

(2) in subsection (d)—  
 (A) in paragraph (2), by striking “802(a)(4)(B)” and inserting “602(a)(4)(B)”;  
 and  
 (B) in paragraph (3)(A)—  
 (i) in clause (i), by striking “802(a)” and inserting “602(a)”;  
 and  
 (ii) in clause (ii)—  
 (I) in subclause (III), by striking “802(b)” and inserting “602(b)”;  
 and  
 (II) in subclause (IV), by striking “802” and inserting “602”.

(e) TRANSFER OF FEDERAL LAND TO STATE OF SOUTH DAKOTA.—Section 605 of division C of the Omnibus Consolidated and Emergency Supplemental Appropriations Act, 1999 (112 Stat. 2681-665), is amended—

(1) in subsection (a)(2)(B), by striking “802” and inserting “602”;

(2) in subsection (c), in the matter preceding paragraph (1), by striking “waters” and inserting “facilities”;

(3) in subsection (e)(2), by striking “803” and inserting “603”;

(4) by striking subsection (g) and inserting the following:

“(g) HUNTING AND FISHING.—

“(1) IN GENERAL.—Except as provided in this section, nothing in this title affects jurisdiction over the waters of the Missouri River below the water’s edge and outside the exterior boundaries of an Indian reservation in South Dakota.

“(2) JURISDICTION.—

“(A) TRANSFERRED LAND.—On transfer of the land under this section to the State of South Dakota, jurisdiction over the land shall be the same as that over other land owned by the State of South Dakota.

“(B) LAND BETWEEN THE MISSOURI RIVER WATER’S EDGE AND THE LEVEL OF THE EXCLUSIVE FLOOD POOL.—Jurisdiction over land between the Missouri River water’s edge and the level of the exclusive flood pool outside Indian reservations in the State of South Dakota shall be the same as that exercised by the State on other land owned by the State, and that jurisdiction shall follow the fluctuations of the water’s edge.

“(D) FEDERAL LAND.—Jurisdiction over land and water owned by the Federal government within the boundaries of the State of South Dakota that are not affected by this Act shall remain unchanged.

“(3) EASEMENTS AND ACCESS.—The Secretary shall provide the State of South Dakota with easements and access on land and water below the level of the exclusive flood pool outside Indian reservations in the State of South Dakota for recreational and other purposes (including for boat docks, boat ramps, and related structures), so long as the easements would not prevent the Corps of Engineers from carrying out its mission under the Act entitled “An Act authorizing the construction of certain public works on rivers and harbors for flood control, and for other purposes”, approved December 22, 1944 (commonly known as the ‘Flood Control Act of 1944’) (58 Stat. 887).”;

(5) by adding at the end the following:

“(i) IMPACT AID.—The land transferred under subsection (a) shall be deemed to continue to be owned by the United States for purposes of section 8002 of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 7702).”

(f) TRANSFER OF CORPUS OF ENGINEERS LAND FOR INDIAN TRIBES.—Section 606 of division C of the Omnibus Consolidated and Emergency Supplemental Appropriations Act, 1999 (112 Stat. 2681-667), is amended—

(1) in subsection (a)(1), by inserting before the period at the end the following: “for their use in perpetuity”;

(2) in subsection (c), in the matter preceding paragraph (1), by striking “waters” and inserting “facilities”;

(3) in subsection (f), by striking paragraph (2) and inserting the following:

“(2) HUNTING AND FISHING.—

“(A) IN GENERAL.—Except as provided in this section, nothing in this title affects jurisdiction over the waters of the Missouri River below the water’s edge and within the exterior boundaries of the Cheyenne River Sioux and Lower Brule Sioux Tribe reservations.

“(B) JURISDICTION.—On transfer of the land to the respective tribes under this section, jurisdiction over the land and on land between the water’s edge and the level of the exclusive flood pool within the respective Tribe’s reservation boundaries shall be the same as that over land held in trust by the Secretary of the Interior on the Cheyenne River Sioux Reservation and the Lower Brule Sioux Reservation, and that jurisdiction shall follow the fluctuations of the water’s edge.

“(C) EASEMENTS AND ACCESS.—The Secretary shall provide the Tribes with such easements and access on land and water below the level of the exclusive flood pool inside the respective Indian reservations for recreational and other purposes (including for boat docks, boat ramps, and related structures), so long as the easements would not prevent the Corps of Engineers from carrying out its mission under the Act entitled “An Act authorizing the construction of certain public works on rivers and harbors for flood control, and for other purposes”, approved December 22, 1944 (commonly known as the ‘Flood Control Act of 1944’) (58 Stat. 887).”;

(4) in subsection (e)(2), by striking “804” and inserting “604”;

(5) by adding at the end the following:

“(g) EXTERIOR INDIAN RESERVATION BOUNDARIES.—Nothing in this section diminishes, changes, or otherwise affects the exterior boundaries of a reservation of an Indian tribe.”

(g) ADMINISTRATION.—Section 607(b) of division C of the Omnibus Consolidated and Emergency Supplemental Appropriations Act, 1999 (112 Stat. 2681-669), is amended by striking “land” and inserting “property”.

(h) STUDY.—Section 608 of division C of the Omnibus Consolidated and Emergency Supplemental Appropriations Act, 1999 (112 Stat. 2681-670), is amended—

(1) in subsection (a)—

(A) by striking “Not later than 1 year after the date of enactment of this Act, the Secretary” and inserting “The Secretary”;

(B) by striking “to conduct” and inserting “to complete, not later than October 31, 1999.”;

(C) by striking “805(b) and 806(b)” and inserting “605(b) and 606(b)”;

(2) in subsection (b), by striking “805(b) or 806(b)” and inserting “606(b) or 606(b)”;

(3) by adding at the end the following:

“(c) STATE WATER RIGHTS.—The results of the study shall not affect, and shall not be taken into consideration in, any proceeding to quantify the water rights of any State.

“(d) INDIAN WATER RIGHTS.—The results of the study shall not affect, and shall not be taken into consideration in, any proceeding to quantify the water rights of any Indian tribe or tribal nation.”

(i) AUTHORIZATION OF APPROPRIATIONS.—Section 609(a) of division C of the Omnibus Consolidated and Emergency Supplemental Appropriations Act, 1999 (112 Stat. 2681-670), is amended—

(1) in paragraph (1), by striking “and” at the end;

(2) in paragraph (2)—

(A) by striking “802(a)” and inserting “605(a)”;

(B) by striking “803(d)(3) and 804(d)(3).” and inserting “603(d)(3) and 604(d)(3); and”;

(3) by adding at the end the following:

“(3) to fund the annual expenses (not to exceed the Federal cost as of the date of enactment of this Act) of operating recreation areas to be transferred under sections 605(c) and 606(c) or leased by the State of South Dakota or Indian tribes, until such time as the trust funds under sections 603 and 604 are fully capitalized.”

On Page 157 in between lines 14 and 15, insert the following:

(6) WHITE RIVER BASIN, ARKANSAS AND MISSOURI.—

(A) IN GENERAL.—The project for flood control, power generation and other purposes at the White River Basin, Arkansas and Missouri, authorized by section 4 of the Act of June 28, 1938 (52 Stat. 1218, chapter 795), and modified by H. Doc. 917, 76th Cong., 3d Sess., and H. Doc. 290, 77th Cong., 1st Sess., approved August 18, 1941, and H. Doc. 499, 83d Cong., 2d Sess., approved September 3, 1954, and by Section 304 of the Water Resources Development Act of 1996 (110 Stat. 3711) is modified to authorize the Secretary to provide minimum flows necessary to sustain tail water trout fisheries by reallocating the following amounts of project storage: Beaver Lake, 3.5 feet; Table Rock, 2 feet; Bull Shoals Lake, 5 feet; Norfolk Lake, 3.5 feet; and Greers Ferry Lake, 3 feet. The Secretary shall complete such report and submit it to the Congress by July 30, 2000.

(B) REPORT.—The report of the Chief of Engineers, required by this subsection, shall also include a determination that the modification of the project in subparagraph (A) does not adversely affect other authorized project purposes, and that no federal costs are incurred.

NOTICE OF HEARING

COMMITTEE ON HEALTH, EDUCATION, LABOR, AND PENSIONS

Mr. JEFFORDS. Mr. President, I would like to announce for information of the Senate and the public that a hearing of the Senate Committee on Health, Education, Labor, and Pensions will be held on Thursday, April 22, 1999, 10 a.m., in SD-628 of the Senate Dirksen Building. The subject of the hearing is “ESEA Reauthorization.” For further information, please call the committee, 202/224-5375.

AUTHORITY FOR COMMITTEES TO MEET

COMMITTEE ON HEALTH, EDUCATION, LABOR AND PENSIONS

Mr. VOINOVICH. Mr. President, I ask unanimous consent that the Committee on Health, Education, Labor, and Pensions be authorized to meet for a field hearing on “Teaching Teachers” during the session of the Senate on Monday, April 19, 1999, at 9 a.m.

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

SUBCOMMITTEE ON WESTERN HEMISPHERE,  
PEACE CORPS, NARCOTICS AND TERRORISM

Mr. VOINOVICH. Mr. President, I ask unanimous consent that the Subcommittee on Western Hemisphere, Peace Corps, Narcotics and Terrorism be authorized to meet during the session of the Senate on Monday, April 19, 1999 at 3:45 p.m. to hold a closed Members' briefing.

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

#### ADDITIONAL STATEMENTS

##### BARRING CIVIL ACTIONS AGAINST THE PRESIDENT

• Mr. LEVIN. Mr. President, today I am joining my good friend from New York, Senator MOYNIHAN, as a cosponsor of his bill to limit civil actions against a sitting President. The Supreme Court may have been right in its analysis in *Clinton v. Jones* that the separation of powers doctrine does not require immunity from civil suit for a sitting President, but it was wrong when it concluded that "a deluge of such litigation will never engulf the Presidency," and when it went on to assert, "if properly managed by the District Court, it appears to us highly unlikely [for the Paula Jones civil suit] to occupy any substantial amount of petitioner's time."

No one can reasonably believe that President Clinton didn't spend a significant amount of his time preparing his defense in the Paula Jones case. Moreover, we can all understand how the existence of such a case can be a significant distraction and preoccupation even when it is not being worked on directly.

The Supreme Court recognized in its decision in *Clinton v. Jones* the all-consuming nature of the responsibilities of being President of the United States. The Court wrote:

"As a starting premise, petitioner [the President] contends that he occupies a unique office with powers and responsibilities so vast and important that the public interest demands that he devote his undivided time and attention to his public duties . . . We have no dispute with the initial premise of the argument. Former presidents, from George Washington to George Bush, have consistently endorsed petitioner's characterization of the office. After serving his term, Lyndon Johnson observed: "Of all the 1,886 nights I was President, there were not many when I got to sleep before 1 or 2 A.M., and there were few mornings when I didn't wake up by 6 or 6:30."

Being President of the United States is a 24 hour a day job. That's both necessary and desirable. To allow the President to be sued for matters arising from acts committed prior to his taking office makes the President vulnerable to mischievous, possibly politically-motivated and time-consuming litigation. As the leader of our country

and the most important political leader in the world, I don't want the President's attention diverted from the many important and consequential responsibilities of the office to defend against lawsuits based on allegations of conduct before the President ran for office and which could have therefore been filed prior to his taking office. That's why I support limiting the involvement of sitting Presidents in civil litigation.

Senator MOYNIHAN has taken the first step in addressing this problem. His bill would bar the President from participating in any civil trial involving the President as plaintiff or defendant but would permit discovery to the extent it is carried out with "due deference to Presidential responsibilities" and using "reasonable case management principles." The bill would allow a civil suit to be filed and limited discovery to occur, but would not allow a President to proceed to trial as either a plaintiff or defendant. Senator MOYNIHAN has made a thoughtful proposal. However, I prefer that the bill be limited to only those civil cases brought with respect to matters that occurred before the President assumed office or before the President participated in the general election; I would not want to affect cases brought against Presidents for actions they have taken while President in their official capacity. There are a significant number of cases against every President for actions taken during their term in office, and I don't believe we can or should immunize the President from those types of cases. For example, President Truman was sued when he seized the steel plants. President Carter was sued over his decision to return the Panama Canal to Panama. President Reagan was sued regarding the role of America in El Salvador, and President Bush was sued for various matters relating to the Persian Gulf War. I am not commenting on the validity of these suits, I am only saying that such suits should not be disallowed since they are brought against the President in his or her official capacity and they are handled not by the President but by the Department of Justice and White House Legal Counsel. Another class of cases that should be permitted while a President is in office are domestic cases—those related to or involving personal family relationships such as the resolution of a will or an estate or child support.

The Supreme Court reported that only three sitting Presidents have been defendants in civil suits involving their actions prior to taking office. These were Theodore Roosevelt and Harry Truman whose cases were dismissed before they took office, and John F. Kennedy, whose case was settled once he took office. Given the increasing litigious nature of our society, we cannot rely on this history to project what

may happen in the future. And given the recent experience of President Clinton and the Paula Jones case, we know the enormous consequences just one such case can have.

I look forward to working with Senator MOYNIHAN on this legislation and to getting it enacted in this Congress, before the next President takes office in the year 2001.●

##### HONORING MR. GERALD T. HALPIN

• Mr. ROBB. Mr. President, I'd like to use this occasion to honor a long-time friend, Mr. Gerald T. Halpin, who has shown that economic prosperity can go hand-in-hand with public service. Jerry Halpin is the Founder, President and Chief Executive Officer of WEST\*GROUP, a commercial real estate company based in McLean, Virginia, and he was recently honored as the 1998 Fairfax County Citizen of the Year by the Fairfax County Federation of Citizens Associations and "The Washington Post." Jerry Halpin deserves this recognition, not just because he changed the face of Fairfax County as a visionary businessman, but also because of his vast record of quiet and selfless community leadership.

Anyone who is familiar with Northern Virginia is also familiar with Jerry Halpin's business accomplishments, although not everyone knows the full range of this self-effacing, public-spirited citizen's contributions to our community. In 1962, Jerry and three partners purchased a 125-acre farm on the crest of a hill in western Fairfax. On that crest he built Tysons Corner, which remains to this day one of the primary commercial centers in the entire region. His WEST\*GROUP properties dot the area, and he has been responsible for the development, redevelopment or construction of office, retail, residential, resort, and industrial space for WEST\*GROUP affiliates aggregating more than 12 million square feet.

In the midst of this time-consuming and successful business career, however, Jerry Halpin made the time to reinvest in his community. His specific contributions to this region are far too numerous to mention, although I would like to highlight a few. Thirty-five years ago, when the Fairfax County Park Authority was unable to secure sufficient funds to purchase land for a park site, he refinanced his home to cover the purchase price and then turned the land over to the Park Authority. Today, that land constitutes Burke Lake Park, one of Fairfax County's finest public recreation areas. As he was developing the WEST\*GATE and WEST\*PARK Office Parks in Tysons Corner, Jerry ensured that a net gain of trees existed after construction and donated land for a school, a ball park and transit stations. He