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Senate

(Legislative day of Tuesday, March 5, 1996)

The Senate met at 9:30 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:

Lord God, You are infinite, eternal, unchangeable, and the source of wisdom, holiness, goodness, and truth. Today we want to hold together two Biblical admonitions. We are told that the fear of the Lord is the beginning of wisdom but also that we are not to fear. Help us to distinguish between the humble awe and wonder that opens us to the gift of Your guidance, and the negative panic that so often grips our souls.

Give us a profound reverence in Your presence that keeps us on the knees of our hearts. May we never presume that we are adequate for a day's challenges until we have received Your strength and vision. Give us the confidence that comes from trust in Your reliability and resourcefulness. You never let us down and constantly lift us up.

Lord, liberate us from all minor fears that haunt us: the fear of hidden memories, the fear of imagined failure, and the fear of what is ahead. We may not know what the future holds, but we do know that You hold the future. In the name of Him whose constant watch word is ''Fear not, I am with you!'' Amen.

RECOGNITION OF THE ACTING MAJORITY LEADER

The PRESIDENT pro tempore. The distinguished acting majority leader, Senator LOTT, is recognized.

SCHEDULE

Mr. LOTT. Mr. President, today there will be a period for morning business until the hour of 11 a.m., with Senators permitted to speak therein for 5 minutes each, with the following exceptions: Senator FEINSTEIN, for 15 minutes; Senator DORGAN, for 15 minutes, Senator BINGAMAN, for 30 minutes; Senator THOMAS, for 30 minutes.

At the hour of 11 a.m., it will be the intention of the leadership to begin consideration of a resolution regarding the extension of the Whitewater Committee. Rollcall votes are, therefore, possible during today's session.

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

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

The assistant legislative clerk proceeded to call the roll.

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 President, I ask unanimous consent that the order for the quorum call be rescinded.

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

The Senator from North Dakota is recognized for 15 minutes.

THE AMERICAN PEOPLE HAVE CHOICES TO MAKE

Mr. DORGAN. Mr. President, yesterday was so-called Junior Tuesday, where there were a lot of Presidential primaries in our country. It is one more step in this public discussion that happens every even numbered year under the Constitution in our country whereby the American people make choices about their future.

It is interesting to watch the political system this year because the discussion and debate in our political system is fascinating and interesting to me and, I think, millions of others. There is one area especially that has me confused. We have, at the same time, candidates for public office who will tell us that this country is in terrible shape, America is in deep trouble, the Congress cannot do anything right, and America is going down the wrong road. We have other candidates who say that the solution to at least one of our problems is to build a fence between the United States and Mexico to keep immigrants out.

I scratch my head and wonder, why would we want to build a fence to keep people out? Why do people want to come? Because this is a wonderful place, a remarkable country, a country full of hope and opportunity, a country many others look to as a beacon of hope in the world. So what is the disconnection here? Why is it that one group of people say it is an awful place, this country is going to hell in a handbasket, and other people say we have too many people who want to come here, so let us build fences to keep them out?

I could make the case as a politician, find a lectern and an audience and go on the stump and tell people about America: There are 23,000 murders a year, and we are the murder capital of the world. The United States consumes 50 percent of the world's cocaine. There are 110,000 rapes in a year, and there are a million violent aggravated assaults in a year. Ten million people are looking for work, 25 million are on food stamps, and 40 million people are living in poverty. There will be a million and a quarter babies born this year without a father present at the birth, and 900,000 of those babies will never in their lifetimes learn the identity of their fathers.

I can talk about the challenges and the troubles in this country. We entertain ourselves with everybody's dysfunctional behavior. We, every day and every way, on television and elsewhere, hold it up to the light on Oprah and Phil and Geraldo and Ricki, all of those programs, and say, ''Is this not ugly?'' ''Is this not awful?'' Yes, it is ugly. But it is the exception. So it becomes entertainment, entertaining people with other people's dysfunctional behavior.

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

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This country is much, much more than any of that. The crime, the poverty, and the unemployment are challenges we have to respond to in this country. But this is a country that got through a civil war and united on the other side. This is a country that survived a depression and got through on the other side. This is a country that defeated Hitler and cured polio and put a man on the Moon. This is a country with remarkable resources and remarkable will.

The question is, How do we as a country and as a government—a representative government as called for in our Constitution—together create the things and do the things necessary to advance our country's interests and make it a stronger, better country for everybody in the future? We have a chorus of people who tell us that the solution is just get rid of Government. The problem is our Government.

We have done a lot of good things in this country together. I worry about a country where we treat as a public sport an effort to essentially try to denigrate our institutions. I worry about a democracy where there is not respect for the institution of government, because government is all of us. The people rule this place. Nobody but the people rule this Senate, because the people determine who serves here. Those they want out will very soon be out; those they want to retain, who they believe fight for the right public policies and the right kind of future for this country, will stay.

There is an enormous capacity for good in all of us, to do the right thing for this country's future, if we decide to concentrate not on what is wrong with these institutions, but decide to make sure these institutions work to create real solutions to the real problems confronting the American people.

Some would say the answer is just term limits. If we can impose term limits and get all these evil, venal people out of these institutions and move all the knowledge out the door with them, then we have something that is good for America. In fact, I saw all these folks who come to the floor of the Senate this year. I saw people who served here 20 and 30 years march to the floor of the Senate and vote for term limits. They did not believe in term limits; not for a minute. They felt politically, I suppose, it is the thing to do. Make sure those who have experience are told, ''You cannot serve anymore.'' I would not trade one BOB DOLE for 75 freshman Republicans in the House, just because I think the people here with the experience and the people who are here who understand the value of doing the right things through this institution of government, an institution that is all of ours, are the people who are finally going to advance this country's interests, not Democrat or Republican, but just Americans, working together to solve problems.

What are the problems in this country? They are legion. There are a lot of them. Personal security issues—we must deal with crime and do it in the right way. Values—diminished standards and values in this country are of concern. We must deal with that in the families, the neighborhoods, and the communities all across this country.

I want to talk today about the centerfold of what ought to be the debate in 1996. That is the economy and jobs. We have a circumstance in this country that is described well, I think, by two pieces in the Washington Post 2 weeks apart. First, ''Labor Cost Rise in '95 was Lowest on Record.'' Blue collar workers, this says, had benefits or labor costs increasing 2.5 percent. That is not even the rate of inflation, just under the rate of inflation. So, workers down at the bottom of this country—the people who work, manufacture, and produce—are not quite keeping up with inflation. Two weeks later, ''CEO's at Major Corporations Got a 23 Percent Raise Last Year.'' Average salary? $4 million. Some of them got raises while they downsized and streamlined and cut out 10,000, 20,000, or 40,000 jobs to be more competitive.

What does that mean, being more competitive? It means they are global enterprises. They do not sing the National Anthem. They do not say the Pledge of Allegiance. What they want is profit for their stockholders, and they want to do that any way they can. If that means hiring people who work for 12 cents a day, 12 hours a day, even if they are 12 years old, in some foreign country to make tennis shoes, rugs, or shirts, and then ship the product to Pittsburgh, Fargo, or Denver and sell them, if that spells profit, that is just fine for those interests because it is in their economic interests, but it is not in this country's interest.

The center of the economic debate in this country is how do we provide the incentives to keep good jobs here in this country and prevent jobs from leaving? Now, we have a trade deficit that I am not going to talk about at great length. Pat Buchanan is out there and that lit the fuse on the debate. On part of it he is right, and on part of it he is wrong. The debate ought to be this: We ought not in this country create circumstances where we tell enterprises, ''If you move your jobs and your plant overseas we will make a bargain with you. Your Federal Government will give you a tax break.''

Can you think of anyone in the U.S. Senate who would decide to go out and hold a town meeting or announce for election and decide, ''My hypothesis is this: I am going to decide to run on this proposition. I believe that we ought to provide a tax cut or a tax loophole or a tax break for manufacturing firms who close their businesses in the United States and move them overseas.'' How many votes do you think that politician would get? They would get booed out of every single room in this country and should be booed out of every single room in this country.

Do you know something? That provision now exists in our Tax Code, and we had a vote on it last October. I tried to get that provision repealed, saying we should no longer have an insidious provision in our Tax Code that pays companies to move their workers overseas—pays companies to shut down their manufacturing plant in our country and move their jobs overseas. Do you know how many people voted against my proposal to close that insidious loophole? Fifty-two. Fifty-two people said, ''We believe we ought to keep that tax loophole.''

The old advice in medicine, to save the party you stop the bleeding. If we are going to start talking about jobs—and we ought to be; that ought to be the central issue in this Chamber—we ought to start with step one. Every person in this Chamber ought to stand up on this question, and I will give them the opportunity a dozen times if it takes it this year, because we will vote on this proposition again and again and again: Do you believe we ought to have a provision in our Tax Code that says shut your plants down here, move your jobs overseas, and we will reward you, we will give you a big fat tax break worth billions of dollars. That is going to be closed this year, one way or another. This Senate is going to vote, and the vote is going to be different than the 52 votes against me last October. I believe we ought to do that as a first step—shut down that insidious tax provision.

The second step we ought to do is take the advice of the Senator from New Mexico, Senator BINGAMAN, and many others who worked on the high-wage task force, and start providing incentives to those who create good jobs in this country. Stop the hemorrhaging of jobs out of this country and start rewarding and providing incentives for those who create jobs in this country. We can talk forever about all the other ancillary issues, but what is important to the American family is this: 60 percent of them sit down for dinner these days and around the dinner table talk about their lot in life. What they discover is that they are working harder and, after 20 years, have less income. After 20 years, they have lost income when you adjust for inflation.

That is not the American dream. The American dream is to work harder and do better and hope your kids do better than that. But we now have an economic circumstance where the largest enterprises in our country and in the world have decided they want to produce where it is cheap and sell into established markets, which means American jobs leave. We have to decide as a Congress and as a country what it is we are going to do to rebuild once more an infrastructure of good manufacturing jobs in America.

I have said before and I will say it again until people are tired of it, you cannot measure America's economic strength by what we consume. The people at the Federal Reserve Board with

thick glasses, living in concrete bunkers, every month they measure what we consume. They think heart attacks are a source of national strength and an earthquake is a source of national economic enterprise. Hurricane Andrew added one-half of 1 percent to the gross domestic product in our country. That is true. That is the way the Federal Reserve Board measures economic progress, what do they consume. They document what we consume, not the damage. That is not what economic health is.

Economic health in this country will be measured by what we produce. Do you have a vibrant, working manufacturing sector that is competitive and produces in a way that is competitive with the rest of the world, and also produces good jobs with good income for American workers? If you do not have that, nothing else much matters to those families who are having dinner and losing money and talking about their lot in life, knowing that their wages are going down, their job is less secure, they have fewer benefits, and they know that the future for their children is less bright than that which they face.

That is why Senator BINGAMAN and others—all of us have worked together to try to create a circumstance where we can begin to debate in this Chamber the center of the economic debate in the country: How do you create and retain good jobs in America? There is not any way that we ought to lose on the international economic stage. We just should not.

I grew up in a town of 300 people, which is probably the case with many Members of the Senate. It was a small town. When I walked to school I knew I came from the country that was the biggest, the best, and the strongest. We could beat anybody in the world at anything and we could do it with one hand tied behind our back.

Our competitors are shrewd, tough, international competitors. The world has changed. We cannot countenance unfair trade. We cannot countenance dumping in our markets. We cannot countenance economic enterprises that decide they want to produce where it is cheap to produce and sell back to our established market, even if it means fewer American jobs.

We must decide to stand up for the economic interests of this country. It is not to say we ought to build a wall to keep things out. It is to say, whether we are talking about the Japanese trade surplus with us or our deficit with them, that we insist you buy more from us. If you have a $50 billion trade surplus with us, or we a deficit with you, then we insist you buy more from us because that is what translates into more American jobs. Our failure to do that consigns us to a future of lower standards of living because of these trade deficits, and that is not something I am prepared to accept. It is not something I believe my constituents are prepared to accept.

It is something we can alter, we can change, if we, in this Chamber, finally get rid of all these distractions and get to the center of the economic debate: What about good jobs in America's future? How do we create them and how do we keep them? And can we take the first baby step by deciding, all of us, that we will finally and completely close the insidious loophole in our Tax Code that actually rewards companies to move jobs overseas, and then begin to take other steps to say we want to, in addition to stopping jobs going overseas with juicy tax breaks, we want to provide incentives that will help create new jobs, good jobs, good paying jobs in this country? And that represents part of the work that we have done in the Democratic caucus, especially with the task force headed by Senator BINGAMAN.

The PRESIDING OFFICER. The time of the Senator has expired.

The Senator from Kentucky [Mr. FORD] is recognized.

Mr. FORD. Mr. President, what is the parliamentary situation?

The PRESIDING OFFICER. The Senate is in morning business. Several Senators have reserved time to speak.

Mr. FORD. I did not want to interrupt anything. Could I have 5 minutes?

The PRESIDING OFFICER. All Senators may speak for up to 5 minutes each.

Mr. FORD. Well, could I have 5 minutes?

The PRESIDING OFFICER. The Senator from Kentucky.

WORKERS' DECLINING STANDARD OF LIVING

Mr. FORD. Mr. President, I think we all ought to listen to the Senator from North Dakota. I think the Senator from North Dakota laid it out very well and if we listen to what he says and the direction he wants to go, he has within him the American dream. It was instilled in him as a boy. He could be my son. That's the difference in age. I hope I have instilled into my son that he has that opportunity.

But, Mr. President, our Nation's economy is strong and it is growing. Home ownership, when you read the records, is at its highest rate in 15 years. Mr. President 7.8 million new jobs have been created in the last 3 years. And the administration's 1993 economic plan has cut the deficit nearly in half. However, for the first time—and I underscore first time—in our country's history, productivity is surging but real wages for workers are declining. That is unacceptable. That is just unacceptable, that productivity is surging and real wages for workers are declining.

The majority of Americans are working longer and harder, as my friend from North Dakota said, without the promise of higher wages or job security from their employers.

The days of having one parent at home with the child, or children, are becoming a distant memory for many, many families in this country. American working families need both parents' incomes now, in order to make ends meet. The number of two-worker families rose by more than 20 percent in the 1980's and more than 7 million workers—think about this—7 million workers are holding more than one job. At least two. The largest increase in population of working spouses was among families earning the least money.

There is no question the standard of living of American working families is declining. Workers have invested their hard work, their time—and let me underscore—loyalty to the company they work for, and employment in the companies, and are being repaid with layoffs, downsizing, and relocation by these same employers.

The American dream is fast becoming a distant vision for many American working families.

Society is changing with the growth in technology. Computers are replacing jobs that were once done by hand. We need to change the outlook for the American work force by adjusting our education and training opportunities to reflect the needs of the marketplace.

We can no longer view the development of a skilled work force separately from development of the business community. By adjusting to the needs of the business community we can provide our workers with good jobs at real wages. Government cannot solve this problem alone.

Let me give an example. In my home State of Kentucky the business community, the educational community and local leaders are working together through school-to-work, and work force development programs, to create jobs for the future. We are creating high-technology jobs at high-technology wages. This is a partnership: Education, partnership with business; partnership with government.

Government cannot be all things to all people but it can be an honest partner.

Kentucky has taken the approach that students not entering college should have both a high school diploma and certified skills, enabling them to enter the work force at a living wage.

So, Mr. President, in order to prepare our work force of the future we must maintain the tools such as school-to-work that have succeeded in places like my State of Kentucky. The President has requested that funding for school-to-work be restored and I think it should be in the next continuing resolution. I ask my colleagues to support this add-back, which will assist 27 States in building statewide school-to-work transition systems.

I appreciate the efforts of my colleagues, Senator BINGAMAN, Senator DASCHLE, Senator DORGAN. I feel their report addresses issues that are foremost in the minds of American families.

I read the other day a statement, I do not know who to attribute it to, but I

am going to repeat it. ''A cut in education never heals.''

A cut in education never heals, and in there lies our responsibility.

The PRESIDING OFFICER. Under the previous order, the Senator from New Mexico, Senator BINGAMAN, is recognized to speak for up to 30 minutes.

AMERICA'S WORKING FAMILIES

Mr. BINGAMAN. Mr. President, I commend my colleague from Kentucky for that eloquent statement about the problem, and also the Senator from North Dakota for his eloquent statement about the extent of the problem and our efforts to find at least some partial solutions to the problem.

As both of my colleagues have said this morning, there are millions of American working families that are scrambling to pay the bills each month. They are working longer hours. They are taking home less money in real spendable money. Yet what they are having to pay for education and for health care is going up, and many of these same families are afraid of being laid off from their jobs.

So we do have a problem and the problem is twofold. The problem is that our economy has grown too slowly in the last couple of decades. And, second, the people who are doing the work in our economy, whether they are working for large companies or small companies or nonprofit organizations—the people who are really doing the work in our economy are getting a smaller part of the benefit from the work that they do and from the profit that is being realized.

Last spring I went to our Democratic leader, Senator DASCHLE, and urged that he set up a working group of Senators to explore options for dealing with this problem of stagnant wages. This is not, I should say, a recent problem. This is a problem that has been with us, now, since 1973. I think all economists would agree that it is a new era in our Nation's economy.

Senator DASCHLE, of course, agreed. He was enthusiastic about the idea and appointed me to chair that group. We turned out a report entitled ''Scrambling To Pay the Bills, Building Allies for America's Working Families.'' Mr. President, I think this report summarizes very well the recommendations that we found and that we came up with that we believe seriously address the problem in a variety of areas. What I want to do this morning is to first describe the problem in some detail but then go on and describe at least the broad outlines of the recommendations that we have made.

Many people deserve credit for participating in the preparation of our report. My own chief of staff, Patrick Von Bargen, took a lead role in it; Virginia White and Steve Clemons in my office deserves special thanks, as well as Paul Brown, with the Democratic Policy Committee, and many other Senators and staff people here in the Democratic side of the Senate.

I also want to thank all the experts that we consulted with, many of whom made major contributions to what we were doing.

First, let me talk about the problem. The economy in this country is growing too slowly. It has been growing too slowly for at least 2 decades now. This issue, as I said before, has been recognized by economists. But I believe the best summary of the problem was made by Jeffrey Madrick in a recent book that he published called ''The End of Affluence.'' That book has in it a chart which I have reproduced here so we can make the point very readily.

It points out that the long-term annual rate of growth in this country from 1870 until 1973 averaged 3.4 percent. That is a good rate of growth, and it was one that is discounted for inflation. That is a rate of growth that we had been able to maintain—at least that average rate of growth—through wars, through depressions, and through a whole variety of economic circumstances.

Since 1973, the rate of growth has slowed. That slowing of the rate of growth is a major part of the problem that we face. There has not been enough investment in productive capacity in the country. There has not been enough job creation, nor good-paying, high-wage jobs in the country. So the rate of growth of our economy has slowed to 2.3 percent during the period from 1973 until the present. That slowing of the rate of growth is a serious issue that we are trying to address with some of these recommendations.

The second serious issue that we are trying to address is that the people who are doing the work in this economy are sharing less in the benefits from the growth that is occurring. Again, we have some charts to try to make the point.

The first of these charts is a chart that shows what has happened to real hourly earnings between 1967 and 1995. These hourly earnings, as you can see, for a period from about 1967 to perhaps 1976 were going up and were reasonably high. Since the early 1970's, or the mid-1970's, they have been dropping. Clearly we are in a situation today where we are almost back—not quite, but almost back—to the same real hourly earnings that people in this country were realizing in 1967. This shows part of the problem that American working families are struggling with.

Let me show another chart. This is the drop in real average income. It is a slightly different measure, but, again, it makes the very same point. This chart shows that from 1978 until 1995 there has been almost a continuous decline in real average income for American workers.

The next chart shows the share of workers that have pension coverage in the country. By ''pension coverage'' I am not talking about just Social Security. I am talking about a pension in addition to Social Security. In the period from 1979 to 1989—that is just the 10-year period—you can see a dramatic dropoff in the total number or the total percentage of workers with pension coverage which dropped from 50 percent in 1979 to 43 percent in 1989. When you break that down according to the level of education of workers, you can see a much more dramatic impact on people who have not had the education. For those with less than a high school diploma, the number of those workers with pension coverage was 44 percent in 1979. It dropped to 28 percent in 1989.

The next chart is full-time male workers with health insurance. We spend a lot of time around here talking about health insurance coverage and the importance of that. Again, taking the period from 1979—this chart goes from 1979 to 1992—it shows that the total figures are that 87.3 percent of full-time male workers had health insurance in 1979. That 87.3 percent dropped to 70 percent by 1992.

Again, just to show the way that breaks out by education level, for people with less than a high school diploma, 87.7 percent of those people had some type of health insurance in 1979. That had dropped in 1987 to 53.8 percent, a mere 14 years later.

The next chart shows the job insecurity in the 1970's and 1980's. This is a very interesting chart, in my view, because it shows what is happening to a lot of families. This shows the percentage of workers that are age 24 to 58 who changed employers at least four times during the decade. That is a lot of change. In the 1970's, you can see that something around 13 percent of all workers aged 24 to 58 had to change jobs four times in that decade. When you look in the 1980's, that number, the percentage of workers who had to change jobs four times, doubled and is nearly at 30 percent. This is twice as many workers changed employers at least four times during the 1980's as changed employers during the 1970's.

The final one of these charts that I want to show on the problem is trying to point out what is called ''the mean time to financial failure.'' By ''financial failure,'' we essentially mean if a person loses their job, how long will it be until they have exhausted their financial resources? This is broken down by fifths, or quintiles, according to family income. For the lowest fifth of all families as far as their income level, of course, they have no time. If they lose their job, they are facing financial failure immediately. For the second fifth, it is half of 1 month until they face financial failure; the middle fifth, 3.6 months; the fourth fifth, 4.66; and even the top fifth is only a little over 18 months from financial failure. On average—that is this final column—it is 3.64 months from loss of job to total financial failure for American families.

Mr. President, I think this makes the case that there is a problem. This is not a manufactured problem. This is not a rhetorical problem. This is a real life problem that many working Americans are faced with.

The debate, unfortunately, about this problem has not been particularly productive. The debate which the public hears on the issue sort of veers from those who are surprised to discover that there is a problem on the one hand to those who recognize that there is a problem but have no plan to deal with it other than giving speeches, attacking corporate management, or attacking foreign companies or foreign countries for unfair trade practices.

There is no set of proposals that has been put forward so far in the public debate to try to come to grips with this very real problem. What we tried to do in the report that I referred to earlier was to come up with that set of recommendations and get this debate on to a serious plain.

In putting these recommendations together, we have tried to move the debate past the blame game and name calling and on to thoughtful consideration and policy options.

First, what can we do to stimulate the growth, going back to the first chart I referred to. And second, what can we do to ensure that America's working families fairly benefit from the growth that does occur? In the report that I referred to, we have some 80 specific recommendations. I am sure that no single Senator supports each, but each is a proposal that deserves to be seriously considered on its merits. I hope that this debate we are beginning now will result in that.

Let me describe the three broad areas in which we have made recommendations. First, we have made recommendations to encourage businesses to become better allies of American families, because they have a tremendous impact. And that is in this column here on the left.

Second, we have made some recommendations to make financial markets better allies for America's working families, and that is the center column.

And third, we have made recommendations on how Government can become a better ally for America's working families. Let me just describe briefly the major recommendations in each area.

Businesses, how do we help businesses to be better allies with America's working families? We concluded fairly early in our discussion that the present corporate income tax is a jumble of complexity that does not serve the best interests of any of us. In our view, we should repeal the present corporate income tax and replace it with something like the business activities tax that was proposed by Senators Boren and Danforth in the last Congress. We believe that would be a major improvement in many respects.

Let me cite some of the ways that would improve the situation. First, it would eliminate the existing preference in the tax law for debt over equity.

Second, it would incentivize investment in this country rather than overseas, an issue that the Senator from North Dakota spoke about several times.

Third, it would apply the tax as other countries apply their taxes, on imports and not on exports, so that it would encourage more exports and it would see to it that imports coming into this country pay their fair share of tax.

Fourth, it would impose the tax more equitably across all types of firms than the present income tax does.

Fifth, it would dramatically simplify the Federal corporate tax.

And finally, it would allow us to reduce by half the payroll taxes that are paid by businesses. That is a very major expense to U.S. business today, and the shift to a business activities tax would allow us to dramatically reduce the payroll tax. We would make up any lost revenue to the Social Security trust fund from revenue that we received through the business activities tax. But we believe that would be a major step forward.

One other major advantage to adopting this proposed business activities tax is it would allow us to give better tax treatment to corporations that invest in their workers and invest in America. We designated such businesses as ''A-Corps,'' suggesting that they were allied with America's working families, and we provide that the business activities tax would be imposed at two different rates, one rate for any business with receipts over $100,000, which does not qualify as an A-Corp, a second rate for a business that does self-qualify as an A-Corp.

Let me briefly describe what we intend as the criteria for determining qualifications as an A-Corp. To qualify as an A-Corp and thereby qualify for a lower tax rate, a business would self-certify that it is, first of all, investing in its workers, that it is investing in pensions and profit sharing, investing in training and education, investing in their health care, making some contribution to help them acquire health coverage; second, that they are investing in plant and equipment in the United States, and that a reasonable proportion of their new employment created for meeting the demands of this market is in fact made and produced here in this country; third, that they are doing at least 50 percent of their research and development in this country.

Then there are several other items. Let me mention one. We do have a provision in there indicating that there should be some multiple of the compensation of top management as compared to the salary of the lowest paid worker. Now, this is controversial, Mr. President, and I do not know that the specifics of what we recommended will be embraced by everybody, but I think it is an issue that needs to be discussed.

What we basically said was that to qualify as an A-Corp, a company would demonstrate that the compensation of its top executives did not exceed the salary of the lowest paid full-time worker by more than 50 times. That may not be the right figure. I will tell you how we arrived at that. It is somewhat arbitrary. We basically said that if you are paying the lowest paid worker in your company, say, $15,000, which I think may be a low figure for most corporations, but if you are paying the lowest paid worker $15,000, if you want to pay your top CEO 50 times that, you can pay him $750,000 a year. That did not seem like an unreasonably low number to me at the time we were putting the report together. Since then, the new information out makes me doubt whether that is the right number. As the Senator from North Dakota referred to it, this article in the Washington Post of March 5 says CEO's at major corporations got a 23 percent raise in 1995. It says that the average compensation for chief executives of major companies is now $4.37 million. Obviously, 50 times the lowest paid worker does not get you up to $4.37 million. So maybe it should not be 50 times. Maybe it should be 100 times. At some point, however, I do think it is appropriate for the taxpayers of this country to say we want to give the best tax treatment to corporations that have some sense of equity and some reasonable commitment to help their own workers and do not just pay top executives exorbitant salaries at the same time that they are refusing to share any of the profit with the people who are doing the work down in the trenches. So that is another part of the issue which needs to be discussed.

Let me go on to the second column in our earlier chart which was how do we make financial markets become allies of working families as well?

The concept here is very simple. Much of the action that corporate management has to take these days which adversely affects the workers in that corporation is brought about by pressures imposed from financial markets. There is a constant pressure to look at the short-term profitability of the company. There is an inability to invest adequately in research and development, an inability to invest adequately in investments of various kinds that will have a long-term payoff. So what we are trying to do is to get something in the law to discourage the short-term focus and encourage the long-term focus.

So what we have done here is to come up with some recommendations to reduce the financial market pressure for short-term decisionmaking, to reduce financial market pressure for short-term speculation in securities by imposing a security transfer excise tax on sale of securities that occurs within 2 years of the purchase of the securities at issue.

That is the recommendation. This excise tax, this transfer tax would be similar to the ones that are now imposed in Japan and Switzerland, in Sweden, in Hong Kong, in Taiwan, and various other countries, with one

major exception, that the tax goes away at the end of 2 years.

We are not discouraging investment in securities. We are discouraging speculation in short-term trading in the securities. In our view, the country will be benefited, working families will be benefited, corporate management will be benefited if the owners of the corporations have a community of interests with the corporate management and want to help them by focusing more on the long term.

We would use the revenue from the transfer tax on short-term speculation to create an A fund to create long-term investments in working families. The A fund would be dedicated, first, to funding deductions for higher education and work-skill training. Those higher education deductions—that is the $10,000 deduction the President has talked about—would be used, the resources would be used, to fund a tax credit for dependent children. They would be used to fund programs to accomplish work force training, school-to-work, efforts to achieve education goals, technology research and development, and export promotion. All of these activities, we believe, do help promote more job creation and more high-wage job creation in this country.

We also recommend a whole range of proposals to reform the securities regulation and accounting area to promote greater attention to long-term investment and performance of business by those who do invest in corporations.

Finally, one of these areas I want to talk about just briefly, Mr. President, is the issue of how we make Government a better ally of America's working families. We propose, as part of this overall package of recommendations, to reduce the tax burden on working families in several very specific ways—to cut in half the payroll tax paid by employees.

I referred earlier to the fact that the adoption of the business activities tax would allow us to cut in half the payroll tax paid by employers. We believe we should also cut in half and can also cut in half the portion of the payroll tax paid by employees. I point out to people that this is not a small item. Something over 70 percent of all taxpayers in this country pay more tax under the payroll tax than they do under the income tax. We are suggesting that the payroll tax, which is the biggest tax burden on most working Americans today, be reduced in half.

Second, we are recommending that we reduce individual income tax by increasing the standard deduction very substantially.

Third, we are suggesting—and I referred to this before—we permit the deduction of up to $10,000 for investment in postsecondary education and training—this is the President's proposal—and that we provide a $500 tax credit—a $500 tax credit—for each dependent child. We believe that all of these actions can be taken. All of them will benefit working families.

In addition to that, we can use some of the funds raised by the shift to the business activities tax and by the establishment of the A fund that will be established with the use of revenues from the securities transfer tax to increase efforts to improve education and training. We would support skill standards and academic standards for students. We would support school-to-work transition. We would support more work force training.

Let me finally say that Government, we also believe, needs to be a better ally for the self-employed worker and for small business. As part of what we recommend here, we would reduce in half the self-employment workers' payroll tax, which is presently 12.4 percent. We reduce that to 6.2 percent. We would exempt all small businesses with less than $100,000 in annual receipts from Federal business tax. Corporate tax returns today indicate that there are about 24 million people filing some type of corporate tax return.

With this change, with this single change of exempting all businesses with less than $100,000 in annual receipts, we would reduce the number of people who have to file a business return from 24 million down to 9 million. So there are 15 million businesses that today file business returns that will be exempt from filing such a return or paying a business tax after this set of recommendations are adopted.

Mr. President, let me just step back from the specific recommendations. I have gone through some of the major ones. I have not tried to give an exhaustive description of all of the recommendations in our report. But the important goal is to begin this national debate. The important goal is to recognize the centrality of this issue of how we stimulate economic growth and to recognize that we all benefit from those Americans who do the work in this country, we share in the benefits from the growth that occurs.

It is not enough to continue to give speeches about the problem. It is not enough to continue to ignore the problem. In my opinion, Mr. President, those of us in the Government need to participate in a very real and important debate at this time in our Nation's history.

Our report ''Scrambling to Pay the Bills'' is an effort to move that debate forward and to get us down to some concrete steps that can be taken to help working families in America to do better in the years ahead. I hope very much that the report has that effect. I hope very much that the report does stimulate this debate. I hope that, during the remaining days and weeks and months of this Congress, we can get off of some of the things that, unfortunately, take up too much of our time here.

Today, I understand we are going to spend a substantial amount of time debating the Whitewater Committee again. We debated the Cuban shootdown yesterday. We have a whole range of things that we debate around here that are not directly impacting upon the welfare of the people we are sent here to represent.

These recommendations try to bring that debate back to the issues that matter to people in our home States. I hope very much that we will seriously debate these issues between now and the end of this Congress. I hope very much that we can adopt some of the recommendations in here so that we begin providing some relief to those who are in fact doing the work in this country.

Mr. President, I thank my colleagues for their attention, and I yield the floor.

The PRESIDING OFFICER (Mr. INHOFE). The Senator's time has expired.

Mrs. MURRAY addressed the Chair.

The PRESIDING OFFICER. The Senator from Washington.

Mrs. MURRAY. Mr. President, I ask unanimous consent to speak as in morning business for 15 minutes.

The PRESIDING OFFICER. The Senator is advised we are currently in morning business, with Senators permitted to speak for up to 5 minutes each. This unanimous-consent request—is there objection?

Mr. THOMAS. Mr. President, we reserved the last half-hour for three Members. If the Senator can take a little less than 15, we would appreciate it.

Mrs. MURRAY. I thank my colleague. I will attempt to do that.

The PRESIDING OFFICER. The Senator from Washington.

WHAT REAL PEOPLE ARE SAYING ABOUT CHILDREN

Mrs. MURRAY. Mr. President, when I left here in early February for the Senate's recess, I was exasperated. Nothing productive seemed to be happening here in Washington, DC. Budget stalemates had become an accepted way of life, rather than words to bring Members of Congress to work together to reach agreements. The battles of last year all seemed to end in stalemates. And worse, even the air in the District of Columbia seemed charged with negativity and mean-spirited rhetoric.

Today, however, I feel invigorated. My trip home to Washington State in early February was hardly relaxing, but it was extremely productive. Today, I want to take a moment to share with my colleagues why I feel a renewed sense of optimism and why I am ready to take on new challenges.

Mr. President, like many who work with our young people today, I have become increasingly concerned about what is or, more importantly, what is not happening for our youth today. I have spent my life working with young people as a mother, as a preschool teacher, as a school board member, as a Girl Scout leader, as a PTA member, as a State senator, and today as a U.S. Senator.

There is no doubt in my mind that young people today are becoming increasingly disillusioned with their

world. They feel that they have no chance—more and more of them know college is out of reach; many people feel unconnected to what is taught in our elementary and secondary schools; far too many have no support from family at home. Increasingly, I hear our young people from all walks of life, from 4.0 students to gang members, say, ''I don't think adults care about me today.''

Indeed, the statistics about our young people are very disturbing. Almost half of Washington State children fail to read at a basic level of competence. The number of young people in my State who are incarcerated is increasing. One in sixteen girls in Washington become teen parents. That, by the way, is a higher rate than many other developed nations.

It is important to note there are some encouraging signs. The health of Washington State children, whether measured by infant mortality rates or child mortality rates or access to prenatal care, is an area of improvement.

But as I have participated in and listened to the debates and direction of this Congress from welfare reform to Medicaid to education, I have become increasingly concerned that our young people are right. Adults do not care about them. Children seem to have been relegated to the bottom of the priority pile at the exact time they are feeling so left out and alone. It is time to change direction for our young people.

Over this last recess, I set out to find what adults need to do to make this Nation a better place for our children to grow up in. I was determined to stay away from partisan battles and inflammatory debates. I wanted to engage people in a conversation about children. I wanted to find goals that we could all agree on.

On that basis, I traveled back and forth across my State for 2 weeks and invited people of all ages and backgrounds to join me in a conversation about Washington children. In four cities around the State, people came out in cold and heavy rain to a community center, to a church, a school, or a college auditorium and they talked, not just for a few minutes, but for 3½ hours. They talked about their own kids or the kid next door or their older or younger brothers or sisters.

We began each of these meetings with a short presentation of some objective local data about how kids are doing, followed by a panel discussion between local people who work with kids, followed by breakout discussions to come up with things we could agree to do.

We covered three aspects in a child's life: Health, education, and membership in community. People talked about how children have to be healthy so they can learn. They spoke of how children needed a relevant education to face a complex economy. They discussed how we must let young people know we care about them and how only then will young people feel the sense of civic responsibility and pride we all need them to feel.

As I said, this was a conversation, and I had one rule: Nobody leaves the room without participating. So we heard answers to one central question: What can we all agree to do for our children?

People brought many different voices and perspectives to these conversations. The groups heard from mothers and fathers. We heard from students, as well as kids who dropped out of school. We heard the voices of business leaders and child care workers. We heard from veterans, youth mentors, teachers, and police officers. We heard from Republicans and Democrats and Independents. We heard thoughts from our senior citizens and our seniors in high school. We heard about individual people or government services or business or charitable programs which make a real difference for our kids. We heard about kids who did not get help, who fell through the cracks or who had such a hard time there was hardly a way to start helping them.

We did not just hear about children and young people, we heard from them. Young people on our panels told us how they do not see evidence that adults care about them or their future. They talked about succeeding in school and not realizing any benefit from it. They talked about failing in school because it did not seem relevant or challenging. They spoke of adults designing programs for them but not with them. They spoke from their hearts about the lack of trust and fear that exists between them and the adults that they meet in stores and on the streets.

Overwhelmingly, they wanted to break down the walls of mistrust. The one word I heard over and over was ''respect.'' They want real respect, not just the kind kids get from joining a gang. And they want an adult world that cares about them so they can build up their respect for adults.

At every one of our meetings, we heard the voices of young people as panelists, as group facilitators, or as group participants. Too many discussions about children from the school board meeting to the State house to the floor of the U.S. Senate happen without real participation by young people. Who better to include on matters concerning laws and policies affecting our children?

And what did all these different people with their divergent, independent, unique American voices, and opinions agree to do? Well, we are still writing down all the specifics, but I want to give you a few of the common themes that we heard.

On the topic of children's health, we heard from people committed to immunizing more children or to creating more child care slots in their local community. They agreed to meet with other citizens to build local awareness and to tap local resources for these needs. There was a strong consensus everywhere that as adults, we have a responsibility to care for our children and to ensure that they have adequate quality health care.

On education, we heard from children who wanted to participate in activities and learning experiences after school but who did not have the $35 sign-up fee for the program. They wanted to work off the fee or to earn good grades so that they could participate.

Over and over, I heard that we must make our education system relevant for tomorrow. Young people want curricula in classes that will give them the skills for the job market and focus them for the world they are entering.

On involving young people in the community, we heard from business leaders who want to increase their investment in the citizenship of young people. They agreed to donate time for their workers to help children do job shadowing or give kids a place to fit in.

There was a strong feeling from both young people and adults that every one of us must begin to take more time to be involved with each other in our neighborhoods and in our communities.

In addition to what people wanted to do, there were some trends I noticed that I want to share with you.

First, people agreed to have a polite discourse. One reason young people say today that they have a hard time getting along is that they say they have no role models. We disagree all the time in the Senate. We have genuine differences of opinion, and we express them freely. Well, I will tell you right now, we do it too freely. We need to find where we agree. All we talk about are the differences. We have to talk about the shared beliefs as well. We need to set a better example for American children and young people and be better role models ourselves.

Second, people seemed to leave their cynicism at home and brought with them a sense of hope. This happened even though we heard some bleak news about children's health, about how they are doing in school, and how they are doing in home and on the streets.

People heard that too many children still suffer from preventable health problems. Too many students cannot read or end up dropping out of school. Too many young people see no alternative to violence. Too many have no hope of ever being employed. But despite the bad news, and some good, the people at these meetings never got cynical or depressed; it just made them want to work harder.

Third, I noticed that people felt the children were too important not to talk about and to learn about and to work for. People said children are too important to scrimp on. They want us to find somewhere else to save our money. They agreed that communities are the best place to solve most problems for kids, but said you have to involve kids to get good solutions. They agreed the Federal Government should guarantee the minimums for all kids and should encourage local action.

Above all, the young people and all participants agreed we should work more on children's issues and less on other things.

During these meetings, I promised to put people's ideas up on the walls of my office so every lobbyist who comes in can see what the people of Washington really care about. As people got ready to leave at the end of the evening, I asked them each to take one idea back to their local neighborhood or their community and make it happen.

The posters from these meetings are in the mail to my office in the Russell Building, and they contain very specific ideas. I encourage all of you to come by my office next week and read what people have to say.

I think you will find, as I have, that it is time to put our young people at the top of our priority list. It is time to find a way at every level to focus our schools on preparing all of our children, not just a few, for tomorrow. You will see, as I have, that people from all walks of life understand as adults we have a responsibility to give our children a strong start in life. There is much we can and much we must do to make this happen in our country today.

Not too long ago, at a hearing in Washington, DC, I heard a businessman talk about what he saw in our country today. So often we hear that Government should act more like a business. He said that any business that wants to be here in the future invests in their most important resources. He said America is acting like a business that does not plan to have a future.

I agree. It is like we are having a fire sale in our country. Children are our growth capital. They are our new physical plant. They are our inventory.

We cannot stop investing in kids now and hope to have any future in this country. This is the strong and loud message I heard from people all over my State, from all political stripes, from all ages, and all walks of life.

I was listening, and I will be working over the next months and years to put children back at the top of our Nation's agenda. I hope we can work together as adults to make that happen. Our children are worth it, our communities are worth it, and our country is worth it.

I yield the floor.

Mr. THOMAS addressed the Chair.

The PRESIDING OFFICER. The Senator from Wyoming.

THE STATE OF THE ECONOMY

Mr. THOMAS. Mr. President, we had reserved 30 minutes this morning for our freshman focus to talk about some of those things that are of great importance to American families, to talk about the economy, to talk about jobs, to talk about increasing wages and returns to American families.

I would like to start with three areas that I think are important, even though it is not directly involved. One has to do with how we get facts out, so that we can make decisions based on facts. Another is just to comment a little on the broader question of whether we want more Government in our lives, more Government in business, or whether we want to release the private sector to be able to create jobs and, finally, to talk a little bit about the facts as related to the idea put forth by the President that ''this is the best economy in 30 years.'' The facts do not substantiate that.

First, let me say that it is almost a paradox, it seems to me, where we have the technical ability in this country for everyone who is interested in the world, for that matter, to know precisely what is going on every day and to know it at the time it goes on. Compare that, for example, to the ability to know what happened in your Government 50 years ago or 100 years ago when people in Wyoming did not know what the Congress had done for 3 weeks or a month—maybe they did not care. But now we have the facilities to do that. We know that if Gorbachev stands up on a tank somewhere, we see it the instant it happens. We have the ability to know that. Yet, we find ourselves, I think, in a time where most people are less able to sort out the information and bring it down to facts than we have had for a very long time.

What is happening, of course, is that the political arena is filled with spinning and posturing and seeking to make things look different than they are. I understand that, and it is not the unique province of anyone. But I am not sure that we can really sustain a Government of the people and by the people and for the people, unless the people have some facts. Part of that is our responsibility, of course. We have to sort through the stuff and come out with facts. But I have to tell you, Mr. President, that I guess I have never seen a time like there is now, where you hear something in the media, you hear something from the White House, or you hear something from this place and say, gee, I wonder if that is the case.

Second, let me talk a little bit about the idea of increasing the economy and the growth. I think there is not a person in here who would not be for that. I think it is interesting, and it just happens that my friend from New Mexico just spoke a few moments ago about his perception about how to do it. It clearly defines the greater debate that goes on in this country and that goes on in the U.S. Senate—that is, do you seek to get more and more Government involved? Do you have a tax arrangement where you tell people what they can do and encourage them to do it and get more regulation? Or do you, in fact, seek to release the private sector so that the economy can grow? Could you agree with the notion that the role of Government generally is to provide an environment in which the private sector can prosper? That is the great debate that goes on.

The Senator talked about bringing this debate back in. Let me remind my friends on the other side of the aisle that that has been the debate for a year. We have been talking about balancing the budget. Why? So you can reduce interest rates and increase the economy. We have talked about regulatory reform. Why? So that businesses can prosper and you can create jobs—good jobs, so that there is some growth in take home pay. That has been the debate.

Unfortunately, my friends have objected to everything that we have tried to do. They objected to regulatory reform, and the White House threatened to veto it. They objected to a balanced budget amendment, and they threatened to veto it at the White House. Tax relief and capital gains, so that people can invest, so you can do something with your farm when you sell it and pass it on to your kids and create a stronger economy. So the option will be—and that is fine, it is a legitimate discussion. Do you want more Government, or do you want to release the business sector so it can create these kinds of things?

Third, let me talk very briefly about the economy and the differences in views on that. The President has indicated in his State of the Union and at other times that this is the best economy in 30 years. Well, let us take a look at it. During 1995, the economy grew at 1.4-percent annual growth rate. In the previous decade, it grew at about 3.5 percent. In the last quarter of last year, it was .9-percent growth rate.

The economy has been weaker every year than it was the last year of the previous administration. It is not a matter of blaming. That is just fact. The growth recovery in terms of jobs. We have talked about 8 million jobs. If you break it down into hours and part-time jobs, it comes out to be less than half of that. For the same period in the 1980's, it created 8 million jobs.

So this has not been a time of growth, a time of economic prosperity; particularly, it has not been for families. The stock market is doing pretty good. That is fine. Those are corporate profits. But the problem is, I think, you find when you have to pay your stockholders, of course, in order to get the money to operate, you have a cost of regulation that is exorbitant and going higher, and you are squeezed in the end. But who gets squeezed? The workers. Furthermore, you do not have a growth rate that is traditionally where we have been, and you do not have competition for jobs. Salaries do not go up because competition causes salaries to go up.

We have to be honest about where we are. The fact is, it is not the best time in 30 years. It is not even as good a time as we had 5 years ago. More importantly, what do we do about it to get families into a position where salaries reflect a growing economy, or where families can have more of their own money to spend on their own kids'

education and spend it as they choose? That is what it is all about. That is what this debate is about. That is what a balanced budget is about—to be financially and fiscally responsible, and also to reduce the interest rates so that the economy will grow.

That is what tax relief is about—middle class tax relief, which the President promised when he ran. He has never delivered. That is what $500 per child is about, so it goes to families. That is what regulatory relief is about. It is not a matter of regulation and specifics. It is a matter of being able to grow an economy where there are jobs and prosperity. That is what our agenda is about, Mr. President.

The final argument, of course, will be that basic argument of do you follow the suggestion that says it is the Government's task to regulate these, and let us get more government, more regulation and more involved? Or do we release this dynamic private sector to create jobs.

Mr. President, I yield the floor to the Senator from Pennsylvania.

The PRESIDING OFFICER. The Senator from Pennsylvania is recognized.

WHERE AMERICA IS GOING

Mr. SANTORUM. Mr. President, I thank my colleague and my friend from Wyoming for his leadership on this freshman focus, a time where freshman Members of the Senate have an opportunity to get up and talk about issues of importance to the country from a perspective of those of us who are relatively new in this body. I think he is right on target to talk about the issue of the economy and where this country is going.

We have a President who is running around the country talking about how this is the healthiest economy that we have seen and we are doing great and everything is fine. It actually reminds me of another President in an election year 4 years ago, who was going around the country trying to convince the American public that the economy was fine and everything is great and this is a healthy economy and we are moving forward. The American public, frankly, did not buy it.

The reaction was very simple: What country is he living in? What country is he leading? Does he not have any understanding of what is actually going on in the economy, what we are dealing with here, that in fact the statistics show that, out of recessionary years, this economy is the slowest growing economy since the 1950's? This is not a robust economy.

The Senator from Wyoming was right on target as to why this is not a growing economy. It is the same reason that the previous President had problems saying it was a growing economy, and that is because this President and the previous President raised taxes on the American public. They took more money out of their pocket and sent it here to Washington. It had a real effect on their take-home pay and had a real effect on their ability to be able to provide for themselves and their families. That has a ripple effect through the economy, from consumer confidence and their willingness to consume to the real issue of just paying bills.

I think we may be seeing a repeat here. I know many of us who are in this Chamber now were here as Senators or Representatives during the 1993 Budget Act, when President Clinton went out and said we have to raise taxes and we said this is going to have an effect. It is the same type of tax increase that was put forward in 1990. Many Republicans—I was in the House at the time—many Republicans fought it and said President Bush at that time was making a mistake; it would hurt the economy and drag the whole economy down and this country down. A lot of us believed it would bring the President down. It did.

Then 1993 comes around and President Clinton did not learn from the mistakes of President Bush and pushed forward through another tax increase—and, I might add, more entitlement programs, more regulation, more on people's backs. Many of us said, ''Learn your lesson from 1990. That is not going to help the economy. That is not, in the long run, going to balance this budget.'' He said, ''No, we have to do it.'' They did it.

As a result, coming out of this recession in the early 1990's, we have had one of the slowest recoveries in history. Job growth, yes. We have had jobs. But I think if you talk to most of the people, the kind of jobs being created are not the kind of jobs that will support a family. You hear Members on both sides of the aisle talking about that. The reason is oppressive regulation, oppressive taxation.

Almost 25 percent of the income of the average family in America goes just to pay taxes to Washington, DC. That is a peace-time high. By the way, I like to compare that to what it was back in 1950 when the average American family—same family, average-income family—did not pay almost 25 percent of their taxes to the Federal Government; they paid 2 percent of their income to the Federal Government in taxes. Now it is almost 25 percent.

Do we wonder why people feel squeezed, why they do not feel they have the opportunities to provide for a family anymore, why both husband and wife have to work? If you are a single parent, what do you do? You work two jobs and you struggle to provide for your children.

What we do here is what they did 3 years ago: Put even more taxes on the American public. We believe that is not the answer. We have stood up this year and said the answer is not to take the American public for more, not to regulate the American public more, but to put Government on a diet so we can allow the folks back home to take a little bit more out of their paycheck for their own use, not Government use.

So we proposed this irresponsible thing. People got on the floor and said this was such an irresponsible thing to let people keep more of their own money to help provide for their families. As the song goes, ''That's my story and I'm sticking to it.'' My story is that American families should keep more of their money.

We are going to continue to push for a tax cut for American families. We will continue to push for a tax cut to create growth and opportunity in capital gains and helping small business people, because creating jobs is the real answer here. Creating good quality jobs is the real answer here. Growth is the answer—not further taxation, but liberating people. Money should go out and be invested in capital resources so we can create more high-quality jobs in this country. We will continue to push for that.

We will continue to push for regulatory reform so Government does not stifle the creativity of Americans by regimenting them into some model that we believe in Washington, DC, is the best for everyone. We are going to go out and do the things that are necessary to make this country prosperous and moving forward.

I just hope that the President will come to the realization that tightening the belt here in Washington ever so slightly—and frankly, that is all we are talking about in this balanced budget—tightening the belt here in Washington so we can give just a little bit more to working families is not cruel. It may be cruel to some bureaucrats in town, but it is not cruel to American families. It is not cruel to Americans who want good-paying jobs, outside in the private sector, not just here in Washington.

I am hopeful we can somehow come to an agreement that this is not the healthiest economy, that the spin doctors of the campaign of 1996 for the President are not going to win the day to try to convince the American public what they know is not true, that this economy is booming and healthy and the best it has ever been. We should get down to trying to address the real economic insecurity that American workers have, the real problems of raising families in this country, and do something about it on a bipartisan basis in this Congress.

I am hopeful we can do that. We should be able to do that. I am looking forward to the opportunity to make that happen. I yield the floor.

Mr. INHOFE. I thank the Senator from Pennsylvania. I ask unanimous consent that the period for morning business be extended by 10 minutes.

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

THE ECONOMY

Mr. INHOFE. Mr. President, this has been a very enlightening morning listening to both Democrats and Republicans refuting this myth that seems to

be floating around the country that we are enjoying this great economic time when, in fact, the indicators show just the opposite.

I happened to be presiding when the distinguished Senator from New Mexico, Senator BINGAMAN, observed that people who are doing the work in America are getting less and more rapidly plummeting down to the point where we were in 1967 in terms of real income or purchasing power for the American people. Also we can observe that it is worse than might be indicated by family income because we increasingly have multifamily members working in America. When I was quite young, it was somewhat unheard of. It was not a way of life in America. Nonetheless, the real purchasing power is going down.

I do not like to point fingers as to why this is happening, but I think, Mr. President, when you look at the policies that were adopted by the current President of the United States, Bill Clinton, it is four-tiered. It is increased spending, increased taxes, increased borrowing, and increased regulations. I do not very often quote a very distinguished talk radio show host but I remember the other day he said, ''If you really want to be competitive with the Japanese, export our regulations to Japan and we will be competitive.'' I think there is a lot of truth to that.

Some people may have forgotten that back in the first year of the Clinton administration, in 1993, there was a tax increase that was characterized by Democrats and Republicans alike, and I specifically recall the chairman of the Senate Finance Committee characterizing that tax increase as the largest single tax increase in the history of public finance in America or anyplace in the world. That was a very large tax increase.

I recall, also, when the chief adviser to the President, prior to being sworn in for her duties, made the observation that there is no relationship between the level of taxation in a country and the economic activity, and further went on to say what we need in this country in addition to the taxes we currently have is a value-added tax to be comparable to that in other industrialized nations that would immediately increase revenues $400 billion.

I suggest this is where this administration has gone wrong, because the problem we are having in America is not that we are taxed too little, but we are taxed too much.

I, the other day, on the 9th of January, witnessed the birth of a charming little man by the name of James Edward Rapert, in Fayetteville, AR. At that time I looked at this very small baby, where I was actually there in the room during the delivery of that small child in Arkansas, and I realized that innocent child, who had not done anything wrong on his own, inherits a share of the national debt of $18,000 that that one individual will have to pay off during his lifetime. That individual did not do anything to cause this.

Also, I noticed if we do not change this trend that has been continued by the current administration, that that small child, James Edward Rapert, will have to pay 82 percent of his lifetime income just to support the debt. That is how we have gotten to the point where we are now, where we have to do something about it.

There was a man who came to this country by the name of Alexis de Tocqueville many years ago. He actually came here to study our prison system, and when he got here he was so impressed by the freedom in this country and by the wealth of this Nation that he wrote a book. The final paragraph of that book said: Once the people of this country find they can vote themselves money out of the public trust, the system will fail. And that is exactly where we are today, right on the brink of having a system that will fail. The economy is not good today.

One more thing I want to say before yielding the floor, back to this tax thing, is the President has opposed a budget balancing amendment to the Constitution. He actually campaigned on a budget balancing amendment to the Constitution. Also, he vetoed the Balanced Budget Act. When he vetoed that Balanced Budget Act he was saying that we do not want to live in the confines where we will be able to eliminate the deficit in 7 years.

That particular act also included some tax relief. There was a lot of criticism I heard from conservative Republicans all across the country: We do not care about tax relief until we balance the budget. What they do not realize is all we were trying to do is correct a mistake that was made in this country back in 1993 when we passed the largest single tax increase in the history of public finance in America or anyplace else in the world. If anyone was not for that tax increase, then they should be for tax relief.

I think it is incumbent upon us, and certainly those in the freshman class, who are new here to the U.S. Senate, to have an absolute commitment to giving tax relief, to giving families more of the expendable income that they work so hard for. That is our commitment. It is not just for those of us who are around today but the new generations that are coming up, the James Edward Raperts. Incidentally, that happened to be my grandson.

I yield the floor.

The PRESIDING OFFICER. The Senator from Tennessee.

Mr. FRIST. Mr. President, I ask unanimous consent morning business be extended for a total of 10 minutes.

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

TRIBUTE TO MINNIE PEARL

Mr. FRIST. Mr. President, I rise today in recognition and in memory of one of America's most beloved country personalities, Minnie Pearl, who died Monday night at the age of 83. Minnie Pearl was born Sarah Ophelia Colley, in Centerville, TN, the daughter of a prosperous sawmill owner and lumber dealer. As a student at Nashville's Ward-Belmont Finishing School in the middle of the Great Depression, not many would have thought Sarah Colley had the background to believably portray Minnie Pearl, that man-hunting spinster from Grinder's Switch, TN. But her down home country comedy act, old-fashioned dresses, and a wide-brimmed hat with a price tag still dangling, found a place in the hearts of millions of Americans.

Today, the State of Tennessee and the entire country mourn the loss of a truly outstanding and inspirational American.

After completing her drama education at Ward-Belmont, where I should add that she was a student with my mother, Sarah Colley traveled throughout the rural South for 6 years, putting together amateur theatricals for churches and civic groups. During that time she met various country folk who formed the foundation for the character of Minnie Pearl, as well as Minnie's friends and neighbors from fictional Grinder's Switch. The name Minnie Pearl was actually a combination of Sara Colley's favorite country names.

When she returned to Tennessee in 1940, the story-telling character of Minnie Pearl had fully developed, and WSM radio in Nashville asked her to audition for the Grand Ole Opry. A week after her audition, Minnie Pearl made her debut on the stage of the Grand Ole Opry and was an immediate hit. Before her second performance the next weekend, Miss Minnie had been asked to become a regular member of the Grand Ole Opry cast.

In the 50 years since she burst onto the stage, Minnie Pearl traveled with country music legend Roy Acuff, entertained troops in World War II, and was featured on NBC–TV's ''This Is Your Life.'' She recorded numerous albums, continued her frequent appearances at the Grand Ole Opry, and appeared as a regular on the nationally syndicated television program, ''Hee Haw.'' In 1975 she became the first person elected to the Country Music Hall of Fame for comedy work, and she has been honored by the Academy of Country Music with its Pioneer Award.

Unlike her country counterpart, Sarah Colley caught her man, Henry Cannon, and was married to him for more than 40 years, until her death this week. As active members of the Brentwood United Methodist Church just outside of Nashville, Sarah and Henry Cannon have been actively involved in charitable and community affairs all over this country. Sarah Cannon worked tirelessly for many causes, including the Children's Hospital, the American Cancer Society, and so many others. For her hard work for the Cancer Society, and in recognition of her

personal struggle against breast cancer, Sarah Cannon was awarded the American Cancer Society's 1987 National Courage Award.

The Cancer Center at Centennial Medical Center, where she died this week, was named for her—the Sarah Cannon Cancer Center. That same year, she received the Roy Acuff Humanitarian Award for Community Service. The Nashville Network also created the Minnie Pearl Award in her honor, which is an annual community service award given to members of the country music industry for their dedication and commitment to their community.

As I traveled across the State of Tennessee, so many entertainers and so many artists would come forward and recount stories about how they, when they first came to Nashville to break in but when nobody knew them, would be pulled over to the side by this legendary figure, Minnie Pearl, and Minnie Pearl would give them those words of encouragement and inspiration to plug ahead.

Mr. President, I knew Minnie Pearl personally because my father was her family physician for about 35 years. Whether she was in character as Minnie Pearl or whether she was simply living in her own private life, or whether she was encouraging aspiring young artists upon their arriving in Nashville, Sarah Cannon touched the hearts and souls of all with whom she came into contact. It was her warm smile, her folksy humor, her words of encouragement, her tales, and most of all her famous ''How-dee'' greeting—these will all be missed by those whom Minnie Pearl had entertained for years.

Her kind and loving character will be missed by those across the State of Tennessee and across this country. Mr. President, today I thank Minnie Pearl and Sarah Cannon for all that ''they'' have given to their community, to their State, and to their country.

Mr. President, I yield the floor.

MINNIE PEARL

Mr. THOMPSON. Mr. President, I want to recognize the passing this week of a great entertainer and citizen, Sarah Ophelia Colley Cannon. Mrs. Cannon, better known as Minnie Pearl, was a tribute to the entertainment industry and to our community. She graced the stage of the Grand Ole Opry in Nashville, TN, with her animated humor for 51 years. Who could forget the stories of Grinders Switch, her straw hat with the $1.98 price tag still attached, and her well-known and beloved ''How-dee!''

Minnie Pearl made many contributions off-stage as well. She was a humanitarian who contributed much to her community. Many of her efforts were focused on fighting cancer. In 1987, President Ronald Reagan presented Mrs. Cannon with the American Cancer Society's Courage Award. In 1991, the Sarah Cannon Cancer Center at Centennial Medical Center in Nashville was dedicated in her name. I know that I join all Tennesseans and all Americans in saying that Sarah Cannon and Minnie Pearl will be sadly missed.

TRIBUTE TO DONALD DOWD OF WEST SPRINGFIELD

Mr. KENNEDY. Mr. President, I am delighted that the John F. Kennedy Library is honoring Donald Dowd of West Springfield, MA with its 1996 Irishman of the Year Award. It is a privilege to take this opportunity to pay tribute to Don for his commitment and dedication to the people of Massachusetts and the Nation.

The Irishman of the Year Award was established in 1986 by the Friends of the Kennedy Library to pay tribute to unsung leaders of Irish heritage. This award honors individuals for their outstanding contributions to their communities and it honors President Kennedy's great love for his Irish heritage and his belief that ''each one of us can make a difference and all of us must try.''

Few have done more for their community or for Massachusetts than Don Dowd. Don is currently vice president and Northeast manager of government affairs for the Coca-Cola Co. He also serves as a member of the Board of Directors of the New England Council, the Adopt-A-Student Program for Cathedral High School in Boston, the Armed Services YMCA in Charlestown, and the board of trustees of the Eastern States Exposition in West Springfield. Don's commitment to his community and our Commonwealth is further exemplified by his work with the Massachusetts Chapter of the Special Olympics and his work with the New England Governors' Conference.

Don eminently deserves this year's Irishman of the Year Award. Massachusetts is proud of Don's outstanding leadership, and we are proud of his friendship as well. I commend him for his many achievements, and I wish him continued success in the years ahead.

ADVANCE NOTICE OF PROPOSED RULEMAKING

Mr. THURMOND. Mr. President, pursuant to section 304(b) of the Congressional Accountability Act of 1995 (2 U.S.C. 1384(b)), an advance notice of proposed rulemaking was submitted by the Office of Compliance, U.S. Congress. This advance notice seeks comment on a number of regulatory issues arising under section 220 of the Congressional Accountability Act. Section 220 applies to covered congressional employees and employing offices the rights, protections, and responsibilities established under chapter 71 of title V, United States Code, related to Federal service labor-management relations.

Section 304 requires this notice to be printed in the CONGRESSIONAL RECORD; therefore, I ask unanimous consent that the notice be printed in the RECORD.

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

OFFICE OF COMPLIANCE—THE CONGRESSIONAL ACCOUNTABILITY ACT OF 1995: EXTENSION OF RIGHTS, PROTECTIONS AND RESPONSIBILITIES UNDER CHAPTER 71 OF TITLE 5, UNITED STATES CODE, RELATING TO FEDERAL SERVICE LABOR-MANAGEMENT RELATIONS

ADVANCE NOTICE OF PROPOSED RULEMAKING

Summary: The Board of Directors of the Office of Compliance (''Board'') invites comments from employing offices, covered employees and other interested persons on matters arising in the issuance of regulations under section 220 (d) and (e) of the Congressional Accountability Act of 1995 (''CAA'' or ''Act'') Pub. L. 104–1, 109 Stat. 3.

The provisions of section 220 are generally effective October 1, 1996. 2 U.S.C. section 1351. Section 220(d) of the Act directs the Board to issue regulations to implement section 220. The Act further provides that, as to covered employees of certain specified employing offices, the rights and protections of section 220 will be effective on the effective date of Board regulations authorized under section 220(e). 2 U.S.C. section 1351(f). Section 304 of the CAA prescribes the procedure applicable to the issuance of substantive regulations by the Board.

The Board issues this Advance Notice of Proposed Rulemaking (ANPR) to solicit comments from interested individuals and groups in order to encourage and obtain participation and information as early as possible in the development of regulations. In particular, the Board invites and encourages commentors to address certain specific matters and to submit reporting background information and rationale as to what the regulatory guidance should be before proposed rules are promulgated under section 220 of the Act. In addition to receiving written comments, the Office will consult with interested parties in order to further its understanding of the need for and content of appropriate regulatory guidance.

Dates: Interested parties may submit comments within 30 days after the date of publication of this Advance Notice in the Congressional Record.

Addresses: Submit written comments (an original and 10 copies) to the Chair of the Board of Directors, Office of Compliance, Room LA 200, John Adams Building, 110 Second Street, S.E., Washington, DC 20540–1999. Those wishing to receive notification of receipt of comments are requested to include a self-addressed, stamped post card. Comments may also be transmitted by facsimile (''FAX'') machine to (202) 426–1913. This is not a toll-free call. Copies of comments submitted by the public will be available for review at the Law Library Reading Room, Room LM–201, Law Library of Congress, James Madison Memorial Building, Washington, DC, Monday through Friday, between the hours of 9:30 a.m. and 4:00 p.m.

For Further Information Contact: Executive Director, Office of Compliance at (202) 724–9250. This notice is also available in the following formats: large print, braille, audio tape, and electronic file on computer disk. Requests for this notice in an alternative format should be made to Mr. Russell Jackson, Director, Service Department, Office of the Sergeant at Arms and Doorkeeper of the Senate, 202–224–2705.

Background

The Congressional Accountability Act of 1995 applies the rights and protections of eleven federal labor and employment law statutes to covered Congressional employees

and employing offices. The Board of Directors of the Office of Compliance established under the CAA invites comments before promulgating proposed rules under section 220 of that Act, the section which applies to covered Congressional employees and employing offices the rights, protections and responsibilities established under chapter 71 of title 5, United States Code, relating to Federal service labor-management relations (''chapter 71'').

Section 220(d) authorizes the Board to issue regulations to implement section 220 and further states that such regulations ''shall be the same as substantive regulations promulgated by the Federal Labor Relations Authority [''FLRA''] to implement . . . [the referenced statutory provisions] . . . except to the extent that the Board may determine, for good cause shown and stated together with the regulation, that a modification of such regulations would be more effective for the implementation of the rights and protections under this section; or . . . as the Board deems necessary to avoid a conflict of interest or appearance of a conflict of interest.''

Section 220(e) further authorizes the Board to issue regulations ''on the manner and extent to which the requirements and exemptions of chapter 71 . . . should apply'' to covered employees who are employed in offices listed in paragraph 2 of that subsection and provides that such regulations shall, ''to the greatest extent practicable, be consistent with the provisions and purposes of chapter 71 . . . and of this Act, and shall be the same as substantive regulations issued by the [FLRA] under such chapter, except . . . [for good cause] . . . and that the Board shall exclude from coverage under [section 220] any covered employees who are employed in offices listed in paragraph (2) [of section 220(e)] if the Board determines that such exclusion is required because of (i) a conflict of interest or appearance of a conflict of interest; or (ii) Congress' constitutional responsibilities.''

The provisions of section 220 are effective October 1, 1996, except that, ''[w]ith respect to the offices listed in subsection (e)(2), to the covered employees of such offices, and to representatives of such employees, [the provisions of section 220] shall be effective on the effective date of regulations under subsection (e).''

In order to promulgate regulations that properly fulfill the directions and intent of these statutory provisions, the Board needs comprehensive information and comment on a wide range of matters and issues. The Board has determined that, before publishing proposed regulations for notice and comment, it will provide all interested parties and persons with this opportunity to submit comments, with supporting data, authorities and argument, as to the content of and bases for any proposed regulations. The Board wishes to emphasize, as it did in the development of the regulations issued to implement sections 202, 203, 204 and 205 of the CAA, that commentors who propose a modification of the regulations promulgated by the FLRA, based upon an assertion of ''good cause,'' should provide specific and detailed information and rationale necessary to meet the statutory requirements for good cause to depart from the FLRA's regulations. It is not enough for commentors simply to propose a revision to the FLRA's regulations or to request guidance on an issue, rather, if commentors desire a change in the FLRA's regulations, commentors must explain the legal and factual basis for the suggested change. Similarly, commentors are urged to provide information with sufficient specificity and detail to support (1) any proposed modification of the FLRA's regulations based upon an asserted conflict of interest or appearance of a conflict of interest, (2) any claim that the manner and extent of the application of the requirements and exemptions of chapter 71 should differ for certain employees or covered employing offices, or (3) exclusion of any covered employees from coverage of section 220 because of an asserted conflict of interest or appearance thereof, or because of Congress' constitutional responsibilities. The Board must have these explanations and information if it is to be able to evaluate proposed regulations and make proposed regulatory changes. Failure to provide such information and authorities will greatly impede, if not prevent, adoption of proposals by commentors.

So that it may make more fully informed decisions regarding the promulgation and issuance of regulations, in addition to inviting and encouraging comments on all relevant matters, the Board specifically requests comments on the following issues:

I. Regulations Promulgated by the Federal labor Relations Authority

As noted above, except as otherwise specified, section 220 (d) and (e) of the CAA, among other things, directs the Board to issue regulations that are ''the same as substantive regulations promulgated by the Federal Labor Relations Authority to implement the [applicable] statutory provisions'' (emphasis added).

The Board has reviewed the body of regulations promulgated by the FLRA and published at 5 C.F.R. sections 2411–2416 (Subchapter B), 2420–2430 (Subchapter C), and 2470–2472 (Subchapter D), as amended, effective March 15, 1996 (See Vol. 60 Federal Register 67288, December 29, 1995) Subchapter B of the FLRA regulations treats the implementation and applicability of the Freedom of Information Act, the Privacy Act and the Sunshine Act in the FLRA's processes; internal matters including delegations of authority, FLRA employee conduct and anti-discrimination policies; and procedural issues such as ex parte communications and subpoenas of FLRA personnel. As the regulations contained in Subchapter B of the FLRA's regulations do not appear to have been ''promulgated to implement the statutory provisions'' applied by section 220, it is the Board's preliminary view that they should not be proposed for adoption under the CAA.

With respect to the rest of the FLRA's regulations, section 2420.1, ''Purpose and scope'', states in pertinent part that ''the regulations contained in this subchapter [Subchapter C relating to the FLRA and the General Counsel of the FLRA] are designed to implement the provisions of chapter 71 . . . They prescribe the procedures, basic principles or criteria under which the [FLRA] or the General Counsel of the [FLRA], as applicable, will'' carry out their functions, resolve issues and otherwise administer chapter 71. Section 2470.1 in turn provides that the ''regulations contained in this Subchapter [D] are intended to implement the provisions of section 7119 of title 5 . . . They prescribe procedures and methods which the Federal Service Impasses Panel may utilize in the resolution of negotiation impasses . . .'' Thus, a review of Subchapters C and D reveals that certain of the regulations relate to processes that implement chapter 71, while others relate to principles or criteria for making decisions that implement chapter 71. Thus, with respect to all of these provisions, there is a question as to which, if any, are ''substantive regulations'' within the meaning of section 220(d) and (e) of the Act.

When promulgating regulations to implement section 203 of the CAA, the Board noted that, under principles of administrative law, a distinction is generally made between ''substantive'' regulations and ''interpretive'' regulations or guidelines. ''Substantive'' regulations are issued by a regulatory body pursuant to statutory authority and implement the underlying statute. Such rules have the force and effect of law. The Board also notes that the term ''substantive,'' when describing regulations, might be used to distinguish such regulations from those that are ''procedural'' in nature or content. In this regard, section 304 of the CAA sets forth the procedures applicable to the issuance of ''substantive'' regulations. In contrast, section 303 of the CAA sets forth different procedures for the issuance of ''procedural rules.'' Both sections 303 and 304 require adherence to the principles and procedures set forth in section 553 of title 5, United States Code, and provide for the publication of a general notice of proposed rulemaking in accordance with section 553(b) of title 5, United States Code (to be published in the Congressional Record instead of the Federal Register) and a comment period of at least 30 days. In light of these statutory provisions, the use of the phrase ''substance regulations,'' in the context of sections 220 and 304 of the CAA, could be intended to further distinguish such regulations from the purely procedural regulations to be issued under section 303 of the Act.

The Board invites comment on the meaning of the term ''substantive regulations'' under sections 220 and 304 of the CAA.

The Board further invites comment on which of the regulations promulgated by the FLRA should be considered substantive regulations within the meaning of section 220 of the CAA, and specifically invites comment on whether, and if so, to what extent the Board should propose the adoption of the regulations set forth in 5 C.F.R. sections 2411–2416.

II. Modifications of FLRA Regulations under Section 220(d) of the CAA

As noted above, section 220(d) provides that the Board shall issue regulations that are the same as substantive regulations of the FLRA ''except to the extent that the Board may determine, *for good cause shown* and stated together with the regulations, that a modification of such regulations would be *more effective for the implementation of the rights and protections* under this section'' (emphasis added). Section 220(d) also provides that the Board may modify the FLRA's substantive regulations ''as the Board deems necessary to avoid a conflict of interest or appearance of a conflict of interest.'' Thus, there is an issue as to what modifications, if any, should be made to the FLRA's regulations pursuant to these authorities.

Commentors who, based upon an assertion of ''good cause,'' propose modifications of any identified substantive regulations promulgated by the FLRA should state, with specificity and detail, how such modifications would be ''more effective'' for the implementation of the rights and protections applied under the CAA. Commentors are reminded that proposed modifications for good cause must meet the statutory requirements quoted above; commentors are also reminded that any proposed modifications in regulations should be supported by appropriate legal and factual materials.

Similarly, the Board further requests commentors to identify, where applicable, why a proposed modification of the FLRA regulations is necessary to avoid a conflict of interest or an appearance of a conflict of interest. In this regard, commentors should not only fully and specifically describe the

conflict of interest or appearance thereof that they believe would exist were the pertinent FLRA regulations not modified, but also explain the necessity for avoiding the asserted conflict or appearance of conflict and how any proposed modification would avoid the identified concerns. Indeed, commentors should explain how they interpret this statutory provision and, in doing so, identify the interpretive materials upon which they are relying.

In addition, the Board requests that commentors identify any provisions within Subchapters C and D of the FLRA's regulations which, although promulgated to implement chapter 71, were not in the commentors' view promulgated to implement a statutory provision of chapter 71 that was incorporated by section 220 into the CAA or are otherwise inconsistent with the provisions of the CAA. Also, commentors are requested to suggest technical changes in nomenclature or other matters that may be deemed appropriate.

The Board invites comment on whether and to what extent it should, pursuant to section 220(d) of the CAA, modify the substantive regulations promulgated by the FLRA.

III. Questions arising under section 220(e)

A. The Manner and Extent of the Application of Chapter 71 to Specific Employees

Section 220(e)(1) provides that the ''Board shall issue regulations pursuant to section 304 on the manner and extent to which the requirements and exemptions of chapter 71 . . . should apply to covered employees who are employed in offices listed in paragraph (2).'' Section 220(e) further states that the ''regulations shall, to the greatest extent practicable, be consistent with the provisions and purposes of chapter 71 and shall be the same as substantive regulations issued by the [FLRA] under such chapter,'' except for ''good cause.'' The offices referred to in section 220(e)(2) include:

(A) the personal office of any Member of the House of Representatives or of any Senator;

(B) a standing, select, special, permanent, temporary, or other committee of the Senate or other committee of the Senate or House of Representatives, or a joint committee of Congress;

(C) the Office of the vice President (as President of the Senate), the Office of the President pro tempore of the Senate, the Office of the Majority Leader of the Senate, the Office of the Minority Leader of the Senate, the Office of the Majority Whip of the Senate, the Office of the Minority Whip of the Senate, the Conference of the Majority of the Senate, the Conference of the Minority of the Senate, the Office of the Secretary of the Conference of the Majority of the Senate, the Office of the Secretary of the Conference of the Minority of the Senate, the Office of the Secretary for the Majority of the Senate, the Office of the Secretary for the Minority of the Senate, the Majority Policy Committee of the Senate, the Minority Policy Committee of the Senate, and the following offices within the Office of the Secretary of the Senate: Offices of the Parliamentarian, Bill Clerk, Legislative Clerk, Journal Clerk, Executive Clerk, Enrolling Clerk, Official Reporters of Debate, Daily Digest, Printing Services, Captioning Services, and Senate Chief Counsel for Employment.

(D) the Office of the Speaker of the House of Representatives, the Office of the Majority Leader of the House of Representatives, the Office of the Minority Leader of the House of Representatives, the Offices of the Chief Deputy Majority Whips, the Offices of the Chief Deputy Minority Whips and the following offices within the Office of the Clerk of the House of Representatives: Offices of Legislative Operations, Official Reporters of Debate, Official Reporters to Committees, Printing Services, and Legislative Information;

(E) the Office of the Legislative Counsel of the Senate, the Office of the Senate Legal Counsel, the Office of the Legislative Counsel of the House of Representatives, the Office of the General Counsel of the House of Representatives, the Office of the Parliamentarian of the House of Representatives, and the Office of the Law Revision Counsel;

(F) the offices of the caucus or party organization;

(G) the Congressional Budget Office, the Office of Technology Assessment, and the Office of Compliance; and

(H) such other offices that perform comparable functions which are identified under regulations of the Board.

These statutory provisions raise a number of interpretive and factual questions that must be considered in the rulemaking process.

Although section 220(e)(1)(A) directs that any regulations issued by the Board on the manner and extent of application of chapter 71's requirements and exemptions shall generally be the same as the FLRA's substantive regulations, the regulations promulgated by the FLRA only generally govern the manner in which chapter 71 is implemented. The specific application of both the requirements of chapter 71 and the exemptions delineated in sections 7103 and 7112 of that chapter has been developed through the case precedents of the FLRA and the courts; the FLRA regulations generally do not set forth, with any specificity, the manner and extent of the application of chapter 71's requirements and exemptions. An initial question arises as to whether and to what extent the regulations promulgated by the FLRA should be modified for application to covered employees of the offices identified in section 220(e)(2) so as to specify in greater detail the manner and the extent of chapter 71's application. In addressing this question, commentors are reminded that any suggested modifications of the FLRA's regulations should be supported with a detailed explanation of the factual and legal reasons that demonstrate how such modification would meet the ''good cause'' standard of the CAA (see Section II, supra.).

In addition, the Board notes that section 220(e) further requires that any regulations issued on the manner and extent of chapter 71's application to employees in the referenced offices shall, to the greatest extent practicable, be consistent with the provisions and purposes of chapter 71. In the latter regard, Section 7101 of chapter 71 sets forth the following ''Findings and purpose''.

(a) The Congress finds that—

(1) experience in both private and public employment indicates that the statutory protection of the right of employees to organize, bargain collectively, and participate through labor organizations of their own choosing in decisions which affect them—

(A) safeguards the public interest,

(B) contributes to the effective conduct of public business, and

(C) facilitates and encourages the amicable settlements of disputes between employees and their employers involving conditions of employment; and

(2) the public interest demands the highest standards of employee performance and the continued development and implementation of modern and progressive work practices to facilitate and improve employee performance and the efficient accomplishment of the operations of the Government Therefore, labor organizations and collective bargaining in the civil service are in the public interest.

(b) It is the purpose of this chapter to prescribe certain rights and obligations of the employees of the Federal Government and to establish procedures which are designed to meet the special requirements and needs of the Government. The provisions of this chapter should be interpreted in a manner consistent with the requirement of an effective and efficient Government.

There thus is immediately a question whether and to what extent these findings and purposes apply in interpreting section 220 of the CAA, and, if these findings and purposes do not apply, the question arises as to how the Board should define the phrase ''provisions and purposes of chapter 71.''

The Board invites comment on whether and to what extent it should, pursuant to section 220(e)(1)(A), modify the regulations promulgated by the FLRA for application to covered employees of the offices identified in section 220(e)(2). Commentors are reminded that any suggested modifications of the FLRA's regulations should be supported with a detailed explanation of the factual and legal reasons that demonstrate how such modification would meet the ''good cause'' standard of the CAA, as well as an explanation of how such proposed modifications are ''to the greatest extent practicable consistent with the provisions and purposes of chapter 71.''

The Board further invites comment on what regulations should be issued under section 220(e)(1)(A) concerning the manner and extent to which the requirements and exemptions of chapter 71 should apply to covered employees who are employed in the offices identified in section 220(e)(2). Commentors are requested to state on what basis they believe the Board has authority to issue such regulations, and to set forth fully and precisely the content of and necessity for any proposed regulations, as well as an explanation of how any such proposed regulations are ''to the greatest extent practicable consistent with the provisions and purposes of chapter 71.''

B. Exclusion from Coverage

Section 220(e)(1)(B) provides ''that the Board shall exclude from coverage [under section 220] any covered employees who are employed in offices listed in paragraph (2) if the Board determines that such exclusion is required because of—

(i) a conflict of interest or appearance of a conflict of interest; or

(ii) Congress' constitutional responsibilities.''

The referenced offices are set forth above. The Board seeks comment on several questions.

Under section 7103 of chapter 71, managerial and supervisory employees are excluded by law from coverage under section 220 of the CAA, and, pursuant to section 7112, other individuals such as confidential employees, employees engaged in personnel work, certain employees who conduct internal investigations and employees engaged in intelligence or national security work are precluded from inclusion in bargaining units. In addition, section 7120 of chapter 71 provides that chapter 71 ''does not authorize participation in the management of a labor organization or acting as a representative of a labor organization by an employee if the participation or activity would result in a conflict or apparent conflict of interest or would otherwise be incompatible with law or with the official duties of the employee.'' The issue presented is which additional employees, if any, shall be excluded from coverage under section 220 based upon factors other than those already set forth under the provisions of chapter 71, as applied by the CAA.

The Board reiterates that any proposed exclusion should be supported with detailed and precise information and rationale sufficient to establish that exclusion is warranted under section 220(e)(1(B) of the Act. For example, commentors should provide comprehensive and specific descriptions of job functions and responsibilities that they believe require exclusion of covered employees from coverage and explain precisely why the participation in an employee organization of an individual who had such tasks and responsibilities would interfere with Congress' constitutional responsibilities or present a conflict of interest. In the absence of such information and rationale, it will be difficult for the Board to determine whether covered employees in the specified offices should be excluded from enjoying the rights and protections of section 220, except as otherwise required by law or provided under any regulations issued pursuant to section 220(e)(1)(A).

The Board invites comment on the following specific questions:

1. What are the constitutional responsibilities of Congress that would require exclusion of employees from coverage under section 220 of the CAA? Similarly, what would constitute a conflict of interest or appearance of conflict that would require exclusion of employees from coverage under section 220 of the CAA?

2. Should determinations as to exclusion from coverage under section 220 be made on an office-wide basis or should they be based on performance of specified duties and functions in the referenced office?

3. In each individual office referenced in section 220(e)(2), what are the particular duties and functions of the specific positions that shall be excluded from coverage? What is the legal basis under the CAA for exclusion?

4. What exclusions, if any, are required under paragraph 220(e)(2)(H)? What are the ''comparable functions'' of any office so identified? What are the bases for exclusion of the specified office or of covered employees in the offices?

The Board reiterates that, in answering these questions, commentors should provide detailed legal and factual support for their proposals. Generalities and conclusory assertions will not suffice. Detailed information and authorities that address specific duties and functions of employees and offices, in rigorous and complete detail, are necessary to enable the Board to make appropriate determinations pursuant to the CAA's mandate.

GOODBYE TO THE HUNTSVILLE NEWS

Mr. HEFLIN. Mr. President, Huntsville, AL's morning newspaper, the Huntsville News, will publish its last edition on Friday, March 15, 1996. The News was founded 32 years ago by local business people as a weekly, but became a daily paper within only a few months. In 1968, it was sold by the owners to Advance Publications, which also owns Huntsville's afternoon paper, the Huntsville Times.

The Huntsville News published its first edition on January 8, 1964. It introduced itself to its Rocket City readers with the headline: ''New Communications Capsule Blasts Off.'' The original owners were James Cleary, a Huntsville attorney; John Higdon, the former manager of a local television station; and Thomas A. Barr, an electrical engineer. The paper was printed on its own press, an offset press which was one of the most modern in the business. Less than 2 months after it began publishing, it went to a twice-weekly schedule, and in August 1964, it became a 6-day daily, publishing every day except Sunday.

Stoney Jackson was the first editor of the News. At one time, he was a contestant on ''The $64,000 Question'' television quiz show, and became famous when he revealed cheating on the famous game show. Other editors were Sid Thomas, Hollice Smith, Dave Langford, Tom Lankford, and Lee Woodward, who has been editor since 1977. Ironically, Woodward, who first came to work for the paper in 1972, had already planned his retirement for this March before the announcement about the News.

Before he joined the News, Woodward, a native of Arab, AL, had worked for the Huntsville Times, the News Courier, Alabama Courier, and Limestone Democrat, all three newspapers published in Athens, where he grew up. He had also worked at the Gadsden Times. He is now serving as president of the Alabama Press Association and has been on the Alabama Newspaper Advertising Service Board of Directors. Altogether, he has enjoyed 42 years in the newspaper business.

I want to congratulate everyone who has been involved with the publication of the Huntsville News over the last 32 years, particularly the current editor, Lee Woodward, who has performed superbly in an exceedingly difficult position. The newspaper has been an authoritative source of information and insight into the issues and news of the day, and its loss is an extremely sad one for the Huntsville area. Its sharp writing, lucid clarity, and professional objectivity each morning will be sorely missed by its many readers. It has performed its mission well and leaves a tremendous journalistic legacy to the citizens of this vibrant area.

TRIBUTE TO MAYOR RALPH SEARS

Mr. HEFLIN. Mr. President, longtime Montevallo, AL mayor Ralph Sears passed away on February 14, 1996 at the age of 73. A native of Nebraska, the young World War II veteran had come to Montevallo in 1948 to teach broadcasting courses at Alabama College, now the University of Montevallo. It was said that he had a golden voice, and he originally was lured to the south to teach a year or so and then move on. Thankfully for Montevallo, he never got around to moving on. Instead, he went on to serve for 16 years as a member of the city council and then for 24 years as mayor.

During his nearly half-century in his adopted city, Ralph Sears and his wife, Marcia, raised three children; opened radio station WBYE, located between Calera and Montevallo; and bought and published two weekly newspapers, one of which was the Shelby County Reporter.

As mayor, he came to be seen as an uncommon friend to his constituents. He accomplished things which had a direct impact on their daily lives. He saw that tall horse-and-buggy curbs and crumbling sidewalks were replaced by lower curbs, handicap ramps, flowering trees in planters, and litter cans. He oversaw the building of a 40-acre park with ball fields, playgrounds, picnic tables, walking trail, gazebo, recreation building, and Scout hut. He worked with black citizens to devise a district voting system that assured their representation on the council years before a Federal court decision ordered municipal governments to take such action. Mayor Sears was also credited with constructing a sewage treatment plant and modern fire station.

He spent some fairly exciting times in the Pacific theatre during World War II. He served in Tokyo and in the Philippines with General Douglas MacArther. He and Marcia would customarily travel around the world, to wherever news was breaking or about to break. They celebrated Alaska's statehood in Juneau; visited South Africa on the brink of revolution in 1986; and saw the other side of the Iron Curtain before glasnost turned it into rust.

Mayor Sears was active in the World Council of Mayors; past chairman of the Shelby County Mayors Association; and president of the Montevallo Rotary Club, Chamber of Commerce, and board of Shelby Youth Services.

Ralph Sears was truly an institution in Montevallo; he was involved in the city's educational, religious, news media, and, of course, its governing bodies. He was a gentleman's gentleman who believed deeply in the principles set forth in the U.S. Constitution. He was an honest, fair, and moral person—a progressive and a visionary who believed the American way was the right way.

At the time of his death, one of the projects he was working on was the establishment of a section of Montevallo as an Alabama Village. The State and the University of Montevallo are trying to create a community similar to Jamestown in Williamsburg, VA, and the city has committed funds to buy 115 acres for the project. Hopefully, this village will some day stand as a monument to his life and work.

I extend my sincerest condolences to the Sears family in the wake of its tremendous loss. His legacy is one that will last for many, many decades into the future.

TRIBUTE TO CIVIC LEADER HARRY MOORE RHETT, JR.

Mr. HEFLIN. Mr. President, Harry Moore Rhett, Jr., a long-time community leader and member of one of Huntsville, Alabama's most prominent families, died on February 3, 1996 at his antebellum home in Huntsville.

During his long career, Rhett served as chairman of the city of Huntsville Gas Utility Board; chairman of the city of Huntsville Water Utility Board; chairman of the Huntsville Hospital Foundation; chairman of the Randolph School Board of Trustees; and chairman of the board of governors of the Heritage Club.

In addition, he had served as president of the Huntsville-Madison County Chamber of Commerce; the Huntsville Rotary Club; the Huntsville Industrial Expansion Committee; and the Twickenham Historic Preservation District Association. He was chairman of the board of control of Huntsville Hospital; the Madison County Board of Registrars; and the Marshall Space Flight Center Community Advisory Committee.

It is difficult to imagine any citizen serving his community with more energy, pride, and dedication than did Harry Rhett, Jr. His devotion to his community was total and unwavering.

As an avid athlete, hunter, and sportsman, he was the founder and master of the Mooreland Hunt, a local fox-hunting group. He was a graduate of Culver Military Academy; Washington and Lee University; and Harvard University business school. He served as an army officer in Europe during World War II.

Harry Rhett, Jr. was one of those rare individuals who truly embodied the unique ideals upon which our country was founded. He achieved great financial and personal success, yet served with humility and a spirit of generosity. His efforts and work contributed significantly to the tremendous growth of the Huntsville area during his life-time.

I extend my sincerest condolences to the Rhett family in the wake of its tremendous loss. I hope they, like most citizens of this area, will find solace in continuing to enjoy the fruits of Harry's labor, which are all around them, for many, many years to come.

HONORING THE EATONS FOR CELEBRATING THEIR 50TH WEDDING ANNIVERSARY

Mr. ASHCROFT. Mr. President, these are trying times for the family in America. Unfortunately, too many broken homes have become part of our national culture. It is tragic that nearly half of all couples married today will see their union dissolve into divorce. The effects of divorce on families and particularly the children of broken families are devastating. In such an era, I believe it is both instructive and important to honor those who have taken the commitment of ''til death us do part'' seriously and have successfully demonstrated the timeless principles of love, honor, and fidelity, to build a strong family. These qualities make our country strong.

For these important reasons, I rise today to honor the Ernest and Margie Eaton of Clinton, MO, who on March 3 celebrated their 50th wedding anniversary. My wife, Janet, and I look forward to the day we can celebrate a similar milestone. Ernest and Margie's commitment to the principles and values of their marriage deserves to be saluted and recognized. I wish them and their family all the best as they celebrate this substantial marker on their journey together.

THE BAD DEBT BOXSCORE

Mr. HELMS. Mr. President, the Federal debt now exceeds $5 trillion. Twenty years ago, in 1976, the Federal debt stood at $629 billion, after 200 years of America's existence, including two world wars. After all of that, the total Federal debt, I repeat, was $629 billion.

Then the big spenders really went to work and the interest on the debt really began to take off—and, presto, during the past 20 years the Federal debt has soared into the stratosphere, increasing by more than $4 trillion in 2 decades—from 1976 to 1996.

So, Mr. President, as of the close of business yesterday, March 5, 1996, the Federal debt stood—down-to-the-penny—at $5,016,462,295,493.85. On a per capita basis, every man, woman, and child in America owes $19,040.91 as his or her share of that debt.

This enormous debt is a festering, escalating burden on all citizens and especially it is jeopardizing the liberty of our children and grandchildren. As Jefferson once warned, ''to preserve [our] independence, we must not let our leaders load us with perpetual debt. We must make our election between economy and liberty, or profusion and servitude.'' Isn't it about time that Congress heeded the wise words of the author of the Declaration of Independence?

MS. BARBARA BALDWIN

Mr. PELL. Mr. President, last week Rhode Islanders learned some sad news. We learned that one of our community's leading and most respected activists is leaving our State for a new position in Tennessee. We will miss Barbara Baldwin, the Executive Director of Planned Parenthood of Rhode Island for the last 9 years, when she leaves Rhode Island at the end of May.

It is often said that everyone in Rhode Island knows everyone else in Rhode Island. That's almost true—we are a small State and it is relatively easy to get to know people who become active in the State and in their communities. But Barbara made an immediate mark on Rhode Island when she arrived here in 1987. And since then she had led Planned Parenthood with dignity, serenity, courage, and energy. She is totally dedicated to ensuring quality health care to women, and is wholly committed to preserving reproductive rights.

Barbara has also been an important political adviser and friend to me over these last 9 years, and to many other government officials and politicians. But mostly, she has been a leader for the women of Rhode Island, and has gained the respect of both those who share her views and those who don't.

Rhode Islanders will miss Barbara, and we wish her well in her move to Tennessee. But we want her to know that the door to our State will always be open to her, and we hope that some day she will return.

CONGRATULATIONS TO PRESIDENT SOARES UPON HIS RETIREMENT

Mr. PELL. Mr. President, as President Soares, one of Portugal's greatest modern leaders, prepares to retire, I would like to offer my personal congratulations. President Soares is a good friend who has my admiration for all he has done to make Portugal a vibrant and democratic part of Europe. During the dark days of Portugal's authoritarian regime, President Soares demonstrated an enormous amount of courage. He was an active opponent of that rule—and for that he paid dearly. I particularly remember that when those dark days ended in 1974, President Soares returned to Portugal to help lead the new government. I followed his career closely in the ensuing years—when he served as foreign minister twice and prime minister three times before becoming President in 1986. I have deep regard for President Soares' leadership in the 1980's in preparing Portugal for entry into the European Community, and in more recent years, in ensuring that Portugal remains firmly planted in the European Union and NATO.

I have a huge respect for Portugal and her people, and have been fortunate to work with President Soares over the years. My State of Rhode Island has a large and vibrant Portuguese community.

Portugal is an important ally. Our two countries share a commitment to democracy, freedom, and peace—values which are important not only as we confront a changing Europe—but as we approach challenges in the Middle East and Africa. Portugal is a great friend of the United States, and it is in the spirit of this friendship that I pay tribute to President Soares, and wish him well in his retirement.

HOW MUCH FOREIGN OIL BEING CONSUMED BY UNITED STATES? HERE'S WEEKLY BOXSCORE

Mr. HELMS. Mr. President, the American Petroleum Institute reports that, for the week ending March 1, the United States imported 6,329,000 barrels of oil each day, 3 percent more—169,000 barrels more—than the 6,160,000 barrels imported during the same period 1 year ago.

Americans now rely on foreign oil for more than 50 percent of their needs. There is no sign that this upward trend will abate.

Anybody else interested in restoring domestic production of oil—by U.S.

producers using American workers? The political primary season has forced the political and media establishment to take seriously American's deep-felt concern about economic insecurity and loss of jobs to foreign competition. It's about time they caught on. All it takes is a trip through North Carolina to see the scores of textile mills closed due to foreign competition to understand why Americans have a legitimate fear of losing their job or see their hard earned wages fall.

Politicians had better ponder the economic calamity that will surely occur in America if and when foreign producers shut off our supply, or double the already enormous cost of imported oil flowing into the United States.

TRIBUTE TO TRUDY VINCENT

Mr. BRADLEY. Mr. President, I rise to offer my warmest thanks, respect, and heartfelt congratulations to my legislative director, Trudy Vincent, who will leave my staff at the end of this week. For 3 years, in her second tour of duty in my office, Trudy has been the anchor of my legislative work, and deserves much of the credit for the legislative accomplishments of my office since 1993.

Although Trudy will be leaving my staff, she will not be leaving the Senate, and my office's loss is the gain of my colleague Senator BINGAMAN of New Mexico, who will undoubtedly grow to depend upon her much as I have.

Like many of the most gifted and successful of the staff members who serve this institution, Trudy first came here as a fellow through an academic program, having first pursued and succeeded in another demanding field. In her case, Trudy first attained a doctorate in psychology, then joined my office in 1987 as a legislative fellow, working on innovative education and health initiatives.

When her first tour of duty in my office ended after a year, Trudy joined the staff of her home State Senator, Senator MIKULSKI, rose to legislative director, and returned to my staff as legislative director in 1993. I have found her good sense, her wide knowledge, her broad network of friends and professional contacts, and her sense of humor to be of invaluable help in all that I do for the people of New Jersey and the Nation.

The most important attribute a Senator or legislative staffer can possess, I have found, is persistence and dedication. You have to be entrepreneurial, always looking for opportunities to move a good idea forward and never giving up when things look bleak. Trudy exemplifies these qualities. Her persistence and dedication has helped us move forward most of my urban initiatives of 1993, the funding for the high school student exchange with the republics of the former Soviet Union, student loan reform, several nominations, and very soon, I hope it will lead to final passage of my bill to prohibit new mothers from being discharged from the hospital before they or their babies are ready.

In addition to these qualities, there is an intangible between a Senator and a staff member. It is related to loyalty and knowledge, but it also is something more. It is the phenomenon of being confident that the staff member knows how to further the Senator's goals in a way that is consistent with the Senator's values and style. I've always felt that way about Trudy. I could truly leave it to her and know that it would be done as I would want it done. I guess I'm saying that at the core of a Senator-staff relation is trust. That's clearly the way it's been between us, for which I am lucky and very grateful.

I want finally to thank Trudy again, express my appreciation for all her long hours and hard work, and wish her all the best fortune as she continues to contribute to the workings of this democratic institution after I leave.

The PRESIDING OFFICER (Mr. DEWINE). The Senator from Utah.

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

The PRESIDING OFFICER. The clerk will call the roll.

The bill clerk proceeded to call the roll.

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

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

ADJOURNMENT

Mr. BENNETT. Mr. President, I ask unanimous consent that the Senate now stand in adjournment for 1 minute, and that when the Senate reconvenes its morning hour be deemed to have expired.

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

Thereupon, the Senate adjourned until 11:12 a.m.; whereupon, the Senate at 11:13 a.m. reassembled when called to order by the Presiding Officer [Mr. DEWINE].

Mr. BENNETT addressed the Chair.

The PRESIDING OFFICER. The Senator from Utah.

WHITEWATER DEVELOPMENT CORP. AND RELATED MATTERS—MOTION TO PROCEED

Mr. BENNETT. Mr. President, I ask unanimous consent that the Senate now proceed to the consideration of calendar No. 341, Senate Resolution 227 regarding the Special Committee on Whitewater.

The PRESIDING OFFICER. Is there objection?

Mr. SARBANES. I object.

The PRESIDING OFFICER. Objection is heard.

Mr. BENNETT. Mr. President, I now move to proceed to calendar 341, Senate Resolution 227.

The PRESIDING OFFICER. The question is on the motion.

Is there further debate?

Mr. MACK addressed the Chair.

The PRESIDING OFFICER. The Senator from Florida.

Mr. MACK. Mr. President, we are here today primarily because the White House has not been dealing with the special committee in good faith. I know that there are those who would accuse this committee of conducting a political witch hunt in an election year. But I submit that there are legitimate and powerful reasons to be investigating Whitewater Development Corp. and all of the related matters.

At the outset, it should be made clear that the main reason this committee needs additional time is the abject failure of this administration to cooperate. Contrary to all of their public statements, I believe the White House has been actively engaged in a coverup. They have repeatedly refused to turn over relevant evidence and have often failed to remember key facts under oath.

To give just one example, Bruce Lindsey was asked on numerous occasions whether he had produced all relevant documents to the committee, and he insisted under oath that he had. In particular, the committee asked about any notes he might have taken during the November 5, 1994, meeting of the Whitewater defense team. That is the same meeting where William Kennedy took notes, and we almost had to go to court to obtain them. Last Friday—that is the very date the special committee's funding was set to expire—he turned over his clearly marked notes of the November 5 Whitewater defense team meeting.

The American people deserve better than that. Again, this is only one example—where Bruce Lindsey was asked over and over again whether he had taken notes during that November 5 meeting, and we were told over and over again that he had not. On the day this committee's funding expired, they turned over these notes of the meeting.

In my opinion, the White House has done everything in its power to hide the truth. That is why we are here asking for additional funds to continue the committee's work.

Mr. President, I suspect that over the next several hours we obviously will hear from both sides of the aisle on this. But on our side of the aisle, I expect that most of our Members who participated in these hearings will probably do as I have done; that is, to focus my attention on some specific areas where I focused my attention during the committee hearings. So my comments now will be somewhat focused on the behavior of the White House officials immediately after Vincent Foster's death.

The death of White House Deputy Counsel Vincent W. Foster, Jr., on July 20, 1993, marked the first time since Secretary of Defense James Forrestal died in 1949 that such a high-ranking

U.S. official took his own life. Mr. Foster was a close friend of both the President and Mrs. Clinton, and provided legal counsel to them on a number of sensitive personal matters, including Whitewater. Given Mr. Foster's sensitive position within the administration and his close personal friendship with the Clinton's, there were legitimate questions to be asked about the way he died.

The reason I raise this is because I have a feeling that those who may have just casually been observing or watching these hearings may have asked the question, What is all the concern about how the White House handled the review of documents in Vince Foster's office? I have already indicated that he was a personal friend of the Clintons, but there are questions that would be raised about any suicide of an individual in this kind of position.

Questions, for example, could be: Was there blackmail involved? Was he a victim of a crime that had something to do with his position? Could he have been the subject of extortion? Was our national security compromised in any way? Officials would certainly be concerned with finding out the answers to these questions as soon as possible.

In the days following his death, White House officials—in particular, members of the White House counsel's office—searched the contents of Mr. Foster's office and at the same time prevented law enforcement officials from conducting a similar search. In doing this and later covering it up, they have come to look like the guiltiest bunch of people I have ever seen.

Section (1)(b)(1) of Senate Resolution 120 authorizes the committee to inquire ''whether improper conduct occurred regarding the way in which White House officials handled documents in the office of White House Deputy Counsel Vincent Foster following his death.''

Pursuant to this directive, the committee conducted 69 depositions and held 17 days of public hearings to investigate the actions of White House officials in the week following Mr. Foster's death. The committee's investigation revealed, among other things, the following facts.

Fact: Foster's office was never sealed the night of his death despite four separate official requests.

Fact: High-ranking White House officials searched it without supervision.

Fact: Maggie Williams was seen by an unbiased witness carrying a stack of documents out of Foster's office.

Fact: Nussbaum made an agreement for Justice Department officials to conduct a search of Foster's office.

Fact: Nussbaum told Stephen Neuwirth that the First Lady and Susan Thomases was concerned with the Justice officials having unfettered access to Foster's office.

Fact: A flurry of phone calls occurred at critical times—17 separate contacts in a 48-hour period among Hillary Clinton, Maggie Williams, Susan Thomases, and Nussbaum.

Fact: After those calls, Nussbaum reneged on the deal with the Department of Justice investigators. He insisted on searching the office himself.

Fact: Once the investigators left the scene, a real search occurred with Maggie Williams' help, and afterwards she took documents to the residence.

Mr. President, I am going to go back through those various facts that I have raised, and again I am focusing on a very, very small portion and limited area of this whole debate. The area that I will be focusing on again is the night of Foster's death and the few days following that death.

Seven different persons recalled four separate requests to White House officials to seal Vincent Foster's office on the evening of his death. This was not done until the next morning. Hillary Rodham Clinton called Maggie Williams, her chief of staff, at 10:13 p.m. immediately upon hearing of Mr. Foster's death on July 20, 1993. Right after talking with Mrs. Clinton, Ms. Williams proceeded to the White House to Mr. Foster's office. White House Counsel Bernie Nussbaum and Deputy Director of the White House Office of Administration, Patsy Thomasson, met her there and conducted a late-night search of Mr. Foster's office without law enforcement supervision.

Mrs. Clinton then called Susan Thomases, a close personal friend, in New York at 11:19 p.m. Secret Service officer Henry O'Neill testified that on the night of Mr. Foster's death, he saw Ms. Williams remove file folders 3 to 5 inches thick from the White House counsel's suite and place them in her office.

Now, why would this Secret Service individual lie about that? This could constitute obstruction of justice, particularly if the billing records were in those files. If this is true, there could be two possible separate counts, the first against Maggie Williams for knowingly taking relevant documents out of Foster's office with the intent to hide them from investigators, and the second for turning them over to someone else, possibly the Clintons, who then intentionally withheld them from us in violation of numerous document requests and subpoenas.

This is one of the central questions which the committee must resolve.

After searching Mr. Foster's office on the night of his death, Ms. Williams called Mrs. Clinton in Little Rock at 12:56 a.m. on July 21, 1993, and talked with her for 11 minutes. Again, this is 12:56 a.m., middle of the night. Once that call was concluded, only 3 minutes later, at 1:10 a.m., after her conversation with Mrs. Clinton, Ms. Williams called Ms. Thomases in New York and they talked for 20 minutes.

I wish to note here that when we first spoke to Ms. Williams, she categorically denied talking to Ms. Thomases that night. Imagine, that was a 20-minute conversation that took place at 1:10 in the morning and Ms. Williams categorically denied talking to Ms. Thomases. When the committee asked her for her phone records to prove her claim, she and her lawyer stated they were not available from the phone company. We asked the phone company for the records and, voila, 1 week later, we had them.

Susan Thomases, a New York lawyer, is a close personal friend of President and Mrs. Clinton. She has known the President for 25 years and Mrs. Clinton for almost 20 years. She was an adviser to the Clinton 1992 Presidential campaign and remained in the close circle of confidants to the Clintons after the election. One article referred to Ms. Thomases as the ''blunt force instrument'' of enforcement for the First Lady. She was the one who got things done in a crunch. As my colleague, Senator BENNETT, described her during the hearings, she was the ''go-to'' guy on the Clinton team. If the First Lady wanted to make sure that her people got to Foster's files before outside law enforcement, Susan Thomases was just the person to get the job done.

Department of Justice officials testified that they agreed with Mr. Nussbaum on July 21, 1993, that they would jointly review documents in Mr. Foster's office. Let me just say that again. There was an agreement between the Justice Department and Bernie Nussbaum as to how the documents in Mr. Foster's office would be reviewed.

Then there is a flurry of phone calls that occurs at what I would call critical times. We then begin a period of time in which a multitude of calls took place involving Thomases, Williams, and the First Lady. I believe the purpose of these calls might have been to make sure that the agreement Bernie Nussbaum had made with the Justice Department concerning the search of Foster's office was not kept.

Call No. 1. At 6:44 a.m.—fairly early in the morning. I am trying to think about how many phone calls I have actually placed at 6:44 a.m. Anyway, 6:44 a.m. Arkansas time on July 22, Maggie Williams called Mrs. Clinton—this is the day following—called Mrs. Clinton at her mother's house in Little Rock, and they talked for 7 minutes. Ms. Williams initially did not tell the special committee about her early-morning phone call to the Rodham residence.

After obtaining her residential telephone records documenting the call, the special committee voted unanimously to call Ms. Williams back for further testimony. When presented with these records, Ms. Williams testified, ''If I was calling the residence, it is likely that I was trying to reach Mrs. Clinton. If it was 6:44 in Arkansas, there's a possibility that she was not up. I don't remember who I talked to, but I don't find it unusual that the chief of staff to the First Lady might want to call her early in the morning for a number of reasons.''

Maggie Williams said, ''I don't recall'' or ''I don't remember'' so many

times I lost count. According to one New York paper, as of last month, all of the Whitewater witnesses combined said this a total of 797 times during the hearings alone.

Call No. 2. This is a call that takes place now 6 minutes after the call that Maggie Williams forgot or just did not mention to the committee until we had records of the call. But 6 minutes after she apparently was willing to wake up the First Lady 6:44 Arkansas time, 6 minutes later Mrs. Clinton called the Mansion on O Street, a small hotel where Susan Thomases stayed in Washington, DC. The call lasted 3 minutes. Oddly enough, Ms. Thomases did not remember this call again until after the committee was provided with her phone records.

Call No. 3. Upon ending her conversation with Mrs. Clinton, Susan Thomases immediately paged Bernie Nussbaum at the White House, leaving her number at the Mansion on O Street. When Mr. Nussbaum answered the page, they talked about the upcoming review of documents in Mr. Foster's office. Ms. Thomases actually told the committee that these two phone calls had nothing to do with one another. After obtaining records documenting that she talked with Mrs. Clinton for 3 minutes immediately prior to paging Mr. Nussbaum, the special committee voted unanimously to call Ms. Thomases back for further testimony.

She maintained, however, that she called Nussbaum, because again, ''I was worried about my friend Bernie, and I was just about to go into a very, very busy day in my work, and I wanted to make sure that I got to talk to Bernie that day since I had not been lucky enough to speak with him the day before.''

I will come back to the busy day she was having later. At this point I will say that she was busy all right, but not with her private law practice.

Mr. Nussbaum has a different recollection of his conversations with Ms. Thomases. On July 22 he testified that Ms. Thomases initiated the discussion about the procedures that he intended to employ in reviewing documents in Mr. Foster's office.

''The conversation on the 22d''—this is a quote now— ''The conversation on the 22d was that she asked me what was going on with respect to the examination of Mr. Foster's office.'' ''She said * * * people were concerned or disagreeing * * * whether a correct procedure was being followed, * * * whether it was proper to give people access to the office at all.''

According to Mr. Nussbaum, Ms. Thomases did not specify who these ''people'' were to whom she was referring, nor did Mr. Nussbaum understand who they were. Mr. Nussbaum testified he resisted Ms. Thomases' overture, but he said, ''Susan * * * I'm having discussions with various people,'' which, by the way, we determined those various people were Hillary Clinton, Bill Clinton and Maggie Williams. Again quoting—''Susan * * * I'm having discussions with various people. As far as the White House is concerned, I will make a decision as to how this is going to be conducted.''

He did decide to renege on his deal with the Department of Justice, but only after more phone calls from Maggie Williams and Susan Thomases. We have independent corroboration from Steve Neuwirth. Steve Neuwirth, a member of the White House counsel staff, testified under oath that Bernie Nussbaum told him Susan Thomases and the First Lady were concerned about giving the officials from Justice ''unfettered access'' to Foster's office.

While the Justice Department officials were kept waiting outside, Nussbaum continued his discussions, as more phone calls ensued, presumably about how to search the office.

Call No. 4. We are back again to this series of phone calls I was describing a little earlier. This is the fourth phone call. This is 8:25 in the morning of July 22. Thomases called the Rodham residence and spoke for 4 minutes.

Call No. 5. At 9 a.m., Thomases called Maggie Williams and left the message ''call when you get in the office.''

Call No. 6. 10:48 a.m., Thomases calls Chief of Staff McLarty's offices, spoke with someone for 3 minutes.

A meeting involving numerous members of the White House staff was going on in McLarty's office at this time to decide how to handle the search of Foster's office. In the meantime, the officials from the Justice Department, Park Police, and other agencies were waiting around for the search to begin.

Call No. 7. 11:04 a.m., Thomases called Maggie Williams, spoke for 6 minutes.

Call No. 8. This is occurring 1 minute after the conclusion of the previous call—Thomases calls Chief of Staff McLarty's office, spoke with someone for 3 minutes.

Call No. 9, just a couple minutes later, Thomases calls Chief of Staff McLarty's office again; spoke with someone for 1 minute.

Call No. 10. 11:37 a.m., Thomases called Maggie Williams, spoke for 11 minutes. Three minutes after that call was completed, Thomases called Maggie Williams and spoke for 4 minutes. Do not forget, this is all taking place during the time that Ms. Thomases said she was going to be very, very busy on conference calls related to her private legal practice.

When we asked Ms. Williams about all these calls to her office from Susan Thomases, she denied talking to her, and told us it could have been anybody else in her office, could have been an intern, a volunteer, or another staffer. Her refusal to take responsibility for the calls resulted in 32 different staffers having to be interviewed about who might have spoken to Susan Thomases that day, and all said they do not remember talking to her.

By doing this, Maggie Williams asked the committee to believe that Susan Thomases regularly calls unpaid interns at the White House just to chat. Her testimony to the committee was frankly typical of her whole approach to the process. In my opinion, both Maggie Williams and Susan Thomases are openly contemptuous of the committee's work. Their attitude toward this inquiry has never been one of cooperation, but rather blatant hostility.

Their behavior, coupled with the documentary evidence we have acquired, lead me to no other reasonable conclusion than that Maggie Williams and Susan Thomases were involved or influenced the decision to breach the agreement with the Department of Justice. Their behavior, and what I believe to be the reasons behind it, are frankly an insult, not just to us, but to the credibility and integrity of the Presidency.

Call No. 12. At 12:47 p.m., Capricia, an individual who is Hillary Clinton's personal assistant, paged Maggie Williams from the Rodham residence.

Call No. 13. 12:55 p.m., Maggie Williams called the Rodham residence and spoke for 1 minute. The pressure on Nussbaum must have been too great. He broke his agreement with the Justice Department and conducted the search essentially unsupervised. After learning of Nussbaum's reversal, David Margolis, one of the seasoned DOJ officials sent over for the search, told Nussbaum, that he was making a big mistake.

Once he heard this news, Philip Heymann, the Deputy Attorney General, later asked, ''Bernie, are you hiding something?''

Call No. 14. At 1:25 p.m., the White House phone call to Rodham residence. Conversation for 6 minutes. Was this to tell Mrs. Clinton the deal with the Justice Department had been reneged upon?

Then we move to the search which takes place in Foster's office from approximately 1 p.m. to 3 p.m. The Department of Justice officials again are kept at bay.

Call No. 15. 3:05 p.m., Bill Burton, McLarty's deputy, called Maggie Williams and left a message. He had been asked by Nussbaum, after the review of Foster's office, to locate Maggie Williams. This signals the attempt by Nussbaum, through his deputy, to get the real search of the office underway, but only with Ms. Williams' help.

Call No. 16. 3:08 p.m., Thomases called Maggie Williams. Spoke for 10 minutes.

Call No. 17. 3:25 p.m., Steve Neuwirth called Ms. Williams and left a message. They are still trying to find Ms. Williams.

Call No. 18. It occurred somewhere between 4 and 4:30 p.m. Bernie Nussbaum personally called Maggie Williams to summon her to Foster's office. They searched the office for about half an hour.

Call No. 19. Somewhere between 4:30 and 5 p.m. Maggie Williams phoned Hillary Clinton.

Call No. 20. 5:13 p.m., Thomases called Maggie Williams. Spoke for 9 minutes, 30 seconds.

Then Maggie Williams takes the documents to the residence. Although the public was initially told by the White House spokesperson that all the Clintons personal documents were immediately turned over to their lawyers after Foster's death, once again, we later learned this was simply untrue.

Tom Castleton, a White House employee, spoke against his own interest and told us Maggie Williams asked him to take boxes of documents from Foster's office to the residence on July 22, 1993, so the First Lady and the President could review them.

I want to go back to this point again. This is Maggie Williams who again says that this did not occur. We have got testimony under oath from Tom Castleton that when he and Maggie Williams were taking these documents to the third floor of the White House, that Maggie Williams told Tom Castleton that the reason they were doing this is so that the First Lady and the President could review them.

What I see is a day that begins and ends with Maggie Williams, Susan Thomases and Hillary Clinton conversing. I think Maggie Williams started the day at 6:44 talking with the First Lady about the need to keep law enforcement out of Foster's office and to get certain documents into a safe place.

She ended the day with a conversation with Thomases and a conversation with Hillary Clinton to let them know—mission accomplished. Bernie Nussbaum was able to control the document review. Nothing was divulged to the Department of Justice investigators. The sensitive documents of the First Lady were whisked away to the private quarters where months later Carolyn Huber discovered critical billing records which had Foster's handwriting all over them.

Hubbell even told us he had last seen them in Foster's possession. I believe those records may have been among the files Maggie Williams took out of Foster's office.

The first time we talked to Ms. Williams and Ms. Thomases, we only had a record of 12 of these phone calls. They denied talking to each other, except maybe once or twice, during this period. We received the phone records in three separate installments and, in the end, we see their testimony was nothing but deception.

There were 17 separate contacts in a 48-hour period among Hillary Clinton, Maggie Williams, Susan Thomases and Bernie Nussbaum, which I believe were related to how to handle the documents in Foster's office. Thomases was on the phone to the White House for 28 out of 58 minutes when Nussbaum was trying to decide how to handle the search of Foster's office.

Again, this was on the day that, in her own words, again I quote, ''I was just about to go into a very, very busy day in my own work.'' It now appears that her work was, in fact, the First Lady's work.

But that is not all. There is more deception about the suicide note and the documents removed from Foster's office. I want to reiterate, I have picked out one small segment of the investigation of the testimony that we reviewed, and it certainly ought to become obvious to people, as they listen to this, the lack of cooperation that we received from the witnesses, the lack of cooperation that we received from the White House. As I said earlier, I believe that the White House was actively involved in trying to cover up.

I am moving now to July 27, 1993. It is an important day. This is the day that the suicide note was turned over. Vince Foster's suicide note had been found the previous day. It was only turned over to the Park Police after a meeting with Janet Reno where she instructed the White House to do so. Attorney General Reno was very strong and decisive in her direction to the White House. I am paraphrasing, but basically the impression she left was, ''Why did you waste my time? Why did I have to come to the White House to tell you to turn these documents over?''

I raise the question, Why were the documents not turned over the same day they were found? If you think about it for a moment, what possible reason could the White House have for keeping that note overnight, 30 hours? Why?

In retrospect, it is stunning that the White House did not turn it over to the Park Police right away. Obviously, as we can see by their handling of the note, they had no real intention of cooperating. Prior to the note being turned over to the Justice Department or Park Police, Hillary Clinton and a horde of other White House officials saw it. From what it sounded like, there were a large number of people—again, what I am referring to is from the testimony. The note was found, taken to Nussbaum's office, and people were coming in and reviewing this note. The people who, in fact, had seen the note were asked to testify about that note and who else was in the room, who else saw the note.

Oddly enough, everyone who was later interviewed by the FBI about the circumstances of finding the note forgot about the First Lady having seen it. Only during our second round of hearings did we learn about this important fact.

As for the documents that Tom Castleton and Maggie Williams took up to the residence on the 22d, they were turned over to Bob Barnett, the Clinton's personal attorney, on this day, on the 27th. Susan Thomases has testified she did not recall seeing Mrs. Clinton on July 27 and that she was not involved in Ms. Williams' transfer of Whitewater files from the White House residence to Clinton's personal lawyer, Mr. Bob Barnett, this despite records showing that Susan Thomases entered the residence at the same time as Mr. Barnett.

Thomases spent 6 hours there, yet she does not remember anything about being in the White House that day. I mean, they are really asking us to stretch our willingness to understand how this could happen.

I want to go over that point again because I find this really—6 hours she was in the White House. It would be one thing if somehow or another she just happened to either bump into Maggie Williams or bump into Bob Barnett and forgot it, but to, in essence, have forgotten anything about the 6 hours at the White House, I just find that very, very, very hard to believe.

As recently as January 9, 1996, we received another phone record of a message from Mrs. Clinton to Susan Thomases from July 27, 1993 at 1:30 p.m., asking Thomases to please call Hillary. Ms. Thomases was in Washington, DC on that day when she would not normally have been in town, and she had received a message from Mrs. Clinton's scheduler the day before. This is also the first time Ms. Thomases saw the First Lady after Vince Foster committed suicide.

So that is two personal requests by the First Lady to speak to her, but Thomases has no memory of the occasion. Ironically enough, she was able to tell the committee in some detail the specific reasons why she happened to be in Washington on Tuesday instead of on Wednesday but has absolutely no memory of a White House visit when there. This type of memory loss is, first, unbelievable and, second, I believe a purposeful attempt to avoid giving the committee information that it is entitled to.

What I have gone over is just, again, one small portion of the body of evidence this committee has uncovered.

Here are some other items which form my view of the situation and explain why I have arrived at the conclusion that this White House has engaged in an attempt to completely stonewall the committee and the American public.

Unethical Treasury/White House contacts led to the resignation of Altman and Hanson and Steiner, saying he lied to his diary. You may recall that from earlier hearings we had. These contacts were a systematic effort to gain confidential information from Government sources and ultimately influence the criminal and civil investigations of Madison.

The President's refusal to turn over vital notes under the guise of attorney-client privilege—this kind of coordination among White House staff and personal lawyers resulted in a multimember Clinton defense team at taxpayers' expense.

Now we understand why they did not want to turn over those notes, because they contain phrases such as ''vacuum Rose law files.''

The coverup has now reached the third floor of the White House residence. It is difficult to construct a scenario where whoever left billing records on that table is not guilty of a felony. It is the most secure room in the world. Are we supposed to believe, as my colleague from North Carolina indicated during the hearing, that the butler did it?

Hillary Clinton has publicly floated the possibility that construction workers may have placed those billing records in the book room. After committee investigation, we now know that workers are under constant Secret Service supervision and they would be fired if they moved anything around.

The White House has seriously delayed document production from key White House players in the Whitewater legal defense team: Gearan, Ickes and Waldman—and, as I said earlier, just last week, Lindsey.

Even when documents were turned over, there were redactions which were just plain wrong. The notes Mr. Gearan produced to us of a series of meetings of the Whitewater legal defense team were so heavily redacted that the committee insisted on a review of the complete notes. As it turns out, the White House chose to redact highly relevant statements.

For example, one redacted portion—and I guess maybe I ought to stop for a minute, because some people may not understand what ''redaction'' means. It would be, for example, if I were to take this page and make the determination that there were some things on here that were not relevant; I would just white them out and white out everything on the page I thought was irrelevant, leaving only, let us say, a note on here that says, ''Quality, not quantity of evidence'' that is important.

So, for example, one of the redactions said that ''the First Lady was adamantly opposed to the appointment of a special counsel.'' What I am saying to you is, when we first got the document, a lot of information that we believed was relevant was whited out, redacted. We could not see it. It was only after we demanded to see it, after they said to us, ''Do not worry, there is nothing else of any relevance on this document to what you are investigating.'' This one redacted portion said, ''The First Lady was adamantly opposed to the appointment of a special counsel.''

I think that is relevant and it is another example of the White House's efforts to keep us from moving forward. I know that the White House, as well as Members on the other side of the aisle, keep hammering on the fact that over 40,000 pages of documents have been produced. But it is not the quantity of documents that matter. They could produce a million pages but deliberately withhold one key page. By telling us to be satisfied with what they have already given us, it is like telling us we can have everything but the 18-minute gap in the 4,000 plus hours of Watergate tapes. Plain and simple, in my opinion, this amounts to contempt of the Senate and obstruction of justice.

We in the Senate have a serious responsibility to investigate abuses of power in the executive branch. It is one of our constitutional obligations and is a responsibility which the people of Florida expect me to carry out.

The obligation of the legislative branch to hold the executive branch accountable goes back to the beginning of our American heritage. The Founding Fathers had this very role in mind when they debated ratification of the Constitution. In Federalist Paper No. 51, James Madison explained the need for checks and balances among the branches of Government.

> If angels were to govern men, neither external nor internal controls on government would be necessary. In framing a government which is to be administered by men over men, the great difficulty lies in this: You must first enable the government to control the governed; and in the next place oblige it to control itself.

The special committee's work is an attempt to ensure that we are controlling government in the way our Founding Fathers envisioned. We owe it to the American people. This is their Government, and we are accountable to them.

Now, the failure of Madison Guaranty cost the taxpayers $60 million. I have attended hearings day after day and heard some amazing incidences of wrongdoing, only to turn around and hear administration apologists proclaim, ''So what.'' This is my reaction to the ''so what'' response. In other words, what they are saying is, ''You have not proved anybody guilty of anything. There is no smoking gun. So what.'' It is like saying that if somebody takes a gun and shoots at somebody and misses, no harm was done. I think, in fact, there is harm that has been done; and it has, in fact, been uncovered.

To those who insist that nothing wrong was done, I suggest you look to the results obtained so far from the independent counsel's work: Nine guilty pleas and indictments against seven others. That tells me that the issues we are pursuing are important.

In fact, in the most recent round of indictments, the President's 1990 gubernatorial campaign is specifically mentioned as the direct beneficiary of criminal behavior.

It is also interesting to note that the work of this committee has helped, not hindered or duplicated, the work of the independent counsel. The Albany Times Union observed that without the public demand in our hearings for the First Lady's billing records, the special prosecutor might still be waiting for them.

The public has a right to know the truth about this administration. On February 25, the Washington Post ran an editorial favoring an extension of the special committee. The main reason stated for needing additional time was the failure of the White House to cooperate. This is what the Washington Post said: ''Clinton officials have done their share to extend the committee's life.''

A January 25 editorial in the New York Times said, ''Given the White House's failure to address many unanswered questions, there is . . . a strong public interest in keeping the committee alive.''

One Florida newspaper, the St. Petersburg Times said, ''Forget election year politics. The American people deserve to know whether the Clinton administration is guilty of misusing its power and orchestrating a coverup. For that reason—and that reason alone—the Senate Whitewater hearings should go on.''

Further, they cited the most important and most democratic reason to continue these hearings was, ''Ordinary citizens need to learn what all this Whitewater talk is about. Americans deserve a President they can trust, someone who embraces questions about integrity instead of running from them. If the answers make Clinton's campaigning more difficult, so be it.''

Wrongdoing should not go unpunished just because it was discovered during an election year. ''The search for answers cannot stop now.''

I agree wholeheartedly with the St. Petersburg Times. This committee's work must continue in order to preserve the future integrity of the office of the President. The Presidency of the United States is an office which should be looked to as a beacon of trust. Our President should be honest and forthright, and so should his staff. Our duty is to ensure that the President upholds this basic standard, abides by the laws of the land, and avoids any abuse of his sacred office.

Apologists for the administration's behavior have complained this investigation is costing taxpayers too much money. I agree with my colleague, again, from North Carolina, who said, ''You cannot put a price tag on the integrity of the Presidency.''

For those of my colleagues who may still be deciding how to vote on this matter, I suggest they ask themselves a few basic questions. Have all the White House staffers been forthcoming, candid, helpful, and informative in their testimony and conduct? Did the career employees of key agencies who contradicted White House staff lie when they told us of White House interference? Has the President fulfilled his pledge to cooperate fully with the committee? If you answer one or more of these questions with a no, do as I will, and support the resolution so that we might finally learn the truth.

Thank you, Mr. President. I yield the floor.

Mr. SARBANES addressed the Chair.

The PRESIDING OFFICER (Mr. ASHCROFT). The Senator from Maryland is recognized.

Mr. SARBANES. Mr. President, the issue before us is a resolution that has

been reported from the Rules Committee, introduced by Senator D'AMATO, the chairman of the Special Whitewater Committee, which would indefinitely extend the special committee and provide another $600,000 over and above the almost million dollars that was provided last year for it to continue its work.

The distinguished minority leader, Senator DASCHLE, has proposed that the committee's work continue until the 3rd of April with an additional $185,000. The question is really whether the life of this committee ought to be given an indefinite extension throughout the 1996 Presidential election year.

I am going to retrace the history of our inquiry with respect to this particular issue, because I am very frank to say that I think the indefinite extension of the work of this committee will only result in politicizing the committee. It will be increasingly perceived by the public as an investigation being conducted for political purposes.

Now, that was recognized last year when the resolution establishing the committee was first passed. Last May—on May 17—the Senate adopted Senate Resolution 120, which provided for the establishment of the Special Committee To Investigate the Whitewater Development Corporation and Related Matters. That resolution, which provided $950,000—almost $1 million to carry out that investigation—provided that the funding would expire on February 29, 1996.

The reason it provided that was that from the beginning the intent was to carry out this inquiry in a fair, thorough, and impartial manner, and complete it before the country enters into the Presidential campaign. Therefore, Resolution 120, by authorizing funding only through February 29, accomplished this objective. In fact, the resolution states that the purposes of the committee are ''to expedite the thorough conduct of this investigation, study and hearings'' and ''to engender a high degree of confidence on the part of the public regarding the conduct of such investigation, study and hearings.''

In fact, Chairman D'AMATO, before the Rules Committee, stated when funding for the inquiry was being sought, ''We wanted to keep it out of that political arena, and that is why we decided to come forward with the one-year request.''

So it is very important to understand that at the time the resolution was adopted there was a concern about this inquiry becoming a partisan political endeavor. It was very clear that to avoid that it was decided not to extend the inquiry well into the Presidential election year. In fact, the resolution provided that the committee should report to the Senate in mid-January, evaluating its progress and the status of the investigation. When that report was made, regrettably the majority took the position they needed an unlimited extension of the inquiry—unlimited. In other words, it could go throughout 1996.

The minority took the position—and this was back in mid-January—that the committee should complete its investigation by the date contained in the resolution; namely, the 29th of February. We argued in that report, ''It is well within the ability of the committee to complete its investigation by the February 29th date provided for in the resolution. The committee should undertake a schedule for the next 6 weeks that will enable it to meet that objective.''

In fact, the Senate leadership had announced that the Senate would not be in regular voting sessions from the period of mid-January until near the end of February, and without any competing legislative business, it was our view that the committee could devote full attention of this investigation, hold an intense series of hearings and complete its inquiry on schedule—on schedule—and within budget as provided for in Senate Resolution 120 which this body adopted last May on a vote of 96–3.

It was possible for the committee to have met 4 or 5 days a week, a pace the committee has on previous instances followed. This very same committee has followed that pace on other occasions. That would have given the committee the opportunity to do the Arkansas phase of the inquiry, part of which remained to be completed, the committee having largely completed the work on the Foster papers phase and the Washington phase.

Now, between July and August of last year, between July 18 and August 10, at a time when the Senate was in session and Members were handling extensive legislative business, this special committee held 13 days of public hearings and examined 34 witnesses. That is a period of 3 weeks last summer, this committee, working hard, held 13 days of public hearings and examined 34 witnesses. The Iran-Contra committee, which I will turn to in a bit to make some other contrasts, held 21 days of hearings back in 1987 between July 7 and August 6 in order to complete its work.

Now, there is an important reason not to carry this matter well into a Presidential election year. By authorizing the funding only through February 29, Senate Resolution 120 stated that the purpose was to engender a high degree of confidence on the part of the public regarding the conduct of such investigation, study and hearings. Extending the life of the committee beyond that date, and in particular extending it for an indefinite period of time would undermine this objective. Inevitably, in my judgment, it would diminish public confidence in the impartiality of this inquiry.

Now, regrettably, an intensification of the hearing schedule was not pursued through January and February. So we came to the end of February and the majority, now led by Chairman D'AMATO, has proposed an unlimited extension of time to continue the Senate investigation. That proposal was reported out of both the Banking Committee and the Rules Committee on a straight partisan vote, in contrast to the vote on Senate Resolution 120 last May.

The minority proposed an alternative. We took the position in mid-January that this inquiry could be finished by the end of February, pursuant to Senate Resolution 120, but the kind of hearing schedule that would have been necessary to accomplish that was regrettably never adopted. In fact, we have a situation in which in the 2-month period, we saw opportunities to conduct hearings simply pass by. In January, we held one hearing this week, two hearings this week, two this week, two that week. So we held seven hearings in the entire month of January. January—seven hearings.

I remind Senators that last summer this very same committee in the period between July 18 and August 10, a period of 3 weeks, held 13 days of public hearings, 13 days of public hearings. The Iran-Contra committee, in a month, held 21 days of public hearings. Mr. President, seven hearings in the month of January; the pace in February was the same. The month of February we held eight hearings. All of these opportunities to hold hearings on all these other days did not take place, and in the last 2 weeks we held 1 day of hearings out of nine possibilities. So we came to the end of February not having intensified the hearing schedule, and Chairman D'AMATO and the majority now propose an indefinite extension of the hearing schedule.

Additional funding, $600,000, which, of course, would bring Senate expenditures on the investigation of Whitewater matters to $2 million—$400,000 in the previous Congress, $950,000 thus far by this committee, and an additional $600,000. Now, of course, that does not take into account the money spent by the independent counsel, which is now understood to be above $25 million, and increasing at about the rate of $1 million a month; or the money spent by the RTC on a civil investigation carried out by the Pillsbury Madison firm, which comes in at just under $4 million. We have no firm figure on the amount spent by House committees looking into the Whitewater matter, nor a figure for the money spent by Federal agencies assisting with or responding to these investigations. In any event, it is very clear that the amount spent in total, including all of these various sources, is over $30 million.

Senator DASCHLE wrote to Senator DOLE on the 23d of January, at the time the report was filed, in which the minority argued very strongly that the committee should undertake an intensified hearing schedule in the final 6 weeks, to complete its investigation by the February 29 date, and said in his letter, and I am quoting Senator DASCHLE now:

It is well within the special committee's ability to complete its inquiry by February 29. The committee can and should adopt a hearing schedule over the next 6 weeks that will enable it to meet the Senate's designated timetable.

As I indicated, no serious effort to intensify the hearing schedule in order to meet the February 29th deadline occurred. In fact, in the last week no hearing whatever was held. In the week before, only one hearing was held. In other weeks, more hearings were held, two hearings, maybe three hearings, but often with witnesses who had little new to contribute to the investigation.

Senator DASCHLE has put forth an alternative proposal in an effort, really, to demonstrate reasonableness, with respect to the work of the committee, and that is to provide an additional 5 weeks, until April 3, for the special committee to complete its hearing schedule, and until May 10 for the committee to complete its final report and to pay for this extra time by additional funding of $185,000.

In my view, 5 weeks of additional hearings should be more than adequate to complete the so-called Arkansas phase of this investigation, a phase which concerns events that occurred in Arkansas some 10 years ago, events which have been widely reported on since the 1992 Presidential campaign, about which much is already known.

So, in an effort to reach an understanding, Senator DASCHLE said we felt that you could have completed your work by the deadline, by February 29, as was enacted by the Senate last May when they passed the resolution establishing the committee. That represented the judgment and the consensus of this body in passing that resolution 96 to 3. And when we reached the mid-January point, it was clearly stressed that an intensified schedule would enable the committee to complete its work on time and within budget. That did not happen. We did not get that intensification of schedule. Now we come, having passed the 29th of February, with Chairman D'AMATO and the majority arguing that they now want an indefinite extension of this inquiry.

I think the proposal put forth by the minority leader, Senator DASCHLE, is an eminently reasonable one. Regrettably, it was rejected in the Banking Committee on a straight party-line vote and rejected again in the Rules Committee by a straight party-line vote. In other words, the Democratic position was, we are willing to provide a limited extension in order to finish up the things that you assert are not yet done and will provide a limited amount of time. We do not want to, in effect, commit $600,000, but we will commit $185,000.

Let me compare and contrast the procedure that has been followed with respect to this resolution and the question of its extension with what occurred on the Iran-Contra hearings which took place in 1987, namely the year preceding a Presidential election year, just as 1995 precedes a Presidential election year. In considering a resolution with respect to Iran-Contra, Senator DOLE took the very strong position that the inquiry ought not to extend into the Presidential election year.

In fact, in early 1987, when Congress was considering establishing a special committee on Iran-Contra, some advocated that it have a long timeframe, extending into 1988, in order to complete its work. There was a conflict between some Democrats in the House and Senate who wanted no time limitations placed on the committee, and Republican Members, led by Senator DOLE, who wanted the hearings completed within 2 or 3 months. And, of course, it was pointed out at the time, and escaped no one's attention, that an investigation that spilled into 1988 would only place the Republicans in a defensive posture during the Presidential election year.

Senator INOUYE, who was selected to chair the special committee, and Congressman HAMILTON, who was selected as its vice chairman, recommended at the time rejecting the opportunity to prolong, and thereby exploit for political purposes, President Reagan's difficulties. They determined, in fact, that 10 months would provide enough time to carry out the inquiry, and that was the requirement under which the Iran-Contra Committee moved forward. In fact, during the Senate debate on the resolution to establish a select committee on Iran-Contra, Senator DOLE noted the good-faith effort of these two congressional leaders to have the committee complete its work in a timely manner.

He stated:

> I am heartened by what I understand to be the strong commitment of both the chairman and vice chairman to avoid fishing expeditions and to keep the committee focused on the real issues here.

And the time period then was shortened from what many had been proposing in order to expedite and complete work on the matter and not carry it into the 1988 election year. Senator DOLE argued during floor debate that the country had many other matters to deal with, and stated:

> With all these policy decisions facing us, the Senate—and the country, for that matter—cannot afford to be consumed by the Iranian arms sales affair.

So the Senate, when it passed the resolution, established a termination date well before the end of 1987. The termination date in our resolution was in February 1996. But it was recognized that that was to avoid going further into a Presidential election year. In doing that, Senator DOLE said:

> There is still a national agenda that needs to be pursued. There are a number of issues that must be addressed, and the American people are concerned about the Iran-Contra matter. But they are also concerned about the budget, about the trade bill, about health care, and a whole host of issues that we will have to address in this Chamber.

He went on to say:

> The problems of the past, as important as they are, are not as important as the future. And, further, if we get bogged down in finger pointing, in tearing down the President and the administration, we are just not going to be up to the challenges ahead, and all of us—all Americans—will be the losers.

I want to compare these two ways of proceeding because it was debated at the time of Iran-Contra, and recognized some push to extend it into 1988 and into the Presidential election year. That was very strongly opposed by Senator DOLE, and by his colleagues. In the end, Senator INOUYE and Representative HAMILTON turned down the opportunity to prolong the inquiry into the election year and extend it for political purposes.

This Senate last May took, in effect, the same position by establishing the February 29, 1996 date. We have now reached that date. And we find the majority asking for an unlimited extension of this inquiry after we have been through a period in which neither in January nor in February did the committee embark upon an intense hearing schedule in order to finish its work by the cutoff date.

As I have indicated, we had hearings only 8 days in the month of February, a month when the Senate was not in session. And, therefore, when it was possible to really devote all day every day to this issue, there were no hearings in the last week in February—only one hearing in the next to the last week. And in the month of January, once again, many days without any hearings by the special committee, 7 days of hearings out of the entire month, 8 days in February. That is a total of 15 days over 2 months.

As I indicated earlier, this very committee last summer in the latter part of July and the first part of August—over a 3-week period—held 13 days of hearings. But let us compare it with Iran-Contra because that was a situation in which the Democrats controlled the Congress. There was a Republican administration.

The question then was, what was fair in terms of carrying out this inquiry, and how far should it extend into the Presidential election year? And the Democrats took the position that they were not going to extend it into the Presidential election year. They were going to try to keep politics out of the inquiry. Obviously, the further it goes into a Presidential election year, the more politics will come into the inquiry. And there is just no doubt about that, and the more the public's confidence in the impartiality of the inquiry will be eroded.

In 1987, in order to meet this schedule, the Iran-Contra committee held 21 days of hearings between July 7 and August 6. It met literally every Monday through Friday with three exceptions over a 5-week period.

So there was an intense set of hearings in order to carry through on the undertaking that had been made to finish up its work in a timely fashion and

avoid keeping the matter out of the 1988 Presidential election year—21 days of hearings with only three open days during that period so it could complete its hearing work within the timeframe set forth in the resolution which established it; 21 days of hearings.

Contrast that—the undertaking made by the Democratic Congress then dealing with a Republican administration to honor the effort to keep it out of the election year and out of the political context and not to have it turn into a partisan endeavor. Contrast this hearing schedule—21 days of hearings in a 1-month period—with a hearing schedule that has been pursued by this committee over the last 2 months. There were only 8 days of hearings in February, and only 7 days of hearings in January for a total of 15; 15 days over 2 months when Iran-Contra had 21 days in a month and finished up its work to honor the undertaking not to project it into a political year.

My own view is that the committee could and should have finished its work by the 29th of February as it was charged to do by the resolution that was adopted by this body last May. I think that was well within the ability of the committee. It did not happen. We are now confronted with a situation in which Chairman D'AMATO and his colleagues seek an unlimited extension of the work of the committee.

Senator DASCHLE indicated on the 23d of January that he thought the committee could complete its work by February 29. Now he has prepared and has offered an alternative in an effort to accommodate providing some additional time and funding for the committee to carry on its work.

In other words, we felt the committee should have finished by February 29. They did not follow a schedule in order to do that. The question is, what now? Senator DASCHLE, in an effort to accommodate, proposed providing additional weeks of hearings, until April 3 to complete a hearing schedule, until May 10 to complete a final report, and funding to carry out this work of $185,000 as contrasted with the $600,000 that Chairman D'AMATO is seeking for an indefinite extension of the work of the committee. In other words, an extension that can go throughout 1996 and obviously right into the Presidential campaign—an extension which, in my judgment, by prolonging the investigation well into a Presidential election year, will contribute to a public perception that the investigation is being conducted for political purposes.

It needs to be understood, of course, that the independent counsel's inquiry will continue. The independent counsel operates under, in effect, his own statute. He has unlimited funding. So that inquiry will go on as long as the independent counsel deems that it should go on. Judge Walsh, as we know, went on many, many years with respect to Iran-Contra and, in fact, continued his work after the hearings were concluded.

These hearings have never been related to the work of the independent counsel because the independent counsel is on a separate track. As we saw in Iran-Contra, those hearings ended in the latter part of 1987, but the independent counsel continued his work. Of course the work of the current independent counsel, Kenneth Starr, will go forward. He was given broad authority by a special panel of Federal judges to investigate Whitewater. He has a staff that eclipses anything that is available to any other inquiry that is now going on—we understand 30 attorneys and over 100 FBI and IRS agents; and the Independent Counsel Reauthorization Act sets no cap on the cost of his investigation, which has been over $25 million thus far.

So, in fact, many have raised the point: Let the independent counsel do the inquiry, on the premise that that is a less political arena than hearings conducted here in the Congress, particularly hearings that go into the election year itself, so you have politicians looking at politicians in a political year, and that is almost certain to guarantee a political endeavor.

Now, in addition, it is important to realize that the RTC-commissioned report, the comprehensive report by an independent law firm, Pillsbury, Madison & Sutro, headed by a former Republican U.S. attorney, Jay Stephens, that report has now been made public. It cost almost $4 million. And the conclusion transmitted to the RTC was that they found no basis on which the RTC should bring any actions, civil actions, with respect to the various matters which they investigated.

That represents a very thorough and comprehensive review.

Let me turn for a moment to the argument about requiring an open-ended extension in order to get more material. It is my understanding that the White House has now provided all material requested with the exception of those further requests made to it by the special committee over the last 2 or 3 weeks.

A great to-do is made about material that has been provided 2 weeks ago, a month ago, in early January. But the important thing to remember is that that material was provided; so it was made available to the committee. People raise a lot of commotion about the fact that Mr. Gearan's notes were not provided earlier on. Well, they were provided. He has an explanation as to why they were not provided earlier on. In any event, the committee got them, reviewed them, and held a hearing with Mr. Gearan, an all-day hearing, in which we went over those notes. The same thing is true of the notes with respect to Mr. Ickes.

On March 6, today, Jane Sherburne, the special counsel to the President, sent a letter to Chairman D'AMATO and to me as the ranking member in which she states the following, and I am quoting the letter:

Since the issuance of the Special Committee subpoena on October 30, 1995, the White House has received some 30 new requests from the Chairman. This letter summarizes the status of our response to those requests.

We have provided responses to every request with the exception of two new requests for e-mail made by the Chairman in February after we reached what we had understood was the Committee's finalized e-mail request memorialized in my letter to the Committee on January 23, 1996. One of these additional e-mail requests relates to the discovery of copies of Rose Law Firm billing records which were provided to the committee on January 5, 1996, 2 weeks before the Committee staff finalized its e-mail request.

The other outstanding e-mail request relates to the period January 3 through January 12, 1994. This request was first made on February 16, 1996, but without the necessary detail to conduct the retrieval process. The detail was later provided by staff orally.

As you are aware, the Executive Office of the President already has incurred over $138,000 in out-of-pocket costs for the e-mail described in my January 23, 1996, letter. Although we retrieved and reviewed 10 boxes of e-mails, this effort produced nothing of use to the committee's inquiry. Nonetheless, we are undertaking to respond to the new requests and hope to provide you with the results shortly.

Those are additional requests that were made. The original e-mail requests—well, the original request was so broad that no one really reasonably could be expected to respond to it, and after extended discussions, we were able to reach an agreement to focus those e-mail requests and to narrow them down, and they now have all been provided.

In addition, the White House undertook to verify that all documents provided to the counsel's office by White House staff beginning in March 1994 had been reviewed and produced to the committee as responsive. They also undertook to verify that all relevant White House files of certain former White House officials that may contain responsive material had been reviewed. So they undertook to go back and scrub down the files as a consequence of a couple of these late-arriving requests.

As a consequence of that work, some additional material—not much—has been provided to the committee. Most of them are copies or duplicates of matters that had previously been produced to the committee.

But that material has also now been received by the committee. So the committee now has all of this material in hand, which seems to me argues very strongly for an approach as the one contained in that put forth by the minority leader, by Senator DASCHLE, which would provide the committee an extension of 5 weeks from the termination date in order to complete its inquiry, some additional time in order to do its report, and would really serve to keep this matter out of the election year.

There has been no counterresponse to that proposal of the distinguished minority leader, Senator DASCHLE. I mean, the original proposition put forward by Chairman D'AMATO was an indefinite extension and $600,000. Senator

DASCHLE and his colleagues on this side of the aisle indicated that that was unacceptable because it would really politicize this inquiry even further in an election year and guarantee that it would turn into a partisan political endeavor.

The Democrats did not seek to do that with Iran-Contra in 1987, and I am frank to say I do not think the Republicans should seek to do that with Whitewater in 1996.

The leader, faced with this proposal for an unlimited extension, offered what I think was a very reasonable proposal. That is for an extension until the 3d of April for hearings and until the 10th of May for the report. That has not elicited any response from my colleagues on the other side other than simply to press forward with their original proposal, which was for an indefinite extension and an additional $600,000.

As we have indicated, Mr. President, we do not think that is necessary or required. We believe an indefinite proposal would make this inquiry simply a partisan political endeavor. We note that while the original resolution was passed by a very overwhelming bipartisan vote of 96 to 3, the proposal for an unlimited extension is moving along simply on the basis of a straight party vote.

We do not believe that is the way this matter should be handled. I urge my colleagues on the other side to look again at the proposal put forth by the minority leader, which I think represents a very reasonable proposition.

I yield the floor.

Mr. BENNETT addressed the Chair.

The PRESIDING OFFICER. The Senator from Utah.

Mr. BENNETT. Mr. President, I have several observations and reactions to the statement by the Senator from Maryland, who has done his usual thorough job of examining a whole series of issues. But if I may, Mr. President, without being disrespectful of my colleague, I would like to say that those issues are not particularly significant or relevant to what we are talking about here. I was not in the Senate when the Senate discussed Iran-Contra or the October Surprise or Watergate or any of the other hearings that he has discussed in such detail.

The issue before us is not whether or not those hearings were conducted well or badly, whether they were conducted in a speedy and expeditious manner or whether they were dragged out. The issue is whether or not this committee deserves more time to do its work. For that reason, I will not really debate with the Senator from Maryland anything regarding Iran-Contra or October Surprise or any other such issue.

The committee clearly needs more time to conclude its work. That is a given. The proposal offered to the Senate by the distinguished Democratic leader very specifically demonstrates a recognition of the fact that the committee needs more time. So I do not think that question is at issue.

The only question at issue before us is, how much time do we need? To me, the answer to that is very simple—as much time as it takes to get the facts. It is not that complicated. I know my colleague from Florida spoke for 45 minutes, close to an hour. My colleague from Maryland has spoken for the same period of time.

To me, the issue is very simple—how much time will it take to get the facts? Not how much time has elapsed or how many witnesses we have heard or how many documents have been furnished or how much time was taken in another controversy that took place years ago. How much time do we need to get the facts?

In an effort to try to come to that point, Mr. President, I turn to the press. I will quote briefly from three editorials. They have been quoted extensively before. They have been put in the RECORD. So I will simply summarize some of them on the point that I have tried to make.

The Washington Post on the 25th of February, after examining many of the outstanding issues says this in conclusion:

> Who knows where this all will lead? The committee clearly needs time to sift through these late-arriving papers as well as interview witnesses now unavailable because they are key figures in the Whitewater-related trials. So like it or not, the Senate committee is unlikely to go off into the sunset at month's end when its mandate expires. Clinton officials have done their share to extend the committee's life.

That summarizes it for me, Mr. President. Why do we need more time? Because Clinton officials have not been as forthcoming as they should have been. The committee clearly needs time for two reasons. One, to sift through these late-arriving papers. Why are they late arriving? Again, ask President Clinton and his staff. The committee has been asking for them for months. One, to sift through these late-arriving papers, and, two, interview witnesses who are now unavailable because they are key figures in the Whitewater-related trials. Very straightforward. All right.

The New York Times, making comment in the aftermath of the Iowa and New Hampshire primaries says:

> The excitement of Iowa, New Hampshire has diverted attention from the Senate Whitewater committee and its investigation into the Rose Law Firm's migrating files.

I think that is an interesting phrase, the law firm's ''migrating files.''

> Naturally this pleases the White House—

Referring to the lack of focus on this—

> Naturally this pleases the White House and its allies, who hope to use the interregnum to let their 'so what' arguments take root. David Kendall, the Clinton's private attorney, says the curious paper trail is just one of the meaningless mysteries of Whitewater.

Then the Times says:

> There are mysteries here, but they are not meaningless.

Then it goes on again through that which has been covered so many times. I do not feel the necessity of covering it one more time. But the Times concludes:

> Perhaps the files will also show that there was no coverup associated with moving and storing these files.

And this sentence—I love it, because it summarizes what we are talking about.

> Inanimate objects do not move themselves. It is pointless to ask Senators and the independent prosecutors to fold their inquiry on the basis of the facts that have emerged so far. To do so would be a dereliction of their duties.

I love the way this is written. The ''migrating files,'' ''inanimate objects do not move themselves.''

Another newspaper, USA Today, offered these comments in an editorial. It leads off with this statement:

> This week author Hillary Rodham Clinton was supposed to inform the nation about the truths kids can tell us. Instead, the nation is confronted with questions about whether the First Lady is telling the whole truth about her role in two scandals, Whitewater and Travelgate, and whether she and her husband can stop acting like children when asked about it.

It then goes on to list a series of questions. Again, they have been talked about at great length here on the floor. I see no point in asking them again just for the sake of asking them.

But I like the conclusion, again, out of this editorial, after renewing all of these questions. It says:

> Mrs. Clinton and the President have raised these questions, not Republicans.

I would like to repeat that for emphasis, Mr. President:

> Mrs. Clinton and the President have raised these questions, not Republicans. They've created the impression they may be covering something up by being less than thorough in responding to legitimate demands for information. This is not the first time Mrs. Clinton has run into such a problem. She never fully explained profits from the 1970's commodities trades. Concerns linger that the profits came from wealthy friends seeking political favors.

And then the conclusion, with which I heartily agree:

> Rather than pointing fingers at the investigators, the Clintons need to offer some apologies, plus the whole truth of what went on with Madison, Whitewater and the travel office. Nothing less will do.

That is the end of that editorial.

So, Mr. President, I could go on for a significant period of time and review what we found out in the committee, rehearse the various things that were said, comment once again on the inconsistencies and all of the rest of that. I do not see that it serves much purpose. The issue is very clear: How much more time does the committee need?

I believe that the offer made by the Democratic leader is for an insufficient amount of time. The argument is made that the request made by the chairman of the committee for no firm date is too much time. I hope both sides can sit down and say somewhere between the offer made by the Democratic leader and the request for an open-ended

inquiry made by the chairman, we can find a date that can satisfy the two requirements, which are sufficient time to sift through the late-arriving documents and enough time for us to hear from the witnesses who are currently unavailable.

To me, it is not that hard to figure out. I hope that we can arrive at that point instead of tying up the Senate in endless rehashing of issues that, as I say, in my view, are not relevant.

I go back to the New York Times for the final summary of that when the New York Times said editorially, for the Democrats to filibuster this request will look like silly stonewalling.

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

Mr. SARBANES addressed the Chair.

Mr. BENNETT. I withdraw the request.

The PRESIDING OFFICER. The Senator from Maryland.

Mr. SARBANES. Mr. President, I always enjoy the opportunity for an exchange with my distinguished colleague from Utah. I listened carefully as he quoted from the Washington Post editorial headed ''Extend the Whitewater Committee.'' The Post then, in a subsequent editorial headed ''Extend, But With Limits,'' said:

> . . . but the Senate should require the committee to complete its work and produce a final report by a fixed date.

It then goes on to say, and this may, in effect, get into the area that the Senator was perhaps suggesting in his comments because I listened very carefully and as I made the point myself, the proposal we had from the other side was an unlimited extension.

Mr. BENNETT. Yes.

Mr. SARBANES. The distinguished Democratic leader said, ''Well, we can't agree to an unlimited extension, but we are prepared to offer carrying it forward.'' We have heard nothing back with respect to that. So that is the play on this issue.

This editorial said:

> Democrats want to keep the committee on a short leash by extending hearings to April 3rd with a final report to follow by May 10th. A limited extension makes sense, but an unreasonably short deadline does not. Five weeks may not be enough time for the committee to do a credible job. Instead, the Senate should give the committee more running room, but aim for ending the entire proceeding before summer when the campaign season really heats up. That would argue for permitting the probe to continue through April or early May.

And, of course, we had suggested April 3.

I know the Senator has quoted some editorials that say go on with this thing. There are other editorials, of course, which take just the opposite point of view.

Mr. BENNETT. Mr. President, may I respond to that very quickly?

The PRESIDING OFFICER. The Senator from Maryland has the floor. Does the Senator yield?

Mr. SARBANES. I certainly yield to my colleague.

Mr. BENNETT. I have to leave the floor, and I thank my colleague from Maryland for his courtesy. I simply say, Mr. President, that subsequent editorial that the Senator from Maryland quoted is in exactly the vein of what I am talking about, that I find the Democratic leader's proposal to be too short a leash, but this Senator would not object if we met the two objectives called for of enough time to sift through the late-arriving papers and the ability to interview witnesses who are currently unavailable. My only objection to the proposal made by the Democratic leader is that it does not provide for meeting those two.

So I say to the Senator from Maryland, Mr. President, that this Senator would be willing to have some kind of agreement along the lines that he is now talking about. My objection is to the cutoff date in the proposal made by the Democratic leader which I think is too short a leash.

Mr. SARBANES. Mr. President, let me point out that there are other editorial comments around the country which actually think this should end right now, period.

The Sacramento Bee on March 2 had an editorial, ''Enough of Whitewater.'' Let me quote a couple of paragraphs:

> Senator Alfonse D'Amato, the chairman of the Senate Whitewater committee and chairman of Senator Bob Dole's Presidential campaign in New York, wants to extend his hearings indefinitely, or at least one presumes until after the November elections. The committee's authorization and funding ran out Thursday, and the Democrats, in part for related political reasons, want to shut the committee hearings down. In this case, the Democrats have the best of the argument by a country mile. With every passing day, the hearings have looked more like a fishing expedition in the Dead Sea.

I ask unanimous consent that the entire text of that editorial be printed in the RECORD.

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

[From the Sacramento Bee, Mar. 2, 1996]

ENOUGH OF WHITEWATER

Sen. Alfonse D'Amato, the chairman of the Senate Whitewater Committee and chairman of Sen. Bob Dole's presidential campaign in New York, wants to extend his hearings indefinitely—or least, one presumes, until after the November elections. The committee's authorization and funding ran out Thursday and the Democrats, in part for related political reasons, want to shut the committee hearing down.

In this case, the Democrats have the best of the argument by a country mile. With every passing day, the hearings have looked more like a fishing expedition in the Dead Sea.

Given the fact that D'Amato's mighty and costly labors have so far caught little but crabs; that there is a special prosecutor going over the same ground; that there have already been nearly 20 months of Senate hearings, first under the Democrats, then under the Republicans; that a couple of House committees have held their own hearings; and that an armada of journalists has covered the ground for more than three years, you'd think that whatever Whitewater is had been covered to death.

Thursday, the Democrats, though in the minority, managed to use parliamentary devices to block the indefinite extension that D'Amato asked for. They're willing, they said, to accept a five-week extension to wrap up the hearings, then another six weeks to allow the committee to write a report. That, said D'Amato, sends ''the unmistakable message that (the Democrats) want to prevent the American people from learning the full facts about Whitewater.''

In fact, it ought to be plenty. Even if every charge were true, the political cronyism and favoritism allegedly bestowed in connection with the Whitewater development while Bill Clinton was governor of Arkansas—and so far only alleged—would be of no interest to any congressional committee were it not for the fact that Clinton is present. Similar shenanigans—and worse—occur routinely in state after state. Why isn't D'Amato investigating Lamar Alexander, who benefited richly from business cronies during his days as governor of Tennessee and as president of its state university?

There may well have been attempts in the Clinton White House to cover up the dealings among the Clinton, the Whitewater development company and the failed Arkansas savings and loan that helped to bankroll it. There was certainly a great deal of stonewalling and evasive behavior. But Kenneth Starr, the special prosecutor, has been sparing no effort to investigate both that and related matters. What is it that D'Amato can credibly establish that Starr can't.

Mr. SARBANES. Mr. President, finally an editorial in the Atlanta Constitution which calls for bringing this inquiry to an end. It goes on to point out, ''one, that a recent Resolution Trust Corporation investigation found no hint of impropriety by the Clintons regarding their Whitewater involvement.''

It goes on to say:

> The first couple is still under investigation by Independent Counsel, Kenneth Starr, a former Reagan Justice Department official, who can be expected to scrutinize the Clinton's legal and business affairs rigorously. Any additional sleuthing by Senator D'Amato would be a waste of taxpayers' money.

I ask unanimous consent that that editorial be printed in the RECORD as well.

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

[From the Atlanta Constitution, Feb. 15, 1996]

TAKE D'AMATO OFF CLINTONS' CASE

The Senate's Watergate hearings of 1973–74 were momentous, delving into White House abuses of power and leading to the resignation of a disgraced president and the imprisonment of many of his aides. They lasted 279 days.

Next week, Sen. Alfonse D'Amato (R-N.Y.) and his fellow Whitewater investigators will surpass that mark (today is the 275th day), and they have nothing anywhere near conclusive to show for their labors. To put matters in context, all they have to ponder is a fairly obscure 1980s real estate and banking scandal in Arkansas.

With a Feb. 29 expiration date for his special panel staring him in the face, D'Amato has the effrontery to ask the Senate for more time and money to continue drilling dry investigative holes. Specifically, he wants open-ended authority and another

$600,000. That's on top of the $950,000 his committee has spent so far, plus $400,000 that was devoted to a Senate Banking Committee inquiry into Whitewater in 1994.

The partisan motives behind D'Amato's request couldn't be more obvious. Here he is, a chief political strategist for the leading Republican contender for the presidency, Bob Dole, seeking to legitimize the committee's hectoring of President and Mrs. Clinton well into the campaign season.

If the panel could demonstrate a glimmer of a hot new lead connecting the Clintons to the Arkansas scams, D'Amato's appeal for an extension might have merit. Invariably, though, the committee's supposed revelations have evaporated for want of substance. Witnesses who testified in the past are being summoned back, often to go over familiar ground. Chelsea Clinton's former nanny had to appear again this week, for heaven's sake.

This is not to let the Clintons off the hook. They might have allayed suspicions about themselves long ago if they had promptly produced documentation of their Arkansas business and legal dealings. But lawyerly reticence, however politically unwise, by no means indicates guilt. Remember that a recent Resolution Trust Corp. investigation found no hint of impropriety by the Clintons regarding their Whitewater involvement.

The first couple is still under investigation by independent counsel Kenneth Starr, a former Reagan Justice Department official who can be expected to scrutinize the Clintons' legal and business affairs rigorously. Any additional sleuthing by D'Amato would be a waste of taxpayers' money.

Mr. SARBANES. Mr. President, the Greensboro, NC, News and Record had an editorial headed ''Whitewater Hearing Needs To Wind Down.'' Let me just quote a couple of paragraphs from that:

A legitimate probe is becoming a partisan sledgehammer.

Let me repeat that:

A legitimate probe is becoming a partisan sledgehammer. The Senate Whitewater hearings, led since last July by Senator Al D'Amato (R–NY), have served their purpose. It's time to wrap this thing up before the election season.

Then they end that editorial with this comment:

Let the GOP use the fruits of D'Amato's labors as they will in the coming campaign, but don't let the opposition party run a smear campaign at public expense.

I ask unanimous consent that that editorial be printed in the RECORD.

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

WHITEWATER HEARING NEEDS TO WIND DOWN

A legitimate probe is becoming a partisan sledgehammer.

The Senate Whitewater hearings led since last July by Sen. Al D'Amato, R–N.Y., have served their purpose. It's time to wrap this thing up before the election season.

The committee has documented the Clinton's various relationships with a bankrupt Arkansas savings and loan and related enterprises. It has developed evidence of a damage control campaign run from the White House. And it has revealed a mean and petty episode involving the White House travel office. The portrait of Arkansas politics curing the '80s is not a pretty one.

All of this—including the mysterious, belated appearance in the White House of documents that had been subpoenaed by the committee months earlier—will surely be politically damaging to the Clintons. D'Amato's committee should sum up its findings, publish them for all to see, and go on to something else. The committee has done its work, sometimes more than once.

Still, D'Amato and company haven't had enough. The New York senator wants his mandate, which has already eaten up $1 million of your money, extended indefinitely. He has asked for another $600,000.

Republicans charge that it has been the White House's desultory compliance with the committee's requests that has slowed its work, necessitating the extension of this expensive and fruitless exercise. But that argument is becoming tedious.

The committee has already subpoenaed everybody and every document in sight. The committee's thoroughness is not in question. The committee's excesses are. They have begun to eat into its credibility.

Senator D'Amato tries to explain away his obvious conflict of interest by making the laughable argument that his role as New York chairman of the Bob Dole campaign has no connection to his use of the Senate committee. Here's what's happending.

D'Amato is carrying on Dole's campaign in the Senate with repetitious hearings that highlight testimony from the White House staff, then outside the Senate chambers with press conferences. Covering Whitewater once in 1995 was a legitimate Senate inquiry. Rehashing it in 1996, an election year, is exploiting the forum to damage the president.

What began as only a partly political exercise has over the months become blatantly that, thanks to D'Amato and his North Carolina ally, Sen. Lauch Faircloth.

The committee had good reason to look into the Clintons' role in the Madison Guaranty Savings & Loan mess and related matters. But the panel majority, and especially the chairman, have turned a search for the truth into a partisan vendetta against the Clintons. Not even a casual observer of these proceedings could miss the contempt that the committee chairman has for the president and his wife. Allowing these hearings to go on indefinitely would be giving D'Amato—and by extension the legislative branch—a license to harass the executive.

There's no reason to let the Clintons off the hook. An independent counsel is plowing the same ground—including the serious allegations that the White House may have attempted to obstruct justice and that Clinton exercised undue influence over savings and loan regulators while governor of Arkansas. There is no need for taxpayers to pay for this work twice and then again, particularly not when the Senate committee has so obviously become an arm of the Republican campaign to unseat the President.

Let the GOP use the fruits of D'Amato's labor as it will in the coming campaign. But don't let the opposition party run its smear campaign at public expense.

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

Mr. FAIRCLOTH. Mr. President, it would appear that we are going into not a debate on the issues here, but a debate on who can find the best editorials. I say to the Senator from Maryland that he read from the Greensboro, NC, News and Record. I have found, over the few years that I have been in the Senate, when I get an unfavorable editorial in the News and Record, I finally did something right. But since we are going into the editorials, I will read one from USA Today. I am quoting from the last four paragraphs:

Why did it take so long to find the papers? Subpoenas for Travelgate and Whitewater documents are many months old. Failure to provide them quickly warranted legal action. The statute of limitations for filing suits against Madison lawyers lapsed just days before the bills were produced. How could the White House have missed them? Mrs. Clinton and the President have raised questions, not Republicans. They have created the impression they may be covering up something by being less than thorough in responding to legitimate demands for information. This is not the first time Mrs. Clinton has run into such a problem. She never fully explained profits from a 1970 commodity trade—

And they are being kind to her when they say ''never fully explained.'' She never even slightly explained.

Concerns linger that the profits came from wealthy friends seeking political favors. There has never been any explanation of that. Rather than pointing fingers at the investigators, the Clintons need to offer some apologies, plus the whole truth about what went on with Madison, Whitewater, and the travel office. Nothing less will do.

Now, that is from USA Today, January 10, 1996.

Mr. President, we have been through this charade with the administration for more than 2 years now. It is time that it ends, and the length and amount of time that we have expended in these investigations is brought on not by the Republicans on the committee, but by the delay of the White House in providing subpoenaed information. That is simply the reason we are here today asking to extend the length of the resolution.

Mr. President, the central issue in this debate is this: Will the U.S. Senate, for the first time in my memory, take the affirmative step of refusing to investigate a scandal of public corruption? That is very simply what we are talking about doing with the filibuster here today—it is that the Senate is saying, ''We are not going to investigate these people. We do not want to get into it.''

The length of the investigation is irrelevant. As I said, the delays have come about not by the investigating committee, but by the White House itself. It has been nothing more than an attempt to wear it out, to use it up, to exhaust the people, to exhaust the money, to hope it would go away, and the length and time set for the investigation would lapse.

Just a few weeks ago, we received key documents from Mark Gearan. We received new documents from Harold Ickes, the White House Deputy Chief of Staff. And even just this week, still documents are coming in from White House lawyers. If the legal staff and the White House do not know where their notes and papers are, maybe that explains some of the confusion we see coming out of the White House. What do they know if they do not know where their notes and papers are?

Last December, on the Senate floor, we voted for a resolution to subpoena William Kennedy's notes from a November 5, 1993, meeting concerning Whitewater. The full Senate voted a subpoena. And last Friday, Bruce

Lindsey admitted that he, too, had notes from this meeting. Last Friday. That is 2 years and 3 or 4 months. He brought those notes forward for one reason, which is that he believes this investigation is going to go on and he has a fear of obstructing justice. Can you imagine someone of that rank at the White House telling the committee that he did not take notes and then find them after the deadline has expired? We are asked to believe that. Furthermore, the accidental discovery of documents always seems to occur on Friday afternoon after the news deadline. This is when Bruce Lindsey turned over his documents. This is when the First Lady's billing records were released. I do not think a committee of the U.S. Senate should be treated with the disrespect the White House has shown this committee.

The cost of the investigation is not small, but I have asked, ''Can we put a price on the integrity of the White House?'' Mr. President, it is worth discussing how we arrived at this point? It is worth reviewing how Whitewater became a congressional issue, because it tells us something about the failure of the savings and loan industry and also tells us a lot about the ethics of Bill and Hillary Clinton?

In February 1989, Madison Guaranty Savings Loan failed. The failure cost American taxpayers an estimated $60 million at that time. I see figures today that it is over $70 million. But, whatever, it was a lot of taxpayer dollars. In fact, the entire savings and loan crisis cost the American taxpayers $150 billion—an unbelievably staggering amount of money. The Banking Committee has every right—and, in fact, a duty—to review the cause of the crisis. Is there any question that the American people, who are paying this bill—they are paying the $60 or $70 million Madison lost, and they and their children and grandchildren are going to pay the $150 billion, and they have a right to know where the money went and how it happened.

While Madison was a small institution, its failure was one of the worst in the Nation. When it failed, the cost to the taxpayers was 50 percent of the assets of the institution—50 percent.

In Arkansas, 80 percent of the State-chartered S&L's failed while Bill Clinton was Governor. Jim McDougal took over Madison from 1982 to 1986. In 4 short years, the assets grew from $6 million to $123 million. Now, if we will back up and look at what assets mean, that means he borrowed $117 million more in a period of 4 years. He borrowed $117 million that wound up being guaranteed by the taxpayers of this country. In 4 years, he borrowed $117 million that the taxpayers of this country wound up paying off for him. Part of that money, a good bit of it, went to Whitewater Development.

He increased his loans to insiders. That is what Bill and Hillary certainly would have been, since they were his partners in a real estate deal. He increased his loans to insiders. When he took it, the insider loans were $500,000. Four years later, he had increased his loans to insiders, which were Bill and Hillary Clinton, the President and First Lady, to $17 million. Whitewater was one of the ventures that caused Madison to fail.

Furthermore, the claims that the Clintons lost money is false. They never had any of their money at risk. You cannot lose money you did not have. It was a sweetheart deal for the new Governor, tracking and congruent with the commodity trade in which Hillary Clinton earned $100,000. Do you know how she earned $100,000 in the most speculative business in the world? She read the Wall Street Journal. After she earned $100,000, without explanation, in this brilliant, brilliant trade, worked by a commodity broker named Red Bone who was investigated for everything, she quit. No more commodity trades. If she possessed the skill to turn $1,000 into $100,000 in that length of time by being First Lady, she is wasting the most valuable and potential money-making asset this Nation has ever known.

The Pillsbury report that has been referred to many times by Senators in the minority showed that the taxpayers of this country lost far more money on Whitewater than the Clintons. To me, that alone is a scandal.

Furthermore, there are reports in today's Washington Post that Mrs. Clinton herself was much more involved in Whitewater than we believed, that she was fully aware that the McDougals had put more money into the deal than the Clintons did. Again, we have two Yale-educated attorneys that today tell us they were oblivious to the whole affair, that they did not understand it. It is almost beyond the concept of most of us on the committee to see two of the ''smartest lawyers''—said her press people or somebody; we were clearly often told Mrs. Clinton was one of the 100 smartest lawyers in the Nation, and he certainly was at Oxford—could not buy 300 acres of cheap Arkansas land without a national scandal. The two smartest lawyers in the country could not buy 300 acres of cheap Arkansas land without creating a national scandal.

Why? Because it was not a clean legal deal. That is why you could not buy it without a scandal. Madison Guaranty was a high-flier savings and loan. It has been called the personal piggy bank for the political elite in Arkansas. I called it a calabash or a pot of money that the politicians were dipping in and taking out. I do not often agree with the editorial pages of the New York Times, but they have called the Whitewater hearings a stew of evasion and memory lapses. They do not often get it correct, but they did that time.

Mr. President, the central issue in Whitewater has been whether Madison received favorable treatment from Arkansas savings and loan regulators because of Jim McDougal's close ties to President Clinton. Essentially, the question is this: Did the losses to the taxpayers increase because Jim McDougal pressed his case with State regulators, which President Clinton, then Governor Clinton, Bill Clinton, had appointed?

The notes from Gearan's meeting, from the meeting he was in, suggested the White House wanted to send somebody down to Little Rock to get the story straight with Beverly Bassett Schaffer, the State savings and loan regulator. Get the story straight. The folks we were talking about, if we send them—and I do not remember the initials—but if we send CP, HL, and CB, it will come out. We cannot send them. Maybe we could get somebody from New York to go. They probably would not be recognized very quickly in Little Rock. Maybe we can get somebody from here or there to go. If we send our people, they will be recognized; it will get out.

Well, if it were an honest, clean trip, what was there to get out? Why not go down and talk to Ms. Schaffer and say, ''Here is what we are here for. Tell us the truth.'' That was not the purpose of the trip. The purpose of the trip was to get the story to match.

Had the American public been given the real picture in the wake of the savings and loan crisis, I think they would have reacted very differently to the inside quid pro quo way of doing business in Arkansas and Little Rock, particularly since the American taxpayers paid for the lax regulations. We will be paying for this into the whole next century.

Mr. President, Whitewater extends even farther than Madison Guaranty. It involves a small business investment corporation called Capital Management Services. This company was run by a man named David Hale. It, too, served as a personal bank for the politically connected in Arkansas. Its purpose was to make loans to the disadvantaged, but that turned out to be the rule-making politicians of Little Rock. Regrettably, the American taxpayers paid over $3 million for the failure of Capital Management.

Mr. President, it is a fact that Capital Management made a $300,000 loan to Whitewater. Now, inside the beltway of Washington and in the vernacular of the Congress, $300,000 would not even be a blip on the screen. To the average American, $300,000 is an enormous amount of money.

Now, Capital Management made a $300,000 loan to Whitewater. That is far more than anybody had put into it in real money. We have strong evidence that President Clinton asked this loan be made. I think time will tell that David Hale is telling the truth when he says that Bill Clinton pressured him to make this loan to help benefit Whitewater. If it is not true that Bill Clinton pressured David Hale to make this loan, then we need to—and I hope

the Democrats would be pushing to extend these hearings so we can bring David Hale to the hearings and let him clear Bill Clinton's name.

If it is true, if it is true that the President, now President Clinton, pressured him, then that needs to be brought to the light and let the public see it.

Here again, the American taxpayers have paid to subsidize President and Mrs. Clinton's failed real estate venture in Arkansas. Again, our Whitewater hearings have uncovered that the White House was aware of the Hale investigation from the very beginning. They had testimony from a career SBA official that the SBA briefed Mike McLarty in May 1993, about the SBA investigation of David Hale. They briefed McLarty about the SBA investigation of David Hale, the man who said he was pressured by then-Governor and now President Bill Clinton to make the loan.

That is essentially what these hearings are about, the loss of taxpayer money in Madison, Whitewater, and Capital Management. We have never had Mr. Hale as a witness. We need him as a witness and we need to wait until the legal proceedings going on in Little Rock are over and bring him as a witness.

Mr. President, on another issue, Vince Foster's death and the handling of his papers on the eve of his death has raised the most questions with the committee. We know for a fact that the First Lady spoke with her assistant, Maggie Williams, before Maggie Williams went to the White House and Vince Foster's office. In fact, she spoke to her in almost record time that you could drive from Maggie Williams' house to get in Vince Foster's office. And we know by the telephone records when she left her home and we know by the Secret Service records when the alarm went off in Vince Foster's office and she went in. And she did it in almost record time.

We asked her before the committee, why did she go to the White House? And the explanation was a somewhat vague, that she was out riding and had to be somewhere. Well, she was somewhere, in Vince Foster's office.

We know that they spoke later in the evening, immediately upon Maggie Williams' return from the White House. We know that she called, Mrs. Clinton called her. She went to the White House. We know she went to the White House, she went to Vince Foster's office, she went directly back home, and she called the First Lady. That we know.

Then, in the morning, 1 a.m., Maggie Williams was talking to Susan Thomases. We have the sworn testimony of uniformed Secret Service Officer Henry O'Neill, who saw Maggie Williams remove documents from Vince Foster's office on the night of his death. All of this is undisputed fact.

Within the last few weeks we have gathered more information that I think gives credence to the notion that files were indeed removed on the night of Mr. Foster's death. First, two files relating to the Madison Guaranty were sent back to the Rose Law Firm by David Kendall. They had to have come out of Vince Foster's office. Yet these files were never part of the box that Maggie Williams said she took from Foster's office 2 days after his death. These documents were reviewed and cataloged by Bob Barnett, the Clinton's other attorney. The two Madison files never appeared there.

Mr. President, what we have seen is massive inconsistency and confusion. It has gone on and on and on. The truth, as I use a poor simile, is that getting information out of the White House was akin to eating ice cream with a knitting needle. And that is about what it has been, a little bit here and a little bit there. But never enough to satisfy.

This is the way it has gone on since the beginning of the hearings and unbelievable stories we have been asked to believe. We can go back to the Maggie Williams/Susan Thomases flurry of telephone calls, and also to Mrs. Clinton's explanation of them.

Maggie Williams: I do not know why I went to the White House. I could not possibly have taken anything out. Yet she met a uniformed 18-year veteran of the Secret Service in a 5-foot hall, and neither of them are small people. He had no reason to tell it wrong. She immediately calls Mrs. Clinton from her home phone when she gets back to her house, and she went directly back to her house. There were many calls to Susan Thomases and Mrs. Clinton over a very short period of time. And the explanation we have for these calls is this one: They were commiserating with each other. They were making sure everybody was all right. They were checking to see if the bereaved were comfortable.

Mrs. Clinton herself said that these calls were commiserating and there was a lot of sobbing going on on those calls that night.

I find that extremely difficult to believe, and if I am wrong I would be delighted to be corrected by the facts. But we find no calls from Mrs. Clinton to Mrs. Foster or the children. The telephone records have not indicated those calls existed, and so far they have not been brought forward. I believe the documents that Maggie Williams delivered that night are the now-famous missing billing records. I fully believe that Maggie Williams had them in her arms that night. Certainly everybody agrees that Vince Foster's handwriting was all over these billing records—in the original writing, not copies. The records were copies but his handwriting was the original. It was all over them.

Many have said, Well, what is it in the billing records that is significant?

There are two very important significances. One of them is that they were subpoenaed by a Senate investigating committee, they were subpoenaed by an independent counsel, and whoever knew where they were should have brought them forward regardless of what they said. They were subpoenaed papers.

But the significance—another significance is the work on the Castle Grande project is important. That was the one project that RTC said: There may be legal liability for the Rose Law Firm. Is it any wonder that they stayed hidden until after the statute of limitation had expired?

The First Lady had over 14 calls with Seth Ward, according to her billing records. Seth Ward was the Castle Grande man. This was a known sham deal identified by the RTC as a sham deal. Is it reasonable to think that one of the 100 smartest lawyers in the country could have had 14 telephone calls with a client doing a sham deal and not suspect it or known it was wrong? I think she knew well what she was doing. She had to know. That is why the documents did not turn up.

Castle Grande cost the American taxpayers $4 million. The RTC tried to collect some of the money. But Mrs. Clinton had disguised work on this issue. No wonder they were so concerned about the statute of limitations expiring in 1994 but extended until the end of 1995. This is what sparked the meeting that we saw in 1994.

Mr. President, in conclusion, we still have key witnesses to call, witnesses that know where the bodies are buried, witnesses that will talk and can talk, but they are tied up in a trial in Little Rock now. We need to get them here. Jim McDougal, Susan McDougal, and David Hale. Can you imagine if we held Iran-Contra hearings without Ollie North or John Poindexter or Bud McFarland? What would the hearings show? Can you imagine if the Republicans wanted to end these hearings and had wanted to end them? The media would have crucified us. It would not have happened.

To conclude, here are some of the questions that need answers. These we need answered before we conclude the hearings.

Who placed Mrs. Clinton's subpoenaed records in the White House book room? Nobody has given me any argument that the White House book room and Mrs. Clinton's private adjoining office are the two most secure rooms in the world. If they are not, they should be, because that is where the President spends his private time.

Were those records in Vince Foster's office the night he died? If so, who removed them? And where were they stored for 2 years?

Clearly, the records did not walk out of Vince Foster's office. They were walked out, and whoever walked them out knows where they carried them and where they were hidden for 2 years.

Did White House officials lie to investigators about what went on in the hours and days after Vince Foster's death? Did the White House response

team obstruct justice by attempting to control the scope of the investigation? Did the White House Whitewater response team obstruct justice by attempting to tamper with a witness? Did then-Governor Clinton pressure a local judge to make an illegal loan to his business partner? These we can answer if we get the people here.

Why did the Clinton business partner pay most of the Clintons' share of Whitewater Development Corps. bills? What motivated his generosity? Was the administration involved in any action which prevented, impeded, or obstructed the administration of justice? If so, who directed it, who carried it out, and what was done? Why cannot the American people get the answers to these questions?

If there is nothing to hide, which has been contended by the Democratic side and the White House, why not bring forth the facts, bring forth the documents and stop letting them out little by little by little? Nothing would clear the name of the Clintons quicker than to bring forth all of the facts, bring the people in from Little Rock, and conclude the hearings.

Would we be literally facing a filibuster if there were nothing to hide? If there is not, let us end the filibuster, and let us get on with the investigation.

Mr. President, I think it is time that we get on with the investigation. I agree with the Democrats: We need to bring it to a conclusion, but we need to complete our work before we bring it to conclusion.

Mr. President, I see my colleague and friend from California is on the floor. So at this time I will yield the floor.

Mrs. BOXER addressed the Chair.

The PRESIDING OFFICER. The Senator from California.

Mrs. BOXER. I thank my friend for yielding the floor at this time.

Mr. President, what I would like to do in the beginning of my remarks is to correct the record on a couple of matters that the Senator from North Carolina raised. First of all, the statute of limitations on the Castle Grande transactions had not expired when the Rose Law Firm billing records were found in the White House in early January 1996. In fact, by a agreement between the RTC and the Rose Law Firm, the statute of limitations had been extended until March 1, 1996.

So, Mr. President, we could have a disagreement on whether we ought to continue these hearings, but let us not get on the floor of the Senate and say things that are not true. It is simply wrong to suggest that the documents were discovered because the statute of limitations had expired when, in fact, the statute of limitations had not expired.

Second, Mr. President, I think it is very important when colleagues stand up and make comments that there be a basis for those comments.

I am happy to yield to my friend for a question.

Mr. FAIRCLOTH. I am very much aware, and we all are, that the statute of limitations was not applicable to the First Lady's business. But as a member of a Rose Law Firm, as the attorney involved, and as a billing attorney involved in this—and she was the billing attorney on Castle Grande—she would certainly have a responsibility, maybe not a personal financial responsibility, but she very much would be involved in the proceedings.

Mrs. BOXER. If I might reclaim my time, I think my friend is not contradicting what I said. I will repeat what I said.

The statute of limitations had been extended until March 1, 1996, and it is wrong to suggest that the documents were discovered because the statute of limitations had expired. That is the only point I am making to my friend. I think it is important we not stand up here and say the statute had expired.

I am going to have to take back my time and tell my friend he is going to have to seek time on his own only because of a pressing appointment in my office. I need to make this statement and finish it, if I might.

I am glad to yield to my friend, but I hope he would have a question.

Mr. FAIRCLOTH. My question is in answer to the statement. Mrs. Clinton's attorney, Mr. Kendall, said it was a legal question whether it involved the Rose Law Firm or Mrs. Clinton personally. I yield the floor.

Mrs. BOXER. I would just restate that whether it did or did not is not my point. My point is a statement was made here that the statute had expired, and the implication is that, if there was something wrong in the billing records, the First Lady and the Rose Law Firm would be off the hook. The statute did not expire. In fact, we know the billing records were turned over, and actually underscored what the First Lady had said, that the time she put into that is minimum.

That is the first point I want to correct, Mr. President.

Second, I want to quote from the Madison Guaranty Savings and Loan and Whitewater Development Co. supplemental report written by Pillsbury, Madison & Sutro. And we know part of that firm is Jay Stephens, who has strong ties to the Republican Party. This is what they found. I am going to state this and quote directly from the report.

> There is no basis to assert that the Clintons knew anything of substance about the McDougals' advances to Whitewater, the source of funds used to make those advances, or the source of the funds used to make payments on the bank debt.

That is on page 77.

On page 78, quoting from an investigative report that cost about $3 million—excuse me, I stand corrected, $4 million—page 78:

> There is no basis to charge the Clintons with any kind of primary liability for fraud or intentional misconduct. The investigation has revealed no evidence to support any such claim, nor would the records support any claim of secondary derivative liability for the possible misdeeds of others.

Page 78. ''It is recommended''—and this is very important, I say to my colleagues—''it is recommended that no further resources be expended on the Whitewater part of the investigation.''

Now, this is an objective report, paid for by the taxpayers, done by the firm of Pillsbury, Madison & Sutro, a great law firm, including Jay Stephens, known for his ties to Republicans, and what do they say?

> It is recommended that no further resources be expended on the Whitewater part of the investigation into Madison Guaranty.

So what are we doing in the Senate? Ignoring this, ignoring this and moving on with an investigation of a Senate select committee. I think we ought to start listening to people who are objective on this, who have no political ax to grind. As a matter of fact, people thought in the beginning, when Pillsbury, Madison & Sutro got that: My God, this is going to be political.

Well, it turned out that the Clintons have been cleared.

Now, I know that annoys a lot of my Republican friends, and I feel sorry for them, that this is the biggest thing in their lives, some of them. But I have to tell you there are other things in the lives of the American people that have to be addressed by this Senate. And I have to tell you, these attacks on the First Lady of the United States, these personal attacks, these personal attacks on the President of the United States border, in my opinion, on being unpatriotic. It is my personal opinion. But that is up to each individual Senator. And clearly it is up to the people of the country to decide.

I have to say, listening to these attacks, when my colleague says he believes David Hale, well, that is his right. This is a man who has already pleaded guilty to two felonies, as I understand it. And not only that, but we have word that the State is prosecuting him as well. And this is the individual that is quoted in this Chamber to prove that our First Lady and our President are not good human beings. Well, again, it is every Senator's right to call it the way he sees it, but I think the American people see right through this. And who are they going to believe? A man who has already stated that he committed two felonies or Pillsbury, Madison & Sutro, which says in their report: Let us spend no more time on this investigation. The Clintons are not guilty of anything.

Now, I supported every single vote here to move this investigation forward. I voted to set up the special committee. I voted to extend the special committee. I had nothing but support for those two resolutions. We reached across party lines. We worked together. We shaped resolutions that were not political. But I say it is time to step back and wind this thing down.

I have to tell you, the offer that we Democrats have made is extremely

generous in terms of the time and the allocation of funds we have recommended. Let me prove that point. We have already heard from 121 witnesses, some of them two and three times, mind you. They are brought back. They have to pay for attorneys. Some of them do not have means to do it. Some of them will be paying that off for decades, if ever. But we have done it.

We have met for 230 hours of hearings. I want you to keep that number in mind—230 hours of actual hearings. Now, the Democratic leader and ranking member, Senator SARBANES, and all of us are saying, let us have an additional 5 weeks of hearings, almost $200,000 more, recommending also that there be 4 weeks allocated in addition to write a report, and our Republican colleagues say it is not enough. It is not enough.

Why? Why? This is their latest reason. Because they cannot get up here and say we want to keep investigating, keep the story alive because it hurts the First Lady and it hurts the President. You cannot say that. But this is what they say. In the court, there is a hearing. There is a trial in court, and we need to call those people. We need to wait.

Let me quote from a letter signed by our ranking member, Senator SARBANES, and our chairman, Al D'AMATO, that was written in October 1995. This is signed by both.

The special committee does not intend to seek the testimony of any defendant in the pending action brought by your office.

This is to Ken Starr.

Nor will it extend to expand upon the grants of immunity provided to persons by your office. Indeed, Senate Resolution 120 expressly provides the special committee may not immunize a witness if the independent counsel informs the committee in writing that immunizing that witness would interfere with the independent counsel's ability to prosecute.

So, in writing, our chairman said he had no intention of calling any witnesses. Now, the big reason we have to wait is we have to call the same people who are going before this jury.

Now, let me say something. And this was brought out by our ranking member, Senator SARBANES, but it bears repeating. I wish to say to my Republican friends, this is America. We do not have trials in secret in this country. Every one of these people involved in the trial, all the people who Senator FAIRCLOTH says he wants to hear from, they are going to be in that courtroom and we are going to hear from them. But, no, that is not enough. We want to play prosecutor. You know, this is not ''L.A. Law.'' This is the Senate of the United States of America. We are legislators, not prosecutors. That is why we have the independent counsel.

And by the way, does the independent counsel have any limits to his investigation? The answer is no. He has, as I understand it, 100 FBI agents on this matter and 30 lawyers; unlimited sums of money. But we are going to play prosecutor. Maybe some of them are jealous; they want to be prosecutors. Well, they ought to do that and not be Senators. That is fair. But do not turn this Senate into a group of prosecutors because that is not our role. That is why we have the independent counsel. Take the politics out of this thing. So we have had 230 hours of hearings, and now we are offering another 5 weeks.

Now, let me say this to anyone who is listening. I sat down with my pen and figured out how many hours of hearings we could have under the Democratic proposal. Let us say we worked 8 hours a day, taking an hour for lunch like most Americans, 8 hours a day, and held those hearings 5 days a week. Most Americans work 5 days a week. I think it is a sound idea myself. We could hear from so many witnesses. We could hear from 100 witnesses, maybe more.

As I figure it, we would have 175 hours of additional hearings. They have only had 230. They could have another 175 hours. What happens if we decide to work 10 hours a day? Just work a little harder, take an hour for lunch, a 10-hour day. We could have another 250 hours of hearings under the Democratic proposal.

We have only had 230. So we could just do as much as we have done, plus. If my Republican friends are so anxious to work on this, let us get to work. Let us go. Let us get your witnesses, let us line them up, an hour at a time. Let us do our work.

But, no, as the ranking member has pointed out, there are some weeks they have one witness. They harangue them for 9 hours—and I mean harangue—to no avail, by the way. So if we are really serious, the Democratic alternative has offered them more hours than they have already spent. So let us stop saying that we want to close it down. By the way, some Members on my side do want to close it down. They do not want any more hours. I happen to believe let us close it down in an orderly fashion. So I am supporting this additional 5 weeks, with 4 weeks to write a report.

I just cannot understand why my Republican friends do not want to take this, if they are serious about saying they want to get their work done. They want to hear from these witnesses in the jury trial. We can listen in, just as all Americans can, and read all the reports about the trial and get the information we need. If we feel we need to take more action legislatively because we found out new information, we can do that.

By the way, I also point out we do have a Senate Banking Committee that can meet any day of the week. Why do we need to hire all these special lawyers they bring in? They go on television every night and report, move their careers up the line. At what cost? At what cost? We have very good people on staff. We can do some of this in the Senate Banking Committee.

So we are legislators, not prosecutors. The Democratic alternative gives you more hours than you have already expended on this matter. The only reasonable conclusion I think the American people can draw is that that is not their interest. Their interest is in dragging this out until election day—until election day.

I have to tell you something. It is not working for them. From a political standpoint, if I were being political, I would just let them go right ahead, because the American people are disgusted. They are watching this, and they are saying, ''This is incredible. These people are meeting back here in Washington, and what are they doing? Nothing to make our lives better, nothing to make our lives better. As a matter of fact, spending $600,000''—which is the proposal of the Republicans—''which could be better spent either on deficit reduction or restoring some of the cuts to education they so happily made here.''

Teachers are being laid off all over who teach reading to children, because of the actions of this Senate. They could not find the money for education. But boy, oh, boy, they find it pretty easy for this.

I have a Superfund site in San Bernardino, CA, where a poison plume is moving down into the water supply. That cannot be cleaned up because the Republicans, who control this body and the other body, do not even have the budget passed. I am on the Budget Committee. We are supposed to be working on the next budget. They do not even have the current budget passed.

But, oh, no, we have to talk about Whitewater. We need $600,000, not to restore some of these cuts, not to reduce the deficit, not to clean up Superfund sites, not to raise the minimum wage. You do not even need money to do that; you just need time on the floor to vote on it. It is at a 40-year low. People try to live on it. They cannot take time for that.

I mean, it is just amazing to me. So politically, as far as I am concerned, when people look at this Congress, they are saying, ''We didn't expect this kind of change. We didn't expect a whole breakdown in the budget process. They can't even get their act together to pass the debt.'' Hurting our ratings because we cannot even do our job. But they have a lot of time for Whitewater.

So maybe I should not be here complaining about it. Maybe, politically speaking, it will help, help change who is in control around here. But be that as it may, I have to say what I think. What I think is that this offer from the Democrats to extend these hearings for 5 weeks, another 4 weeks to write a report, if we got our act together and worked 8, 10 hours a day, we could just have well over 100 witnesses and wrap this up and get on to the work and keep this out of the political arena.

People want job training, education. They want pension protection. They

want health insurance that is portable. We have a great bipartisan bill. Why is that not up here? The Kassebaum-Kennedy bill will protect our people from getting their insurance canceled because of a preexisting condition. It would allow them to take that health insurance with them.

I ask you, what is more important for our people, standing up and berating the President and the First Lady on something that happened years and years ago, where the special counsel has all the resources he needs to bring justice, or doing the work of the U.S. Senate? I am absolutely amazed that, after all the bipartisanship we have had on that committee over so many years, our ranking member and our chairman cannot agree when we have offered hours and hours of hearings to them.

It is extraordinary to me. I think this issue of the trial is a false issue. Again, this is not going to be a secret trial. So, Mr. President, I am clearly distraught that this is the priority of the U.S. Senate.

Mr. President, I ask unanimous consent that I may speak for 3 minutes on a different subject. Then I will yield the floor.

The PRESIDING OFFICER. Is there objection? Hearing none, so ordered.

Mrs. BOXER. Thank you so much, Mr. President.

VIOLENCE BY TERRORISTS IN ISRAEL

Mrs. BOXER. Mr. President, I rise to discuss the recent violence in Israel and to express my profound hope that these cowardly terrorist attacks will not destroy the peace process that so many have worked so hard to cultivate.

In the past week, the extremist, terrorist organization Hamas has sponsored four deadly bombings, killing more than 60 people and wounding more than 200 innocent, innocent people. These vile and disgusting acts clearly targeted at innocent civilians on public buses and on busy streets must be condemned.

It is hard to imagine the kind of deranged mind that could contemplate such appallingly evil deeds. As the President said very eloquently yesterday, he cannot even imagine an adult who could teach a child to hate so much.

The most recent attack, which occurred this past Sunday, killed 14 Israelis, including 3 children dressed in their costume for the Purim festivals.

Purim is among the most joyous holidays for the Jewish people. It commemorates how the children of Israel overcame a genocidal plot thousands of years ago. Purim reminds us that in the end, good triumphs over evil and reminds us that the Jewish people have an indomitable spirit of survival. The Persians could not destroy the Jewish people thousands of years ago. The Nazis failed 50 years ago. And Hamas will fail, too.

The United States of America stands shoulder to shoulder with Israel during this crisis. Their battle against these evildoers will be the battle of all civilized people everywhere.

An all-out war on terrorism must and should be waged. But the Hamas terrorists want one thing more than anything else, Mr. President—to scuttle the peace process. We must not allow them to win. We must defeat the terrorists and ensure a lasting peace.

PLO President Yasser Arafat can and must do much more. His recent statements condemning these attacks unconditionally have been good, but his actions must now follow his words. Only he has the power, the position, and the influence to gain control over Hamas.

My heart goes out to the victims of this violence and to all the good people of the Middle East who pray and work for peace.

I thank you very much, Mr. President, and I yield the floor. I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

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

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

WHITEWATER DEVELOPMENT CORP. AND RELATED MATTERS—MOTION TO PROCEED

The Senate continued with the consideration of the motion.

Mr. HATCH. Mr. President, I have heard just about all the whining about Whitewater that I can stand. To be honest with you, if this was a Republican President, what has already been uncovered would be front-page headlines all over the country everyday.

The fact is, it is a mess, and it does not take any brains for people to realize that if you set a short time limit, people are literally not going to comply with that time limit.

We have had more than ample proof that that has been the case here—more than ample proof. The fact of the matter is, we have had documents dribbling in at the last minute 2½ years since there has been a subpoena for them. There is no excuse for it. To hear our friends on the other side on this issue, it is outrageous what they are saying, and to act like this is not the Senate's business is also outrageous. There may not be anything more important for the Senate to do than to do its job in this area.

Now, I have to say, I hope personally that the President and the First Lady do not have any difficulties in the end, but there are a lot of unanswered questions. There are a lot of things that any logically minded person or fair-minded person would have to conclude create some difficulties for anybody, let alone the President and the First Lady.

It is one thing to stand up and defend your party and your party's President—I have done it myself, and I do not have any problem with that at all; in fact, I commend my friends on the other side for doing it—but it is another thing to act like this is not important business or that we should not be doing this; that there are other things more important. Of course, there are other things that are also important, but not more important, and we should be doing all of them. And I agree with some of the criticism that has been given with regard to some of the things that need to be done.

We have done a lot, but a lot has been vetoed. There is a lot tied up in conferences today. There is a lot that is not being done because of party warfare here. I have never seen more filibusters used in my whole 20 years in the Senate than I have seen in the last couple of years. Almost everything, even inconsequential bills. Why? Because they want to stop any momentum of the Contract With America. That is legitimate. I am not going to cry about that, but I do not believe you use filibusters on just about everything. To me that is wrong.

So I rise today to express my support for the extension of the Special Committee on Whitewater and Related Matters. As chairman of the Judiciary Committee, I see it as my duty to defend the separation of powers and the constitutional prerogatives of the executive branch. These are important things, and I have to say, in some ways, I resent some of the comments that indicate these are not important things. I guess they are not important because it is a Democratic President who is being investigated at this time. Boy, they were sure important when Republican Presidents were in office. You could not stop anything from going on, and you had both Houses of Congress controlled by Democrats in most of those cases.

We are talking about the separation of powers and the constitutional prerogatives of the executive branch. After giving this issue careful thought, however, I have decided that the special committee's investigation into Whitewater must continue. This issue transcends the claims of partisanship and goes to the very constitutional authority of Congress to investigate wrongdoing at the highest levels of Government.

Congress has the constitutional obligation to see that public officials have not misused their office, and we have a duty to bring these matters to the public eye so that the American people can be confident that their Government is operated in a fair, just, and honest way.

We must provide the special committee with more time in order to demonstrate that delaying tactics of a White House, whether Democrat or Republican, will not be permitted to frustrate a legitimate congressional investigation.

For example, I was dismayed that we received more notes from the White House relevant to this investigation just last week. Now, I am happy that we received these notes—more notes—that are responsive to the special committee's requests. I am just concerned about the delay in the response.

Last Thursday, the special committee's resolution expired. In light of the fact that information keeps trickling out of the White House, I can see no other way than to extend the committee's investigation until the most pressing questions are answered. We cannot be expected to wrap up our investigation when we are still receiving important information from the White House and awaiting the availability of key Arkansas witnesses currently involved in related court proceedings in that State.

The special committee must be given time to conduct a fair, careful and thorough investigation so that the Congress can be confident that all of the issues surrounding the Whitewater scandal have been fully aired and examined. Some have requested that a time limit be put on the extension of the Whitewater committee. That might not be a bad idea under certain circumstances. Unfortunately, however, we cannot agree to any time limits until the criminal trials have been completed.

Some have thought that the reason the Democrats have suggested 5 weeks is because that is how long the criminal trials will take. At that point, it will be over and you cannot get some of the witnesses who really have to come before the committee.

Many of the witnesses who will testify in the criminal trials may also need to come before the Whitewater committee. We cannot agree to any time limit that would preclude the Whitewater committee from completing its work or we will get into the same debate 5 weeks from now. If we set that time limit, I guarantee you we will be in this same debate 5 weeks from now because there will be further delays, further obfuscation, further finding of documents at the last minute. At least that has been the situation up to now.

As long as doubt concerning Whitewater continues, the President and the First Lady will not enjoy the full trust of the American people. This scandal is not just bad politics, it is bad for the future of our Nation.

I believe we do need more time to further examine whether White House officials attempted to interfere improperly with the Justice Department's investigation. During January 1994, Mr. Mark Gearan, then director of communications at the White House, took detailed notes of a series of meetings on Whitewater with senior White House personnel. I am concerned that, despite White House denials, attempts were made both to influence the appointment of a special prosecutor or independent counsel and to affect the testimony of some of the key witnesses in that case.

I am particularly concerned that attempts were made to influence the appointment of an independent counsel. We have only begun efforts, the needed efforts to investigate these problems.

Mr. Gearan's notes indicate several White House officials, including Mr. Ickes, argued that an independent counsel should not be sought. Now, I can see that. But from what I am able to glean from these notes, I presume the reason White House officials opposed an independent counsel's appointment was that an independent counsel could not be ''controlled.'' That is what the notes say.

For example, in the January 5 meeting, Mr. Gearan's notes record Bernie Nussbaum as saying that the independent counsel is ''subject to no control.''

During the January 7 meeting, Mr. Gearan's notes say, ''We cannot affect the scope of the prosecutor.''

I think a fair reading of these statements is that the high-level White House officials were concerned about the appointment of an independent counsel, because they could not exercise control over his or her investigation. According to Mr. Gearan's notes, Mr. Ickes stated that neither the President nor the staff could speak to the First Lady about appointing a special counsel.

This suggests to me that the First Lady was making the final decision about whether a special counsel should be appointed. It certainly is not proper for the possible subject of an investigation to have input as to whether or not a special counsel should be appointed. We need more time to study this very worrisome possibility.

Mr. Gearan's notes of January 8 indicate that Mr. Ickes said that Mr. Kendall, the Clintons' personal lawyer, attempted to talk to Alan Carver who was supervising Donald McKay's investigation into Whitewater at the time. In fact, according to Mr. Gearan's notes, Mr. Ickes called Mr. Carver a ''bad'' guy, a guy who would not talk to Mr. Kendall without FBI agents present.

Then, according to Gearan's notes:

> Mr. Ickes went so far as to say, ''That guy is f. . . us blue.''

Was the Department of Justice getting too close to the truth? How could Mr. Carver and Mr. Mackay be a problem if they were only doing their jobs to carefully investigate Whitewater? During the same time as the White House meetings, Attorney General Janet Reno was considering whether to appoint a special prosecutor to investigate Whitewater. At that time, the independent counsel statute had lapsed and the Attorney General chose Robert Fiske on January 20 to be her special prosecutor.

Unlike the independent counsel, the special prosecutor was under the control of the Justice Department and, ultimately, the President. Less than 2 weeks after these White House meetings, during which time the benefit of an apathetic special counsel was discussed at length, Janet Reno chose Robert Fiske as the special prosecutor, a man who many consider had failed to investigate fully the events surrounding Whitewater. I read some of his depositions. They were not detailed. They were not carefully done. I know Mr. Fiske. I have a high regard for him as an attorney, but in this particular matter I do not think he was doing the job that needed to be done.

We have learned that Webster Hubbell kept Whitewater documents of the Rose Law Firm in his basement after the election. Some of these may have been in Vince Foster's office when he died. We need to investigate whether at the time of these White House meetings Mr. Hubbell continued to have the documents in his basement while serving as an Associate Attorney General of the United States and was perhaps privy to discussions in the Justice Department concerning whether to appoint an independent counsel.

Another area that disturbs me is the effort to contact Ms. Beverly Bassett Schaffer. According to evidence collected to date, Mr. Ickes was deeply concerned about Ms. Schaffer's testimony. She had been the acting securities commissioner. He wanted a checkered story to make sure it would support President and Mrs. Clinton's version of the events surrounding Whitewater. Mr. Ickes even said he could not send any prominent members of the White House to speak with her because the press, or others, might get wind of what was going on. Mr. Ickes said that if these steps were not taken, ''We are done.''

I hate to read anything sinister into that statement, but an argument could be made that Mr. Ickes was worried that if he could not successfully manipulate Ms. Schaffer's testimony, serious consequences could result. I am gravely concerned about any discussion by White House officials to influence the workings of the Justice Department, particularly when it conducts ongoing criminal investigations into the White House.

Earlier, when I questioned Ms. Sherburne and Mr. Gearan about the notes, I became concerned that officials at the White House were trying to influence the story of an important witness—Ms. Schaffer—in this investigation. Ms. Sherburne agreed the notes could be read that way. That was in response to my questions—that, yes, they could be read that way.

The possibility that White House officials might attempt to influence or tamper with the ongoing actions of the President and his aides raises questions about the integrity and fairness of the administration of justice in our Nation. I cannot believe that anybody in good conscience could oppose a continuation of this committee's investigation until we start getting answers to the many troubling questions that have been raised.

Putting aside these problems, there are many other unanswered questions that have been raised by the committee's investigation that would require further investigation. Now, this is my Whitewater top 10 questions list. It is, by no means, exhaustive. It is just 10 I think ought to be answered.

First: How did the First Lady's billing records from the Rose Law Firm mysteriously appear in the personal quarters of the White House long after they had been subpoenaed?

Second: Who brought Madison Guaranty into the Rose Law Firm as a client, and who had primary responsibility for that account?

Third: Did the First Lady attempt to benefit from her relationship with her husband, then-Governor Clinton, in representing Madison Guaranty before Arkansas regulators, including Beverly Bassett Schaffer, who was the Arkansas State Securities Commissioner?

Fourth: Did the First Lady attempt to persuade Beverly Bassett Schaffer to approve a highly unusual deal that would have allowed Madison to stay afloat longer than it did?

Fifth: What was the First Lady's role in the Castle Grande deal? Did she assist Madison in what the RTC concluded was a sham transaction to conceal Madison's true ownership interest in the problem?

Sixth: Have the President and the First Lady's lawyers attempted to impede the investigations into Whitewater by the special prosecutor and the Senate special committee?

Seventh: Did the First Lady, her aides, or Bernard Nussbaum prevent Justice Department investigators from searching Vincent Foster's office after his death?

Eighth: Was there a effort to interfere with the investigation of Whitewater, as suggested by Mr. Gearan's notes?

Ninth: Who ordered the firing of Billy Dale in the White House travel office? What was their motive? Was there some connection with Whitewater? Was there some connection with something that was inappropriate or wrong? Certainly, there appears to be, and that needs to be cleared up. I hope there was nothing wrong, but there appears to be so.

Tenth: Were Rose Law Firm records purposely removed from the firm and/or destroyed?

Before these hearings began, the American public had been told there had been full disclosure. We now know that this is not true.

Before these hearings began, the American people were told Hillary Clinton did not work on Whitewater or Castle Grande. We now know that is not true. On Whitewater, she billed 53 hours, had 68 telephone conversations, and 33 conferences. You could go on and on. On Castle Grande, she billed more than any other partner in the law firm, as I understand it. I think it was 14½ hours. She had a number of conversations with Seth Ward, who was used as a straw man to circumvent the law in what regulators have called a sham transaction.

Before these hearings began, the American public had been told that there had been full disclosure. It is clear there had not been. We know that is not true. It is only because of these hearings that we know that.

These hearings have been very important, regardless of the outcome. It is our constitutional responsibility to follow through and conclude them in a satisfactory, fair, and decent manner.

Before these hearings began, as I said, the American people were told Hillary Clinton did not work on the Whitewater and Castle Grande cases. We now know that is not true. We know that. The hearings proved it.

Before these hearings began, we were told there was no interference with the Justice Department's investigation into Vince Foster's death. We now know, as a result of these hearings, that is not true.

You could go on and on. Given this history of deception, delay, and obfuscation, should the Senate take the administration's word on these matters? To permit us to close the book on this scandal, the Senate must approve the extension of the Whitewater committee operations. The American people demand no less from their elected officials. The counsel is pursuing the criminal aspects of this case, and it is important that the Congress fulfill its constitutional duty to conduct oversight at the executive branch and inform the American people of its findings. We have had suggestions that we ought to take 5 weeks and work 8 to 10 hours a day and we will solve this problem.

I have to tell you that since this committee has been established, committee counsel has been working a lot more than 10 hours a day every day. You cannot have hearings every day because it takes time to do the depositions and prepare, get documents together and go through them, and it takes time to put them together in a cohesive way. To prepare the questions, it takes time for each Senator. These hearings have to be planned and done in a reasonable, orderly, credible way.

I also can guarantee you that the minority's attorneys have been working full time on these matters because they are serious, because there are thousands of documents, because there are questions that are unanswered, because we have to get to the bottom of this.

Again, I will repeat that I like President and Mrs. Clinton. I have worked rather closely with the President for these last 2 years. I do not think anybody in this body can deny that. I have tried to help him with judges and other appointments, and on legislation, and I think he would be the first to acknowledge that. I have been very friendly to the First Lady. I hope there is nothing that hurts either of them here. But it would hurt the Congress, the Senate, if we, once we have this charge, do not follow through and bring it to a conclusion in a fair, just, and orderly way. We are clearly not at a conclusion now, not with getting documents as late as last week, even after the commission of this special committee has expired.

So this is important stuff, and I know that my colleagues are tired of it on the other side. I do not blame them. I got tired of Iran-Contra and a number of issues that were, in many respects, worked to death.

This is something that until it is resolved and resolved in a fair, just, and reasonable way, I think you cannot count on the President and First Lady having the full trust and confidence of the American people. Hopefully, when this is all over, they can. If they cannot, it is another matter. But at least we ought to get this thing put to bed and put to bed right.

I agree with the distinguished chairman of the Banking Committee, you cannot put a 5-week delay on it. You do have to put up enough money to resolve these matters, to be able to investigate them fully. There are just countless documents, countless witnesses in this matter, and we have not even gotten into the hard-core issues of this matter. That cannot be done until the trial is over, which is estimated to take 5 or 6 weeks.

I know that my colleagues are not just simply choosing that timeframe so that they can avoid another set of hearings or mess up this investigation. On the other hand, I think they have to acknowledge that 5 weeks is not enough time and that, if you do put a time limit on it, there is a natural propensity on the part of those who have something to hide to make sure it is hidden until after it is too late to bring it up.

Frankly, I do not think we should do that. We owe it to the Senate, we owe it to the Constitution, we owe it to our own conscience to do it in the right way. I want the hearings to be fair. I think thus far they have been. I want to commend the distinguished chairman of the committee, Senator D'AMATO. Contrary to what many on the opposite side thought before these hearings began, I think he has conducted them in a fair and reasonable manner.

I also want to compliment the minority leader on the committee, Senator SARBANES. He is one of the more thoughtful, intelligent people in this body. We came to the Senate together. I have tremendous respect for him. I think he has conducted himself in the most exemplary of ways, and I have respect and admiration for the way he has done so. I think both of them have done a very good job. I think other members of the committee have done a good job as well.

It is apparent that it takes time. It is apparent it is a painful experience for all to go through, including those on the committee. It means reading thousands of documents and trying to stay

up with a very convoluted set of circumstances here that are very difficult for anyone. We simply have to go forward. I do not think it is right to delay this any longer. I think literally we should go forward. There should not be a filibuster on this matter.

In fact, of all things, I think there should be no filibuster on this motion to extend the time of the committee. Truthfully, I think the Rules Committee needs to get the resolution out and we need to vote on it, up or down, and let the chips fall where they may and go about doing our business in the best, most ethical, reasonable, and just way we possibly can.

In the meantime, I will be pushing to extend this committee because I think it is the right thing to do. I have raised a lot of questions that literally have not been answered as of this time. I yield the floor.

Mr. SARBANES. Mr. President, I see the distinguished Senator from Minnesota on the floor. I know he wishes to speak.

I want to take a couple of moments because there is one thing my distinguished colleague from Utah made reference to. He talked about the previous hearings and other Congresses when the Congress was Democratically controlled, and I think that is an important point. I just want to come back to revisit the Iran-Contra hearings on which the distinguished Senator from Utah served. As he will recall, at the outset of that, there were Democrats who wanted to extend those hearings into 1988, into the election year. Now, Senator INOUYE and Representative HAMILTON rejected that proposition and agreed, in response to a very strong representation by Senator DOLE for a specific date to end it, and then conducted hearings in a very intense manner in order to accomplish that.

Again, I want to make the contrast between the hearings schedule in Iran-Contra in order to meet its cutoff date, which involved 21 hearings between July 7 and August 6. In other words, we had hearings every weekday throughout that period from July 7 to August 6 except for 2 days—21 out of 23 days we held hearings. Contrast that pace, that effort to comply with a requirement that had been passed by the Senate, with what took place over the last 2 months, when this committee in January held only 7 days of hearings—in other words, all of the other days were open to hold hearings, and no hearings were held. The same thing happened in February, where we held only 8 days of hearings. In fact, this committee, over a 2-month period, without the Senate being in session—we had the opportunity to really meet continually—held only 15 days of hearings over a 2-month period; whereas the Iran-Contra Committee, to which my colleague made reference, held 21 days of hearings in a 23-day period.

I think this simply demonstrates the effort then in that Congress to keep this matter out of the political election year. It stands in marked contrast to what has transpired over the last 2 months.

The PRESIDING OFFICER (Mrs. HUTCHISON). The Senator from Minnesota.

Mr. WELLSTONE. I thank the Chair. I want to take a few minutes of this debate, but offer my thoughts within a somewhat different framework.

In a recent USA–CNN Gallup Poll of big issues facing Congress—and I am sure others have referred to this—virtually no one suggested Congress should be devoting time and resources to Whitewater—67 percent of the people said Congress should work on approving public education; 66 percent cited crime as a major concern; 64 percent said jobs and the economy; and 63 percent worried about health care.

Madam President, this Senate, the majority-led Senate, has not held even one hearing on better jobs and wages. We have not had one hearing on better jobs and wages. Only 3 hearings have been held on improving public education, and 12 on crime control, drugs, and terrorism. Madam President, the majority party did not hold even one Senate hearing on what was an unprecedented plan to slash Medicare.

The reason I mention this, Madam President, is that I think there is a disconnect between all of the time and all of the resources that have been devoted to this hearing versus what it is people are telling us in cafes and town meetings in our own States that they are really concerned about. I do not hear people talking to me about the Whitewater hearings, except they wonder why they go on and on and on and on, and they want to know how much more will be spent on them.

I do hear people talking to me, not in the language of left or right, not in the language of Democrats or Republicans. People say to me, ''Senator, am I going to have a pension when I retire? I am really worried. I am 67 years old, and I am really worried.'' ''Will there be Medicare?'' Or, ''Senator, I have Medicare but I have to pay for prescription drug costs. I have Parkinson's disease. My father had Parkinson's disease. I cannot afford the price of these drugs.'' Or, ''Senator, you know the story about AT&T? That is my story. I worked for a company for 30 years. I worked 5 days a week and more. I was skilled. I was middle management and a responsible wage earner. I gave that company everything I had. I did a good job. I thought if you did that, at age 50 or 55 you would not find yourself fired with nowhere to go, just spit out of the economy.''

Or people in cafes say, ''Senator, this is for all of us, regardless of party. Senator, we have three children. They are in their twenties and the problem is that they are not able to obtain jobs that pay decent wages with decent fringe benefits. We do not know what will happen with our kids.'' Or ''Senator, I have a small business going and I do not know if I can continue to make a go of it.'' These are the issues that people are talking about—basic economic opportunity issues, basic bread and butter issues, basic issues about how to sustain their families and communities.

Madam President, I raise this because I wanted today to focus on another one of these basic economic ''bread and butter'' issues, which is minimum wage. As the author of the only minimum wage legislation in the last Congress, I congratulate the minority leader, Senator DASCHLE, for his focus today on increasing the Federal minimum wage. Despite the increases that went into effect in 1990 and 1991, the current minimum wage is not a living wage. It is a poverty wage—$4.25 an hour. Should we not start talking about that on the floor of the U.S. Senate? A person working 52 weeks a year, 40 hours a week, works for a poverty wage. A person making a minimum wage earns just about $170 a week, and that is before taxes—income tax, Social Security tax, you name it.

Madam President, the principle that a minimum wage ought to be a living wage served this Nation well for 40 years. From the enactment of the first Federal minimum wage law in 1938, through the end of the 1970's, Congress addressed this issue six times.

Six times bipartisan majorities, with the support of both Republican and Democratic Presidents, reaffirmed our Nation's commitment to a fair minimum wage for working people in this country. But during the 1980's the real value of the minimum wage plummeted and, adjusted for inflation, the value of the minimum wage has fallen by nearly 50 cents since 1991 and it is now 27 percent lower than in 1979, using 1995 dollars. To put it in another context, we need to realize that the minimum wage would have had to have been raised to $5.75 an hour last year to have the same purchasing power it averaged in the 1970's.

When are we going to start talking about good education and good jobs? I said on the floor of the Senate before, real welfare reform would mean an increased minimum wage, good education, and a good job. If you want to reduce poverty: Good education, and a good job. If you want to reduce violence you have to focus, in addition to strong law enforcement, on a good education, and a good job. If you want to have a stable middle class, it is a good education and a good job. Do you want our Nation to do well economically? A good education, a good job. When are we going to focus on these issues, I ask my colleagues?

We go on and on and on and on with these hearings, and now they want to go on and on again. And we do not focus on the very issues about which people are coming up to us, back in our States, and saying to us, in as urgent and as eloquent a way as possible, ''Senators, please speak to the concerns and circumstances of our lives. We are worried about pensions. We are

worried about health care. We are worried about jobs. We are worried about being able to educate our children. We are worried about being able to reduce violence in our communities.'' When are we going to focus on that?

When are we going to talk about raising the minimum wage? Madam President, 75, 80 percent of the people in the country say we must do this. And contrary, Madam President, to popular misconception, the minimum wage is not just paid to teenagers who ''flip burgers'' in their spare time. Less than one in three minimum wage earners are teenagers. In fact, less than 50 percent of those who receive minimum wage are adults 25 years of age and over. And more important, 60 percent of the minimum wage earners in this country are women.

Madam President, we have talked about welfare reform. And, you know, I think it is true the best welfare reform is a job. But I think we ought to add to that and say the best welfare reform is a job that pays a living wage. Increasing the minimum wage will help in the welfare reform effort, because it is one means of making work pay.

I guess that the reason that I use this opportunity to talk about a minimum wage is that I want to point out the disconnect between all these hearings, all this money we have spent on Whitewater, and a Republican-led Senate that is not focusing on raising the minimum wage, not focusing on living wages, not focused on what we are going to do to make sure people keep their pensions, not focused on opportunity, not focused on how people are going to afford education for their children or for themselves.

People work hard in this country and they deserve to earn a living wage for their work. It is that simple. I would appreciate it if we would get some focus on this in this U.S. Senate. Pretty soon I am going to come to the floor with other Senators with an amendment so we can have a vote, so people can hold us accountable. Because people want to know what in the world we are doing as legislators to make a positive difference in their lives.

I yield the floor.

The PRESIDING OFFICER. The Senator from Utah.

Mr. HATCH. Madam President, I was on Iran-Contra Committee. I have to admit it was a huge committee with a huge budget and all kinds of lawyers, and it had to be—I do not know how many people were on that committee, but it was both the House and the Senate. And every effort was put forth. And I have to say the White House cooperated fully. Outside of the documents that were shredded by Oliver North and his secretary, which were fully explained, there was complete cooperation. There was not obfuscation. There was not withholding of documents. There was not withholding of witnesses. There were not notes indicating that there were these type of things going on in the White House.

We have had to fight for everything we got here. I do not think anybody who watches those hearings seriously would conclude other than that there has been a lot of delay and a lot of obfuscation, a lot of failure to comply, a lot of failure to work with the committee.

There has been an effort to work with the committee, too. I do not want to fail to give people respect who have legitimately come forth. But this committee was created just 9 months ago on May 17, 1995. The Iran-Contra investigation lasted for more than a year.

The Joint Select Committee on Secret Military Assistance to Iran and the Nicaraguan Opposition was established on January 6, 1987. The committee conducted hearings until August 1987. The committee was extended twice in 1987, from August to October and then from October to November. And the committee filed its report on November 17, 1987. On December 10, 1987, the House voted to extend its operation to March 1, 1988.

There is an important thing we ought to note here. The special committee is not really seeking a ''extension.'' That is, Resolution 120 will not expire and the committee will not cease to exist on March 1, 1987, if the new resolution is not adopted. All that the committee is asking for is additional funding so that the investigators and the attorneys can be paid.

By historical standards the Whitewater committee has not been an especially long-lived investigatory committee. The Truman Committee, also known as the Special Committee To Investigate the National Defense Program, was in existence for 8 years, from 1941 to 1948. During that time the committee held 432 hearings and examined 1,798 witnesses; I guess millions of documents.

The Joint Select Committee on the Conduct of the War, the Civil War that is, lasted for 3½ years, from 1861 to 1864, and the committee convened 272 times.

The Watergate Committee, also known as the Select Committee on Presidential Campaign Activity, was formed on February 7, 1973, and issued its final report on June 27, 1974.

The Senate spent 11 months investigating the so-called October Surprise. A subcommittee of the Committee on Foreign Relations appointed a special counsel on October 16, 1991. The special counsel's report was issued on November 19, 1992.

The allegations at issue in the October Surprise investigation were completely spurious—completely. Everybody acknowledges that today. Yet it took 11 months. I hope they are here, too, but it does not look that way. At least with what we have done so far, there are too many unanswered questions that have to be answered.

With respect to the central allegation on the October Surprise matter, that the Reagan campaign made a deal with the Khomeini regime to delay the release of the hostages until after the 1980 Presidential election, the special counsel concluded that:

> There is not sufficient credible evidence to support this allegation. The primary sources for this allegation have proven wholly unreliable. Their claims regarding alleged secret meetings are riddled with inconsistencies and have been contradicted by irrefutable documentary evidence as well as the testimony of vastly more credible witnesses.

Now, let me just say the $30 million figure is not the amount of money this committee has spent. The special committee thus far has spent $950,000. The special committee has been very productive. This committee has deposed 221 witnesses, had 41 hearing days and heard the testimony of 121 witnesses, with a staff of around 20. That is pretty productive. That does not indicate any wasting of time.

I commend both the chairman and the ranking member for having worked so hard along with other members of the committee. But what this committee has done compares favorably with the Iran-Contra Committee which conducted 250 depositions and 250 interviews, had 40 days of hearings, and heard the testimony of 28 witnesses. And they had a staff of 100.

What would be a waste of money would be to end the investigation now just when the investigation is starting to heat up and before the committee has received the White House e-mail and has fully investigated the withholding of the billing records.

Senator BYRD said the following during the Iran-Contra debate in response to a suggestion that the investigation would not be worth its costs. Senator BYRD said:

> May I say, if we are going to talk in terms of cost, this is the 200th anniversary of the Constitution of the United States, and there is no price tag on a constitutional system which has been around for 200 years and which has worked very well, and which will continue to work very well. Under our constitutional system, there is a doctrine that we speak of as checks and balances, and that is precisely what is being done here. The Congress has a constitutional responsibility of oversight, a constitutional responsibility of informing the people, a constitutional responsibility of legislating. Now before it can legislate it has to have hearings in order to conduct its oversight responsibilities. I am saying this for the RECORD. I am not telling the Senator anything he does not know. But its oversight responsibilities and its informing responsibilities which Woodrow Wilson said were as important if not more important than legislative responsibilities which are done mostly by committees. A problem has developed which we will not go into but which everybody has been reading about for quite some time, and it is incumbent upon all of us to try to see what the facts are. There is no price tag on that constitutional system. If there is one thing we can do in this 200th year of the writing of the Constitution it would be to reassure the faith of the American people in that constitutional and political system, and one way of doing it is to find out about all of these things that we have been hearing. And the way to do it is to go at it, put our hand at the plow and develop the facts.

Senator BYRD said that on January 6, 1987. I agree with Senator BYRD.

We are not at the end of these hearings. We are not at the end of this investigation. We are still receiving documents at the last minute. We have not had the cooperation that I think they had in Iran-Contra and in other hearings. And, frankly, there is no reason not to. We just plain ought to finish these and carry out our constitutional responsibility to the best of our ability to do so.

I hope that we can continue to do this. I think it is unseemly to deny the committee investigators and attorneys, the necessary requisite funds to be able to continue to do so, and to insist that 5 weeks is going to be adequate to do this job. I do not think that it will be; not the way we have been treated, sometimes getting documents that are 2 years old and longer.

I might say that the committee has been successful, too. Again, I will make this point. If this was a Republican President all hell would be breaking loose right now with what this committee has already uncovered. There is not misgiving about that. Everybody in America knows that. There is a double standard around here. There are some dramatic things that have been brought out. I think the committee has been successful. But it happens to be a Republican Senate investigation under a Democratic President and First Lady.

Again, I will just say that I hope there is nothing wrong. I hope there is no problem with either of them. I am hoping that is the case. But there are a lot of things that look terrible here.

I think it is simply not true to say that nothing has been found in the Whitewater investigation in general, or this committee in particular. One measure of what has been found is the number of Whitewater related indictments and convictions that have been obtained.

Here are some of the numbers. Nine people have been convicted and seven are currently under indictment. And the indictments are still coming. The two owners of the Perry County Bank were indicted just last week. Further, three senior officials—Bernie Nussbaum, Roger Altman, and Jean Hanson were forced to resign over their handling of Whitewater matters. Rightly or wrongly they had to resign.

Some of what the committee has learned include the following: A Secret Service agent saw Maggie Williams, the First Lady's chief of staff, abscond with numerous files from Vincent Foster's office the night of his death. She denies that. But what reason would the Secret Service agent have to lie?

You might ask that question the other way. Would Maggie Williams have any reason not to tell the truth? I think subsequent facts kind of indicate otherwise.

For instance, there was a flurry of early morning phone calls between the First Lady, Maggie Williams, her chief of staff, and Susan Thomases, her good, smart, sharp attorney friend on July 27, 1993. That is the First Lady's good, sharp attorney friend.

That same day, on July 27, 1993, Bernie Nussbaum reneged on a deal he had agreed to the day before to let career DOJ, Department of Justice attorneys review the documents in Vince Foster's office. Why did he do that after that short flurry of phone calls that all of a sudden neither Susan Thomases nor Maggie Williams can really explain because their memories had suddenly become short?

Notes taken during the November 35, 1993 meeting between White House officials and the Clinton's personal lawyers contain a reference to ''vacuum Rose Law files.'' While at the Rose Law Firm, Mrs. Clinton had a dozen or more conferences with Seth Ward in connection with the Castle Grande matter. That land deal which banking regulators have termed a sham cost the taxpayers $4 million.

I can tell you of a case in Utah where the president of the bank saved the bank. Throughout, the 100 percent stockholding owner of the bank bounced his checks and saved the bank, and yet he and the board of directors had to go through a tremendous and ill-advised litigation that cost them well over $1 million in legal fees before the Government finally admitted that the bank had broken even, and that they really had saved the bank and not caused the bank the problem. This was necessary in order to just get it off their backs.

You have a case of $4 million actually lost through what was considered a sham transaction, a fraud. And the taxpayers are stuck with it.

Mrs. Clinton also prepared an option agreement that was intended to be the way that Seth Ward would be compensated for acting as a straw man in this sham transaction called the Castle Grande transaction. Maybe none of this amounts to a smoking gun. But it is instructive to remember what Senator SARBANES said in connection with the Iran-Contra investigation upon which he also sat. He said that requiring a smoking gun ''sets a standard of certainty that is very rare that we are going to reach.''

To make a long story short, there is a lot of smoke here. There are a lot of unanswered questions. There has been a lot of obfuscation. There has been a lot of selective memory loss. There has been a lot of delays in giving documents. There has been a lot of ignoring subpoenas. And there have been a lot of explanations that just do not make sense in light of the notes and what is on those notes—like ''vacuum the Rose Law Firm files'' being treated as though they ought to clean them up. Let me tell you. There is a lot here. There is a lot here, and I do not think we should ignore it even though we should make every effort to be just and fair to everybody concerned.

I certainly will make every effort to do that and will insist that everybody else do likewise.

I yield the floor.

Mr. SARBANES addressed the Chair.

The PRESIDING OFFICER. The Senator from Maryland is recognized.

Mr. SARBANES. Madam President, I really want to address this suggestion by my colleague from Utah of the double standard and his reference back to Iran-Contra because, if there is any double standard at work, I think it is very amply demonstrated with respect to this proposal now to extend indefinitely this inquiry.

Let me go back into that Iran-Contra matter because my colleague from Utah says, well, if this were a Democratically controlled Congress and a Republican administration, you would really be seeing things differently.

Now, in early 1987, when Congress was considering establishing a special committee on Iran-Contra, some Members advocated that it have a long timeframe extending right into the 1988 election. There was a conflict between some Democrats both in the House and Senate who wanted no time limitations placed on the committee and Republican Members who wanted the hearings completed within a matter of a few months. It was pointed out at the time, although it really escaped no one's attention, that an investigation that spilled into 1988 would be very political since that was a Presidential election year.

Senator DOLE was very strong in his comments about the necessity to have a fixed time for the conduct of that inquiry. Now, that is a Republican administration, a Democratic Congress. This is the double standard issue that my colleague raised. He said, and I quote him:

> If we get bogged down—

This is Senator DOLE—

> get bogged down in finger pointing; in tearing down the administration—we are just not going to be up to the challenges ahead. All of us—all Americans—will be the losers.

And he pressed repeatedly for an ending date for that inquiry.

Now, the Democratically controlled Congress responded to that representation, and both Senator INOUYE, who was selected to chair the special committee, and Congressman HAMILTON, who was selected as its vice chair, recommended rejecting the opportunity to prolong the hearings and to exploit President Reagan's difficulties for political purposes. In fact, they set a termination date, and Senator DOLE welcomed that. In fact, he said:

> I am heartened by what I understand to be the strong commitment of both the chairman and vice chairman to avoid fishing expeditions; and to keep the committee focused on the real issues here.

Now, if we do not want a double standard, I ask my Republican colleagues, why will they not respond now as the Democrats responded in 1987?

Senator DOLE went on to say:

> We ought to be able to shorten that time, expedite it and complete work on this matter. . .

In fact, that is what happened. As I indicated earlier, in order to complete

work, the Iran-Contra committee held 21 days of hearings in the last month in order to complete its work, a record that stands in marked contrast with what this committee has done. It has, over a 2-month period here at the end, instead of moving expeditiously in order to finish its work, held only 15 days of hearings. So if you want to talk about a double standard, there is the double standard. The double standard is the comparison between how the Democratically controlled Congress handled the Iran-Contra hearings in 1987 and how the Republican-controlled Senate is seeking to handle the Whitewater hearings in 1996.

Now, we agreed in the resolution that was passed last May by an overwhelming bipartisan vote that this inquiry should come to an end on February 29. It is my very strongly held view that, if the committee had intensified its hearings schedule comparable to what the Iran-Contra committee did in 1987 or comparable to the earlier intense effort that this very committee pursued last summer, we could have completed our work by February 29 as provided in the resolution. We could have completed it within the budget and a request for an indefinite extension and for another $600,000 would never have been necessary.

Regrettably, that kind of work schedule was not followed. In effect, we had a drawn-out procedure over 2 months when the committee could have been very hard at work, since the Senate was not in session, and we failed therefore to carry through all of the hearings that were being projected.

Now, I think the reason we failed is we did not intensify the hearing schedule, and, therefore, I think the responsibility for that rests upon those who were directing the hearings in terms of the schedule they laid out and its lack of intensity.

Nevertheless, Senator DASCHLE, in an effort to be accommodating and reasonable, indicated that he was willing to extend the hearings for another 5 weeks into early April in order for the committee to complete its matters. I regard that as a very reasonable proposal. It has not drawn a response from my Republican colleagues, who continue to adhere and insist upon their original position, which was an indefinite extension of this inquiry into a Presidential election year, thereby virtually guaranteeing that it is going to be a partisan political endeavor.

We worked hard to prevent it from being a partisan political endeavor when we established the committee and when we set the parameters of its work, including completion of its work by February 29 of this year—in other words, well before we got into the election year, barely into the primary period. We wanted to bring it to a close so it did not carry on and therefore raise in the public mind, I think, very legitimate questions that this matter was being pressed for political reasons.

Prolonging the investigation well into a Presidential election year, in my judgment, cannot help but contribute to a public perception that this investigation is being conducted for political purposes, and that is exactly what is happening. We are now getting editorials in newspapers across the country that are making exactly that point. The Greensboro, NC, paper editorialized:

> Whitewater Hearing Needs to Wind Down. A legitimate probe is becoming a partisan sledgehammer. The Senate Whitewater hearings, led since last July by Senator Al D'Amato, Republican of New York, have served their purpose. It's time to wrap this thing up before the election season.

The Sacramento Bee to the same effect, saying they now want to extend the hearings indefinitely, as they say, ''or at least one presumes until after the November election.''

They go on to make the point that the independent counsel, Kenneth Starr, will continue his work on any matters that can be left to him. In fact, it is only the independent counsel who can bring criminal charges in this matter in any event, not something that the Senate committee can do.

I think that Senator DASCHLE, the Democratic leader, has put forward a reasonable proposal. The committee ought to be able to conclude its work with a short extension of time. I think that is the path that we ought to follow and avoid pressing this matter throughout the election year and the creating the perception that it is being conducted for political purposes.

In fact, Chairman D'AMATO, when he went to the Rules Committee last year, stated that—I quote him—''We wanted to keep it out of that political arena, and that is why we decided to come forward with the 1-year request.'' That was the right approach then. It was reflected in the action taken by the full Senate.

The majority's proposal now for another $600,000 and an open-ended period of time will project this investigation into the election season, thereby inevitably diminishing public confidence in the impartiality of the inquiry. That is not the right approach. The time suggested by the minority leader should be more than adequate for the Arkansas phase of this investigation. It will save public money and it will complete the job. That is what we ought to be about.

The double standard—the double standard—is reflected in the difference in the position of my Republican colleagues with respect to the length of time for this inquiry and the position they took in 1987 with respect to the inquiry in Iran-Contra. It is also reflected in the fact that in 1987, the Democratic majority in the Congress agreed—agreed—to the representation by our Republican colleagues that we ought to have an end date and not prolong the matter into the political year. Senator INOUYE and Chairman HAMILTON agreed with that representation. That is the process that we followed.

My Republican colleagues refuse now to accede to the same process, thereby clearly applying a double standard to this matter. Madam President, I yield the floor and suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The bill clerk proceeded to call the roll.

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

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

Mr. DODD. Mr. President, may I inquire, are the managers controlling time, or may I seek time in my own right?

The PRESIDING OFFICER. There is no control of time.

Mr. DODD. I thank the Chair.

Mr. President, let me preface my remarks this afternoon, if I may, by acknowledging the very difficult decisions that Senators on both sides of the aisle have to make over the coming days—I hope it is days and not weeks—on this issue.

Let me also preface my remarks by, first of all, commending and thanking my colleague from Maryland who has been the ranking member of the Banking Committee and has handled the lion's share of the work on our side of the aisle over these past many months and demonstrated, I think, remarkable patience and a great sense of cooperation.

I do not know the exact number, but I think there has been only a handful of incidents in the last sets of hearings that we have had over the past year and a half where there has been any real disagreement at all between the majority and the minority, thanks to the leadership of the Senator from Maryland, cooperating and working with, I might say, of course the Senator from New York, the chairman of the committee. I think it is important for all our colleagues to know the tremendous amount of work that the Senator from Maryland has done.

Let me also say I appreciate the job of the Senator from New York. It is not an easy job to be chairman of a committee, particularly one that has the responsibilities as this committee has had over the past 270 days to try and sort out the various differences that exist.

But nonetheless, it will be, to some, a difficult decision. For others, I do not think it is that difficult a decision, given the amount of time we have spent.

Conducting a thorough Senate investigation is hard and painstaking work. Certainly I can appreciate the dilemma in which some of the people in the majority find themselves, particularly when there are those who come to them and say, ''Look, you must vote with us here regardless of what your own feelings may be on this issue. We have to have your vote. Stick with us on this.''

We have all at one time or another, I suppose, been confronted by those who

have asked us to ''stay with them,'' as the usual expression goes, even though our own views may be otherwise.

I am especially sensitive to that difficulty, because I well remember my own experience with the debate on a matter, not unlike the one before us this afternoon, involving President Bush's role in the so-called October Surprise of 1991 and 1992.

Some of my colleagues may remember there were allegations in late 1991 that President Bush, when he was Ronald Reagan's running mate in 1980, had had secret meetings with the Iranian Government to urge that Government not to release the American hostages until after the 1980 Presidential elections, thus avoiding the October Surprise that might have lifted President Carter to reelection. There was an enormous hue and cry in the media about those allegations, and a little bit of excitement among some of our colleagues who viewed this as an opportunity to do some damage to President Bush, as we went into the 1992 elections. There were many, many articles, many, many stories, many, many editorials, about those allegations.

Mr. President, I believed at the time that those allegations—after looking at the charges that were made and the information that was being offered to support those conclusions, I thought that the conspiracy theories that were being hatched by those who wanted to bring those hearings to bear were motivated principally, in my view at the time, by politics. For those reasons, Mr. President, I, along with others opposed that investigation. And I hope that some of my colleagues in the majority do so now, despite the pressures that I am sure members of the majority are getting today to vote for open-ended hearings with a $600,000 appropriation are getting—in fact, I know it is the case because a number of our colleagues have basically told me they think this is a waste of time and money. But this sense of staying together because we have 34 weeks to go before election day, and everybody sort of linking arms here, let us not let this get out of hand here. If anyone deviates or breaks ranks, of course, this falls apart. I know what that is like.

So as a result of several of us voting differently, those hearings did not go forward. They ended, much to the disappointment, I might say, of a number of our colleagues who felt we should have gone forward. The reason I raise that is not to suggest somehow that the Senator from Connecticut deserves any particular commendation, but to hope there might be some colleagues today who are faced with a similar fact situation and might respond similarly, when we know, frankly, that an additional $600,000—$400,000 in consulting fees—an open-ended investigation, at this juncture, with respect to those involved, has gone on too long.

The overwhelming majority of people in this country think, frankly, it has gone on too long. It has been 270 days, the longest congressional investigative hearings—to the best of my knowledge—in the history of the U.S. Congress. Twenty months. The Watergate hearings went on 16 or 17 months; Iran-Contra, 6 or 7 months, from January 1987 through August 1987. Those I remember very, very well because the now majority leader, ROBERT DOLE, came to Senator INOUYE and Chairman HAMILTON—in 1987 now, not 1988—and said, ''Even though you have the right under the resolution to go until October of that year, can we not wrap these up in August?'' I will tell you why. Because it was getting involved in election-year politics. Let us get it done early. DAN INOUYE, the Democratic Senator from Hawaii, and LEE HAMILTON, a Congressman from Indiana, who cochaired those investigations, agreed with the then-minority leader DOLE to wrap up those hearings in August, so that they would not contaminate the political season 1 year out—not 34 weeks out, but 1 year out.

As a result of that, the Iran-Contra hearings were completed by early August 1987, if my memory serves me well. I think, as our distinguished colleague from Maryland pointed out, there were 21 hearings, in fact, conducted between early July 1987 and early August 1987, in order to accommodate the then-minority leader's request.

Now here we are 34 weeks away, after 20 months of hearings, 270 days, 50 actual hearings, 100 witnesses, and 50,000 documents have been turned over. I do not know how many people have been through depositions. And it is nothing, by the way, even remotely close to Iran-Contra in allegations. I remind my colleagues to remember the days when Fawn Hall was stuffing documents into her cowboy boots, sneaking into the White House, or they had shredding parties at the White House, they called them, to destroy documents. Nothing like that has been alleged here.

We have documents that have turned up. I know our colleagues have gone on at some length—I think, entirely appropriately—to examine what happened there. None of us has suggested that we ought not to look into that. But as I pointed out in the past, in every single case where these documents have emerged, nothing in them contradicts anything we learned earlier. Had these documents produced contradictory evidence, the suspicions about showing up late, or in some other place, would have much more credibility. But everything we found in the documents that came later has corroborated what we knew earlier. It does not excuse the fact they showed up late.

Again, we may never know the answers completely. But to suggest there is a great conspiracy here is not borne out by the facts of what was in the documents once discovered.

So my basic plea, Mr. President, is for some Members on the other side to join us, and we could end this. Ending it is not to terminate it tomorrow, from our perspective. The Senator from Maryland and the minority leader have offered five more weeks of hearings, almost $200,000 more in money, beyond the almost $1.5 million we have spent in the last 2 years just in the Senate, and one more month beyond that to write the report. So it is a proposal to go to the end of May. That is about 20 weeks away from election day, not a year as we were in 1987. Yet, we are being told flatly that that is unacceptable.

Mr. President, you might understand the frustration we feel in all of this. That is not an unreasonable request. The original agreement was to end in February. We had snow days. We had a disagreement over the executive privilege argument, which took some days. You can make a case that you need a bit more time. But we entered into those agreements almost unanimously, with maybe two or three dissenting votes. But when you end up with almost all of the Senate voting overwhelmingly to conduct the hearings and to do the second phase and to agree on the termination date, and to be told on February 29, ''Sorry, we are going to ask for $600,000 more and no date certain when we end them,'' despite the fact that we are weeks away from election, knowing full well that the mere fact that you are having these hearings would create the kind of damage we would like to cause, that is why we are upset about this. This is no great joy to be engaged in a lengthy debate and discussion here. We ought not to be doing this.

Here we are, and we hold one hearing on Medicaid all last year—one, despite the proposals to cut $240 billion out of that program. I think we had two or three hearings on education, and virtually no hearings on health care at all. Then we sit around and wonder why it is that Pat Buchanan seems to be igniting some support when he talks about jobs and people and they see us suspending maybe a week on the floor of the U.S. Senate debating the Whitewater hearings. We had 10 or 12 days on Waco. I do not know how many House hearings and Senate hearings there were on Ruby Ridge. I think there is value in looking at those issues, but this is going beyond the pale, going too far. It is going way too far.

So we are urging, Mr. President, that some Members of the majority stand up and join us in this compromise proposal to bring a conclusion to these hearings and to do so in a reasonable way, with a reasonable amount of dollars. We are the ones on the committee who have to sit there day after day. We are prepared to do it.

I remember in the summer of 1994, when we sat there 12, 13 hours a day in order to wrap this up. We went late into the night to do it. If it takes that, then let us do it. We are prepared to do that, to bring this to closure. So we are urging colleagues to join us in this proposal, in this effort.

Mr. President, I went over some of the earlier points. It may be worth it to reiterate some of the things that happened. The Senate's Whitewater investigation began in 1994, with bipartisan support. Bipartisan support was continued in May 1995 when the Senate overwhelmingly approved Senate Resolution 120 to create the Special Committee To Investigate Whitewater.

Since 1994, there have been more than 50 hearings, as I have mentioned, with testimony from well over 100 witnesses, after detailed examination of more than 45,000 pages of documents. By the way, Mr. President, it is worthwhile to note that here, unlike in other congressional investigations, not a single witness from the White House came other than voluntarily, and several witnesses came on many occasions.

Other than the argument over attorney-client privilege—which is a legitimate argument—every single document received we received voluntarily. There has been no effort here to fight for the release of documents at all except when there was a legitimate question about attorney-client privilege and executive privilege. Those only occurred in very rare cases. Beyond that, in every other instance, we had a tremendously cooperative White House on this.

I think the documentation is about fifty-fifty: About 10,000 or 12,000 pages of White House representation, and 12,000 from the Clintons' files themselves that have come into the committee's possession for examination. It is hard for those who pushed for this investigation to admit that nothing new has been turned up. Yet, that is the case.

I might point out in addition to the moneys we have spent of almost $2 million, not including what we may be spending now with this additional request, the Pillsbury, Madison & Sutro law firm out on the west coast has spent several millions of dollars over the last 2 years on an independent examination for the RTC, Mr. President, of the Rose Law Firm and related matters. As you know, Mr. President, they concluded their report in December, but when the new billing records at the White House showed up they asked for an extension to determine whether or not the conclusions in December would be warranted. They did that examination and basically several day ago filed their final conclusions after examining these new records and reached the conclusion in their words, ''That no more moneys ought to be spent on the Whitewater investigation.'' That, in fact, in their view there was no proof to substantiate the Clintons' or the law firm's involvement in the Madison Guaranty issues. It is a long report, about 170 pages. I do not expect my colleagues to read through it but the conclusions are there for people to read. Again, that has been completed.

Then we have the $26 million spent by the independent counsel up to now. Again, as our colleague from Maryland pointed out, I believe it is $1 million a month; $1 million a month the independent counsel is consuming. Nothing we are suggesting here limits the independent counsel's investigation. In fact, they can go on in perpetuity. Some fear they probably will, if past practice is any indication of future conduct. We ought to take a look at that issue at some point, but the independent counsel proceeds apparently at $1 million a month with no limitations on their work.

So there is $30 million—more than $30 million—that has been spent over 270 days or so, with more hearings than in any other investigation in the history of Congress. Is it unreasonable that we say can we not wrap this up in 5 weeks—our part of this, in 5 weeks—with $200,000, almost a quarter of a million dollars, in additional funding? Is that an unreasonable request, particularly when you compare it to the request that says we want half a million, not including consulting fees for an unlimited amount of time. Which is the more reasonable request in light of what we have been through over these past several years?

Mr. SARBANES. Will the Senator yield?

Mr. DODD. I am happy to yield to the Senator.

Mr. SARBANES. I ask the Senator which is the more reasonable request, if you put it in the context of what occurred in 1987 with respect to the Iran-Contra hearings in which a Democratically controlled Congress was looking into the activities of a Republican administration and had Members who were pressing hard for an open-ended investigation that would carry well into the 1988 political year. The minority leader of the U.S. Senate, then Senator DOLE, in early 1987 took a very strong position against an unlimited hearing on that matter, pointing out it would turn into a political exercise in an election year.

Senator INOUYE, who headed up the select committee on the Senate side, and Chairman HAMILTON, from the House side, accepted that argument and agreed to a limited period of time. In fact, later they intensified the schedule in order to finish it earlier in 1987, in August, so it would not carry over into 1988.

Now, if you put it in that context, I say to the Senator, is not the proposal made by Senator DASCHLE an eminently reasonable proposal? I heard talk on the floor today that there is a double standard. Someone got up and said if this were a Republican President now and a Democratic Congress, things would be different. They might well be different. They were different in 1987 when we had a Republican president and a Democratic Congress, and the Democratic Congress then accepted the argument that we did not want to turn it into a political exercise in the 1988 election, and carried through and did the hearings—did 21 days of hearings in 23 days in order to bring the matter to an end.

Given that history and placing it in that context, does that not make the proposal of the minority leader, Senator DASCHLE, seeking to accommodate for the extension of another 5 weeks to do the hearings, a far more reasonable proposition than the proposal of Chairman D'AMATO for an indefinite extension of these hearings throughout the election year?

Mr. DODD. Mr. President, my colleague from Maryland is exactly right. He answers his question with his question. In fact, it obviously is far more reasonable.

Again, I recall the then-minority leader, Senator DOLE, making the case in part that it was not just the politics. He worried about the damage being done to the Presidency, the office of the Presidency. So he made that appeal on the basis that we ought not to damage the office of the Presidency. Of course, we are well aware that our colleague from Kansas, the majority leader, is an active candidate for the office of the Presidency today, and yet yesterday in the Rules Committee when the matter came up as to whether or not we ought to try and put some limitation on this for 5 weeks and a limited amount of money, there was a vote.

Our colleague, Senator FORD of Kentucky, offered an amendment to the open-ended proposal and said, ''How about 5 weeks, $185,000, with an additional month to wrap it up?'' The majority leader was there for the vote. He voted against that and voted for the open-ended proposition. Only 5 years ago he was, of course, making a strong case in the other direction.

Mr. SARBANES. If the Senator would yield on that point, what he said in the debate in early 1987, ''If we get bogged down in finger pointing, in tearing down the President and the administration, we are just not going to be up to the challenges ahead, and all of us, all Americans, will be the losers.'' Let me repeat that, ''and all of us, all Americans, will be the losers.''

As the Senator from Connecticut pointed out, this was an added argument that was made in addition to the argument which was accepted by the Democratic majority that the inquiry ought not to be carried into the election year. There is this the very point that the Senator alluded to just a moment or two ago.

Mr. DODD. I thank my colleague from Maryland for raising that point. It goes to the heart of what I was suggesting at the outset here, that in the conduct of these investigations by and large there has been an effort at least on the part of those of us here to seek bipartisan accommodation. These are not matters that necessarily ought to fall into the area of partisan debate because we recognize the sensitivity of them. Hence, over the years, the formation of these committees and the allocation of resources, with some minor exceptions, have enjoyed bipartisan support.

As the Senator from Maryland points out, it was, in fact, the leadership of

the majority in 1987 that agreed with the minority and accommodated their request to not allow those hearings to spill over into the fall of 1987, a year away from election day. Not 34 weeks away from election day, a year away from election day.

I might point out that resolution called for the termination of the Iran-Contra hearings in October 1987. That was the termination date. We moved it back and finished the work in August, a year and a half before the election, because the request from the then-minority leader was that this might contaminate the election season.

Yet here, after the longest investigatory hearings in the history of Congress, 50 hearings, 100 witnesses or more and all of the information we have accumulated and collected, to a request to wrap this up 6 months—less than 5 months, less than that—before election day, the answer is a resounding, ''No. Tough. We have something going here politically and we are going to ride this one down the road here, even though we have no information or no evidence of any wrongdoing—not even any wrongdoing; any unethical behavior—we are going to ride this one out because, who knows, maybe we can get something going here.''

This is a very unhealthy thing for this body to be doing, very unhealthy. It invites a kind of deterioration in the comity that is essential in this body to get anything done, when we engage in this kind of practice.

Mr. President, what we are confronted with here, then, is obviously the dilemma the majority is in—which should be a dilemma which is not that difficult to resolve but nonetheless is a dilemma—do you push, on the one hand, for an extension of the hearings that we have already conducted for such a lengthy period of time deep into the Presidential campaign season and thus undermine, in my opinion, the integrity of the Senate with what will appear to be, at least it does to many, a purely partisan attack on the President? Or do you admit that the investigation has turned up no new evidence of illegal or unethical behavior and risk the vocal wrath of those on the fringes for whom the very absence of proof is in itself evidence of a coverup? A true Hobson's choice, in many ways, for the majority leader and the majority.

At this point, I think it is appropriate to ask if it was necessary for the Senate to even reach this point. I do not believe so. One of the key provisions of Senate Resolution 120 was a requirement that the special committee conclude its business by February 29, 1996. By adopting a date specific to terminate the special committee, the Senate as a body wisely—wisely—intended to eliminate the taint of partisan politics from the committee's work and to avoid the kind of pressures that come from outside fringe groups that demand a continuation of our work in perpetuity. That is why, unanimously, we agreed on that date.

Now, we understand we may need a few more days. We understand that.

But we avoid the very problem that we have now found ourselves in by establishing those kind of dates. By the way, I went back and researched this. There is not a single investigation that I could find done by the Senate of the United States over the past 30 years that did not have a termination date in the original resolution that established the committee. Wisely the Senate has done so to avoid the kind of problem we get into when you have open-ended investigations with no end in sight. Therefore, we put that in the resolution.

In adopting a cutoff date well in advance of the 1996 Presidential elections, the Senate was following the same procedures advocated by the majority leader, as pointed out by our colleague from Maryland, back in 1987 when he then as minority leader successfully argued for the limiting of the duration of the special committee to investigate the Iran-Contra affair. Of course, as this deadline approaches we find ourselves operating in a far different political landscape than we were in the months following the 1994 congressional elections. The enhanced political position of the President has led some to speculate that the proposed extension is little more than a desperate, nakedly partisan attempt to smear the First Family. What is particularly interesting is that as the committee moved closer and closer to the deadline which we established almost unanimously it actually slowed down the pace of the hearings to the point where we held only eight hearings in the entire month of February, and none in the last week of February. I remind my colleagues there were no votes. The majority leader did not call up any votes in the month of February. There were no interruptions. Yet, for the entire month we were all around—members of the committee. We had eight hearings over 5 weeks, and only one hearing with a single witness in the last week of the hearings.

Mr. President, I also find it interesting that last week the majority provided a preliminary witness list indicating that it wanted to call as many as 60 to 75 people as witnesses when over a month ago, and before we heard from 15 witnesses, the chairman of the committee said in response to questions from myself and Senator SARBANES of Maryland that ''we have identified 60 potential witnesses.'' That was on February 1, 1996, on page 84 of the transcripts. As I mentioned, we have heard from 15 witnesses since that time, leading one to reasonably believe that we were down to calling 45 witnesses, or less at this point. I say this not to place the chairman of the special committee in any embarrassing position but to illustrate the fact that the bar keeps getting raised by the majority as to how much time they need to complete their inquiries.

It would be one thing, of course, if we had no precedents to rely upon as far as Senate investigations go. But, in fact, we have many precedents, including our experience with the Iran-Contra hearings. The contrast, as has been pointed out by our colleague from Maryland, could not be more stark. When the Iran-Contra hearings entered its final months of existence and knew it had a lot of ground to cover, it held 21 hearings in that 1-month period. Mr. President, that is 21 hearings in 1 month by Iran-Contra, compared to 8 in 1 month by the Whitewater Committee. Did Senators have more stamina in 1987 than they do in 1996? Probably not. I do not think so. But perhaps there was a greater will to get the job done by the members of that committee than we have seen so far by the members of the Whitewater Committee.

The majority raises a number of issues to justify an indefinite extension of the special committee. But I believe, based on the facts, that the alternative that we are offering to this indefinite extension will provide ample time for the committee to complete whatever work remains. The primary reason cited by my friends on the other side of the aisle for continuing these hearings indefinitely has been that the White House has failed to cooperate with the committee's investigation. That is just fundamentally wrong. To buttress this contention, we are told by the majority and it is pointed out by the majority, the confrontation over the so-called Kennedy notes—that is the lawyer—and the discovery since January of documents are relevant to the committee's work. The conclusion drawn by the majority is that the White House will delay providing damaging documents until just before the committee's termination date and thus an open-ended extension is warranted.

Mr. President, the facts do not justify such a conclusion. First and foremost, this administration, as I said earlier, has been more cooperative with the committee's investigation than any administration in memory. The White House has turned over 14,000 pages of White House documents, and the President and the First Lady's personal attorney have turned over in excess of 10,000 to 20,000 pages of additional documents.

Furthermore, every administration official has been made available to the committee and has testified voluntarily—every single one of them without the promise of immunity that Congress was required to give members of the previous administration during the Iran-Contra hearings.

Many of us in the Senate well remember the actions of the previous two administrations with respect to the Iran-Contra investigation. Who can forget the time we heard about high-level national security officials holding shredding parties at the White House? In fact, the top two Reagan officials in White House deleted over 5,000 e-mails in the hours just before they both resigned in disgrace from their positions;

5,000 e-mails were destroyed just hours before they submitted their resignations. And yet we did those hearings in 6 months. Who can forget the image of Fawn Hall stuffing sensitive documents into her boots so they could be spirited out of the White House before investigators could examine them?

Many of us remember the changing memory of top officials who refused for 6 years to turn over documents to the independent counsel, Lawrence Walsh, despite repeated demands to do so. None of that has happened here.

What have we received? We have received as a good-faith effort by the White House to comply with the innumerable and frequently overly broad requests of the special committee. Perhaps there would be more credibility to the allegations if the documents that have been turned over since January offered startling new evidence of wrongdoing, or if they contradicted previous testimony. But the fact is that all of these documents—yes, even the ones we found just recently—confirm the information that has been provided to the special committee in previous evidence; in every single case.

Far from revealing the smoking gun, these documents provide exculpatory evidence that there was no illegal or unethical activity by the President or the First Lady or administration officials. We have also been told by the majority, citing the controversy over producing the so-called Kennedy notes as a reason for why the committee cannot complete its work on time. The fact of the matter is that there was a legitimate dispute between the committee and the White House over the legitimate claims of attorney-client privilege. To simply dismiss the White House concerns on this issue is nothing more than obstructionism. But as Geoffrey Hazzard, a noted professor of law, stated in a letter to the White House at the time of this controversy, and I quote from it:

> Presidents of both political parties have asserted the privilege. This position is, in my opinion, correct reasoning from such precedents as can be applied. Accordingly, the President can properly invoke the attorney-client privilege.

I am not trying to reopen the debate on this issue which ended after mutually satisfactory negotiations with the committee getting all the documents it had requested, but to put to rest an assertion that there was no basis for the White House to be concerned with inadvertently waiving the President's right to confidential communications with their attorneys.

There are some observers who believe that the entire controversy over the so-called Kennedy notes was orchestrated by the majority to create a conflict within the White House over providing documents. The reason for that belief is that there has been a strong tendency on the part of the committee to make document requests that are so broad as to make compliance virtually impossible. There are numerous examples of this, not just a few. But I particularly remember when the majority wanted to subpoena—listen to this—all of the telephone records from the White House to area code 501, which just so happens to be the entire State of Arkansas—all of the telephone records of the entire State of Arkansas. That was the subpoena request. If you think I am making this up, that is the kind of request we were getting.

Senator KERRY of Massachusetts and I asked majority counsel for the basis of such a broad request, and let me quote from the hearing transcript.

> Senator KERRY. That's the entire State of Arkansas. You want calls to the entire State of Arkansas from the White House for 5 months?
>
> MAJORITY COUNSEL. I don't know what the area code 501 encompasses.
>
> Senator DODD. It's the entire State. You ought to know that before you put it in a subpoena.

There you have a case where here we are subpoenaing an area code and counsel says, I don't know what it encompasses. We are just going to throw the net out here. You wonder why we are frustrated and angry over how this is proceeding.

Ultimately, the subpoena was narrowed, thanks to the efforts of the Senator from Maryland, to a legitimate framework. But that small example, that one example I hope gives our colleagues a flavor of the difficulty faced by the White House during these proceedings. It seems that every time the majority makes a document request, it starts out so broad that days or weeks of negotiations are necessary before the request can be complied with. Thus, the question might not be why the White House takes so long to comply with the document requests but, rather, why the majority consistently chooses to frame those requests in a way that ensures the maximum amount of time will elapse before there can be compliance with the request. That is one of the reasons for the delay.

Mr. SARBANES. Will the Senator yield?

Mr. DODD. I will be glad to yield.

Mr. SARBANES. Is the Senator familiar with the request that was made for all communications between anyone on the White House staff, current or past, and 50 named individuals over an 18-month period on any subject whatsoever? Let me repeat that. That was the initial request. For any communication between anyone on the current White House staff or past White House staff and an enumerated list of more than 50 people over an 18-month period on any subject whatsoever. And, of course, the response to that is that this is so broad it is just impossible to comply with. And eventually, by interaction, and so forth, it was narrowed down to more relevant time periods, to more relevant individuals, and to more relevant subjects. And then, once that was done, we were able then in a reasonable period of time to get compliance from the White House. But that is another example along the lines of the 501 area code, which the Senator cited, of the problems we have confronted.

Now, as the Senator indicated earlier, I generally joined with the majority in the various document requests, but I refused to do it in those few instances in which the requests were so broad that they literally were not possible reasonably to comply with. And then, over time, eventually we were able to narrow those down, put them in a reasonable framework and then put them forward and get compliance.

Now, the White House has now responded to every request that has been made to them as of today with the exception of two new requests made in the last couple of weeks with respect to e-mails. These were additional e-mail requests, beyond the ones that have previously been made. So there has been an effort on their part to comply with some of the most broad and sweeping and onerous requests that I think anyone could imagine.

Mr. DODD. I appreciate my colleague making that point. I wonder if my colleague would agree that it is not unreasonable for those who watch those kinds of requests to begin to question whether or not there is an intentional desire to provoke a delay, knowing full well that such a broad request is going to have to be unacceptable, so that time is consumed narrowing the request to a reasonable level so that the White House in this case can respond. I do not know how long my colleague actually spent in those cases to actually narrow the subpoenas down to a reasonable level. May I inquire. Was it several days?

Mr. SARBANES. Certainly. More than that. More than that. And the White House's response to these overly broad requests is, What can we do with this? We have to get more rationality into the request if we are to respond to it in a reasonable period of time.

That has been one of the problems throughout.

Mr. DODD. I thank my colleague for that additional information which I had forgotten, but it is a very good point indeed. Any communication to, was it 18 employees? Did I hear it correctly?

Mr. SARBANES. No, no, it was between anyone on the White House staff——

Mr. DODD. Anyone?

Mr. SARBANES. Current or past, and 50 people, named people over an 18-month period on any subject matter whatsoever. That was the original request. That was not the request that was finally responded to because we were able, by working together, to narrow the request in a way that we were able to limit the number of people, the subject matter, and the time period so it become manageable.

Mr. DODD. That is incredible.

Mr. SARBANES. This was the original thing we were confronted with.

Mr. DODD. I thank my colleague. I apologize. I thought it was 18. It was 18

months, every single employee, past or present, in this administration over an 18-month period.

Mr. SARBANES. On the White House staff, yes.

Mr. DODD. I should complete my remarks at that particular point. I think that makes the case. It is a better example than almost the entire area code of a State.

Mr. President, another reason we have been given as to why the committee should be extended indefinitely—and let me emphasize this indefinite extension—is that we must wait until the independent counsel has completed his trial of Governor Tucker, Jim McDougal and Susan McDougal, in Arkansas. That trial is scheduled, after several delays, to begin on March 4—in fact, it is underway—and to last from 6 to 10 weeks.

However, the idea of waiting for Mr. Starr's trial to end is contrary to the bipartisan position taken by the special committee just a few months ago. On October 2 of last year, the chairman and Senator SARBANES sent a letter to Mr. Starr. Let me quote from this letter, if I may. This is from the chairman of the Whitewater Committee and Senator SARBANES, joint signatures. The letter says:

> If the special committee were to continue to defer its investigation and hearings, it would not be able to complete its task until well into 1996.

They continued saying:

> We have now determined that the special committee should not delay its investigation of the remaining matters specified in Senate Resolution 120. We believe that the concerns expressed in your letter do not outweigh the Senate's strong interest in concluding its investigation and public hearings into the matter specified in Senate Resolution 120 consistent with section 9 of the resolution.

Section 9 of the resolution is the provision that requires the special committee to complete its work by February 29, 1996.

So the committee is specifically on record, it is on record, as opposed to delaying its work in order to accommodate the trial going on in Arkansas. One cannot help but wonder what has changed other than the political situation to prompt the chairman to unilaterally change his mind on this fundamental issue.

There is one critical fact that I hope my colleagues will not lose sight of during the course of these debates, and that is that our decision about extending the committee will not affect the investigation of the independent counsel by one iota. There are no limits, none, on either the duration of Mr. Starr's investigation or its scope or its cost, for that matter—none whatsoever. As a matter of fact, the independent counsel recently requested and received permission to expand his inquiry to include matters from 1992 that were not originally part of his mandate.

I hope that those Senators who might worry that ending our investigation will somehow give the Clintons a free ride will certainly want to know what Mr. Starr is doing down in Little Rock with a staff of 30 attorneys, 100 investigators, and a cost to the taxpayers of $1 million a month on top of the $26 million he has already spent.

That would be a good inquiry, maybe extend these hearings. Maybe we ought to do an investigation of how that investigation is being done—$26 million. You have more lawyers down there than you do focused on organized crime in some of our major cities. The American public might want to know how their tax money is being spent with that kind of an effort.

Given the absence of any compelling factual basis to continue these hearings, Mr. President, the alternative that we have proposed through the minority leader, Senator DASCHLE, I think is more generous in allowing the committee to complete whatever task the majority feels must still be accomplished.

You know, Mr. President, in some ways I regret we did not do what the minority had done back in 1987. In retrospect, maybe we should have had the minority leader, Senator DASCHLE, approach the majority last fall and ask to wrap up these hearings early, as Senator DOLE did in 1987. Remember what I said earlier, the original termination date was October of 1987. Senator DOLE came in the spring and said, ''Can't we get this done early, get it done by August, in order to avoid the campaign season of 1988? Can't you get it done in August of 1987, not in October when it gets into the campaign season?''

Maybe we should have approached the majority last fall and said, ''How about getting this done earlier?'' Then maybe we might have finished around February. Instead, we thought it was on the level. In fact, it was set at February 29 as a reasonable time, and then because you may need a few extra days, we have suggested 5 more weeks, almost a month and a half more of hearings, and an additional month to file the report, and almost $200,000 more to do it, not to mention the consultants' fees that are going to be spent.

Our colleagues ought to know that I think a substantial minority or maybe a majority of the Senators on this side feel this should have ended on the 29th, and that is it. But because Senator SARBANES and the majority leader and others, myself included, made a case, look, a few more days here, let us try, and there are additional witnesses we need; let us try to wrap this up.

But I think many people here feel, as the American public does by overwhelming majorities—they feel this has gone on too long—$30 million dollars. It is their money we are spending on this. It is their money that is being spent on this, on this investigation that has gone nowhere, shown nothing, uncovered nothing. Now they want half a million dollars more of your money to spend on this, along with consultancy fees for an unlimited amount of time.

You wonder why the American public get sick and tired of how Washington pays attention to itself, is preoccupied with itself, trying to get $30 million to spend on hearings instead of looking into what is happening to our cities or education or health care or joblessness in America. You could not get the votes here for that. But we will spend $30 million over 270 days, and 50 hearings, on whether or not something happened in the 1980's, 15 years ago, in Arkansas.

Then we wonder why there is rage in the country over how Washington does its business. Well, you get a good taste of it now in this last Congress. Not one hearing on Medicare. Whether you agree with the cuts or not, the fact that we would propose cutting $240 billion out of the safety net for people's health care, and we do not even have a hearing to look at it and examine it.

Oh, but we can spend 50 hearings on this, 10 or 12 hearings on Waco, 15 hearings on Ruby Ridge. Boy, those are important issues. That is just what the American public sent us here for. That is how they want their money spent. Now they want an unlimited amount of time and a half a million more. And people say, wringing their hands, ''Why are people so upset with Washington?'' Well, watch this spectacle over the next few days. You do not have to ask yourself the question.

We ought to wrap this up and get it over with. It has gone on too long. The proposal by the minority leader, Senator DASCHLE, is a reasonable one—this body ought not to take 10 minutes to debate it—5 more weeks, $185,000 to complete its work, and particularly as it is coming down, as everyone—everyone—knows in the country.

It is one thing to engage in politics with your own money, but to engage in political activities with the taxpayers' money is insulting. It angers people. It makes them angry. They are right to be angry. They ought to be angry about this process and watch these votes when the votes come up and remember how people vote on this, how quick they are to spend their money on this.

But how unwilling they are when it comes down to your health care or your kid's education or your jobs. They are, ''Oh, no, we can't afford to do that. We've got to balance the budget, but, by God, we'll spend the money on this.'' That is why people are angry in America. And I do not blame them.

So, Mr. President, I hope in the coming days here, over the next day or so, that we can reach an understanding here that 5 weeks is plenty amount of time. We can hold a lot of hearings in 5 weeks. We can wrap this up and put it behind us. It is unhealthy for this institution. It does damage to this institution. It does a disservice to the American public. So I urge that we come to an agreement on this and move along.

Mr. President, I yield the floor.

Mr. MURKOWSKI addressed the Chair.

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

Mr. MURKOWSKI. I thank the Chair.

Mr. President, we heard a good deal of rhetoric relative to the prevailing attitude of the American people. My good friend from Connecticut has indicated that the public has had enough and that clearly this side of the aisle is to blame for continuing the efforts in the Whitewater probe.

I think my colleagues on the other side of the aisle are either not listening to the American public or not reading the daily newspapers in the United States. I have a list that was compiled a little while ago, just a very, very partial list, of the newspapers specifically requesting extended hearings—the Washington Times, the Washington Post, New York Times, the New York Post, the Times-Picayune, the Times Union. And in support of the hearings, there has been the same group of newspapers. This is a very, very, very, very small list of those newspapers.

That represents public opinion, Mr. President. That represents the public's opinion in light of the overwhelming information that just keeps coming out about Whitewater. So much of this information just seems to be trickling out of the White House, and the public wants answers.

Let me refer specifically to what I am talking about by referring to the chart behind me which clearly makes my point.

If one looks—I might just make a reflection on a comment that was made in the book ''Men of Zeal'' by Senator COHEN and former Majority Leader Mitchell.

I quote:

> The committee's deadline provided a convenient stratagem for those who were determined not to cooperate.

That, of course, is a commentary on the events surrounding the Iran-Contra hearings.

But let us look at the record, Mr. President. And this, Mr. President, is why these hearings must be extended. The documents simply keep coming. In August of 1995, The committee requested documentation from the White House.

In October it was necessary to send a subpoena to the White House.

January 5. The Rose Law Firm billing records were produced.

Records discovered by Carolyn Huber in the White House personal residence in August 1995.

January 29, 1996, and February 7. Mark Gearan's documents produced, documents ''inadvertently taken'' from the White House.

February 13. Michael Waldman's documents produced. Documents found ''in the course of an office move.''

Well, let us move to February.

February 20. Harold Ickes' documents produced. Documents were ''inadvertently overlooked'' and Mr. Ickes was under ''mistaken belief'' that they had been produced earlier.

February 29. Special committee funding expires. And that, Mr. President, is why we are here are today.

But incredulously, the White House documents just keep coming. March 1, suddenly Bruce Lindsey's documents are produced. Documents ''inadvertently were not produced previously.

March 2. White House produces 166 pages of documents of various administration officials, including Lisa Caputo, Neil Eggleston, Bruce Lindsey, Bernard Nussbaum, and Dee Dee Myers.

March 5. Rose Law Firm documents produced. Documents were ''just located.''

Mr. President, look at the facts. Since the funding has expired, we have received three separate groups of documentation. Why did that occur? Well, one can do some guessing. Perhaps there was some fear of the consequences that occur from withholding evidence? And perhaps memories were suddenly refreshed when those consequences became more apparent.

Mr. President, do not buy for a minute the argument of the other side that somehow this debate is a Republican plot, a partisan plot. Well, Mr. President, finding answers to the many unanswered questions about Whitewater is not partisan politics. Let's look at what the public thinks, as reflected in many editorials from newspapers across the nation.

The Times Picayune:

> Senate Democrats should think twice about filibustering to end the Whitewater investigation committee's attempt to get to the bottom of President and Mrs. Clinton's involvement in Whitewater and related matters. The public would likely simply add Senate Democrats to the list of participants in a suspected coverup.

I read on:

> But the Senate investigation has not popped up suddenly in this election year, it began 20 months ago, and it's sometimes snail's pace has not had to do with dragging it out until the election year but instead with the White House's determinedly evasive tactics.

The White House, Mr. President, not the Congress.

> The White House pleads that it is cooperating, but although it has provided the committee reams of requested documents, it still has not provided key documents that might clear the matter up, one way or the other.
>
> The natural conclusion must be that the Clintons have something to hide, and that if they do not want to make it public, it must not support the Clintons' declarations that they have done nothing illegal or unethical.

It concludes:

> No matter how this might serve the Democratic campaign interests, it would not serve the public interest. That interest is having the facts, and only then can the public draw its own conclusion.

Mr. President, the editorial that I just read, is representative of many editorials across the United States. So, I ask again, is it only the Senate Republicans who wish to get answers about Whitewater? It clearly is not. It is the opinion of editorials across the nation, and these editorials reflect the attitudes and opinions of the American public. Let's look at some more editorials:

The Washington Post, March 4, entitled ''Twenty Months and Counting.'' It reads as follows:

> Twenty months and counting. That is the disdainful cry of Senate Democrats as they rise in opposition to the request of Senate Republicans for an open-ended extension of the now-expired Whitewater investigation.
>
> . . . The committee, for example, has been having an exceedingly tough time obtaining subpoenaed documents or unambiguous testimony from administration officials. Seldom have so many key witnesses had no earthly idea why they did what they did, wrote what they wrote, or said what they said—

Or if they even remembered it at all.

> . . . White House aides keep dribbling down documents—suddenly and miraculously discovered—to the committee. Just when we think we've seen the last of the belated releases, one more turns up. The latest was Friday night, when one of the President's top aides, Bruce Lindsey, produced two pages of notes that he had earlier told the Whitewater committee he didn't remember taking.

At issue today, as has been the case for some time, is whether the Clinton administration has done anything to impede investigations by Congress or the independent counsel and whether the Clintons engaged in any improper activities in Arkansas while he was Governor and the First Lady was partner in the Rose law firm. Nothing illegal on their part has turned up yet. For those who are inclined to dismiss any and everything that falls under the label of Whitewater as just another political witch hunt, it is worth remembering that 16 people have been indicted by Federal grand juries as a result of the independent counsel's probe and 9 have entered guilty pleas. Congress doesn't have the job of sending people to jail. But factfinding is part of the congressional job description. The Whitewater Committee should be empowered to do just that.

The St. Petersburg Times has another interesting editorial. And again, Senate Republicans did not write these editorials, Mr. President. Newspaper editors wrote these editorials; editorials that I submit reflect the views of many Americans. Let me quote the last portion of an editorial in the St. Petersburg Times, dated February 29:

> There are many . . . compelling reasons for continuing the Senate work, including the criminal Whitewater proceedings that may unearth important new facts. But the most important reason is also the most democratic: Ordinary citizens need to learn what all this is about, what this Whitewater talk is about. While Arkansas' most powerful couple, did the Clinton's trade their public trust for private gain? Since going to Washington have the Clintons and their associates used the power of the presidency to cover their tracks?

These are painful questions, and not just for the Clintons. Americans deserve a President they can trust, someone who embraces questions about integrity instead of running from them. If the answers make the Clintons' campaign more difficult, so be it. The search for answers can't stop now.

Let me quote the Washington Post of February 29, which is not a product of

this side of the aisle by any means. I read the last paragraph:

What the Senate does not need is a Democratic-led filibuster. Having already gone bail for the Clinton White House, often to an embarrassing degree, Senate Democrats would do themselves and the President little good by tying up the Senate with a talkathon. Better that they let the probe proceed.

Again, whose idea is this, Mr. President? This is public opinion throughout the Nation through the editorial writers of some leading newspapers in this country.

Mr. SARBANES. Will the Senator yield for just a moment on these two Post editorials?

Mr. MURKOWSKI. I will yield at the conclusion of my brief statement.

Mr. SARBANES. Would it be—

Mr. MURKOWSKI. Please proceed.

Mr. SARBANES. I ask unanimous consent that these two editorials from the Washington Post, that were cited, be printed in the RECORD, because one of them says:

. . . the Senate should require the committee to complete its work and produce a final report by a fixed date.

And later it says:

That would argue for permitting the probe to continue through April or early May.

The other says:

The Whitewater committee should be empowered to do just that . . .

That is, factfinding within a reasonable time and it suggests 2 additional months.

So both of these editorials reject the notion that we should have an indefinite extension of this hearing.

I ask unanimous consent that the two editorials be printed in the RECORD.

There being no objection, the editorials were ordered to be printed in the RECORD, as follows:

[From the Washington Post, Feb. 29, 1996]

EXTEND, BUT WITH LIMITS

We noted the other day that the White House—through its tardiness in producing long-sought subpoenaed documents—has helped Senate Banking Committee Chairman Alfonse D'Amato make his case for extending the Whitewater investigation beyond today's expiration date. If one didn't know any better, one might conclude that the administration's Whitewater strategy was being devised not by a White House response team but by the high command of the Republican National Committee.

However, despite the administration's many pratfalls since Whitewater burst onstage, Sen D'Amato and his Republican colleagues have not provided compelling evidence to support the entirely openended mandate they are seeking from the Senate. There are loose ends to be tied up and other witnesses to be heard, as Republican Sen. Christopher Bond said the other day. But dragging the proceedings out well into the presidential campaign advances the GOP's political agenda; it doesn't necessarily serve the end of justice or the need to learn what made the Madison Guaranty Savings & Loan of Arkansas go off the tracks at such enormous cost to American taxpayers. The Senate should allow the committee to complete the investigative phase of its inquiry; including a complete examination of the Clinton's involvement with the defunct Whitewater Development Corp. and their business relationships with other Arkansas figures involved in financial wrongdoing. But the Senate should require the committee to complete its work and produce a final report by a fixed date.

Democrats want to keep the committee on a short leash by extending hearings to April 3, with a final report to follow by May 10. A limited extension makes sense, but a unreasonably short deadline does not. Five weeks may not be enough time for the committee to do a credible job. Instead, the Senate should give the committee more running room but aim for ending the entire proceedings before summer, when the campaign season really heats up. That would argue for permitting the probe to continue through April or early May.

What the Senate does not need is a Democrat-led filibuster. Having already gone bail for the Clinton White House, often to an embarrassing degree, Senate Democrats would do themselves and the president little good by tying up the Senate with a talkathon. Better that they let the probe proceed. Give the public some credit for knowing a witch hunt and a waste of their money if and when they see one. And that, of course, is the risk Sen. D'Amato and his committee are taking. * * *

[From the Washington Post, Mar. 4, 1996]

TWENTY MONTHS AND COUNTING

That is the disdainful cry of Senate Democrats as they rise in opposition to the request of Senate Republicans for an open-ended extension of the now-expired Whitewater investigation. After conducting more than 50 days of public hearings involving 120 witnesses, taking 30,000 pages of deposition testimony, collecting 45,000 pages of White House documents, spending more than $1.3 million, and compiling a casualty list of near financially destroyed administration officials, what do Whitewater committee Chairman Alfonse D'Amato and his Republican colleagues have to show for it? the Democrats ask. A good question, indeed. But it's not the only one to be answered in deciding whether to extend the life of the committee.

The committee has been working for more than a year to gather the facts surrounding the collapse of the federally insured Madison Savings and Loan in Little Rock, the involvement of Bill and Hillary Clinton in the defunct Whitewater Development Corp., and the handling of documents and the conduct of White House officials and Clinton associates in the aftermath of Deputy White House Counsel Vincent Foster's suicide. Whitewater, in the hands of congressional Republicans and the independent counsel, is now a much wider-ranging investigation that seeks answers to a host of questions concerning Washington-based actions taken after the administration was in office.

The committee, for example, has been having an exceeding tough time obtaining subpoenaed documents or unambiguous testimony from administration officials. Seldom have so many key witnesses had no earthly idea why they did what they did, wrote what they wrote, or said what they said—if they owned that they even remembered at all.

Committee Republicans assert that dozens of witnesses still must be examined. Some will not be available until their trials end. That's the major reason Sen. D'Amato gives for a lengthy open-ended extension. The next has to do with the way White House aides keep dribbling documents—suddenly and miraculously discovered—to the committee. Just when we think we've seen the last of the belated releases, one more turns up. The latest was Friday night, when one of the president's top aides, Bruce Lindsay, produced two pages of notes that he had earlier told the Whitewater committee he didn't remember taking. See what we mean?

At issue today, as it had been for some time, is whether the Clinton administration has done anything to impede investigations by Congress or the independent counsel and whether the Clintons engaged in any improper activities in Arkansas while he was governor and she was a partner in the Rose Law Firm. Nothing illegal on their part has turned up yet. For those who are inclined to dismiss any and everything that falls under the label of Whitewater as just another political witch hunt, it is worth remembering that 16 people have been indicted by federal grand juries as a result of the independent counsel's probe and nine have entered guilty pleas. Congress doesn't have the job of sending people to jail. But fact-finding is part of the congressional job description. The Whitewater committee should be empowered to do just that, but within a reasonable time. Two additional months, with a right to show cause for more time, makes sense.

Mr. MURKOWSKI. I have no objection to that. It was my intention to include each of these editorials in their entirety, though I would like to point out that I only made reference to one Washington Post editorial. What I quoted to the President is what I believe reflects the difference between the two sides, the Democrats and Republicans. What is occurring today is a great deal of finger pointing, and unfortunately the finger pointing will likely continue throughout this debate.

Today's debate, Mr. President, reflects a process that has been initiated by one side of the aisle. One side of the aisle wishes to terminate the process by preventing a vote on this resolution. My concern is that the process that they have initiated is based upon misconstruing the facts. Let me explain what I mean.

I think the Senator from Connecticut had used the figure of close to $30 million of taxpayers' funds, suggesting that somehow this is connected with the activities of our committee. Well, that is not factual.

The Senate has spent $950,000 on the Whitewater investigation. The investigation associated with the special counsel, Ken Starr, has spent $23 million through 1995. The RTC spent almost $4 million. But to suggest by association that the Senate Whitewater Committee is responsible for this expenditure is misleading, to say the least, and far from the disclosure that is appropriate in this body, where we specifically identify each expenditure that is referenced.

The reality is that the information still keeps coming in, Mr. President. There is absolutely no denying that fact. I ask my colleagues to address this issue. Is there a reasonable explanation relative to why we would still get material coming in when, clearly, the authority of the funding for the committee has expired? That is evidenced by the activity associated with material that came in on March 1, 2, and 5. We may get some more material in today, tomorrow, or the next day.

Now, that is why this process has to continue. At what time in the future will it be appropriate that we make a determination that enough is enough? Well, obviously, that is up to the membership of this body and whether this body is satisfied with the work of the committee. But it is fair to say, Mr. President, that the American public feels that this process should continue. The American public is knowledgeable enough to be aware that once there is a date certain, the committee will face delay after delay from the White House. It's a pattern that has been well established. Witnesses and document production would likely be nonresponsive until shortly before the committee's next deadline. If today this body sets a date certain of when the investigation would end, I believe that much of the information that the committee would attempt to obtain would never be given the light of day.

Furthermore, there is a trial starting in Little Rock. The relevance of that trial to this committee's action has yet to be addressed, but it is legitimate and should be part of the ongoing consideration. We all know that there may be individuals in that trial that should come before our committee and give their testimony. We may have some penetrating questions for them. I can certainly say that those of us on this side have several questions that we would like to ask, if given the opportunity. We hope that opportunity will be extended. But, unfortunately, we do not know when that trial is going to be concluded.

So we could go on and on here with justifications for legitimatizing this process. However, bottom-line, we have a responsibility as U.S. Senators of oversight; a responsibility to complete the work that was authorized by 96 Senators. And to suggest that we do anything less than that, or restrict ourselves to a date certain, is absolutely irresponsible. I think a majority of the Members of this body recognize that for what it is and are prepared to support a continuation of the committee's activities, without a date certain.

Let us face it, it is a political year. We all know that. But we all have an obligation in our conscience to address the responsibility associated with our office, and that is to do the best job possible, recognizing the human limitations associated with an investigation of this type and the realization that each person has to vote his or her own conscience. Mr. President, that is an obligation and trust that has been given to us by our constituents and one we do not take lightly.

So we may differ on the merits relative to the political consequences, but we have a job to do, and it would be absolutely irresponsible to suggest that we can set a time certain for that job to cease, especially in light of the fact that the committee has had three separate submissions of subpoenaed materials that came in after February 29, 1996—the date when this investigation was to cease.

Mr. President, I see my colleague waiting to speak. I will yield the floor to him.

The PRESIDING OFFICER. The Senator from Alabama [Mr. SHELBY] is recognized.

Mr. SHELBY. Mr. President, I think it is very important that we continue to fund the committee's work for a couple of pretty obvious reasons. For one, documents are turning up like wildflowers everywhere. Every week or so, the Whitewater Committee receives a pile of ''mistakenly overlooked documents'' from the White House.

Mr. President, how is it that mistakenly overlooked Whitewater files labeled ''Whitewater Development Corporation,'' or that they fail to ensure that notes they took in meetings dedicated exclusively to the discussion of Whitewater, as part of a Whitewater damage control response team, are not produced as part of the subpoena's request?

Mr. President, if you were going to comply with a subpoena that is seeking documents related to Whitewater, would you not start with a Whitewater response team? It is obvious that you would.

Mr. President, that would seem to be the minimum in terms of compliance, would it not? Frankly, I am surprised that we are even debating today whether to continue funding for the Special Committee To Investigate Whitewater. Mr. President, it was only a little more than a month ago that the committee first learned of the existence of billing records that had been under subpoena for over 2 years. What was incredible about their discovery, Mr. President, was that these billing records were discovered by a White House aide in the personal residence of the White House, probably one of the most secure places in the world.

Mr. President, documents do not have legs. They cannot walk. They have to have somebody to carry them. The White House can argue that the billing records support the First Lady's prior statements until the cows come home. They can argue about what the word ''significant'' means, or about what ''minimal'' means. They can rewrite Webster's if they want to. But, Mr. President, that will not change the fact that these records we are talking about were under subpoena for close to 2 years and were not produced during that time. Regardless of motive, someone had custody of these records while they were under subpoena and chose not to produce them.

Mr. President, the mysterious appearance of these records prompted the independent counsel to subpoena the First Lady to testify before the grand jury. This unprecedented action by the independent counsel, I believe, underscores the seriousness and the importance of the billing records' reappearance to this committee's investigation.

What we do know about the billing records is this. Certainly, what we do know is certainly less than what we do not know. What information the committee has been able to glean thus far since the records' discovery is the following:

Mr. Foster's handwriting is found all over the billing records in red ink.

Mr. Foster's writing appears to direct questions to the First Lady about her billings of Madison Savings & Loan.

Mr. Foster was the last person that we know of that had possession of these records after the 1992 Presidential campaign. And the records were found on a table in the book room of the personal residence of the White House sometime in late July or early August.

Mr. President, the committee thus has a sense of who may have had the records last, but no answers to the who, what, where, and when of the billing records' reappearance. We need that information. More important is still what remains unanswered, like, for example, how did the billing records end up in the White House personal residence?

Where have they been for the past 2 years while they have been under subpoena?

Were the records in Mr. Foster's office when he died? If so, who took custody of these records after Mr. Foster's death?

Finally, and most important, who left the billing records on the table in the book room of the White House residence?

As the New York Times so aptly noted in its February 17, 1996, editorial, ''Inanimate objects do not move themselves, we all know that.''

These are serious questions, Mr. President, questions that the committee and the public deserve answers to. There is nothing partisan or politically motivated about trying to uncover the circumstances surrounding the much belated discovery of records under subpoena for over 2 years. Indeed, answers to these questions, I believe, are central to the committee's investigation.

If Mr. Foster did, in fact, have these records in his possession as of his tragic death, how did they move, Mr. President, from the White House counsel's office to the personal residence? Obviously, not on their own motion. Testimony given before the committee about the Foster office search and movement of files to the personal residence leads us to some sense of how they may, Mr. President, have made their way to the book room. The committee heard testimony from a Secret Service officer who swore that he saw Maggie Williams, the First Lady's chief of staff, carrying documents out of Mr. Foster's office the night of his death. Phone records obtained by the committee, Mr. President, showed a spate of early morning phone calls between Ms. Williams, the First Lady, Susan Thomases, and Bernie Nussbaum, immediately preceding Mr. Nussbaum's decision to renege on his agreement with the Deputy Attorney

General of the United States, Mr. Heymann, on how the search of Mr. Foster's office would be conducted.

A senior White House aide testified that the day of the search, Mr. Nussbaum, White House counsel at that time, told him of his concerns coming from the First Lady—told of concerns coming from the First Lady and Susan Thomases—about law enforcement officials having unfettered access to Mr. Foster's office.

Department of Justice officials have testified before the committee as to suspicions and concerns that began to arise after the White House reneged on an agreement on how Mr. Foster's office would be searched—suspicion and concerns, Mr. President, that prompted the Deputy Attorney General of the United States at that time, Mr. Philip Heymann, to ask the then White House counsel, Mr. Bernie Nussbaum, ''Are you hiding something?'' A White House aide testified that later on in the day of the search of Mr. Foster's office, he assisted Ms. Williams in carrying boxes of materials from Mr. Foster's office to the personal residence, during which time Mrs. Williams offered the explanation that the materials were personal documents that needed to be reviewed by the Clintons.

Mr. President, Ms. Williams testified that documents were moved from Mr. Foster's office to a closet on the third floor, to the personal residence of the White House, where they were later reviewed and collected by the Clintons' personal attorneys. This testimony, Mr. President, in conjunction with the belated discovery of the billing records and other Whitewater documents, has only fueled suspicions that the White House has not been truthful about the search of Mr. Foster's office after his death.

Mr. President, the many unanswered questions that remain are in truth due in large part to the lack of cooperation and evasive tactics coming from the White House. While the committee has undertaken to conduct its investigation expeditiously, events like the mysterious discovery of the billing records, the miraculous location of over 100 pages of notes from top White House aides and Whitewater damage control team members, undermine the committee's ability to conduct a timely and thorough investigation.

Mr. President, these documents have been under subpoena, as I said, for over 2 years, and they only now, Mr. President, surface with explanations that confound credibility, such as ''Sorry, mistakenly overlooked.'' ''Didn't know you were looking for notes of those Whitewater meetings.'' Or, ''I thought they were already turned over to the White House counsel.''

Mr. President, the excuses are too little, and I believe they are too late. ''No harm, no foul'' just will not work for the White House anymore. The committee and the independent counsel will not and cannot, Mr. President, accept misunderstandings, miscommunications, mistakes, mismanagement, and general bungling as an excuse by the White House for not producing documents that we are legitimately entitled to. I think it is time for answers, not excuses.

Indeed, Mr. President, the White House's lack of cooperation and forthcomingness, its defensive posture and its behavior in response to the legitimate congressional and law enforcement inquiries has led us to where we are today. The White House's handling of the documents in Mr. Foster's office after his death and its continued and persistent pattern of obstruction and evasion perpetuate the belief they have something to hide.

Last summer, the committee heard testimony about the search of Mr. Foster's office after his death. I want to briefly read from the committee transcript testimony we heard from Deputy Attorney General Philip Heymann, because I believe it clearly reveals why this committee and many Americans continue to believe that the White House has not been truthful about what went on in the hours following Mr. Foster's death.

Mr. President, I ask unanimous consent that the entire script beginning on pages 41 of Mr. Heymann's testimony be printed in the RECORD.

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

EXCERPTS OF TESTIMONY OF DEPUTY ATTORNEY GENERAL HEYMANN

Senator SHELBY. Okay. At some point on the 21st, it was determined that Roger Adams and David Margolis would be sent over to the White House, as I said, to review documents regarding the relevance and privilege dealing with the Foster investigation, you said that are right.

Mr. HEYMANN. That's correct, Senator Shelby.

Senator SHELBY. And the scope of this review, according to your notes, would be looking for anything to do with this violent death. You want to refer to your notes?

Mr. HEYMANN. Yes, I have my notes here and that's correct.

Senator SHELBY. Is that correct?

Mr. HEYMANN. That's correct.

Senator SHELBY. And it was—was it your understanding by the end of the 21st that an agreement or understanding had been reached between the Department of Justice, the Park Police and the White House over how the search would be conducted, the search of the deputy counsel's office?

Mr. HEYMANN. Yes, Senator Shelby, in the sense that we all had agreed on how it would be done. And in what I still think was a very sensible way——

Senator SHELBY. Would you relate what you recall of how the—what you agreed to or thought you had agreed to?

Mr. HEYMANN. I'd be happy to. I just wanted to make clear, Senator Shelby, I didn't feel that I had a binding commitment by Mr. Nussbaum or anyone else. We simply all had talked about it by then and we all were on the same track, we all were on the same page, we all thought it would be done in the way I'm about to describe.

Senator SHELBY. Did you think when you sent Mr. Adams and Mr. Margolis over there that it would turn into an adversarial relationship or something close to that?

Mr. HEYMANN. No, I did not.

Senator SHELBY. You did not.

Mr. HEYMANN. You'd asked me to describe what the understanding was, Senator Shelby.

Senator SHELBY. Yes, sir, that's right. You go ahead.

Mr. HEYMANN. The understanding was that they would see, these two senior prosecutors, not the investigators, but the prosecutors would see enough of every document to be able to determine whether it was relevant to the investigation or not. Now, I've been handed some pages from my transcript, but let's assume this is a document, it's about 30 pages long. They would look at this and it says ''deposition of Philip Heymann, re: Whitewater,'' and they would know that that didn't seem to have anything, any likely bearing on the cause of Vince Foster's death. If need be, they might have to look a page or two into it. But the object was to maintain the confidentiality of White House papers to the largest extent possible with satisfying ourselves that we were learning of every potentially relevant document.

If there was a relevant document, it would be set aside in a separate pile. If the White House counsel's office believed that it was entitled to executive privilege, and therefore should not be turned over to us, we would then have to resolve that: There would be a separate pile of documents; some relevant and would go directly to the investigators some relevant but executive privilege claims, in which case we would have to resolve it perhaps with the assistants of the legal counsel's office of the Justice Department.

Senator SHELBY. Mr. Heymann, did you contemplate that this would be done jointly or just done by the White House counsel?

Mr. HEYMANN. I thought it was essential, Senator Shelby, that it be done jointly with these two prosecutors being able to satisfy themselves, and through them satisfy the investigative agencies that whatever might be relevant was being made available to us.

Senator SHELBY. That it would be a bona fide investigation and not a sham; is that right?

Mr. HEYMANN. Well, I don't——

Senator SHELBY. Or be a bona fide investigation.

Mr. HEYMANN. That it would be an entirely—it would be a review of documents that would be entirely credible to us, to the investigators and to the American public.

Senator SHELBY. Okay. Your notes mention, I believe, Mr. Heymann, that Steve Neuwirth objected to this agreement, but that Mr. Nussbaum agreed with Margolis that it was a done deal; is that correct? You want to refer——

Mr. HEYMANN. That is what they reported to me when Mr. Margolis and Mr. Adams returned that evening, the evening of Wednesday the 21st, to the Justice Department.

Senator SHELBY. What do your notes reflect, I was paraphrasing them?

Mr. HEYMANN. It said they discussed the system that had been agreed upon, I just described it to you. BN that stands for Mr. Nussbaum, agreed. SN, that stands for Steve Neuwirth, said no. We shouldn't do it that way. The Justice Department attorneys shouldn't have direct access to the files. David Margolis, the Justice Department attorney, said it's a done deal and Mr. Nussbaum at that point said yes, we've agreed to that.

Senator SHELBY. Was it important to you and to the Department of Justice that you represented that the documents be reviewed independently, is that why it was important that the Department of Justice look for relevance and privilege jointly in this undertaking?

Mr. HEYMANN. Yes, Senator Shelby. Again, I did not think it was necessary and do not

think it was necessary to review documents which we could quickly determine had no relevance to Vince Foster's death. So our attorneys would not have looked at those, that was a clear part of the understanding. Or pages, yeah.

Senator SHELBY. I didn't say. I understand that you received a call from David Margolis the next morning from the White House about the search; is that correct? You want to refer to your notes?

Mr. HEYMANN. That's correct, Senator Shelby.

Senator SHELBY. What was this call about?

Mr. HEYMANN. He and Roger Adams had gone over with the Park Police and the FBI to do the review we planned.

Senator SHELBY. This was pursuant to the understanding you had with Mr. Nussbaum?

Mr. HEYMANN. Pursuant to the understanding of the 21st.

Senator SHELBY. Okay.

Mr. HEYMANN. Mr. Margolis told me that Mr. Nussbaum had said to me that they had changed the plan, that only the White House counsel's office would see the actual documents. Mr. Margolis had asked Mr. Nussbaum whether that had been discussed with me and Mr. Nussbaum had said no. I told Mr. Margolis at that point to put Mr. Nussbaum on the phone, and I was——

Senator SHELBY. Did he get on the phone?

Mr. HEYMANN. He got on the phone.

Senator SHELBY. What did you say to him?

Mr. HEYMANN. I told him that this was a terrible mistake.

Senator SHELBY. Terrible mistake. Go ahead.

Mr. HEYMANN. Well, please don't——

Senator SHELBY. That was your words; is that right?

Mr. HEYMANN. Yeah—no, no, please don't assume that what I now paraphrase would be the words I actually used. This is 740 days ago and it would be quite unreliable to think they're the exact words. I remember very clearly sitting in the Deputy Attorney General's conference room picking up the phone in that very big room. I remember being very angry and very adamant and saying this is a bad—this is a bad mistake, this is not the right way to do it, and I don't think I'm going to let Margolis and Adams stay there if you are going to do it that way because they would have no useful function. It would simply look like they were performing a useful function, and I don't want that to happen.

The CHAIRMAN. You told this to the counsel?

Senator SHELBY. You told this to Nussbaum; is that correct?

Mr. HEYMANN. I told this to Mr. Nussbaum.

The CHAIRMAN. But you volunteered this? In other words, it did not come from Mr. Margolis or Mr. Adams? This was your saying I'm not going to keep them here if this——

Mr. HEYMANN. I suspect, Senator D'Amato, that when I talked to Mr. Margolis in the same phone conversation shortly before I asked him to put Mr. Nussbaum on the phone he would have said to me something like we have no useful role here, and it would—I would have picked it up from that, and I would have said I don't think I'm going to keep them there. Mr. Nussbaum was, as always, entirely polite and he said—he was taken back by my anger and by the idea that I might pull out the Justice Department attorneys and he said I'll have to talk to somebody else about this or other people about this, and I'll get back to you, Phil.

Senator SHELBY. Did he tell you who he was going to talk to?

Mr. HEYMANN. He did not tell me who he was going to talk to.

Senator SHELBY. He didn't tell you or indicate it was the President of the United States or the First Lady?

Mr. HEYMANN. He never indicated in any way who he was going to discuss this with, nor has he ever.

Senator SHELBY. Just the phrase I'm going to talk to somebody?

Mr. HEYMANN. I'm—just the notion was I have to talk to other people about this. I had obviously shaken him enough that he wanted to consider whether he should come back to what we had agreed to the day before on the 21st, but there were other people involved that he had to talk to about that.

Senator SHELBY. Was it your impression, Mr. Heymann, then that Mr. Nussbaum would get back to you before any review of the documents in the White House was conducted?

Mr. HEYMANN. He said to me specifically don't call Adams and Margolis back to the Justice Department. I'll get back to you.

Senator SHELBY. Did he ever call you back?

Mr. HEYMANN. He never called me back.

Senator SHELBY. Did you ever consent to the change in the plan in how the search would be conducted, Mr. Heymann?

Mr. HEYMANN. I did not.

Senator SHELBY. Did David Margolis or any other law enforcement official have an impression of whether the Department of Justice had consented to this search?

Mr. HEYMANN. Mr. Margolis was clear that the Department of Justice had not consented to the changed arrangement. It was—he obviously thought that he was to remain, even if it was changed, because he did remain, but he knew that we had not consented to the changed arrangement and did not approve of it.

Senator SHELBY. You later found out, sir, that the search was conducted with Mr. Nussbaum calling the shots that night; is that right?

Mr. HEYMANN. That's correct.

Senator SHELBY. Did you talk to Mr. Nussbaum after that?

Mr. HEYMANN. I found that out at about—when Mr. Margolis and Mr. Adams returned the evening of the 22nd——

Senator SHELBY. Returned to your office?

Mr. HEYMANN. Returned to my office, I went home to an apartment we were renting then and I picked up the phone and I called Mr. Nussbaum and I told him that I couldn't imagine why he would have treated me that way. How could he have told me that he was going to call back before he made any decision on how the search would be done and then not call back?

Senator SHELBY. What did he say to that?

Mr. HEYMANN. I don't honestly remember, Senator Shelby. He was, again, polite. He didn't—there was no explanation given that I would remember. And I remember saying to him, Bernie, are you hiding something. And he said no, Phil, I promise you we're not hiding something.

Senator SHELBY. Did you say to him—and you can refer to your notes if you like—Mr. Nussbaum, you misused us? What did you—if you said that, what did you mean by that? Do you believe then that the White House had something to hide or was worried about the investigation? What was your impression?

Mr. HEYMANN. Well, when I said you misused us, or something like that, I meant that he had used Justice Department attorneys in a way that suggested that the Justice Department was playing a significant role in reviewing documents when they had come back and told me they felt like they were not playing any useful role there.

Senator SHELBY. Did you know later that the White House had issued a statement that Justice—something to the effect that the Justice Department was involved in the review of the documents and not just observing, and then they did a correction on that when someone objected, maybe it was your office?

Mr. HEYMANN. The following morning it was called to my attention that they had said that the Justice Department and the FBI—I now know it—in the press release it said—well, whatever it was, the Justice Department along with the FBI and the Park Police had supervised the review of documents.

Senator SHELBY. Was that a CBS News report?

Mr. HEYMANN. What I was shown at my deposition, Senator Shelby, was, I think, a piece from the Washington Post. I directed that the Department of Justice put out a correction that we had not supervised, that we had simply been there as observers while the investigation was carried out—while the search was carried out by the White House counsel.

Mr. SHELBY. Mr. President, this was a question that this Senator asked Mr. HEYMANN when he was before the committee.

Senator SHELBY. Was it your understanding by the end of the 21st that an agreement or understanding had been reached between the Department of Justice, the Park Police and the White House over how the search would be conducted, the search of the deputy counsel's office?

Mr. HEYMANN. Yes, Senator Shelby, in the sense that we all had agreed on how it would be done. And in what I still think was a very sensible way——

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Mr. HEYMANN. Well, please don't——

Senator SHELBY. That was your words; is that right?

Mr. HEYMANN. Yeah—no, no, please don't assume that what I now paraphrase would be the words I actually used. This is 740 days ago and it would be quite unreliable to think they're the exact words. I remember very clearly sitting in the Deputy Attorney General's conference room picking up the phone in that very big room. I remember being very angry and very adamant and saying this is a bad—this is a bad mistake, this is not the right way to do it, and I don't think I'm going to let Margolis and Adams stay there if you are going to do it what way because they would have no useful function. It would simply look like they were performing a useful function, and I don't want that to happen.

The CHAIRMAN. You told this to the counsel?

Senator SHELBY. You told this to Nussbaum; is that correct?

Mr. HEYMANN. I told this to Mr. Nussbaum.

The CHAIRMAN. But you volunteered this? In other words, it did not come from Mr. Margolis or Mr. Adams? This was your saying I'm not going to keep them here if this——

Mr. HEYMANN. I suspect, Senator D'Amato, that when I talked to Mr. Margolis in the same phone conversation shortly before I asked him to put Mr. Nussbaum on the phone he would have said to me something like we have no useful role here, and it would—I would have picked it up from that, and I would have said I don't think I'm going to keep them there. Mr. Nussbaum was, as always, entirely polite and he said—he was taken back by my anger and by the idea that I might pull out the Justice Department attorneys and he said I'll have to talk to somebody else about this or other people about this, and I'll get back to you, Phil [meaning Phil Heymann].

Senator SHELBY. Did he tell you who he was going to talk to?

Mr. HEYMANN. He did not tell me who he was going to talk to.

Senator SHELBY. He didn't tell you or indicate it was the President of the United States or the First Lady?

Mr. HEYMANN. He never indicated in any way who he was going to discuss this with, nor has he ever.

Senator SHELBY. Just the phrase I'm going to talk to somebody?

Mr. HEYMANN. I'm—just the notion was I have to talk to other people about this. I had obviously shaken him enough that he wanted to consider whether he should come back to what we had agreed to the day before on the 21st, but there were other people involved that he had to talk to about that.

Senator SHELBY. Was it your impression, Mr. Heymann, then that Mr. Nussbaum would get back to you before any review of the documents in the White House was conducted?

Mr. HEYMANN. He said to me specifically don't call Adams and Margolis back to the Justice Department. I'll get back to you.

Senator SHELBY. Did he ever call you back?

Mr. HEYMANN. He never called me back.

Senator SHELBY. Did you ever consent to the change in the plan in how the search would be conducted, Mr. Heymann?

Mr. HEYMANN. I did not.

Just think about it a minute. This is the beginning of it shown in this transcript that has been made a part of the RECORD here.

Why should we extend the Whitewater Committee? Let us look at some other things. The Senator from Alaska talked about some editorials from some of the leading newspapers in the country and I want to expand on them a little bit.

For example, the Washington Post editorial that I have here by my pointer, it says, on February 25, ''Extend the Whitewater Committee.''

> For an administration that professes to want a quick end to the Senate Whitewater hearings before the election year gets into full swing, the Clinton White House seems to be doing everything in its power to keep the probe alive.

Think about it, this is the Washington Post, not a Republican newspaper by any means.

Another editorial that I want to refer to here from the New York Times entitled ''The Whitewater Paper Chase''; February 17, 1996.

> The excitement of Iowa and New Hampshire has diverted attention from the Senate Whitewater committee and its investigation into the Rose Law Firm's migrating files. Naturally this pleases the White House and its allies, who hope to use [this time] . . . to let their ''so what'' arguments take root.

This is the New York Times saying we should extend the investigation of Whitewater.

Another editorial, January 25, 1996, in the New York Times. Headline in the editorial section, ''Extend the Whitewater Committee.'' Why? Because the public has a right to know. It says:

> The committee and its chairman need to be mindful of the appearance of political maneuvering, but recent events argue strongly against too arbitrary or too early a deadline.

That is what we are talking about here.

Subpoenas were ignored. Perhaps the files will also show that there was no coverup associated with moving and storing these files. But inanimate objects, as I said earlier, do not move themselves. So it is pointless to ask Senators and the independent prosecutors to fold their inquiry on the basis of the facts that have emerged so far. To do so would be a dereliction of our duties.

Mr. President, I have additional editorials that have run throughout this country.

USA Today, January 10, 1996, ''Clintons owe answers about First Lady's role. Newly released documents reveal troubling inconsistencies. The public deserves the whole story.'' That is what this is all about.

Additionally, ''The Whitewater Committee,'' the Washington Times editorial, February 27.

> There are plenty of documents the White House still has not released; and there are plenty of witnesses still to be questioned; there are also many witnesses whose testimony was so misleading or incomplete that they need to be re-questioned.

Attempts by the administration to frustrate the work of the committee, I

think, are not going to work. We need to extend the Whitewater inquiry, politics notwithstanding. We need to move to the next step.

Mr. President, you cannot always agree with some of these papers. I do not always agree with the New York Times, the Washington Post, and others. But the New York Times and the Washington Post for a lot of people, rightly or wrongly, are conventionally viewed as vanguards of good government, and I would venture to say can hardly be characterized as supporters of Republican partisanship.

After reviewing everything that has gone on in the Whitewater committee, the mysterious disappearance of files, the finding of files in a mysterious way, Mr. President, I ask that my colleagues join me in supporting the continued funding of the committee to continue our investigation.

Mr. BRYAN addressed the Chair.

The PRESIDING OFFICER (Mr. ABRAHAM). The Senator from Nevada.

Mr. SARBANES. Mr. President, will the Senator yield?

Mr. BRYAN. I am pleased to yield.

Mr. SARBANES. Mr. President, in view of the fact that my distinguished colleague from Alabama was quoting the Washington Post editorial, I would like to include in the RECORD after his remarks the Post editorial from February—both of these editorials come after the one he was citing—February 29 in which the Post said the ''Senate should require the committee to complete its work and produce a final report by a fixed date.'' I underscore ''by a fixed date.'' And then it goes on to say, ''That would argue for permitting the probe to continue through April or early May.''

And in their other editorial of March 4, they say, ''The Whitewater committee should be empowered to do just that''—that is factfinding—''but within a reasonable time.'' And it goes on to say, ''Two additional months'' constitutes a reasonable time.

I ask unanimous consent that both of these editorials, since they, in fact, make a different point than the one that was being made by my colleague from Alabama, be printed in the RECORD.

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

[From the Washington Post, Feb. 29, 1996]

EXTEND, BUT WITH LIMITS

We noted the other day that the White House—through its tardiness in producing long-sought subpoenaed documents—has helped Senate Banking Committee Chairman Alfonse D'Amato make his case for extending the Whitewater investigation beyond today's expiration date. If one didn't know any better, one might conclude that the administration's Whitewater strategy was being devised not by a White House response team but by the high command of the Republican National Committee.

However, despite the administration's many pratfalls since Whitewater burst onstage, Sen. D'Amato and his Republican colleagues have not provided compelling evidence to support the entirely open-ended mandate they are seeking from the Senate. There are loose ends to be tied up and other witnesses to be heard, as Republican Sen. Christopher Bond said the other day. But dragging the proceedings out well into the presidential campaign advances the GOP's political agenda; it doesn't necessarily serve the ends of justice or the need to learn what made the Madison Guaranty Savings & Loan of Arkansas go off the tracks at such enormous cost to American taxpayers. The Senate should allow the committee to complete the investigative phase of its inquiry, including a complete examination of the Clintons' involvement with the defunct Whitewater Development Corp. and their business relationships with other Arkansas figures involved in financial wrongdoing. But the Senate should require the committee to complete its work and produce a final report by a fixed date.

Democrats want to keep the committee on a short leash by extending hearings to April 3, with a final report to follow by May 10. A limited extension makes sense, but an unreasonably short deadline does not. Five weeks may not be enough time for the committee to do a credible job. Instead, the Senate should give the committee more running room but aim for ending the entire proceedings before summer, when the campaign season really heats up. That would argue for permitting the probe to continue through April or early May.

What the Senate does not need is a Democrat-led filibuster. Having already gone bail for the Clinton White House, often to an embarrassing degree. Senate Democrats would do themselves and the president little good by tying up the Senate with a talkathon. Better that they let the probe proceed. Give the public some credit for knowing a witch hunt and a waste of their money if and when they see one. And that, of course, is the risk Sen. D'Amato and his committee are taking. The burden is also on * * *

[From the Washington Post, March 4, 1996]

TWENTY MONTHS AND COUNTING

That is the disdainful cry of Senate Democrats as they rise in opposition to the request of Senate Republicans for an open-ended extension of the now-expired Whitewater investigation. After conducting more than 50 days of public hearings involving 120 witnesses, taking 30,000 pages of deposition testimony, collecting 45,000 pages of White House documents, spending more than $1.3 million, and compiling a casualty list of near financially destroyed administration officials, what do Whitewater committee Chairman Alfonse D'Amato and his Republican colleagues have to show for it? the Democrats ask. A good question, indeed. But it's not the only one to be answered in deciding whether to extend the life of the committee.

The committee has been working for more than a year to gather the facts surrounding the collapse of the federally insured Madison Savings and Loan in Little Rock, the involvement of Bill and Hillary Clinton in the defunct Whitewater Development Corp., and the handling of documents and the conduct of White House officials and Clinton associates in the aftermath of Deputy White House Counsel Vincent Foster's suicide. Whitewater, in the hands of congressional Republicans and the independent counsel, is now a much wider-ranging investigation that seeks answers to a host of questions concerning Washington-based actions taken after the administration was in office.

The committee, for example, has been having an exceedingly tough time obtaining subpoenaed documents or unambiguous testimony from administration officials. Seldom have so many key witnesses had no earthly idea why they did what they did, wrote what they wrote, or said what they said—if they owned that they even remembered at all.

Committee Republicans assert that dozens of witnesses still must be examined. Some will not be available until their trials ends. That's the major reason Sen. D'Amato gives for a lengthy open-ended extension. The next has to do with the way White House aides keep dribbling documents—suddenly and miraculously discovered—to the committee. Just when we think we've seen the last of the belated releases, one more turns up. The latest was Friday night, when one of the president's top aides, Bruce Lindsay, produced two pages of notes that he had earlier told the Whitewater committee he didn't remember taking. See what we mean?

At issue today, as it has been for some time, is whether the Clinton administration has done anything to impede investigations by Congress or the independent counsel and whether the Clintons engaged in any improper activities in Arkansas while he was governor and she was a partner in the Rose Law Firm. Nothing illegal on their part has turned up yet. For those who are inclined to dismiss any and everything that falls under the label of Whitewater as just another political witch hunt, it is worth remembering that 16 people have been indicted by federal grand juries as a result of the independent counsel's probe and nine have entered guilty pleas. Congress doesn't have the job of sending people to jail. But fact-finding is part of the congressional job description. The Whitewater committee should be empowered to do just that, but within a reasonable time. Two additional months, with a right to show cause for more time, makes sense.

Mr. BRYAN. Mr. President, I take no backseat to any Member in this Chamber in terms of trying to ascertain and ferret out the truth as it relates to the so-called matter which has been embraced—the subject of Whitewater.

We have today spent some 277 days on this matter. We have heard from more than 100 witnesses. We have collected more than 45,000 pages of documents. That is an enormous expenditure of time and effort. Mr. Starr, the special counsel, has spent some $25 million to date to engage 30 attorneys and 100 FBI agents working in concert with them.

If we are truly interested in getting at the truth, and ascertaining if in fact there is any wrongdoing arising out of these matters, I believe that we have vested Mr. Starr with the authority and the resources to be complete and exhaustive in his review of all facts called to his attention.

I happen to have had experience with Mr. Starr in a former capacity as chairman of the Ethics Committee. Mr. Starr served as a special master reviewing matters that were contained in a diary and to first review that information to determine whether or not it was subject to an agreed upon exception which the committee had established and, if not, that information should be available to us.

My personal observation of Mr. Starr is that he is competent, he is aggressive, he is tough, and he is energetic. There is no reason to believe that Mr. Starr, with the resources made available to him, will not ferret out any

wrongdoing if in fact such wrongdoing has occurred.

I think it is important to remember that the premise for establishing the Office of Special Counsel was to take these kinds of circumstances out of the realm of partisanship on the floor of the U.S. Senate, vest special independent counsel with the authority to conduct the investigation, and then let the chips fall where they may. If indeed there is evidence of wrongdoing, that should be vigorously presented and prosecuted, and those who are guilty should be sentenced accordingly.

I must say, having served on this Banking Committee for my 8th year, that it has been the history of the Banking Committee to be bipartisan in its approach. There are some committees that by reputation in the Congress are extraordinarily confrontational and partisan, that there is constant bickering, and that they really have evolved into partisan debating societies. That has not been the history of the Banking Committee. Sure, we have had our differences, and there have been intense discussions and debate. But we have not, by and large, broken into partisan bickering and confrontation.

Let me say that if you go back to the end of last year, Mr. Starr requested of the committee that it hold action in abeyance until after he could have proceeded further with respect to his investigation and prosecution of these matters. That letter came to us, a letter dated September 27. That was carefully considered by our distinguished chairman and our able ranking member, and I believe in the spirit of bipartisanship which has historically characterized the operation and function of the Banking Committee that the chairman and the ranking member concluded that they would not do so; that, indeed, they felt that it was in the best interest of the Senate to proceed.

I invite my colleagues' attention to a particular paragraph on page 2, which concludes, and I read it:

> For these reasons we believe that the concerns expressed in your letter do not outweigh the Senate's strong interest in concluding its investigation and public hearings into the matters specified in Senate Resolution 120.

So at the very outset last fall, there was a delinking, if you will, in terms of the Senate's actions with respect to the Whitewater inquiry and the actions undertaken by the special counsel, or prosecutor. That was done in a spirit of bipartisanship.

Let me say that I believe the premise of that letter, which is dated October 2—I ask unanimous consent it be printed in the RECORD—that premise is as valid today as it was last October.

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

U.S. SENATE, COMMITTEE ON BANKING, HOUSING, AND URBAN AFFAIRS,
Washington, DC, October 2, 1995.

KENNETH W. STARR, Esq.,
Independent Counsel, Office of the Independent Counsel, Washington, DC.

DEAR JUDGE STARR: We have reviewed your September 27, 1995 letter advising us of your belief that, at this time, your office's investigation would be hindered or impeded by the Special Committee's inquiry into the matters specified in Sections 1(b)(3) (A), (B), (C), (D), (E) and (G) of Senate Resolution 120 (104th Congress). You have raised no specific concerns respecting the Special Committee's investigation of the other seven matters specified in the Resolution, including all of those contained in Section 1(b)(2), although in our meeting on September 19, 1995 you did indicate concerns about the Committee's investigation of the substance of the RTC's criminal referrals relating to Madison Guaranty Savings and Loan Association.

The Senate has consistently sought to coordinate its investigation of Whitewater and related matters with the Office of the Independent Counsel. Last year, in Senate Resolution 229 (103rd Congress), the Senate refrained from authorizing the Banking Committee to investigate a great majority of such matters. Moreover, at the request of then-Special Counsel Robert Fiske, the Banking Committee postponed in July 1994 its authorized investigation of the handling of documents in the office of White House Deputy Counsel Vincent Foster following his death.

Senate Resolution 120 encourages the Special Committee, to the extent practicable, to coordinate its activities with the investigation of the Independent Counsel. As a result, over the past four months, the Special Committee has delayed its investigation into the vast bulk of the matter specified in Section 1(b) of Senate Resolution 120. We held public hearings this past summer into the handling of documents in Mr. Foster's office following his death only after you indicated that your investigation would not be hindered or impeded by such hearings.

The Senate has directed the Special Committee to make every reasonable effort to complete its investigation and public hearings by February 1, 1996. (S.R. 120 §9(a)(a)(1)). Your letter of September 27th asks the Special Committee to forebear, until some unspecified time, any investigation and public hearings into the bulk of the matters specified in Senate Resolution 120.

Your staff has indicated that the trial in *United States* v. *James B. McDougal, et al.* is not likely to commence until at least early 1996 and is expected to last at least two months. Our staffs have discussed the possibility that this trial could be delayed even further by pretrial motions and by possible interlocutory appeals, depending on certain pretrial rulings. Under these circumstances, if the Special Committee were to continue to defer its investigation and hearings, it would not be able to complete its task until well into 1996.

Over the past month, we have instructed the Special Committee's counsel to work diligently with your staff to find a solution that appropriately balances the prosecutorial concerns expressed in your September 27th letter and the Senate's constitutional oversight responsibilities. We have now determined that the Special Committee should not delay its investigation of the remaining matters specified in Senate Resolution 120.

The Senate has determined, by a vote of 96–to–3, that a full investigation of the matters raised in Senate Resolution 120 should be conducted. The Senate has the well established power under our Constitution to inquire into and to publicize the actions of agencies of the Government, including the Department of Justice. At the same time, our inquiry must seek to vindicate, as promptly as practicable, the reputations of any persons who have been unfairly accused of improper conduct with regard to Whitewater and related matters.

We understand that courts have repeatedly rejected claims that the publicity resulting from congressional hearings prejudiced criminal defendants. Fair and impartial juries were selected in the Watergate and Iran-Contra trials following widely publicized congressional hearings. Even where pretrial publicity resulting from congressional hearings has been found to interfere with the selection of a fair and impartial jury, the sole remedy applied by courts has been to grant a continuance of the trial.

For these reasons, we believe that the concerns expressed in your letter do not outweigh the Senate's strong interest in concluding its investigation and public hearings into the matters specified in Senate Resolution 120 consistent with Section 9 of the Resolution. Accordingly, we have determined that the Special Committee will begin its next round of public hearings in late October 1995. This round of hearings will focus primarily on the matters specified in Section 1(b)(2) of Senate Resolution 120. Through the remainder of this year, the Special Committee will investigate the remaining matters specified in Senate Resolution 120 with the intention of holding public hearings thereon beginning in January 1996.

Having determined that the Senate must now move forward, the Special Committee will, of course, continue to make every effort to coordinate, where practicable, its activities with those of your investigation. The Special Committee has provided your staff with the preliminary list of witnesses that the Committee intends to depose. We stand ready to take into account, consistent with the objectives set forth above, your views with regard to the timing of such private depositions and the public testimony of particular witnesses.

The Special Committee does not intend to seek the testimony of any defendant in a pending action brought by your office, nor will it seek to expand upon any of the grants of immunity provided to persons by your office or its predecessors. Indeed, Senate Resolution 120 expressly provides that the Special Committee may not immunize a witness if the Independent Counsel informs the Committee in writing that immunizing the witness would interfere with the Independent Counsel's ability "successfully to prosecute criminal violations." (§5(b)(6).)

As you know, the Special Committee has solicited the views of your office prior to making requests for documents. We will continue to take into account, where practicable, your views with regard to the public disclosure of particular documents.

In sum, it is our considered judgment that the time has come for the Senate to commence its investigation and public hearings into the remaining matters of inquiry specified in Senate Resolution 120. We pledge to do so in a manner that, to the greatest extent practicable, is sensitive to the concerns expressed in your September 27th letter.

Sincerely yours,

PAUL S. SARBANES,
Ranking Member.
ALFONSE M. D'AMATO,
Chairman.

Mr. BRYAN. Mr. President, I am not unmindful, nor is anybody in this Chamber, nor anyone in America, that we are in the heat of a great Presidential debate. That is as it should be. That is a quadrennial experience in America. But we ought not to allow that Presidential debate to divert the

focus of our own energies on the Banking Committee and on every other committee in the Congress in which we have very serious public business to undertake.

I must say that the proposal that has been advanced—that we extend these hearings in the Senate not to a time certain but until after the so-called McDougal trial is concluded—in my judgment is nothing more than an open-ended extension which I regret to say smacks of partisanship seeking some advantage, seeking to embarrass the President, seeking to develop headlines, and not in the advancement of our effort to ascertain the truth—that is going to occur through the aggressive investigation of Mr. Starr—but to seek some political gain at the President's expense.

First of all, we do not know when that trial might be concluded. This is a trial of extraordinary complexity. At a bare minimum, it would take several months for this trial to be concluded. Moreover, it is not without precedent in cases like this that there could be further unanticipated delays in which this body, the Senate of the United States, would have no ability to control or influence, nor should we.

So we have no idea when this matter will be concluded based upon the uncertainties that a very complicated trial, as this has every expectation of being, would conclude.

Let us assume for the sake of argument that, indeed, a conviction were secured against all of the defendants. I do not believe that anybody in this Chamber would challenge the proposition that there will be an appeal taken during the course of the aftermath of that conviction or convictions. As a result, those defendants would certainly not be available to the Senate committee because it is clear in every circuit in the country that the privilege which exists with respect to each of those defendants is not waived, nor is it extinguished in any form because it is entirely possible that an appellate court could reverse those convictions, in which case, if there was a subsequent trial, the defendants ought not to be disadvantaged by being compelled to disclose testimony which subsequently could be used against them. So that is very clear.

Let us assume for the sake of argument that the trial concludes and the defendants are found innocent. Does that extinguish the privilege? Would that constitute some kind of a waiver? Look at the experience that the McDougals themselves had. They were prosecuted and subsequently acquitted. They are now subject to trial once again. They argued that they were precluded under the double jeopardy provisions of the Constitution from being tried again, and they lost in that argument.

No one is arguing that the jurisdiction of the special prosecutor and the jurisdiction of the Senate Whitewater Committee is concurrent in all respects. So very clearly as a result of those circumstances the defendants, if they were acquitted, would not have lost their right to assert the privilege, and their testimony would not necessarily be available to this committee.

Although it has a superficial appeal—well, let us wait until after the trial and then we will hear from the various defendants—in point of fact, that is clever but simply an open-ended prospect in which there may be no definitive conclusion by reason of the two alternatives I posit here—either a conviction, in which case they are certainly not going to be forthcoming in their testimony, or in the event of an acquittal by reason of the prior experience they have had there could be some other ancillary prosecution that could be commenced.

So I think that the premise upon which this extension is sought is fundamentally flawed—that is, namely, this testimony would be available to us at such time as the trial would be concluded, whenever that might be, for whatever period of time, which could be for an extended period of weeks or even months, or, even assuming it is concluded either by reason of a determination of guilt or acquittal, that in either of those two circumstances the testimony might be available to us.

I respectfully submit that a careful analysis of the information would indicate that in neither of those two events is it reasonable to assume that that evidence would be made available to us, and that in each of those cases it is very likely the defendants would continue to assert their privilege and the committee would not have the ability to receive their testimony.

I began my comments by saying that I am as committed as any Member in this Chamber to getting at the facts. If there is evidence of misconduct, it should be brought to public attention. Indeed, the trials which are occurring right now will be public trials and that information, if there is such evidence, will come out. The American people will fully understand.

I have indicated that I think Mr. Starr is a competent and an aggressive, energized prosecutor. There is every reason to believe he will follow any leads, any evidence that may suggest wrongdoing, and he will be aggressive in doing so.

I believe an argument could be made that the Whitewater matter has gone on long enough in the Senate and it ought to be concluded at this point. But I believe the compromise that has been offered by the ranking member, namely, that we extend the hearings for a period of 5 weeks, and then allowing another 4 weeks thereafter to compile the report, is reasonable. In that period of time we ought to be able to conclude this matter, unless there is a different agenda here. And I think the American people need to understand that. I believe—and I hate to say this, but I think it is true—there is a different agenda. It is not an agenda to find out exactly what happened and to get to the bottom of this. It is to keep this issue alive, to generate a headline, to generate ongoing controversy with the hope that somehow this may spill over into the Presidential race this year and disable the President politically.

What has been proposed is a very reasonable compromise, and I think any fairminded person who has looked at the 277 days, the 100 witnesses, the 45,000 pages of documents we have examined would conclude that another 5 weeks is a reasonable period of time. And so I commend the distinguish Senator from Maryland. That is a reasonable approach. I say to the American people that in 5 weeks, done energetically, not just one hearing for 1 hour, 1 day each week, but I mean an aggressive hearing schedule that would engage the members of the committee for a 4- or 5-day workweek, we can reasonably examine any evidence or tie up any loose ends that might have existed. But that offer was rejected. That offer was rejected.

What we are faced with is a proposition that in effect has no time limit, no constraint at all. After the trial, whenever that might be, whatever week, whatever month, who knows, whatever year, we do not know what might occur. Those of my colleagues who have done trial work know that oftentimes in the course of a major piece of litigation—and this is certainly a major case—unexpected events occur and, indeed, the trial is recessed for a considerable period of time—weeks, even months.

And so I would urge my colleagues to enable us to reach a responsible compromise that has been suggested by the distinguished ranking member, the senior Senator from Maryland, and let us go on with this. There are so many other things I would like to do in this year in the Banking Committee. Some are interested in regulation reform with respect to the banking industry. I would like to work on some of those provisions.

I would like to see us complete our work here on the floor, the Fair Credit Reporting Act, which was something that I personally invested a good many years on. But the reality is that the entire agenda of the Banking Committee, the legitimate public policymaking part of that agenda, has been held captive or hostage to the political machinations with an attempt to prolong a hearing on Whitewater, not for the purpose of getting at the truth, but for the purpose of trying to embarrass the President.

I regret that I have to say that on the floor, Mr. President, but in my view the evidence lends itself to no other conclusion.

I will conclude as I began by pointing out that last October, what may very well be the high-water mark in terms of the bipartisan approach which I hoped would characterize the entire

Whitewater inquiry in the Senate, in which it was affirmatively stated that these matters needed to be concluded, that we should not hold our hearings in abeyance until the trial and those ancillary proceedings are concluded, but that we had a compelling public interest to address this issue and to address it thoroughly but to address it promptly and responsibly. That, I fear, Mr. President, we are not doing.

Mr. President, I yield the floor.

Mr. FORD addressed the Chair.

The PRESIDING OFFICER. The Senator from Kentucky is recognized.

Mr. FORD. Mr. President, we have heard a lot of reasons why the Whitewater Special Committee should get on with its work and be limited. But this evening I am going to take a different approach that I think my colleagues ought to consider that has nothing to do with the facts of the investigation.

That may seem strange, but I have been chairman of the Rules Committee with a strong responsibility; I am now ranking member of the Rules Committee with a strong responsibility. So, Mr. President, I feel that it is incumbent upon me to let my colleagues know what the actual costs are and what the prospects of getting the money might be.

Mr. President, under title II of the United States Code, it gives the Committee on Rules and Administration the exclusive authority—I underscore ''exclusive authority''—to approve payments made from the contingency fund of the Senate. No payment may be made from the contingency fund without the approval of the committee. I think that is pretty clear.

Inherent in that authority is the responsibility to assure that there are adequate funds—adequate funds—in the contingency fund to cover the various expenses of the Senate. This is just one. We are affecting every committee chairman in the Senate. I will get to that in a minute.

Senate Resolution 227 before us today authorizes funds to be paid from the inquiries and investigation account within the contingency fund of the Senate. During the meeting of the committee on this resolution, I raised the concern that there may be insufficient funds within this account to support an open-ended extension of the Whitewater Special Committee at an additional amount of $600,000.

Similarly, the full Senate should consider whether there is adequate funds in this account to provide for the extension. Not to consider this issue, in my opinion, Mr. President, would be irresponsible.

First, let me advise my colleagues that the actual cost of extending the special committee is considerably more than $600,000. Senate Resolution 227 authorizes—and I quote—''additional sums as may be necessary for agency contributions related to the compensation of employees of the Special Committee.''

The original resolution, Senate Resolution 120, was silent on how agency contributions were to be paid, but was amended, Mr. President, to provide retroactively that additional sums may be provided to pay these expenses. So, really the original amount is now well over $1 million. The $900,000, $950,000 is well over $1 million. We will get to that in a minute.

Any agency contributions include such expenses as the employer's share of health insurance, life insurance, retirement, FICA tax, and the employer match for the FERS thrift savings plan. For standing committees, the rule of thumb for figuring agency contributions is about 26 percent of payroll.

It is my understanding that the percent incurred by the special committee might be slightly more than that. But let us consider the 26 percent. So, Mr. President, based on 26 percent of payroll expense, the additional cost to the taxpayer and expense to the contingent fund of the extension of the Whitewater Special Committee could be upward of $150,000 more than the $600,000 that is being requested, bringing the actual total to over some $750,000.

I should also point out to my colleagues that the same is true of the $950,000 authorized under Senate Resolution 120. The retroactive amendment to Senate Resolution 120, which provided additional funds to pay for agency contributions, could cost upward of $247,000. So we have a $950,000 figure. Then we have to add $247,000 to that. That comes out of the contingency fund. That could bring the initial cost of the special committee, as we add it up, to be well over $1 million to date.

So, Mr. President, in reviewing the financial state of the inquiries and investigations account, I am advised there is an estimated $2.3 million unobligated in this account for this fiscal year. I am concerned that this is not a sufficient balance to allow the Senate to authorize another $600,000 or more in expenses for continuation of the Whitewater Special Committee and have sufficient resources to meet other obligations of the Senate.

Overtime is coming, whether you like it or not. We voted for that. Offices are already paying overtime. If you have been listening to the Secretary of the Senate and the Sergeant-at-Arms, they are very concerned about overtime. We think that will be a minimum of 4 percent for committees. That is over $2 million.

If you take Whitewater out of that contingency fund, you add on the other expenses that are necessary, you have a fund that is short, that is absolutely short. We will not have money. You jeopardize every committee in the U.S. Senate.

Let me advise my colleagues as to the expenses that are paid out of this account. These expenses include all salaries and expenses of the 19 standing committees, special and select committees, including the allowance for a COLA, if authorized, and the employer's share of all committee staff benefits. I go back and repeat, that means FICA, life insurance, health insurance, retirement, and the match for contributions to the FERS thrift savings plan.

In addition, all salaries and expenses of the Ethics Committee are paid from this account. Also, the initial $950,000 for the special committee, plus agency contributions, were paid from this account.

As my colleagues are well aware, we are now subject to the overtime provisions of the Fair Labor Standards Act. Just last week—and I repeat myself here—we heard from both the Secretary of the Senate and the Sergeant-at-Arms that they anticipate a substantial amount of overtime costs.

The Rules Committee has heard from committee chairmen and ranking members who are facing the potential of substantial amounts of overtime costs without any funds budgeted to pay these costs.

If the Senate should find it necessary to authorize additional funds to pay overtime expenses of committees, these expenses would be paid from the inquiries and investigations account of the contingency fund.

While we have no history of overtime costs for Senate committees, it is clear that we will incur overtime costs before the end of this fiscal year.

Based upon the current projected surplus in this account, if we should fund the extension of the special committee at the recommended level, we would have only about a 3-percent-of-payroll cushion for paying overtime expenses.

This may be dry, and you may not be interested in what I am saying, but when you run out of money and your staff cannot be paid, you go back and remember what I said on this particular date.

We simply cannot authorize an additional $600,000 in expenses from the contingency fund at this time. Doing so means nothing less than choosing between funding our obligations to our committee staff and hiring more consultants and issuing more subpoenas for more documents that have proven no wrongdoing at all.

Let me be very clear. My colleagues may be choosing between paying COLA's, overtime expenses and the employer's share of health insurance, life insurance, retirement, and other items for our staff, or the consultant fees for an open-ended fishing license.

Moreover, while an amount is theoretically budgeted for the expense of the Ethics Committee, that committee has unlimited budget authority, which is funded out of this account. While the Ethics Committee funding needs vary from year to year, investigations in the recent past have required substantial expenditures for hiring outside counsel. Again, my colleagues need to be aware that there are numerous important and unforeseen expenses that must be paid from the contingency fund.

Mr. President, during the Rules Committee consideration of Senate Resolution 270, I offered two amendments which we believe provided sufficient time and funding to complete the business of the special committee without jeopardizing benefits to committee employees. The first amendment would have both reduced the additional funding for the Whitewater Special Committee and limited the ability to obligate expenses to be paid from the contingency fund after May 10, 1996.

This amendment would have reduced the funding for the special committee from $600,000 to $185,000, with a corresponding reduction in the amount which can be used for consultants under this resolution from $475,000 down to $147,000.

It would also have prohibited obligated expenses from the contingency fund after May 10, 1996, and based upon prior experience, it is clear that the additional witnesses and hearings the special committee wishes to call could be accommodated within that amount. However, with virtually no debate, that amendment was defeated on a party-line vote 9 to 7.

The second amendment that was offered would have reduced the additional funding for expenses and salaries of the special committee without the sunset date. This amendment would also have reduced authorization from $600,000 to $185,000, with a corresponding reduction in the amount available for consultants from $475,000 to $147,000.

So with this resolution, if adopted, we would go out and get private consultants and pay them $475,000, almost half a million dollars of taxpayers' money to come in and help us gin up some more subpoenas, for all the telephone calls for the total State of Arkansas.

This amendment would have allowed the special committee to complete its work without jeopardizing the funding of the other 19 Senate committee budgets and the benefits of the employees who work for those committees. Again, that amendment was defeated on a party-line vote.

We are going to be here after Whitewater. The committees are going to be functioning after Whitewater. Staff is going to have to be paid on all the committees after Whitewater. But I tell you, when you dilute this fund—and we are going to have to have a line item, I say to the ranking member, for the new procedures of the Senate, and it is going to be a humongous amount of money. Some of it may start this year, and we will not have the amount of money necessary to complete.

Let me be clear that we are not suggesting the special committee not be allowed to finish its work. I am only urging that we be responsible with the American taxpayers' money and be responsible to our staff by limiting both the life and the additional funding of the special committee to an amount that will not jeopardize the quality or, more important, the obligations of the Senate contingency fund.

The American people will best be served if we reach a reasonable compromise for the extension of the special committee.

So I urge the leadership on both sides of the aisle to make an effort to try to arrive at a compromise that will give us an opportunity to be sure that the contingency fund is not diluted.

Mr. President, I just reiterate that we authorized $950,000 for Senate Resolution 120 and over $220,000 in addition to that which we had to pay. That is this unobligated—the little quotes that we get at the end of the bill. This one will be well up there, too, and well over the $600,000 that the chairman of the committee is asking for.

What I have done here is to alert my colleagues to the possibility of jeopardizing the contingency fund, the possibility of jeopardizing our ability to take care of the other 19 committees to pay what the Sergeant at Arms and the Secretary of the Senate have said they are very concerned about—overtime.

Overtime is tough, and it is going to get tougher. When we have approximately 3 percent left in the contingency fund, then I think we are on the verge of depleting that contingency fund.

So I hope my colleagues will look at that; that they will see that it will take more money from the committees than is absolutely necessary; that this committee can wind it up by May 10; that we cannot dilute the contingency fund. I am very concerned, not for myself, not for the Senators, but I certainly am concerned for those who work for us on our committees every day and put in a good job, work hard and long, and they are entitled to have the overtime, because we now made it law.

So, therefore, Mr. President, I yield the floor.

Mr. D'AMATO addressed the Chair.

The PRESIDING OFFICER. The Senator from New York.

Mr. D'AMATO. Mr. President, last week, my colleagues on the Democratic side objected to us taking up this very same resolution by way of unanimous consent essentially to empower the committee, to authorize the committee to do its job, to finish the work that it has started.

Make no mistake about this: This is not an argument about funds; this is not an argument about a deadline. This really comes down to the crucial question of whether or not we are going to do our job and to fulfill the constitutional responsibilities and to get the facts. By the way, it may not be pleasant. Those facts may be very distressing or disturbing to some. Let me suggest that they may be disturbing because some may suspect that all kinds of misdeeds may have been committed by people in the administration or close to the administration, by friends of the administration, and suspect the possibility of attempting to impede investigations. But, indeed, there may be findings that there were no misdeeds—none. Some people may be upset by that. There may be findings that indeed there was improper conduct and activities.

Regardless of which way it is, whether it is to clear away the clouds of suspicion, or whether the ultimate findings are that there was serious misconduct on the part of people in the administration, we have a duty to get the facts. If those facts are exculpatory, if they clear away the doubts, then fine, let the chips fall where they may.

To oppose the proper work of this committee, which is authorized, pursuant to almost unanimous consent—96 to 3—to undertake this investigation, is to say very clearly that there may be facts that may not be exculpatory, they may be damaging. Now, look, it is easy to suggest that this committee has conducted its work in what one would call an unfair partisan manner. I say, let us look at the record. Yes, we have had suggestions and, yes, there have been subpoenas initially drafted, but not served, that may have been overly broad. That is not unusual. You negotiate to determine what the scope should be. Al Smith, the Governor of New York State, coined an expression. He used to say, when there were controversies, ''Let us look at the record.'' If one were to look at the record, you would ultimately find, notwithstanding that there may have been negotiations between the Democrats and Republicans, that ultimately, in almost all cases, over the life of this committee and its predecessor, agreement has been reached. On only one occasion—out of the dozens of subpoenas that were issued and requests for witnesses' testimony—did we really have one disagreement that could not be solved in a bipartisan manner.

To come forth at this time and suggest that this is politically inspired is at variance with the record. Al Smith said, ''Let us look at the record.'' That record indicates, quite clearly, that notwithstanding the times that we may have had differences, we were able to surmount them in a way that brought clarity and dignity to our work. We may not have found what some would characterize as the smoking gun. But, indeed, ours is not to anticipate what will or will not be found. The work of this committee is to gather the facts, my friends, not to prejudge, not to offer speculation, not to suggest that, well, what do you do then if you unearth some terrible, horrible chilling thing. Ours is to gather the facts. If those facts clear away the clouds of doubt that may exist, fine. But I suggest to you that there was sufficient room, at least, to say there are some very real concerns—repeated memory lapses, tied to factual situations; diaries that people kept notes in, which mysteriously turn up after the work of this committee could have come to an end; missing records that turn up. Contradictory testimony of Secret Service Officer O'Neill and young Mr. Castleton, two people who

have no reason to make up stories, cast very real doubts and concerns as to the manner in which key documents that were removed from Mr. Foster's office were handled. Who requested the movement of those documents? What were those documents? Officer O'Neill says that he saw the first lady's chief of staff, Maggie Williams, removing files. It was very clear in his testimony. Very clear. As a matter of fact, it is so clear that I think most people, if they have heard his account, would believe it. And I can assure my friends and colleagues on the other side that I will go over that narrative very carefully if they continue to oppose us going forward and orchestrate what is a filibuster.

I do not think it behooves the interest of the committee, the Senate, Democrats or Republicans, or the entire political process, given the grave doubts that people have with respect to Washington, that we fail in our duties and obligations to continue to do our work in an expeditious a manner as reasonable, dealing with the circumstances that we have, recognizing that there are key witnesses that are unavailable.

Mr. President, those witnesses may never be available. I am the first to suggest that. They may never be available. But at least we will have done the best we can do. If we file a report based upon all of the work, our best efforts, then we can say that we have discharged our responsibility. The American people have a right to know, and we have an obligation to get the facts.

Some people say, ''Why do you continue with this? People are bored.'' It is not our job to be concerned with whether or not people are bored. The question is not whether there are sensational headlines that will come out of revelations. The question is: What are the facts? Were there misdeeds, an abuse of power, an attempt to cover up? Was there an attempt to stop investigations from taking place? And then going to the heart of the issue, was there misuse of taxpayers' moneys in Little Rock? That is the question. If there was, who was responsible? As a result, was there a concerted effort to keep these facts from being revealed to the American people?

I am sorry that this matter has been drawn out as it has. Notwithstanding those who would claim that this was deliberate, that is not the case. Nor would I differ with my friends if they were to say that there were dates that we could have held more hearings. Certainly, but that would not have permitted us to complete the work of this committee. It absolutely would not have. Indeed, it would have left a situation where there were still numbers of documents that we have no reason to believe would have been produced any earlier, and numbers of witnesses, including Judge Hale, who I believe the committee wants to at least make a good-faith effort to bring before the committee. And again—and I know it is difficult—I think we want to attempt to be as fair and reasonable in our presentations of our cases as we possibly can be. I do not know the truth or falsity of what Judge Hale is reported to have said. I do not know whether he can shed any light on any factual material. It certainly is important enough to make the effort. If, indeed, at the conclusion of the trial when we subpoena him—together, hopefully, and I have every reason to believe that my Democratic colleagues will join in that because that has been the indication of the ranking member—his lawyers may assert and raise the constitutional questions about self-incrimination. That may take place.

Then we could say, ''Well, Senator, why did you do this?'' I admit we have no assurance that any of these witnesses that we want will be forthcoming. But, by gosh, we have an obligation to do the job, thoroughly, correctly, and in the right way. All the arguments about money, and how much has been spent, is a red herring. There is no truth to that. This committee has been rather frugal. Indeed, if you want to look at the costs, hundreds of thousands of dollars were spent correctly in gathering the evidence, taking depositions—these transcripts cost thousands of dollars a day. That is part of the cost. This has not been a wasteful exercise that costs $30 million. I hear people say, ''Why are you wasting money—$30 million?''

Let me say again, the committee's work has been extended. It has been extended because the special counsel has asked us as it relates to key times and dates to withhold from the subpoenaing of information, to withhold from the subpoenaing witnesses. We have worked with them. I think that is responsible. Did I want to get those witnesses in? Yes, absolutely. There is a degree of responsibility that this committee must exercise. It does not mean that we cede to the special counsel all authority and say, ''When you raise an objection, we shall not go forward,'' but in good conscience we have attempted to act in a way that would not jeopardize the important work of the special counsel.

Mr. President, I think that if the minority continues to thwart, as it can, if it votes against cloture—and there will be a cloture vote scheduled—then I think they are very clearly saying to the American people that they are afraid of the facts that will be revealed. There is no doubt in my mind this is a carefully orchestrated opposition being raised, and that orchestration comes from the White House.

Indeed, packets of information have been distributed to denigrate individual Members. That is not what a White House should be about. That is not what this investigation should be about—people assigned tasks, responsibilities of gathering information on a Senator from the DNC. That is not right. That is not fair. This Senator has known about that for quite a while. I bring it up now for the first time because, Mr. President, if we want democracy to work, then we have to stop these dirty little games, the dirty tricks of attempting to embarrass, attempting to hurt so that one is diverted, one's attention is diverted from the facts.

Now, Mr. President, I believe that we could come to a resolution. I have not spelled out any particular methodology. It seems to me that we know with a good degree of certainty that the trial will be concluded. There may be appeals. So what? That will not preclude us from asking for witnesses to come in. Indeed, their lawyers may or may not assert constitutional rights. At least at that point we have given to the special counsel the opportunity to do his work. He may disagree. The committee may say, ''Look, we want to resolve this and go forward.''

On the other hand, the committee may say, reasonably, we should not. At that point, I would be first to say we may have to conclude, or certainly there is no further reason to continue going forward if there are not other areas that have not been successfully covered.

It would seem to me we would be in a position to look into the question of the leases that have been made with respect to Mr. McDougal and the State. We would be able to look into the Arkansas Development Finance Authority, the propriety of its acts, the relationships that it had or did not have with various people, the probity of those—all of those areas that are left unresolved. I am not going to take the time at this point to go into them, but I will. And I will spell them out in detail as we will spell out the testimony of Mrs. Williams, Maggie Williams, in detail and the testimony of young Mr. Castleton and the testimony of the officer, which is clearly at variance with what her memory and what her reflections are to such a degree that one has to say that there are very real issues that are not resolved. I will do that.

Mr. President, I think we have an opportunity to do the business of the people, not to create these doubts—what are my Democratic friends worried about? What is the White House worried about? What are they hiding? If there is nothing there, then, fine, the committee will fold its tent, as it should. It will conclude. But it has an obligation to first have the real opportunity to conclude its work as we should, as honest factfinders. That is what this is about, being honest factfinders. Nothing more, nothing less.

I hope that we would not engage in the kind of accusations that oftentimes come about where there are contentious matters, matters of conscience. There may be some of my colleagues who absolutely feel that the only reason we are going forward is to seek to discredit politically. There may be

some on my side who seek partisan advantage for that purpose. But irrespective of those feelings, we have an obligation. The obligation is to get the facts and to try to do it in a manner that really demonstrates to the American people that notwithstanding contentious issues—issues that could very easily be blown out of proportion by partisanship—that we are above it.

Now, I am not suggesting to you that reasonable people may not have reason to disagree with some of my decisions or actions on that committee. But I believe if one were to examine his or her conscience, they would have to say that the chairman has endeavored to be fair. Yes, fair; yes, thorough; yes, comprehensive; but, above all, fair. That does not mean we have to agree on every issue.

It seems to me that one way which is not recommended, a recommended course, is to continue our work and look at the conclusion of the trial as a point in which we would look to set some kind of reasonable time, and that we would agree if there was work that still needed to be done, that we would take up whether or not it should be extended. I do not see how you can set a limit based upon a date certain—what if the trial does go 2 months, and we say we have to wrap up the work of the committee by April 5. That means that those key witnesses would be precluded.

That means that we set a timeline. It has been suggested, and I know referenced by some of my colleagues in the debate, that when you set a deadline for the completion of congressional investigations, decisions are often dictated by political circumstances and the need to avoid the appearance of partisanship. This is what was done in the Iran-Contra case. They set a particular timeline. What that did is set a convenient drop-dead date by which lawyers sought to delay and wait out the investigation.

My distinguished colleagues, the former Democratic majority leader and Senator COHEN, suggested that should not have been done. Here is a quote: ''The committee's deadline provided a convenient stratagem for those who were determined not to cooperate.'' That is in this book, ''Men of Zeal.'' I have to suggest that, given the appearance of documents at the last minute—and I am not going to argue the merits—but I have to suggest there has been a history of documents coming in conveniently late. The last of them was the miraculous production of the Bruce Lindsey documents. Mr. Lindsey, the assistant to President Clinton, his close confidant and friend, testified before the committee, that he did not take notes—he did not remember taking notes. He was asked specifically about it. His lawyer was requested to look and see and to make a proper search. He did undertake this so-called review and this search, and lo and behold, after the committee's funding ended, guess what? On a Friday, the miraculous production. Always on a Friday. Always late on a Friday. This time I think it was about 7 or 8 o'clock Friday.

Why? To avoid the news, avoid the news. The White House got these documents, I understand, on a Wednesday. But they did not make them available to the committee until Friday. What is that all about? Managing the flow of information. That is managing the flow of facts. Is that right? Is that proper? I will tell you what it appears like to me. It appears to me that my Democratic friends are so interested in the management of the facts, facts that may be embarrassing, that they are willing to scuttle our constitutional obligations. That is just wrong and that is what leads people to say: What are you hiding? What are you hiding?

Do I believe that all my colleagues are in league with that? No, I do not. But I believe that there are those who are so intent upon stopping this investigation that they have laid down a hard and fast rule. They are probably polling right now to ascertain whether or not this is going to hurt their credibility or not.

I think whenever you want to end a duly constituted investigation when there are substantial open questions and work to do, people have to say: Why? Why are you keeping the committee from doing its work? I think we can do our work. I think we can do it again in a reasonably fast way, but in a way that meets our obligations.

I do not look to draw this out. I said to this committee, to the Rules Committee, when we sought authorization, it was my hope that we could keep this matter from continuing into the political season. I still think we can deal with this in a manner which means that it would end sometime in June, late June or maybe even earlier. I think we really can.

But there has to be a starting point that is reasonable and will assure that we have some opportunity to get the facts. If we never get the opportunity to examine the witnesses—and that is what would take place if we had an arbitrary deadline of April and that trial is not over—we will be denied this opportunity. I recognize they can take appeals. They could take appeals for years. I am not suggesting we wait until the appellate process is over. That is not the case at all.

Mr. President, I am going to ask that my colleagues on the Democratic side consider an attempt to deal with this in a way that will not put us to the test of coming to vote to end this filibuster. They should not be filibustering this. We have other things to do. We have important things to do.

The PRESIDING OFFICER (Mr. DOMENICI). The Senator from Virginia.

Mr. WARNER. Mr. President, I wish to stand and commend the distinguished Senator from New York. The Rules Committee, of which I am a member, proceeded to meet yesterday, in a very correct manner, hoping to consider S. Res. 227, I believe, reported it to the floor, and that is the subject of the pending business.

Mr. D'AMATO. Correct.

Mr. WARNER. I thank the chairman and his staff for their cooperation in conducting that hearing with expedition. The matter is now before the Senate.

Mr. SARBANES. Mr. President, I listened to Senator D'AMATO, the chairman of the Whitewater Committee, with great interest. I want to say that the unreasonable element in this current situation is a request for an indefinite extension of the work of the committee. That was not the premise on which the committee was established in Senate Resolution 120. In fact, it is very clear that in Senate Resolution 120 we agreed to a termination date just as we did in the Iran-Contra investigation at the strong urging of Senator DOLE who at that time was the minority leader and who pressed the Democratic majority at that time in the Senate and the House to have a closing date on the inquiry in order to avoid making it a political exercise in a Presidential election year in 1988.

That is exactly what we sought to do here by having a termination date of February 29, 1996, and the request that has been made is for an indefinite extension.

The minority leader, Senator DASCHLE, has responded to that by proposing a limited time period. But the proposal before us that was brought first from the Banking Committee, and then by the Rules Committee, on a straight partisan vote is for an indefinite time period in order to carry out this inquiry. And, as I have indicated, this is perceived as unreasonable.

I know of no plot, as my colleague suggested, to denigrate Senators. Certainly no one on this side of the aisle is involved in any such endeavor. I want to establish that in a very clear fashion.

Two things have been argued. One is we have not gotten all of the material in, and, therefore, we need to extend. Of course, Senator DASCHLE proposed a period of time for extension. I just observe that the material is all now in. We got these notes. We had hearings on these notes. I have to take the explanations as they come.

The Lindsey notes constitute three pages. This is what came. That is the extent of it. These notes, in fact, corroborate what has previously been available to the committee.

Let me just read the note that comes from their counsel. It says:

> Following a recent Senate committee hearing in which questions were raised as to whether a January 10, 1994 memorandum from Harold Ickes was copied to other White House officials and whether they had produced their copies of such documents in response to the committee's request, Mr. Lindsey and this firm undertook a review of all our prior document productions.

And I think it is important to point out that there have been very extensive prior document productions.

With respect to the January 10th memorandum, we found that an identical copy of the document produced to the committee by Mr. Ickes was in Mr. Lindsey's White House files and had been produced by Mr. Lindsey to the White House Counsel's office January 1995 for review with regard to executive privilege and other issues. In the course of this review, we have identified two other documents in our files which inadvertently were not produced to you, or the White House Counsel's Office, earlier and which are attached.

Those are these three pages of notes. And he then goes on to say:

First, while Mr. Lindsey previously informed your committee that he did not recall taking any notes as of November 5, 1993 with Mr. David Kendall and other counsel for the President, our recent review has located some very brief handwritten notes set forth as attachment A here, to which Mr. Lindsey did write at that meeting but did not previously recall. As you will see, these brief notes are completely consistent with the testimony of Mr. Lindsey and others, and the Kennedy notes of the same meeting presented to your committee about that meeting.

You may want to go at one or another of these people for not producing the documents early but the fact is the document had been produced—the Gearan document. Then we had a full day of hearing on those documents. And the same thing, of course, is true with respect to the Ickes notes.

So those matters have been furnished to the committee. And, as I understand it, now every request made by the committee to the White House has been responded to with the exception of two new requests for e-mail that the chairman made in the latter part of February that have not yet been responded to.

Those two e-mail requests are pending, and the White House has indicated that it will provide them to the committee as soon as it is able to prepare them and furnish them to the committee.

Mr. D'AMATO. If the Senator will yield for an observation.

Mr. SARBANES. Sure.

Mr. D'AMATO. This is the first time that I have seen the letter conveying the notes. I guess we got these last Friday. They did not really come into our possession until Saturday.

That would be a week ago Saturday?

Yes, last Saturday. Last Saturday. So when we got these notes, I think you have to understand very clearly that Mr. Lindsey testified to the committee that he did not take notes. Then there is another encounter——

Mr. SARBANES. If the Senator will yield, they state that in the letter. They are not trying to conceal that fact.

Mr. D'AMATO. Sure. I understand.

Mr. SARBANES. They are very up front about saying ''previously informed your committee that he did not recall taking any notes.''

Mr. D'AMATO. Sure.

Mr. SARBANES. And he now says they have found these brief handwritten notes.

Mr. D'AMATO. I understand. And then we made a request after that testimony and his lawyer said that he was going to look, to search the records. And we did not get anything. And now, on March 2, after the committee goes out of its authority—I do not know whether we have authority, but certainly authorization expired February 29—this letter is sent to us enclosing the notes he had taken.

I find the letter interesting; this is the first time I have seen the letter, and I would ask my friend if he would take a look at the second page of the letter, the last paragraph, last sentence. ''We have not produced, of course, attorney-client privileged documents reflecting either Mr. Lindsey's communications with this firm.'' I understand that. In other words, he should not have to report his communications that he has had with his lawyer. Those are privileged. He has a right to assert that. But this is where I have some real trouble, and I think the committee will, and it is a very proper question. We will look and we will press and we will subpoena, if necessary, these documents, whatever they may be, because obviously his lawyer thought they were important enough that they would not place him in a position where he might be charged with obstructing justice or not responding to the subpoena. He has very smart lawyers. He is a lawyer himself, a former senior partner in a law firm. ''Or his''—meaning Mr. Lindsey's—''attorney-client privileged communications with private counsel for the President.''

I have to suggest he does not have a privilege with respect those conversations that he had and cannot assert that with respect to those conversations and those documents, and we have been in touch with him about this. We have gone to the point that we brought down to the Senate floor and voted on—this is the one area that we could not agree on—whether or not documents were privileged. That same kind of question about whether they would be required to waive privilege came, and we were ready to vote enforcement of the subpoenas that we issued. That was the only time that we had a disagreement.

I have to say to my friend, again, this raises very substantial questions. Now, reasonable people might disagree, but I have to suggest to you that was not just placed in there as some legal nicety. That is important. And I have to say, what information does he have?

We have settled the manner in which to deal with many of these issues. We have had majority counsel and minority counsel meet to see whether or not information should be made public, whether the committee had a right to it or not. At the very least, we have a right to see whether or not this falls within that area of information that is not germane to the subject of our inquiry—at the very least.

Now, if people want to raise, if the White House wants to raise the issue of privilege, which the President of the United States said he would not—he would not—why, then, that is their right. But for Mr. Lindsey's attorney to withhold and say, ''We are not going to do it,'' that is improper.

Now, if the White House wants to come in and say, ''We are asserting that Mr. Lindsey had communications with the President's private counsel that are privileged,'' then they have a right to do that. I am not agreeing that we are going to say that falls within the parameters of the privilege. We may insist on enforcement. But I have to tell you that this again raises questions. And when do we get this information? Saturday.

How is it that we have got so many of these convenient kinds of lapses? And this is not the first time. Mr. Lindsey is an assistant to the President of the United States. He has the lapse. The deputy chief of staff, Mr. Ickes, he has a lapse. He finds documents, again, at the last minute. Mr. Gearan, he has a lapse. Again, every one of these people involved with the Whitewater team has a lapse. I have to suggest to you that it does raise real questions and is very troubling.

That is why I think there are many people who believe that we have an obligation to finish this and to get the facts, and I think that if we were to move forward you would see even more documents be produced, more discoveries, more things that have not been turned over to this committee. I cannot believe given the tasks—and I am prepared to go through the list—that Mr. Ickes assigned to various people that all of the documents related to their Whitewater activities have been turned over to this committee.

I yield the floor to my friend because the Senator has been more than gracious. I just wanted to raise this matter.

Mr. SARBANES. All I would say to the Senator is that these documents have been furnished to the committee. They have not been concealed from the committee, and they have not been hidden.

Now, the people who furnished them said, ''We were late furnishing them for the following reasons.'' Now, you may accept or reject those reasons. And if you want to inquire into the reasons, you are perfectly free to do so. But the fact remains that the committee has these documents. They are now in hand.

I have been sitting here listening today to my colleagues recite various aspects of our inquiry. The fact is the matters they have been reciting they can recite because we have gotten documents, we have had hearings, we have had witnesses that we have been able to question, we have taken depositions, and therefore they can get up and talk about these matters—often I think drawing conclusions not warranted by the facts, but leave that to one side—they can talk about these matters because this material has been furnished

to the committee. So the fact is now that there has been a tremendous dragnet set out for material and a tremendous amount of material furnished back to the committee, the fact is when we set out on this endeavor last May it was agreed that we would draw it to a conclusion at the end of February.

That has been a consistent principle that has been applied to all inquiries and all investigations by the Senate. None of them has been open ended. In 1987, when Democrats pushed for an open-ended hearing, Senator DOLE was very strong in saying that should not be done, and the Democrats actually acceded to his representations and a concluding date was set—in fact, quite an early one—and in order to accommodate it, the Iran-Contra committee held 21 days of hearings in the last 23 days of its working period in order to get the job done.

Now, as the chairman knows, we urged him in mid January to have an intensified hearing schedule in respect to this matter. We now find ourselves here at the beginning of March. I think that the minority leader has been very forthcoming in proposing an extension of time until the April 3 in order to complete our hearings. And, in any event, I do not regard it as a reasonable proposition to ask for an indefinite time period which is completely contrary to the premise on which we set out. It is completely contrary to the premise of Iran-Contra, and it is completely contrary to the premise of every other inquiry and investigation.

Mr. D'AMATO. I do not know if my friend is finished, and without losing the right to the floor, I would like to make an observation if he would care to comment.

Mr. SARBANES. Certainly.

Mr. D'AMATO. Mr. President, the fact is that this letter—by the way, not so clearly, not so clearly—is what I consider to be a brilliant legal, scholastic exercise in extricating one's client from meeting the obligations that he would be required to meet pursuant to the subpoena that asked him to produce all relevant documents with respect to Whitewater. Brilliant. This is absolutely terrific.

And this fellow, Allen B. Snyder, is one good lawyer. He is the lawyer who signed this letter. Let me tell you why. Analyze this; you have to agree, this is good. This is good. Listen to this, Mr. President. ''We have not produced''—this is the last sentence in this letter that says, here we give you these things, how we found them—''We have not produced, of course,''—gets you into believing, of course—''attorney-client privilege documents reflecting either Mr. Lindsey's communication with this firm''—oh, OK, all right, we are not going to ask about that.

You are talking to your lawyer and saying, by the way, I have a problem, et cetera, whatever. We have some facts or are talking strategy, et cetera. That is what we consider to be privileged. By the way, it would seem that constitutional authorities would indicate in some cases that we would actually have the right to that documentation.

So, ''* * * of course, attorney-client privilege documents reflecting either Mr. Lindsey's communications with this firm or—get this; now we search very carefully—''or his attorney-client privileged communication with private counsel for the President.''

He is withholding documents. We do not have those documents. We have not seen those documents. And he is now asserting for the first time that he has information. He did not know he had it before. He just remembered it. He just found it. He did not know it. But he now says, ''I've got documents that you have subpoenaed. But I'm not going to give them to you because, guess what, I had conversations with or communications with the President's counsel.'' Let me tell you something, as an assistant to the President, if he has communications and shares documents with a private counsel for the President, they are not privileged. And this Senate and the Congress has a right to know what that information is.

Look, it may be that we are arguing over nothing. We have agreed to a methodology, a methodology of not attempting to provoke a court confrontation. I will tell you, I will ask for enforcement of the subpoena because this subpoena was served before the authorization of committee funds ran out. This response is carefully contrived, and the documents are produced after the committee goes out.

Is it any wonder why reasonable people say, ''Why are you doing this? Why are you holding this?'' Is there any reason why newspapers say, ''How come you keep dribbling this thing out? What are you trying to hide?''

At the very least, it all seems to me that the majority counsel and the minority counsel have done this before. We can look at this information, see if it is relevant or not, and examine whether or not a claim of privilege is valid. I cannot see how it can be asserted, but if it is not relevant, we will not ask for it. We will agree to take a pass.

I do not want to know whether he was discussing whether a football team or basketball team was going to win the game the night that they went to see it, or if he was in the company of the President, that he discussed that kind of thing. But if it is relevant, we have a right to it. If he communicated to the President's counsel, ''By the way, I'm worried about X, Y and Z,'' we have a right to that.

Either we want the facts or we do not. Do we want to hide the facts? Let me say, as it relates to the proposition that we are not willing to set a time certain, I think that is bad. I think it is really bad. But I am willing to say, let us provide a period of time after the conclusion of the trial. We know, whether that trial concludes with a final verdict—guilty, innocent, hung, et cetera—that within 10 weeks after that trial, we will conclude.

You have to start someplace. I do not like setting a time because I think again when you set a time line, you set a prescription for people looking to delay and get past that time line. That is what our friends in ''Men of Zeal'' said. And they were right. Again, this was authored by Senator COHEN and Senator Mitchell about Iran-Contra. They said, ''The committee's deadline provided a convenient stratagem for those who were determined not to cooperate.''

I suggest, given the manner in which these documents came forward, that this is part of the stratagem. When I see this letter, we know conclusively that we have not had an opportunity to examine documents that were subpoenaed.

This is a very brilliant, lawyerly, scholarly letter. I read it for the first time, and it just jumped out at me. Then counsel told me they have attempted to get some kind of an agreement from Mr. Lindsey's counsel in order to inspect this material. They were told no.

So where is the cooperation? If the White House has nothing to hide, where is that cooperation? It's a needle in a haystack. We want the facts and information—the needles—but we get the whole haystack, we do not get the critical information.

This is just another example. Let me suggest to you, is it not great cooperation when lawyers tell their clients, ''What are you holding back?'' and ''You better not hold back''? I see a pattern here. I see some very bright lawyers saying, ''You can't withhold this stuff. You have memorandums all over this place. If someone comes over and says, 'Where is that memorandum?' and you sent it to eight different people, where do you think we get these documents from?''

Some very capable lawyers would tell a client, ''I'm not going to be part of advising you to withhold.'' Perhaps, that is why we have been getting documents from them. Of course, that is an assumption on my part. There are a number of suspicious instances. We could take Susan Thomases and the repeated requests to her for records—two times, three times, four times before we get all of the information, before we get the logs that show the communications, key communications, information withheld from us. I think there are some very capable lawyers that she has representing her saying, ''Wait a minute. Wait a minute. They have asked you about these things. You can't withhold these things.''

You really think that a very capable lawyer like Ms. Thomases would not have looked at the diaries and logs as it relates to communications that she had during critical periods of time on or about the day of the suicide, or the

day following the suicide, of Vince Foster? She would have missed these during that week? And it took us months to obtain this vital information.

We have not been able to examine her. She broke her leg. We examined her twice. She was scheduled to come in a third time. Unfortunately, we could not do that because she said she broke her leg. What were we supposed to do? Drag her in there? Have her come in a wheelchair?

I recognize the discomfort level that my friends and colleagues on the other side would have as it relates to an indefinite extension. I understand that. But as a practical matter, if we receive $600,000, and spend it at the rate of approximately $150,000 a month, Mr. President, we are talking about 4 months. That is the practical side of this.

We could be doing that business without rancor, doing it to the best of our ability. We may not be able to complete all of the work as we would like. If there were facts and information that clearly demonstrated that we had to go forward, I am sure that my colleagues would then say, maybe reluctantly, we have to do that. That is the position we would be placed in.

You know, the editorials indicate that we should go forward. They also say that there is a caveat, a clear caveat, as it relates to the work of the committee, if we begin to appear to be unfair, if we appear to be partisan in terms of being demanding, and that we, those of us who are pressing to finish our work, could feel the political fallout. But there are what we call common sense, common decency, in handling the inquiry in a manner that is proper. I think we can do that. I would like to proceed in that manner.

I thank my colleague for giving me the opportunity, at least, to share these thoughts with you. I hope that between now and tomorrow, when we come to the floor again, that I have put forth something in a manner in a way in which we could possibly move forward.

I suggested some way to begin to resolve this, such as taking a period of time after the completion of the trial. I said 10 weeks. My friend may feel that is too long, but let us see if we cannot do it. Again, there is a finite amount of time, constrained by very limited resources, resources of $600,000.

There has been an endeavor by my friends to put forth a proposal for 5 weeks starting now and $185,000. I think we have to say even if that is the most good-faith offer they can make—and I do not question the fact that my colleague advances that in good faith—I hope that my friend, Senator SARBANES, will understand that it will not deal with the question of access to those witnesses.

Again, we may never have access to them. I admit that. I am not trying to score debating points here. What I am trying to do is tell you clearly where we are troubled, what some of those facts are and see if we cannot work out a way cooperatively to go forward.

Mr. SARBANES. Let me say to the chairman, let me make a couple of points. First of all, they cite editorials that say do an indefinite extension. I have cited on the floor today editorials that say—let me just quote a couple of them.

> . . . Whitewater hearing needs to wind down. A legitimate probe is becoming a partisan sledgehammer.
>
> . . . The Senate Whitewater hearings, led since last July by Senator Al D'Amato, have served their purpose. It's time to wrap this thing up before the election season.

That is the Greensboro, NC, paper.

The Sacramento Bee says:

> With every passing day, the hearings have looked more like a fishing expedition in the Dead Sea.

And says these ought not to be extended.

Mr. D'AMATO. That is at least an imaginative image, fishing in the Dead Sea. I like that.

Mr. SARBANES. It is very imaginative, in my opinion. This is a growing body of editorial view about the nature of these hearings.

When we agreed to these hearings on a 96 to 3 vote last May, an essential premise was that they would come to a conclusion. In fact, when the chairman went before the Rules Committee, he made the point that he wanted to keep it a year, so it would not extend into the election season.

It was very clear that we were not going to defer to Starr and his trial. We were going to carry out our hearings, just the way Iran-Contra carried out their hearings, and Walsh kept going after they concluded their hearings. Iran-Contra did not come in behind the trials. They carried out their hearings and brought them to a close, and, in fact, we stated that to Starr very clearly back on October 2 when we joined and wrote him a letter and said:

> For these reasons, we believe the concerns expressed in your letter do not outweigh the Senate's strong interest in concluding its investigation and public hearings into the matter specified in Senate Resolution 120 consistent with section 9 of the resolution.

And section 9 was the February 29 date. So we were very clear about that, as far back as October.

By seeking an indefinite extension, there is a complete change in the ground rules by which the special committee has been operating heretofore. And I say to the chairman, that is part of the basis for the very strong opposition that we have to an indefinite extension of this inquiry. It has not been done before.

I commend to you Senator DOLE's very strong comments in 1987 on this very issue in which he was very explicit, repeatedly, with respect to this question, and actually to accommodate, the Democratic Congress agreed that we would not extend the inquiry into the election year, thereby politicizing the matter and, I think, increasing the public perception that what is going on is simply a political exercise.

Mr. D'AMATO. Again, I have not heard any response, but I have indicated that, obviously, the committee would be very hard pressed to continue its work past 4 months. That is No. 1. At $150,000 a month, in some cases even more, and particularly if we are going to attempt to conclude this and take the necessary depositions, et cetera, that is about the time frame that we are talking about.

It is reasonable to assume we are going to talk about a trial that lasts anywhere in the area of 6 to 8 weeks. I suggested we take a time line from the conclusion of that trial and attempt to use that as the date.

So I have given an opportunity to our Democratic colleagues and friends to consider this, instead of just being placed in a position of those of us who would come to the conclusion, rightfully or wrongfully, that there may be people who are calling and orchestrating this from the White House who just do not want those facts to come out, whatever they may be.

I do not know what they will be. I tell you, if they are exculpatory, if they clear the record, if they clear the clouds away, fine, so be it.

While Senator DOLE has indicated previously the need and necessity to keep investigations and hearings from going into the political season—and I recognize that and I have addressed that—there is the experience that our colleagues and the former majority leader had during that same period of time. In his book, ''Men of Zeal,'' it was said that to set a time line is basically to encourage people to look at delay.

We can continue this back and forth, but I hope my colleague will consider what I suggested as a way to attempt to resolve this without us becoming involved in other matters.

Let me say this to you. Tomorrow I will advance, if we do not get an extension and if my colleagues continue to vote against cloture—and I have no reason to believe my Democratic colleagues will not come in here and, to a man, vote against proceeding and we will continue this filibuster—then we will go through the record very clearly and attempt to make the case why it is we are seeking to continue, what facts we are still seeking, what information, what witnesses, in detail. They can still vote that particular way. But then there will come a point in which we will attempt to do the work of the committee. It may not be as neat, it may not be as tidy, but I can assure my friend and colleague that we will persist. I think when I say we are going to undertake something and I am committed to seeing to it that we do the best job we can, that is something we can count on.

I put forth an offer that I think I can get substantial support for. There will be some of my colleagues, as I am sure there will be a number of yours, who are adamantly opposed to any kind of compromise. I recognize that, and I

recognize, in all due sincerity, that my friend probably has a number of colleagues who just do not want to agree to even 5 weeks. I recognize that, too.

Mr. SARBANES. If the Senator will yield on that point, there are many people who feel the committee should have done its work within the requirements of Senate Resolution 120, just as Iran-Contra had to do its work within its allotted requirements under the resolution under which it was operating.

Mr. D'AMATO. I really tried as hard as possible to attempt to put forth an offer——

Mr. SARBANES. No, I just want you to understand there are some strongly held views of that sort.

Mr. D'AMATO. Sure, and you must recognize that there are legitimately held views that people themselves feel strongly about without any partisan motives being attached to their feeling; that they say we want to end that. I understand that, and I am saying to you that I have a number of Members who do not want to compromise as it relates even to a time line and they suggest we are going to be back in the same problem again. But there comes a point in time when you have to make the best of the situation.

I am suggesting possibly we explore looking at a time certain, from which we say we will conclude, that being the conclusion of the trial, one way or the other, if it is a hung jury, whatever it might be. We may not be able to get any of those witnesses.

Mr. SARBANES. That is right, and we need to examine that up front.

Mr. D'AMATO. I am first to admit that. I am first to admit that. What I am trying to do is to say there is a good faith offer, an attempt to wind this up in a manner that does not detract from everything and everybody because there are going to be those who say in the drumbeat of the political spin doctors on one side saying the Senator from New York is attempting to keep this going for political reasons.

Mr. SARBANES. That is right.

Mr. D'AMATO. I understand that. On the other side, there will be the chorus, What are you hiding? For every editorial you can produce, I can produce one, two, three, four and you can produce some, and back and forth. What does that achieve? My gosh, what have we advanced?

So I am—and I am not asking you for an answer now—I am asking you to consider attempting to deal with this impasse, so that we do not have to come down here and have our colleagues vote, line up on one side, those vote to cut off debate, cut off the filibuster, and those who take the opposite possible positions and all the various characterizations that are going to flow—from both sides, absolutely totally well-meant. All right. So I hope I have covered the waterfront on that.

It may be that we cannot find a way to resolve this. But I am suggesting that I am certainly willing to spare us further debate here, further time here, and let us be able to do the best we can, given that we cannot control all the circumstances in this investigation. Some of it is beyond our ability to control.

I yield the floor, and I thank my friend for his courtesies in giving me the opportunity at various times to make some points that I thought were important.

The PRESIDING OFFICER. Who seeks recognition?

Mr. D'AMATO. Mr. President, I believe, without imposing upon my colleague, that concludes our discussion with respect to going forward on the Whitewater resolution.

Mr. SARBANES. Yes.

VACANCIES AT THE FEDERAL RESERVE BOARD

Mr. D'AMATO. Mr. President, on that note, let me say this. The Banking Committee has been waiting for months now for the President to fill vacancies at the Federal Reserve Board. It was just a little less than 2 weeks ago last Saturday, March 2—there are two vacancies, two other vacancies aside from Mr. Greenspan—I guess it was about 10 days ago when the President indicated that he was going to recommend not only Chairman Greenspan but two other people, Alice Rivlin as the Vice Chairman, and Lawrence Meyer as a Governor.

Since this announcement from the White House—and I have indicated publicly that we would move expeditiously to take up these nominees—we have not received any word and the Federal Reserve has been forced to adopt various rules to address this gap so that Chairman Greenspan could carry on his work. This continues to be a very critical post, and these positions are critical. I hope the administration will move with some speed and alacrity in sending those nominations over to us so we can move.

I pledge to the body here and to the administration and to the President that we will move as quickly as we possibly can. We will set up a hearing—if it means in the afternoon, if it means whatever time convenient to the nominees—to deal with these important nominations, because they are important and they are critical.

We want to move this. I hope they will send those nominations over. Certainly they should send over Mr. Greenspan at this point in time. We could dispose of that. I do not understand why they would not have Mrs. Rivlin ready, given her long stewardship in Federal Government and the fact that she has had all her clearances, et cetera. So at least two of those positions are something we would be willing to move on very expeditiously.

Mr. President, I yield the floor.

MORNING BUSINESS

Mr. D'AMATO. Mr. President, I ask unanimous consent that there now be a period for the transaction of routine morning business with Senators permitted to speak therein for up to 5 minutes each.

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

DEPLORING TERRORIST ATTACKS IN ISRAEL

Mr. DASCHLE. Mr. President, every American deplores the bombings in Tel Aviv and Jerusalem in the past days.

The Tel Aviv bombing was a senseless act of violence cynically targeted to hit as many innocent people as possible at a shopping mall on a school holiday commemorating what is to be a joyous holiday of Purim. Once again, a suicide bomber did this awful deed; people are dead and injured; a nation is stricken; and the peace process is further jeopardized.

Ironically, Purim commemorates the time in which Esther, a Jewish heroine, convicted her husband to stop the slaughter of the Jews. There was no modern day Esther Monday in Tel Aviv.

Monday's bombing follows Sunday's in Jerusalem, which took place on a street down which I have walked. I can see with terrible clarity the horror of Sunday's bombing.

Mr. President, along with my colleagues, the President, and all Americans, I offer my condolences to the families of those killed and injured. I fear for the future of the peace process, which offers hope that, maybe, some day, Israelis and Palestinians can walk down these same streets in Jerusalem and Tel Aviv in peace, free of the fear that they may be the terrorists' next victims. I join the President in pledging to do all we can to stop this senseless slaughter; apprehend the terrorists and bring them to justice; and get the peace process back on track.

GEN. BARRY McCAFFREY, DIRECTOR OF THE OFFICE OF NATIONAL DRUG CONTROL POLICY

Mr. WARNER. Mr. President, in today's Washington Post there is a remarkable article. I commend all to read it. It is about the President's appointment of Gen. Barry McCaffrey, a four-star general, to the position of drug czar. It has been my privilege to know this fine American for some many years. I recall on one occasion, together with other colleagues in this body—it may well have been the distinguished whip was on that trip, the Senator from Kentucky, when we visited the gulf region. We visited a number of the U.S. commanders who had taken an active participation in the war in the gulf. General McCaffrey was the general who spearheaded the tank column which crushed Saddam Hussein's armor.

From that experience and many other chapters of complete heroism as a soldier, he now takes on another assignment and immediately goes into

battle, this time a battle to counter the threat of illegal drugs and drug abuse to this Nation. It is a threat as serious as any that has ever faced this Nation in our history from any foreign military power or terrorist organization. I congratulate the President of the United States. Indeed, he had awesome powers of persuasion, to get this American to step aside, to promptly retire as a four-star officer, a man who may well have been destined to become Chief of Staff of the U.S. Army. He will take on a new challenge and enter another battle in a life which, although this man is quiet and humble, is filled with heroism.

But General McCaffrey's appointment is timely, Mr. President. As today's Washington Post article opens up—and I will quote the article and I ask unanimous consent that it be printed in full at the end of my statement.

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

(See exhibit 1.)

Mr. WARNER [reading]: ''By moving full circle in this election year, President Clinton plans an ambitious upgrading of the White House drug control policy office three years after virtually wiping out that office in order to fulfill a campaign pledge to reduce White House staff.''

How tragic, Mr. President. Just look what happened statistically since the Clinton administration has been in office.

The statistics over the past 2½ years are astonishing and alarming. The number of 12- to 17-year-olds using marijuana in the United States increased from 1.6 million in 1992 to 2.9 million in 1994.

The category of recent marijuana use increased a staggering 200 percent among the 14- to 15-year-olds in this same period of time.

Since 1992 there has been a 52-percent jump in the number of high school seniors using drugs on a monthly basis.

I spoke with a group of parents the other day. The principal theme of our meeting was education. Yes, we talked extensively about education, but in the course of an exchange between myself and this group they quickly turned to the threat that drug abuse poses to their children's safety. We all know that safety in the educational environment equates with the quality of education that these children hope to receive. We also know that a portion of the violence that occurs in our schools is related to illegal drugs and their sales and distribution.

One in three high school seniors now smoke marijuana. The American people recognize the problems with drug abuse. A December 1995 Gallup Poll shows that 94 percent of Americans feel illegal drug abuse is either a crisis, or a very serious problem.

So, Mr. President, I am glad the President of the United States has responded. He has gone to general quarters, as well he should. He is providing General McCaffrey considerable support, and I am glad General McCaffrey's conditions are being met.

Just look at the record. The Clinton administration has virtually wiped out the Drug Control Policy office reducing the staff from 146 in 1993 to just 25 as of today. This decision to staff up, made in conjunction with the appointment of General McCaffrey, comes at a time when numerous articles and television programs about the terrible increase in substance abuse are appearing throughout our country.

Mr. President, thank you for getting the message from the American people.

I pledge to this fine general and his staff my full cooperation so long as I am privileged to be a Member of the U.S. Senate. I daresay my colleagues likewise will support him.

I yield the floor. I thank the Chair.

EXHIBIT 1

ABOUT-FACE

(By Ann Devroy)

Moving full circle in this election year, President Clinton plans an ambitious upgrading of the White House drug control policy office three years after virtually wiping out that office in order to fulfill a campaign pledge to reduce White House staff.

According to requests submitted yesterday to Congress and sources at the White House, the president is seeking to increase drug policy staffing from 40 to 150 slots, reversing steps he took in 1993 to reduce the office from 146 workers to 25.

In addition, the White House has agreed to requests by its new drug policy chief, retired Gen. Barry R. McCaffrey, to move the operation from a relatively distant office near the New Executive Office Building back into the Old Executive Office Building, where it was located under its first and most high-profile director, William J. Bennett. McCaffrey, also at his request, will be a given a slot on the National Security Council, a new power perk, and the job will continue to hold Cabinet rank.

One White House official explained the reversal this way: ''The general wants some troops to command, and Clinton wanted the general.'' But White House aide Rahm Emanuel, who handled the upgrading of the operation, said the new staffing levels and access for McCaffrey signal Clinton's confidence in the former head of the military's Southern Command and his commitment to an expanded fight against drugs.

''This is what he needs to get the president's policy implemented,'' Emanuel said. ''It is what the president believes will help us improve on our record.''

While the new staff and spending are likely to consign Clinton's staff-cut efforts to history, it will help him with what may be a more potent political issue: his commitment to drug control at a time when drug use among young people has risen every year he has been in office.

Clinton yesterday sent to Congress a request for $3.4 million in supplemental spending for the Office of National Drug Control Policy. That request will pay for 80 new jobs, according to the White House submission. In addition, McCaffrey has gotten White House approval to take 30 ''detailees'' from the Pentagon to his new operation. Detailees are paid by their home agencies, so their cost is not reflected in the White House budget.

The White House also has given McCaffrey the go-ahead to formulate a plan for spending an additional $250 million this year on the anti-drug effort, much of it reprogrammed Pentagon funds.

In all, the new Clinton drug policy office will have funding for 150 employees, four more than its high point in the Bush administration. It was these workers that Clinton turned to in large measure when he had to make the cuts in White House operations to meet his campaign pledge to shave the staff by 25 percent.

Despite significant misgivings from his own staff and many outsiders, Clinton argued during the campaign that the White House should operate with 25 percent fewer workers than in the Bush era. The pledge was meant to symbolize the president's commitment to make sacrifices himself before he asked other parts of government and the American people to sacrifice in the name of deficit reduction and more efficient government.

On taking office, the Clinton team used some creative accounting to readjust the baseline of what is normally considered White House staff so that fewer cuts would produce the 25 percent goal. But they still had to cut 350 slots from a total of 1,394, and the drug office took by far the biggest hit. White House officials argued that other parts of the government, including the Pentagon and the State Department, could pick up the slack.

White House officials now say they will try to keep the staff level down for the full year to meet the 25 percent reduction, even with the rush of new workers.

And they reject any link between the election year and staffing up anti-drug efforts.

''Our policy has been strong throughout. The president has emphasized anti-drug efforts throughout his administration. It has been an important priority,'' Barry Toiv, a deputy to White House Chief of Staff Leon E. Panetta, said yesterday. ''The president obviously has tremendous respect for General McCaffrey's ability, and the general feels that with additional resources he can do an even better job. The president wants him to have those resources.''

MESSAGES FROM THE PRESIDENT

Messages from the President of the United States were communicated to the Senate by Mr. Thomas, one of his secretaries.

EXECUTIVE MESSAGES REFERRED

As in executive session the Presiding Officer laid before the Senate messages from the President of the United States submitting sundry nominations which were referred to the appropriate committees.

(The nominations received today are printed at the end of the Senate proceedings.)

MESSAGES FROM THE HOUSE

At 1:52 p.m., a message from the House of Representatives, delivered by Ms. Goetz, one of its reading clerks, announced that the House has passed the following bills, in which it requests the concurrence of the Senate:

H.R. 497. An act to create the National Gambling Impact and Policy Commission.

H.R. 2778. An act to provide that members of the Armed Forces performing services for the peacekeeping effort in the Republic of Bosnia and Herzegovina shall be entitled to certain tax benefits in the same manner as if such services were performed in a combat one, and for other purposes.

H.R. 2853. An act to authorize the extension of nondiscriminatory treatment (most-favored-nation treatment) to the products of Bulgaria.

At 4:02 p.m., a message from the House of Representatives, delivered by Mr. Hays, one of its reading clerks, announced that the House agrees to the committee of conference on the disagreeing votes of the two Houses on the amendment of the Senate to the bill (H.R. 927) to seek international sanctions against the Castro government in Cuba, to plan for support of transition leading to a democratically elected government in Cuba, and for other purposes.

MEASURE REFERRED

The following bill was read the first and second times by unanimous consent and referred as indicated:

H.R. 2853. An act to authorize the extension of nondiscriminatory treatment (most-favored-nation treatment) to the products of Bulgaria; to the Committee on Finance.

MEASURE READ THE FIRST TIME

The following bill was read the first time:

H.R. 497. An act to create the National Gambling Impact and Policy Commission.

EXECUTIVE AND OTHER COMMUNICATIONS

The following communications were laid before the Senate, together with accompanying papers, reports, and documents, which were referred as indicated:

EC–1915. A communication from the Under Secretary of Defense, transmitting, pursuant to law, the report of a violation of the Antideficiency Act, case number 94-08; to the Committee on Appropriations.

EC–1916. A communication from the Secretary of Energy, transmitting, pursuant to law, the report on the Elk Hills Reserve; to the Committee on Armed Services.

EC–1917. A communication from the Director of Administration and Management, Office of the Secretary of Defense, transmitting, pursuant to law, the report of agreements and transactions for fiscal year 1995; to the Committee on Armed Services.

EC–1918. A communication from the President and Chairman of the Export-Import Bank, transmitting, pursuant to law, a statement regarding a transaction involving exports to Ukraine; to the Committee on Banking, Housing, and Urban Affairs.

EC–1919. A communication from the Executive Director of the Thrift Depositor Protection Oversight Board, transmitting, pursuant to law, the report under the Freedom of Information Act for calendar year 1995; to the Committee on Banking, Housing, and Urban Affairs.

EC–1920. A communication from the Vice President of Government and Public Affairs of the National Railroad Passenger Corporation, transmitting, pursuant to law, the Amtrak annual report for calendar year 1995 and grant request and legislative report for calendar year 1996; to the Committee on Commerce, Science, and Transportation.

EC–1921. A communication from the Comptroller of the Currency, transmitting, pursuant to law, the report on consumer complaints for calendar year 1995; to the Committee on Commerce, Science, and Transportation.

EC–1922. A communication from the Secretary of Transportation, transmitting, pursuant to law, a report on the Federal Aviation Administration; to the Committee on Commerce, Science, and Transportation.

EC–1923. A communication from the Secretary of Transportation, transmitting, pursuant to law, a report on the benefits of safety belts and motorcycle helmets; to the Committee on Commerce, Science, and Transportation.

EC–1924. A communication from the Secretary of Transportation, transmitting, pursuant to law, a report entitled ''Effectiveness of Occupant Protection Systems and Their Use''; to the Committee on Commerce, Science, and Transportation.

EC–1925. A communication from the Secretary of Commerce, transmitting, pursuant to law, a report on Federal technology partnerships; to the Committee on Commerce, Science, and Transportation.

EC–1926. A communication from the Secretary of Commerce, transmitting, pursuant to law, a report entitled ''Fisheries of the United States''; to the Committee on Commerce, Science, and Transportation.

EC–1927. A communication from the Chairman of the National Transportation Safety Board, transmitting, pursuant to law, a report of a budget estimate, request, or information; to the Committee on Commerce, Science, and Transportation.

EC–1928. A communication from the Administrator of the Energy Information Administration, Department of Energy, transmitting, pursuant to law, a report entitled ''Performance Profiles of Major Energy Producers 1994''; to the Committee on Energy and Natural Resources.

EC–1929. A communication from the Secretary of Energy, transmitting, pursuant to law, the 1994 annual report on low-level radioactive waste management; to the Committee on Energy and Natural Resources.

EC–1930. A communication from the Secretary of Energy, transmitting, pursuant to law, a report relative to Exxon and stripper well oil overcharge funds as of September 30, 1995; to the Committee on Energy and Natural Resources.

EC–1931. A communication from the Deputy Associate Director for Compliance, Royalty Management Program, Minerals Management Service, Department of the Interior, transmitting, pursuant to law, notice of the intention to make refunds of offshore lease revenues where a refund or recoupment is appropriate; to the Committee on Energy and Natural Resources.

EC–1932. A communication from the Director of the Minerals Management Service, Department of the Interior, transmitting, pursuant to law, the report of the Proposed 5-Year Outer Continental Shelf (OCS) Leasing Program for 1997–2002; to the Committee on Energy and Natural Resources.

EC–1933. A communication from the Deputy Associate Director for Compliance, Royalty Management Program, Minerals Management Service, Department of the Interior, transmitting, pursuant to law, notice of the intention to make refunds of offshore lease revenues where a refund or recoupment is appropriate; to the Committee on Energy and Natural Resources.

REPORTS OF COMMITTEE SUBMITTED DURING RECESS

Pursuant to the order of the Senate of March 5, 1996, the following report was submitted during the recess of the Senate:

S. Res. 227: An original resolution to authorize the use of additional funds for salaries and expenses of the Special Committee To Investigate Whitewater Development Corporation and Related Matters, and for other purposes.

REPORTS OF COMMITTEES

The following reports of committees were submitted:

By Mr. HATFIELD, from the Committee on Appropriations, without amendment:

S. 1594. An original bill making omnibus consolidated rescissions and appropriations for the fiscal year ending September 30, 1996, and for other purposes (Rept. No. 104–236).

By Mr. BOND, from the Committee on Small Business, with an amendment in the nature of a substitute:

S. 942. A bill to promote increased understanding of Federal regulations and increased voluntary compliance with such regulations by small entities, to provide for the designation of regional ombudsmen and oversight boards to monitor the enforcement practices of certain Federal agencies with respect to small business concerns, to provide relief from excessive and arbitrary regulatory enforcement actions against small entities, and for other purposes.

By Mr. HATFIELD, from the Committee on Appropriations:

Special Report entitled ''Revised Allocation to Subcommittees of Budget Totals from the Concurrent Resolution for Fiscal Year 1996'' (Rept. No. 104–237).

EXECUTIVE REPORTS OF COMMITTEES

The following executive reports of committees were submitted:

By Mrs. KASSEBAUM, from the Committee on Labor and Human Resources.

Marca Bristo, of Illinois, to be a Member of the National Council on Disability for a term expiring September 17, 1998. (Reappointment)

Kate Pew Wolters, of Michigan, to be a Member of the National Council on Disability for a term expiring September 17, 1998. (Reappointment)

Edna Fairbanks-Williams, of Vermont, to be a Member of the Board of Directors of the Legal Services Corporation for a term expiring July 13, 1998. (Reappointment)

Donna Dearman Smith, of Alabama, to be a Member of the Board of Trustees of the Barry Goldwater Scholarship and Excellence in Education Foundation for a term expiring March 3, 1998.

LaVeeda Morgan Battle, of Alabama, to be a Member of the Board of Directors of the Legal Services Corporation for a term expiring July 18, 1998. (Reappointment)

John N. Erlenborn, of Illinois, to be a Member of the Board of Directors of the Legal Services Corporation for a term expiring July 13, 1998.

David Finn, of New York, to be a Member of the National Council on the Humanities for a term expiring January 26, 2000.

William P. Foster, of Florida, to be a Member of the National Council on the Arts for a term expiring September 3, 2000.

Patricia Wentworth McNeil, of Massachusetts, to be Assistant Secretary for Vocational and Adult Education, Department of Education.

Norman I. Maldonado, of Puerto Rico, to be a Member of the Board of Trustees of the Harry S Truman Scholarship Foundation for a term expiring December 10, 1999.

Wallace D. McRae, of Montana, to be a Member of the National Council on the Arts for a term expiring September 3, 1998.

Luis D. Rovira, of Colorado, to be a Member of the Board of Trustees of the Harry S Truman Scholarship Foundation for a term expiring December 10, 2001.

Patrick Davidson, of California, to be a Member of the National Council on the Arts for a term expiring September 3, 2000.

Townsend D. Wolfe, III, of Arkansas, to be a Member of the National Council on the Arts for a term expiring September 3, 2000.

Pascal D. Forgione, Jr., of Delaware, to be Commissioner of Education Statistics for a term expiring June 21, 1999.

Speight Jenkins, of Washington, to be a Member of the National Council on the Arts for a term expiring September 3, 2000.

Mary Burrus Babson, of Illinois, to be a Member of the Board of Directors of the Corporation for National and Community Service for a term of one year. (New Position.)

(The above nominations were reported with the recommendation that they be confirmed, subject to the nominees' commitment to respond to requests to appear and testify before any duly constituted committee of the Senate.)

INTRODUCTION OF BILLS AND JOINT RESOLUTIONS

The following bills and joint resolutions were introduced, read the first and second time by unanimous consent, and referred as indicated:

By Mr. McCAIN:

S. 1591. A bill to prohibit campaign expenditures for services of lobbyists, and for other purposes; to the Committee on Rules and Administration.

By Mr. LAUTENBERG (for himself, Ms. MOSELEY-BRAUN, Mrs. BOXER, Ms. SNOWE, Mr. SIMON, Mr. KERRY, and Mr. FEINGOLD):

S. 1592. A bill to strike the prohibition on the transmission of abortion-related matters, and for other purposes; to the Committee on the Judiciary.

By Mr. SPECTER (for himself and Mr. KERREY):

S. 1593. A bill to amend the National Security Act of 1947 to provide for the appointment of two Deputy Directors of Central Intelligence, to strengthen the authority of the Director of Central Intelligence over elements of the Intelligence Community, and for other purposes; to the Select Committee on Intelligence.

By Mr. HATFIELD:

S. 1594. An original bill making omnibus consolidated rescissions and appropriations for the fiscal year ending September 30, 1996, and for other purposes; from the Committee on Appropriations; placed on the calendar.

By Mr. BRADLEY (for himself, Mr. LEAHY, Mr. SIMON, Mr. LAUTENBERG, Mr. GRAHAM, Mr. BRYAN, Mr. PELL, Ms. MOSELEY-BRAUN, and Mr. KERRY):

S. 1595. A bill to repeal the emergency salvage timber sale program, and for other purposes; to the Committee on Energy and Natural Resources.

SUBMISSION OF CONCURRENT AND SENATE RESOLUTIONS

The following concurrent resolutions and Senate resolutions were read, and referred (or acted upon), as indicated:

By Mr. THOMAS (for himself, Mr. HELMS, Mr. MURKOWSKI, Mr. SIMON, and Mr. MACK):

S. Con. Res. 43. A concurrent resolution expressing the sense of the Congress regarding proposed missile tests by the People's Republic of China; to the Committee on Foreign Relations.

STATEMENTS ON INTRODUCED BILLS AND JOINT RESOLUTIONS

By Mr. McCAIN:

S. 1591. A bill to prohibit campaign expenditures for services of lobbyists, and for other purposes; to the Committee on Rules and Administration.

CAMPAIGN EXPENDITURES LEGISLATION

• Mr. McCAIN. Mr. President, recently the Congress was successful in passing legislation that would ban gifts from Members and staff and put a wall between lobbyists who seek to curry special favor by the giving of gifts. Unfortunately, recent news articles have exposed a loophole that some have sought to exploit. Specifically, some lobbyists have served as fundraisers for Members of Congress and sought to increase their influence by means of coordinating campaign contributions

Mr. President, this practice must stop. Registered lobbyists who work for campaigns as fundraisers clearly represent a conflict of interest. When a campaign employs an individual who also lobbies that Member, the perception of undue and unfair influence is raised. This legislation would stop such practices.

This bill would ban a candidate or a candidate's authorized committee from paying registered lobbyists. Additionally, the bill would mandate that any contributions made by a registered lobbyist be reported by such individual when he or she files his or her lobbying disclosure report as mandated by the Lobbying Disclosure Act.

Mr. President, this bill is not aimed at any individual, but instead at a practice that has come to light. It is also not meant in any way to impugn anyone's integrity or good name. But it does seek to end a practice that is giving the Congress as a whole a bad name.

These two small changes in law represent a substantial effort to close any loopholes that exist in our lobbying and gift laws. The Congress has begun to make great strides to restore the public's confidence in this institution. We must continue that good work.

Mr. President, I ask unanimous consent that the text of the bill be printed in the RECORD.

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

S. 1591

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. AMENDMENT OF FECA.

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

''(i) Notwithstanding any other provision of this Act, a candidate and the candidate's authorized committees shall not make disbursements for any services rendered by, any individual if such individual, was required to register as a lobbyist under the Lobbying Disclosure Act of 1995 (2 U.S.C. 1601 et seq.).''.

(b) REPORTING.—Section 304(b) of the Federal Election Campaign Act of 1971 (2 U.S.C. 434(b)) is amended—

(1) in paragraph (7), by striking ''and'' after the semicolon;

(2) in paragraph (8), by striking the period at the end and inserting ''; and''; and

(3) by adding at the end the following new paragraph:

''(9) for an authorized committee, an identification, including the name and address, of any lobbyist (as that term is defined in section 3 of the Lobbying Disclosure Act of 1995 (2 U.S.C. 1602)) who provided services to the authorized committee, regardless of whether disbursements were made for such services.''.

SEC. 2. AMENDMENT OF LOBBYING DISCLOSURE ACT OF 1995.

Section 5(b) of the Lobbying Disclosure Act of 1995 (2 U.S.C. 1604(b)) is amended—

(1) in paragraph (3), by striking ''and'' after the semicolon;

(2) in paragraph (4), by striking the period at the end and inserting ''; and''; and

(3) by adding at the end the following new paragraph:

''(5) the amount and date of each contribution by the registrant to a candidate, or an authorized committee (as that term is defined in section 301 of the Federal Election Campaign Act of 1971 (2 U.S.C. 431)) of a candidate, for the office of Senator or Representative in, or Delegate or Resident Commissioner to, the Congress.''.•

By Mr. LAUTENBERG (for himself, Ms. MOSELEY-BRAUN, Mrs, BOXER, Ms. SNOWE, Mr. SIMON, Mr. KERRY, and Mr. FEINGOLD):

S. 1592. A bill to strike the prohibition on the transmission of abortion-related matters, and for other purposes; to the Committee on the Judiciary.

THE COMSTOCK CLEAN-UP ACT OF 1996

• Mr. LAUTENBERG. Mr. President, on behalf of Senators SNOWE, MOSELEY-BRAUN, BOXER, FEINGOLD, KERRY, SIMON, and myself, today I am introducing legislation, the Comstock Clean-up Act, to repeal a law that prohibits the transmission of abortion-related information over the Internet and through the mail.

Mr. President, freedom of speech is among the most fundamental of democratic rights. Yet the recently-enacted telecommunications bill include a little-noticed provision that directly violates this basic principle.

The provision applies to the Internet an archaic law known as the Comstock Act. The Comstock Act prohibits the interstate transport of materials that provide information about abortion, or the interstate transport of drugs or devices that are used to perform abortions. These prohibitions were first enacted in 1873, and they have been on the books ever since. Under the law, first-time violators are subject to a fine of up to $250,000 and five years in prison.

Mr. President, these prohibitions almost certainly are unconstitutional. And, fortunately, President Clinton has said that his Justice Department will not enforce them.

Yet many users of the Internet are concerned, and understandably so. After all, Bill Clinton is a pro-choice President. But what if Pat Buchanan wins the Presidency? Or BOB DOLE? Zealous prosecutors in their administrations might well use the new law to harass people who are pro-choice, and to chill speech about abortion over the Internet.

In other words, if you distribute information about abortion over the Internet today, there's no assurance that you won't be prosecuted next year.

Mr. President, anyone prosecuted under this law almost certainly would be able to successfully challenge its constitutionality. Yet who wants to be the one innocent American who's forced to defend hereself against the power of the U.S. Government? The costs of defending oneself in a criminal case often are enormous. And many Internet users will be unwilling to risk being a test case. Current law therefore threatens to have a severe chilling effect on abortion-related speech.

Over the past few years, numerous pro-choice groups, such as the National Abortion and Reproductive Rights Action League and Planned Parenthood, have established home pages on the world wide web. These home pages provide important information about birth control, women's health, and abortion.

Women can also obtain information about clinics in their area over the Internet. Within the last month and a half alone, over 1,500 people have accessed such an Internet site. Under this new law, these 1,500 persons potentially could have been arrested, fiend up to $250,000, or sent to prison for five years.

Mr. President, this law adversely affects people on both sides of the abortion issue. Groups opposed to abortion are at risk when they mail information about abortion providers, just as are those who support abortion rights. All Americans should be able to freely discuss abortion-related matters, no matter how they might feel about this issue.

So this bill would repeal the prohibition against the interstate transportation of drugs and articles that produce abortions and the dissemination of abortion-related information across State lines. It also would repeal a prohibiton against mailing information about abortions, abortion providers and articles or drugs that produce abortions.

Mr. President, I hope my colleagues on both sides of the aisle and both sides of the abortion debate join me in support of this legislation and I ask unanimous consent that a copy of the bill, and related materials, be printed in the RECORD.

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

S. 1592

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the ''Comstock Clean-up Act of 1996''.

SEC. 2. IMPORTATION OR TRANSPORTATION OF CERTAIN ABORTION-RELATED MATTERS.

Section 1462 of title 18, United States Code, is amended by striking subsection (c).

SEC. 3. MAILING OF ABORTION-RELATED MATTERS.

Section 1461 of title 18, United States Code, is amended by striking ''; and—'' and all that follows through ''Is declared'' and inserting ''is declared''.

OFFICE OF THE ATTORNEY GENERAL,
Washington, DC., February 9, 1996.

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

DEAR MR. SPEAKER: On February 7, 1996, a lawsuit was filed challenging the constitutionality of a provision of 18 U.S.C. §1462, as amended by section 507(a)(1) of the Telecommunications Act of 1996. *Sanger, et al.* v. *Reno,* Civ. No. 96–0526 (E.D.N.Y.). Yesterday, a second lawsuit was filed, raising the same challenge to §1462 along with claims that several other provisions of the Telecommunications Act are unconstitutional. *American Civil Liberties Union, et al.* v. *Reno,* Civ. No. 96–963 (E.D. Pa.). This letter relates solely to the claims regarding §1462, as amended. Plaintiffs in both cases allege that §1462, as amended, violates the First Amendment insofar as it prohibits the interstate transmission of certain communications regarding abortion via common carrier or via an interactive computer service.

This is to inform you that the Department of Justice will not defend the constitutionality of the abortion-related speech provision of §1462 in those cases, in light of the Department's longstanding policy to decline to enforce the abortion-related speech prohibitions in §1462 (and in related statutes, i.e., 18 U.S.C. §1461 and 39 U.S.C. §3001) because they are unconstitutional under the First Amendment.

In 1981, Attorney General Civiletti informed the Speaker of the House and the President of the Senate that it was the policy of the Department of Justice to refrain from enforcing similar speech prohibitions in two cognate statutes—39 U.S.C. §3001 and 18 U.S.C. §1461—with respect to ''cases of truthful and non-deceptive documents containing information on how to obtain a lawful abortion.'' Letter to Attorney General Benjamin R. Civiletti to the Hon. Thomas P. O'Neill, Jr., at 2 (Jan. 13, 1981). According to the Attorney General, there was ''no doubt'' that those statutes were unconstitutional as applied to such speech. Id. at 1. The Attorney General left open the possibility that the two statutes might still be applied to certain abortion-related commercial speech. Id. at 3. Two years later, the Supreme Court held that §3001 cannot constitutionally be applied to commercial speech concerning contraception, at least not where the speech in question is truthful and not misleading. *Bolger* v. *Youngs Drug products Corp.,* 463 U.S. 60 (1983). The holding in *Bolger* would apply equally with respect to abortion-related commercial speech. *See Bigelow* v. *Virginia,* 421 U.S. 809 (1975).

Section 1462 is subject to the same constitutional defect as §§1461 and 3001 with respect to its application to abortion-related speech and information.[1] As a result of the Department's conclusion that prosecution of abortion-related speech under §1462 and related statutes would violate the First Amendment, the Department's longstanding policy has been to decline to enforce those statutes with respect to that speech. What is more, we are not aware of any reported decision reflecting a prosecution of abortion-related speech under §1462.

Nothing in the Telecommunications Act provides any reason to alter the Department of Justice's nonenforcement policy. In his signing statement yesterday, the President stated:

> I . . . object to the provision in the Act concerning the transmittal of abortion-related speech and information. Current law, 18 U.S.C. 1462, prohibits transmittal of this information by certain means, and the Act would extend that law to cover transmittal by interactive computer services. The Department of Justice has advised me of its longstanding policy that this and related abortion provisions in current law are unconstitutional and will not be enforced because they violate the First Amendment. The Department has reviewed this provision of S. 652 and advises me that it provides no basis for altering that policy. Therefore, the Department will continue to decline to enforce that provision of current law, amended by this legislation, as applied to abortion-related speech.

The principal function of §1462 is to prohibit the interstate carriage of ''obscene, lewd, lascivious, . . . filthy . . . [and] indecent'' materials. See §1462(a). The Supreme Court has construed this prohibition to be limited to materials that meet the test of ''obscenity'' announced in *Miller* v. *California,* 413 U.S. 15 (1973).[2] Congress's express purpose in enacting the amendment to §1462 in Telecommunications Act §507 was to ''clarify[]'' that obscene materials cannot be transmitted interstate via interactive computer services.[3] In this respect, §1462 and its amendment in §507 are constitutionally unobjectionable, and the Department will continue to enforce §1462 with respect to the transmittal of obscenity.

However, §1462 also prohibits the interstate transmission of certain communications regarding abortion. As amended by §507 of the Telecommunications Act, §1462 provides, in pertinent part, that it shall be a felony to:

> knowingly use[] any express company or other common carrier or interactive computer service. . . for carriage in interstate or foreign commerce [of]. . .
>
> (c) any . . . written or printed card, letter, circular, book, pamphlet, advertisement, or notice of any kind giving information, directly or indirectly, where, how, or of whom, or by what means any [drug, medicine, article, or thing designed, adapted, or intended for producing abortion] may be obtained or made.

Thus, on its face, §1462 prohibits the use of an interactive computer service for ''carriage in interstate . . . commerce'' of any information concerning ''any drug, medicine, article, or thing designed, adapted, or intended for producing abortion.''[4]

It plainly would be unconstitutional to enforce §1462 with respect to speech or information concerning abortion, because the restriction on abortion-related speech is impermissibly content-based. This conclusion is confirmed by the judicial and Executive Branch treatment of similar prohibitions on speech concerning abortion and contraception, contained in two cognate statutes, 39 U.S.C. §3001 and 18 U.S.C. §1461. Section 3001 provides that abortion and contraception-related speech is ''nonmailable''; and §1461 makes such mailing subject to criminal sanctions. In 1972, a district court declared that §3001 was unconstitutional insofar as it rendered abortion-related speech ''nonmailable.'' *Atlanta Coop. News Project* v. *United States Postal Serv.,* 350 F. Supp. 234, 238–39 (N.D. Ga. 1972).[5] The next year, another district court declared both §3001 and §1461 unconstitutional as applied to noncommercial

speech concerning abortion and contraception. *Associated Students for Univ. of California at Riverside* v. *Attorney General,* 368 F.Supp. 11, 21–24 (C.D. Calif. 1973). As the Attorney General later explained to the Congress, the Solicitor General declined to appeal the decisions in *Atlanta Coop. News Project* and *Associated Students* ''on the ground that 18 U.S.C. §1461 and 39 U.S.C. §3001(e) were constitutionally indefensible'' as applied to abortion-related speech. See Letter of Attorney General Benjamin R. Civiletti to the Hon. Thomas P. O'Neill, Jr., at 2 (Jan. 13, 1981). And, as explained above, in 1981 the Attorney General informed the Congress that the Department of Justice would decline to enforce §§1461 and 3001 in cases of truthful and non-deceptive documents containing information on how to obtain a lawful abortion.

Nothing in recent Supreme Court law respecting the First Amendment has affected the conclusions reached by the district courts in *Atlanta Coop. News Project* and *Associated Students,* the 1981 opinion of Attorney General Civiletti, or the Supreme Court's decision in *Bolger.* Indeed, the Supreme Court on several recent occasions has strongly reaffirmed the principle that the First Amendment, subject only to narrow and well-understood exceptions not applicable here, ''does not countenance governmental control over the content of messages expressed by private individuals.'' *Turner Broadcasting System, Inc.* v. *FCC,* 114 S. Ct. 2445, 2458–59 (1994) (citing *R.A.V.* v. *City of St. Paul,* 505 U.S. 377 (1992); *Texas* v. *Johnson,* 491 U.S. 397 (1989)).

In the *Sanger* case, Judge Sifton yesterday denied plaintiffs' motion for a temporary restraining order after the United States Attorney represented that the Department's policy is to decline to enforce the pertinent provision of §1462. Judge Sifton further ruled that a three-judge court hearing on any dispositive motions will be convened next month, after briefing. In the *ACLU* case before Judge Buckwalter, the Government is due to respond to a motion for a TRO on February 14, 1996. In accordance with the practice of the Department, I am informing the Congress that in neither case will the Department of Justice defend the constitutionality of the provision of §1462 that prohibits speech concerning abortion.

Sincerely,

JANET RENO.

FOOTNOTES

[1] The only material difference between §1462 and the cognate prohibitions in §§1461 and 3001 is that §1462 regulates interstate ''carriage'' of information by common carrier, rather than dissemination of that information through the mail. This distinction is not material to the constitutional issue in this context.

[2] *See Hamling* v. *United States,* 418 U.S. 87, 114 (1974); *United States* v. *Orito,* 413 U.S. 139, 145 (1973), *United States* v. *12 200-Ft. Reels of Super 8mm Film,* 413 U.S. 123, 130 n.7 (1973).

[3] The Conference Committee on the Telecommunications Act noted that §507 is intended to address the use of computers to sell or distribute ''obscene'' material. Joint Explanatory Statement of the Committee of Conference at 77, reprinted in 142 Cong. Rec. H1130 (daily ed. Jan. 31, 1996).

[4] The Conference Committee Report on the Telecommunications Act explicitly notes that the prohibitions in §1462 apply regardless of whether the purpose for distributing the material in question is commercial or non-commercial in nature. Joint Explanatory Statement of the Committee of Conference at 77, reprinted in 142 Cong. Rec. H1130 (daily ed. Jan. 31, 1996).

[5] That court did not reach the merits of the challenge to the criminal prohibition in §1461 because the plaintiffs in that case were not threatened with prosecution. Id. at 239.

NARAL PROMOTING REPRODUCTIVE CHOICES,
Washington, DC, March 6, 1996.

Hon. FRANK LAUTENBERG,
U.S. Senate,
Washington, DC.

DEAR SENATOR LAUTENBERG. I am writing to lend NARAL's strong support to legislation your introducing today which seeks to delete the ban on abortion-related speech from the 1873 Comstock Law governing the importation or transportation of obscene matters. A little noticed provision in the recently passed 1996 Telecommunications Act resurrects and expands the 123 year old law, making it a federal crime to use interactive computer systems to provide or receive information about abortion.

As an organization committed to ensuring that American women have access to all information relating to reproductive health care services, we and other pro-choice organizations have filed a lawsuit in U.S. District Court in New York to block this criminal ban on abortion related speech on the Internet.

Millions of Americans use the Internet to communicate with other Americans and to read information on a wide range of topics. The Internet provides an unprecedented opportunity to provide critical information about women's reproductive rights and health. Without swift passage of your legislation, millions of American women could lose access to vital information they need to make informed, responsible decisions about their reproductive health. I applaud your efforts to remove this anachronistic ban on abortion-related speech and your commitment to ensuring that American women have access to vital reproductive health care information.

Sincerely,

KATE MICHELMAN,
President.

THE CENTER FOR REPRODUCTIVE LAW AND POLICY,
New York, NY, March 5, 1996.

Hon. FRANK LAUTENBERG,
Senate Hart Office Building,
Washington, DC.

DEAR SENATOR LAUTENBERG: On behalf of the Center for Reproductive Law and Policy (CRLP), I am writing to support your effort to repeal the ban on abortion information on the Internet found in 18 U.S.C. 1462(c). CRLP, an independent non-profit legal organization dedicated to preserving and ensuring women's access to reproductive health and rights, represents the plaintiffs in *Sanger v. Reno,* a federal case challenging this ban.

18 U.S.C. §1462(c) is an affront to the First Amendment rights of our plaintiffs, as well as all reproductive health care professionals, women's civil rights activists, students, and particularly women seeking information in order to make comprehensive reproductive health care decisions. 18 U.S.C. 1462(c)'s ban on abortion information on the Internet is broad enough to encompass a wide range of activities, including advertisement of abortions services; transmission of chemical formulas for drugs that can be used to induce abortion; purchase or sale of medical equipment used in abortion procedures; and computer bulletin boards or World Wide Web sites that tell women where they can obtain abortions.

While anti-choice forces promote coercive so-called ''informed consent'' laws requiring health care professionals to recite a litany of unwanted and misleading information to women seeking abortions, they simultaneously enact provisions such as 18 U.S.C. §1462(c) which deny women access to real health care information about abortion.

18 U.S.C. §1462(c) must be repealed. Not only does it threaten the First Amendment, jeopardize free flow of medical information, and exclude issues critical to women from new communications technology, it also reflects a broader agenda to drive abortion underground by characterizing this health care as an illicit procedure.

For these reasons, we applaud your efforts to repeal §1462(c) as a necessary step toward safeguarding women's health and providing women the information they need to make thoughtful and responsible health care decisions.

Sincerely,

KATHRYN KOLBERT.

PLANNED PARENTHOOD OF NEW YORK CITY, INC.,
New York, NY, February 27, 1996.

Hon. FRANK R. LAUTENBERG,
U.S. Senate, Senate Hart Office Building, Washington, DC.

DEAR SENATOR LAUTENBERG: We thank you for introducing critical legislation to repeal the ''abortion gag rule'' portion of the Telecommunications Act.

We are gratified that pro-choice leaders like you are battling this misguided attempt to turn back the clock 80 years—to 1916, when the Comstock Law was used to jail my grandmother and Planned Parenthood founder Margaret Sanger. It is shocking to realize that I, too, could be jailed for violating the same law, having published on the Internet our brochure ''How to Find A Safe Abortion Clinic.'' At times like these it is reassuring to know that we can count on some voices of reason in Congress: those who understand that the freedom to speak about sexual and reproductive health issues, including information on safe abortion services are rights protected by our Constitution.

Planned Parenthood of New York City deeply appreciates your courageous stance to protect and advance the rights of all Americans. We stand ready to help you in any way we can, and hope you will call on us to do so.

Sincerely,

ALEXANDER C. SANGER,
President.

CALIFORNIA ABORTION AND REPRODUCTIVE RIGHTS ACTION LEAGUE,
San Francisco, CA, February 26, 1996.

SENATOR FRANK LAUTENBERG,
Hart Office Building,
Washington, DC.

DEAR SENATOR LAUTENBERG: On behalf of the California Abortion and Reproductive Rights League-North (CARAL-North), I am writing in support of legislative efforts to amend the Comstock Act, 18 U.S.C. 1462, by striking subsection (c) dealing with the transportation of certain abortion-related matters.

CARAL-North is one of the plaintiffs in *Sanger* v. *Reno,* the lawsuit challenging recently enacted restrictions on the dissemination of information and material about abortion. CARLA-North maintains a site on the World Wide Web and uses the Internet to provide information about abortion and reproductive rights—activities proscribed under the Comstock Act as amended by the telecommunications bill recently passed by Congress and signed into law by President Clinton.

CARAL-North believes that the protection of women's health and women's rights requires the greatest possible availability of information about where, when and how women can obtain safe and legal abortions. Legislation like 18 U.S.C. 1462(c)—which restricts or prohibits the spread of such information and the transport of materials used

in performing legal, accepted medical procedures—has no place in this society.

CARAL-North commends your work to protect women's rights and health by removing this barrier to reproductive health, and thanks you.

Sincerely,

ANN G. DANIELS,
Executive Director.

THE FEMINIST MAJORITY,
Arlington, VA, March 5, 1996.

Hon. FRANK LAUTENBERG,
U.S. Senate, 506 Hart Senate Office Building, Washington, DC.

DEAR SENATOR LAUTENBERG: On behalf of the Feminist Majority, I am writing to support your effort to repeal the ban on abortion information on the Internet found in 18 U.S.C. 1462(c). The Feminist Majority is one of the plaintiffs in the *Sanger* v. *Reno* case, a federal case challenging this ban.

Use of 18 U.S.C. 1462(c) is an affront to the First Amendment rights of the Feminist Majority and the other plaintiffs, as well as all reproductive health care professionals, women's civil rights activists, students, and particularly women seeking information in order to make comprehensive reproductive health care decisions. 18 U.S.C. 1462(c) is broad enough to encompass a wide range of activities, including advertisement of abortion services over the Internet; Internet transmission of chemical formulas for drugs that can be used to induce abortion; purchase or sale of medical equipment used in abortion procedures over the Internet; and computer bulletin boards or World Wide Web sites that tell women where they can obtain abortions.

While anti-choice forces promote coercive so-called ''informed consent'' laws requiring health care professionals to recite a litany of unwanted and misleading information to women seeking abortions, they simultaneously promote provisions such as 18 U.S.C. 1462(c) which deny women access to real health care information about abortion. The ban must be repealed not only because it threatens the First Amendment, jeopardizes the free flow of medical information, and excludes issues critical to women from new communications technology, but also because it is part of a broader agenda to drive abortion underground by characterizing this health care as an illicit procedure.

For these reasons, we applaud your efforts to repeal Section 1462(c) with the Freedom to Choose Internet Information Act of 1996 as a necessary step toward safeguarding women's health and providing women the information they need to make thoughtful and responsible health care decisions. Thank you for your courage in undertaking this repeal effort.

Sincerely,

ELEANOR SMEAL,
President.●

By Mr. SPECTER (for himself and Mr. KERREY):

S. 1593. A bill to amend the National Security Act of 1947 to provide for the appointment of two Deputy Directors of Central Intelligence, to strengthen the authority of the Director of Central Intelligence over elements of the Intelligence Community, and for other purposes; to the Select Committee on Intelligence.

THE INTELLIGENCE ORGANIZATION ACT OF 1996

Mr. SPECTER. Mr. President, I seek recognition, reasonably briefly, to introduce legislation proposed by the Brown Commission on the reorganization of the U.S. intelligence community.

The Brown Commission, which filed its report last Friday, March 1, today testified before the Senate Intelligence Committee, which I chair, and, as a courtesy, Senator KERREY, the distinguished vice chairman of the committee, and I are introducing their legislative package.

The Brown Commission came to some very important conclusions, many of which I agree with, some of which I do not agree with.

I think they made an important statement on the need for continuing U.S. intelligence activities because there are still many dangers in the world, notwithstanding the demise of the Soviet Union. They have taken a step to eliminate secrecy by their recommendation on the disclosure of the total Intelligence Committee budget, a position adopted on the floor of this body several years ago but overturned in conference. The suggestion, I think, is very, very important as a start on declassification. My sense has been, in so many documents that crossed my desk as chairman of the Intelligence Committee, many are classified that need not be classified. As we have seen from the recent slush fund in the NRO, the National Reconnaissance Office, there is a need for public scrutiny, investigative reporting, so we have a better idea as to what is going on in the intelligence community. Where there is a need for secrecy—and I think the presumption ought to be in favor of secrecy, but it ought not to be absolute—if there is a need for secrecy, then let us maintain that secrecy, but let us not do so as a matter of rote, only as a matter of reason.

The Brown Commission came to the conclusion that the Director of Central Intelligence needs to have his or her hand strengthened. Senator KERREY and I agree with that. But there is considerable feeling on the Intelligence Committee that we need to go further on that particular line.

When the Brown Commission says that an enormous amount of intelligence community work ought to stay in the Department of Defense, I have grave reservations about that. It is true that the Department of Defense is the customer and the Department of Defense provides a great deal of the resources. But, if you have agencies like NRO, NSA, and so much of HUMINT—human intelligence—remaining under the Department of Defense, it does not give the Director of the Central Intelligence Agency the authority that he needs to really be able to operate.

One of the very serious problems in the intelligence community today is an attitudinal problem. We saw that in the Aldrich Ames matter. We have seen it in the investigation on Guatemala, where, in a hearing, one of our Members, Senator COHEN, was very blunt in an open hearing saying that the CIA had lied in withholding information from the oversight committee.

Testimony was taken by the committee from a veteran of the CIA on the issue of Soviet domination in sending tainted material back to the CIA, which the CIA had known to be tainted, controlled by Soviet sources, and yet that information was passed on to the highest levels, one key bit of information going to the White House in January of 1993 for both the President and the President-elect.

When questioned by the Intelligence Committee, this ranking, ex-CIA official said, ''Well, we pass it on. We know better than the customers. If we told them it was tainted, they wouldn't use it.'' Really, an incomprehensible sort of a situation.

I think Director Deutch has done a very good job in his few months at the CIA. He faces a very, very difficult situation. When he concurred in testimony before the commission as to a Guatemala incident, that there had been willful failure to disclose, he later changed that view in a letter to the Intelligence Committee a few days later, showing the difficulties of being the Director of the CIA compared with a more independent role or at least a different role than the Senate Intelligence Committee has.

We also heard testimony today from former Senator, former majority leader Howard Baker of a very important nature, including Senator Baker's recommendation that there be a combination of the Senate and the House Intelligence Committees, a recommendation that at least preliminarily I agree with. We will have to pursue it and have hearings. But it is more than worth considering. It is something that really is an idea whose time, probably, has come. I am just limiting the final decision until we do have a hearing process and collaborate with our counterparts in the House of Representatives.

Mr. President, to reiterate, today Senator ROBERT KERREY and I are introducing legislation as a courtesy to the Commission on the Roles and Capabilities of the United States Intelligence Community. In August 1994, the Senate adopted a provision establishing this Commission to ''review the efficacy and appropriateness of the activities of the United States Intelligence Community in the post-cold-war global environment.'' On March 1, 1996, the Commission submitted its report, entitled ''Preparing for the 21st Century, An Appraisal of U.S. Intelligence.'' In addition, the Commission submitted proposed legislation to implement some of its proposals. We are introducing the Commission's proposed legislative package today at their request. It is our hope that other Members of the Senate and the public at large can participate fully in the upcoming debate on this important issue. Moreover, the Senate Select Committee on Intelligence intends to use this legislation, and other Commission recommendations, as a basis for additional proposals of the committee.

The legislation proposed by the Commission would make a number of

changes in the way the intelligence community is organized and managed. First, it replaces the current Deputy Director of Intelligence with two new Deputies: one to manage the community and one to manage the Central Intelligence Agency. In addition, it amends the National Security Act to require DCI concurrence with respect to the appointment by the Secretary of Defense of the heads of the National Security Agency [NSA], the Central Imagery Office [CIO], and the National Reconnaissance Office [NRO]. In addition, its requires consultation with the DCI by the Secretaries of Defense, State, and Energy, as well as the Director of FBI, before the appointment of the heads of the intelligence elements within these agencies. This bill also mandates that the DCI provide to the Secretary of Defense an evaluation of the performance of the heads of NSA, NRO and the proposed National Imagery and Mapping Agency. The Commission's legislation also replaces the National Intelligence Council with a National Assessments Center that would remain under the purview of the DCI but would be located outside the CIA to take advantage of a broader range of information and expertise.

The most extensive aspect of this legislation is that which addresses personnel issues. The Commission is proposing new legislative authority for the most severely affected intelligence agencies, for 1 year, to ''rightsize'' their work forces to the needs of their organization. Agencies wishing to downsize by at least 10 percent over and above the current congressionally mandated levels would identify positions to be eliminated ''in order to achieve more effectively and efficiently the mission of the agencies concerned.'' The incumbents of such positions, if close to retirement, would be allowed to retire with accelerated eligibility. If not close to retirement, they would be provided generous pay and benefits to leave the service of the agency concerned, or, with the concurrence of the agency affected, exchange positions with an employee not in a position identified for elimination who was close to retirement and would be allowed to leave under the accelerated retirement provisions. This bill also creates a single ''senior executive service'' for the intelligence community under the overall management of the DCI.

The Commission did an excellent job identifying the key issues and the Vice Chairman and I agree with some of their recommendations, particularly regarding institutional mechanisms for getting the policymakers more involved in identifying and prioritizing their information needs and for addressing transnational threats, ways to improve intelligence analysis, and the need to enhance accountability and oversight—to include declassifying the aggregate amount appropriated for the intelligence budget. The committee also will consider the Commission's recommendation to make the Select Committee on Intelligence a standing committee. However, I believe that the Commission did not go far enough in some areas.

The changes brought about by the collapse of the Soviet Union have dramatic implications for U.S. intelligence efforts. The demands for rapid responses to diverse threats in a rapidly changing world necessitate a steamlined intelligence community and a DCI with clear lines of authority. This is lacking in the intelligence bureaucracy that emerged during the bipolar world of the cold war.

As the Commission noted: ''The Intelligence Community * * * has evolved over nearly 50 years and now amounts to a confederation of separate agencies and activities with distinctly different histories, missions, and lines of command.'' Recognizing the pitfalls of decentralized intelligence—less attention devoted to non-Defense requirements, waste and duplication, the absence of objective evaluation of performance and ability to correct shortcomings, and loss of synergy—the Commission supported centralized management of the intelligence community by the DCI. The Commission concluded, however, that the DCI has all the authority needed to accomplish this objective of centralized management, if only he spent less time on CIA matters and had the budget presented to him in a clearer fashion.

It is my sense that the current disincentives for intelligence to operate as a community, reduce unnecessary waste and duplication, and become more effective and efficient in meeting the Nation's needs can only be overcome by enhancing the DCI's statutory authority over the budget and administration of all nontactical intelligence activities and programs. A key issue for congressional oversight of the intelligence community is accountability. It has become increasingly clear that a single manager, the DCI, must be accountable for the success or failure of the intelligence community. Therefore, the DCI must be given the authorities he needs to carry out this responsibility.

For example, the Commission recommends that the DCI concur in the appointment or recommendation of the heads of national intelligence elements within the Department of Defense, and be consulted with respect to the appointment of other senior officials within the intelligence community. We believe the DCI should recommend the appointment of all national agency heads, with concurrence from the heads of the parent organizations. Along these lines, the heads of the major collection agencies should be confirmed to that position; today they are confirmed only with respect to their promotion to the rank designated for each position.

The Commission noted in its report: ''The annual budgets for U.S. intelligence organizations constitute one of the principal vehicles for managing intelligence activities, * * *. How effectively and efficiently the intelligence community operates is to a large degree a function of how these budgets are put together and how they are approved and implemented.'' I agree with this assessment and conclude that the DCI must have ultimate control over the formulation and execution of these budgets if he or she is to effectively manage the intelligence community.

The Select Committee on Intelligence will consider these and other alternative proposals over the upcoming weeks as we move toward mark-up of legislation to renew and reform the U.S. intelligence community to meet the challenges of our changing world.

Mr. KERREY. Mr. President, I rise today to join with Chairman SPECTER to introduce legislation. We are embarking on a course to change the U.S. intelligence community, and this legislation is the chart upon which we will be marking that course.

Over a year ago, Congress created a Presidential commission to evaluate the intelligence community's ability to respond to a rapidly changing world. Sadly, the commission's first chairman, the Honorable Les Aspin, passed away after he had ably established the Commission and they had started their work. We owe many debts of gratitude to Les Aspin, and this legislation is one more example of the fine work he did in the service of his country.

Chairman HAROLD BROWN and our former colleague, Vice Chairman Warren Rudman, quickly took the helm, and the Commission embarked on almost a year's evaluation of the U.S. Government's intelligence needs and the intelligence community's ability to meet those needs. We are especially grateful to our able colleagues, Senator JOHN WARNER and Senator JIM EXON, who played important and active roles in the Commission's work. Their broad base of experience coupled with the other Commission members' outstanding credentials permitted a wide variety of views and ideas to come together. There are no assumptions here. They looked wide and deep. They interviewed over 200 experts and received formal testimony from 84 witnesses. It was a remarkable effort which has produced a significant report. I do not concur with all their recommendations, and there are some areas in which they do not go as far as I would. I look on their report as a solid base upon which Congress and the administration can build.

For me, one of the most important results of their evaluation is their reaffirmation of the need for intelligence. Intelligence contributes heavily to most of our national decisions about foreign policy, law enforcement, and military matters. I am convinced intelligence is the edge we must have in the face of stiff global competition for leadership, and as our Government fulfills its responsibility to protect Americans in an increasingly dangerous world. The Brown Commission clearly explains why this is so.

The Brown Commission recognized the world today is very different from the world which existed while the Intelligence Community was growing up. Confronted with the overwhelming military threat of the Soviet Union, the intelligence community responded by organizing itself to examine every part of that military threat as best as it could. While some critics argue that the intelligence community missed the big ones—the fall of the Berlin Wall, the collapse of the Soviet economy—there is no question the United States was ably informed on the Soviet Union's military threat. But that threat, while still capable of attacking us, is receding.

Today, the threats, facing the United States do not initially present themselves as military threats—although if we fail to recognize them in time, we have to deploy our military when nothing else works. The erosion of nation-state power in many places, the rise of transnational movements and global crime, and the fierce economic competition we face, have together created a new set of threats that are not military soluble.

Insight and predictive analysis is as important in charting the American course in this new world as it was in the old world of superpower military confrontation. We must make sure the intelligence community is optimally organized for this new world. That is why I urge consideration of the Brown Commission report, and why the Intelligence Committee will take up these and other reform proposals in the months ahead.

The Brown Commission establishes three recurring themes about intelligence: The need to better integrate intelligence into the policy community; the need for intelligence agencies to operate as a community; the need to create greater efficiency. These themes are clearly discernible and they also are quite consistent with a large segment of the public's view on intelligence: Something is wrong. If everything was all right, we wouldn't have a heinous spy like Aldrich Ames; we wouldn't have missed the fall of the wall or the collapse of the Soviet Union; we wouldn't have a palace for an NRO headquarters building; we wouldn't have unspent billions of NRO dollars sitting around unused and waiting for a rainy day. I agree that we need to better integrate intelligence with policy, enhance the effectiveness of the community and improve its efficiency. The time for reorganization is upon us.

The Brown Commission has made many important recommendations that address each of these themes. The Intelligence Committee will evaluate them closely. But I have already concluded that in some areas the Commission did not go far enough to ensure intelligence is integrated, effective, and efficient in a world continuing to evolve. In my view, the authorities of the Director of Central Intelligence need to be strengthened beyond what the Commission recommended, and the many agencies of the Intelligence Community need to be pulled into a closer relationship. There is no other way to make sure both the national and military customer get what they need, and there is also no other way to wring redundancy and excess cost out of the system.

I do not want leave the impression that U.S. intelligence is broken. Something is wrong, but the Nation is well-served by the men and women of the intelligence agencies serving around the world. Their patriotism and technical competence is unquestioned. Moreover, the director of Central Intelligence, John Deutch, has brought outstanding leadership to the community. Working closely with Secretary Perry, he already has set a new course for intelligence. The corporate culture which allowed an Aldrich Ames to continue is being dismembered. Congressional notification of significant intelligence activities has never been more prompt and complete. We need to institutionalize these changes and the superb cooperative relationship that exists between Director Deutch and Secretary Perry. Intelligence must and will serve all of its customers with timely, comprehensive, and hard-hitting analysis. The Brown Commission's recommendations have provided us with the basis to make this happen.

In conclusion, I want to thank Chairman SPECTER for his leadership on this issue. His close attention to the challenges facing the intelligence community and their solutions has created an environment where the committee can draft this legislation in a thoughtful, informed environment.

By Mr. BRADLEY (for himself, Mr. LEAHY, Mr. SIMON, Mr. LAUTENBERG, Mr. GRAHAM, Mr. BRYAN, Mr. PELL, Ms. MOSELEY-BRAUN, and Mr. KERRY):

S. 1595. A bill to repeal the emergency salvage timber sale program, and for other purposes; to the Committee on Energy and Natural Resources.

THE RESTORATION OF NATURAL RESOURCES LAWS ON THE PUBLIC LANDS ACT OF 1996

• Mr. BRADLEY. Mr. President, today I am introducing legislation to repeal the emergency salvage timber provisions that Congress enacted as part of last year's rescissions bill. I believe that the salvage rider is one of the biggest mistakes that Congress has made in natural resource management in the last 25 years. We need to admit our error and correct it as soon as possible with new legislation.

Both consciously and unwittingly, last Spring this body endorsed a program of logging without laws which undermines environmental protections for precious resources and has slight economic justification. Even worse, we passed the original rider with little understanding of its potential impact, without holding hearings, and based on an ''emergency'' that may not exist.

Members thought they were voting to remove dead and dying trees from our national forests in order to protect forest health and capture the remaining value of trees which had been damaged in a series of devastating forest fires. However, the rationale on which the rider was based, deteriorating forest health conditions, the rationale on which the rider was based, is supported by very little data. We lack even basic information to justify cutting trees on the scale endorsed by the rider and under conditions which effectively suspend environmental laws, and terminate almost all avenues for administrative and judicial appeal.

Members were surprised to find that the courts have interpreted the law to mandate the cutting of some of America's most valuable trees, including the healthy, old growth forests of western Oregon and Washington which have been off-limits to timber sales for years due to environmental concerns. These forests support a rich mix of fish and wildlife, from endangered bird species to commercially important salmon and are valuable as well for their own beauty and uniqueness. Yet under the rider these majestic trees might be sold at bargain prices under outdated contracts and using outdated environmental terms.

This is not just an issue for the Northwest. The rider also requires that the Forest Service offer salvage sales in all regions of the country including sales that would otherwise be rejected for legitimate environmental reasons. Although agencies such as the National Marine Fisheries Service, Fish and Wildlife Service and the Environmental Protection Agency have objected to many of these sales, courts have held that they must go forward, no matter how devastating, because they are required by the letter of the law.

In addition, the rider undermines President Clinton's consensus Northwest forest plan which took many months to produce and gave some hope for settling the region's longstanding timber wars. Instead, under the rider, the timber wars have resumed at full force.

Now we have a chance to reverse the mistakes we made last year and take a more measured approach to timber salvage sales. First, my bill returns forestry law to where it was before the rider was passed. Trees can still be cut but environmental laws must be obeyed. I believe it is appropriate to completely repeal the salvage rider, not just modify it around the edges and invite further confusion from the courts.

Second, my bill calls for a study of the forest health issue by the National Academy of Sciences and the General Accounting Office in order to determine the extent of the problem and how it can best be addressed, both financially and ecologically.

I urge my colleagues to join me in reversing last year's mistake. It is time

to restore lawful logging on our national forests.

I ask unanimous consent that a copy of the bill be printed in the RECORD.

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

S. 1595

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the ''Restoration of Natural Resources Laws on the Public Lands Act of 1996''.

SEC. 2. REPEAL OF EMERGENCY SALVAGE TIMBER SALE PROGRAM.

(a) DEFINITION OF SECRETARY CONCERNED.—In this section, the term ''Secretary concerned'' means—

(1) the Secretary of Agriculture, with respect to an activity involving land in the National Forest System; and

(2) the Secretary of the Interior, with respect to an activity involving land under the jurisdiction of the Bureau of Land Management.

(b) REPEAL.—Section 2001 of Public Law 104–19 (109 Stat. 240; 16 U.S.C. 1611 note) is repealed.

(c) SUSPENSION.—

(1) IN GENERAL.—Notwithstanding any outstanding judicial order or administrative decision interpreting section 2001 of Public Law 104–19 (109 Stat. 240; 16 U.S.C. 1611 note) (as in existence prior to the date of enactment of this Act), the Secretary of Agriculture and the Secretary of the Interior shall suspend each activity that was being undertaken in whole or in part under the authority provided in the section, unless the Secretary concerned determines that the activity would have been undertaken even in the absence of the subsection.

(2) RESUMPTION OF AN ACTIVITY.—The Secretary concerned may not resume an activity suspended under paragraph (1) until the Secretary concerned determines that the activity (including any modification after the date of enactment of this Act) complies with environmental and natural resource laws.

SEC. 3. STUDIES.

(a) PURPOSE.—The purpose of this section is to provide factual information useful to the President and Congress in setting funding and operational levels for the public forests in order to ensure that the public forests are operated so that the health of forest resources is secured with ecological and financial effectiveness.

(b) NATURE AND EXTENT OF THE SITUATION.—

(1) IN GENERAL.—The Secretary of Agriculture, through the research branch of the Forest Service, shall undertake a study to report on the nature and extent of the forest health situation in the National Forest System.

(2) NATURE.—The nature of forest health shall be categorized into types of situations, including—

(A) overstocked stands of unmerchantable-size trees;

(B) stands with excessive fuel loads;

(C) mixed conifer stands with an inappropriate mix of tree species; and

(D) combinations of the situations described in subparagraphs (A) through (C).

(3) EXTENT.—The extent of forest health shall include acreage estimates of each situation type and shall distinguish variations in severity.

(4) REPRESENTATIVE SAMPLE MEASUREMENTS.—If feasible, the Secretary shall use representative sample measurements with a specified degree of confidence in extending the measurements to the whole population.

(5) PRESENTATION.—The report shall present data at the national forest or a comparable level and shall be displayed geographically and tabularly.

(6) REVIEW.—The report shall be properly reviewed by the scientific community prior to transmission under paragraph (7).

(7) TRANSMISSION.—The report shall be transmitted to Congress not later than 1 year after the date of enactment of this Act.

(c) ECOLOGICAL EFFICACY OF ACTIVITIES.—

(1) IN GENERAL.—Not later than 90 days after the date of enactment of this Act, the Secretary of Agriculture shall enter into a contract with the National Academy of Sciences for the purpose of conducting a study of the ecological and forest health consequences of various activities intended, at least in part, to improve forest health.

(2) ACTIVITIES EXAMINED.—The activities examined under paragraph (1) shall include—

(A) site preparation for reforestation, artificial reforestation, natural regeneration, stand release, precommercial thinning, fertilization, other stand improvement activities, salvage harvesting, and brush disposal;

(B) historical as well as recent examples and a variety of conditions in ecological regions; and

(C) a comparison of various activities within a watershed, including activities conducted by other Federal land management agencies.

(3) TRANSMISSION.—The report shall be transmitted to the Chief of the Forest Service and to Congress not later than 2 years after the date of enactment of this Act.

(d) ECONOMIC EFFICACY OF ACTIVITIES.—

(1) IN GENERAL.—The Comptroller General of the United States, through the General Accounting Office, shall conduct a study of the Federal, State, and local fiscal and other economic consequences of activities intended, at least in part, to improve forest health.

(2) COORDINATION.—The study conducted under this subsection shall be coordinated with the study conducted under subsection (c)—

(A) to ensure that the same groups of activities in the same geographic area are examined; and

(B) to develop historic as well as recent effects that illustrate financial and economic trends.

(3) FEDERAL FISCAL EFFECTS.—In assessing the Federal fiscal effects, the Comptroller General shall distinguish the net effects on the Treasury of the United States from changes in the balances in the various special accounts and trust funds, including appropriated funds used to conduct the planning, execution, sale administration, support from other programs, regeneration, site restoration, agency overhead, and payments in lieu of taxes associated with timber cutting.

(4) TRANSMISSION.—The study shall be transmitted to the Chief of the Forest Service and to Congress not later than 2 years after the date of enactment of this Act.

(e) IMPROVEMENT OF ACTIVITIES.—In response to the findings of the National Academy of Sciences and the Comptroller General under subsections (c) and (d), the Chief of the Forest Service shall assess opportunities for improvement of, and progress in improving, the ecological, economic, and fiscal consequences and efficacy for each national forest.

(f) FOREST SERVICE STUDY.—

(1) IN GENERAL.—The Chief of the Forest Service shall conduct a study of alternative systems for administering forest health-related activities, including, modification of special account and trust fund management and reporting, land management service contracting, and government logging.

(2) SIMILARITIES AND DIFFERENCES.—The study shall compare and contrast the various alternatives with systems in existence on the date of the study, including—

(A) ecological effects;

(B) forest health changes;

(C) Federal, State, and local fiscal and other economic consequences; and

(D) opportunities for the public to be involved in decisionmaking before activities are undertaken.

(3) REQUIREMENTS OF STUDY.—To ensure the validity of the study, in measuring the effect of the use of contracting, the study shall specify the costs that contractors would bear for health care, retirement, and other benefits afforded public employees performing the same tasks.

(4) TRANSMITTAL.—The report shall be transmitted to Congress not later than 1 year after the studies conducted under subsections (c) and (d) are transmitted to Congress.

(g) PUBLIC AVAILABILITY.—The reports conducted under this section shall be published in a form available to the public at the same time the reports are transmitted to Congress. Both a summary and a full report shall be published.●

Mr. KERRY. Mr. President, today I join Senator BILL BRADLEY in introducing legislation to repeal the timber salvage rider, a law that has permitted destructive logging of ancient forests because it waives important environmental safeguards.

Let me first say that I do not oppose responsible logging on public or private lands, as long as it is done in compliance with our environmental statutes. The fundamental problem with the timber salvage provision as it is currently written, is that it does not comply with current Federal protection laws.

During debate of the 1995 Rescissions Act, proponents of the emergency timber measure stressed the need to remove dead and dying trees to protect the health of our forests in the Pacific Northwest. We were told that the rider would not cost the federal treasury one dime; in fact it would make money. We were told that the measure would not harm fish and wildlife and that it was needed only to expedite a small number of outstanding timber sales.

In other words, we were told that this rider would be a simple fix to a small problem and should be added without a congressional hearing or review to an entirely unrelated bill that was moving quickly through congress. As are all too aware, this was the way many anti-environmental statutes were being sold by the Republican leadership during the 1995 congressional term.

Regrettably, we know of the severe environmental damage that this statute has wrought on some of our most beautiful and oldest forest lands.

We now know that this statute is being used to clearcut healthy forests across the Nation including ancient forests as old as 500 years.

We know that this statute will cost American taxpayers billions of dollars by requiring them to subsidize bargain basement logging of our national forests.

We know that timber is being clearcut on steep slopes next to

streams of spawning endangered salmon.

And we now know that the Federal Government is being forced to enter into far more than just a small number of contracts, and in fact, that the effect of this rider will be felt in the logging of national forests across the country.

I commend the Senator from New Jersey for his leadership on this issue, and I hope that the Senate will act expeditiously to enact the bill being introduced today and thereby repeal this extremely harmful so-called timber salvage rider.

Mr. LEAHY. Mr. President, we need our environmental laws back. Old-growth trees that have stood for 400 years are falling today, and it will the year 2400 before we get them back. We need to restore the laws.

To achieve this goal, I have cosponsored two efforts. One is a straight, fundamental attempt to overturn the salvage law, and one that is a practical attempt to stop the lawless logging. No one has worked harder than PATTY MURRAY to restore economic and ecological balance to the hoax of a ''jobs versus the environment'' campaign. I am proud to be an original cosponsor of her effort.

Senator BRADLEY, ranking Democrat on the Forests and Public Land Management Subcommittee, has taken the lead to simply overturn one of the worst environmental laws Congress has considered in years. As soon as the so-called salvage law passed, industry sued to cut the big old-growth trees. This will be a difficult bill to overturn, especially since we still have the same Congress through which it originally passed. Nonetheless, I am a proud original cosponsor of Senator BRADLEY's bill to repeal the salvage rider.

Proponents of logging without laws say that they must cut, build roads, risk mudslides, threaten fisheries, and scar the forest to create jobs. The facts don't support this twisted rationale. There were more than 14,200 new jobs in the Rocky Mountain-Pacific Northwest timber industry from 1992 until Congress forced through the rider, and the sector was still growing. Oregon had the lowest unemployment in a generation. We did not need to derail steady responsible growth with a return to the conflicts of the 1980's. Unfortunately, some groups have bought into the gluttony of the salvage rider, but have forgotten about putting food on the table for working families when the salvage free-for-all days are over.

Our No. 1 priority should be to restore stability to working families in rural communities. No one can tolerate another short-term logging binge. The current rider is bringing conflict. When it is repealed or expires, workers face another round of economic instability while we struggle with environmental triage on the forest resource.

But most importantly, we need to restore the environmental laws that this Congress suspended. The Forest Service is poised to release hundreds of millions of board feet of timber, and we must not leave the door open for such abuse. Both bills are steps in the right direction, and I hope we can unsaddle the salvage rider very soon.

ADDITIONAL COSPONSORS

S. 684

At the request of Mr. HATFIELD, the name of the Senator from Massachusetts [Mr. KENNEDY] was added as a cosponsor of S. 684, a bill to amend the Public Health Service Act to provide for programs of research regarding Parkinson's disease, and for other purposes.

S. 949

At the request of Mr. GRAHAM, the name of the Senator from New Jersey [Mr. LAUTENBERG] was added as a cosponsor of S. 949, a bill to require the Secretary of the Treasury to mint coins in commemoration of the 200th anniversary of the death of George Washington.

S. 1072

At the request of Mr. THURMOND, the name of the Senator from North Carolina [Mr. HELMS] was added as a cosponsor of S. 1072, a bill to redefine ''extortion'' for purposes of the Hobbs Act.

S. 1217

At the request of Mr. COATS, the name of the Senator from Tennessee [Mr. FRIST] was added as a cosponsor of S. 1217, a bill to encourage the provision of medical services in medically underserved communities by extending Federal liability coverage to medical volunteers, and for other purposes.

S. 1268

At the request of Mr. THOMAS, the name of the Senator from Mississippi [Mr. COCHRAN] was added as a cosponsor of S. 1268, a bill to provide assistance for the establishment of community rural health networks in chronically underserved areas, to provide incentives for providers of health care services to furnish services in such areas, and for other purposes.

S. 1452

At the request of Mr. GRAMS, the name of the Senator from North Carolina [Mr. FAIRCLOTH] was added as a cosponsor of S. 1452, a bill to establish procedures to provide for a taxpayer protection lock-box and related downward adjustment of discretionary spending limits and to provide for additional deficit reduction with funds resulting from the stimulative effect of revenue reductions.

S. 1483

At the request of Mr. KYL, the names of the Senator from Colorado [Mr. BROWN], the Senator from New Hampshire [Mr. SMITH], the Senator from New Hampshire [Mr. GREGG], and the Senator from Kentucky [Mr. MCCONNELL] were added as cosponsors of S. 1483, a bill to control crime, and for other purposes.

S. 1491

At the request of Mr. GRAMS, the names of the Senator from Indiana [Mr. COATS], the Senator from Michigan [Mr. ABRAHAM], and the Senator from Kansas [Mrs. KASSEBAUM] were added as cosponsors of S. 1491, a bill to reform antimicrobial pesticide registration, and for other purposes.

S. 1524

At the request of Mr. LAUTENBERG, the name of the Senator from Massachusetts [Mr. KENNEDY] was added as a cosponsor of S. 1524, a bill to amend title 49, United States Code, to prohibit smoking on any scheduled airline flight segment in intrastate, interstate, or foreign air transportation.

S. 1554

At the request of Mr. COCHRAN, the name of the Senator from North Carolina [Mr. FAIRCLOTH] was added as a cosponsor of S. 1554, a bill to amend the Fair Labor Standards Act of 1938 to clarify the exemption for houseparents from the minimum wage and maximum hours requirements of that act, and for other purposes.

S. 1563

At the request of Mr. SIMPSON, the name of the Senator from Kentucky [Mr. MCCONNELL] was added as a cosponsor of S. 1563, a bill to amend title 38, United States Code, to revise and improve eligibility for medical care and services under that title, and for other purposes.

S. 1567

At the request of Mr. LEAHY, the name of the Senator from Vermont [Mr. JEFFORDS] was added as a cosponsor of S. 1567, a bill to amend the Communications Act of 1934 to repeal the amendments relating to obscene and harassing use of telecommunications facilities made by the Communications Decency Act of 1995.

SENATE JOINT RESOLUTION 50

At the request of Mr. D'AMATO, the names of the Senator from North Carolina [Mr. HELMS], the Senator from Kentucky [Mr. MCCONNELL], and the Senator from South Dakota [Mr. PRESSLER] were added as cosponsors of Senate Joint Resolution 50, a joint resolution to disapprove the certification of the President under section 490(b) of the Foreign Assistance Act of 1961 regarding foreign assistance for Mexico during fiscal year 1996.

SENATE RESOLUTION 226

At the request of Mr. NUNN, the names of the Senator from North Carolina [Mr. HELMS] and the Senator from Idaho [Mr. CRAIG] were added as cosponsors of Senate Resolution 226, a resolution to proclaim the week of October 13 through October 19, 1996, as ''National Character Counts Week.''

At the request of Mr. DOMENICI, the names of the Senator from Alaska [Mr. STEVENS] and the Senator from West Virginia [Mr. ROCKEFELLER] were added as cosponsors of Senate Resolution 226, supra.

SENATE CONCURRENT RESOLUTION 43—RELATIVE TO THE PEOPLE'S REPUBLIC OF CHINA

Mr. THOMAS (for himself, Mr. HELMS, Mr. MURKOWSKI, Mr. SIMON, and Mr. MACK) submitted the following concurrent resolution; which was referred to the Committee on Foreign Relations:

S. CON. RES. 43

Whereas the People's Republic of China, in a clear attempt to intimidate the people and Government of Taiwan, has over the past 8 months conducted a series of military exercises, including missile tests, within alarmingly close proximity to Taiwan;

Whereas on March 5, 1996, the Xinhua News Agency announced that the People's Republic of China will conduct missile tests from March 8 through March 15, 1996, within 25 to 35 miles of the 2 principal northern and southern ports of Taiwan, Kaohsiung and Keelung;

Whereas the proximity of these tests to the ports and the accompanying warnings for ships and aircraft to avoid the test areas will result in the effective blockading of the ports, and the probable disruption of international shipping, for the duration of the tests;

Whereas these tests are a clear escalation of the attempts by the People's Republic of China to intimidate Taiwan and influence the outcome of the upcoming democratic presidential election in Taiwan;

Whereas the decision of the United States to establish diplomatic relations with the Peoples' Republic of China rested upon the expectation that the future of Taiwan would be settled solely by peaceful means;

Whereas the strong interest of the United States in the peaceful settlement of the Taiwan question is one of the central premises of the three United States-China Joint Communiqués and was codified in the Taiwan Relations Act;

Whereas the Taiwan Relations Act states that peace and stability in the western Pacific ''are in the political, security, and economic interests of the United States, and are matters of international concern'';

Whereas the Taiwan Relations Act states that the United States considers ''any effort to determine the future of Taiwan by other than peaceful means, including by boycotts, or embargoes, a threat to the peace and security of the western Pacific area and of grave concern to the United States'';

Whereas the Taiwan Relations Act directs the President to ''inform Congress promptly of any threat to the security or the social or economic system of the people on Taiwan and any danger to the interests of the United States arising therefrom'';

Whereas the Taiwan Relations Act further directs that ''the President and the Congress shall determine, in accordance with constitutional process, appropriate action by the United States in response to any such danger'';

Whereas the United States, the People's Republic of China, and the Government of Taiwan have each previously expressed their commitment to the resolution of the Taiwan question through peaceful means; and

Whereas these missile tests and accompanying statements made by the Government of the People's Republic of China call into serious question the commitment of China to the peaceful resolution of the Taiwan question: Now, therefore, be it

Resolved by the Senate (the House of Representatives concurring), That it is the sense of the Congress that—

(1) the United States deplores the missile tests that the People's Republic of China will conduct from March 8 through March 15, 1996, and views them as a threat to the peace, security, and stability of Taiwan and not in the spirit of the three United States Joint Communiqués;

(2) the Government of the People's Republic of China should cease it bellicose actions directed at Taiwan and instead enter into meaningful dialogue with the Government of Taiwan at the highest levels, such as through the Straits Exchange Foundation in Taiwan and the Association for Relations Across the Taiwan Straits in Beijing, with an eye towards decreasing tensions and resolving the issue of the future of Taiwan;

(3) the President, consistent with section 3(c) of the Taiwan Relations Act (22 U.S.C. 3302(c)), should immediately consult with Congress on an appropriate United States response to the tests; and

(4) the President should, consistent with the Taiwan Relations Act (22 U.S.C. 3301 et seq.), reexamine the nature and quantity of defense articles and services that may be necessary to enable Taiwan to maintain a sufficient self-defense capability in light of the heightened threat.

Mr. THOMAS. Mr. President, I rise today as the chairman of the Subcommittee on East Asian and Pacific Affairs to submit Senate Concurrent Resolution 43, expressing the sense of the Congress regarding proposed missile tests in the Taiwan Straits.

Yesterday, the People's Republic of China announced that it would conduct a series of missile tests from March 8 through March 15, 1996, off the coast of Taiwan. While the Chinese have conducted other tests within close proximity to Taiwan in the past 8 months, these are especially provocative. The People's Republic of China has announced that it will conduct these tests within between 25 and 35 miles of the Taiwan port cities of Kaohsiung and Keelung. The effect will be that, for a week, a wide corridor of ocean both immediately north and south of Taiwan will be unsafe for commercial traffic. Thus, the People's Republic of China has knowingly created what is in effect a blockade of these two ports—through which flows more than 70 percent of Taiwan's ship-borne trade—for the duration of the tests. In addition, the tests come just a week before Taiwan's first fully democratic Presidential elections on March 23. Clearly, the tests are part of the People's Republic of China's ongoing attempts to intimidate Taiwan and influence the upcoming elections.

It is both the proximity to Taiwan and the timing that make these tests especially troubling to me, and the signal they send.

When we normalized relations with the People's Republic of China in 1978 and 1979, we did so on the expectation that the future of Taiwan would be settled solely by peaceful means. That expectation underlies the three United States-People's Republic of China joint communiqués, and is codified in the Taiwan Relations Act, the statute that governs our relationship with Taiwan.

However, these tests and accompanying statements made at the highest levels of the Chinese Government in my mind call into serious question the People's Republic of China's commitment to settle the Taiwan issue by peaceful means. As such, they are of grave concern to me and, I believe, to the United States.

I hope that the People's Republic of China would move to diffuse the escalating problems in the straits and refrain from further provocations. At the same time, I hope that the Taiwan Government would do its part to reduce tensions. Both sides need to sit down with each other, and discuss the issue in a considered and rational manner, without threats and without the need to continually draw the United States into what is a matter solely for the Chinese on both sides of the straits—and Mr. President, I emphasize both sides—to decide. It is not an issue for the People's Republic of China to decide unilaterally at the barrel of a gun.

Mr. President, the resolution is fairly self explanatory.

Mr. President, in closing, let me note that I am pleased to be joined by Senator HELMS, the distinguished chairman of the Foreign Relations Committee, Senators MURKOWSKI and SIMON, two longstanding leaders on the issue of Taiwan in the Senate, and Senator MACK, in submitting this legislation today; I thank them for their support. I hope the rest of our colleagues will join us so that we can move this resolution quickly through the Senate and on the House.

Mr. MURKOWSKI. Mr. President, I am pleased to join Senator CRAIG THOMAS, chairman of the East Asia and the Pacific Subcommittee of the Foreign Relations Committee in offering this resolution that reaffirms the Taiwan Relations Act and condemns the People's Republic of China for their attempts to influence the upcoming Presidential election in Taiwan through threats and coercion.

The resolution has been submitted to the Chair previously by Senator THOMAS. This resolution makes four important points.

First, the United States deplores the missile test scheduled for March 8 to 15. It appears that these tests will impose a virtual blockade of Taiwan's two major ports and threaten international shipping lanes in the Taiwan Straits.

Second, the Congress calls on the People's Republic of China to cease its threats, and instead enter into a constructive dialog with the Republic of China, perhaps through their respective informal organizations: the Straits Exchange Foundation in Taiwan and the Association for Relations Across the Taiwan Straits in Beijing.

Third, the resolution directs the President of the United States to consult with the Congress, as required by the Taiwan Relations Act, because there is a threat to the security and the social and economic system of the people of Taiwan.

Fourth, the President and the Congress should reexamine the nature and quantity of the defense articles and

services that may be necessary to enable Taiwan to maintain a sufficient self-defense capability in light of the heightened threat.

Mr. President, I suggest that President Nixon must be simply spinning in his grave tonight. When Richard Nixon first opened relations with Beijing some 20 years ago he believed that Asia could not progress if China remained isolated. His actions promised to help that country enter into a new and constructive relationship with the rest of the modern world. But in recent months, the leaders of Beijing have taken a number of self-defeating actions that can only turn back the pages of history and cripple China's economic progress.

Over the past 8 months, the People's Republic of China has conducted a series of military exercises, including missile tests, in close proximity to Taiwan. Now, we hear reports of the largest and closest military exercise to take place next week, just 1 week before the first democratic Presidential elections on Taiwan. What is more, Beijing has reportedly included veiled threats against the United States for supporting the process of free elections. One news report indicated that during an interview, a Chinese leader scoffed at the notion that the United States would defend Taiwan by saying the United States cares more about ''Los Angeles than Taiwan.'' China, of course, produces missiles capable of launching nuclear warheads against both Taiwan and Los Angeles, and certainly against my home State of Alaska.

I feel confident that these reports, of course, are false, but China's most recent announcement that it intends to conduct massive tests near Taiwan, in effect imposing a miniblockade of Taiwan's two major ports prior to the Taiwan Presidential elections, does little to inspire confidence.

Some China watchers are inclined to rationalize Beijing's behavior. Apologists have blamed China's belligerence on the firm stand taken by this Congress. Today it is clear that China, not the Congress, is to blame for the current state of United States-China relations. Time and time again, before and after the 1989 Tiananmen Square attack on student protesters, China's rulers have shown themselves to be almost oblivious to the fact that a larger world—a world sensitive to human rights concerns, one that believes in religious and political freedom, and free and fair trade—exists beyond the People's Republic of China's borders.

People's Republic of China's President Jiang Zemin and his lieutenants must understand that this is why the United States finds China's ballistic missile diplomacy unacceptable. We support the peaceful settlement of differences between China and Taiwan and cannot idly watch a peaceful, democratic ally—which Taiwan is—be threatened.

Therefore, it is time for Congress, as set forth in this Senate resolution, to recommit the United States to the Taiwan Relations Act of 1979, which clearly states that America believes that peace and stability in the area are in the political, security and economic interests of the United States.

Further, the law of the land, the Taiwan Relations Act, commits the United States to resist any resort to force or other forms of coercion that would jeopardize the security or the social or economic system of the people of Taiwan.

We must remind Beijing that the decision of the United States to establish diplomatic relations with the People's Republic of China in 1979 was based upon the expectation that the future of Taiwan will be determined by peaceful means.

We also must continue selling Taiwan defensive weapons to help counter any thoughts China may have of using military force against the island. Along with these weapons, we must let the leaders in Beijing know that threats are useless as tools of foreign policy and are the rusted relics of diplomacy from a bygone and dangerous era.

China's leaders must know economic gains will evaporate if continued military threats—or worse—create havoc in East Asia. Beijing's officials must understand they cannot conduct business as usual with the world if missiles start falling in the Straits of Taiwan. They also need to know that the fear of war is often every bit as chilling to investment as the real thing.

Mr. President, I also want to add that Congress should congratulate the people of Taiwan for their continued advancement toward democracy. Congress should also state our support for the people of Taiwan to become involved in international organizations. Taiwan has emerged as a force for democracy and stability in Asia, and its people should be represented. The United States must also continue at the same time to encourage a true dialog between Beijing and Taipei that will lead to understanding and conciliation, rather than threats and confrontation.

With this latest round of threats against Taiwan—and the United States—it simply is time to step back and gather forces to support reason and dialog rather than the rumblings of hostility and war.

President Nixon was certainly correct in seeing the vast potential importance of China as a world economic power. But 25 years later the world still waits for Beijing to abandon its totalitarian ways and behave consistently as a civilized nation.

AUTHORITY FOR COMMITTEES TO MEET

COMMITTEE ON ARMED SERVICES

Mr. HATCH. Mr. President, I ask unanimous consent that the Committee on Armed Services be authorized to meet at 9:30 a.m. on Wednesday, March 6, 1996, in open session, to receive testimony on the 1996 ballistic missile defense update review.

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

COMMITTEE ON ARMED SERVICES

Mr. HATCH. Mr. President, I ask unanimous consent that the Committee on Armed Services be authorized to meet at 2 p.m. on Wednesday, March 6, 1996, in open session, to receive testimony on the Department of Energy Environmental Management Program [EM], and on the Defense Nuclear Facilities Safety Board [DNFSB] activities.

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

COMMITTEE ON ENERGY AND NATURAL RESOURCES

Mr. HATCH. Mr. President, I ask unanimous consent that the Committee on Energy and Natural Resources be granted permission to meet during the session of the Senate on Wednesday, March 6, 1996, for purposes of conducting a full committee hearing which is scheduled to begin at 9:30 a.m. The purpose of this oversight hearing is to receive testimony on the issue of competitive change in the electric power industry.

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

COMMITTEE ON GOVERNMENTAL AFFAIRS

Mr. HATCH. Mr. President, I ask unanimous consent on behalf of the Governmental Affairs Committee to meet on Wednesday, March 6, for a joint hearing with the House Government Reform and Oversight Committee at 9:30 a.m., for a hearing on the Oversight of the Government Performance and Results Act.

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

COMMITTEE ON THE JUDICIARY

Mr. HATCH. Mr. President, I ask unanimous consent that the Committee on the Judiciary be authorized to meet during the session of the Senate on Wednesday, March 6, 1996, at 10 a.m. in SD–226 to hold a hearing on ''Interstate Transportation of Human Pathogens.''

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

COMMITTEE ON LABOR AND HUMAN RESOURCES

Mr. HATCH. Mr. President, I ask unanimous consent that the Committee on Labor and Human Resources be authorized to meet for a hearing on the Reauthorization of National Institutes of Health, during the session of the Senate on Wednesday, March 6, 1996, at 9:30 a.m.

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

COMMITTEE ON SMALL BUSINESS

Mr. HATCH. Mr. President, I ask unanimous consent that the Committee on Small Business be authorized to meet during the session of the Senate on Wednesday, March 6, 1996, at 10 a.m., in room SR–428A, to mark up legislation pending in the committee.

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

SELECT COMMITTEE ON INTELLIGENCE

Mr. HATCH. Mr. President, I ask unanimous consent that the Select

Committee on Intelligence be authorized to meet during the session of the Senate on Wednesday, March 6, 1996, at 9 a.m., in SH–216, to hold an open hearing on intelligence matters.

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

SPECIAL COMMITTEE ON AGING

Mr. HATCH. Mr. President, I ask unanimous consent that the Special Committee on Aging be authorized to meet during the session of the Senate on Wednesday, March 6, at 9:30 a.m., to hold a hearing to discuss telemarketing fraud against the elderly.

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

SUBCOMMITTEE ON NEAR EASTERN AND SOUTH ASIA AFFAIRS

Mr. HATCH. Mr. President, I ask unanimous consent that the Subcommittee on Near Eastern and South Asia Affairs of the Committee on Foreign Relations be authorized to meet during the session of the Senate on Wednesday, March 6, 1996, at 2 p.m., to hold hearing.

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

ADDITIONAL STATEMENTS

TERRORISTS IN ISRAEL

● Ms. MIKULSKI. Mr. President, once again, terrorists have targeted the heart of Israel. My prayers are with the people of Israel as they mourn the latest victims. Over 60 people have died in the terror of the last 10 days, and the peace process may die as well.

We cannot understand the kind of evil and cowardice that kills children as they walk to a party; families as they walk down the street on a holiday; ordinary and innocent people on their way to work. They time their attacks to kill as many civilians as possible. They load their bombs with nails—to make sure that all injuries are serious. Their goal is to kill Jews and to strike a death knell on the peace process.

Israelis are angry and afraid. Their confidence in the peace process is badly shaken—and I don't blame them. They have given up land and security in exchange for peace. Yet they still live under constant threat.

We must stand by Israel as a friend and ally. I support the President's plan to provide immediate assistance to Israel. The United States will use our intelligence agencies to help them route out these terrorists. We will provide specialized explosive detection equipment and technical experts. And America will lead an international effort to better coordinate the war against terrorism. Only an international effort will track down these killers and those who bankroll them. The international community must also condemn these acts of terrorism—and ensure that no country provides a sanctuary for these killers.

The Palestinian Authority can and must do more to stop Hamas. If they don't show the will to confront terrorism, the chance for peace will be lost.

I hope that the peace process can continue. But friends do not tell friends what to do. As Americans, we cannot tell Israel what risks are worth taking for peace. We can only imagine what it is to live in a country that is less than 9 miles wide at its narrowest point—and still surrounded by enemies.

Israel has defended itself in five wars for survival. But in this war against terrorism, all ordinary citizens are on the front lines. The international community must stand with Israel. We must ensure that the fanatics do not prevail.●

HONORING THE U.S. TAP TEAM

● Mr. LIEBERMAN. Mr. President, I rise today to honor Gloria Jean Cuming and the United States Tap Team, recent winners of the Annual World TapDance Championships, which were held in Dresden, Germany.

Not only is this victory prestigious and respected around the world, but the victory was a special one for the team and our country. This is the first time in the history of the competition that the U.S. team won the coveted title. In addition to the sterling team performance, two individuals, Linda Provo and Stacy Eastman, advanced to the finals of the individual competition, the only 2 women among the 12 semi-finalists to do so.

All 22 dancers are from the New Haven area in my State of Connecticut, and they all study at Ms. Cuming's dance studios. Ms. Cuming not only selected the team, but was their choreographer and assistant technical director as well.

Mr. President, I know that you and the entire Senate joins me in congratulating these fine performers, who represent their art and their country with the greatest of skill and pride.●

MARY BETH BLEGEN, MINNESOTA TEACHER OF THE YEAR

● Mr. WELLSTONE. Mr. President, with great pleasure and enthusiasm I would like to recognize Mary Beth Blegen as the Minnesota Teacher of the Year. Not only has Ms. Blegen been awarded the 1995 Minnesota Teacher of the Year, but she has also been selected as one of the four distinguished finalists for the National Teacher of the Year program. Ms. Blegen arrived in Washington Sunday and has been giving a presentation sharing her dedication to the youth of Minnesota, attending press conferences, and giving interviews for the National Teacher of the Year Award. Despite her rigorous schedule I was delighted to meet with Ms. Blegen to give her my support and of course wish her the best in the competition.

Mary Beth Blegen a dedicated educator for 30 years, is a teacher of English, writing, and humanities at Worthington Senior High School. Ms. Blegen illustrates the dedication Minnesotans have to providing quality education for our children. It is also my honor to note that three previous National Teachers of the Year have been from Minnesota and only California has contributed more teachers to this national award.

I'd also like to recognize Minnesota's biggest education organization, the Minnesota Education Association [MEA], and it's 48,000 members, who represent over 80 percent of Minnesota's public school teachers. MEA has sponsored the Minnesota Teacher of the Year program for 33 years.●

TAX RELIEF FOR UNITED STATES TROOPS SERVING IN BOSNIA

Mr. D'AMATO. Mr. President, I ask unanimous consent that the Senate proceed to the immediate consideration of H.R. 2778, just received from the House.

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

The clerk will state the bill by title.

The legislative clerk read as follows:

A bill (H.R. 2778) to provide that members of the Armed Forces performing services for the peacekeeping efforts in Bosnia and Herzegovina, Croatia and Macedonia, shall be entitled to tax benefits in the same manner as if such services were performed in a combat zone, and for other purposes.

The PRESIDING OFFICER. Is there objection to the immediate consideration of the bill?

There being no objection, the Senate proceeded to consider the bill.

Mr. ROTH. Mr. President, the House recently passed legislation to provide much needed tax relief for American troops who are performing peacekeeping services in Bosnia and Herzegovina, Croatia and Macedonia.

When our young men and women wear our uniform in these war-torn regions, I want them to know that they have my unqualified support. I want them to know that they are there for a reason. They are on important missions—missions to help free these war-torn areas from their undemocratic pasts.

While I would have preferred to limit our involvement to strategic and tactical air and sea support, we must now give our full support to our troops. This legislation provides much needed tax relief for our troops in Bosnia and Herzegovina, Croatia, and Macedonia.

Let me briefly outline the major aspects of this legislation. First, the bill exempts from Federal income tax military pay received by enlisted personnel while performing peacekeeping services in Bosnia and Herzegovina, Croatia, and Macedonia.

Second, the bill exempts military pay received by commissioned officers while serving in those areas in an amount equal to the highest monthly pay for enlisted personnel which is currently $4,104.80 per month.

Third, military pay received by those hospitalized as a result of injuries incurred while performing peacekeeping

services would be exempt from Federal income tax for up to 2 years after termination of peacekeeping activities in the hazardous duty area.

Fourth, the bill extends the time for filing tax returns, paying tax and other deadlines to allow our troops to focus on their dangerous task rather than on tax deadlines.

Fifth, the bill reduces Federal estate taxes and forgives Federal income taxes for those whose lives are taken while performing the peacekeeping mission. Let me just say that I am deeply troubled that similar relief was not provided to Americans killed while serving in Somalia.

Sixth, the bill eliminates tax withholding on military pay earned tax-free in these hazardous duty areas.

Seventh, the bill provides special rules for surviving spouses and couples who file joint tax returns, as well as an exemption from the telephone excise tax for calls made from the hazardous duty area.

Finally, in addition to the tax relief for military personnel in the hazardous duty areas, the bill also postpones various tax deadlines for support personnel. To be eligible for such tax relief, the individual must be deployed away from such individual's regular duty station and performing services outside the United States as part of Operation Joint Endeavor. Such relief would be available to Department of Defense employees.

I fully support this legislation and encourage the Senate to pass it quickly to ease the tax burden and tax filing requirements on our courageous American troops who are serving in these hazardous duty areas.

● Mr. DOLE. Mr. President, today is a significant day for our troops in Bosnia and Herzegovina, Croatia, and Macedonia. Today the Senate will pass important legislation that will provide tax relief to our military forces deployed in the former Yugoslavia.

This relief is essential to ensure that the Internal Revenue Service does not make life more difficult for our soldiers than the rigors of their Bosnian duty has already. Speaker GINGRICH and I announced in December our intention to send to the President tax filing and other relief for our soldiers. Earlier this week the House passed the legislation and I am pleased that the Senate is doing so today.

I believe that it is critical for Congress to continue demonstrating its unequivocal support for our men and women in uniform involved in Operation Joint Endeavor and Operation Able Sentry. Our troops have more important things to focus on than compiling records, meeting paperwork deadlines, or computing their tax liability. And they should receive income and estate tax relief for participating in the operations.

I thank my colleagues for voting with me to pass this critical legislation.●

Mr. MCCAIN. Mr. President, I am pleased to rise in support of H.R. 2778, a bill designed to provide tax relief for our service men and women participating in Operation Joint Endeavor in Bosnia. This bill is very similar to S. 1553, a bill I introduced in the Senate on February 1, 1996, mirroring the efforts of our colleague in the House, Congressman BUNNING.

I want to convey my thanks to the House for their quick action in approving this bill. The amendments of the House incorporated certain modifications and additional provisions which will improve the beneficial impact of the bill for our men and women in uniform.

Whether or not we supported the deployment of United States troops to Bosnia, all Americans are considered for the safety and security of our fellow countrymen who are deployed as part of Operation Joint Endeavor. Although this is a peacekeeping mission, it is clearly not without risk. Land mines and sniper fire will continue to threaten our troops throughout the duration of this operation. As long as our service men and women are on the ground, they may come into harm's way.

Sadly, we have already experienced the first American casualty in Bosnia, and we probably have not seen the last. Let us not forget the family of Sfc. Donald Dugan. While enactment of this legislation will not return him to his family, it contains provisions which will alleviate some of the financial hardships his family may be experiencing as a result of his death.

Because this is a peacekeeping mission and not a war, the President has not declared the area of operation to be a combat zone. Therefore, existing law does not permit our service members in Bosnia to receive any of the tax benefits and relief normally provided to those deployed to combat zones. This legislation will extend to American military personnel in Bosnia and their families the same benefits available to service members who were deployed to the Persian Gulf war.

The more than 20,000 United States military personnel deployed to Bosnia are performing their duties in service to their country. On a recent trip to Bosnia, I had the opportunity to personally visit with many of our men and women, and I let them know what a fantastic job they were doing.

This bill is a small gesture to show our troops they are not forgotten. Its provisions will alleviate their worries about financial hardships experienced by their families left at home. It is an import expression of our support for their professionalism and patriotism.

I understand the President has indicated he supports this bill. I urge my colleagues to support adoption of this legislation, and I hope the President will act promptly to sign it into law.

Mr. D'AMATO. Mr. President, I ask unanimous consent that the bill be deemed read the third time, passed, the motion to reconsider be laid upon the table, and that any statements relating to the bill be placed at the appropriate place in the RECORD.

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

So the bill (H.R. 2778) was deemed read the third time, and passed.

GREEK INDEPENDENCE DAY

Mr. D'AMATO. Mr. President, I ask unanimous consent that the Senate proceed to the consideration of calendar item No. 340, Senate Resolution 219.

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

The clerk will report the resolution.

The legislative clerk read as follows:

A resolution (S. Res. 219) designating March 25, 1996, as ''Greek Independence Day: a national day of celebration of Greek and American Democracy.''

The PRESIDING OFFICER. Is there objection to the immediate consideration of the resolution?

There being no objection, the Senate proceeded to consider the resolution.

Mr. D'AMATO. Mr. President, I ask unanimous consent that the resolution be agreed to, the preamble be agreed to, the motion to reconsider be laid upon the table, and that any statements relating to the resolution be placed at the appropriate place in the RECORD.

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

So the resolution (S. Res. 219) was agreed to.

The preamble was agreed to.

The resolution, with its preamble, is as follows:

S. RES. 219

Whereas the ancient Greeks developed the concept of democracy, in which the supreme power to govern was invested in the people;

Whereas the Founding Fathers of the United States of America drew heavily upon the political experience and philosophy of ancient Greece in forming our representative democracy;

Whereas the founders of the modern Greek state modeled their government after that of the United States in an effort to best imitate their ancient democracy;

Whereas Greece is one of only three nations in the world, beyond the former British Empire, that has been allied with the United States in every major international conflict this century;

Whereas 1996 will mark the historic first official state visit to the United States of an elected head of state of Greece;

Whereas these and other ideals have forged a close bond between our two nations and their peoples;

Whereas March 25, 1996 marks the 175th anniversary of the beginning of the revolution which freed the Greek people from the Ottoman Empire; and

Whereas it is proper and desirable to celebrate with the Greek people, and to reaffirm the democratic principles from which our two great nations were born: Now, therefore, be it

Resolved, That March 25, 1996 is designated as ''Greek Independence Day: A National Day of Celebration of Greek and American Democracy''. The President is requested to issue a proclamation calling upon the people of the United States to observe the day with appropriate ceremonies and activities.

MEASURE READ THE FIRST TIME—H.R. 497

Mr. D'AMATO. Mr. President, I would inquire of the Chair if H.R. 497 has arrived from the House of Representatives.

The PRESIDING OFFICER. The bill is at the desk.

Mr. D'AMATO. Therefore, I ask for its first reading.

The PRESIDING OFFICER. The clerk will read the bill for the first time.

The legislative clerk read as follows:

A bill (H.R. 497) to create the National Gambling Impact and Policy Commission.

Mr. D'AMATO. Mr. President, I now ask for its second reading.

Mr. SARBANES. Mr. President, I object.

The PRESIDING OFFICER. Objection is heard.

The bill will remain on the calendar.

ORDERS FOR THURSDAY, MARCH 7, 1996

Mr. D'AMATO. Mr. President, I ask unanimous consent that when the Senate completes its business today, it stand in recess until the hour of 9:30 a.m., Thursday, March 7, that immediately following the prayer, the Journal of the proceedings be deemed approved to date, the time for the two leaders be reserved, and there then be a period for morning business until the hour of 11 a.m., with Senators permitted to speak therein for up to 5 minutes each, with the following exceptions: Senator FEINSTEIN, 15 minutes; Senator REID, 15 minutes; Senator DORGAN, 20 minutes; Senator BAUCUS, 10 minutes, Senator THOMAS, 30 minutes.

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

PROGRAM

Mr. D'AMATO. For the information of all Senators, tomorrow the Senate will resume the pending motion to proceed to Senate Resolution 227, the Whitewater legislation. It is also possible that the Senate will begin consideration of S. 942, the small business regulatory reform bill. Rollcall votes are therefore possible during Thursday's session of the Senate.

Mr. SARBANES. Mr. President, before the distinguished Senator puts the proposal to recess, Senator PELL has been on the floor for quite a period of time today. We would like for him to be able to make his statement before the Senate goes out this evening.

ORDER FOR RECESS

Mr. D'AMATO. Mr. President, I ask unanimous consent that the Senate stand in recess following the remarks of Senator PELL and Senator MURKOWSKI.

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

WHITEWATER

Mr. PELL. Mr. President, we should not be asked to consider this resolution. Senate Resolution 227 is, to my mind, simply a license to continue a wild goose chase, and to do so at the expenditure of public funds which could well be spent for true public needs.

When the Whitewater matter first came before us 2 years ago, I said that it involved distant dealings with marginal involvement of Federal interests, and that it simply did not rise to the level of scrutiny appropriate for Senate inquiry.

Nothing has happened since to change my initial judgment one iota. The Senate investigation has dragged on for 294 days at a cost of $1.34 million and has not yielded a single result worthy of further action.

This investigation in my view is an exercise in political harassment. Its indefinite continuance would be an embarrassment to the Senate. And I might add that continuance of the investigation holds little promise of benefit to the majority party, given the widespread public indifference to the matter.

In short, Mr. President, we are being asked to approve not just the use of Senate funds but indeed the exploitation of the full constitutional authority of the Senate to continue a so-called inquiry into matters of little consequence, and to do so for clearly partisan purposes.

(The remarks of Mr. MURKOWSKI pertaining to the submission of Senate Concurrent Resolution 43 are printed in today's RECORD under ''Submission of Concurrent and Senate Resolutions.'')

RECESS UNTIL 9:30 A.M. TOMORROW

The PRESIDING OFFICER. Under the previous order, the Senate now stands in recess until 9:30 a.m. tomorrow, Thursday, March 7, 1996.

Thereupon, the Senate, at 7:04 p.m., recessed until Thursday, March 7, 1996, at 9:30 a.m.

NOMINATIONS

Executive nominations received by the Senate March 6, 1996:

THE JUDICIARY

ERIC L. CLAY, OF MICHIGAN, TO BE U.S. CIRCUIT JUDGE FOR THE SIXTH CIRCUIT, VICE RALPH B. GUY, JR., RETIRED.

JOSEPH F. BATAILLON, OF NEBRASKA, TO BE U.S. DISTRICT JUDGE FOR THE DISTRICT OF NEBRASKA VICE LYLE E. STROM, RETIRED.

DEPARTMENT OF STATE

HAROLD WALTER GEISEL, OF ILLINOIS, A CAREER MEMBER OF THE SENIOR FOREIGN SERVICE, CLASS OF MINISTER-COUNSELOR, TO BE AMBASSADOR EXTRAORDINARY AND PLENIPOTENTIARY OF THE UNITED STATES OF AMERICA TO THE REPUBLIC OF MAURITIUS AND TO SERVE CONCURRENTLY AND WITHOUT ADDITIONAL COMPENSATION AS AMBASSADOR EXTRAORDINARY AND PLENIPOTENTIARY OF THE UNITED STATES OF AMERICA TO THE FEDERAL AND ISLAMIC REPUBLIC OF THE COMOROS.

AUBREY HOOKS, OF VIRGINIA, A CAREER MEMBER OF THE SENIOR FOREIGN SERVICE, CLASS OF MINISTER-COUNSELOR, TO BE AMBASSADOR EXTRAORDINARY AND PLENIPOTENTIARY OF THE UNITED STATES OF AMERICA TO THE REPUBLIC OF THE CONGO.

ROBERT KRUEGER, OF TEXAS, TO BE AMBASSADOR EXTRAORDINARY AND PLENIPOTENTIARY OF THE UNITED STATES OF AMERICA TO THE REPUBLIC OF BOTSWANA.

FOREIGN SERVICE

THE FOLLOWING-NAMED CAREER MEMBERS OF THE SENIOR FOREIGN SERVICE OF THE DEPARTMENT OF AGRICULTURE FOR PROMOTION IN THE SENIOR FOREIGN SERVICE TO THE CLASSES INDICATED:

CAREER MEMBERS OF THE SENIOR FOREIGN SERVICE OF THE UNITED STATES OF AMERICA, CLASS OF MINISTER-COUNSELOR:

SUZANNE K. HALE, OF VIRGINIA
FRANK J. PIASON, OF NEW JERSEY

THE FOLLOWING-NAMED CAREER MEMBERS OF THE FOREIGN SERVICE OF THE DEPARTMENT OF AGRICULTURE FOR PROMOTION INTO THE SENIOR FOREIGN SERVICE TO THE CLASS INDICATED:

CAREER MEMBERS OF THE SENIOR FOREIGN SERVICE OF THE UNITED STATES OF AMERICA, CLASS OF COUNSELOR:

LLOYD J. FLECK, OF TENNESSEE
JAMES D. GRUEFF, OF MARYLAND
THOMAS A. HAMBY, OF TENNESSEE
PETER O. KURZ, OF MARYLAND
KENNETH J. ROBERTS, OF MINNESOTA
ROBERT J. WICKS, OF VIRGINIA