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House of Representatives

The House was not in session today. Its next meeting will be held on Wednesday, September 9, 1998, at 12 noon.

Senate

WEDNESDAY, SEPTEMBER 2, 1998

(Legislative day of Monday, August 31, 1998)

The Senate met at 9:15 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:

Dear God, our hearts are often restless. We long to rest in You. We feel an inner emptiness only You can fill, a hunger only You can satisfy, a thirst only You can quench. All our needs are small in comparison to our deepest need for You. No human love can fulfill our yearning for Your grace. No position can satisfy our quest for significance. No achievement can substitute for Your acceptance. Our relationship with You is ultimately all that counts. Grant us the sublime delight of Your presence. There is no joy greater than knowing You, no peace more lasting than Your Shalom in our souls, no power more energizing than Your enabling spirit empowering us. This is the day You have made for us to enjoy and to serve You. We intend to live it to the fullest to glorify You. In the name of our Lord and Savior. Amen.

RECOGNITION OF THE ACTING MAJORITY LEADER

The PRESIDENT pro tempore. The able acting majority leader, the distinguished Senator from Utah, is recognized.

SCHEDULE

Mr. BENNETT. Mr. President, this morning there will be a period of morning business for up to 15 minutes. Following morning business, the Senate will resume consideration of the Texas Compact conference report, with 40 minutes remaining for debate equally divided between Senators SNOWE and WELLSTONE.

At the conclusion of debate time, the Senate will proceed to a vote on the adoption of the conference report. Therefore, the first rollcall vote of today's session will occur at approximately 10 a.m.

Following that vote, the Senate will resume consideration of the foreign operations appropriations bill. Rollcall votes are expected throughout Wednesday's session as the Senate attempts to complete action on the foreign operations appropriations bill.

I thank my colleagues for their attention.

MORNING BUSINESS

Mr. BENNETT. Mr. President, under the previous order, I understand I am to be recognized for 15 minutes in morning business.

The PRESIDENT pro tempore. That is correct.

CENSURING THE PRESIDENT

Mr. BENNETT. Mr. President, yesterday, as is the habit in the Senate, the Republicans met in policy luncheon

during the lunch hour, and during that meeting I made some comments which, under the terms of the meeting, normally remain confidential. Apparently they were sufficiently provocative that, within an hour or so of the meeting, my office was besieged with calls from reporters who wanted to know if I was going to proceed in the manner that had been reported to them. Others of my colleagues were similarly accosted by reporters who wanted to know what is Senator BENNETT going to do on the issue he raised in the policy lunch. Rather than try to respond to each of those reporters individually, I decided that I would take the floor this morning and make a presentation of what it was I said at the policy lunch yesterday, and thereby end any suspense anyone may have. I assure you, this issue is probably not worth the amount of concern that was stirred up yesterday, but I will make it clear what I said and what I have in mind.

The issue that was under discussion had to do with the behavior of the President of the United States, as indicated by his statement to the people of America several weeks ago. I made this comment. I said that if any Member of this body had engaged in that kind of behavior, he or she would be subject to censure for that behavior, and I singled out three areas in particular which I feel would be worthy of censure.

The first: It is now clear that the President of the United States had a relationship with an intern who was under his control and in his purview

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



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within the White House, which was improper, or, in the words of the President himself, "wrong." This was not a chance encounter. It was not a matter of her bringing him a piece of pizza, catching his eye, he catching her eye, she smiled at him, he smiled at her, and something improper happened and that was the end of it. It was an affair with sexual activity that began in December of 1995 and continued for 18 months, including the period of time after she had left the White House and was no longer in the President's direct line of report. And it ended, apparently, only because it was discovered and reported in the public. If any Member of this body had that kind of a relationship with an intern in his office he would, I think, very appropriately be subject to censure from the Ethics Committee and by the Senate as a whole. That is the first item.

The second item: When this matter became public, the President went before the public and insisted in the most emphatic possible language that it had not happened. Furthermore, he then gathered his Cabinet and his closest aides around him and, in direct personal contact with many of them, assured them that the public reports of this activity were false, and urged them to go forward and speak in his behalf repeating that denial. We had members of the President's Cabinet come before the Congress and repeat that denial, in effect lying to the Congress from their position as Cabinet officers on behalf of the President of the United States. This, in my opinion, is the second thing that would justify censure, lying and urging others, particularly members of his official family, to lie in various fora, including an official forum of the Congress of the United States.

Then there is the third: While this was going on, for a period of 7 to 7½ months, the President allowed many of his subordinates, aides and supporters to not only lie about this issue—admittedly, they thought they were telling the truth because they had believed the President—but also to attack and smear those who were telling the truth; to go after the reputation of those who had come forward with an accurate description of what was going on and attempt to destroy those reputations in the public arena. This, in my opinion, would be a third reason for censure. And I repeat, I am convinced that if any Member of this body had, No. 1, engaged in that kind of extended improper sexual relationship with an intern; No. 2, lied to his own associates and urged those associates to go forward and lie in his behalf; and, No. 3, then sat by while others of his official family smeared the reputations of those who were telling the truth, a motion for censure would be brought upon this floor and passed, I believe, overwhelmingly.

So I raised in the policy luncheon yesterday the possibility of having a motion of censure raised as a sense-of-

the-Senate resolution with respect to the President of the United States. I pointed out that this should in no way prejudice any impeachment activity that might occur in the House of Representatives for several reasons. In the first place, we do not know what is in Judge Starr's report that will come to the House of Representatives, and what I have described has public circulation, indeed confirmation by the President himself, and therefore need not depend upon Judge Starr's report in order for us to act upon it.

Second, Judge Starr's report and the action of the House of Representatives will not take place, if such action does occur, until the 106th Congress. I believe that something as serious as this should be commented on by the 105th Congress. I do not know that I will be in the 106th Congress. I hope I will be. The political signs in my home State indicate that I will be. But I can take nothing for granted, and I raised with my colleagues yesterday the possibility of having this Congress go on record as stating that it found totally unacceptable and subject to condemnation—because the word "censure" is a synonym for condemn—the actions of the President in the three areas I have described.

I pointedly said I do not want to go beyond those three areas with any resolution of censure because I do not know what is in Ken Starr's report. I do not want to prejudice the issue of whether or not those three items constitute impeachable offenses or high crimes and misdemeanors as such offenses are described in the Constitution. I think that is the responsibility for the House to undertake under the Constitution, and the House, in the 106th Congress, will make that decision.

I raised that possibility within the Republican policy luncheon, for conversation and counsel from my colleagues. I received a good deal of conversation and counsel from my colleagues, both in that luncheon and subsequent to it, and I have reflected on the matter myself in conversations with my staff. But, as I said, it was within an hour or so after I had made essentially the same statement that I have made here within the policy luncheon that members of the press were after me and some of my colleagues, to say, "Is Senator BENNETT going to offer a motion of censure with respect to the President of the United States?" I told those reporters, as I indicated earlier, that I would give them their answer today.

The answer is no, Senator BENNETT will not be offering a motion of censure, for two reasons. First, there are some who would interpret that motion of censure as an attempt to bring this issue to closure. Closure, interestingly enough, is a psychological term, not a legal term. In legal terms, you come to guilty or innocent; you come to "case closed," with a final finding of fact. Closure seems to be a psychological

term where you say the individual is now able to deal with this issue.

But, aside from the semantic question involved, I do not want to be a party to any suggestion that the investigation of the President's behavior and the consideration of whether or not that behavior constitutes an impeachable offense should come to an end by virtue of the resolution that I might offer. So, for that first reason, I have concluded that I will not, in fact, offer this resolution.

The second reason I have decided not to offer the resolution is because some have suggested that, since the Senate would ultimately be the jury that would try any accusations with respect to impeachment, I should not, as a Member of the Senate, prejudge the case. I can draw a fine line with which I would be comfortable that would say that my resolution of censure, saying that I found this behavior in the three areas I have described to be reprehensible, would not prejudice a determination as to whether that behavior constituted a high crime or misdemeanor under the Constitution, and I would be comfortable with that distinction. But since there are some who would not be comfortable and who would suggest that by offering the resolution I was prejudging the case, I have also, for that second reason, decided that I will not offer that resolution.

That, I hope, Mr. President, clears up, if anybody had any concerns about what I said yesterday in the policy luncheon, what I intend to do.

I conclude, however, with this one final thought with respect to this issue. One of the reasons I considered offering the resolution, so that the Senate at least would go on record as making it clear that this behavior was unacceptable, is because I imagined this scenario in the future:

Let us suppose that at some point in the future—pick a date, 5 years—the superintendent of West Point, a married man in his early fifties, became involved sexually with a 21-year-old female cadet who had come to his office to bring him coffee. The superintendent maintained a sexual relationship with that female cadet for the next 18 months while she was still within his purview and under some form or other of his control. Other cadets found out about the relationship and began talking about it in the scenario I am describing.

The superintendent, let us suppose, adamantly denies that the relationship is going on, recognizing that it is totally inappropriate and wrong. An investigation is opened whereby legally constituted authorities from the Department of Defense check into the rumors. The superintendent attacks the investigator, smears his ability and his integrity, denies absolutely to his own circle of aides that the affair had ever taken place, and allows the impression to go forward throughout the entire community that he is the subject of a witch hunt being undertaken by the Department of Defense.

After 7 months of stonewalling, denying and refusing to cooperate, the superintendent is then forced to admit that, No. 1, the relationship did take place; No. 2, he has been lying through the 7 months; and, No. 3, there has been a smearing of the reputation of people of high integrity.

I would not want, under that circumstance, to have the superintendent then approach the Department of Defense with a poll showing that 58 percent of the cadets were happy under his superintendency at West Point and say, "Since the Commander in Chief did something like this 5 years ago and no reprimand of any kind came out of the Congress, why cannot I do exactly the same thing under these circumstances and not have it affect my career?"

I wish the precedent to be laid down that says that this kind of activity, whether it constitutes impeachable offenses or not, cannot go uncommented on in an official way. And just because I have decided that I will not offer this resolution in this Congress at this time for the two reasons I have outlined, I do make it clear, Mr. President, that should the voters of Utah send me back here to serve in the 106th Congress, I will do what I can to give Members of Congress a clear opportunity, regardless of impeachment proceedings, to express their opinion on the behavior of the President of the United States in this circumstance.

I yield the floor.

TEXAS LOW-LEVEL RADIOACTIVE WASTE DISPOSAL COMPACT CONSENT ACT—CONFERENCE REPORT

The PRESIDING OFFICER (Mr. ASHCROFT). The Senate will proceed to the conference report to accompany H.R. 629, which the clerk will now report.

The assistant legislative clerk read as follows:

A conference report to accompany H.R. 629, an act to grant consent of Congress to the Texas Low-Level Radioactive Waste Disposal Compact.

The Senate resumed consideration of the conference report.

The PRESIDING OFFICER. The time on this conference report is limited to 40 minutes to be equally divided.

Who yields time?

Ms. SNOWE addressed the Chair.

The PRESIDING OFFICER. The Senator from Maine.

Ms. SNOWE. Mr. President, I am now pleased to yield to my colleague from Maine, Senator COLLINS.

The PRESIDING OFFICER. The Senator from Maine.

Ms. COLLINS. Thank you, Mr. President.

Mr. President, I rise to join the senior Senator from Maine, Senator SNOWE, in urging my colleagues to approve the conference report on H.R. 629, legislation that would ratify the Low-Level Radioactive Waste Disposal

Compact, known as the Texas Compact.

In entering into an agreement for the disposal of low-level radioactive waste, the States of Maine, Texas, and Vermont followed the direction established by the Congress in the Low-Level Radioactive Waste Policy Act and its 1985 amendments. That legislation contemplated that States would form agreements of this nature for the disposal of low-level waste, and thus, by ratifying the compact, Congress will be completing a process that it set in motion.

Since 1985, Congress has ratified 9 compacts involving 41 States. Put differently, 82 of the 100 Members of this body live in States with compacts that have already been ratified by the Senate, and with the approval of the Texas Compact, that number will rise to 88. In short, what Maine, Texas, and Vermont are seeking today has already been routinely granted in the vast majority of States.

While the disposal of radioactive waste is bound to generate controversy, this agreement has been overwhelmingly approved by the legislatures of the three compacting States, signed by their Governors, and, in the case of the State of Maine, endorsed by voters in a referendum. This is consistent with the congressional determination that the States bear responsibility for the disposal of low-level radioactive waste and that, in the interest of limiting the number of disposal sites, they work together to carry out this responsibility. Indeed, ratification by Congress is necessitated only because State-imposed limitations on the importation of waste would otherwise violate the commerce clause.

Mr. President, the Senator from Minnesota, whom I enjoy serving with on the Committee on Labor and Human Resources, has criticized the disposal site that is under consideration by the State of Texas. Apart from the fact that the location of the site is a matter for Texas to determine and is not a component of this bill, that criticism is unsupported by the facts.

In making the decision to consider the proposed site in Hudspeth County, TX, there has been extensive public involvement as well as a thorough environmental and technical review. The county was found to have two critical characteristics for a disposal site; namely, very little rainfall and very low population density. Indeed, the county is the size of the State of Connecticut and has a population of only 2,800 people, and it must be remembered, Mr. President, that this is only a proposed site. Final approval will not be forthcoming unless all of the standards established by Texas law are satisfied.

The decision to consider the site in Texas has nothing to do with who lives there. It has everything to do with the fact that very few people live there.

This body has been presented with nine low-level radioactive waste com-

pacts. It has not imposed changes on any one of those agreements. In keeping with congressionally established policy for the disposal of low-level waste, Maine, Texas, and Vermont are simply seeking the same treatment.

I commend my colleague from Maine, Senator SNOWE, for her leadership on this issue, and I urge my colleagues to support the conference report. I yield the floor.

The PRESIDING OFFICER. Who yields time?

Mr. WELLSTONE addressed the Chair.

The PRESIDING OFFICER. The Senator from Minnesota is recognized.

Mr. WELLSTONE. Mr. President, I rise again this morning to speak against the conference report to H.R. 629. This is the Texas-Maine-Vermont Compact which will result in the dumping of low-level radioactive waste from Texas, Maine, and Vermont, and potentially other States, at a dump located in Texas. The dump is expected to be built in the town of Sierra Blanca in Hudspeth County where 66 percent of the residents are Latino, and 39 percent live below the poverty line.

Mr. President, the construction of this dump site in this community raises important questions of environmental justice. This is not just about the people in Hudspeth County or about the people in Sierra Blanca, or about west Texas for that matter. This is a fight for communities all across the country who do not have the political clout to keep this pollution out. This is a fight for minority communities who are burdened with a disproportionate share of these sites.

It seems to be a pattern in our country, whenever we decide where we are going to build a power line or where we are going to build a nuclear waste dump site or where we are going to put an incinerator, it never is located in communities where people who live in those communities have political clout. It is not located where the heavy hitters and the well-connected and the people who give the big contributions live. It is almost always located in communities of color.

Mr. President, there is an article today that I recommend for my colleagues in the New York Times entitled, "For Some, Texas Town Is Too Popular as Waste Disposal Site." This is all about what we are debating today. I just read the conclusion. Maria Mendez, a retired school aide from Allamore, who lives in the community, is quoted as saying:

I think Sierra Blanca was chosen for all this dumping because we don't have any political clout. I think it's a racism thing; I really do. Here we are, the hugest dump in the whole world. First sludge, now nuclear waste. Our home has been taken over as the nation's dumping ground.

Mr. President and colleagues, environmental justice is a difficult issue. Too often we hide behind excuses. We say, "These are private sector decisions. This is a matter of State and