	Gordon	Moran (VA)	Weiner	Wilson (OH)	Wynn	Yarmuth
Ackerman	Green, Al	Murphy (CT)	Welch (VT)	Woolsey	Yarmuth	
Allen	Green, Gene	Murphy, Patrick	Wexler	Wu		
Altmine	Grijalva	Murtha				
Andrews	Gutierrez	Nadler				
Arcuri	Hall (NY)	Napolitano				
Baca	Hare	Neal (MA)				
Baird	Harman	Obey				
Baldwin	Hastings (FL)	Olver				
Barrow	Herseth Sandlin	Ortiz				
Bean	Higgins	Pallone				
Becerra	Hill	Pascrall				
Berkley	Hinchey	Pastor				
Berman	Hinojosa	Payne				
Berry	Hirono	Perlmutter				
Bishop (GA)	Hodes	Peterson (MN)				
Bishop (NY)	Holden	Pomeroy				
Blumenauer	Holt	Price (NC)				
Boren	Honda	Rahall				
Boswell	Hooley	Rangel				
Boucher	Hoyer	Reyes				
Boyd (FL)	Inslee	Rodriguez				
Boysa (KS)	Israel	Ross				
Brady (PA)	Jackson (IL)	Rothman				
Braley (IA)	Jackson-Lee	Royal-Allard				
Brown, Corrine (TX)	Ruppersberger	Davis, David				
Butterfield	Jefferson	Rush				
Capps	Johnson (GA)	Ryan (OH)				
Capuano	Johnson, E. B.	Salazar				
Carnahan	Kagen	Sánchez, Linda				
Carney	Kanjorski	T.				
Carson	Kennedy	Sanchez, Loretta				
Castor	Kildee	Sarbanes				
Chandler	Kilpatrick	Schakowsky				
Clarke	Kind	Schiff				
Clay	Klein (FL)	Schwartz				
Cleaver	Kucinich	Scott (GA)				
Clyburn	Lampson	Scott (VA)				
Cohen	Langevin	Serrano				
Conyers	Lantos	Sestak				
Cooper	Larsen (WA)	Shea-Porter				
Costa	Larson (CT)	Sherman				
Costello	Lee	Shuler				
Courtney	Levin	Sires				
Cramer	Lipinski	Skelton				
Crowley	Loebbecke	Slaughter				
Cuellar	Lofgren, Zoe	Smith (WA)				
Cummings	Lowey	Snyder				
Davis (AL)	Lynch	Solis				
Davis (CA)	Mahoney (FL)	Space				
Davis (IL)	Maloney (NY)	Spratt				
Davis, Lincoln	Markey	Stark				
DeFazio	Marshall	Stupak				
Delahunt	Matheson	Sutton				
DeLauro	Matsui	Tanner				
Dicks	McCarthy (NY)	Tauscher				
Dingell	McCollum (MN)	Taylor				
Doggett	McDermott	Thompson (CA)				
Donnelly	McGovern	Thompson (MS)				
Doyle	McIntyre	Tierney				
Edwards	McNerney	Towns				
Ellison	McNulty	Udall (CO)				
Ellsworth	Meehan	Udall (NM)				
Emanuel	Meek (FL)	Van Hollen				
Eshoo	Meeks (NY)	Velázquez				
Etheridge	Melancon	Visclosky				
Farr	Michaud	Walz (MN)				
Fattah	Miller (NC)	Wasserman				
Filner	Miller, George	Schultz				
Frank (MA)	Mitchell	Waters				
Giffords	Mollohan	Watson				
Gillibrand	Moore (KS)	Watt				
Gonzalez	Moore (WI)	Waxman				

NAYS—197

NEW CLERK MAKING IMPRESSIONS

(Ms. EDDIE BERNICE JOHNSON of Texas asked and was given permission to address the House for 1 minute.)

Ms. EDDIE BERNICE JOHNSON of Texas. Mr. Speaker, I want to call to the attention of all of the Members that our new Clerk of the House is continuing to make impressions. She is on the cover of Crisis magazine for this month, the official publication of the NAACP. And she is president of the local chapter. I just thought that if you don't have a copy, she is standing right over there.

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore. Without objection, the 5-minute voting will continue.

There was no objection.

PROVIDING FOR CONSIDERATION OF SENATE AMENDMENT TO H.R. 2206, U.S. TROOP READINESS, VETERANS' CARE, KATRINA RECOVERY, AND IRAQ ACCOUNTABILITY APPROPRIATIONS ACT, 2007

The SPEAKER pro tempore. The unfinished business is the vote on ordering the previous question on House Resolution 438, on which the yeas and nays were ordered.

The Clerk read the title of the resolution.

The SPEAKER pro tempore. The question is on ordering the previous question.

This will be a 5-minute vote.

The vote was taken by electronic device, and there were—yeas 221, nays 199, not voting 12, as follows:

[Roll No. 417]

YEAS—221

Abercrombie	Clyburn	Gordon
Ackerman	Cohen	Green, Al
Allen	Conyers	Green, Gene
Altmine	Cooper	Grijalva
Andrews	Costa	Gutierrez
Arcuri	Costello	Hall (NY)
Baca	Courtney	Hare
Baldwin	Cramer	Harman
Brown, Corrine	Crowley	Hastings (FL)
Casper	Cuellar	Herseth Sandlin
Chandler	Cummings	Higgins
Clarke	Becerra	Hill
Clay	Berkley	Hinchey
Cleaver	Davis (CA)	Hinojosa
Clyburn	Davis (IL)	Hinojosa
Cohen	Davis, Lincoln	Hirono
Conyers	DeFazio	Hodes
Castor	Dick	Honda
Chandler	Dingell	Hooley
Clarke	Douglas	Hoyer
Clay	Donnelly	Inslee
Cleaver	Boyd (FL)	Isreal
Clyburn	Boyd (KS)	Jackson (IL)
Cohen	Brady (PA)	Jackson-Lee
Conyers	Braley (IA)	Jackson-Lee
Castor	Brown, Corrine	Jackson (TX)
Chandler	Ellsworth	Jackson-Lee
Clarke	Butterfield	Jefferson
Clay	Capps	Johnson (GA)
Cleaver	Capuano	Johnson, E. B.
Clyburn	Carnahan	Kagen
Cohen	Carney	Kanjorski
Conyers	Castor	Kaptur
Castor	Chandler	Kennedy
Chandler	Clarke	Kildee
Clarke	Cleaver	Kilpatrick
Clay		Kind
Cleaver		Gonzalez
Clyburn		
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