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House of Representatives

The House was not in session today. Its next meeting will be held on Tuesday, February 2, 1999, at 12:30 p.m.

Senate

THURSDAY, JANUARY 21, 1999

The Senate met at 1:01 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:

Dear God, You know what we need before we ask You but, in the asking, our minds and hearts are prepared to receive Your answer. In this impeachment trial, we have learned again that really listening over a prolonged period of time is hard work. Often it is difficult to hear what is being said because of differing convictions. Dissonance causes discordant static. Sometimes our preconceptions about what we think will be said keep us from hearing what actually is said. Thank You for the commitment of the men and women of this Senate to serve You and our Nation by accepting the demanding responsibility of listening for and evaluating truth. Grant them renewed energy, sensitive audio nerves, and discerning minds. For Your glory and the good of America. Amen.

The CHIEF JUSTICE. The Sergeant at Arms will make a 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 CHIEF JUSTICE. The Chair recognizes the majority leader.

Mr. LOTT. Thank you, Mr. Chief Justice.

ORDER OF PROCEDURE

Mr. LOTT. Today, we will conclude the presentation of the White House counsel. I understand that the presentation will last approximately 4½ hours. As we have done previously, we will take periodic breaks throughout the proceedings, with the first one coming in approximately 1 hour and 15 minutes. I believe that will be approximately midway in the presentation of Mr. Counsel Kendall. Then we would probably take at least one more break so that the Senators and Chief Justice would have a chance to stretch and so we will have some logical break in the presentations. As a reminder, we will convene tomorrow at 1 p.m. to resume consideration of the articles.

At this point, I ask the indulgence of the Chief Justice and all Senators as we take up some routine matters before we resume consideration of articles. These have been precleared.

UNANIMOUS-CONSENT AGREEMENT

Mr. LOTT. I ask unanimous consent, notwithstanding the consideration of articles, that it be in order at this time to conduct several routine legislative matters.

The CHIEF JUSTICE. Without objection, it is so ordered.

MEASURES READ FOR THE FIRST TIME—S. 269, 270, AND 271

Mr. LOTT. Mr. Chief Justice, there are three bills at the desk. I ask the bills be considered read the first time. I further ask the bills be read a second time en bloc, and I object to my own request.

The CHIEF JUSTICE. Without objection, it is so ordered.

Mr. LOTT. The bills will be read a second time on the next legislative date, as I understand it.

The CHIEF JUSTICE. The leader is correct.

The bills read the first time are as follows:

S. 269, a bill to state the policy of the United States regarding the deployment of a missile defense system capable of defending the territory of the United States against limited ballistic missile attack;

S. 270, a bill to improve pay and retirement equity for members of the Armed Forces; and for other purposes;

S. 271, a bill to provide for education flexibility partnerships.

AMENDING PARAGRAPH 1(m)(1) OF RULE XXV

Mr. LOTT. I ask unanimous consent that the Senate proceed to the immediate consideration of S. Res. 28 which would change the words ''Handicapped individuals'' to ''Individuals with disabilities'' in Rule XXV.

I further ask consent the resolution be agreed to and the motion to reconsider be laid upon the table.

The CHIEF JUSTICE. Is there objection?

Without objection, it is so ordered.

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

The resolution (S. Res. 28) was agreed to as follows:

S. RES. 28

Resolved, That paragraph 1(m)(1) of Rule XXV is amended as follows:

Strike ''Committee on Labor and Human Resources'' and insert in lieu thereof ''Committee on Health, Education, Labor, and Pensions''.

Strike ''Handicapped individuals'' and insert in lieu thereof ''Individuals with disabilities''.

Mr. LOTT. That concludes our regular business.

TRIAL OF WILLIAM JEFFERSON CLINTON, PRESIDENT OF THE UNITED STATES

Mr. LOTT. I believe we are prepared for the concluding presentation by the White House counsel.

I yield the floor, Mr. Chief Justice.

THE JOURNAL

The CHIEF JUSTICE. If there is no objection, the Journal of proceedings of the trial are approved to date. Under the provisions of Senate Resolution 16, the counsel for the President have 18 hours and 9 minutes remaining to make their presentation of their case.

The Presiding Officer now recognizes Mr. Counsel Kendall.

Mr. Counsel KENDALL. Mr. Chief Justice, Members of the Senate, managers from the House of Representatives, good afternoon. I am David Kendall of the law firm of Williams & Connolly. Since 1993 it has been my privilege to represent the President in the tortuous and meandering Whitewater investigation which, approximately a year ago, was transformed in a remarkable way into the Lewinsky investigation.

I want to address this afternoon certain allegations of obstruction of justice contained in article II of the articles of impeachment. Mr. Manager SENSENBRENNER remarked that no prior article allegation of obstruction of justice has ever reached this Chamber. So this is a case of first impression.

Deputy Counsel Cheryl Mills yesterday addressed the parts of article II pertaining to gifts and the President's conversations with Ms. Currie. I will cover, this afternoon, the remaining five subparts of article II. The evidence plainly shows that the President did not obstruct justice in any way and there is nothing in this article which would warrant his removal from office.

As I begin, I want to thank you for your open minds, for your attention, for your withholding judgment until you have heard all of our evidentiary presentation. There are a lot of myths about what the evidence is in this case. Some of them are misunderstandings based upon erroneous media reports, some spring from confusion in the evidence itself, and some are the result of concerted partisan distortion.

I want to talk to you this afternoon about what the record is and what the evidence actually shows. I apologize to you in advance if the process is tedious. What I think I have to request from you is your common sense and some uncommon patience. But the evidence—those stubborn facts—is critically important to inform your ultimate vote on these articles. I will do my best to avoid repetition and lawyer talk—although I am a lawyer.

In our trial memorandum, we gave you the citations to the evidence I am going to be referencing, so you can check the facts there. I want to say that I welcome your scrutiny.

My presentation this morning consists of six parts. I would like, if I could, to give you those as milestones. I want to make some remarks generally about evidence, and then I want to consider the specific evidence which is relevant to each of the five subparts I am going to be talking about. I am going to do them out of numerical order but what I hope is in a logical order. I am going to cover article I first, then article II, then article V, article VII, and article IV. Ms. Mills, yesterday, has already covered III and VI.

First of all, a few words about evidence. We have heard a great deal about the rule of law in the various presentations of the House managers. But what is at issue here—and I think Mr. Manager GRAHAM made this point very well—it is a solemn obligation, which is constitutionally committed to this body. Your decision, whatever it is, is not going to have some kind of domino effect that ineluctably leads to that midnight knock at the door. The rule of law is more than rhetoric. It means that in proceedings like these, where important rights are being adjudicated, that evidence matters, fairness matters, rules of procedural regularity matter, the presumption of innocence matters, and proportionality matters. The rule of law is not the monopoly of the House managers, and it ought to be practiced in these proceedings, as well as talked about in speeches.

We have heard a lot of pejorative rhetoric about legal hairsplitting that the President and his legal team have engaged in. As a member of that legal team, I paid attention to that rhetoric. But as I sat there listening to the various presentations, they struck me as somewhat odd, because one of the hallmarks of the rule of law is careful procedures and explicit laws which try to define rights for every citizen.

It is not legal hairsplitting to raise available defenses, or to point out gaps in the evidence, or to make legal arguments based upon precedent, however technical and politically unpopular some of those arguments may be. And I think it is particularly important in a proceeding like this where the charge is an accusation of a crime. Mr. Manager MCCOLLUM was quite explicit in his argument that the first thing you have to determine here is whether the President committed any crimes.

I am going to try to focus on the facts and the evidence concerning obstruction of justice. I don't think there is a need for me to go into the law; we have set forth the relevant legal principles in our trial memorandum. Mr. Ruff and Ms. Mills very ably covered some of the governing principles, and Ms. Mills played some videotape excerpts of experts, and the law on obstruction of justice is relatively settled. Indeed, our primary disagreement with the very able House managers concerns the evidence and what it shows.

Now, in December the Judiciary Committee of the House of Representatives reported four articles of impeachment to the floor. Two of those—one alleging perjury in the President's January 17, 1998, deposition in the Paula Jones case, and one alleging abuse of power—were specifically considered by the House and just as specifically rejected, although the House managers had very cleverly attempted to weave into their discussion of the two articles that were adopted some of the rejected allegations.

Now, on the chart, article II alleges that the President has, in some way, impeded or covered up the existence of evidence relevant to the Paula Jones case. That is the whole focus of this article. It focuses on the alleged impact on the Paula Jones case. It is important because when we get to subpart (7), we will see that there is no way the allegations there could be a part of this article or impact the Paula Jones case.

The President supposedly accomplished this obstruction of justice through—and here I quote—''one or more of the following acts . . .''

Here, I think I should observe that this ''one or more'' menu, as it were, is plainly defective in a constitutional sense because, as we have pointed out in our answer and in our trial memorandum, and as Mr. Ruff has made clear in his presentation, such a format makes it impossible to assure that the constitutionally required two-thirds of Senators voting concur on any particular ground that is alleged. Since the Senate rules provide that you can't split up this menu—you have to cover all seven allegations together—it would be possible for the President to be convicted without that requisite two-thirds majority, because you might get 9 or 10 votes in favor of the article based on each of the 7 different grounds.

The Constitution, of course, gives the House of Representatives the sole power of impeachment and has exercised that power to adopt article II. However, several of the allegations about what the President did to obstruct justice, supposedly in the House managers' presentation, are nowhere contained in these seven subparts; they are simply not there.

For example, you heard repeatedly about the President's use in his deposition of the term ''alone''—was he ever alone with Ms. Lewinsky. The managers claim that that somehow obstructed justice. The allegation that this consisted of an impeachable offense, however, was rejected when the

House of Representatives voted down one of the four articles alleging deposition perjury.

You have also heard reference to the President's allegedly false and misleading answers to the 81 interrogatories sent to the President in November by the House Judiciary Committee. Again, an article based upon those interrogatory answers was voted down in the House of Representatives.

I would like you to bear in mind an image which Mr. Manager HUTCHINSON and Counsel Ruff share in some way. You will see that they didn't share it entirely. Mr. Manager HUTCHINSON referred to the ''seven pillars of obstruction.'' Mr. White House Counsel Ruff referred to the seven shifting ''sand castles of speculation.'' It won't surprise you that I agree with Mr. Ruff's characterization. But the important point is that there are 7 grounds in this article; there are not 8, there are not 19, there are 7 charges. That is what the House enacted and that is what we are going to address and rebut.

Before considering the five subparts of article II that I am going to be addressing, I would like to say a few words about the different kinds of evidence you are going to have to consider. There is, first, direct evidence. Now, this isn't the most probative kind of evidence, because it is the least ambiguous. It comes directly from the five senses of the witness. For example, when the witness testifies about something the witness did, that is direct evidence.

From the House managers' very skillful presentation, you would not be aware of the large amount of direct evidence which is in the record which refutes and contradicts the allegations of obstruction of justice. I am going to cover that in detail this afternoon.

The second kind of evidence is what the law calls circumstantial, and this describes any evidence which is probative only if a certain conclusion or inference is drawn from the evidence. Circumstantial evidence is admissible, but, by its definition, it is to some degree ambiguous because it is not direct. Its probative power—or its value—depends upon the strength of the inference you can logically draw from it.

Let me give you an example. You walk out of your house in the morning and you see the sidewalk is completely wet. You might conclude that it has rained the night before and you might be reasonably confident in that conclusion. However, were your sharp eyes to focus further and observe your neighbor's sprinkler sitting right by the sidewalk, dripping from the sprinkler head, you might want to revise your conclusion.

Circumstantial evidence is often subject to several different interpretations, and for this reason it has to be viewed very carefully. As one court has stated, ''Circumstantial evidence presents a danger that the trier of fact may leave logical gaps in the proof offered and draw unwarranted conclusions based on probabilities of low degree.''

If a criminal charge is to be based on conclusions drawn from circumstantial evidence rather than on direct evidence, those conclusions have got to be virtually unavoidable. Most of the obstruction case presented—and they have recognized this, and Mr. Manager HUTCHINSON recognized it on Saturday—is based on circumstantial evidence, and that evidence is, at best, profoundly ambiguous. They told you that they have painted a picture with circumstantial evidence. I think what they have in fact done is given you a Rorschach test.

I would like to now turn to the five subparts of article I which I intend to cover. And I want to describe, as to each, the relevant direct evidence in the record, the circumstantial evidence, and the portions of the managers' presentation which do not in fact constitute either kind of evidence but in fact represent speculation, theorizing, and hypothesis. What I believe you will find is that the direct evidence disproves the charges of obstruction and the managers have had to rely on contradictory and unpersuasive circumstantial evidence to try to make their case.

Subpart (1) of article II alleges that the President encouraged Ms. Lewinsky to execute an affidavit in the Paula Jones case ''that he knew to be perjurious, false and misleading.'' The House managers allege that during a December 17 telephone conversation Ms. Lewinsky asked the President what she could do if she were subpoenaed in the Jones case and the President responded, ''Well, maybe you could sign an affidavit.'' And that is a statement the President does not dispute making.

It is hard to believe, but this statement of the President to Ms. Lewinsky, advising her of the possibility of totally lawful conduct, is the House managers' entire factual basis for supporting the first allegation in subpart (1). The managers don't claim that the President advised her to file a false affidavit. That is not what subpart (1) alleges. And there is no evidence in the record anywhere to support such an allegation. Nor do the managers allege he even told her, advised her, urged her, or suggested to her what to put in her affidavit. The charge which the managers have spun out of this single statement by the President is refuted by the direct evidence.

First of all, Ms. Lewinsky has repeatedly and forcefully denied any and all suggestion that the President ever asked her to lie. In her proffer—and a proffer, of course, is an offer made to a prosecutor to try to get immunity—she made in her own handwriting on February 1, 1998, she stated explicitly that, ''Neither the President nor anyone on his behalf asked or encouraged Ms. Lewinsky to lie.''

In an FBI interview conducted on July 27, she made two similar statements. And you see them up here on the chart: ''Neither the President or Jordan ever told Lewinsky that she had to lie.''

''Neither the President nor anyone ever directed Lewinsky to say anything or to lie.''

And it was the FBI agent who transcribed those two comments.

I would like to focus upon the fact that she told the FBI the President never directed her ''to say anything or to lie.''

I think that is particularly telling as the direct evidence in the context of this allegation that the President supposedly urged her to file an affidavit that he knew would be false.

Finally, in Ms. Lewinsky's August 20 grand jury testimony, she stated—and she had to volunteer to do it—''No one ever asked me to lie and I was never promised a job for my silence.''

''No one ever asked me to lie and I was never promised a job for my silence.''

Is there something difficult to understand here?

It is interesting to see how the House managers try to establish that somehow the President asked Ms. Lewinsky to file a false affidavit. But their argument essentially begs the question. They argue that the President in fact somehow encouraged her to lie because both parties knew the affidavit would have to be false and misleading to accomplish the desired result.

But again there is no evidence to support this conjecture, and in fact the opposite is true. Both Ms. Lewinsky and the President have testified repeatedly that, given the particular claims being made in the Jones case, they both honestly believe that a truthful, albeit limited, affidavit might—''might''—establish that Ms. Lewinsky had nothing relevant to offer in the way of testimony in the Jones case.

The President explained in his grand jury testimony on at least five occasions in response to the prosecutor's question that he believed Ms. Lewinsky could execute a truthful but limited affidavit that would have established there was no basis for calling her as a witness to testify in the Jones case.

For example, the President told the grand jury, ''But I'm just telling you that it's certainly true what she says here, that we didn't have—there was no employment, no benefit in exchange, there was nothing having to do with sexual harassment. And if she defined sexual relationship in the way I think most Americans do . . . then she told the truth.''

Or again, the President told the grand jury:

> I've already told you that I felt strongly that she could issue, that she could execute an affidavit that would be factually truthful, that might get her out of having to testify. . . And did I hope she's be able to get out of testifying on an affidavit? Absolutely. Did I want her to execute a false affidavit? No, I did not.

It is important to bear in mind that the Paula Jones case was a sexual harassment case, although it turned out to

be legally groundless, and it involved allegations of nonconsensual sexual solicitations. Ms. Lewinsky's relationship to the President had been consensual. She knew nothing whatsoever about the allegations in the Jones case. There is no evidence in the record that she had ever been in Arkansas in her life. And in any event, the Jones case arose out of factual allegations dating from May of 1991 when the President was Governor of Arkansas, long before Ms. Lewinsky had even met the President.

Now, it is not simply the President who believed that in the circumstances here Ms. Lewinsky could have filed an affidavit which could have been truthful and which might have gotten her released from testifying in a Jones case deposition. Ms. Lewinsky also has testified that she might have been able to file a truthful affidavit which would have accomplished that purpose. For example, she told the FBI in an interview after she obtained immunity on July 29 that she had told Linda Tripp that the purpose of an affidavit was to avoid being deposed, and that she thought one could do this by giving only a portion of the whole story so the Jones lawyers would not think the person giving the affidavit added anything of relevance to their case.

Again, in the same interview with the FBI, Ms. Lewinsky stated that the goal of such an affidavit was to be as benign as possible so as to avoid being deposed.

Again, in her grand jury testimony on August 6, Ms. Lewinsky testified that:

> I thought that signing an affidavit could range from anywhere—the point of it would be to deter or to prevent me from being deposed and so that there could range from anywhere between maybe just somehow somehow mentioning, you know, innocuous things.

It is not disputed that the President showed no interest in viewing a draft of Ms. Lewinsky's affidavit, did not review it, and, according to Ms. Lewinsky, said he did not need to see it. This fact is obviously exculpatory. If the President were truly concerned about what was going into Ms. Lewinsky's affidavit, surely he would have wanted to review it prior to his summation.

Now, to counter this inference, the House managers offer speculation. Mr. Manager MCCOLLUM tried to downplay the significance of this fact by asking you to engage in sheer surmise. He said on Friday:

> I doubt seriously [the President] was talking about 15 other affidavits of somebody else and didn't like looking at affidavits anymore. I suspect and I would suggest to you that he was talking about 15 other drafts of this proposed affidavit since it had been around the Horn a lot of rounds.

Well, as the able House manager himself stated, this suggestion is mere suspicion, speculation; it flies in the face of Ms. Lewinsky's direct testimony. There is evidence of only a few drafts, and there is no evidence that the President ever saw any draft.

Now, Ms. Lewinsky was under no obligation to volunteer to the Paula Jones lawyers every last detail about her relationship with the President, and the fact that the President did not advise her or instruct her to do so is neither wrong nor an obstruction of justice. The fact is that the limited truthful affidavit might have established that Ms. Lewinsky's testimony was simply not relevant to the Jones case.

The President knew and had told Ms. Lewinsky that a great many other women he knew who had been subpoenaed by the Paula Jones lawyers had tried to avoid the burden, the expense, and the humiliation of a deposition by filing an affidavit in support of a motion to quash the deposition subpoena and by arguing in the affidavit that the subpoenaed woman had no relevant evidence for the Jones case. The Jones lawyers were casting a very wide net for evidence that they could use to embarrass the President. The discovery cutoff in the case was fast approaching—that is the point at which you can't take any more discovery—and there was some chance both Ms. Lewinsky and the President felt that she could escape deposition through an accurate but limited affidavit.

Moreover, there is significant evidence in the record that at the time she executed her affidavit, Ms. Lewinsky honestly could believe, honestly believed that she could deny a sexual relationship given what she believed to be the definition of that term. In an audiotape conversation which Linda Tripp, secretly recorded, Ms. Lewinsky declared:

> I never even came close to sleeping with the President. We didn't have sex.

Again, I would remind you of Mr. Craig's presentation yesterday concerning Ms. Lewinsky's understanding of the term ''sexual relations,'' which was the same as the President's.

There is another part of the chronology here—and a circumstantial evidence case often rests heavily on chronology—that the House managers simply ignore in their attempt to fit some of the facts into a sinister pattern. Ms. Lewinsky's name appeared on the Paula Jones witness list which, the managers tell us accurately, the President's lawyers reviewed with him on Saturday, December 6. She was one of a great many people named on the witness list.

Now, if the President's concern was so intense about the appearance of her name on the list, would he have waited until December 17 to talk to her? There is no explanation for this delay, which is consistent with intense concern on the President's part, except that her appearance with a lot of others was not particularly troubling to him. The main reason for his phone call on December 17 to Ms. Lewinsky, the unrebutted evidence shows, is that he wanted to tell Ms. Lewinsky that Betty Currie's brother had died. Indeed, 3 days after that telephone call, Ms. Lewinsky attended the funeral of Ms. Currie's brother on December 20.

Now, insofar as you want to draw inferences from the chronology of events in December, this long delay is circumstantial evidence that the President felt no particular urgency either to alert Ms. Lewinsky that her name was on the witness list or make any suggestions to her about an affidavit. Remember her repeated testimony which is direct evidence: No one ever asked her to lie.

Now, subpart (2) of article II alleges that the President obstructed justice by encouraging Ms. Lewinsky, in that same late night telephone call—two of these articles rest on that same telephone call—to give perjurious, false and misleading testimony if and when she was called to testify personally in the Jones litigation.

Now, it was interesting to me that a couple of days ago the House managers released a response to our presentation and they concede here that the President and Ms. Lewinsky did not discuss the deposition that evening of December 17 because Monica—they call her Monica—had not been subpoenaed.

Well, that is true. There was no deposition subpoena received by Ms. Lewinsky until 2 days later. Now, the lawyers in the room know something about what witness lists are and what they contain that the civilian part of the world may not know. As lawyers get ready to go to trial, and the judge requires them to put their witnesses on the witness list, you put every witness you can think of who might conceivably be relevant—from Mr. Aardvark to Ms. Zanzibar. All of them go on the witness list. And that is what had happened here. It wasn't until you get something like a subpoena for a deposition that you know a witness is really going to be a significant player in the trial.

Well, let's look at the allegations here. And remember, these allegations focus on December 17, 2 days before Ms. Lewinsky is going to receive her subpoena. I think you logically begin with the direct evidence, and the direct evidence is the testimony of the two people involved in the telephone conversation, Ms. Lewinsky and the President. Ms. Lewinsky has repeatedly stated that no one ever urged her to lie and that this plainly applies to this December 17 conversation. She said, in her handwritten proffer that I had on the chart earlier, that the President did not ask her or encourage her to lie. She made that statement when talking to the independent counsel, when her fate was in the hands of the independent counsel, when her immunity agreement could be broken and she could be prosecuted. She has, nevertheless, continued to maintain that nobody asked her ever to lie. She said in the July 27 FBI interview neither the President nor Mr. Jordan ever told her she had to lie, and she said that in her grand jury testimony.

It is interesting to hear all the ways that the House managers—and they are

very skillful—try to minimize the importance of this direct evidence. You would think Ms. Lewinsky's statements under oath were irrelevant to this case. She gave this testimony, for the most part, when she was subject to prosecution for perjury. It simply cannot be blandly dismissed because it was given under this threat. Indeed, Mr. Manager HUTCHINSON—and I would like to quote him—shares this same belief with me. He told you, standing right here, ''that Ms. Lewinsky's testimony is credible and she has the motive to tell the truth because of her immunity agreement with the independent counsel, where she gets in trouble only if she lies.''

Likewise, the President has consistently insisted he never asked Ms. Lewinsky to lie. In his grand jury testimony last August, he said that he and Ms. Lewinsky ''might have talked about what to do in a non-legal context at some point in the past,'' if anybody inquired about their relationship, although he had no specific memory of such a conversation. And he testified that they did not talk about this in connection with Ms. Lewinsky's testimony in the Jones case.

He was asked by one of the prosecutors:

In that conversation, [on December 17] or in any conversation in which you informed her she was on the witness list, did you tell her, you know, you can always say that you were coming to see Betty or bringing me letters? Did you tell her anything like that?

[The President:] I don't remember. She was coming to see Betty. I can tell you this. I absolutely never asked her to lie.

There is, thus, no direct testimony from anybody that on December 17 the President asked Ms. Lewinsky to lie if called to testify in the Jones case. Here the House managers don't really even rely on circumstantial evidence to refute the direct testimony of the two relevant witnesses. They rely, instead, on what they assert is logic. They claim that while the President maybe didn't specifically tell her to lie, he somehow suggested that she give a false account of their relationship. What you should infer, according to them, is based upon what they may have said about their relations at other times, previous times to this late night December 17 phone call, the President somehow suggested that she say the same thing at her deposition, something like, ''You know, you can always say you were coming to see Betty, or that you were bringing me letters.''

Their claim boils down, however, to the inferences to be drawn from the uncontested fact that in the past, before this time, before this December 17 phone call, the President and Ms. Lewinsky had discussions about what she should say if asked about the visits to the Oval Office.

Both have acknowledged that. Not surprisingly, at the time these conversations occurred they were both concerned to conceal their improper relationship from others while it was going on. Cover stories are an almost inevitable part of every improper relationship between two human beings. By its very nature the relationship is one that has to be concealed and, therefore, misleading cover stories inevitably accompanied that relationship.

Now, to say that is not to excuse it or to exonerate it or justify it; but, rather, to emphasize that the testimony about ''visiting Betty'' or ''bringing me letters'' is in the record, but it is not linked in any way to the December 17 phone call or to any testimony or affidavit with regard to the Jones case. Here again, I want to go to the direct evidence that is relevant on count 2, because it undercuts the managers' suggestion that this discussion of the cover stories actually occurred in the context of discussion about the Paula Jones case.

Now, here on a chart we have a blow-up of Ms. Lewinsky's—part of Ms. Lewinsky's handwritten proffer to the independent counsel on February 1, which makes it clear that she does recall having a discussion with the President in which he said that if anyone questioned her about visiting him, she should say she was either bringing him letters or visiting Betty Currie. But Ms. Lewinsky states, ''there is truth to both of these statements.'' It was a cover story but there was some truth in it.

She also went out of her way in this proffer to emphasize that, while she did not recall precisely when the discussions about cover stories occurred, they occurred ''prior to the subpoena in the Paula Jones case.'' That is what you see in her paragraph 11. Her paragraph 11 refers back to paragraph 2. And her point is that, while she and the President did have these discussions, it was not in the context of her testimony.

In paragraph 4 also, as you see from the chart or from your handout, as to the contents of any possible testimony, Ms. Lewinsky wrote that to the best of her recollection she did not believe she discussed the content of any deposition during the December 17 conversation with the President.

Now, in an FBI interview on July 31, after she had received immunity from the independent counsel, the FBI agent noted what Ms. Lewinsky had told him:

Lewinsky advised, though they did not discuss the issue in specific relation[ship] to the Jones matter, she and Clinton had discussed what to say when asked about Lewinsky's visits to the White House.

This is direct evidence. Nobody denies that there was discussion of cover stories early in the relation, but there is no evidence that it occurred in connection in any way with the Jones case.

Again, despite Ms. Lewinsky's direct and unrefuted testimony about the December 17 telephone call, the House managers asked you to conclude that the President must have asked her to testify falsely, because she had, by her own account, on prior occasions, assured the President that she would deny the relationship.

Think for a moment about that: They ask you to accept their speculation, in the face of contradictory evidence from both parties, and use that as a basis on which to remove the President. Again, Ms. Lewinsky never stated that she told the President anything about denying their relationship on December 17, or at any other time, after she had been identified as a witness. Indeed, she testified in the grand jury that that discussion did not take place after she learned she was a witness in the Jones case. And, again, we have her grand jury testimony displayed on the chart. A grand juror is asking a question.

Question:

Is it possible that you also had these discussions [about cover stories denying the relationship] after you learned that you were a witness in the Paula Jones case?

[Ms. Lewinsky]: I don't believe so.

A juror—and these jurors were very good at questioning witnesses throughout this proceeding:

Can you exclude that possibility?

[Ms. Lewinsky]: I pretty much can. I really don't remember it.

Direct testimony given when Ms. Lewinsky was covered by an immunity agreement that can only be divested by her perjuring herself.

There is another thing that I think is relevant here, and that is that Ms. Lewinsky has stated several times that while these were cover stories, they were not untrue. In her handwritten proffer, as you have seen, she stated that she asked the President what to say if anyone asked her about her visits. He said you could mention Betty Currie or bringing me letters. And she added there was truth to both of these statements and that ''[n]either of those statements [was] untrue.'' Indeed, she testified to the grand jury that she did, in fact, bring papers to the President and that on some occasions, she visited the Oval Office only to see Ms. Currie.

Question by a grand juror:

Did you actually bring the President papers at all?

Yes.

All right. Tell us a little bit about that.

It varied. Sometimes it was just actually copies of letters . . .

Again, in her August 6, 1998, grand jury appearance, Ms. Lewinsky testified:

I saw Betty every time that I was there . . . most of the time my purpose was to see the President, but there were some times when I did just go see Betty but the President wasn't in the office.

Ms. Lewinsky and Ms. Currie were friends, and they did have a separate social relationship.

The managers assert that these stories were misleading, and the House committee report on the articles of impeachment declared that these stories about Ms. Currie and delivering papers was a ''ruse that had no legitimate business purpose.'' In other words, while the so-called stories were literally true, the explanations might

have been misleading. But the literal truth here, while it may appear legalistic and hairsplitting, is, in fact, a defense to both the perjury and the obstruction of justice charges under the rule of law. While the President and Ms. Lewinsky had discussed cover stories while their improper relationship was in progress, there is simply no evidence that they discussed this at any time when Ms. Lewinsky was a witness in the Jones case.

The next subpart I want to consider is subpart (5). Subpart (5) alleges that at the deposition, the President allowed his attorney to make false and misleading statements to a Federal judge characterizing an affidavit in order to prevent questioning deemed relevant by the judge.

It alleges obstruction solely because the President did not say anything when his attorney, Mr. Bennett, cited Ms. Lewinsky's affidavit in an unsuccessful argument to Judge Wright that evidence concerning Ms. Lewinsky should not be admitted at that point because it was irrelevant to the Jones case. At one point, Mr. Bennett, the President's lawyer, states that, according to the affidavit, ''there is no sex of any kind in any manner, shape or form.''

This claim, which also is presented in the perjury section, as Mr. Craig pointed out, is deficient as an allegation of obstruction, both as a matter of fact and as a matter of law.

But I will say one thing. The direct evidence on this point is uniquely available because there is only one witness who can testify about what was in his thoughts at a given moment, and the President has testified at great length in his grand jury testimony about what he was thinking at this point.

The President told the grand jury that he was simply not focusing closely on the exchange between the lawyers, but was instead concentrating on his own testimony.

He said:

> I'm not even sure I paid much attention to what he [Mr. Bennett] was saying. I was thinking. I was ready to get on with my testimony here and they were having these constant discussions all through the deposition.

And again the President testifies:

> I didn't pay any attention to this colloquy that went on. I was waiting for my instructions as a witness to go forward. I was worried about my own testimony.

I think Mr. Craig provided you with a background yesterday that I won't repeat here, but I would refer you to, about what was on the President's mind at the time.

Mr. Manager MCCOLLUM made a very polished and articulate presentation to you, and he predicted that the President's lawyers were going to argue that the President sat in silence because he wasn't paying attention. We have, indeed, argued this, and it is the truth based upon what the President has testified he was thinking about. But Mr. MCCOLLUM went on to argue that there was circumstantial evidence available from the videotape of the President at this deposition.

He stated:

> We've already seen the video. And you know that he was looking so intently. Remember, he was intensely following the conversation with his eyes. I don't know how anybody can say this man wasn't paying attention. He certainly wasn't thinking about anything else. That was very obvious from looking at the video.

We all saw the video during the House managers' presentations, and we saw a lot of the President at the deposition yesterday when Mr. Craig played the first part of it. If you observe the President throughout the time you have seen him on the video in the deposition, you will conclude that the look on his face was no different from what it was during other discussions or arguments of counsel about evidentiary or procedural matters. The videotape does not, fairly considered, indicate that the President was, in fact, focusing on the lengthy colloquy among the lawyers or that he knowingly made a decision not to correct his own lawyer.

The President has received a great deal of criticism, because at one point in his grand jury testimony, when asked about Mr. Bennett's statement, the President responds to the prosecutor that whether Mr. Bennett's statement is true depends on what the meaning of the word ''is'' is. That is, ''there is no sex of any kind.''

That has gotten its share of laughs. But when you read the President's grand jury transcript in context, this was a serious matter, and it is apparent that the President was not in any way describing what was in his own mind at the time of the deposition, but he rather was discussing Mr. Bennett's statement from the vantage point of the President's later grand jury testimony. He is interpreting what his own lawyer was saying. Mr. Craig pointed this out yesterday.

That interpretation is not perjury in article I, and it is not obstruction of justice in article II. What the exchange was was that the President, in response to one of the prosecutors, explains why, on one reading Mr. Bennett's statement, it may not be false.

Now, it may be hairsplitting and it may be professorial and it may be technical, but the important thing is it is a retrospective assessment. The President is not talking about himself. He is talking about how to construe Mr. Bennett's statement. And what he says is, there is a way in which Mr. Bennett's statement at the deposition is accurate; that is, if Mr. Bennett was referring to the relationship between the President and Ms. Lewinsky on that date, it was an accurate statement because the improper relationship was over a long time earlier.

Now, the relevant point here is that the President's disquisition on the word ''is'' and its meaning was not an attempt to explain his own thinking at the time of the deposition, but was rather his later interpretation of what Mr. Bennett had said at the deposition.

In light of the President's direct unequivocal testimony, this speculation about what was in his mind is simply baseless, and there is, in fact, no evidence to support the charge leveled in subpart (5) of article II.

There is another reason to reject the charge; and that is, that the law imposes no obligation on the client to monitor his or her lawyer's every statement and representation, particularly in a civil deposition, in which the client is being questioned, clients are routinely advised to focus on the questions posed, think carefully about the answer, answer only the question asked and ignore distractions. And sometimes, sad to say, the statements of one's own lawyer can be a distraction. And those of you who are lawyers and have defended people in depositions know that that is the advice you give the client.

There was good reason for the President to be thinking about his own testimony and leave the legal fencing to the lawyers, because whatever else may be said about him, there can be no doubt that the Jones case itself was a vehicle for partisan attack on the President and that he was going to be facing a series of hostile and difficult questions at the deposition.

Now, Judge Wright ultimately ruled that, giving Ms. Jones every benefit of the doubt, she had failed both legally and factually to present allegations that merited going to trial. But while it was legally meritless, while it was going on, the case did impose a significant toll on the President both personally and politically.

And let's be clear about one other thing while we are looking at this deposition and while you review the significance of the President listening in silence to Mr. Bennett's conduct. As Mr. Craig described yesterday, Judge Wright, in fact, interrupted Mr. Bennett in mid sentence as he was describing Ms. Jones' affidavit. She didn't allow him to complete his objection in which he cited the Lewinsky affidavit. She quickly interjected—and this is sometimes what judges do to the most learned of lawyers—she quickly interjected and said, ''No, just a moment, let me make my ruling.'' And then she proceeded to allow the very line of questioning that Mr. Bennett was trying to prevent. So the President's silence, whatever motivated it, had absolutely no impact on the conduct of the Jones deposition.

And also let's be clear about one other thing: Nothing about this interchange between Mr. Bennett and Judge Wright blocked the ability of the Jones lawyers to obtain information about the President's relationship with Ms. Lewinsky because the Jones lawyers had been briefed the night before in great detail by Ms. Linda Tripp. Ms. Tripp had already gotten her own immunity agreement from the Office of Independent Counsel and had set up a

lunch with Ms. Lewinsky at the Ritz-Carlton Hotel the day before the deposition, Friday, January 16. And at that lunch, of course, Ms. Lewinsky was apprehended by the Office of Independent Counsel and held for the next 12 hours. In the meantime, however, Ms. Tripp goes back to her home where she meets with the Jones lawyers that Friday night before the deposition and loads them up with all the information she has obtained from her illegal, secret audiotaping of Ms. Lewinsky. That is why they were able to ask the questions they did with such specificity and conviction.

Indeed, there is one point in the examination of the President where he says to the Jones lawyer who is examining him, Mr. Fisher—he asked the question. And Fisher says, ''Sir, I think this will come''—he asked a question about ''Can you tell me why you are asking these specific questions?'' and Fisher replies, ''Sir, I think this will come to light shortly, and you'll understand.''

Well, how ironic that I am making a presentation today on January 21 because it did come to light—just as Mr. Fisher knew it would; just as Ms. Tripp knew it would—it came to light 1 year ago exactly when the story broke in the Washington Post. This fleeting exchange between Mr. Bennett and Judge Wright before she overruled his objection could not and didn't have any impact on the Jones lawyers' conduct.

Now, I want to look briefly at one other part of subpart (5) because it alleges—continues to make one other allegation: Such false and misleading statements at the deposition by Mr. Bennett allegedly were subsequently acknowledged by Mr. Bennett in a communication with the judge.

Now, if you look at Mr. Bennett's letter, however, that is not at all what the letter says. Mr. Bennett wrote to the judge on September 30 of last year. This is after the referral had come to Congress and after the House of Representatives had seen fit to release Ms. Lewinsky's grand jury testimony. Mr. Bennett does not, as the article alleges, acknowledge that he himself made false and misleading statements or that the President, either by his word or silence, made such statements. What Mr. Bennett does do in this letter, as you can see, is call the court's attention to the fact that Ms. Lewinsky herself had testified before a Federal grand jury in August. And—contrary to her earlier statements—she stated that portions of her affidavit were, according to her, false and misleading. Mr. Bennett's letter, bringing this to the judge's attention, was a matter of professional obligation and responsibility. It in no way is evidence supporting subpart (5).

Take a break?

The CHIEF JUSTICE. The Chair recognizes the majority leader.

RECESS

Mr. LOTT. Mr. Chief Justice, Mr. Kendall, indicating that he is about halfway through his presentation——

Mr. Counsel KENDALL. That is correct, sir.

Mr. LOTT. I would, then, ask unanimous consent we have a temporary recess for 15 minutes.

There being no objection, at 2:10 p.m., the Senate recessed until 2:30 p.m.; whereupon, the Senate reassembled when called to order by the Chief Justice.

Mr. CHIEF JUSTICE. The Chair recognizes the majority leader.

Mr. LOTT. Mr. Chief Justice, I believe the Senate is ready to proceed now with the presentation by Counsel Kendall.

The CHIEF JUSTICE. The Chair recognizes Counsel Kendall.

Mr. Counsel KENDALL. Thank you, Mr. Chief Justice.

Subpart (7)—we have two more subparts to go. I will take them out of order. Subpart (7) of article II alleges that the President obstructed justice when he relayed or told certain White House officials things about his relationship with Ms. Lewinsky that were false and misleading. This is another example of double billing in the two articles. This charge is leveled in article I, and it appears here in article II. Yesterday, Mr. Craig explained why these statements didn't constitute perjury, and I would like to take just a few minutes this afternoon to explain why they don't constitute an obstruction of justice, either.

First of all, and most obviously, there is no way—I said this in the beginning—there is no way that the statements of the aides could be in any way part of a scheme to deny Ms. Jones of evidence. I think on this ground alone subpart (7) fails, because if you look at what is alleged in article II, it is that the President obstructed justice in order to delay, impede, et cetera, existence of testimony related to Ms. Jones' lawsuit. There is no way here that whatever the President said to an aide could have done that.

The statements, which this subpart (7) addresses, were statements that the President made very shortly after the Lewinsky publicity had broken to Mr. Bowles, Mr. Podesta, Mr. Blumenthal and Mr. Ickes, none of whom were witnesses in the Paula Jones case. They were on none of the witness lists, and they had no evidence at all relevant to the Paula Jones case since they had been working for the President. They weren't working for the President when he was Governor of Arkansas in May of 1991, and they weren't individuals subject to discovery. So these four aides just had no evidence whatsoever that they could contribute to the Paula Jones case.

But there is another more fundamental reason why this article is flawed as a matter both of the evidence and the law. The President has admitted misleading his family, his staff, and the Nation about his conduct with Ms. Lewinsky. And he has expressed profound regret for that conduct. Subpart (7), however, alleges that he should be impeached and removed from office simply because he failed to be candid with these particular four White House aides and misled them about the nature of his relationship with Ms. Lewinsky.

These allegedly impeachable denials to the four aides occurred, as I said, right after the publicity broke. And one of them occurred on January 21, last year, and then also on the 23rd and the 26th. This was at the very time the President denied he had had sexual relations with Ms. Lewinsky in nearly identical terms on national television to whoever throughout the United States happened to be watching at that time.

Having made this denial to the entire country, it simply is absurd to regard it any differently when made to four aides in the White House directly and person-to-person rather than through the medium of television. The President talked to these individuals about the Lewinsky matter because of his personal relationship and his direct professional exposure to them on a daily basis. He spoke to them, however, misleadingly in an attempt to allay their concern once the allegations about Ms. Lewinsky become public.

No discovery here—never yet found a place in which discovery would benefit the case for either side—but no discovery here is going to illuminate the record in any way. These four witnesses have testified before the independent counsel's grand jury on several occasions.

I think it is important to observe also that there is no way this interchange between the President and his aides could have affected evidence because his statements to them were hearsay which they would have reported accurately to the grand jury when asked. And by ''hearsay,'' all they can testify to is what the President told them, and they could do that accurately. But their own testimony, based on whatever knowledge or observation or direct sensory evidence they might have, was not affected in any way by the President's statement. None of these aides had any independent knowledge of the relationship between the President and Ms. Lewinsky and, therefore, the only evidence they do offer would be a hearsay repetition of what the President had told them. And that was the same public denial that he had told everyone, including, presumably, any member of the grand jury who had his or her television set on on that Monday, January 26.

But under the strained theory—you really have to focus on this—under this theory, any citizen of the United States who heard that denial could form the basis for an allegation of impeachable conduct and removal of the President from office.

I think this subpart (7) of article II fails for a number of reasons not related to the Paula Jones case, and it violates common sense.

Let me turn to subpart (4). This subpart alleges that the President obstructed justice when he intensified and succeeded in an effort to secure job assistance for Ms. Lewinsky in order to corruptly prevent her truthful testimony. The claim here is of a quid pro quo, a ''this for that.'' His job assistance was allegedly in order to prevent her truthful testimony.

I want to note a couple of things here. First of all, this word ''intensified''—this word ''intensified'' is a pretty slippery word. It doesn't say ''originated'' or ''began.'' It says ''intensified.'' And that allegation implicitly recognizes—it tries to avoid the thrust of its own logic—it recognizes that the job search Ms. Lewinsky was conducting had begun long before there was any connection to the Paula Jones case, and the undisputed facts are going to reveal that Vernon Jordan and others were trying to help her long before she appeared on the list of witnesses Ms. Jones was considering calling.

The second thing I want to emphasize is the quid pro quo nature of the allegation. Quid pro quo is a good Latin term meaning ''this for that.'' In ''order to'' is the allegation of subpart (4). The job assistance was ''in order to'' prevent Ms. Lewinsky's truthful testimony.

Well, I want to review the evidence a bit because there is not only no evidence in the record; there is a lot of contradictory evidence, both direct and circumstantial. We have heard a great deal in the various presentations about Mr. Jordan's assistance to Ms. Lewinsky. But I was surprised to sit right over there through 11 hours 52 minutes, by my watch, of the House managers' very able presentation, and I heard almost nothing about what actually happened in New York City as a result of Mr. Jordan's efforts. But when we review the evidence—and it is all right here. Don't worry, I am not going to review every page of it. But it is all here. When we review this evidence which is available—all you have to do is read it—we get a very different picture from what we got from the able House managers. There is no secret about it, nor is there any conflict in the testimony of these witnesses. There is no need for further discovery here, as I will show, because the testimony is consistent.

Now, the proof that is in the record is that there was no corrupt linkage, no assistance whatsoever which was designed and focused to get Ms. Lewinsky to do anything—nothing which tied the job assistance to what was going on in the Jones case. Mr. Jordan did help open doors, and Ms. Lewinsky went through those doors, and she either succeeded or failed on her own merits. Two of the companies declined to offer her a job, and at the third she did get an entry-level job, which she received on her own merits.

There was no fix, no quid pro quo, no link to the Jones case. And also there was no urgency to Mr. Jordan's assistance to her. He started assisting her well before she showed up on the Jones witness list, and he helped her whenever he could, consistent with his own heavy travel schedule. There is the allegation of a quid pro quo, but there is nothing in the evidence to support the ''pro'' part of it.

What the House managers have tried to do—and they are skillful prosecutors, they are able, they are experienced, they are polished, and they know what they are doing—they have tried to juxtapose unrelated events and, by a selective chronology, tried to establish causation between two wholly unrelated sets of events. And there an old logical fallacy—you have had enough Latin today—that just because something comes after something, it was caused by the preceding event. It is like the rooster crowing and taking credit for the sun coming up. When you look at the House managers' case, there is a lot of that going on, because we will see there is no real existence of causal connection and we will also see that a lot of the chronology you have been given is erroneous.

As I said earlier, there is no evidence, either direct or circumstantial, to support this quid pro quo allegation.

Now, let's start with the direct evidence, the most logical place to begin. It could not be more unequivocal. Let's start with Ms. Lewinsky. First of all, her New York job search began on her own initiative long before any involvement in the Jones case. Moving to New York was her own idea, and it was one she raised in July of 1997. This geographical move did not affect in any way her exposure to a subpoena in the Paula Jones case.

Under the Federal Rules of Civil Procedure, of course, a witness can be subpoenaed in any Federal district, no matter where the case is pending. And, indeed, a great many of the depositions in the Paula Jones case took place outside the State of Arkansas. For this reason, Mr. Manager BARR's assertion that the President wanted Ms. Lewinsky to go to New York because it would ''make her much more difficult, if not impossible, to reach as a witness in the Jones case'' is entirely untenable; she was just as vulnerable to subpoena in New York as she was in Washington. And, indeed, she was already under subpoena in January when she was finalizing her move. This contention just does not withstand scrutiny.

Now, Ms. Lewinsky testified:

> I was never promised a job for my silence.

You can't get any plainer than that. She testified that her job search had no relation to anything that she might do in the Jones case. In her July 27 interview with the FBI, the FBI agent recorded her statement that there was no agreement with the President, with Mr. Jordan, or anyone else that she had to sign a Jones affidavit before getting a job in New York. She told the FBI agent explicitly that she had never demanded from Mr. Jordan a job in exchange for a favorable affidavit and neither the President nor Mr. Jordan nor anyone else had ever made this proposition to her.

Now, Mr. Jordan, who is an eloquent and exceedingly articulate man, took care of that claim in his own grand jury testimony. He was asked about any connection between the job search and the affidavit. He said there was absolutely none. He said on March 5 as far as he was concerned these were two entirely separate matters. And in his grand jury appearance on May 5 he was asked whether the two were connected, and Mr. Jordan said, ''Unequivocally, indubitably, no.''

The President has likewise testified that there was no connection between the Jones case and Ms. Lewinsky's job search. He told the grand jury:

> I was not trying to buy her silence or get Vernon Jordan to buy her silence. I thought she was a good person. She had not been involved with me for a long time in any improper way, several months, and I wanted to help her get on with her life. It is just as simple as that.

Quid pro quo? No. The uncontested facts bear out these categorical denials of the three most involved people. Ms. Lewinsky began looking for a job in July of 1997, and the event which hardened her resolve to move to New York was a report by her ostensible good friend, Ms. Linda Tripp, on or about October 6 that one of Ms. Tripp's friends at the National Security Council said that Ms. Lewinsky would never ever get a job in the White House again.

Now, it turns out that this disclosure, like so much else Ms. Tripp said, is false. Ms. Tripp's NSC friend said no such thing. But it did have a profound impact on Ms. Lewinsky, who described it as the straw that broke the camel's back. It was plain to her then that she was never going to be able to get another White House job.

Mr. Jordan's assistance of Ms. Lewinsky began about a month before Ms. Lewinsky learned—about 6 weeks before she learned she was a possible witness in the Jones case. Ms. Lewinsky testified that she had discussed with Linda Tripp sometime in late September or early October the idea of asking for Mr. Jordan's assistance, and Ms. Lewinsky indicated she could not recall if it were her idea or Linda Tripp's idea, but in any event Mr. Jordan became involved sometime later at the direction not of the President but of Ms. Currie, who was a longtime friend of Mr. Jordan and who had discussed with Ms. Lewinsky her job search. Now, Ms. Currie had previously assisted Ms. Lewinsky in making contact with Ambassador Bill Richardson at the U.N. Ms. Lewinsky's first meeting was with Mr. Jordan on November 5, and Ms. Lewinsky testified that the meeting lasted about 20 minutes and that they had discussed a list of possible employers she was interested in. She never told Mr. Jordan that there was any time constraint on his assistance, and both she and Mr. Jordan

traveled a great deal out of the country and in the country in that November-December period.

Now, Mr. Jordan testified unequivocally that he never, at any time, felt any particular pressure to get Ms. Lewinsky a job. This is plain and powerful and unrebutted testimony. He was asked in the grand jury if you recall any ''kind of a heightened sense of urgency by Ms. Currie or anyone at the White House'' about helping Ms. Lewinsky during the first half of December?

And he replied, ''Oh, no, I do not recall any heightened sense of urgency. What I do recall is that I dealt with it as I had time to do it.''

Now, let me just pause here and observe that if there had been any improper motive or any sinister effort to silence Ms. Lewinsky, it would have been extremely easy for the President to have arranged for her to be hired at the White House. If there were some corrupt intent to silence her, that was an obvious solution because she very much wanted to go back to work at the White House. It mattered to her a great deal. But, while she was interviewed a couple of times by White House officials in the summer of 1997, those interviews never resulted in a job offer. The fix was not in. There was no corrupt effort to bring Ms. Lewinsky back, give her a White House job or, indeed, transfer her in any way from her Pentagon job.

Now, she continued her job search efforts with the assistance of some of the White House people. In late October or early November, she told her boss at the Pentagon, Mr. Kenneth Bacon, that she wanted to leave and move to New York City. She enlisted his assistance in trying to help her get a private sector job, and he helped her because she had done good work for him. He had a positive impression and testified that he wanted to do whatever he could for her.

In November of 1997, her supervisor at the Pentagon indicated that Ms. Lewinsky gave notice of an intention to quit her Pentagon job at the year end.

Now, before we get to the private sector firms that Ms. Lewinsky went to, I want to pause and make the point that she had a United Nations delegation job in her back pocket. Back pocket is a male image—perhaps in her purse. She had it in her hand and available, all during this period.

In early October at the request of Ms. Currie, Mr. Podesta—John Podesta, who was then the White House Deputy Chief of Staff—had asked Ambassador Bill Richardson to consider Ms. Lewinsky for a position at the U.N. The Ambassador testified that he did not take this as a ''pressure call.'' He said ''there was no pressure anywhere by anybody'' to hire Ms. Lewinsky.

Ms. Currie testified to the grand jury, without contradiction, that she was acting on her own, as Ms. Lewinsky's friend, in trying to help her.

Now, Ms. Lewinsky interviewed for the U.N. position on October 31 with Ambassador Richardson. And he, through his staff, offered her a job on November 3. Ambassador Richardson testified to the grand jury that he never spoke to the President or Mr. Jordan about Ms. Lewinsky, that he was impressed by her, that he made the offer on the merits, and that no one had pressured him to hire her.

He testified specifically to the grand jury on April 30, ''This was my decision to hire her. I did not do it under any pressure or anything. I felt that she would be suitable for the job, and I didn't feel I had to report to anybody. It's not in my nature. I don't take pressure well on personnel matters. I'm a Cabinet member. I don't have to account for anything. This was mine, my choice, my decision. And I stand behind it.''

He also declared, ''What I did was routine.''

This fact was highly significant, because although this job was not precisely the job Ms. Lewinsky wanted, it was a job in New York, and she kept this open until January 5 when she finally turned it down. Now, it was Mr. Manager BRYANT who referred to this in passing—just kind of walked around it. He disparaged it in the way a good trial lawyer does—recognize it is there, but then move around and away from it. But it is an important fact and it tears a very large hole in their circumstantial evidence case. Because she had in her hand, I will say, this job offer all through this period of November and December and into January. It wasn't precisely what she wanted but it was a good job. It was in New York City. And there was no urgent necessity for her, connected with her private sector job search. Once again, quid pro quo? No.

Now, there is a lot of further direct evidence concerning her job search. And this is contained in a great many interviews in grand jury transcript from the people at the various New York firms Mr. Jordan contacted on Ms. Lewinsky's behalf. Again, there is simply no direct evidence whatsoever from any of these people of any kind of quid pro quo treatment. While Mr. Jordan made the contacts on her behalf, there was no urgency about them. There was no pressure, and they were wholly unrelated to the Jones case.

Let's recognize the obvious here. The President's relation, improper relation with Ms. Lewinsky, had been over for many months. He continued to see her from time to time. He did what he could to be of assistance to her as she sought employment in New York because, as he testified, she was a good person, and he was trying to help her get on with her life.

Mr. Jordan was able to open some doors, but once open, there was no inappropriate pressure. He really opened three doors for her: at American Express, at Young & Rubicam, and at Revlon. And she batted one for three. And actually in job searches, as in baseball, I, at least, will take that batting average any day of the week. But she succeeded on her own once she was through the door, and her getting through the door had no relation to the Paula Jones case.

Let's, first of all, take a look at what happened with American Express and see whether in direct or circumstantial evidence there is any evidence of a quid pro quo here. The independent counsel conducted a very large number of interviews and also summoned a great many witnesses from each of these three sets of companies. Mr. Jordan was a member of the American Express board of directors, and he telephoned a Ms. Ursula Fairbairn, the Executive Vice President of Human Resources at American Express on December 10 or 11. And he told Ms. Fairbairn that he wanted to send her the resume of a talented young woman in Washington, to see whether she matched up to any openings at American Express.

Ms. Fairbairn told the FBI that it was not at all unusual for American Express board members or other company officers to recommend young people for employment. Ms. Fairbairn said Mr. Jordan did not, in fact, mention any White House connection that the applicant had, and he exerted no pressure at all on her to hire the applicant. Ms. Fairbairn recalled that Mr. Jordan made another employment recommendation about 2 months earlier and indicated this was simply not an unusual request.

Now, the Office of Independent Counsel also—you see it on the chart—interviewed Thomas Schick at American Express. He is the Executive Vice President for Corporate Affairs and Communications.

Ms. Fairbairn had sent the name and resume to Mr. Schick because she thought that is where Ms. Lewinsky might fit in, and he interviewed Ms. Lewinsky on December 23 in Washington. He decided after this interview not to hire Ms. Lewinsky because she was—he felt she was lacking in experience and he also thought that American Express was probably not the right kind of company for her, given what she had told him she was interested in at the interview, and that she probably would be better off going to a public relations firm.

The decision not to hire, he told the FBI, was entirely his own. He felt no pressure to either hire or not hire Ms. Lewinsky and never talked to Mr. Jordan at any time during this process. Once again, quid pro quo? No.

The second company—actually two companies. It is Young & Rubicam and Burson-Marsteller. Mr. Jordan called Peter Georgescu, the chairman and CEO of Young & Rubicam, the large New York advertising agency. Mr. Jordan had no formal connection with the company, but he had been a friend of Mr. Georgescu's for over 20 years.

Mr. Georgescu was interviewed by investigators of the Office of Independent Counsel and said that sometime in December 1997, Mr. Jordan had telephoned

him and had asked him to take a look at a young person from the White House for possible work in the New York area.

Mr. Georgescu had responded, ''We'll take a look at her in the usual way.'' And he stated that that was a kind of a code between him and Mr. Jordan, and it meant that if there was an opening for which she was qualified, she would be interviewed and hired, but there would be no special treatment. He testified that Mr. Jordan understood that, and he also said that Mr. Jordan did not engage in any kind of sales pitch about Lewinsky.

Mr. Georgescu said that he then initiated an interview on behalf of Ms. Lewinsky, but his own involvement was arm's length, and that she succeeded or failed totally on her own merits.

He recalled that Mr. Jordan had made another similar request on a previous occasion, and he said that he and Mr. Jordan frequently exchanged opinions about people in the advertising business on an informal basis.

As a result of this telephone call, Ms. Lewinsky was interviewed by another person, a Ms. Celia Berk, who was the managing director of human resources at Burson-Marsteller, a public relations firm that was a division of Young & Rubicam. According to Ms. Berk, this interview was handled ''by the book,'' and while Ms. Lewinsky's interviews were a little bit accelerated, they went through the normal steps.

Ms. Berk testified that nobody put any pressure on her. She said that while both she and the director of corporate practice at Burson-Marsteller, Erin Mills, and another corporate practice associate, Ziad Toubassy, had all liked Ms. Lewinsky and felt she was well qualified, the chairman of the corporate practice group, Mr. Gus Weill had decided not to hire Lewinsky.

Ms. Mills testified that the procedure under which Ms. Lewinsky was considered involved nothing out of the ordinary. Not a single one of these witnesses testified there was any urgency connected with Mr. Jordan's request.

Ms. Mills also told the FBI that despite the fact that Ms. Lewinsky had been referred by the chairman of Young & Rubicam, their consideration of her was entirely objective. She thought that Ms. Lewinsky was poised and qualified for an entry-level position, but Mr. Weill decided to take a pass. Once again, quid pro quo? No.

Mr. Jordan was a member of the board of directors of Revlon, a company wholly owned by MacAndrews & Forbes Holding company, and Mr. Jordan's law firm had done legal work for both of these companies.

The corporate structure here is complicated, but I will be talking basically about two firms: Revlon—I think we all know what Revlon does—and its parent company, MacAndrews & Forbes Holding.

Mr. Jordan telephoned his old friend, Mr. Richard Halperin, at the holding company on December 11 and said that he had an interviewee or he had an applicant that he wanted to recommend, and he gave Mr. Halperin some information about her. Mr. Halperin testified to the grand jury that it wasn't unusual for Mr. Jordan to call him with an employment recommendation. He had done so at least three other times that Mr. Halperin could recall.

On this occasion, Mr. Jordan told Mr. Halperin on the telephone that Ms. Lewinsky was bright, energetic, enthusiastic, and he encouraged Mr. Halperin to meet with her. Mr. Halperin didn't think there was anything unusual about Mr. Jordan's request, and he testified that in the telephone call Mr. Jordan did not ask him to consider Ms. Lewinsky on any particular timetable, no acceleration of any kind. Indeed, far from there being some heightened sense of urgency, Mr. Halperin explicitly told the FBI that there was no implied time constraint or requirement for fast action.

Ms. Lewinsky came up to New York City and she interviewed with Mr. Halperin on December 18, 1997. Mr. Halperin described her as follows: As a ''typical young, capable, enthusiastic Washington, DC-type individual.'' I don't know if that is pejorative or not——

(Laughter.)

Who described her primary interest as being in public relations. He and Ms. Lewinsky talked about the various companies that MacAndrews & Forbes controlled, and Ms. Lewinsky identified Revlon as a company that she would like to be considered at, and Mr. Halperin decided to send her there for an interview.

Mr. Halperin sent her resume to another person at the holding company—not at Revlon, at the holding company—to a Mr. Jaymie Durnan who was a senior vice president there. He got the resume in mid-December, and he decided to interview her in early January.

You have at the holding company two sets of interviews of Ms. Lewinsky going on. When he returned in early January, Mr. Durnan also scheduled an interview. He met with Ms. Lewinsky on January 8. His decision was made entirely independently of Mr. Halperin's decision, and he wasn't even aware Mr. Halperin had seen Ms. Lewinsky when he met with her on January 8.

Mr. Durnan met with Ms. Lewinsky in the morning and he thought—now there is his view and you are going to get two views of this interview—Mr. Durnan thought she was an impressive applicant for entry-level work. He was impressed with her, particularly by her work experience at the Pentagon, he told the FBI. He felt she would fit in with the parent company, but there were not any openings there.

Based upon what she had said her interests were, he decided to send her resume over to Revlon, because he thought it matched up well with her interests. He sent the resume over, and he left a message—and now we are going to come to a Revlon person—he left a message with Ms. Allyn Seidman, who was the senior vice president of corporate communications at Revlon.

Now cut to Ms. Lewinsky. Ms. Lewinsky had had a very good interview with Mr. Halperin, both she and Mr. Halperin thought. However, for reasons the record doesn't make clear, Ms. Lewinsky's impression of the Durnan interview was dismal. She thought the interview had not gone well. She thought it had gone poorly. She described herself as being upset and distressed. She had no idea of his positive reaction to her. And this is not just a late analysis. He had already sent the resume. He sent the resume over to Revlon immediately after their interview. But in any event, Ms. Lewinsky was afraid it had gone poorly, that she had embarrassed Mr. Jordan. So she called up Mr. Jordan.

And on that same day—later—January 8, Mr. Jordan spoke, by telephone, to the CEO of MacAndrews & Forbes, his friend, Mr. Ronald Perelman. He mentioned to Mr. Perelman that Ms. Lewinsky had interviewed at MacAndrews & Forbes, but he made no specific request and he did not ask Mr. Perelman to specifically intervene in any way.

Now, later that day—and I know this is complicated—Mr. Durnan happened to speak—Mr. Durnan is the second interviewer that Ms. Lewinsky happened to speak to—happened to speak to Mr. Perelman, and Perelman mentioned he had a call from Mr. Jordan about a job candidate. Perelman then said to Durnan, ''Let's see what we can do.'' And Durnan indicated he already, on his own initiative, had been working on this, had talked to Ms. Lewinsky, had sent her resume over to Revlon.

Mr. Perelman, later that day, phoned Mr. Jordan back to say everything is all right, she appeared to be doing a good job, the resume was over at Revlon. Mr. Jordan expressed no urgency, no time constraints. Mr. Perelman didn't say anything out of the ordinary had happened, because it had not.

Now, later that same day, after speaking to Mr. Perelman, Mr. Durnan phoned Ms. Seidman at Revlon, and sent the resume over earlier in the day. He didn't say that Mr. Perelman had mentioned Ms. Lewinsky to him. He simply said to Ms. Seidman: Look, I sent you a resume. I have met with the young woman. If you think she is good, you should hire her.

According to Mr. Durnan, Mr. Perelman never said or implied that Ms. Lewinsky had to be hired. And indeed, Mr. Durnan had already interviewed her and formed a positive impression. According to Ms. Seidman, who is at Revlon, Mr. Durnan gave her a similar account that he gave to the grand jury. He said she ought to interview Ms. Lewinsky, make her own decision, hire her if she thought she was a good candidate only.

The record is crystal clear that Ms. Seidman over at Revlon had no knowledge that Mr. Perelman had ever spoken to anyone about Ms. Lewinsky. Ms. Seidman testified that she made an independent assessment of Ms. Lewinsky. She interviewed her the next day. She told the grand jury that she found Ms. Lewinsky to be ''a talented, enthusiastic, bright young woman who was very eager. I liked that in my department.''

At the conclusion of the interview, she intended to make an offer to Ms. Lewinsky, but it was contingent on the opinion of two other people—a Ms. Jenna Sheldon, who is the manager of human resources at Revlon, and Ms. Nancy Risdon, who is the manager of public relations for corporate affairs. Ms. Seidman testified that after they both interviewed Ms. Lewinsky, Ms. Risdon told her that she found her very impressive, and Ms. Sheldon had also been very impressed. Ms. Risdon told the FBI that she had been impressed with Ms. Lewinsky who, although she had no public relations experience, was ''bright and articulate.'' On the basis of all this, Ms. Seidman decided to offer Ms. Lewinsky an entry-level job as public relations administrator. The offer was made, and Ms. Lewinsky accepted. And, I repeat, the record evidence is uncontradicted that the fix was not on at all in this process.

This was the third company Ms. Lewinsky had interviewed with, and on this series of interviews she was successful. Nobody in any of these companies suggested there was any quid pro quo link. The only person—the only person—in this record who talked about trying to have Ms. Lewinsky use signing of the affidavit as leverage to get a job was none other than Linda Tripp, that paragon of fateful friendship.

On the audiotapes, it is Ms. Tripp who frequently urges Ms. Lewinsky not to sign an affidavit until she has a job in New York. It is not clear if Ms. Tripp knew about the UN job that Ms. Lewinsky had. She—on the audiotape, Ms. Lewinsky sometimes professes agreement with Ms. Tripp's advice, saying she will not sign an affidavit until she has a job. But, as Ms. Lewinsky testified to the grand jury—and, again, Ms. Lewinsky is testifying under the threat of perjury, which will blow away her immunity agreement—she was lying to Ms. Tripp when she said she would wait to sign the affidavit until she got a job.

As Ms. Lewinsky testified to the grand jury, her statement to Ms. Tripp about Mr. Jordan assisting her in a quid pro quo sense was not true. She said it only because Ms. Tripp was insisting that she promise her not to do this. But, in fact, the affidavit was already signed when Ms. Lewinsky made that promise. Once again, quid pro quo? No. That is some of the direct evidence.

Now, let's look at the circumstantial evidence, the alleged circumstantial evidence. The quid pro quo theory rests on assumptions about why things happened and, on the facts, about when things happened. The former requires logic, but the second is a matter of fact.

I mentioned previously that article II of the subpart (4) here uses the word ''intensified.'' It didn't say that the job search began as an effort to silence Ms. Lewinsky. It only says that it ''intensified'' as a result of that process.

The original charge made by the independent counsel—and it is there in the independent counsel's referral at page 181—was an allegation that the President helped Ms. Lewinsky obtain a job in New York at a time when she would have been a witness against him. However, the House committee looked at the evidence I think in the five volumes and, even though they have not referred to it here very much, decided that that theory would not get off the runway. So they revised their claim and gave us a kind of wimpified version, alleging not initiation but intensification.

Now, under the right circumstances, it is plain that helping somebody find a job is a perfectly acceptable thing to do. There is nothing wrong with it. Mr. Manager HUTCHINSON told you that—and I quote here—''There is nothing wrong with helping somebody get a job. But we all know there is one thing forbidden in public office: we must avoid quid pro quo, which is: This for that.''

Now, he went on to assert that the President's conduct ''crossed the line,'' as he put it, when the job search assistance became ''tied and interconnected''—those are his words—with the President's desire to get a false affidavit. And then he went on to say, ''You will see''—that is a prediction that Mr. Manager HUTCHINSON made to you—''You will see that they are totally interconnected, intertwined, interrelated; and that is where the line has crossed into obstruction.''

Now, Mr. Manager HUTCHINSON pointed to a critical event for their quid pro quo theory, and that is the entry on December 11, 1997, by Judge Wright, the judge in the Paula Jones case, of an order pertaining to discovery in the Paula Jones case. This is the critical event, according to the managers. But let's look closely at this so-called ''critical event'' because it's the only claim—only factual claim—the managers make of some causal relationship between the job search and the Jones case. And that claim is dead wrong; and it is demonstrably dead wrong.

The managers have argued that what brought Mr. Jordan into action to help Ms. Lewinsky find a job, what really jump-started the process, was Judge Wright's December 11 order. And that order concerned discovery of relationships the President had—allegedly had—during the search period of time with women who were State or Federal employees.

In the House, Chief Counsel Schippers powerfully made the point about how important this December 11 order was. ''. . . why the sudden interest,'' he asked, ''why the total change in focus and effort? Nobody but Betty Currie really cared about helping Ms. Lewinsky throughout November, even after the President learned that her name was on the prospective witness list. Did something happen [that moved] the job search from a low to a high priority on that day?

Oh, yes, something happened. On the morning of December 11, 1997, Judge Susan Webber Wright ordered that Paula Jones was entitled to information regarding'' these other women.

Now, Mr. Manager HUTCHINSON, again, emphasized the impact of this December 11 order was dramatic. He stood here and told you that the President's attitude suddenly changed, and what started out as a favor for Betty Currie in finding Ms. Lewinsky a job dramatically changed into something sinister after Ms. Lewinsky became a witness.

> And so what triggers [this is Manager HUTCHINSON]—let's look at the chain of events: The judge—the witness list came in, the judge's order came in, that triggered the President into action and the President triggered Vernon Jordan into action. That chain reaction here is what moved the job search along . . . remember what else happened on that [December 11] again. That was the same day that Judge Wright ruled that the questions about other relationships could be asked by the Jones attorneys.

Mr. Manager HUTCHINSON presented in his very polished and able presentation a chart. It was exhibit 1. I have taken the liberty of borrowing it for our own purposes. You see the key is outlined in detail what happened on December 11. The very first item is that ''Judge Susan Webber issues order allowing testimony on Lewinsky.'' The second meeting between Lewinsky and Jordan, ''leads provided/recommendation calls placed,'' and then, later, the ''President and Jordan talk about a job for Lewinsky.''

Well, that is what the chart says. But when you look at the uncontested facts, this isn't even smoke and mirrors. It is worse.

First of all, Ms. Lewinsky entered Mr. Jordan's building for their meeting at 12:57 on December 11. As we see here from the chart, the entry chart of Mr. Jordan's law firm, Ms. Lewinsky's name is misspelled, and she identified this as her entry into the law firm. But this did not spring from, magically, the entry of the judge's order. It was scheduled 3 days earlier, on December 8. And even that telephone call was pursuant to an agreement made between Ms. Lewinsky and Mr. Jordan two weekends before then. It had nothing, whatever, to do with the judge's order.

Indeed, after her first meeting with Mr. Jordan on November 5, Ms. Lewinsky testified that she had a follow-up conversation by telephone with Mr. Jordan around Thanksgiving, and he advised her he was working on the job search as he had time for it. He asked her to call him back in early December. Mr. Jordan testified he was

out of the country from the day after Thanksgiving until December 4. He also testified that on December 5—this is before the witness list—Ms. Currie called and reminded him that Ms. Lewinsky was expecting his call. He asked Ms. Currie to have Ms. Lewinsky call him. She does so on December 8 and they agreed to meet at Mr. Jordan's office on December 11.

So this meeting, this sinister meeting, was arranged by three people who had no knowledge whatever about the Paula Jones witness list at the time they acted. Now, Ms. Lewinsky herself was also out of Washington for most of the period from Thanksgiving to December 4, first in Los Angeles and then overseas.

Inexplicably, but I think significantly, because it says something about the strength of the case, the House managers ignore this key piece of testimony that when the meeting was set up it is uncontradicted. The point is that the contact between Mr. Jordan and Ms. Lewinsky resumed in December not because of something having to do with the order, but because they had agreed it would. The gap is attributable—the gap in timing—to Mr. Jordan's travel schedule.

Now, let's look at when this discovery order was entered. It was, in fact, entered late in the day of December 11 after the conclusion of a conference call among all the counsel in the Paula Jones case. We have here on the chart a blowup of the clerk's minutes.

Now, it is a great accommodation to lawyers when in a case a judge will have conference telephone calls because it means you don't have to travel to a different city. There were a number of these held in the Jones case. This was a conference call that began, as the clerk's minutes indicate, at 5:33 p.m. Little Rock time, in the afternoon. That would be 6:33 in Washington, DC. It ended at 6:50 p.m. in Little Rock, or 7:50 in Washington, DC.

Now, quite late in the conference call Judge Wright took up other matters and advised counsel that an order on the plaintiff's motion to compel testimony had been filed and Barry—Barry Ward, the judge's clerk—will fax a copy of the order on that motion to compel counsel. So, some time after 7:50 p.m. counsel get the witness list. Notice that this proceeding is so late in the day, I don't know if you can see it, but when the clerk's minutes are filed, they are filed not on December 11, but on December 12.

Finally, while we don't even have evidence of a telephone call between the President and Mr. Jordan—we are back now to Mr. Manager HUTCHINSON's chart No. 1—we don't have any evidence that the President, in fact, ever placed a call to Mr. Jordan on this date. The President was out of the city. But if the call occurred, it must have occurred by 5:55 p.m.

Now, let's, again, look at this chart. December 11 is so important that the managers have put it on the chart twice. It is the only date on the chart that appears twice. ''The President and Jordan talk about a job for Lewinsky.'' Clearly what they are telling you is that first you get the order. That energizes, that jump starts the process, and then the President talks to Vernon Jordan. As I said, if a call occurred on that day, the earliest you could have had any knowledge of the order would have been 7:50 p.m.

There is a problem, though, when you think that maybe the President and Vernon Jordan talked on this date, even if we don't have evidence of it. And the problem is that at 7:50 p.m., Mr. Vernon Jordan was high over the Atlantic Ocean in an airplane. He was on his way to Amsterdam. He testified that ''I left on United Flight 946 at 5:55 from Dulles Airport.'' That is where Mr. Jordan was on the evening of December 11. He had taken off even before the conference call.

This makes no sense. The managers' theory just makes no sense. His meeting with Ms. Lewinsky and his calls on her behalf had taken place earlier in the day. The President could not have spoken to him about the entry of Judge Wright's discovery order. The entry of that order had nothing whatever to do with Mr. Jordan's assistance to Ms. Lewinsky. This claim of a causal relation totally collapses when you look a the evidence.

Now, the charts purporting to show causation are also riddled with error. I only want to show a few of them. Again, we borrowed the chart from Mr. Manager HUTCHINSON, his chart No. 7. Now he showed you this chart and it purports to be an account of what happened on January 5, 1998. You see how the President and Ms. Lewinsky appear to be conferring about the affidavit that she is going to be filing in the Jones case. But when you look at the real facts, the chart becomes a fiction.

Mr. Manager HUTCHINSON told you:

> Let's go to January 5th. This is a sort of summary of what happened on that day.
>
> Ms. Lewinsky meets with her attorney, Mr. Carter, for an hour. Carter drafts the affidavit for Ms. Lewinsky just a few minutes later . . .

And Mr. Manager HUTCHINSON continued:

> Frank Carter drafts the affidavit. She is so concerned about it, she calls the President. The President returns Ms. Lewinsky's phone call.

Now, the suggestion here—and this is our old circumstantial evidence problem—the suggestion from this fact pattern is that Ms. Lewinsky obtained a draft affidavit from her lawyer, Mr. Carter, on January 5, and then in a call with the President later that day she offered it to him for his review.

Possible? Yes. True? No. The facts here simply do not bear out this chart. Why is that? Well, it is because Mr. Carter's grand jury testimony is very clear that he drafted the affidavit on the morning of January 6, and he even billed for it on that morning. He did not draft it, and Ms. Lewinsky did not have it, on January 5. There is no causation here, no linkage. The theory on this chart doesn't stand up, and if I may take something else from the House managers—not simply their chart, but to borrow Mr. Manager BRYANT's expression, ''that dog won't hunt.''

Ms. Lewinsky could not have offered to show the President a draft affidavit she herself could not have had on January 5. The idea that the telephone call on that day is about that affidavit is sheer, unsupported speculation and, even worse, it is speculation demolished by fact.

Let's kick the tires of another exhibit. Chart No. 8, which was shown to you by Mr. Manager HUTCHINSON, purports to describe the events of January 6. Again, it sets forth a chain of events which makes it look as though Mr. Jordan was himself intimately involved in drafting Ms. Lewinsky's affidavit. Mr. Manager HUTCHINSON told you when he showed you this chart—and I want to quote his exact words:

> The next exhibit is January 6. On this particular day, Ms. Lewinsky picks up the draft affidavit. At 2:08 to 2:10 p.m., she delivers that affidavit. To whom? Mr. Jordan. . . . At 3:48, he telephones Ms. Lewinsky about the draft affidavit, and at 3:49—you will see in red—both agree to delete a portion of the affidavit that created some implication that maybe she had been alone with the President.
>
> So Mr. Jordan was very involved in the drafting of the affidavit and the contents of that.

That is the theory proposed by the chart. That is the hypothesis they offer on the basis of the circumstantial evidence. But there are problems that absolutely destroy that because when we look beyond the suggestive juxtaposition and consider material overlooked by the managers, a very different picture emerges.

The key ''fact'' that chart 8 tries to establish is the statement that at 3:49 Mr. Jordan telephoned Ms. Lewinsky to discuss the draft affidavit, and they allegedly agreed ''to delete an implication that she had been alone with the President.''

There is a very serious difficulty with this ''theory.'' The chart blithely states that ''both agree[d] to delete [the] implications that she had been alone with the President.'' But that is not what evidence shows.

Ms. Lewinsky testified that she spoke to Mr. Jordan because she had concerns about the draft affidavit. According to her testimony, when asked whether Mr. Jordan agreed with what were clearly Ms. Lewinsky's ideas about changes in the affidavit, Ms. Lewinsky said, ''Yes, I believe so.''

Now, Mr. Jordan recalled the conversation in which Ms. Lewinsky raised the subject of her draft affidavit. He remembered her saying that she ''had some questions about the draft of the affidavit.'' But his testimony was emphatic that he was ''not interested in the details,'' that the ''problems she had with what had been drafted for her

signature [were] for her to work out with her counsel,'' and that ''you [Ms. Lewinsky] have to talk to your lawyer about it.'' And Ms. Lewinsky did talk to her lawyer about it.

The record is perfectly clear about that. Indeed, it could not be clearer, although you would not know this from chart 8, that the idea of deleting the reference to her being alone with the President came from her own lawyer, Mr. Carter. He testified to the grand jury—this is the lawyer who actually drafted the affidavit. He was referring to a passage about Ms. Lewinsky being alone with the President and he said:

Paragraph 6 has in its [draft] form as the last part of the last sentence ''and would not have been a 'private meeting, that is not behind closed doors'. . . .''

According to Mr. Carter:

This paragraph was modified when we sat down in my office [on January 7], the day after the events described on chart 8.

Mr. Carter further testified that ''before the meeting on the 7th, it was my opinion that I did not want to give Paula Jones' attorney any kind of a hint of a one-on-one meeting. What I told Monica was, ''If they ask you about it, you will tell them about it. But I'm not putting it in the affidavit. I am not going to give them that lead to go after in the affidavit, because my objective is not to have you be deposed.''

It is clearly Mr. Carter who deleted the reference to being alone with the President. The bottom line is that the insinuations on that chart just don't survive scrutiny.

I want to say a final thing about all the charts involving circumstantial evidence. You remember how many telephone calls were up on these charts. I am going to let you in on a little secret—a secret that a lot of you who are lawyers know. It is pretty easy to get telephone call records and to identify telephone calls. But it is a common trick to put them up, even though you don't know what is going on in the telephone calls, and ask people to assume some insidious relationship between events and the telephone call. No matter how many telephone calls are listed on the chart, you don't know, without testimony, what was happening in that phone call, unless the mere existence—and there are cases where the mere existence of a phone call is probative, but not in these cases. Here they are trying to weave a web, and no particular call is of significant importance.

The incontroverted evidence shows that, in fact, Mr. Jordan spoke to the President on many, many, many occasions. He was a friend; he has been a friend of the President since 1973, and a call between them was a common occurrence. When asked in the grand jury if Mr. Jordan believed that the pattern of telephone calls to the President was ''striking,'' Mr. Jordan replied, ''It depends on your point of view. I talk to the President of the United States all the time, and so it's not striking to me.''

Mr. Jordan also testified that he never had a telephone conversation with the President in which Ms. Lewinsky was the only topic.

The House managers ask you to believe, simply on faith, that if two things happen on the same day, they are related. This relation may be logical, but it is not necessarily factual. I just want to make this point with a couple of telephone calls. Take Mr. Manager HUTCHINSON's chart for January 17, 1998, the day of the President's deposition in the Jones case.

This chart suggests that there are two calls between Mr. Jordan and the President after the President had concluded his deposition. One call is at 5:38, and the other is at 7:02. The chart does not tell you several important things. First, these two calls each lasted 2 minutes. Second, and more significantly, Mr. Jordan testified to the grand jury as to both telephone conversations:

On Saturday, the 17th, in the two conversations I had with the President of the United States, we did not talk about Monica Lewinsky or his testimony in the deposition.

Mr. Jordan was asked:

Or [about] the questions asked of him in the deposition?

And he replied:

That is correct.

In another exchange, the prosecutors asked Mr. Jordan:

Did the President ever indicate to you [in the January 17 telephone conversations] that Monica Lewinsky was one of the topics that had come up?

Jordan replied:

He did not.

The prosecutors asked:

Did the President ever indicate to you [in these two conversations] that your name had come up in the deposition as it related to Monica Lewinsky?

And Mr. Jordan answered:

He did not.

The managers, in the absence of evidence that anyone endeavored to obtain Ms. Lewinsky a job in exchange for her silence, indeed, in the face of direct testimony of all of those involved that this did not happen, ask you to simply speculate. They ask you to speculate that since they have thrown a lot of telephone calls up there, they must have some sinister meaning. And they ask you to speculate that a lot of those phone calls must have been about Ms. Lewinsky, and they ask you to speculate further that in one of those unidentified, unknown phone calls, somebody must have said, ''Let's get Ms. Lewinsky a job in exchange for her silence.''

There is no evidence for that. It is not there. It is just a theory.

With regard to all this evidence about the job search, when you look at these dates, when you have the right chronology in mind, and when you look at the relevant and uncontested facts, these facts are there; they don't have to be discovered: There is no, no evidence of wrongdoing of any kind in connection with Ms. Lewinsky's job search effort in New York City. This is not a case of the managers' presentation resting on even circumstantial as opposed to direct evidence. They don't even have circumstantial evidence here. All they have is a theory about what happened, which isn't based on any evidence either direct or circumstantial.

Nothing in this evidence is really contested when you get right down to it; strictly as a matter of who said what to whom when. When lawyers ask you to ''keep your eye on the big picture,'' when they ask you, ''don't lose the forest for the trees,'' or ''don't get lost in the details,'' that is usually because the details—the stubborn facts—refute and contradict the big picture.

So it is here. You can keep adding zero to zero to zero for a very long time, and indeed forever, and you will still have zero. The big picture here just doesn't exist. And no matter how many times the House managers keep making the assertion, there is just no evidence of any kind.

I realize that it has taken us a good bit of time and painstaking—perhaps even painful—attention for each one of you to walk through these facts in a lawyerly manner. I am also keenly aware of the old saying that when all is said and done with a lawyer, there is more said than done. But we needed to take a look carefully and specifically at this evidentiary material with regard to these five grounds in the same way that Ms. Mills took you through very specifically yesterday with regard to the other two grounds to try and dispel the popular misconception that we were either unwilling or unable to rebut the facts. We have rebutted the facts.

The simple fact is that there is no evidence indirectly to support the allegation that the President obstructed justice in his December 17 telephone call with Ms. Lewinsky in his statements to his aides, in his statements to Betty Currie with relation to gifts, or the job search. It sometimes has been claimed by the managers that we have adopted a ''so what'' defense trying to take lightly or to justify the improper actions that are at the root of this case. Well, Senators, with all respect, that argument is easy to assert, but it is false, a straw man asserted, only to be knocked down.

We have tried in our presentations the last few days and today to treat the evidence in a fair and a candid and a realistic way about the facts as the record reveals them. We have tried to show you that the core charges of obstruction of justice and perjury cannot be proven. We are not saying that the alleged conduct doesn't matter. We are saying that perjury didn't occur, and obstruction of justice didn't happen.

We haven't tried to sugar-coat or excuse conduct that is wrong. I think that Mr. Manager BUYER used the right phrase when he referred to ''self-inflicted wounds.'' There is no doubt that

there are self-inflicted wounds here, wounds that are very real and very painful and very troubling. There is just no question about that. The question before you is whether these self-inflicted wounds rise to such a level of lawless and unconstitutional conduct that they leave you no alternative, no choice but to assume the awesome responsibility for reversing the results of two national elections.

On that question, what the situation demands is not eloquence, which the very able managers have in abundance, but rather a relentless focus on the facts, the law, and the Constitution, all of which are on the side of the President.

It is a great honor for me to stand here. This body has been called ''the anchor of the Republic.'' And it is that constitutional ability, that political sanity, that is needed now. There is a story, which is perhaps apocryphal, that when Thomas Jefferson returned from France where he served as Ambassador while his colleagues were writing the Constitution, that he met with George Washington, and he asked Washington why they had found it necessary to create the Senate. Washington is said to have silently removed the saucer from his teacup and poured the tea into the saucer and told Jefferson that like the act he had just performed, the Senate would be designed to cool the passion of the moment. Historically, this place has been really a haven of sanity, balance, wisdom in debating controversial issues which have been passionately felt, with candor, with courage, and civility.

So once again, I think it is your responsibility and yours alone, committed to you by the Constitution, to make a very somber judgment. The President has spoken powerfully and personally of his remorse for what he has done.

Others have pointed out the poisonous partisanship that led the other body to argue for impeachment on the most narrowly partisan vote in its history.

I think that the bipartisan manner, however, in which you have conducted this impeachment trial is a welcome change from the events of the last year.

We ask only that you give this case and give this country constitutional stability and the political sanity which this country deserves. The President did not commit perjury. He did not obstruct justice, and there are no grounds to remove him from office.

Thank you.

RECESS

The CHIEF JUSTICE. The Chair recognizes the majority leader.

Mr. LOTT. Mr. Chief Justice, I ask unanimous consent that we recess the proceedings for 15 minutes, but that Senators be prepared to resume at 5 minutes after 4, because we have to hear the eloquence of one of our former colleagues.

There being no objection, at 3:49 p.m., the Senate recessed until 4:10 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. Thank you, Mr. Chief Justice. I believe the Senate is prepared now to hear the final presentation to be made by White House counsel, and at the conclusion of that, I will have a brief wrapup, a statement to make about how we hope to proceed on Friday and generally on Saturday. I will do that at the close of this presentation. I yield the floor, Mr. Chief Justice.

The CHIEF JUSTICE. The Chair recognizes Mr. Counsel Bumpers to continue the presentation in the case of the President.

Mr. Counsel BUMPERS. Mr. Chief Justice, my distinguished House managers from the House of Representatives, colleagues, I have seen the look of disappointment on many faces, because I know a lot of people really thought they would be rid of me once and for all. (Laughter.)

I have taken a lot of ribbing this afternoon. But I have seriously negotiated with some people, particularly on this side, about an offer to walk out and not deliver this speech in exchange for a few votes. (Laughter.)

I understand three have it under active consideration. (Laughter.)

It is a great joy to see you, and it is especially pleasant to see an audience which represents about the size of the cumulative audience I had over a period of 24 years. (Laughter.)

I came here today for a lot of reasons. One was that I was promised a 40-foot cord. I have been shorted 28 feet. CHRIS DODD said he didn't want me in his lap. I assume he arranged for the cord to be shortened.

I want to especially thank some of you for your kind comments in the press when it received some publicity that I would be here to close the debate on behalf of the White House counsel and the President.

I was a little dismayed by Senator BENNETT's remark. He said, ''Yes, Senator Bumpers is a great speaker, but he was never persuasive with me because I never agreed with him.'' (Laughter.)

I thought he could have done better than that. (Laughter.)

You can take some comfort, colleagues, in the fact that I am not being paid, and when I finish, you will probably think the White House got their money's worth. (Laughter.)

I have told audiences that over 24 years, I went home almost every weekend and returned usually about dusk on Sunday evening. And you know the plane ride into National Airport, when you can see the magnificent Washington Monument and this building from the window of the airplane—I have told these students at the university, a small liberal arts school at home, Hendrix—after 24 years of that, literally hundreds of times, I never failed to get goose bumps.

The same thing is true about this Chamber. I can still remember as though it was yesterday the awe I felt when I first stepped into this magnificent Chamber so full of history, so beautiful. And last Tuesday, as I returned, after only a short 3-week absence, I still felt that same sense of awe that I did the first time I walked in this Chamber.

Colleagues, I come here with some sense of reluctance. The President and I have been close friends for 25 years. We fought so many battles back home together in our beloved Arkansas. We tried mightily all of my years as Governor and his, and all of my years in the Senate when he was Governor, to raise the living standard in the delta area of Mississippi, Arkansas and Louisiana, where poverty is unspeakable, with some measure of success; not nearly enough.

We tried to provide health care for the lesser among us, for those who are well off enough they can't get on welfare, but not making enough to buy health insurance. We have fought about everything else to improve the educational standards for a State that for so many years was at the bottom of the list, or near the bottom of the list, of income, and we have stood side by side to save beautiful pristine areas in our State from environmental degradation.

We even crashed a twin engine Beech Bonanza trying to get to the Gillett coon supper, a political event that one misses at his own risk. We crashed this plane on a snowy evening at a rural airport off the runway sailing out across the snow, jumped out—jumped out—and ran away unscathed, to the dismay of every politician in Arkansas. (Laughter.)

The President and I have been together hundreds of times at parades, dedications, political events, social events, and in all of those years and all of those hundreds of times we have been together, both in public and in private, I have never one time seen the President conduct himself in a way that did not reflect the highest credit on him, his family, his State and his beloved Nation.

The reason I came here today with some reluctance—please don't misconstrue that, it has nothing to do with my feelings about the President, as I have already said—but it is because we are from the same State, and we are long friends. I know that necessarily diminishes to some extent the effectiveness of my words. So if Bill Clinton, the man, Bill Clinton, the friend, were the issue here, I am quite sure I would not be doing this. But it is the weight of history on all of us, and it is my reverence for that great document—you have heard me rail about it for 24 years—that we call our Constitution, the most sacred document to me next to the Holy Bible.

These proceedings go right to the heart of our Constitution where it deals with impeachment, the part that

provides the gravest punishment for just about anybody—the President—even though the framers said we are putting this in to protect the public, not to punish the President.

Ah, colleagues, you have such an awesome responsibility. My good friend, the senior Senator from New York, has said it well. He says a decision to convict holds the potential for destabilizing the Office of the Presidency. And those 400 historians—and I know some have made light about those historians, are they just friends of Bill?

Last evening, I went over that list of historians, many of whom I know, among them C. Vann Woodward. In the South we love him. He is the preeminent southern historian in the Nation. I promise you—he may be a Democrat, he may even be a friend of the President, but when you talk about integrity, he is the walking personification, exemplification of integrity.

Well, colleagues, I have heard so many adjectives to describe this gallery and these proceedings—historic, memorable, unprecedented, awesome. All of those words, all of those descriptions are apt. And to those, I would add the word ''dangerous,'' dangerous not only for the reasons I just stated, but because it is dangerous to the political process. And it is dangerous to the unique mix of pure democracy and republican government Madison and his colleagues so brilliantly crafted and which has sustained us for 210 years.

Mr. Chief Justice, this is what we lawyers call ''dicta''—this costs you nothing. It is extra. But the more I study that document, and those 4 months at Philadelphia in 1787, the more awed I am. And you know what Madison did—the brilliance was in its simplicity—he simply said: Man's nature is to get other people to dance to their tune. Man's nature is to abuse his fellow man sometimes. And he said: The way to make sure that the majorities don't abuse the minorities, and the way to make sure that the bullies don't run over the weaklings, is to provide the same rights for everybody. And I had to think about that a long time before I delivered my first lecture at the University of Arkansas last week. And it made so much sense to me.

But the danger, as I say, is to the political process, and dangerous for reasons feared by the framers about legislative control of the Executive. That single issue and how to deal with impeachment was debated off and on for the entire 4 months of the Constitutional Convention. But the word ''dangerous'' is not mine. It is Alexander Hamilton's—brilliant, good-looking guy—Mr. Ruff quoted extensively on Tuesday afternoon in his brilliant statement here. He quoted Alexander Hamilton precisely, and it is a little arcane. It isn't easy to understand.

So if I may, at the expense of being slightly repetitious, let me paraphrase what Hamilton said. He said: The Senate had a unique role in participating with the executive branch in appointments; and, two, it had a role—it had a role—in participating with the executive in the character of a court for the trial of impeachments. But he said—and I must say this; and you all know it—he said it would be difficult to get a, what he called, well-constituted court from wholly elected Members. He said: Passions would agitate the whole community and divide it between those who were friendly and those who had inimical interests to the accused; namely, the President. Then he said—and these are his words: The greatest danger was that the decision would be based on the comparative strength of the parties rather than the innocence or guilt of the President.

You have a solemn oath, you have taken a solemn oath, to be fair and impartial. I know you all. I know you as friends, and I know you as honorable men. And I am perfectly satisfied to put that in your hands, under your oath.

This is the only caustic thing I will say in these remarks this afternoon, but the question is, How do we come to be here? We are here because of a 5-year, relentless, unending investigation of the President, $50 million, hundreds of FBI agents fanning across the Nation, examining in detail the microscopic lives of people—maybe the most intense investigation not only of a President, but of anybody ever.

I feel strongly about this because of my State and what we have endured. So you will have to excuse me, but that investigation has also shown that the judicial system in this country can and does get out of kilter unless it is controlled. Because there are innocent people—innocent people—who have been financially and mentally bankrupt.

One woman told me 2 years ago that her legal fees were $95,000. She said, ''I don't have $95,000. And the only asset I have is the equity in my home, which just happens to correspond to my legal fees of $95,000.'' And she said, ''The only thing I can think of to do is to deed my home.'' This woman was innocent, never charged, testified before a grand jury a number of times. And since that time she has accumulated an additional $200,000 in attorney fees.

Javert's pursuit of Jean Valjean in Les Miserables pales by comparison. I doubt there are few people—maybe nobody in this body—who could withstand such scrutiny. And in this case those summoned were terrified, not because of their guilt, but because they felt guilt or innocence was not really relevant. But after all of those years, and $50 million of Whitewater, Travelgate, Filegate—you name it—nothing, nothing. The President was found guilty of nothing—official or personal.

We are here today because the President suffered a terrible moral lapse of marital infidelity—not a breach of the public trust, not a crime against society, the two things Hamilton talked about in Federalist Paper No. 65—I recommend it to you before you vote—but it was a breach of his marriage vows. It was a breach of his family trust. It is a sex scandal. H.L. Mencken one time said, ''When you hear somebody say, 'This is not about money,' it's about money.'' (Laughter)

And when you hear somebody say, ''This is not about sex,'' it's about sex.

You pick your own adjective to describe the President's conduct. Here are some that I would use: indefensible, outrageous, unforgivable, shameless. I promise you the President would not contest any of those or any others.

But there is a human element in this case that has not even been mentioned. That is, the President and Hillary and Chelsea are human beings. This is intended only as a mild criticism of our distinguished friends from the House. But as I listened to the presenters, to the managers, make their opening statements, they were remarkably well prepared and they spoke eloquently—more eloquently than I really had hoped.

But when I talk about the human element, I talk about what I thought was, on occasion, an unnecessarily harsh, pejorative description of the President. I thought that the language should have been tempered somewhat to acknowledge that he is the President. To say constantly that the President lied about this and lied about that—as I say, I thought that was too much for a family that has already been about as decimated as a family can get. The relationship between husband and wife, father and child, has been incredibly strained, if not destroyed. There has been nothing but sleepless nights, mental agony, for this family, for almost 5 years, day after day, from accusations of having Vince Foster assassinated, on down. It has been bizarre.

I didn't sense any compassion. And perhaps none is deserved. The President has said for all to hear that he misled, he deceived, he did not want to be helpful to the prosecution, and he did all of those things to his family, to his friends, to his staff, to his Cabinet, and to the American people. Why would he do that? Well, he knew this whole affair was about to bring unspeakable embarrassment and humiliation on himself, his wife whom he adored, and a child that he worshipped with every fiber of his body and for whom he would happily have died to spare her or to ameliorate her shame and her grief.

The House managers have said shame, an embarrassment is no excuse for lying. The question about lying—that is your decision. But I can tell you, put yourself in his position—and you have already had this big moral lapse—as to what you would do. We are, none of us, perfect. Sure, you say, he should have thought of all that beforehand. And indeed he should, just as Adam and Eve should have, just as you and you and you and you and millions of other people who have been caught

in similar circumstances should have thought of it before. As I say, none of us is perfect.

I remember, Chaplain—the Chaplain is not here; too bad, he ought to hear this story. This evangelist was holding this great revival meeting and in the close of one of his meetings he said, ''Is there anybody in this audience who has ever known anybody who even comes close to the perfection of our Lord and Savior, Jesus Christ?'' Nothing. He repeated the challenge and, finally, a little-bitty guy in the back held up his hand. ''Are you saying you have known such a person? Stand up.'' He stood up and said, ''Tell us, who was it?'' He said, ''My wife's first husband.''

Make no mistake about it: Removal from office is punishment. It is unbelievable punishment, even though the framers didn't quite see it that way. Again, they said—and it bears repeating over and over again—they said they wanted to protect the people. But I can tell you this: The punishment of removing Bill Clinton from office would pale compared to the punishment he has already inflicted on himself. There is a feeling in this country that somehow or another Bill Clinton has gotten away with something. Mr. Leader, I can tell you, he hasn't gotten away with anything. And the people are saying: ''Please don't protect us from this man.'' Seventy-six percent of us think he is doing a fine job; 65 to 70 percent of us don't want him removed from office.

Some have said we are not respected on the world scene. The truth of the matter is, this Nation has never enjoyed greater prestige in the world than we do right now. I saw Carlos Menem, President of Argentina, a guest here recently, who said to the President, ''Mr. President, the world needs you.'' The war in Bosnia is under control; the President has been as tenacious as anybody could be about Middle East peace; and in Ireland, actual peace; and maybe the Middle East will make it; and he has the Indians and the Pakistanis talking to each other as they have never talked to each other in recent times.

Vaclav Havel said, ''Mr. President, for the enlargement of the North Atlantic Treaty Organization, there is no doubt in my mind that it was your personal leadership that made this historic development possible.'' King Hussein: ''Mr. President, I've had the privilege of being a friend of the United States and Presidents since the late President Eisenhower, and throughout all the years in the past I have kept in touch, but on the subject of peace, the peace we are seeking, I have never, with all due respect and all the affection I held for your predecessors, known someone with your dedication, clear-headedness, focus, and determination to help resolve this issue in the best way possible.''

I have Nelson Mandela and other world leaders who have said similar things in the last 6 months. Our prestige, I promise you, in the world, is as high as it has ever been.

When it comes to the question of perjury, you know, there is perjury and then there is perjury. Let me ask you if you think this is perjury: On November 23, 1997, President Clinton went to Vancouver, BC. And when he returned, Monica Lewinsky was at the White House at some point, and he gave her a carved marble bear. I don't know how big it was. The question before the grand jury, August 6, 1998:

What was the Christmas present or presents that he got for you?

Answer: Everything was packaged in the Big Black Dog or big canvas bag from the Black Dog store in Martha's Vineyard and he got me a marble bear's head carving. Sort of, you know, a little sculpture, I guess you would call, maybe.

Was that the item from Vancouver?

Yes.

Question, on the same day of the same grand jury,

When the President gave you the Vancouver bear on the 28th, did he say anything about what it means?

Answer: Hmm.

Question: Well, what did he say?

Answer: I think he—I believe he said that the bear is the—maybe an Indian symbol for strength—you know, to be strong like a bear.

Question: And did you interpret that to be strong in your decision to continue to conceal the relationship?

Answer: No.

The House Judiciary Committee report to the full House, on the other hand, knowing the subpoena requested gifts, is giving Ms. Lewinsky more gifts on December 28 seems odd. But Ms. Lewinsky's testimony reveals why he did so. She said that she ''never questioned that we would not ever do anything but keep this private, and that meant to take whatever appropriate steps needed to be taken to keep it quiet.''

They say:

The only logical inference is that the gifts, including the bear symbolizing strength, were a tacit reminder to Ms. Lewinsky that they would deny the relationship, even in the face of a Federal subpoena.

She just got through saying ''no.'' Yet, this report says that is the only logical inference. And then the brief that came over here accompanying the articles of impeachment said, ''On the other hand, more gifts on December 28th . . .'' Ms. Lewinsky's testimony reveals her answer. She said that she ''never questioned that we were ever going to do anything but keep this private, and that meant to take whatever appropriate steps needed to be taken to keep it quiet.''

Again, they say in their brief:

The only logical inference is that the gifts, including the bear symbolizing strength, were a tacit reminder to Ms. Lewinsky that they would deny the relationship even in the face of a Federal subpoena.

Is it perjury to say the only logical inference is something when the only shred of testimony in the record is, ''No, that was not my interpretation. I didn't infer that.'' Yet, here you have it in the committee report and you have it in the brief. Of course, that is not perjury.

First of all, it is not under oath. But I am a trial lawyer and I will tell you what it is; it is wanting to win too badly. I have tried 300, 400, maybe 500 divorce cases. Incidentally, you are being addressed by the entire South Franklin County, Arkansas Bar Association. I can't believe there were that many cases in that little town, but I had a practice in surrounding communities, too. In all those divorce cases, I would guess that in 80 percent of the contested cases perjury was committed. Do you know what it was about? Sex. Extramarital affairs. But there is a very big difference in perjury about a marital infidelity in a divorce case and perjury about whether I bought the murder weapon, or whether I concealed the murder weapon or not. And to charge somebody with the first and punish them as though it were the second stands our sense of justice on its head.

There is a total lack of proportionality, a total lack of balance in this thing. The charge and the punishment are totally out of sync. All of you have heard or read the testimony of the five prosecutors who testified before the House Judiciary Committee—five seasoned prosecutors. Each one of them, veterans, said that under the identical circumstances of this case, they would never charge anybody because they would know they couldn't get a conviction. In this case, the charges brought and the punishment sought are totally out of sync. There is no balance; there is no proportionality.

But even stranger—you think about it—even if this case had originated in the courthouse rather than the Capitol, you would never have heard of it. How do you reconcile what the prosecutors said with what we are doing here? Impeachment was debated off and on in Philadelphia for the entire 4 months, as I said. The key players were Governor Morris, a brilliant Pennsylvanian; George Mason, the only man reputedly to be so brilliant that Thomas Jefferson actually deferred to him; he refused to sign the Constitution, incidentally, even though he was a delegate because they didn't deal with slavery and he was a strict abolitionist. Then there was Charles Pinckney from South Carolina, a youngster at 29 years old; Edmund Randolph from Virginia, who had a big role in the Constitution in the beginning; and then, of course, James Madison, the craftsman. They were all key players in drafting this impeachment provision.

Uppermost in their minds during the entire time they were composing it was that they did not want any kings. They had lived under despots, under kings, and under autocrats, and they didn't want anymore of that. And they succeeded very admirably. We have had 46 Presidents and no kings. But they kept talking about corruption. Maybe that

ought to be the reason for impeachment, because they feared some President would corrupt the political process. That is what the debate was about—corrupting the political process and ensconcing one's self through a phony election; maybe that is something close to a king.

They followed the British rule on impeachment, because the British said the House of Commons may impeach and the House of Lords must convict. And every one of the colonies had the same procedure—the House and the Senate. In all fairness, Alexander Hamilton was not very keen on the House participating. But here were the sequence of events in Philadelphia that brought us here today. They started out with maladministration and Madison said, ''That is too vague; what does that mean?'' So they dropped that. They went from that to corruption, and they dropped that. Then they went to malpractice, and they decided that was not definitive enough. And they went to treason, bribery, and corruption. They decided that still didn't suit them.

Bear in mind one thing: During this entire process, they are narrowing the things you can impeach a President for. They were making it tougher. Madison said, ''If we aren't careful, the President will serve at the pleasure of the Senate.'' And then they went to treason and bribery. Somebody said that still is not quite enough, so they went to treason and bribery. And George Mason added, ''or other high crimes and misdemeanors against the United States.'' They voted on it, and on September 10 they sent the entire Constitution to a committee they called the Committee on Style and Arrangement, which was the committee that would draft the language in a way that everybody would understand—that is, well crafted from a grammatical standpoint. But that committee, which was dominated by Madison and Hamilton, dropped ''against the United States.'' And the stories will tell you that the reason they did that was because they were redundant, because that committee had no right to change the substance of anything, and they would not have dropped it if they had not felt that it was redundant. Then they put it in for good measure. And we can always be grateful for the two-thirds majority.

This is one of the most important points of this entire presentation. First of all, the term ''treason and bribery''—nobody quarrels with that. We are not debating treason and bribery here in this Chamber. We are talking about other high crimes and misdemeanors. And where did ''high crimes and misdemeanors'' come from? It came from the English law. And they found it in English law under a category which said distinctly ''political'' offenses against the state.

Let me repeat that. They said ''high crimes and misdemeanors'' was to be because they took it from English law where they found it in the category that said offenses distinctly ''political'' against the state.

So, colleagues, please, for just one moment, forget the complexities of the facts and the tortured legalisms—and we have heard them all brilliantly presented on both sides. And I am not getting into that.

But ponder this: If high crimes and misdemeanors was taken from English law by George Madison, which listed high crimes and misdemeanors as ''political'' offenses against the state, what are we doing here? If, as Hamilton said, it had to be a crime against society or a breach of the public trust, what are we doing here? Even perjury, concealing, or deceiving an unfaithful relationship does not even come close to being an impeachable offense. Nobody has suggested that Bill Clinton committed a political crime against the state.

So, colleagues, if you are to honor the Constitution, you must look at the history of the Constitution and how we got to the impeachment clause. And, if you do that, and you do that honestly, according to the oath you took, you cannot—you can censor Bill Clinton, you can hand him over to the prosecutor for him to be prosecuted, but you cannot convict him. You cannot indulge yourselves the luxury or the right to ignore this history.

There has been a suggestion that a vote to acquit would be something of a breach of faith with those who lie in Flanders field, Anzio, Bunker Hill, Gettysburg, and wherever. I did not hear that. I read about it. But I want to say, and, incidentally, I think it was Chairman HYDE who alluded to this and said those men fought and died for the rule of law.

I can remember a cold November 3 morning in my little hometown of Charleston, AR. I was 18 years old. I had just gotten one semester in at the university when I went into the Marine Corps. So I was to report to Little Rock to be inducted. My it was cold. The drugstore was the bus stop. I had to be there by 8 o'clock to be sworn in. And I had to catch the bus down at the drugstore at 3 o'clock in the morning. So my mother and father and I got up at 2 o'clock, got dressed, and went down there. I am not sure I can tell you this story. And the bus came over the hill. I was rather frightened anyway about going. I was quite sure I was going to be killed, only slightly less frightened that Betty would find somebody else when I was gone.

The bus came over the schoolhouse hill and my parents started crying. I had never seen my father cry. I knew I was in some difficulty. Now, as a parent, at my age, I know he thought he was giving not his only begotten son, but one of his begotten sons. Can you imagine? You know that scene. It was repeated across this Nation millions of times. Then, happily, I survived that war, saw no combat, was on my way to Japan when it all ended. I had never had a terrible problem with dropping the bomb, though that has been a terrible moral dilemma for me because the estimates were that we would lose as many as a million men in that invasion.

But I came home to a generous government which provided me under the GI bill an education in a fairly prestigious law school, which my father could never have afforded. I practiced law in this little town for 18 years, loved every minute of it. But I didn't practice constitutional law. And I knew very little about the Constitution. But when I went into law school, I did study constitutional law, Mr. Chief Justice. It was very arcane to me. And trying to read the Federalist Papers, de Tocqueville, all of those things that law students are expected to do, that was tough for me. I confess.

So after 18 years of law practice, I jumped up and ran for Governor. I served as Governor for 4 years. I guess I knew what the rule of law was, but I still didn't really have much reverence for the Constitution. I just did not understand any of the things I am discussing and telling you. No. My love for that document came day after day and debate after debate right here in this Chamber.

Some of you read an op-ed piece I did a couple of weeks ago when I said I was perfectly happy for my legacy, that during my 24 years here I never voted for a constitutional amendment. And it isn't that I wouldn't. I think they were mistaken not giving you fellows 4 years. (Laughter.)

You are about to cause me to rethink that one. (Laughter.)

The reason I developed this love of it is because I saw Madison's magic working time and time again, keeping bullies from running over weak people, keeping majorities from running over minorities, and I thought about all of the unfettered freedoms we had. The oldest organic law in existence made us the envy of the world.

Mr. Chairman, we have also learned that the rule of law includes Presidential elections. That is a part of the rule of law in this country. We have an event, a quadrennial event, in this country which we call a Presidential election, and that is the day when we reach across this aisle and hold hands, Democrats and Republicans, and we say, win or lose, we will abide by the decision. It is a solemn event, a Presidential election, and it should not be undone lightly or just because one side has the clout and the other one doesn't.

And if you want to know what men fought for in World War II, for example, in Vietnam, ask Senator INOUYE. He left an arm in Italy. He and I were with the Presidents at Normandy, on the 50th anniversary, but we started off in Anzio. Senator DOMENICI, were you with us? It was one of the most awesome experiences I have ever had in my life. Certified war hero. I think his relatives were in an internment camp. So ask him, what was he fighting for? Or

ask BOB KERREY, certified Medal of Honor winner, what was he fighting for? Probably get a quite different answer. Or Senator CHAFEE, one of the finest men ever to grace this body and certified Marine hero of Guadalcanal, ask him. And Senator MCCAIN, a genuine hero, ask him. You don't have to guess; they are with us, and they are living, and they can tell you. And one who is not with us in the Senate anymore, Robert Dole, ask Senator Dole what he was fighting for. Senator Dole had what I thought was a very reasonable solution to this whole thing that would handle it fairly and expeditiously.

The American people are now and for some time have been asking to be allowed a good night's sleep. They are asking for an end to this nightmare. It is a legitimate request. I am not suggesting that you vote for or against the polls. I understand that. Nobody should vote against the polls just to show their mettle and their courage. I have cast plenty of votes against the polls, and it has cost me politically a lot of times. This has been going on for a year, though.

In that same op-ed piece, I talked about meeting Harry Truman my first year as Governor of Arkansas. I spent an hour with him—an indelible experience. People at home kid me about this because I very seldom make a speech that I don't mention this meeting. But I will never forget what he said: ''Put your faith in the people. Trust the people. They can handle it.'' They have shown conclusively time and time again that they can handle it.

Colleagues, this is easily the most important vote you will ever cast. If you have difficulty because of an intense dislike of the President—and that is understandable—rise above it. He is not the issue. He will be gone. You won't. So don't leave a precedent from which we may never recover and almost surely will regret.

If you vote to acquit, Mr. Leader, you know exactly what is going to happen. You are going to go back to your committees. You are going to get on with this legislative agenda. You are going to start dealing with Medicare, Social Security, tax cuts, and all those things which the people of this country have a nonnegotiable demand that you do. If you vote to acquit, you go immediately to the people's agenda. But if you vote to convict, you can't be sure what is going to happen.

James G. Blaine was a Member of the Senate when Andrew Johnson was tried in 1868, and 20 years later he recanted. He said, ''I made a bad mistake.'' And he said, ''As I reflect back on it, all I can think about is that having convicted Andrew Johnson would have caused much more chaos and confusion in this country than Andrew Johnson could ever conceivably have created.''

And so it is with William Jefferson Clinton. If you vote to convict, in my opinion, you are going to be creating more havoc than he could ever possibly create. After all, he has only got 2 years left. So don't, for God sakes, heighten the people's alienation, which is at an all-time high, toward their Government. The people have a right, and they are calling on you to rise above politics, rise above partisanship. They are calling on you to do your solemn duty, and I pray you will.

Thank you, Mr. Chief Justice.

The PRESIDING OFFICER. The Chair recognizes the majority leader.

ORDER OF PROCEDURE

Mr. LOTT. Mr. Chief Justice, I believe that that concludes the White House presentation. I remind all Senators that we will reconvene tomorrow beginning at 1 p.m. On Friday, under the provisions of Senate Resolution 16, we will begin the question and answer period for not to exceed 16 hours. The majority will begin the questioning, and as we go forward in that process, we will alternate back and forth across the aisle. I have discussed this proposition, obviously, with Senator DASCHLE, and we have discussed it in our conferences. We looked at a number of other alternatives, but we thought that this would be a fair way to proceed, that we would begin from this side with a Senator who will be named, and go to the other side, back and forth.

We think this provides fairness and I hope all Members will entrust the Chief Justice to be fair during this portion of the deliberations, and for the managers and counsel to, of course, be succinct in their answers and respond to the question that is actually asked.

At this time I would anticipate approximately 5 hours of questions and answers being used tomorrow, Friday. We would then reconvene on Saturday at 10 a.m., and again resume questioning, alternating back and forth. We have not set any definite time for Saturday. We will need to see how the questions go. We don't really know whether we will need 5 hours or 10 hours or the full 16. But if we reach a point on Saturday where we need to conclude the day's proceedings and we feel there are still more questions that would need to be asked, then after communication on both sides of the aisle we would decide how to go forward.

It is my hope that we can complete this questioning period during the day Friday and Saturday and conclude it Saturday. I hope the Senators will be thoughtful in their questions. They must be in writing. Please be brief with your written presentation. Dissertations would not be appreciated in writing at this point. And we will do our best, Mr. Chief Justice, to deal with the question of repetition or redundancy, and try to have some process that Senator DASCHLE and I will use to get the Senators' questions to the Chief Justice.

I thank all Senators for their attention during the past 2 weeks, both in the presentation of the case by the House managers and the presentation by the White House counsel. Obviously, the Senators have been here, attentive. We have listened. I think we have learned a great deal, and I appreciate the way the Senate has conducted itself.

(The following notices of intent were received on Wednesday, January 20, 1999:)

NOTICE OF INTENT TO SUSPEND THE RULES OF THE SENATE BY SENATORS HARKIN AND WELLSTONE

In accordance to Rule V of the Standing Rules of the Senate, I (for myself and for Mr. Wellstone) hereby give notice in writing that it is my intention to move to suspend the following portions of the Rules of Procedure and Practice in the Senate When Sitting on Impeachment Trials in regard to debate by Senators on any motion to dismiss, any motion to subpoena witnesses and/or to present any evidence not in the record during the trial of President William Jefferson Clinton:

(1) The phrase ''without debate'' in Rule VII;

(2) the following portion of Rule XX: '', unless the Senate directs shall direct the doors to be closed while deliberating upon its decisions. A motion to close the doors may be acted upon without objection, or, if objection is heard, the motion shall be voted on without debate by the yeas and nays, which shall be entered on the record''; and

(3) In Rule XXIV, the phrase ''without debate'', ''except when the doors shall be closed for deliberation, and in that case'' and '', to be had without debate''.

NOTICE OF INTENT TO SUSPEND THE RULES OF THE SENATE BY SENATORS WELLSTONE AND HARKIN

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(3) In Rule XXIV, the phrases ''without debate'', ''except when the doors shall be closed for deliberation, and in that case'' and '', to be had without debate''.

ADJOURNMENT UNTIL 1 P.M. TOMORROW

Mr. LOTT. I move the Senate stand in adjournment under the previous order.

The motion was agreed to; and at 5:10 p.m., the Senate, sitting as a Court of Impeachment, adjourned until Friday, January 22, 1999, at 1 p.m.

(Under the order of Wednesday, January 20, 1999, the following material was submitted at the desk during today's session:)

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–834. A communication from the President of the United States, transmitting, pursuant to law, the Annual Report on Foreign Economic Collection and Industrial Espionage; to the Select Committee on Intelligence.

EC–835. A communication from the Comptroller General of the United States, transmitting, a report of historical information and statistics regarding rescissions proposed by the executive branch and recissions enacted by Congress through October 1, 1998; referred jointly, pursuant to the order of January 30, 1975, as modified by the order of April 11, 1986, to the Committee on Appropriations and to the Committee on the Budget.

EC–836. A communication from the Director of the Office of Management and Budget, Executive Office of the President, transmitting, pursuant to law, a cumulative report on rescissions and deferrals dated November 17, 1998; referred 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–837. A communication from the Director of the Office of Management and Budget, Executive Office of the President, transmitting, pursuant to law, a report of estimates of the status of discretionary spending and the discretionary limits; 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 Agriculture, Nutrition, and Forestry, to the Committee on Armed Services, to the Committee on Banking, Housing, and Urban Affairs, to the Committee on Commerce, Science, and Technology, to the Committee on Energy and Natural Resources, to the Committee on Environment and Public Works, to the Committee on Finance, to the to the Committee on Foreign Relations, to the Committee on Governmental Affairs, to the Committee on the Judiciary, the Committee on Health, Education, Labor, and Pensions, to the Committee on Small Business, to the Committee on Veterans Affairs, to the Committee on Indian Affairs, and to the Select Committee on Intelligence.

EC–838. A communication from the Secretary of Health and Human Services, transmitting, pursuant to law, the Department's annual report on performance goals related to prescription drug user fees; to the Committee on Health, Education, Labor, and Pensions.

EC–839. A communication from the Secretary of Health and Human Services, transmitting, pursuant to law, the Food and Drug Administration's report on the modernization of tracking systems used to support the Administration's review process; to the Committee on Health, Education, Labor, and Pensions.

EC–840. A communication from the Assistant Secretary of State for Legislative Affairs, transmitting, pursuant to law, the report of a rule entitled ''Schedule of Fees for Consular Services, Department of State and Overseas Embassies and Consulates; Final Rule'' (Notice 2711) received on December 21, 1998; to the Committee on Foreign Relations.

EC–841. A communication from the Assistant Secretary of State for Legislative Affairs, transmitting, pursuant to law, the report of a rule entitled ''Passport Procedures—Amendment to Validity of Passports Regulation'' (Notice 2720) received on December 21, 1998; to the Committee on Foreign Relations.

EC–842. A communication from the Director of the Federal Bureau of Prisons, Department of Justice, transmitting, pursuant to law, the report of a rule entitled ''Designation of Offenses Subject to Sex Offender Release Notification'' (RIN1120–AA85) received on December 16, 1998; to the Committee on the Judiciary.

EC–843. A communication from the Deputy Under Secretary for Natural Resources and Environment, Department of Agriculture, transmitting, pursuant to law, the report of a rule regarding the use and occupancy of National Forest System lands (RIN0596–AB35) received on November 30, 1998; to the Committee on Agriculture, Nutrition, and Forestry.

EC–844. A communication from the Administrator of the Grain Inspection, Packers and Stockyards Administration, Department of Agriculture, transmitting, pursuant to law, the report of a rule entitled ''Fees for Official Inspection and Weighing Services'' (RIN0580–AA66) received on December 18, 1998; to the Committee on Agriculture, Nutrition, and Forestry.

EC–845. A communication from the Chairman of the Advisory Council on Historic Preservation, transmitting, pursuant to law, the Council's annual report for fiscal years 1996 and 1997; to the Committee on Energy and Natural Resources.

EC–846. A communication from the Executive Director of the Presidio Trust, transmitting, pursuant to law, the report of a rule entitled ''Management of the Presidio: Freedom of Information Act, Privacy Act, and Federal Tort Claims Act'' (RIN3212–AA01) received on December 21, 1998; to the Committee on Energy and Natural Resources.

EC–847. A communication from the Assistant Secretary for Installations, Logistics, and Environment, Department of the Army, transmitting, pursuant to law, a report on the emergency detonation of a chemical agent filled round at Dugway Proving Ground, Utah; to the Committee on Armed Services.

EC–848. 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 on the C4 Computer Systems Support functions at Offutt Air Force Base, Nebraska; to the Committee on Armed Services.

EC–849. A communication from the Director of the Office of Personnel Management, transmitting, pursuant to law, the Office'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–850. A communication from the Director of the United States Information Agency, transmitting, pursuant to law, the Agency's annual report under the Federal Managers' Financial Integrity Act for fiscal year 1998; to the Committee on Governmental Affairs.

EC–851. A communication from the President of the United States, transmitting, pursuant to law, a report on the emigration laws and policies of Armenia, Azerbaijan, Georgia, Kazakhstan, Kyrgyzstan, Moldova, the Russian Federation, Tajikistan, Turkmenistan, Ukraine, and Uzbekistan; to the Committee on Finance.

EC–852. A communication from the Commissioner of Social Security, transmitting, pursuant to law, a report on the efficacy of providing certain Social Security beneficiaries with individualized information about their Social Security contributions and benefits; to the Committee on Finance.

EC–853. A communication from the Chief of the Regulations Branch, U.S. Customs Service, Department of the Treasury, transmitting, pursuant to law, the report of a rule entitled ''Land Border Carrier Initiative Program'' (RIN1515–AC16) received on December 29, 1998; to the Committee on Finance.

EC–854. A communication from the Chief of the Regulations Branch, U.S. Customs Service, Department of the Treasury, transmitting, pursuant to law, the report of a rule entitled ''Exemption of Israeli Products From Certain Customs User Fees'' (RIN1515–AC39) received on December 22, 1998; to the Committee on Finance.

EC–855. 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 ''Preparer Due Diligence Requirements for Determining Earned Income Credit Eligibility'' (RIN1545–AW74) received on December 18, 1998; to the Committee on Finance.

EC–856. A communication from the Executive Secretary of the Harry Truman Scholarship Foundation, transmitting, pursuant to law, the Foundation'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.

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. COCHRAN (for himself and Mr. INOUYE):

S. 269. A bill to state the policy of the United States regarding the deployment of a missile defense system capable of defending the territory of the United States against limited ballistic missile attack; read the first time.

By Mr. WARNER (for himself, Mr. THURMOND, Mr. MCCAIN, Mr. SMITH of New Hampshire, Mr. INHOFE, Ms. SNOWE, Mr. ROBERTS, Mr. ALLARD, Mr. HUTCHINSON, Mr. SESSIONS, Mr. SANTORUM, and Mr. LOTT):

S. 270. A bill to improve pay and retirement equity for members of the Armed Forces; and for other purposes; read the first time.

By Mr. FRIST (for himself, Mr. WYDEN, Mr. ABRAHAM, Mr. ALLARD, Mr. ASHCROFT, Mr. BAYH, Mr. BENNETT, Mr. BROWNBACK, Ms. COLLINS, Mr. COVERDELL, Mr. DEWINE, Mr. GORTON, Mr. GREGG, Mr. HATCH, Mrs. HUTCHISON, Mr. KERREY, Mr. LEVIN, Mr. MCCAIN, Mr. MCCONNELL, Mr. MURKOWSKI, Mr. SMITH of Oregon, Mr. THOMPSON, and Mr. VOINOVICH):

S. 271. A bill to provide for education flexibility partnerships; read the first time.

By Mrs. BOXER (for herself and Mrs. FEINSTEIN):

S. 272. A bill to designate the Federal building located at 1301 Clay Street in Oakland, California, as the ''Ronald V. Dellums Federal Building''; to the Committee on Environment and Public Works.

By Mrs. FEINSTEIN:

S. 273. A bill for the relief of Oleg Rasulyevich Rafikova, Alfia Fanilevna Rafikova, Evgenia Olegovna Rafikova, and Ruslan Khamitovich Yagudin; to the Committee on the Judiciary.

By Mr. COVERDELL (for himself, Mr. MCCAIN, and Mr. TORRICELLI):

S. 274. A bill to amend the Internal Revenue Code of 1986 to increase the maximum taxable income for the 15 percent rate bracket; to the Committee on Finance.

By Mrs. FEINSTEIN:

S. 275. A bill for the relief of Suchada Kwong; to the Committee on the Judiciary.

S. 276. A bill for the relief of Sergio Lozano, Faurico Lozano and Ana Lozano; to the Committee on the Judiciary.

By Mr. COVERDELL (for himself, Mr. LOTT, Mr. CRAIG, Mr. MACK, Mr. GREGG, and Mr. SESSIONS):

S. 277. A bill to improve elementary and secondary education; to the Committee on Finance.

By Mr. DOMENICI (for himself and Mr. BINGAMAN):

S. 278. A bill to direct the Secretary of the Interior to convey certain lands to the county of Rio Arriba, New Mexico; to the Committee on Energy and Natural Resources.

By Mr. MCCAIN (for himself, Mr. KYL, and Mr. HELMS):

S. 279. A bill to amend title II of the Social Security Act to eliminate the earnings test for individuals who have attained retirement age; to the Committee on Finance.

By Mr. FRIST (for himself, Ms. COLLINS, Mrs. HUTCHISON, Mr. GORTON, Mr. BROWNBACK, Mr. VOINOVICH, Mr. ABRAHAM, Mr. HATCH, Mr. SMITH of Oregon, Mr. GREGG, Mr. THOMPSON, Mr. MURKOWSKI, Mr. COVERDELL, Mr. ALLARD, Mr. DEWINE, Mr. BENNETT, Mr. MCCAIN, Mr. MCCONNELL, Mr. ASHCROFT, Mr. WYDEN, Mr. LEVIN, Mr. KERREY, Mr. BAYH, Mrs. LINCOLN, Mr. HUTCHINSON, Mr. BREAUX, and Mr. THOMAS):

S. 280. A bill to provide for education flexibility partnerships; to the Committee on Health, Education, Labor, and Pensions.

By Mr. HARKIN:

S. 281. A bill to amend the Tariff Act of 1930 to clarify that forced or indentured labor includes forced or indentured child labor; to the Committee on Finance.

By Mr. MACK (for himself and Mr. GRAHAM):

S. 282. A bill to provide that no electric utility shall be required to enter into a new contract or obligation to purchase or to sell electricity or capacity under section 210 of the Public Utility Regulatory Policies Act of 1978; to the Committee on Energy and Natural Resources.

By Mr. MCCAIN:

S. 283. A bill to amend the Internal Revenue Code of 1986 to provide a partial exclusion from gross income for individuals and interest received by individuals; to the Committee on Finance.

S. 284. A bill to amend the Internal Revenue Code of 1986 to eliminate the marriage penalty by increasing the standard deduction for married individuals filing joint returns to twice the standard deduction for unmarried individuals; to the Committee on Finance.

By Mr. MCCAIN (for himself, Mr. DEWINE, Ms. LANDRIEU, Mr. DURBIN, Mr. CLELAND, Mr. HAGEL, Mr. WELLSTONE, and Mr. BREAUX):

S. 285. A bill to amend title II of the Social Security Act to restore the link between the maximum amount of earnings by blind individuals permitted without demonstrating ability to engage in substantial gainful activity and the exempt amount permitted in determining excess earnings under the earnings test; to the Committee on Finance.

By Mr. MCCAIN:

S. 286. A bill to amend the Internal Revenue Code to repeal the increase in the tax on social security benefits; to the Committee on Finance.

By Mr. ROTH (for himself and Mr. BIDEN):

S. 287. A bill to amend the Small Business Act to require the establishment of a regional or branch office of the Small Business Administration in each State; to the Committee on Small Business.

By Mr. JEFFORDS (for himself, Mr. HATCH, Mr. KENNEDY, Mr. SMITH of Oregon, Mr. LEAHY, Mr. KERREY, and Mr. DURBIN):

S. 288. A bill to amend the Internal Revenue Code of 1986 to exclude from income certain amounts received under the National Health Service Corps Scholarship Program and F. Edward Hebert Armed Forces Health Professions Scholarship and Financial Assistance Program; to the Committee on Finance.

By Mr. ABRAHAM (for himself, Mr. COVERDELL, Mr. HUTCHINSON, and Mr. SESSIONS):

S. 289. A bill to amend the Public Health Service Act to permit faith-based substance abuse treatment centers to receive Federal assistance, to permit individuals receiving Federal drug treatment assistance to select private and religiously oriented treatment, and to protect the rights of individuals from being required to receive religiously oriented treatment; to the Committee on Health, Education, Labor, and Pensions.

By Mr. ABRAHAM (for himself and Ms. LANDRIEU):

S. 290. A bill to establish an adoption awareness program, and for other purposes; to the Committee on Health, Education, Labor, and Pensions.

By Mr. DOMENICI (for himself and Mr. BINGAMAN):

S. 291. A bill to convey certain real property within the Carlsbad Project in New Mexico to the Carlsbad Irrigation District; to the Committee on Energy and Natural Resources.

S. 292. A bill to preserve the cultural resources of the Route 66 corridor and to authorize the Secretary of the Interior to provide assistance; to the Committee on Energy and Natural Resources.

S. 293. A bill to direct the Secretaries of Agriculture and the Interior to convey certain lands in San Juan County, New Mexico, to San Juan College; 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. LOTT:

S. Res. 28. A resolution amending paragraph 1(m)(1) of Rule XXV; considered and agreed to.

STATEMENTS ON INTRODUCED BILLS AND JOINT RESOLUTIONS

By Mr. FRIST (for himself, Mr. WYDEN, Mr. ABRAHAM, Mr. ALLARD, Mr. ASHCROFT, Mr. BAYH, Mr. BENNETT, Mr. BROWNBACK, Ms. COLLINS, Mr. COVERDELL, Mr. DEWINE, Mr. GORTON, Mr. GREGG, Mr. HATCH, Mrs. HUTCHISON, Mr. KERREY, Mr. LEVIN, Mr. MCCAIN, Mr. MCCONNELL, Mr. MURKOWSKI, Mr. SMITH of Oregon, Mr. THOMPSON, and Mr. VOINOVICH):

S. 271. A bill to provide for education flexibility partnerships; read the first time.

THE EDUCATION FLEXIBILITY PARTNERSHIP ACT OF 1999

● Mr. FRIST. Mr. President, I rise today to introduce, with my colleague from Oregon, Senator WYDEN, The Education Flexibility Partnership Act of 1999. This bipartisan measure will expand the immensely popular and highly successful Ed-Flex program to all 50 states in the country. As you may know, Ed-Flex is currently a demonstration program, available only to 12 states. Under the Frist-Wyden bill, all states would have the option to participate in the program.

States and localities have waged a war on poor student performance and they need our help. For too long, Washington has dictated a plan riddled with red tape and regulation. Stagnant student performance has been the result. The longer a child is in an American school, the more his math and science skills deteriorate compared to the skills of his international peers, according to the Third International Math and Science Study (TIMSS). Out of 21 countries, the United States ranked 19th in math and 16th in science for twelfth graders.

To help our states and localities, Washington must give them the flexibility that they need in order to find creative solutions that make sense in their own communities. When localities find ideas that work, the federal government should either get out of the way or lend a helping hand. The last thing that our schools need is more bureaucracy and federal intrusion. Education dollars should be spent in the classroom, not in the front office.

Ed-Flex frees states from the burden of unnecessary, time-consuming Washington regulations, so long as states are complying with certain core federal principles, such as civil rights, and so long as the states are making progress toward improving their students' results. Under the Ed-Flex program, the Department of Education delegates to the states its power to grant individual school districts temporary waivers from certain federal requirements that interfere with state and local efforts to improve education. To be eligible, a state must waive its own regulations on schools. It must also hold schools accountable for results. The 12 states that currently participate in Ed-Flex have used this flexibility to allow school districts to innovate and better use federal resources to improve student outcomes.

For instance, the Phelps Luck Elementary School in Howard County, Maryland used its waiver to provide one-on-one tutoring for reading students who have the greatest need in grades 1–5. They also used their waiver to lower the average student/teacher ratio in mathematics and reading from 25/1 to 12/1. By granting localities more flexibility to use resources already allocated, Ed-Flex allows local decision-makers to decide for themselves how to best tailor federal programs to meet the needs of their own schools.

As the Chairman of the Senate Budget Committee Task Force on Education, formed by Budget Chairman PETE DOMENICI, I heard first-hand accounts of the success of the Ed-Flex program and the need for flexibility for our states that are overburdened by federal requirements. Secretary Riley told the Task Force that, ''through our Ed-Flex demonstration initiative, we are giving State-level officials broad authority to waive federal requirements that present an obstacle to innovation in their schools.'' The Department of Education further notes, ''Ed-Flex can help participating states and local school districts use federal funds in ways that provide maximum support for effective school reform based on challenging academic standards for all students.''

Recent GAO reports have questioned whether Ed-Flex has addressed or can address all of the concerns that local schools and school districts have regarding the regulatory and administrative requirements that federal education programs impose. GAO is definitive in its answer: Ed-Flex hasn't and it won't. We certainly do not believe that Ed-Flex is a panacea to our nation's educational system's woes. Nor do we believe that the complexity, redundancy and rigidity that are the unfortunate hallmarks of our federal education effort will magically disappear. But it is a good first step. Not all states will be as active with Ed-Flex waiver authority as front-runners like Texas, but they all deserve the opportunity to try.

The time has come for this common sense reform. In the Senate, the Ed-Flex expansion bill had 21 bipartisan cosponsors last year. The Labor Committee passed the bill by a vote of 17–1. In the House, Representatives CASTLE (R–DE) and ROEMER (D–IN) introduced companion legislation with 25 House cosponsors. The National Governors' Association has made Ed-Flex expansion a top priority and both the White House and the Department of Education support Ed-Flex expansion. Last year, there obviously was a convergence of support from all corners; nevertheless, the usual end-of-the-session morass claimed Ed-Flex as one of its many victims.

We must do better in the 106th Congress. Ed-Flex is a bi-partisan proposal with broad-based support. Even so, Ed-Flex expansion will again face an uphill battle. Some in Congress want to delay real reform by attaching poison pill amendments or waiting for the reauthorization of the far-reaching Elementary and Secondary Education Act (ESEA) scheduled for 1999. If history is any guide, Congress will be lucky to have completed the reauthorization process for K–12 education programs two years from now. Ed-Flex expansion should not get bogged down in this partisan embroglio. Delay is not the answer to our education crisis. The jury is in on Ed-Flex. Let's not allow partisanship to stop us from improving the public education system. We hope that Congress will rise to meet the challenge of helping our children sooner rather than later.

Mr. President, I believe that passage of this legislation is a strong first step for improving our public education system. Let's give states and localities the flexibility that they need to address the many needs of our students. I am hopeful that we will move this bill quickly in a bipartisan way. I strongly urge passage of this bill.●

● Mr. WYDEN. Mr. President, today I rise to introduce the Education Flexibility Partnership Act of 1999 with my colleague Senator BILL FRIST of Tennessee. This bill encourages innovation in our schools by expanding the Ed-Flex demonstration program from a handful of states to all states. Mr. President, education dollars should be spent in the classroom, not the front office. That common-sense philosophy is at the heart of an exciting new education program known as education flexibility, or Ed-Flex.

In the raging debate over the federal government's role in education, Ed-Flex defines a third-way approach—allowing local schools to receive federal assistance while being freed from the burden of unnecessary, time-consuming Washington resolutions. Local school boards, principals, teachers, and parents have the flexibility to find creative solutions that make sense in their own communities, and are held accountable for achieving real results. Ed-Flex accomplishes this by giving states the authority to grant waivers from federal regulations to individual schools or local education agencies, in exchange for agreeing to meet specific targets for student improvement.

In other words, a school that agrees to meet high standards can receive federal aid without having to worry about complying with the hundreds and hundreds of pages of regulations, and filling out the voluminous forms that usually go along with that assistance. Virtually every school district in the country, for example, employs staff whose job is to make sure that the schools are in compliance with rules for the government's Title I program. Ed-Flex could allow school districts to use fewer compliance officers and hire more teachers instead.

Ed-Flex is currently being tried as a pilot program in a dozen states around

the country, and the results have been impressive:

Oregon community colleges and high schools work together to streamline their vocational education programs. As a result, more students are learning technical skills, such as computer programming, and graduating from high school.

The Phelps Luck Elementary School in Howard County, Maryland has used its waiver to provide one-on-one tutoring for reading students who have the greatest need in grades 1–5. They also used their waiver to lower the average student/teacher ratio in mathematics and reading from 25 to 1 to 12 to 1.

Achievement scores from Texas, the state which has implemented Ed-Flex most broadly, confirm that Ed-Flex can improve academic performance. After only two years of implementation, preliminary statewide results on the Texas Assessment of Academic Skills show that districts with Ed-Flex waivers outperformed districts that didn't take advantage of the program by a full three points in reading and more than two in math.

For African-American students, the gains were even greater. At Westlawn Elementary School in LaMarque, Texas, for example, African-American students improved almost 23% over their 1996 math test scores, after the school put an Ed-Flex waiver into practice.

Ed-Flex will help schools raise achievement levels by giving them a powerful weapon to cut through the red tape that sometimes keeps teachers and principals tied up in knots. This frees them up to focus full time on giving children the best possible education. The Ohio Department of Education wrote in an annual report that Ed-Flex helps create an environment which ''encourages creativity, thoughtful planning, and innovation.'' And in Oregon, the nation's first Ed-Flex state, the program has brought ''greater flexibility and better coordination to federal education programs.''

At the heart of all this innovation is accountability. Schools need to demonstrate that what they are doing produces results. If it doesn't, Ed-Flex provides an opportunity to move on to something else that might be more effective. Parents and taxpayers should rightfully demand that schools be responsible for meeting the goals that are set for them.

Last year, Senator FRIST and I introduced legislation to expand Ed-Flex nationwide, and broaden its use in the states where it's already in place. With the support of a bipartisan group of 21 cosponsors, the bill passed almost unanimously through the Senate Labor Committee. In the House, Representatives CASTLE and ROEMER introduced a companion bill with 25 cosponsors. Unfortunately, the bills fell victim to legislative gridlock at the end of the 105th Congress. But today, at the beginning of the 106th Congress, we are reintroducing the bill with an eye toward its passage. The National Governors' Association has made expansion of Ed-Flex a top priority, and both President Clinton and Education Secretary Riley have announced their support for Ed-Flex. The time for action is near.

Every hour school officials spend filling out a government form is an hour that could be spent giving special attention to a child. Every dollar spent on complying with unproductive mandates from Washington, DC, is a dollar that could be spent on something that works. With a good education more important than ever, and confidence in our schools at an all-time low, it's time to try something different. Flexibility and accountability can be the key to a brighter future. Congress should expand Ed-Flex, and allow a flurry of creativity across our entire country to give our children a brighter future.●

● Mr. ASHCROFT. Mr. President, I am pleased to join with Senator FRIST and others today to introduce the ''Education Flexibility Partnership Act of 1999.'' I commend the Senator from Tennessee for his leadership on this proposal, which will allow states to waive various federal education regulations and give them more flexibility and authority over their use of federal resources to educate their students.

Mr. President, we all want our nation's children to get a first-class education that boosts student achievement and elevates them to excellence. Our role at the federal level should be to help states and local school districts provide the best education possible for their students.

Unfortunately, many of our federal education programs, while well-intentioned, are steeped in so many rules and regulations that states and local schools consume precious time and resources to stay in compliance with the federal programs. As a former governor, I have experienced first-hand the frustration of having to jump through a lot of federal hoops to obtain and keep federal dollars designated for various programs. I have also heard of examples around the country demonstrating this same problem I experienced.

For example, a 1990 study found that 52% of the paperwork required of an Ohio school district was related to participation in federal programs, while federal dollars provided less than 5% of total education funding in Ohio. In Florida, 374 employees administer $8 billion in state funds. However, 297 state employees are needed to oversee only $1 billion in federal funds—six times as many per dollar.

The Federal Department of Education requires over 48.6 million hours worth of paperwork to receive federal dollars. This bureaucratic maze takes up to 35% of every federal education dollar. Clearly, states and local school districts need relief from excessive federal regulations, which take away precious dollars and teacher time from our children.

The Education Flexibility Partnership Act of 1999 will help to relieve administrative burdens and save federal resources by providing states with more flexibility to operate their education programs through the waiver of certain federal and state regulations. The bill expands to all states the highly successful Education Flexibility Partnership Demonstration Program that is currently operating in 12 states and is producing great results. This legislation will help to reduce excessive bureaucratic oversight over education and return more control to the state and local levels.

Again, I appreciate Senator FRIST's dedication to providing greater flexibility to the states and I look forward to working with him to pass the Education Flexibility Partnership Act of 1999. We in Congress should support proposals—such as this one—that return decision-making authority back to state and local decision-makers, where parents, teachers, and school boards have the greatest opportunity to participate in determining priorities, developing curriculum, and making other important education-related decisions.●

By Mrs. FEINSTEIN:

S. 273. A bill for the relief of Oleg Rasulyevich Rafikova, Alfia Fanilevna Rafikova, Evgenia Olegovna Rafikova, and Ruslan Khamitovich Yagudin; to the Committee on the Judiciary.

PRIVATE RELIEF BILL

● Mrs. FEINSTEIN. Mr. President, I am introducing a private relief bill that provides permanent residency to Oleg Rasulyevich Rafikova, Alfia Fanilevna Rafikova, and their children, Evgenia Olegovna Rafikova and Ruslan Khamitovich Yagudin, who without this legislation, would have to return to Russia and face possible threats of blackmail and kidnaping.

The Rafikova family came to the United States on August 28, 1997, from Ufa, Russia, on a visitor's visa to receive their inheritance from Alfia's uncle, the famous ballet dancer, Rudolf Nureyev. Rafikova's now fear returning to their home country because they fear that the local Mafia would try to extort their inheritance from them.

According to Alfia, everything changed for the family in Ufa, Russia, when the local media announced the death of her uncle, Rudolf Nureyev and exaggerated the amount of her inheritance and falsely made assertions that the family already had the money. Alfia claims that she and her husband started getting harassing phone calls, threats of kidnaping their children for ransom, and death threats. The events escalated to a day when they were robbed of everything except the clothes they were wearing.

Alfia's inheritance is substantial enough that she and her family will not be a public charge. In fact, Alfia and her husband Oleg, who is a chef by training, would like to start a restaurant in San Francisco, providing jobs for Americans. Alfia's two children are attending school in San Francisco and look forward to the day they

could call the United States their new home.

I urge all my colleagues to support this legislation so we can give the Rafikova family a chance to restart their life in the United States.

Mr. President, I ask unanimous consent that the bill be printed in the RECORD.

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

S. 273

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. PERMANENT RESIDENT STATUS FOR OLEG RASULYEVICH RAFIKOV, ALFIA FANILEVNA RAFIKOVA, EVGENIA OLEGOVNA RAFIKOVA, AND RUSLAN KHAMITOVICH YAGUDIN.

(a) IN GENERAL.—Notwithstanding subsections (a) and (b) of section 201 of the Immigration and Nationality Act, Oleg Rasulyevich Rafifkov, Alfia Fanilevna Rafikov, Evgenia Olegovna Rafikova, and Ruslan Khamitovich Yagudin shall be eligible for issuance of an immigrant visa or for adjustment of status to that of an alien lawfully admitted for permanent residence upon filing an application for issuance of an immigrant visa under section 204 of such Act or for adjustment of status to lawful permanent resident.

(b) ADJUSTMENT OF STATUS.—If Oleg Rasulyevich Rafikov, Alfia Fanilevna Rafikova, Evgenia Olegovna Rafikova, or Ruslan Khamitovich Yagudin enters the United States before the filing deadline specified in subsection (c), he or she shall be considered to have entered and remained lawfully and shall, if otherwise eligible, be eligible for adjustment of status under section 245 of the Immigration and Nationality Act as of the date of the enactment of this Act.

(c) DEADLINE FOR APPLICATION AND PAYMENT OF FEES.—Subsections (a) and (b) shall apply only if the application for issuance of an immigrant visa or the application for adjustment of status is filed with appropriate fees within 2 years after the date of the enactment of this Act.

(d) REDUCTION OF IMMIGRANT VISA NUMBER.—Upon the granting of an immigrant visa or permanent residence to Oleg Rasulyevich Rafikov, Alfia Fanilevna Rafikova, Evgenia Olegovna Rafikova, and Ruslan Khamitovich Yagudin, the Secretary of State shall instruct the proper officer to reduce by 4, during the current or next following fiscal year, the total number of immigrant visas that are made available to natives of the country of the alien's birth under section 203(a) of the Immigration and Nationality Act or, if applicable, the total number of immigrant visas that are made available to natives of the country of the aliens' birth under section 202(e) of such Act.●

By Mr. COVERDELL (for himself, Mr. MCCAIN, and Mr. TORRICELLI):

S. 274. A bill to amend the Internal Revenue Code of 1986 to increase the maximum taxable income for the 15-percent rate bracket; to the Committee on Finance.

MIDDLE CLASS TAX RELIEF ACT OF 1999

● Mr. COVERDELL. Mr. President, I rise today, along with Senators MCCAIN and TORRICELLI, to introduce the Middle Class Tax Relief Act of 1999. The Senate's agenda on tax relief is premised on the realization that political leaders need to create policies that unleash the creativity, innovation and expertise of the American people. We should reject Washington-based solutions and instead, seek to move power, money and decision-making back to the people of this nation.

Now is the time for us to consider sweeping middle class tax relief. This tax relief proposal accomplishes several goals. First, it directs the vast majority of the relief to those who feel the tax squeeze the most: middle-income taxpayers.

Second, because it is across-the-board relief, every middle class taxpayer wins. Every American earning $25,000 in taxable income or more would see relief. Estimates by the Joint Committee on Taxation show that approximately 29 million taxpayers would see tax relief this year.

Third, it provides modest marriage penalty relief without adding complexity to the tax code.

Fourth, it is a realistic proposal that is also entirely consistent with the long-term goal of achieving a flatter, simpler tax code.

My proposal, the Middle Class Tax Relief Act, achieves these goals by raising the roof on the 15% individual income tax bracket. In other words, it returns middle class taxpayers to the lowest individual income bracket. It would increase the income threshold between the 15% and the 28% income tax rate brackets by $10,000 for married couples—$5,000 for singles—over a five year period.

If the Middle Class Tax Relief Act were fully in place today, it would mean that a family of four who earned $71,250 or less would be taxed at the 15% rate. It would mean such families could expect up to $1,300 in tax relief annually. That amounts to increasing their take-home pay by more than $100 a month and that is real relief.

In the coming weeks, a great deal of discussion will focus on providing the American people with the tax relief they need and deserve, and how that is to be accomplished. There are a number of proposals providing tax relief, some of which I support. However, I believe the Middle Class Tax Relief Act will be successful ultimately because we can actually achieve it during this Congress. I ask my colleagues to join me in this effort.●

● Mr. MCCAIN. Mr. President, I am proud to cosponsor The Middle Class Tax Relief Act of 1999 with Senators COVERDELL and Senator TORRICELLI. This bill would deliver sweeping tax relief to lower- and middle-income taxpayers. The bill incrementally increases the number of individuals who pay the lowest tax rate, which is 15%. If this bill had been law in 1998, approximately millions of taxpayers now in the 28% tax-bracket would have paid taxes at the 15% rate. In addition, this bill significantly lessens the effect of one of the Tax Code's most inequitable provisions: the Marriage Penalty.

Mr. President, before I proceed, I want to congratulate Senator COVERDELL for his leadership and his tireless work in crafting this historic legislation. This bill recognizes the need to maintain the momentum toward fundamental tax reform evidenced by the Taxpayer Relief Act of 1997.

This bill is the only major tax relief proposal focused directly on addressing the middle-class tax squeeze. According to preliminary estimates by the Tax Foundation, 29 million taxpayers would benefit from this broad-based, middle-class tax relief in 1998 alone.

Mr. President, I support this legislation because: First, it is a step toward further reform; second, it helps ordinary middle-class families who are struggling to make ends meet without asking the government to help out, and third, it promotes future economic prosperity by increasing the amount of money taxpayers have available for their own savings and investment.

It is essential that we provide American families with relief from the excessive rate of taxation that saps job growth and robs them of the opportunity to provide for their needs and save for the future. Over a five-year period, this bill would deliver sweeping tax relief to middle-class taxpayers by increasing the number of individuals who pay the lowest tax rate. In addition, this bill is simple, and it calculates tax relief based upon income alone, not on factors such as the number of school-age children.

This bill benefits our citizens in several ways. It focuses tax relief on the individuals who feel the tax squeeze the most: lower- and middle-income taxpayers. Under this bill, unmarried individuals will be able to make $35,000 and married individuals can make $70,000, and still be in the lowest tax bracket.

This measure also results in taxpayers being able to keep more of the money they earn. This extra income will allow individuals to save and invest more. Increased savings and investment are key to sustaining our current economic growth.

In sum, the measure is a win for individuals, and a win for America as a whole. Millions of Americans would realize some tax savings from this legislation. Citizens will be able to keep more of what they earn, which will ensure that Americans have more of the resources they need to invest in their own individual futures, and America's future.

Mr. President, on a broader scale, I believe we should abandon our existing tax code altogether and create a new system. This new system should have one tax rate, which taxes income only one time. This system should also reduce the time to prepare tax returns from days to minutes, and the expense to prepare tax returns from thousands of dollars to pennies.

The 1997 Taxpayer Relief Act was a step in the right direction to provide tax relief to lower- and middle-income

families. The Middle Class Tax Relief Act of 1999 represents an important further step toward a flatter, fairer tax system, which also provides immediate tax relief for hard-working Americans and families.

Mr. President, on behalf of the millions of Americans in need of relief from over-taxation, I urge my colleagues to support this important measure.●

By Mrs. FEINSTEIN:

S. 275. A bill for the relief of Suchada Kwong; to the Committee on the Judiciary.

PRIVATE RELIEF BILL

● Mrs. FEINSTEIN. Mr. President, I am offering today, a legislation that previously passed the Senate by unanimous consent but failed to be enacted because the bill was not considered by the House during last Congress.

This legislation provides permanent residency to Suchada Kwong, a recently widowed young mother of a U.S. citizen child who faces the devastation of being separated from her child and family here in the U.S.

Suchada Kwong's U.S. citizen husband, Jimmy Kwong, was tragically killed in an automobile accident in June of 1996, leaving a 3-month-old U.S.-born son and his 29-year-old bride.

Because current law does not allow Suchada to adjust her status to permanent residency without her husband, Suchada now faces deportation.

Suchada and Jimmy Kwong met in Bangkok, Thailand, through a mutual friend in 1993. He communicated with her frequently by phone and visited her every time he was in Bangkok. They fell in love and were married in September 1995 and Suchada gave birth to Ryan Stephen Kwong in May 1996.

Suchada was supposed to have her INS interview on August 15, 1996. However, Jimmy was killed in an accident in June, less than 3 weeks after his son was born and 2 months short of the INS interview. Now, because the petitioner is deceased, Suchada is ineligible to adjust her status. While the immigration law provides for widows of U.S. citizens to self-petition, that provision is only available for people who have been married for over 2 years.

Suchada's deportation will not only cause hardship to her and her young child but to Suchada's mother-in-law, Mrs. Kwong, who faces losing her grandson, only a short time after she lost her only son.

Mrs. Kwong is elderly, and though she is financially capable, could not care for her grandson herself. Mrs. Kwong is proud to be self-supporting, having owned and worked in a small business until her retirement. The family has never used public assistance, and through Jimmy's job, the family has sufficient resources to support Suchada and Ryan. It would also be difficult for Suchada as a single mother in Thailand. Here in the United States, she has the support of Mrs. Kwong and their church.

Suchada was previously granted voluntary departure for one year on October 1996 to explore other options or prepare to leave the United States. During that time period, Suchada and her family have explored all options but failed. Now, the voluntary departure period has expired and Suchada must leave the country immediately, leaving behind her young child and her family here in the U.S.

Suchada has done everything she could to become a permanent resident of this country—except for the tragedy of her husband's death 2 months before she could become a permanent resident. I hope you support this bill so that we can help Suchada rebuild her life in the United States.

Mr. President, I ask unanimous consent that the bill be printed in the RECORD.

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

S. 275

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. PERMANENT RESIDENT STATUS FOR SUCHADA KWONG.

(a) IN GENERAL.—Notwithstanding subsections (a) and (b) of section 201 of the Immigration and Nationality Act, Suchada Kwong shall be eligible for issuance of an immigrant visa or for adjustment of status to that of an alien lawfully admitted for permanent residence upon filing an application for issuance of an immigrant visa under section 204 of such Act or for adjustment of status to lawful permanent resident.

(b) ADJUSTMENT OF STATUS.—If Suchada Kwong enters the United States before the filing deadline specified in subsection (c), she shall be considered to have entered and remained lawfully and shall, if otherwise eligible, be eligible for adjustment of status under section 245 of the Immigration and Nationality Act as of the date of the enactment of this Act.

(c) DEADLINE FOR APPLICATION AND PAYMENT OF FEES.—Subsections (a) and (b) shall apply only if the applications for issuance of immigrant visas or the applications for adjustment of status are filed with appropriate fees within 2 years after the date of the enactment of this Act.

(d) REDUCTION OF IMMIGRANT VISA NUMBER.—Upon the granting of an immigrant visa or permanent residence of Suchada Kwong, the Secretary of State shall instruct the proper officer to reduce by one, during the current or next following fiscal year, the total number of immigrant visas that are made available to natives of the country of the alien's birth under section 203(a) of the Immigration and Nationality Act or, if applicable, the total number of immigrant visas that are made available to natives of the country of the alien's birth under section 202(e) of such Act.●

By Mrs. FEINSTEIN:

S. 276. A bill for the relief of Sergio Lozano, Fauricio Lozano and Ana Lozano; to the Committee on the Judiciary.

PRIVATE RELIEF BILL

● Mrs. FEINSTEIN. Mr. President, I am introducing today a legislation that previously passed the Senate by unanimous consent but failed to be enacted because it was never considered by the House during last Congress.

The bill provides permanent resident status to three children, Sergio (18 years old), Fauricio (16 years old), and Ana Lozano (15 years old) who now face deportation because they lost their mother in 1997 and the immigration law prohibits permanent legal residency to minor children under the age of twenty-one without their parents.

The Lozano children face a dire situation without this legislation since despite the fact that they came into the country legally, they could be deported because they were orphaned.

The children lived with their mother, Ana Ruth Lozano, until February 1997 when she died of complications developed from typhoid fever. Since their mother's death, the children have been living with their closest relative, their U.S. citizen grandmother, who currently lives in Los Angeles, California.

Without their mother, these children can be deported by the INS despite the fact the children have no family who will take care of them in El Salvador except their estranged father who cannot be located by the family.

Without this bill, the children will most likely be sent to an orphanage in El Salvador. Here in the U.S., the children have their U.S. citizen grandmother and uncles who will give them a loving home.

I have previously sought administrative relief for the Lozano children by asking the INS District Office in Los Angeles and Commissioner Meissner if any humanitarian exemptions could be made in their case. INS has told my staff that there is nothing further they can do administratively and a private relief bill may be the only way to protect the children from deportation.

I urge all the members to support this bill so that we can help the Lozano children rebuild their lives in the United States.

Mr. President, I ask unanimous consent that the bill be printed in the RECORD.

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

S. 276

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. PERMANENT RESIDENT STATUS FOR SERGIO LOZANO, FAURICIO LOZANO AND ANA LOZANO.

(a) IN GENERAL.—Notwithstanding subsections 9a) and (b) of section 201 of the Immigration and Nationality Act, Sergio Lozano, Fauricio Lozano and Ana Lozano shall be eligible for issuance of an immigrant visa or for adjustment of status to that of an alien lawfully admitted for permanent residence upon filing an application for issuance of an immigrant visa under section 204 of such Act or for adjustment of status to lawful permanent resident.

(b) ADJUSTMENT OF STATUS.—if Sergio Lozano, Fauricio Lozano and Ana Lozano enter the United States before the filing deadline specified in subsection (c), they shall be considered to have entered and remained lawfully and shall, if otherwise eligible, be eligible for adjustment of status under section 245 of the Immigration and nationality Act as of the date of the enactment of this Act.

(c) DEADLINE FOR APPLICATION AND PAYMENT OF FEES.—Subsections (a) and (b) shall apply only if the applications for issuance of immigrant visas or the applications for adjustment of status are filed with appropriate fees within 2 years after the date of the enactment of this Act.

(d) REDUCTION OF IMMIGRANT VISA NUMBER.—Upon the granting of an immigrant visa or permanent residence to Sergio Lozano, Fauricio Lozano and Ana Lozano, the Secretary of State shall instruct the proper officer to reduce by three, during the current or next following fiscal year, the total number of immigrant visas that are made available to natives of the country of the aliens' birth under section 203(a) of the Immigration and Nationality Act or, if applicable, the total number of immigrant visas that are made available to natives of the country of the aliens' birth under section 202(e) of such Act.●

By Mr. DOMENICI (for himself and Mr. BINGAMAN):

S. 278. A bill to direct the Secretary of the Interior to convey certain lands to the county of Rio Arriba, New Mexico; to the Committee on Energy and Natural Resources.

THE RIO ARRIBA, NEW MEXICO LAND CONVEYANCE ACT OF 1999

● Mr. DOMENICI. Mr. President, today I rise to introduce legislation that will provide long-term benefits for the people of Rio Arriba County, New Mexico. In November of 1997, I introduced the Rio Arriba, New Mexico Land Conveyance Act of 1998. The bill would have transferred unwanted federal land and facilities to a community desperately seeking the ability to grow. The bill had bipartisan support, and created a win-win situation. After incorporating suggested changes from the Administration, the Senate Energy and Natural Resources Committee reported the bill unanimously in May 1998, and the Senate passed S. 1510 on July 17, 1998.

Unfortunately, despite the logic and benefit of the legislation, the bill failed to pass the House of Representatives in the waning days of the 105th Congress. I am hoping that this body can promptly pass this needed legislation again, and that the House will agree that this type of transfer is logical and should be quickly passed since it provides facilities and lands for community use while removing unwanted and unused land and facilities from federal ownership.

Over one-third of the land in New Mexico is owned by the federal government, and therefore finding appropriate sites for community and educational purposes can be difficult. More than seventy percent of Rio Arriba County is in federal ownership. Communities in this area have found themselves unable to grow or find available property necessary to provide local services. This legislation allows for transfer by the Secretary of the Interior real property and improvements at an abandoned and surplus ranger station for the Carson National Forest to Rio Arriba County. The site is known as the Old Coyote Administrative Site, near the small town of Coyote, New Mexico.

The Coyote Station will continue to be used for public purposes for the County, potentially including a community center and a fire substation. Some of the buildings will also be available for the County to use for storage and repair of road maintenance equipment and other County vehicles.

Mr. President, the Forest Service has determined that this site is of no further use to them, since they have recently completed construction of a new administrative facility for the Coyote Ranger District. The Forest Service reported to the General Services Administration that the improvements on the site were considered surplus, and would be available for disposal under their administrative procedures. At this particular site, however, the land on which the facilities have been built is withdrawn public domain land, under the jurisdiction of the Bureau of Land Management.

I worked closely in the last Congress with the Forest Service and Bureau of Land Management to make this transfer a reality. The Administration is supportive of the legislation and the changes made to the bill at their suggestion. Since neither the Bureau of Land Management nor the Forest Service have any interest in maintaining Federal ownership of this land and the surplus facilities, and Rio Arriba County desperately needs them, passage of this bill is a win-win situation for both the federal government, New Mexico, and the people of Rio Arriba County. I look forward to prompt passage of this legislation again in the Senate, the House's agreement, and Presidential signature as soon as possible.

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. 278

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. OLD COYOTE ADMINISTRATIVE SITE.

(a) CONVEYANCE OF PROPERTY.—Not later than one year after the date of enactment of this Act, the Secretary of the Interior (herein ''the Secretary'') shall convey to the County of Rio Arriba, New Mexico (herein ''the County''), subject to the terms and conditions stated in subsection (b), all right, title, and interest of the United States in and to the land (including all improvements on the land) known as the ''Old Coyote Administrative Site'' located approximately ½ mile east of the Village of Coyote, New Mexico, on State Road 96, comprising one tract of 130.27 acres (as described in Public Land Order 3730), and one tract of 276.76 acres (as described in Executive Order 4599).

(b) TERMS AND CONDITIONS.—

(1) Consideration for the conveyance described in subsection (a) shall be—

(A) an amount that is consistent with the special pricing program for Governmental entities under the Recreation and Public Purposes Act; and

(B) an agreement between the Secretary and the County indemnifying the Government of the United States from all liability of the Government that arises from the property.

(2) The lands conveyed by this Act shall be used for public purposes. If such lands cease to be used for public purposes, at the option of the United States, such lands will revert to the United States.

(c) LAND WITHDRAWALS.—Land withdrawals under Public Land Order 3730 and Executive Order 4599 as extended in the Federal Register on May 25, 1989 (54 F.R. 22629) shall be revoked simultaneous with the conveyance of the property under subsection (a).●

By Mr. MCCAIN (for himself, Mr. KYL, and Mr. HELMS):

S. 279. A bill to amend title II of the Social Security Act to eliminate the earnings test for individuals who have attained retirement age; to the Committee on Finance.

THE SENIOR CITIZENS FREEDOM TO WORK ACT OF 1999

● Mr. KYL. Mr. President, I rise to join Senator JOHN MCCAIN as an original cosponsor of the Senior Citizens Freedom to Work Act of 1999. Senator MCCAIN's legislation would give seniors relief from the Social Security earnings limitation contained in current law.

During the 1992 presidential campaign, President Clinton said that America must ''lift the Social Security earnings test limitation so that older Americans are able to help rebuild our economy and create a better future for us all.'' I could not agree more. Yet, despite 6 years of urging from many members of Congress and millions of Americans, the President appears reluctant to make good on this campaign promise. So, it has fallen to Senator MCCAIN to pursue this issue, as he has for several years.

The Social Security Earnings Limitation (SSEL) was created during the Depression in order to move older workers out of the labor force and to create job opportunities for younger workers. Obviously, this situation no longer exists.

In an effort to address this problem, legislation was enacted in 1996, which I supported, which will raise the Social Security earnings limitation to $30,000 by 2002. However, I believe we must do more. Senator MCCAIN's bill would repeal the entire limitation immediately.

Currently, under the SSEL, senior citizens aged 62 to 64 lose $1 in benefits for every $2 they earn over the $9,600 limit. Seniors aged 65–99 lose $1 in benefits for every $3 they earn over $15,500 annually. When combined with federal and state taxes, a senior citizen earning just over $14,000 per year faces an effective marginal tax rate of 56 percent.

However, when combined with the President's tax on Social Security benefits passed in 1993, a senior's marginal tax rate can reach 88 percent—twice the rate millionaires pay!

Some lawmakers apparently forget the Social Security is not an insurance policy intended to offset some unforeseen future occurrence; rather, it is a pension with a fixed sum paid regularly to the retirees who made regular contributions throughout their working lives. Social Security is a planned savings program to supplement income during an individual's retirement years.

I believe no American should be discouraged from working. Such a policy violates the principles of self-reliance and personal responsibility on which America was founded. Regrettably, American's senior citizens re severely penalized for attempting to be financially independent. When senior citizens work to pay for the high cost of health care, pharmaceuticals and housing, they are penalized like no other group in our society.

Senior citizens possess a wealth of experience and expertise acquired through decades of productivity in the work place. Companies hiring seniors have noted their strong work ethic, punctuality, flexibility. Their participation in the workforce can add billions of dollars to our Nation's economy. To remain competitive in the global marketplace, America needs for its senior citizens to be involved in the economy: working, producing, and paying taxes to the federal government. A law which discourages this is not just bad law, it's wrong—and it hurts not only seniors but all Americans.

I will work with Senator MCCAIN in the 106th Congress to enact this legislation which will lift the unjust and counterproductive burden from the backs of our senior citizens.●

● Mr. MCCAIN. Mr. President, I rise today with Senators KYL and HELMS to introduce again this year the Senior Citizen's Freedom to Work Act. Our bill would fully repeal the erroneous Social Security Earnings test.

Since coming to the Senate in 1987, I have been working to eliminate the discriminatory and unfair earnings test.

I am pleased that in 1996, Congress passed and President Clinton signed into law my bill, the Senior Citizens Right to Work Act. This legislation took a step in the right direction by increasing the earning threshold for senior citizens from $11,520 to $30,000 by the year 2002. Now it is time to eliminate the unjust earnings test in its entirety.

Most Americans are shocked and appalled when they discover that older Americans are penalized for working. Nobody should be penalized for working or discouraged from engaging in work. Yet, this is exactly what the Social Security earnings test does to our nation's senior citizens. The Social Security earnings test punishes Americans between the ages of 65 and 70 for their attempts to remain productive after retirement.

The Social Security earnings test mandates that, for every $3 earned by a retiree over the established limit of $15,500 in 1999, the retiree loses $1 in Social Security benefits. This is clearly age discrimination, and it is very wrong. Due to this cap on earnings, our senior citizens, many of whom exist on fixed, low-incomes, are burdened with a 33.3 percent tax on their earned income. When this is combined with Federal, State, local, and other Social Security taxes, it amounts to an outrageous 55 to 65 percent tax bite or and even higher.

This earnings limit is punitive and serves as a tremendous disincentive to work. An individual who is struggling to make ends meet on approximately $15,500 a year should not be faced with an effective marginal tax rate which exceeds 55 percent.

The Social Security earnings test is a relic of the Great Depression, designed to move older people out of the workforce and create employment for younger individuals. This is an archaic policy and should no longer be our goal. Many senior citizens can make a significant contribution, and often their knowledge and experience compliments or exceeds that of younger employees. Tens of millions of Americans are over the age of 65, and together they have over a billion years of cumulative work experience. These individuals have valuable experience to offer our society, and we need them.

In addition experts predict a labor shortage when the ''baby boom'' generation ages, and it is evident that employers will have to develop new sources of labor as our elderly population continues to grow much faster than the number of workers entering the workforce. According to the U.S. Chamber of Commerce, ''retaining older workers is a priority in labor intensive industries, and will become even more critical as we approach the year 2000.'' It seems counterproductive and foolish to keep willing, diligent workers out of the American workforce. Our country must continue to support pro-work, not pro-welfare policies.

More importantly, many of the older Americans penalized by the earnings test need to work in order to cover their basic expenses: health care, housing and food. Many seniors do not have significant savings or a private pension. For this reason, low-income workers are particularly hard-hit by the earnings test.

It is important to note that wealthy seniors, who have lucrative investments, stocks, and substantial savings, are not affected by the earnings limit. Their supplemental ''unearned'' income is not subject to the earnings threshold. The earnings limit only affects seniors who must work and depend on their earned income for survival.

Finally, let me stress that repealing the burdensome and unfair earnings test would not jeopardize the solvency of the Social Security funds. Opponents who claim otherwise are engaging in cruel scare tactics. The Social Security benefits which working seniors are losing due to the earnings test penalty are benefits they have rightfully earned by contributing to the system throughout their working years before retiring. These are benefits which they should not be losing because they are trying to survive by supplementing their Social Security income. Furthermore, certain studies indicate that repealing the earnings test would actually result in a net increase of $140 million in federal revenue because more seniors would be earning wages and paying income taxes on these wages.

Mr. President, there is no compelling justification for denying economic opportunity to an individual on the basis of age. It is quite evident that the earnings test is outdated, unjust and discriminatory.

I am pleased that this Congress will be focusing on the overall structure of the Social Security system and working together for solutions which would strengthen the system for the seniors of today and tomorrow without placing an unfair burden on working Americans. It is absolutely crucial that we include elimination of the unfair earnings test in any Social Security bill we enact this year.

I find it encouraging that President Clinton indicated in his State of the Union Address that he is finally ready to address this issue and allow seniors the freedom to work without being unfairly penalized. As many of my colleagues may recall, this was a campaign initiative of President Clinton in 1992 and I am pleased that it appears that we may finally have a bipartisan victory for eliminating this unfair penalty on working seniors in 1999. I urge my colleagues on both sides of the aisle to work with me to get this accomplished for America's seniors.

Mr. President, I ask unanimous consent that a letter in support of the bill be printed in the RECORD.

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

THE 60 PLUS ASSOCIATION,
Arlington, VA, January 20, 1999.

Hon. JOHN MCCAIN,
U.S. Senate, Washington, DC.

DEAR SENATOR MCCAIN: Congratulations on your legislation to repeal the Social Security earnings test.

The 60 Plus Association has been a longtime advocate of removing this provision which penalizes those senior citizens who work or want to work while receiving Social Security benefits. It is unfair to penalize them by mandating that for every $3 earned over the established limit (in 1998, a total of $14,500) the senior works, he or she suffers the loss of $1 in Social Security benefits. Seniors are denied by this penalty the opportunity to continue contributing productively to our economy. And it is a case of age discrimination against ambitious seniors, and seniors who need to continue working.

You demonstrate that you are a real friend of all senior citizens by sponsoring this legislation to repeal the Social Security earnings limit. You may be sure we at the 60 Plus Association will work diligently to support this legislation and hope it will soon be enacted into law.

Sincerely,

JAMES L. MARTIN,
President.●

By Mr. HARKIN:

S. 281. A bill to amend the Tariff Act of 1930 to clarify that forced or indentured labor includes forced or indentured child labor; to the Committee on Finance.

TARIFF ACT AMENDMENTS

● Mr. HARKIN. Mr. President, I ask unanimous consent that the text of S.

281, to amend the Tariff Act of 1930 to clarify that forced or indentured labor includes forced or indentured child labor be printed in the RECORD.

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

S. 281

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. FORCED OR INDENTURED CHILD LABOR.

Section 307 of the Tariff Act of 1930 (19 U.S.C. 1307) is amended by adding at the end the following new sentence: ''For purposes of this section, the term 'forced labor or/and indentured labor' includes forced or indentured child labor.''.●

By Mr. MCCAIN:

S. 283. A bill to amend the Internal Revenue Code of 1986 to provide a partial exclusion from gross income for individuals and interest received by individuals; to the Committee on Finance.

THE MIDDLE-INCOME SAVINGS AND INVESTMENT ACT OF 1999

● Mr. MCCAIN. Mr. President, today I am introducing the Middle-Income Savings and Investment Act of 1999. This bill is designed to encourage lower- and middle-income Americans to save and invest more of their hard-earned dollars, by allowing taxpayers to earn $200 ($400 for joint filers) of interest and dividend income tax-free. This bill also lessens the impact of one of the most nefarious aspects of our current tax code—double taxation.

Mr. President, this legislation is important. Consumers can do three things with their income: spend it, pay taxes, or save it. Unfortunately, Americans are not doing enough of the latter.

America's personal savings rate is at an all-time low. Furthermore, the U.S. national savings rate ranks among the lowest of the G–7 countries. According to the Department of Commerce, in September 1998, the personal savings rate was 0%. In other words, we saved nothing. In October 1998, things got worse and our personal savings rate fell to −2%. Americans spent more that month than they earned.

Other countries have high tax rates, but their citizens still manage to save more of their hard-earned dollars than most Americans. Economists say that this is because many other countries provide a tax incentive for small savers by exempting some portion or all of their interest or dividend income from tax. In contrast, the U.S. tax code taxes the savings twice, once when the individual earns the income, and again when the small savers earn interest or dividends generated by the savings or investments.

Congress can not place the blame entirely on the American consumer for our nation's record low savings rates. Our current tax code discourages savings and investment. Income is taxed first when it is earned. If the income is spent, then it is not taxed again. However, if the income is saved or invested, the returns on the savings are taxed once again. Thus, savings and investment are taxed twice.

The multiple layers of taxation on savings increase the cost of savings, which leads to a smaller supply of capital, and a decreased personal savings rate. A fairer tax code would not penalize savings relative to consumption. This legislation is not a cure for all of the ills of our overly complicated burdensome tax code, but it is an important step to eradicating the double taxation inherent in our antiquated tax code.

The Middle-Income Savings and Investment Act provides some tax relief to taxpayers by allowing individuals to earn up to $200 in interest or dividend income tax-free; a married couple could earn up to $400 in interest and dividends tax-free. $200 may not sound like much money, but it represents an important first step in eliminating the bias against savings and investment.

This legislation would provide tax relief to the majority of Americans. However, because of the low $200 and $400 exemption levels, this legislation will particularly benefit lower- and middle-income taxpayers, and boost savings incentives among non-savers and small-savers alike. The vast majority of moderate-income savers would not be taxed on any of their interest or dividend income under this legislation. The Congressional Joint Economic Committee estimates that this type of interest and dividend exclusion would affect 57% of all taxpayers, with more than 30 million taxpayers not paying any tax on interest and dividend income.

It is vital that we create further incentives to encourage moderate-income Americans to save and invest more of their hard-earned dollars. Policy makers and economists have long been concerned about the adequacy of savings in the United States. These fears address both the financial well-being of individuals, and the fiscal stability of the national economy.

Increased savings and investment are an essential element of low- to moderate-income Americans' financial well-being. Savings impact taxpayers' ability to save for emergencies, education, home buying and most importantly, for retirement.

Consumer spending is powering the United States economy at a brisk rate of growth, even as we struggle with diminished export sales and slumping economies in Asia, Russia, and Latin America. However, as demonstrated by the low levels of personal savings in September and October of 1998, we are raiding our savings to purchase homes, consumer goods, and other products. Consumers cannot raid their wealth forever.

The recent devaluation of the Brazilian currency and other geopolitical instability could result in a potential economic downturn in the United States. In the event this does happen, increased personal savings will give Americans a financial cushion to weather any potential downturn.

Retirement looms around the corner for many baby boomers. While I am confident Congress will ensure that the Social Security trust funds will be solvent when the baby boomers retire, Social Security alone may not be sufficient to maintain the boomers' current standard of living. Personal savings must make up this gap. Since personal savings are at an all-time low, it is unlikely that a substantial number of baby boomers will have sufficient personal savings to supplement their social security benefits to make up this income gap. Tax reform which encourages savings and investment can be an important tool to ensure that retiring Americans have sufficient personal savings to maintain their current standard of living.

Increased personal savings and investment are also good for the nation's fiscal well-being. The money financial institutions lend or invest does not grow on trees. This capital comes from the funds everyday Americans deposit or invest in these institutions. Thus, savings are important because they are a key element of capital formation. Capital formation is necessary for economic growth and rising wages.

We must increase the savings rate if we wish to continue our current economic expansion. Without savings, it is impossible to build factories, purchase equipment, conduct research, or develop technology. Savings allow businesses to purchase equipment, and new equipment allows factories to be more productive, which in turn raises the income of workers and owners.

This link between savings rates and capital formation is not rocket science. Workers are more productive when they are working with modern equipment. More productive workers earn higher real wages. Higher real wages are the beginning of higher standards of living. But, the key is capital. American industry must have access to a readily available supply of affordable domestic capital to purchase this productivity enhancing equipment.

The bottom line is that capital formation is necessary for economic growth and rising wages. Further incentives for savings and investment will increase capital formation. The Middle-Class Savings and Investment Act provides a necessary incentive to get low- to moderate-income Americans to save and invest more.

At present, America is not suffering from its current savings dilemma. However, we must act now to increase the personal savings rate to prepare for the challenges of the next millennium.

Mr. President, the Congressional Budget Office estimates a budget surplus of $80 billion for fiscal year 1999. Informal estimates by the Joint Committee on Taxation indicate that this bill will only cost $15 billion over 5 years. What better way to use a small portion of the surplus than to return it to the American people in the form of much-needed middle-class tax relief.●

By Mr. MCCAIN:

S. 284. A bill to amend the Internal Revenue Code of 1986 to eliminate the marriage penalty by increasing the standard deduction for married individuals filing joint returns to twice the standard deduction for unmarried individuals; to the Committee on Finance.

MARRIAGE PENALTY ELIMINATION ACT OF 1999

● Mr. McCAIN. Mr. President, I am proud to introduce the Marriage Penalty Elimination Act of 1999. This bill would deliver sweeping tax relief to millions of lower- and middle-income Americans by eliminating the marriage penalty. The bill is simple: it incrementally increases the standard deduction over a 5-year period, until the joint filer's standard deduction is equal to 2 times the individual filer's deduction.

This bill significantly lessens the effect of one of the Tax Code's most inequitable provisions, the marriage penalty. Under today's Tax Code, the marriage penalty occurs when the sum of the tax liabilities of two unmarried individuals filing their own tax returns is less than their tax liability would be under a joint return if they were married. The Marriage Penalty Elimination Act would allow a married couple to claim the same amount of the standard deduction as two individuals. It seems logical that a married couple would be eligible to take two times the standard deduction that an individual can take. This is not the case. Under current law, joint filers are only eligible to take approximately 1.67 times the standard deduction of single filers.

Because CBO has estimated that federal budget surpluses will total more than $700 billion over the next 10 years, there could be no better time for Congress to focus our attention on relieving the tax burden on the American people. There is no better time than now to provide relief to the taxpayers who have been overtaxed and overburdened with our antiquated tax system.

Mr. President, as Congress is well aware, it is essential to provide relief to the ordinary, hard-working, middle-class American families who are struggling to make ends meet. This bill focuses directly on lower- and middle-income taxpayers, because the disparity between a married couple's standard deduction and an unmarried couple's combined standard deduction is most discriminating to the lower- and middle-income level taxpayers.

The current standard deduction for joint returns is currently 1.67 times that of single returns for tax bracket rates of 15%, 28% and 31%. However, the disparity narrows at the 36% bracket for joint filers to 1.2 times that of individual filers. And, at the highest bracket rate of 39.6%, the standard deduction for married and unmarried couples is equal. These figures make clear the discrimination that our present Tax Code imposes on lower- and middle-income taxpayers.

This bill would eliminate the unjust disparity between the standard deduction afforded a married couple and an unmarried couple. It is vital to our Nation that Congress work to foster strength among American families. By enacting the Marriage Penalty Elimination Act, this Congress would not only be addressing the tax concerns of the American people, but also providing an incentive for the American family. As the Tax Code is written now, couples are punished with an undue financial burden just for being married. In effect, the marriage penalty taxes marriage, one of our most fundamental institutions. There can be no doubt that this kind of disincentive for marriage is wrong.

In addition to the overriding moral objection to a marriage penalty, there exists a basic question of fairness. Not only is it debilitating to our society to penalize those who enter into the sacred institution of marriage to create a family, but it is fundamentally unjust to impose a greater tax burden on two married people than on two unmarried people who live together.

Mr. President, on behalf of the millions of lower- and middle-income American families, I urge my colleagues to support this important bill.

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. 285

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE; AMENDMENT OF 1986 CODE.

(a) SHORT TITLE.—This Act may be cited as the ''Marriage Penalty Elimination Act of 1999''.

(b) ELIMINATION OF 1986 CODE.—Except as otherwise expressly provided, whenever in this Act an amendment or repeal is expressed in terms of an amendment to, or repeal of, a section or other provision, the reference shall be considered to be made to a section or other provision of the Internal Revenue Code of 1986.

SEC. 2. ELIMINATION OF MARRIAGE PENALTY IN STANDARD DEDUCTION.

(a) IN GENERAL.—Section 63(c) (relating to standard deduction) is amended by adding at the end the following new paragraph:

''(7) ELIMINATION OF MARRIAGE PENALTY FOR JOINT FILERS.—

''(A) IN GENERAL.—In the case of a joint return or a surviving spouse (as defined in section 2(a)), the basic standard deduction under paragraph (2)(A) shall be increased by an amount equal to the applicable percentage of the excess of—

''(i) 200 percent of the basic standard deduction in effect for the taxable year under paragraph (2)(C), over

''(ii) the basic standard deduction in effect for the taxable year under paragraph (2)(A) (without regard to this paragraph).

''(B) APPLICABLE PERCENTAGE.—For purposes of subparagraph (A), the applicable percentage shall be determined as follows:

''For taxable years beginning in calendar year:	The applicable percentage is:
1999	20
2000	40
2001	60
2002	80
2003 and thereafter	100.''

(b) CONFORMING AMENDMENT.—Section 63(c)(2)(A) is amended by inserting ''except as provided in paragraph (7),'' before ''$5,000''.

(c) EFFECTIVE DATE.—The amendments made by this section shall apply to taxable years beginning after December 31, 1998.●

By Mr. MCCAIN (for himself, Mr. DEWINE, Ms. LANDRIEU, Mr. DURBIN, Mr. CLELAND, Mr. HAGEL, Mr. WELLSTONE, and Mr. BREAUX):

S. 285. A bill to amend title II of the Social Security Act to restore the link between the maximum amount of earnings by blind individuals permitted without demonstrating ability to engage in substantial gainful activity and the exempt amount permitted in determining excess earnings under the earnings test; to the Committee on Finance.

BLIND PERSONS EARNINGS EQUITY ACT

● Mr. MCCAIN. Mr. President, I rise today to introduce an important piece of legislation which would have a tremendous impact on the lives of many blind people. This bill restores the 20-year link between blind people and senior citizens in regards to the Social Security earnings limit which has helped many blind people become self-sufficient and productive.

When the Congress passed the Senior Citizens Freedom to Work Act in 1996, we unfortunately broke the longstanding linkage in the treatment of blind people and seniors under Social Security, which resulted in allowing the earnings limit to be raised for seniors only and did not give blind people the same opportunity to increase their earnings without penalizing their Social Security benefits.

My intent when I sponsored the Senior Citizens Freedom to Work Act was not to break the link between the blind people and the senior population. In 1996, time constraints and fiscal considerations forced me to focus solely on raising the unfair and burdensome earnings limit for seniors. I am happy to say that the Senior Citizens Freedom to Work Act became law in 1996, and the earnings exemption for seniors is being raised in annual increments until it reaches $30,000 in the year 2002. This law is allowing millions of seniors to continue contributing to society as productive workers.

Now we should work together in the spirit of fairness to ensure that this same opportunity is given to the blind population. We should provide blind people the opportunity to be productive and ''make it'' on their own. We should not continue policies which discourage these individuals from working and contributing to society.

The bill I am introducing today is identical to one I sponsored in the last Congress. It would reunite the earnings exemption amount for blind people with the exemption amount for senior citizens. If we do not reinstate this link, blind people will be restricted to earning $14,800 in the year 2002 in order

to protect their Social Security benefits, compared to the $30,000 which seniors will be permitted to earn.

There are very strong and convincing arguments in favor of reestablishing the link between these two groups and increasing the earnings limit for blind people.

First, the earnings test treatment of our blind and senior populations has historically been identical. Since 1977, blind people and senior citizens have shared the identical earnings exemption threshold under Title II of the Social Security Act. Now, senior citizens will be given greater opportunity to increase their earnings without losing a portion of their Social Security benefits; the blind, however, will not have the same opportunity.

The Social Security earnings test imposes as great a work disincentive for blind people as it does for senior citizens. In fact, the earnings test probably provides a greater aggregate disincentive for blind individuals since many blind beneficiaries are of working age (18–65) and are capable of productive work.

Blindness is often associated with adverse social and economic consequences. It is often tremendously difficult for blind individuals to find sustained employment or any employment at all, but they do want to work. They take great pride in being able to work and becoming productive members of society. By linking the blind with seniors in 1977, Congress provided a great deal of hope and incentive for blind people in this country to enter the work force. Now, we are taking that hope away from them by not allowing them the same opportunity to increase their earnings as senior citizens.

Blind people are likely to respond favorably to an increase in the earnings test by working more, which will increase their tax payments and their purchasing power and allow the blind to make a greater contribution to the general economy. In addition, encouraging the blind to work and allowing them to work more without being penalized would bring additional revenue into the Social Security trust funds as well as the Federal Treasury. In short, restoring the link between blind people and senior citizens for treatment of Social Security benefits would help many blind people become self-sufficient, productive members of society.

I am pleased that this Congress will be focusing on the overall structure of the Social Security system and working together for solutions which would strengthen the system for seniors of today and tomorrow without placing an unfair burden on working Americans. It is absolutely crucial that we include raising the earnings test for blind individuals as a part of any Social Security bill we enact this year.

I urge each of my colleagues to join me in sponsoring this important measure to restore fair and equitable treatment for our blind citizens and to give the blind community increased financial independence. Our nation would be better served if we restore equality for the blind and provide them with the same freedom, opportunities and fairness as our nation's seniors.●

By Mr. McCAIN:

S. 286. A bill to amend the Internal Revenue Code to repeal the increase in the tax on Social Security benefits; to the Committee on Finance.

SENIOR CITIZENS' EQUITY ACT

● Mr. MCCAIN. Mr. President, I rise today to introduce legislation to repeal the increase in tax on Social Security benefits. As my colleagues know, the 1993 Omnibus Budget Reconciliation Act increased the taxable portion of Social Security benefits from 50% to 85% for Social Security recipients whose threshold incomes exceed $34,000 (single) and $44,000 (couples). The legislation I am introducing today simply phases out this increase gradually over a four-year period. In 1999, the applicable percentage would be 75 percent; in 2000, 65 percent: in 2001, 60 percent; in 2002, 55 percent; and finally in 2001, the taxable percentage would return to 50%.

I believe the increase in the taxable portion of Social Security benefits was blatantly unfair because it changed the rules in the middle of the game. Responsible senior citizens who had carefully planned for their retirement were penalized and saw their income fall while their marginal tax rate skyrocketed. Nearly 9,000 seniors representing 23.4 percent of recipients are affected by this provision. These seniors relied on and based their decisions on the old law, and they cannot now go back in time to change these decisions.

Clearly, we should be encouraging all Americans to save and invest for the future. We can not be sure that Social Security benefits will take care of all our retirement needs. If Congress continues to change the rules after plans and investment decisions have been made, we will diminish the incentive for Americans to prepare for the future and plan accordingly.

I am consistently amazed by the perverse disincentives Congress enacts. Aside being patently unfair, taxing 85% of Social Security benefits above the current income levels creates a tremendous disincentive for seniors to work. It simply does not make sense to work if every dollar you earn over the threshold drastically reduces your Social Security benefits.

This legislation is supported by the National Committee to Preserve Social Security and Medicare, the Seniors Coalition and Sixty-Plus.

I am pleased that this Congress will be focusing on strengthening and restructuring our nation's Social Security system for the seniors of today and tomorrow without placing an unfair burden on American workers. As we continue working together for a solution to our nation's retirement system I will push to include this provision in any Social Security bill we enact this year.

Finally, I am sure many of my colleagues note that the problems with this additional tax on Social Security benefits are strikingly similar to the Social Security earnings limit. It is my strong hope that we will act expeditiously on this legislation as well as my legislation to fully repeal the unfair earnings test.

Mr. President, I ask unanimous consent that letters of support be printed in the RECORD.

There being no objection, the letters were ordered to be printed in the RECORD, as follows:

NATIONAL COMMITTEE TO PRESERVE SOCIAL SECURITY AND MEDICARE,
Washington, DC, January 20, 1999.

Hon. JOHN MCCAIN,
U.S. Senate, Russell Senate Office Building, Washington, DC.

DEAR SENATOR MCCAIN: The National Committee to Preserve Social Security and Medicare is pleased to endorse your legislation to repeal the inequitable tax increase on Social Security benefits enacted as part of the 1993 budget reconciliation bill.

The Omnibus Budget Reconciliation Act of 1993 increased the amount of Social Security benefits subject to tax from 50 percent to 85 percent for individual beneficiaries with income above $34,000 or for couples with income above $44,000. The ''Senior Citizens' Equity Act'' would gradually phase out this increase and return the taxable percentage to 50 percent.

The 1993 tax increase affects not only wealthy seniors but also middle income seniors. Over time, many more moderate and low income retirees will see their income pushed over the thresholds because the thresholds are not indexed. Taxing 85 percent of Social Security benefits over the current income thresholds unfairly penalizes responsible older Americans who planned for their retirement through employment, saving, and investment. Many National Committee Members need or want to work, but they also deserve to receive their hard-earned retirement benefits. The increased tax rate only discourages work and retirement savings.

Moreover, a Price-Waterhouse analysis demonstrated that the 1993 legislation targeted seniors by increasing their tax burden more than non-seniors in every income category—on average twice as great for senior families as for non-senior families. Middle income seniors experienced a disproportionately large tax increase under the 1993 bill, and your legislation will provide them with much needed relief.

The 5.5 million members and supporters of the National Committee thank you for your efforts on behalf of older Americans.

Sincerely,

MARTHA A. MCSTEEN,
President.

THE 60 PLUS ASSOCIATION,
Arlington, VA, January 20, 1999.

Hon. JOHN MCCAIN,
U.S. Senate,
Washington, DC.

DEAR SENATOR MCCAIN: I commend you for introducing the Senior Citizens' Equity Act, which would repeal the previously enacted tax on Social Security benefits.

A great inequity hit senior citizens when President Clinton's 1993 Omnibus Budget Reconciliation Act increased the taxable proportion of Social Security benefits from 50% to 85%. It hit seniors whose income was as low as $34,000 (single) and $44,000 (couples). This placed an unfair burden on our seniors who were suddenly singled out and had the income for which they had worked subject to

a burdensome increase in taxes. Almost one-third of our seniors were dealt this blow.

Your Senior Citizens' Equity Act will help seniors while restoring fairness to the tax system for them. I hope Congress will act quickly to pass your legislation and that the President will sign it. We owe that much to our seniors.

Sincerely,

JAMES L. MARTIN, *President*.●

By Mr. ROTH (for himself and Mr. BIDEN):

S. 287. A bill to amend the Small Business Act to require the establishment of a regional or branch office of the Small Business Administration in each State; to the Committee on Small Business.

SMALL BUSINESS ADMINISTRATION EQUAL REPRESENTATION ACT

● Mr. ROTH. Mr. President, I come to the floor today to introduce legislation to ensure that the federal government provides Delaware small businesses with the same treatment as those in other states. Delaware is the only state in which the Small Business Administration does not maintain a district office. As a result, Delaware small businesses are being shortchanged.

The primary function of Small Business Administration district offices is the approval of Small Business Administration loan guarantee applications. Without a district office, Delaware applications must be processed out of state. As a result, community benefit, interviews, and local outlook cannot be considered with loan guarantee paperwork as is common in other states, and applications take longer to process. Small Business Administration district offices will also provide Delaware's Small Business community with more effective outreach and awareness of Small Business Administration programs and services.

The bill I am introducing today, with the cosponsorship of Senator BIDEN, will correct this inequity. This bill, the Small Business Administration Equal Representation Act, specifies that each state is entitled to a single Small Business Administration district office. But it will do so without authorizing any additional appropriations.

Mr. President, Delaware small businesses deserve the same level of support from the Small Business Administration as is found in every other state. Even Puerto Rico benefits from having a Small Business Administration district office. The Small Business Administration Equal Representation Act will assure that Delaware receives from the Small Business Administration the level of support it deserves.●

● Mr. BIDEN. Mr. President, I am pleased to join BILL ROTH, my good friend and colleague from Delaware, the distinguished chairman of the Finance Committee, in introducing legislation important to our State.

Small businesses are the cornerstone of our economy—in Delaware and across the rest of the country. They are key players in the record economic expansion we have enjoyed over the last seven years. They are engines of job growth and technical innovation, and they deserve not only our praise, but our support as well.

The Small Business Administration has many programs that can provide that support—including loan guarantee—through a national network of district offices. However, Delaware remains the only State in the Union that is without a Small Business Administration district office. The higher hurdles between Delaware small businesses and the services of the Small Business Administration reduce the value of those services to Delawareans.

That is why Senator ROTH and I are introducing this legislation, that will guarantee that every state—including Delaware—will have its own Small Business Administration district office. This can be accomplished without any additional expenditures under the current Small Business Administration budget.

A district office in Delaware will make sure that Delaware businesses will enjoy the same access to Small Business Administration programs that their counterparts in other States now have. I look forward to working with BILL ROTH, and Congressman MIKE CASTLE in the House, to make this fair and sensible proposal a success in this session of Congress.●

By Mr. JEFFORDS (for himself, Mr. HATCH, Mr. KENNEDY, Mr. SMITH of Oregon, Mr. LEAHY, Mr. KERREY, and Mr. DURBIN):

S. 288. A bill to amend the Internal Revenue Code of 1986 to exclude from income certain amounts received under the National Health Service Corps Scholarship Program and F. Edward Hebert Armed Forces Health Professions Scholarship and Financial Assistance Program; to the Committee on Finance.

TAX LEGISLATION

● Mr. JEFFORDS. Mr. President, today I am introducing a bill to amend our tax law's treatment of scholarships awarded under the National Health Service Corps (NHSC) scholarship program. Although, as a general rule, scholarships are excludable from income, the Internal Revenue Service has taken the position that NHSC scholarships are includible in income. Imposing taxes on the scholarships could have disastrous effects on a program that for over 20 years has helped funnel doctors, nurse-practitioners, physician assistants, and other health professionals into medically underserved communities.

Under the National Health Service Corps program, health professions students are given a scholarship covering the cost of tuition and fees, together with a monthly stipend covering living expenses. For each year of scholarship funding, NHSC scholars are obligated, upon completion of their training, to provide a year of full-time primary health care in one of 2,000 designated health professions shortage areas. These shortage areas include the nation's neediest communities, both rural areas and inner cities. NHSC scholars who renege on their service obligations are required to re-pay an amount equal to three times the scholarship, plus interest.

Generally, the Internal Revenue Code provides that amounts received as scholarships are not includible in a recipient's gross income. There is an exception to this rule, however, when a scholarship is provided in exchange for services or a promise to perform services. Without such an exception, an employer could disguise compensation as a scholarship. National Health Corps Service scholarships, however, are not disguised compensation. Upon completion of their studies, the large majority of NHSC scholars do not work for the Federal government, which awarded them the scholarship. Instead, they work at places like low-income clinics or inner-city hospitals. Consequently, this is not a situation where an employer is transforming compensation into a scholarship.

I introduced a bill similar to this one during the last Congress. It was passed by the Senate as part of the Education Savings and School Excellence Act of 1998, and was included in the conference agreement for that bill. This bill was vetoed by the president, so the problem still exists. The conference committee also determined that amounts received under the F. Edward Hebert Armed Forces Health Professions Scholarship and Financial Assistance Program should also be eligible for tax-free treatment. This is a program similar to the National Health Service Corps available to members of the armed forces. The bill I am introducing today also provides for exclusion from income for scholarships received under this program.

Last year, the Joint Committee on Taxation estimated that providing an exclusion from income for amounts received under these two scholarship programs would have a negligible effect on budget receipts. I do not expect any change in that analysis, and I urge my colleagues to join me in support of this bill.●

By Mr. ABRAHAM (for himself, Mr. COVERDELL, Mr. HUTCHINSON, and Mr. SESSIONS):

S. 289. A bill to amend the Public Health Service Act to permit faith-based substance abuse treatment centers to receive Federal assistance, to permit individuals receiving Federal drug treatment assistance to select private and religiously oriented treatment, and to protect the rights of individuals from being required to receive religiously oriented treatment; to the Committee on Health, Education, Labor, and Pensions.

FAITH-BASED DRUG TREATMENT ENHANCEMENT ACT

● Mr. ABRAHAM. Mr. President, today, I, along with my colleagues Senators COVERDELL, HUTCHINSON, and

SESSIONS introduced the ''Faith-Based Drug Treatment Enhancement Act.'' The purpose of this legislation is to make successful faith-based drug and alcohol treatment programs eligible for federal substance abuse treatment dollars. It will allow faith-based programs to stand on an equal footing with other treatment programs which receive federal aid, allowing them to compete for federal funds without changing the religious nature of the help they provide. This is important because it is the religious character of the program to which program recipients often point as the reason for their success in overcoming their addiction.

Many faith-based treatment centers have astounding treatment success rates, particularly when compared with the single-digit success rates of many government-sponsored secular programs. One faith-based organization, the Mel Trotter Ministry, is located in my state of Michigan. This ministry points to the accountability demanded of addicts entering its faith-based program as a reason for its success. Another contributing factor to Mel Trotter's astounding 70 percent success rate is the program's ability to provide recipients with an incentive to change. The drug addict finds a new life at Mel Trotter Ministries and is finally able to overcome his or her addiction.

A similar program in my state, the Detroit Rescue Mission Ministries, boasts a 78 percent success rate for its substance abuse programs. One of the program recipients describes his experience at Detroit Rescue Mission Ministries this way: ''I was in and out of jail. During the winter of 1995, I was exposed to arctic cold with a resulting case of frostbite so severe I was threatened with amputation. Released from probation for the sixth time, I found Detroit Rescue Mission Ministries' Oasis shelter on Woodward Avenue and stayed 22 nights. There I found more than a shelter—I found a relationship with God and a new life of service for Him.''

Mel Trotter Ministry and Detroit Rescue Mission Ministries are examples of substance abuse treatment programs with proven success records. These programs and programs like them should be allowed to provide the crucial assistance needed for individuals to overcome their substance abuse once and for all.

This legislation builds on the charitable choice provision Senator ASHCROFT fought to have included in the historic welfare reform bill. That provision allows faith based charities to contract with government to supply social services without having to give up their religious character. No longer will religious groups have to literally hide the Bibles in order to help people.

Where sterile, bureaucratic government run programs fail, faith based programs can succeed, and are succeeding already. I urge my colleagues to support these efforts by supporting this legislation.●

By Mr. ABRAHAM (for himself and Ms. LANDRIEU):

S. 290. A bill to establish an adoption awareness program, and for other purposes; to the Committee on Health, Education, Labor, and Pensions.

ADOPTION PROMOTION ACT

● Mr. ABRAHAM. Mr. President, I rise to urge my colleagues' support for The Adoption Promotion Act. This legislation will work to provide important information on adoption to women facing unplanned pregnancies.

Mr. President, each year more than a million couples eagerly await the opportunity to adopt a child. Unfortunately, only 50,000 domestic, non-related adoptions occur each year. Couples waiting to adopt are willing and able to provide loving homes. Some of them have for one reason or another found themselves incapable of having children of their own. Others simply wish to share their lives and their homes with another child. Every one of them could nurture and give a good upbringing to whatever youngster is lucky enough to get them as parents. Unfortunately, the would-be parents often must wait several years for the opportunity to adopt a healthy child. For the anxious parents, the waiting seems to last an eternity.

There are many reasons for the sharp disparity between the relatively limited number of children available for adoption and the growing number of families anxiously waiting to adopt a child. Crucial is the fact that many women are not provided adequate information about adoption when they are making the important decision of how to deal with an unexpected pregnancy. Too few women are fully informed concerning the adoption option.

We know that providing information to women on adoption as a choice can increase the number of adoptions that occur each year and decrease the number of abortions. I believe that this is an important goal. For this reason, I have introduced, along with my colleague, Senator LANDRIEU, legislation that authorizes an Adoption Promotion program. This program will provide $25 million in grants to be used for adoption promotion activity. It will also require recipients to contribute $25 million of in-kind donations. The total amount going to adoption promotion will, therefore, be $50 million. This amount will allow for a thorough information campaign to take place—reaching women all over the country.

The legislation provides for grants to be used for public service announcements on print, radio, TV, and billboards. Grants will also be provided for the development and distribution of brochures regarding adoption through federally funded Title X clinics. These provisions will enable women to have accurate and clear information on adoption as an alternative when at a crucial point in their pregnancies. Further, the campaign will help to raise the level of awareness around the country about the importance of adoption.

Mr. President, I believe that each and every one of us, whether pro-life or pro-choice, should be working to reduce the number of abortions that occur each year. Indeed, I have often heard on this floor that abortion should be ''safe, legal and rare.'' I take my colleagues at their word and urge them to join me in this voluntary information program; a program designed to inform women of all their choices regarding any unexpected pregnancy.

Too many women in America feel abandoned and helpless in the face of an unexpected pregnancy. The father of the child may have left, the woman's family and friends even may desert her. Even those who stay with her may simply pressure her to end an embarrassing and troublesome situation.

Too often, then, our women, in a vulnerable state, are left without full, unbiased information and guidance concerning their options. I think it is crucial in these circumstances that we keep these women fully informed of all their options—including the option of releasing their child into the arms of a welcoming couple, anxious to become loving parents.

If we truly are committed to making every child a wanted child, Mr. President, I believe it is our duty to see to it that pregnant women know that there are couples out there who would love to care for their children. It is time for us, as a nation, to make clear our commitment to truly full information for expectant mothers, information that includes the availability of safe, loving homes for their children.●

By Mr. DOMENICI (for himself and Mr. BINGAMAN):

S. 291. A bill to convey certain real property within the Carlsbad Project in New Mexico to the Carlsbad Irrigation District; to the Committee on Energy and Natural Resources.

THE CARLSBAD IRRIGATION PROJECT ACQUIRED LAND TRANSFER ACT

● Mr. DOMENICI. Mr. President, I am again introducing the Carlsbad Irrigation Project Acquired Land Transfer Act. I, along with Congressman SKEEN, have been working to convey tracts of land—paid for by Carlsbad Irrigation District and referred to as ''acquired lands''—back to the district, during the past several congresses.

I introduced this bill in May of 1997 in order to transfer lands back to the rightful owners. This legislation transfers acquired land without affecting operations at the New Mexico state park at Brantley Dam, or the operations and ownership of the dam itself. Furthermore, the bill allows the Carlsbad Irrigation District to utilize proceeds from oil and gas leases on the transferred lands and moves land management responsibilities from the federal government to a local entity.

The Carlsbad Irrigation Project is a single-purpose project created in 1905 by the Bureau of Reclamation. The district has had operations and maintenance responsibilities for the irrigation

and drainage system since 1932. This legislation directs the Carlsbad Irrigation District to continue to manage the lands as they have been in the past, for the purposes for which the project was constructed. It met all the repayment obligations to the government in 1991, and it's about time we let Carlsbad Irrigation District have what is rightfully theirs.

This is a fair and equitable bill that has been developed over years of negotiations. This legislation accomplishes three things: conveys title of acquired lands and facilities to Carlsbad Irrigation District; allows the District to assume management of leases and the benefits of the receipts from these acquired lands; and sets a 180 day deadline for the transfer, establishing a 50–50 cost-sharing standard for carrying out the transfer.

This bill passed the Senate near the end of the 105th Congress, but unfortunately did not get through the House of Representatives due to political wrangling at the end of the session. However, this bill has strong bipartisan and administration support, and it is about time that we pass this legislation to provide the Bureau of Reclamation with the ability to accomplish their stated goal of logical transfer such as this.

This transfer shifts responsibility from the federal government back to a local entity, and creates opportunity for the district to improve and enhance the management of these lands. I hope that both the Senate and the House of Representatives will act quickly on this legislation so that the Carlsbad Irrigation District will promptly begin getting the benefits for that which they have paid.

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. 291

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 ''Carlsbad Irrigation Project Acquired Land Transfer Act''.

SEC. 2. CONVEYANCE.

(a) LANDS AND FACILITIES.—

(1) IN GENERAL.—Except as provided in paragraph (2), and subject to subsection (c), the Secretary of the Interior (in this Act referred to as the ''Secretary'') may convey to the Carlsbad Irrigation District (a quasi-municipal corporation formed under the laws of the State of New Mexico and in this Act referred to as the ''District''), all right, title, and interest of the United States in and to the lands described in subsection (b) (in this Act referred to as the ''acquired lands'') and all interests the United States holds in the irrigation and drainage system of the Carlsbad Project and all related lands including ditch rider houses, maintenance shop and buildings, and Pecos River Flume.

(2) LIMITATION.—

(A) RETAINED SURFACE RIGHTS.—The Secretary shall retain title to the surface estate (but not the mineral estate) of such acquired lands which are located under the footprint of Brantley and Avalon dams or any other project dam or reservoir division structure.

(B) STORAGE AND FLOW EASEMENT.—The Secretary shall retain storage and flow easements for any tracts located under the maximum spillway elevations of Avalon and Brantley Reservoirs.

(b) ACQUIRED LANDS DESCRIBED.—The lands referred to in subsection (a) are those lands (including the surface and mineral estate) in Eddy County, New Mexico, described as the acquired lands and in section (7) of the ''Status of Lands and Title Report: Carlsbad Project'' as reported by the Bureau of Reclamation in 1978.

(c) TERMS AND CONDITIONS OF CONVEYANCE.—Any conveyance of the acquired lands under this Act shall be subject to the following terms and conditions:

(1) MANAGEMENT AND USE, GENERALLY.—The conveyed lands shall continue to be managed and used by the District for the purposes for which the Carlsbad Project was authorized, based on historic operations and consistent with the management of other adjacent project lands.

(2) ASSUMED RIGHTS AND OBLIGATIONS.—Except as provided in paragraph (3), the District shall assume all rights and obligations of the United States under—

(A) the agreement dated July 28, 1994, between the United States and the Director, New Mexico Department of Game and Fish (Document No. 2–LM–40–00640), relating to management of certain lands near Brantley Reservoir for fish and wildlife purposes; and

(B) the agreement dated March 9, 1977, between the United States and the New Mexico Department of Energy, Minerals, and Natural Resources (Contract No. 7–07–57–X0888) for the management and operation of Brantley Lake State Park.

(3) EXCEPTIONS.—In relation to agreements referred to in paragraph (2)—

(A) the District shall not be obligated for any financial support agreed to by the Secretary, or the Secretary's designee, in either agreement; and

(B) the District shall not be entitled to any receipts for revenues generated as a result of either agreement.

(d) COMPLETION OF CONVEYANCE.—If the Secretary does not complete the conveyance within 180 days from the date of enactment of this Act, the Secretary shall submit a report to the Congress within 30 days after that period that includes a detailed explanation of problems that have been encountered in completing the conveyance, and specific steps that the Secretary has taken or will take to complete the conveyance.

SEC. 3. LEASE MANAGEMENT AND PAST REVENUES COLLECTED FROM THE ACQUIRED LANDS.

(a) IDENTIFICATION AND NOTIFICATION OF LEASEHOLDERS.—Within 120 days after the date of enactment of this Act, the Secretary of the Interior shall—

(1) provide to the District a written identification of all mineral and grazing leases in effect on the acquired lands on the date of enactment of this Act; and

(2) notify all leaseholders of the conveyance authorized by this Act.

(b) MANAGEMENT OF MINERAL AND GRAZING LEASES, LICENSES, AND PERMITS.—The District shall assume all rights and obligations of the United States for all mineral and grazing leases, licenses, and permits existing on the acquired lands conveyed under section 2, and shall be entitled to any receipts from such leases, licenses, and permits accruing after the date of conveyance. All such receipts shall be used for purposes for which the Project was authorized and for financing the portion of operations, maintenance, and replacement of the Summer Dam which, prior to conveyance, was the responsibility of the Bureau of Reclamation, with the exception of major maintenance programs in progress prior to conveyance which shall be funded through the cost share formulas in place at the time of conveyance. The District shall continue to adhere to the current Bureau of Reclamation mineral leasing stipulations for the Carlsbad Project.

(c) AVAILABILITY OF AMOUNTS PAID INTO RECLAMATION FUND.—

(1) EXISTING RECEIPTS.—Receipts in the reclamation fund on the date of enactment of this Act which exist as construction credits to the Carlsbad Project under the terms of the Mineral Leasing Act for Acquired Lands (30 U.S.C. 351–359) shall be deposited in the General Treasury and credited to deficit reduction or retirement of the Federal debt.

(2) RECEIPTS AFTER ENACTMENT.—Of the receipts from mineral and grazing leases, licenses, and permits on acquired lands to be conveyed under section 2, that are received by the United States after the date of enactment and before the date of conveyance—

(A) not to exceed $200,000 shall be available to the Secretary for the actual costs of implementing this Act with any additional costs shared equally between the Secretary and the District; and

(B) the remainder shall be deposited into the General Treasury of the United States and credited to deficit reduction or retirement of the Federal debt.

SEC. 4. VOLUNTARY WATER CONSERVATION PRACTICES.

Nothing in this Act shall be construed to limit the ability of the District to voluntarily implement water conservation practices.

SEC. 5. LIABILITY.

Effective on the date of conveyance of any lands and facilities authorized by this Act, the United States shall not be held liable by any court for damages of any kind arising out of any act, omission, or occurrence relating to the conveyed property, except for damages caused by acts of negligence committed by the United States or by its employees, agents, or contractors, prior to conveyance. Nothing in this section shall be considered to increase the liability of the United States beyond that provided under chapter 171 of title 28, United States Code, popularly known as the Federal Tort Claims Act.

SEC. 6. FUTURE BENEFITS.

Effective upon transfer, the lands and facilities transferred pursuant to this Act shall not be entitled to receive any further Reclamation benefits pursuant to the Reclamation Act of June 17, 1902, and Acts supplementary thereof or amendatory thereto attributable to their status as part of a Reclamation Project.●

By Mr. DOMENICI (for himself and Mr. BINGAMAN):

S. 292. A bill to preserve the cultural resources of the Route 66 corridor and to authorize the Secretary of the Interior to provide assistance; to the Committee on Energy and Natural Resources.

ROUTE 66 CORRIDOR PRESERVATION ACT

● Mr. DOMENICI. Mr. President, today I introduce a bill which will help preserve an important part of American history for future generations—Route 66. This legislation, which passed in the Senate at the end of the 105th Congress, will protect the unique cultural resources along the famous Route 66 corridor and authorize the Interior Secretary to provide assistance

through the Park Service. Congresswoman HEATHER WILSON of Albuquerque, New Mexico, has reintroduced a companion bill (H.R. 66) in the House of Representatives, and we hope this Congress will act promptly in passing this legislation aiding grassroots efforts to maintain this important part of American culture.

The road system of a nation links its people together. Without such a road, the movement of goods and services would be impossible. History is replete with examples of pioneers, such as those that forged the Santa Fe Trail, trying to find passage across this great country.

John Steinbeck referred to Route 66 as the ''Mother Road'' in ''The Grapes of Wrath,'' and many in this Chamber may recall traveling across country on this road in their youth. New Mexico added to the aura of Route 66, giving new generations of Americans their first experience of our colorful culture and heritage. Starting in Chicago, Illinois, and winding 2,200 miles across the United States to Santa Monica, California, Route 66 linked the urban centers of the Midwest and West. Services sprung up along the route to provide for travelers crossing the heart of the country.

It rolled through eight American states, and in New Mexico, it went through the communities of Tucumcari, Santa Rosa, Albuquerque, Grants and Gallup. Route 66 allowed generations of vacationers to travel to previously remote areas and experience the natural beauty and cultures of the Southwest and Far West. Route 66 symbolized freedom and mobility for an entire generation of Americans in their automobiles. This bill will facilitate greater coordination in federal, state and private efforts to preserve structures and other cultural resources of the historic Route 66 corridor, the 20th Century route equivalent to the Santa Fe Trail.

I introduced the Route 66 Study Act of 1990, which directed the National Park Service to determine the best ways to preserve, commemorate and interpret Route 66. The study, which was completed in 1995, determined that Route 66 had historic national significance, and the structures along the disappearing asphalt should be preserved. As a result, I introduced a bill last June authorizing the National Park Service to join with federal, state and private efforts to preserve aspects of the historic Route 66 corridor, the nation's most important thoroughfare for east-west migration in the 20th century.

The Administration testified in favor of this legislation, with some modifications. We made some good changes to the bill, which passed the Senate, and prompt passage will ensure success of this Park Service program. This legislation authorizes a funding level over 10 years and stresses that we want the federal government to support grassroots efforts to preserve aspects of this historic highway.

This bill authorizes the National Park Service to support state, local and private efforts to preserve the Route 66 corridor by providing technical assistance, participating in cost-sharing programs, and making grants. The Park Service will also act as a clearing house for communication among federal, state, local, private and American Indian entities interested in the preservation of the Route 66 corridor.

As we draw to the close of this century, there is more interest in trying to save Route 66. I once again ask this body to promptly pass this legislation, and sincerely hope the House of Representatives follows suit. The time is now to provide tangible means of assistance to preserve this special part of Americana.

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. 292

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. DEFINITIONS.

In this Act:

(1) ROUTE 66 CORRIDOR.—The term ''Route 66 corridor'' means structures and other cultural resources described in paragraph (3), including—

(A) public land within the immediate vicinity of those portions of the highway formerly designated as United States Route 66; and

(B) private land within that immediate vicinity that is owned by persons or entities that are willing to participate in the programs authorized by this Act.

(2) CULTURAL RESOURCE PROGRAMS.—The term ''Cultural Resource Programs'' means the programs established and administered by the National Park Service for the benefit of and in support of preservation of the Route 66 corridor, either directly or indirectly.

(3) PRESERVATION OF THE ROUTE 66 CORRIDOR.—The term ''preservation of the Route 66 corridor'' means the preservation or restoration of structures or other cultural resources of businesses, sites of interest, and other contributing resources that—

(A) are located within the land described in paragraph (1);

(B) existed during the route's period of outstanding historic significance (principally between 1933 and 1970), as defined by the study prepared by the National Park Service and entitled ''Special Resource Study of Route 66'', dated July 1995; and

(C) remain in existence as of the date of enactment of this Act.

(4) SECRETARY.—The term ''Secretary'' means the Secretary of the Interior, acting through the Cultural Resource Programs at the National Park Service.

(5) STATE.—The term ''State'' means a State in which a portion of the Route 66 corridor is located.

SEC. 2. MANAGEMENT.

(a) IN GENERAL.—The Secretary, in collaboration with the entities described in subsection (c), shall facilitate the development of guidelines and a program of technical assistance and grants that will set priorities for the preservation of the Route 66 corridor.

(b) DESIGNATION OF OFFICIALS.—The Secretary shall designate officials of the National Park Service stationed at locations convenient to the States to perform the functions of the Cultural Resource Programs under this Act.

(c) GENERAL FUNCTIONS.—The Secretary shall—

(1) support efforts of State and local public and private persons, nonprofit Route 66 preservation entities, Indian tribes, State Historic Preservation Offices, and entities in the States for the preservation of the Route 66 corridor by providing technical assistance, participating in cost-sharing programs, and making grants;

(2) act as a clearinghouse for communication among Federal, State, and local agencies, nonprofit Route 66 preservation entities, Indian tribes, State Historic Preservation Offices, and private persons and entities interested in the preservation of the Route 66 corridor; and

(3) assist the States in determining the appropriate form of and establishing and supporting a non-Federal entity or entities to perform the functions of the Cultural Resource Programs after those programs are terminated.

(d) AUTHORITIES.—In carrying out this Act, the Secretary may—

(1) enter into cooperative agreements, including, but not limited to study, planning, preservation, rehabilitation and restoration;

(2) accept donations;

(3) provide cost-share grants and information;

(4) provide technical assistance in historic preservation; and

(5) conduct research.

(e) PRESERVATION ASSISTANCE.—

(1) IN GENERAL.—The Secretary shall provide assistance in the preservation of the Route 66 corridor in a manner that is compatible with the idiosyncratic nature of the Route 66 corridor.

(2) PLANNING.—The Secretary shall not prepare or require preparation of an overall management plan for the Route 66 corridor, but shall cooperate with the States and local public and private persons and entities, State Historic Preservation Offices, nonprofit Route 66 preservation entities, and Indian tribes in developing local preservation plans to guide efforts to protect the most important or representative resources of the Route 66 corridor.

SEC. 3. RESOURCE TREATMENT.

(a) TECHNICAL ASSISTANCE PROGRAM.—

(1) IN GENERAL.—The Secretary shall develop a program of technical assistance in the preservation of the Route 66 corridor.

(2) GUIDELINES FOR PRESERVATION NEEDS.—

(A) IN GENERAL.—As part of the program under paragraph (1), the Secretary shall establish guidelines for setting priorities for preservation needs.

(B) BASIS.—The guidelines under subparagraph (A) may be based on national register standards, modified as appropriate to meet the needs for preservation of the Route 66 corridor.

(b) PROGRAM FOR COORDINATION OF ACTIVITIES.—

(1) IN GENERAL.—The Secretary shall coordinate a program of historic research, curation, preservation strategies, and the collection of oral and video histories of events that occurred along the Route 66 corridor.

(2) DESIGN.—The program under paragraph (1) shall be designed for continuing use and implementation by other organizations after the Cultural Resource Programs are terminated.

(c) GRANTS.—The Secretary shall—

(1) make cost-share grants for preservation of the Route 66 corridor available for resources that meet the guidelines under subsection (a); and

(2) provide information about existing cost-share opportunities.

SEC. 4. AUTHORIZATION OF APPROPRIATIONS.

There are authorized to be appropriated $10,000,000 for the period of fiscal years 2000 through 2009 to carry out the purposes of this Act.●

By Mr. DOMENICI (for himself and Mr. BINGAMAN):

S. 293. A bill to direct the Secretaries of Agriculture and Interior and to convey certain lands in San Juan County, New Mexico, to San Juan College; to the Committee on Energy and Natural Resources.

THE OLD JICARILLA SITE CONVEYANCE ACT OF 1999

● Mr. DOMENICI. Mr. President, I rise to again introduce important legislation allowing for a transfer of an unwanted piece of federal property to an educational institution which needs it. The Old Jicarilla Site Conveyance Act of 1999 allows for transfer by the Secretaries of Agriculture and Interior of real property and improvements at an abandoned and surplus ranger station to San Juan College. The site is in the Carson National Forest near the village of Gobernador, New Mexico. The Jicarilla Site will continue to be used for public purposes, including educational and recreational purposes of the college.

Over one third of the land in New Mexico is owned by the federal government, and therefore finding appropriate sites for community and educational purposes can be difficult. The Forest Service determined that these ten acres are of no further use to them because a new administrative facility has been located in the town of Bloomfield, New Mexico. In fact, the facility has had no occupants for several years, and the Forest Service testified last year that enactment of this bill would ''provide long-term benefits for the people of San Juan County and the students and faculty of San Juan College.''

I am hoping this bill will again move swiftly through this body. Clearly, this legislation deserves prompt approval in the House and signature by the President because it is noncontroversial and the land can readily be put to good use for San Juan College and the area residents. We also need to put this property in the hands of the college so it can protect the area from further deterioration and fire.

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. 293

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. OLD JICARILLA ADMINISTRATIVE SITE.

(a) CONVEYANCE OF PROPERTY.—Not later than one year after the date of enactment of this Act, the Secretaries of Agriculture and Interior (herein ''the Secretaries'') shall convey to San Juan College, in Farmington, New Mexico, subject to the terms and conditions under subsection (c), all right, title, and interest of the United States in and to a parcel of real property (including any improvements on the land) consisting of approximately ten acres known as the ''Old Jicarilla Site'' located in San Juan County, New Mexico (T29N; R5W; portions of Sections 29 and 30).

(b) DESCRIPTION OF PROPERTY.—The exact acreage and legal description of the real property conveyed under subsection (a) shall be determined by a survey satisfactory to the Secretaries and the President of San Juan College. The cost of the survey shall be borne by San Juan College.

(c) TERMS AND CONDITIONS.—

(1) Notwithstanding exceptions of application under the Recreation and Public Purposes Act (43 U.S.C. 869(c)), consideration for the conveyance described in subsection (a) shall be—

(A) an amount that is consistent with the Bureau of Land Management special pricing program for Governmental entities under the Recreation and Public Purposes Act; and

(B) an agreement between the Secretaries and San Juan College indemnifying the Government of the United States from all liability of the Government that arises from the property.

(2) The lands conveyed by this Act shall be used for educational and recreational purposes. If such lands cease to be used for such purposes, at the option of the United States, such lands will revert to the United States.

(d) LAND WITHDRAWALS.—Public Land Order 3443, only insofar as it pertains to lands described in subsections (a) and (b) above, shall be revoked simultaneous with the conveyance of the property under subsection (a).●

ADDITIONAL COSPONSORS

S. 3

At the request of Mr. GRAMS, the names of the Senator from Tennessee (Mr. THOMPSON) and the Senator from Florida (Mr. MACK) 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. 4

At the request of Mr. WARNER, the name of the Senator from Ohio (Mr. DEWINE) was added as a cosponsor of S. 4, a bill to improve pay and retirement equity for members of the Armed Forces; and for other purposes.

S. 5

At the request of Mr. DEWINE, the names of the Senator from Florida (Mr. MACK) and the Senator from Nebraska (Mr. HAGEL) were added as cosponsors 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. 13

At the request of Mr. SESSIONS, the name of the Senator from Alaska (Mr. MURKOWSKI) 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. 17

At the request of Mr. DODD, the name of the Senator from North Dakota (Mr. DORGAN) was added as a cosponsor of S. 17, a bill to increase the availability, affordability, and quality of child care.

S. 18

At the request of Mr. HARKIN, the name of the Senator from Nevada (Mr. REID) was added as a cosponsor of S. 18, a bill to amend the Federal Meat Inspection Act and the Poultry Products Inspection Act to provide for improved public health and food safety through enhanced enforcement.

S. 74

At the request of Mr. DASCHLE, the name of the Senator from South Carolina (Mr. HOLLINGS) 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. 89

At the request of Mr. HUTCHINSON, the names of the Senator from Michigan (Mr. ABRAHAM), the Senator from North Carolina (Mr. HELMS), and the Senator from Arizona (Mr. KYL) were added as cosponsors of S. 89, a bill to state the policy of the United States with respect to certain activities of the People's Republic of China, to impose certain restrictions and limitations on activities of and with respect to the People's Republic of China, and for other purposes.

S. 92

At the request of Mr. DOMENICI, the names of the Senator from Florida (Mr. MACK), the Senator from Ohio (Mr. VOINOVICH), the Senator from Nebraska (Mr. HAGEL), the Senator from Utah (Mr. HATCH), and the Senator from Louisiana (Mr. BREAUX) were added as cosponsors of S. 92, a bill to provide for biennial budget process and a biennial appropriations process and to enhance oversight and the performance of the Federal Government.

S. 102

At the request of Mr. ABRAHAM, the name of the Senator from Colorado (Mr. ALLARD) was added as a cosponsor of S. 102, a bill to provide that the Secretary of the Senate and the Clerk of the House of Representatives shall include an estimate of Federal retirement benefits for each Member of Congress in their semiannual reports, and for other purposes.

S. 146

At the request of Mr. ABRAHAM, the names of the Senator from Kentucky (Mr. MCCONNELL) and the Senator from Virginia (Mr. WARNER) were added as cosponsors of S. 146, a bill to amend the Controlled Substances Act with respect to penalties for crimes involving cocaine, and for other purposes.

S. 185

At the request of Mr. ASHCROFT, the names of the Senator from Idaho (Mr. CRAIG) and the Senator from Virginia (Mr. ROBB) 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. 201

At the request of Mr. DODD, the name of the Senator from California (Mrs. FEINSTEIN) was added as a cosponsor of S. 201, a bill to amend the Family and Medical Leave Act of 1993 to apply the act to a greater percentage of the United States workforce, and for other purposes.

S. 223

At the request of Mr. LAUTENBERG, the names of the Senator from Nevada (Mr. REID) and the Senator from Connecticut (Mr. DODD) were added as cosponsors of S. 223, a bill to help communities modernize public school facilities, and for other purposes.

S. 227

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. 227, a bill to prohibit the expenditure of Federal funds to provide or support programs to provide individuals with hypodermic needles or syringes for the use of illegal drugs.

S. 254

At the request of Mr. HATCH, the name of the Senator from Mississippi (Mr. LOTT) was added as a cosponsor of S. 254, a bill to reduce violent juvenile crime, promote accountability by rehabilitation of juvenile criminals, punish and deter violent gang crime, and for other purposes.

S. 258

At the request of Mr. MCCAIN, the name of the Senator from Arizona (Mr. KYL) 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.

SENATE RESOLUTION 22

At the request of Mr. CAMPBELL, the names of the Senator from Wisconsin (Mr. KOHL) and the Senator from Maine (Ms. COLLINS) were added as cosponsors of Senate Resolution 22, a resolution commemorating and acknowledging the dedication and sacrifice made by the men and women who have lost their lives serving as law enforcement officers.

SENATE RESOLUTION 26

At the request of Mr. MURKOWSKI, the names of the Senator from Arizona (Mr. KYL) and the Senator from West Virginia (Mr. ROCKEFELLER) were added as cosponsors of Senate Resolution 26, a resolution relating to Taiwan's Participation in the World Health Organization.

SENATE RESOLUTION 28—RELATIVE TO RULE XXV

Mr. LOTT submitted the following resolution; which was considered and agreed to;

S. RES. 28

Resolved, That paragraph 1(m)(1) of Rule XXV is amended as follows:

Strike ''Committee on Labor and Human Resources'' and insert in lieu thereof ''Committee on Health, Education, Labor, and Pensions''.

Strike ''Handicapped individuals'' and insert in lieu thereof ''Individuals with disabilities''.

ADDITIONAL STATEMENTS

TRIBUTE TO SENATE PAGES

● Mr. DASCHLE. Mr. President, the Senate must bid goodbye today to an excellent group of young men and women who served as United States Senate Pages this last fall and winter.

This group of pages observed a number of important and historic debates in the last few months. Since the beginning of last fall, the Senate has debated measures to reform our nation's bankruptcy laws, to govern commerce over the Internet, and to provide funding for the varied programs of the United States government, among others. Of course, in the last few weeks, these pages have seen history being made in the impeachment trial of a President for only the second time since our government was founded. But pages are not just passive observers. They are active participants in the daily operations of the United States Senate.

Mr. President, a page's life is certainly not easy. They are up before dawn, at page school at 6:15 am, then here in the Senate for the rest of the day. While they are here, their duties run the gamut. They help set up the chamber, deliver messages all over the Capitol complex, and help things function smoothly here on the Senate floor and in the cloakrooms. During their limited down time, they often try to sneak in a few minutes of homework. At the end of their long day, it is back to the dorm for more homework, a little down time, and a little sleep before they wake up and do it again the next day.

On behalf of all Democratic Senators, I would like to thank this fall and winter's pages for their hard work and contributions to the Senate, and I ask that a list of the 1998 fall and winter pages be printed in the RECORD at the conclusion of my remarks.

I hope each member of this page class takes back to his or her home state a better knowledge of how their government works and a better appreciation of the need to work together to achieve a common goal. These young people are our future leaders. Measured by their brief service here in the United States Senate, we should all feel confident about our country's future. Perhaps someday, one or more of them will return as Members of the United States Senate.

The list follows:

1998 FALL SENATE PAGES

DEMOCRATIC

Hilary Davis, Virginia.
George Etheridge, Michigan.
Mark Hadley, Virginia.
Jennifer Johnston, Vermont.
Cara Lane, South Dakota.
Lauren Luellwitz, Wisconsin.
Andrew Mezvinsky, Pennsylvania.
Anna Santiago, Illinois.

REPUBLICAN

Erin Anderson, Vermont.
Molly Arico, Rhode Island.
Rick Carroll, Delaware.
Jessica Day, New Hampshire.
Denise Foye, South Carolina.
Courtney Johnson, Arkansas.
Lauren Martindale, Georgia.
John Natter, Alabama.
Mejken Poore, Utah.
Michael Rohrbaugh, Missouri.
Russell Sample, Idaho.
Tim Shumaker, Kentucky.
Erin Tankersley, Mississippi.
Sara Van Doren, Washington.
Trenton Young, Utah.●

THOMAS G. PELLIKAAN RETIREMENT

● Mr. LOTT. Mr. President, today the Senate loses another member of it's family to retirement. Tom Pellikaan began his Senate Career on June 1, 1963. After over 35 years of service, today he will end his lengthy and productive career by retiring to his country home in Culpeper, VA.

Tom began working in the Senate as the Senate press liaison. In 1977 he began work in the Office of Daily Digest, where he has served as editor since 1989. I would note that there are only four original Senators serving in this body since Tom began working in the U.S. Senate. I know I speak for all Senators in thanking Tom for his loyal service to this institution and we wish him all the best as he tends to his horses at Brookhill Farm. I close by saying although Tom may be departing our Senate family today, we know he will always be a part of this institution and we look forward to his visits.●

TRADE FAIRNESS ACT

● Mr. SARBANES. Mr. President, I am pleased to join with my colleagues on the Senate Steel Caucus in sponsoring the Trade Fairness Act of 1999. This legislation seeks to respond to the current steel import crisis and prevent future crises by amending U.S. trade law and creating a comprehensive steel import monitoring system.

Within the past year, foreign steel has been imported into the United States at unprecedented levels and at prices far below cost. As economic markets have failed in Russia and Asia, foreign steel manufacturers have increasingly turned to the United States to sell their product and, in return, obtain hard currency. In fact, the import rate rose 30 percent in the first ten months of 1998, as compared with the same period last year, and U.S. steel imports this past October were the second highest in history.

As a result, U.S. steel manufacturers are faced with a real crisis, one that threatens to undermine a key sector of our economy. Plants across the country have been forced to shorten shifts,

lay-off workers and, in some cases, declare bankruptcy. In my own state, workers at Bethlehem Steel's Sparrows Point Division have been subjected to shorter hours, shorter shifts and even the shutting down of Sparrows Point's galvanized steel line.

Mr. President, for the past fifteen years, the U.S. steel industry has worked aggressively to streamline its operations, improve productivity and cut costs, but it cannot compete against illegally dumped steel. It is, in fact, time for this Congress to Stand Up For Steel.

With this legislation, we can begin to do just that. The Trade Fairness Act of 1999 is comprised of two sections which will enhance the ability of the Administration to take action on this crisis. The first of these sections amends the emergency safeguards provisions, Section 201, of the 1974 Trade Act which allows the President to grant temporary import relief to a domestic industry which the International Trade Commission finds has been seriously injured by increased imports. This section seeks not only to ensure that the steel industry is treated equitably, but that all domestic industries may be allowed to compete fairly in the global marketplace.

The second section creates a comprehensive steel import monitoring program which requires importers to provide information including the name and address of the importer, supplier and producer of the goods to be imported, the country of origin of the goods, the expected date of entry of the goods, a description of the goods, including the classification of these goods under the Harmonized Tariff Schedule of the United States, and the quantity of the goods to be imported. This information will aid the Administration in monitoring the amount of steel brought into the United States and allow these numbers to be tabulated and released at a rate faster than at present.

Mr. President, as you know, on January 7, the Administration submitted the ''Report to Congress on a Comprehensive Plan for Responding to the Increase in Steel Imports.'' I am disappointed that this report appears largely to be a recital of things already done by the Administration, rather than new steps planned to address the problem. The Administration should be focusing on keeping America's steelworkers in their line of work, instead of in line collecting unemployment. For over a century, the steel industry has stood tall and served as a foundation of the American economy. The time for the Administration to Stand Up For Steel is now. The U.S. steel industry and the 226,000 Americans employed by it deserve nothing less than the full support of their country.

The Trade Fairness Act of 1999 would allow the Administration to provide strong support for the American steel industry. I strongly urge my colleagues to support its passage.●

TRIBUTE TO THE PENNSYLVANIA ASSOCIATION OF STUDENT ASSISTANCE PROFESSIONALS

● Mr. SANTORUM. Mr. President, I rise today to pay tribute to the Pennsylvania Association of Student Assistance Professionals (PASAP), who will be holding their ninth annual conference in Pittsburgh from March 14–16. The PASAP is a state-wide organization comprised of school officials, teachers, treatment center and medical personnel, psychologists and other professionals who address the influence of alcohol, drugs and mental health issues on students in the 501 Pennsylvania school districts.

The theme of this year's conference, ''Help is Just Down the Hall—Building Resilience, Building Partners, Building America's Future,'' will focus on parental involvement, crisis response in a school setting and other issues focusing on the at-risk student population.

According to state statistics, more than 61,000 students were directly helped during the last school year as a result of the Student Assistance program process.

The PASAP provide a state forum for sharing resources, common needs, experience and outcomes and promote the development of joint school and community programs for youth. The PASAP also provide leadership and training on national, regional, state and local levels as well as advocate for increased local, state and federal support for student assistance programs, treatment services and related personnel in the public and private sector.

Mr. President, the PASAP has altered the course of many lives among Pennsylvania's youth. I ask my colleagues to join with me in commending the PASAP for their committed efforts to the well-being of the youth in Pennsylvania and the future of our country.●

TAIWAN'S PARTICIPATION IN THE WORLD HEALTH ORGANIZATION

● Mr. TORRICELLI. Mr. President, Senator MURKOWSKI and I have submitted a resolution that is critical to the future health and well-being of the people of Taiwan and the rest of the world. I rise today to express my support for the resolution regarding the Republic of China on Taiwan's participation in the World Health Organization (WHO). Improving health care in Asia, and around the world, is one of the most important issues facing the international community as we move into the 21st century. Despite the fact that many people are better off today than their parents and grandparents were years ago, we still face tremendous obstacles to establishing basic health care in a number of regions around the world. To this date, children are still not vaccinated, clean water and sanitation are still not available to hundreds of millions of people, curative drugs and treatments are still inaccessible, and over 500,000 mothers die unnecessarily each year in childbirth.

The WHO has been instrumental in helping to draw attention to these issues, and to bring needed relief to some of the most underprivileged people in the world. As we all know, sickness and disease span across borders and can affect anyone, regardless of where he or she lives. Here in the United States, we have been lucky enough to enjoy relatively easy access to the newest advances in medical technology and knowledge. However, the people of Taiwan have not been so fortunate. The 21 million citizens of Taiwan are currently barred from accessing the same technologies and techniques through the WHO that many other nations benefit from.

In addition, the Taiwan has been frustrated in its attempts to share its own medical knowledge with the rest of the world. Until Taiwan gains membership in the WHO, it cannot contribute its substantial expertise in health care to furthering the organization's goals. We can all benefit from the advances Taiwan has made on its own, and Taiwan can, in turn, improve its own situation by accessing the resources amassed by the WHO. The resolution that Senator MURKOWSKI and I have submitted addresses an issue of basic human decency, and I urge my colleagues to support our efforts to help Taiwan become a member of the WHO.●

TRIBUTE TO GUS OWEN, FORMER SURFACE TRANSPORTATION BOARD MEMBER

● Mr. LOTT. Mr. President, I rise to congratulate Gus Owen, the immediate past Vice Chairman of the Surface Transportation Board (STB), for his outstanding service to the nation. Gus Owen completed his term of service on the STB on December 31, 1998, after more than four years of public service. It is most fitting that we recognize Mr. Owen's service because he met the challenge at a critical time in the history of railroad regulation.

As the last Commissioner sworn in to serve on the Interstate Commerce Commission, Mr. Owen was instrumental in shaping the direction of the STB, the ICC's successor. Mr. Owen's vision of a more streamlined deregulated transportation industry is reflected in his many accomplishments while serving on the ICC and the STB. As the 104th Congress began consideration of overhauling Government oversight of the surface transportation industry, Mr. Owen prepared a ''Blueprint for Further Deregulation of the Surface Transportation Industry.'' This plan contained a 34-point analysis of the industry that endorsed market-based solutions over government regulation. Much of Mr. Owen's plan served as a basis for the ICC Termination Act of 1995, which authorized the replacement of the ICC with the more streamlined STB.

In his capacity as STB Member, Mr. Owen reviewed and voted on cases involving complicated antitrust, service, competition, environment, and labor issues, including the three largest railroad mergers in the history of the United States. These were the 1995 Burlington Northern-Santa Fe merger, the 1996 Union Pacific-Southern Pacific merger, and the 1998 CSX–Norfolk Southern-Conrail merger. Mr. Owen's insight, judgment, and expertise were key to the Board's successful adjudication of these incredibly complex cases.

Gus Owen has returned to the private sector and his family in California after an extremely successful four years of public service. The Nation has lost a talented, pragmatic, and respected STB Member, whose work with the transportation industry will have a significant and beneficial impact on that industry and our economy. We take pride in his record and wish him well in his return to private life.●

AMERICAN STEEL WORKERS CRISIS

● Mr. ABRAHAM. Mr. President, today I rise to address the topic of steel imports. The dramatic reduction in the price of imported steel poses a significant challenge to America's steel industry. In the first ten months of 1998 alone (October is the last month for which figures are available), Japan more than doubled the level of imports compared to their year-end total for all of 1997. Japan's 882,000 net tons imported in October appears to be an all-time monthly record. However, Japan is not solely responsible for the surge in imports. The total October 1998 steel import level was the second highest monthly total ever, with over 4.1 million net tons—an increase of 56% over October 1997 levels.

Earlier this month, a representative of the United Steelworkers of America union claimed that 5,000 steelworkers had already received layoff notices and another 20,000 were working reduced hours because of these imports. More recent reports indicate the number of laid-off workers is fast approaching 10,000. The American Iron and Steel Institute recently released figures which demonstrate that U.S. domestic steel production had been nearly decimated by the unprecedented surge in imports. In November 1998, U.S. steel mills shipped approximately 7.4 million net tons. This represents a decrease of 12.8% from the roughly 8.5 million net tons shipped the previous November. Of even more concern is that November 1998 shipments were down 10.6% just from the previous month! And as the import figures outlined above indicate, the magnitude of the situation is growing, not diminishing.

Mr. President, there are several factors behind this surge in low-priced steel imports. First, the general deflationary trends in the global economy have caused all commodity prices—including steel prices—to plummet. In my judgment, the Federal Reserve's tight monetary policy in 1997 and most of 1998 is to blame. While the Fed has taken corrective action to reduce short-term interest rates in recent months, commodity prices have yet to rebound. Second, the economic crisis in Asia and Russia has forced these countries to rely almost exclusively on exports to keep their economies afloat. Given the size of our manufacturing sector and our comparatively robust economic climate, the United States is an obvious, attractive export target for these nations. In many instances, the International Monetary Fund is to blame because it convinced these countries to either raise interest rates or devalue their currencies, which in turn allowed foreign steel to undercut American steel prices.

Against this macroeconomic backdrop of generally falling prices, some foreign steel companies may have engaged in the practice of ''dumping''—that is, selling steel below the cost of production. While we are eager to offer economic assistance to these struggling countries—and in many cases we have offered direct and indirect economic assistance to them—there is no reason we should have to compromise or ignore our trade laws.

So the question that confronts us today is: What do we—the Administration, the Congress—do about this serious problem? The Administration's lack of decisive action reportedly is due to their not wanting to risk subjecting the fragile economies in Asia, Russia and Brazil to further challenges. However, our willingness to assist our allies and trading partners ought not translate into requiring us to ignore unfair trading practices—and our own trade laws—or deleterious effects these practices have on our workers and domestic industry.

On the macroeconomic level, the Federal Reserve should focus on achieving price stability—and that means addressing deflation as well as inflation. The Clinton Administration must take decisive action on this matter quickly. Promising to talk to our trading partners in the hope of getting their cooperation in cutting back the import levels is not sufficient at this late date. In the international arena, the Administration must be exert more leadership in arguing against currency devaluations. In the trade arena, the Administration must take firm action in enforcing our anti-dumping laws.

To this end, I have cosponsored S. 61, a bill introduced yesterday by Senator DEWINE, that would eliminate existing disincentives for fair trade in our trade laws. Specifically, under current trade law, duties and fines imposed on those engaged in dumping go directly to the U.S Treasury. However, under the DEWINE bill, the duties or fines collected would be transferred to the affected industries, not to the U.S. Treasury. Therefore, continuation of unfair trade practices would result in the perpetrators of such activities effectively financially aiding their U.S. competitors.

It is important to note that this legislation does not create new duties or penalties, nor does it increase existing duties or penalties. Frankly, this legislation will not mandate that importers raise the price of steel one single penny, and therefore, it should not directly affect the market for underpriced steel. However, in the long run, producers who engage in dumping will have to seriously rethink their unfair trade practices. Because by continuing such practices, they only succeed in subsidizing those among our domestic industries that are being hurt by their illegal actions.

Mr. President, the recent surge in imported steel and the resulting job loss and scaled back production at U.S. steel plants may be a demonstration that current law does not effectively discourage unfair trade practices such as these. I have long been an ardent supporter of free and open trade. However, my support of free trade is prefaced on the notion that our trading partners will not engage in unfair trading practices, such as dumping, and that when our Nation is confronted by unfair trading practices, we will seek remedy, whether by invoking provisions in our own trade laws designed to combat such unfair trade practices or pursuing means of redress through international trade tribunals such as the World Trading Organization.

As long as our trade laws prohibit dumping, it is imperative for the Administration to adhere to them and to implement them where and when the circumstances require it. To fail to do so will have consequences, both for American workers and industry and for the principle of free trade that I believe is so important. More and more steel workers may be laid off and steel plants may begin to shut down. Our domestic steel industry, which has done so much over the last two decades to modernize and become competitive on an international basis, could become irreparably harmed.

If things deteriorate, we will see calls for quotas on steel imports. We will also see a political backlash against free trade, just at the time when we should be entering into free trade agreements with some of these very regions—Asia, Pacific Rim, and South America. This will only serve to set us back further from being the dominant player on the global marketplace in the next century.

Finally, let me pay tribute to the individuals and groups that have travelled all the way to Washington, D.C. to attend today's ''Stand Up for Steel'' rally. These people are here to raise our consciousness about the steel import situation. In my office alone, we have already received an estimated 15,000 letters on this issue. My constituents are rightly concerned by the situation. It is my hope that after attending the rally held at the Capitol this afternoon and after learning of

legislation being introduced by interested Senators, such as S. 61, that these people will return home knowing that we in Congress are not ignorant of this crisis or of their concern.●

A TRIBUTE TO WILLIAM B. RUGER

● Mr. GREGG. Mr. President, on October 29th last year, one of New Hampshire's outstanding citizens, William B. Ruger, Chairman and Chief Executive Officer, Sturm, Ruger & Company, Inc., was honored by The Camp Fire Club of America.

The Camp Fire Club of America is one of the most prestigious hunting and conservation organizations in the country. Its code of ethics stresses that the wildlife of today is not ours to do with as we please, but was given to us in trust for the benefit both of the present and the future. They also believe that it is the duty of every person who finds pleasure in the wilderness or in the pursuit of game to actively support the protection of forests and wildlife.

The Camp Fire Club awarded its Medal of Honor—its highest tribute—to William B. Ruger. This Medal is awarded to ''one person, who in the judgment of the Board of Governors, has merited such recognition by his career or special work in forest or game protection, or along other lines which are in accord with the object and aims of the club.''

Mr. President, several former recipients of this high honor by The Camp Fire Club are: Colonel Theodore Roosevelt in 1910; Carl Rungius, the outstanding painter in 1931; Horace Albright, former Director of National Parks in 1961; and Laurance Rockefeller in 1967.

Mr. President, it gives me great pleasure to bring to your attention the tribute below, made to Bill Ruger on the occasion of his being awarded The Camp Fire Club Medal of Honor.

MEDAL OF HONOR, WILLIAM B. RUGER, 29 OCTOBER 1998

I welcome to this room of honor, five former presidents of Camp Fire seated at the head table, the officers and governors (both past and present), family members, friends and special guests.

It is a tradition of the Club at the Board of Governors' meetings to take a moment to remember those who are no longer with us. At such a momentous occasion as this, it is also appropriate to take a moment of silence for all our friends, family and companions that have crossed the Great Divide. You may remain seated.

At our formal dinners at the turn of the century, the founder of Camp Fire established several principles which they and we have been unable to uphold. To name a few, they were: no drinking, no smoking, no swearing and no long speeches. I will observe one of these this evening and get right to the matter.

The Club through its By-Laws permits the active President to award the Presidential Citation for meritorious service. The Board of Governors has the power to recognize members through the Medal of Valor and the John E. Hammett Award for work in conservation. But it is only the membership of the organization that can bestow our highest expression of admiration. In this particular instance, it began with a whisper over ten years ago, and through the Board of Governors ended in the hands of the entire membership's approval.

In 1906, the first Medal of Honor was presented and since that time only 24 recipients have been named. They have experienced many walks of life. To name a few, they have included conservationists, preservationists, a painter, a forester (the country's first), a writer, a bird lover, a Senator, an Olympian, an explorer (Polar), a rifleman, a rider of the Chisholm Trail, Founder of the Boy Scouts and a United States President. They all exemplified the spirit and the fellowship that is Camp Fire today. We honor them because we admire their perseverance, fortitude and courage.

Like each of the recipients before him, Mr. William B. Ruger has shown this same fortitude and courage to lead. He has willingly accepted these challenges and leads with dignity. He has the unique ability to explain in a clear manner not only to us, who are supporters, but to opponents the importance of retaining personal freedom and our firearm heritage. He embodies a natural sense of justice and a passion for exploration, not only in the traditional sense but in a business sense as well. Through the various and substantial endowments he has created, he has established a way to train and educate the youth in the importance of personal responsibility, conservation and truth; and at the same time has illuminated the way for us.

By his generosity, future generations may enjoy the advantages, benefits and pleasures of the outdoor experience and better understand the importance of wildlife and wilderness protection.

His distinguished service to the nation, while visible today, will be more fully appreciated and comprehended in the years to come.

The Medal of Honor is paramount in its absolute justice. It is a justice free from all influence whether it be of favor, political or sentimental. It is a symbol of life, of loyalty, of integrity and of self reliance. But most of all it is a badge of inspiration, not only to the one who has the honor to wear it, but for those who gaze upon it.

The inscription on the back of this gold medallion reads: ''William B. Ruger—Inventor, Manufacturer, Industrialist—In recognition of his dedication to conservation and the Spirit of Camp Fire—29 October 1998.''

As President of The Camp Fire Club of America and representative of the entire membership, it is our great pleasure to bestow upon you the Medal of Honor. Congratulations.

THE CAMP FIRE CLUB OF AMERICA,
SCOTT T. SUTTON,
President.

I would like to add my personal congratulations to my good friend, Bill Ruger.●

TRIBUTE TO PHILLIP C. CUNNINGHAM

● Mr. LOTT. Mr. President, as the 106th Congress begins its legislative process this week, I want to first take a moment and recognize a very special Mississippian.

We have all heard stories about individuals who give generously or leave the bulk of their estates to causes and charities that are dear to them. This story is yet another example that the kindred American spirit is alive and well.

Mr. Phillip Cunningham of Tupelo worked hard all his life, doing what he loved to do best—gardening. His profession provided a modest living, but most certainly a rewarding one. Working with his hands in the garden was very important to Mr. Cunningham who, for over 25 years, was a personal gardener for a local Tupelo family, Bill and Doyce Deas. In his ''spare'' time, he was caretaker for the school district. ''I've always been interested in growing things'' was his personal motto.

Over the years, Mr. Cunningham accumulated savings. He recognized that a college education is important, and wanted others who shared his calling to have the chance to cultivate their green thumbs. This unselfish commitment led to the ultimate establishment of an endowed scholarship fund bearing his name—the Cunningham Scholarship Fund—to do just that. His gift of $38,000 will support students at Mississippi State University majoring in lawn-care related fields. Here was a modest man who made a significant contribution.

Not only was this 85-year-old a skilled gardener with, as some affectionately would say, ''the midas touch'', but also a dear friend. According to Mrs. Deas, he was ''part of the family and a wonderful role model to our children. He enriched our lives in many ways.'' In fact, Mrs. Deas' late father's foundation, the L.D. Hancock Foundation, will match the generous gift.

Mr. President, I thank my colleagues for letting me share this inspiring story and pay tribute to this fine gentleman. The landscapes he worked on will ''bear fruit'' for years to come, and so will the students who benefit from his scholarship. They, too, will blossom.●