Congress are watching carefully to see if we are serious about considering the issues with which we were charged.

I was reminded of this while reviewing the comments made during the debate in the U.S. Senate. Senator Reid noted that he would be steadfast in his monitoring of the Commission's environment and agenda, and Senator Coats made clear his willingness to amend the legislation if he thought that we were dodging the issues.

We have an obligation to all of those individuals and to the state legislators, city councils, and tribes who are looking to this Commission for information.

Having said that, I'd like to offer three choices this morning for our work considering the rules. You will find a 70-page analysis of the rules as submitted by Commissioners Lanni, Bible, and Dobson. I would note again that these are rules that you have had in your possession for some time. Hopefully you have done your due diligence in reading them, in studying them, and have come prepared this
morning to discuss them.

We can do one of several things. We can either discuss this rule by rule, or we can discard any that we have determined or we have an opinion which states that they are illegal or redundant, or we can refer the entire package to GSA for additional analysis and to continue to operate under the rules as adopted.

The votes for each of these rules, incidentally, will be by roll call vote, and the reason for that is that under FACA when Commissioners act illegally, they may be held liable.

At the conclusion of our discussion, we would like to discuss some perhaps more simplified, common sense rules of conduct crafted for our consideration.

What is the Commission's pleasure?

MR. LOESCHER: Madame Chairman.

CHAIRPERSON JAMES: Yes.

MR. LOESCHER: Thank you, Madame Chairman.

I appreciate your opening remarks. I disagree totally with your statement. There's a lot
at stake here in this Commission. We are going to affect people's jobs. We're going to affect their lives. We're going to comment on the moral values of people. We're going to affect their investments, and we're going to affect their life style, and there's a lot at stake.

And the rules are important as we begin this process that will last over two years and cover the range of issues that Congress has asked us to look at.

I took a look at the statute just like you did, and I find that all powers of the National Gambling Impact Study Commission are vested in the Commission, except that the Chairman is exclusively authorized to call meetings, and that's in accordance with Section 5(a) and 5(b). The Chairman is exclusively authorized to appoint and terminate all personnel other than the Executive Director, Section 6(c)(1), and the Chairman is exclusively authorized to procure temporary and intermittent services, Section 6(d), and also the Chairman, with the consent of the Commission, is authorized to appoint and terminate the
Executive Director, Section 6(c)(1).

And from my reading of the statute, those are the powers of the Chairman. All other powers reside in this Commission.

The statute also says that this Commission may establish such other rules and procedure as it may deem fit, and of course, you caveat that to say it has to be lawful, and I agree with you, and certainly our efforts should be in that context.

I have a hard time here this morning coming to the meeting and finding this extensive legal analysis prepared by yourself and the GSA. I'm not a lawyer. I may be a professional client, but I'm not a lawyer, and I'm at a disadvantage here as we move forward, but I'm prepared to move forward however you want to move forward or this body wishes to move forward.

I came here having the benefit of the work of Commissioners Bible, Lanni, and Mr. Dobson, and I appreciate their work. They did extensive analysis, and I think they're all positive elements for us to consider, and it was my hope that we could start with
a template document by merging the Bible and Lanni
proposals, and then agreeing on that as a format, and
then having the Commissioners debate and either amend
by adding amendments to the procedural rules, or
moving to delete certain procedures, and I think that
would be a logical course of action for us to start an
orderly piece of work.

And so I offer that to the Chairman and to
the Commissioners to see if we couldn't proceed in
that manner. However, Madame Chairman, I think the
rules of procedure are important. Like you say, they
cover the whole breadth of our activities. They
protect people with our subpoena power. They protect
them in the hearings. There's comments or there are
provisions in here to deal with contracting and
subcontracting and how we do that, all kinds of
provisions which set the ground rules for the Chairman
and the Executive Director and others who are doing
our work as we proceed.

As you know, according to the proposed
work plan, we're only looking at maybe five or six
more meetings of this Commission over a two-year
period. At least that's what's proposed. So we're
going to be relying on a lot of people to do the work
of the Commission.

And I think the work that we do at the
outset right now is important as we look at what
result that we want at the end, and I think having the
ground rules established are important in the conduct
of the work and making sure that we have a successful
result at the end.

Anyway, Madame Chairman, I offer the
notion just for discussion at this moment without a
motion that we merge the Bible and Lanni proposals and
use that as a template of discussion.

MR. BIBLE: I'm concerned on a procedural
basis. Apparently the GSA counsel is not here today,
and you suggested that some of these proposed rules
are illegal, and I think it would be helpful if they
were here to give us legal advice.

CHAIRPERSON JAMES: It would be very
helpful, and I am told that they are, in fact, en
route, whatever that means. In Washington it could
mean any number of things, from being stuck at a
MR. BIBLE: And as you know, we did not receive this rather lengthy document -- it's some 74 pages of analysis -- until five minutes ago.

CHAIRPERSON JAMES: For the benefit of the public, let me explain what this 72-page document is that we are referring to.

MR. BIBLE: Seventy-four.

CHAIRPERSON JAMES: Seventy-four page document.

It is slightly different from what Commissioner Loescher recommended. He recommended combining Bible and Lanni's rules, and basically what I have done is combined Bible, Lanni, and Dobson's rules, and to offer as a point of departure for discussion, rather than take any one set of rules, we went through each set of rules. If a rule addressed a specific issue, as an example, the first one is agenda contents, we saw if Mr. Bible had a rule that related to that issue, if Mr. Lanni had a rule that related to that issue, or Mr. Dobson had a rule that related to that issue.
We then put on the paper in front of us the wording from their documents with their proposed rule.

Then Ms. Simpson, who is an attorney working on staff here, looked to see if there was any applicable law or regulation that had any bearing on that particular proposed rule.

Then if we perceived a violation or problem with that particular rule, it's listed there.

Then we consulted with various government agencies and entities for their input because it was very important to us to do this the correct way.

We then went to General Services and sat down with their staff attorneys and asked them for a ruling as to whether or not they concurred or did not, or whether they agreed or disagreed with the finding that our staff came up with.

Then what you see is the chair's recommendation for how we should handle that particular rule. So you do have a melding in front of you of all of the various Commissioners' rules that have been suggested.
It is not a new document in any sense of the word, except that what you now have before you is my recommendation for what we ought to do with that particular rule and GSA's ruling.

Again, every Commissioner has had all of these rules, and I would have hoped that you would have studied Dr. Dobson's rules, studied Terry Lanni's rules, studied Bill Bible's rules, and come here today with an opinion.

Many of you have suggested that you're not attorneys and that you would like to have attorneys look at them. I would hope that you have done your due diligence and have had your attorneys look at them.

If you have not and would like to delay this process and go back, I agree with you, Commissioner Loescher, that this is significantly important and has implications for how this Commission will operate; that if you want to table this entire discussion, go back and have attorneys look at it, and we can act on these later, I'm completely open to the will of the Commission on this.
I think it is vitally important that we get it right.

John.

MR. WILHELM: Well, I'm glad you said it's vitally important that we get it right because by your adding that comment, I found one thing that I could agree with in what you said.

I'm very disappointed in finding this document this morning. You said at the first meeting, Kay, and again yesterday that there'd be no surprises. Well, I may not have the right Webster definition of surprise, but to me to find a 74-page document unattributed to anybody that purports to find various kinds of violations, slash, problems, whatever that is, in many of these rules falls in the category of what I would call a surprise.

You have indicated that the Commissioners should have done due diligence with respect to these rules, and I believe that the Commissioners have done that.

You have also, in essence, threatened the Commissioners with the possibility that they might
vote for something illegal, and we have in front of us
a document whose authorship is not evidence on the
document. You have indicated that it was drafted by
Ms. Simpson, but you've also indicated that there's
been input into it from a whole bunch of federal
agencies beyond the GSA, and yet there's no indication
on this document of what that input may have been.
There's no indication on this document of whether --
of which federal agencies expressed what view on which
rule.

And, moreover, there's no distinction in
the narrative between a violation or a problem. I
can't tell from some of these things whether there's
a purported violation of some law, which you correctly
cautioned us that we shouldn't vote for if it's
illegal, or whether this is a problem that you
perceive that is non-legal in nature. There's no
distinction in that regard.

I would have to interpret this as an
effort to not only violate your own promise that there
wouldn't be surprises, but more importantly, in the
absence of any other evidence, and perhaps there is
other evidence that I don't know about, but in the absence of any other evidence, I would interpret it as an effort not to have rules other than the interim rules that were adopted yesterday because there's no reasonable way that I could see that the Commissioners could digest a 74-page document in the allotted agenda time of one hour and 50 minutes and discuss each of these among ourselves and vote on each of these by roll call. That is an obvious and evident impossibility.

So I'm very disappointed in this development this morning. I am surprised by it. I think it's entirely inappropriate, and I think that it emphasizes the need that Bob Loescher tried to address at our first meeting for a general counsel.

I read yesterday and was surprised by not the content, but the materialization yesterday of the communication from the Department of Justice with respect to the notion of getting legal advice, and I would respectfully suggest that the wrong question was asked of the Department of Justice.

And I would request that you, as the
chair, ask the Department of Justice if the department will detail to this Commission a Department of Justice attorney who can act in the capacity of general counsel.

I am very uncomfortable at being presented with a 74-page legal analysis by an attorney I know nothing about, who is not the general counsel of the Commission, and then being threatened by the chair with regard to the possibility of voting on something illegal. I think that's entirely inappropriate, and I would like to ask you to ask the Department of Justice to detail a lawyer full time to this Commission for the purpose of functioning as general counsel.

CHAIRPERSON JAMES: If you will check your briefing books, you will note that I did ask every department, including the Department of Justice, for detailees to this particular Commission and are awaiting response from that.

MR. WILHELM: I'm asking you as chair to make a much more specific request. You made a generic request to detail somebody. I'm asking you to make a
request to the Department of Justice to detail a full-
time attorney for the purpose of serving as general
counsel before this Commission.

CHAIRPERSON JAMES: Well, the chair
respectfully declines that request. I will retain
outside legal counsel for this Commission, which I
have under the law the authority to do.
And let me state for the record one other
thing. It is not any attempt to threaten the
Commission with potential legal action; only to make
sure that you understand fully the responsibilities
that we have before us, and I think it would be
irresponsible on my part not to do that.

And, again, let me restate that it was my
hope that you would come prepared this morning having
studied and prepared, and what you have in front of
you was a document that is designed to help facilitate
that discussion.

I am prepared to discuss it. It was an
attempt to organize the material in some kind of way.
What do you do when you have a list of rules from
three different Commissioners, each addressing
somewhat the same issues? But to try to put those
rules side by side to see how they relate to one
another, that is the full context of what you have in
front of you.

Believe me, I have no pride of ownership
or authorship in the document. If it is not the
pleasure of the Commission to proceed in that
direction, I am happy to consider some other
alternative ways of addressing this. It is merely a
procedural way to organize our work this morning.

The chair recognizes Commissioner Wilhelm.

MR. WILHELM: Thank you.

I am perfectly prepared to discuss these.

I would ask the chair to advise us in advance, since
there's no possibility of being finished with this
analysis and discussion and roll call vote by 11:00
a.m.; I would ask the chair to advise us in advance
whether the discussion will be cut off at 11:00 a.m.
or whether the work plan discussion will be dumped or
whether the public comment portion will be dumped.

I think the likelihood of getting through
the procedure you described by 3:30 today, even if all
of those other items are dumped, would be ambitious.

Secondly, I want to reiterate not by an
unwillingness to talk about this and, indeed, vote on
it, notwithstanding the threat about illegal votes,
but I want to observe that to be presented on the
morning of the discussion with a 74-page legal
analysis that in my view is rather shoddy falls
directly into the category that you said you would not
do as the chair.

I'm perfectly prepared to discuss this.

I have done due diligence on this. I have no
difficulty in discussing any of it, but I think that
the procedure that you have developed here this
morning is not only inappropriate, but there's no
prayer of it working between now and 11:00 a.m.

CHAIRPERSON JAMES: First of all, I would
like to address the issue of, quote, shoddy work by
General Services Administration and the staff at the
Gambling Commission. I'd like to say for the record
that I believe that, first of all, they do this for a
living. These are federal employees which spend their
lives advising commissions. This is what they do.
They have taken the time to do their due
diligence. They have gone through every regulation,
every rule, every law that could apply. This is what
these people do.

MR. WILHELM: Kay, my comment --

CHAIRPERSON JAMES: Excuse me. The chair
has the floor.

What they have done for this Commission is
nothing more than what they do for every other
commission in terms of advising them, giving them
their best wisdom and counsel about the rules that
they'd like to set up.

I really take issue with the comment of
the shoddy work that either they or the Commission
staff have done.

MR. WILHELM: Kay, my comment was not --

CHAIRPERSON JAMES: Mr. Wilhelm.

MR. WILHELM: My comment was not addressed
to the GSA. The GSA, if I understand the structure of
this document -- and correct me if I'm wrong -- the
GSA, if I understand the structure of this document,
is responsible for the line on each page where it says
"GSA's comment." It is my interpretation, perhaps wrongly of this document, that that is the GSA's portion, and so my comments were not addressed to the GSA.

My comments were addressed the structure of a document that has a category called "violation/problem." I need to know whether somebody thinks one of these rules is illegal. If somebody, separately from whether somebody thinks it's illegal, thinks it's a problem, that's a perfectly legitimate point, but the idea that one lumps together violations and problems with any reference to any legal authority is, in my view, a shoddy piece of work for a legal document.

If it's somebody's opinion, that's fine.

My comment is not addressed to the GSA's section of this, which is GSA's comments, if I'm interpreting the document correctly.

CHAIRPERSON JAMES: I would like to introduce to those of you who have not met you before Carol Simpson, who is the staff attorney who has been working on this document.
MR. BIBLE: Now, when you are introduced as staff attorney, are you the Commission's attorney?

CHAIRPERSON JAMES: She is a Commission employee who has been working on the Commission staff to prepare us for our discussion today.

MR. BIBLE: How many staff people do we have at this time?

CHAIRPERSON JAMES: Mark, how many is it now?

MR. BOGDAN: Three.

CHAIRPERSON JAMES: We now have three.

MR. BIBLE: So we do have Commission counsel? So you are Commission counsel?

MS. SIMPSON: I don't know that I've been employed as Commission counsel. I'm on staff, and I went through this.

If I could answer very quickly --

MR. BIBLE: But you are an attorney?

MS. SIMPSON: I am an attorney. Yes, I am.

The work here that's been added, I think, Mr. Wilhelm, you're absolutely incorrect. The first
part of this stuff is stuff written by three Commissioners. It wasn't written by anybody else.
It's just translated, just typed in there, which took a lot of time. There's no analysis there.

The second part is applicable law that we just copied and put in there. So it was not something that anybody made up.

If you'll look very simply the reason there's a violation/problem line is on the first page. There's no applicable law. So there obviously could be no violation of an applicable law, but in discussing things with the various entities around the city, they said these were some things that you may want to think about.

So we just put those in there. It is not my analysis that I came up with on my own without talking to anyone. It was after talking to people.

The chair then asked me to write that up so it would be in some form to look at. GSA then could then give an opinion on that.

So it's very simple to tell when there's a violation of law. The words "contrary to law" are
written there when there's a violation of the law. It
also is an obvious thing that if it says applicable
law and there is none, there can't be a violation.
That's why the two words were used: sometimes there is
something that's contrary to law; sometimes there's
just a problem.

CHAIRPERSON JAMES: The chair recognizes

Dr. Dobson.

DR. DOBSON: Madame Chair, given the
discussion around the table, I'd like to make a motion
that we table this discussion pending reference to or
referring this issue to the GSA or the general counsel
of the Commission with a request that a report and
recommendations be made back to us no later than two
weeks prior to the next meeting.

MR. BIBLE: And I would support the
motion, but instead of having recommendations, what
I'd like to see is a comprehensive legal analysis as
to whether or not any of these rules violate any
applicable provisions of federal code.

DR. DOBSON: I would accept that in my
motion.
CHAIRPERSON JAMES: It has been moved and seconded. Would we like to have discussion?

MR. LOESCHER: Madame Chairman, I ask for a five-minute recess.

CHAIRPERSON JAMES: If we could get through this, that would be great. If you feel a need for a recess, can I hear the sense of the rest of the Commission? Would that be helpful to you?

The meeting stands in recess for five minutes.

(Whereupon, the foregoing matter went off the record at 9:37 a.m. and went back on the record at 9:47 a.m.)

CHAIRPERSON JAMES: Call back to order.

I think we have a motion before the Commission. I'd like to have a restatement of the motion, and I believe the motion was made by Dr. Dobson.

Dr. Dobson, I wondered if you would entertain adding to your amendment that along with the analysis that GSA would make, that they would recommend, based on their experience of having worked...
with numerous other commissions, as a part of their
report back to us, that they would recommend some
common sense rules under which we could operate.

Dr. Dobson: That's fine with me --

Chairperson James: For review.

Dr. Dobson: -- if the second approves.

Chairperson James: And the second was, I
believe, Bill Bible. Would you?

Mr. Bible: And it intends to have them
provide their analysis as to whether or not the rules
will work?

Chairperson James: That's correct.

Mr. Bible: I think as long as they do
that and they give concrete examples of where and why
they're making that recommendation I would agree with
that.

Chairperson James: And that we would
then, therefore, table that until such time as we have
that analysis back, and then we will look at the
rules.

The chair recognizes Mr. Lanni.

Mr. Lanni: Thank you, Madame Chair.
I have some other requests as part of this
if it's acceptable to Commissioner Dobson and to
Commissioner Bible.

One is whatever opinion is rendered by the
GSA, I would recommend that the Committee Secretariat,
James Dean, not a staff attorney, be signing that
particular document so we have clear indication that
the appropriate authority is in place.

CHAIRPERSON JAMES: I'm not sure if we
have the authority to dictate internal GSA -- I
appreciate your --

MR. LANNI: This was a request. I realize
we don't have control over that particular agency.

Would that be an appropriate request, Mr.
Snowden?

MR. SNOWDEN: Let me say I think it's
important now that I make this comment. GSA is being
drawn into a discussion on how you should operate, how
the Commission should operate. Generally that is not
our role.

We are advisory to you. To all of the
Commissioners, it's important to know we have no -- we
represent no particular perspective here. Our role
only is to provide you advice on the legal and
regulatory operations of the Commission and to keep
you in compliance with law and regulation.

What you're asking us to do is to help you
craft out your operating rules. Your legislation
gives you clear and invaluable authority to write any
rules you see fit as long as it does not violate any
organic legislation or any rules or regulations.

What we did is looked at these rules as
they were presented, and those that we thought were
clearly in violation of your law or existing
regulations and other laws, we commented on such.
Those that we did not, we, in fact, made no comment or
said we did not disagree with the finding.

I want you to be clear. I think that
you're bringing GSA -- I know that it appears to me
that you're making GSA dictate how you run. I don't
think you want to do that. I don't think you want to
yield any of your flexibility and any of your ability
to dictate how you operate.

To your specific question, Mr. Lanni,
whether it would be appropriate for Jim Dean, who is
the Committee Secretariat, to sign off on how you
operate would not be in keeping with his role. Again,
we are not in the position of telling commissions,
"This is how you should operate."

Clearly, we will review this, give you an
opinion. It is only advisory. You can take it as an
try to show you best practices, but you don't have
to comply.

MR. LANNI: Thank you, Mr. Snowden.

One other question, Madame Chair.

CHAIRPERSON JAMES: Certainly.

MR. LANNI: Relative to that, the
confusion that I have -- and, again, I must say I am
also not an attorney. I think probably more people
have announced in Washington today that they're not
attorneys, considering the number of attorneys in
Washington. However, I am not one -- and we've used
three different words relative to the GSA in different
manners.

First, in the 74-page document that was
submitted to us, the reference to GSA is a comment
In Madame Chair's remarks and response to Mr. Wilhelm, she referred to a GSA ruling. And you're now saying a GSA opinion, and I suspect not even being an attorney there is a significant difference among those three statements. If, and my request here is if there is going to be a determination -- and I'll use that as a fourth word -- a determination from the GSA, I would like to have that determination presented in writing to the Commission members. I think that would be appropriate.

In addition, I would also ask that when it comes to Ms. Simpson's comments about contacts with a number of other agencies -- I tried to write some of them down. She speaks more quickly than my shorthand or lack of shorthand is capable of responding -- but I would think it's appropriate if we're going to have that as part of this, assuming this proposal is approved, that we would have written statements from those particular entities also, and again, I used the word advisedly, "statements." I'm not sure exactly
what would be appropriate.

And I was going to ask for a clear understanding of the GSA's role in this, and I think you, Calvin, have responded to that appropriately.

And I would ask for one other aspect based upon the Chairman's comments that there may be some criminal liability potentially here. I would like to have some written opinion presented to each of the Commissioners to better understand that because, as much as I like the federal government, I have no interest in spending any time in a federal penitentiary.

Thank you, Madame Chair.

CHAIRPERSON JAMES: Let me just say one thing before the chair recognizes another Commissioner.

I think that you're absolutely correct, Terry, in the use of language, whether it's advisory, whether it's a comment, or whether it's an opinion, and my understanding is that GSA can give us their advice, and that says something about who we are, and that question was raised yesterday.
So who is the ultimate authority? And I would say to our C Span watchers right now that if you want a lesson in government and how it works, this Commission is probably as good an example as anything because we are a hybrid.

I mean, we don't fall anywhere particularly under any particular authority, which makes it very, very difficult at this point to say if we don't like what the chair does, who do we appeal?

That question came up yesterday. Who is the final authority and the final appeals process for this Commission?

And it's an interesting study. I think a lot of Washington attorneys and a lot of agencies have gone into a tailspin over that particular question.

I promise you that when new legislation is drafted, I suspect they will be far more clear about those issues than they have been with this particular Commission.

So the question is when does GSA say that a suggested rule is in violation of the law. They have been clear in advising us to date about which rule they believe is in violation of a law. They've
done that. That's already happened, and they're
prepared only to talk about that.

Outside of that, they have no dog in this
fight, outside of that kind of an opinion.

Now, I think we have a good motion on the
floor at this point, and in the discussion I don't
want to lose the motion that we have before us, and
that is that we table these rules, send them back for
-- and what I -- I don't want to reword Dr. Dobson's
motion with the caveats and the friendly amendments
from Terry Lanni -- and if there is not any further
discussion on that motion -- is it germane to the
motion, Bill?

MR. BIBLE: It is.

CHAIRPERSON JAMES: Okay. Then we want to
entertain it.

MR. BIBLE: Mr. Snowden spoke after the
motion, and I believe Dr. Dobson amended the motion to
include having them review and recommend or make
advisory recommendations. As I interpreted your
comments, you are not particularly comfortable with
that. You felt that that was something you did not --
a position you didn't want to be in, but you would not
mind reviewing the proposed rules strictly from a
legal basis to indicate whether they conform with
federal statute, rule, and regulation.

And I think we ought to probably
reconsider, Dr. Dobson, and just ask them for the
legal analysis, and we can do the subjective stuff
ourselves.

DR. DOBSON: In fact, that's what I
intended. Obviously I don't think anybody's asking
GSA to tell us how to run the Commission apart from
what the law says, but speaking personally, I don't
want to be counter to the law either, Terry, and I
don't want to make any decision here that's going to
get us into difficulty.

So somebody has to give us that opinion,
and I assume that's GSA.

CHAIRPERSON JAMES: And for the record, we
have not heretofore asked GSA for that. In those
particular areas, they said "no comment." That's for
our discussion and our deliberation.

We only want from them their best advice
on what is legal, what is not, and then it's up to
this Commission. The only thing that we asked them
for is based on their experience if they have some
common sense rules that they have seen adopted by
other commissions that they could send to us for our
review, and I think that's an entirely appropriate
request.

I do not want to lose the motion that's on
the table right now. Dr. Dobson, if you would restate
it.

MR. LANNI: Madame Chair.
CHAIRPERSON JAMES: Certainly.
MR. LANNI: I'm sorry. If we could add
the word "in writing."
CHAIRPERSON JAMES: In writing.
MR. LANNI: Fine.
CHAIRPERSON JAMES: In writing.
DR. DOBSON: I can restate my original
motion. Terry, you'll have to give the friendly
amendments to it because I didn't write those down.

But I move that we refer these rules, this
discussion, to GSA and to the counsel for the
Commission with a request that recommendations, in writing, and a report be returned to us no later than two weeks prior to the next Commission meeting.

CHAIRPERSON JAMES: And that motion was then seconded by Bill Bible.

I'd like to call for a voice vote. All those in favor, please say aye.

MR. LOESCHER: Madame Chairman, I'd like a roll call vote, please.

CHAIRPERSON JAMES: Certainly. We can do a roll call vote. You understand the motion before you.

Mr. Bible?

MR. BIBLE: aye.

CHAIRPERSON JAMES: Mr. Dobson.

DR. DOBSON: Aye.

CHAIRPERSON JAMES: Mr. Lanni.

MR. LANNI: aye.

CHAIRPERSON JAMES: Mr. Leone.

MR. LEONE: Aye.

CHAIRPERSON JAMES: Mr. Loescher.

MR. LOESCHER: Yes.
CHAIRPERSON JAMES: Mr. McCarthy.

MR. MCCARTHY: Aye.

CHAIRPERSON JAMES: Mr. Moore.

DR. MOORE: No.

CHAIRPERSON JAMES: Mr. Wilhelm.

MR. WILHELM: Aye.

CHAIRPERSON JAMES: The motion carries.

All right. We will now turn our attention to --

MR. LOESCHER: Madame Chairman.

CHAIRPERSON JAMES: The chair recognizes Mr. Loescher.

MR. LOESCHER: Thank you.

Just for the sake of information, I had our lawyers merge the Bible and Lanni proposals, and I just provide it to the Commission members and your office for information.

CHAIRPERSON JAMES: So that has been circulated. Again, for the Commissioners, I would take note that that is a merger of the Lanni/Bible, and it did not include Dr. James Dobson.

Okay. We're going to move now --
DR. MOORE: Madame Chairman.

CHAIRPERSON JAMES: Yes, Dr. Moore.

DR. MOORE: The reason I voted no -- it concerns me that we've delayed this for two weeks now, at minimum, by turning to GSA to do something. I don't know what they're going to do, but they will come back with some document, and half of us will agree with that document.

It's time, it looks like to me, for this Commission to start discussing how we want to operate and write down rules and regulations on how we want to operate and get five votes out of this nine on each of those rules if we want to, then turn that over to GSA, and let them tell us how many laws we've broken, you know, and things of that nature, and make suggestions of how we could correct those.

I'm one of those that is not an attorney. I'm not even a professional client of an attorney. I'm not even afraid of attorneys and have attorneys as friends.

(Laughter.)

DR. MOORE: I'm not afraid of being sued
even though I'm a physician, and they have been known
to be sued. I pay my malpractice insurance and let
the chips fall where they may.

PARTICIPANT: So to speak.

DR. MOORE: So that's my concern.

CHAIRPERSON JAMES: Well, Dr. Moore, I
certainly could not agree with you more that we have
delayed the work of this Commission over these. I
think though that we are not going to snatch victory
right now, and the next item on the agenda is, indeed,
the work plan, and it would be great to move to that
part of our discussion, but I see my good friend, Mr.
Wilhelm has a comment before we do.

MR. WILHELM: I have an information
request. I would like to request that the
Commissioners be provide with information pertaining
to Commission staff and pertaining to Commission
expenditures, since we don't have a budget yet, and in
particular, with respect to staff who have already
been hired either on a permanent or temporary basis,
I would appreciate the following information,

obviously not now, but you know, after the meeting at
some point: name, job title, compensation, period of employment, if it's temporary or if it's otherwise limited in some fashion, job description, and resume, and I would appreciate the same information as staff are hired in the future, and I would appreciate the same information with respect to any detailed employees, except not compensation in that circumstance.

In addition, I would like to request that the Commissioners be provided on a monthly basis with a detailed accounting of the expenditures of the Commission.

CHAIRPERSON JAMES: That is certainly a reasonable request.

Dr. Dobson.

DR. DOBSON: Madame Chair, before we leave this issue, I just want to say for the record and in defense of the chair, what would we have expected to have been done to help us facilitate this discussion today? You've got three separate documents. People complained about it being 74 pages long. Put the three together, and I guess it's 140 pages long.
Three separate documents laid out before us with a need to compare item for item, but they're listed with different numbers, and then on the spot ask counsel to give us an opinion about whether it's legal or illegal, and to do that in the course of this one meeting. That would have been absolutely impossible, and I commend the chair and the staff for attempting to synthesize this for us so we could get our arms around it because otherwise it would have been absolutely unwieldy.

CHAIRPERSON JAMES: Thank you.

The chair recognized when she took this job, Dr. Dobson, that you're going to get beat up when you do it right and get beat up when you do it wrong. We're just going to keep doing it.

At this point, I -- yes, the chair recognize Mr. McCarthy.

MR. MCCARTHY: Madame Chair, during the discussion yesterday of the Subcommittee on Research Information and the letting of contracts to do research by the Commission, there was discussion about when competitive bidding would be required and under
what circumstances it might not be required.

At what point do we intend to try to
address that issue today?

CHAIRPERSON JAMES: Well, it would have
come up as we went through the various rules because
there were some that addressed that particular issue.
If you would like some clarification on that, we do
have Mr. Snowden here now who could address that.

MR. McCARTHY: Well, I do have a series of
questions to pose.

CHAIRPERSON JAMES: Would you like to do
that before we get into our work plan discussion?

MR. McCARTHY: May I suggest this? I will
submit a series of questions to Mr. Snowden and copy
the members of the Commission so that they will be
able to read the questions, and then at some point I
would like to have some sort of discussion and not
just an exchange of written communications, if I may.

CHAIRPERSON JAMES: Certainly.

MR. McCARTHY: Maybe we can do it by
conference call. I'm not sure how we do it, but
please think about that.
CHAIRPERSON JAMES: I certainly will.

MR. BIBLE: Also, along those same lines, yesterday you had a discussion about the possibility of raising some grant funds, and maybe you could take a look at applicable federal law as to whether federal agencies, which I assume we are, can accept outside monies.

CHAIRPERSON JAMES: Certainly.

The chair recognizes Mr. Snowden.

MR. SNOWDEN: Thank you.

You do not today have the authority to use gifts. Every federal agency has the authority to receive gifts. In order to use gifts received -- now, this is very technical -- in order to use gifts given, there must be language in your enabling legislation that authorizes you to use gifts. Absence of that authority, you cannot accept gifts. Well, you can accept gifts. You can't use them. That's --

(Laughter.)

MR. SNOWDEN: Let me explain to you the process. A federal employee --
MR. McCARTHY: Do you really want to get into this right now?

MR. BIBLE: Oh, we take the money and put it in the Treasury and don't spend it.

MR. SNOWDEN: And, in fact, you're right. What happens is if you accept the money, it goes into the general fund, and it goes to the good of the entire federal government because you do have gift use authority.

CHAIRPERSON JAMES: So if Commissioner McCarthy wanted to take us all out to dinner and pay for it?

MR. SNOWDEN: Well, in fact, he can.

CHAIRPERSON JAMES: Good. That's all we need to know.

MR. SNOWDEN: And let me know where.

(Laughter.)

CHAIRPERSON JAMES: That's fine. I'd like to, with that caveat that you will continue to have some conversation and correspondence on the issue of contracts and clarify some of those issues, and that information will be