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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:

The Lord your God in your midst, the mighty One, will save; He will rejoice over you with gladness, He will quiet you in His love, He will rejoice over you with singing.—Zephaniah 3:17.

Lord, we begin this new week with this promise from Zephaniah. It sounds in our souls and gives us courage. We claim that You are in our midst. Fill this Senate Chamber with Your glory. May we humbly trust You as the only sovereign Lord of our lives and of America.

Because Your strength is limitless, our inner wells need never be empty. Your strength is artesian, constantly surging up to give us exactly what we need in every moment. You give us supernatural thinking power beyond our IQ. You provide emotional equipoise when we are under pressure. You engender resoluteness in our wills and vision for our leadership, and You energize our bodies with physical resiliency.

Lord, quiet our turbulent hearts with Your unqualified, indefatigable love. Give us profound confidence, security, and peace. We have absolute trust in Your faithfulness and we commit ourselves to You anew. Tune our hearts to the frequency of Your inner voice. Give us the clarity we need to lead our Nation. In Your never-failing power, we humbly pray. Amen.

The PRESIDENT pro tempore. The able Senator from Michigan is recognized.

Mr. LEVIN. Mr. President, I note the absence of a quorum.

The PRESIDENT pro tempore. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. LEVIN. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDENT pro tempore. Without objection, it is so ordered.

ORDER OF PROCEDURE

Mr. LEVIN. Mr. President, while we are waiting, I thought I would clarify the procedure which brought us here by a series of parliamentary inquiries.

My first inquiry of the Chair is whether or not I am correct in stating that by unanimous consent S. 101 was to be brought up today; that it was to be divided into two bills that could stand independent of each other, the first one on lobbying disclosure, which corresponds to title I of S. 101, and the second bill, which would correspond to title II of S. 101 relating to gifts; and that that action has been taken by the clerk, the bill has been divided into two separate freestanding bills, S. 1060, which relates to lobbying disclosure, and S. 1061, which relates to gifts.

The PRESIDENT pro tempore. The Senator is correct.

Mr. LEVIN. I thank the Chair. I suggest the absence of a quorum.

The PRESIDENT pro tempore. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. FORD. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDENT pro tempore. Without objection, it is so ordered.

LOBBYING REFORM

Mr. FORD. Mr. President, for several days in the last few weeks, we have attempted, as a bipartisan group, to develop an agreement, which we have been able to come close to on lobbying

reform, but not very close on the so-called gift ban.

One of the insistences we had from the other side was that we start at 9 o'clock this morning—that we start at 9 o'clock this morning. Here we are at 9:35, and we see no one here, and they are refusing to come, do not want Members to lay anything down, do not want Members to talk, unless we do it in morning business.

Now, Mr. President, it seems, if you are going to insist on something, you ought to be part of the agreement. We find that this is happening too much of the time. I do not like to be here at 9 o'clock on Monday morning any more than anyone else. We are here. We are prepared. We are ready. So, where is the other side?

Mr. President, I think it behooves all Members, if we are going to start, if we want to start, we ought to do it at the time we agreed upon. I have already had my cup of coffee, as I am sure the Presiding Officer has. He did his swims this morning, his pushups, and he is here ready to go, but we are sitting here.

My statement has brought both doors open on the other side. That delights this Senator very much. So, after 35 minutes of pleading that we want someone here to start debate, which was insisted upon, I hope that we can start and not force this side to come when the other side does not appear.

Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER (Mr. KYL). The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. LOTT. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

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

Mr. LOTT. Mr. President, I would like to start the debate in a positive

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way. There have been a lot of conversations going back and forth by both Senators on both sides of the aisle, Senators interested in lobbying reform legislation and gift rule changes. I think we have made progress. I felt like everything was going in a positive way.

We did come in right at 9 o'clock. Ordinarily, there is at least a Senator or two waiting, ready to make some comment in morning business. This morning we did not have them. We have one key Senator who is going to need to be involved in this discussion, Senator MCCONNELL, who is on his way, I believe, from the airport. So I think it is important that we begin with an open and positive debate and that we not start making accusations.

I know that the Senator from Kentucky has been working very hard. He is here ready to go. I am ready to go. I suggest, Mr. President, that we go ahead and begin the debate, sort of set out the basic parameters of where we are and move forward. We may have some amendments that will need to be offered. Some will be agreed to, I am sure, on lobbying reform. Our hope is that we can have genuine reform.

Personally, this Senator feels we need to tighten up the rules with regard to lobbying disclosure. I have always said we should err on the side of disclosure. Now, what is included in that disclosure is very important. It is not just technical language.

We need to make sure that it does not chill the ability of individual citizens at the grassroots level to talk with their Senators or their Congressmen. It is applicable to both bodies. I think that the concerns that we had in that area last year have been addressed, and everybody feels now grassroots lobbying by individual citizens, certainly, would be allowed under this legislation.

We need also to make sure it does not just become a paperwork nightmare. We need reasonable, logical reporting. I think we are moving in that direction.

Mr. President, I suggest we go ahead and begin with opening statements. I am sure that the Senator from Michigan would like to make an opening statement. We will take it from there.

LOBBYING DISCLOSURE ACT OF 1995

The PRESIDING OFFICER. Under the previous order, the clerk will report.

The assistant legislative clerk read as follows:

A bill (S. 1060) to provide for the disclosure of lobbying activities to influence the Federal Government, and for other purposes.

The Senate proceeded with the consideration of the bill.

Mr. LEVIN. Mr. President, before I proceed, let me ask unanimous consent that Senator McCAIN be added as a cosponsor. I see he was inadvertently left off of S. 1060 and S. 1061. I ask he be added to both.

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

Mr. LEVIN. Let me say to the Senator from Mississippi, I, like him, hope that we can reach an agreement relative to lobby disclosure, particularly as there has been some progress made on lobbying disclosure. In conversations over the last few days, we have a way to go, but on this subject we have made some progress. That progress, I hope, will continue today so we can come up with a strong lobby disclosure bill.

This Senate approved overwhelmingly a lobby disclosure bill last year. It was an overwhelming vote. When the bill came back from conference, there were a few changes in it. Those changes were utilized by some Members of this body as the basis of opposition to the entire bill. There was dispute over the meaning of those changes. Some people said that those changes would chill grassroots lobbying and the opportunity for individual citizens to lobby their Members. There was no such intent, and we believe no such language.

That is last year's debate. In any event, this year's bill does not contain the language which was pointed to. That, by the way, was language which was added by the House of Representatives and in conference. As I remember, there was no objection to that language. That became sort of the lightning rod here.

Again, that language is not included in this version, just the way it was not in the version that last passed the Senate with, I think, over 90 votes in the last Congress. So, we are going to renew our effort here today to address one of the most intractable issues that has been faced by the Congress over the last 50 years, and that is to try to reform the loophole-plagued lobbying disclosure law.

The lobbying disclosure act was passed in 1946. It was called the Lobbying Regulation Act at that time. Within a few years, President Truman pointed out to the Congress that there were already so many loopholes in that bill, that Lobbying Regulation Act, that it, for all intents and purposes, needed reform by 1948. So the principal bill that governs the regulation of lobbyists, passed in 1946, was already, within 2 years, pretty useless, confusing, and in need of reform.

President Truman asked the Congress to do exactly that. They did not pay heed. If they had paid heed we would not be here today. That is almost 50 years ago that the President of the United States told the public and the Congress that the act they had passed to require the registration of paid, professional lobbyists, was not doing its job.

The purpose of that bill was to try to get folks who were paid to lobby Congress to disclose who is paying them, how much they are being paid, and to lobby Congress on what issue. That was the purpose of the act that was passed almost 50 years ago.

Then again, in the 1950's, there was an effort made to reform the Lobbying Registration Act. Senator McClellan spearheaded an effort to reform the lobbying registration laws because, again, by then there were so many holes in it there were more holes than there were cheese; there were more loopholes than there was law. But Congress did not heed Senator McClellan's call in the 1950's. If they had, we probably would not be here today.

In the 1960's, lobbying reform was taken up by the Senate, passed, but was not passed by the House of Representatives. If it had, maybe we would not be here today.

In 1976, lobbying reform was passed by both Houses of Congress but in different versions. They were not reconciled in conference. If Congress had acted in 1976, and they got close, we would not have to be here today.

Decade after decade, there has been an effort to close the loopholes in lobbying registration, to make sense of these laws, and they have failed.

In 1978, the Senate Governmental Affairs Committee was so divided over lobbying registration that it could not even report out a bill. Last year we came close, we came within a hair of passing both lobbying registration reform and a gift ban, but it got caught up in the last few days of the Congress, the bill was filibustered here and, as a result, was not passed.

A lot of different issues defeated lobbying reform over the last 4 decades. Sometimes it was the definition of lobbying. Sometimes it was whether or not the executive branch should be covered. Sometimes it was the threshold for coverage. Sometimes it was a question of disclosure of expenditures to stimulate grassroots lobbying or the disclosure of contributors to lobbying organizations. Decade after decade, reasons were given for why we could not reach agreement on lobbying reform and decade after decade it has been frustrated.

So it has been a long and a sad history, in terms of trying to reform laws whose purpose it is to put a little sunshine into the area of paid lobbyists. Senator COHEN and I sought to address these issues when we introduced S. 2276, in the 102d Congress. We reintroduced basically the same measure in the 103d Congress, and we got that bill through the Senate. That was S. 349. But then it fell a few votes short, as I said, when it came to the floor.

We are trying to address these issues again in S. 101, now in S. 1060, which has a few additional modifications, and I believe there will be some further modifications on the Senate floor today.

The right to petition government is a constitutionally protected right. Lobbying is as much a part of our governmental process today as on-the-record