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Senate

(Legislative day of Monday, July 10, 1995)

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

PRAYER

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

Sovereign God, our help in all the ups and downs of life, all the triumphs and defeats of political life, and all the changes and challenges of leadership, You are our Lord in all seasons and for all reasons. We can come to You when life makes us glad or when it makes us sad. There is no place or circumstance beyond Your control. Wherever we go You are there waiting for us. You already are at work with people before we encounter them, You prepare solutions for our complexities, and You are ready to help us to resolve conflicts even before we ask You. And so, we claim Your promise given through Jeremiah, "Call on Me, and I will answer you, and show great and mighty things you do not know."—Jeremiah 33:3.

Lord, we want our work this day and the end of this workweek to be done in such a way that You will be able to say, "Well done, good and faithful servant." Our only goal is to please You in what we say and accomplish. Bless the Senators in the decisions they must make and the votes they will cast. Give them, and all of us who work with them, Your strength to endure and Your courage to triumph in things great and small that we attempt for the good of all. In Your holy name. Amen.

CONGRESSIONAL GIFT REFORM ACT OF 1995

The PRESIDENT pro tempore. Under the previous order, the Senate will now resume consideration of S. 1061, which the clerk will report.

The assistant legislative clerk read as follows:

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

The Senate resumed consideration of the bill.

Pending:

McCain modified amendment No. 1872, in the nature of a substitute.

Murkowski amendment No. 1874 (to amendment No. 1872), to permit reimbursement for travel and lodging at charitable political events.

Lott amendment No. 1875 (to amendment No. 1872), to change the maximum total value of gifts that can be accepted from a single source in 1 year from \$50 to \$100.

AMENDMENT NO. 1874

The PRESIDENT pro tempore. Under the previous order, there will now be 10 minutes of debate on the Murkowski amendment No. 1874.

Mr. LEVIN addressed the Chair.

The PRESIDENT pro tempore. The distinguished Senator from Michigan.

Mr. LEVIN. Mr. President, the two amendments that we are going to be voting on early this morning really go to the heart of the efforts that we are making to reform gifts. And those issues are the recreational trips and the meals and the tickets which are given to Members of this body.

So while we have narrowed the differences significantly—and we have—we still are confronted with the really principal issues which have brought us to this point; and that is the recreational travel, the golf outings, the ski trips, and the tennis trips that are provided as so-called charitable travel but which is a significant recreational benefit to us. As a matter of fact, this travel is defined as substantially recreation. That is the first amendment that we will be voting on. It is the Murkowski amendment, which will be to allow that kind of recreational travel to Members of this body to be reimbursed by private interests for that travel.

What the public has seen and read and heard about are these trips that we are offered also benefit a charity. There are two beneficiaries of these trips. A charity benefits when we show up, and we benefit by being given a couple of days and nights and fancy lodging, and being given fancy meals and being paid the transportation to get there. That is a substantial gift to Members. Yes, a charity also benefits. But the price that we pay to benefit the charity is the diminution, the reduction of the public confidence in this institution by the benefit that is received by Members from this recreational travel, which is significant. It is like a paid vacation that we are given at the same time there is a charitable contribution that is also made by the corporate sponsors. And we should give it up. We simply should give it up. It has reduced public confidence in this institution.

We have transcripts of television shows that are available to Members to read if they want to see what this looks like to the general public.

So I hope we will defeat the Murkowski amendment, which is the first amendment that we will be voting on this morning.

I reserve the remainder of my time.

The PRESIDING OFFICER (Mr. MCCAIN). The Senator from Alaska.

Mr. MURKOWSKI. Mr. President, good morning. My colleagues, good morning.

Mr. President, the amendment that we are going to be voting on very shortly provides the same rules for transportation and lodging in connection with charitable events as the bill provides for political events. That is all it does. It just conforms the two—political vis-a-vis charitable events.

Mr. President, much of this debate has been about public perception, that somehow we in Washington are being bought and sold by lobbyists, PAC's, and so forth; if we spend a weekend at

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a charitable event which includes lobbyists, that somehow we become polluted with corruption, or so goes the myth. There have been television programs directed at this. But at the same time, there is nothing wrong with Members of this body receiving lobbyist money paying for Senators' meals, Senators' lodging, Senators' transportation at a political fundraiser in Hollywood, in Florida, and you name it.

I ask, Mr. President, are we going to sell that bill of malarkey to the American public? I do not think so. It is OK for a lobbyist's money to pay us for travel to fundraisers and PAC's but it is not OK for lobbyist money to be used for travel to an event that will benefit breast cancer screening or poor children in need of medical attention.

Mr. President, my amendment simply provides that Senators would be permitted to be privately reimbursed for the costs of lodging and transportation in connection with a charitable fundraising event, only—and I repeat "only"—if the Senate Select Committee on Ethics determines that participating in the charity event is in the interest of the Senate and in the interest of the United States.

I think we have a clear choice. Do we want to establish the same lodging and transportation rules for charitable fundraisers as we have for political fundraising, or do we want to make it harder, harder to raise money for worthy charities?

The inconsistency here is an obvious one. The rule says as proposed in the compromise that there will be no reimbursement for charity events if it is associated with recreation. Yet, make no mistake about it, Mr. President, the loophole is this: You can have a political fundraiser for yourself, reimburse Members for travel to that political fundraiser and you can have a charity event, too, and have the proceeds go to the charity.

Let us not kid ourselves. What is the source of funds for these events? The source of funds is the same groups, the politicians, political action committees, the PAC's, and so forth.

Now, I had intended to offer another amendment which would have required Members to pay out of their own pocket for travel and lodging for political events like they propose now for charity events. I decided not to pursue that because in reality that belongs in the campaign reform effort which is going to be underway at some point in time, and I intend to pursue it at that time.

We are not kidding ourselves. We are not kidding the American public. We are simply involved in a bit of a charade here. A significant portion of it is worthwhile. This reform is needed. As far as eliminating reimbursement for travel and lodging associated with charitable events and still allowing for political events when the funds came from the same source is the hypocrisy the Senator from Alaska wants to point out and wants to remind all

Members as they look at how they are going to vote on the Murkowski amendment.

I encourage them to recognize that significant difference. Members go out, establish a political event, reimburse other Members for travel and transportation. The source of the funds comes from the PAC's and the lobbyists. And they can put on a charity event with it. Perhaps that is what the membership wants. But I suggest the American public is going to question whether we have gone all the way here or whether we have left a loophole.

I thank the Chair, and I yield the floor.

Mr. WELLSTONE addressed the Chair.

The PRESIDING OFFICER. The time of the Senator from Alaska has expired. The Senator from Michigan has 2 minutes remaining.

Mr. LEVIN. I yield 1 minute to my friend from Minnesota.

Mr. WELLSTONE. I thank the Senator from Michigan.

Mr. President, I want my colleagues to know we went through this last night in, I think, rather extensive debate. A Senator certainly can attend charitable events, no question about it. The issue is the recreational travel. What this vote is about is just one issue, and the issue is this: It does not serve this institution well, it does not serve any of us as individual Senators well, when lobbyists pay for Senators and their spouses or their family to go on weekend golf, tennis, skiing, or fishing trips. It is inappropriate. We ought not to be taking these gifts. People in the country do not think it is right. We should not think it is right, and I certainly hope that this amendment by the Senator from Alaska will be voted down.

The PRESIDING OFFICER. The Senator from Michigan has 1 minute 2 seconds remaining.

Mr. LEVIN. I will reserve that.

Is there any time remaining on the other side?

The PRESIDING OFFICER. There is no time remaining on the other side. The Senator from Michigan is recognized.

Mr. LEVIN. Let me conclude by saying this is one of the two issues that has brought us to this point. This recreational travel is a significant gift to us. Yes, there is also a benefit to the charity, but it is the gift to us which is the issue under our gift rules.

If we are going to significantly change the way we do business, this is one of the two areas where we must make a change, the so-called recreational travel. The charities have great appeals. They should be supported; they can be supported, but they must not be supported in a way which undermines public confidence in this institution. And that is the issue which we will be voting on with the Murkowski amendment. It is the public confidence in this institution, the gifts which we get, which is the issue.

I hope this amendment will be defeated. I yield back the remainder of my time.

The PRESIDING OFFICER. All time having expired, under the previous order, the question occurs now on agreeing to amendment No. 1874 offered by the Senator from Alaska [Mr. MURKOWSKI]. The yeas and nays have been ordered. The clerk will call the roll.

The assistant legislative clerk called the roll.

Mr. LOTT. I announce that the Senator from Alaska [Mr. STEVENS] is necessarily absent.

The PRESIDING OFFICER (Mr. THOMAS). Are there any other Senators in the Chamber who desire to vote?

The result was announced—yeas 39, nays 60, as follows:

[Rollcall Vote No. 339 Leg.]

YEAS—39

Ashcroft	Dole	Johnston
Bennett	Dorgan	Lott
Bond	Gorton	Mack
Breaux	Gramm	McConnell
Bumpers	Grams	Murkowski
Burns	Gregg	Nickles
Campbell	Hatch	Nunn
Chafee	Hefflin	Packwood
Coats	Helms	Pryor
Cochran	Hollings	Roth
Coverdell	Hutchison	Simpson
D'Amato	Inhofe	Smith
Dodd	Jeffords	Thurmond

NAYS—60

Abraham	Ford	McCain
Akaka	Frist	Mikulski
Baucus	Glenn	Moseley-Braun
Biden	Graham	Moynihan
Bingaman	Grassley	Murray
Boxer	Harkin	Pell
Bradley	Hatfield	Pressler
Brown	Inouye	Reid
Bryan	Kassebaum	Robb
Byrd	Kempthorne	Rockefeller
Cohen	Kennedy	Santorum
Conrad	Kerrey	Sarbanes
Craig	Kerry	Shelby
Daschle	Kohl	Simon
DeWine	Kyl	Snowe
Domenici	Lautenberg	Specter
Exon	Leahy	Thomas
Faircloth	Levin	Thompson
Feingold	Lieberman	Warner
Feinstein	Lugar	Wellstone

NOT VOTING—1

Stevens

So the amendment (No. 1874) was rejected.

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

Mr. LAUTENBERG. Mr. President, I move to table the motion.

The motion to lay on the table was agreed to.

AMENDMENT NO. 1875

The PRESIDING OFFICER. Under the previous order, the question is on agreeing to the amendment numbered 1875 offered by the Senator from Mississippi.

Debate on the amendment is limited to 10 minutes equally divided.

Mr. MCCAIN. Mr. President, I yield 1 minute to the Senator from Michigan, Senator LEVIN.

Mr. LEVIN. Mr. President, we have come this far on gift reform, and we should not turn back now on one of the central issues which are the tickets and the meals.

Mr. President, we have now made a significant decision in the area of gifts.

We have come a significant way. Now we must not turn back. We really must address the question of the tickets and the meals.

We cannot be bought for \$100, \$50, or \$20. I do not think we could be bought for \$1 million.

If we will give up the tickets and the meals, the way we have now given up the recreational travel, we can contribute something. We can give something of immeasurable value to this democracy of ours. We can add to public confidence in our democratic institutions.

This public confidence has been eroded. We can help to restore it, if we will now take this step which basically addresses the tickets and the meals.

The executive branch has a \$20 gift rule and a \$50 total that anyone can give. This would follow the executive branch rule. If they can live under it, I believe we also can live under it. I hope this amendment is defeated.

Mr. LOTT. Mr. President, in support of the amendment, I yield our 5 minutes to the Senator from Louisiana, Senator BREAU, so that he can make a statement on this, in support of this amendment.

We will vote to see if we have any vestiges of self-respect left.

Mr. BREAU. I yield myself 3 minutes of my 5 minutes.

Mr. President, the issue before the Senate, I think, is very, very clear. Mr. President, and my colleagues, this legislation, make no bones about it, makes major, dramatic changes in how we are going to conduct the daily lives of Members of this body.

Essentially, today, meals are exempt from any kind of a gift ban or limitation. We all have meals and lunches with our constituents and with people who do business here in Washington. Essentially, those events are exempt from any ban today.

This legislation, for the first time, says meals are going to be included. If that meal costs \$21, Members will find themselves before the Ethics Committee, answering a charge that they have violated this rule.

I say to my colleagues that is not sound policy. The Ethics Committee has a lot of work to do. They should not be going over lunch tabs and dinner tickets, to make sure that the tab, the tax, and the tip, does not somehow add up to \$21.

That is what the McCain-Wellstone bill provides for. I suggest that we, I think, are smarter than that. Our constituents are smarter than that.

Every year in my State of Louisiana, the Shreveport Chamber of Commerce comes up. They have a luncheon. They invite Senator JOHNSTON. They have a dinner. They invite myself. Next year, they will reverse the order. That meal is probably going to cost more than \$20. They are having that meal for us to talk about things of interest to that city and my State.

Every year the Louisiana Municipal Association comes up and takes us out to dinner. That meal is going to cost more than \$20.

I suggest to the Members of this body, as it has been said so many times before, we are not going to be bought for \$21. We have to be reasonable. We have to be practical. If we vote like our constituents want us to vote, a \$21 meal is not going to make the difference.

Our legislation simply says \$50 for a gift limitation. You cannot take it when it adds up to over \$100 in a year. Therefore, a meal that is \$50—a lunch, a dinner, anything under that—is not prohibited. If you add \$51, that is prohibited. The maximum would be \$100 in a year.

Some say Members go to dinner every night for 365 days and they could give you \$18,000 a year. If anybody goes to dinner with the same person every night for 365 some days, I suggest they are idiots and should not be in the Senate in the first place.

Under their legislation, Members could go every night for \$20 and spend \$7,350. Is that all right? Are we playing games with our self-respect, our ability to know what is right and what is wrong? And more importantly, to allow our constituents to know what is right and what is wrong.

I yield to the Senator from Louisiana.

Mr. JOHNSTON. Mr. President, recently I was along with some of my colleagues and was invited to hear the President of France at a one-table luncheon at the French Embassy on the subject of Bosnia principally; to the British Embassy, to hear Douglas Hurd, the Foreign Minister of Britain, speak about foreign matters in general. Both were, I thought, very important dinners. Both would clearly have exceeded the \$20. Would this be prohibited under the \$20 rule?

Mr. BREAU. Any gift Members receive that is over \$20, that includes a meal, would be prohibited under the legislation.

I yield to the Senator from Kentucky.

Mr. MCCONNELL. Mr. President, I want to take 1 minute to get the attention of my colleagues on an argument that was made last night, and hopefully not many were here.

That was this suggestion that my friend from Louisiana made that a Senator could go out every night for a whole year and rack up \$18,000 in bills under this amendment. That is technically true. Of course, as the Senator from Louisiana pointed out, it is technically true that under the alternative Members could rack up \$7,000 in bills.

The point I want Members to know is that anybody who did that would have a serious case before the Ethics Committee. The fact that it might not be a technical violation of the rule does not mean that it is proper conduct. It would be clearly improper conduct.

Some of the major cases that we have had here in the Senate in the last few years have not been technical violations of the rules. They still have been major cases. That was the case in the Keating case. It is the case with some

of the charges against the Senator from Oregon—not technical violations of the rules, but still a very serious case.

I want Members to know that anybody who tried to exploit this rule, in this way, would be in very, very, serious trouble.

The PRESIDING OFFICER. The time of the Senator has expired. The other side has 3 minutes remaining.

Mr. MCCAIN. I yield 1 minute to the Senator from Wisconsin.

Mr. FEINGOLD. Mr. President, a very serious mistake of fact has been made on the floor about the bill. The last two speakers said under our bill you could take up to \$7,000 a year. That is absolutely false. Under our bill, the most you could take from one individual is \$50, the executive rule. Under the amendment here, it would be at least \$18,500 for, obviously, a wrongdoer. That is a fact.

The difference is that the current McCain provision has an aggregate limit and the provision provided by the other side on this has no aggregate. So one person, several times a day, could give up to \$50 a day and that does not count. And there is no aggregation. That is a fact. That is exactly the difference between the two, and any other suggestion means somebody has not read the difference between the amendments.

Several Senators addressed the Chair.

Mr. MCCAIN. I yield 1 minute to the Senator from Minnesota, Senator WELLSTONE.

Mr. WELLSTONE. Mr. President, if I could just get the attention of my colleagues.

Mr. President, let me just emphasize what the Senator from Wisconsin said. Fact No. 1 is that people in the country just think it is inappropriate when it comes to the meals and the tickets. They think we should let go of it. And we should, if we want to restore confidence.

Fact No. 2, this amendment says that you can go out for a meal or you can take a ticket or whatever, and as long as it is under \$50 you can keep receiving the same gift from a lobbyist in perpetuity. There is no limit. There is no \$100 limit.

Senators, you cannot tell people we are making a reform, you cannot tell people we are putting an end to this practice, with this kind of huge loophole. It is not credible. It will not work. This amendment is deeply flawed and is not a reform.

Mr. LOTT. Mr. President, I ask for the yeas and nays on this amendment.

The PRESIDING OFFICER. Is there a sufficient second?

There is a sufficient second.

The yeas and nays were ordered.

Mr. MCCAIN. Mr. President, how much time do I have remaining?

The PRESIDING OFFICER. The Senator has 1 minute and 20 seconds.

Mr. MCCAIN. Mr. President, this is really all about, this entire legislation

is about establishing confidence. I do not think there is any doubt the American people do not believe we live like they do. I do not think there is any doubt that the confidence and esteem in which we are held is not at the level that we want it to be.

I believe if this amendment is agreed to, the perception will be that \$50 a day, unrecorded, unaggregated, will indeed be a privilege that most Americans do not enjoy.

It is not really much more complicated than that. As the Senator from Michigan pointed out, can Senators be bought for \$20 or \$50 or \$100 or \$200? That is not the argument here. The argument here is whether we will live like the rest of the American people do, and that, for most citizens, is not the ability to receive as much as \$50 a day in some kinds of benefits.

We believe the original legislation is far more appropriate. There are those who would argue for zero dollars. I believe what we have crafted is the appropriate method and I do not believe this is about buying and selling of Members of Congress.

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

VOTE ON AMENDMENT NO. 1875

The PRESIDING OFFICER. All time has expired. The question is on amendment 1875, offered by the Senator from Mississippi.

The clerk will call the roll.

The legislative clerk called the roll.

The PRESIDING OFFICER. Are there any other Senators in the Chamber who desire to vote?

The result was announced, yeas 54, nays 46, as follows:

[Rollcall Vote No. 340 Leg.]

YEAS—54

Ashcroft	Faircloth	Lott
Bennett	Gorton	Lugar
Bond	Gramm	Mack
Breaux	Grams	McConnell
Brown	Grassley	Mikulski
Bryan	Gregg	Murkowski
Bumpers	Harkin	Nickles
Burns	Hatch	Nunn
Campbell	Hefflin	Packwood
Chafee	Helms	Pell
Coats	Hollings	Pryor
Cochran	Hutchison	Reid
Coverdell	Inhofe	Rockefeller
Craig	Inouye	Roth
D'Amato	Johnston	Shelby
Dodd	Kassebaum	Smith
Dole	Kempthorne	Stevens
Domenici	Kerrey	Thurmond

NAYS—46

Abraham	Ford	Moynihan
Akaka	Frist	Murray
Baucus	Glenn	Pressler
Biden	Graham	Robb
Bingaman	Hatfield	Santorum
Boxer	Jeffords	Sarbanes
Bradley	Kennedy	Simon
Byrd	Kerry	Simpson
Cohen	Kohl	Snowe
Conrad	Kyl	Specter
Daschle	Lautenberg	Thomas
DeWine	Leahy	Thompson
Dorgan	Levin	Warner
Exon	Lieberman	Wellstone
Feingold	McCain	
Feinstein	Moseley-Braun	

So the amendment (No. 1875) was agreed to.

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

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

The motion to lay on the table was agreed to.

The PRESIDING OFFICER. Under the previous order, the Senator from West Virginia, Senator BYRD, is recognized to offer an amendment on which there shall be 45 minutes of debate.

Will the Senate please be in order.

The Senator from West Virginia is recognized.

Mr. BYRD. Mr. President, I thank the Chair.

Mr. President, my time will not begin to run until I offer the amendment, and I insist upon order in the Senate.

The PRESIDING OFFICER. The Senator is correct. May we have order. Senators will please take their conversations to the Cloakroom. May we have order in the Senate.

The Senator from West Virginia.

Mr. BYRD. Mr. President, I thank the Chair.

Mr. President, I know order when I see order in the Senate, and we do not have it.

The PRESIDING OFFICER. The Senator is correct. There is no better way to describe it. We know it when we see it.

May we have order, please. The Senators on my right, find another place to converse. The Senators over here, please find another place.

The Senator from West Virginia.

Mr. BYRD. Mr. President, the gavel has only been broken once, and it was replaced with a new gavel. And it might be well perhaps even to break it again. When the Chair calls for order, the Chair should be respected. I know we are all prone to talk a little bit. We like to see our colleagues during the rollcalls. I do the same thing. But if the Chair will crack that gavel and let us know that the Chair wants order, he should have it.

I thank the Chair, and I thank my colleagues.

(Mr. COVERDELL assumed the chair).

Mr. BYRD. Mr. President, the bill before us today, S. 1061, is designed to strengthen the standing rules of the Senate regarding the acceptance of gifts by Members and staff. Accordingly, it is meant to confront the public's perception that Members of the Senate can somehow be influenced for the price of a lunch. That is really pretty silly, but nevertheless that may be the perception. I, for one, do not believe that to be true. But perception, as we all know, is sometimes overpowering.

Indeed, Marie Antoinette may never have actually said, "Let them eat cake," but the fact remains that, in 1793, the people of Paris believed that Marie Antoinette said, "Let them eat cake." So, let us not be fooled. Perception matters, and, whether we like it or not, it must be dealt with.

It is to that end, the righting of public perception, that I am offering this

amendment. Quite simply, my amendment states that it is the sense of the Senate that the Judicial Conference of the United States—as the Senate is doing in relation to itself in the pending measure—should review and reevaluate its gift rules, including the acceptance of travel and travel-related expenses, and that those regulations should cover all judicial branch employees, including members of the Supreme Court.

Like the legislative branch, the judicial branch of Government cannot afford to be seen in the eyes of the public as anything less than impartial and unbiased. The great tenet of our judicial system, that all Americans enjoy "equal justice under the law," cannot be brought into question if we are to maintain a society based on the rule of law. Therefore, if it is important for the men and women who make the laws to be above reproach—and it is important—then it only makes sense that it is equally important for the men and women who interpret those laws to be similarly above reproach.

In truth, one could argue that it is even more important for the judiciary to undertake a reevaluation and strengthening of its rules since the very individuals addressed in this amendment are people who, once confirmed by the Senate, retain lifetime tenure. Federal judges do not stand for reelection every 2 years or every 6 years as do Members of the House and Senate. On the contrary, unless they are impeached in the House and convicted in the Senate, Federal judges may hold their positions for life, health permitting. Their behavior and their moral authority as adjudicators of great issues are not subject to a public vote of confidence.

Mr. President, public acceptance and support of the decisions of our courts depends entirely on an independent and impartial judiciary. The decisions of the Federal courts must not be tarnished by even the slightest hint of impropriety, because the men and women who sit in judgment are charged with deciding the most momentous questions—questions that go to the very heart of our liberties. They decide questions involving freedom of speech and freedom of religion under the first amendment. They protect our constitutional rights to due process, our rights of privacy, and our rights to the pursuit of happiness in a free and open society. And they adjudicate controversies, the impact of which may mean millions or even billions of dollars to the individuals and corporations involved. Because of that authority and extraordinary power, the judicial branch, more so than even the other two branches of government, must hold and retain the utmost confidence of the American people.

Unfortunately, Mr. President, there have been reports that some members of our Federal courts have availed themselves of trips sponsored and paid for by a corporation that was involved

in litigation in those courts. I am going to read now from a March 5, 1995, newspaper story that appeared in the Minneapolis Star Tribune concerning this matter. And for the benefit of my colleagues, I have had placed on every Senator's desk a copy of this news article. I urge Senators to read the article and they will understand the importance of my amendment.

Mr. President, the Minneapolis Star Tribune article was written by Sharon Schmickle and Tom Hamburger.

The headline is: "West and the Supreme Court; Members accepted gifts and perks while acting on appeals worth millions to Minnesota firm."

And it reads as follows:

"Equal Justice Under Law." These words, chiseled above the huge bronze doors of the Supreme Court, promise that its justices will be impartial.

Yet some parties who asked the court to review their claims against West Publishing Co. now wonder if they received equal treatment. The reason: Since 1983, West has treated seven Supreme Court justices to luxurious trips at posh resorts or hotels.

None of them saw the trips as reason to disqualify themselves from considering whether to hear five cases involving their host. In each of the five instances, the justices declined to review a lower court's decision, leaving intact a decision in favor of West.

The odds already were against West's opponents, because the high court each year agrees to hear fewer than 200 of the 5,000 or so requests for review.

Two of the West cases involved key copyright issues. And two cases were placed on lists indicating they were actively discussed at the justices' weekly conference.

All justices refused interviews, but two—Antonin Scalia and Lewis Powell, who's now retired—said in written responses that they saw nothing wrong with accepting expense-paid trips to attend meetings for what they regard as a worthy purpose. "That company [West] has been of great importance to the legal profession and to legal scholars," Powell wrote in response to the Star Tribune's inquiry.

Here's a review of the justices' trips and the West-related cases the Supreme Court considered:

1983

Byron White set the pattern for other justices. He accepted an invitation to serve on a committee to select the winner of the Edward J. Devitt Distinguished Service to Justice Award, a prize sponsored by West Publishing Co. The other committee members were Devitt and Judge Gerald Tjoflat of the 11th Circuit Court of Appeals. Each committee member was to serve for two years.

The committee could have reviewed candidates in St. Paul, where Devitt lived, or on the East Coast, where White and Tjoflat worked. Instead, they conducted their February meeting at Marriott's Rancho Las Palmas in Palm Springs, Calif. It's an appealing place—a four-star resort with tennis courts and 27 holes of golf—and West picked up the tab. The trip gave White, a former All-America halfback, a chance to have a reunion with his old football coach, Johnny (Blood) McNally, who lived nearby. Spouses were invited.

West's CEO—

Chief executive officer—

Dwight Opperman, also attended the retreat, although he did not sit in on selection-committee meetings.

1984

The group considered going to Florida for its second meeting. But after consulting White, Devitt wrote to Opperman—

The CEO for West Publishing Co.—

"He said his wife was not too enthused about Florida. We discussed San Diego, but I pointed out to him that that place is not a warm spot in January or February."

California was selected. "Dwight Opperman—

West's CEO—

has made a reservation for the 1984 meeting at Marriott's Las Palmas Hotel in Palm Springs (same as last year)," Devitt wrote to White. In the same letter, he said, "Dwight wants to have Johnny Blood McNally and his wife join us for recreation as before."

McNally, a graduate of St. John's in Collegeville, Minn., coached White when he played for the Pittsburgh Steelers. Devitt wrote McNally, inviting him and his wife to join the group for "social affairs."

A couple of weeks after the trip, paid for by West, White wrote to Devitt: "As usual, it was a pleasure to be with you even if your golf was intolerably good."

Another Supreme Court justice also benefited that year. Chief Justice Warren Burger was chosen to receive a special award from the Devitt committee. He donated his \$10,000 prize to an organization that promotes interest in the law.

Lewis Powell succeeded White on the Devitt panel. "Caneel Bay is a place my wife Jo and I always have hoped to visit," Powell wrote in a 1984 letter to Devitt.

Opperman—

West Publishing Co.'s CEO—

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trips may have swayed their fellows on the court not to hear the case, you know. I am entitled to my day in court and I didn't get it," he said.

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hear the case, it also could lay the groundwork for other publishers who were rushing into electronics.

Neither White nor Powell disqualified himself from participating in the decision, through Powell apparently thought about it. The papers of the late Justice Thurgood Marshall, on file at the Library of Congress, show that Powell apparently considered disqualifying himself, telling the clerk of the court in a letter: "Following discussion of this case at Conference today, I concluded it was unnecessary for me to remain 'out'. Therefore please disregard my letter to you of January 22."

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William Brennan and his wife, Mary, flew to Hawaii for the next Devitt committee gathering. They were greeted on February 7, 1987, by the Oppermans, Devitt and Fifth Circuit Judge Charles Clark at the Kahala Hilton in Honolulu.

Brennan's first encounter with the Devitt panel had come in early 1986, in the form of a letter of invitation from Devitt.

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That summer, the Brennans and Oppermans had dinner together in Rochester, Minn., while the justice was getting a checkup at the Mayo Clinic. While in Rochester, they discussed plans for the next Devitt panel meeting. Brennan wrote Devitt shortly afterward: "February 6-9 is open for Mary and me and we can't wait."

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The Ritz-Carlton hotel in Rancho Mirage offers luxurious accommodations near some of the country's finest golf courses and the Devitt committee met there from Jan. 28-31. Devitt had set up advance golf reservations—with 10 a.m. tee times—for himself and the O'Connors, Sunday at the Mission Hills Resort and Monday at the Desert Island Country Club.

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Before long, it was time to start planning the next meeting, to be held at the Bel Air Hotel in Los Angeles, described in a promotional brochure as "DISCREET. UNHURRIED. PRICELESS."

"I re-read the brochure about the fancy hotel," Devitt wrote to O'Connor in December. "I'm sure we will have a good time there. Dwight Opperman and I talked about it at lunch yesterday."

About the time he wrote the letter, Donna Nelson, an assistant state attorney general in Austin, Texas, was writing the next petition the high court would receive asking it to hear a case against West.

For decades, West had published the statutes of Texas and some two dozen other states under an arrangement that was welcomed by state officials. But the harmonious relationship ended in 1985, when West tried to use copyright claims to block a competitor. Texas Attorney General Jim Mattox set out to challenge West's copyright claims in court. Nelson was assigned to write the briefs arguing that access to the law belonged to the people of Texas, not to a private company.

West didn't claim it owned the words in the law. But it claimed rights to the arrangement, numbers and titles of the various sections in the law. Without those elements, the law would be inaccessible, Texas argued.

Federal judges at the Fifth Circuit Court of Appeals agreed with a Texas judge who had granted West's request that the case be dismissed. When Nelson argued the case, one of the appeals court judges asked her, "Did West do something to make you mad?" Texas wasn't planning to publish the laws commercially and didn't have an "actual controversy" with West, the appeals judges ruled.

What was never disclosed to Nelson was that one of the three appeals court judges, John Minor Wisdom, had been a co-winner of the Devitt award four months before the panel issued its ruling against Texas. West had presented him with \$15,000 at a ceremony in New Orleans.

Nelson wasn't surprised when the Supreme Court rejected her petition for an appeal.

But five years later—after learning from the Star Tribune that a circuit judge had accepted the cash award and justices had accepted expensive trips from the state's opponent—Nelson said: "That just breaks my heart. That's awful."

1990

Five days after the court rejected the Texas petition (apparently without disqualification by any member), O'Connor flew to Los Angeles to meet Opperman, Devitt and the others at the Bel Air Hotel.

After the trip, Devitt wrote to O'Connor: "We were all very happy to have John [her husband] with us at Bel-Air. He is a wonderful Irishman."

Later, O'Connor wrote to Devitt telling him "it was a great treat" to serve on the award committee and sent him photographs of the visit to California.

When she filed the financial disclosure forms judges are required to complete each year, she didn't report the West-paid trip. When the Star Tribune inquired about the form, she—

Justice O'Connor—

said through a court spokeswoman that it was an oversight and that it will be corrected.

John Paul Stevens got his invitation to serve on the Devitt committee in February. "I feel sure you will enjoy it," Devitt wrote to Stevens. Stevens responded by telephone, according to Devitt's handwritten notes, saying he wanted to meet in Florida.

That spring, Opperman wrote Stevens asking whether the justice and his wife, Maryan, preferred golf or tennis. Stevens wrote back: "It was most thoughtful of you to accommodate us. In response to your inquiry, we are both interested in tennis and golf."

1991

Stevens, his wife and other committee members met with the West executives in January at the Ritz-Carlton in Naples. Judge William J. Holloway Jr., who also attended, said judges were provided with suite accommodations courtesy of West. A receipt shows that Devitt's room charge was \$700 a night.

Meanwhile, in Washington, the court had received a fifth request to hear a case against West. Arthur D'Amario, a photographer from Rhode Island, had an altercation with security guards outside a rock concert at the Providence Civic Center and was convicted of simple assault. When his appeal was denied by the Rhode Island Supreme Court, West received a copy of the opinion as part of the material it routinely gathers for its books.

D'Amario tried to stop West from publishing the opinion, alleging it was libelous and would infringe on his privacy rights. Lower courts had ruled that they could not enjoin West from publishing an official court decision. D'Amario petitioned the Supreme Court to hear the case.

D'Amario did not know until last month that justices considering his case had been entertained by West. "I think they have a duty to notify the petitioner of a conflict of interest like this whether or not they think that the potential conflict affects their judgment," he said. "If I had known this, I might have raised an ethics complaint at the time."

D'Amario's petition came before the court's conference two months after Stevens returned from the Florida trip. The justices denied the petition on March 18.

D'Amario's petition marks the end of the requests the court has received since 1982 to hear cases against West. But the trips continued.

In May, Devitt wrote Stevens about plans for the January 1992 meeting of the committee. "We will probably meet either in some

Caribbean spot or on a boat trip out of some Florida port."

1992

Indeed, they did find a warm port. Stevens and his wife joined the committee for a January meeting in Nassau, the Bahamas, at Paradise Island Resort & Casino.

Another judge on the committee, Holloway of the 10th Circuit Court of Appeals in Oklahoma City, reported on his disclosure form that West provided "lodging, food, entertainment and miscellaneous courtesies."

Devitt died March 2. Few records about the committee meetings after his death are available.

1993

Antonin Scalia was the next justice to make a West-paid trip.

In January 1993, Scalia and his wife attended a Devitt committee meeting in Los Angeles, according to his financial disclosure form. Scalia had written to Devitt in August 1991 that he and his wife, Maureen, "look forward to a warm meeting place—though we will leave the selection to you."

Scalia did not list a value for the trip. However, another judge attending that session, Seventh Circuit Court Judge William Bauer, listed the value of the three days of West-sponsored lodging and travel at \$7,700.

1994

The Star Tribune was unable to determine where the Devitt committee met to make its decisions in 1994.

1995

Anthony Kennedy is the newest justice to join the Devitt committee. He attended his first meeting as a panelist in January at the posh Four Seasons hotel in New York City.

Kennedy joined the group after the court decided against hearing appeals in the Texas and D'Amario cases, and no West cases have come before the court since then.

Kennedy declined to release his correspondence concerning the Devitt committee. But Richard Arnold, chief judge of the Eighth Circuit, released letters he received from Opperman describing arrangements for the meeting:

"The committee and spouses usually eat dinner as a group. If there is some restaurant you especially want to try let me know," Opperman wrote to Arnold in October.

"There will be time for the theater and museums. I would like to know your interests so we can accommodate them."

The official business of the committee was taken care of in two three-hour meetings during the trip that lasted Jan. 22-25, Arnold said.

Mr. President, what we have here appears to be convincing evidence that West Publishing, through its chief executive officer, was providing free trips to members of the Federal judiciary, many times to the poshest of resorts, at the same time that West was involved in litigation before those courts. In instance after instance, as this story has documented, it appears that the impartiality of the judiciary could have been called into question, thus undermining the confidence which the American people place in that branch of government.

Let me stress here that I do not believe any Federal judge, any more than any Member of Congress, is easily susceptible to influence as a result of travel taken in connection with an awards-selection committee. But just as the bill now before the Senate is meant to address very real concerns

with regard to the public's perception of the legislative branch, so, too, my amendment is meant to encourage the Judicial Conference to address such concerns within the judicial branch.

For those Senators who may not be familiar with the rules and regulations promulgated by the Judicial Conference, let me quote briefly from section 5 of those regulations. That section, dealing with the acceptance of gifts, states, in part:

A judicial officer or employee shall not accept a gift from anyone except for a gift incident to a public testimonial, notes, tapes, and other source materials supplied by publishers on a complimentary basis for official use or an invitation to the officer or employee and a family member to attend a bar-related function or an activity devoted to the improvement of the law, the legal system, or the administration of justice.

My concern, Mr. President—especially in light of the newspaper article I have just read—and thus the basis for my amendment, is that the language in section 5 of the regulations of the Judicial Conference may allow too much latitude and thus jeopardize the appearance of impartiality of the judiciary.

If we agree that there is a crisis of confidence in this country regarding the most sacred institutions of our Government, and that that crisis must be addressed, then I think we must agree that no branch of Government can ignore the challenge to look inward and reevaluate its rules of conduct—not the legislative branch, not the executive branch, and certainly not the judicial branch. We must all accept the responsibility for addressing public perception by strengthening our internal rules in an effort to put very valid concerns about improper conduct to rest, however unfounded those concerns may be. Mr. President, my amendment will say to the Federal judiciary that it, too, should join the legislative and executive branches in undertaking that task.

AMENDMENT NO. 1878 TO AMENDMENT NO. 1872 (Purpose: To express the sense of the Senate with respect to the regulation of the acceptance of gifts by the judicial branch)

Mr. BYRD. I urge my colleagues to support my amendment, which I now send to the desk. I ask that such time as I have already used be charged against the time under my control on the amendment, reserving only 5 minutes for my further control.

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

The clerk will report.

The legislative clerk read as follows:

The Senator from West Virginia [Mr. BYRD] proposes an amendment numbered 1878 to amendment No. 1872.

At the appropriate place in the amendment, insert the following:

SEC. . GIFTS IN THE JUDICIAL BRANCH.

It is the sense of the Senate that the Judicial Conference of the United States should review and reevaluate its regulations pertaining to the acceptance of gifts and the acceptance of travel and travel-related expenses and that such regulations should

cover all judicial branch employees, including members and employees of the Supreme Court of the United States.

The PRESIDING OFFICER. Who yields time?

The Chair recognizes the Senator from West Virginia.

Mr. BYRD. Mr. President, I ask unanimous consent to have printed in the RECORD the news article to which I have referred, March 5, 1995, Metro Edition, Minneapolis Star Tribune, so that the RECORD will show that I have read the article word for word, offering no interpretations of it on my part, with the exception of, from time to time, re-identifying a name for clarification for the reader or listener.

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

[From the Minneapolis Star Tribune, Mar. 5, 1995]

WEST AND THE SUPREME COURT; MEMBERS ACCEPTED GIFTS AND PERKS WHILE ACTING ON APPEALS WORTH MILLIONS TO MINNESOTA FIRM

(By Sharon Schmickle and Tom Hamburger)

"Equal Justice Under Law." These words, chiseled above the huge bronze doors of the Supreme Court, promise that its justices will be impartial.

Yet some parties who asked the court to review their claims against West Publishing Co. now wonder if they received equal treatment. The reason: Since 1983, West has treated seven Supreme Court justices to luxurious trips at posh resorts or hotels.

None of them saw the trips as reason to disqualify themselves from considering whether to hear five cases involving their host. In each of the five instances, the justices declined to review a lower court's decision, leaving intact a decision in favor of West.

The odds already were against West's opponents, because the high court each year agrees to hear fewer than 200 of the 5,000 or so requests for review.

Two of the West cases involved key copyright issues. And two cases were placed on lists indicating they were actively discussed at the justices' weekly conference.

All justices refused interviews, but two—Antonin Scalia and Lewis Powell, who's now retired—said in written responses that they saw nothing wrong with accepting expense-paid trips to attend meetings for what they regard as a worthy purpose. "That company [West] has been of great importance to the legal profession and to legal scholars," Powell wrote in response to the Star Tribune's inquiry.

Here's a review of the justices' trips and the West-related cases the Supreme Court considered:

1983

Byron White set the pattern for other justices. He accepted an invitation to serve on a committee to select the winner of the Edward J. Devitt Distinguished Service to Justice Award, a prize sponsored by West Publishing Co. The other committee members were Devitt and Judge Gerald Tjoflat of the 11th Circuit Court of Appeals. Each committee member was to serve for two years.

The committee could have reviewed candidates in St. Paul, where Devitt lived, or on the East Coast, where White and Tjoflat worked. Instead, they conducted their February meeting at Marriott's Rancho Las Palmas in Palm Springs, Calif. It's an appealing place—a four-star resort with tennis courts and 27 holes of golf—and West picked

up the tab. The trip gave White, a former All-American halfback, a chance to have a reunion with his old football coach, Johnny (Blood) McNally, who lived nearby. Spouses were invited.

West's CEO, Dwight Opperman, also attended the retreat, although he did not sit in on selection-committee meetings.

1984

The group considered going to Florida for its second meeting. But after consulting White, Devitt wrote to Opperman: "He said his wife was not too enthused about Florida. We discussed San Diego, but I pointed out to him that that place is not a warm spot in January or February."

California was selected. "Dwight Opperman has made a reservation for the 1984 meeting at Marriott's Las Palmas Hotel in Palm Springs (same as last year)," Devitt wrote to White. In the same letter, he said, "Dwight wants to have Johnny Blood McNally and his wife join us for recreation as before."

McNally, a graduate of St. John's in Collegeville, Minn., coached White when he played for the Pittsburgh Steelers. Devitt wrote McNally, inviting him and his wife to join the group for "social affairs."

A couple of weeks after the trip, paid for by West, White wrote to Devitt: "As usual, it was a pleasure to be with you even if your golf was intolerably good."

Another Supreme Court justice also benefited that year. Chief Justice Warren Burger was chosen to receive a special award from the Devitt committee. He donated his \$10,000 prize to an organization that promotes interest in the law.

Lewis Powell succeeded White on the Devitt panel. "Caneel Bay is a place my wife Jo and I always have hoped to visit," Powell wrote in a 1984 letter to Devitt.

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Within weeks of the suggestion, Opperman wrote to the justice, saying the gathering would take place at Caneel Bay. He promised to send resort brochures and invited the Powells to stay overnight in Miami the day before the committee was to meet. The letter reminded Powell: "The Devitt Committee travels first class, of course." And it said, "I will send you a check for the air fares right away and will reimburse you for incidental expenses as you advise me."

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"I re-read the brochure about the fancy hotel," Devitt wrote to O'Connor in December. "I'm sure we will have a good time there. Dwight Opperman and I talked about it at lunch yesterday."

About the time he wrote the letter, Donna Nelson, an assistant state attorney general in Austin, Texas, was writing the next petition the high court would receive asking it to hear a case against West.

For decades, West had published the statutes of Texas and some two dozen other states under an arrangement that was welcomed by state officials. But the harmonious relationship ended in 1985, when West tried to use copyright claims to block a competitor. Texas Attorney General Jim Mattox set out to challenge West's copyright claims in court. Nelson was assigned to write the briefs arguing that access to the law belonged to the people of Texas, not to a private company.

West didn't claim it owned the words in the law. But it claimed rights to the arrangement, numbers and titles of the various sections in the law. Without those elements, the law would be inaccessible, Texas argued.

Federal judges at the Fifth Circuit Court of Appeals agreed with a Texas judge who had granted West's request that the case be dismissed. When Nelson argued the case, one of the appeals court judges asked her, "Did West do something to make you mad?" Texas wasn't planning to publish the laws commercially and didn't have an "actual controversy" with West, the appeals judges ruled.

What was never disclosed to Nelson was that one of the three appeals court judges, John Minor Wisdom, had been a co-winner of the Devitt award four months before the panel issued its ruling against Texas. West had presented him with \$15,000 at a ceremony in New Orleans.

Nelson wasn't surprised when the Supreme Court rejected her petition for an appeal. But five years later—after learning from the Star Tribune that a circuit judge had accepted the cash award and justices had accepted expensive trips from the state's opponent—Nelson said: "That just breaks my heart. That's awful."

1990

Five days after the court rejected the Texas petition (apparently without disqualification by any member), O'Connor flew to Los Angeles to meet Opperman, Devitt and the others at the Bel Air Hotel.

After the trip, Devitt wrote to O'Connor: "We were all very happy to have John [her husband] with us at Bel-Air. He is a wonderful Irishman."

Later, O'Connor wrote to Devitt telling him "it was a great treat" to serve on the award committee and sent him photographs of the visit to California.

When she filed the financial disclosure forms judges are required to complete each year, she didn't report the West-paid trip. When the Star Tribune inquired about the form, she said through a court spokeswoman that it was an oversight and that it will be corrected.

John Paul Stevens got his invitation to serve on the Devitt committee in February. "I feel sure you will enjoy it," Devitt wrote to Stevens. Stevens responded by telephone, according to Devitt's handwritten notes, saying he wanted to meet in Florida.

That spring, Opperman wrote Stevens asking whether the justice and his wife, Maryan, preferred golf or tennis. Stevens wrote back: "It was most thoughtful of you to accommodate us. In response to your inquiry, we are both interested in tennis and golf."

1991

Stevens, his wife and other committee members met with the West executives in January at the Ritz-Carlton in Naples. Judge William J. Holloway Jr., who also attended, said judges were provided with suite accommodations courtesy of West. A receipt shows that Devitt's room charge was \$700 a night.

Meanwhile, in Washington, the court had received a fifth request to hear a case against West. Arthur D'Amario, a photographer from Rhode Island, had an altercation with security guards outside a rock concert at the Providence Civic Center and was convicted of simple assault. When his appeal was denied by the Rhode Island Supreme Court, West received a copy of the opinion as part of the material it routinely gathers for its books.

D'Amario tried to stop West from publishing the opinion, alleging it was libelous and would infringe on his privacy rights. Lower courts had ruled that they could not enjoin West from publishing an official court decision. D'Amario petitioned the Supreme Court to hear the case.

D'Amario did not know until last month that justices considering his case had been entertained by West. "I think they have a duty to notify the petitioner of a conflict of interest like this whether or not they think that the potential conflict affects their judgment," he said. "If I had known this, I might have raised an ethics complaint at the time."

D'Amario's petition came before the court's conference two months after Stevens returned from the Florida trip. The justices denied the petition on March 18.

D'Amario's petition marks the end of the requests the court has received since 1982 to hear cases against West. But the trips continued.

In May, Devitt wrote Stevens about plans for the January 1992 meeting of the committee. "We will probably meet either in

some Caribbean spot or on a boat trip out of some Florida port."

1992

Indeed, they did find a warm port. Stevens and his wife joined the committee for a January meeting in Nassau, the Bahamas, at Paradise Island Resort & Casino.

Another judge on the committee, Holloway of the 10th Circuit Court of Appeals in Oklahoma City, reported on his disclosure form that West provided "lodging, food, entertainment and miscellaneous courtesies."

Devitt died March 2. Few records about the committee meetings after his death are available.

1993

Antonin Scalia was the next justice to make a West-paid trip.

In January 1993, Scalia and his wife attended a Devitt committee meeting in Los Angeles, according to his financial disclosure form. Scalia had written to Devitt in August 1991 that he and his wife, Maureen, "look forward to a warm meeting place—though we will leave the selection to you."

Scalia did not list a value for the trip. However, another judge attending that session, Seventh Circuit Court Judge William Bauer, listed the value of the three days of West-sponsored lodging and travel at \$7,700.

1994

The Star Tribune was unable to determine where the Devitt committee met to make its decisions in 1994.

1995

Anthony Kennedy is the newest justice to join the Devitt committee. He attended his first meeting as a panelist in January at the posh Four Seasons hotel in New York City.

Kennedy joined the group after the court decided against hearing appeals in the Texas and D'Amario cases, and no West cases have come before the court since then.

Kennedy declined to release his correspondence concerning the Devitt committee. But Richard Arnold, chief judge of the Eighth Circuit, released letters he received from Opperman describing arrangements for the meeting:

"The committee and spouses usually eat dinner as a group. If there is some restaurant you especially want to try let me know," Opperman wrote to Arnold in October.

"There will be time for the theater and museums. I would like to know your interests so we can accommodate them."

The official business of the committee was taken care of in two three-hour meetings during the trip that lasted Jan. 22-25, Arnold said.

Mr. BYRD. Mr. President, I also ask unanimous consent to have printed in the RECORD, "Regulations of the Judicial Conference of the United States under title III of the Ethics Reform Act of 1989 Concerning Gifts."

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

REGULATIONS OF THE JUDICIAL CONFERENCE OF THE UNITED STATES UNDER TITLE III OF THE ETHICS REFORM ACT OF 1989 CONCERNING GIFTS

Authority: Ethics Reform Act of 1989, Pub. L. No. 101-194, §§301 and 303, 103 Stat. 1716, 1745-1747 (1989), as amended by Pub. L. No. 101-280, amending 5 U.S.C. §7351 and adding new §7353 to 5 U.S.C. These regulations are promulgated by the Judicial Conference of the United States under the authorities of 5 U.S.C. §§7351(c), 7353(b)(1) and (d)(1)(C).

§1. Purpose and Scope.

(a) These regulations implement 5 U.S.C. §§7351 and 7353, which prohibit the giving, solicitation, or acceptance of certain gifts by

officers and employees of the judicial branch and provide for the establishment of such reasonable exceptions to those prohibitions as the Judicial Conference of the United States finds appropriate.

(b) Nothing in these regulations alters any other standards or Codes of Conduct adopted by the Judicial Conference of the United States.

(c) Any violation of any provision of these regulations will make the officer or employee involved subject to appropriate disciplinary action.

§2. Definition of "Judicial Officer or Employee."

In these regulations, a "judicial officer or employee" means a United States circuit judge, district judge, judge of the Court of International Trade, judge of the Court of Federal Claims, judge and special trial judge of the Tax Court, judge of the Court of Veterans Appeals, bankruptcy judge, magistrate judge, commissioner of the Sentencing Commission, and any employee of the judicial branch other than an employee of the Supreme Court of the United States or the Federal Judicial Center.

§3. Definition of "Gift."

"Gift" means any gratuity, entertainment, forbearance, bequest, favor, the gratuitous element of a loan, or other similar item having monetary value but does not include: (a) modest items of food and refreshments, such as soft drinks, coffee and donuts, offered for present consumption other than as part of a meal; (b) greeting cards and items with little intrinsic value, such as plaques, certificates, and trophies, which are intended solely for presentation; (c) rewards and prizes given to competitors in contents or events, including random drawings, that are open to the public.

§4. Solicitation of Gifts by a Judicial Officer or Employee.

(a) A judicial officer or employee shall not solicit a gift from any person who is seeking official action from or doing business with the courts (or other employing entity), or from any other person whose interests may be substantially affected by the performance or nonperformance of the judicial officer or employee's official duties, including in the case of a judge any person who has come or is likely to come before the judge.

(b) A judicial officer or employee shall not solicit a contribution from another officer or employee for a gift to an official superior, make a donation as a gift to an official superior, or accept a gift from an officer or employee receiving less pay than himself or herself. This paragraph does not prohibit a judicial officer or employee from collecting voluntary contributions for a gift, or making a voluntary gift, to a official superior for a special occasion such as marriage, anniversary, birthday, retirement, illness, or under other circumstances or ordinary social hospitality.

§5. Acceptance of Gifts by a Judicial Officer or Employee, Exceptions.

A judicial officer or employee shall not accept a gift from anyone except for—

(a) a gift incident to a public testimonial, books, tapes, and other resource materials supplied by publishers on a complimentary basis for official use, or an invitation to the officer or employee and a family member to attend a bar-related function or an activity devoted to the improvement of the law, the legal system, or the administration of justice;

(b) a gift incident to the business, profession or other separate activity of a spouse or other family member of an officer or employee residing in the officer's or employee's household, including gifts for the use of both the spouse or other family member and the officer or employee (as spouse or family

member), provided the gift could not reasonably be perceived as intended to influence the officer or employee in the performance of official duties or to have been offered or enhanced because of the judicial employee's official position;

(c) ordinary social hospitality;

(d) a gift from a relative or friend, for a special occasion, such as a wedding, anniversary or birthday, if the gift is fairly commensurate with the occasion and the relationship;

(e) a gift from a relative or close personal friend whose appearance or interest in a case would in any event require that the officer or employee take no official action with respect to the case;

(f) a loan from a lending institution in the regular course of business on the same terms generally available to persons who are not officers or employees;

(g) a scholarship or fellowship awarded on the same terms and based on the same criteria applied to other applicants; or

(h) in the case of a judicial officer or employee other than a judge or a member of a judge's personal staff, a gift (other than cash or investment interests) having an aggregate market value of \$50 or less per occasion, provided that the aggregate market value of individual gifts received from any one person under the authority of this subsection shall not exceed \$100 in a calendar year;

(i) any other gift only if:

(1) the donor has not sought and is not seeking to do business with the court or other entity served by the judicial officer or employee; or

(2) in the case of a judge, the donor is not a party or other person who has come or is likely to come before the judge or whose interests may be substantially affected by the performance or nonperformance of his or her official duties; or

(3) in the case of any other judicial officer or employee, the donor is not a party or other person who has had or is likely to have any interest in the performance of the officer's or employee's official duties.

§6. Additional Limitations.

Notwithstanding the provisions of section 5, no gift may be received by a judicial officer or employee in return for being influenced in the performance of an official act or in violation of any statute or regulation, nor may a judicial officer or employee accept gifts from the same or different sources on a basis so frequent that a reasonable person would be led to believe that the public office is being used for private gain.

§7. Disclosure Requirements.

Judicial officers and employees subject to the Ethics in Government Act of 1978 and the instructions of the Financial Disclosure Committee of the Judicial Conference of the United States must comply with the Act and the instructions in disclosing gifts.

§8. Advisory Opinions.

The Committee on Codes of Conduct of the Judicial Conference of the United States is authorized to render advisory opinions interpreting Title III of the Ethics Reform Act of 1989 (5 U.S.C. 7351 and 7353) and these regulations. Any person covered by the Act and these regulations may request an advisory opinion by writing to the Chairman of the Committee on Codes of Conduct, in care of the Administrative Office of the United States Courts, Washington, D.C. 20544.

§9. Disposition of Prohibited Gifts.

(a) A judicial officer or employee who has received a gift that cannot be accepted under these regulations should return any tangible item to the donor, except that a perishable item may be given to an appropriate charity, shared within the recipient's office, or destroyed.

(b) A judicial agency may authorize disposition or return of gifts at Government expense.

COMMENTARY

All officers and employees of the judicial branch hold appointive positions. Title III of the Act thus applies to all officers and employees of the judicial branch. However, the Judicial Conference has delegated its administrative and enforcement authority under the Act for officers and employees of the Supreme Court of the United States to the Chief Justice of the United States and for employees of the Federal Judicial Center to its Board. For this reason, the definition of "judicial officer or employee" does not include every judicial officer or employee whose conduct is governed by Title III. For purposes of Title III and these regulations, employees of the Tax Court and the Court of Veterans Appeals are employees of the judicial branch.

These regulations do not repeal the gift provisions of the Codes of Conduct heretofore promulgated by the Judicial Conference. The scope of the gift provisions of the Codes exceeds that of these regulations and the statute, however, in that they impose certain responsibilities on an officer or employee with respect to the receipt of gifts by members of the officer's or employee's family residing in his or her household.

Section 5 of these regulations is based upon Canon 5C(4) of the Code of Conduct for United States Judges.

Reimbursement or direct payment of travel expenses, including the cost of transportation, lodging, and meals, may be a gift and, if so, its acceptance is governed by these regulations. A judge or employee may receive as a gift travel expense reimbursement for the judge or employee and one relative incident to the judge's attendance at a bar-related function or at an activity devoted to the improvement of the law, the legal system, or the administration of justice. A report of the payment of travel expenses as a gift or otherwise may be required on the Financial Disclosure Report.

A judge covered by the Judicial Councils Reform and Judicial Conduct and Disability Act of 1980 (28 U.S.C. §§332(d)(1), 372(c)) who violates these regulations shall be subject to discipline as provided in that Act. Any other judicial officer or employee who violates these regulations shall be subject to discipline in accordance with existing customary practices.

NOTES

1. The "Regulations of the Judicial Conference of the United States Under Title III of the Ethics Reform Act of 1989 Concerning Gifts" were adopted on May 18, 1990, by the Judicial Conference, through its Executive Committee.

2. On August 15, 1990, the Judicial Conference, through its Executive Committee, amended these regulations to implement the prohibition against gifts to superiors as required by the Ethics Reform Act of 1989, 5 U.S.C. §7351.

3. At its March 1991 session, the Judicial Conference amended these regulations to include procedures for requesting advisory opinions from the Committee on Codes of Conduct interpreting Title III and these regulations.

4. These regulations were amended by the Judicial Conference at its September 1991 session to cover the Tax Court and the Sentencing Commission, exclude compensation for teaching received by senior judges from the 15% cap on outside earned income, and make certain minor technical corrections.

5. The Judicial Conference amended these regulations at its March 1992 session to cover judges and employees of the Court of Veterans Appeals.

6. At its September 1994 session, the Judicial Conference renumbered these regulations and revised them to include a new definition of the term "gift;" a new section 4(a) prohibiting the solicitation of gifts; revised sections 4(b), 5(b), and 6 incorporating general limitations on the acceptance of gifts; a new section 5(h) permitting most employees to accept gifts of minimal value; and a new section 9 regarding the return or disposal of gifts that may not properly be accepted.

Mr. MCCAIN addressed the Chair.

Mr. BYRD. Mr. President, I yield to the distinguished Senator.

The PRESIDING OFFICER. The Chair recognizes the Senator from Arizona.

Mr. MCCAIN. Mr. President, have the yeas and nays been ordered? Did the Senator from West Virginia want the yeas and nays?

The PRESIDING OFFICER. They have not.

Mr. MCCAIN. Does the Senator from West Virginia seek the yeas and nays?

Mr. BYRD. Yes.

Mr. MCCAIN. Mr. President, I ask for the yeas and nays on the Byrd amendment.

The PRESIDING OFFICER. Is there a sufficient second?

There is a sufficient second.

The yeas and nays were ordered.

Mr. MCCAIN. Mr. President, I ask unanimous consent to send to the desk an amendment by Senator STEVENS that has been accepted by both sides. I realize this amends the unanimous consent procedure that has been agreed to by both sides. The amendment states the Rules Committee would be allowed to accept gifts on behalf of the Senate.

The PRESIDING OFFICER. Is there objection?

Mr. BYRD. Mr. President, I have no objection, but shall we yield back the time on my amendment first?

Mr. MCCAIN. Mr. President, I yield all time on this side on the Byrd amendment.

I will take up the Stevens amendment after the vote on the Byrd amendment.

Mr. BYRD. Mr. President, I yield my time and I thank the distinguished Senator from Arizona.

VOTE ON AMENDMENT NO. 1878

The PRESIDING OFFICER. All time is yielded back. The question is on the amendment.

The clerk will call the roll.

The bill clerk called the roll.

Mr. LOTT. I announce that the Senator from Oklahoma [Mr. INHOFE] and the Senator from Alaska [Mr. MURKOWSKI] are necessarily absent.

The PRESIDING OFFICER (Mrs. HUTCHISON). Are there any other Senators in the Chamber who desire to vote?

The result was announced—yeas 75, nays 23, as follows:

[Rollcall Vote No. 341 Leg.]

YEAS—75

Abraham	Bennett	Breaux
Akaka	Bond	Bryan
Ashcroft	Boxer	Bumpers
Baucus	Bradley	Burns

Byrd	Helm	Murray
Campbell	Hollings	Nickles
Coats	Hutchison	Nunn
Cohen	Inouye	Pell
Conrad	Jeffords	Pressler
Coverdell	Johnston	Pryor
Daschle	Kennedy	Reid
DeWine	Kerrey	Robb
Dodd	Kerry	Rockefeller
Dole	Kohl	Sarbanes
Dorgan	Kyl	Shelby
Exon	Lautenberg	Simon
Faircloth	Leahy	Simpson
Feingold	Levin	Smith
Ford	Lieberman	Snowe
Frist	Lott	Specter
Glenn	Lugar	Stevens
Grassley	McCain	Thomas
Gregg	McConnell	Thurmond
Harkin	Mikulski	Warner
Hatfield	Moseley-Braun	Wellstone

NAYS—23

Biden	Feinstein	Kempthorne
Bingaman	Gorton	Mack
Brown	Graham	Moynihan
Chafee	Gramm	Packwood
Cochran	Grams	Roth
Craig	Hatch	Santorum
D'Amato	Heflin	Thompson
Domenici	Kassebaum	

NOT VOTING—2

Inhofe	Murkowski
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So the amendment (No. 1878) was agreed to.

Mr. BYRD. Madam President, I move to reconsider the vote by which the amendment was agreed to.

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

The motion to lay on the table was agreed to.

Mr. MCCAIN. Madam President, I ask unanimous consent that I be allowed to offer an amendment on behalf of Senator STEVENS on behalf of the Rules Committee. The amendment would clarify that the Rules Committee is authorized to accept gifts on behalf of the Senate. It is my understanding this amendment is acceptable to both sides.

The PRESIDING OFFICER. Is there objection? Without objection, it is so ordered.

AMENDMENT NO. 1879

(Purpose: To allow the Rules Committee to accept gifts on behalf of the Senate)

Mr. MCCAIN. Madam President, I have an amendment at the desk. I ask for its immediate consideration.

The PRESIDING OFFICER. The clerk will report the amendment.

The assistant legislative clerk read as follows:

The Senator from Arizona [Mr. MCCAIN], for Mr. STEVENS, proposes an amendment numbered 1879.

Mr. MCCAIN. Madam 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 end of the substitute amendment, add the following:

SEC. 3. ACCEPTANCE OF GIFTS BY THE COMMITTEE ON RULES AND ADMINISTRATION.

The Senate Committee on Rules and Administration, on behalf of the Senate, may accept a gift if the gift does not involve any duty, burden, or condition, or is not made dependent upon some future performance by the United States. The Committee on Rules and Administration is authorized to promulgate regulations to carry out this section.

The PRESIDING OFFICER. The question is on agreeing to the amendment.

So the amendment (No. 1879) was agreed to.

Mr. FORD. Madam President, I move to reconsider the vote by which the amendment was agreed to.

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

The motion to lay on the table was agreed to.

Mr. FORD. Madam President, the next item on the agenda, I believe, is the so-called Rockefeller amendment?

The PRESIDING OFFICER. The Senator is correct.

Mr. FORD. I have been advised that Senator ROCKEFELLER will not offer that amendment. Therefore, I ask unanimous consent that the amendment and the time assigned to it be vitiated.

The PRESIDING OFFICER. Is there objection? The Chair hears none, and it is so ordered.

Mr. FORD. I thank the Chair.

AMENDMENT NO. 1880

The PRESIDING OFFICER. Under the previous order, the Senator from Minnesota [Mr. WELLSTONE] is recognized to offer an amendment on which there shall be 1 hour of debate equally divided.

Mr. WELLSTONE. I thank the Chair.

Madam President and my colleagues, many of whom I know have travel plans, I think we have now come to a very good, solid agreement so I do not think we will need an hour for debate. I think we can do this in just a few minutes.

The amendment that I am sending to the desk makes a great deal of sense. What we are going to do in this amendment is we will have—this goes back to a debate we had just about an hour ago in this Chamber.

Anything under \$10 is de minimis, and that does not count toward the aggregate. Then anything above \$10 counts toward what will be an aggregate limit that Senators cannot go beyond, in terms of receiving meals or any kind of gift from any lobbyist or other special interest. Likewise, we can keep the \$50; anything over \$50 cannot be accepted.

So, Madam President, I think we are back on the reform track. The concern that some of us had about the prior amendment—and frankly, I say this to my good friend from Louisiana, I think this was more just a misunderstanding—we did not really see an aggregate limit and saw it as being very open-ended, in which case gifts could be given and gifts could be received in perpetuity, as long as they were under \$50. This may have been an honest confusion. Now we have an amendment that brings us together. It sets some very reasonable standards. I know the Senator from Arizona wants to speak. I send this amendment to the desk.

The PRESIDING OFFICER. The clerk will report the amendment.

The assistant legislative clerk read as follows:

The Senator from Minnesota [Mr. WELLSTONE], for himself, Mr. FEINGOLD, Mr. LAUTENBERG, Mr. MCCAIN and Mr. LEVIN, proposes an amendment numbered 1880.

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

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

The amendment is as follows:

Strike paragraph 1(a) and insert in lieu thereof the following:

"1. (a)(1) No Member, officer, or employee of the Senate shall knowingly accept a gift except as provided in 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 \$50, and a cumulative value from one source during a calendar year of less than \$100. No gift with a value below \$10 shall count towards the \$100 annual limit." 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.

Mr. WELLSTONE. I reserve the remainder of my time.

Mr. MCCAIN addressed the Chair.

The PRESIDING OFFICER. The Senator from Arizona.

Mr. MCCAIN. Madam President, I want to thank the Senator from Minnesota for this amendment, and it is very important. It is a very, very important amendment because, basically, it aggregates. So, therefore, I think my friend from Minnesota will agree with me, the ultimate effect is we have gone from the original bill, which was a \$20-\$50 to \$50 and \$100 with aggregation. So there has been an increase, not one that the sponsors of this legislation supported, but far, far different—far, far different—from the amendment that was adopted which allowed someone to take 49.99 dollars' worth every day from the same person. Now that can happen twice.

I think it strengthens the bill dramatically, and I appreciate the fact that the Senator from Minnesota uses his amendment for this, because it makes a significant change in this bill as to how it would have looked with the passage of the Lott amendment. I want to thank the Senator from Minnesota for that. I am glad it is going to be accepted on both sides.

I yield the floor.

Mr. LEVIN addressed the Chair.

The PRESIDING OFFICER. Who yields time?

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

Mr. LEVIN. Madam President, let me congratulate the Senator from Minnesota and all the others who have worked on this amendment. Those of us who opposed the Lott amendment saw two problems with that amendment. First, was the limit of \$50 was too high. We preferred the executive limit branch of \$20.

The second problem with the Lott amendment that we saw was that it allowed unlimited gifts under \$50, be-

cause under \$50 did not count toward the aggregate. That was the second big problem that we saw with the Lott amendment.

The Wellstone amendment cures the second problem, and I want to thank the Senator from Mississippi and others who have worked on this matter. We have tried to work through most of the problems, and we really succeeded. We did a lot of good work in the last few days. We solved almost all the problems—not quite all—and we created a few for ourselves as well. But nonetheless, I think this represents significant progress.

I want to, again, thank the Senator from Minnesota—the Senator from Arizona has worked so, so hard on this whole bill—for improving the Lott amendment in this way.

Mr. FEINGOLD addressed the Chair.

The PRESIDING OFFICER. Who yields time?

Mr. WELLSTONE. Madam President, I yield whatever time the Senator from Wisconsin needs.

Mr. FEINGOLD. Madam President, I am not new to the legislative process. I am new to the Senate. I have been a legislative officer for 13 years. I have gotten used to the ups and downs. I never thought I would experience a situation where we lost and then realize we actually won. I just went through that.

I was very disappointed in the last vote because of the reasons I stated. The original McConnell suggested amendment would have allowed up to \$100 a day from the same source. So we came up with a figure potential of \$36,500. Senator MCCONNELL did reverse his position on that and cosponsored the McCain amendment.

Mr. MCCONNELL. Will the Senator yield?

Mr. FEINGOLD. Yes, I will yield.

Mr. MCCONNELL. Madam President, I assume the Senator is familiar with the legislative process around here. We often begin for purposes of negotiation. I will say, continuing to meet on the first product is not inconsistent with the spirit of bipartisanship, with which we have come to conclusion.

We have a good bill everybody can feel proud to have participated in. I think we proceeded with the best sense of bipartisanship. As Senator BYRD indicated yesterday, it seems to me that we need a little bit more of that around here. I think it would be good for all of us.

Mr. FEINGOLD. My purpose in rising is to indicate how pleased I am in how the bipartisan process has worked its way. I merely want to be clear, because there were some representations made about our proposal about an hour ago that were just plain wrong. I want to make sure the RECORD is clear.

We have now reached agreement in this body on aggregation, that there should be an aggregated total of \$100. I would have preferred \$50. In fact, I would have preferred zero, as we have in Wisconsin.

The key change now achieved, the only real exception to that, is the amount under \$10 is not counted. That is a huge difference between not counting everything under \$50, at least back in my home State. It would be nearly impossible for someone to gain in this system, to have to run around and get a gift for under \$10.

Let me say, I do not believe anybody in this body would ever do anything like that or has done anything like that. I just think the American people want to see a set of rules that they can look at and say on their face, guaranteed, this will not happen.

I am very pleased. I want to thank the Senator from Mississippi, and others, as well as, of course, Senator WELLSTONE for coming to this conclusion. I believe it does bring us at least 90 percent of the way toward the ultimate reform that ought to occur.

Mr. MCCAIN. Will the Senator yield me 30 seconds?

Mr. FEINGOLD. I yield.

Mr. MCCAIN. I want to point out the Senator from Kentucky has been an active participant in all the negotiations. We appreciate his efforts and comity and accommodations. He, and others mentioned by the Senator from Michigan, deserves great credit for showing a spirit of compromise. We know how strongly held his views are.

There is no doubt a week ago, I say to my friends, no one believed we would be where we are today. It took a great deal of compromise on the part of the original sponsors of the bill and also on the part of the Senator from Kentucky, as well as others and, of course, the great facilitator, the Senator from Mississippi.

I hope the record is clear that this was a bipartisan effort, although it is still fraught with a significant amount of controversy.

I thank the Senator from Wisconsin.

Mr. WELLSTONE. Madam President, my understanding is we have strong support. We are just going to voice vote this. I believe that the vote on the individual gifts was a mistaken vote, because we did not have the aggregate limit. I think that was a loophole we did not want to have.

We have come together now. That is what matters. I thank Senator MCCAIN. It has been really fascinating working with the Senator from Arizona, and that is the way I describe it. It has been an experience I will write about in my journal. I appreciate working with him.

I thank Senator LEVIN, who perhaps has the most knowledge about these issues on reform and has been at this as long as anybody in the Senate.

I thank Senator LAUTENBERG for his fine work, and certainly my colleague from Wisconsin. I love having him as a colleague in the neighboring State of Wisconsin. Also, Senator BREAUX, Senator MCCONNELL, Senator LOTT, the majority leader.

We have now come together. We are ready to vote on this. I am very proud

of what I think is a reform bill that is going to make a real difference.

I yield the floor and hope we move to a vote.

The PRESIDING OFFICER. Is there further debate?

Mr. McCAIN. Did the Senator yield back the remainder of his time?

Mr. WELLSTONE. I yield back the remainder of my time.

Mr. LOTT. Madam President, we yield back the remainder of our time on this side.

The PRESIDING OFFICER. The question is on agreeing to the amendment.

So the amendment (No. 1880) was agreed to.

The PRESIDING OFFICER. Under the previous order, the majority leader is recognized to offer an amendment, on which there will be 35 minutes for debate.

Mr. DOLE. I withdraw the amendment.

Mr. SANTORUM. Madam President, I think it is very important that everyone recognize the significance of what we in the Senate are doing by reforming the rules by which Members of the Senate may accept gifts. I strongly support a fair and workable gift reform bill and hope very much that the House of Representatives will see fit to swiftly pass similar legislation.

The Senate need not and will not wait for the House of Representatives to act. We, upon passing this bill, will pass a Senate resolution amending the rules of the Senate to reflect the new gift provisions. What I want to touch on very briefly is the significance of amending the Senate rules. The amending of our rules represents a significant act. While some have suggested that we must and can only enact legislation to achieve reform, and while I intend to support such legislation, the fact is that we in the Senate will have achieved real gift reform when we pass a resolution amending our rules. The rules of the Senate, and of the House of Representatives, are full legal authorities promulgated under the express grant of power of article I, section 5 of the U.S. Constitution. Because we are acting from a direct grant of constitutional authority, these rules are for all intents and purposes "laws."

I emphasize this point because while the great weight of constitutional authority has long endorsed the significance, the power, and the role as law of the rules of the Senate and the House, a few recent court decisions have seemed to go against this overwhelming weight of authority. But no aberrational decisions of the lower courts should change in any way the fact that by amending the rules of the Senate we are acting under our constitutional grant of authority and we are taking a significant step having the full force and effect of law.

Madam President, I am pleased that this legislation is before us today, and I support its passage.

Mr. HATFIELD. Madam President, recent polls have shown that public ap-

proval of Congress is dismally low. The American people have tired of what they perceive as business as usual in Washington. A politician has ceased to be a word to describe a political leader, but instead it embodies a perception of Members of Congress who pander to special interest and are steeped in corruption. It saddens me to think that the greatest deliberative body in the world and the very bedrock of our democracy is held in such ill repute. While I do not think gifts necessarily translate into influence peddling by special interests, we need to avoid all appearances of impropriety if we are serious about regaining the public trust.

Our business as legislators is invalid and inconsequential if we cannot command the respect of the people we serve. The Lobbying Disclosure Act of 1995 and the Senate gift rule reforms will not wholly restore the public's confidence in the institution in which we serve, but I believe they take significant steps in the right direction. The status quo is not sufficient, and I am encouraged by the bipartisan support for these measures. I have adopted a gift ban for myself, and I welcome the extension of a similar policy to the entire Senate.

The time has come for the reforms proposed in these two pieces of legislation. We must be guided by the premise that the public's trust and confidence are more important than anything else. This bill eliminates many appearances of impropriety and it enables us to make strides at restoring the people's faith in democracy.

Mr. DODD. Madam President, there is no question that we need gift and lobbying reform. I believe every Member of the Senate agrees on that point.

But let us not fool ourselves. The impact of any gift reform bill we adopt—both substantively and in terms of public perception—will be minimal. I say this because of my firm conviction that the need for gift reform is utterly dwarfed by the need to clean up our campaign finance system. If we ban gifts without adopting campaign finance reform, a senator would not be allowed to accept a \$51 dinner from an individual, but during the dinner that individual could hand the Senator a check for \$1,000. I hope that once we complete this debate, we will go on to campaign finance and adopt real reform for the American people.

I hope that in adopting gift reform legislation we don't become so hide-bound by rules and regulations that it becomes difficult to do our jobs. In going about their every-day business, Senators should not constantly be asking ethics attorneys to decipher what is and what is not allowed. Careers should not rise or fall on the answers to a never-ending parade of nit-picking questions. That would be unfortunate and unfair.

Instead of engaging in a picayune debate over a suffocating code of conduct, I wish we could have a full-blown dis-

cussion about the concept of personal responsibility in the Senate and in society at-large. This is a principle that unfortunately has eroded over the years, in part due to the growth of rules and ethics codes governing every aspects of our lives. These rules are all well-intentioned, and many of them are needed. But they have had the unintended consequence of allowing us to pass the buck when we face moral dilemmas large and small. Instead of consulting our consciences, we call the ethics officer. Instead of taking responsibility for our actions and their results, we hide behind the opinions of attorneys and experts.

I believe that individual Senators know how to judge right from wrong in their dealings with lobbyists and others. I believe Senators should be accountable to their consciences and to their constituents—not to a code of rules and regulations.

My pledge has always been that I do nothing in my conduct as a Senator that I cannot explain to the people of Connecticut. I think that is a rigorous, fair and accountable standard to which we should all adhere.

Mr. PELL. Madam President, as I stated when the Senate acted on gift ban legislation last year, we have ventured into the treacherous shoals of self-regulation.

I am supporting the bill, as indeed I have always supported reforms that will benefit the Senate as an institution. But I support this bill with somewhat muted enthusiasm.

In passing this bill, we are responding once again to the public's perception of the political process and the public's presumption of what our standards and motives may be.

These perceptions and presumptions must be dealt with, to be sure, but I for one find them to be often inaccurate and frequently demeaning. And the proposed remedies usually are unduly intrusive.

We should be under no illusion, I believe, that public perceptions, amplified by media attention, can be neutralized or satisfied by legislative fiat.

In the final analysis, the only way to change or disprove public perceptions and presumptions is for each of us to demonstrate integrity in all our actions.

Guidelines and rules are helpful, to be sure. But it seems to me that the best guidelines are the simplest.

I am troubled by the fact that the legislation we have passed does not meet the test of simplicity. It includes 23 exceptions and exemptions, covering ten pages of the bill, each of which is subject to expanded interpretation and challenge.

I regret, also, that the bill imposes rigid dollar limits, which while more reasonable than originally proposed, still seem unduly restrictive. I was pleased to support the Lott amendment raising the ceiling on aggregated giving, but the subsequently adopted threshold for aggregating seems unreasonably low.

The legislation of course does have redeeming features. One of the most significant, to my mind, is the prohibition on acceptance of elaborate and luxurious recreational trips at lobbyists' expense.

And the basic intent of the legislation certainly is praiseworthy, namely to remove extraneous and improper influence, when it does occur, from the legislative process.

Finally, I would applaud the fine sense of compromise that prevailed in winning approval of the legislation without time consuming and acrimonious debate. For that, the Senate and the Nation are better off.

VOTE ON AMENDMENT NO. 1872, AS MODIFIED

The PRESIDING OFFICER. The question is on the substitute amendment offered by Senator McCain, No. 1872.

Mr. LEVIN. Madam President, before that, I am just going to spend 30 seconds to clarify a point on the request of Senator JOHNSTON, if I have time. He has asked a question about hospitality at an embassy, at a chancellery. I wanted to assure him and the body, at his request, that the personal hospitality exception is intended to cover such hospitality at embassies and chancelleries.

Madam President, I want to pay particular tribute to Linda Gustitus and Peter Levine of my staff.

Night after night, week after week, month after month, they successfully pulled ideas into workable solutions in both lobby reform and gift reform. What a week of political reform these two great staffers helped produce. How much this Senate and this Nation and I personally owe them.

I yield the floor.

The PRESIDING OFFICER. The question is on agreeing to the McCain amendment No. 1872.

The amendment (No. 1872), as modified, as amended, was agreed to.

The PRESIDING OFFICER. The question is on the engrossment and third reading of the bill.

The bill was ordered to be engrossed for a third reading and was read the third time.

SENATE GIFT REFORM

The PRESIDING OFFICER. The clerk will report the resolution.

The bill clerk read as follows:

A resolution (S. Res. 158) to provide for Senate gift reform.

The Senate proceeded to consider the resolution.

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

The PRESIDING OFFICER. Is there a sufficient second?

There is a sufficient second.

The yeas and nays were ordered.

The PRESIDING OFFICER. The question is on agreeing to the resolution.

Mr. DOLE addressed the Chair.

The PRESIDING OFFICER. The majority leader is recognized.

Mr. DOLE. I congratulate all of my colleagues involved in these negotiations. I think we have a good bill, one that we can be proud of, that has been brought about by bipartisan consensus and negotiation. I think this is one issue we want to get behind us. We have done that with what I think will be a unanimous vote. We promised to complete this action by today, and we have done that. We have also taken care of lobbying reform. I thank the Senator from Michigan, the Senator from Arizona, the Senator from Wisconsin, the Senator from Kentucky, Senator BREAU, Senator WELLSTONE, Senator JOHNSTON, Senator FEINGOLD, and many others who have been involved directly. It is always more difficult when it affects us. In my view, we have a good result and one that ought to be supported by everyone.

The PRESIDING OFFICER. The question is on agreeing to Senate resolution 158.

The yeas and nays have been ordered.

The clerk will call the roll.

The assistant legislative clerk called the roll.

Mr. LOTT. I announce that the Senator from Oklahoma [Mr. INHOFE] and the Senator from Alaska [Mr. MURKOWSKI] are necessarily absent.

The PRESIDING OFFICER. Are there any other Senators in the Chamber desiring to vote?

The result was announced—yeas 98, nays 0, as follows:

[Rollcall Vote No. 342 Leg.]

YEAS—98

Abraham	Feingold	Lugar
Akaka	Feinstein	Mack
Ashcroft	Ford	McCain
Baucus	Frist	McConnell
Bennett	Glenn	Mikulski
Biden	Gorton	Moseley-Braun
Bingaman	Graham	Moynihan
Bond	Gramm	Murray
Boxer	Grams	Nickles
Bradley	Grassley	Nunn
Breaux	Gregg	Packwood
Brown	Harkin	Pell
Bryan	Hatch	Pressler
Bumpers	Hatfield	Pryor
Burns	Heflin	Reid
Byrd	Helms	Robb
Campbell	Hollings	Rockefeller
Chafee	Hutchison	Roth
Coats	Inouye	Santorum
Cochran	Jeffords	Sarbanes
Cohen	Johnston	Shelby
Conrad	Kassebaum	Simon
Coverdell	Kempthorne	Simpson
Craig	Kennedy	Smith
D'Amato	Kerrey	Snowe
Daschle	Kerry	Specter
DeWine	Kohl	Stevens
Dodd	Kyl	Thomas
Dole	Lautenberg	Thompson
Domenici	Leahy	Thurmond
Dorgan	Levin	Warner
Exon	Lieberman	Wellstone
Faircloth	Lott	

NOT VOTING—2

Inhofe Murkowski

So the resolution (S. Res. 158) was agreed to.

Mr. DOLE. Madam President, I move to reconsider the vote by which the resolution was agreed to.

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

The motion to lay on the table was agreed to.

MEASURE INDEFINITELY

POSTPONED—S. 1061

The PRESIDING OFFICER. The Chair announces that S. 1061 is indefinitely postponed.

The Chair recognizes the majority leader.

Mr. DOLE. Madam President, the American people sent us a message last November. A lot of us might prefer to think that message was directed to the executive branch alone. But part of that message was directed to Congress. The American people want a Congress accountable to them, and them alone. The American people want us to rein in our appetites and to take the steps necessary to correct the perception that Congress suffers from an arrogance that shields it from the dramatic changes sweeping this country.

I am pleased that we have responded, and I am pleased that we have done so in a bipartisan manner. The very first legislation passed in this Congress was a requirement that Congress would henceforth live under the same laws that apply to everyone else. We have begun the hard task of living under a balanced budget just like most Americans do every day. Several days ago, we passed the next installment on reform legislation, legislation which reformed the way lobbyists do business in our Nation's Capital.

And, today, we have passed the next congressional reform package, one which directly confronts the concerns many Americans might have about how we conduct our business. Now, I think in most cases the problem of gifts to Members is one of perception. But I think respect for the institution of the Senate demands that we take the extra steps necessary to ensure that perceptions do not become reality. We have done that today.

I have in the past made clear that if it was necessary I would be prepared to eliminate all gifts—I do not go out to dinner with lobbyists. But I do not think anyone around here has cornered the market on integrity and the bipartisan package before us is a good balance of the need for reform and the need for common sense.

We certainly do not intend to place Members in the awkward position of refusing a gift of nominal value when addressing, say, the local Kiwanis Club, and situations like these are addressed in a reasonable way by this bipartisan package. If these reforms turn out to be insufficient, then we will tighten them up further.

I want to pay tribute to those on both sides of the aisle who worked so hard to resolve very real differences—Senators MCCAIN and LEVIN, in particular, who worked so hard to resolve these differences.

I would like to thank Senator LOTT for heading up a bipartisan task force that produced this gift reform package. He and his assistant, Alison Carroll, did a superb job. And, finally, I would like to thank Senator MCCONNELL, who was ably assisted by Melissa Patack,