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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

MONDAY, JANUARY 25, 1999

The Senate met at 1:04 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, we are moved by Your accessibility to us and our accountability to You. We hear Your promise sounding in our souls, ''Be not afraid, I am with you.'' We place our trust in Your problem-solving power, Your conflict-resolving presence, and Your anxiety-dissolving peace. So we report in to You for duty. What You desire, You inspire. What You guide, You provide.

This is Your Nation; we are here to serve You. Just as Daniel Webster said that the greatest conviction of his life was that he was accountable to You, we press on with a heightened awareness that You are the unseen Lord of this Chamber, the silent Listener to every word that is spoken, and the Judge of our deliberations and decisions.

Bless the Senators with the assurance that Your work, done with total trust in You and respect for each other, will not lack Your resources. Surpass any impasse with divinely inspired solutions. You are our Lord and Savior. Amen.

The CHIEF JUSTICE. The Sergeant at Arms will make the proclamation.

The Sergeant at Arms, James W. Ziglar, made proclamation as follows:

Hear ye! Hear ye! Hear ye! All persons are commanded to keep silent, on pain of imprisonment, while the Senate of the United States is sitting for the trial of the articles of impeachment exhibited by the House of Representatives against William Jefferson Clinton, President of the United States.

THE JOURNAL

The CHIEF JUSTICE. If there is no objection, the Journal of proceedings of the trial are approved to date.

Pursuant to the provisions of Senate Resolution 16, there are 6 hours 33 minutes remaining during which Senators may submit questions in writing directed to either the managers, on the part of the House of Representatives, or the counsel for the President.

The majority leader is recognized.

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

ORDER OF PROCEDURE

Mr. LOTT. As is obvious by the absence of the managers and counsel, and a number of the Senators, the two parties are still meeting in conference at this time. I believe we are close to reaching an agreement which would outline today's impeachment proceedings. It will probably be an hour or so before we can complete that because we need to explain it in detail to our respective conference, and also make sure that we reduce it to writing so we understand exactly what we are agreeing to.

I will in a moment ask that the Senate stand in recess until 2 p.m. I apologize for any inconvenience to Senators and the Chief Justice. But I think that what we are discussing in the long run would save some time and lead us to a fair procedure through the balance of the day and how we begin tomorrow.

RECESS

Therefore, I now ask unanimous consent that the Senate stand in recess until 2 p.m.

Mr. GREGG. Mr. Chief Justice, reserving the right to object——

The CHIEF JUSTICE. The Senator from New Hampshire.

Mr. GREGG. Mr. Chief Justice, I have a parliamentary inquiry that I would like to share.

The CHIEF JUSTICE. The Parliamentarian says it takes unanimous consent.

Mr. GREGG. I ask unanimous consent to——

Mr. LEAHY. Reserving the right to object, I believe that if it is going to be made, Mr. Chief Justice, if it requires unanimous consent, that it would be wise if it can be done at a time when both leaders are on the floor.

Mr. GREGG. I withdraw the unanimous consent.

There being no objection, at 1:08 p.m., the Senate recessed until 2:06 p.m.; whereupon, the Senate reassembled when called to order by the Chief Justice.

The CHIEF JUSTICE. The Chair recognizes the majority leader.

Mr. LOTT. Mr. Chief Justice, it is my understanding that the question and answer period is now completed. In a moment I will propound a unanimous consent agreement that will outline the next steps in this process.

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

UNANIMOUS-CONSENT AGREEMENT

Mr. LOTT. In the meantime, I would ask unanimous consent that Senators be allowed to submit statements and introduce legislation at the desk today. I further ask unanimous consent that when the Senate completes its business today, it stand in adjournment until 1 p.m. on Tuesday to resume the articles of impeachment.

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

Ms. MIKULSKI. Reserving the right to object, I note that the Democratic leader is not in the Chamber.

May I inquire, has this been cleared?

Mr. LOTT. I just want to observe, Mr. Chief Justice, that there are still some discussions underway. You will note that Senator DASCHLE is not here, and unless there is objection to what I just did, I am prepared to note the absence of a quorum so that we can have time for Senators to return to the Chamber.

Ms. MIKULSKI. Point of clarification for the majority leader. Did the Senator say that we would come in tomorrow at 1 p.m.?

Mr. LOTT. I did. If I might respond, Mr. Chief Justice, there had been some discussion about coming in earlier, but because of a number of conflicts, I understand, from the House managers and concerns that we would need that time to continue to have discussions, we thought we would go ahead and come in at 1. But let me add that if during the process of the day there is a decision that we need to change that to either earlier or later, we could revise that request. This is just to move the process forward, as we have announced each day we would come in at 1 except on Saturday. But if there is a need to change the time, we will certainly be prepared to consider that request.

Ms. MIKULSKI. Mr. Chief Justice, I thank the majority leader.

Mr. LOTT. Mr. Chief Justice, I suggest the absence of a quorum.

The CHIEF JUSTICE. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. LOTT. Mr. Chief Justice, I ask unanimous consent that the order for the quorum call be rescinded.

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

Mr. LOTT. Mr. Chief Justice, I had earlier asked a couple of unanimous consent requests, but the Democratic leader was not on the floor, and it was not officially objected to or officially ruled as not having been objected to. So I am going to assume that is all null and void, and we are going to start over again.

The CHIEF JUSTICE. The requests are withdrawn.

Mr. LOTT. Now, to repeat what we had earlier discussed and to make sure Members understand it, it is our understanding and our agreement that the question and answer period is now completed.

ORDER FOR SUBMISSION OF STATEMENTS AND INTRODUCTION OF LEGISLATION

Mr. LOTT. I ask unanimous consent that Senators be allowed to submit statements and introduce legislation at the desk today.

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

ORDER OF PROCEDURE

Mr. LOTT. With regard to the time that will be involved today and the time that we will come in on Tuesday, we will have further discussions on that, and we will have a consent request on that later in the day or at the close of business.

Now I have a unanimous consent request that will allow us to have a clear understanding and an orderly procedure for the balance of the day. I have discussed this with my counterpart on the other side of the aisle, both conferences have had a chance to talk about it, and I think it is a fair way to proceed, where we would have a chance to discuss the issues that are before us and get us to a conclusion of this part of the impeachment proceedings in a logical way.

UNANIMOUS-CONSENT REQUEST

Mr. LOTT. First, Mr. Chief Justice, I ask unanimous consent that following the conclusion of the arguments by the managers and the counsel today on the motion to dismiss—and I note that the next order of business is 2 hours equally divided, 1 hour on each side, on a motion to dismiss when and if it is filed by any Senator—and after that, it be in order for Senator HARKIN to make a motion to open all debate pursuant to his motion timely filed and that the Senate proceed immediately to the vote pursuant to the impeachment rules.

I further ask that following that vote, if defeated, it be in order to move to close the session for deliberations on the motion to dismiss, as provided under the impeachment rules, and the Senate proceed to an immediate vote.

I further ask that if the Senate votes to proceed to closed session, that those deliberations must conclude by the close of business today, notwithstanding the 10-minute rule allocated under the impeachment rule.

The CHIEF JUSTICE. Is there objection?

Mr. HARKIN. I object.

Mr. FEINGOLD addressed the Chair.

The CHIEF JUSTICE. The Senator from Iowa.

Mr. HARKIN. Reserving the right to object.

Mr. LOTT. Mr. Chief Justice, does he reserve the right to object or did he object?

The CHIEF JUSTICE. The Parliamentarian tells me the Senator does not have the right to reserve the right to object.

Mr. FEINGOLD addressed the Chair.

Mr. HARKIN. I just have a modification that I would like to discuss with the leader, a brief modification of that, that would not engender an objection.

Mr. LOTT. Mr. Chief Justice, so we can proceed with this in an appropriate manner, I suggest the absence of a quorum.

The CHIEF JUSTICE. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. LOTT. Mr. Chief Justice, I ask unanimous consent that the order for the quorum call be rescinded.

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

UNANIMOUS-CONSENT AGREEMENT

Mr. LOTT. Mr. Chief Justice, I renew my request as previously outlined, with one change; that is, that it say in the first sentence ''unanimous consent that following the conclusion of the arguments by the managers and the counsel today on the motion to dismiss, that it be in order for Senator HARKIN to make a motion to open that debate.'' Instead of ''all,'' the word is ''that'' debate.

With that and no other changes, I renew that request.

Mr. HARKIN. Mr. Chief Justice, I reserve the right to object.

OK, I don't have any——

Mr. LOTT. The reservation is withdrawn, I believe.

Mr. FEINGOLD. Mr. Chief Justice, I object.

The CHIEF JUSTICE. Objection is heard.

Mr. FEINGOLD addressed the Chair.

Mr. LOTT. Mr. Chief Justice, I suggest the absence of a quorum.

The CHIEF JUSTICE. The clerk will call the roll.

The bill clerk proceeded to call the roll.

Mr. LOTT. Mr. Chief Justice, welcome to the operations of the U.S. Senate.

I ask unanimous consent that the order for the quorum call be rescinded.

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

Mr. LOTT. Mr. Chief Justice, was the unanimous consent agreement agreed to?

The CHIEF JUSTICE. Not yet.

Mr. LOTT. I renew my request.

Mr. FEINGOLD addressed the Chair.

The CHIEF JUSTICE. Objection is heard.

Mr. FEINGOLD. Mr. Chief Justice, I and Senator COLLINS, the junior Senator from Maine, ask unanimous consent that when the Senate consider the anticipated motion to dismiss, that it shall vote on two separate questions: First, whether to dismiss article I of the articles of impeachment; and, second, whether to dismiss article II.

Mr. GRAMM. I object.

The CHIEF JUSTICE. There is a pending request for unanimous consent by the majority leader, who has not surrendered the floor.

Mr. LOTT. Under his reservation, if the Senator would yield to me, I believe if we can get this agreed to, he can make his request and then it can be ruled on.

Mr. Chief Justice, I yield the floor if the Senator would like to proceed in that fashion.

I renew my request, again, for the unanimous consent as outlined earlier.

The CHIEF JUSTICE. Is there objection? In the absence of an objection, it is so ordered.

Mr. FEINGOLD. Mr. Chief Justice, I renew my request, along with the junior Senator from Maine—the unanimous consent request that when the Senate proceeds to vote on the anticipated motion to dismiss, that the question be divided into a separate vote on article I of the articles of impeachment, and then a separate vote on article II of the articles of impeachment.

Mr. GRAMM. I object.

The CHIEF JUSTICE. Objection is heard.

Mr. LOTT. Mr. Chief Justice, now, if I could, I will outline the result of our efforts there. I thank Senator DASCHLE and my colleagues on his side of the aisle and this side of the aisle for trying to come up with a process that is fair and that would give us an opportunity today to debate this important issue. It is never easy to get 100 Senators to agree on a method to proceed, so I think this was a good accomplishment. I thank one and all.

I understand that now Senator BYRD will offer the motion to dismiss. For the information of all Members, once that motion is offered, there will then be 2 hours for debate. The House managers will be recognized to open the debate, and following that will be the White House arguments. Then the House managers will be recognized again for closing remarks. At that point, the consent agreement would apply.

I anticipate taking our first break at the conclusion of the first 2 hours of arguments by the managers and White House counsel, unless there is an urgent need to do so earlier. Then we will go forward with this agreement, which will require a vote on the Harkin motion to open the debate; the vote on the amendment to close debate on the motion to dismiss; and then the debate which would go on, the 10-minute rule notwithstanding, until the close of business today.

I yield the floor.

Mr. BYRD addressed the Chair.

The CHIEF JUSTICE. The Chair recognizes the Senator from West Virginia.

MOTION TO DISMISS

Mr. BYRD. Mr. Chief Justice, I send a motion in writing to the desk.

The CHIEF JUSTICE. The clerk will read the motion.

The legislative clerk read as follows:

The Senator from West Virginia, Mr. BYRD, moves that the impeachment proceedings against William Jefferson Clinton, President of the United States, be, and the same are, duly dismissed.

The CHIEF JUSTICE. Pursuant to Rule XXI of the Senate Rules on Impeachment, the managers on the part of the House of Representatives and the counsel for the President each have up to 1 hour to argue the motion.

The Chair recognizes the House managers.

Mr. Manager CANADY. Mr. Chief Justice, Members of the Senate, on behalf of the House of Representatives, I rise to speak in opposition to the motion to dismiss. During the hour allotted to the managers, I will offer a few introductory comments concerning why adoption of the motion would be inconsistent with constitutional standards and harmful to the institutions of our Government. Mr. HUTCHINSON, Mr. GRAHAM, and Mr. GEKAS will present arguments concerning the facts and the law, and then Mr. HYDE will close.

At the outset, I must urge you to consider the fact that this motion to dismiss is without precedent. The Senate has never—not once in the more than 200-year history of our Constitution—dismissed a proceeding against an official who remained in office after impeachment by the House of Representatives. I humbly urge you not to depart from the Senate's well-established practice of fully considering cases of impeachment and rendering a judgment of either conviction or acquittal.

In the midst of the great differences between the President's counsel and the House managers, there actually is at least a little common ground. Both sides agree that the impeachment and removal power is designed to protect the well-being of the institutions of our Government. But there is a critical difference that divides us, as is obvious from the argument that has gone before.

The managers have argued that this power—the power of impeachment and removal—is a positive power granted by the Constitution to maintain the integrity of Government, a power to preserve, protect, and strengthen our constitutional system against the misconduct of officials that would subvert, undermine, or weaken the institutions of our Government.

The President's lawyers, on the other hand, advance a much narrower view of the role of the impeachment power in protecting our institutions. Their case rests on the argument that it is a power to be used only in response to conduct threatening devastating harm to the system of Government—at least when it is used against a President.

But I submit to you that Alexander Hamilton did not contemplate that the impeachment process would be so restricted when he spoke of it as a ''method of national inquest into the conduct of public men.'' And James Iredell did not have such a narrow view in mind when he spoke of the accountability through impeachment of anyone who ''willfully abuses his trust.'' Iredell did not have such a limited view when he spoke of the impeachment of a President who, as he said, ''acted from some corrupt motive or other.''

Under the standards urged by the President's lawyers, the misdeeds of Richard Nixon would not be the threshold for impeachment and removal. What he did was corrupt. The legal rights of citizens were treated with contempt. President Nixon showed an egregious lack of respect for the law. But all these misdeeds did not threaten the sort of ruinous harm to the system of Government that the President's lawyers argue would be required to justify conviction and removal. After all, the core charges against President Nixon related to the coverup of a third-rate burglary.

Members of the Senate, as you consider the motion to dismiss, I ask you to pause and reflect on the consequences of the standard advocated by the President's lawyers. Consider the consequences for the system of justice of allowing the President's dangerous example of lawlessness to stand. Consider the consequences for the Presidency itself.

I respectfully submit to you that the standard advocated by President Clinton's lawyers will debase and degrade the institution of the Presidency. I know that is not the intention of the President's lawyers, but it is the necessary consequence of their position.

Only 42 men have held the office of President of the United States. Some of them have been ordinary men of limited talent. A handful of our Presidents have been great men. Most have been capable men who brought special skills to the office. No matter what our individual judgments may be concerning President Clinton, it is clear that he is one of the most intellectually gifted and politically skilled men to hold the office of President.

He was raised to this great eminence—the most powerful office in the greatest Nation in the history of the world—an unparalleled opportunity, honor and privilege. And in this position of eminence and honor, and in this position of trust, what did he do? He made a series of choices that has brought us to this day. He made the choice to violate the law—and he made that choice repeatedly. He knew what he was doing. He reflected on it. Perhaps he struggled with his conscience. But when the time came to decide, he deliberately and willfully chose to violate the laws of this land. He chose to turn his back on the very law he was sworn to uphold. He chose to turn his back on his solemn oath of office. He chose to turn his back on his constitutional duty.

As you deliberate on this motion, I ask you to consider what William Jefferson Clinton has done to the integrity of the great office he holds as a trust. I ask you to consider the harm he has caused, the indignity he has brought to the institution of the Presidency.

Some have asked of us, ''Where is the compassion and where is the spirit of forgiveness?'' Let me say that I, for one, believe in forgiveness. Without forgiveness, what hope would there be for any of us? But forgiveness requires repentance; it requires contrition. And so I must ask, where is the repentance? Where is the contrition?

It is true that the President has expressed regret for his personal misconduct. But he has never—he has never—accepted responsibility for breaking the law. He has never taken

that essential step, as the argument advanced so vigorously by his counsel makes clear. He has refused to accept responsibility for breaking the law. He has stubbornly resisted any effort to be held accountable for his violations of the law, for his violations of his constitutional oath, and his violation of his duty as President. To this day, he remains adamantly unrepentant. And, of course, under our system of justice, even sincere repentance, which is so lacking here, does not eliminate all accountability.

In the discussion thus far, the debate has brought the concept of proportionality to the fore from time to time. You have been urged to reject your own precedents—the clear precedents establishing that crimes such as lying under oath justify conviction and removal. The principle of proportionality, it has been urged, requires that the rule you have applied to Federal judges not be applied to the President of the United States.

I will be the first to concede that removing a President of the United States is, without doubt, a more momentous decision than removing one of the hundreds of Federal judges who hold office in this country. When the Chief Executive is removed, the gravity of the matter undeniably reaches a higher level. But it is also true—and it must not be forgotten—that when the President engages in a calculated and sustained course of conduct involving obstruction of justice and perjury, the gravity of the consequences for the Nation also reaches a far higher level. Such lawless conduct by the President does immeasurably more to subvert public respect for the law than does the misconduct of any Federal judge or any other Federal official.

As has been pointed out more than once, the Constitution contains a single standard for impeachment and removal of all civil officers; there is not one standard for the President and another standard for everyone else. There is nothing in the Constitution that requires you—or allows you—to set a lower standard of integrity for the President than the standard you have set for other officials who have been convicted and removed by your solemn action.

Although they can point to nothing in the Constitution, the President's lawyers assert that the President is simply different because he is elected. So let me say this. The Senate itself has established a standard of integrity for its own elected Members that President Clinton could not meet. As recently as 1995, an elected Senator resigned under imminent threat of expulsion for offenses that included acts similar to the acts of obstruction of justice committed by President Clinton.

Senator Robert Packwood was elected, yet he was on his way to certain expulsion. Listen to what the Senate Select Committee on Ethics had to say about Senator Packwood's conduct. He was guilty, the committee found, of

> * * * withholding, altering and destroying relevant evidence . . . conduct which is expressly prohibited by 18 United States Code, section 1505. . . . Senator Packwood's illegal acts constitute a violation of his duty of trust to the Senate and an abuse of his position as a United States Senator, reflecting discredit upon the United States Senate.

The statute referred to by the committee in the Packwood case is closely analogous to the obstruction of justice statute the President has violated. Senator Packwood unlawfully sought to impede the discovery of evidence. President Clinton has done the same thing. For his violation of the law, Senator Packwood, an elected Senator, was judged worthy of expulsion from the Senate.

But the President's lawyers argue the President should be held to a lower standard of integrity than the standard you have set for yourselves as Members of the Senate. According to them, the Constitution establishes a lower standard of integrity for the President than the standard for Senators, a lower standard than the standard for Federal judges, and a lower standard than the standard for members of the Armed Forces of the United States.

Ladies and gentlemen of the Senate, I submit to you that the President's lawyers, honorable as they are, are simply wrong. They advocate an arbitrary standard that would insulate the President from the proper accountability for his misconduct under our Constitution. Our Constitution does not establish a lower standard of integrity for the President of the United States.

The Senate, I respectfully submit to you, should follow the well established precedents. The Senate should reject the motion to dismiss.

The CHIEF JUSTICE. The Chair recognizes Mr. HUTCHINSON.

Mr. Manager HUTCHINSON. Mr. Chief Justice, how much time has expired?

The CHIEF JUSTICE. Twelve minutes.

Mr. Manager HUTCHINSON. Mr. Chief Justice, ladies and gentlemen of the Senate, in my former life, when I tried cases, the defense counsel would routinely offer a motion to dismiss and my clients would always ask me how they could argue to dismiss a case before we had a chance to put on our evidence. I would always explain that there was more than sufficient evidence to get this case to a jury and they didn't have to worry.

We all know that granting a motion to dismiss is a weapon that is rarely used in court. It is a severe remedy that cuts off an individual's right to seek justice in court. For that reason, a motion to dismiss must fail if there is any substantial evidence to support the case. In addition, as you evaluate evidence under a motion to dismiss, the facts are to be considered in a way that is most favorable to the respondent—in this case the House managers.

For example, if there is a dispute between the testimony of Ms. Lewinsky and the President in consideration of this, I would urge you to—and believe that under proper rules you should—consider that in the favor of the theory of the articles of impeachment.

It has been explained to me many times that standard courtroom rules do not apply in the U.S. Senate. But, still, granting a motion to dismiss by the Senate has the same effect—to cut short the trial and avoid the development of the facts—as it would in any State court case. In this case of impeachment, the House of Representatives found that there was substantial evidence to support these articles. And the Senate should not summarily dismiss the charges.

I might add that, despite Mr. Ruff's references, the House standard for the articles of impeachment was not simply probable cause. My colleagues on the Judiciary Committee looked at a much higher standard of clear and convincing evidence.

But, coming back to the Senate, to dismiss the case would be unprecedented from a historical standpoint, because it has never been done before; it would be damaging to the Constitution, because the Senate would fail to try the case; it would be harmful to the body politic, because there is no resolution of the issues of the case; but, most importantly, it would show willful blindness to the evidentiary record that has thus far been presented.

An appropriate question, you might ask, is: How should you decide whether this motion should be granted? I would contend that you should decide this issue based upon the facts that you have before you in the record and not on any other criteria. A motion to dismiss should not be granted because you do not think there are presently enough votes for conviction.

Let me assure you that I want this over. As Bruce Lindsey, sitting over here, will probably attest, this is bad for me politically. I am from Arkansas, the State Bill Clinton dominated politically for years, and certainly its most influential politician. But we do have our responsibilities, and I happen to believe that we should follow the process which is dictated by the Constitution and the facts.

I know I am making legal arguments to this Court of Impeachment, in which I understand you make your own rules, and I respect that. But, as opposing counsel pointed out on many occasions, there are reasons for these rules of procedure and they have relevance to your deliberations today. Again, your decision should be based upon the facts, and so let's discuss the facts.

Does the record support the charges of obstruction of justice and perjury? To look at this from a different angle, because we talked about it at length, let's examine how the President responded to critical developments in the Federal civil rights case in which he was a defendant.

First, how did he handle those people he knew to be witnesses? The President did not want them to testify, and, if

they did testify, he did not want them to testify truthfully. Two of those witnesses were Monica Lewinsky and Betty Currie.

Clearly, he did not want them to testify in the Federal civil rights case and, likewise, his lawyers today do not want those witnesses to testify before this body.

Now, let's look at what happened when the President learned that Monica Lewinsky was on the witness list. Very quickly, it was December 5 that the witness list came in. He learned about it probably the next day, December 6. Monica Lewinsky visited with him and said Vernon Jordan was not doing very much on the job front. The President's response is, okay, I will talk to him. I will get on it.

Now, Ms. Lewinsky assumed that was a brushoff, but he was serious about it because he later learned that day that at the latest—he learned later that day that Monica was on the witness list when he met with the lawyers.

After that, the next day, he meets with Vernon Jordan at the White House. And even though Mr. Jordan says he thinks it was unlikely that the job situation was discussed, Mr. Jordan makes it clear that he ultimately went to work to get Ms. Lewinsky a job at the direction of the President. According to Mr. Jordan's grand jury testimony on June 9, he testified, ''The President asked me to get Monica Lewinsky a job.'' That is undisputed. He had testified to the same grand jury, ''He,'' referring to the President, ''is the source of it coming to my attention in the first place.''

And so as the result of the President's request, Vernon Jordan got to work, met with Ms. Lewinsky, assisted her in securing key job interviews and kept the President informed. The job search became critical when she was put on the witness list on December 5, and the December 11 order of Judge Wright served to reinforce the urgency of the matter.

Now, all of this was happening when the President knew she was a witness in the civil rights case, but the individuals affected by the President's unlawful scheme of obstruction may not have been privy to his plans. He kept Ms. Lewinsky in the dark about her being a witness until he had the job search well underway. And Mr. Jordan indicates that he was simply trying to get Ms. Lewinsky a job at the direction of the President without any clue that she was a witness until she got the subpoena on December 19.

Now, the President kept his information about Ms. Lewinsky being on the list away from her until he called her at 2 a.m. in the morning on December 17 to let her know the news.

So how does the President handle witnesses in the judicial system that are a danger to him? He wanted to make sure that they were taken care of and cooperative in concealing the truth from the courts.

The next critical step for the President to assure that Ms. Lewinsky sticks with her predesigned cover stories was that she would not deviate from that even though they were now in the court system. Vernon Jordan testified in the grand jury that ''it didn't take an Einstein to know when she was under subpoena the circumstances changed,'' and, of course, that is clear.

When Ms. Lewinsky was placed on the witness list, the truth became a threat to the President. He tried to avoid the truth at all costs and was willing to obstruct the legal processes of the judicial system in order to protect himself. The obstruction started with the job favors and then continued through the December 17 conversation with the President when the President encouraged her to keep using the cover stories even though she would be under oath as a witness, encouraged her to sign a false affidavit, and then on December 28, according to the testimony of Ms. Lewinsky, the President sent Betty Currie to retrieve items of evidence for the purpose of concealment and with the obvious effect of obstructing the truth.

Despite the concerted effort of the President in keeping Monica Lewinsky from being a truthful witness, the President was not yet home free. He still had to go through the hurdle of his own deposition on January 17. And even though he knew there were going to be questions about Monica Lewinsky, he was hopeful that the false affidavit, the representations of his attorney, Robert Bennett, and the President's own affirmation of the false affidavit would be sufficient to prevent questioning about Ms. Lewinsky. But it didn't work. Despite this effort, the Federal district court judge ordered the President to respond to the questions. At that point he had a choice. He could tell the truth under oath, or he could provide false statements. He chose the latter, and that decision forced a continued pattern of obstruction.

During the deposition, he asserted the name of Betty Currie at least six times, and by doing so he dared the plaintiff's lawyers to question Ms. Currie as a witness. They knew it, and he knew it. When the Jones lawyers returned from the deposition, they immediately set about issuing a subpoena for Betty Currie. And what did the President do? He immediately set about attempting to assure that Betty Currie would not state the truth when called as a witness.

They defended that she wasn't a witness, she wasn't a prospective witness, but yet we produced the subpoena that she was a prospective witness, and they wanted her to testify and everyone knew it. The President called her at home, arranged for her to come in the next day, and put her through the questioning: He was never alone with Monica, trying to establish that; that Monica was the aggressor and that the President did nothing wrong. That is what he was trying to accomplish through his questioning of Betty Currie.

Can you imagine how uncomfortable Betty Currie was, must have felt on that occasion, being called in to see her boss, then having the President recreate a fictional account in order to prevent the truth from coming out in a court of law. But once was not enough, and 2 days later Ms. Betty Currie was brought in for the same series of questions. The message was clear. You have got to cover for the President even though the purpose was unlawful.

And so we see a pattern developing. When it comes to a witness, whether it is Monica Lewinsky or Betty Currie, the choice is made. The President encouraged the witness to lie, and the President chose to impede the administration of justice rather than assuring that the laws be faithfully executed.

But the President had one final choice, and that was in his grand jury testimony in August. At this point, the embarrassment of the relationship was public, and that could no longer serve as an excuse not to tell the truth. But, once again, the President chose not to abide by his oath but to evade the truth and provide false statements; not to protect his family, not to preserve the dignity of the Presidency, but to prevent the grand jury from knowing the truth in their investigation and to continue the coverup began during the truth-seeking process in the civil rights case.

I do not have time to cover all the facts, but they are more than substantial, they are compelling, and they are convicting.

Let me leave you with some questions. First of all, who asked Vernon Jordan to get Monica Lewinsky a job? The answer? It was the President.

Secondly, who suggested that Monica Lewinsky sign an affidavit to avoid testifying in the civil rights case, which by its nature had to be false? The answer? It was the President. Who obstructed the truth when Monica Lewinsky was subpoenaed as a witness? It was the President. Who impeded the gathering of evidence when the Federal court subpoena called for the production of gifts? The answer? It was the President. Who tampered with the testimony of Betty Currie when it was clear she was a witness in the case? It was the President. Who took an oath and failed to tell the truth before the courts of our land? It was the President.

I state these facts with sadness, but these facts are true. The motion should be defeated.

I thank the Senate. On behalf of the managers, Mr. Chief Justice, I reserve the remainder of the time.

The CHIEF JUSTICE. Very well. The Chair recognizes counsel for the President.

Ms. Counsel SELIGMAN. Mr. Chief Justice, ladies and gentlemen of the Senate, distinguished House managers, good afternoon. My name is Nicole Seligman. I am a member of the law firm

of Williams & Connolly here in Washington, DC. I have been privileged to represent President Clinton as personal counsel since 1994.

I am honored to stand before you today to argue in support of the motion to dismiss the impeachment proceedings that has been offered by the senior Senator from West Virginia, Senator BYRD.

The Constitution reposes in this body and nowhere else the sole authority to try impeachments. It has placed in your hands alone the decision whether to dismiss now or to go forward. There is no judicial review. There is no judicial guidance other than that which each of you, in your wisdom, may choose to apply by analogy from judicial experience. There are no particular rules of civil or criminal procedure that you must follow. The Constitution has freed you from that. It has wisely placed in your hands alone the ability to make a sound judgment in the manner you think best for the reasons you think best, based on your wisdom and experience, as to what is best for this Nation at this moment in the proceedings.

We submit to you that the moment has arrived where the best interests of the Nation, the wise prescription of the framers, and the failure of the managers' proof, all point to dismissal. You have listened. You have heard. The case cannot be made. It is time to end it.

Without presuming to infringe on the constitutional authority that is yours alone, and without repeating at undue length the arguments that you heard over the past few weeks, I do want to set out briefly the reasons that we believe to be some of the grounds on which an early and fair disposition of this difficult matter might rest. There are at least four such grounds. Each one stands by itself as sufficient reason to vote for the motion of Senator BYRD.

The first ground is the core constitutional issue before you, the failure of the articles to charge impeachable offenses. They do not do so. They do not allege conduct that, if proven, violated the public trust in the manner the framers intended when they wrote the words ''treason, bribery, or other high crimes and misdemeanors.'' For absent an element of immediate danger to the state, a danger of such magnitude that it cannot await resolution by the electorate in the normal cycle, the framers intended restraint. There is no such danger to the state here. No one has made that claim, or could, or would. A vote for the motion is a vote for constitutional stability.

Impeachment was never meant to be just another weapon in the arsenal of partisanship. By definition, a partisan split like that which accompanied these articles from the House of Representatives creates doubt that makes plain a constitutional error of the course that we are on. As Senator William Pitt Fessenden wrote 130 years ago on a great and decisive historical occasion, the impeachment trial of Andrew Johnson:

> Conviction upon impeachment should be free from the taint of party and leave no ground for suspicion upon the motives of those who inflict the penalty.

His words echoed those of Alexander Hamilton who, in the much quoted Federalist 65, had warned, in his words, of ''the greatest danger that the decision''—that is the decision by the Senate—''will be regulated more by the comparative strength of the parties than by the real demonstrations of innocence or guilt.''

Now, Mr. Manager GRAHAM has candidly acknowledged that reasonable people could disagree about the propriety of removal. He said they absolutely could. We suggest to you that there can be no removal when even the prosecutor agrees that such reasonable doubts exist. If reasonable people can disagree, we suggest to you that reasonable Senators should dismiss. The constitutional standard for impeachment is not met here.

The second and third grounds we offer to you relate to the deeply flawed drafting of the articles by the House of Representatives. They have left the House managers free to fill what Mr. Ruff described as ''an empty vessel,'' to define for the House of Representatives what it really had in mind when it impeached the President. But that is not a role that the Constitution allows to be delegated to the House managers. It is not a role that the Constitution allows them to fill. It is a role that is explicitly and uniquely reserved to the full House of Representatives which, under our Constitution, has the sole power to impeach.

The articles also are unconstitutionally defective for yet another reason, because each article combines a menu of charges, and the managers invite the Members of this body to convict on one or more of the charges they list. The result is the deeply troubling prospect that the President might be convicted and removed from office without two-thirds of the Senate agreeing on what the President actually did. Such a result would be in conflict with the requirement that the President cannot be convicted unless two-thirds of this body concurs. The requirement of a two-thirds supermajority is at the core of the constitutional protection afforded the President and the American people. The Founding Fathers were wise to guarantee that protection, and it has protected the Presidency for more than two centuries. The House must not be allowed to erode that protection today. The articles, as drafted, are unconstitutional.

The fourth ground for the motion is based on the facts. Mr. Manager MCCOLLUM has twice asserted that this body must first determine whether the President committed crimes, and then move on to the question of removal from office. Recognizing that each Senator is free to choose the standard of proof that his or her conscience dictates, we submit that if the question is, as the managers would have it, whether the President has committed a crime, that standard should be proof beyond a reasonable doubt. And it is clear that such a standard, that is, proof to the level of certainty necessary to make the most significant decisions you face in life, cannot possibly be met here. The presentations last week demonstrated that the record is full of exculpatory facts and deeply ambiguous circumstantial evidence that will make it impossible for the managers to meet this standard or, in fact, any standard that you might in good conscience choose to apply here.

Now, the managers have with great ingenuity spun out theories of wrongdoing that they have advanced repeatedly, persistently, passionately. But mere repetition, no matter how dogged, cannot create a reality where there is none. The factual record is before you. We submit that it does not approach the kind of case that you would need to justify the conviction and removal of the President from office. And calling witnesses is not the answer. All the evidence you need to make your decision is before you, documented in thousands of pages of testimony given under oath or to the FBI agents and Mr. Starr's prosecutors under penalty of law.

These, then, are the four grounds for the motion to dismiss. I know many of these arguments are not new to you, and I will try to be brief as I review them.

The question before this body requires solemnity on all of our parts. It inevitably creates no small measure of apprehension. In our Nation's political history, in our legal history, it is fair to say that few decisions of such overwhelming magnitude have been confronted by this body. There could be no matter more clearly placed in your hands alone by the Constitution, and on its resolution rests more than the political fate of William Clinton; there rests the course of our democracy in the coming years of the new century and for untold years thereafter.

Constitutional history confirms that the decision before you was meant to be significant and difficult to make. It demonstrates that only the most extraordinary of charges warrants the most extraordinary of outcomes. Any question, any doubt, must be resolved in favor of the electoral will, for it is the will of the people, the people who have all sovereignty in our law, that in the end is the foundation of our democracy. And we submit that the doubt here is pervasive: Doubt about whether the charged conduct, efforts to conceal a private personal embarrassment, could reasonably be deemed a violation against the state at all, let alone a violation so severe as to compel removal; doubt about the constitutionality of the articles as drafted; doubt about the sufficiency of the managers' case; and that doubt upon doubt upon doubt

makes a vote to dismiss the only fair choice.

Let me turn then to the fundamental constitutional argument.

The impeachment power was meant to remove the President of the United States from office only for the most serious abuses of official power or for misbehavior of such magnitude that the collective wisdom of the people would compel immediate discharge. One of America's leading professors of constitutional law, Professor Akhil Amar of the Yale Law School, has framed the problem poignantly and concisely, stating:

> The question to ask is whether [President Clinton's] misconduct is so serious and malignant as to justify undoing a national election [and] canceling the votes of millions.

We know the answer. It was provided by Charles Black in his classic book on impeachment when he wrote that:

> Impeachment and removal should be reserved only for offenses that so seriously threaten the order of political society as to make pestilent and dangerous the continuance in power of their perpetrator.

James Madison made much the same point two centuries earlier, stating that an impeachment provision of some kind was ''indispensable'' because a President's ''loss of capacity or corruption . . . might be fatal to the Republic.''

The statements and writings of the framers of our Constitution and centuries of scholarship and the meaning of that brief but so significant phrase, ''high crimes and misdemeanors,'' enable us to establish with solid assurance that the conduct charged against the President does not amount to an impeachable offense.

Our argument today is a simple one: Ordinary civil and criminal wrongs may be addressed through ordinary civil and criminal processes, and ordinary political wrongs may be addressed at the ballot box or by public opinion. Only the most serious public misconduct, aggravated abuse of Executive power, is meant to be addressed through exercise of the Presidential impeachment power.

The conduct here arises out of a private lawsuit. Let me talk for a moment about that lawsuit which is the backdrop for these proceedings.

The Jones case arose out of an alleged incident that predated the President's first term as President. The charges at issue here arise out of the President's conduct in that lawsuit. No charge relates to his official conduct as President. Indeed, as we know, the Supreme Court told President Clinton that he could not delay defending the Jones lawsuit until he was out of office. And when it ruled that way, the Court emphasized just this very point. It made clear that he might have been able to delay or avoid the lawsuit if it had related to his official conduct, because the law provides various immunities for such lawsuits; but precisely because it related to his private actions, it would be allowed to go forward.

In drawing that conclusion, interestingly, the Supreme Court actually looked to the wisdom of James Wilson, a framer, a Supreme Court Justice, and a constitutional commentator, and cited the distinction he drew between a President's acts performed in his ''public character,'' for which he might be impeached, according to Justice Wilson, and acts performed in his private character, to which the President is answerable, as any other citizen, in court.

We agree that there might be extreme cases where private conduct would so paralyze the President's ability to govern that the impeachment power must be exercised, where the certainty of guilt and the gravity of the charge would leave no choice. But charges arising out of the President's efforts to keep an admittedly wrongful relationship secret are, by no analysis, of that caliber.

Some have suggested that making this argument is the same as arguing that the President is above the law. That simply is not so. The often repeated statement that no man—or woman, I should add—is above the law is, of course, true. Once he leaves office, the President is as amenable to the law as any citizen, including for private conduct during his term of office. As my colleagues Mr. Ruff and Mr. Craig argued to you last week, if a grand jury should choose to consider charges against this President, his status as a former President will not prevent that consideration.

But here is the point: Impeachment is not meant to punish an individual; it is a protection for the people; in Alexander Hamilton's words, a remedy for great ''injuries done to the society itself.'' It is, as your 19th century predecessor, Senator Garrett Davis, pointed out in the Andrew Johnson proceedings, ''the extreme remedy . . . intended for the worst political disorders of the executive department.''

The House managers appear to argue that the President must be removed nonetheless, because to do otherwise places him above the law. But there is one thing that can be said with certainty about the impeachment power. Although it may have that result, it is not meant to punish the man, to set an example, or to provide a ''cleansing'' of the political process; it is meant to protect the state. If it is punishment the House managers seek, they are in the wrong place, in the wrong job, at the wrong time, and for the wrong reasons.

A question has arisen whether, as a general matter, any violation of law demands removal because it would be a violation of the President's duty to take care that the laws be faithfully executed or a breach of the public trust. But, again, the history of the clause makes clear that the framers intentionally chose not to make all crimes or even all felonies impeachable.

I suggest we would all agree that, in the broadest possible sense, a proven violation of criminal law is a violation of a public trust. But the framers consciously elected not to make impeachment the remedy for ''all crimes and misdemeanors.'' When the framers wished to address all crimes, they knew how to do it, and they did it. In article IV, section 2, the Constitution states that, ''A Person charged in any State with Treason, Felony, or other Crime'' is susceptible to extradition—''or other crime.'' The framers knew how to say it, but they didn't say it about impeachment, because that is not what they meant.

Some also have argued that the experience of judicial impeachments in this body undermines this argument. They claim that judges have been removed for purely private conduct and that a President should be treated no differently. This argument completely misses the mark as well.

By constitutional design, judges are very different from a President. Presidents are elected for a fixed term, while Federal judges serve with life tenure. Presidents are elected by the people in one of the great periodic exercises of national will, and their tenure is blessed as the choice of the people.

Judges, on the other hand, are appointed and confirmed by the representatives of the people, but their selection does not represent a direct expression of the will of the people. Judges' tenure is conditioned on good behavior, while that of a President is not. And there is an obvious reason for this distinction. Life tenure, which was designed to assure judicial independence, plainly becomes a problem in the event of a judge who is not fit to serve. A President may be voted out by the people, a judge may not; hence the good behavior requirement and the duty upon the Congress to enforce it in those exceptional cases where it must be enforced.

It is possible to debate forever whether the good behavior clause represents an independent basis for impeachment or whether, in the case of judges, it is a factor to be weighed when this body exercises its sound judgment to decide what constitutes a high crime or misdemeanor. But there is no need to resolve that dispute here. Either way, it is clear, as the Watergate impeachment inquiry report established, that the term ''high crimes and misdemeanors'' is given content by the context of the charge and the office at issue. Because of issues of legitimacy, accountability, and tenure, the framers decided that Federal judges needed the additional check of the good behavior clause—language they left out of the articles creating Congress and the Presidency.

And the Presidency is, of course, different. Alexander Hamilton said, in Federalist 79, that a judge could be impeached for malconduct. But in the words of the Watergate Impeachment Inquiry Report—a report I remind you

that Mr. Manager CANADY has commended to your consideration—Presidential impeachment is distinctive. The report stated—and I quote, because it is an important quote—''Because impeachment of a President is a grave step for the nation, it is to be predicated only upon conduct seriously incompatible with either the constitutional form and principles of our government or the proper performance of the constitutional duties of the presidential office. . . . The facts must be considered as a whole in the context of the office,'' the report concludes. The office matters. For judges, the good behavior standard comes in one way or the other. For the President, the standard is different.

As I mentioned, Mr. Manager GRAHAM candidly acknowledged last Saturday that reasonable people could disagree as to whether this President should be removed from office, even if they believe he acted as charged—reasonable people could disagree. In this connection, consider, if you will, the words of Senator William Pitt Fessenden, written 130 years ago. Senator Fessenden was one of the seven brave Republicans who crossed party lines to vote against the conviction of President Johnson in his 1868 impeachment trial. He wrote—and I quote—''the offense for which a Chief Magistrate is removed from office . . . should be of such a character as to commend itself at once to the minds of all right thinking men as, beyond all question, an adequate cause.'' Think about that phrase—''beyond all question.'' Where there is room for reasonable disagreement, there is no place for conviction.

If many in this Chamber and in this Nation believe that these charges do not meet the bar of high crimes and misdemeanors, then the question must be asked, Why prolong this process?

I would like to turn briefly now to two grounds for dismissal based on the manner in which the House drafted these articles. The first is that each of the articles contain several quite different charges. The House compounded its charges. It is tempting to ask how, in a matter of such importance, we can urge what might appear to be a procedural, highly technical argument like this one.

There are several answers to that. The first is that it is neither ''procedural'' nor ''highly technical.'' It goes to the very heart of our constitutional protections and raises concerns about fairness and the appearance of fairness in this proceeding as so many Senators have so eloquently noted in the past when the issue has arisen.

As Senator KOHL stated in the Judge Nixon impeachment matter, in which a similar omnibus article was defeated—and I quote:

> The House is telling us it's OK to convict Judge Nixon on Article III even if we have different visions of what he did wrong. But that's not fair to Judge Nixon, to the Senate, or to the American people. Let's say we do convict on Article III. The American people—to say nothing of history—would never know exactly which of Judge Nixon's statements we regarded as untrue. They'd have to guess. What's more, this ambiguity would prevent us from being totally accountable to the voters for our decision.

As the Senator said, that is an unacceptable outcome, one that was ''not fair to Judge Nixon, to the Senate, or to the American people.''

Judge Nixon was acquitted on this article. We suggest to you that the House is now asking this Senate to convict President Clinton on just such articles. And that is not fair either to President Clinton, to this Senate, or to the American people.

The second response is that—even if this troubling problem were procedural—fair, constitutional procedures go to the heart of the rule of law. As the Supreme Court has stated, ''The history of liberty has largely been the history of observance of procedural safeguards.'' It would, indeed, be ironic if, in the course of this proceeding in which the vindication of the rule of law has so often been invoked, this body were to ignore an important procedural flaw.

The legal basis for this argument is by now well known. Article I, section 3 of the Constitution provides that on articles of impeachment ''no Person shall be convicted without the Concurrence of two-thirds of the Members present.'' This requirement is plain. There must be, in the language of the Constitution, ''Concurrence,'' which is to say, genuine, reliably manifested agreement among those voting to convict.

Without clarity on exactly what the President would be convicted for, there can be no concurrence. These requirements of concurrence and a two-thirds vote are the twin safeguards of the framers' plain intent to assure that conviction not come easily.

And let there be no doubt, these articles present textbook examples of a prosecutorial grab bag. Look at article II, which, by its terms, charges obstruction of the Jones litigation. It presents six topics related to the Jones litigation and one related to the very separate issue of grand jury obstruction. The first six acts alleged are unrelated in time or alleged intent to the seventh. Under no conceivable theory are they part of the same scheme, and no one ever has claimed them to be. But as it is drafted, and as it must be voted on by this body, under the Senate rules, the article would allow certain Senators to convict on obstruction of the Jones case and others on grand jury obstruction. That is not concurrence in a vote on an article, as the Constitution demands it. An indictment against any American drafted like these articles could not go near the jury. It would be dismissed. And no lesser standard should apply here.

A second fatal flaw in the drafting is their complete lack of specificity, which makes it impossible to know precisely what the President is alleged to have done wrong. This defect is most troublesome in the article I perjury charges, which never simply state what the President said that was allegedly perjurious. The defect is a plain and obvious constitutional one: The House of Representatives has unconstitutionally neglected its ''sole'' power to impeach and delegated to the House managers that which cannot constitutionally be delegated—the power to decide what the House meant. The result has been what can charitably be described as a fluid approach to the identification of charges against the President. The House majority and its managers have sought to add, delete, amend, expand and contract the list as this matter has proceeded from Mr. Starr, to the committee, to the full House, to this body.

They also, mystifyingly, have insisted on couching their charges as examples. How on Earth can an accused defend against examples? Where is the notice? Where is the due process? And no sooner was this very concern raised here by Mr. Ruff than they did it again. This is quite extraordinary.

In response to Mr. Ruff's challenge, the managers put out a press release, on January 19, purporting to list allegedly perjurious statements on which you are to vote. And what did they say? They offered more examples. They said in response—and I quote—''Here are four examples of perjurious statements made to the grand jury:''

Ladies and gentlemen, almost 40 years ago, the Supreme Court made clear that this kind of charging is unacceptable. When an indictment leaves so much to the imagination of individuals, other than the constitutionally designated charging body, it must be dismissed. Again, no lesser standard should apply here.

Our fourth ground for dismissal is based on the facts. The evidence, in the tens of thousands of pages before you, establishes that the case against the President cannot be proven with any acceptable degree of certainty. The record is filled with too much that is exculpatory, too much that is ambiguous, too much from the managers that requires unfounded speculation.

A very brief look at the articles and the facts makes clear that in light of the uncontested exculpatory facts, such as the direct denials from Ms. Currie, from Mr. Jordan, and from Ms. Lewinsky of various alleged misconduct, the managers cannot possibly meet their burden of proof here. Look briefly at article I. Much of it challenges the President's assertions of his own state of mind, his understanding of the definition given to him, his understanding of the meaning of a word, his legal opinion of his Jones testimony, his mindset during statements of his lawyer, Robert Bennett. The managers offer speculation and theories about these matters, but you are not here to try speculation and theories. You are here to try facts. And the facts do not support their theories.

Other claims in article I are so insubstantial as to be frivolous and unworthy of the time and attention of this

historic body. Certain answers about the particulars of the admitted intimate relationship between the President and Ms. Lewinsky—whether their admitted inappropriate encounters were properly characterized as occurring on ''certain occasions'' is but one example—could not possibly have had any bearing on the Starr investigation. These answers were even irrelevant, immaterial, to Mr. Starr.

Remember, in the grand jury the President admitted to the relationship, admitted it was improper, admitted it occurs over time, admitted he had sought to hide it, admitted he had misled his wife, his staff, his friends, the country. But how it began, exactly when it began, how many intimate encounters there were, whether there were 11 or 17 or some other number and with what frequency, these are details irrelevant to the Starr investigation, and I must say, irrelevant to your decision whether to remove the freely elected President of the United States.

There has been much discussion about the Jones deposition here and whether it, too, is a part of article I. The point is a simple one. The House of Representatives exercised its constitutional authority, and in a bipartisan vote defeated an article of impeachment based on the answers in the Jones deposition. Those answers are not before you and the managers' sleight of hand cannot now put them back into article I. The article charges only the statements made in the grand jury about that deposition. The managers ask you to look at one response: The President's lawyerly assertion that the Jones deposition was not legally perjurious, however frustrating or misleading, and to read that as an affirmation of every answer he gave. But the grand jury testimony must be read as a whole.

What did the President convey during that testimony? Certainly not that he was standing behind every word in the Jones deposition as the whole truth. He spent 4 hours in the grand jury explaining that testimony—adding to it, clarifying it, discussing the confusing deposition questions and answers, and pointing out his efforts to be literally truthful, if not forthcoming, explaining what he had tried to do, the line he had tried to walk, however successfully or unsuccessfully. He laid it all out. He was not asked by Mr. Starr to reaffirm or adopt the earlier testimony, and he did not reaffirm or adopt it.

This brings us to the last issue in article I, the so-called touching issue. My colleague, Mr. Craig, has talked at length about the legal and practical obstacles to a case based on an oath against an oath. Whether compelled by law or practice, the rule reflects the commonsense proposition that there will always be a reasonable doubt as to the truth when the case rests merely on an oath against an oath. That is why seasoned prosecutors said in the House of Representatives that they would never bring such a case. That is why you need no more information to conclude that conviction on that basis will not be possible.

The evidence also undermines the allegations of article II. My colleagues, Ms. Mills and Mr. Kendall, made a detailed review of the allegations in each of the seven subparts of article II. They went over the evidence in great detail, and I am certainly not going to repeat that here. They pointed to the significant amount of direct evidence in the record that controverts the claims made in this article, most notably the consistent statements by Ms. Lewinsky that no one ever asked, suggested, or encouraged her to lie, and that no one ever promised her a job for her silence.

They demonstrated that with regard to the transfer of gifts, the testimony of Ms. Lewinsky and Ms. Currie has consistently been inconsistent, but that even Ms. Lewinsky has acknowledged it was she who was concerned about the gifts and who raised the issue with the President. And the fact that the President gave Ms. Lewinsky more gifts on December 28 simply cannot be reconciled with any theory of the managers' case.

Ms. Mills reviewed the evidence concerning the President's conversation with Ms. Currie on the Sunday after the Paula Jones deposition. However ill-advised that conversation might have been under the circumstances, it was not criminal. The President was motivated by his own anxieties and by a desire to find out what Ms. Currie knew in anticipation of the media storm he feared would break, as it surely did. Contrary to the suggestion of Mr. Manager HUTCHINSON, Ms. Currie had not yet been subpoenaed at the time of that conversation. Ms. Currie was not on any Jones case witness list at the time of the conversation. She testified that she felt absolutely no pressure to change her account during that conversation. She never testified that she felt uncomfortable—again, contrary to the suggestion of Mr. Manager HUTCHINSON. She was not a witness. There was no pressure. There is a completely reasonable explanation.

Let me be clear here: There is no evidence that the President ever asked Ms. Lewinsky to file a false affidavit or told her to give false testimony if she appeared as a witness. Both believed Ms. Lewinsky could file a limited but true affidavit that might—might—avoid a deposition in the Jones case. While the two had discussed cover stories to explain Ms. Lewinsky's visits, Ms. Lewinsky never testified that they discussed the cover stories in the context of the possibility of her testifying personally, as article II alleges.

Now you have heard in detail from Mr. Craig and Mr. Kendall about the fleeting moment in the Jones deposition when Mr. Bennett tried unsuccessfully to prevent the President being questioned about Ms. Lewinsky by citing her affidavit. The judge immediately overruled the objection. It did not obstruct in any way the Jones lawyers' ability to question the President.

The statement had no effect. And the tape of the President cannot disprove the President's testimony that he wasn't paying attention. He doesn't comment, concur, or even nod. With a weak case at hand, the managers have tried to turn a blank stare into a high crime.

The last subpart of article II is flawed in many respects: The article alleges obstruction of the Jones case, but the President's misleading statements to his White House aides about Ms. Lewinsky had no effect on that case at all. In any event, the effect of the President's statements on his aides was no different than on the millions of Americans who had heard and seen the President make similar denials on television.

And finally, the subpart claims obstruction of the grand jury, whereas the whole point of article II is alleged obstruction of the Jones case. As I asked before, what is it doing here?

As to Ms. Lewinsky's job search, all the managers have presented it is a theory, a hypothesis in search of factual support.

The direct evidence is clear and uncontradicted. Ms. Lewinsky, Mr. Jordan, the President, and people at the New York City companies Ms. Lewinsky contacted all testified that there was no relation of any of the job search activity to the Jones case—none. Not a single witness supports the managers' theory. As we demonstrated, their core theory that the job assistance intensified after the Court's December 11 order was based on plain and simple error. And without that support, the theory collapsed.

No doubt, the managers' response will be that that is why witnesses are needed, to help the managers make their case. But witnesses will not fill the void in the evidence:

First, because the evidence, as we have shown, is overwhelmingly uncontested. If there is no dispute, why do witnesses have to be questioned at all? House Majority Counsel Schippers himself made this point when speaking of the very same transcripts and FBI interviews that you all have before you. He stated to the Judiciary Committee: ''As it stands, all of the factual witnesses are uncontradicted and amply corroborated.''

Second, because the actual disagreements—for example, what was in the President's mind in his deposition?—are about conclusions that must be drawn from the undisputed evidence, not disputes in the evidence itself. More evidence will not inform a judgment on the President's state of mind.

Third, because those witnesses with testimony pertinent to the charges have already repeated their testimony again and again and again—in some instances, 5 or 10 times—over and over and over to FBI agents, to prosecutors, to grand jurors. Experienced career prosecutors, trying to make their best

case against the President, questioned scores of witnesses. They compiled tens of thousands of pages of evidence. They questioned Ms. Lewinsky on at least 22 separate occasions. They questioned Mr. Jordan on at least five occasions. They questioned Ms. Currie on at least eight occasions. On one day alone—July 22, 1998—prosecutors asked Ms. Currie more than 850 questions, and that was only 1 of her 5 appearances before the grand jury or FBI agents. And they did, in fact—contrary to the suggestion of the managers—question witnesses, including Ms. Lewinsky, after the President's testimony to the grand jury.

These witnesses whom I have mentioned, who were questioned repeatedly, are not alone. They could not possibly add to their testimony, or amend it, in any significant way that could alter the judgment you could make today. Yet, it is the hope that these witnesses will be forced to change their testimony, to provide evidence where there now is none, that drives the current desire to question them.

Let me make a few final points about this witness issue. ''Bringing in witnesses to rehash testimony that's already concretely in the record would be a waste of time and serve no purpose at all.'' That is our argument, but those are not my words, they are the words of Mr. Manager GEKAS, spoken just last fall, talking about this same factual record you have before you.

And Mr. Manager GEKAS was correct. ''We had 60,000 pages of testimony from the grand jury, from depositions, from statements under oath. That is testimony that we can believe and accept. Why re-interview Betty Currie to take another statement when we already have her statement? Why interview Monica Lewinsky when we had her statement under oath, and with a grant of immunity that, if she lied, she would forfeit?''

Again, that is our argument, but, again, those are not my words, those are the words of Chairman HYDE. He, too, was correct. Those words apply with equal force today. The witnesses are on the record. Their testimony is known. There is no need to put them through the ordeal of testimony again.

The House managers, no doubt, will answer that that was then, this is now. But that is not good enough. The House had a constitutional duty to gather and assess evidence and testimony and come to a judgment as to whether it believed the President should be removed from office—not to casually and passively serve as a conveyor belt between Ken Starr and the U.S. Senate, not to ask this body to do the work the House failed to do.

The actual power to remove the President resides here, of course. But the power to take that first step rests with the House. And the House exercised it: The articles explicitly find that certain conduct occurred and that that conduct warrants ''removal from office and disqualification to hold and enjoy any office of honor, trust, or profit under the United States.'' If there was any doubt about the testimony on which they based their judgment in reaching that conclusion, such doubt should have been resolved before any Member rose to say ''aye'' to an article of impeachment calling, for the first time in 130 years, for the Senate to decide on the removal of the President.

The President did not obstruct justice. The President did not commit perjury. The President must not be removed. The facts do not permit it.

Now, ladies and gentlemen of the Senate, I hope I have outlined clearly for you some of the many valid grounds on which you might base a decision to vote for the motion offered by Senator BYRD.

On constitutional grounds, the matters simply don't meet the test of high crimes and misdemeanors, as specified by the framers or interpreted by hundreds of historians. As a matter of law, these articles are defective. In a court, they would be dismissed in a heartbeat for vagueness and for being prosecutorial grab bags.

The evidence itself, after being gathered in what may be one of the largest criminal investigations in this country's history, fails to offer a compelling case and is based largely on weak inferences from circumstantial evidence. Each of these is reason enough to end this trial now, without further proceedings.

As Senator Bumpers said more personally and eloquently than I could hope to, the President has been punished; he is being punished still—as a man, as a husband, as a father, as a public figure. Beyond his family, you have been reminded that the criminal law will still have jurisdiction over Bill Clinton the day he leaves office. And while I am confident the case would have no merit in a court of law, that is the venue in which justice may be sought against an individual.

So the sole question you are faced with is the most important one: Do you, for the first time in 210 years of our freedom, set aside the ultimate expression of a free people and exercise your power to remove the one national leader selected by all of us?

If you don't believe this body should remove the President, or if you believe that no amount of requestioning of witnesses or torturing facts will change enough minds to garner the two-thirds majority necessary to remove the President, or if you simply have heard enough to make up your mind, then the time to end this is now.

The President has expressed many times how very sorry he is for what he did and for what he said. He knows full well that his failings have landed us in this place, and he is doing all he can to set right what he has done wrong.

The entire Nation—indeed the world—is now looking to this body, to this Chamber, to this floor, for sound judgment, and we are asking you not to answer a serious personal wrong with a grievous constitutional wrong. When we ask you to vote for Senator BYRD's motion to dismiss, we do not mean that nothing ever happened, that this is no big deal—and that is where we lawyers have done a disservice to the language—because this is a big deal. It is a very big deal. Punishment will be found elsewhere. Judgment will be found elsewhere. Legacies will be written elsewhere. None of that will be dismissed. None of that can ever be dismissed.

We ask you to end this case now so that a sense of proportionality can be put back into a process that seems long ago to have lost all sense of proportionality. We also ask you to end the case now so that the family members and others who did no wrong can be spared further public embarrassment.

We also ask you to end this case now so that the poisonous arrows of partisanship can be buried and the will of the people can be done—allowing all of you to spend your full days on the most pressing issues of the country.

You have heard the charges in full; heard the defense. Now is the time to define how the national interests can best be served by extending this matter indefinitely or ending it now. We submit that it is truly in the best interest of this Nation to end this ordeal in this Chamber at this time and in this way.

Thank you.

Mr. LOTT addressed the Chair.

The CHIEF JUSTICE. The Chair recognizes the majority leader.

Mr. LOTT. Could I inquire? Is there further presentation from the White House counsel, or will the time be used for concluding remarks by the House managers?

The CHIEF JUSTICE. The White House counsel has 6 minutes remaining; the managers have reserved 36 minutes.

Mr. Counsel RUFF. There will be no further presentation, Mr. Chief Justice.

RECESS

Mr. LOTT. In view of that, Mr. Chief Justice, I understand the White House counsel will have no further presentation to make, so what is left would be the concluding remarks by the House managers. I would like for us, when that is concluded, to go right into the votes.

In view of that, I think it would be a good idea to take a 15-minute break at this point. And I ask for that.

There being no objection, at 4:12 p.m., the Senate recessed until 4:38 p.m.; whereupon, the Senate reassembled when called to order by the Chief Justice.

The CHIEF JUSTICE. The Chair recognizes the majority leader.

Mr. LOTT. Mr. Chief Justice, I believe we are ready now for the closing part of the argument by the House managers on the motion to dismiss.

The CHIEF JUSTICE. The Chair recognizes the House managers. Mr. HUTCHINSON.

Mr. Manager HUTCHINSON. Thank you, Mr. Chief Justice, Senators. My

fellow Manager GRAHAM has extended me a few minutes before he comes up here just to allow me to respond to a couple of factual assertions by the White House counselors during the recent presentation. I know that there was a reference made to the impeachment proceedings of former President Nixon, and there were various articles that were considered. But one of them that I don't believe was talked about was obstruction of justice, and I believe that the Senators in this Chamber would agree that obstruction of justice has historically been a basis for impeachment of public officials because of the impact that it has on the administration of justice. And that was historically true during the time of the impeachment of President Nixon. It was an issue during that time and it should be no less of a concern this year, in 1999.

Now, when I listen to a defense attorney make a presentation, oftentimes I will listen to what they didn't cover as much as what they did cover. And you always have to go back to that because many times that points to a big gap of something they just can't explain. As I listened to the presentation, of course they addressed the assertion that Ms. Currie, Ms. Betty Currie was, in fact, not a witness at the time the President called her in and went through the questioning of her after his deposition on January 17. But, yet, it has been clearly established that she was a known witness at the time. Now, they hoped, they prayed, they wished, they counted for the fact that that subpoena would never be uncovered. But the subpoena was uncovered. The fact was established that she was put on the witness list and that she was a known witness at the time. But the fact is, it does not matter. She was a prospective witness, and that was what the President did when he came back and talked to her.

But what has never been addressed—has never been addressed—is why in the world did the President believe he needed to talk to her a second time. It was one time the questioning, but 2 days later she was brought in and taken through the same paces. The answer was, ''Well, he explained it.'' Well, he tried to explain why he did it the first time, he was trying to get information. There could be no explanation for the second instance of which she was called in and questioned. She was a witness, she was a known witness and she had to be talked to, and it was done twice.

Another thing that I do not recall ever being mentioned, they argue that, ''Well, there is no evidence of favors on a job search,'' and I believe that is not supported by the record. How many times has the President's attorneys discussed the description and the report by Mr. Vernon Jordan to the President, ''Mission accomplished''? I do not believe they have ever discussed that particular terminology. I do not believe they have ever discussed the terminology, the call from Mr. Vernon Jordan to Mr. Perelman saying, ''Make it happen if it can happen.''

So I think there are some gaps in their defense and, clearly, you understand that the facts have supported each of the allegations of obstruction that we have set forth.

They argue that, ''Well, there was no evidence of any false affidavit.'' Whether it is evidence that an affidavit was encouraged by the President of the United States, he suggested the affidavit and, as of necessity, it would have to be false if it was going to be accomplishing the intended purpose.

They are asking you in this motion to dismiss to ignore the evidence that we have presented, to ignore the testimony, the documentary evidence, to ignore the common sense and simply to accept the denials of the President of the United States. That is not what a motion to dismiss is about. We ask that we move forward to consider the full development of these facts.

I yield to Mr. GRAHAM.

The CHIEF JUSTICE. The Chair recognizes Mr. GRAHAM.

Mr. Manager GRAHAM. Thank you, Mr. Chief Justice. How much time do we have left?

The CHIEF JUSTICE. The House managers have 32 minutes remaining.

Mr. Manager GRAHAM. Thank you, Mr. Chief Justice. To my colleagues, my chairman wants 11 minutes. So, for my own sake, please let me know when we get close.

(Laughter.)

We meet again to discuss a very, very important event in our Nation's history. To dismiss an impeachment trial under these facts and under these circumstances would be unbelievable, in my opinion, and do a lot of damage to the law and to the ultimate decision this body has to make: whether or not Bill Clinton should be our President.

As I understand the general nature of the law, the facts and the law break our way for this motion. What I would like to discuss with you is whether or not a reasonable person could believe that Bill Clinton should not be our President and the facts that have been presented rise to the level of creating serious doubts about whether he is a criminal, not just a bad man who did bad things. For he is a good man in some ways, as all of us are, and he has done some things that everybody in this body will condemn roundly.

America needs no more lectures about Bill Clinton's misconduct, about his inappropriate relationship. We need no more lectures about his sins. We all have those. We need to resolve, Is our President a criminal? That is harsh, but the facts bear out those statements.

When you dismissed the judges for perjury and filing statements under oath, some of you said some very harsh things about those judges, not because you are harsh people, but because their conduct warranted it.

One thing I am not going to say, and I will quit this job before I do this, is, I am not going to run over anybody's conscience when they are exercising it as they deem appropriate for the good of this Nation. My name has been brought up a couple of times about whether or not reasonable people can disagree with me and still be reasonable about what we should do in this case. I have told you the best I can that there is no doubt these are high crimes, in my opinion. This is a hard decision for our country, but when I first spoke to you, I thought we would be better off if Bill Clinton left office, and I want the chance to prove to you why. Give me a chance to prove to you why I believe that, why my colleagues voted our conscience to get this case to where it should be, not swept under a rug, but in a trial to a disposition.

I have lost no sleep worrying about the fact that Bill Clinton may have to be removed from office because of his conduct. I have lost tons of sleep thinking he may get away with what he did. But the question was: Could you disagree with LINDSEY GRAHAM and be a good American, in essence? Absolutely. You can disagree with me on abortion, and Mr. Hyde, and I am not going to trample on who you are, because I know that the liberal wing of the Democratic Party and the moderate wing of the Republican Party have different views than I do.

But I didn't come up here to run you down. I came up here to build my country up the way I think it needs to be built up.

Ladies and gentlemen of the Senate, if you will listen to our case, if you will let us explain why we have lost no sleep asking for this President to be removed and why we voted to get it here and you disagree with me at the end of the day, I will never ever say you don't love your country as much as I do. That is what that statement was meant to convey, and it will convey that until I am dead and gone.

The idea that 130 years ago a Senator took a vote and made a statement that the only way you can remove a President is it has to be unquestionable in anybody's mind tells me he sure thought a lot of himself. I am glad to see that stopped in the Senate. One hundred thirty years later, we don't have people like that anymore. What that conveyed to me was that a person made a hard decision and tried to create a standard that slams somebody else who came out differently.

I hope that is not what this is all about. He goes down in history, but I wouldn't want that as part of my epitaph, that when I voted my conscience, I reached a level that if you didn't go where I was, there is something wrong with you.

What did Bill Clinton do, and why are we all here? Are we here because of Ken Starr, because of LINDSEY GRAHAM, because of—why are we here? We are here because William Jefferson Clinton, in my opinion—we are here because on our watch in the House, the President

of the United States, when he was a defendant in a lawsuit, instead of trusting the legal system to get it right, did everything possible, in my opinion, to undermine the rule of law, including going to a grand jury in August of last year and committing perjury after people in this body and prominent Americans said, ''Stop it.'' And now we are here to say, ''Well, we really didn't mean it. The motion to dismiss means we're sort of just kidding, Mr. President.''

If you believe he is not guilty of these offenses based on this stage of the trial, then you ought to grant the motion to dismiss, but you will be changing the law as we know it today. We haven't had a chance to present our case, really, and all the facts should break our way. You can believe this if you would like. They stood up here and argued that the conversation between President Clinton and his secretary, Betty Currie, was to find out what she knew to refresh his memory. If you think that when the President goes to Betty Currie and makes the following statement, ''Monica wanted to have sex with me and I couldn't do that,'' that he is trying to figure out what she knew and is trying to refresh his memory, you can do that. I would suggest that ''ain't'' reasonable. If you believe that he wanted to figure out whether he was alone or not with her and he had to ask Betty, that is not reasonable. That is a crime.

Let me tell you the subtleties of this case, things that really tell you a lot about why we are here—William Jefferson Clinton. Before we get into the subtleties of this case, Senator Bumpers made a very eloquent speech about the ups and the downs of this case and about his relationship with the President and how close it was, and the human nature of what is going on here. But here is what he said:

> You pick your own adjective to describe the President's conduct. Here are some that I would use: indefensible, outrageous, unforgivable, shameless.

How about illegal?

And he says:

> I promise you the President would not contest any of those or any others.

When you put in the word ''illegal,'' everything is a big misunderstanding.

Take this case to a conclusion, so America will not be confused as to whether or not their President committed crimes. There will be people watching what we do here, and they will be confused as to whether or not the conversation between President Clinton and Ms. Currie was illegal or not. Let us know. That is so important.

Let us know—when he went to Monica Lewinsky and talked about a cover story—if that is what we want to go on here every day. And a trial 20 months from now does us no good, because this happened when he was President, ladies and gentlemen. This happened when he raised the defense, ''You can't sue me because I'm President.''

And what did he do after that defense was taken away from him by the Supreme Court? He went back to somebody who is very loyal to him, somebody who admires him, somebody whom you and I pay her salary—his secretary. And he put her in a situation, through misleading her, that she was going to pass on his lies. That is not what we pay her to do. He put her in a situation where she was going to incur legal costs because he cared more about himself than he did his secretary. He put his Cabinet Members, he put the people who work for him, in a horrible spot.

The subtleties of this case. Let me tell you one of the subtleties of this case. And this was read by the defense in this case:

> The President had a followup conversation with Mr. Morris during the evening of January 22, 1998, when Mr. Morris was considering holding a press conference to blast Monica Lewinsky out of the water. The President told Mr. Morris to be careful. According to Mr. Morris, the President warned him not to be too hard on Ms. Lewinsky because ''there's some slight chance that she may not be cooperating with Starr and we don't want to alienate her by anything we're going to put out.''

And they were trying to tell you that ''ain't'' bad, that is a good thing. The best you can get from that statement is the President, when approached with the idea of blasting her, said, ''Let's wait.''

The subtleties in this case. Who is this young lady? His consensual lover. But this case started not about consensual loving. This case started about something far from consensual loving. This case started about something like a Senator who ran into problems with you all. And if you will let us develop our case, you may have a hard time reconciling those two decisions. But that is up to you.

Please don't dismiss this case. For the good of this country, for the good of the law, let us get to what happened here.

John Podesta—the subtleties of this case—he talked to him about what happened, and he said, ''I had no relationship with her whatever.'' Everybody who went into that grand jury, who talked to Bill Clinton, was lied to. And they passed those lies on to a Federal grand jury. You know what? In America that is a crime, even if you are President. And you need to address whether that happened or not. Don't dismiss this case.

But you know what is even more subtle is that John Podesta, somebody who is very close to him, once he said nothing happened, felt the need to ask one more question—and pardon me for saying this—''Does that include oral sex?'' That says a lot about what Mr. Podesta thinks about Mr. Clinton, because he felt he had to go one step further, and in his grand jury testimony he tells us the President took that behavior off the table.

Some of you are worried about the perjury charge in this case. Let me tell you right now, you should have no worries, because you have a dilemma on your hands that is easy to resolve in terms of whether or not the President committed perjury in the grand jury. If you believe that he said that he was truthful when he said, ''I never lied,'' or, ''I was always truthful to my subordinates, to the people that work for me, to my aides,'' then when he told John Podesta, ''Our relationship did not include oral sex,'' he was being truthful. If he was being truthful to John Podesta, he lied through his teeth about everything else in the grand jury when he considered or when he approached the grand jury with the idea that, ''Our relationship was of one kind of sex but not the other.'' He told John Podesta it wasn't there at all.

You pick the lie, but it is there. And if you can reconcile that, you are better than I am. That is up to you all. And does it really matter? So what? I think it matters a great deal if you are suing for sexually harassing somebody, and they are on to the fact that you can't control yourself enough to stop it 4 or 5 years after you are sued, and you are doing it in the White House with somebody half your age. I think that would matter. Maybe that is the difference between getting bamboozled in court and having to pay $850,000.

People are going to be confused if we don't bring this case to a conclusion. I suggest to you, it matters a great deal, that any major CEO, any low-level employee of any business in the country, would have been tossed out for something like that. But I know he is the President. Electing somebody should not distance them from common decency and the rule of law to the point that, when it is all over with, you don't know what you have got left in this country.

Is that what you want to do in this case? Just to save this man, to ignore the facts, to have a different legal standard, to make excuses that are bleeding this country dry?

The effect of this case is hurting us more than we will ever know. Do not dismiss this case. Find out who our President is. Come to the conclusion, not that it was just bad behavior, it was illegal behavior. Tell us what is right. Tell us what is wrong. Give us some guidance. Under our Constitution, you don't impeach people at the ballot box, you trust the U.S. Senate. And I am willing to do that. Rise to the occasion for the good of the Nation.

Thank you very much.

The CHIEF JUSTICE. Do the House managers have any additional presentation?

Mr. Manager GRAHAM. Yes. I am sorry. Mr. Chief Justice, I now yield to Manager HYDE.

The CHIEF JUSTICE. The Chair recognizes Manager HYDE.

Mr. Manager HYDE. Thank you, Mr. Chief Justice.

Mr. Ruff, and counsel, and distinguished Senators, I want to be very candid with you, and that may involve diplomatic breaches because I am

parliamentarily illiterate. But nonetheless, I looked at this motion to dismiss and I was astounded, really. If the Senate had said something similar to the House, it would certainly have received such treatment as comports with comity, and I don't know enough about comity to wave that flag, but I don't want to waive my rights to raise that issue, anyway.

I know Black's Law Dictionary is a resource book for all of us, but I looked in the Thesaurus about ''dismiss'' and I came up with ''disregard, ignore, brush off.'' I just was surprised that this motion is here now before we conclude the case.

Some years ago when I was trying lawsuits, I appeared before a judge in Chicago. My opponent was an oldtimer who was just mean—a good lawyer, but he was mean—and the judge interrupted him in one tirade and he said, ''Counsel, I have a lot of respect for you. I wish you had a little respect for this court.'' I sort of feel that way. I sort of feel that we have fallen short in the respect side because of the fact that we represent the House, the other body, kind of blue-collar people, and we are over here trying to survive with our impeachment articles.

The most salient reason for defeating this motion is article I, section 3 of the Constitution which says that the Senate shall have the sole power to try—to try—all impeachments. Now, a trial, as I understand it, is a search for truth, and it should not be trumped by a search for an exit strategy.

It seems to me this motion elevates convenience over constitutional process and by implication ratifies an unusual extension of sovereign immunity. If these articles are dismissed, all inferences in support of the respondents, in support of us, the managers, should be allowed; and if you allow all reasonable inferences in our favor, what kind of a message does it send to America to dismiss the articles of impeachment? Charges of perjury, obstruction of justice are summarily dismissed—disregarded, ignored, brushed off. These are charges that send ordinary folk to jail every day of the week and remove Federal judges. But I can see this President is different. But if the double standard is to flourish on Capitol Hill, I don't think we have accomplished a great deal.

Yes, it is cumbersome. These proceedings are archaic in many ways. The question period was something out of the Old Bailey, I guess. I don't know. But democracy is untidy. I will stipulate that. It is untidy. But it is also a blessing. Impeachment and trial by the Senate were devised by our framers to make this difficult process as definitive as possible.

''Let's get the matter behind us.'' That is a mantra. That is a cliche. We all say it. You won't get it behind you if you dismiss this without voting on the articles. You guarantee contention. You will never get it behind us. Vote these articles up or down. That is the only way they really get it behind us.

What this is—this motion—is a legal way of saying, ''so what'' to the charges that we levied here. Now, look at what these charges are. So what that the President violated his oath of office and willfully corrupted and manipulated the judicial process for his personal gain and exoneration. So what that President Clinton willfully provided perjurious, false, and misleading testimony to the grand jury on several topics. So what that the President corruptly encouraged a witness in a Federal civil rights action brought against him to execute a sworn affidavit in that proceeding that he knew to be perjurious, false, and misleading. So what that the President encouraged a witness to lie to the grand jury and conceal evidence. So what that the President has undermined the integrity of his office, has brought disrepute on the Presidency, has betrayed his trust as President, and has acted in a manner subversive to the rule of law and justice, to the manifest injury of the people of the United States.

That is an awful lot to dismiss with a brushoff, to ignore with a mere ''so what.''

No, it may be routine. We certainly don't have enough experience in these impeachment matters, and thank God for that. It may be routine to file a motion to dismiss. But I take very seriously a motion to dismiss, especially when it is offered by the very distinguished Senator who did that. But I hope in a bipartisan way, I would hope some Democrats would support the rejection of this motion, as difficult as it is, because I don't think this whole sad, sad, drama will end. We will never get it behind us until you vote up or down on the articles. And when you do, however you vote, we will all collect our papers, bow from the waist, thank you for your courtesy, and leave and go gently into the night. But let us finish our job.

Thank you.

Mr. WELLSTONE addressed the Chair.

Mr. LOTT. Parliamentary inquiry, Mr. Chief Justice Rehnquist.

The CHIEF JUSTICE. The Chair recognizes the majority leader.

Mr. LOTT. I believe under the agreement we entered into the next order of business, then, would be the vote on the motion by Senator HARKIN to go into open session; is that correct?

The CHIEF JUSTICE. The managers have used their time. The Chair recognizes the Senator from Iowa, Mr. HARKIN.

MOTION TO SUSPEND THE RULES

Mr. HARKIN. Mr. Chief Justice, in accordance with rule V of the Senate Standing Rules, I and Mr. WELLSTONE filed a notice of intent to move to suspend the rules solely regarding the debate by Senators on the motion to dismiss, so Senators can have open rather than a closed debate on this issue.

This motion is offered on behalf of myself and Senators WELLSTONE, FEINGOLD, LEAHY, LIEBERMAN, JOHNSON, INOUYE, SCHUMER, WYDEN, KERREY, BAYH, TORRICELLI, LAUTENBERG, ROBB, DODD, MURRAY, DORGAN, CONRAD, KENNEDY, KERRY, DURBIN, BOXER, GRAHAM, BRYAN, LANDRIEU, and MIKULSKI.

My motion is at the desk. However, Mr. Chief Justice, I send a corrected copy of my motion to the desk. There were two typos in it; I want to have it corrected.

Mr. LOTT addressed the Chair.

The CHIEF JUSTICE. The Chair recognizes the majority leader.

Mr. LOTT. If it is appropriate at this point, I ask the Senators if they would remain at their desks so we can go through this vote, and I ask unanimous consent, since we are all here, to reduce the time for the vote from 15 minutes to 10 minutes.

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

Is there objection to the Senator from Iowa modifying his motion?

Without objection, it is modified.

The clerk will report the motion.

The legislative clerk read the motion, as modified, as follows:

I move to suspend the following portions of the Rules and Procedure and Practice in the Senate When Sitting on Impeachment Trials in regard to debate by Senators on a motion to dismiss 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 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 phrases ''without debate'', ''except when the doors shall be closed for deliberation, and in that case'' and '', to be had without debate''.

Mr. HARKIN. Mr. Chief Justice, I ask for the yeas and nays.

The CHIEF JUSTICE. Is there a sufficient second?

There is a sufficient second.

The yeas and nays were ordered.

The CHIEF JUSTICE. The clerk will call the roll.

The legislative clerk called the roll.

The CHIEF JUSTICE. Are there any other Senators in the Chamber desiring to vote?

The yeas and nays resulted—yeas 43, nays 57, as follows:

[Rollcall Vote No. 2]

[Subject: Harkin motion to suspend the rules]

YEAS—43

Akaka	Feingold	Levin
Bayh	Feinstein	Lieberman
Biden	Graham	Mikulski
Bingaman	Harkin	Moynihan
Boxer	Hollings	Murray
Breaux	Hutchison	Reed
Bryan	Inouye	Reid
Cleland	Johnson	Robb
Collins	Kennedy	Schumer
Conrad	Kerrey	Specter
Daschle	Kerry	Torricelli
Dodd	Kohl	Wellstone
Dorgan	Landrieu	Wyden
Durbin	Lautenberg	
Edwards	Leahy	

NAYS—57

Abraham	Fitzgerald	McConnell
Allard	Frist	Murkowski
Ashcroft	Gorton	Nickles
Baucus	Gramm	Roberts
Bennett	Grams	Rockefeller
Bond	Grassley	Roth
Brownback	Gregg	Santorum
Bunning	Hagel	Sarbanes
Burns	Hatch	Sessions
Byrd	Helms	Shelby
Campbell	Hutchinson	Smith (NH)
Chafee	Inhofe	Smith (OR)
Cochran	Jeffords	Snowe
Coverdell	Kyl	Stevens
Craig	Lincoln	Thomas
Crapo	Lott	Thompson
DeWine	Lugar	Thurmond
Domenici	Mack	Voinovich
Enzi	McCain	Warner

The CHIEF JUSTICE. Are there any other Senators wishing to vote or change their vote? If not, on this vote the yeas are 43, and the nays are 57. Two-thirds of the Senators voting, and a quorum being present, not having voted in the affirmative, the motion is rejected.

Mr. REID addressed the Chair.

The CHIEF JUSTICE. The Chair recognizes the Senator from Nevada.

Mr. REID. May we have order in the Chamber, please?

The CHIEF JUSTICE. The Senate will be in order.

ORDER FOR CLOSED SESSION

Mr. LOTT. Mr. President, I move that we now go into closed session for the purpose of Senators debating the motion to dismiss.

The motion was agreed to.

The CHIEF JUSTICE. The Chair, pursuant to rule XXXV, now directs the Sergeant-at-Arms to clear the galleries, close the doors of the Chamber, and exclude all the officials of the Senate not sworn to secrecy.

RECESS

Mr. LOTT. Mr. Chief Justice, I ask unanimous consent that we take a 10-minute break for the purposes of closing the doors and preparing for the debate.

There being no objection, at 5:23 p.m., the Senate recessed until 5:50 p.m.; whereupon, the Senate reassembled when called to order by the Chief Justice.

CLOSED SESSION

(At 5:50 p.m., the doors of the Chamber were closed. The proceedings of the Senate were held in closed session until 9:51 p.m., at which time, the following occurred.)

OPEN SESSION

(At 9:51 p.m., the doors of the Chamber were opened and the Senate resumed proceedings in open session.)

Mr. NICKLES. I ask unanimous consent that the Senate now return to open session.

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

ORDER FOR ADJOURNMENT

Mr. NICKLES. I ask unanimous consent that when the Senate adjourns, it stand in adjournment until the hour of 12 noon on Tuesday, and I further ask consent that during the remainder of the trial it be in order for Members to submit unanswered questions to the Chair.

The PRESIDING OFFICER. Is there objection?

Without objection, it is so ordered.

PROGRAM

Mr. NICKLES. On tomorrow, we will resume and begin debate on the motion to subpoena. I now ask unanimous consent that the time for argument be reduced to 4 hours, equally divided, as provided for under Senate resolution 16.

The CHIEF JUSTICE. Is there objection? It is so ordered.

Mr. NICKLES. Mr. Chief Justice, for the information of all colleagues, tomorrow we will begin the debate at 12 noon instead of 1 o'clock.

ADJOURNMENT UNTIL TOMORROW

Mr. NICKLES. I ask that the Senate stand in adjournment as under the previous order.

There being no objection, at 9:51 p.m., the Senate, sitting as a Court of Impeachment, adjourned until Tuesday, January 26, 1999, at 12 noon.

(Under a previous order, 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–926. 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 recissions and deferrals dated December 30, 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, and to the Committee on Foreign Relations.

EC–927. A communication from the Secretary of Labor, transmitting, pursuant to law, a report on two violations of the Antideficiency Act involving the Occupational Safety and Health Administration Salaries and Expenses Account and the Working Capitol Fund Account; to the Committee on Appropriations.

EC–928. A communication from the Executive Director of the Northeast Low-Level Radioactive Waste Commission, transmitting, pursuant to law, the Commission's annual report for fiscal year 1998; to the Committee on Energy and Natural Resources.

EC–929. A communication from the Director of the Office of Regulations Management, Department of Veterans Affairs, transmitting, pursuant to law, the report of a rule entitled ''Board of Veteran's Appeals: Rules of Practice-Revision of Decisions on Grounds of Clear and Unmistakable Error'' (RIN2900–AJ15) received on January 12, 1999; to the Committee on Veterans' Affairs.

EC–930. A communication from the Assistant Secretary for Legislative Affairs, Department of State, transmitting, pursuant to law, the report of an unauthorized transfer of U.S.-origin defense articles to a private firm by the Government of Israel; to the Committee on Foreign Relations.

EC–931. A communication from the Assistant Legal Adviser for Treaty Affairs, Department of State, transmitting, pursuant to law, a list of international agreements other than treaties entered into by the United States (98–186 to 98–189); to the Committee on Foreign Relations.

EC–932. A communication from the Assistant Legal Adviser for Treaty Affairs, Department of State, transmitting, pursuant to law, the text of international agreements other than treaties entered into by the United States (99–1 to 99–4); to the Committee on Foreign Relations.

EC–933. A communication from the Under Secretary of Defense for Acquisition and Technology, transmitting, pursuant to law, the Department's report on Defense purchases from foreign entities for fiscal year 1998; to the Committee on Armed Services.

EC–934. A communication from the Director of Defense Procurement, Office of the Under Secretary of Defense, transmitting, pursuant to law, the report of a rule entitled ''Defense Federal Acquisition Regulation Supplement; Order for Supplies or Services'' (Case 97–D024) received on January 12, 1999; to the Committee on Armed Services.

EC–935. A communication from the Director of Defense Procurement, Office of the Under Secretary of Defense, transmitting, pursuant to law, the report of a rule entitled ''Defense Federal Acquisition Regulation Supplement; Para-Aramid Fibers and Yarns'' (Case 98–D310) received on January 12, 1999; to the Committee on Armed Services.

EC–936. A communication from the Director of Defense Procurement, Office of the Under Secretary of Defense, transmitting, pursuant to law, the report of a rule entitled ''Defense Federal Acquisition Regulation Supplement; Simplified Acquisition Procedures'' (Case 97–D306) received on January 12, 1999; to the Committee on Armed Services.

EC–937. A communication from the Director of the Office of Regulatory Management and Information, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled ''Announcement of Proposal Deadline for the Competition for the 1999 Brownfields Cleanup Revolving Loan Fund Pilots'' (FRL6220–7) received on January 12, 1999; to the Committee on Environment and Public Works.

EC–938. A communication from the Director of the Office of Regulatory Management and Information, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled ''Approval and Promulgation of Implementation Plans; California State Implementation Plan Revision, Ventura County Air Pollution Control District'' (FRL6213–9) received on January 12, 1999; to the Committee on Environment and Public Works.

EC–939. A communication from the Director of the Office of Regulatory Management and Information, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled ''Approval and Promulgation of Implementation Plans; Illinois'' (FRL6216–4) received on January 12, 1999; to the Committee on Environment and Public Works.

EC–940. A communication from the Director of the Office of Regulatory Management and Information, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled ''Approval and Promulgation of Implementation Plans; Illinois'' (FRL6215–3) received on January 12, 1999; to the Committee on Environment and Public Works.

EC–941. A communication from the Director of the Office of Regulatory Management and Information, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled ''Approval and Promulgation of Implementation Plans; California State Implementation Plan Revision,

San Joaquin Valley Unified Air Pollution Control District'' (FRL6214–5) received on January 12, 1999; to the Committee on Environment and Public Works.

EC–942. A communication from the Director of the Office of Regulatory Management and Information, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled ''National Priorities List for Uncontrolled Hazardous Waste Sites'' (FRL6220–6) received on January 12, 1999; to the Committee on Environment and Public Works.

EC–943. 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 ''Mandatory Seizure of Certain Plastic Explosives'' (RIN1515–AC33) received on January 5, 1999; to the Committee on Finance.

EC–944. 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 ''Employee Stock Ownership Plans; Section 411(d)(6) Protected Benefits (Taxpayer Relief Act of 1997); Qualified Retirement Plan Benefits'' (RIN1545–AV94) received on January 8, 1999; to the Committee on Finance.

EC–945. 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 ''Allocation of Loss With Respect to Stock and Other Personal Property; Application of Selection 904 to Income Subject to Separate Limitations'' (RIN1545–AQ43) received on January 8, 1999; to the Committee on Finance.

EC–946. A communication from the President of the United States, transmitting, pursuant to law, a report on Administration actions and expenses related to the national emergency with respect to the Governments of the Federal Republic of Yugoslavia (Serbia and Montenegro), and the Republic of Serbia with respect to Kosova (Executive Order 13088); to the Committee on Banking, Housing, and Urban Affairs.

EC–947. A communication from the Secretary of the Securities and Exchange Commission, transmitting, pursuant to law, the report of a rule entitled ''Rulemaking for the EDGAR System'' (RIN3235–AG97) received on January 12, 1999; to the Committee on Banking, Housing, and Urban Affairs.

EC–948. A communication from the Federal Register Liaison Officer, Office of Thrift Supervision, Department of the Treasury, transmitting, pursuant to law, the report of a rule entitled ''Capital Distributions'' (RIN1550–AA72) received on January 12, 1999; to the Committee on Banking, Housing, and Urban Affairs.

EC–949. A communication from the Federal Register Liaison Officer, Office of Thrift Supervision, Department of the Treasury, transmitting, pursuant to law, the report of a rule entitled ''Technical Amendments'' (No. 98–121) received on January 5, 1999; to the Committee on Banking, Housing, and Urban Affairs.

EC–950. A communication from the Secretary of the Securities and Exchange Commission, transmitting, pursuant to law, the report of a rule entitled ''Segment Reporting'' (RIN3235–AH43) received on January 5, 1999; to the Committee on Banking, Housing, and Urban Affairs.

EC–951. A communication from the Secretary of Health and Human Services, transmitting, pursuant to law, the report of a rule entitled ''Financial Disclosure by Clinical Investigators'' (RIN0910–AB77) received on January 5, 1999; to the Committee on Health, Education, Labor, and Pensions.

EC–952. A communication from the Secretary of Education, transmitting, pursuant to law, the annual report of the National Advisory Committee on Institutional Quality and Integrity for fiscal year 1998; to the Committee on Health, Education, Labor, and Pensions.

EC–953. A communication from the Under Secretary of Defense for Personnel and Readiness, transmitting, pursuant to law, an audit of the American Red Cross for the year ended June 30, 1998; to the Committee on Health, Education, Labor, and Pensions.

EC–954. A communication from the Associate General Counsel of the Corporation for National Service, transmitting, pursuant to law, the report of a rule entitled ''Administrative Costs for Learn and Serve America and Americorps Grants Programs'' received on January 12, 1999; to the Committee on Health, Education, Labor, and Pensions.

EC–955. A communication from the Director of the Regulations Policy and Management Staff, Food and Drug Administration, Department of Health and Human Services, transmitting, pursuant to law, the report of a rule entitled ''Dental Devices; Effective Date of Requirement for Premarket Approval; Temporomandibular Joint Prostheses'' (Docket 97N–0239) received on January 5, 1999; to the Committee on Health, Education, Labor, and Pensions.

EC–956. A communication from the Director of the Office of Government Ethics, transmitting, pursuant to law, the report of a rule entitled ''Corrections and Updating to Certain Regulations of the Office of Government Ethics'' (RIN3209–AA00) received on January 8, 1999; to the Committee on Governmental Affairs.

EC–957. A communication from the Director of the Office of Personnel Management, transmitting, pursuant to law, a report on the extension of locality-based comparability payments to categories of positions that are in more than one executive agency; to the Committee on Governmental Affairs.

EC–958. A communication from the Chairman of the Securities and Exchange Commission, transmitting, pursuant to law, the Commission's annual report under the Federal Managers' Financial Integrity Act for fiscal year 1998; to the Committee on Governmental Affairs.

EC–959. A communication from the Chairman and Chief Executive Officer of the Farm Credit Administration, transmitting, pursuant to law, the Administration's annual report for fiscal years 1998 and 1997; to the Committee on Governmental Affairs.

EC–960. A communication from the Special Counsel, U.S. Office of Special Council, transmitting, pursuant to law, the Office's annual report under the Federal Managers' Financial Integrity Act for fiscal year 1998; to the Committee on Governmental Affairs.

EC–961. A communication from the Administrator of the Environmental Protection 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–962. A communication from the Chairman and the General Counsel of the National Labor Relations Board, transmitting, pursuant to law, the Board'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–963. A communication from the Chairman and the General Counsel of the National Labor Relations Board, transmitting, pursuant to law, the Board's annual report under the Federal Managers' Financial Integrity Act for fiscal year 1998; to the Committee on Governmental Affairs.

EC–964. A communication from the Administrator of the Small Business Administration, transmitting, pursuant to law, the Administration'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–965. A communication from the Chairman of the United States Consumer Product Safety Commission, transmitting, pursuant to law, the Commission's annual report under the Federal Managers' Financial Integrity Act for fiscal year 1998; to the Committee on Governmental Affairs.

EC–966. A communication from the Director of the Policy and Communications Staff, National Archives and Records Administration, transmitting, pursuant to law, the Administration's annual report under the Federal Managers' Financial Integrity Act for fiscal year 1998; to the Committee on Governmental Affairs.

EC–967. A communication from the Comptroller General of the United States, transmitting, pursuant to law, a list of General Accounting Office reports issued or released in November 1998; to the Committee on Governmental Affairs.

EC–968. A communication from the Secretary of the Smithsonian Institution, transmitting, pursuant to law, the Institution'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–969. A communication from the President of the National Endowment for Democracy, transmitting, pursuant to law, the Endowment's annual report under the Federal Managers' Financial Integrity Act for fiscal year 1998; to the Committee on Governmental Affairs.

EC–970. A communication from the Acting Director of the Office of Federal Housing Enterprise Oversight, transmitting, pursuant to law, the Office's annual report under the Federal Managers' Financial Integrity Act for fiscal year 1998; to the Committee on Governmental Affairs.

EC–971. A communication from the Chairman of the National Endowment for the Humanities, transmitting, pursuant to law, the Endowment's annual report under the Federal Managers' Financial Integrity Act for fiscal year 1998; to the Committee on Governmental Affairs.

EC–972. A communication from the Office of Administration, Director of the Executive Office of the President, transmitting, pursuant to law, a report on the personnel employed in the White House Office, the Executive Residence at the White House, the Office of the Vice President, the Office of Policy Development (Domestic Policy Staff) and the Office of Administration; to the Committee on Governmental Affairs.

EC–973. A communication from the Secretary of Transportation, transmitting, pursuant to law, the Department's annual report under the Federal Managers' Financial Integrity Act for fiscal year 1998; to the Committee on Governmental Affairs.

EC–974. A communication from the Secretary of Transportation, transmitting, pursuant to law, the Department's report under the Inspector General Act for the period from April 1, 1998 through September 30, 1998; to the Committee on Governmental Affairs.

EC–975. A communication from the Director of the Office of Personnel Management, transmitting, pursuant to law, the report of a rule entitled ''Hazardous Duty Pay'' (RIN3206–AI) received on January 12, 1999; to the Committee on Governmental Affairs.

EC–976. A communication from the Acting Director of the Federal Mediation and Conciliation Service, transmitting, pursuant to law, the Service's annual report under the Federal Managers' Financial Integrity Act for fiscal year 1998; to the Committee on Governmental Affairs.

EC–977. A communication from the Chairman of the Board of Governors of the United States Postal Service, transmitting, pursuant to law, the Service's annual report under the Government in the Sunshine Act; to the Committee on Governmental Affairs.

EC–978. 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 ''Tolerances for Moisture Meters'' (RIN0580–AA60) received on January 5, 1999; to the Committee on Agriculture, Nutrition, and Forestry.

EC–979. A communication from the Administrator of the Agricultural Marketing Service, Department of Agriculture, transmitting, pursuant to law, the report of a rule entitled ''Milk in the Nebraska-Western Iowa Marketing Area; Termination of Certain Provisions of the Order'' (Docket DA–98–11) received on January 5, 1999; to the Committee on Agriculture, Nutrition, and Forestry.

EC–980. A communication from the Administrator of the Agricultural Marketing Service, Department of Agriculture, transmitting, pursuant to law, the report of a rule entitled ''Revised Quality and Handling Requirements and Entry Procedures for Imported Peanuts for 1999 and Subsequent Import Periods'' (Docket FV98–999–1 FR) received on January 5, 1999; to the Committee on Agriculture, Nutrition, and Forestry.

EC–981. A communication from the Manager of the Federal Crop Insurance Corporation, Department of Agriculture, transmitting, pursuant to law, the report of a rule entitled ''General Administrative Regulations; Interpretations of Statutory and Regulatory Provisions'' received on January 12, 1999; to the Committee on Agriculture, Nutrition, and Forestry.

EC–982. A communication from the Congressional Review Coordinator, Animal and Plant Health Inspection Service, Department of Agriculture, transmitting, pursuant to law, the report of a rule entitled ''Export Certification; Accreditation of Non-Government Facilities'' (Docket 95–071–2) received on January 5, 1999; to the Committee on Agriculture, Nutrition, and Forestry.

EC–983. A communication from the Congressional Review Coordinator, Animal and Plant Health Inspection Service, Department of Agriculture, transmitting, pursuant to law, the report of a rule entitled ''Pseudorabies in Swine; Payment of Indemnity'' (Docket 98–123–2) received on January 12, 1999; to the Committee on Agriculture, Nutrition, and Forestry.

EC–984. A communication from the Congressional Review Coordinator, Animal and Plant Health Inspection Service, Department of Agriculture, transmitting, pursuant to law, the report of a rule entitled ''Veterinary Services User Fees; Embryo Collection Center Approval Fee'' (Docket 98–005–2) received on January 5, 1999; to the Committee on Agriculture, Nutrition, and Forestry.

EC–985. A communication from the Administrator of the Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the Administration's report on aircraft cabin air quality; to the Committee on Commerce, Science, and Transportation.

EC–986. A communication from the Associate Managing Director for Performance Evaluation and Records Management, Federal Communications Commission, transmitting, pursuant to law, the report of a rule entitled ''Fees for Ancillary or Supplementary Use of Digital Television Spectrum Pursuant to Section 336(e)(1) of the Telecommunications Act of 1996'' (Docket 97–247) received on January 5, 1999; to the Committee on Commerce, Science, and Transportation.

EC–987. A communication from the Assistant Administrator for Fisheries, National Marine Fisheries Service, Department of Commerce, transmitting, pursuant to law, the report of a rule entitled ''High Seas Fishing Compliance Act; Vessel Identification and Reporting Requirements; OMB Control Numbers'' (I.D. 040197B) received on January 5, 1999; to the Committee on Commerce, Science, and Transportation.

EC–988. A communication from the Deputy Assistant Administrator for Fisheries, National Marine Fisheries Service, Department of Commerce, transmitting, pursuant to law, the report of a rule entitled ''Fisheries of the Northeastern United States; Atlantic Mackerel, Squid, and Butterfish Fisheries; 1999 Specifications'' (I.D. 101598B) received on January 12, 1999; to the Committee on Commerce, Science, and Transportation.

EC–989. A communication from the Director of the Office of Sustainable Fisheries, National Marine Fisheries Service, Department of Commerce, transmitting, pursuant to law, the report of a rule entitled ''Fisheries of the Exclusive Economic Zone Off Alaska; Bering Sea and Aleutian Islands; Interim 1999 Harvest Specifications for Groundfish'' (I.D. 122198A) received on January 5, 1999; to the Committee on Commerce, Science, and Transportation.

EC–990. A communication from the Director of the Office of Sustainable Fisheries, National Marine Fisheries Service, Department of Commerce, transmitting, pursuant to law, the report of a rule entitled ''Fisheries of the Exclusive Economic Zone Off Alaska; Gulf of Alaska; Interim 1999 Harvest Specifications'' (I.D. 121698B) received on January 5, 1999; to the Committee on Commerce, Science, and Transportation.

EC–991. A communication from the Director of the Office of Sustainable Fisheries, National Marine Fisheries Service, Department of Commerce, transmitting, pursuant to law, the report of a rule entitled ''Fisheries of the Northeastern United States; Atlantic Surf Clam and Ocean Quahog Fishery; Minimum Clam Size for 1999'' (I.D. 122398E) received on January 5, 1999; to the Committee on Commerce, Science, and Transportation.

EC–992. A communication from the Director of the Office of Sustainable Fisheries, National Marine Fisheries Service, Department of Commerce, transmitting, pursuant to law, the report of a rule entitled ''Fisheries of the Exclusive Economic Zone Off Alaska; Closures of Specific Groundfish Fisheries in the Gulf of Alaska'' (I.D. 122898B) received on January 5, 1999; to the Committee on Commerce, Science, and Transportation.

EC–993. A communication from the Director of the Office of Sustainable Fisheries, National Marine Fisheries Service, Department of Commerce, transmitting, pursuant to law, the report of a rule entitled ''Fisheries of the Exclusive Economic Zone Off Alaska; Closures of Specified Groundfish Fisheries in the Bering Sea and Aleutian Islands'' (I.D. 122898C) received on January 5, 1999; to the Committee on Commerce, Science, and Transportation.

EC–994. 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 ''Last-in, First-out Inventories'' (Rev. Rul. 99–4) received on January 5, 1999; to the Committee on Finance.

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. TORRICELLI:

S. 302. A bill for the relief of Kerantha Poole-Christian; to the Committee on Health, Education, Labor, and Pensions.

By Mr. MCCAIN (for himself and Mr. BURNS):

S. 303. A bill to amend the Communications Act of 1934 to enhance the ability of direct broadcast satellite and other multichannel video providers to compete effectively with cable television systems, and for other purposes; to the Committee on Commerce, Science, and Transportation.

By Mr. FRIST:

S. 304. A bill to improve air transportation service available to small communities; to the Committee on Commerce, Science, and Transportation.

By Mr. MCCAIN (for himself and Mr. BRYAN):

S. 305. A bill to reform unfair and anticompetitive practices in the professional boxing industry; to the Committee on Commerce, Science, and Transportation.

By Mr. FRIST:

S. 306. A bill to regulate commercial air tours overflying the Great Smokey Mountains National Park, and for other purposes; to the Committee on Commerce, Science, and Transportation.

STATEMENTS ON INTRODUCED BILLS AND JOINT RESOLUTIONS

By Mr. MCCAIN (for himself and Mr. BURNS):

S. 303. A bill to amend the Communications Act of 1934 to enhance the ability of direct broadcast satellite and other multichannel video providers to compete effectively with cable television systems, and for other purposes; to the Committee on Commerce, Science, and Transportation.

THE SATELLITE TELEVISION ACT OF 1999

● Mr. MCCAIN. Mr. President, over the past several years some satellite TV companies routinely broke the law by selling customers distant network stations when they weren't authorized to.

These customers bought the service in good faith. For many, especially those in rural areas, these distant network stations are the only source of decent network TV reception. For others, they provide a window on life in a distant city.

Despite the fact that these satellite TV customers had no intention of breaking the law, and despite the fact that many welcome the added diversity these distant network stations provide, and despite the fact that the law prevents satellite TV companies from transmitting local network stations, many of these customers—perhaps as many as two million of them—are within weeks of losing their distant network stations, thanks to a court order secured by local TV stations, and TV network broadcasters. And the way the law is written, there's not much the FCC or anybody else can do to stop it—unless we change the law.

Mr. President, that's what I propose to do. Today, with the cosponsorship of Senator CONRAD BURNS, I am introducing the Satellite Television Act of 1999. Together with legislation introduced earlier this week by myself and Senators HATCH, LEAHY, DEWINE, KOHL,

and LOTT, this legislation will settle, in a fair and rational way, the ongoing dispute between broadcasters and satellite TV companies about how and when satellite TV customers can receive local and distant network TV stations.

It should come as no surprise that telecommunications law, like the notoriously failed 1996 Telecommunications Act, often seems to work against the interests of the average consumer: the plain but sorry fact is that the interests of big telecommunications companies, not average Americans, are the ones that the laws are really drafted to serve. And why is that? because these companies often successfully argue that serving their interests is serving the consumer's interests.

That just doesn't wash in this case, however. For example, how can anybody argue with a straight face that it's really serves the consumer's interests to keep satellite TV companies from carrying local stations? Or to allow broadcasters to force satellite TV companies to drop all their distant network stations—even if local broadcasters aren't suffering any meaningful loss of audience or revenue as a result, and if the local market doesn't even have a station that broadcasts the same network shows?

This legislation will change the law and avoid these unfair results. It would allow satellite TV companies to carry local signals, and to continue carrying distant network stations in three situations: when a local network affiliate doesn't exist, when a local affiliate can't be received off-air, or when carriage of the distant signals will not cause local stations any significant loss of revenue. The FCC would be ordered to determine, on an expedited, bipartisan basis, those situations in which the lack of adverse impact would justify continued carriage of distant network stations, and whether any program blackout rules should be applied to their carriage. In the interim, satellite TV subscribers located at a greater distance from the local stations would be permitted to continue carrying the distant network stations they currently offer. Those located close to the core of the local station's market, however, would be subject to having their distant network stations withdrawn by the broadcasters' enforcement of their outstanding judgment. This will appropriately punish the satellite TV companies that most likely deliberately broke the law, and these consumers are highly likely to receive full network service from local network station affiliates.

Mr. President, this bill attempts to strike a fair compromise between the warring corporate interests of the satellite TV and broadcast TV interests, so that we can, at least this time, avoid having consumers bear the consequences of bad law and corporate selfishness.

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. 303

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 ''Satellite Television Act of 1999''.

SEC. 2. FINDINGS.

The Congress makes the following findings:

(1) In the Cable Television Consumer Protection and Competition Act of 1992, Congress stated its policy of promoting competition in cable services and making available to the public a diversity of views and information through cable television and other video media.

(2) In the Telecommunications Act of 1996, Congress stated its policy of securing lower prices and higher quality service for American telecommunications consumers and encouraging the rapid deployment of new telecommunications technologies.

(3) In most places throughout America, cable television system operators still do not face effective competition from other providers of multichannel video service.

(4) Absent effective competition, the market power exercised by cable television operators enables them to raise the price of cable service to consumers, and to control the price and availability of cable programming services to other multichannel video service providers. Current Federal Communications Commission rules have been inadequate in constraining cable price increases.

(5) Direct Broadcast Satellite service has over 8 million subscribers and constitutes the most significant competitive alternative to cable television service.

(6) Direct Broadcast Satellite Service currently suffers from a number of statutory, regulatory, and technical barriers that keep it from being an effective competitor to cable television in the provision of multichannel video services.

(7) The most prominent of these barriers is the inability to provide subscribers with local television broadcast signals by satellite.

(8) Permitting providers of direct broadcast satellite service to retransmit local television signals to their subscribers would greatly enhance the ability of direct broadcast satellite service to compete more effectively in the provision of multichannel video services.

(9) Due to capacity limitations and in the interest of providing service in as many markets as possible, providers of direct broadcast satellite service, unlike cable television systems, cannot at this time carry all local television broadcast signals in all the local television markets they seek to serve.

(10) It would be in the public interest for providers of direct broadcast satellite service to fully comply with the mandatory signal carriage rules at the earliest possible date. In the interim, requiring full compliance with the mandatory signal carriage rules would substantially limit the ability of direct broadcast satellite service providers to compete in the provision of multichannel video services and would not serve the public interest.

(11) Maintaining the viability of free, over-the-air local television service is a matter of preeminent public interest.

(12) All subscribers to multichannel video services should be able to receive the signal of at least one station affiliated with each of the major broadcast television networks.

(13) Millions of subscribers to direct broadcast satellite service currently receive the signals of network-affiliated stations not located in these subscribers' local television markets. In those cases where cable service is not available and where conventional rooftop antennas are not effective distant network signals may be these subscribers' only source of network television service.

(14) There is a direct link between the widespread carriage of distant network stations in local network affiliates' markets and a local affiliate's loss of audience share and revenues, which could in turn harm the station's ability to serve its local community.

(15) Abrupt termination of satellite carriers' provision of distant network signals could have a negative impact on the ability of direct broadcast satellite service to compete effectively in the provision of multichannel video services.

(16) The public interest would be served by permitting direct broadcast satellite service providers to continue existing carriage of a distant network affiliate station's signal where—

(A) there is no local network affiliate;

(B) the local network affiliate cannot be adequately received off-air; or

(C) continued carriage would not be likely to materially harm local television service.

SEC. 3. PURPOSE.

The purpose of this Act is to permit subscribers of Direct Broadcast Satellite service who currently receive distant network stations to continue to receive this service to the extent that the Federal Communications Commission affirmatively finds that no local station would be likely to sustain audience and revenue loss that would materially affect that station's ability to continue to serve its local audience.

SEC. 4. MUST-CARRY FOR SATELLITE CARRIERS RETRANSMITTING TELEVISION BROADCAST SIGNALS.

Part I of title III of the Communications Act of 1934 (47 U.S.C. 301 et seq.) is amended by adding at the end thereof the following:

''SEC. 337. CARRIAGE OF LOCAL TELEVISION SIGNALS BY SATELLITE CARRIERS.

''(a) PURPOSE.—The purpose of this section is to promote competition in the provision of multichannel video services while protecting the availability of free, over-the-air television, particularly for the 40 percent of American television households that do not subscribe to any multichannel video programming service, by—

''(1) enabling providers of direct broadcast service to offer their subscribers the signals of local television stations;

''(2) protecting the availability of free, over-the-air television broadcasting by requiring satellite carriers who rely on a compulsory copyright license to carry all local stations; and

''(3) accommodating, for an interim period, the inability of providers of direct broadcast service from carrying all local signals in all local television markets they seek to serve.

''(b) APPLICATION OF MANDATORY CARRIAGE TO SATELLITE CARRIERS.—The mandatory carriage provisions of sections 614 and 615 of the Communications Act will apply in a local market no later than January 1, 2002, to satellite carriers retransmitting any television broadcast station in that local market and pursuant to the compulsory license provided by section 122 of title 17, United States Code.

''(c) GOOD SIGNAL REQUIRED.—A local television broadcast station eligible for carriage under subsection (b) may be required to bear the costs associated with delivering a good quality signal to the designated local receive facility of the satellite carrier. The selection

of a local receive facility by a satellite carrier shall not be made in a manner that frustrates the purposes of this Act. The Commission shall promulgate any regulations necessary to assure that selection of local receive facilities is made in compliance with the intent of this Act.

''(d) RULEMAKING REQUIRED.—

''(1) SINGLE RULEMAKING REQUIRED.—The Commission shall institute a single rulemaking, compliant with subchapter II of chapter 5 of title 5, United States Code, to examine the extent to which carriage of distant network stations already provided to subscribers on March 1, 1998, may continue without causing a projected loss of audience and revenue of such magnitude as to cause material harm to the viability of local stations.

''(2) DETERMINATION REQUIRED.—As part of the rulemaking required by this subsection, the Commission shall determine whether the application of network exclusivity, syndicated exclusivity, or sports exclusivity rules to carriage of distant network stations would serve the public interest.

''(3) TIMEFRAME.—The Commission shall complete all actions necessary to prescribe regulations it may adopt as a result of this rulemaking to be effective within 180 days after the enactment of the Satellite Television Act of 1999. Direct broadcast satellite service providers may continue existing carriage of distant network stations within local stations' Grade B contours until the effective date of such new regulations.

''(4) TWO-THIRDS VOTE REQUIRED.—Any regulations adopted under this subsection must be adopted by an affirmative vote of at least two-thirds of the members of the Commission.

''(5) CERTAIN DBS SIGNALS.—Direct broadcast satellite service providers may continue to carry the signals of distant network stations without regard to the provisions of this subsection in any situation in which such carriage would be consistent with rules adopted by the Commission in CS Docket 98-201.

''(e) CABLE TELEVISION SYSTEM DIGITAL SIGNAL CARRIAGE NOT COVERED.—Nothing in this section applies to the carriage of the digital signals of television broadcast stations by cable television systems.

''(f) NO REMISSION OF LIABILITY.—No action taken by the Commission pursuant to subsection (d) shall relieve any person from any liability for any violation of title 17, United States Code, or from the imposition of any remedy therefor.

''(g) DEFINITIONS.—In this section:

''(1) TELEVISION BROADCAST STATION.—The term 'television broadcast station' means a full power local television broadcast station, but does not include a low-power or translator television broadcast station.

''(2) BROADCASTING NETWORK.—The term 'broadcasting network' means a television network in the United States which offers an interconnected program service on a regular basis for 15 or more hours per week to at least 25 affiliated broadcast stations in 10 or more States.

''(3) NETWORK STATION.—The term 'network station' means a television broadcast station that is owned or operated by, or affiliated with, a broadcasting network.

''(4) LOCAL MARKET.—The term 'local market' means the designated market area in which a station is located. For a noncommercial educational television broadcast station, the local market includes any station that is licensed to a community within the same designated market area as the noncommercial educational television broadcast station.

''(5) LOCAL RECEIVE FACILITY.—The term 'local receive facility' means the reception point in the local market of a television broadcast station or in a market contiguous to the local market of a television broadcast station at which a satellite carrier initially receives the signal of the station for purposes of transmission of such signals to the facility which uplinks the signals to the carrier's satellites for secondary transmission to the satellite carrier's subscribers.

''(6) SATELLITE CARRIER.—The term 'satellite carrier' has the meaning given it by section 119(d) of title 17, United States Code.''.

SEC. 5. RETRANSMISSION CONSENT.

(a) AMENDMENT OF SECTION 325(b).—Section 325(b) of the Communications Act of 1934 (47 U.S.C. 325(b)) is amended striking the subsection designation and paragraphs (1) and (2) and inserting the following:

''(b)(1) No cable system or other multichannel video programming distributor shall retransmit the signal of a broadcasting station, or any part thereof, except—

''(A) with the express authority of the station; or

''(B) pursuant to section 614 or section 615, in the case of a station electing, in accordance with this subsection, to assert the right to carriage under such section.

''(2) The provisions of this subsection shall not apply to—

''(A) retransmission of the signal of a television broadcast station outside the station's local market by a satellite carrier directly to subscribers if—

''(i) such station was a superstation on May 1, 1991; and

''(ii) as of July 1, 1998, such station was transmitted under the compulsory license of section 119 of title 17, United States Code, by satellite carriers directly to at least 250,000 subscribers;

''(B) retransmission of the distant signal of a broadcasting station that is owned or operated by, or affiliated with, a broadcasting network directly to a home satellite antenna, if the subscriber resides in an unserved household; or

''(C) retransmission by a cable operator or other multichannel video programming distributor (other than by a satellite carrier direct to its subscribers) of the signal of a television broadcast station outside the station's local market, if such signal was obtained from a satellite carrier and—

''(i) the originating station was a superstation on May 1, 1991; and

''(ii) the originating station was a network station on December 31, 1997, and its signal was retransmitted by a satellite carrier directly to subscribers.

''(3) Any term used in this subsection that is defined in section 337(g) of this Act has the meaning given to it by that section.''.

(b) EFFECTIVE DATE.—The amendments made by subsection (a) take effect on January 1, 1999.

SEC. 6. DESIGNATED MARKET AREAS.

Nothing in this Act, or in the amendments made by this Act, prevents the Federal Communications Commission from revising the listing of designated market areas (as defined in this Act) or reassigning such areas if the revision or reassignment is done in the same manner and to the same extent as the Commission's cable television mandatory carriage rules provide.

SEC. 7. SEVERABILITY.

If any provision of this Act or section 325(b) or 337 of the Communications Act of 1934 (47 U.S.C. 325(b), 337), or the application of that provision to any person or circumstance, is held by a court of competent jurisdiction to violate any provision of the Constitution of the United States, then the other provisions of that section, and the application of that provision to other persons and circumstances, shall not be affected.

SEC. 8. DEFINITIONS.

In this Act:

(1) TERMS DEFINED IN COMMUNICATIONS ACT OF 1934.—Any term used in this Act that is defined in section 337(g) of the Communications Act of 1934, as added by section 4 of this Act, has the meaning given to it by that section.

(7) DESIGNATED MARKET AREA.—The term ''designated market area'' means a designated market area, as determined by Nielsen Media Research and published in the DMA Market and Demographic Report.●

By Mr. FRIST:

S. 304. A bill to improve air transportation service available to small communities; to the Committee on Commerce, Science, and Transportation.

THE SMALL COMMUNITIES AIR SERVICE ACT OF 1999

By Mr. FRIST:

S. 306. A bill to regulate commercial air tours overflying the Great Smokey Mountains National Park, and for other purposes; to the Committee on Commerce, Science, and Transportation.

THE GREAT SMOKEY NATIONAL PARK OVERFLIGHTS ACT

● Mr. FRIST. Mr. President, I rise today to introduce two pieces of aviation legislation that I believe will improve the quality of life for Tennesseans. First, I would like to introduce ''The Great Smoky Mountains National Park Overflights Act.''

Last year, I was an original sponsor of the ''National Parks Overflights Act'' along with my colleague and Chairman of the Commerce Committee, Senator JOHN MCCAIN. I was proud to have my name associated with this legislation. But, in spite of overwhelming bipartisan support for this legislation in the Senate, an unrelated dispute in the conference committee with the House of Representatives led to its demise in the 105th Congress.

Last year's legislation would have affected many National Parks from coast to coast and even Hawaii. The legislation I am introducing today will only affect the Smokies. I am advancing a more limited approach because I believe the preservation of the Smokies and the safety of park visitors are far too important to include with other more contentious legislative efforts.

As the air tour industry in many parks continues to grow, safety concerns also increase. By addressing safety now, before tragic accidents occur, we can assure the public that we have taken every precaution to protect visitors in our parks. Under this legislation, the Federal Aviation Administrator will work in tandem with the Secretary of the Interior to ensure public health and safety goals are met while concurrently maintaining the natural beauty and serenity of our Smoky Mountains National Park. This bill makes park overflight passenger safety a paramount concern for the Federal Aviation Administrator, who, in consultation with the Secretary of the Interior, will set minimum altitudes for overflights and will prohibit

flights below those minimum altitudes where necessary to meet safety goals.

This legislation also takes a crucial first step toward restoring and preserving a vital resource within the Smokies—natural quiet. The natural ambient sound condition found in a park, or natural quiet, as it is commonly called, is precisely what many Americans seek to experience when they visit some of our most treasured national parks. Natural quiet is as crucial an element of the natural beauty and splendor of certain parks as those resources that we visually observe and appreciate.

I believe that this critical environmental legislation strikes a careful balance between the reasonable concerns of those in the air tour industry and the environmental necessity of preserving the natural quiet of the Smokies. I am a pilot and I know well the beauty and thrill of flying low. The Smokies beg for more restraint. They must be enjoyed from a responsible altitude where the noise of our aircraft does not disturb the life and majesty below our wings.

The second piece of legislation that I would like to introduce today is the Air Service Improvement Act of 1999. As many of my colleagues know, I have spent considerable time working with airport managers, airlines and many others attempting to solve the problems of underserved small communities. It became clear to me early on that there is no silver bullet solution. Rather, a learning process has taken place where we have discovered what has worked best for the individual communities in question. Moreover, the problems of small communities are related to the competition issues at larger, well-served airports. Tennessee is experiencing both problems.

In Memphis, there is certainly adequate service, but limited competition results in high fares. In the Eastern part of our State, there are several communities that have little competition and limited service. We can do better.

It is critical that we remember that deregulation has been remarkably successful in spite of the ''pockets of pain'' in some communities. Therefore any changes must be made with an emphasis on the free market and not be reregulatory in nature. Deregulation has served most Americans well and should not be dismantled.

With that prologue, I would like to go through some of the provisions of the Small Communities Air Services Act. For most small and medium sized communities that are underserved, access is the key. These airports must have access to major hubs that provide network benefits. When travelers in the Tri-Cities have jet service to Chicago they can conveniently connect to nearly any city in the world. And indeed, much of the improvements the underserved markets of Chattanooga and the Tri-Cities have seen over the past two years has been from the Department of Transportation adding slots that created additional access to Chicago.

With access to the Nation's four slot-controlled airports as a primary goal, I am proposing that the Secretary of Transportation be required to approve all applications from underserved small and medium-sized communities that partner with an air carrier that is willing to serve their market. The Secretary will retain the right to deny applications only if the Federal Aviation Administration certifies that the increase in operations is unsafe or if increase in operations violates the National Environmental Policy Act. In short, if an additional flight from an underserved area is safe and does not have adverse environmental effects the slot shall be awarded.

Additionally, I am introducing provisions that I worked closely with Chairman MCCAIN on last year. These include a grant program for small communities, an in-depth study on market-based incentives using regional jets, and numerous safety programs affecting small communities including an FAA tower program. It is my belief that collectively, this initiative will diminish many of the challenges that underserved communities now face.

Again, it is my strong belief that both the Overflights legislation and the Air Service Act will improve significantly the quality of life for Tennesseans. I thank my colleagues for their consideration of these proposals, but I would especially like to thank the Majority Leader TRENT LOTT and Chairman JOHN MCCAIN for their considerable assistance.●

By Mr. MCCAIN (for himself and Mr. BRYAN):

S. 305. A bill to reform unfair and anticompetitive practices in the professional boxing industry; to the Committee on Commerce, Science, and Transportation.

MUHAMMAD ALI BOXING REFORM ACT

● Mr. MCCAIN. Mr. President, I am introducing the Muhammad Ali Boxing Reform Act in the 106th Congress. This legislation would establish a series of practical reforms to reduce interstate restraints of trade in the industry; protect boxers from exploitative business practices; reduce arbitrary practices by sanctioning organizations; and increase financial disclosure requirements to prevent misconduct by promoters and sanctioning bodies. The legislation I am introducing today is the same version of the Ali Act that was reported out of the Senate Commerce Committee and passed by the Senate last year.

I am pleased to again have the cosponsorship and sound counsel of my colleague from Nevada, Senator RICHARD BRYAN. He has a strong interest and long record of promoting responsible oversight of the professional boxing industry. Boxing is of course a major industry in Nevada, and Senator BRYAN has worked closely with his State's athletic commission to assess and propose effective measure to make boxing a more respected and healthy industry.

I have attached a summary of the Ali Act to concisely describe its major provisions. The bill is a modest and practical proposal which would simply curb some of the most egregious and anti-competitive practices which have exploited athletes and undermined the integrity of the boxing industry. Senator BRYAN and I worked with state commissioners and credible boxing industry leaders from across the U.S. to develop the Ali Act. It requires no public funding and would create no new bureaucracy at any level of government. This legislation instead requires adherence to fair business practices and public disclosure requirements designed to significantly reduce abusive practices in the sport.

It is worth noting that the public response to the Ali Act has been tremendous. We have received strong praise for this legislation from every sector of the industry and, most importantly, from boxers themselves. It is to be expected that certain vested interests in professional boxing industry will not welcome any reforms of anti-competitive and confiscatory business practices in the sport. However, the Ali Act will clearly improve the sport in the public interest, and will not inhibit any legitimate business practices. If enacted, the professional boxing industry will not only be free of certain types of abusive and unethical business practices, but competition should surely increase. Competition is the heart of any sport, and fair, open competition is the key to a sport's success. I look forward to the day when boxing achieves the reputation of credible competition and fair business practices for its athletes.

I will work with members of the Senate Commerce Committee to promptly bring the Ali Act before the full Senate this year. With the Ali Act also being introduced in the House of Representatives in the near future, I am hopeful that 1999 will be the year the professional boxing industry in America embarks on a new path of fair business practices, legitimate rankings, and enhanced integrity.

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

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

THE MUHAMMAD ALI BOXING REFORM ACT

PROTECTING BOXERS FROM EXPLOITATION

(a) Declares that all contracts between boxers and promoters must contain specific terms regarding the length of time it covers, and the minimum number of bouts per year for the boxer.

(b) Limits certain ''option'' contracts between boxers and promoters to one year. (Those where a boxer is forced to provide options to a promoter, as a condition of getting a particular bout. Prevents promoter from controlling a weight division by coercing options from all boxers.)

(c) Prohibits a promoter from forcing a boxer to hire an associate, relative, or any

other individual, as the boxer's manager, or in any other employment capacity. (This stops a promoter from grabbing another 33% of a boxer's purse; mirrors the regulation of most state commissions.)

(d) Prohibits conflicts of interest between managers of a boxer and the promoter. (Managers should be an independent advocate for the boxer—not serve the financial interests of promoter.)

SANCTIONING ORGANIZATION INTEGRITY REFORMS

(e) Sanctioning organizations (abbreviation: ''SO'') conducting business in the U.S. must establish objective and consistent criteria for the ratings of professional boxers.

(f) Each year, SO's must provide the following information either on a publicly accessible website, or to the FTC; their bylaws, ratings criteria, and roster of officials who vote on their ratings.

(g) When an SO changes their rating of a U.S. boxer, it must inform the boxer in writing of the reason for the change. Each SO must establish an appeals process (i.e. exchange of correspondence) for boxers in the U.S. to contest their ranking in writing.

(h) No SO can receive payments or compensation from a promoter, boxer, or manager, except for the established sanctioning fee and expenses they receive for sanctioning a bout, which must be reported to the relevant State commission.

PUBLIC INTEREST DISCLOSURES TO STATE BOXING COMMISSIONS

(i) SO's must disclose to a state boxing commission all charges and fees they will impose on the boxer(s) competing in the event, as well as all payments and revenues the SO receives.

(i) The promoter(s) affiliated with each event shall file a complete and accurate copy of all contracts they have with the boxer pertaining to the event, with the boxing commission prior to the event, and disclose in writing all fees and costs they will assess on the boxer(s). Club level boxing events (those less than 10 rounds) are excluded. No burden on small business.

ENFORCEMENT

(k) Civil and Criminal penalties similar to the existing federal boxing law, but fines are higher to deter major promoters from violations. Also, allows enforcement by State Attorney Generals.

NOTES

1. The Ali Act requires no federal or state funds and creates no new federal bureaucracy.●

ADDITIONAL COSPONSORS

S. 3

At the request of Mr. GRAMS, the names of the Senator from Nebraska [Mr. HAGEL] and the Senator from Colorado [Mr. ALLARD] were added as cosponsors of S. 3, a bill to amend the Internal Revenue Code of 1986 to reduce individual income tax rates by 10 percent.

S. 5

At the request of Mr. DEWINE, the name of the Senator from South Carolina [Mr. THURMOND] was added as a cosponsor of S. 5, a bill to reduce the transportation and distribution of illegal drugs and to strengthen domestic demand reduction, and for other purposes.

S. 7

At the request of Mr. DASCHLE, the name of the Senator from North Dakota [Mr. DORGAN] was added as a cosponsor of S. 7, a bill to modernize public schools for the 21st century.

S. 11

At the request of Mr. ABRAHAM, the name of the Senator from Indiana [Mr. LUGAR] was added as a cosponsor of S. 11, a bill for the relief of Wei Jingsheng.

S. 14

At the request of Mr. COVERDELL, the names of the Senator from Mississippi [Mr. LOTT], and the Senator from Alabama [Mr. SESSIONS] were added as cosponsors of S. 14, a bill to amend the Internal Revenue Code of 1986 to expand the use of education individual retirement accounts, and for other purposes.

S. 19

At the request of Mr. DASCHLE, the names of the Senator from South Carolina [Mr. HOLLINGS] and the Senator from West Virginia [Mr. ROCKEFELLER] were added as cosponsors of S. 19, a bill to restore an economic safety net for agricultural producers, to increase market transparency in agricultural markets domestically and abroad, and for other purposes.

S. 30

At the request of Mr. DASCHLE, the name of the Senator from West Virginia [Mr. ROCKEFELLER] was added as a cosponsor of S. 30, a bill to provide countercyclical income loss protection to offset extreme losses resulting from severe economic and weather-related events, and for other purposes.

S. 38

At the request of Mr. CAMPBELL, the name of the Senator from Mississippi [Mr. COCHRAN] was added as a cosponsor of S. 38, a bill to amend the Internal Revenue Code of 1986 to phase out the estate and gift taxes over a 10-year period.

S. 92

At the request of Mr. DOMENICI, the name of the Senator from Mississippi [Mr. LOTT] was added as a cosponsor 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. 94

At the request of Mr. MCCAIN, the name of the Senator from North Carolina [Mr. HELMS] was added as a cosponsor of S. 94, a bill to repeal the telephone excise tax.

S. 99

At the request of Mr. MCCAIN, the name of the Senator from Mississippi [Mr. LOTT] was added as a cosponsor of S. 99, a bill to provide for continuing in the absence of regular appropriations for fiscal year 2000.

S. 135

At the request of Mr. DURBIN, the name of the Senator from Kansas [Mr. ROBERTS] was added as a cosponsor of S. 135, a bill to amend the Internal Revenue Code of 1986 to increase the deduction for the health insurance costs of self-employed individuals, and for other purposes.

S. 148

At the request of Mr. ABRAHAM, the name of the Senator from Indiana [Mr. LUGAR] was added as a cosponsor of S. 148, a bill to require the Secretary of the Interior to establish a program to provide assistance in the conservation of neotropical migratory birds.

S. 192

At the request of Mr. KENNEDY, the name of the Senator from Indiana [Mr. BAYH] was added as a cosponsor of S. 192, a bill to amend the Fair Labor Standards Act of 1938 to increase the Federal minimum wage.

S. 241

At the request of Mr. JOHNSON, the name of the Senator from Nevada [Mr. REID] was added as a cosponsor of S. 241, a bill to amend the Federal Meat Inspection Act to provide that a quality grade label issued by the Secretary of Agriculture for beef and lamb may not be used for imported beef or imported lamb.

S. 246

At the request of Mr. HAGEL, the name of the Senator from Arkansas [Mr. HUTCHINSON] was added as a cosponsor of S. 246, a bill to protect private property rights guaranteed by the fifth amendment to the Constitution by requiring Federal agencies to prepare private property taking impact analyses and by allowing expanded access to Federal courts.

S. 271

At the request of Mr. FRIST, the name of the Senator from Louisiana [Ms. LANDRIEU] was added as a cosponsor of S. 271, a bill to provide for education flexibility partnerships.

S. 280

At the request of Mr. FRIST, the name of the Senator from Louisiana [Ms. LANDRIEU] was added as a cosponsor of S. 280, a bill to provide for education flexibility partnerships.

S. 289

At the request of Mr. ABRAHAM, the name of the Senator from Arizona [Mr. MCCAIN] was added as a cosponsor of 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.

S. 292

At the request of Mr. DOMENICI, the name of the Senator from California [Mrs. FEINSTEIN] was added as a cosponsor of 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.

SENATE JOINT RESOLUTION 2

At the request of Mr. KYL, the name of the Senator from Arizona [Mr. MCCAIN] was added as a cosponsor of

Senate Joint Resolution 2, a joint resolution proposing an amendment to the Constitution of the United States to require two-thirds majorities for increasing taxes.

SENATE RESOLUTION 22

At the request of Mr. CAMPBELL, the name of the Senator from Mississippi [Mr. COCHRAN] was added as a cosponsor 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.

NOTICE OF HEARING

COMMITTEE ON AGRICULTURE, NUTRITION, AND FORESTRY

Mr. LUGAR. Mr. President, I would like to announce that the Senate Committee on Agriculture, Nutrition, and Forestry will meet on Tuesday, January 26, 1999, in SR–328A at 8 a.m. The purpose of this meeting will be to review economic concentration in agribusiness. This hearing was originally scheduled to begin at 9 a.m.

FOREIGN CURRENCY REPORTS

In accordance with the appropriate provisions of law, the Secretary of the Senate herewith submits the following report(s) of standing committees of the Senate, certain joint committees of the Congress, delegations and groups, and select and special committees of the Senate, relating to expenses incurred in the performance of authorized foreign travel:

CONSOLIDATED REPORT OF EXPENDITURE OF FOREIGN CURRENCIES AND APPROPRIATED FUNDS FOR FOREIGN TRAVEL BY MEMBERS AND EMPLOYEES OF THE U.S. SENATE, UNDER AUTHORITY OF SEC. 22, P.L. 95–384—22 U.S.C. 1754(b), COMMITTEE ON AGRICULTURE, NUTRITION, AND FORESTRY, FOR TRAVEL FROM JULY 1 TO SEPT. 30, 1998

Name and country	Name of currency	Per diem		Transportation		Miscellaneous		Total	
		Foreign currency	U.S. dollar equivalent or U.S. currency	Foreign currency	U.S. dollar equivalent or U.S. currency	Foreign currency	U.S. dollar equivalent or U.S. currency	Foreign currency	U.S. dollar equivalent or U.S. currency
Andrew Fish:									
England	Pound	189	315.00	184.50	307.51				622.51
Denmark	Dollar		190.00						190.00
Netherlands	Dollar		270.00						270.00
United States	Dollar		216.00		1,699.44				1,915.44
Senator Tom Harkin:									
England	Pound	189	315.00	184.50	307.51				622.51
Denmark	Dollar		190.00						190.00
Netherlands	Dollar		270.00						270.00
United States	Dollar				4,556.27				4,556.27
Total			1,766.00		6,870.73				8,636.73

RICHARD G. LUGAR,
Chairman, Committee on Agriculture, Nutrition, and Forestry, Sept. 24, 1998.

CONSOLIDATED REPORT OF EXPENDITURE OF FOREIGN CURRENCIES AND APPROPRIATED FUNDS FOR FOREIGN TRAVEL BY MEMBERS AND EMPLOYEES OF THE U.S. SENATE, UNDER AUTHORITY OF SEC. 22 , P.L. 95–384—22 U.S.C. 1754(b), COMMITTEE ON APPROPRIATIONS FOR TRAVEL FROM JULY 1, TO SEPT. 30, 1998

Name and country	Name of currency	Per diem		Transportation		Miscellaneous		Total	
		Foreign currency	U.S. dollar equivalent or U.S. currency	Foreign currency	U.S. dollar equivalent or U.S. currency	Foreign currency	U.S. dollar equivalent or U.S. currency	Foreign currency	U.S. dollar equivalent or U.S. currency
Robin Cleveland:									
Bosnia-Herzegovina	Dollar		1,750.00		5,435.57				7,185.57
Senator Ted Stevens:									
England	Pound	880	1,460.00					880	1,460.00
Senator Thad Cochran:									
England	Pound	660	1,095.00					660	1,095.00
Senator Richard Shelby:									
England	Pound	880	1,460.00					880	1,460.00
Steve Cortese:									
England	Pound	880	1,460.00					880	1,460.00
M. Sidney Ashworth:									
England	Pound	880	1,460.00					880	1,460.00
John J. Young:									
England	Pound	880	1,460.00					880	1,460.00
Wally Burnett:									
England	Pound	880	1,460.00					880	1,460.00
Total			11,605.00		5,435.57				17,040.57

TED STEVENS,
Chairman, Committee on Appropriations, Oct. 5, 1998.

CONSOLIDATED REPORT OF EXPENDITURE OF FOREIGN CURRENCIES AND APPROPRIATED FUNDS FOR FOREIGN TRAVEL BY MEMBERS AND EMPLOYEES OF THE U.S. SENATE, UNDER AUTHORITY OF SEC. 22, P.L. 95–384—22 U.S.C. 1754(b), COMMITTEE ON ARMED SERVICES FOR TRAVEL FROM JULY 1 TO SEPT. 30, 1998

Name and country	Name of currency	Per diem		Transportation		Miscellaneous		Total	
		Foreign currency	U.S. dollar equivalent or U.S. currency	Foreign currency	U.S. dollar equivalent or U.S. currency	Foreign currency	U.S. dollar equivalent or U.S. currency	Foreign currency	U.S. dollar equivalent or U.S. currency
Senator Max Cleland:									
Canada	Dollar	723.04	496.63					723.04	496.63
United States	Dollar				1,056.09				1,056.09
Simon Sargent:									
Canada	Dollar	782.91	537.76					782.91	537.76
	Dollar			552.98	373.03			552.98	373.03
United States	Dollar				634.15				634.15
Bert K. Mizusawa:									
Panama	Dollar		429.00						429.00
Panama	Dollar						177.00		177.00
United States	Dollar				656.00				656.00
Senator John W. Warner:									
England	Pound	880	1,460.00					880	1,460.00
Macedonia	Dollar		339.09						339.09

CONSOLIDATED REPORT OF EXPENDITURE OF FOREIGN CURRENCIES AND APPROPRIATED FUNDS FOR FOREIGN TRAVEL BY MEMBERS AND EMPLOYEES OF THE U.S. SENATE, UNDER AUTHORITY OF SEC. 22, P.L. 95–384—22 U.S.C. 1754(b), COMMITTEE ON ARMED SERVICES FOR TRAVEL FROM JULY 1 TO SEPT. 30, 1998—Continued

Name and country	Name of currency	Per diem		Transportation		Miscellaneous		Total	
		Foreign currency	U.S. dollar equivalent or U.S. currency	Foreign currency	U.S. dollar equivalent or U.S. currency	Foreign currency	U.S. dollar equivalent or U.S. currency	Foreign currency	U.S. dollar equivalent or U.S. currency
Total			3,262.48		2,719.27		177.00		6,158.75

STROM THURMOND,
Chairman, Committtee on Armed Services, Oct. 1, 1998.

CONSOLIDATED REPORT OF EXPENDITURE OF FOREIGN CURRENCIES AND APPROPRIATED FUNDS FOR FOREIGN TRAVEL BY MEMBERS AND EMPLOYEES OF THE U.S. SENATE, UNDER AUTHORITY OF SEC. 22, P.L. 95–384—22 U.S.C. 1754(b), COMMITTEE ON THE BUDGET FOR TRAVEL FROM JULY 1 TO SEPT. 30, 1998

Name and country	Name of currency	Per diem		Transportation		Miscellaneous		Total	
		Foreign currency	U.S. dollar equivalent or U.S. currency	Foreign currency	U.S. dollar equivalent or U.S. currency	Foreign currency	U.S. dollar equivalent or U.S. currency	Foreign currency	U.S. dollar equivalent or U.S. currency
Senator Pete Domenici:									
United States	Dollar		292.00						292.00
France	Franc	3,763.40	620.00					3,763.40	620.00
Russia	Dollar		621.00						621.00
Germany	Mark	274.06	142.00					274.06	142.00
Senator Rod Grams:									
United States	Dollar		347.00						347.00
France	Franc	3,763.40	620.00					3,763.40	620.00
Russia	Dollar		676.00						676.00
Germany	Mark	283.71	147.00					283.71	147.00
John Revier:									
United States	Dollar		227.00						227.00
France	Franc	3,763.40	620.00					3,763.40	620.00
Russia	Dollar		552.00						552.00
Germany	Mark	465.13	241.00					465.13	241.00
Elizabeth Turpen:									
United States	Dollar		331.50						331.50
France	Franc	3,763.40	620.00					3,763.40	620.00
Russia	Dollar		406.00						406.00
Germany	Mark	322.31	167.00					322.31	167.00
The following people traveled under authorization of Committee on Governmental Affairs: Senator Fred Thompson and Elizabeth Wood; The Majority Leader; Sally Walsh; Committee on Appropriations: Alex Flint: [1]									
France							4,267.20		4,267.20
Russia							15,300.62		15,300.62
Germany							1,616.58		1,616.58
Total			6,629.50				21,184.40		27,813.90

[1] Delegation expenses include direct payments and reimbursements to the Department of State and to the Department of Defense under authority of Sec. 502(b) of the Mutual Security Act of 1954, as amended by Sec. 22 of P.L. 95–384, and S. Res. 179, agreed to May 25, 1977.

PETE V. DOMENICI,
Chairman, Committee on the Budget, Oct. 13, 1998.

CONSOLIDATED REPORT OF EXPENDITURE OF FOREIGN CURRENCIES AND APPROPRIATED FUNDS FOR FOREIGN TRAVEL BY MEMBERS AND EMPLOYEES OF THE U.S. SENATE, UNDER AUTHORITY OF SEC. 22, P.L. 95–384—22 U.S.C. 1754(b), COMMITTEE ON FINANCE FOR TRAVEL FROM JULY 1 TO SEPT. 30, 1998

Name and country	Name of currency	Per diem		Transportation		Miscellaneous		Total	
		Foreign currency	U.S. dollar equivalent or U.S. currency	Foreign currency	U.S. dollar equivalent or U.S. currency	Foreign currency	U.S. dollar equivalent or U.S. currency	Foreign currency	U.S. dollar equivalent or U.S. currency
Senator Max Baucus:									
Chile	Dollar		597.00						597.00
Brazil	Dollar		584.00						584.00
Argentina	Dollar		509.00						509.00
United States	Dollar				5,199.00				5,199.00
Christine Niedermeier:									
Chile	Dollar		362.00						362.00
Brazil	Dollar		527.52						527.52
Argentina	Dollar		313.00						313.00
United States	Dollar				4,026.50				4,026.50
William Lombardi:									
Chile	Dollar		714.74						714.74
Argentina	Dollar		636.45						636.45
Brazil	Dollar		977.14						977.14
United States	Dollar				2,783.50				2,783.50
Angela Marshall:									
Chile	Dollar		676.34						676.34
Argentina	Dollar		1,010.52						1,010.52
Brazil	Dollar		558.99						558.99
Uruguay	Dollar		481.32						481.32
United States	Dollar				2,850.00		152.10		3,002.10
Ashley Miller:									
England	Pound	1,120	1,825.00						1,825.00
United States	Dollar				580.71				580.71
Daniel Bob:									
Peru	Sole	1,900.68	633.56						633.56
United States	Dollar				834.00				834.00
Total			10,406.78		16,273.71		152.10		26,832.59

WILLIAM V. ROTH, Jr.,
Chairman, Committee on Finance, Oct. 7, 1998.

ADDENDUM.—CONSOLIDATED REPORT OF EXPENDITURE OF FOREIGN CURRENCIES AND APPROPRIATED FUNDS FOR FOREIGN TRAVEL BY MEMBERS AND EMPLOYEES OF THE U.S. SENATE, UNDER AUTHORITY OF SEC. 22, P.L. 95–384—22 U.S.C. 1754(b), COMMITTEE ON FINANCE FOR TRAVEL FROM JAN. 1 TO MAR. 31, 1998

Name and country	Name of currency	Per diem		Transportation		Miscellaneous		Total	
		Foreign currency	U.S. dollar equivalent or U.S. currency	Foreign currency	U.S. dollar equivalent or U.S. currency	Foreign currency	U.S. dollar equivalent or U.S. currency	Foreign currency	U.S. dollar equivalent or U.S. currency
Senator William Roth:									
Korea	Won	229,299	128.10					229,299	128.10
Malaysia	Ringget	1911.95	420.21					1911.95	420.21
Thailand	Baht	16,692.74	300.77					16,692.74	300.77
Japan	Yen	108,185.05	826.85					108,185.05	826.85
Daniel Bob:									
Korea	Won	413,078.30	230.77					413,078.30	230.77
Malaysia	Ringget	712.03	156.49					712.03	156.49
Thailand	Baht	4847.35	87.34					4847.35	87.34
Japan	Yen	220,596	1686.00					220,596	1,686.00
United States	Dollar				581.40				581.40
Total			3,836.53		581.40				4,417.93

WILLIAM V. ROTH, Jr.,
Chairman, Committee on Finance, Oct. 7, 1998.

ADDENDUM.—CONSOLIDATED REPORT OF EXPENDITURE OF FOREIGN CURRENCIES AND APPROPRIATED FUNDS FOR FOREIGN TRAVEL BY MEMBERS AND EMPLOYEES OF THE U.S. SENATE, UNDER AUTHORITY OF SEC. 22, P.L. 95–384—22 U.S.C. 1754(b), COMMITTEE ON FINANCE, FOR TRAVEL FROM OCT. 1 TO DEC. 31, 1997

Name and country	Name of currency	Per diem		Transportation		Miscellaneous		Total	
		Foreign currency	U.S. dollar equivalent or U.S. currency	Foreign currency	U.S. dollar equivalent or U.S. currency	Foreign currency	U.S. dollar equivalent or U.S. currency	Foreign currency	U.S. dollar equivalent or U.S. currency
Angela Marshall:									
Japan			259.92						259.92
Philippines	Peso	24,826.20	708.88						708.88
Brunei	Brunei Dollar	498.25	788.23						788.23
Indonesia	Rupia	1,687,305	426.53						426.53
Thailand	Baht	13,123.68	316.23						316.23
United States	Dollar		188.18		3,442.00				188.18
Total			2,687.97		3,442.00				6,129.97

WILLIAM V. ROTH, Jr.,
Chairman, Committee on Finance, Oct. 7, 1998.

CONSOLIDATED REPORT OF EXPENDITURE OF FOREIGN CURRENCIES AND APPROPRIATED FUNDS FOR FOREIGN TRAVEL BY MEMBERS AND EMPLOYEES OF THE U.S. SENATE, UNDER AUTHORITY OF SEC. 22, P.L. 95–384—22 U.S.C. 1754(b), COMMITTEE ON FOREIGN RELATIONS FOR TRAVEL FROM JULY 1 TO SEPT. 30, 1998

Name and country	Name of currency	Per diem		Transportation		Miscellaneous		Total	
		Foreign currency	U.S. dollar equivalent or U.S. currency	Foreign currency	U.S. dollar equivalent or U.S. currency	Foreign currency	U.S. dollar equivalent or U.S. currency	Foreign currency	U.S. dollar equivalent or U.S. currency
Senator Joseph Biden:									
Israel	Dollar		1,648.00						1,648.00
Egypt	Pound	424	152.55					424	152.55
United States	Dollar				4,836.17				4,836.17
Senator Sam Brownback:									
India	Dollar		588.00						588.00
Pakistan	Dollar		116.00						116.00
United States	Dollar				6,493.00				6,493.88
Senator Chuck Hagel:									
Israel	Dollar		526.00						526.00
Egypt	Dollar		222.00						222.00
Lebanon	Dollar		208.00						208.00
Syria	Dollar		356.00						356.00
Saudi Arabia	Dollar		143.00						143.00
United States	Dollar				3,641.69				3,641.69
Senator Charles Robb:									
India	Rupee	28,625.16	678.00					28,625.16	678.00
Pakistan	Rupee	9,167	206.00					9,167	206.00
Stephen Biegun:									
Germany	Dollar		900.00						900.00
United States	Dollar				715.09				715.09
Lithuania	Dollar		400.00						400.00
Latvia	Dollar		400.00						400.00
United States	Dollar				4,586.39				4,586.39
Marshall Billingslea:									
Lithuania	Dollar		400.00						400.00
Latvia	Dollar		400.00						400.00
United States	Dollar				4,586.39				4,586.39
Michael Haltzel:									
Croatia	Dollar		1,002.00						1,002.00
Slovenia	Dollar		448.00						448.00
United States	Dollar				4,427.40				4,427.40
Brian McKeon:									
Italy	Dollar		1,122.00						1,122.00
United States	Dollar				2,833.49				2,833.49
Patricia McNerney:									
Italy	Dollar		1,800.00						1,800.00
United States	Dollar				2,833.49				2,833.49
Roger Noriega:									
Italy	Dollar		1,850.00						1,850.00
United States	Dollar				2,833.49				2,833.49
Panama	Dollar		236.00						236.00
United States	Dollar				608.00				608.00
Kenneth Peel:									
Israel	Dollar		526.00						526.00
Egypt	Dollar		222.00						222.00
Lebanon	Dollar		208.00						208.00
Syria	Dollar		356.00						356.00
Saudi Arabia	Dollar		143.00						143.00
United States	Dollar				3,641.69				3,641.69
Christina Rocca:									
India	Dollar		678.00						678.00

CONSOLIDATED REPORT OF EXPENDITURE OF FOREIGN CURRENCIES AND APPROPRIATED FUNDS FOR FOREIGN TRAVEL BY MEMBERS AND EMPLOYEES OF THE U.S. SENATE, UNDER AUTHORITY OF SEC. 22, P.L. 95–384—22 U.S.C. 1754(b), COMMITTEE ON FOREIGN RELATIONS FOR TRAVEL FROM JULY 1 TO SEPT. 30, 1998—Continued

Name and country	Name of currency	Per diem		Transportation		Miscellaneous		Total	
		Foreign currency	U.S. dollar equivalent or U.S. currency	Foreign currency	U.S. dollar equivalent or U.S. currency	Foreign currency	U.S. dollar equivalent or U.S. currency	Foreign currency	U.S. dollar equivalent or U.S. currency
Pakistan	Dollar		206.00						206.00
United States	Dollar				6,493.88				6,493.88
Puneet Talwar:									
Pakistan	Dollar		228.00						228.00
India	Dollar		565.00						565.00
United States	Dollar				6,493.88				6,493.00
Egypt	Dollar		191.00						191.00
Israel	Dollar		1,540.00						1,540.00
United States	Dollar				6,134.89				6,134.89
Christopher Walker:									
Lithuania	Dollar		650.00						650.00
Latvia	Dollar		650.00						650.00
Germany	Dollar		650.00						650.00
United States	Dollar				5,024.00				5,024.00
Mark Thiessen:									
Italy	Dollar		1,800.00						1,800.00
United States	Dollar				2,833.49				2,833.49
Pam Weimann:									
Italy	Dollar		1,300.00						1,300.00
United States	Dollar				2,833.49				2,833.49
Total			23,714.55		71,850.80				95,565.35

JESSE HELMS,
Chairman, Committee on Foreign Relations, Nov. 13, 1998.

CONSOLIDATED REPORT OF EXPENDITURE OF FOREIGN CURRENCIES AND APPROPRIATED FUNDS FOR FOREIGN TRAVEL BY MEMBERS AND EMPLOYEES OF THE U.S. SENATE, UNDER AUTHORITY OF SEC. 22, P.L. 95–384—22 U.S.C. 1754(b), COMMITTEE ON THE JUDICIARY FOR TRAVEL FROM OCT. 1 TO DEC. 31, 1997

Name and country	Name of currency	Per diem		Transportation		Miscellaneous		Total	
		Foreign currency	U.S. dollar equivalent or U.S. currency	Foreign currency	U.S. dollar equivalent or U.S. currency	Foreign currency	U.S. dollar equivalent or U.S. currency	Foreign currency	U.S. dollar equivalent or U.S. currency
Louis Dupart:									
United States	Dollar				3,701.,06				3,701.06
England	Pound	413.33	670.00						607.00
France	Franc	1,693.54	289.00						289.00
Belgium	Franc	19,866	550.00						550.00
Louis Dupart:									
Mexico	Peso	2,332.90	281.75						281.75
El Salvador	Colonnes	1,312.50	150.00						150.00
Nicaragua	Dollar		354.25						354.25
Senator Robert Torricelli:									
South Korea	Dollar				6,206.00		1,680.00		7,886.00
Richard Nuccio:									
South Korea	Dollar				3,295.00				3,295.00
Total			2,295.00		13,202.06		1,680.00		17,114.06

ORRIN HATCH,
Chairman, Committee on the Judiciary, Nov. 4, 1998.

CONSOLIDATED REPORT OF EXPENDITURE OF FOREIGN CURRENCIES AND APPROPRIATED FUNDS FOR FOREIGN TRAVEL BY MEMBERS AND EMPLOYEES OF THE U.S. SENATE, UNDER AUTHORITY OF SEC. 22, P.L. 95–384—22 U.S.C. 1754(b), COMMITTEE ON THE JUDICIARY FOR TRAVEL FROM JULY 1 TO SEPT. 30, 1998

Name and country	Name of currency	Per diem		Transportation		Miscellaneous		Total	
		Foreign currency	U.S. dollar equivalent or U.S. currency	Foreign currency	U.S. dollar equivalent or U.S. currency	Foreign currency	U.S. dollar equivalent or U.S. currency	Foreign currency	U.S. dollar equivalent or U.S. currency
Helen Rhee:									
United States	Dollar		1,000.00		7,429.44				8,429.44
Ivory Coast	Dollar		956.00						956.00
Italy	Dollar		308.00						308.00
Elizabeth Kessler:									
United States	Dollar		1,000.00		7,429.44				8,429.44
Ivory Coast	Dollar		956.00						956.00
Italy	Dollar		308.00						308.00
Victoria Bassetti:									
United States	Dollar		1,000.00		7,429.44				8,429.44
Ivory Coast	Dollar		956.00						956.00
Italy	Dollar		308.00						308.00
Total			6,792.00		22,288.32				29,080.32

ORRIN HATCH,
Chairman, Committee on the Judiciary, Nov. 4, 1998.

CONSOLIDATED REPORT OF EXPENDITURE OF FOREIGN CURRENCIES AND APPROPRIATED FUNDS FOR FOREIGN TRAVEL BY MEMBERS AND EMPLOYEES OF THE U.S. SENATE, UNDER AUTHORITY OF SEC. 22, P.L. 95–384—22 U.S.C. 1754(b), COMMITTEE ON GOVERNMENTAL AFFAIRS FOR TRAVEL FROM JULY 1 TO SEPT. 30, 1998

Name and country	Name of currency	Per diem		Transportation		Miscellaneous		Total	
		Foreign currency	U.S. dollar equivalent or U.S. currency	Foreign currency	U.S. dollar equivalent or U.S. currency	Foreign currency	U.S. dollar equivalent or U.S. currency	Foreign currency	U.S. dollar equivalent or U.S. currency
Senator Fred Thompson:									
United States	Dollar				7,691.00				7,691.00
France	Franc	1881.70	310.00					1881.70	310.00
Russia	Dollar		964.00						964.00
Elizabeth Wood:									
United States	Dollar				4,462.00				4,462.00
France	Franc	1881.70	310.00					1881.70	310.00
Russia	Dollar		1,014.00						1,014.00

CONSOLIDATED REPORT OF EXPENDITURE OF FOREIGN CURRENCIES AND APPROPRIATED FUNDS FOR FOREIGN TRAVEL BY MEMBERS AND EMPLOYEES OF THE U.S. SENATE, UNDER AUTHORITY OF SEC. 22, P.L. 95–384—22 U.S.C. 1754(b), COMMITTEE ON GOVERNMENTAL AFFAIRS FOR TRAVEL FROM JULY 1 TO SEPT. 30, 1998—Continued

Name and country	Name of currency	Per diem		Transportation		Miscellaneous		Total	
		Foreign currency	U.S. dollar equivalent or U.S. currency	Foreign currency	U.S. dollar equivalent or U.S. currency	Foreign currency	U.S. dollar equivalent or U.S. currency	Foreign currency	U.S. dollar equivalent or U.S. currency
Leonard Weiss:									
United States	Dollar				103.05				103.05
France	Franc	9284.50	1,550.00		1,481.16			9284.50	3,031.16
Switzerland	Swiss Franc		1,288.00						1,288.00
Total			5,436.00		13,737.21				19,173.21

FRED THOMPSON,
Chairman, Committee on Governmental Affairs, Oct. 1, 1998.

CONSOLIDATED REPORT OF EXPENDITURE OF FOREIGN CURRENCIES AND APPROPRIATED FUNDS FOR FOREIGN TRAVEL BY MEMBERS AND EMPLOYEES OF THE U.S. SENATE, UNDER AUTHORITY OF SEC. 22, P.L. 95–384—22 U.S.C. 1754(b), COMMITTEE ON GOVERNMENTAL AFFAIRS FOR TRAVEL FROM APR. 1 TO JUNE 30, 1998

Name and country	Name of currency	Per diem		Transportation		Miscellaneous		Total	
		Foreign currency	U.S. dollar equivalent or U.S. currency	Foreign currency	U.S. dollar equivalent or U.S. currency	Foreign currency	U.S. dollar equivalent or U.S. currency	Foreign currency	U.S. dollar equivalent or U.S. currency
Donald Mullinax:									
Guatemala	Dollar		695.00		635.00				1,330.00
Stephanie Smith:									
Guatemala	Dollar		487.72		642.00				1,129.72
Dennis Ward:									
Italy	Dollar		800.00		3,634.32				4,434.32
Total			1,982.72		4,911.32				6,894.04

FRED THOMPSON,
Chairman, Committee on Governmental Affairs, Oct. 9, 1998.

ADDENDUM.—CONSOLIDATED REPORT OF EXPENDITURE OF FOREIGN CURRENCIES AND APPROPRIATED FUNDS FOR FOREIGN TRAVEL BY MEMBERS AND EMPLOYEES OF THE U.S. SENATE, UNDER AUTHORITY OF SEC. 22, P.L. 95–384—22 U.S.C. 1754(b), SELECT COMMITTEE ON INTELLIGENCE FOR TRAVEL FROM APR. 1 TO JUNE 30, 1998

Name and country	Name of currency	Per diem		Transportation		Miscellaneous		Total	
		Foreign currency	U.S. dollar equivalent or U.S. currency	Foreign currency	U.S. dollar equivalent or U.S. currency	Foreign currency	U.S. dollar equivalent or U.S. currency	Foreign currency	U.S. dollar equivalent or U.S. currency
Taylor W. Lawrence			844.00		1,526.00				2,370.00
Peter Cleveland			884.00						884.00
Total			1,728.00		1,526.00				3,254.00

RICHARD SHELBY,
Chairman, Select Committee on Intelligence, Sept. 30, 1998.

CONSOLIDATED REPORT OF EXPENDITURE OF FOREIGN CURRENCIES AND APPROPRIATED FUNDS FOR FOREIGN TRAVEL BY MEMBERS AND EMPLOYEES OF THE U.S. SENATE, UNDER AUTHORITY OF SEC. 22, P.L. 95–384—22 U.S.C. 1754(b), SELECT COMMITTEE ON INTELLIGENCE FOR TRAVEL FROM JULY 1 TO SEPT. 30, 1998

Name and country	Name of currency	Per diem		Transportation		Miscellaneous		Total	
		Foreign currency	U.S. dollar equivalent or U.S. currency	Foreign currency	U.S. dollar equivalent or U.S. currency	Foreign currency	U.S. dollar equivalent or U.S. currency	Foreign currency	U.S. dollar equivalent or U.S. currency
Senator Richard Shelby			5,295.00				460.42		5,755.42
Taylor W. Lawrence			5,948.00						5,948.00
Kathleen Casey			5,454.00						5,454.00
Vicki Cox			5,681.00						5,681.00
Senator Richard Shelby			2,824.00						2,824.00
Joan V. Grimson			2,685.00						2,685.00
Senator Pat Roberts			2,841.00						2,841.00
Pete Dorn			2,841.00						2,841.00
Alan McCurry			2,841.00						2,841.00
Senator Frank Lautenberg			717.24		3,430.90				4,148.14
Lorenzo Goco			669.00		3,966.90				4,635.90
Sharon Waxman			665.00		3,966.90				4,631.90
Kenneth Myers			1,029.00		5,488.39				6,517.39
Senator Richard Lugar			2,301.00		5,488.39				7,789.39
Alfred Cumming			100.00		1,351.24				1,451.24
Donald Mitchell			140.00		1,351.24				1,491.24
William Duhnke			1,228.00						1,228.00
Total			43,259.24		25,043.96		460.42		68,763.62

RICHARD SHELBY,
Chairman, Select Committee on Intelligence, Sept. 30, 1998.

CONSOLIDATED REPORT OF EXPENDITURE OF FOREIGN CURRENCIES AND APPROPRIATED FUNDS FOR FOREIGN TRAVEL BY MEMBERS AND EMPLOYEES OF THE U.S. SENATE, UNDER AUTHORITY OF SEC. 22, P.L. 95–384—22 U.S.C. 1754(b), JOINT ECONOMIC COMMITTEE FOR TRAVEL FROM JAN. 1 TO MAR. 31, 1998

Name and country	Name of currency	Per diem		Transportation		Miscellaneous		Total	
		Foreign currency	U.S. dollar equivalent or U.S. currency	Foreign currency	U.S. dollar equivalent or U.S. currency	Foreign currency	U.S. dollar equivalent or U.S. currency	Foreign currency	U.S. dollar equivalent or U.S. currency
Congressman Pete Stark									
Germany	Dollar				733.90				733.90
Total					733.90				733.90

JIM SAXTON,
Chairman, Joint Economic Committee, Sept. 17, 1998.

CONSOLIDATED REPORT OF EXPENDITURE OF FOREIGN CURRENCIES AND APPROPRIATED FUNDS FOR FOREIGN TRAVEL BY MEMBERS AND EMPLOYEES OF THE U.S. SENATE, UNDER AUTHORITY OF SEC. , P.L. 95–384—22 U.S.C. 1754(b), COMMISSION ON SECURITY AND COOPERATION IN EUROPE FOR TRAVEL FROM JULY 1 TO SEPT. 30, 1998

Name and country	Name of currency	Per diem		Transportation		Miscellaneous		Total	
		Foreign currency	U.S. dollar equivalent or U.S. currency	Foreign currency	U.S. dollar equivalent or U.S. currency	Foreign currency	U.S. dollar equivalent or U.S. currency	Foreign currency	U.S. dollar equivalent or U.S. currency
Elizabeth Campbell:									
United States	Dollar				2,215.32				2,215.32
Bosnia-Herzegovina	Dollar		824.00						824.00
Orest Deychakiwsky:									
United States	Dollar				2,860.46				2,860.46
Slovakia	Dollar		1,080.00						1,080.00
Robert Hand:									
United States	Dollar				2,215.32				2,215.32
Bosnia-Herzegovina	Dollar		950.00						950.00
Janice Helwig:									
United States	Dollar				5,329.94				5,329.94
Austria	Dollar		13,515.96						13,515.96
Karen Lord:									
United States	Dollar				4,182.96				4,182.96
Norway	Dollar		1,000.00						1,000.00
Erika Schlager:									
United States	Dollar				2,091.41				2,091.41
Denmark	Dollar		1,422.00						1,422.00
Hungary	Dollar		1,153.00						1,153.00
			19,944.96		18,895.41				38,840.37

ALFONSE D'AMATO,
Chairman, Commission on
Security and Cooperation in Europe, Sept. 30, 1998.

CONSOLIDATED REPORT OF EXPENDITURE OF FOREIGN CURRENCIES AND APPROPRIATED FUNDS FOR FOREIGN TRAVEL BY MEMBERS AND EMPLOYEES OF THE U.S. SENATE, UNDER AUTHORITY OF SEC. 22, P.L. 95–384—22 U.S.C. 1754(b), FOR TRAVEL AUTHORIZED BY THE MAJORITY LEADER FROM JULY 1, TO SEPT. 30, 1998

Name and country	Name of currency	Per diem		Transportation		Miscellaneous		Total	
		Foreign currency	U.S. dollar equivalent or U.S. currency	Foreign currency	U.S. dollar equivalent or U.S. currency	Foreign currency	U.S. dollar equivalent or U.S. currency	Foreign currency	U.S. dollar equivalent or U.S. currency
Senator Tim Hutchinson:									
Turkey	Dollar		261.00						261.00
India	Rupee	55,902	1,320.00					55,902	1,320.00
Pakistan	Rupee	21,872	476.00					21,872	476.00
United States	Dollar				1,729.75				1,729.75
A. Christopher Bryant:									
Germany	Dollar		836.13						836.13
United States	Dollar				686.70				686.70
Sally Walsh:									
France	Franc	3,763.40	620.00					3,763.40	620.00
Russia	Dollar		626.00						626.00
Germany	Mark	426.53	221.00					426.53	221.00
United States	Dollar		297.00						297.00
Randy Scheunemann:									
India	Rupee	165,334.4	3904.00					165,334.4	3904.00
Turkey	Dollar		261.00						261.00
Randy Scheunemann:									
Pakistan	Rupee	21,872	476.00					21,872	476.00
Nepal	Dollar		530.00						530.00
Ireland	Pound	181.84	254.00					181.84	254.00
Sri Lanka	Rupee	10,732.50	162.00					10,732.50	162.00
Syria	Dollar		234.00						234.00
Total			10,478.13		2,416.45				12,894.58

TRENT LOTT, Majority Leader, Dec. 18, 1998.

ADDITIONAL STATEMENTS

TRIBUTE TO LEO CHERNE

● Mr. MOYNIHAN. Mr. President, I rise today with bittersweet feelings to pay tribute to a dear friend, Leo Cherne. Leo died on January 12, 1999 at the age of 86. What a huge loss we mourn, but what an exemplary life we commemorate. Indeed, I think it safe to say Leo Cherne's life helped to redeem the 20th century.

I met Leo in 1954 when I became director of public relations for the International Rescue Committee (IRC). Leo, an enormously successful lawyer, economist, and businessman, had become chairman of the IRC in 1951 (after joining the board of directors in 1946). He took over for Reinhold Niebuhr, one of this century's greatest theologians. Leo served as chairman for over forty years. Then, indefatigable as he was, he served as chairman emeritus until his death.

Under Leo's stewardship, the IRC grew into the largest refugee relief and resettlement organization in the world. His commitment to refugees and human rights was steadfast, and made a difference in the lives of hundreds of thousands of forsaken people over the last half century. I guess he took to heart Niebuhr's observation that ''Life has no meaning except in terms of responsibility.''

Leo co-founded the Research Institute of America in 1936; it grew out of his efforts to advise businessmen on how to comply with the new Social Security law. He served as its executive director for approximately 50 years. At the end of World War II he accompanied General Douglas MacArthur to Japan to assist with economic recovery there. In 1953, Leo—a fierce anti-Communist—excoriated Senator Joseph McCarthy for his demagoguery and disregard for civil rights. In 1956, when Soviet tanks rumbled into Budapest to crush the Hungarian uprising, Leo was at the border to help desperate Hungarians flee their country, and to bear witness. He advised presidents from Franklin Roosevelt to George Bush. He served as a member of the President's Foreign Intelligence Advisory Board from 1973 to 1991.

In 1984, President Reagan conferred upon Leo the highest award a civilian can receive: the United States Medal of Freedom. President Reagan's citation stated,

Since the 1930s, Leo Cherne has stepped forward with brilliance, energy and moral passion, and helped this nation overcome countless challenges. His lifetime devotion to aiding his country and to serving the cause of human freedom, especially through his work on behalf of refugees, reflects the strong and generous character of a man who deserves the respect and gratitude of all Americans.

In 1989 Elie Wiesel nominated Leo for the Nobel Peace Prize; he deserved that too. He did receive France's Legion of Honor award, Germany's Commander Cross, and the United Nations' Gold Medal of Peace.

All the while he was an accomplished sculptor! His bust of Abraham Lincoln was in the White House. His bust of Eleanor Roosevelt is in the White House. His bust of John Kennedy is in the Berlin square Kennedy made famous with his ''Ich Bin Ein Berliner'' speech. One bust, of Robert Frost, resides in the Department of the Interior, while another, of Albert Schweitzer, is in the Smithsonian.

How fondly I recall, when I was with the IRC, the evenings Leo and I would spend at the White Horse Tavern after work! We recited the poem Dylan Thomas wrote to his father, who was dying, ''Do Not Go Gentle into That Good Night'':

DO NOT GO GENTLE INTO THAT GOOD NIGHT

Do not go gentle into that good night,
Old age should burn and rave at close of day;
Rage, rage against the dying of the light.
Though wise men at their end know dark is right,
Because their words had forked no lightning they
Do not go gentle into that good night.
Good men, the last wave by, crying how bright
Their frail deeds might have danced in a green bay,
Rage, rage against the dying of the light.
Wild men who caught and sang the sun in flight,
And learn, too late, they grieved it on its way,
Do not go gentle into that good night.
Grave men, near death, who see with blinding sight
Blind eyes could blaze like meteors and be gay,
Rage, rage against the dying of the light.
And you, my father, there on the sad height,
Curse, bless, me now with your fierce tears, I pray.
Do not go gentle into that good night.
Rage, rage against the dying of the light.

Leo did not ''go gentle into that good night.'' He fought pronounced illnesses for many years while he continued to live a productive life. He raged against the ''dying of the light'' with the same tenacity he showed fighting totalitarianism as one of our very best ''Cold Warriors''.

My wife, Liz, and I miss Leo dearly. Leo is survived by his his brother, Jack Cherne, and by his daughter, Gail Gambino, and his granddaughter Erica Lynn Gambino. All are in our thoughts and prayers. The contributions he made to society cannot be overstated and are not likely to be duplicated. He was a giant among men.●

IN HONOR OF THE 10TH ANNIVERSARY OF THE GATESWORTH AT ONE MCKNIGHT PLACE

● Mr. ASHCROFT. Mr. President, as a U.S. Senator from Missouri, I take great pleasure in honoring The Gatesworth at One McKnight Place as it celebrates its 10th anniversary. The Gatesworth is to be commended for its outstanding work in providing the highest quality of services, social programs, and activities to senior adults in the St. Louis community.

This organization and those individuals associated with it have demonstrated the true spirit of benevolence. The Gatesworth's commitment to serving our seniors through integrity, innovation, and vision is truly an inspiration. The staff of the Gatesworth is to be commended for its hard work and dedication to providing gracious hospitality and a strong tradition of valued service. Your example of compassion and generosity serves as a model for all Missourians.

Again, let me congratulate The Gatesworth at One McKnight Place as it celebrates its 10th year. I wish this organization continued success.●

SUPPORT OF THE WELLSTONE/HARKIN ''SUNSHINE'' MOTION

● Ms. MIKULSKI. Mr. President, I rise today in strong support of the Wellstone/Harkin motion. This motion would allow open Senate debate during the Impeachment trial. Mr. Chief Justice, the American people should not be excluded from one of the most important Senate deliberations in United States history.

The result of the debates and discussions over the next days or weeks could require the removal of the President of the United States for the first time in our nation's 222 year history. In our deliberations, my colleagues and I will contemplate no less than reversing the outcome of an election in which nearly 100 million Americans cast their vote. Such a significant decision, a decision with such profound consequences, should not be reached behind closed doors.

I believe my constituents and all Americans deserve to hear Senate deliberations from Senators—not leakers and speculators and commentators.

From my earliest days as a Baltimore social worker to my tenure as a United States Senator, I have lived by the principle that the public has a right to know and a right to be heard. This principle is no less important when a Presidential Impeachment trial is underway. It is more important than ever.

Now, some of my colleagues have said that these deliberations should be closed because we are jurors and jurors' deliberations are kept secret in a court of law. But let me tell you that this Senate tribunal cannot be compared to a simple court of law. Of course, the law is the foundation for our work in the Senate. But as my colleague from Iowa, Senator HARKIN, noted during the trial, we are more than jurors.

We are representatives of our nation. We are given responsibilities to deliberate on matters of public importance and vote in the public interest. Never was that more true than in the Senate Trial in which we are now engaged.

The United States Senate is, ultimately, the public's institution—not ours. It is for them we work and it is to them we owe our continued service. I hope and believe we serve the institution well and that our stewardship gives credit and credence to the wisdom of our Founding Fathers. By keeping our deliberations open, we will do service to the American public we serve, this institution we cherish, and those Founding Fathers we revere.

I absolutely will not support closing the doors to the public and hope that my colleagues will join me in supporting the Sunshine motion.●

INCREASING U.S. MARITIME COMPETITIVENESS

● Mr. LOTT. Mr. President, Congressional and Administrative action is needed to strengthen the U.S. maritime industry and level the playing field in the international shipping arena.

This vital industry serves our nation's security by providing essential elements of our sealift capability—loyal crews and commercial ships. This sealift capability is required to project and sustain power abroad and preserve U.S. access to world trade. Two hundred years ago, protecting the U.S. merchant marine was one of the Navy's important missions. Today, the threat to the U.S. maritime industry is just as real. It may not come not from Barbary pirates, but the competitive disadvantages imposed by both this country and other countries are just as dangerous.

Mr. President, the U.S. maritime industry has been the world leader in innovation over the last 30 years. It had to be, because it competes in the world arena with one hand tied behind its back. International maritime trade has become increasingly dominated by foreign flags-of-convenience. A number of small countries have decided to generate revenue by creating ship registries and tax havens that impose few responsibilities or costs on their users. Unfortunately, this has also resulted in poor compliance with international safety standards and evasion of pollution liability.

America's fleet meets the most stringent safety standards and operates in a higher tax environment, and has steadily lost ground to these flag-convenience fleets. This situation is reaching the point where the U.S. commercial fleet's ability to meet our national security requirements may soon be in jeopardy.

Mr. President, the solution to this problem has two parts. First, we must hold other countries accountable for providing reciprocity in access to maritime trade and meeting international standards for vessel safety, crew training, and preventing pollution. The

United States places very few restrictions on the use of our ports to facilitate international trade. Some countries, such as China, however, have imposed unfair burdens on United States and other foreign vessels conducting business there in an effort to protect their own businesses. The FMC, under Chairman Hal Creel's leadership, appropriately moved to head off problems in Japan's ports during the 105th Congress and is increasingly concerned about the situations in China and Brazil.

While our Nation encourages open competition in the commercial maritime sector, America only demands that it be fair and meet minimum standards for protecting our environment and our citizens. However, as a January 3, 1999, New York Times article reported, flag-of-convenience ship are using their foreign status and the lax oversight of their flag states to escape punishment for their intentional dumping of oil in the ocean not far from our coast. America should not allow the unscrupulous operation of unsafe ships with ill-trained crews to threaten the oceans, our coastlines, or our citizens.

I challenge the Administration to aggressively combat these actions to the fullest extent of U.S. law. Under the leadership of Senators KAY BAILEY HUTCHISON and JOHN MCCAIN, the 105th Congress provided the FMC with increased authority to address unfair foreign shipping practices. I invited the Administration to work with the 106th Congress to provide increased legislative authority to counter attempts by foreign-flag ships to escape punishment for such unconscionable behavior.

Second, we must level the playing field for U.S. companies competing in the commercial maritime arena. On the financial side, U.S. shipping companies provide equal or higher quality service than their foreign competitors at a similar cost, yet foreign shipping companies are growing and U.S. shipping companies are shrinking. This happens because, unlike U.S. shipping companies, most foreign shipping companies pay little or no income taxes. In this capital intensive business, investments are flowing to those companies which provide a better return on investment, and the tax differential tilts this flow toward foreign shipping companies. This is why foreign shipping companies are buying their U.S. counterparts instead of the other way around. This Nation's tax policies should promote business growth, not stifle it. We need to level the playing field for U.S. shipping companies in the international marketplace. I look forward to working with Senator JOHN BREAUX to develop specific provisions. My colleague and friend shares an interest in maritime policy, and together we serve on both the Commerce Finance Committees. This provides us with an ability to shape maritime policy in the regulatory, tax, and trade environments.

Mr. President, U.S. shipping companies can compete and succeed in the world's international trade marketplace when competition is fair.●

U.S.S. ''PHAON''

● Mrs. BOXER. Mr. President, today I ask the Senate to join me in commending those brave Americans who served aboard the U.S.S. *Phaon*.

During World War II, the *Phaon* compiled an outstanding record as a battle damage repair ship. She was part of three major battles and helped the U.S. fleet to remain in action throughout the Central Pacific campaign.

The *Phaon* was an important part of mobile Service Squadron Ten, whose battle role was to remain within the battle area and conduct repairs—keeping fighting vessels in action, preventing the loss of damaged vessels by making them seaworthy, and returning repaired vessels to action as soon as possible. To accomplish this, the Navy converted tank transports into battle damage repair ships.

The *Phaon* was one of the original mobile service squadron vessels that arrived in the Central Pacific in late 1943 to test new concepts in naval logistics and mobile repair. Their work began under fire at Majuro with restoration of all types of craft from the invasion of Tarawa and repairs to the battleships *Washington* and *Indiana*.

By early 1944, the *Phaon's* crew was skilled, experienced, and ready to participate in the campaigns to advance across the Pacific. In March, she was with the fleet at Kwajalein and Eniwetok. In June, she joined the invasion of Saipan. In July, she was at Tinian. She was subject to more than sixty air raids while working.

Time and again, the *Phaon* heroically entered the fray to repair a damaged ship. At Saipan, the destroyer *Phelps* was hit while engaged in ground support shore bombardment. She called the *Phaon*, and the two ships tied bow to stern. While the *Phelps* continued to bomb the shore, the *Phaon* repaired her damage and replenished her ammunition. At the same time, the *Phaon* dispatched several off-ship repair crews to other vessels and had alongside for repairs a tank landing craft, a minesweeper, and the destroyer U.S.S. *Shaw*. One month later, at Tinian, the *Phaon* performed similar feats to repair the destroyer *Norman Scott* and the battleship *Colorado*.

By the war's end, the *Phaon* had repaired at least 96 ships and more than 2,000 vessels and crafts of all types. She played a major role in the success of Service Squadron Ten, of which Rear Admiral W.R. Carter said:

> Had it failed, the war would have lasted much longer at much greater cost in blood and dollars. . . . It was a never-ending job, and the men and officers . . . were as much a part of the fleet which defeated Japan as were . . . any battleship, carrier, cruiser, or destroyer.

Admiral Raymond A. Spruance, Commander of the Central Pacific Force, called the record of the *Phaon* and Service Squadron Ten achievements of which all Americans can be justly proud, but about which most of them have little or no knowledge.

Mr. President, I hope that these remarks increase our knowledge and respect for the critical role that damage repair ships played in the Pacific campaigns. I know you will join me and every American in saluting the brave crew of the U.S.S. *Phaon*.●

THE 1999 MISS USA PAGEANT

● Mr. ASHCROFT. Mr. President, it is an honor and privilege to rise today to acknowledge and honor the nearly 400 Missouri volunteers of my home state who have donated countless hours and resources to the 1999 Miss USA pageant being held in Branson, Missouri, in February.

The volunteer corps is made up of many talented people who have worked in food services, secretarial and administrative positions, provided transportation, medical and emergency services, salon services, and entertainment. The ''behind the scenes'' efforts of these volunteers have done much to make this pageant a great success.

The people of Branson and the surrounding area have come together with their many diverse talents and abilities to assure the success of the 1999 Miss USA Pageant. Millions of people around the world will focus their eyes on Branson and Missouri on Friday, February 5, 1999 when the new Miss USA is crowned.

The people of Branson have made a significant contribution to the pageant, and deserve recognition and gratitude for their efforts. These volunteers embody the best of the American spirit. Mr. President, I ask that members of the Senate join me in recognizing and honoring the great work of these volunteers.●

TRIBUTE TO LT. GEN. NORMAND G. LEZY, USAF

● Mr. ALLARD. Mr. President, I rise today to recognize the contributions of Lieutenant General Normand G. Lezy of the United States Air Force, who will retire on March 1st after more than three decades of outstanding service to our nation. Norm Lezy is an extraordinary officer whose leadership skills, professionalism and service before self are a tribute to our country's military.

General Lezy is a native of Rhode Island, and was commissioned into the Air Force in November 1964 through the Reserve Officer Training Corps program. Throughout his career, General Lezy has earned a well-deserved reputation as a leader who truly cares about people. Whether he was commanding his student training squadron, a Minuteman I combat missile launch crew, an air base squadron, a combat support group or working in his many key staff assignments, Norm Lezy made people his priority.

In addition to his many tours of duty around the world, General Lezy has served as Director of Administration and Information Management for the Secretary of the Air Force; the Deputy Chief of Staff for Personnel, Headquarters Pacific Air Force; and the Director of Services, Headquarters U.S. Air Force. Many here in the Senate first came to know Norm when he was the Director of Legislative Liaison for the Secretary of the Air Force. With his exceptional knowledge of all aspects of Air Force operations and his keen awareness of the legislative process, General Lezy dramatically improved communication between the United States Congress and the United States Air Force. He was the driving force in gaining Congressional support for critical Air Force programs such as the C–17, B–2, and F–22 weapon systems, all of which will have a significant impact on the future of the United States Air Force and the security of our nation.

In his most recent assignment as the Deputy Assistant Secretary of Defense (Military Personnel Policy), General Lezy was directly responsible for the establishment of all policies concerning military personnel matters. Specifically, he focused on accessing and retaining military personnel in all services; pay, compensation and benefits; and the classification, assignment, and career development for the 1.4 million service members of the Department of Defense. True to his reputation, General Lezy fought for increased support for service members and worked to develop personnel policies that will successfully guide our armed forces well into the next century. Some of the more significant efforts he undertook include conducting a complete review of the military pay and retirement system, improving recruiting policies and advertising programs, enhancing Professional Military Education, and streamlining the Department of Defense Disability Evaluation System.

Throughout his distinguished career, General Lezy's tireless and sincere dedication to the men and women in uniform has vastly improved their quality of life and mission readiness. As General Norm Lezy retires from the United States Air Force, he will leave behind a tremendous legacy.

Mr. President, General Norm Lezy is a great credit to the Air Force and the Nation. He will certainly be missed by many, both in the Pentagon and in Congress. I salute him for his many years of selfless service to our country, and offer my gratitude to Norm, his wife Prudence, and their son Chip on the occasion of his retirement from the United States Air Force.●

WISHING MICHAEL O'HURLEY-PITTS WELL AS HE DEPARTS ST. PATRICK'S OLD CATHEDRAL AND NEW YORK

● Mr. MOYNIHAN. Mr. President, I rise today to express my deep gratitude to a constituent, Michael O'Hurley-Pitts, for his distinguished record of public service and to wish him well as he ventures North to Toronto in pursuit of new challenges and opportunities.

As a young man, Michael served admirably as a paratrooper in the 82nd Airborne Division and as an Airborne Ranger with the 1st Battalion (RANGER), 75th Infantry. No ordinary soldier, Michael was decorated with the Bronze Star Medal for Valor in combat and received numerous awards, including the Army Commendation Medal and the Army Achievement Medal with Three Oak Leaf Clusters.

Following his tenure in the military, Michael continued to devote himself to the service of others. He became the Executive Director of the Children's Rights Council, contributed to parenting education programs in Washington DC, and championed the cause of peace and justice in his native-born Ireland. He also came to Capitol Hill, where he established himself as a respected congressional aide and counsel.

It was through his work on behalf of two venerable New York institutions, St. Patrick's Old Cathedral and St. Patrick's Old Cathedral School, that I first learned of Michael's talents and commitment to public service. As St. Patrick's Old Cathedral Development Officer, Michael has been hugely successful in ensuring that its rich history is preserved and that the School's tradition of excellence continues into its third century.

Saturday, January 16, 1999, marked the culmination of those efforts—a grand celebration of the famed Irish Brigade soldiers of the Civil War, many of whom were immigrants and first-generation Irish-American parishioners of St. Patrick's Old Cathedral. The event included a Requiem Mass, a reenactment of their 1861 march to join Union forces, and a benefit concert by Irish legend Tommy Makem to be broadcast to a national audience by PBS on St. Patrick's Day weekend. While detained and unable to attend as I had hoped, I have learned that the celebration was magnificent and that there is strong interest in making it an annual event. Mission accomplished.

I was saddened to hear that New York will soon lose the gifts of Michael O'Hurley-Pitts, but I wish him the best as he prepares for new challenges in Canada. Mr. President, I yield the floor.●