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Senate

(Legislative day of Thursday, January 5, 1995)

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, the Reverend Richard C. Halverson, D.D., offered the following prayer:

Let us pray:

Hear, O Israel: The Lord our God is one Lord: And thou shalt love the Lord thy God with all thine heart, and with all thy soul and with all thy might. And these words, which I command thee this day, shall be in thine heart: And thou shalt teach them diligently unto thy children, and shalt talk of them when thou sittest in thine house, and when thou walkest by the way, and when thou liest down, and when thou risest up.—Deuteronomy 6:4–7.

God of Abraham, Isaac, and Jacob, God of our fathers, we pray this morning for our families. Be especially with those who are traumatized by the process of moving to Washington—finding a residence and settling in a new neighborhood—as the typical Senate schedule begins to build. Help your servants to take seriously the fact that the foundation of the social order is the family. As the family disintegrates, society collapses. Grant to every spouse and every child a special dispensation of grace as the process of legislation demands more and more time from Senators and staffs.

Gracious Father in Heaven, bless our families. Help us to be faithful to them in giving our love, attention, and care. Help us to be faithful to ourselves, allowing time to receive the love, patience, and support from our families which we need and depend upon so much.

Eternal God, as I close this prayer, thank you for the great privilege of serving the Senate through seven Congresses.

In the name of the King of kings, and the Lord of lords. Amen.

RECOGNITION OF THE MAJORITY LEADER

The PRESIDENT pro tempore. Under the previous order, the acting majority leader is recognized.

ORDER OF PROCEDURE

Mr. GREGG. Mr. President, I ask unanimous consent that the time until 9:30 be equally divided between the two leaders, and that at 9:30 we resume consideration of S. 2, the congressional coverage bill.

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

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

The PRESIDENT pro tempore. The clerk will 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 President, I ask unanimous consent that the order for the quorum call be rescinded.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.

THE CONGRESSIONAL ACCOUNTABILITY ACT OF 1995

The PRESIDENT pro tempore. Under the previous order, the hour of 9:30 a.m. having arrived, the Senate will now resume consideration of S. 2, which the clerk will report.

The assistant legislative clerk read as follows:

A bill (S. 2) to make certain laws applicable to the legislative branch of the Federal Government.

The Senate resumed consideration of the bill.

Pending:

Ford-Feingold amendment No. 4, to prohibit the personal use of accrued frequent flyer miles by Members and employees of the Congress.

The PRESIDENT pro tempore. The amendment of Mr. FORD, No. 4, is pending.

Mr. FORD addressed the Chair.

The PRESIDENT pro tempore. The distinguished Senator from Kentucky.

Mr. FORD. Mr. President, this amendment I have before the Senate merely prohibits the use of taxpayer dollars for personal use; that is, the frequent flyer mileage miles that are built up as a result of expense-paid trips back to our States. That is simply what it is.

I understand that my friends on the other side of the aisle are not ready to accept it, and particularly not ready for a vote.

ORDER OF PROCEDURE

Mr. FORD. Mr. President, I ask unanimous consent that my amendment be set aside, and I further ask unanimous consent that Senator WELLSTONE be recognized for the introduction of an amendment.

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

Mr. FORD. I thank the Chair.

Mr. WELLSTONE addressed the Chair.

The PRESIDENT pro tempore. The distinguished Senator from Minnesota is recognized.

Mr. WELLSTONE. Thank you, Mr. President. I thank the Senator from Kentucky.

Mr. President, yesterday, in introducing an amendment with Senator LEVIN of Michigan, Senator FEINGOLD, and Senator LAUTENBERG which dealt with lobby disclosure but mainly with gift bans, I on the floor of the Senate read from what I think is a very, very interesting, very important, and very revealing piece in Roll Call of October 17, 1994. The title is, ''How Lobbyists Put Meals, Gifts to Work.''

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

This memo, obtained by Roll Call, says one prominent D.C. firm lays out 1994 strategy, including meals, campaign contributions * * *.

And we talked yesterday about trips.

Mr. President, the amendment that I am going to introduce today focuses on lobbying. Yesterday, what I urged my colleagues—since so many of us ran on a reform agenda and since so many of us have talked about the need to make this process more accountable, open, and honest—I asked my colleagues really, under the leadership of Senator LEVIN, to vote on an amendment which would say that we would put an end to this taking of gifts. The vote was ''no.''

So today, focusing on the same question, I am going to, in this amendment, essentially say to my colleagues if you are going to vote ''no'' against the taking of gifts, the gift ban part, at least let us put a stop to this, I think, insidious connection between the lobbying and the taking of cash and campaign contributions.

So this amendment is going to prohibit lobbyists who may lobby within the preceding year from making contributions to or soliciting contributions for Members of Congress and from lobbying Members of Congress to whom they have contributed or on whose behalf they have solicited funds within the previous year.

In other words, if you have made a contribution or you have instructed a PAC you control to make a contribution to a candidate, then for 1 year thereafter you should not be lobbying that candidate or staff. Vice versa, if you have been in that office lobbying a Senator or lobbying staff, then there is a 1-year window here whereby you would not be allowed to make a campaign contribution.

This amendment is all about congressional accountability. Let me repeat that. This amendment is all about congressional accountability. And it is designed to sever the connection between lobbyists and big PAC contributions to Members of Congress.

This covers congressional staff, and it would prohibit lobbyists from lobbying new Members of Congress to whom they have contributed or on whose behalf they have solicited funds during the past year which I think, from the point of view of the new class, also represents real reform.

Mr. President, this amendment was part of S. 3, which the Senate passed by a very lopsided vote. Senators then said that they thought this was an important reform idea, or I should say an important reform measure. It would prohibit the practice whereby a lobbyist who lobbies a Member for a client then directs that client to make a contribution to the Member. It closes the potential loophole allowing lobbyists to get around the prohibition by having clients make contributions to Members to further their lobbying efforts.

In other words, it is not just a question of lobbyists not being able to do it, but it is also a question of a lobbyist not being able to instruct a client to make such a contribution.

This amendment will also prohibit a lobbyist from directing that a contribution be made by a political action committee to a Member of Congress whom that lobbyist has lobbied during the past year, a key element of any reform effort designed to sever—let me emphasize that—the connection, big money connection, between large lobbying firms, their clients, and PAC's.

Mr. President, one more time, we have before us the Congressional Accountability Act. We are talking about how to make this process more accountable. Reform is in the air in America. We started out this session on the basis of a focus on reform, and this particular amendment speaks to that question.

Yesterday, I urged my colleagues to vote for an amendment that I thought was a huge step forward—not a small step forward, but a huge step forward—in changing the political culture of Washington in putting a stop to taking these gifts. Many Senators, though I am proud to say by no means all Senators, but certainly many Senators, and on the other side of the aisle, all Senators on the other side of the aisle—I guess there were two exceptions—voted ''no.'' With this amendment, I am saying if you are not willing to put an end to the accepting of gifts, at least put an end to this insidious connection between lobbying and the giving of money.

If there is one thing we have heard from people in the country, it is that they do not like this mix of money and politics. They do not like the fact that some people march on Washington every day. They do not like the fact that this is such a closed loop in which they do not feel as if they participate. And I cannot think of an amendment that would speak more clearly and more directly to people's concerns than this amendment.

Mr. President, this provision, when this amendment was first brought up for S. 3—which again I remind my colleagues was passed by an overwhelmingly positive vote—was crafted narrowly to withstand the test of constitutionality. The Court has said that any seeming infringement on first amendment speech rights has to be balanced against concerns about corruption or the appearance of corruption. That is what we are talking about here, the appearance of corruption. If you run for office and you are elected, lobbyists come in and lobby you, and then later there is a contribution. Or, vice versa, you receive a contribution and lobbyists instruct a PAC or client to make a contribution to you, and then shortly thereafter the lobbyist is in your office.

If you want to talk about the appearance of corruption and if you want to talk about a way of making this process more accountable and you want to talk about a way that Senators can live up to our mandate to be reformers, this amendment speaks directly to this question.

Mr. President, again, this amendment meets that test. It is directed narrowly at the question of the appearance of corruption or impropriety. Let me emphasis that again. It is directed narrowly at the question of the appearance of corruption or impropriety. And it covers only those situations where a lobbyist has made a lobbying contact and then contributes, solicits on behalf of, or directs that a contribution be made to a Member.

It attempts to define who is a lobbyist. By the way, so no mistake will be made, we simply go by the current definition. We get into none of the debate and argument on the reform of lobby disclosure. We just go with the current definition which—and by the way, I think all of us agree, if our words are to be believed—eventually has to be changed. There are many who lobby who are not officially registered as lobbyists today.

Mr. President, I also want to include in the RECORD a letter from the White House, January 5, 1995, which was addressed to the Speaker, in which the focus is on congressional reform, with a strong focus on this whole question of lobbying reform.

I ask unanimous consent that this letter be printed in the RECORD.

There being no objection, the letter was ordered to be printed in the RECORD, as follows:

THE WHITE HOUSE,
Washington, January 5, 1995.

HON. NEWT GINGRICH,
Speaker of the House of Representatives, Washington, DC.

DEAR MR. SPEAKER: We have an opportunity to make historic change in the way that Washington works and the government does the people's business.

This week, the Congress has begun to take important and positive steps to change its operations for the better. Shrinking the number of committees, reducing staff, and other measures are valuable, and long overdue. The passage of legislation that would apply to Congress the laws that apply to the public is only fair, is simple common sense, and is also long overdue. I hope that this time, unlike the last session of Congress, the Senate follows the House's action. I congratulate you on these steps.

But true congressional reform must reduce the power of lobbyists and special interests. The power of organized money in Washington hurts the middle class, bloats spending and the deficit, and blocks needed change. Today, some 90,000 people in Washington are associated with lobbying Congress on behalf of specific interests, which too often are able to manipulate the congressional process to insert spending projects or tax provisions in legislation that do not serve the larger public's interest. Lobby power coupled with the ever-escalating cost of campaigns, which has risen fourfold over the past two decades, gives wealthy interests and wealthy candidates disproportionate influence in decisionmaking.

These are not partisan concerns; they are American concerns. I urge you, as you undertake the task of reforming Congress, to take on these real political reform issues.

First, as you enact legislation to apply general laws to Congress, it is vital that professional lobbyists be barred from giving gifts, meals and entertainment to members of Congress—just as they are now barred from giving these benefits to executive branch officials.

Second, Congress should also quickly enact legislation to bring professional lobbyists into the sunlight of public scrutiny. The current lobby disclosure statute is cumbersome and antiquated. Lobbyists should disclose who their clients are, what bills they seek to pass or block, and how much they are paid.

Third, I am pleased that the Congress wants to pass a line item veto authority for the President, something that I have consistently supported before and during the 1992 campaign and since. The line item veto authority will help us cut unnecessary spending and reduce the budget deficit. It is a powerful tool for fighting special interests, who too often are able to win approval of wasteful projects through manipulation of the congressional process, and bury them in massive bills where they are protected from Presidential vetoes. It will increase the accountability of government. I want a strong version of the line item veto, one that enables the President to take direct steps to curb wasteful spending. This is clearly an area where both parties can come together in the national interest, and I look forward to working with the Congress to quickly enact this measure.

Finally, we must clean up political campaigns, limit the cost of campaigning, reduce the role of special interests, and increase the role of ordinary citizens. Real campaign finance reform, too, should be an area of bipartisan cooperation. Requiring broadcasters to provide time to bona fide candidates would cut the cost of campaigning and ensure that voters hear all arguments, regardless of candidate wealth. Strong proposals for free TV time have been introduced in previous years by Senator Dole and by the new chair of the House Commerce Committee, Rep. Thomas Bliley; these proposals should be the basis of agreement on reform.

I look forward to working with the Congress to achieve results that are bipartisan, bold, and give the government back to the people.

Sincerely,

BILL CLINTON.

Mr. WELLSTONE. Mr. President, let me just summarize for my colleagues, because I think that we will be casting an important vote on this amendment, I think it is an important vote because this is sort of a litmus test as to how committed we are to reform.

I cite this as a relevant document: Roll Call, Monday, October 17, where the whole focus is on meals and travel and campaign contributions, as ways of having access for clients. Mr. President, if you want to talk about a memo that tells it all, if you want to talk about a memo that, unfortunately, sort of speaks to the very concerns that people have about this process, this is an example.

I ask unanimous consent that this Roll Call piece be printed in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

[From Roll Call, Oct. 17, 1994]

HOW LOBBYISTS PUT MEALS, GIFTS TO WORK

(By Timothy J. Burger)

During the protracted debate over new lobbying and gift rules—which went down to stunning defeat in the waning days of the second session—Members argued violently over the influence of lobbyist-paid meals and campaign contributions.

''Now, a Big Mac will not buy influence from anybody. I am sure $15,000 will not buy influence from anybody,'' Rep. Dan Burton (R-Ind) said on the floor.

Mocked retiring House Minority Leader Bob Michel (R-Ill): ''Here we are today demeaning ourselves by saying. 'Oh, please stop me before I accept another cup of coffee and a Danish.'''

Despite such protestations, meals and contributions are fixtures in the lobbying world—and internal documents from a prominent Washington lobbying firm demonstrate just how central they are to conducting business.

In December 1993, principals of Gold and Liebengood assembled plans for expanding their network of Hill contacts for 1994.

The planning documents, copies of which were obtained by Roll Call, offer a rare glimpse into the world of lobbying and, specifically, how meals, gifts, and contributions are put to use.

Take, for instance, the strategy for James Capel and Co. Ltd., a British securities firm, that is a longtime client of Gold and Liebengood.

According to the memo: ''Capel is desirous of dinners, lunches, and meetings for themselves and their clients, with a diverse list of Members of Congress Capel has agreed to pay G&L a separate fee for each and every one of these Congressional visits we arrange.

Potential targets: John Dingell, Jack Brooks, Norman Mineta, and Al Swift, were the initial Members mentioned. Capel would be receptive to suggestions from us.''

The 12-page memo was drafted by Charles Merin, a Gold and Liebengood partner, and John Scruggs, the firm's managing director and a former aide to then-Rep. Trent Lott (R-Miss). It includes specific agencies for each of the principals.

Among Scruggs's ''targets'' were Reps. Porter Goss (R-Fla) and Pat Danner (D-Mo).

''Congresswoman Danner defeated Tom Coleman. Coleman was a strong and consistent supporter of Wilcox. Need to develop similar relationship with Danner,'' the memo noted. ''Action: Continue to work with staff (hesitancy to accept gifts). Ask Chuck Merin for introduction followed by fundraising activity.''

Wilcox, a manufacturing company, is a former Gold and Leibengood client.

Regarding Goss, the outline noted: ''Porter Goss became a member of the Rules Committee early in this Congress. Only Minority Member on the committee with whom I do not have an established relationship.

''Action: Seek opportunity for campaign contribution, followed by goodwill development.''

It appears, however, that Gold and Liebengood did not follow through on all of its plans. Goss and Danner told Roll Call they never heard from Scruggs.

Among the ''targets'' outlined for Merin were Alan Roth, staff director of the House Energy and Commerce Committee—''Multiple client interests before the Committee would be enhanced by a better working relationship with him''—and Democratic Reps. Bobby Rush (Ill), Scotty Baesler (Ky), and Bobby Scott (Va).

The Merin outline describes the Congressmen as ''Promising Freshman Members with whom I need to firm up an existing, but casual relationship.

''Action: Arrange sit-downs/meals with these Members and mutual Member friends.

''Ask Jack Clough, former E&C Committee top aide, to arrange a lunch.''

Merin said he never followed through with Roth, Baesler, or Scott and that he become acquainted with Rush through meetings, not meals, with the Congressman.

Scruggs, Merin, and a founding partner, former Senate Sergeant at Arms Howard Liebengood, last week were shown copies of the documents obtained by Roll Call.

In a letter of response, Scruggs wrote: ''The documents are not newsworthy in any respect and were intended solely for private not public consumption. The activities suggested in the documents are neither unique nor inappropriate in any manner. As this firm is bipartisan and has no Political Action Committee, all members are encouraged to participate in political development-individually and they do.''

Gold and Liebengood is in the final year of a five-year buyout and will be wholly owned by Burson-Marsteller at the end of 1994.

The memo also documents the firm's involvement in leadership races.

Written some 11 months ago, the Gold and Liebengood ''Campaign Activity Outline'' discussed Merin's plans to work on the year's most dramatic long-shot leadership race: ''Charlie Rose for Speaker.''

Merin's plans were to ''Continue working with Rose and his campaign deputies to broaden the network of Member commitments.''

This type of activity is ''always a game of Russian roulette,'' said Howard Marlowe of the lobbying firm, Marlowe & Co., who served as president of the American League of Lobbyists from 1988 to 1990 and is a member of the organization's board.

''As long as you back the winner, then you've made the right choice,'' said Marlowe. ''[And] in this case, the loser is somebody who's still around and so whatever you did to help him or her out is probably going to be remembered. So I think that probably represents a smart political move on their part.''

But, Marlowe said, ''I think in general lobbyist ought to probably try to refrain from getting involved in the internal leadership of the House or Senate.''

Said Merin of his involvement in the leadership race: ''The election of a Speaker of the House, much like the appointment of any Member to any committee, is a matter exclusively and totally within the purview of the institution. The ability of any outsider to leverage the process to his or her advantage is virtually nil. The only real role any outside can play in the process is to provide limited advice and counsel.''

Said Rose: ''I don't see Chuck Merin much more than I see other lobbyists that visit me. But be's a friend. * * * He has been helping me [with] new candidates and [to] raise money from some of his clients. * * * Some of the people he represents have given money to my leadership PAC. * * * He's told them that I have a good chance to be Speaker.''

Rose noted that ''since the beginning of Congress, [lobbying firms] have helped people become Speaker and Majority Leader and get elected to Congress. The vote for leadership around here comes from the Democratic Caucus. And Chuck has helped me raise money for Democratic candidates.''

Also on Merin's agenda is ''Vic Fazio for Caucus Chair.''

The plan called for Merin to ''Assist Fazio [D-Calif] with Member contacts on an as directed basis, relative to hid bid to succeed Steny Hoyer.'' Fazio, the Democratic Caucus

vice chairman, is unopposed in a bid to succeed Hoyer.

Asked about the memo, a Fazio aide said: ''Mr. Merin has been a good friend and supportive of Mr. Fazio's campaigns in the past.''

The most prominent political activity listed for Scruggs, meanwhile, is the ''Bob Walker for Whip'' campaign. Walker (Pa) is running against Reps. Tom DeLay (Texas) and Bill McCollum (Fla) for the GOP Whip post that Rep. Newt Gingrich (Ga) will leave when he's elected Republican Leader in December.

Scruggs, the memo states, is ''Serving on advisory group of lobbyists supporting Walker Whip campaign.'' It cites a ''Commitment to do 'meet and greets' for GOP candidates identified by Walker as he campaigns for potential GOP freshmen in next year's Congressional races.''

Said Walker in an interview, ''This is a guy who is a personal friend of mine of 20 years standing. * * * It's not being done as a lobbyist. It's being done as a personal friend.'' Walker said Scruggs ''consults with me from time to time * * * and has put together some meet and greets.'' Walker said Scruggs is only one of many lobbyists working on his behalf.

Gold and Liebengood does not have a PAC and does not as a firm formally back specific candidates, although its 13 individual lobbyists are encouraged to follow their own political development agendas. This sometimes leads Gold and Liebengood lobbyists to support opposing candidates for the same office.

Underscoring this point, Scruggs said in the interview that ''Gold and Liebengood is not working for Charlie Rose for Speaker. Because I'm the managing director and I'm supporting Newt Gingrich for Speaker and I think that sort of sums it up.''

Said Ellen Miller, executive director of the Center for Responsive Politics: ''We always expect this happens. But you know that level of involvement in leadership races is pretty startling. It's another chapter in the book 'How Washington Really Works'. * * * I'm afraid it's not unique at all.''

''Do I know we get targeted? Sure,'' said Goss. As a public official, ''You give up some privacy and you just expect people are trying to figure out ways to get access to get their views across.''

Other political development projects listed for Merin:

''Mel Watts [sic] for a Rules Committee seat. The Congressional Black Caucus will be able to recommend a successor to [A]lan Wheat on the Rules Committee. Mel is the CBC Chairman's choice for that vacancy. Assist Mel in building a network of non-CBC Steering and Policy Committee Members who will support his appointment.''

Watt said this month he has no knowledge of the memo or Merin's interest in winning him a spot on the Rules panel.

''Al Wynn for an Energy and Commerce Committee Seat. Maryland is looking to get back the seat it lost with Tom McMillen's defeat. Anticipated Member defeats/departures will create Democratic vacancies at the Committee. Help Albert craft his campaign for an appointment.'' Merin gave Wynn's re-election $200, according to FEC records.

An aide to Wynn—who had previously expressed interest in Rules, not Energy and Commerce—had no comment.

''Greg Laughlin for a Ways and Means Committee Seat. The departure of Representatives Pickle and Andrews from the Congress will create two vacancies for Texas Democrats to fill. Greg is the leading delegation choice for one of those vacancies. Assist him in securing non-Texas Steering and Policy Committee votes as the year goes on.''

Laughlin could not be reached for comment.

Mr. WELLSTONE. Mr. President, to summarize, this amendment is designed to prohibit lobbyists from making contributions to, or soliciting contributions for Members of Congress whom they have lobbied within the preceding year, and from lobbying Members of Congress to whom they have contributed or on whose behalf they have solicited funds within the previous year.

If you have gone in—this includes staff as well—if you have gone in to see one of the Senators as a lobbyist or gone in to lobby with staff, then for 1 year—that is what we are talking about—you are not allowed to make campaign contributions. If you have contributed to a Senator, then within a 1-year period of time, you are prohibited from lobbying the Senator or staff.

This is all about making this process more open. This is all about reform. This is all about making sure we have a system in our country of democracy for the many and not democracy for the few. This is all about congressional accountability. And yesterday, too many of my colleagues—as it did not get a majority vote—voted against ending this practice of receiving the gifts, the argument being we will get to it later. By the way, since I have been here in the Senate, I have heard that argument over and over and over again. I think we will get to it later this term. I know I will bring this up over and over and over again until we do get to it.

Today I say this to my colleagues: If you are not going to agree with the proposition that we should put an end to the taking of these gifts now, then at least agree to the proposition—if we are talking about congressional accountability—that we ought not to be taking this money from lobbyists. At least agree there ought to be a 1-year period of time between the lobbying activity and the giving of money. Does it not seem as if this is reasonable? Does it not seem as if this is a prudent course? Does it not seem that if we are talking about reform, we ought to vote for this? We cannot separate the legislative lives we live and how we vote from the words we speak.

AMENDMENT NO. 5

(Purpose: To restrict political contributions by lobbyists)

Mr. WELLSTONE. Mr. President, I send an amendment to the desk and ask for its immediate consideration.

The PRESIDING OFFICER (Mr. GREGG). The clerk will report.

The assistant legislative clerk read as follows:

The Senator from Minnesota [Mr. WELLSTONE] proposes an amendment numbered 5.

Mr. WELLSTONE. Mr. President, I ask unanimous consent that reading of the amendment be dispensed with.

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

The amendment is as follows:

At the appropriate place, insert the following:

SEC. ___. PROHIBITION OF CERTAIN CONTRIBUTIONS BY LOBBYISTS.

Section 315 of the Federal Election Campaign Act of 1971 (2 U.S.C. 441a) is amended by adding at the end the following new subsection:

''(i)(1) A lobbyist, or a political committee controlled by a lobbyist, shall not make contributions to, or solicit contributions for or on behalf of—

''(A) any member of Congress with whom the lobbyist has, during the preceding 12 months, made a lobbying contact; or

''(B) any authorized committee of the President of the United States if, during the preceding 12 months, the lobbyist has made a lobbying contact with a covered executive branch official.

''(2) A lobbyist who, or a lobbyist whose political committee, has made any contribution to, or solicited contributions for or on behalf of, any member of Congress or candidate for Congress (or any authorized committee of the President) shall not, during the 12 months following such contribution or solicitation, make a lobbying contact with such member or candidate who becomes a member of Congress (or a covered executive branch official).

''(3) If a lobbyist advises or otherwise suggests to a client of the lobbyist (including a client that is the lobbyist's regular employer), or to a political committee that is funded or administered by such a client, that the client or political committee should make a contribution to or solicit a contribution for or on behalf of—

''(A) a member of Congress or candidate for Congress, the making or soliciting of such a contribution is prohibited if the lobbyist has made a lobbying contact with the member of Congress within the preceding 12 months; or

''(B) an authorized committee of the President, the making or soliciting of such a contribution shall be unlawful if the lobbyist has made a lobbying contact with a covered executive branch official within the preceding 12 months.

''(4) For purposes of this subsection—

''(A) the term 'covered executive branch official' means the President, Vice-President, any officer or employee of the executive office of the President other than a clerical or secretarial employee, any officer or employee serving in an Executive Level I, II, III, IV, or V position as designated in statute or Executive order, any officer or employee serving in a senior executive service position (as defined in section 3232(a)(2) of title 5, United States Code), any member of the uniformed services whose pay grade is at or in excess of 0-7 under section 201 of title 37, United States Code, and any officer or employee serving in a position of confidential or policy-determining character under schedule C of the excepted service pursuant to regulations implementing section 2103 of title 5, United States Code;

''(B) the term 'lobbyist' means a person required to register under section 308 of the Federal Regulation of Lobbying Act (2 U.S.C. 267) or the Foreign Agents Registration Act of 1938 (22 U.S.C. 611 et seq.) or any successor Federal law requiring a person who is a lobbyist or foreign agent to register or a person to report its lobbying activities; and

''(C) the term 'lobbying contact'—

''(i) means an oral or written communication with or appearance before a member of Congress or covered executive branch official made by a lobbyist representing an interest of another person with regard to—

''(I) the formulation, modification, or adoption of Federal legislation (including a legislative proposal);

''(II) the formulation, modification, or adoption of a Federal rule, regulation, Executive order, or any other program, policy or position of the United States Government; or

''(III) the administration or execution of a Federal program or policy (including the negotiation, award, or administration of a Federal contract, grant, loan, permit, or license); but

''(ii) does not include a communication that is—

''(I) made by a public official acting in an official capacity;

''(II) made by a representative of a media organization who is primarily engaged in gathering and disseminating news and information to the public;

''(III) made in a speech, article, publication, or other material that is widely distributed to the public or through the media;

''(IV) a request for an appointment, a request for the status of a Federal action, or another similar ministerial contact, if there is no attempt to influence a member of Congress or covered executive branch official at the time of the contact;

''(V) made in the course of participation in an advisory committee subject to the Federal Advisory Committee Act (5 U.S.C. App.);

''(VI) testimony given before a committee, subcommittee, or office of Congress a Federal agency, or submitted for inclusion in the public record of a hearing conducted by the committee, subcommittee, or office;

''(VII) information provided in writing in response to a specific written request from a member of Congress or covered executive branch official;

''(VIII) required by subpoena, civil investigative demand, or otherwise compelled by statute, regulation, or other action of Congress or a Federal agency;

''(IX) made to an agency official with regard to a judicial proceeding, criminal or civil law enforcement inquiry, investigation, or proceeding, or filing required by law;

''(X) made in compliance with written agency procedures regarding an adjudication conducted by the agency under section 554 of title 5, United States Code, or substantially similar provisions;

''(XI) a written comment filed in a public docket and other communication that is made on the record in a public proceeding;

''(XII) a formal petition for agency action, made in writing pursuant to established agency procedures; or

''(XIII) made on behalf of a person with regard to the person's benefits, employment, other personal matters involving only that person, or disclosures pursuant to a whistleblower statute.

''(5) For purposes of this subsection, a lobbyist shall be considered to make a lobbying contact or communication with a member of Congress if the lobbyist makes a lobbying contact or communication with—

''(i) the member of Congress;

''(ii) any person employed in the office of the member of Congress; or

''(iii) any person employed by a committee, joint committee, or leadership office who, to the knowledge of the lobbyist, was employed at the request of or is employed at the pleasure of, reports primarily to, represents, or acts as the agent of the member of Congress.''.

Mr. WELLSTONE. Mr. President, I, in a short period of time, have to get ready for a call-in that I do back with Minnesotans. So not seeing anybody, I am wondering whether colleagues are interested in debating this. If not, I will ask unanimous consent that this amendment, for the moment, be set aside.

Mr. GRASSLEY. Mr. President, reserving the right to object. What was the specific point that the Senator from Minnesota requested?

Mr. WELLSTONE. Mr. President, I asked unanimous consent that if there was no further debate at the moment, that my amendment be temporarily set aside. I have another engagement, but I will be back at 11 and ready to debate.

Mr. GRASSLEY. I think some debate may proceed on your amendment while you are gone because people on our side of the aisle want to speak on that. So I would like to keep his amendment before the body.

Mr. WELLSTONE. Mr. President, I say to my colleague from Iowa that that course is very reasonable, as long as I would have time to respond. I will be back here at 11.

Mr. GRASSLEY. Obviously, we will be able to do that since there is no time agreement.

The PRESIDING OFFICER. Is the request withdrawn?

Mr. GLENN. Reserving the right to object, and I will not, just to clarify this, if there is not sufficient opposition on this side to take up the time, if another amendment was brought to the floor before Senator WELLSTONE comes back, I presume it would be OK if we set it aside and went on with the other amendment.

Mr. WELLSTONE. Mr. President, I would be agreeable to either proposition. If Senators want to debate this—and certainly there should be debate on this amendment, as that is what we are all about, and it is an important debate—I would be pleased to have this amendment out on the floor. I will be back at 11 and I will be pleased to respond. If other Senators come with amendments and there are not Senators speaking directly to this amendment, I would be pleased to have this amendment set aside.

Mr. GLENN. I will not object.

Mr. WELLSTONE. I do withdraw my initial unanimous-consent request.

Mr. GRASSLEY. Mr. President, the situation this morning, Friday morning, is that we are on S. 2. This is a bill that we Republicans, the new majority, promised that we would give early consideration to, and hopefully pass early on to get the bill to the President for signature.

The House of Representatives, in their first day of session, unanimously, on a rollcall vote, passed this piece of legislation. This legislation provides that the exemptions that Congress as an institution and individual Members of Congress have had as employers from certain employment and safety laws, in some instances for over 60 years, will no longer be in place.

The purpose of this legislation is to end the environment in this country where we have two sets of laws—one for Capitol Hill and the one for everybody else, everywhere else in the country.

It will end a situation where there is one set of laws for Pennsylvania Avenue and another set of laws for Main Street, U.S.A. It will end the situation where employees of Congress do not have the same employment and safety rights and access to the courts for the enforcement of those rights that private sector employees have.

For a long period of time people, in the private sector, both employees and employers, but particularly employers, have resented a legal situation in this country where laws passed for the safety and the employment rights of individual private-sector employees of this country, have been in place for one set of employees but not for another. The burden of regulation on the private-sector employer has been in place, but that burden of regulation has not been in place for Capitol Hill. And, of course, that resentment has mounted, and mounted, and mounted over several years now that this has become an issue.

It was No. 1 on the list of promises that the new majority made to the American people that we would pass. Consequently, that is why it did pass the House of Representatives and that is consequently why our distinguished majority leader, Senator DOLE, made a promise to make that the first bill for consideration of this body.

So we had a full day's debate on this bill yesterday and we are probably going to have a full day's debate today and into next week. But I notice from the debate yesterday and the debate so far today, it is not on the substance of the legislation: ending the situation where we have one set of laws for Congress and another set of laws for the rest of the country.

I am glad to know that there is that fair amount of unanimity, maybe a great deal of consensus, at least, on the issue of the legislation. But debate yesterday was on the issue of lobbying and on the issue of gifts—very legitimate issues to be discussed before this body—and now this morning we are starting debate on unrelated legislation dealing with lobbying; again, a very legitimate subject for the Senator from Minnesota to bring to this floor.

But is it legitimate at this time to bring it before this body? Well, of course, under the rules, it is. But does it fit in with the goals that people desired for this Congress early on when they made the decision in the last election to send a new majority to the House and Senate and to the House for the first time in 40 years? I think not, particularly in light of the fact that the distinguished majority leader, Senator DOLE, has promised that all of these issues will have time for discussion on the floor of this body very early in this session, probably within the next 2, 3, 4 months, at the latest.

So I beg the Senator from Minnesota and the Senators from other States

that have other amendments not germane to the specific purpose of S. 2 to wait for the appropriate time so that we do not frustrate the will of the people expressed in the last election, and that we move forward with ending this special treatment of Capitol Hill to be exempted from 11 major pieces of legislation. Let us move on with this bill, get it to the President for signature—the President wants to sign it—and then take up the usual course of business and abide with faith in the promise of the distinguished majority leader that these issues will be brought up and bring them up at that appropriate time. We should not try to wreck a very good piece of legislation that passed the House unanimously and I will bet will almost pass this body unanimously as well.

I yield the floor and urge Senators on my side who want to debate Senator WELLSTONE's amendment to please come over here and do that, because we will not have rollcalls as long as there is a leadership meeting down at the White House.

Mr. GLENN addressed the Chair.

The PRESIDING OFFICER. The Senator from Ohio.

Mr. GLENN. Mr. President, I do not have a dog in this fight. I do not have an amendment that I am proposing here, but I cannot help but respond to the remarks of my distinguished colleague from Iowa. I will be very brief because I know Senator SIMON would like to make a statement here on the floor and I am happy to see him do that.

But this idea that somehow because there is a push on for something here that we can avoid having anyone put on amendments is wishful thinking. I need only go back in my mind's eye and remember what was happening about 60 days ago or 90 days ago here on floor when anything we put forth was subject to amendments, extraneous or not. It was delay for delay's sake and it was a scorched earth policy.

To say that we should let some piece of legislation, as much as I want it—and I am as big a backer on this piece of legislation on congressional accountability one could possibly be, but it is entirely within the right of any Senator who wants to offer an amendment. Although I do not have an amendment to offer, I do not want to let anything go by that would be critical of people who do have amendments to offer and are offering them in all good sincerity. They think it is right. If they want to attach it on by the rules of the Senate, we, obviously, can do that.

We had talk here yesterday about we should be giving the new majority a chance to govern. Well, we do not set aside all the Senate rules in giving anybody a chance to lead or a chance to govern. I am all for leadership having all the leadership prerogatives, but those prerogatives do not mean that we are able to set aside amendments that people may, in all sincerity, propose, whether I agree with them or not.

I yield the floor.

Mr. SIMON addressed the Chair.

The PRESIDING OFFICER. The Senator from Illinois.

Mr. SIMON. Mr. President, I ask unanimous consent to address the Senate for 5 minutes as if in morning business.

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

THE STRIKE AT BRIDGESTONE/FIRESTONE

Mr. SIMON. Mr. President, on July 12, of last year, 4,200 members of the United Rubber Workers went on strike at Bridgestone/Firestone. The plants are in Decatur, IL; Des Moines, IA; Oklahoma City; Akron, OH; and Noblesville, IN. Negotiations had been going on for some time prior to that on the new contract. The United Rubber Workers had insisted on a similar contract to the contract they had with Goodyear. Bridgestone/Firestone, which is wholly owned by a Japanese company, insisted they could not do that, and then negotiations broke off.

The distinguished Senator from Ohio, as well as some of our colleagues, met with the Japanese Ambassador and urged that they renew negotiations. Unfortunately, the situation has deteriorated so that Bridgestone/Firestone has said they are going to permanently replace all these workers.

It is the first time in modern history that that has been done in a large scale, with the exception of the PATCO strike. And there, frankly, you had people who were breaking the Federal law, and President Reagan—and I think it could have been handled better—but President Reagan made the proper decision that you cannot violate the Federal law and he replaced the workers. This is an unusual situation. It is contrary to the traditions of labor-management relations in our country. Interestingly, it would be illegal in Japan.

Now, we have a situation where 2,000 or more workers are going to be permanently replaced. It is not going to be good for labor-management relations in those communities. It is not going to be good for United States-Japanese relations. It is just a bad situation all the way around. My hope is that we can urge our friends in Japan and urge the leaders of this company to recognize this is not wise.

Short-term may save a few bucks. I do not know any of the details of the negotiations. But I have been involved in labor-management negotiations often enough that I know if you sit around a table and try and work things out, generally you can work out a practical compromise. I urge they do that. That they not go ahead as they are now planning.

I will, later today, be contacting some of our colleagues in the affected States with a resolution that they may want to cosponsor, urging that they get back to the negotiating table and not have this permanent striker replacement. It is interesting that of the modern nations only Great Britain, Singapore, and Hong Kong permit permanent striker placement, plus the United States. But we have a tradition of not doing it. That tradition is occasionally violated by a very small company, but rarely by any company this large.

I hope we can have some common sense by the leaders of this industry. I hope the leaders of this industry and the United Rubber Workers can get together. I urge them not to proceed with the permanent replacement of these workers.

I yield the floor, Mr. President.

The PRESIDING OFFICER. The Senator from Tennessee.

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

The PRESIDING OFFICER. The Clerk will call the roll. The assistant legislative clerk proceeded to call the roll.

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

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

THE CONGRESSIONAL ACCOUNTABILITY ACT OF 1995

The Senate continued with the consideration of the bill.

Mr. THOMPSON. Mr. President, I ask unanimous consent that at 11:15 a.m. today the Senate resume consideration of the Wellstone amendment, No. 5, and at that point Senator MCCONNELL will be recognized to speak for not more than 10 minutes, to be followed by 20 minutes under the control of Senator WELLSTONE.

I further ask unanimous consent that at 11:45 a.m. the majority leader, or his designee, be recognized to make a motion to table the Wellstone amendment.

I further ask unanimous consent that if the Wellstone amendment is not tabled, Senator BROWN be recognized to offer a second-degree amendment.

Mr. President, I have also been informed that Senator COATS will be here presently and would like to speak briefly on the WELLSTONE amendment.

The PRESIDING OFFICER. Is there objection?

Without objection, it is so ordered.

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

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

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

The PRESIDING OFFICER (Mr. SMITH). Without objection, it is so ordered.