

**Statement of Chairman Trent Lott  
Committee on Rules and Administration  
Hearing on Transparency in the Legislative Process  
Wednesday, February 8, 2006**

The Committee will come to order.

Good afternoon and welcome to this year's first hearing of the Rules Committee.

Today we are going to look at ways to make the legislative process more transparent to the American public. And one of the things that I hope we can accomplish is to dispel some of the myths about Washington that cause our constituents to view the political process with increasing cynicism and deep mistrust.

One of the myths that I want to address is the issue of earmarking, especially in the context of appropriations bills. There has evolved a belief that Congressionally mandated spending is improper, but that if a project is proposed in the President's budget, it should be given greater weight and consequence than Congressional spending directives. In other words, the bureaucrats who live in Maryland and Virginia and work at HUD and DOT

know more about how to help the people of Mississippi than either Senator Cochran or myself. I certainly don't believe that.

What many people fail to recognize is that our Founding Fathers placed the responsibility for making spending decisions, not in the Executive Branch, but in the Congress. Let me quote Article I, Section 9 of the Constitution which deals specifically with spending:

“No money shall be drawn from the Treasury, but in  
Consequence of Appropriations made by Law.”

So it is not up to the President and the bureaucracy to decide how money is to be spent. Congress has always had the final say on that issue.

Some would say that the earmarking process has been abused in recent years and I would agree, especially in cases where earmarks are inserted into Conference Reports that have not been scrutinized by either body. Under our current rules, there is nothing that prevents a Senator from seeking to remove an earmark on the floor from a bill that has been reported from Committee. The

process is fair and open. But when it comes to Conference Reports, Members, in reality, cannot remove items from the report because it would bring the entire conference report down.

I do not think we need to eliminate the long-standing rights of Members to address constituent needs through earmarks to fix this problem. My colleagues, Senators Feinstein and Hagel, have joined me in introducing a resolution (S. Res. 365) that would allow Members to remove items from Conference Reports that have not been considered by either body. If a point of order regarding the item is sustained, the offending provision would be removed, but the entire conference report would not fail. It would then be sent back to the House, minus the offending provisions.

Our resolution also requires that Committee and Conference Reports identify the sponsor of each earmark and the justification for the project. And to bring greater transparency to the process, conference reports could not be considered unless they were available within the Senate and on the Internet at least 24 hours before Senate consideration.

In trying to bring greater transparency to the process, I would like to address other myths about the way Washington works. Some would have you believe that lawmakers and lobbyists are sharing meals, drinks, and skyboxes on a nightly basis and that we are all taking lavish junkets funded by lobbyists to exotic locales with golf courses and scuba diving the primary objective.

I know I can speak for most of my colleagues when I say that when the Senate's daily business is completed, the only place I want to be is at home with my wife; certainly not sharing drinks and skyboxes with lobbyists. And as far as travel is concerned, our current rules bar Members from taking trips sponsored by lobbyists or taking trips whose primary purpose is recreation. If Members take such trips, they are in violation of Senate Rules and can be expelled from this body.

Do we receive gifts from lobbyists? Yes. Our rules allow us to receive a gift valued at less than \$50. Does anyone think such a gift is going to affect how I vote on any subject? Of course not.

We could get rid of all gifts from lobbyists tomorrow and it would not make one whit of a difference to this Senator. Ban all meals paid by lobbyists; that's fine with me. I have no problem with any of these proposals. That's because none of these matters affect how I do my job representing the people of Mississippi.

But let's not get caught up in a whirlwind cleansing ourselves of the taint of Jack Abramoff. Jack Abramoff has pled guilty to fraud, conspiracy to bribe, and tax evasion. He is going to jail. But this scandal is not about Washington and the way we do business. It is about one crooked lobbyist and his associates who engaged in a conspiracy which may involve one or two Members of Congress and some former staffers. The felonious activities of less than a handful of people should not serve as condemnation of the entire system.

The overwhelming majority of Congress is made of good hard working men and women, Democrat and Republican, who do public acts because they believe they are in the best interests of

their constituents and the country, not because lobbyist' meals and gifts have swayed their opinions.

Finally, I note that some groups think that if lobbyists are restricted in their ability to make campaign contributions, the system will somehow be cleansed. I am a firm believer that immediate and full disclosure of campaign contributions is a better solution. Under the current law, I am required to report all contributions I receive, whether from constituents or lobbyists. If Congress wants to mandate that lobbyists make such disclosures, that is fine with me.

But if we are really going to address the issue of money and campaigning, then we have to eliminate the unlimited money that unregulated 527 organizations can raise. Groups like America Coming Together raised \$18 million from the mistakenly named Joint Victory Campaign 2004, whoever that group is. And \$7.5 million alone from George Soros. How does that \$7.5 million stack up against a \$2,100 contribution from a registered lobbyist in terms of influence?

This Committee has already reported out legislation that would subject 527s to the same rules that others must abide by. When any lobby reform measure is brought to the floor, I can assure the Members of this Committee, that I will raise the issue of regulating 527s if it is not included in such measure.

I look forward to hearing the testimony of our witnesses today.