fiscally conservative policies throughout my service in Congress. My voting record in this regard has earned numerous awards from groups such as the National Taxpayers Union, the Grace Commission's Citizens Against Government Waste, the U.S. Chamber of Commerce, Watchdogs of the Treasury, Inc., Citizens For A Sound Economy and the Concord Coalition, which rated my work in the last Congress at 100 percent.

Despite my strong opposition to tax increases, however, I do not feel it is appropriate to amend the Constitution by adding a two-thirds supermajority requirement to it for Congress to pass tax increases. Over 200 years ago, our forefathers founded our nation in tax revolt. King George III's imposition of huge and unfair levies without the consent of the American colonists led to their rallying cry of ''no taxation without representation.'' The British crown's impositions, including heavy taxation, were among the principal causes of the American Revolution.

Within a decade, in 1787, the leaders of that revolution were writing a new constitution to govern the relationship among the new national government, the states, and the people. Heavy upon their minds was the power of the central government to tax, as can be seen throughout the document. Yet having the opportunity to require supermajorities for the imposition of any tax, they did not write such a provision into the new constitution.

Supermajorities are found in our Constitution for a number of purposes, but each one relates to the separation of powers and the system of checks and balances among the branches of government. No supermajority provisions concern policies which federal governments might seek to follow in the future. Our nation's wise founders clearly and explicitly placed their faith and the entire structure of our government in simple majority rule. This is the essence of our democratic Republic under the Constitution.

To write a two-thirds requirement for tax increases into the House rules is one thing. I support it and voted for ti during the last Congress. But to write the same provision into our Constitution to bind Americans for all time to come is quite a different matter. I cannot support it. I believe it should be a matter for the people of each time to determine on their own.

As always, I remain committed to cutting federal spending and to opposing tax increases. My view is that these policy decisions should be driven by the will of the people and the individuals they choose to elect in their time, not by the views of one generation enshrined as a constitutional mandate.

Mr. ISTOOK. Mr. Speaker, taxes are too high. Federal taxes take over a fifth of America's entire economic output—more than ever before in history, and many Americans pay half of their income in combined Federal, State, and local taxes.

And some people will do anything to throw up roadblocks and detours in our trip to fiscal responsibility. They don't want to make the journey toward a balanced budget in the first place. They like joyriding instead, and sending the bill to taxpayers. They want to spend, spend, spend, without regard for how much it costs or how much debt we build.

When confronted with the debt, they always do the same thing: Raise taxes, and pat themselves on the back for ''making the tough decisions!''

Mr. Speaker, the joyride is over. This time we move toward a balanced budget, and we can't bill taxpayers for the trip.

Big government got us where we are. So big government can foot the travel costs to get us back to fiscal sanity. Cutting spending is the way to reach a balanced budget.

But the joyriders won't stop looking for a free ride from taxpayers, and that's why we need the Barton tax limitation amendment. No more detours. No more tax increases.

Let's pay our own way to a balanced budget. Support the Barton amendment.

The SPEAKER pro tempore (Mr. SNOWBARGER). All time for debate has expired.

Pursuant to House Resolution 407, the previous question is ordered on the joint resolution, as amended.

The question is on the engrossment and third reading of the joint resolution.

The joint resolution was ordered to be engrossed and read a third time, and was read the third time.

The SPEAKER pro tempore. The question is on passage of the joint resolution.

The question was taken.

Mr. SCOTT. Mr. Speaker, I demand a recorded vote.

A recorded vote was ordered.

The SPEAKER pro tempore. Pursuant to clause 5, rule I, further proceedings on final passage are postponed.

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore. The Chair will recognize special orders without prejudice to resumption of legislative business.

SPECIAL ORDERS

The SPEAKER pro tempore. Under the Speaker's announced policy of January 7, 1997, the gentleman from Michigan (Mr. STUPAK) is recognized for 60 minutes as the designee of the minority leader.

INVESTIGATION VIOLATIONS

Mr. STUPAK. Mr. Speaker, there are a number of issues I would like to address today in my time here as a special order: leaking underground storage tanks, on this, today being Earth Day; and also on food safety; but first, Mr. Speaker, I have something I would like to say. I think I, as all Americans, we should be outraged by the actions of the so-called investigations that are going on here in Washington, D.C.

Mr. Speaker, unfortunately these are not investigations but violations of everything that we hold as dear as American citizens. Every basic right, every fundamental belief on which this great country was founded upon is being trampled by a select few. But it is this few, those who think they are above the law, that give Congress and government a bad name.

But this is more than just giving Congress or government a real bad name. This is about privacy, it is about the Constitution, it is about the laws of this Nation, it is about the oath of office, and it is about our word.

Mr. Speaker, the chairman of the Committee on Government Reform and Oversight, the gentleman from Indiana (Mr. BURTON), has released private recorded conversations covered by the Privacy Act to the news media. The conversations released were those of Mr. Hubbell, and those conversations were amongst himself to his wife and his family, and they were subpoenaed by the committee from the Justice Department.

The gentleman from Indiana (Mr. BURTON) was allowed access to these recordings because of his position as a Member of Congress and as chairman of the Committee on Government Reform and Oversight. The gentleman from Indiana (Mr. BURTON) was warned by the Justice Department that Mr. Hubbell had a right to privacy, and that the gentleman from Indiana (Mr. BURTON) and his committee should safeguard these tapes against improper disclosure. The gentleman from Indiana (Mr. BURTON), a Member of Congress, put himself above the law and has purposefully released these tapes.

Does not a Member's oath of office, the Constitution of the United States, in which we are sworn to uphold the Bill of Rights, the Privacy Act, human decency mean anything any more? Since when is it okay for a Member of Congress to trample the rights of individual citizens, no matter who that Member of Congress is? It is never okay for anyone, let alone a Member of Congress, to trample the individual rights of individuals.

Mr. Speaker, the rule of law applies to everyone on every occasion. This government cannot pick and choose when to follow the law. The laws of this Nation mean everyone must follow the law. Everyone includes, and especially it includes, Members of Congress, those of us who are sworn to uphold the law.

When Members or individuals who are elected officials sit by and allow a chairman or any Member of this Congress to openly ignore the law, then we are not worthy of holding elected office. That is why I can no longer sit by while the gentleman from Indiana (Mr. BURTON) continues to place himself above and beyond the rule of law.

And then I must ask who is going to be the next target? Who is the next target of invasion of privacy, of violation of our constitutional rights? I often have to ask myself, in the last few days, why do the American people sit idly by and tolerate such an invasion of rights of privacy?

Mr. Speaker, in this case let us be very, very clear what is going on here. In this case the gentleman from Indiana (Mr. BURTON) is the first chairman in congressional history, in the 200-and-some years that we have had Congresses, to have the power to unilaterally, unilaterally issue subpoenas and release confidential information.

The Committee on Government Reform and Oversight set up a so-called document working group, and it is comprised of three Republicans, including the gentleman from Indiana (Mr. BURTON) and two Democrats. The working group is supposed to issue nonbinding recommendations on whether the chairman should release particular documents.

The gentleman from Indiana (Mr. BURTON) subpoenaed the Hubbell tapes from the Department of Justice. The Department of Justice is prohibited from publicly releasing these tapes because of the Privacy Act. But the Privacy Act has an exemption, and that exemption is for releasing information to Congress. So DOJ under the Privacy Act releases it to the Burton committee because they can, under an exception to the Privacy Act.

At the time of the release the Department of Justice informed the gentleman from Indiana (Mr. BURTON) of his responsibility to treat the tapes in a very sensitive manner. After all, the privacy law does apply to the Department of Justice, the custodian of these tapes.

Well, what happens? Then on March 19 the Wall Street Journal ran an article that excerpted pieces of tapes, of conversations contained on these tapes. So they put in their paper, they print parts of recorded private conversations. This is on March 19. At the time the Chairman was trying to force Mr. Hubbell to testify before the committee, so the way he was trying to force it was by leaking information. He was trying to intimidate the witness to testify.

And then in the May edition of the American Spectator, if anyone reads it, if you read the American Spectator, they ran an article on information from the tapes that the gentleman from Indiana (Mr. BURTON) received from the Department of Justice.

As Democrats learned of this, the gentleman from California (Mr. WAXMAN) in particular, he wrote to the gentleman from Indiana (Mr. BURTON) and asked him stop leaking the tapes: These are highly sensitive, you have been warned, do not do it. That was back on March 20, 1998. The gentleman from Indiana (Mr. BURTON) wrote back and said, ''Look, I didn't leak the tapes. Since I had a unanimous consent, inserted it in the record, then the tapes could be released.'' That was on March 27, 1998.

The gentleman from California (Mr. WAXMAN) went back through the tapes and went back through the record, and he found by going through the record of the committee that there was no unanimous consent to release these tapes. And that was on April 2 when the gentleman from California (Mr. WAXMAN) wrote back and said there is no authority or unanimous consent to release this information.

The gentleman from Indiana (Mr. BURTON) did inform the gentleman from California (Mr. WAXMAN) on April 14 of his decision to make the tapes public. Private recorded conversations now going to be made public.

The gentleman from California (Mr. WAXMAN) requested that the gentleman from Indiana (Mr. BURTON) should immediately convene the working group, convene the working group to meet to determine whether the documents could even be released. That was on April 15, 1998. The gentleman from Indiana (Mr. BURTON) answered that he would not convene the working group and he was going to release the tapes immediately on April 15, 1998. At this point it is unclear how much of the tapes were released.

Mr. Speaker, the problem is here we have the Privacy Act that governs the release of information, a Member of Congress uses his office to obtain the information, and despite warnings that they not be released because they are subject to the Privacy Act, they are released anyway to intimidate a person to come and testify before a committee.

I do not know Mr. Hubbell and I do not know all the players involved here, but when do we allow Members of Congress to place themselves above the letter, the intent and the spirit of the law? Since when do we as Members of Congress sit by and watch other Members openly violate the law? And such an abuse of power, if we cannot do it through a front door, we try to slip it in through the back door.

Mr. Speaker, prior to coming to Congress I was a police officer up in the upper peninsula of Michigan, in Escanaba, and also with the Michigan State Police. I was injured in the line of duty and I was medically retired. But one of the last cases I worked on when I was in the State Police and actually was finalized was a criminal investigation involving a State legislator.

I did not leak information to the news media about the case. I did not violate her rights. I did not treat her unjustly, but only with humaneness and respect. I did not invade her right to privacy. I did not violate her constitutional rights. I did my job in a professional manner, and we got the conviction. I did my job within the bounds of the law, and we were still able to get our conviction. The case went to the Michigan Supreme Court and they upheld the conviction.

The point I am trying to make: There is a proper way and a way as Americans that we expect to conduct ourselves, not only as individuals but as law enforcement officers, as prosecutors, as chairmen of committees. You can do an investigation, an investigation which honors the law, and not violate the privacy rights. We did our investigation within the bounds of the law and not out of bounds.

Mr. BURTON's treatment of Mr. Hubbell is wrong, it is outside the law and is outside common decency, and it is contrary to what people and what we in government should and do stand for. I would hope that no future tapes would be released by the gentleman from Indiana (Mr. BURTON). I would hope that the Justice Department would intervene to protect the rights of citizens to their privacy, to their right of privacy and to the rights afforded all citizens of this great country.

Mr. Speaker, my theory is with the majority party, with all these investigations going on in Washington, D.C., from Mr. BURTON's committee to special prosecutor Ken Starr, each and every day Americans are having their rights violated under the guise of criminal investigations or grand jury investigations.

□ 1515

Mr. Speaker, the joke around here is, have you received your subpoena today? But it really is no joking matter when the prosecutor uses the grand jury and the subpoena power of the grand jury to conduct even the most basic initial inquiry of a witness; that is no substitute for professional investigation. It is my understanding from reading news accounts that the special prosecutor has some 70 to 75 FBI agents. People are being subpoenaed without ever being interviewed by law enforcement.

Why have a subpoena power or law enforcement working on a case when you are just going to subpoena people in. Every time you subpoena people in before a grand jury there is a cost involved of getting legal counsel; there is humiliation and probably the damage to the reputation. Instead of doing our work and doing our job the old-fashioned way, actually going out and pounding the pavement and interviewing witnesses to see if you have anything worthy to tell a grand jury, we are now dragging people underneath subpoena power.

When and under what right and authority does the special prosecutor have to go into book stores to get a list of the latest books you may have read or purchased? Is there not a privacy right there protecting individuals on the books they read? Or have we sunk so far as a country that we now start making lists of books that people read?

When is a mother forced to testify under subpoena about her own daughter? Once again, isn't there some privileged conversations here between a parent and their child?

When is it allowable for someone to leave a message on a telephone answering machine and then only to have the caller be subpoenaed for expressing an opinion about the special prosecutor investigation?

Mr. Speaker, I think we ought to ask ourselves what is going on here? How far have we gone? Why are we allowing this to go on? Where is the privacy? Where is the authority? Under what authority, what right, does the government have to do these things? Why are FBI agents, special prosecutors, chairmen of committees, Members of Congress, why do they believe they do not have to follow the law?

In the 5 years that I have been here, we have been working so hard to get government out of our lives, but now government has not only taken over our lives, they are taking over every aspect, even the most private of conversations. Even conversations in which we have been warned that there is a Privacy Act here and these are sensitive matters, but we still release them in the name of some investigation.

Whether you are a Democrat or Republican, a Liberal, a Conservative, or an Independent, you are an American, and if you are an American, you should be outraged by the actions and the abuses of power recently displayed in committees and by special prosecutors in these past few months.

I do not personally know the individuals involved, who may or may not have been subpoenaed. I only know what I read and have heard about in the newspapers. I do not know the guilt or innocence of people, and I am not here passing judgment on guilt or innocence. But I do know that as you do an investigation, there is a right way and there is a wrong way. There are certain rights and liberties as Americans that we hold dear to us. And if there is going to be agility or innocence determination, then the evidence must be fairly obtained, without violating the law, without the abuse of power. And then the guilt or innocence of an individual is brought before a judge and a jury.

It is not obtained by one government agency, subpoenaed by another government agency, and then released under the guise of some cloak of exception to the privacy rule because we are a Member of Congress. Whoever would do that has put themselves and this great body, the Congress of the United States, above the law, and we are not above the law. We are equal underneath the eyes of the law.

I know, and I believe, that as an American citizen, I have certain rights. As an American citizen, not even the Congress of the United States can take away those rights, and the Congress does not have the legal authority to violate or take away any of these rights.

As a human being, there is a certain decency and kindness, a dignity and respect, that all Americans and every individual should be afforded. Some would call those inalienable rights. They are to be upheld and honored. And that requirement goes to the chairman of the Government Reform and Oversight Committee. It goes to the special prosecutors in this town, and I wish they would begin to conduct themselves in professional, courteous manners, as law enforcement does in this country.

Having been there and having been in law enforcement and done these investigations, just coming back from break, I can't tell you how many of my friends in law enforcement have said what is going on out there? If we tried to do any of those things when we were doing criminal investigations or working the street, we would have certainly been in great difficulty.

Mr. Speaker, I yield to the gentleman from California, Mr. WAXMAN, the ranking Democrat on the Government Oversight Investigation Committee. I certainly appreciate his efforts in trying to bring these violations of rights forward that he sees happening on that committee. I am, quite frankly, ashamed of the way Congress has been conducting these hearings.

Mr. Chairman, I yield to the gentleman from California.

Mr. WAXMAN. Mr. Chairman, I want to compliment the gentleman on the superb job he has just done laying out the problems that we are seeing in the Committee on Government Reform and Oversight under the leadership of the gentleman from Indiana (Mr. BURTON). This committee has wide-ranging responsibility to conduct an investigation on an issue that is important to the American people. But the Republicans on that committee have delegated to Mr. BURTON extraordinary powers.

No chairman of any committee in the history of the House of Representatives has had the power to go out and issue subpoenas without asking anybody to approve it; not the minority, not even the majority members of his committee. And to date, Chairman BURTON has issued 1,049 information requests in connection with the campaign finance investigation.

Of these, by the way, 1,037 or 99 percent were issued to investigate allegations of Democratic fund-raising abuses, and he also had 532 out of 541 subpoenas, and 144 out of 146 depositions all targeting Democrats.

Now, no one in this Congress or the country can believe that the only campaign finance abuses have been by Democrats.

What is also so troubling to me is the statement that Congressman BURTON just made back home in his district. He was quoted as saying about the President of the United States, if I could prove 10 percent of what I believe happened, he would be gone. This guy is a scum bag. That is why I am after him.

This is the statement of the chairman involved in an investigation. It is clear that he has a vendetta. He is not in any semblance trying to conduct an inquiry that will be fair and bring out all the facts, wherever they may lead. He is out to get the President of the United States.

His statements, it seems to me, are so outrageous, quite vial. If they were delivered on the House floor as a Member of Congress, his words could be taken down. It is inappropriate for Members of Congress to speak that way. It is inappropriate for any American to speak that way about the President of the United States.

But you have reported in this special order one of the most troubling things that also concerns me, and that is the fact that Chairman BURTON has taken tapes of private, intimate, personal conversations, that Webb Hubbell has had with his wife and personal friends, and made them public.

These are tapes about very personal matters. They have nothing to do with anything that relates to the campaign finance question. For his staff to have sat there and eavesdropped over these conversations, and then to send them, as he did, to the American Spectator, one of the right-wing magazines in this country, and other publications, to humiliate the man, there is really know other purpose but to humiliate him.

Now, I do not know whether Webb Hubbell has committed any other crimes than that which he admitted to, and it is appropriate for law enforcement to investigate it. It would be appropriate for our committee to investigate any wrongdoing on his part that relates to the jurisdiction of our committee. But to use the power to release these personal conversations as a weapon against him, is so offensive, it reminds me of that comment that has gone down so well in history, that Joe Welch said at the Armey-McCarthy hearings: After all, have you no decency?

I wrote to the Attorney General and, by the way, she, under the law, could not have made these tapes public. Ken Starr could not have made these tapes public. And under the Rules of the House, even Chairman BURTON is not permitted to make these tapes public. He has done it, in violation of the rules of our committee, and I believe that the members of the committee will have to deal with that matter, and maybe even the Members of this House will have to further deal with the question of the ethical propriety of the chairman's conduct.

But when he was given these tapes by the Attorney General, he was specifically told that these personal matters were to be kept personal and confidential.

I am so troubled by Chairman BURTON's conduct, I think it is reprehensible. His statements are vial. They do not befit a chairman who is trying to take on such important responsibilities.

A lot of people have not paid attention to the investigation of the Burton committee, the way they did with Senator THOMPSON's committee. They just cannot take it seriously. But the power that this man has to subpoena documents, to force people to come in and be deposed, to have to hire lawyers to be there with them, and to ask questions that have nothing to do with campaign finance investigations. We have had witnesses who have been brought in and asked questions about their drug use, and if they don't want to answer that question, because it is not the business of the committee looking at campaign finance questions to ask such personal matters, they can argue that it is not pertinent, but then the chairman would make a ruling that it is.

They then have the choice of being in contempt of Congress and fighting it out in court, where they would probably win. But do you know what it means when an American citizen, who has never been accused of doing anything wrong, has to face the overwhelming intrusive power of the Congress of the United States, asking for their personal records, asking them the most personal questions? I can think of no greater invasion of personal liberties than what we have seen in this Burton investigation.

I think the disclosure, so out of sync with the rules of these Hubbell tips, are only the tip of the iceberg. What they have done to other witnesses by way of harassment speaks so poorly of any committee of the Congress of the United States.

I thank the gentleman for yielding me time and allowing me to join with him in expression of concern about the conduct we have seen.

Mr. STUPAK. If the gentleman would remain, we still have some time left. Before I get to other issues, you said a couple of things I would just like to ask about. You said there has been 1,049 different documents subpoenaed and depositions taken by this committee.

If the chairman of the committee, Mr. BURTON, is going to release information protected underneath the Privacy Act, obviously contrary to the intent and spirit in the written law, then what is there to prevent him from releasing these documents or the depositions or interviews of other people?

Have we gone so far that whatever government wants to do, despite personal liberties that we as Americans possess, government, at least this committee, can release whatever they want with impunity towards the law? Is there any recourse for action like this?

Mr. WAXMAN. Let me draw a distinction. If a committee of Congress asks a witness to come and testify at a hearing or to testify under oath in a deposition, that information should be made public. That is on the record.

Mr. STUPAK. A committee hearing.

Mr. WAXMAN. A committee hearing or deposition ought to be made public. We have insisted these depositions be made public, and some of them are still being held back from the public. But what we have in these that is so offensive about the process is that witnesses are being harassed to come in and testify, not one day, but sometimes two, three, four and five days. Just to answer any question they want to ask these witnesses. And that means that any witness that comes before a committee of Congress has to have an attorney. He just can't take a chance that he will do anything wrong. You need to have legal representation.

For someone working in the Department of Commerce, for example, or Secretary Babbitt's committee, where they were looking at the question of whether there ought to be a dog track approved to be turned into a gambling casino in Hudson, Wisconsin, we had 3 days of hearings on this issue. A lot of people were deposed before those hearings. Their depositions were released, but they never testified.

The people who worked as government civil servants were brought in to answer extensive questions. They had to hire a lawyer at their own expense, answer the questions. They did.

□ 1530

But they were asked to give depositions after they had already testified in the Senate and given depositions in the Senate committee. So they were being harassed for no purpose, because the information was already available.

This is a different issue, these subpoenas and depositions, than what happened with Web Hubbell, because what happened with Web Hubbell was a tape made without the intention of it ever being made public. Those who were involved in the conversations never dreamed that their private discussions would be made public. That is different from someone who comes in for a deposition.

Imagine just having a conversation with your wife about the family, about very intimate kinds of things, being taped; and you may even know it is being taped, but you expect it is never going to be disclosed; but then having it disclosed, or pored over by people who are, in effect, eavesdropping on the most sensitive kinds of communications.

Mr. STUPAK. Mr. Speaker, my concern with this whole mentality we have going right now in Washington, D.C. with all of these investigations, as we see in the Ken Starr case, going in the bookstores to find out what people read or what they may have purchased, someone leaving a message on a telephone answering machine, and then being subpoenaed before a grand jury to explain it because they expressed an opinion contrary to what, contrary to what the special prosecutor thought in this case; or a mother being forced to testify under subpoena about her daughter's activities.

As American citizens, again, whether you are a liberal, conservative, Democrat, Republican, or Independent, I think we should be concerned about where these investigations are going. Whether it is Web Hubbell, whether it is the Ken Starr investigation, we have certain rights and certain liberties that must be respected by law enforcement, by prosecutors.

Certain things are guaranteed in the Constitution, and I am afraid that in the last few months these things are getting so out of focus that we are using every possible means to force people to testify, whether it is against their will or not.

Certainly in the Hubbell matter, he chose not to testify before the committee, so tapes are being released to try to coerce him into testifying. We always hear that people are concerned about government is always in their face and is all-intrusive, and you cannot get away from the government. What are we getting, here? We are getting more and more of this, not less.

As we try to get government out of our lives, when it comes to an investigation, government not only is in our life, it is in the bookstore, it is on our answering machine, and it is in our personal conversations, and we have no control over it. And if we object, they find a way to come through the back door and violate our rights on what they cannot get through the front door.

As a former law enforcement officer and an attorney, I just really resent what is going on here. It reflects terribly upon every Member of Congress, because it is the Committee on Government Reform and Oversight and everyone who sits on that committee. I no longer sit on it. I did at one time, and we did some work in my first term here.

Where have we gone with this whole thing? This is totally out of control. Every Member of Congress should be outraged, and every American citizen should be outraged. These are rights and personal liberties guaranteed to us which are being trampled in the name of an investigation.

Mr. Speaker, I yield to the gentleman from California (Mr. WAXMAN).

Mr. WAXMAN. Mr. Speaker, this committee spent $6 million. They ought to have something to show for it. We have had only six public hearings over a period of 13 days, as opposed to Senator THOMPSON, his investigation, where they held 33 days of hearings, and they issued a 1,100 page report at a cost of less than $3.5 million.

The gentleman from Indiana (Mr. BURTON) it has been reported in the press is hoping to be on the committee that Speaker GINGRICH will set up if there is a possible inquiry of impeachment of the President of the United States. How can we have someone on a committee to decide whether to impeach the President of the United States when a Member has already said such a vile accusation against the President, and indicated he is out to get the President of the United States? We have clear bias, a vendetta, no objectivity or fairness. He is not interested in the facts. He has already made up his mind.

So I point that out. Let us stop spending money unless it is really for an investigation that will get to the facts, and not just be used recklessly for partisan purposes. I thank the gentleman for yielding to me.

Mr. STUPAK. Mr. Speaker, I thank the gentleman for coming down. I am not sure if he is aware, I was reading some articles, and I was so outraged over what I read. When I think back over what has happened in the last few months, I think every American should be outraged over what is going on.

I often tell my folks back home that when you have politicians investigating other politicians, what do you get? More politics. I really wish we would

leave these to professional law enforcement, who certainly do respect the rights of individuals.

Mr. Speaker, I yield to my friend, the gentleman from Wisconsin (Mr. BARRETT).

Mr. BARRETT of Wisconsin. Mr. Speaker, I thank the gentleman from Michigan (Mr. STUPAK) for yielding to me. It is an honor to be here. I want to compliment the gentleman for bringing this to the body's attention here, and I want to compliment the gentleman from California (Mr. WAXMAN) for the fine job he has done.

Like the gentleman, I was amazed when I looked at the article in the Wall Street Journal several weeks ago that talked about the taping of Webster Hubbell's conversations. I am not here to defend Webster Hubbell. I do not think anybody here is doing that. But there is a concern here that I think every American has to pay attention to, what we are doing here.

I heard the gentleman from California (Mr. WAXMAN) ask the question, have you no decency? That was exactly what went through my mind as I read what is going on here with the gentleman from Illinois (Chairman BURTON) and the committee we are dealing here with today.

The article was from the Wall Street Journal of March 19, 1998: ''As he wasted away, the prisoner had but one thing on his mind. What he had on his mind was food during the time he was in prison. Webster Hubbell lost a lot of weight. He was concerned about food.

''His conversations were recorded, his phone conversations with his wife were recorded. There were no nefarious plots discussed, there were no illegal discussions that took place. They talked about incredibly mundane matters between a man and his wife. Unfortunately, those verbatim conversations made their way not only into the Wall Street Journal, but also into the American Spectator.''

I would like to read or make reference to a letter that the gentleman from California (Mr. WAXMAN) wrote to the Attorney General, if I may, talking about this.

In the letter, which is dated April 20, the gentleman from California (Mr. WAXMAN) wrote: ''I wrote to Chairman BURTON on March 20, 1998, and noted that the only possible sources for the tapes,'' the release of the tapes, ''to the Wall Street Journal and the American Spectator were Independent Counsel Kenneth Starr or Chairman BURTON. It would be illegal for Mr. Starr to release the tapes, and it would be a violation of our committee rules if Chairman BURTON had released the tapes without notice.''

On March 27 the gentleman from Indiana (Chairman BURTON) responded and argued that the released tapes were not a leak. In his letter he noted that, ''In fact, the tapes in question were entered into the committee record on December 10th, 1997, during a hearing regarding Attorney General Reno's decision to seek appointment of an independent counsel.''

That statement was not correct, as the gentleman from California (Mr. WAXMAN) responded on April 2 to Chairman BURTON'S letter and informed him, and this is Mr. Waxman, now: ''I have thoroughly reviewed the transcript from the December 10th committee hearing. At no point were the tapes entered into the hearing record.''

Mr. Waxman also challenged Chairman BURTON'S assertion that the leaked tapes discussed matters under investigation by the committee. Again, the reference in the media was to food.

''On April 14th of this year, just last week, in an apparent recognition that he had not received prior approval for the release of the Hubbell tapes, Chairman BURTON wrote and informed him of his intent to release the tapes and other records. And then in an April 15 letter the minority staff director informed Chairman BURTON'S staff director that he objected to the release of the tapes because they would be an unnecessary invasion of privacy and serve no purpose.''

So what we have here is we have a situation where these tapes have been released. I understand that the gentleman from Indiana (Mr. BURTON) does not like Mr. Hubbell, and it is clear he does not like President Clinton. That is his right. If he does not like these two gentlemen, that is his right. He is in a position of authority. He is in a position of authority that should not be abused.

My concern is that the committee that I serve on along with the gentleman from California (Mr. WAXMAN) is abusing not only the rules of this House, but common rules of decency. We have an individual who has been punished under the law, as he should have been, Mr. Hubbell. But that does not mean that he has lost his citizenship, that does not mean he has lost all his rights. What it means is that he should be punished, and he has been. But even as a prisoner, he has some rights. To violate those rights I think is a gross invasion of privacy and is an embarrassment to this body.

I wanted to come down here to share the gentleman's sentiments, share the sentiments of the gentleman from California. The letter I was reading from was a letter from the gentleman from California (Mr. WAXMAN) to Attorney General Janet Reno. I concur with his question. The Attorney General should be looking into this matter, because it is an important matter. As soon as this body starts violating the rights of American citizens, we are on the road to tyranny, because it is just not something that should be tolerated.

Mr. STUPAK. Mr. Speaker, I thank the gentleman for adding to this discussion here today. The issue is not whether the conversation was about food or how mundane the discussion may have been, and what was or what was not the discussion that was recorded and then later released. It is the principle here. It is the constitutional right. It is the invasion of privacy.

We are not here defending Mr. Hubbell or even the President of the United States. They can defend themselves. If someone does not appreciate the job they are doing or did, that is their right. But there are some rights where you are restricted from going, whether you are a private citizen or a member of the United States Congress or a law enforcement officer.

The principle of privacy is something we as Americans have always held near and dear to us, so when they say you have no shame, or you have no respect or no decency, I guess those who would release this information have no shame and have no respect for the Constitution and the laws of this country.

When we start putting ourselves above the law, or using documents that are obtained, and the only way they were obtained is because a Member of Congress, a chairman of a committee, subpoenaed them, otherwise, no other citizen could get them; and then to be used to release or to try to intimidate a person to come in and testify, where have we gone as a country?

We talk about morals and ethics and values in this country, but when we use those kinds of tactics to try to force people to testify, if you will, against themselves, then have we really gone way too far?

I really do hope that the Attorney General does investigate this and puts some restriction on, or calls back these tapes. I would hope that the media would use their good judgment and not release these documents that are sensitive and private conversations between a husband and his wife.

Whether we agree with the parties or not, they still have an expectation of privacy. We know that expectation of privacy has been invaded, has been violated, but I do not think that then gives the media justification to print it. So I would hope that by bringing forth this discussion today, that all Members of Congress and our friends in the media would use some good common sense as these investigations go on and as questionable tactics come to light.

Again, it is not just the Burton investigation, if you will, but also what is happening with Ken Starr, with people going into bookstores to see what you may or may not have read or purchased recently, on tape recordings, on answering machines, and people then get subpoenaed.

I would hope, I would certainly hope, that we would respect and bring some decency to these investigations and what is going on. Whether people are guilty of this or that will be determined by another body. We would need a judge or jury, and we should at least respect the Constitution and laws which we all live under.

Mr. Speaker, I yield to the gentleman from Wisconsin (Mr. BARRETT).

Mr. BARRETT of Wisconsin. Mr. Speaker, I want to echo what the gentleman is saying. I think the people of this body and of this country have to understand the magnitude of what is going on. Webster Hubbell may not be a particularly admirable figure to many Americans, but he does have rights. Every American has rights.

If we start down the road where we can basically violate someone's rights because we do not like them, then I think every one of us in this Chamber is in danger, I think every American is in danger.

Just think about it for a second. Think about any conversation that you have with your spouse, about any conversation you have with a family member, think about any conversation you have with a friend. Think about that conversation being taped. Then think about that conversation being released to the public, to the media, because someone in a position of authority does not like you. They do not like your politics, they do not like what you have done in the past, and they are going to use that position of authority to try to destroy you.

That is extremely dangerous. That is something that Americans cannot just let happen on a daily basis. I am afraid that what we are seeing in this Chamber and what we are seeing in this committee structure and some of the investigations is we are seeing steps toward that, where truly the ends justify the means, and an investigator has decided that we do not like this person and they are guilty of something.

There is an article from the Star News today, or actually from April 16, and it talks about the committee's database that we have here in Washington from the committee that I serve on:

> The oversight committee's database on Capitol Hill contains 90,000 entries that pertain to questionable conduct by the administration. Somewhere in all that BURTON believes is an indictable offense.

I will take any American, any American, and if you give me 90,000 entries about their life, they have done something wrong. What we have here is we have a situation where a completely one-sided investigation is out to paint Democrats and the administration in a bad light.

I think the American people see through it. They recognize that virtually none of the subpoenas have been directed towards Republicans, and there is not a person in this world, in this country, who believes that all Republicans are wonderful and all Democrats are terrible. That is just not the way it is. I am not here to say that Democrats are 100 percent good, but I am certainly here to say that Republicans are not 100 percent good.

If we are going to have an investigation, we should have a fair investigation. This is not a fair investigation.

□ 1545

Mr. STUPAK. Mr. Speaker, I thank the gentleman. And whether we are a Democrat or Republican, again it is the basic principles and beliefs that all Americans hold near and dear to them. And if we are going to do an investigation, let us do it based upon the law of this land and not upon the position we may hold in the government or elsewhere, and respect those laws.

I thank the gentleman and thank him for coming down. He probably did not realize that I was going to do this today, and neither did I until I woke up this morning and read the paper. It got me going.

Mr. Speaker, I did say I was going to spend a few minutes on leaking underground storage tanks and if there is time, I would still like to do that. Being Earth Day, one of the bills that I have worked on in the 104th and 105th Congresses is the leaking underground storage tanks. Today being Earth Day, it is a bill that both myself and the gentleman from Colorado (Mr. DAN SCHAEFER), a Republican and member of the Subcommittee on Health and Environment with me on the Committee on Commerce, we have been pushing this bill for the last two years.

The last Congress, the 104th Congress, it passed this House by near unanimous agreement and went to the other body, and unfortunately it died over there. In the 105th Congress, I believe it was July of last year we once again passed the bill.

The bill is supported by the administration and supported by the Environmental Protection Agency. And the reason why it is, the greatest pollutant of our groundwater is leaking underground storage tanks which contain gasoline and other petroleum products, oil, gas, kerosene, whatever it may be.

That bill once again sits before the other side of this House, over in the Senate side, and we would hope that they would see to it that they would bring that bill up very, very soon.

What the bill does is reorganize the program. There is a trust fund which petroleum companies and others pay into to help clean up leaking underground storage tanks. Again, the greatest pollutant of our groundwater is leaking underground tanks. On this Earth Day one of the best things we could do is pass this bill to get that leaking underground storage tanks program up and running in this country.

In my home State of Michigan we did have a Michigan Underground Storage Tank Act. Unfortunately, that fund has gone bankrupt and we need to pump some new life and some new money into it, and the bill we have would certainly do that.

Mr. Speaker, one other issue that I said I would speak on is food safety. In my work on the Subcommittee on Health and Environment we have been watching closely food safety and food safety agreements and how they are affected by trade agreements.

In this country we have the world's highest standards when it comes to food and food safety. Unfortunately, from statistics from the Centers on Disease Control, we have found that every second of every day an American is stricken with food poisoning. We know that 33 million Americans this year will suffer from food poisoning. Of those 33 million Americans, 9,000 deaths will occur due to food poisoning.

Why do we have so many deaths when we have the highest standards in the world? Why are so many Americans getting sick based on food poisoning? If we take a look at statistics put forth by those who are in charge of food inspection, the Food and Drug Administration and the Department of Agriculture and others, back in 1981 we used to make 25,000 inspections of food. In 1996, we made 5,000 inspections of food in this country.

During that same period of time, especially since the passage of NAFTA, the North American Free Trade Agreement, food imports in this country have gone up some 40 percent. In fact, in my home State of Michigan during the winter months 70 percent of the food, the fruits and vegetables, 70 percent of the fruits and vegetables that come into Michigan come from foreign countries. And we know that a food item from a foreign country is likely to have three times greater amount of pesticides on it than those grown domestically in the United States.

So as we were doing food safety issues relating to trade agreements, we asked the President as we are negotiating these trade agreements if three things could happen: Number one, certainly increase our inspections at the border so that we prevent contaminated foods or foods laced with pesticides, prevent them from coming into this country, and to make sure that those foods, fruits, vegetables, meats, fish or poultry, meet United States standards.

Secondly, to renegotiate some of the provisions of the trade agreements that allow us time to inspect food shipments coming into this country. Right now we inspect about 1 percent. We have 9,000 trucks a day coming in from the southern border bringing in food products, but we are only inspecting 1 percent. Is it any wonder why more and more food is getting into this country not being inspected?

And finally, the last but not least, we asked the President if we could put forth and if he would endorse the idea of a country of origin food labeling, so if we go to the supermarket and take a look at the tomatoes and decide whether or not to purchase those tomatoes, we would know if they were grown in Florida, which at one time had the world's tomato market and now they are second to Mexico, or whether or not they were grown in Mexico. And those are the issues that the American consumers, who will have the ultimate choice here, consumers really should make.

In my home State of Michigan we had, in the spring of 1997, 179 schoolchildren stricken by tainted strawberries in the school lunch program.

Now it is up to 324 case of hepatitis A. Those strawberries came from Mexico. When they were shipped into the United States, they were packaged in the hot lunch program and distributed throughout this country.

Our concern and our problem, and I said earlier that are there is a greater likelihood that foods and fruits and vegetables from other countries have three times more pesticides than what we use here in the United States, our concern is simply this: While we have these young children ages 10 to 11 in Michigan being very ill with hepatitis A, they got over hepatitis A but now they are suffering from secondary symptoms. The secondary symptoms are atypical of hepatitis A. By that I mean they have hair loss and skin rashes and sores in their mouth and shingles at 10 years old, and a number of secondary symptoms and illnesses, certainly not due to hepatitis A but other things that were in those strawberries.

Recently we were down in Mexico doing some work on trade agreements and we saw the sanitation, or I should say the lack of sanitation, the lack of clean water, the use of pesticides on agricultural crops. So it is no wonder that they are having secondary symptoms when we do not know what is the cause of those secondary symptoms. Could it be lead? Could it be mercury? Could it be pesticide use? Those are some of the suspected agents that we have.

We then went to the Central Valley of California and we saw their conditions and standards that they use to grow, package and bring forth produce in this country. A vast world of difference. But yet the farmers there were telling us that many of the products that we may see in our store and canned under U.S. label are actually grown in other countries, and they do not have to put where it was grown, just where it was canned or packaged.

In particular, olives, black olives, the market used to be in California. It is now in Mexico. It comes over, they cut off the top and the bottom, take the pit out and put it in the can and it says ''canned in the United States.'' It does not say that the produce, or in this case the olives, were canned in the United States but in fact they were grown in Mexico.

So we can see how the problems of food safety enter into our food supply each and every day. So having the world's highest standards concerning fruits vegetables, meat, poultry, there are some things we can do as American consumers.

We have been pushing legislation to get proper labeling with country of origin, so that we as the American consumer can decide whether or not we want to serve these strawberries from Mexico or from southern California to our family; or Guatemalan raspberries, where we had 15,000 people stricken last year with those; or whatever other fruit or vegetable or meat or poultry it may be.

So as we continue this debate, Mr. Speaker, on trade issues, I would hope that we stop and not lower our standards to allow trade and items to come into the United States, but maintain the rigid standards that we have in the United States, not just for fruits and vegetables and meats and fish and poultry but for all products. I find it amazing that in this country we can insist upon standards for CDs and intellectual property and movie rights, but yet we cannot insist on the same standards that would apply to our food and our food sources in this great country. While we have the world's highest standards, we must maintain them.

We are not opposed to trade policies; we are opposed to trade policies which reduce or lessen our standards that we have accepted here in the United States.

So, Mr. Speaker, with that I would close. The next big fight on trade may be the Multinational Agreement on Investment, which once again would attack our health, our environmental and our food and safety standards in this country. So I would ask all Members to be alert for the MAI, the Multinational Agreement on Investment, which once again is a way of lowering our standards that we are used to here in this country and attacks our sovereignty as a Nation.

RECESS

The SPEAKER pro tempore. Pursuant to clause 12 of rule I, the Chair declares the House in recess until 5:15 p.m.

Accordingly (at 3 o'clock and 56 minutes p.m.), the House stood in recess until 5:15 p.m.

□ 1737

AFTER RECESS

The recess having expired, the House was called to order by the Speaker pro tempore (Mr. PEASE) at 5 o'clock and 37 minutes p.m.

REPORT ON RESOLUTION PROVIDING FOR CONSIDERATION OF H.R. 1252, JUDICIAL REFORM ACT OF 1998

Mr. SOLOMON, from the Committee on Rules, submitted a privileged report (Rept. No. 105–491) on the resolution (H. Res. 408) providing for consideration of the bill (H.R. 1252) to modify the procedures of the Federal courts in certain matters, and for other purposes, which was referred to the House Calendar and ordered to be printed.

TAX LIMITATION CONSTITUTIONAL AMENDMENT

The SPEAKER pro tempore. The pending business is the question of the passage of House Joint Resolution 111 on which a recorded vote was ordered.

The Clerk read the title of the joint resolution.

RECORDED VOTE

The SPEAKER pro tempore. The question is on the passage of the joint resolution.

The vote was taken by electronic device, and there were—ayes 238, noes 186, not voting 9, as follows:

[Roll No. 102]

AYES—238

Aderholt
Andrews
Archer
Armey
Bachus
Baker
Ballenger
Barcia
Barr
Barrett (NE)
Bartlett
Barton
Bass
Berry
Bilbray
Bilirakis
Bliley
Blunt
Boehner
Bonilla
Bono
Boswell
Brady
Bryant
Bunning
Burr
Burton
Buyer
Callahan
Calvert
Camp
Canady
Cannon
Castle
Chabot
Chambliss
Chenoweth
Christensen
Coble
Coburn
Collins
Combest
Condit
Cook
Cooksey
Cox
Cramer
Crane
Crapo
Cubin
Cunningham
Danner
Davis (VA)
Deal
DeLay
Diaz-Balart
Dickey
Doolittle
Dreier
Duncan
Dunn
Ehlers
Ehrlich
Emerson
English
Ensign
Etheridge
Everett
Ewing
Fawell
Foley
Forbes
Fossella
Fowler
Fox
Franks (NJ)
Frelinghuysen
Gallegly
Ganske
Gekas
Gibbons
Gilchrest
Gilman
Gingrich
Goode
Goodlatte
Goodling
Gordon
Goss
Graham
Granger
Green
Greenwood
Gutknecht
Hall (TX)
Hansen
Harman
Hastert
Hastings (WA)
Hayworth
Hefley
Herger
Hilleary
Hobson
Hoekstra
Horn
Hulshof
Hunter
Hutchinson
Hyde
Inglis
Jenkins
John
Johnson, Sam
Jones
Kasich
Kelly
Kim
King (NY)
Kingston
Klug
Knollenberg
Kolbe
LaHood
Largent
Latham
LaTourette
Lazio
Leach
Lewis (CA)
Lewis (KY)
Linder
Livingston
LoBiondo
Lucas
Maloney (CT)
Manzullo
McCarthy (NY)
McCollum
McCrery
McDade
McHugh
McInnis
McIntosh
McIntyre
McKeon
Metcalf
Mica
Miller (FL)
Moran (KS)
Myrick
Nethercutt
Neumann
Ney
Northup
Norwood
Nussle
Oxley
Packard
Pallone
Pappas
Parker
Paul
Paxon
Pease
Peterson (PA)
Petri
Pickering
Pitts
Pombo
Portman
Pryce (OH)
Quinn
Radanovich
Ramstad
Redmond
Regula
Riggs
Riley
Roemer
Rogan
Rogers
Rohrabacher
Ros-Lehtinen
Roukema
Royce
Ryun
Salmon
Sanchez
Sandlin
Sanford
Saxton
Scarborough
Schaefer, Dan
Schaffer, Bob
Sensenbrenner
Sessions
Shadegg
Shays
Sherman
Shimkus
Shuster
Skeen
Skelton
Smith (MI)
Smith (NJ)
Smith (OR)
Smith (TX)
Smith, Linda
Snowbarger
Solomon
Souder
Spence
Stearns
Stump
Sununu
Talent
Tauzin
Taylor (MS)
Taylor (NC)
Thomas
Thornberry
Thune
Tiahrt
Traficant
Upton
Wamp
Watkins
Watts (OK)
Weldon (FL)
Weldon (PA)
Weller
White
Whitfield
Wicker
Wolf
Young (AK)
Young (FL)

NOES—186

Abercrombie
Ackerman
Allen
Baesler
Baldacci
Barrett (WI)
Becerra
Bentsen
Bereuter
Berman
Bishop
Blagojevich
Blumenauer
Boehlert
Bonior