

Testimony of Robert D. Hynes
before the
House Committee on Rules
March 9, 2006

Mr. Chairman and members of the Committee:

I appreciate this opportunity to appear before your Committee as it reviews appropriate changes in the standards of conduct applicable to the Members and staff of the House of Representatives.

First, a general principle that I believe is important to recognize. Complex rules require complex explanations and regulations. Clear, simple rules are much to be preferred when, and I stress this point, they are accompanied by a requirement of full public disclosure. With that principle in mind, some suggestions which – though they do not address every consideration – are clear, easily understood, and hard to misinterpret.

Ban Entertainment, Gifts

Ban outright all entertainment and gifts. Entertainment would include theatre, golf outings, football games and the like. If Congress' purpose is the public's business, these non-business activities should simply disappear. Members of Congress need to play. Theirs is a frantic life filled with tension. But they can pay for it themselves.

As to gifts, someone will say, "Isn't banning a gift like an 89¢ Bic a little silly."

No, because those inconsequential gifts are of no value to anyone but allowing them forces rule makers to draw equally ridiculous lines. If we can agree that no one will sell his or her vote for a \$49.99 gift, the current limit, then isn't it just as silly to outlaw a \$50. gift? Small gifts are meaningless. Large gifts suggest corruption. Neither have anything to do with business. Make a simple, straightforward, easily understood, hard to scam rule: You may not accept any gifts. Ditto entertainment. That goes for staff and personal family members as well. (The usual exceptions for exchanges between relatives and old friends would still apply.)

What then about travel and meals? We would treat each a little differently.

Travel Must Be Authorized

Travel should also always be related to Congressional business – whether it is paid for publicly or privately. We happen to believe that official travel – if not abused – is a very good thing and we would encourage it. In any event, it is not a source of potential bribery.

As to travel paid for by private, third parties I suggest that no travel be permitted any Member of Congress or staff unless specifically authorized by a committee with jurisdiction over the "business" that is to be done. Committees would be responsible for determining the relevance, value and validity of any travel paid for by outside sources. Committees would be required to file full disclosure of the trip within 30 days. Members would be required to report it on their websites. Any committee not taking this responsibility seriously would have the authority removed to the Committee on Standards of Official Conduct.

Why not just ban private travel altogether? We think that option should be considered for overseas travel. While both foreign and domestic travel can be very valuable, going overseas can be more easily abused. Perhaps that would be best left to official travel. But domestic travel can be extremely valuable to Members and staff and can help them better understand problems on which there may be legislation. If such travel must be authorized and reported, thus making it transparent, we believe it should be allowed. Gift and entertainment restrictions would still apply.

Free Lunch

This last proposal may come as a surprise. We would lift all rules pertaining to accepting meals paid for by someone else. There are two reasons. The current limits simply don't pass the laugh test. No one is going to sell his or her vote or even be influenced by a meal. The current arbitrary limit of \$50 rather suggests one might be influenced by a \$100 meal. Nonsense. How much can you spend on a meal for one person, anyway? Even at the most fancy restaurant, not enough to influence a vote.

On the other hand, business is commonly, traditionally and effectively discussed over meals in this country. So abandon the pretense that this meal limit is accomplishing anything. Do away with it.

But – in its place – demand transparency. Require Members to list prominently on their websites at the beginning of each month, along with any privately paid travel they have taken, all meals they or members of their staff have accepted from others. It would include information about who paid, what interests they represented, what business was discussed and how much the meal cost. A constituent in New York, Los Angeles or Chicago would probably shrug off a \$100 dinner, but it might be considered an outrage in Butte, Topeka or Macon. Let Members worry about how their voters will react. Leave whether or not their dining activity is being abused up to Members' discretion – and, by making it public, to the press, their opponents and constituents.

These proposals would wipe away confusion. Members and staff either could or could not do specific things and would have to get express authorization for travel. That would eliminate a lot of uncertainty and opportunity for mischief in the current restrictions.

Campaign Fund Raising

One huge problem area however remains. And it has been stubbornly resistant to any but the most convoluted and draconian solutions and they don't really work very well. That is campaign contributions. This is probably a greater potential corruptor than all the others combined. Yet, because spending money has been deemed an expression of free speech it is impossible to address this massive problem directly. The indirect solutions have been complex and largely ineffective. We do not have a magic wand, either, but suggest that fast, complete, frequent and accessible reports of campaign giving/receiving help.

Thank you Mr. Chairman, and members of the Committee. I'll be happy to answer any questions you have.