

Establishing an outside ethics panel also would constitute a historic abdication of the House's constitutional responsibility for self-regulation. Article I, Section 5, Clause 2 of the U.S. Constitution states that "Each House [of Congress] may determine the Rules of its Proceedings, punish its Members for disorderly Behavior, and with the Concurrence of two thirds, expel a Member." Although the drafters of the Constitution chose the permissive "may" rather than "shall," it is clear that they intended to create a system of peer review where Members of Congress shoulder the responsibility for weighing allegations of other Members' misconduct. The establishment of an outside panel to evaluate ethics complaints would be an unprecedented deviation from more than 200 years of self-regulation. Moreover, it would be tantamount to an admission that the House is now unable to fully govern itself and needs protection against its own improper impulses.

Nor, if established, would an outside panel likely improve the House ethics process. First, none of the publicly reported proposals under consideration to establish an outside panel divests the House ethics committee of ultimate decision-making discretion as to whether ethics violations occurred or what sanctions to impose if a violation is found. Creating an outside panel, moreover, would simply create another layer of ethics bureaucracy that further slows down a process already characterized by sluggishness. Second, making informed assessments of allegations of misconduct requires more than the mere application of law or rules to facts: It also requires a nuanced understanding of the institutional context in which the alleged misconduct occurred. Arguably, the need for such a nuanced understanding is particularly great in the case of a political institution that has its own unique cultural attributes. It is possible that retired Members of Congress could bring the necessary perspective to bear if appointed to an outside ethics panel. It is less likely that retired jurists, academicians or individuals from other professions would be equally capable of making the necessary contextual judgments.

That the committee would retain autonomy to reject the recommendations of an outside panel ignores political realities surrounding ethics scandals. If, for example, the outside panel recommended that the committee initiate an investigation—a recommendation that almost certainly would become publicly known—the pressure on the committee from interest groups and the news media to accept the panel's recommendation would be formidable.

Clause 1 of House Rule 23, which comprises the Code of Official Conduct, states that "A Member, officer, or employee of the House of Representatives shall conduct himself at all times in a manner which shall reflect creditably on the House of Representatives." The special task force would bring credit on the House by rejecting the idea of an outside ethics panel and recommitting the House to ethics enforcement marked by bipartisanship and consensus.

CONGRESSMAN LOUIS STOKES' STATEMENT ON ETHICS REFORM

I strongly believe the current Ethics Committee structure should be preserved. I think Congress has a constitutional obligation to police its members. The mechanism exists to hire outside counsel whenever necessary, as the Committee did in the Abcam cases and also in the sex and drug investigations. In both cases the House received accolades for its work. A dangerous aspect of investigations by either a House Committee or an outside panel is interference with Justice

Department investigations. I think this danger may be better contained by a House Committee. Also, the House has a great educational process for members along with an approval process to keep members from going astray. Neither a House Committee nor an outside Panel or Commission can stop a member who uses his position in Congress to obtain a Rolls Royce, a yacht, a million dollar home, and other illegal gifts. The current system worked when I had men like Floyd Spence and Jim Hansen as my ranking member because we approached the business of the Committee on a bi-partisan basis. We handled the tough cases and never had a dissenting vote.

Ms. SUTTON. Mr. Speaker, I yield 1 minute to the gentleman from Hawaii (Mr. ABERCROMBIE).

Mr. ABERCROMBIE. I'm sorry, the time is incorrect. The time is 2 minutes.

Ms. SUTTON. Mr. Speaker, I yield 1 minute to the gentleman from Hawaii (Mr. ABERCROMBIE).

Mr. ABERCROMBIE. Mr. Speaker, I have a parliamentary inquiry.

The SPEAKER pro tempore (Mr. POMEROY). The gentlewoman from Ohio is controlling the time. She has yielded 1 minute to the gentleman from Hawaii.

MOTION TO ADJOURN

Mr. ABERCROMBIE. Mr. Speaker, I move that the House do now adjourn.

The SPEAKER pro tempore. The question is on the motion to adjourn.

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

Mr. LAHOOD. Mr. Speaker, I object to the vote on the ground that a quorum is not present and make the point of order that a quorum is not present.

The SPEAKER pro tempore. Evidently a quorum is not present.

The Sergeant at Arms will notify absent Members.

The vote was taken by electronic device, and there were—yeas 177, nays 196, answered "present" 1, not voting 55, as follows:

[Roll No. 120]

YEAS—177

Abercrombie	Buyer	English (PA)
Aderholt	Calvert	Fallin
Akin	Camp (MI)	Ferguson
Bachmann	Campbell (CA)	Filner
Barrett (SC)	Cannon	Flake
Bartlett (MD)	Cantor	Forbes
Barton (TX)	Carter	Fortenberry
Berry	Castle	Fossella
Biggert	Chabot	Fox
Bilbray	Chandler	Frelinghuysen
Bilirakis	Coble	Gallagher
Bishop (UT)	Cohen	Garrett (NJ)
Blackburn	Cole (OK)	Gilchrest
Blunt	Conaway	Goode
Boehner	Crenshaw	Goodlatte
Bonner	Cubbin	Gordon
Bono Mack	Cuellar	Granger
Boozman	Davis (KY)	Hall (TX)
Boustany	Davis, David	Hastings (WA)
Brady (TX)	Davis, Tom	Hayes
Broun (GA)	Deal (GA)	Heller
Brown (SC)	Dent	Hensarling
Brown-Waite,	Doolittle	Herger
Ginny	Drake	Hobson
Buchanan	Dreier	Hulshof
Burgess	Duncan	Hunter
Burton (IN)	Ehlers	Inglis (SC)

Issa	Mica	Shadegg
Jefferson	Michaud	Shays
Johnson, Sam	Miller (FL)	Shimkus
Jordan	Miller (MI)	Shuster
Kaptur	Miller, Gary	Simpson
Keller	Murphy, Tim	Smith (NE)
King (IA)	Musgrave	Smith (NJ)
King (NY)	Myrick	Smith (TX)
Kingston	Neugebauer	Souder
Kirk	Nunes	Stearns
Kline (MN)	Pence	Stupak
Knollenberg	Petri	Sullivan
Kuhl (NY)	Pickering	Taylor
LaHood	Pitts	Terry
Lamborn	Porter	Thornberry
Latham	Price (GA)	Tiahrt
LaTourette	Putnam	Tiberi
Latta	Regula	Turner
Lewis (CA)	Rehberg	Upton
Linder	Reichert	Walberg
LoBiondo	Reynolds	Walden (OR)
Lucas	Rogers (AL)	Wamp
Lungren, Daniel	Rogers (MI)	Weldon (FL)
E.	Rohrabacher	Weller
Mack	Roskam	Westmoreland
Manzullo	Royce	Whitfield (KY)
Marchant	Ryan (WI)	Wilson (NM)
McCarthy (CA)	Sali	Wilson (SC)
McHenry	Sanchez, Loretta	Wittman (VA)
McHugh	Saxton	Wolf
McKeon	Schmidt	Wu
McMorris	Sensenbrenner	Young (AK)
Rodgers	Sessions	Young (FL)

NAYS—196

Ackerman	Gillibrand	Moran (VA)
Allen	Gonzalez	Murphy (CT)
Altmire	Green, Al	Murphy, Patrick
Andrews	Green, Gene	Murtha
Arcuri	Hall (NY)	Nadler
Baca	Hare	Napolitano
Baird	Harman	Neal (MA)
Baldwin	Hastings (FL)	Obey
Barrow	Herseht Sandlin	Oliver
Bean	Higgins	Ortiz
Becerra	Hill	Pallone
Berkley	Hinojosa	Pascarell
Berman	Hirono	Pastor
Bishop (GA)	Hodes	Paul
Bishop (NY)	Holden	Payne
Blumenauer	Holt	Pearce
Boren	Honda	Perlmutter
Boswell	Hoyer	Platts
Boyd (FL)	Inslee	Poe
Boyda (KS)	Israel	Pomeroy
Brady (PA)	Jackson (IL)	Price (NC)
Braley (IA)	Jackson-Lee	Rahall
Brown, Corrine	(TX)	Ramstad
Capps	Johnson (GA)	Reyes
Capuano	Johnson, E. B.	Richardson
Cardoza	Jones (NC)	Rodriguez
Carnahan	Kagen	Ross
Carney	Kanjorski	Rothman
Castor	Kennedy	Roybal-Allard
Clarke	Kildee	Ruppersberger
Cleaver	Kind	Ryan (OH)
Clyburn	Kucinich	Salazar
Conyers	Lampson	Sanchez, Linda
Cooper	Langevin	T.
Costello	Larsen (WA)	Sarbanes
Courtney	Larson (CT)	Schakowsky
Cramer	Lee	Schiff
Crowley	Levin	Schwartz
Cummings	Lipinski	Scott (GA)
Davis (CA)	Loebach	Scott (VA)
Davis (IL)	Lofgren, Zoe	Serrano
Davis, Lincoln	Lowey	Sestak
DeFazio	Lynch	Shea-Porter
DeGette	Mahoney (FL)	Sherman
Delahunt	Maloney (NY)	Shuler
Diaz-Balart, L.	Markey	Sires
Diaz-Balart, M.	Marshall	Skelton
Dicks	Matheson	Slaughter
Doggett	Matsui	Smith (WA)
Donnelly	McCarthy (NY)	Snyder
Doyle	McCollum (MN)	Space
Edwards	McCotter	Spratt
Ellison	McDermott	Sutton
Ellsworth	McGovern	Tanner
Emanuel	McIntyre	Tauscher
Engel	McNerney	Thompson (CA)
Eshoo	McNulty	Tierney
Etheridge	Meek (FL)	Towns
Farr	Meeks (NY)	Tsongas
Fattah	Melancon	Udall (NM)
Foster	Mollohan	Van Hollen
Frank (MA)	Moore (KS)	Velázquez
Gerlach	Moore (WI)	Visclosky
Giffords	Moran (KS)	Walz (MN)

Wasserman	Waxman	Wexler
Schultz	Weiner	
Watson	Welch (VT)	

ANSWERED "PRESENT"—1

Johnson (IL)

NOT VOTING—55

Alexander	Gutierrez	Rangel
Bachus	Hinchey	Renzi
Boucher	Hoekstra	Rogers (KY)
Butterfield	Hooley	Ros-Lehtinen
Capito	Jones (OH)	Rush
Clay	Kilpatrick	Solis
Costa	Klein (FL)	Stark
Culberson	Lewis (GA)	Tancredo
Davis (AL)	Lewis (KY)	Thompson (MS)
DeLauro	McCaul (TX)	Udall (CO)
Dingell	McCrery	Walsh (NY)
Emerson	Miller (NC)	Waters
Everett	Miller, George	Watt
Feeney	Mitchell	Wilson (OH)
Franks (AZ)	Oberstar	Woolsey
Gingrey	Peterson (MN)	Wynn
Gohmert	Peterson (PA)	Yarmuth
Graves	Pryce (OH)	
Grijalva	Radanovich	

□ 2040

Ms. BERKLEY and Ms. WATSON and Messrs. BERMAN, MARSHALL, MCCOTTER, DELAHUNT, MORAN of Virginia and VISCLOSKEY changed their vote from "yea" to "nay."

Mrs. WILSON of New Mexico, Mrs. CUBIN and Mrs. BONO MACK and Messrs. BARTLETT of Maryland, GILCHREST, GOODE, ADERHOLT, CALVERT, SAXTON, GALLEGLY, DEAL of Georgia, BRADY of Texas, MANZULLO, FOSSELLA, BUYER, WALDEN of Oregon, KELLER of Florida, ISSA, SESSIONS, PUTNAM, BURGESS, BARRETT of South Carolina, DAVIS of Kentucky, GARRETT of New Jersey, INGLIS of South Carolina, LOBIONDO, LATOURETTE, PORTER, WHITFIELD of Kentucky, STEARNS, MICA, HALL of Texas, WOLF, BILBRAY and BROWN of South Carolina changed their vote from "nay" to "yea."

So the motion to adjourn was rejected.

The result of the vote was announced as above recorded.

ESTABLISHING AN OFFICE OF CONGRESSIONAL ETHICS—Continued

The SPEAKER pro tempore. The Chair understands that the gentleman from Hawaii has been yielded 1 minute from the gentlewoman from Ohio.

The gentleman is recognized for 1 minute.

Mr. ABERCROMBIE. Mr. Speaker, may I ask the gentlewoman whether she would yield an additional minute.

Ms. SUTTON. Mr. Speaker, if the gentleman needs an additional minute, I am going to give him mine.

The SPEAKER pro tempore. The gentleman from Hawaii is recognized for 2 minutes.

Mr. ABERCROMBIE. Thank you.

Mr. Speaker, we have got a new grand jury in the House, the Office of Congressional Ethics, and we have the House Ethics Committee. We have two identical, competing committees by design. Now, I defy anybody in this House to go to your next Rotary Club meet-

ing and try to explain what that is all about.

Any referral to the Office of Congressional Ethics will be seen as tantamount to a guilty verdict. Any other conclusion by the House Ethics Committee will be seen as a coverup. Mark my words, that is exactly what is going to happen.

This is about ethics, not criminal prosecution. I have heard words like "corruption" used around here as if we are some sinkhole of depravity. If a criminal matter is at issue, it should be in the hands of the Federal Attorney, not appointees of the Speaker or the majority leader.

I can't figure out where the ethics complaints come from. Are they dropped off at the door? What criteria will be applied by the OCE? This is about the House, and its membership should decide whether any Member has failed to meet its standards, not appointees who have not served or are not currently Members of the House.

An ethics investigation is by definition peer review. Any appointee to the Office of Congressional Ethics who has not served in the House has no credibility in terms of judging Members or the conduct of House standards.

And does anybody believe that complaints won't be in the media immediately, regardless of validity? The press irritation with the House Ethics Committee is because it has actually practiced confidentiality.

This is an invitation to ideological mischief and character assassination. We say this is about our ability to police ourselves. The effect will be just the opposite. The House Ethics Committee no longer has any discernable function other than to affirm whatever has been referred to it.

All this makes me sad, and it makes me angry. I have devoted every bit of energy in my life for nine terms to this House. I revere the opportunity for service in the people's House. With this proposal we are indicting ourselves. We are retreating before those who would tear this House down.

The SPEAKER pro tempore. The time of the gentleman has expired.

Mr. DREIER. Mr. Speaker, I would like to yield my friend an additional minute.

The SPEAKER pro tempore. The gentleman from Hawaii is recognized for an additional minute.

Mr. ABERCROMBIE. We are retreating before those who would tear this House down, who denigrate our commitment and make us out to be little more than crooks and knaves and hustlers.

We are the guardians of the Nation's liberty. We are the defenders of its constitutional imperatives. We are the people's House. We should be proud to stand up for this House, its institution and its legacy. Instead, we cringe before our critics and turn over our obligation to govern ourselves to others.

If we have no respect for ourselves, how can we expect it from anybody

else? I have faith and trust in my constituents. I have faith and trust in you, my colleagues of the House. We need to have faith and trust in each other.

The regard and affection I have for every Member of this House is deep and abiding, the affection I started when I was the last man to be sworn in by Tip O'Neill before he retired when Bob Michel was here. In that spirit, I love the House of Representatives. It defines my life. It should define yours.

This proposal is not worthy of the House and our responsibility to it. Turn it down.

□ 2045

Ms. SUTTON. Mr. Speaker, I yield 1 minute to the distinguished gentleman from Maryland, the majority leader, Mr. HOYER.

Mr. HOYER. Mr. Speaker, I take a back seat to no one in this House on loving this institution.

The issue, my friends, is not whether we have respect for one another. Too often, it is demonstrable on this floor that we don't.

The issue is, Will the American people have respect for us? That is the issue. That is the critical issue that confronts us this evening. Not because any of us are pointing fingers at anybody else in this House.

But unless you were sound asleep prior to the last election, unless you were living in another country in another land in another time, you know what the people thought about this, the people's House that we love. That, my friends, is why we are in the majority, because the people thought changes were necessary in this House.

The people asked for change. They asked for accountability. There have been some things said on this House floor that are not accurate. Mr. TIAHRT said that Ms. PELOSI, the Speaker, and Mr. BOEHNER, the minority leader, would make independent appointments to this.

Mr. CAPUANO changed that as a result of the suggestions of these Members. It was a good change because it meant that Mr. BOEHNER and Ms. PELOSI are going to have to agree on six people.

It has been said on this House just now that this replaces the Ethics Committee. It absolutely does not. Does it complement it? I think it does, but it does not replace it. Nor does it substitute its judgment for the Ethics Committee.

The Ethics Committee can continue to operate as it does now and can initiate, it does not need to wait on this committee. It can initiate the defense of the ethics of this House, 435 of us elected by our neighbors and friends. We are all sad when one of us comes short of the expectations of our constituents, as we should, because we know only too well, those of us who have served for significant periods of time in the public's fear, that the acts of each of us is often attributed to the rest of us.

There needs to be a confidence level among the American people in the people's House. How are they going to