Chamber of Commerce, the Competitive Enterprise Institute, the National Association of Wholesaler-Distributors, Citizens Against Government Waste, the Chamber of Commerce, and many, many others.

Mr. Chairman, this is an amendment that has broad-based support because the need is very apparent. The abuse that has been throughout many administrations needs to be corrected. This amendment does correct it, does it in a reasonable and very fair way. I would urge support of the amendment.

Mr. CANADY of Florida. Mr. Chairman, I yield myself such time as I may consume.

Mr. Chairman, I ask that the Members of the House keep their eye on the ball as we go through this debate. We have to keep focused on what the underlying bill is about and what we are trying to accomplish in the underlying bill. That is to reform lobbying disclosure, to have meaningful disclosure of lobbying activities that go on here in Washington with the executive branch and the legislative branch.

The gentleman from Pennsylvania [Mr. CLINGER] has what I believe is a good idea, an idea which addresses a real problem, but I believe that his idea should go through the committee process, it should be subjected to the hearing process, there should be a markup, and his idea should move forward as a separate initiative. It only has the potential for derailing this bill which has been worked on for so long by so many different people. I know that is not the gentleman's intention, but I am very much afraid that that may be the consequence if his amendment is adopted. I urge the Members of the House to defeat this proposed amendment.

The CHAIRMAN. The question is on the amendment offered by the gentleman from Pennsylvania [Mr. CLINGER].

The question was taken; and the Chair announced that the ayes appeared to have it.

Mr. CANADY of Florida. Mr. Chairman, I demand a recorded vote, and pending that I make the point of order that a quorum is not present.

The CHAIRMAN. Pursuant to the order of the House of today, further proceedings on the amendment offered by the gentleman from Pennsylvania [Mr. CLINGER] will be postponed.

The point of no quorum is considered withdrawn.

Mr. CANADY of Florida. Mr. Chairman, I move that the Committee do now rise.

The motion was agreed to.

Accordingly the Committee rose, and the Speaker pro tempore [Mr. FOX of Pennsylvania] having assumed the chair, Mr. KOLBE, Chairman of the Committee of the Whole House on the State of the Union, reported that that Committee, having had under consideration the bill, (H.R. 2564) to provide for the disclosure of lobbying activities to influence the Federal Government, and for other purposes, had come to no resolution thereon.

REPORT ON RESOLUTION PROVIDING FOR CONSIDERATION OF CONFERENCE REPORT AND WAIVING POINTS OF ORDER AGAINST CORRECTED CONFERENCE REPORT ON H.R. 2491, SEVEN-YEAR BALANCED BUDGET RECONCILIATION ACT OF 1995

Mr. SOLOMON, from the Committee on Rules, submitted a privileged report (Rept. No. 104–348) on the resolution (H. Res. 272) authorizing a specified correction in the form of the conference report to accompany the bill (H.R. 2491) to provide for reconciliation pursuant to section 105 of the concurrent resolution on the budget for fiscal year 1996, and waiving points of order against the corrected conference report, which was referred to the House Calendar and ordered to be printed.

REPORT ON RESOLUTION PROVIDING FOR CONSIDERATION OF H.R. 2606, PROHIBITION ON FUNDS FOR BOSNIA DEPLOYMENT

Mr. SOLOMON, from the Committee on Rules, submitted a privileged report (Rept. No. 104–349) on the resolution (H. Res. 273) providing for consideration of the bill (H.R. 2606) to prohibit the use of funds appropriated to the Department of Defense from being used for the deployment on the ground of United States Armed Forces in the Republic of Bosnia and Herzegovina as part of any peacekeeping operation, or as part of any implementation force, unless funds for such deployment are specifically appropriated by law, which was referred to the House Calendar and ordered to be printed.

HOUR OF MEETING ON TOMORROW

Mr. SOLOMON. Mr. Speaker, I ask unanimous consent that when the House adjourns today, that it adjourn to meet at 9:30 a.m. tomorrow.

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

There was no objection.

LOBBYING DISCLOSURE ACT OF 1995

The SPEAKER pro tempore. Pursuant to House Resolution 269 and rule XXIII, the Chair declares the House in the Committee of the Whole House on the State of the Union for the further consideration of the bill, H.R. 2564.

IN THE COMMITTEE OF THE WHOLE

Accordingly the House resolved itself into the Committee of the Whole House on the State of the Union for the further consideration of the bill (H.R. 2564). To provide for the disclosure of lobbying activities to influence the Federal Government, and for other purposes, with Mr. KOLBE in the Chair.

The Clerk read the title of the bill.

The CHAIRMAN. When the Committee of the Whole rose earlier today, the amendment offered by the gentleman from Pennsylvania [Mr. CLINGER] had been disposed of.

Are there further amendments to the bill?

AMENDMENT OFFERED BY MS. KAPTUR

Ms. KAPTUR. Mr. Chairman, I offer amendment.

The Clerk read as follows:

Amendment offered by Ms. KAPTUR: Page 39, redesignate sections 22 through 24 as sections 23 through 25, respectively, and insert after line 10 on page 39 the following:

SEC. 22. LIMITATION ON REPRESENTING OR ADVISING CERTAIN FOREIGN ENTITIES.

(a) AMENDMENT.—Section 207(f) of title 18, United States Code, is amended to read as follows:

''(f) RESTRICTIONS RELATING TO FOREIGN ENTITIES.—

''(1) PERMANENT RESTRICTION.—Any person who is an officer or employee described in paragraph (3) and who, after the termination of his or her service or employment as such officer or employee, knowingly acts as an agent or attorney for or otherwise represents or advises, for compensation, a government of a foreign country or a foreign political party, if the representation or advice relates directly to a matter in which the United States is a party or has a direct and substantial interest, shall be punished as provided in section 316 of this title.

''(2) FIVE-YEAR RESTRICTION.—Any person who is an officer or employee described in paragraph (3) and who, within 5 years after the termination of his or her service or employment as such officer or employee, knowingly acts as an agent or attorney for or otherwise represents or advises, for compensation—

''(A) a person outside of the United States, unless such person—

''(i) if an individual, is a citizen of and domiciled within the United States, or

''(ii) if not an individual, is organized under or created by the laws of the United States or of any State or other place subject to the jurisdiction of the United States and has its principal place of business within the United States, or

''(B) a partnership, association, corporation, organization, or other combination of persons organized under the laws of or having its principal place of business in a foreign country,

if the representation or advice relates directly to a matter in which the United States is a party or has a direct and substantial interest, shall be punished as provided in section 216 of this title.

''(3) PERSONS TO WHOM RESTRICTIONS APPLY.—The officers and employees referred to in paragraphs (1) and (2) to whom the restrictions contained in such paragraphs apply are—

''(A) the President of the United States; and

''(B) any person subject to the restrictions contained in subsection (c), (d), or (e).

''(4) DEFINITIONS.—For purposes of this subsection—

''(A) the term 'compensation' means any payment, gift, benefit, rewards, favor, or gratuity which is provided, directly or indirectly, for services rendered;

''(B) the term 'government of a foreign country' has the meaning given that term in section 1(e) of the Foreign Agents Registration Act of 1938, as amended;

''(C) the term 'foreign political party' has the meaning given that term in section 1(f) of the Foreign Agents Registration Act of 1938, as amended;

''(D) the term 'United States' means the several States, the District of Columbia, and

any commonwealth, territory, or possession of the United States; and

''(E) the term 'State' includes the District of Columbia and any commonwealth, territory, or possession of the United States.''.

(b) EFFECTIVE DATE.—

(1) IN GENERAL.—Subject to paragraph (2), the amendment made by subsection (a) take effect on January 1, 1996.

(2) EFFECT ON EMPLOYMENT.—

(A) The amendment made by subsection (a) do not, except as provided in subparagraph (B), apply to a person whose service as an officer or employee to which such amendment apply terminated before the effective date of such amendment.

(B) Subparagraph (A) does not preclude the application of the amendment made by subsection (a) to a person with respect to service as an officer or employee by that person on or after the effective date of such amendment.

Ms. KAPTUR (during the reading). Mr. Chairman, I ask unanimous consent that the amendment be considered as read and printed in the RECORD.

The CHAIRMAN. Is there objection to the request of the gentlewoman from Ohio?

There was no objection.

□ 2230

The CHAIRMAN. Pursuant to the order of the House of today, the gentlewoman from Ohio [Ms. KAPTUR] will be recognized for 15 minutes, and a Member opposed will be recognized for 15 minutes.

The Chair recognizes the gentlewoman from Ohio [Ms. KAPTUR].

Ms. KAPTUR. Mr. Chairman, I yield myself such time as I may consume.

Mr. Chairman, I appreciate the assistance of our esteemed colleagues, the gentleman from Florida [Mr. CANADY] and the gentleman from Massachusetts [Mr. FRANK] in allowing us to talk about this amendment this evening.

Mr. Chairman, the amendment is one that has been introduced in bill form in this Congress since the year 1985. There have been extensive hearings held on the content of this bill in several Congresses. For various reasons, because of its content and because of the pace of the legislative process, we have never been able to move this language on to a bill that was headed for presidential signature.

The acronym for this bill is FACEIT, the Foreign Agents Compulsory Ethics In Trade Act, and its purpose is to close the revolving door between government service and lobbying on behalf of foreign interests.

Mr. Chairman, our bill introduced with bipartisan support over the last decade, has two parts. The first is to impose a permanent restriction on high-level government officials from representing, aiding, or advising foreign governments and foreign political parties once they leave the employment of the United States and attempt to go back and lobby, advise, the very same clients before the very same agencies that they had worked for.

The second part of this bill would impose a 5-year prohibition on high-level officials against representing, aiding, or advising what we term ''foreign interests,'' and these are defined in the bill as well.

Let me say that in March of 1992, the General Accounting Office published a report which we requested entitled ''Former Federal Officials Representing Foreign Interests Before the U.S. Government.'' That report identified dozens of former high-level Federal officials, those who had served on the White House staff, those who had served at the highest level of Cabinet-level agencies, congressional staff, even some Members of Congress, executive agency officials in various administrations, who left the employment of the people of the United States, and then attempted and are representing foreign interests before the very agencies that they had served in years past.

We, in earlier years, thought it would be sufficient to merely ask for disclosure. In other words, the current law says to people, ''If you are conducting this type of activity, all you need to do is register.'' Well, lo and behold, the GAO found that numerous foreign agents simply do not register at all.

Mr. Chairman, the current law operates much like a sieve with very large holes in it. There is absolutely no enforcement and the disclosure process itself is extremely flawed. Our bill would ensure that our Federal officials are working on behalf of the people of this country and that they serve the government of the United States.

In my own personal experience here, I have seen too many officials of this country use their positions to seek post-employment opportunities. I might just say for the record, and I have said it in public hearings and I have said it here on the floor before, I have experience in my own district.

Mr. Chairman, the way I got into this was a businessman from my own district had come here to Washington, had gone on trade missions around the world with high-level government officials, and divulged certain aspects of his production, the products that he sold, what his competition was, to the government officials that accompanied him on these trade missions.

He came back to Washington 2 years later and he found that the people that he had spoken with were now working for his competition. Mr. Chairman, his question to me, when I met him as a fairly new Member of Congress, he said to me, ''Why should I tell you anything?'' I said, ''Well, I am very interested in what problems you are facing as a businessman trying to move your product into international markets.'' He had lost complete trust in the government of the United States because of what he had experienced. This is absolutely wrong.

Mr. Chairman, the reason it has been so hard to get this bill passed is because the people conducting these activities make lots and lots of money. Just think about the trade arena. The average person who is serving our government in trade negotiating capacity has a tenure today of less than a year and a half. We are beaten consistently in trade negotiations around the world because we have people who do not have the tenure, experience, and breadth of people negotiating for other countries.

Mr. Chairman, it is possible to work in a position in this government and maybe earn a salary of $100,000 a year, which sounds like big money in Toledo, Ohio, but then those same people can be offered four times as much as that the day after they leave the government to represent the very same clients before the agency that they just left.

Mr. Chairman, that is absolutely wrong. We need to plug the hole in that dike completely and restore integrity to the trademarking and other functions of this government.

The other aspect, what happens inside these agencies where we have people with integrity working very hard, when they see their compadres and compatriots in these agencies merely milking it for what they can get for themselves, it is totally demoralizing to serve in these various agencies and capacities in our government.

So, our purpose in this is to close the revolving door permanently for those who have such high-level knowledge that they can literally compromise the interests of this country, and it is to set a standard of integrity for those who would serve our people, and then try to cash in on it.

We have a cooling off period that we think is realistic in this bill. I think it will restore confidence among people like the businessman from my community who lost his respect for the government of the United States and the people who serve it here in our Nation's Capital.

Mr. Chairman, I would ask for favorable consideration by the committee and express a complete willingness to work with the gentleman from Florida to attach this legislation to this bill, or to work with the gentleman in any manner that could make an idea that is now a decade old a reality for the people of our country.

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

Mr. CANADY of Florida. Mr. Chairman, I rise in opposition to the amendment.

The CHAIRMAN. The gentleman from Florida is recognized for 15 minutes.

Mr. CANADY of Florida. Mr. Chairman, I yield myself such time as I may consume.

Mr. Chairman, let me say to the gentlewoman from Ohio, I believe that her amendment addresses a very important issue. Earlier this evening, the gentleman from Michigan [Mr. UPTON] was on the floor discussing an amendment that addresses a similar issue. Actually, the same issue in a somewhat different way.

Mr. Chairman, I believe that this is an issue which deserves attention. I believe it should have been addressed before, and it would certainly be my commitment to the gentlewoman from Ohio to do everything I can to see that this issue is addressed, because I believe that there are abuses, and I believe that people are utilizing the knowledge they have gained to disadvantage the Government of the United States. That, I think, is unfortunate. They are using it to benefit foreign interests in a way that certainly is abusive.

So, I would support an effort to address this, and I would tell the gentlewoman that I will do everything I can to hold hearings on this subject. I am opposing all amendments to this bill, because we believe that the time for lobbying disclosure reform is here. We have an historic opportunity to move forward with legislation in the House, and pass a bill which we can send directly to the President for him to sign.

My concern is if we add any amendments, we will derail that effort and, therefore, even amendments that address important issues such as this I must oppose. But, I would certainly tell the gentlewoman I will work with her in any way to see that this issue is addressed in the future.

Mr. FRANK of Massachusetts. Mr. Chairman, will the gentleman yield?

Mr. CANADY of Florida. I yield to the gentleman from Massachusetts.

Mr. FRANK of Massachusetts. Mr. Chairman, I do remember and I was chair of the Administrative Law Subcommittee, which then had jurisdiction over this. I remember we began working on it and as we were dealing with some of the difficult issues like appropriately defining foreign entities at the time with international conglomerates, I then left that subcommittee chairmanship.

But, Mr. Chairman, I believed then, and believe now, that the gentlewoman is absolutely right. The gentleman from Michigan had a related issue that dealt specifically with former Members of Congress and he wants to deal with their representation of foreign governments.

The gentleman from Ohio [Mr. TRAFICANT] has had some concerns there. My view is, now that we have a consolidated jurisdiction here, is that one of the bills we should be dealing with as soon as we are through with this, is the notion of bringing out some legislation in the next session that would be a look at this whole question of foreign representation, and particularly the leveraging that people might get in working for our government and using it against them.

I was glad to hear the gentleman from Florida say that. I would be glad to be a participant in that effort. I think the gentlewoman is absolutely right.

Ms. KAPTUR. Mr. Chairman, will the gentleman yield?

Mr. CANADY of Florida. I yield to the gentlewoman from Ohio.

Ms. KAPTUR. Mr. Chairman, I want to thank both the gentleman from Florida [Mr. CANADY] and the gentleman from Massachusetts [Mr. FRANK]. I have to say, I recall my testimony before the subcommittee chaired by the gentleman from Massachusetts, and I was always welcomed. Some of the thinking that we refined in those years has helped us move to this point.

I thank the gentleman for working with us and being so open to us, and I thank the gentleman from Florida for offering to hold hearings on this matter and bringing in other Members who may have related measures.

Mr. Chairman, I think as the audience and American people are listening to us tonight, this is on the minds of a lot of the public. They have questioned why we as a Congress cannot move a measure through here. I think with the strong leadership of the gentleman from Florida and the support of the gentleman from Massachusetts and other Members in this institution, we can really do something and give the 21st century the kind of service here in Washington that our people deserve.

Mr. Chairman, I thank the gentleman from Florida for yielding time to me.

Mr. Chairman, I ask unanimous consent to withdraw my amendment at this point, and ask that we be one of the first witnesses that the gentleman welcomes to his committee when he holds that set of hearings.

The CHAIRMAN. Is there objection to the request of the gentlewoman from Ohio?

There was no objection.

The CHAIRMAN. Are there further amendments to the bill?

AMENDMENT OFFERED BY MR. ENGLISH OF PENNSYLVANIA

Mr. ENGLISH of Pennsylvania. Mr. Chairman, I offer an amendment.

The Clerk read as follows:

Amendment offered by Mr. ENGLISH of Pennsylvania: Page 39, line 9, strike ''**REPRESENTATIVE**'' and insert ''**OFFICIAL**''.

Page 39, line 13, strike ''or'' and insert a comma and in line 14 insert before the close quotation marks a comma and the following: ''Secretary of Commerce, or Commissioner of the International Trade Commission''.

Page 39, line 18, strike ''APPOINTMENT'' through ''REPRESENTATIVE'' in line 20 and insert ''APPOINTMENTS.''

Page 40, line 4, strike ''or as a'' and insert a comma and insert before the first period in line 5 a comma and the following: ''Secretary of Commerce, or Commissioner of the International Trade Commission''.

Page 40, line 8, strike ''or as a'' and insert a comma and in line 9 insert before ''on'' a comma and the following: ''Secretary of Commerce, or Commissioner of the International Trade Commission''.

Mr. ENGLISH of Pennsylvania (during the reading). Mr. Chairman, I ask unanimous consent that the amendment be considered as read and printed in the RECORD.

The CHAIRMAN. Is there objection to the request of the gentleman from Pennsylvania?

There was no objection.

The CHAIRMAN. Pursuant to the order of the House of today, the gentleman from Pennsylvania [Mr. ENGLISH] will be recognized for 15 minutes, and a Member opposed will be recognized for 15 minutes.

Mr. CANADY of Florida. Mr. Chairman, I rise in opposition to the amendment, and claim the 15 minutes in opposition. I yield 7½ minutes of that time to the gentleman from Massachusetts [Mr. FRANK], and ask unanimous consent that he may be permitted to yield blocks of time to other Members.

The CHAIRMAN. Is there objection to the request of the gentleman from Florida?

There was no objection.

The CHAIRMAN. The gentleman from Pennsylvania [Mr. ENGLISH] will be recognized for 15 minutes, the gentleman from Florida [Mr. CANADY] will be recognized for 7½ minutes, and the gentleman from Massachusetts [Mr. FRANK] will be recognized for 7½ minutes.

The Chair recognizes the gentleman from Pennsylvania [Mr. ENGLISH].

Mr. ENGLISH of Pennsylvania. Mr. Chairman, I yield myself such time as I may consume.

Mr. Chairman, I rise to offer an amendment on my own behalf and on behalf of the gentleman from Ohio [Mr. TRAFICANT] a strong supporter of American workers and a strong advocate of a strong trade policy for America.

Mr. Chairman, I rise in strong support of the underlying bill, and I want to say at the outset that I think we need to extend a great deal of credit to the gentleman from Florida and the gentleman from Massachusetts, who are speaking here tonight. I believe the bill before us is a strong one, and I believe on several key points it needs to be strengthened even further.

One of the areas where I believe that this bill strongly merits support is its inclusion of a lifetime ban on the employment of the U.S. Trade Representative or deputy trade representative subsequent to leaving public service by foreign entities. This prohibition is coupled by a prohibition on the appointment of individuals who have aided or advised foreign companies or foreign interests to the position of trade representative or deputy trade representative.

My amendment builds on and amplifies that provision, addressing a significant oversight by extending this ban to the position of Secretary of Commerce and the position of member of the International Trade Commission.

Mr. Chairman, in my view this restriction is very, very important because it addresses a fundamental conflict of interest that exists within our trade hierarchy. Mr. Chairman, we are engaged in a trade war and we cannot allow our generals to trade allegiances on their retirement. If we do so, we compromise the interests of American workers, American farmers, American companies, when we allow trade officials to switch sides of the negotiating table.

In my view, this House has an obligation to block the revolving door that allows the trade talent that we have nurtured to cash in on their expertise at the expense of American workers. My amendment offered here today sends a clear message to the political class in Washington that we will no longer tolerate trade quislings or economic Benedict Arnolds.

□ 2245

In my view, it is appropriate that we extend this restriction to the Secretary of Commerce and to the International Trade Commission, because they play a seminal role in overseeing and administering trade policy in America.

The Secretary of Commerce has responsibility for leading key trade missions. The Secretary is familiar with trade policy and helps shape it. The Secretary of Commerce is familiar with the trade objectives of key American companies and overseas the Eximbank and other key trade programs that we depend on as part of our trade policy. The Secretary of Commerce also plays a significant role in the enforcement of our trade laws.

Similarly, the International Trade Commission provides advice on trade negotiations. The Commission rules on import relief for domestic industries. The Commission also provides for investigations of predatory dumping practices by our competitors.

The Commission advises the president on the domestic consequences of our trade policy and assesses the injury to American workers from imports. Overall, the ITC plays a fundamental role in shaping and administering our trade policy.

I urge my colleagues, recognizing that many of my colleagues would like to keep this bill free of amendment, to consider supporting this amendment to stop U.S. trade officials from using their position from cashing in on their expertise and insider knowledge at the expense of U.S. workers, farmers, companies and jobs.

I urge support of this amendment to stop former government officials from using their specialized knowledge of U.S. trade laws and regulations from benefiting by aiding our competitors. We should insist the employment restrictions in this bill apply to all of our trade officials.

So I urge support for the English-Traficant amendment. And I also urge this House to ultimately support this important piece of lobbying reform legislation which does us great credit.

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

Mr. CANADY of Florida. Mr. Chairman, I yield myself such time as I may consume.

Mr. Chairman, I believe that the gentleman from Pennsylvania has brought forward an amendment that has considerable merit. Again, my opposition to this amendment does not relate to the substance of the amendment but to the potential impact that this amendment can have on our effort to move forward with reforming lobbyist disclosure in the bill that is before us.

In the bill that is before us, in section 21, there is a ban on the U.S. Trade Representative and the Deputy U.S. Trade Representative from representing, aiding or advising a foreign entity on matters before any officer or employee of any Department or agency of the United States. That is a lifetime ban in the bill.

Under existing law, there is a 3-year ban on the U.S. Trade Representative and a one-year ban on the U.S. Deputy Trade Representative.

The bill that is before the House now also places a limitation on appointments to the post of U.S. Trade Representative and Deputy U.S. Trade Representative by providing that anyone who has represented, aided or advised a foreign entity in any trade negotiation or trade dispute with the United States may not be appointed as U.S. Trade Representative or Deputy U.S. Trade Representative. So it is a two-way sort of prohibition. We are trying to stop the revolving door from going in either direction. That is in the bill.

Those prohibitions which improve and expand on the prohibitions in existing law are applied to the U.S. Trade Representative and Deputy U.S. Trade Representative.

I understand that a strong case can be made for applying similar prohibitions to others, such as the Secretary of Commerce and to Commissioners of the International Trade Commission. I would simply suggest that in this instance, though, what may be a perfect solution to this conflict of interest situation that exists is the enemy of a good solution and a good bill. I understand that that is not the intention of the gentleman from Pennsylvania.

I will say that I have had conversations with the gentleman from Pennsylvania, as we started to move this legislation forward. He has, throughout the process, expressed his support for the legislation. And I know that he is a firm supporter of lobbying disclosure reform.

But I believe that by adopting his amendment, this House would threaten the success of that effort. And after 40 years, I simply think it is time that we move on, we pass a bill and send it to the President. We have that opportunity. Now is the time to act. I do not believe that we need to delay.

For that reason, I must oppose the amendment offered by the gentleman from Pennsylvania, although I recognize his good intentions and the validity of the point behind the amendment.

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

Mr. FRANK of Massachusetts. Mr. Chairman, I yield myself such time as I may consume.

Mr. Chairman, let me say, I again agree with my friend from Florida. I would make note here, I think this is very much an area where we should be legislating. We had our colleague from Michigan [Mr. UPTON] offer an amendment that has some overlap here. Our colleague from Ohio, to be honest, I think if we were going to move now, I would have a problem because we have not had hearings on this yet. We have a lot of hearings. let me say, at no point will I criticize my friend from Florida for not having had a hearing. Because he has too many hearings. So I will not object to that.

I would say that I would hope and I think it has been very clear here that we set aside a day for hearing and a markup in subcommittee of this whole question of how do you deal with restrictions on representing foreign entity. One of the problems I remember from when we had the hearings was the gentlewoman from Ohio. It is a problem these days to get a good definition of a foreign entity, with the internationally owned conglomerates. That is something which I believe we can do but takes some doing.

We have had three different amendments, all of which I support in concept but have a different angle on this. I would hope that we could defer on this because I know the chairman plans to move on this.

I think one other bill we would probably be dealing with would be a regulation of foreign representation within the United States. We are going to talk some more about the coauthor, the gentleman from Ohio [Mr. TRAFICANT] about the Foreign Agents Registration Act.

I would say to my colleagues, this is of some complexity. I honestly do not think we could adopt all of these amendments now with the assurance that we had not created some problems, some overlap, et cetera. I would hope we could agree that we would have a day, a few days where we would have hearings and then a markup and come out sometime early next spring with a comprehensive billing dealing with the regulation of representation of foreign interests in the United States.

In that spirit, I would vote against this amendment if it comes to a vote now, but I hope I will see it and the gentleman from Michigan and the gentlewoman from Ohio, the other gentleman from Ohio, that we will be able to put together a very comprehensive package of which we can all be proud.

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

Mr. ENGLISH of Pennsylvania. Mr. Chairman I yield 2 minutes to the very distinguished gentleman from Illinois [Mr. WELLER].

Mr. WELLER. Mr. Chairman, earlier in some comments I had made, I commended the gentleman from Florida [Mr. CANADY], and the gentleman from Massachusetts [Mr. FRANK] for their leadership in bringing this bill to the House floor. But I failed also to give credit to some Members that made sure that today's action occurred. That is the leadership of this House.

There are some who called into question whether or not we would have time to deal with gift and lobbying reform this year because of this House's commitment to balancing the budget, which is of course our No. 1 priority to live within our means. But we set aside time to deal with the need for gift and lobbying reform. I particularly want to thank the House Republican leadership for keeping their word.

Now, some have said that, if we do not keep this bill pristine as it came out of the Senate, pristine as it came out of the House Committee on the Judiciary that we may not have lobbying reform. We have a commitment from the House leadership that we are going to have lobbying reform. Should the House decide as a result of some of these good ideas that are being offered in these amendments to improve the bill, I believe that fairly soon we will have a lobbying bill sent to the President. We have to take a couple extra weeks. It could be a better bill and do a better job.

The English-Traficant amendment improves the bill. These are good ideas and, frankly, in an area that needs to be addressed.

The issue that the gentleman from Pennsylvania [Mr. ENGLISH] is trying to address is to eliminate the abuse by former U.S. trade officials using the contacts that they made while they were supposedly representing the United States of America for personal enrichment at the expense of the American worker, whether in Erie, PA or Joliet, IL. The present bill focuses on this problem by expanding existing restrictions on employing former U.S. Trade Representatives and their deputies and foreign entity lobbyists.

Now the bill of course expands the current law. But also I want to point out that the English amendment broadens the bill to include the Secretary of Commerce and Commissioners from the International Trade Commission, people who make extensive contact with foreign interests, and we certainly want to avoid any conflict of interest.

My colleagues, I urge adoption of the English amendment. It just makes sense, if you care about American workers. If you care about American jobs, let us vote for the English amendment.

Mr. CANADY of Florida. Mr. Chairman, I reserve the balance of my time.

Mr. ENGLISH of Pennsylvania. Mr. Chairman, I yield 3 minutes to the gentleman from Pennsylvania [Mr. FOX] a very distinguished voice of reform, my colleague.

Mr. FOX of Pennsylvania. Mr. Chairman, I want to also applaud the efforts of the gentleman from Massachusetts [Mr. FRANK], and as well the gentleman from Florida [Mr. CANADY] for their outstanding efforts in making sure that lobbying disclosure reform will be a reality this year for the first time in a number of years. But I also am particularly proud to join with the effort for what Mr. ENGLISH and Mr. TRAFICANT are doing here today as well. That is to make a good bill better by the adoption of the English-Traficant amendment. Mr. ENGLISH has been working with a number of other leaders here in Congress to make sure that business opportunities are enhanced and that ethics are protected.

In that spirit, I come to Members tonight to support H.R. 2564, the Lobbying Disclosure Reform Act. As written, the bill makes crucial steps toward eliminating the abuse by former U.S. trade officials using their contacts for personal enrichment at the expense of the American worker. We applaud the bill's overall improvement of current law. Presently, U.S. Trade Representatives have a 3-year restriction before they can aid or advise a foreign entity on matters before any U.S. official.

This bill does toughen current law by extending the 3-year restriction to a lifetime ban and including the Deputy Trade Representative and preventing the appointment to either position of anyone who has previously aided or advised a foreign entity on trade issues.

But we believe the bill needs to go further. It is more or less a loophole because the Traficant-English amendment will make sure that other officials are included as well. The Secretary of Commerce and the Commissioners of the International Trade Commission are all crucially involved in America's trade. The English-Traficant amendment would include these positions with the bill's restrictions on the U.S. Trade Representative and the Deputy Trade Representative.

The time has come to stop former government trade officials from using their beltway contacts to ride the revolving door from public service to personal profit at the expense of the American people. I would ask my colleagues to strongly support the English-Traficant amendment to the lobbying disclosure reform to make a good bill even better.

Mr. ENGLISH of Pennsylvania. Mr. Chairman, I yield myself such time as I may consume.

Mr. Chairman, I think we have made the case here very strongly for this amendment. I think it is very difficult to argue with. I think it is a matter of equity for American workers. It is a matter of sound trade policy.

I think it is something that we need to provide as a fundamental protection to our institutions and to American companies. Let me say that I acknowledge the concerns of the advocates of reform, lobbying reform, who are here today. I want to join with them. I want to push for a good bill, a strong bill.

My sense is that, since we are operating under an open rule, there will be changes in this underlying bill. On that basis, I offer this amendment because I think it is an authentic improvement on this bill and an enhancement of a very important provision that I think is central to any lobbying reform.

The gentlemen who are here tonight have long been pushing lobbying reform, and that has proven to be a Sisyphean task. In Greek mythology, Sisyphus was a figure who was consigned throughout eternity to roll a boulder up a hill only to reach the peak of the hill and have the boulder roll down the other side and be forced to restart the process.

□ 2300

I recognize that lobbying reform is an initiative that has been out there a long time, has moved forward and always at the peak. There has been a failure to get it done. I believe that we need to move forward on this Sisyphean task, and I believe that during this session, with the support of this leadership in the House of Representatives, and on a bipartisan basis, we will be able to achieve fundamental lobbying reform.

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

Mr. CANADY of Florida. Mr. Chairman, I yield myself such time as I may consume.

Mr. Chairman, again I want to commend the gentleman from Pennsylvania on his interest in this issue. I am very interested in this issue. I believe that the subject of this amendment and other amendments that have been brought forward tonight on the subject of the revolving door and the representation of foreign interests demands the attention of the Congress, and, as the chairman of the Subcommittee on the Constitution, I certainly intend to do everything I can to see that this issue is addressed. I believe that we need to hold hearings, I believe that we need to have input from a wide range of witnesses on this issue and other related issues, and I believe that we need to act on it. I believe that we should move forward with the legislation on this subject. I cannot tell my colleagues what the exact contours of that should be and exactly how it should be structured, but I believe that in this Congress we should move forward with an initiative on this general subject.

Having said that, I must again make this point, however, that I do not believe that the bill before us in the House tonight is the appropriate vehicle for amendments such as this. There are already provisions in the bill that address this general subject. I think we are taking a step forward in the provisions of the bill by placing a lifetime ban on the U.S. Trade Representative and Deputy U.S. Trade Representative that will prevent them from representing any foreign entity on matters before agencies of the United States. Those individuals play a key role in our policy, our trade policy, and I believe that imposing a lifetime ban on them is a big step forward.

I do not think that we should risk derailing this bill by accepting the amendment offered by the gentleman from Pennsylvania in expanding on the prohibition. I believe that his amendment, the substance of his amendment, should be considered in the regular legislative process. I give my commitment

that I will do that, but I must oppose this amendment, as I oppose all other amendments to this bill, because we are at the peak of the mountain now. We are just there, and this is not something that we have been working on in the Congress for a few years. We have been working on this issue in this Congress for 40 years, actually more than 40 years. As long as I have been alive, Congress has been struggling with this issue, acting a little here, a little there, but never bringing anything to completion, never passing a law to address this important need for lobbying disclosure reform. It is time we did that. We should not let some good ideas get in the way of accomplishing this important task.

So, Mr. Chairman, I urge the Members of the House to defeat the amendment offered by the gentleman from Pennsylvania.

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

The CHAIRMAN. The question is on the amendment offered by the gentleman from Pennsylvania [Mr. ENGLISH].

The question was taken; and the Chairman announced that the noes appeared to have it.

Mr. ENGLISH of Pennsylvania. Mr. Chairman, I demand a recorded vote.

The CHAIRMAN. Pursuant to the order of the House of today, further proceedings on the amendment offered by the gentleman from Pennsylvania [Mr. ENGLISH] will be postponed.

The CHAIRMAN. Are there further amendments to the bill?

AMENDMENT OFFERED BY MR. WELLER

Mr. WELLER. Mr. Chairman, I offer an amendment.

The Clerk read as follows:

Amendment offered by Mr. WELLER: Page 21, line 9, strike ''and'', in line 14 strike the period and insert ''; and'', and after line 14 insert the following:

(5) a report of honoraria (as defined in section 505(3) of the Ethics in Government Act of 1978) paid to a media organization or a media organization employee, including when it was provided, to whom it was provided, and its value.

The CHAIRMAN. Pursuant to the order of the House of today, the gentleman from Illinois [Mr. WELLER] and a Member opposed to the amendment will each be recognized for 15 minutes.

Mr. CANADY of Florida. Mr. Chairman, I rise in opposition to the amendment offered by the gentleman from Illinois [Mr. WELLER] and claim the 15 minutes in opposition.

Mr. Chairman, I yield 7½ minutes of that time to the gentleman from Massachusetts [Mr. FRANK] and I ask unanimous consent that he be permitted to yield blocks of time to other Members.

The CHAIRMAN. Is there objection to the request of the gentleman from Florida?

There was no objection.

The CHAIRMAN. The gentleman from Illinois [Mr. WELLER] will be recognized for 15 minutes, the gentleman from Florida [Mr. CANADY] will be recognized for 7½ minutes, and the gentleman from Massachusetts [Mr. FRANK] will be recognized for 7½ minutes.

The Chair recognizes the gentleman from Illinois [Mr. WELLER].

Mr. WELLER. Mr. Chairman, I yield myself such time as I may consume.

Mr. Chairman, I am offering an amendment today to a bill that I stand in strong support of, H.R. 2564, the Lobby Reform Act of 1995. It is a good bill, and I offer an amendment which I believe will make a better bill.

According to poll data taken early this spring, the public's trust of the media fared even worse than Congress'. That is why I feel it is imperative that this legislation include disclosure requirements that take into account the role the media plays in political debate and legislative outcomes.

Because a journalists's acceptance of honoraria could influence the type of information he or she will include in his or her report, I am introducing an amendment that will place the burden on lobbyists to disclose all honoraria that are paid to a member of the press, including when it was provided, to whom it was provided and its value. This is a matter of giving the public access to all the information that helps to shape the final outcome of a legislative product.

If I might also note, I am extremely pleased to see our Chamber taking the necessary steps to once and for all prove to the American people that we are dead serious about cleaning house and keeping business on the up and up.

Today, the House will vote and prove to the public that not only is Congress cleaning up its act, but that is requiring the people it does its business with to also clean up their act. I believe that my amendment strengthens H.R. 2564 by providing the public with information regarding what special interest money has been paid to the public's main source of information—the media.

I realize that members of the media may take issue with my amendment. Therefore, I would like to take a moment to address some potential points of contention:

First off, members of the media may argue that this amendment strips members of the process corps of their amendment right. I disagree. To the contrary, what this provides to those members of the media that do not accept honoraria, is a potential endorsement of their objectivity in their reporting of the people's business. This amendment places the burden of disclosure on the lobbying community not the press. The public has the right to know who is receiving special interest money whether it is a Member of Congress or a member of the media. I also want to point out that Members of Congress are prohibited from accepting honoraria.

Also, some may argue that this amendment is not necessary because members of the media should not be held to the same accountability as a Member of Congress. Again, I disagree. The influence that the media holds over the public is insurmountable. As the main link between Washington and the average citizen, every media, every reporter—whether it be written, visual or audio—has an immediate impact on the public's perception of what is going on. The public deserves to know if the information they are receiving is potentially tainted by an honoraria fee of perhaps even the $35,000 paid to the conveyor of the information.

I know what some may be thinking—$35,000—do they really earn that much for a speaking engagement? Yes, in one well publicized instance it caused the American Broadcast Corporation [ABC] to incorporate a tough new office policy in regard to speaking fees. According to Robert Friedman with the St. Petersburg Times, ABC prohibits ''staff from accepting a speaking fee from 'any group which you cover or might reasonably expect to cover.'" Obviously some of the media see nondisclosure of honoraria as opening itself up to the potential perception of impropriety.

Mr. Chairman, I insert the following articles into the RECORD at this time.

[From the New Yorker magazine, Sept. 12, 1994]

FEE SPEECH

(By Ken Auletta)

The initial hint of anger from twenty-five or so members of the House Democratic leadership came on an hour-and-a-quarter-long bus ride from Washington to Airlie House, in rural Virginia, one morning last January. They had been asked by the Majority Leader, Richard A. Gephardt, of Missouri, to attend a two-day retreat for the Democratic Message Group, and as the bus rolled southwest the convivial smiles faded. The members of the group began to complain that their message was getting strangled, and they blamed the media. By that afternoon, when the Democrats gathered for the first of five panels composed of both partisans and what were advertised as ''guest analysts, not partisan advisers,'' the complaints were growing louder. The most prominent Democrats in the House—Gephardt; the Majority Whip, David E. Bonior, of Michigan; the current Appropriations Committee chairman, David R. Obey, of Wisconsin; the Democratic Congressional Campaign chairman, Vic Fazio, of California; Rosa L. DeLauro, of Connecticut, who is a friend of President Clinton's; and about twenty others—expressed a common grievance: public figures are victims of a powerful and cynical press corps. A few complained of what they saw as the ethical obtuseness of Sam Donaldson, of ABC, angrily noting that, just four days earlier, ''Prime Time Live,'' the program that Donaldson co-anchors, had attacked the Independent Insurance Agents of America for treating congressional staff people to a Key West junket. Yet several months earlier the same insurance group had paid Donaldson a thirty-thousand-dollar lecture fee.

By four-thirty, when the third panel, ostensibly devoted to the changing role of the media, was set to begin, the Democrats could no longer contain their rage, lumping the press into a single, stereotypical category—you—the same way they complained that the press lumped together all members of Congress.

They kept returning to Donaldson's lecture fees and his public defense that it was ethically acceptable for him to receive fees because he was a private citizen, not an elected official. The Airlie House meeting was off the record, but in a later interview Representative Obey recalled having said of journalists. ''What I find most offensive lately is that we get the sanctimonious-Sam defense: 'We're different because we don't write the laws.' Well, they have a hell of a lot more power than I do to affect the laws written.''

Representative Robert G. Torricelli, of New Jersey, recalled have said, ''What startles many people is to hear television commentators make paid speeches to interest groups and then see them on television commenting on those issues. It's kind of a direct conflict of interest. If it happened in government, it would not be permitted.'' Torricelli, who has been criticized for realizing a sixty-nine-thousand-dollar profit on a New Jersey savings-and-loan after its chairman advised him to make a timely investment in its stock, says he doesn't understand why journalists don't receive the same scrutiny that people in Congress do. Torricelli brought up an idea that had been discussed at the retreat and that he wanted to explore: federal regulations requiring members of the press to disclose outside income—and most particularly television journalists whose stations are licensed by the government. He said that he would like to see congressional hearings on the matter, and added. ''You'd get the votes if you did the hearings. I predict that in the next couple of Congresses you'll get the hearings.''

Gephardt is dubious about the legality of compelling press disclosure of outside income, but one thing he is sure about is the anger against the media which is rising within Congress. ''Most of us work for more than money,'' he told me. ''We work for self-image. And Congress's self-image has suffered, because, members think, journalistic ethics and standards are not as good as they used to be.''

The press panel went on for nearly three hours, long past the designated cocktail hour of six. The congressmen directed their anger at both Brian Lamb, the C–SPAN chairman, and me—we were the two press representatives on the panel—and cited a number of instances of what they considered reportorial abuse. The question that recurred most often was this: Why won't journalists disclose the income they receive from those with special interests?

It is a fair question to ask journalists, who often act as judges of others' character. Over the summer, I asked it of more than fifty prominent media people, or perhaps a fifth of what can fairly be called the media elite—those journalists who, largely on account of television appearances, have a kind of fame similar to that of actors. Not surprisingly, most responded to the question at least as defensively as any politician would. Some of them had raised an eyebrow when President Clinton said he couldn't recall ten- or fifteen-year-old details about Whitewater. Yet many of those I spoke to could not remember where they had given a speech just months ago. And many of them, while they were unequivocal in their commentary on public figures and public issues, seemed eager to dwell on the complexities and nuances of their own outside speaking.

Sam Donaldson, whose annual earnings at ABC are about two million dollars, was forthcoming about his paid speeches: in June, he said that he had given three paid speeches so far this year and had two more scheduled. He would not confirm a report that he gets a lecture fee of as much as thirty thousand dollars. On being asked to identify the three groups he had spoken to, Donaldson—who on the March 27th edition of the Sunday-morning show ''This Week with David Brinkley'' had ridiculed President Clinton for not remembering that he had once lent twenty thousand dollars to his mother—said he couldn't remember. Then he took a minute to call up the information from his computer. He said that he had spoken at an I.B.M. convention in Palm Springs, to a group of public-information officers, and to the National Association of Retail Druggists. ''If I hadn't consulted my computerized date book, I couldn't have told you that I spoke to the National Association of Retail Druggists,'' he said. ''I don't remember these things.''

What would Donaldson say to members of Congress who suggest that, like them, he is not strictly a private individual and should make full disclosure of his income from groups that seek to influence legislation?

''First, I don't make laws that govern an industry,'' he said. ''Second, people hire me because they think of me as a celebrity; they believe their members or the people in the audience will be impressed.'' He went on, ''Can you say the same thing about a member of Congress who doesn't even speak—who is hired, in a sense, to go down and play tennis? What is the motive of the group that pays for that?'' He paused and then answered his own question: ''Their motive, whether they are subtle about it or not, is to make friends with you because they hope that you will be a friend of theirs when it comes time to decide about millions of dollars. Their motive in inviting me is not to make friends with me.''

Would he concede that there might be at least an appearance of conflict when he takes money from groups with a stake in, say, health issues?

Donaldson said, ''At some point, the issue is: What is the evidence? I believe it's not the appearance of impropriety that's the problem. It's impropriety.'' Still, Donaldson did concede that he was rethinking his position; and he was aware that his bosses at ABC News were reconsidering their relaxed policy.

Indeed, one of Donaldson's bosses—Paul Friedman, the executive vice-president for news—told me he agreed with the notion that on-air correspondents are not private citizens. ''People like Sam have influence that far exceeds that of individual congressmen,'' Friedman said, echoing Representative Obey's point. ''We always worry that lobbyists get special 'access' to members of government. We should also worry that the public might get the idea that special-interest groups are paying for special 'access' to correspondents who talk to millions of Americans.''

Unlike Donaldson, who does not duck questions, some commentators chose to say nothing about their lecturing. The syndicated columnist George Will, who appears weekly as a commentator on the Brinkley show, said through an assistant, ''We are just in the middle of book production here. Mr. Will is not talking much to anyone.'' Will is paid twelve thousand five hundred dollars a speech, Alicia C. Shepard reports in a superb article in the May issue of the American Journalism Review.

ABC's Cokie Roberts, who, according to an ABC official, earns between five and six hundred thousand dollars annually as a Washington correspondent and is a regular commentator on the Brinkley show in addition to her duties on National Public Radio, also seems to have a third job, as a paid speaker. Among ABC correspondents who regularly moonlight as speakers, Roberts ranks No. 1. A person who is in a position to know estimates that she earned more than three hundred thousand dollars for speaking appearances in 1993. Last winter, a couple of weeks after the Donaldson-''Prime Time'' incident, she asked the Group Health Association of America, before whom she was to speak in mid-February, to donate her reported twenty-thousand-dollar fee to charity. Roberts did not return three phone calls—which suggests that she expects an openness from the Clinton Administration that she rejects for herself. On that March 27th Brinkley show, she described the Administration's behavior concerning Whitewater this way: ''All of this now starts to look like they are covering something up.''

Brit Hume, the senior ABC White House correspondent, earns about what Roberts does, and is said to trail only Roberts and Donaldson at ABC in lecture earnings. This could not be confirmed by Hume, for he did not return calls.

At CNN, the principal anchor, Bernard Shaw, also declined to be interviewed, and so did three of the loudest critics of Congress and the Clinton Administration; the conservative commentator John McLaughlin, who now takes his ''McLaughlin Group'' on the road to do a rump version of the show live, often before business groups; and the alternating conservative co-hosts of ''Crossfire,'' Pat Buchanan and John Sununu.

David Brinkley did respond to questions, but not about his speaking income. Like Donaldson and others, he rejected the notion that he was a public figure. Asked what he would say to the question posed by members of Congress at the retreat, Brinkley replied, ''It's a specious argument. We are private citizens. We work in the private marketplace. They do not.''

And if a member of Congress asked about his speaking fee, which is reported to be eighteen thousand dollars?

''I would tell him it's none of his business,'' Brinkley said. ''I don't feel that I have the right to ask him everything he does in his private life.''

The syndicated columnist and television regular Robert Novak, who speaks more frequently than Brinkley, also considers himself a private citizen when it comes to the matter of income disclosure. ''I'm not going to tell you how many speeches I do and what my fee is,'' he said politely. Novak, who has been writing a syndicated column for thirty-one years, is highly visible each weekend on CNN as the co-host of the ''Evans & Novak'' interview program and as a regular on ''The Capital Gang.''

What would Novak say to a member of Congress who maintained that he was a quasi-public figure and should be willing to disclose his income from speeches?

''I'm a totally private person,'' he said. ''Anyone who doesn't like me doesn't have to read me. These people, in exchange for power—I have none—they have sacrificed privacy.''

In fact, Novak does seem to view his privacy as less than total; he won't accept fees from partisan political groups, and, as a frequent critic of the Israeli government, he will not take fees from Arab-American groups, for fear of creating an appearance of a conflict of interest. Unlike most private citizens, Novak, and most other journalists, will not sign petitions, or donate money to political candidates, or join protest marches.

Colleagues have criticized Novak and Rowland Evans for organizing twice-a-year forums—as they have since 1971—to which they invite between seventy five and a hundred and twenty-five subscribers to their newsletter, many of whom are business and financial analysts. Those attending pay hundreds of dollars—Novak refuses to say how much—for the privilege of listening to public officials speak and answer questions off the

record. ''You talk about conflicts of interest!'' exclaimed Jack Nelson, the Los Angeles Times Washington bureau chief. ''It is wrong to have government officials come to speak to businesses and you make money off of it.''

Mark Shields, who writes a syndicated column and is the moderator of ''The Capital Gang'' and a regular commentator on ''The MacNeil/Lehrer NewsHour,'' is a busy paid lecturer. Asked how much he earned from speeches last year, he said, ''I haven't even totalled it up.'' Shields said he probably gives one paid speech a week, adding, ''I don't want, for personal reasons, to get into specifics.''

Michael Kinsley, who is the liberal co-host of ''Crossfire,'' an essayist for The New Republic and Time, and a contributor to The New Yorker, is also reluctant to be specific. ''I'm in the worst of all possible positions,'' he said. ''I do only a little of it. But I can't claim to be a virgin.'' Kinsley said he appeared about once every two months, but he wouldn't say what groups he spoke to or how much he was paid. ''I'm going to do a bit more,'' he said. ''I do staged debates—mini 'Crossfire's'—before business groups. If everyone disclosed, I would.''

The New Republic's White House correspondent, Fred Barnes, who is a regular on ''The McLaughlin Group'' and appears on ''CBS This Morning'' as a political commentator, speaks more often than Kinsley, giving thirty or forty paid speeches a year, he said, including the ''McLaughlin'' road show. How would Barnes respond to the question posed by members of Congress?

''They're elected officials,'' he said. ''I'm not an elected official. I'm not in government. I don't deal with taxpayers' money.''

Barnes's ''McLaughlin'' colleague Morton M. Kondracke is the executive editor of Roll Call, which covers Congress. Kondracke said that he gave about thirty-six paid speeches annually, but he would not identify the sponsors or disclose his fee. He believes that columnists have fewer constraints on their speechmaking than so-called objective reporters, since columnists freely expose their opinions.

Gloria Borger, a U.S. News & World Report columnist and frequent ''Washington Week in Review'' panelist, discloses her income from speeches, but only to her employer. Borger said she gave one or two paid speeches a month, but she wouldn't reveal her fee. ''I'm not an elected official,'' she said.

Like Borger, Wolf Blitzer, CNN's senior White House correspondent, said that he told his news organization about any speeches he made. How many speeches did he make in the last year?

''I would guess four or five,'' he said, and repeated that each one was cleared through his bureau chief.

What would Blitzer say to a member of Congress who asked how much he made speaking and from which groups?

''I would tell him 'None of your business,'" Blitzer said.

Two other network chief White House correspondents NBC's Andrea Mitchell and CBS's Rira Braver—also do little speaking. ''I make few speeches,'' Mitchell said. ''Maybe ten a year. Maybe six or seven a year. I'm very careful about not speaking to groups that involve issues I cover.'' She declined to say how much she earned. For Braver, the issue was moot. I don't think I did any,'' she said, referring to paid speeches in the past year.

ABC's ''Prime Time Live'' correspondent Chris Wallace, who has done several investigative pieces on corporate-sponsored congressional junkets, said he made four or five paid speeches last year. ''I don't know exactly,'' he said. Could he remember his fee?

''I wouldn't say,'' he replied.

Did he speak to business groups?

''I'm trying to remember the specific groups,'' he said, and then went on. ''One was the Business Council of Canada. Yes, I do speak to business groups.''

So what is the difference between Chris Wallace and members of Congress who accept paid junkets?

''I'm a private citizen,'' he said, ''I have no control over public funds, I don't make public policy.''

Why did Wallace think that he was invited to speak before business groups?

''They book me because they feel somehow that it adds a little excitement or luster to their event,'' he said. He has been giving speeches since 1980, he said, and ''never once has any group called me afterward and asked me any favor in coverage.''

But isn't that what public officials usually say when Wallace corners them about a junket?

Those who underwrite congressional junkets are seeking ''access'' and ''influence,'' he said, but the people who hire him to make a speech are seeking ''entertainment.'' When I mentioned Wallace's remarks to Norman Pearlstine, the former executive editor of the Wall Street Journal, he said, ''By that argument, we ought not to distinguish between news and entertainment, and we ought to merge news into entertainment.''

ABC's political and media analyst Jeff Greenfield makes a ''rough guess'' that he gives fifteen paid speeches a year, many in the form of panels he moderates before various media groups—cable conventions, newspaper or magazine groups, broadcasting and marketing associations—that are concerned with subjects he regularly covers. ''It's like 'Nightline,' but it's not on the air,'' he said. He would not divulge his fee, or how much he earned in the past twelve months from speeches.

Greenfield argued that nearly everything he did could be deemed a potential conflict. ''I cover cable, but I cover it for ABC, which is sometimes in conflict with that industry,'' he said. Could he accept money to write a magazine piece or a book when he might one day report on the magazine publisher or the book industry? He is uneasy with the distinction that newspapers like the Wall Street Journal or the Washington Post make, which is to prohibit daily reporters from giving paid speeches to corporations or trade associations that lobby Congress and have agendas, yet allow paid college speeches. (Even universities have legislative agendas, Greenfield noted.) In trying to escape this ethical maze, Greenfield concluded, ''I finally decided that I can't figure out everything that constitutes a conflict.''

Eleanor Clift, of Newsweek, who is cast as the beleaguered liberal on ''The McLaughlin Group,'' said that she made between six and eight appearances a year with the group. Her fee for a speech on the West Coast was five thousand dollars, she said, but she would accept less to appear in Washington. She would not disclose her outside speaking income, and said that if a member of Congress were to ask she would say, ''I do disclose. I disclose to the people I work for. I don't work for the taxpayers.''

Christopher Matthews, a nationally syndicated columnist and Washington bureau chief of the San Francisco Examiner, who is a political commentator for ''Good Morning America'' and co-host of a nightly program on America's Talking, a new, NBC-owned cable network, told me last June that he gave between forty and fifty speeches a year. He netted between five and six thousand dollars a speech, he said, or between two and three hundred thousand dollars a year. Like many others, he is represented by the Washington Speakers Bureau, and he said that he placed no limitations on corporate or other groups he would appear before. ''To be honest, I don't spend a lot of time thinking about it,'' he said. ''I give the same speech.''

David S. Broder, of the Washington Post, who has a contract to appear regularly on CNN and on NBC's ''Meet the Press,'' said that he averaged between twelve and twenty-four paid speeches a year, mostly to colleges, and that the speeches are cleared with his editors at the Post. He did not discuss his fee, but Howard Kurtz, the Post's media reporter, said in his recent book ''Media Circus'' that Broder makes up to seventy-five hundred dollars a speech. Broder said he would support an idea advanced by Albert R. Hunt,the Wall Street Journal's Washington editor, to require disclosure as a condition of receiving a congressional press card. To receive a press card now, David Holmes, the superintendent of the House Press Gallery, told me, journalists are called upon to disclose only if they receive more than five per cent of their income from a single lobbying organization. Hunt said he would like to see the four committees that oversee the issuing of congressional press cards—made up of five to seven journalists each—require full disclosure of any income from groups that lobby Congress. He said he was aware of the bitter battle that was waged in 1988, when one committee issued new application forms for press passes which included space for detailed disclosure of outside income. Irate reporters demanded that the application form be rescinded, and it was. Today, the Journal, along with the Washington Post, is among the publications with the strictest prohibitions on paid speeches. Most journalistic organizations forbid reporters to accept money or invest in the stocks of the industries they cover. But the Journal and the Post have rules against reporters' accepting fees from any groups that lobby Congress or from any for-profit groups.

Hunt, who has television contracts with ''The Capital Gang'' and ''Meet the Press,'' said that he averaged three or four speeches a year, mostly to colleges and civic groups, and never to corporations or groups that directly petition Congress, and that he received five thousand dollars for most speeches.

William Safire, the *Times* columnist, who is a regular on ''Meet the Press,'' was willing to disclose his lecture income. ''I do about fifteen speeches a year for twenty thousand dollars a crack,'' he said. ''A little more for overseas and Hawaii.'' Where Safire parts company with Hunt is that he sees nothing wrong with accepting fees from corporations. He said that in recent months he had spoken to A.T. & T., the Pharmaceutical Research and Manufacturers of America, and Jewish organizations. Safire said that because he is a columnist his opinions are advertised, not hidden. ''I believe firmly in Samuel Johnson's dictum 'No man but a blockhead ever wrote except for money,'" he went on. ''I charge for my lectures. I charge for my books. I charge when I go on television. I feel no compunction about it. It fits nicely into my conservative, capitalist—with a capital 'C'—philosophy.''

Tim Russert, the host of ''Meet the Press,'' said that he had given ''a handful'' of paid speeches in the past year, including some to for-profit groups. He said that he had no set fee, and that he was wary of arbitrary distinctions that say lecturing is bad but income from stock dividends is fine. Russert also raised the question of journalists' appearing on shows like ''Meet the Press,'' which, of course, have sponsors. ''Is that a conflict? You can drive yourself crazy on this.''

Few journalists drive themselves crazy over whether to accept speaking fees from the government they cover. They simply don't. But enticements do come from unusual places. One reporter, who asked to remain anonymous, said that he had recently turned down a ten-thousand dollar speaking fee from the Central Intelligence Agency. A spokesman for the C.I.A., David Christian, explained to me, ''We have an Office of Training and Education, and from time to time we invite knowledgeable non-government experts to talk to our people as part of our training program.'' Does the agency pay for these speeches? ''Sometimes we do, and sometimes we don't,'' he said. Asked for the names of journalists who accepted such fees, Christian said the he was sorry but ''the records are scattered.''

Time's Washington columnist, Margaret Carlson, who is a regular on ''The Capital Gang,'' laughed when I asked about her income from speeches and said, ''My view is that I just got on the gravy train, so I don't want it to end.'' Carlson said she gave six speeches last year, at an average of five thousand dollars a speech, including a panel appearance in San Francisco before the American Medical Association (with Michael Kinsley, among others). She made a fair distinction between what she did for a fee and what Treasury Secretary Lloyd Bentsen tried to do in 1987, when, as Senate Finance Committee chairman, he charged lobbyists ten thousand dollars a head for the opportunity to join him for breakfast once a month. ''We are like monkeys who get up onstage,'' Carlson said, echoing Chris Wallace. ''It's mud wrestling for an hour or an hour and a half, and it's over.''

There are journalistic luminaries who make speeches but, for the sake of appearances, do not accept fees. They include the three network-news anchors—NBC's Tom Brokaw, ABC's Peter Jennings and CBS' Dan Rather—all of whom say that they don't charge to speak or they donate their fees to charity. ''We don't need the money,'' Brokaw said. ''And we thought it created an appearance of conflict.'' Others who do not accept fees for speaking are Ted Koppel, of ABC's ''Nightline''; Jim Lehrer, of ''The MacNeil/Lehrer News Hour''; Bob Schieffer, CBS' chief Washington correspondent and the host of ''Face the Nation''; and C-SPAN's Brian Lamb.

ABC's senior Washington correspondent, James Wooten, explained how, in the mid-eighties, he decided to change his ways after a last lucrative weekend: ''I had a good agent and I got a day off on Friday and flew out Thursday after the news and did Northwestern University Thursday night for six thousand dollars. Then I got a rental car and drove to Milwaukee, and in midmorning I did Marquette for five or six thousand dollars. In the afternoon, I went to the University of Chicago, to a small symposium, for which I got twenty-five hundred to three thousand dollars. Then I got on a plane Friday night and came home. I had made fifteen thousand dollars, paid the agent three thousand, and had maybe two thousand in expenses. So I made about ten thousand dollars for thirty-six hours. I didn't have a set speech, I just talked off the top of my head.'' But his conscience told him it was wrong. ''It's easy money,'' Wooten said.

As for me, *The New Yorker* paid my travel expenses to and from the congressional retreat. In the past twelve months, I've given two paid speeches; the first, at New York's Harmonic Club, was to make an opening presentation and to moderate a panel on the battle for control of Paramount Communications, for which I was paid twelve hundred dollars; the second was a speech on the future of the information superhighway at a Manhattan luncheon sponsored by the Baltimore-based investment firm of Alex, Brown & Sons, for which my fee was seventy-five hundred dollars. I don't accept lecture fees from communications organizations.

Like the public figures we cover, journalists would benefit from a system of checks and balances. Journalistic institutions, including *The New Yorker*, too seldom have rigorous rules requiring journalists to check with an editor or an executive before agreeing to make a paid speech; the rules at various institutions for columnists are often even more permissive. Full disclosure provides a disinfectant—the power of shame. A few journalistic institutions, recently shamed, have been taking a second look at their policies. In mid-June, ABC News issued new rules, which specifically prohibit paid speeches to trade associations or to any ''for-profit business.'' ABC's ban—the same one that is in place at the *Wall Street Journal* and the *Washington Post*—prompted Roberts, Donaldson, Brinkley, Wallace, and several other ABC correspondents to protest, and they met in early August with senior news executives. They sought a lifting of the ban, which would allow them to get permission on a case-by-case basis. But a ranking ABC official says. ''We can agree to discuss exceptions but not give any. Their basic argument is greed, for Christ's sake!'' Andrew Lack, the president of NBC News, said that he plans to convene a meeting of his executives to shape an entirely new speaking policy. ''My position is that the more we can discourage our people from speaking for a fee, the better,'' he said. And CBS News now stipulates that all speaking requests must be cleared with the president or the vice-president of news. Al Vecchione, the president of MacNeil/Lehrer Productions, admitted in June to having been embarrassed by the American Journalism Review piece. ''We had a loose policy,'' he said. ''I just finished rewriting our company policy.'' Henceforth, those associated with the program will no longer accept fees to speak to corporate groups or trade associations that directly lobby the government. The New Yorker, according to its executive editor, Hendrik Hertzberg, is in the process of reviewing its policies.

Those who frequently lecture make a solid point when they say that lecture fees don't buy favorable coverage. But corruption can take subtler forms than the quid pro quo, and the fact that journalists see themselves as selling entertainment rather than influence does not wipe the moral slate clean. The real corruption of ''fee speech,'' perhaps, is not that journalists will do favors for the associations and businesses that pay them speaking fees but that the nexus of television and speaking fees creates what Representative Obey called ''an incentive to be even more flamboyant'' on TV—and, to a lesser extent, on the printed page. The television talk shows value vividness, pithiness, and predictability. They prefer their panelists reliably pro or con, ''liberal'' or ''conservative,'' Too much quirkiness can make a show unbalanced; too much complexity can make it dull. Time's Margaret Carlson told me, not entirely in jest, ''I was a much more thoughtful person before I went on TV. But I was offered speeches only after I went on TV.'' Her Time colleague the columnist Hugh Sidey said that when he stopped appearing regularly on television his lecture income shrivelled. Obey wishes that it would shrivel for the rest of the pundit class as well. An attitude of scorn often substitutes for hard work or hard thought and it's difficult to deny that the over-all result of this dynamic is a coarsening of political discourse.

Celebrity journalism and the appearance of conflicts unavoidably erode journalism's claim to public trust. ''My view is that you're going to start having character stories about journalists,'' Jay Rosen, a journalism professor at New York University and the director of the Project on Public Life and the Press, told me recently. ''It's inevitable. If I were a big-name Washington journalist, I'd start getting my accounts together. I don't think journalists are private citizens.''

[From the American Journalism Review, June 1995]

TAKE THE MONEY AND TALK

(By Alicia C. Shepard)

It's speech time and the Broward County Convention Center in Fort Lauderdale.

ABC News correspondent and NPR commentator Cokie Roberts takes her brown handbag and notebook off of the ''reserved'' table where she has been sitting, waiting to speak. She steps up to the podium where she is gushingly introduced and greeted with resounding applause.

Framed by palm fronds, Roberts begins her speech to 1,600 South Florida businesswomen attending a Junior League-sponsored seminar. Having just flown in from Washington, D.C., Roberts breaks the news of the hours-old arrest of a suspect in the Oklahoma City bombing. She talks of suffragette Susan B. Anthony, of how she misses the late House Speaker Tip O'Neill, of the Republican takeover on Capitol Hill. Then she gives her listeners the inside scoop on the new members of Congress.

''They are very young,'' says Roberts, 52. ''I'm constantly getting it wrong, assuming they are pages. They're darling. They're wildly adept with a blow dryer and I resent them because they call me ma'am.'' The audience laughs.

After talking for an hour on ''Women and Politics,'' Roberts answers questions for 20 minutes. One woman asks the veteran correspondent, who has covered Washington since 1978, when there will be a female president.

''I think we'll have a woman president when a woman is elected vice president and we do in the guy,'' Roberts quips.

This crowd loves her. When Roberts finishes, they stand clapping for several minutes. Roberts poses for a few pictures and is whisked out and driven to the Miami airport for her first-class flight back to Washington.

For her trouble and her time, the Junior League of Greater Fort Lauderdale gave Roberts a check for $35,000. ''She's high, very high,'' says the League's Linda Carter, who lined up the keynote speakers. The two other keynote speakers received around $10,000 each.

The organization sponsored the seminar to raise money for its community projects, using Roberts as a draw. But shelling out $35,000 wouldn't have left much money for, say, the League's foster care or women's substance abuse programs or its efforts to increase organ donors for transplants.

Instead, Roberts tab was covered by a corporate sponsor. JM Family Enterprises. The $4.2 billion firm is an umbrella company for the largest independent American distributor of Toyotas. The second-largest privately held company in Florida, it provides Toyotas to 164 dealerships in five southern states and runs 20 other auto-related companies.

But Roberts doesn't want to talk about the company that paid her fee. She doesn't like to answer the kind of questions she asks politicians. She won't discuss what she's paid, whom she speaks to, why she does it or how it might affect journalism's credibility when she receives more money in an hour-and-a-half from a large corporation than many journalists earn in a year.

''She feels strongly that it's not something that in any way shape or form should be discussed in public.'' ABC spokeswoman Eileen Murphy said in response to AJR's request for an interview with Roberts.

Roberts' ABC colleague Jeff Greenfield, who also speaks for money, doesn't think it's a good idea to duck the issue. ''I think we ought not not talk about it.'' he says. ''I mean that's Cokie's right, obviously,'' he adds, but ''if we want people to answer our questions, then up to a reasonable point, we should answer their questions.''

The phenomenon of journalists giving speeches for staggering sums of money continues to dog the profession. Chicago Tribune Washington Bureau Chief James Warren has created a cottage industry criticizing colleagues who speak for fat fees. Washington Post columnist James K. Glassman believes the practice is the ''next great American scandal.'' Iowa Republican Sen. Charles Grassley has denounced it on the Senate floor.

A number of news organizations have drafted new policies to regulate the practice since debate over the issue flared a year ago (see ''Talk is Expensive,'' May 1994). Time magazine is one of the latest to do so, issuing a flat-out ban on honoraria in April. The Society for Professional Journalists, in the process of revising its ethics code, is wrestling with the divisive issue.

The eye-popping sums star journalists receive for their speeches, and the possibility that they may be influenced by them, have drawn heightened attention to the practice, which is largely the province of a relatively small roster of well-paid members of the media elite. Most work for the television networks or the national news weeklies; newspaper reporters, with less public visibility, aren't asked as often.

While the crescendo of criticism has resulted in an official crackdown at several news organizations—as well as talk of new hardline policies at others—it's not clear how effective the new policies are, since no public disclosure system is in place.

Some well-known journalists, columnists and ''Crossfire'' host Michael Kinsley and U.S. News & World Report's Steven V. Roberts among them, scoff at the criticism. They assert that it's their right as private citizens to offer their services for whatever the market will bear, that new policies won't improve credibility and that the outcry has been blown out of proportion.

But the spectacle of journalists taking big bucks for speeches has emerged as one of the high-profile ethical issues in journalism today.

''Clearly some nerve has been touched,'' Warren says. ''A nerve of pure, utter defensiveness on the part of a journalist trying to rationalize taking [honoraria] for the sake of their bank account because the money is so alluring.''

A common route to boarding the lecture gravy train is the political talk show. National television exposure raises a journalist's profile dramatically, enhancing the likelihood of receiving lucrative speaking offers.

The problem is that modulated, objective analysis is not likely to make you a favorite on ''The Capital Gang'' or ''The McLaughlin Group.'' Instead, reporters who strive for objectivity in their day jobs are often far more opinionated in the TV slugfests.

Time Managing Editor James R. Gaines, who issued his magazine's recent ban on accepting honoraria, sees this as another problem for journalists' credibility, one he plans to address in a future policy shift. ''Those journalists say things we wouldn't let them say in the magazine. . . .'' says Gaines, whose columnist Margaret Carlson appears frequently on ''The Capital Gang.'' ''It's great promotion for the magazine and the magazine's journalists. But I wonder about it when the journalists get into that adversarial atmosphere where provocation is the main currency.''

Journalists have been ''buckraking'' for years, speaking to trade associations, corporations, charities, academic institutions and social groups. But what's changed is the amount they're paid. In the mid-1970s, the fees peaked at $10,000 to $15,000, say agents for speakers bureaus. Today, ABC's Sam Donaldson can get $30,000, ABC's David Brinkley pulls in $18,000 and the New York Times' William Safire can command up to $20,000.

When a $4.2 billion Toyota distributor pays $35,000 for someone like Cokie Roberts, or a trade association pays a high-profile journalist $10,000 or $20,000 for an hour's work, it inevitably raises questions and forces news executives to re-examine their policies.

That's what happened last June at ABC. Richard Wald, senior vice president of news, decided to ban paid speeches to trade associations and for-profit corporations—much to the dismay of some of ABC's best-paid correspondents. As at most news organizations, speaking to colleges and nonprofits is allowed.

When Wald's policy was circulated to 109 employees at ABC, some correspondents howled (see Free Press, September 1994). Protests last August from Roberts, Donaldson, Brinkley, Greenfield, Brit Hume and others succeeded only in delaying implementation of the new guidelines. Wald agreed to ''grandfather in'' speeches already scheduled through mid-January. After that, if a correspondent speaks to a forbidden group, the money must go to charity.

''Why did we amend it? Fees for speeches are getting to be very large,'' Wald says. ''When we report on matters of national interest, we do not want it to appear that folks who have received a fee are in any way beholden to anybody other than our viewers. Even though I do not believe anybody was every swayed by a speech fee. I do believe that it gives the wrong impression. We deal in impressions.''

The new policy has hurt, says ABC White House correspondent Ann Compton. Almost a year in advance, Compton agreed to speak to the American Cotton Council. But this spring, when she spoke to the trade group, she had to turn an honorarium of ''several thousand dollars'' over to charity. Since the policy went into effect, Compton has turned down six engagements that she previously would have accepted.

''The restrictions how have become so tight, it's closed off some groups and industries that I don't feel I have a conflict with,'' says Compton, who's been covering the White House off and on since 1974. ''It's closed off, frankly, the category of organizations that pay the kind of fees I get.'' She declines to say what those fees are.

And it has affect her bank account. ''I've got four kids . . .'' Compton says. ''It's cut off a significant portion of income for me.''

Some speakers bureaus say ABC's new policy and criticism of the practice have had an impact.

''It has affected us, definitely,'' says Lori Fish of Keppler Associates in Arlington, Virginia, which represents about two dozen journalists. ''More journalists are conscious of the fact that they have to be very particular about which groups they accept honoraria from. On our roster there's been a decrease of some journalists accepting engagements of that sort. It's mainly because of media criticism.''

Other bureaus, such as the National Speakers Forum and the William Morris Agency, say they haven't noticed a difference. ''I can't say that the criticism has affected us,'' says Lynn Choquette, a partner at the speakers forum.

Compton, Donaldson and Greenfield still disagree with Wald's policy but, as they say, he's the boss.

''I believe since all of us signed our contracts with the expectation that the former ABC policy would prevail and took that into account when we agreed to sign our contracts for X amount,'' Donaldson says, ''it was not fair to change the policy midstream.'' Donaldson says he has had to turn down two speech offers.

Greenfield believes the restrictions are unnecessary.

''When I go to speak to a group, the idea that it's like renting a politician to get his ear is not correct,'' he says. ''We are being asked to provide a mix of entertainment and information and keep audiences in their seats at whatever convention so they don't go home and say, 'Jesus, what a boring two-day whatever that was.' ''

Most agree it's the size of the honoraria that is fueling debate over the issue. ''If you took a decimal point or two away, nobody would care,'' Greenfield says. ''A lot of us are now offered what seems to many people a lot of money. They are entertainment-size sums rather than journalistic sizes.''

And Wald has decided ''entertainment-size sums'' look bad for the network, which has at least a dozen correspondents listed with speakers bureaus. It's not the speeches themselves that trouble Wald. ''You can speak to the American Society of Travel Agents or the Electrical Council.'' he says, ''as long as you don't take money from them.''

But are ABC officials enforcing the new policy? ''My suspicion is they're not, that they are chickenshit and Cokie Roberts will do whatever the hell she wants to do and they don't have the balls to do anything,'' says the Chicago Tribune's Warren, whose newspaper allows its staff to make paid speeches only to educational institutions.

There's obviously some elasticity in ABC's policy. In April, Greenfield, who covers media and politics, pocketed $12,000 from the National Association of Broadcasters for speaking to 1.000 members and interviewing media giants Rupert Murdoch and Barry Diller for the group. Wald says that was acceptable.

He also says it was fine for Roberts to speak to the Junior League-sponsored business conference in Fort Lauderdale, even though the for-profit JM Family Enterprises paid her fee.

''As long as the speech was arranged by a reasonable group and it carried with it no tinct from anybody, it's okay,'' says Wald. ''I don't care where they [the Junior League] get their money.''

Even with its loopholes, ABC has the strictest restrictions among the networks. NBC, CBS and CNN allow correspondents to speak for dollars on a case-by-case basis and require them to check with a supervisor first. Last fall, Andrew Lack, president of NBC News, said he planned to come up with a new policy. NBC spokesperson Lynn Gardner says Lack has drafted the guidelines and will issue them this summer. ''The bottom line is that Andrew Lack is generally not in favor of getting high speaking fees,'' she says.

New Yorker Executive Editor Hendrik Hertzberg also said last fall that his magazine would review its policy, under which writers are supposed to consult with their editors in ''questionable cases.'' The review is still in progress. Hertzberg says it's likely the magazine will have a new policy by the end of the year.

''There's something aesthetically offensive to my idea of journalism for American journalists to be paid $5,000, $10,000 or $20,000 for some canned remarks simply because of his or her celebrity value,'' Hertzberg says.

Rewriting a policy merely to make public the outside income of media personalities guarantees resistance, if not outright hostility. Just ask John Harwood of the Wall Street Journal's Washington bureau. This year, Harwood was a candidate for a slot on the committee that issues congressional press passes to daily print journalists.

His platform included a promise to have daily correspondents list outside sources of income—not amounts—on their applications for press credentials. Harwood's goal was fuller disclosure of outside income, including speaking fees.

''I'm not trying to argue in all cases it's wrong,'' says Harwood. ''But we make a big to-do about campaign money and benefits lawmakers get from special interests and I'm struck by how many people in our profession also get money from players in the political process.''

Harwood believes it's hypocritical that journalists used to go after members of Congress for taking speech fees when journalists do the same thing. (Members of Congress are no longer permitted to accept honoraria.)

''By disclosing the people who pay us,'' says Harwood, ''we let other people who may have a beef with us draw their own conclusions. I don't see why reporters should be afraid of that.''

But apparently they are. Harwood lost the election.

''I'm quite certain that's why John lost,'' says Alan J. Murray, the Journal's Washington bureau chief, who made many phone calls on his reporter's behalf. ''There's clearly a lot of resistance,'' adds Murray, whose newspaper forbids speaking to for-profit companies, political action committees and anyone who lobbies Congress. ''Everybody likes John. But I couldn't believe how many people said—even people who I suspect have very little if any speaking incomes—that it's just nobody's business. I just don't buy that.''

His sentiment is shared in the Periodical Press Gallery on Capitol Hill, where magazine reporters applying for press credentials must list sources of outside income. But in the Radio-Television Correspondents Gallery, where the big-name network reporters go for press credentials, the issue of disclosing outside income has never come up, says Kenan Block, a ''MacNeil/Lehrer NewsHour'' producer.

''I've never heard anyone mention it here and I've been here going on 11 years,'' says Block, who is also chairman of the Radio-Television Correspondents Executive Committee. ''I basically feel it's not our place to police the credentialed reporters. If you're speaking on the college circuit or to groups not terribly political in nature, I think, If anything, people are impressed and a bit envious. It's like, 'More power to them.'''

But the issue of journalists' honoraria has been mentioned at Block's program.

Al Vecchione, president of McNeil/Lehrer Productions, says he was ''embarrassed'' by AJR's story last year and immediately wrote a new policy. The story reported that Robert MacNeil accepted honoraria, although he often spoke for free; partner Jim Lehrer said he had taken fees in the past but had stopped after his children got out of college.

''We changed [our policy] because in reading the various stories and examining our navel, we decided it was not proper,'' Vecchione says. ''While others may do it, we don't think it's proper. Whether in reality it's a violation or not, the perception is there and the perception of it is bad enough.''

MacNeil/Lehrer's new policy is not as restrictive as ABC's, however. It says correspondents ''should avoid accepting money from individuals, companies, trade associations or organizations that lobby the government or otherwise try to influence issues the NewsHour or other special * * * programs may cover.''

As is the case with many of the new, stricter policies, each request to speak is reviewed on a case-by-case basis. That's the policy at many newspapers and at U.S. News.

Newsweek tightened its policy last June. Instead of simply checking with an editor, staffers now have to fill out a form if they want to speak or write freelance articles and submit it to Ann McDaniel, the magazine's chief of correspondents.

''The only reason we formalized the process is because we thought this was becoming more popular than it was 10 years ago,'' McDaniel says, ''We want to make sure [our staff members] are not involved in accepting compensation from people they are very close to. Not because we suspect they can be bought or that there will be any improper behavior but because we want to protect our credibility.''

Time, on the other hand, looked at all the media criticism and decided to simply end the practice. In an April 14 memo. Managing Editor Gaines told his staff, ''The policy is that you may not do it.

Gaines says the new policy was prompted by ''a bunch of things that happened all at once.'' He adds that ''a lot of people were doing cruise ships and appearances and have some portion of their income from that, so their ox is gored.''

The ban is not overwhelmingly popular with Time staffers. Several, speaking on a not-for-attribution basis, argue that it's too tough and say they hope to change Gaines' mind. He says that won't happen, although he will amend the policy to allow paid speeches before civic groups, universities and groups that are ''clearly not commercial.''

''Academic seminars are fine,'' he says. ''If some college wants to pay expenses and a $150 honorarium, I really don't have a problem with that.''

Steve Roberts, a senior writer with U.S. News & World Report and Cokie Roberts' husband, is annoyed that some media organizations are being swayed by negative publicity. He says there's been far too much criticism of what he believes is basically an innocuous practice. Roberts says journalists have a right to earn as much as they can by speaking, as long as they are careful about appearances and live by high ethical standards.

''This whole issue has been terribly overblown by a few cranks,'' Roberts says. ''As long as journalists behave honorably and use good sense and don't take money from people they cover, I think it's totally legitimate. In fact, my own news organization encourages it.''

U.S. News not only encourages it, but its public relations staff helps its writers get speaking engagements.

Roberts says U.S. News has not been intimidated by the ''cranks,'' who he believes are in part motivated by jealousy. ''I think a few people have appointed themselves the critics and watchdogs of our profession. I, for one, resent it.''

His chief nemesis is Jim Warren, who came to Washington a year-and-a-half ago to take charge of the Chicago Tribune's bureau. Warren, once the Tribune's media writer, writes a Sunday column that's often peppered with news flashes about which journalist is speaking where and for how much. The column includes a ''Cokie Watch.'' named for Steve Roberts' wife of 28 years, a woman Warren has written reams about but has never net.

''Jim Warren is a reprehensible individual who has attacked me and my wife and other people to advance his own visibility and his own reputation,'' Roberts asserts. ''He's on a crusade to make his own reputation by tearing down others.''

While Warren may work hard to boost his bureau's reputation for Washington coverage, he is best known for his outspoken criticism of fellow journalists. Some reporters cheer him on and fax him tips for ''Cokie Watch.'' Others are highly critical and ask who crowned Warren chief of the Washington ethics police.

Even Warren admits his relentless assault has turned him into a caricature.

''I'm now in the Rolodex as inconoclast, badass Tribune bureau chief who writes about Cokie Roberts all the time,'' says Warren, who in fact doesn't. ''But I do get lots of feedback from rank-and-file journalists saying, 'Way to go. You're dead right.' It obviously touches a nerve among readers.''

So Warren writes about Cokie and Steve Roberts getting $45,000 from a Chicago bank for a speech and the traveling team of television's ''The Capital Gang'' sharing $25,000 for a show at Walt Disney World. He throws in parenthetically that Capital Gang member Michael Kinsley ''should know better.''

Kinsley says he would have agreed a few years ago, but he's changed his tune. He now believes there are no intrinsic ethical problems with taking money for speaking. He does it, he wrote in The New Republic in May, for the money, because it's fun and it boosts his ego.

''Being paid more than you're worth is the American dream,'' he wrote. ''I see a day when we'll all be paid more than we're worth. Meanwhile, though, there's no requirement for journalists, alone among humanity, to deny themselves the occasional fortuitous tastes of this bliss.''

To Kinsley, new rules restricting a reporter's right to lecture for largesse don't accomplish much.

''Such rules merely replace the appearance of corruption with the appearance of propriety,'' he wrote. ''What keeps journalists on the straight and narrow most of the time is not a lot of rules about potential conflicts of interest, but the basic reality of our business that a journalist's product it out there for all to see and evaluate.''

The problem, critics say, is that without knowing who besides the employer is paying a journalist, the situation isn't quite that clear-cut.

Jonathan Salant, president of the Washington chapter of the Society of Professional Journalists, cites approvingly a remark by former Washington Post Executive Editor Ben Bradlee in AJR's March issue: ''If the Insurance Institute of America, if there is such a thing, pays you $10,000 to make a speech, don't tell me you haven't been corrupted. You can say you haven't and you can say you will attack insurance issues in the same way, but you won't. You can't.''

Salant thinks SPJ should adopt an absolute ban on speaking fees as it revises its ethics code. Most critics want some kind of public disclosure at the very least.

Says the Wall Street Journal's Murray, ''You tell me what is the difference between somebody who works full time for the National Association of Realtors and somebody who takes $40,000 a year in speaking fees from Realtor groups. It's not clear to me there's a big distinction. I'm not saying that because you take $40,000 a year from Realtors that you ought to be thrown out of the profession. But at the very least, you ought to disclose that.''

And so Murray is implementing a disclosure policy. By the end of the year, the 40

journalists working in his bureau will be required to list outside income in a report that will be available to the public.

''People are not just cynical about politicians,'' says Murray. ''They are cynical about us. Anything we can do to ease that cynicism is worth doing.''

Sen. Grassley applauds the move. Twice he has taken to the floor of the Senate to urge journalists to disclose what they earn on the lecture circuit.

''It's both the amount and doing it,'' he says. ''I say the pay's too much and we want to make sure the fee is disclosed. The average worker in my state gets about $21,000 a year. Imagine what he or she thinks when a journalist gets that much for just one speech?''

Public disclosure, says Grassley, would curtail the practice.

Disclosure is often touted as the answer. Many journalists, such as Kinsley and Wall Street Journal columnist Al Hunt—a television pundit and Murray's predecessor as bureau chief—have said they will disclose their engagements and fees only if their colleagues do so as well.

Other high-priced speakers have equally little enthusiasm for making the information public. ''I don't like the idea,'' says ABC's Greenfield. ''I don't like telling people how much I get paid.''

But one ABC correspondent says he has no problem with public scrutiny. John Stossel, a reporter on ''20/20,'' voluntarily agreed to disclose some of the ''absurd'' fees he's earned. Last year and through March of this year Stossel raked in $160,430 for speeches—$135,280 of which was donated to hospital, scholarship and conservation programs.

''I just think secrecy in general is a bad thing,'' says Stossel, who did not object to ABC's new policy. ''We [in the media] do have some power. We do have some influence. That's why I've come to conclude I should disclose, so people can judge whether I can be bought.''

(Stossel didn't always embrace this notion so enthusiastically. Last year he told AJR he had received between $2,000 and $10,000 for a luncheon speech, but wouldn't be more precise.)

Brian Lamb, founder and chairman of C-SPAN, has a simpler solution, one that also has been adopted by ABC's Peter Jennings, NBC's Tom Brokaw and CBS' Dan Rather and Connie Chung. They speak, but not for money.

''I never have done it,'' Lamb says. ''It sends out one of those messages that's been sent out of this town for the last 20 years: Everybody does everything for money. When I go out to speak to somebody I want to have the freedom to say exactly what I think. I don't want to have people suspect that I'm here because I'm being paid for it.''

On February 20, according to the printed program, Philip Morris executives from around the world would have a chance to listen to Cokie and Steve Roberts at 7 a.m. while enjoying a continental breakfast. ''Change in Washington: A Media Perspective with Cokie and Steve Roberts,'' was the schedule event at the PGA resort in Palm Beach during Philip Morris' three-day invitational golf tournament.

A reporter who sent the program to AJR thought it odd that Cokie Roberts would speak for Philip Morris in light of the network's new policy. Even more surprising, he thought, was that she would speak to a company that's suing ABC for libel over a ''Day One'' segment that alleged Philip Morris adds nicotine to cigarettes to keep smokers addicted. The case is scheduled to go to trial in September.

At the last minute, Cokie Roberts was a no-show, says one of the organizers. ''Cokie was sick or something'' says Nancy Schaub of Event Links, which put on the golf tournament for Philip Morris. ''Only Steve Roberts came.''

Cokie Roberts won't talk to AJR about why she changed her plans. Perhaps she got Dick Wald's message.

''Of course, it's tempting and it's nice,'' Wald says of hefty honoraria. ''Of course, they [ABC correspondents] have rights as private citizens. It's not an easy road to go down. But there are some things you just shouldn't do and that's one of them.''

[From the Columbia Journalism Review, May–June 1995]

WHERE THE SUN DOESN'T SHINE—FINANCIAL DISCLOSURE FOR JOURNALISTS DOESN'T FLY

(By Jamie Stiehm)

Journalists don't like to politick on their own behalf; they'd much rather cover politics as a spectator sport. But every so often a few souls in Washington are asked—if not told—by their bureau chiefs to run for the prestigious Standing Committee of Correspondents in one of the congressional press galleries. In the case of the daily newspaper gallery, this is an inner circle, democratically elected, that makes important logistical decisions affecting coverage of both Congress and the national political conventions. Hence the tendency of the bigger newspapers and wire services to exercise their clout to get their people in there.

So this year, chances are that if he had kept quiet, John Harwood of the Wall Street Journal, the only candidate from one of the ''Big Four'' national newspapers, would have won. But instead, Harwood chose to ignite a controversial issue that has divided the journalistic community ever since Ken Auletta's September 12 New Yorker article made it the talk of the town: whether journalists should disclose to their peers and the public their ''outside income''—that is, income earned from speeches and sources other than their day jobs.

''I think it's time we do a better job of disclosing the sort of potential conflicts we so often expose in the case of public officials,'' Harwood wrote to 2,000 colleagues in a campaign letter. In an interview, he adds, ''Given the impact the media have on public policy discussions, we should be willing to subject ourselves to more scrutiny.''

This philosophy did not play too well with the masses. As they paid campaign calls around town, Harwood and the Journal's Washington bureau chief, Alan Murray, could hardly help noticing that the disclosure proposal did not excite enthusiasm. ''I was surprised,'' Murray states flatly, ''to find out so many of my colleagues oppose the right thing to do.''

Yet only a handful of daily gallery members, the so-called celebrity journalists who make substantial money from speaking engagements, would likely have serious outside income to disclose. (Harwood himself says that he earned only $300 last year from an outside source, for a speech he gave to the World Affairs Council.) The vast majority of the gallery members are beat reporters who might reasonably resent what some see as an invasion of privacy. ''What business of the gallery is it what my income is?'' says Stephen Green, of Copley News Service, who also ran and lost. ''People who are paying your salary should decide whether you have a conflict or not.'' Alan Fram of The Associated Press, the big winner, opposed disclosure partly on the ground that reporters are private citizens, not public officials.

Fram and Green see ''philosophical perils,'' as Green put it, in ''licensing'' reporters by requiring them to reveal certain facts and activities. ''That opens up a door we don't want to walk through,'' says Fram. ''What's the next step? Voting registration?''

Of the three press galleries that accredit reporters on Capitol Hill—the daily, periodical, and radio-TV galleries—only the periodical press gallery requires members to list all sources of earned income. This rule has always applied to the periodical gallery, largely because it receives more applications from people who might be moonlighting as trade association lobbyists, government consultants, or corporate newsletter writers.

Harwood argues that he only wants the daily gallery to do what the periodical gallery already does: put the sources, not the amounts, of outside income on record for any other gallery member to look up. He would go one step further, however, and make records available to the general public, not just journalistic peers: ''Put the judgment out there.''

Would writing these things down prevent anything impure from taking place? Maybe: environmental lawyers, for example, have found that the most effective laws are the ''sunshine'' statutes that made certain polluting practices less common simply by requiring companies to report them.

Anyway, the results are in. Out of a field of five, Harwood lost narrowly to the three winners: Fram of AP, Sue Kirchhoff of Reuters, and Bill Welch of USA Today, none of whom share his views. Is financial disclosure for journalists an idea whose time has come? If Harwood's loss is a good sounding of the current state of journalistic opinion, the answer is: not yet.

[From the Rocky Mountain News, Sept. 17, 1995]

MEDIA MORALITY: JOURNALISTS WHO PLAY LOOSE WITH RULES COMPROMISE CREDIBILITY

Lots of people hate journalists, and who can blame them?

We can be sanctimonious scolds and know-it-all nags.

We're full of unsolicited advice for every politician, police chief, pro athlete and parent, but when somebody turns the spotlight on our own behavior, we can react like Richard Nixon in bunker mode.

We expect leaders of government and private industry to live by rules that we sometimes don't apply to ourselves. We also expect those same leaders to drop what they're doing and talk to us whenever we have questions—often embarrassing ones—for them. But nobody is more defensive or evasive than a journalist who finds herself on the wrong end of the microphone.

Example: ABC News talking head Cokie Roberts recently caught some well-deserved grief for her outrageous speaking fees (such as $35,000 for a quick performance in Fort Lauderdale earlier this year). She became so annoyed with questions about her lucrative sideline that she quit talking to the press about the subject. If Roberts were a politician, she'd be badgered to a frazzle if she tried to get away with such arrogance, but some big-time journalists go easy on their peers.

In recent weeks, though, the extravagant speaking fees pulled down by such celebrity pundits as Roberts, David Brinkley, Michael Kinsley and William Safire have finally penetrated the public's consciousness. As a result, the skittish bosses of some of the new punditocracy have been re-examining their rules.

Roberts' boss at ABC handed down a new policy that prohibits his staff from accepting a speaking fee from ''any group which you cover or might reasonably expect to cover'' in the future. If journalists could accurately predict what next week's news is going to be, that rule might make some sense. In real

life, the rule has done little to curb ABC's speakers-for-hire.

The simpler and more honest rule was the one set down by James Gaines, managing editor of Time: ''To be sure that everyone knows our policy on accepting fees and/or expenses for outside speaking engagements . . . I want to make it perfectly clear: The policy is that you may not do it.''

This issue is not about forcing Cokie Roberts to get by on the sad little salary that ABC pays her for what is supposed to be her real job. Instead, it is about preserving the most important commodity that she has to offer: credibility.

When you're willing to rent yourself out for $35,000 a night—and worse yet, when you're unwilling to reveal the identities of the customers who have rented you—how can you expect your audience to have any faith in the integrity of your work?

That's not the only way in which the new punditocracy cashes in while compromising its credibility. Another example; Roberts' ABC colleague, George Will, is similarly mum about the various conflicts of interests that he and his lobbyist wife have created for themselves.

When Will writes about the businesses and foreign governments his wife has been paid to represent, he doesn't bother to disclose the connection to his readers. He also didn't let readers in on the depth of his chummy connections with the Reagans and their underlings during their years in power.

This isn't a partisan issue. How are we supposed to trust the objectivity of the celebrity journalists who have spent past Renaissance weekends palling around with Bill and Hillary Clinton at an exclusive South Carolina retreat?

This also isn't an issue limited to a handful of media fat cats. many journalists have to worry about the potential for similar conflict on a smaller scale.

Only a very few of us have to worry about the morality of huge speaking fees. Most of us are underpaid by the standards of other professions and seldom get more than a chicken dinner at the Kiwanis Club for our oratorical efforts.

Even then, we're supposed to get an editor's approval before agreeing to make such an appearance. Still, we humble journalists who never get invited on Crossfire can be self-indulgent other ways:

A few familiar TV faces such as Roberts and Will get all the attention, but there is a glut of lazy, overcautious Washington journalists who cut a symbiotic deal with the city's public officials in which they agree to pretend to take each other seriously.

I once watched a Washington reporter spend two entire workdays planning a dinner party—and he considered it real work—because the party would give him a chance to ''network'' with administration functionaries.

We can be almost cavalier about ''downsizing'' at dozens of Fortune 500 corporations, but when a newspaper folds, or when the bloated Los Angeles Times lays off some newsroom employees, we treat it like a national disaster. And we may yawn when truckers or textile workers are involved in an extended strike or lockout, but when members of Detroit's newspaper guild find themselves on the picket lines, we can get downright weepy.

We trumpet our Pulitizers and the other prizes of our industry, but we tend to relegate the major awards in other professions to the back pages and tiny print—assuming they're deemed worthy publishing at all.

And more and more ''journalists'' are making a career out of talking and writing about themselves; their kids, their parents, their hobbies and illnesses and psychic complaints. Journalism used to be about reporting on the lives of other people, but that can take a lot of time and trouble. And besides, our own lives are so fascinating.

Despite this creed, most of the journalists I know are honest and work pretty hard, and their egos are no more insufferable than the average lawyer's, insurance agent's. And journalism offers more creative satisfaction and redeeming social value than most other professions when it's done right. * * *

Mr. Chairman, disclosure is only a solution to this problem, and I would never suggest that members of the press be prohibited from earning outside income. On the contrary, I want to suggest that the public deserves the right to know which members of the press special-interest lobbies have paid money to. Lobbies are required to disclose which Members of Congress they have financial ties to, and they should be required to disclose which members of the press they have paid honoraria to.

Please do not misunderstand, I am not suggesting that organizations such as the Kiwanis or the Lion's Club should have to disclose any honoraria that it pays to a member of the media. My amendment makes clear that only registered lobbyists are required to disclose any honoraria that it makes available to a member of the media.

Further, I do not expect that my amendment will place an onerous burden on the lobby community. The disclosure of all honoraria to members of the media will be incorporated into a report that lobbyist will already be required to submit to the Clerk of the House of Representatives and the Secretary of the Senate.

As for the Senate, that Chamber has already made clear its intentions toward this matter. This summer the Senate passed Senate Resolution 162, recommending that each accredited member of the Senate Press Gallery file an annual public report with the Secretary of the Senate disclosing the member's primary employer and any additional sources and amounts of earned outside income. Well, I am not suggesting that our Chamber enact similar provisions tomorrow, but that we once again reinforce to the public that they are correct—they do have the right to know if there is even the slightest hint of impropriety—whether it be in the halls of Congress or in the newspaper article in their hand.

This is lobbying reform, my colleagues. This amendment strengthens the bill, and I ask for bipartisan support.

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

Mr. CANADY of Florida. Mr. Chairman, I yield myself such time as I may consume.

Mr. Chairman, this evening I have spoken in opposition to a number of amendments on the grounds that I believe that the amendments would interfere with our success in passing meaningful lobbyist disclosure reform. Some of those amendments are amendments that I would support. I have to say that this is an amendment about which I have some serious doubts. I believe that there are serious first amendment issues that are raised by this amendment, and I respect my colleague, the gentleman from Illinois [Mr. WELLER], and I understand his motivation to address this, some abuses that may have occurred, in a responsible way, however I have a question about where would we stop if we require this sort of disclosure with respect to activities of people in the media? What would be the next sort of disclosure that we would require? Are we going to get involved in a process of policing the media to make certain who is influencing the media and who is not influencing the media?

Mr. Chairman, I think that leads us down a path that is fraught with problems and could lead to a threat to the freedom of the press in this country.

Now I tell my colleagues the truth. I do no like a lot of what the press has to say. I think the media is biased in many respects. But we have a Constitution in this country, and we have protected the freedom of the press that is inconvenient at times. It is inconvenient to those of us who are in public office when we feel that we have been unfairly attacked. But that is the system of government that our Founders gave us, and I believe that on balance that is a very good system, and I would much rather have a free press that is free from time to time to be irresponsible, that is free all the time to be biased, than to have a press that is policed by people sitting in a Chamber such as this, and I am opposed to any effort that would start us down that road.

Now I am also puzzled by this amendment. In some ways it is extremely underinclusive in dealing with the issue that it apparently attempts to address.

□ 2310

The fact of the matter is that people who work for newspapers and other media outlets are employed by persons and corporations that themselves lobby the Congress and have significant interests before the Congress. The people that are paying their salaries have interests in matters here, and many media outlets have lobbyists or hire lobbyists that come before the Congress. So to focus simply on this issue of honoraria given to Members of the press by people who lobby, by registered lobbyists, I do not think addresses the issue that even the gentleman would purport to address.

However, if it did address it, I would still have the concerns that I expressed about the implications that this has for first amendment rights. Again, I understand the gentleman's motivation. I believe that he is motivated with pure motives, but I do not believe that this is the sort of step we should take.

Furthermore, I will guarantee you that this is the sort of amendment that would have a great potential for derailing this bill. I believe that it is the sort

of baggage that would virtually guarantee an extended battle over this in a conference committee, and also provoke a Presidential veto of the bill.

This is not an amendment that we need on this bill. I think that if there is any need to look at this issue, it should be looked at in the committee process, and as the chairman of the Subcommittee on the Constitution, with responsibility for issues related to the first amendment, I would be happy to work with the gentleman and look at his concerns, but I believe we need to reject this amendment.

I believe that if we adopted the amendment, we would not only act to impede our progress on this critical issue of lobbying disclosure reform, but we would start moving down a road that could lead to some serious infringements of first amendment rights in this country.

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

Mr. FRANK of Massachusetts. Mr. Chairman, I yield myself such time as I may consume.

Mr. Chairman, the chairman of the subcommittee has done a very good job of pointing out the substantive problems with this amendment. Let me just add a little bit to his analysis.

Mr. Chairman, we do regulate the relationship lobbyists have to us. In the Senate, they are seeking to regulate the relationship that journalists have to the Senate through getting a credential. This, unfortunately, goes, I think, a step too far in regulation, because it regulates the relationships of two wholly private entities to each other. That is, the gentleman said, should there not be as much accountability on the press as on us? No, not as much because they are private. I would like to be able to make changes there, and I reject those in the press who argue that there should not be any scrutiny of them, et cetera. But there cannot be an equivalent in the way we deal with them officially.

Yes, we have a right to require lobbyists to report on what they do with us. The Senate has a right, I believe, to require some disclosure on their journalists who get credentials, although you may agree or disagree with the substance. However, this amendment is one in which lobbyists and the press are being regulated. Let us be very explicit, that compulsory disclosure is, of course, a form of regulation. We had the Burton amendment today. It did not pass but it got a lot of votes. What the gentleman from Indiana said was the best way to regulate this is to require disclosure.

We do not have as a Government entity the right, in my judgment, to go to two purely private entities and say, ''You must tell us what you are paying that one.'' I would say, particularly to my friends on the other side who are advocates of more limited government, this would be a very significant expansion of Government regulatory power, to say that we will require the public disclosure of what A pays to B, when neither one of them is in that transaction directly affecting the Government.

Would I like to know it? Sure. I think it would be embarrassing to many journalists if we got that information, and embarrassing journalists is one of my favorite things to do. I like to embarrass journalists. But I do think that we have to abide by the Constitution, and having a Federal regulatory scheme imposed on the relationships of lobbyists who are in the private sector and journalists in the private sector and their private interrelationship does, in my judgment, transgress the first amendment. Therefore, I think this would be a mistake, in addition to the other reasons.

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

Mr. WELLER. Mr. Chairman, I yield myself such time as I might consume.

Mr. Chairman, my colleagues make reference to the first amendment rights of members of the media. This amendment respects those rights.

To the contrary, this amendment provides to those Members of the media that do not accept honoraria, and of course, an endorsement of the fact that there be an objective in their not receiving fees.

The fact is this amendment places the burden of disclosure not on the reporter but on the lobbying community, not the press. The public has a right to know if a reporter is receiving a $30,000 fee, speaking fee, from a lobbying organization, a registered lobbyist, and then does a story, reporting on that very issue important to special interest that the lobbyist represents, the public has the right to know.

☐ 2320

This is simply disclosure. No one is stopping that reporter from collecting that speaking fee.

Mr. Chairman, I would like to ask how much time remains?

The CHAIRMAN. The gentleman from Illinois has 8 minutes remaining.

Mr. WELLER. Mr. Chairman, I yield 3 minutes to the gentleman from South Carolina, Mr. GRAHAM.

Mr. GRAHAM. Mr. Chairman, the gentleman from Massachusetts has a very keen mind and I think raises a good point. I am a lawyer, and I do not claim to be a constitutional scholar, but I do believe that the purpose of the amendment fits well within what we are trying to do here in Congress.

Mr. Chairman, we are trying to open up the political process so that people can understand how it works, who is involved, and exactly where everyone is coming from. I do believe that it is lawful to regulate lobbying activities in regard to how this body operates. I believe it is an appropriate thing to have lobbyists disclose many facets of their business enterprise, because their efforts are to affect public policy. They have registered. They have set themselves apart as their business, and as their business affects the Nation's business, I think we need to know.

Now, we have come to a time to where the media has taken a very, I think, clear and appropriate role in our society in the political process, but I do not believe that their outside activities, who they associate with in terms of lobbying groups, is beyond disclosing as far as the lobbyists themselves.

If journalists are going to cover the political process and are going to become a quasi-public figures, I know at least many of these people are, they probably do not meet the legal definition of a public figure, I think people in this country would appreciate as much knowledge they could gain about how laws are made and about how the political process is reported.

Unfortunately, every American does not have the ability to hire a lobbyist to come up here and represent their interest in Washington. Many times, the only way to judge the political process and who is telling the truth and who is not and how effective it is is by picking up a newspaper and turning on the television and listening to the media.

Mr. Chairman, I do not believe it is violating anyone's first amendment rights for a lobbyist, whose only role is to affect the political process, to tell us exactly who they are paying and where their money goes in terms of the public policy debate. Certainly, part of the public policy debate is the information we receive through the media, whether it be in print or the airwaves, and that helps the American public better understand the political process and who is involved and what bias may or may not exist.

That is the role of the lobbyist, to come up and affect the legislation and if at the same time they are giving away money to groups that cover the political process, they do not tell the groups what to say or how to say it, but it does give the public information that I think is very vital to judge how effective the process is and exactly who to believe and who not to believe. No one is hurt here. No one is being affected by doing their job effectively. All we want to know is where money goes in the public policy debate.

Mr. WELLER. Mr. Chairman, I reserve the balance of my time.

Mr. FRANK of Massachusetts. Mr. Chairman, I yield myself such time as I may consume.

Mr. Chairman, the gentleman from South Carolina has helped clarify this issue. There are people in this society, obnoxious, irresponsible, biased people, who have a right to tell us, ''None of your business.''

No, we do not have a right legally to compel two purely private actors to tell us how much money is changing hands between them when no statute is being violated and it is not a question of fraud or bribery. I am surprised that the gentleman does not see that distinction.

Would the public like to know? Of course they would. The public would

like to know a lot. Some of what the public would like to know is very important. Some of what the public would like to know bothers me, and I think BILL BENNETT was right to talk about some of the trash TV.

But the fact that people would like to know what other people have a right to keep private does not justify legislating it. The gentleman from South Carolina said, one of the gentlemen said, this is going to protect the first amendment rights, maybe it was the gentleman from Illinois, of those reporters who do not take honoraria because it will show how they are being objective.

Mr. Chairman, it is not the business of the government of the United States to stamp approved or disapproved on people. To say objective or not objective. Verbally, can we say that as Members? Of course we can. But to enact a statute into law that reaches out to the purely private relationships of two people, organization A, that happens to be a lobbyist and, journalist B, and says, ''You know, we would love to know how much money you people are paying each other,'' and compel its disclosures makes a mockery of the notion of limited government and of privacy rights.

The fact is, having a Constitution, having limited government, means exactly that we do not find out things we would like to know. We do not need a Constitution to protect information that nobody cares about. We do not need a Constitution to protect the privacy of people in whom no one is interested. We need a Constitution to limit government, and the notion, the argument, ''Well, the media has gotten too big for its britches and is biased,'' yes, I will stipulate, the media is a pain in the place I should not say here, but that is absolutely irrelevant to whether or not we, by law, say, ''You must tell us these things.''

It is not simply a first amendment right not to be thrown in prison or beaten or have your property confiscated. There is a right to say to the government, ''None of your business. I do not want to tell you. You do not have a right to know. You do not have a right to use the law to find out this information.''

So, on this amendment, I hope we will vote it down, not simply because it is going to weight down this bill, but because it really is yielding to a temptation that we should not yield to. The gentleman talked about Sisyphus. Let me talk about Tantalus. Let us remember Tantalus was tied to the table and he could not reach the goodies.

Constitution ties us down. We are Tantalus. The goodies is all this dirt on the press we would love to have, but the Constitution is what ties us down and I do not think we want to try to loosen those bonds.

Mr. WELLER. Mr. Chairman, I yield 1½ minutes to the gentleman from Pennsylvania, Mr. FOX.

Mr. FOX of Pennsylvania. Mr. Chairman, the disclosure bill before us tonight is a great reform. And to the gentleman from Florida [Mr. CANADY] and to the gentleman from Massachusetts [Mr. FRANK] and those who are here tonight working to move this reform forward, the colleagues on both sides of the aisle are joining together to make sure this bill does pass.

The gentleman from Illinois [Mr. WELLER] has brought forward an amendment he believes will be an additional reform, and I have to tell my colleagues that the gentleman has been someone that as a freshman has been a reformer. He has supported the gift ban. He has worked to make sure the congressional staffs have been reduced and the cost of this institution has been reduced by $150 million.

Mr. Chairman, this is part and parcel of that entire effort, that is making sure we reform Congress. Here we are talking about an amendment which is common sense. It talks about the public's right to know when journalists are receiving honoraria from special interest groups and what effect that has on the objectivity of their position and what they print.

The journalist's acceptance of honoraria could influence the type of information he or she may include in their report, or exclude. We only have to look at the Senate where they have made their intentions clear. The Weller amendment is consistent with the sense-of-the-Senate resolution, which in fact would call for the annual reporting and disclosing of the member's primary employer and any additional sources of income.

Mr. Chairman, I believe what has been said before must be underscored. This amendment only places the burden of disclosure on the lobbying community and not on the press. I ask for support of the Weller amendment.

Mr. WELLER. Mr. Chairman, I reserve the balance of my time.

□ 2330

Mr. FRANK of Massachusetts. Mr. Chairman, I yield my remaining time to the gentleman from Florida [Mr. CANADY].

The CHAIRMAN. The gentleman from Florida [Mr. CANADY] has 4 minutes remaining and has the right to close.

Mr. CANADY of Florida. Mr. Chairman, I yield 3 minutes to the gentleman from Connecticut [Mr. SHAYS].

Mr. SHAYS. Mr. Chairman, I first would like to start by thanking you for your fine delegation of responsibilities here. You have been an outstanding acting chairman.

To weigh in on this issue, I consider this a very mischievous amendment because candidly I do not think it will accomplish what the gentleman wants, but I think if it were to be adopted, it would put in serious jeopardy passage of this lobby disclosure bill.

Again, I want to point out to the Members here and for the record that the last time we had any lobby disclosure bill was in 1946. In the early 1950's, the Supreme Court basically gutted that. There was report language brought forward by the committee that points out that those who are listed in the Washington representatives listings of the 13,500 individuals and organizations, 10,000 of them did not register as lobbyists.

The individual who is offering this amendment, I know, is doing it in good faith. I am fed up with hearing Sam Donaldson go after honoraria when we know he accepts so much of it. And if he thinks it affects Members of Congress, of course, it does not affect him. I mean, the same logic should apply to him. I think of him and others, I would love to know how much they are paid.

But it says in this amendment only lobbyists have to disclose. Well, that is a simple wrap to beat. You just simply have someone other than a lobbyist paid that honoraria.

If the gentleman from Illinois [Mr. WELLER] was aware of how hard we have worked to get this on the floor and maybe was aware of how hard it has been to even get our own Republican leadership to schedule debate on this bill and if the gentleman were aware of the attempts to find any amendment to this bill so that it would, in fact, be sent back to the Senate, he might be more sympathetic to why we are finding it so difficult to accept this kind of amendment.

It is true, and I have to agree with the gentleman, 435 Members ultimately have to decide whether this bill gets amended and ultimately killed in the Senate. But I just would try to encourage Members and particularly Mr. WELLER, on this amendment, that this deserves a hearing. This deserves to have the kind of report language that the bill we have before us has, that documents the need and shows how it would in fact be effective or not effective, that documents that it would be, in fact, constitutional, that documents that it would achieve the results that the gentleman desires.

On the basis of the motion, I, too, would like to know what media is paid what, but I do not think this amendment does it. I think it places in serious jeopardy passage of this bill in the Senate.

The CHAIRMAN. The gentleman from Illinois [Mr. WELLER] has 3½ half minutes remaining.

Mr. WELLER. Mr. Chairman, I yield 1 minute and 45 seconds to the gentleman from Tennessee [Mr. DUNCAN].

Mr. DUNCAN. Mr. Chairman, I will be very brief because I know the hour is late. I simply want to rise and commend the gentleman from Illinois, my good friend, Mr. WELLER. I think he has shown great courage and leadership in bringing this amendment to the attention of his colleagues and to the attention of the American people.

With all due respect to Mr. WELLER, I doubt that this amendment can be passed, but that does not mean that it is a bad thing or it is not something that we should discuss. I think it is very limited in scope.

I personally do not think that it violates freedom of press or the first amendment to the slightest degree. It does not regulate in any manner what someone can write or say, but I would approach this from a little different angle. I would say tonight that any respectable, any ethical journalist would voluntarily comply with this amendment. But so many journalists are quick to criticize but very slow to lead by example.

The best example I know of this was a few years ago, some of us may remember, the Capitol Hill Press Club, their officers voted to require their membership to follow the same disclosure requirements that we as Members of Congress were required to follow. Their membership rose up in arms and by an 80 percent margin voted to impeach their leadership.

There is a real double standard around here, and it is really time for it to end. Efforts like those of the gentleman from Illinois [Mr. WELLER] will help bring that to an end.

Mr. WELLER. Mr. Chairman, I yield myself the balance of my time.

Mr. Chairman, in response to the comments of my good friend, the gentleman from Connecticut [Mr. SHAYS], there were a number of us that worked very hard to make sure that this bill came to law. I think a lot of us certainly voiced our concern and priority for bringing these bills to a vote quickly so that the Congress could address them.

A lot of good ideas are being discussed and a lot of good Members have worked hard on lobbying reform. This proposal actually improves the bill. Frankly, it is pretty much a common sense question, Mr. Chairman. Does anyone believe that the public does not have the right to know who is on the payroll of special interests, particularly a registered lobbyist? I believe they do, Mr. Chairman.

This amendment respects the first amendment. Reporters can still be on the speaking circuit. Reporters can still collect speaking fees, some small, some as large as $30,000 or $40,000. And under this amendment, they are not required to disclose that publicly.

The burden is registered lobbyists who disclose the honoraria they pay to members of the media. I think that if a reporter receives a speaker fee and then writes a story or does a story and covers an issue impacting the very issue that is so important to that particular lobbyist, the public has a right to know. This amendment improves the bill.

I ask for bipartisan support.

Mr. CANADY of Florida. Mr. Chairman, I yield myself the balance of my time.

Mr. Chairman, I have the greatest respect for my colleague from Illinois. I understand that he is doing something that he believes is important and is the right thing to do. But I think this is a bad amendment. I think this is an amendment that targets the press in a way that is unacceptable.

Again, I do not approve of everything the press does. I think there is obvious bias there. But I think we are going down a road here that is not a road we want to get on. It is a road that is inconsistent with the values that we hold under the first amendment, and I would urge all the Members of the House to reject this amendment, as well as other amendments, which are going to interfere with passing this legislation and reforming lobbyist disclosure after 40 years of gridlock.

The CHAIRMAN. The question is on the amendment offered by the gentleman from Illinois [Mr. WELLER].

The question was taken; and the Chairman announced that the noes appeared to have it.

Mr. WELLER. Mr. Chairman, I demand a recorded vote and, pending that, I make a point of order that a quorum is not present.

The CHAIRMAN. Pursuant to the order of the House of today, further proceedings on the amendment offered by the gentleman from Illinois will be postponed.

The point of order is considered withdrawn.

Mr. CANADY of Florida. Mr. Chairman, I move that the Committee do now rise.

The motion was agreed to.

Accordingly the Committee rose; and the Speaker pro tempore (Mr. FOX of Pennsylvania) having assumed the chair, Mr. KOLBE, Chairman of the Committee of the Whole House on the State of the Union, reported that that Committee, having had under consideration the bill (H.R. 2564) to provide for the disclosure of lobbying activities to influence the Federal Government, and for other purposes, had come to no resolution thereon.

LEGISLATION PROVIDING FOR CLEAN EXTENSION OF CONTINUING RESOLUTION—MESSAGE FROM THE PRESIDENT OF THE UNITED STATES

The SPEAKER pro tempore laid before the House the following message from the President of the United States; which was read and, together with the accompanying papers, without objection, referred to the Committee on Appropriations and the Committee on Government Reform and Oversight and ordered to be printed.

To the Congress of the United States:

In declaring my intention to disapprove House Joint Resolution 122, the further continuing resolution for fiscal year 1996, I stated my desire to approve promptly a clean extension of the continuing resolution that expired on November 13. Accordingly, I am forward the enclosed legislation that would provide for such an extension. This legislation also provides that all Federal employees furloughed during the Government shutdown through no fault of their own will be compensated at their ordinary rate for the period of the furlough.

I urge the Congress to act on this legislation promptly and to return it to me for signing.

WILLIAM J. CLINTON.

THE WHITE HOUSE, *November 16, 1995.*

THE REAL DEFAULT

(Mr. SCARBOROUGH asked and was given permission to address the House for 1 minute and to revise and extend his remarks and to include therein extraneous material.)

Mr. SCARBOROUGH. Well, well, well, there they go again. But if we want to talk about something that has gotten out into the public, it is the fact that the Democrats have shamelessly been demagoguing on Medicare to try to scare senior citizens.

Read the Washington Post this morning. It tell you what the real deficit is. It says, it is a deficit in leadership on the President's part and on the House Democrats' part. The Post says, the Democrats, led by the President, choose instead to present themselves as Medicare's great protectors. They have shamelessly used the issue, demagogued on it, because they think that is where the votes are, and that is what the President is still doing this week.

If the Democrats play the Medicare card and win, they will have set back for years, for the worst of political reasons, the very cause of rational government in behalf of which they profess to be behaving. This has finally come out in the open. They know the President's plan does the same thing as our plan. It is indefensible, and the American people, and even the Washington Post, has caught on.

By the way, read the front page. Robert Rubin is now raiding the Federal retirees' trust fund to get out of this crisis. That is the real shame.

[From the Washington Post, Nov. 16, 1995]

THE REAL DEFAULT

The budget deficit is the central problem of the federal government and one from which many of the country's other, most difficult problems flow. The deficit is largely driven in turn by the cost of the great entitlements that go not to small special classes of rich or poor but across the board to almost all Americans in time. The most important of these are the principal social insurance programs for the elderly, Social Security and Medicare. In fiscal terms, Medicare is currently the greatest threat and chief offender.

Bill Clinton and the congressional Democrats were handed an unusual chance this year to deal constructively with the effect of Medicare on the deficit, and they blew it. The chance came in the form of the congressional Republican plan to balance the budget over seven years. Some other aspects of that plan deserved to be resisted, but the Republican proposal to get at the deficit partly by confronting the cost of Medicare deserved support. The Democrats, led by the president, chose instead to present themselves as Medicare's great protectors. They have shamelessly used the issue, demagogued on it, because they think that's where the votes are and the way to derail the Republican proposals generally. The president was still doing it this week; a Republican proposal to