



United States  
of America

# Congressional Record

PROCEEDINGS AND DEBATES OF THE 104<sup>th</sup> CONGRESS, FIRST SESSION

Vol. 141

WASHINGTON, TUESDAY, JULY 25, 1995

No. 121

## Senate

(Legislative day of Monday, July 10, 1995)

The Senate met at 9 a.m., on the expiration of the recess, and was called to order by the President pro tempore [Mr. THURMOND].

### PRAYER

The Chaplain, Dr. Lloyd John Ogilvie, offered the following prayer:

*Oh, give thanks to the Lord! Call upon His name; make known His deeds among the peoples.—Psalm 105:1.*

Sovereign Lord of our Nation, You have created each of us to know, love, and serve You. Thanksgiving is the memory of our hearts. You have shown us that gratitude is the parent of all other virtues. Without gratitude our lives miss the greatness You intended and remain proud, self-centered, and small. Thanksgiving is the thermostat of our souls opening us to the inflow of Your Spirit and the realization of even greater blessings.

We begin this day with a gratitude attitude. Thank You for the gift of life, intellect, emotion, will, strength, fortitude, and courage. We are privileged to live in this free land so richly blessed by You.

But we also thank You for the problems that make us more dependent on You for guidance and strength. When we have turned to You in the past, You have given us the leadership skills we needed. Thank You, Lord, for taking us where we are with all our human weaknesses, and using us for Your glory. May we always be distinguished by the immensity of our gratitude for the way You pour out Your wisdom and vision when with humility we call out to You for help. We are profoundly grateful, Lord. Amen.

### RECOGNITION OF THE ACTING MAJORITY LEADER

The PRESIDENT pro tempore. The able Republican whip is recognized.

### SCHEDULE

Mr. LOTT. Mr. President, this morning, leader time has been reserved, and the Senate will begin consideration of S. 1061, the gift ban legislation, for the purposes of debate only. At 11 a.m., the Senate will resume consideration of S. 1060, the lobbying bill, at which time Senator LAUTENBERG will be recognized to offer an amendment under a 60-minute time limitation. Following disposition of the Lautenberg amendment and a managers' amendment, the Senate will proceed to final passage of the lobbying bill. Senators should, therefore, expect a couple votes at approximately 12 noon.

Mr. President, I believe that we are then ready to begin with our gift rule reform legislation.

I do want to say, once again, that I really was very pleased and impressed with the progress that was made yesterday on the lobbying reform. Senator MCCONNELL and Senator LEVIN did yeoman work. They reached a compromise that made it possible for us to finish all of our work on lobbying reform, except the one pending Lautenberg amendment and a managers' amendment, and we will have final passage then at 12 noon. I think that is a very positive accomplishment, and I commend all Senators who were involved in that effort for their work. I hope we can do the same today on gift rule reform.

Mr. President, I yield the floor.

### CONGRESSIONAL GIFT REFORM ACT OF 1995

The PRESIDING OFFICER [Mr. CAMPBELL]. Under the previous order, the Senate will now proceed to consideration of S. 1061, which the clerk will report.

The assistant legislative clerk read as follows:

A bill (S. 1061) to provide for congressional gift reform.

The Senate proceeded to consider the bill.

Mr. LEVIN addressed the Chair.

The PRESIDING OFFICER. The Senator from Michigan [Mr. LEVIN] is recognized.

Mr. LEVIN. Mr. President, first, let me thank my friend from Mississippi for the work he did yesterday in helping to expedite the bipartisan conclusion to the lobbying disclosure effort, even though we have not technically yet concluded because we still have to vote on final passage. I think it is quite clear that after we consider the Lautenberg amendment that we will then finally pass a very strong lobbying disclosure reform measure.

This effort has been going on now literally for five decades. When that bill was originally passed in 1946, not more than 2 years had passed before President Truman noted that it was not working. It just simply had so many loopholes in it that even then it was not doing the job that was intended. He urged that there be some reform to try to close those loopholes.

There have been efforts made in every decade since. We have made efforts in the past few years, and while we do not have a law yet on the books, we at least have acted and we have done so in a bipartisan manner and a very forthright and very forceful manner.

There are a lot of people who have been involved in this effort who appropriately deserve credit. I do want to thank the majority whip for his efforts yesterday in helping to bring us to where we are this morning.

Lobbying disclosure, which we will finally pass later on this morning, is one of the three pillars of reform. The other two are gift ban and campaign finance reform. It is the gift ban, the so-called gift reform bill, S. 1061, which is

• This "bullet" symbol identifies statements or insertions which are not spoken by a Member of the Senate on the floor.



Printed on recycled paper containing 100% post consumer waste

S 10583

now before us. This bill has been introduced by myself, Mr. COHEN, Mr. GLENN, Mr. MCCAIN, Mr. WELLSTONE, Mr. LAUTENBERG, Mr. FEINGOLD, and Mr. BAUCUS.

I want to first say just how important the work of Messrs. WELLSTONE, LAUTENBERG, and FEINGOLD have been in this effort. They have exerted very strong leadership on gift ban and on gift reform, and their efforts are reflected in this version of the bill. This bill reflects the work of many people, but nobody more than the efforts of Senator WELLSTONE, along with Senator FEINGOLD and Senator LAUTENBERG, who have put so much time in forcing the Senate's attention to this bill.

S. 1061 is now the freestanding bill that is before us. It is that bill that we begin debate on this morning.

Our bill will put an end to business as usual when it comes to gifts. It will end the so-called recreational trips for Members who go to play in charitable golf, tennis, and skiing tournaments. It will put an end to the unlimited meals that are paid for by lobbyists and others. It will put an end to tickets to sporting events, concerts, and theater.

It is hard to see how we can say that we have made the Congress accountable and how we have politically reformed the way in which we operate in Washington if we continue to allow special interests to pay for free recreational travel, free golf tournaments, free meals, free football, basketball, and concert tickets. We just simply can no longer say that we are changing the way we operate if we continue to allow those kinds of gifts.

Under the current congressional gift rules, Members and staff are free to accept gifts of up to \$250 from anybody, including lobbyists. Gifts of under \$100 do not even count. We are free to accept an unlimited number of gifts of less than \$100 in value. That could be football tickets, theater tickets—anything you can think of. If it is worth less than \$100, we can take it, we do not need to disclose it, and we can take an unlimited number of them. There is no limit at all on meals. It does not matter who pays for it, how much the tab is, we can take it.

Congressional travel is also virtually unlimited under the current rules. Members and staff are free to travel to recreational events, such as golf and ski tournaments, even at the expense of lobbyists or trade groups. That is business as usual, and it just simply is not acceptable anymore. If we are going to restore and enhance the respect for Congress, we are going to have to tighten our gift rules.

Last year when this bill was on the floor, we heard a lot of talk about how strict limits, if we adopted them, would shut down the Kennedy Center or put restaurant employees out of work throughout the Washington area. What an indictment of Congress that would be if it were true. Can it really be that we accept so many free meals and tick-

ets that entire industries in the Washington area are dependent on us continuing to take these gifts? It seems inconceivable that that is what some people said about the measure which we voted on last year.

The basic premise of our bill is that we should start living under the same rules as other Americans. Average citizens do not have trade groups offering them free trips to resorts; average citizens do not have lobbyists treating them to dinners and lunches at fancy restaurants; average citizens do not have special interests providing them with free tickets to concerts, theater and sporting events; and even if some average citizens did—and I am sure there are a few who do get such gifts—we have a higher responsibility. We have the responsibility to increase public confidence in this institution, and we are the only ones really who can do it. Nobody else can do this for us. Nobody else can change the rules under which we operate. But what the American people are telling us is that they want us to change the way we operate here in many ways.

They want lobbying that is done by paid professional lobbyists to be more open. They want to know who is being paid, how much, and by whom, to lobby Congress.

Under the Senate bill that we will vote on later this morning, they will get it. They want to restrict the gifts which come to Members of Congress, be they tickets to sporting events, meals, or be it the free recreational travel available to Members and to our families paid for by special interests. They want that done with. I hope when we pass this bill, they will get it.

They want Members to change the way we finance campaigns. They want to reduce the amount of money which is raised and the time that is spent to raise it. They want to reduce the length of campaigns, and they want to try to put some limit on how much money is spent in those campaigns. I hope that they will get that, some day soon, as well.

These are tough, political reform issues. We all know it. If they were not difficult, we would have done this a long time ago. These measures, these three pillars of reform, address the fundamental relationship between Congress and the people.

Mr. President, the Members of this body will no doubt remember, as the public remembers, just how close we were to resolving this issue in the last Congress, when right up to the last minute we thought that we had reformed both gifts and lobby disclosure.

When the lobby reform and gift issues were debated last October, the opponents of the conference report raised some substantive concerns relative to lobby reform, which we have now successfully addressed.

The opponents of the bill last year repeatedly said, and strongly said, that they had no objection whatever to the gift provisions of the bill. Those are

the provisions which come before the Senate today.

The majority leader himself said last October:

I support the gift ban provisions. No lobbyist lunches, no entertainment, no travel, no contribution into defense funds, no fruit baskets, no nothing. That is fine with this Senator. I doubt many Senators partake in that in any event.

Other Senators made similar statements of their commitment for quick enactment of these gift rules. On October 6 of last year, 38 Republican Senators cosponsored a resolution, S. 247, to adopt tough new gift rules that were included in the conference report that was before this body. The Senate Republican leadership at that time stated that Republicans were prepared to enact these rules without delay.

Now, the bill before the Senate contains those same rule changes that the vast majority of Members voted for less than a year ago, or about a year ago, in May of 1994. I think all Members stated—perhaps a few exceptions—that we still supported them last October.

So now we are put to the test. Did we really mean what we said last May and last October? If we are going to improve public confidence in this institution, we are just simply going to have to change the way we do business in this town.

Mr. President, the issue today is not whether we can go out to dinner. It is not whether we can even go out to dinner with lobbyists. The question is: Who is paying for the dinner? Who is paying for the tickets? Who is paying for the ski trips?

Now, that is what the issue is and that is what the public sees. They see stories like the one on the TV show "Inside Edition," which ran as follows:

Imagine you and your family spending 3 days and nights at a charming, world class ski resort, top-of-the-line lodging, and cozy chalets with a wonderful mountain of skiing at your doorstep and absolutely no worries about the cost of anything. You will never waste a moment waiting in line for a lift to the top, because, like the people you are about to meet, you are the king of the hill, and this is the sweetest deal on the slopes.

Now, that is what the public sees. That is what they read, and they have had enough. The restrictions in the bill before the Senate are not something that we dreamed up. These restrictions, with some modest modifications, are taken from the rules that are already applicable to executive branch officials. Cabinet Secretaries live with these rules. So can we. If these rules are understandable to the executive branch and they follow them, so can we. It is time to put an end to the double standard, where the executive branch officials are covered by strict gift rules—live with them and understand them—but legislative branch officials are not covered by strict gift rules.

The image of this Congress has taken a battering as a result of those free meals and those free tickets and those

free recreational trips. We do not need them. It is time to put an end to them. If we are going to increase public trust in this institution—and it is our sacred obligation to do so—we have to end business as usual when it comes to these kinds of gifts.

Mr. President, this issue has been thoroughly debated. It was debated at great length last year and in the years before. We came close last year. These are difficult issues. Again, if they were not difficult, they would have been resolved a long time ago.

Now is the time that we can resolve these issues. If we address these issues in the spirit in which we run for office, if we address these issues with the same thoughts in our mind and in our heart as we have when we address the people of the United States seeking to reach this place, we will adopt tough gift rules, we will enhance public respect for this institution, and we will carry out what I believe is an obligation to ourselves and to the Constitution that we are sworn to uphold.

When the public believes—public opinion polls show that the public believes—that lobbyists have the power in this town and that Congress and the President come second and third, when public confidence has reached that low, we must act. One of the things we must do is to adopt strong gift reform. We must have a gift ban which affects all gifts except for certain, obviously excluded categories, which are set forth in this bill.

We have to end the free meals, the free tickets, the free recreational trips. I believe it is our obligation. If we address this again in the same spirit with which we came here and with which we sought to sit here, we can successfully address this in a way which I believe the American people will applaud and finally say that Congress is acting in the area of political reform the way the people want Congress to act.

I yield the floor.

The PRESIDING OFFICER. The Senator from South Carolina.

Mr. THURMOND. Mr. President, I ask unanimous consent to speak as in morning business.

The PRESIDING OFFICER. Without objection, it is so ordered.

---

#### APPROPRIATIONS FOR THE DEVELOPMENT OF A NUCLEAR WASTE REPOSITORY AT YUCCA MOUNTAIN

Mr. THURMOND. Mr. President, I rise today to address an issue of great national concern—this country's nuclear waste policy. In 1982, Congress passed the Nuclear Waste Policy Act, which directed the Department of Energy to develop a permanent repository for highly radioactive waste from nuclear power plants and defense facilities. Congress passed amendments to that act in 1987, which limited DOE's repository development activities to a single site at Yucca Mountain, NV. Since 1983, electric consumers have

contributed \$11 billion to finance the development of a permanent storage site. Despite DOE's obligation to take title to spent nuclear fuel in 1998, a permanent repository at Yucca Mountain will not be ready to accept this waste until the year 2010, at the earliest.

Mr. President, the House of Representatives recently passed the energy and water development appropriations bill for 1996. This bill recommends that \$425 million be made available for DOE's spent fuel disposal program, \$200 million below the level needed to continue developing a permanent site. Furthermore, the committee report to this bill directs DOE to "concentrate available resources on the development and implementation of a national interim storage program," and to "downgrade, suspend or terminate its activities at Yucca Mountain."

Mr. President, I am greatly concerned by the action of the House. We have already spent 12 years and \$4.2 billion to find a permanent repository site and conduct development activities at Yucca Mountain. No other viable site for permanent storage has been considered since 1987. If we terminate or suspend activities at Yucca Mountain now, we will be wasting the time and money invested since 1982 toward finding a suitable location. As I have already stated, the electric consumers of this Nation have contributed \$11 billion, and we are still behind schedule. How can we, in good conscience, discontinue our efforts at Yucca Mountain when so much time and money has been invested there. To do so would eradicate the progress we have made and abolish any hope of developing a permanent site in the near future. It is our obligation to the American people to develop a permanent repository as quickly as possible and, therefore, we must persist with the efforts at Yucca Mountain. It is our only alternative.

Mr. President, I realize that continuing development of the permanent site at Yucca Mountain will not completely solve the spent fuel problem. In 1998, 23 nuclear reactors will run out of space to store spent fuel. At that time, storage will become DOE's responsibility. Therefore, we need to designate an interim storage site to use until the permanent facility at Yucca Mountain is available. The most logical location for an interim site is Yucca Mountain. Transportation of spent nuclear fuel is a delicate undertaking, so it is sensible to locate an interim facility as near to the permanent facility as is possible. Likewise, the proximity of an interim site to the permanent site would save money on transportation costs between the two sites. Comprehensive legislation has been introduced in both the Senate and House that offers a solution to the spent fuel problem, including the construction of an interim facility at Yucca Mountain.

Building a central interim storage facility at Yucca Mountain by 1998 and continuing to develop a permanent re-

pository at Yucca Mountain by 2010 is our most reasonable course of action. Too much time and money has been invested to change directions now. As my colleagues on the Appropriations Committee consider funding for the project at Yucca Mountain, I urge them to remember the commitment we have made to the citizens of this Nation. Any efforts to abandon this program will deprive this country of a long-term solution to our nuclear waste storage dilemma.

---

#### CONGRESSIONAL GIFT REFORM ACT OF 1995

The Senate continued with the consideration of the bill.

The PRESIDING OFFICER. The Senator from Minnesota.

Mr. WELLSTONE. Mr. President we are now, I take it, back on the bill?

The PRESIDING OFFICER. We are now considering S. 1061.

Mr. WELLSTONE. I thank the Chair. First of all, let me thank my colleagues for their real fine work on this legislation. Senator LEVIN has done such fine work with Senator COHEN on the lobbying reform, and Senator FEINGOLD, and Senator LAUTENBERG, Senator BAUCUS, Senator MCCAIN, and others.

I was listening to my colleague from Michigan. Let me, at the beginning, emphasize some of the points he made. This has been a really long journey in the Senate. I say to the Chair, who is a friend, that actually back in Minnesota, when I talk to people in cafes, they do not even understand what the debate is about. To them, it is kind of not even a debatable proposition. Lobbyists and others do not come up to citizens in Colorado and Minnesota and say, "Look, we would like to take you out to dinner. We would be willing to pay for a trip you might take to Vail." Not to pick on Colorado; it could be Florida, or anywhere. "And bring your spouse." And so on and so forth.

Most people do not have people coming up to them and making these kinds of offers. I think the citizens in our country just think it is inappropriate for us to be on the receiving end of these gifts. And they are right. We should just let this go.

For me, this journey started in May 1993, over 2 years ago, with an amendment I had on lobbying disclosure where lobbyists would have to disclose the gifts they were giving to individual Senators. That amendment was agreed to. Then we went on to this kind of broader debate about the gift ban.

It has been a real struggle. I have never quite understood the resistance of all too many of my colleagues. Although, in the last analysis, on each vote, I want to make it clear, we have had very strong support. Actually, S. 1061—88 current Members of the Senate have essentially already voted for precisely the comprehensive gift ban legislation that we have before the Senate today. So I expect it will engender the