

Rules and Ethics in “The People’s House”



Thinking Points, Vol. 1, No. 1

**Prepared by the Republican House Policy Committee
United States Representative Thaddeus G. McCotter, Chair
110th Congress**



Overture



*They're selling postcards of the hanging
They're painting the passports brown
The beauty parlor is filled with sailors
The circus is in town...*

*Cinderella, she seems so easy
"It takes one to know one," she smiles
And puts her hands in her back pockets
Bette Davis style*

*And in comes Romeo, he's moaning
"You belong to me, I believe"
And someone says, "You're in the wrong place my friend
You better leave..."*

*They're spoon-feeding Casanova
To get him to feel more assured
Then they'll kill him with self-confidence
And poison him with words*

*And the Phantom's shouting to skinny girls
"Get outta here if you don't know,
Casanova is just being punished for going
To Desolation Row..."*

**"Desolation Row"
Bob Dylan**



America's Challenge



Following its election in 1994, the in-coming Republican majority enacted sweeping reforms to the House of Representatives' rules. These reforms included, but were not limited to, requiring a three-fifths vote to raise taxes; banning retroactive tax increases; limiting committee chairs to three two year terms; and eliminating proxy voting in committees. These reforms successfully increased government accountability to citizens and prevented tax increases – in fact, since the Republican House majority was elected in 1994, Americans have experienced only tax relief and no tax increases.

But the legacy of these reforms was overshadowed by the scandals which plagued the 109th Congress and undermined public confidence in the Republican majority's ethical standards, and of their collective ability to enforce them. The prosecutions, convictions, and imprisonments of former members for corruption; the public search of a member's office by the FBI; the forced resignation of a former member for electronically soliciting House Pages; the scandal surrounding incarcerated ex-lobbyist Jack Abramoff; and the members' receiving third-party paid trips, meals, gifts and other amenities all combined to plunge the 109th Congress' public approval rating to roughly 20%, and led nearly half of Americans to deem corruption a major problem plaguing their elected federal representatives. At present, it is difficult to discern what impact the still unfolding

investigations and prospective criminal prosecutions of current members of both parties will have upon the House, as an institution, and in the mind of the public at large.

What is clear, however, is the 110th Congress' incoming Democratic majority will propose a rules and ethics package purportedly crafted to re-instill public confidence in the fairness of House procedures and the rectitude of its members. Ever mindful it is a duty within our free Republic for members to individually and collectively uphold and defend the institutional integrity and public accountability of the House of Representatives, the Democrats' rules and ethics package must be scrutinized to verify if it will accomplish not only what it claims, but what, in truth, it must do to restore public confidence in "The People's House." In this examination, let us also remain cognizant of North Carolina's state motto: "To be rather than to seem."

Republican Principles



In our free Republic, the American people are sovereign and their government is subservient.



As such, the House of Representatives' institutional integrity and accountability must be beyond reproach and deserving of the public's trust.



Members of the House of Representatives are charged with an individual and collective duty to ensure the chamber's institutional integrity and public accountability.



The voters of each Congressional district are entitled by their rights of franchise to pass judgment on the ethical conduct and record of their Representative.



If an individual is morally unfit to occupy a publicly entrusted office, more legislation aimed at diminishing the “near occasion of sin” will little ennoble or deter them from improper and/or illegal conduct.



Americans have the right to keep their hard-earned money.



Because government spends what it takes while people spend what they make, it is the American taxpayers - not the federal government – who pay for all government spending; thus, government has the fiduciary duty to honestly, efficiently, and effectively serve as custodian of the American’s tax dollars.



As evidenced by how, over the past two fiscal years, tax revenues have increased by double-digit percentages, the critical budget challenge is *reducing government spending, not increasing Americans’ taxes.*

Republican Policies



The Democratic package rules and ethics legislation contains several provisions purporting to curb lobbyists' influence and "ban" members' perks, specifically: banning gifts from lobbyists; banning lobbyists paying for travel and requiring certification and pre-approval for travel paid by outside groups (curiously, after March 1, 2007); prohibiting the use of company planes; terminating member's gym privileges by former Representatives who are registered lobbyists; and ending the "K Street Project." First, as it regards lobbyist provided gifts and travel, Democrats do not consistently use the word "ban," which means "an authoritative prohibition or interdiction," as they do, for instance, in their effort to ban smoking from the members' lobby (wherein, prior to the budget vote, all whips must now give members a blindfold and a nicotine patch.) Their penchant for exceptions is further evidenced by the Democrats' simultaneous pronouncement of a ban on lobbyist paid travel *and* a pre-approval process through the House Ethics Committee to accept it. For example, the Democrats have abstrusely reasoned a lobbyist is not a really a lobbyist when engaged by a university or other institution of higher education. A better Republican policy is to immediately and unequivocally ban all instances of lobbyists and outside advocacy organizations paying for members' travel, gifts, and meals. The ulterior motivation behind all such perks is to maximize lobbyists' acquaintance with, access to, and influence over members. This explains why a member's neighbor who happens to be a policeman doesn't receive a complimentary ticket to join said member on a lobbyist funded trip. Thus, since the sovereign American people are not

afforded such perks, their servants in Congress should not be afforded such perks either. As for ending the “K Street Project,” wherein it is alleged lobbying firms were pressured and/or induced by members to hire former Republican staffers, such practices by both parties should be stopped, because it is already illegal under federal law to condition any official act on a quid pro quo basis with outside interests. A better Republican policy is to support stringent enforcement of the existing law against the conditioning of official acts on a quid pro quo basis; and impose strict ethical safeguards on when and how current and former K Street lobbyists can join a member’s and/or the House staff, such as a stipulation at least a one or two-year period of professional separation has occurred between the lobbyist and their formerly represented concern. In short, Congress must curb lobbyists’ outside and inside influence over legislation to restore and maximize the institution’s public trust.



To enforce their new rules against most perks, the Democrats propose mandatory annual ethics training for members, and the potential establishment of an outside entity to enforce House ethics. As per the Democrats’ first enforcement proposal, as a means of enhancing members’ morality: only rabid secular humanists expect the Democrats’ mandatory ethics instruction will improve upon the Ten Commandments. As per the Democrats’ second enforcement proposal, members of Congress are already subject to outside ethics enforcement entities, notably the Department of Justice and the electorate. A better Republican policy is to emphasize the indispensable, time honored and proven role of parents in the moral education of their children; every individual’s personal and professional responsibility for their sins; and stress each member’s institutional responsibility to serve with the utmost integrity, and scrupulously hold to account their colleagues who do not.



To remedy perceived abuses of procedures, the Democrats are proposing “Democratic Principles for Management of the House.” Less an articulation of political principles than it is an airing of past grievances, the Democrats are promising to establish regular order in committees; a fair and open process for amendments; sharing of information with the minority; ending two-day work weeks; “banning arm twisting for votes” by preventing “holding votes open for the sole purpose of affecting the outcome”; and reforming conference committees. (Conference committee reform is to be attained by ensuring adequate notice of meetings to maximize member attendance; ensuring information is available to all conferees; requiring conferences be open to all conferees; ensuring the text of conference reports cannot be changed after signatures; and requiring members have adequate time to review any bill or joint resolution which contains an earmark or limited tax benefit before voting – unsurprisingly, though, they do not place a similar requirement on any bill or joint resolution which contains a tax or fee increase.) Laudable goals all, but the Democrats have yet to put their principles in practice; and, as the clock ticks, the new majority party has given no indication of honoring them during the “First Hundred Hours” of the 110th Congress. Likely it is because Democrats are finding their “principles” far easier to preach than practice. But, charitably, let us move forward objectively and necessarily note a few minor critiques of their particulars. First, (and in the interests of fairness we will limit the focus of this point only to Republicans) members of Congress do not work only in Washington. They work in their districts’ as well. Thus, the “end to the two-day work week” should be renamed “the end to the two-day Washington work week.” Secondly, given the Speaker-designate’s ardent, if ultimately unsuccessful, efforts to, shall we say, “incentivize” members’ support of her choice for Majority Leader, the “banning (of) arm twisting for votes” should be rephrased as “banning

dilatory arm twisting for votes,” wherein, mercifully for the new majority’s members, the arm twisting will now be mandated by rule to occur away from the public’s prying eyes prior to a vote not on the floor during a vote. Nevertheless, because these proposals could further the public accountability and transparency of the House, the best Republican policy is to honestly support the goals of these proposals; request their specifics; seek input on their implementation; and be vigilant to ensure they are honored from the moment the 110th Congress convenes; however, because other potential rule changes could diminish the public accountability of the House, including removing the point of order against failure to include a list of record votes in a report filed by the Committee on Rules. Republicans must also vigorously strive to ensure the minority party is provided the text of legislation at least 24 hours prior to its consideration, in order to guarantee minority amendments; and must strenuously oppose any Democratic attempts to repeal the 1995 three-term limit on committee chairs and the ban on proxy voting in committees.



Also under the guise of increasing the House’s public accountability, the Democrats have proposed three measures in the areas of earmark reform; budget reconciliation; and Pay as you go (“PAYGO”) budgeting (which will be dealt with in a dedicated section of this document). Earmark (members’ targeted appropriations to their districts and elsewhere) reform included in the Democratic package does rightfully require full public disclosure, but does not go far enough. A better Republican policy is to require full disclosure of all members’ earmarks with their proposed amounts; ban all earmarks financially benefiting members and their immediate families; and enact a legislative line-item veto process to enforce earmark reform. Regarding budget reconciliation, the Democrats propose it shall not be deemed in order to consider reconciliation legislation reducing

budget surpluses or increasing the deficit. Their intent is clear: budget reconciliation can only be used to raise taxes and fees; budget reconciliation cannot be used to reduce taxes and fees. The best Republican policy is to strenuously oppose any budget reconciliation rule changes making it harder to reduce taxes; moreover, Republicans must oppose any potential attempts to repeal 1995's "super-majority" vote requirement to raise taxes and the ban on retroactive tax increases.

Advancing American Exceptionalism



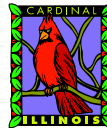
America is a revolutionary experiment in democracy, wherein the people are sovereign and their government is subservient. If those individuals publicly entrusted with serving in “The People’s House” conduct themselves in an unethical and/or imperious manner, public confidence the institution works at the behest and on the behalf of the American people will erode with dire ramifications for the future of our free republic. Therefore, it is imperative “The People’s House” possess an institutional integrity and accountability beyond reproach and deserving of the public’s trust; and, for members of the House of Representatives to vigilantly discharge their individual and collective duty to ensure the chamber’s institutional integrity and public accountability. In so doing, the United States House of Representatives will continue to fulfill its role in our revolutionary republic as a champion of the American people; and a beacon of liberty to all the world.



Contributing House Policy Committee Members



Rob Bishop (UT)



Judy Biggert (IL)



Kenny Marchant (TX)

Thaddeus McCotter (MI)



Cathy McMorris (WA)

Tom Price (GA)



Cover illustration of “Irish MPs Demonstrate in the House of Commons, Demanding Home Rule,” Le petit Journal, 24 March 1901, pg. 96, property of the Mary Evans Picture Library.