

arts funding for our smaller communities like Abilene, TX. It is very important that we be able to have an opera in Abilene, as we have had in the last 2 weeks, an artwalk that has been a great boon to the cultural prospects of a great city like Abilene.

This happens all over America, Mr. President, and I do not want that cultural enlightenment that we have put into our smaller cities to die, and that is why Senator BENNETT and I are trying to make a significant contribution to keeping what is good about the arts funding and our American culture while not allowing the obscenities that have turned our taxpayers off of these other good projects.

I thank the Chair, and I yield the floor.

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

[From the Abilene Reporter-News, July 27, 1995]

HUTCHISON WEIGHS IN ON BEHALF OF THE ARTS

House Republicans have been jumping on the philistine bandwagon, but Sen. Kay Bailey Hutchison thinks there's a better route to follow than the one that sends funding for the arts careening over the cliff.

She's right, and she has a sound plan for how to accomplish it.

The House has voted to cut the National Endowment for the Arts by 40 percent in fiscal 1996. House GOP leaders have agreed to fund the NEA only for the next two years and promise to try to terminate the agency after that.

Republicans in the Senate, however, have shown more awareness of the value of the arts, both economically and socially, to local communities throughout the country. A bill by Republican senators Nancy Kassebaum of Kansas and Jim Jeffords of Vermont that would cut the NEA by a more modest 25 percent over five years was passed last week by the Senate Labor and Human Resources Committee.

Hutchison's bill is an improvement over that one.

She would consolidate the NEA with the National Endowment for the Humanities and the federal Institute of Museum Services. During so would eliminate bureaucratic duplication of agencies so similar in scope that they often operate in conjunction anyway and would allow their funding under a new umbrella entity to remain at current levels for the next five years.

Furthermore, the key element of Hutchison's measure would direct 60 percent of all NEA and NEH funding to states in the form of block grants. This distribution would put the arts closer to the people of middle America who stand to benefit the most from it and drastically reduce the likelihood that nationally funded projects would turn out to be objectionable to most average taxpayers.

Hutchison's block grant idea would be especially good for Texas, which now ranks at the bottom in state spending for the arts. According to the National Assembly of State Arts Agencies, Texas spends a paltry 18.5 cents per person a year on the arts, whereas the national average is 99.14 cents. Hutchison's bill would give the arts in Texas a huge boost by requiring a certain amount of federal money to be spent here.

As the Texas senator said in announcing her proposal, arts are the thread of civilization and the fabric of society. Everyone who turned out for this month's Artwalk downtown or attended the Abilene Opera Associa-

tion's magnificent production of "La Traviata" knows the arts bring something beyond mere entertainment to a community that cannot be achieved in any other way. If we don't support the arts, we're letting go of civilization's thread and tossing society's fabric in the trash.

Hutchison deserves a lot of credit and enthusiastic support for bucking the popular but misguided trend in her party to gut the arts and for instead committing herself to the programs and the values that her constituents will gain the most from.

Mr. LOTT addressed the Chair.

The PRESIDING OFFICER. The Senator from Mississippi.

CONGRESSIONAL GIFT REFORM ACT

The Senate continued with the consideration of the bill.

UNANIMOUS-CONSENT AGREEMENT

Mr. LOTT. Mr. President, I ask unanimous consent that the Senate resume consideration of S. 1061, and that Senator MCCAIN be recognized to offer his substitute amendment, and there be 1 hour for debate on the substitute to be equally divided in the usual form, and it be subject to the following first-degree amendments, with no second-degree amendments in order and no amendments to the language proposed to be stricken, with all first-degree amendments limited to 1 hour to be equally divided in the usual form if that much time is needed: A Byrd amendment, sense of the Senate on the judiciary; a Rockefeller amendment with regard to gift rules; a Brown amendment regarding blind trust and reporting; one amendment on spouses by Senator DOLE or his designee; one amendment on charitable trips by Senator DOLE or his designee; one amendment on definition of friendship for Senator DOLE or his designee; one amendment on the limit involved in the gift rule issue by Senator DOLE or his designee; one amendment on events by Senator DOLE or his designee; one amendment by Senator WELLSTONE regarding gift rules limits; and one amendment from Senator DOLE regarding gift rules.

I further ask that following the disposition of the above listed amendments, there be 1 hour equally divided for debate only, the Senate proceed to vote on the substitute, as amended, if amended, to be followed by third reading, if applicable, and passage of the gift rule measure, all without intervening action or debate except as provided for in the unanimous-consent agreement.

Mr. President, I would like to say this has been discussed by all the various parties that have been involved in this effort. It has been carefully reviewed by the leadership on the Democratic side of the aisle, and I believe that this is an agreement that we can go with and get this job done.

Mr. FORD. Mr. President, reserving the right to object, and I will not object. I tried to follow him very closely. At the third line from the bottom of

the unanimous-consent agreement, " * * * disposition of the above listed amendments, the Senate proceed"—

Mr. LOTT. We added at that point, "there be 1 hour equally divided for debate only."

Mr. FORD. There be 1 hour for debate equally divided between the two leaders. That is it.

Mr. LOTT. That is right.

Mr. FORD. OK. I just wanted to be sure—we worked so hard on this—that the language was correct. We penciled in a couple things here.

We have no objection and look forward to the debate.

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

The Senate continued with the consideration of the bill.

Mr. LOTT. Mr. President, I might say for the information of all Members now that we have this unanimous-consent agreement, we are ready to go ahead with the debate. I see Senator MCCAIN is ready. We hope to continue to work on some of these amendments and hopefully all of them will not be necessary. We will try to dispose of them as expeditiously as we can.

With regard to what time will be used tonight and whether or not there will be votes tonight, we do not have any order on that at this time. We just need to proceed, and as soon as an agreement is reached on that, we will certainly let the Members know immediately.

I yield the floor.

AMENDMENT NO. 1872

(Purpose: To provide for Senate gift reform)

Mr. MCCAIN. Mr. President, I have an amendment in the nature of a substitute at the desk. I ask for its immediate consideration.

The PRESIDING OFFICER. The clerk will report.

The legislative clerk read as follows:

The Senator from Arizona [Mr. MCCAIN] for himself, Mr. LEVIN, Mr. COHEN, Mr. WELLSTONE, Mr. FEINGOLD, Mr. LAUTENBERG, Mr. KYL, Mr. MCCONNELL, and Mr. GRAMS, proposes an amendment numbered 1872.

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

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

(The text of the amendment is printed in today's RECORD under "Amendments Submitted.")

The PRESIDING OFFICER. Debate on the amendment will be limited to 1 hour equally divided.

The Senator from Arizona.

Mr. MCCAIN. Mr. President, I yield myself such time as I may consume.

Mr. President, the agreement that we have crafted after many, many hours of discussion and debate is one that is very emotional. I do not know of an issue that arouses more emotion in the Members than one that has to do with modification of the lifestyle of the Members of the Senate.

I believe there is a recognition on the part of all in this body that we are expected to live as all of the citizens in

this country live. At the same time, there is also an appreciation that there are certain aspects of our lives as Senators that are different.

This amendment, the substitute, this compromise, has been carefully crafted to respond to the American people who expect us to live as they do and at the same time I hope takes into account in very small ways the fact that many times our spouses are with us, there are many times where we are at an event where someone hands us something, there are times when we are given out of appreciation a plaque or something of that nature which is worth a significant amount of money. But at the same time the American people do not want us to be going out and being wined and dined by people who have an interest in legislation before us.

This compromise would not be possible without the efforts of people who represent a broad spectrum of opinion on this issue. Senator LEVIN and Senator COHEN have certainly been the leaders on this issue. They have worked on this issue for years and have brought forward I think a piece of legislation that is very important. My friends, Senator WELLSTONE and Senator FEINGOLD, have labored hard on this issue and they bring to this body in my view a desire to make sure that the American people look on our work and our activities as those of which they can approve.

Senator LAUTENBERG and Senator KYL have also been very helpful.

I would like to say a special word about my friend from Kentucky, Senator MCCONNELL, who has tried very hard and I think largely succeeded in representing the views of the majority of the Republican Conference. Senator MCCONNELL also has been one who has sat in on hundreds of hours of meetings and who has in many ways contributed enormously to this final product. I appreciate his efforts. Not many people are willing to do the work that Senator MCCONNELL has done for the rest of the Members on this side of the aisle.

So there were many as short a time ago as a week who believed we could not come up with a broad agreement. There are also, as in the unanimous-consent agreement, items that are in disagreement and on which votes will be taken.

It is not clear, depending on the outcome of those amendments, whether final passage would be approved of or not, depending on the result of those amendments. My friend, Senator WELLSTONE, and Senator FEINGOLD have very strongly held views. They have articulated them on this floor and in many other forums throughout America.

Anyway, Mr. President, I am proud of what we have done. I hope that it emerges largely intact after we finish the amending process.

Now I would like to give a brief description of the compromise and then move on as rapidly as possible to the amending process.

Mr. President, I want to clarify the record and explain exactly what this amendment does and what it does not. It amends the rules of the Senate as follows: It mandates that the Senate, as mandated by the Constitution, have sole discretion to enforce its own rules.

It prohibits Members, officers and employees of Congress from accepting any gift over \$20 in value. The total value of all gifts received annually from any one source shall not exceed \$50.

Now I ask my colleagues, if there is one message from this entire compromise as I lay it out, fundamentally it is the same rules under which the executive branch has had to function for nearly 20 years. I want to repeat. The executive branch basically functions under almost these same rules, and they have been able to do it—obviously with some pain and difficulty. But I believe that if they are able to do that, we are, too. The bill applies equally to lobbyists and nonlobbyists and in-State as well as out-of-State.

Gifts are defined as any gratuity, favor, discount, entertainment, hospitality, loan, forbearance, meal or food, or any item of monetary value.

A gift to a spouse or dependent is considered a gift to the Member or employee if there is reason to believe that the gift was given because of the official position of the Member or employee.

However, the bill states that when a Member and his or her family is accepting a meal or food from a non-friend, that only the meal of the Member counts toward the gift limits. The Senate correctly cannot control the lives of our family members, and this amendment continues that tradition.

The bill exempts:

Meals and food for family members.

Gifts to a Member from a family member.

Gifts from a personal friend.

Gifts of personal hospitality not from a lobbyist.

All lawful campaign and political contributions.

Anything for which the Member pays market value.

Pension and other benefits provided by a former employer.

Contributions to legal defense funds, except by lobbyists.

Informational materials, including books, articles, magazines, or videotapes; competitive awards or prizes; honorary degrees; commemorative plaques and trophies and any item intended solely for presentation; and official training.

Gifts from another Member, officer, or employee.

Specific exemptions for permissible travel and charitable events/dinners as follows:

Travel, food, and lodging where such benefits are customarily available to noncongressional employees and totally unrelated to the individual's official duties.

Activities provided by a political organization in connection with a political fund-raiser or campaign event.

Food, meals, and attendance, but not travel or lodging, directly associated with the charity event in which the Member is substantially participating. I want to repeat that. Food, meals and attendance, but not travel or lodging, directly associated with a charity event in which the Member is substantially participating.

Food, meals and attendance at widely attended conferences and forums in which the Member or employee participates and is appropriate to official duties.

Reimbursement for travel to a speaking engagement, fact-finding trip deemed to be within the purview of official business. Substantially recreational activities are not official business. I repeat, substantially recreational activities are not official business.

Exempts transportation, lodging, and related expenses for necessary, official travel, with the following qualifications:

Travel period shall not exceed 3 days within the United States or 7 days outside the United States unless approved by the Ethics Committee.

Expenses must be reasonable.

And recreation or entertainment cannot be paid for if it is not provided to all attendees regardless of congressional employment.

This substitute requires travel and expenses for official travel that is reimbursed by a noncongressional entity be publicly disclosed.

The substitute also contains certain specific prohibitions on lobbyists:

Contributions to legal defense funds of Members made by lobbyists are banned. All other contributions to legal defense funds are completely allowable.

Contributions to an entity or foundation controlled by or administered by a Member, officer or employee of Congress or their family members are banned.

And contributions by lobbyists for retreats are banned.

The substitute also requires Members, officers, and employees of Congress to report on donations given in lieu of honoraria to a charity designated by the Member, officer, or employee.

Lastly, the resolution states that the provisions of the bill shall be solely enforced by the Senate Ethics Committee. The committee is also expressly authorized to issue such guidelines as necessary for the implementation of this rule.

Mr. President, some have mischaracterized this amendment stating that it will allow the Department of Justice to constantly bring charges against Members of Congress if a Member ate one doughnut over the \$20 limit. This is simply not true. Again, I want to note the bill states:

All the provisions of this Act shall be solely enforced by the Senate Ethics Committee.

Mr. President, except for some minor exceptions, this proposal is primarily the rules under which the executive branch operates. And for all the cries that we cannot live under these rules, the staff of the executive branch has and does. And I have yet to see a request from the President or the White House Chief of Staff or a Cabinet Secretary asking that the Congress liberalize their gift rules.

I have also heard Members talk about the fact that you cannot compare the legislative and executive branches because the Members of Congress receive so many more gifts. I am sure we do. But I believe we receive countless more gifts not because of the nature of the office, but because we have liberal gift rules and the executive branch has stringent rules.

Mr. President, this bill in no way should be interpreted as a condemnation of Members of this Senate. I do not believe that gifts and meals have in any way unduly influenced Senators or their staff. But there is a perception held by the public that we receive too many gifts and that the practice should be reformed. And I believe this compromise before the Senate will accomplish that reform.

Let me also point out that the rules change we are proposing is not so radical as to prevent the Senate from doing its business. Senators should travel around their States and meet their constituents. If a constituent is having a barbecue, it is appropriate for a Senator to have a hot dog or a hamburger.

But we do not need tickets to lavish balls to do our jobs. We do not need \$100 gift baskets to do our jobs. And we do not need unlimited, expensive free meals to do our job.

The proposal will allow staff and Members to accept gifts that cost no more than \$20. I believe this is a realistic limit.

Additionally, the bill allows Members to accept any item that is commemorative in nature such as a trophy or plaque or any item intended solely for presentation. Therefore, a model ship or commemorative football jersey that might be presented to a Member would be allowed.

The resolution also allows Members to attend charity dinners and have the cost of the dinner and the ticket paid for by the event's sponsor. It would be ridiculous to have a Member speak at a charity dinner and be forced to refuse to eat. This would allow the Member to participate in the event and eat the meal.

Mr. President, I want to note that in Arizona, the Governor and the legislature is limited to acceptance of gifts that cost \$10 or less. To be sure, Arizona legislators are lobbied. They need to meet their constituents. The Governor has to go to events and meet Arizonans. And they all live, function, and do their job under more stringent rules than we are proposing here today.

Some say we need gifts such as expensive lobbyist lunches so that we

may be more informed on the issues. On behalf of the State legislators in Arizona, I will attest that they do an exemplary job and are extremely informed and do it with a gift ban in place.

Many of my colleagues served in State legislatures before they came here. They know that the work that those legislators do is just as difficult as the work we do. If they can live with tight gift rules, if the executive branch of the Federal Government can live with tight gift rules, then so can we.

Mr. President, there is simply no legitimate reason not to reform the Senate's gift rules. As I have noted, the proposal we have offered both reforms our gift rules while establishing a new set of rules that will allow us to fully function in our jobs. It is a reasonable, bipartisan approach to this issue.

Mr. President, it is not very often that I express openly my appreciation to members of the staff. Perhaps that is an oversight on my part from time to time. But I would like to acknowledge the efforts of Peter Levine, Linda Gustitus, Andy Kutler, Colin McGinnis, Suzanne Martinez, Robin Cleveland, Kyle McSillarow, Melissa Patack, and Mark Buse, who have literally labored long and hard for a long period of time on this very important issue.

Mr. President, again, I want to extend my deep appreciation to so many people who have taken part in this effort. No one will receive a sufficient amount of credit, and no one can overstate the difficulty and the emotions surrounding an issue such as this.

I am very pleased that we are able to come to a general agreement, and we will, hopefully within some hours of debate and voting, be able to come to a conclusion of this very difficult issue.

Mr. President, I reserve the remainder of my time.

Several Senators addressed the Chair.

The PRESIDING OFFICER (Mr. SMITH). Who yields time?

Mr. MCCAIN. I yield myself 10 seconds. If the Senator from Colorado is agreeable, I would like to allow the Senator from Wisconsin to make opening remarks before we go into the amendments; is that agreeable with the Senator from Colorado?

Mr. BROWN. Sure.

Mr. MCCAIN. Mr. President, I yield whatever time the Senator from Wisconsin may use.

The PRESIDING OFFICER. The Senator from Wisconsin is recognized.

Mr. FEINGOLD. Mr. President, I thank the Senator from Arizona. Let me also now extend my appreciation as well to the staff of all the Senators who have put in an enormous amount of time on this over the last year and a half.

I want to take a couple moments to single out and congratulate the senior Senator from Arizona, Senator MCCAIN, for what I see is a tremendous effort in bridging the differences of those of us on both sides of the aisle

who do favor strong and meaningful gift reform legislation. I think it has been really an extraordinary display of bipartisan leadership. I am grateful for it and hope it will bear fruit in the next few hours.

I am pleased this legislation has the support of not only my good friend from Minnesota, Senator WELLSTONE, and Senator LEVIN from Michigan and Senator LAUTENBERG from New Jersey, but also the support of several Members on the other side, including some of the freshman Members who clearly came to town in 1994, just as many of us did in 1992, with a mandate to clean up business as usual and put an end to the outrageous practice of providing literally thousands of free gifts and meals and trips to Members of Congress.

As the Senator from Arizona has pointed out, this compromise proposal really makes only a few changes to the original Levin-Wellstone legislation, and he has outlined it well. But let me just reiterate a couple of the points.

First, Members can no longer accept a gift, whether it is a meal, concert tickets or gift certificate, that is valued at more than \$20. Gifts valued below this amount will be aggregated so that Members cannot accept more than \$50 from any one source in a calendar year. This is patterned almost word for word after the rule that has been applied for many years to the executive branch of our Government.

There was a concern expressed that the notion of aggregation, having this overall limit, would mean that Senators might be forced to keep overly detailed or meticulous records of virtually every gift they receive, whether it is a \$15 meal or a hot dog or baseball cap. I question how hard that is. I think it is better just to say no, but I think we have solved this problem, to the extent it exists, by requiring Senators to make a good-faith effort to comply with the provisions of the bill.

This also solves the "gotcha" problem. That is, if a Senator accidentally crosses over the \$50 threshold or somehow accidentally undervalues a gift by a dollar or two, that Senator would not be in strict violation of the new Senate rules.

By relying on the good faith of Senators to comply with this new rule, we have addressed the concerns of those who may object to strict recordkeeping requirements and the concerns also of those who believe we should do all we can to ensure that Senators do not accept from now on more than \$50 in gifts from any one source in a calendar year.

In addition, the new compromise will make it clear that if a Member elects to attend a charitable event and pays all the travel and lodging expenses out of his or her own pocket, the Member will be able to participate in a meal for free as part of that charitable event.

I do not think it is necessary, but, obviously, why would anyone pay for all the travel and lodging in order to simply get a free meal? I think it will

certainly take care of that. We believe it was allowed under our original legislation, but we have clarified it to take care of concerns of some of the Members. It takes care of the lion's share of this issue.

The bipartisan coalition that has thrown its support behind the proposal takes the view that although they favor the tough gift limitations consistent with the Levin-Wellstone legislation, they believe that the Senate will be better served by a gift rule applied simply and equally, whether you are talking about lobbyists or non-lobbyists, or whether you are talking about something that happens in Washington or in a Senator's home State.

We have met this concern with this compromise. I tend to agree with my colleagues on the importance of simplicity in terms of such a rule. I came from a legislative body in the State of Wisconsin that practically does not allow anything of value from anyone, not even a cup of coffee. That simple but strict rule has been enormously successful for over 20 years and has not led to the bureaucratic complications and starving-legislator scenarios that a few people have suggested could come out of reform.

I adopted a zero-tolerance policy in my office. We simply keep a log of the gifts the office receives, and it has been contained—there are over 1,000 entries—in this red binder in the last 2½ years. Most of the items we either donate to charity or to the State of Wisconsin. Other items we discard.

As I said, the rule has been incredibly successful for one simple reason: It is easy to understand. I certainly understand where my colleagues on the other side are coming from on this issue. I believe we have made progress on this compromise in terms of getting a straightforward and easy-to-understand gift rule.

Many of those involved in this bipartisan compromise believe the Senate should have the same gift rules as the executive branch. Again, this argument has a lot of appeal to it. After all, a Cabinet Secretary certainly receives as many gifts and is invited to as many speaking engagements as a Member of Congress. If the Cabinet Secretary can live under the \$20 and \$50 thresholds, I do not see why a Member of Congress cannot do the same.

Again, many of the parties involved in these negotiations raised a valid concern, and we have appropriately addressed that concern in this compromise.

But Senators should know one thing about the compromise. Though it does allow some gifts from the lobbying community that the underlying legislation did not allow, the bipartisan substitute we put forth is a significant departure from current Senate rules and will have a profound and historic impact on how this body interacts with the lobbying community.

It will change the way business is conducted in Washington in a signifi-

cant way. The \$20 de minimis rule may not be what I prefer. I made it clear that I think the zero Wisconsin rule is the best reform, and I hope we move to it one of these days. But this substitute, offered by the Senator from Arizona and others, will end the possibility of one special interest group putting forward steak dinners and fine wine and cart loads of gifts that can now be showered on people elected to the Senate.

That is a very important step forward, and I am pleased to join in supporting this proposal. I yield the floor.

The PRESIDING OFFICER. Who yields time?

Mr. WELLSTONE addressed the Chair.

The PRESIDING OFFICER. The Senator from Minnesota.

Mr. MCCAIN. Mr. President, will the Senator from Michigan yield some time to the Senator from Minnesota?

Mr. LEVIN. I will be happy to. Who controls time and how much is left?

The PRESIDING OFFICER. There are 30 minutes controlled by the Senator from Michigan and 7 minutes and 55 seconds remaining for the Senator from Arizona.

Mr. LEVIN. I will be happy to yield. How much time does the Senator from Minnesota want?

Mr. WELLSTONE. How much time does the Senator have?

Mr. LEVIN. Thirty minutes.

Mr. WELLSTONE. Mr. President, this gift ban reform has been perhaps, at least in my 4½ years here, one of the most debated and scrutinized pieces of legislation. I will be very brief. Five minutes will do.

Mr. LEVIN. Does the Senator from Michigan have 30 minutes?

The PRESIDING OFFICER. There are 30 minutes reserved in opposition that has not been used, and there are 7 minutes and 55 seconds remaining allocated to the Senator from Arizona.

Mr. MCCAIN. Mr. President, I ask unanimous consent that the Senator from Michigan control the time in opposition.

Mr. LEVIN. Reserving the right to object, and I may object, since I am a cosponsor of the amendment that is being offered, the substitute, I do not feel that I am in a position to yield time in opposition.

Mr. MCCAIN. Mr. President, let me retract my unanimous-consent request and yield my 7 minutes to the Senator from Minnesota, and perhaps we can hash out what happens with the other 30 minutes.

The PRESIDING OFFICER. The Senator from Minnesota is recognized for 7 minutes and 55 seconds.

Mr. WELLSTONE. Mr. President, I thank the Senator from Arizona, but I want him to know he will have 6 minutes. I am going to use 1 minute because I would like for him to do the summation.

I was worried, because for a moment, I thought I would have to, in the spirit of honesty, step forward and say I am

not speaking in opposition to it. I have been working on this for a long time.

Mr. President, I just want to say, during my time in the Senate, I have found the discussion that we have had with the Senator from Arizona to be just really interesting. As a political scientist, that is the way I would put it, very interesting.

I think we have come together with a really good bipartisan reform effort. I think that all of us feel very good about it. As the Senator from Wisconsin said, it is significant, and it is a very significant message to people in the country that we are going to change the way in which we conduct business here. And so I wait for the debate on the amendments, and I think we will have some very spirited debate.

I feel very good about this piece of legislation now on the floor of the Senate. I thank the Senator from Arizona, and certainly the Senator from Michigan, the Senator from Wisconsin, the Senator from New Jersey, and the Senator from Maine. We have a lot of people that have worked hard on this. I believe the Senate can do itself proud and support this strong reform initiative. I will wait for debate on the amendments before becoming more engaged in the discussion.

Mr. MCCAIN. Mr. President, I yield myself 30 seconds. I thank Senator WELLSTONE, who has worked at this for a long, long time. We have a good relationship, and I appreciate his dedication to the cause.

I yield my remaining time to the Senator from Maine.

Mr. COHEN. Mr. President, I wanted to take the floor this evening to offer my commendation to the Senator from Arizona, the Senator from Michigan, the Senator from Minnesota, the Senator from Wisconsin, and others who have worked for many days trying to arrive at a consensus which would enjoy bipartisan support.

This is not a subject matter which has been easy to deal with. There are Members who feel that the Senate is going too far, that the so-called gifts that are given to Members of the Senate are insignificant in nature. Many Members feel that gifts do not have any sort of impact or influence upon their independent judgment.

I believe that to be the case. The problem has always been the perception on the part of the American people. We know that we do not enjoy a high level of confidence. Perhaps it has been our fate as politicians to suffer those low ratings. I cannot recall, historically, when those who are public officials have ever enjoyed long, sustained periods of public approval. I think there have been, historically, peaks, but mostly valleys. Peaks have occurred when there have been moments of great debate.

I can recall during the time of the impeachment proceedings, well back into the 1970's, when I think people were impressed with the quality of the debate that took place during that

very trying time. Another such moment was during the debates on the Persian Gulf war here in the U.S. Senate when the American people who were seriously divided over the issue looked upon us. I think they were quite impressed with the quality of the debate on both sides of the issue. They felt that the democratic system truly was fulfilling its promise. Perhaps there have been a number of other moments when the public has looked upon the deliberations here in this body and in the other body and have come to the conclusion that we are measuring up to our responsibilities.

The difficulty, of course, is that those peaks are usually followed by very deep valleys. It is from the depths of one of those valleys that we are trying to climb to achieve a level of public confidence.

I am not persuaded that any individual thing that we do will ultimately sustain that public confidence. But I think we have an obligation to try to achieve it. In my own view, I think we will not arrive at the higher levels of confidence until such time as we deal with the major issues confronting this country. First and foremost, we must deal with balancing the budget, and do so in a way that does the least amount of injury to the most vulnerable citizens in our society. Another issue is determining which level of government, be it Federal, State or local, that should be involved in various issues that impact upon our citizenry. These, ultimately, are going to be the types of issues on which we will, hopefully, raise our level of respect in the community.

But, in the meantime, I think this particular legislation is important because the perception is that the legislative process is being unduly influenced by individuals, groups, or lobbyists who have undue control over the outcome of our deliberations.

I simply wanted to take the floor this evening to commend my colleagues for seeking to arrive at what we believe to be a fair resolution of the issue.

As Senator McCain has indicated, his proposal, rather than the underlying Levin-Cohen-Wellstone proposal, adds a degree of, No. 1, uniformity, and No. 2, simplicity and clarity.

I wanted to simply commend those who have been involved in the painstaking negotiations that have helped us arrive at this position.

I reserve the remainder of my time.

Mr. BROWN. Mr. President, I yield myself such time as I may consume.

Mr. President, I ask unanimous consent that since all time has not been yet used on the substitute that I be allowed to speak for 5 minutes.

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

AMENDMENT NO. 1873

(Purpose: To amend the Standing Rules of the Senate to require Senators and employees of the Senate to make a more detailed disclosure of the value of certain assets under title I of the Ethics in Government Act of 1978)

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

The PRESIDING OFFICER. The clerk will report.

The bill clerk read as follows:

The Senator from Colorado [Mr. BROWN] proposes an amendment numbered 1873.

Mr. BROWN. 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 in the amendment, insert the following:

SEC. . ADDITIONAL DISCLOSURE IN THE SENATE OF THE VALUE OF CERTAIN ASSETS UNDER THE ETHICS IN GOVERNMENT ACT OF 1978.

(a) CATEGORIES OF INCOME.—Rule XXXIV of the Standing Rules of the Senate is amended by adding at the end the following new paragraph:

"3. In addition to the requirements of paragraph 1, Members, officers, and employees of the Senate shall include in each report filed under paragraph 2 the following additional information:

"(a) For purposes of section 102(a)(1)(B) of the Ethics in Government Act of 1978 additional categories of income as follows:

"(1) greater than \$1,000,000 but not more than \$5,000,000, or

"(2) greater than \$5,000,000.

"(b) For purposes of section 102(d)(1) of the Ethics in Government Act of 1978 additional categories of income as follows:

"(1) greater than \$1,000,000 but not more than \$5,000,000;

"(2) greater than \$5,000,000 but not more than \$25,000,000;

"(3) greater than \$25,000,000 but not more than \$50,000,000; and

"(4) greater than \$50,000,000.

"(c) For purposes of this paragraph and section 102 of the Ethics in Government Act of 1978, additional categories with amounts or values greater than \$1,000,000 set forth in section 102(a)(1)(B) and 102(d)(1) shall apply to the income, assets, or liabilities of spouses and dependent children only if the income, assets, or liabilities are held jointly with the reporting individual. All other income, assets, or liabilities of the spouse or dependent children required to be reported under section 102 and this paragraph in an amount or value greater than \$1,000,000 shall be categorized only as an amount or value greater than \$1,000,000."

(b) BLIND TRUST ASSETS.—

(1) IN GENERAL.—Rule XXXIV of the Standing Rules of the Senate is further amended by adding at the end the following new paragraph:

"4. In addition to the requirements of paragraph 1, Members, officers, and employees of the Senate shall include in each report filed under paragraph 2 an additional statement under section 102(a) of the Ethics in Government Act of 1978 listing the category of the total cash value of any interest of the reporting individual in a qualified blind trust as provided in section 102(d)(1) of the Ethics in Government Act of 1978, unless the trust instrument was executed prior to July 24, 1995 and precludes the beneficiary from receiving information on the total cash value of any interest in the qualified blind trust."

(2) EFFECTIVE DATE.—The amendment made by this subsection shall apply with respect to reports filed under title I of the Ethics in Government Act of 1978 for calendar year 1996 and thereafter.

Mr. BROWN. Mr. President, this amendment is precisely the same amendment that was considered and approved on the lobbying bill. What it does is, it incorporates two amendments that I had drafted and filed earlier on—one dealing with eliminating the loopholes on the disclosure provisions, and one eliminating the loophole on the blind trust.

They are specifically this. One, in new categories to report the value of assets. As our rules stand now, assets may be valued at \$10 million, \$50 million, or \$100 million, but would only show up as being over \$1 million. This adjusts the categories to allow a fuller disclosure.

It includes an amendment on the disclosure of the value of a blind trust. Our rules now provide for a blind trust reporting the total cash value to the beneficiary, but do not provide for that to be reported on the disclosure forms. This changes that and would provide that if indeed the trust instrument provides for the total cash value to be reported to the beneficiary of the trust, that beneficiary member would end up reporting that. My understanding is that this has been cleared on both sides.

I will yield the floor, Mr. President, and I will ask for a vote.

Mr. McCain. Mr. President, it is my understanding that the Republican and Democratic leader would like to dispose of more amendments tonight. I urge those under the unanimous-consent agreement to come over so that we can do that.

The PRESIDING OFFICER. Is there further debate on the BROWN amendment?

If not, the question is on agreeing to the amendment.

The amendment (No. 1873) was agreed to.

Mr. BROWN. Mr. President, I move to reconsider the vote.

Mr. McCain. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

Mr. KYL addressed the Chair.

The PRESIDING OFFICER. The Senator from Arizona is recognized.

AMENDMENT NO. 1872

Mr. KYL. Mr. President, I rise in support of the McCain amendment. I served in the U.S. House of Representatives on the Ethics Committee. In that capacity, I came to see situations develop, over time, which were very difficult to deal with, to understand why a Member would have gotten into trouble, to try to deal with the gray areas that sometimes attend the rules under which we try to do our business.

It is one of the experiences which caused me to support the efforts of JOHN MCCAIN and others to try to bring this into a document, to codify it so

that Members would know what was appropriate and what was not—at least what we allowed and would not allow by our rules. That is why I think this is a very useful exercise.

I want to compliment my colleague from Arizona, Senator McCain, for his efforts in this regard. I heard him give a speech one night about duty, honor, and country. It was the "honor" part that has motivated JOHN MCCAIN throughout his career, and it is what motivates all Members here tonight, to try to develop a code of conduct under which we cannot only operate free from allegations that undue influence has been brought to bear upon us, but to operate in a way that the American people accept as appropriate to the high office which they have entrusted to Members.

In our Government, if the people do not have confidence in their representatives, the Government and the people are not well served, because the people, then, end up distrusting the very people they have asked to make decisions for them, to represent them. A democracy, I suggest, could not long exist in that situation.

It is up to the Members to earn the public trust. To do that, we have to conduct ourselves in a way that is above reproach. That is what the stronger ethics rules would provide, to make it crystal clear that there is certain conduct that simply is not acceptable.

Much of it focuses on the acceptance of gifts, because the public does not understand why, simply because we were elected to an office, that we are somehow entitled to receive gifts. These rules will not prohibit Members from enjoying friendship with those who are our friends, from having a meal with a friend. However, it will prevent Members from being feted with gifts which we all know are really designed to achieve one purpose, and that is for the people who have business with the Congress, to gain our ear.

We are not talking about the kind of gifts that we know are given from the heart, when the 4-H kids come in and want to give Members a cup. We all accept that proudly. It would be horrible if we could not accept that which the kids are proffering. It means a lot to them, so it means a lot to the Members. That is not what we are talking about.

When lobbyists invite Members someplace and want to treat Members to rounds of golf and those sort of things, even though we may justify it or rationalize it, the fact is, it is not good. We are not entitled to be feted in this fashion just because we were elected to public office. And it looks bad. Is it any wonder that the people lose confidence in Members?

That is the kind of thing that these rules are designed to stop. Most Members realize in our hearts the difference between those things that we can accept and not have it affect what we do here in any way, on the one hand; yet,

on the other hand, those kinds of things that are the subtle, little attempts to influence Members or do favors for Members just because of who we are, by people who want to influence our actions. We understand those differences.

Therefore, we can make these rules work in a way that will make our constituents pleased with their representatives. That is what is behind this legislation.

Again, I want to compliment all of those, both on the Republican side and on the Democratic side of the aisle, for their willingness to compromise.

Finally, Mr. President, I want to take 30 seconds to compliment Senator MITCH MCCONNELL. He is chairman of the Senate Ethics Committee. Because of his strong leadership, we have been able to bring together all of the disparate elements, to come together to a compromise. Without that capability, I do not think we would have compromised.

My hat is off to the chairman of the Ethics Committee, and to the sponsor of this bill, Senator McCain. I think tonight and tomorrow, Mr. President, the Senate is going to do the right thing in adopting the McCain amendment.

Mr. LOTT. Mr. President, how much time do we have remaining on this side?

The PRESIDING OFFICER. The Senator from Mississippi has 25 minutes remaining. That is all the time remaining.

Mr. LOTT. I yield whatever time is needed to the Senator from Kentucky, say, 10 minutes.

Mr. MCCONNELL. I thank my friend from Mississippi, and I appreciate the kind words of the Senator from Arizona, Senator KYL.

Mr. President, I got interested in this issue before the Members tonight, as chairman of the Ethics Committee. The occupant of the chair is also a Member of that committee.

We both know that we periodically get gift waivers, very legitimate gift waivers, under the current rule in which we operate. The whole question of what is an appropriate gift to a public official is a good deal more complicated than I expect many people out in America would conclude. Our line of work is really different in many ways from the executive branch.

Everyone, I think, has their favorite gift story. My friend and colleague from Kentucky, I read in the paper, was talking about the country ham which is a traditional gift in Kentucky—not just to elected officials, but to lots of other people.

I suppose if I had to pick, Mr. President, my favorite one, it would be R.C.'s and Moon-Pies. Every time I go to Liberty, KY, I have a friend down there who always kids me about being from the big city, Louisville. She is convinced that I did not know what R.C.'s and Moon-Pies were. She did not know when she first started extending this great gift that I started my life in

a very small town and knew exactly what R.C.'s and Moon-Pies were.

In fact, what the people around the town square did was open up the Coke and pour in peanuts. Sort of a two-for—drink the Coke and eat the peanuts at the same time. I am familiar with R.C.'s and Moon-Pies.

I cite this to illustrate the point that when you are in the public sector and you are dealing with constituents, it is quite common for people to offer you some gesture, sometimes as a joke, sometimes out of admiration. I expect some Members even get things periodically out of a sense of condemnation. But the dealing with our constituents and the exchange of gifts in a completely harmless way is very, very common in our line of work.

What we have before the Senate is a substitute, artfully put together by a variety of different, disparate interests here in the Senate, that I think can successfully accommodate the natural social intercourse that goes on between elected officials and their constituents.

I must say, Mr. President, just like when we began the lobbying debate earlier, who would ever have thought we would have managed to work out our differences and come together on such contentious matters. Of course, the lobbying proposal ended up passing 98-0 after many of its objectionable features were removed.

What has happened here is a result of the efforts of Senator LOTT, Senator McCain, and many Members on our side of the aisle, as we have worked on this legislation, refining it in trying to come together in the best legislative sense. I think that what is likely to happen here is that at the end of the process, after there are a few amendments, we will have a largely bipartisan gift reform bill that will pass the Senate. I think it will pass in the best sense by a bipartisan effort.

Senator McCain has played a critical role in bringing the diverging sides together. I think it is safe to say without his effort, this largely would not have been possible.

What we have been able to do here, it seems to me, Mr. President, is bring about meaningful gift rule reform without creating a morass of ethical trip wires over which not only our constituents would stumble, but ourselves. I think we have been able to avoid that.

Let me just tick off, as others have, some of the principal points of the McCain substitute. This is a Senate rule, Mr. President, not a statute. I think that was a critically important step to take.

The Senate has the responsibility for taking this action and of policing its own. This is a Senate rule, not a statute. There are no criminal penalties, Mr. President, for outsiders who trip over gift restrictions. We do not want to criminalize this area.

One important improvement, Mr. President, actually an improvement over current law, in my view, is that spouses of Members are not covered.

That is an improvement over the current law. And the reason that is important is that many Members of the Senate are married to spouses who have very active careers, have their own friends, their own interaction with others. The current Senate rules under which we operate do, it seems to me, in several ways unnecessarily and improperly burden people who are not Members of the U.S. Senate. They are not elected officials. So the McCain substitute is actually an improvement, in my view, on current law in terms of recognizing the independent status and nature of the careers of the spouses of many of us who serve here in the Senate.

The good-faith requirement in the McCain substitute promotes compliance while eliminating what could best be called the gotcha problem—the gotcha problem, with the kind of inadvertent violation of the gift limit.

We are working toward a reasonable exemption for personal relationships, allowing Members to continue to have friends at home and in Washington. I want to elaborate on that just a minute, Mr. President. Just because we are Members of the Senate does not mean we cannot have friends like everybody else; regular friends who are not engaged in either gift giving or meal taking with us because they are trying to get us to do something on some bill. We are entitled to have friends, too. Some would argue it is a little harder in our line of work. We are stretched, running back and forth to our home States. But I think this bill recognizes we can have friends, too. Frankly, in this line of work, you need them.

Finally, let me say an important concession made in the McCain substitute that I very much applaud is that it eliminates the distinction between lobbyist and nonlobbyist. I know it is great political theater to go around beating up on lobbyists. It has been a time-honored thing in American politics, and it has been particularly virulent of late. But the truth of the matter is, the Constitution allows every citizen of the United States to petition the Government. And there have been numerous Supreme Court decisions which have held that you do not waive your right to petition the Government because you are paid to do so. The Supreme Court wisely understood that a lobbyist—a term which has a sort of pejorative connotation—a lobbyist is, in fact, doing a job for a citizen somewhere else in America who does not have the time or the inclination to come up here and become an expert on matters that may affect his life. So that citizen or group of citizens, banding together, makes an entirely logical decision that they want to hire somebody to go represent their point of view before the Government; an entirely American thing to do. It is protected by the Constitution; recognized by the Supreme Court. And the McCain substitute eliminates the distinction be-

tween lobbyists and other citizens, for many purposes. I think that is an important step in the right direction. I think it is entirely consistent with what the Constitution seems to stipulate anyway. So I commend Senator MCCAIN for that modification.

So, Mr. President, let me say in summary, I think we have come a long way. There may well be a few amendments here. But, as chairman of the Ethics Committee, looking at this issue in terms of how it affected each of you and how frequently you are likely to be inadvertently brought before our committee, arguably in an unfair way, I think this proposal dramatically minimizes the potential that the career of some Member of the Senate is going to be ruined over some trivial exchange with friends and constituents.

So I think this is a useful change. I think it does not go too far. And it places within the Ethics Committee, which is where it should be, the responsibility for making these kinds of rulings and interpretations. So, again, I thank Senator LOTT, Senator MCCAIN, and many others on the other side of the aisle who have been so critical and indispensable in getting us to where we are.

Mr. President, I yield the floor.

The PRESIDING OFFICER. The time of the Senator has expired. Who yields time?

Several Senators addressed the Chair.

Mr. LOTT. Mr. President, I yield 5 minutes of our time to the distinguished Senator from New Jersey.

The PRESIDING OFFICER. The Senator from New Jersey is recognized.

Mr. LAUTENBERG. Mr. President, I thank the Senator from Mississippi for being so gracious because I do, I think, take a slightly different view. But I thank him for giving me the time.

First, Mr. President, I want to say I am pleased to be joining Senators MCCAIN and LEVIN on this substitute amendment. I think it reflects a sincere desire to get the job done that we have the kind of bipartisan support that we are seeing. Because at a point in time not too long ago, Senator WELLSTONE and Senator FEINGOLD, Senator LEVIN and I were working on gift legislation. I will discuss that in just a minute.

So, Mr. President, I am pleased to be joining in this bipartisan compromise amendment that will substantially restrict the acceptance of gifts, meals, and travel by Members of Congress from lobbyists and others.

Mr. President, on May 4, 1993, I introduced the original gift ban legislation, S. 885. At the time, frankly, it was considered a pretty radical idea.

It is hard to remember how much things have changed in the last 2 years. But until that bill was introduced, nobody around here was even thinking about banning gifts from lobbyists. At the time, there was a tremendous fight about a proposal by Senator WELLSTONE to merely disclose such

gifts. And when I first raised the possibility of simply banning gifts altogether, a prominent public interest group dismissed the idea: Completely unrealistic, they said—it would never happen.

Mr. President, I am hopeful that we are about to prove that common wisdom wrong. And I think this substitute amendment may well be the vehicle to get it done.

The amendment before us is remarkably similar to the very first gift ban bill I introduced in May 1993. Like that bill, this amendment essentially adopts the rules that already apply to the executive branch.

Under those rules, no official may accept a gift worth more than \$20. Nor may any official accept a total of more than \$50 in gifts from any one source in any year.

This amendment adopts these same limits for Members of Congress and their staffs. It also would ban all vacation trips, such as the charity golf, tennis, and ski trips that have been subject to so much adverse publicity.

In many ways, this amendment is stronger than the gift ban in the underlying bill, S. 1061, which I also have cosponsored. For example, the underlying bill would allow the Rules Committee to set very high limits for meals and entertainment in a Member's home State. By contrast, the amendment subjects all meals and entertainment to the same \$20 and \$50 limits, regardless of where they are provided. That is an important improvement.

The substitute amendment also strengthens the underlying bill by prohibiting lobbyists from providing personal hospitality to Members. That should help prevent abuses.

Mr. President, I do not agree with every dot and comma of the substitute. For example, if it were up to me, I would simply ban all meals from lobbyists, no matter how small. But I realize that to get a rule adopted, we have to attract broad support, and that is not easy. So, yes, we have had to make some compromises.

But the bottom line is that this substitute puts us within striking distance of one of the most important political reforms in many years.

I am very proud to have played an active role in this effort. And I want to thank the handful of Senators who have worked so hard on this, often at great personal cost. These include the three other Democrats who have been leaders on this for some time, Senators LEVIN, WELLSTONE, and FEINGOLD. Each of them has made a major contribution, and I appreciate it.

I also want to extend a special word of thanks to Senator MCCAIN, who has played a critical role in recent days by pulling together proreform Members from both parties. I know that Senator MCCAIN, like many of us, has taken some heat for his leadership, and I just want to thank him publicly for his commitment.

As a result of the work of these and other Senators, Mr. President, we are

on the brink of a major reform that will really change the way we do business here in Washington. The vacation trips to the Caribbean are soon going to be a relic of the past. The lavish dinners at fancy restaurants are going by the wayside.

Is it going to be as much fun to be a Senator, Mr. President? Perhaps not. But maybe this body will get just a little more respect in the process. And that is a tradeoff I will take any day.

Mr. President, it appears that we are going to face some amendments that would weaken the proposal substantially. For example, we confront an amendment that would again allow the lobbyist-paid vacation trips that have caused so much controversy. I hope my colleagues will resist these efforts.

But if we can hold this together, we will have produced a change of which we can all truly be proud. This is serious reform. It really will change the culture around here.

In fact, I predict that if we succeed, it will not be long before people around here will look back at the current rules in amazement. New staffers hired a few years from now probably will be amazed that Members ever were allowed to accept special favors from lobbyists. It will seem archaic, perhaps even absurd.

That will be a different Washington, Mr. President. A very different Washington.

It also will be a better Washington.

So I urge my colleagues to support the substitute amendment, and to place strict limits on gifts, meals, and travel from lobbyists and others.

Let us change the way we do business in Washington. And let us do it now.

Mr. President, when I introduced the gift bill a couple of years ago, I know that there was deduced a suggestion that perhaps I was talking about corruption in the body or something of that nature, or some impropriety. Mr. President, I want to correct that record because that was never the suggestion. I want to clear the record because it was an irritant over some period of time. Everybody knows I took a ski trip and enjoyed it, and some wondered why I had a change of mind. I will not get into that now. But it seems to me that the focus ought to be on charity and not on the recreation.

So, Mr. President, I want to make sure that everybody clearly understands. I have never, never thought that anyone in this body was corrupt or that was acting improperly in terms of the law or even the rule. So I want to clear that up.

My concern was and is, Mr. President, access. And when a meal is purchased by a lobbyist, it is not just the meal. It is access. And when one rides in the golf carts at a golf game sponsored by a lobbyist, it is not just a golf game. It is access. Or when one goes in a chair lift and rides 20 minutes up a mountain, it is not just a ride up to the mountaintop. It is access.

Mr. President, we have had so many problems of late that we have lost pub-

lic trust, and that makes it very difficult because it is almost impossible to govern. But also the association of special interests dominating this place is not a good image that we want to have. It is not one that I enjoy, I must tell, because implicit in public criticism is an accusation.

So I support this reform measure so that we at least suggest to the public that no voice is more important than their voice, and no view is more important than their view. And if they even do not have the ability to knock on the door and say, "I am here from Roanoke" or "I am here from Trenton, NJ," or what have you, that we have to let them know that we respect so much the value of their view, their judgment and continue to work to recover the trust and the faith of the American public.

Mr. President, I think this is a good start. And for any of my colleagues who may have misinterpreted that which I intended when I wrote the first gift ban amendment 2 years ago, please let the record clearly reflect that I have nothing but respect—differs, albeit; that is the way we function around here—but respect for all of my colleagues, and never a suggestion that one is corrupt or improper.

Mr. LOTT. Mr. President, I believe we are ready to complete this debate and begin amendments now. Therefore, I yield the remainder of our time on this side. I believe we are ready to go with the amendment of Senator MURKOWSKI.

Mr. DOLE addressed the Chair.

The PRESIDING OFFICER. The majority leader.

Mr. DOLE. Mr. President, before the Senator from Alaska offers his amendment, let me say that I think we have come a long way here in the last couple of days. I want to congratulate all those who have been involved in the negotiations—Senator LOTT, Senator MCCONNELL, Senator MCCAIN, Senator LEVIN, Senator FEINGOLD, Senator WELLSTONE, Senator LAUTENBERG, Senator BREAUX, and Senator JOHNSTON. I probably am leaving out someone. But I just want to suggest that we have gone from what I think was a bad idea to a very good idea. But we are very, very close.

I think the importance of what has happened is that we agreed on sort of the basic package—I hope we have—where both sides have given and taken some. And now what we are doing is offering just a few amendments. Where we cannot agree, we will jump the ball here and see who gets the tip. If you win, you win. If you lose, you lose. Then we go ahead and finish this bill, and get it behind us.

We earlier promised—at least the leader did—that we would take up this bill on the 28th of July. It is now our hope that we can finish on the 28th of July both the lobbying bill and gift ban bill and have those behind us so that we can move on to other important legislation.

I do not know of anybody in this body—I agree with the Senator from New Jersey. It is not a question of integrity, or honesty. It may be a perception. But the one thing that concerns many of us on both sides of the aisle is that we want to be certain we do not get somebody in trouble because if you are at some event you get a gift. And somebody may disagree on all of these things. We hope we have worked this out because, as I said, I received five birthday cakes last week. I only ate one piece. I do not know what the value of the cakes was. They were all given in good faith. We had a good time. I shared it with a lot of people—things like that.

I talked with Senator CAMPBELL from Colorado. He is the only native American in this body. He said that, if you get a gift from his community, it would be an insult to return it.

There are a lot of people. We have a lot of friends. If you do not have any friends, you do not have to worry about gifts. You do not need a gift ban. But a lot of us have a lot of friends. I think we all have a lot of friends. We want to make certain that we do not get anyone in trouble.

We are on the right track. We are doing the right thing. I certainly support what has been done so far.

We would like to complete action on this bill tomorrow. I am not in the position yet to announce votes. But what we are trying to do—I think some of my colleagues were scattered and I know some are at the White House. A number of colleagues are with the Korean war veterans attending a dinner at the White House tonight.

As I said, we hope to announce fairly soon that we have an agreement, or that we can stack votes, and have the votes tomorrow morning. Then there would be no further votes tonight. We are not yet in a position to make that announcement. That is what we are working on.

Mr. MCCAIN addressed the Chair.

The PRESIDING OFFICER. The Senator from Arizona.

Mr. MCCAIN. Mr. President, I would also like to thank not only the majority leader but the Senator from Mississippi, the distinguished whip, for all the effort that he and Senator FORD have gone to in expediting this process.

AMENDMENT NO. 1872, AS MODIFIED

Mr. MCCAIN. Mr. President, I ask unanimous consent to modify my amendment, the substitute which is at the desk.

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

The amendment (No. 1872), as modified, is as follows:

Strike all after the enacting clause and insert the following:

SECTION 1. AMENDMENTS TO SENATE RULES.

Rule XXXV of the Standing Rules of the Senate is amended to read as follows:

"1. (a)(1) No Member, officer, or employee of the Senate shall knowingly accept a gift except in conformance with this rule.

"(2) A Member, officer, or employee may accept a gift (other than cash or cash equivalent) which the Member, officer, or employee

reasonably and in good faith believes to have a value of less than \$20, and a cumulative value from one source during a calendar year of less than \$50. No formal recordkeeping is required by this paragraph, but a Member, officer, or employee shall make a good faith effort to comply with this paragraph.

“(b)(1) For the purpose of this rule, the term ‘gift’ means any gratuity, favor, discount, entertainment, hospitality, loan, forbearance, or other item having monetary value. The term includes gifts of services, training, transportation, lodging, and meals, whether provided in kind, by purchase of a ticket, payment in advance, or reimbursement after the expense has been incurred.

“(2)(A) A gift to the spouse or dependent of a Member, officer, or employee (or a gift to any other individual based on that individual’s relationship with the Member, officer, or employee) shall be considered a gift to the Member, officer, or employee if it is given with the knowledge and acquiescence of the Member, officer, or employee and the Member, officer, or employee has reason to believe the gift was given because of the official position of the Member, officer, or employee.

“(B) If food or refreshment is provided at the same time and place to both a Member, officer, or employee and the spouse or dependent thereof, only the food or refreshment provided to the Member, officer, or employee shall be treated as a gift for purposes of this rule.

“(c) The restrictions in subparagraph (a) shall not apply to the following:

“(1) Anything for which the Member, officer, or employee pays the market value, or does not use and promptly returns to the donor.

“(2) A contribution, as defined in the Federal Election Campaign Act of 1971 (2 U.S.C. 431 et seq.) that is lawfully made under that Act, or attendance at a fundraising event sponsored by a political organization described in section 527(e) of the Internal Revenue Code of 1986.

“(3) A gift from a relative as described in section 107(2) of title I of the Ethics in Government Act of 1978 (Public Law 95-521).

“(4)(A) Anything provided by an individual on the basis of a personal friendship unless the Member, officer, or employee has reason to believe that, under the circumstances, the gift was provided because of the official position of the Member, officer, or employee and not because of the personal friendship.

“(B) In determining whether a gift is provided on the basis of personal friendship, the Member, officer, or employee shall consider the circumstances under which the gift was offered such as:

“(i) The history of the relationship between the individual giving the gift and the recipient of the gift, including any previous exchange of gifts between such individuals.

“(ii) Whether to the actual knowledge of the Member, officer, or employee the individual who gave the gift personally paid for the gift or sought a tax deduction or business reimbursement for the gift.

“(iii) Whether to the actual knowledge of the Member, officer, or employee the individual who gave the gift also at the same time gave the same or similar gifts to other Members, officers, or employees.

“(5) A contribution or other payment to a legal expense fund established for the benefit of a Member, officer, or employee, that is otherwise lawfully made, subject to the disclosure requirements of Select Committee on Ethics, except as provided in paragraph 3(c).

“(6) Any gift from another Member, officer, or employee of the Senate or the House of Representatives.

“(7) Food, refreshments, lodging, and other benefits—

“(A) resulting from the outside business or employment activities (or other outside activities that are not connected to the duties of the Member, officer, or employee as an officeholder) of the Member, officer, or employee, or the spouse of the Member, officer, or employee, if such benefits have not been offered or enhanced because of the official position of the Member, officer, or employee and are customarily provided to others in similar circumstances;

“(B) customarily provided by a prospective employer in connection with bona fide employment discussions; or

“(C) provided by a political organization described in section 527(e) of the Internal Revenue Code of 1986 in connection with a fundraising or campaign event sponsored by such an organization.

“(8) Pension and other benefits resulting from continued participation in an employee welfare and benefits plan maintained by a former employer.

“(9) Informational materials that are sent to the office of the Member, officer, or employee in the form of books, articles, periodicals, other written materials, audiotapes, videotapes, or other forms of communication.

“(10) Awards or prizes which are given to competitors in contests or events open to the public, including random drawings.

“(11) Honorary degrees (and associated travel, food, refreshments, and entertainment) and other bona fide, nonmonetary awards presented in recognition of public service (and associated food, refreshments, and entertainment provided in the presentation of such degrees and awards).

“(12) Donations of products from the State that the Member represents that are intended primarily for promotional purposes, such as display or free distribution, and are of minimal value to any individual recipient.

“(13) Training (including food and refreshments furnished to all attendees as an integral part of the training) provided to a Member, officer, or employee, if such training is in the interest of the Senate.

“(14) Bequests, inheritances, and other transfers at death.

“(15) Any item, the receipt of which is authorized by the Foreign Gifts and Decorations Act, the Mutual Educational and Cultural Exchange Act, or any other statute.

“(16) Anything which is paid for by the Federal Government, by a State or local government, or secured by the Government under a Government contract.

“(17) A gift of personal hospitality (as defined in section 109(14) of the Ethics in Government Act) of an individual other than a registered lobbyist or agent of a foreign principal.

“(18) Free attendance at a widely attended event permitted pursuant to subparagraph (d).

“(19) Opportunities and benefits which are—

“(A) available to the public or to a class consisting of all Federal employees, whether or not restricted on the basis of geographic consideration;

“(B) offered to members of a group or class in which membership is unrelated to congressional employment;

“(C) offered to members of an organization, such as an employees’ association or congressional credit union, in which membership is related to congressional employment and similar opportunities are available to large segments of the public through organizations of similar size;

“(D) offered to any group or class that is not defined in a manner that specifically discriminates among Government employees on the basis of branch of Government or type of

responsibility, or on a basis that favors those of higher rank or rate of pay;

“(E) in the form of loans from banks and other financial institutions on terms generally available to the public; or

“(F) in the form of reduced membership or other fees for participation in organization activities offered to all Government employees by professional organizations if the only restrictions on membership relate to professional qualifications.

“(20) A plaque, trophy, or other item that is substantially commemorative in nature and which is intended solely for presentation.

“(21) Anything for which, in an unusual case, a waiver is granted by the Select Committee on Ethics.

“(22) Food or refreshments of a nominal value offered other than as a part of a meal.

“(23) an item of little intrinsic value such as a greeting card, baseball cap, or a T-shirt.

“(d)(1) A Member, officer, or employee may accept an offer of free attendance at a widely attended convention, conference, symposium, forum, panel discussion, dinner, viewing, reception, or similar event, provided by the sponsor of the event, if—

“(A) the Member, officer, or employee participates in the event as a speaker or a panel participant, by presenting information related to Congress or matters before Congress, or by performing a ceremonial function appropriate to the Member’s, officer’s, or employee’s official position; or

“(B) attendance at the event is appropriate to the performance of the official duties or representative function of the Member, officer, or employee.

“(2) A Member, officer, or employee who attends an event described in clause (1) may accept a sponsor’s unsolicited offer of free attendance at the event for an accompanying individual if others in attendance will generally be similarly accompanied or if such attendance is appropriate to assist in the representation of the Senate.

“(3) A Member, officer, or employee, or the spouse or dependent thereof, may accept a sponsor’s unsolicited offer of free attendance at a charity event, except that reimbursement for transportation and lodging may not be accepted in connection with an event that does not meet the standards provided in paragraph 2.

“(4) For purposes of this paragraph, the term ‘free attendance’ may include waiver of all or part of a conference or other fee, the provision of local transportation, or the provision of food, refreshments, entertainment, and instructional materials furnished to all attendees as an integral part of the event. The term does not include entertainment collateral to the event, nor does it include food or refreshments taken other than in a group setting with all or substantially all other attendees.

“(e) No Member, officer, or employee may accept a gift the value of which exceeds \$250 on the basis of the personal friendship exception in subparagraph (c)(4) unless the Select Committee on Ethics issues a written determination that such exception applies. No determination under this subparagraph is required for gifts given on the basis of the family relationship exception.

“(f) When it is not practicable to return a tangible item because it is perishable, the item may, at the discretion of the recipient, be given to an appropriate charity or destroyed.

“2. (a)(1) A reimbursement (including payment in kind) to a Member, officer, or employee from an individual other than a registered lobbyist or agent of a foreign principal for necessary transportation, lodging and related expenses for travel to a meeting, speaking engagement, factfinding trip or

similar event in connection with the duties of the Member, officer, or employee as an officeholder shall be deemed to be a reimbursement to the Senate and not a gift prohibited by this rule, if the Member, officer, or employee—

“(A) in the case of an employee, receives advance authorization, from the Member or officer under whose direct supervision the employee works, to accept reimbursement, and

“(B) discloses the expenses reimbursed or to be reimbursed and the authorization to the Secretary of the Senate within 30 days after the travel is completed.

“(2) For purposes of clause (1), events, the activities of which are substantially recreational in nature, shall not be considered to be in connection with the duties of a Member, officer, or employee as an officeholder.

“(b) Each advance authorization to accept reimbursement shall be signed by the Member or officer under whose direct supervision the employee works and shall include—

“(1) the name of the employee;

“(2) the name of the person who will make the reimbursement;

“(3) the time, place, and purpose of the travel; and

“(4) a determination that the travel is in connection with the duties of the employee as an officeholder and would not create the appearance that the employee is using public office for private gain.

“(c) Each disclosure made under subparagraph (a)(1) of expenses reimbursed or to be reimbursed shall be signed by the Member or officer (in the case of travel by that Member or officer) or by the Member or officer under whose direct supervision the employee works (in the case of travel by an employee) and shall include—

“(1) a good faith estimate of total transportation expenses reimbursed or to be reimbursed;

“(2) a good faith estimate of total lodging expenses reimbursed or to be reimbursed;

“(3) a good faith estimate of total meal expenses reimbursed or to be reimbursed;

“(4) a good faith estimate of the total of other expenses reimbursed or to be reimbursed;

“(5) a determination that all such expenses are necessary transportation, lodging, and related expenses as defined in this paragraph; and

“(6) in the case of a reimbursement to a Member or officer, a determination that the travel was in connection with the duties of the Member or officer as an officeholder and would not create the appearance that the Member or officer is using public office for private gain.

“(d) For the purposes of this paragraph, the term ‘necessary transportation, lodging, and related expenses’—

“(1) includes reasonable expenses that are necessary for travel for a period not exceeding 3 days exclusive of travel time within the United States or 7 days exclusive of travel time outside of the United States unless approved in advance by the Select Committee on Ethics;

“(2) is limited to reasonable expenditures for transportation, lodging, conference fees and materials, and food and refreshments, including reimbursement for necessary transportation, whether or not such transportation occurs within the periods described in clause (1);

“(3) does not include expenditures for recreational activities, nor does it include entertainment other than that provided to all attendees as an integral part of the event, except for activities or entertainment otherwise permissible under this rule; and

“(4) may include travel expenses incurred on behalf of either the spouse or a child of the Member, officer, or employee, subject to a determination signed by the Member or officer (or in the case of an employee, the Member or officer under whose direct supervision the employee works) that the attendance of the spouse or child is appropriate to assist in the representation of the Senate.

“(e) The Secretary of the Senate shall make available to the public all advance authorizations and disclosures of reimbursement filed pursuant to subparagraph (a) as soon as possible after they are received.

“3. A gift prohibited by paragraph 1(a) includes the following:

“(a) Anything provided by a registered lobbyist or an agent of a foreign principal to an entity that is maintained or controlled by a Member, officer, or employee.

“(b) A charitable contribution (as defined in section 170(c) of the Internal Revenue Code of 1986) made by a registered lobbyist or an agent of a foreign principal on the basis of a designation, recommendation, or other specification of a Member, officer, or employee (not including a mass mailing or other solicitation directed to a broad category of persons or entities), other than a charitable contribution permitted by paragraph 4.

“(c) A contribution or other payment by a registered lobbyist or an agent of a foreign principal to a legal expense fund established for the benefit of a Member, officer, or employee.

“(d) A financial contribution or expenditure made by a registered lobbyist or an agent of a foreign principal relating to a conference, retreat, or similar event, sponsored by or affiliated with an official congressional organization, for or on behalf of Members, officers, or employees.

“4. (a) A charitable contribution (as defined in section 170(c) of the Internal Revenue Code of 1986) made by a registered lobbyist or an agent of a foreign principal in lieu of an honorarium to a Member, officer, or employee shall not be considered a gift under this rule if it is reported as provided in subparagraph (b).

“(b) A Member, officer, or employee who designates or recommends a contribution to a charitable organization in lieu of honoraria described in subparagraph (a) shall report within 30 days after such designation or recommendation to the Secretary of the Senate—

“(1) the name and address of the registered lobbyist who is making the contribution in lieu of honoraria;

“(2) the date and amount of the contribution; and

“(3) the name and address of the charitable organization designated or recommended by the Member.

The Secretary of the Senate shall make public information received pursuant to this subparagraph as soon as possible after it is received.

“5. For purposes of this rule—

“(a) the term ‘registered lobbyist’ means a lobbyist registered under the Federal Regulation of Lobbying Act or any successor statute; and

“(b) the term ‘agent of a foreign principal’ means an agent of a foreign principal registered under the Foreign Agents Registration Act.

“6. All the provisions of this rule shall be interpreted and enforced solely by the Select Committee on Ethics. The Select Committee on Ethics is authorized to issue guidance on any matter contained in this rule.”.

SEC. 2. EFFECTIVE DATE.

This resolution and the amendment made by this resolution shall take effect on January 1, 1996.

Mr. MURKOWSKI addressed the Chair.

The PRESIDING OFFICER. The Senator from Alaska is recognized.

Mr. MURKOWSKI. I thank the Chair.

AMENDMENT NO. 1874 TO AMENDMENT NO. 1872

(Purpose: To permit reimbursement for travel and lodging at charitable political events)

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

The PRESIDING OFFICER. The clerk will report.

The bill clerk read as follows:

The Senator from Alaska (Mr. MURKOWSKI) proposes an amendment numbered 1874 to amendment No. 1872.

At the appropriate place, insert the following:

SEC. . Travel and Lodging to Charitable Events—

Notwithstanding any provision of the Rule, The term ‘gift’ does not include permissible travel, lodging, and meals at an event to raise funds for a bona fide charity, subject to a determination by the Select Committee on Ethics that participation in the charitable event is in the interest of the Senate and the United States.

Mr. MURKOWSKI. Mr. President, I have followed this debate closely and certainly am sensitive to the efforts to try and bring the pending compromise agreement to a successful conclusion.

I heard in the debate the reference that we ought to be treated like other Americans; that the executive branch clearly does not enjoy the broad benefits that we in this elected office enjoy regarding gifts and various other benefits. And that is certainly true.

On the other hand, there is a difference. And in my amendment I hope to focus a little bit on that difference. We are a political body. As a consequence, within this compromise there is no prohibition for us to continue to receive reimbursement for travel and for lodging associated with political activities.

Who funds those political activities, Mr. President? Lobbyists fund those political activities, and political action committees, PAC's. So on the one hand, we are proposing sweeping legislation that would bring us into conformity with the executive branch. Yet, at the same time, we are suggesting that we not consider the benefits we receive from political activities associated with our office.

Mr. President, the purpose of this amendment is to bring into conformity the rules that we would have for transportation and lodging in connection with a charitable event with the rule that exists for transportation and lodging in connection with a political event such as a political fundraiser.

Under the measure proposed in the compromise that is pending before us, as I understand it, private entities would not be able to reimburse Members for the cost of transportation and lodging to a charitable event. But I think in the compromise there is reference to meals and attendance at the charitable events being authorized. But

Members still would be permitted to be privately reimbursed if they travel to a fundraising event on behalf of another Member.

In other words, Mr. President, lobbyists, PAC committees, and other contributors could be used to reimburse Members for taking a night off and flying to Hollywood, flying to Los Angeles, or flying to Florida for a political fundraiser. We do not address that in this sweeping revolutionary approach toward limitations on our privileges. I find that rather curious, rather inconsistent, but rather evident.

Currently, under the Senate Ethics Committee interpretive ruling No. 193, a Senator may accept travel expenses from an official of a district's political party organization in return for his or her appearance at a rally sponsored by that organization.

Now, we are different, we indicate, but on the other hand we say we ought to be treated the same as the executive branch. But the executive branch cannot accept travel expenses from an official or a district political party organization in return for his or her appearance at a rally sponsored by the organization.

So this compromise, Mr. President, really does not address our attendance, our reimbursement for travel as well as lodging for political fundraisers. I might ask the question why, but I think it is evident to all of us. We just have not considered this as part of the revolutionary changes that are appropriate, that we want to make. But, Mr. President, they are still inconsistent, and they leave something to be desired. Why should the presence of a Member in supporting a charitable organization be treated differently than attending a political function where you can receive reimbursement for travel and lodging.

Now, Mr. President, as we know, every Member of this body has at one time or another made campaign appearances for his or her party or a candidate. Often that means flying to another Member's home State, attending a party function, maybe making a speech, sharing a meal, even attending an entertainment or sports function, and in almost all cases the cost is covered by whom? The cost is covered by lobbyists or other political contributors.

So what we have here is a situation where a Senator can travel virtually all over the country attending political fundraisers and have lodging and transportation reimbursed. But what the compromise proposes, what it proposes as I read it, is that a Senator cannot attend charity events, events that raise money for worthwhile causes such as a breast cancer detection center, and have those costs reimbursed.

The Senator from Alaska does not believe that that is equitable. It does not make sense. Why is it all right for a political action committee to host a \$500 a plate political fundraiser or give a campaign check for \$4,000 or \$5,000 to

an elected official through his or her PAC, but there can be no solicitation under this proposal of corporations and other individuals to participate in charitable events that only benefit perhaps a small community, a small State, or those of us out West?

Now, I believe that this whole notion of preventing Senators and corporations from sharing in raising money for a worthwhile cause outside the Washington beltway, but allowing large amounts of money as political gifts, smacks of sheer hypocrisy.

Do you think, Mr. President, we can get Senators up to our State if they have to pay their way to come to a charitable fundraiser? That is what this compromise suggests. Our charity events will be very difficult to put on. Those who live adjacent to the beltway can put them on right here in Washington, DC.

Mr. President, my amendment simply provides that Senators would be permitted to be privately reimbursed—it is very important that we make this distinction because it is a change from previous procedure—Senators could be privately reimbursed for the cost of lodging and transportation in connection with charitable fundraising events if and only if—and I would appreciate the attention of my colleagues who have labored over this because I think this change is significant—if the Senate Select Committee on Ethics determines that participating in the charity event is in the interest of the Senate and the United States.

To repeat that, Mr. President, lodging and transportation in connection with charitable fundraising events if the Senate Select Committee on Ethics determines that participating in the charity event is in the interest of the Senate and the United States.

So a Member of the Senate could be privately reimbursed for attending a charitable fundraiser only, only if the Senate Ethics Committee makes a determination that the charitable function is in both the public interest as well as the interests of the Senate.

Mr. President, I believe one of the most important responsibilities of a public official—and that is what we are—is occasionally to promote worthwhile charitable causes. Not everything can be done for the public good directly through the Government. Private charities play a vital role in servicing many of the needs of our citizens.

Last year in my State of Alaska, my wife Nancy and I were the honorary chairs of a Senator's fishing tournament in Alaska which raised nearly \$150,000 for a mammogram machine for the Fairbanks Breast Cancer Detection Center. As a result of that event, the detection center was able to pay off its mammography machine and as a result the center was able to continue to provide free breast cancer examinations to those who needed that service—mammograms for 3,700 women who came to Fairbanks for breast cancer screening from nearly 81 villages throughout the State of Alaska.

Mr. President, this year, my wife will be hosting a second event for the center to raise money for a second mammography unit. This will be a mobile mammography unit, one that can move on the limited highways of Alaska. But more importantly, one that will be able to be driven into the National Guard C-130's, and as they train and generate air time they will go into the villages. And the unit would be able to be backed out of the planes and provide services to those women who otherwise would find it very difficult and expensive to travel into our larger communities to take advantage of this type of examination.

So if we raise sufficient funds—and I think we will—we will be able to equip this new mobile van for duty in the rural villages of my State. Villagers will not have to come to Fairbanks for tests. They will be able to receive these screenings in their local communities.

This unit I think is vital to help preserve the health of Alaska's women. It will service many of the native women in the bush area.

Our State's cancer mortality is the third highest in the Nation.

It is estimated nearly one in eight Alaska women will develop some signs of breast cancer. Breast cancer screening can reduce those amounts, I am told, by up to 30 percent. I firmly believe without the funds raised from these two efforts that are promoted in association with the U.S. Senate, the health of Alaska women would be potentially marginalized.

I am proud of the work those women have done in keeping these units operating and organizing these events. And if we change the rules on charitable events, I am convinced that it will be unlikely, certainly more difficult, and the success of the event might be severely jeopardized.

Most of my colleagues are aware that former Senator Jake Garn raised a great deal of money for the Primary Children's Medical Center in Salt Lake City. Mr. President, I can name other charities many Senators have been involved in. I believe Senator PRYOR has a golf tournament. Senator ROCKEFELLER has a children's health project in West Virginia. Senator HATCH has a function in his State. I wonder if we really want to seriously end Senators' and companies' participation in these causes simply because there is a so-called perception problem.

This discriminates against distant States. I have already mentioned that. Some might argue charitable events will still be allowed under the proposed compromise bill because the only prohibition contained in the bill relates to transportation and lodging in connection with these events. That is probably true in the immediate area. In other words, Mr. President, if you are a large, national charitable organization that has the clout to hold the event in Washington, Members will be able to participate in the event.

But if you are a small organization like the Fairbanks Breast Cancer Detection Center or the Arkansas Opportunities, Inc., you are not going to have the resources or the capability to have your event held in the Nation's Capital. If Senators cannot receive transportation and lodging reimbursement, events like mine, even though they would be subject to the approval of the Ethics Committee, then I think many of these events are going to disappear because it will simply cost too much to get to Alaska and other distant States.

So, Mr. President, I think we have a clear choice. I do not dispute the efforts of those who have worked so hard to formulate this compromise. But I think in fairness, we have to examine that we left out a significant portion, and that is the activities associated with political events, where we are still allowed reimbursement for lodging and transportation. And I think that is the inconsistency. We want to establish the same lodging and transportation rules for charitable fundraisers as we have for political fundraising.

That is my question. Do we want to establish the same rules or do we want to make it harder to raise money for worthy charities while at the same time continuing the unlimited reimbursement for political fundraising? I hope that my colleagues will reflect on this amendment, reflect on the realization that it is structured in such a way as to mandate our Ethics Committee to review and pass under the legitimacy of the chair.

I do want to assure my colleagues I am very committed to this. I want to assure my colleagues, should this amendment fail, I may very well offer an amendment to conform the transportation and lodging rules with the charitable rules so that Members will have to pay out of their own pockets to participate in fundraisers for other political candidates like they would under the proposed compromise, which would ban travel and lodging for charitable events.

Mr. President, I ask for the yeas and nays.

The PRESIDING OFFICER (Mr. DEWINE). Is there a sufficient second?

There is a sufficient second.

The yeas and nays were ordered.

Mr. MURKOWSKI. Mr. President, I yield the floor.

Mr. MCCAIN addressed the Chair.

The PRESIDING OFFICER. Does the Senator from Arizona oppose the amendment?

Mr. MCCAIN. The Senator from Arizona opposes the amendment.

The PRESIDING OFFICER. The Senator controls 30 minutes in opposition.

Mr. MCCAIN. Mr. President, I yield myself 7 minutes.

Mr. President, I understand the logic in the argument and am in sympathy with what the Senator from Alaska is saying, especially when viewed in a somewhat narrow and focused context. In case the Senator from Alaska

missed it, there is a new book out called "Ethics in Congress," by a Mr. Dennis F. Thompson. On page 107, Mr. Thompson says:

In the case of gifts these considerations argue for a gift rule that is simple, strict, and broad. First, the rule should have few exceptions, and none based on the supposed virtuousness of a motive. During the Senate debate on gift reform, many members urged that expenses for travel to charitable events should be exempt. No one noted the ironic implication of this suggestion: if members are less in danger of being corrupted by gifts for charity than by gifts for themselves, they must care more about personal gain than philanthropic causes. The only exceptions that should be allowed are those that are necessary for members to carry out their legitimate political activities (meals taken in conjunction with their official duties, for instance) and those typical of normal social and family life (such as customary birthday gifts to their children from friends).

I think that passage pretty well sums up why I oppose this amendment.

I would also like to address the last statement that the Senator from Alaska made that, in case his amendment fails, then he would propose an amendment that would provide that for travel as involving political activity. Let me quote again from this book:

In this spirit, members found it difficult to resist when Senator FRANK MURKOWSKI proposed an amendment that banned gifts from PACs. "My amendment," he said, "merely adds [to the gift] prohibition . . . a very important type of gift, a political contribution."

But contributions are not exactly the same as gifts, and if they are to be treated the same, reform has to go much further than members are prepared even to consider. Senator WILLIAM COHEN pointedly distinguished the different roles of senators: "We are looking for symmetry between what we can do as candidates and what we can do as Senators. But there is no symmetry. The Senate has gone on record in favor of [reducing] the value of a gift . . . down to zero. If you follow the logic and apply it to campaigns, then you eliminate all contributions to campaigns other than through public financing." Many reformers believe that Congress should follow that logic, and they may be right. But as COHEN observes "there are very few [members] who are willing to take that step." As long as candidates must raise funds for campaigns, legislative ethics must find ways to control the conditions under which they receive contributions. To understand better what the conditions should be, it is necessary to consider the further difficulties of finding corrupt motives in cases in which the gain is political rather than personal.

Mr. President, there is another passage I would like to quote from very briefly:

Some might argue—

And I have heard this several times on the floor and in the course of the discussions we have had on this issue.

Some might argue these and other efforts to win the confidence of the public are futile. The public, especially news media, will never be satisfied, no matter how many reforms Congress makes. Congress has added more and tougher standards and imposed sanctions on more members in recent years, yet public confidence continues to decline and demands for reform continue to increase. Why bother to try to satisfy such apparently insatiable demands? The first answer must

be that Congress has no realistic alternative. In a democratic system, legislators cannot do their jobs without seeking to win the confidence of citizens. Even if individual members manage to win reelection in the face of widespread cynicism about Congress, they will still suffer the effects of ethical controversy, as it implicates their colleagues and interferes with the conduct of legislative business. If members do not continue to try to improve the ethics process, they will find themselves and the institution increasingly deflected from legislative duties.

The loss of confidence in Congress does not mean that the reforms of recent years have had no positive effect. The decline is no doubt the result of many causes unrelated to ethics and might even have been worse if Congress had taken its ethics less seriously than it did. Furthermore, the improvements, modest though they may have been, have not gone without notice. Informed observers and other opinion leaders believe that members are more honest and the institution less corrupt than it used to be, which is likely to have a favorable effect on public opinion in the long run. Finally, some of the continuing distrust may be warranted. Citizens are surely right to be suspicious of some practices of ethics committees, such as refusing to release testimony and reports.

Also, some reforms may not have gone far enough or may not have been focused precisely enough on the ethical problems that should be of most concern.

Mr. President, as I said, I understand and sympathize with the amendment of the Senator from Alaska. I hope that in the broader context of what I just quoted in this book, it will explain better my opposition to the amendment.

I yield whatever time he may need to the Senator from Minnesota.

Mr. WELLSTONE addressed the Chair.

The PRESIDING OFFICER. The Senator from Minnesota.

Mr. WELLSTONE. Mr. President, first of all, I say to my colleague from Alaska, two mornings ago I heard quite a wonderful report on the work that the MURKOWSKIs do in Alaska. I absolutely understand the why of the amendment and admire the Senator for what he stands for. We do not always agree on all issues of the committee he chairs, but I do not think there is ever any question about his personal intentions and his sincerity.

Again, the important point is that the contributions and the paying for trips is permitted when it comes to charitable activity. The key language is as long as what you are doing is not substantially recreational. That is the real issue.

I say to my colleagues, that is the key point. The problem for us is that we have gone to these gatherings and they are for a good cause, but a large part of our activity is for the golf and for the tennis, and it is substantially recreational.

Frankly, we do not look good. It is a matter of perception, and we should just let go of it. We do not need it. That is really the problem.

Mr. MURKOWSKI. Will my friend yield for a question?

Mr. WELLSTONE. I will be pleased to.

Mr. MURKOWSKI. I do not believe, as I understand the compromise, that

there is a provision, as the Senator from Minnesota suggests, for reimbursement for travel and lodging if it is not a substantially recreational function.

Mr. WELLSTONE. I say to my colleague—

Mr. MURKOWSKI. I would appreciate a clarification, because I was under the impression that there was no provision for charitable activity associated with transportation and lodging, that there was no provision whatsoever.

Mr. WELLSTONE. I say to my colleague that, as a matter of fact, there is as long as once you come to the event your activity is not substantially recreational. That is the key point. Then there is a prohibition. Otherwise, there is not. I say to my colleague, if, in your official duty, you go to a gathering for a good cause—that is why you are there and that is how you spend your time—that is fine. The problem is when—and I defer to my colleague from Michigan if he wants to add to this—the problem is when you go to a gathering and you spend most of your time in recreational activity, then the paying for that travel is not permitted. That is the key distinction.

Mr. MURKOWSKI. I thank the Senator for that clarification. In all deference, I was not aware that was the case. When the bill was offered as a compromise, it specifically prohibited transportation and lodging for charitable events, as was so stated.

Mr. WELLSTONE. I say to my colleague, I would be very interested in the comments of the Senator from Michigan, but we may have just some confusion here which we may be able to clear up.

Mr. LEVIN. I wonder if the Senator from Minnesota will yield.

Mr. WELLSTONE. I will.

Mr. LEVIN. The language that is now in the substitute is that "reimbursement for transportation and lodging may not be accepted in connection with an event that does not meet the standards provided in paragraph 2." And those standards are that it must be connected to your official duties and it must not be substantially recreational in nature.

So if a charitable event is connected to your official duties and is not substantially recreational in nature, then it is explicit, which I think was intended last year but perhaps was not clear enough, that reimbursement would be provided.

It is only for these charitable events or these recreational events, depending on how you describe them, which are substantially recreational that there is not the reimbursement for lodging and travel, because those are not your official duties. If they were, you could be reimbursed. It is when they are not connected to your official duties.

Mr. MURKOWSKI. I ask the floor manager, what official business would be considered charitable?

Mr. LEVIN. That is up to each of us. A lot of us go to charitable events con-

nected to our official duties. I go to a tuberculosis dinner back home. If I decide as a Member of the Senate that it is connected to my official duties to be there, then that is connected to my official duties, and if it is not substantially recreational in nature, I can then be reimbursed for that transportation.

Mr. MURKOWSKI. So you would be reimbursed by the Government for that transportation.

Mr. LEVIN. By the private party. This is talking about when reimbursement is permitted by the private party.

Mr. MURKOWSKI. So you would be, in that case, reimbursed by the private party—

Mr. LEVIN. Could be.

Mr. MURKOWSKI. And even though the charity was not Senate business in a sense, you made a decision—

Mr. LEVIN. It has to be connected to your official business.

Mr. MURKOWSKI. In the particular case I am citing where I hold events in my State, I do not have the same opportunity of those who live in the areas surrounding the beltway. So I am just out in the harsh reality that I cannot get the attendance. That is the problem I have, and it is one of inequity.

Mr. LEVIN. It may be related to your official duties.

Mr. BIDEN. Will the Senator yield for a question?

Mr. MURKOWSKI. What I proposed, and I hope you consider it, is let the Ethics Committee make that determination.

Mr. LEVIN. I heard the proposal. But the Senator going home to a charitable event may be related to his official duties, in which case you can be reimbursed by the private party, providing it is not substantially recreational.

Substantially recreational is the divide. Is it recreational or is it an event not substantially recreational or relevant to your official duties? If it is, you can then be reimbursed by that private party.

If I decide going to an event in Alaska or any other State, other than my own, is related to my official duties, and if it is not substantially recreational, then I could be reimbursed. That is a judgment I would make. That is the line which is drawn in the bill.

The effort is made to distinguish between the recreational trips and the trips which all of us make which are related to our official duties and which are not substantially recreational in nature. We all go to make a speech at some meeting. If that is related to our official duties and is not substantially recreational in nature, we can be reimbursed by the private party. That is a judgment each one of us makes in the bill, and that is very different, however, from the recreational trips where people, I think would agree, are not related to their official duties and where they are substantially recreational in nature.

If that is the judgment, we should not be taking money from private par-

ties, in the opinion of those of us that have reached this conclusion.

Mr. BIDEN. Will the Senator yield for a question?

Mr. MURKOWSKI. If I may respond, because I think there is a distinction here, and that is—

The PRESIDING OFFICER. Let me just announce to the Senate, the Senator from Minnesota still has the time.

Mr. WELLSTONE. Mr. President, the Senator from Delaware wants to put a question to the Senator from Michigan.

Mr. BIDEN. I would like to ask the Senator from Alaska.

Mr. WELLSTONE. Can I make this one comment and then yield the floor?

Mr. BIDEN. Sure.

Mr. WELLSTONE. Very quickly, I say to the Senator from Alaska that we have had this discussion, because this may just be some confusion. I do not know any other way but to say it straight. What we have tried to do, and what we have done in this coalition effort, is to just deal with what has gotten us into trouble, which is not what I think the Senator from Alaska is talking about, which is some of the ski and golf trips, and whatever. I think we should let go of that and end that practice.

When you go home, and as part of your official work, you go to a charitable activity, such as the Senator from Alaska cares fiercely about, and your activity there is not substantially recreation—you are not going there to ski all weekend, or whatever—that is permissible. Maybe we have cleared that up.

Mr. MURKOWSKI. I would like to pursue this, if I may, because while I do not disagree with the Senator relative to the concept of what we are trying to do away with here, we also have to keep in mind the basic function of a charitable event, and that is to raise money.

Now, the question of what kind of an atmosphere do you raise that money in is what we are debating at this current time. Clearly, there have been excesses relative to the recreational events associated with charitable fundraisers. I would be the first to acknowledge that. But what we have now is a proposal that is so stringent, in the sense that we are not allowing the Ethics Committee to review the legitimacy of the charity, we are simply saying if it is not connected with any activity associated with recreation.

I ask my friend from Minnesota what he might suggest to be the nucleus for the event, to bring those that will contribute to the charity, and that is the problem of the Senator from Alaska. I assume it would be determined that a fishing tournament, which is what I offer, would be a recreational event. It is not a skiing event, it is not a golf event. I would call it a fishing event. I think in the spirit of the debate it would be considered recreation.

Now, that venue, if you will, allows for the opportunity to raise the money for the charity. This Senator would be

very pleased to look at some other avenue, but I, very frankly, think it would be difficult to attract the Senators, the sponsors, and others to come to a luncheon in Fairbanks, AK, for a fundraiser for the Breast Cancer Detection Center because it will not have the same magnitude of my fishing event.

However, I am willing to leave that up to the Ethics Committee to make a determination of what the guidelines and rules are, how many hours of free time on the event, where the event is held, or whatever. Right now, this legislation basically puts me out of business of promoting major charities in my State. I understand the intent. But I implore my colleagues to perhaps pursue a little innovation so that we are simply not eliminated from what is a worthwhile endeavor funded by corporations that are willing to make a contribution.

I do not want to go into the other issue, but there is an inconsistency there, as my friend from Minnesota, I think, would recognize. While we do not address political activities, they are paid for by the same source—lobbyists, political action committees, and so forth. So I would rather not mix that area. I am looking for relief.

Mr. WELLSTONE. Let me say two things to my colleague from Alaska. First of all, if we want to talk about campaign finance reform, and if the Senator is concerned about people paying for trips that Senators take which raise money, introduce an amendment to deal with that problem. But that is not what we are talking about tonight. The Senator can introduce an amendment to deal with that. It is a matter of proportion.

I think every Senator should be aware of this. You can go to a charitable gathering. That can be part of your work. You should go, and it could be paid for by a private party. There is no question about that. The problem is, when it is substantially recreational, that is where the abuse comes in.

Mr. President, you cannot make a distinction between fishing trips, or tennis, or golf, or skiing. That is the problem. That is where we have gotten ourselves into trouble, no matter how good the cause is. When a particular lobbyist or interest pays for a Senator for a weekend, or several days of travel, and accommodations to go fishing or play golf or to go skiing, it is just inappropriate. I mean, what has to attract people to the gatherings is the cause itself. God knows what the MURKOWSKI's do is a very important cause. But we have to let go of these paid-for ski trips, golf trips, and tennis trips. We have to let go of it. It is not appropriate, and it does not look good. People do not want us to do it.

I urge my colleagues to let go of it. That is why I think this amendment must be defeated.

I yield the floor.

The PRESIDING OFFICER. Who yields time?

Mr. LEVIN. Mr. President, who is controlling?

The PRESIDING OFFICER. The Senator from Minnesota.

Mr. WELLSTONE. I yield whatever time the Senator from Michigan needs.

The PRESIDING OFFICER. There are 12½ minutes remaining for the Senator from Minnesota.

The Senator from Michigan is recognized.

Mr. LEVIN. Mr. President, this is one of the basic reforms in this bill, because these recreational trips—and that is what they are—have created great difficulty for the U.S. Congress in terms of public confidence in this institution.

The public has seen over and over again the ski trips, the golf outings, the tennis trips, with our families, being put up at fancy lodges and being given fancy meals—and, yes, there is a charity which also benefits. But we get a big benefit from that. It is called recreational travel. There are two beneficiaries of this travel. One are the Members that take it; second is the charity that also benefits, because some of the contributions from the contributors go to the charity, and some go to us in the form of payment for our travel, our lodging, and our meals.

Now, a lot of the charities are noble—in fact, probably most are. I know the charities of the Senator from Alaska are noble. I think people should contribute to those charities, but in a way which does not undermine the confidence in this institution; the price that we pay for benefiting the charity in that case is too high. The price that we pay is that the public sees us at the outing, or on the slopes, with the special interests right there with us, paying for our recreation. If they are not there with us, they pay for our recreational travel.

It results in this kind of a TV show. I think all of us have seen these shows. This is from the Inside Edition of February 10:

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 at the top because, like the people you are about to meet, you are king of the hill, and this is the sweetest deal on the slopes.

Now, that is what the public sees. What they see is the benefit that we gain when we go on recreational travel. What they do not see, perhaps, is the benefit that the charity gets.

And so we have to make a decision—each one of us—as to whether or not, No. 1, we believe that when we go on recreational travel, we should be able to be reimbursed for that. This is a benefit for us. It is recreational travel, not related to our official duties of significant value. That troubles me.

The second issue that each Member must face, even though a charity also benefits along with Members, whether or not the price that is paid for that good cause, getting a benefit, is too

high, in terms of this good institution being diminished in terms of public respect and in the public eye.

That is the decision we each should make. It is called recreational travel. We have seen it and read about it. Some Members have participated in it. We have to make a decision.

This bill significantly restricts gifts. It is long overdue. We are trying very hard to increase public confidence in this institution and in the Congress. It takes work. We have to change the way we do things, to accomplish that very important goal.

I believe for Members to permit recreational travel is going in exactly the opposite direction from the direction of this bill. This is why I hope that the Murkowski amendment would be defeated.

Mr. MURKOWSKI. Mr. President, I believe that we have 9 minutes remaining.

The PRESIDING OFFICER. Nine minutes and 30 seconds.

Mr. MURKOWSKI. It is the intention of the Chair after the time is expired to entertain other amendments tonight.

The PRESIDING OFFICER. That is the order.

Mr. LEVIN. I do not know what the Senator from Mississippi, the majority whip, has in mind. I think that what they have in mind, however, is that we proceed to other amendments after the time is expired or is yielded back on this amendment.

Mr. MURKOWSKI. I understand.

Mr. President, I have listened to the debate tonight. Clearly, the reference to eliminating any interpretation of recreation makes it very difficult to successfully hold a charitable event outside of the beltway, or certainly not further than a reasonable proximity.

I think that is unfortunate. If we were to leave the issue at that, I suppose the Senator from Alaska could reflect on the merits of simply an up-down vote on the issue and resolve it. But when the debate goes on and suggests that somehow, because it is a charitable event, that it is subject to charges that inappropriate or poor judgmental actions occurred on the part of Members. Yet when one looks at the source of support for the charitable event or the political event, we find the sources are the same. They come from fundraisers. And we can get full reimbursement for political events, transportation, and lodging from a source that also provides legitimate funds for the benefit of the charity. Funds are coming from the same place.

I seem to be the only one that is drawing any attention to that. If we are being critical of ourselves—as we are and as we should be from time to time relative to the appropriateness of accepting funds through PAC's, political organizations, lobbyists and others, for charitable events—and we absolutely ignore the fact that we accept it for political events for transportation and lodging, the same exact sources, I say that at the least we are being inconsistent.

No one in this body wants to make that connection because it is inconvenient. It is embarrassing. After all, we are politicians and politics and serving the people of our State is our business. I think to some extent, attendance at charitable activities, legitimate charitable activities, that would be subject to approval by the Ethics Committee and more or less reviewed by them as to their legitimacy, would be an appropriate measure of legitimacy.

Unfortunately, it appears that this particular proposal that has been structured is cast in concrete, and with the exception of the explanation the Senator from Alaska received a few moments ago, clearly charitable activities such as the one that I have discussed simply could not function under this narrow interpretation because it eliminates recreation activities.

As we wind down the debate and the time is about to expire, there is indeed a principle involved here, as we address the legitimacy of not only those who suggest that this compromise should be structured in the same way as the executive branch receives consideration for their extracurricular activities. Yet it does not recognize in the same breath that the executive office does not receive reimbursement or travel for appearance at political events. Yet we do. And that is the difference.

When we go to the legitimacy of charitable events, we say no, we cannot get reimbursement for travel and lodging, but we can get it for political events. Others say, well, just a minute, the Senator from Alaska does not understand the problem. We are talking about something other than political events now, so that should not be part of the discussion.

The Senator from Alaska, I think, would again remind all of my colleagues as to the source of these funds and the principle involved. If for some reason or another we find it unpalatable to accept funds from those who would fund charitable events, one wonders why we would be so eager to accept funds for travel to political events.

I encourage my colleagues to think on the merits of legitimate charitable activities which we all participate in, which will be substantially limited, in my opinion, under this very narrow interpretation. And I think that is indeed very unfortunate.

I have nothing further to say, Mr. President. I yield the floor. I yield back all time.

The PRESIDING OFFICER. The Senator from Alaska has yielded back his time. The time in opposition is 7 minutes.

Mr. LEVIN. Mr. President, I yield 2 minutes to the Senator from Wisconsin.

Mr. FEINGOLD. I thank the Senator from Michigan. I want to be sure that we remember why these provisions are in the bill. It has to do with the fact that if you had to pick one aspect of this whole issue of gifts that seem to

have brought more perception problems for the Senate than any other, it is the problem with the so-called charitable events.

This is not to say that they do not have any merit—some of them. But the portrayals, particularly on some of the national television shows, have shown Members of this body and of the other body participating in events that were obviously dominantly recreational, that had to do with golf or tennis or whatever it might be. It was pretty obvious by the end of any one of these segments that the event was an opportunity for a Member of Congress to have an awfully good time on the ticket of whatever the organization that was promoting the event or the charity, whatever it was.

Yes, this may have some negative impact in terms of what the Senator from Alaska is trying to talk about. I think in his case the fact that he is referring primarily to what he wants to do in his home State suggests to me it probably would not be a problem.

The problem would occur more in the more publicized events—ski events in Utah, the golfing events in Idaho—that have nothing to do with our own home State. These are the ones that have caused a very serious problem.

I believe it is very appropriate that this bill sets forth that in the case of an event that is a charitable event and is not specifically within the person's role as a representation of the Senate, then those cases—the travel and the lodging—are really too much.

It has been abused. There are Members—I am not thinking of a Member of this body, but I am thinking of a case of a Member of the other body—who made a practice of going every week to these so-called charitable golfing events. I remember the Member got a \$200 sweater at each event. The meals and everything went back to his district afterwards. It was a way of life. This is what we are trying to get at.

I think it has been reasonably crafted. I do think it addresses the concern of the Senator from Alaska, which obviously has to do more with his own home State. Whether or not he is going to be able to attract Members of this body to Alaska, given the fact that there is a problem with lodging and the travel—it may be difficult. I do not want to suggest it will not be, possibly, a problem. But I think the greater concern here is that we eliminate this overall practice. I think this is reasonably drafted to achieve that.

I yield the floor.

The PRESIDING OFFICER. Who yields time?

Mr. MURKOWSKI. Mr. President, if I could just make one comment to my friend from Wisconsin, it looks like the only way out, there, is to attract the millionaires of the Senate who might be able to come to Alaska and attend a charity event. If it passes in its current form, I will advise the Senator from Wisconsin of my success in attracting the millionaires that are in the Senate to come up. We will have to see.

On the other hand, I hope my amendment will be adopted based on the merits of my presentation. I thank the Chair.

The PRESIDING OFFICER. Who yields time?

Mr. LEVIN. No one else wants time on this side. I think, if all time has been yielded back by my friend from Alaska, then I will yield the remainder of our time.

The PRESIDING OFFICER. All time has been yielded back.

UNANIMOUS-CONSENT AGREEMENT

Mr. LOTT. Mr. President, on behalf of the majority leader, and after consultation with the minority leader, I ask unanimous consent that the cloture vote scheduled for Friday, with respect to foreign aid authorization, be vitiated.

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

Mr. LOTT. I further want to announce to the Members that at 10 a.m. on Monday, July 31, it will be the majority leader's intention to turn to the energy and water appropriations bill, and that no votes occur with respect to that bill before 6 p.m. on Monday.

I further ask unanimous consent that the cloture vote scheduled for Friday, with respect to the State Department reorganization, be postponed to occur following any stacked votes on Monday, which will not occur prior to the hour of 6 p.m.

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

Mr. LOTT. I yield the floor.

CONGRESSIONAL GIFT REFORM ACT OF 1995

The Senate continued with the consideration of the bill.

The PRESIDING OFFICER. The Senator from Michigan.

Mr. LEVIN. Mr. President, I believe other amendments are now in order for debate? I do not have a copy of the unanimous consent we are operating under.

Mr. LOTT. If the Senator will yield, I understand there are negotiations continuing on some of these amendments with the hope that maybe some agreement could be worked out and that we are prepared to go forward momentarily with the amendment concerning the limits in the bill. We will be ready to go with that in just a moment.

If the Senator would like to take up any other issue? If not, 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. 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.