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House of Representatives

The House met at 10 a.m. and was called to order by the Speaker pro tempore (Mr. LATOURETTE).

DESIGNATION OF THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore laid before the House the following communication from the Speaker:

WASHINGTON, DC,
February 4, 1999.

I hereby designate the Honorable STEVEN C. LATOURETTE to act as Speaker pro tempore on this day.

J. DENNIS HASTERT,
Speaker of the House of Representatives.

PRAYER

The Reverend Dr. Ronald F. Christian, Director, Lutheran Social Services of Virginia, Fairfax, Virginia, offered the following prayer:

Almighty God, in this moment of quiet we are acknowledging Your presence in our lives and in our world.

Through the words of Your prophets we are challenged in our deeds, for surely shalom is our greatest need, justice must be our supreme passion, service to our neighbor in need is everyone's responsibility, and gratitude for Your many gifts Your only request.

So we pray, may our actions be molded by Your great love for all people. May our lives be modeled after those heroes and saints who so lived their lives personal that sacrifice was not too great a price to pay. May we commit our actions to the great principles of malice toward none and equality for all. And, may we always be more ready to give mercy than receive it, demonstrate compassion than to be shown it, and offer honor to another than to seek it for ourselves.

Bless, we pray, our day and our deeds. Amen.

THE JOURNAL

The SPEAKER pro tempore. The Chair has examined the Journal of the last day's proceedings and announces to the House his approval thereof.

Pursuant to clause 1, rule I, the Journal stands approved.

PLEDGE OF ALLEGIANCE

The SPEAKER pro tempore. Will the gentleman from Nevada (Mr. GIBBONS) come forward and lead the House in the Pledge of Allegiance.

Mr. GIBBONS led the Pledge of Allegiance as follows:

I pledge allegiance to the Flag of the United States of America, and to the Republic for which it stands, one nation under God, indivisible, with liberty and justice for all.

A $6.5 BILLION HOLE IN THE GROUND

(Mr. GIBBONS asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. GIBBONS. Mr. Speaker, do you know that the American taxpayers have spent to date $6.5 billion over the last 15 years?

You may think this money was spent on new schools for our children, a better military or a down payment to save Social Security. Nope. Sorry.

You may hope the money was spent to give tax cuts to hard working men and women of this country or it was spent on needy families to ensure people move from government reliance and to work with self respect. Sorry again.

Mr. Speaker, this money was used for nothing more than to dig a hole in the ground, $6.5 billion dollars, and according to the GAO, the Department of Energy has spent more than $6.5 billion to dig a hole large enough to bury the nuclear industry's high level radioactive garbage. Even more perplexing is that they are over 12 years behind schedule trying to fit a square peg in a round hole.

Americans know that when you find yourself in a hole, the first rule is to put the shovel down and stop digging.

I urge my colleagues to oppose H.R. 45 and let this money be spent on programs that actually benefit this country.

THE CHILDREN'S EDUCATION TAX CREDIT ACT

(Mr. TANCREDO asked and was given permission to address the House for 1 minute.)

Mr. TANCREDO. Mr. Speaker, at a time when the education of our children ranks as a top concern of the American people and as a top priority of the Congress, we need to look at the innovative proposals that empower parents to give their children the best possible education. Rather than creating new Federal programs run by new Federal bureaucrats, we need to put responsibility and resources in the hands of our Nation's parents.

Today the gentleman from California (Mr. ROGAN) and I are introducing the Children's Education Tax Credit Act. It provides American families with over $150 billion in help in meeting the unique educational needs of their children.

Our proposal would create a $1,000 tax credit for elementary and secondary education expenses, including textbooks, tutoring, tuition, and other resources children need to excel in schools.

Too often today parents must make tough choices within the family budget and little extra that can be spent on children's education must instead go to pay the bills. With this tax credit, parents will have the means and the freedom to provide the unique support their children need to learn at their very best.

Printed on recycled paper.

Mr. Speaker, I urge my colleagues to join the gentleman from California (Mr. ROGAN) and me in making this tax credit for American families a reality.

APPOINTMENT AS DIRECTOR OF CONGRESSIONAL BUDGET OFFICE

The SPEAKER pro tempore. Pursuant to the provisions of section 201(A)(2) of the Congressional Budget and Impoundment Control Act of 1974, Public Law 93–344, the Chair announces that the Speaker and the President pro tempore of the Senate on Wednesday, February 3, 1999, did jointly appoint Mr. Dan L. Crippen as director of the Congressional Budget Office, effective February 3, 1999, for the term of office expiring on January 3, 2003.

MANDATES INFORMATION ACT OF 1999

Mr. LINDER. Mr. Speaker, by direction of the Committee on Rules, I call up House Resolution 36 and ask for its immediate consideration.

The Clerk read the resolution, as follows:

H. RES. 36

Resolved, That at any time after the adoption of this resolution the Speaker may, pursuant to clause 2(b) of rule XVIII, declare the House resolved into the Committee of the Whole House on the state of the Union for consideration of the bill (H.R. 350) to improve congressional deliberation on proposed Federal private sector mandates, and for other purposes. The first reading of the bill shall be dispensed with. Points of order against consideration of the bill for failure to comply with clause 4(a) of rule XIII or section 306 of the Congressional Budget Act of 1974 are waived. General debate shall be confined to the bill and shall not exceed one hour equally divided and controlled by the chairman and ranking minority member of the Committee on Rules. After general debate the bill shall be considered for amendment under the five-minute rule. It shall be in order to consider as an original bill for the purpose of amendment under the five-minute rule the amendment in the nature of a substitute recommended by the Committee on Rules now printed in the bill. Each section of the committee amendment in the nature of a substitute shall be considered as read. Points of order against the committee amendment in the nature of a substitute for failure to comply with section 306 of the Congressional Budget Act of 1974 are waived. During consideration of the bill for amendment, the Chairman of the Committee of the Whole may accord priority in recognition on the basis of whether the Member offering an amendment has caused it to be printed in the portion of the Congressional Record designated for that purpose in clause 8 of rule XVIII. Amendments so printed shall be considered as read. The chairman of the Committee of the Whole may: (1) postpone until a time during further consideration in the Committee of the Whole a request for a recorded vote on any amendment; and (2) reduce to five minutes the minimum time for electronic voting on any postponed question that follows another electronic vote without intervening business, provided that the minimum time for electronic voting on the first in any series of questions shall be 15 minutes. At the conclusion of consideration of the bill for amendment the Committee shall rise and report the bill to the House with such amendments as may have been adopted. Any Member may demand a separate vote in the House on any amendment adopted in the Committee of the Whole to the bill or to the committee amendment in the nature of a substitute. The previous question shall be considered as ordered on the bill and amendments thereto to final passage without intervening motion except one motion to recommit with or without instructions.

The SPEAKER pro tempore (Mr. LATOURETTE). The gentleman from Georgia (Mr. LINDER) is recognized for 1 hour.

Mr. LINDER. Mr. Speaker, for purposes of debate only, I yield the customary 30 minutes to the gentleman from Massachusetts (Mr. MOAKLEY), pending which I yield myself such time as I may consume. During consideration of this resolution, all time yielded is for the purpose of debate only.

Mr. Speaker, House Resolution 36 is an open rule providing for consideration of H.R. 350, the Mandates Information Act of 1999, a bill that will expand the prior 1995 Unfunded Mandates Reform Act to improve congressional deliberation and public awareness on proposed private sector mandates.

H. Res. 36 is a wide open rule providing 1 hour of general debate equally divided and controlled by the chairman and ranking minority member of the Committee on Rules. The rule waives points of order against consideration of the bill for failure to comply with section 306 of the Congressional Budget Act prohibiting consideration of legislation within the Committee on the Budget's jurisdiction unless reported by the Committee on the Budget. The bill also waives points of order against consideration of the bill for failure to comply with clause 4(a) of rule XIII requiring a 3-day layover of the committee report.

The rule considers the amendment in the nature of a substitute recommended by the Committee on Rules, now printed in the bill, as an original bill for the purpose of amendment which is considered as read. The rule provides, further, that it waives points of order against the amendment in the nature of a substitute for failure to comply with section 306 of the Congressional Budget Act.

H. Res. 36 further allows the chairman of the Committee of the Whole to accord priority in recognition to those Members who have preprinted their amendments in the CONGRESSIONAL RECORD prior to their consideration. The rule also allows the chairman of the Committee of the Whole to postpone recorded votes and to reduce to 5 minutes the voting time on any postponed question, provided voting time on the first in any series of questions is not less than 15 minutes.

Finally, the rule provides one motion to recommit with or without instructions, as is the right of the minority.

Mr. Speaker, let me begin by explaining exactly what this bill will do. First, the bill amends the Unfunded Mandates Reform Act to require committee reports to include a statement from the Congressional Budget Office estimating the impact of private sector mandates on consumers, workers and small businesses.

Second, if the CBO cannot prepare an estimate, the bill allows a point of order against consideration of the bill.

Third, if legislation contains a private sector mandate the direct cost of which exceeds $100 million, this bill also allows a point of order against consideration of the legislation. In both cases the point of order triggers a 20-minute debate on the costs and benefits of a legislative measure before the House votes to continue.

The argument has been made that this bill will result in delaying tactics. Mr. Speaker, the current bill has been in effect for over three years and the point of order has been utilized seven times, four times by Republicans and three times by Democrats. That is a pretty good balance.

Nonetheless, H.R. 350 constrains the Chair from recognizing more than one point of order with respect to a private sector mandate for any bill, joint resolution, amendment, motion or conference report. The one vote limit per legislative measure should provide sufficient opportunity for Members to receive the best available information on the cost of a bill.

Mr. Speaker, the intergovernmental mandates legislation was one of the first bills passed by the 104th Congress and signed into law by President Clinton. That law, designed to provide information about mandates on State and local governments, passed the House with 394 votes and has proven to be quite useful in providing accurate information during the course of floor debate.

I chaired a joint hearing of the two Committees on Rules subcommittees on Tuesday in which we examined H.R. 350 and efforts to expand upon the 1995 Unfunded Mandates Reform Act. We have now had 3 full years to observe how that law has worked, and it has worked well. We heard from the acting director of the congressional Committee on the Budget who stated that the 1995 act had been a useful tool in congressional deliberation. The CBO director said he had been doing mandates estimates for years, but no one really paid any attention to the costs until we passed the 1995 mandates bill.

That is all the Unfunded Mandates Reform Act has done, and that is all that this bill will do. It will force Members to review reliable information from the Congressional Budget Office. This information has increased not only Member consciousness of the costs of legislation, but increased public awareness, and that is why we are here today. In an effort to make the original unfunded mandates legislation a more valuable information tool to advise Members on private sector mandates, the Mandates Information Act has been introduced again in this Congress with over 60 bipartisan cosponsors.

H.R. 350 was referred to the Committee on Rules, and Committee on Rules alone, because it is a procedures bill affecting the internal workings of the House and providing information to Members of Congress. By compelling CBO estimates and requiring a question of consideration on the House floor on certain legislation, this legislation should serve as an effective tool in increasing Congressional accountability by requiring Congress to be informed fully of the effects of mandates before enacting them into law.

During our hearing a 32-year-old business owner who started his company when he was 19 years old testified, and I quote: ''I know I would sleep a little better at night knowing that Congress was thinking seriously about the cost impact of legislation on small business owners.'' That was all he was asking, that his elected representatives have some detailed information before they vote.

The average American should be concerned about these mandates as well. The Committee on Rules heard from the gentleman from Ohio (Mr. PORTMAN) in which he discussed his concerns about the hidden e-rate tax that resulted from the FCC's interpretation of the Telecommunications Act. Mandates such as these which are not debated on the House floor continue to represent hidden taxes that consumers are forced to pay through increased prices or wages, reduced job opportunities and more red tape for businesses.

□ 1015

It is likely that during the 20 minute floor debate on the question of consideration, the costs and impact of a mandate will be highlighted, and an educated decision could be made about whether to pass the costs on to the U.S. consumer.

Mr. Speaker, the bill we have before us today is almost identical to the Condit-Portman Mandates Information Act of 1998, with some technical changes, such as additional findings and some modifications due to recodification. It is essentially the same bipartisan bill that passed the House by a vote of 279 to 132 in the last Congress.

Mr. Speaker, H.R. 350 serves as a speed bump to legislation that allows Members time to debate the costs of a bill. It is not a roadblock. We will have ample time to discuss the merits of the bill during general debate later this morning.

This is a fair rule, and I urge my colleagues to support it so that we may proceed with general debate and consideration of the amendments and the merits of this bipartisan bill.

Mr. Speaker, I reserve the balance of my time.

Mr. MOAKLEY. Mr. Speaker, I thank my colleague for yielding me the customary half hour, and I yield myself such time as I may consume.

Mr. Speaker, although the idea of an unfunded mandates point of order is somewhat controversial, this open rule will allow Members to make what amendments they will, and this really deserves our full support.

Unfunded mandates can have bad effects and they can have good effects. They can cost private industries millions and millions of dollars, but they can also help ensure the food supply is safe for millions of Americans.

Each time Members of Congress vote to impose a mandate, they should know how much it will cost and how much it will help. For that reason, I support the idea behind this point of order information; this information never hurt anyone. But, Mr. Speaker, my sentiments stop short of creating a point of order, and I look forward to discussing the issue further during the general debate.

Mr. Speaker, I have no further requests for time, and I yield back the balance of my time.

Mr. LINDER. Mr. Speaker, I yield such time as he may consume to the gentleman from California (Mr. DREIER), the Chairman of the Committee on Rules.

(Mr. DREIER asked and was given permission to revise and extend his remarks.)

Mr. DREIER. Mr. Speaker, I thank my very good friend from Atlanta, the distinguished Chairman of the Subcommittee on Rules and Organization for yielding me this time. I want to commend him for his tremendous work on this legislation.

As the gentleman from Georgia (Mr. LINDER) noted, the Mandates Information Act was reported by the Committee on Rules last year and overwhelmingly approved in a bipartisan way by this House. It addresses a clear bias against the private sector in the way we consider legislation subject to the Unfunded Mandates Reform Act, legislation that was also reported by the Committee on Rules in 1995, and, as was said, overwhelmingly approved by this House.

I also want to join, Mr. Speaker, in congratulating my colleagues, the gentleman from California (Mr. CONDIT) and the gentleman from Ohio (Mr. PORTMAN), for once again introducing this legislation. I also want to commend them for their bipartisan efforts and their diligence in working with our Committee on Rules to ensure that the best possible bill was reported out by our committee.

I agree with the sponsors that the Unfunded Mandates Reform Act does not go far enough to discourage Congress from imposing costly mandates on the private sector. Such mandates cost businesses, consumers and workers about $700 billion annually, or $7,000 per household. That is more than a third the size of the entire Federal budget.

These mandates are particularly burdensome on families attempting to climb the economic ladder. Over the next five years, Mr. Speaker, 3 million people will move from welfare to private sector payrolls. Small businesses will provide most of those jobs, yet the imposition of new mandates upon existing burdens will reduce the resources available to create these much-needed jobs.

Mr. Speaker, it very important to note that H.R. 350 does nothing, absolutely nothing, to roll back some of the unnecessary mandates that exist, nor does it prevent in any way the imposition of additional mandates.

I would like to read now directly section 2 of the bill, which reads as follows: ''The implementation of this Act will enhance the awareness of prospective mandates on the private sector without adversely affecting existing environmental, public health, or safety laws or regulations.''

Mr. Speaker, I want to read that again, because I think it is very important to note that as we proceed with debate on this, that section 2 of the bill states, ''The implementation of this Act will enhance the awareness of prospective mandates on the private sector without adversely affecting existing environmental, public health, or safety laws or regulations.''

Mr. Speaker, in other words, H.R. 350 is a straightforward, common sense, bipartisan bill that will make Congress more accountable by requiring more deliberation and more information when Federal mandates are proposed.

This is important because, in reality, mandates are a hidden tax that consumers are forced to pay through increased prices, reduced job opportunities and more red tape for small businesses.

The procedures in H.R. 350 can in no way be used as a roadblock to legislation. Rather, they are intended to serve as a very small, smooth, speed bump that will allow affected groups to provide input to committees early in the development stage of legislation on more cost effective alternatives.

It is on this point that the Unfunded Mandates Reform Act has been so successful. As Jim Blum of the Congressional Budget Office noted in his testimony before the Committee on Rules, ''Before proposed legislation is marked up, committee staffs and individual Members are increasingly requesting our analysis about whether the legislation would create new Federal mandates, and, if so, whether their costs would exceed the thresholds set by the Unfunded Mandates Reform Act. In many instances, the Congressional Budget Office is able to inform the sponsor about the existence of a mandate and provide informal guidance on how the proposal might be restructured to eliminate the mandate or reduce its cost.''

He goes on to say, ''That use of the Unfunded Mandates Reform Act early in the legislative process may not involve the law's formal procedural hurdles, but it appears to have had an effect on the number and burden of intergovernmental mandates in enacted legislation.''

Mr. Speaker, this rule will allow us to fully deliberate H.R. 350, and I am

looking forward to engaging in a very thoughtful debate on this legislation. But I want to end with a very simple message that was relayed to the Committee on Rules by Ryan Null, the owner of Tristate Electronic Manufacturing in Hagerstown, Maryland.

He said,

I only ask that Congress, in its wisdom, please remember that it is hard enough to be an independent business owner. The laws that you pass and the costs associated with them have a profound effect on our bottom line. I know I would sleep a little better at night knowing that Congress was thinking seriously about the cost impact of legislation on small business owners.

Mr. Speaker, with that, I urge adoption of this rule and adoption of the bill.

Mr. LINDER. Mr. Speaker, I yield such time as he may consume to the gentleman from New York (Mr. BOEHLERT).

(Mr. BOEHLERT asked and was given permission to revise and extend his remarks.)

Mr. BOEHLERT. Mr. Speaker, I rise in support of this rule, but in strong opposition to the underlying bill. I support the rule wholeheartedly because it is an open rule, a rule that will allow full, free and democratic debate; a rule that will allow issues to be aired and all points of view to be heard. That is a way of doing business that all Members can support and that the American people can be proud of.

My complaint about H.R. 350 is that it would end precisely the kind of open process that is governing its own consideration. With H.R. 350, there would never truly be an open rule again on a bill that affects industry.

I am not exaggerating. An open rule means unlimited debate on every amendment. Yet, under H.R. 350, if any private interest opposed a bill, a Member could raise a point of order that could limit debate to a mere 20 minutes, 10 minutes on each side. Raising the point of order requires not a shred of evidence, no evidence at all, just a mere assertion. You can say, ''I have got a gut feeling,'' or ''I have got a hunch,'' and that would trigger a point of order that would severely restrict debate and terminate it after only 10 minutes of argument on each side of the equation, 600 seconds. That is not a very good idea.

The point of order is targeted at shutting down debate on measures that industry opposes, overriding whatever time has been allocated by the Committee on Rules.

I think the Committee on Rules does an outstanding job, and I want to compliment my distinguished colleague, the gentleman from Georgia, and the distinguished new chairman, the gentleman from California (Mr. DREIER). These gentlemen do us proud in that Committee on Rules, and it is a pleasure to come up and testify before you and have the thoughtful deliberative process that goes on up there.

I want that same thoughtful deliberative process here on the floor, not terminating debate after only 10 minutes, 600 seconds, on a wide ranging, sweeping measure that is going to impact a lot of people for a long time.

I will remind my colleagues again of an example that I have used many times of how this could work. In 1995 a substitute was offered to the proposed Clean Water Act, a very important bill for America. The substitute was defeated, but the House had more than a day-and-a-half of spirited debate, debate that helped frame environmental issues for the rest of the year, debate that fully discussed the cost and benefits of clean water legislation, debate that aired every possible point of view. And that is what we should do in the people's House, air every possible point of view. We should encourage additional information, not restrict the input of information.

Under H.R. 350, a Member opposed to the substitute could have raised a point of order that would have carried the day and shut down debate after only 20 minutes, 10 minutes on each side, 600 seconds. Not a very good idea.

Would the American people have been better served by a truncated debate? Would more information have been presented? Would any interested party have had more time to get their point of view across? Of course not.

The stated goal of this bill is to provide Congress with more information on the cost of private mandates, and that is a goal I support. But you cannot provide the House with more information by having less debate. It just does not make sense.

Now, I know the sponsors of the bill will argue that we cannot know for sure that events back in 1995 would have unfolded in just the way I outlined. But I ask them, if the point of order would have not been raised against a substitute in a very visible debate in which industry is investing time and money and has the votes to shut down debate, then when would it be used?

Mr. Speaker, I will save the rest of my comments for general debate. I just want to make one final point: The debate over H.R. 350 is not about whether Congress should pass this or that private mandate. I do not like mandates, and I find particularly distasteful unfunded mandates. But this debate is about whether we will have fair procedures during debates over those mandates.

I think debate on private mandates should be just as free, just as fair, just as full, just as open and just as democratic as the debate we will have on H.R. 350 itself.

I urge support for this well-crafted open rule, and support for the amendment that I will offer to repair H.R. 350.

Mr. LINDER. Mr. Speaker, I yield back the balance of my time, and I move the previous question on the resolution.

The previous question was ordered.

The resolution was agreed to.

A motion to reconsider was laid on the table.

The SPEAKER pro tempore (Mr. GIBBONS). Pursuant to House Resolution 36 and rule XVIII, the Chair declares the House in the Committee of the Whole House on the State of the Union for the consideration of the bill, H.R. 350.

□ 1030

IN THE COMMITTEE OF THE WHOLE

Accordingly, the House resolved itself into the Committee of the Whole House on the State of the Union for the consideration of the bill (H.R. 350) to improve congressional deliberation on proposed Federal private sector mandates, and for other purposes, with Mr. LATOURETTE in the chair.

The Clerk read the title of the bill.

The CHAIRMAN. Pursuant to the rule, the bill is considered as having been read the first time.

Under the rule, the gentleman from Georgia (Mr. LINDER) and the gentleman from Massachusetts (Mr. MOAKLEY) each will control 30 minutes.

The Chair recognizes the gentleman from Georgia (Mr. LINDER).

Mr. LINDER. Mr. Chairman, I yield myself such time as I may consume.

Mr. Chairman, H.R. 350, the Mandates Information Act of 1999, is a procedures bill designed to make Congress more accountable and provide Members with the most factual information possible before voting on legislation. This bill was referred to the Subcommittee on Rules and Organization of the House, and as chairman of that subcommittee, I am pleased to rise in strong support of this important bipartisan reform legislation.

Two of our colleagues, the gentleman from California (Mr. CONDIT) and the gentleman from Ohio (Mr. PORTMAN) were the main proponents four years ago of the intergovernmental mandates legislation that was one of the first bills passed in the 104th Congress with 394 votes from both sides of the aisle. Today, they both deserve great credit for their tireless hard work to amend that act in an effort to provide more accurate information to Members during the course of debate.

The intergovernmental mandates bill provided a point of order for intergovernmental mandates over $50 million. This act has worked incredibly well. My subcommittee heard testimony from the director of the Congressional Budget Committee who said that he had been doing mandate estimates for years, but nobody really paid attention to them and to the costs until the 1995 mandates bill.

Now we have the opportunity to force Members and committees to pay attention to the costs on businesses and consumers. The bipartisan Condit-Portman private mandates bill will simply force Members to review reliable information from the CBO. By compelling CBO estimates and requiring a question of consideration on the House floor on certain legislation, this legislation should serve an effective

role in increasing congressional accountability by requiring Congress to be informed fully of the effect of mandates before enacting them into law.

As I stated during the rule debate, the bill we have before us today is almost identical to the bipartisan bill that passed the House by a vote of 279 to 132 in the last Congress. And like the 65 percent of the Members who supported this bill last year, H.R. 350 is supported by the National Governors Association, the Conference of Mayors, the National Conference of State Legislators, the National League of Cities, the National Association of Counties, the National Taxpayers Union, the U.S. Chamber of Commerce, Citizens for a Sound Economy, the National Federation of Independent Business, and the American Farm Bureau. The list goes on and on, a list which I will submit for the RECORD.

SUPPORTERS OF H.R. 350, THE MANDATES INFORMATION ACT

National Governors' Association, National Conference of State Legislatures, National League of Cities, National Association of Counties, National Taxpayers Union, U.S. Chamber of Commerce, National Federation of Independent Business, American Farm Bureau, Small Business Legislative Council, Citizens for a Sound Economy, National Restaurant Association, National Retail Federation, Small Business Survival Committee, Associated Builders and Contractors, American Subcontractors Association, National Association of the Self-Employed, National Association of Manufacturers, National Association of Wholesaler-Distributors, National Roofing Contractors Association, American Dental Association, American Rental Association, Food Distributors International, National Association of Homebuilders, Conference of Mayors, Council of State Governors and International Managers.

Mr. Chairman, I urge my colleagues to join me in supporting this bipartisan legislation.

Mr. Chairman, I reserve the balance of my time.

Mr. MOAKLEY. Mr. Chairman, I yield myself such time as I may consume.

I want to begin by saying that although I support the idea behind this legislation, I just cannot support the point of order in this bill. Although I agree that full disclosure of unfunded mandates in the private sector is a good idea and can help Members make informed decisions, this point of order is just not the way to do it.

While there are many situations in which Federal mandates protect the public, their monetary costs can be very significant. I agree that Members should know what they are getting into before voting to impose these mandates.

Scripps-Howard Newspapers still carry the wise saying, ''Give light and the people will find their own way.'' Certainly, if we shed light on the impact that our votes will have, the quality of legislation we pass will also benefit. I believe there can be no harm in Members understanding the full impact their votes will have on State and local governments, private companies and even individuals.

That having been said, Mr. Chairman, I have three main reservations to this bill which will prevent me from supporting it.

First, as I have said consistently since the first unfunded mandates bill was passed in the 104th Congress, it is far too easy to abuse the point of order. Informing Members is laudable, but this unusual point of order is too susceptible to abuse. The majority can, and has, used it to silence a motion to recommit, and other legitimate amendments.

Mr. Chairman, under this bill any Member can raise a point of order, get 20 minutes of debate and a vote, regardless of whether there is anything even remotely resembling an unfunded mandate in the bill.

My second objection, Mr. Chairman, is the bill's tilting the playing field against some of our Nation's finest laws, laws to feed the hungry, protect public safety, protect public health, clean up pollution, enforce civil rights, and even compel parents to support their children. These laws have costs, but they also provide enormous benefits.

Both the Waxman and the Boehlert amendments would help restore the balance between providing information about costs while keeping in mind the benefits of the type of legislation.

My last objection, Mr. Chairman, is the somewhat political position this point of order takes on merits of tax cuts and the demerits of spending, regardless of whose taxes are being cut or what is being spent. Mr. Chairman, a bill is not necessarily bad because it requires someone to spend money, and a bill is not necessarily good because it gives someone a tax cut.

For instance, Mr. Chairman, I think requiring polluters to clean up their act and stop dirtying our air and water is a good idea, even if it imposes a burden on some businesses. On the other hand, I think granting a huge tax cut to people making over $300,000 a year is just not a good idea.

Under this point of order, a tax increase is exempt from being considered a mandate as long as it gives someone somewhere a tax cut. Now, I want my colleagues to listen closely to that. Under this point of order, a tax increase is exempt from being considered a mandate as long as it gives someone somewhere a tax cut.

For instance, if a bill imposes a gas tax and uses the money to fix roads, it is subject to a point of order. But if a bill imposes a tax cut and uses the money to give railroads a tax cut, it is exempt.

In closing, Mr. Chairman, this point of order is well-intentioned, but as I said, it could be too easily abused and it takes too strong a stand against bills that have the potential to do this country a great deal of good. I urge my colleagues to closely examine the point of order scheme contained in the bill and vote ''no'' on the bill.

Mr. Chairman, I reserve the balance of my time.

Mr. LINDER. Mr. Chairman, I yield 3 minutes to the gentlewoman from Ohio (Ms. PRYCE), a colleague on the Committee on Rules.

Ms. PRYCE of Ohio. Mr. Chairman, I thank my friend, the gentleman from Georgia (Mr. LINDER) for yielding time to me.

At this time I rise in support of the Mandates Information Act. Mr. Chairman, the State of Ohio has been very active in the fight against unfunded Federal mandates. Both Mayor Lushutka of Columbus and former Ohio Governor, now our colleague in the other body, GEORGE VOINOVICH, fought hard for the passage of the Unfunded Mandates Reform Act of 1995, which is sponsored by yet another Ohioan (Mr. PORTMAN).

I congratulate both the gentleman from Ohio (Mr. PORTMAN) and the gentleman from California (Mr. CONDIT) for their hard work which has brought us here today to debate the merits of extended protections against unfunded mandates to the private sector.

While Ohio has been a leader in the battle against the tremendous burdens imposed on State and local governments by Federal laws, I know the cries for relief that I have heard from Ohio's elected officials and business owners are not unique to our State. I am sure all of my colleagues have heard the moans and groans of their constituents every time Congress figures out a way to fix a problem, but turns a blind eye to the real world price tag.

We must remember that our actions here have real consequences. When Washington's good ideas are enshrined into law, America's businessmen and women have to spend real time and real money out of their limited resources to comply. And, to ensure that their businesses stay afloat, these companies have to adjust and offset these new costs, which means higher prices for consumers, lower wages for workers, and less time on innovations that make American businesses competitive.

Given these serious consequences, it seems reasonable to ask Congress to pause for just a moment when we are faced with broad-reaching legislation, to focus on the costs and benefits before we move forward with the legislation.

That is what the Mandates Information Act will force us to do. It is really that simple. This bill does not prohibit unfunded mandates on the private sector. It merely gives Congress a mechanism through which we can acquire more information, greater deliberation, and increased accountability before we ask America's consumers and entrepreneurs to pick up the price tag.

Now, some of my colleagues have expressed concern about this bill's impact on environmental legislation. Let us be clear. Nothing in this bill singles out the environment for prejudicial

treatment. This bill applies to all mandating legislation across the board, regardless of topic, on an equal basis.

Mr. Chairman, I urge my colleagues to support informed debate and responsive government. We should all stand up for our constituents who are hard at work creating jobs and moving our economy forward by voting ''yes'' on this important bipartisan legislation, the Mandates Information Act.

Mr. LINDER. Mr. Chairman, I yield such time as he may consume to the gentleman from New York (Mr. REYNOLDS), a new member of the Committee on Rules.

Mr. REYNOLDS. Mr. Chairman, I rise in support of H.R. 350, the Mandates Information Act of 1999.

Building on a very successful Unfunded Mandates Reform Act of 1995, H.R. 350 extends to small businesses the same protections Congress offers to State and local governments, that if the Federal Government mandates it, the Federal Government should pay for it.

Throughout my career, I have been somewhat of a crusader against unfunded government mandates. As a former county and State legislator, I know too well the hidden and high costs that mandates impose on our Nation's local governments. Small businesses as well have been impacted by mandates that do not just increase the cost of doing business. Consumers pay a price through higher retail prices, hinder production, and reduce job opportunities.

Mr. Chairman, our Nation's small businesses and farmers need this bill. We have heard from the Mom and Pop and Main Street businesses who have pleaded with Congress to relieve them from the burden of unfunded mandates, to give them the opportunity to survive, grow, and create jobs and opportunity for the American people.

Mr. Chairman, I support this bill and urge my colleagues to support our businesses, our workers and our consumers by passing this legislation.

Mr. LINDER. Mr. Chairman, I yield such time as he may consume to the gentleman from New York (Mr. BOEHLERT).

(Mr. BOEHLERT asked and was given permission to revise and extend his remarks.)

Mr. BOEHLERT. Mr. Chairman, I rise in strong opposition to H.R. 350.

Let me start by affirming that I support the goals of this bill. Those purposes are laid out in section 3 of the bill. They are, and this is from the actual text of the bill, providing more complete information about the effects of private mandates, ensuring focused deliberation on those effects, and distinguishing between mandates that harm consumers, workers and small businesses and mandates that help those groups.

How could one not support those goals? I am being specific about the stated purposes of the bill because I will offer an amendment next week, and that is when we are going to continue deliberations, designed specifically to accomplish those goals. But what I want to focus on today is why H.R. 350 in its current form in many ways is at odds with those goals, and indeed at odds with fundamental notions of fairness that should govern this House.

H.R. 350 would undermine the fairness of House procedures and fail to achieve its goals because it is based on numerous faulty assumptions.

□ 1045

Let me enumerate some of them. The bill assumes that radically reducing the time to debate a bill or amendment will somehow provide Congress with more information. After all, the bill creates a point of order designed to cut off debate before it would end under normal House procedures. I fail to see how short debate will yield more information.

The bill assumes that baseless assertions, gut feelings, hunches, can provide useful information for congressional decision-making. After all, H.R. 350 requires no evidence at all to raise the point of order. A Member could claim that a bill was going to cost industry a lot of money, even if the Congressional Budget Office had determined otherwise.

So we are not going to be dealing with the facts as presented by the Congressional Budget Office if they do not coincide with the opinion of the person raising the point of order, we are going to be dealing with his gut feeling, his hunch; not a very good idea. I fail to see how assertions that are not grounded in evidence will improve debate.

The bill assumes that more informed debate means that Congress should be more concerned with costs than benefits. After all, the only place the bill mentions benefits is in one finding that suggests that Congress has paid too much attention to benefits. I fail to see how favoring one side of the cost-benefit ratio will improve our decisions.

The bill assumes that up to this point, Congress has never fully considered or debated the potential cost of its actions on industry. After all, that is why proponents of H.R. 350 say it is needed. Yet, look at the examples they give, such as minimum wage. Has Congress debated the minimum wage without discussing its potential cost? Of course not. I fail to see why we need to solve a problem that simply does not exist.

The bill assumes that up to this point industry has not been able to get its views heard on Capitol Hill. After all, why else would H.R. 350 provide industry with a legislative tool that would be denied to its consumers, communities, and employees? I fail to see any evidence that industry has not had the commitment and personnel and financial resources to get its point of view heard.

That is as it should be. We should consider industry's point of view, but how about everybody else? What about all those consumers that are impacted by decisions that industry makes?

The bill assumes that it is fair to skew House rules so those on one side of an issue can stifle the voices on the other side. After all, that is the effect of the point of order. Those supporting measures designed to protect the environment, to protect health, to protect safety, could have debate on their proposals short-circuited by this new point of order.

I fail to see why that is either fair or necessary. No bill based on such faulty assumptions should be passed by this House. If we want to provide fuller and more accurate information for congressional debate and ensure that Congress has more focused debate on costs, we can do so without stifling debate, as my amendment will demonstrate.

H.R. 350 in its current form will not lead to more or better informed debate in this House. Rather, it will cripple our ability to fair, full, open, and democratic debate. That is something that should trouble every Member of this body.

Remember, the issue here is not whether to support a particular private mandate, but whether we will have open debate on private mandates. I look forward to presenting my amendment next week, and I urge my colleagues to oppose this bill in its current form.

Mr. MOAKLEY. Mr. Chairman, I yield 5 minutes to the gentleman from Virginia (Mr. MORAN) by way of Massachusetts.

Mr. MORAN of Virginia. Mr. Chairman, I thank the very distinguished leader of the Committee on Rules. As he knows, I am proud of that circuitous route to the Congress.

Mr. Chairman, I rise in support of this legislation, and applaud the gentleman from California (Mr. CONDIT) and the gentleman from Ohio (Mr. PORTMAN) for their work on this issue.

I was just speaking with the gentleman from California about our joint efforts more than 5 years ago to raise the issue of unfunded Federal mandates to the attention of this body. As one of the first acts of the 104th Congress, we passed the Unfunded Mandates Reform Act, which required a point of order on such legislation. But at the time we missed a golden opportunity to address the issue of private sector mandates.

During the debate on the Unfunded Mandate Reform Act, I offered an amendment to include the private sector as part of CBO's cost analysis in the procedural point of order. Unfortunately, as it was not part of the original bill that had the new House leadership's blessing, and was not part of the Republican Contract With America, I think that is the only reason it was not passed when it should have been as part of the larger package of legislation.

I argued at the time that we were creating a double standard between mandates on the public sector and

mandates on the private sector. The line between the private and public sector is oftentimes very blurred. Private companies now compete successfully to offer services once provided exclusively by State or local governments. Privatization has been successful in the fields of transportation, environmental services, health services, education, water and electric utilities.

Without today's legislation we would be perpetuating a procedural situation where, under the House rules, we can debate a Clean Air Act amendment or a new medical waste disposal mandate's impact on a municipal power plant or on a public hospital, but ignore its impact on a private utility or privately-owned hospital.

Mr. Chairman, there are more than 1,800 municipal, 900 rural electric cooperatives, and 60 State power plants. Should these power plants be treated differently on a new Clean Air Act requirement than the 220-plus investor-owned electric power companies? That does not make any sense.

Should we craft a Federal policy affecting 16 million working Americans, in other words, the 4½ million that are employed by State governments and the 12 million local employees, without knowing what the impact will be on the 100 million workers employed in the private sector? I do not think so.

With enactment of today's legislation we will be closing this double standard. We all need to be held accountable for legislation we support or oppose, regardless of whether it imposes a cost on the public or the private sector. Today will help give Congress the tools and the accountability it needs to know the potential economic impact of all the legislative proposals on the private sector as well.

I would also want to express my appreciation to the authors of this legislation for including a provision making a technical correction to the original Unfunded Mandate Reform Act. This provision addresses a problem we have encountered with CBO's scoring of State and local mandates.

The correction is necessary because CBO has determined that any new entitlement program mandate is exempt from the Unfunded Mandate Reform Act's point of order procedure if there is sufficient flexibility within the entitlement program to offset the new mandate's new State and local costs.

For example, on June 10 of 1996 CBO ruled that a point of order would not exist for a proposed cap on Federal Medicaid contributions to States and any other mandatory Federal aid programs except food stamps. The effect of this interpretation was to exempt more than two-thirds of all grant-in-aid, the mandatory entitlement programs, from coverage under the Unfunded Mandate Reform Act.

What may appear to be an optional Federal mandate program from CBO's perspective, such as expanding Medicaid coverage to pregnant women and children, is not an optional program from the State's perspective. The States cannot cut back, and we would not want them to cut back, programs for pregnant women and children in order to pay for some other program that we newly mandate under the Medicaid program.

Section 5 of this bill would correct this interpretation problem by adding a few simple words to the Unfunded Mandate Reform Act to clarify that any cut or cap of safety net programs constitutes an intergovernmental mandate, unless State and local governments are given new or additional flexibility and the authority to offset that cut or cap.

This provision has been endorsed by every one of the five major State and local organizations. I am glad it is included. I am glad this legislation is finally coming forth. It is important that we treat the public and the public sectors in a balanced, equitable manner. I urge my colleagues to support this legislation.

Mr. LINDER. Mr. Chairman, I yield 3 minutes to the gentleman from Florida (Mr. GOSS), a colleague on the Committee on Rules.

(Mr. GOSS asked and was given permission to revise and extend his remarks.)

Mr. GOSS. Mr. Chairman, I thank my distinguished colleague and friend from Georgia for yielding time to me. I rise in strong support of this effort to expand the accountability of our Federal government, something all Americans are interested in.

H.R. 350, the Mandates Information Act, is based on the very simple yet powerful truth that more information is better than less in a democracy. We have proposed this legislation in the interest of making the public more aware of what we do in this body, specifically in bringing light to the often hidden costs of the laws that we pass.

We took a major step in this direction in 1995 when we implemented the Unfunded Mandates Reform Act, UMRA, as it is known, requiring public disclosure and debate on matters that involve Federal mandates on State and local governments.

At our Committee on Rules joint subcommittee hearing on this bill a few days ago, James Bloom presented the Congressional Budget Office's 1998 report on UMRA, how it was going, replete with information about the types of mandates proposed and considered by this Congress last year and the very real cost consequences of those provisions for State and local governments, and there were some.

In my view, in that compendium of information we got from CBO and in CBO's analysis of our actions, it demonstrates that UMRA is working as intended. In other words, it is a good piece of legislation. We have more information now than ever before, and the public has a benchmark by which to judge what it is we do and how much it costs.

Now we are completing the UMRA process, applying the same type of procedural checklist and sunshine accountability to matters involving mandates on the private sector. This bill is good news for our small businesses and for our entrepreneurs, and it is also good news for consumers. It will help the public and the Congress focus attention on the question of cost, reminding us that for every good idea, there can be, regrettably, unintended and sometimes expensive negative consequences that we should be aware of. It arms all of us with more information about the by-product of the actions we take here in our legislation, and that is good news for a democracy.

While I understand the concerns expressed by my good friend, the gentleman from New York (Mr. BOEHLERT) with regard to this bill, I see this bill as a positive contribution to the legislative process, and I see it from the perspective of the Committee on Rules, where we deal with legislative process.

I believe this is a bill that will not hamper our ability to pass good, thoughtful, and deliberative, responsible legislation. On the contrary, I think it will focus on cost and accountability, which is something we care about.

I commend the bipartisan sponsors of this bill, especially the gentleman from Ohio (Mr. PORTMAN) and the gentleman from California (Mr. CONDIT). I urge support of this legislation. I do this in good conscience as a sound environmentalist from southwest Florida.

Mr. MOAKLEY. Mr. Chairman, I yield 4 minutes to the gentleman from California (Mr. WAXMAN), the ranking member of the Committee on Government Reform.

Mr. WAXMAN. Mr. Chairman, I thank the gentleman for yielding time to me.

Mr. Chairman, I want to take this opportunity to discuss an amendment that I will offer to this legislation next week. The Mandates Information Act that is under consideration would create a new procedural hurdle for Congress when attempting to place any new mandates on the private sector. These new mandates could be increasing the minimum wage, controlling pollution, ensuring workers' safety. These are proposals that would be subject to this procedural step before we enact any of these ideas.

Unfortunately, this legislation is not balanced. It creates procedural protections against new requirements on business, but offers no protections against repealing existing requirements that serve important and popular public interest purposes.

I will offer an amendment which will give the public interest the same procedural protections that are given to industry. I will offer the defense of the environment amendment, which is based on H.R. 525, the Defense of the Environment Act. I introduced H.R. 525 yesterday with the gentleman from Missouri (Mr. DICK GEPHARDT), the gentleman from California (Mr. GEORGE MILLER), and 80 of our colleagues. The

Defense of the Environment Act is supported by every major environmental group.

The defense of the environment amendment will simply ensure that the Mandates Information Act offers the same procedural protections for removing requirements that protect our environment, the public health or safety, as for consideration of new mandates on the private sector. This is common sense, and it addresses not just a theoretical problem but a very real, serious problem with the way the Congress has set environmental policy over the last 4 years.

During the last two Congresses, the democratic process has been circumvented through the use of anti-environmental riders. These riders have been attached to must-pass legislation, and have often been enacted without any serious debate or a separate vote.

□ 1100

There are many examples of these anti-environmental riders. From blocking the regulation of radioactive contaminants in drinking water to delaying our efforts to clean up air pollution in the national parks, riders have touched upon every aspect of the environment.

The Defense of the Environment Amendment will ensure that we can have appropriate debate and a separate vote on these anti-environmental riders.

Let me give an example of why this legislation should be balanced with the addition of my amendment. If this legislation were enacted tomorrow, there would be a new procedural protection to prevent Congress from requiring polluters to tell the public more about pollutants they are emitting into their communities if that were being offered sometime in legislation. However, there would be no protections against repealing the existing right to know requirements.

I can understand why business would support this approach, but it is not fair to the American people. My amendment is designed to help prevent these stealth attacks on our environmental laws. It would not offer protection against every environmental rider, but it is a sensible first step. It would protect our clean air laws, our clean water laws, our toxic waste laws.

This amendment would not prohibit Congress from repealing or amending any environmental law. It places no new burdens on business, State, or individual or Federal agency. It would simply bring an informed debate and accountability to the process.

Mr. Chairman, there is no question that the American people want Congress to protect public health and the environment. The environment is just as important as an unfunded mandate, whether it be an unfunded mandate on another government agency or an unfunded mandate on private business. These issues all ought to have the same focus of attention that will allow us a chance to debate the issue and have a separate vote.

Over the years, we have seen when Congress legislates in a deliberate, collegial, bipartisan fashion, we are able to enact public health and environmental protections that work well and are supported by both environmental groups and by business.

I ask all my colleagues to support this amendment and guarantee that Congress does not unknowingly jeopardize America's public health and environment. They will not do so unknowingly if we at least can have a chance to debate the issue and have a separate vote before we proceed to do something that is going to be anti-environmental without a chance to give a focus of attention on it. That is no different than the opportunity to give a spotlight on an issue that is an unfunded mandate on American business.

I urge support of this amendment when it comes up next week when the bill is considered.

Mr. LINDER. Mr. Chairman, I yield 3 minutes to the gentleman from New York (Mr. SWEENEY), a new Member of this body.

Mr. SWEENEY. Mr. Chairman, I thank the gentleman from Georgia for yielding me the time.

Mr. Chairman, I want to express what a great joy it is for me to come to the well of the House for the first time and speak in support of such important legislation, on one that highlights our commitment to keeping Federal mandates off the backs of our hardworking citizens, one that promotes a more open Congress that makes the most informed decisions possible, and one that raises the level of accountability of our elected representatives for the mandates they impose on our business men and women and on our local communities.

For these reasons, I rise in strong support of the Mandates Information Act and commend the bipartisan sponsors of this bill and the Committee on Rules for bringing this legislation to the floor today.

My past experience as a labor commissioner in New York State has taught me the hard lessons and the burdensome costs of regulations on people and on jobs in my State. In 3 years of steadfast work in unraveling the web of State regulations, we were able to alleviate $1.7 billion in compliance costs to New Yorkers, staggering costs to businesses, farmers, and individuals that were never envisioned when the regulations were first enacted and that cost my State hundreds and thousands of jobs.

Mr. Chairman, the same principles apply here today. In the rush to achieve the benefits of society envisioned in all legislation, it is too easy to ignore the cost of such mandates.

Let us not kid ourselves. These regulations are hidden taxes on businesses and individuals. We owe it to the citizens to know in advance the hidden costs to the public of any legislation before this Congress and to have an honest, focused debate on those costs before they are imposed on the American people. This bill ensures that happens.

I am proud to urge my colleagues' support on this common sense bill.

Mr. LINDER. Mr. Chairman, I yield such time as he may consume to the gentleman from California (Mr. DREIER), chairman of the Committee on Rules.

(Mr. DREIER asked and was given permission to revise and extend his remarks.)

Mr. DREIER. Mr. Chairman, I would simply like to rise and congratulate the gentleman from California (Mr. CONDIT) and the gentleman from Ohio (Mr. PORTMAN), my friends, once again, as I did during the rules debate, for their very fine work on this important issue.

I, too, like my friend, the gentleman from Sanibel, Florida (Mr. GOSS), the Vice Chairman of the Committee on Rules, consider myself to be an environmentalist, and I believe that we will be able, as we move ahead with this measure, to have a very fair and balanced debate on environmental issues as they come forward. That is the idea.

All we are doing with this measure is we are triggering a process whereby questions can be raised and a debate can take place and then a decision will be made by this institution which will, again, as I said during both the Committee on Rules and during the debate earlier, it will make all of us accountable for whether or not we proceed with the imposition of what could be a very, very costly mandate.

We had some very interesting testimony that took place up in the Committee on Rules, and I would like to share a couple of quotes from the testimony by Ryan Null, who is the owner of Tristate Electronic Manufacturing. I quoted him during the Committee on Rules' debate. I have just a couple of other quotes that I would like to use, and then we are looking forward anxiously to the great words of the movers of this effort, the gentleman from Ohio (Mr. PORTMAN) and the gentleman from California (Mr. CONDIT).

Mr. Null said in his testimony, ''The government requirements that a small business must comply with range from retirement plans and OSHA requirements to ever changing environmental regulations. While these regulations may have originated with good intentions, the costs of implementation for a small business is truly overwhelming. Federal mandates and regulations are a constant hurdle for my business.''

Mr. Chairman, he goes on to say ''Government mandates not only take away valuable time and resources from my small business, but ironically some government regulations go so far as to provide disincentives for my company to grow. I find it hard to understand how the lawmakers in a country who pride itself on being the land of opportunity and free enterprise pass laws

that are anti-growth and anti-business. These government mandates seem to defy common sense. For example, if the Family and Medical Leave Act were to apply for my business, we would be weighed down by an unworkable administrative and financial burden. Legislative proposals in the past have proposed to lower the small business exemption to 25 employees. With the threat of legislation that would expand the Family and Medical Leave Act, I feel as a protective measure I should probably hold off hiring any new employees.''

There is very clear evidence, Mr. Chairman, that the continued imposition of mandates without having this institution be accountable are very costly and, as Mr. Null said, anti-growth and can jeopardize the future of the small business sector of our economy.

So I hope very much that we will see passage of this thoughtful measure and we will look forward again to the consideration of amendments next week.

But I want to congratulate the gentleman from Georgia (Mr. LINDER), my colleagues on the Committee on Rules who have come here, the gentleman from New York (Mr. REYNOLDS) especially, who made his maiden speech on this issue, and the gentleman from Washington (Mr. HASTINGS) and the gentlewoman from Ohio (Ms. PRYCE) and the gentleman from Florida (Mr. GOSS) and others who have come forward to work on behalf of it.

I look forward to seeing this bipartisan measure being one of the first very important items to come out of this historic 106th Congress.

Mr. MOAKLEY. Mr. Chairman, I yield such time as he may consume to the gentleman from California (Mr. CONDIT), a cosponsor of this legislation.

(Mr. CONDIT asked and was given permission to revise and extend his remarks.)

Mr. CONDIT. Mr. Chairman, first of all, let me make a comment about the gentleman from Ohio (Mr. PORTMAN) who has been very supportive and a leader in the unfunded mandate issue, and the gentleman from Virginia (Mr. MORAN) who spoke earlier who, from the outset, has been committed to the unfunded mandate issue.

I would also like to thank the gentleman from California (Mr. DREIER), chairman of the Committee on Rules, for his leadership and his patience with us to craft a piece of legislation that is bipartisan and hopefully will pass this House and the other body.

Also to the gentleman from Georgia (Mr. LINDER) who has worked very hard with us to craft this legislation. I would also extend my thanks to the gentleman from Massachusetts (Mr. MOAKLEY) and the gentleman from Ohio (Mr. HALL) on the Committee on Rules on our side of the aisle for allowing us to be here today and for their help and support to allow us to have this debate.

Let me just say from the outset, H.R. 350, the Mandate Information Act of 1999, this bill does not stop legislative mandates. Let me repeat that. The bill does not stop mandates. If this body chooses to pass a mandate on local business, small business, large business, whoever, they can do so.

Let me tell my colleagues what this bill does. It is really simple. All the bill does is allow us to accumulate more information for the Members of this House, for us to ask that we do an analysis by CBO of the cost of the mandate. That is simply what it does. It allows us to have more information so we hopefully can make better decisions on behalf of the people that we represent.

The other thing it does is it requires us to have accountability for that decision. Time and time again, we pass mandates, unfunded mandates sort of in the dead of night. People do not know what they cost, exactly what they do, who they impact, or what the consequences are. We know the cost. Then we have to make the decision whether or not the cost and the benefit match up.

That is what this bill does. It is cost benefit. It states what the cost is. It gives us that information. It gives us time to debate it. Then we have to make the decision and be accountable for whether or not we want to place that mandate in effect, whether we want to pass it legislatively and pass it on to the consumer and to the business that is affected.

So let me say that that is all it does. For someone to get up here and say to you that this stops the Clean Water Act or the Safe Drinking Water Act or the Clean Air Act or any of that stuff, that is just not correct.

As a matter of fact, we passed an unfunded mandate bill in 1996, 1995 that took effect in 1996, on local and State government. We have raised the point of order seven times on this floor. Some of those points of order and some of those issues were quite controversial.

Take the minimum wage. The wisdom of this House was we are going to proceed with the mandate. Every time the point of order has been brought up on this floor, we have proceeded on with the mandate. The House thought in its wisdom that it was worth us continuing.

So for people to say it is going to stop this legislation, that legislation, that is not factually correct. The record does not prove that. The mandate bill in existence today does not prove that.

We have proceeded, after a brief debate and after more information, we have proceeded on. We have gone on and passed the mandate by this House. So that is just not correct.

What the bill does is allow us to make a point of order on a mandate that exceeds $100 million, requires CBO to do the accounting of that. That is basically all this bill does.

□ 1115

It also puts the private sector on an even footing with local and State government, and I think that is a good thing for this House to do. It encourages the committees to try to figure out a way to mitigate the mandate. I do not know what can be wrong with any of that.

There is an argument that maybe this will delay, be a delaying tactic, a dilatory tactic or what have you. We all know in this House if somebody wants to delay or be dilatory, they can do that. One can move to adjourn, can do a variety of different things. This is not the intent of this bill at all. The intent of this bill is to provide Members more information. More information.

Now, this bill comes out here under an open rule. Next week we will have some amendments to the bill. We should have a good, healthy debate about those amendments. That is the fair and reasonable thing to do. Why should we not have 20 minutes to debate what the cost of an unfunded mandate is on the private sector? Why should we not do that? That provides information to the Members. They can make a better, informed decision on behalf of the people that elect them. I encourage my colleagues, Republicans and Democrats both, to support this bill. If a Member wants to support the mandate after we have had the debate, that is fine, they can do that. This does not stop them from doing that, but they should not be opposed to us finding out what the cost is and the consequences of the mandate as well as all the other impacts that it has and providing more information to themselves.

Mr. Chairman, I rise to ask my colleagues to support this bill. It is a bipartisan piece of legislation. We have worked it through. It is something that did not just come up. We have worked on this for a couple of years. I would encourage all Members to support the bill.

Thank you Mr. Chairman, for the opportunity to be here today. My colleague Rep. ROB PORTMAN and I introduced the Mandate Information Act of 1998 to follow up on the success of the Unfunded Mandate Reform Act of 1995. This act has successfully focused more attention on the fiscal impacts of legislation on the public sector by raising awareness of unfunded mandates on state and local governments.

This atmosphere of awareness has been fostered by the point of order procedure established under the Unfunded Mandate Reform Act. Under this process, the Congressional Budget Office estimates the costs of intergovernmental mandates within a bill. If the costs of the intergovernmental mandates exceed the statutory threshold of $50 million, any member may raise a point of order against the bill by citing the offending provision of the bill.

The Unfunded Mandate Reform act also directed the Congressional Budget Office to estimate the costs to the private sector. Estimated costs to the private sector exceeding the statutory threshold of $100 million were included in a committee's report accompanying a reported bill. The bill before you today, the Mandate Information Act of 1999, would extend a similar point of order procedure to the private sector.

Since the enactment of the Unfunded Mandate Reform Act in January of 1996, a point of order against legislation exceeding the intergovernmental threshold of $50 million has been raised a total of seven times. Please keep this number in mind, when opponents of extending the same point of order procedure to the private sector make claims that dilatory ruin will fall upon the proceedings of the House.

In fact, in response to criticism that the Mandate information Act would open the door to dilatory tactics from both sides of the aisle, last year we agreed to limit the number of points of order allowed to be raised against a bill or amendment to one.

In addition to extending the point of order procedure to the private sector, our bill will also ask the Congressional Budget Office to evaluate a bill's impact on consumer prices, worker wages, worker benefits and employment opportunities. CBO is also directed to assess the effect of the private sector mandates on the profitability of businesses with 100 or fewer employees. This will be important additional analysis for members when the congressional Budget office can make these assessments.

Perhaps former Deputy Director of the Congressional Budget Office, Mr. James Blum, best described the practical impact of the bill when he appeared before the Rules Committee last year. Mr. Blum stated, ''From the CBO's vantage point, UMRA has worked quite well. Both the demand for and the supply of information on the costs of federal mandates have increased since the act took effect. Moreover, committee staffs and individual Members are increasingly requesting our opinion before committee markups on whether proposed legislation would create any new federal mandates, and if so, whether their costs would exceed the thresholds set by UMRA. In many instances, CBO is able to inform the sponsor about the existence of a mandate and provide informal guidance on how the proposal might be restructured to either eliminate the mandate or reduce its costs.''

Basically, the implication has been an increased consciousness of the costs of intergovernmental mandates and fostered greater collaborations between committees and CBO on how to mitigate those costs. This, ladies and gentlemen, is what the Mandates Information Act is all about. More information is better.

Members, who do not have the luxury of sitting on every committee and subcommittee while legislation is being crafted, will be provided with additional information under the provisions of this bill. Contrary to what some critics claim, the premise of this bill is to get more detailed information into the hands of members and ultimately the voters. This measure will ensure both costs and benefits are weighed before consideration.

Some have claimed the Mandates Information Act is silent on benefits. This is simply untrue. These critics should think back to the enactment of the original Unfunded Mandate Review Act of 1995 (Public Law 104–4). The act specifically directs committees to include in their reports accompanying a bill, ''a qualitative, and if practicable, a quantitative assessment of costs and benefits anticipated from the Federal mandates (including the effects on health and safety and the protection of the natural environment).''

Another important provision of the Mandates Information Act clarifies the interpretation of an intergovernmental mandate when proposals to change large entitlement programs are scored by the Congressional Budget Office. Section five of our bill makes this important change.

I urge my colleagues to support H.R. 350.

Mr. LINDER. Mr. Chairman, I yield such time as he may consume to the gentleman from Ohio (Mr. PORTMAN), a cosponsor of this bill.

Mr. PORTMAN. Mr. Chairman, I thank the gentleman for yielding me this time and for working with us, for his patience and his good work here today on the floor. I am pleased again to join the gentleman from California (Mr. CONDIT) who is the lead sponsor of this legislation. Last year, by a nearly two-thirds bipartisan majority, this House voted to support H.R. 3534, legislation nearly identical to the bill that we are talking about this morning, H.R. 350. It is based, as the gentleman from California just said, on a very simple concept. That is, that we want to provide more information and more accountability to Congress as it considers unfunded mandates, which are really hidden taxes, this time on the private sector.

About 3½ years ago, 394 Members of this House and 91 Senators voted to pass the Unfunded Mandates Reform Act, also known as UMRA. We have heard about UMRA this morning. That is really the basis upon which we are moving forward today.

UMRA ensured that for the first time ever, before the House voted on legislation, the House would have three things: One, new cost information on the public sector; that is, mandates on State and local government but also on the private sector, on the information side. And then, very importantly, with regard to the public sector mandates; that is, the mandates on State and local government, there would also be a separate debate on whether or not to impose the mandate and a vote. Now, that is the accountability measure in the legislation. It does not mean we never mandate on State and local government. In fact, since that time we have mandated, but after considering it. What it does mean is we get a lot better legislation on the floor, legislation that is more cost effective, legislation that goes through the committee process in a way that takes into account the costs of mandates. Committees end up either funding the mandates or they end up deciding the mandates have to be in the legislation and that the other purposes of the legislation, the benefits outweigh those mandates so it goes to the floor, anyway. In the end again we get more information, we get separate debate and we get accountability.

I think the most important point to make this morning probably is that it has worked. We have an excellent record. I think even those few Members of this body who chose to vote against that bill 3½ years ago would agree, it has worked. We have not had the scenarios played out that we have heard about today that could possibly happen with this new piece of legislation. The practical impact has been to force committees to address the mandate issue long before bills reach the House floor.

Let me give my colleagues one example. The first time it came up was the telecommunications bill. The telco bill was in conference, the conferees were poised to send to the floor a significant new mandate on local government, on our municipalities. The municipalities caught wind of that. They came to the unfunded mandate champions on the floor of the House and there was a decision made to raise the point of order. The conferees then took it upon themselves to work hard to come up with language that solved the problem so that when the legislation came to the floor, there was not more acrimony, there was less, because we had a better bill on the floor. It was good for this House, it was good for the institution, and in the end it was good for the taxpayers and the consumers. The process worked.

In other cases like the minimum wage increase, the point of order was raised on the floor. In fact I think I was the one that raised that point of order, forcing debate over the mandate and the costs that it imposed, significant new costs on the private sector, also the public sector. It was roundly defeated, as I recall. But the point of order, although it failed, did bring out the information that the body needed to hear. The same was true on the Yucca Mountain bill. Some of my colleagues may remember that. The point of order was raised. It was not passed, but again the information was provided to the Members.

UMRA has given State and local governments a very valuable tool, to get mandate information out, to get the issue considered and addressed at the committee level before it reaches the floor, and if that fails, to ultimately force a debate on the floor. But it is also flexible enough to permit Congress, as the gentleman from California just said, to pass legislation that does indeed impose new mandates when the merits of the bill override the negative impact of the mandates.

Unfortunately due to the political realities of passing what was at that time precedent-setting legislation a few years ago, we were not able to offer all the same procedural protections to the private sector. I commend the gentleman from California (Mr. CONDIT) and the Senator from Michigan (Mr. ABRAHAM) who have led the efforts to include the private sector. They have put a lot of hard work into the bill and they have taken what is the next logical step, to offer not all but similar protections to the private sector.

I also want to thank the gentleman from Virginia (Mr. MORAN) who was speaking earlier today. He and the gentleman from Virginia (Mr. DAVIS) have been supportive of perfecting UMRA through this legislation. They have

done a great job of coming up with legislation that State and local governments strongly support that makes clear that when those State and local governments are given new or expanded authority to meet the programmatic responsibilities if additional costs were imposed on them through entitlements reform, they could indeed change the way they do business. This is very important to State and local government. We have worked closely with them on that aspect of this legislation and I want to thank them for their support.

The gentleman from Virginia (Mr. MORAN) made a great point earlier today about privatization with regard to the private sector side of this. Again I want to thank him for his support not just of perfecting UMRA but also of this legislation, H.R. 350.

Let me just take a second to review how these procedures work in the House because we have had a lot of debate this morning, but we need to back up and talk about what it actually results in. Just as in the case of UMRA, any Member can upon consideration of legislation raise a point of order if there is an unfunded mandate. That results in a 20-minute debate on the question of whether the House should continue to consider the legislation notwithstanding the unfunded mandate, this time on the private sector. Again, much more importantly, we believe the possibility that this could occur will force the committees to do their best to minimize new mandates, to make legislation more cost effective.

The process of this debate and vote is a far more significant tool as UMRA has already proven with the public sector mandates than simply requiring the committees to include the CBO estimate in the committee report which currently exists under UMRA. In fact, on Tuesday, before the Committee on Rules, CBO testified that since UMRA was enacted, quote, demand and supply for information about the costs of Federal mandates has increased, and in many instances CBO has been able to provide informal guidance on how the proposal might be restructured to eliminate the mandate or to reduce its costs. Again that is the point. Ask CBO, they will tell you, it has worked.

A lot of Members have talked this morning who want to offer amendments to in essence gut this bill and have said that they are supportive of reducing or eliminating mandates on the public sector and reducing them on the private sector. That is what this is all about. We have reached that balance in this legislation over a couple of year period, working with the Committee on Rules, the parliamentarian, working with the committees, working with the Congressional Budget Office. This legislation creates the right incentive; that is, to address mandates even before they reach the floor.

If the rule waives the point of order, then a Member can raise a point of order against the rule. That has been done. The House votes and that is it. The rule can pass and the bill moves forward without the ability to raise the mandates question again with a point of order on the bill. So once they had that vote on the rule, that is all they get, assuming the Committee on Rules does waive the mandates point of order.

There are a few differences between UMRA, again the public sector bill, and this new private sector bill that ought to be focused on, each of these put in place with the encouragement of the Committee on Rules and others to ensure that the bill does not unnecessarily delay or cause other procedural problems on the floor.

First, recognizing that there are likely to be more private sector mandates, the threshold is raised. It is doubled. Under UMRA the threshold is $50 million. Under this legislation it is $100 million.

Secondly, in order to address the concern that the the point of order could be dilatory, it permits only one point of order.

Third, there is a net tax decrease piece of legislation.

Mr. Chairman, let me just conclude by saying that the purpose of this legislation is for us to be able to legislate better and with more accountability. That means accountability to small businesses and consumers who are impacted, but it also means accountability to those back home who care deeply about legislation like the Clean Water Act and others.

It is a good piece of legislation. I urge my colleagues to support it.

Ms. SCHAKOWSKY. Mr. Chairman, I want to express my opposition to H.R. 350. The Mandates Information Act, if approved by Congress would carry with it unwise and dangerous consequences for the people of the United States. The bill before the House threatens the ability of Members of Congress to protect our constituents from otherwise avoidable harm.

This bill would derail our ability to provide for adequate and affordable health care for families, safe work places for working people, and a clean environment for communities.

If passed, the Mandates Information Act would require the Congressional Budget Office to conduct a cost analysis on all legislation affecting the private sector. While most Members of Congress are certainly interested in preventing undue and unfounded costs to businesses and consumers, we should also be certain to evaluate the benefits that legislation will make in improving the lives of the public. As Members of the House of Representatives we have a responsibility to guarantee job safety, fair standards for consumers, health care for families and a quality environment. The Mandates Information Act completely ignores benefits and thus would institutionalize a one-sided tilt of the legislative process against federal mandates, regardless of any good they would achieve.

The ability to protect the environment, health and safety of all Americans is surely of importance to the Members of the House. The Mandates Information Act could cause delays or even stop implementation of federal laws, simply because a point of order is raised against them, based on estimates alone. This is true even if those estimates are questionable, if the cost is minimal given the size of the industry affected, or if the benefits justify the action.

I fear that with passage of H.R. 350 there could be a day when crucial legislation like the Patients' Bill of Rights could be defeated without adequate debate. Issues of importance to our constituents deserve enough time for a fair review and I contend that passage of the Mandates Information Act would prevent just that.

This bill has drawn much concern from my constituents. H.R. 350 has also prompted organizations like OMB Watch, the United Auto Workers and the AFL-CIO to speak out on behalf of the working people and the families they represent.

A bulletin I received from OMB Watch accurately states ''The point of order is the heart of the problem. For those wishing to undermine public protections, it allows them to say they do not oppose the subject of the bill, such as clean air or water or worker safety, and still vote to kill it by voting against the mandate that is created. It is a dangerous backdoor.''

OMB Watch goes on to say that: ''supporters (of H.R. 350) claim they just want congress to consider the costs of laws they impose. Surely Members of Congress are presented enough information from all sides to adequately consider costs-and-benefits—(which this bill does not address)—when casting a vote.''

The United Auto Workers believes that: ''the provision creating a point of order against private sector mandates in excess of $100 million is totally one-sided, and would have the effect of establishing a new procedural hurdle that would make it easier to block important protections for workplace health and safety.'' The UAW makes a valid observation that ''H.R. 350 only focuses on cost impact of legislation, while ignoring the cost savings or benefits that may be provided to workers and society as a whole.''

The American Federation of Labor and Congress of Industrial Organizations submits that: ''H.R. 350 puts at risk laws with substantial benefits to society. While completely ignoring benefits of health and safety or environmental legislation.''

Mr. Chairman, I share the concern of the many individuals and organizations who have been moved to contact me in opposition to the Mandates Information Act. I urge Members to consider the risk we would be taking with passage, and that they join in opposing this bill.

Mr. MOAKLEY. Mr. Chairman, I have no further requests for time, and I yield back the balance of my time.

Mr. LINDER. Mr. Chairman, I yield back the balance of my time, and I move that the Committee do now rise.

The motion was agreed to.

Accordingly, the Committee rose; and the Speaker pro tempore (Mr. BEREUTER) having assumed the chair, Mr. LATOURETTE, Chairman of the Committee of the Whole House on the State of the Union, reported that that Committee, having had under consideration the bill (H.R. 350) to improve congressional deliberation on proposed Federal private sector mandates, and for other purposes, had come to no resolution thereon.

LEGISLATIVE PROGRAM

(Mr. CONDIT asked and was given permission to address the House for 1 minute.)

Mr. CONDIT. Mr. Speaker, I yield to the majority leader to inquire about next week's schedule.

Mr. ARMEY. I thank the gentleman from California for yielding.

TRIBUTE TO CHARLES ''BILLY'' MALRY

Mr. ARMEY. Mr. Speaker, before I discuss the schedule, I would like to make a statement on behalf of the House as a tribute to Charles ''Billy'' Malry, one of our doorkeepers.

Mr. Speaker, the House of Representatives lost a much loved and dedicated employee on Tuesday, January 19, 1999, with the passing of Charles ''Billy'' Malry, Sr.

Bill, an employee of the House for 33 years, was the Reading Room attendant with the Office of the Clerk. He was working in the Democrat Cloakroom just after the President's State of the Union address when he suffered a heart attack. Bill received immediate treatment from the House physician and others but sadly he never recovered.

From his station in the Speaker's lobby just off the House floor, Bill always greeted Members, staff and pages as they entered the Chamber. He could bring a smile to your face with his warm and glowing personality. His favorite hobbies were music and photography. He was a special man who loved to have a good time and enjoyed entertaining people.

Bill was born in Greer, South Carolina, on May 6, 1936, to Frances Malry Allen and the late Toy Frank Barton. At the age of 10, he began working after school at the ''O'' Street Market and continued there until he joined the United States Army. He began his employment at the Capitol on November 1, 1966. Few have had so long a career here.

Bill was the proud father of five children and nine grandchildren and leaves behind a host of family and friends. At his Homegoing Service on January 28 at the Temple Church of God and Christ in Washington, D.C., the sanctuary was filled by those who came to say good-bye to their friend. Many stood and spoke from the heart of their love for him and how much he would be missed.

His family wrote a special poem in his memory entitled ''We Will Miss You.'' I commend it to Members' reading. We will indeed miss our friend Bill Malry.

He that dwelleth in the secret place of the most High shall abide under the shadow of the Almighty.—PSALMS 91:1

''WE WILL MISS YOU'' CHARLES ''BILLY'' MALRY

We didn't have a chance to say good-bye to you
When God called your name there was nothing that you could do
There was no time to greet the Senators and Congressmen and call them all by name
No time to shake their hands and share that warm big smile
No time to grab your camcorder to set up for another shot
But you left us with so many memories that we'll keep dear to our hearts
God spared your life just long enough to do what you loved best
To go to work and listen to President Clinton's last *State of the Union Address*
Billy, you've been a blessing to us May you now rest in peace and hear the Heavenly Angels sing
So long—until we meet again
WE WILL MISS YOU!

The Family, January 1999

Mr. Speaker, I would also like to take this time to announce we have concluded legislative business for the week.

The House will next meet on Monday, February 8 at 2 p.m. for a pro forma session. Of course there will be no legislative business and no votes on that day.

On Tuesday, February 9, the House will meet at 12:30 p.m. for morning hour and 2 p.m. for legislative business. Votes are expected after 5 p.m. on Tuesday.

On Tuesday, February 9, we will consider a number of bills under suspension of the rules, a list of which will be distributed to Members' offices this afternoon.

On Wednesday, February 10 and throughout the balance of the week, the House will meet at 10 a.m. to consider the following legislation:

H.R. 350, the Mandates Information Act;

H.R. 391, the Small Business Paperwork Reduction Act Amendments of 1999;

H.R. 437, a bill to provide for a chief financial officer in the Executive Office of the President; and

H.R. 436, to reduce waste, fraud and error in government programs.

□ 1130

We expect to conclude legislative business for the week by 2 p.m. on Friday, February 12.

Mr. CONDIT. Mr. Speaker, reclaiming my time, I would like to ask the majority leader, looking at this schedule, it appears that it is not necessary to be here next Friday, and I need to clarify whether we will definitely vote this coming Friday or not.

Mr. ARMEY. Mr. Speaker, I thank the gentleman for his inquiry. The gentleman, being from California, of course, is concerned about that. As has been the case so often, we have Members who see this legislation who have a desire to have their opportunity for their amendments to be entertained on the floor, and as has happened on occasions in the past work has gone more expeditious than we thought would be necessary. So we will monitor that as the week goes.

We do believe, in all full consideration of the interest of these Members, we must be prepared to keep that schedule. If, however, we should see evidence that the schedule can be changed or abbreviated, we will let the gentleman and others, the rest of the body, know, as soon as we can early in the week.

Mr. CONDIT. I thank the majority leader.

ADJOURNMENT TO MONDAY, FEBRUARY 8, 1999

Mr. ARMEY. Mr. Speaker, I ask unanimous consent that when the House adjourns today, it adjourn to meet at 2 p.m. on Monday next.

The SPEAKER pro tempore (Mr. LATOURETTE). Is there objection to the request of the gentleman from Texas?

There was no objection.

HOUR OF MEETING ON TUESDAY, FEBRUARY 9, 1999

Mr. ARMEY. Mr. Speaker, I ask unanimous consent that when the House adjourns on Monday, February 8, 1999, it adjourn to meet at 12:30 p.m. on Tuesday, February 9, for morning hour debates.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Texas?

There was no objection.

DISPENSING WITH CALENDAR WEDNESDAY BUSINESS ON WEDNESDAY NEXT

Mr. ARMEY. Mr. Speaker, I ask unanimous consent that the business in order under the Calendar Wednesday rule be dispensed with on Wednesday next.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Texas?

There was no objection.

SPECIAL ORDERS

The SPEAKER pro tempore. Under the Speaker's announced policy of January 6, 1999, and under a previous order of the House, the following Members will be recognized for 5 minutes each.

RULES OF THE COMMITTEE ON WAYS AND MEANS FOR THE 106TH CONGRESS

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Texas (Mr. ARCHER) is recognized for 5 minutes.

Mr. ARCHER. Mr. Speaker, pursuant to the requirement of clause 2(a) of rule XI of the Rules of the House of Representatives, I submit herewith the rules of the Committee on Ways and Means for the 106th Congress for printing in the RECORD at this point. These rules were adopted by the committee in open session on January 6, 1999.

RULES OF THE COMMITTEE ON WAYS AND MEANS FOR THE 106TH CONGRESS

Rule XI of the Rules of the House of Representatives, provides in part:

* * * 1. (a)(1)(A) Except as provided in subdivision (B), the Rules of the House are the rules of its committees and subcommittees so far as applicable.

(B) A motion to recess from day to day, and a motion to dispense with the first reading (in full) of a bill or resolution, if printed copies are available, each shall be privileged in committees and subcommittees and shall be decided without debate.

(2) Each subcommittee is a part of its committee and is subject to the authority and direction of that committee and to its rules, so far as applicable. * * *

* * * 2. (a)(1) Each standing committee shall adopt written rules governing its procedure.

Such rules—

(A) shall be adopted in a meeting that is open to the public unless the committee, in open session and with a quorum present, determines by record vote that all or part of the meeting on that day shall be closed to the public;

(B) may not be inconsistent with the Rules of the House or with those provisions of law having the force and effect of Rules of the House * * *.

In accordance with the foregoing, the Committee on Ways and Means, on January 6, 1999, adopted the following as the Rules of the Committee for the 106th Congress.

A. GENERAL

Rule 1. Application of Rules

Except where the terms ''full Committee'' and ''Subcommittee'' are specifically referred to, the following rules shall apply to the Committee on Ways and Means and its Subcommittees as well as to the respective Chairmen.

Rule 2. Meeting Date and Quorums

The regular meeting day of the Committee on Ways and Means shall be on the second Wednesday of each month while the House is in session. However, the Committee shall not meet on the regularly scheduled meeting day if there is no business to be considered.

A majority of the Committee constitutes a quorum for business; provided however, that two Members shall constitute a quorum at any regularly scheduled hearing called for the purpose of taking testimony and receiving evidence. In establishing a quorum for purposes of a public hearing, every effort shall be made to secure the presence of at least one Member each from the majority and the minority.

The Chairman of the Committee may call and convene, as he considers necessary, additional meetings of the Committee for the consideration of any bill or resolution pending before the Committee or for the conduct of other Committee business. The Committee shall meet pursuant to the call of the Chair.

Rule 3. Committee Budget

For each Congress, the Chairman, in consultation with the Majority Members of the Committee, shall prepare a preliminary budget. Such budget shall include necessary amounts for staff personnel, travel, investigation, and other expenses of the Committee. After consultation with the Minority Members, the Chairman shall include an amount budgeted by Minority Members for staff under their direction and supervision. Thereafter, the Chairman shall combine such proposals into a consolidated Committee budget, and shall present the same to the Committee for its approval or other action. The Chairman shall take whatever action is necessary to have the budget as finally approved by the Committee duly authorized by the House. After said budget shall have been adopted, no substantial change shall be made in such budget unless approved by the Committee.

Rule 4. Publication of Committee Documents

Any Committee or Subcommittee print, document, or similar material prepared for public distribution shall either be approved by the Committee or Subcommittee prior to distribution and opportunity afforded for the inclusion of supplemental, minority or additional views, or such document shall contain on its cover the following disclaimer:

Prepared for the use of Members of the Committee on Ways and Means by members of its staff. This document has not been officially approved by the Committee and may not reflect the views of its Members.

Any such print, document, or other material not officially approved by the Committee or Subcommittee shall not include the names of its Members, other than the name of the full Committee Chairman or Subcommittee Chairman under whose authority the document is released. Any such document shall be made available to the full Committee Chairman and Ranking Minority Member not less than 3 calendar days (excluding Saturdays, Sundays, and legal holidays) prior to its public release.

The requirements of this rule shall apply only to the publication of policy-oriented, analytical documents, and not to the publication of public hearings, legislative documents, documents which are administrative in nature or reports which are required to be submitted to the Committee under public law. The appropriate characterization of a document subject to this rule shall be determined after consultation with the Minority.

Rule 5. Official Travel

Consistent with the primary expense resolution and such additional expense resolution as may have been approved, the provisions of this rule shall govern official travel of Committee Members and Committee staff. Official travel to be reimbursed from funds set aside for the full Committee for any Member or any committee staff member shall be paid only upon the prior authorization of the Chairman. Official travel may be authorized by the Chairman for any Member and any committee staff member in connection with the attendance of hearings conducted by the Committee, its Subcommittees, or any other Committee or Subcommittee of the Congress on matters relevant to the general jurisdiction of the Committee, and meetings, conferences, facility inspections, and investigations which involve activities or subject matter relevant to the general jurisdiction of the Committee. Before such authorization is given, there shall be submitted to the Chairman in writing the following:

(1) The purpose of the official travel;

(2) The dates during which the official travel is to be made and the date or dates of the event for which the official travel is being made;

(3) The location of the event for which the official travel is to be made; and

(4) The names of Members and Committee staff seeking authorization.

In the case of official travel of Members and staff of a Subcommittee to hearings, meetings, conferences, facility inspections and investigations involving activities or subject matter under the jurisdiction of such Subcommittee to be paid for out of funds allocated to such Subcommittee, prior authorization must be obtained from the Subcommittee Chairman and the full Committee Chairman. Such prior authorization shall be given by the Chairman only upon the representation by the applicable Subcommittee Chairman in writing setting forth those items enumerated above.

Within 60 days of the conclusion of any official travel authorized under this rule, there shall be submitted to the full Committee Chairman a written report covering the information gained as a result of the hearing, meeting, conference, facility inspection or investigation attended pursuant to such official travel.

Rule 6. Availability of Committee Records and Publications

The records of the Committee at the National Archives and Records Administration shall be made available for public use in accordance with Rule VII of the Rules of the House of Representatives. The Chairman shall notify the Ranking Minority Member of any decision, pursuant to clause 3(b)(3) or clause 4(b) of the rule, to withhold a record otherwise available, and the matter shall be presented to the Committee for a determination on the written request of any Member of the Committee. The Committee shall, to the maximum extent feasible, make its publications available in electronic form.

B. SUBCOMMITTEES

Rule 7. Subcommittee Ratios and Jurisdiction

All matters referred to the Committee on Ways and Means involving revenue measures, except those revenue measures referred to Subcommittees under paragraphs 1, 2, 3, 4, or 5, shall be considered by the full Committee and not in Subcommittee. There shall be five standing Subcommittees as follows: a Subcommittee on Trade; a Subcommittee on Oversight; a Subcommittee on Health; a Subcommittee on Social Security; and a Subcommittee on Human Resources. The ratio of Republicans to Democrats on any Subcommittee of the Committee shall be consistent with the ratio of Republicans to Democrats on the full Committee.

The jurisdiction of each Subcommittee shall be:

1. **The Subcommittee on Trade** shall consist of 15 Members, 9 of whom shall be Republicans and 6 of whom shall be Democrats.

The jurisdiction of the Subcommittee on Trade shall include bills and matters referred to the Committee on Ways and Means which relate to customs and customs administration including tariff and import fee structure, classification, valuation of and special rules applying to imports, and special tariff provisions and procedures which relate to customs operation affecting exports and imports; import trade matters, including import impact, industry relief from injurious imports, adjustment assistance and programs to encourage competitive responses to imports, unfair import practices including antidumping and countervailing duty provisions, and import policy which relates to dependence on foreign sources of supply; commodity agreements and reciprocal trade agreements including multilateral and bilateral trade negotiations and implementation of agreements involving tariff and nontariff trade barriers to and distortions of international trade; international rules, organizations and institutional aspects of international trade agreements; budget authorizations for the U.S. Customs Service, the U.S. International Trade Commission, and the U.S. Trade Representative; and special trade-related problems involving market access, competitive conditions of specific industries, export policy and promotion, access to materials in short supply, bilateral trade relations including trade with developing countries, operations of multinational corporations, and trade with nonmarket economies.

2. **The Subcommittee on Oversight** shall consist of 13 Members, 8 of whom shall be Republicans and 5 of whom shall be Democrats.

The jurisdiction of the Subcommittee on Oversight shall include all matters within the scope of the full Committee's jurisdiction but shall be limited to existing law. Said oversight jurisdiction shall not be exclusive but shall be concurrent with that of

the other Subcommittees. With respect to matters involving the Internal Revenue Code and other revenue issues, said concurrent jurisdiction shall be shared with the full Committee. Before undertaking any investigation or hearing, the Chairman of the Subcommittee on Oversight shall confer with the Chairman of the full Committee and the Chairman of any other Subcommittee having jurisdiction.

3. **The Subcommittee on Health** shall consist of 13 Members, 8 of whom shall be Republicans and 5 of whom shall be Democrats.

The jurisdiction of the Subcommittee on Health shall include bills and matters referred to the Committee on Ways and Means which relate to programs providing payments (from any source) for health care, health delivery systems, or health research. More specifically, the jurisdiction of the Subcommittee on Health shall include bills and matters which relate to the health care programs of the Social Security Act (including titles V, XI (Part B), XVIII, and XIX thereof) and, concurrent with the full Committee, tax credit and deduction provisions of the Internal Revenue Code dealing with health insurance premiums and health care costs.

4. **The Subcommittee on Social Security** shall consist of 13 Members, 8 of whom shall be Republicans and 5 of whom shall be Democrats.

The jurisdiction of the Subcommittee on Social Security shall include bills and matters referred to the Committee on Ways and Means which relate to the Federal Old-Age, Survivors' and Disability Insurance System, the Railroad Retirement System, and employment taxes and trust fund operations relating to those systems. More specifically, the jurisdiction of the Subcommittee on Social Security shall include bills and matters involving title II of the Social Security Act and Chapter 22 of the Internal Revenue Code (the Railroad Retirement Tax Act), as well as provisions in title VII and title XI of the Act relating to procedure and administration involving the Old-Age, Survivors' and Disability Insurance System.

5. **The Subcommittee on Human Resources** shall consist of 13 Members, 8 of whom shall be Republicans and 5 of whom shall be Democrats.

The jurisdiction of the Subcommittee on Human Resources shall include bills and matters referred to the Committee on Ways and Means which relate to the public assistance provisions of the Social Security Act including welfare reform, supplemental security income, aid to families with dependent children, social services, child support, eligibility of welfare recipients for food stamps, and low-income energy assistance. More specifically, the jurisdiction of the Subcommittee on Human Resources shall include bills and matters relating to titles I, IV, VI, X, XIV, XVI, XVII, XX and related provisions of titles VII and XI of the Social Security Act.

The jurisdiction of the Subcommittee on Human Resources shall also include bills and matters referred to the Committee on Ways and Means which relate to the Federal-State system of unemployment compensation, and the financing thereof, including the programs for extended and emergency benefits. More specifically, the jurisdiction of the Subcommittee on Human Resources shall also include all bills and matters pertaining to the programs of unemployment compensation under titles III, IX and XII of the Social Security Act, Chapters 23 and 23A of the Internal Revenue Code, the Federal-State Extended Unemployment Compensation Act of 1970, the Emergency Unemployment Compensation Act of 1974, and provisions relating thereto.

Rule 8. Ex-Officio Members of Subcommittees

The Chairman of the full Committee and the Ranking Minority Member may sit as ex-officio Members of all Subcommittees. They may be counted for purposes of assisting in the establishment of a quorum for a Subcommittee. However, their absence shall not count against the establishment of a quorum by the regular Members of the Subcommittee. Ex-officio Members shall neither vote in the Subcommittee nor be taken into consideration for purposes of determining the ratio of the Subcommittee.

Rule 9. Subcommittee Meetings

Insofar as practicable, meetings of the full Committee and its Subcommittees shall not conflict. Subcommittee Chairmen shall set meeting dates after consultation with the Chairman of the full Committee and other Subcommittee Chairmen with a view toward avoiding, wherever possible, simultaneous scheduling of full Committee and Subcommittee meetings or hearings.

Rule 10. Reference of Legislation and Subcommittee Reports

Except for bills or measures retained by the Chairman of the full Committee for full Committee consideration, every bill or other measure referred to the Committee shall be referred by the Chairman of the full Committee to the appropriate Subcommittee in a timely manner. A Subcommittee shall, within 3 legislative days of the referral, acknowledge same to the full Committee.

After a measure has been pending in a Subcommittee for a reasonable period of time, the Chairman of the full Committee may make a request in writing to the Subcommittee that the Subcommittee forthwith report the measure to the full Committee with its recommendations. If within 7 legislative days after the Chairman's written request, the Subcommittee has not so reported the measure, then there shall be in order in the full Committee a motion to discharge the Subcommittee from further consideration of the measure. If such motion is approved by a majority vote of the full Committee, the measure may thereafter be considered only by the full Committee.

No measure reported by a Subcommittee shall be considered by the full Committee unless it has been presented to all Members of the full Committee at least 2 legislative days prior to the full Committee's meeting, together with a comparison with present law, a section-by-section analysis of the proposed change, a section-by-section justification, and a draft statement of the budget effects of the measure that is consistent with the requirements for reported measures under clause 3(d)(2) of Rule XIII of the Rules of the House of Representatives.

Rule 11. Recommendation for Appointment of Conferees

Whenever in the legislative process it becomes necessary to appoint conferees, the Chairman of the full Committee shall recommend to the Speaker as conferees the names of those Committee Members as the Chairman may designate. In making recommendations of Minority Members as conferees, the Chairman shall consult with the Ranking Minority Member of the Committee.

C. HEARINGS

Rule 12. Witnesses

In order to assure the most productive use of the limited time available to question hearing witnesses, a witness who is scheduled to appear before the full Committee or a Subcommittee shall file with the Clerk of the Committee at least 48 hours in advance of his appearance a written statement of his proposed testimony. In addition, all witnesses shall comply with formatting requirements as specified by the Committee and the Rules of the House. Failure to comply with the 48-hour rule may result in a witness being denied the opportunity to testify in person. Failure to comply with the formatting requirements may result in a witness' statement being rejected for inclusion in the published hearing record. In addition to the requirements of clause 2(g)(4) of Rule XI, of the Rules of the House, regarding information required of public witnesses, a witness shall limit his oral presentation to a summary of his position and shall provide sufficient copies of his written statement to the Clerk for distribution to Members, staff and news media.

A witness appearing at a public hearing, or submitting a statement for the record of a public hearing, or submitting written comments in response to a published request for comments by the Committee must include on his statement or submission a list of all clients, persons, or organizations on whose behalf the witness appears. Oral testimony and statements for the record, or written comments in response to a request for comments by the Committee, will be accepted only from citizens of the United States or corporations or associations organized under the laws of one of the 50 States of the United States or the District of Columbia, unless otherwise directed by the Chairman of the full Committee or Subcommittee involved. Written statements from noncitizens may be considered for acceptance in the record if transmitted to the Committee in writing by Members of Congress.

Rule 13. Questioning of Witnesses

Committee Members may question witnesses only when recognized by the Chairman for that purpose. All Members shall be limited to 5 minutes on the initial round of questioning. In questioning witnesses under the 5-minute rule, the Chairman and the Ranking Minority Member shall be recognized first after which Members who are in attendance at the beginning of a hearing will be recognized in the order of their seniority on the Committee. Other Members shall be recognized in the order of their appearance at the hearing. In recognizing Members to question witnesses, the Chairman may take into consideration the ratio of Majority Members to Minority Members and the number of Majority and Minority Members present and shall apportion the recognition for questioning in such a manner as not to disadvantage Members of the majority.

Rule 14. Subpoena Power

The power to authorize and issue subpoenas is delegated to the Chairman of the full Committee, as provided for under clause 2(m)(3)(A)(i) of Rule XI of the Rules of the House of Representatives.

Rule 15. Records of Hearings

An accurate stenographic record shall be kept of all testimony taken at a public hearing. The staff shall transmit to a witness the transcript of his testimony for correction and immediate return to the Committee offices. Only changes in the interest of clarity, accuracy and corrections in transcribing errors will be permitted. Changes which substantially alter the actual testimony will not be permitted. Members shall correct their own testimony and return transcripts as soon as possible after receipt thereof. The Chairman of the full Committee may order the printing of a hearing without the corrections of a witness or Member if he determines that a reasonable time has been afforded to make corrections and that further delay would impede the consideration of the legislation or other measure which is the subject of the hearing.

Rule 16. Broadcasting of Hearings

The provisions of clause 4(f) of Rule XI of the Rules of the House of Representatives are specifically made a part of these rules by reference. In addition, the following policy shall apply to media coverage of any meeting of the full Committee or a Subcommittee:

1. An appropriate area of the Committee's hearing room will be designated for members of the media and their equipment.

2. No interviews will be allowed in the Committee room while the Committee is in session. Individual interviews must take place before the gavel falls for the convening of a meeting or after the gavel falls for adjournment.

3. Day-to-day notification of the next day's electronic coverage shall be provided by the media to the Chairman of the full Committee through the chief counsel or some other appropriate designee.

4. Still photography during a Committee meeting will not be permitted to disrupt the proceedings or block the vision of Committee Members or witnesses.

5. Klieg lights will be permitted to illuminate the hearing room only during the first 15 minutes following the Chairman's initial calling of the Committee to order.

6. Further conditions may be specified by the Chairman.

D. MARKUPS

Rule 17. Reconsideration of Previous Vote

When an amendment or other matter has been disposed of, it shall be in order for any Member of the prevailing side, on the same or next day on which a quorum of the Committee is present, to move the reconsideration thereof, and such motion shall take precedence over all other questions except the consideration of a motion to adjourn.

Rule 18. Previous Question

The Chairman shall not recognize a Member for the purpose of moving the previous question unless the Member has first advised the Chair and the Committee that this is the purpose for which recognition is being sought.

Rule 19. Official Transcripts of Markups and Other Committee Meetings

An official stenographic transcript shall be kept accurately reflecting all markups and other meetings of the full Committee and the Subcommittees, whether they be open or closed to the public. This official transcript, marked as ''uncorrected,'' shall be available for inspection by the public (except for meetings closed pursuant to clause 2(g)(1) of Rule XI of the Rules of the House), by Members of the House, or by Members of the Committee together with their staffs, during normal business hours in the full Committee or Subcommittee office under such controls as the Chairman of the full Committee deems necessary. Official transcripts shall not be removed from the Committee or Subcommittee office. If, however, (1) in the drafting of a Committee or Subcommittee decision, the Office of the House Legislative Counsel or (2) in the preparation of a Committee report, the Chief of Staff of the Joint Committee on Taxation determines (in consultation with appropriate majority and minority committee staff) that it is necessary to review the official transcript of a markup, such transcript may be released upon the signature and to the custody of an appropriate committee staff person. Such transcript shall be returned immediately after its review in the drafting session.

The official transcript of a markup or Committee meeting other than a public hearing shall not be published or distributed to the public in any way except by a majority vote of the Committee. Before any public release of the uncorrected transcript, Members must be given a reasonable opportunity to correct their remarks. In instances in which a stenographic transcript is kept of a conference committee proceeding, all of the requirements of this rule shall likewise be observed.

Rule 20. Publication of Decisions and Legislative Language

A press release describing any tentative or final decision made by the full Committee or a Subcommittee on legislation under consideration shall be made available to each Member of the Committee as soon as possible, but no later than the next day. However, the legislative draft of any tentative or final decision of the full Committee or a Subcommittee shall not be publicly released until such draft is made available to each Member of the Committee.

E. STAFF

Rule 21. Supervision of Committee Staff

The staff of the Committee shall be under the general supervision and direction of the Chairman of the full Committee except as provided in clause 9 of Rule X of the Rules of the House of Representatives concerning Committee expenses and staff.

Pursuant to clause 6(d) of Rule X of the Rules of the House of Representatives, the Chairman of the full Committee, from the funds made available for the appointment of Committee staff pursuant to primary and additional expense resolutions, shall ensure that each Subcommittee receives sufficient staff to carry out its responsibilities under the rules of the Committee, and that the minority party is fairly treated in the appointment of such staff.

Rule 22. Staff Honoraria, Speaking Engagements, and Unofficial Travel

This rule shall apply to all majority and minority staff of the Committee and its Subcommittees.

a. *Honoraria.*—Under no circumstances shall a staff person accept the offer of an honorarium. This prohibition includes the direction of an honorarium to a charity.

b. *Speaking engagements and unofficial travel.*—

(1) *Advance approval required.*—In the case of all speaking engagements, fact-finding trips, and other unofficial travel, a staff person must receive approval by the full Committee Chairman (or, in the case of the minority staff, from the Ranking Minority Member) at least 7 calendar days prior to the event.

(2) *Request for approval.*—A request for approval must be submitted in writing to the full Committee Chairman (or, where appropriate, the Ranking Minority Member) in connection with each speaking engagement, fact-finding trip, or other unofficial travel. Such request must contain the following information:

(a) the name of the sponsoring organization and a general description of such organization (nonprofit organization, trade association, etc.);

(b) the nature of the event, including any relevant information regarding attendees at such event;

(c) in the case of a speaking engagement, the subject of the speech and duration of staff travel, if any; and

(d) in the case of a fact-finding trip or international travel, a description of the proposed itinerary and proposed agenda of substantive issues to be discussed, as well as a justification of the relevance and importance of the fact-finding trip or international travel to the staff member's official duties.

(3) *Reasonable travel and lodging expenses.*—After receipt of the advance approval described in (1) above, a staff person may accept reimbursement by an appropriate sponsoring organization of reasonable travel and lodging expenses associated with a speaking engagement, fact-finding trip, or international travel related to official duties, provided such reimbursement is consistent with the Rules of the House of Representatives. (In lieu of reimbursement after the event, expenses may be paid directly by an appropriate sponsoring organization.) The reasonable travel and lodging expenses of a spouse (but not children) may be reimbursed (or directly paid) by an appropriate sponsoring organization consistent with the Rules of the House of Representatives.

(4) *Trip summary and report.*—In the case of any reimbursement or direct payment associated with a fact-finding trip or international travel, a staff person must submit, within 60 days after such trip, a report summarizing the trip and listing all expenses reimbursed or directly paid by the sponsoring organization. This information shall be submitted to the Chairman (or, in the case of the minority staff, to the Ranking Minority Member).

c. *Waiver.*—The Chairman (or, where appropriate, the Ranking Minority Member) may waive the application of section (b) of this rule upon a showing of good cause.

RULES OF THE COMMITTEE ON TRANSPORTATION AND INFRASTRUCTURE FOR THE 106TH CONGRESS

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Pennsylvania (Mr. SHUSTER) is recognized for 5 minutes.

Mr. SHUSTER. Mr. Speaker, pursuant to rule XI, clause 2(a) of the Rules of the House, enclosed are the rules of the Committee on Transportation and Infrastructure for the 106th Congress.

RULES OF THE COMMITTEE ON TRANSPORTATION AND INFRASTRUCTURE

(Adopted January 7, 1999)

RULE I. GENERAL PROVISIONS

(a) Applicability of House Rules.—(1) The Rules of the House are the rules of the Committee and its subcommittees so far as applicable, except that a motion to recess from day to day, and a motion to dispense with the first reading (in full) of a bill or resolution, if printed copies are available, are nondebatable privileged motions in the Committee and its subcommittees.

(2) Each subcommittee is part of the Committee, and is subject to the authority and direction of the Committee and its rules so far as applicable.

(3) Rule XI of the Rules of the House, which pertains entirely to Committee procedure, is incorporated and made a part of the rules of the Committee to the extent applicable.

(b) Authority to Conduct Investigations.—The Committee is authorized at any time to conduct such investigations and studies as it may consider necessary or appropriate in the exercise of its responsibilities under Rule X of the Rules of the House and (subject to the adoption of expense resolutions as required by Rule X, clause 6 of the Rules of the House) to incur expenses (including travel expenses) in connection therewith.

(c) Authority to Print.—The Committee is authorized to have printed and bound testimony and other data presented at hearings held by the Committee. All costs of stenographic services and transcripts in connection with any meeting or hearing of the Committee shall be paid from applicable accounts of the House described in clause 1(h)(1) of Rule X of the Rules of the House.

(d) Activities Report.—(1) The Committee shall submit to the House, not later than January 2 of each odd-numbered year, a report on the activities of the Committee under Rules X and XI of the Rules of the House during the Congress ending on January 3 of such year.

(2) Such report shall include separate sections summarizing the legislative and oversight activities of the Committee during that Congress.

(3) The oversight section of such report shall include a summary of the oversight plans submitted by the Committee pursuant to clause 2(d) of Rule X of the Rules of the House, a summary of the actions taken and recommendations made with respect to each such plan, and a summary of any additional oversight activities undertaken by the Committee, and any recommendations made or actions taken thereon.

(e) Publication of Rules.—The Committee's rules shall be published in the Congressional Record not later than 30 days after the Committee is elected in each odd-numbered year.

RULE II. REGULAR, ADDITIONAL AND SPECIAL MEETINGS

(a) Regular Meetings.—Regular meetings of the Committee shall be held on the first Wednesday of every month to transact its business unless such day is a holiday, or the House is in recess or is adjourned, in which case the Chairman shall determine the regular meeting day of the Committee for that month. The Chairman shall give each member of the Committee, as far in advance of the day of the regular meeting as the circumstances make practicable, a written notice of such meeting and the matters to be considered at such meeting. If the Chairman believes that the Committee will not be considering any bill or resolution before the full Committee and that there is no other business to be transacted at a regular meeting, the meeting may be canceled or it may be deferred until such time as, in the judgment of the Chairman, there may be matters which require the Committee's consideration. This paragraph shall not apply to meetings of any subcommittee.

(b) Additional Meetings.—The Chairman may call and convene, as he or she considers necessary, additional meetings of the Committee for the consideration of any bill or resolution pending before the Committee or for the conduct of other committee business. The Committee shall meet for such purpose pursuant to the call of the Chairman.

(c) Special Meetings.—If at least three members of the Committee desire that a special meeting of the Committee be called by the Chairman, those members may file in the offices of the Committee their written request to the Chairman for that special meeting. Such request shall specify the measure or matter to be considered. Immediately upon the filing of the request, the clerk of the Committee shall notify the Chairman of the filing of the request. If, within three calendar days after the filing of the request, the Chairman does not call the requested special meeting to be held within seven calendar days after the filing of the request, a majority of the members of the Committee may file in the offices of the Committee their written notice that a special meeting of the Committee will be held, specifying the date and hour thereof, and the measure or matter to be considered at that special meeting. The Committee shall meet on that date and hour. Immediately upon the filing of the notice, the clerk of the Committee shall notify all members of the Committee that such meeting will be held and inform them of its date and hour and the measure or matter to be considered; and only the measure or matter specified in that notice may be considered at that special meeting.

(d) Vice Chairman.—The Committee shall appoint a vice chairman of the Committee and of each subcommittee. If the Chairman of the Committee or subcommittee is not present at any meeting of the Committee or subcommittee, as the case may be, the vice chairman shall preside. If the vice chairman is not present, the ranking member of the majority party on the Committee or subcommittee who is present shall preside at that meeting.

(e) Prohibition on Sitting During Joint Session.—The Committee may not sit during a joint session of the House and Senate or during a recess when a joint meeting of the House and Senate is in progress.

(f) Addressing the Committee.—(1) A Committee member may address the Committee or a subcommittee on any bill, motion, or other matter under consideration or may question a witness at a hearing—

(A) only when recognized by the Chairman for that purpose; and

(B) subject to subparagraphs (2) and (3), only for five minutes until such time as each member of the Committee or subcommittee who so desires has had an opportunity to address the Committee or subcommittee or question the witness. A member shall be limited in his or her remarks to the subject matter under consideration. The Chairman shall enforce this subparagraph.

(2) The Chairman of the Committee or a subcommittee, with the concurrence of the ranking minority member, or the Committee or subcommittee by motion, may permit a specified number of its members to question a witness for longer than five minutes. The time for extended questioning of a witness under this subdivision shall be equal for the majority party and minority party and may not exceed one hour in the aggregate.

(3) The Chairman of the Committee or a subcommittee, with the concurrence of the ranking minority member, or the Committee or subcommittee by motion, may permit committee staff for its majority and minority party members to question a witness for equal specified periods. The time for extended questioning of a witness under this subdivision shall be equal for the majority party and minority party and may not exceed one hour in the aggregate.

(4) Nothing in subparagraph (2) or (3) affects the right of a member (other than a member designated under subparagraph (2)) to question a witness for five minutes in accordance with subparagraph (1)(B) after the questioning permitted under subparagraph (2) or (3).

(g) Meetings to Begin Promptly.—Each meeting or hearing of the Committee shall begin promptly at the time so stipulated in the public announcement of the meeting or hearing.

RULE III. OPEN MEETINGS AND HEARINGS; BROADCASTING

(a) Open Meetings.—Each meeting for the transaction of business, including the markup of legislation, and each hearing of the Committee or a subcommittee shall be open to the public, except as provided by clause 2(g) of Rule XI of the Rules of the House.

(b) Broadcasting.—Whenever a meeting for the transaction of business, including the markup of legislation, or a hearing is open to the public, that meeting or hearing shall be open to coverage by television, radio, and still photography in accordance with clause 4 of Rule XI of the Rules of the House.

RULE IV. RECORDS AND RECORD VOTES

(a) Keeping of Records.—The Committee shall keep a complete record of all Committee action which shall include—

(1) in the case of any meeting or hearing transcripts, a substantially verbatim account of remarks actually made during the proceedings, subject only to technical, grammatical and typographical corrections authorized by the person making the remarks involved, and

(2) a record of the votes on any question on which a record vote is demanded. The result of each such record vote shall be made available by the Committee for inspection by the public at reasonable times in the offices of the Committee. Information so available for public inspection shall include a description of the amendment, motion, order, or other proposition and the name of each member voting for and each member voting against such amendment, motion, order, or proposition, and the names of those members present but not voting. A record vote may be demanded by one-fifth of the members present.

(b) Property of the House.—All Committee hearings, records, data, charts, and files shall be kept separate and distinct from the congressional office records of the member serving as Chairman of the Committee; and such records shall be the property of the House and all members of the House shall have access thereto.

(c) Availability of Archived Records.—The records of the Committee at the National Archives and Records Administration shall be made available for public use in accordance with Rule VII of the Rules of the House. The Chairman shall notify the ranking minority member of the Committee of any decision, pursuant to clause 3(b)(3) or clause 4(b) of such rule, to withhold a record otherwise available, and the matter shall be presented to the Committee for a determination on written request of any member of the Committee.

RULE V. POWER TO SIT AND ACT; SUBPOENA POWER

(a) Authority To Sit and Act.—For the purpose of carrying out any of its functions and duties under Rules X and XI of the Rules of the House, the Committee and each of its subcommittees, is authorized (subject to paragraph (b)(1) of this rule)—

(1) to sit and act at such times and places within the United States whether the House is in session, has recessed, or has adjourned and to hold such hearings, and

(2) to require, by subpoena or otherwise, the attendance and testimony of such witnesses and the production of such books, records, correspondence, memorandums, papers, and documents, as it deems necessary. The Chairman of the Committee, or any member designated by the Chairman, may administer oaths to any witness.

(b) Issuance of Subpoenas.—(1) A subpoena may be issued by the Committee or subcommittee under paragraph (a)(2) in the conduct of any investigation or activity or series of investigations or activities, only when authorized by a majority of the members voting, a majority being present. Such authorized subpoenas shall be signed by the Chairman of the Committee or by any member designated by the Committee. If a specific request for a subpoena has not been previously rejected by either the Committee or subcommittee, the Chairman of the Committee, after consultation with the ranking minority member of the Committee, may authorize and issue a subpoena under paragraph (a)(2) in the conduct of any investigation or activity or series of investigations or activities, and such subpoena shall for all purposes be deemed a subpoena issued by the Committee. As soon as practicable after a subpoena is issued under this rule, the Chairman shall notify all members of the Committee of such action.

(2) Compliance with any subpoena issued by the Committee or subcommittee under paragraph (a)(2) may be enforced only as authorized or directed by the House.

(c) Expenses of Subpoenaed Witnesses.—Each witness who has been subpoenaed, upon the completion of his or her testimony before the Committee or any subcommittee, may report to the offices of the Committee, and there sign appropriate vouchers for travel allowances and attendance fees. If hearings are held in cities other than Washington, DC, the witness may contact the counsel of the Committee, or his or her representative, before leaving the hearing room.

RULE VI. QUORUMS

(a) Working Quorum.—One-third of the members of the Committee or a subcommittee shall constitute a quorum for taking any action other than the closing of a meeting pursuant to clauses 2(g) and 2(k)(5) of Rule XI of the Rules of the House, the authorizing of a subpoena pursuant to paragraph (b) of Committee Rule V, the reporting of a measure or recommendation pursuant to paragraph (b)(1) of Committee Rule VIII, and the actions described in paragraphs (b), (c) and (d) of this rule.

(b) Quorum for Reporting.—A majority of the members of the Committee or a subcommittee shall constitute a quorum for the reporting of a measure or recommendation.

(c) Approval of Certain Matters.—A majority of the members of the Committee or a subcommittee shall constitute a quorum for approval of a resolution concerning any of the following actions:

(1) A prospectus for construction, alteration, purchase or acquisition of a public building or the lease of space as required by section 7 of the Public Buildings Act of 1959.

(2) Survey investigation of a proposed project for navigation, flood control, and other purposes by the Corps of Engineers (section 4 of the Rivers and Harbors Act of March 4, 1913, 33 U.S.C. 542).

(3) Construction of a water resources development project by the Corps of Engineers with an estimated Federal cost not exceeding $15,000,000 (section 201 of the Flood Control Act of 1965).

(4) Deletion of water quality storage in a Federal reservoir project where the benefits attributable to water quality are 15 percent or more but not greater than 25 percent of the total project benefits (section 65 of the Water Resources Development Act of 1974).

(5) Authorization of a Natural Resources Conservation Service watershed project involving any single structure of more than 4,000 acre feet of total capacity (section 2 of P.L. 566, 83rd Congress).

(d) Quorum for Taking Testimony.—Two members of the Committee or subcommittee shall constitute a quorum for the purpose of taking testimony and receiving evidence.

RULE VII. HEARING PROCEDURES

(a) Announcement.—The Chairman, in the case of a hearing to be conducted by the Committee, and the appropriate subcommittee chairman, in the case of a hearing to be conducted by a subcommittee, shall make public announcement of the date, place, and subject matter of such hearing at least one week before the hearing. If the Chairman or the appropriate subcommittee chairman, as the case may be, with the concurrence of the ranking minority member of the Committee or subcommittee as appropriate, determines there is good cause to begin the hearing sooner, or if the Committee or subcommittee so determines by majority vote, a quorum being present for the transaction of business, the Chairman shall make the announcement at the earliest possible date. The clerk of the Committee shall promptly notify the Daily Digest Clerk of the Congressional Record and shall promptly enter the appropriate information into the Committee scheduling service of the House Information Resources as soon as possible after such public announcement is made.

(b) Written Statement; Oral Testimony.—So far as practicable, each witness who is to appear before the Committee or a subcommittee shall file with the clerk of the Committee or subcommittee, at least two working days before the day of his or her appearance, a written statement of proposed testimony and shall limit his or her oral presentation to a summary of the written statement.

(c) Minority Witnesses.—When any hearing is conducted by the Committee or any subcommittee upon any measure or matter, the minority party members on the Committee or subcommittee shall be entitled, upon request to the Chairman by a majority of those minority members before the completion of such hearing, to call witnesses selected by the minority to testify with respect to that measure or matter during at least one day of hearing thereon.

(d) Summary of Subject Matter.—Upon announcement of a hearing, to the extent practicable, the Committee shall make available immediately to all members of the Committee a concise summary of the subject matter (including legislative reports and other material) under consideration. In addition, upon announcement of a hearing and subsequently as they are received, the Chairman shall make available to the members of the Committee any official reports from departments and agencies on such matter.

(e) Questioning of Witnesses.—The questioning of witnesses in Committee and subcommittee hearings shall be initiated by the Chairman, followed by the ranking minority member and all other members alternating between the majority and minority parties. In recognizing members to question witnesses in this fashion, the Chairman shall take into consideration the ratio of the majority to minority members present and shall establish the order of recognition for questioning in such a manner as not to disadvantage the members of the majority nor the members of the minority. The Chairman may accomplish this by recognizing two majority members for each minority member recognized.

(f) Investigative Hearings.—(1) Clause 2(k) of Rule XI of the Rules of the House (relating to additional rules for investigative hearings) applies to investigative hearings of the Committee and its subcommittees.

(2) A subcommittee may not begin a major investigation without approval of a majority of such subcommittee.

RULE VIII. PROCEDURES FOR REPORTING BILLS AND RESOLUTIONS

(a) Filing of Reports.—(1) The Chairman of the Committee shall report promptly to the House any measure or matter approved by the Committee and take necessary steps to bring the measure or matter to a vote.

(2) The report of the Committee on a measure or matter which has been approved by the Committee shall be filed within seven calendar days (exclusive of days on which the House is not in session) after the day on which there has been filed with the clerk of the Committee a written request, signed by a majority of the members of the Committee, for the reporting of that measure or matter. Upon the filing of any such request, the clerk of the Committee shall transmit immediately to the Chairman of the Committee notice of the filing of that request.

(b) Quorum; Record Votes.—(1) No measure, matter or recommendation shall be reported from the Committee unless a majority of the Committee was actually present.

(2) With respect to each record vote on a motion to report any measure or matter of a public character, and on any amendment offered to the measure or matter, the total number of votes cast for and against, and the names of those members voting for and against, shall be included in the Committee report on the measure or matter.

(c) Required Matters.—The report of the Committee on a measure or matter which has been approved by the Committee shall include the items required to be included by clauses 2(c) and 3 of Rule XIII of the Rules of the House.

(d) Additional Views.—If, at the time of approval of any measure or matter by the Committee, any member of the Committee gives notice of intention to file supplemental, minority, or additional views, that member shall be entitled to not less than two additional calendar days after the day of such notice (excluding Saturdays, Sundays, and legal holidays) in which to file such views in accordance with clause 2(1) of Rule XI of the Rules of the House.

(e)(1) Approval of Committee Views.—All Committee and subcommittee prints, reports, documents, or other materials, not otherwise provided for under this rule, that purport to express publicly the views of the Committee or any of its subcommittees or members of the Committee or its subcommittees shall be approved by the Committee or the subcommittee prior to printing and distribution and any member shall be given an opportunity to have views included as part of such material prior to printing, release and distribution in accordance with paragraph (d) of this rule.

(2) A Committee or subcommittee document containing views other than those of members of the Committee or subcommittee shall not be published without approval of the Committee or subcommittee.

RULE IX. OVERSIGHT

(a) Purpose.—The Committee shall carry out oversight responsibilities as provided in this rule in order to assist the House in—

(1) its analysis, appraisal, and evaluation of (A) the application, administration, execution, and effectiveness of the laws enacted by the Congress, or (B) conditions and circumstances which may indicate the necessity or desirability of enacting new or additional legislation, and

(2) its formulation, consideration, and enactment of such modifications or changes in those laws, and of such additional legislation, as may be necessary or appropriate.

(b) Oversight Plan.—Not later than February 15 of the first session of each Congress, the Committee shall adopt its oversight plans for that Congress in accordance with clause 2(d)(1) of Rule X of the Rules of the House.

(c) Review of Laws and Programs.—The Committee and the appropriate subcommittees shall cooperatively review and study, on a continuing basis, the application, administration, execution, and effectiveness of those laws, or parts of laws, the subject matter of which is within the jurisdiction of the Committee, and the organization and operation of the Federal agencies and entities having responsibilities in or for the administration and execution thereof, in order to determine whether such laws and the programs thereunder are being implemented and carried out in accordance with the intent of the Congress and whether such programs should be continued, curtailed, or eliminated. In addition, the Committee and the appropriate subcommittees shall cooperatively review and study any conditions or circumstances which may indicate the necessity or desirability of enacting new or additional legislation within the jurisdiction of the Committee (whether or not any bill or resolution has been introduced with respect thereto), and shall on a continuing basis undertake future research and forecasting on matters within the jurisdiction of the Committee.

(d) Review of Tax Policies.—The Committee and the appropriate subcommittees shall cooperatively review and study on a continuing basis the impact or probable impact of tax policies affecting subjects within the jurisdiction of the Committee.

RULE X. REVIEW OF CONTINUING PROGRAMS; BUDGET ACT PROVISIONS

(a) Ensuring Annual Appropriations.—The Committee shall, in its consideration of all bills and joint resolutions of a public character within its jurisdiction, ensure that appropriations for continuing programs and activities of the Federal Government and the District of Columbia government will be made annually to the maximum extent feasible and consistent with the nature, requirements, and objectives of the programs and activities involved. For the purposes of this paragraph, a Government agency includes the organizational units of government listed in clause 7(d) of Rule XIII of the Rules of the House.

(b) Review of Multi-Year Appropriations.—The Committee shall review, from time to time, each continuing program within its jurisdiction for which appropriations are not made annually in order to ascertain whether such program could be modified so that appropriations therefore would be made annually.

(c) Views and Estimates.—The Committee shall, on or before February 25 of each year, submit to the Committee on the Budget (1) its views and estimates with respect to all matters to be set forth in the concurrent resolution on the budget for the ensuing fiscal year which are within its jurisdiction or functions, and (2) an estimate of the total amount of new budget authority, and budget outlays resulting therefrom, to be provided or authorized in all bills and resolutions within its jurisdiction which it intends to be effective during that fiscal year.

(d) Budget Allocations.—As soon as practicable after a concurrent resolution on the Budget for any fiscal year is agreed to, the Committee (after consulting with the appropriate committee or committees of the Senate) shall subdivide any allocations made to it in the joint explanatory statement accompanying the conference report on such resolution, and promptly report such subdivisions to the House, in the manner provided by section 302 or section 602 (in the case of fiscal years 1991 through 1995) of the Congressional Budget Act of 1974.

(e) Reconciliation.—Whenever the Committee is directed in a concurrent resolution on the budget to determine and recommend changes in laws, bills, or resolutions under the reconciliation process, it shall promptly make such determination and recommendations, and report a reconciliation bill or resolution (or both) to the House or submit such recommendations to the Committee on the Budget, in accordance with the Congressional Budget Act of 1974.

RULE XI. COMMITTEE BUDGETS

(a) Biennial Budget.—The Chairman, in consultation with the chairman of each subcommittee, the majority members of the Committee and the minority members of the Committee, shall, for each Congress, prepare a consolidated Committee budget. Such budget shall include necessary amounts for staff personnel, necessary travel, investigation, and other expenses of the Committee.

(b) Additional Expenses.—Authorization for the payment of additional or unforessen Committee expenses may be procured by one or more additional expense resolutions processed in the same manner as set out herein.

(c) Travel Requests.—The Chairman or any chairman of a subcommittee may initiate necessary travel requests as provided in Committee Rule XIII within the limits of the consolidated budget as approved by the House and the Chairman may execute necessary vouchers thereof.

(d) Monthly Reports.—Once monthly, the Chairman shall submit to the Committee on House Administration, in writing, a full and detailed accounting of all expenditures made during the period since the last such accounting from the amount budgeted to the Committee. Such report shall show the amount and purpose of such expenditure and the budget to which such expenditure is attributed. A copy of such monthly report shall be available in the Committee office for review by members of the Committee.

RULE XII. COMMITTEE STAFF

(a) Appointment by Chairman.—The Chairman shall appoint and determine the remuneration of, and may remove, the employees of the Committee not assigned to the minority. The staff of the Committee not assigned to the minority shall be under the general supervision and direction of the Chairman, who shall establish and assign the duties and responsibilities of such staff members and delegate such authority as he or she determines appropriate.

(b) Appointment by Ranking Minority Member.—The ranking minority member of the Committee shall appoint and determine the remuneration of, and may remove, the staff assigned to the minority within the budget approved for such purposes. The staff assigned to the monority shall be under the general supervision and direction of the ranking minority member of the Committee who may delegate such authority as he or she determines appropriate.

(c) Intention Regarding Staff.—It is intended that the skills and experience of all members of the Committee staff shall be available to all members of the Committee.

RULE XIII. TRAVEL OF MEMBERS AND STAFF

(a) Approval.—Consistent with the primary expense resolution and such additional expense resolutions as may have been approved, the provisions of this rule shall govern travel of Committee members and staff. Travel to be reimbursed from funds set aside for the Committee for any member or any staff member shall be paid only upon the prior authorization of the Chairman. Travel shall be authorized by the Chairman for any member and any staff member in connection with the attendance of hearings conducted by the Committee or any subcommittee and meetings, conferences, and investigations which involve activities or subject matter under the general jurisdiction of the Committee. Before such authorization is given there shall be submitted to the Chairman in writing the following:

(1) the purpose of the travel;

(2) the dates during which the travel is to be made and the date or dates of the event for which the travel is being made;

(3) the location of the event for which the travel is to be made;

(4) the names of members and staff seeking authorization.

(b) Subcommittee Travel.—In the case of travel of members and staff of a subcommittee to hearings, meetings, conferences, and investigations involving activities or subject matter under the legislative assignment of such subcommittee, prior authorization must be obtained from the subcommittee chairman and the Chairman. Such prior authorization shall be given by the Chairman only upon the representation by the chairman of such subcommittee in writing setting forth those items enumerated in subparagraphs (1), (2), (3), and (4) of paragraph (a) and that there has been a compliance where applicable with Committee Rule VII.

(c) Travel Outside the United States.—(1) In the case of travel outside the United States of members and staff of the Committee or of a subcommittee for the purpose of conducting hearings, investigations, studies, or attending meetings and conferences involving activities or subject matter under the legislative assignment of the Committee or pertinent subcommittee, prior authorization must be obtained from the Chairman, or, in the case of a subcommittee from the subcommittee chairman and the Chairman. Before such authorization is given there shall be submitted to the Chairman, in writing, a request for such authorization. Each request, which shall be filed in a manner that allows for a reasonable period of time for review before such travel is scheduled to begin, shall include the following:

(A) the purpose of the travel;

(B) the dates during which the travel will occur;

(C) the names of the countries to be visited and the length of time to be spent in each;

(D) an agenda of anticipated activities for each country for which travel is authorized together with a description of the purpose to be served and the areas of Committee jurisdiction involved; and

(E) the names of members and staff for whom authorization is sought.

(2) Requests for travel outside the United States may be initiated by the Chairman or the chairman of a subcommittee (except that individuals may submit a request to the Chairman for the purpose of attending a conference or meeting) and shall be limited to members and permanent employees of the Committee.

(3) At the conclusion of any hearing, investigation, study, meeting or conference for which travel has been authorized pursuant to this rule, each staff member involved in such travel shall submit a written report to the Chairman covering the activities and other pertinent observations or information gained as a result of such travel.

(d) Applicability of Laws, Rules, Policies.—Members and staff of the Committee performing authorized travel on official business shall be governed by applicable laws, resolutions, or regulations of the House and of the Committee on House Administration pertaining to such travel, and by the travel policy of the Committee as set forth in the Committee Travel Manual.

RULE XIV. ESTABLISHMENT OF SUBCOMMITTEES; SIZE AND PARTY RATIOS; CONFERENCE COMMITTEES

(a) Establishment.—There shall be 6 standing subcommittees. These subcommittees, with the following sizes (including delegates) and majority/minority ratios are:

(1) Subcommittee on Aviation (50 Members: 28 Majority and 22 Minority)

(2) Subcommittee on Coast Guard and Maritime Transportation (9 Members: 5 Majority and 4 Minority)

(3) Subcommittee on Economic Development, Public Buildings, Hazardous Materials and Pipeline Transportation (10 Members: 6 Majority and 4 Minority)

(4) Subcommittee on Ground Transportation (50 Members: 28 Majority and 22 Minority)

(5) Subcommittee on Oversight, Investigations and Emergency Management (9 Members: 5 Majority and 4 Minority)

(6) Subcommittee on Water Resources and Environment (36 Members: 20 Majority and 16 Minority)

(b) Ex Officio Members.—The Chairman and ranking minority member of the Committee shall serve as ex officio voting members on each subcommittee.

(c) Ratios.—On each subcommittee there shall be a ratio of majority party members to minority party members which shall be no less favorable to the majority party than the

ratio for the full Committee. In calculating the ratio of majority party members to minority party members, there shall be included the ex officio members of the subcommittees.

(d) Conferees.—The Chairman of the Committee shall recommend to the Speaker as conferees the names of those members (1) of the majority party selected by the Chairman and (2) of the minority party selected by the ranking minority member of the Committee. Recommendations of conferees to the Speaker shall provide a ratio of majority party members to minority party members which shall be no less favorable to the majority party than the ratio for the Committee.

RULE XV. POWERS AND DUTIES OF SUBCOMMITTEE

(a) Authority to Sit.—Each subcommittee is authorized to meet, hold hearings, receive evidence, and report to the full Committee on all matters referred to it or under its jurisdiction. Subcommittee chairmen shall set dates for hearings and meetings of their respective subcommittees after consultation with the Chairman and other subcommittee chairmen with a view toward avoiding simultaneous scheduling of full Committee and subcommittee meetings or hearings whenever possible.

(b) Disclaimer.—All Committee or subcommittee reports printed pursuant to legislative study or investigation and not approved by a majority vote of the Committee or subcommittee, as appropriate, shall contain the following disclaimer on the cover of such report: ''This report has not been officially adopted by the Committee on (or pertinent subcommittee thereof) and may not therefore necessarily reflect the views of its members.''

(c) Consideration by Committee.—Each bill, resolution, or other matter favorably reported by a subcommittee shall automatically be placed upon the agenda of the Committee. Any such matter reported by a subcommittee shall not be considered by the Committee unless it has been delivered to the offices of all members of the Committee at least 48 hours before the meeting, unless the Chairman determines that the matter is of such urgency that it should be given early consideration. Where practicable, such matters shall be accompanied by a comparison with present law and a section-by-section analysis.

RULE XVI. REFERRAL OF LEGISLATION TO SUBCOMMITTEES

(a) General Requirement.—Except where the Chairman of the Committee determines, in consultation with the majority members of the Committee, that consideration is to be by the full Committee, each bill, resolution, investigation, or other matter which relates to a subject listed under the jurisdiction of any subcommittee established in Rule XIV referred to or initiated by the full Committee shall be referred by the Chairman to all subcommittees of appropriate jurisdiction within two weeks. All bills shall be referred to the subcommittee of proper jurisdiction without regard to whether the author is or is not a member of the subcommittee.

(b) Recall from Subcommittee.—A bill, resolution, or other matter referred to a subcommittee in accordance with this rule may be recalled therefrom at any time by a vote of a majority of the members of the Committee voting, a quorum being present, for the Committee's direct consideration or for reference to another subcommittee.

(c) Multiple Referrals.—In carrying out this rule with respect to any matter, the Chairman may refer the matter simultaneously to two or more subcommittees for concurrent consideration or for consideration in sequence (subject to appropriate time limitations in the case of any subcommittee after the first), or divide the matter into two or more parts (reflecting different subjects and jurisdictions) and refer each such part to a different subcommittee, or make such other provisions as he or she considers appropriate.

RULES OF THE COMMITTEE ON VETERANS' AFFAIRS FOR THE 106TH CONGRESS

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Arizona (Mr. STUMP) is recognized for 5 minutes.

Mr. STUMP. Mr. Speaker, pursuant to rule XI, clause 2(a) of the Rules of the House, enclosed are the rules of the Committee on Veterans' Affairs for the 106th Congress.

COMMITTEE RULES OF PROCEDURE FOR THE 106TH CONGRESS

(Adopted February 3, 1999)

RULE 1—APPLICABILITY OF HOUSE RULES

The Rules of the House are the rules of the Committee on Veterans' Affairs and its subcommittees so far as applicable, except that a motion to recess from day to day is a privileged motion in Committees and subcommittees. Each subcommittee of the Committee is a part of the Committee and is subject to the authority and direction of the Committee and to its rules so far as applicable.

RULE 2—COMMITTEE MEETINGS AND HEARINGS

REGULAR AND ADDITIONAL MEETINGS

(a)(1) The regular meeting day for the Committee shall be at 10 a.m. on the second Wednesday of each month in such place as the Chairman may designate. However, the Chairman may dispense with a regular Wednesday meeting of the Committee.

(2)(A) The Chairman of the Committee may call and convene, as he considers necessary, additional meetings of the Committee for the consideration of any bill or resolution pending before the Committee or for the conduct of other Committee business. The Committee shall meet for such purpose pursuant to the call of the Chairman.

(B) The Chairman shall notify each member of the Committee of the agenda of each regular and additional meeting of the Committee at least 24 hours before the time of the meeting, except under circumstances the Chairman determines to be of an emergency nature. Under such circumstances, the Chairman shall make an effort to consult the ranking minority member, or in such member's absence, the next ranking minority party member of the Committee.

PUBLIC ANNOUNCEMENT

(b)(1) The Chairman, in the case of a hearing to be conducted by the Committee, and the subcommittee Chairman, in the case of a hearing to be conducted by a subcommittee, shall make public announcement of the date, place, and subject matter of any hearing to be conducted on any measure or matter at least one week before the commencement of that hearing unless the Committee or the subcommittee determines that there is good cause to begin the hearing at an earlier date. In the latter event, the Chairman or the subcommittee Chairman, as the case may be, shall consult with the ranking minority member and make such public announcement at the earliest possible date. The clerk of the Committee shall promptly notify the Daily Clerk of the Congressional Record and the Committee scheduling service of the House Information Resources as soon as possible after such public announcement is made.

(2) Meetings and hearings of the Committee and each of its subcommittees shall be open to the public unless closed in accordance with clause 2(g) of House rule XI.

QUORUM AND ROLLCALLS

(c)(1) A majority of the members of the Committee shall constitute a quorum for business and a majority of the members of any subcommittee shall constitute a quorum thereof for business, except that two members shall constitute a quorum for the purpose of taking testimony and receiving evidence.

(2) No measure or recommendation shall be reported to the House of Representatives unless a majority of the Committee was actually present.

(3) There shall be kept in writing a record of the proceedings of the Committee and each of its subcommittees, including a record of the votes on any question on which a recorded vote is demanded. The result of each such record vote shall be made available by the Committee for inspection by the public at reasonable times in the offices of the Committee. Information so available for public inspection shall include a description of the amendment, motion, order or other proposition and the name of each member voting for and each member voting against such amendment, motion, order, or proposition, and the names of those members present but not voting.

(4) A record vote may be demanded by one-fifth of the members present or, in the apparent absence of a quorum, by any one member. With respect to any record vote on any motion to amend or report, the total number of votes cast for and against, and the names of those members voting for and against, shall be included in the report of the Committee on the bill or resolution.

(5) No vote by any member of the Committee or a subcommittee with respect to any measure or matter may be cast by proxy.

CALLING AND INTERROGATING WITNESSES

(d)(1) Committee and subcommittee members may question witnesses only when they have been recognized by the Chairman of the Committee or subcommittee for that purpose, and only for a 5-minute period until all members present have had an opportunity to question a witness. The 5-minute period for questioning a witness by any one member may be extended only with the unanimous consent of all members present. The questioning of witnesses in both Committee and subcommittee hearings shall be initiated by the Chairman, followed by the ranking minority party member and all other members alternating between the majority and minority. Except as otherwise announced by the Chairman at the beginning of a hearing, members who are present at the start of the hearing will be recognized before other members who arrive after the hearing has begun. In recognizing members to question witnesses in this fashion, the Chairman shall take into consideration the ratio of the majority to minority members present and shall establish the order of recognition for questioning in such a manner as not to disadvantage the members of the majority.

(2) Notwithstanding the provisions of paragraph (1) regarding the 5-minute rule, the Chairman after consultation with the ranking minority member may designate an equal number of members of the Committee or subcommittee majority and minority party to question a witness for a period not longer than 30 minutes. In no event shall the Chairman allow a member to question a witness for an extended period under this rule until all members present have had the opportunity to ask questions under the 5-minute rule. The Chairman after consultation with the ranking minority member may

permit Committee staff for its majority and minority party members to question a witness for equal specified periods of time.

(3) So far as practicable: (A) each witness who is to appear before the Committee or a subcommittee shall file with the clerk of the Committee, at least 48 hours in advance of the appearance of the witness, a written statement of the testimony of the witness and shall limit any oral presentation to a summary of the written statement; and (B) each witness appearing in a non-governmental capacity shall include with the written statement of proposed testimony a curriculum vitae and a disclosure of the amount and source (by agency and program) of any Federal grant (or subgrant thereof) or contact (or subcontract thereof) received during the current fiscal year or either of the two preceding fiscal years.

(4) When a hearing is conducted by the Committee or a subcommittee on any measure or matter, the minority party members on the Committee shall be entitled, upon request to the Chairman of a majority of those minority members before the completion of the hearing, to call witnesses selected by the minority to testify with respect to that measure or matter during at least one day of the hearing thereon.

MEDIA COVERAGE OF PROCEEDINGS

(e) Any meeting of the Committee or its subcommittees that is open to the public shall be open to coverage by radio, television, and still photography in accordance with the provisions of clause 4 of House rule XI.

SUBPOENAS

(f) Pursuant to clause 2(m) of House rule XI, a subpoena may be authorized and issued by the Committee or a subcommittee in the conduct of any investigation or series of investigations or activities, only when authorized by a majority of the members voting, a majority being present.

RULE 3—GENERAL OVERSIGHT RESPONSIBILITY

(a) In order to assist the House in:

(1) Its analysis, appraisal, evaluation of (A) the application, administration, execution, and effectiveness of the laws enacted by the Congress, or (B) conditions and circumstances which may indicate the necessity or desirability of enacting new or additional legislation, and

(2) its formulation, consideration and enactment of such modifications or changes in those laws, and of such additional legislation, as may be necessary or appropriate, the Committee and its various subcommittees, consistent with their jurisdiction as set forth in Rule 4, shall have oversight responsibilities as provided in subsection (b).

(b)(1) The Committee and its subcommittees shall review and study, on a continuing basis, the applications, administration, execution, and effectiveness of those laws, or parts of laws, the subject matter of which is within the jurisdiction of the Committee or subcommittee, and the organization and operation of the Federal agencies and entities having responsibilities in or for the administration and execution thereof, in order to determine whether such laws and the programs thereunder are being implemented and carried out in accordance with the intent of the Congress and whether such programs should be continued, curtailed, or eliminated.

(2) In addition, the Committee and its subcommittees shall review and study any conditions or circumstances which may indicate the necessity or desirability of enacting new or additional legislation within the jurisdiction of the Committee or subcommittee (whether or not any bill or resolution has been introduced with respect thereto), and shall on a continuing basis undertake future research and forecasting on matters within the jurisdiction of the Committee or subcommittee.

(3) Not later than February 15 of the first session of a Congress, the Committee shall meet in open session, with a quorum present, to adopt its oversight plans for that Congress for submission to the Committee on House Administration and the Committee on Government Reform, in accordance with the provisions of clause 2(d) of House rule X.

RULE 4—SUBCOMMITTEES

ESTABLISHMENT AND JURISDICTION OF SUBCOMMITTEES

(a)(1) There shall be three subcommittees of the Committee as follows:

(A) Subcommittee on Health, which shall have legislative, oversight and investigative jurisdiction over veterans' hospitals, medical care, and treatment of veterans.

(B) Subcommittee on Benefits, which shall have legislative, oversight and investigative jurisdiction over compensation, general and special pensions of all the wars of the United States, life insurance issued by the Government on account of service in the Armed Forces, cemeteries of the United States in which veterans of any war or conflict are or may be buried, whether in the United States or abroad, except cemeteries administered by the Secretary of the Interior, burial benefits, education of veterans, vocational rehabilitation, veterans' housing programs, readjustment of servicemen to civilian life, and soldiers' and sailors' civil relief.

(C) Subcommittee on Oversight and Investigations, which shall have authority over matters that are referred to the subcommittee by the Chairman of the full Committee for investigation and appropriate recommendations. *Provided, however,* That the operations of the Subcommittee on Oversight and Investigations shall in no way limit the responsibility of the other subcommittees on the Committee on Veterans' Affairs for carrying out their oversight duties. This subcommittee shall not have legislative jurisdiction and no bills or resolutions shall be referred to it.

In addition, each subcommittee shall have responsibility for such other measures or matters as the Chairman refers to it.

(2) Any vacancy in the membership of a subcommittee shall not affect the power of the remaining members to execute the functions of that subcommittee.

REFERRAL TO SUBCOMMITTEES

(b)(1) The Chairman of the Committee may refer a measure or matter, which is within the general responsibility of more than one of the subcommittees of the Committee, as the Chairman deems appropriate.

(2) In referring any measure or matter to a subcommittee, the Chairman of the Committee may specify a date by which the subcommittee shall report thereon to the Committee.

POWERS AND DUTIES

(c)(1) Each subcommittee is authorized to meet, hold hearings, receive evidence, and report to the full Committee on all matters referred to it or under its jurisdiction. Subcommittee chairmen shall set dates for hearings and meetings of their respective subcommittees after consultation with the Chairman of the Committee and other subcommittee chairmen with a view toward avoiding simultaneous scheduling of Committee and subcommittee meetings or hearings whenever possible.

(2) Whenever a subcommittee has ordered a bill, resolution, or other matter to be reported to the Committee, the Chairman of the subcommittee reporting the bill, resolution, or matter to the full Committee, or any member authorized by the subcommittee to do so shall notify the Chairman and the ranking minority party member of the Committee of the Subcommittee's action.

(3) A member of the Committee who is not a member of a particular subcommittee may sit with the subcommittee during any of its meetings and hearings, but shall not have authority to vote, cannot be counted for a quorum, and cannot raise a point of order at the meeting or hearing.

(4) Each subcommittee of the Committee shall provide the Committee with copies of such records of votes taken in the subcommittee and such other records with respect to the subcommittee as the Chairman of the Committee deems necessary for the Committee to comply with all rules and regulations of the House.

RULE 5—TRANSCRIPTS AND RECORDS

(a)(1) There shall be a transcript made of each regular and additional meeting and hearing of the Committee and its subcommittees. Any such transcript shall be a substantially verbatim account of remarks actually made during the proceedings, subject only to technical, grammatical, and typographical corrections authorized by the person making the remarks involved.

(2) The Committee shall keep a record of all actions of the Committee and each of its subcommittees. The record shall contain all information required by clause 2(e)(1) of House rule XI and shall be available for public inspection at reasonable times in the offices of the Committee.

(3) The records of the Committee at the National Archives and Records Administration shall be made available for public use in accordance with House rule VII. The Chairman shall notify the ranking minority member of any decision, pursuant to clause 3(b)(3) or clause 4(b) of the rule, to withhold a record otherwise available, and the matter shall be presented to the Committee for a determination on written request of any member of the Committee.

RULES OF THE COMMITTEE ON SMALL BUSINESS FOR THE 106TH CONGRESS

The SPEAKER PRO TEMPORE. Under a previous order of the House, the gentleman from Missouri (Mr. TALENT) is recognized for 5 minutes.

Mr. TALENT. Mr. Speaker, pursuant to rule XI, clause 2(a) of the Rules of the House, enclosed are the rules of the Committee on Small Business for the 106th Congress.

RULES AND PROCEDURES OF THE COMMITTEE ON SMALL BUSINESS U.S. HOUSE OF REPRESENTATIVES, 106TH CONGRESS

1. GENERAL PROVISIONS

The Rules of the House of Representatives, and in particular the committee rules enumerated in rule XI, are the rules of the Committee on Small Business to the extent applicable and by this reference are incorporated. Each subcommittee of the Committee on Small Business (hereinafter referred to as the ''committee'') is a part of the committee and is subject to the authority and direction of the committee, and to its rules to the extent applicable.

2. REFERRAL OF BILLS BY CHAIRMAN

Unless retained for consideration by the full committee, all legislation and other matters referred to the committee shall be referred by the Chairman to the subcommittee of appropriate jurisdiction within 2 weeks. Where the subject matter of the referral involves the jurisdiction of more than one subcommittee or does not fall within any previously assigned jurisdictions, the

Chairman shall refer the matter as he may deem advisable.

3. DATE OF MEETING

The regular meeting date of the committee shall be the second Thursday of every month when the House is in session. A regular meeting of the committee may be dispensed with if, in the judgment of the Chairman, there is no need for the meeting. Additional meetings may be called by the Chairman as he may deem necessary or at the request of a majority of the members of the committee in accordance with clause 2(c) of rule XI of the House.

At least 3 days notice of such an additional meeting shall be given unless the Chairman determines that there is good cause to call the meeting on less notice.

The determination of the business to be considered at each meeting shall be made by the Chairman subject to clause 2(c) of rule XI of the House.

A regularly scheduled meeting need not be held if there is no business to be considered or, upon at least 3 days notice, it may be set for a different date.

4. ANNOUNCEMENT OF HEARINGS

Unless the Chairman, with the concurrence of the ranking minority member, or the committee by majority vote, determines that there is good cause to begin a hearing at an earlier date, public announcement shall be made of the date, place and subject matter of any hearing to be conducted by the committee at least 1 week before the commencement of that hearing.

5. MEETINGS AND HEARINGS OPEN TO THE PUBLIC

(A) Meetings

Each meeting of the committee or its subcommittees for the transaction of business, including the markup of legislation, shall be open to the public, including the radio, television and still photography coverage, except as provided by clause 4 of rule XI of the House, except when the committee or subcommittee, in open session and with a majority present, determines by record vote that all or part of the remainder of the meeting on that day shall be closed to the public because disclosure of matters to be considered would endanger national security, would compromise sensitive law enforcement information, or would tend to defame, degrade or incriminate any person or otherwise would violate any law or rule of the House; Provided, however, that no person other than members of the committee, and such congressional staff and such executive branch representatives as they may authorize, shall be present in any business meeting or markup session which has been closed to the public.

(B) Hearings

Each hearing conducted by the committee or its subcommittees shall be open to the public, including radio, television and still photography coverage, except when the committee or subcommittee, in open session and with a majority present, determines by record vote that all or part of the remainder of the hearing on that day shall be closed to the public because disclosure of testimony, evidence or other matters to be considered would endanger the national security, would compromise sensitive law enforcement information, or would violate any law or rule of the House; Provided, however, that the committee or subcommittee may by the same procedure vote to close one subsequent day of hearings. Notwithstanding the requirements of the preceding sentence, a majority of those present, there being in attendance the requisite number required under the rules of the committee to be present for the purpose of taking testimony, (i) may vote to close the hearing for the sole purpose of discussing whether testimony or evidence to be received would endanger the national security, would compromise sensitive law enforcement information, or violate clause 2(k)(5) of rule XI of the House; or (ii) may vote to close the hearing, as provided in clause 2(k)(5) of rule XI of the House.

No member of the House may be excluded from non-participatory attendance at any hearing of the committee or any subcommittee, unless the House of Representatives shall by majority vote authorize the committee or subcommittee, for purposes of a particular series of hearings on a particular article of legislation or on a particular subject of investigation, to close its hearing to members by the same procedures designated for closing hearings to the public.

6. WITNESSES

(A) Statement of Witnesses

Each witness shall file with the committee, 48 hours in advance of his or her appearance, 100 copies of his or her written statement of proposed testimony, and shall limit the oral presentation at such appearance to a brief summary of his or her views.

Each witness shall also submit to the committee on the day of the hearing a copy of his or her final prepared statement on a 3.5'' computer diskette in Word or a similar format.

The committee will provide public access to its printed materials, including the proposed testimony of witnesses, in electronic form.

(B) Interrogation of Witnesses

The right to interrogate witnesses before the committee or any of its subcommittees shall alternate between the majority members and the minority members. In recognizing members to question witnesses, the Chairman may take into consideration the ratio of majority and minority members present.

7. SUBPOENAS

A subpoena may be authorized and issued by the Chairman of the committee in the conduct of any investigation or series of investigations or activities to require the attendance and testimony of such witness and the production of such books, records, correspondence, memoranda, papers and documents as he deems necessary. The ranking minority member shall be promptly notified of the issuance of such a subpoena.

Such a subpoena may be authorized and issued by the chairman of a subcommittee with the approval of a majority of the members of the subcommittee and the approval of the Chairman of the committee.

8. QUORUM

No measure or recommendation shall be reported unless a majority of the committee was actually present. For purposes of taking testimony or receiving evidence, two members shall constitute a quorum. For all other purposes, one-third of the members shall constitute a quorum.

9. AMENDMENTS DURING MARK-UP

Any amendment offered to any pending legislation before the committee must be made available in written form when requested by any member of the committee. If such amendment is not available in written form when requested, the Chairman shall allow an appropriate period for the provision thereof.

10. PROXIES

No vote by any member of the committee or any of its subcommittees with respect to any measure or matter may be cast by proxy.

11. NUMBER AND JURISDICTION OF SUBCOMMITTEES

There will be five subcommittees as follows:

Empowerment (five Republicans and four Democrats)

Government Programs and Oversight (five Republicans and four Democrats)

Regulatory Reform and Paperwork Reduction (five Republicans and four Democrats)

Rural Enterprises, Business Opportunities and Special Small Business Problems (five Republicans and four Democrats)

Tax, Finance and Exports (five Republicans and four Democrats)

During the 106th Congress, the Chairman and ranking minority member shall be *ex officio* members of all subcommittees, without vote, and the full committee shall have the authority to conduct oversight of all areas of the committee's jurisdiction.

In addition to conducting oversight in the area of their respective jurisdiction, each subcommittee shall have the following jurisdiction:

EMPOWERMENT

Promotion of business growth and opportunities in economically depressed areas.

Oversight and investigative authority over regulations and licensing policies that impact small businesses located in high risk communities.

General oversight of programs targeted toward urban relief.

GOVERNMENT PROGRAMS AND OVERSIGHT

Small Business Act, Small Business Investment Act, and related legislation.

Federal Government programs that are designed to assist business generally.

Small Business Innovation Research program.

Participation of small business in Federal procurement and Government contracts.

Opportunities for minority and women-owned businesses, including the SBA's 8(a) program.

Oversight and investigative authority generally.

REGULATORY REFORM AND PAPERWORK REDUCTION

Oversight and investigative authority over the regulatory and paperwork policies of all Federal departments and agencies.

Regulatory Flexibility Act.

Paperwork Reduction Act.

Competition policy generally.

RURAL ENTERPRISES, BUSINESS OPPORTUNITIES AND SPECIAL SMALL BUSINESS PROBLEMS

Promotion of business growth and opportunities in rural areas.

Oversight and investigative authority over agricultural issues that impact small businesses.

General promotion of business opportunities.

Oversight and investigative authority over novel issues of special concern to small business.

TAX, FINANCE AND EXPORTS

Tax policy and its impact on small business.

Access to capital and finance issues generally.

Export opportunities and promotion.

12. COMMITTEE STAFF

(A) Majority Staff

The employees of the committee, except those assigned to the minority as provided below, shall be appointed and assigned, and may be removed by the Chairman. Their remuneration shall be fixed by the Chairman, and they shall be under the general supervision and direction of the Chairman.

(B) Minority Staff

The employees of the committee assigned to the minority shall be appointed and assigned, and their remuneration determined,

as the ranking minority member of the committee shall determine.

(C) Subcommittee Staff

The Chairman and ranking minority member of the full committee shall endeavor to ensure that sufficient staff is made available to each subcommittee to carry out its responsibilities under the rules of the committee.

13. POWERS AND DUTIES OF SUBCOMMITTEES

Each subcommittee is authorized to meet, hold hearings, receive evidence, and report to the full committee on all matters referred to it. Subcommittee chairmen shall set meeting and hearing dates after consultation with the Chairman of the full committee. Meetings and hearings of subcommittees shall not be scheduled to occur simultaneously with meetings or hearings of the full committee.

14. SUBCOMMITTEE REPORTS

(A) Investigative Hearings

The report of any subcommittee on a matter which was the topic of a study of investigation shall include a statement concerning the subject of the study or investigation, the findings and conclusions, and recommendations for corrective action, if any, together with such other material as the subcommittee deems appropriate.

Such proposed reports shall first be approved by a majority of the subcommittee members. After such approval has been secured, the proposed report shall be sent to each member of the full committee for his or her supplemental, minority, or additional views.

Any such views shall be in writing and signed by the member and filed with the clerk of the full committee within 5 calendar days (excluding Saturdays Sundays, and legal holidays) from the date of the transmittal of the proposed report to the members. Transmittal of the proposed report to members shall be by hand delivery to the members' offices.

After the expiration of such 5 calendar days, the report may be filed as a House report.

(B) End of Congress

Each subcommittee shall submit to the full committee, not later that November 15 of each even-numbered year, a report on the activities of the subcommittee during the Congress.

15. RECORDS

The committee shall keep a complete record of all actions which shall include a record of the votes on any question on which a record vote is demanded. The result of each subcommittee record vote, together with a description of the matter voted upon, shall promptly be made available to the full committee. A record of such votes shall be made available for inspection by the public at reasonable times in the offices of the committee.

The committee shall keep a complete record of all committee and subcommittee activity which, in the case of any meeting or hearing transcript, shall include a substantially verbatim account of remarks actually made during the proceedings, subject only to technical, grammatical, and typographical corrections authorized by the person making the remarks involved.

The records of the committee at the National Archives and Records Administration shall be made available in accordance with rule VII of the Rules of the House. The Chairman of the full committee shall notify the ranking minority member of the full committee of any decision, pursuant to clause 3(b)(3) or clause 4(b) of rule VII of the House, to withhold a record otherwise available, and the matter shall be presented to the committee for a determination of the written request of any member of the committee.

16. ACCESS TO CLASSIFIED OR SENSITIVE INFORMATION

Access to classified or sensitive information supplied to the committee and attendance at closed sessions of the committee or its subcommittees shall be limited to members and necessary committee staff and stenographic reporters who have appropriate security clearance when the Chairman determines that such access or attendance is essential to the functioning of the committee.

The procedures to be followed in granting access to those hearings, records, data, charts, and files of the committee which involve classified information or information deemed to be sensitive shall be as follows:

(a) Only Members of the House of Representatives and specifically designated committee staff of the Committee on Small Business may have access to such information.

(b) Members who desire to read materials that are in the possession of the committee should notify the clerk of the committee.

(c) The clerk will maintain an accurate access log which identifies the circumstances surrounding access to the information, without revealing the material examined.

(d) If the material desired to be reviewed is material which the committee or subcommittee deems to be sensitive enough to require special handling, before receiving access to such information, individuals will be required to sign an access information sheet acknowledging such access and that the individual has read and understands the procedures under which access is being granted.

(e) Material provided for review under this rule shall not be removed from a specified room within the committee offices.

(f) Individuals reviewing materials under this rule shall make certain that the materials are returned to the proper custodian.

(g) No reproductions or recordings may be made of any portion of such materials.

(h) The contents of such information shall not be divulged to any person in any way, form, shape, or manner, and shall not be discussed with any person who has not received the information in an authorized manner.

(i) When not being examined in the manner described herein, such information will be kept in secure safes or locked file cabinets in the committee offices.

(j) These procedures only address access to information the committee or a subcommittee deems to be sensitive enough to require special treatment.

(k) If a member of the House of Representatives believes that certain sensitive information should not be restricted as to dissemination or use, the member may petition the committee or subcommittee to so rule. With respect to information and materials provided to the committee by the executive branch, the classification of information and materials as determined by the executive branch shall prevail unless affirmatively changed by the committee or the subcommittee involved, after consultation with the appropriate executive agencies.

(l) Other materials in the possession of the committee are to be handled in accordance with the normal practices and traditions of the committee.

17. OTHER PROCEDURES

The Chairman of the full committee may establish such other procedures and take such actions as may be necessary to carry out the foregoing rules or to facilitate the effective operation of the committee.

The committee may not be committed to any expense whatever without the prior approval of the Chairman of the full committee.

18. AMENDMENTS TO COMMITTEE RULES

The rules of the committee may be modified, amended or repealed by a majority of the members, at a meeting specifically called for such purpose, but only if written notice of the proposed change has been provided to each such member at least 3 days before the time of the meeting.

RULES OF THE COMMITTEE ON GOVERNMENT REFORM FOR THE 106TH CONGRESS

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Indiana (Mr. BURTON) is recognized for 5 minutes.

Mr. BURTON. Mr. Speaker, pursuant to rule XI clause 2(a) of the Rules of the House of Representatives of the 106th Congress, I am requesting that the new Rules of the Committee on Government Reform be printed in their entirety in the CONGRESSIONAL RECORD for today.

I. RULES OF THE COMMITTEE ON GOVERNMENT REFORM

U.S. House of Representatives

106th Congress

Rule XI, clause 1(a)(1)(A) of the House of Representatives provides:

Except as provided in subdivision (B), the Rules of the House are the rules of its committees and subcommittees so far as applicable.

(B) A motion to recess from day to day, and a motion to dispense with the first reading (in full) of a bill or resolution, if printed copies are available, each shall be privileged in committees and subcommittees and shall be decided without debate.

Rule XI, clause 2(a)(1) of the House of Representatives provides, in part:

Each standing committee shall adopt written rules governing its procedures. * * *

In accordance with this, the Committee on Government Reform, on February 3, 1999, adopted the rules of the committee:

Rule 1.—Application of Rules

Except where the terms ''full committee'' and ''subcommittee'' are specifically referred to, the following rules shall apply to the Committee on Government Reform and its subcommittees as well as to the respective chairmen.

[See House Rule XI, 1.]

Rule 2.—Meetings

The regular meetings of the full committee shall be held on the second Tuesday of each month at 10 a.m., when the House is in session. The chairman is authorized to dispense with a regular meeting or to change the date thereof, and to call and convene additional meetings, when circumstances warrant. A special meeting of the committee may be requested by members of the committee following the provisions of House Rule XI, clause 2(c)(2). Subcommittees shall meet at the call of the subcommittee chairmen. Every member of the committee or the appropriate subcommittee, unless prevented by unusual circumstances, shall be provided with a memorandum at least three calendar days before each meeting or hearing explaining (1) the purpose of the meeting or hearing; and (2) the names, titles, background and reasons for appearance of any witnesses. The ranking minority member shall be responsible for providing the same information on witnesses whom the minority may request.

[See House Rule XI, 2(b).]

Rule 3.—Quorums

A majority of the members of the committee shall form a quorum, except that two

members shall constitute a quorum for taking testimony and receiving evidence, and one-third of the members shall form a quorum for taking any action other than the reporting of a measure or recommendation. If the chairman is not present at any meeting of the committee or subcommittee, the ranking member of the majority party on the committee or subcommittee who is present shall preside at that meeting.

[See House Rule XI, 2(h).]

Rule 4.—Committee Reports

Bills and resolutions approved by the committee shall be reported by the chairman following House Rule XIII, clauses 2–4.

A proposed report shall not be considered in subcommittee or full committee unless the proposed report has been available to the members of such subcommittee or full committee for at least three calendar days (excluding Saturdays, Sundays, and legal holidays, unless the House is in session on such days) before consideration of such proposed report in subcommittee or full committee. Any report will be considered as read if available to the members at least 24 hours before consideration, excluding Saturdays, Sundays, and legal holidays unless the House is in session on such days. If hearings have been held on the matter reported upon, every reasonable effort shall be made to have such hearings available to the members of the subcommittee or full committee before the consideration of the proposed report in such subcommittee or full committee. Every investigative report shall be approved by a majority vote of the committee at a meeting at which a quorum is present.

Supplemental, minority, or additional views may be filed following House Rule XI, clause 2(l) and Rule XIII, clause 3(a)(1). The time allowed for filing such views shall be three calendar days, beginning on the day of notice, but excluding Saturdays, Sundays, and legal holidays (unless the House is in session on such a day), unless the committee agrees to a different time, but agreement on a shorter time shall require the concurrence of each member seeking to file such views.

An investigative or oversight report may be filed after sine die adjournment of the last regular session of Congress, provided that if a member gives timely notice of intention to file supplemental, minority or additional views, that member shall be entitled to not less that seven calendar days in which to submit such views for inclusion with the report.

Only those reports approved by a majority vote of the committee may be ordered printed, unless otherwise required by the Rules of the House of Representatives.

Rule 5.—Proxy Votes

In accordance with the Rules of the House of Representatives, members may not vote by proxy on any measure or matter before the committee or any subcommittee.

[See House Rule XI, 2(f).]

Rule 6.—Record Votes

A record vote of the members may be had upon the request of any member upon approval of a one-fifth vote.

[See House Rule XI, 2(e).]

Rule 7.—Record of Committee Actions

The committee staff shall maintain in the committee offices a complete record of committee actions from the current Congress including a record of the rollcall votes taken at committee business meetings. The original records, or true copies thereof, as appropriate, shall be available for public inspection whenever the committee offices are open for public business. The staff shall assure that such original records are preserved with no unauthorized alteration, additions, or defacement.

[See House Rule XI, 2(e).]

Rule 8.—Subcommittees; Referrals

There shall be eight subcommittees with appropriate party ratios that shall have fixed jurisdictions. Bills, resolutions, and other matters shall be referred by the chairman to subcommittees within two weeks for consideration or investigation in accordance with their fixed jurisdictions. Where the subject matter of the referral involves the jurisdiction of more than one subcommittee or does not fall within any previously assigned jurisdiction, the chairman shall refer the matter as he may deem advisable. Bills, resolutions, and other matters referred to subcommittees may be reassigned by the chairman when, in his judgement, the subcommittee is not able to complete its work or cannot reach agreement therein. In a subcommittee having an even number of members, if there is a tie vote with all members voting on any measure, the measure shall be placed on the agenda for full committee consideration as if it had been ordered reported by the subcommittee without recommendation. This provision shall not preclude further action on the measure by the subcommittee.

[See House Rule XI, 1(a)(2).]

Rule 9.—Ex Officio Members

The chairman and the ranking minority member of the committee shall be ex officio members of all subcommittees. They are authorized to vote on subcommittee matters; but, unless they are regular members of the subcommittee, they shall not be counted in determining a subcommittee quorum other than a quorum for taking testimony.

Rule 10.—Staff

Except as otherwise provided by House Rule X, clauses 6, 7 and 9, the chairman of the full committee shall have the authority to hire and discharge employees of the professional and clerical staff of the full committee and of subcommittees.

Rule 11.—Staff Direction

Except as otherwise provided by House Rule X, clauses 6, 7 and 9, the staff of the committee shall be subject to the direction of the chairman of the full committee and shall perform such duties as he may assign.

Rule 12.—Hearing Dates and Witnesses

The chairman of the full committee will announce the date, place, and subject matter of all hearings at least one week before the commencement of any hearings, unless he determines, with the concurrence of the ranking minority member, or the committee determines by a vote, that there is good cause to begin such hearings sooner. So that the chairman of the full committee may coordinate the committee facilities and hearings plans, each subcommittee chairman shall notify him of any hearing plans at least two weeks before the date of commencement of hearings, including the date, place, subject matter, and the names of witnesses, willing and unwilling, who would be called to testify, including, to the extent he is advised thereof, witnesses whom the minority members may request. The minority members shall supply the names of witnesses they intend to call to the chairman of the full committee or subcommittee at the earliest possible date. Witnesses appearing before the committee shall so far as practicable, submit written statements at least 24 hours before their appearance and, when appearing in a non-governmental capacity, provide a curriculum vitae and a listing of any Federal Government grants and contracts received in the previous fiscal year.

[See House Rules XI, 2 (g)(3), (g)(4), (j) and (k).]

Rule 13.—Open Meetings

Meetings for the transaction of business and hearings of the committee shall be open to the public or closed in accordance with Rule XI of the House of Representatives.

[See House Rules XI, 2 (g) and (k).]

Rule 14.—Five-Minute Rule

(1) A committee member may question a witness only when recognized by the chairman for that purpose. In accordance with House Rule XI, clause 2(j)(2), each committee member may request up to five minutes to question a witness until each member who so desires has had such opportunity. Until all such requests have been satisfied, the chairman shall, so far as practicable, recognize alternately based on seniority of those majority and minority members present at the time the hearing was called to order and others based on their arrival at the hearing. After that, additional time may be extended at the direction of the chairman.

(2) The chairman, with the concurrence of the ranking minority member, or the committee by motion, may permit an equal number of majority and minority members to question a witness for a specified, total period that is equal for each side and not longer than thirty minutes for each side.

(3) The chairman, with the concurrence of the ranking minority member, or the committee by motion, may permit committee staff of the majority and minority to question a witness for a specified, total period that is equal for each side and not longer than thirty minutes for each side.

(4) Nothing in paragraph (2) or (3) affects the rights of a Member (other than a Member designated under paragraph (2)) to question a witness for 5 minutes in accordance with paragraph (1) after the questioning permitted under paragraph (2) or (3). In any extended questioning permitted under paragraph (2) or (3), the chairman shall determine how to allocate the time permitted for extended questioning by majority members or majority committee staff and the ranking minority member shall determine how to allocate the time permitted for extended questioning by minority members or minority committee staff. The chairman or the ranking minority member, as applicable, may allocate the time for any extended questioning permitted to staff under paragraph (3) to members.

Rule 15.—Investigative Hearing Procedures

Investigative hearings shall be conducted according to the procedures in House Rule XI, clause 2(k). All questions put to witnesses before the committee shall be relevant to the subject matter before the committee for consideration, and the chairman shall rule on the relevance of any questions put to the witnesses.

Rule 16.—Stenographic Record

A stenographic record of all testimony shall be kept of public hearings and shall be made available on such conditions as the chairman may prescribe.

Rule 17.—Audio and Visual Coverage of Committee Proceedings

An open meeting or hearing of the committee or a subcommittee may be covered, in whole or in part, by television broadcast, radio broadcast, and still photography, or by any such methods of coverage, unless closed subject to the provisions of House Rule XI, clause 4.

Rule 18.—Additional Duties of Chairman

The chairman of the full committee shall:

(a) Make available to other committees the findings and recommendations resulting from the investigations of the committee or its subcommittees as required by House Rule X, clause 4(c)(2);

(b) Direct such review and studies on the impact or probable impact of tax policies affecting subjects within the committee's jurisdiction as required by House Rule X, clause 2(c);

(c) Submit to the Committee on the Budget views and estimates required by House Rule X, clause 4(f), and to file reports with the House as required by the Congressional Budget Act;

(d) Authorize and issue subpoenas as provided in House Rule XI, clause 2(m), in the conduct of any investigation or activity or series of investigations or activities within the jurisdiction of the committee;

(e) Prepare, after consultation with subcommittee chairmen and the minority, a budget for the committee which shall include an adequate budget for the subcommittees to discharge their responsibilities;

(f) Make any necessary technical and conforming changes to legislation reported by the committee upon unanimous consent; and

(g) Will designate a vice chairman from the majority party.

Rule 19.—Commemorative Stamps

The committee has adopted the policy that the determination of the subject matter of commemorative stamps properly is for consideration by the Postmaster General and that the committee will not give consideration to legislative proposals for the issuance of commemorative stamps. It is suggested that recommendations for the issuance of commemorative stamps be submitted to the Postmaster General.

II. SELECTED RULES OF THE HOUSE OF REPRESENTATIVES

A. 1. Powers and Duties of the Committee—Rule X of the House

House Rule X provides for the organization of standing committees. The first paragraph of clause 1 of Rule X and subdivision (h) thereof reads as follows:

ORGANIZATION OF COMMITTEES

Committees and their legislative jurisdictions

1. There shall be in the House the following standing committees, each of which shall have the jurisdiction and related functions assigned by this clause and clauses 2, 3, and 4. All bills, resolutions, and other matters relating to subjects within the jurisdiction of the standing committees listed in this clause shall be referred to those committees, in accordance with clause 2 of rule XII, as follows:

* * * * *

(h) **Committee on Government Reform.**

(1) Federal civil service, including intergovernmental personnel; and the status of officers and employees of the United States, including their compensation, classification, and retirement.

(2) Municipal affairs of the District of Columbia in general (other than appropriations).

(3) Federal paperwork reduction.

(4) Government management and accounting measures generally.

(5) Holidays and celebrations.

(6) Overall economy, efficiency, and management of government operations and activities, including Federal procurement.

(7) National archives.

(8) Population and demography generally, including the Census.

(9) Postal service generally, including transportation of the mails.

(10) Public information and records.

(11) Relationship of the Federal Government to the States and municipalities generally.

(12) Reorganizations in the executive branch of the Government.

2. General Oversight Responsibilities—Rule X, Clauses 2 and 3 of the House

Clause 2 of Rule X relates to general oversight responsibilities. Paragraphs (a), (b), (c), (d), and (e) of clause 2 read as follows:

2. (a) The various standing committees shall have general oversight responsibilities as provided in paragraph (b) in order to assist the House in—

(1) its analysis, appraisal, and evaluation of—

(A) the application, administration, execution, and effectiveness of Federal laws; and

(B) conditions and circumstances that may indicate the necessity or desirability of enacting new or additional legislation; and

(2) its formulation, consideration, and enactment of changes in Federal laws, and of such additional legislation as may be necessary or appropriate.

(b)(1) In order to determine whether laws and programs addressing subjects within the jurisdiction of a committee are being implemented and carried out in accordance with the intent of Congress and whether they should be continued, curtailed, or eliminated, each standing committee (other than the Committee on Appropriations) shall review and study on a continuing basis—

(A) the application, administration, execution, and effectiveness of laws and programs addressing subjects within its jurisdiction;

(B) the organization and operation of Federal agencies and entities having responsibilities for the administration and execution of laws and programs addressing subjects within its jurisdiction;

(C) any conditions or circumstances that may indicate the necessity or desirability of enacting new or additional legislation addressing subjects within its jurisdiction (whether or not a bill or resolution has been introduced with respect thereto); and

(D) future research and forecasting on subjects within its jurisdiction.

(2) Each committee to which subparagraph (1) applies having more than 20 members shall establish an oversight subcommittee, or require its subcommittees to conduct oversight in their respective jurisdictions, to assist in carrying out its responsibilities under this clause. The establishment of an oversight subcommittee does not limit the responsibility of a subcommittee with legislative jurisdiction in carrying out its oversight responsibilities.

(c) Each standing committee shall review and study on a continuing basis the impact or probable impact of tax policies affecting subjects within its jurisdiction as described in clauses 1 and 3.

(d)(1) Not later than February 15 of the first session of a Congress, each standing committee shall, in a meeting that is open to the public and with a quorum present, adopt its oversight plan for that Congress. Such plan shall be submitted simultaneously to the Committee on Government Reform and to the Committee on House Administration. In developing its plan each committee shall, to the maximum extent feasible—

(A) consult with other committees that have jurisdiction over the same or related laws, programs, or agencies within its jurisdiction with the objective of ensuring maximum coordination and cooperation among committees when conducting reviews of such laws, programs, or agencies and include in its plan an explanation of steps that have been or will be taken to ensure such coordination and cooperation;

(B) give priority consideration to including in its plan the review of those laws, programs, or agencies operating under permanent budget authority or permanent statutory authority; and

(C) have a view toward ensuring that all significant laws, programs, or agencies within its jurisdiction are subject to review every 10 years.

(2) Not later than March 31 in the first session of a Congress, after consultation with the Speaker, the Majority Leader, and the Minority Leader, the Committee on Government Reform shall report to the House the oversight plans submitted by committees together with any recommendations that it, or the House leadership group described above, may make to ensure the most effective coordination of oversight plans and otherwise to achieve the objectives of this clause.

(e) The Speaker, with the approval of the House, may appoint special ad hoc oversight committees for the purpose of reviewing specific matters within the jurisdiction of two or more standing committees.

Special oversight functions

Clause 3 of Rule X also relates to oversight functions. Paragraph (e) reads as follows:

* * * * *

(e) The Committee on Government Reform shall review and study on a continuing basis the operation of Government activities at all levels with a view to determining their economy and efficiency.

3. Additional Functions of Committees—Rule X, Clauses 4, 6 and 7 of the House

Clause 4 of Rule X relates to additional functions of committees and committee budgets. Paragraphs (a)(2), (c) and (f) of clause 4 and clauses 6 and 7 read as follows:

4. (a)

* * * * *

(2) Pursuant to section 401(b)(2) of the Congressional Budget Act of 1974, when a committee reports a bill or joint resolution that provides new entitlement authority as defined in section 3(9) of that Act, and enactment of the bill or joint resolution, as reported, would cause a breach of the committee's pertinent allocation of new budget authority under section 302(a) of that Act, the bill or joint resolution may be referred to the Committee on Appropriations with instructions to report it with recommendations (which may include an amendment limiting the total amount of new entitlement authority provided in the bill or joint resolution). If the Committee on Appropriations fails to report a bill or joint resolution so referred within 15 calendar days (not counting any day on which the House is not in session), the committee automatically shall be discharged from consideration of the bill or joint resolution, and the bill or joint resolution shall be placed on the appropriate calendar.

* * * * *

(c)(1) The Committee on Government Reform shall—

(A) receive and examine reports of the Comptroller General of the United States and submit to the House such recommendations as it considers necessary or desirable in connection with the subject matter of the reports;

(B) evaluate the effects of laws enacted to reorganize the legislative and executive branches of the Government; and

(C) study intergovernmental relationships between the United States and the States and municipalities and between the United States and international organizations of which the United States is a member.

(2) In addition to its duties under subparagraph (1), the Committee on Government Reform may at any time conduct investigations of any matter without regard to clause 1, 2, 3, or this clause conferring jurisdiction over the matter to another standing committee. The findings and recommendations of the committee in such an investigation shall be made available to any other standing committee having jurisdiction over the matter involved and shall be included in the report of any such other committee when required by clause 3(c)(4) of rule XIII.

* * * * *

Budget Act responsibilities

(f)(1) Each standing committee shall submit to the Committee on the Budget not

later than six weeks after the President submits his budget, or at such time as the Committee on the Budget may request—

(A) its views and estimates with respect to all matters to be set forth in the concurrent resolution on the budget for the ensuing fiscal year that are within its jurisdiction or functions; and

(B) an estimate of the total amounts of new budget authority, and budget outlays resulting therefrom, to be provided or authorized in all bills and resolutions within its jurisdiction that it intends to be effective during that fiscal year.

(2) The views and estimates submitted by the Committee on Ways and Means under subparagraph (1) shall include a specific recommendation, made after holding public hearings, as to the appropriate level of the public debt that should be set forth in the concurrent resolution on the budget and serve as the basis for an increase or decrease in the statutory limit on such debt under the procedures provided by rule XXIII.

Expense resolutions

6. (a) Whenever a committee, commission, or other entity (other than the Committee on Appropriations) is granted authorization for the payment of its expenses (including staff salaries) for a Congress, such authorization initially shall be procured by one primary expense resolution reported by the Committee on House Administration. A primary expense resolution may include a reserve fund for unanticipated expenses of committees. An amount from such a reserve fund may be allocated to a committee only by the approval of the Committee on House Administration. A primary expense resolution reported to the House may not be considered in the House unless a printed report thereon was available on the previous calendar day. For the information of the House, such report shall—

(1) state the total amount of the funds to be provided to the committee, commission, or other entity under the primary expense resolution for all anticipated activities and programs of the committee, commission, or other entity; and

(2) to the extent practicable, contain such general statements regarding the estimated foreseeable expenditures for the respective anticipated activities and programs of the committee, commission, or other entity as may be appropriate to provide the House with basic estimates of the expenditures contemplated by the primary expense resolution.

(b) After the date of adoption by the House of a primary expense resolution for a committee, commission, or other entity for a Congress, authorization for the payment of additional expenses (including staff salaries) in that Congress may be procured by one or more supplemental expense resolutions reported by the Committee on House Administration, as necessary. A supplemental expense resolution reported to the House may not be considered in the House unless a printed report thereon was available on the previous calendar day. For the information of the House, such report shall—

(1) state the total amount of additional funds to be provided to the committee, commission, or other entity under the supplemental expense resolution and the purposes for which those additional funds are available; and

(2) state the reasons for the failure to procure the additional funds for the committee, commission, or other entity by means of the primary expense resolution.

(c) The preceding provisions of this clause do not apply to—

(1) a resolution providing for the payment from committee salary and expense accounts of the House of sums necessary to pay compensation for staff services performed for, or to pay other expenses of, a committee, commission, or other entity at any time after the beginning of an odd-numbered year and before the date of adoption by the House of the primary expense resolution described in paragraph (a) for that year; or

(2) a resolution providing each of the standing committees in a Congress additional office equipment, airmail and special-delivery postage stamps, supplies, staff personnel, or any other specific item for the operation of the standing committees, and containing an authorization for the payment from committee salary and expense accounts of the House of the expenses of any of the foregoing items provided by that resolution, subject to and until enactment of the provisions of the resolution as permanent law.

(d) From the funds made available for the appointment of committee staff by a primary or additional expense resolution, the chairman of each committee shall ensure that sufficient staff is made available to each subcommittee to carry out its responsibilities under the rules of the committee and that the minority party is treated fairly in the appointment of such staff.

(e) Funds authorized for a committee under this clause and clauses 7 and 8 are for expenses incurred in the activities of the committee.

Interim funding

7. (a) For the period beginning at noon on January 3 and ending at midnight on March 31 in each odd-numbered year, such sums as may be necessary shall be paid out of the committee salary and expense accounts of the House for continuance of necessary investigations and studies by—

(1) each standing and select committee established by these rules; and

(2) except as specified in paragraph (b), each select committee established by resolution.

(b) In the case of the first session of a Congress, amounts shall be made available under this paragraph for a select committee established by resolution in the preceding Congress only if—

(1) a resolution proposing to reestablish such select committee is introduced in the present Congress; and

(2) the House has not adopted a resolution of the preceding Congress providing for termination of funding for investigations and studies by such select committee.

(c) Each committee described in paragraph (a) shall be entitled for each month during the period specified in paragraph (a) to 9 percent (or such lesser percentage as may be determined by the Committee on House Administration) of the total annualized amount made available under expense resolutions for such committee in the preceding session of Congress.

(d) Payments under this paragraph shall be made on vouchers authorized by the committee involved, signed by the chairman of the committee, except as provided in paragraph (e), and approved by the Committee on House Administration.

(e) Notwithstanding any provision of law, rule of the House, or other authority, from noon on January 3 of the first session of a Congress until the election by the House of the committee concerned in that Congress, payments under this paragraph shall be made on vouchers signed by—

(1) the member of the committee who served as chairman of the committee at the expiration of the preceding Congress; or

(2) if the chairman is not a Member, Delegate, or Resident Commissioner in the present Congress, then the ranking member of the committee as it was constituted at the expiration of the preceding Congress who is a member of the majority party in the present Congress.

(f)(1) The authority of a committee to incur expenses under this paragraph shall expire upon adoption by the House of a primary expense resolution for the committee.

(2) Amounts made available under this paragraph shall be expended in accordance with regulations prescribed by the Committee on House Administration.

(3) This clause shall be effective only insofar as it is not inconsistent with a resolution reported by the Committee on House Administration and adopted by the House after the adoption of these rules.

Travel

8. (a) Local currencies owned by the United States shall be made available to the committee and its employees engaged in carrying out their official duties outside the United States or its territories or possessions. Appropriated funds, including those authorized under this clause and clauses 6 and 8, may not be expended for the purpose of defraying expenses of members of a committee or its employees in a country where local currencies are available for this purpose.

(b) The following conditions shall apply with respect to travel outside the United States or its territories or possessions:

(1) A member or employee of a committee may not receive or expend local currencies for subsistence in a country for a day at a rate in excess of the maximum per diem set forth in applicable Federal law.

(2) A member or employee shall be reimbursed for his expenses for a day at the lesser of—

(A) the per diem set forth in applicable Federal law; or

(B) the actual, unreimbursed expenses (other than for transportation) he incurred during that day.

(3) Each member or employee of a committee shall make to the chairman of the committee an itemized report showing the dates each country was visited, the amount of per diem furnished, the cost of transportation furnished, and funds expended for any other official purpose and shall summarize in these categories the total foreign currencies or appropriated funds expended. Each report shall be filed with the chairman of the committee not later than 60 days following the completion of travel for use in complying with reporting requirements in applicable Federal law and shall be open for public inspection.

(c)(1) In carrying out the activities of a committee outside the United States in a country where local currencies are unavailable, a member or employee of a committee may not receive reimbursement for expenses (other than for transportation) in excess of the maximum per diem set forth in applicable Federal law.

(2) A member or employee shall be reimbursed for his expenses for a day, at the lesser of—

(A) the per diem set forth in applicable Federal law; or

(B) the actual unreimbursed expenses (other than for transportation) he incurred during that day.

(3) A member or employee of a committee may not receive reimbursement for the cost of any transportation in connection with travel outside the United States unless the member or employee actually paid for the transportation.

(d) The restrictions respecting travel outside the United States set forth in paragraph (c) also shall apply to travel outside the United States by a Member, Delegate, Resident Commissioner, officer, or employee of the House authorized under any standing rule.

Committee staffs

9. (a)(1) Subject to subparagraph (2) and paragraph (f), each standing committee may appoint, by majority vote, not more than 30 professional staff members to be compensated from the funds provided for the appointment of committee staff by primary and additional expense resolutions. Each professional staff member appointed under this subparagraph shall be assigned to the chairman and the ranking minority member of the committee, as the committee considers advisable.

(2) Subject to paragraph (f) whenever a majority of the minority party members of a standing committee (other than the Committee on Standards of Official Conduct or the Permanent Select Committee on Intelligence) so request, not more than 10 persons (or one-third of the total professional committee staff appointed under this clause, whichever is fewer) may be selected, by majority vote of the minority party members, for appointment by the committee as professional staff members under subparagraph (1). The committee shall appoint persons so selected whose character and qualifications are acceptable to a majority of the committee. If the committee determines that the character and qualifications of a person so selected are unacceptable, a majority of the minority party members may select another person for appointment by the committee to the professional staff until such appointment is made. Each professional staff member appointed under this subparagraph shall be assigned to such committee business as the minority party members of the committee consider advisable.

(b)(1) The professional staff members of each standing committee—

(A) may not engage in any work other than committee business during congressional working hours; and

(B) may not be assigned a duty other than one pertaining to committee business.

(2) Subparagraph (1) does not apply to staff designated by a committee as ''associate'' or ''shared'' staff who are not paid exclusively by the committee, provided that the chairman certifies that the compensation paid by the committee for any such staff is commensurate with the work performed for the committee in accordance with clause 8 of rule XXIV.

(3) The use of any ''associate'' or ''shared'' staff by a committee shall be subject to the review of, and to any terms, conditions, or limitations established by, the Committee on House Administration in connection with the reporting of any primary or additional expense resolution.

(4) This paragraph does not apply to the Committee on Appropriations.

(c) Each employee on the professional or investigative staff of a standing committee shall be entitled to pay at a single gross per annum rate, to be fixed by the chairman and that does not exceed the maximum rate of pay as in effect from time to time under applicable provisions of law.

(d) Subject to appropriations hereby authorized, the Committee on Appropriations may appoint by majority vote such staff as it determines to be necessary (in addition to the clerk of the committee and assistants for the minority). The staff appointed under this paragraph, other than minority assistants, shall possess such qualifications as the committee may prescribe.

(e) A committee may not appoint to its staff an expert or other personnel detailed or assigned from a department or agency of the Government except with the written permission of the Committee on House Administration.

(f) If a request for the appointment of a minority professional staff member under paragraph (a) is made when no vacancy exists for such an appointment, the committee nevertheless may appoint under paragraph (a) a person selected by the minority and acceptable to the committee. A person so appointed shall serve as an additional member of the professional staff of the committee until such a vacancy occurs (other than a vacancy in the position of head of the professional staff, by whatever title designated), at which time that person is considered as appointed to that vacancy. Such a person shall be paid from the applicable accounts of the House described in clause 1(i)(1) of rule X. If such a vacancy occurs on the professional staff when seven or more persons have been so appointed who are eligible to fill that vacancy, a majority of the minority party members shall designate which of those persons shall fill the vacancy.

(g) Each staff member appointed pursuant to a request by minority party members under paragraph (a), and each staff member appointed to assist minority members of a committee pursuant to an expense resolution described in paragraph (a) of clause 6, shall be accorded equitable treatment with respect to the fixing of the rate of pay, the assignment of work facilities, and the accessibility of committee records.

(h) Paragraph (a) may not be construed to authorize the appointment of additional professional staff members of a committee pursuant to a request under paragraph (a) by the minority party members of that committee if 10 or more professional staff members provided for in paragraph (a)(1) who are satisfactory to a majority of the minority party members are otherwise assigned to assist the minority party members.

(i) Notwithstanding paragraph (a)(2), a committee may employ nonpartisan staff, in lieu of or in addition to committee staff designated exclusively for the majority or minority party, by an affirmative vote of a majority of the members of the majority party and of a majority of the members of the minority party.

B. Procedure for Committees and Unfinished Business—Rule XI of the House

Clauses 1, 2, 4, 5 and 6 of Rule XI are set out below.

In general

1. (a)(1)(A) Except as provided in subdivision (B), the Rules of the House are the rules of its committees and subcommittees so far as applicable.

(B) A motion to recess from day to day, and a motion to dispense with the first reading (in full) of a bill or resolution, if printed copies are available, each shall be privileged in committees and subcommittees and shall be decided without debate.

(2) Each subcommittee is a part of its committee and is subject to the authority and direction of that committee and to its rules, so far as applicable.

(b)(1) Each committee may conduct at any time such investigations and studies as it considers necessary or appropriate in the exercise of its responsibilities under rule X. Subject to the adoption of expense resolutions as required by clause 6 of rule X, each committee may incur expenses, including travel expenses, in connection with such investigations and studies.

(2) A proposed investigative or oversight report shall be considered as read in committee if it has been available to the members for at least 24 hours (excluding Saturdays, Sundays, or legal holidays except when the House is in session on such a day).

(3) A report of an investigation or study conducted jointly by more than one committee may be filed jointly, provided that each of the committees complies independently with all requirements for approval and filing of the report.

(4) After an adjournment sine die of the last regular session of a Congress, an investigative or oversight report may be filed with the Clerk at any time, provided that a member who gives timely notice of intention to file supplemental, minority, or additional views shall be entitled to not less than seven calendar days in which to submit such views for inclusion in the report.

(c) Each committee may have printed and bound such testimony and other data as may be presented at hearings held by the committee or its subcommittees. All costs of stenographic services and transcripts in connection with a meeting or hearing of a committee shall be paid from the applicable accounts of the House described in clause 1(i)(1) of rule X.

(d)(1) Each committee shall submit to the House not later than January 2 of each odd-numbered year a report on the activities of that committee under this rule and rule X during the Congress ending at noon on January 3 of such year.

(2) Such report shall include separate sections summarizing the legislative and oversight activities of that committee during that Congress.

(3) The oversight section of such report shall include a summary of the oversight plans submitted by the committee under clause 2(d) of rule X, a summary of the actions taken and recommendations made with respect to each such plan, a summary of any additional oversight activities undertaken by that committee, and any recommendations made or actions taken thereon.

(4) After an adjournment sine die of the last regular session of a Congress, the chairman of a committee may file an activities report under subparagraph (1) with the Clerk at any time and without approval of the committee, provided that—

(A) a copy of the report has been available to each member of the committee for at least seven calendar days; and

(B) the report includes any supplemental, minority, or additional views submitted by a member of the committee.

Adoption of written rules

2. (a)(1) Each standing committee shall adopt written rules governing its procedure. Such rules—

(A) shall be adopted in a meeting that is open to the public unless the committee, in open session and with a quorum present, determines by record vote that all or part of the meeting on that day shall be closed to the public;

(B) may not be inconsistent with the Rules of the House or with those provisions of law having the force and effect of Rules of the House; and

(C) shall in any event incorporate all of the succeeding provisions of this clause to the extent applicable.

(2) Each committee shall submit its rules for publication in the Congressional Record not later than 30 days after the committee is elected in each odd-numbered year.

Regular meeting days

(b) Each standing committee shall establish regular meeting days for the conduct of its business, which shall be not less frequent than monthly. Each such committee shall meet for the consideration of a bill or resolution pending before the committee or the transaction of other committee business on all regular meeting days fixed by the committee unless otherwise provided by written rule adopted by the committee.

Additional and special meetings

(c)(1) The chairman of each standing committee may call and convene, as he considers necessary, additional and special meetings of the committee for the consideration of a bill

or resolution pending before the committee or for the conduct of other committee business, subject to such rules as the committee may adopt. The committee shall meet for such purpose under that call of the chairman.

(2) Three or more members of a standing committee may file in the offices of the committee a written request that the chairman call a special meeting of the committee. Such request shall specify the measure or matter to be considered. Immediately upon the filing of the request, the clerk of the committee shall notify the chairman of the filing of the request. If the chairman does not call the requested special meeting within three calendar days after the filing of the request (to be held within seven calendar days after the filing of the request) a majority of the members of the committee may file in the offices of the committee their written notice that a special meeting of the committee will be held. The written notice shall specify the date and hour of the special meeting and the measure or matter to be considered. The committee shall meet on that date and hour. Immediately upon the filing of the notice, the clerk of the committee shall notify all members of the committee that such special meeting will be held and inform them of its date and hour and the measure or matter to be considered. Only the measure or matter specified in that notice may be considered at that special meeting.

Temporary absence of chairman

(d) A member of the majority party on each standing committee or subcommittee thereof shall be designated by the chairman of the full committee as the vice chairman of the committee or subcommittee, as the case may be, and shall preside during the absence of the chairman from any meeting. If the chairman and vice chairman of a committee or subcommittee are not present at any meeting of the committee or subcommittee, the ranking majority member who is present shall preside at that meeting.

Committee records

(e)(1)(A) Each committee shall keep a complete record of all committee action which shall include—

(i) in the case of a meeting or hearing transcript, a substantially verbatim account of remarks actually made during the proceedings, subject only to technical, grammatical, and typographical corrections authorized by the person making the remarks involved; and

(ii) a record of the votes on any question on which a record vote is demanded.

(B)(i) Except as provided in subdivision (B)(ii) and subject to paragraph (k)(7), the result of each such record vote shall be made available by the committee for inspection by the public at reasonable times in its offices. Information so available for public inspection shall include a description of the amendment, motion, order, or other proposition, the name of each member voting for and each member voting against such amendment, motion, order, or proposition, and the names of those members of the committee present but not voting.

(ii) The result of any record vote taken in executive session in the Committee on Standards of Official Conduct may not be made available for inspection by the public without an affirmative vote of a majority of the members of the committee.

(2)(A) Except as provided in subdivision (B), all committee hearings, records, data, charts, and files shall be kept separate and distinct from the congressional office records of the member serving as its chairman. Such records shall be the property of the House, and each Member, Delegate, and the Resident Commissioner shall have access thereto.

(B) A Member, Delegate, or Resident Commissioner, other than members of the Committee on Standards of Official Conduct, may not have access to the records of that committee respecting the conduct of a Member, Delegate, Resident Commissioner, officer, or employee of the House without the specific prior permission of that committee.

(3) Each committee shall include in its rules standards for availability of records of the committee delivered to the Archivist of the United States under rule VII. Such standards shall specify procedures for orders of the committee under clause 3(b)(3) and clause 4(b) of rule VII, including a requirement that nonavailability of a record for a period longer than the period otherwise applicable under that rule shall be approved by vote of the committee.

(4) Each committee shall make its publications available in electronic form to the maximum extent feasible.

Prohibition against proxy voting

(f) A vote by a member of a committee or subcommittee with respect to any measure or matter may not be cast by proxy.

Open meetings and hearings

(g)(1) Each meeting for the transaction of business, including the markup of legislation, by a standing committee or subcommittee thereof (other than the Committee on Standards of Official Conduct or its subcommittee) shall be open to the public, including to radio, television, and still photography coverage, except when the committee or subcommittee, in open session and with a majority present, determines by record vote that all or part of the remainder of the meeting on that day shall be in executive session because disclosure of matters to be considered would endanger national security, would compromise sensitive law enforcement information, would tend to defame, degrade, or incriminate any person, or otherwise would violate a law or rule of the House. Persons, other than members of the committee and such noncommittee Members, Delegates, Resident Commissioner, congressional staff, or departmental representatives as the committee may authorize, may not be present at a business or markup session that is held in executive session. This subparagraph does not apply to open committee hearings, which are governed by clause 4(a)(1) of rule X or by subparagraph (2).

(2)(A) Each hearing conducted by a committee or subcommittee (other than the Committee on Standards of Official Conduct or its subcommittees) shall be open to the public, including to radio, television, and still photography coverage, except when the committee or subcommittee, in open session and with a majority present, determines by record vote that all or part of the remainder of that hearing on that day shall be closed to the public because disclosure of testimony, evidence, or other matters to be considered would endanger national security, would compromise sensitive law enforcement information, or would violate a law or rule of the House.

(B) Notwithstanding the requirements of subdivision (A), in the presence of the number of members required under the rules of the committee for the purpose of taking testimony, a majority of those present may—

(i) agree to close the hearing for the sole purpose of discussing whether testimony or evidence to be received would endanger national security, would compromise sensitive law enforcement information, or would violate clause 2(k)(5); or

(ii) agree to close the hearing as provided in clause 2(k)(5).

(C) A Member, Delegate, or Resident Commissioner may not be excluded from nonparticipatory attendance at a hearing of a committee or subcommittee (other than the Committee on Standards of Official Conduct or its subcommittees) unless the House by majority vote authorizes a particular committee or subcommittee, for purposes of a particular series of hearings on a particular article of legislation or on a particular subject of investigation, to close its hearings to Members, Delegates, and the Resident Commissioner by the same procedures specified in this subparagraph for closing hearings to the public.

(D) The committee or subcommittee may vote by the same procedure described in this subparagraph to close one subsequent day of hearing, except that the Committee on Appropriations, the Committee on Armed Services, and the Permanent Select Committee on Intelligence, and the subcommittees thereof, may vote by the same procedure to close up to five additional, consecutive days of hearings.

(3) The chairman of each committee (other than the Committee on Rules) shall make public announcement of the date, place, and subject matter of a committee hearing at least one week before the commencement of the hearing. If the chairman of the committee, with the concurrence of the ranking minority member, determines that there is good cause to begin a hearing sooner, or if the committee so determines by majority vote in the presence of the number of members required under the rules of the committee for the transaction of business, the chairman shall make the announcement at the earliest possible date. An announcement made under this subparagraph shall be published promptly in the Daily Digest and made available in electronic form.

(4) Each committee shall, to the greatest extent practicable, require witnesses who appear before it to submit in advance written statements of proposed testimony and to limit their initial presentations to the committee to brief summaries thereof. In the case of a witness appearing in a nongovernmental capacity, a written statement of proposed testimony shall include a curriculum vitae and a disclosure of the amount and source (by agency and program) of each Federal grant (or subgrant thereof) or contract (or subcontract thereof) received during the current fiscal year or either of the two previous fiscal years by the witness or by an entity represented by the witness.

(5)(A) Except as provided in subdivision (B), a point of order does not lie with respect to a measure reported by a committee on the ground that hearings on such measure were not conducted in accordance with this clause.

(B) A point of order on the ground described in subdivision (A) may be made by a member of the committee that reported the measure if such point of order was timely made and improperly disposed of in the committee.

(6) This paragraph does not apply to hearings of the Committee on Appropriations under clause 4(a)(1) of rule X.

Quorum requirements

(h)(1) A measure or recommendation may not be reported by a committee unless a majority of the committee is actually present.

(2) Each committee may fix the number of its members to constitute a quorum for taking testimony and receiving evidence, which may not be less than two.

(3) Each committee (other than the Committee on Appropriations, the Committee on the Budget, and the Committee on Ways and Means) may fix the number of its members to constitute a quorum for taking any action other than the reporting of a measure or recommendation, which may not be less than one-third of the members.

Limitation on committee sittings

(i) A committee may not sit during a joint session of the House and Senate or during a recess when a joint meeting of the House and Senate is in progress.

Calling and questioning of witnesses

(j)(1) Whenever a hearing is conducted by a committee on a measure or matter, the minority members of the committee shall be entitled, upon request to the chairman by a majority of them before the completion of the hearing, to call witnesses selected by the minority to testify with respect to that measure or matter during at least one day of hearing thereon.

(2)(A) Subject to subdivisions (B) and (C), each committee shall apply the five-minute rule during the questioning of witnesses in a hearing until such time as each member of the committee who so desires has had an opportunity to question each witness.

(B) A committee may adopt a rule or motion permitting a specified number of its members to question a witness for longer than five minutes. The time for extended questioning of a witness under this subdivision shall be equal for the majority party and the minority party and may not exceed one hour in the aggregate.

(C) A committee may adopt a rule or motion permitting committee staff for its majority and minority party members to question a witness for equal specified periods. The time for extended questioning of a witness under this subdivision shall be equal for the majority party and the minority party and may not exceed one hour in the aggregate.

Investigative hearing procedures

(k)(1) The chairman at an investigative hearing shall announce in an opening statement the subject of the investigation.

(2) A copy of the committee rules and of this clause shall be made available to each witness.

(3) Witnesses at investigative hearings may be accompanied by their own counsel for the purpose of advising them concerning their constitutional rights.

(4) The chairman may punish breaches of order and decorum, and of professional ethics on the part of counsel, by censure and exclusion from the hearings; and the committee may cite the offender to the House for contempt.

(5) Whenever it is asserted that the evidence or testimony at an investigative hearing may tend to defame, degrade, or incriminate any person—

(A) notwithstanding paragraph (g)(2), such testimony or evidence shall be presented in executive session if, in the presence of the number of members required under the rules of the committee for the purpose of taking testimony, the committee determines by vote of a majority of those present that such evidence or testimony may tend to defame, degrade, or incriminate any person; and

(B) the committee shall proceed to receive such testimony in open session only if the committee, a majority being present, determines that such evidence or testimony will not tend to defame, degrade, or incriminate any person.

In either case the committee shall afford such person an opportunity voluntarily to appear as a witness, and receive and dispose of requests from such person to subpoena additional witnesses.

(6) Except as provided in subparagraph (5), the chairman shall receive and the committee shall dispose of requests to subpoena additional witnesses.

(7) Evidence or testimony taken in executive session, and proceedings conducted in executive session, may be released or used in public sessions only when authorized by the committee, a majority being present.

(8) In the discretion of the committee, witnesses may submit brief and pertinent sworn statements in writing for inclusion in the record. The committee is the sole judge of the pertinence of testimony and evidence adduced at its hearing.

(9) A witness may obtain a transcript copy of his testimony given at a public session or, if given at an executive session, when authorized by the committee.

Supplemental, minority, or additional views

(l) If at the time of approval of a measure or matter by a committee (other than the Committee on Rules) a member of the committee gives notice of intention to file supplemental, minority, or additional views for inclusion in the report to the House thereon, that member shall be entitled to not less than two additional calendar days after the day of such notice (excluding Saturdays, Sundays, and legal holidays except when the House is in session on such a day) to file such views, in writing and signed by that member, with the clerk of the committee.

Power to sit and act; subpoena power

(m)(1) For the purpose of carrying out any of its functions and duties under this rule and rule X (including any matters referred to it under clause 2 of rule XII), a committee or subcommittee is authorized (subject to subparagraph (2)(A))—

(A) to sit and act at such times and places within the United States, whether the House is in session, has recessed, or has adjourned, and to hold such hearings as it considers necessary; and

(B) to require, by subpoena or otherwise, the attendance and testimony of such witnesses and the production of such books, records, correspondence, memoranda, papers, and documents as it considers necessary.

(2) The chairman of the committee, or a member designated by the chairman, may administer oaths to witnesses.

(3)(A)(i) Except as provided in subdivision (A)(ii), a subpoena may be authorized and issued by a committee or subcommittee under subparagraph (1)(B) in the conduct of an investigation or series of investigations or activities only when authorized by the committee or subcommittee, a majority being present. The power to authorize and issue subpoenas under subparagraph (1)(B) may be delegated to the chairman of the committee under such rules and under such limitations as the committee may prescribe. Authorized subpoenas shall be signed by the chairman of the committee or by a member designated by the committee.

(ii) In the case of a subcommittee of the Committee on Standards of Official Conduct, a subpoena may be authorized and issued only by an affirmative vote of a majority of its members.

(B) A subpoena duces tecum may specify terms of return other than at a meeting or hearing of the committee or subcommittee authorizing the subpoena.

(C) Compliance with a subpoena issued by a committee or subcommittee under subparagraph (1)(B) may be enforced only as authorized or directed by the House.

* * * * *

Audio and visual coverage of committee proceedings

4. (a) The purpose of this clause is to provide a means, in conformity with acceptable standards of dignity, propriety, and decorum, by which committee hearings or committee meetings that are open to the public may be covered by audio and visual means—

(1) for the education, enlightenment, and information of the general public, on the basis of accurate and impartial news coverage, regarding the operations, procedures, and practices of the House as a legislative and representative body, and regarding the measures, public issues, and other matters before the House and its committees, the consideration thereof, and the action taken thereon; and

(2) for the development of the perspective and understanding of the general public with respect to the role and function of the House under the Constitution as an institution of the Federal Government.

(b) In addition, it is the intent of this clause that radio and television tapes and television film of any coverage under this clause may not be used, or made available for use, as partisan political campaign material to promote or oppose the candidacy of any person for elective public office.

(c) It is, further, the intent of this clause that the general conduct of each meeting (whether of a hearing or otherwise) covered under authority of this clause by audio or visual means, and the personal behavior of the committee members and staff, other Government officials and personnel, witnesses, television, radio, and press media personnel, and the general public at the hearing or other meeting, shall be in strict conformity with and observance of the acceptable standards of dignity, propriety, courtesy, and decorum traditionally observed by the House in its operations, and may not be such as to—

(1) distort the objects and purposes of the hearing or other meeting or the activities of committee members in connection with that hearing or meeting or in connection with the general work of the committee or of the House; or

(2) cast discredit or dishonor on the House, the committee, or a Member, Delegate, or Resident Commissioner or bring the House, the committee, or a Member, Delegate, or Resident Commissioner into disrepute.

(d) The coverage of committee hearings and meetings by audio and visual means shall be permitted and conducted only in strict conformity with the purposes, provisions, and requirements of this clause.

(e) Whenever a hearing or meeting conducted by a committee or subcommittee is open to the public, those proceedings shall be open to coverage by audio and visual means. A committee or subcommittee chairman may not limit the number of television or still cameras to fewer than two representatives from each medium (except for legitimate space or safety considerations, in which case pool coverage shall be authorized).

(f) Each committee shall adopt written rules to govern its implementation of this clause. Such rules shall contain provisions to the following effect:

(1) If audio or visual coverage of the hearing or meeting is to be presented to the public as live coverage, that coverage shall be conducted and presented without commercial sponsorship.

(2) The allocation among the television media of the positions or the number of television cameras permitted by a committee or subcommittee chairman in a hearing or meeting room shall be in accordance with fair and equitable procedures devised by the Executive Committee of the Radio and Television Correspondents' Galleries.

(3) Television cameras shall be placed so as not to obstruct in any way the space between a witness giving evidence or testimony and any member of the committee or the visibility of that witness and that member to each other.

(4) Television cameras shall operate from fixed positions but may not be placed in positions that obstruct unnecessarily the coverage of the hearing or meeting by the other media.

(5) Equipment necessary for coverage by the television and radio media may not be installed in, or removed from, the hearing or meeting room while the committee is in session.

(6)(A) Except as provided in subdivision (B), floodlights, spotlights, strobelights, and flashguns may not be used in providing any method of coverage of the hearing or meeting.

(B) The television media may install additional lighting in a hearing or meeting room, without cost to the Government, in order to raise the ambient lighting level in a hearing or meeting room to the lowest level necessary to provide adequate television coverage of a hearing or meeting at the current state of the art of television coverage.

(7) In the allocation of the number of still photographers permitted by a committee or subcommittee chairman in a hearing or meeting room, preference shall be given to photographers from Associated Press Photos and United Press International Newspictures. If requests are made by more of the media than will be permitted by a committee or subcommittee chairman for coverage of a hearing or meeting by still photography, that coverage shall be permitted on the basis of a fair and equitable pool arrangement devised by the Standing Committee of Press Photographers.

(8) Photographers may not position themselves between the witness table and the members of the committee at any time during the course of a hearing or meeting.

(9) Photographers may not place themselves in positions that obstruct unnecessarily the coverage of the hearing by the other media.

(10) Personnel providing coverage by the television and radio media shall be currently accredited to the Radio and Television Correspondents' Galleries.

(11) Personnel providing coverage by still photography shall be currently accredited to the Press Photographers' Gallery.

(12) Personnel providing coverage by the television and radio media and by still photography shall conduct themselves and their coverage activities in an orderly and unobtrusive manner.

Pay of witnesses

5. Witnesses appearing before the House or any of its committees shall be paid the same per diem rate as established, authorized, and regulated by the Committee on House Administration for Members, Delegates, the Resident Commissioner, and employees of the House, plus actual expenses of travel to or from the place of examination. Such per diem may not be paid when a witness has been summoned at the place of examination.

C. Filing and Printing of Reports—Rule XIII, Clauses 2, 3 and 4 of the House

2. (a)(1) Except as provided in subparagraph (2), all reports of committees (other than those filed from the floor as privileged) shall be delivered to the Clerk for printing and reference to the proper calendar under the direction of the Speaker in accordance with clause 1. The title or subject of each report shall be entered on the Journal and printed in the Congressional Record.

(2) A bill or resolution reported adversely shall be laid on the table unless a committee to which the bill or resolution was referred requests at the time of the report its referral to an appropriate calendar under clause 1 or unless, within three days thereafter, a Member, Delegate, or Resident Commissioner makes such a request.

(b)(1) It shall be the duty of the chairman of each committee to report or cause to be reported promptly to the House a measure or matter approved by the committee and to take or cause to be taken steps necessary to bring the measure or matter to a vote.

(2) In any event, the report of a committee on a measure that has been approved by the committee shall be filed within seven calendar days (exclusive of days on which the House is not in session) after the day on which a written request for the filing of the report, signed by a majority of the members of the committee, has been filed with the clerk of the committee. The clerk of the committee shall immediately notify the chairman of the filing of such a request. This subparagraph does not apply to a report of the Committee on Rules with respect to a rule, joint rule, or order of business of the House, or to the reporting of a resolution of inquiry addressed to the head of an executive department.

(c) All supplemental, minority, or additional views filed under clause 2(l) of rule XI by one or more members of a committee shall be included in, and shall be a part of, the report filed by the committee with respect to a measure or matter. When time guaranteed by clause 2(l) of rule XI has expired (or, if sooner, when all separate views have been received), the committee may arrange to file its report with the Clerk not later than one hour after the expiration of such time. This clause and provisions of clause 2(l) of rule XI do not preclude the immediate filing or printing of a committee report in the absence of a timely request for the opportunity to file supplemental, minority, or additional views as provided in clause 2(l) of rule XI.

Content of reports

3. (a)(1) Except as provided in subparagraph (2), the report of a committee on a measure or matter shall be printed in a single volume that—

(A) shall include all supplemental, minority, or additional views that have been submitted by the time of the filing of the report; and

(B) shall bear on its cover a recital that any such supplemental, minority, or additional views (and any material submitted under paragraph (c)(3) or (4)) are included as part of the report.

(2) A committee may file a supplemental report for the correction of a technical error in its previous report on a measure or matter.

(b) With respect to each record vote on a motion to report a measure or matter of a public nature, and on any amendment offered to the measure or matter, the total number of votes cast for and against, and the names of members voting for and against, shall be included in the committee report. The preceding sentence does not apply to votes taken in executive session by the Committee on Standards of Official Conduct.

(c) The report of a committee on a measure that has been approved by the committee shall include, separately set out and clearly identified, the following:

(1) Oversight findings and recommendations under clause 2(b)(1) of rule X.

(2) The statement required by section 308(a) of the Congressional Budget Act of 1974, except that an estimate of new budget authority shall include, when practicable, a comparison of the total estimated funding level for the relevant programs to the appropriate levels under current law.

(3) An estimate and comparison prepared by the Director of the Congressional Budget Office under section 402 of the Congressional Budget Act of 1974 if timely submitted to the committee before the filing of the report.

(4) A summary of oversight findings and recommendations by the Committee on Government Reform under clause 4(c)(2) of rule X if such findings and recommendations have been submitted to the reporting committee in time to allow it to consider such findings and recommendations during its deliberations on the measure.

(d) Each report of a committee on a public bill or public joint resolution shall contain the following:

(1) A statement citing the specific powers granted to Congress in the Constitution to enact the law proposed by the bill or joint resolution.

(2)(A) An estimate by the committee of the costs that would be incurred in carrying out the bill or joint resolution in the fiscal year in which it is reported and in each of the five fiscal years following that fiscal year (or for the authorized duration of any program authorized by the bill or joint resolution if less than five years);

(B) A comparison of the estimate of costs described in subdivision (A) made by the committee with any estimate of such costs made by a Government agency and submitted to such committee; and

(C) When practicable, a comparison of the total estimated funding level for the relevant programs with the appropriate levels under current law.

(3)(A) In subparagraph (2) the term ''Government agency'' includes any department, agency, establishment, wholly owned Government corporation, or instrumentality of the Federal Government or the government of the District of Columbia.

(B) Subparagraph (2) does not apply to the Committee on Appropriations, the Committee on House Administration, the Committee on Rules, or the Committee on Standards of Official Conduct, and does not apply when a cost estimate and comparison prepared by the Director of the Congressional Budget Office under section 402 of the Congressional Budget Act of 1974 has been included in the report under paragraph (c)(3).

(e)(1) Whenever a committee reports a bill or joint resolution proposing to repeal or amend a statute or part thereof, it shall include in its report or in an accompanying document—

(A) the text of a statute or part thereof that is proposed to be repealed; and

(B) a comparative print of any part of the bill or joint resolution proposing to amend the statute and of the statute or part thereof proposed to be amended, showing by appropriate typographical devices the omissions and insertions proposed.

(2) If a committee reports a bill or joint resolution proposing to repeal or amend a statute or part thereof with a recommendation that the bill or joint resolution be amended, the comparative print required by subparagraph (1) shall reflect the changes in existing law proposed to be made by the bill or joint resolution as proposed to be amended.

* * * * *

Availability of reports

4. (a)(1) Except as specified in subparagraph (2), it shall not be in order to consider in the House a measure or matter reported by a committee until the third calendar day (excluding Saturdays, Sundays, or legal holidays except when the House is in session on such a day) on which each report of a committee on that measure or matter has been available to Members, Delegates, and the Resident Commissioner.

(2) Subparagraph (1) does not apply to—

(A) a resolution providing a rule, joint rule, or order of business reported by the Committee on Rules considered under clause 6;

(B) a resolution providing amounts from the applicable accounts described in clause 1(i)(1) of rule X reported by the Committee on House Administration considered under clause 6 of rule X;

(C) a resolution presenting a question of the privileges of the House reported by any committee;

(D) a measure for the declaration of war, or the declaration of a national emergency, by Congress; and

(E) a measure providing for the disapproval of a decision, determination, or action by a Government agency that would become, or continue to be, effective unless disapproved or otherwise invalidated by one or both Houses of Congress. In this subdivision the term ''Government agency'' includes any department, agency, establishment, wholly owned Government corporation, or instrumentality of the Federal Government or of the government of the District of Columbia.

(b) A committee that reports a measure or matter shall make every reasonable effort to have its hearings thereon (if any) printed and available for distribution to Members, Delegates, and the Resident Commissioner before the consideration of the measure or matter in the House.

(c) A general appropriation bill reported by the Committee on Appropriations may not be considered in the House until the third calendar day (excluding Saturdays, Sundays, and legal holidays except when the House is in session on such a day) on which printed hearings of the Committee on Appropriations thereon have been available to Members, Delegates, and the Resident Commissioner.

III. SELECTED MATTERS OF INTEREST

A. 5 U.S.C. Sec. 2954. Information to Committees of Congress on Request

An Executive agency, on request of the Committee on Government Operations of the House of Representatives, or of any seven members thereof, or on request of the Committee on Government Operations of the Senate, or any five members thereof, shall submit any information requested of it relating to any matter within the jurisdiction of the committee.

B. 18 U.S.C. Sec. 1505. Obstruction of Proceedings Before Departments, Agencies, and Committees

Whoever, with intent to avoid, evade, prevent, or obstruct compliance, in whole or in part, with any civil investigative demand duly and properly made under the Antitrust Civil Process Act, willfully withholds, misrepresents, removes from any place, conceals, covers up, destroys, mutilates, alters, or by other means falsifies any documentary material, answers to written interrogatories, or oral testimony, which is the subject of such demand; or attempts to do so or solicits another to do so; or

Whoever corruptly, or by threats or force, or by any threatening letter or communication influences, obstructs, or impedes or endeavors to influence, obstruct, or impede the due and proper administration of the law under which any pending proceeding is being had before any department or agency of the United States, or the due and proper exercise of the power or inquiry under which any inquiry or investigation is being had by either House, or any committee or either House or any joint committee of the Congress—

Shall be fined not more than $5,000 or imprisoned not more than five years, or both.

C. 31 U.S.C. Sec. 712. Investigating the Use of Public Money

The Comptroller General shall—

* * * * * * *

(3) analyze expenditures of each executive agency the Comptroller General believes will help Congress decide whether public money has been used and expended economically and efficiently;

(4) make an investigation and report ordered by either House of Congress or a committee of Congress having jurisdiction over revenue, appropriations, or expenditures; and

(5) give a committee of Congress having jurisdiction over revenue, appropriations, or expenditures the help and information the committee requests.

D. 31 U.S.C. Sec. 719. Comptroller General Reports

* * * * * * *

(e) The Comptroller General shall report on analyses carried out under section 712(3) of this title to the Committees on Governmental Affairs and Appropriations of the Senate, the Committees on Government Operations and Appropriations of the House, and the committees with jurisdiction over legislation related to the operation of each executive agency.[1]

* * * * * * *

(i) On request of a committee of Congress, the Comptroller General shall explain to discuss with the committee or committee staff a report the Comptroller General makes that would help the committee—

(1) evaluate a program or activity of an agency within the jurisdiction of the committee; or

(2) in its consideration of proposed legislation.

E. 31 U.S.C. Sec. 717. Evaluating Programs and Activities of the United States Government

* * * * * * *

(d)(1) On request of a committee of Congress, the Comptroller General shall help the committee to—

(A) develop a statement of legislative goals and ways to assess and report program performance related to the goals, including recommended ways to assess performance, information to be reported, responsibility for reporting, frequency of reports, and feasibility of pilot testing; and

(B) assess program evaluations prepared by and for an agency.

(2) On request of a member of Congress, the Comptroller General shall give the member a copy of the material the Comptroller General compiles in carrying out this subsection that has been released by the committee for which the material was compiled.

F. 31 U.S.C. Sec. 1113. Congressional Information

(a)(1) When requested by a committee of Congress having jurisdiction over receipts or appropriations, the President shall provide the committee with assistance and information.

(2) When requested by a committee of Congress, additional information related to the amount of an appropriation originally requested by an Office of Inspector General shall be submitted to the committee.

(b) When requested by a committee of Congress, by the Comptroller General, or by the Director of the Congressional Budget Office, the Secretary of the Treasury, the Director of the Office of Management and Budget, and the head of each executive agency shall—

(1) provide information on the location and kind of available fiscal, budget, and program information;

(2) to the extent practicable, prepare summary tables of that fiscal, budget, and program information and related information of the committee, the Comptroller General, or the Director of the Congressional Budget Office considers necessary; and

(3) provide a program evaluation carried out or commissioned by an executive agency.

(c) In cooperation with the Director of the Congressional Budget Office, the Secretary, and the Director of the Office of Management and Budget, the Comptroller General shall—

(1) establish and maintain a current directory of sources of, and information systems for, fiscal, budget, and program information and a brief description of the contents of each source and system;

(2) when requested, provide assistance to committees of Congress and members of Congress in obtaining information from the sources in the directory; and

(3) when requested, provide assistance to committees and the extent practicable, to members of Congress in evaluating the information from the sources in the directory; and

(d) To the extent they consider necessary, the Comptroller General and the Director of the Congressional Budget Office individually or jointly shall establish and maintain a file of information to meet recurring needs of Congress for fiscal, budget, and program information to carry out this section and sections 717 and 1112 of this title. The file shall include information on budget requests, congressional authorizations to obligations and expenditures. The Comptroller General and the Director shall maintain the file and an index so that it is easier for the committees and agencies of Congress to use the file and index through data processing and communications techniques.

(e)(1) The Comptroller General shall—

(A) carry out a continuing program to identify the needs of committees and members of Congress for fiscal budget, and program information to carry out this section and section 1112 of this title;

(B) assist committees of Congress in developing their information needs;

(C) monitor recurring reporting requirements of Congress and committees; and

(D) make recommendations to Congress and committees for changes and improvements in those reporting requirements to meet information needs identified by the Comptroller General, to improve their usefulness to congressional users, and to eliminate unnecessary reporting.

(2) Before September 2 of each year, the Comptroller General shall report to Congress on—

(A) the needs identified under paragraph (1)(A) of this subsection;

(B) the relationship of those needs to existing reporting requirements;

(C) the extent to which reporting by the executive branch of the United States Government currently meets the identified needs;

(D) the changes to standard classifications necessary to meet congressional needs;

(E) activities, progress, and results of the program of the Comptroller General under paragraph (1)(B)-(D) of this subsection; and

(F) progress of the executive branch in the prior year.

(3) Before March 2 of each year, the Director of the Office of Management and Budget and the Secretary shall report to Congress on plans for meeting the needs identified under paragraph (1)(A) of this subsection, including—

(A) plans for carrying out changes to classifications to meet information needs of Congress;

(B) the status of information systems in the prior year; and

(C) the use of standard classifications.

(Public Law 97–258, Sept. 13, 1982, 96 Stat. 914; Public Law 97–452, § 1(3), Jan. 12, 1983, 96 Stat. 2467.)

[1] For other requirements which relate to General Accounting Office reports to Congress and which affect the committee, *see* secs. 232 and 236 of the Legislative Reorganization Act of 1970 (Public Law 91–150).

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Pennsylvania (Mr. COYNE) is recognized for 5 minutes.

(Mr. COYNE addressed the House. His remarks will appear hereafter in the Extensions of Remarks.)

THE CHINA MARKET ACCESS AND EXPORT OPPORTUNITIES ACT OF 1999

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Nebraska (Mr. BEREUTER) is recognized for 5 minutes.

Mr. BEREUTER. Mr. Speaker, last week, U.S. trade negotiators once again met with their Chinese counterparts in an attempt to discuss China's accession to the World Trade Organization, the WTO. Unfortunately, but also predictably, these talks did not produce any significant breakthroughs. The Chinese repeated their same old, unsatisfactory demands while offering only minimal concessions.

Though the Washington, D.C. rumor mill and so-called conventional wisdom are predicting that the forthcoming Sino-American meeting between President Clinton and Chinese Premier Zhu Rongji will showcase an agreement for China's WTO accession, the United States and China remain so far apart on so many trade issues that this Member is doubtful that a complete and commercially viable agreement can be reached in such a short time frame.

Instead, the President and the Premier will be faced with China continuing to have a huge and growing trade surplus with the United States. The record $60 billion trade deficit with China in 1998 represents a 15.5 percent increase over the 1997 level. Now as the trade deficit with China is averaging more than $1 billion per week, under current trends the projected trade deficit for 1999 could exceed $70 billion. It is also clear that the American exports will continue to face new and growing problems of access to the Chinese markets.

It seems to this Member that the underlying problem remains that China already enjoys, without making any real concessions, the low tariff benefit of normal trade with the United States. From the Chinese perspective, why should they change?

Recognizing that China gets a free ride into U.S. markets without giving U.S. exporters similar, fair treatment, the distinguished gentleman from Illinois (Mr. EWING), the distinguished gentleman from Mississippi (Mr. PICKERING) and this Member have again introduced legislation that gives American trade negotiators the tools needed to pry open China's markets as we did last Congress on May 22, 1997.

This legislation, the China Market Access and Export Opportunities Act, requires that China either make an acceptable offer to join the World Trade Organization or face snap-back tariffs. That is a reasonable approach to negotiations that are stymied and a U.S. trade deficit that is rapidly growing and unsustainable.

The Bereuter-Ewing-Pickering legislation will help induce China's leaders to comply with the world trade rules by eliminating our annual normal trade relations review when China accedes to the WTO. No longer will the President have to waive or certify that China meets Jackson-Vanik requirements. China, under this legislation, will receive normal trade status routinely unless either the Congress or the President use other existing authorities to raise tariffs on China's goods. As a result, this action will eliminate Beijing's contention that China could make all of the structural and trade liberalization changes necessary to join the WTO only to have the U.S. Congress continue its annual and increasingly contentious NTR reviews.

The China Market Access and Export Opportunities Act requires the President to first determine if China is, quote, not according adequate trade benefits, close quote, as defined in existing law to the United States; and second, if China is not taking adequate steps to become a WTO member by January 1, 2001. This is also the date by which the current bilateral U.S. trade agreement must be renewed. If the President makes a negative conclusion on either of these two findings, then the President shall announce the imposition of snap-back tariffs on China within 6 months of that determination. In imposing the snap-back tariffs, the President has wide discretion to determine both the amount of the tariff and on which categories of products the snap-back tariffs will be imposed. However, under no circumstances can the President exceed the legislation's snap-back tariff ceiling which is the pre-Uruguay round MFN tariff rate; in other words, the Column 1 tariff rates in effect on December 31, 1994.

A study by the Congressional Research Service estimates an additional $325 million in tariff revenue would be generated for the U.S. Treasury if the President were to utilize his full snap-back authority, for example, on just the top 25 Chinese exports to the United States. This estimate, based upon 1995 figures, is not adjusted to reflect any downward demand for the products due to the increased tariff.

The President would be required under this legislation to terminate the imposed snap-back tariffs on China on the date China becomes a WTO member or on the date the President determines that China is according adequate trade benefits to the United States and making significant steps to become a WTO member, whichever is earlier. The President also will be able to modify any of the snap-back tariffs upward within the cap or downward in response to Chinese actions or inactions as long as the appropriate congressional committees are notified.

Mr. Speaker, I urge my colleagues to support and cosponsor the Bereuter-Ewing-Pickering legislation.

Because the China Market Access and Export Opportunities Act proposes tariffs averaging from 4% to 7% rather than the average 44% tariff increase which would result if NTR is revoked, our proposal is realistic and enforceable and Beijing will have strong motive to move to WTO membership and reciprocally open their markets. Currently, China's leaders in effect ignore Congress' annual threat to revoke NTR because they know we will not impose such draconian tariffs on U.S. imports. China knows that the impact of such severe import duties on economies of important U.S. partners like Hong Kong and Taiwan would be excessively damaging. By giving the President the flexibility to vary and modify these tariffs within the statutorily imposed level, our ''scalpel-like'' snap-back mechanism-rather than the ''meat axe'' approach of the annual NTR process-greatly increases the United States Trade Representative's ability to negotiate acceptable terms for China's accession to the WTO. It is a realistic carrot-and-stick approach.

Mr. Speaker, China's desire to join the World Trade Organization represents an historic opportunity for the United States to level the playing field for U.S. companies, workers and farmers to sell their products in China. However, this opportunity will be lost if the U.S. Congress and the Administration do not agree on a responsible strategy to coax China into that organization after it has met eligibility standards. The China Market Access and Export Opportunities Act is a tough but reasonable way to pressure Beijing to eliminate those trade barriers and structural impediments which currently stand between China and its membership in the WTO. The economic and trade liberalization reforms in China which this legislation promotes will reduce our enormous and ever-growing bilateral trade deficit and benefit American workers and consumers while stimulating the most positive forces of political and social change in China. It is a win-win approach which this Member encourages his colleagues to support by supporting the Bereuter-Ewing-Pickering legislation being introduced today.

LEGISLATION TO AWARD A CONGRESSIONAL GOLD MEDAL TO ROSA PARKS

The SPEAKER pro tempore. Under a previous order of the House, the gentlewoman from Indiana (Ms. CARSON) is recognized for 5 minutes.

Ms. CARSON. Mr. Speaker, I rise today to offer legislation to award a Congressional Gold Medal to Rosa Parks.

Rosa Parks is the Mother of America's Civil Rights movement. Her quiet courage that day in Montgomery, Alabama, touched off a new American revolution that opened new doors of opportunity and brought equality for all Americans close to a reality.

In 1955, Rosa Parks touched off the bus boycott in Montgomery, Alabama, when she was arrested for refusing to yield her seat at the front of the bus to a white man. Boneweary from a long day at work, Rosa Parks was on her way home. The only seat available on the bus was in the ''white'' section. Outraged by her arrest, the black community in Montgomery launched a bus boycott demanding racial integration of the bus system.

The bus boycott introduced Dr. Martin Luther King, Jr. to America as a civil rights leader. Led by Dr. King, African-Americans took

car-pools to their destinations in Montgomery and pushed the bus system to the brink of financial ruin. After months of running nearly-empty buses, Montgomery relented and agreed to integrate the system. For the first time bus riders, no matter what their color, could sit anywhere they wanted.

The movement sparked in Montgomery culminated in the Civil Rights Act, the Voting Rights Act and a new affirmation of the equal rights promised to all Americans by the Constitution.

The quiet courage of Rosa Parks changed the course of American history and came to symbolize the power of non-violent protest. In the 44 years since that cold winter Montgomery day, the Nation has derived immense benefit from her leadership and that of those she inspired. Rosa Parks continues to dedicate her life to the cause of universal human rights and has become a living icon for freedom in America.

My legislation will authorize the President to award Rosa Parks a gold medal, on behalf of Congress. It will authorize the U.S. Mint to strike and sell duplicates to the public.

Today is Rosa Parks' 86th birthday. It is time for Congress and the entire nation to join me in recognizing Rosa Parks' significant and historic contributions to American society. February is Black History month. This is the time for us to finally give Rosa Parks the recognition she has so long deserved.

SPECIAL ORDERS GRANTED

By unanimous consent, permission to address the House, following the legislative program and any special orders heretofore entered, was granted to:

(The following Members (at the request of Mr. CONDIT) to revise and extend their remarks and include extraneous material:)

Mr. COYNE, for 5 minutes, today.

Ms. CARSON, for 5 minutes, today.

(The following Member (at his own request) to revise and extend his remarks and include extraneous material:)

Mr. BEREUTER, for 5 minutes, today.

Mr. SHUSTER, for 5 minutes, today.

Mr. STUMP, for 5 minutes, today.

Mr. ARCHER, for 5 minutes, today.

Mr. TALENT, for 5 minutes, today.

Mr. BURTON for Indiana for 5 minutes today.

ADJOURNMENT

Mr. BEREUTER. Mr. Speaker, I move that the House do now adjourn.

The motion was agreed to; accordingly (at 11 o'clock and 40 minutes a.m.), under its previous order, the House adjourned until Monday, February 8, 1999, at 2 p.m.

EXPENDITURE REPORTS CONCERNING OFFICIAL FOREIGN TRAVEL

Reports and amended reports concerning the foreign currencies and U.S. dollars utilized for official foreign travel during the third and fourth quarters of 1998 by Committees of the House of Representatives, as well as consolidated report of foreign currencies and U.S. dollars utilized for speaker-authorized official travel during third quarter of 1998, pursuant to Public Law 95–384, are as follows:

REPORT OF EXPENDITURES FOR OFFICIAL FOREIGN TRAVEL, SELECT COMMITTEE ON INTELLIGENCE, HOUSE OF REPRESENTATIVES, EXPENDED BETWEEN JULY 1 AND SEPT. 31, 1998

Name of Member or employee	Date		Country	Per diem [1]		Transportation		Other purposes		Total	
	Arrival	Departure		Foreign currency	U.S. dollar equivalent or U.S. currency [2]	Foreign currency	U.S. dollar equivalent or U.S. currency [2]	Foreign currency	U.S. dollar equivalent or U.S. currency [2]	Foreign currency	U.S. dollar equivalent or U.S. currency [2]
Diane Roark	8/14	8/19	Asia		267.27						267.27
Commercial airfare							1,183.74				1,183.74
Patrick Murray	8/18	8/23	Europe		1,928.00						1,928.00
Commercial airfare							5,251.57				5,251.57
Merrell Morehead	8/18	8/23	Europe		1,928.00						1,928.00
Commercial airfare							5,251.57				5,251.57
William McFarland	8/18	8/23	Europe		1,928.00						1,928.00
Commercial airfare							5,251.57				5,251.57
Catherine Eberwein	8/20	8/31	Europe		2,916.00						2,916.00
Commercial airfare							4,838.86				4,838.86
Elizabeth Larson	8/24	9/4	Europe		3,062.00						3,062.00
Commercial airfare							6,329.15				6,329.15
Committee total					12,029.27		28,106.46				40,135,73

[1] Per diem constitutes lodging and meals.
[2] If foreign currency is used, enter U.S. dollar equivalent; if U.S. currency is used, enter amount expended.

PORTER J. GOSS, Chairman, Nov. 12, 1998.

REPORT OF EXPENDITURES FOR OFFICIAL FOREIGN TRAVEL, COMMITTEE ON AGRICULTURE, HOUSE OF REPRESENTATIVES, EXPENDED BETWEEN OCT. 1 AND DEC. 31, 1998

Name of Member or employee	Date		Country	Per diem [1]		Transportation		Other purposes		Total	
	Arrival	Departure		Foreign currency	U.S. dollar equivalent or U.S. currency [2]	Foreign currency	U.S. dollar equivalent or U.S. currency [2]	Foreign currency	U.S. dollar equivalent or U.S. currency [2]	Foreign currency	U.S. dollar equivalent or U.S. currency [2]

FOR HOUSE COMMITTEES

Please note: If there were no expenditures during the calendar quarter noted above, please check the box at right to so indicate and return. ☒

[1] Per diem constitutes lodging and meals.
[2] If foreign currency is used, enter U.S. dollar equivalent; if U.S. currency is used, enter amount expended.

BOB SMITH, Chairman, Jan. 28, 1999.

REPORT OF EXPENDITURES FOR OFFICIAL FOREIGN TRAVEL, COMMITTEE ON APPROPRIATIONS, HOUSE OF REPRESENTATIVES, EXPENDED BETWEEN SEPT. 30, AND DEC. 31, 1998

Name of Member or employee	Date		Country	Per diem [1]		Transportation		Other purposes		Total	
	Arrival	Departure		Foreign currency	U.S. dollar equivalent or U.S. currency [2]	Foreign currency	U.S. dollar equivalent or U.S. currency [2]	Foreign currency	U.S. dollar equivalent or U.S. currency [2]	Foreign currency	U.S. dollar equivalent or U.S. currency [2]
Timothy Peterson	10/22	10/26	Canada		422.50						422.50
Commercial airfare							835.15				835.15
James W. Dyer	11/2	11/4	Czech Republic		464.00						464.00
	11/4	11/6	Switzerland		858.00						858.00
Commercial airfare							5,432.86				5,432.86
Valerie L. Baldwin	11/2	11/4	Czech Republic		464.00						464.00
	11/4	11/6	Switzerland		858.00						858.00
	11/6	11/8	Italy		578.00						578.00
Commercial airfare							5,941.86				5,941.86
John Shank	11/2	11/4	United Kingdom		630.00						630.00
	11/4	11/6	Switzerland		572.00						572.00
	11/6	11/10	Italy		1,445.00						1,445.00
Commercial airfare							6,253.50				6,253.50
John J. Ziolkowski	11/7	11/11	Italy		1,017.00						1,017.00

REPORT OF EXPENDITURES FOR OFFICIAL FOREIGN TRAVEL, COMMITTEE ON APPROPRIATIONS, HOUSE OF REPRESENTATIVES, EXPENDED BETWEEN SEPT. 30, AND DEC. 31, 1998—Continued

Name of Member or employee	Date		Country	Per diem [1]		Transportation		Other purposes		Total	
	Arrival	Departure		Foreign currency	U.S. dollar equivalent or U.S. currency [2]	Foreign currency	U.S. dollar equivalent or U.S. currency [2]	Foreign currency	U.S. dollar equivalent or U.S. currency [2]	Foreign currency	U.S. dollar equivalent or U.S. currency [2]
Commercial airfare							5,127.17				5,127.17
James T. Walsh	11/29	12/2	India		867.00						867.00
	12/2	12/7	Nepal		1,344.00						1,344.00
Commercial airfare							2,307.00				2,307.00
Committee total					9,519.50		25,897.54				35,417.04
Committee on Appropriations, Surveys and Investigations Staff:											
T.J. Booth	11/6	11/10	Bahrain		632.50		5,569.84		251.21		6,453.55
	11/10	11/11	United Arab Emirates		228.00						228.00
	11/11	11/14	Saudi Arabia		711.25						711.25
	11/14	11/16	Bahrain		392.00						392.00
N.H. Gardner	12/3	12/5	China		717.50		9,341.54		23.44		10,082.48
	12/6	12/10	Australia		695.50						695.50
	12/11	12/11	Japan		184.50						184.50
M.O. Glynn	11/13	11/18	Italy		1,141.25		5,747.02		122.00		7,010.27
	11/18	11/20	Turkey		236.25						236.25
	11/20	11/21	The Netherlands		231.00						231.00
R.D. Green	11/7	11/21	Germany		2,549.75		5,242.89		26.40		7,819.04
C.L. Hauver	12/3	12/5	China		717.50		9,341.54		73.57		10,132.61
	12/6	12/10	Australia		695.50						695.50
	12/11	12/11	Japan		184.50						184.50
W.C. Hersman	11/7	11/18	Italy		2,052.00		5,636.97		32.00		7,720.97
	11/18	11/20	Turkey		236.25						236.25
	11/20	11/21	The Netherlands		231.00						231.00
T.E. Hobbs	11/13	11/18	Italy		1,058.75		5,494.74		42.88		6,596.37
R.A. Jaxel	11/7	11/18	Italy		2,052.00		5,636.97		102.95		7,791.92
	11/18	11/20	Turkey		236.25						236.25
	11/20	11/21	The Netherlands		231.00						231.00
D.K. Lutz	11/6	11/10	Bahrain		632.50		5,931.84		218.01		6,782.35
	11/10	11/11	United Arab Emirates		228.00						228.00
	11/11	11/14	Saudi Arabia		711.25						711.25
	11/14	11/16	Bahrain		441.00						441.00
H.P. McDonald	12/3	12/5	China		717.50		9,341.54		130.64		10,189.68
	12/6	12/10	Australia		695.50						695.50
	12/11	12/11	Japan		184.50						184.50
R.H. Pearre	11/7	11/15	Italy		1,342.25		5,227.15		132.79		6,702.19
R.J. Reitwiesner	11/6	11/10	Bahrain		632.50		5,569.84		230.21		6,432.55
	11/10	11/11	United Arab Emirates		228.00						228.00
	11/11	11/14	Saudi Arabia		711.25						711.25
	11/14	11/16	Bahrain		392.00						392.00
F.R. Stevens	11/7	11/21	Germany		2,807.50		5,496.84		195.20		8,499.54
R.W. Vandergrift	12/3	12/5	China		717.50		9,341.54		281.06		10,340.10
	12/6	12/10	Australia		695.50						695.50
	12/11	12/11	Japan		184.50						184.50
T.P. Wyman	12/3	12/5	China		717.50		9,341.54		247.12		10,306.16
	12/6	12/10	Australia		695.50						695.50
	12/11	12/11	Japan		184.50						184.50
Committee total					28,330.00		102,261.80		2,109.48		132,704.28

[1] Per diem constitutes lodging and meals.
[2] If foreign currency is used, enter U.S. dollar equivalent; if U.S. currency is used, enter amount expended.

BILL YOUNG, Chairman, Jan. 28, 1999.

REPORT OF EXPENDITURES FOR OFFICIAL FOREIGN TRAVEL, COMMITTEE ON BANKING, AND FINANCIAL SERVICES, HOUSE OF REPRESENTATIVES, EXPENDED BETWEEN OCT. 1 AND DEC. 31, 1998

Name of Member or employee	Date		Country	Per diem [1]		Transportation		Other purposes		Total	
	Arrival	Departure		Foreign currency	U.S. dollar equivalent or U.S. currency [2]	Foreign currency	U.S. dollar equivalent or U.S. currency [2]	Foreign currency	U.S. dollar equivalent or U.S. currency [2]	Foreign currency	U.S. dollar equivalent or U.S. currency [2]
Ellen Kuo	11/29	12/4	Brazil		1,453.00		1,990.00				3,443.00
Committee total					1,453.00		1,990.00				3,443.00

[1] Per diem constitutes lodging and meals.
[2] If foreign currency is used, enter U.S. dollar equivalent; if U.S. currency is used, enter amount expended.

JIM LEACH, Chairman, Jan. 28, 1999.

REPORT OF EXPENDITURES FOR OFFICIAL FOREIGN TRAVEL, COMMITTEE ON THE BUDGET, HOUSE OF REPRESENTATIVES, EXPENDED BETWEEN OCT. 1 AND DEC. 31, 1998

Name of Member or employee	Date		Country	Per diem [1]		Transportation		Other purposes		Total	
	Arrival	Departure		Foreign currency	U.S. dollar equivalent or U.S. currency [2]	Foreign currency	U.S. dollar equivalent or U.S. currency [2]	Foreign currency	U.S. dollar equivalent or U.S. currency [2]	Foreign currency	U.S. dollar equivalent or U.S. currency [2]

FOR HOUSE COMMITTEES

Please Note: If there were no expenditures during the calendar quarter noted above, please check the box at right to so indicate and return. ☒

[1] Per diem constitutes lodging and meals.
[2] If foreign currency is used, enter U.S. dollar equivalent; if U.S. currency is used, enter amount expended.

JOHN R. KASICH, Chairman, Jan. 28, 1999.

REPORT OF EXPENDITURES FOR OFFICIAL FOREIGN TRAVEL, COMMITTEE ON COMMERCE, HOUSE OF REPRESENTATIVES, EXPENDED BETWEEN OCT.1 AND DEC. 31, 1998

Name of Member or employee	Date		Country	Per diem [1]		Transportation		Other purposes		Total	
	Arrival	Departure		Foreign currency	U.S. dollar equivalent or U.S. currency [2]	Foreign currency	U.S. dollar equivalent or U.S. currency [2]	Foreign currency	U.S. dollar equivalent or U.S. currency [2]	Foreign currency	U.S. dollar equivalent or U.S. currency [2]
Hon. Peter Deutsch	12/11	12/15	Israel				2,648.00				2,648.00
Committee total							2,648.00				2,648.00

[1] Per diem constitutes lodging and meals.

[2] If foreign currency is used, enter U.S. dollar equivalent; if U.S. currency is used, enter amount expended.

TOM BLILEY, Chairman, Jan. 19, 1999.

REPORT OF EXPENDITURES FOR OFFICIAL FOREIGN TRAVEL, COMMITTEE ON EDUCATION AND THE WORKFORCE, HOUSE OF REPRESENTATIVES, EXPENDED BETWEEN OCT. 1, AND DEC. 31, 1998

Name of Member or employee	Date		Country	Per diem [1]		Transportation		Other purposes		Total	
	Arrival	Departure		Foreign currency	U.S. dollar equivalent or U.S. currency [2]	Foreign currency	U.S. dollar equivalent or U.S. currency [2]	Foreign currency	U.S. dollar equivalent or U.S. currency [2]	Foreign currency	U.S. dollar equivalent or U.S. currency [2]

FOR HOUSE COMMITTEES

Please Note: If there were no expenditures during the calendar quarter noted above, please check the box at right to so indicate and return. ☒

[1] Per diem constitutes lodging and meals.
[2] If foreign currency is used, enter U.S. dollar equivalent; if U.S. currency is used, enter amount expended.

BILL GOODLING, Chairman, Feb. 1, 1999.

REPORT OF EXPENDITURES FOR OFFICIAL FOREIGN TRAVEL, COMMITTEE ON NATIONAL SECURITY, HOUSE OF REPRESENTATIVES, EXPENDED BETWEEN OCT. 1 AND DEC. 31, 1998

Name of Member or employee	Date		Country	Per diem [1]		Transportation		Other purposes		Total	
	Arrival	Departure		Foreign currency	U.S. dollar equivalent or U.S. currency [2]	Foreign currency	U.S. dollar equivalent or U.S. currency [2]	Foreign currency	U.S. dollar equivalent or U.S. currency [2]	Foreign currency	U.S. dollar equivalent or U.S. currency [2]

FOR HOUSE COMMITTEES

Please Note: If there were no expenditures during the calendar quarter noted above, please check the box at right to so indicate and return. ☒

[1] Per diem constitutes lodging and meals.
[2] If foreign currency is used, enter U.S. dollar equivalent; if U.S. currency is used, enter amount expended.

BILL THOMAS, Chairman, Feb. 1, 1999.

REPORT OF EXPENDITURES FOR OFFICIAL FOREIGN TRAVEL, COMMITTEE ON HOUSE ADMINISTRATION, HOUSE OF REPRESENTATIVES, EXPENDED BETWEEN OCT. 1 AND DEC. 31, 1998

Name of Member or employee	Date		Country	Per diem [1]		Transportation		Other purposes		Total	
	Arrival	Departure		Foreign currency	U.S. dollar equivalent or U.S. currency [2]	Foreign currency	U.S. dollar equivalent or U.S. currency [2]	Foreign currency	U.S. dollar equivalent or U.S. currency [2]	Foreign currency	U.S. dollar equivalent or U.S. currency [2]
Visit to Ukraine and Russia, Nov. 7–13, 1998:											
Mr. David J. Trachtenberg	11/7	11/10	Ukraine		1,140.00						1,140.00
	11/10	11/13	Russia		873.00						873.00
Commercial airfare							5,333.07				5,333.07
Visit to Korea, Nov. 18–21, 1998:											
Hon. Gene Taylor	11/18	11/21	Korea		786.00						786.00
Commercial airfare							3,736.00				3,736.00
Mr. Dudley L. Tademy	11/18	11/21	Korea		786.00						786.00
Commercial airfare							3,736.00				3,736.00
Visit to Nicaragua and Honduras, Nov. 29–Dec. 1, 1998:											
Hon. Solomon P. Ortiz	11/29	12/1	Nicaragua		440.21						440.21
	12/1	12/1	Honduras								
Visit to Germany, Nov. 30–Dec. 5, 1998:											
Ms. Mieke Y. Eoyang	11/30	12/5	Germany		1,250.00						1,250.00
Commercial airfare							3,839.55				3,839.55
Visit to the United Kingdom, Belgium, Russia and Czech Republic, Nov. 30–Dec. 10, 1998:											
Hon. Ike Skelton	11/30	12/2	United Kingdom		730.00						730.00
	12/2	12/4	Belgium		458.00						458.00
	12/4	12/8	Russia		1,498.00						1,498.00
	12/8	12/10	Czech Republic		564.00						564.00
Hon. Neil Abercrombie	11/30	12/2	United Kingdom		730.00						730.00
	12/2	12/4	Belgium		458.00						458.00
	12/4	12/8	Russia		1,498.00						1,498.00
	12/8	12/10	Czech Republic		564.00						564.00
Hon. Loretta Sanchez	11/30	12/2	United Kingdom		730.00						730.00
	12/2	12/4	Belgium		458.00						458.00
	12/4	12/8	Russia		1,498.00						1,498.00
	12/8	12/10	Czech Republic		564.00						564.00
Hon. Adam Smith	11/30	12/2	United Kingdom		730.00						730.00
	12/2	12/4	Belgium		458.00						458.00
	12/4	12/8	Russia		1,498.00						1,498.00
	12/8	12/10	Czech Republic		564.00						564.00
Hon. Vic Snyder	11/30	12/2	United Kingdom		730.00						730.00
	12/2	12/4	Belgium		458.00						458.00
	12/4	12/8	Russia		1,498.00						1,498.00
	12/8	12/10	Czech Republic		564.00						564.00
Thomas P. Glakas	11/30	12/2	United Kingdom		730.00						730.00
	12/2	12/4	Belgium		458.00						458.00
	12/4	12/8	Russia		1,498.00						1,498.00
	12/8	12/10	Czech Republic		564.00						564.00
Dudley L. Tademy	11/30	12/2	United Kingdom		730.00						730.00
	12/2	12/4	Belgium		458.00						458.00
	12/4	12/8	Russia		1,498.00						1,498.00
	12/8	12/10	Czech Republic		564.00						564.00
Visit to Panama, Dec. 6–8, 1998:											
Mr. Christain P. Zur	12/6	12/8	Panama		243.00						243.00
Commercial airfare							1,126.50				1,126.50
Visit to Belgium, Germany, Bosnia and Macedonia, Dec. 10–15, 1998:											
Hon. Ellen O. Tauscher	12/10	12/10	Belgium								
	12/10	12/11	Germany		113.00						113.00
	12/11	12/14	Bosnia		1,053.00						1,053.00
	12/14	12/15	Macedonia		175.00						175.00
Commercial airfare							4,693.93				4,693.93
Mr. William H. Natter	12/10	12/10	Belgium								
	12/10	12/11	Germany		113.00						113.00
	12/11	12/14	Bosnia		1,053.00						1,053.00
	12/14	12/15	Macedonia		175.00						175.00
Commercial airfare							4,693.93				4,693.93
Committee total					30,950.21		27,158.98				58,109.19

[1] Per diem constitutes lodging and meals.
[2] If foreign currency is used, enter U.S. dollar equivalent; if U.S. currency is used, enter amount expended.

FLOYD SPENCE, Chairman, Jan. 29, 1999.

REPORT OF EXPENDITURES FOR OFFICIAL FOREIGN TRAVEL, COMMITTEE ON RULES, HOUSE OF REPRESENTATIVES, EXPENDED BETWEEN OCT. 1 AND DEC. 31, 1998

Name of Member or employee	Date		Country	Per diem [1]		Transportation		Other purposes		Total	
	Arrival	Departure		Foreign currency	U.S. dollar equivalent or U.S. currency [2]	Foreign currency	U.S. dollar equivalent or U.S. currency [2]	Foreign currency	U.S. dollar equivalent or U.S. currency [2]	Foreign currency	U.S. dollar equivalent or U.S. currency [2]
Hon. David Dreier	12/3	12/7	New Zealand		865.000		(3)				865.00
	12/7	12/12	Australia		774.00		(3)				774.00
Hon. Tony P. Hall	11/7	11/15	S. Korea, N. Korea, Japan		1,492.00		5,716.00				7,208.00
Committee total					3,131.00		5,716.00				8,847.00

[1] Per diem constitutes lodging and meals.
[2] If foreign currency is used, enter U.S. dollar equivalent; if U.S. currency is used, enter amount expended.
[3] Military air transportation.

JERRY SOLOMON, Chairman, Dec. 31, 1998.

REPORT OF EXPENDITURES FOR OFFICIAL FOREIGN TRAVEL, COMMITTEE ON SCIENCE, HOUSE OF REPRESENTATIVES, EXPENDED BETWEEN OCT. 1 AND DEC. 31, 1998

Name of Member or employee	Date		Country	Per diem [1]		Transportation		Other purposes		Total	
	Arrival	Departure		Foreign currency	U.S. dollar equivalent or U.S. currency [2]	Foreign currency	U.S. dollar equivalent or U.S. currency [2]	Foreign currency	U.S. dollar equivalent or U.S. currency [2]	Foreign currency	U.S. dollar equivalent or U.S. currency [2]
Phil Kiko	11/13	11/17	New Zealand		1,070.00		1,936.00				3,006.00
	11/17	11/21	Antarctica								
	11/21	11/22	New Zealand								
William Stiles	11/14	11/17	New Zealand		875.00		2,394.67				3,269.67
	11/17	11/21	Antarctica								
	11/21	12/01	New Zealand								
Steve Eule	11/14	11/17	New Zealand		875.00		2,376.00				3,251.00
	11/17	11/21	Antarctica								
	11/21	11/22	New Zealand								
Hon. George E. Brown, Jr	12/5	12/13	Mexico		1,919.00		515.90				2,434.90
Michael Quear	12/5	12/13	Mexico		1,919.00		551.70				2,470.70
Myndii Gottlieb	12/6	12/12	Mexico		1,422.00		713.94				2,135.94
Committee total					8,080.00		8,488.21				16,568.21

[1] Per diem constitutes lodging and meals.
[2] If foreign currency is used, enter U.S. dollar equivalent; if U.S. currency is used, enter amount expended.

JAMES SENSENBRENNER, JR., Chairman, Dec. 21, 1998.

REPORT OF EXPENDITURES FOR OFFICIAL FOREIGN TRAVEL, COMMITTEE ON SMALL BUSINESS, HOUSE OF REPRESENTATIVES, EXPENDED BETWEEN OCT. 1 AND DEC. 31, 1998

Name of Member or employee	Date		Country	Per diem [1]		Transportation		Other purposes		Total	
	Arrival	Departure		Foreign currency	U.S. dollar equivalent or U.S. currency [2]	Foreign currency	U.S. dollar equivalent or U.S. currency [2]	Foreign currency	U.S. dollar equivalent or U.S. currency [2]	Foreign currency	U.S. dollar equivalent or U.S. currency [2]

FOR HOUSE COMMITTEES

Please note: If there were no expenditures during the calendar quarter noted above, please check the box at right to so indicate and return. ☒

[1] Per diem constitutes lodging and meals.
[2] If foreign currency is used, enter U.S. dollar equivalent; if U.S. currency is used, enter amount expended.

JIM TALENT, Chairman, Feb. 2, 1999.

REPORT OF EXPENDITURES FOR OFFICIAL FOREIGN TRAVEL, COMMITTEE ON WAYS AND MEANS, HOUSE OF REPRESENTATIVES, EXPENDED BETWEEN OCT. 1 AND DEC. 31, 1998

Name of Member or employee	Date		Country	Per diem [1]		Transportation		Other purposes		Total	
	Arrival	Departure		Foreign currency	U.S. dollar equivalent or U.S. currency [2]	Foreign currency	U.S. dollar equivalent or U.S. currency [2]	Foreign currency	U.S. dollar equivalent or U.S. currency [2]	Foreign currency	U.S. dollar equivalent or U.S. currency [2]
Hon. Philip Crane	12/3	12/7	New Zealand		865.00		(3)				865.00
	12/7	12/12	Australia		774.00		(3)				774.00
Hon. Wally Herger	12/3	12/7	New Zealand		865.00		(3)				865.00
	12/7	12/12	Australia		774.00		(3)				774.00
Hon. Nancy L. Johnson	12/3	12/7	New Zealand		865.00		(3)				865.00
	12/7	12/12	Australia		774.00		(3)				774.00
Hon. Jennifer Dunn	12/3	12/7	New Zealand		865.00		(3)				865.00
	12/7	12/12	Australia		774.00		(3)				774.00
Hon. Karen Thurman	12/3	12/7	New Zealand		865.00		(3)				865.00
	12/7	12/12	Australia		774.00		(3)				774.00
Hon. Chris Smith	12/3	12/7	New Zealand		865.00		(3)				865.00
	12/7	12/12	Australia		774.00		(3)				774.00
Meredith Broadbent	12/3	12/7	New Zealand		865.00		(3)				865.00
	12/7	12/12	Australia		774.00		(3)				774.00
Angela Ellard	12/3	12/7	New Zealand		865.00		(3)				865.00
	12/7	12/12	Australia		774.00		(3)				774.00
Karen Humbel	12/3	12/7	New Zealand		865.00		(3)				865.00
	12/7	12/12	Australia		774.00		(3)				774.00
Donna Thiessen	12/3	12/7	New Zealand		865.00		(3)				865.00
	12/7	12/12	Australia		774.00		(3)				774.00
CODE expense	12/7	12/12	Australia				8,434.00				8,434.00
	12/7	12/12	Australia						15,414.00		15,414.00
Committee total					16,390.00		8,434.00		15,414.00		40,238.00

[1] Per diem constitutes lodging and meals.
[2] If foreign currency is used, enter U.S. dollar equivalent; if U.S. currency is used, enter amount expended.
[3] Military air transportation.

BILL ARCHER, Chairman, Jan. 28, 1999.

AMENDED REPORT OF EXPENDITURES FOR OFFICIAL FOREIGN TRAVEL, HOUSE DELEGATION TO THE NORTH ATLANTIC ASSEMBLY AND BRITISH-AMERICAN PARLIAMENTARY GROUP, EXPENDED BETWEEN NOV. 8 AND NOV. 15, 1998

Name of Member or employee	Date		Country	Per diem [1]		Transportation		Other purposes		Total	
	Arrival	Departure		Foreign currency	U.S. dollar equivalent or U.S. currency [2]	Foreign currency	U.S. dollar equivalent or U.S. currency [2]	Foreign currency	U.S. dollar equivalent or U.S. currency [2]	Foreign currency	U.S. dollar equivalent or U.S. currency [2]
Hon. Doug Bereuter	11/8	11/13	Scotland		1,810.00						
	11/13	11/16	England		1,095.00						2,905.00
Hon. Tim Bliley	11/8	11/13	Scotland		1,810.00						
	11/13	11/15	England		730.00						2,540.00
Hon. Sherwood Boehlert	11/8	11/13	Scotland		1,810.00						
	11/13	11/16	England		1,095.00						2,905.00
Hon. Roy Blunt	11/10	11/13	Scotland		1,086.00						
	11/13	11/16	England		1,095.00						2,181.00
Hon. Herb Bateman	11/10	11/13	Scotland		1,086.00						
	11/13	11/16	England		1,095.00						2,181.00
Hon. Vernon Ehlers	11/10	11/13	Scotland		1,086.00						
	11/13	11/16	England		1,095.00						2,181.00
Hon. Joel Hefley	11/10	11/13	Scotland		1,086.00						
	11/13	11/16	England		1,095.00						2,181.00
Hon. Paul Gillmor	11/10	11/13	Scotland		1,086.00						
	11/13	11/16	England		1,095.00						2,181.00
Hon. Scott McGinnis	11/10	11/13	Scotland		1,086.00						
	11/13	11/16	England		1,095.00						2,181.00
Hon. Owen Pickett	11/10	11/13	Scotland		1,086.00						
	11/13	11/15	England		730.00						1,816.00
Hon. Ralph Regula	11/10	11/13	Scotland		1,086.00						
	11/13	11/16	England		1,095.00						2,181.00
Hon. Marge Roukema	11/10	11/13	Scotland		1,086.00						
	11/13	11/16	England		1,095.00						2,181.00
Hon. Floyd Spence	11/10	11/13	Scotland		1,086.00						
	11/13	11/16	England		1,095.00						2,181.00
Hon. John Tanner	11/10	11/13	Scotland		1,086.00						
	11/13	11/15	England		730.00						1,816.00
Hon. Robert Wise	11/10	11/13	Scotland		1,086.00						
	11/13	11/15	England		730.00						1,816.00
Susan Olson	11/8	11/13	Scotland		1,810.00						
	11/13	11/16	England		1,095.00						2,905.00
Jo Weber	11/8	11/12	Scotland		1,448.00						
	11/12	11/16	England		1,460.00						2,908.00
Mike Ennis	11/10	11/14	Scotland		1,448.00						1,448.00
Robin Evans	11/10	11/13	Scotland		1,086.00						
	11/13	11/16	England		1,095.00						2,181.00
Linda Pedigo	11/10	11/14	Scotland		1,448.00						1,448.00
David Goldston	11/10	11/13	Scotland		1,086.00						1,086.00
Bob King	11/10	11/14	Scotland		1,448.00						1,448.00
Brent Parker	11/12	11/16	England		1,460.00						1,460.00
Total					48,311.00						48,311.00

[1] Per diem constitutes lodging and meals.
[2] If foreign currency is used, enter U.S. dollar equivalent; if U.S. currency is used, enter amount expended.

DOUG BEREUTER, Jan. 5, 1999.

REPORT OF EXPENDITURES FOR OFFICIAL FOREIGN TRAVEL, HOUSE DELEGATION TO ARGENTINA, EXPENDED BETWEEN NOV. 1 AND NOV. 16, 1998

Name of Member or employee	Date		Country	Per diem [1]		Transportation		Other purposes		Total	
	Arrival	Departure		Foreign currency	U.S. dollar equivalent or U.S. currency [2]	Foreign currency	U.S. dollar equivalent or U.S. currency [2]	Foreign currency	U.S. dollar equivalent or U.S. currency [2]	Foreign currency	U.S. dollar equivalent or U.S. currency [2]
Hon. Joe Barton	11/10	11/13	Argentina		479.00		1,606.50				2,085.50
Hon. Ken Calvert	11/8	11/13	Argentina		753.00		4,555.50				5,308.50
Hon. John Dingell	11/10	11/12	Argentina		237.00		3,893.50				4,130.50
Hon. Jo Ann Emerson	11/6	11/13	Argentina		753.00		4,124.50				4,877.50
Hon. Ron Klink	11/10	11/13	Argentina		479.00		1,449.50				1,928.50
Hon. Joe Knollenberg	11/8	11/15	Argentina		753.00		4,047.50				4,800.50
Hon. Dennis Kucinich	11/7	11/13	Argentina		890.00		2,292.50				3,182.50
Hon. F. James Sensenbrenner	11/7	11/13	Argentina		890.00		4,367.50				5,257.50
Hon. Peter DeFazio	11/10	11/14	Argentina		479.00		5,843.50				6,322.50
Alssondra Campaigne	11/9	11/14	Argentina		616.00		1,605.50				2,221.50
Robert Hood	11/10	11/14	Argentina		479.00		4,319.50				4,798.50
Dennis Fitzgibbons	11/9	11/13	Argentina		616.00		4,367.50				4,983.50
Mark Kirk	11/10	11/14	Argentina		616.00		7,923.50				8,539.50
Kyle Mulhall	11/8	11/13	Argentina		616.00		1,217.50				1,833.50
Todd Schultz	11/7	11/13	Argentina		890.00		4,367.50				5,257.50
Catherine VanWay	11/7	11/16	Argentina		890.00		4,124.50				5,014.50
Harlan Watson	11/1	11/14	Argentina		1,986.00		4,367.50				6,353.50
Committee total					12,422.00		64,473.00				76,895.00

[1] Per diem constitutes lodging and meals.
[2] If foreign currency is used, enter U.S. dollar equivalent; if U.S. currency is used, enter amount expended.

JAMES SENSENBRENNER, Jr., Dec. 10, 1998.

AMENDED REPORT OF EXPENDITURES FOR OFFICIAL FOREIGN TRAVEL, HOUSE DELEGATION TO ARGENTINA, HOUSE OF REPRESENTATIVES, EXPENDED BETWEEN NOV. 1 AND NOV. 16, 1998

Name of Member or employee	Date		Country	Per diem [1]		Transportation		Other purposes		Total	
	Arrival	Departure		Foreign currency	U.S. dollar equivalent or U.S. currency [2]	Foreign currency	U.S. dollar equivalent or U.S. currency [2]	Foreign currency	U.S. dollar equivalent or U.S. currency [2]	Foreign currency	U.S. dollar equivalent or U.S. currency [2]
Hon. Joe Barton	11/10	11/13	Argentina		479.00		1,606.50				2,085.50
Hon. Ken Calvert	11/8	11/13	Argentina		753.00		4,555.50				5,308.50
Hon. Jo Ann Emerson	11/6	11/13	Argentina		753.00		4,124.50				4,877.50
Hon. Ron Klink	11/10	11/13	Argentina		479.00		1,449.50				1,928.50
Hon. Joe Knollenberg	11/8	11/15	Argentina		753.00		4,047.50				4,800.50
Hon. Dennis Kucinich	11/7	11/13	Argentina		890.00		2,292.50				3,182.50
Hon. F. James Sensenbrenner	11/7	11/13	Argentina		890.00		4,367.50				5,257.50
Hon. Peter DeFazio	11/10	11/14	Argentina		479.00		5,843.50				6,322.50
Alssondra Campaigne	11/9	11/14	Argentina		616.00		1,605.00				2,221.00
Robert Hood	11/10	11/14	Argentina		479.00		4,319.50				4,798.50
Dennis Fitzgibbons	11/9	11/13	Argentina		616.00		4,367.50				4,983.50
Mark Kirk	11/10	11/14	Argentina		616.00		7,923.50				8,539.50
Kyle Mulhall	11/8	11/13	Argentina		616.00		1,217.50				1,833.50

AMENDED REPORT OF EXPENDITURES FOR OFFICIAL FOREIGN TRAVEL, HOUSE DELEGATION TO ARGENTINA, HOUSE OF REPRESENTATIVES, EXPENDED BETWEEN NOV. 1 AND NOV. 16, 1998—Continued

Name of Member or employee	Date		Country	Per diem [1]		Transportation		Other purposes		Total	
	Arrival	Departure		Foreign currency	U.S. dollar equivalent or U.S. currency [2]	Foreign currency	U.S. dollar equivalent or U.S. currency [2]	Foreign currency	U.S. dollar equivalent or U.S. currency [2]	Foreign currency	U.S. dollar equivalent or U.S. currency [2]
Todd Schultz	11/7	11/13	Argentina		890.00		4,367.50				5,257.50
Catherine VanWay	11/7	11/16	Argentina		890.00		4,124.50				5,014.50
Harlan Watson	11/1	11/14	Argentina		1,986.00		4,367.50				6,353.50
Committee Total					12,185.00		60,579.50				72,764.50

[1] Per diem constitutes lodging and meals.
[2] If foreign currency is used, enter U.S. dollar equivalent; if U.S. currency is used, enter amount expended.

JAMES SENSENBRENNER, Jr., Dec. 10, 1998.

REPORT OF EXPENDITURES FOR OFFICIAL FOREIGN TRAVEL, HOUSE DELEGATION TO LEBANON, HOUSE OF REPRESENTATIVES, EXPENDED BETWEEN NOV. 21 AND NOV. 25, 1998

Name of Member or employee	Date		Country	Per diem [1]		Transportation		Other purposes		Total	
	Arrival	Departure		Foreign currency	U.S. dollar equivalent or U.S. currency [2]	Foreign currency	U.S. dollar equivalent or U.S. currency [2]	Foreign currency	U.S. dollar equivalent or U.S. currency [2]	Foreign currency	U.S. dollar equivalent or U.S. currency [2]
Hon. Ray LaHood	11/22	11/25	Lebanon		250.00		(3)				250.00
Hon. Nick Rahall	11/22	11/25	Lebanon		250.00		(3)				250.00
Diane Liesman	11/22	11/25	Lebanon		250.00		(3)				250.00
Total					750.00						750.00

[1] Per diem constitutes lodging and meals.
[2] If foreign currency is used, enter U.S. dollar equivalent; if U.S. currency is used, enter amount expended.
[3] Military air transportation.

RAY LA HOOD, Dec. 16, 1998.

REPORT OF EXPENDITURES FOR OFFICIAL FOREIGN TRAVEL, TRAVEL TO SOUTH KOREA, NORTH KOREA, AND JAPAN, HOUSE OF REPRESENTATIVES, EXPENDED BETWEEN NOV. 5 AND NOV. 15, 1998

Name of Member or employee	Date		Country	Per diem [1]		Transportation		Other purposes		Total	
	Arrival	Departure		Foreign currency	U.S. dollar equivalent or U.S. currency [2]	Foreign currency	U.S. dollar equivalent or U.S. currency [2]	Foreign currency	U.S. dollar equivalent or U.S. currency [2]	Foreign currency	U.S. dollar equivalent or U.S. currency [2]
Deborah DeYoung	11/6	11/15	South Korea, North Korea, Japan		1,492.00		5,581.00				7,073.00
Total					1,492.00		5,581.00				7,073.00

[1] Per diem constitutes lodging and meals.
[2] If foreign currency is used, enter U.S. dollar equivalent; if U.S. currency is used, enter amount expended.

TONY P. HALL, Dec. 18, 1998.

REPORT OF EXPENDITURES FOR OFFICIAL FOREIGN TRAVEL, TRAVEL TO RUSSIA, HOUSE OF REPRESENTATIVES, EXPENDED BETWEEN NOV. 8 AND NOV. 12, 1998

Name of Member or employee	Date		Country	Per diem [1]		Transportation		Other purposes		Total	
	Arrival	Departure		Foreign currency	U.S. dollar equivalent or U.S. currency [2]	Foreign currency	U.S. dollar equivalent or U.S. currency [2]	Foreign currency	U.S. dollar equivalent or U.S. currency [2]	Foreign currency	U.S. dollar equivalent or U.S. currency [2]
Kristan Mack	11/9	11/12	Russia		965.00		135.00				1,100.00
Total					965.00		135.00				1,100.00

[1] Per diem constitutes lodging and meals.
[2] If foreign currency is used, enter U.S. dollar equivalent; if U.S. currency is used, enter amount expended.

KRISTAN MACK, Dec. 8, 1998.

REPORT OF EXPENDITURES FOR OFFICIAL FOREIGN TRAVEL TO NICARAGUA, HOUSE OF REPRESENTATIVES, EXPENDED BETWEEN NOV. 29 AND DEC. 1, 1998

Name of Member or employee	Date		Country	Per diem [1]		Transportation		Other purposes		Total	
	Arrival	Departure		Foreign currency	U.S. dollar equivalent or U.S. currency [2]	Foreign currency	U.S. dollar equivalent or U.S. currency [2]	Foreign currency	U.S. dollar equivalent or U.S. currency [2]	Foreign currency	U.S. dollar equivalent or U.S. currency [2]
Hon. Solomon Ortiz	11/29	12/1	Nicaragua		187.50						187.50
Committee total					187.50						187.50

[1] Per diem constitutes lodging and meals.
[2] If foreign currency is used, enter U.S. dollar equivalent; if U.S. currency is used, enter amount expended.

CASS BALLENGER, Dec. 10, 1998.

REPORT OF EXPENDITURES FOR OFFICIAL FOREIGN TRAVEL, TRAVEL TO KUWAIT, TAIWAN, AND THE PHILIPPINES, HOUSE OF REPRESENTATIVES, EXPENDED BETWEEN NOV. 30 AND DEC. 11, 1998

Name of Member or employee	Date		Country	Per diem [1]		Transportation		Other purposes		Total	
	Arrival	Departure		Foreign currency	U.S. dollar equivalent or U.S. currency [2]	Foreign currency	U.S. dollar equivalent or U.S. currency [2]	Foreign currency	U.S. dollar equivalent or U.S. currency [2]	Foreign currency	U.S. dollar equivalent or U.S. currency [2]
Albert Santoci	11/30	12/2	Kuwait		676.00						676.00
	12/2	12/5	Taiwan		1,180.00						1,180.00
	12/5	12/11	Philippines		804.00						804.00
Committee Total					2,660.00						2,660.00

[1] Per diem constitutes lodging and meals.
[2] If foreign currency is used, enter U.S. dollar equivalent; if U.S. currency is used, enter amount expended.

ALBERT M. SANTOCI, Jan. 10, 1999.

EXECUTIVE COMMUNICATIONS, ETC.

Under clause 8 of rule XII, executive communications were taken from the Speaker's table and referred as follows:

334. A letter from the Acting Assistant Secretary, Force Management Policy, Department of Defense, transmitting a report on Department of Defense actions to implement a demonstration project for uniform funding of morale, welfare, and recreation activities; to the Committee on Armed Services.

335. A letter from the Vice Chair, Export-Import Bank, transmitting a statement on the following transaction involving U.S. exports to Ireland; to the Committee on Banking and Financial Services.

336. A letter from the General Counsel, Consumer Product Safety Commission, transmitting the Commission's final rule—Final Rule: Requirements for Child-Resistant Packaging; Minoxidil Preparations With More Than 14 mg of Minoxidil Per Package—received January 27, 1999, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Commerce.

337. A letter from the General Counsel, Consumer Product Safety Commission, transmitting the Commission's final rule—Poison Prevention Packaging Requirements; Exemption of Sucraid—received January 27, 1999, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Commerce.

338. A letter from the General Counsel, Department of Transportation, transmitting the Department's final rule—Temporary Exemption From Motor Vehicle Safety Standards; Bumper Standard [Docket No. NHTSA–99–4993] (RIN: 2127–AH51) received January 25, 1999, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Commerce.

339. A letter from the AMD—Performance Evaluation and Records Management, Federal Communications Commission, transmitting the Commission's final rule—Implementation of the Subscriber Carrier Selection Changes Provisions of the Telecommunications Act of 1996 [CC Docket No. 94–129] received January 19, 1999, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Commerce.

340. A letter from the Deputy Secretary, Securities and Exchange Commission, transmitting the Commission's final rule—Custody of Investment Company Assets Outside the United States [Release Nos. IC–23670; IS–1179; File No. S7–23–95] (RIN: 3235–AE98) received January 29, 1999, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Commerce.

341. A letter from the Assistant Legal Adviser for Treaty Affairs, Department of State, transmitting Copies of international agreements, other than treaties, entered into by the United States, pursuant to 1 U.S.C. 112b(a); to the Committee on International Relations.

342. A letter from the Comptroller General, General Accounting Office, transmitting List of all reports issued or released by the GAO in November 1998, pursuant to 31 U.S.C. 719(h); to the Committee on Government Reform.

343. A letter from the Executive Director, Committee For Purchase From People Who Are Blind Or Severely Disabled, transmitting the Committee's final rule—Procurement List Additions and Deletions—received February 1, 1999, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Government Reform.

344. A letter from the Director, Information Agency, transmitting a report pursuant to the Federal Managers' Financial Integrity Act, pursuant to 31 U.S.C. 3512(c)(3); to the Committee on Government Reform.

345. A letter from the Chairman, Board of Governors, United States Postal Service, transmitting the annual report regarding the compliance of the Board of Governors of the United States Postal Service with the Government in the Sunshine Act, pursuant to 5 U.S.C. 552b(j); to the Committee on Government Reform.

346. A letter from the Director, Office of Surface Mining Reclamation and Enforcement, Department of the Interior, transmitting the Department's final rule—Montana Regulatory Program and Abandoned Mine Land Reclamation Plan [SPATS No. MT–017–FOR] received January 14, 1999, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Resources.

347. A letter from the Director, Office of Surface Mining Reclamation and Enforcement, Department of the Interior, transmitting the Department's final rule—Montana Regulatory Program and Abandoned Mine Land Reclamation Plan [SPATS No. MT–017–FOR] received January 14, 1999, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Resources.

348. A letter from the General Counsel, Department of Transportation, transmitting the Department's final rule—Revocation of Class E Airspace, Revision of Class D Airspace; Torrance, CA [Airspace Docket No. 98–AWP–34] received January 25, 1999, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

349. A letter from the General Counsel, Department of Transportation, transmitting the Department's final rule—Realignment of Federal Airways and Jet Routes; TX [Airspace Docket No. 98–ASW–30] received January 25, 1999, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

350. A letter from the General Counsel, Department of Transportation, transmitting the Department's final rule—Revision of Class E Airspace; Monroe, LA [Airspace Docket No. 98–ASW–55] received January 25, 1999, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

351. A letter from the General Counsel, Department of Transportation, transmitting the Department's final rule—Revision of Class E Airspace; San Antonio, TX [Airspace Docket No. 98–ASW–54] received January 25, 1999, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

352. A letter from the General Counsel, Department of Transportation, transmitting the Department's final rule—Amendment to Class E Airspace; Maquoketa, IA [Airspace Docket No. 98–ACE–50] received January 25, 1999, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

353. A letter from the General Counsel, Department of Transportation, transmitting the Department's final rule—Amendment to Class E Airspace; Belle Plaine, IA [Airspace Docket No. 98–ACE–51] received January 25, 1999, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

354. A letter from the General Counsel, Department of Transportation, transmitting the Department's final rule—Airworthiness Directives; Fokker Model F.28 Mark 0070 and 0100 Series Airplanes [Docket No. 98–NM–276–AD; Amendment 39–11004; AD 99–02–12] (RIN: 2120–AA64) received January 25, 1999, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

355. A letter from the General Counsel, Department of Transportation, transmitting the Department's final rule—Airworthiness Directives; Dornier Model 328–100 Series Airplanes [Docket No. 98–NM–140–AD; Amendment 39–11003; AD 99–02–11] (RIN: 2120–AA64) received January 25, 1999, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

356. A letter from the Chief, Regulations Branch, Customs Service, transmitting the Service's final rule—Land Border Carrier Initiative Program [T.D. 99–2] (RIN: 1515–AC16) received January 7, 1999, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Ways and Means.

357. A letter from the Chief, Regulations Unit, Internal Revenue Service, transmitting the Service's final rule—Notice and Opportunity for Hearing upon Filing of Notice of Lien [TD 8810] (RIN: 1545–AW77) received January 20, 1999, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Ways and Means.

358. A letter from the Chief, Regulations Unit, Internal Revenue Service, transmitting the Service's final rule—Notice and Opportunity for Hearing before Levy [TD 8809] (RIN: 1545–AW76) received January 20, 1999, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Ways and Means.

359. A letter from the Chief, Regulations Unit, Internal Revenue Service, transmitting the Service's final rule—Employee Stock Ownership Plans; Section 411(d)(6) Protected Benefits (Taxpayer Relief Act of 1997); Qualified Retirement Plan Benefits [TD 8806] (RIN: 1545–AV94) received January 7, 1999, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Ways and Means.

PUBLIC BILLS AND RESOLUTIONS

Under clause 2 of rule XII, public bills and resolutions were introduced and severally referred, as follows:

By Mr. WELDON of Pennsylvania (for himself, Mr. SPRATT, Mr. BLILEY, Mr. BARTLETT of Maryland, Mr. HANSEN, Mr. HILLEARY, Mr. HEFLEY, MRS. FOWLER, MS. GRANGER, Mr. SAXTON, Mr. GILMAN, Mr. CRAMER, Mr. SNYDER, Mr. SISISKY, Mr. TOOMEY, Mr. THORNBERRY, Mr. WATTS of Oklahoma, Mr. ARMEY, Mr. TURNER, Mr. MURTHA, Mr. BRADY of Pennsylvania, Mr. HOYER, Mr. RYUN of Kansas, Mr. MEEHAN, Mr. SKELTON, Mr. HUNTER, Mr. TAYLOR of Mississippi, Mr. ANDREWS, Mr. HALL of Texas, Mr. BLAGOJEVICH, Mr. COX of California, Mr. DICKS, Mr. BEREUTER, Mr. DELAY, Mr. JONES of North Carolina, Mr. UNDERWOOD, Mr. HOSTETTLER, Mr. ENGLISH of Pennsylvania, Mr. KNOLLENBERG, Mr. ABERCROMBIE, Mr. EVERETT, Mr. ORTIZ, Mr. BATEMAN, Mr. REYES, Mr. PICKETT, Mr. GIBBONS, Mr. PETERSON of Pennsylvania, Mr. SCHAFFER, Mr. STENHOLM, Mr. CONDIT, Mr. LEWIS of California, Mr. CUNNINGHAM, Mr. EDWARDS, Mr. TANNER, Mr. SPENCE, Mr. MALONEY of Connecticut, Mr. SCOTT, Mr. GOODE, Mr. BERRY, and Mr. HILL of Indiana):

H.R. 4. A bill to declare it to be the policy of the United States to deploy a national missile defense; referred to the Committee on Armed Services, and in addition to the Committee on International Relations, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. CHABOT:

H.R. 570. A bill to amend the Internal Revenue Code of 1986 to extend the deadline for contributions to education individual retirement accounts for a taxable year to the due date for filing the return for the taxable year; to the Committee on Ways and Means.

By Mr. PAUL:

H.R. 571. A bill to prohibit Federal payments to any business, institution, or organization that engages in human cloning or human cloning techniques; to the Committee on Commerce.

By Mr. KLECZKA:

H.R. 572. A bill to remove any doubt that split-dollar insurance arrangements are an unwarranted tax avoidance scheme and are prohibited under current law; to the Committee on Ways and Means.

By Ms. CARSON (for herself, Mr. HOUGHTON, Mr. CONDIT, Mr. WATTS of Oklahoma, Mr. SHOWS, Mr. HORN, Ms. KILPATRICK, Mr. PORTMAN, Mr. POMEROY, Mr. GIBBONS, Mr. EDWARDS, Mrs. MORELLA, Mr. FATTAH, Mr. DIXON, Mrs. MALONEY of New York, Ms. MCKINNEY, Mr. MCDERMOTT, Ms. RIVERS, Mr. MEEHAN, Mr. FORD, Mr. WEYGAND, Mrs. CLAYTON, Mr. MEEKS of New York, Mr. ROEMER, Mr. VISCLOSKY, Mr. NEAL of Massachusetts, Mr. UNDERWOOD, Ms. LEE, Mr. CUMMINGS, Mr. HILLIARD, Mr. WAXMAN, Ms. NORTON, Mr. SPRATT, Mr. FROST, Mr. GEJDENSON, Mr. WYNN, Mr. SCOTT, Mr. RUSH, Ms. JACKSON-LEE of Texas, Mr. LANTOS, Ms. KAPTUR, Mr. CONYERS, Ms. PELOSI, Mrs. MEEK of Florida, Mr. STARK, Mr. MORAN of Virginia, Mr. BALDACCI, Mr. REYES, Mrs. THURMAN, Mr. LAMPSON, Ms. WATERS, Mr. THOMPSON of Mississippi, Ms. SCHAKOWSKY, Mr. KUCINICH, Mrs. JONES of Ohio, Mr. TIERNEY, Mr. KENNEDY, Mr. GREEN of Texas, Ms. CHRISTIAN-CHRISTENSEN, Mr. HILL of Indiana, Mr. TRAFICANT, Mr. BROWN of Ohio, Mr. MCGOVERN, Mr. HASTINGS of Florida, Ms. BROWN of Florida, Mr. CLAY, Mr. DAVIS of Illinois, Mr. JACKSON of Illinois, Mr. JEFFERSON, Ms. EDDIE BERNICE JOHNSON of Texas, Mr. LEWIS of Georgia, Ms. MILLENDER-MCDONALD, Mr. OWENS, Mr. PAYNE, Mr. WATT of North Carolina, Mr. OLVER, Mr. BARRETT of Wisconsin, Mr. STUPAK, Ms. DELAURO, Mr. BRADY of Pennsylvania, Mr. ENGEL, Mr. VENTO, Mr. ALLEN, Ms. SLAUGHTER, Mr. DELAHUNT, Mr. CLYBURN, Mr. SKELTON, Mrs. MINK of Hawaii, and Mr. SNYDER):

H.R. 573. A bill to authorize the President to award a gold medal on behalf of the Congress to Rosa Parks in recognition of her contributions to the Nation; to the Committee on Banking and Financial Services.

By Mr. POMBO (for himself, Mr. DOOLITTLE, Mr. NORWOOD, and Mr. COBURN):

H.R. 574. A bill to require peer review of scientific data used in support of Federal regulations, and for other purposes; to the Committee on Government Reform, and in addition to the Committee on Science, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. BAKER:

H.R. 575. A bill to provide that certain regulations proposed by the Comptroller of the Currency, the Director of the Office of Thrift Supervision, the Board of Governors of the Federal Reserve System, and the Federal Deposit Insurance Corporation relating to ''Know Your Customer'' practices of financial institutions shall not take effect; to the Committee on Banking and Financial Services.

By Mr. BENTSEN:

H.R. 576. A bill to amend title 4, United States Code, to add the Martin Luther King, Jr. holiday to the list of days on which the flag should especially be displayed; to the Committee on the Judiciary.

By Mr. BEREUTER (for himself, Mr. EWING, and Mr. PICKERING):

H.R. 577. A bill to encourage the People's Republic of China to join the World Trade Organization by removing China from title IV of the Trade Act of 1974 upon its accession to the World Trade Organization and to provide a more effective remedy for inadequate trade benefits extended by the People's Republic of China to the United States; to the Committee on Ways and Means.

By Mr. CONDIT:

H.R. 578. A bill to amend the Consolidated Farm and Rural Development Act to provide for the conveyance of real property acquired under such Act to schools and nonprofit organizations involved in teaching young people to be farmers; to the Committee on Agriculture.

By Mr. CONDIT:

H.R. 579. A bill to amend the Internal Revenue Code of 1986 to allow a credit against income tax for the purchase and installation of agricultural water conservation systems; to the Committee on Ways and Means.

By Mr. CRANE:

H.R. 580. A bill to amend the Internal Revenue Code of 1986 to apply the capital gains tax rates to capital gains earned by designated settlement funds; to the Committee on Ways and Means.

By Mrs. CUBIN:

H.R. 581. A bill to provide for the retention of the name of the geologic formation known as ''Devils Tower'' at the Devils Tower National Monument in the State of Wyoming; to the Committee on Resources.

By Mr. DAVIS of Virginia (for himself, Mr. MORAN of Virginia, Mrs. MORELLA, and Mr. HOYER):

H.R. 582. A bill to amend title 5, United States Code, to provide for more equitable policies relating to overtime pay for Federal employees; to the Committee on Government Reform.

By Mr. DAVIS of Virginia:

H.R. 583. A bill to provide that the provisions of subchapter III of chapter 83 and chapter 84 of title 5, United States Code, that apply with respect to law enforcement officers be made applicable with respect to Assistant United States Attorneys; to the Committee on Government Reform.

By Mr. ENGLISH of Pennsylvania:

H.R. 584. A bill to authorize and request the President to award the Medal of Honor posthumously to Brevet Brigadier General Strong Vincent for his actions in the defense of Little Round Top at the Battle of Gettysburg, July 2, 1863; to the Committee on Armed Services.

By Mr. ENGLISH of Pennsylvania:

H.R. 585. A bill to amend the Internal Revenue Code of 1986 to allow the work opportunity credit against the alternative minimum tax; to the Committee on Ways and Means.

By Mr. ENGLISH of Pennsylvania:

H.R. 586. A bill to amend the Internal Revenue Code of 1986 to allow a credit against income tax for taxpayers with certain persons requiring custodial care in their households; to the Committee on Ways and Means.

By Mr. ENGLISH of Pennsylvania:

H.R. 587. A bill to amend the Internal Revenue Code of 1986 to reduce the tax on vaccines to 25 cents per dose; to the Committee on Ways and Means.

By Mr. ENGLISH of Pennsylvania:

H.R. 588. A bill to amend the Internal Revenue Code of 1986 to permit private educational institutions to maintain qualified tuition programs which are comparable to qualified State tuition programs, and for other purposes; to the Committee on Ways and Means.

By Mr. ENGLISH of Pennsylvania:

H.R. 589. A bill to amend the Internal Revenue Code of 1986 to reduce the special deduction for the living expenses of Members of Congress to $1; to the Committee on Ways and Means.

By Mr. ENGLISH of Pennsylvania (for himself, Mr. LARGENT, Ms. RIVERS, Mrs. EMERSON, Mr. HOSTETTLER, and Mr. GOODE):

H.R. 590. A bill to eliminate automatic pay adjustments for Members of Congress; to the Committee on House Administration, and in addition to the Committee on Government Reform, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. FOSSELLA (for himself, Mr. BLILEY, Mr. WELDON of Pennsylvania, Mr. KOLBE, and Mr. SWEENEY):

H.R. 591. A bill to provide funds to States to establish and administer periodic teacher testing and merit pay programs for elementary and secondary school teachers; to the Committee on Education and the Workforce.

By Mr. FOSSELLA:

H.R. 592. A bill to redesignate Great Kills Park in the Gateway National Recreation Area as ''World War II Veterans Park at Great Kills''; to the Committee on Resources.

By Mr. GILCHREST:

H.R. 593. A bill to amend the Federal Election Campaign Act of 1971 to prohibit nonparty multicandidate political committee contributions in elections for Federal office; to the Committee on House Administration.

By Mr. GILCHREST:

H.R. 594. A bill to amend the Federal Election Campaign Act of 1971 to prohibit candidates for election to the House of Representatives from accepting contributions from individuals who do not reside in the district the candidate seeks to represent; to the Committee on House Administration.

By Mr. GUTIERREZ (for himself, Mr. FATTAH, Mr. FRANK of Massachusetts, Mr. BORSKI, Mr. CAPUANO, Mr. DAVIS of Illinois, Mr. EVANS, Ms. LEE, Mr. LIPINSKI, Mr. MEEKS of New York, Mr. RUSH, Ms. SCHAKOWSKY, Mr. SHOWS, and Mr. TOWNS):

H.R. 595. A bill to establish a program to assist homeowners experiencing unavoidable, temporary difficulty making payments on mortgages insured under the National Housing Act; to the Committee on Banking and Financial Services.

By Mr. LAHOOD:

H.R. 596. A bill to amend title 39, United States Code, to prevent certain types of mail matter from being sent by a Member of the House of Representatives as part of a mass mailing; to the Committee on House Administration, and in addition to the Committee on Government Reform, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Ms. MILLENDER-MCDONALD (for herself, Mr. COBURN, Mr. LATOURETTE, Ms. JACKSON-LEE of Texas, Mr. SMITH of New Jersey, Mr. SERRANO, Ms. KILPATRICK, Mrs. CLAYTON, Ms. PELOSI, Ms. CHRISTIAN-CHRISTENSEN, Mr. MCDERMOTT, Mr. FORD, Mrs. MINK of Hawaii, Mr. LANTOS, Mr. STARK, Mr. INSLEE, Mr. ENGLISH of Pennsylvania, Mr. FROST,

Mrs. JONES of Ohio, Mr. BALDACCI, Ms. WOOLSEY, Mr. MCNULTY, Mr. GREEN of Texas, Mr. RANGEL, Ms. NORTON, and Mr. DIXON):

H.R. 597. A bill to allow postal patrons to contribute to funding for AIDS research and education through the voluntary purchase of certain specially issued United States postage stamps; to the Committee on Government Reform.

By Mr. OXLEY (for himself, Mr. STEARNS, and Mr. HALL of Texas):

H.R. 598. A bill to require the Federal Communications Commission to eliminate from its regulations the restrictions on the cross-ownership of broadcasting stations and newspapers; to the Committee on Commerce.

By Mr. FATTAH:

H.R. 599. A bill to amend the Consumer Credit Protection Act to make it unlawful to require a credit card as a condition for doing business; to the Committee on Banking and Financial Services.

By Mr. ROGAN (for himself, Mr. TANCREDO, Mr. ARMEY, Mr. WATTS of Oklahoma, Ms. DUNN of Washington, Mr. BILIRAKIS, Mr. NORWOOD, and Mr. FORBES):

H.R. 600. A bill to amend the Internal Revenue Code of 1986 to allow a refundable credit for education expenses; to the Committee on Ways and Means.

By Mr. SAXTON (for himself, Mr. SMITH of New Jersey, Mr. BURTON of Indiana, Mr. UNDERWOOD, Mr. ANDREWS, Ms. WOOLSEY, Mr. FILNER, Mr. SCARBOROUGH, Mr. TIERNEY, and Mr. NORWOOD):

H.R. 601. A bill to amend title 10, United States Code, to change the effective date for paid-up coverage under the military Survivor Benefit Plan from October 1, 2008, to October 1, 2003; to the Committee on Armed Services.

By Mr. SCARBOROUGH (for himself and Mr. MICA):

H.R. 602. A bill to amend title 5, United States Code, to provide for the establishment of a program under which long-term care insurance may be obtained by Federal employees and annuitants; to the Committee on Government Reform.

By Mr. SHERWOOD:

H.R. 603. A bill to amend title 49, United States Code, to clarify the application of the Act popularly known as the ''Death on the High Seas Act'' to aviation incidents; to the Committee on Transportation and Infrastructure.

By Mr. STUMP (for himself and Mr. EVANS):

H.R. 604. A bill to amend the charter of the AMVETS organization; to the Committee on the Judiciary.

By Mr. STUMP (for himself and Mr. EVANS):

H.R. 605. A bill to amend title 38, United States Code, to improve retirement authorities applicable to judges of the United States Court of Appeals for Veterans Claims, and for other purposes; to the Committee on Veterans' Affairs.

By Mr. STUMP (for himself and Mr. EVANS) (both by request):

H.R. 606. A bill to amend titles 5, 10, and 38, United States Code, to make improvements in benefits and services for members and veterans of the United States Armed Forces recommended by the Congressional Commission on Servicemembers and Veterans Transition Assistance, and for other purposes; to the Committee on Veterans' Affairs, and in addition to the Committees on Armed Services, and Government Reform, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. THOMAS (for himself, Mr. MATSUI, Mr. HOUGHTON, Mr. CRANE, Mr. FOLEY, and Mr. MCKEON):

H.R. 607. A bill to amend the Internal Revenue Code of 1986 to treat distributions from publicly traded partnerships as qualifying income of regulated investment companies, and for other purposes; to the Committee on Ways and Means.

By Mr. TRAFICANT:

H.R. 608. A bill to require the Inspector General of the Department of Defense to conduct an audit of purchases of military clothing and related items during fiscal year 1998 by certain military installations of the Armey, Navy, Air Force, and Marine Corps; to the Committee on Armed Services.

By Mr. WALDEN:

H.R. 609. A bill to amend the Export Apple and Pear Act to limit the applicability of the Act to apples; to the Committee on Agriculture.

By Mr. WEYGAND:

H.R. 610. A bill to amend title XIX of the Social Security Act to permit the Secretary of Health and Human Services to waive recoupment of Federal government Medicaid claims to tobacco-related State settlements if the State uses the funds only for programs to reduce smoking and for public health purposes; to the Committee on Commerce.

By Mr. WEYGAND (for himself, Mr. SHOWS, Mr. PAUL, Mr. BURTON of Indiana, Mr. UNDERWOOD, Mr. MCCOLLUM, Mr. GEJDENSON, Mr. MCHUGH, Mr. BOUCHER, Mr. SANDERS, and Mr. ABERCROMBIE):

H.R. 611. A bill to amend the Internal Revenue Code of 1986 to allow self-employed individuals to deduct the full cost of their health insurance; to the Committee on Ways and Means.

By Mr. WEYGAND (for himself, Mr. ABERCROMBIE, Mr. GEJDENSON, Ms. KILPATRICK, Mr. ROMERO-BARCELO, Ms. NORTON, Mr. UNDERWOOD, Mr. LAFALCE, Mr. NEAL of Massachusetts, Mr. FORD, Mr. BALDACCI, Mrs. THURMAN, Ms. JACKSON-LEE of Texas, Mr. CROWLEY, Mr. GREEN of Texas, and Mr. SMITH of Washington):

H.R. 612. A bill to protect the public, especially seniors, against telemarketing fraud, including fraud over the Internet, and to authorize an educational campaign to improve senior citizens' ability to protect themselves against telemarketing fraud; to the Committee on Commerce, and in addition to the Committee on the Judiciary, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. LAHOOD (for himself and Mr. WISE):

H.J. Res. 23. A joint resolution proposing an amendment to the Constitution of the UnitedStates to abolish the electoral college and to provide for the direct popular election of the President and Vice President of the United States; to the Committee on the Judiciary.

By Mr. SALMON (for himself, Mr. SAXTON, Mr. DELAY, Mr. ENGEL, Mr. LANTOS, Mr. ROTHman, Mr. FORBES, Mr. SHERMAN, Ms. BERKLEY, Mr. LAZIO of New York, Mr. LEWIS of Georgia, Mrs. KELLY, Mr. BRADY of Texas, Mr. HORN, Mr. NADLER, Mr. WATTS of Oklahoma, Mr. FROST, Mr. ACKERMAN, Mr. ANDREWS, Mr. HAYWORTH, Mr. WEXLER, Mr. TANCREDO, Mr. SCHAFFER, Mr. HOLDEN, Ms. ROS-LEHTINEN, Mr. PALLONE, Mr. WELDON of Florida, Mr. DEUTSCH, Mr. CRANE, Mrs. LOWEY, Mr. TALENT, Mr. TIERNEY, Mr. MCGOVERN, Mr. TIAHRT, Mr. KASICH, Mr. CROWLEY, Mr. WOLF, Mr. SISISKY, Mr. SESSIONS, Mr. SHOWS, Mr. LOBIONDO, Mr. HOEFFEL, Mr. GOODLING, Mr. GREEN of Texas, Mr. WELLER, Mr. GUTIERREZ, Mr. BLUNT, Mr. MCINTOSH, Mr. MCNULTY, Mr. ENGLISH of Pennsylvania, Mr. DIAZ-BALART, Mr. KENNEDY, Mrs. CUBIN, Mrs. MORELLA, Mr. LINDER, Mr. HEFLEY, Mr. NETHERCUTT, Mr. FRANKS of New Jersey, Mr. CALVERT, Mr. COOK, Mr. ADERHOLT, Mr. CUNNINGHAM, Mr. DOYLE, Ms. GRANGER, Mr. GIBBONS, Mr. KNOLLENBERG, Mr. REYNOLDS, and Ms. NORTON):

H. Con. Res. 24. Concurrent resolution expressing congressional opposition to the unilateraldeclaration of a Palestinian state and urging the President to assert clearly United States opposition to such a unilateral declaration of statehood; to the Committee on International Relations.

By Mr. ENGLISH of Pennsylvania:

H. Con. Res. 25. Concurrent resolution expressing the sense of the Congress that a postage stamp should be issued in honor of the United States Masters Swimming program; to the Committee on Government Reform.

By Mr. CONDIT (for himself, Mr. RADANOVICH, Mr. DOOLITTLE, Mr. FARR of California, Mr. POMBO, Mr. EWING, Mr. HASTINGS of Washington, Mr. HERGER, and Mr. MATSUI):

H. Res. 39. A resolution expressing the sense of the House of Representatives that the canned fruit subsidy regime of the European Union is a bilateral trade concern of high priority, for which prompt corrective action is needed; to the Committee on Ways and Means.

By Mr. LAHOOD:

H. Res. 40. A resolution expressing the sense of the House of Representatives regarding reduction of the public debt; to the Committee on the Budget.

By Mrs. MYRICK:

H. Res. 41. A resolution honoring the women who served the United States in military capacities during World War II and recognizing that these women contributed vitally to the victory of the United States and the Allies in the war; to the Committee on Armed Services.

ADDITIONAL SPONSORS

Under clause 7 of rule XII, sponsors were added to public bills and resolutions as follows:

H.R. 17: Mr. SKELTON and Mr. JOHN.

H.R. 19: Mr. HOSTETTLER, Mr. MCHUGH, Mr. GOODE, and Ms. MCCARTHY of Missouri.

H.R. 21: Mr. DIAZ-BALART, Mr. LATOURETTE, Mr. HASTINGS of Florida, Mr. FOLEY, Mr. WELDON of Pennsylvania, Ms. VELAZQUEZ, Mr. MARTINEZ, Mr. DICKEY, and Mr. RADANOVICH.

H.R. 36: Mr. RODRIGUEZ, Mr. HINOJOSA, Mr. OLVER, Mr. HASTINGS of Florida, Mr. KENNEDY, Mr. CAPUANO, Ms. BROWN of Florida, Ms. VELAZQUEZ, Mr. GONZALEZ, Ms. SANCHEZ, Mr. RANGEL, Mr. MORAN of Virginia, Mr. DIAZ-BALART, Mrs. MINK of Hawaii, Ms. PELOSI, Mr. PAYNE, and Mr. MCDERMOTT.

H.R. 70: Mr. WHITFIELD, Mr. MCKEON, Mr. FOLEY, Mr. BROWN of Ohio, Mr. SPENCE, Mr. BATEMAN, Mr. FRANKS of New Jersey, Mr. RAHALL, and Mrs. EMERSON.

H.R. 89: Mr. MARTINEZ, Mr. HAYWORTH, and Mr. CANNON.

H.R. 109: Mrs. TAUSCHER, Mr. MCGOVERN, Ms. SCHAKOWSKY, and Mr. WEYGAND.

H.R. 116: Mr. HOEFFEL and Mr. TAYLOR of Mississippi.

H.R. 133: Mr. SKEEN, Mr. BISHOP, Mr. RAMSTAD, Mr. SHAYS, Mr. KLECZKA, Mr.

WALSH, Mr. FROST, Mr. NEAL of Massachusetts, Mr. LATOURETTE, Mr. BONIOR, Mr. RANGEL, Mr. SHOWS, Mr. FOLEY, Mr. SUNUNU, Mr. HILLIARD, and Mr. HAYWORTH.

H.R. 152: Mr. KILDEE, Mr. KENNEDY, Mr. MATSUI, Mr. TRAFICANT, Mr. TOWNS, Mr. BROWN of California, Mr. ENGLISH of Pennsylvania, Mr. YOUNG of Alaska, Mr. MCDERMOTT, Mr. PETERSON of Minnesota, Mr. NETHERCUTT, Mr. OBERSTAR, Mr. METCALF, Ms. STAVENOW, Mr. FALEOMAVAEGA, and Mr. RANGEL.

H.R. 157: Mr. CHAMBLISS, Mr. EHRLICH, Mr. TANCREDO, Mr. LARGENT, Mr. WHITFIELD, Mrs. MYRICK, Mr. SHADEGG, Mr. TAYLOR of North Carolina, and Mr. PICKERING.

H.R. 175: Ms. PRYCE of Ohio, Mr. OLVER, Mr. DEFAZIO, Mr. FATTAH, Mr. PETERSON of Minnesota, Ms. MCCARTHY of Missouri, Mr. FOLEY, Ms. DEGETTE, and Mr. HULSHOF.

H.R. 192: Mr. SESSIONS.

H.R. 202: Mr. HAYWORTH, Mr. METCALF, Mrs. KELLY, Mr. PORTMAN, Mr. ENGLISH of Pennsylvania, Mr. TRAFICANT, Mrs. JONES of Ohio, and Mr. NEY.

H.R. 206: Mr. HOYER and Mr. SNYDER.

H.R. 271: Mr. SMITH of Washington.

H.R. 330: Mr. LARGENT, Mr. DOOLITTLE, Mr. DUNCAN, Mr. NETHERCUTT, Mr. SKEEN, Mr. PACKARD, Mr. HOSTETTLER, Mr. CUNNINGHAM, Mr. POMBO, Mr. SCHAFFER, Mr. TANCREDO, Mr. SWEENEY, and Mr. SHADEGG.

H.R. 355: Mr. GIBBONS, Mr. MALONEY of Connecticut, Ms. PRYCE of Ohio, Mr. SISISKY, Mr. HAYWORTH, Mr. KASICH, Ms. CARSON, Mrs. TAUSCHER, Mr. CALVERT, and Mrs. EMERSON.

H.R. 357: Mr. ROTHMAN, Mr. CLAY, Ms. MCCARTHY of Missouri, and Mr. GUTIERREZ.

H.R. 382: Mr. HINOJOSA, Mr. UNDERWOOD, Mr. PASTOR, Mr. THOMPSON of Mississippi, Mr. MENENDEZ, Ms. ROYBAL-ALLARD, Ms. LEE, Mr. CAPUANO, Mr. GONZALEZ, Ms. VELAZQUEZ, and Ms. SANCHEZ.

H.R. 392: Ms. ESHOO, Mr. INSLEE, Mr. FROST, Mr. THOMPSON of Mississippi, Mr. RANGEL, Ms. STABENOW, Mrs. CLAYTON, Mr. HILLIARD, Mr. ACKERMAN, and Mr. RUSH.

H.R. 417: Mr. DEFAZIO and Ms. WOOLSEY.

H.R. 423: Mr. WHITFIELD.

H.R. 443: Mr. SABO, Mr. VENTO, Mr. MCNULTY, Mrs. KELLY, and Mr. SAWYER.

H.R. 455: Mr. MARTINEZ, Ms. SCHAKOWSKY, Mr. SAWYER, Ms. EDDIE BERNICE JOHNSON of Texas, and Mr. INSLEE.

H.R. 483: Mr. HOYER.

H.R. 530: Mr. LUCAS of Oklahoma, Mr. DICKEY, Mr. KINGSTON, Mr. LINDER, and Mr. GOODLING.

H.R. 541: Mr. LUTHER, Mr. LANTOS, Ms. DEGETTE, Ms. ROYBAL-ALLARD, Mr. ALLEN, Mrs. THURMAN, Mr. MALONE of Connecticut, Mr. KUCINICH, Mr. BALDACCI, and Mr. WEYGAND.

H.R. 548: Ms. KILPATRICK.

H.J. Res. 9: Mr. GOSS, Mr. RAMSTAD, Mr. CHAMBLISS, Mr. HALL of Texas, Mr. LAHOOD, Mrs. MYRICK, and Mr. LUTHER.

H. Con. Res. 5: Mrs. CLAYTON, Mrs. NAPOLITANO, Mr. BROWN of Ohio, Mr. CRAMER, Mrs. KELLY, Mr. SHOWS, Mr. JEFFERSON, Mr. BENTSEN, Mrs. BIGGERT, Mrs. MORELLA, Mr. GEORGE MILLER of California, Ms. ESHOO, Ms. WOOLSEY, Mr. LANTOS, and Mr. KUYKENDALL.

H. Con. Res. 6: Mr. PAYNE, Ms. PELOSI, Ms. ROS-LEHTINEN, Mr. TANCREDO, Mr. KING of New York, Mr. WOLF, and Mr. LIPINSKI.

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PROCEEDINGS AND DEBATES OF THE 106th CONGRESS, FIRST SESSION

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Senate

The Senate met at 1:03 p.m. and was called to order by the Chief Justice of the United States.

TRIAL OF WILLIAM JEFFERSON CLINTON, PRESIDENT OF THE UNITED STATES

The CHIEF JUSTICE. The Senate will convene as a Court of Impeachment. The Chaplain will offer a prayer.

PRAYER

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

Gracious God, these days here in the Senate are filled with crucial issues, differences on solutions, and eventually a vital vote in the impeachment trial. We begin this day's session with the question You asked King Solomon, ''Ask! What shall I give You?'' We empathize with Solomon's response. He asked for an ''understanding heart.'' We are moved by the more precise translation of the Hebrew words for ''understanding heart,'' meaning ''a hearing heart.''

Solomon wanted to hear a word from You, Lord, for the perplexities he faced. He longed for the gift of wisdom so he could have answers and direction for his people. We are moved by Your response, ''See, I have given you a wise and listening heart.''

I pray for nothing less as Your answer for the women and men of this Senate. Help them to listen to Your guidance and grant them wisdom for their decisions. All through our history as a Nation, You have made good men and women great when they humbled themselves, confessed their need for Your wisdom, and listened intently to You. Speak Lord; we need to hear Your voice. We are listening. Amen.

The CHIEF JUSTICE. The Senators will be seated. The Sergeant at Arms will make the proclamation.

The Sergeant at Arms, James W. Ziglar, made proclamation as follows:

Hear ye! Hear ye! Hear ye! All persons are commanded to keep silent, on pain of imprisonment, while the Senate of the United States is sitting for the trial of the articles of impeachment exhibited by the House of Representatives against William Jefferson Clinton, President of the United States.

THE JOURNAL

The CHIEF JUSTICE. If there is no objection, the Journal of proceedings of the trial are approved to date.

The majority leader is recognized.

Mr. LOTT. Thank you, Mr. Chief Justice.

ORDER OF PROCEDURE

Mr. LOTT. Mr. Chief Justice, if I could take just a moment to outline how the proceedings will go this afternoon, I think that would answer any questions that Senators may have. We will, of course, continue with the consideration of articles of impeachment. I am not aware of any objections made during the depositions which require motions to resolve. Therefore, I believe the House managers are prepared to go forward with a motion that would have three parts. The first would allow for the introduction of the depositions into evidence. The second would call Monica Lewinsky as a witness. And the third part would allow for a presentation period by the parties for not to extend beyond 6 hours. This motion would be debated by the House managers and the White House counsel for not to exceed 2 hours.

In addition, it is my understanding that Senator DASCHLE intends to offer a motion that would provide for going directly to the articles of impeachment for a vote.

Mr. DASCHLE. Mr. Chief Justice, will the majority leader yield?

Mr. LOTT. I am glad to yield to the minority leader, Senator DASCHLE.

Mr. DASCHLE. The motion would allow for closing arguments, final deliberations, and then the motions on the two articles.

Mr. LOTT. Having said that, Mr. Chief Justice, in order for the managers to prepare debate for the motions, I ask unanimous consent that the House managers and the White House counsel be allowed to make reference to oral depositions during this debate on pending motions.

The CHIEF JUSTICE. Is there any objection? In the absence of objection, it is so ordered.

Mr. LOTT. Consequently, four votes, then, would occur in the 4 p.m. timeframe today with respect to these four motions.

We will take at least one break—maybe two—between now and then, and that would determine exactly when that series of votes would occur—once we begin the process of offering and debating the motions. And we will make a determination as to exactly when those provisions would occur.

In addition, if the motion for additional presentation time is agreed to by the Senate, it would be my intention to adjourn the trial after today's deliberations over until Saturday for the parties to make their preparations, then to present their presentations of evidence on Saturday, and the trial would then resume on Monday at 12 noon for the closing arguments of the parties.

Again, I remind all of my colleagues to please remain standing at their desks when the Chief Justice enters the Chamber and leaves the Chamber.

I thank my colleagues for their attention. I believe we are ready to proceed, Mr. Chief Justice.

The CHIEF JUSTICE. The Chair recognizes Mr. Manager MCCOLLUM.

MOTION FOR ADMISSION OF EVIDENCE, APPEARANCE OF WITNESSES, AND PRESENTATION OF EVIDENCE

Mr. Manager MCCOLLUM. Mr. Chief Justice, I have a motion to deliver to the Senate.

The CHIEF JUSTICE. The clerk will read the motion:

The legislative clerk read as follows:

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

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MOTION OF THE UNITED STATES HOUSE OF REPRESENTATIVES FOR THE ADMISSION OF EVIDENCE, THE APPEARANCE OF WITNESSES, AND THE PRESENTATION OF EVIDENCE

Now comes the United States House of Representatives, by and through its duly authorized Managers, and respectfully submits to the United States Senate its motion for the admission of evidence, the appearance of witnesses, and the presentation of evidence in connection with the Impeachment Trial of William Jefferson Clinton, President of the United States.

The House moves that the transcriptions and videotapes of the oral depositions taken pursuant to S. Res. 30, from the point that each witness is sworn to testify under oath to the end of any direct response to the last question posed by a party, be admitted into evidence.

The House further moves that the Senate authorize and issue a subpoena for the appearance of Monica S. Lewinsky before the Senate for a period of time not to exceed eight hours, and in connection with the examination of that witness, the House requests that either party be able to examine the witness as if that witness were declared adverse, that counsel for the President and counsel for the House Managers be able to participate in the examination of that witness, and that the House be entitled to reserve a portion of its examination time to reexamine the witness following any examination by the President.

The House further moves that the parties be permitted to present before the Senate, for a period of time not to exceed a total of six hours, equally divided, all or portions of the parts of the videotapes of the oral depositions of Monica S. Lewinsky, Vernon E. Jordan, Jr., and Sidney Blumenthal admitted into evidence, and that the House be entitled to reserve a portion of its presentation time.

Mr. LOTT addressed the Chair.

The CHIEF JUSTICE. The Chair recognizes the majority leader.

Mr. LOTT. I understand that the pending motion is divisible, and as is my right, I ask that the motion be divided in the following manner: The first paragraph be considered division I; the second paragraph be considered division II; and the final paragraph be considered division III.

The CHIEF JUSTICE. It will be divided in the manner indicated by the majority leader.

Mr. LOTT. I thank the Chair.

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

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

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

The CHIEF JUSTICE. Is there any objection? In the absence of objection, it is so ordered.

Mr. LOTT. Mr. Chief Justice, I identified this as the first paragraph to be considered division I. Actually, that should be the second paragraph would be division I, the third paragraph division II, and the fourth paragraph would be division III. I want that clarification.

The CHIEF JUSTICE. That will be the order.

Mr. LOTT. Also, so that both sides will understand, the motion—there is one motion, but we have divided it into three parts so there will only be 2 hours equally divided, one on each side; not 2 hours equally divided on each one of the three divisions. We had one clarification I believe we have cleared up, and I believe now we are ready to hear from the managers, Mr. Chief Justice.

The CHIEF JUSTICE. Very well. The Chair recognizes Mr. Manager MCCOLLUM.

Mr. Manager MCCOLLUM. Thank you, Mr. Chief Justice.

As the first one up here today, I have to fiddle with the microphone, I guess; it is sort of like testing. I apologize.

Mr. Chief Justice and Members of the Senate, what we have presented to you today is a three-part motion, as Mr. LOTT has described it, and as you have heard read to you. We would like very much, as we always have, to have all the witnesses we want presented here live, as we would normally have in a trial, as the House has always believed that it should have.

We came before you a few days ago recognizing the reality of that and went forward with your procedures to request not 5, not 6, not 12, but 3 witnesses be deposed so that we might be able to, in the discovery process you have allowed us, gain the depositions of those three witnesses. Today we are before you with motions, first, to enter those depositions and the video recordings of those depositions into evidence formally for your consideration because they have now been accomplished; secondly, to request that you provide us with the opportunity to examine Monica Lewinsky live here as a witness on the floor of the Senate, and for you to allow us to present the other two depositions to you in some format; and, if you do not allow us the permission to have Ms. Lewinsky live here to examine as a witness, to allow us to present any or all portions of the depositions of all three of them.

Now, I think that it is eminently fair that we be allowed to present at least one witness live to you, the central witness in the cast of this entire proceeding, and that is Monica Lewinsky. I am not here to argue all of that. My principal discussion with you is going to be on the part dealing with just admitting these into evidence, and then my colleagues, Mr. BRYANT, Mr. HUTCHINSON, and Mr. ROGAN are going to present some complementary discussion about the entire motion as we go through this.

But in the context of all of this I think we have to recognize a couple of things. One is that live witnesses are preferable whether you have depositions or not. These were discovery depositions. We would have liked to have asked for all of them to be live. We were recognizing reality by coming down to one today, and the reasons are fairly straightforward. Some of you have had the privilege, and I am sure you have availed yourself of the opportunity, to look at the videotapes of these depositions, and you see that they are, indeed, what most depositions are. They are discovery. They have long pauses in them. They are not at all like it would be in a trial itself; you don't have the opportunity to fully see or explore with the witness the demeanor, the temperament, the spontaneity, all of those things that you normally get with an exchange. You have the camera simply focused on the witness. You don't get to have the interaction you get in a courtroom.

And remember, again, that we are dealing here first with your determining whether or not the President committed the crimes of perjury and obstruction of justice and then the question of whether or not he should be removed from office. So I believe and we believe as House managers that you should at least let us have Monica Lewinsky here live for both of those reasons.

I also want to make comments specifically about just admitting these into evidence. There are two obvious reasons why, beyond the question of whether a witness should appear live or whether we should use portions of them in whatever fashion to present to you, they certainly should be part of the record. It seems self-evident. It is part of what you gave us as the procedure to do, and it would seem to me that it should be a mere formality for me to ask, but I cannot assume anything—we certainly do not—that we let these depositions into evidence, and there are two reasons why.

One is the historical basis for this. There has to be a record, not only for you but for the public and for history, of the entire proceeding. There is evidence in these depositions that needs to be a part of the official record, and that evidence is not just the cold transcript, but it is also the videotape with all of the limited, albeit not satisfactory, portion of it that you can see and observe. Especially if you were to conclude we weren't going to have any live witness here or were not going to allow us to present these depositions, you certainly should allow the depositions to be part of the record and the videotape part of it. It is evidence. It is to be examined. It seems self-evident.

But the second point is, as you are going to hear more from my colleagues in just a moment, there is new evidence in these depositions. There is new factual record information that needs to be here for you to decide the guilt or innocence question of the perjury and obstruction of justice charge.

One illustration I would give you—and I am sure my colleagues will give you plenty more—one of them deals with the gift question. We have talked about it a lot out here. If you recall with regard to the question of the gifts, the issue is did the President obstruct justice? Did he decide in the Jones case, in the Jones Court, as a part of his course of conduct of trying to keep from the Court the nature of his relationship with Monica Lewinsky to keep the gifts hidden?

There is new information in the deposition relative to what happened on the day those gifts were supposedly exchanged between Monica Lewinsky and Betty Currie, about the telephone call. Again, I am not going into the details of that. I will leave that for my colleagues who took the depositions. They can tell you about it. The point is you could enumerate—and they will—new evidence. There is significant relevant new evidence from the Vernon Jordan deposition and from the Sidney Blumenthal deposition. So just on the record alone, just to put the depositions into the Record, there can be nothing complete about this trial if we don't at least do that. At least do that.

And so with that in mind, having said that and urging you to do that, I will yield to Mr. Manager BRYANT at this point in time.

The CHIEF JUSTICE. The Chair recognizes Mr. Manager BRYANT.

Mr. Manager BRYANT. Mr. Chief Justice, distinguished colleagues and Senators, I would encourage each of you to consider calling Monica Lewinsky as the one live witness in this proceeding. Ms. Lewinsky continues to be, in her own way, an impressive witness. As I spoke to you earlier, she does have a story to tell. After all, no one knows more about the majority of the allegations against the President other than, of course, the President himself.

At her deposition, she appeared to be a different Monica Lewinsky than the Monica Lewinsky whom I had met a week earlier. Unlike before, she was not open to discussion or fully responsive to fair inquiry. She didn't volunteer her story. She didn't tell her story. Rather, she was very guarded in each response and almost protective. Her words were carefully chosen and relatively few. At times, the concepts that she discussed had the familiar ring of another key witness to these proceedings, such as ''it wasn't a lie'' or ''wasn't false,'' it was ''misleading or incomplete.'' ''Truth is what one believes it is and may be different for different people.'' ''Truth depends on the circumstances.''

As we progressed through her deposition Monday, I felt more and more like one of the characters in the classic movie ''Witness For The Prosecution.'' I was Charles Laughton. Ms. Lewinsky was Marlene Dietrich. And the President was Tyrone Power. If you are familiar with this movie, you will understand, and if you aren't, you should see the movie.

However, there was and there still remains truth in her testimony. Sometimes, though, just like the President, and now Ms. Lewinsky, it is the literal truth only, the most restricted and stretched definition one could reach. And we all know that the law frowns upon manipulations such as this to avoid telling the complete truth. Her testimony is clearly tinted, some might even say tainted, by a mixture of her continued admiration for the President, her desire to protect him, and her own personal views of right and wrong.

And she was well represented in the deposition by some of Washington's finest defense attorneys who had thoroughly prepared her for all questions, as they should have, as well as being present throughout the deposition to assist her. In fact, the Senator in charge of this particular deposition had to warn these counsel not to coach and not to whisper to her while she was attempting to answer the questions.

If you have seen this deposition, you have witnessed an effective effort by a loyal supporter of the President to provide the very minimum of truth in order to be consistent with her own grand jury testimony, which is legally necessary for her to fulfill the terms of her immunity agreement.

On the perjury article of impeachment, she reaffirmed the specific facts which happened between her and the President on more than one occasion, including November 15, 1995, their first encounter, when the President's conduct fit squarely within the four corners of the term ''sexual relationship'' as defined in the Jones lawsuit, and this is in opposition to the President's own sworn testimony of denial. But this is one of the clearest examples of the President's guilt of this charge of perjury. It is not about this twisted definition the President assigned to the term ''sexual relations.'' Rather, it is his word against her word as to whether this specific conduct occurred. Even under his own reading of this definition, he agrees that that specific conduct, if it occurred, would make him guilty of sexual relations within that definition. But he simply says I did not do that; she says you did do that—a ''he said/she said'' case.

But this is why it is important for you to be able to see Ms. Lewinsky in person. In the deposition you will observe her as having to affirm her prior testimony. She had to affirm her prior testimony because that was what was in the grand jury, and because of this, she could not back away at all on her testimony. She couldn't bend it here or there, she couldn't shade it in the President's favor. So what you have is a person, who you may well conclude is still wanting to help the President, having to admit to testimony that would do damage to the President, a very difficult situation for her. But, yet, this same difficulty lends this portion of her testimony great credibility.

With respect to the other article of impeachment on obstruction of justice, her credibility is again bolstered by her reluctance to do legal harm to this President. In the end, though, she does admit that he called her early one morning in December of 1997—actually it was 2 o'clock in the morning—and told her that she was on the witness list. And he told her that she might be able to file an affidavit to avoid testifying. And he told her that she could always use the story that she was bringing papers to him, or coming up to see Ms. Currie.

Now, we know that she did not carry papers to him on these visits other than personal, private notes from her to him. And Ms. Lewinsky indicated in the deposition that she didn't carry him official papers, although she did pass along this cover story —of carrying papers—to her attorney, Mr. Carter. She testified also that she discussed the draft affidavit with Mr. Jordan, changes were made, she offered the President the opportunity to review it, he declined, and, according to Ms. Lewinsky, he never suggested any way that she could file a truthful affidavit, sufficient to skirt—avoid having to testify. This, in spite of his answer to this Senate where he told you that he might have had a way for her to file a truthful affidavit and still avoid testifying in the Jones case.

Yes, you can parse the words and you can use legal gymnastics, but you cannot get around the filing of a false affidavit in an effort to avoid appearing in the Jones case and possibly providing damaging testimony against the President.

Ms. Lewinsky confirmed positively that Ms. Currie initiated a telephone call to her on December 28, 1997, stating words—and this is about the gifts—''I understand you have something for me.'' Then Ms. Currie drove over to Ms. Lewinsky's home and picked up the box of gifts.

Now, remember, this occurred on the heels of Ms. Lewinsky's conversation with the President that very morning about what she might do with the gifts. Now, the only—the only explanation is that the President is directly involved, himself, in the obstruction of justice by telling Ms. Currie, who otherwise knew nothing about this earlier conversation, to retrieve these items from Ms. Lewinsky. Ms. Lewinsky said there was no doubt that Ms. Currie initiated the call to retrieve the gifts.

Also recall that the President's testimony from his side was that this conversation occurred earlier in the day with Ms. Lewinsky but that he had told her she would have to turn over whatever gifts that she had. Now, with that advice from the President, it would be totally illogical for Ms. Lewinsky to have then called Ms. Currie that same day and ask her to come pick up and hold these gifts. By calling Ms. Currie, Ms. Lewinsky would have been going against the direct instruction of the President to surrender any and all gifts. The facts, the logic, and common sense tell us all that the President's version is not true and that he obstructed justice here.

Ms. Lewinsky also testified at the deposition about the job at Revlon and obtaining a job offer within 2 days of signing the affidavit. She also denied that she was a stalker, as the President had described her in a conversation with Mr. Blumenthal in January of 1998. She also denied that she threatened the President or attempted to

threaten the President into having an affair. She denied that he rebuffed her on the occasion of their first encounter on November 15, 1995. Again, all false statements that the President made to Mr. Blumenthal about her, with knowledge that Mr. Blumenthal would be testifying in a grand jury, thereby obstructing justice.

Now, the former lawyers and judges among us are familiar with what is called the best evidence rule. Stated simply, the court always prefers the best available evidence to be used. In-person testimony is better than a video deposition, which itself is better than the written transcript of a deposition. When all three forms of testimony are available, as they are in this situation, the court will most often require the witness to testify in person over the video deposition or over the written transcript of the deposition.

In closing, I know we all want to work within the Senate rules and we all want to ensure that these proceedings are concluded in a constitutional fashion by the end of next week. It is with this in mind that we propose that Ms. Lewinsky be called as a live witness, the only person called to testify in person, and, further, that we use the two depositions, the video depositions of Mr. Jordan and Mr. Blumenthal, in lieu of their personal attendance. In the event the Senate does not call Ms. Lewinsky, we also ask that we be permitted to use all or portions of her deposition, just as we would the other two depositions.

And finally, several Senators have sent out a letter to the President inviting him to come here and to provide his testimony, if he so chooses. In the event he should accept, Ms. Lewinsky, likewise, should be afforded the same opportunity. They continue to be the two most important and essential witnesses for you and the American people to hear in order to finally—finally—resolve this matter.

Permit us all to return to our districts, and you to your States, and tell our constituents that we considered the full and complete case, including live witnesses and, in your case, made your vote accordingly.

At this time, I yield to my colleague from Arkansas, Mr. HUTCHINSON.

The CHIEF JUSTICE. The Chair recognizes Mr. Manager HUTCHINSON.

Mr. Manager HUTCHINSON. Thank you, Mr. Chief Justice.

Ladies and gentlemen of the Senate, in an effort to be helpful, I have asked the pages to distribute to you some exhibits that I will be referring to as I consider the testimony that we are presenting to you.

There are two aspects to an impeachment trial. There is the truth-seeking responsibility, which is the trial, in my judgment, and then there is the conclusion, the judgment, the verdict, the conviction or the acquittal. If you look at those two phases of a trial, the latter is totally your responsibility. We leave that completely in your judgment.

But the first responsibility of the factfinding of the truth-seeking endeavor, I feel some responsibility in that regard. Hopefully, our presentation is helpful in seeking the truth. I know, as Mr. BRYANT mentioned, that we all want to bring this matter to a conclusion. We want to see the end of this story. We want to have a final chapter in this national drama. I understand that and agree with that. But let's not, because we are in a hurry to get to the judgment phase, let's not let that detract, let's not let that shortchange, nor diminish the importance of the presentation and consideration of the facts, and that is what I think is very important as we consider this motion that is before us.

It is my responsibility to talk about Mr. Vernon Jordan—and the need for your consideration of his testimony—whom we recently deposed. I deposed Mr. Vernon Jordan, Jr., and I recommend that that be received in evidence as part of the Senate record.

I took this deposition under the able guidance of Senator THOMPSON and Senator DODD. The questioning took place over almost 3 hours with numerous and extraneous objections on behalf of the President's lawyers, most of which were resolved.

I believe that the testimony of Mr. Jordan goes to the key element in the obstruction of justice article, and even though it is just one element that we are dealing with, it is a very important element because it goes to the connection between the job search, the benefit provided to a witness, and the solicited false testimony from that witness.

I believe the testimony of Mr. Jordan is dramatic in that it shows the control and direction of the President of the United States in the effort to obstruct justice. I believe the testimony of Mr. Jordan provides new evidence supporting the charges of obstruction and verifying the credibility of Ms. Lewinsky.

The testimony, in addition, is the most clear discussion of the facts reflecting Mr. Jordan's actions in behalf of the President and the President's direction and control of the activities of Mr. Jordan, and therefore they support the allegations under the articles of impeachment. Let me make the case for you.

If you have the President of the United States personally directing the effort to obtain a job for Ms. Lewinsky, which is a benefit to a witness, and simultaneously Ms. Lewinsky is under subpoena as a witness in the case, and thirdly, in addition, the President is suggesting means to that witness to avoid truthful testimony, as evidenced by the December 17 conversation and the suggestion of the affidavit, the conclusion is that you have a corrupt attempt to impede the administration of justice and the seeking of truth and the facts in the civil rights case.

Now, let me go to the testimony of Mr. Jordan. Has that been distributed now? Good. Let me give a caveat here, particularly to my colleagues, the counselors for the President, that this summary of the portions of the testimony of Mr. Jordan are based upon my handwritten notes. So, please don't blow it up in a chart if there is some discrepancy. I believe this is, in good faith, accurate, but I did not have a copy of the transcript. I was required to go to the Senate Chamber and actually take notes in order to prepare this.

There are a number of areas that I think are relevant and new information and are very important for your consideration. Let me just touch upon five areas.

The first one is the job search and Mr. Jordan being an agent of the President. In the deposition, Mr. Jordan testified that:

> There is no question but that through Betty Currie I was acting on behalf of the President to get Ms. Lewinsky a job.

He goes on to say:

> I interpreted [the request, referring from Betty Currie] it as a request from the President.

Then he testified:

> There was no question that he asked me to help [referring to the President] and that he asked others to help. I think that is clear from everybody's grand jury testimony.

So the question is as to whether the information, the request, came from Betty Currie or whether it came directly from the President, there is no question but that Mr. Jordan was acting at the request of the President of the United States and no one else. In fact, he goes on to say:

> The fact is I was running the job search, not Ms. Lewinsky, and therefore, the companies that she brought or listed were not of interest to me. I knew where I would need to call.

This is very important. There has been a reference, ''Well, he was simply getting a job referral, making a referral for routine employment interview by this person, Ms. Lewinsky.'' But, in fact, it is clear that Mr. Jordan knew whom he wanted to contact. He was running the job search as he testified to.

Then he testified:

> Question: You're acting in behalf of the President when you are trying to get Ms. Lewinsky a job and you were in control of the job search?

The answer is:

> Yes.

So that is one area, and it is important to establish that he was an agent for the President.

Secondly, there was a witness list that came out December 5. The President knew about it, at the latest, on December 6, and yet he had two meetings with Mr. Jordan, on December 7 and December 11. In neither one of those meetings was it disclosed to Mr. Jordan that Monica Lewinsky was a witness. I am referring to the second page of the exhibits I have handed you in which Mr. Jordan testified to that effect:

> Question: And on either of these conversations that I've referenced, that you had with the President after the witness list came

out, your conversation on 12/7 and your conversation sometime after the 11th, did the President tell you that Ms. Monica Lewinsky was on the witness list in the Jones case?

Answer: He did not.

Question: Would you have expected the President to tell you if he had any reason to believe that Ms. Lewinsky would be called as a witness in the Paula Jones case?

Answer: That would have been helpful.

Question: So it would have been helpful and it was something you would have expected?

Answer: Yes.

Even though it would have been helpful, he would have expected the President to tell him the information, it was not disclosed to him. The materiality, the relevance, of that is that you have the President controlling a job search, knowing this is a witness in which we are trying to provide a benefit for, and yet the person he is directing to get the job for Ms. Lewinsky, he fails to tell Mr. Jordan the key fact that she is, in fact, a witness, an adverse witness in that case. I think that is an important area of his testimony.

The third area, keeping the President informed—very clear testimony about the development of the job search, the Lewinsky affidavit that was being prepared, and the fact that it was signed. On the third page I have provided to you, Mr. Jordan's testimony:

I was keeping him [the President] informed about what was going on and so I told him.

He goes on further to say:

He [referring to the President] was obviously interested in it.

Then the question, I believe, was:

What did you tell the President when the affidavit was signed?

And his answer:

Mr. President, she signed the affidavit, she signed the affidavit.

So was there any connection between the job benefit that was provided and the affidavit that was signed in reference to her testimony? Clearly, it was something the President not only directed the job search, but he was clearly interested, obviously concerned, receiving regular reports about the affidavit.

Then the fourth area is the information at the Park Hyatt that was developed. To lay the stage for this—and I will do this very briefly—if you look at page 4, you see the previous testimony of Mr. Jordan before the grand jury in March. At that time, the question was asked of him:

Did you ever have breakfast or any meal, for that matter, with Monica Lewinsky at the Park Hyatt?

His answer was:

No.

It was not equivocally, it was indubitably no.

And he was further asked, and he testified:

I've never had breakfast with Monica Lewinsky.

And then on page 5 he goes on, in the May 28 grand jury testimony:

Did you at any time have any kind of a meal at the Park Hyatt with Monica Lewinsky?

His answer was:

No.

So that sets the stage, because in Ms. Lewinsky's testimony, as evidenced by page 6 of your exhibits, she testified in August, after the last time Mr. Jordan testified, very clearly about this meeting on December 31 at the Park Hyatt with Mr. Jordan where they had breakfast. And the discussion was about Linda Tripp. And then the discussion went to the notes from the President, and she said, ''No, [it was] notes from me to the President.'' And Mr. Jordan told her, according to her testimony, ''Go home and make sure they're not there.'' That is Ms. Lewinsky's testimony.

It was important to ask Mr. Jordan about this. And I assumed that we, of course, would get simply a denial, sticking with the previous grand jury testimony, that unequivocally, no, that meeting never happened: we never had breakfast at the Hyatt.

On page 7, you will notice that Ms. Lewinsky, in her testimony, specifically identified even what they had for breakfast. And so the investigation required us to go out and get the receipt at the Park Hyatt, which is page 8. And the receipt showed that there was a charge on December 31 by Mr. Jordan that included every item for breakfast, that corroborated the testimony of Ms. Lewinsky as to her memory; that is, the omelette they had for breakfast.

And so it is tightening here. The evidence is becoming more clear, unequivocally, that this meeting occurred. And so we had to ask this of Mr. Jordan. And this is page 9. And, of course, I presented the Park Hyatt receipt, I presented the testimony of Ms. Lewinsky, and his testimony, which is page 9:

It is clear, based on the evidence here, that I was at the Park Hyatt on Dec 31st. So I do not deny, despite my testimony before the grand jury, that on [December] 31 that I was there with Ms. Lewinsky, but I did testify before the Grand Jury that I did not remember having a breakfast with her on that date and that was the truth.

But what amazed me was, as you go through the questions with him, all of a sudden he remembered the breakfast but all of a sudden he remembered the conversation in which he before said it never happened at all. And his testimony was, when asked about the notes:

I am certain that Ms. Lewinsky talked to me about [the] notes.

And so I think there are a number of relevant points here. First of all, you reflect back on the testimony of Ms. Lewinsky in this same deposition in which she was asked the question, getting Mr. Jordan's approval was basically the same as getting the President's approval? Her answer: Yes.

And so that is how Ms. Lewinsky viewed this. And this is what was told to her at this meeting at the Park Hyatt. It goes to credibility, it goes to what happened, it goes to the obstruction of justice. It is extraordinarily relevant. It is new information. It is what was developed because this Senate granted us the opportunity to take this further deposition of Mr. Jordan and the other witnesses.

And there are other, you know—the fifth point is that the testimony goes to the interconnection between the job help and the testimony that was being solicited from Ms. Lewinsky.

So why is the presentation necessary? Some of you might even think, ''Well, thank you very much for that explanation you have given to us. Now we have all the facts. Let's go on and vote.'' Well, I do think there is some merit. First of all, this is not all. There is much more there. I just have a moment to develop a portion of Mr. Jordan's testimony that I believe is helpful, but, secondly, it tells a story that has never been told before.

Now, I went and saw the videotape and I was underwhelmed by my questioning, because it is just not the same. I thought we had a dynamic exchange. But then I saw it on videotape and I am nowhere to be found. You get to look at Mr. Jordan, a distinguished gentleman. But it is still helpful not withstanding the difficulty of a video presentation. I respectfully request this body to develop the facts fully, to hear the testimony of Mr. Jordan, to allow him to explain this that tells the story, start to finish, on this one aspect of obstruction of justice that is critical to your determination. And so I would ask your concurrence in the approval of the motion that has been offered to you, and at this time I yield to Manager ROGAN.

The CHIEF JUSTICE. The Chair recognizes Mr. Manager ROGAN.

Mr. Manager ROGAN. Mr. Chief Justice, Members of the Senate, yesterday, along with Mr. Manager GRAHAM, I had the privilege of conducting the deposition of Sidney Blumenthal, assistant to the President. That deposition was presided over by the senior Senator from Pennsylvania and the junior Senator from North Carolina. And on behalf of the House managers, and I am also sure the White House counsel, we thank them for the able job that they did.

This deposition must be played for Members of the U.S. Senate, and if one Senator has failed to personally sit through this deposition—and every deposition—that Senator is not equipped to render a verdict on the impeachment trial of the President of the United States.

Now, I will address very briefly just a couple of the reasons why I believe Mr. Blumenthal's deposition warrants being played before this body. But to do it, it needs to be put in perspective. Remember what the President of the United States testified to on the day he was sworn in as a witness before the grand jury. He said that in dealing with his aides, he knew there was a potential that they could become witnesses before the grand jury, and that is why he told them the truth. That is the President's own word: the ''truth.'' Mr. Blumenthal's deposition paints a

totally different picture and gives a terribly different interpretation of what the President was doing in passing along false stories to his aides.

Now, we have been treated to a number of euphemisms by the distinguished White House counsel during their presentation as to what the President was doing during his grand jury. They described his testimony as ''maddening.'' They have described his testimony as ''misleading'' and ''unfortunate.'' But the one thing they have never described it as is a lie.

Mr. Blumenthal gave a totally different take on that. Because he testified under oath that, upon reflection, he believes the President was not maddening to him, the President lied to him. And he testified so for a very good reason.

Remember, Sidney Blumenthal testified three times before the grand jury in 1998. He testified in February and twice in June. But that testimony was in a vacuum because each time he testified before the grand jury we were still in a national state of, at least presumptively, believing that the President had told the truth. The President had made an emphatic denial as to the Monica Lewinsky story. There was no physical evidence presented to the FBI lab at the time Mr. Blumenthal testified. And Monica Lewinsky was not cooperating with the grand jury. So we know that certain questions were not asked of him during his grand jury testimony because of the status of the facts as we thought they were. But Mr. Blumenthal shed some incredible new light on the testimony that we received yesterday from him.

He said, first of all: After I was subpoenaed, but before I testified before the grand jury, once in February and twice in June—with the President knowing he was about to become a witness before the grand jury, a criminal grand jury investigation—the President never came to him and said, ''Mr. Blumenthal, before you go and provide information in a criminal grand jury investigation, I need to recant the false stories I told you about my relationship with Monica Lewinsky.''

And he testified about those false stories. He corroborated his own testimony from earlier proceedings. You will recall from the record that the day the Monica Lewinsky story broke in the national press Mr. Blumenthal was called to the Oval Office by the President. The door was closed. They were alone. And this is what the President told Sidney Blumenthal about the revelations that were breaking that day on the national press wire:

> He said, ''Monica Lewinsky came at me and made a sexual demand on me.''

The President said he rebuffed her. He said:

> I've gone down that road before, I've caused pain for a lot of people and I'm not going to do that again.

The President said Monica Lewinsky threatened him:

> She said that she would tell people they'd had an affair, that she was known as the stalker among her [colleagues], and that she hated it and if she had an affair or said she had an affair then she wouldn't be the stalker any more.

And the testimony goes on. You are all familiar with it at this point.

The President of the United States allowed his aide to appear three times before a Federal grand jury conducting a criminal investigation, and never once did the President of the United States inform that aide before providing that information to the investigatory body—never once—asked or told the aide that that was false information. Mr. Blumenthal's testimony demonstrates that the President of the United States used a White House aide as a conduit for false information before the grand jury in a criminal investigation.

I just want to make one other brief point before I close this presentation because I think it needs to be said. I am in no position to lecture any of the distinguished Members of this body on what the founders intended in drafting the Constitution. I believe all of us in this room have an abiding respect for that. But there are a couple of points that need to be made. I believe there is a reason the founders drafted a document that allows us the opportunity in every trial proceeding in America to confront and cross-examine live witnesses. It is because that gives the trier of fact the opportunity to gauge the credibility and the demeanor of the witnesses. We have discussed that at length during these proceedings.

But one thing we haven't discussed and one thing that I think is important—not from the House managers' perspective, but from the perspective of history and the history that will be written on the ultimate verdict in this case—and that is the idea of open trials. There is a reason why the founders looked askance on the concept of secret trials and closed trials. There is a reason why in every courtroom across the land trials are open. They are open. It is an open process. The light of truth is allowed to be shown on the courtroom and from the courtroom because we don't trust the credibility of a verdict if it is done in secret. What would be the verdict on this proceeding if the judgment of this body is based upon testimony and witnesses, on videotapes, locked in a room somewhere, available only to the triers of fact without the public being privy to what was made available?

Ladies and gentlemen of the Senate, I would urge you, not for the sake of the managers and not for the sake of the presentation of the case, but for the sake of this body and for the verdict of history that will be written, to please allow this to be a public trial in the real sense. If the witnesses will not be brought here live before the Senate, please allow the doors of the Senate to be open so that the testimony upon which each of you must base your verdict will be made available not only to all 100 Senators, but will be made available to those who will make the ultimate judgment as to the appropriateness of the verdict, the American people.

Mr. Chief Justice, I yield to Mr. Manager GRAHAM.

The CHIEF JUSTICE. The Chair recognizes Mr. Manager GRAHAM.

Mr. Manager GRAHAM. Mr. Chief Justice, how much time?

The CHIEF JUSTICE. Your colleagues have consumed 37 minutes.

Mr. Manager GRAHAM. Ladies and gentlemen of the Senate, not a whole lot to add, but I would like to recognize this thought: That we have learned a great deal in these depositions. Thank you for letting us have them. We didn't get everything we wanted—and I think that is a fair statement—but who does in life? But we do appreciate you giving us the opportunity to explore the testimony of these witnesses because I think it would be helpful in setting the historical record straight.

Mr. Blumenthal, to his credit, said the President of the United States lied to him. The President of the United States did lie to him. The President of the United States, in his grand jury testimony, denied ever lying to me. That should be historically significant and should be legally significant. Mr. Blumenthal, to his credit, said the President of the United States tried to paint himself as a victim to Ms. Lewinsky. That would be legally and historically relevant and it will mean a lot in our arguments and it will be something you should consider.

This has been a good exercise. Thank you very much for letting us depose these witnesses.

I was not at the other two depositions, but I was at Mr. Blumenthal's deposition, and I can assure you we know more now about what the truth is than before we started this process. I hope at the end of the day it is our desire to get to the truth that guides us all. We are asking for one live witness, Ms. Lewinsky.

Let me tell you, I know how difficult it is to want this to go on given where everybody is at in the country. Trust me, I want this to end as much as you do. However, there is a signal we will send if we don't watch it. We will make the independent counsel report the impeachment trial, and I am not so sure that is what the statute was written for.

The key difference between the House and the Senate is that the White House never disputed the facts over in the House. They never disputed the facts. They called 15 witnesses to talk about process and about the interpretations that you would want to put on those facts. In their motion to the Senate, everything is in dispute. It is a totally different ball game here. That is why we need witnesses, ladies and gentlemen, to clarify who said what, who is being honest, who is not, and what really did happen in this sordid tale.

Ms. Lewinsky comes before us because the allegations arise that the

President of the United States, with an intern, had an inappropriate workplace sexual relationship that was discovered in a lawsuit where he was a defendant. This was not us or anyone else trying to look into the President's private life for political reasons or any other reason. It was a defendant in a lawsuit asking to look at the behavior of that defendant in the workplace, something that goes on every day in courtrooms throughout the country.

And is it uncomfortable? Yes, it is uncomfortable. If you have ever tried a sexual harassment case, an assault case, or a rape case, it is very much uncomfortable to have to listen to these things. But the reason that people are asked to do what you are asked to do by the House managers is that the folks that are involved represented themselves much better than lawyers talking about what happened. And if you find it uncomfortable listening to Ms. Lewinsky, think how juries feel, think how the victims feel, think how somebody like Ms. Jones must feel not to be able to tell the story of the person they are suing.

That is a signal that is going to be sent here that will be a devastating and bad signal. If we can't stomach it, if we can't stomach listening to inappropriate sexual conduct, why do we put that burden on anyone else?

Give us this witness. We will do it in a professional manner. We will focus on the obstruction. We will try to do it in a way not to demean the Senate. We will try to do it in a way not to demean Ms. Lewinsky. We will try to do it in a way to get to the truth. Please give us a chance to present our case in a persuasive fashion, because unlike the House, everything is in dispute here.

Thank you very much. I reserve the balance of my time.

The CHIEF JUSTICE. The House managers reserve the balance of their time.

The Chair recognizes Counsel CRAIG.

Mr. Counsel CRAIG. Mr. Chief Justice, ladies and gentlemen of the Senate, I have divided my presentation into three parts that fortunately correspond to the three parts of the motion that is before you today.

I would like, first, to argue against admitting videotape evidence into the record of this trial. Secondly, I would like to argue against calling live witnesses to this trial. And thirdly, I would like to argue against the proposed presentation of videotape and deposition testimony for Saturday.

I sound rather negative. I don't mean to be negative. But we don't find much to recommend the three proposals that the House managers have brought before you today.

Let me begin by saying that we support the idea of admitting written transcripts of deposition testimony of these three witnesses into the record of this trial. But we believe that it would be a terrible mistake and wholly redundant to put the videotape testimony into that record as well, particularly if that means releasing any of this videotaped material to the public.

We can only call the Senate's attention to section 206 of Senate Resolution 30, which instructs the Secretary of the Senate ''to maintain the videotaped and transcribed records of the deposition as confidential proceedings of the Senate.'' That was the intention of the Senate when you first passed Resolution 30. If this decision as proposed today will result in overruling that rule, if there is any risk or danger of a wholesale, unconditional, and unlimited release of these videotapes for the public through the national media, just as was done by the House of Representatives when it released all the Starr materials, we think it is a bad idea.

In retrospect, most people believe that it was a mistake for the House to release those materials—and those materials included videotaped grand jury testimony—and we believe it would be a mistake for the Senate, at the request of the House managers, to do the same thing with these videotaped materials now. To release these videotapes generally to the public—which will happen if they are put into the record—inevitably will surely cause consternation among those members of the public, particularly parents who do not choose to spend one more moment, much less hours and even days, thinking about the President's relationship with Monica Lewinsky and explaining it again to the children. Placing these videotapes in the formal record of this trial will be one step closer to releasing the tapes to the public for immediate broadcast. And if that release occurs, it will produce an avalanche of unwelcome deposition testimony into the public domain.

The videotaped testimony of Ms. Lewinsky, Mr. Jordan, and Mr. Blumenthal will be forced, hour after hour, unbidden and uninvited, into the living rooms and family rooms of the Nation. Make no mistake about what would happen; we have seen it before. We can expect to see the networks play these tapes, wall-to-wall, nonstop, and without interruption, over the airwaves. This would be a repeat of what happened when the case first came to the House of Representatives. For the Senate to decide to include the videotapes of this deposition testimony, as opposed to the written transcripts in the formal record of this trial, would have the same effect and could result in this kind of release. The picture, voices, and words on these tapes would flow directly and irreversibly into the life of the Nation. In addition, these videotapes will, no doubt, be edited and excerpted and cut and spliced, and the materials will not only be overused, they will also be inevitably abused.

To take advantage of these witnesses, I submit to you, in this way is wrong—whether in the context of the grand jury proceeding where confidentiality is promised, or whether testifying under subpoena in an impeachment trial in the Senate. It is unfair to the witnesses, unfair to the public, unfair to the Senate and, we submit, unfair to the President as well.

We do not object to release of the written transcripts of this testimony; we support that release. And we believe that that satisfies any reasonable requirement of public access to the information. The public's right to know and understand what is happening in this impeachment trial would be respected. But we should learn a lesson from America's experience in the House of Representatives: More is not always better.

It is not wise or right for the House or the Senate to perform the function of a mere conveyor belt simply and automatically transmitting unfiltered evidence into the public domain. It is not wise or right to suspend judgment and turn over for public viewing the videotaped testimony of private witnesses who are forced to appear and testify under compulsion. It is simply wrong to release videotapes of such testimony for cable news networks or for friends or foes to use as they want. This, I submit, is profoundly unfair to the witnesses.

One can only ask, who really benefits from this kind of practice? Is it really in the public interest for the Senate to issue and serve a subpoena on private individuals like Monica Lewinsky, or Vernon Jordan, to summon these citizens before the Senate to compel their testimony before video cameras and then to take that videotaped testimony, without any consideration or thought about the legitimate personal concerns or interests of those witnesses, and release those videotapes of that testimony for the national media? Is it really in Ms. Lewinsky's interest to do this, or in the interest of her family or her future? Is it fair to Mr. Jordan or to his family to subject him to this kind of treatment? Is it really in the Senate's interest? Is it in the interest of the Constitution, or the Presidency, or of the American people to have a videotape of Monica Lewinsky readily available for all the world to see and to hear?

What about those individuals who are, in fact, truly innocent but who will surely suffer if these videotapes are released to the public for permanent residence in the public domain? What about the members of the President's immediate family? How can the Senate contemplate releasing Ms. Lewinsky's videotaped testimony, discussing her relationship with the President, without giving at least some thought to the impact that this might have on the members of that family? You can be sure that the release of this testimony and of this videotape will only add to their agony, embarrassment, and humiliation.

I only hope that those who purport to be concerned about the moral damage that can be attributed to the President's conduct and example are equally mindful of the hurt that will be inflicted on innocent people by the mere

broadcasting of these videotapes and of their existence in perpetuity in the public record and the public domain.

We think it is perfectly appropriate and, no doubt, helpful to many Senators and staffers to be able to watch the deposition testimony of these three witnesses on videotape as part of the Senate's trial proceeding, but that function has now been satisfied. There is no need for these tapes to be broadcast to the public. And the public knows better than anyone. It is for that precise reason that one suspects that three-quarters of those polled, according to a survey reported in yesterday's New York Times, oppose releasing the videotaped testimony of Ms. Lewinsky and Mr. Jordan and Mr. Blumenthal to the public.

I urge you to not vote to place these materials into the record of this trial without giving careful consideration to these interests and to these concerns. These are not just the interests and concerns of the President and the members of his family. They are not just the interests and concerns of these three witnesses and the members of their families. I think they are also the interests and concerns of the American people as well.

The bottom line, ladies and gentlemen of the Senate, is simple: You do not need these videotapes released to do your constitutional duty, and the people we all work for do not want these videotapes released to them. Please draw the line.

As for the issue of witnesses, we believe that there is no useful purpose served by calling live witnesses to testify before the Senate in this trial. Live witnesses will not advance the factual record. We have known the facts for many months. Nor will live witnesses give us new insight into the witnesses themselves. Sidney Blumenthal's fourth appearance, Vernon Jordan's seventh appearance, and Monica Lewinsky's twenty-third appearance told us really very little that was new. I take issue with the presentation of the managers. Why should we expect Mr. Blumenthal's fifth appearance, Mr. Jordan's eighth appearance, and Ms. Lewinsky's twenty-fourth appearance to add anything more? Live witnesses will simply not serve the interests of fairness. They will not serve the interests of the American people, and they will not serve the interests of the Senate. In fact, live testimony from these three individuals—or from Ms. Lewinsky alone—will be worse than an exercise in redundancy and will be an exercise in excess. It will only postpone the end of the trial that nobody wants anymore and that no one wants to prolong any longer. There is every reason, finally and at long last, to bring the trial to a close. And calling live witnesses, I submit, will not be quick, and it will not be easy. It will prevent the Senate from keeping its pledge to bring this trial to a conclusion by February 12.

Because live witnesses are unnecessary for the resolution of this matter, perhaps the most important question for the Senate to consider and resolve itself is whether calling live witnesses might, in fact, tarnish the Senate as an institution. This is a question that only you can resolve, the Members of the Senate. And you certainly need not take instructions from me or from any of us at this table on that subject. But the question is worth asking: Will the public's respect for the Senate and for the Members of this body be enhanced by calling live witnesses? Does the Senate really feel a need or an obligation or some requirement to bring Ms. Lewinsky to sit here and testify in the well of this historic Chamber?

The managers first argued that live witnesses were necessary to resolve conflicts of testimony, that the only way to reconcile disparities and differences in testimony was to bring in live witnesses. Today we know that is not true. You gave the managers an opportunity to resolve those conflicts and find new facts. But most of the critical conflicts that existed a week ago still exist today.

Calling Monica Lewinsky to testify a 24th time is not likely to resolve those conflicts. Then we were told that we must look into the eyes of the witnesses and observe their demeanor to make a judgment as to credibility. But you now have the opportunity to observe almost every major witness as he or she testifies. Precious little is left to the imagination or to guess or to question the credibility, and you certainly have a better chance of observing demeanor through the videotape than you do with a witness here on the floor of the Senate.

We are now given a third reason why live witnesses are absolutely necessary to this trial to go forward; that is to ''validate'' the testimony of these witnesses.

According to Mr. Manager HYDE, the depositions have been successful, but ''what we need now is to validate the record that already exists under oath about obstruction of justice and perjury.''

Ladies and gentlemen of the Senate, we on this side of the House have never challenged that record. We have always agreed that the witnesses said what the record says they said, and that record needs no further validation through the live testimony of individual witnesses.

Those of us who have made a career of being lawyers and trying cases probably understand better than anyone else why the House managers are so adamant in their desire to call live witnesses. It keeps the door open if only for a few more days. As Mr. Kendall observed last week, like Mr. Micawber in David Copperfield, they hope against hope that something may turn up.

As an abstract proposition, the importance of live witnesses cannot be disputed. They are important to prosecutors who are trying to make a case. They are important to defense lawyers who are trying to defend a case. Trial lawyers know better than anyone that live witnesses can make all the difference in a trial. There is just no disputing that point.

But that abstract question is not the real live question that the Senate has before it today. The issue before the Senate today is different. It is more specifically whether these three witnesses, each one of whom has testified on multiple occasions under oath before the Federal grand jury, or have been interviewed on multiple occasions by lawyers and law enforcement officers, would have anything whatsoever to add to this trial if they were to appear before you in person. The answer to that question is clearly no.

The answer is no—not because Ms. Lewinsky has already been interviewed so many times and has testified so many times, not because she was just interviewed a few weekends ago, and not because she appeared and answered the House managers' questions under oath for many hours just 4 days ago. The answer is no because if you watch the videotape of her testimony, and if you look at the videotape of the testimony of Mr. Jordan and Mr. Blumenthal, you realize and you know deep in your bones that calling these witnesses to testify personally before you in the Senate in detail would simply be a massive waste of this Senate's time.

You already know the facts. You have already read what they have had to say on many different occasions. And you have already seen and read their most recent testimony under oath. It simply can no longer be credibly argued that you need testimony from these witnesses to ''flesh'' out the factual record or to resolve conflicts or to fill in the evidentiary gaps or to look the witnesses in the eye and assess their credibility. All that has been done many times before by many lawyers before and by many law enforcement officers many months ago. And then it was done just recently again by House managers as they took their deposition testimony last week.

The Senate has given the managers every opportunity to persuade the Senate and the Nation to see this case the same way they see it. And the managers have run a vigorous and energetic campaign aimed at capturing the Senate and changing American public opinion. How many times do you know of where the prosecutors base their case on a multimillion-dollar criminal investigation involving multiple interrogations of witnesses, producing 60,000 pages of documents, generating 19 boxes of evidence, when the prosecutors are allowed to go back to those witnesses again and again and again in an effort to maybe—somehow maybe—in some way to make their case, covering the same territory, presenting the same evidence, hour after hour? In fact, in our view, the Senate has indulged the managers. And despite the misgivings of many Senators, the Senate has leaned over backwards to accommodate the managers.

We believe it is time for the Senate to say it is time to vote. Given the state of the record compiled by the Office of Independent Counsel, given the discovery that has already been given to the managers, the evidence is as it is, and it is not likely to change in any significant way. The moment of truth can no longer be avoided, and the Senate should move to make the decision.

President Clinton is not guilty of having committed high crimes and misdemeanors. He should not be removed from office. The Senate must act now to end this impeachment trial finally and for all time.

Finally, as to the proposed proceedings for Saturday, Senate Resolution 30 gives the House managers and White House counsel an opportunity to ''make a presentation'' to the Senate employing all or portions of the videotape of the deposition testimony. And the final portion of the motion involves a request that the parties be permitted to present before the Senate for a period of time not to exceed a total of 6 hours equally divided all or portions of the parts of the videotapes of the oral depositions of Ms. Lewinsky, Mr. Jordan, and Sidney Blumenthal that have been admitted into evidence.

We are convinced that such a presentation would provide no new information to the Senate and would only serve to delay this trial and further burden the service of the Senate.

We also believe that there is a potential for unfairness that lurks in the process of excerpting and presenting portions of individual videotape testimony out of context. We remain committed to the notion that to be fair to all sides, the videotapes, if they are used, must be shown in their entirety or shown not at all. And, above all, we do not believe these videotapes should be released to the public in any form which would of course occur if they were used as part of the presentation on Saturday.

Senators have themselves been reviewing the videotaped deposition testimony of the witnesses at great length and in great detail over the past 4 days. It appears to us that the Senate has been very conscientious in carrying out this assignment. And within a matter of days, Senators will listen to final arguments from each side.

Is there really a need for an intermediate stage involving the playing of videotape testimony of the very same evidence? After conscientiously reviewing the videotape testimony and reading the transcripts of that testimony, should Senators now be required to sit and watch and listen to more of the same? Such an exercise would only be cumulative and causes us to ask what the point would be. We just do not think that additional presentations of the same evidence that Senators have been reviewing over the past few days will be that helpful to the process.

Presumably, the House managers seek to present a collection of snippets—the greatest hits from the deposition testimony of Ms. Lewinsky, Mr. Jordan, and Mr. Blumenthal. This would be unfortunate because it would require a full response from the White House—presumably our own collection of snippets aimed at putting the managers' excerpts into some kind of context. This would be a dual of snippets and excerpts, and presumably each side in the course of the presentation would conduct a guided tour for the Senate through that evidence, although I must say that the language of the motion leaves that open to some doubt.

The language of the motion provides no opportunity for argument, no opportunity for explanation, and simply talks about playing a total of 6 hours equally divided, all or portions of the parts of the videotapes.

Is this the kind of way that your time is best used in this enterprise? We fully understand the House managers' desire—and even share it—to highlight and explain the importance of certain testimony that came out of the depositions over the past few days. But in truth, there are no bombshells in that testimony. There is no dynamite. There are no explosions. We believe that highlighting, explaining, and calling attention to those parts of that testimony that are important can be done with the transcripts, and the transcripts more than satisfy the requirement that we see, or the need to conduct that function, carry out that function. That is what ordinary lawyers do when they are trying cases or arguing in front of a jury.

To the extent that the managers wish to call attention to various aspects of the testimony, we think they will have ample time to do so in the course of their final argument. Traditionally, that is the time to do that, during closing arguments, the time for advocates in a trial to marshal their evidence, to summarize and comment on that evidence; and to allow the managers to go through the deposition testimony first would be tantamount to giving the managers two closing arguments.

In summary, Mr. Chief Justice, I have a point of parliamentary inquiry I would direct to the Chair having to do with the first paragraph, the first section of the proposed motion submitted by the House managers. Is there any way that the Senate can deal first with the question, the first question being bifurcated? Is there any way the Senate can bifurcate this first question and a separate vote be taken first on including the transcripts of the deposition testimony in the record of the trial and, second, whether the videotapes should also be included in the record?

The CHIEF JUSTICE. A preemptive motion to that effect could be made by any Senator.

Mr. Counsel CRAIG. Thank you.

RECESS

The CHIEF JUSTICE. The majority leader.

Mr. LOTT. Mr. Chief Justice, I ask unanimous consent that we take a 15-minute recess. I think we can address that question during this recess.

There being no objection, at 2:22 p.m. the Senate recessed until 2:44 p.m.; whereupon, the Senate reassembled when called to order by the Chief Justice.

The CHIEF JUSTICE. The Chair recognizes the majority leader.

Mr. LOTT. Mr. Chief Justice, I believe that there is time remaining for arguments by the White House counsel, and then at their conclusion, by the House managers. After that, I will make an attempt to explain to the Senate exactly what is in the motions, because there seems to be some degree of question about that. Then we will be prepared to have a series of votes at that time. I still believe we should be able to start that around 4 o'clock. I yield the floor.

The CHIEF JUSTICE. The Chair recognizes Mr. Craig.

Mr. Counsel CRAIG. Mr. Chief Justice, we have completed our presentation. Thank you.

The CHIEF JUSTICE. The House managers have 19 minutes remaining.

The Chair recognizes Mr. Manager BRYANT.

Mr. Manager BRYANT. Mr. Chief Justice, I will respond briefly, to be followed by Mr. Manager MCCOLLUM, who will be followed by Mr. Manager HUTCHINSON.

Let me first talk quickly about Mr. Craig's argument about disagreeing on the admission of the video depositions. He cited the House proceedings, and we want to be clear as to our belief of our position in the House in this process, as the accusatory branch of the Government in this process, and I think that is the case because we vote by a majority vote, we chose to bring forward the case that we felt established the allegations of impeachment.

There was no conflict of evidence brought forward from those House proceedings. This evidence was not challenged until we came to this body, the appropriate body, for resolving the evidence and trying the case, as you will. That is evidenced by the constitutional requirement that you must vote conviction based on two-thirds of your body. But the actual conflict was not presented until we arrived here in the Senate. By allowing us to have this procedure of taking depositions, we have focused more clearly on resolving those particular conflicts.

I might add also in response to Mr. Craig's statement that the Starr Report was released out to the public and, as a result of that, there may be danger here in releasing these video depositions. But let me tell you about the House vote on the Starr Report. Seventy percent of the Democrats supported the release of those documents; 100 percent of the Democratic leadership in the House supported the release of those documents. So it was not just one party over the other party that threw these out to the public. It was a decision that was a bipartisan decision on the part of the House.

I might add, that is not our interest in doing this with video depositions. We are open to your process, but we must conclude by those who would argue that perhaps you should open your debate to the public, we don't see the consistency in trying to take a very important part of the evidence in this case and not opening that to the public. So we are at your wishes. It is our desire to make the presentation using all or portions of these video depositions and to use those as fully as we would any other evidence.

With that said, I ask Mr. Manager MCCOLLUM to follow me.

The CHIEF JUSTICE. The Chair recognizes Mr. Manager MCCOLLUM.

Mr. Manager MCCOLLUM. Thank you very much, Mr. Chief Justice.

If you listen to the White House counsel, the simple fact is, they don't want a public display in any form of any testimony here in front of the Senate. They don't want the public to have an opportunity to have a public trial.

Now, maybe an impeachment trial is not exactly the same as any other trial, but in the history of the Senate, it has been a basically open process, except for the voting. It has been an opportunity for witnesses to come before you. It has been an opportunity for people to be heard. It has been an opportunity for the public to hear the people who want to speak.

White House counsel didn't just say, ''We don't want live witnesses here.'' They said, ''We don't want you to be able to admit even into evidence the videotape that might become public, and we don't want you to be able to show any portion, or all even, of the videotapes of the depositions that have been taken.''

If a Republican had gotten up and said that, we would have probably gotten hung on some political petard for that. The reality is, the public has a business here. This is a trial. I suggest and submit to you, we need—you need—the opportunity to hear these witnesses one way or the other—preferably Monica Lewinsky live. We need to bring closure in this matter.

How can the public come to closure? How can those who feel so emotionally, as we know they do, around the country come to closure on this—which we need for them to do as much as you need to resolve and we need to have you resolve the questions before you—how can they come to closure? How can we all come to closure without an opportunity for the public to participate, in one way or another, in seeing the credibility, judging the witnesses, judging the truth of this?

Let me remind you, there is nothing in these depositions that contains any salacious material, so it has been constrained very delicately—nothing at all that would be offensive to anybody.

In addition, think about this for a minute. When it comes to calling Monica Lewinsky live, when it comes to letting the deposition be presented, if you believe that the President did not break the law—not talking about whether he should be removed from office—if you believe he did not break the law, that he did not commit the crimes of perjury and obstruction of justice, that means you must have concluded that Monica Lewinsky was not telling the truth when she said about the false affidavit, ''I knew what he meant,'' when she said about the concealment of the gifts, ''Betty called me,'' when she said about the nature of their relationship, ''It began the night we met,'' and many other things.

You, I would submit, my colleagues in the Senate, have a moral obligation to allow Monica Lewinsky to come here and be judged on her credibility, not just by you but by the public, by all of us, as a live witness. And certainly, barring that, you have an obligation to have the credibility on the issues of guilt or innocence of these crimes be judged by everybody, at the very least, by the presentation of these videos in a public, open format here in the Senate before everybody. And I think it is a powerful question you have to resolve.

And I would submit one last point. For those of you who do believe the President is guilty of these crimes, you have an obligation to let the showing of these depositions, or the presentation preferably of Monica Lewinsky live, so those who maybe don't think the same way you do have an opportunity for that credibility to be judged. Only if the witnesses are present can they be judged that way.

The most remarkable thing about the White House presentation may have been, just a moment ago, the admission that normally in trials this is exactly what happens. And I present to you the suggestion, this is exactly what should happen here today.

I yield to Manager HUTCHINSON.

The CHIEF JUSTICE. The Chair recognizes Manager HUTCHINSON.

Mr. Manager HUTCHINSON. Thank you, Mr. Chief Justice.

Very briefly, I was asked to respond to the last argument by counsel for the President in regard to their objections on the evidentiary presentation of 6 hours under the motion, which would be, I believe, on Saturday. After 6 days of opening statements in this trial, and after 2 days of questions and answers, and then we had, I believe, 2 days of motion arguments, you have heard from all the lawyers more than you ever wanted to hear. And I don't think that it is too much to ask for 6 hours of discussion of the evidentiary record that was developed from the deposition testimony. I think that is reasonable.

It's been argued that, well, you know, it is going to be snippets, it is going to be a battle of snippets.

If this motion is passed, it will be introduced into evidence, and each side will have an opportunity to discuss that evidence, to contrast it with other individuals' testimony, and to present it in a fashion that is most understandable. It is equally divided; therefore, both sides can present their case. That is how it is traditionally done. There is nothing unusual about that. And certainly the White House defense lawyers will be very vigilant in making sure that it is fairly presented.

There was objection that was made—and this is overlapping a little bit—as to the public release of the video. Our motion really goes to introducing into evidence. It is up to you as to how that evidence is handled. Customarily in a trial, when something is entered into evidence, that is released. But there was concern expressed about the witnesses, about Mr. Jordan and the fact that he has testified and now it would be made public. I recall the White House defense lawyers, on this screen over here, put Mr. Jordan's video up there for the world to see. I believe they also brought in other witnesses on video that was put out there for the whole world to see. And so I think it is a little bit late to come in and say that that should not be subject to public discussion.

And so I think that the motion that is presented is reasonable, it is fair. They say there is nothing of dynamite or there is nothing explosive. Then if that is the case, there should not be any objection to the discussion and the fair playing of that evidence. But in fact much of this is due because it was not developed after the President made his grand jury appearance. Many of these witnesses testified early. They were not able to testify again after the President's grand jury testimony. So I think there are new areas that have certainly been developed.

With that, Mr. Chief Justice, I yield back.

The CHIEF JUSTICE. Will the House managers yield back?

Mr. Manager HUTCHINSON. Yes, Mr. Chief Justice.

The CHIEF JUSTICE. The Chair recognizes the majority leader.

Mr. LOTT. Mr. Chief Justice, then all time has been yielded back on both sides?

The CHIEF JUSTICE. Yes.

Mr. LOTT. We had expected this would take a little bit longer. (Laughter.)

Mr. Chief Justice, I believe it would be of interest to the Senators that we give just a brief explanation of the motions. I believe Senator DASCHLE may have an additional motion that he would like to offer. So that we can make sure he has had the time to prepare that, and how we would go into the voting procedure, I suggest the absence of a quorum.

The CHIEF JUSTICE. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

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

The CHIEF JUSTICE. Without objection, it is so ordered.

Mr. LOTT. Mr. Chief Justice, very briefly, I believe that Senator

DASCHLE, or one of his Senators, will have a peremptory motion that they will offer, and it will be read by the clerk; then there will be a vote on that. And then there will be a vote on the 3 divisions that have been identified—the 3 votes on the one motion—and then I believe Senator DASCHLE will also have a motion that will go straight to debate and closing arguments and the vote on the articles of impeachment. Is that a correct recitation?

I yield to Senator DASCHLE.

Mr. DASCHLE. Mr. Chief Justice, I appreciate the Senator yielding. As I understand it, Senator MURRAY's motion will relate to the third motion, which is, as I understand it, the motion that allows for video excerpts to be used. Her motion would restrict both managers to transcripts, written transcripts. I am not sure in which order her motion should be offered, but since it relates to the third one, perhaps it would be in concert with that motion.

The CHIEF JUSTICE. This is the motion to debate and divide the third motion.

Mr. DASCHLE. That's correct.

Mr. LOTT. We would vote on the first paragraph, the second paragraph, and then there would be a motion at that point by Senator MURRAY and a vote on that, and a vote then on the third division, and then a vote on the articles of impeachment itself.

VOTE ON DIVISION I

The CHIEF JUSTICE. The question is on division I. The clerk will read Division I.

The legislative clerk read as follows:

The House moves that the transcriptions and videotapes of the oral depositions taken pursuant to Senate resolution 30 from the point that each witness is sworn to testify under oath to the end of any direct response to the last question posed by a party be admitted into evidence.

The CHIEF JUSTICE. The yeas and nays are required.

The clerk will call the roll.

The legislative clerk called the roll.

The yeas and nays resulted—yeas 100, nays 0, as follows:

[Rollcall Vote No. 9]

[Subject: Division I of House managers motion regarding admission of evidence]

YEAS—100

Abraham	Craig	Hollings
Akaka	Crapo	Hutchinson
Allard	Daschle	Hutchison
Ashcroft	DeWine	Inhofe
Baucus	Dodd	Inouye
Bayh	Domenici	Jeffords
Bennett	Dorgan	Johnson
Biden	Durbin	Kennedy
Bingaman	Edwards	Kerrey
Bond	Enzi	Kerry
Boxer	Feingold	Kohl
Breaux	Feinstein	Kyl
Brownback	Fitzgerald	Landrieu
Bryan	Frist	Lautenberg
Bunning	Gorton	Leahy
Burns	Graham	Levin
Byrd	Gramm	Lieberman
Campbell	Grams	Lincoln
Chafee	Grassley	Lott
Cleland	Gregg	Lugar
Cochran	Hagel	Mack
Collins	Harkin	McCain
Conrad	Hatch	McConnell
Coverdell	Helms	Mikulski
Moynihan	Santorum	Thomas
Murkowski	Sarbanes	Thompson
Murray	Schumer	Thurmond
Nickles	Sessions	Torricelli
Reed	Shelby	Voinovich
Reid	Smith (NH)	Warner
Robb	Smith (OR)	Wellstone
Roberts	Snowe	Wyden
Rockefeller	Specter	
Roth	Stevens	

The CHIEF JUSTICE. On this vote, the yeas are 100, the nays are 0. Division I of the motion is agreed to.

VOTE ON DIVISION II

The CHIEF JUSTICE. The next vote will be on Division II of the motion. The clerk will read Division II of the motion.

The assistant legislative clerk read as follows:

Division II: The House further moves that the Senate authorize and issue a subpoena for the appearance of Monica S. Lewinsky before the Senate for a period of time not to exceed eight hours, and in connection with the examination of that witness, the House requests that either party be able to examine the witness as if the witness were declared adverse, that counsel for the President and counsel for the House Managers be able to participate in the examination of that witness, and that the House be entitled to reserve a portion of its examination time to reexamine the witness following any examination by the President.

The CHIEF JUSTICE. The yeas and nays are automatic. The clerk will call the roll.

The assistant legislative clerk called the roll.

The yeas and nays resulted—yeas 30, nays 70, as follow:

[Rollcall Vote No. 10]

[Subject: Division II of House managers motion regarding appearance of witnesses]

YEAS—30

Abraham	Frist	Lugar
Ashcroft	Gramm	Mack
Bond	Grams	McCain
Bunning	Hagel	McConnell
Burns	Hatch	Murkowski
Cochran	Helms	Nickles
Craig	Hutchinson	Santorum
Crapo	Inhofe	Smith (NH)
DeWine	Kyl	Specter
Fitzgerald	Lott	Thompson

NAYS—70

Akaka	Enzi	Moynihan
Allard	Feingold	Murray
Baucus	Feinstein	Reed
Bayh	Gorton	Reid
Bennett	Graham	Robb
Biden	Grassley	Roberts
Bingaman	Gregg	Rockefeller
Boxer	Harkin	Roth
Breaux	Hollings	Sarbanes
Brownback	Hutchison	Schumer
Bryan	Inouye	Sessions
Byrd	Jeffords	Shelby
Campbell	Johnson	Smith (OR)
Chafee	Kennedy	Snowe
Cleland	Kerrey	Stevens
Collins	Kerry	Thomas
Conrad	Kohl	Thurmond
Coverdell	Landrieu	Torricelli
Daschle	Lautenberg	Voinovich
Dodd	Leahy	Warner
Domenici	Levin	Wellstone
Dorgan	Lieberman	Wyden
Durbin	Lincoln	
Edwards	Mikulski	

The CHIEF JUSTICE. The Senate will be in order.

On this vote, the yeas are 30, the nays are 70. Division II of the motion is not agreed to.

The Chair recognizes the Senator from Washington, Mrs. MURRAY.

MURRAY SUBSTITUTE FOR DIVISION III

Mrs. MURRAY. Mr. Chief Justice, I send a substitute for division III to the desk.

The CHIEF JUSTICE. The clerk will report.

The legislative clerk read as follows:

The Senator from Washington, Mrs. MURRAY, moves that the following shall be substituted for division III:

I move that the parties be permitted to present before the Senate, for a period of time not to exceed a total of six hours, equally divided, all or portions of the parts of the written transcriptions of the depositions of Monica S. Lewinsky, Vernon E. Jordan, Jr., and Sidney Blumenthal.

The CHIEF JUSTICE. Very well.

The Parliamentarian advises me that there are 2 hours of argument on this motion. Who is the proponent?

Mr. DASCHLE. Mr. Chief Justice, I ask unanimous consent that the time be yielded back.

The CHIEF JUSTICE. Without objection, it is so ordered.

I think the clerk should read division III, having read the proposed substitute.

The legislative clerk read as follows:

The House further moves that the parties be permitted to present before the Senate, for a period of time not to exceed a total of six hours, equally divided, all or portions of the parts of the videotapes of the oral depositions of Monica S. Lewinsky, Vernon E. Jordan, Jr., and Sidney Blumenthal admitted into evidence, and that the House be entitled to reserve a portion of its presentation time.

The CHIEF JUSTICE. Now the clerk will read the substitute again.

The legislative clerk read as follows:

I move that the parties be permitted to present before the Senate for a period of time not to exceed a total of six hours, equally divided, all or portions of the parts of the written transcriptions of the depositions of Monica S. Lewinsky, Vernon E. Jordan, Jr., and Sidney Blumenthal.

The CHIEF JUSTICE. The yeas and nays are automatic. The question is on the substitute. The clerk will call the roll.

The legislative clerk called the roll.

The yeas and nays resulted—yeas 27, nays 73, as follows:

[Rollcall Vote No. 11]

[Subject: Murray motion to substitute division III of the House motion]

YEAS—27

Akaka	Harkin	Mikulski
Biden	Inouye	Murray
Bingaman	Johnson	Reed
Boxer	Kennedy	Reid
Campbell	Kerrey	Robb
Conrad	Landrieu	Rockefeller
Daschle	Lautenberg	Sarbanes
Dodd	Levin	Snowe
Dorgan	Lincoln	Torricelli

NAYS—73

Abraham	Byrd	Enzi
Allard	Chafee	Feingold
Ashcroft	Cleland	Feinstein
Baucus	Cochran	Fitzgerald
Bayh	Collins	Frist
Bennett	Coverdell	Gorton
Bond	Craig	Graham
Breaux	Crapo	Gramm
Brownback	DeWine	Grams
Bryan	Domenici	Grassley
Bunning	Durbin	Gregg
Burns	Edwards	Hagel

Hatch
Helms
Hollings
Hutchinson
Hutchison
Inhofe
Jeffords
Kerry
Kohl
Kyl
Leahy
Lieberman
Lott
Lugar
Mack
McCain
McConnell
Moynihan
Murkowski
Nickles
Roberts
Roth
Santorum
Schumer
Sessions
Shelby
Smith (NH)
Smith (OR)
Specter
Stevens
Thomas
Thompson
Thurmond
Voinovich
Warner
Wellstone
Wyden

The CHIEF JUSTICE. On this vote the yeas are 27, the nays are 73, and the motion is not agreed to.

VOTE ON DIVISION III

The CHIEF JUSTICE. The vote is now on the division III of the motion. The clerk will read division III.

The assistant legislative clerk read as follows:

Division III. The House further moves that the parties be permitted to present before the Senate, for a period of time not to exceed a total of six hours, equally divided, all or portions of the parts of the videotapes of the oral depositions of Monica S. Lewinsky, Vernon E. Jordan, Jr., and Sidney Blumenthal admitted into evidence, and that the House be entitled to reserve a portion of its presentation time.

The CHIEF JUSTICE. The yeas and nays are automatic. The clerk will call the roll.

The assistant legislative clerk called the roll.

The yeas and nays resulted—yeas 62, nays 38, as follows:

[Rollcall Vote No. 12]

[Subject: Division III of the House managers motion regarding presentation of evidence]

YEAS—62

Abraham
Allard
Ashcroft
Bennett
Bond
Breaux
Brownback
Bryan
Bunning
Burns
Byrd
Campbell
Chafee
Cochran
Collins
Coverdell
Craig
Crapo
DeWine
Domenici
Enzi
Feingold
Fitzgerald
Frist
Gorton
Gramm
Grams
Grassley
Gregg
Hagel
Hatch
Helms
Hollings
Hutchinson
Hutchison
Inhofe
Kyl
Lieberman
Lott
Lugar
Mack
McCain
McConnell
Moynihan
Murkowski
Nickles
Roberts
Roth
Santorum
Sessions
Shelby
Smith (NH)
Smith (OR)
Specter
Stevens
Thomas
Thompson
Thurmond
Voinovich
Warner
Wellstone
Wyden

NAYS—38

Akaka
Baucus
Bayh
Biden
Bingaman
Boxer
Cleland
Conrad
Daschle
Dodd
Dorgan
Durbin
Edwards
Feinstein
Graham
Harkin
Inouye
Jeffords
Johnson
Kennedy
Kerrey
Kerry
Kohl
Landrieu
Lautenberg
Leahy
Levin
Lincoln
Mikulski
Murray
Reed
Reid
Robb
Rockefeller
Sarbanes
Schumer
Snowe
Torricelli

The CHIEF JUSTICE. On this vote, the yeas are 62, the nays are 38. Division III of the motion is agreed to.

The CHIEF JUSTICE. The Chair recognizes the minority leader.

MOTION TO PROCEED TO CLOSING ARGUMENTS

Mr. DASCHLE. I send a motion to the desk.

The CHIEF JUSTICE. The clerk will report the motion.

The legislative clerk read as follows:

The Senator from South Dakota [Mr. DASCHLE] moves that the Senate now proceed to closing arguments; that there be 2 hours for the White House Counsel followed by 2 hours for the House Managers; and that at the conclusion of this time the Senate proceed to vote, on each of the articles, without intervening action, motion or debate, except for deliberations, if so decided by the Senate.

The CHIEF JUSTICE. The minority leader.

Mr. DASCHLE. I ask unanimous consent that all time be yielded back.

The CHIEF JUSTICE. In the absence of objection, it is so ordered. The yeas and nays are automatic. The clerk will call the roll.

The legislative clerk called the roll.

The yeas and nays resulted—yeas 44, nays 56, as follows:

[Rollcall Vote No. 13]

[Subject: Daschle motion to proceed to closing arguments]

YEAS—44

Akaka
Baucus
Bayh
Biden
Bingaman
Boxer
Breaux
Bryan
Byrd
Cleland
Conrad
Daschle
Dodd
Dorgan
Durbin
Edwards
Feinstein
Graham
Harkin
Hollings
Inouye
Johnson
Kennedy
Kerrey
Kerry
Kohl
Landrieu
Lautenberg
Leahy
Levin
Lieberman
Lincoln
Mikulski
Moynihan
Murray
Reed
Reid
Robb
Rockefeller
Sarbanes
Schumer
Torricelli
Wellstone
Wyden

NAYS—56

Abraham
Allard
Ashcroft
Bennett
Bond
Brownback
Bunning
Burns
Campbell
Chafee
Cochran
Collins
Coverdell
Craig
Crapo
DeWine
Domenici
Enzi
Feingold
Fitzgerald
Frist
Gorton
Gramm
Grams
Grassley
Gregg
Hagel
Hatch
Helms
Hutchinson
Hutchison
Inhofe
Jeffords
Kyl
Lott
Lugar
Mack
McCain
McConnell
Murkowski
Nickles
Roberts
Roth
Santorum
Sessions
Shelby
Smith (NH)
Smith (OR)
Snowe
Specter
Stevens
Thomas
Thompson
Thurmond
Voinovich
Warner

The CHIEF JUSTICE. On this vote the yeas are 44, the nays are 56, and the motion is not agreed to.

The Chair recognizes the majority leader.

Mr. LOTT. Mr. Chief Justice, I believe that was the last of the motions that had been offered.

I am ready to go to the closing script unless there is some other motion pending or to be offered.

Mr. Counsel RUFF. May I ask, Mr. Chief Justice, for indulgence for just a couple minutes to consult with my colleagues?

Mr. LOTT. Mr. Chief Justice, I suggest the absence of a quorum.

The CHIEF JUSTICE. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. LOTT. Mr. Chief Justice, I ask unanimous consent that the order for the quorum call be rescinded.

The CHIEF JUSTICE. Without objection, it is so ordered.

Mr. LOTT. Mr. Chief Justice, I believe that it is in order for White House counsel to offer a motion at this point. If they wish to do so, then I believe they could, then we would vote on that motion.

The CHIEF JUSTICE. The Chair recognizes Mr. White House Counsel Ruff.

Mr. Counsel RUFF. Thank you, Mr. Chief Justice.

MOTION TO PROVIDE WRITTEN NOTICE TO COUNSEL

Mr. Counsel RUFF. Mr. Majority Leader, I want to hand up to the desk a brief motion dealing with the presentation of videotape evidence on Saturday pursuant to the motion that has just been voted on by the Senate. If I may, I hand it up to the clerk.

The CHIEF JUSTICE. The clerk will read the motion.

The legislative clerk read as follows:

Mr. Ruff moves that no later than 2:00 P.M. on Friday, February 5, 1999, the Managers shall provide written notice to counsel for the President indicating the precise page and line designations of any video excerpts from the depositions of Monica Lewinsky, Vernon Jordan or Sidney Blumenthal that they plan to use during their three-hour presentation on Saturday, or during their closing argument.

The CHIEF JUSTICE. There are 2 hours equally divided on the motion.

Mr. Counsel RUFF. Mr. Chief Justice, we won't use but a small percentage of that. I will turn the matter over, if I may, to my colleague, Mr. Kendall.

The CHIEF JUSTICE. The Chair recognizes Mr. Counsel Kendall.

Mr. Counsel KENDALL. Thank you, Mr. Chief Justice.

Ladies and gentlemen of the Senate, House managers, I will be brief. This is simply a procedural motion which I think will make for a fairer hearing and a more efficient use of the Senate's time on Saturday.

Fascinating though these depositions are, I don't think there is any need to inflict them on you repeatedly. What we are asking in this motion is simply a procedure that would be normal in a civil trial, and that is by a fair time tomorrow for the House managers to designate the portions of the three depositions that they intend to use. That will allow us not to repeat those portions, and it will give us some fair chance to organize our responsive presentation.

The burden is on the House managers. I think this is not an extensive set of transcripts. I think it can be easily done. You have all, many of you, watched the depositions this week, read the transcripts. So I think if we can simply have this designation by 2 o'clock tomorrow, it will enable Saturday, perhaps, to be a shorter proceeding.

The CHIEF JUSTICE. Counsel for House managers? The Chair recognizes Mr. Manager ROGAN.

Mr. Manager ROGAN. Mr. Chief Justice, thank you.

I will imitate my colleague at the bar Mr. Kendall's brevity, if not his eloquence.

I simply suggest this is somewhat a unique opportunity that counsel is inviting the House managers to engage in, to give counsel notice of page and line of transcripts for the presentation of evidence that we are going to make. It is our prerogative to put on our evidence; it is White House counsel's opportunity to put on their evidence. Asking us to choreograph that for them and with them is something that I am unfamiliar with, except for one time.

I remember during my days as a judge in California that a similar request was made for me, and a law clerk pointed out to me language from one of the late great justices of the California Supreme Court, Otto Kaus. Apparently, a similar request was made to Justice Kaus to do the same thing in a case, and Justice Kaus looked at the lawyer making the request and he said, ''I believe the appropriate legal response to your request is that it is none of your damn business what the other side is going to put on.''

With that, Mr. Chief Justice, we will yield back the balance of our time.

The CHIEF JUSTICE. Mr. Kendall.

Mr. Counsel KENDALL. That philosophy might want to be emulated at some point by the drafters of the Federal Civil Rules, but it is not. In every Federal civil trial, this procedure is followed, the designation, the identifying, and designating of deposition excerpts.

Again, I think it will make for a fairer and more efficient proceeding. I don't think trial by surprise has a place here.

The CHIEF JUSTICE. The vote is on the motion.

The clerk will read the motion.

The legislative clerk read as follows:

Mr. Ruff moves that no later than 2:00 P.M. on Friday, February 5, 1999, the Managers shall provide written notice to counsel for the President indicating the precise page and line designations of any video excerpts from the depositions of Monica Lewinsky, Vernon Jordan or Sidney Blumenthal that they plan to use during their three-hour presentation on Saturday, or during their closing argument.

Mr. BYRD. Mr. Chief Justice, may we have order.

The CHIEF JUSTICE. I fully agree with the Senator.

Mr. BYRD. Would the clerk read that again.

The CHIEF JUSTICE. Let the Senate remain in order and let the clerk read the motion again.

The legislative clerk read as follows:

Mr. Ruff moves that no later than 2:00 P.M. on Friday, February 5, 1999, the Managers shall provide written notice to counsel for the President indicating the precise page and line designations of any video excerpts from the depositions of Monica Lewinsky, Vernon Jordan or Sidney Blumenthal that they plan to use during their three-hour presentation on Saturday, or during their closing argument.

The CHIEF JUSTICE. The yeas and nays are automatic. The clerk will call the roll.

The assistant legislative clerk called the roll.

(Disturbance in the Visitors' Galleries.)

The CHIEF JUSTICE. The Sergeant at Arms will restore order to the gallery.

The assistant legislative clerk continued with the call of the roll.

The yeas and nays resulted—yeas 46, nays 54, as follows:

[Rollcall Vote No. 14]

[Subject: White House Counsels' motion]

YEAS—46

Akaka	Feingold	Lieberman
Baucus	Feinstein	Lincoln
Bayh	Graham	Mikulski
Biden	Harkin	Moynihan
Bingaman	Hollings	Murray
Boxer	Inouye	Reed
Breaux	Jeffords	Reid
Bryan	Johnson	Robb
Byrd	Kennedy	Rockefeller
Cleland	Kerrey	Sarbanes
Conrad	Kerry	Schumer
Daschle	Kohl	Torricelli
Dodd	Landrieu	Wellstone
Dorgan	Lautenberg	Wyden
Durbin	Leahy	
Edwards	Levin	

NAYS—54

Abraham	Fitzgerald	McConnell
Allard	Frist	Murkowski
Ashcroft	Gorton	Nickles
Bennett	Gramm	Roberts
Bond	Grams	Roth
Brownback	Grassley	Santorum
Bunning	Gregg	Sessions
Burns	Hagel	Shelby
Campbell	Hatch	Smith (NH)
Chafee	Helms	Smith (OR)
Cochran	Hutchinson	Snowe
Collins	Hutchison	Specter
Coverdell	Inhofe	Stevens
Craig	Kyl	Thomas
Crapo	Lott	Thompson
DeWine	Lugar	Thurmond
Domenici	Mack	Voinovich
Enzi	McCain	Warner

The CHIEF JUSTICE. On this vote, the yeas are 46, the nays are 54. The motion is rejected.

ORDERS FOR SATURDAY, FEBRUARY 6 AND MONDAY, FEBRUARY 8, 1999

Mr. LOTT. Mr. Chief Justice, I believe that completes all the motions. Therefore, I ask unanimous consent that when the Senate completes its business today, it stand in adjournment until 10 a.m. on Saturday, February 6, and at 10 a.m. on Saturday, immediately following the prayer, the Senate will resume consideration of the articles of impeachment. I further ask consent that on Saturday there be 6 hours equally divided between the House managers and White House counsel for presentations. I further ask that following those presentations on Saturday, the Senate then adjourn until 1 p.m. on Monday, February 8. I finally ask consent that on Monday, immediately following the prayer, the Senate resume consideration of the articles of impeachment, and there then be 6 hours equally divided between the managers and White House counsel for final arguments.

Mr. LEAHY. Mr. Chief Justice, reserving the right to object, and I shall not, I ask the distinguished leader this. We have had exhibits handed out today to be printed in the CONGRESSIONAL RECORD, referring to depositions which, I understand under rule XXIX, are still confidential. Are those to be printed in the RECORD?

Mr. LOTT. I will ask consent that the transcripts of the depositions be printed in the RECORD of today's date.

Mr. LEAHY. The exhibits were handed out today in debate. Were they handed out under rule XXIX?

Mr. LOTT. I believe we got approval that they be used in the oral presentations at the beginning of the session today.

Mr. LEAHY. I withdraw any objection.

Mr. CHIEF JUSTICE. Objection has been heard.

Mr. LEAHY. Mr. Chief Justice, I withdrew any objection.

Mr. KERRY addressed the Chair.

The CHIEF JUSTICE. The Senator from Massachusetts, Mr. KERRY, is recognized.

Mr. KERRY. Mr. Chief Justice, reserving the right to object. I ask the majority leader, is there an assumption that if White House counsel were to want sufficient time on Saturday in order to be able to present video testimony countering whatever surprise video—and there may or may not be a surprise —would they have time to be able to provide that on Saturday—not to carry over, but merely if they choose to, to do that on Saturday?

Mr. LOTT. I am not sure I understand the question, except that we will come in at 10, and we will have 6 hours equally divided. I presume that the House would make a presentation first and then the White House and then close. There would be time during that 6-hour period for the White House to use it as they see fit. Are you asking that there would be some sort of break so they would be able to consider that?

Mr. KERRY. Clearly, the purpose of the trial and the purpose of this effort is to have a fair presentation of evidence. The Senate now having denied notice to White House counsel of what areas may be the subject of video, it might be that the voice of the witnesses themselves is the best response to whatever it is that the House were to present. If they were to decide——

Mr. BROWNBACK. Mr. Chief Justice, I call for the regular order.

The CHIEF JUSTICE. The regular order has been called for. There is a unanimous consent request pending. Is there objection?

Mr. LOTT. Mr. Chief Justice, briefly, if I could say on behalf of my unanimous consent, and in brief response to the question, we have all worked hard and bent over backward trying to be fair. I am sure if there is something that would be needed on Saturday, it would be carefully considered by both sides.

Mr. KERRY. Mr. Chief Justice, I suggest the absence of a quorum.

Mr. GRAMM. A quorum is present.

The CHIEF JUSTICE. The majority leader has the floor.

Mr. LOTT. Mr. Chief Justice, I believe it would be appropriate to go

ahead and get this unanimous consent agreement. We will continue to work with both sides to try to make sure there is a fair way to proceed on Saturday. We will have the remainder of today and tomorrow to work on that. So I would like to renew my unanimous consent request.

The CHIEF JUSTICE. Is there objection?

Mr. BOND. Mr. Chief Justice, reserving the right to object. May I inquire of the majority leader if that Saturday time schedule gives both parties adequate time to prepare for the presentation of the evidence? Have both sides agreed that they will be prepared?

Mr. LOTT. Mr. Chief Justice, as best I can respond to that, I just say that hopefully both sides have had more than adequate time allocated on Saturday. One of the reasons we are doing it this way—Saturday instead of tomorrow—is so both sides will have an opportunity to review everything and hopefully communicate with each other. We will do that Friday during the day so that an orderly presentation can be made by both sides on Saturday. I believe we are seeing a problem here where there may not be one.

But if one develops certainly we would take it into consideration.

Mr. Chief Justice, I renew my request.

The CHIEF JUSTICE. Is there objection? In the absence of objection, it is so ordered.

Mr. LOTT. Mr. Chief Justice, I ask unanimous consent that those parts of the transcripts of the depositions admitted into evidence be printed in the Congressional RECORD of today's date.

I further ask consent that the deposition transcripts of Monica Lewinsky, Vernon Jordan, and Sidney Blumenthal, and the videotapes thereof, be immediately released to the managers on the part of the House and the counsel to the President for the purpose of preparing their presentations, provided, however, that such copies shall remain at all times under the supervision of the Sergeant at Arms to ensure compliance with the confidentiality provisions of S. Res. 30.

The CHIEF JUSTICE. In the absence of objection, it is so ordered.

The material follows:

IN THE SENATE OF THE UNITED STATES SITTING FOR THE TRIAL OF THE IMPEACHMENT OF WILLIAM JEFFERSON CLINTON, PRESIDENT OF THE UNITED STATES

EXCERPTS OF VIDEO DEPOSITION OF MONICA S. LEWINSKY

(Monday, February 1, 1999, Washington, D.C.)

SENATOR DeWINE: If not, I will now swear the witness.

Ms. Lewinsky, will you raise your right hand, please?

Whereupon, MONICA S. LEWINSKY was called as a witness and, after having been first duly sworn by Senator DeWine, was examined and testified as follows:

SENATOR DeWINE: The House Managers may now begin your questioning.

MR. BRYANT: Thank you, Senator.

Good morning to all present.

EXAMINATION BY HOUSE MANAGERS

BY MR. BRYANT:

Q. Ms. Lewinsky, welcome back to Washington, and wanted to just gather a few of our friends here to have this deposition now. We do have quite a number of people present, but we—in spite of the numbers, we do want you to feel as comfortable as possible because I think we—everyone present today has an interest in getting to the truth of this matter, and so as best as you can, we would appreciate your answers in a—in a truthful and a fashion that you can recall. I know it's been a long time since some of these events have occurred.

But for the record, would you state your name once again, your full name?

A. Yes. Monica Samille Lewinsky.

Q. And you're a—are you a resident of California?

A. I'm—I'm not sure exactly where I'm a resident now, but I—that's where I'm living right now.

Q. Okay. You—did you grow up there in California?

A. Yes.

Q. I'm not going to go into all that, but I thought just a little bit of background here.

You went to college where?

A. Lewis and Clark, in Portland, Oregon.

Q. And you majored in—majored in?

A. Psychology.

Q. Tell me about your work history, briefly, from the time you left college until, let's say, you started as an intern at the White House.

A. Uh, I wasn't working from the time I—

Q. Okay. Did you—

A. I graduated college in May of '95.

Q. Did you work part time there in—in Oregon with a—with a District Attorney—

A. Uh—

Q. —in his office somewhere?

A. During—I had an internship or a practicum when I was in school. I had two practicums, and one was at the public defender's office and the other was at the Southeast Mental Health Network.

Q. And those were in Portland?

A. Yes.

Q. Okay. What—you received a bachelor of science in psychology?

A. Correct.

Q. Okay. As a part of your duties at the Southeast Health Network, what did you—what did you do in terms of working? Did you have direct contact with people there, patients?

A. Yes, I did. Um, they referred to them as clients there and I worked in what was called the Phoenix Club, which was a socialization area for the clients to—really to just hang out and, um, sort of work on their social skills. So I—

Q. Okay. After your work there, you obviously had occasion to come to work at the White House. How did—how did you come to decide you wanted to come to Washington, and in particular work at the White House?

A. There were a few different factors. My mom's side of the family had moved to Washington during my senior year of college and I wanted—I wasn't ready to go to graduate school yet. So I wanted to get out of Portland, and a friend of our family's had a grandson who had had an internship at the White House and had thought it might be something I'd enjoy doing.

Q. Had you ever worked around—in politics and campaigns or been very active?

A. No.

Q. You had to go through the normal application process of submitting a written application, references, and so forth to—to the White House?

A. Yes.

Q. Did you do that while you were still in Oregon, or were you already in D.C.?

A. No. The application process was while I was a senior in college in Oregon.

Q. Had you ever been to Washington before?

A. Yes.

Q. Obviously, you were accepted, and you started work when?

A. July 10th, 1995.

Q. Where—where were you assigned?

A. The Chief—

Q. Physically, where were you located?

A. Oh, physically?

Q. Yes.

A. Room 93 of the Old Executive Office Building.

Q. Were you designated in any particular manner in terms of—were all interns the same, I guess would be my question?

A. Yes and no. We were all interns, but there were a select group of interns who had blue passes who worked in the White House proper, and most of us worked in the Old Executive Office Building with a pink intern pass.

Q. Now, can you explain to me the significance of a pink pass versus a blue pass?

A. Sure.

Q. Okay. Is it—is it access?

A. Yes.

Q. To what?

A. A blue pass gives you access to anywhere in the White House and a pink intern pass gives you access to the Old Executive Office Building.

Q. Did interns have blue passes?

A. Yes, some.

Q. Some did, and some had pink passes?

A. Correct.

Q. And you had the pink?

A. Correct.

Q. How long was your internship?

A. It was from July 'til the end of August, and then I stayed on for a little while until the 2nd.

Q. Are most interns for the summertime—you do part of the summer or the entire summer?

A. I believe there are interns all year-round at the White House.

Q. Now, you as an intern, you are unpaid.

A. Correct.

Q. And tell—tell me how you came to, uh, through your decisionmaking process, to seek a paid position and stay in Washington.

A. Uh, there were several factors. One is I came to enjoy being at the White House, and I found it to be interesting. I was studying to take the GREs, the entrance exam for graduate school, and needed to get a job. So I—since I had enjoyed my internship, my supervisor at the time, Tracy Beckett, helped me try and secure a position.

Q. Now, you mentioned the pink pass that you had. So you were able to—I don't want to presume—you were able to get into the White House on occasion even with a pink pass?

A. The—do you mean the White House proper, or—

Q. Yes, the White House—

A. —the complex?

Q. Yes. Let me be clear. When I—I tend to say ''White House''—I mean the actual building itself. And I know perhaps you think of the whole complex in terms of the whole—

A. I'm sorry. Just to be clear—

Q. Yes.

A. —do you mean the West Wing and the residence and—

Q. Right.

A. —the East Wing when you say the White House?

Q. Right. The White House where the President lives, and works, I guess, right.

A. I'm sorry. Can you repeat the question?

Q. Yes, yes. I mean that White House. As an intern, you had a pink pass that did allow you to have access to that White House where the President was on occasion?

A. No.

Q. Did not. Did you have—did you ever get in there as an intern?

A. Yes.

Q. And under—under what circumstances?

A. It—

Q. Did you have to be accompanied by someone, or—

A. Exactly; someone with a blue pass.

Q. So how did you—once you decided you wanted to stay in Washington and find a paying job, you sought out some help from friends there, people you knew, contacts, and you were—you did—you were successful?

A. Correct.

Q. And you were hired where—where in the White House?

A. In Legislative Affairs.

Q. Now, again, to educate me on this, in that group, in that section, department, you would have worked where, physically?

A. Physically, in the East Wing.

Q. Okay, and as an intern before, you worked in the Old Executive Office Building?

A. Correct.

Q. But you moved about and occasionally would go into the White House, if escorted?

A. Correct.

Q. It takes a while, but I'll get there with you; I'll catch up.

When did you actually—what was your first day on the job with the Legislative Affairs, uh, group?

A. Um, first day on the job was sometime after the furlough. I was hired right before the furlough, but the paperwork hadn't gone through, so first day on the job was some point after the furlough. I don't remember the exact date.

Q. So you remained, uh, on as an intern during the furlough—

A. Correct.

Q. —the Government shutdown period.

A. Correct.

Q. And that was in November of 1995, some date during that?

A. Yes.

Q. Okay. Um, tell me how you, um, began—I guess the—the—we're going to talk about a relationship with the President. Uh, when you first, uh, I guess, saw him, I think there was some indication that you didn't speak to him maybe the first few times you saw him, but you had some eye contact or sort of smiles or—

A. I—I believe I've testified to that in the grand jury pretty extensively.

Q. Uh-huh.

A. Is—is there something more specific?

Q. Well, again, I'm wanting to know times, you know, how soon that occurred and sort of what happened, you know, if you can—you know, there are going to be occasions where you—obviously, you testified extensively in the grand jury, so you're going to obviously repeat things today. We're doing the deposition for the Senators to view, we believe, so it's—

MR. CACHERIS: May I note an objection. The Senators have the complete record, as you know, Mr. Bryant, and she is standing on her testimony that she has given on the occasions that Mr. Stein alluded to at the introduction of this deposition.

MR. BRYANT: Well, I appreciate that, but, uh, if this is going to be the case, we don't even need the deposition, because we're limited to the record and everything is in the record. So I think, uh, to be fair, we're—we're obviously going to have to talk about, uh, some things for 8 hours here, or else we can go home.

THE WITNESS: Sounds good to me.

[Laughter.]

MR. BRYANT: I think we probably all would like to do that.

SENATOR DeWINE: Counsel, are you objecting to the question?

MR. CACHERIS: Yes. I'm objecting to him asking specific questions that are already in the record that—he has said they are limited to the record, and so we accept his, his designation. We're limited to the record.

SENATOR DeWINE: We're going to go off the record for just a moment.

THE VIDEOGRAPHER: We're going off the record at 9:37 a.m.

[Recess.]

THE VIDEOGRAPHER: We are going back on the record at 9:45 a.m.

SENATOR DeWINE: We are now back on the record.

The objection is noted, but it's overruled, and the witness is instructed to answer the question.

Senator Leahy?

SENATOR LEAHY: And I had noted during the break that obviously, the witness has 48 hours to correct her deposition, and would also note that when somebody has testified to some of these things 20 or more times that it is not unusual to have some nuances different, and that could also be reflected in time to correct her testimony.

And I had also noted when we were off the record Mr. Manager Bryant's comment on January 26th, page S992 in the Congressional Record, in which he said: ''If our motion is granted, I want to make this very, very clear. At no point will we ask any questions of Monica Lewinsky about her explicit sexual relationship with the President, either in deposition or, if we are permitted on the floor of the Senate, they will not be asked.''

And I should add also, to be fair to Mr. Bryant, another sentence in that: ''That, of course, assumes that White House Counsel does not enter into that discussion, and we doubt that they would.'' Period, close quote.

SENATOR DeWINE: Let me just add something that I stated to counsel and to Ms. Lewinsky off the record, and I think I will briefly repeat it, and that is that counsel is entitled to an answer to the question, but Ms. Lewinsky certainly can reference previous testimony if she wishes to do that. But counsel is entitled to a new explanation of—of what occurred.

Counsel, you may—why don't you re-ask the question, and we will proceed.

MR. BRYANT: May I, before I do that, ask a procedural question in terms of timekeeping?

SENATOR DeWINE: The time is not counted—any of the time that you have—once there is an objection, none of the time is counted until we rule on the objection and until you then have the opportunity to ask the question again. So the time will start now.

MR. BRYANT: Very good.

BY MR. BRYANT:

Q. Ms. Lewinsky, again, let me—I know this is difficult, but let me apologize that, uh, that it is going to be necessary that I ask you these questions because we're limited to the record and if we—we can't ask you any new questions outside that record, so I have to talk about what's in the record. And I realize you've answered all these questions several times before, but it's, uh—I'm sincere that we really wouldn't need to take your deposition if we couldn't ask you those kinds of questions. So it's not motivated to cause you uncomfort or to make you sit here in Washington when you'd rather be in California. We'll try to get through this as quickly as we can.

But we were talking about when you were first assigned there at the White House and those initial contacts, and I mean, again, when you were—you would see the President. I think you've mentioned you would—there was some mild flirting going on; you would smile or you would make eye contact. It was something of this nature?

A. Yes.

Q. And the first—was the first time you actually spoke to the President or he spoke to you, other than perhaps a hello in the hallway, was that on November the 15th, 1995?

A. Yes.

Q. And that was—that was the day, uh, of the first so-called salacious encounter, the same day?

A. Yes.

Q. Now, when the President gave a statement testifying before the grand jury, he—he described that relationship as what I considered sort of an evolving one. He says: ''I regret that what began as a friendship came to include this conduct.'' And he goes on to take full responsibility for his actions. But that almost sounds as if this was an evolving—something from a friendship evolving over time to a sexual relationship. That was not the case, was it?

A. I—I can't really comment on how he perceived it. My perception was different.

Q. Okay—

A. But I—I—I mean, I don't feel comfortable saying that he didn't, that he didn't see it that way, or that's wrong; that's how he saw it. I—

Q. But you saw it a different way?

A. Yes.

Q. Now, on November the 15th, had you already accepted this job with Legislative Affairs?

A. Yes.

Q. And, uh, was—that was during the shutdown, so you had no job to go to because the Government was shut down.

A. No. I accepted it on the Friday before the furlough.

Q. And that—

A. But the paperwork hadn't gone through.

Q. Okay. Did, uh—when you first met with the President on November the 15th, did he say anything to you that would indicate that he knew you were an intern?

A. No.

Q. Did he make a comment about your, your pink security badge?

A. Can I ask my counsel a question real quickly, please?

[Witness conferring with counsel.]

MR. CACHERIS: Okay, Mr Bryant.

THE WITNESS: Sorry. It was—that occurred in the second encounter of that evening.

BY MR. BRYANT:

Q. Okay. On November—

A. So, not the first encounter.

Q. On November the 15th, 1995?

A. Correct.

Q. What—do you recall what he said or what he did in regard to the intern pass?

A. He tugged on my pass and said: ''This is going to be a problem.''

Q. And what did, uh—did he say anything else about what he meant by ''problem''?

A. No.

Q. Tell me about your job at Legislative Affairs. Did that involve going into the White House itself?

A. Yes. My job was in the White House.

Q. You were in one wing, but did that involve going—did it give you access—

A. Yes.

Q. —pretty well throughout the White House?

A. Yes.

Q. What did you do primarily?

A. I worked under Jocelyn Jolly, who supervised the letters that came from the Hill; so the opening of those letters and reading them and vetting them and preparing responses for the President's signature—responding.

Q. Now, you've indicated through counsel at the beginning that you are willing to affirm, otherwise adopt, your sworn testimony of August the 6th and August the 20th, I think, which would be grand jury, and the deposition of August the 26th, 1998.

A. Correct.

Q. So you're saying that that information is accurate, and it is truthful?

A. Yes.

Q. Well, thank you. That—that will save us a little bit of time, but certainly we will ask you some of that information also.

At some point, you were transferred to the Pentagon, to the Department of Defense. When did that occur?

A. I found out I was being transferred on April 5th, 1996.

Q. Did you want to go—

A. No.

Q. —to the Department of Defense? Did you have a discussion with the President about this?

A. Yes.

Q. What was your reaction to being transferred?

A. I started to cry.

Q. Did you talk to anyone else at the White House other than the President about the transfer at that time?

A. Yes.

Q. And who—who was that?

A. I spoke with several people. I—I can't—I know I—I spoke with, uh, Jocelyn about it. I spoke with people with whom I was friendly at the White House. I spoke to Betty, Nancy Hernreich, several people.

Q. Did you—did you find out why you were being transferred?

A. Uh, I was told why I was being transferred by Mr. Keating on Friday, the 5th of April.

Q. And that was why?

A. Uh, he said that the—the Office of Administration, I think it was, was not pleased with the way the correspondence was being handled, and they were, quote-unquote, ''blowing up'' the Correspondence Office, and that I was being transferred and it had nothing to do with my work.

Q. Did you have any understanding that it might have been other reasons that you were being moved?

A. Not at that point.

Q. Did the—what did the President say about your transfer at that point?

A. He thought it had something to do with our relationship.

Q. What else did he say about—about your transfer, if anything? Did he give you any assurances that you might be back, or—

A. Yes.

Q. Back after what time period?

A. He promised me he'd bring me back after the election.

Q. So this was, again, in early 19—April of 1996, and he was up for reelection—

A. Yes.

Q. —in November of 1996.

A. Yes.

Q. Did you attach any significance to being transferred away before the election and then him assuring you he would bring you back after the election? Did you attach any significance to the election and your having to leave?

A. Emotional significance, yes.

Q. Your emotion? I'm—I'm not sure I follow you. You were—

A. Well, yes, I attached significance to it.

Q. And that was emotional—

A. But that was emotional.

Q. But the reason you both felt—again, I'm not trying to put words in your mouth, but you both felt you were leaving until after the election was because of your relationship and perhaps people finding out?

A. No. I—I—first, I can only speak for myself. I mean, I, uh, my understanding initially was that it was, um, for work-related issues, but not my work, and I came to understand later that it was having to do with my relationship with the President.

Q. Okay. Did, uh, you have a conversation—and it may be the same one with the President on April the 12th—which determined that Ms. Lieberman maybe spearheaded your transfer because you were paying too much attention—you were all—you were both paying too much attention to each other and she was worried that it was close to election time? And I think you've testified to that, haven't you?

A. Yes.

Q. Okay, good. You started, uh, with the Department of Defense at the Pentagon in mid-April, April the 17th, 1996?

A. Yes.

Q. What did you do there?

A. I was the confidential assistant to Mr. Bacon, who is the Assistant Secretary of Defense for Public Affairs.

Q. Did, uh—after the 1996 election, did you still want to go back to the White House?

A. Yes.

Q. You had not fallen in love with the job at the Pentagon that much?

A. No.

Q. Was that, in fact, a frustrating period of time?

A. Yes. No offense to Mr. Bacon, of course.

Q. I understand; I'm sure he would take none.

I would like—I don't think it's been mentioned, but you helped in preparing a chart which we have listed as one of our exhibits, ML Number 2, which I assume might have a different number for now, but it's a chart of contacts—

A. Right.

Q. —that you had with the President. And do you have a copy of that chart? It—

[Witness conferring with counsel.]

MR. BRYANT: In the—yes, in the record, it's at page 1251.

MR. BURTON: May we have an extra copy for counsel, please?

BY MR. BRYANT:

Q. Have you had occasion to review this document?

A. Yes.

Q. And very—very simply, I would like for you to, uh, if you can, to affirm that document as an accurate representation and a truthful representation of all the contacts that you had with the President from approximately August 9th, 1995 until January of 1998. It includes in-person contacts, telephone calls, gifts and notes exchanged, I think are the categories.

A. Yes. I believe there might have been one or two changes that were made and noted in the grand jury or my deposition, and I adopt those as well.

MR. BRYANT: Okay, good.

I am not going to at this point make her—the information she adopts and affirms exhibits to this deposition. I don't want to clutter it any more unless someone wants to make this an exhibit in terms of your deposition testimony, your grand jury testimony, and now the charts that you have affirmed, so I just want you to specifically affirm it but not make it an exhibit, because it's already a part of the record.

MR. CACHERIS: We defer to the White House.

MS. SELIGMAN: I just wanted to make clear on the record, then, what the app. or sub-cite is of anything we're adopting so that we all know what particular pages it is.

MR. BRYANT: Okay. And that, again, was, I think, page 1251 of—right, of the record.

SENATOR LEAHY: I don't—I don't understand.

MS. MILLS: Can you cite the ending page?

SENATOR DeWINE: Counsel, is that where this appears?

MR. BRYANT: It appears in the record, uh—

SENATOR DeWINE: You need to designate also if you're talking about the Senate record or—I think at this point we'll go off the record.

THE VIDEOGRAPHER: We're going off the record at 10:01 a.m.

[Recess.]

THE VIDEOGRAPHER: We are going back on the record at 10:11 a.m.

SENATOR DeWINE: Let me—we're now back on the record.

Let me advise counsel, the Managers, that they have used 25 minutes so far.

You may resume questioning, and if you could begin by identifying the exhibit for the record, please.

MR. BRYANT: Tom, let me also for clarification purposes—Tom, on the referral to the Senate record, you're saying that the appendices are numbered 3, but the numbers are the same. The page numbers are the same.

MR. GRIFFITH: Yes.

MR. BRYANT: And the supplemental materials are your Volume IV, but, again, the pages are the same.

MR. GRIFFITH: That's our understanding.

MR. BRYANT: Okay. For the record, then, using the Senate volumes, if this is an appendices, Volume III, and the chart that we just alluded to before the break is—appears at pages 116 through 126 of the Senate record, Volume III.

BY MR. BRYANT:

Q. Ms. Lewinsky, did you tell a number of people in varying details about your relationship with the President?

A. Yes.

Q. you tell us who did you tell?

A. Catherine Allday Davis, Neysa Deman Erbland, Natalie Ungvari, Ashley Raines, Linda Tripp, Dr. Kathy Estep, Dr. Irene Kassorla, Andy Bleiler, my mom, my aunt. Who else has been subpoenaed?

Q. Okay. Let me suggest Dale—did you mention Dale Young?

A. Dale Young. I'm sorry.

Q. Thank you.

Now, in the floor presentation, Mr. Craig, who was one of—is one of the counsel for the President, adopted an argument that had been raised in some of the previous hearings, uh, and he adopted this argument in the Senate that—that you have—have or had, I think, both past and present, the incentive to not tell the truth about how the President—this relationship with him because you wanted to avoid—and again, I use the quote from Mr. Craig's argument—the demeaning nature of providing wholly un-reciprocated sex.

Did, uh—did you lie before the grand jury and to your friends about the nature of that relationship with the President—

A. No.

Q. —so as to avoid what Mr. Craig says? Okay, and I'll break it down.

SENATOR DeWINE: Counsel, do you want to just—just rephrase the question?

MR. BRYANT: Okay. We'll break it down into two questions.

BY MR. BRYANT:

Q. Did you not tell the truth before the grand jury as to how the President touched you because of what Mr. Craig alleges as the demeaning nature of the wholly un-reciprocated sex?

MR. CACHERIS: Well, that—may I register an objection, gentlemen? This witness is not here to comment on what some lawyer said on the floor of the Senate. He can ask her direct questions. She will answer them, but what Mr. Craig said or didn't say would have happened after her grand jury testimony. So it's totally inappropriate that he's—

SENATOR DeWINE: Mr. Bryant, why don't you—

MR. CACHERIS: —marrying those two concepts. We object.

SENATOR DeWINE: Mr. Bryant, why don't you just rephrase the question?

MR. BRYANT: Well, we—we have had presented on behalf of the President a defense,

an incentive, a reason why she would not tell the truth, and I think she should have the opportunity to respond to that—that allegation.

MR. CACHERIS: We—we don't, uh—

SENATOR LEAHY: Ask her a direct question.

MR. CACHERIS: We welcome you asking her if her testimony was truthful, and she will tell you that it is truthful. We don't have any problem with that. We don't have any brief with what the White House did or didn't do through their counsel. That's their business. We don't represent the White House.

MS. SELIGMAN: So, for the record, I'd like to object to the characterization of what Mr. Craig says, which obviously speaks for itself, but I certainly don't want my silence to be construed as accepting the Manager's characterization of it.

SENATOR DeWINE: Mr. Bryant, why don't you—why don't you ask the question?

MR. BRYANT: Okay.

SENATOR DeWINE: Go ahead and ask your question.

BY MR. BRYANT:

Q. In regard to your testimony at the grand jury about your—your relationship and the physical contact that you have said occurred in some of these, uh, visits with the President, it has been characterized in a way that would give you an excuse not to tell the truth. Did you tell the truth in the grand jury about what actually happened and how the President touched—the President touched you?

A. Yes.

Q. And did you likewise tell the truth to your friends in connection with the same matters?

A. Yes.

Q. Did your relationship with the President involve giving gifts, exchanging gifts?

A. Yes.

Q. And you mentioned earlier that in reference to this chart that it was, uh, subject to certain corrections you've made in later testimony. It was an accurate representation or an accurate compilation of the gifts that, uh, you gave the President and the President gave you. Is that correct?

A. Yes.

Q. Approximately how many gifts did you give the President?

A. I believe I've testified to that number. I don't recall right now.

Q. About 30? Would that be—

A. If that's what I testified to, then I accept that.

Q. That's the number I have, and do you recall how many gifts approximately the President gave you?

A. It would be the same situation.

Q. Okay, and you've previously testified in your grand jury that he gave you about 18 gifts.

A. I accept that.

Q. Okay, good. What types of gifts did you give the President?

A. They varied. I think they're listed on this chart, and I've testified to them.

Q. Okay, and—

MR. CACHERIS: Do you want her to read the list that's on this chart?

MR. BRYANT: No. I was just, again, looking for just a—I think maybe a little broader category, but that's—that's okay. That's an acceptable answer there.

BY MR. BRYANT:

Q. After leaving the White House and going to the Pentagon, did you continue to visit the President?

A. Yes.

Q. How would you—how would you be transported from the Pentagon over to the White House? How did you get there?

A. I drove or took a taxi.

Q. Do you have your own car?

A. No.

Q. Whose—whose car would you drive?

A. Either my mom's or my brother's.

Q. So you did have access to a vehicle?

A. Correct.

Q. Okay. How were these meetings arranged when you would want to go from the Pentagon to the White House? How did—how did these—how were they set up? Did you get an appointment?

[The witness conferring with counsel.]

SENATOR DeWINE: Counsel—if you have to ask counsel, you can stop and ask us—

THE WITNESS: Okay.

SENATOR DeWINE: —to do that.

BY MR. BRYANT:

Q. How were these meetings arranged?

A. Through Ms. Currie.

Q. Would—would you call her and set the meeting up, or would she call you on behalf of the President and set the meeting up?

A. It varied.

Q. Both—both situations occurred?

A. Correct.

Q. Now, Ms. Currie is the President's—that's Betty Currie, we're talking about, the President's secretary?

A. Yes.

Q. Why was this done? Why was that procedure used?

A. It was my understanding that Ms. Currie took care of the President's guests who were coming to see him, making those arrangements.

Q. Was, uh—was this—were these visits done sort of off the record, so to speak, so it wouldn't necessarily be a record?

A. I believe so.

Q. In other words, you wouldn't be shown on Betty Currie's calendar or schedule book for the President?

A. I don't know.

Q. Did—who suggested this type of arrangement for setting up meetings?

A. I believe the President did.

Q. During this time that you were at the Department of Defense at the Pentagon, uh, how—how was it working out about you being transferred back to the White House? How was the job situation coming?

A. Well, I waited until after the election and then spoke with the President about it on several occasions.

Q. And what would he say in response?

A. Various things; ''I'm working on it,'' usually.

Q. In July, uh, particularly around the—the 3rd and 4th of July, there—there—you wrote the President a letter, I think.

A. Which year?

Q. July of '90—it would have been '97 that you wrote the President a letter expressing some frustrations about the job situation in terms of—is that, uh—can you tell us about that?

A. Yes. I had had a—well, I guess I was—I know I've testified about this, I mean, in the grand jury, but I was feeling at that point that I was getting the runaround on being brought back to the White House. So I sent a letter to the President that was probably the harshest I had sent.

Q. Did you get a response?

A. Sort of.

Q. Would you explain?

A. Um, Betty called me and told me to come to the White House the next morning, on July 4th, at 9:00 a.m.

Q. And what happened when you—I assume you went to the White House on July the 4th. What happened?

A. I know I—I—do you have a specific question? I know I testified, I mean, extensively about this whole day, that whole—

Q. Well, in regards to—let's start with the job.

A. Well, I started crying. We were in the back office and, um—and when the subject matter came up, the President was upset with me and then I began to cry. So—

Q. Did he encourage you about you coming back? Did he make a promise or commitment to you that he would make sure you came back to work at the White House?

A. I don't know that he reaffirmed his promise or commitment. I remember leaving that day thinking that, as usual, he was going to work on it and had a renewed sense of hope.

Q. Did he comment on your letter, the tone of your letter?

A. Yes.

Q. What did he say?

A. He was upset with me and told me it was illegal to threaten the President of the United States.

Q. Did you intend the letter to be interpreted that way?

A. No.

Q. Did you explain why you wrote the letter to him about reminding him that you were a good girl and you left the White House? Did you have that type of conversation?

A. Yes. That's what made me start to cry.

Q. Did you, uh—did you ever explain to him that you didn't intend to threaten him?

A. I believe so.

Q. What was the intent of the letter?

A. First, I felt the letter was going to him as a man and not as President of the United States. Um, second, I think I could see how he could interpret it as a threat, but my intention was to sort of remind him that I had been waiting patiently and what I considered was being a good girl, about having been transferred.

Q. And the threat we're talking about here would not have been interpreted as a threat to do physical injury or bodily injury to him. It was to expose your relationship to the—to your parents—

A. Correct.

Q. —explain to them why you were not going back to the White House—

A. Correct.

Q. —after the election?

And certainly the President did not encourage you to expose that relationship, did he?

A. I don't believe he made any comment about it at that point.

Q. His only comment about the so-called threat was that it's a—it's—you can't do that, it's against the law to threaten the President?

A. Exactly.

Q. That meeting turned into—I guess you've testified that that meeting did turn into a more positive meeting toward the end. It was not all emotional and accusations being made?

A. Correct.

Q. At some point, uh—well, let me—let me back up and ask this. There was a subsequent meeting on July the 14th, and I believe the President had been out of town and this was the follow-up meeting to the July 4th meeting where you had originally discussed the possibility of a newspaper reporter or a magazine writer, I believe, writing a story about Ms. Willey?

A. Correct.

Q. And you, uh—did you have any instructions from the President, from either of these meetings, about doing something for the President, specifically about having Ms. Tripp call White House counsel—

A. I don't know—

Q. —Mr. Lindsey?

A. —that I'd call them instructions.

Q. Okay. What did he tell you? I don't want to mischaracterize.

A. He asked me if I would try to have Ms. Tripp contact Mr. Lindsey.

Q. Okay, and if you were to be successful in doing that, what were you supposed to do?

Were you supposed to contact Ms. Currie, his secretary?

A. Yes.

Q. And what were you supposed to tell her?

A. In an innocuous way that I had been able to convey that to Ms. Tripp or get her to do that.

Q. Now, in—at some point in October of that year, 1997, did your job focus change?

A. Yes.

Q. And how was that? What were you doing?

A. Uh, it really changed on October 6th, 1997, as a result of a conversation with Linda Tripp.

Q. Uh, in that, as I understand, you sort of got secondhand information that you were probably never going back to work at the White House.

A. Correct.

Q. Did you understand what that meant? Did you accept that? And I guess why would you accept it at that point? Why would you give up on the White House?

MR. CACHERIS: Those are three questions, Mr. Bryant. Will you—would you break it down, please?

MR. BRYANT: Well, yeah, it's true.

BY MR. BRYANT:

Q. Do you understand? I guess I'm trying to clarify.

A. Not really. I'm sorry.

Q. Why would you accept at that point in October that you were never going back to the White House?

A. I don't really remember, I mean, what—what—what was going through my mind at that point as to—to answer that question. Is that—

Q. Okay.

A. I'm sorry.

Q. Certainly, if you don't remember, that's a—that's a good answer.

A. Okay.

Q. So you don't recall anything had really changed other than you had heard secondhand that you weren't going to go back. You have no independent recollection of anything else other than what somebody told you that would have changed—

A. My recollection is—

Q. —changed your focus?

A. —that it was this—it was this conversation, what Linda Tripp told me from whom this information was coming, the way it was relayed to me that—that shifted everything that day.

Q. And you didn't feel it was necessary to go back to the President and perhaps confront the President and say, ''why am I not coming back, I want to come back?''

A. I mean, I had a discussion with the President, but I had made a decision from that based on that information, and I guess my—my experience of it coming up on a year from the election, having not been brought back, that it probably wasn't going to happen.

Q. But you—you did call the President about that time and then—but the focus had been changed toward perhaps a job in another location.

A. Yes and no. I didn't call him, but I, um—

Q. You called Betty—

A. —but we did have a discussion about that.

Q. You called Betty Currie, his secretary.

A. Yes.

Q. Okay, and then through her, he contacted you and you had a discussion?

A. Yes.

Q. And what did you tell him at that time about the job?

A. I believe I testified to that, so that my testimony is probably more accurate. The gist of it was, um, that I wanted to move to New York and that I was accepting I wasn't going to be able to come back to the White House, and I asked for his help.

Q. Did you bring up Vernon Jordan's name as perhaps somebody that could help you?

A. It's possible it was in that conversation.

Q. What was the President's comments back to you about your deciding to go to New York?

A. I don't remember his exact comments. He was accepting of the concept.

Q. In regards to your—your, uh, decision to search for a job in New York, in your comments to the President, did he ever tell you that that was good, that perhaps the Jones lawyers could not easily find you in New York?

A. I'm sorry. I don't—I—I—

MR. CACHERIS: Excuse me again, Mr. Bryant. That's a compound question. He could—she could answer it was good, and then she could answer maybe the Jones lawyer couldn't get her, but I think you'd want an answer to each question.

BY MR. BRYANT:

Q. Okay. Let me ask it this way. There has been some reference to that fact throughout the proceedings, and I recall seeing something somewhere in your—your testimony that you said it or he said it. Do you recall anything being said about you going to Washington—to New York and that the effect of that might be that you would be more difficult to find?

A. I believe that might have been mentioned briefly on the 28th of December, but not as a reason to go to New York, but as a possible outcome of being there. Does that—does that make sense?

Q. It does.

A. Okay.

Q. What, uh—what would have been the context of that? And we're jumping ahead to December the 28th, but what would have been the context of that particular conversation about the New York and being perhaps—the result being it might be difficult to find you, or more difficult? What was the context?

A. Um, I—I—if I remember correctly, it came sort of at the tail-end of a very short discussion we had about the Jones case.

Q. At this November the 11th meeting, did the President ask you to prepare a list, sort of a wish list for jobs?

A. I'm sorry. Which—

Q. I'm sorry. Did I say October? We're back to the October the 11th meeting. Did the President ask you to prepare a wish list?

A. Okay. We haven't gone to the October 11th meeting yet. I—I haven't said anything about that meeting yet.

Q. Okay.

A. The phone call was on the 9th.

Q. Okay, and you subsequently had a meeting, then, with the President on the 11th?

A. Correct.

Q. Face—face-to-face meeting?

A. Correct.

Q. And at that meeting, did he suggest you give him a wish list or Betty Currie a wish list?

A. Yes.

Q. Again, I asked a compound question there.

Who did he suggest you give the wish list to?

MR. CACHERIS: We're getting used to that.

MR. BRYANT: I'm getting good. I'm making my own objections now.

[Laughter.]

THE WITNESS: Um, we sustain those. No, I'm sorry.

[Laughter.]

MR. BRYANT: I can do that, too. I'll be doing that in a minute. Overruled. Okay.

THE WITNESS: Um, I—I believe he—he said I should get him a list, and the implication was through Betty.

BY MR. BRYANT:

Q. And obviously you prepared a list of—

A. Correct.

Q. —the people you'd like to work for in New York City.

A. Correct.

Q. And you sent that list—

A. Yes.

Q. —to Betty Currie or to the President?

A. I sent it to Ms. Currie.

Q. And also during this time—and I'm probably going to speed this up a little bit, but, uh, you did interview for the job at the United Nations?

A. Yes.

Q. And, uh—and through a process of several months there, or weeks at least, you did—made an offer to take a job at the United Nations and eventually declined it. Is that correct?

A. Correct.

Q. Did you in early November have the occasion to meet with Vernon Jordan about the job situation?

A. Yes.

Q. And how did you learn about that meeting?

A. I believe I asked Ms. Currie to check on the status of—I guess of finding out if I could have this meeting, and then she let me—she let me know to call Mr. Jordan's secretary?

Q. And you set up an appointment with Mr. Jordan, or did she, Ms. Currie, do that?

A. No. I set up an appointment. I think that was after a phone—well, I guess I don't—I don't know that, so sorry.

Q. But that appointment was November the 5th?

A. Yes.

Q. Prior to going to the meeting with Vernon Jordan, did you tell the President that you had a meeting with Mr. Jordan?

A. I don't think so. I don't remember.

Q. Did you carry any documents or any papers with you to the meeting with Mr. Jordan?

A. Yes.

Q. What were those?

A. My resume and a list of public relations firms in New York.

Q. Did Mr. Jordan ask you why you were there?

A. Yes.

Q. And what did you say?

A. I was hoping to move to New York and that he could assist me in securing a job there.

Q. Did he ask you why you wanted to leave Washington?

A. Yes.

Q. And what was your answer?

A. I gave him the vanilla story of, um, that I—I think I—I don't remember exactly what I said. I—I believe I've testified to this. I think it was something about wanting to get out of Washington.

Q. The vanilla story. You mean sort of an innocuous set of reasons, not really the true reasons you wanted to leave?

A. Yes.

Q. And what were the true reasons you wanted to leave?

A. Because I couldn't go back to the White House.

Q. Did—did you think Mr. Jordan accepted—did you think he would accept that vanilla story, or did you feel like he understood the real story?

A. No, I felt he accepted it.

Q. Did Mr. Jordan tell you during this meeting that he had already spoken with the President?

A. It was—I believe so.

Q. And that you had come highly recommended, I think?

A. Yes.

Q. Did he, Mr. Jordan, review your list of job preferences and suggest anything?

A. Yes.
Q. And what did he suggest?
A. He said the names of the—he looked at the list of public relations firms and I think sort of said, ''oh, I've heard of them, I haven't heard of these people, have you heard of so and so,'' that I hadn't heard of.
Q. Your meeting lasted about 20 minutes?
A. If that's what I've testified to, then I accept that.
Q. It is, or close to it. I know this is an approximation, but thereabouts. You weren't there all day.
A. I had—well, I don't—I don't remember how long it was right now. I know I've testified to that. So if I said 20 minutes, then—
Q. Did you have a conversation with the President on—about a week later on November the 12th and by telephone?
A. Yes.
Q. And did you indicate there you had spoken with Mr. Jordan about a job?
A. Yes.
Q. After you met with Mr. Jordan, did you—did you have an impression that you would get, uh—get a job, get favorable results in your job search?
A. Yes.
Q. Did anything favorable happen to—in your job search from that November the 5th, 1997, meeting until Thanksgiving?
A. No, but I believe Mr. Jordan was out of town for a week or two.
Q. During the weeks after this November the 5th interview, did you try to contact Mr. Jordan?
A. Yes.
Q. How?
A. First, I sent him a thank-you note for the initial meeting, and I believe I placed some phone calls right before Thanksgiving—maybe a phone call. I don't remember if it was more than one.
Q. What—what happened with respect to the job search, uh, through there, through Thanksgiving? Was there anything? I mean, I know he—you said he was out of down, but did anything, to your knowledge, occur? Could you see any results up to Thanksgiving?
A. From my meeting with Mr. Jordan?
Q. Yes.
A. No.
Q. Did you contact Betty Currie after you received no response from Mr. Jordan?
A. Yes.
Q. And did she page you? I think you were in Los Angeles at the time.
A. Correct.
Q. Okay. What—what did she tell you as a result of that telephone call?
A. She asked me to place a call to Mr. Jordan, which I did.
Q. And this would have been, again, around November the 26th, shortly—well, around Thanksgiving?
A. It was before Thanksgiving.
Q. And I assume you found Mr. Jordan.
A. Yes.
Q. And what did he tell you?
A. That he was working on it.
Q. Did he tell you to call him back?
A. Yes.
Q. Did you indeed call him back
A. I didn't actually get ahold of him; he was out-of-town that day. I think it was December 5th.
Q. Did you try to meet with the President during this time?
A. Yes.
Q. How did you do that?
A. I was a pest. I sent a note to Ms. Currie and asked her to pass it along to the President, requesting that I meet with him.
Q. Were you successful in having a meeting as a result of those efforts?
A. I don't know if it was a result of those efforts, but yes, I ended up having a meeting with the President.
Q. And when would that have been; what day?
A. On the 6th of December 1997.
Q. Again you are going through Betty Currie; is that, again, the standard procedure at that time?
A. Yes.
Q. Did you go—I think you spoke also perhaps to Betty Currie on December the 5th, the day before the meeting—
A. Yes.
Q. —and this was something about attending the President's speech. Was that when that occurred—or the radio address, or something? Does that ring any bells?
A. No.
Q. Did—you did attend the Christmas party that day—
A. Yes.
Q. —and the White House. And you saw the President?
A. Yes.
Q. Just socially, speak to him, and that's it?
A. Yes.
Q. Picture, handshaking, and that?
A. [Nodding head.]
Q. Okay. That's a yes?
A. Yes. Sorry.
Q. Prior to December 6th, 1997, had you purchased a Christmas gift for the President?
A. Yes.
Q. Which was?
A. An antique standing cigar holder.
Q. And had you purchased any other additional gifts for him?
A. Yes.
Q. And what were those?
A. Uh, a Starbucks mug that said ''Santa Monica''; a necktie that I got in London; a little box—I call it a ''chochki''—from, uh—and an antique book on Theodore Roosevelt.
Q. Was it your intention to, to carry those Christmas presents to the President home that Saturday, December the 6th?
A. If I were to have a meeting with him, yes.
Q. Did you attempt to have a meeting?
A. Yes.
Q. Did you go through Betty Currie?
A. Yes. I sent her the letter to, to give to the President.
Q. And when you went to the White House that day, you also attempted to, to have the meeting through calling Betty Currie and telephoning her; I believe you had to go to—
A. Which day? I'm sorry.
Q. On the 6th.
A. No.
Q. The Saturday.
A. [No response.]
Q. No?
A. I—I attempted to give the presents to Betty, but I didn't call and attempt to have a meeting there—well, I guess I called in the morning, so that's not true—I'm sorry. Yes, I called Ms. Currie in the morning trying to see if I could see the President and apologize.
Q. And—were you—did you see the President, then, on the 6th?
A. Yes, I did.
Q. Tell us about that meeting—that was a long—was that, uh—did you have a telephone conversation with him that day also?
A. Yes.
Q. And that was the long telephone conversation?
A. It—it was.
Q. Okay. I think there has been some indication it may have been 56 minutes, something approximating an hour-long conversation; does that sound right?
A. Right. That would—that might include some conversation time with Ms. Currie as well.
Q. Okay. Was he interrupted by Ms. Currie—could you tell—did he have to take a break from the telephone call to talk to Ms. Currie, or do you recall any, any—
A. I don't recall that.
Q. —do you recall any breaks to talk to anybody else?
A. I don't recall that. Doesn't mean it didn't happen; I just don't remember it.
Q. What else did you—did you arrange in that telephone conversation, or did he invite you in that telephone conversation to come to the White House that day?
A. Yes, he did.
Q. What happened during, during that conversation in terms of—I understand that it was again an emotional day, some sort of a word fight; is that right?
A. Yes.
Q. Could you tell me—he was, uh—again, to perhaps save some time—he was angry about an earlier incident, and, uh, he felt like you were intruding on his lawyer time?
A. Uh, he was upset that I hadn't accepted that he just couldn't see me that day.
Q. And what was your response to that?
A. Probably not positive. Uh, that's why it was a fight.
Q. Again, I want to be careful that I don't put words in your mouth, but you were dealing with this relationship from an emotional standpoint of wanting to spend time with him—
A. Yes.
Q. —not as President, but as a man?
A. Correct.
Q. And this was at a point when you didn't feel like you were spending enough time with him?
A. Correct.
Q. And he obviously felt he had to do other things, too, talk to lawyers and do those kinds of things—be the President—is that right?
A. Yes.
Q. Okay. Now, was some of this discussion that we term ''the fight,'' was that over the telephone?
A. Yes. It was all over the telephone.
Q. So by the time you arrived and had the face-to-face meeting with him, that was over?
A. Correct.
Q. Was that during the time that you exchanged—exchanged some of the Christmas presents with him?
A. In—in the meeting?
Q. Yes.
A. Yes. I gave him my Christmas presents.
Q. Did you discuss the job search with him also at that time?
A. I believe I mentioned it.
Q. Did you tell him that, uh, your job search with Mr. Jordan was not going well?
A. I don't know if I used those words. I don't, I don't remember exactly—
Q. If your grand jury testimony said yes—I mean, words to that effect—that would—you could have used those words if they're in your grand jury—
A. If my grand jury testimony says that—if that's what I said in my grand jury testimony, then I accept that.
Q. I'm not trying to—I'm not trying to trick you.
A. Okay.
Q. Did he make any comment to you about what he might do to aid in your job search at that time, if you recall?
A. I think he—I think he said, oh, let me see about it, let me see what I can do—his usual.
Q. Did, uh, did the President say anything to you at that time about your name appearing on a witness list in the Paula Jones case?
A. No.
Q. Did you later learn that your name had appeared on such a list?
A. Yes.
Q. And did you later learn that that witness list had been faxed to the White House—

to the President's lawyers on December the 5th?

A. Much later, as in last year.

Q. Okay. Yes—that's what I mean—later.

A. I, I mean—

Q. Yes.

A. —post this investigation.

Q. Okay. All right. Let's go forward another week or so to December the 11th and a lunch that you had with Vernon Jordan, I believe, in his office.

A. Yes.

Q. How did—how was that meeting set up.

A. Through his secretary.

Q. Did you instigate that, or did he call through his secretary?

A. I don't remember.

Q. What was the purpose of that meeting?

A. Uh, it was to discuss my job situation.

Q. And what, what—how was that discussed?

A. Uh, Mr. Jordan gave me a list of three names and suggested that I contact these people in a letter that I should cc him on, and that's what I did.

Q. Did he ask you to copy him on the letters that you sent out?

A. Yes.

Q. During this meeting, did he make any comments about your status as a friend of the President?

A. Yes.

Q. What—what did he say?

A. In one of his remarks, he said something about me being a friend of the President.

Q. And did you respond?

A. Yes.

Q. How?

A. I said that I didn't, uh—I think I—my grand jury testimony, I know I talked about this, so it's probably more accurate. My memory right now is I said something about, uh, seeing him more as, uh, a man than as a President, and I treated him accordingly.

Q. Did you express your frustration to Mr. Jordan with, uh, with the President?

A. I expressed that sometimes I had frustrations with him, yes.

Q. And what was his response to you about, uh—after you talked about the President?

A. Uh, he sort of jokingly said to me, You know what your problem is, and don't deny it—you're in love with him. But it was a sort of light-hearted nature.

Q. Did you—did you have a response to that?

A. I probably blushed or giggled or something.

Q. Do you still have feelings for the President?

A. I have mixed feelings.

Q. What, uh—maybe you could tell us a little bit more about what those mixed feelings are.

A. I think what you need to know is that my grand jury testimony is truthful irrespective of whatever those mixed feelings are in my testimony today.

Q. I know in your grand jury you mentioned some of your feelings that you felt after he spoke publicly about the relationship, but let me ask you more about the positive—you said there were mixed feelings. What about—do you still, uh, respect the President, still admire the President?

A. Yes.

Q. Do you still appreciate what he is doing for this country as the President?

A. Yes.

Q. Sometime back in December of 1997, in the morning of December the 17th, did you receive a call from the President?

A. Yes.

Q. What was the purpose of that call? What did you talk about?

A. It was threefold—first, to tell me that Ms. Currie's brother had been killed in a car accident; second, to tell me that my name was on a witness list for the Paula Jones case; and thirdly, he mentioned the Christmas present he had for me.

Q. This telephone call was somewhere in the early morning hours of 2 o'clock to 2:30.

A. Correct.

Q. Did it surprise you that he called you so late?

A. No.

Q. Was this your first notice of your name being on the Paula Jones witness list?

A. Yes.

Q. I realize he, he commented about some other things, but I do want to focus on the witness list.

A. Okay.

Q. Did he say anything to you about how he felt concerning this witness list?

A. He said it broke his heart that, well, that my name was on the witness list.

Can I take a break, please? I'm sorry.

SENATOR DeWINE: Sure, sure. We'll take a 5–minute break at this point.

THE VIDEOGRAPHER: This marks the end of Videotape Number 1 in the deposition of Monica S. Lewinsky. We are going off the record at 10:56 a.m.

[Recess.]

THE VIDEOGRAPHER: This marks the beginning of Videotape Number 2 in the deposition of Monica S. Lewinsky. The time is 11:10 a.m.

SENATOR DeWINE: We are now back on the record.

I will advise the House Managers that they have used one hour and 8 minutes.

Mr. Bryant, you may proceed.

MR. BRYANT: Thank you.

By MR. BRYANT:

Q. Did—did we get your response? We were talking about the discussion you were having with the President over the telephone, early morning of the December 17th phone call, and he had, uh, mentioned that it broke his heart that you were on that list.

A. Correct.

Q. And I think you were about to comment on that further, and then you need a break.

A. No.

Q. No.

A. I just wanted to be able to focus—I know this is an important date, so I felt I need a few moments to be able to focus on it.

Q. And you're comfortable now with that, with your—you are ready to talk about that?

A. Comfortable, I don't know, but I'm ready to talk about.

Q. Well, I mean comfortable that you can focus on it.

A. Yes, sir.

Q. Good. Now, with this discussion of the fact that your name appeared as a witness, had you—had you been asleep that night when the phone rang?

A. Yes.

Q. So were you wide awake by this point? It's the President calling you, so I guess you're—you wake up.

A. I wouldn't say wide awake.

Q. He expressed to you that your name—you know, again, you talked about some other things—but he told you your name was on the list.

A. Correct.

Q. What was your reaction to that?

A. I was scared.

Q. What other discussion did you have in regard to the fact that your name was on the list? You were scared; he was disappointed, or it broke his heart. What other discussion did you have?

A. Uh, I believe he said that, uh—and these are not necessarily direct quotes, but to the best of my memory, that he said something about that, uh, just because my name was on the list didn't necessarily mean I'd be subpoenaed; and at some point, I asked him what I should do if I received a subpoena. He said I should, uh, I should let Ms. Currie know. Uh—

Q. Did he say anything about an affidavit?

A. Yes.

Q. What did he say?

A. He said that, uh, that I could possibly file an affidavit if I—if I were subpoenaed, that I could possibly file an affidavit maybe to avoid being deposed.

Q. How did he tell you you would avoid being deposed by filing an affidavit?

A. I don't think he did.

Q. You just accepted that statement?

A. [Nodding head.]

Q. Yes?

A. Yes, yes. Sorry.

Q. Are you, uh—strike that. Did he make any representation to you about what you could say in that affidavit or—

A. No.

Q. What did you understand you would be saying in that affidavit to avoid testifying?

A. Uh, I believe I've testified to this in the grand jury. To the best of my recollection, it was, uh—to my mind came—it was a range of things. I mean, it could either be, uh, something innocuous or could go as far as having to deny the relationship. Not being a lawyer nor having gone to law school, I thought it could be anything.

Q. Did he at that point suggest one version or the other version?

A. No. I didn't even mention that, so there, there wasn't a further discussion—there was no discussion of what would be in an affidavit.

Q. When you say, uh, it would be—it could have been something where the relationship was denied, what was your thinking at that point?

A. I—I—I think I don't understand what you're asking me. I'm sorry.

Q. Well, based on prior relations with the President, the concocted stories and those things like that, did this come to mind? Was there some discussion about that, or did it come to your mind about these stories—the cover stories?

A. Not in connection with the—not in connection with the affidavit.

Q. How would—was there any discussion of how you would accomplish preparing or filing an affidavit at that point?

A. No.

Q. Why—why didn't you want to testify? Why would not you—why would you have wanted to avoid testifying?

A. First of all, I thought it was nobody's business. Second of all, I didn't want to have anything to do with Paula Jones or her case. And—I guess those two reasons.

Q. You—you have already mentioned that you were not a lawyer and you had not been to law school, those kinds of things. Did, uh, did you understand when you—the potential legal problems that you could have caused yourself by allowing a false affidavit to be filed with the court, in a court proceeding?

A. During what time—I mean—I—can you be—I'm sorry—

Q. At this point, I may ask it again at later points, but the night of the telephone—

A. Are you—are you still referring to December 17th?

Q. The night of the phone call, he's suggesting you could file an affidavit. Did you appreciate the implications of filing a false affidavit with the court?

A. I don't think I necessarily thought at that point it would have to be false, so, no, probably not. I don't—I don't remember having any thoughts like that, so I imagine I would remember something like that, and I don't, but—

Q. Did you know what an affidavit was?

A. Sort of.

Q. Of course, you're talking at that time by telephone to the President, and he's—and

he is a lawyer, and he taught law school—I don't know—did you know that? Did you know he was a lawyer?

A. I—I think I knew it, but it wasn't something that was present in my, in my thoughts, as in he's a lawyer, he's telling me, you know, something.

Q. Did the, did the President ever tell you, caution you, that you had to tell the truth in an affidavit?

A. Not that I recall.

Q. It would have been against his interest in that lawsuit for you to have told the truth, would it not?

A. I'm not really comfortable—I mean, I can tell you what would have been in my best interest, but I—

Q. But you didn't file the affidavit for your best interest, did you?

A. Uh, actually, I did.

Q. To avoid testifying.

A. Yes.

Q. But had you testified truthfully, you would have had no—certainly, no legal implications—it may have been embarrassing, but you would have not had any legal problems, would you?

A. That's true.

Q. Did you discuss anything else that night in terms of—I would draw your attention to the cover stories. I have alluded to that earlier, but, uh, did you talk about cover story that night?

A. Yes, sir.

Q. And what was said?

A. Uh, I believe that, uh, the President said something—you can always say you were coming to see Betty or bringing me papers.

Q. I think you've testified that you're sure he said that that night. You are sure he said that that night?

A. Yes.

Q. Now, was that in connection with the affidavit?

A. I don't believe so, no.

Q. Why would he have told you you could always say that?

A. I don't know.

Mr. BURTON: Objection. You're asking her to speculate on someone else's testimony.

MR. BRYANT: Let me make a point here. I've been very patient in trying to get along, but as I alluded to earlier, and I said I am not going to hold a hard line to this, but I don't think the President's—the witness' lawyers ought to be objecting to this testimony. If there's an objection here, it should come from the White House side, nor should they be—

SENATOR DeWINE: Counsel, why don't you rephrase the question?

MR. BRYANT: Do we have a clear ruling on whether they can object?

SENATOR DeWINE: We'll go off the record for a moment.

THE VIDEOGRAPHER: We're going off the record at 11:20 a.m.

[Recess.]

THE VIDEOGRAPHER: We are going back on the record at 11:30 a.m.

SENATOR DeWINE: We are now back on the record.

It's our opinion that counsel for Ms. Lewinsky do have the right to make objections. We would ask them to be as short and concise as humanly possible. So we will now proceed.

Mr. Bryant?

MR. BRYANT: Thank you, Senator.

BY MR. BRYANT:

Q. Let's kind of bring this back together again, and I'll try to ask sharper questions and avoid these objections.

We're at that point that we've got a telephone conversation in the morning with you and the President, and he has among other things mentioned to you that your name is on the Jones witness list. He has also mentioned to you that perhaps you could file an affidavit to avoid possible testifying in that case. Is that right?

A. Correct.

Q. And he has also, I think, now at the point that we were in our questioning, referenced the cover story that you and he had had, that perhaps you could say that you were coming to my office to deliver papers or to see Betty Currie; is that right?

A. Correct. It was from the entire relationship, that story.

Q. Now, when he alluded to that cover story, was that instantly familiar to you?

A. Yes.

Q. You knew what he was talking about?

A. Yes.

Q. And why was this familiar to you?

A. Because it was part of the pattern of the relationship.

Q. Had you actually had to use elements of this cover story in the past?

A. I think so, yes.

Q. Did the President ever tell you what to say if anyone asked you about telephone conversations that you had had with him?

A. Are we—are we still focused on December 17th?

Q. No, no.

A. Okay.

Q. It did not have to be that night. Did he ever?

A. If I could just—I—I'm pretty date-oriented, so if you could just be more specific with the date. If we're staying on a date or leaving that date, it would just help me. I'm sorry.

Q. Well, my question was phrased did he ever do that, but—

A. Okay.

Q. Well, I—I'm sorry. I'm playing guessing games with you. Was there a conversation on March 29th of 1997 when the President told you he thought perhaps his telephone conversations were being tapped or taped—either way, or both—by a foreign embassy?

A. Yes.

Q. And was there some reference to some sort of cover story there in the event that his line was tapped?

A. Yes.

Q. And what was that?

A. That—I think, if I remember it correctly, it was that we—that he knew that we were sort of engaging in those types of conversations, uh, knowing that someone was listening, so that it was not for the purposes that it might have seemed.

Q. Did you find it a little strange that he would express concern about possible eavesdropping and still persist in these calls to you?

A. I don't think phone calls of that nature occurred and happened right after, or soon after that discussion. I think it was quite a few months until that resumed.

Q. I think my question was more did you not find it a little strange that he felt that perhaps his phone was being tapped and conversations taped by a foreign embassy, and he—

A. I—I thought it was strange, but if—I mean, I wasn't going to question what he was saying to me.

Q. But that he also continued to make the calls—you're saying he didn't make any calls after that?

A. No. My understanding was it was referencing a certain type of phone call, certain nature of phone call, uh, and those—

Q. Let me direct your attention back to a point I did not mention a couple—a few days before the December—early December telephone call, the lengthy telephone call from the President. We had talked about how that was a heated conversation.

A. Correct.

Q. At—did at some point during that telephone conversation—did the tone—did the President's tone change to a more receptive, friendly conversation?

A. Yes.

Q. Do you know why that happened?

A. No, nor do I remember whose tone changed first. I mean, we made up, so—

Q. Okay. Now let me go back again to the December 11th date—I'm sorry—the 17th. This is the conversation in the morning. What else—was there anything else you talked about in terms of—other than your name being on the list and the affidavit and the cover story?

A. Yes. I had—I had had my own thoughts on why and how he should settle the case, and I expressed those thoughts to him. And at some point, he mentioned that he still had this Christmas present for me and that maybe he would ask Mrs. Currie to come in that weekend, and I said not to because she was obviously going to be in mourning because of her brother.

Q. In—in that—in that relationship with the President, I think you have expressed in your testimony somewhere that you weren't necessarily jealous of those types of people like Kathleen Willey or Paula Jones, and perhaps you didn't even believe those stories occurred as—as they alleged.

A. That's correct. I don't—I don't know, jealous or not jealous. I don't think I've testified to my feelings of jealousy, but the latter half of the question is true.

Q. I—I saw it. I mean, it's not a major point. I thought I saw that in your testimony, that particular word.

A. Okay. If I said that, then I—I don't.

Q. Was it your belief that the Paula Jones case was not a valid lawsuit? Was that part of that discussion that night, or your strategy?

A. Uh, can I separate that—that into two questions?

Q. Any way, any way you want to.

A. Okay. I don't believe it was a valid lawsuit, and I don't think whether I believed it was a valid lawsuit or not was the topic of the conversation.

Q. Okay, that's a fair answer.

You believe the President's version of the Paula Jones incident?

A. Is that relevant to—

Q. I—I just asked you the question.

A. I don't believe Paula Jones' version of the story.

Q. Okay, good. That's a fair answer.

You have testified previously that you tried to maintain secrecy regarding this relationship—and we're talking about obviously with the President. Is that true?

A. Yes.

Q. And to preserve the secrecy and I guess advance this cover story, you would bring papers to the President and always use Betty Currie for the excuse for you to be WAVE'd in. Is that right?

A. Papers when I was working at the White House and Mrs. Currie after I left the White House. So Mrs. Currie wasn't involved when I was working at the White House.

Q. Were these papers you carried in to the President—were they—were they business documents, or were they more personal papers from you to him?

A. They—they weren't business documents.

Q. So, officially, you were not carrying in official papers?

A. Correct.

Q. You were carrying in personal papers that would not have entitled you ordinarily to go see the President?

A. Correct.

Q. When—in this procedure where Betty Currie was always the one that WAVE'd you in to the White House—and I—I don't know if the people who may be watching this deposition, the Senators, understand that the WAVES process is just the—to give the

guards the okay for you to come in. Is that a short synopsis?

A. I'm not really versed on—

Q. I'm not either. You know more than I do, probably, since you worked there, but—

A. Well, I know you had to go, you had to type in a thing in at WAVES, and now you have to give a Social Security, birth date, have to show ID.

Q. Is there a record kept of that?

A. I believe so.

Q. Was it always Betty Currie that WAVE'd you in to the—access to the White House? I'm talking about now after you left and went to work at the Pentagon.

A. No.

Q. Other people did that?

A. There were other reasons that I came to the White House at times.

Q. Did you ever ask the President if he would WAVE you in?

A. Yes.

Q. Did he ever do that?

A. No, not to my—not to my knowledge.

Q. Was there a reason? Did he express anything to you why he would or would not?

A. Yes. He said that, uh—I believe he said something about that there's a specific list made of people that he requests to come in and—and there are people who have access to that list.

Q. So, obviously, he didn't want your name being on that list?

A. Correct.

Q. Now, some of those people—

A. I think—well, that's my understanding.

Q. Would some of those people be the people that worked outside his office, Ms. Lieberman and those—those folks?

A. I—I believe so, but I'm not really sure.

Q. Did you not want those people to know that you were inside the White House?

A. I didn't.

Q. Why is that?

A. Because they didn't like me.

Q. Would they have objected, do you think—if you know.

A. I don't know.

Q. Did you work with Betty Currie on occasions to—to get in to see the President, perhaps bypass some of these people?

A. Yes.

Q. And that would be another way that you would conceal the meeting with the President, by using Betty Currie to get you in?

A. I—I think, yes, be cautious of it.

Q. Did—well, I think we've covered that, about some papers, and I think we've covered that after you left your job inside the White House with Legislative Affairs and went to the Pentagon, you developed a story, a cover story to the effect that you were going to see Betty, that's how you would come in officially?

A. Correct.

Q. And during that time that you were at the Pentagon, you would more likely visit him on weekends or during the week? Which would—which would—

A. Weekends.

Q. Weekends. And why—why the weekends?

A. First, I think he had less work, and second of all, there were—I believe there were less people around.

Q. Now, whose idea was it for you to come on weekends?

A. I believe it was the President's.

Q. When you—when the President was in his office, was your purpose to go there and see him? If he was in the office, you would go see him?

A. What—I'm sorry.

Q. No—that's not clear. I'll withdraw that question.

Was Ms. Currie, the President's secretary—was she in the loop, so to speak, in keeping this relationship and how you got in and out of the White House, keeping that quiet?

A. I think I actually remember reading part of my grand jury testimony about this and that it was more specific in that she was in the loop about my friendship with the President, but I just want to not necessarily—there was a clarification, I believe, in that about knowledge of the complete relationship or not. So—

Q. She would help with the gifts and notes and things like that—the passing?

A. Yes.

Q. Would you agree that these cover stories that you've just testified to, if they were told to the attorneys for Paula Jones, that they would be misleading to them and not be the whole story, the whole truth?

A. They would—yes, I guess misleading. They were literally true, but they would be misleading, so incomplete.

Q. As I understand your testimony, too, the cover stories were reiterated to you by the President that night on the telephone—

A. Correct.

Q. —and after he told you you would be a witness—or your name was on the witness list, I should say?

A. Correct.

Q. And did you understand that since your name was on the witness list that there would be a possibility that you could be subpoenaed to testify in the Paula Jones case?

A. I think I understood that I could be subpoenaed, and there was a possibility of testifying. I don't know if I necessarily thought it was a subpoena to testify, but—

Q. Were you in fact subpoenaed to testify?

A. Yes.

Q. And that was what—

A. December 19th, 1997.

Q. December 19th.

Now, you have testified in the grand jury. I think your closing comments was that no one ever asked you to lie, but yet in that very conversation of December the 17th, 1997 when the President told you that you were on the witness list, he also suggested that you could sign an affidavit and use misleading cover stories. Isn't that correct?

A. Uh—well, I—I guess in my mind, I separate necessarily signing affidavit and using misleading cover stories. So, does—

Q. Well, those two—

A. Those three events occurred, but they don't—they weren't linked for me.

Q. But they were in the same conversation, were they not?

A. Yes, they were.

Q. Did you understand in the context of the conversation that you would deny the—the President and your relationship to the Jones lawyers?

A. Do you mean from what was said to me or—

Q. In the context of that—in the context of that conversation, December the 17th—

A. I—I don't—I didn't—

Q. Okay. Let me ask it. Did you understand in the context of the telephone conversation with the President that early morning of December the 17th—did you understand that you would deny your relationship with the President to the Jones lawyers through use of these cover stories?

A. From what I learned in that—oh, through those cover stories, I don't know, but from what I learned in that conversation, I thought to myself I knew I would deny the relationship.

Q. And you would deny the relationship to the Jones lawyers?

A. Yes, correct.

Q. Good.

A. If—if that's what it came to.

Q. And in fact you did deny the relationship to the Jones lawyers in the affidavit that you signed under penalty of perjury; is that right?

A. I denied a sexual relationship.

Q. The President did not in that conversation on December the 17th of 1997 or any other conversation, for that matter, instruct you to tell the truth; is that correct?

A. That's correct.

Q. And prior to being on the witness list, you—you both spoke—

A. Well, I guess any conversation in relation to the Paula Jones case. I can't say that any conversation from the—the entire relationship that he didn't ever say, you know, ''Are you mad? Tell me the truth.'' So—

Q. And prior to being on the witness list, you both spoke about denying this relationship if asked?

A. Yes. That was discussed.

Q. He would say something to the effect that—or you would say that—you—you would deny anything if it ever came up, and he would nod or say that's good, something to that effect; is that right?

A. Yes, I believe I testified to that.

Q. Let me shift gears just a minute and ask you about—and I'm going to be delicate about this because I'm conscious of people here in the room and my—my own personal concerns—but I want to refer you to the first so-called salacious occasion, and I'm not going to get into the details. I'm not—

A. Can—can we—can you call it something else?

Q. Okay.

A. I mean, this is—this is my relationship—

Q. What would you like to call it?

A. —so, I mean, is—

Q. This is the—or this was—

A. It was my first encounter with the President, so I don't really see it as my first salacious—that's not what this was.

Q. Well, that's kind of been the word that's been picked up all around. So—

A. Right.

Q. —let's stay on this first—

A. Encounter, maybe?

Q. Encounter, okay.

A. Okay.

Q. So we all know what we're talking about. You had several of these encounters, perhaps 10 or 11 of these encounters; is that right?

A. Yes.

Q. Okay. Now, with regard to the first one on November the 15th, 1995, you have testified to a set of facts where the President actually touched you in certain areas—is that right—and that's—that's where I want to go. That's as far as I want to go with that question.

MR. CACHERIS: If that's as far as it goes, we will not object—

MR. BRYANT: Okay.

MR. CACHERIS: —and if it goes any further, we will object.

MR. BRYANT: Okay.

BY MR. BRYANT:

Q. You have testified to that?

A. Yes.

Q. And I have the excerpts out, and I don't—but they've been adopted and affirmed as true. So I'm not going to get—get you looking at—have you read those excerpts.

A. I appreciate that.

Q. Now, in the—in later testimony before the grand jury, you were given a definition, and in fact it was the same definition that was used in the Paula Jones lawsuit, of ''sexual relations.'' Do you recall the—

A. So I've read.

Q. Yes.

A. I was not shown that definition.

Q. But you were asked a question that incorporated that definition.

A. Not prior to this whole—not prior to the Independent Counsel getting involved.

Q. But—no—it was the Independent Counsels themselves who asked you this question.

A. Right. Oh, so you're—you're saying in the grand jury, I was shown a definition of—

Q. Right.

A. Yes, that's correct.

Q. And you admitted in that answer to that question that the conduct that you were involved in, the encounter of November the 15th, 1995, fit within that definition of ''sexual relations''?

A. The second encounter of that evening did.

Q. Right.

And were there other similar encounters later on with the President, not that day, but other occasions that would have likewise fit into that definition of ''sexual relations'' in the Paula Jones case?

A. Yes. And—yes.

Q. There was more than one occasion where that occurred?

A. Correct.

Q. So, if the President testifies that he did not—he was not guilty of having a sexual relationship under the Paula Jones definition even, then that testimony is not truthful, is it?

MR. CACHERIS: Objection. She should not be called upon to testify what was in the mind of another person. She's testifying to the facts, and she has given the facts.

MR. BRYANT: I would ask that she answer the question.

SENATOR DeWINE: Go ahead.

SENATOR LEAHY: The objection is noted for the record.

SENATOR DeWINE: The objection is noted. She may answer the question.

THE WITNESS: I—I really—

SENATOR LEAHY: If she can.

THE WITNESS: —don't feel comfortable characterizing whether what he said was truthful or not truthful. I know I've testified to what I believe is true.

BY MR. BRYANT:

Q. Well, truth is not a wandering standard.

A. Well—

Q. I would hope not. But you have testified, as I've told you, that what you and he did together on November the 15th, 1995 fit that definition of the Paula Jones, and you've indicated that there were other occasions that likewise—

A. Yes, sir.

Q. —that that occurred.

But now the President has indicated as a part of his specific defense—he has filed an answer with this Senate denying that this occurred, that he did these actions.

A. I know. I'm not trying to be difficult, but there is a portion of that definition that says, you know, with intent, and I don't feel comfortable characterizing what someone else's intent was.

I can tell you that I—my memory of this relationship and what I remember happened fell within that definition.

If you want to—I don't know if there's another way to phrase that, but I'm just not comfortable commenting on someone else's intent or state of mind or what they thought.

Q. Let's move forward to December the 19th, 1997, at that point you made reference to earlier.

A. I'm sorry. Can you repeat the date again? I'm sorry.

Q. Yes. December the 19th, 1997.

A. Okay, sorry.

Q. At that point where you testified that you received a subpoena in the Paula Jones case, and that was, of course, on December the 19th, 1997.

Do you recall the specific time of day and where you were when you were served with the subpoena?

A. I was actually handed the subpoena at the Metro entrance of the Pentagon—at the Pentagon, and the time—I think it was around 4:30—4—I—I—if I've testified to something different, then, I accept whatever I testified to, closer to the date. Sometime in the late afternoon.

Q. Did they call you, and you had to come out of your office and go outside—

A. Correct.

Q. —and do that?

Okay. And what did you do after you accepted service of the subpoena?

A. I started crying.

Q. Did he just give it to you and walk away, or did he give you any kind of explanation?

A. I think I made a stink. I think I was trying to hope that he would convey to the Paula Jones attorneys that I didn't know why they were doing this, and this is ridiculous, and he said something or another, there is a check here for witness fee. And I said I don't want their stinking money, and so—

Q. What did you do after, after you got through the emotional part?

A. I went to a pay phone, and I called Mr. Jordan.

Q. Any reason you went to a pay phone, and why did you call Mr. Jordan? Two questions, please.

A. First is because my office in the Pentagon was probably a room this size and has—let's see, one, two, three, four—four other people in it, and there wasn't much privacy. So that I think that's obvious why I wouldn't want to discuss it there.

And the second question was why Mr. Jordan—

Q. Why did you call Mr. Jordan; yes.

A. Because I couldn't call Mrs. Currie because it was—I hadn't expected to be subpoenaed that soon. So she was grieving with her brother's passing away, and I didn't know who else to turn to. So—

Q. And what—what occurred with that conversation with Mr. Jordan?

A. Well, I remember that—that he couldn't understand me because I was crying. So he kept saying: ''I don't understand what you're saying. I don't understand what you're saying.''

And I just was crying and crying and crying. And so all I remember him saying was: ''Oh, just come here at 5 o'clock.''

So I did.

Q. You went to see Mr. Jordan, and you were inside his office after 5 o'clock, and you did—is that correct?

A. Yes.

Q. Were—were you interrupted, in the office?

A. Yes. He received a phone call.

Q. And you testified that you didn't know who that was that called?

A. Correct.

Q. Did you excuse yourself?

A. Yes.

Q. What—after you came back in, what—what occurred? Did he tell you who he had been talking to?

A. No.

Q. Okay. What happened next?

A. I know I've testified about this—

Q. Yes.

A. —so I stand by that testimony, and my recollection right now is when I came back in the room, I think shortly after he had placed a phone call to—to Mr. Carter's office, and told me to come to his office at 10:30 Monday morning.

Q. Did you know who Mr. Carter was?

A. No.

Q. Did Mr. Jordan tell you who he was?

A. No—I don't remember.

Q. Did you understand he was going to be your attorney?

A. Yes.

Q. Did you express any concerns about the—the subpoena?

A. I think that happened before the phone call came.

Q. Okay, but did you express concerns about the subpoena?

A. Yes, yes.

Q. And what were those concerns?

A. In general, I think I was just concerned about being dragged into this, and I was concerned because the subpoena had called for a hatpin, that I turn over a hatpin, and that was an alarm to me.

Q. How—in what sense was it—in what sense was it an alarm to you?

A. The hatpin being on the subpoena was evidence to me that someone had given that information to the Paula Jones people.

Q. What did Mr. Jordan say about the subpoena?

A. That it was standard.

Q. Did he have any—did he have any comment about the specificity of the hatpin?

A. No.

Q. And did you—

A. He just kept telling me to calm down.

Q. Did you raise that concern with Mr. Jordan?

A. I don't remember if—if I've testified to it, then yes. If—I don't remember right now.

Q. Did—would you have remembered then if he made any comment or answer about the hatpin?

A. I mean, I think I would.

Q. And you don't remember?

A. I—I remember him saying something that it was—you know, calm down, it's a standard subpoena or vanilla subpoena, something like that.

Q. Did you ask Mr. Jordan to call the President and advise him of the subpoena?

A. I think so, yes. I asked him to inform the President. I don't know if it was through telephone or not.

Q. And you did that because the President had asked you to make sure you let Betty know that?

A. Well, sure. With Betty not being in the office, I couldn't—there wasn't anyone else that I could call to get through to him.

Q. Did Mr. Jordan say to you when he might see the President next?

A. I believe he said he would see him that evening at a holiday reception.

Q. Did Mr. Jordan during that meeting make an inquiry about the nature of the relationship between you and the President?

A. Yes, he did.

Q. What was that inquiry?

A. I don't remember the exact wording of the questions, but there were two questions, and I think they were something like did you have sex with the President or did he—and if—or did he ask for it or some—something like that.

Q. Did you—what did you suspect at that point with these questions from Mr. Jordan in terms of did he know or not know about this?

A. Well, I wasn't really sure. I mean, two things. I think there is—I know I've testified to this, that there was another component to all of this being Linda Tripp and her—what she might have led me to believe or led me to think and how that might have characterized how I was perceiving the situation.

I—I sort of felt that I didn't know if he was asking me as what are you going to say because I—I don't know these answer to these questions, or he was asking me as I know the answer to these questions and what are you going to say. So, either way, for me, the answer was no and no.

Q. And that's just what I wanted to ask you—you did answer no to both of those, but—

A. Yes.

Q. —as you explained—you didn't mention this directly, but you mentioned in some of your earlier testimony about it, that this was kind of a wink and—you thought this might be a wink-and-nod conversation, where he really knew what was going on, but—

A. Well, I think that's what I just said.

Q. —he was testing you to see what you would say?

A. —that I wasn't—I—that was one of the—that was one of the things that went through my mind. I mean, it was not—I think that's what I just testified to, didn't I?

Q. You didn't use the term ''wink-and-nod,'' though.

A. Oh.

Q. Did you have any conversation with Mr. Jordan during that meeting about the specifics of an affidavit?

A. No.

Q. Do you know if the subject of an affidavit even came up?

A. I don't think so.

Q. What happened next? Is that when he made the call to Mr. Carter, after this conversation?

A. No. He made the call to Mr.—I think—well, I think he made the call to Mr. Carter, uh, shortly after I came back into the room, but I could be wrong.

Q. And then the meeting concluded after that—after the appointment was set up with Mr. Carter, the meeting concluded?

A. Yes.

SENATOR DeWINE: Mr. Bryant, we're going to need to break sometime in the next 5 minutes. Is this a good time, or do you want to complete—

MR. BRYANT: This is a good time.

SENATOR DeWINE: Okay. We'll take a 5–minute break.

THE VIDEOGRAPHER: We're going off the record at 12:04 p.m.

[Recess.]

THE VIDEOGRAPHER: We are going back on the record at 12:16 p.m.

SENATOR DeWINE: We are back on the record.

Let me advise House Managers that they have consumed one hour and 54 minutes.

Mr. Bryant, you may proceed.

MR. BRYANT: Thank you, sir.

BY MR. BRYANT:

Q. Ms. Lewinsky, let me just cover a couple of quick points, and then I'll move on to another area, at least the next meeting with Mr. Jordan and eventual meeting with Mr. Carter.

Back when issues of—we were discussing the issues of cover stories, uh, would you tell me about the, uh, code name with Betty Currie, the President's secretary and how that worked in terms of the use—I guess the word ''Kay,'' the name ''Kay,'' and were there other code names, and when did this start?

A. Sure. First, let me say there's—from my experience with working with Independent Counsel on this subject area, there—my initial memory of things and then what I came to learn from, from other evidence, I think, are sort of two different things. So I initially hadn't remembered when that had happened or what had happened.

The name ''Kay'' was used because Betty and I first came to know each other and know—or, I guess I came to know of Mrs. Currie through Walter Kaye, who was a family friend, and I think that that—I don't remember when we started using it, but I know that by January at some point—by let's just say January, I think, 12th or 13th, we were doing that. So I know I was beyond paranoid at this point.

Q. Was ''Kay'' your code name, so to speak?

A. I believe—yes, yes. So she was ''Kay'' and I was ''Kay.''

Q. So any time, uh—not any time—so you used the ''Kay'' name interchangeably between the two—just between the two of you?

A. Just for paging messages.

Q. And, uh, when we're talking about that Ms. Currie would WAVE you into the White House, would that occur when the President was there? I mean, you went in—

A. There—there were times that I went to see Mrs. Currie when the President wasn't there.

Q. Right. And she would WAVE you in.

A. Correct.

Q. And there were times other people WAVE'd you in when the President wasn't there?

A. Correct.

Q. But when the President was there, and you were going to see the President, Ms. Currie was the one that always WAVE'd you in?

A. Yes, and I think, unless—maybe on the occasions of the radio address or it was an official function.

Q. Now, I think we talked a little bit about this. During your December the 19th meeting with Mr. Jordan, uh, he did schedule you a time to meet, uh, and introduce you to Mr. Carter?

A. Correct.

Q. And that—when was that meeting with Mr. Carter scheduled?

A. Uh, I believe for—it was Monday morning. I think it was 11 o'clock, around—sometime around that time.

Q. And my notes say that would have been December the 22nd, 1997.

A. Correct.

Q. Did you, uh, call to meet him earlier, and if so, why?

A. Yes. I had—I had had some concerns over the weekend that I didn't know if—if Mr. Jordan knew about the relationship or didn't know about the relationship. I was concerned about—I'm sure you can understand that I was dealing with a set of facts that were very different from what the President knew about being pulled into this case in that I had, in fact, disclosed information. So I was very paranoid, and, uh, I, uh, I—I was trying to—trying to see what Mr. Jordan knew was—was trying to inform him, was trying to just get a better grasp of what was going on.

Is that—is that clear? No?

Q. You were—you were worried that Mr. Jordan didn't have a—did not have a grasp of what was really going on?

A. Correct.

Q. And that would be in terms of actually knowing the real relationship between you and the President?

A. Correct.

Q. So how did you attempt to correct that?

A. Well, I—I sort of—I think the way it came up was I said, uh—I think I said to Mr. Jordan—I know I've testified to this, uh, that—something about what about if someone overheard the phone calls that I had with him. And Mr. Jordan, I believe, said something like: So what? The President's allowed to call people.

And then—well.

Q. Now, was this at a meeting on December the 22nd, before you went to see Mr. Carter?

A. Correct.

Q. I assume you—you went to Mr. Jordan's office first, and then he was going to escort you over and turn you over to Mr. Carter?

A. Correct.

Q. And it was at that meeting that you brought up the possibility of someone overhearing a conversation with the President and you—between the two of you?

A. Yes.

Q. What else was said at that meeting with Mr. Jordan?

A. I think it covered a topic that I thought we weren't discussing here.

Q. Uh, okay. All right. I'm not sure.

A. Okay. Well, I—I know I've testified to this in my—I think in all three, if not both of my grand jury appearances, and I'm very happy to stand by that testimony.

Q. All right. I'm going to go around this a little bit without getting into details. You had a conversation with Mr. Jordan to detail—to give him more specific details of your relationship with the President.

A. Uh, to give him more details of some of the types of phone calls that we had.

Q. Okay. Uh, did you ask Mr. Jordan had he spoken with the President during that conversation?

A. Yes, I believe so.

Q. And why was this—why did you need to know that, or why was it important that you know that?

A. I wanted the President to know I'd been subpoenaed.

Q. Did, uh—in your, uh, proffer, you say that you made it clear to Mr. Jordan that you would deny the sexual relationship. Do you recall saying that in your proffer?

A. Uh, I know—I know that was written in my proffer.

Q. Okay. Well, I guess the better question is did you—did you in fact make that clear to Mr. Jordan that you would deny a sexual relationship with the President?

A. I—I'm not really sure. I—this is sort of an area that, uh, has been difficult for me. I think, as I might have discussed in the grand jury, that when I originally wrote this proffer, it was to be a road map and, really, something to help me to get immunity and not necessarily—it's not perfect.

Uh, so, I think that was my intention—I know that was my intention of—or at least what I thought I was doing—but I never really thought that this would become the be-all and end-all, my proffer.

Q. Did, uh, did you bring with you to the meeting with Mr. Jordan, and for the purpose of carrying it, I guess, to Mr. Carter, items in response to this request for production?

A. Yes.

Q. Did you discuss those items with Mr. Jordan?

A. I think I showed them to him, but I'm not 100 percent sure. If I've testified that I did, then I'd stand by that.

Q. Okay. How did you select those items?

A. Uh, actually, kind of in an obnoxious way, I guess. I—I felt that it was important to take the stand with Mr. Carter and then, I guess, to the Jones people that this was ridiculous, that they were—they were looking at the wrong person to be involved in this. And, in fact, that was true. I know and knew nothing of sexual harassment. So I think I brought the, uh, Christmas cards, that I'm sure everyone in this room has probably gotten from the President and First Lady, and considered that correspondence, and some innocuous pictures and—they were innocuous.

Q. Were they the kind of items that typically, an intern would receive or, like you said, any one of us might receive?

A. I think so.

Q. In other words, it wouldn't give away any kind of special relationship?

A. Exactly.

Q. And was that your intent?

A. Yes.

Q. Did you discuss how you selected those items with anybody?

A. I don't believe so.

Q. Did Mr. Jordan make any comment about those items?

A. No.

Q. Were any of these items eventually turned over to Mr. Carter?

A. Yes.

Q. And did you tell Mr. Jordan at that meeting that morning that these were not all of the gifts?

A. I think I—I know I sort of alluded to that in my proffer, and I don't, uh—it's possible. I don't have a specific recollection of that.

Q. And do you have a recollection of any response he may have made if you said that?

A. No.

Q. That—did you tell Mr. Jordan that day that the, uh, President gave you a hatpin and that the hatpin was mentioned in the subpoena?

A. No.

Q. Did you discuss the hatpin with Mr. Jordan?

A. On the 22nd?

Q. Yes.

A. No.

Q. Any other time?

A. Yes.

Q. When was that?

A. On the 19th.

Q. Okay, and what was—I think I may have missed that, going through that. Tell me about it.

A. Actually, I think we—we went through it.

Q. You just maybe mentioned it.

A. I mentioned it when I first mentioned to him the subpoena that the hatpin had concerned me.

Q. What was the significance of that hatpin to you? That seems to stand out. Was that—was that a—

A. Right. I think, as I mentioned before, it was an alarm to me because it was a specific item—

Q. Right.

A. —in this list of generalities—I don't know generalities, but of general things—you sort of go—hatpin?

Q. Right. I recall that, but I—I think my question was, was it of any special significance to you.

A. Sure.

Q. Was it, like, the first gift or something, that it really stood out above the others?

A. Yes. It—it was—it was the first gift he gave me. It was a thoughtful gift. It was beautiful.

Q. And was the hatpin in that list, that group of items that you carried to surrender to Mr. Carter?

A. No.

Q. And the hatpin was not in that list of items that you showed Mr. Jordan?

A. I—I didn't show Mr. Jordan a list of items.

Q. No—I thought you said you showed him the items.

A. Correct.

Q. And the hatpin was not in that group—I may have ''list''—

A. Oh.

Q. —but the hatpin was not in that group of items—

A. No, it was not.

Q. —that you showed Mr. Jordan. Okay.

Tell us, if you would, how you arrived at Mr. Carter's. I know you rode in a car, but Mr. Jordan was with you—

A. Yes.

Q. —you went in—and tell us what happened.

A. Uh, in the car, we spoke about job things. I know he mentioned something about, I think, getting in touch with Howard Pastor, and I mentioned to Mr. Jordan that Mr. Bacon knew Mr. Pastor and had already gotten in touch with him, and so he should—I just wanted Mr. Jordan to be aware of that.

Uh, we talked about—it was really all about the job stuff because Mr. Jordan—the man driving the car—I didn't want to discuss anything with the case.

Q. But once you arrived, and Mr. Jordan made the introduction—

A. Correct.

Q. —between the two of you. And did he explain to Mr. Carter your situation, or did he go beyond just the perfunctory introduction?

A. No.

Q. Did he leave?

A. Yes.

Q. Did you, uh—I guess, generally, what did you discuss with Mr. Carter?

A. The same vanilla story I had kind of—well, actually, not even that. I discussed with Mr. Carter the, uh, that this was ridiculous, that I was angry, I didn't want to be involved with this, I didn't want to be associated with Paula Jones, with this case.

Q. Did you, uh—

A. I asked if I could sue Paula Jones. [Laughing.]

Q. Did you discuss an affidavit?

A. Yes, I believe I mentioned an affidavit.

Q. Did you mention, uh, the, uh—well, was there discussion about how you could sign an affidavit that might be—allow you to skirt being called as a witness?

A. Mr. Carter said that was a possibility but that there were other things that we should try first; that he, uh, thought—well, actually, can I ask my attorneys a question for a moment?

MR. BRYANT: Uh, sure.

[Witness conferring with counsel.]

SENATOR DEWINE: Counsel, Ms. Lewinsky's mike is carrying; it's picking up, so we don't want to—

THE WITNESS: Sorry. I was only saying nice things about you all.

SENATOR DEWINE: Thank you.

[Laughter.]

MR. CACHERIS: So that you'll know what we're discussing here, as you know, Ms. Lewinsky is not required to give up her lawyer-client privileges, and the question we don't know the answer to and would like to address after lunch is whether in fact Mr. Carter has testified to this conversation.

Therefore, perhaps—

SENATOR DEWINE: All right. Maybe counsel at this point could—could you rephrase—rephrase the question or ask another question, and after lunch, we can come back—

MR. CACHERIS: Or come back.

SENATOR DEWINE: Well, I don't want—I don't think he has to move off the general area if he can—I'll leave that up to counsel.

MR. BRYANT: There may be some misunderstanding or—

SENATOR DEWINE: Why don't you rephrase the question, and we'll see where we are.

MR. BRYANT: —on this issue of—well, on this issue of the attorney-client privilege. It is our understanding that she is able to testify. But again, I don't know, uh, if we're going to resolve that right now.

SENATOR DEWINE: Why don't we try to resolve that issue over lunch, and—

MR. BRYANT: Because I do have other questions that would relate to this area.

SENATOR DEWINE: —you can stay in this general area.

MR. BRYANT: Well, I'm not sure I can stay in this area too far without other questions that might arguably be involved in that privilege. I can ask them, and you can object if you think they're within that range.

MR. CACHERIS: Well, as I said, it's our understanding that under her agreement with the Independent Counsel, she has not been required to waive her lawyer-client privilege, and we don't want to do so here. That's that simple. And, Mr. Bryant, I want to check to see if Mr. Carter has testified about this. If he has, then we might be objecting—

MR. BRYANT: Well, she has already, I think, waived that privilege through talking with the FBI and those folks. I mean, we have statements that concern those conversations—

SENATOR DEWINE: Well, let's, instead of MR. BRYANT: And the 302's.

SENATOR DEWINE: Counsel, let me just—if I could interrupt both of you, to keep moving here, Mr. Bryant, you have a choice. You can continue on this line of questioning, and we will have to deal with that, or you can move off of it, and in 20 minutes we'll be at a lunch break and then we can try to resolve that.

MR. BRYANT: To be clear and fair, let's just—let me postpone the rest of this—

SENATOR DEWINE: That will be fine.

MR. BRYANT: —exam, and we'll move over to December 28th, and we'll come back if it's appropriate.

SENATOR DEWINE: That will be fine.

THE WITNESS: I'm sorry. I'm not trying to be difficult. I'm sorry.

MR. BRYANT: No. That's a valid concern; it really is.

Let's talk a minute—I just don't want to forget to do this; unless I make notes, I forget.

SENATOR LEAHY: You've got enough people here making notes; I don't think it'll be—I don't think it'll be forgotten.

BY MR. BRYANT:

Q. We're going to move in the direction of the December 28th, 1997 meeting, and I'm going to ask you at some point did you meet with the President later in December.

A. Yes.

Q. Okay, and what date was that?

A. December 28th, 1997.

Q. Thank you. How did the meeting come about?

A. Uh, I contacted Mrs. Currie after Christmas and asked her to find out if the President still wanted to give me his Christmas present, or my Christmas present.

Q. Did Ms. Currie get back to you?

A. Yes, she did.

Q. And what was her response?

A. To come to the White House at 8:30 a.m. on the 28th.

Q. And that would have been Sunday?

A. Yes.

Q. Did you in fact go to the White House on that date?

A. Yes.

Q. And how did you get in?

A. I believe the Southwest Gate.

Q. Did Ms. Currie WAVE you in?

A. I think so.

Q. You've testified to that previously.

A. Okay, then I accept that.

Q. This, uh, meeting on the 28th was a Sunday, and Ms. Currie—again, according to your prior testimony—WAVE'd you in. This was all consistent with what the President had told you to do about, number one, coming on weekends; is that correct?

A. I—I—I don't think me coming in on that Sunday had—I mean, for me, my memory of it was that it was a holiday time, so it could have been any day. It's pretty quiet around the White House from Christmas to New Year's.

Q. And it would have been consistent with her WAVEing you in when she was there at work on Sunday?

A. Yes.

Q. That was unusual, though, for her to be in on Sunday, wasn't it?

A. I—I—I—I think so, but I mean, that's her—I think that's something you'd have to ask her.

MR. BRYANT: I'm concerned about the time. I'm going to go ahead and continue with this, and we'll just stop wherever we have a—whenever you tell us to stop. This will take a little bit longer than another 15 minutes or so; but it's appropriate, I think, for us to continue.

SENATOR DEWINE: Well, frankly, it's up to you.

MR. BRYANT: Okay.

SENATOR DEWINE: Do you have a problem in breaking it?

MR. BRYANT: No; no, I don't think so.

SENATOR DEWINE: I mean, if you do, we can take lunch now. I'll leave that up to you.

MR. BRYANT: Uh, why don't we take the lunch now—

SENATOR DEWINE: All right. No one has any objection to that, we will do that.

THE WITNESS: I never object to food.

SENATOR DEWINE: Let me just announce to counsel you have used 2 hours and 14 minutes. It is now 20 minutes until 1. We'll come back here at 20 minutes until 2. And we need during this break also to see counsel and try to resolve the other issue prior to going back in. This is the privilege issue.

SENATOR LEAHY: Did counsel for Ms. Lewinsky have to make a couple phone calls first, before we have that discussion? I think—

SENATOR DEWINE: My suggestion would be we do that at the last 15 minutes of the break.

SENATOR LEAHY: I think he said he wanted to call Mr. Carter; that's why—

MR. CACHERIS: Meet you back up here?

SENATOR DEWINE: Yes. I would also—the sergeant-at-arms has asked me to announce that the food is on this floor, and since we have a very limited period of time, we suggest you try to stay on the floor.

MS. HOFFMANN: We were planning to go back—

SENATOR DEWINE: Except—I understand. I know that you're—

MR. CACHERIS: We have our own arrangements.

SENATOR DEWINE: I know that you have your room, and you've made your own arrangements, and that's fine.

So we will start back in one hour.

THE VIDEOGRAPHER: We are going off the record at 12:39 p.m.

[Whereupon, at 12:39 p.m., the deposition was recessed, to reconvene at 1:39 p.m. this same day.]

AFTERNOON SESSION

THE VIDEOGRAPHER: We are going back on the record at 13:43 hours.

SENATOR DEWINE: We are now back on the record.

As we broke for lunch, there was an objection that had been made by Ms. Lewinsky's counsel. Let me call on them at this point for statements.

MR. CACHERIS: Yes. We have examined the record during the course of the break, and while we know that the immunity agreement does provide for Ms. Lewinsky to maintain her lawyer-client privilege, we think in this instance, the matter has been testified so fully that it has been waived. So the objection that we lodged is withdrawn.

SENATOR DEWINE: Thank you very much.

Mr. Bryant, you may proceed.

MR. BRYANT: Thank you, Mr. Senator.

BY MR. BRYANT:

Q. We've got you to the point where Mr. Jordan has escorted you to Mr. Carter's office and has departed, and you and Mr. Carter have conversations.

Generally, what did you discuss with Mr. Carter?

A. I guess the—the reasons why I didn't think I should be called in this matter.

Q. Did he ask you questions?

A. Yes.

Q. What type of questions did he ask you?

A. Um, they ranged from where I lived and where I was working to did I have a relationship with the President, did—everything in between.

Q. When he—when he asked you about the relationship, did you understand he meant a sexual-type relationship?

A. He asked me questions that—that indicated he was being specific.

Q. And did—did you deny such a relationship?

A. Yes, I did.

Q. Did he ask you questions about if you were ever alone with the President?

A. Yes, he did.

Q. And did you deny that?

A. I think I mentioned that I might have brought the President papers on occasion, may have had an occasion to be alone with him, but not—not anything I considered significant.

Q. But that was not true either, was it?

A. No.

Q. And in fact, that—the fact that you brought him papers, that was part of the cover-up story?

A. Correct.

Q. I'm unclear on a point I want to ask you. Also, did Mr. Carter ask you about how you perhaps were pulled into this case, and you gave some answer about knowing Betty Currie and—and Mr. Kaye? Does that ring bells? You gave that testimony in your deposition.

A. That that's how I got pulled into the case?

Q. Right. Did—

A. May I see that, please?

Q. It's about your denying the relationship with the President, and you think maybe you got pulled into the case. It's—certainly, it's—it's in your grand jury—okay. It's—it's in the August 1 interview, page 9. This was a 302 exam from the FBI.

A. Um—

MR. BRYANT: Let me give that to her. Let me just give it to her to refresh her memory. I'm not going to put it in evidence, although it's—it should be there.

[Handing document.]

[Witness perusing document.]

THE WITNESS: I don't think that's an accurate representation of what I might have said in this interview.

BY MR. BRYANT:

Q. Okay. Would you—how would you have related Walter Kaye in that interview? How would his name have come up?

A. In this interview or with Mr. Carter?

Q. Well, in the interview with Mr. Carter that I assume was sort of summarized in that—

A. Right.

Q. —302, but, yes, with Mr. Carter.

A. Uh, I think I mentioned that I was friendly with Betty Currie, the President's secretary.

Q. And how would Mr. Kaye's name have come up in the conversation?

A. Because of how I met Ms. Currie was through—that's how I came to know of Ms. Currie and—and first introduced myself to her. Excuse me.

Q. Let's go back now and resume where we were before the lunch break. We were talking about the December visit to the White House and the conversation with the President. You had discussed—well, I think we're to the point where perhaps you—or I'll ask you to bring up your discussion with the President about the subpoena and the request for production.

A. Um, part way into my meeting with the President, I brought up the concern I had as to how I would have been put—how I might have been alerted or—not alerted, but how I was put on the witness list and how I might have been alerted to the Paula Jones' attorneys, and that that was—I was sort of concerned about that. So I discussed that a little, and then I said, um, that I was concerned about the hatpin. And to the best of my memory, he said that that had concerned him as well, and—

Q. Could he have said that bothered him?

A. He—he could have. I—I mean, I don't—I know that sometimes in the—in my grand jury testimony, they've put quotations around things when I'm attributing statements to other people, and I didn't necessarily mean that those were direct quotes. That was the gist of what I remembered him saying. So, concern, bothered, it doesn't—

Q. Was—was there a discussion at that point as to how someone might have—may have discovered the—the hatpin and why?

A. Well, he asked me if I had told anybody about it, and I said no.

Q. But the two of you reached no conclusion as to how that hatpin came—

A. No.

Q. —to appear on the motion?

A. No.

Q. Did he appear at all, I think, probably surprised that—that you had received a request for production of documents or the—the hatpin was on that document?

A. I didn't discuss—we didn't discuss documents, request for documents, but with regard to the hatpin, um, I don't remember him being surprised.

Q. Mm-hmm. How long did the discussion last about the—this request for production of—of the items?

A. The topic of the Paula Jones case, maybe 5 minutes. Not very much.

Q. What else was said about that?

A. About the case?

Q. Yes.

A. There was—then, at some point in this discussion—I think it was after the hatpin stuff—I had said to him that I was concerned about the gifts and maybe I should put them away or possibly give them to Betty, and as I've testified numerously, his response was either ranging from no response to ''I don't know'' or ''let me think about it.''

Q. Did the conversation about the—the gifts that you just mentioned, did that immediately follow and tie into, if you will, the conversation about the request for production of items, the hatpin and so forth? Did one lead to the other?

A. I don't remember. I know the gift conversation was subsequent to the hatpin comment, but I—I don't remember if one led to the other.

Q. What else happened after that?

A. Hmm, I think we went back to sort of—we left that topic, kind of went back to the visit.

Q. Did—which included exchanging the Christmas gifts?

A. Correct.

Q. Okay.

A. I had already—he had already given me my presents at this point.

Q. Okay. Did—he gave you some gifts that day, and my question to you is what went through your mind when he did that, when you knew all along that you had just received a subpoena to produce gifts. Did that not concern you?

A. No, it didn't. I was happy to get them.

Q. All right. Why did it—beyond your happiness in receiving them, why did the subpoena aspect of it not concern you?

A. I think at that moment—I mean, you asked me when he gave me those gifts. So, at that moment, when I was there, I was happy to be with him. I was happy to get these Christmas presents. So I was nervous about the case, but I had made a decision that I wasn't going to get into it too much—

Q. Well—

A. —with a discussion.

Q. —have you in regards to that—you've testified in the past that from everything that the President had told you about things like this, there was never any question that you were going to keep everything quiet, and turning over all the gifts would prompt the Jones attorneys to question you. So you had no doubt in your mind, did you not, that you weren't going to turn these gifts over that he had just given you?

A. Uh, I—I think the latter half of your statement is correct. I don't know if you're

reading from my direct testimony, but—because you said—your first statement was from everything the President had told you. So I don't know if that was—if those were my words or not, but I—no, I was—I—it—I was concerned about the gifts. I was worried someone might break into my house or concerned that they actually existed, but I wasn't concerned about turning them over because I knew I wasn't going to, for the reason that you stated.

Q. But the pattern that you had had with the President to conceal this relationship, it was never a question that, for instance, that given day that he gave you gifts that you were not going to surrender those to the Jones attorneys because that would—

A. In my mind, there was never a question, no.

Q. I'm just actually looking at your deposition on page—no, I'm sorry—your grand jury proceedings of August the 6th, just to be clear, since you raised that question.

1004 in the book, appendices.

You indicate that in response to a question, ''What do you think the President is thinking when he is giving you gifts when there is a subpoena covering gifts. I mean, does he think in any way, shape or form that you're going to be turning these gifts over?'' And your answer is, ''You know, I can't answer what he was thinking, but, to me, it was—there was never a question in my mind, and I—from everything he said to me, I never questioned him that we were ever going to do anything but keep this private. So that meant deny it, and that meant do whatever appropriate—take whatever appropriate steps needed to be taken, you know, for that to happen, meaning that if—if I had to turn over every gift—if I had turned over every gift he had given me—first of all, the point of the affidavit and the point of everything was to try to avoid a deposition. So where I'd have to sort of—you know, I wouldn't have to lie as much as I would necessarily in an affidavit how I saw it,'' and you continue on, just one short paragraph.

A. Right.

Q. ''So, by turning over all of these gifts, it would at best prompt him to want to question me about what kind of friendship I had with the President, and they would want to speculate and they'd leak it, and my name would be trashed and he would be in trouble.''

So you recall giving that testimony?

A. Yes. I accept—I accept what's said here.

Q. Okay.

A. It's a little different from what you said, but very close.

Q. Thank you.

Did the President ever tell you to turn over the gifts?

A. Not that I remember.

Q. Now, is that—does that bring us to the end of this conversation with the President, or did other things occur?

A. I think that the aspect of where this case is related, yes.

Q. Okay. And then you left, and where did you go when you left the White House?

A. I think I went home.

Q. This is at—at your apartment?

A. My mother's apartment.

Q. Mother's apartment.

Did you later that day receive a call from Betty Currie?

A. Yes, I did.

Q. Tell us about that.

A. I received a call from—from Betty, and to the best of my memory, she said something like I understand you have something for me or I know—I know I've testified to saying that—that I remember her saying either I know you have something for me or the President said you have something for me. And to me, it's a—she said—I mean, this is not a direct quote, but the gist of the conversation was that she was going to go visit her mom in the hospital and she'd stop by and get whatever it was.

Q. Did you question Ms. Currie or ask her, what are you talking about or what do you mean?

A. No.

Q. Why didn't you?

A. Because I assumed that it meant the gifts.

Q. Did—did you have other telephone calls with her that day?

A. Yes.

Q. Okay. What was the purpose of those conversations?

A. I believe I spoke with her a little later to find out when she was coming, and I think that I might have spoken with her again when she was either leaving her house or outside or right there, to let me know to come out.

Q. Do—at that time, did you have the caller identification—

A. Yes, I did.

Q. —on your telephone?

A. Yes.

Q. And did you at least on one occasion see her cell phone number on your caller-ID that day?

A. Yes, I did.

Q. Now, Ms. Currie has given different versions of what happened there, but I recall one that she mentioned about Michael Isikoff, that you had called her and said Michael Isikoff is calling around or called me—

A. Mm-hmm.

Q. —about some gifts.

Did Mr. Isikoff ever call you about the gifts?

A. No.

Q. Okay. Would there have been—would there have been any reason for you not to have carried the gifts to Ms. Currie had you wanted her—had you called her, would you have had her come over to get them from you, or does that—

A. Probably not.

Q. I mean, is there—is there any doubt in your mind that she called you to come pick up the gifts?

A. I don't think there is any doubt in my mind.

Q. Okay. Let me ask was—I think you did something special for her, as I recall, too, or her mother. Did you prepare a plant or something for her to pick up?

A. Um, no. I just—

Q. To take to her mother?

A. I bought a small plant and a balloon.

Q. Okay. What was your understanding about her mother, and was—

A. Oh, I—I knew her mom was in—was in the hospital and was sick, and I think this was her second trip to the hospital in several months, and it had been a tough year.

Q. And was she—was Mrs. Currie coming by your place on her way to visit her mother in the hospital? Do you know that?

A. That's what I remember her saying.

Q. So you prepared—and you bought a gift for her mother?

A. Correct.

Q. Okay. Do you know what kind of time frame this covered? First of all, it was the same day, December the 28th, 1997?

A. Seven, yes.

Q. Do you know what kind of time frame it covered?

A. I think it was afternoon. I know I've testified to around 2 o'clock.

Q. Could it have been later?

A. Sure.

Q. So, when Betty Currie came, what—what did you have prepared for her?

A. I had a box from the Gap with some of the presents the President had given me, taped up in it.

Q. What happened when she arrived?

A. Uh, I think I walked out to the car and asked her to hold onto this, and I think we talked about her mom for a few minutes. Um—

Q. Did she call you right before she arrived, or did you just go wait for her in the building?

A. I think she called me right before she—at some point, I think, before she—either when she was leaving or she was outside.

Q. Do you know—did you have any indication from Ms. Currie what she was going to do with that box of gifts?

A. Um, I know I've testified to this. I don't—I don't remember. I think maybe she said something about putting it in a closet, but whatever I—I stand by whatever I've said in my testimony about it.

Q. But she was supposed to keep these for you?

A. Well, I had asked her to.

Q. Okay. Did Ms. Currie ask you at any time about what was in the box?

A. No, or not that I recall, I guess I should say.

Q. What was the—in your mind, what was the purpose of having Ms. Currie retain these gifts as opposed to another friend of yours?

A. Hmm, I know I've testified to this, and I can't—can I look at my grand jury—I mean, I don't really remember sitting here right now, but if I could look at my grand jury testimony, I—or I'd just stand by it.

Q. We will pass that to you.

A. Okay. Thank you.

[Witness handed documents.]

BY MR. BRYANT:

Q. The answer I'm looking for is—if this refreshes your recollection is that turning these over was a reassurance to the President that everything was okay. Is that—

A. Can I read it in context, please?

Q. Sure, sure.

A. Thank you.

[Witness perusing document.]

THE WITNESS: I—I—I stand by this testimony. I mean, I'd just note that it—what I'm saying here about giving it to the President or the assurance to the President is how I saw it at that point, not necessarily how I felt then. So I think you asked me what—why I didn't at that point, and I'm just—that's what's a little more clear there, just to be precise. I'm sorry.

BY MR. BRYANT:

Q. Okay. Did you have any later conversations with either Ms. Currie or the President about these gifts in the box?

A. No.

Q. Let me direct your attention to your meeting with Vernon Jordan on December the 31st of 1997. Was that to go back and talk about the job again?

A. Little bit, but the—the—for me, the point of that meeting was I had gotten to a point where Linda Tripp wasn't returning my phone calls, and so I felt that I needed to devise some way, that somehow—to kind of cushion the shock of what would happen if Linda Tripp testified all the facts about my relationship, since I had never disclosed that to the President. So that was sort of my intention in meeting with Mr. Jordan, was hoping that I could give a little information and that would get passed on.

Q. This was at a meeting for breakfast at the Park Hyatt Hotel?

A. Yes.

Q. Were just the two of you present?

A. Yes.

Q. Did you discuss other things, other than Linda Tripp and your job search?

A. I think we talked about what each of us were doing New Year's Eve.

Q. Specifically about some notes that you had at your apartment?

A. Oh, yes. I'm sorry.

Um, well, I mean, that really was in relation to discussing Linda Tripp. So—

Q. And the Jones lawyers, too. Was that right?

A. Um, I—I don't know that I discussed the Jones lawyers. If I've testified that I discussed the Jones lawyers, then I did, but—

Q. Okay. Well, tell us about the notes.

A. Well, the—sort of the—I don't know what to call it, but the story that I gave to Mr. Jordan was that I was trying to sort of alert to him that, gee, maybe Linda Tripp might be saying these things about me having a relationship with the President, and right now, I'm explaining this to you. These aren't the words that I used or how I said it to him, and that, you know, maybe she had seen drafts of notes, trying to obviously give an excuse as to how Linda Tripp could possibly know about my relationship with the President without me having been the one to have told her. So that's what I said to him.

Q. And what was his response?

A. I think it was something like go home and make sure—oh, something about a—I think he asked me if they were notes from the President to me, and I said no. I know I've testified to this. I stand by that testimony, and I'm just recalling it, that I said no, they were draft notes or notes that I sent to the President, and then I believe he said something like, well, go home and make sure they're not there.

Q. And what did you do when you went home?

A. I went home and I searched through some of my papers, and—and the drafts of notes I found, I sort of—I got rid of some of the notes that day.

Q. So you threw them away?

A. Mm-hmm.

THE REPORTER: Is that a ''yes''?

THE WITNESS: Yes. Sorry.

BY MR. BRYANT:

Q. On your way home, you were with Mr. Jordan? I mean, he carried—did he carry you someplace or take you home, drop you off?

A. Yes, he dropped me off.

Q. Okay. On the way home—

A. It wasn't on the way to my home, but—

Q. Okay. Did he—did you tell him that you had had an affair with the President?

A. Yes.

Q. What was his response?

A. No response.

Q. When was the next time—well, let me direct your attention to Monday, January the 5th, 1998. You had an occasion to meet with your lawyer, Mr. Carter, about your case, possible depositions, and so forth.

Did you have some concern at that point about those depositions and how you might answer questions in the Paula Jones case?

A. Yes.

Q. Did you reach any sort of determination or resolution of those concerns by talking to Mr. Carter?

A. No.

Q. What's the status of the affidavit at this point? Is there one?

A. No.

Q. Do you recall any other concerns or questions that either you or Mr. Carter may have presented to each other during that meeting?

A. I think I—I think it was in that meeting I brought up the notion of having my family present, if I had to do a deposition, and he went through what—I believe we discussed—at this point, I think I probably knew at this point I was going to sign an affidavit, but it wasn't created yet, and I believe we discussed what—if the affidavit wasn't, I guess, successful—I don't know how you'd say legally—say that legally—but what a deposition would be like, sitting at a table.

Q. I'll bet he never told you it would be like this, did he?

A. No.

Q. Did you try to contact the President after you left the meeting with Mr. Carter?

A. Yes.

Q. And you reached Betty Currie?

A. Yes.

Q. And you told her to pass along to the President that you wanted—it was important to talk with him?

A. Yes.

Q. You may have mentioned to her something about signing something?

A. Right; I might have.

Q. What response did you get from that telephone call?

A. Uh, Betty called me back, maybe an hour or two later, and put the President through.

Q. And what was that conversation?

A. I know I've testified to this, and it was sort of two-fold. On the one hand, I was, uh, upset, so I was sort of in a pissy mood and a little bit contentious. Uh, but more related to the case, uh, I had concerns that from questions Mr. Carter had asked me about how I got my job at the Pentagon and transferred and, and, uh, I was concerned as to how to answer those questions because those questions involved naming other people who I thought didn't like me at the White House, and I was worried that those people might try and—just to get me in trouble because they didn't like me—so that if they were then—I mean, I had no concept of what exactly happens in these legal proceedings, and I thought, well, maybe if I say Joe Schmo helped me get my job, then they'd go interview Joe Schmo, and so, if Joe Schmo said, ''No, that's not true,'' because he didn't like me, then I didn't want to get in trouble. So—

Q. Did there appear to be a question possibly about how you—how you got the job at the Pentagon? Did you fear for some questions there?

A. Yes. I think I tend to be sort of a detail-oriented person, and so I think it was, uh, my focusing on the details and thinking everything had to be a very detailed answer and not being able to kind of step back and look at how I could say it more generally. So that's what concerned me.

Q. Mm-hmm. This—

A. Because clearly, I mean, I would have had to say, ''Gee, I was transferred from the Pentagon because I had this relationship that I'm not telling you about with the President.'' So there was—there was that concern for me there.

Q. And what did the President tell you that you could say instead of saying something like that?

A. That the people in Legislative Affairs helped me get the job—and that was true.

Q. Okay, but it was also true, to be complete, that they moved you out into the Pentagon because of the relationship with the President?

A. Right.

Q. Did—did the subject of the affidavit come up with the President?

A. Yes, towards the end of the conversation.

Q. And how did—tell us how that occurred.

A. I believe I asked him if he wanted to see a copy of it, and he said no.

Q. Well, I mean, how did you introduce that into the subject—into the conversation?

A. I don't really remember.

Q. Did he ask you, well, how's the affidavit coming or—

A. No, I don't think so.

Q. But you told him that you had one being prepared, or something?

A. I think I said—I think I said, you know, I'm going to sign an affidavit, or something like that.

Q. Did he ask you what are you going to say?

A. No.

Q. And this is the time when he said something about 15 other affidavits?

A. Correct.

Q. And tell us as best as you can recall what—how that—how that part of the conversation went.

A. I think that was the—sort of the other half of his sentence as, No, you know, I don't want to see it. I don't need to—or, I've seen 15 others.

It was a little flippant.

Q. In his answer to this proceeding in the Senate, he has indicated that he thought he had—might have had a way that he could have you—get you to file a—basically a true affidavit, but yet still skirt these issues enough that you wouldn't be called as a witness.

Did he offer you any of these suggestions at this time?

A. He didn't discuss the content of my affidavit with me at all, ever.

Q. But, I mean, he didn't make an offer that, you know, here's what you can do, or let me send you over something that can maybe keep you from committing perjury?

A. No. We never discussed perjury.

Q. On—well, how did that conversation end? Did you talk about anything else?

A. I said goodbye very abruptly.

Q. The next day—well, on January the 6th—I'm not sure exactly what day we are—1998, did you pick up a draft of the affidavit from Mr. Carter?

A. Yes, I did.

Q. What did you do with that draft?

A. I read it and went through it.

Q. How did it look?

A. I don't really remember my reaction to it. I know I had some changes. I know there's a copy of this draft affidavit that's part of the record, but—

Q. Were portions of it false?

A. Incomplete and misleading.

Q. Did you take that affidavit to Mr. Jordan?

A. I dropped off a copy in his office.

Q. Did you have any conversation with him at that point or some later point about that affidavit?

A. Yes, I did.

Q. And tell us about that.

A. I had gone through and had, I think, as it's marked—can I maybe see? Isn't there a copy of the draft?

[Witness handed document.]

[Witness perusing document.]

The WITNESS: Thank you.

SENATOR DeWINE: Mr. Bryant, can you reference for the record at this point?

MR. BRYANT: Okay.

SENATOR DeWINE: If you can.

MR. BRYANT: It would be—

MR. SCHIPPERS: 1229.

SENATOR DeWINE: 1229?

MR. SCHIPPERS: Yes.

SENATOR DeWINE: All right. Thank you.

BY MR. BRYANT:

Q. Okay. Have you had an opportunity to review the draft of your affidavit?

A. I—yes.

Q. Okay. What—do you have any comment or response?

A. I received it. I made the suggested changes, and I believe I spoke with Mr. Jordan about the changes I wanted to make.

Q. Did he have any comment on your proposed changes?

A. I think he said the part about Lewis & Clark College was irrelevant. I'd have to see the—I don't believe it's in the final copy in the affidavit, so—but I could be mistaken.

Q. At this point, of course, you had a lawyer, Mr. Carter, who was representing your interest. Mr. Jordan was—I'm not sure if he—how you would characterize him, but would it—would it be that you view Mr. Jordan as, in many ways, Mr.—the President—if

Mr. Jordan knew it, the President knew it, or something of that nature?

A. I think I testified to something similar to that. I felt that, I guess, that Mr. Jordan might have had the President's best interest at heart and my best interest at heart, so that that was sort of maybe a—some sort of a blessing.

Q. I think, to some extent, what you—what you had said was getting Mr. Jordan's approval was basically the same thing as getting the President's approval. Would you agree with that?

A. Yeah. I believe that—yes, I believe that's how I testified to it.

Q. The fact that you assume that Mr. Jordan was in contact with the President—and I believe the evidence would support that through his own testimony that he had talked to the President about the signed affidavit and that he had kept the President updated on the subpoena issue and the job search—

A. Sir, I'm not sure that I knew he was having contact with the President about this. I—I think what I said was that I felt that it was getting his approval. It didn't necessarily mean that I felt he was going to get a direct approval from the President.

I'm sorry to interrupt you.

Q. Oh, that's fine. At any time you need to clarify a point, please—please feel free to do so.

Did—did—did you have any indication from Mr. Jordan that he—when he discussed the signed affidavit with the President, they were discussing some of the contents of the affidavit? Did you have—

A. Before I signed it or—

Q. No; during the drafting stage.

A. No, absolutely not—either/or. I didn't. No, I did not.

Q. Now, the changes that you had proposed, did Mr. Jordan agree to those changes?

A. I believe so.

Q. And then you somehow reported those changes back to Mr. Carter or to someone else?

A. No. I believe I spoke with Mr. Carter the next morning, before I went in to see him, and that's when I—I believe that's—I dictated the changes.

Q. Okay. Mr. Jordan did not relay the changes to Mr. Carter—you did?

A. I know I relayed the changes, these changes to Mr. Carter.

Q. Specifically, the concerns that you had about—about the draft, what did they include, the changes?

A. I think one of the—I think what concerned me—and I believe I've testified to this—was—was in Number 6. Even just mentioning that I might have been alone with the President, I was concerned that that would give the Jones people enough ammunition to want to talk to me, to think, oh, well, maybe if she was alone with him that—that he propositioned me or something like that, because I hadn't—of course, I mean, you remember that at this point, I had no idea the amount of knowledge they had about the relationship. So—

Q. Did—Mr. Carter, I assume, made those changes, and then you subsequently signed the affidavit?

A. We worked on it in his office, and then, yes, I signed the affidavit.

Q. Is this the same day—

A. Yes.

Q. —at this point?

A. This was the 7th?

Q. Yes.

A. Correct.

Q. Did—did you take the signed—or a copy of the signed affidavit, I should say—did you take a copy—did you keep a copy?

A. Yes, I did.

Q. Did you give it to anyone or give anyone else a copy?

A. No.

Q. Now, did you, the next day on the 8th, go to New York for some interviews for jobs?

A. It was—it—I either went later on the 7th or on the 8th, but around that time, yes.

Q. Was this a place that you had already interviewed?

A. Yes.

Q. And I assume this was at McAndrews and Forbes?

A. Yes.

Q. How did you feel that the interview went?

A. I—I know I characterized it in my grand jury testimony as having not gone very well.

Q. Okay. I think you also mentioned it went very poorly, too. Does that sound—does that ring a bell?

A. Sure.

Q. Why? Why would you so characterize it?

A. Well, as I've had a lot of people tell me, I'm a pessimist, but also I—I wasn't prepared. I was in a waiting room downstairs at McAndrews and Forbes, and—or at least, I thought it was a waiting room—and Mr. Durnan walked into the room unannounced, and the interview began. So I felt that I started on the wrong foot, and I just didn't feel that I was as articulate as I could have been.

Q. Did you call Mr. Jordan after that?

A. Yes, I did.

Q. Did you express those same concerns?

A. Yes, I did.

Q. What did he say?

A. And this is a little fuzzy for me. I know that I had a few phone calls with him in that day. I think in this call, he said, you know, ''Don't worry about it.'' I—my testimony is probably more complete on this. I'm sorry.

Q. What—what other phone calls did you have with him that day?

A. I remember talking to—I know that at some point, he said something about that he'd call the chairman, and then I think he said just at some point not to worry. He was always telling me not to worry because I always—I overreact a little bit.

Q. All total, how many calls did you have with him that day—your best guess?

A. I have no idea.

Q. More than two?

A. I—I don't know.

Q. Can you think of any other subjects the two of you would have talked about?

A. I don't think so.

Q. Did he, Mr. Jordan, tell you that he had talked to the chairman, or Mr. Perelman, whatever his title is?

A. I'm sorry. I know I've testified to this. I don't—I think so.

Q. And you had—did you have additional interviews at this company or a subsidiary?

A. Yes, I—well, I had with the sort of, I guess, daughter—daughter company, Revlon. I had an interview with Revlon the next day.

Q. And you were offered a job?

A. Yes, I was.

Q. About the 9th or so? That would have been 2 days after the affidavit?

A. Oh. Actually, no. I think I was offered a position, whatever that Friday was. Oh, yes, the 9th. I'm sorry. You're right.

Oh, wait. It was either the 9th or the 13th—or the 12th—the 9th or the 12th.

Q. Okay. Now, I'm—I was looking away. I'm confused.

A. That's okay. I—my interview was on the 9th, and I don't remember right now—I know I've testified to this—whether I found out that afternoon or it was on Monday that I got the informal offer.

Q. Mm-hmm.

A. So, if you want to tell me what I said in my grand jury testimony, I'll be happy to affirm that.

Q. I think we may be talking about perhaps an informal offer. Does that—on the 9th?

A. Yes. I know it was—okay. Was it on the—I don't—

Q. Yes.

A. —remember if it was the 9th or the 13th—

A. Okay.

Q. —but I know Ms. Sideman called me to extend an informal offer, and I accepted.

Q. Okay. Now, in regard to the affidavit—do you still have your draft in front of you?

A. Yes, sir.

Q. In paragraph number 3, you say: ''I can not fathom any reason—fathom any reason why—that the plaintiff would seek information from me for her case.''

A. Yes, sir.

Q. Did Mr. Carter at all go into the gist of the Paula Jones lawsuit, the sexual harassment part of it, and tell you what it was about?

A. I think I knew what it was about.

Q. All right. And then you indicated that you didn't like the part about the doors, being behind closed doors, but on the sexual relationship, paragraph 8, the first sentence, ''I've never had a sexual relationship with the President''—

A. Mm-hmm.

Q. —that's not true, is it?

A. No. I haven't had intercourse with the President, but—

Q. Was that the distinction you made when you signed that affidavit, in your own mind?

A. That was the justification I made to myself, yes.

Q. Let me send you the final affidavit. It might be a little easier to work from—

A. Okay.

Q. —than the—than the original.

MR. BRYANT: Do we have all the—1235.

[Witness handed document.]

SENATOR DeWINE: Congressman?

MR. BRYANT: Yes.

SENATOR DeWINE: We're down to 3 minutes on the tape. Would now be a good time to have him switch tapes and then we'll go right back in?

MR. BRYANT: Okay, that would be fine.

SENATOR DeWINE: I think we'll hold right at the table, and we'll get the tapes switched.

THE VIDEOGRAPHER: Okay, we will do that now.

This marks the end of Videotape Number 2 in the deposition of Monica S. Lewinsky.

We are going off the record at 14:31 hours.

[Recess.]

THE VIDEOGRAPHER: This marks the beginning of Videotape Number 3 in the deposition of Monica S. Lewinsky. The time is 14:44 hours.

SENATOR DeWINE: We are back on the record.

Let me advise counsel that you have used 3 hours and 2 minutes.

Congressman Bryant, you may continue.

MR. BRYANT: Thank you, sir.

BY MR. BRYANT:

Q. Ms. Lewinsky, let me just follow up on some points here, and then I'll move toward the conclusion of my direct examination very, very quickly, I hope.

In regard to the affidavit—I think you still have it in front of you—the final copy of the affidavit—I wanted to revisit your answer about paragraph 8—

A. Yes, sir.

Q. —and also refer you to your grand jury testimony of August the 6th. This begins on—actually, it is on page 1013 of the—it should be the Senate record, in the appendices, but it's your August 6th, 1998, grand jury testimony.

And it's similar to the—my question about paragraph 8 about the sexual relationship—

and I notice you—you now carve out an exception to that by saying you didn't have intercourse, but I would direct your attention to a previous answer and ask if you can recall being asked this question in your grand jury testimony and ask—giving the answer—the question is: ''All right. Let me ask you a straightforward question. Paragraph 8, at the start, says, quote, 'I have never had a sexual relationship with the President,' unquote. Is that true?,'' and your answer is, ''No.''

Now, do you have any comment about why your answer still would not be no, that that is not a true statement in paragraph 8?

A. I think I was asked a different question.

Q. Okay.

A. My recollection, sir, was that you asked me if that was a lie, if paragraph 8 was—I—I'm not trying to—

Q. Okay. Well, if—if I ask you today the same question that was asked in your grand jury, is your statement, quote, ''I have never had a sexual relationship with the President,'' unquote, is that a true statement?

A. No.

Q. Okay, that's good.

Now, also in paragraph 8, you mention that there were occasions after you left—I think it looks like the—the last sentence in paragraph 8, ''The occasions that I saw the President after I left my employment at the White House in April 1996 were official receptions, formal functions, or events related to the United States Department of Defense, where I was working at the time,'' period—actually the last sentence, ''There were other people present on those occasions.'' Now, that also is not a truthful statement; is that correct?

A. It—I think I testified that this was misleading. It's incomplete—

Q. Okay. It's not a truthful statement?

A. —and therefore, misleading.

Well, it—it is true; it's not complete.

Q. Okay. All right. Now, I will accept that.

A. Okay. Thank you.

Q. Thank you.

Going back to the gift retrieval of December the 28th, I want to be clear that we're on the same sheet of music on this one. As I understand, there's no doubt in your mind that Betty Currie called you, initiated the call to you to pick up the gifts? She—

A. That's how I remember this event.

Q. And you went through that process, and at the very end, you were sitting out in the car with her, with a box of gifts, and it was only at that time that you asked her to keep these gifts for you?

A. I don't think I said ''gifts.'' I don't—

Q. Or keep this package?

A. I think I said—gosh, was it in the car that I said that or on the phone? I think it was in the car. I—I'm—I don't know if that makes a difference.

Q. But this was at the end of a process that Betty Currie had initiated by telephone earlier that day to come pick up something that you have for her?

A. Yes.

Q. Okay. Now, were you ever under the impression from anything that the President said that you should turn over all the gifts to the Jones lawyers?

A. No, but where this is a little tricky—and I think I might have even mentioned this last weekend—was that I had an occasion in an interview with one of the—with the OIC—where I was asked a series of statements, if the President had made those, and there was one statement that Agent Phalen said to me—I—there were—other people, they asked me these statements—this is after the President testified and they asked me some statements, did you say this, did you say this, and I said, no, no, no. And Agent Phalen said something, and I think it was, ''Well, you have to turn over whatever you have.'' And I said to you, ''You know, that sounds a little bit familiar to me.''

So that's what I can tell you on that.

Q. That's in the 302 exam?

A. I don't know if it's in the 302 or not, but that's what happened.

Q. Uh-huh.

A. Or, that's how I remember what happened.

Q. Okay. And your response to the question in the deposition that I just asked you—were you ever under the impression from anything the President said that you should have—that you should turn over all the gifts to the Jones lawyers—your answer in that deposition was no.

A. And which date was that, please?

Q. The deposition was August the 26th.

A. Oh, the 26th.

Q. Yes.

A. It might have been after that, or maybe it was—I don't—

Q. Okay. I wanted to ask you, too, about a couple of other things in terms of your testimony. Regarding the affidavit—and this appears to be, again, grand jury testimony—

A. Sir, do you have a copy that I could look at if you're going to—

Q. Sure. August, the August 6th—233—it's the—it's this page here.

While we're looking at that, let me ask you a couple other things here. I wanted to ask you—I talked to you a little bit about the President today and your feelings today that persist that you think he's a good President, and I assume you think he's a very intelligent man?

A. I think he's an intelligent President.

[Laughter.]

MR. BRYANT: Okay. Thank goodness, this is confidential; otherwise, that might be the quote of the day. I know we won't see that in the paper, will we?

BY MR. BRYANT:

Q. Referring to January the 18th, 1998, the President had a conversation with Betty Currie, and he made five statements to her. One was that ''I was never really alone with Monica; right?'' That's one. That's not true, is it, that ''I was never alone with''—

A. Sir, I was not present for that conversation. I don't feel comfortable—

Q. Let me ask you, though—I realize none of us were there—but that statement, ''I was never really alone with Monica; right?''—that was not—he was alone with you on many occasions, was he not?

A. I—I'm not trying to be difficult, but I feel very uncomfortable making judgments on what someone else's statement when they're defining things however they want to define it. So if you—if you ask me, Monica, were you alone with the President, I will say yes, but I'm not comfortable characterizing what someone else says—

Q. Okay.

A. —passing judgment on it. I'm sorry.

Q. Were you—was Betty Currie always with you when the President was with you?

A. Betty Currie was always at the White House when I went to see the President at the White House after I left working at the White House.

Q. But was—at all times when you were alone with the President, was Betty Currie always there with you?

A. Not there in the room.

Q. Okay. Did—did—did you come on to the President, and did he never touch you physically?

A. I guess those are two separate questions, right?

Q. Yes, they are.

A. Did I come on to him? Maybe on some occasions.

Q. Okay.

A. Not initially.

Q. Okay. Not initially.

A. I—

Q. Did he ever—did he ever touch you?

A. Yes.

Q. Okay. Could Betty Currie see and hear everything that went on between the two of you all the time?

A. I can't answer that. I'm sorry.

Q. As far as you know, could she see and hear everything that went on between the two of you?

A. Well, if I was in the room, I couldn't—I—I couldn't be in the room and being able to see if Betty Currie could see and hear what was—

Q. I think I—

MR. STEIN: Wouldn't it be a little speedier—if I may make this observation, you have her testimony; you have the evidence of—

SENATOR DeWINE: Counsel, is this an objection?

MR. STEIN: I just would ask him to draw whatever inferences there were to speed this up.

SENATOR DeWINE: I'll ask him to rephrase the question.

MR. BRYANT: I would just stop at that point. I think, uh, that's enough of that.

BY MR. BRYANT:

Q. The President also had conversations with Mr. Blumenthal on January the 21st, 1998, and indicated that you came on to the President and made a sexual demand. At the initial part of this, did you come on to the President and make a sexual demand on the President?

A. No.

Q. At the initial meeting on November the 15th, 1995, did he ever rebuff you from these advances, or from any kind of—

A. On November 15th?

Q. November 15th. Did he rebuff you?

A. No.

Q. Did you threaten him on November 15th, 1995?

A. No.

Q. On January 23rd, 1998, the President told John Podesta that—many things. I'll—I'll withdraw that. Let me go—kind of wind this down. I'd like to save some time for redirect.

You've indicated that with regard to the affidavit and telling the truth, there is some testimony I'd like to read you from your deposition that we started out—August the 6th—I'm sorry—the grand jury, August 6th, 1998—

MS. MILLS: What internal page number?

MR. SCHIPPERS: 1021 internal, 233.

MR. BRYANT: Okay, we need to get her a copy.

MR. SCHIPPERS: Do you have the August 6th still over there?

THE WITNESS: I can share with Sydney—if you don't mind.

[Witness perusing document.]

BY MR. BRYANT:

Q. Beginning—do you have page 233—

A. Uh-huh.

Q. —okay—beginning at line 6—

A. Okay.

Q. —it reads—would you prefer to read that? Why don't you read—

A. Out loud?

Q. Would you read it out loud?

A. Okay.

Q. Through line 16—6 through 16. This is your answer.

A. ''Sure. Gosh. I think to me that if—if the President had not said the Betty and letters cover, let's just say, if we refer to that, which I'm talking about in paragraph 4, page 4, I would have known to use that. So to me, encouraging or asking me to lie would have—you know, if the President had said, Now, listen, you'd better not say anything about this relationship, you'd better not tell them the truth, you'd better not—for me, the

best way to explain how I feel what happened was, you know, no one asked or encouraged me to lie, but no one discouraged me, either.''

Q. Okay. That—that statement, is that consistent in your view with what you've testified to today?

A. Yes.

Q. Okay. Look at page 234, which is right below there.

A. Okay. [Perusing document.]

Q. Beginning with the—your answer on line 4, and read down, if you could, to line 14—4 through 14.

A. ''Yes and no. I mean, I think I also said that Monday that it wasn't as if the President called me and said, You know, Monica, you're on the witness list. This is going to be really hard for us. We're going to have to tell the truth and be humiliated in front of the entire world about what we've done, which I would have fought him on, probably. That was different. And by him not calling me and saying that, you know, I knew what that meant. So I, I don't see any disconnect between paragraph 10 and paragraph 4 on the page. Does that answer your question?''

Q. Okay. Now, has that—has your testimony today been consistent with that provision?

A. I—I think so.

Q. Okay.

A. I've intended for my testimony to be consistent with my grand jury testimony.

Q. Okay. And one final read just below that, line 16 through 24.

A. ''Did you understand all along that he would deny the relationship also?''

''Mm-hmm, yes.''

Q. And 19 through 24—the rest of that.

A. Oh, sorry.

''And when you say you understood what it meant when he didn't say, Oh, you know you must tell the truth, what did you understand that to mean?''

''That, that, as we had on every other occasion and in every other instance of this relationship, we would deny it.''

MR. BRYANT: Okay.

Could we have just—go off the record here a minute?

SENATOR DeWINE: Sure. Let's go off the record at this point.

THE VIDEOGRAPHER: We're going off the record at 1459 hours.

[Recess.]

THE VIDEOGRAPHER: We're going back on the record at 1504 hours.

SENATOR DeWINE: Manager Bryant, you may proceed.

MR. BRYANT: Thank you, Senator.

BY MR. BRYANT:

Q. Ms. Lewinsky, I have just a few more questions here.

With regard to the false affidavit, you do admit that you filed an untruthful affidavit with the court in the Jones case; is that correct?

A. I think I—I—yes—I mean, it was incomplete and misleading, and—

Q. Okay. With regard to the cover stories, on December the 6th, you and the President went over cover stories, and in the same conversation he encouraged you to file an affidavit in the Jones case; is that correct?

A. No.

MS. SELIGMAN: I think that misstates the record.

BY MR. BRYANT:

Q. All right. On December the 17th. Let's try December 17; all right?

A. Okay.

Q. You and the President went over cover stories—that's the telephone conversation—

A. Okay—I'm sorry—can you repeat the question?

Q. Okay. On December 17th, you and the President went over cover stories in a telephone conversation.

A. Correct.

Q. And in that same telephone conversation, he encouraged you to file an affidavit in the Jones case?

A. He suggested I could file an affidavit.

Q. Okay. With regard to the job, between your meeting with Mr. Jordan in early November and December the 5th when you met with Mr. Jordan again, you did not feel that Mr. Jordan was doing much to help you get a job; is that correct?

MS. SELIGMAN: Objection. Misstates the record.

BY MR. BRYANT:

Q. Okay. You can answer that.

A. It—

Q. Let me repeat it. Between your meeting with Mr. Jordan in early November and December the 5th when you met with Mr. Jordan again, you did not feel that Mr. Jordan was doing much to help you get a job; is that correct?

MS. SELIGMAN: Same objection.

THE WITNESS: Do you mean when I met with him again on December 11th? I don't—

MR. BRYANT: The—

THE WITNESS: —I didn't meet with Mr. Jordan on December 5th. I'm sorry—

MR. BRYANT: Okay.

THE WITNESS: —am I misunderstanding something?

MR. BRYANT: We're getting our numbers wrong here.

THE WITNESS: Okay.

BY MR. BRYANT:

Q. Between your meeting with Mr. Jordan in early November and December the 11th when you met with Mr. Jordan again, you did not feel that Mr. Jordan was doing much to help you get a job; is that correct?

A. I hadn't seen any progress.

Q. Okay. After you met with Mr. Jordan in early December, you began to interview in New York and were much more active in your job search; correct?

A. Yes.

Q. In early January, you received a job offer from Revlon with the help of Vernon Jordan; is that correct?

A. Yes.

Q. Okay. With regard to gifts, regarding the gifts that were subpoenaed in the Jones case, you are certain that Ms. Currie called you and that she understood you had something to give her; is that correct?

A. That's my recollection.

Q. You never told Ms. Currie to come pick up the gifts or that Michael Isikoff had called about them; is that correct?

A. I don't recall that.

Q. Regarding stalking, you never stalked the President; is that correct?

A. I—I don't believe so.

Q. Okay. You and the President had an emotional relationship as well as a physical one; is that right?

A. That's how I'd characterize it.

Q. Okay. He never rebuffed you?

A. I—I think that gets into some of the intimate details of—no, then, that's not true. There were occasions when he did.

Q. Uh-huh. Okay. But he never rebuffed you initially on that first day, November the 15th, 1995?

A. No, sir.

LAW OFFICES OF
PLATO CACHERIS,
Washington, DC, February 2, 1999.

Re February 1, 1999, Monica S. Lewinsky deposition transcript.

DEAR MS. JARDIM AND MR. BITSKO: Upon our review of the videotape and transcript of Monica S. Lewinsky's deposition transcript, we have noted the following errors or omissions:

Page	Line	Corrections
19	14	The oath and affirmation are not transcribed.
24	9	''second . . .'' should replace ''2d''
44	6	Comments by counsel are not transcribed.
61	11–13	Delete quotation marks. These are not direct quotes in this instance.
62	23	''town'' should replace ''down''
63	17	''called'' should replace ''found''
63	23	''after Thanksgiving'' should follow ''back.''
63	24	Insert following line 23: A: Yes I did. Q: What did he tell you then?
65	21	''tchotchke'' should replace ''chochki''
65	24	''on'' should replace ''home''
66	20	The line should read: ''see if I could see the President. I apologize,'' not ''see if I could see the President and apologize.''
75	1	''needed'' should replace ''need''
90	5	''the'' should replace ''some''
116	16	''said'' should precede ''list''
128	9	''that's'' should replace ''of''
154	5	Delete quotation marks.
156	6	''Seidman'' should replace ''Sideman''
161	15	''Fallon'' should replace ''Phalen''

Provided these changes are made, we will waive signature on behalf of Ms. Lewinsky.

We understand from Senate Legal Counsel that copies of this letter will be made available to the parties and Senate.

Thank you for your assistance.

Sincerely,

PLATO CACHERIS.
PRESTON BURTON.
SYDNEY HOFFMANN.

IN THE SENATE OF THE UNITED STATES SITTING FOR THE TRIAL OF THE IMPEACHMENT OF WILLIAM JEFFERSON CLINTON, PRESIDENT OF THE UNITED STATES

EXCERPTS OF VIDEO DEPOSITION OF VERNON E. JORDAN, JR.

(Tuesday, February 2, 1999, Washington, D.C.)

SENATOR THOMPSON: All right. If there are no further questions from the parties or counsel for the witness, I'll now swear in the witness. Mr. Jordan, will you please raise your right hand?

Do you, Vernon E. Jordan, Jr., swear that the evidence you shall give in this case now pending between the United States and William Jefferson Clinton, President of the United States, shall be the truth, the whole truth, and nothing but the truth, so help you, God?

THE WITNESS: I do.

Whereupon, VERNON E. JORDAN, JR., was called as a witness and, after having been first duly sworn by Senator Fred Thompson, was examined and testified as follows:

SENATOR THOMPSON: All right. The House Managers may begin their questioning of the witness.

MR. HUTCHINSON: Thank you, Senator Thompson and Senator Dodd.

EXAMINATION BY HOUSE MANAGERS

BY MR. HUTCHINSON:

Q. Good morning, Mr. Jordan. For the record, would you state your name, please?

A. Good morning, Congressman. My name is Vernon E. Jordan, Jr.

Q. And, Mr. Jordan, we have not had the opportunity to meet previously, is that correct?

A. That is correct.

Q. And I do appreciate—I have met your counsel, Mr. Hundley, in his office, and so I've looked forward to this opportunity to meet you. Now, you have—

A. I can't say that the feeling is mutual.

[Laughter.]

BY MR. HUTCHINSON:

Q. I certainly understand.

You have testified, I believe, five times previously before the Federal grand jury?

A. That is correct.

Q. And so I know that probably about every question that could be asked has been asked, but there are a number of reasons I want to go over additional questions with you, and some of them will be repetitious of what's been asked before.

Prior to coming in today, though, have you had the opportunity to review your prior testimony in those five appearances before the grand jury?

A. I have done some preparation, Congressman.

Q. And let me start with the fact that the oath that you took today is the same as the oath that you took before the Federal grand jury?

A. I believe that's correct.

Q. And, Mr. Jordan, what is your profession?

A. I am a lawyer.

Q. And where do you practice your profession?

A. I am a senior partner at the law firm of Akin, Gump, Strauss, Hauer & Feld, here in Washington, D.C., with offices in Texas, California, Pennsylvania and New York, three offices in Europe, London, Brussels and Moscow.

Q. And how long have you been a senior partner?

A. I have been a senior partner—well, I didn't start out as a senior partner. I started out as a partner, and at some point—I don't know when, but not long thereafter I was elevated to this position of senior partner.

Q. And what type of law do you practice?

A. I am a corporate international generalist at Akin, Gump.

Q. And does Akin, Gump have about 800 lawyers?

A. We have about 800 lawyers, yes.

Q. Which is an incredible number for lawyers from someone who practiced law in Arkansas.

How do all of those lawyers—

A. We have some members of our law firm who are from Arkansas, so it's not unusual for them.

Q. And how is it that you are able to obtain enough business for 800 lawyers?

A. I don't think that's my entire responsibility. I'm just one of 800 lawyers, and that is what I do in part, but I'm not alone in that process of making rain.

Q. When you say ''making rain,'' that's the terminology of being a rainmaker?

A. I think even in Arkansas, you understand what rainmaking is.

Q. We've read Grisham books.

And so, when you say making rain or being a rainmaker, that is to bring in business so that you can keep the lawyers busy practicing law?

A. Well, that is—that is part and parcel of the practice of law.

Q. And do you bill by the hour?

A. I do not.

Q. And I understand you used to, but you do not anymore?

A. I graduated.

Q. A fortunate graduation.

And when the—when you did bill by the hour, what was your billable rate the last time you had to do that?

A. I believe my billable rate at the last time was somewhere between 450 and 500 an hour.

Q. Now, would you describe—

A. Not bad for a Georgia boy. I'm from Georgia. You've heard of that State, I'm sure.

Q. It's probably not bad from Washington standards.

Would you describe the nature of your relationship with President Clinton?

A. President Clinton has been a friend of mine since approximately 1973, when I came to your State, Arkansas, to make a speech as president of the National Urban League about race and equal opportunity in our Nation, and we met then and there, and our friendship has grown and developed and matured and he is my friend and will continue to be my friend.

Q. And just to further elaborate on that friendship, it's my understanding that he and his—and the First Lady has had Christmas Eve dinner with you and your family for a number of years?

A. Every year since his Presidency, the Jordan family has been privileged to entertain the Clinton family on Christmas Eve.

Q. And has there been any exceptions in recent years to that?

A. Every year that he has been President, he has had, he and his family, Christmas Eve with my family.

Q. And have you vacationed together with the Clinton family?

A. Yes. I think you have seen reels of us playing golf and having fun at Martha's Vineyard.

Q. And so you vacation together, you play golf together on a semi-regular basis?

A. Whenever we can. We've not been doing it recently, for reasons that I think are probably very obvious to you, Counsel.

Q. Well, explain that to me.

A. Just what I said, for a time, I was going before the grand jury, and under the advice of counsel and I'm sure under advice of the President's counsel, it was thought best that we not play golf together.

So, from the time that I first went to the grand jury, I don't think—we have not played golf this year, unfortunately, together.

Q. Since you—I think your first appearance at the grand jury was March 3 of '98. Then you went March 5, and then in May, I believe you were two times before the grand jury and then one in June of '98.

Since your last testimony before the grand jury in June of '98, have you been in contact with the President of the United States?

A. Yes, I have.

Q. And are these social occasions or for business purposes?

A. Social occasions. I was invited to the Korean State Dinner. I forget when that was. I think that was the first time I was in the White House since Martin Luther King Day of last year.

I saw the President at Martha's Vineyard. I was there when he got off Air Force One to greet him and welcome him to—to the Vineyard, and I was at the White House for one of the performances about music. The Morgan State Choir sang, and so I've been to the White House only for social occasions in the last year since Martin Luther King's birthday, I believe.

Q. Have you had any private conversations with the President?

A. Yes, I have, as a matter of fact.

Q. And has this been on the telephone or in person?

A. I've talked to him on the telephone, and I talked to him at the Vineyard. He was at my house on Christmas Eve. There were a lot of people around, but, yes, I've talked to the President.

Q. And did you discuss your testimony before the grand jury or his testimony before the grand jury?

A. I did not.

Q. There was one reference that he made in his Federal grand jury testimony, and I'll refer counsel, if they would like. It was on page 77 of the President's testimony in his appearance before the grand jury on August 17th.

And he referenced discussions with you, and he said, ''I think I may have been confused in my memory because I've also talked to him on the phone about what he said, about whether he had talked to her or met with her. That's all I can tell you,'' and I believe the ''her'' is a reference to Ms. Lewinsky.

And it appeared to me from reading that, that there might have been some conversations with you by the President, perhaps in reference to your grand jury testimony or your knowledge of when and how you talked to Ms. Lewinsky.

A. If I understand your question about whether or not the President of the United States and I talked about my testimony before the grand jury or his testimony before the grand jury, I can say to you unequivocally that the President of the United States and I have not discussed our testimony. I was advised by my counsel, Mr. Hundley, not to discuss that testimony, and I have learned in this process, Mr. Hutchinson, to—to take the advice of counsel.

Q. I would certainly agree that that is good counsel to take, but going back to the question—and I will try to rephrase it because it was a very wordy question that I asked you—and it's clear from your testimony that you have not discussed your grand jury testimony—

A. That is correct.

Q. —but did you, subsequent to your last testimony before the grand jury, talk to the President in which you discussed conversation that you have had with Monica Lewinsky?

A. I have not discussed a conversation that I have had with Monica Lewinsky with the President of the United States.

Q. And have you had any discussions about Monica Lewinsky with the President of the United States since your last testimony before the grand jury?

A. I have not.

Q. Now, going back to your relationship with the President, you have been described as a friend and advisor to the President. Is that a fair terminology?

A. I think that's fair.

Q. And in the advisor capacity, had you served as co-chairman of the Clinton-Gore transition team in 1992?

A. I believe I was chairman.

Q. That is an important distinction.

And have you served in any other official or semi-official capacities for this administration?

A. I have not, except that I was asked by the President to lead the American delegation to the inauguration of President Li in Taiwan, and that was about as official as you can get, but beyond that, I have not—not had any official capacity.

For a very brief moment, very early in the administration, I was appointed to the Foreign Intelligence Advisory Committee, and I went to one meeting and stayed half that meeting, went across the street and told Bruce Lindsey that that was not for me.

Q. Now, let's move on. After we've established to a certain degree your relationship with the President, let's move on to January 20th of 1998, and just to put that in clearer terms, this is a Tuesday after the January 17 deposition of President Clinton in the Paula Jones civil rights case. Do you recall that time frame?

A. [Nodding head up and down.]

Q. This is in the afternoon of January 20th, again, after the President's deposition. You contacted Mr. Howard Gittis, who I believe is General Counsel of McAndrews & Forbes Holdings?

A. Howard Gittis is Vice Chairman of McAndrews, Forbes, and he is not the General Counsel. He is a lawyer, but he is not the General Counsel.

Q. And what was the purpose of you contacting Mr. Howard Gittis on January 20th?

A. If I talked to Howard Gittis on the 20th, I don't recall exactly what my conversation with Howard Gittis was about. I think it was a telephone call, maybe.

Q. And that's difficult. Let me see if I can't help you in that regard.

A. Right.

Q. Was the purpose of that call with Mr. Gittis to arrange breakfast the next morning on January 21st?

A. Yeah. I was in New York, and I did call Mr. Gittis and say—and as I remember, I had breakfast with him on the 21st, I believe. Yes, I did.

Q. And this is a breakfast that you had set up?

A. Yes.

Q. And what was the reason you made the decision to request a breakfast meeting with Mr. Gittis?

A. Yes. As I remember, I had gotten a telephone call from David Bloom at 1 o'clock in the morning at the St. Regis Hotel about the matter that was about to break having to do with the entire Lewinsky matter, and I had not at any time discussed the Lewinsky matter with—with Howard Gittis. And so I had breakfast with him to tell him that reporters were calling, that this would obviously involve Revlon, which had responded to my—my efforts to find Ms. Lewinsky employment, and so Howard Gittis is a friend of mine. Howard Gittis is a fellow board member with me at Revlon. He is the Vice Chairman of McAndrews & Forbes, and I thought it—I thought I had—it was incumbent upon me to stop and say, ''Listen, there's trouble a-brewing.''

Q. And just—you've mentioned McAndrews & Forbes and Revlon. McAndrews & Forbes, am I correct, is the parent company of—

A. It's the holding company.

Q. The holding company of Revlon and presumably other companies.

And you sit on the board of McAndrews & Forbes?

A. I do not. I sit on the board of Revlon.

Q. All right. And that is a position that brings you an annual salary—

A. There is a director's fee.

Q. You receive a director's fee, and in addition, your law firm receives—from business from—

A. We do—

Q. —Revlon?

A. We do. We do business. We've represented Revlon, and we represented Revlon before I was elected a director.

Q. And you mention that things were breaking that you felt like you needed to advise Mr. Gittis concerning. At the time that you made the arrangements for the breakfast on January 21st, had you become aware of the Drudge Report?

A. Yes, I had.

Q. And you had had lunch with Bruce Lindsey on January 20th?

A. No. I don't think it was on January—it was on Sunday. No, that was not the 20th.

Q. And during that luncheon, did you become aware of the Drudge Report—

A. That is correct.

Q. —and receive a copy of it?

A. That is correct.

Q. And that was from Bruce Lindsey?

A. That is correct.

Q. And that Drudge Report, did it mention your name?

A. I don't think so, but I don't remember.

Q. Was there some news stories that had mentioned your name in reference to Ms. Lewinsky and the President?

A. I believe that my name has been an integral part of this process from the beginning.

Q. And did you in fact have the breakfast meeting with Mr. Gittis?

A. Yes, I did.

Q. And what information did you convey to Mr. Gittis concerning Ms. Lewinsky at that breakfast meeting?

A. I just simply said that the press was calling about Ms. Lewinsky; that while I had not dealt with him, I had dealt with Richard Halperin, I had dealt with Ronald Perelman. I had not dealt with him, but that he ought to know and that I was sorry about this.

And I also said that it would probably be even more complicated because early on I had referred Webb Hubbell to them to be hired as counsel.

Q. And I want to get to that in just a moment, but you indicated that you said you were sorry. Were you referring to the problems that this might create for the company?

A. Well, I was obviously concerned. I am a director. I am their counsel. They're my friends. And publicity was breaking. I thought I had some responsibility to them to give them a heads-up as to what was going on.

Q. Now, is it true that your efforts to find a job for Ms. Lewinsky that you referenced in that meeting with Mr. Gittis—were your efforts carried out at the request of the President of the United States?

A. There is no question but that through Betty Currie, I was acting on behalf of the President to get Ms. Lewinsky a job. I think that's clear from my grand jury testimony.

Q. Okay. And I just want to make sure that that's firmly established. And in reference to your previous grand jury testimony, you indicated, I believe, on May 28th, 1998, at page 61, that ''She''—referring to Betty Currie—''was the one that called me at the behest of the President.''

A. That is correct, and I think, Congressman, if in fact the President of the United States' secretary calls and asks for a request that you try to do the best you can to make it happen.

Q. And you received that request as a request coming from the President?

A. I—I interpreted it as a request from the President.

Q. And then, later on in June of '98 in the grand jury testimony at page 45, did you not reference or testify that ''The President asked me to get Monica Lewinsky a job''?

A. There was no—there was no question but that he asked me to help and that he asked others to help. I think that is clear from everybody's grand jury testimony.

Q. And just one more point in that regard. In the same grand jury testimony, is it correct that you testified that ''He''—referring to the President—''was the source of it coming to my attention in the first place''?

A. I may—if that is—if you—if it's in the—

Q. It's at page 58 of the grand jury—

A. I stand on my grand jury testimony.

Q. All right. Now, during your efforts to secure a job for Ms. Lewinsky, I think you mentioned that you talked to Mr. Richard Halperin.

A. Yes.

Q. And he is with McAndrews & Forbes?

A. Yes.

Q. And you also at one point talked to Mr. Ron Perelman; is that correct?

A. I made a call to Mr. Perelman, I believe, on the 8th of January.

Q. And he is the—

A. He is the chairman/CEO of McAndrews Forbes. He is a majority shareholder in McAndrews Forbes. This is his business.

Q. Now, at the time that you requested assistance in obtaining Ms. Lewinsky a job, did you advise Mr. Perelman or Mr. Halperin of the fact that the request was being carried out at the request of the President of the United States?

A. I don't think so. I may have.

Q. Well, the first answer you gave was ''I don't think so.'' Now, in fact, you did not advise either Mr. Perelman or Mr. Halperin of that fact because am I correct that Mr. Perelman—or, excuse me, Mr. Gittis—expressed some concern that Revlon was never advised of that fact?

A. Then, uh, I cannot say, I guess, precisely that I told that ''I am doing this for the President of the United States.''

I do believe, on the other hand, that given the fact that she was in the White House, given the fact that she had been a White House intern, I would not be surprised if that was their understanding.

Q. Well, in your conversation with Mr. Halperin.

A. Yes—I'm certain I did not say that to Richard Halperin.

Q. Okay. So there's no question that you did not tell Mr. Halperin that you were acting at the request of the President?

A. I'm fairly certain I did not.

Q. And in your conversation with Mr. Perelman, did you indicate to him that you were calling—or you were seeking—employment for Ms. Lewinsky at the request of the President?

A. Yes—I don't think that I, that I made that explicit in my conversation with Mr. Perelman, and I'm not sure I thought it necessary to say ''This is for the President of the United States.''

By the same token, I would have had no hesitance in doing that.

Q. Now, at the time that you had called Mr. Perelman, which I believe you testified was in January of '98—

A. That's right.

Q. —I think you said January 8th—

A. Right.

Q. —you were aware at that time, were you not, that Ms. Lewinsky had received a subpoena to give a deposition in the Jones versus Clinton case?

A. That is correct.

Q. At the time that you talked to Mr. Perelman requesting his assistance for Monica Lewinsky, did you advise Mr. Perelman of the fact that Ms. Lewinsky was under subpoena in the Jones case?

A. I did not.

Q. And when you—did Mr. Perelman, Mr. Gittis or Mr. Halperin ever express to you disappointment that they were not told of two facts—either of these two facts—one, that Ms. Lewinsky was being helped at the request of the President; and secondly, that she was known by you and the President to be under subpoena in that case?

A. No.

Q. Now, you are on the board of directors of Revlon.

A. I am.

Q. And how long have you been on the board of Revlon?

A. I forget. Ten years, maybe.

Q. And as a member of the board of directors, do you not have a fiduciary responsibility to the company?

A. I do.

Q. And how would you define a fiduciary responsibility?

A. I define my fiduciary responsibility to the company about company matters.

Q. And how would you define fiduciary responsibility in reference to company matters?

A. Anything that has to do with the company, that I believe in the interest of the company, I have some fiduciary responsibility to protect the company, to help the company in any way that I—that is possible.

Q. And is fiduciary responsibility sometimes considered a trust relationship in which you owe a degree of trust and responsibility to someone else?

A. I think—I think that ''trust'' and ''fiduciary'' are probably synonymous.

Q. Okay. Do you believe that you were acting in the company's interest or the President's interest when you were trying to secure a job for Ms. Lewinsky?

A. Well, what I knew was that the company would take care of its own interest. This is not the first time that I referred somebody, and what I know is, is that if a person being referred does not meet the

standards required for that company, I have no question but that that person will not be hired. And so the referral is an easy thing to do; the judgment about employment is not a judgment as a person referring that I make. But I do have confidence in all of the companies on whose boards that I sit that, regardless of my reference, that as to their needs and as to their expectations for their employees that they will make the right decisions, as happened in the American Express situation.

American Express called and said: We will not hire Ms. Lewinsky. I did not question it, I did not challenge it, because they understood their needs and their needs in comparison to her qualifications. They made a judgment. Revlon, on the other hand, made another judgment.

I am not the employer, I am the referrer, and there is a major difference.

Q. Now, going back to what you knew as far as information and what you conveyed to Revlon, you indicated that you did not tell Mr. Halperin that you were making this request or referral at the request of the President of the United States.

A. Yes, and I didn't see any need to do that.

Q. And then, when you talked to Mr.—

A. Nor do I believe not saying that, Counselor, was a breach of some fiduciary relationship.

Q. And when you had your conversation with Mr. Perelman—

A. Right.

Q. —at a later time—

A. Right.

Q. —you do not remember whether you told him—you do not believe you told him you were calling for the President—

A. I believe that I did not tell him.

Q. —but you assumed that he knew?

A. No. I did not make any assumptions, let me say. I said: Ronald, here is a young lady who has been interviewed. She thinks the interview has not gone well. See what you can do to make sure that she is properly interviewed and evaluated—in essence.

Q. And did you reference her as a former White House intern?

A. Probably. I do not have a recollection of whether I described her as a White House intern, whether I described her as a person who had worked for the Pentagon. I said this is a person that I have referred.

I think, Mr. Hutchinson, that I have sufficient, uh, influence, shall we say, sufficient character, shall we say, that people have been throughout my career able to take my word at face value.

Q. And so you didn't need to reference the President. The fact that you were calling Mr. Perelman—

A. That was sufficient.

Q. —and asking for a second interview for Ms. Lewinsky, that that should be sufficient?

A. I thought it was sufficient, and obviously, Mr. Perelman thought it was sufficient.

Q. And so there is no reason, based on what you told him, for him to think that you were calling at the request of the President of the United States?

A. I think that's about right.

Q. And so, at least with the conversation with Mr. Halperin and Mr. Perelman, you did not reference that you were acting in behalf of the President of the United States. Was there anyone else that you talked to at Revlon in which they might have acquired that information?

A. The only persons that I talked to in this process, as I explained to you, was Mr. Halperin and Mr. Perelman about this process. And it was Mr. Halperin who put the—who got the process started.

Q. So those are the only two you talked about, and you made no reference that you were acting in behalf of the President?

A. Right.

Q. Now, the second piece of information was the fact that you knew and the President knew that Ms. Lewinsky was under subpoena in the Jones case, and that information was not provided to either Mr. Halperin or to Mr. Perelman; is that correct?

A. That's correct.

Q. Now, I wanted to read you a question and answer of Mr. Howard Gittis in his grand jury testimony of April 23, 1998.

The question was: ''Now, you had mentioned before that one of the responsibilities of director is to have a fiduciary duty to the company. If it was the case that Ms. Lewinsky had been noticed as a witness in the Paula Jones case, and Vernon Jordan had known that, is that something that you believe as a person who works for McAndrews & Forbes, is that something that you believe that Mr. Jordan should have told you, or someone in the company, not necessarily you, but someone in the company, when you referred her for employment?''

His answer was ''Yes.''

Do you disagree with Mr. Gittis'' conclusion that that was important information for McAndrews & Forbes?

A. I obviously didn't think it was important at the time, and I didn't do it.

Q. Now, in your previous answers, you reference the fact that you——

A. I think, on the other hand, that had she been a defendant in a murder case and I knew that, then I probably wouldn't have referenced her. But her being a witness in a civil case I did not think important.

Q. Despite the fact that you were acting at the request of the President, and this witness was potentially adverse to the President's interest in that case?

A. I didn't know that. I mean, I don't—I don't know what her position was or whether it was adverse or not.

Q. All right. Mr. Jordan, prior to you answering that, did you get an answer from your attorney?

A. My attorney mumbled something in my ear, but I didn't hear him.

MR. HUNDLEY: It was a spontaneous remark. I'll try to refrain.

MR. HUTCHINSON: I know that—

THE WITNESS: He does have a right to mumble in my ear, I think.

MR. HUNDLEY: I mumble too loud because I don't hear too well myself.

BY MR. HUTCHINSON:

Q. Now, going back to a complicating factor in your conversation with Mr. Gittis and this embarrassing situation of the Lewinsky job, the complicating fact was that you had also helped Webb Hubbell get a job or consulting contracts with the same company; is that—

A. Yes. You use the word ''complicated.'' I did not view it as a complication. I viewed it as a, as another something that happened, and that that caused some embarrassment to the company, and here again, we were back for another embarrassment for the company, and I thought I had a responsibility to say that.

Q. Would you explain how you helped Webb Hubbell secure a job or a contract with Revlon?

A. Yes. Webb Hubbell came to me after his resignation from the Justice Department. Webb and I got to be friends during the transition, and Webb came to me and he said, ''I'm leaving the Justice Department,'' or ''I've left the Justice Department''—I'm not sure which—and he said, ''I really need work.''

And I said, ''Webb, I will do what I can to help you.''

I called New York, made arrangements. I took Webb Hubbell to New York. We had lunch. I took him the headquarters of McAndrews & Forbes at 62nd Street. I introduced him to Howard Gittis, Ronald Perelman, and I left.

Q. And did, subsequently, Mr. Hubbell obtain consulting contracts with Revlon?

A. Subsequently, Mr. Hubbell was hired, as I understand it, as outside counsel to McAndrews & Forbes, or Revlon, or some entity within the Perelman empire.

Q. And was that consulting contracts of about $100,000 a year?

A. I—I think so, I think so.

Q. And did you make other contacts with other companies in which you had friends for assistance for Webb Hubbell?

A. I did not.

Q. And was the effort to assist Mr. Webb Hubbell during this time—was it after he left the Department of Justice and prior to the time that he pled guilty to criminal charges?

A. That is correct.

Q. And at the time you assisted Webb Hubbell by securing a job with Revlon for him, was he a potential adverse witness to the President in the ongoing investigation by the Independent Counsel?

A. I don't know whether he was an adverse witness or not. What he was was my friend who had just resigned from the Justice Department, and he was out of work, and he asked for help, and I happily helped him.

Q. And did you know at the time that he was a potential witness in the investigation by the OIC?

A. I don't know whether I knew whether he was a potential witness or not. I simply responded to Webb Hubbell who was a friend in trouble and needing work.

Q. Now, let's backtrack to the time when you first had any contact with Ms. Lewinsky. We've talked about this January 20–21st meeting with Mr. Gittis and covered a little bit of the tail end of this entire episode. Now I would like to go back in time to your first meetings with Ms. Lewinsky.

Now, when was the first time that you recall that you met with Monica Lewinsky?

A. If you've read my grand jury testimony—

Q. I have.

A. —and I'm sure that you have—there is testimony in the grant jury that she came to see me on or about the 5th of November. I have no recollection of that. It was not on my calendar, and I just have no recollection of her visit. There is a letter here that you have in evidence, and I have to assume that in fact that happened. But as I said in my grand jury testimony, I'm not aware of it, I don't remember it—but I do not deny that it happened.

Q. And Ms. Lewinsky has made reference to a meeting that occurred in your office on November 5, and that's the meeting that you have no recollection of?

A. That is correct. We have no record of it in my office, and I just have no recollection of it.

Q. And in your first grand jury appearance, you were firm, shall I say, that the first time you met with Ms. Lewinsky, that it was on December 11th?

A. Yes. It was firm based on what my calendar told me, and subsequently to that, there has been a refreshing of my recollection, and I do not deny that it happened. By the same token, I will tell you, as I said in my grand jury testimony, that I did not remember that I had met with her.

Q. And in fact today, the fact that you do not dispute that that meeting occurred is not based upon your recollection but is simply based upon you've seen the records, and it appears that that meeting occurred?

A. That is correct.

Q. Okay. And you've made reference to my first exhibit there, which is front of you, and I would refer you to this at this time, which is Exhibit 86.

Now, this is captioned as a ''Letter from Ms. Lewinsky to Mr. Vernon Jordan dated November 6, 1997,'' and it appears that this letter thanks you for meeting with her in reference to her job search. And do you recall this—

MR. KENDALL: Mr. Hutchinson, excuse me. May I ask—this is an unsigned copy. Do you have a signed copy of this letter?

MR. HUTCHINSON: Let me go through my questions if I might.

BY MR. HUTCHINSON:

Q. Do you recall receiving this letter?

A. I do not.

Q. Do you ever recall seeing this letter before?

A. The first time I saw this letter was when I was before the grand jury.

Q. And am I correct that it's your testimony that the first time you ever recall hearing the name ''Monica Lewinsky'' was in early December of '97?

A. That's correct. I—I may have heard the name before, but the first time I remember seeing her and having her in my presence was then.

Q. Well, regardless of whether you met with her in November or not, the fact is you did not do anything in November to secure a job for Ms. Lewinsky until your activities on December 11 of '97?

A. I think that's correct.

Q. And on December 11, I think you made some calls for Ms. Lewinsky on that particular day?

A. I believe I did. I have some—it's all right for me to refresh my recollection?

Q. Certainly.

A. Thank you. [Perusing documents.] I did make calls for her on the 11th, yes.

Q. And may I just ask what you're referring to?

A. I'm referring here to telephone logs prepared by counsel here for me to refresh my recollection about calls.

MR. HUNDLEY: You are welcome to have a copy of that.

THE WITNESS: You are welcome to see it.

MR. HUTCHINSON: Do you have an extra copy?

THE WITNESS: Yes—in anticipation.

MR. HUNDLEY: There are a few calls.

SENATOR THOMPSON: Might this be a good time to take a 5–minute break?

MR. HUTCHINSON: Certainly.

SENATOR THOMPSON: All right. Let's adjourn for 5 minutes.

THE VIDEOGRAPHER: We are going off the record at 10:03 a.m.

[Recess.]

THE VIDEOGRAPHER: We're going back on the record at 10:16 a.m.

SENATOR THOMPSON: All right. Counsel has consumed 38 minutes.

Counsel, would you proceed?

MR. HUTCHINSON: Thank you, Senator Thompson.

At this time, I would offer as Jordan Deposition Exhibit 86, if you don't mind me going by that numerology—

SENATOR THOMPSON: Would it be better to do that or make it Jordan Exhibit Number 1? Does counsel have any preference on that—is that—

MR. HUTCHINSON: One is fine.

SENATOR THOMPSON: Let's do it that way. It will be made a part of the record, Jordan Deposition Number 1.

[Jordan Deposition Exhibit No. 1 marked for identification.]

BY MR. HUTCHINSON:

Q. Mr. Jordan, let me go back to that meeting on December 11th. I believe we were discussing that. My question would be: How did the meeting on December 11 of 1997 with Ms. Lewinsky come about?

A. Ms. Lewinsky called my office and asked if she could come to see me.

Q. And was that preceded by a call from Betty Currie?

A. At some point in time, Betty Currie had called me, and Ms. Lewinsky followed up on that call, and she came to my office, and we had a visit.

Q. Ms. Lewinsky called, set up a meeting, and at some point sent you a resume, I believe.

A. I believe so.

Q. And did you receive that prior to the meeting on December 11th?

A. I—I have to assume that I did, but I—I do not know whether she brought it with her or whether—it was at some point that she brought with her or sent to me—somehow it came into my possession—a list of various companies in New York with which she had—which were here preferences, by the way—most of which I did not know well enough to make any calls for.

Q. All right. And I want to come back to that, but I believe—would you dispute if the record shows that you received the resume of Ms. Lewinsky on December 8th?

A. I would not.

Q. And presumably, the meeting on December 11th was set up somewhere around December 8th by the call from Ms. Lewinsky?

A. I—I would not dispute that, sir.

Q. All right. Now, you mentioned that she had sent you a—I guess some people refer to it—a wish list, or a list of jobs that she—

A. Not jobs—companies.

Q. —companies that she would be interested in seeking employment with.

A. That's correct.

Q. And you looked at that, and you determined that you wanted to go with your own list of friends and companies that you had better contacts with.

A. I'm sure, Congressman, that you too have been in this business, and you do know that you can only call people that you know or feel comfortable in calling.

Q. Absolutely. No question about it. And let me just comment and ask you response to this, but many times I will be listed as a reference, and they can take that to any company. You might be listed as a reference and the name ''Vernon Jordan'' would be a good reference anywhere, would it not?

A. I would hope so.

Q. And so, even though it was a company that you might not have the best contact with, you could have been helpful in that regard?

A. Well, the fact is I was running the job search, not Ms. Lewinsky, and therefore, the companies that she brought or listed were not of interest to me. I knew where I would need to call.

Q. And that is exactly the point, that you looked at getting Ms. Lewinsky a job as an assignment rather than just something that you were going to be a reference for.

A. I don't know whether I looked upon it as an assignment. Getting jobs for people is not unusual for me, so I don't view it as an assignment. I just view it as something that is part of what I do.

Q. You're acting in behalf of the President when you are trying to get Ms. Lewinsky a job, and you were in control of the job search?

A. Yes.

Q. Now, going back—going to your meeting that we're talking about on December 11th, prior to the meeting did you make any calls to prospective employers in behalf of Ms. Lewinsky?

A. I don't think so. I think not. I think I wanted to see her before I made any calls.

Q. And so if they were not before, after you met with her, you made some calls on December 11th?

A. I—I believe that's correct.

Q. And you called Mr. Richard Halperin of McAndrews & Forbes?

A. That's right.

Q. You called Mr. Peter—

A. Georgescu.

Q. —Georgescu. And he is with what company?

A. He is chairman and chief executive officer of Young & Rubicam, a leading advertising agency on Madison Avenue.

Q. And did you make one other call?

A. Yes. I called Ursie Fairbairn, who runs Human Resources at American Express, at the American Express Company, where I am the senior director.

Q. All right. And so you made three calls on December 11th. You believe that they were after you met with Ms. Lewinsky—

A. I doubt very seriously if I would have made the calls in advance of meeting her.

Q. And why is that?

A. You sort of have to know what you're talking about, who you're talking about.

Q. And what did you basically communicate to each of these officials in behalf of Ms. Lewinsky?

A. I essentially said that you're going to hear from Ms. Lewinsky, and I hope that you will afford her an opportunity to come in and be interviewed and look favorably upon her if she meets your qualifications and your needs for work.

Q. Okay. And at what level did you try to communicate this information?

A. By—what do you mean by ''what level''?

Q. In the company that you were calling, did you call the chairman of human resources, did you call the CEO—who did you call, or what level were you seeking to talk to?

A. Richard Halperin is sort of the utility man; he does everything at McAndrews & Forbes. He is very close to the chairman, he is very close to Mr. Gittis. And so at McAndrews & Forbes, I called Halperin.

As I said to you, and as my grand jury testimony shows, I called Young & Rubicam, Peter Georgescu as its chairman and CEO. I have had a long-term relationship with Young & Rubicam going back to three of its CEOs, the first being Edward Ney, who was chairman of Young & Rubicam when I was head of the United Negro College Fund, and it was during that time that we developed the great theme, ''A mind is a terrible thing to waste.'' So I have had a long-term relationship with Young & Rubicam and with Peter Georgescu, so I called the chairman in that instance.

At American Express, I called Ms. Ursie Fairbairn who is, as I said before, in charge of Human Resources.

So that is the level—in one instance, the chairman; in one instance a utilitarian person; and in another instance, the head of the Human Resources Department.

Q. And the utilitarian connection, Mr. Richard Halperin, was sort of an assistant to Mr. Ron Perelman?

A. That's correct. He's a lawyer.

Q. Now, going to your meeting on December 11th with Ms. Lewinsky, about how long of a meeting was that?

A. I don't—I don't remember. You have a record of it, Congressman.

Q. And actually, I think you've testified it was about 15 to 20 minutes, but don't hold me to that, either.

During the course of the meeting with Ms. Lewinsky, what did you learn about her?

A. Uh, enthusiastic, quite taken with herself and her experience, uh, bubbly, effervescent, bouncy, confident, uh—actually, I sort of had the same impression that you House Managers had of her when you met with her. You came out and said she was impressive, and so we come out about the same place.

Q. And did she relate to you the fact that she liked being an intern because it put her close to the President?

A. I have never seen a White House intern who did not like being a White House intern, and so her enthusiasm for being a White House intern was about like the enthusiasm of White House interns—they liked it.

She was not happy about not being there anymore—she did not like being at the Defense Department—and I think she actually had some desire to go back. But when she actually talked to me, she wanted to go to New York for a job in the private sector, and she thought that I could be helpful in that process.

Q. Did she make reference to someone in the White House being uncomfortable when she was an intern, and she thought that people did not want her there?

A. She felt unwanted—there is no question about that. As to who did not want her there and why they did not want her there, that was not my business.

Q. And she related that—

A. She talked about it.

Q. —experience or feeling to you?

A. Yes.

Q. Now, your meeting with Ms. Lewinsky was on December 11th, and I believe that Ms. Lewinsky has testified that she met with the President on December 5—excuse me, on December 6—at the White House and complained that her job search was not going anywhere, and the President then talked to Mr. Jordan.

Do you recall the President talking to you about that after that meeting?

A. I do not have a specific recollection of the President saying to me anything about having met with Ms. Lewinsky. The President has never told me that he met with Ms. Lewinsky, as best as I can recollect. I—I am aware that she was in a state of anxiety about going to work. She was in a state of anxiety in addition because her lease at Watergate, at the Watergate, was to expire December 31st. And there was a part of Ms. Lewinsky, I think, that thought that because she was coming to me, that she could come today and that she would have a job tomorrow. That is not an unusual misapprehension, and it's not limited to White House interns.

Q. I mentioned her meeting with the President on the same day, December 6th. I believe the record shows the President met with his lawyers and learned that Ms. Lewinsky was on the Jones witness list. Now, did you subsequently meet with the President on the next day, December 7th?

A. I may have met with the President. I'd have to—I mean, I'd have to look. I'd have to look. I don't know whether I did or not.

Q. If you would like to confer—I believe the record shows that, but I'd like to establish that through your testimony.

MS. WALDEN: Yes.

THE WITNESS: Yes.

BY MR. HUTCHINSON:

Q. All right. So you met with the President on December 7th. And was it the next day after that, December 8th, that Ms. Lewinsky called to set up the job meeting with you on December 11th?

A. I believe that is correct.

Q. And sometime after your meeting on December 11th with Ms. Lewinsky, did you have another conversation with the President?

A. Uh, you do understand that conversations between me and the President, uh, was not an unusual circumstance.

Q. And I understand that—

A. All right.

Q. —and so let me be more specific. I believe your previous testimony has been that sometime after the 11th, you spoke with the President about Ms. Lewinsky.

A. I stand on that testimony.

Q. All right. And so there's two conversations after the witness list came out—one that you had with the President on December 7th, and then a subsequent conversation with him after you met with Ms. Lewinsky on the 11th.

Now, in your subsequent conversation after the 11th, did you discuss with the President of the United States Monica Lewinsky, and if so, can you tell us what that discussion was?

A. If there was a discussion subsequent to Monica Lewinsky's visit to me on December the 11th with the President of the United States, it was about the job search.

Q. All right. And during that, did he indicate that he knew about the fact that she had lost her job in the White House, and she wanted to get a job in New York?

A. He was aware that—he was obviously aware that she had lost her job in the White House, because she was working at the Pentagon. He was also aware that she wanted to work in New York, in the private sector, and understood that that is why she was having conversations with me. There is no doubt about that.

Q. And he thanked you for helping her?

A. There's no question about that, either.

Q. And on either of these conversations that I've referenced that you had with the President after the witness list came out, your conversation on December 7th, and your conversation sometime after the 11th, did the President tell you that Ms. Monica Lewinsky was on the witness list in the Jones case?

A. He did not.

Q. And did you consider this information to be important in your efforts to be helpful to Ms. Lewinsky?

A. I never thought about it.

Q. Was there a time that you became aware that Ms. Lewinsky had been subpoenaed to give a deposition in the Jones versus Clinton case?

A. On December 19th when she came to my office with the subpoena—I think it's the 19th.

Q. That's right. Now, you indicated you never thought about it, because of course, at that point, you didn't know that she was on the witness list, according to your testimony.

A. [Nodding head up and down.]

Q. Now, you said that she came to see you on December 19th—I'm sorry. I've been informed you didn't respond out loud, so—

A. Well, if you'd ask the question, I'd be happy to respond.

Q. I was afraid you would ask me to ask the question again.

Well, let's go to the December 19th meeting.

A. Fine.

Q. How did it come about that you met with Ms. Lewinsky on December 19th?

A. Ms. Lewinsky called me in a rather high emotional state and said that she needed to see me, and she came to see me.

Q. And she called you on the telephone on December 19th, in which she indicated she had received a subpoena?

A. That's right, and was emotional about it and asked, and so I said come over.

Q. And what was your reaction to her having received a subpoena in the Jones case?

A. Surprise, number one; number two, quite taken with her emotional state.

Q. And did you see that she had a problem?

A. She obviously had a problem—she thought—

THE VIDEOGRAPHER: We have to go off the record.

SENATOR THOMPSON: Off the record.

[Recess due to power failure.]

THE VIDEOGRAPHER: We're going back on the record at 10:49 a.m.

SENATOR THOMPSON: All right, let the record reflect that we've been down for 20 to 25 minutes due to a power failure, but we are ready to proceed now, counsel.

MR. HUTCHINSON: Thank you, Senator Thompson.

And Mr. Jordan, before we go back to my line of questioning, I have been informed that we have that question in which we did not get an audible response, and so I'm going to ask the court reporter to read that question back.

[The court reporter read back the requested portion of the record.]

THE WITNESS: I did not know that she was on the witness list, Congressman. And let me say parenthetically here that our side had nothing to do with the power outage.

[Laughter.]

THE WITNESS: As desirable as that may have been.

[Laughter.]

BY MR. HUTCHINSON:

Q. Thank you, Mr. Jordan. And again, we're talking about the fact you never thought about the President not telling you that Ms. Lewinsky was on the witness list because you didn't know it at the time.

A. I—I did not know it.

Q. All right. Now, before we go back to December 19th, I've also been informed that I've been neglectful, and sometimes you will give a nod of the head, and I've not asked you to give an audible response. So I'm going to try to be mindful of that, but at the same time, Mr. Jordan, if you can try to give an audible response to a question rather than what we sometimes do in private conversation, which is a nod of the head. Fair enough?

A. I'm happy to comply.

Q. Now, we're talking about December 19th, that you had received a call from Monica Lewinsky; she had been subpoenaed in the Jones case. She was upset. You said, Come to my office.

Now, when she got to the office, I asked you, actually, before that, what was your reaction to her having this subpoena, and she had a problem because of the subpoena.

A. Yes.

Q. And I believe you previously indicated that any time a witness gets a subpoena, they've got a problem that they would likely need legal assistance.

A. That's been my experience.

Q. And in fact she did subsequently come to see you at the office on that December 19th, is that correct?

A. That's correct.

Q. And what happened at that meeting in your office with Ms. Lewinsky on the 19th?

A. She, uh, as I said, was quite emotional. She was—she was disturbed about the subpoena. She was disturbed about not having, in her words, heard from the President or talked to the President.

It was also in that meeting that it became clear to me that the—that her eyes were wide and that she, uh, that—let me—for lack of a better way to put it, that she had a ''thing'' for the President.

Q. And how long was that meeting?

A. I don't know, uh, but it's in the record.

MR. HUNDLEY: You testified 45 minutes.

THE WITNESS: Forty-five minutes. Thank you.

MR. HUTCHINSON: Thank you.

MR. HUNDLEY: Is that okay if I—

MR. HUTCHINSON: That's all right, and that's helpful, Mr. Hundley.

MR. HUNDLEY: Thank you. I'm trying to be helpful.

BY MR. HUTCHINSON:

Q. And during this meeting, did she in fact show you the subpoena that she had received in the Jones litigation?

A. I'm sure she showed me the subpoena.

Q. And the subpoena that was presented to you asked her to give a deposition, is that correct?

A. As I recollect.

Q. But did it also ask Ms. Lewinsky or direct her to produce certain documents and tangible objects?

A. I think, if I'm correct in my recollection, it asked that she produce gifts.

Q. Gifts, and some of those gifts were specifically enumerated.

A. I don't remember that. I do remember gifts.

Q. And did you discuss any of the items requested under the subpoena?

A. I did not. What I said to her was that she needed counsel.

Q. Now, just to help you in reference to your previous grand jury testimony of March 3, '98—and if you would like to refer to that, page 121, but I believe it was your testimony that you asked her if there had been any gifts after you looked at the subpoena.

A. I may have done that, and if I—if that's in my testimony, I stand by it.

Q. And did she—from your conversation with her, did you determine that in your opinion, there was a fascination on her part with the President?

A. No question about that.

Q. And I think you previously described it that she had a ''thing'' for the President?

A. ''Thing,'' yes.

Q. And did you make any specific inquiry as to the nature of the relationship that she had with the President?

A. Yes. At some point during that conversation, I asked her directly if she had had sexual relationships with the President.

Q. And is this not an extraordinary question to ask a 24-year-old intern, whether she had sexual relations with the President of the United States?

A. Not if you see—not if you had witnessed her emotional state and this ''thing,'' as I say. It was not.

Q. And her emotional state and what she expressed to you about her feelings for the President is what prompted you to ask that question?

A. That, plus the question of whether or not the President at the end of his term would leave the First Lady; and that was alarming and stunning to me.

Q. And she related that question to you in that meeting on December 19th?

A. That's correct.

Q. Now, going back to the question in which you asked her if she had had a sexual relationship with the President, what was her response?

A. No.

Q. And I'm sure that that was not an idle question on your part, and I presume that you needed to know the answer for some purpose.

A. I wanted to know the answer based on what I had seen in her expression; obviously, based on the fact that this was a subpoena about her relationship with the President.

Q. And so you felt like you needed to know the answer to that question to determine how you were going to handle the situation?

A. No. I thought it was a factual data that I needed to know, and I asked the question.

Q. And why did you need to know the answer to that question?

A. I am referring this lady, Ms. Lewinsky, to various companies for jobs, and it seemed to me that it was important for me to know in that process whether or not there had been something going on with the President based on what I saw and based on what I heard.

Q. And also based upon your years of experience—I mean your—

A. I don't understand that question.

Q. Well, you have children?

A. I have four children; six grandchildren.

Q. And you've raised kids, you've had a lot of experiences in life, and do you not apply that knowledge and experience and wisdom to circumstances such as this?

A. Yes. I've been around, and I've seen young people, both men and women, overly excited about older, mature, successful individuals, yes.

Q. Now, let me just go back as to what signals that you might have had at this particular point that there was a sexual relationship between Ms. Lewinsky and the President. Was one of those the fact that she indicated that she had a fascination with the President?

A. Yes.

Q. And did she relate that ''He doesn't call me enough''?

A. Yes.

Q. And was the fact that there was an exchange of gifts a factor in your consideration?

A. Well, I was not aware that there had been an exchange of gifts. I thought it a tad unusual that there would be an exchange of gifts, uh, but it was just clear that there was a fixation by this young woman on the President of the United States.

Q. And was it also a factor that she had been issued a subpoena in a case that was rooted in sexual harassment?

A. Well, it certainly helped.

Q. And that was an ingredient that you factored in and decided this is a question that needed to be asked?

A. There's no question about that.

Q. Now, heretofore, the questions or the discussions with Ms. Lewinsky had simply been about a job?

A. Had been about a job.

Q. And I think you indicated that you didn't have to be an Einstein to know that this was a question that needed to be asked after what you learned on this meeting?

A. Yes, based on my own judgment, that is correct.

Q. Now, at this point, you're assisting the President in obtaining a job for a former intern, Monica Lewinsky?

A. Right.

Q. It comes to your attention from Ms. Lewinsky that she has a subpoena in a civil rights case against the President. And did this make you consider whether it was appropriate for you to continue seeking a job for Ms. Lewinsky?

A. Never gave it a thought.

Q. Despite the fact that you were seeking the job for Ms. Lewinsky at the request of the President when she is under subpoena in a case adverse to the President?

A. I—I did not give it a thought. I had committed that I was going to help her, and I was going to—and I kept my commitment.

Q. And so, however she would have answered that question, you would have still prevailed upon your friends in industry to get a job for her?

A. Congressman, that is a hypothetical question, and I'm not going to answer a hypothetical question.

Q. Well, I thought you had answered it before, but if—so you don't know whether it would have made a difference or not, then?

A. I asked her whether or not she had had sexual relationships with the President. Ms. Lewinsky told me no.

MR. HUNDLEY: I'd just like to interject. My recollection, Congressman, is that in the grand jury, he gave basically the same answer, that it was a hypothetical question, and that he really didn't know what he would have done had the answer been different. You could double-check it if you want, but I'm sure I'm right.

BY MR. HUTCHINSON:

Q. Okay, I'm not asking you a hypothetical question. I want to ask it in this phrase, in this way. Did her answer make you consider whether it was appropriate for you to continue seeking a job for Ms. Lewinsky at the request of the President?

A. I did not see any reason why I should not continue to help her in her job search.

Q. Now, was the fact that she was under subpoena important information to you?

A. It was additional information, certainly.

Q. If you were trying to get Ms. Lewinsky a job, did you expect her to tell you if she had any reason to believe she might be a witness in the Jones case?

A. She did in fact tell me by showing me the subpoena. I had no expectations one way or the other.

Q. Well, I refer you to your grand jury testimony of March 3, '98 at page 96. Do you recall the answer: ''I just think that as a matter of openness and full disclosure that she would have done that.''

A. And she did.

Q. Precisely. She disclosed to you, of course, when she received the subpoena, and that's information that you expected to know and to be disclosed to you?

A. Fine.

Q. Is—

A. Yes. Fine.

Q. And in fact, if Ms. Currie—I'm talking about Betty Currie—if she had known that Ms. Lewinsky was under subpoena, you would have expected her to tell you that information as well since you were seeking employment for Ms. Lewinsky?

A. Well, it would have been fine had she told me. I do make a distinction between being a witness on the one hand and being a defendant in some sort of criminal action on the other. She was a witness in the civil case, and I don't believe witnesses in civil cases don't have a right for—to employment.

Q. Okay. I refer you to page 95 of your grand jury testimony, in which you said: ''I believe that had Ms. Currie known, that she would have told me.''

And the next question: ''Let me ask the question again, though. Would you have expected her to tell you if she knew?''

And do you recall your answer?

A. I don't.

Q. ''Yes, sure.''

A. I stand by that answer.

Q. And so it's your testimony that if Ms. Currie had known that Ms. Lewinsky was under subpoena, you would have expected her to tell you that information?

A. It would have been helpful.

Q. And likewise, would you have expected the President to tell you if he had any reason to believe that Ms. Lewinsky would be called as a witness in the Paula Jones case?

A. That would have been helpful, too.

Q. And that was your expectation, that he would have done that in your conversations?

A. It—it would certainly have been helpful, but it would not have changed my mind.

Q. Well, being helpful and that being your expectation is a little bit different, and so I want to go back again to your testimony on March 3, page 95, when the question is asked to you—question: ''If the President had any reason to believe that Ms. Lewinsky could be called a witness in the Paula Jones case, would you have expected him to tell you that when you spoke with him between the 11th and the 19th about her?''

And your answer: ''And I think he would have.''

A. My answer was yes in the grand jury testimony, and my answer is yes today.

Q. All right. So it would have been helpful, and it was something you would have expected?

A. Yes.

Q. And yet, according to your testimony, the President did not so advise you of that

fact in the conversations that he had with you on December 7th and December 11th after he learned that Ms. Lewinsky was on the witness list?

A. As I testified—

MR. KENDALL: Objection. Misstates the record with regard to December 11th.

MR. HUTCHINSON: I—I will restate the question. I believe it accurately reflects the record, and I'll ask the question.

BY MR. HUTCHINSON:

Q. And yet, according to your testimony, the President did not so advise you of the fact that Ms. Lewinsky was on the witness list despite the fact that he had conversations with you on two occasions, on December 7th and December 11th?

A. I have no recollection of the President telling me about the witness list.

Q. And during this meeting with Ms. Lewinsky on the 11th, did you take some action as a result of what she told you?

A. On the 11th or the 18th?

Q. Excuse me. I'm sorry. Let me go to the 19th.

A. Nineteenth.

Q. Thank you for that correction.

Did you refer her to an attorney?

A. Yes, I did.

Q. Okay, and who was the attorney that you referred her to?

A. Frank Carter, a very able local attorney here.

Q. And did you give her two or three attorneys to select from, or did you just give her one recommendation?

A. I made a recommendation of Frank Carter. That was the only recommendation.

Q. Now, let me go to I believe it's the next three exhibits that are in front of you, if you'd just turn that first page, and I believe they are marked 29, 31, 32 and 33. And these are, I believe, exhibits that you have seen before and are summaries and documents relating to telephone conversations on this particular day of December 19th.

[Witness perusing documents.]

SENATOR DODD: How are these going to be marked—as Jordan Deposition Exhibits—

MR. HUTCHINSON: These should be marked as Exhibits 2, 3, and 4.

SENATOR DODD: Okay.

MR. KENDALL: Excuse me, Mr. Manager. Are you offering these in evidence?

MR. HUTCHINSON: Not at this time.

I guess it's 2, 3, 4 and 5.

SENATOR THOMPSON: Are we referring to the next four exhibits in the package here?

MR. HUTCHINSON: Yes, sir.

SENATOR THOMPSON: Well, we'll just—identify them one at a time, and we'll—

MR. HUTCHINSON: All right.

BY MR. HUTCHINSON:

Q. Let's go to Exhibit 29 as it's marked, but for our purpose, we're going to refer to it as Deposition Exhibit 2.

SENATOR THOMPSON: All right. For identification for right now, we'll call that Jordan Exhibit Number 2 for identification, which is marked as, I assume, Grand Jury Exhibit Number 29.

[Jordan Deposition Exhibit No. 2 marked for identification.]

BY MR. HUTCHINSON:

Q. And from this record, would you agree that you received a call from Ms. Lewinsky at 1:47 p.m.?

A. For 11 seconds.

Q. All right. And subsequent to that, you placed a call to talk to the President at 3:51 p.m. and talked to Deborah Schiff?

A. Yes.

Q. And what was the purpose of that call to Deborah Schiff?

A. I—I'm certain that I did not call Deborah Schiff. I had no reason to call Deborah Schiff. My suspicion was that if I in fact called 1414, that somehow Deborah Schiff was answering the telephone.

Q. Were you trying to get hold of the President?

A. I think maybe I was.

Q. All right. And then, subsequent to that, Ms. Lewinsky arrived in your office at 4:47 p.m.—and I believe that would be reflected on Exhibit 3—excuse me—Exhibit 4.

MR. HUNDLEY: Four.

THE WITNESS: Yes.

BY MR. HUTCHINSON:

Q. And does it also reflect, going back to the call records, that you talked to the President during the course of your meeting with Ms. Lewinsky at approximately 5:01 p.m.?

A. I beg your pardon?

MR. HUTCHINSON: This would be Exhibit 5.

SENATOR THOMPSON: All right. Let's mark these for identification purposes.

We have already identified Deposition Exhibit Number 29 as Exhibit Number 2 for identification in Mr. Jordan's deposition.

The next one would be Grand Jury Exhibit Number 31, and we will mark that as Exhibit Number 3 for identification purposes. Following that will be Grand Jury Exhibit Number 32, that we will identify as Exhibit Number 4 to Mr. Jordan's deposition for identification purposes; and Grand Jury Exhibit Number 33 will be Exhibit Number 5 to Mr. Jordan's deposition for identification purposes.

Now, do we need to go any further at this time?

MR. HUTCHINSON: No. Thank you.

SENATOR THOMPSON: All right.

[Jordan Deposition Exhibit Nos. 3, 4 and 5 marked for identification.]

BY MR. HUTCHINSON:

Q. Mr. Jordan—

A. Yes.

Q. —under Exhibit—

A. Yes.

Q. —according to these records, specifically Exhibit 5, does it reflect that you talked to the President during the course of your meeting with Ms. Lewinsky at approximately 5:01 p.m.?

MR. KENDALL: Object to the form of the question.

MR. HUTCHINSON: You may answer.

THE WITNESS: I'm confused.

MR. HUTCHINSON: There's an objection as to the form of the question.

THE WITNESS: Oh.

SENATOR THOMPSON: We can resolve it.

MR. KENDALL: The question was do these records indicate this. If he offers Number 2, I'm going to object to it. It's not the best evidence. It's a chart. I don't know who prepared it—

SENATOR THOMPSON: He's referring to 5 now, I believe, isn't he?

MR. HUTCHINSON: Yes.

SENATOR THOMPSON: I believe this had to do with 5.

MR. HUTCHINSON: All right.

THE WITNESS: Would you ask your question?

BY MR. HUTCHINSON:

Q. Mr. Jordan, I'm simply trying to establish, and using Exhibit 5 to refresh your recollection—

MR. KENDALL: I withdraw the objection, I withdraw the objection.

SENATOR THOMPSON: All right, sir; very fine.

MR. HUTCHINSON: Thank you.

BY MR. HUTCHINSON:

Q. —that this record, Exhibit 5, reflects that you talked to the President during the course of your meeting with Ms. Lewinsky at approximately 5:01 p.m.

A. Yes. I—I have never had a conversation with the President while Ms. Lewinsky was present. The wave-in sheet from my office said that she came in at 5:47—

Q. Four forty-seven.

A. —4:47. She may have been in the reception area, or she may have been outside my office, but Ms. Lewinsky was not in my office during the time that I had a conversation with the President.

Q. And the other alternative would be that she came into your office, and then you excused her while you received a call from the President?

A. That's a possibility, too—

Q. All right.

A. —but she was not present in my office proper during the time that I was having a conversation with the President.

Q. Absolutely, and that is clear.

Now, because we got a little bogged down in the records, let me just go back for a moment. Is it your understanding, based upon the records and recollection, that you received a call from Ms. Lewinsky about 1:47; you talked to Deborah Schiff trying to get hold of the President about 3:51 that afternoon; Ms. Lewinsky arrived at about 4:47 p.m.

A. Yes.

Q. Am I correct so far?

A. Yes.

Q. And then you received a call from the President at about 5:01 p.m.?

A. That's correct.

MR. HUTCHINSON: I want to say ''Your Honor''—I've wanting to do this all day, Senator—I would offer these Exhibits 2, 3, 4 and 5 at this time.

MR. KENDALL: I would object to the admission of Exhibit Number 2.

SENATOR THOMPSON: Mr. Hutchinson, could you identify what this exhibit is from?

MR. HUTCHINSON: Well, this exhibit is a summary exhibited based upon the original records that establish this. Now, we've established it clearly through the testimony, so it's not of earth-shattering significance whether this is in the record or not, because the witness has established it.

SENATOR THOMPSON: All right. But this is a compilation of what you contend—

MR. HUTCHINSON: Yes.

SENATOR THOMPSON: —is otherwise in the record?

MR. HUTCHINSON: Yes.

SENATOR THOMPSON: Counsel, do we really have a problem with that?

MR. KENDALL: Senator Thompson, I don't know who prepared this or what records it's based on. I have not objected to any of the original records, and I'll continue my objection.

SENATOR THOMPSON: I think in light of that we will sustain it, if Mr. Hutchinson thinks it's otherwise in the record anyway, and not make an issue out of that.

So we will, then, make as a part of the record Exhibits Numbers 3, 4 and 5 that have previously been introduced for identification purposes; they will now be made a part of the record.

MR. HUTCHINSON: Thank you, Senator.

[Jordan Deposition Exhibit Nos. 3, 4 and 5 received in evidence.]

BY MR. HUTCHINSON:

Q. Now, Mr. Jordan, you indicated you had this conversation with the President at about 5:01 p.m. out of the presence of Ms. Lewinsky. Now, during this conversation with the President, what did you tell the President in that conversation?

A. That Lewinsky—I'm sure I told him that Ms. Lewinsky was in my office, in the reception area, that she had a subpoena and that I was going to visit with her.

Q. And did you advise the President as well that you were going to recommend Frank Carter as an attorney?

A. I may have.

Q. And why was it necessary to tell the President these facts?

A. I don't know why it was not unnecessary to tell him these facts. I was keeping him informed about what was going on, and so I told him.

Q. Why did you make the judgment that you should call the President and advise him of these facts?

A. I just thought he ought to know. He was interested it—he was obviously interested in it—and I felt some responsibility to tell him, and I did.

Q. All right. And what was the President's response?

A. He said thank you.

Q. Subsequent to your conversation with the President about Monica Lewinsky, did you advise Ms. Lewinsky of this conversation with the President?

A. I doubt it.

Q. And if she indicates that she was not aware of that conversation, would you dispute her testimony in that regard?

A. I would not.

Q. And you say that you doubt it. Was there a reason that you would not disclose to her the fact that you talked to the President when she was the subject of that conversation?

A. No. I—I didn't feel any particular obligation to tell her or not to tell her, but I did not tell her.

Q. Now, we have discussed to a limited extent the gifts that were mentioned in the subpoena in this discussion that you had with Ms. Lewinsky. Did she in fact tell you about the gifts she had received from the President?

A. I think she told me that she had received gifts from the President.

Q. Did she also indicate that there had been an exchange of gifts?

A. She did.

Q. And did you think that it was somewhat unusual that there had been an exchange of gifts?

A. Uh, a tad unusual, I thought.

Q. These—

A. Which again occasioned the question.

Q. Pardon?

A. Which again occasioned the ultimate question.

Q. On—on whether there was a sexual relationship?

A. That is correct.

Q. And so that was a significant fact in determining whether that question should be asked?

A. It was an additional fact.

Q. Now, the subpoena also references ''documents constituting or containing communications between you''—which would have been Ms. Lewinsky under the subpoena—''and the Defendant Clinton, including letters, cards, notes, et cetera.''

Did you ask Ms. Lewinsky at all whether there were any kinds of cards or communications between them?

A. Uh, I did not, but she may have volunteered that.

Q. And did she tell you about telephone conversations with the President?

A. She did tell me that she and the President talked on the telephone.

Q. And did she express it in a way that it was frustrating because the President didn't call her sufficiently?

A. Well, that—that is correct, and she was disappointed, uh, and disapproving of the fact that she was not hearing from the President of the United States on a regular basis.

Q. During this conversation with Ms. Lewinsky, she also made reference to the First Lady?

A. Yes.

Q. And that was another question of concern when she asked if you thought that the President would leave the First Lady at the end of his term?

A. That is correct.

Q. And what was your reaction to this statement?

A. My reaction to the statement after I got over it was that—no way.

Q. Did it send off alarm bells in your mind as to her relationship with the President?

A. I think it's safe to say that she was not happy.

Q. You're speaking of Ms. Lewinsky?

A. That's the only person we're talking about, Congressman.

Q. Now, based upon all of this, was it your conclusion the subpoena meant trouble?

A. Beg your pardon?

Q. Based upon all of these facts and your conversation with Ms. Lewinsky, was it your conclusion that the subpoena meant trouble?

A. Well, I always, based on my experience with the grand jury, believe that subpoenas are trouble.

Q. I think you've used the language, ''ipso facto'' meant trouble?

A. Yes, yes, right.

Q. Now, subsequent to your meeting with Ms. Lewinsky on this occasion, did you in fact set up an appointment with Mr. Frank Carter?

A. Yes—for the 22nd, I believe.

Q. Which I believe would have been the first part of the next week?

A. That's right.

Q. And still on December 19th, after your meeting with Ms. Lewinsky, did you subsequently see the President of the United States later that evening?

A. I did.

Q. And is this when you went to the White House and saw the President?

A. Yes.

Q. At the time that Ms. Lewinsky came to see you on December 19th, did you have any plans to attend any social function at the White House that evening?

A. I did not.

Q. And in fact there was a social invitation that you had at the White House that you declined?

A. I had—I had declined it; that's right.

Q. And subsequent to Ms. Lewinsky visiting you, did you change your mind and go see the President that evening?

A. After the—a social engagement that Mrs. Jordan and I had, we went to the White House for two reasons. We went to the White House to see some friends who were there, two of whom were staying in the White House; and secondly, I wanted to have a conversation with the President.

Q. And this conversation that you wanted to have with the President was one that you wanted to have with him alone?

A. That is correct.

Q. And did you let him know in advance that you were coming and wanted to talk to him?

A. I told him I would see him sometime that night after dinner.

Q. Did you tell him why you wanted to see him?

A. No.

Q. Now, was this—once you told him that you wanted to see him, did it occur the same time that you talked to him while Ms. Lewinsky was waiting outside?

A. It could be. I made it clear that I would come by after dinner, and he said fine.

Q. Now, let me backtrack for just a moment, because whenever you talked to the President, Ms. Lewinsky was not inside the room—

A. That's correct.

Q. —and therefore, you did not know the details about her questions on the President might leave the First Lady and those questions that set off all of these alarm bells.

A. [Nodding head up and down.]

Q. And so you were having—is the answer yes?

A. That's correct.

Q. And so you were having this discussion with the President not knowing the extent of Ms. Lewinsky's fixation?

A. Uh—

Q. Is that correct?

A. Correct.

Q. And, regardless, you wanted to see the President that night, and so you went to see him. And was he expecting you?

A. I believe he was.

Q. And did you have a conversation with him alone?

A. I did.

Q. No one else around?

A. No one else around.

Q. And I know that's a redundant question.

A. It's okay.

Q. Now, would you describe your conversation with the President?

A. We were upstairs, uh, in the White House. Mrs. Jordan—we came in by way of the Southwest Gate into the Diplomatic Entrance—we left the car there. I took the elevator up to the residence, and Mrs. Jordan went and visited at the party. And the President was already upstairs—I had ascertained that from the usher—and I went up, and I raised with him the whole question of Monica Lewinsky and asked him directly if he had had sexual relations with Monica Lewinsky, and the President said, ''No, never.''

Q. All right. Now, during that conversation, did you tell the President again that Monica Lewinsky had been subpoenaed?

A. Well, we had established that.

Q. All right. And did you tell him that you were concerned about her fascination?

A. I did.

Q. And did you describe her as being emotional in your meeting that day?

A. I did.

Q. And did you relate to the President that Ms. Lewinsky asked about whether he was going to leave the First Lady at the end of the term?

A. I did.

Q. And as—and then, you concluded that with the question as to whether he had had sexual relations with Ms. Lewinsky?

A. And he said he had not, and I was satisfied—end of conversation.

Q. Now, once again, just as I asked the question in reference to Ms. Lewinsky, it appears to me that this is an extraordinary question to ask the President of the United States. What led you to ask this question to the President?

A. Well, first of all, I'm asking the question of my friend who happens to be the President of the United States.

Q. And did you expect your friend, the President of the United States, to give you a truthful answer?

A. I did.

Q. Did you rely upon the President's answer in your decision to continue your efforts to seek Ms. Lewinsky a job?

A. I believed him, and I continued to do what I had been asked to do.

Q. Well, my question was more did you rely upon the President's answer in your decision to continue your efforts to seek Ms. Lewinsky a job.

A. I did not rely on his answer. I was going to pursue the job in any event. But I got the answer to the question that I had asked Ms. Lewinsky earlier from her, and I got the answer from him that night as to the sexual relationships, and he said no.

Q. It would appear to me that there's two options. One, you asked the question in terms of idle conversation, and that does not seem logical in view of the fact that you

made a point to go and visit the President about this alone.

A. Yes. I never said that—I never talked about options. I told you I went to ask him that question.

Q. Well, was it idle conversation, or was there a purpose in you asking him that question?

A. It obviously, Congressman, was not idle conversation.

Q. All right.

A. For him nor for me.

Q. There was a purpose in it—and would you describe it as being important, the question that you asked to him?

A. I wanted to satisfy myself, based on my visit with her, that there had been no sexual relationships, and he said no, as she had said no.

Q. And why was it important to you to satisfy yourself on that particular point?

A. I had seen this young lady, and I had seen her reaction, uh, and it raised a presumption, uh, and I wanted to satisfy myself, as I had done with her, that there had been no sexual relationship between them.

Q. If you had—

A. And I did satisfy myself.

Q. And if you had—well, let me rephrase it. If you believed the presumption, or if you had evidence that Ms. Lewinsky did have sexual relations with the President, would this have affected your decision to act in the President's interest in locating her a job when she had been subpoenaed in a case adverse to the President?

A. I do not think it would have affected my decision.

Q. Now, you mentioned that you set up an appointment for Ms. Lewinsky at the office of Frank Carter for December 22nd.

A. Right.

Q. Prior to that appointment with Mr. Carter, did Ms. Lewinsky come to see you in your office?

A. I took Ms. Lewinsky from my office, in my Akin Gump, chauffeur-driven car, to Frank Carter's office.

Q. And when she arrived at your office, did you have a discussion with her?

A. I think I got my coat, she got her—she had on her coat—and we left.

Q. While in your office before going to see Mr. Carter, did Ms. Lewinsky ask about her job?

A. Every conversation that I had with Ms. Lewinsky had at some point to do with pending employment.

Q. And I take that as a ''yes'' answer, but I would also refer you to page 184 of your previous testimony in which that answer was ''yes.''

A. Yes.

Q. And so prior to going to see Mr. Carter, you met with Ms. Lewinsky and—where she asked about her job?

A. Well, as I'm putting on my coat, I mean, we did not sit down and have a conference. We had an appointment.

Q. Now, you last testified before the grand jury in June of 1998, and you have not had the opportunity to address some issues that Ms. Lewinsky raised when she testified before the grand jury in August of 1998, and I would like to—there will be a number of questions as we go through this today relating to some things that she testified to, because it's important that we hear your responses to it, and so I'd like to ask you about a couple of these particular areas.

During this meeting—and you say it was a short meeting, that you really didn't sit down—but during this time, did Ms. Lewinsky ask if you had told the President that she had been subpoenaed in the Jones case?

A. She may have, and—and if she did, I answered yes.

Q. Even though you did not tell her about the conversation on December 19th that you had with the President in which you told the President she had been subpoenaed?

A. If she had asked, I would have told her. If she asked me on the 22nd, I answered yes.

Q. And did Ms. Lewinsky show you any gifts that she was bringing to Mr. Frank Carter?

A. Yeah—I'm not aware that Ms. Lewinsky showed me any gifts. I have no—I have no recollection of her having shown me gifts given her by the President. And my best recollection is that she came to my office, I got myself together, and that we left. I have no recollection of her showing me gifts given her by the President.

Q. Would you dispute if she in fact had gifts with her on that occasion?

A. I don't know whether she had gifts with her or not. I do have—I have no recollection of her showing me, saying, ''This is a gift given me by the President of the United States.''

Q. And if she testifies that she showed you the gifts she was bringing Mr. Carter, you would dispute that testimony?

A. I have not any recollection of her showing me any gifts.

Q. And I take that as not denying it—

MR. KENDALL: Objection to form.

BY MR. HUTCHINSON:

Q. —but that you have no recollection.

A. Uh, I don't know how else to say it to you, Mr. Congressman.

Q. Well—

A. I have no recollection of Ms. Lewinsky coming to my office and showing me gifts given her by the President of the United States.

Q. Let me go on. Did Ms. Lewinsky tell you that she and the President had had phone sex?

A. I think Ms.—I know Ms. Lewinsky told me about, uh, telephone conversations with the President. If Ms. Lewinsky had told me something about phone sex, I think I would have remembered that.

Q. And therefore, if she testifies that she told you that Ms. Lewinsky and the President had phone sex, then you'd simply deny her testimony in that regard?

A. I—

MR. KENDALL: Object to the form.

THE WITNESS: I have no recollection, Congressman, of Ms. Lewinsky telling me about phone sex—but given my age, I would probably have been interested in what that was all about.

SENATOR THOMPSON: We'll overrule the objection. It's a leading question, but I think that it will be permissible for these purposes.

MR. HUTCHINSON: It's my understanding, Senator, that under the Senate rule, that the witness would be considered an adverse witness.

SENATOR THOMPSON: That's correct.

BY MR. HUTCHINSON:

Q. Well, I don't mean to engage in disputes over fine points, but I guess—

A. Well, you obviously, Congressman, have Ms. Lewinsky saying one thing and me saying another. I stand by what I said.

Q. Which is that you have no recollection of that discussion taking place.

A. But I do think that I would have remembered it had it happened.

Q. All right. Now, after your brief encounter or meeting with Ms. Lewinsky in your office, did you take Ms. Lewinsky in your vehicle to Mr. Carter's office?

A. Yes.

Q. And when you arrived at Mr. Carter's office, did you meet with Mr. Carter in advance, while Ms. Lewinsky waited outside?

A. I said a brief hello to him. We talked about lunch. I never took off my coat. I did take off my hat, because it was inside. And I left them, and I got a piece of his candy.

Q. Now, I was looking at the testimony of Mr. Carter. Now, do you recall a meeting with Mr. Carter in his office while Ms. Lewinsky waited outside, even if it might have been a brief meeting?

A. Yes, I think maybe I went in. I just don't know—I was there for a very short time.

Q. Did you explain to Mr. Carter that you were seeking Ms. Lewinsky a job at the request of the President?

A. No, I did not, but I think he knew that.

Q. And why do you think he knew that?

A. I must have told him.

Q. So at some point, you believe that you told Mr. Carter that you were seeking Ms. Lewinsky a job at the request of the President?

A. I think I may have done that.

Q. Now, you have referred other clients to Mr. Carter during your course of practice here in Washington, D.C.?

A. Yes, I have.

Q. About how many have you referred to him?

A. Oh, I don't know. Maggie Williams is one client that I—I remember very definitely.

I like Frank Carter a lot. He's a very able young lawyer. He's a first-class person, a first-class lawyer, and he's one of my new acquaintances amongst lawyers in town, and I like being around him. We have lunch, and he's a friend.

Q. And is it true, though, that when you've referred other clients to Mr. Carter that you never personally delivered and presented that client to him in his office?

A. But I delivered Maggie Williams to him in my office. I had Maggie Williams to come to my office, and it was in my office that I introduced, uh, Maggie Williams to Mr. Carter, and she chose other counsel. I would have happily taken Maggie Williams to his office.

Q. But this is the only occasion that you took your Akin, Gump-chauffeured vehicle and delivered the client to Mr. Carter in his office?

A. It was.

Q. Now, we're not going to go through, probably to your relief, each day's phone calls, but is it safe to say that Ms. Lewinsky called you regularly, both keeping you posted on her interviews and contacts, but also asking you what you knew about her job desires?

A. That is correct.

Q. And it is also true that during this process, you kept the President informed?

A. That, too, is correct.

Q. And did the President ever give you any other instruction other than to find Ms. Lewinsky a job in New York?

A. I do not view the President as giving me instructions. The President is a friend of mine, and I don't believe friends instruct friends. Our friendship is one of parity and equality.

Q. Let me rephrase it, and that's—

A. Thank you.

Q. That's a fair comment that you certainly made.

Did you ever receive any other request from the President in reference to your dealing with Monica Lewinsky other than the request to find her a job in New York?

A. That is correct.

MR. HUTCHINSON: I've been informed that there's a few minutes left on the tape. Do you want to break?

THE VIDEOGRAPHER: Yes.

SENATOR THOMPSON: All right. Let's take a 5–minute break at this point.

Also, if it's not objectionable to anyone, let's move a little closer to 1 o'clock, after all, for lunch, if that's okay. We have a conference that that will coincide with a little

better, but for right now, let's take a 5–minute break.

SENATOR DODD: Just before we do, just to make it—and the admonition about these—these—this matter being in—confidential.

SENATOR THOMPSON: Right.

SENATOR DODD: And I'm going to restate that over and over again today, so that people understand the rules under which we're operating here, and this is confidential and no one is to reveal anything they hear, except to the people that was listed in Senator Thompson's opening remarks.

SENATOR THOMPSON: Absolutely.

We'll be in recess.

THE VIDEOGRAPHER: This marks the end of Videotape Number 1 in the deposition of Vernon E. Jordan, Jr. We are going off the record at 11:35 a.m.

[Recess.]

THE VIDEOGRAPHER: This marks the beginning of Videotape Number 2 in the deposition of Vernon E. Jordan, Jr. We are going back on the record at 11:49 a.m.

SENATOR THOMPSON: All right, Mr. Hutchinson, and you have consumed an hour and 40 minutes.

MR. HUTCHINSON: Thank you, Senator Thompson.

BY MR. HUTCHINSON:

Q. Mr. Jordan, I was reminded that the last question I asked you received an answer that I didn't, at least, understand, so I'm going to reask that question, and the question that I had asked, I believe, was: Did you ever receive any other request from the President in reference to your dealings with Ms. Lewinsky other than the request to find her a job in New York? And I think your answer was: That's correct. And that confuses me a little bit, so let me rephrase the question.

Did you ever receive—not rephrase it, but restate the question. Did you ever receive any other request from the President in reference to your dealings with Monica Lewinsky other than the request to find her a job in New York?

A. I did not.

Q. Now, let me go to December 31, 1997, in reference to another issue that Ms. Lewinsky has testified about in her August grand jury appearance and in which you have not had the opportunity to discuss in detail.

Ms. Lewinsky has testified that she met you for breakfast at the Park Hyatt—

MR. HUNDLEY: Excuse me. I think you misspoke yourself. You said '97.

MR. HUTCHINSON: This is '97, right?

MR. HUNDLEY: It is? I apologize.

MR. HUTCHINSON: Okay. Thank you, Mr. Hundley. The years are confusing, but I believe this is December 31, 1997.

BY MR. HUTCHINSON:

Q. And Ms. Lewinsky has testified that she met you for breakfast at the Park Hyatt, and even specifically as to what she had for breakfast on that particular occasion when she met with you and as to the conversation that she had.

And I want to show you, in order to hopefully refresh your recollection, an exhibit which I'm going to mark as the next exhibit number, which will be 6, I believe?

SENATOR THOMPSON: Yes. What—

MR. HUTCHINSON: And it's in the binder as Exhibit 42. It is not there, but it is in the binder as Exhibit 42.

SENATOR THOMPSON: Let's take a moment so everyone can refer to that.

BY MR. HUTCHINSON:

Q. Have you located that, Mr. Jordan?

A. [Nodding head up and down.]

Q. And this receipt, is this a receipt for a charge that you had at the Park Hyatt on December 31st?

A. That's an American Express receipt for breakfast.

Q. And is the date December 31st?

A. That is correct.

Q. And does it reflect the items that were consumed at that breakfast?

A. It reflects the items that were paid for at that breakfast.

[Laughter.]

BY MR. HUTCHINSON:

Q. Does it appear to you that this is a breakfast for two people?

A. The price suggests that it was a breakfast for two people.

Q. All right. And the fact that there's two coffees, there is one omelet, one English muffin, one hot cereal, and can you identify from that what you ordinarily eat at breakfast?

A. What I ordinarily eat at breakfast varies. This morning, it was fish and grits.

Q. All right. Now, Ms. Lewinsky in her testimony, I think, referenced as to what she ate, which I believe would be confirmed in this record.

Do you recall a meeting with Ms. Lewinsky at the Park Hyatt on December 31st of—

A. If you—

Q. —1997?

A. If you would refer to my testimony before the grand jury when asked about a breakfast with Ms. Lewinsky on December 31st, I testified that I did not have breakfast with Ms. Lewinsky on December 31st because I did not remember having had breakfast with Ms. Lewinsky on December 31st. It was not on my calendar. It was New Year's Eve. I have breakfast at the Park Hyatt Hotel three or four times a week if I am in town, and so I really did not remember having breakfast with Ms. Lewinsky. And that's an honest statement, I did not remember, and I told that to the grand jury.

It is clear, based on the evidence here, that I was at the Park Hyatt on December 31st. So I do not deny, despite my testimony before the grand jury, that on December 31st that I was there with Ms. Lewinsky, but I did testify before the grand jury that I did not remember having a breakfast with her on that date, and that was the truth.

My recollection has subsequently been refreshed, and—and so it is—it is undeniable that there was a breakfast in my usual breakfast place, in the corner at the Park Hyatt. I'm there all the time.

Q. All right. And so—and that would be with Ms. Lewinsky?

A. Yes.

Q. And so the—so your memory has been refreshed, and I appreciate the statement that you just made.

Let me go to that meeting with her and ask whether during this occasion that you met her for breakfast that there was a discussion about Ms. Linda Tripp and Ms. Lewinsky's relationship with her and conversations with her.

A. I also testified in my grand jury testimony that I never heard the name "Linda Tripp" until such time that I saw the Drudge Report. I did not have a conversation with Ms. Lewinsky at the breakfast at the Park Hyatt Hotel on December 31st about Linda Tripp. I never heard the name "Linda Tripp," knew nothing about Linda Tripp until I read the Drudge Report.

Q. All right. And do you recall a discussion with Ms. Lewinsky at the Park Hyatt on this occasion in which there were notes discussed that she had written to the President?

A. I am certain that Ms. Lewinsky talked to me about notes.

Q. On this occasion?

A. Yes.

Q. And would these have been notes that she would have sent to the President?

A. I think that there was—these notes had to do with correspondence between Ms. Lewinsky and the President.

Q. And would have she mentioned the retention or copies of some of that correspondence on her computer in her apartment?

A. She may have done that.

Q. And did you ask her a question, were these notes from the President to you?

A. I understood from our conversation that she and the President had correspondence that went back and forth.

Q. And did you make a statement to her, "Go home and make sure they're not there"?

A. Mr. Hutchinson, I'm a lawyer and I'm a loyal friend, but I'm not a fool, and the notion that I would suggest to anybody that they destroy anything just defies anything that I know about myself. So the notion that I said to her go home and destroy notes is ridiculous.

Q. Well, I appreciate that reminder of ethical responsibilities. It was—

A. No, it had nothing to do with ethics, as much as it's just good common sense, mother wit. You remember that in the South.

Q. And so—and let me read a statement that she made to the grand jury on August 6th, 1998. This is the testimony of Ms. Lewinsky, referring to a conversation with you at the Park Hyatt that, "She," referring to Linda Tripp, "was my friend. I didn't really trust her. I used to trust her, but I didn't trust her anymore, and I was a little bit concerned because she had spent the night at my home a few times, and I thought—I told Mr. Jordan. I said, 'Well, maybe she's heard some'—you know, I mean, maybe she saw some notes lying around, and Mr. Jordan said, 'Notes from the President to you?,' and I said, 'No. Notes from me to the President,' and he said, 'Go home and make sure they're not there.'"

A. And, Mr. Hutchinson, I'm saying to you that I never heard the name "Linda Tripp" until I read the Judge—Drudge Report.

Secondly, let me say to you that I, too, have read Ms. Lewinsky's testimony about that breakfast, and I can say to you, without fear of contradiction on my part, maybe on her part, that the notion that I told her to go home and destroy notes is just out of the question.

Q. And so this is not a matter of you not recalling whether that occurred or not—

A. I am telling you—

Q. Well, let me—

A. —emphatically—

Q. Mr. Jordan, let me finish the question.

A. Okay, all right.

Q. Please, sir.

A. Okay.

Q. It's sort of important for the record.

This is a statement by Ms. Lewinsky that you flatly and categorically deny?

A. Absolutely.

Q. Now, you talked about "mother wit," I think it was; that you knew at the time that you had this discussion with Ms. Lewinsky that these notes would have been covered by the subpoena based upon your discussion of that on December 19th?

A. Ask that question again.

Q. All right. This is a meeting on December 31st at the Park Hyatt.

A. Right.

Q. A discussion about the notes, correspondence between Ms. Lewinsky and the President.

A. Right.

Q. You are aware, based upon your discussion of the subpoena on December 19th, that these were covered under the subpoena?

A. Yes.

Q. And did you tell Ms. Lewinsky that you need to make sure you tell your attorney, Mr. Carter, and that these are turned over under the subpoena?

A. What I did not tell her was to destroy the notes. Whether I told her to give them to Mr. Carter or not, I have no recollection of that.

Q. But you knew at the time that these notes were a matter of evidence?

A. I think that's a valid assumption.

Q. But you knew that?

A. It's a valid assumption.

Q. Now, during this meeting at the Park Hyatt, did Ms. Lewinsky also make it clear to you that she was in love with the President?

A. That, I had already concluded.

Q. And if Ms.—now, was there anything else at the Park Hyatt at this meeting on December 31st that you recall discussing with Ms. Lewinsky?

A. Job, work, in New York, in the private sector.

Q. And that was the—was this a meeting that was set up at her request or your request?

A. I'm certain it was at her request. I am fairly certain that I did not call Ms. Lewinsky and say will you join me at the Park Hyatt for breakfast on December 31st, on New Year's Eve.

Q. All right. And did you also talk about her situation under the subpoena and the fact that she was going to have to give testimony, it looked like?

A. I am not Ms. Lewinsky's lawyer, and I did not view it as my responsibility to give Ms. Lewinsky advice and counsel.

I had found her very able, competent counsel.

Q. Respectfully, I am simply asking whether that was discussed.

A. And I am simply saying to you, I did not provide her legal counsel.

Q. Okay. Was it discussed in—not in terms of legal representation, but in terms of Mr. Jordan to Monica Lewinsky about any emotional concerns she might have about pending testimony?

A. I have no recollection of talking to her about pending testimony.

Q. Fair enough. Now, let's go back to Mr. Carter's representation of Ms. Lewinsky that you referred to. Were you aware that Mr. Carter was preparing an affidavit for Ms. Lewinsky to sign in the Jones case?

A. Yes.

Q. And on or about the 6th or 7th of January, did you become aware that she in fact had signed the affidavit and that Mr. Carter had filed a motion to quash her subpoena in the case?

A. She told me that she had signed the affidavit.

Q. And did in fact Mr. Carter also relate to you that that had occurred?

A. Yes.

Q. And I think you made a statement in your March grand jury testimony that there was no reason for accountability, that he reassured me that he had things under control?

A. That is correct. I stand by that testimony.

Q. And now, if you would, look at the next exhibit, which is in that stapled bunch of exhibits that have been provided to you.

MR. HUTCHINSON: This will be Exhibit No. 7, we'll mark for your deposition.

And, Senator, did we put Exhibit No. 6 in?

SENATOR THOMPSON: No, we didn't.

MR. HUTCHINSON: I would like to offer that as an exhibit to this deposition.

SENATOR THOMPSON: It will be made a part of the record.

[Jordan Deposition Exhibit Nos. 6 and 7 marked for identification.]

[Witness perusing document.]

SENATOR DODD: That is Number 6?

MR. HUTCHINSON: Six. That's the Park Hyatt.

SENATOR DODD: Oh, that is going to be Number 6, the Park Hyatt, not the—

MR. HUTCHINSON: Yes.

SENATOR THOMPSON: Now, what is 7?

MR. HUTCHINSON: Now, 7 is the affidavit of Jane Doe Number 6, which in the—I think everybody has found that in the book.

SENATOR THOMPSON: What is the grand jury number?

MR. HUTCHINSON: It's 85, the grand jury number.

This will be Deposition Exhibit Number 7.

BY MR. HUTCHINSON:

Q. Now, Mr. Jordan, I think you're reviewing that.

This affidavit bears the signature on the last page of Monica S. Lewinsky, is that correct?

A. Yes.

Q. And have you ever seen this signed affidavit before?

A. I don't think so.

Q. Do you not recall that Ms. Lewinsky brought this in and showed it to you?

A. She may have.

Q. And I'd be glad to refresh you. I know that some of this—

A. Yeah, if it's in the testimony, Congressman.

Q. Page 192 of your previous grand jury testimony. Is it your recollection that she showed this to you in a meeting in your office after she had signed it?

A. I stand by that testimony.

Q. And so the date of that signature of Ms. Lewinsky, is that January 7?

A. January 7th, 1998.

Q. All right. Now, whenever she presented this signed affidavit to you, did you read it sufficiently to know that it stated that Ms. Lewinsky did not have a sexual relationship with the President?

A. I was aware that that was in the affidavit.

Q. And I believe you previously testified that you're a quick reader and you skimmed it and familiarized yourself with it?

A. Skimmed it.

Q. And prior to seeing the signed affidavit that she brought to you, the day after it was signed, was there a time that Ms. Lewinsky called you concerning the affidavit and said that she had some questions about the draft of the affidavit?

A. Yes. I do recollect her calling me and asking me about the affidavit, and I said to her that she should talk to the—talk to Frank Carter, her counsel, about the affidavit and not to me.

Q. And if I could go into, again, some areas that had not been previously asked to you, and since Ms. Lewinsky testified to the grand jury on August 6th.

Ms. Lewinsky has testified that she dropped a copy of the affidavit to you, and that you—and that you and she had a telephone conversation in which you discussed changes to the affidavit. Does this refresh your recollection, and do you agree with Ms. Lewinsky's recollection of a discussion on changes in the affidavit?

A. I do agree with the assumption—I mean, I do agree with the statement that Ms. Lewinsky dropped the affidavit off and called me up about the affidavit and was quite verbose about it, and I sort of listened and said to her, ''You need to talk to Frank Carter.''

She was not satisfied with that, and so she kept talking and I kept doodling and listening as she went on in sort of a, for lack of a better word, babble about this—about this thing, but it was not my job to advise her about an affidavit. I don't do affidavits.

Q. Now, if I may show you, which would be Exhibit—

MR. HUTCHINSON: First, let me go ahead and offer 7.

SENATOR THOMPSON: It's made a part of the record.

[Jordan Deposition Exhibit No. 7 received in evidence.]

MR. HUTCHINSON: It's part of the record.

And then go to Exhibit 8, which was marked as Exhibit 39 as your previous grand jury testimony.

[Jordan Deposition Exhibit No. 8 marked for identification.]

[Witness perusing document.]

BY MR. HUTCHINSON:

Q. Now, Exhibit 8 is a summary of telephone calls on January 6th, which would be the day before the affidavit was signed by Ms. Lewinsky on the 7th.

Now, you can reflect on that for a moment, but in reviewing these calls, it appears that Mr. Carter was paging Ms. Lewinsky early on in the day, 11:32 a.m., and then at 3:26, you had a telephone call with Mr. Carter for 6 minutes and 42 seconds.

And then there was—call number 6 was to Ms. Lewinsky, which was obviously a 24–second short call, and then a subsequent call for almost 6 minutes at 3:49 p.m. to Ms. Lewinsky.

Was this last call for 5 minutes to Ms. Lewinsky the call that you just referenced in which the draft affidavit was discussed?

A. I think that is correct. The 24–second call, I think, was voice mail.

Q. Was—was—pardon?

A. Voice mail.

Q. Certainly.

And subsequent to your conversation with Ms. Lewinsky for 5 minutes and 54 seconds, did you have two calls to Mr. Carter, which would be No. 9 and 10?

[Witness perusing document.]

THE WITNESS: Yes.

BY MR. HUTCHINSON:

Q. Do you know why you would have been calling Mr. Carter on three occasions, the day before the affidavit was signed?

A. Yeah. I—my recollection is—is that I was exchanging or sharing with Mr. Carter what had gone on, what she had asked me to do, what I refused to do, reaffirming to him that he was the lawyer and I was not the lawyer. I mean, it would be so presumptuous of me to try to advise Frank Carter as to how to practice law.

Q. Would you have been relating to Mr. Carter your conversations with Ms. Lewinsky?

A. I may have.

Q. And if Ms. Lewinsky expressed to you any concerns about the affidavit, would you have relayed those to Mr. Carter?

A. Yes.

Q. And if Mr. Carter was a good attorney that was concerned about the economics of law practice, he would have likely billed Ms. Lewinsky for some of those telephone calls?

A. You have to talk to Mr. Carter about his billing.

Q. It wouldn't surprise you if his billing did reflect a—a charge for a telephone conversation with Mr. Jordan?

A. Keep in mind that Mr. Carter spent most of his time in being a legal services lawyer. I think his concentration is primarily on service, rather than billing.

Q. But, again, based upon the conversations you had with him, which sounds like conversations of substance in reference to the affidavit, that it would be consistent with the practice of law if he charged for those conversations?

A. That's a question you'd have to ask Mr. Carter.

Q. They were conversations of substance with Mr. Carter concerning the affidavit?

A. And they were likely conversations about more than Ms. Lewinsky.

Q. But the answer was yes, that they were conversations of substance in reference to the affidavit?

A. Or at least a portion of them.

Q. In other words, other things might have been discussed?

A. Yes.

Q. In your conversation with Ms. Lewinsky prior to the affidavit being signed, did you in fact talk to her about both the job and her concerns about parts of the affidavit?

A. I have never in any conversation with Ms. Lewinsky talked to her about the job, on one hand, or job being interrelated with the conversation about the affidavit. The affidavit was over here. The job was over here.

Q. But the—in the same conversations, both her interest in a job and her discussions about the affidavit were contained in the same conversation?

A. As I said to you before, Counselor, she was always interested in the job.

Q. Okay. And she was always interested in the job, and so, if she brought up the affidavit, very likely it was in the same conversation?

A. No doubt.

Q. And that would be consistent with your previous grand jury testimony when you expressed that you talked to her both about the job and her concerns about parts of the affidavit?

A. That is correct.

Q. Now, on January 7th, the affidavit was signed. Subsequent to this, did you notify anyone in the White House that the affidavit in the Jones case had been signed by Ms. Lewinsky?

A. Yeah. I'm certain I told Betty Currie, and I'm fairly certain that I told the President.

Q. And why did you tell Betty Currie?

A. I'm—I kept them informed about everybody else that was—everything else. There was no reason not to tell them about that she had signed the affidavit.

Q. And why did you tell the President?

A. The President was obviously interested in her job search. We had talked about the affidavit. He knew that she had a lawyer. It was in the due course of a conversation. I would say, ''Mr. President, she signed the affidavit. She signed the affidavit.''

Q. And what was his response when you informed him that she had signed the affidavit?

A. ''Thank you very much.''

Q. All right. And would you also have been giving him a report on the status of the job search at the same time?

A. He may have asked about that, and—and part of her problem was that, you know, she was—there was a great deal of anxiety about the job. She wanted the job. She was unemployed, and she wanted to work.

Q. Now, I think you indicated that he was obviously concerned about—was it her representation and the affidavit?

A. I told him that I had found counsel for her, and I told him that she had signed the affidavit.

Q. Okay. You indicated that he was concerned, obviously, about something. What was he obviously concerned about in your conversations with him?

A. Throughout, he had been concerned about her getting employment in New York, period.

Q. And he was also concerned about the affidavit?

A. I don't know that that was concern. I did tell him that the affidavit was signed. He knew that she had counsel, and he knew that I had arranged the counsel.

Q. Do you know whether or not the President of the United States ever talked to her counsel, Mr. Carter?

A. I have—I have no knowledge of that.

Q. Did you ever relate to Mr. Carter that you were having discussions with the President concerning his representation of Ms. Lewinsky and whether she had signed the affidavit?

A. I don't know whether I told him that she had—he had—I don't know whether I told Mr. Carter that I told the President he had signed the affidavit. It is—it is not beyond reasonableness.

Q. Now let's go on. After the affidavit was signed, were you ultimately successful in obtaining Ms. Lewinsky a job?

A. Yes.

Q. And in fact, the day after Ms. Lewinsky signed the affidavit, you placed a personal call to Mr. Ron Perelman of Revlon, encouraging him to take a second look at Ms. Lewinsky?

A. That is correct, based on the fact that Ms. Lewinsky thought that her interview had not gone well, when in fact it had gone well.

Q. Okay. And in fact, Ms. Lewinsky had called you on a couple of occasions after the interview and finally got a hold of you and told you she thought the interview went poorly?

A. That's correct.

Q. And as a response to that information, you did not call Mr. Halperin back, who you had previously talked to about the issue, but you called Mr. Perelman?

A. That's right.

Q. Was there a reason that you called Mr. Perelman in contrast to Mr. Halperin?

A. Well, the same reason I would have called you about a committee if you were chairman of it, as opposed to calling to a member of the committee.

Q. All right. You wanted to go to the top?

A. When it's necessary.

Q. And I remember a phrase you used. I might not have it exactly right, but you don't get any richer or more powerful than Mr. Perelman?

A. Certainly not much richer.

Q. Okay. And—and so you had a conversation with Mr. Perelman, and did you tell him something like, make it happen if it can happen?

A. I said, ''This young lady''—I mean, I think I said, ''This young lady has been interviewed. She thinks it did not go well. Would you look into it?''

Q. And what was his response?

A. That he would look into it.

Q. Now I'd like to show you the next exhibit, and before I do that, I would go back and offer Number 7.

SENATOR THOMPSON: Seven is the last.

This would be Number 8 that you—that you have been discussing. The compilation of the telephone call record?

MR. HUTCHINSON: Yes.

MR. KENDALL: I object. Same ground as before. It's not best evidence. We don't know who compiled these. These are not primary records.

SENATOR THOMPSON: Mr. Jordan has verified several of these items, but I do notice there are some items here that do not have to do with Mr. Jordan, that we could not expect him to be able to verify.

So I would ask counsel, if he needs to identify any more of these conversations and use this to reflect Mr. Jordan's memory, he's free to do so, but as an exhibit, I think the objection is probably well taken.

MR. HUTCHINSON: Let me just state, Senator, that this is a compilation of calls based upon the records that have been in the Senate record, and this has been—this compilation has been in there some time.

Now, I, quite frankly, understand the objection, and it might have meritorious if this was being introduced into evidence in the actual trial, and so I would suggest perhaps, since he's identified most of the calls already, that this could be referenced as a deposition exhibit because he's referred to it and that's helpful, without—obviously, there might in a more—it might not be entered into evidence as such.

SENATOR THOMPSON: Could I ask you if it's been in the record as a compilation?

MR. HUTCHINSON: Yes, it has.

SENATOR THOMPSON: In this form? I notice that it has a grand jury—

MR. HUTCHINSON: It's—Senator, it's Volume III of the Senate record, page 161, and so it's all in there, anyway.

SENATOR THOMPSON: I notice in the record here, counsel is informing me that it is in the record, but there are several redactions. Is that correct?

MR. HUTCHINSON: That is correct, and for that reason—in fact, a number of these summaries are not redacted in our form and they're redacted in the record, and we'd like to have the opportunity to redact it in the form of taking out the personal telephone numbers.

MR. KENDALL: Senator Thompson, if I may be heard, my objection is—to this is a summary. We don't know who did it. We don't know what it's based on.

The witness has testified, and his testimony is in the record, so far as his recollection is refreshed.

I have no objection to original phone records, but I do object to the summary.

SENATOR THOMPSON: Counsel, could I suggest that maybe you just make a reference specifically to where it is in the existing record? I think it would serve your same purpose and to keep you from having—

MR. HUTCHINSON: Sure.

SENATOR THOMPSON: —to go through and redact everything. Would that be satisfactory?

MR. HUTCHINSON: I think that would be satisfactory, and what I can do is that I can withdraw this exhibit and reference in the transcript of this deposition that the exhibit is found in Table 35 of Senate record, Volume III, at page 161.

SENATOR DODD: Let me just ask the House Manager, if I can as well. Are these from the Senate record? I'm told that some of these are not from the Senate record, and we're kind of confined to the Senate record, as I understand it.

MR. HUTCHINSON: Well, other than the redactions, this summary itself is in the Senate record.

SENATOR THOMPSON: Yes.

Counsel informs me, it's already in. It refers to evidentiary record Volume IV.

MS. BOGART: Is it IV or III?

SENATOR THOMPSON: It says IV here, Part 2 of—Part 2 of 3.

So, for the record, this would be pages 1884 and 1885 of the evidentiary record, Volume IV, Part 2 of 3, all right?

MR. HUTCHINSON: Thank you.

SENATOR THOMPSON: All right. So the record will be—the objection will be sustained, and reference has been made.

SENATOR DODD: And can we just—because I presume you may have more of these coming along, and it seems to me you might want to have staff or others begin to work so we don't go through this every time, particularly with the unredacted material that may be included in here, which is not part of the Senate record.

The unredacted information comes out of the House record, as I understand, and that is a distinction.

MR. HUNDLEY: I would just add that Mr. Jordan—the last 3 days of his grand jury testimony, they asked him about every phone call, and if you want to use those, you know, go to his grand jury testimony, you know, I think it would move things along.

There isn't a phone call. We produced like a telephone book of phone calls that Mr. Jordan made, and they called them all out, after they got through asking about who's that, who's that and who's the—you've got a pretty good record of calls that might have some relevance in this.

SENATOR THOMPSON: All right, sir. All right.

SENATOR DODD: Let me also just suggest on the earlier—Senator Thompson, in the earlier objection raised by Counsel Kendall, sustained the objection, but had made reference to the fact that since this material

had been brought into the record that those—if any documentation is included there, that we—we do use the Senate documents with the redacted information, rather than the House records for the purposes of this deposition.

SENATOR THOMPSON: All right, sir.

MR. HUTCHINSON: Thank you.

SENATOR THOMPSON: Proceed.

BY MR. HUTCHINSON:

Q. And I will handle it this way, Mr. Jordan, and let me say that I was sort of constructing my questioning, so as not to get bogged down in an extraordinary number of telephone calls, but let me go to the chart in front of you which is Grand Jury Exhibit 44, which is marked for our purposes as Exhibit 9 for identification purposes.

[Jordan Deposition Exhibit No. 9 marked for identification.]

[Witness perusing document.]

BY MR. HUTCHINSON:

Q. And I'm going to—I'd like for you to refer that—refer you to that for purposes of putting this particular day, January 8th, in context and asking you some questions about some of those telephone calls.

SENATOR THOMPSON: I'm sorry. What was the question? Are you making reference for identification purposes?

MR. HUTCHINSON: Yes. This is Exhibit 9, which is Grand Jury Exhibit 44.

SENATOR THOMPSON: All right, for identification purposes.

MR. HUTCHINSON: Yes.

SENATOR THOMPSON: All right.

BY MR. HUTCHINSON:

Q. Now, this is the day, January 8th, which is the day that Ms. Lewinsky felt like she had a poor job interview. Does this reflect calls from the Peter Strauss residence to your office?

A. I see a call number 3, 11:50 a.m., Peter Strauss residence. The number is here to my office.

Q. All right.

A. And it says length of call, one minute.

Q. All right. And, in fact, calls 3, 4 and 5 and 9 are calls from the Peter Strauss residence to your office?

A. That is correct.

Q. And Peter Strauss is the residence in which Ms. Lewinsky was staying while in New York?

A. I just know that Peter Strauss, my old friend, is Monica Lewinsky's stepfather.

MR. HUNDLEY: But he wasn't there.

THE WITNESS: You know, where she was and all of that, I don't know. I'm just—

BY MR. HUTCHINSON:

Q. You received calls from Ms. Lewinsky on this particular day?

A. From this number, according to this piece of paper.

Q. And does this time reference coincide with your recollection as to when you received calls from Ms. Lewinsky on this particular day?

A. Yes.

Q. And during these calls is when she related the difficulty of the job interview; is that correct?

A. I believe so—that it had not gone well.

Q. All right. And then, subsequently, you put in a call to Mr. Perelman at Revlon?

A. Yes.

Q. And that was to encourage him to take a second look. Is that call number 6 on this summary?

A. Call number 6; it lasted one minute and 42 seconds.

Q. And is that the call that you placed to Mr. Perelman?

A. I believe that is correct.

Q. And this was subsequent to the calls that you received from Ms. Lewinsky?

A. That is correct.

Q. And then you let Ms. Lewinsky know that you had called Mr. Perelman; and do you recall what you would have told her at that time?

A. I think I told her that I had spoken with, uh—with, uh, Mr. Perelman, the chairman, and that I was hopeful that things would work out.

Q. All right. And, in fact, they did work out because the next day you were informed that a temporary job—or a preliminary job offer had been made to Ms. Lewinsky?

A. That's right.

Q. So she was able to secure the job based upon your call to Mr. Perelman?

A. Based upon my call, from the time that I called Halperin through to Mr. Perelman.

Q. All right.

A. I take credit for that.

Q. All right. Now, in fact, you've used terms like ''the Jordan magic worked''?

A. It—it has from time to time.

Q. And it did on this occasion?

A. I believe so.

Q. And then, you also informed Ms. Betty Currie that the mission was accomplished?

A. Yes.

Q. And after securing the job for Ms. Lewinsky, you did inform Betty Currie of that fact?

A. And the President.

Q. All right. And was the purpose of letting Betty Currie know so that she could tell the President?

A. She saw the President much more often that I did.

Q. And—but you wanted to inform the President personally that you were successful in getting Ms. Lewinsky a job?

A. Yes.

Q. And you did that, uh—was it on the—what, the day after she secured the job or the day—the day that she secured the job?

A. I don't know the answer to that.

Q. Well, shortly thereafter is it fair to say that you informed the President personally?

A. I certainly told him.

Q. All right. Now, at this point, you had successfully obtained a job for Ms. Lewinsky at the request of the President, and you had been successful in obtaining an attorney for Ms. Lewinsky. Did you see your responsibilities in regard to Ms. Lewinsky as continuing or completed?

A. I don't know, uh, that I saw them as, uh, necessary completed. There is—as you know from your own experience in helping young people with work, there tends to be some sense of responsibility to follow through, that they get to work on time, that they work hard, and that they succeed. So I don't think that I felt that my responsibility had terminated. I felt like I had a continuing responsibility to just make sure that it happened and that she—that it worked out all right. But I don't think I acted on that responsibility.

Q. Well, this is—the job was completed—I believe it was January 8th when she secured the job?

A. That was the day that I called Ronald Perelman.

Q. Okay, so it would have been the 9th that she would have been informed that she had the job.

A. That's right.

Q. So this is the 9th of January, and that mission had been accomplished. Now, I want you to recall your testimony of May 28th before the grand jury in which the question was asked to you—and this is at page 81; the question begins at the bottom of page 80.

Question: ''When you introduced Monica Lewinsky to Frank Carter on December 22, 1997, what further involvement did you expect to have with Monica Lewinsky and Frank Carter?''

Answer: ''Beyond getting her the job, I thought it was finished, done''—and what's that last word you used?

A. ''Fini.''

Q. ''Fini.'' And so that was the basis on the question, was your previous testimony that after you got Ms. Lewinsky a job and after you secured her attorney, there was really no other need for involvement or continued meetings with her?

A. That is correct. That does not mean, on the other hand, that, uh, if you go to a meeting at the board, that you don't stop in and see how—how people are doing. In this circumstance, that process was short-circuited very quickly.

Q. I'm sorry?

A. She never ended up working there. You—you—you do remember that.

Q. Now, but you had described your frequent telephone calls from Ms. Lewinsky as being bordering on annoyance, I think. Is that a fair characterization?

A. That's a fair characterization.

Q. And you're a busy man. You stopped billing at $450 an hour. You're having calls from Ms. Lewinsky. Were you glad at this point to have this ''bordering on annoyance'' situation completed?

A. ''Glad'' is probably the wrong word. ''Relieved'' is maybe a better word.

Q. All right. Now, during the time that you were helping Ms. Lewinsky secure a job, this was widely known at the White House, is that correct?

A. I—I don't know the extent to which it was widely known. I dealt with Ms. Currie and with the President.

Q. In fact, Ms. Cheryl Mills, sitting here at counsel table, knew that you were helping Ms. Lewinsky?

A. I believe that's true.

Q. And Betty Currie knew that you were helping Ms. Lewinsky?

A. Yes.

Q. The President knew it?

A. Yes.

Q. And you presumed that Bruce Lindsey knew it?

A. I presumed that. That's a very small number, given the number of people who work at the White House.

Q. Now, after that December 19 meeting—and I'm backtracking a little bit—the meeting that you had with Ms. Lewinsky in which she covered with you the fact that she had been subpoenaed, after that, you had numerous conversations with Ms. Betty Currie; is that correct?

A. I'm not sure I had numerous conversations with Ms. Betty Currie, but I have always during this administration been in touch with Ms. Currie.

Q. And during those conversations with Ms. Betty Currie, did you let her know that Ms. Lewinsky had been subpoenaed?

A. I think I've testified to that.

Q. All right, and so would that have been fairly shortly after the meeting on December 19th with Ms. Lewinsky that you notified Betty Currie that Ms. Lewinsky had in fact been subpoenaed?

A. I—I think that's safe to say, Counselor.

MR. HUTCHINSON: Senator, I—this would be a good time for a break, if that would meet with your approval, for lunch.

SENATOR THOMPSON: All right, sir.

MR. HUTCHINSON: And I'm—it's hard to estimate, and you probably don't trust lawyers when they tell you how long it's going to take after lunch, but—

SENATOR THOMPSON: Try your best. Do you want to make an estimate, or you'd rather not?

MR. HUTCHINSON: Oh, I think it would be less than an hour that I would have remaining, and most likely much shorter than that.

SENATOR THOMPSON: All right, sir.

THE WITNESS: May I make a suggestion? It's 25 minutes to 1. Do you want to go to 1 o'clock?

MR. HUTCHINSON: I think a break would be helpful.

THE WITNESS: To you or to me?

[Laughter.]

SENATOR THOMPSON: I think some of us have some scheduling issues, and I do understand that, so I'm open to any suggestions, Senator Dodd or anyone else, as to how long we want to take. Yesterday, they took an hour. I'm not—we have a conference and I could use a little extra time, I suppose, in addition to the hour, but it's not of major concern to me.

I assume you want to get back as soon as possible.

THE WITNESS: I'm prepared to forgo lunch and stay here as long as need be so we can finish. And we don't have to have lunch; we can just keep going, if it's all right with counsel.

SENATOR THOMPSON: Well, we've got some scheduling issues that we are going to have to take care of. So let's just make it—let's just make it—

SENATOR DODD: That clock is a little fast, I think.

SENATOR THOMPSON: Is it?

SENATOR DODD: Is that right? It's about 12:30?

THE VIDEOGRAPHER: It's 12:35.

SENATOR DODD: So an hour and 15 minutes. Is that—

SENATOR THOMPSON: What about—what about—let's come back at 1:45. That will be about, what—that's an hour and 10 minutes, isn't it, or 8 minutes, something like that?

All right. Without objection, then—

SERGEANT-AT-ARMS: Senator, we have lunch outside here. It's sandwiches—

SENATOR DODD: Can we go off the record?

SENATOR THOMPSON: Are we off the record? Let's go off the record.

THE VIDEOGRAPHER: We're going off the record now at 12:33 p.m.

[Whereupon, at 12:33 p.m., a luncheon recess was taken.]

AFTERNOON SESSION

THE VIDEOGRAPHER: We are going back on the record at 1349 hours.

SENATOR THOMPSON: All right. Mr. Hutchinson?

MR. HUTCHINSON: Thank you, Senators.

DIRECT EXAMINATION BY HOUSE MANAGERS—RESUMED

BY MR. HUTCHINSON:

Q. Mr. Jordan, good afternoon.

A. Good afternoon.

Q. You testified very clearly earlier today that you were a close friend of the President. Would you also describe yourself as a friend of Mr. Kendall, sitting to my left, one of the attorneys for the President?

A. Not only is Mr. Kendall my friend, Mr. Kendall has, unfortunately, the distinction of graduating from Wabash College, a little, small town in Indiana, and I'm a graduate of DePauw University, and we have a 100–year rivalry. And Mr. Kendall and I bet.

Mr. Hutchinson, I am pleased to tell you that Mr. Kendall is in debt to me for 2 years because DePauw—

MR. KENDALL: May I object?

[Laughter.]

THE WITNESS: —because DePauw University has defeated Wabash College two times in succession. And so, yes, we are very good friends. I have great respect for him as a person, as a lawyer, and despite his undergraduate degree from Wabash, I respect his intellect.

BY MR. HUTCHINSON:

Q. May I assume from that answer that the answer to my question is yes?

A. The answer—the answer to your question is, indubitably, yes.

Q. Now I am going to ask another question in similar vein. You can answer yes or no. Do you consider yourself a friend of Cheryl Mills?

A. That requires more than just a ''yes'' answer.

Q. I do not want to shortchange her, but I know that—in fact, I think you might have, to a certain extent, mentored her. Is that a fair description?

A. And vice versa.

Q. All right. And Bruce Lindsey, is he also a friend of yours?

A. Yes.

Q. Now—so when was the last time that you met with any member of the President's defense team?

A. I have not had a meeting with a member of the President's defense team. They were right nextdoor to me just a few minutes ago, and we said hello, but we have not had a meeting. And maybe if you'd tell me about what, I can be more specific.

Q. Well—and that's a good point. Certainly, we're lawyers, and we have casual conversations, and we visit and we exchange pleasantries, and that's the way life should be.

I guess I was more specifically going to the question as to whether you have discussed with the President's defense team any matter of substance relating to the present proceedings in the United States Senate.

A. Any matter of substance relating to these proceedings here in the United States Senate have been handled very ably by my lawyer, Mr. William Hundley.

Q. And I understand that, but my question is—despite your able representation by Mr. Hundley—my question is—is whether you had any meetings or discussions with the President's defense team in regard to these proceedings.

A. The answer is no.

Q. Thank you.

And has anyone briefed you other than your attorney, Mr. Hundley, on yesterday's deposition of Ms. Lewinsky?

A. The answer is no.

Q. Now, you know Greg Craig?

A. I do know Greg Craig.

Q. And he's a member of the President's defense team as well?

A. Yes.

Q. And you have not had any meetings of substance with him in regard to the present proceedings?

A. I have not.

Q. And have you had any meetings with any of the President's defense team in regard to not just the present proceedings, but prior proceedings related to your testimony before the grand jury or the investigation by the OIC?

A. I have had conversations with the President's lawyer, Mr. Bennett, and a conversation or two with Mr. Kendall on the issue of settlement of the Paula Jones case, and I believe I testified to that before the grand jury.

Q. All right. Thank you, Mr. Jordan, and now let me move to another area.

Do you recall an occasion in which Ms. Betty Currie came to see you in your office a few days before the President's deposition in the Jones case on January 17th?

A. Yes, I do.

Q. And I believe you have previously indicated that it was on a Thursday or Friday, which would have been around the 15th or 16th?

A. Yeah. I've testified to that specifically as to the date in my grand jury testimony, and I stand on that testimony.

Q. Certainly. But in general fashion, it would have been a couple of days before the President's testimony on January 17th?

A. I believe that is correct, sir.

Q. And did—was this meeting with Betty Currie originated by a telephone call with Ms. Betty Currie?

A. Ms. Currie called me.

Q. And did she explain to you why she needed to see you?

A. Yes, she did.

Q. And was that that she had a call from Michael Isikoff of Newsweek magazine?

A. That is correct.

Q. And what did she say about that that caused her to call you?

A. She had said that Mr. Isikoff had called her and wanted to interview her, having something to do with Monica Lewinsky, and I said to her, why don't you come to see me.

Q. And why did you ask her to come see you, rather than just talking to her about it over the telephone?

A. I felt more comfortable doing that, and I think she felt comfortable or more comfortable doing that, rather than doing it on the telephone. And so I asked her to come to my office, and she did.

Q. Did you consider—or did she seem upset at the time that she called?

A. I think she was concerned.

Q. And as—you did in fact meet with her in your office?

A. I did.

Q. And what did she relate to you in your office?

A. That Michael Isikoff was a friend of hers, and that Michael Isikoff had called to—pursuant to a story that he was about to write having to do with Ms. Lewinsky, and she—she was concerned about what to do. And I suggested to her that she talk to Bruce Lindsey and to Mike McCurry as to what she should do, Bruce Lindsey on the legal side and Mike McCurry on the communications side.

Q. Did she explain to you what it was specifically that Mr. Isikoff was inquiring about in reference to Ms. Lewinsky?

A. No. I don't remember the exact nature of Isikoff's inquiry. What I do remember is that Isikoff, a Newsweek magazine reporter, had called and was making these inquiries, and she was at a loss as to where to turn or to what to do, and I think that stemmed from the fact of some White House policy saying that before you talk to anybody in the media, you check it out.

Q. And did she explain to you that she had already seen Bruce Lindsey about it before she came to see you?

A. She did not.

Q. And so you were basically telling her to see Bruce Lindsey, and if she had already seen that, then that might have not been that helpful?

A. I don't know whether I was being helpful or not. I responded to her, and I gave her the advice to call Bruce Lindsey and to call Mike McCurry.

Q. Let me refer you to the testimony of Ms. Betty Currie, and perhaps that will help refresh you, and if not, perhaps you can respond to it.

A. Sure.

Q. And for reference purposes, I'm referring to the grand jury testimony of Ms. Betty Currie on May 6th, 1998, at page 122.

MR. HUTCHINSON: Is there a way I—

MR. HUNDLEY: We don't have that. If you want to—if you want us to read along or just—

THE WITNESS: Wait a minute. I might have it right here. What page?

MR. HUTCHINSON: What's the exhibit number?

MR. HUNDLEY: How long is it, Mr. Hutchinson?

MR. HUTCHINSON: This would just be some short question-and-answers.

MR. HUNDLEY: Why don't you just read it? We don't—go ahead.

THE WITNESS: Oh, fine.

BY MR. HUTCHINSON:

Q. I'm going to read it, and if there's—it's at page 122, but this just puts it in context.

The question: ''Ms. Currie, if I'm not mistaken, if I could ask you a couple of questions. When you found out Mr. Isikoff was curious about the courier receipts, you were concerned enough to go visit Vernon Jordan?''

The answer is: ''Correct.''

And I'm skipping on down. I'm trying to point to a couple of things that are of interest.

And question: ''And you went to Bruce Lindsey because you said you knew that he was working on the matter?''

And question: ''What did Bruce tell you after you told him this?''

And answer: ''He told me not to call him back, referring to Mr. Isikoff, make him work for the story. I remember that.''

And then she refers to going to see Mr. Jordan.

Why did you tell him, or, ''Why did you call Mr. Jordan?''

Answer: ''Because I had a comfort level with Vernon, and I wanted to see what he had to say about it.''

MR. KENDALL: Counsel, excuse me. I object to your reading of that, but my understanding that the conversation with Bruce Lindsey occurred later. Are you representing that it occurred before the visit to Mr. Jordan? I don't have the transcript in front of me.

MR. HUTCHINSON: Well, I'm—I'm not making a representation one way or the other. I'm just representing what Ms. Currie testified to, and that is the context of it, that the visit to Mr. Lindsey was prior to going to see Mr. Jordan. And that is at page 122 through 130 of Betty Currie's transcript of May 6th, 1998.

BY MR. HUTCHINSON:

Q. But the first question, Mr. Jordan, is that she refers to courier receipts. I believe that was referring to courier records of gifts from Ms. Lewinsky to the President.

Did Ms. Currie come to you and say specifically that Mr. Isikoff was inquiring about courier records on gifts from Ms. Lewinsky to the President?

A. I have no recollection of her telling me about the specific inquiry that Isikoff was making. The issue for her was whether or not she should see him, and I said to her, before she made any decision about that, that she should talk to these two particular people on the White House staff.

Q. Well, again, if Ms. Currie refers to the courier receipts on gifts, would that be in conflict in any way with your recollection as to what Mr. Isikoff was inquiring about, what Ms. Currie told you?

A. I stand on what I've just said to you.

Q. Now, you followed this case, and, of course—

SENATOR THOMPSON: While we're on that subject, does counsel need any additional time to look over that? I don't want to leave an objection on the record. If you feel like you need to press it—

SENATOR DODD: Do you have a copy of the document?

MR. KENDALL: Senator Thompson, we don't have the full copy of the Currie transcript. This was not—

SENATOR THOMPSON: Why don't we reserve this, then, and you can be looking at it, and then we'll—we'll take it up a little later.

MR. KENDALL: We're still actually missing some pages of the transcript. I don't know if somebody has that.

SENATOR DODD: Why don't you see if you can't get them for them?

SENATOR THOMPSON: Okay.

SENATOR DODD: All right?

SENATOR THOMPSON: We'll let them be doing that, if that's okay with everyone and—

SENATOR DODD: And you'll withdraw your objection as of right now, or—

MR. KENDALL: Yes. I'll withdraw it until I can scrutinize the pages, but I may then renew it.

SENATOR THOMPSON: All right, sir.

BY MR. HUTCHINSON:

Q. On—there's been some testimony in this case by Ms. Lewinsky that on December 28th, there was a gift exchange with the President; that subsequent to that, Ms. Currie went out and picked up gifts from Ms. Lewinsky, and she put those gifts under Ms. Currie's bed. Are you familiar with that basic scenario?

A. I read about it and heard about it. I do not know that because that was told to me by Ms. Lewinsky or by Ms. Currie.

Q. Certainly, and I'm just setting that forth as a backdrop for my questioning.

Now, you know, I guess it's—it might be difficult to understand a great deal of concern about a news media call, but if that news media call was about gifts or evidence that was in fact under Ms. Currie's bed or involved in that exchange, then that would be a little heightened concern.

A. Yes.

Q. Would that seem fair?

A. I do not, as I've said to you, know specifically the nature of Mr. Isikoff's inquiry to Ms. Currie, and I know nothing at that particular time about Mr. Isikoff making an inquiry about gifts under the bed.

Q. All right. I refer you to your grand jury testimony of March 5, 1998, at page 73, when the question was asked of you about Ms. Currie's visit to you, ''What exactly did she tell you?'' and your answer: ''She told me that she had a call from Isikoff from Newsweek magazine, who was calling to make inquiries about Monica Lewinsky and some taped conversations, and I said you have to talk to Mike McCurry and you have to talk to Bruce Lindsey.''

And so, despite your statement today that you have no recollection as to what she told you, going back to your March testimony, you referred to her relating Isikoff inquiring about taped conversations.

A. And that's what it says, ''taped conversations,'' and I stand by that.

What was taped, I don't know.

Q. Well, I don't think you previously today mentioned taped conversations.

MR. HUNDLEY: Well, I don't really think your question would have called for that response, but I'm not going to object.

MR. HUTCHINSON: Thank you, Mr. Hundley.

BY MR. HUTCHINSON:

Q. I'm trying to get to the heart of the matter. Ms. Currie is concerned enough that she leaves the White House and goes to see Mr. Vernon Jordan, and she raises an issue with you and, according to your testimony, you told her simply, you need to go see Mike McCurry or Bruce Lindsey.

A. That is correct.

Q. And it's your testimony that she never raised with you any issue concerning the—Mr. Isikoff inquiring about gifts and records of gifts by Ms. Lewinsky?

A. I stand by what I—what you just read to me about—from my testimony about tapes conversations. I have no recollection about gifts or gifts under the bed.

Q. Okay. Are you saying it did not happen, or you have no recollection?

A. I certainly have no recollection of it.

Q. Well, do you have a specific recollection that it did not happen, that she never raised the issue of gifts with you?

A. It is my judgment that it did not happen.

Q. Did she seem satisfied with your advice to go see Mr. Bruce Lindsey, who she presumably had already seen?

A. I assumed that she took my advice.

Q. Did she discuss in any way with you the incident on December 28th when she retrieved the gifts—

A. She did not.

Q. —from Ms. Lewinsky?

A. She did not.

Q. Now, a few days later, the President of the United States testified before the grand jury in the—excuse me—testified in his deposition in the Jones case.

After the President's deposition, did he have a conversation with you on that day?

A. Yes. I'm sure we talked.

Q. And then, on the next day, and without getting into the entire record of telephone calls, there was, is it fair to say, a flurry of telephone calls in which everyone was trying to locate Ms. Monica Lewinsky?

A. The next day being which day?

Q. The next day would have been—well, January 18th.

A. That's Sunday.

Q. Correct.

MR. HUNDLEY: I think it's the 19th.

THE WITNESS: I think it's the 19th when there was a flurry of calls.

MR. HUTCHINSON: I think you're absolutely correct.

THE WITNESS: We'll be glad to be helpful to you in any way we can.

MR. HUNDLEY: We're even now. I was wrong on one. You were wrong.

MR. HUTCHINSON: That's fair enough, fair enough.

BY MR. HUTCHINSON:

Q. And on the 19th—of course, the 18th is in the record where the President visited with Ms. Betty Currie at the White House—on the 19th, which would have been Monday, was there on that day a flurry of activity in which there were numerous telephone calls, trying to locate Monica Lewinsky?

A. Yes. And you have a record of those telephone calls, and those telephone calls, Congressman, were driven by two events—first, the Drudge Report; and later in the afternoon, driven by the fact that, uh, I had been informed by Frank Carter, counsel to Ms. Lewinsky, that he had been relieved of his responsibilities as her counsel. And that is the basis for these numerous telephone calls.

Q. And you yourself were engaged in some of those telephone calls trying to locate Ms. Lewinsky?

A. Oh, yes, to ask her—I mean, I had just found out that she had been involved in these conversations with this person called Linda Tripp, and that was of some curiosity and concern to me.

Q. And you had heard Ms. Tripp's name previously on December 31st at the Park Hyatt?

A. I've testified already that I never heard the name ''Linda Tripp'' until I saw the Drudge Report. I did not testify that I heard the name ''Linda Tripp'' on December 31st.

Q. So the first time you heard Ms. Tripp's name was on January 19th when the Drudge Report came out?

A. That is correct.

Q. And you had already secured a—

A. The 18th, I believe it was.

MR. HUNDLEY: Eighteenth.

THE WITNESS: Not the 19th.

BY MR. HUTCHINSON:

Q. Thank you.

You had already secured a job for Ms. Lewinsky?

A. That is correct.

Q. And you—

A. Found a lawyer.

Q. And a lawyer. And, as you had said at one point, job finished—fini. Why is it that you felt like you needed to join in the search for Ms. Lewinsky?

A. If you had been sitting where I was, and all of a sudden you found out, after getting

her a job and after getting her a lawyer, that there's a report that says that she's been—she's been taped by some person named Linda Tripp, I think just, mother wit, common sense, judgment, would have suggested that you would be interested in what that was about.

Q. And were you trying to provide assistance to the President of the United States in trying to locate Ms. Lewinsky?

A. I was not trying to help the President of the United States. At that point, I was trying to satisfy myself as to what had gone on with this person for whom I had gotten both a job and a lawyer.

Q. Now, subsequent to this, you felt it necessary to make a public statement on January 22 in front of the Park Hyatt Hotel?

A. I did make a public statement on January 22nd at the Park Hyatt Hotel.

Q. And what was the reason that you gave this public statement?

A. I gave the public statement because I was being rebuked and scorned and talked about, sure as you're born, and I felt some need to explain to the public what had happened.

MR. HUTCHINSON: All right. And I have a copy of that public statement that is marked as Grand Jury Exhibit 87, but we will mark it as Exhibit—

SENATOR THOMPSON: Seven, I believe.

SENATOR DODD: We've gone through 9, haven't we? You're marking it. If you're only marking it, I think we—

SENATOR THOMPSON: We have six exhibits, didn't we?

SENATOR DODD: We've done more than that, haven't we?

MR. HUTCHINSON: I have nine.

SENATOR DODD: Nine. Did you enter 9, or did you just note it?

SENATOR THOMPSON: Six were entered, two were sustained, I think.

MS. MILLS: I have seven.

SENATOR DODD: Nine, you have here, but we didn't—I don't know if you—you don't have 9 as an exhibit, or just noted?

MR. GRIFFITH: Nine was Grand Jury 44.

MR. HUTCHINSON: We just noted it, I believe.

SENATOR DODD: You didn't ask that it be entered in the record?

MR. HUTCHINSON: I believe that's correct.

SENATOR DODD: Yes.

SENATOR THOMPSON: How about those we sustained objections to? That doesn't count.

SENATOR DODD: Well, they're still marked.

SENATOR THOMPSON: They were marked?

SENATOR DODD: So which one should this be? Ten?

SENATOR THOMPSON: This will be 10?

SENATOR DODD: This is 10, then.

MR. HUTCHINSON: All right, Number 10.

[Jordan Deposition Exhibit No. 10 marked for identification.]

BY MR. HUTCHINSON:

Q. Do you have a copy of that, Mr. Jordan?

A. I have a copy of it. Thank you.

Q. Thank you. Now, prior to making this public statement, did you consult with the President's attorney, Mr. Bob Bennett?

A. I did not, not about this statement.

Q. Did you consult with the President's attorney, Mr. Bob Bennett?

A. I did not consult with him. Mr. Bennett came to my office and met with me and my attorney, Mr. Hundley, in my office.

Q. All right. And that was sometime prior to making this statement?

A. That is correct.

Q. And it would be—and it would have been between the 19th and the 22nd?

A. That is correct.

Q. It would have been after all of the public issues—

A. It was after—

Q. —came up?

A. —I returned from Washington, and it may have been—from New York—and it may have been, I think, Wednesday afternoon.

Q. Now, in this statement, you indicated that you referred Ms. Lewinsky for interviews at American Express and at Revlon.

A. That is correct, and Young & Rubicam.

Q. And in fact, as your testimony today indicates, you did more than refer her for interviews, did you not?

A. Explain what you mean, and I'll be happy to answer.

Q. Well, in fact, when the interview went poorly, according to Ms. Lewinsky, you made calls to get her a second interview and to make it happen.

A. That is safe to say.

Q. All right. And I think you've also described your involvement in the job search as running the job search?

A. Yes.

Q. And so it was a little bit more than simply referring her for interviews. Is that a fair statement?

A. That's a fair statement.

Q. And then, in this statement, you also indicate that ''Ms. Lewinsky was referred to me by Ms. Betty Currie''——

A. Yes.

Q. —is that correct?

A. That is correct.

Q. And in fact, you were acting, as you stated, at the behest of the President?

A. Through Ms. Currie. I'm satisfied with this statement as correct.

Q. So—but you were acting in the job search at the behest of the President, as you have previously testified?

A. I've testified to that.

MR. HUTCHINSON: Now, we would offer this as Exhibit No. 10.

SENATOR THOMPSON: Without objection, it will be made a part of the record.

[Jordan Deposition Exhibit No. 10 received in evidence.]

MR. HUNDLEY: The only problem with this line of questioning is I think I wrote that thing.

[Laughter.]

BY MR. HUTCHINSON:

Q. After you—after you last testified before the grand jury in June of '98, since then, the President testified before the grand jury in August, and prior to his testimony before the grand jury in August, he made his statement to the Nation in which he—I believe the language was admitted to ''an inappropriate relationship with Ms. Lewinsky.''

Now, at the time that you testified in June of '98, you did not have this information, did you?

A. He had not made that statement on the 17th of August, that's for sure.

Q. And was he in fact, to your knowledge, still denying the existence of that relationship?

A. I think, as I remember the statement, he said he misled the American people.

Q. And subsequent to this admission, did you talk to your friend, the President of the United States, about his false statements to you?

A. I have not spoken to him about any false statements, one way or the other.

Q. Now, you have testified that you in the job search were acting at the behest of the President of the United States; is that correct?

A. I stand on that.

Q. And there is no question but that Ms. Monica Lewinsky understood that?

A. I have to assume that she understood that.

Q. Okay. And in the law, there is the rule of agency and apparent authority. Is it safe to assume that Ms. Lewinsky believed that you had apparent authority on behalf of the President of the United States?

A. I think I know enough about the law to say that the law of agency is not applicable in this situation where there was a potential romance and not a work situation. I think the law of agency has to do with a work situation and an employment situation and not having to do with some sort of romance. I think that's right.

Q. Well, let me take it out of the legal realm.

A. You raised it—I didn't.

Q. And let's put it in the realm of mother wit. Ms. Lewinsky is looking to you as a friend of the President of the United States, knowing that you're acting at the behest of the President of the United States. Is it not reasonable to assume that when she communicates something to you or she hears something from you, that it's as if she is talking to someone who is acting for the President?

A. No. When she's talking to me, she's talking to me, and I can only speak for me and act for me.

MR. HUTCHINSON: Could I have just a moment?

SENATOR THOMPSON: Yes.

MR. HUTCHINSON: At this time, Your Honors, the House Managers would reserve the balance of its time.

SENATOR THOMPSON: Counsel?

MR. HUNDLEY: Fine.

SENATOR THOMPSON: All right.

MR. HUTCHINSON: Thank you, Mr. Jordan.

THE WITNESS: Thank you, Mr. Hutchinson.

SENATOR THOMPSON: Mr. Kendall?

EXAMINATION BY COUNSEL FOR THE PRESIDENT BY MR. KENDALL

Q. Mr. Jordan, is there anything you think it appropriate to add to the record?

A. Mr. Hutchinson, I'd just like to——

MR. HUTCHINSON: I'm going to object to the form of that question. I think that even though—and that's not even a leading question; that's an open-ended question that calls for a narrative response. And I think in fairness to the record that that is just simply too broad for this deposition purpose.

SENATOR THOMPSON: Mr. Kendall, is there any chance of perhaps your rephrasing the question somewhat?

MR. KENDALL: Certainly.

BY MR. KENDALL:

Q. Mr. Jordan, you were asked questions about job assistance. Would you describe the job assistance you have over your career given to people who have come to you requesting help finding a job or finding employment?

A. Well, I've known about job assistance and have for a very long time. I learned about it dramatically when I finished at Howard University Law School, 1960, to return home to Atlanta, Georgia to look for work. In the process of my—during my senior year, it was very clear to me that no law firm in Atlanta would hire me. It was very clear to me that, uh, I could not get a job as a black lawyer in the city government, the county government, the State government or the Federal Government.

And thanks to my high school bandmaster, Mr. Kenneth Days, who called his fraternity brother, Donald L. Hollowell, a civil rights lawyer, and said, ''That Jordan boy is a fine boy, and you ought to consider him for a job at your law firm,'' that's when I learned about job referral, and that job referral by Kenneth Days, now going to Don Hollowell, got me a job as a civil rights lawyer working for Don Hollowell for $35 a week.

I have never forgotten Kenneth Days' generosity. And given the fact that all of the

other doors for employment as a black lawyer graduating from Howard University were open to me, that's always—that's always been etched in my heart and my mind, and as a result, because I stand on Mr. Days' shoulders and Don Hollowell's shoulders, I felt some responsibility to the extent that I could be helpful or got in a position to be helpful, that I would do that.

And there is I think ample evidence, both in the media and by individuals across this country, that at such times that I have been presented with that opportunity that I have taken advantage of that opportunity, and I think that I have been successful at it.

Q. Was your assistance to Ms. Lewinsky which you have described in any way dependent upon her doing anything whatsoever in the Paula Jones case?

A. No.

IN THE SENATE OF THE UNITED STATES SITTING FOR THE TRIAL OF THE IMPEACHMENT OF WILLIAM JEFFERSON CLINTON, PRESIDENT OF THE UNITED STATES

EXCERPTS OF VIDEO DEPOSITION OF SIDNEY BLUMENTHAL

(Wednesday, February 3, 1999, Washington, D.C.)

SENATOR SPECTER: If none, I will swear the witness.

Mr. Blumenthal, will you please stand up and raise your right hand?

You, Sidney Blumenthal, do swear that the evidence you shall give in this case now pending between the United States and William Jefferson Clinton, President of the United States, shall be the truth, the whole truth, and nothing but the truth, so help you, God?

MR. BLUMENTHAL: I do.

Whereupon, SIDNEY BLUMENTHAL was called as a witness and, after having been first duly sworn by Senator Specter, was examined and testified as follows:

SENATOR SPECTER: Thank you.

THE WITNESS: Thank you.

SENATOR SPECTER: The House Managers may begin their questioning.

MR. ROGAN: Thank you, Senator.

EXAMINATION BY HOUSE MANAGERS

BY MR. ROGAN:

Q. Mr. Blumenthal, first, good morning.

A. Good morning to you.

Q. My name is Jim Rogan. As you know, I am one of the House Managers and will be conducting this deposition pursuant to authority from the United States Senate.

First, as a preliminary matter, we have never had the pleasure of meeting or speaking until this morning, correct?

A. That's correct.

Q. If any question I ask is unclear or is in any way ambiguous, if you would please call that to my attention, I will be happy to try to restate it or rephrase the question.

A. Thank you.

Q. Mr. Blumenthal, where are you currently employed?

A. At the White House.

Q. Is that in the Executive Office of the President?

A. It is.

Q. What is your current title?

A. My title is Assistant to the President.

Q. Was that your title on January 21st, 1998?

A. It was.

Q. For the record, that is the date that The Washington Post story appeared that essentially broke the Monica Lewinsky story?

A. Yes.

Q. On that date, were you the Assistant to the President as to any specific subject matter?

A. I dealt with a variety of areas.

Q. Did your duties entail any specific matter, or were you essentially a jack-of-all-trades at the White House for the President?

A. Well, I was hired to help the President develop his ideas and themes about the new consensus for the country, and I was hired to deal with problems like the impact of globalization, democracy internationally and domestically, the future of civil society, and the Anglo-American Project; and I also was hired to work on major speeches.

Q. You testified previously that your duties are such as the President and Chief of Staff shall decide. Would that be a fair characterization?

A. Oh, yes.

Q. How long have you been employed in this capacity?

A. Since August 11th, 1997.

Q. And in the course of your duties, do you personally advise the President as to the matters that you just shared with us?

A. Yes.

Q. How often do you meet with the President personally to advise him?

A. It varies. Sometimes several times a week; sometimes I go without seeing him for a number of weeks at a time.

Q. Is dealing with the media part of your—your job?

A. Yes. It's part of my job and part of the job of most people in the White House.

Q. Was that also one of your responsibilities on January 21st, 1998, when the Monica Lewinsky story broke?

A. Yes.

Q. You previously testified that you had a role in the Monica Lewinsky matter after the story broke in The Washington Post on that date, at least in reference to your White House duties; is that correct?

A. I'm unclear on what you mean by ''a role.''

Q. Specifically, you testified that you attended meetings in the White House in the Office of Legal Counsel in the morning and in the evening almost every day once the story broke?

A. Yes.

Q. And what times did those meetings occur after the story broke, these regular meetings?

A. The morning meetings occurred around 8:30, after the morning message meeting, and the evening meetings occurred around 6:45.

Q. Are those meetings still ongoing?

A. No.

Q. Can you tell me when those meetings ended?

A. Oh, I'd say about the time that the impeachment trial started.

Q. That would be about a month or—about a month ago?

A. Yeah, something like that.

Q. Thank you.

A. I don't recall exactly.

Q. Sure. But up until that point, were these essentially regularly scheduled meetings, twice a day, 8:30 in the morning and 6:45 in the evening?

A. Right.

Q. Did you generally attend those meetings?

A. Generally.

Q. Now, initially, when you testified before the grand jury on February 26th, 1998, your first grand jury appearance, you stated that these twice-daily meetings dealt exclusively with the Monica Lewinsky matter, correct?

A. They dealt with our press reaction, how we would respond to press reports dealing with it. This was a huge story, and we were being inundated with hundreds of calls.

Q. Right.

A. So—

Q. What I'm—what I'm trying to decipher is that at least initially, at the time of your first grand jury appearance, which was about a month after the story broke—

A. Right.

Q. —the meetings were exclusively related to Monica Lewinsky. Is that correct?

A. Pretty much.

Q. And then, 4 months later, when you testified before the grand jury in June, you said these meetings were still ongoing, and you referenced them at that time as discussing the policy, political, legal and media impact of scandals and how to deal with them. Do you remember that testimony?

A. If I could see it.

Q. Certainly. I'm happy to invite your attention to your grand jury testimony of June 4th, 1998, page 25, lines 1 through 5.

MR. ROGAN: And that would be, for the Senators' and counsel's benefit—I believe that's in Tab 4 of the materials provided.

[Witness perusing document.]

THE WITNESS: Right. I see it.

BY MR. ROGAN:

Q. You've had a chance to review that, Mr. Blumenthal?

A. I have.

Q. And that—that's correct testimony?

A. Yes.

Q. Thank you.

At the time you spoke of—you used the word ''scandals'' in the plural, and you were asked on June 4th what other scandals were discussed and you said they range from the Paula Jones trial to our China policy. Is that a fair statement?

A. Oh, yes, yes. I do.

Q. Who typically attended those meetings?

A. As I recall, there were about a dozen or so people, sometimes more, sometimes less.

Q. Do you remember the names of the people?

A. I'll try to.

Q. Would it be helpful if I directed your attention to a couple of passages in the grand jury testimony?

A. Sure, if you'd like.

MR. ROGAN: Inviting the Senate and counsel's attention to the February 26th grand jury testimony, page 11, lines 2 through 16.

[Witness perusing document.]

THE WITNESS: Sure. Yeah.

BY MR. ROGAN:

Q. That would be Tab Number 1.

A. Right, I see that.

What it says here is that the names listed are Charles Ruff, Lanny Breuer, who is right over here, Cheryl Mills, Bruce Lindsey, John Podesta, Rahm Emanuel, Paul Begala, Jim Kennedy, Mike McCurry, Joe Lockhart, Ann Lewis, Adam Goldberg, Don Goldberg, and that's—those are the names that I—that I recall.

Q. Thank you.

And just for my benefit, Mr. Ruff, Mr. Breuer, Ms. Mills, and Mr. Lindsey, those are all White House counsel?

A. Yes.

Q. Could you just briefly identify for the record the other individuals that are—that are listed in your testimony?

A. Sure. John Podesta was Deputy Chief of Staff. Rahm Emanuel was a Senior Advisor. Paul Begala had the title of Counselor. Jim Kennedy was in the Legal Counsel Office. Mike McCurry was Press Secretary. Joe Lockhart at that time was Deputy Press Secretary. Ann Lewis was Director of Communications, still is. Adam Goldberg worked as a—as an Assistant in the Legal Counsel Office, and Don Goldberg worked in Legislative Affairs.

Q. Thank you.

Mr. Blumenthal, specifically inviting your attention to January 21st, 1998, you testified before the grand jury that on that date, you personally spoke to the President regarding the Monica Lewinsky matter, correct?

A. Yes.

Q. When you spoke to the President, did you discuss The Washington Post story about Ms. Lewinsky that appeared that morning?

A. I don't recall if we talked about that article specifically.

Q. Do you recall on June 25th testifying before the grand jury, and I'm quoting, ''We were speaking about the story that appeared that morning''?

A. Right. We were—we were speaking about that story, but I don't know if we referred to The Post.

Q. Thank you.

You are familiar with The Washington Post story that broke that day?

A. I am.

Q. That story essentially stated that the Office of Independent Counsel was investigating whether the President made false statements about his relationship with Ms. Lewinsky in the Jones case, correct, to the best of your recollection?

A. If you could repeat that?

Q. Sure. The story stated that the Office of Independent Counsel was investigating whether the President made false statements about his relationship with Ms. Lewinsky in the Jones case.

A. Right.

Q. And also that the Office of Independent Counsel was investigating whether the President obstructed justice in the Jones case. Is that your best recollection of what that story was about?

A. Yes.

Q. How did you end up speaking to the President on that specific date?

A. I don't remember exactly whether he had summoned me or whether I had asked to speak him—to him.

Q. And I realize, by the way, I—just so you know, I'm not trying to trick you or anything. I realize this is a year later—

A. Right.

Q. —and your testimony was many months ago, and so if I invite your attention to previous grand jury testimony to refresh your recollection, I don't want you to feel that in any way I'm trying to imply that you're not being candid in your testimony.

With that, if I may invite your—your attention to the June 4th grand jury testimony on page 47, lines 5 through 6.

[Witness perusing document.]

BY MR. ROGAN:

Q. Let me see if this helps to refresh your recollection. You said, ''It was about a week before the State of the Union speech.''

A. I see.

Q. ''I was in my office, and the President asked me to come to his office.''

Does that help to refresh your recollection?

A. Yes.

Q. And so you now remember that the President asked to speak with you?

A. Yes.

Q. Did you go to the Oval Office?

A. Yes.

Q. During that conversation, were you alone with the President?

A. I was.

Q. Do you remember if the door was closed?

A. It was.

Q. When you met with the President, did you relate to him a conversation you had with the First Lady earlier that day?

A. I did.

Q. What did you tell the President the First Lady told you earlier that day?

A. I believe that I told him that the First Lady had called me earlier in the day, and in the light of the story in The Post had told me that the President had helped troubled people in the past and that he had done it many times and that he was a compassionate person and that he helped people also out of his religious conviction and that this was part of—part of his nature.

Q. And did she also tell you that one of the other reasons he helped people was out of his personal temperament?

A. Yes. That's what I mean by that.

Q. And the First Lady also at least shared with you her opinion that he was being attacked for political motives?

MR. McDANIEL: Can I get a clarification, Senator—Senator Specter? The earlier question, I thought, had been what Mr. Blumenthal had relayed to the President had been said by the First Lady.

MR. ROGAN: That's correct.

MR. McDANIEL: And now the questions are back—it seems to me have moved to another topic—

MR. ROGAN: No. That's—

MR. McDANIEL: —which is what—

MR. ROGAN: I'm—

MR. McDANIEL: —did the First Lady say.

MR. ROGAN: And I thank—I thank the gentleman for that clarification. I'm specifically asking what the witness relayed to the President respecting his conversation with—his earlier conversation with the First Lady.

MR. McDANIEL: Thank you.

Do you understand that, what he said?

THE WITNESS: I understand the distinction, and I don't—

BY MR. ROGAN:

Q. I'll restate the question, if that would help.

A. Please.

Q. Do you remember telling the President that the First Lady said to you that she felt that with—in reference to this story that he was being attacked for political motives?

A. I remember her saying that to me, yes.

Q. And you relayed that to the President?

A. I'm not sure I relayed that to the President. I may have just relayed the gist of the conversation to him. I don't—I'm not sure whether I relayed the entire conversation.

MR. ROGAN: Inviting the Senators' and counsel's attention to the June 4th, 1998, testimony of Mr. Blumenthal, page 47, beginning at line 5.

BY MR. ROGAN:

Q. Mr. Blumenthal, let me just read a passage to you and tell me if this helps to refresh your memory.

A. Mm-hmm.

MR. ROGAN: Do you have that, Lanny?

MR. BREUER: Yes, I do. Thank you.

BY MR. ROGAN:

Q. Reading at line—at line 5, ''I was in my office, and the President asked me to come to the Oval Office. I was seeing him frequently in this period about the State of the Union and Blair's visit''—and I—that was Prime Minister Tony Blair, as an aside, correct?

A. That's right.

Q. Thank you.

And then again, reading at line 7, ''So I went up to the Oval Office and I began the discussion, and I said that I had received—that I had spoken to the First Lady that day in the afternoon about the story that had broke in the morning, and I related to the President my conversation with the First Lady and the conversation went as follows. The First Lady said that she was distressed that the President was being attacked, in her view, for political motives for his ministry of a troubled person. She said that the President ministers to troubled people all the time,'' and then it goes on to—

A. Right.

Q. —relate the substance of the answer you just gave.

Does that help to refresh your recollection with respect to what you told the President, the First Lady had said earlier?

A. Yes.

Q. Thank you.

And do you now remember that the First Lady had indicated to you that she felt the President was being attacked for political motives?

A. Well, I remember she said that to me.

Q. And just getting us back on track, a few moments ago, I think you—you shared with us that the First Lady said that the President helped troubled people and he had done it many times in the past.

A. Yes.

Q. Do you remember testifying before the grand jury on that subject, saying that the First Lady said he has done this dozens, if not hundreds, of times with people—

A. Yes.

Q. —with troubled people?

A. I recall that.

Q. After you related the conversation that you had with the First Lady to the President, what do you remember saying to the President next about the subject of Monica Lewinsky?

A. Well, I recall telling him that I understood he felt that way, and that he did help people, but that he should stop trying to help troubled people personally; that troubled people are troubled and that they can get you in a lot of messes and that you had to cut yourself off from it and you just had to do it. That's what I recall saying to him.

Q. Do you also remember in that conversation saying to him, ''You really need to not do that at this point, that you can't get near anybody who is even remotely crazy. You're President''?

A. Yes. I think that was a little later in the conversation, but I do recall saying that.

Q. When you told the President that he should avoid contact with troubled people, what did the President say to you in response?

A. I'm trying to remember the sequence of it. He—he said that was very difficult for him. He said he—he felt a need to help troubled people, and it was hard for him to—to cut himself off from doing that.

Q. Do you remember him saying specifically, ''It's very difficult for me to do that, given how I am. I want to help people''?

A. I recall—I recall that.

Q. And when the President referred to trying to help people, did you understand him in that conversation to be referring to Monica Lewinsky?

A. I think it included Monica Lewinsky, but also many others.

Q. Right, but it was your understanding that he was all—he was specifically referring to Monica Lewinsky in that list of people that he tried to help?

A. I believe that—that was implied.

Q. Do you remember being asked that question before the grand jury and giving the answer, ''I understood that''?

A. If you could point it out to me, I'd be happy to see it.

Q. Certainly.

MR. ROGAN: Inviting the Senators' and counsel's attention to the June 25th, 1998, grand jury, page 5, I believe it's at lines 6 through 8.

[Witness perusing document.]

THE WITNESS: Yes, I see that. Thank you.

By MR. ROGAN:

Q. You recall that now?

A. Yes.

Q. Thank you.

Mr. Blumenthal, did the President then relate a conversation he had with Dick Morris to you?

A. He did.

Q. What was the substance of that conversation, as the President related it to you?

A. He said that he had spoken to Dick Morris earlier that day, and that Dick Morris had told him that if Nixon, Richard Nixon, had given a nationally televised speech at the beginning of the Watergate affair, acknowledging everything he had done wrong, he may well have survived it, and that was the conversation that Dick Morris—that's what Dick Morris said to the President.

Q. Did it sound to you like the President was suggesting perhaps he would go on television and give a national speech?

A. Well, I don't know. I didn't know.

Q. And when the President related the substance of his conversation with Dick Morris to you, how did you respond to that?

A. I said to the President, ''Well, what have you done wrong?''

Q. Did he reply?

A. He did.

Q. What did he say?

A. He said, ''I haven't done anything wrong.''

Q. And what did you say to that response?

A. Well, I said, as I recall, ''That's one of the stupidest ideas I ever heard. If you haven't done anything wrong, why would you do that?''

Q. Did the President then give you his account of what happened between him and Monica Lewinsky?

A. As I recall, he did.

Q. What did the President tell you?

A. He, uh—he spoke, uh, fairly rapidly, as I recall, at that point and said that she had come on to him and made a demand for sex, that he had rebuffed her, turned her down, and that she, uh, threatened him. And, uh, he said that she said to him, uh, that she was called ''the stalker'' by her peers and that she hated the term, and that she would claim that they had had an affair whether they had or they hadn't, and that she would tell people.

Q. Do you remember him also saying that the reason Monica Lewinsky would tell people that is because then she wouldn't be known by her peers as ''the stalker'' anymore?

A. Yes, that's right.

Q. Do you remember the President also saying that—and I'm quoting—''I've gone down that road before. I've caused pain for a lot of people. I'm not going to do that again''?

A. Yes. He told me that.

Q. And that was in the same conversation that you had with the President?

A. Right, in—in that sequence.

Q. Can you describe for us the President's demeanor when he shared this information with you?

A. Yes. He was, uh, very upset. I thought he was, a man in anguish.

Q. And at that point, did you repeat your earlier admonition to him as far as not trying to help troubled people?

A. I did. I—I think that's when I told him that you can't get near crazy people, uh, or troubled people. Uh, you're President; you just have to separate yourself from this.

Q. And I'm not sure, based on your testimony, if you gave that admonition to him once or twice. Let me—let me clarify for you why my questioning suggested it was twice. In your grand jury testimony on June the 4th, at page 49, beginning at line 25, you began the sentence by saying, and I quote, ''And I repeated to the President''—

A. Right.

Q. —''that he really needed never to be near people who were''—

A. Right.

Q. —''troubled like this,'' and so forth. Do you remember now if you—if that was correct? Did you find yourself in that conversation having to repeat the admonition to him that you'd given earlier?

A. I'm sure I did. Uh, I felt—I felt that pretty strongly. He shouldn't be involved with troubled people.

Q. Do you remember the President also saying something about being like a character in a novel?

A. I do.

Q. What did he say?

A. Uh, he said to me, uh, that, uh, he felt like a character in a novel. Uh, he felt like somebody, uh, surrounded by, uh, an oppressive environment that was creating a lie about him. He said he felt like, uh, the character in the novel *Darkness at Noon*.

Q. Did he also say he felt like he can't get the truth out?

A. Yes, I—I believe he said that.

Q. Politicians are always loathe to confess their ignorance, particularly on videotape. I will do so. I'm unfamiliar with the novel *Darkness at Noon*. Did you—do you have any familiarity with that, or did you understand what the President meant by that?

A. I—I understood what he meant. I—I was familiar with the book.

Q. What—what did he mean by that, per your understanding?

A. Uh, the book is by Arthur Koestler, who was somebody who had been a communist and had become disillusioned with communism. And it's an anti-communist novel. It's about, uh, uh, the Stalinist purge trials and somebody who was a loyal communist who then is put in one of Stalin's prisons and held on trial and executed, uh, and it's about his trial.

Q. Did you understand what the President was trying to communicate when he related his situation to the character in that novel?

A. I think he felt that the world was against him.

Q. I thought only Members of Congress felt that way.

Mr. Blumenthal, did you ever ask the President if he was ever alone with Monica Lewinsky?

A. I did.

Q. What was his response?

A. I asked him a number of questions that appeared in the press that day. I asked him, uh, if he were alone, and he said that, uh, he was within eyesight or earshot of someone when he was with her.

Q. What other questions do you remember asking him?

A. Uh, there was a story in the paper that, uh, there were recorded messages, uh, left by him on her voice-mail and I asked him if that were true.

Q. What did he say?

A. He said, uh, that it was, that, uh, he had called her.

Q. You had asked him about a press account that said there were potentially a number of telephone messages left by the President for Monica Lewinsky. And he relayed to you that he called her. Did he tell you how many times he called her?

A. He—he did. He said he called once. He said he called when, uh, Betty Currie's brother had died, to tell her that.

Q. And other than that one time that he shared that information with you, he shared no other information respecting additional calls?

A. No.

Q. He never indicated to you that there were over 50 telephone conversations between himself and Monica Lewinsky?

A. No.

Q. Based on your conversation with the President at that time, would it have surprised you to know that there were over 50—there were records of over 50 telephone conversations with Monica Lewinsky and the President?

A. Would I have been surprised at that time?

Q. Yes.

A. Uh, I—to see those records and if he—I don't fully grasp the question here. Could you—would I have been surprised?

Q. Based on the President's response to your question at that time, would it have surprised you to have been told or to have later learned that there were over 50 recorded—50 conversations between the President and Ms. Lewinsky?

A. I did later learn that, uh, as the whole country did, uh, and I was surprised.

Q. When the President told you that Monica Lewinsky threatened him, did you ever feel compelled to report that information to the Secret Service?

A. No.

Q. The FBI or any other law enforcement organization?

A. No.

Q. I'm assuming that a threat to the President from somebody in the White House would normally send off alarm bells among staff.

A. It wouldn't—

MR. McDANIEL: Well, I'd like to object to the question, Senator. There's no testimony that Mr. Blumenthal learned of a threat contemporaneously with it being made by someone in the White House. This is a threat that was relayed to him sometime afterwards by someone who was no longer employed in the White House. So I think the question doesn't relate to the testimony of this witness.

MR. ROGAN: Respectfully, I'm not sure what the legal basis of the objection is. The evidence before us is that the President told the witness that Monica Lewinsky threatened him.

[Senators Specter and Edwards conferring.]

SENATOR SPECTER: We've conferred and overrule the objection on the ground that it calls for an answer; that, however the witness chooses to answer it, was not a contemporaneous threat, or he thought it was stale, or whatever he thinks. But the objection is overruled.

MR. ROGAN: Thank you.

BY MR. ROGAN:

Q. Let me—let me restate the question, if I may. Mr. Blumenthal, would a threat—

SENATOR SPECTER: We withdraw the ruling.

[Laughter.]

MR. McDANIEL: I withdraw my objection, then.

[Laughter.]

MR. ROGAN: Senator Specter, the ruling is just fine by my light. I'm just going to try to simplify the question for the witness' benefit.

SENATOR SPECTER: We'll hold in abeyance a decision on whether to reinstate the ruling.

MR. ROGAN: Thank you. Maybe I should just quit while I'm ahead and have the question read back.

BY MR. ROGAN:

Q. Basically, Mr. Blumenthal, what I'm asking is, I mean, normally, would a threat from somebody against the President in the White House typically require some sort of report being made to a law enforcement agency?

A. Uh, in the abstract, yes.

Q. This conversation that you had with the President on January the 21st, 1998, how did that conversation conclude?

A. Uh, I believe we, uh—well, I believe after that, I said to the President that, uh—who was—seemed to me to be upset, that you needed to find some sure footing and to be confident. And, uh, we went on, I believe, to discuss the State of the Union.

Q. You went on to other business?

A. Yes, we went on to talk about public policy.

Q. When this conversation with the President concluded as it related to Monica Lewinsky, what were your feelings toward the President's statement?

A. Uh, well, they were complex. Uh, I believed him, uh, but I was also, uh—I thought he was very upset. That troubled me. And I also was troubled by his association with troubled people and thought this was not a good story and thought he shouldn't be doing this.

Q. Do you remember also testifying before the grand jury that you felt that the President's story was a very heartfelt story and that ''he was pouring out his heart, and I believed him''?

A. Yes, that's what I told the grand jury, I believe; right.

Q. That was—that was how you interpreted the President's story?

A. Yes, I did. He was, uh—he seemed—he seemed emotional.

Q. When the President told you he was helping Monica Lewinsky, did he ever describe to you how he might be helping or ministering to her?

A. No.

Q. Did he ever describe how many times he may have tried to help or minister to her?

A. No.

Q. Did he tell you how many times he visited with Monica Lewinsky?

A. No.

Q. Did he tell you how many times Monica Lewinsky visited him in the Oval Office complex?

A. No.

Q. Did he tell you how many times he was alone with Monica Lewinsky?

A. No.

Q. He never described to you any intimate physical activity he may have had with Monica Lewinsky?

A. Oh, no.

Q. Did the President ever tell you that he gave any gifts to Monica Lewinsky?

A. No.

Q. Did he tell you that Monica Lewinsky gave him any gifts?

A. No.

Q. Based on the President's story as he related on January 21st, would it have surprised you to know at that time that there was a repeated gift exchange between Monica Lewinsky and the President?

A. Well, I learned later about that, and I was surprised.

Q. The President never told you that he engaged in occasional sexual banter with her on the telephone?

A. No.

Q. He never told you about any cover stories that he and Monica Lewinsky may have developed to disguise a relationship?

A. No.

Q. He never suggested to you that there might be some physical evidence pointing to a physical relationship between he—between himself and Monica Lewinsky?

A. No.

Q. Did the President ever discuss his grand jury—or strike that.

Did the President ever discuss his deposition testimony with you in the Paula Jones case on that date?

A. Oh, no.

Q. Did he ever tell you that he denied under oath in his Paula Jones deposition that he had an affair with Monica Lewinsky?

A. No.

Q. Did the President ever tell you that he ministered to anyone else who then made a sexual advance toward him?

A. No.

Q. Mr. Blumenthal, after you testified before the grand jury, did you ever communicate to the President the questions that you were asked?

A. No.

Q. After you testified before the grand jury, did you ever communicate to the President the answers which you gave to those questions?

A. No.

Q. After you were subpoenaed to testify but before you testified before the Federal grand jury, did the President ever recant his earlier statements to you about Monica Lewinsky?

A. No.

Q. After you were subpoenaed but before you testified before the federal grand jury, did the President ever say that he did not want you to mislead the grand jury with a false statement?

A. No. We didn't have any subsequent conversation about this matter.

Q. So it would be fair also to say that after you were subpoenaed but before you testified before the Federal grand jury, the President never told you that he was not being truthful with you in that January 21st conversation about Monica Lewinsky?

A. Uh, he never spoke to me about that at all.

Q. The President never instructed you before your testimony before the grand jury not to relay his false account of his relationship with Monica Lewinsky?

A. We—we didn't speak about anything.

Q. And as to your testimony on all three appearances before the grand jury on February 26th, June 4th and June 25th, 1998—as an aside, by the way, let me just say I think this question has been asked of all the witnesses, so this is not peculiar to you—but as to those three grand jury appearances, do you adopt as truth your testimony on all three of those occasions?

A. Oh, yes.

MR. ROGAN: If I may have a moment?

SENATOR SPECTER: Of course. Would you like a short break?

MR. ROGAN: That might be convenient, Senator.

SENATOR SPECTER: All right. It's a little past 10. We'll take a 5-minute recess.

THE VIDEOGRAPHER: We're going off the record at 10 o'clock a.m.

[Recess.]

THE VIDEOGRAPHER: We're going back on the record at 10:12 a.m.

SENATOR SPECTER: We shall proceed; Mr. Graham questioning for the House Managers.

MR. GRAHAM: Thank you, Senator.

BY MR. GRAHAM:

Q. Again, Mr. Blumenthal, if I ask you something that's confusing, just slow me down and straighten me out here.

A. Thank you.

Q. Okay. I'm going to ask as direct, to-the-point questions as I can so we all can go home.

June 4th, 1998, when you testified to the grand jury, on page 49—I guess it's page 185 on tab 4.

MR. McDANIEL: Page 49?

MR. GRAHAM: Yes, sir.

MR. McDANIEL: Thank you.

BY MR. GRAHAM:

Q. That's where you start talking about the story that the President told you. Knowing what you know now, do you believe the President lied to you about his relationship with Ms. Lewinsky?

A. I do.

Q. I appreciate your honesty. You had raised executive privilege at some time in the past, I believe.

MR. McDANIEL: I object, Senator. Mr. Blumenthal was a passive vessel for the raising of executive privilege by the President. It's not his privilege to assert, so the question, I think, is misleading.

BY MR. GRAHAM:

Q. At any time—I'm sorry.

[Senators Specter and Edwards conferring.]

SENATOR SPECTER: Senator Edwards and I have conferred and believe that he can answer the question if he did not raise the privilege, so we will overrule the objection.

SENATOR EDWARDS: Either he asserted it or it was asserted on his behalf.

THE WITNESS: If you could repeat it, please.

BY MR. GRAHAM:

Q. I believe early on in your testimony and throughout your testimony to the grand jury, the idea of executive privilege covering your testimony or conversations with the President was raised. Is that correct?

A. It was.

Q. Do you believe the White House knew that this privilege would be asserted in your testimony? That was no surprise to them?

A. Uh—

MR. BREUER: I'm going to object. It's the White House's privilege to assert it could not have been surprised. It's a mischaracterization of the facts.

[Senators Specter and Edwards conferring.]

SENATOR SPECTER: Senator Edwards and I believe the objection is well-founded on the ground that he cannot testify as to what someone else knew. So would you rephrase the question? The objection will be sustained.

BY MR. GRAHAM:

Q. When executive privilege was asserted, do you know how it came about? Do you have any knowledge of how it came about?

A. What I recall is that I—in my first appearance before the grand jury, I was asked questions about my conversations with the President. And I went out into the hall, asked if I could go out in the hall, and I spoke with the White House legal counsel who was there, Cheryl Mills, and said, ''What do I say?''

Q. And she said?

A. And I was advised to assert privilege.

Q. So the executive privilege assertion came about from advice to you by White House counsel?

A. Yes.

Q. Now, you've stated, I think, very honestly, and I appreciate, that you were lied to by the President. Is it a fair statement, given your previous testimony concerning your 30-minute conversation, that the President was trying to portray himself as a victim of a relationship with Monica Lewinsky?

A. I think that's the import of his whole story.

Q. During this period of time, the Paula Jones lawsuit, other allegations about relationships with the President and other women were being made and found their way in the press. Is that correct?

A. Yes.

Q. Now, when you have these morning meetings and evening meetings about press strategy, I believe your previous testimony goes along the lines that any time a press report came out about a story between the President and a woman, that you would sit down and strategize about what to do. Is that correct?

A. Well, we would, uh, talk about what the White House spokesman would say about it.

Q. Does the name ''Kathleen Willey'' mean anything to you in that regard?

MR. BREUER: I'm going to object. It's beyond the scope of this deposition. In the proffer from the Managers, they explicitly state the areas that they want to go into, and they explicitly state that they want to speak to Mr. Blumenthal about his January 21, 1998, conversation with the President about Monica Lewinsky. And any aspects as to Kathleen Willey are—have nothing to do with the Articles of Impeachment, nor do they have anything to do with the proffer made by the Managers, and it's beyond the scope of this deposition.

SENATOR SPECTER: Just wait one second.

[Senators Specter and Edwards conferring.]

SENATOR SPECTER: Mr. Graham, as you know, the scope of the examination of Mr. Blumenthal is limited by the subject matters reflected in the Senate record. Are you able to substantiate the Senate record as a basis for asking the question?

MR. GRAHAM: I'm assuming, yes, Senator, that the grand jury testimony of Mr. Blumenthal is part of the Senate record. And on June 25th, 1998, on page 21, there's a discussion between Mr. Blumenthal and the Independent Counsel's Office about strategy meetings and other women, and in that testimony, he mentions that ''we discussed Paula Jones, Kathleen Willey, in our strategy meeting.''

And I think the question will not be as ominous as some may think it sounds. I think I can get right to the point pretty quickly about what I'm trying to do with—

SENATOR SPECTER: Well, would you make an offer of proof so that we can see what the scope is that you have in mind?

MR. GRAHAM: Basically, his testimony is that when a press report came about concerning Ms. Jones or Kathleen Willey or a relationship between the President and another woman, they sat down and strategized about how to respond to those press accounts, what to do and what to say—at least that's what his testimony indicates. And I just want to ask him, once the January 21st story about Ms. Lewinsky came out, how they discussed her in relationship to other strategy meetings.

SENATOR SPECTER: Mr. Breuer, how would you respond to Congressman Graham's statement that as he refers to a reference to Ms. Willey in the record?

MR. BREUER: Senator, I haven't seen the one reference, but I may—I would acknowledge that there may be one passing reference to Ms. Willey in the voluminous materials that are before us here in the grand jury, Senator. But it's clearly not germane to this deposition. It's clearly not germane to the proffer made by the Managers about why Mr. Sidney Blumenthal was a witness. It is clearly not germane to the Articles of Impeachment.

And, indeed, in Mr. Lindsey Graham's proffer just now, he said that he wants to go back and ask about the January 21 conversation. It's my view that Kathleen Willey is tangential, at best, and is not germane to this deposition and ought not to be inquired into.

SENATOR EDWARDS: And, Senator Specter, I would ask that we go off the record for this discussion, given the question of whether this is within the scope of the Senate record.

SENATOR SPECTER: We shall go off the record.

THE VIDEOGRAPHER: We're going off the record at 10:20 a.m.

[Discussion off the record.]

THE VIDEOGRAPHER: We're going back on the record at 10:48 a.m.

SENATOR SPECTER: Congressman Lindsey, you may proceed.

MR. GRAHAM: Thank you, sir.

BY MR. GRAHAM:

Q. Thank you for your patience, Mr. Blumenthal. I appreciate it.

A. Thank you.

Q. Let's get back to the—we'll approach this topic another way and we'll try to tie it up at the end here.

The January 21st article breaks, and I think it's in The Washington Post, is that correct, the January 21st article about Ms. Lewinsky being on tape, talking about her relationship with the President? Are you familiar with that article?

A. I'm familiar with an article on January 21st in The Washington Post.

Q. And what—what was the essence of that article, as you remember it?

A. If you have it there, I'd be happy to look at it.

Q. Yeah. Let's see if we can find it, what tab that is. Tab 7.

[Witness perusing document.]

THE WITNESS: Well—

BY MR. GRAHAM:

Q. If you'd like a chance to read it over, just take your time.

A. Yes. Thank you.

[Witness perusing document.]

THE WITNESS: It's a long article.

BY MR. GRAHAM:

Q. Yes, sir, it is, and just—

A. Yeah.

Q. —just take your time. I'm not going to give you a test on the article. I just wanted—

A. No. I just wanted to read it.

Q. —to refresh your memory. Absolutely, you take your time.

A. I hope you don't mind if I took the time here.

Q. No, sir. Are you—you're okay now?

A. I am.

Q. Okay. In essence, what this article is—is alleging is what we now know, the allegations that Ms. Lewinsky had a relationship with the President, that Mr. Jordan was trying to help her secure counsel, to file an affidavit saying they had no relationship, and the relationship on January 21st was being exposed through some tape recordings, supposedly, the Independent Counsel had access to between Ms. Lewinsky and Ms. Tripp. Is that correct?

A. Well, there are a lot of questions in there.

Q. Okay, yeah, and I'm sorry.

This article seems to suggest that Ms. Lewinsky is telling a friend—

A. Mm-hmm.

Q. —that she has a relationship with the President, a sexual relationship with the President.

A. Mm-hmm.

Q. You understand that from the article?

A. Yes.

Q. This article also alleges that an affidavit was filed by Ms. Lewinsky denying that relationship, and Mr. Jordan sought an attorney for her, a friend of the President. Is that correct?

A. It says she filed an affidavit, and I'm just looking for where it says that Jordan had secured the attorney.

Q. The very first paragraph, let me read it. ''The Independent Counsel Kenneth Starr has expanded his investigation of President Clinton to examine whether Clinton and his close friend, Vernon Jordan, encouraged a 24-year-old''—

A. Right.

Q. —''former White House intern to lie to lawyers for Paula Jones about whether the intern had an affair with the President, sources close to the investigation said yesterday.''

A. Right.

Q. So I guess that first paragraph kind of sums up the accusation.

A. I think—

Q. What type reaction did the White House have when this—as you recall—when this article came to light?

A. I—I think the White House was overwhelmed with press inquiries.

Q. Was there a sense of alarm that this was a bad story?

A. Yes.

Q. And wasn't there a sense of reassurance by the President himself that this was an untrue story?

A. The President did make a public statement that afternoon.

Q. And I believe White House officials on his behalf denied the essence of this story; is that correct?

A. Yes.

Q. And basically, you were passing along what somebody you trust and admire told you to be the case, and from the White House point of view, that was the response to this story, that we deny these allegations.

MR. McDANIEL: Senator, I really object to the question where we mix ''you'' and ''we'' and the ''White House.'' I'd like, if possible, for the question—if they want to know what Mr. Blumenthal did, to ask him what he did, and questions about what the White House did and what we and you did.

MR. GRAHAM: That's fair enough.

MR. McDANIEL: Okay, we thank you.

SENATOR SPECTER: We think that's well-founded.

MR. GRAHAM: Yes, and I agree. I agree that is well-founded.

BY MR. GRAHAM:

Q. Did you have any discussions with White House press people about the nature of this relationship after this article broke?

A. No.

Q. Did you have any discussions with White House lawyers after this article broke about the nature of the relationship?

A. No.

Q. After you had the conversation with the President, sometime the week of the 21st—I believe that's your testimony—shortly after the news story broke, this 30-minute conversation where he tells you about—

A. There's not a question.

Q. Okay. Is that correct? When did you have this conversation with the President? Do you recall?

A. Yes. It was in the early evening of January 21st.

Q. Early evening of January 21st?

A. Yes.

Q. The same day the story was reported?

A. Yes.

Q. Okay. So, from your point of view, this was something that needed to be addressed?

MR. McDANIEL: Your Honor, I—Senator, I object to the question about ''this'' is something that needs to be addressed. I don't understand what the ''this'' is, exactly, that the question refers to. Does it refer to the story? Does it refer to the President's statement to Mr. Blumenthal?

SENATOR SPECTER: Well, we think—Senator Edwards and I concur that the witness can answer the question. If he does not understand it, he can say so and then can have the question rephrased.

BY MR. GRAHAM:

Q. You have a conversation with the President on the same day the article comes out, and the conversation includes a discussion about the relationship between him and Ms. Lewinsky. Is that correct?

A. Yes.

Q. Okay. So it was certainly on people's minds, including the President, is that correct, the essence of this story?

MR. McDANIEL: I object to the question about whether it's on people's minds. I think he can answer about what he knew or about what he learned from people who spoke to him, but the question goes far beyond that.

BY MR. GRAHAM:

Q. Well, let me ask you this. We know it was on the President's mind.

SENATOR SPECTER: Senator Edwards and I think that, technically, that's correct, and perhaps you can avoid it by just pinpointing it just a little more.

MR. GRAHAM: Yes. We'll try to be laser-like in these questions.

BY MR. GRAHAM:

Q. You had a conversation with the President of the United States about his relationship with Ms. Lewinsky on the same day The Washington Post article came out. That's correct? Yes or no?

A. That—I—I—that's right.

Q. Okay. During that period of time, that day or any day thereafter, were you involved in any meeting with White House lawyers or press people where the conversation—or where the topic of Ms. Lewinsky's allegations or the—Ken Starr's allegations about Ms. Lewinsky came up?

A. I'm confused about which allegations you're talking about.

Q. That she had a relationship with the President, and they were trying to get her to file a false affidavit. Did that topic ever come up in your presence with the Press Secretary, White House press people or lawyers for the White House?

A. I think the whole story was discussed by senior staff in the White House.

Q. When did that begin to occur?

A. I'm sure we were discussing it on January 21st.

Q. Do you recall that every—

A. Every—everyone in the country was talking about it.

Q. Well, do you recall the tenor of that conversation? Do you recall the flavor of it? Can you describe it the best you can, about—was there a sense of alarm, shock? How would you describe it?

A. I think we felt overwhelmed by the crisis atmosphere.

Q. Did anybody ever suggest who is Monica Lewinsky, go find out about who she is and what she does?

A. No.

Q. So is it your testimony that this accusation comes out on January 21st, and the accusation being that a White House intern has an inappropriate relationship with the President, filed a false affidavit on his behalf, and nobody at this meeting suggested let's find out who Monica Lewinsky is and what's going on here?

A. Well, I wasn't referring to any meeting, but in any of my discussions with members of the White House staff, nobody discussed Monica Lewinsky's personal life or decided that we had to find out who she was.

Q. Could I turn you now to Tab 15, please? Okay.

MR. McDANIEL: Would you like him to read this?

MR. GRAHAM: Yes. Yes, please. Just take your time. And I am now referring to an AP story by Karen G-u-l-l-o. I don't want to mispronounce her name.

[Witness perusing document.]

THE WITNESS: I'm ready, Congressman.

BY MR. GRAHAM:

Q. Thank you.

And this article—do you know this reporter, by any chance?

A. I do know this reporter, but I did not know this reporter on January 30th.

Q. All right. Do you subsequently know—

A. Some months later, I met this reporter.

Q. And the basic essence of my question, Mr. Blumenthal, will be this report indicates some derogatory information about Ms. Lewinsky, and it also has some statements by White House Press Secretary and Ms. Lewis. And I want to ask how those two statements go together.

This report indicates that a White House aide called this reporter to suggest that Ms. Lewinsky's past included weight problems, and she was called ''The Stalker.'' And it says that ''Junior staff members, speaking on condition that they not be identified, said she was known as a flirt, wore her skirts too short, was ''a little bit weird''.'' And the next paragraph says: ''Little by little, ever since the allegations of an affair between President Clinton and Ms. Lewinsky surfaced 10 days ago, White House sources have waged a behind-the-scenes campaign to portray her as an untrustworthy climber obsessed with the President.''

Do you have any direct knowledge or indirect knowledge that such a campaign by White House aides or junior staff members ever existed?

A. No.

Q. Okay. Do you ever remember hearing Ms. Lewis or Mr. McCurry admonishing anyone in the White House about ''watch what you say about Ms. Lewinsky''?

A. No. I don't recall those incidents described in this article, but I do note that among senior advisors at one of the meetings that we held—it could have been in the morning or late afternoon—we felt very firmly that nobody should ever be a source to a reporter about a story about Monica Lewinsky's personal life, and I strongly agreed with that and that's what we decided.

Q. When did that meeting occur?

A. I'd say within a week of the story breaking.

Q. Who was at that meeting?

A. I don't recall exactly, but I would say that the list of names that I mentioned before.

Q. And that would be?

A. I may not get them all, but I would say Chuck Ruff, Cheryl Mills, Bruce Lindsey, Lanny Breuer, Jim Kennedy, Mike McCurry, Joe Lockhart, Adam Goldberg, Don Goldberg, Ann Lewis, Paul Begala, Rahm Emanuel, myself.

Q. And this occurred about a week after the January 21st article?

A. I don't recall the exact date.

Q. At least 7 days?

A. Within a week—

Q. Okay.

A. —I believe.

Q. Would it be fair to say that you were sitting there during this conversation and that you had previously been told by the President that he was in essence a victim of Ms. Lewinsky's sexual demands, and you said nothing to anyone?

MR. McDANIEL: Is the question, ''You said''—

THE WITNESS: I don't—

MR. McDANIEL: Is the question, ''You said nothing to anyone about what the President told you?''?

MR. GRAHAM: Right.

THE WITNESS: I never told any of my colleagues about what the President told me.

BY MR. GRAHAM:

Q. And this is after the President recants his story—recounts his story—to you, where he's visibly upset, feels like he's a victim, that he associates himself with a character who's being lied about, and you at no time suggested to your colleagues that there is something going on here with the President and Ms. Lewinsky you need to know about. Is that your testimony?

A. I never mentioned my conversation. I regarded that conversation as a private conversation in confidence, and I didn't mention it to my colleagues, I didn't mention it to my friends, I didn't mention it to my family, besides my wife.

Q. Did you mention it to any White House lawyers?

A. I mentioned it many months later to Lanny Breuer in preparation for one of my grand jury appearances, when I knew I would be questioned about it. And I certainly never mentioned it to any reporter.

Q. Do you know how, over a period of weeks, stories about Ms. Lewinsky being called a stalker, a fantasizer, obsessed with the President, called the name ''Elvira''—do you know how that got into the press?

A. Which—which—which question are you asking me? Which part of that?

Q. Okay. Do you have any idea how White House sources are associated with statements such as ''She's known as 'Elvira','' ''She's obsessed with the President,'' ''She's known as a flirt,'' ''She's the product of a troubled home, divorced parents,'' ''She's known as 'The Stalker'''? Do you have any idea how that got in the press?

MR. BREUER: I'm going to object. The document speaks for itself, but it's not clear that the terms that Mr. Lindsey has used are necessarily—any or all of them—are from a White House source. I object to the form and the characterization of the question.

MR. GRAHAM: The ones that I have indicated are associated with the White House as being the source of those statements and—

SENATOR SPECTER: Senator Edwards and I think that question is appropriate, and the objection is overruled.

THE WITNESS: I have no idea how anything came to be attributed to a White House source.

BY MR. GRAHAM:

Q. Do you know a Mr. Terry Lenzner?

A. I—I met him once.

Q. When did you meet him?

A. I met him outside the grand jury room.

Q. And who is he?

A. He's a private investigator.

Q. And who does he work for?

A. He works for many clients, including the President.

Q. Okay. Mr. Blumenthal, I appreciate your candor here.

Do you know Mr. Harry Evans?

A. Harold Evans?

Q. Yes, sir.

A. Yes, I do.

Q. Who is Mr. Harold Evans?

A. Harold Evans is—I don't know his exact title right now. He works for Mort Zuckerman, involving his publications, and he's the husband of my former editor, Tina Brown.

Q. Has he ever worked for the New York Daily News?

MR. BREUER: I'm going to object to this line of questioning. It seems well beyond the scope of this deposition. I have never heard of Mr. Harold Evans, and it's not clear to me that's anywhere in this voluminous record or any of these issues.

SENATOR SPECTER: Senator Edwards and I think it would be appropriate to have an offer of proof on this, Congressman Graham.

MR. GRAHAM: I'm going to ask Mr. Blumenthal if he has ever at any time passed on to Mr. Evans or anyone else raw notes, notes, work products from a Mr. Terry Lenzner about subjects of White House investigations to members of the press, to include Ms. Lewinsky.

SENATOR SPECTER: Relating to Monica Lewinsky?

MR. GRAHAM: Yes, and anyone else.

MR. McDANIEL: That's a good question. I think we don't have any objection to that question.

SENATOR SPECTER: Well, we still have to rule on it. Overruled. The objection is overruled.

MR. GRAHAM: All right. Now I think I know the answer.

[Laughter.]

BY MR. GRAHAM:

Q. So let's phrase it very clearly for the record here. You know Mr. Evans; correct?

A. I do.

Q. Have you at any time received any notes, work product from a Mr. Terry Lenzner about anybody?

A. No.

Q. Okay. So, therefore, you had nothing to pass on?

A. Right.

Q. Fair enough. Do you know a Mr. Gene Lyons?

A. Yes, I do.

Q. Who is Mr. Gene Lyons?

A. He is a columnist for the Arkansas Democrat Gazette.

Q. Are you familiar with his appearance on ''Meet the Press'' where he suggests in an article he wrote later that maybe the President is a victim similar to David Letterman in terms of somebody following him around, obsessed with him?

A. Is this one of the exhibits?

Q. Yes, sir.

A. I wonder if you could refer me to it.

Q. Sure. I can't read my writing.

BY MR. GRAHAM:

Q. Well, while we are looking for the exhibit, let me ask you this. Do you have any independent knowledge of him making such a statement?

A. Well, I'd like to see the exhibit so—

Q. Okay.

A. —so I could know exactly what he said.

Q. Okay.

MR. McDANIEL: If I might—Congressman, I don't know whether the one you're thinking of is—I note in Exhibit 20, there are—well, it's not a story by Mr. Lyons—

MR. GRAHAM: And that's it.

MR. McDANIEL: There are references to him in—in that story.

MR. GRAHAM: That's it. Thank you very much.

MR. McDANIEL: You're welcome.

MR. GRAHAM: I appreciate it.

THE WITNESS: This is 20?

BY MR. GRAHAM:

Q. Yes, sir.

A. Thank you.

Do you mind if I just read through it?

Q. Yes, sir. Take your time.

A. Thank you. [Witness perusing document.] I've read this.

Q. My question is that this article is a Boston Globe article, Saturday, February the 21st, and it references an appearance on ''Meet the Press'' by Mr. Gene Lyons. And I believe you know who Mr. Gene Lyons is; is that correct?

A. I do.

Q. Did you know who he was in January of 1998?

A. I did.

Q. And in this press appearance, it refers to it being the Sunday before the Saturday, February 21st, sometime in the middle of February.

He indicates on the show, at least this article recounts that he indicates, that the President could be in fact in '''a totally innocent relationship in which the President was, in a sense, the victim of someone, rather like the woman who followed David Letterman around.'''

Do you know how Mr. Lyons would come to that conclusion? I know word travels fast, but how would he know that? Do you have any independent knowledge of how he would know that?

A. What exactly is the question?

Q. Well, the question is Mr. Lyons is indicating in the middle of February that the truth of the matter may very well be that the President is in an ''innocent relationship in which the President was, in a sense, the victim of someone, rather like the woman who followed David Letterman around,'' and the question is that scenario of the President being a victim of someone obsessed seems rather like the conversation you had with the President on January the 21st. Do you know how Mr. Lyons would have had that take on things?

MR. McDANIEL: Well, I object to a question that sort of loads up premises, Senators. That question sort of, you know, says, well, this conversation is a lot like the one you had with the President, and then asks the question. And the danger to the witness is that he'll—by answering the question accepts the premise.

And I ask that if you want to ask him whether it's like the conversation with the President, that's a fair question, he'll answer it, but it ought to be broken out of there.

[Senators Specter and Edwards conferring.]

SENATOR SPECTER: Senator Edwards and I disagree on the ruling, so we're going to take Senator Edwards and ask you to rephrase the question since it—

[Laughter.]

MR. GRAHAM: Fair enough.

BY MR. GRAHAM:

Q. The characterization embodied here indicates this could be a totally innocent relationship in which the President was in a sense the victim of someone. Is it fair to say, Mr. Blumenthal, that is very much like the scenario the President painted to you when you talked with him on January the 21st?

A. It could be like that.

Q. Okay. And it goes on further: ''rather like the woman who followed David Letterman around.'' Is that very much like the characterization the President indicated to you between him and Ms. Lewinsky?

A. Could be.

Q. Did you ever at any time talk with Mr. Gene Lyons about Ms. Lewinsky or any other person that was the subject of a relationship with the President?

A. I did talk to Gene Lyons about Monica Lewinsky.

Q. Could you tell us what you told him?

A. He asked me my views, and I told him, in no uncertain terms, that I wouldn't talk about her personally. I talked about Monica Lewinsky with all sorts of people, my mother, my friends, about what was in the news stories every day, just like everyone else, but when it came to talking about her personally, I drew a line.

Q. So, when you talk to your mother and your friends and Mr. Lyons about Ms. Lewinsky, are you telling us that you have these conversations, and you know what the President has told you and you're not tempted to tell somebody the President is a victim of this lady, out of his own mouth?

A. Not only am I not tempted, I did not.

Q. You don't know how all this information came out? You have no knowledge of it at all?

MR. McDANIEL: I don't understand the question about—

MR. GRAHAM: About her being a stalker, her being obsessed with the President, the President being like David Letterman in relationship to her.

BY MR. GRAHAM:

Q. You had no knowledge of how that all happened in the press?

A. I have an idea how it started in the press.

Q. Well, please share that with us.

A. I believe it started on January 21st with the publication of an article in Newsweek by Michael Isikoff that was posted on the World Wide Web and faxed around to everyone in the news media, in Washington, New York, everywhere, and in the White House. And in that article, Michael Isikoff reported the contents of what became known as the talking points.

And there was a mystery at the time about who wrote the talking points. We know subsequently that Monica Lewinsky wrote the talking points. And in that document, the author of the talking points advises Linda Tripp that she might refer to someone who was stalking the ''P'', meaning the President, and after that story appeared, I believe there were a flood of stories and discussions about this, starting on ''Nightline'' that very night and ''Nightline'' the next night and so on. And that's my understanding from observing the media of how this started.

Q. How long have you been involved in the media yourself?

A. Before I joined the White House staff, I was a journalist for 27 years.

Q. Is it your testimony that the Isikoff article on the 21st explains how White House sources contact reporters in late January and mid-February trying to explain that the President is a victim of a stalker, an obsessed young lady, who is the product of a broken home? Is that your testimony?

A. No.

MR. BREUER: I'm going to object to the form of the question. There is no evidence that White House officials, both in January and in February, if at any time, contacted sources, press sources.

MR. GRAHAM: I will introduce these articles. The articles are dated with White House sources, unsolicited, calling about this event, saying these things in January and February.

MR. BREUER: Well—

SENATOR SPECTER: Senator Edwards and I agree that the question may be asked and answered. Overruled.

THE WITNESS: If you could restate it, please?

BY MR. GRAHAM:

Q. Is it your testimony that the White House sources that are being referred to by the press are a result of the 21st of January Isikoff article? That's not what you're saying, is it?

A. No.

MR. McDANIEL: Well—

MR. GRAHAM: Thank you.

MR. McDANIEL: —I don't think that there ought to be argument with Mr. Blumenthal. I think he ought to be asked a question and given an opportunity to answer it, and that's an argumentative question and followed up by, ''That's not what you're saying, is it?''

I also think the questions are remarkably imprecise, in that they do not specify what information it is this questioner is seeking to get Mr. Blumenthal to talk about, and in that regard, I think the questions are both irrelevant and unfair.

SENATOR EDWARDS: Are you objecting to a question that's already been asked and answered?

MR. McDANIEL: I might be, Senator, and I had that feeling when I heard Mr. Blumenthal say something, that I might be doing that.

MR. GRAHAM: That would be my reply. He understood what I asked, and he answered, and I'll accept his answer and we'll move on.

SENATOR SPECTER: Well, I think the objection is mooted at this point.

MR. GRAHAM: Okay.

SENATOR SPECTER: I do—I do think that to the extent you can be more precise, because these articles do contain—

MR. GRAHAM: Yes, sir.

SENATOR SPECTER: —a lot of information. We're still looking for that laser.

MR. GRAHAM: Yes, sir.

BY MR. GRAHAM:

Q. And these—and the reason this comes up, Mr. Isikoff—excuse me—Mr. Blumenthal, is you've referenced the Isikoff article on the 21st, and my question goes to White House sources indicating that Ms. Lewinsky is a stalker, the January 30th article, that she's obsessed with the President, that she wears tight skirts.

What I'm trying to say is that you—you are not saying—it is not your testimony—that those White House sources are picking up on the 21st article, are you?

A. I don't know about any White House sources on these stories.

Q. When you talked to Mr. Lyons, you never mentioned what time at all that Ms. Lewinsky was making demands on the President and he had to rebuff her?

A. Absolutely not.

Q. You never at one time told Mr. Lyons or anyone else that the President felt like that he was a victim much like the person in the novel, *Darkness at Noon*?

MR. McDANIEL: Well, I object to that question. This witness has testified that he told his wife and that he told White House counsel at a later date, and the question included anyone else. So I think it—

MR. GRAHAM: Yes. Strike that.

BY MR. GRAHAM:

Q. Excluding those two people?

A. Well, I believe I've asked—I've been asked, and answered that, and I haven't told anyone else.

Q. Was there—

A. I didn't tell anyone else.

Q. Was there ever an investigation at the White House about how these stories came out, supposedly?

A. No.

Q. Was anybody ever fired?

A. No.

MR. GRAHAM: Thank you, Mr. Blumenthal.

THE WITNESS: I thank you.

MR. ROGAN: No further questions.

MR. BREUER: Could we take a 5–minute break, Senator?

SENATOR SPECTER: We can. We will recess for 5 minutes.

THE VIDEOGRAPHER: We are going off the record at 11:24 a.m.

[Recess.]

THE VIDEOGRAPHER: We're going on the record at 11:40 a.m.

SENATOR SPECTER: Turn to White House counsel, Mr. Lanny Breuer.

MR. BREUER: Senators, the White House has no questions for Mr. Blumenthal.

SENATOR SPECTER: We had deferred one line of questions which had been subject objection and considerable conference, and we put it at the end of the transcript so it could be excised. Do you wish to—

MR. GRAHAM: Yes.

SENATOR SPECTER: —proceed further?

MR. BREUER: May we approach off the record, Senators?

SENATOR SPECTER: Off the record.

THE VIDEOGRAPHER: We're going off the record at 11:41 a.m.

[Discussion off the record.]

THE VIDEOGRAPHER: We are going back on the record at 12:10 p.m.

SENATOR SPECTER: The Senators have considered the matter, and in light of the references, albeit abbreviated, in the record and the generalization that answers—questions and answers would be permitted, reserving the final judgment to the full Senate, we will permit Congressman Graham to question on pattern and practice with respect to Ms. Willey.

MR. GRAHAM: Okay. Thank you.

FURTHER EXAMINATION BY HOUSE MANAGERS

BY MR. GRAHAM:

Q. Mr. Blumenthal, we're really close to the end here. If you could turn to Tab 5, page 193.

A. We have it.

Q. Okay, thank you.

And page 20, the last question, it's in the right-hand corner. I'll read the question, and we'll kind of follow the testimony. ''Have you ever had a discussion with people in the White House or been present during any meeting where the allegation has come up that other women are fabricating an affair with the President?''

Now, could you read the answer for me, please?

A. Sure. My—my answer in the grand jury is this: ''We've discussed news stories that arose out of the Jones case, which was dismissed by the judge as having no basis, in which there were allegations made against the President, and these were stories that were in the press.''

Q. ''And you''—''And did you discuss those with the President?''

You said, ''No.''

And the next question is: ''So what form did you discuss those news stories in?''

And your answer was?

A. ''In strategy meetings.''

Q. Okay. ''And that would include the daily meetings, the morning and the evening meetings?''

A. Yes.

Q. And your answer was ''Yes.''

Now, within that context, I want to walk through a bit how those strategy meetings came about and the purpose of the strategy meetings.

The next question goes as follows: ''And there were names of the women that you discussed in that context that there had been news stories about and public allegations of an affair with the President?''

And your answer was?

A. ''As I recall, we discussed Paula Jones, Kathleen Willey, we've discussed''—and the rest is redacted.

Q. Redacted—and that's fine, that's fine.

And the question later on, on line 24: ''When you say that that was a complete and utter fraudulent allegation—'', the answer is: ''In my view, yes.'' Right?

A. Well—

Q. About a woman?

MR. McDANIEL: Senator, I must object to this, because I believe that question, clearly from the context, refers to redacted material—

MR. GRAHAM: Right.

MR. McDANIEL: —which has been preserved as secret by the grand jury, and I think it's somewhat misleading to talk about a fraudulent allegation that the grand jury heard that Mr. Blumenthal testified about, which is clearly not in the record before the Senate.

SENATOR SPECTER: Well, it is unclear on the face of the record. So, Congressman Graham, if you could—

MR. GRAHAM: The point I'm trying—

SENATOR SPECTER: —excuse me, let me just finish—

MR. GRAHAM: Yes.

SENATOR SPECTER: —if you could specify on what is on the record that you've put in up to now.

MR. GRAHAM: Okay. What I'm reading from, Senator, is—is a question and answer and a redacted name, and the point I'm trying to make is ever who that person was, the allegation was considered to be fraudulent based on your prior testimony.

THE WITNESS: That was—that was my testimony, that it was my view.

BY MR. GRAHAM:

Q. And that leads to this question. Was there ever a discussion in these strategy meetings where there was an admission that the allegation was believed to be true against the President in terms of relationship with other women?

MR. BREUER: I'm going to object to the form of the question in that it's referring to other women. Even based on the discussion that went off the record, I think that what Mr. Graham is doing now is certainly beyond any record in this case.

SENATOR SPECTER: Senator Edwards would like to hear the question repeated.

MR. GRAHAM: The strategy meetings—

SENATOR SPECTER: Good idea?

MR. GRAHAM: Yes, sir.

BY MR. GRAHAM:

Q. The strategy meetings involved press accounts of allegations between the President and other women. The question is very simple. At any of those meetings, was it ever conceded that the President did have in fact a relationship?

MR. BREUER: Object. I object to the question for the reasons I just previously stated.

SENATOR SPECTER: Senator Edwards raises the concern that I think he's correct on, that we have limited it to Willey, Ms. Willey. So, if you would—if you would focus—

MR. GRAHAM: Absolutely.

SENATOR SPECTER: —there—

MR. GRAHAM: Absolutely.

SENATOR SPECTER: —it would be within your proffer and what we have permitted.

MR. GRAHAM: Yes, sir. Very well.

BY MR. GRAHAM:

Q. In regards to Ms. Willey, is it fair to say that the consensus of the group was that these allegations were not true?

A. I don't know.

Q. Do you recall Ms. Willey giving a ''60 Minutes'' interview?

A. Yes.

Q. Do you recall any discussions after the interview at a strategy meeting about Ms. Willey?

MR. BREUER: I want the record to be clear that the White House has a continuing objection as to this line of inquiry.

SENATOR SPECTER: The record will so note.

THE WITNESS: If you could repeat the question, please.

MR. GRAHAM: Yes.

THE WITNESS: Sorry.

BY MR. GRAHAM:

Q. After the ''60 Minutes'' interview, was there ever a strategy meeting about what she said?

A. At one of the morning or evening meetings, we discussed the ''60 Minutes'' interview.

Q. And can you—I—I know it's hard because these meetings go on a lot. How—do you know who was there on that occasion, who would be the players that would be there?

A. They would be the same as before. I'd be happy to enumerate them for you, if you want me to.

Q. But the same as you previously testified to?

A. Yes.

Q. Okay, that's fine.

Do you recall what the discussions were about in terms of how to respond to the ''60 Minutes'' story?

A. Yes.

Q. Could you tell us?

A. They were what our official spokes-people would say.

Q. Did they include anything else?

A. Yes.

Q. Could you please tell us?

A. There was a considerable complaining about how, in the ''60 Minutes'' broadcast, Bob Bennett was not given adequate time to speak and present his case, and how he was, as I recall, poorly lighted.

Q. Was there any discussion about what Ms. Willey said herself and how that should be responded to?

A. I don't recall exactly. We just spoke about what our official spokespeople should respond to.

Q. Did anybody ever discuss the fact that Ms. Willey may have had a checkered past?

A. No, absolutely not. We never discussed the personal lives of any woman in those meetings.

Q. Did it ever come up as to, well, here's what we know about Kathleen Willey and the President, or let's go see what we can find out about Kathleen Willey and the President?

A. No.

Q. Who had the letters that Kathleen Willey wrote to the President?

A. I don't know exactly. The White House had them.

Q. Isn't it fair to say that somebody found those letters, kept those letters, and was ready to respond with those letters, if needed to be?

MR. BREUER: I'm going to object to the form of the question that it's outside the proffer of the Manager.

[Senators Specter and Edwards conferring.]

MR. McDANIEL: Yes. I object to the compound nature of the question, and—

SENATOR SPECTER: Could you rephrase the question, Congressman Lindsey—

MR. GRAHAM: Yes, sir.

SENATOR SPECTER: —or, Graham?

MR. GRAHAM: Yes, sir.

SENATOR SPECTER: I think that would solve your problem.

BY MR. GRAHAM:

Q. There were letters written to Ms. Willey to the President that were released to the media. Is that correct?

A. Yes.

Q. Do you know who gathered those letters up and how they were gathered up?

MR. BREUER: Objection.

SENATOR SPECTER: Senator Edwards and I agree that the Congressman may ask the question. Overruled.

THE WITNESS: No.

BY MR. GRAHAM:

Q. Would it be fair to say, using common sense, that somebody was planning to answer Ms. Willey by having those letters to offer to the press?

MR. BREUER: Objection.

MR. McDANIEL: It's argumentative.

MR. BREUER: It certainly is.

SENATOR SPECTER: Would you repeat that question?

BY MR. GRAHAM:

Q. The question is: Mr. Blumenthal, do you believe it's a fair assumption to make that somebody in the White House made a conscious effort to go seek out the letters between the President and Ms. Willey and use in response to her allegations?

[Senators Specter and Edwards conferring.]

THE WITNESS: Well, that's an opin—

MS. MARSH: Wait, wait, wait.

MR. McDANIEL: Please, Mr. Blumenthal.

THE WITNESS: Yes.

SENATOR SPECTER: Senator Edwards says, and I agree with him, that you ought to direct it to somebody with specific knowledge so you don't—

BY MR. GRAHAM:

Q. Do you have any knowledge—

SENATOR SPECTER: —deal totally with speculation.

BY MR. GRAHAM:

Q. Do you have any specific knowledge of that event occurring, somebody gathering the letters up, having them ready to be able to respond to Ms. Willey if she ever said anything?

A. No.

Q. You have no knowledge whatsoever of how those letters came into the possession of the White House to be released to the press?

A. No, I don't. I don't know—

MR. GRAHAM: Thank you. I—

THE WITNESS: —who had them—

MR. GRAHAM: —don't have any—

THE WITNESS: —in the White House.

MR. GRAHAM: —further questions.

PROGRAM

Mr. LOTT. Under the order just granted, the Senate will meet again as the Court of Impeachment on Saturday. On Saturday, the Senate will hear presentations from the House managers and the White House counsel for not to exceed 6 hours. After those presentations, the Senate will resume its business on Monday for 6 hours, beginning at 1 p.m.

ADJOURNMENT UNTIL 10 A.M., SATURDAY, FEBRUARY 6, 1999

Mr. LOTT. Mr. Chief Justice, I now ask the Senate stand in adjournment under the previous order, and ask that all Senators remain at their desks until the Chief Justice departs the Chamber.

There being no objection, at 4:31 p.m., the Senate, sitting as a Court of Impeachment, adjourned until Saturday, February 6, 1999, at 10 a.m.

(Pursuant to an order of January 26, 1999, the following material was submitted at the desk during today's session:)

MESSAGES FROM THE PRESIDENT

Messages from the President of the United States were communicated to the Senate by Mr. Williams, 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 one nomination which was referred to the Committee on Agriculture, Nutrition, and Forestry.

(The nomination received today is printed at the end of the Senate proceedings.)

1998 ANNUAL REPORT OF THE COUNCIL OF ECONOMIC ADVISERS—MESSAGE FROM THE PRESIDENT—PM 3

The PRESIDING OFFICER laid before the Senate the following message from the President of the United States, together with an accompanying report; which was referred to the Joint Economic Committee.

ECONOMIC REPORT OF THE PRESIDENT

To the Congress of the United States:

I am pleased to report that the American economy today is healthy and strong. Our Nation is enjoying the longest peacetime economic expansion in its history, with almost 18 million new jobs since 1993, wages rising at twice the rate of inflation, the highest home ownership ever, the smallest welfare rolls in 30 years, and unemployment and inflation at their lowest levels in three decades.

This expansion, unlike recent previous ones, is both wide and deep. All income groups, from the richest to the poorest, have seen their incomes rise since 1993. The typical family income is up more than $3,500, adjusted for inflation. African-American and Hispanic households, who were left behind during the last expansion, have also seen substantial increases in income.

Our Nation's budget is balanced, for the first time in a generation, and we are entering the second year of an era of surpluses: our projections show that we will close out the 1999 fiscal year with a surplus of $79 billion, the largest in the history of the United States. We are on course for budget surpluses for many years to come.

These eeconomic successes are not accidental. They are the result of an economic strategy that we have pursued since 1993. It is a strategy that rests on three pillars: fiscal discipline, investments in education and technology, and expanding exports to the growing world market. Continuing with this proven strategy is the best way to maintain our prosperity and meet the challenges of the 21st century.

THE ADMINISTRATION'S ECONOMIC AGENDA

Our new economic strategy was rooted first and foremost in fiscal discipline. We made hard fiscal choices in 1993, sending signals to the market that we were serious about dealing with the budget deficits we had inherited. The market responded by lowering long-term interest rates. Lower interest rates in turn helped more people buy homes and borrow for college, helped more entrepreneurs to start businesses, and helped more existing businesses to invest in new technology and equipment. America's economic success has been fueled by the biggest boom in private sector investment in decades—more than $1 trillion in capital was freed for private sector investment. In past expansions, government bought more and spent more to drive the economy. During this expansion, government spending as a share of the economy has fallen.

The second part of our strategy has been to invest in our people. A global economy driven by information and fast-paced technological change creates ever greater demand for skilled workers. That is why, even as we balanced the budget, we substantially increased our annual investment in education and training. We have opened the doors of college to all Americans, with tax credits and more affordable student loans, with more work-study grants and more Pell grants, with education IRAs and the new HOPE Scholarship tax credit that more than 5 million Americans will receive this year. Even as we closed the budget gap, we have expanded the earned income tax credit for almost 20 million low-income working families, giving them hope and helping lift them our of poverty. Even as we cut government spending, we have raised investments in a welfare-to-work jobs initiative and invested $24 billion in our children's health initiative.

Third, to build the American economy, we have focused on opening foreign markets and expanding exports to our trading partners around the world. Until recently, fully one-third of the strong economic growth America has enjoyed in the 1990s has come from exports. That trade has been aided by 270 trade agreements we have signed in the past 6 years.

ADDRESSING OUR NATION'S ECONOMIC CHALLENGES

We have created a strong, healthy, and truly global economy—an economy that is a leader for growth in the world. But common sense, experience, and the example of our competitors abroad show us that we cannot afford to be complacent. Now, at this moment of great plenty, is precisely the time to face the challenges of the next century.

We must maintain our fiscal discipline by saving Social Security for the 21st century—thereby laying the foundations for future economic growth.

By 2030, the number of elderly Americans will double. This is a seismic demographic shift with great consequences for our Nation. We must keep Social Security a rock-solid guarantee. That is why I proposed in my State of the Union address that we invest the surplus to save Social Security. I proposed that we commit 62 percent of the budget surplus for the next 15 years to Social Security. I also proposed investing a small portion in the private sector. This will allow the trust fund to earn a higher return and keep Social Security sound until 2055.

But we must aim higher. We should put Social Security on a sound footing for the next 75 years. We should reduce poverty among elderly women, who are nearly twice as likely to be poor as other seniors. And we should eliminate the limits on what seniors on Social Security can earn. These changes will require difficult but fully achievable choices over and above the dedication of the surplus.

Once we have saved Social Security, we must fulfill our obligation to save and improve Medicare and invest in long-term health care. That is why I have called for broader, bipartisan reforms that keep Medicare secure until 2020 through additional savings and modernizing the program with market-oriented purchasing tools, while also providing a long-overdue prescription drug benefit.

By saving the money we will need to save Social Security and Medicare, over the next 15 years we will achieve the lowest ratio of publicly held debt to gross domestic product since 1917. This debt reduction will help keep future interest rates low or drive them even lower, fueling economic growth well into the 21st century.

To spur future growth, we must also encourage private retirement saving. In my State of the Union address I proposed that we use about 12 percent of the surplus to establish new Universal Savings Accounts—USA accounts. These will ensure that all Americans have the means to save. Americans could receive a flat tax credit to contribute to their USA accounts and additional tax credits to match a portion of their savings—with more help for lower income Americans. This is the right way to provide tax relief to the American people.

Education is also key to our Nation's future prosperity. That is why I proposed in my State of the Union address a plan to create 21st-century schools through greater investment and more accountability. Under my plan, States and school districts that accept Federal resources will be required to end social promotion, turn around or close failing schools, support high-quality teachers, and promote innovation, competition, and discipline. My plan also proposes increasing Federal investments to help States and school districts take responsibility for failing schools, to recruit and train new teachers, to expand after school and summer school programs, and to build or fix 5,000 schools.

At this time of continued turmoil in the international economy, we must do more to help create stability and open markets around the world. We must press forward with open trade. It would be a terrible mistake, at this time of economic fragility in so many regions, for the United States to build new walls of protectionism that could set off a chain reaction around the world, imperiling the growth upon which we depend. At the same time, we must do more to make sure that working people are lifted up by trade. We must do more to ensure that spirited economic competition among nations never becomes a race to the bottom in the area of environmental protections or labor standards.

Strengthening the foundations of trade means strengthening the architecture of international finance. The United States must continue to lead in stabilizing the world financial system. When nations around the world descend into economic disruption, consigning populations to poverty, it hurts them and it hurts us. These nations are our trading partners; they buy our products and can ship low-cost products to American consumers.

The U.S. proposal for containing financial contagion has been taken up around the world: interest rates are being cut here and abroad, America is meeting its obligations to the International Monetary Fund, and a new facility has been created at the World Bank to strengthen the social safety net in Asia. And agreement has been reached to establish a new precautionary line of credit, so nations with strong economic policies can quickly get the help they need before financial problems mushroom from concerns to crises.

We must do more to renew our cities and distressed rural areas. My Administration has pursued a new strategy, based on empowerment and investment, and we have seen its success. With the critical assistance of Empowerment Zones, unemployment rates in cities across the country have dropped dramatically. But we have more work to do to bring the spark of private enterprise to neighborhoods that have too long been without hope. That is why my budget includes an innovative ''New Markets'' initiative to spur $15 billion in new private sector capital investment in businesses in underserved areas through a package of tax credits and guarantees.

GOING FORWARD TOGETHER IN THE 21ST CENTURY

Now, on the verge of another American Century, our economy is at the pinnacle of power and success, but challenges remain. Technology and trade and the spread of information have transformed our economy, offering great opportunities but also posing great challenges. All Americans must be equipped with the skills to succeed and prosper in the new economy. America must have the courage to move forward and renew its ideas and institutions to meet new challenges. There are no limits to the world we can create, together, in the century to come.

WILLIAM J. CLINTON.

THE WHITE HOUSE, *February 4, 1999*.

MESSAGES FROM THE HOUSE

At 1:00 p.m., a message from the House of Representatives, delivered by Mr. Hays, 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. 68. An act to amend section 20 of the Small Business Act and make technical corrections in title III of the Small Business Investment Act.

H.R. 98. An act to amend chapter 443 of title 49, United States Code, to extend the aviation war risk insurance program and to amend the Centennial of Flight Commemoration Act to make technical and other corrections.

H.R. 99. An act to amend title 49, United States Code, to extend Federal Aviation Administration programs through September 30, 1999, and for other purposes.

H.R. 432. An act to designate the North/South Center as the Dante B. Fascell North-South Center.

The message also announced that the House agreed to the following concurrent resolution, in which it requests the concurrence of the Senate:

H. Con. Res. 19. Concurrent resolution permitting the use of the Rotunda of the Capitol for a ceremony as part of the commemoration of the days of remembrance of victims of the Holocaust.

The message further announced that pursuant to section 8002 of the Internal Revenue code of 1986, the Committee on Ways and Means designated the following Members of the House to serve on the Joint Committee on Taxation for the 106th Congress: Mr. ARCHER, Mr. CRANE, Mr. THOMAS, Mr. RANGEL, and Mr. STARK.

The message also announced that pursuant to the provisions of 15 U.S.C. 1024(a), the Speaker appoints the following Member of the House of the Joint Economic Committee: Mr. SAXTON of New Jersey.

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–1374. A communication from the President of the United States, transmitting, pursuant to law, a report on three rescissions of budget authority dated February 1, 1999; transmitted jointly, pursuant to the order of January 30, 1975, as modified by the order of April 11, 1986, to the Committee on Appropriations, to the Committee on the Budget, to the Committee on Energy and Natural Resources, and to the Committee on Foreign Relations.

EC–1375. A communication from the Director of the Defense Security Cooperation Agency, transmitting, pursuant to law, a report on loans and guarantees issued under

the Arms Export Control Act as of September 30, 1998; to the Committee on Foreign Relations.

EC–1376. A communication from the Register of Copyrights, United States Copyright Office, Library of Congress, transmitting, pursuant to law, a schedule of proposed new copyright fees; to the Committee on the Judiciary.

EC–1377. A communication from the Chief of the Programs and Legislation Division, Office of Legislative Liaison, Department of the Air Force, transmitting, pursuant to law, notice of a cost comparison of the Base Operating Support functions at Lockland Air Force Base, Texas; to the Committee on Armed Services.

EC–1378. A communication from the Secretary of Health and Human Services, transmitting, pursuant to law, the report of a rule entitled ''Medicare Program; Coverage of Ambulance Services and Vehicle and Staff Requirements'' (RIN0938–AH13) received on January 26, 1999; to the Committee on Finance.

EC–1379. A communication from the Chief of the Regulations Unit, Internal Revenue Service, Department of the Treasury, transmitting, pursuant to law, the report of a rule entitled ''Weighted Average Interest Rate Update'' (Notice 99–7) received on January 25, 1999; to the Committee on Finance.

EC–1380. A communication from the Chief of the Regulations Unit, Internal Revenue Service, Department of the Treasury, transmitting, pursuant to law, the report of a rule entitled ''Federal Insurance Contributions Act (FICA) Taxation of Amounts Under Employee Benefit Plans'' (RIN1545–AT27) received on January 28, 1999; to the Committee on Finance.

EC–1381. A communication from the Chief of the Regulations Unit, Internal Revenue Service, Department of the Treasury, transmitting, pursuant to law, the report of a rule entitled ''Federal Unemployment Tax Act (FUTA) Taxation of Amounts Under Employee Benefit Plans'' (RIN1545–AT99) received on January 28, 1999; to the Committee on Finance.

EC–1382. A communication from the Federal Register Certifying Officer, Financial Management Service, Department of the Treasury, transmitting, pursuant to law, the report of a rule entitled ''Acceptance of Bonds Secured By Government Obligations in Lieu of Bonds with Sureties'' (RIN1510–AA36) received on January 27, 1999; to the Committee on Finance.

EC–1383. A communication from the Administrator of the Agricultural Marketing Service, Department of Agriculture, transmitting, pursuant to law, the report of a rule entitled ''Marketing Order Regulating the Handling of Spearmint Oil Produced in the Far West; Salable Quantities and Allotment Percentages for the 1999–2000 Marketing Year'' (Docket FV–99–985–1 FR) received on January 26, 1999; to the Committee on Agriculture, Nutrition, and Forestry.

EC–1384. A communication from the Director of the Office of Regulatory Management and Information, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled ''Azoxystrobin; Pesticide Tolerances for Emergency Exemptions'' (RIN2070–AB78) received on January 26, 1999; to the Committee on Agriculture, Nutrition, and Forestry.

EC–1385. A communication from the Director of the Office of Regulatory Management and Information, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled ''Revocation of Tolerances for Canceled Food Uses; Correction'' (FRL6043–7) received on January 26, 1999; to the Committee on Agriculture, Nutrition, and Forestry.

EC–1386. A communication from the Director of the Office of Regulatory Management and Information, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled ''Lambda-cyhalothrin; Pesticide Tolerances for Emergency Exemptions'' (FRL6056–2) received on January 26, 1999; to the Committee on Agriculture, Nutrition, and Forestry.

EC–1387. A communication from the Director of the Office of Regulatory Management and Information, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled ''Fenbuconazole; Pesticide Tolerances for Emergency Exemptions'' (FRL6054–3) received on January 26, 1999; to the Committee on Agriculture, Nutrition, and Forestry.

EC–1388. A communication from the Director of the Office of Regulatory Management and Information, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled ''Rescission of Cryolite Tolerance Revocations; Final Rule, Delay of Effective Date'' (FRL6058–7) received on January 26, 1999; to the Committee on Agriculture, Nutrition, and Forestry.

EC–1389. A communication from the President of the United States, transmitting, pursuant to law, notice of the continuation of the national emergency with respect to grave acts of violence committed by foreign terrorists that disrupt the Middle East peace process is to continue in effect beyond January 23, 1999; to the Committee on Banking, Housing, and Urban Affairs.

EC–1390. A communication from the Secretary of Commerce, transmitting, pursuant to law, the Bureau of Export Administration's report entitled ''Annual Report for Fiscal Year 1999'' and the ''1999 Report to Congress on Foreign Policy Export Controls''; to the Committee on Banking, Housing, and Urban Affairs.

EC–1391. A communication from the Vice Chair of the Import-Export Bank of the United States, transmitting, pursuant to law, notice of a financial guarantee to support the sale of certain Boeing aircraft to Ireland; to the Committee on Banking, Housing, and Urban Affairs.

EC–1392. A communication from the President and Chairman of the Import-Export Bank of the United States, transmitting, pursuant to law, the Bank's report on Sub-Saharan Africa and the Export-Import Bank of the United States; to the Committee on Banking, Housing, and Urban Affairs.

EC–1393. A communication from the General Counsel of the Department of the Treasury, transmitting, a draft of proposed legislation to authorize the Secretary of the Treasury to produce currency, postage stamps, and other security documents for foreign governments, and security documents for State governments and their political subdivisions; to the Committee on Banking, Housing, and Urban Affairs.

EC–1394. A communication from the Assistant Secretary for Export Administration, Department of Commerce, transmitting, pursuant to law, the report of a rule entitled ''Exports of High Performance Computers; Post-shipment Verification Reporting Procedures'' (RIN0694–AB78) received on November 4, 1998; to the Committee on Banking, Housing, and Urban Affairs.

EC–1395. A communication from the Chief Counsel of the Office of Foreign Assets Control, Department of the Treasury, transmitting, pursuant to law, the report of a rule regarding the procedure for requests for removal from the list of blocked persons, groups, and vessels received on January 29, 1999; to the Committee on Banking, Housing, and Urban Affairs.

EC–1396. A communication from the Director of the Congressional Budget Office, transmitting, pursuant to law, the Office's Sequestration Preview Report for Fiscal Year 2000; transmitted jointly, pursuant to the order of August 4, 1977, to the Committee on the Budget and to the Committee on Governmental Affairs.

EC–1397. A communication from the President of the United States, transmitting, pursuant to law, notice of an Agreement to extend the Mutual Fisheries Agreement to December 31, 2003; transmitted jointly, pursuant to 16 U.S.C. 1823(b), P.L. 94–265, to the Committee on Commerce, Science, and Transportation and to the Committee on Foreign Relations.

EC–1398. A communication from the Deputy Assistant Secretary for Policy, Pension and Welfare Benefits Administration, Department of Labor, transmitting, pursuant to law, the report of a rule entitled ''Interim Rules for Group Health Plans and Health Insurance Issuers Under the Newborns' and Mothers' Health Protection Act'' (RIN1210–AA63) received on November 4, 1998; to the Committee on Finance.

EC–1399. A communication from the Regulatory Policy Officer, Bureau of Alcohol, Tobacco and Firearms, Department of the Treasury, transmitting, pursuant to law, the report of a rule entitled ''Establishment of the San Francisco Bay Viticulture Area and the Realignment of the Boundary of the Central Coast Viticultural Area'' (RIN1512–AA07) received on January 27, 1999; to the Committee on Finance.

EC–1400. A communication from the President of the United States Institute of Peace, transmitting, pursuant to law, a report on the Institute's activities during the four year period following the end of the Cold War (1994–1997); to the Committee on Health, Education, Labor, and Pensions.

EC–1401. A communication from the Secretary of Housing and Urban Development, transmitting, pursuant to law, the Department's report under the Freedom of Information Act for fiscal year 1997; to the Committee on the Judiciary.

EC–1402. A communication from the Acting Assistant Attorney General, Department of Justice, transmitting, pursuant to law, the Department's report entitled ''Attacking Financial Institution Fraud: Fiscal Year 1996 (Second Quarterly Report)''; to the Committee on the Judiciary.

EC–1403. A communication from the Congressional Review Coordinator, Animal and Plant Health Inspection Service, Department of Agriculture, transmitting, pursuant to law, the report of a rule entitled ''Citrus Canker; Addition to Quarantined Areas'' (Docket 95–086–2) received on January 27, 1999; to the Committee on Agriculture, Nutrition, and Forestry.

EC–1404. A communication from the Administrator of the Food Safety and Inspection Service, Department of Agriculture, transmitting, pursuant to law, the report of a rule entitled ''Performance Standards for the Production of Certain Meat and Poultry Products'' (Docket 95–033F) received on January 28, 1999; to the Committee on Agriculture, Nutrition, and Forestry.

EC–1405. A communication from the Administrator of the Agricultural Marketing Service, Department of Agriculture, transmitting, pursuant to law, the report of a rule entitled ''Dried Prunes Produced in California; Increased Assessment Rate'' (Docket FV99–993–1 FR) received on January 28, 1999; to the Committee on Agriculture, Nutrition, and Forestry.

EC–1406. A communication from the Executive Director of the U.S. Commodity Futures Trading Commission, transmitting, pursuant to law, the report of a rule entitled ''Two-Part Documents for Commodity Pools'' received on November 4, 1998; to the Committee on Agriculture, Nutrition, and Forestry.

EC–1407. A communication from the President of the United States, transmitting, pursuant to law, a 6-month periodic report on

the national emergency with respect to terrorists who threaten to disrupt the Middle East peace process (Executive Order 12947) dated January 27, 1999; to the Committee on Banking, Housing, and Urban Affairs.

EC–1408. A communication from the Secretary of the United States Securities and Exchange Commission, transmitting, pursuant to law, the report of a rule entitled ''Custody of Investment Company Assets Outside the United States'' (RIN3235–AE98) received on January 29, 1999; to the Committee on Banking, Housing, and Urban Affairs.

EC–1409. A communication from the Assistant Legal Adviser for Treaty Affairs, Department of State, transmitting, pursuant to law, a list of international agreements other than treaties entered into by the United States (99–5 to 99–7); to the Committee on Foreign Relations.

EC–1410. A communication from the Assistant Secretary for Legislative Affairs, Department of State, transmitting, pursuant to law, the Department's report on the extent and disposition of U.S. contributions to international organizations for fiscal year 1997; to the Committee on Foreign Relations.

EC–1411. A communication from the Director of the Defense Security Cooperation Agency, transmitting, pursuant to law, the Agency's report on full-time USG employees who are performing services for which reimbursement is provided under the Arms Export Control Act; to the Committee on Foreign Relations.

EC–1412. A communication from the Acting Comptroller General of the United States, transmitting, pursuant to law, a list of reports issued or released by the General Accounting Office in September 1998; to the Committee on Governmental Affairs.

EC–1413. A communication from the Chair of the U.S. Architectural and Transportation Barriers Compliance Board, transmitting, pursuant to law, the Board's consolidated annual report under the Inspector General Act and the Federal Managers' Financial Integrity Act for fiscal year 1998; to the Committee on Governmental Affairs.

EC–1414. A communication from the Executive Director of the President's Committee on the Arts and the Humanities, transmitting, pursuant to law, a report on the Committee's recommendations to the President; to the Committee on Governmental Affairs.

EC–1415. A communication from the Secretary of Defense, transmitting, pursuant to law, the Department's report under the Inspector General Act for the period from April 1, 1998 through September 30, 1998; to the Committee on Governmental Affairs.

EC–1416. A communication from the Chairman of the Council of the District of Columbia, transmitting, pursuant to law, a report on D.C. ACT 12–494, ''Uniform Per Student Funding Formula for Public Schools and Public Charter Schools and Tax Conformity Clarification Amendment Act of 1998''; to the Committee on Governmental Affairs.

EC–1417. A communication from the Chairman of the Council of the District of Columbia, transmitting, pursuant to law, a report on D.C. ACT 12–495, ''Office of Citizen Complaint Review Establishment Act of 1998''; to the Committee on Governmental Affairs.

EC–1418. A communication from the Chairman of the Council of the District of Columbia, transmitting, pursuant to law, a report on D.C. ACT 12–487, ''Summary of Abatement of Life-or-Health Threatening Conditions Amendment Act of 1998''; to the Committee on Governmental Affairs.

EC–1419. A communication from the Chairman of the Council of the District of Columbia, transmitting, pursuant to law, a report on D.C. ACT 12–488, ''Alcoholic Beverage Control DC Arena Amendment Act of 1998''; to the Committee on Governmental Affairs.

EC–1420. A communication from the Chairman of the Council of the District of Columbia, transmitting, pursuant to law, a report on D.C. ACT 12–490, ''Retired Police Officer Redeployment Temporary Amendment Act of 1998''; to the Committee on Governmental Affairs.

EC–1421. A communication from the Chairman of the Council of the District of Columbia, transmitting, pursuant to law, a report on D.C. ACT 12–491, ''Criminal Background Investigation for the Protection of Children Temporary Act of 1998''; to the Committee on Governmental Affairs.

EC–1422. A communication from the Chairman of the Council of the District of Columbia, transmitting, pursuant to law, a report on D.C. ACT 12–492, ''Metropolitan Police Department Civilianization Temporary Amendment Act of 1998''; to the Committee on Governmental Affairs.

EC–1423. A communication from the Chairman of the Council of the District of Columbia, transmitting, pursuant to law, a report on D.C. ACT 12–493, ''Open Alcoholic Beverage Containers Amendment Act of 1998''; to the Committee on Governmental Affairs.

EC–1424. A communication from the Chairman of the Council of the District of Columbia, transmitting, pursuant to law, a report on D.C. ACT 12–468, ''Prohibition on Abandoned Vehicles Amendment Act of 1998''; to the Committee on Governmental Affairs.

EC–1425. A communication from the Chairman of the Council of the District of Columbia, transmitting, pursuant to law, a report on D.C. ACT 12–469, ''Closing of a Public Alley in Square 198, S.O. 90–260, Act of 1998''; to the Committee on Governmental Affairs.

EC–1426. A communication from the Chairman of the Council of the District of Columbia, transmitting, pursuant to law, a report on D.C. ACT 12–471, ''ARCH Training Center Real Property Tax Exemption and Equitable Real Property Tax Exemption and Equitable Real Property Tax Relief Act of 1998''; to the Committee on Governmental Affairs.

EC–1427. A communication from the Chairman of the Council of the District of Columbia, transmitting, pursuant to law, a report on D.C. ACT 12–473, ''Salvation Army Equitable Real Property Tax Relief Act of 1998''; to the Committee on Governmental Affairs.

EC–1428. A communication from the Chairman of the Council of the District of Columbia, transmitting, pursuant to law, a report on D.C. ACT 12–475, ''Extension of Time to Dispose of District Owned Surplus Real Property Revised Temporary Amendment Act of 1998''; to the Committee on Governmental Affairs.

EC–1429. A communication from the Chairman of the Council of the District of Columbia, transmitting, pursuant to law, a report on D.C. ACT 12–481, ''Regional Airports Authority Temporary Amendment Act of 1998''; to the Committee on Governmental Affairs.

EC–1430. A communication from the Chairman of the Council of the District of Columbia, transmitting, pursuant to law, a report on D.C. ACT 12–486, ''Special Events Fee Adjustment Waiver Temporary Amendment Act of 1998''; to the Committee on Governmental Affairs.

EC–1431. A communication from the Chairman of the Council of the District of Columbia, transmitting, pursuant to law, a report on D.C. ACT 12–485, ''Drug Prevention and Children at Risk Tax Check-off Temporary Act of 1998''; to the Committee on Governmental Affairs.

EC–1432. A communication from the Chairman of the Council of the District of Columbia, transmitting, pursuant to law, a report on D.C. ACT 12–470, ''Drug-Related Nuisance Abatement Act of 1998''; to the Committee on Governmental Affairs.

EC–1433. A communication from the Chairman of the Council of the District of Columbia, transmitting, pursuant to law, a report on D.C. ACT 12–474, ''Sex Offender Registration Risk Assessment Clarification and Convention Center Marketing Service Contracts Temporary Amendment Act of 1998''; to the Committee on Governmental Affairs.

EC–1434. A communication from the Chairman of the Appraisal Subcommittee, Federal Financial Institutions Examination Council, transmitting, pursuant to law, the Council's consolidated annual report under the Inspector General Act and the Federal Managers' Financial Integrity Act for fiscal year 1998; to the Committee on Governmental Affairs.

EC–1435. A communication from the Director of the Information Security Oversight Office, National Archives and Records Administration, transmitting, a copy of the Office's ''Report to the President'' for 1997; to the Committee on Governmental Affairs.

EC–1436. A communication from the Chairman of the Council of the District of Columbia, transmitting, pursuant to law, a report on D.C. ACT 12–489, ''Holy Comforter-St. Cyprian Roman Catholic Church Equitable Real Property Tax Relief Act of 1998''; to the Committee on Governmental Affairs.

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. BINGAMAN (for himself and Mr. DOMENICI):

S. 366. A bill to amend the National Trails System Act to designate El Camino Real de Tierra Adentro as a National Historic Trail; to the Committee on Energy and Natural Resources.

By Mr. BINGAMAN (for himself and Mr. DASCHLE):

S. 367. A bill to amend the Radiation Exposure Compensation Act to provide for partial restitution to individuals who worked in uranium mines, mills, or transport which provided uranium for the use and benefit of the United States Government, and for other purposes; to the Committee on Health, Education, Labor, and Pensions.

By Mr. COCHRAN (for himself and Mr. LOTT):

S. 368. A bill to authorize the minting and issuance of a commemorative coin in honor of the founding of Biloxi, Mississippi; to the Committee on Banking, Housing, and Urban Affairs.

By Mr. CLELAND:

S. 369. A bill to provide States with the authority to permit certain employers of domestic workers to make annual wage reports; to the Committee on Finance.

By Mr. GRAHAM:

S. 370. A bill to designate the North/South Center as the Dante B. Fascell North-South Center; to the Committee on Foreign Relations.

By Mr. GRAHAM (for himself, Mr. DEWINE, Mr. COVERDELL, Mr. DOMENICI, Ms. LANDRIEU, Mr. DODD, Mr. HATCH, Mr. FRIST, Mr. MACK, and Mr. HAGEL):

S. 371. A bill to provide assistance to the countries in Central America and the Caribbean affected by Hurricane Mitch and Hurricane Georges, to provide additional trade benefits to certain beneficiary countries in the Caribbean, and for other purposes; to the Committee on Finance.

By Mr. BIDEN:

S. 372. A bill to make available funds under the Freedom Support Act to expand existing educational and professional exchanges with the Russian Federation to promote and

strengthen democratic government and civil society in that country, and to make available funds under that Act to conduct a study of the feasibility of creating a new foundation toward that end; to the Committee on Foreign Relations.

By Mr. HARKIN:

S. 373. A bill to prohibit the acquisition of products produced by forced or indentured child labor; to the Committee on Governmental Affairs.

By Mr. CHAFEE (for himself, Mr. GRAHAM, Mr. LIEBERMAN, Mr. SPECTER, Mr. BAUCUS, Mr. ROBB, and Mr. BAYH):

S. 374. A bill to amend the Public Health Service Act, the Employee Retirement Income Security Act of 1974, and the Internal Revenue Code of 1986 to protect consumers in managed care plans and other health coverage; to the Committee on Health, Education, Labor, and Pensions.

By Mr. STEVENS (for himself, Mr. INOUYE, Mr. MURKOWSKI, and Mr. AKAKA):

S. 375. A bill to create a rural business lending pilot program within the U.S. Small Business Administration, and for other purposes; to the Committee on Small Business.

By Mr. BURNS (for himself, Mr. MCCAIN, Mr. DORGAN, Mr. BRYAN, Mr. BROWNBACK, and Mr. CLELAND):

S. 376. A bill to amend the Communications Satellite Act of 1962 to promote competition and privatization in satellite communications, and for other purposes; to the Committee on Commerce, Science, and Transportation.

By Mr. ENZI:

S. 377. A bill to eliminate the special reserve funds created for the Savings Association Insurance Fund and the Deposit Insurance Fund, and for other purposes; to the Committee on Banking, Housing, and Urban Affairs.

By Mr. KENNEDY (for himself and Mr. KERRY):

S. 378. A bill to provide for the non-preemption of State prescription drug benefit laws in connection with Medicare+Choice plans; to the Committee on Finance.

By Mr. ROCKEFELLER (for himself, Mr. DORGAN, Mr. WYDEN, Mr. HARKIN, and Mr. BINGAMAN):

S. 379. A bill to amend title 49, United States Code, to authorize the Secretary of Transportation to implement a pilot program to improve access to the national transportation system for small communities, and for other purposes; to the Committee on Commerce, Science, and Transportation.

By Mr. CRAIG (for himself, Mr. BAUCUS, Mr. CRAPO, Mr. FRIST, Mr. ASHCROFT, Mr. THOMPSON, Mr. BURNS, Mr. BROWNBACK, Mr. INHOFE, Mr. HELMS, Mr. COCHRAN, Mr. ENZI, Mr. LOTT, Mr. THOMAS, Mr. GREGG, Mr. SESSIONS, and Mr. MURKOWSKI):

S. 380. A bill to reauthorize the Congressional Award Act; to the Committee on Governmental Affairs.

By Mr. INOUYE:

S. 381. A bill to allow certain individuals who provided service to the Armed Forces of the United States in the Philippines during World War II to receive a reduced SSI benefit after moving back to the Philippines; to the Committee on Finance.

By Mr. JOHNSON (for himself and Mr. DASCHLE):

S. 382. A bill to establish the Minuteman Missile National Historic Site in the State of South Dakota, 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. INOUYE:

S. Res. 32. A resolution to express the sense of the Senate reaffirming the cargo preference policy of the United States; to the Committee on Commerce, Science, and Transportation.

By Mr. BROWNBACK (for himself, Mr. WYDEN, Mr. MACK, Mr. SMITH of Oregon, Mr. HATCH, Mr. KERREY, Mr. FITZGERALD, Mr. HELMS, Mr. ASHCROFT, Mr. SCHUMER, Mr. TORRICELLI, Mr. GRAMS, and Mr. LAUTENBERG):

S. Con. Res. 5. A concurrent resolution expressing congressional opposition to the unilateral declaration of a Palestinian state and urging the President to assert clearly United States opposition to such a unilateral declaration of statehood; to the Committee on Foreign Relations.

STATEMENTS ON INTRODUCED BILLS AND JOINT RESOLUTIONS

By Mr. BINGAMAN (for himself and Mr. DOMENICI):

S. 366. A bill to amend the National Trails System Act to designate El Camino Real de Tierra Adentro as a National Historic Trail; to the Committee on Energy and Natural Resources.

CAMINO REAL DE TIERRA ADENTRO NATIONAL HISTORIC TRAIL

• Mr. BINGAMAN. Mr. President, I rise today to introduce a bill to amend the National Trails System Act to designate El Camino Real de Tierra Adentro as a National Historic Trail. Senator DOMENICI is once again a cosponsor of this legislation which enjoyed bipartisan support in both the Senate and in the House in the last Congress. I want to thank Senator DOMENICI for his continued support of this bill.

While we passed this bill last year in the Senate, it appeared that there just wasn t enough time for the House to go through its process on the bill at the end of the 105th Congress. My hope is that we will be able to move this bill through the Senate quickly this year and that the House will pass it as well.

While this legislation is important to my home state of New Mexico, it also contributes to the national dialogue on the history of this country and who we are as a people. In history classes across the country, children learn about the establishment of European settlements on the East Coast, and the east to west migration which occurred under the banner of Manifest Destiny. However, the story of the northward exploration and settlement of this country by the Spanish is often overlooked. This legislation recognizes this important chapter in American history.

In the 16th century, building upon a network of trade routes used by the indigenous Pueblos along the Rio Grande, Spanish explorers established a migration route into the interior of the continent which they called ''El Camino Real de Tierra Adentro'', the Royal Road of the Interior. In 1598, almost a decade before the first English colonists landed at Jamestown, Virginia, Don Juan de Onate led a Spanish expedition which established the northern portion of El Camino Real which became the main route for communication and trade between the colonial Spanish capital of Mexico City and the Spanish provincial capitals at San Juan de Los Caballeros, San Gabriel and then Santa Fe, New Mexico.

For the next 223 years, until 1821, El Camino Real facilitated the exploration, conquest, colonization, settlement, religious conversion, and military occupation of the Spanish colonial borderlands. In the 17th century, caravans of wagons and livestock struggled for months to cross the desert and bring supplies up El Camino Real to missions, mining towns and settlements in New Mexico. As with later Anglo settlers who travelled from St. Louis to California during the 1800s, the Spanish settlers faced very harsh conditions moving into what would become the American Southwest. On one section known as the Jornada del Muerto, or Journey of Death, they traveled for 90 miles without water, shelter, or firewood.

The Spanish influence from those persevering colonists can still be seen today in the ethnic and cultural traditions of the southwestern United States.

As we enter the 21st century, it's essential that we embrace the diversity of people and cultures that make up our country. It is the source of our dynamism and strength. The inclusion of this trail into the National Historic Trail system is an important step towards advancing our understanding of our rich cultural history.

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. 366

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 ''El Camino Real de Tierra Adentro National Historic Trail Act.''

SEC. 2. FINDINGS.

The Congress finds the following:

(1) El Camino Real de Tierra Adentro (the Royal Road of the Interior), served as the primary route between the colonial Spanish capital of Mexico City and the Spanish provincial capitals at San Juan de Los Caballeros (1598–1600), San Gabriel (1600–1609) and then Santa Fe (1610–1821).

(2) The portion of El Camino Real de Tierra Adentro that resided in what is now the United States extended between El Paso, Texas and present San Juan Pueblo, New Mexico, a distance of 404 miles;

(3) El Camino Real is a symbol of the cultural interaction between nations and ethnic groups and of the commercial exchange that made possible the development and growth of the borderland;

(4) American Indian groups, especially the Pueblo Indians of the Rio Grande, developed trails for trade long before Europeans arrived;

(5) In 1598, Juan de Oñate led a Spanish military expedition along those trails to establish the northern portion of El Camino Real;

(6) During the Mexican National Period and part of the U.S. Territorial Period, El Camino Real de Tierra Adentro facilitated the emigration of people to New Mexico and other areas that would become the United States;

(7) The exploration, conquest, colonization, settlement, religious conversion, and military occupation of a large area of the borderlands was made possible by this route, whose historical period extended from 1598 to 1882;

(8) American Indians, European emigrants, miners, ranchers, soldiers, and missionaries used El Camino Real during the historic development of the borderlands. These travelers promoted cultural interaction among Spaniards, other Europeans, American Indians, Mexicans, and Americans;

(9) El Camino Real fostered the spread of Catholicism, mining, an extensive network of commerce, and ethnic and cultural traditions including music, folklore, medicine, foods, architecture, language, place names, irrigation systems, and Spanish law.

SEC. 3. AUTHORIZATION AND ADMINISTRATION.

Section 5 (a) of the National Trails System Act (16 U.S.C. 1244 (a)) is amended—

(1) by designating the paragraphs relating to the California National Historic Trail, the Pony Express National Historic Trail, and the Selma to Montgomery National Historic Trail as paragraphs (18), (19), and (20), respectively; and

(2) by adding at the end the following:

''(21) EL CAMINO REAL DE TIERRA ADENTRO.—

''(A) El Camino Real de Tierra Adentro (the Royal Road of the Interior) National Historic Trail, a 404 mile long trail from the Rio Grande near El Paso, Texas to present San Juan Pueblo, New Mexico, as generally depicted on the maps entitled 'United States Route: El Camino Real de Tierra Adentro', contained in the report prepared pursuant to subsection (b) entitled 'National Historic Trail Feasibility Study and Environmental Assessment: El Camino Real de Tierra Adentro, Texas-New Mexico', dated March 1997.

''(B) MAP.—A map generally depicting the trail shall be on file and available for public inspection in the Office of the National Park Service, Department of Interior.

''(C) ADMINISTRATION.—The Trail shall be administered by the Secretary of the Interior.

''(D) LAND ACQUISITION.—No lands or interests therein outside the exterior boundaries of any federally administered area may be acquired by the Federal Government for El Camino Real de Tierra Adentro except with the consent of the owner thereof.

''(E) VOLUNTEER GROUPS; CONSULTATION.—The Secretary of the Interior shall—

''(i) encourage volunteer trail groups to participate in the development and maintenance of the trail; and

''(ii) consult with other affected Federal, State, and tribal agencies in the administration of the trail.

''(F) COORDINATION OF ACTIVITIES.—The Secretary of the Interior may coordinate with United States and Mexican public and non-governmental organizations, academic institutions, and, in consultation with the Secretary of State, the government of Mexico and its political subdivisions, for the purpose of exchanging trail information and research, fostering trail preservation and educational programs, providing technical assistance, and working to establish an international historic trail with complementary preservation and education programs in each nation.''.●

By Mr. BINGAMAN (for himself and Mr. DASCHLE):

S. 367. A bill to amend the Radiation Exposure Compensation Act to provide for partial restitution to individuals who worked in uranium mines, mills, or transport which provided uranium for the use and benefit of the United States Government, and for other purposes; to the Committee on Health, Education, Labor, and Pensions.

THE RADIATION EXPOSURE COMPENSATION IMPROVEMENT ACT

● Mr. BINGAMAN. Mr. President, I rise today with my colleague, Senator DASCHLE, to introduce the Radiation Exposure Compensation Improvement Act of 1999.

Mr. President, the Radiation Exposure Compensation Act, or RECA, was originally enacted in 1990 as a means of compensating the individuals who suffered from exposure to radiation as a result of the U.S. government's nuclear testing program and federal uranium mining activities. While the government can never fully compensate for the loss of a life or a reduction in the quality of life, RECA serves as a cornerstone for the national apology Congress extended to those adversely affected by the various radiation tragedies. In keeping with the spirit of that apology, the legislation I introduce today will further correct existing injustices and provide compassionate compensation for those whose lives and health were sacrificed as part of our nation's effort to win the cold war.

During the period of 1947 to 1961, the Federal Government controlled all aspects of the production of nuclear fuel. One such aspect was the mining of uranium in New Mexico, Colorado, Arizona, and Utah. Even though the Federal Government had adequate knowledge of the hazards involved in uranium mining, these miners, many of whom were Native Americans, were sent into inadequately ventilated mines with virtually no instruction regarding the dangers of ionizing radiation. These miners had no idea of those dangers. Consequently, they inhaled radon particles that eventually yielded high doses of ionizing radiation. As a result, these miners have a substantially elevated cancer rate and incidence of incapacitating respiratory disease. The health effects of uranium mining in the fifties and sixties remain the single greatest concern of many former uranium miners and millers and their families and friends.

In 1990, I was pleased to co-sponsor the original RECA legislation here in the Senate to provide compassionate compensation to uranium miners. I was very optimistic that after years of waiting, some degree of redress would be given to the thousands of miners in my state of New Mexico. Subsequently, I chaired the Senate oversight hearing on this issue in Shiprock, N.M. for the Senate Labor and Human Resources Committee in 1993 and began to learn that while our efforts in 1990 were well intentioned they were not proving to be as effective as hoped. I additionally heard from many of my constituents that the program was not working as intended and that changes were necessary. To that end, I worked to facilitate changes in the regulatory and administrative areas.

Unfortunately, I have continued to hear from many of my constituents that the program still does not work as intended. I have received compelling letters of need from constituents telling of the many barriers in the current statute that lead to denial of compensation. Letters come from widows unable to access the current compensation. Miners tied to oxygen tanks, in respiratory distress or dying from cancer write to tell me how they have been denied compensation under the current act. Additionally, family members write of the pain of fathers who worked in uranium processing mills. They recount how their fathers came home covered in the ''yellow cake'' or uranium oxide that was floating in the air of the mills. The story of their fathers' cancers and painful breathing are vivid in these letters but the current act does not address their needs.

Their points are backed by others as well. In fact, my legislation incorporates findings by the Committee on the Biological Effects of Ionizing Radiation (BEIR) which has, since 1990, enlarged scientific evidence about radiogenic cancers and the health effects of radiation exposure. In other words, because of their good work, we know more now than we did in 1990 and we need to make sure the compensation we provide keeps pace with our medical knowledge. The government has the responsibility to compensate all those adversely affected and who have suffered health problems because they were not adequately informed of the risks they faced while mining, milling, and transporting uranium ore.

Mr. President, the legislation I am introducing today is a starting point for amending the current Act designed with specific elements to better serve the individuals who apply for compensation under the Act. The legislation is designed to simplify RECA and broaden the scope of individuals who are eligible for compensation.

Mr. President, I would like to cite several of the key provisions in the Radiation Exposure Compensation Improvement Act of 1999. Currently RECA covers those exposed to radiation released in underground uranium mines that were providing uranium for the primary use and benefit of the nuclear weapons program of the U.S. government. The legislation would make all uranium workers eligible for compensation including above ground miners, millers, and transport workers. I am very concerned about the need to expand compensation to the categories of workers not covered by the current

law, specifically those in above ground, open pit mines, mill workers, and those employed to transport uranium ore. There is overwhelming evidence that these workers have developed cancer and other diseases as a result of their exposure to uranium. While attempts have been made to get the scientific data necessary to substantiate the link between their work situation and their health problems, barriers have been encountered and I am told that data will not be readily available. I believe that it is necessary to move forward in this area and not deny further compensation awaiting study results that in the end may not be deemed to be statistically valid because of the difficulty in obtaining access to records and the millers themselves.

RECA currently covers individuals termed ''downwinders'' who were in the areas of Nevada, Utah, and Arizona affected by atmospheric nuclear testing in the 1950's. This bill expands the geographical area eligible for compensation to include the Navajo Reservation because, based on a recent report of the National Cancer Institute, Navajo children during the 1950's received extremely high Iodine-131 thyroid doses during the period of heaviest fallout from the Nevada Test site. In addition, the bill expands the compensable diseases for the downwind population by adding salivary gland, urinary bladder, brain, colon, and ovarian cancers.

Currently, the law has disproportionately high levels of radiation exposure requirements for miners to qualify for compensation as compared to the ''downwinders.'' My legislation would set a standard of proof for uranium workers that is more realistic given the availability of mining and mill data. The bill also removes the provision that only permits a claim for respiratory disease if the uranium mining occurred on a reservation. Thus, the bill will allow for further filing of a claim by those miners, millers, and transport workers who did not have a work history on a reservation. In addition, the bill would change the current law so that requirements for written medical documentation is updated to allow for use of high resolution CAT scans and allow for written diagnoses by physicians in either the Department of Veterans Affairs or the Indian Health Service to be considered conclusive.

In 1990, we joined together in a bipartisan, bicameral effort and assured passage of the Radiation Exposure Compensation Act (RECA). Now we put forward this comprehensive amendment to RECA to correct omission, make RECA consistent with current medical knowledge, and to address what have become administrative borrow stories for the claimants. I look forward to the debate in the Senate on this issue and hope that we can move to amend the current statute to ensure our original intent—fair and rapid compensation to those who served their country so well.

Mr. President, I ask unanimous consent to have the text of the Radiation Improvement Compensation Act printed in the RECORD.

There being no objection, the bill was ordered to be printed in the Record, as follows:

S. 367

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE; FINDINGS.

(a) SHORT TITLE.—This Act may be cited as the ''Radiation Exposure Compensation Improvement Act of 1999.''.

(b) FINDINGS.—Congress finds the following:

(1) The intent of the Radiation Exposure Compensation Act (42 U.S.C. 2210 note), enacted in 1990, was to apologize to victims of the weapons program of the Federal Government, but uranium workers who have applied for compensation under the Act have faced a disturbing number of challenges.

(2) The congressional oversight hearing conducted by the Committee on Labor and Human Resources of the Senate has shown that since passage of the Radiation Exposure Compensation Act, former uranium workers and their families have not received prompt and efficient compensation.

(3) There is no plausible justification for the Federal Government's failure to warn and protect the lives and health of uranium workers.

(4) Progress on implementing the Radiation Exposure Compensation Act has been impeded by criteria for compensation that is far more stringent than for other groups for which compensation is provided.

(5) The President's Advisory Committee on Human Radiation Experiments recommended that amendments to the Radiation Exposure Compensation should be made.

(6) Uranium millers, aboveground miners, and individuals who transported uranium ore should be provided compensation that is similar to that provided for underground uranium miners in cases in which those individuals suffered disease or resultant death as a result of the failure of the Federal Government to warn of health hazards.

SEC. 2. TRUST FUND.

Section 3(d) of the Radiation Exposure Compensation Act (42 U.S.C. 2210 note) is amended by striking ''of this Act'' and inserting ''of the Radiation Exposure Compensation Improvement Act of 1999.''.

SEC. 3. AFFECTED AREA; CLAIMS RELATING TO SPECIFIED DISEASES.

(a) AFFECTED AREA.—Section 4(b)(1) of the Radiation Exposure Compensation Act (42 U.S.C. 2210 note) is amended—

(1) by striking ''and'' at the end of subparagraph (B); and

(2) by adding at the end the following:

''(D) those parts of Arizona, Utah, and New Mexico comprising the Navajo Nation Reservation that were subjected to fallout from nuclear weapons testing conducted in Nevada; and''.

(b) CLAIMS RELATING TO SPECIFIED DISEASES.—Section 4(b)(2) of the Radiation Exposure Compensation Act (42 U.S.C. 2210 note) is amended—

(1) by striking ''the onset of the disease was between 2 and 30 years of first exposure,'' and inserting ''the onset of the disease was at least 2 years after first exposure, lung cancer (other than in situ lung cancer that is discovered during or after a post-mortem exam),'';

(2) by striking ''(provided initial exposure occurred by the age of 20)'' after ''thyroid'';

(3) by inserting ''male or'' before ''female breast'';

(4) by striking ''(provided initial exposure occurred prior to age 40)'' after ''female breast'';

(5) by striking ''(provided low alcohol consumption and not a heavy smoker)'' after ''esophagus'';

(6) by striking ''(provided initial exposure occurred before age 30)'' after ''stomach'';

(7) by striking ''(provided not a heavy smoker)'' after ''pharynx'';

(8) by striking ''(provided not a heavy smoker and low coffee consumption)'' after ''pancreas'';

(9) by inserting ''salivary gland, urinary bladder, brain, colon, ovary,'' after ''gall bladder,''; and

(10) by inserting before the period at the end the following: '', and chronic lymphocytic leukemia''.

SEC. 4. URANIUM MINING AND MILLING AND TRANSPORT.

(a) AMENDMENT TO HEADING.—Section 5 of the Radiation Exposure Compensation Act (42 U.S.C. 2210 note) is amended by striking the section heading and inserting the following:

''SEC. 5. CLAIMS RELATING TO URANIUM MINING OR MILLING OR TRANSPORT.''.

(b) MILLING.—Section 5(a) of the Radiation Exposure Compensation Act (42 U.S.C. 2210 note) is amended—

(1) by striking ''Any'' and inserting ''Any individual who was employed to transport or handle uranium ore or any''; and

(2) by inserting ''or in any other State in which uranium was mined, milled, or transported'' after ''Utah''.

(c) MINES.—Section 5(a) of the Radiation Exposure Compensation Act (42 U.S.C. 2210 note), as amended by subsection (a) of this section, is amended by striking ''a uranium mine'' and inserting ''a uranium mine (including a mine located aboveground or an open pit mine in which uranium miners worked, or a uranium mill)''.

(d) DATES.—Section 5(a) of the Radiation Exposure Compensation Act (42 U.S.C. 2210 note), as amended by subsections (b) and (c) of this section, is amended by striking ''January 1, 1947, and ending on December 31, 1971'' and inserting ''January 1, 1942, and ending on December 31, 1990''.

(e) AMENDMENT OF PERIOD OF EXPOSURE; EXPANSION OF COVERAGE; INCREASE IN COMPENSATION AWARDS; AND REMOVAL OF SMOKING DISTINCTION.—Section 5(a) of the Radiation Exposure Compensation Act (42 U.S.C. 2210 note), as amended by subsections (b) through (d) of this section, is amended—

(1) by striking paragraph (1) and all that follows through the end of the subsection and inserting the following:

''(2) COMPENSATION.—Any individual shall receive $200,000 for a claim made under this Act if—

''(A) that individual—

''(i) was exposed to 40 or more working level months of radiation and submits written medical documentation that the individual, after exposure developed—

''(I) lung cancer,

''(II) a nonmalignant respiratory disease, or

''(III) any other medical condition associated with uranium mining or milling, or

''(ii) worked in uranium mining, milling, or transport for a period of at least 1 year and submits written medical documentation that the individual, after exposure, developed—

''(I) lung cancer,

''(II) a nonmalignant respiratory disease, or

''(III) any other medical condition associated with uranium mining, milling, or transport,

''(B) the claim for that payment is filed with the Attorney General by or on behalf of that individual, and

''(C) the Attorney General determines, in accordance with section 6, that the claim meets the requirements of this Act.''.

(2) by striking ''(a) ELIGIBILITY OF INDIVIDUALS.—Any'' and inserting the following: ''(a) ELIGIBILITY.—

''(1) IN GENERAL.—Any''; and

(3) in paragraph (1), as so designated, by striking the dash at the end and inserting a period.

(f) CLAIMS RELATED TO HUMAN RADIATION EXPERIMENTATION AND DEATH RESULTING FROM CAUSE OTHER THAN RADIATION.—Section 5 of the Radiation Exposure Compensation Act (42 U.S.C. 2210 note) is amended—

(1) by redesignating subsection (b) as subsection (d); and

(2) by inserting after subsection (a) the following:

''(b) CLAIMS RELATING TO HUMAN USE RESEARCH AND DEATH RESULTING FROM NONRADIOLOGICAL CAUSES.—

''(1) IN GENERAL.—

''(A) PAYMENT.—Any individual described in subparagraph (B) shall receive $50,000 if—

''(i) a claim for that payment is filed with the Attorney General by or on behalf of that individual; and

''(ii) the Attorney General determines, in accordance with section 6, that the claim meets the requirements of this Act.

''(B) DESCRIPTION OF INDIVIDUALS.—An individual described in this subparagraph is an individual who—

''(i) was employed in a uranium mining, milling, or transport within any State referred to in subsection (a) at any time during the period referred to in that subsection, and

''(ii)(I) in the course of that employment, without the individual's knowledge or informed consent, was intentionally exposed to radiation for purposes of testing, research, study, or experimentation by the Federal Government (including any agency of the Federal Government) to determine the effects of that exposure on the human body; or

''(II) in the course of or arising out of the individual's employment, suffered death, that, because the individual or the estate of the individual was barred from pursuing recovery under a worker's compensation system or civil action available to similarly situated employees of mines or mills that are not uranium mines or mills, is not otherwise—

''(aa) compensable under subsection (a); or

''(bb) redressable.

''(2) PAYMENTS.—Payments under this subsection may be made only in accordance with section 6.''.

(g) OTHER INJURY OR DISABILITY.—Section 5 of the Radiation Exposure Compensation Act (42 U.S.C. 2210 note), as amended by subsection (f) of this section, is amended by adding after subsection (b) the following:

''(c) OTHER INJURY OR DISABILITY.—

''(1) IN GENERAL.—

''(A) PAYMENT.—Any individual described in subparagraph (B) shall receive $20,000 if—

''(i) a claim for that payment is filed with the Attorney General by or on behalf of that individual; and

''(ii) the Attorney General determines, in accordance with section 6, that the claim meets the requirements of this Act.

''(B) DESCRIPTION OF INDIVIDUALS.—An individual described in this subparagraph is an individual who—

''(i) was employed in a uranium mine or mill or transported uranium ore within any State referred to in subsection (a) at any time during the period referred to in that subsection; and

''(ii) submits written medical documentation that individual suffered injury or disability, arising out of or in the course of the individual's employment that, because the individual or the estate of the individual was barred from pursuing recovery under a worker's compensation system or civil action available to similarly situated employees of mines or mills that are not uranium mines or mills, is not otherwise—

''(I) compensable under subsection (a); or

''(II) redressable.

''(2) PAYMENTS.—Payments under this subsection may be made only in accordance with section 6.''.

(h) DEFINITIONS.—Subsection (d) of section 5 of the Radiation Exposure Compensation Act (42 U.S.C. 2210 note), as redesignated by subsection (f) of this section, is amended—

(1) in paragraph (1)—

(A) by striking ''radiation exposure'' and inserting ''exposure to radon and radon progeny''; and

(B) by inserting ''based on a 6-day workweek,'' after ''every work day for a month,'';

(2) by striking paragraph (2) and inserting the following:

''(2) the term 'affected Indian tribe' means any Indian tribe, band, nation, pueblo, or other organized group or community, that is recognized as eligible for special programs and services provided by the United States to Indian tribes because of their status as Native Americans, whose people engaged in uranium mining or milling or were employed where uranium mining or milling was conducted;'';

(3) by striking paragraphs (3) and (4); and

(4) by adding at the end the following:

''(3) the term 'course of employment' means—

''(A) any period of employment in a uranium mine or uranium mill before or after December 31, 1971, or

''(B) the cumulative period of employment in both a uranium mine and uranium mill in any case in which an individual was employed in both a uranium mine and a uranium mill;

''(4) the term 'lung cancer' means any physiological condition of the lung, trachea, and bronchus that is recognized under that name or nomenclature by the National Cancer Institute, including any in situ cancer;

''(5) the term 'nonmalignant respiratory disease' means fibrosis of the lung, pulmonary fibrosis, corpulmonale related to pulmonary fibrosis, or moderate or severe silicosis or pneumoconiosis;

''(6) the term 'other medical condition associated with uranium mining, milling, or uranium transport' means any medical condition associated with exposure to radiation, heavy metals, chemicals, or other toxic substances to which miners and millers are exposed in the mining and milling of uranium;

''(7) the term 'uranium mill' includes milling operations involving the processing of uranium ore or vanadium-uranium ore, including carbonate and acid leach plants;

''(8) the term 'uranium transport' means human physical contact involved in moving uranium ore from 1 site to another, including mechanical conveyance, physical shoveling, or driving a vehicle;

''(9) the term 'uranium mine' means any underground excavation, including dog holes, open pit, strip, rim, surface, or other aboveground mines, where uranium ore or vanadium-uranium ore was mined or otherwise extracted;

''(10) the term 'working level' means the concentration of the short half-life daughters (known as 'progeny') of radon that will release (1.3×10^5) million electron volts of alpha energy per liter of air; and

''(11) the term 'written medical documentation' for purposes of proving a nonmalignant respiratory disease means, in any case in which the claimant is living—

''(A) a chest x-ray administered in accordance with standard techniques and the interpretive reports thereof by 2 certified 'B' readers classifying the existence of the nonmalignant respiratory disease of category 1/0 or higher according to a 1989 report of the International Labour Office (known as the 'ILO'), or subsequent revisions;

''(B) a high resolution computed tomography scan (commonly known as an 'HCRT scan') and any interpretive report for that scan;

''(C) a pathology report of a tissue biopsy;

''(D) a pulmonary function test indicating restrictive lung function (as defined by the American Thoracic Society); or

''(E) an arterial blood gas study.''.

SEC. 5. DETERMINATION AND PAYMENT OF CLAIMS.

(a) DETERMINATION AND PAYMENT OF CLAIMS, GENERALLY.—Section 6 of the Radiation Exposure Compensation Act (42 U.S.C. 2210 note) is amended—

(1) in subsection (b)—

(A) in paragraph (1), by adding at the end the following: ''All reasonable doubt with regard to whether a claim meets the requirements of this Act shall be resolved in favor of the claimant.'';

(B) by redesignating paragraph (2) as paragraph (5); and

(C) by inserting after paragraph (1) the following:

''(2) EVIDENCE.—In support of a claim for compensation under section 5, the Attorney General shall permit the introduction of, and a claimant may use and rely upon, affidavits and other documentary evidence, including medical evidence, to the same extent as permitted by the Federal Rules of Evidence.

''(3) INTERPRETATION OF CHEST X-RAYS.—For purposes of this Act, a chest x-ray and the accompanying interpretive report required in support of a claim under section 5(a), shall—

''(A) be considered to be conclusive, and

''(B) be subject to a fair and random audit procedure established by the Attorney General.

''(4) CERTAIN WRITTEN DIAGNOSES.—

''(A) IN GENERAL.—For purposes of this Act, in any case in which a written diagnosis is made by a physician described in subparagraph (B) of a nonmalignant pulmonary disease or lung cancer of a claimant that is accompanied by written medical documentation that meets the definition of that term under subsection (b)(11), that written diagnosis shall be considered to be conclusive evidence of that disease.

''(B) DESCRIPTION OF PHYSICIANS.—A physician described in this subparagraph is a physician who—

''(i) is employed by—

''(I) the Indian Health Service of the Department of Health and Human Services, or

''(II) the Department of Veterans Affairs, and

''(ii) is responsible for examining or treating the claimant involved.'';

(2) in subsection (c)(2)—

(A) in subparagraph (A)(ii), by striking ''in a uranium mine'' and inserting ''in uranium mining, milling, or transport''; and

(B) in subparagraph (B)(ii), by striking ''by the Federal Government'' and inserting ''through the Department of Veterans Affairs'';

(3) in subsection (d)—

(A) by striking ''(d) ACTION ON CLAIMS.—The Attorney General'' and inserting the following:

''(d) ACTION ON CLAIMS.—

''(1) IN GENERAL.—The Attorney General''; and

(B) by adding at the end the following:

''(2) DETERMINATION OF PERIOD.—For purposes of determining the tolling of the 12-month period under paragraph (1), a claim under this Act shall be considered to have

been filed as of the date of the receipt of that claim by the Attorney General.

''(3) ADMINISTRATIVE REVIEW.—If the Attorney General denies a claim referred to in paragraph (1), the claimant shall be permitted a reasonable period of time in which to seek administrative review of the denial by the Attorney General.

''(4) FINAL DETERMINATION.—The Attorney General shall make a final determination with respect to any administrative review conducted under paragraph (3) not later than 90 days after the receipt of the claimant's request for that review.

''(5) EFFECT OF FAILURE TO RENDER A DETERMINATION.—If the Attorney General fails to render a determination during the 12-month period under paragraph (1), the claim shall be deemed awarded as a matter of law and paid.'';

(4) in subsection (e), by striking ''in a uranium mine'' and inserting ''uranium mining, milling, or transport'';

(5) in subsection (k), by adding at the end the following: ''With respect to any amendment made to this Act after the date of enactment of this Act, the Attorney General shall issue revised regulations, guidelines, and procedures to carry out that amendment not later than 180 days after the date of enactment of that amendment.''; and

(6) in subsection (*l*)—

(A) by striking ''(1) JUDICIAL REVIEW.—An individual'' and inserting the following:

''(1) JUDICIAL REVIEW.—

''(1) IN GENERAL.—An individual''; and

(B) by adding at the end the following:

''(2) ATTORNEY'S FEES.—If the court that conducts a review under paragraph (1) sets aside a denial of a claim under this Act as unlawful, the court shall award claimant reasonable attorney's fees and costs incurred with respect to the court's review.

''(3) INTEREST.—If, after a claimant is denied a claim under this Act, the claimant subsequently prevails upon remand of that claim, the claimant shall be awarded interest on the claim at a rate equal to 8 percent, calculated from the date of the initial denial of the claim.

''(4) TREATMENT OF ATTORNEY'S FEES, COSTS, AND INTEREST.—Any attorney's fees, costs, and interest awarded under this section shall—

''(A) be considered to be costs incurred by the Attorney General, and

''(B) not be paid from the Fund, or set off against, or otherwise deducted from, any payment to a claimant under this section.''.

(b) FURTHERANCE OF SPECIAL TRUST RESPONSIBILITY TO AFFECTED INDIAN TRIBES; SELF-DETERMINATION PROGRAM ELECTION.—In furtherance of, and consistent with, the trust responsibility of the United States to Native American uranium workers recognized by Congress in enacting the Radiation Exposure Compensation Act (42 U.S.C. 2210 note), section 6 of that Act, as amended by subsection (a) of this section, is amended—

(1) in subsection (a), by adding at the end the following: ''In establishing any such procedure, the Attorney General shall take into consideration and incorporate, to the fullest extent feasible, Native American law, tradition, and custom with respect to the submission and processing of claims by Native Americans.'';

(2) in subsection (b), by inserting after paragraph (3) the following:

''(4) PULMONARY FUNCTION STANDARDS.—In determining the pulmonary impairment of a claimant, the Attorney General shall evaluate the degree of impairment based on ethnic-specific pulmonary function standards.'';

(3) in subsection (b)(5)—

(A) by striking ''and'' at the end of subparagraph (B);

(B) by striking the period at the end of subparagraph (C) and inserting ''; and''; and

(C) by inserting after subparagraph (C) the following:

''(D) in consultation with any affected Indian tribe, establish guidelines for the determination of claims filed by Native American uranium miners, millers, and transport workers pursuant to section 5.'';

(4) in subsection (b), by adding after paragraph (5) the following:

''(6) SELF-DETERMINATION PROGRAM ELECTION.—

''(A) IN GENERAL.—The Attorney General on the request of any affected Indian tribe by tribal resolution, may enter into 1 or more self-determination contracts with a tribal organization of that Indian tribe pursuant to the Indian Self-Determination and Education Assistance Act (25 U.S.C. 450 et seq.) to plan, conduct, and administer the disposition and award of claims under this Act to the extent that members of the affected Indian tribe are concerned.

''(B) APPROVAL.—(i) On the request of an affected Indian tribe to enter into a self-determination contract referred to in subparagraph (A), the Attorney General shall approve or reject the request in a manner consistent with section 102 of the Indian Self-Determination and Education Assistance Act (25 U.S.C. 450f).

''(ii) The Indian Self-Determination and Education Assistance Act (25 U.S.C. 450 et seq.) shall apply to the approval and subsequent implementation of a self-determination contract entered into under clause (i) or any rejection of such a contract, if that contract is rejected.

''(C) USE OF FUNDS.—Notwithstanding any other provision of law, funds authorized for use by the Attorney General to carry out the functions of the Attorney General under subsection (i) may be used for the planning, training, implementation, and administration of any self-determination contract that the Attorney General enters into with an affected Indian tribe under this section.''; and

(5) in subsection (c)(4), by adding at the end the following:

''(D) APPLICATION OF NATIVE AMERICAN LAW.—In determining the eligibility of individuals to receive compensation under this Act by reason of marriage, relationship, or survivorship, the Attorney General shall take into consideration and give effect to established law, tradition, and custom of affected Indian tribes.''.

SEC. 6. CHOICE OF REMEDIES.

Section 7(b) of the Radiation Exposure Compensation Act (42 U.S.C. 2210 note) is amended to read as follows:

''(b) CHOICE OF REMEDIES.—

''(1) IN GENERAL.—Except as provided in paragraph (1), the payment of an award under any provision of this Act does not preclude the payment of an award under any other provision of this Act.

''(2) LIMITATION.—No individual may receive more than 1 award payment for any compensable cancer or other compensable disease.''.

SEC. 7. LIMITATION ON CLAIMS; RETROACTIVE APPLICATION OF AMENDMENTS.

Section 8 of the Radiation Exposure Compensation Act (42 U.S.C. 2210 note) is amended to read as follows:

''SEC. 8. LIMITATION ON CLAIMS.

''(a) BAR.—After the date that is 20 years after the date of enactment of the Radiation Exposure Compensation Improvement Act no claim may be filed under this Act.

''(b) APPLICABILITY OF AMENDMENTS.—The amendments made to this Act by the Radiation Exposure Compensation Improvement Act shall apply to any claim under this Act that is pending or commenced on or after October 5, 1990, without regard to whether payment for that claim could have been awarded before the date of enactment of the Radiation Exposure Compensation Improvement Act as the result of previous filing and prior payment under this Act.''.

SEC. 8. REPORT.

Section 12 of the Radiation Exposure Compensation Act (42 U.S.C. 2210 note) is amended—

(1) by striking the section heading and inserting the following:

''**SEC. 12. REPORTS.**'';

and

(2) by adding at the end the following:

''(c) URANIUM MILL AND MINE REPORT.—Not later than January 1, 2001, the Secretary of Health and Human Services in consultation with the Secretary of Energy shall prepare and submit to Congress a report that—

''(1) summarizes medical knowledge concerning adverse health effects sustained by residents of communities who reside adjacent to—

''(A) uranium mills or mill tailings,

''(B) aboveground uranium mines, or

''(C) open pit uranium mines; and

''(2) summarizes available information concerning the availability and accessibility of medical care that incorporates the best available standards of practice for individuals with malignancies and other compensable diseases relating to exposure to uranium as a result of uranium mining and milling activities;

''(3) summarizes the reclamation efforts with respect to uranium mines, mills, and mill tailings in Colorado, New Mexico, Arizona, Wyoming, and Utah; and

''(4) makes recommendations for further actions to ensure health and safety relating to the efforts referred to in paragraph (3).''.●

● Mr. DASCHLE. Mr. President, 9 years ago Congress took the landmark step of extending benefits through the Radiation Exposure Compensation Act of 1990 (RECA) to thousands of American victims of the Cold War who were unknowingly and wrongly exposed to life-threatening levels of radiation and other harmful materials as part of our nation's nuclear weapons program.

This law was long overdue, and was an important step by Congress to acknowledge the federal government's responsibility for its failure to warn or take adequate steps to protect victims of radioactive fallout from weapons testing and underground uranium miners who breathed harmful levels of radon as they worked to supply our nuclear weapons program. The law makes individuals who have developed cancer or other health problems as a result of their exposure to radiation eligible for up to $100,000 in compensation from the government.

In the 9 years since the passage of that bill, we have had time to reflect upon its strengths and its shortcomings. During that time, it has become overwhelmingly clear that we have not fully met our obligation to victims of our nuclear program. Most seriously, we have arbitrarily and unfairly limited compensation for underground miners to those in only 5 states, despite the fact that underground miners in other states such as South Dakota faced exactly the same risk to their health. This fact alone requires us to amend RECA so that we can right this wrong.

However, we have also excluded other groups of workers, and their surviving families, from compensation for serious health problems and, in some cases, deaths, that have resulted from their work to help defend our nation. Many of those who worked in uranium mills, for example, have developed serious respiratory problems as a result of exposure to uranium dusts and silica. Concerns have been raised about aboveground miners and uranium transportation workers as well.

It is the obligation of the 106th Congress to continue the work of the 101st. Not only is it incumbent upon us to extend the law to compensate underground miners unfairly left out of the original legislation, we need to extend the law to cover new groups of workers who face similar risks to their health. It is for that reason that I am joining with Senator BINGAMAN today to sponsor the Radiation Exposure Compensation Improvement Act of 1999. This legislation will expand RECA to cover underground miners in all states, as well as surface miners, transportation workers and uranium mill workers who have had health problems as a result of their work with uranium. I hope my colleagues will join us to pass this legislation quickly.

I also feel an obligation to correct the historical record. During my review of the scientific literature on the uranium industry and of testimony before Congress, I was concerned to see that South Dakota's former uranium industry has gone virtually unnoticed by the rest of the nation despite the fact that South Dakotans who worked in the industry appear to be suffering exactly the same long-term health consequences as residents of other states. For that reason, I would like to take a moment to outline the history of uranium mining and processing in my state.

Uranium was first discovered in South Dakota in the summer of 1951, along the fringe of the Black Hills where grasslands uplift into pine forest. As you know, 1951 was a difficult time in American history. The Cold War with the Soviet Union was deepening, and the United States was rapidly expanding its arsenal of nuclear weapons. To supply this new weapons program, the United States adopted a program of government price supports to create a domestic uranium industry under the jurisdiction of the Atomic Energy Commission (AEC).

Almost immediately, South Dakota became one of the AEC's suppliers. After uranium was discovered in South Dakota, the AEC established an office in Hot Springs to conduct airborne radiometric surveys, and small-scale prospecting began. South Dakota's first uranium ore was shipped by rail to Colorado for processing, until an ore-buying station was established by the AEC in the town of Edgemont in December of 1952. A uranium mill was constructed in Edgemont shortly afterwards.

Uranium mining and milling continued for nearly two decades in my state. According to the South Dakota School of Mines and Technology, there were over 100 uranium mines in the vicinity of Edgemont, of which at least 22 were underground. In their 20 years of operation between 1953 and 1973, these mines produced nearly 1 million short tons of ore and just over 3 million pounds of processed uranium.

Ore from South Dakota's mines was processed at the mill in Edgemont. According to a document provided to me by the Tennessee Valley Authority, which later acquired the mill and the responsibility for its cleanup, ''From 1956 through 1972 (when the uranium circuit was shut down and the mill stopped producing uranium concentrates), approximately 2,500,000 tons of mill tailings were produced onsite. Of this total, approximately 2,050,000 tons—82 percent—were produced under contract with the AEC for defense purposes. In fact, all of the uranium concentrates produced through December 31, 1966, and a portion of those produced until 1968 were sold to the AEC. The remaining 450,000 tons of mill tailings—18 percent—were produced under contracts for commercial sales.''

Mr. President, much of this information was difficult to come by, and to ensure that all those who need it in the future have full access to it.

As these records make clear, for over 20 years South Dakota played a significant role in supplying uranium for our nation's nuclear weapons program. Yet rarely will you find South Dakota mentioned in any of the debate over the long-term consequences of that program. I am determined to change that fact, and to ensure that all South Dakotans, and other individuals across the country, who are suffering from poor health, or who are surviving relatives of uranium workers who have died as a result of their work, are fairly compensated by the federal government for their losses.

As my colleagues know, in RECA Congress officially recognized that ''the lives and health of uranium miners and of individuals who were exposed to radiation were subjected to increased risk of injury and disease to serve the national security interests of the United States.'' However, the law only makes this determination for fallout victims and for underground uranium miners in 5 states. I believe it must be broadened to include underground uranium miners in all states. This is a matter of simple fairness. I can find no reasonable explanation for the failure of the law to include South Dakota and other states that had underground uranium mines whose workers would have been exposed to unsafe levels of radon. In addition, the law should be broadened to include uranium mill workers, surface miners and transportation workers to ensure that all those who may be suffering from health problems as a result of exposure to uranium dust or other harmful materials are compensated fairly. While there are strong grounds on which to expand the act to include all of these groups of workers, it is helpful to examine closely the evidence supporting the inclusion of one of these groups—mill workers—to better understand our reasons for seeking this change.

The grounds for expanding the act to include mill workers are largely the same as those which led Congress to pass RECA 9 years ago. The United States government, which created the domestic uranium industry through price supports in order to supply its nuclear weapons program, failed to adequately warn mill workers of potential risks to their health, to take reasonable measures to create a safe working environment, or to act on initial warnings and conduct long-term studies of mill workers to determine whether their health was being affected by their work.

The federal government recognized the potential risks of uranium production from the onset of our nuclear program, and in 1949 the Public Health Service (PHS) initiated a study of both underground miners and millers to determine whether they were suffering from any adverse health effects. Troublingly, a decision was also made by the federal government not to inform workers that their health could be at risk. As Senior District Judge Copple noted in his decision in Begay v. United States, ''In order to proceed with the epidemiological study, it was necessary to obtain the consent and voluntary cooperation of all mine operators. To do this, it was decided by PHS under the Surgeon General that the individual miners would not be told of possible potential hazards from radiation in the mines for fear that many miners would quit and others would be difficult to secure because of fear of cancer. This would seriously interrupt badly needed production of uranium.'' While the court's decision does not make clear whether that same decision applied to uranium millers, subsequent research has shown that over 80 percent of former mill workers felt they were not informed about the hazards of radiation during their employment.

The early results of this study, as described in a May 1952 report entitled, ''An Interim Report of a Health Study of the Uranium Mines and Mills,'' are disturbing. It notes that, ''In 1950, 13.8 percent of the white miners and 26.5 percent of the white millers showed more than the usual pulmonary fibrosis, as compared to 7.5 percent in a control group. In the same year, 20 percent of the Indian millers and 13.2 percent of the Indian miners showed more than the usual pulmonary fibrosis, as against none in the controls. Such a finding would indicate a tendency on the part of these individuals to develop silicosis from their exposure.'' Given these and other findings, the study notes the ''need for repeating the medical studies at frequent intervals.''

It is inexplicable to me that these critical follow-up studies which were so

strongly recommended by the Public Health Service took place only for underground uranium miners. No long-term, follow-up studies of uranium millers were conducted. This decision was made despite the fact that it was well established that uranium millers were being exposed to uranium dusts and silica, which increase the risk of non-malignant lung disease.

One of the reasons the health problems of mill workers appear to have been so neglected is that most officials assumed that risks could be controlled by adopting standards to prevent workers from breathing or swallowing dust produced by yellowcake or uranium ore. As the 1952 PHS study states, ''In general, it may be said that there are no health hazards in the mills which cannot be controlled by accepted industrial hygiene methods.'' Noting poor dust control in the mills, the PHS study concluded, ''Until adequate dust control has been established at this operation, the workers should be required to wear approved dust respirators. Daily baths and frequent changes of clothing by the workers in this area are also indicated.''

These recommendations appear to have been largely ignored. Recent studies of former uranium mill workers by Gary Madsen, Susan Dawson and Bryan Spykerman of the University of Utah paint a devastating picture of workplace conditions in uranium mills prior to the enforcement of stringent safety standards in the 1970's. Eighty percent of former mill workers interviewed by the researchers for one study said they were never informed about possible effects of radiation. Of workers who reported working in dusty conditions, 35 percent did not wear respirators, and 20 percent wore them infrequently or said they were not always available. Sixty-eight percent reported moderate to heavy amounts of dust on their clothing at work, and virtually all workers reported bringing their dust-covered clothes home to be washed. One respondent noted, ''We washed the clothes once a week. It was messy. We were expecting our first child. I had to shake my clothes outside. There was yellow sand left at the bottom of the washer. All of the clothes were washed together. Nobody told us the uranium was dangerous—a problem. My wife would get yellowcake on her. I would remove my coveralls in the kitchen. Put them in with the rest of the [family's] laundry.'' Others reported regularly seeing workers outside the mills with yellowcake under their fingernails or in their ears.

Mr. President, the dangerous conditions revealed by these studies show an inexcusable failure on the part of the federal government to ensure safe working conditions in an industry it created and controlled. And despite failing to enforce these standards or to even inform workers of the risk to their health, the government nonetheless decided to end long-term studies monitoring the health of mill workers. As a result, only a few studies have been conducted of the health impacts that uranium milling has had on workers. Dr. Larry Fine, Director of the Division of Surveillance, Hazard Evaluations and Field Studies of the National Institute for Occupational Safety and Health, summarized the results of these studies in recent testimony before Congress:

''Health concerns for uranium millers center on their exposures to uranium dusts and silica. Exposure to silica and relatively insoluble uranium compounds may increase the millers' risk of non-malignant respiratory disease, while exposure to relatively soluble forms of uranium may increase their risk of kidney disease. The two mortality studies of uranium millers have not had adequate population size or adequate time since exposure to detect even a moderate risk of lung cancer if present; neither study reported an elevated risk of lung cancer. One of the two completed mortality studies of millers found an increased risk for cancer of the lymphatic and hematopoietic organs (excluding leukemia), and the other found an increased risk for non-malignant respiratory disease and accidents. A non-significant excess in deaths from chronic kidney disease was also observed in the second study. There have been two medical studies of uranium millers, one of which found evidence for pulmonary fibrosis (possibly due to previous mining) and the other of which found evidence for kidney damage.''

I am deeply concerned by our failure to study uranium mill workers more thoroughly and by the indications given by the evidence we do have that these workers are suffering long-term health consequences as a result of their work on behalf of our country. Unfortunately, it may now be too late to gather more conclusive evidence. These workers are growing older and some are now dying. Their numbers have grown so small that it may no longer be possible to conduct the type of conclusive study that should have been done years ago. We owe these mill workers the benefit of the doubt and should make them or their surviving families eligible for the same compensation that underground miners receive.

Indeed, I have heard from many South Dakotans who have waited long enough for compensation. They tell me of former miners and mill workers who have died of cancer or who suffer from respiratory disease they believe is directly related to their exposure to harmful materials in their workplace.

One of the most tragic stories I have heard was written to me in a letter from Sharon Kane, a widow in Sturgis, South Dakota. After working for 11 years in Edgemont's uranium mill, her husband, Joe, developed severe respiratory problems and was forced to leave his work at the mill. Unfortunately, his health problems continued. Joe died of bone cancer in 1987.

It is difficult for me to understand why or how our country let this happen. However, it is now up to us to ensure that all those who have suffered as a result of our nation's actions are fairly compensated. We must expand RECA to include uranium mill workers and other groups of workers who are suffering as a result of their exposure to uranium dust or other materials. We also must ensure the law is expanded to include underground uranium miners in all states. By doing so we can make good on our debt to workers who have sacrificed their health—and sometimes their lives—during the height of the Cold War in order to protect their country.

I hope my colleagues will join me in the effort to meet these goals.

Mr. President, I ask unanimous consent that a document entitled, ''Brief History of Uranium Mining in South Dakota, 1951–1973,'' produced by the Mine Safety and Health Administration and a letter from Sharon Kane be printed in the RECORD.

There being no objection, the items were ordered to be printed in the RECORD, as follows:

BRIEF HISTORY OF URANIUM MINING IN SOUTH DAKOTA, 1951–1973

Carnotite deposits were discovered in 1951 near Edgemont, South Dakota, in the Lakota member of the Dakota sandstone formation. Under the Atomic Energy Commission Raw Materials Program, all phases of exploration, development, metallurgy, and research were extended on an accelerated basis in 1952. Airborne and ground exploration disclosed several new uranium ore deposits east and west of the original Craven Canyon discovery in South Dakota. In addition, Northwest of Edgemont in the Powder River Basin of Wyoming, the Geological Survey located several small but high-grade deposits. Intensive exploration efforts were also conducted by private interests, including Homestead Mining Company in the Black Hills and adjacent area in Wyoming.

In 1953 administration contracts for defense minerals exploration were awarded to Mining Research Corp., C. G. Ortmayer, and Oxide Metals Corp. in Fall River County. Contracts were also given to Vroua Company and C. E. Weir for exploring in Custer County,

Homestake Mining Company began mining uranium ore near Carlile, Crook County, Wyoming in January 1953. This mining product was trucked to Edgemont, South Dakota, where the Atomic Energy Commission had a buying station.

During 1955 the Office of Defense Mobilization issued a Certificate of Necessity for an uranium-ore processing plant project to Mines Development Company, Inc. This plant was in Edgemont, South Dakota. Although appreciable quantities of uranium were recognized in South Dakota lignites, only a small amount was mined. This was due to the lack of acceptable uranium-recovery processes for uranium extraction from coal bearing materials.

Uranium Research and Development Company was granted a contract in 1956 in Fall River County by the Defense Minerals Exploration Administration.

Mines Development, Inc. had their uranium mill in operation by 1956. The initial capacity was rated as 300 tons of ore per day.

Two groups, Anderson, Wesley, and Others in Harding County and McAlester Fuel Co. in

Fall River County were given contracts involving uranium in 1957. South Dakota produced 69,632 tons of ore, valued at $804,946. The average grade percent in terms of U_3O_8 was 0.17 which was the lowest of any uranium producing state. The average grade percent increased to 0.20 in 1958. The rating of the Edgemont Plant was increased to 400 tons of ore per day.

Uranium-ore production in the United States reached a new high in 1959 with South Dakota being the ninth producing state and in 1960 became eighth state producer. The Atomic Energy Commission negotiated for new mills for the South Dakota lignite area but interested firms couldn't reach an agreement.

In 1960, the Atomic Energy Commission revised its regulations for the protection of employees in atomic energy industries and the general public against hazards arising from the possession or use of AEC-licensed radioactive materials. The revisions are embodied in amendments to Title 10, Chapter 1, Part 20, of the Code of Federal Regulations entitled ''Standards for Protection Against Radiation''. The amendments became effective on January 1, 1961.

The highest year for production of uranium ore for the United States was in 1961 but the total production dropped by 1962. Based on the amount of ore shipped, South Dakota became the seventh state producer. The state maintained this rating in 1963 but was the sixth state producer for 1964 and 1965.

Around 1967, mining of uraniferous lignite in Harding County, South Dakota, ceased as the operation was no longer profitable. Mining of sandstone ores also declined, and Mines Development, Inc., a subsidiary of Susquehanna Corp., conducted extensive exploration in the Dakotas and Wyoming in an effort to find additional ore for their mill.

The uranium mine and mill production for South Dakota in 1968 and 1969 placed the state as the seventh largest producing state. The year 1971 was the first full year that the U_3O_8 market was entirely private. The Atomic Energy Commission (AEC) terminated its U_3O_8 purchasing program at year end 1970 after acquiring U_3O_8 valued at nearly $3 billion since the program's inception in 1948, including a large stock pile.

By 1973, the mining of uranium in South Dakota ceased to be profitable and production stopped.

SEPTEMBER 8, 1998.

Senator TOM DASCHLE,
Rapid City, SD.

DEAR SIR: This letter is to urge you to vote in favor of the ''Radiation Workers Justice Act of 1998'', HR 3539.

My story is very likely similar to many others recited in order to initiate this bill and R.E.C.A. of 1990, however, to me the issues are deeply personal and intimate.

My late husband Kasper Jerome Kane (known to friends and family as Joe), was employed at the uranium milling operation at Edgemont, S.D. from 1959 to 1970. After several years in the mill, Joe began experiencing upper respiratory problems, especially while on duty at the mill. A detailed medical examination revealed pulmonary changes and enlargement of the heart due to the stress of the pulmonary condition. Our physician advised Joe to find a new line of work and to leave the mill as soon as possible, which he did. When Joe left his job, he cited his health as the reason. Administration of the mill at that time did not receive this information favorably (of course) and denied any accountability.

Joe chose to work at the mill out of his sense of responsibility to provide for a wife and two children in the best manner he could. His tenacity for life alone allowed him to leave the mill and begin his own business. Joe was active in his community and well loved by his neighbors and friends.

Even though his quality of life may have been compromised by his respiratory problems, Joe remained active in the lives of his teenage children and his community at large, until he was diagnosed with multiple myeloma (cancer of the bone marrow) in 1987. There is no way to prepare a family for the heart wrenching events about to face my children, their father and me.

Over the next three years, we lost our business, our home, ranch, and finally my best friend, my husband. Economic loss can be measured and sometimes compensated.

When Joe finally succumbed to cancer in 1990 at age 53, after rituals of chemotherapy and radiation, his valiant battle was over.

I have moved on with life, but there is not a day that I do not miss him and each time I hug a grandchild, I know what they have missed. Joe Kane was a fighter and a family man. Dependable and lived the values he preached.

I hope the bill presented will offer solace to those affected by radiogenic conditions and hope to those yet to need it.

Thank you for listening to my story.

Sincerely,

SHARON D. KANE,
Sturgis, SD.●

By Mr. CLELAND:

S. 369. A bill to provide States with the authority to permit certain employers of domestic workers to make annual wage reports; to the Committee on Finance.

TAX LEGISLATION

● Mr. CLELAND. Mr. President, today I am proud to introduce legislation to remove a tax reporting burden currently imposed on employers of domestic workers. This bill authorizes states to permit certain employers of domestic workers to make annual wage reports. I am pleased to report that this provision is also included as Section 405 of S. 331, the Work Incentives Improvement Act of 1999.

In 1994, Congress approved important legislation reforming the imposition of Social Security and Medicare taxes on domestic employees (the so-called ''nanny tax''). These new rules introduced more rationality into the tax system, and reduced the reporting requirements of domestic employers. Unfortunately, the legislation did not go as far as many had intended. To this end, I am asking you to co-sponsor my legislation which will help relieve households of certain filing requirements.

The Social Security Domestic Employment Reform Act of 1994 (P.L. 103–387) aimed to ease reporting requirements. Under the Act, domestic employers no longer need to file quarterly returns regarding Social Security and Medicare taxes nor the annual federal unemployment tax (FUTA) return. Rather, all federal reporting is now consolidated on an annual Schedule H filed at the same time as the employer's personal income tax return.

Nevertheless, the goal of the 1994 Act—to substantially reduce reporting requirements for domestic employers—has not been fully accomplished for employers who endeavor to comply with all aspects of the law. Under federal law, a state labor commissioner still may not authorize annual rather than quarterly filing of state employment taxes. The Deficit Reduction Act of 1984 compels employers to report wages quarterly to the state. This Act requires quarterly reporting in order to make information more accessible to state agencies that investigate unemployment claims. However, the burden of this provision far outweighs its benefit. The number of household employer tax filings is relatively minuscule. Representatives from the Georgia Department of Labor and their counterparts in several other states are confident that the investigation of unemployment claims will not be hindered by annual rather than quarterly reporting requirements.

Under FUTA, employers make quarterly reports and payments to state unemployment agencies, then pay an additional sum of federal tax (now once a year, as part of Schedule H). While the liability of employers for domestic employees was changed for Social Security and Medicare purposes, to exclude workers under the age of 18 and workers earning less than $1,000 per year, the employers' responsibility under FUTA was not changed. More importantly, the 1994 Act did not eliminate the requirement that employers must report employee wages quarterly to the states.

Congress was not unmindful of the relationship of FUTA to Social Security taxes at the time it passed the 1994 Act. Besides eliminating the FUTA return for domestic employers, the Act also contained language, which authorizes the Secretary of the Treasury to enter agreements with the states to permit the federal government to collect unemployment taxes on behalf of the states, along with all other domestic employee taxes, once a year. That statute, if used, would eliminate the need for domestic employers to report to state unemployment agencies. To date, no state has entered such an agreement. This is because the Social Security Act did not alter the quarterly reporting requirement.

In short, the federal requirement of quarterly state employment tax reports for purely domestic employers should be eliminated. To ease the reporting burden on domestic employers, my legislation proposes that states be allowed to provide for annual filing of household employment taxes. Please join me in the effort to finish the job of rationalizing the taxpayer obligations for domestic employment taxes. 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. 369

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. AUTHORIZATION FOR STATE TO PERMIT ANNUAL WAGE REPORTS.

(a) IN GENERAL.—Section 1137(a)(3) of the Social Security Act (42 U.S.C. 1320b–7(a)(3)) is amended by inserting before the semicolon the following: '', and except that in the case of wage reports with respect to domestic service employment, a State may permit employers (as so defined) that make returns with respect to such service on a calendar year basis pursuant to section 3510 of the Internal Revenue Code of 1986 to make such reports on an annual basis''.

(b) EFFECTIVE DATE.—The amendment made by subsection (a) shall apply to wage reports required to be submitted on and after the date of enactment of this Act.●

By Mr. GRAHAM (for himself, Mr. DEWINE, Mr. COVERDELL, Mr. DOMENICI, Ms. LANDRIEU, Mr. DODD, Mr. HATCH, Mr. FRIST, Mr. MACK, and Mr. HAGEL):

S. 371. A bill to provide assistance to the countries in Central America and the Caribbean affected by Hurricane Mitch and Hurricane Georges, to provide additional trade benefits to certain beneficiary countries in the Caribbean, and for other purposes; to the Committee on Finance.

THE CENTRAL AMERICAN AND CARIBBEAN RELIEF ACT OF 1999

● Mr. GRAHAM. Mr. President, I rise today to introduce the Central American and Caribbean Relief Act of 1999. I am joined in this by my colleagues Senators DEWINE, COVERDELL, DOMENICI, LANDRIEU, DODD, HATCH, FRIST, MACK, and HAGEL. This bill is a comprehensive disaster relief package that will help our Caribbean and Central American neighbors recover from the devastation caused by Hurricane Georges and Hurricane Mitch.

This past fall, two hurricanes ravaged our neighbors in Central America and the Caribbean, causing death and destruction that has not been seen in this hemisphere in over 200 years. First, Hurricane Georges hit the Puerto Rico, the Dominican Republic, Haiti, the Florida Keys, and the Gulf Coast of the United States in September of 1998, with a ferocity that resulted in 250 deaths and more than $1 billion in damage. Only a month later, Hurricane Mitch attacked Central America, killing more than 10,000 people and leaving 3 million homeless. Hurricane Mitch unleashed a series of destructive forces—floods, mudslides, disease—that have affected the lives of 3.2 million residents in five nations. In Honduras alone, over 30 percent of the population was displaced by Mitch. To put this in perspective, had the U.S. suffered comparable levels of damage, 80 million of our citizens would have been displaced. The scale of this disaster is truly astounding.

I had the opportunity to see this destruction for myself when I visited the region in January. I witnessed whole villages that were completely washed away, families crammed into open-air shelters, and children playing among the concrete remanents of bridges and buildings. I saw field after field destroyed by the heavy rains. The losses in the agricultural sector were staggering. In Honduras alone, an estimated 70% of the crops were destroyed, including 90% of the country's banana and grain crops. Because agriculture employs approximately half of the regional workforce, these losses have resulted in tremendous economic disruption.

The Central American and Caribbean Relief Act is a comprehensive plan that will help these struggling nations get back on their feet and rebuild their economies. First, the bill will expand the current trade benefits provided under the Caribbean Basin Initiative. During my recent visit to the region their was unanimous agreement, from the Presidents of the countries to members of the private sector, the CBI enhancement is the number one priority of their economic recovery plan. History shows that expanding trade with the Caribbean Basin helps our own economy, expanding U.S. exports to the region at the same time that we build important trading relations with our closest neighbors. Any disaster relief package that does not include CBI enhancement falls far short of the mark.

The second part of this package will continue and expand current humanitarian and disaster assistance activities in the region. This will help to rehabilitate agricultural production, rebuild bridges and roads, provide much needed housing, clear landmines, restore safe water and health care, and help prevent similar disasters in the future. This is a continuation of the heroic efforts that the U.S. Government has already undertaken in response to these hurricanes. U.S. forces have been there since the day the disaster struck, rescuing hundreds from certain death, moving 30 million pounds of relief supplies, and helping rebuild the regions critical infrastructure.

By working to improve economic development of the region, we will help prevent needless environmental damage, strengthen the development of democracy in the region, and protect against the proliferation of narcotics trafficking. An investment in the long-term recovery of the region, which is so important to the United States both economically and politically, will produce benefits for the entire Western Hemisphere.

The bill includes the following initiatives:

$600 million to expand funding for humanitarian efforts to meet needs for health, water/sanitation, road reconstruction, agricultural restoration, agricultural microcredit, food, shelter, disaster mitigation and other emergency relief;

Enhancement of the Caribbean Basin Initiative (CBI) to give the nation of Central America and the Caribbean the opportunity to quickly expand their economies and expand the manufacturing sector while they rebuild their agricultural base;

$16 million for bilateral debt forgiveness for Honduras;

A micro-credit initiative targeted at reviving agricultural production in the region;

$150 million to replenish Defense Department funds depleted in the immediate aftermath of the disaster, including the humanitarian relief fund that supports landmine detection and removal;

$70 million to expand New Horizons, a Department of defense program in the region that builds housing and roads, provides medical care, health services, and clean water to affected areas;

Authorization of an OPIC direct equity pilot program to assist U.S. businesses in the region, develop low income housing, and rebuild damaged infrastructure; and

$25 million for the Central American Emergency Trust Fund to be applied against multilateral debt and provide external financing needs.

As we move forward to address the devastation of this event, the choice facing the United States is clear: we can continue to provide emergency assistance to the region for the foreseeable future and prepare for waves of refugees, or we can act to implement a comprehensive disaster recovery program that will rebuild the economies of the affected nations, allowing them to provide for themselves. The choice is simple, because helping these nations recovery is in our own interest. Failure to act will hurt ourselves and our neighbors. The Central American and Caribbean Relief Act is an important opportunity for the United States to lend a hand to neighbors in need and help them get back on their feet.●

● Mr. DEWINE. Mr. President, today, the Senator from Florida, Mr. GRAHAM and I are introducing The Central American and Caribbean Relief Act of 1999. We are joined in this effort by the following original co-sponsors: Mr. COVERDELL, Mr. DOMENICI, Ms. LANDRIEU, Mr. DODD, Mr. HATCH, Mr. MACK, Mr. FRIST, and Mr. HAGEL. This important legislation is both timely and vital. I urge my colleagues to join us as co-sponsors and to work with us to pass it as soon as possible.

Last year, several of our neighboring countries suffered serious catastrophic natural disasters. First, Hurricane Georges struck Puerto Rico, the Dominican Republic and Haiti resulting in hundreds dead and billions of dollars in damage. These countries were just starting to recover when Hurricane Mitch rolled through various countries in Central America.

Hurricane Mitch left unspeakable devastation with over 9,000 dead, another 9,000 still missing, and millions homeless. The physical devastation will take decades to repair in Honduras and Nicaragua. And these countries are not alone: Guatemala, El Salvador, and Belize have suffered as well.

Mr. President, many senior officials in our government have visited these devastated regions—and I applaud their

interest and exhaustive efforts. I have visited this region numerous times within the past year and I plan to go back.

I applaud the extraordinary displays of teamwork, compassion, and generosity exhibited by the citizens of Ohio, as well as all Americans, in their effort to help the victims of Hurricane Mitch. Their unselfish donations to organizations such as the Northeast Ohio Salvation Army and the Ohio Hurricane Relief for Central America as well as the many other national and local relief agencies serve as an inspirational reminder of the global human community spirit we Americans so often display. And we certainly do not want to forget the quick response provided by our men in uniform, including Ohio's own 445th Air Reserve Wing, in saving lives and tackling the daunting task of helping to rebuild that region's infrastructure.

My concern, however, is that once Hurricane Mitch fades out of the headlines, there's a risk that this vitally important region itself will also disappear off America's sometimes limited radar screen of foreign policy attention. The time has come not to address the devastation that has passed, but to begin the development that is important to our hemisphere's future.

That is why the Central America and Caribbean Relief Act is so important. This act would provide (1) trade opportunities to help the region restore itself economically; (2) emergency assistance—feeding programs, and important and necessary infrastructure improvements; and (3) limited bilateral and multilateral debt reduction.

Mr. President, let me take a moment to comment on the highlights of this bill. First, this bill would provide several trade and investment initiatives. It will afford current beneficiaries of the Caribbean Basin Initiative similar treatment already afforded Mexican products under the North American Free Trade Agreement. It is important that these countries become more fully integrated into the international trading system, which also would benefit the U.S. through expanded export opportunities. The bill also would authorize additional funding for the Overseas Private Investment Corporation to enhance the ability of private enterprise to make its full contribution to the region's rebuilding and development process.

Second, this bill would provide bilateral assistance. I fully support the replenishment of funds exhausted by the Department of Defense in their humanitarian relief efforts. It is very important that our military's efforts in this area continue and that they maintain sufficient resources to effectively deploy against future natural disasters. We also included language based on the innovative ''Africa Seeds of Hope'' law, which I wrote and Congress passed last year. This language would authorize a micro-credit initiative targeted at reviving agricultural production in the region. This means that financial tools and resources would go directly to farmers and small businesses and bypass Government middlemen.

Finally, this bill would provide much needed debt relief. This debt relief clearly makes sense especially when keeping in mind that in many cases, the infrastructure these countries are paying for is precisely what has been destroyed by Hurricane Mitch—they are paying for what no longer exists.

Mr. President, let me explain why America should take the lead on this relief. Before the hurricanes, the people of Central America were emerging from a decade of civil war. Democracy has finally taken hold, but is not yet irreversible. The United States invested billions in the 1980s to expel communism from Central America. We succeeded. That investment—that partnership for democracy in Central America now hangs in the balance.

In the 1980s, it was fundamentally important to the entire hemisphere that Central America be a seedbed of reliable trading partners—not revolutionaries or brutal autocrats. The President's National Bipartisan Commission on Central America, chaired by Henry Kissinger, released a detailed report in 1984 that expressed our basic challenge. We needed then, and still need today, a comprehensive Central America policy—one that responds not to fleeting crises but to the basic needs of the region and the United States.

These needs do not change. They are the same three principles that formed the core of the philosophy of the Kissinger report: ''Democratic self-determination * * * encouragement of economic and social development that fairly benefits all * * * (and) cooperation in meeting threats to the security of the region.'' This report recognized how free markets and free societies work to strengthen each other.

U.S. policy has made excellent progress on all of these counts, but Hurricane Mitch provides a pointed reminder of how fragile—and reversible—the progress can be. History offers us a sober reminder that from misery, despair, and joblessness springs oppression. We must not forget that the seeds of the 1979 Sandinista Revolution in Nicaragua sprouted from the wreckage of the 1972 Managua earthquake. Indeed, it is only now that the old city center is being rebuilt where mangled, vacant buildings still stand as witness to Somoza's failed dictatorship.

Mr. President, today Nicaragua faces a new natural disaster—greater than that of 1972. The infrastructure in the northern provinces, the locus of revolutions throughout this century, is washed away. In Honduras, the government is confronted with thousands of miles of roads where not one bridge is left undamaged or undestroyed. At the devastated banana plantations of Honduras, 12,000 jobs hang in the balance. The tax base is non-existent because the businesses that provided the jobs are destroyed. The task facing these governments is enormous, and the resources to address these problems are meager.

People who cannot feed their families will turn to any source for assistance. Unless we partner with the people of Central America in the name of progress, the alternatives are clear. The pressure to emigrate to the United States could increase. Colombia's drug traffickers could oblige by putting dollars into their hands. And anti-democratic elements could use the devastation to serve their self-interests.

A peasant who has seen his home blown away and his employment gone will look for work wherever it is available. We saw a massive upsurge in migration during the tumultuous 1980's. The same is beginning to happen now. The number of Central Americans detained and expelled at Mexico's southern border has doubled recently. Mexican officials worry that this increase could be the beginning of a prolonged, large scale migration of Central Americans through Mexico to the United States.

Furthermore, a farmer who has seen his crop destroyed, and the only road to his markets washed away, will be liable to support revolutionary demagogues who vow convincingly that they can repair it. If the current elected governments are unable to repair the roads and give temporary assistance, that same farmer could become part of the next popular insurgency.

Central America is full of former revolutionaries who are capable of exploiting Mitch's misery to rebuild new insurgencies that will tax the resources of the current governments. Promises easily made by fast-talking demagogues can lead to future problems of the kind that we addressed and resolved in the 1980s.

Mr. President, the challenge we face in Central America remains the same as that posed by the Kissinger report: Do we want Central America to be our partner in building up a prosperous hemisphere—or a hotbed of revolutionary unrest? The choice is not entirely our own, but we can—and should—have a huge influence on behalf of freedom, prosperity, and stability. We must send an unmistakable signal to our Southern neighbors that our regional commitment is not tentative or fleeting. The U.S. has to seize the initiative over the long-term future of Central America—because if we don't, events will.

Mr. President, the Central American and Caribbean Relief Act is in our economic and national security interests. We must act and we must act now.●

● Mr. DOMENICI. Mr. President, just weeks after the calamity hit Central America last year, Senate Majority Leader LOTT asked me to lead to bipartisan fact-finding mission to the region. The objective of our trip was to assess Mitch's impact on the region's economy, priorities for U.S. aid, and the potential ramifications of this disaster on future trade with the region.

Senator FRIST joined me on this trip. His knowledge of health care and medicinal needs was a valuable addition to the trip. We were fortunate also to be joined by three individuals form the Administration: Secretary Andrew Cuomo, the Honorable Harriet Babbitt, Deputy Administrator at USAID, and the Honorable Josh Gotbaum, Office of Management and Budget.

I believe this tour was invaluable to all who participated. First, because of what we learned about the region and the devastation caused by Mitch. Second, because it expressed the spirit of bipartisanship that I hope will carry through in our efforts to help Central Americans rebuild and flourish as democratic neighbors.

As unlikely as it might sound, the ravages of Hurricane Mitch in Central America may have a silver lining. But the United States and other countries must act quickly and decisively. This is the message we heard form Central Americans themselves, as well as relief workers and American government officials, when we visited that storm-torn region in December. That's also the message I would like to convey to my Senate colleagues.

This relative optimism is remarkable. More than 10,000 lives were lost to the storm; 40 percent of the GDP in Nicaragua and Honduras was swept away; 3 million persons in the region now live in temporary shelters or without shelter at all. And, that's in a region with fewer people than the state of California!

Yet, even those 1,000 persons we saw crowded into a single small school, those 104 jammed in a cemetery chapel, agreed that a golden moment now exists to move forward in this historically troubled region.

The response from the United States already has been both effective and generous, with the first 30 days of the relief efforts exceeding the Berlin airlift. Our 6,000 military personnel have performed heroically, in a relatively unheralded but extraordinary operation. The military and other agencies delivered two thirds of the world's donations already in-region and have helped avoid the disease and starvation that usually takes root within a few weeks following such a calamity.

The response from Central American governments has been heartening, too. Don't forget that the United States has worked for more than a quarter of a century to help develop democratic movements in this region. If we fail to move quickly now, elements that oppose democracy could gain a foothold, rendering the sacrifices of money and arms of the past 25 years useless. Thus, we were gratified to hear all important government agencies and relief groups emphasize over and over again, ''We want your help, not forever, but so we can begin to help ourselves and continue building stable and democratic societies.''

As the initial relief phase of the effort comes to a close, and a period of reconstruction and rebuilding begins, the United States faces some tougher decisions about the nature of our assistance. These decisions are not simply whether we help our friends rebuild the bridges, houses, roads and towns they lost. We must also decide how we assist them in rebuilding the young and fragile institutions which are the products of the region's remarkable shift to democracy and functioning, growing economies.

Our policy must first offer debt relief under which these governments struggle. Nicaragua's government spends $220 million a year to pay its creditors and Honduras pays $341. Freeing up those resources, even temporarily, is more valuable to them than a simple infusion of cash.

Second, we must expeditiously pursue a reasonable option to allow these countries to strength mutually beneficial trade relationships. Relief and reconstruction are meaningless without an expectation of sustaining their benefits through the growth such trade will undoubtedly foster.

Third, we must push the European Union to uphold their promise to aid these countries by ending their discrimination against Central American bananas and other agricultural exports in favor to those from their former colonies.

Fourth, Central American governments must continue creating incentives for new investment and broader credit availability to the people through their own domestic legislation and regulation. The began on such a path before Mitch, and we must push and assist them in redoubling those efforts.

Finally, the need to rebuild the devastated infrastructure of the region cannot be underemphasized. Over 70 percent of the roads in Honduras were washed away. Crops cannot be harvested without roads to carry the produce. Poor water sanitation has brought about a public health nightmare. In addition to the direct assistance, we can offer the technology, financing and expertise at a level which these countries simply do not have at their disposal.

In pursuit of these goals, we commend the Administration for acting quickly and for using their authority to reprogram already enacted funds for the relief efforts. However, we must remember that the work is not done when the news cameras move to the next story, and a sustained, bipartisan effort with Congress will be required. This bill builds on the bipartisan necessary to formulate effective assistance to our neighbors in Central America and the Caribbean.

Carinal Obando y Bravo of Nicaragua best summed up for us the hope of the Central American people. Over 30 years they lived through natural disasters, wars, totalitarian governments, and now Mitch. Like before, he said the people will ''rise like a phoenix form the ashes.'' If we are committed and resourceful in that shared goal, we can help guarantee that the mythical image is not simply a myth.●

By Mr. BIDEN:

S. 372. A bill to make available funds under the Freedom Support Act to expand existing educational and professional exchanges with the Russian Federation to promote and strengthen democratic government and civil society in that country, and to make available funds under that Act to conduct a study of the feasibility of creating a new foundation toward that end; to the Committee on Foreign Relations.

RUSSIAN DEMOCRATIZATION ASSISTANCE ACT OF 1999

● Mr. BIDEN. Mr. President, today I introduce legislation designed to assist the transition to democracy, a free-market economy, and civil society in the Russian Federation.

Mr. President, the Russian Federation, which is currently undergoing severe political and economic crises, continues to possess thousands of nuclear warheads and the means to deliver them. If for no other reason, therefore, maintaining stability in Russia remains a vital national security concern of the United States.

I have stated in detail on earlier occasions my belief that for the foreseeable future the time has passed for massive infusions of economic assistance to Russia. Since the collapse of Soviet communism, the capitalist world has injected into Russia more than one hundred billion dollars in grants, loans, and credits. Ultimately, however, the Russians themselves must take responsibility for putting their own economic house in order.

With few exceptions, future American economic assistance to Russia should be predicated upon a systematic reform of its economic, tax, and criminal justice systems, and in greatly reducing the corruption that plagues nearly every facet of Russian life.

The one exception I mentioned last summer was emergency food assistance to forestall starvation during the brutal Russian winter. I am happy that the Administration under the lead of Secretary of Agriculture Glickman has embarked upon just such a rescue program.

But, Mr. President, in the absence of basic, large-scale economic aid, we must search for other means to assist Russia in its painful transition to democracy and free-enterprise capitalism.

We are often mesmerized by current problems. So it is important to remember that since the collapse of the Soviet Union at the end of 1991, the Russian Federation has, in fact, made significant progress in democratizing its government and society.

Building upon that progress, the continued development of democratic institutions and practice can, Mr. President, help to foster the stability in the Russian Federation that is squarely in America's national interest.

Educational and professional exchanges with the Russian Federation have proven to be an effective, and remarkably low-cost, mechanism for enhancing democratization in that country. Moreover, these exchanges hold the promise of long-term, lasting payoffs as the exchange participants move into positions of responsibility in public and private life.

With that in mind, Mr. President, I am introducing the Russian Democratization Assistance Act of 1999.

Recognizing that maintaining stability in the Russian Federation is a vital national security concern of the United States, this legislation authorizes the expansion of selected, already existing educational and professional exchanges with that country and authorizes a study of the feasibility of a Russia-based, internationally funded Foundation for Democracy.

Specifically, the legislation increases authorization for each of fiscal year 2000 and fiscal year 2001 for several programs with the Russian Federation that have a proven track-record of excellence. My colleagues will note the unusually low amounts of funding involved in each of these programs.

The annual authorization for the Russian portion of the Future Leaders Exchange Program, popularly known as the Bradley Scholarships after former Senator Bradley of New Jersey who sponsored the original legislation creating the program under the Freedom Support Act, will be increased to four million dollars from its current level of just over two million dollars. I am proud to have co-sponsored this program at its inception.

Under the Future Leaders Exchange Program, high school students from the former Soviet Union are selected in national, merit-based, open competitions to live for one academic year in the United States with a host family and to study at an American high school.

The United States Information Agency, now to be merged with the Department of State, works with two nonprofit organizations—the American Council of Teachers of Russian and Youth for Understanding—on the recruitment, selection, orientation, and travel of the foreign students, and with twelve youth exchange organizations around our country in their placement and monitoring. Alumni are encouraged to join organizations when they return home and to participate in follow-on activities coordinated by these two American organizations.

Mr. President, the Future Leaders Exchange is universally recognized as a huge success. And what an investment.

Annual authorized funding for the Russian portion of the Freedom Support Act Undergraduate Program would be increased to three million dollars from its current one-and-a-third million. In this program, foreign undergraduates are selected for one year of non-degree study in American universities, colleges, or community colleges in a variety of fields, including agriculture, business administration, communications and journalism, computer science, criminal justice studies, economics, education, environmental management, government, library and information sciences, public policy, and sociology.

The American Council of Teachers of Russian, and Youth for Understanding administer this program for the United States Government.

Another outstanding, highly relevant, program within the Freedom Support Act whose scope this legislation would increase is the Community Connections Program. The annual authorized funding for its Russian component would rise to fifteen million dollars from its current level of seven million.

In the Community Connections Program, entrepreneurs, local government officials, education officials, legal professionals, and non-governmental organization leaders are offered three-to-five week practical training opportunities in the United States. Forty local communities across this country host the participants, thereby creating grass-roots linkages between the United States and regions of Russia, which may enhance opportunities for exchanges to be sustained beyond the life of the assistance program.

A very small but highly topical program that my legislation would expand is the Freedom Support Act Fellowships in Contemporary Issues. The Russian component of this program currently receives only $370,000. This act would nearly triple that annual authorization to one million dollars.

Under the Contemporary Issues Program, government officials, leaders of non-governmental organizations, and private sector professionals from Russia receive three-month fellowships in the United States for research in several strategic areas. These include sustainable growth and development of economies in transition; democracy, human rights, and the rule of law; and the communications revolution and intellectual property rights.

This program is administered through a grant awarded to the International Research and Exchanges Board, an organization with decades of experience in exchanges with Eastern Europe and the former Soviet Union.

Finally, my legislation would greatly strengthen the Edmund S. Muskie Fellowship Program, named after our esteemed former colleague from Maine who later served the nation as Secretary of State. Annual authorized funding for the Russian portion of this program would rise to seven million dollars from its current level of nearly three-and-three-quarter million dollars.

Muskie Fellows receive fellowships for one-to-two years of graduate study at American universities in business administration, economics, law, or public administation. The program is administered by the American Council of Teachers of Russian and the American Council for Collaboration in Education and Language Study.

The Muskie Fellowship Program is particularly important, since it gives the next generation of Russian professors on-site exposure to American scholarship and American society. The so-called ''multiplier effect'' that these professors will have upon their students will last for decades.

Mr. President, the sum total authorization for these five innovative and highly successful exchange programs is only thirty million dollars per fiscal year. The benefits in enhancing democratization in Russia and in promoting Russian-American relations are significant. It is an investment in the future that we should make.

Mr. President, the second part of this legislation concerns a grant of fifty thousand dollars to conduct a feasibility study of a Russia-based, internationally funded foundation for democracy.

The assassination last November in St. Petersburg of Galina Starovoitova, a former Member of the State Duma and Russia's most prominent female politician, was universally perceived as a defining moment. Starovoitova's murder, as yet unsolved, is seen as symptomatic of the growing power of organized crime and nationalist and communist extremists to undermine the foundations of the fragile Russian democracy.

The shock of the assassination had not yet worn off when friends and admirers of Starovoitova around the world spontaneously began to consider ways to create something positive from the horror. Several individuals including Carl Gershman, President of the U.S. National Endowment for Democracy, and Michael McFaul, a Stanford professor who worked in Moscow for the Carnegie Endowment, have proposed creating a Russian democracy foundation in Starovoitova's name.

This Starovoitova foundation would be a non-governmental, non-partisan, strictly Russian but internationally funded center for the study and promotion of democratic practices. Its work would involve public education in a country where democracy increasingly is equated with crime, insider privatization, and mass poverty. The Starovoitova foundation could also train democratic activists for governmental and non-governmental service. Moreover, it might serve, in Professor McFaul's words, as a ''kind of Russian Civil Liberties Union,'' helping citizens defend their constitutional rights.

I have reason to believe that the Starovoitova foundation would find broad support within Russia and be able to attract funding from several other democratic countries around the world.

In a well-known phrase, Weimar Germany failed not because it had too many enemies, but because there were too few democrats. Weimar's tragic end need not be repeated in Russia. Galina

Starovoitova's murder already has motivated record numbers of voters to turn out for municipal elections in St. Petersburg with strong support for the democratic parties. The Starovoitova Foundation for Democracy could maintain this momentum, even as it memorializes a courageous politician.

The planning grant I am proposing would authorize the United States Government to engage an organization specializing in the study of Russia to investigate the depth and breadth of support for such an institution and, if there is the requisite support, the best way to proceed with organizing the foundation.

Mr. President, the Russian Democratization Assistance Act of 1999 is a targeted response to assist the Russian Federation as it struggles to move away from the legacy of seven decades of communist tyranny and misrule. It recognizes that Russia's problems are too large and too complex to be amenable to instant solutions. But by significantly expanding educational and professional exchanges with Russia, and by taking the first steps toward the creation of a foundation for democracy there, this legislation can make an important long-term contribution to democracy and stability.

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. 372

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 ''Russian Democratization Assistance Act of 1999''.

SEC. 2. FINDINGS.

Congress makes the following findings:

(1) The Russian Federation, which is currently undergoing severe political and economic crises, continues to possess thousands of nuclear warheads and the means to deliver them.

(2) Maintaining stability in Russia is a vital national security concern of the United States.

(3) Since the collapse of the Soviet Union at the end of 1991, the Russian Federation has made significant progress in democratizing its government and society.

(4) The continued development of democratic institutions and practice will foster stability in the Russian Federation.

(5) Educational and professional exchanges with the Russian Federation have proven to be an effective mechanism for enhancing democratization in that country.

SEC. 3. POLICY OF THE UNITED STATES.

It shall be the policy of the United States toward the Russian Federation—

(1) to promote and strengthen democratic government and civil society;

(2) to expand already existing educational and professional exchanges toward those ends; and

(3) to consider the feasibility of a Russia-based, internationally funded Foundation for Democracy to further democratic government and civil society.

SEC. 4. ALLOCATION OF FUNDS FOR INTERNATIONAL INFORMATIONAL AND EDUCATIONAL EXCHANGES WITH THE RUSSIAN FEDERATION.

Of the amount authorized to be appropriated to carry out chapter 11 of part I of the Foreign Assistance Act of 1961 (22 U.S.C. 2295 et seq.; relating to support for the independent states of the former Soviet Union) for each of the fiscal years 2000 and 2001, the following amounts are authorized to be available for the following programs with the Russian Federation:

(1) For the ''Future Leaders Exchange'', $4,000,000.

(2) For the ''Freedom Support Act Undergraduate Program'', $3,000,000.

(3) For the ''Community Connections Program'', $15,000,000.

(4) For the ''Freedom Support Act Fellowships in Contemporary Issues'', $1,000,000.

SEC. 5. STUDY FOR ESTABLISHMENT OF RUSSIAN DEMOCRACY FOUNDATION.

(a) IN GENERAL.—The President is authorized to conduct a study of the feasibility of establishing a foundation for the promotion of democratic institutions in the Russian Federation.

(b) FOUNDATION TITLE.—It is the sense of Congress that any foundation established pursuant to subsection (a) should be known as the Starovoitova Foundation for Russian Democracy, in honor of Galina Starovoitova, a former member of the State Duma and Russia's leading female politician who was assassinated in St. Petersburg in November 1998.

(c) ALLOCATION OF FUNDS.—Of the amount authorized to be appropriated to carry out chapter 11 of part I of the Foreign Assistance Act of 1961 (22 U.S.C. 2295 et seq.; relating to support for the independent states of the former Soviet Union) for fiscal year 2000, $50,000 is authorized to be available to carry out this section.

SEC. 6. AUTHORIZATION OF APPROPRIATIONS FOR MUSKIE FELLOWSHIPS WITH THE RUSSIAN FEDERATION.

(a) IN GENERAL.—There is authorized to be appropriated to the President $7,000,000 for each of the fiscal years 2000 and 2001 to carry out the Edmund S. Muskie Fellowship Program under section 227 of the Foreign Relations Authorization Act, Fiscal Years 1992 and 1993 (22 U.S.C. 2452 note) with the Russian Federation.

(b) AVAILABILITY OF FUNDS.—Amounts appropriated pursuant to subsection (a) are authorized to remain available until expended.●

By Mr. HARKIN:

S. 373. A bill to prohibit the acquisition of products produced by forced or indentured child labor; to the Committee on Governmental Affairs.

THE INDENTURED CHILD LABOR PREVENTION ACT

● Mr. HARKIN. Mr. President, I ask unanimous consent that a copy of S. 373, the Forced and Indentured Child Labor Prevention Act, be printed in the RECORD.

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

S. 373

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 ''Forced and Indentured Child Labor Prevention Act''.

SEC. 2. PROHIBITION OF ACQUISITION OF PRODUCTS PRODUCED BY FORCED OR INDENTURED CHILD LABOR.

(a) PROHIBITION.—The head of an executive agency (as defined in section 105 of title 5, United States Code) may not acquire an item that appears on a list published under subsection (b) unless the source of the item certifies to the head of the executive agency that forced or indentured child labor was not used to mine, produce, or manufacture the item.

(b) PUBLICATION OF LIST OF PROHIBITED ITEMS.—

(1) IN GENERAL.—The Secretary of Labor, in consultation with the Secretary of the Treasury and the Secretary of State, shall publish in the Federal Register every other year a list of items that such officials have identified that might have been mined, produced, or manufactured by forced or indentured child labor.

(2) DATE OF PUBLICATION.—The first list shall be published under paragraph (1) not later than 120 days after the date of the enactment of this Act.

(c) REQUIRED CONTRACT CLAUSES.—

(1) IN GENERAL.—The head of an executive agency shall include in each solicitation of offers for a contract for the procurement of an item included on a list published under subsection (b) the following clauses:

(A) A clause that requires the contractor to certify to the contracting officer that the contractor or, in the case of an incorporated contractor, a responsible official of the contractor has made a good faith effort to determine whether forced or indentured child labor was used to mine, produce, or manufacture any item furnished under the contract and that, on the basis of those efforts, the contractor is unaware of any such use of child labor.

(B) A clause that obligates the contractor to cooperate fully to provide access for the head of the executive agency or the inspector general of the executive agency to the contractor's records, documents, persons, or premises if requested by the official for the purpose of determining whether forced or indentured child labor was used to mine, produce, or manufacture any item furnished under the contract.

(2) APPLICATION OF SUBSECTION.—This subsection shall apply with respect to acquisitions for a total amount in excess of the micro-purchase threshold (as defined in section 32(f) of the Office of Federal Procurement Policy Act (41 U.S.C. 428(f)), including acquisitions of commercial items for such an amount notwithstanding section 34 of the Office of Federal Procurement Act (41 U.S.C. 430).

(d) INVESTIGATIONS.—Whenever a contracting officer of an executive agency has reason to believe that a contractor has submitted a false certification under subsection (a) or (c)(1)(A) or has failed to provide cooperation in accordance with the obligation imposed pursuant to subsection (c)(1)(B), the head of the executive agency shall refer the matter, for investigation, to the Inspector General of the executive agency and, as the head of the executive agency determines appropriate, to the Attorney General and the Secretary of the Treasury.

(e) REMEDIES.—

(1) IN GENERAL.—The head of an executive agency may impose remedies as provided in this subsection in the case of a contractor under a contract of the executive agency if the head of the executive agency finds that the contractor—

(A) has furnished under the contract items that have been mined, produced, or manufactured by forced or indentured child labor or uses forced or indentured child labor in mining, production, or manufacturing operations of the contractor;

(B) has submitted a false certification under subparagraph (A) of subsection (c)(1); or

(C) has failed to provide cooperation in accordance with the obligation imposed pursuant to subparagraph (B) of such subsection.

(2) TERMINATION OF CONTRACTS.—The head of the executive agency, in the sole discretion of the head of the executive agency, may terminate a contract on the basis of any finding described in paragraph (1).

(3) DEBARMENT OR SUSPENSION.—The head of an executive agency may debar or suspend a contractor from eligibility for Federal contracts on the basis of a finding that the contractor has engaged in an act described in paragraph (1)(A). The period of the debarment or suspension may not exceed 3 years.

(4) INCLUSION ON LIST.—The Administrator of General Services shall include on the List of Parties Excluded from Federal Procurement and Nonprocurement Programs (maintained by the Administrator as described in the Federal Acquisition Regulation) each person that is debarred, suspended, proposed for debarment or suspension, or declared ineligible by the head of an executive agency or the Comptroller General on the basis that the person uses forced or indentured child labor to mine, produce, or manufacture any item.

(5) OTHER REMEDIES.—This subsection shall not be construed to limit the use of other remedies available to the head of an executive agency or any other official of the Federal Government on the basis of a finding described in paragraph (1).

(f) REPORT.—Each year, the Administrator of General Services, with the assistance of the heads of other executive agencies, shall review the actions taken under this section and submit to Congress a report on those actions.

(g) IMPLEMENTATION IN THE FEDERAL ACQUISITION REGULATION.—

(1) IN GENERAL.—The Federal Acquisition Regulation shall be revised within 180 days after the date of enactment of this Act—

(A) to provide for the implementation of this section; and

(B) to include the use of forced or indentured child labor in mining, production, or manufacturing as a cause on the lists of causes for debarment and suspension from contracting with executive agencies that are set forth in the regulation.

(2) PUBLICATION.—The revisions of the Federal Acquisition Regulation shall be published in the Federal Register promptly after the final revisions are issued.

(h) EXCEPTION.—

(1) IN GENERAL.—This section shall not apply to a contract that is for the procurement of any product, or any article, material, or supply contained in a product, that is mined, produced, or manufactured in any foreign country or instrumentality, if—

(A) the foreign country or instrumentality is—

(i) a party to the Agreement on Government Procurement annexed to the WTO Agreement; or

(ii) a party to the North American Free Trade Agreement; and

(B) the contract is of a value that is equal to or greater than the United States threshold specified in the Agreement on Government Procurement annexed to the WTO Agreement or the North American Free Trade Agreement, whichever is applicable.

(2) WTO AGREEMENT.—For purposes of this subsection, the term ''WTO Agreement'' means the Agreement Establishing the World Trade Organization, entered into on April 15, 1994.

(i) APPLICABILITY.—

(1) IN GENERAL.—Except as provided in subsection (c)(2), the requirements of this section apply on and after the date determined under paragraph (2) to any solicitation that is issued, any unsolicited proposal that is received, and any contract that is entered into by an executive agency pursuant to such a solicitation or proposal on or after such date.

(2) DATE.—The date referred to is paragraph (1) is the date that is 30 days after the date of the publication of the revisions of the Federal Acquisition Regulation under subsection (g)(2).●

By Mr. CHAFEE (for himself, Mr. GRAHAM, Mr. LIEBERMAN, Mr. SPECTER, Mr. BAUCUS, Mr. ROBB, and Mr. BAYH):

S. 374. A bill to amend the Public Health Service Act, the Employee Retirement Income Security Act of 1974, and the Internal Revenue Code of 1986 to protect consumers in managed care plans and other health coverage; to the Committee on Health, Education, Labor, and Pensions.

THE PROMOTING RESPONSIBLE MANAGED CARE ACT OF 1999

● Mr. CHAFEE. Mr. President. I am pleased to be joined this morning by Senators GRAHAM, LIEBERMAN, SPECTER, BAUCUS, ROBB and BAYH in introducing the ''Promoting Responsible Managed Care Act of 1999.'' In introducing our bill from last year, we are especially pleased to have Senators ROBB and BAYH join us as original cosponsors.

As you know, the Senate was unable to consider this important issue before the close of the 105th Congress. Nonetheless, each party developed and introduced legislation, and the House actually passed a bill proposed by the Republican majority. To encourage discussion across the aisle, this group of Senators introduced a bipartisan reform bill—the only one thus far.

In crafting our legislation, we omitted or modified those provisions which were anathema to either side. Thus, for example, we excluded Medical Savings Accounts, a feature of the Senate Republican Task Force bill, because this provision is a non-starter with Democrats. Likewise, we proposed allowing injured parties to seek redress in federal court as an alternative to the state court provision in the Democratic bill because that is a non-starter with Republicans.

Well, here it is, the 106th Congress. Why have the prospects brightened for legislation to improve the quality of managed care? First, voters sent a clear message on election day: they want action, not gridlock. Second, the Democrats gained five more seats in the House—the very margin by which that body rejected the ''Patient Bill of Rights'' last year. Third, both Speaker HASTERT and Senate Majority Leader LOTT have instructed their respective committees of jurisdiction to get down to work. Fourth, the President is anxious to begin a bipartisan dialogue.

Perhaps more important than any of these developments, though, is the fact that consumers want assurances they will actually get the medical care they need, when they need it. Regrettably, many have learned this is not always the case.

The opponents of reform have had a field day mischaracterizing what the managed care quality debate is about. It is not, as they allege, about erasing the gains managed care has made in bringing down costs and coordinating patient services. It is not about forcing plans to cover unnecessary, outmoded or harmful practices. Nor is it about forcing plans to pay for any service or treatment which is not a covered benefit. And, it is certainly not about giving doctors a blank check.

In fact, this debate is about making sure patients get what they pay for. It's about ensuring that patients receive medically necessary care; that an objective standard and credible medical evidence are used to guide physicians and insurers in making treatment and coverage determinations; that patients' medical records and the judgments of their physicians are given due consideration; and, that managed care plans do not base their medical decisions on practice guidelines developed by industry actuaries, but rather credible, independent, scientific bodies.

On a more tangible level, this legislation is about making sure that the infant suffering from chronic ear infections is fitted with drainage tubes—rather than being prescribed yet another round of ineffective antibiotics—to ameliorate the condition and prevent hearing loss. It is about making sure that the patient with a broken hip is not relegated to a wheelchair in perpetuity, but rather given the hip replacement surgery and physical therapy that prudent medical practice dictates.

Make no mistake about it: Without provisions to ensure that plans are held to the objective, time-tested standard of professional medical practice, federal legislation giving patients access to an external appeals process will be nothing more than a false promise.

The ''Promoting Responsible Managed Care Act'' would restore needed balance to our managed care system while preserving its benefits. Moreover, it would do so using the very same framework established by Congress with the enactment of the so-called Kassebaum-Kennedy law in 1996. That statute—which extends portability and guaranteed issue protections to patients—has two very important benefits. First, it applies to all privately insured Americans—not just those 48 million enrolled in self-funded ERISA plans. Second, it preserves states' rights to occupy the field if they so choose.

Thus, our bill would establish a minimum floor of federal patient protections for all 161 million privately insured Americans. Yet, it would also protect state authority to go beyond this federal floor, and would preserve the good work states have already undertaken in this area. It would also encourage states which have taken little or no action to do the right thing. Despite the flurry of activity, only 15

states have adopted the most basic patient protection—an external review procedure.

As the process moves ahead, we look forward to working with the Finance Committee and the Health, Education, Labor, and Pensions Committee to formulate legislation which will help to restore consumer confidence in managed care, and to ensure that patients receive all medically necessary and appropriate care.

Mr. President, I ask unanimous consent that the following documents be printed in the RECORD: a summary of the bill, a one-page description of our enforcement provisions, a three-page document on what national health organizations say about our bill, and a white paper entitled, ''Medical Necessity: The Real Issue in the Quality Debate.''

There being no objection, the items were ordered to be printed in the RECORD, as follows:

PROMOTING RESPONSIBLE MANAGED CARE ACT OF 1999

PRINCIPLES

Today, a majority of the U.S. population is enrolled in some form of managed care—a system which has enabled employers, insurers and taxpayers to achieve significant savings in the delivery of health care services. However, there is growing anxiety among many Americans that insurance health plan accountants—not doctors—are determining what services and treatments they receive. Congress has an opportunity to enact legislation this year which will ensure that patients receive the benefits and services to which they are entitled, without compromising the savings and coordination of care that can be achieved through managed care. However, to ensure the most effective result, legislation must embody the following principles:

It must be bipartisan and balanced.

It must offer all 161 million privately insured Americans—not just those in self-funded ERISA plans—a floor of basic federal patient protections.

It must include an objective standard of what constitutes medically necessary or appropriate care to ensure a meaningful external appeals process. Furthermore, that standard must be informed by valid and reliable evidence to support the treatment and coverage determinations made by providers and plans.

It must establish credible federal enforcement remedies to ensure that managed care plans play by the rules and that individuals harmed by such entities are justly compensated.

It should encourage managed care plans to compete on the basis of quality—not just price. ''Report card'' information will provide consumers with the information they need to make informed choices based on plan performance.

SUMMARY

The ''Promoting Responsible Managed Care Act of 1999'' blends the best features of both the Democratic and Republican plans. The legislation would restore public confidence in managed care through a comprehensive set of policy changes that would apply to all private health plans in the country. These include strengthened federal enforcement to ensure managed care plans play by the rules; compensation for individuals harmed by the decisions of managed care plans; an independent external system for processing complaints and appealing adverse decisions; information requirements to allow competition based on quality; and, a reasonable set of patient protection standards to ensure patients have access to appropriate medical care.

Scope of protection

Basic protections for all privately insured Americans. All private insurance plans would be required to meet basic federal patient protections regardless of whether they are regulated at the state or federal level. This approach follows the blueprint established with the enactment of the Health Insurance Portability and Accountability Act of 1996, which allows states to build upon a basic framework of federal protections.

Enforcement and compensation

Strengthened federal enforcement to ensure managed care plans play by the rules. To ensure compliance with the bill's provisions, current federal law would be strengthened by giving the Secretaries of Labor and Health & Human Services enhanced authorities to enjoin managed care plans from denying medically necessary care and to levy fines (up to $50,000 for individual cases and up to $250,000 for a pattern of wrongful conduct). This provision would ensure that enforcement of federal law is not dependent upon individuals bringing court cases to enforce plan compliance. Rather, it provides for real federal enforcement of new federal protections.

Compensation for individuals harmed by the decisions of managed care plans. All privately insured individuals would have access to federal courts for economic loss resulting from injury caused by the improper denial of care by managed care plans. Economic loss would be defined as any pecuniary loss caused by the decision of the managed care plan, and would include lost earnings or other benefits related to employment, medical expenses, and business or employment opportunities. Awards for economic loss would be uncapped and attorneys fees could be awarded at the discretion of the court.

Coverage determination, grievance and appeals

Coverage determinations. Plans would be required to make decisions as to whether to provide benefits, or payments for benefits, in a timely manner. The plan must have a process for making expedited determinations in cases in which the standard deadlines could seriously jeopardize the patient's life, health, ability to regain or maintain maximum function or (in the case of a child under the age of 6) development

Internal appeals. Patients would be assured the right to appeal the following: failure to cover emergency services, the denial, reduction or termination of benefits, or any decision regarding the clinical necessity, appropriateness, efficacy, or efficiency of health care services, procedures or settings. The plan would be required to have a timely internal review system, using health care professionals independent of the case at hand, and procedures for expediting decisions in cases in which the standard timeline could seriously jeopardize the covered individual's life, health, ability to regain or maintain maximum function, or (in the case of a child under the age of 6) development.

External appeals. Individuals would be assured access to an external, independent appeals process for cases of sufficient seriousness or which exceed a certain monetary threshold that were not resolved to the patient's satisfaction through the internal appeals process. The external appeal entity, not the plan, would have the authority to decide whether a particular plan decision is in fact externally appealable. In addition to the patient's medical record and the treating physician's proposed treatment, the range of evidence that is permissible in an external review would include valid and reliable research, studies and other evidence from impartial experts in the relevant field—the same types of evidence typically used by the courts in adjudicating health care quality cases. The external appeal process would require a fair, ''de novo'' determination, the plan would pay the costs of the process, and any decision would be binding on the plan.

Consumer information

Comparative information. Consumers would be given uniform comparative information on quality measures in order to make informed choices. Data would include: patient satisfaction, delivery of health care services such as immunizations, and resulting changes in beneficiary health. Variations would be allowed based on plan type.

Plan information. Patients would be provided with information on benefits, cost-sharing, access to services, grievance and appeals, etc. A grant program would be authorized to provide enrollees with information about their coverage options, and with grievance and appeals processes.

Confidentiality of enrollee records. Plans would be required to have procedures to safeguard the privacy of individually identifiable information.

Quality assurance. Plans would be required to establish an internal quality assurance program. Accredited plans would be deemed to have met this requirement, and variations would be allowed based on plan type.

Patient protection standards

Emergency services. Coverage of emergency services would be based upon the ''prudent layperson'' standard, and, importantly, would include reimbursement for post-stabilization and maintenance care. Prior authorization of services would be prohibited.

Enrollee choice of health professionals and providers. Patients would be assured that plans would: Allow women to obtain obstetrical/gynecological services without a referral from a primary care provider; allow plan enrollees to choose pediatricians as the primary care provider for their children; have a sufficient number, distribution and variety of providers; allow enrollees to choose any provider within the plan's network, who is available to accept such individual (unless the plan informs enrollee of limitations on choice); provide access to specialists, pursuant to a treatment plan; and in the case of a contract termination, allow continuation of care for a set period of time for chronic and terminal illnesses, pregnancies, and institutional care.

Access to approved services. Plans would be required to cover routine patient costs incurred through participation in an approved clinical trial. In addition, they would be required to use plan physicians and pharmacists in development of formularies, disclose formulary restrictions, and provide an exception process for non-formulary treatments when medically necessary.

Nondiscrimination in delivery of services. Discrimination on the basis of race, religion, sex, disability and other characteristics would be prohibited.

Prohibition of interference with certain medical communications. Plans would be prohibited from using ''gag rules'' to restrict physicians from discussing health status and legal treatment options with patients.

Provider incentive plans. Plans would be barred from using financial incentives as an inducement to physicians for reducing or limiting the provision of medically necessary services.

Provider participation. Plans would be required to provide a written description of their physician and provider selection procedures. This process would include a verification of a health care provider's license, and

plans would be barred from discriminating against providers based on race, religion and other characteristics.

Appropriate standards of care for mastectomy patients. Plans would be required to cover the length of hospital stay for a mastectomy, lumpectomy or lymph node dissection that is determined by the physician to be appropriate for the patient and consistent with generally accepted principles of professional medical practice.

Professional standard of medical necessity. Health plans would be prohibited from arbitrarily interfering with the decision of the treating physician if the services are medically necessary and a covered benefit. Medically necessary services are defined to be those which are consistent with generally accepted principles of professional medical practice. This professional standard of medical necessity has been a well-settled standard in our legal system for over two centuries, and is necessary to ensure a meaningful external appeals process. Treatment and coverage decisions would be measured against the same standard of medical necessity, and providers and insurers would both be guided by the same evidentiary requirements (described under external appeals).

PROMOTING RESPONSIBLE MANAGED CARE ACT OF 1999—ENFORCEMENT AND COMPENSATION MECHANISMS

Strengthened federal enforcement to ensure managed care plans play by the rules. To ensure compliance with the bill's provisions, current federal law would be strengthened by giving the Secretaries of Labor and Health & Human Services enhanced authorities to enjoin managed care plans from denying medically necessary care.

In addition, the Secretaries of Labor and Health & Human Services would be given new authority to levy substantial monetary penalties on managed care plans for wrongful conduct. Fines could be awarded as follows:

For failures on the part of plans that result in an unreasonable denial or delay in benefits that seriously jeopardize the individual's life, health, or ability to regain or maintain maximum function (or in the case of a child under the age of 6) development: Up to $50,000 for each individual involved in the case of a failure that does not reflect a pattern or practice of wrongful conduct and up to $250,000 if the failure reflects a pattern or practice of wrongful conduct.

For failures on the part of plans not described above: Up to $10,000 for each individual involved in the case of a failure that does not reflect a pattern or practice of wrongful conduct and up to $50,000 if the failure reflects a pattern or practice of wrongful conduct.

In the case of failures not corrected within the first week, the maximum amount of the penalties in all cases would be increased by $10,000 for each full succeeding week in which the failure is not corrected.

These provisions would ensure that enforcement of federal law is not dependent upon individuals bringing court cases to enforce plan compliance. Rather, it provides for real federal enforcement of new federal protections.

Compensation for individuals harmed by the decisions of managed care plans. All privately insured individuals would have access to federal courts for economic loss resulting from injury caused by the improper denial of care by managed care plans. Economic loss would be defined as any pecuniary loss caused by the decision of the managed care plan, and would include the loss of earnings or other benefits related to employment, medical expenses, and business or employment opportunities. Awards for economic loss would be uncapped and attorneys' fees could be awarded at the discretion of the court.

WHAT ORGANIZATIONS ARE SAYING ABOUT THE PROMOTING RESPONSIBLE MANAGED CARE ACT OF 1999

National Association of Children's Hospitals, Inc: ''The National Association of Children's Hospitals, which represents more than 100 children's hospitals across the country, strongly supports your legislation—and its provisions that ensure children's unique health care needs are protected as families seek access to appropriate pediatric health care in their health plans.''

National Mental Health Association: ''On behalf of the National Mental Health Association and its 330 affiliates nationwide, I am writing to express strong support for the Promoting Responsible Managed Care Act of 1999. . . . NMHA was particularly gratified to learn that you included language in your important compromise legislation which guarantees access to psychotropic medications. . . . Finally—alone among all the managed care bills introduced in this session of Congress—your legislation prohibits the involuntary disenrollment of adults with severe and persistent mental illnesses and children with serious mental and emotional disturbances.''

National Alliance for the Mentally Ill: ''On behalf of the 185,000 members and 1,140 affiliates of the National Alliance for the Mentally Ill, I am writing to express our strong support for the bipartisan managed care consumer protection legislation you . . . are developing. . . . Thank you for your efforts on behalf of people with severe mental illnesses. Your bipartisan approach to this difficult issue is an important step forward in placing the interests of consumers and families ahead of politics. NAMI looks forward to working with you to ensure passage of meaningful managed care consumer protection legislation in the 106th Congress.''

American Protestant Health Alliance: ''Your proposal strikes a balance which is most appropriate. As each of us is aware, often we have missed the opportunity to enact health policy changes, only to return later and achieve fewer gains than we might have earlier. It would be tragic if we allowed this year's opportunity to escape our grasp. We are pleased to stand with you in support of your proposal.''

American Academy of Pediatrics: ''As experts in the care of children, we believe that [your] legislation makes important strides toward ensuring that children get the medical attention they need and deserve. . . . Children are not little adults. Their care should be provided by physician specialists who are appropriately educated in the unique physical and developmental issues surrounding the care of infants, children, adolescents, and young adults. We are particularly pleased that you recognize this and have included access to appropriate pediatric specialists, as well as other protections for children, as key provisions of your legislation.''

American Cancer Society: ''. . . I commend you on your bipartisan effort to craft patient protection legislation that meets the needs of cancer patients under managed care. . . . Your legislation grants patients access to specialists, ensures continuity of care . . . and permits for specialists to serve as the primary care physician for a patient who is undergoing treatment for a serious or life-threatening illness. Most importantly, your bill promotes access to clinical trials for patients for whom satisfactory treatment is not available or standard therapy has not proven most effective. . . . We appreciate that your bill addresses all four of ACS' priorities in a way that will help assure that individuals affected or potentially affected by cancer will be assured improved access to quality care.''

American College of Physicians/American Society of Internal Medicine: ''We believe your bill contains necessary patient protections, as well as provisions designed to foster quality improvement, and therefore has the potential to improve the quality of care patients receive. The College is particularly pleased that your proposal covers all Americans, rather than only those individuals who are insured by large employers under ERISA. . . . We also appreciate that you have taken steps to address the concerns about making all health plans . . . accountable in a court of law for medical decisions that may result in death or injury to a patient.''

National Association of Chain Drug Stores: ''. . . we applaud your efforts . . . in crafting a bipartisan managed care proposal. . . . Your bill, 'Promoting Responsible Managed Care Act' takes a realistic step in improving the health care system for all Americans.''

Council of Jewish Federations: ''Your provisions on continuity of care also provide landmark protections for consumers in our community and in the broader community as well. Overall, your legislation provides important safeguards for consumers and providers that are involved in managed care.''

Families USA: ''We are pleased that your bill . . . would establish many protections important to consumers, such as access to specialists, prescription drugs and consumer assistance. In addition, your external appeals language addresses many consumer concerns in this area.''

Catholic Health Association: ''The Catholic Health Association of the United States (CHA) applauds your bipartisan leadership in Congress to help enact legislation this year protecting consumers who receive health care through managed care plans. The Chafee-Graham-Lieberman bill is a sound piece of legislation.''

National Association of Community Health Centers: ''We appreciate the bipartisan efforts you have undertaken to correct the deficiencies in the managed care system. . . . We applaud your inclusion of standards for the determination of medical necessity (Section 102) that are based on generally accepted principles of medical practice. . . . We also appreciate your inclusion of federally qualified health centers (FQHCs) as providers that may be included in the network.''

American College of Emergency Physicians: ''The American College of Emergency Physicians . . . is pleased to support your bill, the 'Promoting Responsible Managed Care Act of 1999.' We . . . are particularly pleased that your legislation would apply to all private insurance plans. . . . We also commend your leadership in proposing a bipartisan solution. . . . We strongly support provisions in the bill that would prevent health plans from denying patients coverage for legitimate emergency services.''

National Association of Public Hospitals & Health Systems: ''This legislation provides consumers with the information to make informed decisions about their managed care plans, offers consumers protections from disincentives to provide care, and provides consumers with meaningful claims review, appeals and grievance procedures. We applaud your leadership in this area and we look forward to working with you to shape final legislation. We note that many of the patient protections contained in your legislation are already applicable to [Medicaid and Medicare], and we believe that a nationwide level playing field is desirable for all patients and all payers. For these reasons . . . we believe

that many of the consumer protections in your legislation are necessary to prevent abuses and improve quality in managed care.''

Mental Health Liaison Group (14 national organizations): ''. . . we are writing to commend you for the introduction of [your legislation]. [It] takes a significant step forward in protecting children and adults with mental disorders who are now served by managed care health plans. . . . By establishing a clear grievance and appeals process, assuring access to mental health specialists, and assuring the availability of emergency services, your bill begins to establish the consumer protections necessary for the delivery of quality mental health care to every American.''

MEDICAL NECESSITY: THE REAL ISSUE IN THE QUALITY DEBATE[1]

ISSUE

Without an objective standard of what constitutes medically necessary or appropriate care, federal legislation to ensure that patients receive the care for which they have paid will not be effective. For example, absent such a standard, what measures would an external appeals body use in determining whether a treatment or coverage decision was appropriate?

Thus, federal legislation should incorporate the professional standard of medical necessity. This has been a well-settled standard in our legal system for over two centuries, and is commonly defined as ''a service or benefit consistent with generally accepted principles of professional medical practice.'' In fact, many insurance contracts in force today include some version of this standard (see attached table).

BACKGROUND

The advent of managed care has blurred the lines between coverage and treatment decisions, since for all but the wealthiest Americans, an insurer's decision regarding coverage effectively determines whether the individual will receive care.

As a consequence, the quality of coverage decisions, that is to say—the standard used to decide a coverage question and the evidence considered in deciding whether the care that is sought meets the standard—becomes the central issue in the managed care debate.

As insurers began to move significantly into the coverage decision-making arena in the 1970s, they adopted the same standard used by the courts in adjudicating health care quality cases—the professional standard of medical necessity.

TRENDS IN THE MARKETPLACE

A review of recent cases (see attached table) suggests that while most insurers use this professional standard, some are beginning to write other standards into their contracts. Courts must abide by these standards unless they conflict with other statutes.

There are also indications that some insurers may be seeking, by contract, to limit the evidence they will consider in making their coverage determinations, instead relying only on the results of generalized studies (some of which may be of questionable value) that have some, but not conclusive, bearing on a given patient's case.

The cases also indicate that some insurers are attempting to make their decisions unreviewable by using terms such as, ''as determined by us.''

The result of these trends is arbitrary decision-making (based either on bad evidence, or no evidence at all) which, by failing to take into account individual patient needs, diminishes health care quality, and does not constitute good professional practice.

It is not possible for consumers to see these contracts under normal circumstances. However, when individuals challenge denials of coverage or treatment, contract clauses affecting millions of persons become public as part of the court decision.

A close examination of the contract provisions in the attached cases reveals, in some instances, the use of extraordinary standards that pose a significant departure from the professional standard of practice:

In *Fuja*, *Bedrick*, *Heasley*, and *McGraw*, all of the contracts underlying these cases omit coverage for ''conditions.'' Prudent medical professionals would not deny care for conditions, nor is it likely that there are any scientific studies which indicate that treatment of children and adults with ''conditions'' such as cerebal palsy, multiple sclerosis, or a developmental or congenital health problem, is not ''medically necessary.''

In *Metrahealth*, the contract requires a showing that care be ''absolutely essential and indispensable'' prior to its coverage. This verges on an emergency coverage definition and is at odds with the approach taken by prudent medical professionals.

In *Dowden*, use of the term ''essential'' achieves a similar result.

In *Dahl-Elmers*, the contract requires a showing that the care ''could not have been omitted without adversely affecting the insured person's condition or the quality of medical care.'' It is doubtful there are any scientific studies that demonstrate how much care can be withheld before a patient deteriorates. In fact, such a study would be unethical even to undertake. Thus, there is virtually no scientific evidence to support denial of coverage under this standard.

The standards employed in these contracts are in complete conflict with prudent medical practice by health professionals who rely on solid evidence of effectiveness. No reasonable physician would withhold treatment until a patient's condition satisfied any one of these standards.

These cases deal implicitly with the issue made explicit in *Harris* v. *Mutual of Omaha*, which is discussed in the New England Journal of Medicine article from which this paper was adapted. Specifically, because such contracts do not contain any evidentiary standards to inform purchasers of what constitutes reasonable medical practice, insurers are effectively free to use or disregard the evidence of their choosing. This freedom to ignore relevant evidence, such as the opinion of treating physicians, goes to the heart of *Harris*.

RECOMMENDATIONS

Because coverage standards and evidence are absolutely central, albeit poorly understood concepts, protecting against the diminution of quality of care should not be left to the marketplace. Neither consumers, nor employee benefit managers, have the expertise to recognize the implications of the language which appears in these contracts.

In light of these trends and their impact on health care quality, federal legislation should incorporate the professional standard of medical necessity as the framework against which a patient's medical care will be decided.

In addition, the legislation should specify the types of evidence that will be considered in determining whether the professional standard has been met in treatment and coverage decisions. In addition to the patient's medical record and the treating physician's proposed treatment, the courts have typically relied upon valid and reliable research, studies and other evidence from impartial experts in the relevant field.

Thus, enacting the professional standard of medical necessity into federal law would balance the interests of patients, providers and insurers. Treatment and coverage decisions would be measured against the same standard of medical necessity, and providers and insurers would both be guided by the same evidentiary requirements.

EXAMPLES OF MEDICAL NECESSITY CLAUSES IN EMPLOYEE HEALTH BENEFIT CONTRACTS

Case name	Contractual definition of medical necessity
Friends Hospital v. *MetraHealth Service Corp.,* 9 F. Supp.2d 528 (E.D. Penn. 1998).	''A health care facility admission, level of care, procedure, service or supply is medically necessary if it is absolutely essential and indispensable for assuring the health and safety of the patient as determined by the * * * plan * * * with review and advice of competent medical professionals.''
McGraw v. *Prudential Ins. Co. of America,* 137 F.3d 1253 (10th Cir. 1998)	''To be considered 'needed', a service or supply must be determined by Prudential to meet all of these tests: (a) It is ordered by a Doctor (b) It is recognized throughout the Doctor's profession as safe and effective, is required for the diagnosis or treatment of the particular sickness or Injury, and is employed appropriately in a manner and setting consistent with generally accepted United States medical standards. (c) It is neither Educational nor Experimental nor Investigational in nature.''
Gates v. *King & Blue Cross & Blue Shield of Virginia,* Inc., 129 F.3d 1259 (4th Cir. 1997).	''The Plan defines medically necessary as: Services, drugs, supplies, or equipment provided by a hospital or covered provider of health care services that the carrier determines: (a) are appropriate to diagnose or treat the patient's condition, illness or injury; (b) are consistent with standards of good medical practice in the U.S. (c) are not primarily for the personal comfort or convenience of the patient, the family, or the provider
Dowden v. *Blue Cross & Blue Shield of Texas, Inc.,* 126 F.3d 641 (5th Cir. 1997).	Services that are ''essential to, consistent with and provided for the diagnosis or the direct care and treatment of the condition, sickness, disease, injury, or bodily malfunction,'' and treatments ''consistent with accepted standards of medical practice.''
Bedrick v. *Travelers Ins. Co.,* 93 F.3d 149 (4th Cir. 1996)	1. Services that are appropriate and required for the diagnosis or treatment of the accidental injury or sickness; 2. It is safe and effective according to accepted clinical evidence reported by generally recognized medical professionals and publications; There is not a less intrusive or more appropriate diagnostic or treatment alternative that could have been used in lieu of the service or supply given.

[1] This paper was adapted from two sources. The first is an article which appeared in the New England Journal of Medicine, January 21, 1999, titled, ''Who Should Determine When Health Care Is Medically Necessary?'' authored by Sara Rosenbaum, J.D., George Washington University School of Public Health and Health Services, David M. Frankford, J.D., Rutgers University School of Law, Brad Moore, M.D., M.P.H., and Phyllis Borzi, J.D., George Washington University Medical Center. The second source is a special analysis of recent ERISA coverage decisions prepared by professor Rosenbaum.

EXAMPLES OF MEDICAL NECESSITY CLAUSES IN EMPLOYEE HEALTH BENEFIT CONTRACTS—Continued

Case name	Contractual definition of medical necessity
Florence Nightingale Nursing Svc., Inc. v. *Blue Cross/Blue Shield of Alabama,* 41 F.3d 1476 (11th Cir. 1995).	The services and supplies furnished must ''be appropriate and necessary for the symptoms, diagnosis, or treatment of the Member's condition, disease, ailment, or injury; and be provided for the diagnosis or direct care of Member's medical condition; and be in accordance with standards of good medical practice accepted by the organized medical community * * * *
Trustees of the NW Laundry and Dry Cleaners Health & Welfare Trust Fund v. *Burzynski,* 27 F.3d 153 (5th Cir. 1994).	1. The treatment must be ''appropriate and consistent with the diagnosis (in accord with accepted standards of community practice).'' 2. Treatments ''could not be omitted without adversely affecting the covered person's condition or the quality of medical care.''
Fuja v. *Benefit Trust Life Ins. Co.,* 18 F.3d 1405 (7th Cir. 1994)	Services that are ''required and appropriate for care of the Sickness or the Injury; and that are given in accordance with generally accepted principles of medical practices in the U.S. at the time furnished; and are not deemed to be experimental, educational or investigational. . .
Lee v. *Blue Cross/Blue Shield of Alabama,* 10 F.3d 1547 (10th Cir. 1994)	''Appropriate and necessary for treatment of the insured's condition, provided for the diagnosis or care of the insured's condition, in accordance with standards of good medical practice, and not solely for the insured's convenience.''
Heil v. *Nationwide Life Inc. Co.,* 9 F.3d 107 (6th Cir. 1993)	Services for which there is ''general acceptance by the medical profession as appropriate for a covered condition and [that] are determined safe, effective, and non-investigational by professional standards.''
Heasely v. *Belden & Blake Corp.,* 2 F.3d 1249 (3rd Cir. 1993)	Services and procedures ''considered necessary to the amelioration of sickness or injury by generally accepted standards of medical practice in the local community.''
Dahl-Eimers v. *Mutual of Omaha Life Inc. Co.,* 986 F.2d 1379 (11th Cir. 1993)	(a) ''Appropriate and consistent with the diagnosis in accord with accepted standards of community practice; (b) Not considered experimental; and (c) Could not have been omitted without adversely affecting the injured person's condition or the quality of medical care.''•

By Mr. STEVENS (for himself, Mr. INOUYE, Mr. MURKOWSKI, and Mr. AKAKA):

S. 375. A bill to create a rural business lending pilot program within the U.S. Small Business Administration, and for other purposes; to the Committee on Small Business.

• Mr. STEVENS. Mr. President, I have in the past brought to the attention of the Senate one of the most significant economic problems facing Alaska—the underdevelopment of the business sector in the rural areas of Alaska. Today I am introducing the Rural Business Lending Act to help fix this problem in my state and in Hawaii. Senators INOUYE, MURKOWSKI, and AKAKA join me as cosponsors.

Many of my colleagues have heard me speak of Alaska's vast size, of our lack of a highway system, and of the problems faced by small Alaska communities because of their remoteness and because they are islands surrounded by a sea of federal land. Our economic problems are in some ways more like the problems of third-world countries than the problems of towns in the contiguous 48 states. More than 130 Alaska villages and communities have populations under 3,000, and almost 80 percent of these communities are not connected to any road or highway system. They can be reached only by small plane or boat. Many do not have a bank branch office or any other lending source.

The nearest banks—which, even within Alaska are likely to be hundreds of miles away—often cannot make loans in rural communities due to the cost of servicing the loans, the cost of transportation, higher credit risks and other unknown risks, the seasonality of the economy, and the collateral limitations inherent to remote real estate. Most Alaska villages have few, if any, privately- or independently-owned small businesses.

The Rural Business Lending Act would attempt to help with these problems. The bill would create a pilot loan guarantee program in Alaska and Hawaii administered by the U.S. Small Business Administration (SBA). The pilot program is modeled after the SBA 7(a) program that was in effect prior to changes made in 1995. These changes dramatically reduced small business lending by banks and other financial institutions in Alaska. Among other things, the changes: (1) decreased the portion of a loan that SBA could guarantee under the 7(a) Program, from 90 percent of the loan amount down to a sliding scale of only up to 80 percent; and (2) increased the guarantee fee for 7(a) loans from 2 percent of the loan amount up to a sliding scale of between 2 percent and 3.875 percent. Another change was that the SBA discontinued servicing loans that have gone into default. This change is particularly detrimental in Alaska and Hawaii, because of the transportation costs involved in servicing a loan, and in small Alaska communities because it is difficult for the employee of a bank branch to take action against his neighbor on a loan.

Before these changes went into effect, the SBA 7(a) lending program provided much of the critical financing for rural Alaska businesses. For instance, the SBA guaranteed 315 loans totaling $29 million with fiscal year 1995 funds—170 of which went to businesses in what we consider rural areas of Alaska (generally not on the road system). By comparison, the SBA guaranteed only 88 loans in Alaska—and only 48 in rural areas—with fiscal year 1998 funds, after the changes had gone into effect. The total amount of the loans between fiscal year 1995 and fiscal year 1998 decreased by over 60 percent, from $29 million down to $10 million. It appears this downward trend is continuing during the Fiscal Year 1999 cycle.

Prior to the changes, the National Bank of Alaska was one of SBA's biggest 7(a) lending program participants, having made over 91 loans totaling more than $15 million during the fiscal year 1995 cycle. Three years later, during the fiscal year 1998 cycle, the National Bank of Alaska made no loans under the 7(a) program. There is no question that the changes have negatively affected the availability of loan funds and credit in rural Alaska and other rural areas.

The bill I am introducing today is intended to make the 7(a) program more viable in the rural parts of Alaska and Hawaii. The Rural Business Lending Act would create a 3-year ''Rural Business Lending Program'' in the 49th and 50th states that would be similar to 7(a) Program before the 1995 changes. It would allow up to 90 percent of loan amounts to be guaranteed, cap the guarantee fee at 1 percent, require the SBA to service loans on which it honors a guarantee, and allow the SBA to waive annual loan fees (one-half of one percent of the outstanding loan balance under existing law) if necessary to increase lending. Loans under the ''Rural Business Lending Program'' would be available only in communities with a population of 9,000 or fewer. The program would be required to be administered from the SBA's Alaska and Hawaii offices, where the unique characteristics and needs of rural small businesses are more likely to be understood. The SBA would be required to report to Congress after two years on the effectiveness of the program so that consideration could be given to making it permanent or expanding it to other areas.

This legislation will ensure that small businesses in rural Alaska and Hawaii have similar access to the national 7(a) Program that other small businesses have. The national 7(a) program should not provide opportunities only to businesses in urban settings. The changes in the Act are intended to revive the SBA 7(a) Program in rural parts of Alaska and Hawaii, creating a model that perhaps can be applied more broadly in the future. I look forward to working with other Senators on the enactment of this legislation that is so critical to small businesses in Alaska and Hawaii, and ultimately perhaps, to small businesses in rural areas throughout the United States.•

By Mr. BURNS (for himself, Mr. MCCAIN, Mr. DORGAN, Mr. BRYAN, Mr. BROWNBACK, and Mr. CLELAND):

S. 376. A bill to amend the Communications Satellite Act of 1962 to promote competition and privatization in satellite communications, and for other purposes; to the Committee on Commerce, Science, and Transportation.

OPEN-MARKET REORGANIZATION FOR THE BETTERMENT OF INTERNATIONAL TELECOMMUNICATIONS (ORBIT) ACT

• Mr. BURNS. Mr. President, I rise today to introduce the ''Open-market Reorganization for the Betterment of International Telecommunications (ORBIT)'' bill, an important piece of

legislation that will modernize our nation's laws and policies regarding the provision of international satellite communications services. I also thank the help and hard work of my colleagues who are original cosponsors of this bill, including the Chairman of the Commerce Committee, Senator MCCAIN, and Senator BROWNBACK, Senator BRYAN, Senator DORGAN and Senator CLELAND.

Dramatic technological and marketplace changes have reshaped global satellite communications in the thirty-six years since enactment of the Communications Satellite Act of 1962. These changes necessitate that we update our nation's satellite laws to establish a new policy framework for vibrant international satellite communications in the 21st century.

The bill I introduce today reflects a reasoned and balanced approach that will enable more private companies, as opposed to government entities, to bring advanced satellite communications service to every corner of the globe—including poor, remote and lesser developed countries. This bill puts the full weight of the United States squarely behind the privatization of INTELSAT, an intergovernmental organization embracing 142 countries, which, in turn, will transform the international satellite communications marketplace into a more robust and genuinely competitive arena. The beneficiaries of this legislation will be American companies and their workers who will have new opportunities to offer satellite communications services worldwide and consumers who will be able to enjoy a choice among multiple service providers of ever more advanced communications services at lower cost.

When the Soviet Union launched Sputnik in 1957, the United States responded immediately and aggressively to recapture the lead in the advancement of satellite technology. Our nation understood the tremendous potential of satellite technology, but at the same time recognized that because of the cost, risk and uncertainty, no individual company would develop it alone. Therefore, the U.S. enacted the Communications Satellite Act of 1962 which created COMSAT, a private company, to develop by itself, or presumably with the assistance of other foreign entities, a commercial worldwide satellite communications system. Subsequently, the international treaty organization, INTELSAT, was created to provide mainly telephone and data services around the world. COMSAT and INTELSAT have worked together over the last three decades to introduce satellite communications services here and abroad.

The INTELSAT/COMSAT experiment has been a magnificent success. INTELSAT, has grown to include 142 member countries, utilizing a network of 24 satellites that offer voice, data and video services around the world. In the last fifteen years, technological advances, improved large-scale financing options, and enriched market conditions have created a favorable climate for new companies to provide services that only INTELSAT had previously been able to offer. However, while the success of INTELSAT has spurred multiple private commercial companies to penetrate the global satellite market, these private companies have expressed serious concern about the existence of INTELSAT, in its present form, and the unlevel playing field upon which they must compete with INTELSAT. My legislation addresses their concerns.

This legislation prods INTELSAT to transform itself from a multi-governmentally owned and controlled monopoly to a fully privatized company. The legislation articulates the new United States policy that INTELSAT must privatize as soon as possible, but no later than January 1, 2002 and it creates a process to encourage and verify that this privatization effort occurs in a pro-competitive manner.

This legislation puts clear and specific restrictions on INTELSAT's ability to expand its service offerings into new areas, such as direct broadcast satellite services and Ka-band communications, pending privatization. At the same time, it preserves INTELSAT's ability to provide its customers services they currently enjoy. INTELSAT customers are not artificially denied services to which they already have access.

INTELSAT also is offered incentives to privatize. One of INTELSAT's most important business objectives is to obtain direct access to the lucrative U.S. domestic market. My legislation does not hand this over to INTELSAT and the other 141 member countries without commercial reform. Rather, it withholds this desired benefit until privatization is complete. I should add that with the introduction of this legislation, I call on the FCC to halt its pending rulemaking to allow Intelsat to directly access the U.S. market before privatization. This rulemaking undermines a central tenet of this bill, and would exceed the agency's authority in any event. I urge the FCC to let Congress resolve this issue through the legislative process.

This legislation provides the President of the United States with the authority to certify that INTELSAT has privatized in a sufficiently pro-competitive manner that it will not harm competition in the U.S. satellite marketplace. The President is required to consider a whole array of criteria such as the owner structure of INTELSAT, its independence from the intergovernmental organization, and its relinquishment of privileges and immunities. These criteria will ensure that INTELSAT is transformed into a commercially competitive company without any unfair advantages. If the privatization does not occur within the time frame provided in my legislation, January 1, 2002, the President is required to withdraw the U.S. from INTELSAT.

I believe that the House and the Senate, working constructively together, can enact international satellite competition legislation this year. In particular, I want to commend the Chairman of the House Commerce Committee, Representative BLILEY, for all the good work he did last Congress in passing H.R. 1872 through the House. I am confident that our shared objectives will enable us to resolve differences on a number of specific issues and obtain the broad, bipartisan support needed to move this legislation quickly. I especially look forward to working with my colleagues on both sides of the aisle in the Senate to reaching swift agreement on this bill which will enhance America's competitive position as we enter the 21st century.●

By Mr. ENZI:

S. 377. A bill to eliminate the special reserve funds created for the Savings Association Insurance Fund and the Deposit Insurance Fund, and for other purposes; to the Committee on Banking, Housing, and Urban Affairs.

SAIF SPECIAL RESERVE ELIMINATION BILL

● Mr. ENZI. Mr. President, I rise to introduce legislation on behalf of myself and the Senator from South Dakota, Senator JOHNSON. This legislation would eliminate the Savings Association Insurance Fund (SAIF) special reserve. The Federal Deposit Insurance Corporation (FDIC) has indicated that this is one of their top priorities. We feel this legislation is important because capitalization of the special reserve could potentially destabilize the SAIF.

The Special Reserve of the Savings Association Insurance Fund (SAIF) was established on January 1, 1999. It was created by the Deposit Insurance Act of 1996 to provide a backup to the SAIF and further protect the taxpayers from another costly bailout of failed financial institutions. The law stipulated that the amount in the SAIF special reserve should equal the amount by which the SAIF reserve ratio exceeded the designated reserve ratio on January 1, 1999. The designated reserve ratio is 1.25 percent of estimated insured deposits. As a result, on January first of this year, about $1 billion was transferred from the SAIF to the special reserve of the SAIF. Now the SAIF, because it does not include the amount set aside in the special reserve, is capitalized at 1.25 percent of insured deposits.

The problem with this newly established special reserve is that it has the potential to destabilize the SAIF. Since $1 billion was transferred into the special reserve, thereby reducing the SAIF to the minimum required reserve level of 1.25 percent, the chances that the reserve ratio could drop below that level due to adverse circumstances has increased significantly. If this ever occurs, the FDIC may assess new insurance premiums since the 1996 amendments do not allow the special reserve

funds to be used in the calculation of the SAIF. And new premium on thrifts resulting from the special reserve would be unfair and discriminatory.

In addition, the special reserve funds cannot be used unless the SAIF reachers a dangerously low level. Current law does not allow the FDIC to access the funds in the special reserve until the reserve ratio reaches 0.625 percent of the designated ratio, and the FDIC expects the ratio to remain at or below that level for each of the next four quarters. This does not allow the FDIC to properly manage the SAIF.

The Enzi/Johnson bill also makes conforming and technical amendments requested by the FDIC. These changes would delete provisions of the Deposit Insurance Act of 1996 relating to the merger of the two deposit insurance funds. The Bank Insurance Fund (BIF) and the SAIF were not merged by the target date of January 1, 1999, because savings associations are still in existence. Therefore, these provisions are unnecessary.

In conclusion, I urge my colleagues to pass this vitally important legislation before a change in the SAIF would create a budgetary impact. It represents an appropriate solution to what could be a major deposit insurance problem.●

By Mr. ROCKEFELLER (for himself, Mr. DORGAN, Mr. WYDEN, Mr. HARKIN, and Mr. BINGAMAN):

S. 379. A bill to amend title 49, United States Code, to authorize the Secretary of Transportation to implement a pilot program to improve access to the national transportation system for small communities, and for other purposes; to the Committee on Commerce, Science, and Transportation.

THE AIR SERVICE RESTORATION ACT OF 1999

● Mr. ROCKEFELLER. Mr. President, today I am pleased to introduce the Air Service Restoration Act of 1999, together with my colleagues Senators DORGAN, WYDEN, HARKIN and BINGAMAN.

In the past several years there has been a growing debate in the Congress and across the nation about the state of our aviation industry. The primary concerns heard again and again are that a decline in air service to small and rural communities and increasing consolidation among airlines and in certain essential markets are hurting consumers and stifling economic development.

I know these concerns well from the experience of my home State of West Virginia. By virtually any measure West Virginia is the State that has been hardest hit by air service declines in the twenty years since deregulation. With the notable exception of a few important upgrades and new opportunities in the last year, West Virginia's air service has been far inferior to that provided other communities—the planes are uncomfortable, the prices are high, and the schedules are thin and subject to frequent cancellations. As a result, at a time when the rest of the nation has experienced a 75 percent increase in air traffic, passenger enplanements statewide in West Virginia have declined by nearly 40 percent.

The real tragedy of poor air service isn't passenger inconvenience or frustration, however, it's the negative impact on economic development. In today's global marketplace air service has become the single most important mode of transportation. When it comes to economic growth, there is no substitute for good air service, and the lack of quality, affordable service can and does hold us back, stunting economic growth in West Virginia just as it does in small and rural communities across the country. We must act now to stem this tide—to restore and promote air service to under-served areas—or we will never be able to close the gap in a meaningful and sustained way.

This legislation is designed not only to build on the successes of airline deregulation but also to take responsibility for its failures. It contains four major provisions:

First, the centerpiece of the bill is a five-year $100 million pilot program for up to 40 small and under-served communities, with grants of up to $500,000 to each community for local initiatives to attract and promote service.

Second, the Department of Transportation would have the authority to facilitate links between pilot communities and major airports by requiring joint fares and interline agreements between dominant airlines at hub airports and new service providers at under-served airports.

Third, to address a key infrastructure concern of small and rural airports, the bill establishes a pilot program allowing communities facing the loss of an air traffic control tower to instead share the cost of funding the tower, on a contract basis, in proportion to the cost-benefit ratio of the tower.

Fourth, the bill calls on the Department of Transportation to review airline industry marketing practices—practices which many believe are exacerbating the decline in air service to small communities—and, if necessary, promulgate regulations to curb abuses.

The legislation we introduce today should begin to afford small and rural community air service the priority they deserve in our national transportation policy. It is similar to a bill I and my colleagues introduced last year, many provisions of which were adopted by the full Senate in the failed FAA and AIP reauthorization bill of 1998. Variations on some of these provisions have also been included in the 1999 reauthorization bill introduced last month by Senators MCCAIN, HOLLINGS, GORTON and myself. I am hopeful that we will successfully enact this legislation, to protect and restore small community air service, this year.

Admittedly, airline deregulation has been a real success story in much of the nation, with lower fares, better service, and more choices for many passengers, as well as tremendous financial success and stability for commercial airlines. But as I have said in the past, airline deregulation has handed out the benefits of air travel unevenly, and we face today an ever-widening gap between the air transportation ''haves'' and ''have-nots''. We in the Congress have a responsibility to foster and maintain a truly national air transportation system, and we fail our small and rural communities when we leave them with the choice between high-cost, poor-quality service or no service at all.

This legislation and this year offer a real opportunity to re-double our efforts to connect small and rural communities to our air transportation system in a meaningful way. I commend the efforts of Senators DORGAN, WYDEN, HARKIN and BINGAMAN to solve this daunting national problem, and I hope our colleagues will join us in the endeavor.

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. 379

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 ''Air Service Restoration Act''.

SEC. 2. FINDINGS.

The Congress finds that—

(1) a national transportation system providing safe, high quality service to all areas of the United States is essential to interstate commerce and the economic well-being of cities and towns throughout the United States;

(2) taxpayers throughout the United States have supported and helped to fund the United States aviation infrastructure and have a right to expect that aviation services will be provided in an equitable and fair manner to every region of the country;

(3) some communities have not benefited from airline deregulation and access to essential airports and air services has been limited;

(4) air service to a number of small communities has suffered since deregulation;

(5) studies by the Department of Transportation have documented that, since the airline industry was deregulated in 1978—

(A) 34 small communities have lost service and many small communities have had jet aircraft service replaced by turboprop aircraft service;

(B) out of a total of 320 small communities, the number of small communities being served by major air carriers declined from 213 in 1978 to 33 in 1995;

(C) the number of small communities receiving service to only one major hub airport increased from 79 in 1978 to 134 in 1995; and

(D) the number of small communities receiving multiple-carrier service decreased from 136 in 1978 to 122 in 1995; and

(6) improving air service to small- and medium-sized communities that have not benefited from fare reductions and improved

service since deregulation will likely entail a range of Federal, State, regional, local, and private sector initiatives.

SEC. 3. PURPOSE.

The purpose of this Act is to facilitate, through a pilot program, incentives and projects that will help communities to improve their access to the essential airport facilities of the national air transportation system through public-private partnerships and to identify and establish ways to overcome the unique policy, economic, geographic, and marketplace factors that may inhibit the availability of quality, affordable air service to small communities.

SEC. 4. ESTABLISHMENT OF SMALL COMMUNITY AVIATION DEVELOPMENT PROGRAM

Section 102 is amended by adding at the end thereof the following:

''(g) SMALL COMMUNITY AIR SERVICE DEVELOPMENT PROGRAM.—

''(1) ESTABLISHMENT.—The Secretary shall establish a 5-year pilot aviation development program to be administered by a program director designated by the Secretary.

''(2) FUNCTIONS.—The program director shall—

''(A) function as a facilitator between small communities and air carriers;

''(B) carry out section 41743 of this title;

''(C) carry out the airline service restoration program under sections 41744, 41745, and 41746 of this title;

''(D) ensure that the Bureau of Transportation Statistics collects data on passenger information to assess the service needs of small communities;

''(E) work with and coordinate efforts with other Federal, State, and local agencies to increase the viability of service to small communities and the creation of aviation development zones; and

''(F) provide policy recommendations to the Secretary and the Congress that will ensure that small communities have access to quality, affordable air transportation services.

''(3) REPORTS.—The program director shall provide an annual report to the Secretary and the Congress beginning in 2000 that—

''(A) analyzes the availability of air transportation services in small communities, including, but not limited to, an assessment of the air fares charged for air transportation services in small communities compared to air fares charged for air transportation services in larger metropolitan areas and an assessment of the levels of service, measured by types of aircraft used, the availability of seats, and scheduling of flights, provided to small communities.

''(B) identifies the policy, economic, geographic and marketplace factors that inhibit the availability of quality, affordable air transportation services to small communities; and

''(C) provides policy recommendations to address the policy, economic, geographic and marketplace factors inhibiting the availability of quality, affordable air transportation services to small communities.''.

SEC. 5. COMMUNITY-CARRIER AIR SERVICE PROGRAM.

(a) IN GENERAL.—Subchapter II of chapter 417 is amended by adding at the end thereof the following:

''§ 41743. Air service program for small communities

''(a) COMMUNITIES PROGRAM.—Under advisory guidelines prescribed by the Secretary of Transportation, a small community or a consortia of small communities or a State may develop an assessment of its air service requirements, in such form as the program director designated by the Secretary under section 102(g) may require, and submit the assessment and service proposal to the program director.

''(b) SELECTION OF PARTICIPANTS.—In selecting community programs for participation in the communities program under subsection (a), the program director shall apply criteria, including geographical diversity and the presentation of unique circumstances, that will demonstrate the feasibility of the program. For purposes of this subsection, the application of geographical diversity criteria means criteria that—

''(1) will promote the development of a national air transportation system; and

''(2) will involve the participation of communities in all regions of the country.

''(c) CARRIERS PROGRAM.—The program director shall invite part 121 air carriers and regional/commuter carriers (as such terms are defined in section 41715(d) of this title) to offer service proposals in response to, or in conjunction with, community aircraft service assessments submitted to the office under subsection (a). A service proposal under this paragraph shall include—

''(1) an assessment of potential daily passenger traffic, revenues, and costs necessary for the carrier to offer the service;

''(2) a forecast of the minimum percentage of that traffic the carrier would require the community to garner in order for the carrier to start up and maintain the service; and

''(3) the costs and benefits of providing jet service by regional or other jet aircraft.

''(d) PROGRAM SUPPORT FUNCTION.—The program director shall work with small communities and air carriers, taking into account their proposals and needs, to facilitate the initiation of service. The program director—

''(1) may work with communities to develop innovative means and incentives for the initiation of service;

''(2) may obligate funds authorized under section 6 of the Air Service Restoration Act to carry out this section;

''(3) shall continue to work with both the carriers and the communities to develop a combination of community incentives and carrier service levels that—

''(A) are acceptable to communities and carriers; and

''(B) do not conflict with other Federal or State programs to facilitate air transportation to the communities;

''(4) designate an airport in the program as an Air Service Development Zone and work with the community on means to attract business to the area surrounding the airport, to develop land use options for the area, and provide data, working with the Department of Commerce and other agencies;

''(5) take such other action under this chapter as may be appropriate.

''(e) LIMITATIONS.—

''(1) COMMUNITY SUPPORT.—The program director may not provide financial assistance under subsection (c)(2) to any community unless the program director determines that—

''(A) a public-private partnership exists at the community level to carry out the community's proposal;

''(B) the community will make a substantial financial contribution that is appropriate for that community's resources, but of not less than 25 percent of the cost of the project in any event;

''(C) the community has established an open process for soliciting air service proposals; and

''(D) the community will accord similar benefits to air carriers that are similarly situated.

''(2) AMOUNT.—The program director may not obligate more than $100,000,000 of the amounts authorized under section 6 of the Air Service Restoration Act over the 5 years of the program.

''(3) NUMBER OF PARTICIPANTS.—The program established under subsection (a) shall not involve more than 40 communities or consortia of communities.

''(f) REPORT.—The program director shall report through the Secretary to the Congress annually on the progress made under this section during the preceding year in expanding commercial aviation service to smaller communities.

''§ 41744. Pilot program project authority

''(a) IN GENERAL.—The program director designated by the Secretary of Transportation under section 102(g)(1) shall establish a 5-year pilot program—

''(1) to assist communities and States with inadequate access to the national transportation system to improve their access to that system; and

''(2) to facilitate better air service link-ups to support the improved access.

''(b) PROJECT AUTHORITY.—Under the pilot program established pursuant to subsection (a), the program director may—

''(1) out of amounts authorized under section 6 of the Air Service Restoration Act, provide financial assistance by way of grants to small communities or consortia of small communities under section 41743 of up to $500,000 per year; and

''(2) take such other action as may be appropriate.

''(c) OTHER ACTION.—Under the pilot program established pursuant to subsection (a), the program director may facilitate service by—

''(1) working with airports and air carriers to ensure that appropriate facilities are made available at essential airports;

''(2) collecting data on air carrier service to small communities; and

''(3) providing policy recommendations to the Secretary to stimulate air service and competition to small communities.

''(d) ADDITIONAL ACTION.—Unsder the pilot program established pursuant to subsection (a), the Secretary shall work with air carriers providing service to participating communities and major air carriers serving large hub airports (as defined in section 41731(a)(3)) to facilitate joint fare arrangements consistent with normal industry practice.

''§ 41745. Assistance to communities for service

''(a) IN GENERAL.—Financial assistance provided under section 41743 during any fiscal year as part of the pilot program established under section 41744(a) shall be implement for not more than—

''(1) 4 communities within any State at any given time; and

''(2) 40 communities in the entire program at any time.

For purposes of this subsection, a consortium of communities shall be treated as a single community.

''(b) ELIGIBILITY.—In order to participate in a pilot project under this subchapter, a State, community, or group of communities shall apply to the Secretary in such form and at such time, and shall supply such information, as the Secretary may require, and shall demonstrate to the satisfaction of the Secretary that—

''(1) the applicant has an identifiable need for access, or improved access, to the national air transportation system that would benefit the public;

''(2) the pilot project will provide material benefits to a broad section of the travelling public, businesses, educational institutions, and other enterprises whose access to the national air transportation system is limited;

''(3) the pilot project will not impede competition; and

(4) the applicant has established, or will establish, public-private partnerships in connection with the pilot project to facilitate service to the public.

''(c) COORDINATION WITH OTHER PROVISIONS OF SUBCHAPTER.—The Secretary shall carry out the 5-year pilot program authorized by this subchapter in such a manner as to complement action taken under the other provisions of this subchapter. To the extent the Secretary determines to be appropriate, the Secretary may adopt criteria for implementation of the 5-year pilot program that are the same as, or similar to, the criteria developed under the preceding sections of this subchapter for determining which airports are eligible under those sections. The Secretary shall also, to the extent possible, provide incentives where no direct, viable, and feasible alternative service exists, taking into account geographical diversity and appropriate market definitions.

''(d) MAXIMIZATION OF PARTICIPATION.—The Secretary shall structure the program established pursuant to section 41744(a) in a way designed to—

''(1) permit the participation of the maximum feasible number of communities and States over a 5-year period by limiting the number of years of participation or otherwise; and

''(2) obtain the greatest possible leverage from the financial resources available to the Secretary and the applicant by—

''(A) progressively decreasing, on a project-by-project basis, any Federal financial incentives provided under this chapter over the 5-year period; and

''(B) terminating as early as feasible Federal financial incentives for any project determined by the Secretary after its implementation to be—

''(i) viable without further support under this subchapter; or

''(ii) failing to meet the purposes of this chapter or criteria established by the Secretary under the pilot program.

''(e) SUCCESS BONUS.—If Federal financial incentives to a community are terminated under subsection (d)(2)(B) because of the success of the program in that community, then that community may receive a one-time incentive grant to ensure the continued success of that program.

''(f) PROGRAM TO TERMINATE IN 5 YEARS.—No new financial assistance may be provided under this subchapter for any fiscal year beginning more than 5 years after the date of enactment of the Air Service Restoration Act.

''§ 41746. Additional authority

''In carrying out this chapter, the Secretary—

''(1) may provide assistance to States and communities in the design and application phase of any project under this chapter, and oversee the implementation of any such project;

''(2) may assist States and communities in putting together projects under this chapter to utilize private sector resources, other Federal resources, or a combination of public and private resources;

''(3) may accord priority to service by jet aircraft;

''(4) take such action as may be necessary to ensure that financial resources, facilities, and administrative arrangements made under this chapter are used to carry out the purposes of the Air Service Restoration Act; and

''(5) shall work with the Federal Aviation Administration on airport and air traffic control needs of communities in the program.

''§ 41747. Air traffic control services pilot program

''(a) IN GENERAL.—To further facilitate the use of, and improve the safety at, small airports, the Administrator of the Federal Aviation Administration shall establish a pilot program to contract for Level I air traffic control services at 20 facilities not eligible for participation in the Federal Contract Tower Program.

''(b) PROGRAM COMPONENTS.—In carrying out the pilot program established under subsection (a), the Administrator may—

''(1) utilize current, actual, site-specific data, forecast estimates, or airport system plan data provided by a facility owner or operator;

''(2) take into consideration unique aviation safety, weather, strategic national interest, disaster relief, medical and other emergency management relief services, status of regional airline service, and related factors at the facility;

''(3) approve for participation any facility willing to fund a pro rata share of the operating costs used by the Federal Aviation Administration to calculate, and, as necessary, a 1:1 benefit-to-cost ration, as required for eligibility under the Federal Contract Tower Program; and

''(4) approve for participation no more than 3 facilities willing to fund a pro rata share of construction costs for an air traffic control tower so as to achieve, at a minimum, a 1:1 benefit-to-cost ratio, as required for eligibility under the Federal Contract Tower Program, and for each of such facilities the Federal share of construction costs does not exceed $1,000,000.

''(c) REPORT.—One year before the pilot program established under subsection (a) terminates, the Administrator shall report to the Congress on the effectiveness of the program, with particular emphasis on the safety and economic benefits provided to program participants and the national air transportation system.''.

(b) CONFORMING AMENDMENT.—The chapter analysis for subchapter II of chapter 417 is amended by inserting after the item relating to section 41742 the following:

''41743. Air service program for small communities.
''41744. Pilot program project authority.
''41745. Assistance to communities for service.
''41746. Additional authority.
''41747. Air traffic control services pilot program.''.

(c) WAIVER OF LOCAL CONTRIBUTION.—Section 41736(b) is amended by inserting after paragraph (4) the following:

''Paragraph (4) does not apply to any community approved for service under this section during the period beginning October 1, 1991, and ending December 31, 1997.''.

(d) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated to the Secretary of Transportation such sums as may be necessary to carry out section 41747 of title 49, United States Code.

SEC. 6. AUTHORIZATION OF APPROPRIATIONS.

To carry out sections 41743 through 41746 of title 49, United States Code, for the 4 fiscal-year period beginning with fiscal year 2000 there are authorized to be appropriated to the Secretary of Transportation not more than $100,000,000.

SEC. 7. MARKETING PRACTICES.

Section 41712 is amended by—

(1) inserting ''(a) IN GENERAL.—'' before ''On''; and

(2) adding at the end thereof the following:

''(b) MARKETING PRACTICES THAT ADVERSELY AFFECT SERVICE TO SMALL OR MEDIUM COMMUNITIES.—Within 180 days after the date of enactment of the Air Service Restoration Act, the Secretary shall review the marketing practices of air carriers that may inhibit the availability of quality, affordable air transportation services to small and medium-sized communities, including—

''(1) marketing arrangements between airlines and travel agents;

''(2) code-sharing partnerships;

''(3) computer reservation system displays;

''(4) gate arrangements at airports;

''(5) exclusive dealing arrangements; and

''(6) any other marketing practice that may have the same effect.

''(c) REGULATIONS.—If the Secretary finds, after conducting the review required by subsection (b), that marketing practices inhibit the availability of such service to such communities, then, after public notice and an opportunity for comment, the Secretary shall promulgate regulations that address the problem.''.

SEC. 8. NONDISCRIMINATORY INTERLINE INTERCONNECTION REQUIREMENTS.

(a) IN GENERAL.—Subchapter I of chapter 417 is amended by adding at the end thereof the following:

''§ 41717. Interline agreements for domestic transportation

''(a) NONDISCRIMINATORY REQUIREMENTS.—If a major air carrier that provides air service to an essential airport facility has any agreement involving ticketing, baggage and ground handling, and terminal and gate access with another carrier, it shall provide the same services to any requesting air carrier that offers service to a community selected for participation in the program under section 41743 under similar terms and conditions and on a nondiscriminatory basis within 30 days after receiving the request, as long as the requesting air carrier meets such safety, service, financial, and maintenance requirements, if any, as the Secretary may by regulation establish consistent with public convenience and necessity. The Secretary must review any proposed agreement to determine if the requesting carrier meets operational requirements consistent with the rules, procedures, and policies of the major carrier. This agreement may be terminated by either party in the event of failure to meet the standards and conditions outlined in the agreement.

''(b) DEFINITIONS.—In this section the term 'essential airport facility' means a large hub airport (as defined in section 41731(a)(3)) in the contiguous 48 States in which one carrier has more than 50 percent of such airport's total annual enplanements.''.

(b) CLERICAL AMENDMENT.—The chapter analysis for subchapter I of chapter 417 is amended by adding at the end thereof the following:

''41717. Interline agreements for domestic transportation.''.●

● Mr. DORGAN. Mr. President, I am pleased to introduce legislation today, along with other colleagues, that is designed to inject more airline competition and improve air service to small communities. Since the deregulation of the airline industry two decades ago, hundreds of small communities have experienced service degradation and many have lost service altogether. Vast geographic regions of our country have suffered unacceptable geographic isolation as the airlines have withdrawn service in smaller communities. This trend needs the serious attention of the Congress and the Department of Transportation.

Included in this legislation are several provisions designed to promote airline competition and develop air service to the many rural areas of the country that have suffered the consequences of laissez-faire deregulation. The consequence can be summed up in one phrase: ''unregulated monopolies.''

Unregulated monopolies result in a number of effects: (1) higher prices and fewer choices for consumers and (2) the elimination of competition and the establishment of entry barriers that make competition a nearly impossible task.

While deregulation has been a wonderful success for the people who travel between the major metropolitan areas of the country, it has been an unmitigated disaster for most rural areas and smaller communities. Transportation Department studies have documented that 167 communities has lost air service in the past two decades and hundreds have suffered service degradation manifested by loss of jet service or loss of access to a major hub airport.

In a report by the General Accounting Office issued in October, 1997 entitled, ''Airline Deregulation: Barriers to Entry Continue to Limit Competition in Several Key Domestic Markets'' [GAO/RCED–97–4], operating limitations and marketing practices of large, dominate carriers restrict entry and competition to an extent not anticipated by Congress when it deregulated the airline industry. The GAO identified a number of entry barriers and anti-competitive practices which are stifling competition and contributing to higher fares. The GAO issued a similar report in 1990 and the 1996 report said that not only has the situation not improved for new entrants, but things have gotten worse.

These mega carriers have created theifdoms, securing dominate market shares at regional hubs. Since deregulation, all major airlines have created hub-and-spoke systems where they funnel arrivals and departures though hub airports where they dominate traffic. Today, all but 3 hubs are dominated by a single airline where the carrier has between 60 and 90 percent of all the arrivals, departures, and passengers at the hub.

The fact is that deregulation has lead to greater concentration and stifling competition. The legislative history of the Civil Aeronautics Act of 1938 shows that Congress was as deeply concerned about destructive competition as it was with the monopolization of air transportation services. Thus, the CAA sought to ensure that a competitive economic environment existed. As we can see, deregulation is realizing the fears anticipated by the Congress in 1938. Competition has not become the general rule. Rather, competition is the exception in an unregulated market controlled largely by regional monopolies.

Deregulation has also resulted in disproportionate air fares. It has been demonstrated that hub concentration has translated into higher fares and rural communities that are dependent upon concentrated hubs have seen higher fares.

Studies from DOT and the GAO have demonstrated that in the 15 out of 18 hubs in which a single carrier controls more than 50% of the traffic, passengers are paying more than the industry norm. The GAO studied 1988 fares at 15 concentrated airports and compared those with fares at 38 competitive hub airports. The GAO found that fares at the concentrated hubs were 27% higher.

The difference between regulation and deregulation is not a change from monopoly control to free market competition. Rather, the change is from having regulated monopolies serving 93% of the market to deregulated monopolies serving 85% of the market, according to Dempsey. Today, nearly two-thirds of our nation's city-pairs are unregulated monopolies where a monopoly carrier can charge whatever they wish in 2 our of 3 city-pairs in the domestic market.

A January 1991 GAO Report on Fares and Concentration at Small-City Airports found that passengers flying from small-city airports on average paid 34 percent more when they flew to a major airport dominated by one or two airlines than when they flew to a major airport that was not concentrated. The report also found that when both the small airport and the major hub were concentrated, fares were 42 percent higher than if there was competition at both ends.

A July 1993 GAO Report on Airline Competition concluded that airline passengers generally pay higher fares at 14 concentrated airports than at airports with more competition. The report found that fares at concentrated airports were about 22 percent higher than fares at 35 less concentrated airports. The same report found that the number of destinations served directly by only one airline rose 56 percent to 64 percent from 1985 to 1992, while the number of destinations served by 3 or more airlines fell from 19% to 11% during that same period. This report confirmed similar conclusion reached in previous GAO studies conducted in 1989 and 1990.

The fact is that deregulation, while paving the road to concentration and consolidation, has allowed regional monopolies to control prices in noncompetitive markets. While the entrance of low cost carriers has introduced competition in dense markets, the main difference between today and pre-deregulation is that the monopolies are unregulated.

Concentration, not competition, is the current trend in the airline industry. In 1938, when the Federal Government began to regulate air transportation services, there were 16 carriers who accounted for all the total traffic in the U.S. domestic market. By 1978 (the year Congress passed deregulation legislation) the same 16 carriers (reduced to 11 through mergers) still accounted for 94% of the total traffic.

Today, those same 11 carriers (now reduced to 7 through mergers and bankruptcies) account for over 80% of the total traffic [measured in terms of revenue passenger miles]. When these 7 carriers (American; Continental; Delta; Northwest; United; and US Air) are combined with their code-share partner, they account for more than 95% of the total air traffics in the domestic U.S.

One expert estimated in 1992 that since deregulation, over 120 new airlines appeared. However, more than 200 have gone bankrupt or been acquired in mergers.

Between 1970 and 1988, there were 51 airline mergers and acquisitions—20 of those were approved by the Department of Transportation after 1985, when it assumed all jurisdiction over merger and acquisition requests. In fact, DOT approved every airline merger submitted to it after it assumed jurisdiction over mergers from the Civil Aeronautics Board in 1984. Fifteen independent airlines operating at the beginning of 1986 had been merged into six mega carriers by the end of 1987. And, these six carriers increased their market share from 71.3% in 1978 to 80.5% in 1990.

At a hearing last year in the Senate Commerce Committee, Alfred Kahn, the father of airline deregulation, testified and offered some interesting reflections on the results of airline deregulation. I recounted for him the unprecedented concentration in the market that was fostered by the deregulation he helped create and asked him if he foresaw this and if the competition he expected to merge has been realized. He responded with great disappointment saying that the industry concentration has perverted the purpose of deregulation and he pinned much of the blame for this result on the mergers. He said: ''While I do not want to mention anyone by name, but one of the problems is that there was one Secretary of Transportation who never met a merger she did not like.''

These mega carriers have created competition free zones, securing dominate market shares at regional hubs. Since deregulation, all major airlines have created hub-and-spoke systems where they funnel arrivals and departures though hub airports where they dominate traffic. Today, all but 3 hubs are dominated by a single airline where the carrier has between 60 and 90 percent of all the arrivals, departures, and passengers at the hub.

The non-aggression pacts between the major airline carriers are also being manifested in code-share partnerships—which are virtual mergers—where they pledge not to compete but to combine their route systems to further solidify their control over their regional monopolies.

Northwest has announced a deal with Continental; while United and Delta are teaming up; and American and US Air are establishing a partnership. While code-share partnerships are not mergers, but the impact on market concentration may be the same.

The proposed partnerships between the major carriers (and their code-share partners) will have the following shares of the U.S. domestic market:

Delta/United: 35 percent; American/US Air: 26 percent; and Northwest/Continental: 21 percent for a total of 82 percent.

In contrast, the rest of the carriers share less than 20% combined—the largest share of which is Southwest Airlines at 6.4%.

This legislation would establish the Small Community Air Service Development Program which could go a long way to address the small community air service problems. Earlier this year, Senator MCCAIN and others introduced S. 82, the ''Air Transportation Improvement Act,'' which contains provisions establishing this program. However, the authorization level proposed in that legislation does not provide adequate enough resources for this demonstration program to make much of a difference. Thus, this bill would establish a 5-year pilot program, authorized at $20 million per year—which is half the amount currently provided annually to the Essential Air Service Program. In contrast, S. 82 provides only $30 million total over a 4-year period. At that level, very few communities will be able to participate and their air service deficiencies will unfortunately continue.

In addition, the bill requires the Department of Transportation to review the marketing practices of the major airlines and to take action to rectify problems that impede air service to small and medium sized communities. Numerous GAO reports have highlighted the anti-competitive nature of some airline policies toward travel agents; bias in computer reservation systems; and certain gate arrangements at some airports. These barriers to entry need to be addressed and this legislation would address those problems.

This measure also includes a provision to facilitate air service to underserved communities and encourage airline competition through non-discriminatory interconnection requirements between air carriers. This provision simply imposes a nondiscrimination requirement on air carriers with market dominance at large hub airports—which are the bottleneck access points to the national air transportation system—with respect to interline agreements in order to allow competitors to interconnect into the large hub airports. Interline arrangements will allow passengers to move more efficiently between carriers when transferring between while maintaining the independent identities of competing carriers.

Barriers to competition in the airline industry have grown more insurmountable under the hub and spoke system where the major carriers dominate the large hubs, granting them regional monopolies. These dominate carriers are selective with their cooperation with other carriers; limiting their interline and joint fare agreements only to carriers that will not directly compete with them. In a circumstance where a major airline dominates access to the large hub airports, carriers not afforded the cooperation of the major airlines face an insurmountable barrier to entry.

The principle of this amendment is simple: if an air carrier has market dominance at a large hub airport, then that carrier cannot discriminate amongst carriers with whom it provides cooperation to allow passengers to transfer between each carrier's network at the dominate hub. This amendment would not impose any code-sharing or other business agreements on marketing or promotion. Rather, it requires cooperation and prevents anti-competitive discrimination with respect to interline agreements between carriers.

The principle underlying this provision is similar to the fundamental principle driving local competition in telecommunications markets. When Congress de-regulated the telecommunications industry three years ago, the fundamental element to promote competition in that legislation was the requirement that the incumbent carriers would be required, by law, to allow their competitors to interconnect into their network. In a situation where the incumbent dominates or controls the local bottleneck (in phone service it is the local loop and in aviation it is the large hub airports through which most all air traffic flows) the only way to permit competition is to require interconnection. If the incumbent carriers are permitted to exclude passengers from competing airlines to flow between their system and that of their competitors, the major carriers that dominate the hubs will ensure that there is no possibility of successful competition.

The interline provision is similar to the interconnection requirements imposed upon local phone monopolies. In order to develop competition in the local market, we had to impose, by law, the requirement that the monopoly must allow its competitors to interconnect into their networks. The interline provision is the aviation equivalent of that requirement (except that under this provision, the only requirement is that dominant carriers who control access to the air service bottlenecks cannot discriminate amongst the carriers it provides cooperation to permit passengers to transfer between networks). In light of what has been required of other industries under the goal of promoting competition (e.g., telecommunications), a non-discriminatory interline requirement makes sense if one wants to see a competitive industry.

This provision is not about re-regulation—it is about fulfilling the goal of deregulation by encouraging competition and allowing competition to be the regulator. Fostering competition is a mandate of the Airline Deregulation Act. This amendment is consistent with the mandate under current law that the Secretary foster competition. Under the Airline Deregulation Act, Section 40101 of Title 49, U.S.C., the Department of Transportation is directed to: avoid unreasonable industry concentration [Sec. 40101(a)(10)]; encourage, develop, and maintain an air transportation system relying on actual and potential competition [Sec. 40101(a)(12)]; and encourage entry into air transportation markets by new and existing carriers [Sec. 40101(a)(13)].

The interline provision will strengthen the economic viability of air service to small rural communities and enhance the ability of regional commuters and new entrants to provide essential air service. It also will prevent the major airlines from engaging in the anti-competitive behavior of excluding smaller and new entrants from the national air transportation network.

When the Congress eliminated the old Civil Aeronautics Board (CAB) in 1984, there was concern, at that time, about the abuses employed by the major airlines to selectively use interline agreements as an unfair competitive practice. During the debate on the Conference Report on the CAB Sunset Act, Congressman Norman Mineta said:

> In recent months there have also been concerns that the larger carriers in the industry might use the right to interline with them as a device to restrict competition. This could be accomplished by selective refusals to interline or by selective refusals on reasonable terms, based on competitive considerations. Under section 411 of the Federal Aviation Act, the CAB has authority to act against unfair competitive practices arising from agreements to interline. The conference bill transfers this authority to the Department of Transportation and we expect the Department to carefully monitor interlining practices to be sure that there are no abuses. This will help preserve the system of interlining and the major benefits it brings to consumers.

The only way to allow for competition in this environment is to impose conditions on the major carriers to cooperate with their competitors. Interline and joint fares are necessary to ensure that the dominant carriers will not kill potential competitors by denying them access to the essential facilities of the air transportation industry: the major hubs. These facilities have been built with public funds and all carriers should have access to those facilities. Interline and joint fares will help create that access.

This legislation is not a silver bullet that will alleviate all the air service problems facing certain parts of the country. However, it does carefully target certain known problems that impede airline competition and it establishes a badly needed program to assist small communities in improving their air service. I hope my colleagues will support this legislation.●

By Mr. CRAIG (for himself, Mr. BAUCUS, Mr. CRAPO, Mr. FRIST, Mr. ASHCROFT, Mr. THOMPSON, Mr. BURNS, Mr. BROWNBACK, Mr. INHOFE, Mr. HELMS, Mr. COCHRAN, Mr. ENZI, Mr. LOTT, Mr. THOMAS, Mr. GREGG, Mr. SESSIONS, and Mr. MURKOWSKI):

S. 380. A bill to reauthorize the Congressional Award Act; to the Committee on Governmental Affairs.

THE CONGRESSIONAL AWARD REAUTHORIZATION ACT OF 1999

● Mr. CRAIG. Mr. President, I join my colleague from Montana, Mr. BAUCUS, today to introduce the Congressional Award Reauthorization Act of 1999—a bill to reauthorize the Congressional Award program for another five years.

The Congressional Award program was first authorized and signed into law in 1979. Since then it has received the support of Congress and Presidents Carter, Reagan, Bush, and Clinton for one very simple reason—it helps encourage and recognize excellence among America's young people.

The program is non-competitive; participants challenge only themselves. Young people from all walks of life and levels of ability can work to earn a Congressional Award. Participants range from the academically and physically gifted, to those with severe physical, mental, and socio-economic challenges.

The Congressional Award is an earned award; young people are not selected for it. Participants strive for either a Bronze, Silver, or Gold Award. At each level, 50% of the required minimum hours to earn the Award are in Volunteer Service (a minimum of 100 hours for Bronze, 200 for Silver, and 400 for Gold). Since the inception of the program, the minimum number of volunteer hours for recipients has exceeded one million hours. All of this time was spent improving individual's lives and each of our communities.

Congressional Award recipients receive no material reward through the program for their efforts except for the medal and certificate which are presented to them in recognition of, and thanks for, what they have done.

There are currently around 2000 young people from across the country pursing the award, with more entering the program each day. Each of these young people exemplify the qualities of commitment to service and citizenship that our country embodies, and which we promote through our own service in Congress. We believe the least we can do for them is encourage them in their efforts and recognize their achievements through the Congressional Award program.

The program is one of the best investments Congress can make. It requires no annual appropriation—all of its funding is raised from private sources—yet it does so much for so many people.

The authorization for the Congressional Award program expires this year. The bill I introduce today will reauthorize the program for five years and make two minor changes in the way the program is administered. I encourage each one of my colleagues to show their support for every young person who has received or is working on a Congressional Award by supporting this legislation.

Mr. President, 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. 380

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. CONGRESSIONAL AWARD ACT AMENDMENTS OF 1999.

(a) CHANGE OF ANNUAL REPORTING DATE.—Section 3(e) of the Congressional Award Act (2 U.S.C. 802(e)) is amended in the first sentence by striking ''April 1'' and inserting ''June 1''.

(b) MEMBERSHIP REQUIREMENTS.—Section 4(a)(1) of the Congressional Award Act (2 U.S.C. 803(a)(1)) is amended—

(1) in subparagraphs (A) and (D), by striking ''Member of the Congressional Award Association'' and inserting ''recipient of the Congressional Award''; and

(2) in subparagraphs (B) and (C), by striking ''representative of a local Congressional Award Council'' and inserting ''a local Congressional Award program volunteer''.

(c) EXTENSION OF REQUIREMENTS REGARDING FINANCIAL OPERATIONS OF CONGRESSIONAL AWARD PROGRAM; NONCOMPLIANCE WITH REQUIREMENTS.—Section 5(c)(2)(A) of the Congressional Award Act (2 U.S.C. 804(c)(2)(A)) is amended by striking ''and 1998'' and inserting ''1998, 1999, 2000, 2001, 2002, 2003, and 2004''.

(d) TERMINATION.—Section 9 of the Congressional Award Act (2 U.S.C. 808) is amended by striking ''October 1, 1999'' and inserting October 1, 2004''.●

By Mr. INOUYE:

S. 381. A bill to allow certain individuals who provided service to the Armed Forces of the United States in the Philippines during World War II to receive a reduced SSI benefit after moving back to the Philippines.

VETERANS LEGISLATION

● Mr. INOUYE. Mr. President, I rise to introduce a bill that would allow Filipino World War II veterans to receive 75 percent of their Supplemental Security Income (SSI) benefits after moving back to the Philippines. The reduced benefits reflect the lower cost of living and per capita income in the Philippines. In order to be eligible, Filipino veterans must be receiving SSI benefits as of the date of enactment of this legislation, and must have served in the Philippine Commonwealth Army and recognized guerilla units during World War II before December 31, 1946. Under current law, individuals who receive SSI benefits must relinquish those benefits should they choose to reside outside the United States.

There are approximately 25,000 Filipino veterans who became naturalized citizens under the Immigration Act of 1990. Due to their age, the 1990 Act was subsequently amended to allow these veterans to be naturalized in the Philippines. It is unclear how many Filipino veterans reside in the United States as a result of the 1990 Act. However, some veterans came with the expectation of receiving pension benefits and a recognition of their military service. Instead, many are on welfare, living in poverty-stricken areas, and financially unable to petition their families to immigrate to the United States. Passage of this measure would help provide for these veterans upon return to their families in the Philippines.

As some of my colleagues know, I am an advocate for the Filipino veterans of World War II. I have sponsored several measures on their behalf to correct an injustice and seek equal treatment for their valiant military service in our Armed Forces. Members of the Philippine Commonwealth Army were called into the service of the United States Forces of the Far East, and under the command of General Douglas MacArthur joined our American soldiers in fighting some of the fiercest battles of World War II. Regretfully, the Congress betrayed our Filipino allies by enacting the Rescission Act of 1946. The 1946 Act, now codified as 38 U.S.C. 107 deems the military service of Filipino veterans as not active service for purposes of any law of the United States conferring rights, privileges or benefits. The measure I introduce today will not diminish my efforts to correct this injustice. As long as it takes, I will continue to seek equal treatment on behalf of the Filipino veterans of World War II.

Mr. President, I ask unanimous consent that the bill text be printed in the RECORD.

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

S. 381

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. PROVISION OF REDUCED SSI BENEFIT TO CERTAIN INDIVIDUALS WHO PROVIDED SERVICE TO THE ARMED FORCES OF THE UNITED STATES IN THE PHILIPPINES DURING WORLD WAR II AFTER THEY MOVE BACK TO THE PHILIPPINES.

(a) IN GENERAL.—Notwithstanding sections 1611(b), 1611(f)(1), and 1614(a)(1)(B)(i) of the Social Security Act (42 U.S.C. 1382(b), (f)(1), 1382c(a)(1)(B)(i))—

(1) the eligibility of a qualified individual for benefits under the supplemental security income program under title XVI of such Act (42 U.S.C. 1381 et seq.) shall not terminate by reason of a change in the place of residence of the individual to the Philippines; and

(2) the benefits payable to the individual under such program shall be reduced by 25 percent for so long as the place of residence of the individual is in the Philippines.

(b) QUALIFIED INDIVIDUAL DEFINED.—In subsection (a), the term ''qualified individual'' means an individual who—

(1) as of the date of enactment of this Act, is receiving benefits under the supplemental security income program under title XVI of the Social Security Act (42 U.S.C. 1381 et seq.); and

(2) before December 31, 1946, served in the organized military forces of the Government of the Commonwealth of the Philippines while such forces were in the service of the Armed Forces of the United States pursuant to the military order of the President dated July 26, 1941, including among such military forces organized guerrilla forces under commanders appointed, designated, or subsequently recognized by the Commander in Chief, Southwest Pacific Area, or other competent military authority in the Army of the United States.●

ADDITIONAL COSPONSORS

S. 3

At the request of Mr. GRAMS, the names of the Senator from Oklahoma (Mr. INHOFE), the Senator from New Hampshire (Mr. SMITH), and the Senator from Mississippi (Mr. COCHRAN) were added as cosponsors of S. 3, a bill to amend the Internal Revenue Code of 1986 to reduce individual income tax rates by 10 percent.

S. 5

At the request of Mr. DEWINE, the name of the Senator from Mississippi (Mr. COCHRAN) was added as a cosponsor of S. 5, a bill to reduce the transportation and distribution of illegal drugs and to strengthen domestic demand reduction, and for other purposes.

S. 7

At the request of Mr. DASCHLE, the name of the Senator from Louisiana (Ms. LANDRIEU) was added as a cosponsor of S. 7, a bill to modernize public schools for the 21st century.

S. 10

At the request of Mr. DASCHLE, the name of the Senator from Nevada (Mr. REID) was added as a cosponsor of S. 10, a bill to provide health protection and needed assistance for older Americans, including access to health insurance for 55 to 65 year olds, assistance for individuals with long-term care needs, and social services for older Americans.

S. 13

At the request of Mr. SESSIONS, the name of the Senator from New Jersey (Mr. TORRICELLI) was added as a cosponsor of S. 13, a bill to amend the Internal Revenue Code of 1986 to provide additional tax incentives for education.

S. 14

At the request of Mr. COVERDELL, the names of the Senator from Idaho (Mr. CRAIG), and the Senator from Missouri (Mr. ASHCROFT) were added as cosponsors of S. 14, a bill to amend the Internal Revenue Code of 1986 to expand the use of education individual retirement accounts, and for other purposes.

S. 33

At the request of Mr. THURMOND, the name of the Senator from Colorado (Mr. ALLARD) was added as a cosponsor of S. 33, a bill to amend title II of the Americans with Disabilities Act of 1990 and section 504 of the Rehabilitation Act of 1973 to exclude prisoners from the requirements of that title and section.

S. 74

At the request of Mr. DASCHLE, the name of the Senator from Connecticut (Mr. DODD) was added as a cosponsor of S. 74, a bill to amend the Fair Labor Standards Act of 1938 to provide more effective remedies to victims of discrimination in the payment of wages on the basis of sex, and for other purposes.

S. 98

At the request of Mr. MCCAIN, the names of the Senator from Hawaii (Mr. INOUYE), the Senator from Nebraska (Mr. HAGEL), and the Senator from Tennessee (Mr. FRIST) were added as cosponsors of S. 98, a bill to authorize appropriations for the Surface Transportation Board for fiscal years 1999, 2000, 2001, and 2002, and for other purposes.

S. 147

At the request of Mr. ABRAHAM, the name of the Senator from North Carolina (Mr. HELMS) was added as a cosponsor of S. 147, a bill to provide for a reduction in regulatory costs by maintaining Federal average fuel economy standards applicable to automobiles in effect at current levels until changed by law, and for other purposes.

S. 170

At the request of Mr. SMITH, the names of the Senator from Pennsylvania (Mr. SANTORUM), and the Senator from Nebraska (Mr. KERREY) were added as cosponsors of S. 170, a bill to permit revocation by members of the clergy of their exemption from Social Security coverage.

S. 185

At the request of Mr. ASHCROFT, the names of the Senator from Hawaii (Mr. INOUYE), the Senator from North Dakota (Mr. CONRAD), and the Senator from Oregon (Mr. WYDEN) were added as cosponsors of S. 185, a bill to establish a Chief Agricultural Negotiator in the Office of the United States Trade Representative.

S. 211

At the request of Mr. MOYNIHAN, the names of the Senator from Maryland (Mr. SARBANES), the Senator from Nebraska (Mr. KERREY), and the Senator from New Jersey (Mr. TORRICELLI) were added as cosponsors of S. 211, a bill to amend the Internal Revenue Code of 1986 to make permanent the exclusion for employer-provided educational assistance programs, and for other purposes.

S. 247

At the request of Mr. HATCH, the names of the Senator from Vermont (Mr. JEFFORDS), and the Senator from Mississippi (Mr. COCHRAN) were added as cosponsors of S. 247, a bill to amend title 17, United States Code, to reform the copyright law with respect to satellite retransmissions of broadcast signals, and for other purposes.

S. 258

At the request of Mr. MCCAIN, the name of the Senator from Wisconsin (Mr. KOHL) was added as a cosponsor of S. 258, a bill to authorize additional rounds of base closures and realignments under the Defense Base Closure and Realignment Act of 1990 in 2001 and 2003, and for other purposes.

S. 314

At the request of Mr. BOND, the name of the Senator from Michigan (Mr. LEVIN) was added as a cosponsor of S. 314, a bill to provide for a loan guarantee program to address the Year 2000 computer problems of small business concerns, and for other purposes.

S. 315

At the request of Mr. ASHCROFT, the names of the Senator from South Dakota (Mr. JOHNSON), the Senator from Idaho (Mr. CRAPO), the Senator from Kansas (Mr. BROWNBACK), and the Senator from North Dakota (Mr. CONRAD) were added as cosponsors of S. 315, a bill to amend the Agricultural Trade Act of 1978 to require the President to report to Congress on any selective embargo on agricultural commodities, to provide a termination date for the embargo, to provide greater assurances for contract sanctity, and for other purposes.

S. 322

At the request of Mr. CAMPBELL, the names of the Senator from Louisiana (Ms. LANDRIEU), the Senator from Minnesota (Mr. GRAMS), the Senator from Vermont (Mr. JEFFORDS), the Senator from Massachusetts (Mr. KENNEDY), the Senator from Oregon (Mr. SMITH), the Senator from Nebraska (Mr. KERREY), and the Senator from West Virginia (Mr. ROCKEFELLER) were added as cosponsors of S. 322, a bill to amend title 4, United States Code, to add the Martin Luther King Jr. holiday to the list of days on which the flag should especially be displayed.

S. 327

At the request of Mr. HAGEL, the name of the Senator from Vermont (Mr. LEAHY) was added as a cosponsor of S. 327, a bill to exempt agricultural products, medicines, and medical products from U.S. economic sanctions.

S. 331

At the request of Mr. JEFFORDS, the name of the Senator from Pennsylvania (Mr. SPECTER) was added as a cosponsor of S. 331, a bill to amend the Social Security Act to expand the availability of health care coverage for working individuals with disabilities, to establish a Ticket to Work and Self-Sufficiency Program in the Social Security Administration to provide such individuals with meaningful opportunities to work, and for other purposes.

S. 343

At the request of Mr. BOND, the name of the Senator from Missouri (Mr. ASHCROFT) was added as a cosponsor of S. 343, a bill to amend the Internal Revenue Code of 1986 to allow a deduction for 100 percent of the health insurance costs of self-employed individuals.

S. 344

At the request of Mr. BOND, the name of the Senator from Missouri (Mr. ASHCROFT) was added as a cosponsor of S. 344, A biil to amend the Internal Revenue Code of 1986 to provide a safe harbor for determining that certain individuals are not employees.

S. 346

At the request of Mrs. HUTCHISON, the name of the Senator from Illinois (Mr. FITZGERALD) was added as a cosponsor of S. 346, a bill to amend title XIX of the Social Security Act to prohibit the recoupment of funds recovered by States from one or more tobacco manufacturers.

SENATE CONCURRENT RESOLUTION 5—EXPRESSING CONGRESSIONAL OPPOSITION TO THE UNILATERAL DECLARATION OF A PALESTINIAN STATE AND URGING THE PRESIDENT TO ASSERT CLEARLY UNITED STATES OPPOSITION TO SUCH A UNILATERAL DECLARATION OF STATEHOOD

Mr. MURKOWSKI (for himself, Mr. WYDEN, Mr. MACK, Mr. SMITH of Oregon, Mr. HATCH, Mr. KERREY of Nebraska, Mr. FITZGERALD, Mr. HELMS, Mr. ASHCROFT, Mr. SCHUMER, Mr. TORRICELLI, Mr. GRAMS, and Mr. LAUTENBERG) submitted the following resolution; which was referred to the Committee on Foreign Relations:

S. CON. RES. 5

Whereas at the heart of the Oslo peace process lies the basic, irrevocable commitment made by Palestinian Chairman Yasir Arafat that, in his words, ''all outstanding issues relating to permanent status will be resolved through negotiations'';

Whereas resolving the political status of the territory controlled by the Palestinian Authority while ensuring Israel's security is one of the central issues of the Israeli-Palestinian conflict;

Whereas a declaration of statehood by the Palestinians outside the framework of negotiations would, therefore, constitute a most fundamental violation of the Oslo process;

Whereas Yasir Arafat and other Palestinian leaders have repeatedly threatened to declare unilaterally the establishment of a Palestinian state;

Whereas the unilateral declaration of a Palestinian state would introduce a dramatically destabilizing element into the Middle East, risking Israeli countermeasures, a quick descent into violence, and an end to the entire peace process; and

Whereas in light of continuing statements by Palestinian leaders, United States opposition to any unilateral Palestinian declaration of statehood should be made clear and unambiguous: Now, therefore, be it

Resolved by the Senate (the House of Representatives concurring), That—

(1) the final political status of the territory controlled by the Palestinian Authority can only be determined through negotiations and agreement between Israel and the Palestinian Authority;

(2) any attempt to establish Palestinian statehood outside the negotiating process will invoke the strongest congressional opposition; and

(3) the President should unequivocally assert United States opposition to the unilateral declaration of a Palestinian State, making clear that such a declaration would be a grievous violation of the Oslo accords and that a declared state would not be recognized by the United States.

SENATE RESOLUTION 32—TO EXPRESS THE SENSE OF THE SENATE REAFFIRMING THE CARGO PREFERENCE POLICY OF THE UNITED STATES

Mr. INOUYE submitted the following resolution; which was referred to the Committee on Commerce, Science, and Transportation:

S. RES. 32

Resolved,

Whereas the maritime policy of the United States expressly provides that the United States have a merchant marine sufficient to carry a substantial portion of the international waterborne commerce of the United States;

Whereas the maritime policy of the United States expressly provides that the United States have a merchant marine sufficient to serve as a fourth arm of defense in time of war and national emergency;

Whereas the Federal Government has expressly recognized the vital role of the United States merchant marine during Operation Desert Shield and Operation Desert Storm;

Whereas cargo reservation programs of Federal agencies are intended to support the privately owned and operated United States-flag merchant marine by requiring a certain percentage of government-impelled cargo to be carried on United States-flag vessels;

Whereas when Congress enacted Federal cargo reservation laws Congress contemplated that Federal agencies would incur higher program costs to use the United States-flag vessels required under such laws;

Whereas section 2631 of title 10, United States Code, requires that all United States military cargo be carried on United States-flag vessels;

Whereas Federal law requires that cargo purchased with loan funds and guarantees from the Export-Import Bank of the United States established under section 635 of title 12, United States Code, be carried on United States-flag vessels;

Whereas section 901b of the Merchant Marine Act, 1936 (46 U.S.C. App. 1241f) requires that 75 percent of the gross tonnage of certain agricultural exports that are the subject of an export activity of the Commodity Credit Corporation or the Secretary of Agriculture be carried on United States-flag vessels;

Whereas section 901(b) of such Act (46 U.S.C. App. 1241(b)) requires that at least 50 percent of the gross tonnage of other ocean borne cargo generated directly or indirectly by the Federal Government be carried on United States-flag vessels;

Whereas cargo reservation programs are very important for the shipowners of the United States who require compensation for maintaining a United States-flag fleet;

Whereas the United States-flag vessels that carry reserved cargo provide quality jobs for seafarers of the United States;

Whereas, according to the most recent statistics from the Maritime Administration, in 1997, cargo reservation programs generated $900,000,000 in revenue to the United States fleet and accounted for one-third of all revenue from United States-flag foreign trade cargo;

Whereas the Maritime Administration has indicated that the total volume of cargoes moving under the programs subject to Federal cargo reservation laws is declining and will continue to decline;

Whereas, in 1970 Congress found that the degree of compliance by Federal agencies with the requirements of the cargo reservation laws was chaotic, uneven, and varied from agency to agency;

Whereas, to ensure maximum compliance by all agencies with Federal cargo reservation laws, Congress enacted the Merchant Marine Act of 1970 (Public Law 91–469) to centralize monitoring and compliance authority for all cargo reservation programs to the Maritime Administration;

Whereas, notwithstanding section 901(b) of the Merchant Marine Act, 1936 (46 U.S.C. App. 1241(b)), and the purpose and policy of the Federal cargo reservation programs, compliance by Federal agencies with Federal cargo reservation laws continues to be inadequate;

Whereas the Maritime Administrator cited the limited enforcement powers of the Maritime Administration with respect to Federal agencies that fail to comply with section 901(b) of the Merchant Marine Act, 1936 (46 U.S.C. App. 1241(b)) and other Federal cargo reservation laws; and

Whereas the Maritime Administrator recommended that Congress grant the Maritime Administration the authority to settle any cargo reservation disputes that may arise between a ship operator and a Federal agency: Now, therefore, be it

Resolved, That it is the sense of the Senate that—

(1) each Federal agency shall administer programs of the Federal agency that are subject to Federal cargo reservation laws (including regulations of the Maritime Administration) to ensure that such programs are in compliance with the intent and purpose of such cargo reservation laws; and

(2) the Maritime Administration shall closely and strictly monitor any cargo that is subject to such cargo reservation laws and shall provide directions and decisions to such Federal agencies as will ensure maximum compliance with the cargo preference laws.

• Mr. INOUYE. Mr. President, the law of the land, specifically section (1) of the Merchant Marine Act of 1936, declares that the United States shall have a merchant marine sufficient to, among other things, carry a substantial portion of our international waterborne commerce and to serve as a fourth arm of defense in time of war and national emergency.

The importance of these requirements has been dramatically illustrated by the vital role of our merchant marine in World War II, Korea, Vietnam, during operations Desert Shield and Desert Storm, and most recently in Haiti, Somalia, and Bosnia.

While the privately owned and operated U.S.-flag merchant marine has performed so magnificently and effectively in times of crisis, it has also made extraordinary efforts to ensure that a substantial portion of commercial cargo bound to and from the United States moves on U.S. vessels. Given the chronic overtonnaging in international shipping, cut-throat competition, and the competitive edge our trading partners give their national flags, this has not been easy. In addition to competition with subsidized foreign carriers, U.S.-flag carriers are forced to complete with flag of convenience carriers. Over two-thirds of the

international vessels operating in commerce are operating under flags of convenience. Flag of convenience registries include such major maritime powers as Panama, Liberia, the Marshall Islands, and Vanuatu. These registries only require their vessel owners to pay registration fees. Shipowners are not required to pay tax on revenues earned and employees do not have to pay income tax. Further, the shipowner has little or no obligation to comply with the law of the nation of registry.

Nevertheless, if our commercial fleet is to continue to be an effective auxiliary in times of war or national emergency, it must first be commercially viable in times of peace. Otherwise, there will be no merchant fleet when the need arises.

I think we all would agree that there is a substantial national interest in promoting our merchant fleet. I think, also, that we would all agree that U.S. national security and economic security interests should not be held hostage by insufficient U.S.-controlled sealift assets. Given the diminution of the flag fleets of our NATO allies it will be more important in the future to sustain a viable U.S.-flag presence. Indeed, several laws of our land recognize that national interest and spell out specifically how the U.S. government is to go about promoting it. Federal laws require that U.S. military cargo, cargo purchased with loan funds and guarantees from the Export-Import Bank, 75 percent of concessionary agricultural cargo, and at least 50 percent of all other international ocean borne cargo generated directly or indirectly by the federal government be carried on U.S.-flag vessels. The alarming news is that according to the Maritime Administration (MARAD) the total volume of cargo moving under these programs is declining and will continue to do so.

According to a report by Nathan Associates, Inc., the 1992 economic impact of cargo preference for the United States was 40,000 direct, indirect and induced jobs; $2.2 billion in direct, indirect and induced household earnings; $354 million in direct, indirect and induced federal personal and business income tax revenues—$1.20 for every dollar of government outlay on cargo preference; and $1.2 billion in foreign exchange.

It is, therefore, imperative that U.S.-flag vessels carry every ton of cargo which these programs and the law intend, and in fact require, them to carry. This brings me to the reason for the resolution I am submitting today. These are two substantial problems which threaten the viability of these programs and, therefore, the viability of our merchant fleet.

Several agencies administering cargo reservation programs continue to evade the spirit and letter of the reservation laws by finding the law inapplicable to a particular program or employing other loopholes.

This problem of evasion and uneven confidence led the Congress to amend the Merchant Marine Act of 1970 to centralize monitoring and compliance authority for all cargo reservation programs in the MARAD. Nevertheless, the problem remains. Critics of the MARAD maintain the agency is too timid, and does not discharge its obligation aggressively. The MARAD, on the other hand, says it has limited enforcement powers over those government agencies which are not in compliance.

Recently, the United States District Court for the District of Columbia entered an unopposed order upon consideration of the joint motion of the parties in Farrell Lines Incorporated versus United States Department of Agriculture (USDA) and Sea-Land Service, Inc. The order affirms the appropriate roles of the MARAD in administering the cargo preference laws with respect to Food for Progress and Section 416(b) programs, and the USDA in complying with those laws and the MARAD's policies and regulations implementing them.

Mr. President, the resolution I am submitting today expresses the sense of the Senate that all of these federal agencies must fully comply with both the intent and purpose of existing cargo reservation laws, and that the MARAD should provide directions and decisions to these agencies to ensure maximum compliance with these laws.●

ADDITIONAL STATEMENTS

STATES' RIGHTS PROTECTION ACT OF 1999

● Mr. ABRAHAM. Mr. President, I rise as an original cosponsor of the ''States' Rights Protection Act of 1999.'' This legislation will prevent a grave injustice that could do significant damage to our states, and to our federal system.

Several years ago, Mr. President, a number of states commenced lawsuits against American tobacco companies. The states sought damages on the basis of a number of claims, including violation of consumer fraud and other State consumer protection laws, antitrust violations and unjust enrichment. Some suits included claims for tobacco-related health care costs incurred by the states, and some did not.

Eventually all 50 states became parties in one way or another to anti-tobacco lawsuits. Last November a major settlement was reached, involving 46 states. That settlement included no funds of any kind to be allocated for State medicaid costs.

The federal government in Washington did not initiate these suits. The federal government in Washington provided no financial assistance to the states in furtherance of their suits. Yet now, after the states and the tobacco companies have agreed on a financial settlement, the Clinton Administration is seeking to divert a significant portion of that settlement to its own use.

The federal Health Care Financing Administration (HCFA) has stated that it wants to ''recoup'' some of the states' settlement funds. They claim to have a right to these funds under a Medicaid law which the federal government has traditionally used to recover its share of ''overpayments.'' These overpayments typically arise when providers overbill Medicaid.

Mr. President, HCFA's claims cannot stand. The law to which they refer was intended to prevent fraud and other forms of overbilling. It was not intended to allow the federal government to seize huge amounts of money to which it has no proper title. States have obtained a legal right to this money. They gained this right through a properly constructed and affirmed legal settlement of lawsuits filed against product manufacturers, on behalf of all their residents, asserting a consumer protection and various other causes of action.

There is no federal medical claim involved. Thus HCFA has no right to these monies, and neither does any agency of the federal government.

The Administration's pursuit of monies from this settlement amounts to nothing more or less than a raw assertion of federal power. We must oppose it for the good of our states and for the good of our form of limited, federal government.

Ours is a limited government, Mr. President. It is limited in that the Constitution delegates only certain powers to the federal branches and their officials. Our Constitution includes a number of what James Madison called ''auxiliary precautions'' to keep federal officials within their proper bounds, thereby protecting our liberties. But Madison recognized that the primary check on those who would overstep their proper bounds must be the determination of elected officials to see that the Constitution's terms are respected.

A federal government that simply steps in to take money from the states is not respecting our Constitution. That federal government is taking us far down a dangerous path toward unrestrained central power. We must see that this does not happen.

In addition, Mr. President, as a practical matter it would be a mistake to allow the federal government to commandeer these funds. To begin with, were the federal government in Washington to take these funds from the states under the weak legal pretense put forward by the HCFA, the result would be long, wasteful litigation. That litigation will benefit no one, instead it will poison intergovernmental relations for years to come.

Indeed, if the HCFA begins to seize state settlement funds, it will do so by cutting federal Medicaid payments to the states. This will make it much more difficult for states to provide health care for children from low and moderate income families, the disabled and millions of others who depend on Medicaid. The real victims of this

money grab will be the weakest members of our society, those least able to take care of themselves.

Of course, the Administration claims that it will use the states' money to benefit everyone. It seeks to take $18.9 billion of the states' money over the next five years. No doubt the Administration will find attractive programs on which to spend this money. But the federal government already consumes more than 20 percent of our national income. We do not need yet another federal tax and spend policy.

As a nation what we need is more innovative policy making at the state and local level. And that is what these monies will produce, if only we will leave them in their proper place.

A number of states already have acted in reliance on the tobacco settlement, putting forward proposals and new programs that will greatly benefit their people.

For example, in my state of Michigan, Governor John Engler in his state of the state address a few short weeks ago proposed to endow a Michigan Merit Award Trust Fund with Michigan's share of the tobacco settlement.

Under this program, every Michigan high school graduate who masters reading, writing, math and science will receive a Michigan Merit Award—a $2,500 scholarship that can be used for further study at a Michigan school of that student's choice.

In addition, all Michigan students who pass the 7th and 8th grade tests in reading, writing, math and science administered by the state will be awarded $500. That means, Mr. President, that any Michigan student successfully completing secondary schooling will receive $3,000 for further education.

The young people of Michigan will benefit tremendously from this program, Mr. President. Their motivation to do well in school will be significantly increased, as will their ability to afford and succeed in higher education.

We need programs like Michigan's to help kids do well in school and get ahead in life. The federal government should be learning from these kinds of programs and working to show other states how well they can work. It should not be taking money out of the pockets of Michigan's young people to put into the pockets of Washington bureaucrats.

We must protect the rights and the people of our states by seeing to it that tobacco settlement money stays where it belongs, and where it will do the most good—in the states.

I urge my colleagues to support this bipartisan legislation.●

THE PUBLIC SCHOOL MODERNIZATION ACT

● Mr. LAUTENBERG. Mr. President, I rise today to update my colleagues on the status of the Public School Modernization Act, which I introduced on January 19 as S. 223. The bill already has 15 cosponsors and I expect the list to continue to grow.

Mr. President, I was very pleased to see that the President's Budget for Fiscal Year 2000 will call for $25 billion in nationwide bond authority through the Public School Modernization Act. This is a higher total than first contemplated in my bill, S. 223, but I want to make it clear to my colleagues that my cosponsors and I will gladly update the numbers when my bill reaches the Senate floor as an amendment or a stand alone measure.

The President's FY 2000 Budget illustrates why the Public School Modernization Act is a great return on our Federal investment. The five year cost of this program will be $3.7 billion, but it will create nearly $25 billion in new bond authority for school districts all over the country. Of this authority, $22.4 billion will be through the School Modernization Bond Program and $2.4 billion will come through the Qualified Zone Academy Bond Program. In addition, $400 million of bond authority will go to Native American tribes or tribal organizations for BIA funded schools.

Mr. President, I urge the Senate to support this effort to invest in our children's future. I ask all of my collegues to join me in cosponsoring S. 223, the Public School Modernization Act of 1999.●

HUTCHISON/GRAHAM STATE TOBACCO SETTLEMENT

● Mr. MACK. Mr. President, I rise today in support of S. 346, a bill to amend title XIX of the Social Security Act to prohibit the recoupment of funds recovered by states from one or more tobacco manufacturers. Starting in 1989, several states filed lawsuits against tobacco companies to recover the costs of smoking related illnesses borne by states. The lawsuits led to final settlements between each state and the tobacco industry.

Now, after providing no assistance to states in their legal battles, the Administration, through the Health Care Financing Administration, is attempting to claim a portion of this money. It is my opinion that this money belongs to the individual states, and should be spent as each state sees fit. This legislation accomplishes exactly that goal.

The Health Care Financing Administration's pursuit of these monies also could jeopardize state programs all over the country. In Florida, Governor Jeb Bush announced an endowment, funded by tobacco monies, to insure the financial health of vital programs for children and seniors. The endowment fund is named in honor of the late Governor Lawton Chiles, who played a key role in obtaining the tobacco settlement for the people of Florida. Other programs, funded by the settlement, have already been put in place in Florida, and would be jeopardized if the funds were suddenly not available.

Additionally, the Health Care Financing Administration's plan to obtain these funds by witholding federal Medicaid payments to the states could very well affect the states' ability to provide much needed care for the millions of Americans who depend on Medicaid.

The Administration's attempt to dictate how the money should be spent demonstrates a disregard for state budgeting process. I hope that my colleagues will support this bi-partisan bill that protects state tobacco settlements from federal recoupment.●

REMARKS ON HUMAN RIGHTS SITUATION IN PERU

● Mr. WELLSTONE. Mr. President, I rise today to express my deep concern over the apparent disregard for international standards of fairness and openness in the legal process in Peru. President Fujimori is visiting Washington today and is being congratulated by the President on resolving Peru's border dispute with Ecuador. During his visit, I think it is important to point out that under his rule democratic principles have been threatened in Peru and the basic civil rights of the Peruvian people have not been properly respected.

In his inaugural speech in July of 1990, President Fujimori stated that ''the unrestricted respect and promotion of human rights'' would be a priority of his government. His promises, though, quickly proved suspect as he solidified his control over what has been described as ''an authoritarian civilian military government''.

In April of 1992 he annulled Peru's constitution, dissolved the Legislature and purged most of the judiciary, most forcefully and notably those courts responsible for ensuring the civil rights of its citizens. Since this time independent monitoring groups like Amnesty International have documented numerous extrajudicial executions of peasant men, women and children, perpetrated by Peru's military and police forces who later attempted to conceal their actions. These executions have been determined by respected independent human rights organizations to have been orchestrated from the highest levels of the current Peruvian government, including two of President Fujimori's top advisors.

Human rights workers and journalists in Peru have been subjected to intimidation, death threats, abductions, and torturous interrogation and imprisonment by the Peruvian government in response to their attempts to hold responsible those who committed these atrocities.

President Fujimori's systematic dismantling of Peru's legislative and judicial systems has resulted in impunity for those who commit these acts of aggression. To investigate and determine accountability in these cases, the military has often served both as prosecutor and judge, keeping their identities

secret and under direct control of the executive branch. These ''faceless judges'' have also punished, without proper recourse or due process, and in direct violation of international law, those who challenge or call attention to their actions. According to the State Department's most recent human rights report the Peruvian government has eliminated the use of faceless tribunals, but much damage has already been done and many condemned by the faceless judges remain incarcerated.

I am especially concerned about the failure to respect due process in one case in particular. One individual who has directly suffered from the transgressions of Fujimori's authoritarian government is American journalist Lori Berenson. Her journalistic coverage of Peru's economically and politically disaffected was not popular with the Peruvian government. While working in Peru in January of 1996 she was arrested and charged with involvement with terrorist organizations. According to human rights groups, she was tried without due process, little evidence, and without being allowed a defense. She was convicted of ''treason against the fatherland'' and sentenced to imprisonment for life.

The handling of this case has drawn widespread condemnation from human rights groups, the U.S. State Department, and even high ranking Peruvian officials. Many have pointed out that, by depriving Ms. Berenson of her right to defend herself in a fair trial by an impartial jury, the Peruvian government was in direct violation of numerous international treaties guaranteeing the legal rights of prisoners. The Commission of International Jurists, the Inter-American Court of Human Rights and the United Nations Human Rights Committee are among the many respected organizations who have condemned Peru's actions and have urged that immediate measures be taken to abolish these practices which undermine internationally recognized fair trial standards.

Today, Lori Berenson remains incarcerated in a country with notoriously harsh prison conditions where she has been held in the total isolation of solitary confinement since October 7 of last year. According to her father she is suffering serious health problems. Amnesty International charges that the conditions under which she is imprisoned contravene the U.N. Convention against Torture and other Cruel, Inhuman, or Degrading Treatment or Punishment, a Convention to which Peru is a party.

I wanted to take this opportunity to urge President Fujimori to grant Lori Berenson a fair, open, and just trial as prescribed under international conventions. And I call on him to honor his pledge to all the Peruvian people to make the respect of basic legal, civil, and human rights a priority in his government.●

1998 KANSAS WHEAT MAN OF THE YEAR

● Mr. BROWNBACK. Mr. President, today, I rise to recognize the 1998 Kansas Wheat Man of the Year, Dr. Rollie Sears. Dr. Sears is a world-renowned wheat breeder and a Professor in the Department of Agronomy at Kansas State University. His colleagues describe him as much more than a college professor.

Throughout the wheat industry, Mr. Sears is known for his many contributions to the development of new wheat varieties. Dr. Sears was again in the spotlight in 1998 when he released two new varieties of hard white wheat along with the indication that shortly there was more to come.

Mr. President, today I join with the Kansas Wheat Association in honoring a man who works to develop, and improve the wheat industry. I congratulate Dr. Sears for his outstanding contributions to wheat growers and I wish him continued success.●

TRIBUTE TO MONSIGNOR JOHN QUINN OF MANCHESTER, NH

● Mr. SMITH of New Hampshire. Mr. President, I rise today to pay tribute to Monsignor John P. Quinn of Manchester, New Hampshire, on his retirement from Catholic Charities. Monsignor Quinn has been Dioceasan Director of New Hampshire Catholic Charities since 1976.

Monsignor Quinn was ordained on May 18, 1969 and has served many functions in the Diocese. He first served as Associate Pastor at St. Anne's Parish in Manchester. Most recently he served as Secretary to the Bishop in charge of Community Service and Director of New Hampshire Catholic Charities. He leaves these posts to occupy the position of Secretary to the Bishop in charge of Finance and Real Estate and to become the Finance Officer of the Diocese.

Furthermore, Monsignor Quinn has continuously exhibited his unselfish dedication to the community. Having volunteered in various organizations such as the Trinity High School Board, the Manchester Police Department and the New Hampshire Social Welfare Council, Monsignor Quinn is an exemplary model for community service.

As a lifelong Catholic, I would like to congratulate Monsignor Quinn on all of his accomplishments and thank him for his service to Catholic Charities and his continued service to the Diocese. I wish him well in all of his future endeavors. I am honored to represent him in the United States Senate.●

EDUCATION FLEXIBILITY ACT OF 1999

● Mr. JEFFORDS. Mr. President, on January 27th, the Committee on Health, Education, Labor, and Pensions approved S. 280, the Education Flexibility Partnership Act of 1999. Given the conflicts presented by meetings related to the impeachment trial, our Democratic colleagues were unable to attend the executive session.

When this legislation was considered in the last Congress, it was adopted on a 17–1 vote with Senator WELLSTONE in opposition. Senator WELLSTONE remains opposed to this legislation, and provided the committee with a proxy so that he could be so recorded again this year. However, due to a misunderstanding and the absence of the Ranking Democratic Member, I did not exercise his proxy. I do want the record to indicate that Senator WELLSTONE remains opposed to this legislation.●

RULES OF THE COMMITTEE ON INDIAN AFFAIRS

● Mr. CAMPBELL. Mr. President, Senate Standing Rule XXVI requires each committee to adopt rules to govern the procedures of the Committee and to publish those rules in the CONGRESSIONAL RECORD not later than March 1 of the first year of each Congress. On January 6, 1999, the Committee on Indian Affairs held a business meeting during which the members of the Committee unanimously adopted rules to govern the procedures of the Committee. Consistent with Standing Rule XXVI, today I am submitting for printing in the CONGRESSIONAL RECORD a copy of the Rules of the Senate Committee on Indian Affairs.

The rules follow:

RULES OF THE COMMITTEE ON INDIAN AFFAIRS

COMMITTEE RULES

Rule 1. The Standing Rules of the Senate, Senate Resolution 4, and the provisions of the Legislative Reorganization Act of 1946, as amended by the Legislative Reorganization Act of 1970, to the extent the provisions of such Act are applicable to the Committee on Indian Affairs and supplemented by these rules, are adopted as the rules of the Committee.

MEETINGS OF THE COMMITTEE

Rule 2. The Committee shall meet on the first Tuesday of each month while the Congress is in session for the purpose of conducting business, unless for the convenience of the Members, the Chairman shall set some other day for a meeting. Additional meetings may be called by the Chairman as he may deem necessary.

OPEN HEARINGS AND MEETINGS

Rule 3. Hearings and business meetings of the Committee shall be open to the public except when the Chairman by a majority vote orders a closed hearing or meeting.

HEARING PROCEDURE

Rule 4(a). Public notice shall be given of the date, place and subject matter of any hearing to be held by the Committee at least one week in advance of such hearing unless the Chairman of the Committee determines that the hearing is noncontroversial or that special circumstances require expedited procedures and a majority of the Committee involved concurs. In no case shall a hearing be conducted with less than 24 hours notice.

(b). Each witness who is to appear before the Committee shall file with the Committee, at least 72 hours in advance of the hearing, an original and 75 printed copies of his

or her written testimony. In addition, each witness shall provide an electronic copy of the testimony on a computer disk formatted and suitable for use by the Committee.

(c). Each member shall be limited to five (5) minutes in questioning of any witness until such time as all Members who so desire have had an opportunity to question the witness unless the Committee shall decide otherwise.

(d). The Chairman and Vice Chairman or the Ranking Majority and Minority Members present at the hearing may each appoint one Committee staff member to question each witness. Such staff member may question the witness only after all Members present have completed their questioning of the witness or at such time as the Chairman and Vice Chairman or the Ranking Majority and Minority Members present may agree.

BUSINESS MEETING AGENDA

Rule 5(a). A legislative measure or subject shall be included in the agenda of the next following business meeting of the Committee if a written request by a Member for such inclusion has been filed with the Chairman of the Committee at least one week prior to such meeting. Nothing in this rule shall be construed to limit the authority of the Chairman of the Committee to include legislative measures or subject on the Committee agenda in the absence of such request.

(b). Notice of, and the agenda for, any business meeting of the Committee shall be provided to each Member and made available to the public at least two days prior to such meeting, and no new items may be added after the agenda is published except by the approval of a majority of the Members of the Committee. The Clerk shall promptly notify absent Members of any action taken by the Committee on matters not included in the published agenda.

QUORUM

Rule 6(a). Except as provided in subsections (b) and (c), eight (8) Members shall constitute a quorum for the conduct of business of the Committee. Consistent with Senate rules, a quorum is presumed to be present unless the absence of a quorum is noted by a Member.

(b). A measure may be ordered reported from the Committee unless an objection is made by a Member, in which case a recorded vote of the Members shall be required.

(c). One Member shall constitute a quorum for the purpose of conducting a hearing or taking testimony on any measure before the Committee.

VOTING

Rule 7(a). A recorded vote of the Members shall be taken upon the request of any Member.

(b). Proxy voting shall be permitted on all matters, except that proxies may not be counted for the purpose of determining the presence of a quorum. Unless further limited, a proxy shall be exercised only for the date for which it is given and upon the terms published in the agenda for that date.

SWORN TESTIMONY AND FINANCIAL STATEMENTS

Rule 8. Witnesses in Committee hearings may be required to give testimony under oath whenever the Chairman or Vice Chairman of the Committee deems it to be necessary. At any hearing to confirm a Presidential nomination, the testimony of the nominee, and at the request of any Member, any other witness, shall be under oath. Every nominee shall submit a financial statement, on forms to be perfected by the Committee, which shall be sworn to by the nominee as to its completeness and accuracy. All such statements shall be made public by the Committee unless the Committee, in executive session, determines that special circumstances require a full or partial exception to this rule. Members of the Committee are urged to make public a complete disclosure of their financial interests on forms to be perfected by the Committee in the manner required in the case of Presidential nominees.

CONFIDENTIAL TESTIMONY

Rule 9. No confidential testimony taken by, or confidential material presented to the Committee or any report of the proceedings of a closed Committee hearing or business meeting shall be made public in whole or in part by way of summary, unless authorized by a majority of the Members of the Committee at a business meeting called for the purpose of making such a determination.

DEFAMATORY STATEMENTS

Rule 10. Any person whose name is mentioned or who is specifically identified in, or who believes that testimony or other evidence presented at, an open Committee hearing tends to defame him or her or otherwise adversely affect his or her reputation may file with the Committee for its consideration and action a sworn statement of facts relevant to such testimony of evidence.

BROADCASTING OF HEARINGS OR MEETINGS

Rule 11. Any meeting or hearing by the Committee which is open to the public may be covered in whole or in part by television, radio broadcast, or still photography. Photographers and reporters using mechanical recording, filming, or broadcasting devices shall position their equipment so as not to interfere with the sight, vision, and hearing of Members and staff on the dais or with the orderly process of the meeting or hearing.

AMENDING THE RULES

Rule 12. These rules may be amended only by a vote of a majority of all the Members of the Committee in a business meeting of the Committee; Provided, that no vote may be taken on any proposed amendment unless such amendment is reproduced in full in the Committee agenda for such meeting at least seven (7) days in advance of such meeting.●

NOMINATIONS

Executive nominations received by the Secretary of the Senate on February 3, 1999:

IN THE ARMY

THE FOLLOWING NAMED OFFICERS FOR APPOINTMENT TO THE GRADES INDICATED IN THE UNITED STATES ARMY AND FOR REGULAR APPOINTMENT (IDENTIFIED BY AN ASTERISK (*)) UNDER TITLE 10, U.S.C., SECTIONS 531, 624, 628, AND 3064:

To be lieutenant colonel

TIM O. REUTTER, 0000
JOHN R. SWANSON, 0000

To be major

*DAVID A. ERICKSON, 0000
*JOHN M. GRIFFIN, 0000

EXECUTIVE NOMINATION RECEIVED BY THE SECRETARY OF THE SENATE FEBRUARY 4, 1999, UNDER AUTHORITY OF THE ORDER OF THE SENATE OF JANUARY 6, 1999:

COMMODITY FUTURES TRADING COMMISSION

THOMAS J. ERICKSON, OF THE DISTRICT OF COLUMBIA, TO BE A COMMISSIONER OF THE COMMODITY FUTURES TRADING COMMISSION FOR THE TERM EXPIRING APRIL 13, 2003, VICE JOHN E. TULL, JR., TERM EXPIRED.

EXTENSIONS OF REMARKS

THE AIRLINE DISASTER RELIEF ACT

HON. DON SHERWOOD

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, February 4, 1999

Mr. SHERWOOD. Mr. Speaker, I rise to introduce the Airline Disaster Relief Act, a measure which clarifies the legal rights of airline disaster victim's families. This bill is about fairness. It's about providing justice in our legal system to families who suffer the loss of a loved one in an aviation accident over the ocean. This same Act was passed overwhelmingly by the House of Representatives during the 105th Congress.

On July 17, 1996, 230 people lost their lives in the tragic crash of TWA Flight 800. Among the victims were 21 people from Montoursville, Pennsylvania, a small community in my district. The people of Montoursville were brutally impacted by the sudden loss of 16 high school students and five chaperones who were flying to France to enrich their educational experience. For the families of the victims aboard Flight 800, this tragedy has been made worse by the Supreme Court's application of an antiquated maritime law, known as the Death on the High Seas Act of 1920.

The Supreme Court decided in *Zicherman* v. *Korean Airlines,* that the Death on the High Seas Act applies to lawsuits that arise when an aircraft has crashed in the ocean more than a marine league from land. This interpretation would prevent the families of the TWA 800 victims from receiving the just compensation they are entitled to under state law. This decision treats families differently depending on whether their relative died in an aircraft that crashed into the ocean or one that crashed into land. If the plane crashes into the ocean, the Death on the High Seas Act applies and the family is entitled only to seek pecuniary damages before a U.S. District Court Judge with no jury. However, if a plane crashes into the land or within 3 miles of land, the applicable State tort law would apply. State tort laws generally allow compensation for loss of companionship, loss to society, pain and suffering in addition to lost income.

Today, however, when state tort law has progressed to a point where value is placed on human life, the application of this skewed statute is viewed as inequitable, unfair and inhumane. This is particularly true in the death of children since children are generally not economic providers for their families. Thus, family members would receive minimal compensation for the loss of a loved one who was not a wage earner or ''bread winner.'' Because of this arbitrary line, legislatively drawn in the ocean, the surviving family members in this case are being dealt a cruel blow. No parent should be told by our nation's legal system that longitude and latitude will determine the value of their child or determine their rights in a court of law. Many family members of TWA 800 victims feel that the application of the Death on the High Seas Act makes the life of their child or loved one appear worthless in the eyes of the law.

For this reason, I introduced this measure which will negate the application of the Death on the High Seas Act to air disaster cases. My bill would amend the Federal Aviation Act so that airline disasters at sea are treated the same as incidents on land. The gross injustice of the Death on the High Seas Act must be changed. Where a plane crashed should not dictate our rights in a court of law.

Both the Supreme Court and The White House Commission on Aviation Safety and Security recommend that Congress correct these inequities. Additionally, the Congressional Budget Office estimates that there will be no costs associated with the implementation of this Act. It is time to bring justice to the application of federal laws which regulate airline disaster claims. Passage of the Airline Disaster Relief Act will be an important step in achieving this objective. I urge my colleagues to overwhelmingly approve this bill.

IN MEMORY OF FREDERICK A. JONES

HON. DENNIS J. KUCINICH

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Thursday, February 4, 1999

Mr. KUCINICH. Mr. Speaker, I rise today in memory of Frederick A. Jones, a gentleman who was an outstanding member of the Olmsted Falls community.

Over the years Mr. Jones worked in a variety of ways to make Olmsted Falls a better place. He umpired Summer League baseball games, led a Boy Scout group, and served as the presiding chairman of the city's Civil Service Commission.

After moving to Olmsted Falls in 1941 Mr. Jones worked as a volunteer fireman for 30 years, spending much of that time as a captain. During his tenure he helped connect the Fire and Police departments via a ham radio system.

Mr. Jones also served in the U.S. Army Infantry during World War II, participating in the Rhineland offensive. After his service in World War II Mr. Jones returned to Olmsted Falls and worked for Bell Telephone until 1981.

Mr. Jones was also a member of the committee that planned and oversaw the construction of a football field and track for Olmsted Falls High School. He and his wife, Betty, served as co-chairs of the Athletic Boosters Club for nine years. Mr. and Mrs. Jones also acted as the co-chairs of the Olmsted Falls local antique show at the Olmsted Community Church.

He will be greatly missed.

WHY I INTRODUCED THE BALANCED BUDGET AMENDMENT

HON. BOB SCHAFFER

OF COLORADO

IN THE HOUSE OF REPRESENTATIVES

Thursday, February 4, 1999

Mr. SCHAFFER. Mr. Speaker, when I ran for the United States Congress, I campaigned on virtually one single issue—balancing the budget.

Whenever I speak on the matter, I think of my friend Delmar Burhenn. His family works hard to make ends meet on their Baca Country farm located in the extreme southeast corner of Colorado.

I savor every chance I get to speak with Delmar. He has opinions about everything—retirement, the reliability of farm equipment, saving for a vacation, and so on.

During my first term in Congress, we balanced the budget, reduced taxes and improved education. During the 106th Congress, we want to build on these achievements by preserving Social Security, giving families like Delmar's more tax relief, and permanently balancing the budget.

Of these, the most pressing issue is balancing the federal budget permanently. That's why I introduced H.J. Res. 1, the Balanced Budget Amendment Resolution of 1999, on the first day of the 106th Congress. Even while the Republican-led Congress exercises fiscal discipline in Washington, I believe the only way to protect families like Delmar's is by making it a requirement federal books remain balanced forever.

Some are unaware Congress balanced the federal budget last year. We did. In fact, we delivered the first balanced budget since 1969, a big step in the right direction. But that was simply a temporary victory that can be lost with the political winds. The Balanced Budget Amendment I propose guarantees the federal budget will be balanced each year to come.

Under my proposal, the only time the budget could be broken is by an affirmative vote of a three-fifths super majority in both the House and the Senate. This super majority would be too high a hurdle for frivolous, spur-of-the-moment impulse spending. Congress would only be able to spend more than income warrants during times of real need like national emergencies and war.

The Balanced Budget Amendment would also help us accomplish one of my top priorities for the 106th Congress, preserving and protecting Social Security for future generations. Right now the federal government ''borrows'' from the Social Security surplus in order to pay for other numerous federal programs such as education, Medicare, and transportation. Even by conservative estimates, without an end to this ''borrowing,'' we can count on Social Security running deficits by 2012, and headed toward bankruptcy in the early 2020's.

With a permanently balanced budget, the federal government will be forced to prioritize

money for these programs and others important to Coloradans. By reducing the amount we borrow to meet today's federal debt obligations, we pay less interest on the national debt each year.

Even with all of these incentives to pass the Balanced Budget Amendment, it won't be easy. There are still too many big spenders in Washington who are adept at creating new, expensive programs for every problem. Under the Balanced Budget Amendment, liberals won't be able to continue their free spending ways without considering the long-term consequences to Colorado families like Delmar's.

It's time to stop runaway government spending. Coloradans balance their checkbooks every day, knowing they can't spend money they don't have. I don't think there's any reason to expect less of the federal government.

By passing the Balanced Budget Amendment, Delmar will be assured bureaucrats in Washington will have to worry about making ends meet, just like he does.

TRIBUTE TO MRS. BETTY WELLS AND MR. ERNIE McCOLLUM UPON THEIR RETIREMENTS

HON. DAVID D. PHELPS

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Thursday, February 4, 1999

Mr. PHELPS. Mr. Speaker, I rise today to pay tribute to two of my constituents on the occasion of their retirement from the Board of Trustees of the Rend Lake Conservancy District. Rend Lake is a major southern Illinois reservoir whose construction was prompted by a severe regional drought in the 1950s. The Rend Lake Conservancy District operates a water treatment plant which serves 300,000 people in over 60 communities, as well as the Lake's enormously popular recreational facilities, which boast a golf course and resort, as well as hunting, fishing, camping, and boating.

Needless to say, the work of the Conservancy District is immensely important to the people of southern Illinois, and to the entire state, and it would not be possible without the leadership of a dedicated and capable Board of Trustees. Sadly, two esteemed members of this Board have recently announced their retirement and I am here today to express my deep appreciation for the service of Mrs. Betty Wells of Jefferson County and Mr. Ernie McCollum of Franklin County. These two remarkable people have contributed outstanding service to the people of southern Illinois through their excellent stewardship. I know their presence on the Board will be missed but their accomplishments will surely be long remembered. Mr. Speaker, I hope you will join me in wishing Mrs. Wells and Mr. McCollum the very best in whatever the future may hold for them.

EMPLOYEE OWNERSHIP ENHANCEMENT ACT

HON. JAMES A. TRAFICANT, JR.

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Thursday, February 4, 1999

Mr. TRAFICANT. Mr. Speaker, if our economy is so great, than why are American workers losing their jobs? If our economy is so great, than why are American workers going bankrupt in record numbers? If our economy is so great, who do many families need three jobs just to pay their bills? And Mr. Speaker, if our economy is so great, why are so many manufacturing plants going out of business?

On May 31, 1997, something happened in my congressional district that deeply affected 70 of my constituents and their families. The Camcar Textron Brainard Rivet plant in Girard, Ohio closed its doors and told its workers to go home. The workers at this plant, scared for their futures and the futures of their families, wanted to work with the parent company of Camcar, Textron to negotiate an employee buyout through an Employee Stock Ownership Plan (ESOP). Unfortunately, Textron did not feel that selling the plant to the employees through an ESOP would be in the best interests of the company. I was particularly concerned over the fact that Textron has referred 50 former Brainard Rivet customers to another non-Textron company. These customers could have been the base for an employee-owned company.

Mr. Speaker, Congress needs to do all it can to encourage ESOPs. That is why today I am introducing legislation, the ''Employee Ownership Enhancement Act,'' to require that an employer closing a manufacturing plant to offer the employees an opportunity to purchase the business through an ESOP. This legislation would exempt companies that are planning to continue using the assets and/or capital from a closed plant at another location or the companies that close a plant but still are manufacturing the same product at another plant.

The current economy presents many challenges for both workers and employers. Congress needs to put in place reasonable laws to enable hard working Americans a chance to own and operate manufacturing plants if the owners don't want to anymore. My bill would apply to only a handful of plant closings a year, but would provide hope and opportunity to thousands of workers and their families. It is that simple.

I urge all my colleagues to support this very important piece of legislation.

IN HONOR OF THE EARNEST MACHINE PRODUCTS COMPANY

HON. DENNIS J. KUCINICH

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Thursday, February 4, 1999

Mr. KUCINICH. Mr. Speaker, I rise today to recognize the Earnest Machine Products Company as they celebrate their fiftieth year in business. Earnest Machine Products Company has proven itself as an outstanding family-owned business that adheres to simple principles of exceptional customer service, customer loyalty, and close employee relations.

In 1947 Paul and Victor Zehnder started the Zehnder Engineering and Machine Company in Cleveland. The company manufactured and sold various industrial supplies until 1948, when Paul began selling surplus track shoe bolts. The bolts were in high demand at the time, and they enabled Paul to begin a long career of distributing nuts and bolts. In 1951 the company name was officially changed to the Earnest Machine Products Company. By 1967 the company's sales had tripled and Earnest Machine Products Company kept introducing new industrial products, such as enamel paints and roller bearings. Eventually, business expanded to include distributors in all 50 states.

Quality products and hard work are important components to the success of Earnest Machine Products Company, but strong customer service and loyal employees are the backbone of the company's history of success. From the very beginning Zehnder promoted outstanding customer service by accepting collect calls before toll free numbers were introduced. The employees are treated like family. That sentiment, and steady growth over 50 years has enabled Earnest to establish and maintain a base of loyal employees. In fact, over 70 percent of the work force has been with the company for 15 years or more.

In 1998 Earnest received ISO 9002 certification, which recognizes that the company is a quality supplier of industrial fasteners by American and European Quality Assurance agencies. Earnest has also maintained an accredited lab to test and insure the quality of their product. Today, Earnest Machine Products Company distributes over 30,000 different fastener types and sizes.

The Earnest Machine Products Company has proven that adherence to employees, customer service, and quality can produce a successful business.

TRIBUTE TO AMOS W. ALLARD

HON. BOB SCHAFFER

OF COLORADO

IN THE HOUSE OF REPRESENTATIVES

Thursday, February 4, 1999

Mr. SCHAFFER. Mr. Speaker, I rise today to pay humble tribute to the life and legacy of Amos W. Allard, who died Monday, February 1, 1999 in Ft. Collins, Colorado. Mr. Allard was born on a ranch near Walden, Colorado on May 14, 1920 to Arthur Allard and Pearl Wade Allard. He is the Great Grandson of James O. Pinkham, the first permanent settler in North Park.

Amos Allard attended schools in Denver, Walden and Fort Collins. He graduated from Fort Collins High School in 1937. Later he attended Colorado A.&M., now know as Colorado State University, and the University of Missouri, where he received his Bachelor of Sciences degree.

On July 18, 1941, he married Jean Stewart. After he served his country in the United States Navy during World War II, Amos and Jean moved to ranch in the Walden area where they ranched for more than 20 years. The couple have two sons: WAYNE ALLARD, currently serving as a United States Senator and wife Joan, and Kermit Allard, a Fort Collins C.P.A. and wife Judy.

Amos Allard demonstrated a history of service and commitment both to his family and to the community. While ranching in the Walden area, Amos was actively involved in the Colorado Cattlemen's Association, the North Park Stockgrowers Association, and the IOOF Lodge where he served as Grand Master for the State of Colorado.

After the family moved to Loveland, Colorado, Mr. Allard became a real estate broker

and proceeded to develop a 297 acre farm into housing units know as Lock-Lon. Mr. Allard served as President of the Loveland Chamber of Commerce, President of the Loveland Board of Realtors and served for many years on the County Extension Advisory Committee. He also served as Chairman of the 4th Congressional District in Colorado.

He was preceded in death by his parents and his brother, Martin. Amos Allard is survived by his wife, Jean and their two sons, WAYNE and Kermit; a brother, George: five grandchildren: Christi (Steve) Johnson, Karen (Colin) Campbell, Cheryl (Eric) Smith, Jana & Sam; four great grandsons and numberous nieces and nephews.

Amos Allard will be sorely missed and warmly remembered. May we be thankful for his eternal peace and happiness. Amos was always there for me with sound advice or a kind word. I'll always remember his keen insight and wisdom. I found Mr. Allard to be a man of honesty, integrity and humility who touched many souls and raised many spirits. A devoted husband, father and a great American, he set a fine example for us all. To those Mr. Allard left behind, Washington Irving deemed, ''The love which survives the tomb is one of the noblest attributes of the soul.''

TRIBUTE TO EDWIN J. TANGNEY, JR. UPON HIS RETIREMENT

HON. DAVID D. PHELPS

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Thursday, February 4, 1999

Mr. PHELPS. Mr. Speaker, I rise today to express my deep thanks and appreciation for the service of my constituent, Edwin J. Tangney, Jr., on the occasion of his retirement. For 37 years, Mr. Tangney served the people of Macon County, Illinois, with diligence and professionalism, beginning with eight years as Harristown Township Auditor and four years as Macon County's first Code Enforcement Officer. In 1976, Edwin began serving as Macon County Recorder of Deeds, and was re-elected as Recorder of Deeds, and then as County Recorder, on five subsequent occasions. Under his leadership, the Macon County Recorder's Office has become one of the most efficient, accessible and accurate official records offices in the entire state of Illinois. Edwin has consistently ensured that his Office was both technologically up to date and, even more importantly, friendly and courteous to the public it serves.

Edwin Tangney retires leaving the Office of the Macon County Recorder well positioned to enter the new millennium, and I know the citizens of Macon County share my profound appreciation for his many years of dedication and leadership. Mr. Speaker, I hope you will join me in wishing Edwin the very best as he enters his well-deserved retirement from public service. He will indeed be missed, and his accomplishments will be remembered far into the future.

TRIBUTE TO A COMMUNITY LEADER: LEO SMITH

HON. STENY H. HOYER

OF MARYLAND

IN THE HOUSE OF REPRESENTATIVES

Thursday, February 4, 1999

Mr. HOYER. Mr. Speaker, I rise today to pay tribute to a dedicated volunteer and advocate, Leo Smith.

Mr. Smith, a tireless defender of social justice, died Wednesday, January 13th at the age of 80 after a lifetime of standing up for what he believed in.

Remembered by many as conscientous, Mr. Smith belonged to many church and public service groups including several that looked out for the rights of seniors. Working with a Southern Maryland group that aimed to improve housing conditions and eliminate open-air drug markets, he was often a mentor and a leader.

Mr. Smith was a founding member of the local chapter of the AARP (American Association of Retired Persons) and was the La Plata Richard R. Clark Senior Center's representative in 1994. It was in that year that the AARP, Sheriff's office, State Police and La Plata police signed an agreement to form TRIAD to both reduce crime and help seniors become more aware of protecting themselves.

Occasionally described as controversial because he went all out for what he believed, Mr. Smith was described by one of his coworkers as ''a selfless community servant''. The seniors of Charles County and the citizens of Southern Maryland will sorely miss his enthusiastic spirit and informed voice.

Leo Smith was born in Washington, DC and served in WWII in the U.S. Navy. He worked for 30 years for the U.S. Government in Greenbelt at NASA. He is survived by his wife Mary, five sons and six daughters.

IN MEMORY OF JACK AND RUTH CORDES

HON. DENNIS J. KUCINICH

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Thursday, February 4, 1999

Mr. KUCINICH. Mr. Speaker, I rise today to honor the memory of Mr. Jack Cordes, 75 and his wife Mrs. Ruth Cordes, 72 of Cleveland. After 53 years of marriage the couple died a day apart.

Mr. and Mrs. Cordes grew up together and were inseparable. Jack Cordes served in the U.S. Navy during World War II. Following the war both Jack and Ruth Cordes worked, Jack as a plumber and Ruth as a counter clerk for a bakery. Together, the couple lived through both joy and sorrow.

Jack Cordes battled several types of cancer before falling ill with lung cancer on November 18th. During this struggle Ruth never left his side, providing comfort and support. She stayed with him even though she was in great pain. She suffered a heart attack from watching as her beloved husband grew ill. Ruth suffered a second heart attack on Sunday the 22nd and died later that afternoon. Jack died just a day later.

Their lives were so interconnected; their true love was so interdependent; their commitment to each other was so evident. By living their lives as a true partnership, Jack and Ruth's passing reflects the true meaning of ''till death do us part.''

Ladies and gentlemen, the Cordes' lives and deaths are testaments to the strength of love. Please join me in remembering this extraordinary couple.

EXECUTIVE ORDER 13107 IMPLEMENTING HUMAN RIGHTS TREATIES

HON. BOB SCHAFFER

OF COLORADO

IN THE HOUSE OF REPRESENTATIVES

Thursday, February 4, 1999

Mr. SCHAFFER. Mr. Speaker, I submit to the RECORD the following thoughts of John and Carol Loeffler, on President Clinton's Executive Order (EO) 13107.

Date: 12/15/98

Assertion: Last weeks, President Clinton signed an Executive Order setting up a new bureaucracy to implement international human rights treaties. This is yet another end run around Senate approval of controversial UN treaties.

Factoids: The Executive Order 13107, entitled ''Implementation of Human Rights Treaties,'' at first glance appears to be an administrative tool to carry out the implementation of international treaties within the U.S. governmental agencies. However, there are some phrases within the order that should raise a red flag to anyone who is concerned that our national sovereignty and constitutional rights could be eroded by various UN treaties.

For example, the introductory paragraph specifically cites the implementation of three treaties which have already been ratified by the Senate; that is, the International Covenant on Civil and Political Rights, the Convention Against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment, and the Convention on the Elimination of All Forms of Racial Discrimination. There are provisions in these treaties that have been argued to undermine our own Bill or Rights, but this is only the tip of the iceberg.

The order goes even further by including ''other relevant treaties concerned with the protection and promotion of human rights to which the United States is now or may become a party in the future.'' This sweeping statement seems to indicate that the administration intends to enforce human rights treaties that have not yet been ratified by the Senate.

If so, there are a number of controversial UN treaties that have not been ratified because they also could potentially nullify rights granted to us under the Constitution. Treaties such as the UN Covenant on the Rights of the Child, which officaily designates the state as the guardian of children's best interest, insuring that the state knows better than parents what materials are appropriate and what associations are beneficial. It is also responsible for protecting the child when parental beliefs conflict with the rights of the child. Politically incorrect beliefs such as spanking or religious indoctrination could be grounds for placing children into foster care.

Another controversial treaty is the Convention of the Elimination of All Forms of Discrimination Against Women. This treaty has been criticized in part because it forces countries which sign it to allow abortion rights to women, whether or not there is national legislation prohibiting abortion.

It doesn't take much imagination to project what agencies like the Department of Education or the Department of Health and Human Services could do with directives such as these.

The agency Clinton has set up with the issue of this Executive Order has been directed to monitor agencies, coordinate responses to human rights complaints, review proposed legislation for violations, and monitor the actions of states, commonwealths, and territories of the United States, as well as Native American tribes. It would appear that no local governments will escape the scrutiny of this new political bureaucracy.

INTERCOUNTRY ADOPTION SERVICES PROVIDER REGISTRATION ACT

HON. JAMES A. TRAFICANT, JR.

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Thursday, February 4, 1999

Mr. TRAFICANT. Mr. Speaker, I have re-introduced legislation to provide a resource to people seeking reputable agencies and facilitators that process intercountry adoptions. The bill, entitled the ''Intercountry Adoption Services Provider Registration Act,'' requires people licensed to process intercountry adoptions or involved with intercountry adoptions to register with the U.S. State Department's Office of Children's Issues. The agencies are required to disclose all addresses, employees and sources. If any agency fails to comply, it may suffer financial penalties or a loss of its operating license.

When I became a member of this body, I vowed to give a voice to those with no voice and to protect people from being victimized. Accordingly, when a constituent from my 17th district told me about her horrible experience with an intercountry adoption, I was compelled to take action.

My constituent and her husband had tried for many years to have a second child. When circumstances beyond their control would not let them have another child, they decided to adopt a foreign-born child. They researched the international adoption process and adoption agencies. They contacted the State Department and national adoption networks to gather information before proceeding with their adoption. Finally, they settled on what they thought to be a reputable agency from New Mexico. The adoption process was underway. The New Mexico intercountry adoption facilitator asked for and received prepayment, followed by several installments to cover costs. The couple understood that an intercountry adoption was an expensive process, but knew that the cost would not matter when they had a child in their arms.

After a few months, a photograph of a three-year-old Russian girl was sent to the couple. They were told she was eligible for adoption. In order to prevent the child from being adopted by someone else, the couple was told to send additional monies to secure the adoption. The facilitator explained that the final adoption would take six to eight months to process. The couple gladly sent the money. What they weren't told was that Russia had placed a moratorium on all foreign adoptions. The moratorium took effect even before they were sent the photo of the child. The child was never placed in their home and they lost more than $12,000 to a foreign adoption con artist. When the adoption facilitator was confronted with the moratorium information, he changed the name of his organization and moved to another state. After several months of searching for the agency, the couple is suing for a refund. The case is pending in a New Mexico court.

While completing research for this bill, I discovered many other couples who have similar horror stories of intercountry adoptions. Fraud, deceit and lots of money were involved in each of the tales. The House of Representatives must provide some consumer protection for persons who wish to adopt a foreign-child.

The Hague Intercountry Adoption Convention, a convention convened to protect children and co-operation in respect to intercountry adoptions, has yet to be signed by the United States. Among other matters, this treaty addresses the fraudulent and unscrupulous practices of a minority of agencies that participate in selling children, bribing parents and government officials, deceiving adoptive parents and failing to ensure that each and every adoption is in the best interests of the children concerned. However, the Hague Convention gives no specific legal protection to any person or provide a resource regarding the adoption process. Each individual country must protect its citizens. The Intercountry Adoption Services Provider Registration Act will provide a much needed source of information and protection for prospective adoptive parents.

THE REINTRODUCTION OF A CONSTITUTIONAL AMENDMENT TO ABOLISH THE ELECTORAL COLLEGE

HON. RAY LaHOOD

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Thursday, February 4, 1999

Mr. LAHOOD. Mr. Speaker, today I am proud to reintroduce, along with Congressman WISE from West Virginia, a constitutional amendment that seeks to end the arcane and obsolete institution known as the Electoral College.

It is no accident that this bill is being introduced today, the day that the electoral ballots are opened and counted in the presence of the House and Senate. I hope that the timing of this bill's introduction will only underscore the fact that the time has come to put an end to this archaic practice that we must endure every four years.

Only the President and the Vice President of the United States are currently elected indirectly by the Electoral College—and not by the voting citizens of this country. All other elected officials, from the local officeholder up to United States Senator, are elected directly by the people.

Our bill will replace the complicated electoral college system with the simple method of using the popular vote to decide the winner of a presidential election. By switching to a direct voting system, we can avoid the result of electing a President who failed to win the popular vote. This outcome has, in fact, occurred three times in our history and resulted in the elections of John Quincy Adams (1824), Rutherford B. Hayes (1876), and Benjamin Harrison (1888).

In addition to the problem of electing a President who failed to receive the popular vote, the Electoral College system also allows for the peculiar possibility of having Congress decide the outcome should a presidential ticket fail to receive a majority of the Electoral College votes. Should this happen, the 12th Amendment requires the House of Representatives to elect a President and the Senate to elect a Vice President. Such an occurrence would clearly not be in the best interest of the people, for they would be denied the ability to directly elect those who serve in our highest offices.

This bill will put to rest the Electoral College and its potential for creating contrary and singular election results. And, it is introduced not without historical precedent. In 1969, the House of Representatives overwhelmingly passed a bill calling for the abolition of the Electoral College and putting a system of direct election in its place. Despite passing the House by a vote of 338–70, the bill got bogged down in the Senate where a filibuster blocked its progress.

So, it is in the spirit of this previous action that we introduce legislation to end the Electoral College. I am hopeful that our fellow members on both sides of the aisle will stand with us by cosponsoring this important piece of legislation.

IN MEMORY OF PADDY CLANCY

HON. DENNIS J. KUCINICH

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Thursday, February 4, 1999

Mr. KUCINICH. Mr. Speaker, I rise today to honor the memory of a music legend, Paddy Clancy of The Clancy Brothers and Tommy Makem. The Clancy Brothers were one of the first Irish musical groups to achieve international notoriety. The Clancy Brothers and Tommy Makem created numerous hit songs in the 1960's.

Paddy Clancy was born in Carrick-on-Suir in Tiperrary county to a family of nine, all of whom were musically inclined. In the 1950's he and his brother Tommy emigrated to New York to pursue acting careers. It seemed the brothers were destined however, to make their mark not as thespians but as musicians. Later, their brother Liam was to join Paddy and Tom, with Tommy Makem they created The Clancy Brothers and Tommy Makem. The Clancy Brothers were known for their incredible harmonies and their energetic concerts. These talents were quickly recognized, and they built a loyal fan base, playing folk clubs in Greenwich Village.

In 1961 they gained national notoriety following an incredible 16-minute set on The Ed Sullivan Show. Their music defied definition. It was both beautiful and raucous at once. They blended American folk music with traditional Irish forms. Paddy was equally capable of singing an Irish drinking song or an elegant ballad. Paddy and the Clancies also performed with Bob Dylan and Barbara Streisand. The Clancies were able to expose Americans to the glorious music of Ireland and still incorporate American folk into their music.

Ladies and gentlemen, the contributions made by Paddy Clancy to music were incredible. I ask you to join me today in remembering this fine musician.

FRANCIS FRANCOIS, A DEDICATED PUBLIC SERVANT

HON. STENY H. HOYER

OF MARYLAND

IN THE HOUSE OF REPRESENTATIVES

Thursday, February 4, 1999

Mr. HOYER. Mr. Speaker, I rise today to acknowledge the retirement of Francis B. Francois; Executive Director of the American Association of State Highway and Transportation Officials (AASHTO).

Mr. Francois will retire in February after 19 years with AASHTO. In addition, during his tenure he also served on the Executive Committee of the Transportation Research Board.

Francis Francois was born and raised on an Iowa farm and earned an engineering degree at Iowa State University and then went on to earn a law degree at the George Washington University. A registered patent attorney, Mr. Francois resides in Bowie, MD with his wife Eileen where they have raised five children.

Known as a skilled parliamentarian, Mr. Francois served 18 years as an elected official in Prince George's County including nine as a County Councilman. While serving the County, Mr. Francois was a member of many boards and associations including the National Association of Counties and the Board of Directors of the Metropolitan Washington Area Transit Authority. Having the vision for a regional approach to solving problems, he earned the reputation of being ''Mr. Goodwrench'' and ''Mr. Fixit.''

Mr. Speaker, Mr. Francois is a person dedicated to solving problems, serving people and setting plans in motion. In 1973, Mr. Francois was named ''Washingtonian of the Year'' by the Washingtonian magazine. He is also well published on such topics as the important role of counties in state government, urban water resources and the responsibility of regional decisionmaking.

Mr. Francois will be missed by AASHTO as well as the people of Prince George's County. Mr. Francois has the vision of an all-purpose reformer. I know my colleagues will join with me in congratulating Francis Francois and his family on his retirement and wishing them all the best as Mr. Francois enters what we all hope will be his most exciting adventures to date.

EDUCATION STANDARDS

HON. BOB SCHAFFER

OF COLORADO

IN THE HOUSE OF REPRESENTATIVES

Thursday, February 4, 1999

Mr. SCHAFFER. Mr. Speaker, the November elections and impeachment trial have overshadowed a little-known victory for Colorado schools. Congress succeeded in blocking the president's efforts to consolidate national education standards and testing for local schools under the authority of the federal government.

Many parents and educators have been concerned about federalizing education measurements, content, and curriculum since the inception of Goals 2000 in 1994. While the need for standards and accountability is clear, concerns arise when one considers who will set the standards.

Under Goals 2000 legislation, unelected Washington bureaucrats set the standards. Although we hope the government will come up with reasonable and fair education benchmarks, in reality, there are big differences between what Washington experts prescribe and what parents want their kids to be taught.

This dilemma is no better illustrated than in the case of the National History Standards already developed under Goals 2000. Initial standards for American history did not mention some of the most prominent figures of American history including Paul Revere, the Wright Brothers, or George Washington's presidency. They did, however, encourage the study of Mansa Musa, a West African king in the 14th Century.

Not surprisingly, the standards were unduly critical of capitalism and our European founders. Even members of the Clinton administration and the press found the standards objectionable. The standards have subsequently been revised.

Placing government in charge of standards is certain to include not only content requirements—the who, what, where, why, and how of history, science, math and so on—but also subjective standards such as ''students must demonstrate high order thinking or appreciate diversity.'' Suppose students are held to a standard which defies lessons their parents have taught them? What if teachers are forced to teach what they know to be false or counterproductive? Will government curricula replace that which locally elected school boards have chosen?

If adopted, national education priorities will reflect not the community nor parental values, but those of Washington. Given the atmosphere of political and pervasive corruption in Washington, can we afford such influence in our classrooms?

Clearly, standards of behavior and content must be established and enforced at the state and local level by those who are directly elected and accountable to parents and the community. Federal cooption must give way to increased parental authority. Parents must insist lessons and reading materials state facts and relate values they know to be true. They should vote for school board members who hold their convictions and parents should attend board meetings to stay connected to the process.

The authority of parents to direct their children's education remains threatened however, at least until zeal for federalization is extinguished. The 105th Congress voted to keep education standards in hands of parents and the community last year. Congress must continue to stand up for the freedom of local teachers to teach, and the liberty of our children to learn.

SYRACUSE SERVED BY INTRODUCTION OF ''NEW NEWSPAPER'' 100 YEARS AGO

HON. JAMES T. WALSH

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Thursday, February 4, 1999

Mr. WALSH. Mr. Speaker, one century ago, on January 1, 1899, Central New Yorkers were treated to a new newspaper, The Post-Standard. That paper, one of a half-dozen at the time, remains today. Now it is one of two papers, and the only morning newspaper. I want to ask my colleagues to join me in congratulating the management and staff at this important milestone.

In particular, I would like to congratulate the top management, Mr. Stephen Rogers and Mr. Stephen A. Rogers, the President and Publisher respectively, for their well-known civic leadership and faithful adherence to the best of principles of journalism in the United States.

With the stewardship of a newspaper comes an important and historic responsibility. In the attached editorial, it is mentioned that a newspaper must be profitable to survive. But the newspaper must be sensitive to its special status in our nation's history. It is protected mightily by the First Amendment, and its right to print news and opinion without fear of retribution from any governmental quarter is unique in the world.

Though we in this body are often at odds with newspapers, we know their value and we know they represent a fundamental tenet of freedom. I have included the attached editorial, which appeared January 1 this year, commemorating the centennial recognition of The Post-Standard.

''CENTENNIAL POST: Your morning paper is 100 today, still pursuing much the same mission. 'A legitimate primary aim of the newspaper is to make money.'

Thus read the editorial that appeared in the inaugural edition of The Post-Standard 100 years ago today. The principle remains true today. As the editorial noted, quoting an editor-senator from Rhode Island: 'A paper that cannot support itself cannot be any service . . . to spend money upon it is like wasting fuel in an attempt to kindle a store.''

The Post-Standard boasts a tradition that extends back more than a century—to The Post, which traces its origins to 1894, and The Standard, dating to 1829, decades before the founding of the City of Syracuse. The consolidation of the two newspapers was described as a victory over 'factionalism' in Onondaga County and the ascendancy of 'a Republican newspaper, dedicated to the public weal along Republican lines, and representing a united Republicanism.'

That partisan bias reflects an earlier era in newspaper publishing when journals were closely allied with parties and candidates. Most newspapers, including The Post-Standard, have long since declared their independence from rigid party orthodoxy, endorsing candidates based on their qualifications, performance and prospects rather than political affiliation. Of course, The Post-Standard continues to represent a region long known as a bastion of Republican fervor.

Although the mission of The Post-Standard through the years has included some hard truth-telling, its editorial page since the beginning has attempted to build and strengthen the community. 'The Post-Standard deems the blessings of life and of work too precious to be frittered away in perpetual contention and fault-finding,' wrote the editor in 1899. 'To prove itself a cheery presence, seeking to say good of men and things always when it can, and consenting to say ill only when it must, shall be this newspaper's consistent aim.'

Hewing to that aim is no easier today than in 1899. There never seems to be a shortage of rascals, ludicrous schemes and conspiracies afoot, no less in the Age of McKinley than the Age of Bill and Monica.

Yet there is something uplifting and inspiring in the long-ago editoralist's aspiration for his paper to 'preach the gospel of

right living and bright living without being suspected of preaching.' He concludes: 'If it can help to lift men or in any degree make better or cheerier or more wholesome the community with which its lot is cast, it will be glad and grateful for its opportunity.'

We remain grateful for that opportunity today.''

TRIBUTE TO ALEXANDER KOULAKOVSKY

HON. CURT WELDON

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, February 4, 1999

Mr. WELDON of Pennsylvania. Mr. Speaker, I rise today to pay tribute to Mr. Alexander Koulakovsky and his company ''Nafta Sib'' which has undertaken an exciting new project in Russia. In September of 1998 at the beginning of the new school year, a traditional Christian School opened in Moscow. This school, which was built in one year, was funded by the company ''Nafta Sib,'' which also engages in several charities and projects aimed at restoring old churches, and preserving icons and religious artifacts. Mr. Koulakovsky is currently in the process of putting together a Board of Trustees for the Christian School which will provide financial support and assist in maintaining high standards of education.

This new Christian School is the first since the communist revolution in 1917. Prior to the opening in September, the school would provide occasional lessons in a rented apartment. Two hundred and sixty students are now enrolled in the school, and the erection of the new building will provide the opportunity for one hundred and twenty more students to enroll in this outstanding educational program.

The school has received all of the educational licenses required, and is permitted to conduct lessons in accordance with the state school programs. For the past two years, many graduates were accepted by the most prominent Russian universities. The students are also receiving religious instructions as part of their curriculum. The school has an in-house church which is named after martyr St. Pytor, the archbishop of the Russian Orthodox Church and close advisor to the Russian Patriarch in the 1930s and was killed during the Stalin regime. Regular religious services are conducted for the students. This church is also the first one to be named after a martyr of this century and be recognized by the Russian Orthodox Church.

I traveled to Russia last September, and visited this school on its opening day. I was impressed with the school's curriculum, and with the quality of the students who attended it. As a former school teacher and the father of five, I know that education is the key to the future. For Russia's democracy to succeed, they must look to tomorrow and educate a new generation of Russians in the tenets of freedom. I applaud Alexander Koulakovsky for schooling Russia's leaders of tomorrow and for taking steps to bring quality education and religious freedom to the children of Moscow.

TRIBUTE TO RETIRING CENTRAL MISSOURI STATE UNIVERSITY PRESIDENT, DR. ED ELLIOTT

HON. IKE SKELTON

OF MISSOURI

IN THE HOUSE OF REPRESENTATIVES

Thursday, February 4, 1999

Mr. SKELTON. Mr. Speaker, let me take this opportunity to pay tribute to Dr. Ed Elliott, who is retiring from his post as President of Central Missouri State University (CMSU), Warrensburg, MO, after serving there for nearly fourteen years.

During Dr. Elliott's tenure at CMSU, the University has seen tremendous growth in enrollment due to Ed's insightful university policies. There has been an expansion of the school's international and distance learning programs, increased admissions standards, a new general studies program, an emphasis in strategic planning and collegial governance, and an integration of a new teaching-learning-assessment model known as Continuous Process Improvement. In addition, numerous building renovations and new construction projects, including the James C. Kirkpatrick Library that will be dedicated in March, have added to student interest in CMSU.

Under Ed's leadership, the University has received dramatically increased state and alumni funding. He has also set academic priorities to develop all curriculum around a strong, liberal arts core, verifying quality through assessment and program-specific accreditation. In addition, he integrated technology into the curriculum and emphasized teacher education. Recently, Central has been named the state's lead institution in professional technology.

Dr. Elliott became Central Missouri State's 12th president on July 1, 1985, after serving for three years as president of Wayne State College in Wayne, NE. He came to Wayne State in 1971 as director of graduate studies and had also served as a dean and vice president before being named president there.

A native of Grain Valley, MO, Ed is a 1960 graduate of William Jewell College and started his teaching career in Harrisonville that same year. He earned his master's degree from Columbia University in 1964, and his doctor of education degree from the University of Northern Colorado in 1969.

Mr. Speaker, Dr. Ed Elliott has had an outstanding career in education, and he will surely be missed by everyone at Central Missouri State University. I wish him and his wife, Sandra, all the best in the days ahead. I am certain that the Members of the House will join me in playing tribute to this fine Missourian.

IN HONOR OF FATHER BENJAMIN H. SKYLES

HON. KEN BENTSEN

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Thursday, February 4, 1999

Mr. BENTSEN. Mr. Speaker, I rise to honor Father Benjamin H. Skyles for his outstanding contributions to the community and citizens of Pasadena, Texas.

Father Skyles has served the community of Pasadena through his ministry as Rector of St. Peter's Episcopal Church for 34 years. His social conscience is second to none. Throughout those 34 years, Father Skyles has been a tremendous asset to the Pasadena community. He has worked to protect the environment, care for and educate children and the elderly, train workers, and give a helping hand to hose who are ill or living in poverty. He is also a dedicated husband and father.

His ministry has enhanced the lives of thousands of Pasadena citizens from birth to old-age. St. Peter's Day School has nurtured and educated children for over 30 years. Its After School Program has been a safe-haven for latchkey children for over 25 years. For the elderly, St. Peter's offers low-cost housing. Additionally, St. Peter's has programs to confront social ills, such as alcholism and hunger. St. Peter's also offers English as a second language program, Scouting Programs, and year round GED classes.

In the 1960s and 1970s, Father Skyles began his crusade to protect the environment. He became the first vice-president of the Channel Area Subsidiary Chapter for Help Eliminate Pollution. As Chairman of the Preservation of the Armand Bayou in 1972, he led the way in a complicated battle to save a beautiful natural resource so that it could be enjoyed by future generations. He chaired the Southeast Harris Country Clinic Task Force in 1976 and 1977, which established the Strawberry Clinic and vital health services to the area.

In 1984, Father Skyles learned to speak and read Spanish to reach out to the Hispanic Community. Today, Father Skyles leads four services, including one in Spanish, each Sunday.

Father Skyles founded the North Pasadena Community Outreach Organization. In association with the Episcopal Health Charities and support from St. Peter's parishioners, the Community Outreach Center will house after school programs, a free community clinic, and a state of the art computer clubhouse. The Center, opened in January 1999, is a $1 million investment in the well-being of Pasadena and is among the first church-school-community collaborations in this area.

Father Skyles was recognized as Pasadena's Citizen of the Year in 1973, awarded the Religious Service Award for the Greater Houston area, and appointed as Dean of the East Harris County Convocation of the Episcopal Diocese of Texas in 1993. He has also been a member of the National Conference of Christians and Jews since 1982.

Mr. Speaker, I congratulate Father Benjamin Skyles for his service to the Pasadena community. He is truly a man of social action. His deeds and contributions will not be forgotten.

INTRODUCTION OF A BILL TO STOP FRANKING ABUSE

HON. RAY LaHOOD

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Thursday, February 4, 1999

Mr. LAHOOD. Mr. Speaker, last year I introduced H.R. 642, a bill that ends the most pervasive abuse of the frank—sending out unsolicited, self-promotional mass mailings. Today, I am reintroducing this bill. My bill specifically targets franking abuse by cracking down on the use of mass mailings.

Title 39 of the U.S. Code defines the types of mailings that are frankable. Included in this definition are the ''usual and customary'' congressional newsletter, press release or questionnaire. The legislation I am reintroducing would simply strike mailings of this type from the code, thereby disallowing future use of the frank for these purposes.

Other franking reform proposals have centered around dangerous numbers games that leave open the possibility of abuse. Rather than try to settle on some arbitrary formula, my legislation will get to the heart of the problem. Reducing the definition of ''mass'' from 500 to 100, or debating whether the franking allowance should be reduced by 50% or 33% misses the mark. The problem that needs to be addressed is the use of the frank as a campaign tool whose real ''informational'' purpose is to make constituents aware of how deserving we are of reelection.

I urge all members who are interested in real campaign finance reform to carefully consider cosponsoring this bill.

COMMEMORATING THE 51ST ANNIVERSARY OF SRI LANKA'S INDEPENDENCE FEBRUARY 4, 1999

HON. FRANK PALLONE, JR.

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Thursday, February 4, 1999

Mr. PALLONE. Mr. Speaker, I would like to extend my warmest congratulations to the Honorable Chandrika Bandaranaike Kumaratunga (President of Sri Lanka), her government, and the people of the Democratic Socialist Republic of Sri Lanka, on the occasion of the 51st anniversary of Sri Lanka's independence.

Sri Lanka is a free, independent, and sovereign nation. This unique country has an extensive and rich history, dating back to its flourishing civilization of the 2nd century B.C. Throughout the years, Sri Lanka has developed its economy based on its agriculture, cultivation of semi-precious stones, and manufacturing industries.

Although Sri Lanka experienced invasions and rule by the Portuguese, Dutch, and British, Sri Lanka regained independence through a peaceful and constitutional process in 1948. After 51 years of independence, Sri Lanka has emerged as a key South Asian country committed to democracy, free market economics, and sound social and development policy.

Bi-lateral relations between the U.S. and Sri Lanka have always been strong. To date, Sri Lanka exports nearly $1.5 billion worth of goods to the U.S. and the U.S. exports nearly $370 million worth of goods to Sri Lanka. Trade and investment between the U.S. and Sri Lanka continue to grow, with some of the largest business links with Sri Lanka including companies such as Coca-Cola, Motorola, IBM and Hilton, to name a few.

The formation and development of the Congressional Caucus on Sri Lanka and Sri Lankan-Americans will lead to increased constructive and educated dialogue between the U.S. and Sri Lanka. This will ensure progress between the two countries and the opportunity for Congress to gain greater knowledge and education about Sri Lanka.

As Sri Lanka celebrates 51 years of freedom, this is a wonderful opportunity for us to pay tribute to all of her national heroes and freedom fighters who fought for independence. I am also happy to extend my congratulations to the approximately 100,000 Sri Lankans in the U.S., whose communities have made economic and social impacts throughout various cities across the U.S.

Sri Lanka's rich history of over 2500 years, and its tremendous progress as a nation in 51 years alone, proves Sri Lanka's strength and tremendous potential for the 21st century and years to come. Again. I join in commemoration of Sri Lanka's 51st year of independence and I look forward to working with the Congressional Caucus on Sri Lanka and Sri Lankan Americans, the Sri Lankan community in the U.S., and the government of Sri Lanka.

CONGRATULATIONS TO GOVERNOR MEL CARNAHAN OF MISSOURI

HON. IKE SKELTON

OF MISSOURI

IN THE HOUSE OF REPRESENTATIVES

Thursday, February 4, 1999

Mr. SKELTON. Mr. Speaker, it has come to my attention that Governor Mel Carnahan of Missouri is one of five public leaders nationwide to receive an Americans for the Arts' Government Leadership in the Arts award.

Governor Carnahan received the 1999 Americans for the Arts and The United States Conference of Mayors Award for State Arts Leadership. Governor Carnahan was recognized for his outstanding leadership in forging overwhelming bipartisan support of the arts, resulting in unprecedented cultural policy within the state of Missouri. He spearheaded and signed into law a provision designating 100 percent of an existing tax on non-resident athletes and entertainers to build a $100 million state Cultural Trust over the next ten years. A portion of this designated revenue stream will also provide annual state budget increases for the arts. A number of other exemplary initiatives also characterize Governor Carnahan's leadership in the arts. Since taking office in 1993, Governor Carnahan steadily increased the annual appropriations for the arts in the state, ranking Missouri seventh nationally in per capita state funding for the arts. He established the Missouri Fine arts Academy at Springfield, MO, providing 200 high school students each year the opportunity to participate in a three-week residence program to sharpen their artistic talents. His efforts also led to the statewide public school adoption of arts education as a part of their core curriculum.

Nominated by the Missouri Arts Council and Missouri Citizens for the Arts, Governor Carnahan was honored at the Mayor's Arts Gala at Washington, D.C., on January 28, 1999. The event was held in conjunction with the Conference of Mayor's Annual Meeting and the Urban Arts Foundation meeting, a gathering of more than 700 mayors and arts leaders from across the nation.

Governor Carnahan shares this honor with many key national figures including, Senator EDWARD KENNEDY, of Massachusetts; Representative MICHAEL CASTLE, of Delaware, Mayor Joseph Riley, of Charleston, S.C.; and Jane Alexander, former NEA Chairperson.

Mr. Speaker, I know my colleagues will join me in congratulating Governor Carnahan, and join the Americans for the Arts in commending his good work.

IN HONOR OF MR. FRANK AGUIRRE

HON. XAVIER BECERRA

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, February 4, 1999

Mr. BECERRA. Mr. Speaker, it is with the utmost pleasure and privilege that I rise today to recognize a wonderful American, Mr. Frank Aguirre, for his inspiration as a dedicated father, a hard-working professional, and a model citizen of our great nation. Frank Aguirre is a fitting example of someone living ''the American dream.''

Born and raised in Sonora, Mexico, Frank came to the United States in 1949 on a student visa. His interest was Engineering, and he attended Los Angeles Trade-Technical College. Later, at East Los Angeles College and California State University, Los Angeles, his major changed to Accounting.

Recognizing the value of hard work and the opportunities it opens in the United States, Frank became a naturalized citizen in 1956. While at East Los Angeles College, he met Rosie Padilla, and they wed in March 1957. They have four children: Victor, Cindy, Becky and Haydee and six grandsons: Alex, Ryan, Austin, Victor, Kellen and Brett.

After attending East Los Angeles College, Frank started as a stock boy in a wall paper hanging company. He worked hard, and his industry was noticed. Frank soon earned a promotion to the accounting department. Anxious to provide for his new family, Frank went on to work as an accountant at Global Van and Storage and opened an income tax business at home.

His dreams were big, and he worked diligently to offer his growing family more than he had ever had growing up. He accepted positions at Pacific Van and Storage, again at Global Van Lines and finally plunged into the moving business himself. Owning his own business had been his goal, but his Sun Moving & Storage company struggled through adversity for a year and a half before closing its doors. Several years later, he was joined by two partners and formed Merit United Moving and Storage. This business brought Frank prosperity, not to mention, high blood pressure.

Perhaps what is most notable about Frank is his love for his family. He worked hard, yet he always had time for his children. They have fond memories of impromptu Saturday mountain day trips, miniature golf games, road trips to Mexico and lots of family get-togethers. Frank is the most fortunate of men—he is deeply loved and respected by his family and peers.

Mr. Speaker, on Saturday, February 6, 1999, family and friends—and I am privileged to count myself among them—will gather at a special dinner to pay tribute and celebrate Frank Aguirre's accomplishments as a father, businessman, and model American citizen. It is with great pride that I ask my colleagues to join me today in saluting this exceptional human being.

INTRODUCTION OF LEGISLATION

HON. BARBARA CUBIN

OF WYOMING

IN THE HOUSE OF REPRESENTATIVES

Thursday, February 4, 1999

Mrs. CUBIN. Mr. Speaker, today I am introducing legislation to ensure that the name of Devils Tower National Monument remain unchanged. I introduced this bill during the 104th Congress, the 105th Congress, and rise now to introduce the same bill at the beginning of the 106th Congress. Since the time that this bill was first introduced, I have received numerous positive comments and support from constituents from around the Devils Tower area. In fact, my office has received a petition with an estimated 2,000 names from not only those in and around the Monument, but from all over the country of those concerned with changing the name of this beloved landmark.

For more than 100 years the name ''Devils Tower'' has applied to the geologic formation in my state and has since appeared as such on maps in Wyoming and nationwide. The name was given to the Monument by a scientific team, directed by General George Custer and escorted by Col. Richard Dodge in 1875, and is universally recognized as an important landmark that distinguishes the northeastern part of Wyoming. The Monument has brought a vital tourist industry to that portion of the state due to its unique character and structure.

According to a recent memo, released by the United States Board on Geographic Names, the National Park Service has advised the board that several Native American groups intend to submit a proposal, if one has not already been submitted, to change the name of the Monument. On September 4–6, 1996, former Superintendent of Devils Tower, Deborah Liggett, gave a presentation at the Western States Geographic Names Conference in Salt Lake City, Utah, giving the Native American perspective.

The legislation that I am introducing today on behalf of the state of Wyoming will ensure that the name of the geological formation, historically known as Devils Tower, remain unchanged.

It is my belief and the belief of hundreds of people from around the region that a name change will only bring economic hardship to the tourist industry in the area. I cannot and will not stand idly by and allow that to happen. I commend this bill to my colleagues and ask for their support.

REMEMBER PAOLI!

HON. CURT WELDON

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, February 4, 1999

Mr. WELDON of Pennsylvania. Mr. Speaker, I rise today to pay tribute to the students of the outstanding schools in my Congressional District—Sugartown Elementary School, KD Markley Elementary School, Charlestown Elementary School, and East Goshen Elementary School. The fine students of these schools have contacted me to inform me of an issue which is important to them, to their schools, to their community and to our nation—they are fighting to save the Paoli Battlefield.

The Paoli Battlefield, which is located in my Congressional District, remains one of the only historic sites from the Revolutionary War left untouched since 1777. This land was the site of the ''Paoli Massacre'' in which British troops led by Major General Grey attacked the American Army of Pennsylvania Regiments on the wooded hillside and two fields between what is now Sugartown Road and Warren Avenue. The ensuing battle resulted in at least 52 American deaths and 7 British fatalities. The British night-time bayonet charge was aided by the fact that Americans were silhouetted against the light of their campfires. Some American troops panicked and fled and general disorder spread throughout the American line. British dragoons, arriving on the field, shattered the American column and pursued retreating Americans as far as Sugartown Road. Only the more disciplined American soldiers escaped the original onslaught unscathed, but a following British assault completed the rout.

The Paoli Massacre was part of the Revolutionary War's Philadelphia Campaign, a chapter of the war that witnessed the occupation of Philadelphia and the famed American encampment at Valley Forge in the winter of 1777–78. The first two American attempts to stop the British invasion that Fall were the Battle of Brandywine, September 11, 1777, and the unsuccessful Battle of the Clouds, September 16, 1777. The Paoli Massacre was part of the third effort to contain British General William Howe's advance on Philadelphia.

In an effort to save the Paoli Battlefield, I will be introducing the P.A.T.R.I.O.T. Act—Preserve America's Treasures of the Revolution for Independence for Our Tomorrow. Passage of this legislation will forever insure that the sacrifice made by our nation's first veterans will be remembered. This legislation will also protect the Brandywine Battlefield. The Battle at Brandywine was the most significant battle of the Philadelphia campaign. My bill further memorializes this campaign by authorizing the Superintendent of Valley Forge National Historical Park to enter into an agreement with the Valley Forge Historical Society to build a museum which would house the world's largest collection of Revolutionary War artifacts and memorabilia, including the tent in which General Washington slept at Valley Forge.

And so, Mr. Speaker, it is with great pride that I rise today to recognize the outstanding young patriots of my district who have made their voices heard in the fight to preserve this piece of our nation's history. The students of these schools sent me almost five hundred letters, pictures, and banners with their plea for this body to ''Remember Paoli!''—this small piece of land that is so important to their communities. As a former school teacher and a father of five, I am heartened by their dedication and commitment to this cause. The future of America lies with our youth, and with youngsters like these, I am confident that America's future will be bright.

I would like to congratulate these young patriots of my district, and thank them for taking part in this campaign to preserve the history of the Revolutionary War. I would also like to thank their teachers and parents who also sent me letters, and taught these students that their involvement could make a difference. I would like to include the letters of Melissa Clark, who is in the first grade at KDMarkely; Bonnie Hughes-Sobbi, mother of a fourth grader at KDMarkely; Bess McCadden, who is in the fourth grade at Charlestown Elementary; and Catherine Wahl, who is in the fourth grade at the Sugartown School, for the record so that my colleagues can also appreciate them.

JANUARY 6, 1998.

DEAR SIR, I am writing to you to ask you to save the Paoli Battlefield. We need to remember the men who fought to make our country free. Please do not build houses on the Paoli Battlefield.

Sincerely,

MELISSA CLARK.

JANUARY 5, 1999.

DEAR REPRESENTATIVE WELDON: It has come to my attention, through my daughter's fourth grade class, that a part of our local history is being threatened by ''progress''. The site to which I refer is the Paoli Battlefield, located in Malvern, PA.

Our children are being taught the importance of this site in their local history lessons and are also being taught to respect sites such as this for their intrinsic and irreplaceable value. We should be willing to support our lessons to our children by protecting the Paoli Battlefield from development.

Thank you for your efforts in support of protecting this site, hopefully with permanent registry as an historic landmark. I will be happy to lend any assistance, as I am able, to further this cause.

Very truly yours,

BONNIE HUGHES-SABBI.

DECEMBER 22, 1998.

DEAR REPRESENTATIVE WELDON: People know that it is wrong to build something on historical land. Valley Forge Park is part of our history, so we should also save the site of the Paoli Massacre Battlefield. My classmates and I have been studying it, and I think that building things on historical land is destructive. If General Anthony Wayne were here, he would do all he could to stop people from building something on the ground of our past.

Don't let people build on the site of the Paoli Massacre Battlefield! Please save it!

Sincerely,

BESS MCCADDEN.

DECEMBER 11, 1998.

DEAR MR. WELDON: I think that you should stop this craziness because it should remain a burial ground. Paoli isn't very popular except for the Paoli Battlefield. That puts us in the battlefield book. It is a historical sight [sic]. It's disrespectful to know down a memorial battlefield. One of my ancestors was buried at that battlefield there so I care very deeply about this battlefield.

CATHERINE WAHL.

DEVOTED EMPLOYEES SAVINGS LIVES

HON. JAMES T. WALSH

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Thursday, February 4, 1999

Mr. WALSH. Mr. Speaker, on Christmas Day, the New York Times ran a wonderful article that tells a story about the careful and thoughtful work of a cadre of employees at the U.S. Consumer Product Safety Commission (CPSC) who test toys to ensure they do not injure or kill children. One CPSC employee, Bob Hundemer, who works in CPSC's engineering laboratory, calls his toy testing work a ''labor of love.'' The article goes on to describe

some of the testing methods used to determine if certain toys are risks to children. The article quotes Robert Garrett, acting director of the lab: "I walk out of here every day thinking we're made the world a better place," adding, "I am not sure every government agency can say that."

As the new Chairman of the VA–HUD Independent Agency Appropriations Subcommittee, which has jurisdiction over the CPSC, I am delighted to read about Federal employees who are so devoted to the mission of their agency.

I commend this article to my colleagues.

[From the New York Times, December 25, 1998]

IN PARADISE OF TOYS, THE GAME PLAN IS TO SAVE LIVES

WASHINGTON, Dec. 24.—In the Washington suburb of Gaithersburg, Md., far from the intrigue of the capital and even farther from the North Pole, employees of the Consumer Product Safety Commission test toys of every description for dangers and defects.

Bob Hundemer, an engineering technician, has tested toys at the agency for two decades. He has cultivated a scrupulous and unforgiving eye for potential hazards and quickly detects whether a toy is up to standard—whether it is safe as well as inviting beneath the Christmas tree.

''This is a killer,'' Mr. Hundemer said, pointing to a fluorescent yellow rattle with an unusually thin stem and tiny ball at the tip. ''The end could get jammed in a baby's mouth so easily and cause choking.''

Mr. Hundemer's office is a 5-year-old's paradise. A bookcase overflowing with brightly colored tops, dolls, toy cars, and jacks-in-the-box covers the back wall. A sign reading ''Caution: Adults at Play'' adorns his door.

Robert Garrett, the acting director of the engineering laboratory, said: ''After years in the private sector, I realized that I could get a job with the Government doing about the same thing. I thought I'd died and gone to heaven.''

At the annual Toy Fair in February, giant manufacturers like Mattel and Hasbro, as well as small toy companies from around the country, gather in New York City to display their wares. Representatives from the commission attend the show and examine all the new toys. They discuss potential problems with the manufacturers and then work with them to insure that potential hazards are eliminated.

''The big retailers don't want to recall their products,'' said Kathleen P. Begala, the commission's director of public affairs. ''With mailings and bad press, it's a very expensive process for them, and so there is an incentive to cooperate with us.''

Mindful that injuries kill more children than any illnesses, the agency, which has requested just over $57 million for its 2000 budget, performs four tests on toys it reviews.

One, the template test, examines small parts of a toy that could catch in a child's throat and affect breathing. Mr. Hundemer uses a truncated cylinder that represents an average child's mouth and throat. Any piece of a toy that fits into the cylinder is considered dangerous.

The sharp-edge test uses a special tape to indicate whether any side of an object could cut the skin.

The force test determines how easily parts of the stuffed animals, like eyes and noses, can be removed from the toy. Mr. Hundemer users an instrument that resembles pliers to grasp the eye of a stuffed toy, for example, and applies 15 pounds of pressure, about the strength of a 2-year-old. He tries to rip off the part for about 20 seconds.

In the impact test, a toy is dropped four and a half feet to test durability. ''We use something pretty cheap,'' Mr. Hundemer said. ''It's called gravity.'' If pieces of the toy break off, and the shards of plastic fail the template test, the toy is considered not safe.

The commission officially approves toys that survive the tests.

Like veterans telling war stories, Ms. Begala and Mr. Hundemer recalled some of the most troublesome toys. They remembered the Cabbage Patch doll accused of ''eating'' a child's hair, the Chinese slap bracelets made with cloth and sharp metal that could cut a child and Woody, the cowboy with plastic spurs that had sharp edges and a small plastic badge.

Mr. Hundemer added that this year's hot toy, the Furby, was safe.

''People shopping for toys need to be sure that toys do not contain parts smaller than their child's fist,'' Mr. Hundemer said.

Mr. Garrett mused happily on his career.

''I walk out of here every day thinking we've made the world a better place,'' he said.

Then, pausing, he added, ''I am not sure every government agency can say that.''

CONGRESSIONAL COMMISSION ON SERVICEMEMBERS AND VETERANS TRANSITION ASSISTANCE

HON. LANE EVANS

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Thursday, February 4, 1999

Mr. EVANS. Mr. Speaker, I am very pleased to be an original cosponsor of the "Servicemembers and Veterans Transition Services Improvement Act of 1999." This measure contains the improvements in benefits and services for America's service members and veterans recommended by the Congressional Commission on Servicemembers and Veterans Transition Assistance.

By way of background, the Commission was established by Public Law 94–275 and was directed to review the programs and benefits designed to facilitate the transition from military service to civilian life for those who have served in uniform. The Commission was encouraged to be thorough in its analysis of existing programs and to be bold in its recommendations for program changes and improvements. Without question, the Commission has met those challenges and transmitted to Congress a meticulous examination of transition programs in place today and an impressive list of recommendations to improve and enhance those existing programs and benefits.

Many of the Commission's proposals, particularly those related to veterans' education and training, can serve as a blueprint for the 106th Congress. Of particular interest to me is the recommendation to significantly increase and expand educational opportunities under the Montgomery GI Bill. I agree with the Commission's statement that education ". . . is the most valuable benefit our Nation can offer the men and women whose military service preserves our liberty." I know from first hand experience the benefits of these educational benefits and I look forward to discussing this and the Commission's other initiatives in depth during upcoming hearings.

I want to commend Tony Principi, chairman of the Transition Commission, and all of the Commissioners for their excellent service, dedication, and hard work on behalf of America's servicemembers and veterans.

There will be those who will say the recommendations made by the Transition Commission are too costly. If we value a strong defense and believe our Armed Forces and society in general will reap real benefits from the service of our best and brightest in our military, we cannot afford not to improve the transition benefits we offer to those who serve our nation in uniform.

CONGRESSMAN PETE STARK PROFILED IN U.U. WORLD

HON. WILLIAM J. COYNE

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, February 4, 1999

Mr. COYNE. Mr. Speaker, I submit the following remarks for the CONGRESSIONAL RECORD. The magazine U.U. World, which is published by the Unitarian Universalist Church, recently published a profile of Congressman PETE STARK, my long-time Ways and Means colleague. The article highlights some of Congressman STARK's concerns about the effects of welfare reform. I believe many of us share those concerns. I commend this article to my colleagues' attention.

[From the U.U. World, Jan./Feb. 1999]

A STARK ASSESSMENT: U.S. REP. PETE STARK SPEAKS OUT ON HEALTH CARE AND WELFARE REFORM

(By David Reich)

When President Clinton signed the Personal Responsibility and Work Opportunity Reconciliation Act of 1996, more commonly known as the welfare reform bill, U.S. Rep. Fortney Pete Stark didn't make a secret of his displeasure. ''The president sold out children to get reelected. He's no better than the Republicans,'' fumed Stark, a longtime Unitarian Universalist whose voting record in Congress regularly wins him 100 percent ratings from groups like the AFL–CIO and Americans for Democratic Action.

One of the Congress's resident experts on health and welfare policy, the northern California Democrat has earned a reputation for outspokenness, often showing a talent for colorful invective, not to say name-calling. First elected to the House as an anti-Vietnam War ''bomb-thrower'' (his term) in 1972, Stark has called Clinton healthcare guru Ira Magaziner ''a latter-day Rasputin'' and House Speaker Newt Gingrich ''a messianic megalomaniac.'' When the American Medical Association lobbied Congress to raise Medicare payments to physicians, Stark, who chaired the Health Subcommittee of the powerful House Ways and Means Committee, called them ''greedy troglodytes,'' unleashing a $600,000 AMA donation to Stark's next Republican opponent.

''I've gotten in a lot of trouble speaking my mind,'' the congressman admits with a rueful smile. For all his outspokenness on politics, Stark appears to have a droll sense of himself, and he tends to talk softly, his voice often trailing off at the ends of phrases or sentences.

Back in the 1960s, as a 30-something banker and nominal member of the Berkeley, California, Unitarian Universalist congregation, Stark upped his commitment to the U.U. movement after his minister asked him to give financial advice to Berkeley's Starr King School for the Ministry. ''I think I was

sandbagged,'' he theorizes. After a day of poring over Starr King's books (''The place was going broke,'' he says), he was invited by their board chair to serve as the seminary's treasurer. ''I said, 'Okay,'" Stark recalls. ''He said, 'Then you have to join the board,' 'I said, I don't know, I guess I could.'"

The UUing of Pete Stark culminated at his first board meeting, when the long-serving board chair announced his resignation, and Stark, to his astonishment, found himself elected to take the old chair's place. ''There I was,'' he reminisces, his long, slim body curled up in a wing chair in a corner of his Capitol Hill office. ''And I presided over a change in leadership and then spent a lot of time raising a lot of money for it and actually in the process had a lot of fun and met a lot of terrific people.''

The World spoke with Stark in early October, as rumors of the possible impeachment of a president swirled around the capital. But aside from a few pro forma remarks about the presidential woes (''His behavior is despicable, but nothing in it rises to the level of impeachment''), our conversation mainly stuck to healthcare and welfare the areas where Stark has made his mark in government.

World: You have strong feelings about the welfare reform bill. Do the specifics of the bill imply a particular theory of poverty?

PS: They imply that if you're poor, it's your fault, and if I'm not poor, it's because I belong to the right religion or have the right genes. That the poor are poor by choice, and we ought not to have to worry about them. It's akin to how people felt about lepers early in this century.

World: Does the welfare reform law also imply any thinking about women and their role in the world?

PS: Ronald Reagan for years defined welfare cheat as a black woman in a white ermine cape driving a white El Dorado convertible and commonly seen in food checkout lines using food stamps to buy caviar and filet mignon and champagne and then getting in her car and driving on to the next supermarket to load up again. And I want to tell you she was sighted by no less than 150 of my constituents in various supermarkets back in my district. They were all nuts. They were hallucinating. But they believed this garbage.

And then you've got the myth that, as one of my Republican neighbors put it, ''these welfare woman are nothing but breeders''—a different class of humanity.

World: You raised the idea of belonging to ''the right religion.'' Do these views of poor people, and poor women in particular, come out of people's religious training?

PS: No, my sense of what makes a reactionary is that it's a person younger than me, a 40- or 50-year-old man who comes to realize he isn't going to become vice president of his firm. His kids aren't going to get into Stanford or Harvard or make the crew team. His wife is not very attractive-looking. His sex life is gone, and he's run to flab and alcohol.

World: So it's disappointment.

PS: Yes. And when the expectations you've been brought up with are not within your grasp, you look around for a scapegoat. ''It's these big-spending congressmen'' or ''It's these women who have children just to get my tax dollar. The reason I'm not rich is that I pay so much in taxes, the reason my children don't respect me is that the moral fabric has been torn apart by schools that fail to teach religion.''

And then there's a group that I've learned to call the modern-day Pharisees, people from the right wing of the Republican party who have decided the laws of the temple are the laws of the land.

World: Then religion figures into it, after all.

PS: Oh, yeah, but to me that's a religion of convenience. In my book those are people with little intellect who listen to the Bible on the radio when they're driving the tractor or whatever. But I do credit them with being seven-day-a-week activists, unlike so many other Christians.

World: Going back to the welfare reform bill itself, how does it comport with the values implied by the UU Principles, especially the principle about equity and compassion in social relations?

PS: If you assume we have some obligation to help those who can't help themselves, if that's a role of society, then supporters of the welfare reform bill trample on those values. ''I'm not sure that's the government's job,'' they would say. ''It's the church's job, or it's your job. Just don't take my money. I give my cleaning lady food scraps for her family and my castaway clothes to dress her children. I put money in the poor box. What more do you want?''

The bill we reported out, the president's bill, was motivated by the belief that paying money to people on public assistance was, one-squandering public funds and, two preventing us from lowering the taxes on the overtaxed rich. I used to try and hammer at some of my colleagues, and occasionally, when I could show them they were harming children, they would relent a little, or at least they would blush.

World: Did you shame anyone into changing his or her vote or making some concessions on the language of the bill?

PS: We got a few concessions but not many. Allowing a young woman to complete high school before she had to look for a job because she'd be more productive with a high school education—you could maybe shame them into technicalities like that. But beyond that they were convinced that if you just got off the dole and went to work, you would grow into—a Republican, I suppose.

World: It's been pointed out often that many people who supported the bill believe, as a matter of religious conviction, that women should be at home raising kids, yet the bill doesn't apply this standard to poor women. Can the bill's supporters resolve that apparent contradiction?

PS: Yes. I hate to lay out for you what you're obviously missing. The bill's supporters would say that if a woman had been married and the family has stayed together as God intended, with a father around to bring home the bacon, then the mother could stay home and do the household chores and raise the children. They miss the fact that they haven't divided the economic pie in such a manner that the father can make enough money to support mother and child.

Now, I do think young children benefit grandly, beyond belief, by having a mother in full-time attendance for at least the first four years of life. But given the reality that a single mother has to work, you have to move to the idea of reasonable care for that mother's child. And by reasonable care I do not mean a day care worker on minimum wage who's had four hours of instruction and doesn't know enough to wash his or her hands after changing diapers and before feeding the kid. Or who's been hired without a criminal check to screen out pediphiles. Because it's that bad.

World: Did the welfare system as it existed before the 1996 bill need reform?

PS: Sure. The Stark theory—which I used to peddle a thousand years ago, when I chaired the House Public Assistance Committee—is that people have to be allowed to fail and try again and again—and again. We can't let people starve, but they've got to learn to budget money and not spend it all on frivolous things. So I'd have cashed out many of the benefits. For instance, instead of giving you food stamps worth 50 bucks, why don't I give you the 50 bucks? The theory behind food stamps was that you'd be so irresponsible you'd buy caviar and wine and beer and cigarettes and not have any money left for tuna fish and rice. And that kind of voucher doesn't give you the chance to learn.

We did a study, good Lord, in the 1960s in Contra Costa County, California. Our church was involved, along with the United Crusade charity, and some federal money went into it, too. We identified in the community some people who had never held a regular job—other women who had done day work or men who were nominally, say, real estate brokers but hadn't sold a house in years. And in this study we took maybe 20 of them and made them community organizers—without much to do but with a office and a job title. All this was to study what happened to those people when they had regular hours and a regular paycheck, having come from a neighborhood where people didn't necessarily leave for the office every morning at 7:30.

And we found that these people suddenly became leaders, that people in the neighborhood came to them for advice. They even talked about going into politics, just because of the fact that they fit into the structure and what that did for their self-image and their neighbors image of them.

Another part of that program: in the poorest parts of our community people were given loans to start new stores—wig shops and fingernail parlors and liquor stores and sub shops and soul food places and barbecue pits. The stores had little economic value but lots of social value. They were places where children of the families who owned them went after school, and people didn't sleep or piss in the doorways or leave their bottles there because the street with these shops became a community that had some cohesion—though when the funds were cut back, it reverted to boarded-up shops.

World: Are you suggesting that this kind of program night work for current welfare recipients?

PS: Absolutely. I don't believe for a minute that 99 percent of people, given the opportunity, wouldn't work. They see you and me and whoever—the cop on the beat, the school teacher, the factory worker, the sales clerk—going to work. People want to be part of that. It's just like kids won't stay home from school for very long. That's where the other kids are, that's where they talk about their social lives. That's where the athletics are. And so it is with adults: they want to be part of the fun, of the action.

Inefficient as some people's labor may be, as a last resort, bring them to work in the government. It would be so much more efficient than having to pay caseworkers and making sure they're spending their welfare checks the right way. Give them a living wage, damn it. They'll learn. And given time, their efficiency as economic engines will improve.

World: Do you have a clear sense of how the changes in the system are affecting welfare clients so far?

PS: No, and I'm having a major fight with our own administration over it. Olivia Golden, who until recently headed up the family, youth, and children office in the Health and Human Services Department, sat there blithely and told me, ''Welfare reform is working!'' I said, ''Olivia, what do you mean it's working?'' ''Well, people all over the country have told me—'' ''How many?'' ''Maybe 12.'' I said, ''Are you kidding? You've talked to maybe 12 people?''

They won't give us the statistics. They say, ''The states don't want to give them to

us.'' All we know—the only figures we have—is how many people are being ticked off the rolls. What's happened to the people who leave the rolls? What's happened to the kids? The number of children in poverty is starting to go up—substantially, even when their family has gotten off welfare and is working.

World: One of the arguments in favor of the welfare bill involved ''devolution.'' Do you accept the general proposition that states can provide welfare better than the federal government?

PS: Well, the states were always doing it, under federal guidelines. Now we've taken away the guidelines and given the states money with some broad limitations.

I have no problem with local communities running public assistance programs. They're much closer to the people and much more concerned, and somebody from Brooklyn doesn't know squat about what's needed in Monroe County, Wyoming, where an Indian reservation may be the sole source of your poverty population. But I want some standards—minimum standards for day care, minimum standards for job training. I'm talking about support standards, not punishment standards.

World: And the current bill has only punishment standards?

PS: Basically. It's a threat, it's a time limit, it's a plank to walk.

World: What about the idea that welfare reform would save the government money? How much money has been saved?

PS: I can get the budget figures for you, but I suspect we haven't saved one cent. I mean, do homeless people cost us? What is the cost in increased crime? We're building jails like they're going out of style. Does the welfare bill have anything to do with that? I don't know, but I wouldn't make the case that they're unrelated.

So if you take the societal costs—are we saving? And it's such a minuscule part of the budget anyway. It's like foreign aid. I could get standing applause in my district by saying, ''I don't like foreign aid.'' And if I ask people what we're spending on it, they say, ''Billions, billions!'' We spend diddly on foreign aid. The same is true for welfare. Any one of the Defense Department's bomber programs far exceeds the total cost of welfare.

World: Is there any hope of improving the country's welfare system in the short or medium term, given that the 1996 bill did have bipartisan support?

PS: It had precious little bipartisan support, but it had the president. No, I don't think we're apt to make changes. And what's fascinating is that with the turn in global events our economy may have peaked out. We may be heading down. And while this welfare reform may have worked in a booming economy, when the economy turns down, those grants to the states won't begin to cover what we'll need.

World: If Congress isn't likely to do anything, what can people in religious communities do to make sure the system is humane?

PS: They can get active at the state and local level. Various states may do better things or have better programs or more humane programs. And the lower the level of jurisdiction, the easier it is to make the change, whether it's in local schools or local social service delivery programs.

The other thing is to take the lead in going to court. It's the courts that have saved us time after time—in education, women's rights, abortion rights. We need to look for those occasions where a welfare agency does something illegal—and there will be some—and take up the cause of children whose civil rights are being violated.

World: Let's shift over to healthcare. In the 1992 presidential campaign, the idea of a universal healthcare plan was seen as very popular with the voters. Why did the Clinton health plan fail?

PS: I'd like to blame it on Ira Magaziner and all the monkey business that went on at the White House—the secret meetings and this hundred-person panel that ignored the legislative process. Their proposal became discredited before it ever got to Congress. We paid no attention to it. My subcommittee wrote our own bill, which accomplished what the president said he wanted. It provided universal coverage, it was budget-neutral, and it was paid for on a progressive basis.

World: And it did that by expanding Medicare?

PS: Basically it required every employer to pay, in effect, an increase in the minimum wage, to provide either a payment of so much an hour or add insurance. And if they couldn't buy private insurance at a price equivalent to the minimum wage increase, they could buy into Medicare—at no cost to the government on a budget-neutral basis. But the bill allowed private insurance to continue, with the government as insurer of last resort.

We got it out of committee by a vote or two, but then on the House floor, we couldn't get any Republican votes. They unified against it, so we never had the votes to bring it up.

The Harry and Louise ads beat us badly. People were convinced that government regulation was bad, per se. It was just the beginning of the free market in medical care, which we're seeing the culmination of now in the for-profit HMOs and the Medicare choice plans that are collapsing like houses of cards all over the country. But back in 1993 the idea was ''Let the free market decide HMOs will be created. They'll make a profit, they'll give people what they want. People will vote with their feet and the free market will apply its wonderful choice.''

World: Did that bill's defeat doom universal healthcare for a long time to come?

PS: It certainly doomed it for this decade, and things are only getting worse. We now have a couple of million more people uninsured. We're up to about 43.5 million uninsured, and we were talking about 41 million back in 1993. And people on employer-paid health plans are either paying higher copays or getting more and more restricted benefits. Plus early retirement benefits are disappearing, so that if people retire before 65, they often can't get affordable insurance. It will have to get just a little worse before we'll have a popular rebellion. We're seeing in the managed care bill of rights issue where people are today. To me, that the most potent force out there in the public.

World: In both areas we've been discussing assistance to the poor and health insurance, the US government is taking less responsibility than virtually all the other industrial democracies.

PS: Why take just democracies? Even in the fascist countries, everybody's got healthcare. We are the only nation extant that doesn't offer healthcare to everybody.

Take our neighbor Canada. There is no more conservative government on this continent, north or south. I've heard the wealthiest right-wing Canadian government minister say, ''I went to private prep schools, but it never would it occur to us Canadians to jump the queue, go to the head of the line in healthcare. We believe healthcare is universal. Now, we fight about spending levels, we fight about the bureaucracy, and we fight about how we're working the payment system.'' But they don't question it.

World: In the US we do question it—the right to healthcare, that is, Why?

PS: It's connected with this idea of independence. Where do we get the militas from, and those yahoos who run around in soldier suits and shoot paint guns at each other?

World: The frontier ethos?

PS: Maybe, maybe. And the American Medical Association is not exactly exempt from blame. The physicians are the most antigovernment group of all. They're the highest paid profession in America by far, and so they are protecting their economic interests. Though the government now looks a little better to them than the insurance industry because they have more control over government than over the insurance companies.

Look, the country was barely ready for Medicare when that went through. It just made it through Congress by a few votes. There are some of us who would have liked to see it include nursing home or long-term convalescent care. That can only be done through social insurance, but people won't admit it. They say, ''There's got to be a better way.'' It's a mantra. On healthcare: ''There's got to be a better way.'' Education: ''There's got to be a better way.''

They've yet to say it for defense though. I'm waiting for them to privatize the Defense Department and turn it over to Pinkerton. Although in a way they have. There's a bunch of retired generals right outside the Beltway making millions of dollars of government money training the armed forces in Bosnia. I was there and what a bunch of crackpots! They've got these former drill sergeants over there, including people out to try to start wars on our ticket.

World: A few more short questions. Have the culture and atmosphere of the House changed in the years since you arrived here?

PS: Yes, though I spent 22 years in the majority and now four in the minority, so I may just be remembering good old days that weren't so good. Back when I was trying to end the Vietnam War, I was in just as much of a minority as I am now, and I didn't have a subcommittee chair to give me any power or leverage.

On the other hand, look at the country now. Look at tv talk shows—they argue and shout and scream, and then they call it journalism. Maybe we're just following in their footsteps.

World: Is it is spiritual challenge for you to have to work with, or at least alongside, people with whom you disagree, sometimes violently?

PS: Yes, and I don't do a very good job. My wife says, ''When you retire, why don't you become an ambassador?'' And I say, ''Diplomacy doesn't run deep in these genes.'' But it's tough if you internalize your politics and believe in them.

Still, I like legislating—to make it all work to take all the pieces that are pushing on you, to make the legislation fit, to accommodate and accomplish a goal. It really makes the job kind of fascinating. I once reformed the part of the income tax bill that applies to life insurance, and that's one of the most arcane and complex parts of the tax bill. It was fun—bringing people together and getting something like that. And actually, writing that health bill was fun.

But not now. We don't have any committee hearings or meetings anymore. It's all done in back rooms. Under the Democratic leadership we used to go into the back room, but there were a lot of us in the room. Now they write bills in the speaker's office and avoid the committee system. I mean, it's done deals. We're not doing any legislating, or not very much.

World: Do you think about quitting?

PS: No, I don't think about quitting. I'd consider doing something else, but I don't know what that is. Secretary of health and human services? Sure, but don't hold your breath until I'm offered the job. Even in the

minority, being in the Congress is fascinating, and as long as my health and facilities hold out. . . . I mean, I'm not much interested in shuffleboard or model airplanes.

IN TRIBUTE TO BILL SEREGI

HON. BENJAMIN A. GILMAN

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Thursday, February 4, 1999

Mr. GILMAN. Mr. Speaker, it is my sad responsibility to advise our colleagues of the recent passing of an outstanding American, a remarkable individual, and a tremendous philanthropist.

Bill Seregi was born in Budapest, Hungary in 1903. Although as a youth he aspired to a career in engineering, he found this avenue closed to him by the blatant anti-Semitism which permeated that part of Europe at that time. Instead, Bill went into the jewelry trade at a young age, and soon was considered a master of that trade in his home nation.

In 1928, he married the lovely Lily and thus began a marriage which lasted seventy years. The union between Bill and Lily is an inspiration to all of us.

By 1939, Bill and Lily were considered leading citizens of Budapest. That year, World War II struck Europe like a dreaded thunderstorm, and no life was left untouched. As devout Jews, Bill and Lily found themselves targeted by the oncoming Nazi hordes. Bill was sentenced to a concentration camp. Torn from his family, Bill was forced to toil at slave labor in the Nazi labor camps. It was only his hope of reuniting with his family which kept Bill alive during the horrible years of the Holocaust.

After the defeat of Nazi Germany, Bill was reunited with Lily and they brought together the survivors of their family. Bill and Lily spent the post-war years trying to rebuild their shattered lives. But the respite was short-lived. Hungary was soon taken over by Soviet dictators and, in many ways, life was no better than under Nazi domination. In 1951, Bill and Lily emigrated to the United States to start a new life, for themselves and their family.

Once he had emigrated to the U.S., Bill found the peace and freedom which he so vainly sought all of his life. No freedom did he cherish more than his right to worship according to his own beliefs and the beliefs of his faith. Bill learned very soon after arriving in America about Bnai Zion, the brotherhood organization of people desiring a homeland for Jews in Palestine. Bill soon threw most of his energies into the many philanthropic works of Bnai Zion. He became President of one of the local chapters of Bnai Zion, the Theodore Herzl Lodge.

Bill Seregi devoted a great part of his life to the B'nai Zion Foundation, as well as to various fund raising efforts for the State of Israel. Bill earned a name for himself throughout the greater New York region, and became highly respected as a superb spokesperson. He was active in the America Israel Friendship League, which cemented a good relationship between our nations. Bill also established a ''Gift of Giving Scholarship'' award presented to students of New York City high schools.

In presenting the scholarship to the worthy students, Bill Seregi summed up his philosophy of life to them:

''a. Help those in need
b. Fight against intolerance
c. Study more than you want to
d. Be grateful to those who teach you; and
e. Knowledge is your fortune.''

A few years ago, Bill Seregi was the recipient of the Dr. Harris J. Levine Award, the highest honor possible from the Bnai Zion organization. At that time, Norman G. Levine, the son of the philanthropist for whom the award was named, stated: ''There could not possibly be any better candidate or anyone more dedicated to the same principles as my father than Bill.''

Bill left us on Dec. 16th, 1998, at his golden age of 95. He leaves behind his widow Lily, to whom he had been married for more than 70 years. He also leaves his children, Ann and Larry, his grandchildren Ellie and Lewis, and many loving nieces and nephews and their families.

By fleeing the tyranny of Communism in 1951, Bill Seregi demonstrated that it is never too late for any individual to seek freedom, liberty and justice for themselves and their families. By continuing his career as a master of the art of jewelry as well as his advocation of Zionist and philanthropic causes, Bill underscores the old adage that if you want something done, ask a busy person. No one will ever fully know the suffering Bill and Lily experienced under both Nazism and Communism, and no one will ever know how many lives they touched and how many people were positively impacted by their decision to help others rather than curse their own misfortune.

Mr. Speaker, our condolences are extended to the many loved ones Bill leaves behind, and the countless individuals who were inspired by this outstanding human being.

IN RECOGNITION OF MR. JAMES CALVIN PIGG

HON. LARRY COMBEST

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Thursday, February 4, 1999

Mr. COMBEST. Mr. Speaker, It is my distinct privilege to rise today to honor one of Texas' finest agricultural journalists, Mr. James Calvin Pigg, editor of the Southwest Farm Press magazine in Dallas, Texas. Calvin has served as editor since the magazine's founding in 1974, faithfully reporting agricultural news for Southwest Farm Press for 25 years. A native Texan, Calvin has practiced his craft on radio, television, and print coverage of agriculture in the Southwest since 1955. After more than 40 years on the Texas and Oklahoma agricultural scene, his hands-on reporting style keeps stories fresh and interesting Reporting the dynamic and ever-changing events within the agriculture industry is an important duty since farmers and ranchers across the Southwest depend on this information.

In addition to his Farm Press duties, he has served as a member of the Dean's Advisory Committee for Texas Tech University's College of Agricultural Sciences and Natural Resources and has received the college's prestigious Gerald W. Thomas Outstanding Agriculturists Award in 1985. His unsurpassed dedication and genuine concern for the South Plains agricultural industry is legendary. He also was honored for his distinguished service to Texas agriculture by the Professional Agricultural Workers of Texas in 1980. Calvin was the president of the Dallas Agricultural Club in 1989, and his active involvement in various professional and honor societies proves he truly is a friend of agriculturists.

It is with great honor that I recognize Mr. James Calvin Pigg on his commitment to the agricultural industry and his tireless dedication and service to Southwest Farm Press.

LEGISLATION TO BENEFIT THE AGRICULTURE COMMUNITY NATIONWIDE

HON. GARY A. CONDIT

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, February 4, 1999

Mr. CONDIT. Mr. Speaker, today, I have introduced several pieces of legislation that I believe should be considered during the 106th Congress. These bills represent a broad array of policy initiatives that will benefit the agriculture community nationwide.

AGRICULTURAL WATER CONSERVATION ACT

Over the past few years I have read countless articles on the need to conserve water and the role federal government has with this mission. While discussing water conservation methods with farmers in my district, I found cost was their overriding concern. The outlays required to implement water conservation systems, (i.e., drip irrigation, sprinkler systems, ditch lining) are a tremendous burden on the agriculture industry. While I firmly believe most agriculture interests are genuinely concerned about conserving water, cost has crippled the ability to implement conservation methods on farms.

The Agricultural Water Conservation Act is not a mandate for expensive water conservation systems, it is a tool and an option for farmers. Specifically, it will allow farmers to receive up to a 30% tax credit for the cost of developing and implementing water conservation plans on their farm land with a cap of $500 per acre. The tax credit could be used primarily for the cost of materials and equipment. This legislation would not require them to change their irrigation practices. However, it would allow those farmers who want to move toward a more conservation approach of irrigation but cannot afford to do it during these tough economic times.

CANNED PEACH RESOLUTION

For almost two decades, the European Union (EU) has been heavily subsidizing its canned fruit industry to the detriment of California cling peach producers and processors. Despite a Section 301 investigation, a favorable GATT ruling against the EU, and a subsequent US/EU agreement intended to contain the problem, the EU canned fruit regime has in fact grown considerably more disruptive over time. In recent years, EU canned fruit subsidies have greatly increased (now totaling between $160–$213 million annually), as has injury to the California industry in every one of its markets.

The resolution I introduced today details the problem, identifies it to be of priority concern, and calls for corrective action. I hope by introducing this resolution we can highlight this dispute as a trade priority, underscore that relief

is long-overdue and convey a message to the EU that its canned fruit subsidy excesses must be discounted.

LAND FOR YOUNG FARMERS AND RANCHERS

We are well aware of the migration away from rural areas in part due to the difficulty young people encounter to stay in farming. I believe providing young farmers the opportunity to discover, first-hand, the changing technologies agriculture presents and to keep them interested in agriculture is a vital role for Congress. This legislation will help advance young people's interest in farming much like the USDA's Beginning Farmer Program.

Specifically, this bill will allow education institutions and non-profit organizations that are involved in teaching farming to young people the ability to acquire land held by USDA. Currently this ability is available, however, these specific groups are put at the bottom of the list of people who are eligible to bid for the land. Under current law, these groups are bidding against interested parties such as real estate investors, land speculators, and business groups, all of which could easily increase the price of the land making it financially impossible for organizations interested in keeping the land in farming. My legislation will provide these nonprofits and educational institutions the same purchasing rights to USDA land as beginning farmers. Under the bill, these groups must be involved in teaching young people farming practices they can use to start their own farming practice. Given the current age of our farm and ranch population, I believe the ability for young people to start a farming or ranching operations remains a top priority of the agriculture community. This bill will continue to advance that priority.

INTRODUCTION OF THE UNITED STATES FEDERAL GOVERNMENT PRESERVATION ACT OF 1999

HON. BOB BARR

OF GEORGIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, February 4, 1999

Mr. BARR of Georgia. Mr. Speaker, I rise today in support of the United States Federal Government Preservation Act. On the first day of the 106th Congress, I introduced H.R. 62 and H.R. 63. Both of these bills concern Executive Order 13107, which President Bill Clinton signed on December 10, 1998. Today I am introducing a redrafted version of this legislation. The two bills I am reintroducing today take the necessary steps to nullify the provisions of Executive Order 13107 and prevents the Federal Government from spending any money to implement this Executive Order.

Executive Order 13107 directs the Federal Government to take numerous steps to require our nation to comply with the International Covenant on Civil and Political Rights (ICCPR), the Convention Against Torture and Other Cruel, Inhumane and Degrading Treatment or Punishment (CAT), and the Convention on the Elimination of all Forms of Racial Discrimination (CERD). In my legislation, I discussed the fact that these treaties were never given the advice and consent of the Senate. In clarification, these treaties did in fact pass the Senate by voice vote.

Our Constitution provides in Article II, section 2, clause 2, that ''He [the President] shall have the Power, by and with the Advice and Consent of the Senate, to make Treaties, provided two-thirds of the Senators present concur.'' Because these treaties were accepted by voice vote, we cannot be certain where each individual Senator stands on the particular treaties involved. I believe these concerns warrant a debate, and an individual vote in the Senate. Committing the American people to United Nations treaties is an endeavor that should be carefully scrutinized.

President Clinton claims this Executive Order was written to promote this Administration's human rights record. In actuality, it acts as a vehicle to commit the United States to a definition of human rights that is vastly different from the one contained in our Constitution. The United Nations defines human rights in The Universal Declaration of Human Rights, which addresses the freedom of thought, conscience, religion, opinion, and expression. Article 29 of this document states that ''These rights and freedoms may in no case be exercised contrary to the purposes and principles of the United Nations.''

The founding documents of the United States make it clear that basic human rights are inalienable, meaning they descend from the ultimate Sovereign, the Creator, God. Therefore, no human authority, no government, no criminal, no individual can abrogate or abridge those rights. The United Nations has frequently shown only contempt for biblical values, American sovereignty, and the U.S. Constitution. If the government can bestow upon a people certain rights, it can just as easily take those rights away. On December 10, 1998, with the signing of this Executive Order, President Clinton accepted on behalf of all Americans a definition of human rights that descends from government authority. Due to this action, every American has lost some of their basic freedoms.

Executive Orders are supposed to be a presidential tool for running the Federal Government. President Clinton, however, has used Executive Orders to bypass the legislative branch, and make policy affecting other branches of government, states, and individuals. For example, Executive Order 13107 requires the Federal government to establish the Interagency Working Group on Human Rights Treaties to provide guidance, oversight, and coordination concerning adherence to and implementation of U.S. human rights obligations and related matters. This not only expands the President's regulatory authority, but also bypasses Congress's legislative powers and the Senate's treaty power. If President Clinton believes this is an important objective of his Administration he should send legislation to Capitol Hill and allow Congress the ability to debate and vote on this proposal. It is clear this Executive Order contains alarming provisions that diminish basic rights provided for in our Constitution.

This is a clear example of the President abusing the power entrusted to him by the American people. As Paul Begala, an aid to Clinton, has stated ''The President has a very strong sense of powers of the presidency, and is willing to use all of them.'' I believe Congress should recognize its power and vote on the United States Federal Government Preservation Act of 1999 in order to stop the implementation of Executive Order 13107. Executive Orders have long been recognized as a presidential prerogative. However, they are not a blank check to rewrite the Constitution or to assume powers that belong to the states, or other branches of government. This Congress needs to take immediate steps to ensure Executive Orders are used for their intended purpose, and not to take rights away from American citizens.

TRIBUTE TO GORDON GRAVES

HON. JERRY WELLER

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Thursday, February 4, 1999

Mr. WELLER. Mr. Speaker, I rise today to honor and recognize the life of Gordon Graves, who died on September 16, 1998 at the age of 80. Gordon Graves was a great man and true hero in his efforts to save the Kankakee River.

Gordon Graves was born along the banks of the Kankakee River and thus knew and understood the river. He had been known to describe himself as a ''river rat'' and was a lifelong hunter, fisherman, and conservationist who spent most of his life protecting the Kankakee River. Gordon was one of the first voices of concern for the Kankakee River. According to Gordon, people took whatever they could get from the river, and the next day, they took it again. The problem is that they took more than the river had to give.

At the age of 45, Gordon Graves retired early to work full time to protect the Kankakee River. He is one of the founding fathers of the Northern Illinois Angler's Association, and of the Alliance to Restore the Kankakee River. Throughout his life, Gordon Graves served on many Illinois State Conservation Advisory Boards and Commissions. The highest honor Gordon Graves received was the Pride of America Award, presented to him by President Ronald Reagan.

Gordon Graves is survived by his wife, Marion Graves. As one newspaper article pointed out, Gordon Graves has passed on a legacy of spirit, of vision and of organization that will see his work continue.

Gordon Graves' commitment and impact on his community is not only deserving of congressional recognition, but should serve as a model for others to follow.

At a time when our nation's leaders are asking the people of this country to make serving their community a core value of citizenship, honoring Gordon Graves is very appropriate.

I urge this body to identify and recognize others in their congressional districts whose actions have so greatly benefited and enlightened America's communities.

HELPING PARENTS TEACH THEIR KIDS: THE CHILDREN'S EDUCATION TAX CREDIT

HON. JAMES E. ROGAN

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, February 4, 1999

Mr. ROGAN. Mr. Speaker, as the father of two beautiful twin daughters, Dana and Claire, I am firmly committed to providing our nation's children an education which will prepare them for the future. Congress must empower parents to do more for their children so that our nation's next generation can truly thrive.

That's why I am introducing the Children's Education Tax Credit Act today. This bill provides a $1,000 tax credit per child for education expenses. The tax credit will be given to families who devote their hard-earned money to purchase textbooks, supplies, educational computer software, tuition, and other resources their children need to excel in school.

Today, an average American family spends about $720 per year on each child's learning. Sadly, too many Americans are forced to choose between spending a little extra on their kid's learning or paying the rent. With the Children's Education Tax Credit, parents can better afford to make the best education choices for their children. It is vital that we reward investment in a child's education and encourage families to control more of their own money.

By letting parents decide how best their education dollars can be spent, we begin deferring to local communities and families the crucial decisions on how to educate a child. For the sake of our children, I urge that Members join me in fighting for sound education for our nation's children by supporting the Children's Education Tax Credit Act.

RESOLUTION OPPOSING THE UNILATERAL DECLARATION OF A PALESTINIAN STATE

HON. MATT SALMON

OF ARIZONA

IN THE HOUSE OF REPRESENTATIVES

Thursday, February 4, 1999

Mr. SALMON. Mr. Speaker, the Resolution I have introduced today expresses bipartisan, bicameral congressional opposition to the unilateral declaration of a Palestinian state and urges the President to do the same and promise that such a declaration would not be recognized by the United States. Before I discuss the merits of the bill, I would like to thank Majority Whip DELAY, as well as Representatives SAXTON and ENGEL for all of their work in crafting the resolution. I would also like to thank Senators BROWNBACK and WYDEN for introducing the companion resolution in the other chamber.

The United States owes Chairman Arafat no favors. At least eleven American citizens have been killed in Israel by Palestinian terrorists since the signing of the Oslo Accords in 1993. Of the 15 Palestinians identified by Israel as participants in these attacks, most are free men, and four are reportedly serving in the PA police force. The Palestinian Authority harbors more terrorists who have murdered Americans than Libya.

The introduction of the resolution could not be more timely. Today, President Clinton is expected to meet with Chairman Arafat at the congressional prayer breakfast. His conversation with Chairman Arafat should make at least one point clear: The United States will NEVER recognize a unilaterally declared Palestinian state—whether the state is declared in this manner on May 4, 1999—the date the Oslo accords expire—January 1, 2000, or any date thereafter. It has been reported that Chairman Arafat may use the issue of statehood at the meeting to leverage the United States to place pressure on Israel to withdraw from additional land. President Clinton must not succumb to these tactics.

As our resolution states, at the heart of the Oslo process lies the basic, irrevocable commitment made by Palestinian Chairman Yasser Arafat that, in his words, ''all outstanding issues relating to permanent status will be resolved through negotiations.'' Resolving the political status of the territory controlled by the Palestinian Authority while ensuring Israel's security is one of the central issues of the Israeli-Palestinian conflict. Therefore, a declaration of statehood outside the framework of negotiations would constitute a fundamental violation of the accords.

In mid-July, Chairman Arafat stated that ''there is a transition period of five years and after five years we have the right to declare an independent Palestinian state.'' On September 24th, Chairman Arafat's cabinet threatened to unilaterally declare a Palestinian state that would encompass a portion of Jerusalem. The cabinet announced that ''At the end of the interim period, [the Palestinian Authority] shall declare the establishment of a Palestinian state on all Palestinian land occupied since 1967, with Jerusalem as the eternal capital of the Palestinian state.''

Jerusalem is the undivided, eternal capital of Israel, and U.S. law—the Jerusalem Embassy Act—recognizes that this should be U.S. policy. Palestinian threats to declare a state on land they do not have any territorial control over—particularly Jerusalem—at the very least amounts to a renunciation of the Oslo process, and could legitimately be interpreted by Israel as an act of war. The Administration has not effectively dampened the dangerous proclamations issued by the Palestinian Authority on statehood, and as May 4th rapidly approaches, if U.S. policy remains murky, hostilities could occur.

The most recent statements by Palestinian leaders have been confusing and somewhat contradictory. A number of reports indicate that plans for a unilateral declaration of statehood may be delayed—at least until after Israel holds elections on May 17th. However, some of the comments suggest that the Palestinians are still intent on declaring a state on May 4th. On January 24th, a senior Palestinian official told the Voice of Palestine that May 4th ''is a day [which has] international legitimacy'' and that ''the Palestinian leadership can not postpone this date for even an hour in announcing an independent Palestinian state.'' The day before, another senior official said that May 4th is ''a historic and vital day,'' suggesting that the Palestinians will indeed declare a state on this day.

The Clinton Administration has done little to discourage Palestinian aspirations of having a unilaterally declared state recognized by the United States. On several occasions over the past year, the Clinton administration has refused to express U.S. opposition to the unilateral declaration of an independent Palestinian state, and has left it as an open question as to whether the United States will recognize a unilaterally declared Palestinian state. As a case in point, during President Clinton's visit to Gaza, in December, Chairman Arafat reaffirmed his intention of establishing a Palestinian state with its capital in Jerusalem. Unfortunately, the President might have only encouraged this course when he said: ''[T]he Palestinian people and their elected representatives now have a chance to determine their own destiny on their own land.''

Recently, however, the President has issued more appropriate comments on the issue of statehood. In an interview for a London-based Saudi newspaper in mid-January, President Clinton said that: ''[We] oppose the declaration of a state or any other unilateral action by any party outside the negotiation process in a manner that could pre-empt the negotiations.'' He also said that, ''We are making maximum efforts to strengthen negotiations on the final status (of the Palestinian territories) and believe that those who think they can adopt unilateral measures during the transitory period are opening up a path to catastrophe.''

President Clinton's latest remarks on this issue are welcome but do not go far enough. A careful reading of his comments suggests that the United States may oppose a unilaterally declared Palestinian state, but has left open the possibility of recognition. It is critical for the President privately to inform Chairman Arafat and publicly tell the world that a unilateral declaration of statehood is a grievous violation of Oslo and will be firmly opposed, and never recognized by the United States.

I am encouraged that Congress is working in a bipartisan basis to head off this destabilizing threat to peace in the Middle East. It is essential that the United States speak loudly and clearly in advance of May 4th, to prevent a terrible miscalculation by Chairman Arafat.

PROTECTING ISRAEL

HON. TOM DeLAY

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Thursday, February 4, 1999

Mr. DeLAY. Mr. Speaker, I worked with Mr. SAXTON, Mr. SALMON and now over 60 cosponsors to introduce a resolution calling on the President to clarify American policy with respect to a unilateral declaration of an independent Palestinian state. I did this because I feel the Administration's policy regarding Israel and the Middle East process has been confusing and misleading not only for the American people, but for the international community at large, and especially for the parties to the peace process itself.

The United States has never endorsed the creation of a Palestinian state. After the signing of the Oslo accords, the U.S. made it clear that all questions of sovereignty and statehood were a matter for negotiations between Israel and the Palestinians. However, First Lady Hillary Clinton's public statement last May that ''it will be in the long-term interests of the Middle East for Palestine to be a state . . . and seen on the same footing as any other state'' put U.S. policy on this issue in severe and grave doubt.

The First Lady's remarks came almost exactly one year before the scheduled expiration date in May, 1999 for completing the final status talks between Israel and the Palestinians under the Oslo agreement. Any unilateral declaration of statehood will constitute a fundamental violation of the Oslo accords because they were agreed to only after Chairman Arafat made an irrevocable commitment that, in his words, ''all outstanding issues relating to permanent status will be resolved through negotiations.'' Since resolving the political status of the Palestinian people while protecting the security of Israel is one of the central issues of the Palestinian-Israeli conflict, any effort to act unilaterally on the issue will

have the effect of destabilizing the current security situation not only in Israel but in the entire region.

So it is of great concern that despite official denials by the United States State Department and numerous other officials in the administration, the First Lady's remarks were interpreted by many around the world, including Palestinian Authority President Yasser Arafat, as ''a very important and clear signal'' regarding the Administration's position on the issue of Palestinian statehood. Arafat subsequently threatened to unilaterally declare an independent Palestinian state in May of 1999—which is now just three months away.

Last July, subsequent to the First Lady's remarks, the United Nations voted to elevate the Palestinian observer mission at the UN to the status of a full observer mission, a status just short of that accorded an independent state. Then last fall, while speaking before the United Nations, Yasser Arafat called on world leaders to support an independent Palestinian state—though the U.S. State Department scrambled mightily to prevent him from also repeating his threat to declare such a state unilaterally.

Mr. Speaker, what has been missing from this debate over the last year has been a public—and unequivocal—statement from President Clinton himself that the United States will never recognize the unilateral declaration of an independent Palestinian state. No amount of denials, statements, or clarifications by Secretary of State Madeleine Albright and other functionaries down at the State Department can dispel the confusion and uncertainty about U.S. policy occasioned by the First Lady's remarks. Rightly or wrongly, the perception of many around the world and even in this country is that only President Clinton has the clout to override the influence of the First Lady within his Administration on this point.

For the President to pretend otherwise is to hide his head, and America's, in the sand. The need for the President to personally act to clarify the U.S. position was brought home when Yasser Arafat stated last July that ''[t]here is a transition period of five years and after five years we have the right to declare an independent Palestine state. We are asking for an accurate implementation, an honest implementation of what has been signed in the White House under the supervision of President Clinton.''

Even after the conclusion of the Wye River agreement and the call for new elections in Israel, Chairman Arafat, his cabinet, the Palestinian legislature, and other officials continue to threaten to unilaterally proclaim the establishment of a Palestinian state when the Oslo accords expire on May 4, 1999. On January 24th, senior Palestinian official Saeb Erekat told the Voice of Palestine that May 4th ''is a day [which has] international legitimacy'' and that ''the Palestinian leadership can not postpone this date for even an hour in announcing an independent Palestinian state.'' The day before the Palestinian Minister of Planning and International Cooperation, Nabil Shaath, said that May 4th is ''a historic and vital day'' suggesting that the Palestinians will indeed declare a state on this day.

We must remember that Yasser Arafat and the Palestinians demand the whole West Bank and has declared ''that there can be no permanent peace as long as the problem of Jerusalem remains unresolved.'' The Palestinian Cabinet, on Thursday, September 24, stated that ''at the end of the interim period, it (the Palestinian government) shall declare the establishment of a Palestinian state on all Palestinian land occupied since 1967, with Jerusalem as the eternal capital of the Palestinian state.''

It is way past time for the President to declare that the United States will never recognize a unilateral declaration of an independent Palestinian state, and that Israel, and Israel alone, can determine its security needs. This was made clear back in June, less than a month after the First Lady's remarks, when Palestinian National Council Speaker Salim al-Za'nun announced that, ''If following our declaration of state, Israel renews it occupation of East Jerusalem, the West Bank, and the Gaza strip, the Palestinian people will struggle and resist the occupier with all means possible, including armed struggle.'' If the President fails to speak and the Palestinians do declare an independent state, what security there is currently prevailing in Israel and the region could dissipate overnight.

This is a common sense resolution that clarifies United States policy toward Israel. We all hope that Israel and the Palestinian people can work out an arrangement that benefits both communities and the region as a whole. But we should never forget in the quest for peace that Israel is a proven friend and ally of the United States.

I urge my colleagues to support this resolution and to expedite its consideration.

A TRIBUTE TO CYNTHIA S. HARRINGTON

HON. PETER HOEKSTRA

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Thursday, February 4, 1999

Mr. HOEKSTRA. Mr. Speaker, too often, our staff employees get little or no recognition for the work they do to keep this body functioning. They are the unsung heroes of this institution. Today, I would like to say a few words of thanks to one of those heroes.

A native of Harrisburg, Pennsylvania, and a graduate of Pennsylvania State University, Cynthia S. Harrington has worked for Members of the U.S. House of Representatives since 1973. Cindy began her tenure as Office Manager and Administrative Secretary to Congressman Ronald A. Sarasin of Connecticut, then moved to the office of Congressman Robert Davis of Michigan in 1979. She worked as Congressman Davis' Executive Assistant until 1993, when I had the fortune of hiring her as my Executive Assistant when I joined Congress.

For the last six years, Cindy has been one of the constants in my office—booking my flights, scheduling my meetings in Washington, paying the bills and generally making sure I was where I needed to be at any given point in time.

After 25 years of service to this institution and the American people, Cindy is leaving us and moving to the private sector. She will be working part-time for the CATO Travel Agency and will be spending more time being a mom to her 7-year-old daughter, Jessica, and spending more time at home with her husband, Lee, and Jessica. I expect she will continue to be active in her church and at her daughter's school as a classroom volunteer and on grounds projects, as well as with her daughter's Brownie troop selling cookies.

So, in closing, I just want to say, ''Thank you, Cindy.'' Thank you for helping a newcomer in 1993 become an effective Congressman today. Thank you for helping me get home to my family every weekend. Thank you for making sure we all got paid. Thank you for serving the American people for a quarter-century.

You will be missed.

TRIBUTE TO ANTHONY GOVERNALE

HON. ANNA G. ESHOO

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, February 4, 1999

Ms. ESHOO. Mr. Speaker, I rise today to honor Anthony Governale, a former mayor of San Bruno, California and a dedicated community leader of San Mateo County who passed away on December 29, 1998.

Born in Brooklyn in 1929, Anthony Governale became interested in politics at a young age, helping his uncle run for a Brooklyn ward seat. He moved to San Francisco in 1950 where he met his wife who was performing in community theater—his other passion that was equal only to politics.

Mr. Governale was very active in politics, assisting numerous state, local and federal campaigns as well as serving as President of the San Mateo County Democratic Council. He was elected to public office in 1971 when he won election to the San Bruno City Council. He served as Mayor from 1974–75 and remained on the Council until 1978.

Mr. Governale was also active in a broad range of civic groups including serving as Executive Director of the Daly City-Colma Chamber of Commerce, board member of the San Mateo County Fair, and as President of the San Bruno Chamber of Commerce Governing Board up until his death.

Mr. Governale also served on the governing board of Shelter Network of San Mateo County and was the first Chairman of the San Mateo County Health Center Foundation Board. The Foundation's resources directly improve the lives of patients at San Mateo County General Hospital.

Mr. Speaker, Anthony Governale was a very kind and selfless man dedicated to his family, his community and his country. All who knew him sought his wisdom and advice on issues and life in general. He lives on through his three children and two grandchildren, through his devoted wife Helen, and through all of us who were blessed to be part of his life.

Mr. Speaker, I ask my colleagues to join me in paying tribute to a wonderful man who lived a life of purpose and to extend our deepest sympathy to Helen Governale and the entire Governale family.

TRIBUTE TO THE LATE MILLS E. GODWIN, JR.

HON. TOM BLILEY

OF VIRGINIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, February 4, 1999

Mr. BLILEY. Mr. Speaker, on February 2, 1999, Virginia buried a man in the loamy soil of Southeast Virginia. This was no ordinary man—his name was Mills E. Godwin, Jr. He will be remembered as one of the greatest political figures of the 20th Century in Virginia.

Mills was born on November 19, 1914 in Chuckatuck, Virginia. Mills' lifelong interest in politics began at the age of 11. He later earned a bachelor's degree from William and Mary in 1934 and a law degree from the University of Virginia in 1938. While attending law school, Mills met Katherine Beale. They were married October 26, 1940. This beautiful marriage lasted for fifty-eight years until Mills passed away on January 30, 1999.

At the outbreak of World War II, he worked for the Federal Bureau of Investigation with distinction. He began his political career in 1947 by winning election to the Virginia House of Delegates. In 1951, Mills won election to the state Senate where he served for ten years until his election as Lieutenant Governor in 1961. In 1965, Mills became the Democratic nominee for Governor and was elected to the first of his two terms as Governor of the Commonwealth of Virginia.

During his first term of office, Mills created the community college system in Virginia while using state bonds to sponsor huge increases in funds for public education. Under Mills Godwin's leadership, policies were enacted improving educational opportunities for students from kindergarten to graduate school while improving teacher's pay.

Today, national leaders spend a lot of time touting their education programs. Yet, Mills was leading the way thirty years ago. Mills Godwin's vision for education in the 1960's still holds true as a model for the 1990's. Governor Godwin laid the cornerstone for today's educational system and our leaders should emulate his policies while remembering that a Virginian showed the way to improving education thirty years ago.

He left office because he was term-limited after one term but he would run again for Governor in 1973 as a Republican. He won the election and became the only two-term Governor of Virginia this century. During his second term, Mills established the Department of Corrections, reinstated the death penalty for violent offenders while increasing spending on our state's education and health systems and its sprawling infrastructure needs.

Mills is long remembered for revising the state Constitution and his lengthy term of service to the people of Virginia. However, I will remember him for his help to me when I was mayor of Richmond in the seventies and his leadership in and out of office. He unfailingly reached across party-lines to accomplish the greater good for all Virginians. After all, he remarked, there was ''no higher honor'' than to be Governor of Virginia.

In Virginia, we have many statesmen and Mills is one for the 20th Century. When it was the right thing to do, he acted with strong leadership because he was not permanently bound to a rigid devotion to history. He knew it was imperative we learn from our past mistakes—and this was his attitude for success.

He now joins his daughter Becky in heaven but he left a huge impact on our lives. May God Bless Mills, his wife Katherine, his sister, Leah Keith, and his family and friends.

THE CHARITABLE INTEGRITY RESTORATION ACT

HON. GERALD D. KLECZKA

OF WISCONSIN

IN THE HOUSE OF REPRESENTATIVES

Thursday, February 4, 1999

Mr. KLECZKA. Mr. Speaker, today I am introducing the Charitable Integrity Restoration Act. This legislation addresses most of the sophisticated and shameful tax schemes that I have seen. Recently, The Wall Street Journal has run a series of articles on the so-called charitable split-dollar insurance plans where wealthy individuals are taking improper tax deductions in an effort to avoid paying their fair share of taxes.

The legislation would prohibit the use of charitable split-dollar insurance plans where wealthy individuals give a substantial ''gift'' to the charity and subsequently take a tax deduction for that contribution. The charity, in turn, invests a portion of that money in a life insurance policy for the heirs of the donor or in an annuity contract in the name of the donor. The charity retains the right to a small portion of the policy's proceeds. In other words, the donors get the benefit of purchasing a life insurance or annuity policy using the charitable contribution deduction—something all other taxpayers would pay for directly out of their own pocket.

I would like to point out there is no provision in the Tax Code that gives investors even the remote impression that charitable split-dollar investment policies are legal. Instead, this is a mythical creation of those who are trying to find ways for their clients to avoid paying their fair share of taxes.

This scheme also violates the principle of charitable giving. Charitable contributions are tax deductible because they are supposed to benefit an organization dedicated to a worthy cause. Under this abuse, the charities simply become a conduit for a tax avoidance scheme.

The Charitable Integrity Restoration Act would end the abuse of charitable split-dollar investment policies. The donors face the prospect of having their investment returned to them and losing their tax deduction for the so-called charitable contribution.

Furthermore, any charitable organization engaging in split-dollar insurance plans would lose their tax-exempt status. Anticipating such action, the National Committee on Planned Giving, a professional association based in Indianapolis, has called the scheme ''a high-risk venture'' exposing participating charities to considerable financial risk, which ''may endanger the tax-exempt status of charities that participate.''

Mr. Speaker, it is my hope that the House will pass the Charitable Integrity Restoration Act and put an end to this abusive tax practice and restore charitable contributions to their original intent—helping people in need

Thursday, February 4, 1999

Daily Digest

Senate

Chamber Action

Routine Proceedings, pages S1199–S1288

Measures Introduced: Seventeen bills and two resolutions were introduced, as follows: S. 366–382, S. Res. 32 and S. Con. Res. 5. **Pages S1257–58**

Impeachment of President Clinton: Senate, sitting as a Court of Impeachment, continued consideration of the articles of impeachment against William Jefferson Clinton, President of the United States, taking the following action: **Pages S1199–S1254**

By a unanimous vote of 100 yeas (Vote No. 9), Senate agreed to Division 1 (paragraph 2) of the House of Representatives motion to admit into evidence transcriptions and videotapes of the oral depositions taken pursuant to S. Res. 30, from the point that each witness is sworn to testify under oath to the end of any direct response to the last question posed by a party. **Pages S1199–S1209**

By 30 yeas to 70 nays (Vote No. 10), Senate rejected Division 2 (paragraph 3) of the House of Representatives motion for the Senate to authorize and issue a subpoena for the appearance of Monica S. Lewinsky before the Senate for a period of time not to exceed eight hours. **Pages S1199–S1209**

By 27 yeas to 73 nays (Vote No. 11), Senate rejected a Murray motion in the nature of a substitute to Division 3 of the House of Representatives motion (see below). **Pages S1209–10**

By 62 yeas to 38 nays (Vote No. 12), Senate agreed to Division 3 (paragraph 4) of the House of Representatives motion to move that the parties be permitted to present before the Senate, for a period of time not to exceed a total of six hours, equally divided, all or portions of the parts of the videotapes of the oral depositions of Monica S. Lewinsky, Vernon E. Jordan, Jr., and Sidney Blumenthal admitted into evidence, and that the House be entitled to reserve a portion of its presentation time.

Pages S1199–S1210

By 44 yeas to 56 nays (Vote No. 13), Senate rejected a Daschle motion to proceed to the closing arguments of the trial of the President of the United States. **Page S1210**

By 46 yeas to 54 nays (Vote No. 14), Senate rejected a White House Counsel motion to request that the House managers no later than 2 p.m., on Friday, February 5, 1999, designate which portions of the videotapes they will present as evidence on Saturday, February 6, 1999. **Pages S1210–11**

A unanimous-consent agreement was reached providing for the Senate to continue to sit as a Court of Impeachment on Saturday, February 6, 1999 and Monday, February 8, 1999. **Pages S1211–12**

A unanimous-consent agreement was reached providing for those parts of the transcripts of the depositions admitted into evidence be printed in the Congressional Record. **Page S1212–54**

A further unanimous-consent agreement was reached providing for the deposition transcripts of Monica Lewinsky, Vernon Jordan, and Sidney Blumenthal, and the videotapes thereof, be immediately released to the managers on the Part of the House and the Counsel to the President for the purpose of preparing for their presentations, provided however that such copies shall remain at all times under the supervision of the Sergeant at Arms to ensure compliance with the confidentiality provisions of S. Res. 30, agreed to on Thursday, January 28, 1999. **Page S1212**

Messages From the President: Senate received the following messages from the President of the United States:

Transmitting the 1998 annual report of the Council of Economic Advisers; to the Joint Economic Committee. (PM–3). **Pages S1254–55**

Nominations Received: Senate received the following nomination:

Received on Wednesday, February 3, 1999:

Routine list in the Army.

Received today, during the adjournment:

Thomas J. Erickson, of the District of Columbia, to be a Commissioner of the Commodity Futures Trading Commission. **Page S1288**

Messages From the President: **Pages S1254–55**

Messages From the House: **Page S1255**

Communications: **Pages S1255–57**

Statements on Introduced Bills: **Pages S1258–82**

Additional Cosponsors: **Page S1283**

Additional Statements: **Pages S1285–88**

Record Votes: Six record votes were taken today. (Total—14). **Pages S1209–11**

Adjournment: Senate convened at 1:03 p.m., and adjourned at 4:31p.m., until 10:00, on Saturday, February 6, 1999. (For Senate's program, see the remarks of the Majority Leader in today's Record on page 1254.)

Committee Meetings

(Committees not listed did not meet)

COUNTERTERRORISM

Committee on Appropriations: Subcommittee on Commerce, Justice, State, the Judiciary, and Related Agencies concluded hearings on counterterrorism issues, including terrorist prevention, response capabilities, domestic readiness, domestic terrorist groups, the bombings in East Africa, international terrorism, and international partnerships and cooperations, after receiving testimony from Janet Reno, Attorney General, and Louis J. Freeh, Director, Federal Bureau of Investigation, both of the Department of Justice; and Madeleine K. Albright, Secretary of State.

BUSINESS MEETING

Committee on Armed Services: Committee began markup of S. 257, to state the policy of the United States regarding the deployment of a missile defense capable of defending the territory of the United States against limited ballistic missile attack, but did not complete action thereon, and recessed subject to call.

RECREATION FEE DEMONSTRATION PROGRAM

Committee on Energy and Natural Resources: Committee concluded hearings to review the Department of the Interior Recreation Fee Demonstration Program, focusing on implementation, fee revenue generation, expenditures, approaches to fee collection, and effects on visitation, after receiving testimony from Barry T. Hill, Associate Director for Energy, Resources, and Science Issues, Resources, Community, and Economic Development Division, General Accounting Office; Robert J. Lamb, Deputy Assistant Secretary of the Interior for Budget and Finance; Ronald E. Stewart, Deputy Chief for Programs and Legislation, Forest Service, Department of Agriculture; Derrick Crandall, American Recreation Coalition, and Edward W. Moreland, American Motorcyclist Association, both of Washington, D.C.; Robert Jones, Utah Guides and Outfitters Association, Moab; David L. Brown, America Outdoors, Knoxville, Tennessee; and W. Kent Olson, Friends of Acadia, Bar Harbor, Maine.

NUCLEAR SAFETY COMMISSION

Committee on Environment and Public Works: Subcommittee on Clean Air, Wetlands, Private Property, and Nuclear Safety concluded oversight hearings to review activities of the Nuclear Regulatory Commission, including nuclear industry regulation, enforcement and safety concerns, and NRC organizational and regulatory reforms, after receiving testimony from Shirley Ann Jackson, Chairman, and Greta Joy Dicus, Nils Diaz, Edward McGaffigan, and Jeffrey S. Merrifield, all Commissioners, all of the Nuclear Regulatory Commission; Gary L. Jones, Associate Director, Energy, Resources, and Science Issues, Resources, Community, and Economic Development Division, General Accounting Office; Joe F. Colvin, Nuclear Energy Institute, and David Lochbaum, Union of Concerned Scientists, both of Washington, D.C.; and James T. Rhodes, Institute of Nuclear Power Operations, Atlanta, Georgia.

WORK INCENTIVES FOR THE DISABLED

Committee on Finance: Committee held hearings on S.331, to amend the Social Security Act to expand the availability of health care coverage for working individuals with disabilities, to establish a Ticket to Work and Self-Sufficiency Program in the Social Security Administration to provide such individuals with meaningful opportunities to work, receiving testimony from Senator Kennedy; former Senator Dole; Joe Leean, Wisconsin Department of Health and Family Services, Madison; Larry D. Henderson, Independent Resources, Inc., Wilmington, Delaware; Allan I. Bergman, Brain Injury Association, Inc., Alexandria, Virginia; and Joann Elliot, Washington, D.C.

Hearings were recessed subject to call.

NOMINATION

Select Committee on Intelligence: Committee concluded hearings on the nomination of James M. Simon, Jr., of Alabama, to be Assistant Director of Central Intelligence for Administration, after the nominee testified and answered questions in his own behalf.

House of Representatives

Chamber Action

Bills Introduced: 44 public bills, H.R. 4, 570–612; and 6 resolutions, H.J. Res. 23–24, H. Con. Res. 25, and H. Res. 39–41, were introduced.

Pages H458–60

Reports Filed: No reports were filed today.

Speaker Pro Tempore: Read a letter from the Speaker wherein he designated Representative LaTourette to act as Speaker pro tempore for today.

Page H421

Director of the CBO: The Chair announced that Speaker of the House and the President Pro Tempore of the Senate jointly appointed Mr. Dan L. Crippin as Director of the Congressional Budget Office, effective February 3, 1999 for the term of office expiring on January 3, 2003. Page H422

Mandates Information Act: The House completed general debate on H.R. 350, to improve congressional deliberation on proposed Federal private sector mandates. Earlier, the House agreed to H. Res. 36, the rule that is providing for consideration of the bill by voice vote. Pages H422–31

Meeting Hour—Monday, February 8: Agreed that when the House adjourns today, it adjourn to meet at 2 p.m. on Monday, February 8. Page H432

Meeting Hour—Tuesday, February 9: Agreed that when the House adjourns on Monday, it adjourn to meet at 12:30 p.m. on Tuesday, February 9, for morning hour debate. Page H432

Calendar Wednesday: Agreed that the business in order under the calendar Wednesday rule be dispensed with on Wednesday, February 10. Page H432

Quorum Calls—Votes: No recorded votes or quorum calls developed during the proceedings of the House today.

Adjournment: The House met at 10:00 a.m. and adjourned at 11:40 p.m.

Committee Meetings

U.S. NATIONAL SECURITY THREATS

Committee on Armed Services: Met in executive session to conclude hearings on threats to U.S. national security. Testimony was heard from the following officials of the CIA: John Gannon, Chairman, National Intelligence Council; and the following National Intelligence Officers: Robert Walpole, Strategic and Nuclear Programs; Ben Bonk, Near East and South Asia; Barry Lowenkron, Europe; and Mary Tighe, East Asia.

EXECUTIVE OFFICE OF THE PRESIDENT—ESTABLISH OFFICE OF MANAGEMENT

Committee on Government Reform: Subcommittee on Government Management, Information, and Technology held a hearing on a proposal to establish an Office of Management in the Executive Office of the President. Testimony was heard from G. Edward DeSeve, Acting Deputy Director, Management, OMB; the following officials of the Congressional Research Service, Library of Congress: Virginia McMurty, Specialist, American National Government; and Ronald C. Moe, Specialist, Government Organization and Management; Paul Posner, Director, Budget Issues, Accounting and Information Management, GAO; and public witnesses.

COMMITTEE ORGANIZATION

Committee on International Relations: Continued to meet for organizational purposes.

COMMITTEE ORGANIZATION; OVERSIGHT PLAN

Committee on the Judiciary: Met for organizational purposes.

The Committee approved an Oversight Plan for the 106th Congress.

MISCELLANEOUS MEASURES

Committee on Resources: Subcommittee on National Parks and Public Lands held a hearing on the following bills: H.R. 15, Otay Mountain Wilderness Act of 1999; H.R. 150, Education Land Grant Act; and H.R. 154, to provide for the collection of fees for the making of motion pictures, television productions, and sound tracks in National Park System and National Wildlife Refuge System units. Testimony was heard from Representatives Bilbray, Hayworth and Hefley; the following officials of the Department of the Interior: Tom Fry, Acting Director, Bureau of Land Management; and Stephen Saunders, Deputy Assistant Secretary, Fish, Wildlife and Parks; Paul Brouha, Associate Deputy Chief, Forest Service, USDA; and public witnesses.

COMMITTEE ORGANIZATION

Committee on Science: Met for organizational purposes.

FINANCIAL NEEDS OF AIRPORTS, FAA, AND AVIATION SYSTEM

Committee on Transportation and Infrastructure: Subcommittee on Aviation held a hearing on the financial needs of airports, the FAA, and the aviation system, focusing on the financial commitment needed to enhance the safety of our airports and air traffic control systems. Testimony was heard from public witnesses.

Hearings continue February 10.

OVERSIGHT—COAST GUARD EXPENDITURES; COMMITTEE ORGANIZATION

Committee on Transportation and Infrastructure: Subcommittee on Coast Guard and Maritime Transportation held a hearing on oversight of U.S. Coast Guard Expenditures. Testimony was heard from Rear Adm. Thad Allen, USCG, Director of Resources, U.S. Coast Guard, Department of Transportation.

Prior to this action, the Subcommittee met for organizational purpose.

PRESIDENT'S FISCAL YEAR 2000 BUDGET

Committee on Ways and Means: Held a hearing on the President's Fiscal Year 2000 Budget. Testimony was heard from Robert E. Rubin, Secretary of the Treasury.

COMMITTEE MEETINGS FOR FRIDAY, FEBRUARY 5, 1999

(Committee meetings are open unless otherwise indicated)

Senate

Committee on Small Business: business meeting to consider pending committee business; S. 314, to provide for a loan guarantee program to address the Year 2000 computer problems of small business concerns; the proposed Small Business Investment Company Technical Corrections Act of 1999; and the nomination of Phyllis K. Fong, of Maryland, to be Inspector General, Small Business Administration, 9 a.m., SR–428A.

Special Committee on the Year 2000 Technology Problem: to hold hearings to examine information technology as it applies to the food sector in the Year 2000, 8:30 a.m., SD–192.

House

No Committee meetings are scheduled.

CONGRESSIONAL PROGRAM AHEAD

Week of February 8 through February 13, 1999

Senate Chamber

On *Monday,* Senate will continue to sit as a Court of Impeachment to consider the articles of impeachment against President Clinton.

During the balance of the week, Senate expects to continue to sit as a Court of Impeachment.

Senate Committees

(Committee meetings are open unless otherwise indicated)

Committee on Appropriations: February 9, Subcommittee on Agriculture, Rural Development, and Related Agencies, to hold hearings on proposed budget estimates for fiscal year 2000 for the Department of Agriculture, 10 a.m., SD–138.

Committee on Armed Services: February 9, to resume hearings on proposed legislation authorizing funds for fiscal year 2000 for the Department of Defense, and the future years defense program, 9:30 a.m., SH–216.

February 11, Full Committee, to resume hearings on proposed legislation authorizing funds for fiscal year 2000 for the Department of Defense, and the future years defense program, 9:30 a.m., SH–216.

Committee on Banking, Housing, and Urban Affairs: February 11, business Meeting to markup S. 313, to repeal the Public Utility Holding Company Act of 1935, and to enact the Public Utility Holding Company Act of 1999, and the proposed Financial Regulatory Relief and Economic Efficiency Act of 1999, 9:30 a.m., SD–538.

Committee on the Budget: February 9, to resume hearings on the President's proposed budget request for fiscal year 2000, 9:30 a.m., SD–608.

February 11, Full Committee, to resume hearings on the President's proposed budget request for fiscal year 2000, 1 p.m., SD–608.

February 12, Full Committee, to hold hearings on national defense budget issues, 9:30 a.m., SD–608.

Committee on Commerce, Science, and Transportation: February 9, to hold hearings on the nomination of Wayne O. Burkes, of Mississippi, to be a Member of the Surface Transportation Board, Department of Transportation; to be followed by a hearing on S. 96, to regulate commerce between and among the several States by providing for the orderly resolution of disputes arising out of computer-based problems related to processing data that includes a 2-digit expression of that year's date, 9:30 a.m., SR–253.

February 10, Full Committee, business Meeting to markup S. 82, to authorize appropriations for Federal Aviation Administration, 9:30 a.m., SR–253.

Committee on Energy and Natural Resources: February 10, business meeting to consider pending calendar business, 9:30 a.m., SD–366.

February 11, Full Committee, with the Committee on Foreign Relations, to hold joint hearings to examine United States policy toward Iraq, focusing on proposals to expand oil for food, Time to be announced, SD–419.

Committee on Environment and Public Works: February 11, to hold hearings to examine the President's proposed

budget request for fiscal year 2000 for the Environmental Protection Agency, 9:30 a.m., SD–406.

Committee on Finance: February 9, to hold hearings to examine general revenue financing of Social Security, 10 a.m., SD–215.

Committee on Foreign Relations: February 10, business meeting to consider committee's rules of procedure for the 106th Congress, and their subcommittee assignments, 11 a.m., S–116, Capitol.

February 11, Full Committee, with the Committee on Energy and Natural Resources, to hold joint hearings to examine United States policy toward Iraq, focusing on proposals to expand oil for food, Time to be announced, SD–419.

Committee on Health, Education, Labor, and Pensions: February 9, to hold hearings on proposed legislation authorizing funds for elementary and secondary education programs, 9:30 a.m., SD–430.

February 10, Full Committee, to hold hearings on Department of Labor budget initiatives, 9:30 a.m., SD–430.

February 11, Full Committee, to hold hearings on the proposed budget request for the Department of Education, 9:30 a.m., SD–430.

Committee on Indian Affairs: February 10, to hold hearings on the nomination of Montie R. Deer, of Kansas, to be Chairman of the National Indian Gaming Commission, 9:30 a.m., SR–485.

House Chamber

Monday, the House is in a pro forma session.

Tuesday, the House will meet at 12:30 p.m. for morning hour and 2:00 p.m. for consideration of 5 Suspensions: (1) H.R. 326, Miscellaneous and Technical Changes to Trade Law; (2) H.R. 169, to amend the Packers and Stockyards Act; (3) H.R. 440, Technical Corrections to the Microloan Program; (4) H.R. 439, Minimize the Federal Paperwork Demands Upon Small Businesses; and (5) H.R. 433, Restore the Management and Personnel Authority of the Mayor of the District of Columbia. No votes are expected before 5:00 p.m.

Wednesday and the balance of the week, Consideration of H.R. 350, Mandates Information Act (continue consideration); H.R. 391, Small Business Paperwork Reduction Act Amendments of 1999 (subject to a rule); H.R. 437, to Provide for a Chief Financial Officer in the Executive Office of the President (subject to a rule) and H.R. 436, to Reduce Waste, Fraud, and Error in Government Programs (subject to a rule).

House Committees

Committee on Agriculture, February 10, to meet for organizational purposes and to hold a hearing to review livestock prices, 10:00 a.m., 1300 Longworth.

February 11, hearing to review agribusiness consolidation, 9:30 a.m., 1300 Longworth.

February 12, Subcommittee on General Farm Commodities, Resource Conservation and Credit, hearing to review agricultural credit outlook, 9 a.m., 1300 Longworth.

Committee on Appropriations, February 10, Subcommittee on Agriculture, Rural Development, Food and Drug Administration, and Related Agencies, on Secretary of Agriculture, 1:00 p.m., 2362–A Rayburn.

February 10, Subcommittee on Defense, executive, on European Command, 10:00 a.m., and, executive, on U.S. Central Command, 1:30 p.m., H–140 Capitol.

February 10, Subcommittee on Interior, on Forest Service, 10:00 a.m., B–308 Rayburn.

February 10, Subcommittee on Labor, Health and Human Services, and Education, on Secretary of Health and Human Services, 10:00 a.m., and on Health Care Financing Administration, 2:00 p.m., 2358 Rayburn.

February 10, Subcommittee on Legislative, on Members of Congress, Library of Congress, CBO, and outside witnesses, 1:30 p.m., H–144 Capitol.

February 10, Subcommittee on Transportation, on Members of Congress and Public Witnesses, 10:00 a.m. and 2:00 p.m., 2358 Rayburn.

February 11, Subcommittee on Agriculture, Rural Development, Food and Drug Administration, and Related Agencies, on Inspector General, 1:00 p.m., 2362–A Rayburn.

February 11, Subcommittee on Foreign Operations, Export Financing and Related Programs, on Export and Trade Financing Agencies, 10:00 a.m., H–144 Capitol.

February 11, Subcommittee on Interior, on Energy Conservation, 10:00 a.m., B–308 Rayburn.

February 11, Subcommittee on Labor, Health and Human Services, and Education, on Centers for Disease Control and Prevention, 10:00 a.m., and on Substance Abuse and Mental Health Services Administration and Agency for Health Care Policy and Research, 2:00 p.m., 2358 Rayburn.

Committee on Armed Services, February 10, to continue hearings on the fiscal year 2000 National Defense Authorization budget request, 9:30 a.m., 2118 Rayburn.

February 11, Subcommittee on Military Procurement, hearing on protection equipment and countermeasure devices, 1:00 p.m., 2118 Rayburn.

Committee on Banking and Financial Services, February 10, 11, and 12, hearings on H.R. 10, Financial Services Act of 1999, 10:00 a.m., 2128 Rayburn.

Committee on Commerce, February 10, Subcommittee on Health and Environment and the Subcommittee on Oversight and Investigations, joint hearing on Internet Posting of Chemical ''Worst-Case'' Scenarios: A Roadmap for Terrorists? 10:30 a.m., 2123 Rayburn.

February 11, Subcommittee on Health and Environment, hearing on H.R. 540, the Nursing Home Resident Protection Amendments of 1999, 2:30 p.m., 2322 Rayburn.

Committee on Education and the Workforce, February 10, to markup the following: Committee Funding request; Oversight Plan for the 106th Congress; and H.R. 221, to amend the Fair Labor Standards Act of 1938 to permit certain youth to perform certain work with wood products, 10:30 a.m., 2175 Rayburn.

February 11, hearing on the Administration's Education Proposals and Priorities for fiscal year 2000, 9:30 a.m., 2175 Rayburn.

Committee on Government Reform, February 10, hearing on Waste and Fraud in Federal Government Programs, 10:00 a.m., 2154 Rayburn.

February 11, Subcommittee on Census, hearing on Oversight of the 2000 Census: Examining the Benefits of Post-Census Local Review, 10 a.m., 2247 Rayburn.

Committee on International Relations, February 9, Subcommittee on Africa, hearing on America's stake in trade and investment in Africa, 12:00 p.m., 2172 Rayburn.

February 10, full committee, hearing on U.S. role in Kosovo, 10:00 a.m., 2172 Rayburn.

February 10, Subcommittee on Asia and the Pacific, hearing on Challenges in U.S.–Asia Policy, 2:00 p.m., 2172, Rayburn.

February 10, Subcommittee on International Economic Policy and Trade, hearing on Brazil's Economic Crisis: Implications for International Trade, 2:00 p.m., 2255 Rayburn.

February 11, Subcommittee on Africa, hearing and markup of H.R. 434, African Growth and Opportunity Act, 9 a.m., 2172 Rayburn.

Committee on Resources, February 9, Subcommittee on Forests and Forest Health, hearing on Hazardous Fuels Reduction legislation, 2:00 p.m., 1334 Longworth.

February 10, full committee, to consider pending business, 11:00 a.m., 1324 Longworth.

February 11, Subcommittee on Fisheries Conservation, Wildlife & Oceans, hearing on H.R. 39, Neotropical Migratory Bird Conservation Act, 10:00 a.m., 1334 Longworth.

February 11, Subcommittee on National Parks and Public Lands, oversight hearing on Gettysburg general management plan and visitor center, 10:00 a.m., 1324 Longworth.

Committee on Science, February 11, Subcommittee on Technology, hearing to review the Fiscal Year 2000 Budget Request for the Technology Administration, 2:00 p.m., 2318 Rayburn.

Committee on Small Business, February 11, hearing to review the SBA's Women's Business Center Program, 10:00 a.m., 2360 Rayburn.

Committee on Transportation and Infrastructure, February 10 and 11, Subcommittee on Aviation, to continue hearings on the financial needs of airports, the FAA, and the aviation system, 9:30 a.m., 2167 Rayburn.

February 10, Subcommittee on Economic Development, Public Buildings, Hazardous Materials and Pipeline Transportation, hearing on reauthorizing the Hazardous Materials Transportation Program, 10:00 a.m., 2253 Rayburn.

February 10, Subcommittee on Water Resources and Environment, to meet for organizational purposes, 1:30 p.m., and to hold a hearing on Agency Budgets and Priorities for fiscal year 2000, 2:00 p.m., 2167 Rayburn.

February 11, Subcommittee on Coast Guard and Maritime Transportation, hearing on the Coast Guard and Federal Maritime Commission fiscal year 2000 Budgets, 2:00 p.m., 2167 Rayburn.

February 11, Subcommittee on Economic Development, Public Buildings, Hazardous Materials and Pipeline Transportation, hearing on fire safety issues within the Capitol Complex, 10:00 a.m., 2253 Rayburn.

February 11, Subcommittee on Ground Transportation, hearing on oversight of the Office of Motor Carriers: Part One, 2:00 p.m., 2167 Rayburn.

Committee on Veterans' Affairs, February 11, hearing on the Fiscal Year 2000 Budget of the Department of Veterans Affairs, 9:30 a.m., 334 Cannon.

Committee on Ways and Means, February 10, Subcommittee on Oversight, hearing on the Annual Report of the Internal Revenue Service National Taxpayer Advocate, 2:30 p.m., 1100 Longworth.

February 10, Subcommittee on Social Security, to continue hearings on the impacts of the current social security system, 1:30 p.m., B–318 Rayburn.

February 11, full committee, hearing on social security reform lessons learned in other countries, 9:30 a.m., 1100 Longworth.

Committee on Ways and Means, February 10, Subcommittee on Oversight, hearing on the Annual Report of the Internal Revenue Service National Taxpayer Advocate, 2:30 p.m., 1100 Longworth.

February 10, Subcommittee on Social Security, to continue hearings on the impacts of the current social security system, 1:30 p.m., B–318 Rayburn.

February 11, full committee, hearing on social security reform lessons learned in other countries, 9:30 a.m., 1100 Longworth.

February 11, Subcommittee on Health, hearing to examine the Health Care Financing Administration's ability to administer the current Medicare program and to manage the future of growing numbers of seniors, 2:30 p.m., 1310 Longworth.

Next Meeting of the SENATE

10 a.m., Saturday, February 6

Senate Chamber

Program for Saturday: Senate will continue to sit as a Court of Impeachment to consider the articles of impeachment against President Clinton.

Next Meeting of the HOUSE OF REPRESENTATIVES

2 p.m., Monday, February 8

House Chamber

Program for Monday: Pro Forma Session.

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