

pay tribute to a fellow Arkansan, Scott Bates, who was struck and killed by a car on Friday. He will be severely missed by all of us.

Scott was born in Pine Bluff, AR, where he was active in church and the Boy Scouts, achieving the rank of Eagle Scout. He developed a love of politics, which he followed to Washington, D.C. For twenty-six years, he performed dedicated service to the Senate, the last eight as the Senate's Legislative Clerk, working tirelessly behind the scenes to ensure the smooth operation of this institution. Scott was perhaps most visible, or audible, in that role because of his deep, resonant voice, calling the roll or reading legislation.

But Scott was much more than a dignifying voice to the Senate. He was a husband, a father, a colleague, and a friend to many. I spent a lot of time in the last two years with him, learning the ways of the Senate. Scott and I would reminisce about our common Arkansas roots and our mutual love for the Razorbacks. He was a man of honor and humility, an encouragement to both staffers and Senators.

We pray for his wife Ricki. May the Lord grant her a swift recovery from her surgery. We pray for his three children, Lori, Lisa, and Paul, and for his family in Arkansas. May the Lord bring healing to them in their time of loss.

We grieve and we mourn his passing, for we know that the Senate and the world will be a better place because of his life.

TRIBUTE TO LYNDA NERSESIAN

Mr. GRASSLEY. Mr. President, I want to take a moment to lament the too early death on December 19, after a four-year long battle with breast cancer, of a former staff member and friend, Lynda Nersesian, and to offer my heartfelt sympathy to her husband Robert Rae Gordon; her two children, nine year old George Raeburn Gordon, and six year old Louise Grace Gordon; her parents, Elsie Louise Nazarian and Serop S. Nersesian; her brother Robert S. Nersesian; and the many, many friends and associates in the Congress and in Washington who will miss her greatly.

Lynda served in the Senate for six and one-half years, from August 4, 1980 to January 5, 1987. She began her Senate career in the office of Senator Dole where she worked on energy and environmental issues. Lynda left Senator Dole's office in April of 1981 to join my staff as a staff attorney on the Subcommittee on Agency Administration of the Judiciary Committee, which I then chaired. On the Subcommittee, Lynda worked on a number of my highest legislative priorities. She consistently demonstrated initiative, intelligence, and savvy.

When I became Chairman of the Subcommittee on Aging of the Labor and Human Resources Committee at the beginning of the 98th Congress in 1983, the strong leadership qualities that Lynda consistently demonstrated in her work on the Administrative Practices Subcommittee made her the perfect choice to serve as chief counsel and staff director of the Subcommittee on Aging. In that capacity, she organized the office, recruited a staff, and oversaw the work of the Subcommittee through 1983. She was also responsible for advising me on major bills relating to pharmaceutical drugs which were then under consideration by the Committee.

In late 1983, Lynda once again seemed the perfect choice for a position of major responsibility, this time as the chief counsel and staff director of the Subcommittee on Administrative Practice and Procedure. In that capacity, she was responsible for the Child Pornography Act. She also worked on what became the 1986 amendments to the False Claims Act and the Equal Access to Justice Act. And she worked on defense procurement fraud. These were among my highest legislative and oversight priorities at that time.

After serving as chief counsel of the Subcommittee until January 21, 1985, Senator Dole asked Lynda to be the assistant secretary of the Senate. She served in that capacity until January 5, 1987, when she left the Senate to become legislative counsel to the Pharmaceutical Manufacturers' Association. In due course, Lynda again assumed greater responsibility, becoming the Association's vice president for government relations, a position she held until she left to build her own consulting firm, the Columbia Consulting Group.

Mr. President, Lynda Nersesian was a unique and remarkable individual. Her personal qualities of drive, decisiveness, intelligence, common sense, persistence, and good humor were evident to all who came in contact with her. It was easy to have confidence in Lynda; she always knew what to do. Her manifest talents invariably led her to be entrusted with positions of responsibility. She contributed much in the time given to her. She will be greatly missed.

FOOD AND MEDICINE FOR THE WORLD ACT

Mr. BROWNBACK. Mr. President, I am pleased to join my distinguished colleagues, Senators ASHCROFT, BAUCUS, and KERREY, in authoring the Food and Medicine for the World Act of 1999, which would limit the ability of the U.S. government to unilaterally cut off our exports of food and medicine to foreign countries.

The current stressed state of the farm economy is simply highlighting a

problem that has existed in U.S. foreign policy for years. That is, our law allows for the application of unilateral sanctions on the export of food, despite extensive evidence that this policy is not only ineffective in achieving U.S. foreign policy goals but also is harmful to American economic interests. This is especially the case for agricultural commodities, which are readily available from other suppliers around the world and which are a critical component of the U.S. export portfolio. Moreover, limiting access to food and medical products is likely to have the most devastating effect on not the governments that the U.S. seeks to punish, but rather the poorest citizens of the foreign country. Thus it makes sense for the U.S. to engage with the citizens of that country by supplying—either through aid programs or through trade—basic life-sustaining products.

This bill takes a moderate approach and prohibits sanctioning of food and medical products only. It also provides a safeguard by allowing the prohibition to be waived if the President submits a report to Congress asking that the sanction include agriculture and medicine and Congress approves, through an expedited process, his request to sanction. Therefore, there is a mechanism to prohibit aid or trade from occurring with a rogue foreign regime when there is broad national consensus that it is the right thing to do. I believe that this is a reasonable balance between our need so stop using ineffective agricultural sanctions and our need to continue protecting U.S. foreign policy interests.

It is high time we stop shooting ourselves in the foot by cutting off agricultural exports, which are a real building block of the U.S. economy. I am encouraged that many members of the Senate have focused their attention on this problem and I look forward to working with my colleagues on a bipartisan basis to enact needed reforms.

PRESIDENT CLINTON SHOULD FEEL THE DISDAIN OF THE SENATE

Mr. CHAFEE. Mr. President, the Senate has been held in the grip of the impeachment trial for the past six weeks. The House has been involved in the impeachment process for the past six months, and the Nation has been divided over the actions and fate of the President for more than a year. We were not compelled to undertake this nearly unprecedented Constitutional remedy by partisanship, as some at the White House have suggested. We were driven to this point by Bill Clinton and Bill Clinton alone.

Although I voted to acquit the President on the charges, I have no doubt that if I served in the House, I would have voted to impeach him.

Chairman HYDE offered the White House every opportunity to defend the

President, but the White House chose a different course. They chose to belittle the charges against the President by suggesting that everyone lies about sex. They chose to accuse their accusers by attacking the motives and integrity of the Judiciary Committee Republicans and by insinuating that Judge Starr is a sex-obsessed prosecutor run amok. They did not question the evidence on which the impeachment vote was based.

With that evidence, the House Managers presented a powerful case against the President. As a result of their presentations, I am convinced that the President acted to circumvent the law. The notion that the President of the United States, the number one citizen of our nation, the man in whom the trust and respect of the country is meant to rest would deliberately maneuver around the laws of the land is reprehensible and should be condemned.

Alexander Hamilton, in *Federalist Papers* No. 65, said:

The delicacy and magnitude of a trust, which so deeply concerns the political reputation and resistance of every man engaged in the administration of public affairs, speak for themselves.

President Clinton betrayed that delicate trust. The House Managers tried to restore it. In the end, the witnesses, all of whom were sympathetic to or allies of the President, provided direct evidence that failed to corroborate the House Managers' case. Removing the President from office in the face of a conflict between direct and circumstantial evidence, in my view, would be mistaken. On that basis, I voted to acquit the President. Nevertheless, the House Managers and all of the evidence left me convinced that the President acted in a way that is abominable. By voting for the censure resolution proposed by Senator FEINSTEIN, the Senate makes clear that it does not exonerate the President.

DEPOSITION PROCEDURES IN THE SENATE IMPEACHMENT TRIAL

Mr. LEAHY. Mr. President, no matter how each of us viewed the evidence in this case and no matter how each of us voted, we all share common relief that the impeachment trial of William Jefferson Clinton is concluding. In many respects, this was uncharted territory for us. We all felt the weight of history and precedent as we made our decisions on how to proceed.

With this in mind, the procedures developed and followed for the three depositions taken during the course of this trial should be made a part of the record of this impeachment trial. Unfortunately, the complete depositions were not introduced into evidence and made a part of the Senate trial record until after the vote on the Articles themselves. Instead, at the request of

the House Managers, the only parts introduced into evidence before then were those "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." (Cong. Rec., Jan. 4, 1999, p. S1209).

I served as one of the six Presiding Officers at the depositions and attended all of them. In particular, I wish to thank Senators DODD and EDWARDS for serving with me, and Senator DEWINE with whom I jointly presided.

The decisions made during those depositions may provide guidance in the future should any other Senate be confronted with challenges similar to those that we have confronted. For that reason, I have described below the manner in which we reached our decisions and summarize the issues we resolved both before and during the depositions of Monica S. Lewinsky, Vernon Jordan, and Sidney Blumenthal.

I thank Thomas Griffith, Morgan Frankel and Chris Bryant in the Senate Legal Counsel's office for their assistance during the depositions and in preparing this summary of the rules and procedures.

I ask unanimous consent that this summary be printed in the RECORD.

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

SUMMARY OF RULINGS AND PROCEDURES OF THE PRESIDING OFFICERS DURING DEPOSITIONS IN SENATE IMPEACHMENT TRIAL

A. THE PROCEDURES

Selection. An equal number of Presiding Officers from each party were selected by the Minority and Majority Leaders.

Presiding. One Presiding Officer from each party presided jointly over each deposition at all times. The Presiding Officers rotated from deposition to deposition and the Democratic Presiding Officers chose to rotate during the deposition of Ms. Lewinsky, with Senator Leahy presiding over the first part and Senator Edwards presiding over the latter part of that deposition.

Attendance. All Presiding Officers were permitted to attend each deposition in order to provide continuity in the proceedings and ensure familiarity with both substantive and procedural decisions made in each deposition.

Consultation. All Presiding Officers present, whether or not actually presiding over a specific deposition, were invited to and did participate in discussions among Presiding Officers about certain rulings.

Opening Script. The first Presiding Officer to speak was from the majority party. He used an opening script that summarized Senate Resolution 30 authorizing the depositions and set forth the ground rules for the timing of lunch and other breaks, the overall time allotted for the deposition, the scope of the examination, basic guidelines for objections, an explanation of the confidentiality requirements, and the oath required to be administered to the witness. (Lewinsky Depo. Tr., pp. 5-8). Senator DeWine reiterated the confidentiality requirement at the close of the Lewinsky deposition. (Id., p. 174, ln. 10—p. 175, ln. 7).

Senator Leahy made an opening statement at the Lewinsky deposition to advise the

witness of her rights, including that she could correct the transcript, was free to consult with her attorneys, and notified her of the criminal liability she risked if she failed to tell the truth. (Lewinsky Depo. Tr., pp. 9-11).

Senator Dodd stressed the confidentiality requirement before the Jordan deposition (Jordan Depo. Tr., p. 9, lns. 6-13).

Senator Edwards stressed the confidentiality requirement again before the Blumenthal deposition (Blumenthal Depo. Tr., p. 8, lns. 8-10).

Oath. The Presiding Officer from the majority party administered the oath to the witness.

Advise of Rights. Senator Leahy in his opening remarks at the Lewinsky deposition informed the witness that should she fail to tell the truth, she would risk violating a federal law (18 U.S.C. Section 1001), prohibiting a person from making any materially false statement in any investigation or review by Congress (Lewinsky Depo. Tr., p. 9, lns. 4-13).

Breaks. Senator DeWine called for 5-minute breaks on the hour, and Senator Leahy made clear that the witness should just ask should she want a break. At the conclusion of each break, Senator DeWine informed counsel of the time remaining for questioning. (See, e.g., 145 Cong. Rec. S1218, S1222 (Lewinsky)). Senator Thompson did likewise. (Id. at S1233, S1238 (Jordan)). Senator Specter also called for 5-minute breaks on the hour. (Id. at S1249, S1253; Blumenthal Depo. Tr., p. 86, lns. 6-7, 15). Senators Thompson and Dodd called for a lunch break, even though Mr. Jordan asked to proceed through lunch. (145 Cong. Rec. S1243). Brief breaks were also taken when required to change the tapes, see, e.g., id. at S1227, and during a power outage in the Jordan deposition. (Id. at S1234).

Reserving Time for Re-direct and Re-Cross Examinations. The parties were allowed to reserve time out of their four hours for re-direct and re-cross examination, with the understanding, however, that should the President's counsel fail to cross-examine, the Managers would have no opportunity to re-direct. Likewise, should the Managers fail to re-direct following cross-examination, the President's counsel would have no opportunity to re-cross.

During the Lewinsky deposition, the President's counsel chose to ask no questions, which meant that the Managers could ask no further questions. (Lewinsky Depo. Tr., p. 173, lns. 16-17). The President's counsel made a short apology to the witness on behalf of the President, to which no objection was made. (Id., p. 173, lns. 18-20).

During the Jordan deposition, the President's counsel asked very few questions on cross-examination, and the Managers asked no questions on re-direct examination. (145 Cong. Rec. S1245).

During the Blumenthal deposition, the President's counsel asked no questions on cross-examination, but the House Managers were allowed to ask questions on a limited scope of inquiry that had been the subject of an earlier objection raised by the President's counsel. (Id. at S1253). Senators Specter and Edwards had ruled that the Managers could develop this line of inquiry at the conclusion of the deposition so that should the objection be sustained, that portion of the deposition could be easily excised (145 Cong. Rec. S1253). Following the Managers' last line of inquiry, the President's counsel was given the opportunity to ask, but had no questions for Mr. Blumenthal. (Blumenthal Depo. Tr., p. 86, lns. 15-18).